

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MEETING MINUTES*
December 15, 2021**

Chairman Ian Murray called the meeting to order at 7:34 p.m.

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

Due to the absence of Joseph Lewandowski and George Olsen, Walter Borsinok was elevated to full voting status.

Also attending: Jim Vianna, Tom Carringi, Garry Robinson, Hubert Miller, Paul Murphy, Russell Kirkwood, Tom Yannios, Jerry Meehan, Trish Perrault, John McSwieney, Jeff Mancini, Brian Huber, Michael Dahlquist, John Cashin and Maxine Lautenberg. (Sign-in sheet is on file in the Clerk's office)

A motion was made by Laurie Griffen, seconded by Robert McConnell, to accept the meeting minutes of November 17, 2021 as written. Chairman Ian Murray – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Robert McConnell – aye, George Olsen - absent, Joseph Lewandowski – absent, Christopher Koval - aye, Walter Borisenok - aye.

Carried 6 - 0

Approved

Information/Sketch Plan Conference

**Brian Huber #21-12
827 Rt. 4 South
Schuylerville, NY 12871
S/B/L 182.-2-13.1 Rural
Location: 847 Rt. 4 South**

Applicant Brian Huber reviewed the subdivision of a 3.75+/- acre portion of the estate of Anna Bierma, located across the road from his home. It is on the east side of Rt. 4 South and its current agriculture use is for maple syrup production. He has been sugaring that piece of land since 2004. He plans to continue making maple syrup and would like to have a 20' x 20' sugar house and a single story, 6' x 8' sap collection shed there, as it's unsafe to continue carrying the sap across the road to his home.

Chairman Ian Murray stated he knows Anna Bierma's farm well, as he used to work there when he was a kid. He added Brian has helped Anna since mid-2004/2005 with maintenance and has been sugaring it since 2004. This is an agriculture pursuit and will remain that way.

Walt Borisenok asked if the land is owned by another and was told yes. Anna has passed away and her family is conveying that portion to the Applicant.

Patrick Hanehan said it sounds good and the Board agreed.

Chairman Ian Murray stated we'll publish for a public hearing for next month.

The Applicant thanked the Board.

Public Hearing for Special Use Permit

**Thomas Carringi #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 existing permit. He proposes to expand Building 1 and Building 3 to give additional storage for more boats.

Garry Robinson appeared on behalf of the Applicant. He stated they added 25' to the side of Building 1 and 20' to the back, Building 2 they added on up to the setback line and 26' to the side of it.

Chairman Ian Murray stated we just received the updated plan tonight. He said he's struggling with the application as the Applicant has never been in compliance from day one. He went by there the other day and noticed its already starting to fill up again. There were trailers in the back when the Board walked the property but there are a lot more now, as well as older boats stuck back there.

Applicant Thomas Carringi said they're being removed.

Chairman Ian Murray stated the Board needs compliance; if he were to approve, it would be only the two buildings and no outside storage.

Chris Koval stated he goes by there all the time and there have been trailers on the edge of the road, boats in all directions. He's not compliant; it's just an open parking lot of a mess.

Applicant Thomas Carringi replied what about the others?

Chairman Ian Murray responded those are neat and compliant. He added that the Applicant is not compliant and never has been.

Garry Robinson responded that's up to you to be sure they're compliant, the Board's the compliant guys.

Chairman Ian Murray responded no, this is the Planning Board NOT Code Enforcement.

Walter Borisenok asked the Applicant what can he do to help the Board help him?

Applicant Thomas Carringi replied he needs the space in the back for boats. He said he didn't care what marina they'd go to look at, there are hundreds of boats at every marina. It's part of the business. Garry Robinson agreed with his Applicant.

Walter Borisenok and Chairman Ian Murray stated the Boat n RV, down the road has nothing

outside. The Applicant has boats shrink wrapped and outside, not inside, and near a sign that says Inside Storage.

Garry Robinson responded they want to put all new boats out front.

Chairman Ian Murray replied the Board wants to buffer the building, not the boats. The Board approved this with NO outside storage. And now the Applicant wants to clean boats there, etcetera.

Applicant Thomas Carrangi responded no he doesn't.

Chairman Ian Murray questioned if that wasn't part of his proposed amendment in his application.

Applicant Thomas Carrangi responded yes, it was.

Chairman Ian Murray stated the Applicant should keep a building empty and store all the new boats inside the building.

Proof of Notice having been furnished by newspaper on December 3, 2021, Chairman Ian Murray opened the Public Hearing at 8:02 p.m., asking those wishing to speak to the Board concerning this application, to please stand and state their name and address:

Michael Dahlquist, 1438 Rt. 9P, thanked the Applicant for assisting in the search of his brother, who drowned in Saratoga Lake. He also added the boat storage and marina are two different businesses.

Chairman Ian Murray asked if anyone else would like to speak; seeing none he read the following letter submitted from neighbors on Franklin Beach Rd.:

*"To the Planning and Zoning Board Members, Town of Saratoga
With reference to the storage expansion at 1423 Rt. 9P*

We request this letter be read out loud at the Public Hearing on December 15, 2021.

Dear Board Members,

I am writing this letter representing several neighbors who live and reside near the storage buildings that are in question.

We strongly oppose any further expansion of these buildings as they have already caused flooding on our properties by the filling in of wetlands throughout the years. The property is an unkept eyesore that is used for nothing more than personal gain. It is an embarrassment for our guests and travelers to have to look at such disarray to the entrance to our community.

The Point Breeze Marina next to the bridge is kept in the same manner. It is a disgrace to have this facility at the gateway to our Town as well.

There is nothing to lead us to believe that once approved, the site wouldn't be kept in the same disrepair as it always has been. Take a short trip down Point Breeze Rd. and observe the illegal dumping of dirt, 55 gallon drums, tires, cleared trees and the like, directly in the lake in the rear of the marina. It seems that this facility does not follow any rules of regulations and operates by their own rules.

We suggest that you table this request indefinitely until the marina is brought into some sort of professional and environmentally sound existence.

Again, both properties are a disgrace to those of us that call this neighborhood home, as well as the Town of Saratoga. The town has an obligation and responsibility to protect us. We strongly suggest you walk the property if you haven't done so already. We also suggest comparing the map that the original buildings were approved with and compare it to what actually exists there today by the filling of wetlands. The place is used as a dump.

When the flooding gets worse, if these additions are approved, the Town will have a whole new set of problems to deal with.

Everyone in this area gets along well and we want to keep it that way. Property owners should clean up our lake community and existing properties before any expansion is allowed."

Chairman Ian Murray then read the County findings:

“RE: SCPB Referral Review #21-146-Special Use Permit-Carringi/Point Breeze Marina Indoor Storage Facility(ies)

A proposal for building expansions/construction of additions to existing Buildings 1 & 3 of the existing three-building boat storage facility. Additionally, applicant is seeking to change existing conditions and stipulations of the existing special use permit.

Location: NYS Rt 9P

193.6-1-46.11

Lake Commercial Zoning District

Received from the Town of Saratoga Planning Board on November 16, 2021.

Reviewed by the Saratoga County Planning Board and Staff on November 18, 2021.

Decision: Modification

Comment: *Noted during the extensive review and discussion related to the referral for an amendment to and revision of the current special use permit (SUP), the Saratoga County Planning Board recognized there to be quite an obvious difference in the vantages of the applicant and plan reviewers concerning the current site plan and site conditions, particularly when addressed in the light of the intent of Article VIII, section 400-31.*

Based upon discussion at its November meeting and if it were acting as a local review body, the County Planning Board may have viewed the site plan and the request to revise the existing SUP (while recognizing its limited review criteria of a county nature like the many aspects associated with issues of stormwater management related to the site's proximity to Saratoga Lake, protection by review of water courses and any wetlands, traffic circulation, access, and the use of the state road fronting the site), the Board's determination may have been an outright disapproval of the requested rewrite of the special use permit (SUP) on record. There was an overwhelming desire to emphasize bringing the site into conformity with that SUP and site plan.

The County Planning Board opted, however, to have the applicant modify the plan revisions submitted and to review in a discussion-only meeting with the town planning board the what and-why of the applicant's need for the SUP revisions submitted. In a quick review of the conditions/standards of the current SUP it appears evident that many of the most critical to the business operation and site appearance are not now being met and may need to be brought into conformance before any revisions can be considered. Not meeting the conditions

of the approved SUP negatively impact the site's appearance and that of a gateway into the town of Saratoga from the city at the lake's bridge crossing.

In the same regard, the SCPB noted what appeared to be great discrepancy between existing site conditions of November, 2021 (in preparation for a site visit by town staff and the applicant) and those noted in photographs of 2018/19 and 2019 aerials. It became evident that the "no outdoor storage" component of prior approval was not being met historically. Extensive filling of the site outside of the storage buildings with the very boats meant for indoor storage (as noted on business signage) does not provide the favorable picture of the essential character of the zoning district addressed in the Ordinance's intent for Special Permits, nor does it reflect well to adjacent land owners, businesses and residents.

*As part of the town planning board's review procedure for a special use permit. Section 400-32 (B) (4) cites criteria to be addressed which may be worthy of looking at again in reference to what is being requested (**emphasis to this particular plan and site added in yellow**):*

Planning Board review of application for a special permitted use. The Planning Board's review of the application for a special permitted use shall include, but not be limited to, the following:

- (a) Determination of whether the proposal is subject to the State Environmental Quality Review Act.*
- (b) The need of the proposed use. The Planning Board shall not approve the special permitted use unless it finds that the use is in furtherance of the Town's growth policy and that the use is reasonably necessary to provide social, cultural or economic amenities for existing and future residents of the zoning district in which the proposed use is to be located.*
- (c) Adjacent land uses. The Planning Board shall not approve the special permitted use unless, in its determination, the proposed use will not have a negative effect on existing adjacent land uses.*
- (d) Zoning regulations. The Planning Board shall not approve the special permitted use unless all requirements of this chapter are met.*
- (e) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls.*
- (f) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience.*
- (g) Location, arrangement, appearance and sufficiency of off-street parking and loading.*
- (h) Location, arrangement, size, design and general site compatibility of buildings, lighting and signage.*
- (i) Adequacy of stormwater and drainage facilities.*
- (j) Adequacy of water supply and sewage disposal facilities.*
- (k) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-detering buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.*
- (l) - 3 - Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.*
- (m) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.*
- (n) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.*

Staff's perspective of the meeting discussion and the Board's concerns were not that the issued Special Use Permit was not warranted, but that there are existing conditions that do

not reflect the approval originally granted. The general concurrence was that it is the local land use board's authority to render a determination of approving or denying the requested changes to the Permit that body granted. This Board, however, does recognize it as obvious that certain on-site conditions of the Permit have not been met that go to safe use and appearance warranted of a SUP (lighting of the business and for safety, pedestrian/customer movement on site, loading/unloading from the state road rather than the site itself, landscaping and/or buffering for business and neighborhood appearance, accessibility and circulation for emergency vehicles). Overall, objectives for the granting of the SUP may reflect objectives of town growth, uses compatible with essential character of the zoning district and its residents, and providing a lifestyle character for the community that is an attraction for future residents and businesses.

We encourage a fruitful discussion between the applicant and the town planning board to create the plan and the site which the SUP originally envisioned and which permits the site's regulated use and business operation the owner has sought.

*Sincerely,
Michael Valentine, Senior Planner
Authorized Agent for Saratoga County”*

Chairman Ian Murray asked if anyone else would like to speak. Seeing as no one further wished to speak, **Chairman Ian Murray closed the Public Hearing at 8:14 p.m.**

Applicant Thomas Carringi asked if anyone from the County went to the property.

Chairman Ian Murray responded yes, they drove out there and walked along it.

Applicant Thomas Carringi questioned if the County doesn't want him to do anything on the highway.

Chairman Ian Murray replied the County received the application for the boat storage not the marina.

Patrick Hanehan stated the Board should have him compliant 100% first.

Walter Borisenok questioned if he's in compliance for 3 – 6 months, can the Board go forward.

Chairman Ian Murray responded that's a good idea, but cycle it longer due to the type of business. He then stated he, himself, would deny it tonight. The Applicant can take it back, rethink it; he was given good advice tonight.

Applicant Thomas Carringi said it keeps growing, every time he comes before the Board he has something else to do.

Chairman Ian Murray responded the Applicant has never been compliant. The Applicant always says he'll do something and never carries through. He told the Applicant comply for one year with the original permit – no outside storage for one year, then come back before the Board.

Zoning Officer/Building Inspector Gil Albert questioned if he can stage by the boat storage, unloading the boats on his property and not on Rt. 9P - show us he can do it and keep his word on it.

Patrick Hanehan stated he wants to see 100% compliance with the original permit.

Garry Robinson questioned what Patrick Hanehan meant by that, adding that isn't required by others and that's difficult to do.

Chairman Ian Murray replied we have issues with site condition and storage.

Garry Robinson responded let him add to his buildings.

Patrick Hanehan and Chairman Ian Murray stated they want to hold up the proposed expansion until he becomes 100% compliant to the original permit for one year, he can still conduct his business, but do it compliant with the permit.

Laurie Griffen questioned if this can be tabled. She said they just got the letter from the County today. This has been constant trouble. We'd like to see him succeed, but his way isn't working. We need to digest the letter and revisit it.

Garry Robinson stated if you don't do something it'll be the same way.

Chairman Ian Murray replied get less boats, store the extras at the fairgrounds or somewhere else. You're now saying he'll lose business, but yet you say it's grown so much that you need more buildings. Had the Applicant been compliant from day one, he wouldn't have these issues.

Further discussion ensued. The Applicant would like a meeting with Mike Valentine of the County Planning Board and with Chairman Ian Murray.

Chairman Ian Murray said one of two things can happen tonight. The Applicant can table the application or we vote on it.

Garry Robinson stated they'll table it.
Returning

Public Hearing for Minor Subdivision

**Mark & Sue Ann Miller #21-11
215 Casey Rd.
Schuylerville, NY 12871
S/B/L 195.-1-37.12 Rural**

**Representative: James Vianna, PLS
170 Lohnes Rd.
Stillwater, NY 12170**

Returning Applicants seek a two-lot subdivision of their 13.5+/- acre parcel. Lot 1 to be 10.94+/- acres and Lot 1A to be 2.57+/- acre parcel for a single family residence for their daughter.

James Vianna, PLS, appeared before the Board on behalf of the Applicant. He reviewed the

subdivision, said the sight distance is complete for the driveway, the driveway for Lot 1A is as far down as possible on Casey Rd. and the engineer had submitted the updated septic designs.

Chairman Ian Murray asked if there were any Board questions; there were none.

Proof of Notice having been furnished by newspaper on December 3, 2021, Chairman Ian Murray opened the Public Hearing at 8:34 p.m., asking those wishing to speak to the Board concerning this application, to please stand and state their name and address. Seeing as no one wished to speak, **Chairman Ian Murray closed the Public Hearing at 8:35 p.m.**

Laurie Griffen went through SEQR, line by line, with the Board. Chairman Ian Murray asked if there were any further comments or questions from the Board; there were none.

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

Carried 6 - 0

A motion was made by Chairman Ian Murray, seconded by Walter Borisenok, to approve the application as proposed. Chairman Ian Murray – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – absent, George Olsen - absent, Christopher Koval - aye, Walter Borisenok - aye.

Carried 6 - 0

Approved

Major Subdivision Update Conference

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: 142 Cedar Bluff Rd. (Co. Rd. 71)

Returning Applicant seeks a 32 lot subdivision of his 111.6+/- acre parcel.

Planning Board member Walter Borisenok recused himself.

Attorney Libby Coreno appeared on behalf of the Applicant. She gave a brief summary and reviewed the following dates and submittals to the Board and Alpha GeoTech:

November 2017- SEQRA Part II

December 2018 - Hydrology update

October 2019 - Revised work plan submitted

September 2020 – Updated plan for revised hydrology testing and updated EAF filed

June 2021 - Hydrology tests updated (combined pump test requested by the Planning Board)

November 2021 - Hydrology final report submitted

She said they'd like to restart SEQRA. They'd like to have a workshop in January, finalize hydrology comments and redo Part II SEQRA. She then stated from the environmental aspect, all has been submitted and they'd like to begin, procedurally, in 2022.

Chairman Ian Murray stated the Board will review SEQRA to be sure everyone is up to date. Hanson VanFleet have completed their work, Alpha GeoTech has not, but the Board can go forward with SEQRA in January 2022. He added they'll start from scratch because everything is stale. He noted he had talked with Attorney Jackie White concerning the Public Hearing being opened long ago.

Attorney Jackie White stated the Board can leave it open, but should not allow public input at this time. The public hearing will continue on.

Attorney Libby Coreno questioned it will be a substantive review beginning from scratch, not everything, correct?

Chairman Ian Murray replied correct. The last visit from this application was in 2020. Board sentiment is they may look at the cul de sac again, as he's talked with some residents out there.

Attorney Libby Coreno responded they have both the through road and cul de sac engineered and designed, so they'd like SEQRA review to be done parallel with which direction the Board decides to go with.

Chairman Ian Murray asked if there were any comments or questions from the Board; there were none. He then stated he'd like to hold the SEQRA workshop on January 19th at 6:30 p.m. if that works for the Board.

Attorney Libby Coreno thanked the Board.

Old Business: None

New Business: None

A motion was made by Patrick Hanehan, seconded by Christopher Koval to adjourn the meeting at 8:47 p.m. Chairman Ian Murray – aye, Laurie Griffen – aye, Patrick Hanehan – aye, Robert McConnell – aye, Joseph Lewandowski – absent, George Olsen - absent, Christopher Koval - aye, Walter Borisenok - aye.

Carried 6 - 0

Meeting Adjourned

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

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

Respectfully submitted,

Linda A. McCabe
Planning Clerk

*Minutes are not verbatim