

TOWN OF STILLWATER
PLANNING BOARD MEETING MINUTES

February 23, 2015 @7:00 PM
STILLWATER TOWN HALL

Present:

Co-Chairperson, JoAnn Winchell (JW)

Vice-Chairman, John Murray (JM)

Carol Marotta (CM)

Peter Buck (PB)

Randy Rathbun (RR)

Beverly Frank (BF)

Randy DeBacco (RD)

Also Present:

Daryl Cutler, Attorney for the Town (DC)

Sean Doty, Engineer for the Town (SD)

Lindsay Zepko, Town Planner (LZ)

Sheila Silic, Secretary

Absent:

Paul Male, Town Engineer (PM)

Chairman, Robert Barshied (RB)

Pledge:

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

Review and approval of the minutes of Planning Board meetings:

Mr. Rathbun made a motion to approve the minutes from the December 15th 2014 meeting Mr. Murray seconded. The minutes were approved unanimously. Mr. Rathbun made a motion to approve the January 8, 2015 meeting. Ms. Frank seconded. The minutes were approved unanimously. Mr. Rathbun made a motion to approve the minutes from the January 26, 2015 meeting. Ms. Marotta seconded. The minutes were approved unanimously.

PB2015-1, DeBates/Grimaldi Lot Line Adjdtment, #33 and #35 Battery Blvd

Co-Chairperson Winchell recognized Frederick Metzger, Land Surveyor PC, who briefly recapped the project before the Board. Mr. Metzger stated that he is representing Mr. DeBates and Mr. Grimaldi for this Lot Line Adjustment. Mr. Metzger stated that Mr. Grimaldi is conveying a 12 ft. strip of land along the northerly border of his property to the DeBates southerly border of their property. Mr. Metzger stated that had informed both parties that the fences are in the Town right away and that the Town has the right to remove the fences and the

Town does not have to replace the fence. Mr. Metzger stated that this project meets all the required setbacks.

Co-Chairperson Winchell proceeded to open the public hearing and asked if anyone wished to provide public comment. There was no public comment and Co-Chairperson Winchell closed the public hearing.

Co-Chairperson Winchell asked if anyone had any additional concerns or questions and hearing none, she asked to move to discussion of the SEQRA.

**TOWN OF STILLWATER
PLANNING BOARD
2015 RESOLUTION NO. 5**

WHEREAS, Marc & Debra DeBates has submitted an application for a lot line adjustment regarding property located at 33 and 35 Battery Blvd., more fully identified as Tax Map Number 261.02-2-14 and 261.02-2-15; 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 is the lead agency for 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;

WHEREAS, the Planning Board reviewed each of the 11 factors contained in Part 2 of the EAF and determined that the proposed action will have no, or only a small, environmental impact;

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, Marc and Debra DeBates, for a lot line adjustment regarding property located at 33 and 35 Battery Blvd., more fully identified as Tax Map Numbers 261.02-2-14 and 261.02-2-15, will not have a significant impact on the environment.

A motion by Member Murray, seconded by Member Buck, to adopt Resolution No. 5.

A roll call vote was taken on Resolution No. 5 as follows:

Member Barshied	Absent
Member Buck	Yes
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Yes
Member Rathbun	Yes
Member Murray	Yes
Chairman Winchell	Yes

Resolution No. 5 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 23, 2015

**TOWN OF STILLWATER
PLANNING BOARD
2015 RESOLUTION NO. 6**

WHEREAS, Marc and Debra DeBates have submitted an application for a lot line adjustment regarding property located at 33 and 35 Battery Blvd., more fully described as Tax Map Nos.: 261.02-2-14 and 261.02-2-15; and

WHEREAS, a public hearing was conducted on February 23, 2015, to consider the application, and comments were received from the public as well as the applicant; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 5 of 2015; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Marc and Debra DeBates, for a 12' lot line adjustment of lands located on 33 and 35 Battery Blvd., more fully identified as Tax Map Numbers 261.02-2-14 and 261.02-2-15, is hereby GRANTED; 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 Rathbun, seconded by Member Marotta, to adopt Resolution No. 6.

A roll call vote was taken on Resolution No. 6 as follows:

Member Barshied	Absent
Member Buck	Yes
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Yes
Member Rathbun	Yes
Member Murray	Yes
Chairman Winchell	Yes

Resolution No. 6 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 23, 2015.

PB2015-2, Urbanski Minor Subdivision, 166 Gronczniak Road

Co-Chairperson Winchell recognized Joseph Urbanski, Saratoga Custom Homes Inc. who briefly recapped the project before the Board. Mr. Urbanski stated that Saratoga Custom Homes went before the Stillwater Zoning Board for an Area Variance on December 8th, 2014 and was approved. Mr. Urbanski stated that the 42-acre parcel will be divided into two lots, one 16-acre lot and the other a 26-acre lot. Mr. Urbanski stated that the tree line on Lot #2 would be extended per the request of the Board at the last Planning Board meeting with a natural buffer. Mr. Urbanski stated that each parcel has its own driveway access for ingress and egress. Mr. Urbanski stated that Mr. Steinmuller wants to maintain the wetlands and to use it for educational purposes as referenced in the letter that was presented to the Board. Mr. Steinmuller stated that he would like to do light farming on the property.

Co-Chairperson Winchell proceeded to open the public hearing and asked if anyone wished to comment. Ms. Winchell stated that she received three letters from adjacent property owners and would like the letters incorporated into the public hearing portion of the meeting. Co-Chairperson Winchell closed the public hearing.

Dear Ms. Zepko:

I am the property owner of 184 Groncziak Road, Stillwater, (Tax Id. is 207.-1-11.114). It has recently been brought to my attention that the property owner of land located at 166 Groncziak Rd. wishes to subdivide 166 Groncziak Road into two separate parcels. As a property owner whose land is immediately adjacent to 166 Groncziak Road, I have no objections to the property being subdivided.

Thank you for allowing me the opportunity to comment.

Sincerely,

Ross C Hansen
184 Groncziak Road, Stillwater

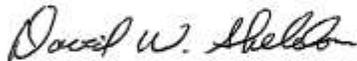
December 6, 2014

To whom it may concern,

Recently I learned of the proposed development of the property located at 166 Gronczniak Road in the Town of Stillwater, NY. I own and reside in a home adjacent to this property. After careful consideration, I would like it be known that I have no objections to this project continuing. Thank you for your time.

Sincerely,

David W. Sheldon

A handwritten signature in cursive script that reads "David W. Sheldon".

162 Gronczniak Road

Tax map #220-01-76

Stillwater, NY 12170

To the Town of Stillwater:

My name is Joseph Chodnicki , I am the owner of the property 207.-1-11.113 directly north and adjoining the lands of Saratoga Custom Homes 166 Gronczniak Road. I am aware of the proposed two lot subdivision proposed for that property. I have no objections to a two lot subdivision.

Thank you.


Joseph Chodnicki

Brian Steinmuller
53 Ormond Street
Albany, NY 12203

February 23, 2015

Town of Stillwater Planning Board
881 Hudson Avenue
Stillwater, NY 12170

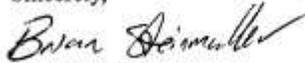
Dear Planning Board Members:

Thank you for your consideration of the minor subdivision at 166 Groncziak Road. I am writing to express my family's personal interest in owning the proposed southern parcel. As Mr. Joseph Urbanski noted at the last Planning Board Meeting, I work for the New York State Soil and Water Conservation Committee of the Department of Agriculture and Markets and have an acute awareness of wetland values and benefits to both wildlife and society. Owning a larger part of the wetland in the northeast corner is an important consideration in this proposed subdivision. Wetlands are a natural buffer to extreme storm events, provide excellent habitat, filter sediments and other pollutants, and serve as an outdoor classroom for ecological studies. For this and many other reasons, my family is excited about taking care of these important natural resources.

I am also very eager to move my family to a landscape that will allow us to practice "light" farming, and explore the many natural systems that exist on this parcel. I have been working in the field of conservation and agriculture for over 14 years, but have lived in a suburban environment that has not allowed my family and me to live the life closest to my chosen career. If the Planning Board approves this subdivision, we will be able to enhance our quality of life in a beautiful rural setting and participate in a local community that cares deeply about sustaining its natural, agricultural and human resources.

Thank you very much for your thoughtful consideration and time in this matter.

Sincerely,


Brian Steinmuller

Co-Chairperson Winchell asked if anyone had any additional concerns or questions and hearing none, she asked to move to discussion of the SEQRA.

**TOWN OF STILLWATER
PLANNING BOARD
2015 RESOLUTION NO. 7**

WHEREAS, Joe Urbanski has submitted an application for a minor subdivision regarding property located at 166 Gronczniak Rd., more fully identified as Tax Map Number 220.00-1-12.1; 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 is the lead agency for 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;

WHEREAS, the Planning Board reviewed each of the 11 factors contained in Part 2 of the EAF and determined that the proposed action will have no, or only a small, environmental impact;

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, Joe Urbanski, for a minor subdivision regarding property located at 166 Gronczniak Rd., more fully identified as Tax Map Number 220.00-1-12.1, 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:

Member Barshied	Absent
Member Buck	Yes
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Yes
Member Rathbun	Yes
Member Murray	Yes
Chairman Winchell	Yes

Resolution No. 7 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 23, 2015.

**TOWN OF STILLWATER
PLANNING BOARD
2015 RESOLUTION NO. 8**

WHEREAS, Joe Urbanski has submitted an application for a minor subdivision regarding property located at 166 Gronczniak Rd., more fully described as Tax Map No. 220.00-1-12.1; and

WHEREAS, a public hearing was conducted on February 23, 2015, to consider the application, and comments were received from the public as well as the applicant; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 7 of 2015; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Joe Urbanski for a minor subdivision of lands located on 166 Gronczniak Rd., more fully identified as Tax Map Number 220.00-1-12.1, is hereby GRANTED; 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 Murray, seconded by Member DeBacco, to adopt Resolution No. 7.

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

Member Barshied	Absent
Member Buck	Yes
Member DeBacco	Yes
Member Frank	Yes
Member Marotta	Yes
Member Rathbun	Yes
Member Murray	Yes
Chairman Winchell	Yes

Resolution No. 8 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on February 23, 2015.

PB2011-17&18, Cellco/ Verizon Wireless Special Use Permit, and Site Plan Review, Radar Road

Co-Chairperson Winchell recognized Scott Olson of Young and Sommers Law Firm, who briefly recapped the project before the Board. Mr. Olson stated that he is representing Cellco/Verizon. Mr. Olson stated that they are seeking installation of new cell tower for Thomas Gorsky's property located on Radar Road. Mr. Olson stated that presently there are three towers located on Mr. Hauf's property at the current location, the FAA Tower, AT&T, and Crown Castle Telecommunication Towers. Mr. Olson stated that Verizon contacted the FAA to seek relocation onto their tower. Mr. Olson stated the response received from FAA was that the relocation to their tower was not a possibility. Mr. Olson stated that Verizon contacted AT&T to seek relocation onto their tower. Mr. Olson stated that AT&T has the same 6 month termination clause in their lease agreement. Mr. Olson stated under the Stillwater Zoning Law Section 210-81 there is a requirement that states the existing tower has to be dismantled within 4 months. Mr. Olson stated that there is a letter of agreement between Verizon and Crown Castle stating that the tower will be dismantled and there will be no net gain of towers. Mr. Olson stated that when the visual impact test was done in consultation with Park Ranger Christopher Martin during leaf off conditions, there was no visual impact to the Park from the proposed tower. Mr. Olson stated that with this new tower any cell carrier who would like to co-locate now or in the near future could do so.

Co-Chairwoman Winchell proceeded to open the public hearing and asked if anyone wished to comment.

Susan Hagadorn
89 Brickhouse Rd

Ms. Hagadorn stated that she objects to building of a new tower with the visual impact that it will have on the area, the quality of noise control that will be lost and does not see the need for a new tower when there is already an existing tower on the property that is being used.

David Harper, Attorney
Saratoga Springs

Mr. Harper stated that he is representing William Hauf, owner of Saratoga Endeavors and the property on which the cell tower is currently located. Mr. Harper stated that Mr. Hauf is objecting to this application and that he has not had communication with Verizon or Crown Castle. Mr. Harper stated the landlord has never threatened to use the 6 month cancellation clause with Verizon or Crown Castle. Mr. Harper stated that when Mr. Laquidara owned the property the lease with the predecessor also had a 6 months cancellation term. Mr. Harper stated that 9 years ago the contract was renegotiated with a 20 year term and the 6 month cancellation clause states that either party can terminate the contract. Mr. Harper stated Mr. Hauf has had a conversation in the past with Verizon and Crown Castle asking if they would consider co-locating with the other carriers on a stealth tower. Mr. Harper stated that there is a stealth tower on Crescent Avenue in Saratoga Springs. Mr. Harper stated that the new tower is taller than the existing tower, trees have to be cut down to build the new tower and a new road has to be constructed to access the new tower. Mr. Harper stated that it would be to everyone's benefit if all the cell carriers would co-locate onto one stealth tower.

Mr. Cutler asked Mr. Harper how his client would respond to the seemingly reasonable objection to the 6 month termination clause that Verizon expresses, that if your client were to do so, it would not give Verizon enough time to find a new site, apply for the applications and construct a new tower. Mr. Harper stated that he was not privy to the conversation between Mr. Hauf and Verizon. Mr. Harper stated that the contract was renegotiated 9 years ago between the two parties, and that Mr. Hauf had spoken to the applicant about co-locating on one tower and it being a stealth tower. Mr. Harper stated that the applicant rejected this idea and the negotiations stopped between the two parties. Mr. Harper stated that this depends on what the two parties deem as a reasonable agreement.

Austin Benson
19 Radar Rd

Mr. Benson stated that he has no objections to the new tower. Mr. Benson stated that he has lived at this address since 1973, the new tower will be his only neighbor, he wants to be able to use his cell phone when he needs to and he doesn't want the chance of not being able to use his cell phone if the existing tower were decommissioned; if other carriers can co-locate onto this tower than this is one less tower in the area.

Barbara Morelli
89 Brickhouse Rd

Ms. Morelli stated that she is opposed to the new tower. There is already a tower on the property and feels that there is no need for anymore towers, there are more developments going in around the area, she inquired about health concerns that could be related to living next to the towers and if the this tower goes in I will be living next to one more tower in the area.

Robert Eastman
245 Gronczniak Rd

Mr. Eastman stated that he is opposed to this application, regardless of the 6 month termination clause in the lease and feels that the Planning Board should step cautiously with this application. He feels that all opportunities should be looked at very carefully, there is new technology out there with stealth towers that should be looked at first, and if the number of towers can be reduced from three down to one on the property that would be in everyone's favor.

Thomas Gorsky
16 Putnam Rd

Mr. Gorsky stated that he owns this property and is favor of this application. He also feels that this is a worthwhile project. The existing tower needs to be updated, no more antennas can be placed on the existing tower, besides Verizon there are no other cell phone carriers other than AT&T in the area. The new tower will be open for other cell phone carriers. The base of the tower will be located in the woods for a lesser visual impact and the trees that would need to be cut down is a 50x50 ft. area. The FAA tower has a 99 year lease and was constructed when the U.S. went into Iraq as a communication tower. Mr. Hauf's property has asbestosis in the buildings, the soil is contaminated, and the 9 houses that are on Brickhouse Rd in the cul-de-sac has had Health Department issues due to sewage problems.

Co-Chairperson Winchell stated that she will leave the public hearing portion of the meeting open. Ms. Winchell asked Mr. Olson if he would like to respond to any of the statements from this evening.

Mr. Olson stated that he would like to respond to the statements from Mr. Harper. Mr. Olson stated that Verizon has never negotiated with Mr. Hauf as Verizon is not part of the contract. Mr. Olson stated that Crown Communication would keep Verizon informed on the negotiations. Mr. Olson stated that a stealth tower would not work because there is no way to hide a 195ft tower. Mr. Olson also stated this tower serves as a microwave hub.

Co-Chairperson Winchell asked Mr. Doty of The Chazen Companies if he had comments regarding the application. Mr. Doty stated that the last letter received is from January 2013 titled Summary of Visual Impact letter from Saratoga National Battlefield. Mr. Doty stated the visual impact analysis stated that the tower could be seen from the west side of Saratoga Lake. Mr. Doty stated the distance is over 3 miles and as stated in the visual impact report that sort of distance is a mitigating factor of a potential impact of the tower. Mr. Doty stated this should be considered in any decision that the Planning Board makes.

Co-Chairperson Winchell asked Ms. Zepko if there is any outstanding information needed for this application. Co-Chairperson Winchell asked if the application was sent to the Saratoga County Planning Board and where there any comments received. Ms. Zepko stated that the application is complete. Ms. Zepko stated that application had been sent in 2011. Co-Chairperson Winchell asked if Crown Communication negotiates the contract with Mr. Hauf every 6 months. Mr. Olson stated that they do not and the lease is 20 yr. contract with a 6 month termination clause.

Ms. Marotta asked about the previous discussions involving how the existing tower would be taken down and how Verizon will guarantee that the tower will be taken down. Mr. Olson stated there is a written agreement between Verizon and Crown Communication. Mr. Olson stated that once the new tower is built Crown Communication will take down the existing tower on Saratoga Endeavors property. Mr. Olson stated that Verizon is also paying to have the existing tower taken down.

Mr. Murray asked about who would be liable if the tower is not taken down within 4 months. Mr. Olson stated that Crown Communication would be liable because they own the tower.

Mr. Doty asked Mr. Cutler if the Planning Board where to issue an approval could they provide a condition on the Special Use Permit or Site Plan with a time frame that would require the decommission of the Crown Castle Tower. Mr. Doty stated this would prevent having two towers inexistence. Mr. Cutler stated that this could possibly be a condition that may require a performance bond.

Mr. Buck asked why Crown Castle hasn't spoken on the project before the Board. Mr. Olson stated that Crown Castle isn't the applicant and therefore wouldn't be presenting the project before the Board. Mr. Buck asked if Crown Castle has tried to terminate the 6 month lease with Mr. Hauf. Mr. Olson referred the question to Ms. Masters, District Manager for Crown Castle. Ms. Masters stated there have been attempts to negotiate the 6 month termination clause with Mr. Hauf as recently as 2012 and again in May 2014. Ms. Masters stated that Crown Castle contacted Mr. Harper about renegotiating the 6 month termination lease and received a letter stating that Mr. Harper didn't have any concerns with his client renegotiating those terms. Ms. Masters stated that they have been unsuccessful in the negotiations. Ms. Masters also concurred that the tower would be dismantled within 4 months.

Mr. Cutler asked who will be the builder and the owner of the new tower. Mr. Olson stated that Crown Castle will be building and owning the new tower.

Co-Chairperson Winchell stated there were questions raised by neighbors due to health concerns, new tower technology, difference in cost between the styles of the tower structures, clarification in the heights of the two towers and replacing the existing tower with a stealth tower. Mr. Olson stated according to Federal Law with the Telecommunication Act of 1996 there are no health issues in accordance with cell towers. Co-Chairperson Winchell asked Mr. Cutler if he concurred with Mr. Olson. Mr. Cutler stated yes he does concur with Mr. Olson's statement regarding the Federal Law and Telecommunication Act.

Ms. Frank asked if Crown Communication constructed and owns the tower, what measures are there to prevent another cell carrier to move onto this tower that is on Mr. Hauf's property. Ms. Masters stated that the tower was built by a predecessor and that Crown Communication now owns the tower. Ms. Masters stated that a requirement in the lease is the tower has to be removed and the property put back to its original premise, the lease provides ingress and egress to the property and Crown Communication does have a set of keys to the locked gates.

Co-Chairperson Winchell asked if anyone had any additional questions or concerns and hearing none, she stated that the application is tabled until the next Planning Board meeting on March 23, 2015.

PB2014-69, King's Isle Apartments Site Plan PDD, Route 67

Co-Chairperson Winchell recognized Scott Lansing P.E. of Lansing Engineering, who is representing Bruce Tanski and briefly recapped the project before the Board. Mr. Lansing stated that the project is on 80.8 acres in the Town of Stillwater and the Town of Malta. There are 29 apartment building consisting of 11 units each and two parking stalls per unit. There is public water and sewer and a storm water retention basin on site. Mr. Lansing addressed the concerns of the Planning Board from the prior meeting pertaining to a second access point with a second access road for ingress and egress to the development. Mr. Lansing stated that the grades and the road were adjusted to make a second access entrance into the development from NYS Route 67.

Mr. Murray asked about the site distance exiting the development onto NYS Route 67. Mr. Lansing stated that the entrances meet the minimum requirements for site distance. Mr. Murray asked about Item #33 of Paul Male's memo, when will the lighting be completed and will the information be available by the next meeting. Mr. Lansing stated they are working with a consultant on the lighting and it should be available by the next meeting.

Ms. Marotta stated that the road is heavily traveled and for this reason there should be turning lanes into and out of the development as an added safety feature. Ms. Zepko stated that the need for turning lanes would be decided between the applicant and the NYSDOT.

Mr. Doty stated that the applicant provide the metrics on the stopping site distance to Paul Male for his review. Mr. Lansing stated that he would send the information to Paul.

Co-Chairperson Winchell asked about the section of the development and had the 10% grade been reduced. Mr. Lansing stated that it has not been reduced but is something that can be looked into.

Co-Chairperson Winchell asked if anyone had any additional concerns or questions and hearing none, she stated that public hearing was set for the next Planning Board meeting on March 23, 2015.

Motion to adjourn: made by Ms. Marotta, seconded by Mr. Buck, motion passed unanimously at approximately 9:15PM.

**The next Planning Board Meeting will be
Monday, March 23, 2015**