

**TOWN OF SARATOGA  
PLANNING BOARD DRAFT MINUTES**

**September 23, 2015**

Chairman Ian Murray called the meeting to order at 7:32 p.m.

Planning Clerk Linda McCabe called the roll: Chairman Ian Murray – present, Laurie Griffen – present, Patrick Hanehan – absent (arrived at 7:36), Robert McConnell – present, Jennifer Koval – present, Joseph Lewandowski – absent, Brandon Myers – present, Alternate George Olsen – present.

Due to the absence of Board Members Patrick Hanehan and Joseph Lewandowski, Chairman Ian Murray elevated Alternate Board Member George Olsen to full voting status.

Also attending: Town Engineer Ken Martin, Jim Vianna, Roger Sharp, Eric Canori, Mary Field, Marilyn Zaborek, Thomas McTygue, Justin Grassi, Adam & Shauna Sawicki and Peter Grassi. (Sign-in sheet is on file in the Clerk's office)

**A motion was made by Laurie Griffen, seconded by Robert McConnell, to accept the meeting minutes of August 26, 2015.** Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Joseph Lewandowski – absent, Robert McConnell – aye, Brandon Myers – aye, George Olsen - aye.

**Carried 6 - 0**

**Approved**

**Public Hearing for Minor Subdivision**

**Kristen M. Reynolds #15-03  
16 Stevens Ct.  
Saratoga Springs, NY 12866**

**Representative: Jim Vianna, PLS  
170 Lohnes Rd.  
Stillwater, NY 12170**

**S/B/L 168.-3-69.111 Conservancy District  
Location: West side of Bryant's Bridge Rd.**

Returning Applicant seeks a three lot subdivision of her 7.49 acre parcel. The property has 753.46' of frontage on Bryant's Bridge Rd.

Jim Vianna, PLS, appeared on behalf of the Applicant and reviewed the proposed three lot subdivision. He stated the property is located in the Conservancy District, consists of 7.5 acres and the three lots meet town zoning regulations. He added that, as stated last month, the driveway for lot 2B will be placed in the upper left of the property for sight distance purposes. He also stated that he has moved the proposed well location further off Bryant's Bridge Road for lot 2D as well as the septic, per Board discussion last month.

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

**Proof of Notice having been furnished by newspaper on September 13, 2015, Chairman Ian Murray opened the Public Hearing at 7:36 p.m.,** asking those wishing to speak to please stand and state their name and address.

**Marilyn Zaborek**, 387 Burgoyne Rd., read a letter to the Board and stated she has concerns of possible storm-water issues and wild life habitation in the area. She stated she had reviewed the Town's land use plan, which she praised. She questioned if the Board can limit the size of the houses to be built on those parcels and if they can be clustered. She also questioned why the parcel was cut into triangular lots and why the smallest lot is nearest the creek. She submitted her letter which is now on file in the Clerk's office.

Jim Vianna responded the smallest lot is nearest the creek due to the shape of the original parcel that is being subdivided; it is a triangular shape piece of land. If he had skewed the lot boundary lines differently, one would be looking into the neighbors property instead of their own. He also said there's very few, but a well defined line of wetlands there. The soil is all sand, good sand, which is too good for septic systems so they will have material brought in for cut and fill systems to bring the perc rates to regulation. He then stated that as far as NYS DEC is concerned storm water is not an issue there.

Chairman Ian Murray noted that the houses cannot be clustered there due to the need to meet separation distances of the septic systems and that wetland buffers are set up by NYS DEC. That buffer is a separation distance of 50' from the creek as a no cut boundary.

**Adam Sawicki**, 103 Bryant's Bridge Rd., said he works nights and is concerned about the noise of constructing the houses and would like the trees left in place as a sound barrier for him since he sleeps during the day.

Jim Vianna questioned if he is an adjacent neighbor; Adam Sawicki responded no.

**Mary Field**, 366 Burgoyne Rd., asked if there are residential lighting regulations.

Chairman Ian Murray responded the Town has no residential lighting regulations at this time, only commercial. He added that the Joint Planning and Zoning Boards are working on certain zoning amendments and if she'd like to submit her concerns, the Board will be happy to consider them.

Chairman Ian Murray also stated he and Town Engineer Ken Martin read a letter from a neighbor, that Marilyn Zaborek had handed them at the beginning of the meeting, and that letter will be on file in the Clerk's office.

Chairman Ian Murray then asked if there were any other questions; seeing none  
**Chairman Ian Murray closed the Public Hearing at 7:50 p.m.**

Chairman Ian Murray read the letter from the Saratoga County Planning Board indicating no significant county wide or inter community impacts.

Jennifer Koval read the short form EAF, line by line, which was completed by the Board.

**Chairman Ian Murray made a motion, seconded by Patrick Hanehan to accept the documents as presented, to declare the SEQR review complete and to make a Negative Declaration.** Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – absent, Brandon Myers – aye, George Olsen - aye. **Carried 7 - 0**  
**Approved**

**Chairman Ian Murray made a motion, seconded by Robert McConnell to approve the subdivision as proposed with final review by Town Engineer Ken Martin.** Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – absent, Brandon Myers – aye, George Olsen - aye.  
**Carried 7 - 0**  
**Approved**

### Special Use Permit

**Roger Sharp #13-12  
386 Burgoyne Rd.  
Saratoga Springs, NY 12866  
S/B/L 168.-2-35 Rural**

Returning Applicant seeks to obtain a Special Use Permit for his High Peaks Sound home industry business.

Roger Sharp appeared before the Board and apologized for taking so long in returning. He said it took him two months to get the topo map from Jason Tommell and that July and August are the busiest months of the year for him; 75% of his business is done within those two months, plus he decided to get married in August so they were busy with that as well. He now has a little down time so he was there to discuss concerns with water runoff; he also stated he brought Eric Canori with him who does construction and a lot of site work and may be able to answer questions for him.

Chairman Ian Murray stated he doesn't want to spend a lot of time on this and hopes the Board weighs in. He said the Board has been working on this for 3 years. Roger Sharp has been before this Board numerous times, the Board has met at his residence twice, he's talked on the phone with him personally and told him exactly what he needed to provide to the Board; he still has provided nothing the Board has requested. He reiterated that the Board has told him each and every time he appeared before them, as well as out at his property during the site visits and on the telephone, exactly what is needed, yet the information that was provided the Board for this meeting was rather embarrassing; he feels they're further back than when they began 3 years ago.

Chairman Ian Murray then stated the Board does not want any more excuses. This Board has among it two farmers, three seasonal business owners, as well as other business owners and employees, who all know what 'busiest months' are. Everyone is busy, everyone has responsibilities and the need to get things done and this is uncalled for. The Board has asked for a site plan, survey with measurements, topo (topographical) elevation map; while at his home and business they also asked for the well location, septic location and a business plan; they got absolutely nothing. Three years they've been

asking for the same information and three years they've received none of the requested information.

Roger Sharp responded he gave all those things.

Chairman Ian Murray stated he should look at what he has submitted to the Board from the very beginning; no measurement on anything, no investigation to tell the Board that it's assumed the septic is located where he drew it or the location of the leach field; when this Board asked Roger where it was, he told the Board he didn't know. Roger Sharp interrupted the Chairman saying there are measurements and he knows the septic is there.

Chairman Ian Murray stated he would not argue with him. He told him he has spoken with Town Attorney William Reynolds and with Zoning Officer Gil Albert. He suggested that Roger Sharp talk with Zoning Officer Gil Albert too. He told him he has two weeks from today, October 7, 2015 to get true engineered plans submitted to the office, otherwise the Town will put a stop work order on his business.

Roger Sharp asked what engineered plans he was talking about.

Chairman Ian Murray replied exactly as the Board has told him many times over: site plan, survey with measurements, topo elevation, well location, septic location, parking location and a business plan.

A lengthy discussion continued between Roger Sharp and the Board.

Robert McConnell stated that Roger Sharp's business has grown in the past two years and he and the Board are happy for his success, but he reminded him that at the site visit the Board talked with him concerning many issues. It's more than the existing business and the expansion of it; he put up a building a couple of years ago without a permit, he opened this business without a permit. The Board has been trying to get him in here to see if a special use permit is even doable; it's been 3 years and still he's not provided what has been asked of him, yet he is still conducting business.

This is a fairly large operation, which he now wants to make larger. Even if he came through with all the requested information, Robert McConnell said he would probably vote against it. If he wants to build it behind the home that's fine, spend some money on it. If not, then look for a place to rent. He believes the business needs to be moved to another location; it is more of a commercial business and doesn't fit in that district. He stated he would not want this next to his house at all, especially if he had kids trying to sleep. Again, it's a very big operation, to Roger's credit, but he is against this and will not approve it.

Brandon Myers stated he doesn't think it will work. He reviewed the past discussions the Board has had with Roger Sharp and reminded him that Board Member George Olsen, who is an architect, showed him that his design wouldn't work and took the time to draw a design for him that would; but he ignored that.

Patrick Hanehan stated with the existing business he had parking on the septic; he can't do that.

Brandon Myers, Patrick Hanehan and Robert McConnell stated they are against this. They said that Chairman Ian Murray has given him 2 weeks to submit a proper survey, engineered plans, drainage plan, well location, septic location, parking plan, sight distance; they added they believe he will outgrow the site if he hasn't already. He's going to put a significant amount of money into this with the real possibility of being denied due to it being a commercial operation. Robert McConnell added he thinks it would be in Roger Sharps's best interest to find another location for his business; to use the money for a rental space so it isn't wasted. This will probably be denied due to it being a commercial operation.

Eric Canori stated the Board is looking for a building plan which is going to cost a significant amount of money.

Chairman Ian Murray responded absolutely. The Board has asked for that for 3 years and this is where we are. He concurs with Robert McConnell; it's great that Roger Sharp is successful, but he also thinks he's outgrown the space and it's going to be really hard trying to fit that business in there. He reminded Roger Sharp that they talked about that on the phone; he needs to clearly look to see if the investment he has to outlay to provide what is required is worth it, knowing he will inevitably outgrow it. Chairman Ian Murray doesn't believe it will work there.

Laurie Griffen stated the Board needs a clear, neat package that answers all of their questions. Roger Sharp still has no special use permit and he wants to expand his business; she questioned if he can continue to operate now and grow. She said the Board's first goal is to look out for all residents and the community. She added that the Board suggested over the past few years that he move the business further back on his property but he refuses to do that.

Robert McConnell said it's more than the existing business and expansion; he has no permit for the additional building he put up a couple of years ago. He reiterated that Roger Sharp refused to move the business further back on his land because he didn't want to incur the cost.

This application is for a special use permit for the rural district; he can put all the money he wants into it, but it may not be approved. He added he'd hate to see him waste his money trying for a commercial operation in the rural district; he's liable to drop \$3000.00 or more just to be denied. The Board agreed.

Chairman Ian Murray asked if Roger Sharp had any questions; he did not. Roger Sharp thanked the Board.

Chairman Ian Murray stated that the Board has been asking for this information for 3 years, they made two site visits, he personally made two phone calls telling him the exact same thing they've told him tonight, as well as telling him numerous times in the past that he really needs to investigate it because the Board doesn't think it will work. And still, here they are with none of the information that was requested.

Jennifer Koval stated he's already expanded it; a home industry isn't supposed to have employees and he does. Chairman Ian Murray agreed. The Board members do not believe it will work on that property.

Brandon Myers stated when things are let go like this, it just gets worse. Not only worse for the homeowner, but also the community.

Chairman Ian Murray responded he can't say it was let go because they have tried to stay on top of this, just as they've tried to stay on top of the foam guy on Rt. 29 and Verillo's car storage. Verillo's car storage operation; it's still unresolved. He explained that Zoning Officer Gil Albert can only do so much; he doesn't necessarily get the backing needed, in a timely manner, when following through. His hands end up being tied. Our Code Enforcement Officer needs the Town Board's backing and the backing of the Town's Attorney when enforcing our regulations and laws. A lengthy discussion ensued.

**Information:** None

**Old Business:** None

**New Business:** Next Joint Meeting will take place on September 30, 2015 at 7:00 p.m.

**A motion was made by Robert McConnell, seconded by Brandon Myers to adjourn the meeting at 8:35 p.m.** Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – absent, Brandon Myers – aye, George Olsen - aye.

**Carried 7 - 0**

**Meeting Adjourned**

The next regular meeting will be held Wednesday, October 28, 2015 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe  
Planning Clerk