

The following is a review of the application process for the Lake Local now known as 550 Union Av. (550 Union) and the Saratoga Marina Dock Club (Saratoga Marina). Submittals were made to both the City of Saratoga Springs and the New York State Department of Environmental Conservation Region 5 (NYSDEC-5) during the review process.

550 Union Av. or Lake Local as formerly known

Application submitted to NYSDEC-5 by Lake Local December 21, 2015, that included Dock Doctors layout December 9, 2015 layout. The text description claims that the new docks will not create a navigation issue, yet none of the plans show the navigation channel.

NYSDEC-5 issues permit to 550 Union LLC John Boyle February 2, 2016, with the December 9, 2015 layout by Dock Doctors.

City of Saratoga Springs Special Use Permit review started in early 2018 and was on the Planning board agenda in May, June and approved in December.

Comments on Lake Local SUP Application for 550 Union LLC Lake Local February 9, 2017 and found on June 7, 2018 Planning Board Materials.

From: Timothy Wales <timothy.wales@saratoga-springs.org>

Subject Engineering Comments on SUP Application for 550 Union Avenue - Lake Local PB# 16.045

Zimbra lindsey.gonzalez@saratoga-springs.org

Engineering Comments on SUP Application for 550 Union Avenue - Lake Local PB# 16.045

Thu, Feb 09, 2017 01:38 PM

Below are my comments from review of the SUP Application for today's meeting regarding the Lake

Local. My apologies for not getting them to you sooner.

1. Upon review of the NYSDEC Permit for the expanded Docks at the Facility, it appears that the dock

expansion is in violation of the Issued Permit in the following ways:

a. The Permit approves "Rehabilitation" of the existing docks, however a significant expansion has occurred.

b. The Permit indicates that it does not eliminate the need for an ACOE Permit. ACOE Permit

Information was not provided.

c. The Permit requires written approval from the Floodplain Administrator must be kept on file. No approval from the City Floodplain Administrator, Steve Shaw was provided.

d. The Permit requires that a permit sign shall be posted in a conspicuous location on the worksite. No sign was ever observed during site visits.

- e. The Permit requires that there shall be no unreasonable interference with navigation by the work herein authorized. The docks extend beyond the first opening of the bridge, and halfway into the second opening, causing navigation to be shifted towards the middle and far side of the bridge openings. There are 5 openings between bridge abutments. This presents a significant safety hazard to navigation, especially at times when the SRA has events such as the Head of the Fish with over 2000 boats present using the bridge openings. This pushes recreational navigation to the outer bridge openings.
- f. The Permit requires that a copy with all referenced maps, drawings and special conditions must

City of Saratoga Springs Planning Board Special Use Permit Review documents for May 17, 2018 and June 7, 2018 A project description by Phinney Architects April 20, 2018 described the project and identifies that 550 Union LLC includes Mike Phinney and Jon Hayes. This descriptions states that the docks are outside of the navigation channel, see below

“Although the docks were properly permitted through NYSDEC and have been verified, not to be within the navigable channel, 550 Union LCC., in response to concerns raised about the existing docks closest to the bridge pier, and with our a desire to further alleviate any parking concerns during peak season, is proposing removing the docks closest to the bridge pier and their reinstallation along with an expanded finger of docks at the end of the existing dock system furthest from the navigational channel. This will provide a net increase of 32 slips, half of which will be designated to additional restaurant parking; increasing the courtesy dock /restaurant customer boat parking slips, from 16 to 32 “.

The permit issued to 550 Union LLC for the docks by NYSDEC-5 expired on September 30, 2018.

SLPID comments to Saratoga Springs Planning Department on Lake Local applications dated January 27, 2018 and March 5, 2018.

Sketch plan in the submittal for the Planning Board May 17, 2018 meeting shows a dock lay out with a reduced number of docks near NYS Route 9P, as opposed to the December 9, 2016 Dock Doctors layout.

On July 25, 2018 there was a meeting attended by Christina Connolly Chair of SLPID and Jonathan Haynes of Phinney Architecture. At this meeting it was recommended that eight boat berths be re-located so that wharfs would not interfere with boat moving under the Route9P bridge on the east side. Based on the email and the modified drawing it appeared that this recommendation was accepted.

From: Jonathan Haynes <jhaynes@phinneydesign.com>

Subject: RE: Please read

Date: July 25, 2018 at 1:26:06 PM EDT

To: Cristina Connolly <caconnolly@nycap.rr.com>, Michael Phinney <mphinney@phinneydesign.com>

Christina,

Thank you for reaching out. As with many proposed projects it is too often only the nay-sayers that come out or comment, and we greatly appreciate your positive comments on the project and commitment to the Lake.

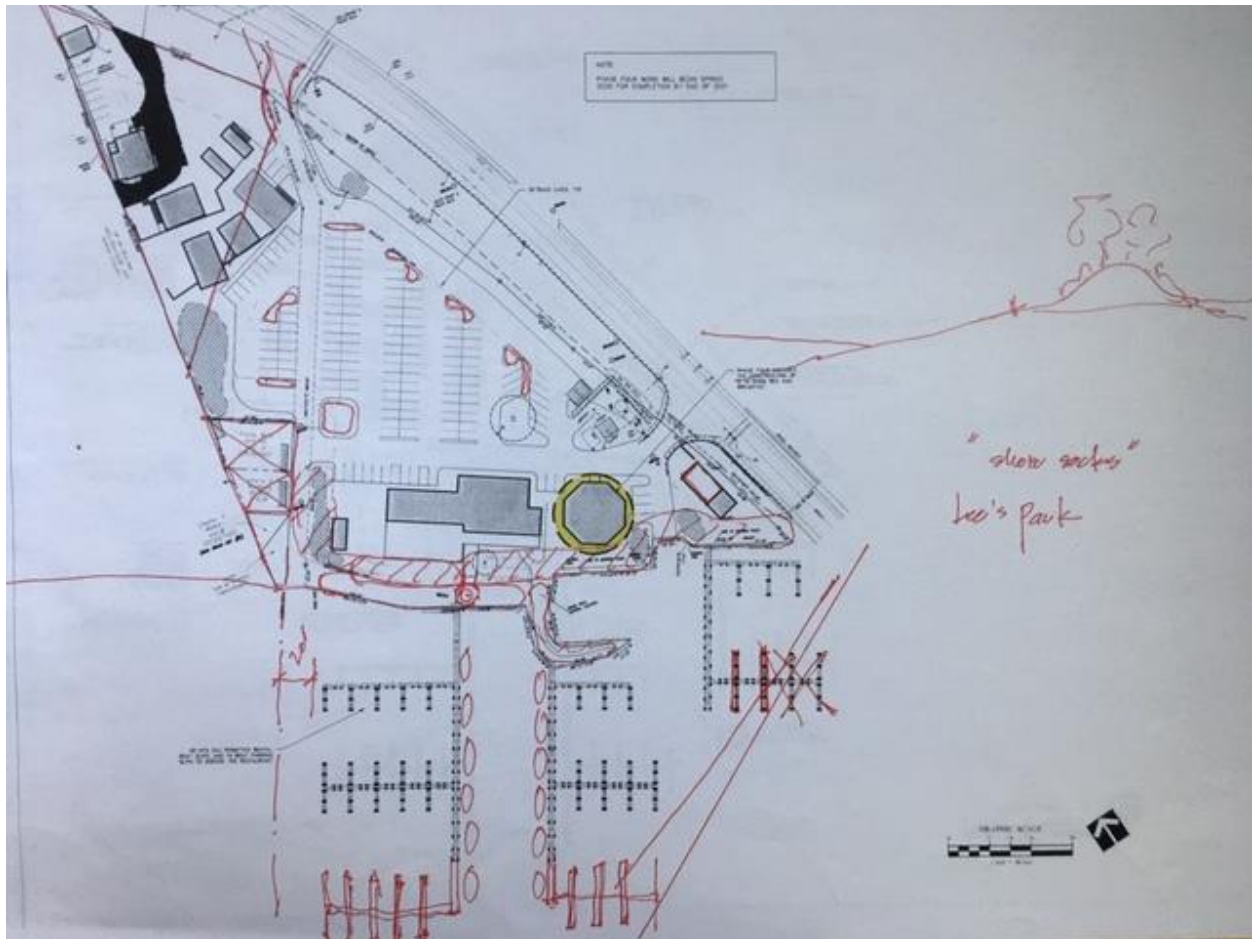
The only addition I would suggest is noting that after our meeting the proposal was revised to address your comments:

Following our meeting, the 550 Union avenue proposal was updated to address concerns raised by SLPID, including the proposed relocation of the eight existing docks in proximity to the bridge, to the primary docks further to the west to reduce boat and paddle sport congestion in the vicinity of the bridge.

We look forward to working SLPID, the City planning staff and neighbors, both those in support of the project, and with those who have raised concerns, to return the Lake Local to operation and to create a special venue for all to enjoy on the shore of Saratoga Lake. Please call if you want to review or discuss.

Thank you,
Jonathan Haynes
Project Designer

September 20, 2018 The LA Group submits responses to comments and states that the City does not have jurisdiction over docks and that the February 16, 2016 approve layout by NYSDEC-5 layout would be used. That permit had expired.



Sketch Revision from July 25, 2018 meeting.

A permit renewal for the old Lake Local permit was processed in the fall 2019. December 26, 2019 Saratoga Lake Protection and Improvement District submitted comments to NYSDEC-5 showing the above sketch map and requesting that dock layout be stamped by a qualified professional so that the layout could be accurately assessed. SLPID did not have the full application when comments were submitted but was relying upon the sketch plan. NYSDEC stated that there were accurate plans in the applications. The comment period was closing within days which did not allow full investigation or review of all various proposed dock changes. It was SLPID clear impression that the changes discussed in July 25, 2018 should be the appropriate dock layout.

Reviewing the site plan drawings and dock layout none show the location of the navigation channel, or the Route 9P bridge so that there could be a fully informed discussion of navigation issues could take place. The application stated that docks were not in the navigation channel.

In the NYSDEC-5 permit condition 25 provides for the removal of structures that are found to be unreasonably cause interference with navigation.

Saratoga Marina Dock Club

SLPID was not notified of this project by either City of Saratoga Springs or the NYSDEC, which in the past both groups would reach out to SLPID when application had been received. The application and permit for the docks were obtained from NYSDEC-5. Again, none of the site plans show the location of navigation channel in relation to the proposed docks, yet designer conclude that the docks are outside of the channel and would not interfere. One illustration shows a possible center of the channel.

Also, the application is inaccurate on the removal of the trestle piles. The review documents sent to New York State Office of Parks Recreation and Historic Preservation did not disclose the planned removal of the trestle piles. To accommodate the dock lay out the trestle wood piles had to be removed and should have clearly disclosed. There is an email that demonstrated that agencies fail to fully consider trestle removal.

E-mails concerning trestle as a result of a private citizen request for information on the process, the addresses and of the individuals have been removed:

From: Nealk **Date:** August 5, 2020 at 11:56:03 AM EDT
To: "Bagrow, Dan (PARKS)" >
Subject: Re: Saratoga Railway Trestle

Dan,

I cannot argue with the statement that the outcome probably would have been the same relative to the Historical aspect. What disturbs me is that this was not an incomplete application, this was a misrepresented one.

Thank you for your time entertaining my tilting at windmills.

Be well,

Neal Kramer

Sent from my iPad

On Aug 5, 2020, at 11:10 AM, Bagrow, Dan (PARKS) < wrote:

While getting an incomplete project description is not an ideal situation I don't think the outcome would've been different in this case. Bridge pilings, in and of themselves, would not be eligible for the National Register of Historic Places as an archaeological site or as a remnant of a built resource. There's really no research potential to be had for archaeology and bridge pilings do not retain enough integrity to be architecturally significant as a bridge type. I also can't think of a way that these pilings contribute to broad patterns of our history and are able to still reflect that contribution. If the bridge was intact it would be another story.

Sometimes there are resources that are important to individuals or communities but don't necessarily meet the criteria we follow to determine what is eligible for the National Register. There may be a compelling story but if the resource is not sufficiently intact to reflect that story then unfortunately OPRHP has to let those resources go as far as the review process is concerned.

-Dan

Daniel A. Bagrow

Historic Preservation Program Analyst

New York State Parks, Recreation & Historic Preservation

Division for Historic Preservation

Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189

518-268-2160

From: Shubert, Benjamin M (DEC) < >
Sent: Wednesday, August 05, 2020 11:01 AM
To: nk425 <
Cc: Bagrow, Dan (PARKS) < >
Subject: RE: Saratoga Railway Trestle

Hi Neal,

Thank you for bringing this to my attention. I will be paying attention to this issue in the future. I had assumed that the applicant had brought the same project to SHPO that they brought to DEC. Obviously I now see that this was not the case.

Thanks for keeping an eye out and don't hesitate to contact us again.

Ben

Ben Shubert

Environmental Analyst I, Division of Environmental Permits – Region 5

From: nk425 <
Sent: Monday, August 03, 2020 10:36 AM
To: Shubert, Benjamin M (DEC)
Cc: Bagrow, Dan (PARKS) >
Subject: Re: Saratoga Railway Trestle

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good morning,

I appreciate your contact on this matter and understand the review process and I appreciate Dan Bagrow bringing this to your attention. What NYS Parks, Recreation and Historic Preservation signed off on is attached and did Not include the removal of the pilings. Apparently the applicant took advantage of the Left hand Right hand situation through no fault of yours or any other agency involved. Too little too late but there should be consequences for gaming the system.

Again, thank you for your communication.

Be well,

Neal Kramer

----- Original message -----

From: "Shubert, Benjamin M (DEC)" >

Date: 8/3/20 9:16 AM (GMT-05:00)

To: [nk](#)

Subject: Re: Saratoga Railway Trestle

Mr. Kramer,

I was the DEC project manager for the docking facility expansion permit application at Saratoga Lake Marina at 549 Union Avenue. Part of the permitted project included the removal of the existing timber pilings from the lake bed.

The historical significance of the pilings was reviewed by the New York State Historic Preservation Office (SHPO). SHPO reviewed the proposal and issued a determination that the project could move forward.

As part of the DEC regulations on permit application procedures we are required to receive a determination from SHPO on these types of projects before permit issuance.

If you have any other questions, please feel free to let me know.

Thank you for contacting DEC and have a nice day,
Ben

Ben Shubert

Environmental Analyst, Division of Environmental Permits

From: Nealk <

Sent: Tuesday, July 7, 2020 6:48 PM

To: dec.sm.Info.R5 >

Subject: Saratoga Railway Trestle

Good afternoon,

I am curious if permits were obtained to remove the Historic 1880s pilings from Saratoga Lake in April 2020 that were the last remaining vestiges of the Saratoga Railway.

Any info you can give me would be greatly appreciated.

Respectfully,

Neal Kramer

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Photograph below shows the arrangement of the docked boats and navigation channel.

