

**TOWN OF SARATOGA  
PLANNING BOARD DRAFT MINUTES  
November 17, 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 – absent, Laurie Griffen – present, Patrick Hanehan – present, Robert McConnell – present, Jennifer Koval – present and Alternate Joseph Lewandowski – present.

Due to the absence of Board Member Paul Griffen, Chairman Ian Murray elevated Alternate Joseph Lewandowski to full voting status.

Also attending: Town Engineer Ken Martin, (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 Laurie Griffen to accept the minutes of the October 27, 2010 meeting as written.** Chairman Ian Murray –aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Paul Griffen – absent, Robert McConnell – aye, Jennifer Koval – aye, Joseph Lewandowski - aye.

**Carried 7 - 0**

**Approved**

**Public Hearing for Special Use Permit**

**Michele McClure and Andrew Sheeran #09-14**

**178 Co. Rt. 69**

**Schuylerville, NY 12871**

**S/B/L 182.-2-16 Rural**

Returning Applicants are seeking a special use permit to open a Bed & Breakfast, located at 178 Co. Rt. 69, Schuylerville, NY.

Applicant Andrew Sheeran appeared before the Board. He reviewed his last appearance before the Board and stated that they have been to the Zoning Board of Appeals and were granted the 25' setback variance that was required. This will be a two-bedroom Bed & Breakfast; they have three bedrooms, one of which is theirs. He still has not heard from the DOH (Department of Health); he has spoken with DEC (Department of Environmental Conservation) and DEC relayed to him that as long as the household unit was not producing more than 1000 gallons of waste water a day they hold no jurisdiction and the Applicants are to refer to the local Zoning Officer. He asked DEC to please fax that information to the Planning Clerk, but that has not yet been received. The septic system was designed in 2000, and inspected by Mr. Robert Hathaway. It is a 1250 gallon system with a 200' leach field which was acceptable at that time. The Applicant stated he still has to put exit signs in per Building Inspector. There is adequate parking along the left side of the upper driveway for 3 – 4 cars and along the eastern side of the fence line; back 50' – 60', there is enough parking for 6 -8 cars and additional parking space in front of the greenhouse. They are required one spot per bedroom for a Bed & Breakfast, so they have plenty. Chairman Ian Murray confirmed that. Chairman Ian Murray asked the Applicant to call Town Engineer Ken Martin with the name of the gentleman at DEC he spoke with and the Applicant responded he will do that. Chairman Ian Murray asked Town Engineer Ken Martin to call and verify everything with DEC.

Patrick Hanehan asked the Applicant how his water supply is and the Applicant responded he has a deep well capable of producing 7 gallons per minute at peak operation.

Chairman Ian Murray questioned if they use that same water for their greenhouse operation. The Applicant responded yes, and the water is separated in the basement; the inside use water goes to a filter system. The Applicant also stated they have a spring in the northeast corner of the property and can use it, but their water level has never dropped below 10’.

Chairman Ian Murray questioned if the Applicant has automatic fertilizers in the other injectors for the greenhouse and the Applicant responded no, he plugs them in.

Chairman Ian Murray then asked if he has a backflow connection on there and he said no, he has the water go from the well, through a pressure tank to the spigot. Chairman Ian Murray stated they can get a spigot with a backflow prevention on it and he recommends that they do that or they need to put a backflow connection on the existing waterline or spigot that is used for the greenhouse. The Applicant questioned if he can cut into the waterline in the basement and splice a backflow connection to that and Chairman Ian Murray responded yes. Chairman Ian Murray then questioned if this will be a seasonal operation and the Applicant responded that they will be in operation for 6 – 9 months each year; mid-June to January or February, but closed during their greenhouse growing season.

Patrick Hanehan asked if he delineated where the well and septic are located and the Applicant responded yes and showed the Board where the location is on the map.

Joseph Lewandowski questioned if there are any special requirements with the pool for the Bed & Breakfast. The Applicant stated the pool is fenced and he’s waiting to get a permit for the pool house which will also house the mechanicals.

Robert Park asked if the pool is available for the guests to use and questioned if it is an in-ground pool. The Applicant responded it’s an in-ground pool and open for guests during the summer season.

**Proof of Notice having been furnished by newspaper on November 7, 2010, Chairman Ian Murray opened the Public Hearing at 7:44 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 questions from the Board; there were none. **Chairman Ian Murray closed the Public Hearing at 7:45 p.m.**

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

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

**Carried 7-0**

**Chairman Ian Murray made a motion, seconded by Laurie Griffen, to approve this application as presented contingent on Town Engineer Ken Martin’s review with DEC and Town Engineer Ken Martin’s inspection of the installation of the back flow prevention valve. This is an annual Special Use Permit and must be renewed in November 2011.** Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Paul Griffen – absent, Robert McConnell – aye, Jennifer Koval – aye, Joseph Lewandowski – aye. **Carried 7-0**

**Approved**

**Wayne Bakken #10-14**

**938 Rt. 29**

**Saratoga Springs, NY 12866**

**S/B/L 156.-1-34 Rural Residential**

Returning Applicant is seeking a Special Use Permit to erect a wind turbine, located at 934 Rt. 29.

Chairman Ian Murray stated that due to the diligence of this Applicant in reading and interpreting our Local Law # 3 of 2008, along with the Applicant's conversations with the Planning Clerk, Zoning Officer and Chairman Ian Murray himself, it has been determined the Planning Board did not need to send the Applicant before the Zoning Board of Appeals. Chairman Ian Murray then read that section of Local Law # 3, 2008, Section 2, E. Setback: 'The minimum required setback for any WECS tower from property lines, overhead utility lines, or other WECS shall be equal to 1.5 times the proposed structure height, including blades.' Chairman Ian Murray added that Zoning Officer Gil Albert believes this is for the property lines and the safety and security of the neighbors. As it reads, it is not necessarily for the buildings or dwellings of the occupants putting the structure up; it would be their personal responsibility and liability. Zoning Officer Gil Albert had explained to Chairman Ian Murray that since this will be on the Applicant's property and not near any neighbor's property he doesn't know what it could be varied on so there could be no zoning ruling made. Chairman Ian Murray then questioned the Board if they want to think about this or go forth. Laurie Griffen read Section 2 of Local Law # 3 of 2008: 'Article IV of the Zoning Regulations of the Town of Saratoga is hereby amended by adding Section 400-16.1 as follows: Wind Energy Conversion Systems Purpose: For the purpose of protecting the general public of the Town of Saratoga and properties adjacent to Wind Energy Conversion Systems (WECS) from indiscriminate placement, and related health and safety problems.' After a lengthy Board discussion it was determined that the location is not a public access, is gated and not obstructing anything visually. Chairman Ian Murray and Town Engineer Ken Martin felt that in order to mitigate and approve this permit the Board should send the Applicant for a building permit; that way the Board can verify inspection with Building Inspector Gil Albert of the footings and also verify that it is installed correctly and in place for the construction of the tower. The Board agreed.

**Proof of Notice having been furnished by newspaper on November 7, 2010, Chairman Ian Murray opened the Public Hearing at 7:58 p.m., asking those wishing to speak to please stand and state their name and address.**

**Ralph Pascucci, Rt.29**, stated he has no problem with this, adding Mr. Bakken is a humble and practical engineer.

**Keith Plummer, neighbor**, stated has no problem with this.

**Chairman Ian Murray closed the Public Hearing at 8:00 p.m.**

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

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

**Laurie Griffen 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, Patrick Hanehan – aye, Paul Griffen – absent, Robert McConnell – aye, Jennifer Koval – aye, Joseph Lewandowski – aye.

**Carried 7-0**

**Chairman Ian Murray made a motion, seconded by Robert Park, to approve this application as presented with the following condition: the Applicant is to get a Building Permit.** Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Paul Griffen – absent, Robert McConnell – aye, Jennifer Koval – aye, Joseph Lewandowski – aye.

**Carried 7-0**

**Approved**

**Lot Line Adjustment**

**Marc Johnson #10-15  
1216 Rt. 9 P  
Saratoga Springs, NY 12866  
S/B/L 193.18-1-68 Lake Residential**

Applicant proposes to adjust the boundary lines between his property and a neighbor's property. This Applicant is also looking for some information and guidance concerning a parcel on Rt. 29, across from the Mango Deli.

The Applicant appeared before the Board stating he'd like to adjust some boundary lines with his neighbor since it will help them both; he will have a few more feet for his driveway which will help due to it being so steep, and his neighbor will gain some depth to their property which will help them. He discussed his parcel with the Board and showed how he would like to adjust his lines.

Chairman Ian Murray and Town Engineer Ken Martin stated it looks like he has created a landlocked parcel as well as a substandard lot and that is not allowed. Chairman Ian Murray stated that the neighbor needs to merge his two substandard lots together to make one parcel and one deed, including the land the Applicant is conveying to them. They must also have the maps redrawn showing and stating the metes and bounds; it is the only way this can be done. The Applicant would then need to bring in the new maps and deed descriptions for both parcels for signatures of the Chairman and Town Engineer and then the Applicant will have to take it to the county for filing.

The Applicant thanked the Board for their information.

The Applicant then told the Board he'd like to open a cold storage facility on Rt. 29 with state of the art security, kiosks and a call center. The parcel is about 50 acres and he would build on and fence in a five acre area. He feels this would be low impact to the environment and surrounding area since Rt. 29 has become a busy corridor, and visibility is essential for business. He said he'd want access to the business right off Rt. 29; without that access he wouldn't be interested in that parcel.

Joe Lewandowski stated that piece of property was part of his grandparent's farm years ago and there are wells in there, as well as a stream there and a cemetery in the upper crest of the property where the high, dry ground is located off of Wall St.

After a lengthy discussion with the Board it was explained he would need to have the site wetlands delineated, along with the 100' buffer the Town requires. He would also need to get the engineering work done and more than likely he'd need a DEC and/or Army Corp. permit/s to cross the wetlands. The Applicant stated if the business cannot be seen from Rt. 29 he wouldn't like it; he really wants the Rt. 29 corridor.

Chairman Ian Murray stated that it was Dave Carr with the LA Group that worked that site so the Applicant may want to give him a call.

The Applicant then asked the Board if they see this as an optional use for that property and the Board responded it depends on the engineering.

The Applicant thanked the Board.

**Old Business:** Laurie Griffen stated that the Board usually gives a yearly renewable permit with Special Use Permits for the first couple of years and thinks they should do so with the Bed & Breakfast. The Board agreed and directed Clerk Linda McCabe to include that on the Notice of Action for Michele McClure and Andrew Sheeran.

**New Business:** Ralph Pascucci addressed the Board with his concerns on hydrofracking. Jennifer Koval stated she read an article that Union College is putting wind turbines up and it is the

same company that put the wind turbine on the DiSiena property without a permit; she will send copies of the article to the Board.

Schuyler Hills on Rt. 29 is going forward.

It was suggested that Board members look at the set of plans for the Victory Mill and let the Town Board Members know their thoughts concerning the tax issues associated with it.

**Chairman Ian Murray made a motion, seconded by Jennifer Koval to adjourn the meeting at 9:00 p.m.** Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Paul Griffen – absent, Robert McConnell – aye, Jennifer Koval – aye, Joseph Lewandowski – aye.

**Carried 7-0**

**Meeting Adjourned**

The next meeting will be held December 15, 2010 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe  
Planning Clerk