

## **TOWN OF SARATOGA PLANNING BOARD DRAFT MINUTES**

**January 22, 2014**

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 – absent, Robert McConnell – absent, Jennifer Koval – present, Joseph Lewandowski – present, Brandon Myers – present, Alternate George Olsen – present.

Due to the absence of Patrick Hanehan and Robert McConnell, Alternate George Olsen was elevated to full voting status.

Also attending: Town Engineer Ken Martin, Fred Metzger Jr., LS, Roger Sharp, Clarence Fosdick and other interested persons. (Sign-in sheet is on file in the Clerk's office)

**Approval of Minutes: A motion was made by Laurie Griffen, seconded by Joseph Lewandowski to accept the meeting minutes of December 18, 2013.** Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – absent, Joseph Lewandowski – aye, Brandon Myers – aye, George Olsen – aye. **Carried 6 – 0**  
**Approved**

### **Sketch Plan Conference for Minor Subdivision**

<b>Mr. &amp; Mrs. Jeffrey Goldberger #14-01 275 Rt. 32 Schuylerville, NY 12871 S/L/B 169.-1-48 Rural</b>	<b>Representative: Fred J. Metzger, LS, P.C. P.O. Box 237 Troy, NY 12182</b>
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Applicants would like to subdivide their 15+/- acre parcel into 3 lots. Lot 1 will be 3.42+/- acres with the existing house and outbuildings, Lot 2 will be a 4.42+/- acre parcel on which a single family home will be built and Lot 3 will be a 7.75+/- acre parcel on which a single family home will be built.

Mr. Fred Metzger, LS, appeared on behalf of the Applicants and reviewed their application with the Board.

Chairman Ian Murray stated that he and Town Engineer Ken Martin talked with Mr. Metzger a few minutes prior to the opening of the meeting about the wetland permit and being sure he knows the allowable disturbances and to be sure to stay within those limits. Chairman Ian Murray stated the information concerning the soil engineering for the two lots on the west needs to be on the map and in proximity to where the septic systems will be located of the proposed house sites.

Mr. Metzger stated those tests have been completed and he'll label both test holes, perc holes and put a couple of charts with the exact data on the map.

Chairman Ian Murray then said that he has concerns with the sight distances on the driveways of Lots 2 & 3, especially to the west, and asked Mr. Metzger to please check and verify those distances and put a note on the map. Mr. Metzger replied he understands especially due to the hill there, and if need be, he can adjust further into the bend and move property lines if necessary.

Chairman Ian Murray added per traffic manual it's probably going to be 450' – 460'; Mr. Metzger questioned if it's based on speed limit and Chairman Ian Murray responded that is correct.

Chairman Ian Murray stated the Town has water regulation notes that need to go on the map, as well as the right-to-farm law. Chairman Ian Murray asked if there were any Board questions; there were none.

Town Engineer Ken Martin stated that if this is a raised system, he needs the full designs on it also.

Chairman Ian Murray stated once Mr. Metzger completes those additions to the map, we can schedule a Public Hearing for the February meeting; as long as the submissions are to the Clerk by February 12<sup>th</sup>.

Mr. Metzger stated that his engineer has all the data and he can give him the topos so he should be able to get it all done before the meeting. He then asked if they could be scheduled for a public hearing if his engineer is unable to complete the raised system designs by the submittal date. He explained the work has been completed and he will be sure to bring the information on the raised systems in prior to the meeting. His engineer should be able to get it together in time, but he's unsure of his engineer's work load and isn't certain if he can complete it in two weeks time.

Chairman Ian Murray responded the Board can work with that; just get the changes done and resubmit that to us and if the design comes to us a couple days later that's fine. He also told Mr. Metzger that Town Engineer Ken Martin will get the water notes to him via email; Mr. Metzger gave him a business card with his email address and thanked the Board.

**Returning**

### **Pre-Submission Conference for Special Use Permit**

**Mr. Roger Sharp #13-12  
386 Burgoyne Rd.  
Saratoga Springs, NY 12866  
S/B/L 168.-2-35 Rural**

Returning Applicant is seeking guidance from the Board on how to obtain a Special Use Permit for his High Peaks Sound home industry business.

The Applicant appeared before the Board stating that he made changes to his plan based upon the Board's recommendations; he then reviewed his new submittal with the Board.

Chairman Ian Murray stated the Board was pleased to see that the Applicant felt their advice was beneficial and that he took it. He also stated the Board likes the placement of the fencing for screening on the new submission, since it is kind of open in that area and

it will help appease the neighbors. He then asked how large the lot is and was told 2.24+/- acres. He then asked the size of the buildings and house.

The Applicant responded the house is 2250 sq. ft. but unsure of the buildings.

Chairman Ian Murray said he only asked because the Applicant needs to be sure not to exceed the allowable percentage of property coverage with his buildings, which is 10% of the property, although it does appear the Applicant will be within regulations.

Chairman Ian Murray then told the Applicant he needs to complete and submit a formal application, get a better site plan completed; complete his survey with the buildings plotted and the setbacks from the property lines shown on the map. Chairman Ian Murray explained the Board needs to see the surveyed drawings before going forward with the permit. He also told the Applicant to call Clerk Linda McCabe or himself if he has any questions going forward.

The Applicant asked the Board if they could supply him with names of surveyors in this area and he was told Mr. James Vianna and Mr. Jason Tommell both have worked and have great knowledge of the lands in and around the town; he can call and check with either one of them or another of his choosing.

Chairman Ian Murray said the Board likes this layout; it should work well. He also explained that the Board will tie a time frame for completion of construction to the permit approval as well, if it gets approved, because it is one of the mitigating measures of impact on the site. Chairman Ian Murray explained that the Board would probably put a restriction on the permit, such as a one year renewal, until the construction's complete to ensure the Applicant complies with any conditions the Board may put on the permit.

Laurie Griffen explained that is standard procedure; the Board usually issues one year renewable permits for the first few years for compliance purposes.

The Applicant questioned if he needs a survey for the permit submission.

Chairman Ian Murray responded yes, your certified survey is part of the application. Once that's complete the Board needs to go through it for the approval process and then a Public Hearing will be required which is when the public can comment on the project. It has to be complete in order for the process to continue.

The Applicant asked if he has to submit that before he can have a Public Hearing.

Chairman Ian Murray said yes, it needs to be done and submitted before a public hearing. He explained again that the Board needs time to review it, the Clerk needs time to fulfill the legal notification obligation and it's the part of the application the public would need to review prior to commenting on it at a Public Hearing; without seeing the survey no one would know what the Applicant is seeking to do and would not be able to make an informed comment.

Chairman Ian Murray stated if the Applicant can submit a completed formal application along with a completed survey with the plot plan and setbacks no later than the 12<sup>th</sup> of February the Board can go forward with a Public Hearing for February.

The Applicant thanked the board.

**Returning**

**Sketch Plan Conference for Major Subdivision**

**Saratoga Development, LLC #14-02**  
**Michael LaMorgese & David DePaulo**  
**14 Ogden St.**  
**Newark, NJ 07104**  
**S/B/L 206.-1-34 Rural District II**  
**Location: Brown Rd.**

Applicants would like to subdivide their 84+/- acre parcel into 11 single family residential lots.

Mr. David DePaulo, Bella Home Builders, appeared on behalf of the Applicant, Mr. Michael LaMorges, Saratoga Development, LLC., stating that Jason Tommell (Tommell & Associates) couldn't be at the meeting, which was unfortunate since he was the one who calculated most of the information that is before the Board. Mr. DePaulo then reviewed the rescinding of the Brown Rd. PUD explaining that the project wasn't economically feasible; they wouldn't make much of a return on their investment due to the houses being too small. They now will go forward with a major subdivision, noting there will be 11 homes instead of 14 and all the lots meet town regulations. The lots will range in size from 4.1+/- acres – 19+/- acres which will keep the project out of realty subdivision status. He also stated that these houses will range in price from \$800,000 - \$1,000,000 with lake views. He then reviewed the map with the Board and had them take notice of the way they dissected the land and how it gives each homeowner a piece of the pond; adding it is absolutely spectacular out there if they haven't been out there yet they should see it.

Chairman Ian Murray stated this Board has been working on this project for 2 years going through the PUD approval as well as revisiting it again for the past 6 months; everyone here is very familiar with this parcel. Chairman Ian Murray added it was unfortunate that Jason Tommell couldn't be at the meeting, but he will talk with him at a later date. He then asked Mr. DePaulo to explain why they've put an easement on Lot 1 for Lots 10 & 11; questioning if it's for the future homeowners having use of the pond.

Mr. DePaulo responded yes, so they can go fishing.

Chairman Ian Murray stated there can be no clearing by the pond, no docks or anything; absolutely no disturbance of those wetlands through there.

Mr. DePaulo stated the pond is more of a marketing tool – if a homeowner has their grandkids visit they can take them fishing or just down to see the pond or take a nature walk.

Chairman Ian Murray responded he doesn't want it marketed as such to where there will be a community dock or anything like that.

Mr. DePaulo stated they want to stay away from that; there will be no community areas or docks.

Chairman Ian Murray then stated it is important that the Board see the locations of the driveways for Lots 1 – 9 on the map, as well as the wetland crossings on Lots 1 & 2.

Mr. DePaulo stated they are going to do the curb cuts right next to each other on lots 2 & 3, 4 & 5, 6 & 7, 8 & 9 to keep curb cuts to a minimum and they'll have the driveways next to each other.

Chairman Ian Murray responded they need to have them on the map.

Chairman Ian Murray stated although this is preliminary, and Jason Tommell may already have them, the Applicant needs to find the well location on the lands of Kogan; they had test pits on Lot 9 and a proposed engineered system there, so the Board needs to know where that is.

He then stated that he and Town Engineer Ken Martin reviewed Lots 7, 8 & 9 and it looks like separation distances are met on those lots. Soil engineering is still needed on various lots. Lot 10 & Lot 2 – both houses are in the wetland buffers, Lots 3 & 4 – he'd like to see the houses and septic flipped because the septic are in the high spot of the lots; over time that may become unsightly with the mounded systems in the front.

Mr. DePaulo responded they spent most of their time making sure they met lot configurations and not so much time on reconfiguring the locations of the septic, but he'll get with Jason on that.

Chairman Ian Murray replied it's just something to think about because you need to start nailing this down a bit harder going into the next round. Chairman Ian Murray continued, stating that in regards to the driveways, the Board would like the Applicant to show the houses across the street with their driveway locations on the map as well; currently they show one, but the Board needs to see all of them to ensure proper placement of the proposed driveways for this subdivision. He then questioned if a remediation plan with the neighbors has been worked out yet.

Mr. DePaulo responded that it's been worked out and he has a written agreement with Mr. Rapisarda; they will stump what they did when the weather is better, remove a couple of trees that he wants removed and put in trees where he wants them.

Brandon Myers asked if they can give the Board proof of such agreement and Mr. DePaulo stated he has a formal email from Mr. Rapisarda that he will provide.

Chairman Ian Murray stated that's really a legal matter which has nothing to do with this Board but if he'd like to provide it the Board will see it.

Town Engineer Ken Martin stated that he'd like SWIPP done on the two lots to the west, where they cleared the trees.

Mr. DePaulo said he believes one was done.

Chairman Ian Murray as well as Town Engineer Ken Martin responded it was never completed. Chairman Ian Murray stated those two lots are main concerns because of the lake; the Board had a lot of questions and opposition from residents down there throughout the PUD process. SWIPP was preliminarily done but never completed because they never broke ground on the PUD.

Mr. DePaulo stated Jason Tommell indicated to him that he was going to complete that.

Chairman Ian Murray stated he has to complete it.

Mr. DePaulo said it's pretty steep there so no matter what you do the water's not going to run the other way; and getting back to the tree issue – that didn't change any erosion issues.

Town Engineer Ken Martin responded they're not concerned with erosion; it's about flooding down below, preventing flooding down below. Chairman Ian Murray added it may require another detention pond below.

Mr. DePaulo questioned when they will be able to notify the surrounding neighbors of the public hearing.

Chairman Ian Murray responded it is required that the letters go out ten days prior to a public hearing, but again, this is a good workable product thus far, but without these other details on the map it is not public hearing ready.

To clarify, Chairman Ian Murray and Town Engineer Ken Martin stated the need for the following:

- ◆ Driveway locations for Lots 1 – 9 are to be on the map.
- ◆ Wetland crossings for Lots 1 & 2 are to be on the map.
- ◆ The well location on the lands of Kogan are to be on map.
- ◆ Soil engineering is needed on various lots.
- ◆ Lot 10 & Lot 2 houses need to be moved – currently you have them placed in the wetland buffers.
- ◆ Lots 3 & 4 – please flip the houses with their septic; the septic are currently shown in the high spots of the lots.
- ◆ Driveway locations of the neighboring homes across the road need to be on the map; you currently show only one.
- ◆ SWIPP for Lots 10 & 11 are needed.
- ◆ No clearing by the pond – no docks – no disturbance of those wetlands.
- ◆ No marketing the subdivision as having a 'community dock' or anything like that.

Mr. DePaulo thanked the Board.

### **Returning**

**Old Business:** Chairman Ian Murray stated he, Town Engineer Ken Martin and Laurie Griffen met with Peter Loyola and Scott Miller yesterday concerning the Schuyler Hills subdivision project. They're looking for direction in order to finalize their modifications to their plan and moving forward with their application. He stated he'd like to review this with the Board and get the Board's opinions and provide the Applicants with direction so they can get back on the agenda and move forward with the project.

The Board reviewed and compared the old map with the new map; noting that the new proposed entrance is to be the old logging road. Driveways have been pulled down on lots 6, 7, 20 & 21 and Chairman Ian Murray stated they'd asked the Applicant if they could pull those down a bit more and to look at a 'Y' configuration on the hammerheads. Then they could be even further out of the way with concerns to buses backing up – you don't want kids waiting at the driveway with a bus backing up, so the Applicants are going to revisit that. The Board discussed roadways, percentage of paving, wetland disturbance and driveway placements. The Board believes this design will be easier, they like the hammerhead design much better than the oval; it allows for easier turning around; it requires less paving/less asphalt, less wetland disturbance, and less maintenance for the Town since the Town would have to maintain the mowing inside the oval/circle and

generally with this type of road they use the center of it for storm water purposes which the Town would also have to maintain, monitor and deal with over time. Chairman Ian Murray explained with a hammerhead, it's just a road and it's a sheet flow design on the road; basically the storm water just goes into an open swale system and down to retention basins so there's really no extra maintenance or features the Town has to take care of. The Board also liked the driveway placements better with the hammerhead design than the oval. Town Engineer Ken Martin said the new design got rid of 5 wetland crossings which will make this much better. Chairman Ian Murray agreed; the original design needed arched concrete culverts which won't be needed with this new proposal; again this is less maintenance for the Town.

Chairman Ian Murray said he'd like to poll the Board and get the consensus back to Peter Loyola:

Laurie Griffen – likes it and feels it's a workable design.

Jennifer Koval – agreed with Laurie

Chairman Ian Murray – likes it

Joseph Lewandowski – likes it much better than original design.

George Olsen – likes it

Brandon Myers – likes it, he's okay with the plan

Chairman Ian Murray stated he'll let them know so they can work on the other things needed to go forward.

**New Business:** The Planning Conference is Wed. January 29<sup>th</sup> and registration starts at 7:30 a.m. with first class beginning at 8:30 a.m.

**The next Joint Meeting will take place on February 5, 2014 at 7 p.m.**

**A motion was made by Ian Murray, seconded by Laurie Griffen to adjourn the meeting at 9:57 p.m.** Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – absent, Joseph Lewandowski – aye, Brandon Myers – aye, George Olsen - aye. **Carried 6 - 0**

**Meeting Adjourned**

The next regular meeting will be held Wednesday, February 26, 2014 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe  
Planning Clerk