

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES**

May 28, 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 – present, Jennifer Koval – present, Joseph Lewandowski – absent, Brandon Myers – absent, Alternate George Olsen – present.

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

Also attending: Dan Wheeler, LS., Mr. Eastwood and other interested persons. (Sign-in sheet is on file in the Clerk's office)

Approval of Minutes: A motion was made by Jennifer Koval, seconded by Robert McConnell to accept the meeting minutes of February 26, 2014 and March 26, 2014. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – aye, Joseph Lewandowski – absent, Brandon Myers – absent, George Olsen – aye. **Carried 5 – 0**
Approved

Lot-Line Adjustment

**John & Elizabeth Manning #14-04
1197 Rt. 9P
Saratoga Springs, NY 12866
S/B/L 206.6-2-3.1 Lake Residential**

**Representative: Dan Wheeler, PLS
Survey Associates, LLC
432 Broadway, Suite 5
Saratoga Springs, NY 12866**

Applicants seek a lot-line adjustment in order to convey 5' of their property to their neighbor, Joan Ferguson of 1195 Rt. 9P, S/B/L 206.6-2-59, for driveway purposes.

Dan Wheeler, PLS, appeared before the Board on behalf of the Applicants, and reviewed the boundary line adjustment between the Manning property and that of their neighbor, Joan Ferguson.

Chairman Ian Murray asked if there were any questions of the Board; there were none. The Board agreed this is a clean lot-line adjustment. Chairman Ian Murray stated no Board action is required.

Dan Wheeler stated he will return with the maps for signatures and he thanked the Board.

Lot-Line Adjustment

Schuylerville Central School District #14-05
14 Spring St.
Schuylerville, NY 12871
S/B/L 157.-1-54.1

Mr. T. David Bullard
136 Rt. 4 North
Schuylerville, NY 12871
S/B/L 157.-1-7 Village Ext., Rural Res.

The Applicant seeks a lot-line adjustment to convey lands to Mr. T. David Bullard.

Mr. Thomas Eastwood, Attorney, representative for Mr. T. David Bullard and also on behalf of Schuylerville Central School District, appeared before the Board stating he knows this has been a long term situation but there were issues with the survey. He stated he drew up a boundary line agreement which describes the lot-line adjustment and he has discussed it at great length with the Schuylerville Central School District's attorney, Kristine Lanchantin, who has approved it and so informed Superintendent Ryan Sherman.

Chairman Ian Murray questioned why no one is here representing the Schuylerville Central School District (District); adding he does have a letter from Ryan Sherman.

Mr. Eastwood stated that their attorney, Kristine Lanchantin, could not adjust her schedule.

Chairman Ian Murray asked where the property is that is being conveyed to the District.

Mr. Eastwood stated actually the conveyance is everything below the adjustment line of the lands going to the Bullard's; everything north of the new line goes to Bullard's and everything south remains with the District. Mr. Eastwood stated the Bullard home is on the historical registry and the new line, from the southeast line of the Doyle property to midpoint of the westerly line of the Tracey property, will enhance the protective zone of the Marshall house, not just the de facto protection but a legal protection under the National Historical Preservation Act.

Chairman Ian Murray questioned if the Bullard house has historic status and Mr. Eastwood responded it's on the historic register but the Bullard's are applying for national landmark status; whether or not that comes to pass remains to be seen.

Chairman Ian Murray asked if the School Board has authorized the sale of the land and Mr. Eastwood responded yes of course, it's in the School Board's interest.

Board Member Laurie Griffen questioned why it's in the school's interest.

Mr. Eastwood responded because, as mentioned before, there's a protective zone beyond the new line as opposed to the current one. It's in the interest of the School Board because the Doyle's are considered an adverse party to the School Board, so the School Board is very much in favor of this.

Chairman Ian Murray asked what the proposed price is.

Mr. Eastwood responded the contract price is \$15,000.00.

Chairman Ian Murray questioned if Mr. Bullard is paying the \$15,000.00 to the District.

Mr. Eastwood said yes, they're paying the District; well actually they're paying Girvin and Ferlazzo, the School Board's attorney; it's just a mechanical thing-pro forma.

Chairman Ian Murray questioned that it is 2.748+/- acres on the new parcel and Mr. Eastwood responded basically, yes.

Chairman Ian Murray questioned what the school paid for the land originally and Mr. Eastwood responded that he did not know.

Board Member Laurie Griffen asked if it matters. Chairman Ian Murray said just general questions, adding that a resident questioned if there was a permissive referendum and/or resolution through the District for this; to be clear, the resident is questioning if it would have to go through a public hearing.

Board Member Laurie Griffen asked if a permissive referendum is based upon a certain amount of land because last time it was only 5' and this time it's acres.

Chairman Ian Murray stated he's not sure. He spoke with Ryan Sherman a couple of times and tried to reach him again concerning this, but he hasn't heard back from him. He isn't sure if it needs a referendum of the district voters or not.

Mr. Eastwood stated he wouldn't think it would considering the fact that there is no argument of it being in the best interest of the District because of the protective aspect of it and the constant difficulty, shall we say, that has occurred between the property immediately to the west and the School Board. The other factor is it is \$7,000.00 an acre and that's a pretty big price.

Board Member Laurie Griffen asked what's back there.

Mr. Eastwood stated it's swampy and has natural areas and the School Board would rather not have any students back there.

Board Member Jennifer Koval questioned the contents of the letter provided by Superintendent Ryan Sherman. Chairman Ian Murray read the following letter to the Board:

Re: Schuylerville Central School District and Board

Dear Mrs. McCabe:

Please accept this letter as the consent of the Schuylerville Central School District ("District") that Attorney Thomas Eastwood represent our interest in regard to the application for a boundary line adjustment with the Town of Saratoga. We are unable to attend the hearing of May 28, 2014 and authorize Mr. Eastwood to act on our behalf to finalize, with the Town of Saratoga, the boundary line adjustment discussed above.

If you have any questions, please contact me.

Very truly yours,

*Dr. Ryan Sherman
Superintendent of Schools*

Board Member Laurie Griffen then asked Mr. Eastwood if he is the school's attorney.

Mr. Eastwood stated actually he is, for this purpose. The school's attorney is Kristine Lanchantin of Girvin and Ferlazzo but she can't be here and they've gone over this, she has the documents and over the years this has been dealt with ad-nauseam.

Board Member Laurie Griffen asked if he is Tom Eastwood and he responded correct. She then asked if he's with a law firm and he responded no, he's his own. He stated in this transaction he was involved with Mr. Bullard and Kristine Lanchantin represented the School Board, but he is the one who drew up the agreement and she has approved it.

Board Member Robert McConnell asked Chairman Ian Murray if the town's attorney has looked at this and Chairman Ian Murray responded that he has not.

Mr. Eastwood stated he doesn't know who the town's attorney is but he spoke with Bill Reynolds in the past and he didn't have a problem with this. There was a time when this was going to be what he calls an NJL, non-jurisdictional letter type situation and he hasn't discussed this with him lately, but there is nothing different today, other than the nature of the document. He added that he had some issues with Mr. Humiston's description and so he changed some things.

Board Member Robert McConnell stated his concern is that they're going on a lot of "everything is okay", no reflection against Mr. Eastwood, but the Board doesn't really know if everything is okay. He would feel more comfortable if the town's attorney reviewed this.

Chairman Ian Murray agreed with him. He stated we don't need Board action on it because it is a lot-line adjustment, but two things need to happen before he signs off on it. First he wants Town Attorney William Reynolds to review it and secondly he'd like Town Attorney William Reynolds to get a letter from the Girvin and Ferlazzo Law Firm giving the okay to go forward with this. There is no reason for Mr. Eastwood to appear before the Board again; once the Board receives the letter from Girvin and Ferlazzo, Mr. Eastwood will be contacted to bring in the maps for signatures.

Board Member Jennifer Koval stated that the Board is still waiting to hear from Ryan Sherman if this should have or needs to go out to district voters and Chairman Ian Murray said correct.

Mr. Eastwood stated perhaps if there was a question of fair market value or something like that and it was a substantial portion of the school district property it should, but this is almost swamp land up there.

Board Member Laurie Griffen stated that makes sense but the Board just wants to be sure this is done correctly. Mr. Eastwood stated he understood. He then asked for William Reynolds' phone number stating he will call him in the morning and he'll have him call Kris Lanchantin.

Information

Mr. Barton seeks advice on how to subdivide his illegally filed subdivision and stated he needs to know what he has to do to make this legal.

Chairman Ian Murray stated the Board has been through this for two years with Mr. Barton and the last time was January of last year. Chairman Ian Murray told him again that he needs 300' of road frontage connected to the parcel and a formal application for subdivision in order to turn this into a legal subdivision. Mr. Barton asked what is he to do if Mr. Clute won't sell him any

more land; Chairman Ian Murray suggested that he speak with his attorney. He also stated that Mr. Barton needs to resolve this or it's going to legal, that's it.

Old Business: none

New Business: none

A motion was made by Robert McConnell, seconded by George Olsen to adjourn the meeting at 8:17 p.m. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – aye, Joseph Lewandowski – absent, Brandon Myers – absent, George Olsen – aye. **Carried 5 – 0**

Meeting Adjourned

The next regular meeting will be held Wednesday, June 25, 2014 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe
Planning Clerk