

**Town of Stillwater
Planning Board Meeting
March 3, 2008
7:30 P.M.**

Present: Chairwoman JoAnn Winchell, Vice Chairperson Peter Buck, Carol Marotta, John Murray, Patricia Paduano, Paul Tompkins

Also Present: James P. Trainor ESQ-Attorney for the Town, Joel Bianchi-Town Engineer, Ray Abbey-Building Department, Virginia Whitman-Councilwoman

7:30 P.M. Chairwoman Winchell called the meeting to order, and led everyone in the pledge to the flag.

The first order of business was to approve the minutes of February 19, 2008. Chairwoman Winchell apologized to the members for getting the revised minutes to the members late. She clarified some points that were changed or added.

MOTION to approve the February 19, 2008
Planning Board Meeting Minutes
Made by J. Murray, seconded by C. Marotta
MOTION CARRIED 6-0

Crown Communications
2 Radar Road
Stillwater, N.Y. 12170
Special Permit and Site Plan Review
(PB 2008-25-207.-1-13.1)

Chairwoman Winchell gave the Board members a brief overview of the January ZBA meeting. She stated that Crown Communications was before the ZBA for a Use

Variance, and was discovered that the property in question fell within the Industrial zone. The applicants were informed that they needed a Special Permit and Site Plain Review instead of a Use Variance.

Mr. John Stockli Jr. ESQ was present representing Crown Communications. Mr. Stockli stated that he had received a letter from Attorney Trainor in reference to the application and has started addressing his response to the 18-points mentioned in the letter (dated March 3, 2008). He is preparing a responses for the Town and will most likely present it in the next week or so.

Attorney Stockli stated that there are some questions in the letter that he will need clarification on. One concern has to do with tall structures. He explained the only tall structure that will remain after approval is the FAA tower with a beacon. The FAA historically has not been interested in leasing to private wireless cell communication carriers. To the best of his knowledge they will only allow municipalities to collocate 911 antennas on towers. He also mentioned the need to clarify question referencing the structural and load issues on the towers. They are going to take a look at all concerns and forward with a response report.

John Severs the Engineer for Crown Communications was present to give the Site Plan presentation for the proposal. They are proposing to remove two of the existing towers on the former Radar Base property and replace them one monopole tower 199 foot tall to be relocated on the neighbor's property on a leased site measuring 100 foot by 100 foot. Once the newer-state-of-the-art pole is erected, plans are underway to co-locate four antenna platforms for possible contracts with Verizon, Sprint, and AT&T. According to Severs, the topography of the proposed site tends to fall off to west heading down the hill, making the proposed tower actually 11ft lower at sea level.

The application and map details plans for a 12 foot wide access road at the crest of the hill running along the eastern property line approximately 1,000 feet. The property owner is Thomas Gorsky. The property is under lease contract with Crown Communications. The lease agreement is part of the application. The proposed utilities (electrical) would be located underground and within the 30 foot easement. There would be a new curb cut established. The road and utilities are within that 30foot Industrial zone buffer.

Chairwoman Winchell stated for the record that every member should have an application that was submitted and signed (Mr. Stockli stated that the page they were looking at was signed in October 2007), and the application was submitted as part of the variance application in February. Chairwoman Winchell also informed the Board members that they should have two communications from attorney Trainor, two

communications from the law office of David Harper representing the property owner's interests (Mr. Hauf), and one communication from the law office of Somers who is also representing Mr. Hauf. Attorney Harper informed the Board that he is only attorney who will be representing Mr. Hauf from this point forward.

Ranger Joseph Finnan from the Saratoga National Historical Park was also present and submitted documents for the Board's review.

Chairwoman Winchell stated that she believes the Board should look at Article 10 of the Zoning Ordinance and look decide whether or not the application for the Special Use Permit is complete. She further stated that it will be necessary to request the Stillwater Town Board to establish an escrow account to allow for a comprehensive review by our Town Engineers. Attorney Trainor stated that a resolution establishing an escrow account could be prepared for the March 6th Town Board meeting.

Chairwoman Winchell inquired if there was anything else that member would like to request at this time. Carol Marotta inquired if the ordinance requires inter-municipal notification? She read a reference to the notification process on page 70 of Article 10. Chairwoman Whinchell informed the Board that the letters of notification responsibility falls on the applicant. Mr. Severs stated that the notifications will be sent out on March 4, by certified mail. Chairwoman Winchell inquired to which municipalities he would be sending the letters. Mr. Severs stated they would notify Mechanicville, Malta, Town of Saratoga, Halfmoon, Schaghticoke, Easton, Village of Victory Mills, Schuylerville, Saratoga Springs, Saratoga County, Saratoga County 911. Mr. Severs stated that he will provide a certified of receipt for the mailings.

After a brief discussion it was noted for the record that it would be premature to schedule a Public Hearing for a Special Use Permit at this time. It is necessary for the applicant to submit documents requested by the Town Attorney, as well as time for the Town Engineers to review the plans, and time for the applicant to forward notification to adjoining municipalities. Attorney Stockli stated that his applicant is willing to waive the timeframe and allow the Town to schedule a hearing once the paperwork is in order.

John Murray inquired about the letter with the application from Dean Somers, in particular the language referring to termination. Mr. Stockli stated upon a six month notice the lease could be terminated, and that is problematic to carriers because of the investment of network and coverage area, carriers want to be sure that they can stay at a location longer than a six month period.

John Murray asked Mr. Harper if he could expand on his client's intent, Mr. Harper informed the board that he and Mr. Stockli are currently in negotiation to try and come to terms for that are more agreeable. Mr Harper stated that he agrees that the six month termination clause doesn't give the carriers sufficient time to move to a new site. Mr. Harper also stated that his client has never exercised the six month cancellation and his client has no plans to terminate the lease.

Attorney Trainor stated that he had spoke with Mr. Stockli and requested a copy of the lease agreement between Crown Communication and Mr. Hauf. Attorney Trainor stated that the statute states there has to be sufficient proof that staying where they are is no longer feasible. He interpreted that as a look need to review the lease.

Chairwoman Winchell requested information regarding the decommissioning of the two existing towers. Mr. Severs stated that taking all factors into consideration the towers could be decommissioned within two months.

Carol Marotta inquired about the smaller tower, and do they have a lease with the land owner as well. Mr. Stockli stated that as part of the application, that tower will also be coming down: it is owned by AT&T and they have permission to represent them.

Chairwoman Winchell inquired who they currently have contracts with? Mr. Stockli stated they have a contract with Verizon, they also have letters of interest with AT&T and Sprint. She inquired about mitigation strategies and what material will be used to construct the new tower. The new tower is a single pole, it is 4 to 5ft wide at the base and tapers to 2ft at the top, the spacers at the top of the pole are 10 to 15ft apart. The existing Crown tower is a three legged ladder style tower with a 28ft base. The material being used for the new tower is galvanized finish, so it's a non shiny surface that blends in well with the grey clouds of the northeast. Mr. sever stated that it is 227ft from the property line and will be located in slightly wooded area.

Chairwoman Winchell inquired as to public necessity and if there is currently gap in service in that general area. Mr. Stockli stated that there is service with Verizon and AT&T in this area, however Sprint doesn't have any service.

Peter Buck stated that when he drove by the property there was a lot of activity on the property. Mr. Stockli stated he was unaware of any equipment on the property or clearing of land.

Attorney Trainor inquired about the height of the new tower. Mr. Stockli stated that the tower will be 190ft high, however it can be extended to 250ft. However the Monopole will be installed at just 190ft in height.

Using mapping that was included in the application, Carol Marotta inquired if it's normal to have this many cell towers in this coverage area. Mr. Severs stated that in his opinion there weren't that many, he counted eight existing cell towers in the surrounding area.

The assessed value of the towers is approximately \$150,000 each. Attorney Trainor stated that he doesn't know if the cell towers would diminish the surrounding property value. Experts could explain to the Board. Joel Bianchi stated that "the extent to which the use provides positive or negative effect on the long term economic stability and community character of the Town and surrounding properties, districts, and uses" this is found in Article 7 Section 7.5 F on page 49. This may address the property value question.

Ranger Finnan stated that when the FAA installed their tower it was without any compliance to ordinances or notification of governmental agencies. Ranger Finnan also stated that the second tower and third tower went up without compliance as well. It wasn't until the Historical Preservation Office wrote a letter to Nynex telling them to cease erecting a third tower until the Park had an opportunity to review the visual impact, did they seek official review of their proposal. Mr. Finnan stated that SNHP wishes to participate with the Town of Stillwater in a collaborative review of the regards to SEQR. The carriers will need to get compliance according to section 106 of the Historical Preservation Act.

The consensus of the Board was that the proposal has merits and the streamlining the cell towers to one of new technology is a good plan. John Murray stated he would like written verification as to whether they are able to collocate on the taller FAA tower.

MOTION to Deem the application
Submitted by Crown Communications for a
Site Plan Review and Special Use Permit as not complete

Motion made by J. Murray,
Seconded by P. Buck
MOTION CARRIED 6-0

New Business: The AMD meeting was held tonight 3/3/08 at 5:00 P.M. Chairwoman Winchell gave a brief over view of the meeting to the members who could not attend. Mr. Relyea would like to hold a work shop with the Board members. It was agreed that Board needs to take time and familiarize themselves with the in formation. A possible workshop may be in order.

Old Business: There was none

Hearing no further business before the Board a motion was in order.

MOTION to adjourn the 3/3/08
Planning Board Meeting
Made by J. Murray, seconded by C. Marotta

Meeting adjourned at 9:45 P.M.

Respectfully Submitted,
Sheila Silic
Sheila Silic
Secretary
Stillwater Planning Board

