

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES**

February 28, 2012

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

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

Also attending: Kent & Jamie Daniels, Andrew Sheeran & Michele McClure, Chris Lofgren, Helen Lofgren, Gail Taras, Walter & Lisa Taras. (Sign-in sheet is on file in the Planning Clerk's office)

Approval of Minutes: A motion was made by Laurie Griffen, seconded by Patrick Hanehan to accept the minutes of the January 18, 2012 meeting. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan - aye, Joseph Lewandowski - aye, Robert McConnell – abstained due to absence at January meeting, Brandon Myers - aye. **Carried 6 - 0**
Approved

Public Hearing for Minor Subdivision
Lot-Line Adjustment

• Board Member Joseph Lewandowski recused himself from the Board for the duration of this application.

Joseph Lewandowski #11-10
124 DeGarmo Rd.
Schuylerville, NY 12871
S/B/L 156.-4-25.111 Rural Residential

Returning Applicant proposes to subdivide his 100 acre parcel into two lots; Lot 1 will be a 70+/- acre parcel for sale and Lot 2, 30+/- acres with the house, will be retained by the owner. The property is located on DeGarmo Rd. The Applicant also proposes a lot-line adjustment of 1+/- acre between Lot 1 and the lands of Lofgren's, his neighbor to the north.

Applicant Joseph Lewandowski appeared before the Board and clarified that Lot 1 is 68.9+/- acres, due to a Lot-Line Adjustment with his neighbor. He reviewed the survey map with the Board, explaining that the lot-line adjustment was to give the Lofgren's proper setback for their septic system.

Chairman Ian Murray stated this is a simple minor subdivision that the Board reviewed a couple of months ago. He 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 18, 2012, Chairman Ian Murray opened the Public Hearing at 7:34 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 7:35 p.m.**

Brandon Myers 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, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Brandon Myers – aye, Joseph Lewandowski – recused. **Carried 6 - 0**
Approved

Chairman Ian Murray made a motion, seconded by Robert McConnell, to approve this application as presented. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Brandon Myers – aye, Joseph Lewandowski – recused. **Carried 6 - 0**
Approved

- Board Member Joseph Lewandowski returned to the Board as a full voting member.

Pre-Submission Conference for Special Use Permit

Kent & Jaime Daniels	Owner: Michael Nosal & Mary Nosal
Kent's Crazy Horse Mobile Food Vendor	1458 Rt. 9P
138 Jefferson St.	Saratoga Springs, NY 12866
Saratoga Springs, NY 12866	
S/B/L 180.18-1-30.1 Lake Commercial	
Location: 1458 Rt. 9P	

Applicants seek a Special Use Permit to run a mobile food service business located at 1458 Rt. 9P.

Applicants Jaime and Kent Daniels appeared before the Board reviewing their sketch plan and explaining they had amended it a bit from the plans that the Board members had in their possession. They stated they will set up closer to Rt. 9P due to work being done on the property by the owners. They went over placement of the picnic tables, parking and their equipment.

Patrick Hanehan questioned if they would be closer to Stewarts or the boat launch entrance and the Applicants responded on the lawn closer to Stewarts.

Chairman Ian Murray stated the amended plan is better than their original; better for parking especially since you cannot park on a state highway and there are curb cuts

already in place thanks to the new bridge the state put in. He also noted this plan is better for marketing purposes giving them more visibility from the road and also good for foot traffic of nearby campers. Chairman Ian Murray stated he noticed their DOH (Department of Health) permit has expired and as a condition of approval for the public hearing next month, the Applicants need a current DOH permit.

The Applicants responded they had gotten that in October, which was too early, and they will get that renewed in March.

Chairman Ian Murray questioned if this is a seasonal business and if they will be moving their equipment off premise at the end of the season since it is mobile. The Applicants responded yes, they will be open 6 months each year and then move out until the following year.

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

Chairman Ian Murray stated we will schedule a public hearing for next month.

The Applicants thanked the Board.

Returning

Special Use Permit

Walter Taras #11-07
182 Co. Rd. 69
Schuylerville, NY 12871
S/B/L 182.-2-29 Rural

Returning Applicant proposes changes to his original application for his sand mining operation on Co. Rd. 69.

Returning Applicant Walter Taras appeared before the Board reviewing his amendments to the original application, stating that he went to Marc Migliore of DEC and had a long talk with him about using the road over the dam site between the pond and his home, which Mr. Migliore first opposed. Mr. Migliore will now allow him to have the road at that site. He then stated he's had his engineers redesign the road with the approvals from Marc Migliore of DEC but he is still waiting for that approval letter. He added he will use the same dust control as proposed with the original plan and that Ted Serbolik of the County and Marc Migliore of DEC are both in agreement with his plan.

Chairman Ian Murray stated this was one of the preferred options the Board wanted when they first started out with this application. He then stated there a couple of things that need to be done:

1. The Board has to deny this application and send the Applicant to the Zoning Board of Appeals because this requires variances even though the Applicant owns both the smaller parcel with the house and the larger parcel with the mine. For future, if the Applicant ever wanted to sell the large parcel or the smaller one, that variance has to be in place.

The Applicant said he understands.

2. Chairman Ian Murray stated the Board is happy with what's been resolved here and he will write a letter of positive recommendation for approval to the Zoning Board of Appeals (ZBA). The next ZBA meeting is on March 26, 2012. The Applicant will then come back to the Planning Board on March 28, 2012 for a public hearing.

3. Chairman Ian Murray stated sight distances are required on the map.

4. Chairman Ian Murray stated the revised mining plan drawn up by Tommell & Associates needs to be stamped and certified by an engineer.

The Applicant responded that has been done, he just needs to pick them up.

5. Chairman Ian Murray stated the Board needs clarification of the language in the mining narrative. In the Mining Plan, under Access, second sentence reads "The haul road will be utilized to draw material from the property." The Board wants the language changed, for the Applicant's protection as well as the Town's. It should read "**The haul road will be utilized to draw material to and from the property**".

6. Chairman Ian Murray stated they want the one driveway by the fence abandoned.

The Applicant responded that he wouldn't abandon it, that it's been there for 50 years and he presently doesn't use it.

Chairman Ian Murray stated he wants to make the Applicant aware that the county is looking at that and may possibly stipulate it as part of the curb cut permit.

The Applicant responded that Ted Serbolik has talked with him about it. The Applicant then said he will try and come up with Ted's letter and the letter from DEC that states Marc Migliore is allowing him to use that roadway over the pond and wetlands.

7. Chairman Ian Murray stated the Board needs those letters for approval and if the Applicant is hoping to get approval in March, the Board will have to have those letters prior to public hearing, especially for the file.

The Applicant responded he will try to get them to the Board within the next two weeks.

Laurie Griffen made a motion, seconded by Patrick Hanehan, to deny this application because the road requires a variance and to send this with a positive recommendation to the Zoning Board of Appeals. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Brandon Myers – aye, Joseph Lewandowski – aye. **Carried 7- 0 Denied**

*Chairman Ian Murray notified the Clerk on 02/29/12 that a SEQR workshop for the Taras Sand Mining Special Use Permit application will take place on Wednesday, March 21, 2012, at 7:00 PM.

Old Business: None

New Business: Chairman Ian Murray stated the Saratoga County Planning Conference had 565 people in attendance for training. He asked if anyone had recommendations for new classes for next year and Brandon Myers thought an 'Agenda 21' presentation would be interesting and needed. He stated there's a lot of talk about conservation uses, open space, conservation easements, as well as many other issues; there can be long term ramifications if they're not explained to the land owner. If there is a presentation out there giving great background on all those things, it would be very helpful, especially with all of the changes. It's very important to understand all of that when it comes down to personal property rights and looking at approvals. Chairman Ian Murray and the Board agreed.

Chairman Ian Murray said he'd like to see something upbeat for a change, like a 'Bloopers and Mistakes' class; showing all the mistakes and bad planning that was made, which would be a good course so you learn what to avoid. Laurie Griffen suggested it could be done in a round table format.

Chairman Ian Murray and the Board would like to set a date for a discussion of revising certain zoning amendments and will speak with Zoning Officer Gil Albert to coordinate a time and date for that meeting.

Patrick Hanehan made a motion, seconded by Laurie Griffen to adjourn the meeting at 8:30 p.m. Chairman Ian Murray – aye, Jennifer Koval – aye, Robert McConnell – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Joseph Lewandowski – aye, Brandon Myers – aye. **Carried 7-0**
Meeting Adjourned

The next meeting will be held Wednesday, March 28, 2012 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe
Planning Clerk