

TOWN OF SARATOGA
PLANNING BOARD DRAFT MEETING MINUTES*
August 23 2023

Chairman Walter Borisenok called the meeting to order at 7:00 p.m.

Planning Clerk Linda McCabe called the roll: Chairman Walter Borisenok – present, Joseph Lewandowski – present, Christopher Koval - absent, George Olsen - present, Patrick Hanehan – absent, Robert McConnell – present, Laurie Griffen – absent.

Also attending: Craig Dempsey, Jesse Schwartz, Gil Albert, Shane Brown, Frank Owens, Mr. & Mrs. Farone, Mr. & Mrs. Fueston and Mr. Murphy. (Sign in sheet is on record in the Clerk’s office)

A motion was made by Joseph Lewandowski, seconded by Robert McConnell, to accept the meeting minutes of July 26, 2023 as written, with the addition of ‘minimum’ to the first terms of condition on page 5. Chairman Walter Borisenok – aye, Robert McConnell – aye, Christopher Koval – absent, George Olsen – aye, Joseph Lewandowski – aye, Patrick Hanehan – absent, Laurie Griffen – absent.

Carried 4 - 0

Approved

Special Use Permit Conference

Craig & Corey Dempsey #23-04
727 Rt. 29
Saratoga Springs, NY 12866
S/B/L 155.-1-63.2 Rural Residential

Applicant seeks a special use permit to open a restaurant.

Attorney Jesse Schwartz appeared before the Board on behalf of the applicant. He stated the Board wanted a revised site plan, which was submitted, he spoke with the Town’s attorney as requested by the Board last month, he reached out to NYSDOT on August 4, 2023 and was given materials from Guy Tedesco. He indicated he had no issues with the conceptual plan, asked for a site plan, which they provided him.

Chairman Walter Borisenok stated yes, the Board received the updated site plan. He questioned if all deliveries will be made to the left side of the building.

Applicant Craig Dempsey responded yes, there’s a roll up door on the left side for deliveries and the dumpster is on the Rt. 29 side of the building. Waste Management can easily access it in that location.

Chairman Walter Borisenok questioned if he was planning to use existing out buildings for storage in the back and was told no, they have enough storage space.

George Olsen asked if there would be refrigerated trucks parked outside and was told no, they have a commercial refrigerator inside. George Olsen also stated the dumpster should be

screened by Rt. 29 so it can't be seen from the road. He suggested arborvitaes or some other plants.

Applicant Craig Dempsey said he can fence it in and George Olsen said along with some arborvitaes for green cover. He's sure the applicant wants to keep it looking as beautiful as the rest of the property.

Chairman Walter Borisenok stated the public hearing was closed last month and told people if they had any questions or comments to mail them to the Board. He then said one such letter was about water supply and if it would be considered public water due to amount of usage and questioned if there'd be distance issues beyond Town requirements.

Town Engineer Ken Martin said we have no say over public water, as that falls under NYS DOH purview, so this will be deferred to NYS DOH.

Chairman Walter Borisenok clarified for the applicant that the Board will defer to NYS DOH, so be aware that any requirements will come from Department of Health, not this Board. He then said he and Town Engineer Ken Martin did some calculations concerning the bathrooms/facilities there. He asked the Town Engineer to speak to that.

Town Engineer Ken Martin stated when Maranville was before the Board the sanitary plan was capable of handling 200 people as a banquet facility @ 9 gallons per occupant. Requirement now is 13 gallons per occupant, but a restaurant is 35 gallons per occupant. Currently, with the calculations per the proposed plan, it's capable of handling 50 restaurant customers, so it can be done. NYS code, with 50 people or more, requires inspection of fire codes and maintenance.

Chairman Walter Borisenok said basically, with those calculations, we had been looking at 40 customers, but it's 50 based upon that number. Having said that, NYS code is assembly of 50 people or more will fall under annual inspections of fire and property maintenance. Those inspections fall to Gil Albert, Building Inspector, who would be required to go in, inspect for compliance with NYS codes going forward.

Robert McConnell questioned that the applicant said there'd be parties/birthday parties, but will have no weddings, correct?

Attorney Jesse Schwartz responded no he didn't say that. He doesn't believe he stated what kind of functions there are, this is first and foremost a restaurant and there may be private functions as all restaurants have. He said he did not state what kind of private functions there may be; this is not for a wedding venue, it's for a restaurant. He added that the Board will know quickly if this is not a restaurant.

Chairman Walter Borisenok asked if there were any further questions; there were none. He then went through SEQR, line by line, with the Board.

A motion was made by Chairman Walter Borisenok, seconded by Joseph Lewandowski, to accept the documents as presented, declare SEQR review complete and to make a Negative Declaration. Chairman Walter Borisenok – aye, Robert McConnell – aye, Christopher Koval – absent, George Olsen – aye, Joseph Lewandowski – aye, Patrick Hanehan – absent, Laurie Griffen – absent. **Carried 4 - 0**

Approved

A motion was made by Chairman Walter Borisenok, seconded by George Olsen, to approve the Special Use Permit for a restaurant with the following conditions:

- ❖ Restaurant open to the public a minimum of 3 days a week, unless operating seasonally.
- ❖ Hours of operation – between 9 a.m. – 10 p.m.
- ❖ Occupancy – currently limited to 50.
- ❖ Must comply with Town’s Noise Ordinance Section 313.
- ❖ NYSDOH approval and permits must be obtained prior to opening.
- ❖ Comply with all pertaining NYS Codes.
- ❖ Complete NYSDOT review & obtain permit.
- ❖ Receive C.O. prior to operating.
- ❖ Once in receipt of SUP for a restaurant, old/original special use permit will be voided.
- ❖ Approving the Special Use Permit for a restaurant, will include all uses associated with restaurants in the State of New York.
- ❖ Phone numbers & email addresses of on-site persons must be on file with the Town. Zoning Code Compliance Officer in case any issues arise.
- ❖ Screening of dumpster must be complete prior to opening.

Chairman Walter Borisenok – aye, Robert McConnell – aye, Christopher Koval – absent, George Olsen – aye, Joseph Lewandowski – aye, Patrick Hanehan – absent, Laurie Griffen – absent.

Carried 4 - 0

Granted

Pre-submission Special Use Permit Conference

Shane Brown #23- 07

Owner: Frank Owens

620 Colebrook Rd.

Gansevoort, NY 12831

S/B/L 157.-1-49.2 Rural Residential

1164 Rt. 29

Applicant seeks a special use permit to open a marijuana retail dispensary at 1164 Rt. 29.

Applicant Shane Brown appeared before the Board and said yes, he’d like to open a dispensary.

Chairman Walter Borisenok stated you do have a permit via NYS, correct? It says it’s provisional.

Applicant Shane Brown responded yes.

Chairman Walter Borisenok stated right now the state has put all new licenses on hold because of the injunction.

Applicant Shane Brown replied correct. This is the second part of his application with the state. He first had to have a location they approved of which he has done, now he has to obtain Town approval to complete the State’s, which is why his license is provisional right now.

Chairman Walter Borisenok said this is an allowable use, this is in a retail facility and location that’s been in existence for a very long time. He sees no issues with this. He questioned if the parking is adequate for this business.

Applicant Shane Brown replied yes. His calculations are there will be 15 – 20 people

Chairman Walter Borisenok questioned security for the facility.

Applicant Shane Brown responded NYS has strict requirements for security which he will comply with. Video cameras everywhere; parking lot, entrance and exits, registers, in a secure, enclosed inventory room, as well as a security system in place.

Chairman Walter Borisenok questioned the hours of operation.

Applicant Shane Brown replied he'll be open until 9 a.m. - 8 p.m. during the week and 9 a.m. -10 p.m. for the weekends. He said they'll have delivery as well. He'll take on-line orders and makes deliveries and he'll have a staff of 7 - 10 employees.

Chairman Walter Borisenok stated this is the pre-conference meeting and he wants to be sure the applicant knows what information the Board may need to go forward.

Zoning Officer/Building Inspector Gil Albert stated when he comes back before the Board, he needs to show barriers protecting the septic system. You can't have any parking in that area.

George Olsen said this is only a dispensary with no on-site consumption, correct?

Applicant Shane Brown said correct.

Chairman Walter Borisenok stated again, retail is approved in this district and by the state. He wants to be sure that the applicant knows everything the Board needs to continue on with no issues.

Robert McConnell questioned what the time frame looks like.

Applicant Shane Brown stated end of year ideally, end of February realistically.

Applicant Shane Brown thanked the Board.

Returning

Old Business: None

New Business: None

A motion was made by Joseph Lewandowski, seconded by Robert McConnell, to adjourn the meeting at 7:31 p.m. Chairman Walter Borisenok – aye, Robert McConnell – aye, Christopher Koval – absent, George Olsen – aye, Joseph Lewandowski – aye, Patrick Hanehan – absent, Laurie Griffen – absent.

Carried 4 - 0

Meeting Adjourned

The next regular meeting will be held Wednesday, September 27, 2023 at 7:00 p.m.

All submittals must be to the Clerk no later than 8:45 a.m., September 13, 2023 to be on the agenda.

Respectfully submitted,

Linda A. McCabe
Planning Clerk