

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES
June 22, 2011**

Chairman Ian Murray called the meeting to order at 7:38 p.m.

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

Due to the absence of Board Members Joseph Lewandowski and Patrick Hanehan, Chairman Ian Murray elevated Alternate Brandon Myers to full voting status.

Also attending: Town Engineer Ken Martin, Matt Jones, Paul Tommell and Kirby Van Vleet. (Sign-in sheet is on file in the Planning Clerk's office)

Approval of Minutes: A motion was made by Laurie Griffen and seconded by Robert McConnell to accept the minutes of the May 25, 2011 meeting as written. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – aye, Joseph Lewandowski – absent, Brandon Myers – aye. **Approved 6-0**
Approved

Brown Road Planned Unit Development Review

**Saratoga Development, LLC #10-11
14 Ogden St.
Newark, NJ 07104
S/B/L 206.-1-34 Rural Residential II, future PUD**

Applicant proposes an amendment from the original sixteen residential lots and one Homeowner's Association (HOA) lot Planned Unit Development (PUD), to a fourteen residential lot and one HOA lot PUD, located on 82+/- acres on Brown Rd. On the pond side of Brown Rd. they have reduced the number of lots from 14 to 12 in order to meet separation distances for septic and water and to increase the size of the lots. All of the lots have access to the pond by easement or through the HOA lot.

Chairman Ian Murray stated the purpose for tonight's meeting is to review the amended Brown Rd. Planned Unit Development (PUD) and to make recommendations to the Town Board. This Board will be completing site plan review, most likely in a couple of months from now.

Attorney Matt Jones, Jones-Ferradino, introduced Paul Tommell, Tommell & Associates and Kirby Van Vleet, Hanson VanVleet LLC, Environmental & Water Supply Consultants, stating they are here with him to answer any questions the Board may have. They are here on behalf of the Applicants, reviewing the amendments that have been made to the Planned Unit Development (PUD). The original plan was for 16 residential lots and 1 Home Owner's Association lot (HOA); it has now been reduced to 14 residential lots and the 1 HOA lot. They originally had designed a cluster of 5 residential lots and that has been reduced to a cluster of 3 residential lots due to soils and the need to meet separation distances for wells and septic according to the Town of Saratoga regulations.

Surveyor Paul Tommell noted that there is a discrepancy concerning the acreage from the original plan to this amended plan. They found upon further investigation that what had appeared to be the property line was incorrect; acreage is actually 82+/- not 83+/-.

Attorney Matt Jones stated they will remain faithful to the farmhouse configuration because that is important to the owners. Last summer they hired a hydro-geology firm to drill 4 wells, which ended up as very deep wells, 100' – 600'. On two of the wells the firm decided to do hydro-fracking, which resulted in six residences on Rt. 9P to experience serious problems with their wells. He stated they have worked with those residents and resolved all but one resident's complaint with financial compensation, and they continue to work toward a resolution with that one resident.

Consultant Kirby Van Vleet explained that his company was retained to look into the issues that were created by the first company in charge of the drilling. He stated they've now hired Larry Hatalsky, Larry Hatalsky Well Drilling, to drill the wells. He explained that historically that is a bad area for water and they've determined the best way to drill is the cable tool method; pounding, which will be done to minimize impact. He added that there will be no future hydro-fracking on this project, only cable tool method. Larry Hatalsky has drilled hundreds of wells in that area and feels this is the best method.

Attorney Matt Jones stated that the clients are excited to begin the 14 new houses and they have site plans ready for those homes. If the Town Board puts this up for a public hearing in August, they will return to the Planning Board for subdivision approval and site plan review for one or two of the lots.

Chairman Ian Murray stated he had some questions and he'd like to go through the amendment line by line:

- ◆ The acreage discrepancy is minimal and the 82+/- acres is fine.
- ◆ 400-58.5, under 'C': on the second page it states 'the Home Owner's Association shall be responsible for maintenance of the access roads, management enforcement of area B pursuant to the open space plan of the conservation easement and maintenance of all storm water systems and facilities.' Chairman Ian Murray would like to strengthen that a bit by having it written that the Planned Unit Development will own the roads and not the Town. Attorney Matt Jones questioned if the roads are to remain permanently privately owned and Chairman Ian Murray said yes and will recommend that to the Town Board. Attorney Matt Jones responded that he will talk to Town Attorney William Reynolds to have that written in the amendment.
- ◆ Chairman Ian Murray said on height requirements; there is no building summary table supplied in this amendment. Going back to the old one, Appendix 'C': Building Summary Table and Bulk Schedule: the Board had established 40' as maximum height and everyone was comfortable with that. The Board would like to see this included in the amendment. Jennifer Koval stated that on page 2 of the original application for the PUD under 'E' it states 40' height limit. Attorney Matt Jones agreed and will be sure that is included.
- ◆ Chairman Ian Murray continued with 'Restrictions on Property and Allowable Uses' in Appendix 'D', Architectural Guidelines: He knows this is about open space and conservation, but he noted there is nothing in there concerning large tree plantings and questioned if that will be restricted or not due to the view-shed. It talks about the landscape and the lawn beyond the homeowner's parcels, but doesn't clarify about large tree plantings or any large plantings, and he feels it's best to be clear and thinks something should be written in there for the protection of the home owners; perhaps they would want to put it under architectural planning or something like that. Robert Park added maybe there should be a 'view easement' since at lot 9, at the bend of the road, looking southwest there is a view to the Catskills, and it would be a shame to block that. Attorney Matt Jones agreed and added the Planning Board will approve covenants and restrictions of the HOA but he will add into the Architectural Guidelines 'view-

shed should not be obstructed by vegetation'. Chairman Ian Murray said he doesn't know if they want to put it in there or the Open Space Plan or identify it in the Allowable or Non-Allowable Uses areas. Attorney Matt Jones asked if he would do it in the list of recommendations to the Town Board and Chairman Ian Murray responded ok.

- ◆ Chairman Ian Murray stated the driveways are simple and can be cleared up in site plan review, but under Site Plan he had a couple of modifications he'd like to see: he would like the well of the homeowner, Mrs. Cogan, on 114 Brown Rd., the north-east lot next to the PUD, located and identified on the map because she has voiced concerns on the separation distances of the wells and septic and he feels it's important to have hers identified on there. Attorney Matt Jones agreed.
- ◆ Chairman Ian Murray said concerning legislation, the dry fire hydrant on the south east lakeside, is not on the modified site plan and there is no reference concerning it in this amendment. Attorney Matt Jones said he, unfortunately, did not do the 2010 amendment but will see that it is put in.
- ◆ Jennifer Koval noted that there is a typo in Allowable Uses – it says 'bridge for trial' and she believes it should read 'bridge for trail' so they may want to correct that.
- ◆ Robert McConnell questioned if archery is an Allowable Use since they have firearms and shooting as such.
- ◆ Laurie Griffen questioned the Allowable Use of swimming pools only on the pond side, lots 1 – 6.
- ◆ Robert Park questioned open burning; in the legislation they have fire pits as an Allowable Use and he's not sure if that is even legal anymore; they may want to look into that. He also questioned if they will be allowing wind generators, saying it may be something for them to think about. Paul Tommell suggested they restrict it to HOA to police.
- ◆ Town Engineer Ken Martin stated he believes clarification is needed for 400-58.5 'C': it says access roadway is for one or more properties and a driveway is for only one property. Looking at the map there are two properties on one driveway, which makes it an access road, and then there's three properties there that should be an access road per this definition. Chairman Ian Murray questioned if they should be reclassified as shared driveways and Town Engineer Ken Martin said they could very easily do that. Town Engineer Ken Martin also stated that lot 6 will need an easement for access. Paul Tommell responded that's right since their drive crosses lot 5. Town Engineer Ken Martin suggested they add shared driveway into the wording of the law. Paul Tommell agrees.
- ◆ Town Engineer Ken Martin stated under 400-58.5 'D': he doesn't understand the last sentence written there; it makes no sense to him. Attorney Matt Jones responded they will strike that sentence.
- ◆ Town Engineer Ken Martin continued; under paragraph 400-58.5 'I': stated looking at the site plan, he would like all the wells and septic on individual lots; he doesn't like the statement that they can be put on someone else's lot.
Kirby Van Vleet responded that their concern is that if they don't allow that language they won't be able to build and they'd have to go back to the Town Board for another amendment. Paul Tommell added that due to the lay of the land they may end up having one big system with two separate tanks, one tank per home, because individual systems would be on each other's parcel, in some cases by inches, if they tried to do it any other way. Laurie Griffen suggested they put the reason why, in some of the cases, the septic have to be this way in the language of the legislation, in case the need arises in the future to explain why it was done this way; preference is/was individual lots, but if need is proved due to topography, they could do it that way.
- ◆ Town Engineer Ken Martin said in 400-58.5 'K', lots 15 and 16 should read as lots 13 and 14. Attorney Matt Jones said that is correct.

◆ Town Engineer Ken Martin stated concerning the wetlands on the map, Army Corp. setback requirement is 0' from their wetlands and it looks like the Applicants have 100'. The Town of Saratoga requires a 50' setback from Army Corp wetlands and DEC requires 100' from DEC wetlands.

◆ Laurie Griffen questioned if everyone can put up a barn for horses or will it be only a HOA common barn with stalls for each homeowner; she believes that should be addressed. Attorney Matt Jones responded that HOA covenants and restrictions will come first and all who purchase a home takes title to those rules and regulations.

Chairman Ian Murray asked if there were any other questions; there were none.

Chairman Ian Murray made a motion, seconded by Robert Park to send a positive recommendation for approval to the Town Board with the following changes as noted:

- 1. 40 feet height restriction**
- 2. No obstruction of view-shed**
- 3. Add the dry-hydrant on the south-east lakeside**
- 4. The 6 farm lots are restricted from having swimming pools**
- 5. Add third category of 'Shared Driveways'**
- 6. Clarify road ownership being that of the Home Owner's Association in perpetuity**
- 7. Change lots 15 and 16 to read as lots 13 and 14**
- 8. Compliance to Site Plan 400-58.4**
- 9. Explanation of the septics on property lines where needed**
- 10. Add archery under Allowable Uses**
- 11. Eliminate the last sentence under 400-58.5 D**
- 12. Identify the well of neighboring parcel, the Cogan's of 114 Brown Rd., on map**

Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – aye, Joseph Lewandowski – absent, Brandon Myers – aye.
Carried 6-0

Laurie Griffen made a motion, seconded by Jennifer Koval, to adjourn the meeting at 8:50 p.m.

Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – aye, Joseph Lewandowski – absent, Brandon Myers – aye.
Carried 6-0

Meeting Adjourned

Old Business: Chairman Ian Murray noted for each Board member to read the copy of the memo he wrote and sent to Mr. Taras to clear up any confusion on what the Board requires of him to move forward with his application for the special use permit for the sand mine; a copy is on file in the Clerk's office.

New Business: None

The next meeting will be held July 27, 2011 at 7:30 p.m.

Respectfully submitted,

Linda A. McCabe
Planning Clerk