

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES
April 28, 2010**

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, Paul Griffen – present, Laurie Griffen – present, Patrick Hanehan – present, Robert McConnell – absent, Jennifer Koval – absent and Alternate Joseph Lewandowski – absent.

Also attending: Town Engineer Ken Martin, Michael Giovanone, Jim Vianna, Shane Drumm, R.J. Sofarelli, Jeff & Dawn Daigle, Cheryl Daigle and other interested persons.

Sign-in sheet is on file in the Planning Clerk's office.

Approval of Minutes: A motion was made by Robert Park, and seconded by Patrick Hanehan to accept the minutes of the March 24, 2010 meeting as written. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Paul Griffen – aye, Robert McConnell – absent (arrived at 7:33 p.m.), Jennifer Koval – absent (arrived at 7:34 p.m.), Alternate Member Joseph Lewandowski – absent.

Carried 5 - 0

Approved

Board Member Robert McConnell arrived at 7:33 p.m.

Board Member Jennifer Koval arrived at 7:34 p.m.

Public Hearing for Special Use Permit

Michael Giovanone #09-17

5 Campion Lane

Saratoga Springs, NY 12866

S/B/L 193.6-1-1.1 Lake Commercial

Location: 1434 Rt. 9P, Saratoga Springs, NY

Owner: Christopher Destephano

6 Bear Brook Ct.

Clifton Park, NY 12065

Returning Applicant seeks a Special Use Permit to construct a boat and recreational vehicle storage facility, located at 1434 Rt. 9P.

Returning Applicant appeared before the Board and stated he has been before this Board with this project and was sent on to the Zoning Board of Appeals (ZBA), and they have sent him back to the Planning Board. He briefly reviewed his storage facility project: he has moved the building off the wetlands completely and in so doing both DEC and Army Corp. now have no jurisdiction or involvement. For clarification, the zone that surrounds the lake, according to the government map, shows this parcel falls into what is called a wetland check zone; which means you have to have the Army Corp. of Engineers and DEC come look at the land, tell you what they think and give you their findings. They did that, and the Applicant also went one step further and voluntarily had a Phase I and IB done. He stated that he explained all this to the ZBA and that he will provide a copy of this report to the Town. The building is significantly smaller than the original plan and completely off the wetlands, located only on the upland; they will not be encroaching upon the flagged area. They will be using the existing driveway, no signage, no additional lighting, very limited traffic since this will be a seasonal storage facility; loading typically in October/November, unloading in April and May. The neighbors, fire department and the town have all provided positive feedback on this project and he's asking for final approval. Chairman Ian Murray stated he wanted to apologize for the inaction of the Zoning Board on Monday night and he thinks procedurally, for the record, that the Town Attorney is wrong. He then explained to the Board that the ZBA threw the wetland variance back to the Planning Board on the

advice of the Town Attorney, who told the ZBA they had no authority to rule; that it is a Planning responsibility.

The Applicant stated that as a resident, tax payer and someone who really loves this town, he felt like he was bothering them at the Zoning meeting and added with all due respect and nothing personal, the Town Attorney had no clue what he was talking about but the Applicant wasn't going to argue with him. Chairman Ian Murray stated the Planning Board had sent a memo referencing what the law was pertaining to this application, along with a positive recommendation to the Zoning Board of Appeals. Chairman Ian Murray proceeded to read the portion of that law that pertains to this application: "section 400-8.12; Steep Slopes, Erosion and Sediment Control: listed under section D. Development Standards: No development will be permitted in a 50' buffer zone at the sides of the designated wetland, of significant flowing streams (designated by the DEC and normally flowing more than six months per year) or active reservoir (greater than 1/10th acre with a six month per year discharge). When average slopes next to the stream exceed ten percent a special review and consultation will be required by the Town Planning Board prior to establishing a development buffer."

Chairman Ian Murray added that this Board did the right thing by sending it to the ZBA according to our law, and on the advice of the Town's Attorney they tossed it back to the Planning Board. They also stated our request for the wetland buffer must be 'reviewed and approved by the Planning Board and the Town Engineer'; Town Engineer Ken Martin, Chairman Ian Murray along with the Board reviewed it before sending it to the ZBA, and they feel comfortable moving forward with this. The Applicant thanked the Board for their time and consideration. Chairman Ian Murray asked if there was anything else and Town Engineer Ken Martin stated the Applicant should stay with his plan and keep the detention basins and roof drains going into that; he thinks the Applicant is doing a good job. Chairman Ian Murray then stated that the Applicant did get the front setback variance at the ZBA meeting Monday night and asked if the Board had any other questions; there were none.

Proof of Notice having been furnished by newspaper on April 18, 2010, Chairman Ian Murray opened the Public Hearing at 7:52 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 7:53 p.m.**

Chairman Ian Murray read the letter from the Saratoga County Planning Board indicating no significant county wide or intercommunity impact.

Paul Griffen read the short form EAF, line by line, which was completed by the Board. Chairman Ian Murray made a motion, seconded by Laurie Griffen 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 – aye, Patrick Hanehan – aye, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – aye. **Carried 7-0**

Approved

Chairman Ian Murray asked if there were any other questions on the application or conditions and Laurie Griffen questioned if they were going to do a one year conditional permit. Chairman Ian Murray stated he had thought of that but given the Applicant's history with his business there he doesn't believe it's necessary; his place is always immaculate, it sparkles when you come over the bridge and it's a nice entrance into the town. The Board agreed.

Chairman Ian Murray made a motion, seconded by Patrick Hanehan, to approve this application. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – aye. **Carried 7-0**

Approved

Special Use Permit Pre-Submission Conference

Drumm & Ayres Turf Svc. #10-07
1120 Rt. 29
Schuylerville, NY 12871
S/B/L 156.-3-11 Rural Residential

Applicants propose to stock and sell landscape materials from their property, located at 1120 Rt. 29.

Applicants Shane Drumm and Tia Wilson appeared before the Board. They explained they are the owners of Drumm & Ayres Turf Services LLC, and they are proposing to stock and sell landscape materials from their home, located at 1120 Rt. 29. They presented a site map showing the location of the buildings and where they would like to stock the materials for sale.

Chairman Ian Murray disclosed to the Board that he sometimes works frequently with the Applicants and he answered their questions prior to the meeting, as did Board Member Laurie Griffen. He also stated that he and Laurie Griffen met on site and due to setbacks from the road Chairman Ian Murray had suggested they move the material to a different location; and the site map looks as if the Applicants took that suggestion.

The Applicants responded yes they did, adding they would also like a 4' x 6' sign on location and they have spoken with the Zoning Officer and they are within the allowable size.

Robert Park questioned the number of houses on the property and wondered if they are all inhabited. The Applicants responded they are not rentals; they are renovating the brick home, they live in the large cottage and the smaller is their office.

Chairman Ian Murray stated this is just an accessory product you use in your business; bark mulch, ground stone and such; the Applicants responded that is correct. The Applicants feel there is a need for this within their market and currently they have to go out of the area to other facilities that sell it in bulk to get this product. Chairman Ian Murray questioned how they get their products on their regular jobs in large amounts and they said they go to the facilities and truck it on site; and with larger loads they have it delivered to the site. They are looking at most to maintain 100 yards of bulk.

Robert Park asked what the speed limit is in front of their property and the Applicant responded it is 45 mph. Numerous Board Members said no, it is 55 mph there. The Applicants said they have had no problem pulling out of there.

Patrick Hanehan asked if there is a multiple use issue if they rent out and was told yes, but that is not the intention, they do not plan to rent.

Chairman Ian Murray stated that the Town Engineer Ken Martin made a good point in that the Board needs to rescind the old Special Use Permits that were given the previous property owner.

Laurie Griffen stated the Board also needs to be certain the blacktop apron is the correct size.

Chairman Ian Murray stated we will publish for a Public Hearing on this permit next month.

Returning

Subdivision Sketch Plan Conference

Scott & Connie Turner #10-08
455 Rt. 32 S.
Schuylerville, NY 12871
S/B/L 195.09-1-1 Hamlet

Applicants propose a three lot subdivision located on Rt. 32 South.

Jim Vianna appeared before the Board on behalf of the Applicants explaining they want to do a three lot subdivision and build a retirement home when Mr. Turner retires from the military. They have 815' of road frontage and 11.41+/- acres on Rt. 32. They would like to subdivide the existing house out which will be Lot 3, build their retirement house on Lot 1, and have the opportunity to offer Lot 2

for sale in the future. He then went over the two options he came up with: Option A is with a flag lot and a common driveway, Option B is standard subdivision with a common/shared driveway. The reason for the common drive is due to site distance. The location of the proposed driveway is on the crest of the hill and exceeds the site distance both ways; 500' to 600' of reaction and braking distance. There are heavy soils there so they'd need a raised system septic design on Lot 1, since there will be construction on that lot, and he will perc Lot 2 and would like to do an agricultural note stating if at such time that it can be investigated further. There is a small stream, actually a pond, on the back of Lot 2 and depending where one would access that property, they'd have to cross over the stream or go around the pond, which would be a longer driveway; it's a buildable lot but things need to be worked out there, and the Applicant plans to do nothing with it at this time.

Patrick Hanehan stated it doesn't look like the shared drive enters Lot 3 and Laurie Griffen responded that is where the Applicants currently live.

Chairman Ian Murray questioned the speed limit there and Laurie Griffen stated the speed limit there is 55 mph and its tough there in that dip near Ruckytucks Rd.; she agrees with Mr. Vianna with the shared driveway. Chairman Ian Murray stated his concern is the site distance with the vertical curve there; the best scenario would be to pursue Option B. Board Members agreed; they do not like flag lots.

Chairman Ian Murray suggested that the building envelope on Lot 2 be moved back and designate septic, house site and preserve that area up front. Jim Vianna responded ok. Chairman Ian Murray stated we can do a public hearing next month but Jim Vianna said no, he'll get back to us when they're ready.

Returning

Old Business: Dooley Subdivision on Condon Rd.: Chairman Ian Murray stated on April 16th he met with Mr. Witt and his surveyor, Bruce Agard, to find locations so they can have two driveways there. After going over this area he found two locations that are suitable for two driveways instead of a shared drive and he feels it will be better. He had the Board look at the locations where he drew them out on a map adding that the Board would be supplied with survey maps by Witt if he comes back.

New Business: none

Information: Jeff & Dawn Daigle, 3 Daigle Dr., had lot line questions for the Board; after discussing their issues, Chairman Ian Murray said they'd need to hire a surveyor and get that redrawn, and also have an attorney rewrite the metes and bounds and deed, to reflect the new lot sizes; then come back to the Board with it. There is no Board action required, but the Planning Chair and Town Engineer have to sign off on it. You then have to file it with the county and that will correct your tax bills.

Bob Sofarelli, Hill Rd., also had lot line questions for the Board. After discussing his options, the Board told him to come back with a new survey map; also have an attorney rewrite the new metes and bounds, and a new deed to reflect the new lot size and then come back to the Board. There is no Board action required, but the Planning Chair and Town Engineer have to sign off on it. You then have to file it with the county and that will correct your tax bills.

Clarence Fosdick said he left notes with the Board and asked if they hear of anyone who hasn't completed or received a census, please give the phone number on that note to them; we need to have everyone counted.

Laurie Griffen made a motion, seconded by Robert McConnell, to adjourn the meeting at 8:47 p.m. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – aye. **Carried 7-0**

Meeting Adjourned

The next meeting will be held May 26, 2010 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe
Clerk