



Village of Saranac Lake

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VILLAGE OF SARANAC LAKE DEVELOPMENT BOARD MEETING MINUTES 8/3/2021

ATTENDANCE

Development Board Members:

Donna Difara, Chairperson, Present
Bill Domenico, Present
Elias Pelletieri, Present
Adam Harris, Present
Rick Weber, Present
Bob Bevilacqua, Alternate, Present

Paul Blaine, Development Code Administrator, Present
Cassandra Hopkins, Administrative Assistant, Present
Paul Van Cott, Village Attorney, Present

CONVENE

Donna Difara opened the meeting at 6:00pm.

Motion to approve July 6, 2021 Regular Meeting Minutes by Bill Domenico, seconded by Adam Harris.

Difara asked for a Roll Call Vote.

Roll Call: Domenico, yes; Harris, yes; Elias Pelletieri, yes; Difara, yes; Weber, abstain;
meeting minutes approved.

PUBLIC HEARINGS

BOARD ACTION

1) Cedar Ridge Holdings, Inc., Minor two lot subdivision with Area Variance, 57 Duprey St.

Harris recused himself from the project.

After review of the SEAF Parts 1 and 2, Weber moved for a determination that a SEQRA negative declaration was appropriate. Motion, seconded by Domenico.

Difara asked for a Roll Call Vote.

Roll Call: Domenico, yes; Pelletieri, yes; Weber, yes; and Difara, yes; all in favor, SEQRA negative declaration approved.

Motion to find the project in conformance with LWRP policy standards and conditions by Domenico, seconded by Weber.

Difara asked for a Roll Call Vote.

Roll Call: Domenico, yes; Pelletieri, yes; Weber, yes; and Difara, yes; all in favor, LWRP consistency determination approved.

Difara asks applicant to speak.

Keith Braun, applicant, stated that a new application has been submitted for a minor two lot subdivision with an area variance for the lot at the corner of Tara Dr. and Duprey St. He explained that the project will create two lots, the A lot as the corner lot and the B lot where the current single-family home is which is where the area variance request comes from as it will be just shy of the required total area.

Domenico asked for more information on the decision for the minor two-lot subdivision.

Braun explained that the A lot is a corner lot, which does limit where they can build given that it has two front yards with setback requirements.

Weber stated that Lot A, even with the required setbacks, still maintains a sizeable building envelope. He asked if there were any other constraints that led to this decision.

Braun stated that the setback requirement of 25ft. is a minimum and that the original intention of the project was to build further back to fit the landscape of the neighborhood.

Difara asked for any other comments from the Board and opened the public hearings on the area variance request and subdivision proposal.

Walter McClure, neighbor at 60 Duprey St., stated several concerns with the project and reviewed criteria for an area variance to demonstrate what he saw as grounds for denying the application. He asked the Board to consider adding the conditions of subdividing into two equal lots, and then no further subdivisions on the property, and to prohibit the property to be used as short-term rentals, if they were to approve the application, which he strongly discourages.

Si Flores, neighbor at 77 Duprey St., stated that he is concerned with the inconsistency in the application approval process. He stated that he strongly suggests the Board deny this application, or delay on a decision until they have seen further plans.

Margot Kampf, neighbor at 134 Duprey St., stated that the property, according to the Essex County data, is actually 0.44 acres, and asked when this will be corrected on the documents.

Fred Balzac, Village resident at 128 Shepard Ave., stated that the moratorium on evictions is coming to close and he would like to remind the Board that there are currently 3 residents on this property and stated concern over their eviction or removal from the property.

Difara asked the applicant about the plan in place for current tenants.

Braun stated that in the application, there is a timeline that has been outlined concerning long-term tenants, who have been taken into consideration, and for that reason, this project will take place in phases.

Jay Campion, neighbor at 87 Duprey St., stated that he has already been affected by this project with new speculation in the neighborhood and the potential for property assessments to go up. He urged the Board to wait and look at plans for the project before making a decision.

Van Cott stated that a survey plat had been submitted for the property.

Difara stated that a survey map provides the most accurate data, in response to acreage shown on the Essex County data.

Paul Blaine, Development Code Administrator, clarified that the survey plat provides 0.4498 acres as the measurement. Flores asked about the next step and if there is any further discussion by the Board without any additional plans. Linda Scheefer, neighbor at 11 Duprey St., stated that she was told it would take months to subdivide her property.

McClure stated that this is a decision point for the Board and that beyond this step the project will most likely get approved.

Margaret Campion, 101 Bloomingdale Ave., stated that the development along Duprey St. all have to do with the same owner.

Blaine assured the Board that the allegations of inconsistent process alleged are not true. He stated that the two projects discussed by Flores and Sheefer both had retained legal counsel and they would have been advised if the Village decisions had not been made in accordance with the Village's Development Code.

Motion to close the public hearing by Pelletieri, seconded by Difara.

Difara asked for a Roll Call Vote.

Roll Call: Domenico, yes; Pelletieri, yes; Weber, yes; and Difara, yes, all in favor, public hearing closed.

Blaine presented to the Board the criteria to consider for an area variance.

Van Cott stated that the Board must ultimately undertake a balancing test whether the benefit to the applicant of granting the variance outweighs any detriment to the neighborhood or community of the grant.

Board discussion regarding whether the variance would make an undesirable change in the neighborhood focused on the size of the proposed lot, with Weber noting that there are similarly sized lots in the neighborhood based on review of tax maps.

There was no suggestion that the size of the lot was incompatible with the neighborhood.

Regarding alternatives, there was general consensus that the creation of a substandard-sized lot was the most reasonable way for the applicant to achieve its goal of having two lots, each with principal buildings.

Pelletieri thought that a 16% variance would be substantial. Van Cott explained that area variances of similar magnitude have been upheld by NY courts and that whether or not they are "substantial" may turn on how significant the impacts are.

No environmental impacts from the granting of the variance were identified by the Board. It was noted by Weber that the project would actually result in fewer principal buildings on the property, since three (one 2-family, one single-family) dwelling units would be replaced by a duplex.

There was consensus that the need for an area variance was a self-created hardship on the part of the applicant. Based on the discussion and the "balancing test," a majority of the Board was inclined to grant the variance and discussion turned to minimizing the variance granted.

Pelletieri suggested splitting the parcel into two equal, substandard-sized lots.

Difara stated that rather than split the subdivision into two equal lots, which actually means seeking two area variances based on the lot size, the split could be an area of 10,385.5 sq. ft. for the A lot, and an area of 9,207.5 sq. ft. for the B lot.

Domenico stated that it does not significantly reduce the building envelope.

Difara stated that the split is a compromise.

Weber stated that this does meet his original concern, which is to minimize the variance needed.

Van Cott stated that this Board can grant the minimum variance that it deems necessary.

Difara asked the applicant about the proposed new area for each lot.

Braun stated that the plan has been submitted and the survey plat is before them.

Domenico stated that this gives the smaller lot just that much more room and he see the increase to that lot size as more beneficial than any loss from the decrease to the bigger proposed lot.

Difara asked for any conditions.

Domenico stated that the proposed conditions in the Staff Report are appropriate.

Weber asked if the easement would be affected with the temporary structure on the property.

Van Cott stated that that can be made a condition of approval, that, if necessary, a temporary easement will be recorded for the encroaching building on the lot.

Motion to approve Area Variance request with conditions: (1)the existing single-family dwelling on Lot A shall be demolished and removed: (i)by no later than August 1, 2023; or (ii)prior to issuance of a building permit for any new structure on Lot A, whichever occurs sooner, (2)the existing two-family dwelling shall be demolished and removed: (i)by no later than August 1, 2024; or (ii)prior to issuance of a certificate of occupancy for any new structure on Lot A, whichever occurs sooner, and (3)proof of filing within 120 days of variance approval of a temporary easement for the portions of the existing single-family and two-family dwelling encroaching on Lot B with language approved by the Village Attorney, by Difara, seconded by Weber.

Difara asked for a Roll Call Vote.

Roll Call: Domenico, yes; Weber, yes; Pelletieri, no; and Difara, yes, majority in favor, area variance approved.

Motion to approve Subdivision with conditions that the approved plat shall be filed in accordance with Village Law § 7-728 and a copy of the filed plat and proof of filing shall be submitted to the Development Code Administrator within 60 days thereafter, and that the lots be subdivided to these specifications, 10,385.5 sq. ft. for the A lot, and an area of 9,207.5 sq. ft. for the B lot by Difara, seconded by Domenico.

Difara asked for a Roll Call Vote.

Roll Call: Domenico, yes; Weber, yes; Pelletieri, no; and Difara, yes, majority in favor, minor two lot subdivision approved.

2) Saranac Lake Pee Wee Hockey Association, Inc., Site Plan Review for an addition and site improvements, 213 Ampersand Ave.

Joe Garso, engineer, addressed the Board to state that the Civic Center has been awarded a grant to make site improvements in an effort to get the Civic Center ready to host curling events in the 2023 World University Games. He stated that the Civic Center property is adjacent to the Town of Harrietstown property and has an agreement for use of the vehicle entrance into the parking lot.

Pelletieri asked where the buses will load and unload.

Garso shared the plan for bus navigation and other vehicle navigation around the improved site.

Weber asked for clarification on the storm water plan.

Garso addressed the question using the Site Plan to explain the service conveyance into an infiltration basin on site and gutters, with an overflow area in the wetlands on the North side of the property.

Weber asked about upgrading lighting on site.

Garso stated that the plan is to use LED dark sky compliant lighting fixtures, most of which will be mounted on the building.

Domenico suggested working with the Town of Harrietstown to ensure that even with the new fixtures, the entirety of the parking area is safely lit.

Jesse Schwartzberg, architect, addressed the Board to briefly explain his role and review the floor plan.

Difara commented on the selected color for the outside of the building and how it might not look good upon completion.

Schwartzberg stated that the colors will fit on a building of that scale and the intent is to draw eyes to the lighting, logo and glass features on the building.

Domenico asked about the heating in the arena and if the outside temperature affects the ice.

Schwartzberg stated that the refrigerant system under the slab is good, but there is opportunity to capture excess heat from processes, stressing that budget is key.

Garso clarified that there will be no changes made to the ice sheet as it was recently installed.

Harris stated that the project looks good.

Difara opened the public hearing.

Peter Dimmig, project director for the Civic Center, stated that this is a once in a lifetime opportunity for rink renovations that will last for years to come, because of the grant that has been awarded to the Civic Center.

Motion to close the public hearing by Harris, seconded by Weber.

Difara asked for a Roll Call Vote.

Roll Call: Domenico, yes; Harris, yes; Pelletieri, yes; Weber, yes; and Difara, yes, all in favor, public hearing closed.

Blaine stated that there was consideration of the water line on the property.

Garso stated that yes, the new water line is off of the roadway and along John Munn Rd., which is a 6" duct that is correctly indicated on the new Site Plan, adjacent to the bus parking area.

Difara stated that the proposed condition for approval on the staff report is not needed then.

Motion to approve Site Plan by Pelletieri, seconded by Domenico.

Difara asked for a Roll Call Vote.

Roll Call: Domenico, yes; Harris, yes; Pelletieri, yes; Weber, yes; and Difara, yes, all in favor, unanimous approval.

OLD BUSINESS

The Board affirmed that the next regular meeting will be in person, in the Village Board Room on September 7th at 6pm.

NEW BUSINESS

Discussion- Monthly work sessions with the purpose to present what will be on the upcoming meeting agenda and with opportunity for education and training. The Board agreed that monthly work sessions can be scheduled one week prior to each regular meeting.

Training- Powers and duties of the Development Board and Administrator. Van Cott reviewed powers and duties of the Development Board and others involved in the application approval process. The Board decided to continue this training at the work session next month.

PUBLIC COMMENT

McClure asked about the process of considering conditions for approval and if there was a way to go about it other than what he did tonight.

Difara stated that they did hear and understand the conditions that he had proposed tonight and that not all of them were applicable for the decision made tonight.

Van Cott suggested that written comments be submitted to the Development Code Administrator in advance so that the

Board has time to review them. He added that conditions on an approval have to be reasonably attached when related to a decision made at a Board meeting.

Pelletieri stated that this Board cannot hold another Board to a condition, and that a decision made here has to be based on its own merits.

Balzac asked a series of questions of the Board related to the meeting schedule, Board member availability and accessibility and requests for project plans.

Difara addressed the questions and clarified the next work session for the Board.

Kampf asked about a response to an email that was sent to the Board, and asked for clarification on a point made earlier by a Board member.

Weber addressed the question to state that relying on Real Property tax maps for each property in the A-2 zone had led him to make his point earlier, although, the county data is not always 100% accurate.

Blaine stated that the email will be addressed.

Motion to close the public comment by Harris, seconded by Difara.

Difara asked for a Roll Call Vote.

Roll Call: Domenico, yes; Harris, yes; Pelletieri, yes; Weber, yes; and Difara, yes, all in favor, public comment closed.

ADJOURNMENT

Motion to adjourn by Harris, seconded by Domenico.

Difara asked for a Roll Call Vote.

Roll Call: Domenico, yes; Harris, yes; Weber, yes; Pelletieri, yes; and Difara, yes, all in favor, meeting adjourned.

Meeting was officially adjourned at 8:34pm.

Meeting minutes prepared by Cassandra Hopkins, August 5th

Community Development Administrative Assistant