

**TOWN OF SARATOGA
PLANNING BOARD MEETING DRAFT MINUTES*
November 20, 2024**

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

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

Also attending: Rick Burke, Michael Giovanone, Brian Sipperly, Bill Kenfry and Zoning Officer/Building Inspector Gil Albert. (Sign in sheet is on record in the Clerk’s office)

Chairman Walter Borisenok stated due to an administrative error, the October 23, 2024 minutes will not be approved tonight. The Stallard subdivision, approved last month, has a property line 500’ from the Town of Northumberland and as such, notification should have been sent. However, as that did not occur, **Chairman Walter Borisenok made a motion under GML239, seconded by Christopher Koval, to rescind the application approval for the Stallard subdivision in order to notify the Town of Northumberland and to have the applicant’s surveyor electronically send the survey maps to the County Planning Commission for their review and comments.** Chairman Walter Borisenok – aye, Christopher Koval - aye, Robert McConnell – aye, Patrick Hanehan – absent, Laurie Griffen – aye Joseph Lewandowski – aye, George Olsen – aye.

Carried 6 - 0

Chairman Walter Borisenok stated he is confident that we will be hearing from the County before the December meeting and we will again approach the approval of this subdivision.

Conference for Special Use Permits

**Rick Burke, Irish Hill Century Farm #24-07
281 Burke Rd.
Stillwater, NY 12170
S/B/L 181.-1-35.1 and 181.-1-31.11**

Applicant seeks a Special Use Permit for boat storage, fall to spring, to generate money to keep the farm for future generations and preserve green space.

Applicant Rick Burke appeared before the Board stating he is a fourth generation horse farmer and he estimates that there will be a 30 – 50 percent reduction in the horse farming industry in the next ten years. He said he purchased a boat storage business from a business on Lake Lonely. He anticipates storing approximately 50 – 60 boats over the course of the winter. He said he recently found out from Zoning Officer/Building Inspector Gil Albert that the boats are to remain under cover and he’s confused as to why, with having 400 acres, does he have to build storage barns to house boats. He added the 24 units by the road will be gone shortly, the boats parked by the house will be pushed back behind the hedgerow.

Chairman Borisenok stated that the applicant’s property is located in the Rural District of the Town and Boat Storage is an allowable use, under Special Use Permits, which is where the complication arises. Town regulation clearly states that storage has to be within a structure, which was approved by the Town in 2015 and the allowable use is for boats, motorcycles,

recreational vehicles, vans, etcetera, as long as it is “indoors”. The Planning Board cannot change this regulation and the Town Board is the only entity that can change the definition of indoor storage.

Applicant Rick Burke questioned why other storage sites do not have to conform to the indoor regulation.

Zoning Officer/Building Inspector Gil Albert stated those were pre-existing prior to the 2015 regulation.

Laurie Griffen feels ample acreage should enter into the equation, as there are open storage facilities near her on Fish Creek.

Chairman Walter Borisenok suggested the applicant attend the next Town Board meeting on December 9th to start the approval process.

Zoning Officer/Building Inspector Gil Albert said it will probably take 3 – 4 months to achieve his goal of changing the law and it would be beneficial to start now.

Applicant Rick Burke thanked the Board and will attend the Town Board meeting.

**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 addressed the Board and thanked them for allowing him to give a final update on the proposed project, as they are interested in the Board’s approval of this application this evening and scheduling a public hearing in December. He stated the last time they appeared before the Board in May 2024, it was with the approved variance from the Zoning Board of Appeals and they are now seeking the Planning Board’s conceptual approval of the development plan. The approval is a milestone, as it will allow them to advance the project engineering for storm water management and ancillary agency permitting, which the project requires. The Town is now in receipt of the full engineering plans, including demolition, grading, lighting, landscaping, etcetera. He said they’ve also submitted a compliance to the new design manual, general permit 25, which has just come out with storm water management, and to his knowledge, it has been approved by the Town Engineer Ken Martin and Zoning Officer/Building Inspector Gil Albert. They’ve received a Letter of No Effect from NYS Department of Parks and Recreation and Historical Preservation that was commensurate with Phase 1 - A & B testing, that occurred because this is an archeological sensitive site. This is information that has been discussed in prior meetings. Also, the Article 24 Permit for Fresh Water Wetlands has been submitted to NYS DEC. They feel that they are in great shape and appreciate all the Planning Board has done for them.

Brian Sipperly then stated there is a slight plan reduction that is commensurate with pre-application discussions with NYS DEC for the Article 24 Permit. The applicant was asked if there were any site reduction of impacts that could occur and the applicant took that into consideration, and as a result, they've approximately 1,000 sq. ft. less building and 4,400 sq. ft. less pavement, so approximately 5,000 – 6,000 sq. ft. less impervious surfaces, including buildings and pavement. 21 stalls will be affected with the depth of pavement, going down in size. Where they would normally have 50' aprons of pavement up front, to accommodate certain size vehicles that the applicant takes care of, has been reduced to 30'. Those are concessions the applicant has made.

Chairman Walter Borisenok advised that the full engineering plan was received a week and a half ago and there's a lot of information to digest. He had several questions, the first regarding storm water management. He said the plans look like the building is being elevated and requested an overview of the plan.

Brian Sipperly stated the site is going up and is in a flood plain. Subject to flood plain development certificate, with their base elevation being 210 in general, this will be 207ish. The applicant would like to program the north property line with buildings, but they have the environmental encumbrance, so they've tried to pack the development south. They took advantage of the fill as they couldn't treat the storm water naturally, it was nice that the site was coming up and giving them an elevation drop, but ultimately, it's on the ground, so what you see are infiltration chambers. They're doing all pre-treatment and treatment in the infiltration chambers with the water being let out to the west. They're not using porous pavement, they're using catch basins, things like that. The boxes indicated on the plans are domes, basically voids, under the ground specifically made for this installation. He added its a totally separate system from the existing building; the existing building maintains its own drainage and water shed.

Chairman Walter Borisenok referred to the engineering plan and questioned the pitch of the roofs.

Brian Sipperly assured him that everything in the dash line is captured on the site and treated. Roof leaders will be tied into the catch basins and everything the SWPPP catches and treats, will flow into the drains that go underneath the building south and is treated by the facility at 1428 Rt. 9P. He then stated with the MS4, NYS DEC will now push back responsibility onto the Town, primarily Town Zoning Officer/Building Inspector Gil Albert and Town Engineer, Ken Martin, regarding approval. If the project has been generally approved by MS4, and all is in compliance, then Zoning Officer/Building Inspector Gil Albert would sign MS4 Acceptance Agreement. Then when the applicant is ready to break ground, they'd file a Notice of Intent with NYS.

Chairman Walter Borisenok questioned the landscape plan. With the landscaping indicated in the front, the Board is concerned with the site line and they recommend an island situation.

Brian Sipperly said that's minor and they'd take the Board's comments into consideration.

Chairman Walter Borisenok confirmed that there would be a 5 percent slope and Zoning Officer/Building Inspector Gil Albert said that is sufficient.

Chairman Walter Borisenok inquired about the lighting plan and the effect it would have on the neighbors.

Brian Sipperly said this is all down lighting, with LED fixtures, building mounted with photo metric plan. He assured the Board that the Town code will not be violated.

Laurie Griffen questioned if this is similar to 1438 Rt. 9P and Brian Sipperly confirmed it is.

Zoning Officer/Building Inspector Gil Albert said no complaints have ever been received regarding that space.

Chairman Walter Borisenok said the Board received this information ten days ago, and at this time are not prepared to approve this project. The Board needs time to digest the information. The plans have been sent to the County. The Board would appreciate the applicant returning for the December meeting for any Board questions that arise after reviewing the submitted information. Then, if all goes well at the December meeting, they'll conduct a public hearing at the January meeting.

Brian Sipperly agreed to that proposal and will return on Mr. Giovanone's behalf in December.

Old Business: none

New Business: none

A motion was made by Chairman Walter Borisenok, seconded by Laurie Griffen, to adjourn the meeting at 7:58 p.m. Chairman Walter Borisenok – aye, Christopher Koval - aye, Robert McConnell – aye, Patrick Hanehan – absent, Laurie Griffen – aye Joseph Lewandowski – aye, George Olsen – aye.

Carried 6 - 0

Meeting Adjourned

The next regular meeting will be held Wednesday, December 18, 2024 at 7:00 p.m. *All submittals must be to the Clerk no later than 8:45 a.m., December 4, 2024 to be on the next agenda.*

Respectfully submitted,

Dorothy Lavazzo

lmc