

**TOWN OF SARATOGA
PLANNING BOARD MINUTES
January 26, 2011**

Chairman Ian Murray called the meeting to order at 7:30 p.m.

Planning Clerk Linda McCabe called the roll: Chairman Ian Murray – present, Robert Park – present, Laurie Griffen – present, Patrick Hanehan – present, Robert McConnell – absent, Jennifer Koval – present, Alternate Joseph Lewandowski – present.

Due to the absence of a couple of Board members, Chairman Ian Murray elevated Alternate Joseph Lewandowski to full voting status.

Also attending: Town Engineer Ken Martin, Rick Anderson, Salvador DiSiena, Jim Vianna, Terry Humiston and other interested persons. (Sign-in sheet is on file in the Planning Clerk's office)

Approval of Minutes: A motion was made by Patrick Hanehan, and seconded by Robert Park, to accept the minutes of the December 15, 2010 meeting as written. Chairman Ian Murray –aye, Robert Park – aye, Laurie Griffen – abstained, Patrick Hanehan – aye, Robert McConnell – absent, Jennifer Koval – aye, Joseph Lewandowski - aye.

Carried 5 - 0

Approved

Special Use Permit Pre-Submission Conferences

**Rick Anderson, Titan Power Systems, LLC #10-13
2834 River Rd.
Melrose, NY 12121
S/B/L 193.10-1-20 Lake Residential
Location: 1314 Rt. 9P**

**Owner: Salvador DiSiena
1314 Rt. 9P
Saratoga Springs, NY 12866**

The Applicant, representing the property owner, seeks a Special Use Permit for the wind turbine he erected on 1314 Rt. 9P without obtaining a permit. Zoning Officer Gil Albert added that this Applicant also has informational pamphlets attached to the turbine, which is against our zoning regulations.

The Applicant explained that this type of wind turbine is not the type that the Town regulations govern, and he wants the wind turbine regulation amended to provide for the vertical turbine, which is like a rotating cage. This type of turbine is whisper quiet and only 30' tall and 4' wide. It comes with a high-efficiency generator, integrated inverter, hinged monopole, and wireless performance monitor; they are made for residential use. He showed photos of the unit to the Board and continued to explain the workings of the unit. The Applicant then stated this is a show model and not a working unit. Jennifer Koval questioned if he is looking for a permit to install this to generate power and he responded yes. Town Engineer Ken Martin asked the Applicant to provide information on wind shear load due to the show base.

Jennifer Koval questioned why Mr. DiSiena told the newspaper that it was generating a power savings for him; if he's a dealer wouldn't he know if it's working or not and where this savings came from? The Applicant responded Mr. DiSiena didn't know it wasn't plugged in.

Chairman Ian Murray quoted Mr. DiSiena from the article in the paper **“while we were using it, our house electric meter wasn't budging. I find it strange that the government wants us to use alternate energy and then the town tells us to take down the wind turbine.”** The Applicant replied that Mr. DiSiena didn't know it was never hooked up. Chairman Ian Murray stated the Applicant knew he needed a permit. The Applicant reiterated that he wants the law amended for these wind turbines and

Chairman Ian Murray stated the Applicant needs to contact the Town Supervisor and provide him with information and documentation on these types of units and petition the Town Board for the amendments he'd like to see. Chairman Ian Murray then stated according to Town Regulations, the Board has to deny this. The Applicant can have the Board deny this now or the Applicant can pull his application or table it for thirty days.

The Applicant, representing the property owner, responded they'd like to table it.

Chairman Ian Murray reminded the Applicant that he needs to provide engineering data to the Planning Board and gather his information for amending the current wind turbine law and send it to the Town Supervisor. This application is tabled for 30 days.

The Applicant thanked the Board.

Tabled for 30 days.

Jill Kovachick, Saratoga Clay Arts Center, LLC #11-02 Owner: 167 Hayes Road, LLC

David Leman

167 Hayes Rd.

Schuylerville, NY 12871

S/B/L 156.-4-4 Rural Residential

Applicants would like to open a clay arts center with studio space and an art gallery, located at 167 Hayes Rd.

The Applicants appeared before the Board stating they would like to open a retail gallery and clay arts center at 167 Hayes Rd., the old Woodcock Guest Home, and are seeking a Special Use Permit to do so. They stated they'd like to have an art gallery, they'd like to use the bedrooms as art studios, they want to put in a gas fired kiln and due to having a kiln they would need one person living on premise for safety reasons. They explained once you fire up a kiln it can take days to get it to the temperature needed, so someone needs to be there 24/7. They also would like to have creative art classes for school children during the summer months, and they would be open 4 days a week until 9 p.m.

Chairman Ian Murray stated he will speak to the Town Attorney to see if this would then turn in to multi-use with someone living on premise.

The Applicants then stated the artists would supply their own potter's wheels but the Applicants would supply the clay and all other equipment at a cost to each artist. Chairman Ian Murray questioned if they can provide information on other places like this and they replied certainly.

Chairman Ian Murray stated the Applicants need to provide the following to the Board: building footprint, parking plan, building layout and plot plan with the changes they'd like to make showing the gallery space, number of studios, how many people they think would be there at a given time for gallery and studio work. He questioned if the basement is for storage space only along with the existing garage and sheds and the Applicants replied that is correct.

Chairman Ian Murray stated that the Planning Board needs to deny this and send them to the Zoning Board of Appeals for a variance; a minimum of 2 acres is required and there is 1.99 acres there according to the tax map. Chairman Ian Murray said if they have a survey and it shows there is 2 acres then they do not need to go for a variance. He asked if they have a new survey of the property and they responded no. The Applicant stated they are awaiting closing and perhaps it is in the deed; Chairman Ian Murray told them to check on that.

The Applicants then discussed the two septic systems explaining one is working and one has failed; the Guest Home had applied for a permit to correct the problem, but never carried through on that. Town Engineer Ken Martin discussed certain ways they can correct and change that, along with telling them they'd have to have clay traps installed and someone to clean them constantly and the Applicants are aware of this. He also told the Applicants to be sure to have the current out-buildings on their survey because they don't show on the current survey and they need to be sure they are there to insure being able to keep them on the property.

The Board questioned the signage and the Applicants replied they plan to stay within the same size currently there. Chairman Ian Murray told them to be sure to stay within regulations and they may want to contact Building Inspector Gil Albert on that. The Board feels this is a great, low-impact use for the property and that it fits in nicely with what they'd like to see in the Town and it also puts it back on the tax roll which benefits everyone. The Board asked when they would like to open and were told July 4th.

Robert Park made a motion, seconded by Laurie Griffen, to deny and send the Applicants to the Zoning Board of Appeals for an area variance with a positive recommendation. Chairman Ian Murray –aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Robert McConnell – absent, Jennifer Koval – aye, Joseph Lewandowski - aye.

Denied 6 – 0

Returning

Minor Subdivision Sketch Plan Conference

Thomas & Anise Burke #11-01

281 Burke Rd.

Stillwater, NY 12170

S/B/L 181.-1-31.1 Rural

Applicant would like to subdivide a 4.25+/- acre lot from their 167.48+/- parcel in order to build their retirement home, located at 281 Burke Rd.

Jim Vianna appeared before the Board on behalf of the Applicants. He stated the Applicants own 69 acres located between Burke Rd. and Mabb Rd. and they would like to subdivide a 4.25 acre parcel in order to build their retirement home. This parcel would be labeled Lot 4 since they have subdivided out Lots 1 & 2 in the past and the current acreage is Lot 3. He has tested the soils, septic and well and all fit within the current zoning regulations. The house will be built in an old overgrown pasture; it's been over ten years since they have had cows there. The deed shows this area as two parcels and they will be taking property from both parts to create this 4.25 acre parcel. Chairman Ian Murray stated he has no questions and asked if anyone on the Board had any questions; there were none. Town Engineer Ken Martin stated the septic looks good.

Chairman Ian Murray stated we will advertise for a Public Hearing for February. Jim Vianna thanked the Board.

Returning

Lot-Line Adjustment

Ryan Sherman, Schuylerville Central School Sup. #11-03

14 Spring St.

Schuylerville, NY 12871

S/B/L 157.-1-54.1 & 7

T. David Bullard

136 Rt. 4 N

Schuylerville, NY 12871

Application is for a lot-line adjustment between the properties of Schuylerville Central School and T. David Bullard.

Terry Humiston appeared on behalf of Ryan Sherman for Schuylerville Central School. He stated this is identical to the 2007 application; the school district has 71 acres and will sell Mr. Bullard 3 acres to clean up the lot-line and to create more of a buffer to the Marshall house. There is no impact on the school or surrounding area.

Chairman Ian Murray stated he thought this looked familiar and he has no questions. He asked the Board if anyone had any questions; there were none. Chairman Ian Murray then stated this is a standard

lot-line adjustment and once complete the Applicant needs to bring in the maps for sign off and then the Applicant needs to file the maps with the county.

The Applicant thanked the Board.

Old Business: None

New Business: Chairman Ian Murray stated the dissolution study of the Village of Schuylerville is ongoing and if it dissolves, the Town would absorb the planning and zoning right away. He asked the Board to please review their copies of the Village of Schuylerville's draft zoning regulations. He stated he hopes the village is working on needed revisions to those regulations because if it does dissolve, this Board along with the town Zoning Board of Appeals will be the Boards for the district of Schuylerville and these regulations may become the district regulations.

Jennifer Koval mentioned that there are proposed State Environmental Quality Review Act (SEQRA) changes coming according to a class she took at the County Training Conference; the short form will go from two to four pages and the long form will double. She also stated that one can go to the DEC website and give and read comments on the proposed changes.

Chairman Ian Murray stated that Paul Griffen has retired from the Planning Board and Alternate Joseph Lewandowski will be appointed a Full Board Member and Brandon Myers will be appointed as the new Alternate Board Member. Brandon Myers introduced himself to the Board, stated he lives on Haas Rd., has worked as site manager for Stewarts for the past 23 years, and has a daughter Marge, who lives in Germany with her husband, who is now preparing to leave for Afghanistan. The Board welcomed Brandon and offered wishes for a safe return home for his son-in-law.

Laurie Griffen made a motion, seconded by Patrick Hanehan to adjourn the meeting at 8:55 p.m. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Robert McConnell – absent, Jennifer Koval – aye, Joseph Lewandowski – aye.

Carried 6-0

Meeting Adjourned

The next meeting will be held February 23, 2011 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe
Planning Clerk