

TOWN OF SARATOGA
PLANNING BOARD DRAFT MEETING MINUTES*
March 30, 2022

Chairman Ian Murray called the meeting to order at 7:36 p.m.

Planning Clerk Linda McCabe called the roll: Chairman Ian Murray – present, Laurie Griffen – present, Patrick Hanehan – present, Robert McConnell – absent, Joseph Lewandowski – absent, George Olsen - present, Christopher Koval - present, Alternate Walter Borisenok - absent.

Also attending: Attorney Mark Schachner (Planning Board Counsel), Brian White, Shane Drumm, Gil Albert, Hubert Miller, Jeff Mancini, Michael Dahlquist, John McSwieney, Jerry Meehan, Trish Perrault, Russell Kirkwood, Patience & Bill Davidson, Cody Thivierge & Ashley Shell, Maxine Lautenberg, Edith Rubinson, Remy Engerran and Marc D’Aquila. (Sign-in sheet is on file in the Clerk's office)

A motion was made by Patrick Hanehan, seconded by Christopher Koval, to accept the meeting minutes of February 23, 2022 as written. Chairman Ian Murray – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Robert McConnell – absent, George Olsen - aye, Joseph Lewandowski – absent, Christopher Koval - aye, Walter Borisenok - absent.

Carried 5 - 0

Approved

Chairman Ian Murray stated to update the agenda for tonight, prior to the opening of the meeting we found that applicant Tom Carrangi of Point Breeze Marina would not be present tonight, so we’ve removed him from the agenda and added tonight the Board will begin with Old Business, completing SEQRA for the Cedar Bluff Subdivision and then open the Public Hearing for the Drumm Special Use Permit application.

Chairman Ian Murray reviewed the history of the Cedar Bluff Subdivision application. He said he’d made a spread sheet a couple of years ago, which they’ve all seen before, although this application is 8 years old, he wanted to review where they are. Conceptual Plans were provided by the applicant, the Board went through both of them as with the cul de sac and with a through road and ended up going with the cul de sac option as they move forward. The preliminary plat has not yet been submitted, although the applicant is working on that. We held public hearing through the process of the conceptual plans for preliminary plat and we are now at the point where we have to make SEQRA determination before the Board can continue on with the preliminary plat and eventual say that the preliminary plat is complete. He then read from the law book for Town Law §276 [5b] for Subdivision: “Coordination with the state quality review act. The Planning Board shall comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations. And next to that, under §276 [5c] Receipt of a complete Preliminary Plat: A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the state environmental quality review act. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.” So, with the application, the applicant has to submit Part 1 of SEQR which the applicant has done, a couple of times with some revisions as the application went through. It’s the responsibility of the Planning Board to go through what’s called Part 2 of SEQR, which the Board went through at a workshop on February 7,

2022 and after that the Board worked on what is called Part 3 of SEQR and between the compilation of the Board's comments, comments from the Town Engineer, they prepared Part 3 of SEQR and he read the following questions they answered of Part 2:

**SEQR Full Environmental Assessment form Part 3
Evaluation of the Magnitude and Importance of Project Impacts and
Determination of Significance**

Project Description

Project Name: Cedar Bluff Subdivision

Project Location: 142 County Road 71, Town of Saratoga, New York

Lead Agency: Town of Saratoga Planning Board

The project proposes a conservation subdivision of 111.6+/- acres for 32 single family residential lots. The project includes the preservation of Open Space in accordance with Section 400-14 of the Code of the Town of Saratoga. The project also includes the preservation of Federal jurisdictional wetlands and tributary drainage to Saratoga Lake. All 32 proposed lots will have on-site supply of water by drilled wells. All 32 of the proposed lots will have sanitary sewer collection via Saratoga County facilities. The proposed project requires the construction of two new cul de sac roadways. The project will require a Stormwater Pollution Prevention Plan (SWPPP) and an MS-4 Storm Water Management program to address new impervious runoff as required by NYSDEC.

Conservation subdivision is the preferred method for residential development as noted in the Town of Saratoga's Comprehensive Land Use Plan and the Town's Code. The open space resulting from the proposed project includes 40+/- acres of open space, of which 32 acres will be preserved agricultural lands on the east side of Cedar Bluff Road and 22+/- acres will be preserved on the west side of Cedar Bluff Road, located in the Town of Saratoga Rural zoning districts. The Town of Saratoga is a 'Right to Farm' community and encourages the preservation of its farmland.

The following paragraphs assess and address the significance of the potential environmental impacts identified as potentially moderate to large in Part 2 of the EAF by the lead agency.

Impact on Land (Question 1)

The proposed project will involve construction on, or physical alteration of the land surface of the proposed site. The project will involve construction on slopes greater than 15 degrees (Question 1.b). The project may involve construction that continues for more than 1 year (Question 1.e). The project may result in increased erosion either by physical disturbance or vegetation removal (Question 1.f).

The access road from Wright Road to the new subdivision cuts across steep slopes to access many of the new proposed lots. Specifically, the most significant disturbances occur at lots 17, 18, 19 and 20, as well as a shared driveway to access lot 20.

Significant regrading will be required at lots 17, 18, 19 and 20, as well as lots 1, 2, and 3 to mitigate the erosion and physical disturbance that will likely occur due to the construction of the new access road. Erosion control is particularly important in these areas to mitigate

erosion and off-site drainage problems. During the construction period disturbed slopes are to be covered with erosion control blankets.

Steep slopes exist throughout the proposed site specifically at lots 1 through 11, 16 through 20, 21, 23 through 27 and 29 through 31. Prior to the final project plan approval, the applicant needs to submit to the lead agency for approval a Stormwater Pollution Prevention Plan (SWPPP) in accordance with all applicable NY State laws.

Further, the Town of Saratoga Code Section 400-8.12 establishes control measures to limit erosion, reduce sediment transport and prevent the introduction of manufactured pollutants to the Town's water drainage and reservoir system.

The lead agency may require additional safeguards from the applicant including, but not limiting to:

- ❖ Locating and flagging the edge of steep slopes to prevent clear cutting of trees and vegetation on steep slopes.
- ❖ Establishing setback requirements from designated steep slope ridgelines for specific lots.
- ❖ Require a lot-by-lot tree and vegetation removal plan, along with the building permit application to the Town of Saratoga Code Enforcement Officer. No lot clearing shall be performed prior to building permit approval on the above listed lots.

While the potential impact is moderate to large, the steep slope area is limited in project scope to the road cuts and fills. Erosion control has been/will be engineered for this impact.

While the potential for construction is longer than one (1) year, construction will be happening in phases, at one or two houses at a time, following the infrastructure installation. The staging will mitigate this impact.

There will be the irreversible transition of land to individual use, however, the cluster design of the project has considered this to the maximum extent possible, which mitigates the impact.

Along with the effective enforcement of NYS laws and Town Code including an approved SWPPP along with the additional safeguards outlined above sufficiently mitigate the potential environmental impact of the project on the land.

Impacts of Surface Waters (Question 3)

The proposed project may affect one or more wetlands or other surface water bodies which has the potential of a moderate to large impact. The project may create turbidity in a water body from upland erosion (Question 3.e). The project may cause soil erosion, or otherwise create a source of stormwater discharge leading to siltation of other degradation of receiving water bodies (Question 3.h). The project may affect quality of a water body downstream of the site (Question 3.i).

The terrain of the proposed project site heightens the importance of a Storm Water Pollution Prevention Plan (SWPPP). To address potential impact of the project on surface water the following actions will be required:

- ❖ A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the NYS DEC Stormwater procedures protocol must be completed and accepted following a preliminary plan approval and prior to the final project approval.

- ❖ An MS-4 Stormwater management program must be designed and implemented to mitigate the amount of pollutants carried by storm water to water bodies during storm events.

Further, the Town of Saratoga Code Section 400-8.12 establishes control measures to limit erosion, reduce sediment transport and prevent the introduction of manufactured pollutants to the Town's water drainage and reservoir system.

The lead agency may require additional safeguards from the applicant including, but not limited to:

- ❖ Locating and flagging the edge of steep slopes to prevent clear cutting of trees and vegetation on steep slopes.
- ❖ Establishing setback requirements from designated steep slope ridgelines for specific lots.
- ❖ Requiring a lot-by-lot tree and vegetation removal plan, along with the building permit application to the Town of Saratoga Code Enforcement Officer. No lot clearing shall be performed prior to building permit approval on the above listed lots.

The implementations of a SWPPP and MS-4 Stormwater management program, the effective enforcement of NYS laws and Town Codes, and the safeguards noted above sufficiently mitigate the potential environmental impacts of the project on applicable surface waters.

Impact on Ground Water (Questions 4)

The proposed project will result in new use of ground water which has the potential to be a moderate to large impact. The development will create up to 32 new single family residential homes. All homes will require on-site water via drilled wells. The water supply demand from the new homes may exceed safe and sustainable withdrawal capacity rate of the aquifer (Question 4.b).

The size of the impacted area is the 32 lots of the subdivision and the existing neighbors. The ground water impact will be permanent and for this reason it was extensively studied as part of the SEQR review.

To determine the adequacy of water supply for the project neighboring properties, extensive planning, testing, and analysis were performed by Hanson Van Vleet Hydrogeologic Consultants (HVV). Additionally, HVV's testing plan, procedures, analysis and resultant reports were reviewed by an independent environment and geological consulting firm, Alpha Geoscience (Alpha), hired by the lead agency.

The NYSDOH WWDM (NYSDOH Wastewater Design Manual) benchmarks typical water use at 110 gallons per day per bedroom. To evaluate the adequacy of water supply, the lead agency chose a highly conservative base line criteria of 220 gallons per day per bedroom or double the NYSDOH benchmark. The water capacity test plan and procedures developed by HVV required the installation of 13 drilled wells located throughout the proposed project site. All the wells independently yielded adequate water supply in accordance with established criteria.

Additionally, HVV designed, planned and performed 'combined pumping' tests to monitor and analyze the impact of the newly drilled wells on the local aquifer. HVV conducted two 'combined pumping' tests during different time periods.

According to HVV's final report regarding the bedrock aquifer water supply, "there will not be any significant impact on neighboring off-site wells or on-site wells in the proposed subdivision". Alpha Geoscience reviewed the HVV report and substantially concurred with their conclusions. The Town Engineer reviewed both the HVV and Alpha reports and opined water capacity for the proposed subdivision was sufficiently tested and determined to have satisfactory yield. All the reports noted in this section are part of SEQR submission records.

We conclude the increase in water supply demand created by proposed subdivision will not exceed the safe and sustainable withdrawal rate of the aquifer.

Additionally, per NYS Public Health Law §1115 and Environmental Conservation Law §17-1501, because this is deemed a realty subdivision, local health department has the final review and approval of said subdivision.

Impact on Plants & Animals (Question 7)

The proposed project requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type and information source (Question 7h.).

Portions of Lot 32, on the east side of the proposed subdivision, are being converted from forest to agricultural pursuits, which has the potential to be a moderate to large impact. While the area is relatively moderate in size, the severity and extent is mitigated by the focus of agricultural activities on the site. The balance of Lot 32 on the west side, is to be set aside as protected lands.

Per the NYS DEC EAF Mapper, there are no endangered or threatened species nor rare plants or animals on the lots involved in this subdivision.

The lead agency may require additional safeguards from the applicant including, but not limited to:

- ❖ Deed restrict all of Lot 32 from any further subdivision.
- ❖ Deed restrict the west side of Lot 32 as "protected lands". No disturbance or tree removal allowed.

The Town Conservation Subdivision Development Regulation 400.14 is the preferred method when requesting approval of a subdivision. This goes hand-in-hand with the Town's Comprehensive Land Use Plan goals of preserving agriculture and open spaces. The Town's Agricultural and Farmland Protection Plan permits alternative designs that integrate residential and agricultural land uses with the intention of maintaining some level of active agriculture on the property.

Impact on Aesthetic Resources (Question 9)

The proposed project may be visible from publicly accessible vantage points. (Question 9c.1.i)

Portions of the proposed subdivision will be visible from Saratoga Lake. This is in character with existing neighborhoods in and around proposed subdivision, which consists of single family homes, large tracts of farmland, woodlands and wetlands.

Minimizing the impacts of this proposed subdivision on neighboring properties and visual

vantage points is very important to the Planning Board.

The lead agency may require additional safeguards from the applicant, including, but not limited to:

- ❖ Buffers from adjoining lands.
- ❖ Setback requirements from steep slopes to minimize visual impacts.
- ❖ Require a lot-by-lot tree and vegetation removal plan along with the building permit application to the Town of Saratoga Code Enforcement Officer. No lot clearing shall be performed prior to building permit approval.

These measures will be more restrictive than prior approvals within the Town, thereby protecting the visual features and character of the Town.

Impact on Historic & Archeological Resources (Question10)

The proposed project may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archeological sites on the NYS Historic Preservation Office (SHPO) archeological site inventory.

A portion of the proposed area has been determined to be in the Hill Road prehistoric site, which has the potential to be a moderate to large impact. The area of potential effect is contained to the upper ridge portion of the west side lands of an area of less than (1) one acre.

The limited scope of impact was analyzed by the archeological review during the SEQRA process.

The lead agency will require:

- ❖ Phase III data recovery implemented on impacted area.
- ❖ Review, approval and sign-off by SHPO.

Pending the outcome of the required Phase III, specific guidelines will be directed by SHPO and implemented by the Town.

In conclusion, upon careful consideration and after substantial review and discussion, the Planning Board has taken a hard look at potential environmental impacts and concludes that, taking into account the numerous identified mitigating measures, the impacts are not of great magnitude or importance. Therefore, the Planning Board determines that the application does not require preparation of an Environmental Impact Statement and adopts a SEQRA

“Negative Declaration.” **A motion was made by Chairman Ian Murray, seconded by Patrick Hanehan to declare SEQRA review complete and to make a Negative**

Declaration. Chairman Ian Murray – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Robert McConnell – absent, George Olsen - aye, Joseph Lewandowski – absent, Christopher Koval - aye, Walter Borisenok - absent.

Carried 5 - 0

Chairman Ian Murray stated that completes their SEQRA review of the Cedar Bluff Subdivision. He added there are a few extra draft copies (with some typos), knowing they can be FOILED he thought to have them on hand to hand out this evening.

Chairman Ian Murray then stated now that the Board has declared Negative Declaration, they are waiting for the applicant to submit new information and preliminary plat and they’ll go forward from there. He reminded the Board that the public hearing was closed last month, but there will be another public hearing during the process.

Public Hearing Special Use Permit

**Shane Drumm, Drumms Turf & Sawmill, LLC. #22-01
883 Rt. 4 South
Schuylerville, NY 12871
S/B/L 183.-1-20.12 Rural**

Returning Applicant seeks to move the sawmill from its current location to his 10.7+/- acre property on Rt. 4.

Applicant Shane Drumm appeared before the Board stating he wants to move the sawmill from Casey Rd. to his property on Rt. 4, basically keeping it the same way as it is.

Chairman Ian Murray stated last month you proposed receiving log deliveries off of the county road and running through the site and exiting out Rt. 4. Saratoga County does not want the county road used for access, they want the truck traffic only on Rt. 4, so contact NYS DOT, as that will determine traffic flow within the site. The Applicant will have to figure out how he wants that to go through the property. He then questioned the hours of operation.

Applicant Shane Drumm responded 7:30 a.m. – 5:30 p.m. Monday – Friday and 8:00 a.m. – 2:00 p.m. on Saturdays.

Chairman Ian Murray then questioned outside lighting.

Applicant Shane Drumm responded on the old dairy barn.

Chairman Ian Murray questioned if he uses a log roller to bring the logs in.

Applicant Shane Drumm responded no, they bring the logs in with a loader and he'll be staging the logs in back of the mill.

Laurie Griffen questioned if this will be completely enclosed.

Applicant Shane Drumm responded yes, it'll all be in the barn, although the barn doors will be open on each end. He added that the lumber yard will be in front, on the Rt. 4 side of the property.

Chairman Ian Murray stated that the applicant told the Board at a previous meeting that it's his intension to have this go all electric, and questioned if that's that still his intension.

Applicant Shane Drumm responded he was told by National Grid that he needs 3 Phase wiring and he believes he has that.

Chairman Ian Murray questioned if he verified that with National Grid and did National Grid say they have the capacity for the sawmill to go electric.

Applicant Shane Drumm replied yes, well, his electrician said he does, but he's still waiting to hear back from National Grid. Worst case scenario he goes with a generator.

Chairman Ian Murray questioned if he will wait to start up the sawmill until the 3 Phase electric is in place.

Applicant Shane Drumm replied it depends. He'll wait June, July, but if not in by August he'll start anyway. But he's going electric no matter if it's by 3 phase electric or generator.

Chairman Ian Murray questioned his timeline for setting up operation.

Applicant Shane Drumm replied once moved he will start within 1 – 2 weeks.

Chairman Ian Murray questioned what month?

Applicant Shane Drumm responded in June.

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

Proof of Notice having been furnished by newspaper on March 20, 2022, Chairman Ian Murray opened the Public Hearing at 8:10 p.m., asking those wishing to speak to the Board concerning this application, to please stand and state their name and address:

Patience Davidson, 976 Rt. 4 South, stated she lives directly across the road from the location of the proposed sawmill. Last week she was working from home and said the constant beeping of his trucks was bouncing off the river all day long and driving her crazy. The location of the proposed sawmill is directly in between two residences and she has serious concerns if this should be allowed there. The noise will be tremendous and will take away the peaceful quality of life in that area. Her family won't be able to enjoy sitting, playing or even lunch outside on Saturdays if that mill is allowed there. She is concerned with the truck traffic, the truck traffic noise, serious concerns about traffic accidents when those large trucks enter and exit that site, as sight distance in that area is not good due to the blind curves along Rt. 4. She also has true concerns about her property value dropping with a sawmill across the road from her home. She believes the hours of operation are a bit much. She also noted there is nothing on site to act as a sound barrier, which gives her grave concern. Mr. Drumm clear cut that property of trees and shrubs and the noise will bounce back from the river and hill across the river. There is no way to compare the noise his mill currently makes with the new location, as he has trees all around the existing location. He clear cut the property and put in an entrance on Rt. 4 between blind curves and she wonders how deafening the noise will be when those log trucks try to come to a complete stop on a 55 mile per hour road to turn into his site and questions how many accidents this will create.

Engineer Ken Martin stated sight distance on that side of the road is 1000'.

Laurie Griffen said the Applicant has to meet NYS DOT requirements.

Ashley Shell, Coveville Rd., stated she has concerns as the traffic is already awful out there. Those trucks will create a lot of noise.

Christopher Koval questioned how many loads will be coming into the property.

Applicant Shane Drumm replied 20 per week.

Patience Davidson, 976 Rt. 4 South, reiterated she is very concerned with the noise. The constant beeping of the trucks makes it hard to concentrate.

Applicant Shane Drumm said that's not coming from him, it's the neighbor.

Laurie Griffen said she believes the Applicant is in construction now, pouring concrete; that noise will go away once done.

Patience Davidson stated if she sells her home no one will want to buy it to live across from a sawmill.

Chairman Ian Murray stated he understands her concerns and as of now, there's no foliage on the trees so there's no buffer of any kind in place. He explained businesses are allowed in that district. This business is going electric and the applicant will use a generator to supply electric if needed, which will cut down on some of the noise. He then asked if there were any further questions or comments; there were none.

Chairman Ian Murray closed the Public Hearing at 8:22 p.m.

Chairman Ian Murray then read the Saratoga County Planning Board's response to this proposed subdivision:

RE: SCPB Referral Review #22-31 – Special Use Permit – Drumm Turf & Sawmill

A proposal to operate both a sawmill and a turf business office on a 10+/- acre parcel on the SW corner of US Rt 4 and Coveville Rd.

Location: *US Rt 4 & Coveville Rd. (CR #69), south of Haas and east of Hanehan roads
183.-2-20.12
Located within Saratoga County Consolidated Ag. Dist. #1
Rural Zoning District*

Received from the Town of Saratoga Planning Board on March 8, 2022.

Reviewed by the Saratoga County Planning Board on March 17, 2022.

Decision: *No Significant Countywide or Intercommunity Impact*

Comment: *The site is proposed for the operation of a sawmill and a turf business. The proposed primary use for the site is not a principally permitted use and requires a Special Use Permit. The proposed use is compatible with the neighborhood and District and presents no impacts of a direct county or countywide nature.*

As part of the Town of Saratoga Planning Board's review, we recommend that any proposed outdoor storage is clearly named and located on the site plan. The noise associated with the proposed operation lends itself to consideration of identifying the days and hours of operation. Additionally, the Board should have a record of the type and location of outdoor lighting – identifying direction of lighting and the number, height and location of poles/structures.

Critical to the movement of large commercial vehicles with heavy loads coming into the site and trucks with lumber leaving the site, we recommend that all access to and from the site be by a commercial driveway reviewed and permitted by NYS DOT for use of NYS Rt. 4. In discussion at the meeting of SCPB among Board Members and Saratoga County DPW it was expressly stated that there is to be no driveway associated with Coveville Road (CR #69). The applicant should fully address existing driveways in the context of what is proposed for the two business uses.

The Short Form EAF, Part 1, submitted to the Town of Saratoga Planning Board is not signed. On the same, the response to question #5a should be changed to “No” as the proposed use IS NOT a permitted use. The reply to #11 is confusing as to whether sewer (private) exists on site already.

The applicant needs to contact the Saratoga Springs Residency of DOT (518-584-3790) to obtain a curb cut permit for a new commercial to access the state road.

*Sincerely,
Michael Valentine, Senior Planner
Authorized Agent for Saratoga County*

Laurie Griffen stated the County said there's to be no driveway associated with Coveville Rd. and questioned does that mean it is not to be used at all and should it be removed.

Chairman Ian Murray responded there's to be no driveway on Coveville Rd. for large vehicles; only for personal use.

Christopher Koval asked if there is room for vegetation as there should be barriers.

Laurie Griffen stated typically the Board does a site visit and she believes they should do so to get a true sense of the mill yard. She'd like them to walk it, listen for a while and take full view of it before the next Board meeting and before making any decision.

Christopher Koval agreed and questioned if they should make him plant noise buffers.

After a brief discussion of the Board, it was decided they would meet on April 8th at 11:00 a.m. to do a site visit and they will meet on Casey Rd.

Old Business: None.

New Business: Sawmill site visit will take place on April 8, 2022 at 11:00 a.m.

A motion was made by Patrick Hanehan, seconded by Christopher Koval to adjourn the meeting at 8:37 p.m. Chairman Ian Murray – aye, Laurie Griffen – aye, Christopher Koval – aye, Patrick Hanehan – aye, George Olsen - aye, Joseph Lewandowski – absent, Robert McConnell – absent, Walter Borisenok - absent.

Carried 5 - 0

Meeting Adjourned

The next regular meeting will be held Wednesday, April 27, 2022 at 7:30 p.m.

All submittals must be to the Clerk no later than 8:45 a.m., April 13, 2022, to be on the agenda.

Respectfully submitted,

Linda A. McCabe
Planning Clerk