

**TOWN OF SARATOGA  
PLANNING BOARD MEETING MINUTES\*  
August 24, 2022**

Chairman Ian Murray called the meeting to order at 7:30 p.m.

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

Due to the absence of Laurie Griffen, Patrick Hanehan and George Olsen, Alternate Walter Borisenok was elevated to full voting status.

Also attending: Casey & Sean Walter, Hubert Miller, Attorney Libby Coreno, John Witt, Paul & Jan Murphy, Misty & Shawn Sharp, David Chow, Robert Bolen, Melissa Murdock, Amy O’Neill, Tom Carrangi, Gary Squires, Russell & Lauren Kirkwood, Maxine Lautenberg, Maribeth Macica, Jerry Meehan, Caitlyn Perrault, Marjorie McShane & Sergei Niremburg, Garry Robinson, John McSwieney, Mike Malone and other interested persons. (Sign-in sheet is on file in the Clerk's office)

**A motion was made by Joseph Lewandowski, seconded by Robert McConnell, to accept the meeting minutes of July 27, 2022 as written.** Chairman Ian Murray – aye, Christopher Koval - aye, Walter Borisenok – aye, Joseph Lewandowski – aye, Robert McConnell – aye, George Olsen - absent Laurie Griffen – absent, Patrick Hanehan – absent.

**Carried 5 - 0**

**Approved**

**Continued Public Hearing – Cedar Bluff Major Subdivision**

**John Witt, Witt Construction #15-05**

**563 N. Broadway**

**Saratoga Springs, NY 12866**

**S/B/L 193.-1-17, 193.-1-18, 193.18-1-55 Lake Residential, Rural District II, Rural District**

**Location: Cedar Bluff Rd. (Co. Rd. 71)**

Returning Applicant seeks a 32 lot major subdivision.

Chairman Ian Murray stated privilege of the floor is limited to 3 minutes per person for public hearings. He stated he knows in the past they’ve varied from that a bit, but they may reel people in if they go too far. The public hearing on the Cedar Bluff application is being re-opened tonight and he requested those wishing to speak to the Board come up to the podium, state their name and address in order to be clearly heard. Due to the acoustics in the room the panel behind the chairs is for noise reduction help. He then asked those not presenting to the Board to please refrain from talking in order for the Board to hear clearly.

(Board Member Walter Borisenok recused himself for the Cedar Bluff application.)

**Proof of Notice having been furnished by newspaper on August 14, 2022, Chairman Ian Murray re-opened the Public Hearing at 7:36 p.m., asking those wishing to speak to the Board to please stand at the podium, state their name and address:**

Attorney Libby Coreno appeared on behalf of Applicant John Witt. She stated that several issues have been addressed since they appeared last month. One involved showing steep slopes with light hash marks on all mapping sheets, and the storm basin access road on Lot 1 has also been changed. Those are the two map issues they had, but much of the discussion surrounded the proposed erosion sediment control requirements that had been discussed since 2017. She said she submitted a letter to the Board outlining her notes from 2017, to date. To summarize, back from 2017, the Board had concerns that the issue of whether or not the removal of trees constitutes a disturbance under NY state law, would be applicable under the steep slopes law. At that time the Town Board was also debating a clearcutting law. In 2017 the Applicant proposed and discussed with the Board additional protections to the two existing laws the Town had, notwithstanding the water acts which is the NYS SPDES (State Pollutant Discharge Elimination System) Permit, the NYS SWPPP (Storm Water Pollution Prevention Plan) regulations, as well as the Steep Slopes law and a Clearcutting law, all of which regulate this project. In addition, the Applicant brought forward as a way to pre deed restrict the steep slopes on Lots 9 through 11, in the event that a disturbance wasn't determined or it was below the clearcutting restrictions, to use the shoreline cutting standards of the EPA. Those standards include cutting regulations on the size of the trees and the tree's height, as long as you are within 35' of the shoreline. This project is significantly beyond 35' of the shoreline, but even so, these were voluntary conditions proposed by the Applicant to the Board. The Negative Declaration passed by the Board in March 2022, includes the locating and flagging of the steep slopes as an additional condition, so there is no lack of clarity on where the steep slopes begin and end. There has been, since the beginning of this application, discussion of the No Build Line. That line has been marked at 3 & 390 on the layout plan, which is No Building beyond that point and is also being marked and that's a condition of subdivision approval. There has also been a lot clearing plan since 2017, to be approved by Code Enforcement at the application for every building permit on site; that was a proposed subdivision condition as well as appearing in the Negative Declaration. Also in the Negative Declaration was a condition that there be a lot-by-lot tree and vegetation clearing plan, in order to be able to mark the trees and vegetation proposed for any removal. As they move into the lot clearing plan, that included something that doesn't appear anywhere in Town law, which included pruning restrictions as an additional mitigation measure. In 2017 the proposed lot clearing procedure, which has been in the record from the beginning, was once each house was finally set, an application for a building permit would be accompanied by:

1. A proposed lot clearing plan in accordance with the final subdivision conditions; i.e. No Build Line Lots 9 through 11.
2. Appropriate stormwater management/erosion protection plan including mitigation techniques for soil erosion, including silt fencing, rain gardens, dikes, sediment traps, anchor trenches, blanket seams, in accordance with NYS standards best engineering practices.
3. A request for determination of compliance with Town Code 400.8-12, Steep slopes regulations.
4. Confirmation that grading will be 3:1 where possible and 2:1 where necessary, in order to limit cuts and fills.
5. If applicable, the identification of any trees to be removed beyond the No Build Line on Lots 9 through 11.

There will also be a limit on pruning of not more than 25% of tree stands in a five year period on Lots 9 through 11 and no building, grubbing or cutting of more than 30% of 10 – 12 inch diameter, breast height trees on Lots 9 through 11. The majority of those provisions represent conditions above and beyond the restrictions in the Town code at present, not less than, and they've been that way for the last five years. They are memorialized in the SEQR Negative Declaration, particularly in the areas of impacts of land and impacts of view shed. She did bring with her a brief history of the project from 2015 to date. This Board has seen this project no less than fifteen times,

conducted four workshops, two reviews of SEQR Part 1, multiple resubmissions, two years of hydrology testing and finally a Negative Declaration in 2022. They have been pleased to work with this Board through all of this, there has been a deliberative process, a public process, a challenging project, the Board's heard from the public, they have met every condition and continue to indicate their intent to meet every condition that has been discussed with the Board and memorialize those in the deed restrictions and conservation easements to the satisfaction of the Town Attorney and the Town Engineer. She believes that is what was asked of them at the last meeting and she would be happy to answer any questions.

Chairman Ian Murray stated first of all, he only received this summary yesterday afternoon via email, reviewed it last night, talked it over with Town Engineer Ken Martin this morning and the rest of the Board members only received it this evening. (Submittal deadline was two weeks prior to the meeting, which this failed to meet.) Being respectful, he said his takeaway of her summary, first, is that she implied that this is allowed 'by right'; that is the way he read it.

Attorney Libby Coreno questioned what is allowed 'by right'.

Chairman Ian Murray responded this theory on Lots 9 through 11, especially on the steep slopes.

Attorney Libby Coreno responded his takeaway from her summary, which has to go through multiple levels of review, is 'by right'?

Chairman Ian Murray replied yes and Attorney Libby Coreno responded okay, got it.

Chairman Ian Murray said secondly, his takeaway is that somewhere throughout that process as she just indicated, it was implied the Board had approved that and that is not the case at all. It may have been discussed, it may have been debated and/or talked about through different scenarios as they went back and forth, but nowhere did it reference that any cutting on the steep slopes was approved by any means.

Attorney Libby Coreno responded she's not sure where the communication issue breakdown came from, but the Board's Negative Declaration indicates there is a process for removal of trees, on Part 3. To her, that's approval, indicating there's no impact because the state takes the position that removing trees is not a disturbance, therefore, there's an argument to be made that the steep slopes law would not apply and that's not their intent or their desire. Their desire is to add to the restriction of the project, not make them less than. She does believe the Negative Declaration indicates there is a process that anyone, who lives in the Town of Saratoga, has to go through to remove something on a steep slope. The idea that it's allowed 'by right' is contrary to the letter of the law of the Town of Saratoga. There is a process because it's set forth in the steep slopes law.

Chairman Ian Murray stated if you read 400-8.12, following the regulations with 25% or 35%, you don't meet the criteria.

Attorney Libby Coreno asked they don't meet what criteria.

Chairman Ian Murray responded you don't meet the criteria for clearing on there. It says "no disturbance shall be created on areas of steep slopes greater than 35% (greater than 8.75 feet of vertical rise in 25 horizontal feet) unless the Zoning Officer or the Planning Board determines that..." and then the conditions are set forth. He said the Board heard from them last month and

they'll give them the option of the Board going for a determination from the Zoning Officer and see how he interprets that if she'd like that.

Attorney Libby Coreno said she'd like to follow the law like everyone else would. That's what every applicant is entitled to. They're not asking for special treatment, so if the determination is made by Code Enforcement Officer that this project does not meet that, then they'll take a determination from the Code Enforcement Officer. That's how the law works. The Planning Board, to her understanding, is not an enforcement nor determination body. Not that she's being hostile, but that's how the process works. She then added if the determination of the Code Enforcement Officer is that the project does not meet 400-8.12, then that would be consistent with the conditions you already set forth, including the Negative Declaration.

Chairman Ian Murray responded no, in the Negative Declaration nowhere does it say anything about steep slopes clearing and he read Impacts on Land, question 1, toward the end of that, it says 'Lead Agency may require additional safeguards from the applicant including, but not limited to, locating and flagging edging of steep slopes to prevent clearcutting of trees and vegetation on the slopes.'

Attorney Libby Coreno responded she thought, going through Part 3, that it said compliance with the slopes law 400-8.12.

Chairman Ian Murray responded the first sentence above that, right.

Attorney Libby Coreno said so the Negative Declaration is consistent with what she's saying and included in her letter on page 4, which is, they'd need to be compliant with the slopes law and if determination is that they are not, that would be the end of the inquiry.

Chairman Ian Murray responded okay, so do you want to pass that along to the Zoning Officer? He believes it is not met and the Board believes that as well. He doesn't want to get into a legal battle with it because he's not an attorney, but they can certainly go to the Zoning Officer for his determination and move forward with that.

Attorney Libby Coreno responded, to be clear for the record, you're saying the Zoning Officer will make the determination as the project is submitted right now, live on record, that this does not meet code.

Chairman Ian Murray said not live on the record, we will seek his input first and get his determination by next month or the following.

Attorney Libby Coreno said she doesn't understand why the condition is not that you have to be compliant with 400-8.12.

Chairman Ian Murray responded you do, but show him where it's met. Nothing is met. None of the conditions for clearing on steep slopes are met.

Attorney Libby Coreno responded because it's not a clearing. What's not met, the project itself? She's trying to indicate there are circumstances, which she spoke about at the last meeting, where something could happen on site that will fall short of the determination of disturbance and trying to add conditional controls of protection against that. That was discussed five years ago, thought it was helpful and now five years later the discussion is it's not helpful. But the idea that any tree is

removed in the state of New York constitutes a disturbance is not supported by engineering, by the law, by SPDES regulations, it's not supported by any of those things. What is supported, is that if there is an erosion event, any owner who meets regulatory jurisdictional requirements has obligation to demonstrate mitigation for those events, because trees get hit by lightning, they can fall down, there's lots of things that can occur to cause the removal of trees on slopes. The issue here is that she sees emerging in the record, is that any tree removal at all, including the stumping of trees, the pruning of trees, is a disturbance under NYS law. If that is the determination of the Town, then so be it. But that is where she believes the determination is made.

Chairman Ian Murray replied they can do that, they'll get a determination before the next meeting, see what Zoning Officer Gil Albert says and go from there.

Attorney Libby Coreno responded she's trying to understand as no disturbance has been proposed and she questioned what is the criteria by which the determination is to be made.

Chairman Ian Murray replied what you said when you began, the word 'disturbance'. You were looking for determination on that.

Attorney Libby Coreno responded she's not looking for - she questioned if Chairman Ian Murray is asking whether or not Zoning Officer Gil Albert is able to make a determination on what disturbance means in general, or as it applies to this project, because they haven't been proposing anything. They proposed a lot clearing plan which is codified in the Negative Declaration. She then questioned if they are not having a lot clearing plan.

Chairman Ian Murray replied you are going to have a lot clearing plan as they discussed throughout the project for the building area of the lots, not the steep slopes. That is the way the Board always understood it. Sorry for the misinterpretation.

Attorney Libby Coreno thanked the Board.

Chairman Ian Murray reopened the Public Hearing at 7:48 p.m., asking those wishing to speak to the Board to please stand, state their name and address:

**Hubert Miller, 97 Brown Rd.**, said at the last meeting a point was made that the criteria proposed by the developer, if you take those literally and apply them to the slopes, it could result in wide swaths of trees cut. They debate if it's called clearcutting or not but if you follow those carefully, it leads to wide swaths of trees cut. And any reasonable person has to believe that that would constitute a disturbance of the slopes, so his contention is that that is illegal. He read carefully the meeting minutes and listened carefully to what was said. Attorney Libby Coreno mentioned in the past, there was a discussion of those criteria and she talked on this day of how the intent was to provide guidance to the Code Enforcement Officer. He attended all the meetings and does not remember a single time when Attorney Libby Coreno said these criteria are intended to define the term 'disturbance'. He, like the Chairman, does not remember that conversation taking place. He said he agrees with most of what she said, but most of it isn't applicable to the cutting of trees on those steep slopes. The criteria of the Adirondack Park Agency and the Lake George Park Commission really do not apply here to the conditions of the 35% higher slopes. If you look at the Lake George Park Commission, they have no criteria like that, it directs you to a specific technical evaluation, calculations to really assess it in a thorough way and there are no simplistic guidelines like she's talking about. The constant mention that the developer wants to do nothing different from what has been done on Hill Rd. and he proceeded to show the Board that the slopes are not the same and she is wrong in stating that. There are other points in his letter, which each Board

member has, but what Attorney Libby Coreno failed to do here, is face the law the way it is written. It's very plain, disturbance on those slopes is not permitted. You get into the question of what constitutes disturbance and his simple point is, as it was last time and is today, that the criteria she proposed would allow significant cutting on those slopes, wide swaths; no reasonable person, in his opinion, could not call that a disturbance of the sort that is banned by the Town. He thanked the Board.

**Marge McShane, 34 Hill Rd.**, stated she's a linguist and this comes down to legal linguistics. It is obvious that Attorney Libby Coreno is very skilled at that and her suggestions would be, to the extent possible, that everything in these documents be defined. Like what does clearcutting mean? Essentially that word uses the word 'cut', but basically, they bulldoze trees down instead of cutting them. They could say they didn't 'clearcut', as they bulldozed them. There's a lot of precedence in the linguistics of law for these kinds of language games and she's concerned it may come down to that. A lawyer will know more than anyone how that can be manipulated, and that is a serious concern.

**Paul Murphy, 36 Hill Rd.**, asked if new material was submitted today.

Chairman Ian Murray responded it's on the record that he received it via email yesterday. The Board received it this evening. You can contact Linda McCabe and just make an appointment with her for a copy, tomorrow or any day thereafter.

Paul Murphy questioned if it makes sense for the Board to give them an opportunity to speak to it next week; it's hard to follow what's new or different from last meeting to this meeting. Is there something different?

Chairman Ian Murray said it was just a summary of the history which detailed and identified some of the things that she spoke of tonight, but you are certainly welcome to get a copy of it, review it and send in a review if you like.

Paul Murphy then said keeping those slopes is important and he agrees with the Board. Where else in the Town is there so much threat to building on high peaks? There's so much down below that could be significantly impacted. He then questioned when can they talk about the footpath and easement on the cul de sac and when does everything talked about last month, in terms of plat decisions, get reconciled?

Chairman Ian Murray responded generally at preliminary approval, which is what they're working toward now. It's obviously not going to happen tonight, whether it happens in September or not is unsure at this time. SWPPP will be worked on between preliminary and final and details will be worked out throughout preliminary and final as well. That could be one of those issues that gets resolved at that point.

Paul Murphy questioned if their issues, such as buffer zones and things they talked about last month, will be worked out the same?

Chairman Ian Murray responded that's pretty much done. The buffer is done. Cul de sac is done. The footpath, he's unsure of how the Board feels at this time.

Paul Murphy then asked if there is anything further that these neighbors need to do to advance their cause.

Chairman Ian Murray responded no, the Board certainly has received all written materials submitted in the past, as well as the recent letters from Hub Miller, Tom Yannios and Marge McShane.

Paul Murphy thanked the Board for all they're doing and is hopeful they come to a right solution.

**Marybeth Macica, 120 Brown Rd.**, questioned the status of public comments made last month and asked if public comments get taken into consideration. She had an expectation that the Applicant would answer their questions and concerns last month and she's unclear of the conservation portion of the land for this project.

Chairman Ian Murray replied verbal and written comments that are submitted are taken into consideration throughout the review process. Keep in mind, this Board has no responsibility to respond to them, it's not a court nor a question & answer session. It is heard, they read everything that comes in. A lot of people send good information in and it's been helpful to the Board, just understand, they will not respond. As far as implementing them into the project, he thinks some things were incorporated, such as from the beginning – cul de sac or through road, cul de sac - where they are now? Back at cul de sac. What did everyone want? Cul de sac, which is where this is. Things are being heard.

**Mark (No last name as unable to hear it and no name was written, just this address), 7 Hill Rd.**, questioned what benefit this subdivision brings to the Town. He then stated his concerns with water and suggested the Board have the Applicant put money in escrow to pay for any consequences to any homeowner if they lose their water in that area. He also suggested there be steep consequences if they take trees down that shouldn't be removed; the Board needs well stated consequences.

Chairman Ian Murray responded the benefits to the Town is not how the Planning Board looks at applications. These are private property issues and one's right to develop. As long as regulations are met, you get a vote. This applies to anyone – you, your neighbor, anyone who owns land and wants to build or develop. The water was a serious issue with the Board. The Board worked on the Brown Rd. subdivision when those homes were built and they knew there were serious issues in that area, so it moved the Board to mitigate the area of the Cedar Bluff subdivision. That is why they did the extensive hydrology study the way they did. They had two hydrologists review all that data, make recommendations to the Town and to our Town Engineer, who also interpreted the data. The Board believes the water issue is fully satisfied. He then said they have nothing set up if something like that did happen through the process, obviously a stop work order would be issued on site, but as far as any penalties or fees, we have nothing like that. It's been discussed, but when they went through the tree clearing process years ago with the Town Board, they didn't want to do it. They had made provisions for that in the beginning, but the Town Board nixed it at that time.

**Hubert Miller, 97 Brown Rd.**, said he skipped over two points earlier, he knows it falls to the Code Enforcement Officer to make the decisions on what constitutes a disturbance. He questions if that is true; he looked at NYS law and didn't find that.

Chairman Ian Murray responded that is, Attorney Libby Coreno is correct, the Zoning Officer has the authority. He can't marry the law, but he can make determinations on what constitutes disturbance.

Hub Miller replied they looked at the guidance for Code Enforcement Officers and didn't see anything specific that relates to tree clearing guidance and he believes its broader decisions, the way it is read. He'll have to go back and read it again, but he thinks the Board is speaking to that

guidance of the law as it describes the functions of the Code Enforcement Officer. He then said he believes Attorney Libby Coreno herself, in responding to Board questions last month when pressed on the criteria, said and he quoted, "I don't think anyone is going to cut 30% of the trees, the Code Enforcement Officer would stop that." That is tantamount to saying she really understands if you push to the limits, you would face something that's clearly a disturbance. That's in the minutes and it tells him the criteria she put forward and she's admitted it herself, that it constitutes something that would be significant. He thanked the Board.

**Jan Murphy, 36 Hill Rd.**, has concerns with the walking path. She does not want it. Did the developer ask for it?

Chairman Ian Murray responded no it was proposed as a link to the neighborhoods. It's not a road, it's not a right-of-way that a road could be put in. He doesn't know how the Board feels about it or which way they're going to go with it.

Chairman Ian Murray asked if anyone further wished to speak; seeing none, **Chairman Ian Murray closed the Public Hearing at 8:11 p.m.** He then stated the Board will get a determination from the Town Zoning Enforcement Officer on 'disturbance'.

Attorney Libby Coreno questioned who is certifying the question to the Code Enforcement Officer.

Chairman Ian Murray questioned 'certifying' it?

Attorney Libby Coreno said who is certifying the question to the Code Enforcement Officer; who is asking the question? She wants a copy of the question being submitted to the Code Enforcement Officer.

Chairman Ian Murray responded okay.

### **Continued Public Hearing for Special Use Permits**

**Thomas Carrangi #21-07**

**1459 Rt. 9P**

**Saratoga Springs, NY 12866**

**S/B/L 193.6-1-46.11 Lake Commercial**

**Location: 1423 Rt. 9P**

**Representative: Garry Robinson, PE**

**114 Monument Dr.**

**Schuylerville, NY 12871**

Returning Applicant seeks to modify his existing Special Use Permit by changing some of the conditions to the permit. He also proposes to expand his buildings to give additional storage for more boats.

(Board member Walter Borisenok returned to the Board)

Garry Robinson appeared before the Board on behalf of the Applicant. He stated last month they reviewed the proposed conditions and uses and asked if it was alright to begin landscaping and was told please do. They have done so and are nearly finished, just needing to mulch.

Chairman Ian Murray stated he went out there and took a look. He stated the Board did not receive any building plans and he questioned if they are proposing on enhancing and improving the look of the buildings; it isn't on the drawings submitted this month.



Garry Robinson responded yes, the same as they talked of last month. He then went through a brief summary of his submittal. He talked about eliminating the following conditions of the original special use permit and the reasons thereof, as the district is no longer residential, but now lake commercial. He stated the following:

1. This indicated there would be no more than one building on site and now eliminated as there are two more permitted buildings on site.
2. This specified that utilities would exist in the buildings and on site, they exist and to additions to them in the proposed plan.
3. This indicated limiting the use of the building for storage to the winter and boats are to be shrink wrapped at the marina proper. It has been agreed that storage of boats in the building would be year-round and shrink wrapping can be completed on the storage site.
4. This indicated access to the site would be by a NYS DOT approved asphalt apron; there are two access points existing and they are gated for security. The front of the property is fenced.
5. This indicated that Saratoga Lake would provide water to address any fires on site.
6. This indicated plantings would be required on site. Currently there's a new planting plan that's been approved by the Planning Board and it provides many additional trees and plantings to be placed along the front property line in order to obscure the view of the buildings from Rt. 9P.
7. This disallowed any further signage on site; it has been agreed that signage can be placed on site if it complies with current zoning regulations.
8. This addressed turf grasses on site; current site has grass established on the NYS DOT property at the front of the site and will continue to be maintained by the Applicant/owner. Proposed plan indicates the grass will be maintained up to the existing fence line and that plantings will be provided between a border strip located as an edging to the drive area and fence.

He then stated the following Operating Conditions were to be eliminated:

1. This indicated limitations of when boats could be moved between the storage facility and marina. This was discussed and agreed upon that it was impractical for the proper operation of the storage facility and should be removed.
2. This addressed the time of day that boats could be moved between the marina and boat storage facility; this too was determined to be impractical and agreed that this should be eliminated.
3. This indicated the owners of boats stored in the storage facility would not be allowed to access their boats in the building. This was discussed and agreed upon that it is an unnecessary requirement and too restrictive and should be removed.
4. This limited the number of boats stored outside of the marina itself, in addition to the boats stored at the storage facility inside. There is no room on the marina site to store more than 80 boats and the note has nothing to do with the project at hand. It was agreed this should be eliminated.
5. This indicated that no boats were to be stored outside the storage facility. This was discussed at length and determined it should remain. There was a distinction made between the long-term and short-term storage of boats outside. Agreement was reached that during the course of operation of the marina in conjunction with the storage facility it would be necessary to have boats outside when they were transition between the marina and storage facility. It was generally discussed that no more than a week would be the general rule that should be followed but occasional extension of this would be considered acceptable. In addition, discussion moved to outside boat trailers. Most time there are boat

trailers that need to be stored as part of the operation of the site. It was agreed that permanent storage of trailers, out of sight in the rear of the building, would be allowed, limited to 20 trailers.

6. This indicates the Planning Board will have an annual review of the project until further notice. This will be added to the permit.

Garry Robinson added that the landscaping was addressed as follows and he says it was determined that there were none to be on the final permit:

1. 1 – 4. These notes address the landscaping of the site which has been modified to include several more plantings and landscaped areas than the original storage facility plans. It was agreed that the plan as shown, is acceptable and there will be an annual review of the site by the Planning Board to determine the compliance with the project plans which include the proposed landscaping plan so there was no need to add a note on landscaping.

Chairman Ian Murray questioned if he was going off the drawings and was told yes.

Chairman Ian Murray stated to expand on number 3, page 7 of your submittal, under operating condition notes, you have ‘this special use permit will be subject to annual review by the Planning Board until further notice.’ Add to that: Further conditions or modifications may become necessary at the Planning Board’s discretion. That way, when the Board goes through the renewal process, if things come up, modifications may have to be made. Chairman Ian Murray then said further conditions or modifications may become necessary at the Planning Board’s discretion, when the Applicant goes through the annual review.

Chairman Ian Murray stated, going back to Operating Conditions number 1, there’s to be no long-term storage of boats outside the buildings on the site. Exterior boat storage as part of the business operation is acceptable but generally limited to one week per one boat. On occasion it’s acceptable that a boat may be outside on-site for little more than one week but that is not to be normal operation. He questioned where on site is this identified – are they qualifying the whole site, the parking lot, the sides?

Garry Robinson responded that generally what happens is the boats get put in front and eventually find there way to the buildings at some point or to the marina.

Chairman Ian Murray stated so the Board should understand that to be the front parking area, not around the buildings.

Garry Robinson agreed with that.

Zoning Officer Gil Albert asked if the Board can have both sides clearly marked as Fire Lane Access and no parking for any reason and Chairman Ian Murray responded absolutely and Applicant Tom Carringi agreed.

Garry Robinson said second part of their submittal is additional uses to be added to their special use permit, which was discussed at the last Planning Board meeting. He said as part of the storage business, it’s necessary to winterize the boats (clean and shrink wrap them) and that process is completed in a small area inside one of the buildings. They have no water on site, it’s dry cleaning, using a blower, spraying down the seats. They’d also like owners to be able to access the boats in the storage facility if needed. They’d like this use added to the special permit for the storage facility. He said there is a requirement that they keep many new boats on hand in order to

sell them throughout the year. It's impossible to place all of them at the marina proper and they request that they be allowed to store new boats outside the storage facility for a limited time during the delivery and processing operations. It would include temporary storage of boats at any locations on site. Anything stored in front would be new boats, not customer owned boats or used boats for sale. This would be limited in general to no more than a week, but at times could extend longer. They'd like this added to the special use permit and they've added it to their plans.

Chairman Ian Murray asked what they're doing for dumpsters if shrink wrapping inside the building.

Applicant Tom Carrangi responded they will have none on site. Garry Robinson added they want their salesmen to be able to take prospective buyers down and show the boats at the storage buildings.

Walter Borisenok said conditions 1 – 8 makes sense to him, operating conditions 1 – 5, modified or eliminated, landscaping is done, but page 5, fifth paragraph under Proposed Additions to the Use of the Buildings and Site, "Although we have agreed that no boat sales will take place at the storage site or that boat owners will not be allowed in the storage facility, it is occasionally necessary for boat owners to access their boats in the storage facilities. In addition, on occasion it may be necessary to show a boat that is temporarily stored at the facility waiting to be moved to the boat showroom at the marina. We discussed these issues at the last Planning Board meeting and it was determined that these would be considered ancillary to the operation of the marina facility. The main sales business occurs at the marina itself where our offices and boat showroom are located. From time to time, it is necessary to show customers new boats that are at the storage facility. It was determined that these operations would be considered a part of doing business at the marina and that as infrequent as they will be, it would be allowed." In general, you look at his operation and it's crowded, incredibly, incredibly cramped. He needs to move down the road for a larger space-a larger space would be a positive.

Chairman Ian Murray stated that's been a topic of discussion numerous times, over numerous years, at many Board meetings and they've heard it from numerous residents when he has boats all over the side of the roads, delivery trucks blocking the road etcetera. How many times has this been a topic of discussion? Going back to page 5, fourth paragraph of Proposed Additions to the Use of the Buildings and Site:

"In our business there is a requirement that we keep many new boats on hand in order to offer them for sale throughout the year. It is impossible to place all of these at the marina proper and we request that we be allowed to store new boats outside of our buildings at the storage facility for a limited time during the delivery and processing operations. This would include temporary storage of boats at any locations on the site. Anything stored in front would be new boats, not customer owned boats or used boats for sale. This would be limited in general to no more than a week but at times could extend a little more than that. We would like this use added to the special permit for our facility and such a note has been added to the plans."

Chairman Ian Murray, like that last application, what is the definition of that – little more than a week or more than that?

Garry Robinson responded as he said last time, it is a business, occasionally they'll need to if they have a lot of boats, it takes time to move the boats back and forth. That's what they're saying, they'll need to leave them outside.

Chairman Ian Murray stated the Board does not want short-term storage and he believes the Board has established that through other meetings. Intermittently, they're in agreement.

Garry Robinson said once in a while they get a boat that needs to stay there because they just can't fit the boat in, they just don't have room now or no room in the storage facility. The thought is, they'll try to keep that down, but just going back and forth, it's difficult, so you have to leave them outside. You sell five boats, so you have to get five boats out of storage, bring them outside and it takes time. You have to put or drag something else in there, bring in the rental boats, so some boats sit there for a while.

Chairman Ian Murray questioned that they're looking at a 1 – 3 week window and asked if that was ample enough time?

Garry Robinson said oh yes, 2 – 3 weeks, 3 weeks.

Christopher Koval questioned how many loads of boats?

Applicant Tom Carrangi responded 20 boats a week and 5 trailers.

Christopher Koval responded that's 1 – 3 weeks outside, that's all summer or fall. No, no outside storage.

Walter Borisenok added it's all crammed into one spot, maybe they need to move down the street. They leave stuff outside, they spread their operation out in the street, tractor trailers are backing in, traffic is being stopped because they're trying to get into the spot, it's nonsensical. The operation is crammed, not safe; move down the road, make it safer.

Chairman Ian Murray asked if there were any further comments; there were none.

**Chairman Ian Murray re-opened the Public Hearing at 8:36 p.m.**, asking those wishing to speak to the Board to please stand, state their name and address:

**Maxine Lautenberg, 122 Cahill Rd.**, said she appreciates the landscaping as it is so much better.

Chairman Ian Murray asked if anyone further wished to speak; seeing none, **Chairman Ian Murray closed the Public Hearing at 8:37 p.m.**

Walter Borisenok went through SEQR line by line with the Board.

**A motion was made by Chairman Ian Murray, seconded by Christopher Koval, to declare SEQR review complete and to make a Negative Declaration.** Chairman Ian Murray – aye, Robert McConnell – aye, Christopher Koval - aye, Joseph Lewandowski – aye, Walter Borisenok – aye, George Olsen – absent, Laurie Griffen – absent, Patrick Hanehan – absent.  
**Carried 5 - 0**

**A motion was made by Chairman Ian Murray, seconded by Robert McConnell, to approve with following conditions:**

- 1. No more than 80 boats shall be winter-stored at the marina outdoors, in addition to boats stored inside the marina.**

2. **No outdoor storage of boats will be permitted at the new/upgraded Boat Storage Facility.**
3. **There shall be a maximum of 20 boat trailers stored outside at the Boat Storage Facility. Trailers will be stored out of sight, in the northwest corner of the property, behind Building 1.**
4. **No vehicle or RV storage.**
5. **This Special Use Permit will be subject to an annual review by the Planning Board until further notice. Further conditions or modifications may become necessary at the Planning Board's discretion.**
6. **The North side of Building 1 and the South side of Building 3 shall be clearly marked as Emergency Access, clear of debris at all times and no parking in this area.**

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

**Carried 5 - 0**

### **Public Hearing for Special Use Permit**

**Timothy & Rachel Neet #22-10  
38 Trombley Rd.  
Stillwater, NY 12170  
S/B/L 193.-1-49 Rural**

Returning Applicants seek a three car garage with second floor apartment.

**Applicant failed to appear.**

### **Special Use Permit Conference**

**Melissa Murdock & Amy O'Neil #19-09  
30 Division St.  
S/B/L 180.18-1-15.2 Lake Commercial  
Location: 1453 Rt. 9P**

**Representative: Robert Bolen**

Returning Applicants seek to renovate the interior of the existing structure and open a law office at 1453 Rt. 9P. They also seek to repair and pave the existing parking lot.

Mr. Bolen appeared on behalf of the Applicants.

Chairman Ian Murray said they have a permit from the State.

Mr. Bolen responded correct. They went through Army Corp, which took several months and then the State.

Chairman Ian Murray questioned if they had any issues with it, as it didn't say anything in the permit.

Mr. Bolen replied the only issue they had was they didn't want the landscaping berms along Rt. 9P, in the front. He added they changed the front where there's two handicap parking spots, so they'll have room to back up and right out to the road.

Chairman Ian Murray said he hadn't seen it before, but did see it tonight when he looked at it, all that asphalt, everything is going to be paved and you have catch basins and containment on all the stormwater for the parking lots.

Mr. Bolen responded there are two structures and it feeds out to the corner of the lake.

Chairman Ian Murray asked if there were any Board questions; there were none. He then stated the Board will allow work to go forward and will publish for a public hearing for the September meeting.

### **Returning**

#### **Information:**

**Casey Walter, Anthony Lane**, stated she has a pole barn and three horses and began a business, teaching riding lessons 5 days a week, unaware she needed a permit to do so. She received a Stop Work notice for her business and would like to find a solution to continue. She has 4.1 acres and can only give lessons in good weather and if she has to stop, it will financially hurt, as clients have prepaid for their classes. She only has one client at a time and parking is on her property, at the area by her barn.

Zoning Officer Gil Albert stated he received a complaint which led him there. She's allowed three horses and has no employees. Regulations require a permit for a riding academy; this is more a home occupancy business not an academy.

Chairman Ian Murray told her to put her information together, plot out the house, barn and paddock area. Show on the map – she can use a simple site map – give a summary and the Board will look at it as a home operation. We'll lift the Stop Work order, impacts are minimal, it's a by right operation. Zoning Officer Gil Albert and the Board agreed.

**Mike Malone, 1312 Rt. 9P**, questioned if there is a permit requirement for putting a dock in the water. Zoning Officer Gil Albert said anything over 5 water vessels is a marina and a permit is needed. He has 10 water vessels. Chairman Ian Murray stated 5 or more, for the Town, you need a special use permit. After a lengthy discussion Chairman Ian Murray said the lots are small there and 10 boats/water vessels, 10 trailers, 10 cars, those are serious impacts on the neighbors as well. With your special use permit, there are other things the Board can ask for, show parking, surfaces you're using, stormwater provisions you're putting on the site to accommodate this. If you're 5 or under, you're fine, but over 5 you need a special use permit.

**Sean Sharp, 144 Hanehan Rd.**, stated he's looking to open an 'aquamation' center for pets, which is similar to cremation, but with a water solution, not fire. Scientifically, it is alkaline hydrolysis, which is a combination of water flow, temperature and alkalinity to accelerate nature's process of tissue hydrolysis. All organic material is reduced to its basic building blocks. The process uses a solution of 95% water and 5% alkali, which is a combination of sodium and potassium hydroxide. At the end of the process, the chemical has been completely consumed, neutralized and no longer remains in the water solution. Operating temperatures are between 199 – 208 degrees fahrenheit.

Chairman Ian Murray questioned if this is a pet cemetery and was told no, they pick up the animals. He said he has 5 acres and the building will be 30' x 36'. Chairman Ian Murray questioned hazardous waste and was told there is none. Chairman Ian Murray then asked how they

treat the waste and was told they'll spread it on a field. After a bit of discussion Chairman Ian Murray stated he'll have to apply for a home industry special use permit.

**Returning**

**Old Business:** None.

**New Business:** None.

**A motion was made by Chairman Ian Murray seconded by Robert McConnell, to adjourn the meeting at 9:16 p.m.** Chairman Ian Murray – aye, Christopher Koval - aye, Walter Borisenok – aye, Joseph Lewandowski – aye, Robert McConnell – aye, George Olsen – absent, Laurie Griffen – absent, Patrick Hanehan – absent.

**Carried 5 - 0**

**Meeting Adjourned**

The next regular meeting will be held Wednesday, October 26, 2022 at 7:30 p.m.

*All submittals must be to the Clerk no later than 8:45 a.m., October 12, 2022, to be on the agenda.*

Respectfully submitted,

Linda A. McCabe  
Planning Clerk

\*Minutes are not verbatim