

**DRAFT MINUTES
MEETING OF THE TOWN BOARD
OF THE TOWN OF SARATOGA, 12 SPRING ST.,
SCHUYLERVILLE, NY**

**August 8, 2011
7:00 P.M.**

Supervisor Thomas Wood opened the meeting with the Pledge of Allegiance at 7:00 p.m.

Roll call: Ruth Drumm, Town Clerk, called the roll. Supervisor Thomas Wood- present, Councilman Fred Drumm - present, Councilman Charles Hanehan- present, Councilman Michael McLoughlin – absent, Councilman James Jennings – present

Also present: Deputy Town Clerk Linda McCabe, Highway Superintendent Dave Hall, Zoning Officer Gil Albert, Town Attorney Bill Reynolds, Tax Collector Jim Gorham, Don Ormsby Jr., Ian Murray, Attorney Matt Jones, Joe Tierney, Evelyn Tierney, Robert Hall, Martin Hanehan, Brandon Myers, Gail Taras, Lisa Taras, and Roger Sherman

Recognitions/Presentations/ Bid openings/ Public Hearings:

Attorney Matt Jones representing the Brown Road PUD addressed the board reviewing the technical amendments to the PUD. The number of lots was reduced from 16 to 14 due to soil conditions for septic systems on the 83 +/- acres. It was noted that no hydrofracking for water will be allowed.

Supervisor Thomas Wood opened the public hearing at 7:15 p.m. No one came forward. Supervisor Thomas Wood made a motion to close the public hearing at 7:16 p.m., seconded by Councilman Fred Drumm. Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – absent, Councilman James Jennings – aye. Carried 4 – 0.

Supervisor Thomas Wood opened the public hearing on Local Law #2 of 2011 – Zoning Amendments – Mobile Home Building Permit Fees, PUD Application Fees and adding Customary Accessory Uses in the Rural District 2 at 7:20 p.m. No one came forward. Supervisor Thomas Wood made a motion to close the public hearing at 7:21 p.m., seconded by Councilman Charles Hanehan. Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – absent, Councilman James Jennings – aye. Carried 4 – 0.

Approval of Minutes: A motion was made by Councilman James Jennings and seconded by Councilman Charles Hanehan to accept the minutes of the July 11th regular meeting as written. Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – absent, Councilman James Jennings – aye. Carried 4 – 0.

Town Clerk's report for July 2011: Fees paid to the NYS Dept. of Agriculture and Markets for the Animal Population Control Program \$60.00. Fees paid to New York D.E.C. for hunting and fishing licenses \$59.52. Dog license fees to Supervisor Thomas

Wood \$280.00. Clerk fees to Supervisor Thomas Wood \$13.48. Total State, County, and Local Revenues received were \$413.00. Town Clerk Ruth Drumm noted that they have been busy issuing *Certificates of Residence* for college students. She also added that Hunting Licenses will go on sale Monday, August 15th.

Zoning Officer's report for July 2011: 11 Building Permits, 13 Building Inspections, 6 Certificates of Occupancy, 0 Junk Yard Permits, 4 Complaints, 0 Fire inspections, 1 Order to Remedy, 5 misc. appointments, 7 Building Permit Renewals, and 0 Property Maintenance Inspections. A check for \$2,836.75 was given to Supervisor Thomas Wood.

Dog Control Officer's report for July 2011: The report was read by Supervisor Thomas Wood: answered 30 complaints, took 1 dog to the shelter, 0 bite cases, issued 22 warnings, 0 summonses were issued, and traveled 77 miles.

Town Court report for July 2011: The following were closed: 97 Vehicle & Traffic, 11 Criminal/Penal Law, 6 DEC/ENCON, 1 Dog cases, 0 DWIs, 0 Town & Village Ordinances, 2 Small Claims/Civil, 2 Evictions, 0 Bench trials, 0 (case transfers) Divestiture Forms sent to County Court, 0 attended the Science of Speed School, 2 Defendants sentenced to probation, 10 hours of community service issued, 0 days of jail time issued, 4 Orders of Protection issued, and \$7,447.00 in fees were paid to the NY State Comptroller.

Historian's report: Sean Kelleher submitted the following report: In August, the community celebrates its heritage with the Turning Point Parade and Festival and 18th Century Day at the Schuyler House. I am hearing good reports about the NPS "ambassador ranger" who is roving through the Old Saratoga region on Saturdays. I have attended some of the children's activities at the Schuyler House in July. These events are very popular in our community and attract visitors from the region. I am also hearing that a number of locals and visitors are using the new trail in Victory Woods. So we have a number of good activities going on.

A few updates, we had a poster on the Civil War Monument at the Saratoga County Fair as part of the county's celebration. The Historic Saratoga/Washington on the Hudson Partnership project on the sword surrender site looks like it will have to go to the town planning board for review. I have provided the Partnership with some information on the planning board process. I have also worked with the archaeologist working for Saratoga PLAN on the Fish Creek Trail located on Brookfield Renewable Power's property in Victory and Schuylerville. There are some interpretive sign developments being done on the trail.

The Old Saratoga Happenings project continues. The Old Saratoga Happenings for August is on the website, townofsarotoga.com.

Assessor's report: Victoria Hayner submitted the following for July 2011: During the month of June and July we processed 38 sales transfers. 10 transfers were valid sales and 28 were non-valid. The sales represented (26) residential properties, (12) were vacant land. Values continue to decline or stay level with market values currently set on properties.

We have begun the field review portion of the revaluation project. As part of this portion we are updating pictures as necessary and verifying that structures listed on record cards are correct. Statistical review and formulation of land tables has been started as well.

The Assessor's Office is open Tuesday and Thursday mornings from 9:00 AM – 1:00 PM through September 8th and we continue to make ourselves available to property owners that may have a concern regarding the inventory on their property.

Highway Superintendent's report for July:

- ❖ Patching of roads will continue.
- ❖ The state will be working on Fitch Road in the next week or two.
- ❖ The shoulders on Burke Road have been completed.
- ❖ The plow has been installed on the new pickup.
- ❖ Trimming of brush and limbs around road and street signs will continue.
- ❖ The CHIPS reimbursement has been submitted to the state.

Supervisor's report: SUPERVISOR'S REPORT JULY 2011

GENERAL FUND – TOWNWIDE (A FUND)

Balance on hand JULY 1	\$ 1,176,773.21
JULY Revenues	+ 17,482.41
JULY Disbursements	- <u>45,858.06</u>
Balance JULY 31	\$ 1,148,397.56

GENERAL FUND – OUTSIDE VILLAGE (B FUND)

Balance on hand JULY 1	\$ 419,957.78
JULY Revenues	+ 2,245.62
JULY Disbursements	- <u>5,543.03</u>
Balance JULY 31	\$ 416,960.37

HIGHWAY FUND – OUTSIDE VILLAGE (DB FUND)

Balance on hand JULY 1	\$1,041,203.52
JULY Revenues	+ 106,647.30
JULY Disbursements	- <u>201,247.93</u>
Balance JULY 31	\$ 946,602.89

SCHUYLER PARK CAPITAL PROJECT JULY 31	\$ 95,744.77
YOUTH RECREATION & SERVICE JULY 31	\$ 3,249.45
HIGHWAY EQUIPMENT RESERVE JULY 31	\$ 12,817.24
BUILDING RESERVE JULY 31	\$ 150,381.11
SCENIC BY WAYS GRANT JULY 31	\$ 310.04

PARK RESERVE JULY 31	\$ 51,956.55
CDBG2 FUND JULY 31	\$ 0.00

- ❖ **Sales Tax Received – July 2011 - \$106,246.00**
- ❖ **Mortgage Tax –July 2011 - \$25,073.50**
- ❖ **2010 Census Population for Town of Saratoga – 5,674 up 10.37% from 2000 Census of 5,171**
- ❖ **Tenant Updates**
 - **Empire Building Products is renting Unit 5 of the bus garage and the roll up door is being installed.**
 - **We continue to talk to interested persons about leasing the upper tenant offices.**

Public comments on agenda items: None.

Committee reports:

Landfill: No report.

Insurance: Supervisor Thomas Wood and Phil Klein met with the highway employees reviewing the CDPHP Insurance policy which has been renewed with a 5.5% increase in premium.

Youth: Supervisor Thomas Wood reported that swim program has concluded with 39 students completing their lessons. The site at the Christ the King Spiritual Life Center was evaluated by Wes Carr, Youth Bureau Director, and was given a glowing report as it met and exceeded county standards.

Senior Citizens: No report.

Park Committee: Ian Murray reported that the playground should be done in September and was funded by private donations. He added that the pavilion should be completed in late August or September and was funded by grants, private donations and a memorial fund. The \$15,000 that comes from both the Town of Northumberland and the Town of Saratoga is used for maintenance and operations.

Office of Emergency Management: Supervisor Thomas Wood reported that Sherry Doubleday is setting up the training for the Public Access Defibrillation Program, “PAD”.

Committee to Honor Volunteer Firefighters & Emergency Medical Service Workers: No report.

GSES, QSFD, SLPID/SLA Reports: No report.

Quaker Springs Fire Department: Marty Hanehan reported that the new fire truck with a 6 man cab has been delivered. After receiving the proper training and qualifying it the truck will be housed at Station 2 on Rt. 9P. He added that 5 have taken the Junior Firefighter’s 2 week course and all passed.

SLPID/SLA (Saratoga Lake Association): No report.

Saratoga County Farm Bureau (SCFB): No report.

Old business:

Taras Concerns: Supervisor Thomas Wood reported that the board considered Gail Taras' request that the income guidelines be raised for the Disability Exemption. He noted that 7 towns and 1 city in the county do have Disability Exemptions. He noted that the income levels are close to some and yet some are higher. Councilman Charles Hanehan pointed out that in the town's law as income increases the exemption goes down to 20% at the highest income level. Other towns reduce it down as far as 5% as the income rises. The board would like to hold the course. Gail Taras urged the board to consider that the exemption was adopted in 2004 and due to inflation over the years it should have increases in the income limits.

New business:

On a motion by Councilman Fred Drumm and seconded by Councilman Charles Hanehan the following **Resolution #11-69 Lead Agency Designation – Local Law #2 of 2011** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – absent, Councilman James Jennings – aye. Carried 4 – 0.

WHEREAS, the Town Board of the Town of Saratoga has determined that Zoning Amendments are needed to specify the Building Permit fee for Mobile Homes, PUD Application Fees and to add Customary Accessory Uses in the Rural District 2, the "Action", and

WHEREAS, this is an Action subject to the provisions of the New York State Environmental Quality Review Act (S.E.Q.R.) and the regulations promulgated to implement said Environmental Quality Review Act, and

WHEREAS, the provisions of S.E.Q.R. require the designation of a "Lead Agency" to determine the environmental significance of the Action, and

WHEREAS, this agency has complied with the provisions of S.E.Q.R. pertaining to "Lead Agency" designation, now, therefore, be it

RESOLVED, that the Town Board of the Town of Saratoga is hereby designated the "Lead Agency" for the purpose of conducting the S.E.Q.R. review of the referenced Action.

Supervisor Thomas Wood reported that the SEQRs for Local Law #1 of 2011 – Saratoga Development, LLC - PUD Zoning Amendment and for Local Law #2 of 2011 – Zoning Amendments – Mobile Home Building Permit Fees, PUD Application Fees, and Rural District 2 Changes were completed line by line at the agenda meeting on August 4th.

On a motion by Councilman Charles Hanehan and seconded by Councilman James Jennings the following **Resolution #11-70 – SEQR Negative Declaration - Local Law #1 of 2011 -Zoning Amendments – PUD** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – absent, Councilman James Jennings – aye. Carried 4 – 0.

WHEREAS, the Town Board of the Town of Saratoga, Saratoga County, New York (the "Town") is considering enacting a certain amendment to the Zoning Ordinance of the Town of Saratoga (the "Action"); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-b of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York ("DEC"), being 6 NYCRR Part 617, as amended (the "Regulations"), the Town Board as lead agency desires to determine whether this Action may have a significant effect on the environment and therefore require the preparation of an environmental impact statement; and

WHEREAS, there has been prepared a full environmental assessment form for the Project (the "EAF"), a copy of which was presented to and reviewed by the Town at this meeting and a copy of which is on file in the office of the Town Clerk; and

WHEREAS, pursuant to the Regulations, the Town has examined the EAF in order to make a determination as to the potential environmental significance of Action; and

WHEREAS, the Action appears to constitute a "Type I Action" (as defined by the Regulations);

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF SARATOGA, SARATOGA COUNTY, NEW YORK AS FOLLOWS:

1. Based on an examination of the EAF and based further upon the Town's knowledge of the area and such further investigation of the proposed zoning amendment and its environmental effects as the Town has deemed appropriate, the Town makes the following findings:

- (a) The zoning amendment is described in the EAF;
- (b) The Action constitutes a "Type 1 Action" (as defined in the Regulations);
- (c) No potentially significant effect on the environment is noted in the EAF for this Action, and none are known to the Town;
- (d) This Action will not have a significant effect on the environment; and the Town will not require the preparation of an environmental impact statement with respect to the Action; and

(e) As a result of the foregoing, the Town has prepared a negative declaration with respect to the Action.

2. The Town Clerk is hereby directed to file a negative declaration with respect to the Action (said negative declaration attached hereto); and a copy of the negative declaration shall be maintained in the office of the Town Clerk in a file that will be readily accessible to the public.

3. This resolution shall take effect immediately.

The foregoing resolution was thereupon declared duly adopted.

On a motion by Councilman Fred Drumm and seconded by Councilman James Jennings the following **Resolution #11-71 – SEQR Negative Declaration – Local Law #2 of 2011 – Fees and Uses** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – absent, Councilman James Jennings – aye. Carried 4 – 0.

WHEREAS, the Town Board of the Town of Saratoga, Saratoga County, New York (the "Town") is considering enacting a certain amendment to the Zoning Ordinance of the Town of Saratoga (the "Action"); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-b of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York ("DEC"), being 6 NYCRR Part 617, as amended (the "Regulations"), the Town Board as lead agency desires to determine whether this Action may have a significant effect on the environment and therefore require the preparation of an environmental impact statement; and

WHEREAS, there has been prepared a full environmental assessment form for the Project (the "EAF"), a copy of which was presented to and reviewed by the Town at this meeting and a copy of which is on file in the office of the Town Clerk; and

WHEREAS, pursuant to the Regulations, the Town has examined the EAF in order to make a determination as to the potential environmental significance of Action; and

WHEREAS, the Action appears to constitute a "Type I Action" (as defined by the Regulations);

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF SARATOGA, SARATOGA COUNTY, NEW YORK AS FOLLOWS:

1. Based on an examination of the EAF and based further upon the Town's knowledge of the area and such further investigation of the proposed zoning amendment and its environmental effects as the Town has deemed appropriate, the Town makes the following findings:

- (a) The zoning amendment is described in the EAF;
- (b) The Action constitutes a "Type 1 Action" (as defined in the Regulations);
- (c) No potentially significant effect on the environment is noted in the EAF for this Action, and none are known to the Town;
- (d) This Action will not have a significant effect on the environment; and the Town will not require the preparation of an environmental impact statement with respect to the Action; and
- (e) As a result of the foregoing, the Town has prepared a negative declaration with respect to the Action.

2. The Town Clerk is hereby directed to file a negative declaration with respect to the Action (said negative declaration attached hereto); and a copy of the negative declaration shall be maintained in the office of the Town Clerk in a file that will be readily accessible to the public.

3. This resolution shall take effect immediately.

The foregoing resolution was thereupon declared duly adopted.

On a motion by Councilman Fred Drumm and seconded by Councilman Charles Hanehan the following **Resolution #11-72- Adoption of Local Law #1 of 2011 – Saratoga Development LLC PUD Zoning Amendment** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – absent, Councilman James Jennings – aye. Carried 4 – 0.

WHEREAS, the Town Board has recognized the need to amend the Zoning Ordinance for the Brown Road Planned Unit Development – Article X1A; and

WHEREAS, the Town Board of the Town of Saratoga has held a public hearing and received input from the townspeople; now therefore be it

RESOLVED, by the Town Board of the Town of Saratoga to adopt Local Law #1 of 2011, amending the Subdivision Regulations. (Local Law #1 of 2011 is attached.)

Roll Call:

- Supervisor Thomas Wood – aye
- Councilman Fred Drumm – aye
- Councilman Charles Hanehan – aye
- Councilman Michael McLoughlin – absent
- Councilman James Jennings - aye

Carried 4 – 0

Local Law Filing

41 STATE STREET,

ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of _____ Saratoga _____

Local Law No. _____ 1 _____ of the year 2011

A local law amending the Brown Road Planned Unit
Development District - Article XIA of the Zoning
Ordinance of the Town of Saratoga

Be it enacted by the _____ Town Board _____
_____ of the

(Name of Legislative Body)

Town of _____ Saratoga _____

as follows:

The Zoning Ordinance of the Town of Saratoga is hereby amended in the following respects:

Section 1 – Repeal of Present Law

Article XIA of the Zoning Ordinance of the Town of Saratoga is repealed and replaced by a new Article XIA as follows.

Section 2 - ARTICLE XIA - Brown Road Planned Unit Development District

ARTICLE XIA Brown Road Planned Unit Development District

§ 400-58.1 Title.

This article shall be known as "Local Law No. 1 of 2009 of the Town of Saratoga" and amends the Town of Saratoga Zoning Law to provide for the creation of a planned unit development district to be known as "Brown Road PUD."

§ 400-58.2 Intent and purpose.

The purpose and intent of the Brown Road PUD is to preserve the natural and scenic qualities of the area to be rezoned by allowing a flexible and comprehensive design process. The Town of Saratoga, as a "Right to Farm" Town, seeks to maintain and preserve the rural tradition and character of the town by encouraging new agricultural pursuits and by protecting the rights of existing agricultural businesses to continue to conduct sound agricultural practices. The lands of the Brown Road PUD are within Saratoga County Consolidated Agriculture District No. 1 and, as such, agricultural activities are afforded special protection pursuant to Article 25-AA of the NYS Agriculture and Markets Law. The purpose of this section is to reinforce and provide notice that the provisions of both the Town of Saratoga Right to Farm Law and Article 25-AA are applicable to the future activities of the PUD and those of surrounding properties. The owner and his or her assigns are hereby notified that sound agricultural practices, on any land in an agricultural district created pursuant to Article 25-AA, shall not constitute a private nuisance. Any future subdivision and/or sale of lands within the PUD are subject to the following Agricultural Disclosure Statement, which language shall be included in any conveyance of land within this PUD including time share-type conveyances.

"It is the policy of the state and this community to conserve, protect, and encourage the development and improvement of agricultural land for the production of food and other products and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within the Saratoga County Consolidated Agricultural District No. 1, and that farming activities occur within the district. Such farming activities may include but not be limited to activities that cause noise, dust and odors."

§ 400-58.3 Area rezoned.

A.

The Town of Saratoga Zoning Law and the Zoning Map of the Town of Saratoga are hereby amended by changing the area described in Subsection B (below) from the existing zoning districts and creating within the boundaries of said described area the Brown Road PUD District.

B.

The area of the planned unit development district consists of +/- 83 acres in the Town of Saratoga and is bounded and described as set forth in Appendix A, attached hereto and made a part hereof.

§ 400-58.4 Development areas.

The Brown Road PUD will consist of two areas. A sketch plan of the PUD is illustrated and attached as Appendix B. The Brown Road PUD shall be developed in general compliance with the sketch plan. The plan shall be used as a guide for overall development of the site. The sketch plan may be changed, altered or amended, by the Planning Board during site plan review. However, any such changes or amendments shall be in conformance with the intent of this local law.

A.

The first area on the west side of Brown Road will consist of 14 +/- acres and will be developed to include two single-family dwellings.

B.

The second area on the east side of Brown Road will consist of 70 +/- acres and will consist of 12 single-family dwellings, and one lot to be owned by the Homeowner's Association.

§ 400-58.5 Development requirements and construction specifications.

A.

There shall be no further development or subdivision of this development district. This restriction shall be included in any future deed conveyance of this area.

B.

Attached hereto as Appendix C

C.

For the purposes of this legislation, a driveway is a roadway which provides vehicular access to one residence. An access road is a roadway within the PUD which provides vehicular access to more than one residence. All private access roads and driveways connecting the development areas to Brown Road and within the development areas shall be subject to the following standards:

A driveway over five hundred (500) feet in length must be accessible and able to hold a fifty-thousand (50,000)-pound, thirty (30)-foot-long vehicle as determined by a licensed engineer, with facilities for turning around to be available within one hundred (100) feet of any structure. A driveway over five hundred (500) feet in length must have a minimum width of eighteen (18) feet and minimum vertical clearance of fifteen (15) feet.

It is understood that the private access roads connecting to Brown Road will be subject to issuance of a permit from the Town of Saratoga Highway Superintendent. There will be a maximum of seven private access road points on Brown Road. All private access roads will have a minimum width of twenty (20) feet. All driveways less than five hundred (500) feet in length will have a minimum width of twelve (12) feet. Shared driveways among more than one property owner are permitted within the development.

The Homeowner's Association shall be responsible for maintenance of the access roads, management and enforcement of Area B pursuant to the Open Space Plan and the Conservation Easement, and maintenance of all Stormwater Systems and facilities. All roads within the development will remain under private ownership as depicted on the sketch plan; ingress/egress easements shall be granted over the roads to accommodate vehicular and pedestrian access.

D.

Final construction plans for this PUD are subject to site plan and subdivision review and determination by the Saratoga Town Planning Board utilizing the requirements set forth in this article together with the criteria for site plan and subdivision review. The Planning Board is further authorized as part of its final review to conduct an architectural review so as to ensure that exterior materials, colors and general architectural design of all buildings are compatible with the surrounding neighborhood and the overall character of this district. Such review and approval process by the Planning Board should be completed in advance of the commencement of construction of individual homes.

E.

Construction and development within the PUD shall be subject to the architectural guidelines attached hereto as Appendix D.

F.

All utilities shall be underground.

G.

Any future deeds or conveyances of any of the lands contained within this planned unit development district shall contain a specific reference to this article.

H.

Individual lots will contain two areas. "Area A" shall be a minimum of 10,000 square feet and a maximum of 40,000 square feet and will consist of the area in which the home will be situated. "Area B" will consist of the remaining lands in each lot which will be governed and restricted by a conservation easement in favor of the Homeowners' Association. During site plan review, the developer shall submit for approval of the Planning Board an Open Space/Land Management Plan and conservation easement language to be included in each deed, which documents shall be subject to approval of the Town Engineer and Town Attorney. Upon Planning Board approval during site plan, the building envelope for the homes shown as Area A can be shifted from the area shown in the sketch plan to allow for better placement of the house within the lot.

I.

Each dwelling unit within the PUD shall be serviced by its own individual well and septic system.

J.

The report of the Saratoga Town Planning Board to the Town Board, attached hereto as Appendix E, is hereby incorporated and made a part hereof. The PUD shall be subject to all recommendations and requirements contained in this report.

K.

The Town Board has identified a potential environmental impact of the PUD as concerns stormwater runoff from proposed Lots 13 and 14. To mitigate any such impact, there will be an extended stormwater detention basin constructed, the details of which shall be included in the site plan application. The plan for this construction shall be subject to review and approval by the Planning Board.

§ 400-58.6 Plans and construction inspection.

All final construction plans shall be certified by a licensed architect or engineer. All construction shall be subject to inspection by the Town of Saratoga Building Inspector or Town Engineer.

§ 400-58.7 Revocation and Fees.

This PUD is subject to Article X, § Section 3(J) of the Zoning Ordinance, which provides for a revocation of approval and reversion of the zoning of this PUD if construction work on the proposed development has not begun within two years.

§ 400-58.8 Payment in lieu of parkland fee.

The Town Board hereby finds that there is both a present and anticipated future need for public park and recreational facilities within the Town and, further, that a suitable park of adequate size and need cannot be located on this PUD. Accordingly, the Town Board assesses a payment in lieu of parkland fee in the amount of \$500 per residential dwelling unit. Such fees shall be paid at the time a building permit is issued for construction.

§ 400-58.9 Infrastructure water, sewer and stormwater management.

All land uses allowed by this article are contingent upon the applicant's ability to provide an adequate potable water supply and sanitary sewage treatment services in accordance with NYS Department of Health regulations and Town of Saratoga regulations as applicable. In addition, there shall be no utilization of hydrofracturing methods in the testing or development of wells. All stormwater management systems shall be designed in accordance with and meet the standards of the EPA Phase II Stormwater Management Program, including the filing of notice of intent (NOI) with NYSDEC and the preparation of a stormwater pollution prevention plan (SWPPP). All such water, sewer and stormwater management issues shall be reviewed and approved by the Town of Saratoga Planning Board during the final approval phase.

§ 400-58.10 Performance bonds or letters of credit.

Prior to the issuance of any building permit or commencement of any construction, the developer shall file a performance bond or letter of credit with the Town Supervisor, in the amounts and for the time periods required by the Town Planning Board, and acceptable as to amount and form to the Town Supervisor, Town Engineer and Town Attorney to guarantee such performance and/or completion of the requirements of this planned unit development district as to the following matters:

A.

All roads and driveways constructed within the PUD; and

B.

The stormwater management system.

§ 400-58.11 SEQR review.

The Saratoga Town Board, as lead agency for this project pursuant to the State Environmental Quality Review Act, has adopted a negative declaration and declaration of nonsignificance concerning this project, a copy of which is annexed hereto and made a part hereof and designated as Appendix F.

400.-58.12 Amendment and Severability

This local law may be amended in accordance with the procedures contained in the Town of Saratoga Zoning Ordinance. It is understood that the development approved herein is based on the present application which has been given preliminary approval by the Town of Saratoga Planning Board, and that any substantive change in the approved land use would be subject to a local law amendment. If any section of this local law shall be held invalid by a court or tribunal having jurisdiction thereof, such determination shall not affect the validity of the local law as a whole other than the part so declared to be invalid.

400-58.13 Conservation Easement

The purpose of the Conservation Easement for Area B in the lots is to protect the rural character and intent of the property and to preserve for the residents of the Planned Unit Development and the town the agricultural land consistent with the development plan attached.

The town seeks to ensure that the open space features of the protected property will be retained and maintained substantially in their current condition for conservation and preservation purposes and to prevent any use or change of the protected property that will significantly impair or interfere with the protected property's conservation and preservation values.

The property subject to this easement shall be for passive outdoor recreation by members of the Homeowner's Association and their guests, and includes, but is not limited to: walking, hiking, cross country skiing, canoeing, fishing, nature observation and enjoyment of the open space, all in accordance with applicable laws, regulations and the conservation easement description contained in each homeowners' deed.

Conservation Use Restrictions shall apply to Area B of each individual lot as follows:

No principal or accessory residential structures are permitted.

Permitted uses are:

1. Agricultural uses
2. Passive recreational uses
3. Construction and maintenance of access roadways, driveways, walking paths and stormwater management areas
4. Private and/or community underground septic system, leach field and well.
5. A dry fire hydrant to be installed on the HOA parcel near the pond.

Appendix A and Appendix B are on file in the Office of the Town Clerk

**Appendix C
BUILDING SUMMARY TABLE**

Style	Lots	Maximum Size of Principal Residence ¹
Single Family Residence	13, 14	4,000 sq ft
Single Family Residence - Adirondack Camp Style	1-6	3,000 sq ft
Single Family Residence – Period Farm Vernacular ²	7- 12	3,500 sq ft

BULK SCHEDULE

¹The term "Maximum size of principal residence" refers to the habitable space, measured in square feet (sq. ft.) of the principal dwelling structure on the lot, exclusive of all *customary accessory uses* for the Rural District as defined in the Town of Saratoga Zoning Regulations, including but not limited structures such as garages, barns and sheds.

²The term "Period Farm Vernacular" refers to architectural styles depicting rural farm houses, barns, and other structures commonly affiliated with farming.

<u>Maximum building height for residences³</u>	<u>40</u>

Appendix D

ARCHITECTURAL GUIDELINES FOR BROWN ROAD PUD

The following architectural guidelines are intended to develop the property in a quiet, low impact use of the property. The visible part of the development will contain two farm-like groupings, with a total of six houses. The primary grouping will contain three individual homes, but will look like a working farm. This cluster is located on the easterly side of Brown Road. The second grouping is located on the northern most portion of the large tract of property and will contain three houses which will also portray a small working farm. In order for this concept to be successful, rigorous design and use controls are necessary, and these controls shall include limitation on vegetation height as necessary and appropriate to maintain viewsheds.

The remaining six houses will not be visible from any public roadway. The remaining six homes will be bungalow/Adirondack camp style architecture located along the pond. They will be architecturally compatible with each other, and in such style so as to afford unhampered views of the pond to the surrounding properties.

³ Building height shall mean “the vertical distance measured from the average elevation of the grade at the front of the building to the highest point of the roof for flat roofs, to the deck for mansard roofs, and to the mean height between the eaves and ridge of gable, hop or gambrel roofs.”

Restrictions on Property:	Allowable Uses:
Swimming pools – 6 Farm Properties	Personal or shared gardens
Motors on lake	Hot tubs (must be hidden)
All-terrain vehicles	Porches with screens
Hunting	Patios
Snow mobiles	Mail shed
Logging	Barbecue/Grills
Personal individual docks	Fountains
Lawns beyond home owners parcel	House additions (upon approval)
Above ground utilities	Communal float dock
Firearms / shooting	Garage additions (upon approval)
Individual control of waterfront	Brush clearing
Decks	Fishing / fish stocking
Detached living structures	Skating
Garbage burning	X-Country skiing
No livestock (except horses)	Attached greenhouses (upon approval)
	Dog walking
	Birding
	Walking
	Trail markers
	Bridge for <u>trail</u>

	Mown walking trails
	Trails graveled in wet areas as required
	Haying fields (2 times a year)
	Planting orchards (no pesticides)
	Bicycling
	Landscaping within homeowners parcel
	Wood Piles
	Buried Utilities
	Future alternative energy ideas (upon approval)
	Fire pits
	Compost
	Pets
	Swimming
	Picnicking
	Sledding
	Bird houses / nests
	<u>Archery</u>

Architecture – Rural Farm Vernacular

Allowable Characteristics	Materials
Detached and attached garages	Clapboard-type siding

Mail box outbuilding	Metal roofs
Stone walls	Field fencing – wood / plastic
Fencing	Stone type veneer
Planting	Brick
Lighting	
Driveway material	
Patios	
Gardens	
Sheds (as approved)	
Fireplaces / woodstoves	

Architecture – Bungalow/Adirondack Camp Vernacular

Allowable Characteristics	Materials
Houses	Wood clapboard
Detached or attached garages	Shingles
Porches – large and screened	Metal or asphalt shingle roofs
Bungalow / camp styles	Stone-type veneer
Lower roof lines	Brick
Under-eave second floors	Wood
Patios	
Barbecues	
Pergolas	

Sheds (as approved)	
Fireplaces / woodstoves	

Section 3 – Effective Date

This local law shall take effect immediately.

On a motion by Councilman Fred Drumm and seconded by Councilman James Jennings the following **Resolution #11-73 - Adoption of Local Law #2 of 2011 – Zoning Amendments – Mobile Home Building Permit Fees, PUD Application Fees and Rural District 2 Changes** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – absent, Councilman James Jennings – aye. Carried 4 – 0.

WHEREAS, the Town Board has recognized the need to amend the Zoning Ordinance for Building Permit fees for mobile homes, PUD Application fees, and Rural District 2 permitted uses to include Customary Accessory Uses; and

WHEREAS, the Town Board of the Town of Saratoga has held a public hearing and received input from the townspeople; now therefore be it

RESOLVED, by the Town Board of the Town of Saratoga to adopt Local Law #2 of 2011, amending the Subdivision Regulations. (Local Law #2 of 2011 is attached.)

Local Law Filing

NEW YORK STATE

DEPARTMENT OF STATE

41 STATE

STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Saratoga

Local Law No. 2 of the year 2011

A local law amending the Zoning Ordinance of the Town of Saratoga...

Be it enacted by the _____ Town Board
 _____ of the
 (Name of Legislative Body)

Town of _____ Saratoga _____

as follows:

The Zoning Ordinance of the Town of Saratoga is hereby amended in the following respects:

Section 1 – Rural District 2

Section 400-36 (B) is amended to read as follows:

A. Schedule of Uses and Regulations:

RURAL DISTRICT 2	MIN. LOT AREA	MIN. LOT WIDTH	MIN. FRONT YARD	MINIMUM YARD DIMENSIONS IN FEET OF THE PRINCIPAL BLDG.				MAX. LOT COVERAGE OF BLDGS. (%)
				FRO NT	TOT AL 2 SIDES	ONE SIDE YARD	REA R YARD	
USES	(SF)	(FT)	(FT)	(FT)	(FT)	(FT)	(FT)	(%)
<u>PERMITTED USES</u>								
a. One-family detached dwelling unit	80,000	(1) 200	200	75 60	100	40 10	50 10	10
b. Customary accessory uses as defined								

(1) Minimum lot area may be reduced to 40,000 sf with public sewer.

Section 2 – Building Permit Fees

Section 400-63 is amended to add the following:

Mobile Homes, each 100 square feet \$15

Section 3 – PUD fees

Section 400-45 (A) is amended to read as follows:

A. The owner of the land or agent thereof shall submit an application for a PUD rezoning (or any amendment to an existing PUD) to the Town Board. An application fee of \$3,000.00 shall accompany the application. A sketch plan, drawn to scale, together with a narrative description, shall also accompany the application. The Town Board at its next regularly scheduled meeting may, if it determines the proposal merits review; refer the application with a copy of the sketch/plan to the Planning Board for its review and recommendation within 40 days of the date of the application. Any such referral to the Planning Board should not be construed as an approval of the application. If the Town Board determines that the proposal does not merit review because it does not meet the purposes of this Article, it shall not refer the application to the Planning Board and no further action on the application shall be taken. The application fee will be refunded to the applicant.

Section 3 – Effective Date

This local law shall take effect immediately.

On a motion by Councilman Charles Hanahan and seconded by Councilman Fred Drumm the following **Resolution #11-74 – Legal Action – Peter Bedinotti, 1000 NYS Rt. 29** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanahan – aye, Councilman Michael McLoughlin – absent, Councilman James Jennings – aye. Carried 4 – 0.

RESOLVED, that the Town Board of the Town of Saratoga authorizes Town Attorney William Reynolds to bring any necessary legal action against Peter Bedinotti, 1000 NYS Rt. 29, for violation of Local Zoning Law, Article IX, District Uses, operating a business without a permit and his failure to comply with the **Order to Remedy** issued on July 6, 2011 by Zoning Officer Gil Albert regarding his property at 1000 NYS Route 29.

On a motion by Councilman Fred Drumm and seconded by Councilman James Jennings the following **Resolution #11-75 – Donation – Turning Point Parade** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanahan – aye, Councilman Michael McLoughlin – absent, Councilman James Jennings – aye. Carried 4 – 0.

WHEREAS, the Seventeenth Annual Turning Point Parade took place on Sunday, August 7th in the Village of Schuylerville, and

WHEREAS, parade’s mission has served as a reminder of the history and heritage of this special area where the battles at Saratoga were thought to be the turning point of the Revolutionary War, and

WHEREAS, the Town Board of the Town of Saratoga supports the parade’s mission, therefore be it

RESOLVED, that the Town of Saratoga contribute an additional \$500 to the Turning Point Parade c/o Byron Peregrim, Chairman, 18 Broad St., Schuylerville, NY from the Celebrations account # A7550.4 to help cover expenses.

On a motion by Councilman Fred Drumm and seconded by Councilman James Jennings the following **Resolution #11-76 – Transfer of Funds – OEM** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles

Hanehan – aye, Councilman Michael McLoughlin – absent, Councilman James Jennings – aye. Carried 4 – 0.

WHEREAS, expenditures for the Office of Emergency Management, Communication Systems Account A3020.4 have exceeded the budgeted amounts, therefore be it **RESOLVED**, by the Town Board of the Town of Saratoga to transfer \$36.73 from Contingency Account # A1990.4 to Communication Systems Account A3020.4.

On a motion by Councilman Fred Drumm and seconded by Councilman Charles Hanehan the following **Resolution #11-77 – Transfer of Funds to Schuyler Park** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – absent, Councilman James Jennings – aye. Carried 4 – 0.

RESOLVED, by the Town Board of the Town of Saratoga to transfer \$15,000 from Parks #A7110.4 to Schuyler Park #H2397 as budgeted.

Hazardous Waste Day is scheduled for Saturday, September 17th. Applications are available on the website and at the office of the Town Clerk. Applications must be returned to the Town Clerk by September 6, 2011.

Communications:

- ❖ **Turning Point Parade – Sunday, August 7, 2011, 1:00 p.m.**
- ❖ **Esther Blair, Landscape Chairman of the Schuylerville Garden Club - Thank you to the Town of Saratoga for their contribution to the Schuylerville Garden Club.**

Privilege of the floor:

Gail Taras addressed the board regarding the issues and concerns that she raised in June regarding Assessor Victoria Hayner. The board addressed the issues with Assessor Victoria Hayner and she is correcting the errors and improvements are being made. Gail Taras again requested that the assessor go back to 3 days a week as she was hired to work. Supervisor Thomas Wood stated that she works from home through her computer in addition to her office hours. Councilman Charles Hanehan added that it is becoming more common for employees to do some work from home on their computers, telecommuting. Supervisor Thomas Wood added that many of the inconsistencies in the assessments and codes existed before she was hired. Some of the benefits of a revaluation are that each property is being looked at and corrections will be made and all assessments will be made more equitable.

Gail Taras stated that she received the codes that Zoning Officer Gil Albert uses but they are not the ones on her building permit. Zoning Officer Gil Albert noted that his codes are different from the codes the assessor uses.

Roger Sherman thanked the board for the town's participation in the Hazardous Waste Day. He inquired where he could dispose of TVs and smoke detectors. Supervisor Thomas Wood suggested that he call Jason Kemper at the county (884-4705).

Upcoming meetings:

- ❖ **Budget Workshop to be scheduled.**
- ❖ **Agenda meeting – Thursday, September 8, 2011 at 7:00 p.m.**

❖ **Regular town board meeting – Monday, September 12, 2011 at 7:00 p.m.**

Audit the Bills: On a motion by Councilman Fred Drumm and seconded by Councilman Charles Hanehan the following **Resolution #11-78 Approving the payment of bills in Abstract 8G** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – absent, Councilman James Jennings – aye Carried 4 – 0.

RESOLVED, by the Town Board of the Town of Saratoga to authorize payment of the bills listed in Abstract 8G (08/08/2011) in the following amounts:

General Fund A	Voucher No. 224 through 261	\$ 21,023.68
General Fund B	Voucher No. 54 through 61	\$ 1,603.85
Highway DB	Voucher No. 159 through 181	\$ 18,870.75
CDBG CD2	Voucher No. 14 through 23	\$ 85,405.00
Schuyler Park H	Voucher No. 13 through 15	\$ 1,841.23
	Total	\$128,744.51

A motion to adjourn at 9:05 p.m. was made by Councilman Charles Hanehan and seconded by Councilman James Jennings. Supervisor Thomas Wood – aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan - aye, Councilman Michael McLoughlin – absent, Councilman James Jennings – aye Carried 4 – 0.

Respectfully Submitted,

Ruth Drumm
Town Clerk