

MINUTES OF MEETING ~ SEPTEMBER 21, 2009

(This meeting began as a coordinated review with the Planning Board and the Zoning Board of Appeals combined, on an application of Cellco Partnership d/b/a Verizon Wireless, to construct and operate a Wireless Telecommunications Facility on property located off State Route 9, tax parcel #36.-1-20, in the Town of Chester).

PLANNING BOARD ATTENDANCE: Rick Bump, Eugene Dutcher, Harold Ellsworth, Paul Little, Bob Thurling, George Hilton, and Secretary Pat Smith. Absent were Ken Raisner and Suzanne Robbins.

ZONING BOARD ATTENDANCE: Ken Marcheselli, Bill Oliver, Arnold Jensen, John Grady, and John MacMillen. Absent were Elizabeth Morris and Mary Jane Dower.

MINUTES: On a motion by Mr. Dutcher, seconded by Mr. Ellsworth, the Minutes of the August 17th meeting were accepted, as presented. Motion carried 6/0.

CORRESPONDENCE: Zoning Activity Report for August 2009; & Cellco Partnership Radio Frequency Propagations.

In the absence of Chairman Ken Raisner, Mr. Paul Little chaired the meeting.

SPR2009-05 & SD2009-03 ~ Cellco Partnership, d/b/a Verizon Wireless. Jared Lusk of Nixon Peabody LLP out of Rochester, was in attendance on behalf of Verizon Wireless. Verizon's objective is to construct a wireless telecommunications facility on property adjacent to NYS Route 9, in order to provide seamless coverage from I-87 through New York, up to Montreal, and down to Albany. The Site for the telecommunications facility consists of a 0.13+/- leased portion of the land owned by Word of Life Fellowship located on tax parcel #36.-1-20. The facility will consist of the construction of an 80 foot monopole tower and wireless telecommunications antennas with a 10 foot lightning rod, an 11' - 6"x 30' equipment shelter, together with other site improvements, in a Moderate Intensity Land Use Area.

Mr. Lusk explained the line of site technology that travels from the phone to the antenna and back to the phone. Wireless telephone use has burgeoned since the technology was introduced in the mid 1980's. There are currently more than 118 million wireless telephone users in the U.S., with approximately 28,000 more being added each day. Wireless technology provides a critical link for emergency services, such as ambulances, which use such service to transmit vital signs and medical information via medical telemetry. Increasingly, police and other emergency service providers are relying on wireless telephones to communicate with dispatch and receive calls for assistance. Additionally, many businesses heavily rely on wireless telephone service, and individuals use it not only for their own convenience, but for safety reasons, as well.

The project, as designed, will not pollute, will not create noise or vibration, will not create any significant increase in traffic, will not create any environmental problems, will not increase population density, and will not create any demand on governmental

facilities. Instead, the project will promote the public welfare by providing a modern, more efficient system of communications for police, fire and other emergency services, as well as to provide modern wireless telephone service to business, industry and individuals.

There is a report on file, reviewed by Mr. Lutz, that describes how the proposed Pottersville facility was located. It includes a description of the need for and development of the "search area," a summary of the locations evaluated as alternative sites, the site selection process utilizing the Adirondack Park Agency Tower Siting Guidelines, and describes why the Word of Life parcel is best suited to satisfy coverage objectives. The goal is to maximize the amount of power available in critical target areas, such as highways and towns. Wireless telecommunication transmissions are broadcast at a very low power level (compared to radio and TV), and any obstructions, whether manmade or natural between the transmit/receive antennas and target reception area significantly reduce the amount of power available for the mobile device user. Hills, mountains or buildings, and even foliage can block a significant portion, if not all, of the transmitted signal before it reaches the end user (the customer). Due to these factors, not all locations within a cell will provide adequate coverage, and the search rings are typically designed and placed in or as close to the critical target area as possible. As such, sites planned to cover the Adirondack Northway Interstate 87 (I-87) must be positioned close to the highway to minimize signal loss through the trees lining the highway, and, assuming terrain and local clutter allow, as close to the center of the target area as possible. The ideal site would be placed to cover 2.5 miles in each direction, and be as close to the highway as possible. There is a Real Estate Team that looks for potential sites within the search area that are both technically appropriate and sensible from a zoning and land use perspective. Radio Frequency Engineering then uses computer modeling and simulation to analyze each potential site, approving or rejecting candidates accordingly, and ranks the qualified candidates based on how well they satisfy the RF requirements. When potential candidates are identified that appear feasible to all parties, leases are negotiated, final design plans formulated, and the sites are submitted to the appropriate governmental bodies for approval. Unlike typical expansion areas, the Adirondack Park presents significant complexity in design and site selection, particularly the need to meet the APA's Tower Siting Guidelines requiring substantial invisibility. With that in mind, Verizon Wireless typically targets candidates at locations where tower height can be kept to a minimum, off of the crest of hilltops, so there is ample natural tree cover and/or hills and mountains behind the tower, and which also requires the minimum amount of tree clearing and access road distance to preserve as many trees as possible. The proposed Pottersville site is critical in Verizon's plan to provide safe and uninterrupted coverage along Interstate 87 through the Adirondack Park to the Canadian Border. The Pottersville site is one of ten new sites proposed to complete I-87 Adirondack Park coverage from Lake George to Keeseville. On September 28th or 29th, balloons will be flown at the proposed tower site, and pictures will be taken from surrounding locations to determine any obvious visibility from major highways or the surrounding community. It was asked by the board members whether the tower could actually be raised above the proposed 80 feet, in order to expand the coverage even further into the community. The flying of the balloons will significantly impact that decision, based on the findings of the Adirondack Park Agency. After the balloon flying, dates will be considered for a Public Hearing with

coordinated review by both the Planning Board, for Site Plan Review as well as Subdivision, and the Zoning Board of Appeals for a height Variance.

Following review, questions and answers, a brief recess was taken.

PUBLIC HEARING: Having been duly advertised, the Public Hearing was opened at 7:45 p.m. for #SD2009-02 ~ Marino Cosenza & Sons proposed 4-lot subdivision.

Applicant was represented by Mr. Zachery Monroe. Property is located on the Olmstedville Road, heading West, and just past the playground from the old Pottersville School, on the right hand side. Property is located in the Hamlet and borders Trout Brook on the north easterly side. Total acreage of the parcel is 6+/- acres, two larger lots will be 1.9 and 1.8 acres respectively, and the remaining two will be at 0.9 +/- acres. There will be one curb cut with a common road leading to a Cul-de-Sac, with said road later being offered to the Town. Driveways to individual lots will be privately maintained, with the two smaller center lots sharing a common drive. Town water is proposed, and each lot will have septic disposal systems pumped to 4 independent fields, with a 100% field replacement area. There were no questions or comments from the public, and following brief discussion, motion was made by Mr. Little to close the public hearing at 7:50 p.m. Motion was seconded by Mr. Dutcher, and carried 6/0.

Motion was then made by Mr. Dutcher, seconded by Mr. Bump, to approve application #SD2009-02, for a 4-lot subdivision, as proposed. Motion carried 6/0.

OLD BUSINESS: None.

NEW BUSINESS:

Denis & Linda Roy ~ proposed lot line adjustment. Attorney Dan Smith of Smith & Simon, LLC, was representing applicant. Applicant is owner of property along the Hardscrabble Road, one parcel purchased in 1990, identified as tax map #33.-2-18.2, and the second, a small parcel inset within it, identified as tax map parcel # 33.-2-26 and measuring 100' x 150', purchased in 2004. Applicant wants to increase the smaller lot, by virtue of a lot line adjustment, to 1.5 acres, leaving the remaining holdings at 8.5+/- acres. Property is located in a Rural Land Use Area. Following brief discussion, motion was made by Mr. Ellsworth, seconded by Mr. Dutcher, to approve the Lot Line Adjustment, as proposed. Motion carried 6/0.

#SD2009-04 ~ John Wright proposed 3-Lot Subdivision. Applicant is owner of 100+/- acres of land, having 300 +/- feet of shoreline on Hidden Lake, and is located on Olmstedville Road, tax map designation #34.-1-27, a Rural Land Use Area. Property is improved by one 1100+/- square foot existing single family dwelling, a 1400+/- square foot garage/shed, and a pre-existing 430+/- square foot barn, all located on proposed Lot #1.

Applicant proposes a three-lot subdivision, creating a 27+/- acre parcel (Lot 1), a vacant 33+/- acre parcel (Lot 2), and a vacant 40+/- acre shoreline parcel (Lot 3) containing wetlands. The subdivision line creating Lot 3 will be at least 200 feet from all wetlands

associated with the property, leaving the project non-jurisdictional with the Park Agency. Applicant proposes conveyance of the 40+/- acre parcel (Lot #3) to Hidden Lake Timber, LLC, which abuts it, to become part of their holdings. In turn, Hidden Lake Timber, LLC proposes to convey to applicant 40+/- acres abutting Lot #1 on the Northwest side of the property, to be merged with, and become part of the Wright holdings. Applicant indicated that he would then come back to the board with proposed Lot Line Adjustments, in order to make the three created lots of equal value in size, at about 33+/- acres each.

Since applicant did not yet have a survey completed on the parcel, he was not sure whether it would be completed in time to have the public hearing at the October meeting. A deadline was given for paperwork to be turned in, and a motion was made by Mr. Dutcher, seconded by Mr. Bump, to advertise for a public hearing for the October 19th, 2009 meeting, in the event that the paperwork was in place in advance. Motion carried 6/0.

#SPR2009-06 ~ Joy Geidel proposed change from Multi-use to Commercial use. Applicant was represented by Kevin Stonitsch, Contractor, of Adirondack Customs. Applicant is owner of a structure, formerly a residence, located at 6404 State Route 9, a Moderate Intensity Land Use Area. Applicant has converted the first floor of the building into office space for her Real Estate business. She wants to use the second story of the building as additional office space, having an open floor plan, thus changing the structure from multi use to totally commercial use. She will relocate her own office upstairs, leaving her former space on the first floor as a conference area. County Code enforcement standards will be met for the conversion. On a motion by Mr. Thurling, seconded by Mr. Hilton, approval was given for the proposed change to application #SPR2009-06, as proposed. Motion carried 6/0.

Cheri Kenney ~ proposed Lot Line Adjustment. Applicant is owner of property on State Route 9, Loon Lake, a Moderate Intensity Land Use Area. Property is made up of three 50' wide lots. However, even though there are 3 individual deeds, at some point in time, two of the lots were merged into one, leaving two tax map parcel numbers, #69.17-1-12, and #69.17-1-13. There is an existing dwelling near the road that has it's drywell and septic encroaching on another lot. It also had encroached into the State R.O.W., which, again, at some time, had been conveyed back to a former property owner. Applicant now wants to reconfigure the two lots so that the house in the front (Lot #1), has all of it's utilities on one parcel, and everything in the rear of it being consolidated into Lot #2, which also has a new dwelling located on it, and a very old little cottage which has fallen in, and will be removed. There will be a driveway access to the rear lot which runs parallel to Lot #1 and the property sideline. This project will result in only two new deeds being written. On a motion by Mr. Hilton, seconded by Mr. Ellsworth, motion was made to approve Lot Line Adjustment, as presented. Motion carried 6/0.

BOARD PRIVILEGE: Secretary mentioned that Mr. John Behan's office had called, looking for a resolution to extend their Site Plan Review for another year. Project was Site Plan Review #SPR2008-02, a proposed mixed use shopping center, located on State Route 9 and Exit 25 of I-87, tax map #87.20-1-5. On a motion by Mr. Dutcher,

seconded by Mr. Bump, #SPR2008-02 is extended until September 20th, 2010. Motion carried 6/0.

ADJOURNMENT: On a motion by Mr. Bump, seconded by Mr. Ellsworth, meeting adjourned at 8:30 p.m.

Respectfully submitted,

Patricia M. Smith
Secretary