

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES**

August 27, 2014

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

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

Also attending: Jim Vianna, Bob Israel, Charlie Israel, Amanda Crames, Ernest Gailor, Will Corrigan, Nick Washco, Dave Carr, Katherine Smith, Eric Catalano, Tom Frost, Chris Macica and other interested persons. (Sign-in sheet is on file in the Clerk's office)

Approval of Minutes: A motion was made by Chairman Ian Murray, seconded by Robert McConnell to accept the meeting minutes of July 23, 2014 and August 20, 2014. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye.

Carried 6 - 0

Approved

Public Hearing for Minor Subdivision

**Mr. John Hall #14-07
295 Fitch Rd.
Saratoga Springs, NY 12866
S/B/L 193.-1-47 Rural**

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

Location: South side of Nielson Rd.

Returning Applicant proposes to subdivide a 2 acre lot from his 41+/- acre parcel on Nielson Rd. The 2 acre lot is for a single family home and the remaining parcel will stay agricultural.

Jim Vianna, PLS, appeared on behalf of the Applicant and reviewed the project. He stated he has not heard back as yet from the Army Corp. of Engineers and he reminded the Board that the driveways have been relocated.

Chairman Ian Murray stated he has no questions, this is a clean, minor subdivision. He then asked if there were any Board questions; there were none.

Proof of Notice having been furnished by newspaper on August 17, 2014, Chairman Ian Murray opened the Public Hearing at 7:35 p.m., asking those wishing to speak to please stand and state their name and address; no one spoke.

Chairman Ian Murray closed the Public Hearing at 7:36 p.m.

Laurie Griffen read the short form EAF, line by line, which was completed by the Board.

Chairman Ian Murray made a motion, seconded by Jennifer Koval 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 – absent, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye.
Carried 6 - 0

Laurie Griffen made a motion, seconded by Robert McConnell to approve the subdivision as proposed, conditional upon receipt of the Army Corp. of Engineer letter prior to signing off and stamping the maps. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye.

Carried 6 - 0

Approved

Nicholas & Susan Washco #13-01

356 Clinton St.

Saratoga Springs, NY 12866

S/B/L 169.-1-77.12 Rural

Location: Walsh Rd.

Returning Applicant seeks to subdivide a 12.40+/- acre parcel into two lots; a 3.8+/- acre lot and an 8.5+/- acre lot. The Applicant will construct a single family home on each lot, approximately 2000 sq. ft.

Mr. Washco appeared before the Board and stated there have been a number of changes since he last met with the Board. When Army Corp. of Engineers got involved, they said since so much time had passed since the wetlands had been delineated it needed to be done again. Mr. Washco had Tommell & Associates re- flag the wetlands which was witnessed by the Army Corp. of Engineers. The wetlands got narrower but longer and due to that he has moved the driveway for minimal impact, which is .018th of an acre. The total wetlands are 648 sq. ft and, as stated, the driveway is impacted by that but nothing else is. Septic system is in the same location and meets the 100' separation requirement. He was also told by the Army Corp. of Engineers that he is to remove the trees he spoke of at the last meeting to prevent the northern long-eared bats from nesting in them before winter.

Laurie Griffen stated that on the survey it shows 648 acres of wetlands instead of 648 sq. ft. Mr. Washco thanked her for catching that error and will have that corrected right away.

Chairman Ian Murray questioned why so many parking spaces per lot.

Mr. Washco replied that most families have more than one car and if the families have children/teens they may need the spaces for even more cars. He also stated the owners of each home may have friends and family over and again, they'd need additional parking spaces.

Chairman Ian Murray then stated that Mr. Washco needs to have the water notes and ag data statement on the maps and Mr. Washco responded he will have Tommell & Associates take care of that.

Proof of Notice having been furnished by newspaper on August 17, 2014, Chairman Ian Murray opened the Public Hearing at 7:45 p.m., asking those wishing to speak to please stand and state their name and address.

Will Corrigan, 207 Walsh Rd., questioned if Lot 1 can be subdivided again and also stated he feels there is plenty of room on the driveways to park more than one car and sees no need for additional parking spaces; the driveways are 200' - 350' which is plenty of space to park multiple cars.

Chairman Ian Murray responded the lot cannot be subdivided again due to the inability to meet the frontage regulation.

Chairman Ian Murray asked if there were any other questions or comments; seeing none, **Chairman Ian Murray closed the Public Hearing at 7:47 p.m.**

Laurie Griffen read the short form EAF, line by line, which was completed by the Board.

Chairman Ian Murray made a motion, seconded by Laurie Griffen 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 – absent, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye. **Carried 6 - 0**
Approved

Chairman Ian Murray made a motion, seconded by Laurie Griffen to approve the subdivision as proposed, conditional upon the ag data statement, water notes and frontage being on the maps. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye. **Carried 6 - 0**
Approved

Special Use Permit

Robert Israel #14-10
2 Franklin Square Suite E2
Saratoga Springs, NY 12866
S/B/L 155.-1-63.2
Location: 727 Rt. 29

Returning Applicant seeks to open a restaurant/banquet hall and bed & breakfast at 727 Rt. 29; currently known as the Schuyler Pond property.

Mr. Israel appeared before the Board and reviewed his concept for the Schuyler Pond property.

Chairman Ian Murray stated the Applicant needs to provide the Board with an in-depth written summary of his proposed operation including hours, seasons and everything else pertaining to the project so the Board can read it and review it prior to the next meeting.

Mr. Israel explained the outside appearance will not change much, aside from a small tool shed looking building attached to the side of the barn for the expanded kitchen. In the back he plans to have a patio and tent area, but again, the front will look much the same as it does today. The changes will be on account of State Pollutant Discharge Elimination System (SPDES), water treatment and things of that nature. The area of additional parking will be of materials that they can actually plant grass on, as suggested by the Chairman, so again, it will appear as it does today. This will be a venue for country weddings, special events and perhaps conferences. He'll be using the local farmers markets for supplies for the restaurant. He then stated the outside entertainment area will close at 11 p.m. and inside will close at 1 a.m. with all doors shut at that time. This is not necessarily a seasonal business, it's to be more occasional. He envisions 2 - 4 events per week, with 25 - 200 people. He plans on most people being shuttled in by vans or buses from the Inn at Saratoga and possibly have valet parking on site. Mr. Israel stated he will live in the house on premise and he also would like his home, or maybe the carriage house, to become a 3 - 4 room Bed & Breakfast. Basically it would be used for the bride and groom, the parents of the bride and groom, the bridal party to prepare for the wedding etc.; it will be utilized in conjunction with the special events. He then said he'd like to clear an area and have 3 - 5 sheep if that's possible.

Laurie Griffen questioned if the Bed & Breakfast is only in conjunction with the special events and not really a destination place. Mr. Israel responded yes that's correct.

Chairman Ian Murray reiterated that Mr. Israel needs to include all of this in his summary in order to help the Board digest the information and help them move forward. Mr. Israel said okay and that his purchase of the property is contingent on approval. He'd like to get the temperament of the Board if possible.

Chairman Ian Murray stated there's a number of things that need to be completed first and then a public hearing has to take place for the special use permit. Chairman Ian Murray added he spoke with Mr. Gailor, the engineer working with Mr. Israel, earlier about the parking area and the material he spoke of with him is the product they should use, especially with the elevation change there. He also noted there is no septic location or conditions of the house septic on any of the plans.

Mr. Gailor said that they will be tying into the new system and Chairman Ian Murray said okay and they will need to identify that on the map.

Mr. Gailor also stated that the well yield for both is 20 gallons per minute and the water quality tests came back very good.

Chairman Ian Murray stated a dumpster enclosure is needed on site and the lighting in the front, back and parking areas, both current and proposed, is needed.

Mr. Gailor said the lights in the parking area will not be used except when the parking area is being used for an event.

Chairman Ian Murray questioned what the pool fence height is and was told 4'. He told them it needs to be 52" per code for public/commercial operation. Mr. Israel stated he will fix that.

Robert McConnell questioned with the limited parking and the shuttle service, if for example, folks from the Cambridge area and/or local people were to drive there on their own for a wedding, where will they all park; it doesn't appear that you have enough parking for 200 people.

Mr. Israel stated there's 98 self-parking spaces available including the valet parking area.

Chairman Ian Murray stated in regards to parking, Mr. Israel said they will shuttle and bus folks over from Saratoga Springs, he is wondering will the bus park on premise and if so, where.

Mr. Israel responded he'll defer to the Board and if the Board doesn't want the buses parked there for 4 hours, they can just provide a drop-off and pick-up service.

Chairman Ian Murray felt it would congest the parking on the balance of the facility; he's not sure if they have spaces to park a bus there and still have traffic flow.

Laurie Griffen stated in conjunction with Bob McConnells's question, parking is not available for the maximum capacity of 200. She questioned if it is Mr. Israel's intent to always have this tied in with the Inn at Saratoga and questioned if an event is held by someone local, where would everyone park since there would possibly be more than 98 vehicles?

Mr. Israel responded with 200 people you normally don't have 200 vehicles. Most people come as couples, or families or with friends so 200 parking spaces are not needed.

Zoning Officer Gil Albert suggested Mr. Israel needs to be aware that once he knows the number of employees he'll have, he must include them as part of the parking spaces.

Mr. Gailor responded they're aware of that.

Town Engineer Ken Martin questioned if they are classifying the business as a restaurant or a banquet hall.

Mr. Gailor responded a banquet hall. He said wastewater standards have been unchanged since 1988, but now the NYS DEC Wastewater Standard for 2014 has cut down the wastewater load from 20 gallons per seat to 10 gallons per seat for banquet halls. He said the design they have is double that capacity so they'll be adjusting that.

Town Engineer Ken Martin stated the Town has no special use permit classification for banquet halls so this should be classified as a restaurant. Chairman Ian Murray agreed.

Mr. Israel replied they then are asking for a restaurant including using it for special events and Chairman Ian Murray and Town Engineer Ken Martin agreed with that description.

Chairman Ian Murray asked if there were any other questions.

Brandon Myers stated it looks like there are no major issues with this and questioned if the Applicant can get the issues resolved, can we go with a preliminary now.

Chairman Ian Murray responded no, a preliminary requires a public hearing and we haven't advertised for that yet.

Mr. Israel replied it would be nice to know what the inclination of the Board is.

Chairman Ian Murray stated they could take a straw poll of the Board if that would help and Mr. Israel responded he'd appreciate that.

Straw Poll of the Board for who is in favor of this project:

Chairman Ian Murray - yes	Laurie Griffen - yes
Robert McConnell - yes	Brandon Myers - yes
Jennifer Koval - yes	Joe Lewandowski - yes

Chairman Ian Murray stated if the Applicant can resolve all the issues spoken of, produce a detailed summary of the operation that the Board can understand and provide his submittals by 10:00 a.m., September 10, 2014 we will advertise for a public hearing for the September 24th meeting.

Mr. Israel thanked the Board.

Returning

Pre-Submission Conference for Special Use Permit

Saratoga Rowing Association #14-09
543 Union Ave
Saratoga Springs, NY 12866
S/B/L 180.18-1-2

Representative: Mike Ingersol, LA Group
40 Long Alley
Saratoga Springs, NY 12866

Location: 1460 Rt. 9P Lake Commercial

Applicants seek to convert the existing building and property into a year round training center for rowing. The center will contain temporary lodging, work-out facilities, staff office, meeting room, locker rooms, kitchen and a community dining room for members.

David Carr, of the LA Group, appeared on behalf of the Applicant and reviewed the project along with project architect Tom Cross, Saratoga Rowing Association Associate Katherine Smith and Executive Director of the Saratoga Rowing Association Mr. Eric Catalano. He stated this property is located just across the 9P bridge. The existing blue building used to be a store and has been vacant for several years now. The site is just under an acre at .98 acre, there's asphalt in the front, various areas of gravel and open soil, a garage, and at one time there was an extension to the building that has been removed and the site has been cleaned up. There is an existing well and a grinder pump on site; the grinder pump may need to be upgraded and probably will be and a new well will be drilled as well. They would like to renovate the existing building and utilize the existing asphalt in the front and along the side for parking, as well as add additional parking in the rear for a total of 20 spaces in the asphalt and another 9 overflow spaces in the rear that will be grass paved. The existing garage will remain and a new pavilion will go on site also. The rest of the area will be improved as grass and could also be utilized as overflow parking for regatta events; there are about 6 to 8 events per year. They are proposing using a removable

split-rail fence along the drive so some of the boat trailers can utilize that area for parking during regattas and when not in use as overflow parking, it will be used for recreation.

They are seeking a special use permit, for the Saratoga Rowing Association, for a Rowing Training Facility, which is an allowable use in the lake commercial district.

Mr. Eric Catalano, Executive Director of the Saratoga Rowing Association, stated they are excited about the purchase of the property and the proposed project. He explained the different programs they offer for adults and children and said in the winter they have indoor training and this project will provide significant improvement and efficiency to their program and provide for an efficient facility for the regattas.

Tom Frost, Architect, reviewed the plans for the renovation of the rowing center. The existing building is 30' x 70'; the first floor will have the training center, meeting room, office and locker rooms for both women and men. The existing second floor covers only a third of the building so they will construct a second floor addition identical to the existing second floor and there will be an open air deck/patio between the two second floor living spaces. One wing will consist of 8 bedrooms and the other will consist of a common living room, kitchen and dining area. He said the building has some zoning issues with setbacks and he thinks to a certain extent those issues are grandfathered. They're not changing the footprint of the building, not tearing the building down and are reusing most of it.

Chairman Ian Murray stated unfortunately the building has been abandoned more than two years; per section 400-12 in the Town's zoning regulations, any building that has been abandoned two years or more cannot be grandfathered, so there is no grandfathering for this property. Chairman Ian Murray then stated to be honest, he has no questions on the application, he loves the concept, the site plan and architecturally it's a fantastic use of the site; it's a home run. The Board agreed stating this is thorough and complete.

Jennifer Koval questioned who will be staying in the dorms and was told it's temporary housing for visiting coaches and their staff.

Zoning Officer/Building Inspector Gil Albert questioned what about the apartment above the garage; it's not habitable right now, but what are the plans for that. He was told that at some point they would like to renovate it but possibly storage for now.

Chairman Ian Murray made a motion, seconded by Laurie Griffen to send the Applicant to the Zoning Board of Appeals September meeting, with a positive recommendation for approval for the area, frontage and side front setback variances. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye. **Carried 6 - 0**

Approved

Chairman Ian Murray stated they can go to ZBA on Monday the 22nd, (submittals for that is Sept. 8th) and back to Planning on the 24th as long as they have submittals in by the 10th. If that is accomplished, a public hearing can be held.

Mr. Carr thanked the Board.

Returning

Old Business:

Review Special Use Permit of Justin Liptak

Chairman Ian Murray stated it seems that there are unresolved issues with this kennel. There have been numerous complaints of constant howling, barking and dogs running at large, especially over the past few months. Mr. Liptak stated it's only been one or two instances and Chairman Ian Murray replied untrue, there is a file folder full of complaints dating back three months.

Mr. Liptak stated he feels people embellished their complaints and he gets blamed for every dog running in town and has had issues with his neighbors for everything. Now all of a sudden it seems they're all trying to get the dogs out of there.

Jennifer Koval asked if he lives on site as he did when he was granted the permit and he responded no. She then stated that when the permit was issued, he lived on those premises and he replied yes he did. She said dogs require more attention and care than farm animals and normally one lives where the kennel is and these issues arose after you no longer lived on premise.

He stated he rents his house out.

Laurie Griffen questioned if there are any changes with the kennel since he's no longer there.

He said no. He added his dogs go into heat in the spring in their cages and dogs come from all over because of it, but that's not his problem.

Jennifer Koval responded yes, it is, it's his responsibility to take care of them and have them not be a nuisance to the neighbors. She suggested he should put up a fence along the property lines to prevent other dogs from getting on his land and/or keep the dogs in while they're in heat. She added he raises dogs to run coyotes; she's familiar with that breed of dog. She then questioned how he's training them on his land.

He responded he's doesn't train them on his land or anywhere near here. He trains them in Canada and Pennsylvania and they train in huge facilities.

Jennifer Koval responded she knows his dogs have run coyotes in this town and Chairman Ian Murray agreed. Mr. Liptak said in this town? They said absolutely.

Jennifer Koval questioned are the dogs getting out on their own and running coyotes or is he training them here.

He replied he runs them here during hunting and training season which runs from July until March.

Jennifer Koval stated he just said he doesn't run them here and he told the Board that he trains them somewhere else.

He responded he trains the dogs in a facility, a 600 - 1000 acre facility and they stay inside the training center. He said when the dogs leave his land they are gone 2 - 3 months and get trained to run those animals. When they are hunting, the dogs have someone following behind them immediately.

Jennifer Koval asked if his dogs, that run in the Town of Saratoga, have collars?

Mr. Liptak responded he runs his dogs where he gets permission to run.

Jennifer Koval replied dogs don't obey boundary lines.

Mr. Liptak said they don't have to.

Chairman Ian Murray stated that's not true. He's had complaints from three neighbors that Mr. Liptak's dogs were GPS hunting across private property without the property owner's permission.

Mr. Liptak replied while hunting, the dogs can cross private property. The hunter can't step on or trespass or fire a weapon on private property without permission, therefore when they are deep into a countryside, the dog can cross private property by law. He then said everyone's getting mad at him but there are 5 - 6 other people who do the same thing here and there are more kennels that have no special use permits and he doesn't see anyone making them get special use permits; when asked for their names, he refused stating he runs his dogs with theirs. He then asked why the business on the corner of Burgoyne Rd. doesn't have a permit; they've been running that business for years - the ceramic place - and no one does anything about it.

Chairman Ian Murray responded that the only complaints they've gotten have been about dogs on Mr. Liptak's property. The only pictures that they have received have been of dogs running wild in front of Mr. Liptak's house and terrorizing the people that are walking or riding bikes up the street.

Mr. Liptak said his dogs don't do that.

Chairman Ian Murray said there are pictures of it and showed him the photos.

Mr. Liptak responded oh yeah, those are his dogs and that's the day they got out; he added the person who took those pictures sits in front of his house almost on a daily basis and sits there with her camera.

Jennifer Koval said there are ways to be sure the dog's don't get out. She suggested he add more fencing to his property.

Mr. Liptak said he doesn't want his dogs out and he doesn't want them to be a nuisance with constant barking either. He said he reinforced the cages they are in already and he's upset over all this and no one knows if those dogs running on private property are his dogs.

Chairman Ian Murray responded he knows they are his dogs; a couple of years ago he confronted Mr. Liptak out near his own home. Mr. Liptak was coming up over Coveville Rd., across

Swamp Rd. and cutting across lots through there and his neighbors called him; three different neighbors. Mr. Liptak was on the road with the truck and the dogs were running.

Mr. Liptak said you do realize there is a kennel of 25 dogs on Minnie Bennett Rd. about 1/4 - 1/2 mile from your home, right; he also said he has permission to run all that swamp on that side of the road.

Chairman Ian Murray stated Mr. Liptak didn't have permission and he knows that because he received the phone calls.

Mr. Liptak wanted the names of those who called and Chairman Ian Murray said he wasn't going to tell him and explained the Board needs to deal with this.

Again, Jennifer Koval suggested he fence a larger perimeter on his property; it will keep his dogs in and other dogs out.

After a very lengthy discussion, the Board decided to go back to a conditional permit instead of revoking it; there are to be no more than 10 adult dogs and if he's got more he will need to come back before the Board. If they continue to receive complaints then they may have to revoke this.

Chairman Ian Murray made a motion, seconded by Laurie Griffen to amend the special use permit, previously issued for the kennel, to a conditional 3 month renewable permit. Zoning Officer Gil Albert will check periodically and give updated reports to the Board.

Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye.

Carried 6 - 0

Approved

Mr. Liptak thanked the Board and apologized if he was loud; he's very passionate about this.

**Saratoga Development, LLC #14-02
Michael LaMorgese & David DePaulo
14 Ogden St.
Newark, NJ 07104
S/B/L 206.-1-34 Rural District II
Location: Brown Rd.**

Representative: Lansing Engineering

Returning Applicants provided updated information to the Board concerning their Brown Rd. 11 Lot Major Subdivision application. Jason Dell, Lansing Engineering, stated they've revised the plan and moved the driveway on the one lot as the Board suggested. He said a couple of the septic tanks that were at the minimum distance have been pulled back 100' or more now. The issues concerning Lot 11 and the clearing on the neighbor's property have been addressed. He stated he was able to obtain some of the well logs from Rosick Well Drilling and it showed 3 - 7 gallons per minute. He hasn't spoken directly with Mr. Rosick, but a couple of the logs indicate they were fracked by Rosick. As far as the well water issues there, they can't guarantee any lot anywhere will have water, however, they won't be able to go forward with a house if there's no water there. Additionally they've talked with the applicant and he's amicable to monitoring some

of the adjacent neighbors wells to see if there's any impacts with their drilling; though it'll have to be within reason.

Jason Dell stated those were the updates and they are asking for a public hearing in September.

Chairman Ian Murray questioned if they will have this written up for submittal and was told yes.

Ken Martin, Town Engineer, said they could recommend certain distances of neighbors' well to monitor but if the neighbors don't want anyone nosing around then nothing can be done.

Chairman Ian Murray agreed.

Chairman Ian Murray stated they'll need long form SEQR completed and said to have submittals in by the 10th and we can advertise for a public hearing.

Jason Dell thanked the Board.

Returning

New Business:

A motion was made by Laurie Griffen, seconded by Joseph Lewandowski to adjourn the meeting at 9:20 p.m. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye. **Carried 6 - 0**

Meeting Adjourned

The next regular meeting will be held Wednesday, September 24, 2014 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe
Planning Clerk