

TOWN OF STILLWATER
PLANNING BOARD MEETING MINUTES

March 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)

Also Present:

Daryl Cutler, Attorney for the Town (DC)
Lindsay Zepko, Town Planner (LZ)
Sheila Silic, Secretary

Absent:

Chairman Robert Barshied (RB)
Paul Male, Town Engineer (PM)
Randy Rathbun (RR)

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. Murray made a motion to approve the minutes from the February 23, 2015 meeting. Ms. Frank seconded. All-aye.

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

Chairperson Winchell recognized Scott Lansing P.E. of Lansing Engineering, is representing Bruce Tanski and Jeff Williams, of Tanksi Construction is also in attendance. Mr. Lansing gave a brief recap of the project before the Board. Mr. Lansing stated that the project is on the south side of Route 67 on 80.8- acres. They are proposing 29 apartment buildings consisting of 11 units each. There will be 641 parking spaces overall and the roadways are to be privately owned. There is public water and sewer coming down from Farley Road and a stormwater retention basin on site. Mr. Lansing stated the western entrance has been shifted to the east by 140 ft. Mr. Lansing stated that they received comment letters from Paul Male, Town Engineer and Jamie

O'Neil of Saratoga County Planning Board. Mr. Lansing stated that he believes the comment letter from Mr. Male is for Site Plan Review and not for the review of the PDD. Mr. Tanski stated that they are will to give Saratoga Plan as much property as they want so long as it doesn't interfere with layout of the development.

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

Gary Sweeney

369 NYS Route 67

Mr. Sweeney asked if the speed limit was going to stay at 55 MPH or will there be a decrease in the speed limit for NYS Route 67 due to the new development.

Mr. Murray stated that NYSDOT will make that determination on whether the speed limit will stay at 55 MPH or if the speed limit gets decreased.

Ms. Winchell asked if there was anyone else who wished to provide comment and hearing none she closed the public hearing.

Ms. Marotta stated that the developer has proposed that construction will also take place on Sunday. Ms. Marotta stated it would be preferable not to have any construction being done on Sunday. Ms. Zepko stated that would be addressed at the pre-construction meeting within the Building/Planning department but that the Board may choose to place that as a condition of the recommendation.

Mr. Murray asked about Creighton Manning reviewing the request to look at the entrances of the project. Mr. Lansing stated that Creighton Manning is in the process of doing a traffic study and the results should be available by the following week.

Mr. Buck asked if the parcel to the west of the development is going to Saratoga Plan. Mr. Tanski stated that parcel would also be given to Saratoga Plan if they chose to accept it.

Co-Chairperson Winchell asked if the Planning Department had received a response from Arvin Hart Fire Department. Mr. Williams stated that he had met with the Building Inspector, Eric Rutland on March 20, 2015 to review the comment letter from Arvin Hart Fire Chief Jamie Herrick.

Co-Chairperson Winchell asked the Board if they also felt that Mr. Male's comment letter was just for the Site Plan Review and not referral of the PDD. The Board Members concurred.

Co- Chairperson Winchell asked if anyone had any additional concerns or questions and hearing none, asked a motion to refer the PDD to the Town Board.

**TOWN OF STILLWATER
PLANNING BOARD
2015 RESOLUTION NO. 9**

WHEREAS, Bruce Tanski has submitted an application for approval of the King's Isle Apartments, PDD regarding property located on Route 67, more fully described as Tax Map No.251.-1-15.2; and

WHEREAS, the Stillwater Town Board referred the PDD application to the Planning Board for its review and recommendation; and

WHEREAS, a public hearing was conducted on March 23, 2015 to consider the application, and no comments were received from the public; and

WHEREAS, the Planning Board had requested certain documentation, reports and information to assess the project and made certain requests for modifications to the proposal; and

WHEREAS, the applicant complied with the requested modifications which addressed issues of green space, traffic, and access ways; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Bruce Tanski for the King's Isle Apartments, PDD, located on Route 67, more fully identified as Tax Map Number 251.-1-15.2, is a better use of this space than proposed uses that had been presented to the Board in the past. It offers additional variety of housing types which are needed in the area. It offers public benefits which include contribution toward the municipal water line and brings municipal sewer to a closer, more accessible location. These public benefits are desired and beneficial to the Town and local residents, and, in the Board's opinion, the project, overall, is very positive; and it is therefore further

RESOLVED, that the Planning Board issues a favorable recommendation to the King's Isle Apartments, PDD with the following conditions:

1. That no construction occur on Sundays; and
2. That the applicant follow of the recommendations and comments made by the Saratoga County Planning Board;

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, the Building Inspector-Code Enforcement Officer and Town Board.

A motion by Member Marotta, seconded by Member Murray, to adopt Resolution No. 9.

A roll call vote was taken on Resolution No. 9 as follows:

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

Resolution No. 9 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on March 23, 2015.



SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

JASON KEMPER
DIRECTOR

November 21, 2014

Lindsay Zepko, Town Planner
Town of Stillwater
PO Box 700
Stillwater, NY 12170

RE: SCPB Referral Review-14-218-Site Plan Review and PDD Zoning Amendment-
Tanski-King's Isle Apartments-PDD consisting of 319 apartment units on an 80 acre
parcel with 20 acres in the Town of Malta.-NYS Route 67 (Town of Malta and
Stillwater)

Received from the Town of Stillwater Planning Board and Town Board on November
12, 2014.

Reviewed by the Saratoga County Planning Board on November 20, 2014.

Decision: Approve with comment

Comment: The town should request that a secondary access that allows for fire and
emergency vehicles be included in the PDD as one entrance for 319 residential units is
not sufficient. The local fire department and emergency service providers should be
included in review of this access to insure that it will meet their needs. Approval for
curb cut onto NYS Rte. 67 will need to be obtained from NYS Department of
Transportation. The applicant will also need to obtain approval from Saratoga County
Sewer District #1 for connection to the sewer district and approval for water line
extension from Saratoga Water Services.

A handwritten signature in cursive script that reads "Jaime O'Neill".

Jaime L. O'Neill, Planner
Authorized Agent for Saratoga County

CC: Chad Corbett, NYS DOT
Chad Cooke, SCSD#1

DISCLAIMER: Recommendations made by the Saratoga County Planning Board on referrals and
subdivisions are based upon the receipt and review of a "full statement of such proposed action" provided
directly to SCPB by the municipal referring agency as stated under General Municipal Law section 239. A
determination of action is rendered by the SCPB based upon the completeness and accuracy of
information presented by its staff. The SCPB cannot be accountable for a decision rendered through
incomplete or inaccurate information received as part of the complete statement.

50 WEST HIGH STREET
BALLSTON SPA, NY 12020

(518) 884-4705 PHONE
(518) 884-4780 FAX

The following item was not an agenda item

PB2011-17&18, Cello/Verizon Wireless Special Use Permit and SitePlan Review, Radar Rd

Co-Chairperson Winchell stated that she was going to turn to our Attorney Mr. Cutler who will explain to the Board what was going to be done at this time. Mr. Cutler stated as the Board is fully aware at the last meeting there was a public hearing that was left open. Mr. Cutler stated that at that time the applicant was anticipated that they would be on the agenda for this month but the applicant didn't get the requested information to the Board and were therefore not placed on the agenda for this particular meeting. Mr. Cutler stated that members of the public are here and one in particular that flew in from out of state and because of that he is recommending that the public can comment at this time. Mr. Cutler stated at which point the applicant's attorney will be allowed to listen to the tape and the comments that were made along with the minutes. Mr. Cutler stated there is no prejudice to the applicant and it is fair to the public and that the public hearing is to stay open.

Ms. Winchell asked who will be contacting the applicant to let them know that they can come in and listen to the tape. Ms. Zepko stated that she will contact the applicant.

Co-Chairperson Winchell recognized Mr. Harper who is the attorney for Mr. Hauf, the owner of Saratoga Endeavors. Mr. Harper stated that Mr. Hauf is present this evening and will give the history of the site and also introduced Mr. Loyola of CLA Site who is here tonight to discuss certain discrepancies with the application. Mr. Harper stated that the applicant is claiming the need for a new tower is due to the 6 month termination clause in the lease. Mr. Harper stated that Crown Communication has not reached out to Mr. Hauf to renegotiate the contract.

William Hauf, Saratoga Endeavors, 2 Radar Rd

Mr. Hauf presented the Board with a letter opposing the new cell tower and asked to have it incorporated into the public hearing portion of the meeting. Mr. Hauf thanked the Board for allowing him to comment this evening on the Crown Communication cell tower application.

Peter Loyola, CLA Site, Engineer, 157 Lake Avenue

Mr. Loyola stated that CLA Site is representing Mr. Hauf and was asked to review the application by Crown Communication for a new cell tower site. Mr. Loyola stated that there are discrepancies in the information from Crown Communication that is outlined in his letter. Mr. Loyola presented the Board with a copy of his letter and asked that it would be incorporated into the public hearing portion of the meeting.

Robert Eastman, 245 Groncziak Rd

Mr. Eastman stated that he appreciates Mr. Hauf for traveling here this evening and addressing the Board and the public. Mr. Eastman stated that he is happy to hear some of the comments that Mr. Hauf made this evening on the lease and co-location of other tenants on the tower. Mr. Eastman stated that he has concerns about the view shed as does some of his neighbors and feels this is the best possible position to take on the cell tower.

Co-Chirperson Winchell thanked Mr. Hauf and Mr. Loyola for their comments this evening and stated that the public hearing will remain open until the next Planning Board meeting on April 27, 2015.

Mr. Buck stated that he appreciates Mr. Hauf and Mr. Loyola coming in and addressing the Board with their comments this evening.

SARATOGA ENDEAVORS, LLC

8069 Entrada de Luz East
San Diego, CA 92127
Tel: 858-756-4857

Intnlink@sbcglobal.net

March 23, 2015

Planning Board
Town of Stillwater
881 Hudson Avenue
Stillwater, New York 12170

RE: Verizon Application to Construct a New Cell Tower

Dear Members of the Stillwater Planning Board:

My name is William J. Hauf.

I am the sole Member and owner of Saratoga Endeavors, LLC, the landlord of the land leased to Crown Castle International, one of two cellular towers located on my property.

In the current Crown Castle/Verizon Wireless application requesting approval from the Town of Stillwater to build a new lattice type cell tower on an adjacent property, both these companies have made false written representations both in their application to the Town of Stillwater and in a March 16, 2015 letter sent to me by Crown Castle Atlantic Company.

They have stated in their current application that the reason for their request to build a new tower is based on the inclusion in their current lease contract with my company, Saratoga Endeavors, LLC, that the six month cancellation provision, although acceptable and agreed upon when they signed their new lease in 2004 is now "not acceptable to Verizon Wireless as it severely compromises the integrity of its existing wireless Communications network".

The original lease for the Crown Castle site was signed in 1992 with the previous landlord, Laquidara Construction, Inc. The original lease was for a five year renewable term and contained a provision for a 6 month cancellation by the tenant. The original lease also provided for a 6 month cancellation at the end of the final term by either party. Additionally, the original lease contained a default renewal provision in 12 month increments with a 6 month cancellation by either party. Thus the concept of a 6 month cancellation period is not a new concept and has been present in the lease in some form or fashion since Crown Castle negotiated its very first lease. When I became the landlord in 2004 we negotiated the present version of the 6 month cancellation period which has remained in effect without incident for the last 10 years. For 23 years this provision was acceptable by Crown Castle but now it is unacceptable.

The attorneys for Verizon, in their current application to relocate the Crown Castle cell tower have included a letter dated November 8, 2011 stating that "The original tower lease for the Existing Site, including all renewal terms, expired several years ago and the new property owner

has declined to enter into a new long term lease. Crown Atlantic Company and Verizon Wireless currently occupy the Existing Site pursuant to a one year lease.”

This statement is completely false in all its representations.

The original lease signed by Crown Castle in 1992 **never expired**, but in fact 10 years before its scheduled expiration, Crown Castle and Saratoga Endeavors, LLC **entered into a new multi-year lease** signed in 2004 and amended in 2006 for a **20 year duration and signed with** mutually accepted terms that included a mutual agreed upon cancellation provision allowing each of the parties to cancel with six month notice.

On February 12, 2008 and again on March 8, 2008 my attorney David Harper sent e-mail communications to Crown Castle’s attorney stating Saratoga Endeavors’ intention to continue honoring the lease that the parties signed in 2004 and amended in 2006 and that Saratoga Endeavors, LLC have no intention to cancel this new 20 year lease. My attorney went on to state that if Crown Castle had any concerns with any of the lease provisions it had previously agreed upon and signed “that you provide me with a description of the areas of concern in the lease that have led your client to seek an alternative location.” Crown Castle never responded and never provided any such description and did not provide any future communications on this issue.

To further demonstrate our commitment to continue our lease and to have Crown Castle as a long-term tenant on our property, my attorney stated in its March 8, 2008 e-mail to Crown Castle’s attorney that “My client is committed to negotiate in good faith...”

The statement by Crown Castle in their letter to me dated March 16, 2015 that “Crown Castle has made several requests to you to amend the Lease to omit this termination right...” is patently false and Crown Castle has not made any such request either telephonically, by e-mail or by letter. In fact they have made no effort whatsoever to contact us to discuss this or any other issue related to this lease even though we have repeatedly extended our hand to them and continually renewed our commitment to negotiate in good faith.

Furthermore Crown Castle statement in their March 15th letter that “you have repeatedly rejected Crown’s requests...” is a lie. Neither Crown nor Verizon has ever attempted to contact me in any way and since I have not received any communication from either party, I could not have received any requests from them and therefore it is completely impossible for me to reject any requests since none were made.

I, however, have made several requests to Crown for them to be a responsible citizen to the community and demonstrate their concern for the Town of Stillwater, the community and the environment by agreeing to consolidate their communication facilities with my other tenant, AT&T. The purpose of my request is to eliminate the visual pollution created by the presence of their two lattice towers, and to have them join together on a single monopole/camouflaged stealth tower. Crown has repeatedly rejected this proposal citing the cost of building such a facility.

I hereby renew my commitment to keep both cell companies facilities on my property and confirm my desire to negotiate in good faith with them and I propose the following arrangement:

1) To increase the length of the term of the cancelation provision to a term of 12 months, thus doubling the length of time each party has to provide notice to cancel the lease.

2) In exchange I would renew my request that Crown Castle agree to construct a stealth tower to significantly reduce the view pollution in the community and that such a tower be jointly occupied by both Crown Castle, Verizon Wireless, and AT&T communications and any future providers.

3) To further enhance this proposal I would agree to modify the existing lease, including the above provisions, and to further increase the term of the lease to a new 25 year term.

The replacement of these two lattice type towers with a single stealth designed tower will have multiple advantages for the Town of Stillwater, the surrounding community and will be more respectful and sensitive to the environment.

My immediate proposal for the utilization of my property is to develop the property into a very low density high end residential community that will be the pride of the Town of Stillwater and the surrounding community.

This proposed development will provide the Town of Stillwater with a highly attractive housing community that will generate substantial increased property tax revenues for the Town.

This development will provide additional benefits to the community by eliminating the unsightliness of the abandoned military buildings on the property and the elimination of the two lattice communication towers that would be replaced with a single camouflaged stealth tower.

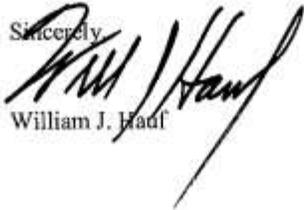
The environment will be more protected by this proposal since it will eliminate the need to move thousands of cubic yards of dirt, and to cut down over a dozen mature trees only to build a replica of the same lattice tower only a few hundred feet away from the tower currently on my property.

If the Planning Board was to approve the Verizon application and permit the construction of another lattice type tower it would mean the permanent appearance of an unsightly erector set type tower which would be a detriment to my proposed development and would cause me to cancel my plans and eliminate my ability to build high end housing since no resident would want to buy expensive housing in the shadow of several 200 foot tall erector set looking towers.

I appreciate your consideration of my proposal and I reaffirm my commitment to be a responsible resident and a good partner to the Town of Stillwater, Crown Castle Atlantic, AT&T and to all my neighbors in the surrounding community.

Thank you.

Sincerely,


William J. Hadf



157 LAKE AVENUE SARATOGA SPRINGS, NEW YORK 12866
PHONE: 518.584.8861 FAX: 518.584.8651 WEB: CLASITE.COM

Date: March 20, 2015
To: Town of Stillwater Planning Board
From: Peter Loyola, Principal
Re: Cellco / Verizon Wireless Tower Relocation

To Whom It May Concern:

On behalf of William Hauf and Saratoga Endeavors, LLC, I have reviewed the Cellco Site Plan Application, Special Use Permit Application, and Visual Resource Evaluation prepared by Costich Engineering and offer the following comments and questions:

Site Plan – 12/10/2009 revised May 23, 2012

In order to provide the overall context of the project, we ask that the applicant show the entire east property line and topography on the detailed drawings CA 100, 110, and 130. The drawings need to clearly show the setback of the proposed tower location in relation to the adjacent Saratoga Endeavors property and existing towers. The existing crown communication tower location and base elevation should be clearly surveyed and depicted on the plans. Distances from property lines, surveyed metes and bounds of the proposed lease area and clearing limit lines should be clearly labelled on the drawings.

The Schematic Total Holdings diagram on CA 110 incorrectly identifies the adjacent property to the east as William Hoogeveen. The correct land owner is Saratoga Endeavors.

Why is a separate lease parcel with Crown Communications still located on the site plans?

What is the base elevation of the additional lease parcel?

Will this allow for another tower in the future?

The proposed construction will increase stormwater runoff and should be supported with existing and proposed stormwater calculations and the appropriate mitigation measures to 2015 standards. We ask that the applicant provide an updated stormwater management plan with supporting calculations to meet all current stormwater standards and mitigation measures.

Visual Resource Evaluation

The zone of visibility depicted on the viewshed map fails to fully recognize the extent of visibility of the proposed tower within the viewshed area. The zone of visibility of the new tower will be much greater than depicted.

Photo simulations provided by the applicant reveal that new impacts will occur throughout the viewshed area and will only shift visibility of a tower and not reasonably mitigate. Photo simulations 107-114 is a clear example the shifting of visibility of the proposed tower to a new location with no proposed viable mitigation.

The proposed application fails to discuss and propose mitigation strategies including stealth tower alternatives or concealment techniques widely used today. Tower alternatives should be provided including co-location on an existing tower as the most viable alternative to mitigate visibility.

Verizon Wireless Relocation Review
Page 2

In 2008 Saratoga Endeavors proposed a co-location plan of two (or three providers) sharing one new mono pole. See 2008 Site Plan and Visual Report provided separately.

A co-location plan still remains the most viable mitigation strategy to address visual impacts for the entire surrounding area. New concealment techniques could also be utilized to help mitigate one single pole with multiple providers. See stealth tower examples attached separately.

Respectfully submitted,
Peter Loyola, Principal CLA SITE

Motion to adjourn: made by Mr. Murray, seconded by Ms. Frank, motion passed unanimously at approximately 8:15 PM.

The next Planning Board Meeting will be

Monday, April 27, 2015