

**TOWN OF SARATOGA  
PLANNING BOARD DRAFT MINUTES**

**January 18, 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 – absent, Jennifer Koval – absent, Joseph Lewandowski – present, Brandon Myers – present.

Also attending: Kent & Jamie Daniels, John Ruff, Walter & Lisa Taras, Dennis & Julia Brida and Jeffrey O’Shea. (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 Joseph Lewandowski to accept the minutes of the December 13, 2011 meeting as written.** Chairman Ian Murray – aye, Laurie Griffen – abstained due to absence at December’s meeting, Jennifer Koval – absent, Patrick Hanehan – aye, Robert McConnell – absent, Joseph Lewandowski – aye, Brandon Myers – aye.

**Approved 4-0**

**Approved**

Board Member Jennifer Koval arrived at 7:33 P.M.

**Pre-Submission for Special Use Permit**

**Sal DiSiena/Rick Anderson #11-11  
1314 Rt. 9P  
Saratoga Springs, NY 12866  
S/B/L 193.10-1-20 Lake Residential**

Returning applicant seeks a Special Use Permit in order to keep a Residential 30’ Vertical Axis Wind Turbine that was installed without a permit, located at 1314 Rt. 9P.

The Applicants did not appear.

**Dennis and Julia Brida, Mango 29 Deli  
2160 Rowley Rd.  
Ballston Spa, NY 12020  
S/B/L 156.-1-10 Rural Residential  
Location: 1023 Rt. 29**

Applicant is seeking an additional Special Use Permit for 1023 Rt. 29, Mango 29 Deli location, to operate a U-Haul Rental business.

Applicant Dennis Brida appeared before the Board stating he would like to obtain a Special Use Permit to operate a U-Haul Rental business at the same location as his deli, 1023 Rt. 29. He said he believes it will help increase income and keep his business going.

Chairman Ian Murray stated it is not permitted due to the multiple use law; one cannot have two businesses or uses on the same site.

Laurie Griffen questioned what the acreage is there and the Applicant responded incorrectly that it is 7.12 acres; that parcel is actually .71 acres.

The Applicant questioned if that multi-use law is a town law and Chairman Ian Murray responded yes, 400-8.11 and proceeded to read the law to the Applicant: *Unless otherwise allowed by this chapter, no more than one principal building and/or use shall be established on any lot; except however, that upon application to and approval by the Town Planning Board, more than one one-family detached dwelling unit may be placed on a lot, provided that each one-family dwelling unit is so sited as to meet the minimum area, width, frontage and yard requirements of the zoning district in which said lot is situated. Additionally, every one-family dwelling unit so placed shall be served by a separate sanitary sewer and water supply required by §§408-8 through 400-8.13 and 400-9 of this chapter.*

The Applicant then remarked that the Board won't allow this and Chairman Ian Murray responded they cannot, the Applicant would have to have the Town Board change or amend the law to do so.

The Applicant then asked to readdress the outside lighting issue since he feels it's too dark there at night. Chairman Ian Murray questioned if the Board wanted to revisit this, since unfortunately it was something that Board Member Bob Park had brought up and was pretty adamant about; explaining to the Applicant that this member unexpectedly passed away this past Dec.

Chairman Ian Murray explained that once a Special Use Permit is approved it is then up to the Zoning Officer to make sure that all remains in compliance with that permit. The Zoning Officer handles all complaints and when it is time for renewal of someone's permit, he produces a report for the Board's review.

Zoning Officer Gil Albert stated he can turn the light back on if he redirects it and uses lower wattage bulbs or uses down lighting such as the General Schuyler Emergency Squad building uses, which has been suggested in the past. Patrick Hanehan added that the Board isn't out to put stress on businesses, we just need compliance. Town Engineer Ken Martin and Zoning Officer Gil Albert said there are a lot of different down lights that aren't as bright and that can be directed where one wants for the Applicant to choose from.

The Applicant thanked the Board.

### **Special Use Permit**

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

Returning Applicant proposes a Special Use Permit for sand mining on Rt. 69.

Applicant Walter Taras appeared before the Board, asking if the Board had a chance to review the sight-line map of where the haul road meets County Rd. 69. He stated he had Jim Vianna produce the map at the request of Ted Serbolik for the county, adding that the sight-line map exceeds the county requirements.

Chairman Ian Murray responded that the map is not correct; Town Engineer Ken Martin went out today and did a sight analysis and took photos. There is a hedgerow, which is identified on the map and actually off of the Applicant's property, obstructing the line of sight to the east.

Town Engineer Ken Martin stated the space Jim Vianna shows between the trees and shrubs is full of shrubs.

After a lengthy discussion between the Applicant and the Board, it was determined that the map does not portray the needed information and the road does not meet town regulations for setbacks and sight line distances.

The Applicant stated he wants to be sent to the Zoning Board of Appeals.

Chairman Ian Murray responded the Board can send him, but he doesn't meet setbacks and he'll be sent with a recommendation to disapprove any variances for the current road. Chairman Ian Murray then stated he can take a poll of the Board if necessary. Laurie Griffen stated she is against him getting any variances for the road and he should move the road to the back of his own place, as was discussed in numerous meetings and multiple site visits.

The Applicant responded that is off the table.

Jennifer Koval stated she agrees with Laurie Griffen and Chairman Ian Murray, she is against the location of this road and it should be moved.

The Applicant stated he will get a letter from Mark Migliori of DEC stating the road needs to stay where it is.

Chairman Ian Murray stated he will write a letter to the ZBA with a recommendation of disapproval.

### **Returning**

### **Information**

Mr. Kent Daniels appeared before the Board and said he's purchased a mobile food vending vehicle and would like to operate a business out near the lake. Chairman Ian Murray questioned what type of vehicle and Kent responded that it is a tow behind trailer. Chairman Ian Murray asked where he's wanting to place it and Mr. Daniels said he'd like it in the same location as the previous one, out near the bridge in the boat launch area. Zoning Officer Gil Albert questioned if that's Pravda property, state land or perhaps the Stanko property and Mr. Daniels wasn't certain. The Board told him he first needs to find who owns the land and then come back before the Board with the owner.

Chairman Ian Murray explained that our requirements are different from Saratoga Springs so he needs to find the tax map parcel to know which municipality the parcel is in. If it is in our town he needs to come back with the owner, a sketch plan showing location of the vending vehicle and space for parking. Mr. Daniels thanked the Board.

Mr. John Ruff appeared before the Board stating he purchased 3.5 acres on Burke Rd. and would like to have a pick-your-own orchard and the Board told him he needs no permit for that; he can also have a roadside stand on his own property without a permit. He added he'd also like to have bees and a small business selling honey. Jennifer Koval said he should check NYS Agriculture and Markets law; he may need a license to do that if the business gets big, but if he just calls them they will send him a packet. She added he can also go to the county to get help at the Cooperative Extension. After a short discussion concerning the possibility of opening a museum on his property, Mr. Ruff thanked the Board.

**Old Business:** Zoning Officer Gil Albert and the Planning Board reviewed and discussed some regulations that they feel need clarification. Laurie Griffen suggested having a workshop

regarding this especially since there are some newer members on the Board. The Board agreed and they'd like to have the Zoning Board members join them, as well as Zoning Officer Gil Albert.

Patrick Hanehan questioned if the Planning Board is writing a letter to refer Mr. Taras to the Zoning Board without a denial from the Planning Board and Chairman Ian Murray answered without a positive recommendation, adding that Mr. Taras still has to get an approval from the Planning Board for the Special Use Permit. Board discussion continued concerning how the road setbacks are not within regulations; current regulations call for 75' setback and the Applicant proposes 10', sight distances are not within regulation and their concern over the impact on the neighbors and the surrounding neighborhood. Chairman Ian Murray added part of the Planning Board's job is to try and mitigate the impacts regarding road setbacks, sight distances and impact to neighbors and community.

Jennifer Koval questioned, based on the letter that Town Attorney William Reynolds sent out, if the Planning Board will have to do SEQR again with the Taras application since they are starting over and Chairman Ian Murray responded yes, SEQR long form again, but picking it up with the information that has already been provided. Jennifer Koval questioned if a noise study has been done and Chairman Ian Murray said no. She added she questioned that because she read DEC guidelines for such and if the neighbors request a noise study be done, who is responsible to undertake it. Town Engineer Ken Martin responded that the noise itself, the way our zoning regulations read on mining, is the mine has to meet DEC Article 23; that's the only thing we are bound by as far as the mine is concerned, noise is part of what DEC looks at.

**New Business:** Chairman Ian Murray stated that with the passing of fellow Board Member Robert Park, the Board needs a new Vice Chair. He stated he has talked with Laurie Griffen, now the most senior member, and with all her responsibilities she has offered to step aside if someone else would like the honor of this position, although she is willing if no one else is interested. Chairman Ian Murray asked Patrick Hanehan and Jennifer Koval if they would like the position. After a brief discussion between them, **Jennifer Koval made a motion, seconded by Chairman Ian Murray to elevate Laurie Griffen as Vice Chair to the Board.** Chairman Ian Murray – aye, Jennifer Koval – aye, Robert McConnell – absent, Laurie Griffen – abstained, Patrick Hanehan – aye, Joseph Lewandowski – aye, Brandon Myers – aye. **Carried 5-0**  
**Approved**

After a brief discussion, the Board decided to move the February 22<sup>nd</sup> meeting to the 28<sup>th</sup> due to the school break during the week of the 22<sup>nd</sup>.

**Patrick Hanehan made a motion, seconded by Laurie Griffen to adjourn the meeting at 8:49 p.m.** Chairman Ian Murray – aye, Jennifer Koval – aye, Robert McConnell – absent, Laurie Griffen – aye, Patrick Hanehan – aye, Joseph Lewandowski – aye, Brandon Myers – aye.  
**Carried 6-0**  
**Meeting Adjourned**

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

Respectfully submitted,

Linda A. McCabe  
Planning Clerk