

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES
February 23, 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 – absent, Robert McConnell – absent, Jennifer Koval – absent, Joseph Lewandowski – present, Alternate Brandon Myers – present.

Due to the absence of several Board Members, Chairman Ian Murray elevated Alternate Brandon Myers to full voting status.

Also attending: Town Engineer Ken Martin, Jim Vianna, Dan Wheeler, Gil Albert, Mr. Jellows 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 Joseph Lewandowski, to accept the minutes of the January 26, 2010 meeting as written. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – absent, Jennifer Koval – absent, Patrick Hanehan – absent, Robert McConnell – absent, Joseph Lewandowski – aye, Brandon Myers – aye. **Approved 4-0**

Board Member Laurie Griffen arrived at 7:35 p.m.

Public Hearing for Subdivision

**James Vianna, PLS #11-01
170 Lohnes Rd.
Stillwater, NY 12170
S/B/L 181.-1-31.1 Rural
Location: 281 Burke Rd.**

**Owner: Thomas & Anise Burke
281 Burke Rd.
Stillwater, NY 12170**

Applicant proposes to subdivide a 4.25+/- acre lot from their 167.48+/- parcel in order to build their retirement home, located at 281 Burke Rd.

Jim Vianna, PLS, appeared before the Board on behalf of the Applicants. He recounted that they are subdividing 4.25+/- acres to build their retirement home which leaves them 163+/- acres for their main parcel. The soils are good, and updated water notes will be on the survey prior to coming in for signatures.

Chairman Ian Murray asked if there were any questions from the Board; there were none.

Chairman Ian Murray read the letter from the Saratoga County Planning Board indicating approval.

Proof of Notice having been furnished by newspaper on February 12, 2011, Chairman Ian Murray opened the Public Hearing at 7:35 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 7:36 p.m.**

Robert Park read the short form EAF, line by line, which was completed by the Board. Robert Park 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, Jennifer Koval – absent, Patrick Hanehan – absent, Robert McConnell – absent, Joseph Lewandowski – aye, Brandon Myers – aye.

Approved 5-0

Chairman Ian Murray made a motion, seconded by Laurie Griffen, to approve this application as presented on condition of final approval by Town Engineer Ken Martin. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Jennifer Koval – absent, Patrick Hanehan – absent, Robert McConnell – absent, Joseph Lewandowski – aye, Brandon Myers – aye.

Approved 5-0

Sketch Plan Review

**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**

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.

Dan Wheeler, LS appeared before the Board on behalf of the Applicants stating that the owners are seeking to subdivide their 9.42+/- acre parcel into two lots; Lot 1 will be a 3.38+/- acre building lot and Lot 2 will be a 6+/- acre lot containing their existing home.

Chairman Ian Murray stated they need to show sight distance and the location of the driveway on Lot 1 and Town Engineer Ken Martin stated he needs the perc test and soil engineering on the survey.

Dan Wheeler responded due to the snow he wanted to wait to do those; he'd like to seek approval and then get the tests done and on the map.

Chairman Ian Murray stated if Mr. Wheeler can complete the soil engineering work and get the neighbor notifications out, we can hold a Public Hearing in March.

Mr. Wheeler responded that will be great.

Town Engineer Ken Martin stated he will send the required sight distances to Mr. Wheeler so he will be able to locate the driveway from there.

Mr. Wheeler thanked him and the Board.

Mr. McTygue, owner, questioned if he could use the existing drive for both lots and Chairman Ian Murray responded yes, but the Board still needs the location of the driveway for the new lot, Lot 1, in case it is sold in the future.

Returning

**Henry M. Jellows #11-06
115 Rt. 32
Schuylerville, NY 12871
S/B/L 169.-2-11.12 Village Extension and Rural**

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

The Applicant appeared before the Board stating he'd like to do a 5 lot equine based subdivision, located at 115 Rt. 32. He explained he'd like to put in a Home Owners Association (HOA) 'T shape' road in order to give frontage to the 4 lots as well as keeping the 300' of frontage needed for his home on the remaining 13+/- acre parcel depicted as lot 5.

Chairman Ian Murray stated that the way this subdivision is proposed the Board cannot move forward due to frontage. No HOA roads are allowed; roads must be built to town standards and then dedicated to the Town. We have no regulations for HOA roads. Chairman Ian Murray then added that the Applicant would have to redesign this and see if it is economically feasible for him to construct a town road; if so the Applicant can return and we'll go from there.

The Applicant thanked the Board.

Lot-Line Adjustment

James Vianna, PLS #11-05

170 Lohnes Rd.

Stillwater, NY 12170

S/B/L 194.-2-14 Rural

Location: southwest corner of Dodd Rd. & Rt. 32

Owner: Joseph McMahon

180 Fitch Rd.

Saratoga Springs, NY 12866

Applicant proposes a lot-line adjustment to merge a 2 acre parcel with other lands of Joseph McMahon.

Jim Vianna appeared before the Board on behalf of the Applicant stating the Applicant would like to do a lot-line adjustment in order to give his daughter 2 acres on which to build her home. The Applicant owns two parcels on two separate deeds; one is 150+/- acres and the other is 10 acres. He'd like to take 7.75 acres of the existing 10 acre parcel and merge that with the 150+/-acres of the remaining adjoining land, leaving the remaining 2 acre parcel for his daughter, who at some point will build there. There is an existing curb cut over 800' on Rt. 32 with excellent sight distances. He stated he went back 100' from the barbed wire fence line for the building envelope to keep within town regulations concerning wetlands. Those wetlands are very minimal, located south of the barbed wire fence and drops down about 20', so the building envelope is well away from the wetlands. He added there is an existing well on the pasture land just outside the 2 acre lot and the Applicant would like to use that existing well and give a 20' x 50' well easement to that 2 acre parcel.

Chairman Ian Murray questioned if topographies have been done and Jim Vianna responded no. He explained there's a slight knoll there and that is the house site, which has gradual slopes to the fence line then it drops down.

Chairman Ian Murray stated the reason for the question is he doesn't want the Applicant's to constrain themselves with septic and water on site. We don't know what the elevations are there; if it's downhill then the separation distances increase more.

Jim Vianna agreed and he believes the septic system will be on the same level of the well and he thinks they can maintain the distance. All of this will be addressed with the site plan for building permit.

Chairman Ian Murray questioned if they could move that boundary line back just a bit more which would place the well within the daughter's lot.

Jim Vianna responded no and added his first thought and suggestion to the Applicant had been to plug that well and drill a new one, but this is a really good well and they want to use this with an easement.

Chairman Ian Murray responded they still must have the well tested and proved prior to being given a building permit.

Town Engineer Ken Martin asked Jim Vianna to explain why the well is not included.

Jim Vianna stated due to the design limitations on keeping this lot at only 2 acres and the lay of the land, it's easier to do a well easement because the Applicant wants to protect as much pasture land as possible.

Town Engineer Ken Martin suggested moving the side line in and moving the rear line back to include the well.

Jim Vianna stated he suggested that to the Applicants, but this is the way they want to do this.

Chairman Ian Murray stated it would only be about 20' more for his daughter; this would create a problem if in the future they decide to sell the property.

Town Engineer Ken Martin stated when the final map is submitted, he wants to see the 100' setback from the wetland so you can find the building envelope; he agrees that the wetland is very limited there, but he'd like to see the setback shown.

Chairman Ian Murray then stated there is no regulation concerning this at this time, so once the well is tested and proved and the 100' wetland setback is shown on the map, along with the water notes and soil data, Jim Vianna needs to come back in with the maps for signatures. No Board action is required.

Jim Vianna stated there will be two maps; one showing the lot-line adjustment and one showing the 100' setback, soil data and test pit for the building permit. Chairman Ian Murray responded that's fine.

Jim Vianna thanked the Board.

Old Business: Chairman Ian Murray stated that when Mr. Anderson presented the DiSiena application for a Special Use Permit for a vertical wind turbine to this Board last month, he was aware that the Board was not told the entire truth at the meeting by the Applicant and asked Zoning Officer Gil Albert here tonight to clarify for the Board what he found when he went to the DiSiena property at 1314 Rt. 9P, concerning the vertical wind turbine. Zoning Officer Gil Albert stated that when he went to the property the tower was up and running; it was plugged in and at full operation. He told Mr. DiSiena and Mr. Anderson to disconnect the wind turbine and put it down. Mr. Anderson told him that the wind turbine was a show model and he took it around to fairs and shows. Zoning Officer Gil Albert told him he needed a special use permit and to come in to get an application and go before the Board; he came in and filled out an application a couple months later, but did not appear before the Board for several months. During these months, Zoning Officer Gil Albert stated that the wind turbine was not moved off site or taken to any shows and he noticed they had advertisements attached to it which is also against code. Chairman Ian Murray stated they did come before the Board last month, but the application was tabled for 30 days, at their request, so they could supply the Planning Board with engineering data and supply information to the Town Supervisor and Town Board along with requesting an amendment to the wind turbine law; as of today no information has been provided; Feb. 25th, 2011 is the thirtieth day.

Laurie Griffen made a motion, seconded by Robert Park, to take the DiSiena application off the table as of February 25, 2011 if the Applicant fails to produce the engineering data to Town Engineer Ken Martin as requested by the Planning Board and fails to produce the materials on vertical wind turbines as well as requesting an amendment to the wind turbine law to Town Supervisor Thomas Wood and the Town Board, within the 30 day tabled period, which ends on February 25, 2011. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Jennifer Koval – absent, Patrick Hanehan – absent, Robert McConnell – absent, Joseph Lewandowski – aye, Brandon Myers – aye.

Approved 5-0

Chairman Ian Murray made a motion, seconded by Robert Park, to deny the DiSiena application for a Special Use Permit if no engineering data has been provided to Town Engineer Ken Martin as requested by the Planning Board by February 25, 2011, and if no information on vertical wind turbines along with a request for amending the wind turbine law has been made to Town Supervisor Thomas Wood and the Town Board within the 30 day tabled period, which ends on February 25, 2011. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Jennifer Koval – absent, Patrick Hanehan – absent, Robert McConnell – absent, Joseph Lewandowski – aye, Brandon Myers – aye.

Denied 5-0

New Business: Zoning Officer Gil Albert had a lengthy discussion with the Board concerning amending certain zoning regulations for clarity; Chairman Ian Murray and the Board agreed with him and Chairman Ian Murray stated he has a list which he will get to Zoning Officer Gil Albert within the next few days.

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

Carried 5 - 0

Meeting Adjourned

The next meeting will be held March 23, 2011 at 7:30 p.m.

Respectfully submitted,

Linda A. McCabe
Planning Clerk