

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES**

November 19, 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 – present, Robert McConnell – present, Jennifer Koval – present, Joseph Lewandowski – present, Brandon Myers – absent, Alternate George Olsen – present.

Due to the absence of Board Member Brandon Myers, Alternate Member George Olsen was elevated to full voting status.

Also attending: Michael Moore, Erin Sisk, Al Parella, Marcie Krout, Jim Schriefer, Daniel Farnon, Kim Crocetta, Mr. Ingersol, Katherine Smith and other interested persons. (Sign-in sheet is on file in the Clerk's office)

A motion was made by Patrick Hanehan, seconded by Laurie Griffen to accept the meeting minutes of October 22, 2014. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – absent, George Olsen - aye.

Carried 7 - 0

Approved

Public Hearing for Special Use Permits

**Erin Sisk #14-12
2191 Rowley Rd.
Ballston Spa, NY 12020
S/B/L167.-1-4
Location: 683 Rt. 29 Rural Residential**

Returning Applicant seeks a Special Use Permit to open an equine therapy and boarding business at 683 Rt. 29.

The Applicant appeared before the Board and stated she has made a few changes per the advice of the Board at last month's meeting; she then reviewed the new location of the proposed parking lot and the completed survey.

Chairman Ian Murray stated it looks great, just what the Board was looking for.

Laurie Griffen questioned the location of the well.

The Applicant replied it is located on the front of the property for the house. She then gave a brief overview of the barns, therapy program and equipment storage. She explained the new

barn will be an 8 stall barn and will be used as a temporary holding barn for therapy and/or exercising.

Chairman Ian Murray questioned if she is planning to blacktop the driveway.

The Applicant replied it is paved from the road up to the barns and they will be widening that drive, but she's unsure if paving will be done behind the barns.

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

Proof of Notice having been furnished by newspaper on November 10, 2014, Chairman Ian Murray opened the Public Hearing at 7:38 p.m., asking those wishing to speak to please stand and state their name and address. Seeing as no one spoke, **Chairman Ian Murray closed the Public Hearing at 7:39 p.m.**

Chairman Ian Murray read the letter from the Saratoga County Planning Board indicating 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 Patrick Hanehan to accept the documents as presented, to declare the SEQR review complete and to make a Negative Declaration. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – absent, George Olsen - aye. **Carried 7 - 0**
Approved

Chairman Ian Murray made a motion, seconded by Robert McConnell to grant the one year renewable Special Use Permit as presented, with the attached site plan. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – absent, George Olsen - aye. **Carried 7 - 0**
Granted

The Applicant thanked the Board.

**Verizon Wireless/Cellco Partnership #14-13
David Brennan, Young,Sommer LLC
5 Palisades Dr.
Albany, NY 12205
S/B/L 180.18-1-8
Location: 1456 Rt. 9P Lake Commercial**

**Owner: WPD Holdings LLC/Stewarts
1456 Rt. 9P
Saratoga Springs, NY 12866**

Returning Applicant seeks to install a telecommunication/cellular antenna and GPS antenna on the roof of an existing Stewarts store, located at 1456 Rt. 9P.

Attorney Michael Moore appeared on behalf of the Applicant and stated at last month's meeting

the Board questioned why no cell tower has yet been built on the Peck farm on Wagman's Ridge Rd.. He said the project is underway though there have been issues with the material suppliers. He then reiterated this project is for the installation of a small/micro telecommunication/cellular antenna and GPS antenna on the roof of an existing Stewarts store, located at 1456 Rt. 9P. It is for a 2' high, 15" diameter antenna that projects about 6' - 7' above the roof line, covering an area of about 1000' and it is to cover a hot spot in that area. He added this project is a shared use of an existing structure and the Town's code allows for this and he knows they need to provide a removal letter prior to obtaining a building permit. He then reviewed their application with the Board.

Chairman Ian Murray asked him to elaborate on their site selection process since it doesn't seem like the benefits are great with the proposed unit.

Michael Moore replied that information was in their submitted materials, which explains the purpose and benefits of this unit. He said the small cells are to fill in gaps and to relieve some traffic congestion of the large cellular tower (macro-tower) near the Saratoga Raceway in Saratoga Springs.

Gabrielle Elsbree, Pyramid Network Services, Site Acquisition Specialist for the Applicant, stated there's also a marina on Rt. 9P by Stewart's; people hang out there having coffee etc., both at Stewart's and the marina. There's a lot of cell traffic out there especially during the summer, and this will help where cell service gets dropped out that way. These units are like little boosts of service. She added that Cellco/Verizon actually are using a lot of Stewart's shops now; on those where they've had radio frequency hits.

Patrick Hanehan questioned the stability of these types of units and stated he is concerned on how well and if they will withstand high winds.

Michael Moore stated he does not know and Gabrielle Elsbree added that she's not heard of any of these units blowing down.

Patrick Hanehan questioned who is liable if it does fall down; the Town Planning Board, Stewart's, Verizon? He also stated he thinks we should have a letter of removal for the antenna and equipment on file.

Michael Moore responded it would probably be covered in their lease agreement and is quite certain the Town would not in any way be held liable.

Patrick Hanehan said he'd like to have this run by the Town's attorney.

Chairman Ian Murray stated he doesn't believe it would be the responsibility of the Town, but the Board can make the permit contingent upon Cellco/Verizon holding sole responsibility as well as asking for the Town Attorney's interpretation.

Robert McConnell stated we can have a 'hold harmless' clause put in.

Chairman Ian Murray added upon review of Town Engineer Ken Martin and Town Attorney William Reynolds.

Michael Moore stated that in Section 7, page 2 of the Structural Assessment Report, it states "regarding the stability of the antennas, calculations were done to ensure sufficient amount of ballast blocks were used to stabilize the mount against the wind forces acting on the appurtenances. We found that 280 lbs. of ballast weight, spread evenly around the base of the ballast mount (eight 35 lb. ballast blocks total) is required to resist all overturning forces due to wind." He added this was certified by a licensed professional.

Robert McConnell said he still thinks they could add a 'hold harmless' clause in there; he then added he doesn't think they really answered Patrick Hanehan's question either. It wouldn't hurt to have the Town Engineer and Town Attorney review it. He then asked if Cellco/Verizon have a ballpark date for completion of the Wagman's Ridge Rd. tower.

Michael Moore responded they don't have an answer but he can get back to the Board with that.

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

Proof of Notice having been furnished by newspaper on November 10, 2014, 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:

Stan DuCharme, 1 Fairview Terrace, Day, NY, stated he is against the cell towers due to the unknown possible health issues they may cause, though he assumes there would be less harm with the smaller antennas.

Michael Moore responded that in their submitted materials, it states small cell antennas operate at significantly less wattage/voltage than the large towers do, less power than a personal cell phone puts out; about 110 volts and the coverage area is about 1000'.

Chairman Ian Murray asked if anyone else had any questions or statements; there were none.

Chairman Ian Murray closed the Public Hearing at 7:58 p.m.

Chairman Ian Murray read the letter from the Saratoga County Planning Board indicating 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, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – absent, George Olsen - aye. **Carried 7 - 0**
Approved

Laurie Griffen made a motion, seconded by Jennifer Koval to approve this 1 year Renewable Special Use Permit, contingent upon receipt of a Removal Commitment letter from Cellco/Verizon and final review completed by Town Engineer Ken Martin and Town

Attorney William Reynolds. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – absent, George Olsen - aye. **Carried 7 - 0**

Approved with Conditions

Town Engineer Ken Martin requested the Applicant also send him an engineered drawing of the antenna itself since it wasn't included in their application. He needs to look at the surface area of the entire structure and antenna etc.

Michael Moore responded he will get that as well as the removal commitment letter from Cellco/Verizon.

Public Hearing for Subdivision

Al Parella #13-07

10 Brown Rd.

Saratoga Springs, NY 12866

S/B/L 206.9-2-61, 206.-1-22 Lake Residential

Returning Applicant would like to subdivide his two existing parcels into 4 lots, located on the private road Brock Dr. The combined parcels are 3.78+/- acres.

The Applicant appeared before the Board, handed in his Neighbor Notification receipts and reviewed his subdivision proposal. He stated he went before the Zoning Board and was granted the variance for frontage on the private road. He will keep the existing house and have three buildable lots which will be connected to the county sewer system; he has a letter from the county stating this can be done. The lots exceed the 100' minimum setbacks and lot 3 will have a turn-around for emergency vehicles. He is seeking approval for this subdivision.

Chairman Ian Murray asked if he reached out to the county for the driveway easement language.

The Applicant responded he did reach out to the county but that language is already in the deed. He found a road maintenance agreement online and as of now it's a handshake agreement. He sent the road maintenance agreement to Marcie Krout, the road maintenance manager, who is also a resident on the road and handles collecting payment for maintenance needs. He further stated he's not sure if he can make anyone sign it, although he believes it is a good thing to do; it would unite the residents who share the road into formally agreeing maintaining the road. To date there are five year round residents. With the probability of two more across the road with the duplex going in and then the three with his subdivision.

Chairman Ian Murray said the Board has to be the mediator on this and without a written, signed agreement the Board cannot approve this.

Jennifer Koval further explained that everyone has to sign off on it so it doesn't come back on the Town since this is not a town road. She then questioned how they divide up the cost for maintaining the road.

Marcie Krout, 9 Brock Dr., stated she wanted to answer since she is the one who takes care of that. She said she takes the number of homes and divides it by total cost and then everyone puts in their share of the total amount.

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

Proof of Notice having been furnished by newspaper on November 10, 2014, Chairman Ian Murray opened the Public Hearing at 8:14 p.m., asking those wishing to speak to please stand and state their name and address:

Marcie Krout, 9 Brock Dr., said she handles the maintenance and likes the agreement the Applicant has drawn up and feels it is very valid. She added she has concerns with the possible damage the construction vehicles will cause and is doubtful the residents will want to pay to repair the road due to a single resident's project. She wonders where the responsibility will fall for repairs.

Chairman Ian Murray stated that is exactly what the Board has been talking about and exactly the reason a written, signed, road maintenance agreement is required. Any road issues are the responsibility of the residents of that road, not the Town. The Board requires protections put in place to protect the Town.

The Applicant said he will be the one to repair any damages to the road if it is damaged due to his project. He stated that he will put into the Contract of Sale, for the three lots, that the road maintenance agreement must be signed as part of the sale. He further stated he will incur the cost of the new road and beautify the frontage of the proposed lots and will also put in the turn-around for emergency vehicles.

Chairman Ian Murray stated the Applicant needs to be sure the 50,000 pound vehicle road standard for the new road is met. He added that the Applicant may want to speak with the neighbor putting in the duplex to help with the cost of the new road.

The Applicant replied he has discussed, with the Snyder's, about working with him helping with the cost of the new road. He then said he sent his neighbor letters out and is hoping to get an answer at tonight's public hearing.

Chairman Ian Murray said they could, but without a formal driveway agreement on the road, this could come back to haunt the Town months from now, even years from now. They, as a Board, must mitigate these issues.

Jennifer Koval asked that since the Applicant said he will assume costs of damage to the road with his subdivision, should the Board get that in writing. The Board responded it couldn't hurt.

A lengthy discussion continued between the residents of Brock Dr. and the Applicant, with many questions being answered.

Chairman Ian Murray ended the Public Hearing at 8:34 p.m. stating the Public Hearing will be reopened at the next meeting. There are a lot of unresolved issues that need to be resolved before the Public Hearing can be closed and the Board doesn't feel right closing it with so many contingencies for approval. He said the Board will need to see the driveway easement,

the signed road maintenance agreement, the updated survey showing the road standards language for the new portion of the road, the sewer easement (check with the county on that), as well as the lateral sewer lines per house. Chairman Ian Murray added the Board also needs to see where the owner of the lake rights has signed off on the Applicant conveying deeded lake rights with the new parcels.

The Applicant responded he walked the land with the gentleman from county sewer and the Board has the letter stating he can hook up the three homes and also reminded the Board that they have the driveway easement, it was in his submittals.

Chairman Ian Murray then stated the Board will refer the road agreement and lake rights letter of conveyance to the Town Attorney for review.

Returning

Sketch Plan Conference for Major Subdivision

Lance Orcutt
700 Nepperhan Ave.
Yonkers, NY 10001
S/B/L 193.-1-17 Rural & Rural II Districts
Location: 142 Cedar Bluff Rd.

Owner: Bethesda Episcopal Church
Rector, Church Warden & Vestry
41 Washington St.
Saratoga Springs, NY 12866

Applicant seeks to subdivide 102+/- acres into a multi-phased thirty four lot subdivision.

Dan Farnon of Foit-Albert Associates, appeared on behalf of the Applicant and reviewed their sketch plan, noting the locations of wetlands, streams and elevation changes on the land. He stated that the lands to the east are in the Rural District and the lands to the west are in Rural District II. They are proposing a three phase subdivision of 33 or 34 lots:

Phase I will consist of 10 lots on Cedar Bluff Rd, 7 lots on the west parcel will be 40,000 sq. ft. with 200' frontage, 2 lots on Trombley will be 2 acres with 200' of frontage, septic and well. They will parcel off the existing house and barn which will remain on their own 2 acre parcel.

Phase II will consist of a 13 lot cluster subdivision and they will extend the public sewer on Rt. 9P up Cedar Bluff Rd. into the subdivision. Since they are going to provide a public sewer system and private wells they are looking to use the Town zoning ordinance for a conservation cluster subdivision with the lots being 30,000 sq. ft. with half of the required frontage and setbacks. He said the county sewer district told him the capacity is there for them to do this project of this size.

Phase III will consist of the houses being up on the ridge of the lands to the west; Rural District II. These parcels will have views of the lake and the Adirondacks, this part of the project will require a road which will end in an oval cul de sac per town standards. They also propose creating a paper street (section of land) connecting to Hill Rd. since the property doesn't extend far enough to meet it. They would like to dedicate it to the town should the town ever want to move forward connecting those roads in the future and it will have enough area to meet town standards.

He then said they need to complete the boundary survey with topography, the wetlands will be mapped and once mapped they will proceed with a jurisdictional determination on those, with a joint application to the Army Corp. and NYSDEC and see what happens with that. Then an archeological Phase I study will be completed with a report back to the Board. They'll get all engineering reports, move forward with Saratoga County Sewer District and obtain engineering sight distances. Once completed they'd like to proceed with Phase I and Phase II preliminary application; with the idea that Phase III would be conceptual. They would have all Phase I and II engineered, determination of the open space areas and leave Phase III as a conceptual plan.

Chairman Ian Murray stated he is not comfortable with Phase III as a conceptual plan. He's worked on this for the past few months with another design professional and now they have this information. This is the information he was looking for before and did not get out of the other design professional; he likes this better but the thing he wouldn't want to do, to affect the residents on Hill Rd. or the residents in Phase I or Phase II, is to have drastic changes on Phase III. He believes they need to nail this down more and not go with conceptual plans. He said he's concerned mainly with the topo; that road will be expensive, but he thinks it's the best way for the future and public safety that it hook into Hill Rd. He doesn't want it to be deterred to the point that it's too costly after completing Phase I and Phase II, doing this design and just get by with it. He wants this more concrete from the beginning.

Bob McConnell stated he feels what Chairman Ian Murray said is reasonable; he asked if Dan Farnon agreed.

Dan Farnon said he'd like to go forward with Phase I and Phase II and see what the demand is. They want to make sure there is a demand before going forward with that investment.

Chairman Ian Murray stated he's concerned if they don't get what they expect of Phase I and II they'd feel they'd have to make up a little bit and maximize the density on Phase III.

Dan Farnon responded during the approval process they could talk about a maximum number, once they know the open space area, they'll be limited then too.

Chairman Ian Murray then stated they can possibly work on a maximum number of homes and go backward.

Bob McConnell and George Olsen said the Board could make the maximum number the numbers he's presented at 33 or 34.

Jennifer Koval questioned who controls the open space and asked that they want to see Hill Rd. connect to this? She was told that's correct.

She then questioned if they're running sewer up in there, why not do it first and hook up all the houses of Phase I to it before beginning Phase II.

Dan Farnon replied the sewer won't be run until Phase II is done.

Laurie Griffen responded that they could go ahead and do this for Phase I if they want to, so the reason is pure cost.

Dan Farnon said at this time the owner wants to make sure the demand is there before going to that expense.

Robert McConnell asked for an estimate of the cost for the houses.

Dan Farnon replied he didn't want to say.

Laurie Griffen questioned if Phase I and II will have similar homes and was told pretty much though Phase III will be prime lots with more estate homes.

Chairman Ian Murray thanked him for the introduction of the project.

Information

Kim Crocetta, Attorney for Mr. Barton, has been working on resolving Mr. Barton's illegal subdivision on Rt. 29 of the Clute property and would like to update the Board on that progress. She stated they are still working on resolving this; Mr. Tommell is now working with them and she is hopeful they will have a new survey for the December meeting.

SEQR Review

**Saratoga Rowing Association #14-09
543 Union Ave
Saratoga Springs, NY 12866
S/B/L 180.18-1-2**

**Representative: Mike Ingersol, LA Group
40 Long Alley
Saratoga Springs, NY 12866**

Location: 1460 Rt. 9P Lake Commercial

Applicants seek to convert the existing building and property into a year round training center for rowing. The center will contain temporary lodging, work-out facilities, staff office, meeting room, locker rooms, kitchen and a community dining room for members.

Chairman Ian Murray stated the Board will review SEQR for the Saratoga Rowing Association Special Use Permit application for their Rowing Training Center. He said due to SEQR guidelines and timing, we need to complete this. It has now been 20 days and we need to get this finished within the next 10 days or DEC can take it and since this Board declared lead agency we need to complete it. He said this is staying under an acre of disturbance so there is no threshold for the Historic Preservation to require an archeological study, there's no real construction or disturbance of the property, they are staying on the original footprint, they were granted the zoning variance and as long as they're in that 30 day clock we're good.

Mike Ingersol of the LA Group and Katherine Smith of Saratoga Rowing Association appeared as a formality.

Chairman Ian Murray further stated this application was approved by the Zoning Board of Appeals and we need to go forward and complete SEQR.

Chairman Ian Murray 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, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – absent, George Olsen - aye. **Carried 7 - 0**
Approved

Old Business: None

New Business: None

A motion was made by Patrick Hanehan, seconded by Robert McConnell to adjourn the meeting at 9:50 p.m. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – absent, George Olsen - aye. **Carried 7 - 0**
Meeting Adjourned

The next regular meeting will be held Wednesday, December 17, 2014 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe
Planning Clerk