

**TOWN OF STILLWATER  
PLANNING BOARD MEETING MINUTES  
STILLWATER TOWN HALL  
April 27, 2015 @7:00 PM**

**Members 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**

**Also Present:**

**Daryl Cutler, Attorney for the Town (DC)**  
**Paul Male, Town Engineer (PM)**  
**Lindsay Zepko, Town Planner (LZ)**  
**Sheila Silic, Secretary**

**Absent:**

**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. Buck made a motion to approve the minutes from the March 23, 2015 meeting. Ms. Frank seconded. All-aye.

**PB2011-17&18 Cellco Verizon Wireless Special Use Permit, Radar Road**

Co-Chairperson Winchell recognized Mr. Scott Olson of Young and Sommers Law Firm, who is representing Verizon Wireless. Mr. Olson referenced a letter dated April 2, 2015 concerning health effects, noise, and alternative tower designs. Mr. Olson stated that the issue of potential health effects perceived to be associated with the tower is not permissible for the Planning Board to consider, under federal law Section 332(c)(7)(B)(iv) of the Telecommunications Act of 1996. Mr. Olson stated radio frequency emissions are being used; therefore, there are no health effects. Mr. Olson stated that Costich Engineering prepared the analysis on March 27, 2015 concerning the noise. He stated that the analysis shows that noise will occur from the HVAC units located on the north end of the shelter and the diesel powered emergency generator located inside the

southern end of the shelter. Mr. Olson stated that the sound level at the property line will be 50 dBA and at the closest residence it will be 40 dBA. In comparison residential streets are typically 55-60 dBA, and city traffic inside a car has a level of 85 dBA. Mr. Olson supplied the comparison information that the Board had requested on the stealth towers. Mr. Olson stated that a Monopine Tree tower has a height range established that is to stay around the same height as native trees. In this area that is between 65ft and 85ft. The replacement tower would have to be over 200 ft. in height and would require FAA lighting. Mr. Olson stated that a Silo Tower has a height range between 80ft and 110ft. The tower as silo would be 210 ft. in height and would require FAA lighting. Co-Chairperson Winchell asked about a cost analysis on the towers. Mr. Olson stated that a stealth silo tower would cost 3 times more than the lattice tower as would a monopine tower.

Co-Chairperson Winchell recognized Jacqueline Phillips Murray of The Murray Law Firm PLLC, representing Crown Castle. Ms. Murray referenced the letter from March 27, 2015 in response to questions raised from the February 23, 2015 Planning Board meeting. Ms. Murray stated that Crown Castle has put in writing the removal of the existing tower if the Board approves this application. Ms. Murray stated that Crown Castle purchased a portfolio of towers from Bell Atlantic Mobile which includes the tower application before the Board. The purchase was made in 1999 and had a lease that was assigned to Crown through 2006 at which time Crown renewed the lease with the landowner. Ms. Murray stated that Crown has made the business decision to replace the existing tower and to no longer have a risk of the tower being decommissioned due to the six month termination lease agreement. Co-Chairperson Winchell asked if she agrees with Mr. Olson's cost analysis on the stealth towers. Ms. Murray stated that she does agree with Mr. Olson's statement. Mr. Buck asked if by acquiring the tower from the Bell Atlantic if that transaction included all the responsibilities of the lease. Ms. Murray stated that was correct. Ms. Murray stated that the risk for decommissioning the tower is still viable if Mr. Hauf chooses to terminate the lease. Mr. Cutler stated that in prior meetings Verizon stated 18 months would be the approximate required time to relocate, and if she felt that would be sufficient. Ms. Murray stated that depends on the processing of all the approvals needed to construct a tower. Mr. Cutler asked what a reasonable time limit would be for a termination clause in a lease. Ms. Murray stated that with a typical tower lease it is 20 years with no termination clause. Ms. Murray stated that there was correspondence sent to Mr. Hauf with no response in return.

Mr. Doty stated he reviewed the submission from March 23, 2015. Mr. Doty stated that the only comment that was not addressed on the submission was the cost comparison between a monopole and the lattice tower.

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

William Hauf, Saratoga Endeavors, 2 Radar Rd

Mr. Hauf stated that he received a letter from Crown on March 16<sup>th</sup> stating that they've made repeated attempts to communicate with him with no response. Mr. Hauf stated that he has attempted to contact Crown and is willing to negotiate with them on the contract. Mr. Hauf presented the Board with pictures for a Monopine.

Co-Chairperson Winchell stated that she would leave the public hearing open and table this application for the following information to be provided: The cost analysis of a monopole or other stealth designs, an engineer's response on whether these stealth options are feasible in this site, and an inventory of the existing stealth and monopole facilities that Crown currently owns .

### **PB2015-10 Brickyard Road Apartments Lot Line Adjustment Plan, Brickyard Rd**

Co-Chairperson Winchell recognized Mr. Tom Address, of ABD Engineering and Land Surveying, representing Mr. John Bove. Mr. Address briefly presented the project before the Board. Mr. Address stated the reason for the Lot Line Adjustment is due to some encroachments on the Bove property. Mr. Address stated that there is approximately .50-acre that the Bove's will be distributing between the three property owners to correct the encroachments.

Co-Chairman Winchell asked about Mr. Males review letter regarding archeological sensitive areas. Mr. Address stated there is a corridor along the Hudson River that is in the archeological area and is attempting to get a sign off letter from NYS SHPO. Ms. Marotta asked about the comments in Mr. Males review letter regarding the planters on Mulberry Avenue and that no updates could be done to the survey map due to snow and ice and if these issues had been corrected. Mr. Address stated that the planters will be removed and the survey maps have been updated.

Co-Chairperson Winchell asked if anyone had any additional concerns or questions and hearing none, she stated that the Public Hearing was set for the next Planning Board meeting on May 26, 2015.

### **PB2014-63, Barshied Minor Subdivision, 65 Flike Rd**

Co-Chairperson Winchell recognized Mr. James Vianna, of James Vianna Surveying, representing Mr. Robert Barshied. Mr. Vianna briefly presented the project before the Board. Mr. Vianna stated that Mr. Barshied is back before the Board to finalize the two lot Minor Subdivision located on Flike Rd. Mr. Vianna stated that this application was sent to the Zoning Board for an Area Variance as Lot #1 did not meet the minimum lot acreage. Mr. Vianna stated the Area Variance was approved on September 8, 2014.

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 May 26, 2015.

### **PB2015-6, Luther forest Main Access Road Extension Project Minor Subdivision, LFTC PDD**

Co-Chairperson Winchell recognized Mr. Don Adams, of Creighton Manning, who is representing both Stillwater and Malta. Mr. Adams stated there is an MOU between Malta and Stillwater for the advancement of the Luther Forest Rd. Mr. Adams stated that the new road will intersect with Cordero Blvd on the east side, will tie into Global Foundries driveways, and connect with Stonebreak Rd. Mr. Adams stated that this will provide a connection that will help

with the overall traffic flow on the Global Foundries Campus. Mr. Adams stated that the road is funded by a Multi-Modal Funding grant.

Co-Chairperson Winchell asked Mr. Adams if he had met with Mr. Minick and the date of the meeting. Mr. Adams stated that he had met with Mr. Minick but was unsure of the date. Ms. Marotta asked about the roundabout with the stub going up on the map. Mr. Adams stated that is Lot F and the stub is the access going to the lot.

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 May 26, 2015.

### **PB2015-7, LFTC Temporary Office Trailer Site Plan, LFTC PDD**

Co-Chairperson Winchell recognized Mr. Matthew Brobston, of the LA Group, who is representing D.A. Collins for the temporary office trailer project. Mr. Brobston stated that D.A. Collins is under contract to develop the site and the larger pod is to be left undeveloped. Mr. Brobston stated that the majority of the site is in Malta and a small portion is in Stillwater. Mr. Brobston stated that there are 80 trailers on the site that are currently being utilized at Global Foundries. The total build out of the site will be 154 trailers that will be housing office workers. Mr. Brobston stated that each trailer will be hooked up to a central sewage tank and the storm water will be managed on site. There will be down casted lighting on site and egress and ingress into the site will meet all the fire codes. The access road will be paved and when the project is completed the site will go back to its original vegetation.

Ms. Marotta asked about the project location shown as a square on the map. Mr. Brobston stated that the square shows all three phases of the project. Mr. Murray asked about DOH approval and if DOH doesn't sign off then who will be signing off. Mr. Brobston stated that it is possible because of the number of trailers. Mr. Doty stated he reviewed the application for Malta and that Chazen Companies called both DEC on the systems that discharge and DOH regarding holding tanks. Mr. Doty stated that he waiting for DEC and DOH for their response. Mr. Doty stated that if DOH doesn't have the jurisdiction then it will go to the Town.

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 May 26, 2015.

### **PB2015-9, Micele Timber Harvest Management Plan, 344 County Rt 75**

Co-Chairperson Winchell recognized John Harrington, Forest Technician at GT Forest Project, and Daryl Hill who is also present this evening. Mr. Harrington stated that the harvesting had already commenced as they were unaware that a permit was required in the Town of Stillwater and have halted all logging activity. Mr. Harrington stated this is a low impact logging operation and will be managing the forest doing moderate logging. Mr. Harrington stated there will be four staging areas, Stand #1-Road Buffer on County Rt. 75 except for the log landing, Stand #2-Red Oak Harvesting, Stand #3-Soft Pine Harvesting, Stand #4-a mixture of Hard and Soft Wood Harvesting and a 200 ft. buffer behind Ms. Miceli's residence.

Mr. Buck asked if there is a Town Ordinance against logging. Ms. Zepko stated that there is verbiage in the Town Code on site clearing for Site Plan Review in the LDR and the RR Districts. Co-Chairperson Winchell asked for the page that the information was on. Ms. Zepko stated that it is 210.52 of the Clearing and Grading Section of the Town Code. Chairman Barshied stated that this section of the Town Code dealt with clear cutting and not timber harvesting. Mr. Doty asked if this could be interpreted with the additional information that timber harvesting falls within the exception of the code and could the Code Enforcement Officer make the decision. Mr. Cutler stated the Code Enforcement Officer could make the decision and if the person doesn't agree with the decision they could appeal to the Zoning Board of Appeals.

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. 10**

WHEREAS, Darrell Hill has submitted an application for Site Plan review regarding property located 344 Route 75, more fully described as Tax Map No.242.-1-17 + 19; 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 (EAD);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; and

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, Darrell Hill, for a Site Plan review regarding property located at 344 Route 75, more fully identified as Tax Map Number 242-1-17 + 19, will/will not have significant impact on the environment.

10. A motion by Member Marotta, seconded by Member Murray, to adopt Resolution No.

A roll call vote was taken on Resolution No. 10 as follows:

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

Resolution No. 10 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on April 27, 2015.

**TOWN OF STILLWATER  
PLANNING BOARD  
2015 RESOLUTION NO. 11**

WHEREAS, Darrell Hill has submitted an application for Site Plan review regarding property located 344 Route 75, more fully described as Tax Map No.242.-1-17 + 19; and

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

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 10 of 2015; and

WHEREAS, the Planning Board has duly considered the application; and

WHEREAS, the applicant presented a detailed Timber Harvest Management Plan that addressed issues on buffers, methods and scope of the proposed project. Discussion was held regarding the language within the Town Zoning Code which appeared to require site plan approval for this project based upon the limited information the Code Enforcement Officer (“CEO”) had at the time of the CEO’s original visit at the site. Additional information has been provided by the applicant which may cause the CEO to conclude the site plan approval is not required for this project. The applicant will meet with the CEO and provide these details of the project. The CEO will then determine if, in fact, site plan approval is ever necessary.

Now, therefore, be it

RESOLVED, that the application of Darrell Hill, for Site Plan Approval of lands located at 344 Route 75, more fully identified as Tax Map Number 242-1-17 + 19, is hereby GRANTED, and be it further

RESOLVED, that the application is GRANTED, giving the applicant site plan approval provided that the Town CEO determines that site plan approval is required for this project. In the event site plan approval is not required this site plan approval shall be deemed moot and shall not create any precedent for the analysis of time harvesting activities requiring or not requiring site plan approval.

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 Frank, to adopt Resolution No. 11.

A roll call vote was taken on Resolution No. 11 as follows:

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

Resolution No. 11 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on April 27, 2015.

**PB2014-069, Kings's Isle Apartments Site Plan, NYS Route 67**

Co-Chairperson Winchell recognized Jeffrey Williams, of Bruce Tanski Construction. Mr. Williams stated that the project received a positive recommendation from the Stillwater Town Board in March and will be going before the Stillwater Town Board on April 28, 2015 to finish up the approval process. Mr. Williams stated there are no changes to the project.

Co-Chairperson Winchell asked if there were any further comments from Paul Male's Comment Letter from March 17, 2015. Mr. Doty stated that Chazen Companies didn't review the application or the plans. Mr. Doty stated that Chazen Companies only reviewed the waterlines.

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 May 26, 2015.

Motion to adjourn: Made by Mr. Murray, seconded by Ms. Frank, motion passed unanimously at approximately 8:15 p.m.

**The next Planning Board Meeting will be  
Monday, May 26, 2015**