

MEETING MINUTES **August 21, 2008**

The meeting held at the office of the Saratoga County Planning Department located at 50 West High Street in Ballston Spa was called to order at 4:00 pm.

The following Members, Staff and Guests were present:

Members Present: Tom Lewis, Chairman, Edwin Vopelak, Robert Hall, Beth Liebich and Stephen Porto.

Guests: Stephanie Ferrandino, counsel representing referral for LFTC PUD amendment

Approval of Minutes

A motion for approval of the minutes of the July 17, 2008 meeting was made by Ms. Liebich, seconded by Mr. Porto, and approved unanimously.

Referrals

08-144 Town of Wilton-Omnipoint Communications

Mr. Valentine presented use and area variance requests for the construction of a telecommunications tower at the rear of Rt. 50 property owned by the McDonald's corporation in Wilton. The applied for use is not permitted by right in the C-1 District and the necessary 150-ft. fall-zone for a tower 100ft. in height is not met by this application. As part of the area variance application the applicant should provide the local board with performance history related to the integrity of the monopole and structural evidence that attests to the safety of persons, vehicles and (future) structures within an area subject to a failed communications tower.

Mr. Valentine recommended to the board that we request additional information from the applicant for further review. Written evidence and documentation in the following areas should be provided to the zoning board of appeals (ZBA) to support the applicant's assertion that a use variance is necessary:

1. attesting that there it is a necessity for (caused by a gap in service) the construction of a facility in the general service area,
2. documentation and mapping asserting that the location of a communications tower at the subject site will improve the transmission and reception of existing service that is not possible at other properly zoned sites that have been or will be investigated,
3. documentation and mapping that a service gap exists which can only be fulfilled by siting a tower at the subject site,
4. documentation, correspondence, and mapping to verify that other parcels that do not require a use variance (irrespective of municipal boundaries) have been or are now being investigated for siting,
5. written verification of the ultimate reason for the exclusion of all other investigated sites,

6. evidence that exclusion from the subject site, following the joint review of all other possible and approvable sites, would result in an impairment of service,
7. the provision of a list and mapping of all other tall structures and existing towers (for co-location) in the service area that have the potential to remedy the gap in coverage in the Exit 15 area of I-87/Rt. 50.

A motion to approve the staff recommendations for the referrals as presented was made by Ms. Liebich. The motion was seconded by Mr. Hall and unanimously approved.

Subdivisions

07-A-23 – Town of Halfmoon – Klersy Building Corporation

Mr. Valentine reported that another revised subdivision plan for the Klersy property on Farm to Market Road in Halfmoon has been referred to the department for review. He noted that the project has been before us on four other occasions, dating back to October, 2005. Comments by this agency have revolved around the issues of density and the appearance of forcing the number of units rather than working with the noted environmental constraints (37 acres of steep slopes and jurisdictional wetlands). Because the town's consulting engineer has provided ample comment and recommendations and because the letter (if not the spirit) of town subdivision regs and the North Halfmoon GEIS have been met, he advised that the Board was now in a position to approve the subdivision (now reduced to 49 lots on 90 acres) with appropriate comment to the town planning board.

A motion to approve the staff recommendations for the subdivisions as presented was made by Mr. Porto. The motion was seconded by Ms. Liebich and unanimously approved.

Other Business

There was no other business brought before the Board for discussion.

Adjournment

On a motion made by Mr. Porto and seconded by Mr. Hall, the meeting was adjourned, with all in favor.

Respectfully submitted by,

Victoria Ainsworth
PB Secretary