

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MEETING MINUTES*
June 26, 2024**

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

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

Also attending: Dio Kaufman, Rita Conley, Paul Murphy, Maxine Lautenberg, Jim Vianna, Brian Sipperly, Nathan Hover, Lisa Hover, Colin Stallard, John Richter, Alexandra Finocchio, Tonya Yasenchak, Jim Sullivan, Mark Dore and other interested persons. (Sign in sheet is on record in the Clerk’s office)

A motion was made by Laurie Griffen, seconded by Christopher Koval, to accept the meeting minutes of May 22, 2024 as written. Chairman Walter Borisenok – aye, Laurie Griffen – aye, Christopher Koval - aye, Joseph Lewandowski – aye, Robert McConnell – aye, Patrick Hanehan – present, George Olsen – absent.

**Carried 6 - 0
Approved**

Public Hearing for Minor Subdivision

**Angie & Brandon Webster #24-3
121 Madison Ave. W.
P.O. Box 125
New Baltimore, NY 12124
Location: East side of DeGarmo Rd.,
between Rt. 29 & Burgoyne RD.
S/B/L 156.-4-59 Rural Residential District**

**Representative: Jim Vianna, PLS
170 Lohnes Rd.
Stillwater, NY 12170
Owner: Joseph Lewandowski
124 DeGarmo Rd.
Schuylerville, NY 12871**

Returning applicants seek a minor subdivision of 32.05+/- acres, owned by Joseph Lewandowski. Lot 2 will remain with owner and will be 26+/- acres, containing existing residence and business. Proposed Lot 2A to be 6.37+/- acres, for a new single family residence.

****Board member Joseph Lewandowski recused himself from this application.***

Jim Vianna appeared on behalf of the applicants and reviewed the last appearance before the Board on this project. It has been surveyed and they’d been waiting for the soil testing and that was completed and submitted by Garry Robinson. He also stated he’s been in contact with Town Engineer Ken Martin.

Chairman Walter Borisenok stated the application meets everything; the Board only needed the perc test and deep hole test. The system submitted is not to par and this application cannot be approved until there is a re-do on the design that’s functional on the site.

Jim Vianna responded it needs a raised system. They’d like to subdivide to get the mortgage; it needs to winter-over with brought in soil and the submitted plans reflect the site after the winter-over. Can that be part of the building permit for this, in order to allow his clients to get a mortgage to bring in the soil needed? It’s all heavy soil in the area they’d like to build.

Building Inspector/Zoning Officer Gil Albert questioned if they're resolved to doing a raised system and Jim Vianna responded yes, they're trying to keep away from using a grinder pump.

Town Engineer Ken Martin suggested they find another spot where they can find a foot of useable soil. With what's been submitted it's not a buildable spot. He added he'll be looking into NYS DOH regulations concerning the winter-over with brought in soils, as he was recently told DOH doesn't allow that. We need a deep hole test and perc test to be done.

Jim Vianna asked Building Inspector/Zoning Officer Gil Albert where he'd be comfortable with this.

Building Inspector/Zoning Officer Gil Albert replied that a deep hole and perc tests are needed and at least 3' – 5' deep.

Jim Vianna said they'll try that route and questioned if the Board was okay with that; they were.

Chairman Walter Borisenok asked if there were any Board questions or concerns, there were none.

Proof of Notice having been furnished by newspaper on June 16, 2024, Chairman Walter Borisenok opened the Public Hearing at 7:11 p.m., asking those wishing to speak to the Board to please stand at the podium, state their name and address and direct their comments to the Board. No one spoke.

Seeing as no one wished to speak, **Chairman Walter Borisenok closed the Public Hearing at 7:12 p.m.** Chairman Walter Borisenok told the applicant to return next month if all goes well with the testing and hopefully this will go forward.

Returning

Public Hearing for Special Use Permit

**Nathan Hover #24- 05
NLH Properties LLC
P.O. Box 1184
Saratoga Springs, NY 12866
Location: 677 Rt. 29
S/B/L 154.-1-14.1**

**Representative: Tonya Yasenchak, PE
Engineering America
76 Washington St.
Saratoga Springs, NY 12866**

Returning Applicant seeks a new special use permit in order to amend his original permit with minor design modifications.

Board member Joseph Lewandowski rejoined the Board.

Tonya Yasenchak, PE, appeared on behalf of the applicant and reviewed the previously approved special use permit, the renovations that have been completed and the new proposed location of the additional building, parking spaces and addition to the current office building. She then read three letters, on file in the Clerk's office, from surrounding neighbors who are extremely pleased with what the applicant has done with his property and business and all three, Erin Christopher-Sisk, Joan Hulka and Larry Farrelly, are in full support of and in favor of granting the special use permit.

Chairman Walter Borisenok stated the applicant had previously been approved for his current

Special Use Permit, the Board reviewed this last month and the Board knows the layout of the land. There are no significant changes being made. He asked the Board if they had any concerns or questions; there were none.

Proof of Notice having been furnished by newspaper on June 16, 2024, Chairman Walter Borisenok opened the Public Hearing at 7:21 p.m., asking those wishing to speak to the Board to please stand at the podium, state their name and address and direct their comments to the Board. The following spoke to the Board:

Rita Conley, 670 Rt. 29, spoke in opposition of this permit and stated she was told businesses are not allowed on Rt. 29.

Zoning Officer/Building Inspector Gil Albert stated businesses are allowed in our town.

Chairman Walter Borisenok stated businesses are not restricted on Rt. 29 as long as they meet Town criteria.

Dio Kaufman, 1438 Rt. 9P, invited the applicant to bring his goats to her property as her lawn has not been mowed, adding bring the goats and they'll have fun.

Seeing as no one further wished to speak, **Chairman Walter Borisenok closed the Public Hearing at 7:27 p.m.**

Laurie Griffen went through SEQR line by line with the Board. The Board found in favor of the Applicant.

A motion was made by Chairman Walter Borisenok, seconded by Laurie Griffen, to accept SEQR as complete and to make a Negative Declaration. Chairman Walter Borisenok – aye, Laurie Griffen – aye, Robert McConnell – aye, Christopher Koval – aye, Patrick Hanehan – aye, Joseph Lewandowski – aye, George Olsen – absent.

Carried 6 – 0

A motion was made by Chairman Walter Borisenok, seconded by Laurie Griffen, to approve the Special Use Permit as presented. Chairman Walter Borisenok – aye, Laurie Griffen – aye, Robert McConnell – aye, Christopher Koval – aye, Patrick Hanehan – aye, Joseph Lewandowski – aye, George Olsen – absent.

Approved 6 – 0

Conference for Special Use Permit

**Michael Giovanone #24-01
Boat N RV Condos, LLC
1438 Rt. 9P
Saratoga Springs, NY 12866
Location: 1428 Rt. 9P
S/B/L 180.18-1-2.1, 12 & 29 Lake Commercial District**

**Representative: Brian Sipperly, Verity Engineering
P.O. Box 474
Troy, NY 12181**

Returning applicant seeks a special use permit to expand his Boat -n- RV and motor vehicle storage business.

Brian Sipperly appeared on behalf of the applicant, said this was a courtesy update and recapped the updates of the April ZBA meeting, where the requested variances were granted. (Be it noted

that Brian Sipperly forgot to hand out the revised plans for the Planning Board's review and approval at the April, 2024 Planning Board meeting and as he failed to submit the plans within the submittal deadline for the May, 2024 meeting, he was put on the June, 2024 agenda upon receipt of the revised plans.) He said Mr. Giovanone is out of town which is why he was unable to appear before them. He stated they made the changes the Board preferred, eliminated the need for a front setback variance, moved the lake lockers and removed the gate to prevent traffic build-up on Rt. 9P. They now have a working stormwater design, they needed to qualify impacts with hardscape and all has now been qualified. Per Brian Sipperly, they're awaiting NYSDEC approval and their next steps will be with DEC then back to this Board and he added most likely it will be two to three months out, waiting on DEC.

Chairman Walter Borisenok, Town Engineer Ken Martin, as well as the Board, like the changes. Their concerns have been met, based upon the current information provided. The Board still needs stormwater, NYS DOT curb-cut, etc. Chairman Walter Borisenok stated this does meet Board preferences. The applicant needs to provide NYSHPO (New York State Historic Preservation Office) information, along with NYSDOT, NYSDEC and Army Corp sign-offs, so when the applicant has those updates, please let the Board know.

Brian Sipperly thanked the Board.

Returning

Pre-submission Conference for Special Use Permit

Alexandra Fasulo #24-06
510 Broadway, Apt. 20
Saratoga Springs, NY 12866
Location: 188 Co. Rd. 69
S/B/L 182.-2-29.13 Rural District

Applicant seeks a special use permit to open a store for multiple uses on the 6.74+/- acre parcel.

Applicant failed to appear.

Sketch Plan Conference for Minor Subdivision

John Richter #24-07
152 Franklin Beach Rd.
Saratoga Springs, NY 12866
S/B/L 180.17-1-17 Lake Residential

Applicant seeks to subdivide his parcel into two lots; Lot 1 to be 0.21+/- acres and Lot 2 to be 0.22+/- acres.

Attorney Alexandra Finocchio, Bartlett, Pontiff, Stewart & Rhodes, P.C., appeared on behalf of the applicant, stating the applicant seeks a two-lot subdivision of his parcel; Lot 1 to be 0.21 acres and Lot 2 to be 0.22 acres.

(According to Saratoga County, parcel 180.17-1-17 is just 0.20999999344348907 acre in size; An error must have been made when stating the proposed Lot sizes of 0.21+/- acre and 0.22+/- acre.)

Chairman Walter Borisenok stated they'd be creating two nonconforming lots which the Town

doesn't allow. The Town has guidelines for a reason; this request makes no sense. If the applicant wants to go for a variance, the Board can't stop him, but it doesn't mean this Board will approve this subdivision. You've 9,000 sq. ft. and you need a minimum of 15,000 sq. ft; this isn't even in the ball park.

Laurie Griffen said the Town has guidelines for a reason and this would make it much denser there. If it was a little nonconforming, maybe, but this is far outside our regulations.

Chairman Walter Borisenok added this is not close to a proper subdivision. The applicant's trying to create two nonconforming lots by taking one conforming lot and creating two nonconforming lots and that is not allowed. Chairman Walter Borisenok stated he will not approve this even with a variance; perhaps other Board members will feel differently, but he will not approve this. This makes no sense.

Attorney Alexandra Finocchio thanked the Board.

Old Business: none

New Business: none

Chairman Walter Borisenok asked if there were any further questions from anyone. The following spoke with the Board:

Colin Stallard questioned the Board about subdividing his 9.48+/- acre land on the corner of Rt. 29 and Louden Rd. He reviewed the lay of the land, which has 954' of frontage on Louden Rd. and 135' on Rt. 29 and said he'd like to create four lots with a shared driveway. The Board said if all setbacks are met and the only issue is the driveway, they may be able to work something out.

Colin Stallard said he'll return with an application.

Jim Sullivan told the Board he's looking to purchase two lots and merge them together and also wants to build a two-car garage with a second floor apartment. Merging the two lots will create a 27+/- acre parcel, and as such, he'll need a variance for frontage since frontage is less than the required 300'. Chairman Walter Borisenok said he can do a lot-line adjustment by merging the two lots and Building Inspector/Zoning Officer Gil Albert said he can do that at the County and he'll also need to have his attorney update the deeds reflecting the new lines. Chairman Walter Borisenok suggested he speak with Building Inspector/Zoning Officer Gil Albert for the variance process.

Jim Sullivan thanked the Board.

A motion was made by Laurie Griffen, seconded by Robert McConnell, to adjourn the meeting at 7:57 p.m. Chairman Walter Borisenok – aye, Laurie Griffen – aye, Christopher Koval - aye, Joseph Lewandowski – aye, Robert McConnell – aye, Patrick Hanehan – aye, George Olsen - absent. **Carried 6 - 0**
Meeting Adjourned

The next regular meeting will be held Wednesday, July 24, 2024 at 7:00 p.m. *All submittals must be to the Clerk no later than 8:45 a.m., July 10, 2024 to be on the next agenda.*

Respectfully submitted,

Linda A. McCabe
Planning Clerk

~Minutes are not verbatim~