

**TOWN OF SARATOGA**  
**PLANNING BOARD DRAFT MEETING MINUTES\***  
**July 23, 2025**

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 – absent (arrived at 7:02 p.m.), Patrick Hanehan – present, Christopher Koval – present, Robert McConnell – present, Alternate Chuck Pafundi – present, George Olsen – present, Joseph Lewandowski – absent.

Also attending: Zoning Officer/Building Inspector Gil Albert, Jon Haynes, Brandon Ferguson, Victoria Paterson and Mike Bollinger. (Sign in sheet is on record in the Clerk's office)

Minute approval: **Motion made by Chairman Patrick Hanehan, seconded by Christopher Koval, to accept the June 18, 2025 meeting minutes as written.** Chairman Walter Borisenok – aye, Laurie Griffen – absent (arrived at 7:02 p.m.), Patrick Hanehan – aye, George Olsen – aye, Christopher Koval – aye, Robert McConnell – aye, Chuck Pafundi – aye, Joseph Lewandowski – absent.  
**Carried 6 – 0**

**PUD Review Conference**

**Robert & Victoria Paterson #25-05**  
**433 Co. Rd. 68**  
**Saratoga Springs, NY 12866**  
**S/B/L 181.1-15, 181.-1-16, 181.-1-17**  
**Location: 433 Co. Rd. 68**

**Representative: Environmental Design**  
**Partnership, LLP**  
**900 Rt. 146**  
**Clifton Park, NY 12065**

Returning Applicants seek a mixed use P.U.D. (Planned Unit Development), to be named 'Mostly Modern Arts Center' on their property. This property will be 18.85+/- acres, once merged, and will be a commercial and residential community comprised of a music and art venue, single family detached homes and cottages. This was presented to the Town Board, per P.U.D. legislation, who in turn sent this to the Planning Board for review. Once completed, this will go back to the Town Board for final approval.

Jon Haynes, Phinney Design Group, and Brandon Ferguson, EDP, appeared on behalf of the applicants. In response to Town Engineer Ken Martin's notes from last month's meeting, they stated they can accommodate Ken's suggestions concerning the new DEC regulations/requirements for a stormwater basin liner and they propose a clay liner, per Ken's advice. Also, per his advice, they will shift/rotate the septic over a bit to meet the 100' setback per stormwater regulations. They also addressed the Board's concerns regarding access, parking, wetlands and buffering, subject to final Army Corps approval; see draft Planning Board Report & Recommendations to Town Board further in the minutes.

They stated they also conducted a sound study last week, with Chairman Walter Borisenok and Town Zoning Officer/Building Inspector Gil Albert in attendance. They reviewed the details of the study and said they all had sound meters in hand. They began the test at 92 decibels.

Zoning Officer/Building Inspector Gil Albert stated he and Chairman Walter Borisenok walked down to the entrance and then further downhill and both areas showed a decibel of 60, yet it sounded as if you were right at a concert – too loud. They had the same readings across the road.

Even when they lowered down to 8 decibels on site, it still sounded loud at neighboring properties up and down the road. Going out to Burke Rd., you heard absolutely nothing. It is directional sound, so this can be addressed. Perhaps with berms, baffles, vegetation, trees, etcetera. The applicants need to figure that out. He said he'll recommend the Town Board carry through with sound mitigation due to what he and Chairman Walter Borisenok heard down the road. Again, there are ways to mitigate the sound without any problem and he reiterated that he wants the Town Board to stipulate this be done.

Chairman Walter Borisenok stated Town Engineer Ken Martin is good with their responses and asked if there were any Board questions.

Laurie Griffen questioned if this will be open to the community.

Applicant Victoria Paterson responded most definitely. She said they plan on a variety of events that will be open to the community. She also stated that artists will be able to record music there as well as performing on site.

Chairman Walter Borisenok stated he had a conversation with attorney Libby Clark and she furnished the Board with her draft recommendation. He then read the draft recommendation with the Board and found some revisions were needed. Those revisions have now been completed by attorney Libby Clark and the final draft recommendation reads as follows:

***“Planning Board Report and Recommendations to Town Board for Proposed Planned Unit Development “Mostly Modern Art Center”***

*This report, containing the Planning Board’s findings and recommendations regarding the PUD Concept Plan referenced above, is respectfully submitted to the Town of Saratoga Town Board pursuant to the provisions of Article X of the Town Zoning Law (§400-43, et seq.). As the Town Board is the lead agent for the PUD review, the Planning Board acknowledge that the SEQRA process will be completed with this Report as part of the record.*

*In making this Report, we have been especially mindful of the assigned role of the Planning Board in the PUD review process. The Zoning Law defines a Planned Unit Development (PUD) as: “The purpose of the planned unit development regulations is to encourage flexibility in the design and development of land in order to promote its most appropriate use; to preserve the natural and scenic qualities of open space; and to encourage the goals and objectives of the Town of Saratoga Comprehensive Land Use Plan.”*

*The Town Board has the ultimate authority in approving a PUD development based on its Concept Plan. The Planning Board’s role in the process is to review and make recommendations on the Concept Plan to the Town Board, pursuant to the Town’s Zoning Law §400-45.F.*

*In performing the review under Article X of the Zoning Law, the Planning Board has considered, the general requirements in Article X and the specific standards of the underlying district and the Town of Saratoga Comprehensive Plan. We have also considered whether the alteration of one or more of those standards in the context of the PUD would better protect the public health, safety and general welfare while carrying out the purposes of the Comprehensive Plan of the Town.*

## **SECTION 1: PROJECT INFORMATION & REVIEW HISTORY**

*This report contains the Planning Board's findings and recommendations regarding the proposed Planned Unit Development (PUD) known as the: Mostly Modern Arts Center", Submitted by Robert & Victoria Paterson for property at 433 County Road 68, Saratoga Springs, NY (S/B/L 181.-1-15, 181.-1-16, 181.-1-17, approx. 18.85 acres after merger). This recommendation is submitted to the Town Board pursuant to the Town's PUD review process and follows Planning Board review at its March and June 2025 meetings, including site visits and technical review.*

*The applicant proposes a mixed-use PUD to be named "Mostly Modern Arts Center," comprising a music and arts venue, single-family detached homes and cottages. The relevant project components are the following:*

**Site:** 18.85+/- acres at 433 County Route 68, to be merged from three parcels.

**Uses:** Mixed-use arts and music venue, single-family detached homes and cottages

**Access:** Primary access from Burke Road (relocated for improved sight distance and neighbor separation); secondary/emergency access from County Route 68, to be gated and restricted to residents/emergencies.

**Driveway:** Expand the width of the existing driveway off County Route 68 to accommodate emergency vehicles.

**Parking:** 51 paved spaces near the venue, 39 grass overflow spaces and two spaces per house/cottage (approx. 100 total).

**Wetlands:** The site does not contain any NYSDEC jurisdictional wetlands. Army Corps of Engineers jurisdictional wetlands are on site; one narrow crossing for driveway access, to be permitted by the Corps.

**Grading & Elevation:** Venue and patio/stage area set into the hillside, with step seating and berms for sound and visual buffering.

**Lighting & Sound:** Lighting and planting plans submitted; Board recommends a sound study due to the venue's elevated location and potential for sound travel.

**Utilities:** Percolation and deep pit test results pending for wastewater and stormwater management.

*The project was first presented to the Town Board, which referred it to the Planning Board for review under PUD legislation. The Planning Board held a review conference in March 2025, followed by further review and site visits in June 2025. Board members and consultants have visited the site and reviewed access, lighting, parking and environmental constraints. The applicant's representatives (Environmental Design Partnership, LLP and Phinney Design Group) have provided updated site plans, lighting plans, grading and parking layouts and have addressed Board concerns regarding access, wetlands and sound impacts.*

## **SECTION 2: CONFORMITY WITH THE PURPOSE AND OBJECTIVES OF A PUD**

**Purpose.** *The Planned Unit Development (PUD) regulations in the Town of Saratoga are designed to encourage flexibility in land development while promoting the Town's comprehensive growth objectives. The regulations aim to preserve natural open spaces,*

*encourage creative design and provide economies of scale in new residential, commercial and industrial developments. The regulations aim to achieve the following goals:*

- ***Land Preservation:*** *Preserve agricultural and open spaces while allowing for compatible development.*
- ***Creative Design:*** *Promote innovative planning and architecture, deviating from standard zoning regulations where appropriate.*
- ***Growth Alignment:*** *Align with the Town's Comprehensive Land Use Plan (adopted March 11, 2002 and amended thereafter).*
- ***Community and Environmental Impact:*** *The development must not negatively affect neighboring properties and should consider traffic flow, parking, aesthetics and open space.*
- ***Residential Developments:*** *If the PUD includes residential units, the Town board may require a fee in lieu of parkland if suitable park space is not available on-site.*

*The Planning Board agrees that the Concept Plan for the applicant appears to meet this purpose. It proposes a new community, combining residential and non-residential uses. It provides a creative design that is not possible under existing zoning. As earlier noted, the Plan reflects the development principles in of the Town of Saratoga Comprehensive Plan.*

### **SECTION 3: FINDINGS AND RECOMMENDATIONS**

*Based on the above, the Planning Board finds that the proposed PUD is consistent with the Town's Comprehensive Plan and PUD standards. It recommends the Town Board approve the PUD based on the following considerations:*

1. *The applicant has addressed Board concerns regarding access, parking, wetlands and buffering, subject to final Army Corps approval.*
2. *The Board recommends the completion of a sound study to determine appropriate hours of operation and mitigation measures for the music venue.*
3. *Percolation and deep pit test results should be provided and reviewed by the Town Engineer.*
4. *Final lighting, landscaping and site plans should be submitted for Board approval.*
5. *Emergency access from County Route 68 must be gated and restricted to residents and emergency use only.*
6. *Expand the width of the driveway at County Route 68 to accommodate emergency vehicles and add a turnaround at the end of the driveway. This will allow emergency access to all sides of the building.*
7. *Place signage on Burke Road indicating entrance ahead.  
Place signage on County Route 68 during event times."*

Laurie Griffen questioned if they can add 'music' in the name; as it is, no one will know about the music and Applicant Victoria Paterson responded yes, they can change the name to include music.

Chairman Walter Borisenok asked if there were any further comments or questions; there were none.

**A motion was made by Laurie Griffen, seconded by Robert McConnell, to send the recommendations, with revisions, to the Town Board for final approval.** Chairman Walter Borisenok – aye, Laurie Griffen – aye, Patrick Hanehan– aye, George Olsen – aye, Christopher Koval - aye, Robert McConnell – aye, Chuck Pafundi – aye, Joseph Lewandowski – absent.  
**Carried 7 – 0**

**Special Use Permit Pre-Submission Conference**

**Megan & Peter Vail #25-06  
1095 Co. Rd. 70  
Stillwater, NY 12170  
S/B/L 194.-1-25.2 Rural District  
Location: 1095 Co. Rd. 70**

**Representative: Michael Bollinger  
227 Jones Rd.  
Saratoga Springs, NY 12866**

Applicants seek a special use permit to construct a second single family dwelling on their 12.80+/- acre property.

Michael Bollinger appeared on behalf of the applicants. He reviewed the application with the Board, stating this is for a second home with future plans to subdivide. NYS DEC wetlands have been identified and delineated by EDP.

Laurie Griffen stated this appears to be a subdivision. Michael Bollinger replied yes, as they may seek to do so in future.

Chairman Walter Borisenok stated this meets all our requirements of setbacks, septic distances, etcetera. Talk with the County to get their blessing for the driveway and once you've obtained that, come back and you're good to go.

Michael Bollinger thanked the Board.

**Returning**

Old Business: none

New Business: none

**A motion was made by Laurie Griffen, seconded by Christopher Koval, to adjourn the meeting at 7:42 p.m.** Chairman Walter Borisenok – aye, Laurie Griffen – aye, Patrick Hanehan– aye, George Olsen – aye, Christopher Koval - aye, Robert McConnell – aye, Chuck Pafundi – aye, Joseph Lewandowski – absent.

**Carried 7 – 0**

**Meeting Adjourned**

The next regular meeting will be held Wednesday, August 27, 2025 at 7:00 p.m. *All submittals must be to the Clerk **no later than 8:45 a.m., August 13, 2025 to be on the next agenda.***

Respectfully submitted,

Linda McCabe  
Planning Clerk

~Minutes are not verbatim~