

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES**

August 26, 2015

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 – present, Brandon Myers – present, Alternate George Olsen – present.

Due to the absence of Board Member Patrick Hanehan, Chairman Ian Murray elevated Alternate Board Member George Olsen to full voting status.

Also attending: Town Engineer Ken Martin, Jim Vianna, Gil Albert, Tina Baird, Elena & Jim Grotto, John Witt, Susan Joki, Matthew VanDoren, Yvonne DeCore, Emory Waldrip and other interested people. (Sign-in sheet is on file in the Clerk's office)

A motion was made by Robert McConnell, seconded by Jennifer Koval, to accept the meeting minutes of July 22, 2015. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Joseph Lewandowski – aye, Robert McConnell – aye, Brandon Myers – aye, George Olsen - aye.

Carried 7 - 0

Approved

Subdivision Sketch Plan Conference

**Kristen M. Reynolds #15-03
16 Stevens Ct.
Saratoga Springs, NY 12866
S/B/L 168.-3-69.111 Conservancy District
Location: West side of Bryant's Bridge Rd.**

**Representative: Jim Vianna, PLS
170 Lohnes Rd.
Stillwater, NY 12170**

Applicant seeks to subdivide her 7.49 acre parcel into a three lot subdivision. The property has 753.46' of frontage on Bryant's Bridge Rd.

Jim Vianna, PLS, appeared before the Board on behalf of the Applicant. He reviewed the proposed 3 lot subdivision stating the Applicant would like to subdivide her property into 3 lots and sell them for future residential development. The lots are all compliant and he has completed the soil testing. He stated lots 2B and 2C had a perc rate under one minute, which is too quick. He consulted with Town Engineer Ken Martin and they decided it is best to have a cut & fill system on those two parcels. He said they also meet the buffer setbacks from the wetlands along Fish Creek. He then added that the driveway for lot 2B will be placed in the upper corner due to sight distance issues.

Chairman Ian Murray stated that he would like the specific location of that driveway on Lot 2B noted on the map.

Town Engineer Ken Martin questioned if lot 2D, where the house sits, is on high ground.

Jim Vianna replied yes, but the highest ground is the center of lot 2C.

Town Engineer Ken Martin suggested moving the well further back on lot 2D.

Jim Vianna replied there is room to maneuver as Note 5 indicates on the map.

Chairman Ian Murray asked if there were any Board questions; there were none. Chairman Ian Murray then stated we will schedule a Public Hearing for next month.

Jim Vianna thanked the Board.

Returning

Lot-Line Adjustment

**SOGONHA, Inc. #15-04
Valerie Munson Drohobycky
148 Rt. 4 North
Schuylerville, NY 12871
S/B/L 157.-1-3.11 & 157.-1-48
Location: 145 & 147 Rt. 4 North**

**Representative: Jim Vianna, PLS
170 Lohnes Rd.
Stillwater, NY 12170**

Applicant seeks to adjust the lot-line between 147 and 145 Rt. 4N in order to keep the existing septic tank on 147 Rt. 4N. The existing well currently supplies both parcels but the connection to 147 Rt. 4N will be severed and a new well will go in on that property. This is being done for future sale of both parcels.

Jim Vianna, PLS, appeared before the Board with the Applicant, stating he has completed the survey and the Applicant needs to adjust the lot-line between the two in order to have the existing septic tank for 147 Rt. 4N completely on that parcel for the purpose of selling the property in the future. Part of the septic tank sits on the 145 Rt. 4N property, beyond the existing lot-line. Jim Vianna also stated that the existing well currently supplies water to both parcels; they will sever the connection to 147 Rt. 4N and a new well will go in for that parcel. He added he's trying to make these pre-existing, nonconforming lots better and this is the best they can do.

Chairman Ian Murray stated these are pre-existing, nonconforming parcels and nothing will change that; the Board agreed with him.

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

Chairman Ian Murray stated no Board action is required; just bring the maps in for sign off of the Town Engineer and himself.

Jim Vianna thanked the Board.

Special Use Permit Pre-Submission Conference

**Elena Danas Grotto #15-02
946 Rt. 29
Saratoga Springs, NY 12866
S/B/L 156.-1-57 Rural Residential**

Applicant proposes to build a small second residence near her pool, for her mother to move into.

The Applicant appeared before the Board and reviewed her application. She stated this home will look like a pool house, especially since it will be located near the pool. She said this will be a small home for her mother to reside in, about a thousand square feet, and that she and her husband are trying to do this as reasonably as possible.

Chairman Ian Murray stated this is the Board's first case with the new law. He reviewed the requirements of said law with the Board and told the Applicant that what she wants to do is legal and workable. Chairman Ian Murray stated this can be done as long as the Applicant proves the well and septic can adequately serve the second residence. He also said that the Applicant will need to provide better information to Building Inspector/Zoning Officer Gil Albert when applying for the building permit.

The Applicant stated they aren't sure about the well and may be putting in a new one and if a new one goes in it will be located higher than the septic; up on the property nearer Rt. 29.

Chairman Ian Murray stated they'll need to meet the 100' separation distances between the well and septic. They'll also need to provide a new survey with the house, shop and garage plotted out as well as showing the location of the existing well and septic and the building envelope for the new house in order to obtain their building permit. Once they have their new survey they'll need to complete their application for a Special Use Permit, come back before this Board and go through public hearing; then meet with Building Inspector/Zoning Officer Gil Albert for their building permit.

The Applicant thanked the Board.

Returning

Information:

Tina Baird, 29 Ironwood Dr., Saratoga Springs, NY seeks to open a dance studio in her home and is looking to the Board to see if it would be possible.

Tina Baird appeared before the Board and stated she is a tap dance teacher and has room over her garage that she would like to utilize as a dance studio. Her classes would have a maximum number of 6 students and lessons would run an hour to an hour and a half long.

Chairman Ian Murray questioned if the parents of the students will be waiting or if this will be drop-off and pick-up situation; he's concerned with parking.

Tina Baird responded it will be drop-off and pick-up, 2 - 3 days weekly.

Laurie Griffen questioned if she's considered what the maximum number of students will be if the business grows; the concern is adequate studio space and parking. She questions it because the location is a residential area, not commercial and the Board cannot make it into commercial use there.

Chairman Ian Murray stated she will not be allowed to have recitals on premise, again, due to the parking.

Brandon Myers stated if the business grows to where she has to hire an assistant or another teacher, then she'll need to move to another location since it would take this out of home business.

Chairman Ian Murray stated she'll need to complete a Special Use Permit application and return to the Board.

Tina Baird thanked the Board.

Returning

Susan Jokie, 674 Rt. 29, Saratoga Springs, NY seeks guidance concerning the possibility of obtaining a Special Use Permit for her property located on Rt. 29; the little brick building commonly known as the old telephone exchange center.

Susan Jokie appeared before the Board, reviewed the history of the property and said she wants to rent it as cold storage.

Chairman Ian Murray stated years ago it was a public utility building which needed no permit, but once it sold it automatically reverted back to standard Town regulations. That property is only 10% - 20% of what is required for a parcel in that district. There is no parking, no ingress, no egress.

Susan Jokie responded she wants to rent it out.

Chairman Ian Murray stated when it was a book storage facility, it was swept under the rug, but once that was gone it went right back to standard Town regulations.

Susan Jokie responded she wants to rent it out only as storage; it is a heated building but has no plumbing.

Zoning Officer Gil Albert stated she can't have a business run out of that building, as he's told her over the past two years. He then stated if the Board wants to give it a 'special', Special Use Permit, it needs variances and she would have to go before the ZBA to try and obtain them.

Chairman Ian Murray noted he's not comfortable with this; it needs to come before the Board as a formal Special Use Permit application. It would need certain specific criteria, but they'll have to deny it, then send her off to the ZBA to seek variances. He explained

if she rents it out for 5 years, for example, and then it's empty for 2 years, that will be considered abandoned. If she sells it, the new owner will have to come before the Board for a special use permit as well.

Susan Jokie stated she wants to rent it out.

Returning

John Witt, Witt Construction, seeks guidance and advice from the Board concerning the creation of a major subdivision of the Bethesda Episcopal Church property located at 142 Cedar Bluff Rd. (Co. Rd. 71).

John Witt addressed the Board and said the property on which he would like to construct a major subdivision is in three different zoning districts; rural, lake residential and conservancy. He then reviewed three different plans for a major subdivision: a 31 lot, a 25 lot and a 29 lot layout. After a lengthy discussion with the Board, the Board preferred the 29 lot layout.

Chairman Ian Murray stated John Witt has work to do in order to meet setbacks from agriculture lands there and John Witt stated he believes those setbacks can be met.

The Board questioned the average price of the proposed homes and John Witt replied prices will range from half a million dollars to two million dollars.

Chairman Ian Murray reiterated that John Witt has a lot of work to do and the Board looks forward to seeing the formal sketch plan for the 29 lot subdivision.

Returning

Matthew Van Doren, Corner Post Land Surveying, seeks guidance from the Board concerning a lot-line adjustment for his client, Yvonne DeCore. The lot-line will be of the DeCore properties located on Rt. 9P. The family would like to convey a 25' lakeside section of their property to their daughter's parcel across the road.

Matt Van Doren appeared before the Board with Yvonne DeCore and reviewed the proposed lot-line adjustment with the Board.

Chairman Ian Murray asked if there were any questions of the Board; there were none. Chairman Ian Murray then stated no Board action is required and told him to bring in the updated survey for signatures and then he'll be notified to pick them up to file with the County Clerk's office.

Matt VanDoren thanked the Board.

Joanne DeVivo, 776 RT 29, Saratoga Springs, NY seeks advice on the possibility of creating a 25' drive to convey to her neighbor which will provide access to Fish Creek for the neighbor as well as for her own family.

Joanne DeVivo did not appear.

Old Business: Chairman Ian Murray and the Board said it's time to serve Roger Sharp with an Order to Remedy. If Roger Sharp does not submit full engineered plans to the Planning Clerk before 9:45 a.m. on September 9, 2015 they instructed Zoning Officer Gil Albert to serve him with Stop Work papers. Chairman Ian Murray and the Board told Zoning Officer Gil Albert that Roger Sharp has been told over and over exactly what he needs to bring to the Board and they've had enough of this game. Robert McConnell stated Roger Sharp should look for a place to rent because this is going to cost him a lot of money with very dubious results. Chairman Ian Murray stated he already told him that himself.

Jennifer Koval questioned if anything has been done with the Verillo storage facility on Condon Rd. and if their attorney has met with our attorney; that meeting was to take place months ago.

Zoning Officer/Building Inspector Gil Albert stated no meeting has taken place to date; the town attorney has sent another letter but still nothing. He thinks an amended Special Use Permit may need to be done for that property.

New Business: Joint Meeting Workshop will take place on September 30, 2015 at 7 p.m.

A motion was made by Robert McConnell, seconded by Laurie Griffen to adjourn the meeting at 8:45 p.m. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanahan – absent, Joseph Lewandowski – aye, Robert McConnell – aye, Brandon Myers – aye, George Olsen - aye.

Carried 7 - 0

Meeting Adjourned

The next regular meeting will be held Wednesday, September 23, 2015 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe
Planning Clerk