

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES**

October 23, 2013

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

Due to the absence of a few Board Members, Alternate George Olsen was elevated to full voting status.

Also attending: Town Engineer Ken Martin, Jim Vianna, Peter Loyola, Scott Miller, Roger Sharp, Jason Tommell, Mike Giovanone and many interested persons. (Sign-in sheet is on file in the Clerk's office)

Approval of Minutes: A motion was made by Joseph Lewandowski, seconded by Robert McConnell to accept the meeting minutes of September 25, 2013.

Chairman Ian Murray – aye, Laurie Griffen – absent, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – absent, George Olsen – aye. **Carried 5 - 0**

Approved

Public Hearing for Special Use Permit

**Michael Giovanone #13-11
5 Champion Lane
Saratoga Springs, NY 12866
S/B/L 180.18-1-19 & 20 Lake Residential
Location: Point Breeze Rd.**

Returning Applicant seeks a Special Use Permit in order to construct a fourplex, located on Point Breeze Rd.

The Applicant appeared before the Board and reviewed last month's meeting. This will be a fourplex unit although the structure will appear to be a duplex and will add character to the neighborhood. There will be a drilled well, the sewer has been approved, the fourplex fits within the town's regulation setbacks, and it has a smaller footprint than a triplex or duplex and the parking spaces are in the rear of the building; there will be no parking on the sides or on the road.

Chairman Ian Murray stated the Board is in favor of this. Originally this was to be a triplex but due to the fourplex having a smaller footprint and the appearance of a duplex, the Applicant prefers this design. He reminded the Applicant that at last month's meeting the Board told him they needed to see the parking and traffic flow plotted out and it is not on the survey; the Board needs to be sure there is ample off-street parking.

The Applicant responded that there will be ten or eleven parking spaces in the back; there will be no parking on the street or on the sides of the structure. He said he will have it drawn onto the survey along with the ingress/egress.

Chairman Ian Murray stated that will help complete the application. He reiterated that the structure, parking spaces and traffic flow are to be plotted on the map. The Board needs to see that, along with the well and yield prior to approval. The Applicant responded he'd like to get this approved prior to the well going in; he'll put it in with yield and have the proposed location on the map and get it back to the Board.

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

Proof of Notice having been furnished by newspaper on October 13, 2013, Chairman Ian Murray opened the Public Hearing at 7:40 p.m., asking those wishing to speak to please stand and state their name and address.

Mel Ikler, 105 Point Breeze Rd. spoke in opposition of this application due to his concern of traffic on the road. He feels the Applicant shouldn't be allowed to construct a fourplex; there are single homes on this road.

The Applicant asked permission to respond. He stated that Mr. Ikler is right, the road is private and narrow and with permission of the neighbors, he'd like to gravel the road and he'd also like to put in speed bumps. He added that he would like to pave or gravel a bit more in front of his property to make the road passable.

Chairman Ian Murray stated Mr. Ikler has a valid point, but landowners do have rights. He then read the right of a landowner to build a single, duplex, triplex and fourplex as long as they meet district criteria, which this application does. He explained to Mr. Ikler that the only way to prevent this is to change the law. For that he will need to go to the Town Board and request a change in legislation.

Chairman Ian Murray asked if there were any other comments or questions; seeing none **Chairman Ian Murray closed the Public Hearing at 7:46 p.m.**

Chairman Ian Murray stated there will be no resolution on this application tonight; the Board needs to see site plan, parking and traffic flow (ingress/egress) on the survey.

Returning

Pre-Submission Conference for Special Use Permit

**Roger Sharp #13-12
386 Burgoyne Rd.
Saratoga Springs, NY 12866
S/B/L 168.-2-35 Rural**

Applicant is seeking a Special Use Permit for his High Peaks Sound home occupancy business.

The Applicant appeared before the Board seeking a Special Use Permit for his sound and lighting business. He explained that he provides sound and lighting for events and that it is a home occupancy business.

Chairman Ian Murray stated he has concerns with this because this is more of a commercial operation than a home occupancy business. He stated that the Board has received complaints from neighbors concerning the noise; the Applicant said he's turned off the back-up signals on the vehicles. Chairman Ian Murray explained that it's the unloading and loading and the metal on metal noise that carries loudly at night, as well as early in the morning and also the noise of the trucks going in and out. It's over the threshold of a home occupancy business.

Robert McConnell stated there are a lot of trucks there and they are parked very close to the neighbor's property. He asked the Applicant if he could park his trucks elsewhere on the property and the Applicant responded no. He said the upper part of his property is marshy. Robert McConnell stated the Applicant could fill in and push the land around a bit and move the business deeper onto the property to help mitigate the noise and keep within the neighborhood appearance.

Chairman Ian Murray stated first and foremost the business of the Board is to protect the residents of the town. If one reads the regulations, the Applicant is really pushing the envelope here and doesn't meet any of the regulation definitions. The Applicant stated that they put on events to entertain.

Chairman Ian Murray stated he hopes his business prospers, but if it does, the Applicant will have to find another place for his business.

The Applicant stated he's in the rural district so he can put in another driveway to bring the trucks in and out.

Chairman Ian Murray stated the Board normally sets hours of operation with Special Use Permits, but due to the nature of this business it would be hard to do so, which puts the Board in a tough spot. The Board is tasked to also protect the neighbors and the community and this application pushes the envelope of a home occupancy business. Chairman Ian Murray then stated if the Applicant still wishes to go forward with this he will need to supply the Planning Board with engineered drawings and have the full application, fees and drawings back to the Clerk by November 6th in order to have a public hearing in November. The meeting will be on November 20th due to the Thanksgiving holiday.

The Applicant stated he supplied the drawing and Chairman Ian Murray responded that the Applicant supplied a hand drawn sketch, but the Board will need professional engineered drawings as well as the full application in order to go forward.

The Applicant said okay and yes, he'd like to go forward with a public hearing next month.

Returning

Sketch Plan Conference for Minor Subdivision

**David Cummings #13-10
139 Hathaway Rd.
Schuylerville, NY 12871
S/B/L 182.-2-19.1 Rural**

Representative: James Vianna, PLLC

Returning Applicant would like to subdivide his 251+/- acre farm parcel into three lots.

Lot 1 is to be 184+/- acre parcel, Lot 2 is to be a 61.86+/- acre parcel, to be sold as agriculture land and Lot 3 is to be a 5+/- acre parcel to be sold as a residential lot.

Jim Vianna, Surveyor, appeared on behalf of the Applicant. He reviewed the new survey and stated the Applicant has a 251+/- acre farm parcel that he'd like to subdivide into three parcels. Lot 1 is to be a 184+/- acre parcel, Lot 2 a 62 acre parcel and Lot 3 will be a 5 acre parcel, which will be put for sale as a residential lot. NYS DEC looked at the 5 acre property and there are no wetlands affecting the site. He stated he has mapped it out, put in the building setbacks and the 100' buffer; the buffer is not near the location of the building envelope for the proposed house or the septic field. He stated sight distance has been measured; there are two existing driveways that access the property; a northern drive and a southern drive. The southern drive really isn't used and the northern drive is not adequate to meet sight distances, so it will have to be the southern drive. From the southern driveway there is 600' of sight distance to the north and 1000' to the south. Hathaway Rd. is posted at 45 mph which makes the sight distance requirement considerably less. He added that Building Inspector/Zoning Officer Gil Albert was present at the deep-hole test.

Chairman Ian Murray told Jim Vianna that he also needs to complete the perc test and to be sure to put the results of the deep hole and the perc tests on the map. Jim Vianna responded he'll get the results from Building Inspector/Zoning Officer Gil Albert and complete the perc and get those on the map.

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

Chairman Ian Murray then stated Jim Vianna needs to factor in the septic and make separations, abandon the northern driveway and remove the culverts. Other than that this application is complete and thorough and we will advertise for a Public Hearing for next month. Jim Vianna said he will have it stated on his map that the drive and culvert are to be removed; Chairman Ian Murray responded yes, he'd like it to state that.

Jim Vianna thanked the Board.

Returning

Sketch Plan Conference for Schuyler Hill's Major Subdivision

John W. Arpey #05-18

Representative: Peter Loyola, RLA

340 Broadway, Suite 2

Saratoga Springs, NY 12866

Location: Rt. 29 Rural Residential

S/B/L 155.14-1-1,2,3,4,5,6,7,8,9,10,11,12,13

155.14-1-99, 155.18-1-1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16

Applicant seeks modifications to the previously approved Schuyler Hills Subdivision.

Peter Loyola appeared on behalf of the Applicant and stated that his company was asked to review the approved Patriot Hills, now known as Schuyler Hills, subdivision. They have completed the wetlands archeology work and they are looking to eliminate some of the wetland crossings. He stated the revised road configuration eliminates three wetland crossings and utilizes existing grades and the old roadways that are there.

The revised road also deals with sight distance; it provides double the distance of what NYS DOT wants; 950+’ and it moves the road 450’ away from the archeological site that’s there. The proposed road is a bit longer with hammerheads opposed to the cul de sac design. The north road will be 1472’ and the south one will be 2500’. It will be easier to maintain, easier to plow for the town, it minimizes wetland crossings and provides safe turnarounds for emergency vehicles; he stated storm water will change and the storm water management plan will need to be modified.

Chairman Ian Murray explained, as a bit of history, that he had met with Scott Miller and Peter Loyola when they got this project back in August. They had worked up some scenarios and he kicked them around a bit with them. He told them that one of the things the Joint Boards are looking at while working on the zoning revisions, is the length of the cul de sacs and expanding on those; this is a prime example of changes that could be made to that. Chairman Ian Murray said that after he met with them, he furnished the hammerhead designs to Town Highway Superintendent Don Ormsby, who in turn shared it with his employees, and even though Chairman Ian Murray thinks the hammerhead road is a better idea, it was a hard sell to them and he doesn’t believe it will go through. He then stated he’d like to facilitate a meeting with Town Highway Superintendent Don Ormsby, Town Engineer Ken Martin, Mr. Loyola and himself to find a workable solution. He’d also like to set up a workshop evening for the Board to go walk this property again since a few of the Board Members were not on the Board at the time of this subdivision approval. He’d like Mr. Loyola to plot the ingress/egress of the proposed entrance so they can get a look at it and see the topography of the land and how it would make the road layout versus going with the original location where they had to work a 10% grade into something more manageable. Mr. Loyola stated he’d be happy to do that and once he has it flagged the Board is welcome to do a walk through.

Chairman Ian Murray stated they are staying true to the 28 lots. He then stated that he will contact the Clerk to set the date for the walk through and the meeting with the Town Highway Superintendent.

Mr. Loyola thanked the Board.

Returning

Sketch Plan Revision for Subdivision of the Brown Rd. Planned Unit Development

**Saratoga Development, LLC #10-11
14 Ogden St.
Newark, NJ 07104
S/B/L 206.-1-34 Rural**

**Representative: Justin M. Grassi, Esq.
The Jones Firm**

Returning Applicant seeks subdivision approval for the Brown Rd. Planned Unit Development.

Justin Grassi and Jason Tommell appeared before the Board on behalf of the Applicant. Mr. Grassi stated this project began in 2008, was approved in 2009 and since then, two amendments have been granted; one in 2010 and one in 2011. Most recently they asked the Town Board for, and were granted, a one year extension to the P.U.D. He and Mr. Tommell reviewed the updated P.U.D. with the Board.

Chairman Ian Murray explained to the residents in attendance that the P.U.D. has been approved and amended twice. That legislation is approved and it is now Town law and those conditions are set in place. There are no changes to the P.U.D. this evening. Per Town law 276 there has to be a subdivision associated with this. The Applicant can file their plan, start marketing their project and they can begin construction. They are here to go through subdivision approval process, get that portion completed and they'll come back to us for site plan and architectural review in the future. Chairman Ian Murray then stated he really has no questions. There may be some lot-line adjustments that come up through this process as the project is developed, but there won't be major changes to the P.U.D. itself; just some adjustments to get the septic and wells to fit on the lots as it's proposed.

Jason Tommell stated he recommends putting in additional detention basins and will get that information to Town Engineer Ken Martin.

Chairman Ian Murray stated the Public Hearing for this project will be held on November 20, 2013. There are no changes to the P.U.D.; the Public Hearing will be for subdivision of the lands only.

Mr. Grassi stated they will send the pdf of the map to the Clerk so it can be put on the Town's website. He added that on the map, "A" is the building envelope for the home and "B" is the conservation easement per lot. The conservation easement will be recorded on each deed.

Chairman Ian Murray stated the map, as is, is for subdivision and the building envelopes will stay as they are, aside from minor changes due to storm-water (mainly concerning the two lots on the west) as the P.U.D. legislation has its own restraints. He also told Mr. Grassi that they need to provide the SWPPP (storm water pollution prevention plan) before November 20, 2013.

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

Chairman Ian Murray offered a resolution setting Saratoga Development's Brown Rd. P.U.D. Subdivision application for Public Hearing and to refer the application to Saratoga County Planning Board as follows:

TOWN OF SARATOGA PLANNING BOARD

DATE: 10/23/2013

**SET SARATOGA DEVELOPMENT'S BROWN ROAD PUDD
SUBDIVISION APPLICATION PUBLIC HEARING AND REFER**

APPLICATION TO SARATOGA COUNTY PLANNING BOARD

**Offered by Chairman Ian Murray
Seconded by Robert McConnell**

At a regular meeting of the Planning Board of the Town of Saratoga, County of Saratoga, State of New York, held on October 23, 2013 the following resolution was made as indicated above,

WHEREAS, on August 8, 2011, the Town Board of the Town of Saratoga prepared a negative SEQRA declaration for the action and granted final approval for the Brown Road PUD by amending the Zoning Ordinance of the Town, and

WHEREAS, on October 9, 2013 the Planning Board of the Town of Saratoga (the "Board") received from Saratoga Development (the Applicant) an application for subdivision approval of the Brown Road PUD, and

WHEREAS, General Municipal Law § 239-n requires referral of such subdivision applications to the Saratoga County Planning Board for its review and advice, and

WHEREAS, Town Law § 276 requires the Board to hold a public hearing for comments on the subdivision application. Therefore be it

RESOLVED, that the Board has determined that the application for subdivision approval of the Brown Road PUD is complete; and be it further

RESOLVED, that the Board does hereby refer the application for subdivision approval of the Brown Road PUD to the Saratoga County Planning Board for its review and advisory opinion on such application; and be it further

RESOLVED, that the Board does hereby set a public hearing for November 20, 2013 to receive public comments on the application for subdivision approval of the Brown Road PUD.

Roll Call: Chairman Ian Murray – aye, Laurie Griffen – absent, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – absent, George Olsen – aye. **Approved 5 - 0**

I, Linda A. McCabe, Clerk for the Town of Saratoga Planning Board, do hereby certify that the forgoing is a true copy, and the whole, thereof, of a Resolution duly adopted by the Town of Saratoga Planning Board of said Town on the 23rd day of October 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed hereto the official seal of said Town this 23rd day of October 2013.

Clerk, Town of Saratoga Planning Board
Saratoga County, New York

Chairman Ian Murray stated this is on file in the Clerk's office.

Mr. Grassi thanked the Board.

Returning

Old Business: Chairman Ian Murray stated the next joint workshop will take place on 11/12/2013 at 7 p.m. For those attending, we'll be concentrating on creating the mixed use law, so please review the current allowable uses in each district.

New Business: None

A motion was made by Ian Murray, seconded by Robert McConnell to adjourn the meeting at 9:15 p.m. Chairman Ian Murray – aye, Laurie Griffen – absent, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – absent, George Olsen – aye.

Carried 5– 0

Meeting Adjourned

The next regular meeting will be held Wednesday, November 20, 2013 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe
Planning Clerk