

Village of Schuylerville**Planning Board
Minutes – Draft****March 19, 2007 – 6:30 p.m.**

Vice-Chair Jean Driscoll called the meeting to order at 6:30p.m.

New Planning Board Secretary Catherine Cicero was introduced to the Board members.

Catherine Cicero called the roll: Chairman Robert Foster – absent, Vice-Chair Jean Driscoll – present, Joan Alheim – present, Marshall Lee – present, Ronalee Myers – present, Alternate Nancy North – present, and Alternate John Allen – present.

Approval of Minutes: Joan Alheim made a motion, seconded by Vice-Chair Jean Driscoll, to table approval of the minutes from last month until next month’s meeting. Vice-Chair Jean Driscoll – aye, Joan Alheim – aye, Marshall Lee – aye, and Ronalee Myers – aye. **Carried 4 - 0.**

Joan Alheim made a motion, seconded by Ronalee Myers, to elevate Alternate Nancy North to voting status due to the absence of Chairman Robert Foster. Vice-Chair Jean Driscoll – aye, Joan Alheim – aye, Marshall Lee – aye, and Ronalee Myers – aye. **Carried 4 - 0.**

Order of Business:

Mayor’s Office Request for Budget Input “Wish List”: Marshall Lee made a motion, seconded by Ronalee Myers, to table a discussion on this matter until the return of Chairman Robert Foster at next month’s meeting. Vice-Chair Jean Driscoll – aye, Joan Alheim – aye, Marshall Lee – aye, Ronalee Myers – aye, and Nancy North – aye. **Carried 5 – 0.**

Cell Tower Status – Progress Review: Vice-Chair Jean Driscoll noted that no application has been received, so the Planning Board is unable to take any action. No members of the Board had been apprised of what was behind the press release in the March 19, 2007 issue of the Saratogian regarding this matter. Vice-Chair Jean Driscoll said a discussion on this matter would be tabled until after the other presentations on the agenda had been made.

Champlain Canal Tour Boat Presentation: At the last meeting a presentation was made to the Board on this matter. The Board sent a letter to Mayor Sherman and the Village Trustees regarding its recommendations. Marshall Lee commented that a law must be passed by the State Legislature in order to allow the proposal, which could take some time.

There followed a brief discussion on how this proposal would proceed through the Legislature.

Dave Roberts spoke from the audience, stating that the proposal wouldn't constitute an alienation of State park land. In this instance, the State would be leasing park land, not selling it. The issue here is the length of the lease that Mr. Foster is requesting from the State in order to make the necessary capital improvements. Vice-Chair Jean Driscoll said that the Village lawyer had asked the Planning Board to make an advisory opinion to the Board of Trustees. If approved by the Trustees, the proposal will return to the Planning Board for site plan review.

Dave Roberts said the Chamber of Commerce has sent a letter to the Village in support of the proposal.

Joan Alheim said that the Planning Board hasn't heard the status of the proposal.

Harbor Project Presentation by Dave Mathis: Mr. Mathis explained a handout of the proposal, stating that he has worked on this project for over 15 years, that it is very doable, and that it would be of tremendous benefit to the Village of Schuylerville. There are three phases of development involved, which are set forth in the hand-out, a copy of which is filed in the Village Offices.

Marshall Lee compared the proposal to the Olde Saratoga Waterfront Revitalization Project. Mr. Mathis said that his proposal is in accordance with that. He presented his proposal to the Village Board of Trustees in January and was referred to the Planning Board for an advisory opinion.

Mr. Mathis said he has no financing currently lined up for the project, but enumerated several ways to obtain federal monies. He added that the money for this project would be relatively small compared to other programs and projects sponsored by federal funding. Mr. Mathis said that he has a grant writer who is interested in working on this project. He said that politicians such as Representative Sweeney, Senator Clinton, and State Representative Roy McDonald expressed interest and that the federal and State governments would benefit from increased tax revenue from the area. Mr. Mathis went on to explain how tourist dollars would be generated and explained that tourist money is considered "clean" money because there are no negative impacts from it. He added that once it is improved, the canal could be used year round: for boat travel in the spring through fall, and for winter carnivals. There could be canoe and kayak races on portions of it as well.

A discussion followed on the State's idea of making some portion of the old canal a living history with mules and a barge. Dave Roberts said he has heard of the idea and that it would be feasible.

In response to a question from Ronalee Myers, Mr. Mathis said that it was possible for boats to travel in both directions in the canal. Given its depth and 75' width, boats can pass close to the walls without hitting the bottom or each other.

A discussion followed on the use of the yacht basin for long-term dockage. It was suggested that boats might be allowed overnight rental, but seasonal boats would not be allowed. Part of the discussion concerned the question of the number of docks the basin might hold. Mr. Mathis described what amenities are offered at "free walls" at other docking sites.

Vice-Chair Jean Driscoll expressed concern over who would maintain the improvements once they are made. It hasn't been determined yet whether the NY State Canal Corps. or the Village will be responsible for maintenance. Mr. Mathis said that the lock portion would remain under the authority of the Canal Corps.

Vice-Chair Jean Driscoll commented that if the project isn't approved while there is a push to revitalize the river, Schuylerville will lose out.

A discussion followed regarding ownership of the land bridge located below Curtis Lumber. It was not clear who authorized its construction years ago. Mr. Mathis pointed out the silt that has built up in that area of the canal from run-off from above with resulting flooding every year.

Marshall Lee said that the Planning Board could only discuss the project in the most general terms until the Village decides to act on it, but he said the Board had heard enough to make a recommendation.

In answer to concerns raised by Jim Miers from the audience, Joan Alheim stated that it is not within the purview of the Planning Board to decide what the Village Trustees should do in this matter; however, the Planning Board has been asked by the Trustees to make a recommendation.

Marshall Lee made a motion, seconded by Joan Alheim, state to the Village Board of Trustees that it has heard the presentation and that it has determined that the project would be desirable and would be of value to the community. Vice-Chair Jean Driscoll – aye, Joan Alheim – aye, Marshall Lee – aye, Ronalee Myers – aye, and Nancy North – aye. **Carried 5 – 0.**

Review of Jessica Schwerd's proposal to establish a Day Care Center at 81 Green Street: Ms. Schwerd's proposal has been withdrawn.

Cell Tower Discussion Continued: Dave Roberts commented from the audience that the Chamber of Commerce and several businesses were interested in providing comments to the Planning Board on this matter. He emphasized a distinction between the necessity for improving cell phone service in Schuylerville and an approval of the current proposal.

Several questions and concerns were raised in the ensuing discussion: Has an application been filed for the proposal? None of the Board members have seen one.

Who is the Applicant? It was stated that the proposal is from a speculator and not an earnest carrier.

Why does the tower need to be 120' high? Have any studies been done to support a shorter tower or use other tall buildings in the vicinity?

Has any review by any other interested parties, such as the National Park Service, or the NY State Historic Preservation Office taken place?

Has a SEQR review been undertaken?

What impact, if any, would the proposed cell towers in the Town of Saratoga have on this proposal? Other nearby towers, such as the recently erected tower at the Washington Fairgrounds, could also affect local service.

Marshall Lee said that there were too many issues outstanding to discuss the matter. He said the Village Attorney was not at last month's meeting and was therefore unable to advise the Board. He added that the Planning Board could not hold a public hearing on this matter until it has an application before it. He said that the burden of proof is on the Applicant to provide support for the proposal.

Ronalee Myers pointed out that a 120' cell tower must be set back 120' from all property lines to comply with Village Law. In the event that it falls, it must be contained on the property that it is erected on.

A discussion followed on when the moratorium on cell towers will expire. Nancy North, Ronalee Myers, and Marshall Lee expressed a desire to involve the Village Attorney in this matter.

Nancy North made a motion, seconded by Joan Alheim, to send a memorandum to the Village Board of Trustees stating that the Planning Board will defer any action concerning site plan review of a cell tower until all related documentation, including an application, SEQR review, and any State or federal review, has been forwarded to the Board. Vice-Chair Jean Driscoll – aye, Joan Alheim – aye, Marshall Lee – aye, Ronalee Myers – aye, and Nancy North – aye. **Carried 5 – 0.**

Next Meeting: The Board determined that it will hold a workshop meeting on April 2, 2007. The next regular meeting will be held on April 16, 2007.

It was requested that Chairman Robert Foster bring Catherine Cicero to the April 11, 2007 Village Trustees meeting and introduce her.

Marshall Lee made a motion, seconded by Nancy North, to adjourn at 8:57 p.m. Vice-Chair Jean Driscoll – aye, Joan Alheim – aye, Marshall Lee – aye, Ronalee Myers – aye, and Nancy North – aye. **Carried 5 – 0.**

Respectfully submitted,

Catherine Cicero,
Secretary to the Planning Board