

## Town of Stillwater Planning Board

Monday, April 16, 2012 at 7:00 PM

**Present:** Chairman Bob Barshied (BB); Co-Chairman John Murray (JM); Carol Marotta (CM); Peter Buck (PB); Randy DeBacco (RD); Paul Tompkins (PT); Beverly Frank (BF)

**Absent:** Deanna Stickney (DS) Acting Secretary for the Planning Board

**Also Present:** Daryl Cutler (DC), Attorney for the Town; Sean Doty (SD), Engineer for the Town; Joe Lanaro (JL), Engineer for the Town; Ray Abbey (RA), Code Enforcement Officer; Ed Kinowski (EK) Town Supervisor (part of meeting); Richard Butler (RB), Director of Building Planning and Development

**Pledge:** Chairperson Barshied called the meeting to order at 7:00 PM and led everyone in the Pledge to the Flag.

### **AGENDA ITEMS:**

#### **#1 Gallivan / Sweeney Minor Sub-Division**

Rt 67 Holdings LLC

369 Route 67

SBL# 251.-1-15

-Terresa Bakner, Atty. spoke on behalf of the Applicant. The subject property has been partially sold and filed with the County Clerk's Office. This is an "after the fact" minor sub-division involving two parcels. The parcel on the south side of the road has been purchased by Rt 67 Holdings LLC and is intended to be developed in the future according to zoning provisions that are presently in the process of revision. The parcel on the north side of Rt 67 remains owned by the Sweeneys. No development of the southern parcel is planned at the present time. The southern parcel that is in the Town of Malta is not intended to be developed, but it is meant to serve as a permanent buffer. The subject of this application only involves the two parcels in the Town of Stillwater. The Applicant is not presently going through a sub-division process with the Town of Malta.

-(CM) had many concerns about involving the Town of Malta with this sub-division. The whole subject property is in two jurisdictions, but the Board is only dealing, at this time, with the two parcels that are in the Town of Stillwater.

-(SD) requested lot numbers be assigned in coordination with the Town's 911 Coordinator.

-When the parcel is developed, a Coordinated Review will be required.

## **TOWN OF STILLWATER PLANNING BOARD 2012 RESOLUTION NO. 7**

WHEREAS, Rt. 67 Holdings, LLC, has submitted an application for a minor subdivision regarding property located at 369 Route 67, more fully identified as Tax Map Number 251.-1-15; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is an unlisted action requiring SEQRA review; and

WHEREAS, pursuant to 6 NYCRR §617.6, the Stillwater Planning Board will perform an uncoordinated SEQRA review; and

WHEREAS, the applicant has submitted a fully completed Short Environmental Assessment Form (EAF); and

WHEREAS, the Planning Board has duly reviewed the EAF and has considered the criteria contained in 6 NYCRR §617.7(c), to determine if the proposed action will have a significant impact on the environment;

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, Rt. 67 Holdings, LLC, for a minor subdivision regarding property located at 369 Route 67, more fully identified as Tax Map Number 251.-1-15, will not have a significant impact on the environment.

A motion by Member Buck, seconded by Member Frank, to adopt Resolution No. 7.

A roll call vote was taken on Resolution No. 7 as follows:

Chairman Barshied	Yes
Member Buck	Yes
Member Butler	Yes
Member Frank	Yes
Member Marotta	No
Member Murray	Yes
Member Tompkins	Yes

Resolution No. 7 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on April 16, 2012.

**TOWN OF STILLWATER  
PLANNING BOARD  
2012 RESOLUTION NO. 8**

WHEREAS, Rt 67 Holdings, LLC, has submitted an application for a minor subdivision regarding property located at 369 Route 67, more fully described as Tax Map No. 251.-1-15; and

WHEREAS, the Town Zoning Law does not require that a public hearing be held in order for the Planning Board to act on an application for a minor subdivision; and

WHEREAS, the Planning Board completed an uncoordinated SEQRA review and has issued a negative declaration pursuant to Resolution No. 7 of 2012; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Rt 67 Holdings, LLC for a minor subdivision regarding property located at 369 Route 67, more fully described as Tax Map No. 251.-1-15 is hereby granted; and be it further

RESOLVED, that the application is GRANTED, provided the applicant comply with the following conditions, which were included in the April 6, 2012 Memorandums from The Chazen Companies, and that these conditions be met prior to approval of the application:

1. Final plot must list 911 emergency address numbers.
2. Final plot must have notation that the newly created lot has not been approved for future development.
3. Note "2" on the plot must be revised to accurately reflect the acreage of the developed area.

and be it further

RESOLVED, that the applicant must file the approved subdivision map, with all required annotations (a copy of which is annexed hereto), with Saratoga County within 62 days of its execution, or the action by this Board shall become null and void; and be it further

RESOLVED, that the Secretary is authorized and directed to transmit a copy of this Resolution to the Applicant, the Town Clerk and the Building Inspector-Code Enforcement Officer.

A motion by Member Buck, seconded by Member DeBacco, to adopt Resolution No. 8.

A roll call vote was taken on Resolution No. 8 as follows:

Chairman Barshied	Yes
Member Buck	Yes
Member DeBacco	Yes

Member Frank	Yes
Member Marotta	No
Member Murray	Yes
Member Tompkins	Yes

Resolution No. 8 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on April 16, 2012.

## **#2 Cellco Partnership d/b/a Verizon Wireless**

Radar Road

SBL# 207.-1-13.1

-Scott Olson Atty, spoke on behalf of the applicant and described the Project applications for a Special Use Permit and Site Plan Review for a new cell tower site off Radar Road. The subject tower is located on property owned by Saratoga Endeavors (Mr. Hoff). Original leases have reputedly expired. The Crown Tower lease expired in 2007+/- according to Atty. Olson. The Applicant has been working with the Owner for several years trying to obtain a long term lease. Cellco can not rely on a short term lease. AT&T has a tower in the area and they have an interest in relocating to the new tower. AT&T has a very short term lease. The applicant is proposing a 195' tall tower, close to the FAA tower. The Applicant's March 23<sup>rd</sup> letter is an attempt to resolve Chazen's major issues. Photo simulations have been submitted. The view shed from the National Park has been considered. (JM) asked if the applicant has been in contact with the Park Administration. The answer was not in the last few years. Atty Olson's position is that the Town has the authority to have a discontinued tower demolished. Applicant has not been in recent contact with land owner Bill Hoff.

-This tower, according to Atty Olson has a large impact on the Verizon network. It is a major microwave site which contacts and receives information from 26 other sites. Its continued operation is critical to the Applicant.

-Saratoga Endeavors (land owner) and Crown (tower owner) have a short-term lease in place.

-(BB) mentioned that the application and history of this project and past similar projects is quite complex.

-(DC) asked the applicant how the Town can have the tower demolished.

-Crown owns the subject tower. The Applicant's lease is with Crown. The Applicant does not know the precise date of lease expiration (2007+/-).

-(BB) requested copies of the existing involved leases.

-According to Atty. Olson, Verizon would own the proposed new tower.

-(BB) mentioned that the Applicant is proposing a controversial fourth tower on a visually sensitive property.

-(BB) would like to see evidence of attempts to resolve the lease problems with Saratoga Endeavors.

-(BF) mentioned that all parties ought to be working cooperatively together.

-(JM) asked that the view-shed studies be shared with the National Park administration.

-(BB) mentioned that it is important for the affected parties to know that the proposed tower is shorter than the existing tower.

-(SD) asked if the Applicant if Verizon could obtain letters from Crown and ATT&T stating that if the new tower is approved they would take their existing towers down.

-(JM) asked if other carriers were placed on the proposed tower would the tower get taller. The answer from Atty Olsen was no.

-No action was taken by the Board pending receipt of additional information.

- The application was deemed incomplete.
- A public hearing is required and will be scheduled at a later date.
- The Applicant was reminded that the Board only meets once a month in June July August and September.

## **NEW BUSINESS:**

- (RB) mentioned that Price Chopper will be before us at the next meeting for site plan review related to minor renovations of its store on Rt 4.
- (EK) Gave the Board an update regarding the potential rezoning of the Rt 67 area west of George Thompson Road. The Board is requested to review and comment on the proposed plan and make a recommendation to the Town Board prior to the 17<sup>th</sup> of May. The Rezoning report produced by Chazen will be distributed as a pdf to the members of the Board and a formal presentation will be made to the Board at its May 7<sup>th</sup> meeting. (JL) mentioned that proposed existing uses will become existing non-conforming uses. The proposal was basically developed over a period of several months and discussed at monthly Capital Projects Meetings. The Planning Board chairperson, or a Board representative, are welcome to attend all Capital Projects meetings. (BB) expressed concern that other properties ought to be considered for inclusion in the area to be rezoned.
- There was considerable discussion concerning the approval of sub-divisions without specific plans for potential development.

## **OLD BUSINESS**

- (RB) mentioned that Joseph Starr (2 Rt 67 residential properties) will be before us next meeting for a lot line adjustment and site plan review.
- (RB) mentioned that D. A. Collins and Jib Drive will be public hearings next month.

### **Adoption of Minutes:**

- (DC) Mentioned that the March 19<sup>th</sup> minutes need to be amended.

### **Adjournment**

- (JM) made a motion to adjourn; (PT) seconded the motion at approximately 9:30PM. All approved the motion.

NEXT MEETINGS: May 7<sup>th</sup> ,2012 & May 21, 2012