

**TOWN OF SARATOGA
PLANNING BOARD DRAFT MINUTES**

March 25, 2015

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

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

Also attending: Bob Kernan, Paul Lambert, John & Laurie Deyoe, Peter Grassi, Justin Grassi, Roger Sharp, Katherine Smith, Eric Catalano, Sean & Stacy Dooley, John Bassalini and other interested persons. (Sign-in sheet is on file in the Clerk's office)

A motion was made by Laurie Griffen, seconded by Jennifer Koval, to accept the meeting minutes of January 28, 2015. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Joseph Lewandowski – aye, Robert McConnell – absent, Brandon Myers – aye, George Olsen - absent.

Carried 5 - 0

Approved

Special Use Permit Conference

**Mr. Roger Sharp #13-12
386 Burgoyne Rd.
Saratoga Springs, NY 12866
S/B/L 168.-2-35 Rural**

Returning Applicant is seeking a Special Use Permit for his High Peaks Sound home industry business.

The Applicant appeared before the Board.

Chairman Ian Murray asked where the Applicant has been since the last time he was before the Board was a year and a half ago and the Board has been waiting for him to get into compliance.

The Applicant responded they had new babies last year and he's been very busy.

Chairman Ian Murray replied everyone's been busy, but you have to do what is necessary. He reminded the Applicant that the Board told him numerous times in the past that he had to keep up on this but it took Zoning Officer Gil Albert going to see the Applicant a couple more times to get him back in before the Board.

The Applicant said he had trouble keeping his surveyor on point because his surveyor's father passed away and he got caught up in those issues.

Chairman Ian Murray responded that the Applicant should have communicated with the Board, keeping them abreast of what was going on. Chairman Ian Murray asked the Applicant to explain what he's planning to do.

The Applicant stated his submitted drawing shows there will be a single driveway entrance, he's positioning the new addition to create more of a buffer zone to help alleviate the noise created by his vehicles, and the drawing also shows some vegetation to help as well.

Chairman Ian Murray stated that was everything the Board went over with the Applicant a year and a half ago and it was a Board member that sketched it up during one of the pre-submission conferences. He stated it does look like the Applicant has done a little more work, but looking at the drawing brings up a lot of questions. He told the Applicant that the Board will need to schedule a site visit workshop, which will help the Board see what's there and allow them the opportunity to provide helpful suggestions.

Laurie Griffen explained that the Board does this with most special use permit applications.

Chairman Ian Murray asked the Applicant where the septic is located for the residence. The Applicant responded it's on the north corner of the house, roughly at the tree line.

Chairman Ian Murray asked where the leach field is located and the Applicant replied as far as he knows it's out toward the road; he only knows where the cap is.

Chairman Ian Murray asked if the Applicant is planning on having any bathrooms in the new facility. The Applicant responded no, it's really a storage facility. Their work is done off-site and having the ability of backing in the trucks with the new addition, will allow for less movement of the trucks on the property. He added they don't have customers coming to them.

Chairman Ian Murray stated there are no customers coming on-site but they do have employees coming, so they have employee vehicles occupying some of the space as well as their trucks and personal vehicles. The Applicant responded the trucks are parked in the slips at the loading docks.

Chairman Ian Murray said that still takes up quite a bit of area on the lot which is already constrained and that is why a site visit is important.

Laurie Griffen questioned how many vans or trucks he has and the Applicant answered two box trucks.

Chairman Ian Murray added the last time the Applicant was before the Board he stated they had three trucks. The Applicant replied one is no longer in service.

Chairman Ian Murray questioned the size of the trucks and the Applicant replied one is about 36' with the cab and the other is about 24' with the cab.

Chairman Ian Murray stated he doesn't want to sound anti-business, and obviously the Applicant's business is growing and that's great, but he and the Board are concerned the Applicant may be outgrowing his space.

The Applicant disagreed stating it would be at least 10 years before that happens and he can't afford to rent another property for storage.

Chairman Ian Murray stated he understands that, but the Applicant needs to understand the Board's role as well. The Board isn't there to give one a special use permit to run a business, the Board is in place to provide protection for all the residents of the Town of Saratoga, and it's the Board's duty to watch out and make sure folks are in compliance, not to keep the Applicant in business.

Laurie Griffen stated many of the Board members are business owners also and fully understand and appreciate the Applicant's issues, but it's the Board's goal to try and make things work within the framework that is in place. She said she was out to the Applicant's property yesterday and sat out front and watched for a while to get a sense of the size and scope of what the Applicant has going on and she has a couple of questions. She stated she counted 8 cars there in the short time she was watching and it's really tight, congested and very close to the road. She noticed the land goes up fairly steep in the rear and questioned if there's any way to push things further back, off the road. She explained with her business she runs big trucks and knows what it takes in turning radii/radiuses and it's really crowded on the Applicant's property. She reiterated if there is any way to push further back, he should do so because it would alleviate the congestion.

The Applicant replied he doesn't feel that he can do that.

Laurie Griffen responded it would alleviate the congestion there; it's too tight and close to the road. She then stated a site visit will be good for the Board. Everyone will get a better sense of what's going on and a better handle on things will help them help the Applicant.

The Applicant said he likes the idea the Board came up with the last time he was before them. He likes the angling of the building to help block the vehicles and also putting in loading docks.

Laurie Griffen said it definitely helps and looks fine on paper, but after watching yesterday, the Board will get a better sense walking the land. Growth is good, the Board loves to see businesses grow, but sometimes you can only put a square peg in a round hole for so long and the Board's job is to make sure things fit in our program. A site visit is needed.

Jennifer Koval stated in the Applicant's submittals, he states he plans to put in a loading dock to reduce noise and it would ensure the work-day falls within the hours allowed by the Town Code of 7 a.m. - 11 p.m. She thought hours of operation are set by the Board through the permit process on a case by case/business by business basis. She added she is uncomfortable with those being business hours, especially in a residential area with neighbors that close to them.

Zoning Officer Gil Albert stated that's part of the noise ordinance, not special use permits.

Jennifer Koval said she's not certain this business fits in that rural neighborhood and believes those hours should possibly be amended. That's a lot of vehicles and noise at that hour of the night.

The Applicant replied two of the vehicles are employee vehicles. He added someone had made a

complaint that they work in the middle of the night and he said that doesn't happen. He added that those hours weren't really part of his proposal it's just what the code said.

Jennifer Koval responded they get their trucks back by 11 p.m. or after, then employees have to unload them and store everything and then get in and start their own vehicles to leave; that is the middle of the night. She then questioned how many employees he has, since Laurie Griffen saw eight vehicles there.

The Applicant responded two. Jennifer Koval then said so two out of the eight cars parked there are employee cars; the Applicant did not respond.

Chairman Ian Murray stated to clarify, that complaint was at a meeting where the Applicant was technically in violation, a year and a half ago. The outcome of that complaint was Zoning Officer Gil Albert went to the Applicant and told him he needed to come before the Board for a permit and gave him the opportunity to get a permit before citing him. A year and a half ago the Board had him come in trying to get the Applicant into compliance due to that complaint. At the last meeting the Applicant appeared before the Board, the Board looked at different ways to try and resolve his issues. George Olsen, an architect, is the Board member that sketched up some ideas, but it didn't mean that that particular sketch was going to be stamped by the Board for approval; it was just some ideas to help the Applicant. Again, the Board was trying to get the Applicant into compliance and possibly get him a special use permit.

Chairman Ian Murray scheduled the site visit for April 22, 2015 at 6:00 - 6:30 p.m.

The Applicant thanked the Board.

Returning

Public Hearing for Special Use Permit

**Saratoga Rowing Association #14-15
543 Union Ave.
Saratoga Springs, NY 12866
S/B/L 180.18-1-2 & 3 Lake Commercial
Location: 1460 NYS RT 9P**

**Representative: Robert Kernan
40 Long Alley
Saratoga Springs, NY 12866**

Returning Applicant is seeking a Special Use Permit to open a rowing training center at 1460 Rt. 9P.

Robert Kernan appeared before the Board on behalf of the Applicant. He reviewed the rowing training facility plan, the ZBA approval, the reconstruction of the main building, 31 parking spaces as well as the 9 parking spaces in the over-flow area. There's a lot of the old gravel driveway in the back area, which they'll clean up and reseed for lawn. It will also be used for temporary boat storage during events and additional overflow parking. He said the garage stays as is and they will put in a pavilion at some point but unsure of the exact date. He reviewed the landscaping plans for the perimeter of the building and the placement of three trees along the property edge.

Robert Kernan then stated as for water, the new wells have been dug, submittals were in to NYS DOH two weeks ago and they're awaiting their approval; the flows and quality look solid. He said as far as septic is concerned, the existing grinder pump is not capable so it will be replaced

and they are submitting to Saratoga County Sewer District. He then showed where the storm water goes today stating it is contained on site and they see no impacts to the site or neighboring properties. In closing there are no impacts to the neighboring properties, the use is consistent with other properties out by the lake such as the state boat launch and the campground nearby.

Laurie Griffen asked about signs and lighting of the facility. Robert Kernan responded exterior lighting will be wall packs on the building and as far as signage he is unsure at this time.

Chairman Ian Murray stated the engineered drawing shows a treatment system, but doesn't say how you'll treat it, is it chlorinated? Robert Kernan responded yes, it's a chlorinated treatment system. He said those plans went to NYS DOH also.

Building Inspector Gil Albert questioned the yield and Robert Kernan replied he believes it was 8 gallons per minute but isn't certain. Chairman Ian Murray stated the town is superseded by the state on that. Building Inspector Gil Albert said 8 gallons is good, but if NYS supersedes let DOH take it.

Laurie Griffen asked about traffic flow, questioning if vehicles will be coming in off of RT. 9P only or both the side entrance and Rt. 9P. Robert Kernan responded both entrances, they will not be changing the curb cuts.

Chairman Ian Murray said there were multiple sewer connections in the green space in the back and is wondering if they've been removed. Robert Kernan replied the county removed all the pumps and capped the lines.

Town Engineer Ken Martin questioned the occupancy classification of this project; he brought this up because they may need sprinklers there with the lodging/dormitory setting and Mr. Kernan replied he would need to ask their architect.

Building Inspector Gil Albert stated he needs to see the existing structure and depending upon the renovations he'll determine if it needs sprinklers or not. Mr. Kernan questioned if that's part of the building permit and Building Inspector Gil Albert responded yes.

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

Proof of Notice having been furnished by newspaper on March 15, 2015, Chairman Ian Murray opened the Public Hearing at 8:03 p.m., asking those wishing to speak to please stand and state their name and address. Seeing as no one spoke, Chairman Ian Murray closed the Public Hearing at 8:04 p.m.

Chairman Ian Murray read the letter from the Saratoga County Planning Board indicating approval with the following comment: *"The applicant will need to obtain approvals from NYS DOH for the well as well as Saratoga County Sewer District #1 to connect to the system. The town may wish to have NYS DOT review the existing access to Rt. 9P to make sure that is sufficient for the chance in use proposed."*

Chairman Ian Murray stated the Board completed SEQR on this application on November 19, 2014 as lead agency for ZBA approval, so there is no need to go through it again.

Chairman Ian Murray made a motion, seconded by Laurie Griffen to approve the Special Use Permit as presented, with the stipulation of NYS DOH approval, Saratoga County Sewer District approval and final review to be completed by Town Engineer Ken Martin. No work is being performed in the NYS DOT right-of-way, however, if work is performed a permit from NYS DOT must be obtained by the Applicant. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – absent, Joseph Lewandowski – aye, Brandon Myers – aye.

Carried 5 - 0

Granted

Information

Mr. Chauvin, attorney for Joseph and Sunday Verrillo, JSV LLC, appeared before the Board stating he wanted to be sure his clients have to come before the Board for the right permit. He said Mr. & Mrs. Verrillo own 111 Condon Rd. and the previous owner had a special use permit for a boat storage facility.

A lengthy discussion was held between Mr. Chauvin, the Board and Building Inspector/Zoning Officer Gil Albert. Chairman Ian Murray said that the Dooley Boat Storage was approved and updated to include RV storage for indoor storage only. He said the use has changed. Now there's car storage there, and according to a newspaper article they offer valet service; a take in and deliver to the client service. Mr. Chauvin stated no, it's one time in and one time out; those are classic cars and they are used seasonally. Those vehicles are considered recreational vehicles, in during the fall and out in the spring. There is no access to the cars while they are in storage.

Chairman Ian Murray stated there have been complaints concerning Mr. & Mrs. Verrillo's change of use of the property; renting out the house, having business offices in the original building and storing vehicles other than their own. Chairman Ian Murray also told Mr. Chauvin that his client had an article/interview published in the October 2014 Saratoga Business Journal. The article/interview stated they now have two storage facilities, one in Clifton Park and one in Saratoga Springs, (which is incorrect, it's in the Town of Saratoga) with trained concierge staff available to provide detailing, maintenance and restoration of the cars as needed. It also stated the Verrillo's plan to add a lounge area where folks can get together and chat.

Mr. Chauvin stated he is unaware of that information and it was suggested by the Board that he and Building Inspector/Zoning Officer Gil Albert go to the property and walk through the buildings; he agreed. Mr. Chauvin will contact Building Inspector/Zoning Officer Gil Albert with a date for the walk through.

Jennifer Koval stated the original permit was for a pole barn. The new owners have put up a large second building and the building permit said it was for personal use but they have it advertised for storage. The use has changed, he's storing cars and, she added, she has never heard of cars defined as 'recreational vehicles'. Mr. Chauvin said the use is the same.

Chairman Ian Murray questioned if the Verrillo's live there. Building Inspector/Zoning Officer Gil Albert said no they don't, they're renting it out which is another change of use on the property and not allowed; it's against the Town's multi-use law.

Brandon Myers stated the Verrillo's need to file for a special use permit with this Board.

Chairman Ian Murray stated Clerk Linda McCabe will email a copy of the article to Mr. Chauvin for his review and Building Inspector/Zoning Officer Gil Albert and Mr. Chauvin will do a walk-through as soon as possible.

Old Business: None

New Business: None

A motion was made by Laurie Griffen, seconded by Joeseeph Lewandowski to adjourn the meeting at 8:50 p.m. Chairman Ian Murray – aye, Laurie Griffen – aye, Jennifer Koval – aye, Patrick Hanehan – absent, Robert McConnell – absent, Joseph Lewandowski – aye, Brandon Myers – aye. **Carried 5 - 0**

Meeting Adjourned

A site visit workshop will be held on April 22, 2015 at 386 Burgoyne Rd., beginning at 6 p.m.

The next regular meeting will be held Wednesday, April 29, 2015 at 7:30 PM.

Respectfully submitted,

Linda A. McCabe
Planning Clerk