

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES
June 23, 2010**

Vice Chairman Robert Park called the meeting to order at 7:34 p.m.

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

Board Member Jennifer Koval arrived at 7:34 p.m. just after the roll was called.

Also attending: Town Engineer Ken Martin, Beth Woodard, Stephanie Ferradino, John Witt and other interested persons.

Sign-in sheet is on file in the Planning Clerk's office.

Approval of Minutes: A motion was made by Paul Griffen, and seconded by Robert McConnell to accept the minutes of the May 26, 2010 meeting as written. Vice Chairman Robert Park – aye, Chairman Ian Murray – absent, Laurie Griffen – absent, Patrick Hanehan – abstained due to being absent from last month's meeting, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – aye.
Carried 4 - 0
Approved

Special Use Permit Public Hearing

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.

Beth Woodard appeared before the Board on behalf of the Applicant. Vice Chairman Robert Park stated the application before the Board is for a Public Hearing tonight for a dog kennel located at 139 Co. Rt. 338.

Proof of Notice having been furnished by newspaper on June 13, 2010, Vice Chairman Robert Park opened the Public Hearing at 7:37 p.m., asking those wishing to speak to please stand and state their name and address.

Pat Behrens, Village of Schuylerville, questioned the size of the kennel. Beth Woodard responded that currently there are four kennels that are 10' x 10' and one that is 30' x 40'.

Board Member Patrick Hanehan stated as part of the minutes he read that Chairman Ian Murray requested a maximum number of dogs for the kennels; will that be written in the permit and Vice Chairman Robert Park responded that we will ask to have them limited to ten; the two breeders, the house dog and the litter. Board Member Patrick Hanehan asked Beth Woodard if that number is adequate. She responded that sometimes they breed and have puppies, so that amount can fluctuate due to the size of the litter, but on average she believes there will be ten. Board Member Patrick Hanehan then asked how many adult dogs aside from the litter and she responded six adult dogs plus the puppies.

Board Member Paul Griffen stated he has concerns with constant barking; he had a kennel near his home and there was constant barking. Beth Woodard responded that she lives there and she would not tolerate constant barking. The dogs do a lot of barking for about six minutes as they are preparing to feed them and once in a while if they see an animal, but not constant barking. She added they have not had any complaints from their neighbors.

Board Member Robert McConnell stated we asked these questions at the last meeting and there will be some sort of buffers there plus there weren't any complaints from the neighbors; just some person walking by.

Board Member Patrick Hanehan questioned if they have six adult dogs and they have a litter of 4 – 7 pups is that going to be an issue if the permit is for ten and due to a litter they go over that number.

Town Engineer Ken Martin stated last month we were told three adult dogs; the two breeders in the kennel and the one inside dog, and the litter size of 6 – 7. So with six you mean the other three or four adult dogs are the ones coming in and being trained and Beth Woodard responded yes. Town Engineer Ken Martin added that they are only breeding the two dogs there and she responded that is right. Town Engineer Ken Martin then questioned that they would only have one litter at a time and she said that is correct.

Vice Chairman Robert Park stated the Board is trying to get a feel for size; we don't want 20 – 30 dogs. Beth Woodard responded we will not have that many.

Board Member Patrick Hanehan suggested they go with a yearly renewable and if complaints come in then we'll see.

Vice Chairman Robert Park said we'll see how it goes for one year and then get a reading on how many dogs were there on average over that time and if ten is not workable we can reconsider it next year; this would be a condition of the permit. He then asked if there were any other questions from the Board or public; there were none.

Vice Chairman Robert Park closed the Public Hearing at 7:48 p.m.

Vice Chairman Robert Park stated that Clerk Linda McCabe had received a letter from the Saratoga County Planning Board yesterday afternoon and had contacted the Applicant concerning its contents.

Vice Chairman Robert Park read the 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."

Vice Chairman Robert Park stated he believes it would benefit the Applicant and the Town to address these questions before voting on the permit. If the county has these concerns, the Town should be concerned as well. Board Member Jennifer Koval questioned what is it they want answers to because we know last month he stated this is for breeding not boarding, so that question was answered, and we already talked about the number of dogs which were 10 – 12. Vice Chairman Robert Park responded they are looking for the number of runs, the physical layout, waste- removal, how they are contained, and fencing. Vice Chairman Robert Park stated the county is looking for more specific answers and it wouldn't hurt for the Town to have those answers as well. Board Member Paul Griffen said we need to know if the fence is strong enough and big enough to be humane.

Beth Woodard said they have an 8', 38' x 40' interchangeable, interlocking fence. Board Member Jennifer Koval questioned what specifically does the Applicant need to supply the Board with and Board Member Patrick Hanehan stated probably a more definitive number of adult dogs because we know the litter size varies. Board Member Jennifer Koval added he's not changing anything, he's already been doing. This is just because of a complaint; he's been doing this for a long time and has had only one complaint. None of his neighbors complained, it was from someone walking along the property. He's just trying to make this legal. Board Member Paul Griffen agreed.

Vice Chairman Robert Park stated if that information is provided to us, we can get this information to the county and complete this at next months meeting. Thank you.

Returning

Brown Road Planned Unit Development Review

Saratoga Development, LLC #10-11

14 Ogden St.

Newark, NJ 07104

S/B/L 206.-1-34 Rural Residential II, future PUD

Applicant proposes a sixteen lot Planned Unit Development, located on 84+/- acres on Brown Rd.

Stephanie Ferradino appeared before the Board on behalf of the Applicant, reviewing the modifications requested by the Planning Board to the PUD: they put in the cul-de-sac for lots 4 and 5; they put in the T-type turnaround at the pond and they labeled the HOA lands as Lot 17 and made corresponding changes in the legislation. Due to a meeting between Chairman Ian Murray, Town Engineer Ken Martin, Town Attorney William Reynolds, herself and Greg Beswick of Tommell & Assoc., the following changes requested by the Planning Board were also made to the PUD:

Under Section 5:

- A.** No further development or subdivision beyond the 16 residential lots and the HOA lot.
- B.** Due to the new layout and configuration they realized they no longer have any driveways longer than 500' so they will strike that whole provision.
- C.** For the purpose of legislation a driveway will be defined as a roadway that provides vehicular access to one residence and most of the driveways are located off of an access road; access roads are defined as a roadway within the PUD which provides vehicular access to more than one residence. Most of the streets within the subdivision will be access roads with small driveways.
- D.** They will be looking for architectural standards at subdivision time; they thought they would do subdivision and site plan review at the same time after the PUD is passed. Town Attorney William Reynolds had reminded her at that meeting, that in the initial PUD the architectural standards were on the back end as one of the exhibits of that legislation. She will make copies of them and send them for the Board. It clarifies having only horses, no farm animals; whether you can have fencing, no decks are allowed, hot tubs must be fully submerged; it will give the Board clear intent for what they are doing so the Board can hone and fine tune better as they get to the subdivision review process with actual renderings.

Section 6 – Change obligation of inspection from Town Engineer Ken Martin to Code Enforcer Gil Albert.

Section 9 – Concerning maintenance of the lands or stormwater systems and facilities, they added language that says the Town is able to seek repayment for costs of any maintenance they need to do from the HOA.

Section 10 – In regard to performance bonds and letters of credit we added the Town Highway Superintendent into the loop of people who will be looking at cost estimates and adding language that the performance bond or letter of credit shall be based upon construction estimate for infrastructure improvements to the sites; their engineers will come up with cost estimates for all the infrastructure at

the site and then pass it over to the Town and the Town will approve it or seek modifications, and then that estimate will be the basis for how much money they post for the letter of credit or bond to the Town.

Section 13 – Conservation Easement- concerning the use of passive recreation on the lands; there will now be language stating that the use of these lands is for homeowners and their guests only.

Appendix C: Building Summary Tables – minimum lot size will be 7500 sq. ft. and the maximum lot size will be 30,000 sq. ft. The language of lot size will change to Area A and Area B.

Appendix D: Architectural Guidelines – they are part of the existing legislation.

The last question is whether the Board has any recommendations or whether you want to take action and send this back to Town Board for their fine tuning.

Vice Chairman Robert Park asked the Board if they had any questions.

Board Member Patrick Hanehan stated he didn't see the dry hydrant reflected on the map, and was told it is not shown on those plans but is there. He also added that in 2006 they had talked about a dirt access road to that; and questioned if that is still the plan. Stephanie Ferradino replied she does not believe it is dirt. Town Engineer Ken Martin said it is proposed pavement; the access roads must follow our rural road designs which are the same as our normal designs only a more narrow width. Board Member Patrick Hanehan questioned if the access is at the southern end where there are no houses and was told yes, it would be down at the 'T' intersection on Lot 17, the HOA lot. Town Engineer Ken Martin stated the idea is to have a dry hydrant there and the road to that 'T' turnaround must be designed to handle a fire truck turning around there.

Vice Chairman Robert Park asked if there were any more questions from the Board. Seeing none, Vice Chairman Robert Park stated the Town Board is Lead Agency on this PUD and they referred this to the Planning Board for our review and recommendation. **Vice Chairman Robert Park made a motion, seconded by Paul Griffen, to refer this to the Town Board with a positive recommendation for approval based on the following conditions memo written by Chairman Ian Murray:**

The following is a list of my recommendations to the Town Board regarding the Brown Road PUD Legislation for the above named development. The legislation should include, but should not be limited by:

1. **Purpose**
2. **Intent**
3. **Design & site plan review by the Planning Board**
4. **NYS SEQR review by the Planning Board**
5. **No more than the 16 proposed units (residences).**
6. **No further subdivision of the remaining lands**
7. **Open space/land management plan**
8. **Wells & sanitary systems on private lands only**
9. **Roads, driveways & paths remain in private ownership**
10. **Adhere to Town of Saratoga zoning regulations & height limits**
11. **No motorized vessels on pond**
12. **Dry hydrant system installed in the pond**

13. **HOA agreement**
14. **Town of Saratoga right to farm law**
15. **Designate types/style of buildings & where in the farm cluster they would be located**
16. **Supply complete SWPPP**

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

Carried 5 - 0

Approved

Minor Subdivision Public Hearing

**ANW Holdings # 10-01
563 N. Broadway
Saratoga Springs, NY 12866
S/B/L 193.-1-7.11 Rural
Location: Condon Rd.**

**Owner: Pat Dooley
30 Condon Rd.
Stillwater, NY 12170**

Returning Applicant proposes a three lot subdivision located on Condon Rd., Stillwater, NY. Lot 4A is 3 acres, Lot 4B is 4.5 acres and Lot 4C is 18.76 acres.

John Witt appeared before the Board on behalf of the Applicant. He stated he was before this Board for a minor subdivision pre-submission conference and was sent to the Zoning Board of Appeals (ZBA) for a frontage variance for Lot 4C in order to put in a driveway; the ZBA granted the variance. This Board requested another test pit for Lot 4C which was done today. He isn't sure if Town Engineer Ken Martin received the results yet, but stated it looked pretty good; it's sandy loam to about 5' down and then shale. Town Engineer Ken Martin questioned if he also tested Lot 4B and was told no, it was done originally. It tested good sandy loam down to 37 inches, though there are some good pockets further back and once they do some clearing they will probably re-engineer the systems at that point.

Town Engineer Ken Martin stated that according to the Town of Saratoga requirements, he doesn't see any of the sanitary systems not being a raised system, with the test pits he has seen so far. They have to be 5' above bedrock and he doesn't believe any of them are. If they bring in soil, it has to sit for a year and then retest. John Witt said that's correct. John Witt then added that in the past, like in Greenfield, they had brought in tested soil and compact it. Town Engineer Ken Martin stated he calls that an alternate system and John Witt agreed.

John Witt stated he would like approval tonight contingent upon working out the details with his engineers.

Town Engineer Ken Martin said that's up to the Board, but his concern is the Army Corp. wetlands especially on Lot 4B. It appears wetland where that driveway comes in. John Witt said there is a culvert in the road there and it was dry today when he walked it. Town Engineer Ken Martin said from the ground water elevations he is seeing in the test pits; which some are 18" and 23", he believes there are Army Corp. of Engineer wetlands there and wants to make sure the Applicant isn't in the area, and the Town does have the 50' buffer from any Army Corp. designated wetland. Town Engineer Ken Martin stated he was also going by the vegetation there. John Witt responded that the Town would need that flagged by Army Corp. and Town Engineer Ken Martin responded yes. Patrick Hanehan questioned if sight distance has been done on Lot 4C and Town Engineer Ken Martin responded yes, it appears to be the best place.

Vice Chairman Robert Park read the letter from the Saratoga County Planning Board indicating approval.

Proof of Notice having been furnished by newspaper on June 13, 2010, Vice Chairman Robert Park opened the Public Hearing at 8:12 p.m., asking those wishing to speak to please stand and state their name and address.

No one came forward; **Vice Chairman Robert Park closed the Public Hearing at 8:13 p.m.**

Vice Chairman Robert Park proceeded to read a letter from a neighbor who has serious concerns with the location of the driveway for Lot 4C; referring that many people do not respect the curve on Condon Rd. where the driveway is proposed and feels it will be an accident waiting to happen since the sight distance around the curve is extremely limited and people do not respect the speed limit there. The neighbor is wondering if the driveway can be moved more to the south to give everyone a better chance of preventing an accident. (letter is on file in the Clerk's Office)

Vice Chairman Robert Park and Town Engineer Ken Martin were at the site earlier and both agree this is the best location for that driveway.

David Brown, neighbor, stated he would prefer a shared driveway there and Town Engineer Ken Martin stated he too would prefer a shared drive there.

John Witt handed in a note from a neighbor for the file stating they are for the subdivision. (note is on file in the Clerk's Office)

Board Member Patrick Hanehan asked how long the Army Corp. will take to flag the wetlands and Town Engineer Ken Martin responded that the Applicant will have to bring a consultant in and flag them and then have the Army Corp. come in and confirm it; Army Corp. doesn't flag as far as he knows. He would have them look where all the driveways and houses will go. He believes the southern driveway may have to move a bit north on Lot 4A; since the culvert is just about on the property line there where the drive will be. The real problem will be the Town's 50' buffer setback from the Army Corp. wetlands, not the Army Corp. wetlands themselves.

Vice Chairman Robert Park stated the Applicant has to stock pile the materials for the septic systems that have to sit for a while, so they can't build right away. John Witt responded they couldn't put a septic in until next spring anyway, so there is only one house he could possibly do this year and believes there is enough soil at that site; it was tested today and came in at 5'. He thinks they have the soil on that site, but if wanted, they can build it up over the winter.

Town Engineer Ken Martin stated he has 5' on that lot, but this is for a subdivision approval, and we haven't done it this way.

Vice Chairman Robert Park responded he suspects there is some urgency to get this done, not that that will drive the decision. He agrees in his mind that he can approve the subdivision with the conditions of the delineation of Army Corp. wetlands, the septic systems, and since the approval tonight would not have him out there with bulldozers tomorrow, he'd like to keep the process going. He then stated he'll entertain a motion from the Board to address this; Board Member Paul Griffen agreed with him.

Board Member Robert McConnell questioned what he meant by addressing this.

Board Member Patrick Hanehan stated he believes there are too many conditions and feels some should be put to rest prior to approval. He questioned the length of time to get the wetlands delineated and flagged.

John Witt responded a few weeks to schedule it and with summer vacations etc you just don't know and they may say they don't want to; he really couldn't answer.

Board Member Patrick Hanehan stated he doesn't feel the Board should approve with that many conditions on it.

Board Member Robert McConnell said it doesn't affect the lot they plan to build on first and that is key here. John Witt said that is correct.

Vice Chairman Robert Park made a motion, seconded by Robert McConnell to approve the subdivision based on the following conditions: delineation of the Army Corp. wetlands, septic system designs, test pit results on plan and final review by Town Engineer Ken Martin.

Vice Chairman Robert Park – aye, Chairman Ian Murray – absent, Laurie Griffen – absent, Patrick Hanehan – nay, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – aye. **Carried 4 - 1 Approved**

Paul Griffen read the short form EAF, line by line, which was completed by the Board. Vice Chairman Robert Park 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.

Vice Chairman Robert Park – aye, Chairman Ian Murray – absent, Laurie Griffen – absent, Patrick Hanehan – aye, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – aye. **Carried 5 - 0 Approved**

Vice Chairman Robert Park stated the SEQR is complete and the application is approved with conditions. Thank you.

Old Business: Board Member Robert McConnell questioned how the cell tower was coming along.

New Business: Board discussion on the letter from NYS DOH on Lee's Campground wanting to increase from 100 – 511 sites.

Patrick Hanehan made a motion, seconded by Robert McConnell, to adjourn the meeting at 8:30 p.m. Vice Chairman Robert Park – aye, Chairman Ian Murray – absent, Laurie Griffen – absent, Patrick Hanehan – aye, Paul Griffen – aye, Robert McConnell – aye, Jennifer Koval – aye.

Carried 5-0

Meeting Adjourned

The next meeting will be held July 28, 2010 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe
Clerk