

Planning Board Meeting
Regular Meeting
January 28, 2019

Tim Wilford, Chairman
Steve Caruso
Deborah Hext
Wayde Bush
John Hukey
Connie Rue, Alternate

Dean Whalen, Liaison
Kelly Best, Secretary
Brad Grant, B&L Village Engineer
Bill Biscone, ECS
Jacqueline Phillips Murray, Attorney ECS
Chuck Marshall, Stewart's
Jeff Moller, DPW
Todd Pucci, APD
Reporter
27 Individuals

Chairman Wilford:

Okay, welcome. Good evening, Welcome to tonight's planning board meeting and we have a few things on the agenda tonight. Um, we have a continuation of ECS is a Public Hearing pursuant from Enterprise Consultant Solutions for Cell Tower on 23 Agawam Lane. We also have pre-application review of Stewart's material that'll be taking place this evening.

So there's a couple of things I'd like to address the public first before we get any further. Okay. The difference between a Public Hearing and a public meeting. Alright. A pre-application meeting, there's no public comment, not before the applicant has reached a concept hearing. Okay. So that being said, any comments about Stewart's are not being made tonight, not to be using ECS's time to be commenting about Stewart's and any information that's being given are submitted about Stewart's will not be reviewed until we have even gotten to a concept phase with the applicant of Stewart's.

That is the process. All of your comments must wait until we reach an actual viable concept that the applicant wishes to move forward with. Okay. It's pre-application. They have not actually even submitted a technical application to the village to be reviewed in a public hearing, open to the public, so you are allowed to listen, like kind of explain that where everyone can kind of understand how that works. Okay.

Now the process of submitting information. All right? You can do that through snail mail or email or physically going to the office or coming and making a public comment. That's it. You don't email us or call us and you never come to our homes to deliver any information regarding an application. One, it hasn't gone through the proper channels where it can be processed

through the office. Two, it's an invasion of our privacy, right? That's not what anyone signed up for. Not even your elected officials, by the way. All right? You don't come to people's homes. You don't call them about this application and it is not the way that you do that. Okay? We have four different ways that you can get that information to us, so you can provide that information and your comments, concerns the support for projects. I hope you all respect that. Okay, and that you submit stuff properly. Okay.

All right, so we're going to discuss, um, ECS. Mr. Biscone, Bill is here for ECS and uh, I want to start with a summarization of where we're at in the application and the informational process for this particular application. Over the past month, ECS has gone ahead and had second visual resource evaluation done.

They did this on the twelfth, twelfth of January.

Board member Hext:

I believe it was January the 15th.

Chairman Wilford:

I'm sorry, the posting was on the twelfth, and it was done on the 15th. Alright. Barton and Loguidice had their engineer, Mr. Grant also help evaluate and monitor that, that process, he also included some additional locations for his request and Mr. Biscone and ECS was a happy to oblige in that regard. Um, during that process, alright, we have basically are getting the information and we still have to review a lot of that information. Okay. They've also submitted the long form of the SEQR, per my request and was also requested by Barton and Loguidice by Mr. Grant, we have a letter from SHIPO and I have a letter from Albany County. Um, and there will be a few things we're going to continue to discuss with new information right now. Mr. Biscone, you have some other paperwork for us for today? Yes. I'm sorry.

Ms. Murray:

My name's Jackie.

Board member Hukey:

Please speak into the microphone.

Ms. Murray:

Sorry, I don't know if I should raise it a little maybe?

Board member Bush:

Yup

Board member Hukey:

Are you holding it in your hand?

Ms. Murray:

Is that better?

Chairman Wilford:

Can you hear it Kelly?

Ms. Best:

Yes, but she'll need to repeat her name. I'm sorry.

Ms. Murray:

No problem. My name's Jackie Phillips Murray. I am with Murray Law firm. My colleague Josh Silver came to the last meeting he presented with ECS and I'm here this evening and thank you for summarizing the recent developments. That was something that I was going to do. So thanks for that. To that end, we do have packets for each of the board members that include the county recommendations in response to the general municipal law, the Albany County referral, we also have a photo copy for each of you of the visual resource evaluation report that illustrates the 26 viewpoints that were analyzed during the second balloon test on January 15th and consultation with Mr. Grant from Barton and Loguidice and it also includes renderings of the facility from the viewpoints of which it was a partially visible above the tree line. We also have for you in the packet of the full EAF. Yeah, for each of the board members as well. We did the full EAF on the request of Mr. Grant and the board even though the short EAF that we submitted was appropriate for an unlisted action but the board asked for that additional information, so we wanted to provide it and I just have a couple other things, before I pass these. In consultation with the village's engineer, we also made a couple of design changes in order to further provide, define the profile of the facility. That includes the reducing the size of the antenna mounts to six foot booms. And we also are able to reduce the fenced outcrop to be cleared to not be contiguous with the boundary of the leasehold area, which is 80 by 80 feet. We have instead reduced it be several feet on the north and east sides in order to minimize the clearing (inaudible due to paper shuffling) provides a buffer in those areas.

I'll go ahead and pass these documents out of it. If you have more questions ...

Board member Bush:

I was just going say, is that information in there? Well, the new sizes and everything, all that, that information, is that in there?

Ms. Murray:

That information is not in there, that is why I wanted to make a disclosure of it tonight publicly and that's something that we can certainly add to the site plan, and your construction drawings as the project advances, but I just wanted to note that those two of refinements and improvements to the site have been agreed to by the applicant in consultation with Mr. Grant?

Chairman Wilford: Yeah. Now real quick, the fence and move on that chain, is that referring to the minor drainage address that we were talking about or is it just coincidental.

Mr. Grant: It really is less to do about the drainage, then it is about the cutting in to the tree line

Chairman Wilford: So they're able to stay closer to that side.

Mr. Grant: Moving. Not necessarily moving closer to the tank, the pad will become smaller – 65 by 65. It was almost 80 x 80 so what I saw as a clearing into the trees which there isn't a lot of buffer between 156 and the site. So regarding.

Chairman Wilford: Okay. So I realized that the engineered specs on that drain, then those changes will be reviewed by the building inspector. I would like to see at least one copy so I can just see that the setback. I know, I understand. The setbacks are better. I still would like to see it just so I know that there's no change in details.

Ms. Murray: I understood that.

Chairman Wilford: That's all. Does that make sense? We were talking about before and then I like would just like to see it.

Ms. Murray: Yeah, that's no problem. We can have the Site plan drawings revised to show the reduced size of the compound of the north and east sides and to specify with the detail on the tower elevation that how the platforms would be six foot mounts, a reduction in size from ...

Chairman Wilford: The slimmer ones. Right.

Ms. Murray: Exactly.

Chairman Wilford: Slimmer profiles, they are called right?

Ms. Murray: Right.

Chairman Wilford: So those will both be on that set of plans.

Ms. Murray: Yes.

Chairman Wilford: Yeah.

Ms. Murray: Then with regard to a drainage, drainage issues, like that's typically something that's reduced to review in the building department.

Chairman Wilford: Oh, great.

Chairman Wilford: I realize that they're going to review that and they're going to decide, yes, you've done it, check it with the code and all that. But uh, it's part of the rest of the site plan and our engineer thing, it'd be helpful if we had it just so we can say great. It's part of our application, so that's all I can think of at this time.

Ms. Murray: I know that you mentioned that you mentioned the County referral, I just wanted to highlight for everybody that might be here in attendance about our project, that the county referral had come back as a local decision for this board.

Chairman Wilford: Yeah, they did,

Ms. Murray: May I pass these out please.

Chairman Wilford: Yes, please do. Is the photo shop images, the slim profile?

Ms. Murray: Yes.

Chairman Wilford: Great.

Ms. Murray: It specifies that right here.

Chairman Wilford: That's great. Thank you so much.

Chairman Wilford: One other thing that wasn't mentioned in the report is the NIER report from Safe Site. I got an email from you about the radiation levels. I'm well aware of the laws that are in place when it comes to that, but I am unaware of seeing the numbers and how that works. That one just an educational piece of paper that just gave me an idea. That's what I want to see.

Ms. Murray: Yes. What we do bring with us tonight is what we referred to in the industry as a Federal Communications Commission Categorical Exclusion form pursuant to federal regulations, there is an opportunity to achieve categorical exclusion from further evaluation of RF emissions for safety. Also if you fall so low below the thresholds, that you're not going to trigger any regulated evaluation impact and what we asked of the two co-locaters, AT&T and Verizon Wireless, was to provide a completed form that has their emissions level on the form, and

either your or our engineer concluded, you look at paragraph 16 then because all of the data above paragraph 16 has been checked off positively that there's no need for further evaluation pursuant to FCC, a categorical exclusion rules. So I can bring that form tonight. I know that Mr. Biscone, the developer is also going to be getting an ARA report. But, this is something that has also become very standard in the industry. It's actually, for everybody's reference, on the FCC's website, there's a local government officials guide to RF emissions. This particular form is the form that they provide to local government officials to request of applicant's to document that they're below the thresholds that require an evaluations.

Chairman Wilford:

That's great. Yeah, and that and we're aware of that law and what it covers per our lawyer from previous email. We understand what that is now for and what. I just don't know what the levels are, so I was curious to gather information and that's what Mr. Biscone was, in our emails, referring to.

Mr. Biscone:

It hasn't been received yet.

Chairman Wilford:

No problem. Just wanted to make sure that we were still on the radar.

Ms. Murray:

That's the threshold. So you can have this piece of information as well, but generally speaking, because of the low power of the antennas that are employed for wireless, wireless communications and the height above ground level, uh, because of those two factors, these facilities are almost always I am not saying always, almost always excluded from, categorically excluded. The threshold for a height is 10 meters, so if you are 30 some odd feet off the ground, we are well above that height with these antennas, but these forms also have the ERIP that's emitting from the antennas to further document the other items that are variables for meeting the categorical exclusion.

Chairman Wilford:

Great.

Ms. Murray:

And I will note that this is from the lower co-locator that's proposed on the facility as well.

Board member Hext:

If you add, if you add facilities, will they also provide this report?

Ms. Murray:

Yes, in fact, in a lot of jurisdictions, a lot of municipalities will require that co-locators, as part of an administrative zoning

approval, submit the report just to document that they're categorically excluded therefore in compliance with FCC regulations for RF emissions.

Board member Hext:

Any time a new one is added?

Ms. Murray:

Yes

Board member Hext:

We also have Hudson valley communications. Do you have something from them?

Ms. Murray:

I don't have that. This is the first one that came in.

Chairman Wilford:

Oh ok.

Ms. Murray:

But that's, that's something that you as a municipality can routinely require many carriers or co-locators to provide in respect to their infrastructure.

Board member Hext:

Thank you.

Ms. Murray:

Can I pass this out to board?

Chairman Wilford:

Yes please. Before I forget, you pointed out the declaration that all the Albany County Planning Board. I'll just point out SHIPO's declaration here. Um, let's see. Direct effect? No historical properties in this area of potential effect. No. It's advisory effect of historical properties. The New York State uh, SHPO concurs with the recommended affects finding reviewed by Christina, I cannot pronounce her last name, Vagvolgyi right? The NYSHPO is where she works. So again, they have no adverse effects on historical properties from their paperwork. Okay, great. Do you have anything else for us at this time?

Ms. Murray:

Uh, I don't and if you have anything for me after the hearing is opened up, I would be happy to answer questions.

Chairman Wilford:

Okay, great.

Ms. Murray:

Thank you very much.

Chairman Wilford:

Thank you. So, so at this time I'd like to ask, uh, Mr. Grant to just tell us a little bit about the review that was done.

Mr. Grant:

Sure.

Chairman Wilford:

And anything he has come across so far?

Mr. Grant: My name is Brad Grant and I work for Barton and Loguidice and we have conducted one and a half reviews to get through some of the materials we have received late Friday, the new VRE was printed off for me. I didn't get a complete copy or something went a miss, but our review is going to continue as we grabbed some materials here tonight that are pertinent towards the, uh, total review.

Chairman Wilford: Ok.

Mr. Grant: But some of the items have been covered already. As you already said, we did add a six or seven visual sites to the list and those are provided in the report. The new VRE report has the photos of the balloon, photos up the Tower, of how looks with the extension array and then it has a third one, for lack of a better term, with the Franken pine.

Chairman Wilford: Monopole. You corrected me. Monopole.

Mr. Grants: So those are to help visualize what may or may not look like from many vantage points, only the top sticks above the trees. Um, some areas, particularly Maple Avenue, the western end of the village, you see more. Some area, it is not seen at all, going out the Blvd to pretty much around the corner depending on topography. But there was a leaf on evaluation, there was a leaf off evaluation that is useful for what it would look like now. The vegetation bare, so. The one question I did have, is as I was looking at it, as we discussed, the monopole, let's use the right term, seemed a little higher. I think you had mentioned that that was likely be the case.

Ms. Murray: Yes. Do I need to speak?

Chairman Wilford: I would prefer that you did.

Ms. Murray: The monopines have to be made about 10 feet taller above the antenna raised so that they can taper like a natural pine tree. And if anybody's ever seen some that are, there are some that are famous and there are some that are infamous, a couple of infamous examples of monopines are in the Town of Bainbridge on I88, the Hutchins River Parkway mobile station downstate, so those are two different directions. Those are ones that are infamous because they did not, early in the day, make that crown on the top so that it would taper to look natural. So that's the reason why the monopine is higher than what the traditional tower structure would be to get the realistic look. The other thing that is exemplary when you look at the

infamous one is the whole notion of setting. And uh, I personally, I sited the Adirondack monopine which was Franken pine in the Adirondack park. So I've been seeing a lot of different variations of over the years and the, and the whole goal is you're using a monopine to find a setting that has trees of similar height and a tree canopy with topographic backdrop with trees of the same species of trees so that actually blends. To contrast when you look at Hutchins River mobile station or the Bainbridge monopine trees that aren't in that type of setting, uh, were they stick way above the tree canopy and they're not buffered by the natural setting which they would normally fit, and so I, you know, you have to use your own judgment, but I think you'll see in the second visual resource evaluation, that the pictures show that it does have graffiti covered with pine trees. It doesn't have a backdrop and it doesn't have a lot of diverse vegetation all together. But what's nice is the leaf off photos really demonstrate that for us. That makes it easy to see that overall, most of it is deciduous vegetation. But again, I leave that to your judgment and I hope I answered the question.

Unknown speaker:

How high? Is it ten feet higher?

Ms. Murray:

It is 10 feet higher per the simulations. Yes.

Chairman Wilford:

I'm really sorry.

Unknown speaker:

120 the monopole, 135 the monopine.

Ms. Murray:

So they can put the crown at the top.

Chairman Wilford:

We got the top 15 feet higher, to be clear on that. Right. And thank you for the full explanation.

Mr. Grant:

Thank you. There is some other comments that we passed on to the village, and some need conditioning language that the village attorney should review. I am hopeful for the day where looking at cell towers won't become the norm. That it will be replaced by greater technology. Technology changes very fast 10 years from now, 20, 30 years, who knows but when the facility has reached its useful serviceable life and doesn't have a need to be a cell tower, I want to make sure it is taken down. So we don't have to look at it forever if it's not actually doing its function. I don't think anyone up front thinks that is not going to happen but we should have that provision in the contract that can be made. Let's talk about the site plan. One of the concerns that I have, the original one I have here, the pad size

was pretty large and without a grading plan, I can that there is a little indentation here to the existing tree line. Maybe around 10 foot or so and ask Bill to see if the smaller pad size could be designed overly big. The reason being as I like to keep those trees along the existing tree line, they provide a buffer between 156 as you drive up, you see on the base part of the pole this time of year, the leaves are out even less, the minization of tree removal helps with the drainage. It's country drainage out there. They're very steep slopes that goes right down to 156, I want to make sure that additional corrosive forces are taken, not the direction that drain piping are I found a little clunky ... I think that can be migrated through site plan design by the Village. I think there are concerns, justifiably so. You wouldn't want to run that pipe near the foundation. (Inaudible) It could be redirected and still do the job, but a good amount of drainage comes down alongside that road.

Chairman Wilford:

Mr. Grant, in regards to the pad size. Your last comments, do you feel that you've got a plan that'll tackle that? Like they said, they shrunked the size. You'll still have the trees they have. They've made those accommodations or is there something else other than what would have to be looked at if it were to be sent to the Building Department for the actual erection of the tower.

Mr. Grant:

One of the things I would like to say and I think it would benefit the process is a revised site plan with a smaller pad shown, a different drainage route and a grade plan, in other words when you get to the edge of that pad, there is quite a ways down to 156. Most of that slope was raked at or immediately adjacent to the right away, there is not a lot of room there, you know. Yes, we can make a smaller pad but it takes quite a bit of grading to chase that down towards 156. Um, this didn't have grades on it. It may be that the tree line would have been taken out even farther than you wanted, so the solution is still grading.

Chairman Wilford:

Ok, and then then the evaluation can be ...

Mr. Grant:

Yup

Chairman Wilford:

Okay, Thank you.

Mr. Grant:

Um, one of the things that was discussed with Jeff Moller was the site plan. That is a tight little site down there next to the tanks. There was a turnaround on the uphill side, but on the monopole site, uh, I would like to see some ability to turn a vehicle around.

Chairman Wilford:

Okay.

Mr. Grant:

I am not relying entirely on gravel surfaces, there might some pavement to make their pad site (inaudible) or at least to get vehicles all the way down to the fence, have a paved turn around and then the pad would be right here. I talked about the fence. The whole part of this agreement I would recommend, in other words it would be, if the village had to a repair a broken water main right outside the tank, and quite a volume of that water in the middle of the night, because that when it always happens, um, could wipe out some of their road or some of their infrastructure. They're being on that site; the village should have a hold harmless agreement that says yes, you can be. But we're not responsible for fixing your infrastructure because our water main broke. You obviously endeavor not to do anything on the site that would increase that pressure. You want to have that provision. You know tanks, water tanks blow out, I really don't see that one doing it but it is very unlikely but it has happened, you just want to be covered. So we have received some new materials tonight. We want permission to run through these and make these available for the village. Thank you.

Chairman Wilford:

Thank you. Real quick Brad. So you're saying you think a week for your full evaluation for the board?

Mr. Grant:

Yeah, I would say we would um offer in some cement written comments in a week to 8 days.

Chairman Wilford:

Okay. Say less than 10 days roughly.

Board member Hukey:

Will we can a chance to see it.

Chairman Wilford:

We will. Mr. Grant can email me and I'll pass it to the board. Is that good?

Board member Hukey:

Okay,

Chairman Wilford:

Great. Thank you very much. Mr. Moller, did you have any other concern? I drove up on that road with bigger vehicles getting up there. There's no problem with that road as far as it runs on the way? It's all gravel.

Mr. Moller:

As long as there is no damage, and if there is, that is repaired before they leave the site.

Chairman Wilford: But to get to the site, Agawam Lane itself, that's part of that. That still is. There's no room for any big, big vehicles they would ever need or anyone else or fire department?

Mr. Moller: They had cranes in there when they originally set the tanks, so I don't think so.

Chairman Wilford: Okay, so is anyone from the Fire Department here this evening? They had their own. We actually kicked them out of this room so they're not going to be happy. Thanks Jeff. You guys have any things you would like to address with the applicant at this time?

Board member Hext: The only thing I would like to address with the applicant, other than if we did this, went forward with this, aside from having that Franklin pine, I would like to see an absolute limit at 120 feet that you can't go any higher if you need to add somebody else or you know, you want to get 5G or 6G or 7G in there, so you need to go. I'm just throwing that out there, but definitely no higher than 120 feet. I mean if we, if we okay this, that has got to be the maximum.

Chairman Wilford: Um, you're questioning the height.

Board member Hext: I don't see anywhere where it says never to go above that.

Chairman Wilford: Never go above that, so you want to see that in the decision.

Board member Hext: I would like that to be as part of the agreement, that they would never go above 120 feet unless, of course, we get the franken pine. Of course this is all hypothetical anyway

Chairman Wilford: Does anyone else have anything they would like to bring up?

Board member Hukey: Do they say someplace in those plans the color of paint or how they are going to have the final finished on the tower?

Board member Hext: It says gray.

Board member Hukey: If it is to be a tower. Right now, I guess they brought up a monopine.

Ms. Murray: It's a monopole design. The monopole itself will be a galvanized steel gray finish and it weathers to a dull gray, probably have seen them. I always find people start looking at these things once the application is made and they start paying attention to

what is already out there in the environment. But, you know, traditional monopole design would be a galvanized gray.

Board member Hukey:

Okay.

Chairman Wilford:

In regards to was a contract, does the contract state a limit on the network? My understanding, you'd mentioned before frequency, frequencies are much larger with say 5G than they are 4G. Okay. Does the contracts stipulate a level of G that you're allowed to have on the pole? Does that make sense? The type of network.

Mr. Biscone:

I think your confusing G with power.

Chairman Wilford:

No, yeah, maybe. I really don't know. So you're saying so a 5G doesn't have more power, more frequency,

Ms. Murray:

No, it just a different technology and most of 5G infrastructure, is not on what is called, this is considered a macro site. A macro site is a site that blankets in an area with coverage and 5G. This is for 4G purposes. 5G is largely to add capacity and speed which goes hand in hand and it is being installed on utility poles and uh, with what's called small wireless infrastructure. Uh, the FCC just, it seems January 14, so a couple of weeks ago today, today in fact, just had an order go in to affect to promote 5G. And if you wish to look at the order, you will see what the orders speak to is the installations of structures that are 50 feet or less. And then take up no more than three cubic feet of space. So the 5G infrastructure and technology is a dissimilar from what you would install 4G application on a traditional macro cell tower site, which this is and it's really the purpose of 5G is to bring this higher speed technology and offload the capacity from macro sites. So the village has a need for an actual macro site and the 5G will come in sometime in the future. You, you're probably hearing on TV commercials. My kids always saying to me, oh, there is 5G already. I'm like, no, no there really isn't. There are some deployments. I know there's some going on in New York City, some down in Long Island where they have used macro sites that are so maxed out capacity that they're offloading the capacity through these call wireless cells on utility Poles, but that's not how the technology evolves. You get the 4G first and then they go to the 5G to offload the strains on the 4G system.

Chairman Wilford:

And then, since you are still there, the contract, we're trying to verify that this pole has a set height.

Ms. Murray: It does not for our lease agreement. So there is no set height that we're contractually obligated to.

Chairman Wilford: Okay.

Board member Hext: So you could go to 160 feet?

Ms. Murray: No, because 160 feet will require this board to grant another special use permit pursuant to your code. We could not. We could never go to a 160 feet without coming back to the Board.

Board member Hext: Could you go to 130?

Ms. Murray: Yes, because there is a federal co-location by right statute. The federal co-location by right statute allows one time wireless facilities to be increased by 10 percent of its height or 20 feet or greater, so that is something that under federal law would be applicable.

Board member Hukey: To go above that and you still have to come back to first.

Ms. Murray: Then we would have to come back.

Chairman Wilford: Then if it's above 20 feet ...

Board member Hukey: Above what they're asking for right now.

Chairman Wilford: 10 percent or 20 feet, whichever.

Ms. Murray: If it's 10 percent or 20 feet then that could be accomplished through administrative approval. What I can tell you is that if there is a technologically feasible space, a third co-locator at this facility, they will go to that available space rather than incurring the cost and the delay of trying to extend a tower, aside from the federal law that allows him by right up to a certain limit because their goal is to become operational and so they can find the solution with an existing tower without extending it, that is the candidate a, to solve their coverage needs. And that's why you know; rightly you don't see many towers get extended, especially where the tower developer or owner that's non-carriers developing it's silly. If you're a carrier, you have an interest in building just for you. With a tower owner, a non-carrier such as ECS, they have an interest in building one tower to a height that can carry multiple carriers and that bodes well for everybody says it increases the incentive for co-location, reduces the proliferation of new tower

structures in the village. The tower owner scenario, that's non-carrier actually promotes the location with existing structures.

Chairman Wilford: You said 4 original carriers was your agreement with the village, but, that wasn't necessarily limited to four then.

Mr. Biscone: I think there are 4 national carriers. So you're limited by the number of carriers.

Ms. Murray: Yeah, I have to look at the lease, but there are only four licensed carriers and right now two of them are pursuing the merger. So there's an opportunity that it could get down to three and that merger is on its way. The only potential that it could be stop is the Department of Justice intervenes from the antitrust prospective., Uh, but, there's the potential merger on the table, a proposed merger by Sprint and T-mobile, but it has a good other approvals from a regulatory standpoint.

Board member Hukey: Just remind me, I'm sure you're aware of it. Then the 355-33 G (3) b states said tower shall be a galvanized finish or gray above the tree line and then below the tree line, painted gray, green, black or similar colors designed to blend in with the natural. So I just wanted to bring that to your attention so you can address that when you do submit all the information.

Ms. Murray: And that's within the discretion of this board as to whether or not the gray galvanized finish meets with the color requirement for below the tree line. So we have, we have very similar requirements where there was a request or in the code to have a tower painted gray and then once was explained about the color steel will be gray anyway, and it would become a dull matt, a galvanized finish anyway then that was satisfactory. That's your discretion whether that is satisfactory.

Chairman Wilford: Do you guys have anything else at this time?

Ms. Murray: Thank you.

Chairman Wilford: Thank you. Mr. Grant, will you work on your assessment this week? Can you let us know information on the poles that have been colored? And that would be something you would consider knowing the vegetation and visual impact. That might have ...

Board member Hukey: I have a question. How many, and I'm not sure the terminology, you've got two carriers that are signed up now, or three.

Ms. Murray: Two, AT&T and ...

Board member Hukey: Okay. That's my understanding. Correct me if I'm wrong, that when you're coming before, you got to have x number of carriers that are specified and once you go beyond that, you come back to the board for each additional one because you're changing it.

Ms. Murray: It actually, because of that ruling, we could come back to the board or the Federal law limits the boards discretion to be what's called a substantial increase in height which is defined to be the 10 percent or 20 feet, so the board can require a co-locator to seek approval, but what the federal law says, it's pretty dramatic, is that if there is no substantial increase in height that the co-locator is proposing, then the board has to approve it under Federal law within a certain time frame.

Board member Hukey: Even though it might change the aesthetic effect.

Ms. Murray: The Federal laws say, so long as the change in how the facility appears isn't increasing the height by more than 10 percent or 20 feet, and then it has to be approved within a certain time frame. There's 90 day shot clock and a 60 day shot clock, depending on the circumstances. And then that went into effect. Um, oddly enough, it was a part of the middle class tax payer relief act of 2012. Of what we find is that there's, each municipality decides how to handled that under a, some municipalities say - we don't even want the matter to come back before the Planning Board, and we will treat this as a ministerial action, for the co- location subject to go for code enforcement review. Uh, others will say we still want the planning board to be involved to see what's going on because they originally approved the tower structure and they'll require the applicant to come and present and review the project with the board. The board, the Federal law requires the board to take action within a certain amount of time, so long as you meet the ascertainable criteria that is within the Federal code.

Chairman Wilford: Does anyone else have questions at this moment?

Board member Hukey: Did the Village know what they are getting into?

Chairman Wilford: I don't know. Um ...

Board member Hukey: No, I have no more comments.

Chairman Wilford: So just to sum up real quick what we're reading off, Mr. Biscone, the, so, we will wait for that email from the report with NIER,

Mr. Biscone: Site Safe.

Chairman Wilford: Site Safe, a site plan to be sent to Mr. Grant along with a grading plan. Those are the three things, in addition, okay, the sooner you get that information to Mr. Grant, the sooner he can finished off his stuff, and then we can review, everybody. So are we clear right now?

Board member Hext: What's the turnaround for vehicles?

Chairman Wilford: Oh yeah, you need turn around for vehicles

Mr. Biscone: Yeah

Chairman Wilford: That's the information that was requested. In a moment, we're going to let the public have their some time to make the public comments. I would remind you that you keep them all addressed to this particular application and this particular application alone. Okay. Um, before you do, I'm not gonna do much, but just make a note to the board that it would be in my best interest, obviously we take some time to review this stuff. Also, the information will be made available to all the residents. It will be at the village hall for you to view probably within the next week, two weeks at the latest. All this information and Mr. Grant's information, I would like to have reviewed, so we will have. You'll be able to look at. Sorry, the visual resource evaluation for those you like to look at it, right? You're welcome to look at any of the other paperwork, but this is probably the one that everyone was asking about this about, it shows you the balloon, then is shows you the images. There's three pictures per site. Have I got that correct? They show the change and the change in the set off setting of the, uh, called the panels off of the tower and two different types, So it will be the balloon and two different types of tower for the public to review and that will be in the office. I would recommend that the board consider letting the public look at that. Okay. So now before we do anything else, would anyone in the public like to make a comment? At this anyone from the public would like to come up and speak because a lot of information that you've heard, keep in mind, and there is a lot more information that we're providing to you at the office that you'll be able to go and get. So we'd like to keep everything pretty short and again, make sure it stays on the topic of ECS application, please. Okay, so we will open the Floor at this time. Oh, sorry, please state your

name, uh, speak clearly into the mic. Say your address, where do you live in the village and go for it.

Josh Talents:

Yeah, sure. Hi, my name is Josh Talents. I live on Leesome Lane Just up the hill. I, um, just one quick comment. So, uh, the Applicant kind of conceded earlier that it was an aesthetic improvement to shorten the width of the booms. Can you, I understand it's possible the close mount the antenna so that they're essentially adjacent to the polls as opposed to spread out like a space invader. That seems like it might be aesthetically a superior product design perspective. Perhaps that would be something that the applicant could consider or be required to consider. That's it. Thanks.

Chairman Wilford:

Thank you. Anyone else?

Mr. Capuano:

I'm Tom Capuano. I live in Guilderland. I think Mr. Grant already ...

Ms. Best:

Excuse me, Tom, could I please have your street address

Mr. Capuano:

181 Brandle Road. I believe a recommendation or I heard a recommendation in event that's technology becomes obsolete, that some sort of provision be included in the contract that would allow for the village to have option to invoke that provision, that would require the applicant to dismantle the tower. Thanks. That's my thing I think is essentially because you know, we all know how technology changes. The other thing I wanted to ask is um, we are talking about a 120 foot monopole currently, right? So if 10 percent or 20 feet are possible extensions we could not prevent, then we're talking about 132 feet or possibly a 140 feet. Right. So my question is, did the balloon tests allow for us to see what 132 or 140 feet would look like? That's all.

Chairman Wilford:

Anyone else?

Ms. Casey:

Kristin Casey, 215 Main Street. I've got a couple of questions. First, I wanted to thank you for extending the public hearing, I really appreciate that and doing a second balloon test and the second evacuation. It was really helpful for the public. Um, I was wondering what is the fence like that is going to be around the site.

Chairman Wilford:

No, No, we're just gonna go ahead and give us all of your questions and we'll see if we can answer some of them.

Ms. Casey:

Okay.

Chairman Wilford:

All comments first and then we'll get nice and clear. Thank you.

Ms. Casey:

Okay, thank you. Um, I'd like to know what the fence is gonna look like. I'm thinking if it's going to be chain link that might not really fit in with a residential neighborhood. I think maybe something that is wooden or something that's more consistent with the residential area. I was also very pleased to hear that the footprint will be smaller because there really is a nice tree line that separate, really, I lived right across the street from it and when you drive up the hill, that trees really provide a lot of buffers before you actually see the tower. So I really encouraged as few trees as possible to come down. I also wonder, um, has there been a drawing or a simulation, whatever you call it, of what the tower would look like with 4, however many you said there would be on the pole, so that we would ultimately, it's possible at any time that they could want to add more. Now, I heard there were three before, but I heard that there's two now. But again, I'm trying to think of how many rings there will be and could we have a, a picture of what that would look like? Because instead of just a poll with things on the topic, could be a poll with lots of things on it, which we just would like to know what that's gonna look like before it shows up. Um, let's see. Oh, I did want to make a point. I did talk to SHPO and uh, the state historic preservation office and they did say that they didn't comment on the historic impact of the tower to the community in general, but only to the specific designated historic properties which would be like Main Street, um the train station, you know, places that are actually designated.

Chairman Wilford:

I have the paperwork.

Ms. Casey:

I know, I'm just letting the community know it's a public hearing. Um, also, um, I wondered what the SEQR process is, um, I know when the, the lease was proposed and signed back in what 2013, it was a lease specifically for a cell tower. It wasn't just for lease in general; it was for a lease with the express statement that it was for a cell tower. So I'm curious as to why there wasn't a SEQR process of some kind of done at that time with a special use permit requested so that now you're kind of have your hands tied with this. I've heard people say which is, well, it's a done deal, you know, the Village Board approved a cell tower here. So when did the public hearing, when did the SEQR, when did all that happened or should've have it happened early on before we got to this place. It's kind of like, you know, the input is just what it looks like, not where it's

located. The other question I have is, um, I think he said um, Tim, that, that the village is immune, that the cell tower is immune from the current zoning. Is that what, what is it that you said last time about why this isn't a zoning issue in the code book?

Chairman Wilford: It is allowable use. In the code book it is allowed to be put exactly where it is. It had been even the proper setbacks before the pad was done. Alright. In a R40, you may have this particular use.

Ms. Casey: You may have a 120 foot cell tower in a residential area?

Chairman Wilford: Yes. There is also telecommunications part of our zoning law.

Ms. Casey: I know, I read it.

Chairman Wilford: Then you know the height isn't the issue and it's an allowable use in the village ...

Ms. Casey: yes.

Chairman Wilford: And on that particular site. When you go to the back, there's a chart that shows you the allowable use. It has it checked off. This was all determined before it came here, long ago. So we have, just to give you a list of things here, Nursing care home, church, cemeteries, banks, so on, swimming pool, cellular tower. Okay. Is an allowed use in R40 and in RCD? Alright, then we go look at the attachments. This use is contingent upon obtaining a special use permit from the Planning Board.

Ms. Casey: Right.

Chairman Wilford: That's all I was pointing out. It's an allowable use. So we had applications that have come forward that we've found that they don't fit the use of the parcel. It's important to know that that part of this process was already verified.

Ms. Casey: So why are we getting a special use permit or are you not?

Chairman Wilford: I just, I just got ...

Ms. Casey: I guess you just said we don't need a special use permit.

Chairman Wilford: No, no,

Ms. Casey: But you just said ...

Chairman Wilford: No, no. Use is contingent upon obtaining a special use permit from the Planning Board.

Ms. Casey: Okay, sorry. Now what about the height issue, I thought under the special, under this particular resident residential, I sorry, I don't know what all the terminology, if it is a certain, over 100 feet, it has to be something. I don't know. I'm just asking for clarification.

Unknown speaker: I thought we weren't answering questions?

Chairman Wilford: No. Um, this is the last one I'm answering by the way.

Ms. Casey: Oh, I am sorry; I am supposed to ask them all.

Chairman Wilford: No, it's basically it says 100 feet, except in the case of a cell tower. I know if I read it, I just have to find.

Ms. Casey: I have read it, that's what I'm trying to find the in the zoning law.

Chairman Wilford: Except in the case of a cell tower, they are allowed to do this.

Ms. Casey: Okay.

Chairman Wilford: This was reviewed last month. I just have to find it.

Ms. Murray: It's 355. 16.

Chairman Wilford: Yeah. Alright.

Ms. Casey: That's okay. I can look it up. I did look for it and I couldn't find it.

Chairman Wilford: There you go; I see it, dimensional criteria. It's also in telecommunications tower portion 330.

Ms. Casey: Okay. So I guess my question is why one didn't get a special use permit back when the first agenda, when it first came up?

Board member Hukey: 355.16

Chairman Wilford: It's in both.

Board member Hukey: No part of the antenna shall extend to a height of more than 100 feet above ground level without obtaining a special use permit from the Planning Board.

Chairman Wilford: And where were you looking at, John?

Board member Hukey: 355.16, the top of the page.

Chairman Wilford: Yeah, now go to, it's in the towers that gives that, that supersedes that where you're allowed to have it there, I believe it may be in 355.33, it's in that part. You have to go by the telecommunication section.

Ms. Casey: I don't want to delay this, its okay, I can get the information later, I just wanted to know if the, if it had anything to do with the village board being immune to following zoning laws and if there was a whole other process ignored that I will deal with at legal proceeding.

Chairman Wilford: You're asking, if you're asking me if the village board did all the steps correctly, is that what you're asking?

Ms. Casey: Yeah.

Chairman Wilford: I don't have those answers.

Ms. Casey: Okay. And then the last question I had was I did do a information act, a request to find out how much money we are talking about because I do think that now you have the opportunity to either deny or approve a special use permit and if we deny it um then we should know, you know, how much revenue the village might be losing and if you approve it how much they would get. And when I did the FOIL request that came back this morning saying the village does not have any records pertaining to this matter. Which seems a little odd because you would think since there's already a contract with the person up at the top and already all this going on, it just seemed really odd and I am wondering why you think the village wouldn't be willing to share this information.

Chairman Wilford: Again, I'm not trying to speak to the Village Board. Okay.

Ms. Casey: Okay.

Chairman Wilford: And as far as the contract and the money that they make, to be frank, it is completely irrelevant in this process of this application. I would like to know how much money they get too, but that's not the seat I'm sitting in today. The seat I'm sitting in today deals with the application. It doesn't help us make the judgment because we can't base our judgement on a financial or nonfinancial gain.

Ms. Casey: Sure.

Chairman Wilford: I'm not interested in what they make and I'm not interested if they don't make it. I'm interested in the applicant's process.

Ms. Casey: Okay. Thank you.

Chairman Wilford: Anyone else at this time? Please use the microphone?

Ms. Wey: Yes. Hi, I am probably asking the wrong people.

Chairman Wilford: You have to say your name and address.

I live on Altamont Blvd,

Chairman Wilford: Your name?

Ms. Wey: Ruth Wey, yeah. My question is, has this already been decided or do we get to vote? Does the village get to vote on anything like this? Who decides this?

Chairman Wilford: The village does not get to vote, the five people in front of you and unless an alternative has to stand in will be determining ...

Ms. Wey: You make the decision. Okay. And one other question has anybody, I have read a lot from Dr. Malerba, I'm just interested if anybody's looked into possible health issues, I'm much more concerned with that aesthesis.

Chairman Wilford: We've done a lot of research on health issues. Anyone else at this time?

Mr. Burke: Hi, my name is Dave Burke and I live at Sanford, I've been living in the village for over 25 years and in the town for over 50. I want to thank the board for having this public meeting, hearing, I'm not sure what you're calling it. Um, we're coming here with open minds and undecided agendas. It's very reassuring to know listening to your neighbor's opinions and then that would be the biggest influence on your decision. I understand, unfortunately that the FCC and the industry has sort of backed us into a corner, stack the deck, half the decisions, more than that, are probably already made and you won't have the input. But Altamont's is sort of a special place and we need to make a point about this. It's our quaint little village, the far western end of Albany County. We're tied in more on the Knox, and Schoharie side of things than you really are in the downtown Albany urban type of things. Um, everybody's first impression of

Altamont is their incredible view of the escarpment. It defines us, the Helderberg Escarpment is the first thing people see, it's why we wanted to be here. That's about to change. People will no longer say what a quaint little village, they're going to say, I can't believe they put a cell tower. Does anybody here have poor cell service? I don't. I get great service in town, I go up the hill and get service, I get service everywhere you can go and I sort of sensed a little bit of admission. Maybe the only be two or three vendors and these two are merging, so making a sound like three maybe better than four, two maybe better than three. I'm almost hearing that from you. So to allow this, not a local company to expand, increase their profits. We give up something forever, forever. It's a slippery slope, apartment complex here, a mega Stewart's there. Now a cell tower here. Something that will tower over our village, something that will redefine our splinted panorama. Something that will forever dominate our view. This is outrageous, it's outrageous. The disadvantages far outweigh the advantages. Do the right thing. Size this thing as small as we can, landscape it the way it should, painted so it blends in, make them dot every I and cross every t, we don't care if it costs them more money. I take exception to things; they say it's only partially visible. Come on, it's going to jut up above the horizon line, it's going to dominate the view and I also take exception that there's no effect on historic property, just infecting the entire village. Our village is historic. It's affecting everything. So obviously taking down the tower is not a concession, it's mandatory. There's nothing we can do. Urge you to think of our village or your neighbors and what this will do for us for a long period of time. I don't want to hear about its coming down some day. Probably not in our lifetime. Thank you.

Chairman Wilford:

Anyone else at the time like to make a comment?

Mr. Shilapody:

My name is Paul Shilapody; I live in the Town of Knox on 624 Pleasant Valley Road. I would also like to echo concerns that somebody brought up about the possible ill effects on our bodies. Too often it takes science many years to catch up with technology, who is the person or who is the agency that first puts out the all the safe message on somebody's property, so it's really incumbent upon us to do our due diligence to make sure that we know for sure that it's not affecting the young brains that are developing at the school, especially in light of the fact, that now I find out that at a later time, they could put another carrier on there, which seems like that's just increased the electromagnetic field. Um, so that's my concern. The last thing is if this does go through, which pains me to see, um I would like to understand that if decommissioning also includes

removing from the ground, which I assume, I have seen the plans, the big concrete piers that are going to make this thing stable enough and that there will be trees planted and that it will be returned to forever natural state it is now. Thank you very much.

Board member Hukey: Anyone else at this time?

Chairman Wilford: Okay, do you want to table this and let the public have a chance to look at the materials? Would you prefer to close it and possibly reopen it? What is the board's thoughts on what you would like to do as far as public comment portion at this time?

Board member Caruso: With all the information that we still have to take a look at it, I think we should leave it open. Give them the opportunity to look at it.

The Board agreed.

Board member Caruso: I will make a motion to adjourn (the public hearing for ECS).

Board member Bush: I'll second it.

Ms. Best: Board member Caruso – in favor, Board member Hext – in favor, Board member Bush – in favor, Board member Hukey – in favor, Chairman Wilford – in favor.

Chairman Wilford: I want to try to answer just a couple of questions. I'm not going to go into every single one of them. I thought a lot of people had a lot of great things to add. In a very short way of putting this, the law that has been talked about several times, the FCC, the Act of 1996, which was revised from 1969, states that you cannot reject the telecommunications tower based on its radio frequency and its radiation levels. I'm sorry, radio frequency and radiation levels. Okay. That's the part that we have addressed a couple of times. It doesn't stop us from researching and finding out where we lie. There's even a code that states in our zoning book and they have to use the same numbers of that parameter in the book. Now they've met that. They have the documentation that they've met that. All right. I've also looked it up. Other research that people have given us and we've looked online. Okay, but that's a key part of that factor there. The federal government has passed a law with the FCC that has not allowed us to reject something based on that concern. Does not mean this is not a viable concern. You should all know that legally that is important.

Okay. There is a decommissioned plan and I have emailed the attorney to get more clarification on the full details on the decommission plan. Last month, Mr. Biscone explained there's five years cycles on the tower at this time, it is their options after five years that they could take it down. You can revisit that option again in another five years based on his ability to market to the telecommunication company to keep his tower, if it's viable, worth it to him or is there new technology that has come out that has made it obsolete that he's decided to go with different track? That's that's site. Right. It's a five year cycle that goes as a decommissioned plan. The fine details that are in the decommission plan, I don't have all the answers to that right now, but I do have questions to the attorney and we'll work on finding out that typically most decommissioned plans have a full site removal back to its original thing. Again, I'm not saying that's what this has. I'd have to verify it. It is a lot of paperwork. Okay. The fence type. It's right in the plan. It's right in the village hall. Go ahead and take a look at it. You can see what they have, alright? I'm not going to be asking for another set of pictures to be photoed. Alright, you can use that image. The picture is the highest one, right? But the, I'm so sorry, this cell tower, the pole has the communications on the top part. Just work your way down and you'll know and add for yourself and that's what it will look like. All right, there's two different types plus the balloon that gives you a visual idea and perspective, which is what the public was asking for. I'm not going to ask for them to reprint them so there's four on there. You can draw them in yourself and the size of it right there as far as the public is concerned on that one. Um, and, and again, as far as any questions that would pertain to what the village has done, what the village did, were they right? Not our department. I'm sorry; I don't have those answers for the main reason. I don't have anything to give you either. I don't know the rules. I don't know what they had to do and I don't know even with the process they took. Okay. So I hope that was, did a little bit of what you guys were talking about and I hope everyone takes the time to go and review this information that many of you would asked. It will be made available at the village office. Has said before, there'll be continued communication coming in from Mr. Grant, Mr. Biscone, the attorney for myself and for the board. All right, so we're still gathering information and presenting it. Okay.

Board member Hext:

Can we get maybe some of the other questions answered like the close mount or can they put up a different type of fence that makes it a little bit more ...

Chairman Wilford:

Yeah.

Board member Hext: Aesthetic. We have chain link in there now. Right?

Ms. Murray: In terms of the mounting, we have already reduced the mounting to make a lower profile and that's what's illustrated in the visual resource evaluation report. So I invite everybody to review the report so they see what lower profile with smaller mounts look like.

Board member Hext: So that's a small as they get.

Ms. Murray: Yeah, because they have to have room for four panels per sector,

Board member Hext: Okay.

Ms. Murray: uh, in the original design, before the low profile designs were introduced, the antenna platforms were a 12 foot base on each side, so this is cutting it in half, but that still remains a typical cell tower profile. This reduction is done so we can produce the profile.

Chairman Wilford: Is this a 6 or an 8 foot fence? Right. It's for security and it's not, it's not a standard home fence. I understand that. And it's not actually in a standard residential lot. I understand there's a neighborhood, but there's huge water towers and stuff that are right there too. Now, was there a brush or something? Bushes. What was something else for a buffer that I saw?

Board member Hext: There are trees that are there now.

Chairman Wilford: No, no, it's the tree line. I'm going to, Thank you, you are right. Again, so you can gather more information, concerns as far as the height in the situation that that goes through, we'll be contacting the attorney just so we understand that a little bit better. That's the best I can say at this time, all right, without talking to Mr. Heller who was unable to attend the evening. That's something we'll have to look into, just so we fully understand the process, that's all.

Board member Hext: Are they going to be trees that will be removed to access the site that could be replanted? At the, I am just trying to mitigate some of the ...

Mr. Biscone: There are no trees being removed from Route 156 to the site. On Agawam Lane, our easement with the property owners and with the Village of Altamont, we have reduced the compound from 80 by 80 to 65 by 65. We are reducing it 50 feet on the

north and 50 feet on the east, which is the side the trees are on. We are trying not to, I think most of it at this point, would be small brush and saplings.

- Board member Hext: That's being removed.
- Ms. Murray: Where the actual monopole is proposed is already a paved area.
- Chairman Wilford: It's crushed stone.
- Mr. Biscone: I believe it is paved.
- Chairman Wilford: They've paved that spot, that little spot there? I don't think so.
- Board member Hext: Let's ask Jeff.
- Chairman Wilford: That one spot is?
- Mr. Moller: That whole area is paved.
- Chairman Wilford: Just the pad part?
- Mr. Moller: That whole, almost that whole area where that spot is going to be is already paved.
- Chairman Wilford: You drive all the way down, it's a gravel road and then there's the two towers.
- Mr. Moller: There is blacktop at the starting at the top of the hill.
- Chairman Wilford: Is it?
- Mr. Moller: Yes.
- Mr. Biscone: So it is a paved area now.
- Board member Bush: Okay.
- Mr. Biscone: That will minimize any mitigation.
- Chairman Wilford: Do you guys have any more questions at this time for the applicant, keep in mind that if you did have something, you certainly are allowed to email Mr. Biscone, Mr. Grant and Mr. Heller.
- Board member Caruso: You've got it.

Chairman Wilford: So this won't be your last chance, but do you have anything else at this time?

Board member Hukey: Shouldn't we then wait for the other information.

Chairman Wilford: Yeah.

Board member Hukey: Okay.

Chairman Wilford: Thank you both very much.

Ms. Murray: Thank you.

Chairman Wilford: Alright, um, if everyone would like, let's take 5 minutes and then when we will start with Stewart's portion of the evening.

Chairman Wilford: 01:29:11 Okay. You guys ready? Excuse me, at this time I ask you to quiet down. Hey guys, if you are going to stay, you need to sit down and be quiet please. I mentioned before there's a pre application meeting. This is a meeting that between the board and the applicant and were allowed to have our building-code enforcer, who's unable to be here this evening. That's, that's it. Other than that, it's all a spectator sport at this time. There will be a process where there will be a public hearing. Every application will reach that point and there will always be a time we will get to have the public hearing. This just isn't it? Okay. So this is a gathering of information and get your questions in order from there.

Stewart's Shop Pre-application meeting:

Mr. Marshall introduced himself. He asked if he should share the pre-application plans with the public. Chairman Wilford felt that because it was a pre-application meeting, not a public hearing that probably should not be done at this time.

Mr. Marshall stated that Stewart's took the comments and information presented by the public at the re-zoning hearing and tried to incorporate many of those in the pre-application plan. He said Stewart's was proposing a 3,719 square foot shop that represents approximately 15 percent reduction in overall building on the site now. He stated what was on the site now was a 2,600 square foot store, 2588 technically, plus the 1,758 square foot house. He said they will maintain the number of pumps at two. Stewart's would add diesel fueling as a three plus 1 under the canopy.

Mr. Marshall went on to state that Stewart's canopy would be a mansard roof and it will hide any fire suppression unit on top, which was one of the things people stated they wanted in the past. He did state that NYS International building Codes no longer requires fire suppression if the pumps were a certain distance from the store building.

Mr. Marshall stated that Stewart's was proposing to decrease the number of curb cuts. They would like to eliminate the Altamont Blvd curb cut closest to the intersection. They would like to amend the Helderberg Avenue entrance closer to the intersection. This will allow for the landscaping on the corner.

Mr. Marshall stated that the current building was built in 1980 and Stewart's no longer has gasoline filled at the corner of their buildings but away from the buildings. He also stated that Stewart's would like the pumps at an angle on the lot, this allows for more accessibility by allowing more circulation around the site by others when people are getting gas. Mr. Marshall stated that he read the recommendations submitted to the Village Board at the re-zone hearing regarding the decrease in the building size along with the increase in parking and the decreasing green space in plans submitted to the Village Board at that time. He reminded the Board that by Village Code he was required to have 1 space per 100 square foot of the actual building. This meant they had to have 37 parking spaces and that does contribute to the amount of blacktop that's on the site. The pre-application plan was designed to block traffic and lighting from the property at 111 Helderberg Avenue. Mr. Marshall stated he spent about a half hour with the resident of 111 Helderberg Avenue at the Village Hall last week and went over some of the specific elements of her concern. Stewart's is proposing no lighting on the back of the building so it won't shine on 111 Helderberg Avenue. Stewart's is proposing a fence. He stated that the resident at 111 Helderberg Avenue had some concern about her own fence along the property line and Mr. Marshall stated that Stewart's would look into something to accommodate her concern regarding the fence or specifically some type of screening of the mechanical equipment.

Mr. Marshall stated the proposed building will be a hardy board building with a stone veneer, the front porch will extend along the entire elevation, the side porch will also extend. This will allow for people to sit outside and enjoy their ice cream and food. We've proposed dormers on for the second story of the store and it was designed to match the architect of the buildings on that corner. Landscaping is proposed along the perimeter of the site. He stated that Stewart's doesn't own the actual little landscaped corner and it is not included in their landscaping calculation, but landscaping

beds around the side and trees would be planted along the road. He did state that the site was a DEC Hotspot and require the use of blacktop. He stated that Stewart's will follow the Village Code in regards to the lighting plan.

Chairman Wilford stated that Stewart's needs to merge the two parcels before this Board can proceed. He also stated that Stewart's would need a variance with the proposed plan. The building is set back on the property and the Village code stated in the CBD, there is a 10 foot maximum set back in the front yard and a minimum 50 foot setback in the rear yard. Also, because it is on a corner lot, there are two front yards, that along Altamont Blvd and that along Helderberg. He advised Mr. Marshall that Stewart's has to be creative. He gave Mr. Marshall some suggestions. Chairman Wilford said Mr. Marshall could stick with this plan and try to get the variances from the Zoning Board or re-design the plan and come back for another pre-application hearing.

The Board reviewed different aspects of the proposed plan. They stated that they would like to see the size of the building reduced; they understood that if that was done, some of the services offered by Stewart's would also be cut back, they would like to see more landscaping and less blacktop. They were glad that he is will to work with the resident at 111 Helderberg Avenue in finding some resolutions. They did state that they thought a larger building would increase traffic on the site. They were concerned about changing curb cuts especially increasing the curb cut on Helderberg Avenue. They felt it might be more hazardous. They also discussed the variances and how it should be handled. They were concerned about the lighting and advised Mr. Marshall to review the signage allowances under the Village code. They also advised Mr. Marshall that it probably is not a good idea to make pre-application plans available at the store prior to getting them approved since things always change by the time the final plans are set for public hearing.

Chairman Wilford stated that the next steps were up to Mr. Marshall. He could proceed with this plan and try to get the variances or he could re-submit a new plan to the Planning Board. Chairman Wilford stated that he would like to meeting with the Zoning Board because he felt that any plan would require some variances because it was a corner lot. He instructed Mr. Marshall to contact the Building Inspector to get assistance on merging the two parcels. He thanked Mr. Marshall for coming in.

Chairman Wilford stated the next meeting of the Planning Board will be on Monday, February 25, 2019. The Board did not review the minutes from December 2018 at

this meeting. It was determined that there was no Old business and there was no New business.

Board member Hukey made a motion to adjourn at 9:22 pm. Board member Bush seconded the motion. All in favor.

Respectfully submitted,

Kelly Best