

**TOWN OF SARATOGA  
PLANNING BOARD DRAFT MINUTES  
May 25, 2011**

Chairman Ian Murray called the meeting to order at 7:33 p.m.

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

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

Also attending: Town Engineer Ken Martin, Glen & Heather Brundige, Richard Best, Henry Jellows, Bill Rourke, Walter & Lisa Taras, Michele McClure, Andrew Sheeran and Gail D. Taras. (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 Robert Park to accept the minutes of the April 27, 2011 meeting as written.** Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – absent, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – absent, Brandon Myers – aye. **Approved 6-0**  
**Approved**

Board Member Laurie Griffen arrived at 7:43 p.m.

**Public Hearing for Minor Subdivision**

**Glen & Heather Brundige #11-08**

**43 Brown Rd.**

**Stillwater, NY 12170**

**S/B/L 206.-1-23 Rural District II**

Returning Applicants propose a two lot subdivision of their 13+/- acre parcel, located on Brown Rd. Lot 1 will contain the existing house and will be 8+/- acres and Lot 2 will be 5+/- acre where they intend to build their new home.

The Applicants appeared before the Board and reviewed their project, stating that since their last visit they've had the survey completed and it turned out that Lot 2 will be 4+/- acres, not five.

Chairman Ian Murray stated they need to have the agriculture statement on the map as well as the soil engineering and he believes the Board had requested a septic investigation. The Applicant replied that is correct and Building Inspector Gil Albert was present at the time of the tests. They completed soil engineering and perc tests, adding there were two locations with proper distances and they chose the one closer to the road. The Applicant explained that he only had one copy of the large map with the required data on it and Town Engineer Ken Martin has that map.

Chairman Ian Murray and Town Engineer Ken Martin reviewed the engineering test results and Town Engineer Ken Martin questioned the lay of the land. The Applicant responded the entire parcel is flat and level. Chairman Ian Murray stated the Applicant just needs to meet minimum setbacks and needs to have the agriculture statement and the new septic/water notes for Lot 2 (for the addition) on the survey map along with the well and septic of the current lot.

Patrick Hanehan questioned sight distance there and Chairman Ian Murray stated it's got more than adequate sight distance from both directions.

The Applicant questioned what is needed on the maps for signatures and filing. Chairman Ian Murray responded he needs to provide one mylar and five large paper copies of the subdivision with the agriculture data statement and water notes on them.

Chairman Ian Murray asked if there were any questions of the Board, there were none.

**Proof of Notice having been furnished by newspaper on May 15, 2011, Chairman Ian Murray opened the Public Hearing at 7:42 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 7:43 p.m.**

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

**Patrick Hanehan read the short form EAF, line by line, which was completed by the Board.**

**Chairman Ian Murray made a motion, seconded by Patrick Hanehan 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 – aye, Jennifer Koval – aye, Patrick Hanehan – aye Robert McConnell – aye, Joseph Lewandowski – absent, Brandon Myers – aye. **Carried 7-0 Approved**

**Chairman Ian Murray made a motion, seconded by Laurie Griffen to approve the subdivision as presented, with final review by Town Engineer Ken Martin.** Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye Robert McConnell – aye, Joseph Lewandowski – absent, Brandon Myers – aye. **Carried 7-0 Approved**

#### Sketch Plan for Subdivision

**Henry M. Jellows #11-06**

**115 Rt. 32**

**Schuylerville, NY 12871**

**S/B/L 169.-2-11.12 Village Extension and Rural**

Returning Applicant proposes a seven lot subdivision located at 115 Rt. 32.

Mr. Rourke, LS, appeared on behalf of the Applicant stating they have changed their plan quite a bit since their last appearance. They have shortened up the road to the throat of the cul-de-sac. The first 300' of the property is classified under the Village Extension District and so they now propose two lots there with 150' of frontage and 40,000 sq. ft. per lot. Four additional lots will be 200' of frontage and 80,000 sq. ft. per lot and lot 7 is a 13 acre lot with the existing house and barn. The four lots and this 13 acre lot are in the Rural District. He added they have designed the road as per Board instruction and said they are trying to get the project concept finalized before going forward with any specifics concerning the topography and storm drainage.

Chairman Ian Murray questioned if they've done any soil engineering at all on site because he feels it is important to figure out the wells and septic tanks on the site as well as the separation distances. He stated doing so will be a good indicator of what they'll get out of there.

Mr. Rourke responded no they've not done anything, although they need to make provisions for that. They are waiting to do that until they finalize their plan with the Board.

Chairman Ian Murray added he sees no storm-water design in place for this project and understands that the Applicant is maximizing the property but provisions may need to be made for that.

Mr. Rourke stated they will hire someone to do the storm-water study and it may wind up that they have to lose one of the lots for that.

Chairman Ian Murray noted the road design and Mr. Rourke questioned if they can do rural road standards and Chairman Ian Murray responded yes which requires a 50' right-of-way. Mr. Rourke said it calls for 50' but questioned if they will be allowed to go to 60' and Chairman Ian Murray responded yes. Chairman Ian Murray then questioned if the Applicant is planning on dedicating the road to the Town and Mr. Rourke said yes. Chairman Ian Murray explained that is the reason why he's looking at the road design along with the storm-water drainage, so they need to be sure to do the road to Town specifications.

Chairman Ian Murray added that with the addition of the two extra lots along with the original proposal of the five lots, it puts this into a realty subdivision which means it goes into NYS Department of Health (DOH) jurisdiction as well. Mr. Rourke questioned what makes that a realty subdivision, going over four lots or five lots. Town Engineer Ken Martin answered over five; the Applicant has six lots less than five acres proposed. Mr. Rourke stated they may elect to alter their plan to keep it out of realty subdivision. The Board explained to him that he'll have to keep to four lots under five acres to stay out of a realty subdivision.

Chairman Ian Murray questioned if they have completed any topographicals and Mr. Rourke said not yet. Chairman Ian Murray said he asked due to the rolling lay of the land and was trying to figure out separation distances for what they have planned there. Mr. Rourke stated they need to do long form SEQR and Chairman Ian Murray said correct.

Chairman Ian Murray asked if there were any questions of the Board. Robert Park stated they need building envelopes on lots 1 and 2.

Town Engineer Ken Martin stated he would like to see the separation distances for the wells and septic systems on the map as well as the building envelopes.

Mr. Rourke responded okay and questioned, concerning the two lots in the village extension, if he needs to go with the regulations for that district and was told yes. Mr. Rourke thanked the Board.

### **Returning**

#### **Sketch Plan for Subdivision and Lot-line Adjustment**

#### **Richard Best #11-09**

**1349 Broadway**

**Albany, NY 12204**

**S/B/L 193.10-1-41, 193.10-1-54**

**Location: 1282 & 1284 Rt. 9P**

The Applicant proposes to adjust the boundary lines between Lots A & B, creating one parcel located on Rt. 9P. He also would like to subdivide the current Lot B into two parcels; the lakeside parcel will become Lot C.

The Applicant then proposes to construct a two story multi-family townhouse, consisting of 4 units, on the merged parcel of lots A & B, located on Rt. 9P and proposes to build a new house on the proposed lot C, located on the lake side of Rt. 9P.

The Applicant appeared before the Board, reviewing his map and showing the Board his design for the proposed 4 unit townhouses.

Chairman Ian Murray stated he understands the Applicant's idea for the project but the Applicant will need many variances to achieve this.

Town Engineer Ken Martin questioned if the stream runs all year and the Applicant responded yes, sometimes it's just a trickle but when it rains it really runs. Town Engineer noted he needs to watch the setback by the stream; he has to be 50' back according to Town regulations and on the map it shows that

he's only 20' back. After a lengthy discussion concerning lot sizes, setback requirements, the need for an updated survey, storm water and site plans, sewer connections, percentages of lot coverage and the many variances required to achieve this proposed project, the Board suggested the Applicant talk with Saratoga County Sewer since he will need at least four lines for the proposed townhouses and then confer with his engineer. The Board also told the Applicant he will have to review this with DEC and get classification on the stream.

The Applicant stated he may need to redesign due to the stream and he will start with the County Sewer and his engineer and will return.

**Returning**

**Special Use Permit Conference for Sand Mining**

**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.

The Applicant appeared before the Board with a revised map and narrative that NYSDEC had requested. There was a lengthy discussion concerning the haul road; the Applicant stated that DEC designed it for him and had him put it in the way it is. The Board explained that according to Town regulations it must be 75' from any property line and it isn't. They also explained that this is now a major mining operation due to the mine being within 500' of a dwelling, and that is according to NYSDEC law and that this is a Type I Action so the Applicant has to go through SEQR long form for this application. A lengthy discussion ensued; Applicant will be returning.

**Returning**

**Old Business: Special Use Permit Renewals:**

Chairman Ian Murray stated the Board has several Special Use Permits up for renewal this month.

**Phillip Heitmann, Old Saratoga U-Pull-It Junk Yard # 08-09**

**17 Staffords Bridge Rd.**

**Saratoga Springs, NY 12866**

**S/B/L 169.-1-44**

Chairman Ian Murray read the report from Zoning Officer Gil Albert stating there have been no complaints concerning this business, he has done everything he said he was going to do and has maintained the area well. There was a discussion of the Board concerning making this a permanent permit.

**Robert Park made a motion, seconded by Patrick Hanehan to approve this being made a permanent Special Use Permit for U-Pull-It Junkyard.** Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye Robert McConnell – aye, Joseph Lewandowski – absent, Brandon Myers – aye. **Carried 7-0**

**Approved**

Laurie Griffen questioned if they do make it permanent, who takes care of any problems that may come up in the future and Chairman Ian Murray responded that would fall to the authority of Zoning Officer Gil Albert to take care of any problems.

**Dennis Brida, Mango 29 Deli #09-05  
1023 Rt. 29  
Schuylerville, NY 12871  
S/B/L 156.-1-10**

Chairman Ian Murray read the report from Zoning Officer Gil Albert stating he is recommending a one year renewal with conditions. He has received a couple complaints on the sign and outside lighting. He also had an issue with Mr. Brida running a separate business of U-Haul rental trucks on this property without a permit and that Mr. Brida had expanded his sign without a permit. Zoning Officer Gil Albert also noted that Mr. Brida needs to be pushed into compliance. (Zoning Officer Gil Albert notified Mr. Brida that he was coming up for renewal and those sign and rental truck issues have been resolved.) Robert Park stated the security lighting needs to be checked for compliance because when driving by there at night it seems like a spotlight is shining in your face. He also stated that since Mr. Brida seems to do things without permits and ignoring things he's been asked to do, the Board should give him a shorter period of time in which to comply. Robert McConnell agreed with Robert Park; he doesn't want to put anyone out of business but he doesn't want anyone flaunting noncompliance either.

Laurie Griffen questioned how long has this been going on with him and Robert Park responded from the opening; there were issues with the driveway, the sign, the entrance to the parking area.

Chairman Ian Murray added he knows the Zoning Officer has tried to get him in compliance a few times; there were some other things lacking there that didn't meet regulations and most recently was a U-Haul Rental business he had there without a permit.

Chairman Ian Murray stated there have been a few complaints of the outside lighting. The Board can choose to renew for a lesser period of time if they feel it necessary, to be sure Mr. Brida becomes compliant with the lighting if it is out of compliance. Chairman Ian Murray stated they will have Zoning Officer Gil Albert check on this and have Mr. Brida put in a diffuser or a lower watt bulb in the overhead outside light.

**Robert Park made a motion, seconded by Patrick Hanehan to grant a three month conditional renewable Special Use Permit for Mango's 29 Deli, contingent on compliance with outside overhead lighting.** Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye Robert McConnell – aye, Joseph Lewandowski – absent, Brandon Myers – aye. **Carried 7-0**

**Approved**

**Shane Drumm, Drumm & Ayres Turf Service # 10-07  
1120 Rt. 29  
Schuylerville, NY 12871  
S/B/L 156.-3-11**

Chairman Ian Murray read the report from Zoning Officer Gil Albert stating that they are not in compliance due to not getting a permit for the addition to their sign and he suggests renewing on condition of coming into compliance.

Laurie Griffen stated she believes this business may be closed and the Board should table this until next month; by then we will know if this has closed or not. The Board was in agreement.

**Laurie Griffen made a motion, seconded by Jennifer Koval to table this renewal for a month.** Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye Robert McConnell – aye, Joseph Lewandowski – absent, Brandon Myers – aye. **Carried 7-0**

**Tabled**

**James & Elena Grotto, Retail Sales & Service # 04-22**

**946 Rt. 29**

**Saratoga Springs, NY 12866**

**S/B/L 156.-1-24**

Chairman Ian Murray read the report from Zoning Officer Gil Albert stating there have been no complaints concerning this business. Chairman Ian Murray noted they have complied with the Board in the past and they keep everything neat and clean. The Board discussed making this a permanent permit.

**Laurie Griffen made a motion, seconded by Jennifer Koval to make this a permanent Special Use Permit.** Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Jennifer Koval – aye,

Patrick Hanehan – aye Robert McConnell – aye, Joseph Lewandowski – absent, Brandon Myers – aye.

**Carried 7-0**

**Approved**

**New Business:** Robert Park questioned the work that Witt Construction was doing at the Dooley property on Condon Rd. Chairman Ian Murray responded that they had to get compliant with SWPPP (Storm Water Pollution Prevention Plan) and since they are now compliant they are moving forward with that project.

**Gail D. Taras** addressed the Board.

**Robert Park made a motion, seconded by Jennifer Koval, to adjourn the meeting at 9:09 p.m.**

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

**Carried 7-0**

**Meeting Adjourned**

The next meeting will be held June 22, 2011 at 7:30 p.m.

Respectfully submitted,

Linda A. McCabe

Planning Clerk