

Gallatin Planning Board  
667 County Route 7, Gallatin NY  
Meeting Minutes

ACCEPTED

June 25<sup>th</sup>, 2012

Attending: Chairman Terry Porter, Bruce Humphries, Ira Levy, Phil Peeples, and Brian Arico. Councilman Fraser Paterson.

Dan Russell, representing the Frank Subdivision on Mill Hill Road, presented new maps showing a revised location for the cul-de-sac with the private road extending 60' past the cul-de-sac to create 200' of road frontage for lot A. Lot D shows an existing farm road as its driveway and it was discussed as to whether or not the driveway needs to be 15' from the nearest property line. It does not appear that the farm road would meet that requirement, but it was suggested that the review by the Town engineer could resolve this. Mr. Russell said there is a problem with the location of the Septic System for lot C because the proposed site is too close to the flood plain, but that will be taken care of with the Columbia County Department of Health. He advised the Board that Mr. Frank is objecting to building a fire pond. Attorney Replansky advised Chairman Porter that the Board might be "on thin ice" requiring a fire pond. In an email to Chairman Porter, Mr. Replansky relayed "I am not sure what authority you have to require a pond (which is an expensive proposition) unless it is absolutely clear that there is no other effective means of fighting a fire within the subdivision." Terry will contact Fire Chief David Boyce and request that he survey the property for fire safety. Ira asked if the request for no further subdivision would be followed in the deeds to the parcels. There was talk of a Conservation easement, but Mr. Frank does not want to give up development rights. Phil commented that the general rule is; 1 house per 100 acres but just a general rule and exceptions can be made. Ira commented there is a potential for a minor sub-division becoming a major sub-division down the road. Bruce asked what would happen then. Phil commented that a Major sub-division would require a road that meets the specification of the Town, but Mr. Franks' road is a good road and is in better condition than some Town roads. Terry gave Mr. Russell the Escrow agreement that Attorney Replansky is requesting be set up. He also advised that Town Engineer, Morris Associates, must review the property to see if the road is adequate for a 4 lot sub-division. The road maintenance agreement still needs to be reviewed by Attorney Replansky. Bruce asked if the Board is agreeable with the new maps showing the correction for the cul-de-sac and road frontage and the Board agreed that it is agreeable. Terry advised that in establishing the escrow, the Town does not want to spend the applicants' money unnecessarily. Mr. Frank's permission was requested for the GPB to ride up the road to see the site conditions for themselves. Mr. Russell advised he would check this out with Mr. Frank, and get a road profile to Morris Associates. Terry advised that the map & road specifications should not be sent to the Morris Associates until the escrow agreement has been executed.

Chris Ciolfi from Mariner Tower distributed application booklets for the proposed Wireless Communications Cell Tower at Wilmer Hill Road and State Route 82. Abutting neighbors' names addresses and map block and lot numbers are listed.

Chairman Porter advised the GPB that he has been retained by an abutting neighbor as an architect to renovate an existing dwelling on that property and wants to know if he should recues himself.

The GPB does not believe Chairman Porter should do so, at this time.

Mr. Ciolfi advised there are two (2) lots #205.-1-10 and 250.-1-1.20 located at 23 Wilmer Hill Road owned by Douglas J. Ingram and Karen M. Ingram. One lot is 4 acres which contains the Ingram's dwelling and the second lot is 50 acres where the proposed facility will be located. Both parcels are in RA-2 zone. The set-backs meet and exceed the Zoning Laws. The access to the proposed site located on the 50 acres parcel is via the existing driveway to the dwelling on the 4 acre parcel. There would be a deeded right of way for the access across the 4 acre parcel. Bruce asked if a different driveway accessing solely through the 50 acre parcel would be better as he is concerned with the right of way. Mr. Ciolfi advised there is 600' of paved driveway from Wilmer Hill Rd. already in place and that the proposed access is a more "natural" access up the hill. If the tower goes away, so will the right of way. Chris showed maps where the road and tower would be located. (See pg. 12 in tab 1, regarding the easement and lease agreement.) The maps show the set-backs are 910' from the closest dwelling. Terry asked Chris to confirm the distance to the closest dwelling. Chris submitted a letter for Building Inspector Weaver, which was put on Drew's desk. (Copy inside application booklet)

Terry asked if a study was done, showing where it would be beneficial to put other towers in the Town of Gallatin to provide ideal coverage. Chris commented that those studies were done but that factors of availability of the sites and access comes into play. Chris believes that RTE. 82, Mill Hill, RTE. 7 and Ancram will be covered nicely. After the Brody Cell Tower and the Ingram Cell Tower are up, there may be some coverage on RTE. 11. They will need to have more than 2 sites up before they can determine other locations. Town may not need more because when 2 sites are up, there may be enough coverage. Mariner wants to put up minimum visual effect on Town. He will do a study to see if going higher, may increase service in other areas. Ira asked about the safety of radio frequency. Chris said information is located in Booklet under Tab 3, but Town should check with David Groth, any of their concerns about danger.

Chris distributed letters with Mariner Tower's response to comments raised by GPB in their May 21, 2012 DRAFT minutes. (Mariner Tower response letter to GPB May 21, 2012 minutes attached) The GPB and Chris went over each comment and response.

#1. Long form of SEQRA Part 1 and Part 2 attached to Tab 5 by Applicant.

#2. 15% increase every 5 years for removal Bond.

#3. Balloon test will be conducted at the Board's convenience.

#4. Applicant believes proposed site minimizes visual impact, provides adequate coverage to a gap along State Rte 82 and complies with all setbacks and local law.

#5. Further analysis will need to be conducted after both Ten Neighbors Rd. and proposed Wilmer Hill Rd. sites go online, regarding ideal locations for towers to cover the Town.

#6. To minimize environmental impact on property and number of driveways to existing roads, Tab 1 has a copy of memorandum/notice of Lease between Applicant and landowner, which includes right of access over both landowners parcels and easement for non-exclusive rights of access to the site.

#7. Tab 3 has attached letters from AT&T's radio frequency engineer documenting the need for the proposed facility and its compliance with federal laws.

#8. In accordance with Section 5.12.C 13.a & b, the proposed tower will be located more than 750 ft. from closest existing abutting structure. As shown on sheet C-2.0 Site Development Plans, the closest abutting existing structure is 910 ft from proposed tower. Applicants understanding of this section are to existing structure at time of application and not to future structures.

Chris gave July 9<sup>th</sup>, as a date for the balloon test which will be conducted before the Public Hearing. Notice will be put in the Columbia Paper and all abutting neighbors will be notified. If weather does not permit, alternate dates are July 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup>. The GPB will also post the dates on the Gallatin Web site, at the Town Hall and Courthouse. Ancram Supervisor Bassim and will also be notified to post dates through his email list.

Terry showed a map received from Bob Ihlenburg for a proposed 2 lot sub-division of the Varlamos property on Hill Top Road, Tax parcel #204.01-5.521. The Board reviewed the sketch plan and discussed the steep slope and not enough road frontages as seen on the map. Further review will wait until applicant is present.

Meeting minutes were read. Bruce made a motion to accept. Phil 2<sup>nd</sup>.

With no further business to discuss, Terry made a motion to adjourn at 9:45pm. Ira 2<sup>nd</sup>. All were in favor.

Respectfully submitted,

Anne Fecci