

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES
March 24, 2010**

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, Paul Griffen – present, Laurie Griffen – absent, Patrick Hanehan – present, Robert McConnell – absent, Jennifer Koval – absent and Alternate Joseph Lewandowski – present.

Due to the absence of three Board Members, Chairman Ian Murray elevated Alternate Joseph Lewandowski to full voting status.

Also attending: Town Engineer Ken Martin, Bill Thompson, David Brown, Kelly and Michael Booth and other interested persons.

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 February 24, 2010 meeting as written. Chairman Ian Murray – aye, Robert Park – abstain, Laurie Griffen – absent, Patrick Hanehan – aye, Paul Griffen – aye, Robert McConnell – absent, Jennifer Koval – absent, Joseph Lewandowski - aye.

Carried 4 - 0

Approved

Board Member Jennifer Koval arrived at 7:35 p.m.

Special Use Permit

Michael Giovanone #09-17

5 Campion Lane

Saratoga Springs, NY 12866

S/B/L 193.6-1-1.1 Lake Commercial

Location: 1434 Rt. 9P, Saratoga Springs, NY

Owner: Christopher Destephano

6 Bear Brook Ct.

Clifton Park, NY 12065

Returning Applicant seeks a Special Use Permit to construct a boat and recreational vehicle storage facility, located at 1434 Rt. 9P.

The Applicant appeared before the Board briefly explaining his storage facility project. Due to time constraints and the layout of the property he has moved the building off the wetlands completely. After meeting with both DEC and Army Corp., they now have no jurisdiction or involvement due to the revised location of the building. The building will remain on average 175' away from the southerly property line, as well as 75' from the western property line. The building is significantly smaller than the original plan, completely off the wetlands; though only 5' away from the wetlands and the Town requires 50' away. He then handed out updated information to the Board Members and stated he knows he needs to be formally denied at this meeting in order to be sent to the Zoning Board of Appeals (ZBA), hopefully for the variances needed to satisfy the town requirements. If approved at the ZBA the Applicant will return here to proceed with this process. In review: the building has become smaller and has been relocated, the Army Corp. and DEC are in favor of the project, and the Applicant has finished a voluntary Phase 1B to show transparency to the Town and peace of mind for himself. The land is all imported fill where the building sits, that dates back to the 1940's; it is sandy loam and fine sand soil, there is no adverse ecological or archeological effects with the project since everything on site was imported; the water table is anywhere between 4'-5' below the existing soils according to the tests. The

Applicant then stated he will use the existing drive and will have one down-light over the door, so there will be very little impact on the area. The new building will sit 30' further back than the existing house; which will be removed. The Applicant added that he has donated the house to the Quaker Springs Fire Department for two weeks of training; chopping through the roof and any other kind of training they can use it for within the two week time frame, which hopefully will be during the time the Rt. 9P bridge will be down.

Chairman Ian Murray stated DEC has a 100' setback from wetlands, Army Corp. has no setbacks and the Town has a 50' setback, so the Applicant needs the variance to meet the Town requirement. The Board will have to deny this tonight and send the Applicant to the ZBA for two variances: the wetland setback and a front setback, due to the relocation of the building. Chairman Ian Murray questioned if the Applicant understood why the Board was sending him for the two variances, that it has to do with a Town law. The Applicant asked for a copy of the law requiring this and Chairman Ian Murray said that can be arranged. Chairman Ian Murray proceeded to read the portion of that law that pertains to this application: "section 400-8.12; Steep Slopes, Erosion and Sediment Control: listed under section D. Development Standards: No development will be permitted in a 50' buffer zone at the sides of the designated wetland of significant flowing streams designated by DEC in normally flowing more than six months per year or active reservoir greater than one tenth of an acre with a six month per year discharge. When average slopes next to the stream exceed ten percent a special review and consultation will be required by the Town Planning Board prior to establishing a development buffer."

The Applicant stated they will be prepared.

Chairman Ian Murray made a motion, seconded by Patrick Hanehan, to deny this application and send the Applicant to the Zoning Board of Appeals with a positive recommendation for a wetland variance and a front yard setback variance. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – absent, Patrick Hanehan – aye, Paul Griffen – aye, Robert McConnell – absent, Jennifer Koval – aye, Joseph Lewandowski – aye. **Carried 6-0**
Denied

Public Hearing for Subdivisions

William Thompson, Thompson–Fleming Surveying
12 Lake Ave.
Saratoga Springs, NY 12866
S/B/L 207.-1-17.1 Rural
Location: 424 Rt. 71
Saratoga Springs, NY 12866

Owner: William & Jean Varley #10-03
32 Yunch Rd.
Mechanicville, NY 12118

Returning Applicant proposes a two-lot subdivision, dividing a 10 acre parcel in half. Lots A and B will each be 5 acre parcels with more than the required frontage located at 424 Rt. 71.

Bill Thompson appeared before the Board on behalf of the Applicant, explaining he was here last month and a couple of questions had come up; one was concerning the sight distance of the existing driveway entrance on Parcel A, the vacant lot. That parcel has a sight distance in each direction that exceeds 700'. The second concern was the soils on Parcel A. After completing the soil engineering on that parcel they talked with Town Engineer Ken Martin and found that a regular system won't work, so an alternative system has been designed by Keith Manz, PE; which Bill Thompson handed out to the Board and to Town Engineer Ken Martin for his review, stating that he has also put that information on the survey map. Chairman Ian Murray stated Town Engineer Ken Martin was looking for the location for the proposed septic with an area for future expansion shown on the map. Town Engineer Ken Martin added they would need a perc test where they are placing the proposed septic system, and if moving it to a specific area they need to do soil engineering at that specific location. Chairman Ian Murray questioned if there needs to be language placed on the map stating they would need to resubmit if moving the septic and Town Engineer Ken Martin said yes.

Proof of Notice having been furnished by newspaper on March 14, 2010, Chairman Ian Murray opened the Public Hearing at 7:49 p.m., asking those wishing to speak to please stand and state their name and address.

No one came forward.

Chairman Ian Murray asked if there were any other questions of the Board, seeing none **Chairman Ian Murray closed the Public Hearing at 7:50 p.m.**

Chairman Ian Murray read the letter from the Saratoga County Planning Board indicating no significant county wide or intercommunity impact, along with the following comment: Applicant will need to obtain a Saratoga County DPW work permit for the proposed work within the County ROW.

Paul Griffen read the short form EAF, line by line, which was completed by the Board. Chairman Ian Murray made a motion, seconded by Robert Park 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 – absent, Patrick Hanehan – aye, Paul Griffen – aye, Robert McConnell – absent, Jennifer Koval – aye, Alternate Joseph Lewandowski – aye.

Carried 6-0

Approved

Chairman Ian Murray made a motion, seconded by Patrick Hanehan to approve this subdivision as proposed with the following conditions: final review of septic design by Town Engineer Ken Martin, show sanitary system location with area for future expansion on the survey map, and if location of septic changes, they must resubmit to Zoning Officer Gil Albert . Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – absent, Patrick Hanehan – aye, Paul Griffen – aye, Robert McConnell – absent, Jennifer Koval – aye, Alternate Joseph Lewandowski – aye.

Carried 6-0

Approved

**David Brown #10-04
78 Condon Rd.
Stillwater, NY 12170
S/B/L 193.-1-8 Rural**

Returning Applicant proposes to subdivide a 2 acre parcel from his 7.036+/- acres on Condon Rd. This Applicant was approved in November 2007, but failed to file his maps with the county, which has caused the original approval to become null and void.

The Applicant appeared before the Board stating there had been a question at the last meeting concerning the validity of his map since it is the same map from two years ago. Chairman Ian Murray stated this Applicant is here for reason of formality; this subdivision was approved in 2007 but the Applicant failed to file his map with the county in a timely manner. Chairman Ian Murray added they have determined the map is valid. Town Engineer Ken Martin stated he did a drive-by and nothing has changed aside from a few trees down. He also told the Applicant to contact Santos Associates to have them re-date the survey map. The Applicant responded he will get that done. Town Engineer Ken Martin added there was an elevation of the basement floor that was to be added on the map and the Applicant responded yes, 105' and that has been added.

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

Proof of Notice having been furnished by newspaper on March 14, 2010, Chairman Ian Murray opened the Public Hearing at 7:56 p.m., asking those wishing to speak to please stand and state their name and address.

No one came forward.

Chairman Ian Murray asked if there were any other questions of the Board, seeing none **Chairman Ian Murray closed the Public Hearing at 7:57 p.m.**

Chairman Ian Murray read the letter from the Saratoga County Planning Board indicating no significant county wide or intercommunity impact.

Paul Griffen read the short form EAF, line by line, which was completed by the Board. Patrick Hanehan made a motion, seconded by Paul 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 – absent, Patrick Hanehan – aye, Paul Griffen – aye, Robert McConnell – absent, Jennifer Koval – aye, Alternate Joseph Lewandowski – aye.

Carried 6-0

Approved

Chairman Ian Murray made a motion, seconded by Patrick Hanehan to approve this subdivision as proposed with the condition of final review of the updated survey map with the revisions by Town Engineer Ken Martin. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – absent, Patrick Hanehan – aye, Paul Griffen – aye, Robert McConnell – absent, Jennifer Koval – aye, Alternate Joseph Lewandowski – aye.

Carried 6-0

Approved

Chairman Ian Murray stated the Board would appreciate it if the Applicant would have Andrew, of Santos Associates, update the map and electronically send it to Town Engineer Ken Martin. The Applicant said okay and thanked the Board

Subdivision Sketch Plan Conference

**Michael & Kelly Booth
104 Condon Rd.
Stillwater, NY 12170
S/B/L 193.-1-7.2 Rural**

Applicant proposes to subdivide their 5+/- acre parcel; the 2.14 acre lot with existing home will be sold and they plan to build a home on the remaining 3 acre lot.

The Applicant appeared before the Board explaining that he had been here in the past for a lot-line adjustment with the intention of one day subdividing in order to build a smaller house. He showed the Board where he would like to subdivide; the 3 acre parcel will be vacant for them to build their ranch style retirement home and the other 2.14 acre parcel with the existing house and basketball court will be put up for sale.

The Board was fine with the proposal. Chairman Ian Murray told the Applicant to complete the balance of his application, bring in an updated survey and to have the soil engineering on the survey map. The Applicant thanked the Board.

Lot-line Adjustment

**David and Rebecca Howard #10-06
121 Co. Rt. 338
Schuylerville, NY 12871
S/B/L 157.-1-25.211 Rural Residential**

Applicants propose to adjust the boundary lines between Lot 1, 8.87+/- acres and Lot 2, 3.15+/- acres. Lot 1 will become 7.68+/- acres by giving 112' to Lot 2, which will now become 4.38+/- acres. Chairman Ian Murray stated the Board subdivided this parcel a few months ago and the Howard's apparently have sold the house and the new owners have requested a little more land with the home. Jim Vianna is adjusting the boundary line and taking a bit of the large agriculture parcel to add to the parcel with the house. No Board action is required, Jim Vianna just resubmitted it so we could go over it, answer any questions and sign off on it. Chairman Ian Murray asked if there were any questions from the Board; there were none.

Old Business: There was Board discussion on the proposed Witt subdivision, Brown Rd. PUD and the letter received from NYS Department of Health concerning the non-approval of the 34 lot Saratoga Farms Realty subdivision.

New Business: None

Chairman Ian Murray made a motion, seconded by Paul Griffen, to adjourn the meeting at 8:21 p.m. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – absent, Patrick Hanehan – aye, Paul Griffen – aye, Robert McConnell – absent, Jennifer Koval – aye, Joseph Lewandowski – aye.
Carried 6-0

The next meeting will be held April 28, 2010 at 7:30 PM.

Meeting Adjourned

Respectfully submitted,

Linda A. McCabe
Clerk