

**TOWN OF SARATOGA  
PLANNING BOARD DRAFT MINUTES**

**August 27, 2013**

Chairman Ian Murray called the meeting to order at 7:35 p.m.

Planning Clerk Linda McCabe called the roll: Chairman Ian Murray – present, Laurie Griffen – present, Patrick Hanehan – absent, Robert McConnell – present, Jennifer Koval – absent, Joseph Lewandowski – absent (arrived at 7:55 pm), Brandon Myers – absent, Alternate George Olsen – absent.

Chairman Ian Murray stated due to a lack of quorum, the Board cannot approve the minutes or take any action at this time. He explained that the Planning Board meetings are normally held on Wednesdays, so it looks like some of the members were confused on the meeting date for this month. Chairman Ian Murray began the meeting with the applications that required no Board action and proceeded toward the public hearing application, by which time they hoped to have a quorum.

Also attending: Town Engineer Ken Martin, Nick & Sue Washco, Frank Gemmiti, Jim Vianna, Dave Scriptor, David Cummings, Pete Marmarinos and other interested persons. (Sign-in sheet is on file in the Clerk's office)

Chairman Ian Murray stated that Mr. Goldberger and Mrs. Figliomeni, both on the agenda for information, were not present so they began with Mr. Cummings.

**Sketch Plan Conference for Minor Subdivision**

**David Cummings #13-10  
139 Hathaway Rd.  
Schuylerville, NY 12871  
S/B/L 182.-2-19.1 Rural**

Applicant would like to subdivide a 5+/- acre lot from his 66+/- acre parcel, located on Hathaway Rd.

The Applicant appeared before the Board stating he would like to subdivide a 5+/- acre lot from the 66+/- acre parcel he had subdivided from the farm in 2003.

Chairman Ian Murray stated that the 2003 survey was never filed with the county so that subdivision does not exist. He explained that the Applicant will have to subdivide both the 66+/- acres and the 5+/- acre parcel from the farm. Chairman Ian Murray also stated there are lot constraints with that particular 5 acre site due to NYS DEC and Army Corps of Engineer wetlands on that parcel. Chairman Ian Murray showed the Applicant the map depicting the wetlands and explained that the Applicant needs to provide the Board with a survey that shows the entire farm; although the entire farm, as a whole, does not need to be surveyed. The Board needs to see the entire parcel with Lot 1 (66+/- acres) and Lot 2 (5+/- acres) plotted out from the farm parcel, along with the wetland delineations. Chairman Ian Murray also suggested that the Applicant speak

with Building Inspector/Zoning Officer Gil Albert concerning the delineation of wetlands on that 5 acre site prior to establishing the building envelope for the future house. Chairman Ian Murray then stated that as long as the 66+/- acre parcel stays in agriculture, nothing more needs to be done with that parcel.

The Applicant thanked the Board.

**Returning**

**Special Use Permit Pre-Submission Conference**

**Pete Marmarinos #13-09**  
**28 Andrews St.**  
**Saratoga Springs, NY 12866**  
**S/B/L 157.-1-49.2 Rural Residential**  
**Location: 1164 Rt. 29**

Applicant would like to open a used car lot located at 1164 Rt. 29.

The Applicant appeared before the Board stating he would like to open a used car lot at 1164 Rt. 29.

Chairman Ian Murray stated there are constraints with that parcel, such as ingress/egress as well as zoning requirements. The Applicant needs 250' of frontage and 2 acres in order to have a used car lot according to the town zoning regulations. That parcel is less than 15% of what is needed. He told the Applicant he can call and talk with Zoning Officer Gil Albert to see if he believes he should go before the Zoning Board although Chairman Ian Murray believes the variances may be too large.

Town Engineer Ken Martin added that the sanitary system is a real issue there also, since no one knows its location or anything about it.

Chairman Ian Murray reiterated that due to the area requirements, the Planning Board cannot do anything at this time; it would have to be a decision of the Z.B.A.

The Applicant responded that he will call Zoning Officer Gil Albert; he then thanked the Board.

**Minor Subdivision Conference**

**David Scriptor #13-05**  
**19 Canterbury Rd.**  
**Clifton Park, NY 12065**  
**S/B/L 193.6-1-50 Lake Residential**  
**Location: 1376 Rt. 9P**

Returning Applicant was sent to the Zoning Board of Appeals for variances, which he has received, and is now back before this Board to go forward with his application to subdivide his 2.5+/- acre, 150' frontage parcel into two lots. Lot 1 will have the existing home with 90' of frontage and the Applicant would like to build a new single home on Lot 2, which will have the remainder 60' of frontage.

The Applicant appeared before the Board.

Chairman Ian Murray stated they have a copy of the Zoning Board of Appeals decision and the only issue he has is the wetlands.

Town Engineer Ken Martin said he hasn't seen the wetlands flagged, but he has seen them on the Saratoga County map; the wetlands with the setbacks go nearly to the road. He also stated the existing house there is in the NYS DEC setback buffer zone. The Applicant will have to get a variance from NYS DEC to put anything on that lot. The Applicant questioned if he has to stay 100' away from where the DEC wetlands end.

Chairman Ian Murray responded yes, that's correct. He then told the Applicant to contact the NYS DEC office in Warrensburg, NY and petition them to get a release in order to build in that buffer zone. He also suggested that the Applicant show DEC his survey, the location of the existing house and his Z.B.A. approval. Chairman Ian Murray explained the Board can take no action on this until the Applicant gets that release.

Town Engineer Ken Martin stated that he checked on the sanitary hook-up on that lot and its all set and ready to go, so the Applicant should also tell NYS DEC that he will be hooked up to the public sewer.

The Applicant thanked the Board.

**Returning**

### **Lot-Line Adjustment Conference**

**Frank & Shirley Gemmiti #13-08  
1062 Co. Rt. 70**

**Stillwater, NY 12170**

**S/B/L 194.-1-23 Rural**

**Location: Between Co. Rt. 70 and Sweet Rd.**

**Representative: James Vianna, PLS**

Returning Applicants would like to combine three deeds to make two parcels; one around the existing house will be 1.53 acres and the other will be a 9 acre parcel to be sold in the future.

Jim Vianna appeared on behalf of the Applicants and reviewed the history of the property.

Town Engineer Ken Martin stated the county has this as one parcel, with only one tax number.

Jim Vianna explained the parcel was originally three separate lots. The Saratoga County office of Real Property merged them into one parcel when they re-mapped the county years ago, without notifying or asking permission of the owners. There are three separate deeds to this property and the Applicants would like to combine the two smaller deeds to make the lot closer to regulation size. By doing this they will have two deeds instead of three; they then will offer the 9 acre parcel for sale. He also stated that land descriptions go by deeds, not by maps, especially the County maps which were created strictly for county tax assessment purposes. In the old days when there were large paper tax maps, in big bold letters across the bottom it clearly stated 'NOT TO BE CONSTRUED AS REPRESENTATIVE OF A SURVEY OR FOR ANY OTHER PURPOSE THAN TAX ASSESSMENT ONLY'. In this digital age of computers, there's a screen that pops up which one clicks to get rid of because it's a nuisance and in your way, that says the same thing, only their disclaimer today is not very commanding or noticeable. He added that he spoke with the Director at Saratoga County Real Property, and she told him to come in with the new, signed maps and the new descriptions and they will file the lot-line adjustments.

Chairman Ian Murray asked if the Board understood this and they did; they know the county has done this with other properties in the town.

Chairman Ian Murray stated this is a lot-line adjustment and there is no Board action required; just bring the maps in for signatures as well as the new deed descriptions. Once that is completed Jim Vianna will be notified to come pick them up and file with the county.

Jim Vianna thanked the Board.

Chairman Ian Murray stated the Board will proceed with the approval of last month's meeting minutes:

**Approval of Minutes: A motion was made by Chairman Ian Murray, seconded by Robert McConnell to accept the meeting minutes of July 24, 2013.** Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – absent, Patrick Hanehan – absent, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – absent, George Olsen – absent. **Carried 4 – 0**

**Approved**

### **Public Hearing for Minor Subdivision**

**Nicholus & Susan Washco #13-01**

**356 Clinton St.**

**Saratoga Springs, NY 12866**

**S/B/L 169.-1-77.12 Rural**

**Location: Walsh Rd.**

Returning Applicant seeks to subdivide a 12.40+/- acre parcel into two lots; a 3.8+/- acre lot and an 8.5+/- acre lot. The Applicant will construct a single family home on each lot, approximately 2000 sq. ft. and would like approximately 4-5 parking spaces per lot.

Mr. Washco appeared before the Board and handed the Board members an updated map and septic plans.

Chairman Ian Murray stated that the sight distance looks to be 495' for the driveway and it's supposed to be 616' so it's a bit short. He then asked Town Engineer Ken Martin to explain braking distances and other distance requirements.

Town Engineer Ken Martin stated that sight distance is 486' and for a left hand turn of a minor/major road, 616' is recommended. Driving at 55 mph, the stopping distance is 495'; he recommended they let the stopping distance rule. He said that he and the Town Highway Superintendent, Don Ormsby, have been out there and they see no issue with the 486'; it is 9' short but that road is not a highway.

Chairman Ian Murray stated that at the last meeting he misspoke and due to that the Board discounted the Army Corps release. Since then he did a site visit, walked the land and feels strongly that the Board does need to see an Army Corps release on those wetlands. He stated he believes there should be no action taken by the Board until the Applicant provides an Army Corps of Engineer release or the Board sees that the 2006 filed copy of the survey shows the Army Corps wetland delineation. He stated we'll check the old 2005/2006 file on this end to see if there was a delineated Army Corps wetland boundary and/or release. We will contact the Applicant if the filed copy has that delineation.

The Applicant stated they will pursue getting that release and will return.

Chairman Ian Murray stated he will open the Public Hearing tonight and will complete SEQR at the next meeting.

**Proof of Notice having been furnished by newspaper on August 17, 2013, Chairman Ian Murray opened the Public Hearing at 8:07 p.m., asking those wishing to speak to please stand and state their name and address.**

Jim Kaplan, 191 Walsh Rd. addressed the Board with his concerns.

A letter was received from Mr. William Corrigan addressing his concerns against this project; the letter is on file.

Chairman Ian Murray asked if there were any questions of the Board; there were none. With no one else wishing to speak, **Chairman Ian Murray closed the Public Hearing at 8:14 p.m.**

Chairman Ian Murray reiterated that the Applicant needs to provide the Army Corps of Engineer's release and then the Board can move forward with this application. The Applicant thanked the Board.

**Returning**

**Old Business:** None

**New Business:** None

**A motion was made by Laurie Griffen, seconded by Robert McConnell, to adjourn the meeting at 8:20 p.m.** Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – absent, Patrick Hanehan – absent, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – absent, Alternate George Olsen – absent.

**Carried 4 – 0**

**Meeting Adjourned**

The next regular meeting will be held Wednesday, September 25, 2013 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe  
Planning Clerk