

**TOWN OF SARATOGA  
PLANNING BOARD DRAFT MINUTES**

**October 22, 2014**

Chairman Ian Murray called the meeting to order at 7:33 p.m.

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

Due to the absence of Board Members Laurie Griffen and Jennifer Koval, Alternate Member George Olsen was elevated to full voting status.

Also attending: Michael Moore, Hyde Clork, Al Parella, Louis & Alicia Farone, Linda Macica, Amanda Crames, Bob Israel, Ernest Gailor, 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 September 24, 2014.** Chairman Ian Murray – aye, Laurie Griffen – absent, Jennifer Koval – absent, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye, George Olsen - aye.

**Carried 6 - 0**

**Approved**

**A motion was made by Chairman Ian Murray, seconded by Brandon Myers to accept the meeting minutes of October 15, 2014.** Chairman Ian Murray – aye, Laurie Griffen – absent, Jennifer Koval – absent, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye, George Olsen - aye.

**Carried 6 - 0**

**Approved**

**Continued Public Hearing for Major Subdivision**

**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 would like to subdivide their 82.88+/- acre parcel into 11 single family residential lots.

Jason Dell, Lansing Engineering, appeared on behalf of the Applicant and reviewed the 11 lot Brown Rd. Belle Vista subdivision. He stated they've made some revisions since last month's meeting and those revisions are as follows:

1. They've moved the majority of the septic systems to the rear of the lots; though there are two lots that they had to keep them in the front of the property due to separation distances to the wells.
2. At the SEQR meeting last week, he and Town Engineer Ken Martin talked about the inclusion of a small storm water management swale basin along Brown Rd. It will intercept the road drainage coming down that road and temporarily store it to improve the storm water condition at that culvert, as well as downstream a bit further toward the lake. It will consist approximately of a 4' deep area and reiterated that it will temporarily store the water and slow it down enough to improve storm water conditions at the culverts down at the lake.
3. Another issue Town Engineer Ken Martin had was that the storm water swale on Lot 9 was situated along the north end of the property, on the upside of the septic system; he requested that the septic be flip-flopped so the swale will be below the septic. That has now been completed.
4. SEQR meeting was last week and they are now asking the Board to grant a negative declaration and approve the subdivision.

Chairman Ian Murray asked if there were any Board questions; there were none. Chairman Ian Murray stated just about everything has been addressed, but the one thing he's concerned about is the detention pond that is on Lot 1. Lot 1 has to have a town easement on it for maintenance purposes and it must be included there. Aside from that there are no other issues to deal with.

Jason Dell responded that will be done.

Chairman Ian Murray stated this was advertised for a Public Hearing last month, they had public comments at that meeting and they left the Public Hearing open in case there were other residents that wanted to attend tonight's meeting with comments or questions.

**Chairman Ian Murray stated the Public Hearing is still open and at 7:36 p.m. asked those wishing to speak, to please stand and state their name and address. Seeing no one Chairman Ian Murray closed the Public Hearing at 7:37 p.m..**

Chairman Ian Murray then stated the Board completed SEQR on October 15, 2014.

**Brandon Myers made a motion, seconded by Robert McConnell 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 – aye, Brandon Myers – aye. **Carried 7 - 0 Approved**

**Chairman Ian Murray made a motion, seconded by Jennifer Koval 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 – aye, Brandon Myers – aye.

**Carried 7 - 0**

**Approved**

**Sketch Plan Conference for Minor Subdivision**

**William S. Mabb #14-11  
211 Sheffield Lane  
Yorktown, VA 23693  
S/B/L 194.-2-50.1 Rural District  
Location: Mabb Rd.**

**Representative: Jim Mabb**

Applicant would like to subdivide his 50.1+/- acre parcel into two lots.

Jim Mabb appeared before the Board on behalf of his brother, the Applicant. He stated his brother owns just over 50+/- acres and Mabb Rd. divides the property. There are 18+/- acres on the west side of Mabb road and that is the parcel his brother would like to subdivide and then sell; the remaining 32+/- acres will be retained by his brother, the Applicant.

Chairman Ian Murray stated there are Army Corp. wetlands on that piece and the Applicant will have to work around it; you can't build in the wetlands, but there's plenty of room on the 18 acres to build upon while staying out of the wetlands. He said they'd need a new survey showing the flagged wetlands, the driveway placement with sight distance analysis completed and soil engineering (8' deep hole test and perc test) completed and witnessed by an engineer. Once that's completed they should contact the Clerk and we can go forward from there.

Jim Mabb thanked the Board.

**Returning**

**Subdivision Conference**

**Al Parella #13-07  
10 Brown Rd.  
Saratoga Springs, NY 12866  
S/B/L 206.9-2-61, 206.-1-22 Lake Residential**

Returning Applicant would like to subdivide his two existing parcels into 4 lots, located on Brock Dr. The combined parcels are 3.78+/- acres.

The Applicant appeared before the Board and reviewed his proposal. He stated he currently has two tax parcels and would like to create four; two will be to sell. He'd also like to put in a turn-around and would have to move the Lot 4 boundary line to make that happen.

Chairman Ian Murray stated that due to the frontage being on a private road the Board has to deny this application and send him to the Zoning Board of Appeals for a frontage variance. He added that the zoning district line has been moved and this property is now in the Lake Residential District. He then asked the Applicant to explain the easement on Brock Dr.

The Applicant responded there's easement language in the deeds. He explained that they have a de-facto maintenance agreement; the money required for maintenance is divided equally among, and paid by, the residents on the road and it's all done with a handshake agreement.

Chairman Ian Murray said the Board needs to see that language and a driveway agreement in writing, as well as maintenance language and agreement in writing, because it not only affects the Applicant's lots and his future lots, but it also affects the lots to the north as well.

Chairman Ian Murray stated the county has a template with the required language for such a need and he suggested the Applicant get a copy of it and have all this in writing with signatures of the residents. He then said at this point the Applicant meets all the regulations except road frontage; the Board needs to send him to the ZBA for a frontage variance, get their determination and then come back to the Planning Board if approved.

**Chairman Ian Murray made a motion, seconded by Laurie Griffen to deny the subdivision application and send him to the ZBA for a frontage variance.** Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye.

**Carried 7 - 0**

**Denied and sent to ZBA**

**Returning**

### **Conference for Special Use Permit**

**Erin Sisk #14-12**

**2191 Rowley Rd.**

**Ballston Spa, NY 12020**

**S/B/L167.-1-4**

**Location: 683 Rt. 29 Rural Residential**

Applicant seeks a Special Use Permit to open an equine therapy and boarding business at 683 Rt. 29. She would also like to rent the house to her barn manager and construct an enclosed arena to continue the therapy throughout the winter and inclement weather.

The Applicant appeared before the Board and reviewed her proposal, stating she's a psychologist in Saratoga and has a couple of different barns she currently uses in Ballston Spa for her equine therapy program and this property would allow her to provide this therapy in one location. She and her husband are standard thoroughbred horse owners and need a place of their own to board their horses and they'd also like to board other horses. She said through her practice they are also part of a none-profit equine program to retrain race horses and adopt them out. The program really involves her tenants and the arena will be primarily used for that program.

Chairman Ian Murray said the Applicant was in before the beginning of last month's meeting for some information concerning this project and he had answered some of her questions at that time. He then stated he thinks this would be a great use of that parcel, though he has concerns with her proposed layout, especially the parking.

Laurie Griffen questioned how much land is behind the barn and the Applicant responded there's plenty; a total of 28+ acres for the entire parcel. Laurie Griffen then suggested that they come in off the existing driveway, bring the drive around and do everything in the back, behind the barns.

Chairman Ian Murray said the land goes up to the ridge and then slopes down a bit and levels out; he'd like the parking out of sight to keep the rural feel and appearance there. He explained that that is one of the districts that the Joint Boards have been working on, related to zoning amendments within the town, and one thing the Boards discussed is trying to keep parking visibly away from the road and preserving the rural character of the town. He suggested they can push the new barn back and possibly have parking between the two structures or flip-flop the design and have parking on the other side of the barn.

The Applicant stated they are open to moving it. She then said they're trying to figure out how to have a turn-around space for trailers that will be bringing in horse trailers and also a spot for the round pen that's easily accessible to the barn. When the trailers come in to get the horses into the trailers, they really don't want to have to walk them too far.

The Board reviewed her ideas for locations of a turn-around space for trucks and trailers, location of the proposed barn, the new arena space and gave her some suggestions to help better her plans.

George Olsen stated once they see it to scale it would be easier to see the details and pushing the parking up toward the barns will be better; the Board agreed with him.

The Applicant said they have a surveyor working on it.

Chairman Ian Murray stated the Board likes the concept; just work out the details.

The Applicant thanked the Board.

### **Returning**

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

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

The Applicant appeared before the Board with his engineer, Ernie Gailor of Harlan-McGee. The Applicant stated he had provided a broad concept of his plan to the Board and the Board had a series of questions they wanted detailed answers to, which he feels he's supplied, adding that it seems the Board wanted him to prove up his concept with details.

Ernie Gailor, P.E., said they will have valet parking and the plan they submitted explains that, noting they have more spaces than required. He said there were questions concerning the waste water system and yes, the house is included and yes, there are two lines - inch and a half pressure

lines. He said he contacted the Town Highway Superintendent, Don Ormsby and that Don Ormsby told him the Town owns Wooley Rd. and maintains part of it, however the Town does not maintain any part of that road in front of 727 Rt. 29. Mr. Gailor said he informed Don Ormsby that he wouldn't have to maintain that part of the road, they wouldn't expect him to and they would only use it to park limos, buses and vans for their events. He said that the Town Highway Superintendent saw no problem with that. He said they have not received a letter from the Town Highway Superintendent stating it's okay, so they wrote him a letter, addressed to the town hall's address, identifying what they discussed making it as easy as possible for the Town Highway Superintendent to say yes, that is what they discussed.

Chairman Ian Murray stated he knows nothing about that, but will need to see it and the Board will have the Town Attorney review it and get his clearance on that as well. Mr. Gailor gave a copy of that letter to Chairman Ian Murray.

Chairman Ian Murray stated the Board sent the Applicant a memo with questions and the Board did get a response. But there are questions that he, along with the Town Engineer and the Building Inspector, have as well. He said he is hopeful that by the beginning or mid week of next week they will have those in writing and to the Applicant. Chairman Ian Murray then stated he is struggling with the parking. He knows they meet the 200 sq. ft. per car requirements, but asked them to explain how that will work.

Mr. Gailor responded that their last submittal had that all drawn out for them.

Town Engineer Ken Martin questioned how they get cars in and out and Mr. Gailor responded valet parking. Town Engineer Ken Martin said even with that, you need to explain it. The cars looked stacked there.

A lengthy discussion continued about the parking concerns and Chairman Ian Murray stated the Applicant needs to rework the parking and provide the Board with a better plan. He reiterated that he, Town Engineer Ken Martin and the Building Inspector Gil Albert have questions and will get those to the Applicant next week.

The Applicant stated he still has a deadline, he has the owner on edge waiting for him to say if he can or can't do this project; the sale depends upon that.

Chairman Ian Murray replied that's the Applicant's call; the Applicant has been before the Board at a couple of Board meetings and at each one the Board asked the Applicant to provide detailed information, and it has been slow in coming to the Board. It's not up to the Board to move this along, it's the Applicant's responsibility to provide the required information to the Board in a timely manner.

The Applicant responded he's tried to supply the Board with as much information as possible.

Board Members noted that the Applicant needs to provide enough parking for employees since it seems there should be more than 6 workers needed for events of 200 attendees, he'll also need more than two spaces for the Bed & Breakfast; they have parking concerns in general and they have concerns on the number of events; in the beginning he had said there would likely be 1 -2 events weekly, now he says 2 - 3 events weekly. They also noted concerns about lighting,

people leaving late at night from events, especially weddings which can be loud and boisterous and at 1 a.m. with a hundred or more cars leaving it can be very loud; the Board has to look at how this affects the neighbors as well.

Chairman Ian Murray reiterated that information was slow to come to the Board and there are still issues that need to be worked through.

The Applicant asked what those issues are. Chairman Ian Murray reiterated the parking for one; Town Engineer Ken Martin added the sprinkler system, where the water storage is located, the location of the pump house and plan among others. He also added the Board needs to see an accurate drawing of what it will look like.

The Applicant responded they'll use the pond if feasible and if not, they'll have to put a tank in there.

Town Engineer Ken Martin said that's what he's concerned about, if a tank and a pump house have to go in, where's the site plan?

The Applicant and Ernie Gailor, P.E. again asked what the issues are. Chairman Ian Murray stated as he said before, he, Town Engineer Ken Martin and Building Inspector Gil Albert will get a list together and get it back to the Applicant next week.

Chairman Ian Murray stated he and the entire Board like the concept and the reuse of the land, but there's work that needs to be done.

### **Returning**

#### **Pre-Submission Conference for a Special Use Permit for a Telecommunication Antenna**

**Verizon Wireless/Cellco Partnership #14-13  
David Brennan, Young,Sommer LLC  
5 Palisades Dr.  
Albany, NY 12205  
S/B/L 180.18-1-8  
Location: 1456 Rt. 9P Lake Commercial**

**Owner: WPD Holdings LLC/Stewarts  
1456 Rt. 9P  
Saratoga Springs, NY 12866**

Applicant seeks to install a telecommunication/cellular antenna and GPS antenna on the roof of an existing Stewarts store, located at 1456 Rt. 9P.

Michael Moore, Attorney, explained that Attorney David Brennan was unable to make the meeting so he's filling in. He said this application is for a small cell antenna on top of the Stewart's building, just south of the bridge on Rt. 9P. This will not be a tower, it will be a shared use of the structure. He explained this is a microcell to fill in gaps of coverage from the nearest tower, which is at the raceway in Saratoga Springs. That tower could reach its existing capacity sometime next year and if this microcell is permitted, it will alleviate some of the burden on that tower and continue to provide better service to that part of the Town without having to build a new tower. The transmission device, a cantenna, will be approximately 24" X

15" in diameter on the rooftop, mounted on cinder blocks and it will have no impact on the roof. It will protrude 7' above the top of the roof; it's a very small system. It has a very narrow range of about a 1000' radius and the electrical/wattage output is smaller than your hand held devices. There will also be two equipment shelters at the rear or side of the building and they will be unmanned.

Chairman Ian Murray questioned the status of the Cellco/Verizon application the Board approved last year. No tower has been built on Wagman's Ridge Rd. to date, though it was an urgency that Cellco/Verizon have it in our Town since it would alleviate a lot of their problems filling in gaps; yet still no tower has been built.

Attorney Michael Moore stated he honestly has no idea and knows nothing about that; he's just filling in, but he will find out and report back to the Planning Board.

Jennifer Koval questioned if the use of these smaller micro cells will be the future of cell towers.

Attorney Michael Moore replied it's hard to say since it's a newer form of technology; it's a very localized area of service and the coverage area is about a 1000' radius. He then reiterated that he will find out about the Wagman's Ridge Rd. cell tower and report back to the Board.

Chairman Ian Murray said we live in what they call the hills of Saratoga and it is a desirable area for a lot of antennas and we've been barraged by these. We approved the second one which was a Cellco/Verizon application last year and he thinks the elevation of that one is more than 100' - 200' above this one.

Michael Moore replied again that he's relatively new and is guessing the company's plans have changed, but he will defer to someone who can provide the Board with answers. He then added that he worked on a project at the Great Escape properties in Lake George where they concealed one in the dormer of a water park hotel, so he believes everyone will see more of these.

Robert McConnell stated to get back to the Chairman's question concerning the tower on Wagman's Ridge Rd.; the tower was approved partly because it was going to handle our gap problem on Rt. 29 in our town. We have people approaching and asking all the time "have they fixed it"; we approved it and still nothing has been improved for our town. So it leaves a bitter taste.

Jennifer Koval added there are actually two towers; she explained that they agreed to attach to the tower on Hayes Rd. as long as the Board approved the height they needed and it was supposed to improve coverage on Rt. 29 for the Town of Saratoga, which is why the Board allowed the tower to go so high. Cellco/Verizon then refused to attach; had to have the one on Wagman's Ridge Rd., which has yet to be constructed. She said this one is less intrusive.

Chairman Ian Murray said we'll refer the application to the county, get your materials back to us and we'll put this on the agenda for next month, but we'd like the status of the Wagman's Ridge Rd. tower.

Michael Moore questioned if the Board sends out neighbor notifications and was told no, that is the responsibility of the Applicant. The Clerk will get that list to him.

**Returning**

Chairman Ian Murray stated the Board has sent the Saratoga Rowing Association to the Z.B.A. for numerous variances for the proposed rowing training center on Rt. 9P. He said they will be appearing before that Board on Monday, 10/27/2014 and it is time for the Board to declare Lead Agency for SEQR since they will be returning to the Planning Board.

**Chairman Ian Murray made a motion, seconded by Patrick Hanehan to declare Lead Agency for SEQR review of the Saratoga Rowing Association's Special Use Permit application.** Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye.  
**Carried 7 - 0**

**Old Business:** Chairman Ian Murray stated there have been complaints that the light at the Mango Deli location is hitting drivers in the eye as one drives at night on Rt. 29. The Board requests that Building Inspector Gil Albert contact Mr. Brida, owner of the Mango Deli on Rt. 29, and have the lighting problem corrected.

**New Business:** None

**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 – aye, Robert McConnell – aye, Joseph Lewandowski – aye, Brandon Myers – aye. **Carried 7 - 0**

**Meeting Adjourned**

The next regular meeting will be held Wednesday, November 19, 2014 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe  
Planning Clerk