



Village of Saranac Lake

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VILLAGE OF SARANAC LAKE DEVELOPMENT BOARD MEETING MINUTES 9/1/2020

ATTENDANCE

Development Board Members: Tom Boothe, Chairperson, Present
Donna Difara, Present
Bill Domenico, Present
David Trudeau, Present at 6:07pm, 5 minutes after commencement of meeting
Elias Pelletieri, Present
Craig Catalano, Alternate, Excused
CJ Hagmann, Alternate, Excused

Paul Blaine, Development Code Administrator, Present
Cassandra Hopkins, Administrative Assistant, Present

CONVENE

Tom Boothe opened the meeting at 6:02pm.

Motion to approve August 4, 2020 Regular Meeting Minutes by Elias Pelletieri, seconded by Bill Domenico.

Boothe asked for a Roll Call Vote.

Roll Call: Domenico, yes; Pelletieri, yes; Donna Difara, yes; Boothe, yes. All in favor, meeting minutes from August 4, 2020 approved.

PUBLIC COMMENT

Fred Balzac, Village resident on Shepard Ave., addressed the Board to comment on a few subjects: He thanked the Board for their time and dedicated follow up from a previous meeting, he asked Boothe what the executive session on the agenda is in reference to, and he expressed concern over the resolution to support a Code Amendment that came from the Village Board and is on the agenda for tonight.

PUBLIC HEARINGS BOARD ACTION

MX Petroleum Corp., Special Use Permit with Site Plan Review for improvements to a Petroleum storage facility, 89 John Munn Rd.

Boothe asked the Development Code Administrator, Paul Blaine, to give an overview of the application.

Blaine stated that this project is to expand on site capacity for fuel oil storage, with new barrels, a new loading rack, and a concrete pad. He noted that on site truck traffic was discussed.

Boothe asked for any public comment on the project. He asked if the applicant had anything to add.

Michael Miller, MX Fleet Manager, explained the project to the board. He stated that this is a modest project to upgrade the storage capacity by replacing single wall tanks with double wall tanks. He added that the project will not change current traffic patterns.

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

Boothe asked for a Roll Call Vote.

Roll Call: Domenico, yes; Pelletieri, yes; Difara, yes; Boothe, yes. All in favor, public hearing closed.

Pelletieri stated his support for the project.

Difara seconded that statement.

Domenico stated that he has no issue with the project, he only wanted to ask Blaine if there was anything more to be done about the neighboring property's exposed electrical.

Boothe responded to say no, that is a very minor issue. He added that this is a good project, just as the work previously done by this fuel oil company for a property on Van Buren St.

Motion to issue a negative declaration for purposes of SEQR by Difara, seconded by Domenico.

Boothe asked for a Roll Call Vote.

Roll Call: David Trudeau, yes; Domenico, yes; Pelletieri, yes; Difara, yes; Boothe, yes. All in favor, declaration moved.

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

Boothe asked for a Roll Call Vote.

Roll Call: Trudeau, yes; Domenico, yes; Pelletieri, yes; Difara, yes; Boothe, yes. All in favor, motion passed.

Difara asked about this project's plans being in conformance with the Dark Sky Initiative.

Blaine stated that the light fixtures will be installed with the project, and are on the specs in the packet.

Boothe asked the applicant for further clarification.

Miller stated that the light fixture will face down over the vehicles, and will not shine up.

Motion to approve Special Use Permit and Site Plan for improvements to a storage facility by Domenico, seconded by Pelletieri.

Boothe asked for a Roll Call Vote.

Roll Call: Trudeau, yes; Pelletieri, yes; Difara, yes; Domenico, yes; Boothe, yes. All in favor, unanimous approval for the Special Use Permit and Site Plan.

Skender (Kenny) Cecunjanin, Site Plan Review for an accessory garage, 118 Church St.

Blaine gave an overview of the project.

Boothe asked for any public comment on the project.

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

Boothe asked for a Roll Call Vote.

Roll Call: Trudeau, yes; Domenico, yes; Difara, yes; Pelletieri, yes; Boothe, yes. All in favor, public hearing closed.

Domenico asked about the protocol for reviewing a project without any applicants and asked for clarification on what inspection would be conducted by a Code Enforcement Officer. He stated that the goal is to always get the applicant working with Blaine and to consider the monetary constraints that applicants may face.

Blaine addressed his question to state the inspection is one of the many inspections conducted by the Code Enforcement Officer on buildings in the Village.

Difara asked about any work that was done on the building.

Pelletieri asked how frequent that type of building inspection is scheduled to take place. He stated that any order to remedy wouldn't be that troublesome if the building only recently fell out of compliance.

Blaine stated that any multifamily dwelling is subject to regular inspections for both the interior and exterior of a building, although he is not clear on when the most recent inspection was conducted.

Pelletieri stated that the board should consider adding that condition to the approval.

Trudeau stated he has concerns over the current conditions.

Boothe stressed that this is a decision that carries weight and can ensure the safety of the tenants of the building. He added that the addition of a garage and any work done as a result of an inspection, would improve the property.

Difara seconded that the building ought to be inspected before issuing any work permits.

Kenny Cecunjanin, applicant, addressed the board to reassure them that he is concerned over safety and he has maintained this building and has met codes. He noted that he is one of the primary residents of the building and his family lives there. He went on to explain to the board why he thinks a building permit is necessary before anything else. Boothe stated that it will be up to the Code Enforcement Officer to make a determination on the building.

Cecunjanin stated that he will work with the office and show that his property is safe and his garage project is good to go.

Boothe stated that this is a way for the Development Board to help him through the process while making sure that everything is up to code and the Code Enforcement Officer is in the know.

Difara stated that everyone is saying the same thing that an inspection can be conducted on this property, whether it's before issuance of a C of O or a building permit.

Domenico stated that he would like to see the inspection done prior to any construction on site.

Pelletieri stated that there is no point in delaying any inspections, it needs to be up front in this process to ensure the building that is already on this property is safe.

Motion to classify the project as a type 2 action for purposes of SEQR and not subject to further review by Difara, seconded by Trudeau.

Boothe asked for a Roll Call Vote.

Roll Call: Pelletieri, yes; Trudeau, yes; Difara, yes; Domenico, yes; Boothe, yes. All in favor, motion passed.

Motion to approve Site Plan with condition that the Village Code Officer inspect and work with property owner to correct any issues prior to issuance of a building permit for the garage by Pelletieri, seconded by Trudeau.

Boothe asked for a Roll Call Vote.

Roll Call: Trudeau, yes; Difara, yes; Domenico, yes; Pelletieri, yes; Boothe, yes. All in favor, unanimous approval for the Site Plan.

Jon (Alex) Marklund, Site Plan Review for a Multi-Family Dwelling, 49 Church St.

Blaine stated that the applicant proposes a change of occupancy from a two-family dwelling to a multi-family dwelling. He has noted that the legal occupancy is a two-family dwelling, although there has been some confusion from the owner stating that his understanding was that it is a multi-family dwelling. He added that this procedure is to make the multi-family dwelling designation official so that it is the correct legal occupancy for a 3-apartment building.

Jon Marklund, applicant, addressed the board to state that at the time he purchased it, the building was occupied as a 3-apartment building. He added that he bought it from Dennis Dwyer who has used it as a 3-apartment building for several decades, and now his goal is to just take the time to make it a nice building.

Skip Allcott, neighboring property, Presbyterian Church, stated that he has no objection to the project.

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

Boothe asked for a Roll Call Vote.

Roll Call Vote: Trudeau, yes; Difara, yes; Pelletieri, yes; Domenico, yes; Boothe, yes. All in favor, public hearing closed.

Motion to classify the project as a type 2 action for purposes of SEQR and not subject to further review by Difara, seconded by Domenico.

Boothe asked for a Roll Call Vote.

Roll Call: Domenico, yes; Difara, yes; Trudeau, yes; Pelletieri, yes; Boothe, yes. All in favor, motion passes.

Difara asked if a new C of O will be obtained with the completion of this work.

Blaine stated yes.

Domenico asked if Franklin County will record this change, or if it needs to be changed on the property deed or some

other document.

Blaine stated that yes, information has gone to the County and they will change what is on record.

Boothe stated it seems that the board has no objections to approval.

Motion to approve Site Plan Review for a multi-family dwelling by Domenico, seconded by Trudeau.

Boothe asked for a Roll Call Vote.

Roll Call: Domenico, yes; Difara, yes; Pelletieri, yes; Trudeau, yes; Boothe, yes. All in favor, unanimous approval for the Site Plan.

Saranac Lake Volunteer Rescue Squad Inc., Appeal of decision regarding use of 79 Woodruff St. property, 110 Broadway

Blaine explained to the board that the applicant has taken a course of action to appeal a decision that he made. He stated that he made a determination that the Rescue Squad use proposed in the E2 district was not an allowed use. He explained that the Rescue Squad was looking to purchase the 79 Woodruff St. property and relocate from their headquarters at 110 Broadway. He stated that he suggested requesting a Use Variance or going through the channels to amend the code, and the Rescue Squad chose to file an appeal of the determination. He added that he does not see the basis for the appeal when Section 106-39 H2 states "All other uses are expressly prohibited" when a use is not listed in the Code.

Boothe stated that this request is to overturn, or appeal, that decision that was made about the allowed use in the E2 district. He asked for the applicant to address the board.

Julie Harjung, President of the Saranac Lake Volunteer Rescue Squad, stated that given that the use isn't listed in the Code in any district, it is a mistake and the district the Squad is currently in does not have any differences to the district that they are proposing to relocate to. She referenced a letter that was sent to Blaine.

Blaine stated that the purpose is to determine whether his decision was correct tonight. He stated that in order to reexamine his decision, he went to NYCOM and provided Wade Beltramo, General Counsel to New York Conference of Mayors, the determination. He stated that Mr. Beltramo supported his determination and said the Village Code is "...clear and unambiguous."

Bob Nadon, Treasurer of the Saranac Lake Volunteer Rescue Squad, stated that there is a history with the Rescue Squad looking at another property in the Village and being told no, and by now they had hoped that this would be addressed. He referenced the reasoning given in the letter that was sent to Blaine for why they are here tonight.

Blaine stated that he has made very clear the ways to move forward: Use Variance, Amendment of the Code, or to appeal his decision. He added that when an appeal of the decision came to him, he provided the information that he used to come to that initial determination.

Nadon stated that they are just looking to move forward.

Christy Fontana, Secretary of the Saranac Lake Volunteer Rescue Squad, stated that they want to act now and want to be recognized as this being time-sensitive. She added that there is great frustration with this process.

Nadon again referenced the reasoning given in the letter that was sent to Blaine.

Rich Hanpeter, member of the Saranac Lake Volunteer Rescue Squad, stated that this needs to be remedied for more than just the Rescue Squad in this moment.

Boothe stated that there are only so many actions that the board can take, it has to come from the applicant. He added that tonight has to do with the appeal of this determination. He explained the role of the Development Board versus the Village Board of Trustees in this process.

Harjung stated that there needs to be a way to fix this quickly.

Hanpeter asked about this board's support moving forward.

Boothe stated he can't speak to decisions that haven't be made yet regarding a Code Amendment. He added that the procedure in place has been made clear.

Harjung stated that this group was not given the option to move forward to amend this deficiency in the Code.

Blaine stated that is not correct.

Boothe reaffirmed the two other options to move forward that have not been taken yet; Use Variance and Amendment.

John Vallini, member of the Saranac Lake Volunteer Rescue Squad, stated that the lack of this use in the Code is clearly a mistake that needs to be corrected. He asked for the board to support them in this process and recognize the need for this to happen quickly.

Balzac stated that there is a Board of Trustees meeting on the 14th that maybe this could be included on that agenda, in order to help the Rescue Squad find a new home more quickly.

Blaine stated that an application can be submitted. He stated that the fee with the application is set by the Village Board and that eventually the project may or may not be referred back to this board. He offered to help with this process.

Hanpeter asked for clarification if the Village Board of Trustees can approve an application short of referring it back to the Development Board.

Blaine stated that yes, they could if they deem that necessary.

Vallini asked if the decision that will be made will apply to other organizations in the same way.

Boothe stated that it will be determined by the Village Board, but yes, a Code Amendment applies to all.

Nadon stated that the decision could be changed tonight.

Boothe stated that is your opinion to have, but is not within the purview of the Development Board

Blaine offered to reach out to the applicant to help with some education about why the 2014 determination that was referenced is not relevant today and about the next steps in the process.

Boothe stated that tonight there isn't anything to change the determination that was made by Blaine, and asked for a motion to affirm the determination.

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

Boothe asked for a Roll Call Vote.

Roll Call: Pelletieri, yes; Difara, yes; Domenico, yes; Trudeau, yes; Boothe, yes. All in favor, public hearing closed.

Motion to affirm the Development Code Administrator's determination that a Rescue Squad use is not a permitted use in the E-2 district by Difara, seconded by Pelletieri.

Boothe asked for a Roll Call Vote.

Roll Call: Trudeau, yes; Difara, yes; Domenico, no; Pelletieri, yes; Boothe, yes. Majority decision to affirm determination made by the Development Code Administrator.

Strab Ventures, Zoning boundary amendment request, 21 Duprey St.

Boothe stated that this Code Amendment has come from the Village Board and asked Blaine to explain the reason for the requested change.

Blaine stated that within the B4 zoning district, there is a property that appears to be residential, but is included in a commercial district. He added that the 21 Duprey St. property is the only residential property without frontage on Lake Flower Ave. that is included in the B4 district and that a single-family dwelling is not an allowed use. He stated that this amendment will rezone to include 21 Duprey and another residential lot into the adjacent A2 district.

Boothe stated that he doesn't see any reason not to approve this tonight.

Domenico stated that this is appropriate to change.

Difara stated that she is in agreement and is excited to see the property improved.

Trudeau stated that this should be zoned residential.

Pelletieri agreed with Difara and Trudeau.

Motion to approve Resolution NO. 1 – September 1, 2020 by Domenico, seconded by Difara.

Boothe asked for a Roll Call Vote.

Roll Call: Trudeau, yes; Pelletieri, yes; Difara, yes; Domenico, yes; Boothe, yes. All in favor, unanimous approval.

NEW BUSINESS

None.

OLD BUSINESS

None.

EXECUTIVE SESSION

Boothe asked the members of the board to join him in an executive session.
The board returned from the executive session to adjourn the meeting.

ADJOURNMENT

Motion to adjourn the meeting by Trudeau, seconded by Domenico. All in favor, meeting adjourned.
Meeting was officially adjourned at 7:55pm.

Meeting minutes prepared by Cassandra Hopkins, on Sept. 2nd, 2020
Community Development Administrative Assistant