

## Town of Corinth Planning Board

600 Palmer Avenue

Corinth, New York 12822

Phone: 518-654-9232 ext. 6

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### Planning Board Meeting Minutes: December 17,2020

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#### Planning Board Members

##### Chairman

David Barrass

##### Members

Althea Rivette

Dan Willis

Joan Beckwith

Louise Reed

Daren Potter: Alternate

#### Planning Board Attorney

Jackie White

#### Planning Board Secretary

Lynn Summers

#### **Meeting was held virtually via Zoom**

##### **1. Meeting was called to order at 7:03 PM by Chair David Barrass**

##### **Attendance roll call.**

##### **Members Present:**

Althea Rivette – Absent

Joan Beckwith – Absent

Dan Willis-Absent

Louise Reed – Yes

Daren Potter- Yes

David Barrass - Yes

Lynn Summers - Yes

Jackie White - Yes

##### **2. Motion to approve November 19, 2020 minutes as presented**

Tabled the minutes to the next meeting.

##### **3. Public Hearing**

##### **4. PB-2020-0012**

**Minor 2 lot Sub-Division TM#74.-2-18.1**

**Schermerhorn/Schuh (applicant present)**

**Folts Rd**

Reviewed at last month's meeting and scheduled the Public Hearing for tonight. We identified one possible conflict with the driveway and the stream and wetland. We asked the surveyor to verify that there is room for the driveway and show the stream on the map. We did receive the modified map showing the stream/wetland and it clearly shows there is room for the driveway by the stonewall. There was a question about the length of the driveway that it does not exceed 500ft. If over 500 ft. we must comply with the turnarounds for firetrucks and emergency vehicles. They put a note on the map showing that the driveway does not exceed the 500ft.

Board Members Discussion/Questions:

Louise – no questions, comments

Daren – no questions

The applicant completed the Short Form SEQR Part I.

Attorney read the SEQR Part II questions and the board answered.

Motion made to declare a Negative Declaration that the project will not result in any adverse environmental impact made by Louise Reed, Seconded by Daren Potter. All in favor – aye

Open Public Hearing at 7:20PM

Secretary read the Public Hearing Notice into the record.

Public Comments – none

Motion to close the Public Hearing made by Louise Reed, Seconded by Daren Potter, All in favor – aye

Motion to approve the 2 Lot Sub-Division made by Daren Potter, Seconded by Louise Reed, All in favor – aye

Applicant needs to provide 2 Mylar maps and 1 additional paper map. They will be dated and stamped.

Applicant has 62 days to submit 1 mylar and 1 paper signed and stamped with approval to the county or the application is voided.

Chair

2 Cell Tower applications on the agenda

Cell Towers are not a permitted use in any zone.

The applicants had to go to Zoning Board of Appeals (ZBA) for a Use Variance. ZBA has granted a Use Variance for both applicants with a condition for Site Plan Review.

Cell Towers fall under a Public Utility which places some limitations on what the Planning Board can do at the local level.

Dave Barrass read Cell Tower regulations. If a Use Variance is required, they only need to prove they will fill the gaps in service, must be in the least obtrusive means. Cell Tower allowed in a location through local Zoning Code or obtain a Variance. Local Land Review can impose conditions on the Cell Tower construction or even deny the Cell Tower.

Dave read the criteria for any Site Plan.

The local board may not base decisions on health concerns as long as they are in compliance with FCC regulations.

Shot Clock Law- application must be reviewed within a reasonable time (150 days), we have exceeded that time to date with review by both boards, (ZBA and PB) and the Pandemic. Both applicants have been so kind to extend that time.

Review must be supported by creditable evidence.

### **Verizon Cell Tower**

#### **Freight House Rd. TM# 59.-2-57.1**

Application has not been before this board before now.

Located in the Adirondack Park and undergoing APA review.

Referred to Saratoga County Planning Board – Determination was no significant countywide impact.

Presentation by Jared Lusk:

Have gone to the APA for review and there have not been any Site Plan Questions

APA is waiting on the local town decision/review

100 ft monopole

Ricci property

Balloon fly conducted – result was that it was not tall enough, proposed an increase to 110ft- APA agreed

6 Antennas

Short Access Rd – near the Town/Village line

Not a lot of nearby properties requiring setbacks

Board Discussion/Questions

Louise- none

Daren- none

Dave- property lines are labeled approximate only

Access road close to the property line – it needs to be identified before

Construction- need to be sure to stay on the property

Road grade is steep – Jared L said it has been approved by Verizon

Public Hearing for Site Plan Review is optional

Zoning Board Public Hearing – no Public comments received

Should we waive the Public Hearing? Balloon test – showed there is not a

Lot of visual impact.

Do we feel that the Public Hearing would be a waste of time?

Louise- no complaints – no Public Hearing

Daren – agreed –

Motion to waive the Public Hearing for Verizon Cell Tower made by Dave

Barrass, seconded by Louise Reed. All in favor – aye

Motion for Site Plan approval of Verizon Cell Tower made by Daren Potter,

Seconded by Louise Reed, All in favor- aye

Jared Lusk- thank you

### **AT&T Cell Tower TM# 73.52-1-19.122 & 73.52-1-34.15**

#### **1<sup>st</sup> Street and Sycamore St**

Type I Action- As the Lead Agency the Planning Board (PB) completed the Long

Environmental Assessment Form- found no significant environmental impact

Saratoga County Planning Board (SCPB)- determination found no significant

Countywide impact.

Presentation – AT&T- Matt Kerwin

Matt said he was not at the initial Planning Board review for the Full SEQR review

150 ft tower on the Howenstein Property, wooded lot, 4 ft lightening rod on top

30ft wide access road

7 ft high fence around the tower

Generator on location with 2 – 70w lights for access after dark

6 antennas

SEQR- negative declaration

Hoping for approval like Verizon just received.

Board –

Louise- are there lights on top for planes

Matt Kerwin- not required because of the height of the tower

and the distance from the nearest airport

Daren- no questions

Dave – the Zoning Board had a private consultant Professor William Johnson

Complete a study.

Residential neighborhood

Construction equipment storage? Matt said the equipment will be kept on the site. Construction will be quick, 4 to 8 weeks, few trucks

Construction over winter? Kim Revack said it will be weather dependent

Public Hearings are optional for Site Plan Review. Dave said he attended the Zoning Board meetings and the first Public Hearing there was negative

Public comment, opposition voiced. Second Public Hearing- more people

Attended, approximately 40 attended.

Town has received a petition from the public against the Cell Tower, and

Several emails.

Dave asked do we need another public hearing.

Louise- there is opposition to the tower and asked if the ZBA resolved the

Opposition, the government wants everyone to have internet service.  
Matt Kerwin- regarding a Public Hearing  
We appreciate your time.  
It has been 9 months since filed the application with the town.  
AT&T agreed to extend the Shot Clock for Professor Johnson to complete his report. March 5 was the first appearance, attended 2 ZBA meetings for Public Comments. It comes to 2 things, location and height  
ZBA approved the Use Variance.  
Can't move the location because of the coverage needed.  
Asked the PB to waive the Public Hearing.  
Dave – yes, a lot of public comment has been heard but the PB members were not at those meetings.  
Yes, the Shot Clock is over the 150-day limit, but we have had the Covid Virus and the boards did not meet for several months.  
The shot clock law requires review in a reasonable time.  
The Planning Board regular process for Site Plan Review takes 2 meetings, the initial review and a public hearing.

Louise asked the Attorney Jackie White for her input. Jackie said it is up to the Board, she agreed with Dave's characterization of the Shot Clock law.  
Dave pointed out the things that affected the review. Board did not meet for 3 months, agreed that the board is not treating AT&T differently by having a Public Hearing.

Daren – inclined to see it move forward  
Dave – we are in an uncomfortable position, there are a lot of people in the town that are good citizens and we have an obligation to let people speak to the board.  
Louise – yes schedule a Public Hearing  
Daren – no Public Hearing  
Dave – I don't believe there will be anything new to give us reason to deny the tower.  
Someone from the public asked if they could speak. PB said not at this time this is not a public hearing.  
I feel we should hold a public hearing as our obligation to the community. Their input should be considered.  
Matt Kerwin – said he respects the board's decision to have a Public Hearing.

Boards decision: schedule a Public Hearing for 1/6/21 at 7:00PM via Zoom.  
Louise- yes, Daren-yeas, Dave-yes  
Matt Kerwin- AT&T agreed to extend the Shot clock to the January 6 Public Hearing.  
Jackie White asked if Professor Johnson's report and AT&T's supplemental information had been submitted to the PB members? Dave replied yes.

**Motion to adjourn at 8:15PM- made by Louise Reed  
seconded by Daren Potter, All in favor-aye**