

**TOWN OF SARATOGA  
PLANNING BOARD DRAFT MINUTES  
October 27, 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, Ed Pieper, Jim Vianna, Marian and Hal Bigelow, Wayne Bakken, Connie Turner and other interested persons. (Sign-in sheet is on file in the Planning Clerk's office)

**Approval of Minutes: A motion was made by Robert Park, and seconded by Patrick Hanehan to accept the minutes of the August 25, 2010 meeting as written.** Chairman Ian Murray –aye, Robert Park – aye, Laurie Griffen – abstained due to absence at the August meeting, Patrick Hanehan – aye, Paul Griffen – absent, Robert McConnell – aye, Jennifer Koval – aye, Joseph Lewandowski - aye.

**Carried 6 - 0**

**Approved**

**Public Hearing for Subdivision**

**Edward and Nicole Pieper #10-13  
228 Co. Rt. 68  
Saratoga Springs, NY 12866  
S/B/L 168.-3-57 Rural**

Returning Applicant proposes to subdivide their 8.41+/- acre parcel into two lots, located at 228 Co. Rt. 68. Lot 1 will be a 4 acre parcel with existing house and Lot 2 will be new vacant lot of 4+/- acres.

The Applicant appeared before the Board. Chairman Ian Murray stated he only had two concerns, the first being the Ag. Data Statement (right-to-farm law) was not on the map so the Applicant needs to have his surveyor, Dan Wheeler, put that on the map. His second concern was about the driveway footage for sight distances, but after speaking with Town Engineer Ken Martin at the beginning of this meeting he since has found that the Town Engineer had already been out there going over this with the Applicant and sighted everything. Town Engineer Ken Martin noted that the water notes need to be on the map also. Chairman Ian Murray asked if the Board had any questions concerning this application; there were none.

**Proof of Notice having been furnished by newspaper on October 17, 2010, Chairman Ian Murray opened the Public Hearing at 7:35 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 7:36 p.m.**

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

**comment: “The applicant will need to obtain a Saratoga County DPW work permit for the proposed work within the county ROW.”**

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

**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, 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 proposed with the following conditions: the Ag. Data Statement added to the map, the water notes added to the map, and final review by Town Engineer Ken Martin.** 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**

**Scott and Connie Turner #10-08  
455 Rt. 32 S.  
Schuylerville, NY 12871  
S/B/L 195.09-1-1 Hamlet**

Returning Applicants propose to subdivide their 11.66+/- acre parcel into three lots, located at 455 Rt. 32 S. Lot 1 with an existing residence, Lot 2 will be to construct a new single family home for themselves and Lot 3 to construct a new two-family residence.

Jim Vianna appeared before the Board on behalf of the Applicants. He reviewed his April appearance before the Board and noted he has since surveyed the property and created the lots and the Applicant's engineer has completed his work also. Lot 1 will consist of 1.46 acres centered on the existing house; Lot 2 will consist of 8.8 acres with two restrictive building envelopes toward the road and they will build their retirement house there and Lot 3 will consist of 1.4 acres and will be for a newly constructed two-family home in the future. He then added that the sight distance there is bad, especially toward Ruckytuck Rd. but there is a spot where the existing garage is located that has excellent sight distances in both directions. They will be putting in a 40' deep common driveway, with a 40' setback at that location for Lots 2 & 3 with an easement for Lot 3; Lot 1 will have its own driveway. There's a seasonal stream on Lot 3 so he's stayed 100' away from it with the building envelopes. He has been in touch with Town Engineer Ken Martin and knows there are some engineering changes that need to be made as far as the well on Lot 2 is concerned. It is too close to the septic systems and must be moved and in so doing he will need to do some more perc tests.

Chairman Ian Murray stated the driveway standards lengths and turn-around need to be clearly identified on the engineering plans. Jim Vianna responded okay and asked if the turnaround is to be at the end of it. Chairman Ian Murray responded yes and also one on Lot 2 because it dead-ends; it's 260' going on 300'. Jim Vianna asked what the radius dimensions are on that and Town Engineer Ken Martin responded he will get that information for him.

Chairman Ian Murray then stated that the grading plan needs to show grade contours on the map, especially at the road edge; it's too hard to pick up what/where the engineer wants to drain from the edge of Rt. 32 looking west to where the driveway is going to be. It's too hard trying to figure out what he's going to do with the water without trapping it in there. Chairman Ian Murray added that with the Traver property to the north; he believes the septic system on that residence is on the south side of the

house which makes the Applicant's separation distances for the well on Lot 3 possibly too close. Jim Vianna responded it could be; and it looks like the one on Lot 3 could be moved to make it work. Town Engineer Ken Martin stated they need both septic field perc tests since these are no longer at the locations where they were proposed. Also the one on Lot 3, near test pit #7, only has 7" to ground water and a minimum of 12" is required for that type of system. The only other glitch is that Greystone used a 30 minute perc rate and the highest Town Engineer Ken Martin saw on any of the tests done on this property shows 20 minutes. It doesn't bother him but it may the Applicant's engineer. On Lot 2 the Applicant needs 200' from the well to sanitary including an added 50 % expansion and Jim Vianna responded they have eight acres to play with so it can be done. Town Engineer Ken Martin added the expansion should be shown on both sanitary systems also. Chairman Ian Murray asked if there were any other questions of the Board; there were none.

**Proof of Notice having been furnished by newspaper on October 17, 2010, Chairman Ian Murray opened the Public Hearing at 7:50 p.m., asking those wishing to speak to please stand and state their name and address.**

**Marian and Hal Bigelow, 469 Rt. 32 South**, stated their safety concerns with the sight distance for the shared driveway, explaining that people drive very fast on that road and they feel it is unsafe with three families using one driveway coming out onto that road. They also noted that the duplexes near the Town Garage and up and down the road seem to have been abandoned and are concerned with the long-term future of a duplex on that small lot.

Chairman Ian Murray asked if there were any other questions, seeing none **Chairman Ian Murray closed the Public Hearing at 7:52 p.m.**

Laurie Griffen questioned what the sight distance was since the Applicant is going with a shared drive and Jim Vianna responded that the sight distance from the proposed driveway is over 700' to the north and 750' – 800' to the south; it exceeds NYS DOT standards. Chairman Ian Murray stated that at 55 mph sight distance is to be 600' roughly and there is 700'. There was a discussion concerning lowering the speed limit in the hamlet and it was determined that one needs to contact the state since it's a state road.

**Chairman Ian Murray read the letter from the Saratoga County Planning Board indicating approval and no significant county wide or intercommunity impact, along with the following comment: "The applicant should contact Mike Keegan of NYS DOT's Saratoga Springs Residency (584-3790) to receive a curb cut application and to discuss the requirements for a commercial driveway onto a state highway."**

Chairman Ian Murray questioned if Jim Vianna drafted the driveway easement description and Jim Vianna stated it's from the Saratoga County Planning Board; it's the common driveway easement. It's the standardized easement, when the deeds are given for the lots there also will be ingress and egress for Lot 3. Chairman Ian Murray stated he has never seen that version; it's a lot more streamlined than what he has seen from them before. Robert McConnell questioned if the duplex will be for rental or family and Jim Vianna responded that he thinks it will be for sale.

**Robert Park read the short form EAF, line by line, which was completed by the Board. Robert Park made a motion, seconded by Robert McConnell 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**

**Robert McConnell made a motion, seconded by Patrick Hanehan, to approve this application as proposed with the following conditions: 1. Town Engineer Ken Martin's review of the engineering notes regarding the septic, expansion, separation distances, deep pits and perc tests. 2. The turnarounds identified on the map 3. The grading plan needs to be provided.** 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**

Jim Vianna asked for clarification concerning the grading plan at the driveway and roadway area. Chairman Ian Murray stated there is a culvert that goes south-west there, but their engineer doesn't show how they'll get the water between Rt.32 and the driveway; they need to show it as a swale between the two roads or something like that going to that culvert; they'll probably need that for NYS DOT also. Jim Vianna thanked the Board.

### **Special Use Permit Pre-Submission Conference**

**Wayne Bakken #10-15  
938 Rt. 29  
Saratoga Springs, NY 12866  
S/B/L 156.-1-34 Rural Residential**

Applicant is seeking a Special Use Permit to erect a wind turbine, located at 938 Rt. 29.

The Applicant appeared before the Board and gave a thorough explanation and demonstration of the wind turbine he seeks to erect on his property. The tower portion has guide wires to help prevent it from falling in high winds and it is good up to 100 – 120 mph winds. He wants to do this correctly since he knows these can be dangerous and there's more involved to these than just erecting it. Chairman Ian Murray questioned if he is using the techno-posts for the guide wires and the Applicant responded yes. He also explained the tower can be laid down since it's hinged and goes into a saddle when down. Chairman Ian Murray stated it looks like the pole/tower portion comes in three pieces and questioned if it is flanged. The Applicant responded yes. Town Engineer Ken Martin stated it's a coupling; he watched the video, and he questioned that with putting it up and taking it down if it will stress that coupling. Robert Park questioned if it is a fixed blade turbine and was told yes; but there is also a way to feather it; the manual is very thorough. A lengthy discussion ensued concerning icing, thawing, noise levels (this is a 'Whisper 100'), anchoring, weight of structure and the safety features of this turbine. He went down the check list provided by the Board and Chairman Ian Murray stated he did everything that needed to be done.

Chairman Ian Murray stated that the Applicant doesn't meet our law in respect to the proposed placement of this turbine to his own buildings. It won't impact the Applicant's neighbors; only his own structures would be hurt if it were to fall. Due to the proposed placement, the Planning Board has to deny this and send him to the ZBA with a positive recommendation; the Board believes this is a good thing. Chairman Ian Murray explained to the Applicant that only the Zoning Board can grant variances, not the Planning Board. Chairman Ian Murray added that if the Applicant were to put it on his building then he wouldn't need a variance, but placing it next to his building requires it.

**Chairman Ian Murray made a motion, seconded by Robert McConnell to deny and send this application to the Zoning Board of Appeals with a positive recommendation.** 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 Denied and sent to ZBA with a positive recommendation.**

Chairman Ian Murray stated we will go for a public hearing with this on Dec. 15<sup>th</sup> if the ZBA approves the required variance.

### **Information**

Jill Kovachick and David Leman would like to open a Clay Art Center, located at 167 Hayes Rd., with studios for potters, classrooms and a gallery, and they are seeking guidance from the Board on ways to make this feasible.

David Leman explained that the Old Schuyler Guest Home would make an ideal home for a clay art center and an art gallery. After a lengthy discussion with the Board, Chairman Ian Murray stated they should come before the Board with a Pre-Submission Special Use Permit application next month for a retail/service business.

### **Returning**

**Old Business:** None

**New Business:** None

**Laurie Griffen made a motion, seconded by Patrick Hanehan to adjourn the meeting at 9:04 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 November 17, 2010 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe  
Planning Clerk