

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES
March 23, 2011**

Chairman Ian Murray called the meeting to order at 7:34 p.m.

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

Due to the absence of a few Board Members, Chairman Ian Murray elevated Alternate Brandon Myers to full voting status.

Also attending: Town Engineer Ken Martin, Terry Humiston, Angie Johnson, Jill Kovachick, David Leman and other interested persons. (Sign-in sheet is on file in the Planning Clerk's office)

Approval of Minutes: A motion was made by Robert Park and seconded by Joseph Lewandowski, to accept the minutes of the February 23, 2010 meeting as written. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – absent, Jennifer Koval – absent, Patrick Hanehan – abstained, Robert McConnell – absent, Joseph Lewandowski – aye, Brandon Myers – aye. **Approved 4-0**

Board Members Laurie Griffen and Jennifer Koval arrived at 7:37 p.m.

Sketch Plan for Special Use Permit for Sand Mining

**Walter Taras #11-07
182 Co. Rt. 69
Schuylerville, NY 12871
S/B/L 182.-2-29 Rural**

Applicant seeks a Special Use Permit for sand mining on Rt. 69.

The Applicant appeared before the Board explaining that the sand mine is on the opposite side of the road from where their house burned down. He stated NYS DEC has approved his 4 acre mining permit although they are awaiting his bond before they release it to him. He reviewed his mining map with the Board showing his haul road back along the perimeter of the land to be mined. He explained he will be taking a quarter of it to begin with, as per DEC direction, beginning on the land that borders Dave Cumming's farm. He thinks he can begin mining without the permit but with DEC approval as long as he obtains a Special Use Permit from the Town.

Chairman Ian Murray questioned if the cornfield by the road is out of the mining area and the Applicant responded yes.

Chairman Ian Murray asked if it will be corn again; the Applicant responded yes and he is putting a berm in near the haul road so that coming down Rt. 69 you won't see the mine. He stated he is also planning on putting a gate at each side of the cornfield; one behind Michele McClure and Andy Sheeran's house and one at the end of the cornfield near the haul road.

Chairman Ian Murray stated the Board would like to see the road on the eastside, behind Michele and Andy's house, closed and not used. The Applicant responded he would only use that road for personal use for 4 wheelers and tractors and won't produce dust on Andy Sheeran and Michele McClure's place. Chairman Ian Murray reiterated they would like to see that road closed.

Chairman Ian Murray asked if there were any questions from the Board.

Laurie Griffen asked if the Applicant proposes to do his own hauling and the Applicant responded no. Laurie Griffen stated they will have truck traffic; how many trucks an hour – ten? The Applicant responded no more than ten.

Laurie Griffen asked what he expects the life of the pit to be and the Applicant responded 3 – 4 years. Laurie Griffen questioned how frequent are DEC inspections and the Applicant responded he does not know.

Laurie Griffen questioned the depth of the ground water at that location and the Applicant responded its 11' – 12' before water so they stayed a couple feet above it. She then questioned that when the Applicant has finished with the mining will the elevation be the same as the road and the Applicant said yes.

Chairman Ian Murray stated the Board has a dilemma with this. In 2004 there was an application forming and then pulled, for mining on Rt. 29, in the rural residential district. The Town passed a law to disapprove mining in the rural residential district. An error was made, either on the Town's end or when General Code codified our laws; but they neglected to put in mining as a special permitted use in the rural district. Chairman Ian Murray, Town Engineer Ken Martin, Zoning Officer Gil Albert and Town Supervisor Thomas Wood have talked to the Town Council and they need the Town Attorney to correct this. Once this is corrected the Board will be able to move forward. Chairman Ian Murray then took a poll of the Board to see who is in favor of mining in the rural district and in favor of sending a positive recommendation for correction to our zoning regulations to the Town Council: Chairman Ian Murray-aye, Robert Park – aye, Laurie Griffen – aye, Joseph Lewandowski – aye, Robert McConnell – absent, Patrick Hanahan – aye, Jennifer Koval – aye, Brandon Myers – aye. 7-0 in favor; Chairman Ian Murray stated he will write a letter to the Town Board stating they have no issue with mining in the rural district and recommending approval for the correction.

The Applicant stated he would like the Board to approve this in April; he doesn't want to bond until approved by the Board and doesn't know if DEC will give him the permit without Town approval. Chairman Ian Murray stated the Board will look into that because the Board would like to see the DEC permit first and he noted that SEQR is not complete on DEC's end.

Town Engineer Ken Martin questioned if removing the sand, trucking it, is part of 'mining activity' and is wondering, what is the exact definition of 'mining activity' according to the town. He feels clarification on this is needed by the Town Attorney.

The Applicant told Board members to feel free to go out onto his property and look around the mining field. He also stated he is trying to be complacent with Andy and Michele's business. He believes they're done growing everything in their greenhouses within 3 months or so each year.

Chairman Ian Murray stated this application is Tabled.

Returning

Sketch Plan for Subdivision

Glen Brundige #11-08

43 Brown Rd.

Stillwater, NY 12170

S/B/L 206.-1-23 Rural District II

Applicants propose a two-lot subdivision located on Brown Rd. Lot 1 will be an 8+/- acre parcel with the existing house and Lot 2 will be a 5+/- acre parcel where the Applicants intend to build their new home.

The Applicant appeared before the Board stating he intends to refurbish an existing old tavern into their new home on what will be Lot 2. He reviewed his sketch plan and showed how he would like to divide the property, adding he needs to get a complete survey done. The land is clean with a small clump of trees on Lot 2; he will keep 350' of frontage with the new parcel and he may go for a 3 point section boundary division due to the trees. Lot 2 has the existing old tavern and he plans to convert it into their home by renovating and constructing an addition of four bedrooms and a living-room since it already contains a kitchen and baths. The Applicant stated he wants a smaller lot since he seems to do nothing but mow grass from Fri. – Fri., and he would rather spend the time with his family.

Chairman Ian Murray stated it is allowable as per Town regulations. The Applicant needs to bring in perc test, soil engineering and a complete application along with the survey. The Applicant stated he may reengineer the septic but is unsure where it is and is waiting for the ground to thaw. Chairman Ian Murray explained that he would have to upgrade it with the addition of the four bedrooms. The Applicant stated the soil is sandy loam and he knows the survey is his next step, he asked once that is completed, what is the next step for him. He was told he needs to contact Building Inspector Gil Albert, needs soil engineering, perc test, the completed survey and a completed full application.

Patrick Hanehan questioned if he would use the existing driveway. The Applicant responded yes for Lot 1 and he will put in a shorter blacktop drive on Lot 2. Chairman Ian Murray added sight distance is good there. The Applicant stated he will be hiring out the excavation work and foundation work but he will build the house.

Returning

Information

Jill Kovachick and David Leman, Hayes Rd., and their surveyor Mr. Terry Humiston, seek further advice for obtaining the Special Use Permit for the Clay Arts Center.

Mr. Humiston, surveyor for the Clay Arts Center, stated that instead of Jill and David going before the Z.B.A. for a variance, Mr. Barber, a neighbor who owns property next to the Center, has offered to convey the additional footage needed to meet the 2 acre minimum. He then reviewed the lot-line adjustment between Mr. Barber and the Clay Arts Center. Mr. Barber is conveying 25' and they would like to do the lot-line adjustment at the April meeting and once that is done continue on with the Special Use Permit if that is allowed by the Board. Chairman Ian Murray advised Mr. Humiston to draw up the deeds and complete the survey, bring that to the Clerk's office and he and Town Engineer Ken Martin will sign before the next meeting since there is no Board action required. Mr. Humiston thanked the Board.

Mr. Humiston then stated he would like to discuss the Special Use Permit for the Clay Arts Center. He handed the Board copies of the survey he had completed and the Board reviewed it with him. He had concerns about the parking spaces, stating eleven exist and that he would like to make the driveway, which is 10' x 11', a one-way only drive with proposed parking along the side of it. He also stated he can do some parking spaces in the front by grading and putting in rubble since the back is not deep enough to put in double parking. Chairman Ian Murray stated they can do that if they have the septic identified and aside from that they should do a set-aside or dedicated area for parking for future use, with no further building allowed there. Jill Kovachick stated that Mr. Larmon has kindly offered to let them use his space for parking for special events and gallery showings if needed and she questioned if parking is allowed on the road if needed for overflow parking for such events. Chairman Ian Murray responded yes. Chairman Ian Murray questioned how many cars, on a daily basis, would be parked there and Jill Kovachick said 7 – 12 vehicles since they are looking to have 10 – 12 studio spaces. They don't anticipate a lot of traffic.

Town Engineer Ken Martin, Mr. Humiston, David Leman and Jill Kovachick discussed septic, sink drains, traps, toilet drains and Town Engineer Ken Martin told them to be sure to talk with DEC and

send them a list of clays, glazes and products they use, if they haven't already done so, adding that they will need DEC approval. He also stated they'll probably find that since they're removing many of the bathrooms their septic use will be far less than when the building was the Schuyler Guest Home.

Mr. Humiston questioned if the Town Engineer would like a letter from DEC and was told yes and that they should have their engineer coordinate with DEC.

Chairman Ian Murray questioned delivery of products to the center and Jill Kovachick responded delivery will take place at the covered entrance/carriage way and they will use a fork lift. Mr. Humiston added that it will be one-way only traffic there and no parking in the carriage way since it lends itself to the delivery area. The Board agreed.

Chairman Ian Murray reminded them to see Building Inspector Gil Albert concerning the sign they want to erect in order to conform to Town regulations. Mr. Humiston added they would like lighting for the sign and Robert Park had concerns with the lighting due to the neighbors. Laurie Griffen stated they could use motion detection low lighting.

Chairman Ian Murray then stated as long as they can get everything needed, as well as a summary of operation; how many employees, hours of operation etc., to the Clerk by 10:00 a.m. April 13th, we will schedule a public hearing for April's meeting. They thanked the Board.

Marc and Angie Johnson, 1216 Rt. 9P were before the Board in November, 2010 with a lot-line adjustment. They are seeking further advice from the Board concerning adjusting their boundary line.

Angie Johnson reviewed the issues of the lot-line adjustment with the Board. She stated the deeds are merged now and unfortunately they still have an issue with a neighbor's encroachment on their property and they don't want that encroachment to impede the lot-line adjustment with the neighbor with whom they are conveying property. She asked if they can do an easement to that rail bed portion and Chairman Ian Murray stated no since it doesn't justify ownership; they have to leave it connected to their land or convey it along with the other piece to the neighbor. Angie Johnson then questioned if they can leave that parcel connected with a five foot opening until this encroachment is settled, in order to move forward with this adjustment. Chairman Ian Murray stated she could cut off that piece completely if she gave it to a neighbor. She responded that they have approached each neighbor who backs up to this 25' which widens to 32' x 193' piece of land but no one wants the cost of surveys and such, even though they would give it to them. She added that the 5' opening to this narrow piece of land keeps it attached and seems to be the only solution she feels may work until this encroachment can be settled.

Chairman Ian Murray stated she needs to bring in the survey, with the new deed descriptions showing the 5' gap opening, for signatures of the Town Engineer and himself. Once signed the Applicant will be notified to pick it up and take it to the county for filing.

Angie Johnson thanked the Board.

Christopher Miller, a concerned neighbor of Mr. Taras, stated he has serious concerns with the sand mine. He would like to know who will monitor Mr. Taras' actions. Chairman Ian Murray stated that DEC would because they issue the permits. Mr. Miller stated that going by past history, he has lived on Casey Rd. since 2005, and Mr. Taras' record of 'what I say and what I do' are not the same at all. His concern is with the dust from this operation, and he's concerned about the houses on Musket Dr. with the sand mining. He believes those houses and trees will be covered with the sand dust constantly; it will be like a sandstorm there. He said when Mr. Taras flattened the land and sold it off on Casey Rd. it was turned into a sand field. He would sit on his front porch and watch the dust roll by for two years and in the summer, with the wind coming out of the north, it was pretty horrendous. His neighbor, five doors down, was peppered with sandstorms from that operation, as well as their neighbors further away. The trees, yards, houses and roads were covered constantly. Mr. Miller said he's been trying to grow grass in their front yard for five years now and due to all the sand settlement it's been nearly impossible. He said Mr. Taras dug up and rolled over the subsoil, graded to septic and that's it. Robert Park

questioned if it is still very dusty where Mr. Taras cleared that land and Mr. Miller responded yes, its scrub brush. Out where the large subdivision was going to be, if you drive by there you'll see he ripped up a bunch of land, trees and looked like he was mining trenches, for a while you couldn't see what he was doing but the more he kept going the more one could see. He said if you drive by where the houses are on Casey Rd., which have been there since 2005 – 2006, they still don't have lawns. He's watched the people try and grow lawns to no avail. That's why he's concerned about Mr. Taras putting the topsoil back on and replenishing the land at the mine; he's left the other land devastated. Chairman Ian Murray stated Mr. Taras isn't mining where the proposed subdivision was to be and Mr. Miller responded his next question was if Mr. Taras finishes with this mine and he can't get his subdivision up, is he going to want to mine there? Laurie Griffen stated Mr. Taras would have to go through DEC again for a new permit. Mr. Miller questioned if there are any other mines in our town and was told yes, one on Rt. 29; owned by Adrian Clute near the old county mine on Rt. 29. Mr. Miller thanked the Board.

Old Business: None

New Business: None

Patrick Hanehan made a motion, seconded by Laurie Griffen, to adjourn the meeting at 9:13 p.m. Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Robert McConnell – absent, Jennifer Koval – aye, Joseph Lewandowski – aye, Brandon Myers – aye.

Carried 7 - 0

Meeting Adjourned

The next meeting will be held April 27, 2011 at 7:30 p.m.

Respectfully submitted,

Linda A. McCabe
Planning Clerk