

**TOWN OF SARATOGA  
PLANNING BOARD DRAFT MINUTES**

**January 28, 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 – present, Robert McConnell – absent, Jennifer Koval – present, Joseph Lewandowski – present, Brandon Myers – absent, Alternate George Olsen – present.

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

Also attending: Al Parella, John Richards, Sean & Stacey Dooley, John & Laurie Deyoe, Kim Crocetta and other interested persons. (Sign-in sheet is on file in the Clerk's office)

**A motion was made by Laurie Griffen, seconded by Patrick Hanehan, to accept the meeting minutes of November 19, 2014.** Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Joseph Lewandowski – aye, Robert McConnell – absent, Brandon Myers – absent, George Olsen - aye.

**Carried 6 - 0**

**Approved**

**Continued 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.

Chairman Ian Murray stated that the public hearing for this application was opened at the November 19, 2014 meeting, was left open and will continue at this meeting.

The Applicant appeared before the Board along with Attorney John Richards. His Attorney stated that based upon the minutes of the November meeting the Board was concerned about the easement of Brock Dr. and who gave permission of such rights. The research took him back to a 1940 subdivision survey; the first division was in the 1920's then in the 1940's. He stated they were all Skidmore lots and there were many owners of those Skidmore lots. He stated he copied the description page of the lots along Brock Dr., which he shared with the Board, saying almost all the descriptions refer to the lots as Skidmore lots with road easement rights that go back 40 - 70+ years. Most of the deeds reference the easement, except those with public road access. Tax map #111's deed had an exception that states everyone on the road has the right to the easement; he showed that map to the Board which shows that tax map #111 is Brock Dr. He then stated he

checked with the county for the road maintenance template, per Board suggestion last month, but their template doesn't fit this situation so he amended it to fit this need. All the year-round, permanent residents have signed, so the town is covered and the rights of easement is covered. He is ready to answer any questions the Board may have.

Chairman Ian Murray thanked him and said he appreciated that the original easement listed everything the Board was looking for.

The Applicant then stated he had a letter from the county sewer stating he can tie in to the sewer, but it didn't state three houses.

Town Engineer Ken Martin said he received a letter stating that the three houses could tie in to the sewer and each Board member has a copy of the letter.

Chairman Ian Murray added that the easement of the sewer needs to be worked out with the sewer district at a later date, but it doesn't affect this application. The letter received by, and provided to the Board by Town Engineer Ken Martin, satisfies the requirements needed to go forward.

The Applicant stated the last requirement was to include the specifications for the road construction on the survey. This has been completed and is on the new submitted maps. The road will be constructed to town specifications and Brock Dr. will be extended and will have the required turn-around for emergency vehicles.

Chairman Ian Murray responded the Board was satisfied with the information.

Joe Lewandowski questioned if the duplex owners across the road, the Snyder's, are part of the sewer agreement.

The Applicant responded that all year-round residents who live on Brock Dr. have signed the sewer agreement, but for those who don't live there year round, he's not been successful. The neighbors across the road are building a duplex and will be renting it out. He said they don't have a problem with the agreement and he assumes once they get the duplex built they will become part of it.

Chairman Ian Murray questioned if the Applicant's line is below the location of the manhole and was told yes. He then asked if the folks who are building the duplex have signed the maintenance agreement.

The Applicant responded no they haven't. They've indicated they have no issue, but they specifically said they want to review it further and they would like a more general agreement. The current agreement refers specifically to the 'Parella Subdivision'; they want something that will carry on indefinitely.

Chairman Ian Murray asked Attorney John Richards if this can be tied to the deeds, because the agreement will be recorded, correct? He replied yes, it can be recorded.

Chairman Ian Murray said the neighbors need to get on board because the Applicant owns basically all the frontage on that property. Attorney John Richards replied he owns the roadbed

in front of their house. Chairman Ian Murray said and the Brock Dr. easement ends with the road; he then stated there can't be an issue in the future with the Snyder's.

Building Inspector/Zoning Officer Gil Albert said there's an ongoing issue now with them; the Snyder's asked if they can put in a septic system because the Applicant has some issue with them.

The Applicant replied that the issue is the Snyder's wanted to start digging up the road and doing their two laterals and he had a discussion with their builder and questioned if they were going to repair the road when they were done. The builder said that he didn't know that where he was digging wasn't the Snyder's property. It was solely the Applicant's property they were digging up and the sewer department representative that was there, indicated that the Snyder's needed an easement from the Applicant to be able to dig that sewer. So the Applicant suggested to the Snyder's if they're going to be digging up and putting two laterals in, why don't they, together, put an application in to extend the sewer and put in another manhole up there. They can put the two laterals in that they need and he can put his three laterals in, making it easier for maintenance down the road. It would also decrease the cost for all of them; the Snyder's, having to dig up the road and then repair it and also him having to dig it up again and repair it for his laterals. He suggested they share the cost to make it more cost effective for both of them. He then said the Snyder's wanted to get a quote on how much that would cost so they could compare the cost of both a septic system or the sewer option. The Applicant said he's trying to find a way that suits the Snyder's needs as well as his own and he was to hear back from them today, but hasn't talked with them yet.

Chairman Ian Murray responded first he thinks engineering-wise, the way the Applicant suggested is the best way to do it. Secondly, as for long-term maintenance, it's a no brainer. You may incur a bit more cost upfront, but long-term it benefits everybody. He added that his concern wasn't necessarily with the sewer, it is more with the road agreement, because the Applicant owns where his line is and if they don't sign up, they technically cannot use it.

Attorney John Richards said they could use the roadway, but they wouldn't be able to connect to the sewer unless the Applicant agrees to allow them to. You can't compel someone after the fact to sign these agreements, in fact, the permanent residents there now bear the lion's share of the costs and if they won't join, that's a decision they have to make.

The Applicant added that he received an email from them saying they didn't oppose it but only had an issue with the language in it that referred specifically to the Parella lots; the agreement had surplus references that were not necessary.

Attorney John Richards suggested that he or the Applicant can reach out to the Snyder's or their attorney and put a separate agreement together for them; either a supplemental or revised agreement.

Chairman Ian Murray responded he could call it a four lot subdivision instead of the Parella subdivision. The Applicant should have that agreement; it would clean everything up.

Attorney John Richards said that can be done, they can change the language.

The Applicant then stated if it proves cost prohibitive for the Snyder's to put in the septic and they don't want to contribute to the cost of extending the sewer, he'd let them connect to the sewer, but they'd first have to sign an agreement to share the burden of the road maintenance. He would then bear the full cost of the sewer extension and his three laterals; it just seems extra work to put in his three laterals now, repair the road from that work and then possibly put in their two laterals at a later date. He thinks it makes more sense to do it at the same time.

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

**Chairman Ian Murray re-opened the Public Hearing at 7:56 p.m.**, stating this has been opened since November 19, 2014, he then asked 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 7:57 p.m.**

Town Engineer Ken Martin asked Attorney John Richards, concerning the Snyder's duplex, if they come into the sewer on the Applicant's lot 4 property, won't they need an easement to maintain their sewers?

Attorney John Richards responded if any of their laterals cross the Applicant's property, meaning Brock Dr., they need his permission, so it will depend on the way the easement is written and what the county says.

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 – absent, Joseph Lewandowski – aye, Brandon Myers – absent, George Olsen - aye. **Carried 6 - 0**  
**Approved**

**Chairman Ian Murray made a motion, seconded by Laurie Griffen to approve the subdivision as proposed.** Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Joseph Lewandowski – aye, Robert McConnell – absent, Brandon Myers – absent, George Olsen - aye.  
**Carried 6 - 0**  
**Approved**

The Applicant thanked the Board.

### **Information Update**

Attorney Kim Crocetta appeared before the Board and reviewed the new survey of Mr. Clute's and Mr. Barton's amended subdivision proposal. The Board discussed Mr. Barton having access of his own, cleaning up the illegal subdivision and stated the map needs corrections and more information on the map itself.

Chairman Ian Murray stated if revisions are made to the survey she can bring it in for next month's meeting for Board review and if all is okay they can then go forward with a subdivision application.

Attorney Kim Crocetta stated she believes they've worked it all out and once revisions are complete, she'll drop the revised survey off and go forward with the subdivision application.

### **Information**

Mr. and Mrs. Sean Dooley and Mr. and Mrs. John Deyoe appeared before the Board questioning where things stand with the car storage building next door to the Dooley's property. They stated since the new owners have had it, they cleared the entire lot with no screening left between the two properties; the owner did put in a berm and some plants but there's no buffer or barrier. The Board questioned if they've gone over the property line and were told no, but they are right on it. However, the end of his driveway is on their property since the new owner widened it and put drainage in, which is also on their property. They stated the owners don't even live there, they rent out the house, there's a showroom, offices and a lounge in the 'storage' building; there is a business going on, it is not for personal use. Mrs. Dooley stated when Jeff Dooley obtained his special use permit for the boat storage, they had to sign off on it in order for him to obtain that permit. They did so because they couldn't see the building, the woods were left alone and they knew the clients and it was a seasonal storage facility. They questioned if the permit transferred with the property when Jeff Dooley sold it.

Chairman Ian Murray responded it does transfer with the land, but only as long as the use remains the same. The Board is aware its changed and the owners were provided an application but have not yet been before the Board.

A lengthy discussion continued and Chairman Ian Murray stated if they use the storage for personal use, there is nothing the Board can do, but if it's for business, they must come before the Board for a special use permit. The owner is in violation for changing the use and Building Inspector Gil Albert has notified them that they need to come in before the Board and follow protocol. When they do and when a public hearing is held, the Board will listen to and seriously consider all your concerns.

**Old Business:** None

**New Business:** None

**A motion was made by Patrick Hanehan, seconded by Laurie Griffen to adjourn the meeting at 8:50 p.m.** Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – absent, Joseph Lewandowski – aye, Brandon Myers – absent, George Olsen - aye. **Carried 6 - 0**

**Meeting Adjourned**

The next regular meeting will be held Wednesday, February 25, 2015 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe  
Planning Clerk