

**Village of Schuylerville****Planning Board  
Minutes – Draft****May 21, 22007 – 6:30 p.m.**

Chairman Robert Foster called the meeting to order at 6:30 p.m.

Planning Board Secretary Catherine Cicero called the roll: Chairman Robert Foster – present, Vice-Chair Jean Driscoll – present, Joan Alheim – absent, Marshall Lee – absent (Mr. Lee arrived at 6:48 p.m.), Ronalee Myers – present, Alternate Nancy North – present, Alternate John Allen – present.

Due to the absence of Marshall Lee and Joan Alheim, Alternates Nancy North and John Allen joined the Board.

**Approval of Minutes:**

Chairman Robert Foster asked the board members if they had read the minutes for March and April, as well as the April Workshop minutes. John Allen made a motion, seconded by Nancy North, to accept the minutes as written. Chairman Robert Foster – aye, Jean Driscoll – aye, Ronalee Myers – aye, Nancy North – aye, and John Allen – aye. **Carried 5-0.**

**Cell Tower Application:**

Todd Caccia appeared on behalf of a cell tower application, which was filed with the Village on May 3. Mr. Caccia was accompanied by a stenographer who recorded the cell tower portion of the meeting. The literal record of the stenographer may vary slightly from the minutes taken by the Planning Board Secretary since the latter is a summarization of the proceeding.

Chairman Foster asked Mr. Caccia to describe the filing.

Mr. Caccia said that he first appeared before the Village Trustees about 9 to 10 months ago, before the Planning Board was created and the cell tower moratorium was imposed. He said that the proposed cell tower would be located on Mark Saunders property on Route 29 because Verizon is looking to expand its service along the Route 29 corridor, along Route 4, and in the Village of Schuylerville. Although he said that Verizon is very interested in establishing this cell tower and has provided engineering documents for the application, Mr. Caccia has no contract or letter of commitment from Verizon.

Mr. Caccia said that he did a balloon float and photo simulations of the tower for the Village Trustees and that the tower would not be visible from the bottom of the

monument, from Starks Knob, or from most spots in the Village. He said the tower would be hidden by trees and buildings and would not be an eyesore.

In response to a question from Chairman Foster, Mr. Caccia clarified that the documents in the filing indicate that the cell tower will be a joint venture with Verizon, but Independent Towers, LLC, the applicant, is the developer and, once built, he plans to have Verizon lease space on the tower. Mr. Caccia said that Verizon will provide documentation to show that the tower is needed to expand service.

Marshall Lee commented that there is no documentation showing that Verizon is actually engaged in this project. Mr. Caccia responded that Verizon will sign a lease once the tower is approved. Therefore, he said the Planning Board could make approval conditional upon obtaining the lease from Verizon.

Chairman Foster noted that four other possible carriers are listed on the application, and asked Mr. Caccia if they have been lined up as tenants on the tower. Mr. Caccia explained that the carriers would not provide information on where they would like a tower sited, but once this tower is approved, he can approach the other carriers to see if they want to use it. He said there is no guarantee that other carriers would lease space on the tower. Chairman Foster asked why the applicant can't apply for a shorter tower if no other tenants would be interested. Mr. Caccia suggested that the Board should approve a tower that other carriers might want to sign up for as a deterrent for the other carriers to build a second tower in the vicinity.

In response to a question from Jean Driscoll, Mr. Caccia explained that, if the Planning Board granted the application, he would not be able to actually construct the tower without a contract with a carrier. He commented that, if customers begin to switch service to Verizon due to expanded service, other carriers might become interested in leasing space on the tower.

Jean Driscoll then asked Mr. Caccia if he would be interested in working with a regional planning board to site smaller towers up and down the river to provide service coverage for the entire corridor. Mr. Caccia said that he "would love to" but he doesn't know where the carriers would want to site the towers.

A discussion followed on the existing tower situated on the fairground property in Easton, which Independent Towers, LLC owns. That tower was approved for a height of 110' and currently has four tenants.

Marshall Lee asked Mr. Caccia why he hasn't obtained provisional approval from other carriers if he was able to do so with Verizon. Mr. Caccia said that he would like to do that and has mailed information to Cingular, T-Mobile, and Sprint, but they have not committed. Currently, he said he only has a commitment from Verizon. Mr. Lee asked if Mr. Caccia would accept an approval conditioned on obtaining four lessees instead of just one. Mr. Caccia did not think that would be fair to Verizon.

Mr. Caccia said that he needs 120' for the tower so that it can "shoot" down Route 4.

Chairman Foster referred to a propagation map showing coverage area and said that it reinforces the idea of a regional plan.

A discussion followed on whether there is a federal regulation that requires that a tower be sited on property so that if it falls, it lands entirely within the property lines and would not affect or injure neighboring properties. Mr. Caccia said that he has spoken with his attorney, and no language exists in the Telecommunications Act. Gil Albert, Village of Schuylerville Zoning Officer, said that he has raised that question to a number of other zoning officers and with the State. All said they are aware of such a requirement, but he has not yet been able to find a citation for it. He noted that there are two homes close to the proposed tower site. Mr. Caccia insisted that there is nothing in the law preventing a tower site next to a habitable building.

A discussion followed referencing the application on file with the Town of Saratoga by SBA for two towers: located in Coveville and on Hayes Road. Mr. Caccia said that he cannot incorporate the Hayes Road site because that application is not moving forward. He did not know whether he could put a tower at that site for use as a relay tower. Mr. Caccia explained that he would still need a 120' tower on Route 29 because the carrier needs that height for coverage.

Mr. Caccia said that, as a developer, he is interested in putting up one tower instead of two or three. He repeated that the photo simulation and balloon float have already been done and that the Village Trustees have already held a public hearing on this matter. He said that he is willing to do another balloon float if the Planning Board requests it, but would prefer to do it early in the morning because the wind conditions are more suitable at that time.

Jean Driscoll wanted to know if the balloon float had been done when the leaves were on the trees and what the tower would look like when the trees were bare. Mr. Caccia responded that he didn't think the tower looked "that bad" and that the worst view would be coming down the highway from Easton looking towards the orchard.

Marshall Lee asked whether a survey had been done within the Village to see whether there was a consensus requesting service. Mr. Caccia said that no official survey has been taken, but he has spoken with some people who support the proposal. He said that input from Village residents would not affect the need for additional coverage for travelers. He added that the tower would benefit residents, but Verizon has a right to build the tower whether the residents want it or not.

Zoning Officer Gil Albert commented that he has had Verizon service for years, and the only place that he does not get service in the area is near Bear Swamp and in Grangerville, so he questioned the need for additional coverage. Mr. Caccia said that more bandwidth is necessary for photo phones and wireless connections.

Allen Wood spoke from the audience, stating that he has a woodlot in Northumberland that overlooks the Village and would be willing to offer the lot as an alternative site for the tower. Mr. Caccia said that Verizon needs more than just height for the tower, and said the proposed site “shoots” over Route 4. Plus, he said that Mr. Wood’s lot would require an application in another Town with another siting situation. Mr. Caccia said he prefers the proposed location.

Chairman Foster asked if the property owner was present; he was not.

Mr. Caccia stated that he does not want the Board’s review process to extend too long. Chairman Foster explained to Mr. Caccia that the Planning Board is new and just getting acclimated to its new duties. He stated that the Board has sent out RFPs to three different consultants, one of which will be hired at the Applicant’s expense according to Local Law, in order to assist the Board in reviewing the application. Mr. Caccia said that Verizon’s engineers could assist in explaining the documentation as well.

Chairman Foster said the first order of business will be for the Board members to review the application and define what areas they will need assistance with.

There was a discussion on the Environmental Assessment Form (EAF). Chairman Foster said the Planning Board will assert Lead Agency status for review purposes and that there will be a public hearing before the Board.

It was confirmed that Mr. Caccia does not have a letter of intent from Verizon or an FCC license.

In answer to a question from the Board, Mr. Caccia said that he had driven around Schuylerville with Mayor Sherman and did not see a building tall enough to suit his purposes.

A discussion followed regarding the Applicant’s letter from the State Historic Preservation Office (SHPO) signed by a Ms. Pierpont, and included in the application documents, which concluded that the tower proposal would not have a negative impact on historic areas. Joe Finan, of the National Park Service, noted that the letter did not refer to a couple of key features in the area, including the Saratoga Monument, which is listed on the national historic register.

It was determined that Mr. Caccia would return to the Board at the June 18<sup>th</sup> meeting. In the meantime, the Board would review the application and send a letter to Mr. Caccia with questions. The Planning Board discussed the possibility of scheduling a workshop meeting to review the consultant’s proposals before hiring one. Chairman Foster said that the Board will have hired a consultant by the next Planning Board meeting.

**Apartment House Proposal:**

Al Morrison appeared before the Board to discuss constructing a three-unit apartment building on a lot now offered for sale by William Ippoliti on North Broadway. Mr. Morrison briefly described how he would situate the building on the property and said that he would incorporate a parking area at the rear of the property. Mr. Morrison intends to have engineered, stamped plans for the building, which would be a wood frame construction, with entry doors on the side. A storm water management plan would be filed with the building plans.

Village Zoning Officer Gil Albert said there are currently no zoning regulations for the Village, so Mr. Morrison would have to comply with the State Code and Fire Code.

John Allen asked about sewer and water hook-up. Mr. Morrison was directed to speak with Mayor Sherman to see if the sewer hook-up moratorium is still in effect.

Chairman Foster said the Planning Board would look over Mr. Morrison's building plans but the Board has no control over the sewer hook-up. He explained to Mr. Morrison that he could contact any Board member between meetings if he had questions.

Mr. Morrison said that his next steps will be to hire an engineer, get plans drawn up, and purchase the property.

John Allen made a motion, seconded by Jean Driscoll, to adjourn the meeting at 7:48.

The next meeting will be held on June 18, 2007 at 6:30 p.m.