

TOWN OF STILLWATER
PLANNING BOARD MEETING MINUTES
February 6th, 2012 @ 7:00 PM
STILLWATER TOWN HALL

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

Absent: Chairman, Bob Barshied (BB); 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; Richard Butler (RB), Director of Building, Planning & Development; Ray Abbey (RA), Code Enforcement Officer; Supervisor Ed Kinowski (EK)

Pledge: Co-Chairperson Murray called the meeting to order at 7:00 PM and led everyone in the Pledge to the Flag.

Adoption of November 21st and December 5th, 2011 Minutes:

(JM) just a minor thing to be changed on December 5th minutes from reopened Project to reopened "Public Hearing" on page one regarding DA Collins.

A motion by Member Peter Buck, seconded by Member Bev Frank; All in favor

(JM) Mentioned that at the Town Board's Annual Meeting they appointed the Chairman and Vice-Chairman of the Planning Board, Bob Barsheid and Jack Murray respectively.

1st Agenda Item

**-Cellco Partnership d/b/a Verizon Wireless
Special Use Permit & Site Plan Review Radar Rd; SBL #: 207-1-13.1**

-Scott Olsen, Esq.; Law Firm of Cooper, Erving & Savage represented the Cellco Partnership Rick Andress; Verizon Wireless Frequency Engineer; and Christine Howell (who is familiar with the site and site leasing).

-Attorney Olsen discussed relocating the Verizon tower due to a significant leasing problem at the current site.

-Verizon currently has service on the smaller of the two (2) towers on the Radar Road facility which is the old US Air Force Base. They are the only ones on the 180 ft. tower, which receives data and voice from 26 sites in the area and it is a critical infrastructure for Verizon. If it was ever to go down most people in area would lose Verizon Wireless service.

-He further explained the reason that they are looking for a new site is that the current owner of the tower they are presently on will only do a one (1) year lease; and is able to terminate them with a 6 month notice. It would take approximately eighteen (18) months for Verizon to go through the process of leasing, zoning and building once they found a new property. The good news with the site next door, to where they are currently located, is that it is still in the industrial district. They would lose 20/25 ft. in elevation at this site, so the tower would be about 199 ft.in height It would be located in a fenced in

compound 12 x 30 ft and they would be the only ones with antennas on it; but it would be built to accommodate any other carriers that have an interest.

-Verizon submitted the application to the Planning Department with one intentional omission, which is the visual impact analysis; Stillwater's code requires an analysis to help identify the key location when doing the balloon test and pictures.

-(DC), (JM), (PB) and Attorney Olsen had some discussion in regards to existing tower demolition, and if we are sure this is in the industrial zoning district. Attorney Olsen stated that Verizon does not own the existing tower. He thinks the town law says, if it is no longer being used, it should be taken down; so, he thinks the Town could arrange to have that done. (JM) also discussed that this does not preclude the owner from having another company use the tower and if he did then there would be an additional tower. Attorney Olsen also stated that he confirmed with the surveyor two (2) times that this is in the industrial zone and it is noted on the plans given to the Board.

-Attorney Olsen did mention that he made a mistake in regards to the towers and that there are currently three (3) towers there, one is the FAA and under no circumstances are there any antennas on that tower.

-(EK) spoke and asked if they had been before this Board or any Supervisor's before to potentially levy support for use of tower for longer period of time. Attorney Olsen stated he had tried to meet with a prior Supervisor. (EK) stated he is willing to entertain renegotiation, with PB board support, and with the current owner, letting him know there are ramifications and specify what they are and what needs to be done. Attorney Olsen stated he would go back and talk with Verizon and Ed told him he'd be available if necessary.

-Attorney Olsen stated he would get response back to (SD) to include the view shed analysis and (JM) advised that the Applicant return at a future meeting.

OLD BUSINESS (7:40 PM)

-Update on Zoning Revisions

(RB) stated that the Town Board approved the proposed new Zoning Revisions and that he is now working on creating a usable document that the staff and applicants can utilize. He anticipates on having the document for Board distribution soon. He also stated at some point there will be a need for a 2nd phase of revisions all in an attempt to make a better more user friendly document.

-Adoption of General Code

(RB) stated there is a company that puts many municipalities, local laws, codes, and resolutions on the internet so that they are accessible, usable and searchable by anyone using the web. The Town hopes to have this feature in place and operable within the next quarter of the year, it is already funded and is scheduled to be discussed at the February 9th Capital Projects Meeting.

-(JM) LFTC Power Line- LFTC has given the Department the latest landscaping information especially updated "as-built" drawings at the road crossings. (RB) handed them out and the Applicant is scheduled to appear before the Board next month.

NEW BUSINESS

-(RB) suggested that the Town rejoin the New York Planning Federation. There were no objections.

-(JM) asked about the Stewart's 9P addition and (RB) said it is the Applicant's intent to come before us in April with an application to allow a small addition at the Rt. 9 Saratoga Lake Stewart's. He stated that the Department is investigating the present situation of Zoning vs. PDD to determine the requirements on that process.

2nd Agenda Item

D. A. Collins Trucking Facility

Rt 67 Overlay District; Preliminary Presentation and Discussion; SBL #: 252.-2-35

Executive Session

-A motion made by (BF) and seconded by (CM) to go into Executive Session to discuss for DA Collins Trucking Facility. All in favor:

-Mr. Jeff Cintula and another representative for DA Collins were present during the Executive Session.-The Board returned to regular session.

(JM) DA Collins is going to submit an application for Special Use Permit and Site Plan Review.

-A motion was made by (BF) and seconded by (PB) to adjourn the Planning Board Meeting at approximately 9:30 PM.

Next Meeting (March 5th)

Respectfully submitted by:
Deanna Stickney Secretary for the Planning Board