

**TOWN OF SARATOGA  
PLANNING BOARD DRAFT MINUTES  
July 28, 2010**

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, Paul Griffen – present, Laurie Griffen – present, Patrick Hanehan – absent, Robert McConnell – present, Jennifer Koval – present and Alternate Joseph Lewandowski – present.

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

Also attending: Town Engineer Ken Martin, Beth Woodard and Matthew Mincher. 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 Paul Griffen to accept the minutes of the June 23, 2010 meeting as written.** Chairman Ian Murray –abstained due to absence at last months meeting, Robert Park – aye, Laurie Griffen – abstained due to absence at last months meeting, Patrick Hanehan – absent, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – aye, Joseph Lewandowski - abstained due to absence at last months meeting.

**Carried 4 - 0**

**Approved**

**Special Use Permit**

**Justin Liptak #10-09  
139 Co. Rt. 338  
Schuylerville, NY 12871  
S/B/L 157.-1-27 Rural Residential**

Returning Applicant proposes to open a dog kennel, located at 139 Co. Rt. 338, Schuylerville, NY.

Beth Woodard appeared before the Board on behalf of the Applicant.

Board Member Robert Park stated that the county had concerns last month about waste removal, construction of the kennel and the number of adult dogs that are/will be housed there. The June 2010 letter from the Saratoga County Planning Board requesting additional information with the following comment: **“The Saratoga County Planning Board would like to request additional information before making a decision on the referral referenced above. Specially permitted uses are allowed under zoning law so long as the use will not adversely affect the neighborhood. To be able to determine potential impacts to the neighborhood, if any, the number of dogs expected to be boarded at the site should be provided. It should also be clarified as to if the kennel is for breeding or will be for boarding animals for the public while they are at work or vacation. From the information submitted it is not clear how the kennels will be constructed, including number of runs, and size of a general run area if any. Proposed measures to secure the dogs from escape as well as other animals potentially getting into the kennel should also be described. The Town should ensure that some type of condition regarding noise and maintenance of the kennel is in place including waste removal on a regular basis.”**

He, along with a couple of Board Members, was also confused on the number of adult dogs that will be housed there. He stated at the May 2010 meeting the Applicant had told the Board there would be three

adult dogs, and last month Beth Woodard told the Board there would be up to six adult dogs, so the Board needed a definitive number. He believes that the Applicant's June 11, 2010 letter to the county, has answered all of their questions, along with those of this Board. The Applicant wrote:

**“The purpose of this letter is to provide additional information regarding my kennel permit. The amount/number of dogs in my kennel varies, as of today I have only four dogs on the premises, one being my house dog. That number will increase to seven when my puppies come back from training in September, in addition I try to have one or two litters a year, which I keep certain pups and train for up to four months. After that, I am where I am now, back to approximately my original numbers. The dogs switch out sometimes but the general number of the hounds remains the same. I do not board public animals, this is for my use only. I have also provided a sketch of the kennel layout on my land. The kennels are store bought steel cages, I have four 10 X 10 and one 40 X 30 exercise pen; all pens are locked at all times and stand 7.6 feet high. The waste from the hounds is carted by tractor to the back corner of my land and dumped. The dump site is more than 1000 feet from the road and the smell is unnoticed with the constant fragrance of cow manure which is always being spread in the surrounding fields and orchard garden. Last but not least the condition regarding noise is not going to change because if someone is going to complain you will hear about it. I have had these dogs here for over four years and had one DESERVED complaint. I had that barking dog for less then thirty days. I have not had a noise complaint prior nor since then. I don't like to hear it anymore than you do. Having said that, I take every precaution to keep my dogs safe and quiet. I hope I have answered all your questions in their entirety. Any further questions you can reach me any time.”**

Board Member Paul Griffen stated concerns that the number of dogs could go higher and higher, along with increased barking, which is what he experienced when there was a kennel near his home.

Beth Woodard stated, to date, the only complaint they have had was from someone walking the property line; no neighbors have had a problem, the dogs don't bark very often and she herself wouldn't tolerate that.

Board Member Jennifer Koval added that the Applicant told the Board on average there would be 8 – 11 dogs; why not keep the maximum number at 11; she then questioned if the Applicant covers the waste or mulches over it and Beth responded that the Applicant digs a hole, fills it with waste and covers it over with fill.

Chairman Ian Murray asked the Board how many dogs they would be comfortable with. After a brief discussion the Board decided 10 and Beth said she understands their concerns of noise; Chairman Ian Murray added that the Applicant had agreed to 10 as the maximum number when he appeared in May 2010. He added they will approve the permit for a maximum of ten dogs, including their house dog and the Board will look at it again next year when it is up for renewal. If there is a litter of say 15, the Applicant will need to come back to this Board, at no further cost, in order to amend the permit to keep him compliant.

**Chairman Ian Murray then read the second letter the Board received from the Saratoga County Planning Board, indicating no significant countywide/inter community impact, with the following comment: “the town may want to consider having a sunset clause with respect to the Special Use Permit. This would enable the town to address any concerns or changes in the permitted use annually or semi-annually as the town deems appropriate. Should the applicant need to expand the kennel due to an increase in the number of dogs the Special Use Permit could be amended and not need a new permit. This will also allow the town to address any type of site planning issues that may arise in an efficient manner.”**

Chairman Ian Murray stated this Board already does annual renewals; that 'sunset clause' mentioned in the county letter equals the same thing.

**Laurie Griffen made a motion, seconded by Robert McConnell, to grant this annual renewable Special Use Permit with the following conditions:**

- 1. This permit is contingent on Zoning Officer Gil Albert's inspection prior to operation and as soon as the Applicant has done the fit-up, since the policing of these permits fall to the Zoning Officer in this town.**
- 2. This is an annual Special Use Permit and must be renewed in July 2011.**
- 3. There shall be a maximum of ten dogs, including the house pet. If Applicant finds a litter is large and will put him over the maximum, he must come back to this Board and the Board may amend the permit to keep him compliant, at no cost to the Applicant.**

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

**Carried 7-0**

**Approved**

Beth Woodard thanked the Board.

### Site Plan Review

**Matthew Mincher # 10-10  
63 Springwaters Dr.  
Saratoga Springs, NY 12866  
S/B/L 206.6-3-8 Lake Residential**

Returning Applicant proposes to move an existing cabin onto his 6.06 acre parcel to establish a second detached home. He was before the Planning Board in May 2010 and was denied due to no frontage; he then appeared before the Zoning Board of Appeals (ZBA), was granted a frontage variance and is now back for site plan review.

The Applicant appeared before the Board reviewing the history of his application; he was before this Board in May 2010 and was denied due to no frontage, he then went to the ZBA in June 2010, was granted the frontage variance and is here now for site plan.

Chairman Ian Murray questioned if the Applicant receives four tax bills and the Applicant responded yes. Chairman Ian Murray stated then these are four separate parcels and are not combined. The Applicant responded correct. Chairman Ian Murray stated that these four parcels need to be combined onto one deed. The Applicant responded no problem, though he'd like to keep the small parcel out. He'll combine the 20' strip/railroad bed, the driveway and the large lot.

Chairman Ian Murray stated that would create a landlocked parcel with the small lot if he doesn't merge that piece; we need to clean that up.

The Applicant stated he wanted to keep that out in case the neighbor to that small lot wanted to expand and the Board explained that he can always do a lot-line adjustment in the future for that neighbor if he'd like. That small parcel is not a buildable lot, it's landlocked, has no frontage and the Board would like to see it connected to the large parcel. Chairman Ian Murray added that the Applicant will need to put in a new well for the cabin, and that he has spoken with Mr. DiPasquale at the county concerning the sewer and knows Mr. DiPasquale has talked with the Applicant about tying in to the pipe he already has in place, so he's good to go with that.

The Applicant responded he will combine the four parcels and he will contact Kurt Heis of Tommell and Associates, and have him take care of this.

Chairman Ian Murray stated no Board action is required but once that is completed the Applicant will need to bring in the final plat/survey map showing the combined parcels for signatures, along with the deed with the new metes and bounds written in it for final review. Once the maps are signed the Applicant will need to pick them up and file them with the county.

The Applicant thanked the Board.

**Old Business:** The Board questioned if there was anything new with Lee Nosal's campground and Chairman Ian Murray stated he knows Mr. Nosal has hired a land use attorney and will be coming back before this Board at some time in the future; several Board Members felt it very important that the Board have a good land use attorney prior to this coming before them.

**New Business: None**

**Robert Park made a motion, seconded by Robert McConnell, to adjourn the meeting at 8:03 p.m.** Chairman Ian Murray – aye, Robert Park – aye, Laurie Griffen – aye, Patrick Hanehan – absent, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – aye, Joseph Lewandowski – aye.

**Carried 7-0**

**Meeting Adjourned**

The next meeting will be held August 25, 2010 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe  
Planning Clerk