

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES**

September 24, 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 – present, Alternate George Olsen – present.

Due to the absence of Board Members Patrick Hanehan and Joseph Lewandowski, Alternate Member George Olsen was elevated to full voting status.

Also attending: Erin Sisk, Chris & Maribeth Macica, Scott Smith, Ted Sargent, Dave DePaulo, Jean Seiler, Lisa Breen, and other interested persons. (Sign-in sheet is on file in the Clerk's office)

Approval of Minutes: A motion was made by Chairman Ian Murray, seconded by Robert McConnell to accept the meeting minutes of August 27, 2014. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – aye, Joseph Lewandowski – absent, Brandon Myers – aye, George Olsen - aye.

Carried 6 - 0

Approved

Chairman Ian Murray stated that the second application for public hearing for Mr. Israel has been pulled for this meeting; possibly it will be on the agenda for next month, but the Board is awaiting detailed information and no public hearing or review until it is received.

Public Hearing for Major Subdivision

**Saratoga Development, LLC #14-02
Michael LaMorgese & David DePaulo
14 Ogden St.
Newark, NJ 07104
S/B/L 206.-1-34 Rural District II
Location: Brown Rd.**

Representative: Lansing Engineering

Returning Applicants would like to subdivide their 82.88+/- acre parcel into 11 single family residential lots.

Jason Dell appeared before the Board on behalf of the Applicants and reviewed a few of the revisions they've made to the subdivision. He stated all of the lots conform to the rural district II zoning requirements, each lot will have a well and septic system and storm water will be managed with swales in accordance with NYS DEC regulations. He said they've met on site with the Board and some residents of the community and since then they have made some revisions per Board direction. They have shifted some of the driveway locations, septic system

locations and well locations. He then said he was open to answering questions of the Board and the public.

Chairman Ian Murray asked the Board if they all had time to review the submittals and if they had any questions. There were none at that time.

Chairman Ian Murray then stated that he and Town Engineer Ken Martin were reviewing some things just before the meeting began when Jason Dell arrived for the meeting, which gave them a chance to talk with him about a couple of issues they have with the subdivision. He said that both he and Town Engineer Ken Martin have some issues that need attention and those issues are as follows:

- Location of septics - Chairman Ian Murray wants all the septic locations perc tested and deep hole tested as proposed on the plan; even though they may be subject to move, the Board would like this done.
- Storm Water Pollution Protection Plan (SWPPP) - Chairman Ian Murray stated there are a couple of lots with drainage issues that need attention. Jason Dell questioned that on lot 4, the drainage was going to be directed to the adjacent property but the Board would like to see it directed down to the pond, is that correct? Chairman Ian Murray responded that's correct. Jason Dell said they can easily do that. Chairman Ian Murray said he believes it was both lot 3 and 4 and would like them both looked at more closely.
- Proposed Access Easement - Chairman Ian Murray questioned if that access is for lots 10 & 11. Jason Dell said yes.
- Existing old buildings on the property - Chairman Ian Murray stated those need to be removed. Mr. DePaulo said they are now gone. Chairman Ian Murray responded they need to have them removed from the plan also.

Town Engineer Ken Martin reviewed his concerns:

- Lots 2 & 5 - The wells are too close to the leach/sanitary fields on lots 2 & 5.
- Relocation of Leach/Sanitary Fields - Town Engineer Ken Martin said that the Board had asked that the Applicants relocate the leach/sanitary fields in the front of the proposed building envelopes, but he counted 5 lots where they are still in front. They need to be relocated. Jason Dell questioned that there are to be no septics in the front yards and Chairman Ian Murray stated they prefer to have none in the front. Jason Dell said that is feasible.
- Driveway Constraints - Driveways over 200' need to have the capability of carrying 50,000 pounds; pull-offs and turn-arounds are needed for the driveways over 500' long. The Board can provide those details to them if needed.
- There were no septic designs to go with the perc and deep hole tests on the plans; Town Engineer Ken Martin said he assumes they are all mounded systems. Those need to be provided for each lot because each lot has to be approvable. Chairman Ian Murray and

Town Engineer Ken Martin think they can be generic designs for now, but they need to see the layouts. On two of the lots, the fields were laying the wrong way with the topo, but he said it's up to them how they lay their fields out.

Chairman Ian Murray said, to elaborate a bit on septic designs, the building permit that's in the building department right now for this subdivision on the first residence, shows that the house currently going in is over 6000 sq. ft. On the submitted subdivision plans, the proposal for the houses state they're to be 2800 sq. ft. The septic appropriately fits houses of that size, but it's not going to fit a 6000 - 8000 sq. ft. home, so the size of the fields and allowable expansion for houses of that size seriously needs to be looked at. Town Engineer Ken Martin agreed.

Town Engineer Ken Martin then stated he's very concerned with the storm water on Lots 10 & 11 because he's fairly sure those two homes will be quite substantial, though he doesn't know the exact size, which means there will be changes needed for those septic systems also. He then stated they need to add Town water notes to their map, explaining the Board requires them on all site plans. He added that they're standard water well notes that he can provide them if needed.

Proof of Notice having been furnished by newspaper on August 17, 2014, Chairman Ian Murray opened the Public Hearing at 7:48 p.m., asking those wishing to speak to please stand and state their name and address:

Chris Macica, 120 Brown Rd., addressed the Board with his concerns on hydro-fracking for water, questioned if utilities will be underground, what type of lighting will be used, easement access and lawn irrigation.

Chairman Ian Murray responded that fracking has been banned so there will be no fracking. Jason Dell responded that utilities will be underground and that people can walk down the easement although each lot also has direct access to the pond area. The easement is mainly for Lots 10 and 11.

Mr. DePaulo responded that lighting will be done tastefully and said that the homeowners would need holding tanks for irrigation systems but he doesn't know if potential homeowners are planning on irrigation systems.

Mike Russo, 32 Loon Way, stated his concerns of water consumption, storm water protection techniques and questioned if there are guidelines on residential lighting.

Chairman Ian Murray responded there are guidelines for commercial lighting but not residential. Mr. DePaulo stated they do illumination lighting; no glare or lights in your eyes and he said storm water will be managed with swales in accordance with NYS DEC regulations.

Mary Beth Macica, 120 Brown Rd., stated her concerns of wells going in and wondered about monitoring existing wells. Jason Dell responded they will do so within a reasonable distance from the drilling sites.

Chairman Ian Murray stated if they don't find water on those lots no building will go in. She then questioned if the residents will be allowed to build docks on the pond. Chairman Ian Murray responded yes they can, per town regulations. They can put deed restrictions on the lots, but they are allowed to put in docks.

Mr. DePaulo asked what her issue is with docks going in and Mary Beth Macica stated she's against allowing docks on the pond because, personally, it would ruin her view. She then said

she wants to be sure that people don't walk around onto her dam to get to the pond. Mr. DePaulo stated all the lots have their own direct access to the pond. He then suggested she post her land.

Jean Seiler, 15 Hill Rd., questioned if there will be provisions for keeping the corner clear at the Hill Rd. intersection. Mr. DePaulo responded that trees will be planted closer to the homes not near the road, so they won't be impeding the sight distances there.

Chairman Ian Murray asked if there were any other questions; there were none. He then stated there were a number of residents in attendance at the on-site workshop meeting and those residents expressed their approval of the subdivision.

Chairman Ian Murray stated the Public Hearing will be kept open through the month and will close at the October meeting.

Jason Dell asked if all items have been addressed, will they be able to wrap up the Public Hearing and SEQR review at the October meeting and Chairman Ian Murray responded yes.

Chairman Ian Murray made a motion, seconded by Laurie Griffen to declare lead agency for SEQR review on this project. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanahan – absent, Robert McConnell – aye, Joseph Lewandowski – absent, Brandon Myers – aye, George Olsen - aye. **Carried 6 - 0**

Chairman Ian Murray stated the Board will hold a long form SEQR review workshop on Oct. 15, 2014 at 7 p.m.; the public is welcome but the Board will not entertain any questions from the public at that time.

Chairman Ian Murray then stated concerning the lands of Cogan; he had asked for well and septic locations to be on the map and it is still not there.

Jason Dell responded he will look into that and get the information on there.

Mr. DePaulo questioned how many perc tests have been done out there.

Chairman Ian Murray replied he doesn't know; that information was not provided in their submission. The only thing in the submission is the deep hole tests; he doesn't know where that information is. There are a couple perc tests noted on the plan but there's no cross references to those.

Mr. DePaulo stated they're all perc testing the same and they're all the same systems and he doesn't want to incur unnecessary expenses now. In most cases they can provide samples after the submission instead of doing every single one now and incurring that expense; will the Board accept what they currently have.

Chairman Ian Murray responded no, because too many variations were seen with those tests that Tommell and Associates had done and looking at the test pit data, mottling on some were down to 18 - 19 inches, so there's quite a variance there and also some were down to the bedrock or the shale that's there, so he thinks it is important they do each one, even if their location potentially changes; that's the cost of doing business.

Mr. DePaulo said they'll have to do it again for the permit anyway.

Chairman Ian Murray replied that is true; on the permit application for Lot 10 it gave a perc of 8 minutes but it didn't prove true. They never saw an 8 minute perc on any prior test, so how is the Board to know those are true to those locations; that's why it's important to test every one of them and to also prove their viable building lots.

Brandon Myers agreed with Chairman Ian Murray and stated the systems have to be designed to NYS DOH standards. Some of the finished floors are higher or lower than the finished grade of the septic systems so perc and deep hole tests in the proposed fields are required and you're going to need to follow NYS health department standards; we're not making that up. Like our engineer pointed out, the land has to be proven to be viable before the Board can approve it. That includes NYS standard of pumps, details, the layout of leach fields etc. that is what the state requires and the Board cannot waive that.

Mr. DePaulo stated he has never had to do this before for subdivisions.

Chairman Ian Murray responded that has been a precedent in this Town for years; he's been on the Planning Board for many years and that is the way it has always been done.

Mr. DePaulo questioned even on a hundred lot subdivision you'd require this and Chairman Ian Murray responded yes on every lot. Mr. DePaulo replied he respected that.

Building Inspector Gil Albert stated generally the Town tries to make sure it's done on the location where you're going to do it.

Jason Dell said they will provide the information required.

Building Inspector Gil Albert stated part of the problem he runs into is verifying where the tests were done. He has to make sure it's done properly and that the deep hole and perc test is done where the system is to be located. It has to validate what he sees them doing afterwards, making sure no shortcuts were taken, making sure the proper amount of fill goes in etc. The Board is asking for the systems to be placed behind the houses and he has no way of knowing what is there or if the perc and deep hole test was done; he needs it to match the soils in order to validate.

Jen Koval questioned what the time frame of completion will be and asked if these are sold as lots and then custom built to customer wishes or are they built and then sold. Mr. DePaulo replied both; the majority of their work is custom built. He is hoping for completion to be in a couple to three years but he can't say for certain. Mr. DePaulo added that the houses will be mostly country or french country in design.

Information

Scott Smith and Ted Sargent of Cobra Wireless Firing Systems appeared before the Board and explained that their company builds and manufactures wireless firing systems for the pyrotechnics industry. They currently have 9 employees and have locations in both Saratoga

Springs and Mississauga, Canada. Their systems are used by companies and special effects firms worldwide. They have over 6,000 customers and are in over 70 countries. Their customers include small local companies such as Alonzo's Fireworks in Mechanicville to large companies such as Disney, Universal and Warner Brothers. As of right now they are a design company as well as a warehouse and shipping business; they have their devices manufactured elsewhere. They also stated they have a second business of storing fireworks and taking them to display areas. They do not manufacture fireworks.

They stated they are planning on purchasing 102 acres on Rt. 32 in the town of Saratoga and explained that their current lease on Rt. 50 in Saratoga Springs will be up in 2 yrs. and they want to build a 9,000 sq. ft. building with plans to establish and grow their fireworks display operation. The 9,000 sq. foot building would be used for everything, including their design company, the warehouse and shipping part of their business and about 3,000 sq. feet would be for a garage. They know there are many questions and concerns with this type of business and they will conform to all local, state and federal guidelines including NYS DOL Code Rule 39 and Federal ATF Explosives Law and Regulations. Those regulations include distances to other structures, placement, construction and type of locks required.

Chairman Ian Murray questioned if they'd be in competition with Alonzo Fireworks and Scott Smith replied no. He said as of 10/01/2014 Alonzo's is no longer in business, that they were a 3rd generation business and he has a good relationship with them.

Chairman Ian Murray said he has no problem with this proposed project, but since this is not listed as an allowable use in the Town's regulations he suggested they go to the Town Board and apply for a planned unit development (P.U.D.). He also said he felt the land there lends itself to this type of business since it's all rock there. The Board agreed with him and felt a P.U.D. would be great since nothing in the current regulations covers this. It was suggested they go to a Town Board agenda meeting and get a poll of the Board on the possibility of going forward with a P.U.D.

Scott Smith and Ted Sargeant thanked the Board.

Chairman Ian Murray then stated that Erin Fisk was in prior to the start of the meeting for some information concerning the 27+/- acre horse farm that's for sale on Rt. 29. She questioned if she'd be able to board 8 horses aside from her 3, have an equine therapy business there, rent the house to her barn manager and construct an enclosed arena to continue the therapy throughout the winter and inclement weather. He told her this is an agriculture friendly town and she said will work on her application and come back at a later date.

Old Business: Chairman Ian Murray said that he, Ken Martin and Gil Albert met on Friday to go over concerns they had with Mr. Israel's proposal. They drafted a letter and sent it to Mr. Israel concerning the septic, parking, stormwater, building sizes etcetera adding nothing can be determined without the actual measurements. He had been asked for a detailed summary at the last meeting and he still has not provided that. In his last submittal he said he now wanted to have an outdoor kitchen and bar, keep the retail as well as the restaurant, banquet center and bed & breakfast; the whole project has been blown out of proportion and that's why we had more questions.

The Board agreed this has gone way beyond what he first presented to the Board.

Chairman Ian Murray also said that the old Wooley Rd. is owned by the state and he had parking and bus parking all on that state land. Board discussion continued and it was decided a lot more information is required before moving forward.

New Business: Chairman Ian Murray stated a Joint Workshop Meeting concerning regulation amendments will take place on October 8, 2014 at 7:00 p.m. He then said a SEQR Workshop for the Brown Rd. subdivision will be held on October 15, 2014 at 7 p.m.

Zoning Officer Gil Albert stated he'd wanted to talk to the Board concerning ongoing issues he's been having with Mr. Scialdone, the foam guy, on Rt. 29. He said Mr. Scialdone has been parking his box trucks there since he started renting the property and he believes he is running the business from his home. He has watched this since last fall and notified him that he needs a special use permit for that business. He also said that he asked Mr. Scialdone if he grows the produce he sells there and he said no, he purchases it and then sells it and he explained to him that he'll need a special use permit for that too; he told him if he grew the produce then he could have a farm stand within town regulations without a permit, but since he purchases it and then sells, it's considered a retail business and as such, a permit is required. The Board believes a special use permit is needed in order for Mr. Scialdone to continue doing business there on Rt. 29, especially with his foam business and supports Zoning Officer Gil Albert's efforts to have him come into compliance with town regulations. Zoning Officer Gil Albert said he's going to push the Town Board to take Mr. Scialdone to court because he's been given ample time to comply and although Mr. Scialdone has said he will, he never has been in for a special use permit application.

The Board asked Zoning Officer Gil Albert to keep them updated. Zoning Officer Gil Albert thanked the Board.

A motion was made by Robert McConnell, seconded by Laurie Griffen to adjourn the meeting at 9:20 p.m. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – aye, Joseph Lewandowski – absent, Brandon Myers – aye, George Olsen - aye. **Carried 6 - 0**

Meeting Adjourned

The next regular meeting will be held Wednesday, October 22, 2014 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe
Planning Clerk