

**VILLAGE OF SCHUYLERVILLE
PLANNING BOARD
MINUTES**

March 18, 2024

The Village of Schuylerville Planning Board met for its regular meeting on Monday, March 18, 2024, at the Village Municipal Center at 6:30pm. Members present were Chairman Michael Patterson, Members, Sean Healy, Patti Smola, Ed Carr, Alternate Cassie Wilusz and Secretary Helene Patterson.

January 22, 2024, minutes were reviewed by board. Chairman Patterson asked for a motion to accept the minutes. **Member Healy made a motion to approve the January 22, 2024, minutes. Seconded by Member Smola. All Ayes, motion carried 5-0.**

Secretary Patterson requested that the November 20, 2024, be amended with the following corrections: Under "151 Broad Street": Chairman Patterson asked for a motion to approve the application. Under "Attorney for Planning Board": Chairman Patterson asked for a motion to pursue an interview with Attorney Karla Williams. **Alternate Member Wilusz made a motion to accept the corrections to amend the November 20, 2024. Seconded by Member Smola. All Ayes, motion carried 5-0.**

PRIVILEGE FROM THE FLOOR:

- Catherine Burkly from Catherine A. Burkly Attorney at Law at 74 Broad Street introduced herself. She owns the vacant lot between her Law practice and 76 Broad Street and is interested in building a two-story building for apartments. Ms. Burkly was inquiring about the NY Forward grant monies availability to support the project. Chairman Patterson and Member Smola informed Ms. Burkly that questions/information and the application process goes through the Village Board. Ms. Burkly thanked the board and just wanted to introduce herself and her building plan.
- 120 Broad Street Ollie's restaurant: Justin Orozco presented his restaurant sign to the board. *"OLLIE'S" in red letters and "Restaurant" in black letters on a white background* Mr. Orozco brought a tape measure and measured the dimensions to assure the board that it fell well within the 12x12 square foot limit of the Zoning Code. The sign was 45 ¼" X 35 ½". Mr. Orozco also stated that the sign will be two sided and hang where the prior restaurant sign was hung (Geppetto's). Mr. Orozco also inquired about smaller neon signs displayed in the windows from certain beer vendors and a small neon sign that said "open". Chairman Patterson stated he would have to investigate if they were allowed or if certain restrictions applied. Member Smola asked to confirm the open days and hours originally stated: Wednesday through Sunday open, 4:00pm to 9:00pm with the exception of Friday and Saturdays 4:00pm to 10:00pm. **Member Smola made a motion to approve**

the sign “Ollie’s restaurant” as presented to the board. Seconded by Member Carr. All Ayes, motion carried 5-0.

COMMUNICATIONS:

- Chairman Patterson stated he had received a response from Attorney Karla Williams from his inquiry regarding her legal fee should the Planning Board decide to hire her. Attorney Williams quoted a monthly retainer fee of \$1,500 per month. Member Smola made mention that at the last Village Board meeting, Dave Klingebiel offered his continued services to the Planning Board as the Village Attorney. It was noted by several planning board members that he has been very accommodating and helpful with legal guidance. There was a brief discussion of needing separate legal counsel only in certain situations. Chairman Patterson will reach out to Attorney Williams again to see if she offers billable hours “as needed “and if so, the fee per hour.

OLD BUSINESS:

- 78 Broad Street Smoke and Supply Store: Chairman Patterson stated the several large, bright, neon signs currently in the front windows are in violation of the Zoning code as it pertains to signs and currently being addressed with CEO Myers. Other alleged violations have been mentioned. Catherine Burkly stated she has had two of her clients’ express concerns in reference to having owner or staff coming out of said smoke shop “inviting them in” while on their way to Attorney’s office. Discussion followed as to if some of the merchandise sold in the shop is legal or not and if New York State laws and guidelines were being followed in relation to the sales of certain products. Member Smola stated enforcing state laws in this context are not within the jurisdiction of the Village Planning Board, however, as a community, we have to stay vigilant.

NEW BUSINESS

- 48 Church Street: Beth Woodard. Ms. Woodard stated she owns a garage in the rear of 48 Church Street which was originally approved for a salon -pre Covid. She stated she would like to open a “Ghost Kitchen”.(a space that a health dept comes in and approve as a commercial kitchen) and asked about a special use permit. There is a finished apartment that she would not like to rent out long term but use as an Air BnB or short-term lease rental for Track Season in Saratoga. The building faces Walnut Lane. Member Wilusz stated we should consult the attorney as to who would provide the CO for the building without conflict, as the garage was built by our current CEO. The board directed Secretary Patterson to contact the Attorney to clarify if the Town CEO would do the inspections. There was discussion of where the commercial and residential zoning line is and where the building lies. Zoning maps were reviewed by the Board and Ms. Woodard. Chairman Patterson stated he would have to get the exact location and review the Zoning Code and map to see which district it falls into.

- **Forms and Fees:** Chairman Patterson stated he would like to move forward on presenting the Sign Application with flat fee of \$100 and the Change of Use/Tenant Application that the board had previously made motion to accept in November, to the Village Board in April to initiate the process of amending the Zoning Code Law. Chairman Patterson stated the Sign Application and fee is being put forward to help the CEO to make sure the applicant is following the code. Also presents a clear guideline to the applicant in regard to applying for a sign. Change of Use/Tenant is to create transparency of anew businesses coming into the Village, for the CEO and the owner to know what business is coming into their building. Chairman Patterson walked through the process in order to have the Zoning Code amended. Proposed changes need to be presented to the Village Board for consideration. If the Village Board wants to proceed, draft into a proposed local law and officially presented to the Village Board, a public hearing is held, then a vote by the Village Board. Chairman Patterson and the Planning Board addressed Village Attorney’s question regarding the intent of the Change of Tenant portion of the Change of Use/Tenant Application where there was no change of use, stating that this information would create and provide a means of transparency as to the nature of the applicant’s intent. These forms will also provide the Planning Board and Code Enforcement Officer with a means to determine if a Site Plan Review and /or a Special Use Permit is required. **Member Wilusz made motion for Chairman Patterson to present the Village Board with Sign application with fee and Change of Use/Tenant application with the intent to amend the Zoning Code Law. Seconded by Member Smola. All Ayes, motion carried 5-0.**
- Board discussion followed on the feasibility of a commercial mixed-use building in a residential area allowed via special permit and the specifics relating to the construction and inspection of said building. Chairman Patterson stated he would consult with the Village Attorney concerning that matter.

Chairman Patterson announced that the next Planning Board meeting will be held Monday April 15, 2024, at 6:30pm

- **Member Healy made a motion to adjourn the meeting. Seconded by Member Carr. All Ayes, motion carried 5-0. Meeting adjourned at 7:50pm.**

*Respectfully submitted,
Helene Patterson, Planning Board Secretary*

