

**Resolution of the Town of Santa Clara Planning Board Regarding
Application of USL Marina, LLC, for Site Plan Review and Special Use Permit**

Date: 07-22-2022

Introduced By: John LaHart

Seconded By: Mike Ritchie

WHEREAS, the Town Board of the Town of Santa Clara passed Local Law No. 3 of 2021 on November 21, 2021 amending the Town of Santa Clara Land Use Code to add provisions relating to commercial marinas, and

WHEREAS, USL Marina, LLC, owner of the former Hickok's Marina, indicated on February 23, 2022, their intention to submit a Special Use Permit application seeking approval to renovate and expand the boat docks, while removing almost all the old wooden docks on the property, which are in poor repair, and

WHEREAS, USL Marina, LLC, had a pre- application meeting with the Town of Santa Clara Planning Board (Board) and the Town Code Enforcement Officer (CEO) on March 31, 2022, and

WHEREAS, USL Marina, LLC (the Applicant) submitted an application for a Special Use Permit on April 12, 2022 and

WHEREAS, under Section 1.130(B)(2) of the Town's Land Use Code, Site Plan Review is conducted simultaneously with Special Use Permit Review, and

WHEREAS, the Board met on April 24, 2022 to review the application package for the purpose of determining whether it was complete and ready for further review and consideration, and

WHEREAS, at its meeting on April 24, 2022 the Board found that the application package was complete, and the Board further determined, based on the facts and circumstances, that it would be appropriate to consider and review it as an application for a Permanent Special Use Permit, and

WHEREAS, the Applicant's proposed project will require a Class B Regional Permit from the Adirondack Park Agency (APA), and under the State Environmental Quality Review Act (SEQRA) regulations such Class B Regional projects are exempt from review under SEQRA (6 NYCRR 617.5(c)(45)) because the APA's review serves in place of environmental review by local bodies such as the Town of Santa Clara Planning Board, and

WHEREAS, upon concluding that the Applicant's proposed project is exempt from SEQRA review, the Board found it unnecessary to require the Applicant to submit a completed environmental assessment form (EAF), consistent with the Board's authority to waive such submission under Section 1.130(D)(2) of the Town's Land Use Code, and

WHEREAS, based on the overlap and duplication of information supplied in applications for Site Plan Review and for Special Use Permits, and in light of the comprehensive information in Applicant's Special Use Permit application materials, the Board similarly found it unnecessary to require the Applicant to submit a separate Site Plan Application form, consistent with the Board's authority to waive such submission under Section 1.130(D)(2) of the Town's Land Use Code, and

WHEREAS, the Applicant submitted a revised Special Use Permit application on May 13, 2022 showing the covered dock elevation (profile) drawing and details, along with dark-sky compliant lighting fixtures on the end of each dock and a revised dock plan which eliminated dockage for boats beyond the recommended dock length limits, and

WHEREAS, the Board invited the public to submit written comments from May 12, 2022 through May 23, 2022, and the Planning Board met and held a duly-noticed Public Hearing on May 24, 2022 and all public comments, written and spoken, were read and heard, respectively, by the Planning Board members, and

WHEREAS, the Board met on June 23, 2022 to consider and discuss the application and the public's written and spoken comments on it, and

WHEREAS, the Board met again on July 14, 2022 to further consider and discuss the application and the public's comments, and to begin drafting a resolution to use in issuing decisions on the Applicant's requests for Site Plan approval and for a Special Use Permit, and

WHEREAS, the Board met for a final time on July 22, 2022, to further discuss the Applicant's requests and application, and the public's comments, and to finalize the resolution to issue the Board's decisions, and

WHEREAS, the Planning Board has carefully reviewed and considered all application materials, along with the Applicant's responses to all questions asked of the Applicant, as well as all written and spoken comments offered by members of the public,

NOW THEREFORE, BE IT RESOLVED that the Planning Board of the Town of Santa Clara hereby makes the following findings of fact with regard to Applicant's request for Site Plan approval and for approval of its Special Use Permit application:

1) The Planning Board has reviewed the General Criteria for a Special Use Permit as defined in the Town of Santa Clara Land Use Code and finds the proposed use – renovation and expansion of a commercial marina that has been in existence since the 1940's - to be compatible, being located in an area zoned R-C-1 (for residential/commercial uses), and being near other existing commercial uses such as Donaldson's campsites, the Trading Post store and close to the Fish Creek/Rollins Ponds Campsites, adjacent to the former Hickok's campsites, and across Route 30 from a restaurant that is open intermittently. The Planning Board finds that vehicle access, traffic circulation, parking, infrastructure and services, are all adequate. Environmental and natural features such as Shoreline Aquatic Vegetation (SAV) are preserved and visual impacts of man-made structures are minimized to the extent feasible. The Board further finds that it is reasonable to expect the proposed renovated and expanded marina will provide positive and

beneficial effects on tourism and for the long-term economic stability of the Town and provide needed services, and, further:

2) The Planning Board has reviewed the General standards for Commercial Marinas as defined in the Town of Santa Clara Land Use Code, section 7.36B and finds the following:

(Note: page numbers refer to the page(s) in the application where the particular aspect of the application is addressed. Absence of a page reference indicates that aspect of the application was addressed by verbal confirmation from design engineer or applicant.)

(B1) - The proposed boat docks would be a minimum of 50 ft. from any residential properties. p. 11, 12.

(B2) – The proposed boat docks would not interfere with navigation. Remaining water channel is 800 ft. wide, providing ample room for safe passage of boats going in both directions. The New York State Department of Environmental Conservation has jurisdiction to review and control navigation. p. 13.

(B3) - No additional area would be paved.

(B4) – Hours of operation to remain the same as current operating hours: 9 AM to 6 PM.

(B5) – Solar-powered, shielded, dark-sky compliant marker lights would be located at the end of each dock for safety. p. 7, 11, 12, 23, 24, 25.

(B6) – Not Applicable - no pump out facilities would be provided. p. 7

(B7) – 2 portable toilets would be located on-site for use by patrons. More will be added if demand warrants. p. 7

(B8) – The proposed trash receptacles would be sufficient. p. 7

(B9) – There would be 52 parking spaces for a maximum of 94 boat slips. Based on information about boat rentals and usage at similar facilities and anticipated rentals and usage at the Applicant’s facility, having this number of parking spaces is appropriate. p. 7, 11, 12, 13, 14.

(B10) – The proposed maintenance program is appropriate based on previous performance and experience. p.16.

(B11) – No boat launching by the general public will be allowed. Any boat not stored at the Applicant’s facility must launch at the Upper Saranac State Boat launch. Educational material provided by the Upper Saranac Lake Manager about preventing the spread of invasive species is already available at Applicant’s facility and will continue to be provided to patrons. p. 6, 7.

(B12) – The proposed roofs for covered docks would be 12 ft. high and would be green metal, appropriate and compatible with the surroundings. p. 7, 11, 12, 17, 18, 26. (Covered docks require a variance from the APA.)

(B13) – Fuel storage is regulated and monitored by DEC. The Applicant’s fuel storage system has been approved by DEC.

(B14) – The boat cleaning process at Applicant’s facility is described in the application narrative. No harsh or toxic chemicals involved, and washing is done away from the waterfront, all of which the Planning Board finds appropriate and acceptable. p. 8.

(B15) – The Applicant is proposing proper measures to control stormwater runoff and potential pollution from stormwater. The application includes a SWPPP for construction period. p. 9, 15, 16.

(B16) – Boats will be moored only at the docks; no off-dock mooring will be allowed.

(B17) – All boat storage will be at ground or lake level. There will be no vertical “stacking” storage of boats.

(B18) – There will not be any rental of motorized personal watercraft (“jet skis”) and no rental of docking slips for them.

(B19) – Periodic review for compliance will be performed by Town of Santa Clara Code Enforcement Officer (CEO).

3.) The Planning Board has reviewed the Special provisions for Commercial Marinas as defined in the Town of Santa Clara Land Use Code, Section 7.36C and finds the following based on the plans presented in the application materials and/or on verbal confirmation by the Applicant at the Planning Board meetings.

(Note: page numbers refer to the page(s) in the application where the particular aspect of the application is addressed. Absence of a page reference indicates that aspect of the application was addressed by verbal confirmation from design engineer or applicant.)

(C1a-c)– Not Applicable - no pump out facilities planned. p. 7.

(D 1) – The location and dimensions of existing and proposed docks at the Applicant’s property and those on other properties within 500 ft. are properly shown in the application materials. p. 10, 11, 12, 13.

(D2) – Waterway bottom conditions and ownership are properly identified in the application materials. p. 10, 11, 12, 13.

(D3) – Potential for navigation obstacles and access to adjacent properties properly identified and shown in application materials. p 13.

(D4 a-f) - Total number of boat dock slips proposed is 94, shown on p. 11, 12. 76 slips reported for current marina, resulting in a 23.7% increase as proposed, which the Planning Board finds reasonable and acceptable. Upland facilities are adequate with the total marina property having an approximately 6-acre campsite plus approximately 1 acre across Route 30. The proposed docks would not encroach or impede current navigation patterns. Access to adjacent properties would not be blocked. Planned facilities do not violate any of the Special Use Permit General Criteria in Section 1.130.

(D5 a-d) – The proposed docks 1-3 would comply with the general guidelines regarding 50 ft. in total width with lateral projections of 22 ft. Dock 4 has been designed to have 2 slips for larger Hacker-craft type classic wooden boats. These 2 slips are 36 ft. long on one side instead

of 22 ft. as compared to all the other slips (which are 22 ft. long on each side as recommended). The longer slips are close to shore and do not create any additional navigation hazard. All docks comply with the guideline restricting dock length to 200 ft or 20% of the width of the waterway. See the chart at the bottom right on p. 11, 12. Measurements were taken as described in the code. All docks would comply as encapsulated flotation devices p. 7.

4.) With respect to the Principles listed in Section 6.12 of the Town's Land Use Code, relating to Site Plan Review, in conjunction with the Board's review of Special Use Permit criteria, the Board finds as follows:

A. The proposed project would not degrade water quality, disrupt drainage or runoff patterns and would not adversely affect groundwater.

B. The proposed project would not alter topography, will not cause soil erosion or slippage, will not result in development in floodplains and will not alter the essential character of the project site or surrounding area.

C. Air quality will not be degraded by the proposed project.

D. Noise levels would be consistent with present usage and would not increase significantly.

E. Wetlands impacts would be minimized, no unique natural features would be degraded and no known rare, threatened or endangered species of animals or plants would be adversely affected.

F. Adverse impacts on existing aesthetic qualities of the site would be minimized.

G. Not applicable – no known historical or archeological sites adjacent.

H. Proposed project would be consistent with zoning and neighboring commercial use and would not have a significant impact on the character of the surrounding area.

I. Existing parking areas to be used; no changes or new parking areas proposed.

J. Not applicable – no new municipal services, facilities or utilities required.

5.) With regard to Section 6.14 of the Town's Land Use Code, the Board finds it has no authority to issue approvals on behalf of APA for Class B regional projects because the Town's Land Use Code has not been approved by the APA, and therefore Section 6.14 is not applicable.

6.) With respect to the General Considerations in Section 6.64(A) of the Town Land Use Code the Board finds as follows:

1. Existing on-site vehicle access ways would be used. No changes or new vehicle access are proposed. Vehicle access and circulation would be adequate.

2. Existing pedestrian access ways and one short wood chip covered path, created to provide access to Dock #4 would be adequate.

3. Existing parking areas would continue to be used and would be adequate. No changes or new areas are proposed.

4. Existing buildings would continue to be used and would be adequate. No new buildings are proposed.

5. The Applicant provided a stormwater prevention plan (SWPP). It and existing and proposed stormwater drainage facilities would be adequate.

6. Existing water supply would continue to be used and would be sufficient. Use of portable toilets for patrons is planned and would be adequate; more can be added if demand requires.

7. Existing trees and landscaping would remain and would be adequate; no changes proposed; no vegetation would be removed.

8. Not applicable. Proposed project is not multi-family residential.

9. Proposed changes would be consistent with existing use as a commercial marina and would not result in a significant increase in noise, glare, odors, unsightliness or other objectionable features.

10. No changes are proposed to existing fire lanes, emergency zones or fire hydrants, which would be adequate.

11. No changes are proposed to buildings, roads or other features susceptible to ponding, flooding or erosion. Proposed new boat docks would be floating and thus ride on top of flood waters.

AND BE IT FURTHER RESOLVED, that based upon its review of all of the application materials and its consideration of statements of the Applicant's representatives and the comments of the public (both written and spoken) on the application, and considering all Site Plan and Special Use Permit requirements of the Town's Land Use Code, the Planning Board of the Town of Santa Clara hereby approves the application of USL Marina, LLC, for Site Plan approval and for a Special Use Permit, which shall be a Permanent Special Use Permit and shall be subject to the following conditions:

1. Operating hours of the Applicant's facilities are limited to the period between 7 AM and 6 PM daily.
2. The Applicant shall not rent or lease motorized personal watercraft ("jet skis") and shall not rent or lease dock space or mooring facilities for use by motorized personal watercraft.
3. No boats docked or moored at the Applicant's facilities may be occupied overnight, and Applicant shall inform all who rent or lease dock space or mooring facilities of the prohibition against overnight occupancy.
4. The two oversize slips on the dock labeled #4 on p. 11, 12, 13, which have two 36 feet lateral projections, may only be used as berths for older, longer wooden watercraft, such as a vintage Hacker-Craft or replicas thereof. No large "cigarette"/"cigar" type boats shall be moored in these slips.
5. In order to help prevent accidents by inexperienced operators and ensure public safety, no more than 20 % of the 94 slips may be used for the rental by the USL Marina of motorized watercraft over 20 ft. long. In the future, Applicant can seek amendment of this condition to increase the number of longer boats allowed.

6. This approval is subject to all other approvals the Applicant is required to obtain for its proposed facilities, including but not limited to all necessary approvals from the Adirondack Park Agency, the New York State Department of Conservation and all other federal, State and local governmental entities having proper jurisdiction. To the extent that any such other approvals contain provisions or conditions which are more restrictive than those in this approval, the provisions and/or restrictions in such other approvals shall govern.

Roll Call Vote:

AYES: Beth Hall
John LaHart
Mike Ritchie
Bill Young
Scottie Adams

NAYS:

Adopted this 22nd day of July, 2022, at the meeting of the Town of Santa Clara Planning Board.