

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES
April 27, 2011**

Chairman Ian Murray called the meeting to order at 7:30 p.m.

Planning Clerk Linda McCabe called the roll: Chairman Ian Murray – present, Robert Park – present, Laurie Griffen – absent, Patrick Hanehan – present, Robert McConnell – present, Jennifer Koval – present, Joseph Lewandowski – present, Alternate Brandon Myers – present.

Due to the absence of Board Member Laurie Griffen, Chairman Ian Murray elevated Alternate Brandon Myers to full voting status.

Also attending: Town Engineer Ken Martin, Terry Humiston, Jill Kovachick, David Leman, Dan Wheeler, Clarence Fosdick, Walter & Lisa Taras, Michele McClure, Andrew Sheeran and other interested persons. (Sign-in sheet is on file in the Planning Clerk's office)

Approval of Minutes: A motion was made by Patrick Hanehan and seconded by Robert Park to accept the minutes of the March 23, 2011 meeting as written. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – absent, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – abstained due to absence at last meeting, Joseph Lewandowski – aye, Brandon Myers – aye.

Approved 6-0

Public Hearing for Special Use Permit

**Jill Kovachick, Saratoga Clay Arts Center, LLC #11-02 Owner: 167 Hayes Road, LLC
167 Hayes Rd.
Schuylerville, NY 12871
S/B/L 156.-4-4 Rural Residential**

Returning Applicant proposes to open a Clay Arts Center with studio space and an art gallery, located at 167 Hayes Rd.

Terry Humiston, LS, appeared before the Board on behalf of the Applicant. He reviewed the application with the Board and stated that he has altered the proposed parking layout a bit from their last appearance. He then explained that they have moved some of the parking behind the building closer to where the main entrance will be, and along the driveway coming in and going out; keeping the same number of parking spaces. Aside from that, the boundary line adjustment map is at the county in the process of being filed.

Chairman Ian Murray stated that after reviewing the business plan and with regard to the revised parking, they should make use of the nine existing spaces and put in place the ten spaces that are adjacent to it to the north. Then make the seven parking spaces to the west of the propane tank, put them in place and bank the three east of that and bank those that are proposed on the south property line for future use if needed. For now, if there is overflow parking, they can park on the grass. Chairman Ian Murray asked if there were any questions; there were none. He then stated that the Board has gotten the report from Stone Septic and after going over it with Town Engineer Ken Martin, they found a couple of corrections that need to be made and they would also like that put on the site map so when Town Engineer Ken Martin does his final review he can be sure all is in compliance before he signs off on it. Terry Humiston agreed.

Chairman Ian Murray then questioned the outside lighting. Jill Kovachick stated they are looking to make it more residential with security motion lights; subtle low lighting to keep within the surrounding residential feel of the neighborhood.

Chairman Ian Murray stated the Board will make this a conditional approval and if the Applicant feels they need more lighting in the future she can come back to the Planning Board to have it addressed.

Robert Park questioned if they will be lighting the parking areas and Jill Kovachick responded for security and safety purposes they probably should; David Leman added that there is a security light that hangs off the back of the building that lights the existing parking lot and thinks that would be enough for now.

Robert Park questioned if and when they need the future spaces, how would they light them since no one wants them shining in the neighbors homes. David Leman responded that the surrounding property is all Barber property so they would use the same lighting style that Stan Barber has, to keep the same neighborhood feel.

Chairman Ian Murray questioned the hours of operation. Jill Kovachick responded they would be open in the morning and closing about 9 or 10 pm., adding that the only one who would be there late at night is someone to watch the kiln.

Chairman Ian Murray questioned deliveries and was told that they would be made during normal business hours. Chairman Ian Murray asked if there were any questions from the Board; there were none.

Proof of Notice having been furnished by newspaper on April 17, 2011, Chairman Ian Murray opened the Public Hearing at 7:40 p.m., asking those wishing to speak to please stand and state their name and address.

No one came forward; **Chairman Ian Murray closed the Public Hearing at 7:41 p.m.**

Robert Park read the short form EAF, line by line, which was completed by the Board. Chairman Ian Murray made a motion, seconded by Patrick Hanehan to accept the documents as presented, to declare the SEQR review complete and to make a Negative Declaration. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – absent, Jennifer Koval – aye, Patrick Hanehan – aye Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye.

Carried 7-0

Approved

Chairman Ian Murray made a motion, seconded by Robert McConnell, to approve the Special Use Permit for the Clay Art Studio at 167 Hayes Rd. with the following conditions: 1. with concern to the revised parking; make use of the nine existing spaces and put in place the ten spaces that are adjacent to it to the north, put in place the seven parking spaces to the west of the propane tank, and bank the three east of that and bank those that are proposed on the south property line for future use if needed. 2. the engineer's report is to be on the site map for review by the Town Building Inspector and final approval by Town Engineer Ken Martin, 3. a one year review for annual renewal. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – absent, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye.

Carried 7-0

Approved

Public Hearing for Minor Subdivision

**Daniel C. Wheeler, LS, Survey Assoc., LLC #11-04
432 Broadway, Suite 5
Saratoga Springs, NY 12866
S/B/L 168.-2-76 Rural
Location: 247 Co. Rt. 68**

**Owner: Thomas & Sandra McTygue
247 Co. Rt. 68
Saratoga Springs, NY 12866**

Returning Applicant proposes to subdivide 9.42+/- acres into two lots; Lot 1 will be a 3.38+/- acre building lot and Lot 2 will be 6.04+/- acre lot with the existing house.

Daniel Wheeler, LS, appeared before the Board on behalf of the Applicants, reviewing the two lot subdivision that was before the Board two months ago. He stated the driveway location has been changed; they moved it to the vacant lot where there is an existing culvert. He said they really wanted to use the existing culvert, so he met with Town Engineer Ken Martin at the site and they measured some sight distances; they also had Ted Serbalik from the county look at it and he said it would be fine. He added they have also completed their perc and engineering tests with good results.

Chairman Ian Murray stated Town Engineer Ken Martin updated him on the test pits and everything looks fine. Chairman Ian Murray asked if Town Engineer Ken Martin had any other questions; he did not. Chairman Ian Murray said that since they already met with Ted Serbalik, they now need to get a curb cut permit from the county. Chairman Ian Murray asked if there were any questions from the Board; there were none.

Proof of Notice having been furnished by newspaper on April 17, 2011, Chairman Ian Murray opened the Public Hearing at 7:48 p.m., asking those wishing to speak to please stand and state their name and address.

No one came forward; **Chairman Ian Murray closed the Public Hearing at 7:49 p.m.**

Chairman Ian Murray read the letter from the Saratoga County Planning Board indicating approval and no significant county wide or intercommunity impact, along with the following comment: “The town may want to consider adding a map note stating that there should not be any further subdivision of Lot 2 due to the environmental constraints. Also due to the curve of the county highway in this area the lot would likely not support a second access point due to the lack of sight distance in this area.”

Chairman Ian Murray stated the Board has discussed this before and they do not believe they need to do that. Mr. Wheeler agreed and would like to leave it as is.

Robert Park read the short form EAF, line by line, which was completed by the Board. Chairman Ian Murray made a motion, seconded by Patrick Hanehan to accept the documents as presented, to declare the SEQR review complete and to make a Negative Declaration. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – absent, Jennifer Koval – aye, Patrick Hanehan – aye Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye. **Carried 7-0**

Approved

Patrick Hanehan made a motion, seconded by Robert McConnell to approve the subdivision as presented, with a reminder that the Applicant get the curb cut permit. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – absent, Jennifer Koval – aye, Patrick Hanehan – aye Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye. **Carried 7-0**

Approved

Sketch Plan for Subdivision

Henry M. Jellows #11-06

115 Rt. 32

Schuylerville, NY 12871

S/B/L 169.-2-11.12 Village Extension and Rural

Returning Applicant proposes a five lot subdivision located at 115 Rt. 32.

Mr. Bill Rourke, LS, appeared before the Board on behalf of the Applicant, Mr. Jellows, explaining that the Applicant has a house on the larger parcel, lot 5 of the proposed subdivision, and would like to create 4 additional lots since they meet all lot sizes for the proposed subdivision. He stated the Applicant proposes a corridor going down to the other lots in order for horses to have access to the fields on his lot, and would like to do an agreement with the future owners of the proposed lots for that use. He also said they propose a 60' wide road and questioned the length requirement of a town road. He is asking for Board opinion of this redraw on the subdivision and added that they still need to have storm water, drainage, and all of the engineering completed.

Chairman Ian Murray responded it is 800' for a town road and Mr. Rourke questioned if that is firm and Chairman Ian Murray said yes.

Mr. Rourke stated perhaps they could revise the cul-de-sac. He questioned if they could do a 40' wide flag lot; moving the cul-de-sac lower with a flag lot for lot 5. Chairman Ian Murray responded that they can reduce the frontage on lots 3 and 4 or all of the lots really, but they cannot have a flag lot. He explained that a flag lot, per town regulations, is for preservation of agriculture. Although the Applicant has that 13 acre lot, flag lots are for preservation of agricultural lands on the roadside, and they're not really preserving that.

The Applicant, Mr. Jellows, stated he basically wants to do an equine subdivision, which is why the lots are two acres or more. He wants to place the houses up on the side of the knoll to keep the land open and to keep the agricultural feel to it, adding that he cuts the hay for the horses. He questioned if the circle of the cul-de-sac has to be 800' and Chairman Ian Murray said yes per town regulations.

The Applicant said the problem is the elevation and due to that he'd like to set the cul-de-sac circle lower on the property. Mr. Rourke questioned if horses are considered agricultural.

Chairman Ian Murray explained the regulations are for aesthetic as well as agricultural purposes. For example, if you were on Rt. 32, you would have to preserve 600' of road frontage on Rt. 32 and then you could have a flag lot behind that. The Applicant is not doing that, you are subdividing into lots and calling the front yards agricultural, but technically it's just a subdivision; there is no preservation there.

Chairman Ian Murray told Mr. Rourke there is also an example on this in the book.

Mr. Rourke then said they can move the 150' down to 60' and slide the cul-de-sac circle lower and Chairman Ian Murray said yes he can move that down. Mr. Rourke stated they will revise, take topography of the entire parcel and get their engineer to do stormwater and septic. Chairman Ian Murray reminded him to be sure to meet separation distances and to construct the road to town standards; to town rural road standards and to be sure to communicate with NYS DOT. Mr. Rourke said they will redesign, do the work and return.

Returning

Old Business: Chairman Ian Murray stated we have a Special Use Permit up for renewal and have received a positive recommendation from Zoning Officer Gil Albert for the following business, as well as a letter from Mr. Marty Hanahan saying how very accommodating Mr. Giovanone is in helping the fire department located on Rt. 9P:

Michael Giovanone

Boat-N- RV Condos Additional Storage.

1434 Rt. 9P

Saratoga Springs, NY 12866

S/B/L 193.6-1-1.1

Robert Park made a motion, seconded by Robert McConnell to permanently renew the Special Use Permit for Michael Giovanone's Boat-N-RV Condos Additional Storage. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – absent, Jennifer Koval – aye, Patrick Hanehan – aye Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye. **Carried 7-0**
Approved

Chairman Ian Murray stated they will now be reviewing the tabled pre-submission Special Use Permit application for sand mining of Walter Taras, 182 Co. Rt. 69, S/B/L 182-2-29.

Mr. Taras stated there is not much changed from his last appearance before the Board. He said Marc Migliore of the Department of Environmental Conservation (DEC) was out to the site and went over the changes the DEC would like to see. Mr. Taras put up a map and went over the haul road, explaining he wants to extend it down to start the mining, adding the Board members must already have that map. He continued saying he will begin mining from the lower elevation end and pushing the topsoil up so it is out of view from the road and Michele and Andy's house. Once he finishes mining this two acre parcel, he will reclaim it and ask for another permit to begin the next two acres. He stated that Mr. Migliore wants the berm at the older pit built up higher to help mitigate the dust going to Michele and Andy's house. He said Mr. Migliore also asked him to extend the road about 100' more and start the mining in this way.

Chairman Ian Murray stated that is not the same map the Board has; in the map the Board has the haul road shows to be on the outside of the dash line and he isn't seeing that with the map that Mr. Taras is now showing. He questioned what that dash line is and if it's off the property.

Mr. Taras responded his engineer made a mistake before, saying that was a 75' setback, but he already owns that property.

Chairman Ian Murray responded he's talking about the west side, and Mr. Taras said it's a 75' setback. Chairman Ian Murray stated on our map it showed the road being located on the outside of that. Mr. Taras responded he was complying last fall when he installed the road and did the setback from the tree line, which is what DEC wanted him to do and he had his engineer design it. Mr. Taras stated Mr. Migliore didn't have any problem with it; in fact he wanted him to extend it to the lower area, and start the mining at the back end of the property and push it up. He said he didn't have to have it resurveyed; that DEC had the original prints and that DEC said it could be drawn out on paper to show the two acres and that he needed to be sure it is accurate because they will check on it. Mr. Taras then said he was to build the berms higher so it will keep the west to east dust down. He said DEC said to put water and calcium on it to have it calcified or put # 2 or # 3 stone in to keep the dust down.

Chairman Ian Murray asked the Board if they have any questions.

Robert Park questioned if the berms will be just sand or will they be topsoil with some trees or plantings. Mr. Taras responded topsoil and seeded. He added that DEC wants him to get the height so high that if Michele and Andy look out from their house they won't be able to see any equipment and so on.

Robert Park questioned the noise level and Mr. Taras responded it's what he said, the berm will keep the noise level down. Robert Park questioned with it only being grass covered and no shrubs you think the noise level will be down and Mr. Taras said that's right.

Robert Park then asked what direction will he have the trucks go on Coveville Rd. and Mr. Taras said he has no idea. Robert Park is concerned if they go down the hill to Rt. 4 and they use Jake brakes, there will be a lot of unhappy people there. Mr. Taras stated he doesn't know; he is mining for his own purposes and doesn't expect to have something like a Pallette or Pompa Bros. mine; it's mostly for

himself. If someone wants to come in and take out 10 truckloads one day, that's basically about it. It's a small mining permit.

Robert McConnell questioned how long it takes to mine 2 acres and Mr. Taras said he has no idea.

Robert McConnell asked for a ball park idea and Mr. Taras said he has no idea; it changes because of the topography.

Chairman Ian Murray stated there will be no Board action on this tonight. The Board is aware of how this has evolved with the DEC and for general public knowledge, this is now actually being reviewed as a Major Mining Permit through the DEC. DEC is taking comments for the next thirty days, until May 20, 2011 on this project. You can either send comments here and we will forward them on to the DEC or you can send them directly to Marc Migliore of the DEC at the following address:

**Mr. Marc Migliore, Deputy Regional Permit Administrator
Region 5, Warrensburg Sub-Office
Warrensburg, NY 12885**

Chairman Ian Murray stated that Supervisor Thomas Wood just received the DEC application notification this week which begins the 30 day process for the Town to get our comments back to Marc Migliore of the DEC. Mr. Taras said he just published the DEC required ad in the paper on Tuesday. Chairman Ian Murray explained the Town has to respond with certain criteria requested by the DEC by May 20th, 2011. DEC will then make a determination, it then comes back to this Planning Board and then we have our process and public hearing too. Chairman Ian Murray added this will not be a May approval; we are almost two months out or more quite possibly. Mr. Taras stated this could have been avoided if the Town had the law brought up to date since 2004; this is due to the Town of Saratoga's error. Chairman Ian Murray said he understands and that the Board is made up of all volunteers and if anyone else in the community reads the zoning book and finds any errors, they can bring them to the Town's attention. Mr. Taras then said since the Town didn't get on top of it, that's what put him further behind.

Chairman Ian Murray stated this DEC application for the SEQR was approved in July 2010. When was this application filed, because we just got it last month. Mr. Taras responded February. Chairman Ian Murray stated Tommell filed it **last year**; it is stamped "Received June 21st, 2010, Natural Resources, Warrensburg, NY, NYS DEC". We just saw this for the first time last month.

Mr. Taras said DEC never sent you that, and Chairman Ian Murray responded they never sent us anything. The first letter we got from the DEC concerning this application was dated April 19, 2011, this year.

Mr. Taras stated he didn't know and questioned if that was the SEQR. Chairman Ian Murray responded it was the SEQR and the application. Mr. Taras said DEC should have sent you that in July of last year and Chairman Ian Murray responded yes. That is why this Board was surprised last month when you said this was approved by the DEC; this was just sent on April 19, 2011 to Supervisor Thomas Wood, stating the Chief Administrative Officer has 30 days to make a determination, notify the Department and the applicant regarding setbacks, property boundaries, public thoroughfares, right-a-ways, constructed and natural barriers, design restrictions for assets, access, control dust, hours of operation etc. We just got this on April 26, 2011.

Mrs. Taras stated the Town has had their \$2000.00 towards their permit for a while now, and that's what has held them up. Chairman Ian Murray responded that is the application fee for the Town, not for DEC. The Town just got this information from DEC and now has to respond back to the DEC. Mr. Taras questioned who sent the letter to the Town and Chairman Ian Murray stated it is from Marc

Migliore. Mr. Taras said they are proceeding to go to the public end of it with Marc Migliore and then proceed with the Town once everything is complete with DEC.

Returning

New Business: None

Patrick Hanehan made a motion, seconded by Robert McConnell, to adjourn the meeting at 9:00 p.m. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – absent, Patrick Hanehan – aye, Robert McConnell – aye, Jennifer Koval – aye, Joseph Lewandowski – aye, Brandon Myers – aye.

Carried 7 - 0

Meeting Adjourned

The next meeting will be held May 25, 2011 at 7:30 p.m.

Respectfully submitted,

Linda A. McCabe
Planning Clerk