

TOWN OF SARATOGA
PLANNING BOARD DRAFT MEETING MINUTES*
March 27, 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, George Olsen - present, Patrick Hanehan – absent, Robert McConnell – absent.

Also attending: Garry Robinson, Brian Sipperly, Dio Kaufman, Michelle DeGarmo, Gary Squires, Gil Albert, Rick Lofstad, Casandra Walker, Chris & Tom Vaanderhoof, Melissa Jenson, Ralph Petruzzo, Thomas & Alice Brown, Howard & Susan Polmateer, Allan & Michelle Hall, Donald & Kimberly Coulter, Jim Vianna, Brian Sipperly, Sarah Mehan and other interested persons. (Sign in sheet is on record in the Clerk’s office)

A motion was made by Chairman Walter Borisenok, seconded by Laurie Griffen, to accept the meeting minutes of January 24, 2024 as written. Chairman Walter Borisenok – aye, Laurie Griffen – aye, Christopher Koval - aye, Joseph Lewandowski – aye, George Olsen - aye, Patrick Hanehan – absent, Robert McConnell – absent.

Carried 5 - 0

Approved

Public Hearing for Special Use Permit

Michelle DeGarmo, Flatley Read Inc. #24-02
141 Rt. 32 South
Schuylerville, NY 12871
S/B/L 156.-2-27 Rural District
Location: 124 Hayes Rd.

Engineer: Garry Robinson, P.E.

Returning applicant seeks a special use permit to turn the residential property, located at 124 Hayes Rd., into professional offices for her business.

Garry Robinson appeared on behalf of the applicant.

Chairman Walter Borisenok stated on the submitted map, note #3, the sewer was indicated to use four lines at 38’, for a total of 152’. If the distribution box was moved in a straight line and cut to the lefthand side, it could be connected to a new distribution box. The original plans indicated 3 lines with 90’ of septic, going downhill before the house to Fish Creek.

Zoning Officer/Building Inspector Gil Albert said the 90’ was okay.

Garry Robinson said there appears to be no contamination. He stated at the last meeting, questions were raised about additional parking spaces by the garage with a turn-around and the possibility of a second driveway. He mentioned establishing a buffer with the possibility of a fence being erected, surrounded with greenery. He said they’d like to have the required 16 parking space gravel, not paved. He then added there will be no more than ten people at a time for onsite training.

Laurie Griffen requested an explanation of training.

Garry Robinson replied training is scheduled for a maximum of ten people per training session, several times a month.

Laurie Griffen asked him to briefly explain to those in attendance what they are looking to do with the property and he did so. Laurie Griffen then asked for him to define 'every once in a while' number of trainings.

Garry Robinson said he isn't certain, from what he understands it's one or two times a month. He asked to have the applicant answer that, but was told she left the room. He said once she returns, they can have her answer.

An attendee started to yell out questions to Garry Robinson and Chairman Walter Borisenok asked the person to wait, as the Board must go through certain procedures for public hearings and all would have a chance to speak once the public hearing was opened. Chairman Walter Borisenok then read through the Rules of the Board: *All who wish to speak must be signed in on the Sign In sheet.*

1. *Please stand at the podium and only speak if you have the floor.*
2. *Identify yourself upon speaking: name, address, municipality.*
3. *Speak slowly, clearly and loud, so the Board can hear you.*
4. *Address comments only to the Board.*
5. *Comment only on the Application before the Board.*
6. *Privilege of the Floor is limited to 3 minutes.*
7. *Speaking is limited to one (1) time per person and there will be no donation of time.*
8. *Only one person speaks at a time and no interrupting the speaker.*

Proof of Notice having been furnished by newspaper on March 15, 2024, Chairman Walter Borisenok opened the Public Hearing at 7:10 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 in opposition to this project:

1. Tom Vanderhoof, 118 Hayes Rd., questioned if there will be any changes to the structure, any additional structures constructed and if so, how large will those be, how many trainees will be in attendance, as well as how often, why the Town would allow a business there and is the Town offering a tax break to the business. He also expressed concern of increased traffic.

Chairman Walter Borisenok responded businesses are allowed in that zoning district. Within that district there are allowable uses one can apply for through a Special Use Permit. He asked Zoning Officer/Building Inspector Gil Albert to read through the allowable uses for that district, which he did. A professional office is on the allowable uses, via a special use permit, as long as all requirements are met. The number of parking spaces required for a business in a building of that size is 16. The applicant did not ask for that many spaces, it is a requirement to ensure there will be no parking on the road. This public hearing is part of the special use permit process. The Board takes into account all public comments, at the same time, the Board must keep in mind people do have property rights. If all requirements are met, the Board may add stipulations to a special use permit, if warranted. The Town has laws and regulations that this Board must work within and uphold, so although some may be opposed to a project, if it meets all requirements, the Board would have no right to deny it. But, as stated before, the Board does have the ability to make stipulations to a special use permit.

2. Alice Brown, 126 Hayes Rd., expressed concerns of a business being located in a residential district, additional traffic and fears it will change the atmosphere of the area. She doesn't want to live next to a parking lot. She is opposed to this.

3. Alan Hall, 120 Hayes Rd., stated he opposes this and he's concerned that allowing this may lead to other businesses being established in the area. He questioned, if this business fails, will it open this property up to any other business coming in? Other concerns he had were concerns about snow run-off, where the snow will be put and he questioned what effect putting in a larger septic system may have on the water table of the surrounding homes and if will it affect his 350' drilled well. He then said the Board already stated that public opinion doesn't matter, so it's a forgone conclusion that this will go through.

Chairman Walter Borisenok stated he wanted to respond to Alan Hall's comments; the clock was stopped in order to allow Alan Hall the remainder of his three minutes once the Chairman finished speaking. Chairman Walter Borisenok then said Alan Hall stated the Board doesn't take public opinion into account. What was said, and what the Chairman made clear, is when someone comes in for a Special Use Permit that is an allowable use and fits within the zoning district and supplies the Board with all requirements to meet that permit, what he said was, just because someone may not like it, doesn't mean it won't get approved. The Board always takes public concerns and input into account. Saying the Board ignores public input is incorrect. He then asked Alan Hall to please continue.

Alan Hall questioned if another business comes in, if this fails, will they also need to get a special use permit or will they be permitted to occupy that space for their business under the same use that this business was granted?

Chairman Walter Borisenok responded if it's an office, yes.

Alan Hall responded so any business can be there here on out?

Chairman Walter Borisenok and Zoning Officer/Building Inspector Gil Albert said no. This is for office use only, nothing else aside from an office is granted under this permit. Zoning Officer/Building Inspector Gil Albert also added that no changes would be allowed can/will be addressed in the language of the special use permit.

Alan Hall then asked them to define OSHA training, as he takes OSHA training and it involves heavy equipment, which he doesn't want there. He'd like the scope of this business explained to everyone as it isn't clear what type of OSHA training will be taking place.

A co-worker of the applicant asked if she could speak to that and Chairman Walter Borisenok replied certainly. She explained that the OSHA training is computer-based training. The trainees sit at computers in a conference room, no heavy equipment involved.

Applicant Michelle DeGarmo, 141 Rt. 32, addressed the residents in attendance and stated she's been a resident here for 28 years. The training given at the business is only computer training, emphasizing lead-based compliance and mold training. Her company, Flatley Read, is an environment consultant business with government contracts and has been in business for years, 14 of which have been in leased offices at 12 Spring St.

4. Tom Brown, 126 Hayes Rd, stated this is nothing personal against Ms. DeGarmo. He and his wife took care of the original owner for 7 – 8 years. He's concerned that adding a business there would change the entire area. He doesn't want to look at cars instead of greenery, he'd rather a

fence be required. He said he researched Flatley Read and said there are 4 classes a week for training scheduled until the end of December.

5. Howard Polmateer, 122 Hayes Rd., said he's lived in his home for 30 year and does not want a parking lot next door. He feels this will lower the value of homes in the surrounding area and if another company goes in, he's concerned of water usage. He's also concerned what the future will bring if the building is sold as a commercial property.

Chairman Walter Borisenok reassured him there will be a restriction on the size of the building, with no further building expansion allowed.

6. Sue Polmateer, 122 Hayes Rd., questioned what foliage would be removed and is concerned it will all be cleared for a parking lot.

Chairman Walter Borisenok reiterated that there will be a fence or bushes erected to buffer the area and maintained by the owner.

Zoning Officer/Building Inspector Gil Albert stated he inspected the area and there are no viable trees there and it's not connected to any wetland, so no infiltration to other properties.

7. Dio Kaufman, 1438 Rt. 9P, stated she is not from the Hayes Rd. area but has empathy for the residents being affected. She feels the residents, as she has, have lost faith in the Town, specifically the Planning Board, and the Town shouldn't be trusted.

8. Alan Hall, 120 Hayes Rd., spoke a second time, registering his concern about the possibility of lack of upkeep, increased traffic, people getting lost finding the business, water issues.

Zoning Officer/Building Inspector Gil Albert stated an inspection is made every 3 years and businesses have to meet exact standards. An engineering report will be required for the water table.

Chairman Walter Borisenok said the initial investigation indicates minimal disturbance, no rebuilds, driveway will remain the same, the septic has been inspected and the well is existing.

9. Michelle Foster, 120 Hayes Rd., asked for statistics. Alan Hall, 120 Hayes Rd., asked if there will be a sign in front of the house or at the beginning of the road.

Town Engineer Ken Martin said water use with people in a 3 bedroom home, is calculated at 333 gallons per day going into the septic system, with this particular property being an office, the calculation is 207 gallons per day.

Chairman Walter Borisenok advised Michelle Foster that the Board does go through the inspections. She has the right to request information and can file a Section 78. A Special Use Permit is an allowable use and acceptable in that district.

Zoning Officer/Building Inspector Gil Albert stated the Town has regulations for signage. As of now, a sign is approved to be physically on the building with a road number. This could be part of the Special Use Permit verbiage.

Seeing as no one further wished to speak, **Chairman Walter Borisenok closed the Public Hearing at 7:46 p.m.**

Laurie Griffen suggested the Board wait to go through SEQR and vote on this until they do a walk-

through of the property. The applicant and the entire Board agreed. Walk-through will be April
Returning

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

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, Verity Engineering, appeared on behalf of the applicant and said they were before the Board in the fall of 2023 to talk about merging some property, but then decided not to do so at that time. He said he was before the ZBA earlier in the week and they sent him back to Planning to discuss changes to the submitted plans. He indicated on the site map, that the variances requested on the front of the property, will now be set in the back of the facility.

Zoning Officer/Building Officer Gil Albert stated the elimination of the three sections in front and moved to the back and moving the buddy lockers off to the side along where the garage is, would improve the ingress/egress issues.

Chairman Walter Borisenok said that will eliminate any congestion problems on Rt. 9P.

Brian Sipperly said the front storage units are non-secure and this would allow them to move the gate further back than previously drawn.

The Board agreed and Brian Sipperly said he will be in contact with Town Engineer Ken Martin with updated plans.

Returning

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

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

Board member Joseph Lewandowski recused himself from this application.

Owner Joseph Lewandowski seeks to subdivide a 6.37 acre+/- lot from his 32.05'+/- acre parcel to convey to the applicant for a single family residence.

Jim Vianna, PLS, appeared on behalf of the applicants and stated back in 2012 the upper right of the parcel split the lands on the left side of DeGarmo Rd. The east side is 32+/- acres, then in 1986 a lot in the middle was sold. The land to be subdivided resides by itself in a rural

residential area. The lot, as it exists, is compatible with zoning and has sufficient road frontage. A perc test has not been done yet and he will return once that is completed.

Town Engineer Ken Martin asked if there was a sight distance problem.

Jim Vianna responded none, it comes off a hill to Rt. 29 and that's where the driveway will be installed. He said he'll be back once the perc is completed and thanked the Board

Returning

Information: Donald Coulter, 83 Rodgers Ln., appeared before the Board regarding the possibility of combining his three lots to support the construction of a new home for his daughter; the house will be approximately 30' x 40'. Currently there is an old camp on one of the lots, which will be removed. Two of the lots that he'd like to combine are in back of Monica Bell's property. His deed indicates a right-of-way to the property from Hiller Lane.

Zoning Officer/Building Officer Gil Albert said a separate easement will be necessary for the daughter's property. The lot size would be 150' deep and 50' wide.

Chairman Walter Borisenok suggested going before the ZBA first and a survey map may be required. Then a lot line adjustment is possible.

Donald Coulter said he'd be contacting a surveyor as soon as possible and thanked the Board.

Rick Lofstad, 447 Co. Rt. 68, appeared before the Board regarding the possible subdivision of his 10+/- acre parcel, keeping a lot for himself and dividing the remainder into two new lots. Zoning Officer/Building Officer Gil Albert advised that 200' of frontage is necessary per 2 acre parcel. Rick Lofstad thanked the Board and will be contacting a surveyor to proceed.

Ralph Patrozzo appeared before the Board on behalf of Nick Cuomo, who resides on Minnie Bennett Rd. He said the owner has 18+/- acres and would like to plan a subdivision of this property into 4 lots, with 300' of frontage, 50' on sides with a cul de sac and a driveway being 500' – 600' in length. Zoning Officer/Building Officer Gil Albert advised that he may need two driveways, not including the existing one. Chairman Walter Borisenok suggested appearing before the ZBA to discuss conformance.

Old Business:

New Business:

A motion was made by Patrick Hanehan, seconded by Laurie Griffen, to adjourn the meeting at 8:43 p.m. Chairman Walter Borisenok – aye, Laurie Griffen – aye, Christopher Koval - aye, Joseph Lewandowski – aye, George Olsen - aye, Patrick Hanehan – absent, Robert McConnell – absent.

Carried 5 - 0

Meeting Adjourned

The next regular meeting will be held Wednesday, April 24, 2024 at 7:00 p.m.

*All submittals must be to the Clerk **no later than 8:45 a.m., April 10, 2024 to be on the next agenda.***

Respectfully submitted,

Dorothy Lavazzo

~Minutes are not verbatim~