CITY OF SARATOGA SPRINGS

City Hall - 474 Broadway
Saratoga Springs, New York 12866
Tel: 518-587-3550 fax: 518-580-9480

[FOR OFFICE USE]

_____
(Application #)

_____
(Date received)

APPLICATION FOR:
APPEAL TO THE ZONING BOARD FOR AN
INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

	APPLICANT(S)*	OWNER(S) *(If not applicant)*	ATTORNEY/AGENT
Name	Regatta View, LLC		Matthew J. Jones, Esq.
Address	1743 Route 9 Clifton Park, NY 12065		68 West Avenue Saratoga Springs, NY 12866
Phone	/	/	[redacted]
Email			

* An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.

Applicant's interest in the premises: ☑ Owner ☐ Lessee ☐ Under option to lease or purchase

PROPERTY INFORMATION

1. Property Address/Location: NYS Route 9P, Dyer Switch Road and Regatta View Drive Tax Parcel No.: 180.54-2-30
(*for example: 165.52 – 4 – 37*)

2. Date acquired by current owner: 12/21/1995 3. Zoning District when purchased: Interlaken PUD

4. Present use of property: Vacant 5. Current Zoning District: Interlaken PUD

6. Has a previous ZBA application/appeal been filed for this property?
☐ Yes (when? _____ For what?_____)
☑ No

7. Is property located within (check all that apply)?: ☐ Historic District ☐ Architectural Review District
☑ 500' of a State Park, city boundary, or county/state highway?

8. Brief description of proposed action:
Appeal of Building Inspector determination on Interlaken PUD.

9. Is there a written violation for this parcel that is not the subject of this application? ☐ Yes ☑ No

10. Has the work, use or occupancy to which this appeal relates already begun? ☐ Yes ☑ No

11. Identify the type of appeal you are requesting *(check all that apply)*:

☑ INTERPRETATION (p. 2) ☐ VARIANCE EXTENSION (p. 2) ☐ USE VARIANCE (pp. 3-6) ☐ AREA VARIANCE (pp. 6-7)

FEES: Make checks payable to the "Commissioner of Finance". Fees are cumulative and required for each request below.

☑ Interpretation	$ 400
☐ Use variance	$1,000
☐ Area variance	
-Residential use/property:	$ 150
-Non-residential use/property:	$ 500
☐ Extensions:	$ 150

INTERPRETATION – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Identify the section(s) of the Zoning Ordinance for which you are seeking an interpretation:

Section(s) Interlaken PUD - Appendix C #2

2. How do you request that this section be interpreted? Applicant seeks determination that Planning Board approvals of May 16, 1990 June 19, 1991 and September 29, 1996 were valid and lawful approvals consistent with the provisions of the Interlaken PUD and that Applicant's pending application to the Planning Board for PUD site plan approval is zoning compliant.

3. If interpretation is denied, do you wish to request alternative zoning relief? ☐ Yes ☑ No

4. If the answer to #3 is "yes," what alternative relief do you request? ☐ Use Variance ☐ Area Variance

EXTENSION OF A VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Date original variance was granted: _____ 2. Type of variance granted? ☐ Use ☐ Area

3. Date original variance expired: _____

5. Explain why the extension is necessary. Why wasn't the original timeframe sufficient?

When requesting an extension of time for an existing variance, the applicant must prove that the circumstances upon which the original variance was granted have not changed. Specifically demonstrate that there have been no significant changes on the site, in the neighborhood, or within the circumstances upon which the original variance was granted:

USE VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

A use variance is requested to permit the following: _____

For the Zoning Board to grant a request for a use variance, an applicant must prove that the zoning regulations create an unnecessary hardship in relation to that property. In seeking a use variance, New York State law requires an applicant to prove all four of the following "tests".

1. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. "Dollars & cents" proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons:

A. Submit the following financial evidence relating to this property (attach additional evidence as needed):

1) Date of purchase: _____ Purchase amount: $_____

2) Indicate dates and costs of any improvements made to property after purchase:

Date	Improvement	Cost

3) Annual maintenance expenses: $_____ 4) Annual taxes: $_____

5) Annual income generated from property: $_____

6) City assessed value: $_____ Equalization rate:_____ Estimated Market Value: $_____

7) Appraised Value: $_____ Appraiser: _____Date: _____

Appraisal Assumptions:_____

B. Has property been listed for sale with the Multiple Listing Service (MLS)? ☐Yes ☐No If "yes", for how long? _____

1) Original listing date(s):_____ Original listing price: $_____

If listing price was reduced, describe when and to what extent: _____

_____

2) Has the property been advertised in the newspapers or other publications? ☐Yes ☐No

If yes, describe frequency and name of publications: _____

_____

3) Has the property had a "For Sale" sign posted on it? ☐Yes ☐No

If yes, list dates when sign was posted: _____

_____

4) How many times has the property been shown and with what results? _____

_____

_____

2. That the financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous other properties in the same neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

3. That the variance, if granted, will not alter the essential character of the neighborhood. Changes that will alter the character of a neighborhood or district would be at odds with the purpose of the Zoning Ordinance. The requested variance will not alter the character of the neighborhood for the following reasons:

4. That the alleged hardship has not been self-created. An applicant (whether the property owner or one acting on behalf of the property owner) cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property knowing (or was in a position to know) the conditions for which the applicant is seeking relief. The hardship has not been self-created for the following reasons:

AREA VARIANCE – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) _____

Dimensional Requirements	From	To

Other: _____

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

DISCLOSURE

Does any City officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? ☐ No ☐ Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT CERTIFICATION

I/we, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/we further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated City staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

P. Bulmonde _____ Date: 9/9/16
(applicant signature)

_____ Date: _____
(applicant signature)

If applicant is not the currently the owner of the property, the current owner must also sign.

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

Application Narrative

This is an appeal from the Building Inspector's determination ("Determination") of August 11, 2016 regarding the "zoning compliance determination – Interlaken PUD." A copy of the Determination is attached hereto as **Exhibit A**. The conclusion of the Building Inspector is set forth in the second paragraph of **Exhibit A** wherein the Building Inspector states the following:

> *Therefore, it is my determination that **none of the previously or currently submitted proposals** sufficiently provide proof of compliance with the Interlaken PUD due to lack of information. At this time, the applicant has the option of appealing this determination to the Zoning Board of Appeals... (Emphasis added)*

The applicant believes the Building Inspector correctly held that his Determination applied to all previous and current proposals within the Interlaken PUD since his analysis involved the "original intent" of the City Council regarding project details for the projects within the PUD. However, the applicant strongly disagrees that there is a lack of sufficient information to establish zoning compliance of the existing units within the Interlaken PUD and the 12 duplex units proposed in this final phase. If this Determination stands, the legal status of more than 334 residential units within the PUD will be rendered uncertain casting doubt on their marketability and undermining more than three decades of approvals by the Planning Board. In our view, the Determination is without foundation and, if it were allowed to stand, its consequences for the entire Interlaken PUD would be would be significant.

As is more fully set forth below, the Building Inspector neglected to apply the long established rule enunciated by the Court of Appeals in circumstances where a zoning regulation is unclear. When the Building Inspector concluded that there was "a lack of information to sufficiently determine the original intent of the City Council..." he resolved that "lack of information" against the applicant in contradiction to the rule established in Allen v. Adami 39 N.Y. 2d 275 (1976) holding that "since zoning regulations are in derogation of the common law, they must be strictly construed against the municipality which has enacted and seeks to

enforce them (citations omitted). Any ambiguity in the language used in such regulations must be resolved **in favor of the property owner,"** (emphasis added).

Legislative History

The City Council adopted the Interlaken PUD by amendment to the Zoning Ordinance passed on July 6, 1982. The PUD was amended by the City Council on August 6, 1984 to correct a typographical error in the 1982 ordinance. [1] The City Council further amended the PUD on May 7, 1996 as it pertains to Zone BB. The foregoing legislative history is contained in Section 2 - History of the ordinance that appears in the published Zoning Ordinance in the City of Saratoga Springs as well as on the website of the City. A copy of that ordinance is attached hereto as **Exhibit B**. (Note: **Exhibit B** makes reference only to **Zone B/Marina** and **Zone BB** in terms of regulation. The sole reference to Zones A, B, C, D and E are set forth in Section V, paragraph 3 (a) and (b) wherein provision is made for priority of leasing for the slips at the Marina to residents of these respective zones.)

On page 16 of **Exhibit B**, the ordinance reflects two subsequent amendments dated May 18, 1997 and February 4, 2003 that presumably have been incorporated into the text of **Exhibit B**.

Development History

The 205 acres of the Interlaken PUD have been developed following approvals from the Planning Board in 7 zones, as follows:

Zone A – Interlaken townhouse development on the south side of Union Avenue – 125 townhouses

Zone AA – Canterbury

Zone B and Zone D – Regatta View – 93 residences consisting of 89 single family homes and 4 duplex units

[1] On page 18 of the City Council minutes of August 6, 1984, the Mayor "moved for the adoption of an ordinance amending a previous ordinance adopted July 5, 1982 regarding Chapter 135, 'zoning'. This will correct the ordinance to read 215 acres instead of 250 acres on property owned Louis Farone for a PUD. There are no other changes. Mr. Mullaney said the change was shown to the Planning Board and they have no objection. Seconded by Comm. Butler. Ayes all."

Zone BB – 29 homes

Zone C – Summer Wind – 73 Homes

Zone E – 14 homes

Shortly after the adoption of the PUD, the Planning Board commenced review of the Interlaken townhouse project in Zone A. Work proceeded on that project through its buildout in the mid to late 1980s. An application for development of Zone B was presented to the Planning Board on December 6, 1989. Subsequent PUD site plan amendments were reviewed and approved by the Planning Board. Construction pursuant to those approvals has resulted in the nearly complete build-out of the PUD. One of the remaining development areas (Zone B – Phase 3) is the subject of a pending Planning Board application filed by the applicant on May 19, 2016. This application seeks PUD site plan approval for 12 duplex townhouse buildings (24 townhouse units) as depicted on **Exhibit C**.

Text of 1982 and 1984 Interlaken PUD

A review of the City's published ordinance for the Interlaken PUD (**Exhibit B**) reveals no sketch plan or zoning regulations for Zones A, AA, B, C, D, and E. A search by the applicant's counsel reveals that the 1982 and 1984 Amendments were not filed in the office of the City Clerk or, at a minimum, the City Clerk cannot locate those two documents.

The absence of the filing of the 1982 and 1984 Amendments was a matter raised before the Building Inspector at a hearing on July 26, 2016. During that hearing, Principal Planner Kate Maynard offered a set of 15 stapled pages[2] evidencing what the City believes to be the 1982 and 1984 Amendments (attached as **Exhibit D**). Applicant's counsel offered a series of 18 documents consisting of Planning Board minutes, City Council minutes, and plans/approved drawings (**Exhibits E through Exhibit V**). As we understand it, these documents (and perhaps others) form the basis of the Building Inspector's Determination.

[2] The City Attorney's office confirms that the 15 pages contained in Exhibit D (numbered in the lower right hand corner by the applicant) were in a Planning Department file and stapled together in the order in which they appear in **Exhibit D**. This fact becomes important for the reader attempting to discern what parts of **Exhibit D** constitute the 1982 and 1984 Amendments.

Even a cursory review of **Exhibit D** offered by the Principal Planner indicates that the 15 page document is not the 1982 or 1984 ordinance. Immediately, the reader can discern the following:

1. Pages 3-6 are a letter from Planning Board Chairman Frederick Holman to the Saratoga Springs City Council dated June 2, 1982. The letter constitutes the Planning Board's review of the proposed zone change.

2. Pages 7-11 are minutes of the July 5, 1982 City Council meeting. At the bottom of the third column on page 10, Commissioner Valentine moved for adoptions of the ordinance to amend Chamber 135. According to the minutes, the ordinance contained two sections. Section 1 described the property to be zoned a Planned Unit Development and Section 2 provided for the effective date of the ordinance to be the day after publication. Commissioner McGourty seconded the motion and the ordinance was adopted by a vote of 4-0 with Commissioner Casey abstaining.

3. Pages 14 and 15 is an unexecuted letter from Anthony P. Adang, Esq. to then City Attorney Richard F. Mullaney, Esq. It is clearly not part of the ordinance.

4. Page 1 appears to be a portion of the 1984 Amendment. Its language suggests Council action that took place on July 5, 1982 and it notes that "the City Council hereby takes the following action to correct the typographical error contained in said ordinance and to set forth in its records, the basis the City Council used in adopting said ordinance on July 5, 1982." At the bottom of page 1, the language reads "(b)ased on the above, the zoning map of the City of Saratoga Springs as amended on July 5, 1982 is hereby amended as follows." On the following page (page 2), there appears "an ordinance to amend Chapter 135…" and at the bottom thereof is the notation "adopted: August 6, 1984."

   The minutes of the City Council meeting of August 6, 1984 appear as **Exhibit E**. As it pertains to the Interlaken PUD, these minutes contain a motion to adopt the ordinance in order to correct the ordinance to read 215 acres rather than 250 acres. The ordinance is then recited with Sections 1 and 2 being a description of the parcels by tax map and street in Section 1 and a description of the effective date in Section 2. The

minutes do not reflect any part of the language on page 1 of **Exhibit D**, and page 2 may have been a draft as it incorrectly cites the tax map designation as set forth in the minutes, i.e. page 2 includes SBL 180-4-2.2, while the minutes do not include that tax parcel. As such, it does not appear that the unauthenticated documents pages 1 and 2 of **Exhibit D** are the ordinance adopted by the City Council in either 1982 or 1984. Page 12 is a map entitled "Concept Plan: Land Use." It depicts the area covered by the Interlaken PUD and it identifies the 7 zones. It appears to be undated, but if it is dated, the date can't be discerned by an examination of the document. It is possible that page 12 is the Concept Plan of Interlaken dated February 8, 1982 as described in paragraph #2 of page 1 of **Exhibit D**. However, as demonstrated above, page 1 was not adopted by the City Council so the Concept Plan (even assuming this Concept Plan was the one considered by the Planning Board and the City Council) was not formally approved by the City Council. Indeed, it is not possible to know from a simple examination of page 12 whether it is the February 8, 1982 document referenced on page 1 or whether it is one of a series of drafts. In either case, there is no evidence that the City Council took any action with respect to the Concept Plan depicted on page 12.

As is the case with page 12 above, page 13 of **Exhibit D** is a document that bears the name of a document referenced in paragraph #2 of page 1, to wit: Land Use Summary. Page 13 bears the same defect as does the Concept Plan, i.e. the City Council never took any formal action on it and there is no way to know whether this was a draft document or one that was intended for approval by the City Council.

Finally, **Exhibit D**, specifically page 1 thereof, is drawn in the form of a resolution (see paragraph #2 "made part of this resolution") a New York Law is clear that a resolution cannot amend an ordinance under the principles of legislative equivalency. While there is no evidence that this resolution was ever offered or acted upon, it would nevertheless have been ineffective to amend the ordinance without the corresponding formalities required to adopt an amendment to the Zoning Ordinance.

5. The best evidence of the PUD ordinance of 1982 and the amendment of 1984 is the minutes of those two meetings reflected on pages 7-11 of **Exhibit D** and pages 18 and 19 of **Exhibit E**.

The accuracy of the foregoing is further demonstrated by the minutes of Planning Board meetings involving site plan reviews for projects within the Interlaken PUD. Inasmuch as our pending application to the Planning Board focuses on Zone B, Phase 3, we have concentrated our research in this area. That research reveals that less than 5 years after the 1984 Amendment was adopted, the Planning Board dealt with the first application for Zone B. At the Planning Board meeting of July 19, 1989, City Planner Geoff Bornemann described the ordinance (**Exhibit Z**) as follows:

> *Geoff Bornemann, City Planner, stated that an official sketch plan of the entire PUD project was never filed with the ordinance as required in 1984. If the appropriate sketch plan can be located or reconstructed it can be used as a guide in future phases of the planned unit development. The draft sketch plan map submitted by the applicant and dated May 17, 1989, fails in a number of ways to conform to the ordinance requirements for an official sketch plan map.*

Mr. Bornemann confirmed that an official sketch plan for the entire PUD project was never filed with the ordinance in 1984. He noted that if the appropriate sketch plan can be located or reconstructed, *it can be used as a guide in future phases* of the Planned Unit Development. Mr. Bornemann also noted that the sketch plan submitted by the applicant on May 17, 1989 did not conform to the requirements of the Zoning Ordinance for an official sketch plan map. As such, the applicant agreed to work with the planning staff to resolve those issues.

Importantly, the Planning Board concluded that the applicant could apply for Zone B site plan approval although no final approval would be granted until the sketch plan matter was resolved (**Exhibit V**).

The Planning Board continued review of the sketch plan as it relates to Zone B as it meeting of December 6, 1989 (**Exhibit L**). The Planning Board agreed with the language agreed to by the staff and the applicant, and suggested that the proposal go back to the City Council for consideration as part of a new comprehensive Zoning Ordinance. During that same meeting, the applications for Zones B and D continued and resulted in the grant of preliminary approval for the PUD site plan on motion of Mr. King, seconded by Mr. Curley and approved unanimously.

The application for Zones B and D (referred to as Phases in the minutes) returned to the Planning Board on May 16, 1990. During the discussion, Mr.

Mullaney referred to a discussion on whether to construct guard houses in this phase of the project similar to those that had been previously constructed in Zone A (the Interlaken townhouse project). By May 16, 1990, the Interlaken townhouse project had already been approved and built out. At the conclusion of the May 16, 1990 meeting, the Planning Board unanimously approved Mr. Allerdice's motion (seconded by Mr. Curley) for final site plan approval for Zones B and D for 61 residential units (**Exhibit M**).

On June 19, 1991, the applicant returned to the Planning Board for re-approval for Zones B and D noting that the Planning Board had granted approval the previous year but the applicant was unable to get all of his financing in place. As a result, the approval had expired. Mr. Mullaney noted that the application was identical to the one approved the previous year and it consisted of 68 lots of which 63 were buildable. On motion by Mr. Allerdice and seconded by Ms. Foulke, preliminary and final approval of the PUD site plans were unanimously approved (**Exhibit U**). A copy of the relevant portion of the signed mylars are attached hereto as **Exhibit K**.

On February 28, 1996, City Planner Bornemann again had occasion to address the history of the PUD in the context of an application to amend the existing ordinance to allow for a 150 unit senior citizen housing community as a permissible use in Zone BB. Mr. Bornemann provided the following explanation to the Planning Board which was followed by comments from Planning Board member Robert Bristol (**Exhibit O**).

> *Geoff Bornemann gave the Board a brief outline of the history of this PUD ordinance. He explained that the City Council meeting minutes from the 1984 meeting in which they passed the PUD ordinance was full of details about the various aspects of the project,* ***but the details were never actually presented in the ordinance*** *(emphasis added). In 1984 the ordinance was just one paragraph. The applicant's version of the proposed amendment only discusses Zone BB. Geoff Bornemann noted that in 1990, as part of the comprehensive rewrite of the zoning ordinance, the Planning Board drafted a proposed amended version of the Interlaken PUD that addresses the details that never made it into the adopted ordinance. The amendment was never actually presented to the City Council in 1990. Geoff Bornemann noted that the version of the draft ordinance that he prepared includes the original information for the entire PUD (from the 1990 draft) plus the proposed new amendment for Zone BB. The staff version incorporates the entire PUD and provides a framework for future amendments.*

Geoff Bornemann noted that Thomas McTygue, Commissioner of Department of Public Works, has raised a number of objections concerning the Board's review process in a memorandum dated February 28, 1996. Copies of the Commissioner's memo were distributed to each Board member.
Bob Bristol asked if the City Council could at any time amend an existing PUD ordinance without approval from the applicant. Geoff Bornemann noted that the City Council has been hesitant to do so because the applicants often view a PUD as a contract with the city.

As set forth above, Mr. Bornemann confirms that the "minutes from the 1984 meeting in which they (the City Council) passed the PUD ordinance was full of details about various aspects of the project, but the details were never actually presented in the ordinance. In 1984, the ordinance was just one paragraph." He further noted that "the Planning Board drafted an amended version of the Interlaken PUD that addresses the details that never made it into the adopted ordinance."

Mr. Bristol's question bears emphasis. He asked about the City Council's legal ability to amend the PUD at any time without approval from the applicant. Mr. Bornemann did not answer the question directly, rather he noted that the Council has been hesitant to do this because "applicants often view a PUD as a contract with the City." Mr. Bornemann's speculation on the Council's failure to amend the ordinance may (or may not) be correct, but it is undoubtedly the case that the City Council possess the authority to amend a PUD (and any other provision of the Zoning Ordinance) on its own petition and there is no reason to believe that the Council's legal advisors would not have made the Council aware of this rule when the issue arose.

The Planning Board Site Plan Approvals of May 16, 1990, June 19, 1991 and September 25, 1996 are Consistent with the Interlaken PUD Ordinance

On July 19, 1989 (**Exhibit V**) the Planning Board commenced review of a PUD sketch plan for Interlaken. During that meeting the City Planner indicated that a sketch plan was never filed with the ordinance when it was adopted. The City Planner indicated that "(i)f the appropriate sketch plan can be located **or**

reconstructed it can be used as a guide in future phases of the planned unit development," (emphasis added). Pending work on the sketch plan, the Planning Board agreed that the applicant could commence an application for PUD site plan review.

Over the ensuing five months, the applicant returned to the Planning Board on three occasions for review of the sketch plan. Both the planning staff and the applicant availed themselves of the significant record that lead to the initial City Council vote on July 5, 1982 approving the PUD (**Exhibit D**, pp 10-11). Among other things, that record included the Planning Board recommendation of approval by letter of June 2, 1982, the applicant's Environmental Assessment Form dated March 23, 1982, the EAF – Part 2 completed by the Planning Board and the negative SEQRA declaration of June 2, 1982 with a letter from Mr. Holman to City Engineer Joseph C. Ritchey dated June 2, 1982 (all of the foregoing within **Exhibit N**). The foregoing represented an exhaustive review by the Planning Board in its capacity as lead agent under SEQRA as well as in its advisory role to the City Council. The Planning Board's favorable letter of recommendation to the City Council evaluated the proposed development in considerable detail and specificity within the seven contemplated zones.

During its review in 1989, the Planning Board was able to use the information generated from its 1982 review to reconstruct the perameters of the PUD for Zones B & D. Importantly, the Planning Board was very familiar with the scope of the PUD having already approved what is now Longfellow's in Zone AA and the Interlaken townhouse development on the south side of Union Avenue in what is depicted on the 1991 approved map as Zone A (see **Exhibit K** – "Overall Concept Plan" labeled page 9 on the plan).

Having reconstructed the sketch plan, the Planning Board continued its review of the PUD site plan application resulting in a unanimous approval on May 16, 1990 (**Exhibit M**). The following year the applicant returned to the Planning Board to seek "re-approval" of the site plan because the May 16, 1990 approval had expired before he could secure financing. As such, on June 19, 1991, the Planning Board re-approved the PUD site plan (**Exhibit U**) and the mylar, including the "Overall Concept Plan" was signed by Planning Board Chairman Thomas Curley. Based on the foregoing, there can be no doubt that the Planning Board was successful in reconstructing the sketch plan that represented the core of the project envisioned by the City Council in 1982 and in 1984.

The development represented by the 1991 plan did not get built. This Applicant returned to the Planning Board in 1996 seeking to modify the plan in order to construct what is now the Regatta View subdivision. The Planning Board considered the application on July 17, 1996 and again on September 25, 1996 (**Exhibit P**). In the latter meeting, the Planning Board unanimously granted final PUD site plan approval to the applicant to modify the plans and re-subdivide 64 lots into 98 lots.

City Council Deference to the Planning Board on Early PUDs

The Zoning Ordinance lists 10 PUDs in Appendix C of the Ordinance. The first one listed is the Division Street PUD. It was adopted on October 17, 1983 (**Exhibit Y**). The second listed PUD is the Interlaken PUD that was adopted one year earlier, to wit: July 5, 1982.

These first two PUDs contain little guidance for project reviews by the Planning Board. As the City became more sophisticated in the use of PUDs, the level of detail and regulation dramatically increased. Arguably, the City Council intentionally provided the Planning Board with broad latitude and discretion for the first two PUDs by intentionally limiting the level of specificity and providing a specific grant of authority to the Planning Board in the Division Street PUD. That PUD contained the following language regarding the plans to be filed for project reviews.

- The attached **preliminary** plan, Exhibit B shall be used by the City and the applicant as a guide for the overall development of the Division Street Planned Unit Development (emphasis added).

- Prior to the issuance of a building permit to develop any or all of the area within the Division Street Planned Unit Development, the applicant shall receive final site plan approval from the Planning Board of the City of Saratoga Springs. Such site plan approval and **final development plan** shall be in conformance with § 135-44-f of the Zoning Ordinance of the City of Saratoga Springs.

In this second PUD, the City Council prescribed a two-step process for the completion of a final development plan. First, the Council approved a sketch plan to be used as a guide by the City and the applicant. Second, the Council directed

the Planning Board to develop a final development plan that would become the base document by which future development plans would be reviewed.

While it is not clear that the City Council mandated this same process for the Interlaken PUD (adopted one year prior to the Division Street PUD) it is certainly the case that the Council relied heavily on the Planning Board for direction in these initial PUDs. Indeed, the Planning Board's record of involvement on the Interlaken PUD (**Exhibit N**) was substantial and it included a detailed review of the proposed development with an analysis provided in its June 2, 1982 favorable advisory opinion to the City Council, along with its environmental analysis conducted as lead agent under the State Environmental Quality Review Act.

City Council's Repeated Determinations That There Was No Need to Amend the 1982 and 1984 Ordinance

It is noteworthy that every City Council since 1984 has either failed or refused to amend the 1982 Ordinance which, according to the Building Inspector, lacks information "to sufficiently determine the original intent of the City Council when it comes to project details" (**Exhibit A**).

- A mere two years after the adoption of the Interlaken PUD, the Council saw fit to make a technical amendment – the correction of a typographical error of the acreage within the PUD. During that period, the project reviews and analyses were well underway between the applicant and the City. Presumably, neither the Council, the Planning Board nor the applicant found any deficiencies that necessitated amendment to the Ordinance in 1984 beyond the technical correction.

- As reported by the City Planner during the February 28, 1996 meeting (**Exhibit O** – cited above), the City Council did not include any changes to the Interlaken PUD when the Zoning Ordinance was overhauled by an amendment adopted on August 6, 1990, less than three months after the Planning Board gave final PUD Site Plan Approval to Zones B & D (**Exhibit M**). Importantly, the Planning Board had completed work on the reconstructed sketch plan at it December 6, 1989 meeting (**Exhibit L**).

- During 1996, the Council considered two amendments to the Interlaken PUD. Both amendments pertained to Zone BB. The first one was introduced on February 5, 1996 and adopted by the Council on May 7, 1996. The second one was introduced on December 3, 1996 and approved by the Council on March 18, 1997 (see **Exhibits F, G, H and I**). These amendments coupled with an amendment adopted on February 4, 2003 reflect the text that is currently published on the City's website. As set forth above, that text does not provide any guidance for the development of Zones A, AA, B, C, D or E. Notwithstanding the fact that the City Council dealt with these three amendments over a seven year period, they apparently felt no need or desire to provide additional "project details" that the Building Inspector found lacking in the current Ordinance. This is true despite the fact that the Planning Board Chairman (Thomas Curley) who signed the PUD site plan mylar on October 12, 1991, also reviewed the 1996-97 PUD amendments in his capacity as Commissioner of Public Safety.

- The Council's decision not to act to provide additional "project details" during its review and approval of the two amendments in 1996-97 is even more telling by the fact that sandwiched between these two amendments was the Planning Board's review and approval of the current Regatta View plan (**Exhibit X**). That plan was reviewed by the Planning Board on July 17, 1996 and approved on September 25, 1996 (**Exhibit P**). Only 4 months before the July 17, 1996 review, the Planning Board considered the first of the two 1996 PUD amendments and provided a favorable advisory opinion to the City Council (**Exhibit S**). In this advisory opinion, the Planning Board apparently felt no need to recommend the inclusion of additional "project details" to Zones A, AA, B, C, D and E.

No Legal Challenges

During the September 25, 1996 Planning Board meeting (**Exhibit P**) wherein the Planning Board granted final PUD site plan approval, Chairman Loraine Tharp responded to an inquiry concerning the Regatta View Plan. Chairman Tharp (at page 16) confirmed that "there is no legal challenge to the

legal status of the PUD granted in 1982. The Board then proceeded with a unanimous 6-0 vote to approve the final PUD site plan.

Approval History

As set forth at the outset of this Application Narrative, the Building Inspector's Determination applies to the "previously or currently submitted proposals" concluding that there is an absence of sufficient proof of compliance with the Interlaken PUD due to lack of information. Since the PUD has involved approvals for all seven Zones, the determination appears to apply to all previously submitted proposals, plans and approvals.

The Building Inspector's conclusion on this issue appears to be isolated and it flies in the face of the following:

- PUD site plan approvals by the Planning Board in the 1980s for the development of Zones A and AA.
- PUD site plan approvals for Zones B and D unanimously granted by the Planning Board on May 16, 1990, June 19, 1991 and September 25, 1996.
- The City Council's refusal to amend the 1982 Ordinance for 6 of the 7 zones to add "project details."
- The issuance of building permits by previous city building inspectors (with the implicit determination of zoning compliance) for 125 townhouses in Zone A, 29 houses in Zone BB, 73 houses in Zone C, 93 homes and duplex units in Zones B & D, and 14 houses in Zone E.

Conclusion

For the reasons set forth above, the applicant urges the Zoning Board of Appeals to overturn the Determination of the Building Inspector and find affirmatively that the Planning Board approvals of May 16, 1990, June 19, 1991 and September 25, 1996 and the pending PUD site plan application are zoning compliant with the Interlaken PUD.

Dated this 9th day of September 2016 at Saratoga Springs, New York

Respectfully submitted,

Matthew J. Jones, Esq.
Attorney for Applicant
The Jones Firm
68 West Avenue
Saratoga Springs, New York 12866

Number	Page #	Date	Item
A	2	8/11/2016	Letter from Building Inspector Steve Shaw
B	3-14	Jul-16	City Council Zoning Ordinance Interlaken PUD from website
C	15	5/19/2016	Regatta View Site Plan Area B-Phase 3
D	16-30	7/1/2016	Planning Department Version - Interlaken PUD
E	31-32	8/6/1984	City Council Minutes
F	33	2/5/1996	City Council Minutes
G	34	4/2/1996	City Council Minutes
H	35-39	5/7/1996	City Council Minutes
I	40-41	12/3/1996	City Council Minutes
J	42-56	8/24/2005	Planning Board Minutes and Sketch Plan application
K	57-93	2/14/1990 & Approved 6/19/1991	Regatta View Subdivision
L	94-97	12/6/1989	Planning Board Minutes
M	98-100	5/16/1990	Planning Board Minutes
N	101-122	6/2/1982	Planning Board Minutes, EAF and negative declaration
O	123-132	2/28/1996	Planning Board Minutes
P	133-169	7/17/1996 & 9/25/1996 & SEQRA Neg Dec	Planning Board Minutes
Q	170-173	5/6/1998	Planning Board Minutes
R	174-190	4/11/1990	Planning Board Minutes
S	191-208	3/13/1996	Planning Board Minutes
T	209-220	11/7/1990	Planning Board Minutes
U	221-223	6/19/1991	Planning Board Minutes
V	224-227	7/19/1989 & 9/6/1989 & 10/11/1989	Planning Board Minutes
W	228	3/19/1996	City Council Minutes
X	229-231	6/18/1996	Zones B, D and E - Regatta View 1996 approved plan - Adopted 9/29/1996 and signed 5/8/1997
Y	232-235	10/17/1983	Division Street PUD

Exhibit A

City of Saratoga Springs
BUILDING DEPARTMENT
CITY HALL
474 Broadway
Saratoga Springs, NY 12866

Telephone (518)587-3550 Ext. 2511
Fax (518)580-9480
www.saratoga-springs.org

- BUILDING & PLUMBING
- CODES
- ZONING

STEPHEN SHAW
Zoning & Building Inspector
Extension 2491

DUANE MILLER
Assistant Building Inspector
Extension 2512

JOHN BARNEY
Assistant Zoning Technician
Extension 2521

August 11, 2016

Mr. Matt Jones
The Jones Firm
68 West Avenue
Saratoga Springs, NY 12866

RE: Zoning Compliance Determination – Interlaken PUD

Dear Mr. Jones,

This letter is in response to a request for a zoning compliance determination for the build out of an undeveloped section of the Interlaken PUD. A review of all available documentation does not show a clear path to any specific configuration, use, density or any other project detail. It even seems possible that some of the existing development may have occurred beyond appropriate zoning authorization. This is not just a case of information being insufficiently clear to make a determination, nor is it a situation where the information could be interpreted differently by different individuals. This is a case where there is simply a lack of information to sufficiently determine the original intent of the City Council when it comes to project details.

Therefore, it is my determination that none of the previously or currently submitted proposals sufficiently provide proof of compliance with the Interlaken PUD due to lack of information. At this time the applicant has the option of appealing this determination to the Zoning Board of Appeals, seeking legislative clarification and/or amendment from the City Council or withdrawal from the application process.

Sincerely,

Stephen Shaw
Zoning and Building Inspector

SRS/kgf

Exhibit B

Appendix C:
2. Interlaken Planned Unit Development (formerly 241.2)

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS "INTERLAKEN PLANNED UNIT DEVELOPMENT"

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing as follows:

SECTION I – NAME:

This ordinance shall be known as the "Interlaken Planned Unit Development," and amends Chapter 240 of the Code of the City of Saratoga Springs, New York, entitled "Zoning."

SECTION II – HISTORY:

The City Council of the City of Saratoga Springs, following a public hearing on July 6, 1982, adopted an ordinance which created a Planned Unit Development which encompassed approximately 205 acres of land having frontage of 4,106.32 feet on the south side of Union Avenue (Route 9P), 1,295 feet on Crescent Avenue and 1,770 feet on the north side of Union Avenue (Route 9P). The City Council of the City of Saratoga Springs, following a public hearing on August 6, 1984, adopted an ordinance which created a Planned Unit Development which encompassed approximately 205 acres of real property having frontage of 4,106.32 feet on the south side of Union Avenue (Route 9P), 1,295 feet on Crescent Avenue and 1,770 feet on the north side of Union Avenue (Route 9P), which was intended to amend the ordinance which had been passed by the City Council of the City of Saratoga Springs on July 6, 1982. The City of Saratoga Springs of Saratoga Springs, following a public hearing on May 7, 1996 amended the Interlaken Planned Unit Development legislation as it pertains to Zone "BB" within the Planned Unit Development.

SECTION III – BOUNDARIES:

The area of the Interlaken Planned Unit Development consists of approximately 205 acres and is bounded and described as set forth in Appendix A, attached hereto and made a part hereof, and Appendix B, a certain sketch plan which is on file in the Office of the City Engineer in the City of Saratoga Springs.

The Planned Unit Development presently consists of the following parcels of real property as set out on the present Assessor's Map for the City of Saratoga Springs Outside Tax District as of May 7, 1996.

Section	Block	Lot
I80	2	13.2, 13.3, 49.1, 49.2, 49.3, 49.4, 49.5, 49.6, 50.1, 50.2, 50.3 and 57
180	4	18, 24 and 25
180.61	1	1 through 51
180.62	1	1 through 24
180.53	1	1 through 30
180.53	1	32 through 58

SECTION IV - PURPOSE

It is the purpose of this Ordinance to provide a logical extension of the present zoning and land use as recommended in the I970 Master Plan. It is the further purpose of this Ordinance to promote flexibility in the development and design of this area.

The Interlaken Planned Unit Development is conceptually sound. It meets all local and area wide needs and it conforms to the accepted principles of functional, highway and pedestrian circulation systems, land use configurations, open space systems and drainage systems. The scale and design of the elements are humane and related to each other and the area in general.

Zone "B"/Marina:

This zone shall be developed for the sole purpose of permitting a boathouse for not-for-profit rowing association with associated parking, marina and docking facilities.

Zone "BB":

This zone can be developed into a subdivision of single family residences with an attached or detached associated single bedroom units consistent with the residential designation set out for this area of the City in the 1987 Master Plan.

As an alternative, this zone, which had developed into a planned senior citizen housing community that will meet the needs of a special segment of the City's population.

As another alternative, this zone, which has previously been the site of a restaurant and night club, could recapture this resort theme by the construction of a 110 room hotel/conference center along with or independent of an attached or detached restaurant offering seating for 150 diners.

These uses would compliment the already existing and projected residential areas within the Planned Unit Development or the mores rustic restaurant and potential Inn use which

may be established upon the zone of the Planned Unit Development presently housing the Longfellow's Restaurant.

SECTION V – PERMITTED USES AND DENSITY:

There may be constructed within the boundaries of the Interlaken Planned Unit Development the following types of activities and uses as set forth below:

Zone "B"/Marina:

This area may be developed with the following uses:

1. A boathouse facility, not to exceed 17,500 square feet, that may include facilities for storage of rowing vessels, equipment, restrooms, meeting rooms, training and associated activities. This facility may only be owned and operated by a not-for-profit rowing association.
2. On-site parking shall be provide for this facility and users in accord with the following standards:

    a) *Marina and docks shall have 1 parking space per 3 slips.*
    b) Boathouse shall have 75 parking spaces. This number may be reduced by the Planning Board, at their sole discretion, during the PUD site plan review process if evidence of shared parking with the marina use is presented and accepted by the Board.

3. A marina with up to 68 docking slips. All slips must be owned and maintained by the not-for-profit rowing association and shall be leased in the following manner:

    a) Residents of Zone B, D and E (Regatta View) shall be given first priority in leasing slips by January 31st of each calendar year.
    b) Remaining slips shall be made available to residents of Interlaken PUD Zones, A, BB and C until March 1st of each calendar year.
    c) The remaining slips (not to exceed 20) shall be made available to the general public after March 1st of each calendar year.
    d) This process will take place each year prior to the installation of docks and slips. Only slips that have been leased shall be installed each season.

4. There shall be no sale of petroleum products permitted on this site.
5. There shall be no boat ramp or launch facility permitted on this site.
6. There shall be no picnicking, special events or other outdoor recreational facilities on this site that are associated with the marina use.
7. There shall be no outdoor storage of boats permitted on this site except for boats owned by the not-for-profit rowing association. Outdoor storage of

docks shall permitted but the location of such storage shall be determined during the PUD site plan review process.

8. There shall be no sales or rental of boats or equipment on this site.

Zone "BB":

Either use 1, 2 or 3 as listed below, so long as the permission to construct that permitted use has not expired pursuant to Section XV herein, but not more than one shall be permitted:

1. A subdivision of detached single family residences with attached or detached garages with associated single bedroom units with frontage on a road dedicated to and accepted by the City of Saratoga Springs.

    a. A maximum of 31 lots, Each lot shall have a minimum of 10,000 square feet and may have a single-family residence as well as an associated single bedroom unit. The maximum height for any structure shall be 35 feet.
    b. The associate single bedroom units shall be no larger than 800 square feet and shall be constructed in the principal structure or in a detached accessory garage.
    c. A parcel with frontage on Lake Lonely may have a single private dock that may extend into the water up to 30 feet from the mean low water mark on the shoreline.
    d. The off-street parking demand for both the principal residential unit and an associated single bedroom unit shall be two parking spaces per unit. The location of the required off-street parking spaces do not have to meet any of the minimum setback requirements.

2. A planned Senior Citizen Housing Community offering attached or detached townhouse units and, apartments, interior and exterior recreational facilities, marina and docks, eating and drinking establishment and retail space all intended for the use of the residents of this zone and their guests. The living units shall be on lease basis only, wherein at least one of the tenants in any leased units must be 50 years of age at the commencement of the leasehold. None of the units shall be converted to cooperative apartments or to condominiums. In addition the lands within this PUD shall not be subdivided into more than two real property tax parcels. This project shall consist of the following:

    a. A maximum of 30 attached or detached residential units with a maximum building footprint of 2,000 square feet per unit for a maximum building square footage of 60,000 square footage. The maximum height for the residential units shall be 35 feet. Attached or detached car ports may be included

with these units but shall not be included as a portion of the building footprint for square footage calculation purposes.

b. A maximum of 120 residential apartments situated in a maximum of two buildings, which shall be no greater than 50 feet in height. The apartment buildings(s) shall have a maximum total building footprint of 105,000 square feet and a maximum total square footage of 350,000 square feet. The following ancillary uses shall be permitted for the exclusive use of the residents of Zone "BB" and their guests: interior eating and drinking facilities, interior recreational space, retail space, beauty/barber shop, physical therapy facilities, and meeting rooms. The ancillary uses within a structure shall comprise no more than fifteen (15%) per cent of the square footage of that structure up to a maximum of 18,000 square feet. The ancillary uses shall be for the exclusive use of the residents of Zone "BB" and their guests.

c. Off-street parking shall be supplied within this zone to a ratio of 1.5 parking space for each residential unit unless lowered by the Panning Board. During the site plan review the Planning Board may lower the parking requirement if market studies show that the demand may be less. There shall be no parking requirement for any of the permitted ancillary uses.

d. Exterior recreational facilities shall be permitted which may include a marina and docks on Lake Lonely with slips for up to twelve boats. Accessory structures for recreational uses are permitted but their total size shall not exceed 17,500 square feet.

e. A hotel conference center and restaurant.

(a) A 110 room hotel conference center to include, as ancillary uses; eating and drinking facilities, retail space; interior recreational facilities, and meeting rooms. The center shall have a maximum interior square footage of 203,000 square feet and a maximum height of 65 feet. The ancillary uses within any structure shall comprise no more than fifteen (15%) percent of the square footage of that structure.

(b) A restaurant attached or detached to the hotel conference center to include seating for up to 150 persons. This structure shall not exceed 10,000 square feet. This use shall be permitted in addition to an eating and drinking facility contained within the hotel conference center.

(c) Exterior recreational facilities shall be permitted which may include a marina and docks on Lake Lonely with slips for up to twelve boats. Accessory structures for

recreational uses are permitted but their total size shall not exceed 17,500 square feet.

(d) The hotel conference center shall have a parking requirement of 1 parking space for each hotel room, and there shall be no parking requirement for any of the permitted ancillary uses. The restaurant shall have a parking demand of 0.3 spaces for every seat.

(e) The lands within this PUD shall not be subdivided into more than two real property tax parcels.

SECTION VI – HOMEOWNERS ASSOCIATIONS:

Zone "B"/Marina:

There shall be no homeowners association or equivalent organization established in Zone "B"/Marina, but if permitted, the owner of this site may obtain full or selected rights of membership in the Regatta View homeowners association.

Zone BB:

There shall be no homeowners association, or equivalent organization, established in Zone "BB".

SECTION VII – SKETCH PLAN:

Zone "B"/Marina:

The attached Sketch Plan, Appendix B, shall be used by the City and the developer as a guide for the overall development of this zone.

Zone "BB":

The attached Sketch Plans, Appendix B, shall be used by the City and the developer as a guide for overall development of Zone "BB" within the "Interlaken Planned Unit Development". The Sketch Plans may be amended and modified and so long as the use, density, height, parking, setbacks and impervious surface requirements set out within this ordinance are not violated, this Ordinance, as amended, shall not have to be submitted for further amendments. Nothing in this section is intended to negate the requirement for PUD site plan approval as established herein and in the Zoning Code of the City of Saratoga Springs.

Appendix B contains a sketch plan for the single family development plan, the planned senior housing community and the hotel conference center.

If in the development of the site plan, it becomes apparent that certain elements of the Sketch Plan are unfeasible and in need of significant modification above that which is permitted above, any significant modification thereof must be approved in accordance with Section 240-3 of the Zoning Ordinance of the City of Saratoga Springs.

SECTION VIII – SETBACKS:

Zone "B"/Marina:

The areas and bulk standards shall be as follows for principal buildings, on-site parking and accessory structures:

	Minimum Requirement:
Lot size:	4 acres
Mean width	200 feet
Front yard:	30 feet
Rear yard:	30 feet
One side:	10 feet
Total side:	20 feet
Building height	40 feet
% of lot to be permeable	30%

Docks on this site shall not be subject to any of the above requirements.

Zone "BB":

With regard to the single family residential use of the zone, the setbacks shall be as follows:

	Principal Building and Lot Minimum Setback Requirements:
Lot Size	10,000 square feet
Mean Lot Width	80 feet
Front Yard: Principal Residence	10 feet
Front Yard: Attached Garage	22 feet
Rear Yard	30 feet
Side Yard: One Side	10 feet
Side Yard: Total Side	20 feet
Minimum % of Lot to be Permeable	30%

Accessory Structures (not attached to Principal Building other than by walkway, breezeway or porch)
Minimum Setback Requirements:

Front Yard	22 feet
Rear Yard	30 feet
Side Yard: One Side	5 feet
Side Yard: Total Side	20 feet
Minimum Distance to Principal Building	5 feet

B. With regard to the Hotel conference center use and the planned senior housing community use of this zone, the setbacks shall be as follows:

A. All setbacks shall be from the perimeter of the real property of Zone "BB" to the nearest building(s) with there not being a requirement setback between buildings, or internally on the site, other than as specified herein:

	Minimum Setback Requirement:
Front Yard	50 feet
Rear Yard	50 feet
Side Yard	50 feet
Distance between detached buildings	15 feet

In addition, within Zone "BB" the minimum amount of required impervious surface shall be 60%.

SECTION IX - INFRASTRUCTURE SERVICE AND IMPROVEMENTS.

Zone "BB":

The entire zone will be serviced by City of Saratoga Springs water, unless there is a judicial order stating otherwise, and Saratoga County sewer lines. All services and improvements that are dedicated to a municipality or a municipal authority will be constructed to that municipality's or authorities building standard as that standard exists at the time of dedication. All other services and improvements shall be constructed in compliance with applicable codes, rules and regulations.

If the zone is developed as a single family residential project, the following shall take place: (1) Each residential unit shall be required to tap off of a City or public authority main for purposes of obtaining a potable water supply; (2) A public sidewalk shall be constructed along side of al roads to be dedicated to the City of Saratoga Springs; and, (3) All public roadways shall have curbs.

For uses if the zone is developed as a hotel conference center or a planned senior housing community, the water service to the structures which are more than 50 feet from

the boundary of a public right-of-way shall not be required to directly tap off of a city main for purposed of obtaining a water supply.

The community sanitary sewer collection system may be owned and operated by the Saratoga County Sewer District #1.

At the time of the development of any portion of any phase within Zone "BB", the Planning Board of the City of Saratoga Springs may require during the PUD site plan review process a traffic impact analysis to be preformed to determine specific on-site or off-site improvements that might be required to accommodate projected traffic volumes to or from this PUD. The determination as to whom shall pay for the required improvements shall be negotiated by the applicant and the City.

At the time of the development of any portion of any phase within Zone "BB", the Planning Board of the City of Saratoga Springs may require during the PUD site plan review process a Stage 1B archeological investigation of the soils. The applicant shall be expected to adequately mitigate any findings from such investigations.

SECTION X – SIGNS:

Zone "B"/Marina:

A single freestanding sign shall be permitted on this site. The sign shall not exceed 24 square foot in size and it shall be no higher than 12 feet.

Zone "BB":

A. With regard to the single family development of this zone, the following signs shall be permitted:

   1) A 40 square foot per side internally or externally illuminated sign shall be permitted at the entrance/exit of the subdivision near Crescent Avenue, provided such sign shall be not be placed within the public right-of-way and provisions for its permanent maintenance is made.

B. With regard to the hotel conference center use and the planned senior housing community use of this zone, the following signs shall be permitted:

   1) A 40 square foot per side internally or externally illuminated sign shall be permitted at the entrance/exit roadway near Crescent Avenue.

   2) On premise directional signs identifying private property, restrictions, public parking, recreational facilities, fire zones, entrances and exits signs may be

For the senior citizen community the developer must obtain final PUD site plan approval and start construction for all phases prior to January 1, 2000.

For the hotel/conference center, the developer for Zone BB must obtain final PUD site plan and start construction for the first phase (either a restaurant or a hotel) approval prior to January 1, 2000. The developer must obtain final PUD site plan and start construction for all phases of the hotel/conference center prior to January 1, 2005. If the developer fails to meet any of the above requirement, the uses allowed for the hotel/conference center shall no longer be permitted, but the uses associated with the senior citizen center shall be permitted.

SECTION XVI – CASH IN LIEU OF RECREATION LAND:

Zone "B"/Marina:

Cash in lieu of recreational lands shall not be required for any subdivision within this section. The not-for-profit and recreational aspects for this use are consistent with community recreational activities and shall not be held to the same standard as commercial and residential development.

Zone "BB":

For the single family residential use, the developer shall pay a special fee for cash in lieu of recreation land to the City of Saratoga in the amount of $750 per lot because of the limited size and unique characteristics of the associated residential units.

SECTION XVII – VALIDITY:

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

SECTION XVIII – EFFECTIVE DATE:

This Ordinance shall take effect the day after publication as provided by the Saratoga Springs City Council and posting and publishing in the official newspaper of the City as required by law.

ADOPTED: May 7, 1996

AMENDED: March 18, 1997

AMENDED: February 4, 2003

APPENDIX "A"

LEGAL DESCRIPTION

Description of lands in Zone "BB" of the "Interlaken Planned Unit Development" are on file in the City Engineer's Office in the City of Saratoga Springs.

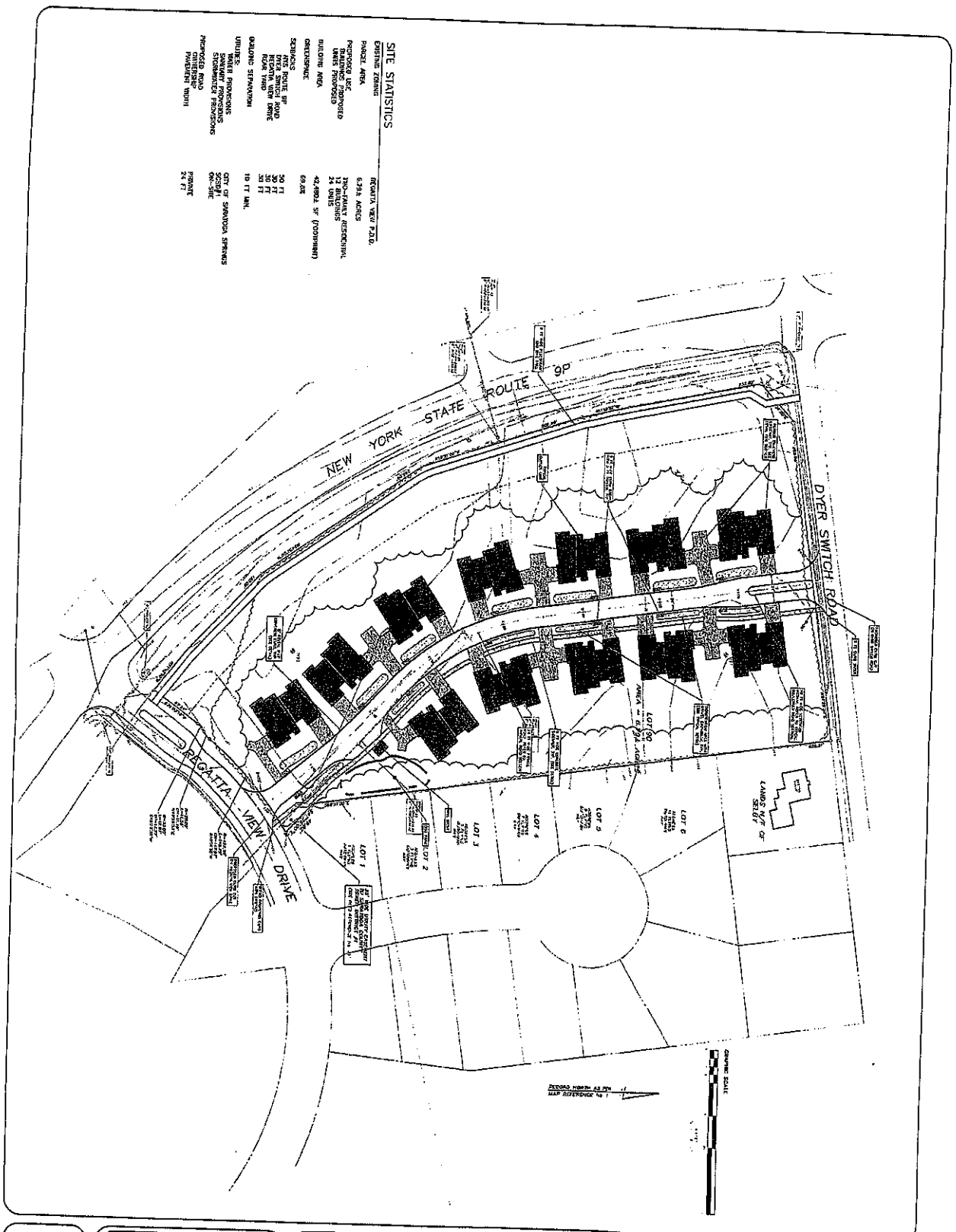
APPENDIX "B"

SKETCH PLAN FOR ENTIRE PUD

SKETCH PLAN FOR ZONE "BB" SENIOR CITIZEN COMMUNITY

SKETCH PLAN FOR ZONE "BB" HOTEL CONFERENCE CENTER

Exhibit C



SCALE: 1"=40'

PRELIMINARY PLANS 8/19/2016

SHEET NO. 3 of 10

REVISIONS | DATE | BY

SHEET TITLE

SITE PLAN

PROPOSED RESIDENTIAL COMMUNITY
REGATTA VIEW–AREA B–PHASE 3

REGATTA VIEW, LLC

CITY OF SARATOGA SPRINGS

TAX MAP NO. 180.54-2-30
SARATOGA COUNTY, NEW YORK
MAY 16, 2016

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP
900 ROUTE 146 CLIFTON PARK, N.Y. 12065 (518) 371-7621
ENGINEERING LANDSCAPE ARCHITECTURE LAND SURVEYING

Exhibit D

In adopting an Ordinance to amend Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" by amending the Zoning Map to reflect the change in district boundaries from Conservancy District to a Planned Unit Development known as Interlaken of approximately 215 acres, the City Council hereby takes the following action to correct the typographical error contained in said ordinance and to set forth in its records, the basis the City Council used in adopting said Ordinance on July 5, 1982. The City Council hereby:

1.) Adopts the findings of the Planning Board in its June 2, 1982 report of the City Council as a basis for its action in adopting said Zoning change.

2.) In accordance with the Concept Plan of Interlaken dated February 8, 1982, as was specifically shown on "Concept Plan: Land Use" and "Land Use Summary" made part of this resolution, the land use densities for Interlaken shall be as shown on the land use summary and as follows:

	UNITS	GROSS AREA ACRES	NET CLUSTER AREA ACRES	GROSS DENSITY DU/AC	NET DENS. DU/AC	OPEN SPACE AREA ACRES	ROAD R.O.W. AREA ACRES	ROAD LENGTH L.F.
Residential Totals	500	194.57	71.38	2.57	7.0	107.47	15.72	12,460

AA 6.73 Program: 360-seat restaurant, 2000 S.F. grocery and 10,000 S.F. office rehab at the Canterbury, 8250 S.F. of new office and commercial space, 50-room Inn, 231-car parking.

BB 13.76 Program: 110-room hotel-conference center, 150-seat restaurant at the Riley, 170-car parking.

Based on the above, the Zoning Map of the City of Saratoga Springs as amended on July 5, 1982, is hereby amended as follows:

AN ORDINANCE TO AMEND CHAPTER 135 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NEW YORK, ENTITLED "ZONING".

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

SECTION 1. Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" is hereby amended to show and reflect the following change in district boundaries from its classification as a Conservancy District to Planned Unit Development, which property is designated on the Assessor's Map of the Outside Tax District of the City of Saratoga Springs, as 180-4-1, 180-4-2.1, 180-4-2.2, 180-4-3, 180-4-16, 180-4-18, 180-4-19, 180-4-20 and 180-2-12, 180-2-13, 180-2-16, 180-2-17. 180-2-22, 180-2-23 and 180-2-30, and which property is more specifically described as consisting of approximately 215 acres, having a frontage of 4106.32 feet on the south side of Union Avenue and the Union Avenue Extension and 1295 feet on Crescent Avenue and 1770 feet on the north side of Union Avenue, Route 9P.

SECTION 2. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: August 6, 1984

PLANNING BOARD
CITY OF SARATOGA SPRINGS
Saratoga Springs, New York

June 2, 1982

SEP 12

Saratoga Springs City Council
City Hall
Saratoga Springs, New York 12866

Re: INTERLAKEN RESIDENTIAL PLANNED UNIT DEVELOPMENT:

Dear Mayor and Commissioners:

After reviewing the proposed zone change from Conservancy and Residential Seasonal to Residential Planned Unit Development for the area generally known as Interlaken, it is our recommendation that it be approved with the following additional clarifications:

1. Buffer areas shall be established and maintained along the slopes facing Lake Lonely and Bear Swamp to the West and Fish Creek to the East.

2. All signage shall conform to the Saratoga Springs sign ordinance.

It is the determination of the Planning Board that:

a. The Interlaken Residential Planned Unit Development is a logical extension of the present zoning and land use as recommended in the 1970 Master Plan. The Master Plan recommends Residence Recreation for Interlaken. The resort concept proposed is in conformance with that recommendation.

   The support uses including restaurants, lodging facilities and minimal retail space reinforce the resort concept and are dependent upon the residential and recreational development of the project. The facilities are not intended to compete with the Central Business District.

   The construction of the Saratoga County Sewer Line will provide sanitary sewers to the project site. This coupled with the development of an independent water supply will allow a more dense development not before possible under the Conservancy zone.

b. The Interlaken Residential Planned Unit Development provides flexible land use and design regulations. The proposal provides a variety of housing types and integrates commercial and residential uses.

The design of Interlaken is formulated around the creation of neighborhoods; some of which are residential, others commercial. All neighborhoods are linked together with open space and recreational facilities to create the resort concept.

Interlaken is self-contained and not dependent upon other building sites.

The design of Interlaken provides an innovative site planning approach by providing flexibility and diversification throughout the plan. The Plan is then unified through the natural environment and character it develops.

Interlaken is in conformance with the Master Plan and is in the interest of the general welfare. The resort theme in conjunction with the horse breeding farm will attract clientele who will further the New York State Horse Breeding Industry. The design approach sets a precedent and will act as an example of innovative design desired by the P. U. D. Ordinance.

c. Interlaken provides choices in building type (single family, townhouse, apartment) and occupancy (individual ownership, condominium, lease). The development further provides for community recreational facilities.

Residents of Saratoga Springs would also benefit from the restaurants and small conference space which would be made available to the general public.

Interlaken provides an extensive useable open space developed with swimming pool and clubhouse, tennis courts, playground facilities, boat basin and trails, walks and picnic areas. These recreation areas will be connected with an interior walk system.

Coupled with the residential development at Interlaken is 6000 square feet of retail space, conference space, a clubhouse and recreational facilities. These services are all within walking distance and available to all residents of Interlaken.

The flexible design concept at Interlaken will allow buildings to be sited around trees and significant vegetation. All slopes and wet lands have been retained and protected as open space. The storm drainage system has been designed for a minimum environmental impact from construction and operation by returning the water into the ground as soon as possible thereby preventing erosion and concentrations of water.

The area around Interlaken is predominantly rural in character. For that reason, buffer areas have been retained and constructed screening the development from collector streets. Buffer areas have also been retained within the development between different land use types. To the west, the horse breeding farm not only provides a pastoral view from Interlaken, but provides a buffer as well.

Interlaken provides an efficient use of land by clustering development thereby lowering development costs. The storm drainage concept further reduces cost of infrastructure investment. All aspects of the design are focused on a minimal disturbance to the land and therefore, lower development costs.

The 1970 Master Plan recommends this area for Residential - Recreation. Although the specifics of that recommendation were focused on development ten years ago and are not economically viable today, the general direction and resort home concept is fulfilled if not surpassed at Interlaken.

The existing zoning ordinance does not allow for the unique environment which Interlaken will provide. The variety and flexibility of Interlaken will preserve the natural features creating an environment encouraged by the P. U. D. Ordinance.

d. There is a variety of residential housing types providing a balanced community.

The site encompasses approximately 215 acres, exceeding the 10 acre minimum.

The site will be serviced by sewer. Water will be provided on site. Snowplowing and street maintenance will be provided by the owners of the development. The storm drainage system will be maintained by the owners of the development.

The project is serviced by major collector streets and is 1.25 miles from I-87.

A market survey is available supporting the development.

A residential and commercial fiscal impact analysis is available.

6000 square feet of retail space will be developed to serve the needs of the residents. At present there is a small grocery store at the Caunterbury Restaurant which services the existing campground. This new retail space would serve the same limited function.

A 54 room inn will be constructed to provide accommodations for prospective owners and guests of residents. It will also provide minimal conference space for business professionals at the Interlaken resort development.

The Caunterbury Restaurant is an existing facility that will be retained and will act as a focal point for the development from its inception.

Riley's Lake House is an existing but abandoned restaurant. This building would be restored to its original Art Deco theme and provide a "High polish" alternative to the rustic Caunterbury. It will house a restaurant with possible dinner shows and a lounge. The resort theme of the residential development will be supported by the rehabilitation of Riley's

A 110 room hotel will be constructed adjacent to and in coordination with Riley's. This is a natural extension of the resort theme and will again act as accommodations for guests of residents and provide conference space. Like Riley's, it will provide a "high polish" image as compared to the more rustic inn adjacent to the Caunterbury.

As part of the resort community, certain accessory uses will be developed:

Recreational facilities will include a swimming pool complex, tennis courts, playground facilities, picnic grounds, trails, a small dock on Lake Lonely and a boat basin on Fish Creek. These facilities will be available to all residents of Interlaken.

Storage buildings and garages will be provided for maintenance and storage of automobiles and maintenance vehicles.

A full time on site maintenance superintendent may be desired. A special residence would allow more privacy for his family unit.

e. The Interlaken Residential Planned Unit Development is conceptually sound. It meets all local and area wide need and it conforms to the accepted principles of functional, highway and pedestrian circulation systems, land use configurations, open space systems and drainage systems. The scale and design of the elements are humane and related to each other and the area in general.

f. With the construction of the Saratoga County Sanitary Sewer System and the development of the on site water system, there will be adequate services and utilities available to the development.

g. The Planning Board has determined the proposed action will not have a significant effect on the environment.

It is the recommendation of the Saratoga Springs Planning Board that the City Council schedule a Public Hearing within forty five days, (as directed in Section 135.43 of the Code of the City of Saratoga Springs, New York) for the purpose of considering P. U. D. districting for the Interlaken Project.

Sincerely,

Frederick J. Holman, Chairman
Saratoga Springs Planning Board

cc: Commissioner Casey, McGourty McTygue Valentine
Louis Farone

voting machines and are in complete charge of all election inspectors and the voting machine custodians. This sometimes leads to conflicting sets of instructions. There is always the possibility that lacking space on the machine, the City candidates would go on paper ballots.

In the event that there should be a State, County and City Primary in any combination, the City Candidates might have to go on paper ballots. What many people find confusing is the fact that they can vote in a City primary and no others. They have been told that they do not have to be enrolled in a Party to vote in a Primary in Saratoga Springs. They take this to mean all elections as long as they are voting in the City.

Jan Powers, 17 Congress Avenue, asked if a voter had to be either a Republican or Democrat to vote.

The City Attorney stated you must be registered in the party to vote in a Primary.

Remigia Foy stated that they could have open primaries which would take care of independent voters.

John Maxam, Hathorn Blvd., asked for a clarification of Mr. Scranton's remarks on candidates.

Mr. Scranton advised that only two candidates can run in the general election under Non-Partisan. Under Partisan, you can have many candidates.

Deslyn Manniello, 82 Court St., told the Council that in circulating the petitions, older voters liked the idea of voting on the issue as newcomers also liked the referendum on the matter. This can be an educational instrument - people can attend forums and learn more about the system.

Mrs. Van Meter said that Mr. Scranton's remarks on petitions relates to the Saratoga Springs' forms where no dates are specified. The League used forms in conformance with State Election Law and have all the required information for a voter petition. There are safety valves required in State Law and other protections also.

Raymond Watkin suggested that the Council could change the form of the petitions requiring dates and election districts.

Jan Powers asked why partisan elections are thought to be better if they have been voted on before.

Mayor Jonas stated it has been voted down three times by the people and there are different schools of thought on it.

Raymond Watkin added that it was voted down in 1970 when it appeared as a separate issue from changing the form of government.

Remegia Foy, 95 Oak Street, told the Council that she was an Independent and had served as Comm. of Finance for two terms and that she concurred with Mr. Watkin on making decisions as a member of the Council without consulting with the Party Chairman and she was concerned by this pressure. She also stated that she has never had an answer on the 2,000 voters (independents) who would be frozen out. She stated it is still a small town and non-partisan elections have served the City well even though there is an argument under Partisan elections that you can run as an independent if you lose out in the Primary. The essential question is whether you want Charter Revision and how to go about it - piecemeal or by a plan. Ms. Foy stated it was unhealthy to piecemeal change and pointed out that with inflation the figure of $1,000 on purcheses without bids should be revised upward as an example of changes needed.

Carl Caruso stated that now about 120 signatures are required on a City petition and asked how many were needed under the Partisan Elections.

Mr. Scranton said he thought it was 5% of the number who voted in the gubernatorial election.

Mayor Jones suggested that Mr. Scranton get the answer to Mr. Caruso if he was not certain of the number.

Hearing closed at 7:07 P.M.

Mayor Jones opened a public hearing at 7:15 P.M. on the Planned Unit Development for property designated on the Assessor's Map of the Outside Tax District as 180-4-1, 180-4-2.1, 180-4-2.2, 180-4-3, 180-4-16, 180-4-18, 180-4-19, 180-4-20 and 180-2-12, 180-2-13, 180-2-16, 180-2-17, 180-2-22, 180-2-23 and 180-2-30 which property is approximately 250 acres, having a frontage of 4,108.32 feet on the south side of Union Avenue and the Union Avenue Extension and 1,295 feet on Crescent Avenue and 1,770 feet on the north side of Union Avenue, Route 9-P.

Mr. Anthony Adang, Attorney, appeared before the Council representing the petitioner, Louis J. Farone Jr. requesting the change of classification from Conservancy to Planned Unit Development.

Mr. Adang stated that there were two segments to the concept plan - the 1st parcel being bounded by Rt. 9-P, Union Ave., Crescent Ave. and Lake Lonely and the 2nd parcel bounded by Dyer Switch Rd., Fish Creek and Route 9-P. The over-all scheme has 7 zones of property.

Zone A. (Now Interlaken) - 60 Acres, 19 of which will be developed with 9 clusters in Zone A for multi-family residence (condominiums) built in clusters of 2 and an apartment house of 20 units. Cul de sacs, pedestrian walk-ways and carriage pass will be provided and there will be no development along the slope of Route 9-P and Union Ave. Extension. There will also be tennis courts, a pool, administration building and dock facility.

Zone AA (Canterbury Restaurant Area) Restaurant will be retained and a 50 room Inn will be attached. There will also be a 6,000 s.f. space for offices and retail use in the Canterbury complex within the community but no outside interests will be involved. There will be parking spaces for 230 cars.

Zone C. 40 Acres, 15 of which will be developed. Clusters of condominiums linked by path-ways and carriage paths. Access routes are from Union Avenue and Crescent Avenue.

Zone B. 60 Acres, 19 of which will be developed. There will be a large open space in the interior - the "padded area" is a park. There will be 9 clusters of condominiums with the park for the residents. They will be linked by internal pathways and carriage paths.

Zone BB. Riley's Lakehouse Area. Riley's Lakehouse will be revitalized as a restaurant facility and perhaps a 100 room hotel depending on market feasibility. Riley's may be placed on the National Register in the near future.

Zone D. 6 lots (1¼ acres) which will be sold for single family residences. Lot 6 is Mr. Farone's residence.

Zone E. 22 acres for single family residences. 7½ of which will be developed.

Mr. Adang pointed out that less than one third of the available acreage will be used for development. Currently there is no sewer service there but the County has extended it along Route 9-P and there will be a Pumping Station at the intersection of Crescent and Union Ave. Extension and also one at Fish Creek. Eight inch sewer mains will be used. The capacity of the impeller will

be increased in one area. There is ample water on the site and water will be supplied by a system of wells. Sprinkler system will also be built. Surface water flow will be directed by a series of open swails. The Planning Board has sent a letter to the City Council dated June 2, 1982 that there will be no adverse impact and, in fact, that the impact will be favorable with additional tax revenues generated offsetting any cost the City will incur in this project.

Mr. Adang stated that the roadways will be owned and maintained by the developer. The Planned Unit Development enacted in February, 1982 gave the Council, Planning Board and City Engineer the mechanism for extracting hard data.

Mr. Adang stated that the only services that would be used would be schools, fire and police protection. The petitioner has sust. . . this burden with the Planning Board and the Planning Board was satisfied that the studies show the development will not adversely impact on the City. He pointed out that "Conservancy" does not mean "preserving the status quo or no progress". The P.U.D. gives the Planning Board a way to monitor progress. The area is presently zoned for seasonal, recreational and residential use. The over-all concept is in harmony with the statute prior to the P.U.D. and the Master Plan of 1970. Market studies indicate about $150,000 for each condominium unit.

Mayor Jones inquired about the time frame of the project.

Mr. Adang stated that the first stage will begin in Zone A - the recreational facilities are intact and the total project will be built over 5 to 10 years.

Comm. McGourty stated that he had received telephone calls on the taking of property on Gilbert Rd. to widen it.

Mr. Adang stated that independent traffic studies were taken and the bottom line figure shows the development will generate a 15% increase in traffic on Gilbert Rd. There will be a ten year build-up. He pointed out that there are 200 camp sites there now during July and August.

Comm. McGourty requested a copy of the traffic study and asked if it could be made a 2 lane highway.

Comm. McTygue said it would be a great expense to re-build Gilbert Road and he can't see the funds being appropriated for it.

William Cummings, Planning Board member, told the Council the Planning Board was pleased with the professional manner of the presentation to them. Its is a tremendous undertaking. He stated the Planning Board was also impressed with the concerns of the Piping Rock Circle citizens on traffic and there was a concensus that the impact on Gilbert Road was insignificant. However, it was a justifiable concern. There was also a concern about water but there is an ample supply in that area based on an independent study.

Michael Allers, Lake Lonely, told the Council that he had not read about the hearing until Sunday and notices in the paper were not legal on Sundays and asked for a postponement of the decision due to lack of notice since many residents are away at this time.

Jack Gregg, Gilbert Road, told the Council that approval of this development will open up "pandora's box" and also asked for a postponement.

Larry Gorski submitted a petition signed by 100 residents in opposition to the approval of the P.U.D. and the change of the land zone. Mr. Gorski asked about the dock proposed at Lake Lonely.

Mr. Adang said it would only be for the residents - it would not be a marina - and only for small boats.

Mr. Gorski stated that Mr. Farone's residence would be on Lot 6 and the conservancy requirement now is for 2 acre plots but under the new development only 1½ acre plots would be required.

Judy Casey, Piping Rock Circle, asked how many stories high the buildings would be.

Mr. Adang said they would be 2 story buildings but he was not sure how high the apartment house would be.

Jack Cline, Lake Lonely, stated his concern about the number of inhabitants there.

Mr. Adang estimated about 1,300 people (2.3 occupants per unit).

Robert Cline, Lake Lonely, asked that the matter be delayed since he just heard about Mr. Farone's plans on Tuesday and a great many people may want to hear more.

Mr. Adang pointed out there have been two Planning Board hearings that were well publicized and well attended and the same concerns were expressed at that time. This hearing was scheduled by the Council and properly advertised in The Saratogian - time is rapidly expiring and a substantial amount of money is involved. Any undue delay may "scare off" the 3 interested investors. Mr. Adang pointed out that if the Council approves the P.U.D., they still must go back to the Planning Bd. since he does not have all the answers at this time. Margaret Roohan, Seward St., asked if there was an aquifer there to draw from.

Mr. Holman, Planning Bd. Chairman, stated the aquifer lies to the west - it is not the same as Geyser Crest one - it will not effect our wells in that area.

Jan Gorski told the Council that many summer residents were not here yet and haven't had a chance to voice their opinions. She added that all development is toward Lake Lonely.

Mr. Adang stated that most of the flat acreage is there and it provides the most attractive views.

Robert Cline pointed out that it is a rural area and Lake Lonely is really only a pond. He felt the City had made a certain commitment with Conservancy zoning there to the people of the area and this should not be destroyed.

Mayor Jones assured the residents that the Council shared their concerns and would make the best effort they could.

Glenn Jamison told the Council he had returned from Florida to this area - the pasture and grazing lands in Florida have been built up and are covered with concrete today. There should be a balance of living space and business districts without one taking over too much. He suggested that buildings on Broadway should be renovated for residential use and the City should protect what they have.

Joseph Lamb Jr. complained about insufficient notice of the hearing and asked if there had been an environmental impact study.

Mr. Adang advised that all the proper papers were filed with the Planning Board and processed with all the State agencies who had an interest in the application. No State agency felt there was adverse impact.

Mr. Lamb requested a delay in the matter until the next meeting.

Mayor Jones pointed out that everything required had been accomplished and nothing was left un-done.

Marjorie Martin asked if this matter could be tabled with a 45 day time limit - and asked where that would

leave the developer.

Mayor Jones said the developer would have to proceed at his own risk.

The City Attorney added that this is the Council's first P.U.D. public hearing and normally there is only one public hearing.

Judy Casey also requested a 2 week delay.

Mayor Jones stated the request would be taken under advisement.

Jack Cline said he questioned whether or not the Council had enough facts for a decision - distances - number of stories high - have not been answered.

Mr. Adang said he was unsure of the height of the apt. house but the other units will be 2 stories high. The Council has never had as much data as this application has presented. The Council is a legislative body and relies on the staff (Planning Board) who have thoroughly reviewed this application. A delay will not serve any-one.

Mayor Jones announced that the Council will take the matter under advisement.

Public hearing closed at 8:15 P.M.

The Mayor called the regular session to order at 8:25 P.M.

Comm. Casey moved for the approval and payment of the payroll for 6-25-82 in the amount of $89,517.65 and for 7-2-82 in the amount of $90,132.26.

Seconded by Comm. Valentine.

Ayes all.

Comm. Casey moved for the approval and payment of warrants #103-9 in the amount of $88,918.27 for the General Fund and $7,915.55 for C.D. for a total of $96,915.55.

Seconded by Comm. Valentine.

Ayes all.

Comm. Casey requested a public hearing be scheduled for the July 19th meeting at 6:30 P.M. re: Discount on City and County tax bills

Comm. Casey advised that a Bond Anticipation Note was needed of $44,400 to pay for the Loader.

Comm. McTygue explained that the loader at the landfill was down and the estimated repairs were $10,000-11,000 and the Council decided to purchase a new one but no funds were placed in the 1982 budget for it. This was done in a workshop session and suggested that it be paid for in 3-4 years.

Comm. Casey said it could be paid for out of Capital in 2-3 years

Mayor Jones stated that he had been notified by Senator Bruno's office that the City will receive the same amount as last year in supplemental state aid ($206,800) and it would be better to pay for the equipment from these funds.

Comm. Casey said the interest rate is 10% - the City can set aside the State Aid money at 14%. The money will come from Capital funds.

Comm. McTygue pointed out the City is faced with the possibility of purchasing a new sewer cleaning machine which is needed.

Mayor Jones said that he felt that the additional revenues would solve the problem. He was averse to bonding - short term loans could be arranged - and there are 3 items on the agenda requiring additional funds.

Deputy Cummings suggested that bonding for 1 year would require a raise in the budget figures and the entire revenues for the year are not in yet.

Comm. McTygue pointed out the City has had the machine 8 weeks and it should be paid for.

Comm. McGourty stated that this is a 2 year bonding matter and the Council should not open the flood-gates on bonding.

The City Attorney advised it is not a bonding procedure but a Bond Anticipation Note and the Mayor's point is well-taken.

Mayor Jones stated it will cost the City $4,000 to bond.

The City Attorney suggested a 6 months note.

Comm. Casey moved to amend the Bond Anticipation Note Resolution for $44,400.00 for six months duration and that the Finance Dept. be authorized to send the check.

Seconded by Comm. McGourty.

Ayes all.

Comm. Casey moved for the adoption of the following resolution.

A RESOLUTION OF THE 6TH DAY OF JULY, 1982, AUTHORIZING THE ISSUANCE AND SALE OF A FIRST SERIES OF BOND ANTICIPATION NOTES IN THE PRINCIPAL AMOUNT OF FORTY-FOUR THOUSAND FOUR HUNDRED AND no/100 ($44,400.00) DOLLARS.

WHEREAS, the City of Saratoga Springs, County of Saratoga, has purchased a loader for the purpose of maintaining the City landfill, and

WHEREAS, it is necessary to issue and sell bond anticipation notes in the principal amount of Forty-Four Thousand Four Hundred and no/100 ($44,400.00) Dollars for the financing of said purchase,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Saratoga Springs, County of Saratoga, New York, by the favorable vote of not less than two-thirds of the voting strength of said Board as follows.

1. The Finance Commissioner of the City of Saratoga Springs is hereby authorized to issue a first series of bond anticipation notes of the City of Saratoga Springs in the aggregate principal amount not exceeding Forty-Four Thousand Four Hundred and no/100 ($44,400.00) Dollars, in anticipation of the sale of serial bonds hereafter to be issued in the aggregate principal amount of Forty-Four Thousand Four Hundred and no/100 ($44,400.00) Dollars authorized to be issued by this bond resolution.

2. The Finance Commissioner of the City of Saratoga Springs is hereby authorized to sell at private sale the first series of bond anticipation notes herein authorized to be issued. Such notes may be sold and delivered at one time or from time to time, and if sold at different times, they shall be dated as of their respective dates of issue. Each of said notes shall mature not later than six months from its date of issue. The place of payment, denominations, and all other items, details and contents of said notes, including interest rate of said notes and including provisions for redemption, if desirable, shall be determined by the Finance Commissioner of the City of Saratoga Springs.

3. The said first series of bond anticipation notes shall be signed by the Finance Commissioner of the City of Saratoga Springs, and countersigned by the City Clerk of the City of Saratoga Springs and shall have the corporate seal of the City of Saratoga Springs affixed thereto.

4. Said first series bond anticipation notes are not issued in the anticipation of bonds for any assessable improvements.

5. This resolution shall take effect immediately.

Seconded by Comm. McGourty.

Ayes all.

Comm. Casey stated that the City has an agreement with the C.S.E.A. on the adoption of a Salary Schedule and he would like to schedule a workshop meeting on July 12th at 7:00 P.M. to

whose premises a violation occurs of Chapter 74 of the City Code of the City of Saratoga Springs entitled "Noises" two times in one year shall have his license revoked for one full year and shall not be eligible for another license until the expiration of one full year.

Any person who fails to remove a sidewalk structure by October 31st as provided for in Section 97-8-5 shall not be eligible for a license in any following year."

SECTION 6. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

Seconded by Comm. McGourty.

Ayes all.

Comm. Valentine moved for the adoption of the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 74 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NEW YORK, KNOWN AS "NOISES".

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, as follows:

SECTION 1. Section 74-7 of said ordinance entitled "Unusual noises in streets or public places" is hereby amended to read as follows:

"Section 74-7. Unusual noises in streets or public places.

It shall be unlawful for any person to make, aid or countenance or encourage or assist in making any unusual or improper noise, riot or disturbance, in any street or public place to the annoyance or inconvenience of travelers, or to persons residing adjacent thereto; nor shall any person use any profane, obscene or vulgar language in any street or public place.

This section shall apply to all sidewalk cafes and any violation of this section occuring at a sidewalk cafe shall be noted in the record of the cafe owner kept in the Office of the Commissioner of Accounts."

SECTION 2. Section 74-15 of said ordinance entitled "Penalties" is hereby amended to read as follows

"Section 74-15. Penalties.

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not less than five dollars ($5.00) or more than one hundred dollars ($100.00) or by imprisonment for not more than thirty (30) days or less than five (5) days, or by both such fine and imprisonment, and each day on which such violation continues shall constitute a separate offense.

Any person who holds a sidewalk cafe license and at whose sidewalk cafe a violation occurs, shall, in addition to the punalties provided for in this chapter which may upon have their license to operate a sidewalk cafe revoked by the Commissioner of Accounts, but only after two such violations in any one year and no person at whose sidewalk cafe this chapter has been violated two times in any one year shall be eligible to obtain another sidewalk cafe license for one full year following the second offense."

SECTION 3. This ordinance shall take effect the day after publication as provided by the provisions of the City of provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

Seconded by Comm. McGourty

Ayes all.

Mayor Jones asked who the enforcer would be.

Comm. Valentine stated that Comm. McGourty was the enforcer.

Comm. Valentine stated that at a meeting of the Downtown Merchant Association, Chamber of Commerce and Special Assessment District, he agreed to request a public hearing on an ordinance to allow canopies on Broadway. The Chamber will get back to his office on their recommendations and he requested a public hearing be set for July 19th to bring this matter to a vote - 7:00 P.M.

Comm. Valentine stated that, upon the recommendation of David Moyer, Assistant Assessor, and with the approval of Mr. Schimmel and the City Attorney, he moved for the approval for the City Attorney to prepare a contract with Harry O. Lee of the firm of Lee Lo Forestier, Malone, Smith and Hoeft of Troy, N.Y. as Cortorari Attorney for the City and authorization for the Mayor to sign the contract. Comm. Valentine moved for the transfer of the sum of $20,000 from the Contingency to Assessment A-1355-478.

Seconded by Comm. Casey.

Comm. Valentine stated that Peter Tulin will stay on during the transfer even though his money has run out.

Comm. McGourty asked about the status of the Contingency now.

Comm. Casey reported that he had been saving this money for the expenditures but now the contingency was "wiped out."

Mayor Jones stated that the charge for the Attorney is $125.00 per hour, that he is highly recommended and the City is trying to get the best they can.

Ayes all.

Mayor Jones moved for approval to sign a Letter of Agreement with the CPA Firm of Edwards, Williams, McManus, Ricciardelli & Coffey of OCD Closeout Audit for the fixed fee of $1,650.00.

Seconded by Comm. McTygue.

Ayes all.

Mayor Jones stated that HUD is not satisfied and would like to see some action in the matter of the elevator ($70,000) in City Hall.

Comm. McTygue stated he would like to discuss different location at the workshop session.

Mayor Jones announced that the Senate and Assembly have allowed the creation of the IDA and the Civic Center Authority and that he has received notice that the supplemental aid to the City is $206,887.

Mayor Jones stated that the P.U.D. has been discussed and debated and asked if there were a motion to postpone the vote.

There was no motion offered to postpone the vote.

Comm. Valentine moved for the adoption of the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 136 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NEW YORK, ENTITLED "ZONING."

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

SECTION 1. Chapter 136 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" is hereby amended to show and reflect the following change in district boundaries from its classification as a Conservancy District to a Planned Unit Development, which property is designated on the Assessor's Map of the Outside Tax District of the City of Saratoga Springs, as 180-4-1, 180-4-2.1, 180-4-2.2, 180-4-3, 180-4-16, 180-4-18, 180-4-19, 180-4-20 and 180-2-12, 180-2-13, 180-2-16, 180-2-17, 180-2-22, 180-2-23 and 180-2-30 and which property is more specifically

described as consisting of approximately 250 acres, having a frontage of 4106.32 feet on the south side of Union Avenue and the Union Avenue Extension, and 1295 feet on Crescent Avenue and 1770 feet on the north side of Union Avenue, Route 9P.

SECTION 2. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

Seconded by Comm. McCourty.

Robert Cline said it was his understanding that if 80% of the adjoining property owners objected, a 3/5 vote was required.

Mayor Jones advised that a simple majority (3 votes) would pass the ordinance.

The City Attorney explained that was a requirement under a re-zoning but is not a requirement under the P.U.D. matters.

Frederick Holman, Planning Board Chairman, agreed.

Comm. Valentine pointed out that there were many articles in the paper as far back as February.

Mayor Jones stated he was sorry the residents were not more fully advised.

The City Attorney advised that a postponement could have been considered if it had been requested for a specific reason - such as an engineering study or certain evidence with a heavy bearing on the matter. He stated that the legal notice had appeared in the paper on July 25th in the legal publication of the City and the City cannot send letters to all the residents of an area advising them of public hearings. He added that there must be some rules followed in these matters.

Mayor Jones added that if the City has not filled their obligation, the residents have recourse.

Comm. Casey stated he was a resident of Gilbert Rd. and also has an interest in property on Union Avenue and would abstain in the voting.

Comm. Valentine called for the question.

Ayes - Mayor Jones, Comm. McTygue, Comm. McCourty, Comm. Valentine.

Abstain - Comm. Casey.

Comm. McTygue pointed out there were still additional steps to be taken for final approval and the matter goes back to the Planning Board.

Mayor Jones announced the ordinance passed by 4 votes.

The City Attorney advised the residents that many of the questions asked will be decided on at Planning Board meetings and the applicant will be back for another approval.

Meeting adjourned at 9:30 P.M.

CITY COUNCIL

Regular Meeting - July 19, 1982 - 6:30 P.M.

Present - Mayor Jones, Comm. Casey, Comm. McTygue, Comm. McCourty, Comm. Valentine

Mayor Jones called the meeting to order at 6:35 P.M. for the purpose of holding a public hearing on proposed Local Law No. 3 of 1982, A Local Law To Amend Section 92 Of The Charter Of The City Of Saratoga Springs Entitled "Discounts".

City Attorney, Richard Mullaney, explained the proposed Local Law which will permit the City to give a 2½% discount to property owners who pay the entire year's taxes on or before March 1st each year.

Comm. Casey stated that it really is a 3% discount and will help their cash flow. His department would like to see how this works out. Previously the discount was 1½% over-all on an annual basis and the discount has been raised ¼ of a per-cent. He felt the City would "break even" and will not lose any money. It will save time in the office on bookkeeping.

There were no appearances.

Public hearing closed at 6:45 P.M.

Mayor Jones opened a public hearing on the 3rd year application for the Small Cities II Program at 6:45 P.M.

Dominic Cardillo, Community Development Director, stated that the purpose of the hearing was to receive input and obtain comments from the citizens and answer questions regarding the third and final application for $500,000 under the Small Cities Program. The application must be submitted to HUD by August 20, 1982. A total of 1.5 million was approved in January, 1980 for the years 1980, 1981 and 1982.

Mr. Cardillo presented the 3rd year budget breakdown as follows:

Housing Rehabilitation Grants	$100,000
Housing Renovation Loans	205,000
Site Improvements	100,000
Administration, Planning & Management	60,000
Contingencies	35,000
Total Third Year Grant Request	$500,000

The designated area will remain the same. Project activities will address the problems and needs of low and middle income persons in the area. This is the final $500,000. In 1983, the City will be back in the competitive pool for funds.

Comm. Valentine asked if the money had to be used up.

Mr. Cardillo advised that the money can over-lap. HUD had sent us a letter encouraging the City to increase their performance.

Mayor Jones pointed out that HUD wants the City to spend the money and show performance for the money spent. He asked when the City could make application for funds again.

Mr. Cardillo stated the City could apply for additional funds as soon as word is received for 1983 - late this year or early next year.

Comm. Casey asked about additional funds for the Village Brook project which is not completed.

Mr. Cardillo said that the project would not receive a high priority from HUD.

Comm. McTygue asked about changing the boundary line to include the Church St. area above the Hub. Sidewalks there need attention and many small businesses have made improvements there.

Mr. Cardillo said there is a possibility for the extension if there is money left-over and he would propose this to HUD. However, there are no residential families there and he would have to inquire if the change of boundary would require a formal amendment.

Comm. McTygue stated that drainage correction is also needed.

Mr. Cardillo pointed out that the City has not done everything yet that we said we would - after this is accomplished, we can talk about this request.

Comm. McTygue said the little businesses are struggling along there and the City should help.

Mr. Cardillo said he would talk to HUD.

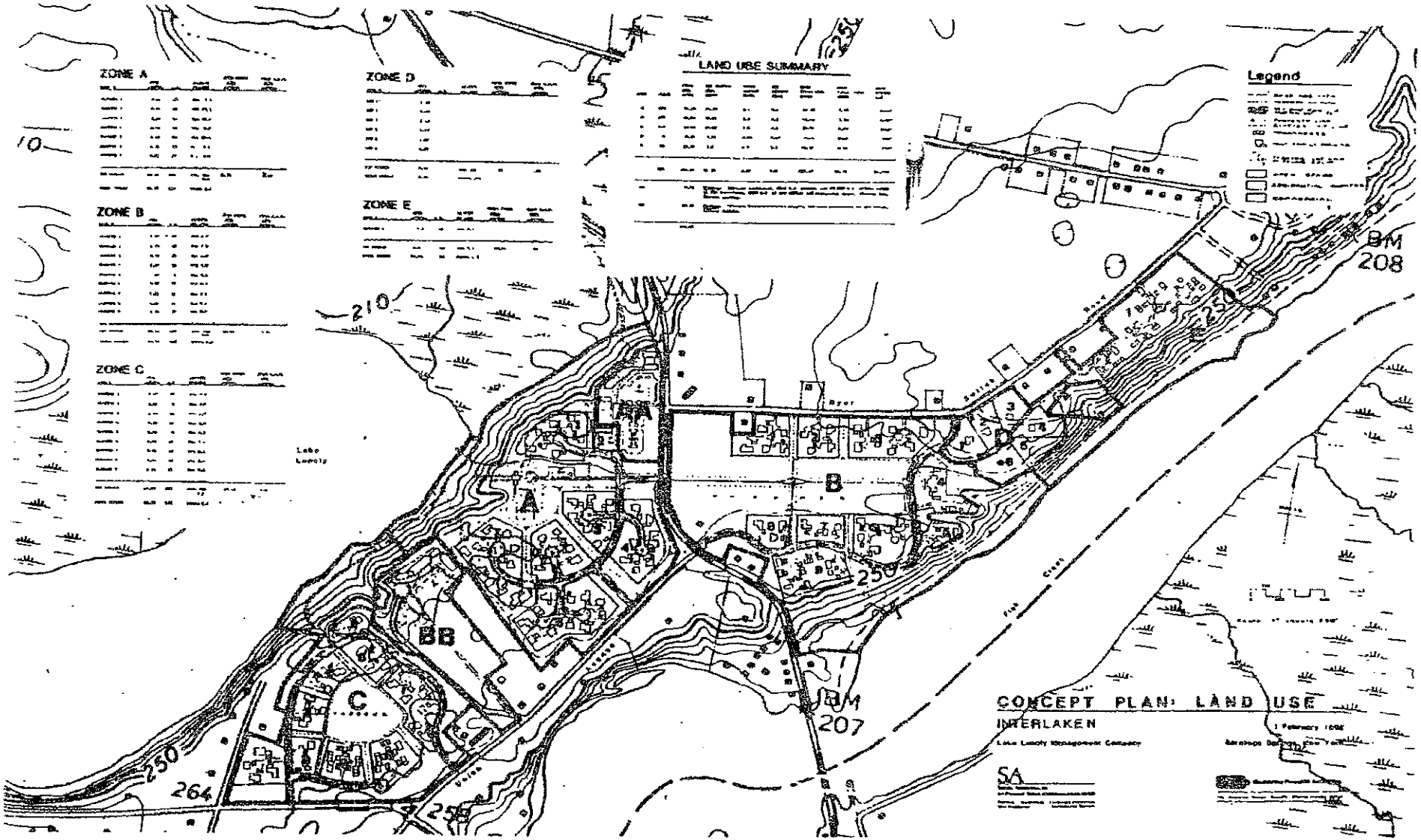
Mayor Jones advised they will do the work requested by Comm. McTygue if they can find the money.

Hearing closed at 7:05 P.M.

Mayor Jones called the regular meeting into session at 7:30 P.M.

Pledge of Allegiance to Flag.

Comm. Casey moved for approval of the payroll for 7-9-82 in the amount


ZONE A
ZONE B
ZONE C
ZONE D
ZONE E
LAND USE SUMMARY
Legend
Lake Lonely
210
250
264
A
B
C
BB
BM 208
BM 207
CONCEPT PLAN: LAND USE
INTERLAKEN
SA

LAND USE SUMMARY

ZONE	UNITS	GROSS AREA ACRES	NET CLUSTER AREA ACRES	GROSS DENSITY DU/AC	NET DENSITY DU/AC	OPEN SPACE AREA ACRES	ROAD R.O.W. AREA ACRES	ROAD LENGTH L.F.
A	188	56.19	19.48	3.4	9.6	30.72	5.99	4745'
B	152	66.87	20.91	2.3	6.3	42.44	3.52	2790'
C	113	40.52	15.88	2.8	7.2	20.04	4.60	3645'
D	6	8.76	7.31	0.68	0.82	0.76	0.69	550'
E	41	22.23	7.8	1.9	5.3	13.51	0.92	730'
Residential Totals	500	194.57	71.38	2.57	7.0	107.47	15.72	12,460

AA	6.73	Program: 360-seat restaurant, 2000 S.F. grocery and 10,000 S.F. office rehab at the Canterbury, 8250 S.F. of new office and commercial space, 50-room Inn, 231-car parking.
BB	13.76	Program: 110-room hotel-conference center, 150-seat restaurant at the Riley, 170-car parking.
	215.06	

August 10, 1982

Richard F. Mullaney, Esq.
City Attorney
City Hall, Broadway
Saratoga Springs, New York 12866

RE: Interlaken Planned Unit Development
Louis J. Farone, Jr.

Dear Mr. Mullaney:

I am enclosing herewith a copy of the Concept Plan for the Interlaken Planned Unit Development which was approved by the City Council of the City of Saratoga Springs on July 6, 1982.

The planned unit development consists of approximately 215 acres which is bisected by Route 9P and bounded as follows: The first segment consisting of 117 acres is bounded by Route 9P on the north and east, Union Avenue extension on the south and east, Crescent Avenue on the south and Lake Lonely and contiguous property owned by Louis J. Farone, Jr. on the west and north. The second segment consisting of 98 acres is bounded by Dyer Switch Road on the north, lands of Louis J. Farone, Jr. on the north and east, Fish Creek on the south and Route 9P on the south and west.

The planned unit development will consist of a combined total of 500 residential dwelling units located in both segments; 6000 square feet of commercial retail space in the present Caunterbury facility, 6000 square feet of commercial office space also in the present Caunterbury facility; a 54 room inn to be constructed at the Caunterbury facility; a 150 room hotel and conference center to be constructed at the present site of Riley's Lake House; and a 450 seat restaurant to be constructed at the present site of the Riley's Lake House; 15 townhouse apartment units and 6 building lots for single-family residences. The exact location of the residential dwelling units within the Planned Unit Development have not been precisely determined at this time and will depend to some extent upon architectural, engineering and market considerations. The inn, hotel, commercial and retail space will be in those areas which I have indicated.

Sanitary sewer services to the planned unit development will be provided by the Saratoga County expanded sewer district and water will be supplied by the numerous wells located on the site of the project. All roads, drainage easements and rights of way will be constructed and maintained by the developer. It is anticipated that construction will begin within nine months.

If you should require any additional information, please do not hesitate to call.

Very truly yours,

[illegible]

Anthony P. Adang

APA/bc

Enclosure

cc: Louis J. Farone, Jr.

Exhibit E

Comm. McTygue wanted to know why the City Center hired a Custodial Manager. It is a City building.

Mayor Jones stated it will not be a municipal building after it is paid for.

Mayor Jones requested the approval of the following change order for the City Center:

Change Order #34 for MLB in the amount of $239.00.

Seconded by Comm. Butler. Ayes all.

Mayor Jones stated the Real Estate Committee has set a Public Auction for August 23, 1984 at 1:00 PM.

Comm. McTygue suggested the West Side Neighborhood Association be informed about land next to a public cemetery that is up for sale.

Mr. Ted Corbett of the Preservation Foundation said they are not sure where parcel begins and ends. There is nothing of any archeological significance in the parcel.

Mayor Jones moved that he be authorized to advertise for the Public Auction.

Seconded by Comm. Butler.

Mr. Dominic J. Cardillo asked if there was a parcel on East Beekman Street up for sale.

Mayor Jones said it was taken off the list because Franklin Center will be using it for parking.

Ayes 4 Nayes 1 - Comm. McTygue. Carries 4-1.

Mayor Jones moved that he be authorized to sign a Funding Split Agreement re Section 18 Public Transportation for CDTA for years 5 and 6 in the amount of $150,020.

Seconded by Comm. Butler. Ayes all.

Mayor Jones reported receiving a $100 donation for the Rec Field lights from Mr. & Mrs. Steven Ferradino.

Mr. Richard Mullaney stated he has notified the insurance carrier about the fence at the City parking lot on Church Street. The fence is on Mr. Clark's property and the wall is on City property - the fence is in the ground and not on the wall.

Comm. McTygue stated the City Engineer is surveying the area where the fence stands.

Mayor Jones moved for the adoption of an ordinance amending a previous ordinance adopted July 5, 1982 re Chapter 135, "Zoning". This will correct the ordinance to read 215 acres instead of 250 acres on property owned by Louis Farone for a PUD. There are no other changes.

Mr. Mullaney said the change was shown to the Planning Board and they have no objection.

Seconded by Comm. Butler. Ayes all.

AN ORDINANCE TO AMEND CHAPTER 135 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NEW YORK, ENTITLED "ZONING".

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

SECTION 1. Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" is hereby amended to show and reflect the following change in district boundaries from its classification as a Conservancy District to Planned Unit Development, which property is designated on the

Assessor's Map of the Outside Tax District of the City of Saratoga Springs, as 180-4-1, 180-4-2.1, 180-4-3, 180-4-16, 180-4-18, 180-4-19, 180-4-20 and 180-2-12, 180-2-13, 180-2-16, 180-2-17. 180-2-22, 180-2-23 and 180-2-30, and which property is more specifically described as consisting of approximately 215 acres, having a frontage of 4106.32 feet on the south side of Union Avenue and the Union Avenue Extension and 1295 feet on Crescent Avenue and 1770 feet on the north side of Union Avenue, Route 9P.

SECTION 2. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

Mayor Jones reported on the following Charter Commission Vouchers:

$100 for editing
119 transcription of minutes
150 custodial services-use of school

Mayor Jones stated he had received a letter from Robert Scott, Recreation Director, stating the no parking at the Rec on Lake Avenue caused no measurable impact to area users. Inadequate parking still exists and should be addressed soon.

Mayor Jones asked if we should continue with parking on Granger and Lake.

Comm. McGourty suggested letters be written to all schools using the field notifying them of the new parking area when the fall games begin.

Mayor Jones stated the East Side Rec lights have been authorized to be installed by the City and the school district on a 50-50 basis of up to $31,000 each.

Comm. McTygue said Comm. Butler should be thanked for his work in getting donations from contractors for their services and for his work in negotiating with the School Board of Education.

Mayor Jones said a letter was received from Turbon Corp., dated July 20, 1984, regarding a Small Cities application for a ten year loan for $250,000 at 5% interest for equipment for their new plant.

Comm. McTygue asked if they have committed money for sewer lines.

Mr. D. Cardillo said this is between Planning Board and Turbon.

Mayor Jones said there have been letters and questions from the residents of Crescent Avenue regarding a hospital being considered for the area. An environmental impact has been done.

Comm. McGourty has talked with L. Benton of County Planning Board and the plans are to be done at applicants cost. It will be checked over when it is done. In regard to security at the hospital, Comm. McGourty will discuss this with the group at a later date.

Mr. Ted Corbett, Executive Director of the Preservation Foundation, stated he has met with Comm. Butler and Comm. McTygue to set up a budget for the Spirit of Life restoration project. The cost of the masonry is $27,000 with the Foundation giving the City $17,000 toward the restoration and the City will add the additional $10,000. The Foundation will pay $7,000 to the Architect for his fees.

Comm. Butler said in this type of project where City money and outside money is involved, the money will flow thru the City. Everyone should know where money is coming from and how it will be spent.

Mayor Jones moved that this project be approved.

Seconded by Comm. Butler. Ayes all.

Exhibit F

Waive of Bid - Vehicle Purchases

Commissioner Thomas Curley moved and Commissioner Edward Valentine seconded to waive the bid for the purchase of one police vehicle in the amount of $18,982. Ayes all.

Authorization for Mayor to Sign Governor's Traffic Safety Grant Award (96-28)

Commissioner Thomas Curley moved and Commissioner Edward Valentine seconded to authorize the Mayor to enter into this contract for the Traffic Safety Grant Award at $27,590. Ayes all.

Police Department Promotions Announcement

Commissioner Thomas Curley announced the promotions of Gary Forward, Michael Kyne and Michael Biss in the police department and congratulated them.

Page Award Update

Commissioner Thomas Curley thanked the union in obtaining a grant which allows the City to obtain the pagers for the firefighters. He said this would enable firefighters to be contacted directly by the dispatcher.

MAYOR'S AGENDA

Appearance: Michael Toohey - Petition for Zoning Amendment

Michael Toohey, attorney, representing John Roohan, Thomas Roohan and John Witt explained that his clients recently purchased a portion of the Interlaken Planned Unit Development which had historically been designated at Zone BB. He said the zoning petition does not significantly alter the density or style of this property which includes 30 detached or single family units and 120 apartment units. He said they are proposing an alternate use of a hotel, conference center and restaurant. He said the housing community would include recreational facilities, restaurant and retail space. He said that approximately 65 percent green space and 50 foot buffers would be maintained. He also said the area would be serviced by City water and County sewer lines. Michael Toohey asked that the Council forward this zoning amendment petition onto the Planning Board for an advisory opinion.

Mayor J. Michael O'Connell moved and Commissioner Thomas McTygue seconded to accept this zoning amendment petition and to forward it to the Planning Board for an advisory opinion. Ayes all.

Exhibit G

Award of Bid - Tree Removal

Upon the recommendation of the Department of Public Works, Commissioner Edward Valentine moved and Commissioner Thomas McTygue seconded to award the bid for Tree Removal to Tree Care by Stan Hunt of Queensbury, NY (low bidder). Ayes all.

Award of Bid - Street Trees

Upon the recommendation of the Department of Public Works, Commissioner Edward Valentine moved and Commissioner Thomas McTygue seconded to award the bid for Street Trees to Garden Time of Queensbury, NY. (Item #4 was rejected because it cannot be supplied) Ayes all.

Award of Bid - Traffic Paint

Upon the recommendation of the Department of Public Safety, Commissioner Edward Valentine moved and Commissioner Thomas Curley seconded to award the bid for Traffic Paint to Artco Equipment Sales, Inc., of Cohoes, NY per their bid (low bidder). Ayes all.

Award of Bid - Traffic Tickets

Upon the recommendation of the Department of Public Safety, Commissioner Edward Valentine moved and Commissioner Thomas Curley seconded to award the bid for Traffic Tickets to Moore Business of Albany per their bid (low bidder). Ayes all.

Set Public Hearing for Interlaken PUD - Zone BB

Commissioner Edward Valentine reported that the Council has received a favorable advisory report from the Planning Board concerning the revised amendments for Zone BB of the Interlaken PUD District at 649 Crescent Avenue. Since the application is now complete, it will be sent to the Saratoga County Planning Board for the required 30 day advisory opinion.

Commissioner Edward Valentine requested that a public hearing date on this project be set for Tuesday, May 7, 1996, at 7:00 p.m. Council members agreed.

Commissioner Edward Valentine moved and Mayor J. Michael O'Connell seconded that the City Council initiate a formal request to be SEQR lead agency for the environmental review of this project. Ayes all.

[redacted]

Exhibit H

CITY COUNCIL MEETING
CITY OF SARATOGA SPRINGS, NEW YORK
TUESDAY, MAY 7, 1996
CITY COUNCIL CHAMBERS
7:00 P.M.

PRESENT: J. Michael O'Connell, Mayor
Thomas Curley, Commissioner, Public Safety
Kenneth Klotz, Commissioner Finance
Thomas McTygue, Commissioner, Public Works
Edward Valentine, Commissioner, Accounts

STAFF PRESENT: Sam Downing, Deputy Commissioner, Public Works
Ralph Flinton, Deputy Commissioner, Accounts
Christine Gillmett, Deputy Commissioner, Finance
Bob King, Deputy Commissioner, Public Safety
Peter Tulin, City Attorney

PUBLIC HEARING

Interlaken Planned Unit Development Public Hearing

Mayor J. Michael O'Connell explained that this public hearing is for the Interlaken Planned Unit Development Zone BB which proposes to amend the existing PUD. The applicant is proposing to maintain the current use of the PUD which would allow for a 100-room hotel/conference center and a 150-seat restaurant, however, the applicant is also proposing a planned senior housing community of 150 units. He noted that the City Planning Board has issued a favorable advisory opinion and the Saratoga County Planning Board advisory opinion states that the project will have no significant county-wide or inter-community impact.

Michael Toohey, attorney representing the applicants (John Witt, Thomas Roohan and John Roohan) and Michael Ingersoll, The LA Group, appeared before the Council.

Michael Toohey said that in 1982 and again in 1984 the City passed the Interlaken PUD which involves 205 acres. The applicants are interested in one portion -- Zone BB -- which represents only 9 percent of the PUD. The applicants recently acquired this property through foreclosure proceedings and with that purchase came the right to continue the approved uses of that PUD, however, they are now proposing a different use. He said they would now like to incorporate the use of a senior housing complex.

Michael Toohey said that the previously approved use for this site was a hotel/conference center, a restaurant and 170 car parking area. He said they are now proposing to continue that use with a "sunset" clause of five years. He said if that option is not developed within five years it would be lost. They would maintain, for a ten-year period, the option of a senior housing complex.

Michael Toohey said the senior housing complex would allow for 30 detached units on the eastern portion of the site and along the rear of the site would be 120 unit apartments. There would also be outside and inside recreation facilities that would be consistent with the use of this property. These recreation facilities would be available only to the property owners. He said the proposed buildings will be at least 50 feet from the boundaries and green space will remain at or above the 60 percent level. He said it is consistent in design and density of the properties that were historically approved for use in this area. Michael Toohey said the property would be serviced by city water and county sewer. He said there is not a preferred developer at this time.

Commissioner Thomas McTygue asked what was the "either/or" stipulation. Michael Toohey explained that this proposed amendment would allow for either the hotel/conference center or the senior housing complex but not both. Commissioner Thomas McTygue asked if the ten-year time limit could be shortened. Michael Toohey said the hotel/conference center had been decreased to five years, however, the senior housing complex ten year time limit is consistent with other PUDs. Commissioner Thomas McTygue asked if this was just a concept or was there truly an interest in developing this area. Michael Toohey said there is interest in developing, however, there is no preferred developer at this time.

Commissioner Kenneth Klotz asked if the applicants had a preference for the hotel/conference center or the senior housing complex. Michael Toohey said the rational development pattern would be for the senior housing complex because of the demand. Commissioner Kenneth Klotz asked where this site exists on the map. Michael Toohey said the developed portion of the Interlaken PUD is to the north. He noted that some of their garages, etc. are within two feet of the property line. He said the applicant has agreed to a 50-foot setback on this site. Commissioner Kenneth Klotz asked about adjacent property owners' feelings. Michael Toohey said the applicant has appeared before the Planning Board four times and has had no negative comments from the neighbors. He pointed out that the senior housing complex is of lesser density than the hotel/conference center. Commissioner Kenneth Klotz asked about the hotel/conference center option and competition with the downtown facilities. Michael Toohey said drawing people to the downtown area is commendable but not every project can be the same. He said this proposal is an opportunity to have different things in different places throughout the community. He pointed out that the hotel/conference center would not be a significant draw for people to leave the downtown area. He said this could compliment the downtown area because people staying there would continue to come downtown.

Mayor J. Michael O'Connell then opened the public hearing.

Bill May, 19 Vallera Road, representing the Board of Directors of the Interlaken Homeowners Association, said they did not participate in the previous Planning Board meetings because they were away and have only recently returned to the area. He said they have a keen interest in this proposed amendment. He said they are not able at this time to endorse or condemn the proposal, however, they do have some concerns.

Bill May noted that in the March 28 letter from Lorraine Tharp, Planning Board Chair, to Edward Valentine, Commissioner of Accounts, it was noted that this proposal will not change the density in this area. He disagreed saying it will change the density. He also noted that current approval allows for a hotel/conference center and a 150-seat restaurant and parking area. He said in their deeds, it indicates that Zone BB is planned as a hotel/conference center and they thought they have a direct or indirect contract with the City through the original developers for the hotel/conference center and not a senior housing complex.

Bill May said the combined City and County taxes are projected to be $77,549. He asked if the City share would be about $44,000. Commissioner Kenneth Klotz agreed. He pointed out that there would be additional expenses spent in this area (fire, police, etc.) and asked whether it would be greater than the anticipated revenue.

Bill May said if the applicant is really seeking a zoning change and it would be setting a bad precedent. He said even with a 50-foot setback and screening a five-story building it would be detrimental to the area.

Bill May said that there is county water in this area. He asked about the 50-foot connection and not being required to directly tap into it. Michael Toohey said that a line would run from the County line and taps would then run from that main line.

Commissioner Thomas McTygue said as far as he was concerned there is only one water system in the City and that is City water line. He said he does not recognize the Saratoga County Water Authority. Bill May said that the Interlaken PUD is specific in stating that they would be serviced by a private water company. Commissioner Thomas McTygue agreed, however, noted that was before there was a City line east of the Northway. Bill May said they did ask to join the City water system, however, he said that DPW refused them. Commissioner Thomas McTygue disagreed saying that the last correspondence he received through previous Mayor A. C. Dake was that DPW should not continue to negotiate because Interlaken would be utilizing the Saratoga County Water Authority lines.

Marion Walsh, attorney representing Interlaken, said the letter from the City stated that the City was at a loss to understand why the City should take over the system. Bill May said the City wanted to charge the homeowners in this area $3,000 per unit to connect to the City system.

Tom Ferguson, 258 Caroline Street, requested that anyone addressing the Council refrain from using profanity.

There being no one else wishing to address the Council on this matter, Mayor J. Michael O'Connell closed this public hearing.

The Village at Saratoga Planned Unit Development Public Hearing

Mayor J. Michael O'Connell said The Village at Saratoga Planned Unit Development proposal would allow for a residential unit planned unit development. He said this PUD would allow for the construction of a community center and up to 118 residential units. He said this petition proposes to amend the zoning map to change the designation from Urban Residential-2 to Planned Unit Development District. He said the land affected by this change it approximately 20 acres. Mayor J. Michael O'Connell said the City Planning Board has issued a favorable advisory opinion on the proposed amendment and the advisory opinion from the Saratoga County Planning Board recommends approval with comments relating to buffers, setbacks, and road layout.

Jim Carr, architect/land planner Duten Associates, said this proposal contains 19.78 acres. He said they are proposing to subdivide it into 107 lots with 118 units. He said they are proposing 40 and 50 foot wide lots and 11 lots with duplexes. They are also proposing a community center and sales office. The community center and sales office facility will be approximately 2,500 square feet and will include a pool and volleyball court. He said the four typical housing units, which the Planning Board worked at great length on, will create a certain character/theme. He said at least 70 percent of the units will have front porches, the roof pitch will be 8:12 minimum and the square footage on the first floor will be at least 1,100 square feet.

Jim Carr said the target market consists of three segments: 1) senior citizens; 2) empty nesters and single people; 3) residents who live in Saratoga Springs only part of the year. He noted there are public water and sewer. Storm drainage will be handled on site with a point discharge and streets will meet all city standards (55 feet wide with curbing). There will be a minimum of two off street parking spaces for each unit.

Commissioner Edward Valentine asked what the price range would be for these units. Jim Carr said approximately $160,000.

Commissioner Kenneth Klotz asked about the size of the senior citizen portion of these development. Jim Carr said that segment is at least 50 percent.

Commissioner Edward Valentine asked about the size of the duplexes. Jim Carr said they would range in size from 1,500 to 2,200 square feet.

Commissioner Kenneth Klotz said that he was not persuaded that this is the right project for this part of the City, therefore, he would not support this proposal.

Ayes: Commissioner Edward Valentine, Commissioner Thomas Curley and Mayor J. Michael O'Connell; Nays: Commissioners Kenneth Klotz and Thomas McTygue. Motion carried.

Vote: Interlaken Zone BB PUD (96-55)

On April 4, 1996, the City requested lead agency status for the SEQR for amendment for Zone BB within the Interlaken PUD. Within the 30-day period, no objections were received. Therefore, Commissioner Edward Valentine moved and Mayor J. Michael O'Connell seconded that the City Council establish itself as the SEQR lead agency for this PUD. Ayes all.

Commissioner Edward Valentine moved and Commissioner Thomas McTygue seconded for the issuance of a SEQR negative determination of significance and for the adoption of the ordinance to amend Zone BB of the Interlaken Planned Unit Development District.

Commissioner Kenneth Klotz said he hoped the hotel/conference center would be eliminated from the proposal and that the senior housing complex would be developed but understood the applicants desire to maintain both options.

Ayes all.

Status of Revaluation

Commissioner Edward Valentine informed Council members that on April 26 he met with Bob Mancusco and Dave Shanley from the State Offices of Real Property Services to discuss the upcoming revaluation for the City. The following schedule was agreed upon:

Issue RFP	May 20
Receipt of inquiries from companies no later than	June 14
Pre-proposal meeting	June 17
Issue pre-proposal meeting summary	June 24
Receipt of sealed proposals	July 8
Conduct company interviews week of	July 22
Announcement of most responsive bidder	August 5

Commissioner Edward Valentine also noted that he would be forming a volunteer revaluation committee in conjunction with the revaluation. He said Dick Mullaney would serve at no cost to the City as counsel to the committee. He said if Council members would like to add anyone to this committee with knowledge in this area, to please forward their name to him. He said he would continue to keep the Council informed of the revaluation.

Exhibit I

DEPARTMENT OF PUBLIC WORKS

Adoption of 1997 Water and Sewer Rates (96-138)

Mayor J. Michael O'Connell moved and Commissioner Edward Valentine seconded to adopt the 1997 water rates as presented (Attachment B). Ayes all.

Mayor J. Michael O'Connell moved and Commissioner Edward Valentine seconded to adopt the 1997 sewer rates as presented (Attachment C). Mayor J. Michael O'Connell said there would be an 8.5 percent increase in the rate if adopted. Ayes all.

DEPARTMENT OF PUBLIC SAFETY

Snow Removal

Commissioner Thomas Curley reminded everyone there is an ordinance pertaining to snow removal within 12 hours of a snow fall and asked that residents do their best to remove the snow.

Commissioner Edward Valentine said he was concerned about senior citizens and their inability to remove the snow with 12 hours. Commissioner Thomas Curley said a warning notice would be issued to residents giving them an 24 additional hours to remove the snow before a ticket would be issued. Commissioner Kenneth Klotz reminded Council members that the West Side Association has offered on several occasions to help residents and perhaps they could be called upon in these cases.

Victorian Street Walk - Dogs

Commissioner Thomas Curley reminded residents there is a leash law in effect and suggested that pets be left at home rather than bringing them downtown for the Victorian Street Walk.

MAYOR'S OFFICE

Interlaken PUD Zone BB Amendment

Mayor J. Michael O'Connell moved and Commissioner Edward Valentine seconded to accept the Interlaken PUD Zone BB Amendment and forward it to the Planning Board for an advisory opinion.

Michael Tooney, attorney representing the applicants, said this amendment requests the addition of single family units as a possible use. He pointed out that there are subdivisions near this parcel which currently have single family housing.

Commissioner Edward Valentine asked what effect this amendment would have on the law suits pertaining to water. Michael Toohey said this amendment has no effect on those legal matters. He further reminded Council members this is an either/or request. The applicant would not be able to do a combination of proposals, but would only be able to develop one of the options.

Commissioner Kenneth Klotz asked how this amendment differed from the previously proposed senior citizen housing and what prompted the request. Michael Toohey said this proposed single family housing would be for individual ownership and market conditions prompted this proposal.

Ayes all.

Grant Easement on North Broadway/Bryan Street

Mayor J. Michael O'Connell moved and Commissioner Kenneth Klotz seconded to authorize the Mayor to sign all necessary documents upon the City Attorney's review and approval for granting the easement on 748 North Broadway/Bryan Street.

Michael Toohey, attorney representing the applicants, explained that this request is for the parcel at the rear of 748 North Broadway which is on Bryan Street. He said there is a 2.3 foot encroachment over the property line, however, this house is located in its original position and was constructed during the 1800s.

Ayes all.

Authorization for Engineering Department to purchase Hewlett Packard Design Plotter

Mayor J. Michael O'Connell moved and Commissioner Edward Valentine seconded to waive the bid to purchase Hewlett Packard Design - Jet 350E-size Plotter from Charrette, Inc., Liverpool, New York for $2,890 (lowest bidder). Ayes all.

West Avenue Survey of Property Owners

Mayor J. Michael O'Connell said a proposal has been made to perform a survey of West Avenue property owners in connection with the proposed Special Assessment District in that area. He said the survey would include such items as assessment formula, boundaries, etc. He said the City Planner would be responsible for coordinating the survey and the City Attorney would begin work on the special assessment district legislation. Approval of the survey would be placed on the December 17 agenda and if approved, the survey would be mailed to property owners on December 20. A draft of the proposed special assessment district legislation would be placed on the January 21 agenda and adoption of the legislation would be placed on the February 1 agenda. Council members agreed to this tentative schedule.

Exhibit J

CITY OF SARATOGA SPRINGS

PLANNING BOARD

05.060

City Hall · 474 Broadway
Saratoga Springs, New York 12866-2296
Tel: 518-587-3550 Fax: 518-580-9480
http://www.saratoga-springs.org

APPLICATION FOR: SUBDIVISION APPROVAL

(Rev: 1/05)

1. Project Name: Regatta View - Lot 90 Subdivision

2. Project Data
   Location: Rt 9P / Regatta View Dr. / Dyer Switch Road
   Tax Parcel Number: 180.54-2-30
   Current Zoning: Interlaken P.U.D
   Total Acres: 6.78 Land to be subdivided into: 33 lots / 40 D.U.

3. Professional Representing Applicant:
   Name: Francis J. Boscolini PE Phone: 272-8140
   Address: 297 River St, 5th Floor Fax: 272-8148
   Troy NY 12180

4. Type of Application and Application Fee: Total $ 400.00
   If fee is required, a separate check payable to: "Commissioner of Finance" must accompany this application.

   ☒ Sketch Plan – $400

   ☐ Preliminary Approval
   1-20 Lots $200
   21-50 Lots $300
   51+ Lots $500

   ☐ Final approval (Major and Minor Subdivision)

Residential -	Minor (1-4 lots)	$350 plus $50/lot	=	$
	Major (5+ lots)	$1,000 plus $100/lot	=	$
Non-Residential -	Minor (1-4 lots)	$500 plus $50/lot	=	$
	Major (5 + lots)	$1,500/lot	=	$

5. Environmental Assessment Form - All applications must include a completed SEQR Short Form.

6. Cost estimates for Letter of Credit - All applications must include cost estimates.

7. Application Check List - All applications must include application check list.

8. Estimate of increase in water consumption: 13,200 gallons/day.

9. For all projects including new water connections to the City system, a copy of a signed water service connection fee agreement with the City Department of Public Works is required and MUST be submitted with this application.

10. Does any City officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? YES_____ NO _X_. If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

11. Submit 12 copies of complete application including checklist, SEQR form, and all plans (must be 24" x 36").

12. Submission Deadline - All completed applications are due 3 weeks before the Planning Board meeting date.

I, the undersigned owner or purchaser under contract for the property, hereby request subdivision approval by the Planning Board for the identified property above. I agree to meet all requirements under the Subdivision Regulations for the City of Saratoga Springs.

Applicant Signature: _____ Date: 8/24/05

Name: Gerry Mageelaghan Phone: 371-1000

Address: Belmonte Builders Fax: 371-4673

1743 Rt 9, Clifton Park, NY 12065

PROJECT ID NUMBER

617.20
APPENDIX C
STATE ENVIRONMENTAL QUALITY REVIEW

SEQR

SHORT ENVIRONMENTAL ASSESSMENT FORM

for UNLISTED ACTIONS Only

PART 1 - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT / SPONSOR	2. PROJECT NAME
Belmonte Builders	Regatta View - Lot 90 Subdivision
3.PROJECT LOCATION: City of Saratoga Springs (Municipality)	County of Saratoga (County)

4. PRECISE LOCATION: Street Addess and Road Intersections, Prominent landmarks etc - or provide map
Intersection of Dyer Switch Road/NYS 9P to Intersection of Regatta View Drive/NYS 9P

5. IS PROPOSED ACTION : ☑ New ☐ Expansion ☐ Modification / alteration

6. DESCRIBE PROJECT BRIEFLY:
Subdivide existing Lot 90 into 33 parcels with 40 dwelling units

7. AMOUNT OF LAND AFFECTED:
Initially 6.78 acres Ultimately 6.78 acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS?
☑ Yes ☐ No If no, describe briefly:

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.)
☑ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☑ Park / Forest / Open Space ☐ Other (describe)

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local)
☑ Yes ☐ No If yes, list agency name and permit / approval:
Subdivision Review - NYSDOH

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☑ No If yes, list agency name and permit / approval:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION?
☐ Yes ☑ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant / Sponsor Name

Signature

Date: 8/22/06

If the action is a Costal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☐ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly:
☐ Yes ☐ No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:
☐ Yes ☐ No

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

Adjoining Properties

S-B-L #	OWNER	PROP ADDRESS	MAILING ADDRESS
180.54-2-1	MICHELLE MORRIS	1 DYER SWITCH RD SARATOGA SPRINGS, NY 12866	SAME
180.54-2-24	KATHLEEN CONNOLLY	11 FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	SAME
180.54-2-25	REGATTA VIEW, LLC	FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	1743 RTE 9 CLIFTON PARK, NY 12065
180.54-2-26	DONALD COOTWARE	7 FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	SAME
180.54-2-27	SCOTT EGBERT	5 FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	SAME
180.54-2-28	JAMES HOLMES	3 FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	SAME
180.54-2-29	NICHOLAS ZITO	1 FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	7 COBBLESTONE CT CENTERPORT, NY 11721
180.54-2-30	REGATTA VIEW, LLC	NYS RTE 9P SARATOGA SPRINGS, NY 12866	1743 RTE 9 CLIFTON PARK, NY 12065

05.060

SARATOGA COUNTY PLANNING BOARD
50 West High St.
Ballston Spa, NY 12020

I. Municipality: (City) Town, Village of Saratoga Springs

Referring Agency/Body: Zoning Board of Appeals _____, Planning Board X,
Legislative Body _____

Date: 8/26/05

Submitting Officer: Geoff Boxerman

Mailing Address: City Hall, 474 Broadway, Saratoga Springs NY 12866

Telephone Number: 587-3550 x 517 Fax Number: 580-9480

II. Type of Referral

Variance: Use _____, Area _____, Interpretation _____

Special Permit _____, Site Plan Review _____, Subdivision Review X Sketch Plan for Subdivision

Amendment: Map _____, Text _____, PDD _____

Brief description of proposal Discussion for a PUD Site Plan for a 40 unit residential unit in Interlaken's Planned Unit Development.

III. This proposal is referred to your agency, as required by the General Municipal Law, Sections 239- l, m, and n, because it would affect real property lying within a distance of 500 feet from the boundary of:

a) the City, Town or village of _____

b) an existing or proposed county or state park or other recreation area. Such park or recreation area is: _____

c) an existing or proposed right-of-way of a county or state parkway, thruway, expressway, road or highway. Such road is: 29

d) an existing or proposed right-of-way of any stream or drainage channel owned by the county, or for which the county has established channel lines. Such right-of-way is: _____

e) an existing or proposed boundary of any county or state-owned land on which a public building or institution is situated. Such land is: _____

f) a farm operation located in an agricultural district as defined by Article twenty-five – AA of the Agriculture and Markets Law, except this shall not apply to the granting of area variances. Use the provided Agricultural District Referral Form.

BELMONTE
"Homes As Individual As You Are"
www.belmontebuilders.com

November 14, 2005

Mr. Geoff Bornemann
City Planner
City of Saratoga Springs
474 Broadway
Saratoga Springs, New York 12866

Dear Geoff:

By copy of this letter, please be advised that I am a member of the Comprehensive Plan Advisory Committee.

I specifically bring this to your attention due to the fact that I currently have a proposal for completion of the Interlaken PUD in front of the City Planning Board and point out that from time to time during my stay on the above Committee, I may have other projects under consideration for approval by the City of Saratoga Springs.

Please feel free to call me at any time regarding these issues.

Sincerely,

Peter J. Belmonte

1743 Route 9, Clifton Park, New York 12065 — Phone: (518)371-1000 — Fax: (518)371-1267

BELMONTE
"Homes As Individual As You Are"
www.belmontebuilders.com

November 15, 2005

Mr. Geoff Bornemann
City Planner
City of Saratoga Springs
474 Broadway
Saratoga Springs, New York 12866

RE: REGATTA VIEW PROPOSAL

Dear Geoff:

Pursuant to our conversation this morning, we understand the concerns you outlined regarding sewer capacity and the need for a determination and commitment by Jim DiPasquale and the Saratoga County Sewer Authority.

With that said, we would like to continue moving through the approval process with confirmation of sewer capacity as a stipulation and condition to be dealt with before construction would begin.

Thank you for your consideration.

Sincerely,

Gerry

Gerry Magoolaghan
Director of Real Estate Acquisitions

Subject: Regatta View Carriage Houses
Date: Tue, 20 Sep 2005 12:00:45 -0400
From: "Jeffrey B. Schwartz" <jschwartz@HONENWOOD.com>
To: <geoff.bornemann@saratoga-springs.org>

To SS Planning Board:

I am writing regarding the following item on the 9/21 agenda:

05.060 INTERLAKEN PUD – ZONE B: Request for sketch plan discussion for a PUD site plan for a new 40 units of residential use in the Interlaken Planned Unit Development District, 5 Regatta View Drive.

I will be out of the area during the 9/21 meeting and wanted to convey my thoughts regarding the proposed project. I live in the Regatta View (RV) development

The agenda states that the project calls for 40 units. I suspect that, consistent with the applicant past practices, revenue maximization is the applicant's driving factor. That is fair enough, but I feel that from a density perspective, 40 units is much too large.

The key concern that I have has to do with the ingress and egress into and out of this proposed development. While the sketches that Mr. Belmonte has delivered to the Regatta View community do not have street names, it appears that the plans call for curb cuts on Dyer Switch Road and Regatta View Drive. I am not empowered to speak for the RV community, but can assure you that many residents I have spoken with do not want a curb cut on Regatta View Drive. It would be way too close to Route 9P. The congestion would be horrific. Cars turning left onto Regatta View Drive, and then left again into the carriage house development would cause significant problems. I'm guessing that automobile directionals may not be physically able to give correct consecutive turn signals in light of the close proximity of the proposed curb cut to the main RV entrance. One can easily envision some bumper banging, even for drivers in compliance with applicable speed limits.

In addition, as you may know, a traffic light has been installed at the intersection of RV Drive and 9P (it has not gone "live" yet). When that light is active, one can also envision a back up of cars within the development waiting to exit, while carriage house owners seek to merge onto RV drive to exit the development. Further, given the light's presence, it is reasonable to suspect that cars, in an attempt to "make the light", will use excess speed (particularly those making a left onto RV drive or coming straight from Crescent Avenue); this will further increase the likelihood of accidents.

The neighborhood has a significant number of children engaging in outdoor activity which is another reason to prohibit a RV Drive curb cut.

For the sake of comprehensiveness/fairness, I should point out that while Mr. Belmonte has reserved a building lot on Flying Dutchman as another possibility, the residents of Flying Dutchman that I have spoken with would want that to be the last option. So, they also do not want a curb cut on RV Drive, but would prefer that to using Flying Dutchman.

I understand from previous research that the parcel at issue is bordered by a state road (9P), a county road (Dyer Switch/County Route 66) and a city road (RV Drive). I spoke to City and County engineers but none had seen anything on this. From those discussions, I learned that the curb cut is often dealt with later in the process. I'm hoping that by addressing this early, we can clarify and communicate the concerns and you can act/advise accordingly.

I'd be happy to discuss this further is desired. Thank you for you attention to this.

JBS

Jeffrey B. Schwartz
Honen & Wood, P.C.
126 State Street, 5th Floor
Albany, New York 12207
(518) 472-1224 x 235
(518) 472-1227 (Facsimile)
jschwartz@honenwood.com
www.honenwood.com

SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

LAWRENCE D. BENTON
DIRECTOR

September 21, 2005

Geoff Bornemann, City Planner
City of Saratoga Springs Planning Board
474 Broadway
Saratoga Springs, NY 12866

RE: SCPB Subdivision Review #05-A-99 – Regatta View, Belmonte
40 lots/5.9 acres, NYS Rte. 9P and Dwyer Switch Rd.

Received from the city of Saratoga Springs Planning Board on August 30, 2005.

Reviewed by the Saratoga County Planning Board on September 15, 2005.

Decision: Disapprove

Comment: We have previously advised the board, that the pump station serving the plateau area has reached capacity. As the project is dependent upon community sewer service it should not be approved until such time as this issue is resolved.

Lawrence D. Benton, Director
Authorized Agent for Saratoga County

cc: Director, Saratoga Co. Sewer District #1

50 WEST HIGH STREET
BALLSTON SPA, N.Y. 12020

(518) 884-4705
(518) 884-4760 Fax

SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

LAWRENCE D. BENTON
DIRECTOR

September 21, 2005

Geoff Bornemann, City Planner
City of Saratoga Springs Planning Board
474 Broadway
Saratoga Springs, NY 12866

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Lawrence D. Benton, Director
Authorized Agent for Saratoga County

cc: Director, Saratoga Co. Sewer District #1

50 WEST HIGH STREET
BALLSTON SPA, N.Y. 12020

(518) 884-4705
(518) 884-4780 Fax

Nancy Ohlin said there is confusion about "affordable housing," because affordable actually means what is affordable for a person. It also means not spending more than 35 percent of your income on housing. She said that the words "workforce housing," have replaced low income because people think they will have drug addicts living next door to them. She explained that workforce housing is everyone who works for a living and needs a home. Geoff Bornemann concluded that the applicant would be subject to the law at the time this project is approved. The applicant is also subject to the deed restriction that he has agreed to place on this property.

SEQR: Nancy Ohlin noted that there was no SEQR action required for sketch plan discussions.

PUBLIC COMMENT: Nancy Ohlin asked if anyone in the audience wished to comment on the application. No one spoke.

TECHNICAL ISSUES: Nancy Ohlin said that the application fee of $400 has been paid.

DEPARTMENT COMMENTS: Nancy Ohlin noted the following comments from the City Departments: DPS comments: Fire Department: No comments received. Police Department: No comments received. Traffic Maintenance: No comments received. Code Administration: No comments received. DPW comments: "No concerns or comments." Office of the City Engineer: "Private street? Adequate sanitary sewer, storm sewer and water?"

COMMENTS: The Board said that at this time they saw no compelling reason for a through road in this project. Steve Ethier thanked the Board for their comments and he said that he would proceed with an application for site plan review.

✧ **05.060 INTERLAKEN PUD – ZONE B**, 5 Regatta View Drive

This was a sketch plan discussion for a PUD site plan for 40 new units of residential use in the Interlaken Planned Unit Development District. The applicant is Belmonte Builders (Peter Belmonte).

Appearing before the Board was Peter Belmonte, applicant, Frances Bossolini, engineer.

INTENT: The applicant intends to develop 40 units on this last remaining area of the PUD. The zoning ordinance allows the applicant to apply for a PUD sketch plan.

BACKGROUND: Nancy Ohlin said that on May 6, 1998 the Planning Board reviewed a sketch plan for 20 single-family homes on this site. On July 22, 1998 the Planning Board reviewed a sketch plan for a commercial center on this site. On February 3, 1999 the Planning Board reviewed a sketch plan for 26 single-family homes on this site. Nancy Ohlin also noted that this Interlaken PUD never had any specific standards for uses or area/bulk standard. The Planning Board has the right to establish such development standards. In past years the Planning Board has interpreted that they have the right to approve PUD site plans for this PUD provided that the overall density and use does not exceed that presented to the City Council in 1982. The PUD at that time included 500 residential units. To date 331 units have been approved (Zone A = 125 units, Zone BB = 30 units, Zones B/D/E = 102 units, Zone C = 74 units).

Nancy Ohlin said that this project needs PUD site plan (site plan and subdivision) approval for the Planning Board. Any structure on the lot that fronts Union Avenue will require architectural review from the Design Review Commission.

This discussion was continued from the September 21, 2005 meeting. New materials were submitted on November 9, 2005.

POLICY ISSUES: Frances Bossolini said that they met with the Interlaken homeowners again and they were very clear that they wanted a fifty-foot, no-clear, landscape buffer on the frontage of this property. He said that the revised plans show this 50-foot buffer and he noted that they would examine the project to see if even more additional plantings were needed in this buffer area. He said that they eliminated the pedestrian connection between Flying Dutchman Way that was previously proposed. Frances Bossolini also said that the capacity for the Saratoga County sewer would not be a problem. When the project was first approved there was capacity allotted for it. He said these homes would be a traditional style of architecture with front porches. There would be carriage houses as the workforce housing units.

Peter Belmonte said that the project clearly has opposition from the Interlaken community. There were approximately 40 members at the meeting they held with the neighbors. Half the people were mildly to adamantly opposed. Peter Belmonte said that Nancy Goldberg has stated that this is her last crusade to stop this project. He said that he possesses an earlier map where this parcel was clearly depicted as having high density housing on it. He said that he is confident that they are not going against what was originally proposed. Peter Belmonte said that the map was part of Farone's project proposal prior to Regatta View's application. Peter Belmonte said that the other opposition in regards to the project is in reference to workforce housing. He noted that Workforce housing brings a broad range of confusion to the table. People are asking what it will bring to the neighborhood and how it would be regulated. Nancy Ohlin said that she does not appreciate the applicant commenting to what a speaker from the audience might potentially state.

Lou Schneider said he remembers the discussion during the commercial use proposal for this lot. The homeowners decided they did not want this density and rental units were not mentioned. They said they would like to see some townhouses similar to the architecture of Interlaken. He questioned who would own the 7 rental units and what would they be. Peter Belmonte said that they added these units in order to complement the City's direction with workforce housing. The units would be 600-700 square foot apartments on top of a garage. They would be one bedroom apartments and would be owned by the owner of the primary residence and under their control. He said that the HOA would also monitor these units. Each unit would have a designated parking spot. Lou Schneider said that the PUD legislation states that a rental unit is not conducive to the neighborhood. He would rather see a residential unit that is affordable and more compatible to the entire PUD system. Peter Belmonte noted that a good portion of Interlaken is rented year round. Lou Schneider said those were considerable units that are being rented out and there is only one family per residence.

Bob Israel said that the master plan concept is a mixed-use community. He said that a homogenous community is more suburban and that is not what they are trying to achieve. He said the density should be comparable to Interlaken's. Nancy Ohlin said it appears that they did not consider a lower density. Frances Bossolini said that they are compatible with what is already there, but not in reference to the single-family portion if Regatta View. Peter Belmonte said that the Interlaken community was not designed to be consistent in density and there were areas specifically designated as higher density. Interlaken is a large community and there are high density condominiums there. He said this is much less than what was originally proposed for this area.

SEQR: Nancy Ohlin said that there is no SEQR action required for sketch plan discussions. In 1982 City Council issued a negative declaration for the entire Interlaken PUD.

PUBLIC COMMENT: Nancy Ohlin asked if anyone in the audience wished to comment on the application. She noted an email from Jeffrey B. Schwartz, 3 Thames Way, dated September 20, 2005.

Nancy Goldberg, 66 Sarazen Street, said that she is on the Zoning Board of Appeals, but she is here as a private citizen. She said that Jack Gray said this was a Pandora's Box if this was approved. There were 100 signatures against this project in 1982 and there were only 230 residents at that time. The City Council cut these lots into parcels and wanted to do cluster housing in order to preserve conservancy. When the PUD went bankrupt, instead of bringing the area back into zoning, each builder obtained approvals for separate things. She said that going back to the original zoning does not make sense. There are 60 acres that were promised in covenants. This project was supposed to have fairly dense development in only 19 acres. 41 of the acres were supposed to be left green as per the conservancy. She asked the Board to keep the faith with the residents and do what was promised to them. In 1987 there were 700 people on the plateau and there are almost over 3000 people now. She said that it takes 20 minutes for fire or emergency services during racing season. There have been no changes in the road or anything else other than the population. Those who have spent their money to live here, expect conservancy. The concept of this PUD works because there are buffers. This is the last 4 acres in this PUD and she requests that it remains green. They did their due diligence when they purchased their properties. She said that Peter Belmonte should donate this land to the City. The Board needs to consider the infrastructure and the traffic. Since the light at Crescent Avenue was installed, everyone cuts through Regatta View. She asked the Board to please honor the promise that was made to the residents. She questioned if the 100 signatures that Jack Gray obtained did not do it, how many would the Board need. The residents do not want to come out in the middle of the night for these meetings. This was a promise that was made to the people who purchased these properties. It was promised as a foresighted, clustered zoning. People were not objecting to affordable housing, but to the rental housing that was proposed. They could not understand who would live in 600-700 square foot apartments. That would not be suitable for a family unit. Most young people are families and single people would not want to live in the suburbs. She reiterated that safety is getting dire in this area. In 2005 there was a traffic safety report completed. It took anywhere from 6 to 20 minutes for emergency services to reach the area. She said that in twenty minutes a person would be dead. She urged the Board to please review the original designations for this property. Riley's was never supposed to be developed or subdivided into more than two parcels. Previous Planning Boards have just said it was ok to do this. The Board should read the original definitions of the various zones and consider the modern infrastructure available.

There was no one who wished to speak, Nancy Ohlin closed the public comment period.

Lew Benton said that the density does not bother him. What bothers him is how the development would be set on the landscape. He said there is some latitude and discretion involved. At the time this all was developed, it was a new concept to the City. There is no clean legislation regarding how the PUD would develop. Even if there was clean legislation, PUDs can be amended several times during their lifetime. His records go back to 1982. There were 60 acres and 19 of which were to be developed with a large open space, paddock area on the interior. There are 9 clusters of condominiums with the paddock. He said that the remaining 2/3 of this area was supposed to remain undeveloped. The situation has changed and there is no legislation to amend. Geoff Bornemann noted that the developer for Zone BB (Riley's area) went back to the City Council and got approval for new development. He suggested that this applicant also has this option.

TECHNICAL ISSUES ON SUBDIVISION: Nancy Ohlin said that an application fee of $400 has been paid.

DEPARTMENTAL COMMENTS: Nancy Ohlin noted the following comments from the City Departments: DPS comments: Fire Department: "Proposed alley appears to be 12 feet wide, which is not sufficient. How does applicant proposed Fire Department vehicle access? All turning radii, especially near divided pavement access roads much meet City standard." Police Department: "See Fire Department comments." Traffic Maintenance: "Trees and shrubs should not be permitted within 60 fee of intersections." Code Administration: "None at this time." DPW comments: "No concerns or comments." Office of the City Engineer: "Lot dimensions. Not all lots have access to sewer. Public street/alley? Surveyed data? ROW dimensions? Who will own/maintain opens space? Sewer to SCSD#1? Capacity on existing system? I thought it was at capacity now?"

SARATOGA COUNTY PLANNING BOARD: "Disapprove" "We have previously advised the board, that the pump station serving the plateau area has reached capacity. As the project is dependent upon community sewer service, it should not be approved until such time as the issues are resolved."

COMMENTS: Lew Benton said that he could not support this proposal. It was not because of the density, but because this corridor should be preserved. He said the Board needs to be particular about the original parameters set by the City Council. There is a description of the ultimate buildout of the PUD and this submission is inconsistent with that. He concluded that any referral to the City Council would only delay and defer the inevitable. Nancy Ohlin said that the Board should honor the original PUD language. She also does not recommend that this go to the City Council because it would come back for an advisory opinion. She said that she does not know what the vote would be, but the infrastructure and services are an important issue.

Lou Schneider noted that the road going to Dyer Switch Road seems to be very close to the veterinarian's property. During the summer they enter with horse trailers and a horse even made its way through Interlaken. He also asked if there would be a separate HOA for this project. Peter Belmonte said that it would be part of the existing Regatta View HOA. Lou Schneider also said that Regatta View needs a meeting place and some of this area should be used as such. There should also be some recreational area put onto the back of this property to cut the density.

Geoff Bornemann said that there is a chance that the Board "erred" in approving Regatta View and they clearly changed the open space concept. He noted that the current applicant would have to submit a PUD site plan application to the Planning Board if they do not go before the City Council to amend the PUD legislation.

Bill McTygue noted that the County Sewer District has put a stop to all major connections to the sewer in that area. Peter Belmonte said that he has had discussions with Saratoga County Sewer and there is documentation that they have reserved capacity in that line for this project. He said that the developed community might have already impacted that capacity. He would agree to participate in sewer improvements if an approval was given. Bill McTygue said that the sewer system could be maxed out, but they are getting mixed messages from the sewer district. They are not being clear about whom they will and will not let into the system. Lew Benton added that the County Planning Board disapproves because the pump station has reached capacity. This project would be dependent on the county sewer availability and there is a lack of communication between the County Sewer District and the County Planning Board.

Peter Belmonte thanked the Board for their comments. He said he would make his decision in the coming months on how he wanted to proceed with this project.

Number	Page #	Date	Item
A	2	8/11/2016	Letter from Building Inspector Steve Shaw
B	3-14	Jul-16	City Council Zoning Ordinance Interlaken PUD from website
C	15	5/19/2016	Regatta View Site Plan Area B-Phase 3
D	16-30	7/1/2016	Planning Department Version - Interlaken PUD
E	31-32	8/6/1984	City Council Minutes
F	33	2/5/1996	City Council Minutes
G	34	4/2/1996	City Council Minutes
H	35-39	5/7/1996	City Council Minutes
I	40-41	12/3/1996	City Council Minutes
J	42-56	8/24/2005	Planning Board Minutes and Sketch Plan application
K	57-93	2/14/1990 & Approved 6/19/1991	Regatta View Subdivision
L	94-97	12/6/1989	Planning Board Minutes
M	98-100	5/16/1990	Planning Board Minutes
N	101-122	6/2/1982	Planning Board Minutes, EAF and negative declaration
O	123-132	2/28/1996	Planning Board Minutes
P	133-169	7/17/1996 & 9/25/1996 & SEQRA Neg Dec	Planning Board Minutes
Q	170-173	5/6/1998	Planning Board Minutes
R	174-190	4/11/1990	Planning Board Minutes
S	191-208	3/13/1996	Planning Board Minutes
T	209-220	11/7/1990	Planning Board Minutes
U	221-223	6/19/1991	Planning Board Minutes
V	224-227	7/19/1989 & 9/6/1989 & 10/11/1989	Planning Board Minutes
W	228	3/19/1996	City Council Minutes
X	229-231	6/18/1996	Zones B, D and E - Regatta View 1996 approved plan - Adopted 9/29/1996 and signed 5/8/1997
Y	232-235	10/17/1983	Division Street PUD

Exhibit A

City of Saratoga Springs
BUILDING DEPARTMENT
CITY HALL
474 Broadway
Saratoga Springs, NY 12866

Telephone (518)587-3550 Ext. 2511
Fax (518)580-9480
www.saratoga-springs.org

- BUILDING & PLUMBING
- CODES
- ZONING

STEPHEN SHAW
Zoning & Building Inspector
Extension 2491

DUANE MILLER
Assistant Building Inspector
Extension 2512

JOHN BARNEY
Assistant Zoning Technician
Extension 2521

August 11, 2016

Mr. Matt Jones
The Jones Firm
68 West Avenue
Saratoga Springs, NY 12866

RE: Zoning Compliance Determination – Interlaken PUD

Dear Mr. Jones,

This letter is in response to a request for a zoning compliance determination for the build out of an undeveloped section of the Interlaken PUD. A review of all available documentation does not show a clear path to any specific configuration, use, density or any other project detail. It even seems possible that some of the existing development may have occurred beyond appropriate zoning authorization. This is not just a case of information being insufficiently clear to make a determination, nor is it a situation where the information could be interpreted differently by different individuals. This is a case where there is simply a lack of information to sufficiently determine the original intent of the City Council when it comes to project details.

Therefore, it is my determination that none of the previously or currently submitted proposals sufficiently provide proof of compliance with the Interlaken PUD due to lack of information. At this time the applicant has the option of appealing this determination to the Zoning Board of Appeals, seeking legislative clarification and/or amendment from the City Council or withdrawal from the application process.

Sincerely,

Stephen Shaw
Zoning and Building Inspector

SRS/kgf

Exhibit B

Appendix C:
2. Interlaken Planned Unit Development (formerly 241.2)

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS "INTERLAKEN PLANNED UNIT DEVELOPMENT"

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing as follows:

SECTION I – NAME:

This ordinance shall be known as the "Interlaken Planned Unit Development," and amends Chapter 240 of the Code of the City of Saratoga Springs, New York, entitled "Zoning."

SECTION II – HISTORY:

The City Council of the City of Saratoga Springs, following a public hearing on July 6, 1982, adopted an ordinance which created a Planned Unit Development which encompassed approximately 205 acres of land having frontage of 4,106.32 feet on the south side of Union Avenue (Route 9P), 1,295 feet on Crescent Avenue and 1,770 feet on the north side of Union Avenue (Route 9P). The City Council of the City of Saratoga Springs, following a public hearing on August 6, 1984, adopted an ordinance which created a Planned Unit Development which encompassed approximately 205 acres of real property having frontage of 4,106.32 feet on the south side of Union Avenue (Route 9P), 1,295 feet on Crescent Avenue and 1,770 feet on the north side of Union Avenue (Route 9P), which was intended to amend the ordinance which had been passed by the City Council of the City of Saratoga Springs on July 6, 1982. The City of Saratoga Springs of Saratoga Springs, following a public hearing on May 7, 1996 amended the Interlaken Planned Unit Development legislation as it pertains to Zone "BB" within the Planned Unit Development.

SECTION III – BOUNDARIES:

The area of the Interlaken Planned Unit Development consists of approximately 205 acres and is bounded and described as set forth in Appendix A, attached hereto and made a part hereof, and Appendix B, a certain sketch plan which is on file in the Office of the City Engineer in the City of Saratoga Springs.

The Planned Unit Development presently consists of the following parcels of real property as set out on the present Assessor's Map for the City of Saratoga Springs Outside Tax District as of May 7, 1996.

Section	Block	Lot
I80	2	13.2, 13.3, 49.1, 49.2, 49.3, 49.4, 49.5, 49.6, 50.1, 50.2, 50.3 and 57
180	4	18, 24 and 25
180.61	1	1 through 51
180.62	1	1 through 24
180.53	1	1 through 30
180.53	1	32 through 58

SECTION IV - PURPOSE

It is the purpose of this Ordinance to provide a logical extension of the present zoning and land use as recommended in the I970 Master Plan. It is the further purpose of this Ordinance to promote flexibility in the development and design of this area.

The Interlaken Planned Unit Development is conceptually sound. It meets all local and area wide needs and it conforms to the accepted principles of functional, highway and pedestrian circulation systems, land use configurations, open space systems and drainage systems. The scale and design of the elements are humane and related to each other and the area in general.

Zone "B"/Marina:

This zone shall be developed for the sole purpose of permitting a boathouse for not-for-profit rowing association with associated parking, marina and docking facilities.

Zone "BB":

This zone can be developed into a subdivision of single family residences with an attached or detached associated single bedroom units consistent with the residential designation set out for this area of the City in the 1987 Master Plan.

As an alternative, this zone, which had developed into a planned senior citizen housing community that will meet the needs of a special segment of the City's population.

As another alternative, this zone, which has previously been the site of a restaurant and night club, could recapture this resort theme by the construction of a 110 room hotel/conference center along with or independent of an attached or detached restaurant offering seating for 150 diners.

These uses would compliment the already existing and projected residential areas within the Planned Unit Development or the mores rustic restaurant and potential Inn use which

may be established upon the zone of the Planned Unit Development presently housing the Longfellow's Restaurant.

SECTION V – PERMITTED USES AND DENSITY:

There may be constructed within the boundaries of the Interlaken Planned Unit Development the following types of activities and uses as set forth below:

Zone "B"/Marina:

This area may be developed with the following uses:

1. A boathouse facility, not to exceed 17,500 square feet, that may include facilities for storage of rowing vessels, equipment, restrooms, meeting rooms, training and associated activities. This facility may only be owned and operated by a not-for-profit rowing association.
2. On-site parking shall be provide for this facility and users in accord with the following standards:

    a) *Marina and docks shall have 1 parking space per 3 slips.*
    b) Boathouse shall have 75 parking spaces. This number may be reduced by the Planning Board, at their sole discretion, during the PUD site plan review process if evidence of shared parking with the marina use is presented and accepted by the Board.

3. A marina with up to 68 docking slips. All slips must be owned and maintained by the not-for-profit rowing association and shall be leased in the following manner:

    a) Residents of Zone B, D and E (Regatta View) shall be given first priority in leasing slips by January 31st of each calendar year.
    b) Remaining slips shall be made available to residents of Interlaken PUD Zones, A, BB and C until March 1st of each calendar year.
    c) The remaining slips (not to exceed 20) shall be made available to the general public after March 1st of each calendar year.
    d) This process will take place each year prior to the installation of docks and slips. Only slips that have been leased shall be installed each season.

4. There shall be no sale of petroleum products permitted on this site.
5. There shall be no boat ramp or launch facility permitted on this site.
6. There shall be no picnicking, special events or other outdoor recreational facilities on this site that are associated with the marina use.
7. There shall be no outdoor storage of boats permitted on this site except for boats owned by the not-for-profit rowing association. Outdoor storage of

docks shall permitted but the location of such storage shall be determined during the PUD site plan review process.

8. There shall be no sales or rental of boats or equipment on this site.

Zone "BB":

Either use 1, 2 or 3 as listed below, so long as the permission to construct that permitted use has not expired pursuant to Section XV herein, but not more than one shall be permitted:

1. A subdivision of detached single family residences with attached or detached garages with associated single bedroom units with frontage on a road dedicated to and accepted by the City of Saratoga Springs.

    a. A maximum of 31 lots, Each lot shall have a minimum of 10,000 square feet and may have a single-family residence as well as an associated single bedroom unit. The maximum height for any structure shall be 35 feet.
    b. The associate single bedroom units shall be no larger than 800 square feet and shall be constructed in the principal structure or in a detached accessory garage.
    c. A parcel with frontage on Lake Lonely may have a single private dock that may extend into the water up to 30 feet from the mean low water mark on the shoreline.
    d. The off-street parking demand for both the principal residential unit and an associated single bedroom unit shall be two parking spaces per unit. The location of the required off-street parking spaces do not have to meet any of the minimum setback requirements.

2. A planned Senior Citizen Housing Community offering attached or detached townhouse units and, apartments, interior and exterior recreational facilities, marina and docks, eating and drinking establishment and retail space all intended for the use of the residents of this zone and their guests. The living units shall be on lease basis only, wherein at least one of the tenants in any leased units must be 50 years of age at the commencement of the leasehold. None of the units shall be converted to cooperative apartments or to condominiums. In addition the lands within this PUD shall not be subdivided into more than two real property tax parcels. This project shall consist of the following:

    a. A maximum of 30 attached or detached residential units with a maximum building footprint of 2,000 square feet per unit for a maximum building square footage of 60,000 square footage. The maximum height for the residential units shall be 35 feet. Attached or detached car ports may be included

with these units but shall not be included as a portion of the building footprint for square footage calculation purposes.

b. A maximum of 120 residential apartments situated in a maximum of two buildings, which shall be no greater than 50 feet in height. The apartment buildings(s) shall have a maximum total building footprint of 105,000 square feet and a maximum total square footage of 350,000 square feet. The following ancillary uses shall be permitted for the exclusive use of the residents of Zone "BB" and their guests: interior eating and drinking facilities, interior recreational space, retail space, beauty/barber shop, physical therapy facilities, and meeting rooms. The ancillary uses within a structure shall comprise no more than fifteen (15%) per cent of the square footage of that structure up to a maximum of 18,000 square feet. The ancillary uses shall be for the exclusive use of the residents of Zone "BB" and their guests.

c. Off-street parking shall be supplied within this zone to a ratio of 1.5 parking space for each residential unit unless lowered by the Panning Board. During the site plan review the Planning Board may lower the parking requirement if market studies show that the demand may be less. There shall be no parking requirement for any of the permitted ancillary uses.

d. Exterior recreational facilities shall be permitted which may include a marina and docks on Lake Lonely with slips for up to twelve boats. Accessory structures for recreational uses are permitted but their total size shall not exceed 17,500 square feet.

e. A hotel conference center and restaurant.

(a) A 110 room hotel conference center to include, as ancillary uses; eating and drinking facilities, retail space; interior recreational facilities, and meeting rooms. The center shall have a maximum interior square footage of 203,000 square feet and a maximum height of 65 feet. The ancillary uses within any structure shall comprise no more than fifteen (15%) percent of the square footage of that structure.

(b) A restaurant attached or detached to the hotel conference center to include seating for up to 150 persons. This structure shall not exceed 10,000 square feet. This use shall be permitted in addition to an eating and drinking facility contained within the hotel conference center.

(c) Exterior recreational facilities shall be permitted which may include a marina and docks on Lake Lonely with slips for up to twelve boats. Accessory structures for

recreational uses are permitted but their total size shall not exceed 17,500 square feet.

(d) The hotel conference center shall have a parking requirement of 1 parking space for each hotel room, and there shall be no parking requirement for any of the permitted ancillary uses. The restaurant shall have a parking demand of 0.3 spaces for every seat.

(e) The lands within this PUD shall not be subdivided into more than two real property tax parcels.

SECTION VI – HOMEOWNERS ASSOCIATIONS:

Zone "B"/Marina:

There shall be no homeowners association or equivalent organization established in Zone "B"/Marina, but if permitted, the owner of this site may obtain full or selected rights of membership in the Regatta View homeowners association.

Zone BB:

There shall be no homeowners association, or equivalent organization, established in Zone "BB".

SECTION VII – SKETCH PLAN:

Zone "B"/Marina:

The attached Sketch Plan, Appendix B, shall be used by the City and the developer as a guide for the overall development of this zone.

Zone "BB":

The attached Sketch Plans, Appendix B, shall be used by the City and the developer as a guide for overall development of Zone "BB" within the "Interlaken Planned Unit Development". The Sketch Plans may be amended and modified and so long as the use, density, height, parking, setbacks and impervious surface requirements set out within this ordinance are not violated, this Ordinance, as amended, shall not have to be submitted for further amendments. Nothing in this section is intended to negate the requirement for PUD site plan approval as established herein and in the Zoning Code of the City of Saratoga Springs.

Appendix B contains a sketch plan for the single family development plan, the planned senior housing community and the hotel conference center.

If in the development of the site plan, it becomes apparent that certain elements of the Sketch Plan are unfeasible and in need of significant modification above that which is permitted above, any significant modification thereof must be approved in accordance with Section 240-3 of the Zoning Ordinance of the City of Saratoga Springs.

SECTION VIII – SETBACKS:

Zone "B"/Marina:

The areas and bulk standards shall be as follows for principal buildings, on-site parking and accessory structures:

	Minimum Requirement:
Lot size:	4 acres
Mean width	200 feet
Front yard:	30 feet
Rear yard:	30 feet
One side:	10 feet
Total side:	20 feet
Building height	40 feet
% of lot to be permeable	30%

Docks on this site shall not be subject to any of the above requirements.

Zone "BB":

With regard to the single family residential use of the zone, the setbacks shall be as follows:

	Principal Building and Lot Minimum Setback Requirements:
Lot Size	10,000 square feet
Mean Lot Width	80 feet
Front Yard: Principal Residence	10 feet
Front Yard: Attached Garage	22 feet
Rear Yard	30 feet
Side Yard: One Side	10 feet
Side Yard: Total Side	20 feet
Minimum % of Lot to be Permeable	30%

Accessory Structures (not attached to Principal Building other than by walkway, breezeway or porch)
Minimum Setback Requirements:

Front Yard	22 feet
Rear Yard	30 feet
Side Yard: One Side	5 feet
Side Yard: Total Side	20 feet
Minimum Distance to Principal Building	5 feet

B. With regard to the Hotel conference center use and the planned senior housing community use of this zone, the setbacks shall be as follows:

A. All setbacks shall be from the perimeter of the real property of Zone "BB" to the nearest building(s) with there not being a requirement setback between buildings, or internally on the site, other than as specified herein:

	Minimum Setback Requirement:
Front Yard	50 feet
Rear Yard	50 feet
Side Yard	50 feet
Distance between detached buildings	15 feet

In addition, within Zone "BB" the minimum amount of required impervious surface shall be 60%.

SECTION IX - INFRASTRUCTURE SERVICE AND IMPROVEMENTS.

Zone "BB":

The entire zone will be serviced by City of Saratoga Springs water, unless there is a judicial order stating otherwise, and Saratoga County sewer lines. All services and improvements that are dedicated to a municipality or a municipal authority will be constructed to that municipality's or authorities building standard as that standard exists at the time of dedication. All other services and improvements shall be constructed in compliance with applicable codes, rules and regulations.

If the zone is developed as a single family residential project, the following shall take place: (1) Each residential unit shall be required to tap off of a City or public authority main for purposes of obtaining a potable water supply; (2) A public sidewalk shall be constructed along side of al roads to be dedicated to the City of Saratoga Springs; and, (3) All public roadways shall have curbs.

For uses if the zone is developed as a hotel conference center or a planned senior housing community, the water service to the structures which are more than 50 feet from

the boundary of a public right-of-way shall not be required to directly tap off of a city main for purposed of obtaining a water supply.

The community sanitary sewer collection system may be owned and operated by the Saratoga County Sewer District #1.

At the time of the development of any portion of any phase within Zone "BB", the Planning Board of the City of Saratoga Springs may require during the PUD site plan review process a traffic impact analysis to be preformed to determine specific on-site or off-site improvements that might be required to accommodate projected traffic volumes to or from this PUD. The determination as to whom shall pay for the required improvements shall be negotiated by the applicant and the City.

At the time of the development of any portion of any phase within Zone "BB", the Planning Board of the City of Saratoga Springs may require during the PUD site plan review process a Stage 1B archeological investigation of the soils. The applicant shall be expected to adequately mitigate any findings from such investigations.

SECTION X – SIGNS:

Zone "B"/Marina:

A single freestanding sign shall be permitted on this site. The sign shall not exceed 24 square foot in size and it shall be no higher than 12 feet.

Zone "BB":

A. With regard to the single family development of this zone, the following signs shall be permitted:

   1) A 40 square foot per side internally or externally illuminated sign shall be permitted at the entrance/exit of the subdivision near Crescent Avenue, provided such sign shall be not be placed within the public right-of-way and provisions for its permanent maintenance is made.

B. With regard to the hotel conference center use and the planned senior housing community use of this zone, the following signs shall be permitted:

   1) A 40 square foot per side internally or externally illuminated sign shall be permitted at the entrance/exit roadway near Crescent Avenue.

   2) On premise directional signs identifying private property, restrictions, public parking, recreational facilities, fire zones, entrances and exits signs may be

For the senior citizen community the developer must obtain final PUD site plan approval and start construction for all phases prior to January 1, 2000.

For the hotel/conference center, the developer for Zone BB must obtain final PUD site plan and start construction for the first phase (either a restaurant or a hotel) approval prior to January 1, 2000. The developer must obtain final PUD site plan and start construction for all phases of the hotel/conference center prior to January 1, 2005. If the developer fails to meet any of the above requirement, the uses allowed for the hotel/conference center shall no longer be permitted, but the uses associated with the senior citizen center shall be permitted.

SECTION XVI – CASH IN LIEU OF RECREATION LAND:

Zone "B"/Marina:

Cash in lieu of recreational lands shall not be required for any subdivision within this section. The not-for-profit and recreational aspects for this use are consistent with community recreational activities and shall not be held to the same standard as commercial and residential development.

Zone "BB":

For the single family residential use, the developer shall pay a special fee for cash in lieu of recreation land to the City of Saratoga in the amount of $750 per lot because of the limited size and unique characteristics of the associated residential units.

SECTION XVII – VALIDITY:

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

SECTION XVIII – EFFECTIVE DATE:

This Ordinance shall take effect the day after publication as provided by the Saratoga Springs City Council and posting and publishing in the official newspaper of the City as required by law.

ADOPTED: May 7, 1996

AMENDED: March 18, 1997

AMENDED: February 4, 2003

APPENDIX "A"

LEGAL DESCRIPTION

Description of lands in Zone "BB" of the "Interlaken Planned Unit Development" are on file in the City Engineer's Office in the City of Saratoga Springs.

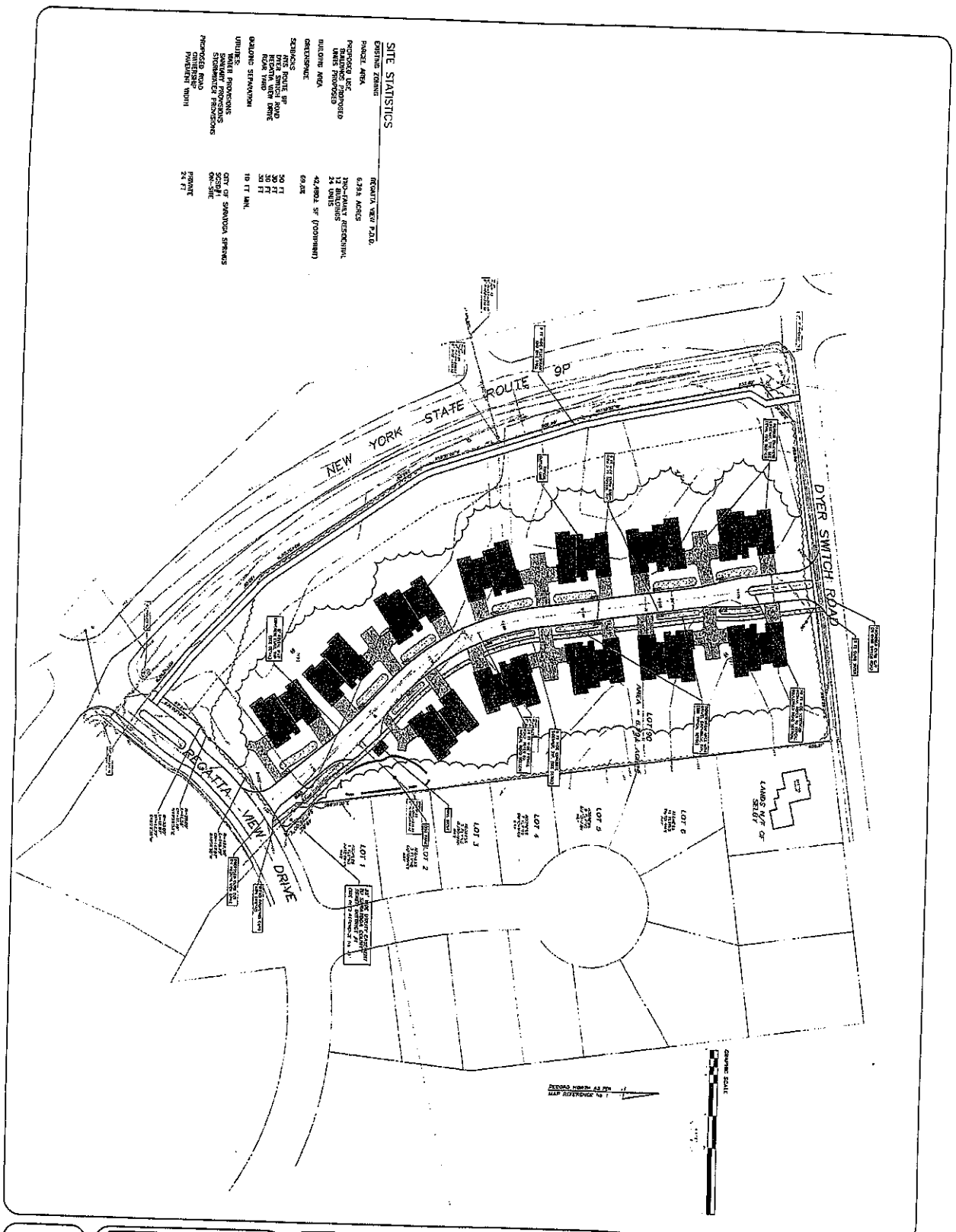
APPENDIX "B"

SKETCH PLAN FOR ENTIRE PUD

SKETCH PLAN FOR ZONE "BB" SENIOR CITIZEN COMMUNITY

SKETCH PLAN FOR ZONE "BB" HOTEL CONFERENCE CENTER

Exhibit C



SCALE: 1"=40'

PRELIMINARY PLANS 8/19/2016

SHEET NO. 3 of 10

REVISIONS | DATE | BY

SHEET TITLE

SITE PLAN

PROPOSED RESIDENTIAL COMMUNITY
REGATTA VIEW–AREA B–PHASE 3

REGATTA VIEW, LLC

CITY OF SARATOGA SPRINGS

TAX MAP NO. 180.54-2-30
SARATOGA COUNTY, NEW YORK
MAY 16, 2016

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP
900 ROUTE 146 CLIFTON PARK, N.Y. 12065 (518) 371-7621
ENGINEERING LANDSCAPE ARCHITECTURE LAND SURVEYING

Exhibit D

In adopting an Ordinance to amend Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" by amending the Zoning Map to reflect the change in district boundaries from Conservancy District to a Planned Unit Development known as Interlaken of approximately 215 acres, the City Council hereby takes the following action to correct the typographical error contained in said ordinance and to set forth in its records, the basis the City Council used in adopting said Ordinance on July 5, 1982. The City Council hereby:

1.) Adopts the findings of the Planning Board in its June 2, 1982 report of the City Council as a basis for its action in adopting said Zoning change.

2.) In accordance with the Concept Plan of Interlaken dated February 8, 1982, as was specifically shown on "Concept Plan: Land Use" and "Land Use Summary" made part of this resolution, the land use densities for Interlaken shall be as shown on the land use summary and as follows:

	UNITS	GROSS AREA ACRES	NET CLUSTER AREA ACRES	GROSS DENSITY DU/AC	NET DENS. DU/AC	OPEN SPACE AREA ACRES	ROAD R.O.W. AREA ACRES	ROAD LENGTH L.F.
Residential Totals	500	194.57	71.38	2.57	7.0	107.47	15.72	12,460

AA 6.73 Program: 360-seat restaurant, 2000 S.F. grocery and 10,000 S.F. office rehab at the Canterbury, 8250 S.F. of new office and commercial space, 50-room Inn, 231-car parking.

BB 13.76 Program: 110-room hotel-conference center, 150-seat restaurant at the Riley, 170-car parking.

Based on the above, the Zoning Map of the City of Saratoga Springs as amended on July 5, 1982, is hereby amended as follows:

AN ORDINANCE TO AMEND CHAPTER 135 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NEW YORK, ENTITLED "ZONING".

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

SECTION 1. Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" is hereby amended to show and reflect the following change in district boundaries from its classification as a Conservancy District to Planned Unit Development, which property is designated on the Assessor's Map of the Outside Tax District of the City of Saratoga Springs, as 180-4-1, 180-4-2.1, 180-4-2.2, 180-4-3, 180-4-16, 180-4-18, 180-4-19, 180-4-20 and 180-2-12, 180-2-13, 180-2-16, 180-2-17. 180-2-22, 180-2-23 and 180-2-30, and which property is more specifically described as consisting of approximately 215 acres, having a frontage of 4106.32 feet on the south side of Union Avenue and the Union Avenue Extension and 1295 feet on Crescent Avenue and 1770 feet on the north side of Union Avenue, Route 9P.

SECTION 2. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: August 6, 1984

PLANNING BOARD
CITY OF SARATOGA SPRINGS
Saratoga Springs, New York

June 2, 1982

SEP 12

Saratoga Springs City Council
City Hall
Saratoga Springs, New York 12866

Re: INTERLAKEN RESIDENTIAL PLANNED UNIT DEVELOPMENT:

Dear Mayor and Commissioners:

After reviewing the proposed zone change from Conservancy and Residential Seasonal to Residential Planned Unit Development for the area generally known as Interlaken, it is our recommendation that it be approved with the following additional clarifications:

1. Buffer areas shall be established and maintained along the slopes facing Lake Lonely and Bear Swamp to the West and Fish Creek to the East.

2. All signage shall conform to the Saratoga Springs sign ordinance.

It is the determination of the Planning Board that:

a. The Interlaken Residential Planned Unit Development is a logical extension of the present zoning and land use as recommended in the 1970 Master Plan. The Master Plan recommends Residence Recreation for Interlaken. The resort concept proposed is in conformance with that recommendation.

   The support uses including restaurants, lodging facilities and minimal retail space reinforce the resort concept and are dependent upon the residential and recreational development of the project. The facilities are not intended to compete with the Central Business District.

   The construction of the Saratoga County Sewer Line will provide sanitary sewers to the project site. This coupled with the development of an independent water supply will allow a more dense development not before possible under the Conservancy zone.

b. The Interlaken Residential Planned Unit Development provides flexible land use and design regulations. The proposal provides a variety of housing types and integrates commercial and residential uses.

The design of Interlaken is formulated around the creation of neighborhoods; some of which are residential, others commercial. All neighborhoods are linked together with open space and recreational facilities to create the resort concept.

Interlaken is self-contained and not dependent upon other building sites.

The design of Interlaken provides an innovative site planning approach by providing flexibility and diversification throughout the plan. The Plan is then unified through the natural environment and character it develops.

Interlaken is in conformance with the Master Plan and is in the interest of the general welfare. The resort theme in conjunction with the horse breeding farm will attract clientele who will further the New York State Horse Breeding Industry. The design approach sets a precedent and will act as an example of innovative design desired by the P. U. D. Ordinance.

c. Interlaken provides choices in building type (single family, townhouse, apartment) and occupancy (individual ownership, condominium, lease). The development further provides for community recreational facilities.

Residents of Saratoga Springs would also benefit from the restaurants and small conference space which would be made available to the general public.

Interlaken provides an extensive useable open space developed with swimming pool and clubhouse, tennis courts, playground facilities, boat basin and trails, walks and picnic areas. These recreation areas will be connected with an interior walk system.

Coupled with the residential development at Interlaken is 6000 square feet of retail space, conference space, a clubhouse and recreational facilities. These services are all within walking distance and available to all residents of Interlaken.

The flexible design concept at Interlaken will allow buildings to be sited around trees and significant vegetation. All slopes and wet lands have been retained and protected as open space. The storm drainage system has been designed for a minimum environmental impact from construction and operation by returning the water into the ground as soon as possible thereby preventing erosion and concentrations of water.

The area around Interlaken is predominantly rural in character. For that reason, buffer areas have been retained and constructed screening the development from collector streets. Buffer areas have also been retained within the development between different land use types. To the west, the horse breeding farm not only provides a pastoral view from Interlaken, but provides a buffer as well.

Interlaken provides an efficient use of land by clustering development thereby lowering development costs. The storm drainage concept further reduces cost of infrastructure investment. All aspects of the design are focused on a minimal disturbance to the land and therefore, lower development costs.

The 1970 Master Plan recommends this area for Residential - Recreation. Although the specifics of that recommendation were focused on development ten years ago and are not economically viable today, the general direction and resort home concept is fulfilled if not surpassed at Interlaken.

The existing zoning ordinance does not allow for the unique environment which Interlaken will provide. The variety and flexibility of Interlaken will preserve the natural features creating an environment encouraged by the P. U. D. Ordinance.

d. There is a variety of residential housing types providing a balanced community.

The site encompasses approximately 215 acres, exceeding the 10 acre minimum.

The site will be serviced by sewer. Water will be provided on site. Snowplowing and street maintenance will be provided by the owners of the development. The storm drainage system will be maintained by the owners of the development.

The project is serviced by major collector streets and is 1.25 miles from I-87.

A market survey is available supporting the development.

A residential and commercial fiscal impact analysis is available.

6000 square feet of retail space will be developed to serve the needs of the residents. At present there is a small grocery store at the Caunterbury Restaurant which services the existing campground. This new retail space would serve the same limited function.

A 54 room inn will be constructed to provide accommodations for prospective owners and guests of residents. It will also provide minimal conference space for business professionals at the Interlaken resort development.

The Caunterbury Restaurant is an existing facility that will be retained and will act as a focal point for the development from its inception.

Riley's Lake House is an existing but abandoned restaurant. This building would be restored to its original Art Deco theme and provide a "High polish" alternative to the rustic Caunterbury. It will house a restaurant with possible dinner shows and a lounge. The resort theme of the residential development will be supported by the rehabilitation of Riley's

A 110 room hotel will be constructed adjacent to and in coordination with Riley's. This is a natural extension of the resort theme and will again act as accommodations for guests of residents and provide conference space. Like Riley's, it will provide a "high polish" image as compared to the more rustic inn adjacent to the Caunterbury.

As part of the resort community, certain accessory uses will be developed:

Recreational facilities will include a swimming pool complex, tennis courts, playground facilities, picnic grounds, trails, a small dock on Lake Lonely and a boat basin on Fish Creek. These facilities will be available to all residents of Interlaken.

Storage buildings and garages will be provided for maintenance and storage of automobiles and maintenance vehicles.

A full time on site maintenance superintendent may be desired. A special residence would allow more privacy for his family unit.

e. The Interlaken Residential Planned Unit Development is conceptually sound. It meets all local and area wide need and it conforms to the accepted principles of functional, highway and pedestrian circulation systems, land use configurations, open space systems and drainage systems. The scale and design of the elements are humane and related to each other and the area in general.

f. With the construction of the Saratoga County Sanitary Sewer System and the development of the on site water system, there will be adequate services and utilities available to the development.

g. The Planning Board has determined the proposed action will not have a significant effect on the environment.

It is the recommendation of the Saratoga Springs Planning Board that the City Council schedule a Public Hearing within forty five days, (as directed in Section 135.43 of the Code of the City of Saratoga Springs, New York) for the purpose of considering P. U. D. districting for the Interlaken Project.

Sincerely,

Frederick J. Holman, Chairman
Saratoga Springs Planning Board

cc: Commissioner Casey, McGourty McTygue Valentine
Louis Farone

voting machines and are in complete charge of all election inspectors and the voting machine custodians. This sometimes leads to conflicting sets of instructions. There is always the possibility that lacking space on the machine, the City candidates would go on paper ballots.

In the event that there should be a State, County and City Primary in any combination, the City Candidates might have to go on paper ballots. What many people find confusing is the fact that they can vote in a City primary and no others. They have been told that they do not have to be enrolled in a Party to vote in a Primary in Saratoga Springs. They take this to mean all elections as long as they are voting in the City.

Jan Powers, 17 Congress Avenue, asked if a voter had to be either a Republican or Democrat to vote.

The City Attorney stated you must be registered in the party to vote in a Primary.

Remigia Foy stated that they could have open primaries which would take care of independent voters.

John Maxam, Hathorn Blvd., asked for a clarification of Mr. Scranton's remarks on candidates.

Mr. Scranton advised that only two candidates can run in the general election under Non-Partisan. Under Partisan, you can have many candidates.

Deslyn Manniello, 82 Court St., told the Council that in circulating the petitions, older voters liked the idea of voting on the issue as newcomers also liked the referendum on the matter. This can be an educational instrument - people can attend forums and learn more about the system.

Mrs. Van Meter said that Mr. Scranton's remarks on petitions relates to the Saratoga Springs' forms where no dates are specified. The League used forms in conformance with State Election Law and have all the required information for a voter petition. There are safety valves required in State Law and other protections also.

Raymond Watkin suggested that the Council could change the form of the petitions requiring dates and election districts.

Jan Powers asked why partisan elections are thought to be better if they have been voted on before.

Mayor Jonas stated it has been voted down three times by the people and there are different schools of thought on it.

Raymond Watkin added that it was voted down in 1970 when it appeared as a separate issue from changing the form of government.

Remegia Foy, 95 Oak Street, told the Council that she was an Independent and had served as Comm. of Finance for two terms and that she concurred with Mr. Watkin on making decisions as a member of the Council without consulting with the Party Chairman and she was concerned by this pressure. She also stated that she has never had an answer on the 2,000 voters (independents) who would be frozen out. She stated it is still a small town and non-partisan elections have served the City well even though there is an argument under Partisan elections that you can run as an independent if you lose out in the Primary. The essential question is whether you want Charter Revision and how to go about it - piecemeal or by a plan. Ms. Foy stated it was unhealthy to piecemeal change and pointed out that with inflation the figure of $1,000 on purcheses without bids should be revised upward as an example of changes needed.

Carl Caruso stated that now about 120 signatures are required on a City petition and asked how many were needed under the Partisan Elections.

Mr. Scranton said he thought it was 5% of the number who voted in the gubernatorial election.

Mayor Jones suggested that Mr. Scranton get the answer to Mr. Caruso if he was not certain of the number.

Hearing closed at 7:07 P.M.

Mayor Jones opened a public hearing at 7:15 P.M. on the Planned Unit Development for property designated on the Assessor's Map of the Outside Tax District as 180-4-1, 180-4-2.1, 180-4-2.2, 180-4-3, 180-4-16, 180-4-18, 180-4-19, 180-4-20 and 180-2-12, 180-2-13, 180-2-16, 180-2-17, 180-2-22, 180-2-23 and 180-2-30 which property is approximately 250 acres, having a frontage of 4,108.32 feet on the south side of Union Avenue and the Union Avenue Extension and 1,295 feet on Crescent Avenue and 1,770 feet on the north side of Union Avenue, Route 9-P.

Mr. Anthony Adang, Attorney, appeared before the Council representing the petitioner, Louis J. Farone Jr. requesting the change of classification from Conservancy to Planned Unit Development.

Mr. Adang stated that there were two segments to the concept plan - the 1st parcel being bounded by Rt. 9-P, Union Ave., Crescent Ave. and Lake Lonely and the 2nd parcel bounded by Dyer Switch Rd., Fish Creek and Route 9-P. The over-all scheme has 7 zones of property.

Zone A. (Now Interlaken) - 60 Acres, 19 of which will be developed with 9 clusters in Zone A for multi-family residence (condominiums) built in clusters of 2 and an apartment house of 20 units. Cul de sacs, pedestrian walk-ways and carriage pass will be provided and there will be no development along the slope of Route 9-P and Union Ave. Extension. There will also be tennis courts, a pool, administration building and dock facility.

Zone AA (Canterbury Restaurant Area) Restaurant will be retained and a 50 room Inn will be attached. There will also be a 6,000 s.f. space for offices and retail use in the Canterbury complex within the community but no outside interests will be involved. There will be parking spaces for 230 cars.

Zone C. 40 Acres, 15 of which will be developed. Clusters of condominiums linked by path-ways and carriage paths. Access routes are from Union Avenue and Crescent Avenue.

Zone B. 60 Acres, 19 of which will be developed. There will be a large open space in the interior - the "padded area" is a park. There will be 9 clusters of condominiums with the park for the residents. They will be linked by internal pathways and carriage paths.

Zone BB. Riley's Lakehouse Area. Riley's Lakehouse will be revitalized as a restaurant facility and perhaps a 100 room hotel depending on market feasibility. Riley's may be placed on the National Register in the near future.

Zone D. 6 lots (1¼ acres) which will be sold for single family residences. Lot 6 is Mr. Farone's residence.

Zone E. 22 acres for single family residences. 7½ of which will be developed.

Mr. Adang pointed out that less than one third of the available acreage will be used for development. Currently there is no sewer service there but the County has extended it along Route 9-P and there will be a Pumping Station at the intersection of Crescent and Union Ave. Extension and also one at Fish Creek. Eight inch sewer mains will be used. The capacity of the impeller will

be increased in one area. There is ample water on the site and water will be supplied by a system of wells. Sprinkler system will also be built. Surface water flow will be directed by a series of open swails. The Planning Board has sent a letter to the City Council dated June 2, 1982 that there will be no adverse impact and, in fact, that the impact will be favorable with additional tax revenues generated offsetting any cost the City will incur in this project.

Mr. Adang stated that the roadways will be owned and maintained by the developer. The Planned Unit Development enacted in February, 1982 gave the Council, Planning Board and City Engineer the mechanism for extracting hard data.

Mr. Adang stated that the only services that would be used would be schools, fire and police protection. The petitioner has sust. . . this burden with the Planning Board and the Planning Board was satisfied that the studies show the development will not adversely impact on the City. He pointed out that "Conservancy" does not mean "preserving the status quo or no progress". The P.U.D. gives the Planning Board a way to monitor progress. The area is presently zoned for seasonal, recreational and residential use. The over-all concept is in harmony with the statute prior to the P.U.D. and the Master Plan of 1970. Market studies indicate about $150,000 for each condominium unit.

Mayor Jones inquired about the time frame of the project.

Mr. Adang stated that the first stage will begin in Zone A - the recreational facilities are intact and the total project will be built over 5 to 10 years.

Comm. McGourty stated that he had received telephone calls on the taking of property on Gilbert Rd. to widen it.

Mr. Adang stated that independent traffic studies were taken and the bottom line figure shows the development will generate a 15% increase in traffic on Gilbert Rd. There will be a ten year build-up. He pointed out that there are 200 camp sites there now during July and August.

Comm. McGourty requested a copy of the traffic study and asked if it could be made a 2 lane highway.

Comm. McTygue said it would be a great expense to re-build Gilbert Road and he can't see the funds being appropriated for it.

William Cummings, Planning Board member, told the Council the Planning Board was pleased with the professional manner of the presentation to them. Its is a tremendous undertaking. He stated the Planning Board was also impressed with the concerns of the Piping Rock Circle citizens on traffic and there was a concensus that the impact on Gilbert Road was insignificant. However, it was a justifiable concern. There was also a concern about water but there is an ample supply in that area based on an independent study.

Michael Allers, Lake Lonely, told the Council that he had not read about the hearing until Sunday and notices in the paper were not legal on Sundays and asked for a postponement of the decision due to lack of notice since many residents are away at this time.

Jack Gregg, Gilbert Road, told the Council that approval of this development will open up "pandora's box" and also asked for a postponement.

Larry Gorski submitted a petition signed by 100 residents in opposition to the approval of the P.U.D. and the change of the land zone. Mr. Gorski asked about the dock proposed at Lake Lonely.

Mr. Adang said it would only be for the residents - it would not be a marina - and only for small boats.

Mr. Gorski stated that Mr. Farone's residence would be on Lot 6 and the conservancy requirement now is for 2 acre plots but under the new development only 1½ acre plots would be required.

Judy Casey, Piping Rock Circle, asked how many stories high the buildings would be.

Mr. Adang said they would be 2 story buildings but he was not sure how high the apartment house would be.

Jack Cline, Lake Lonely, stated his concern about the number of inhabitants there.

Mr. Adang estimated about 1,300 people (2.3 occupants per unit).

Robert Cline, Lake Lonely, asked that the matter be delayed since he just heard about Mr. Farone's plans on Tuesday and a great many people may want to hear more.

Mr. Adang pointed out there have been two Planning Board hearings that were well publicized and well attended and the same concerns were expressed at that time. This hearing was scheduled by the Council and properly advertised in The Saratogian - time is rapidly expiring and a substantial amount of money is involved. Any undue delay may "scare off" the 3 interested investors. Mr. Adang pointed out that if the Council approves the P.U.D., they still must go back to the Planning Bd. since he does not have all the answers at this time. Margaret Roohan, Seward St., asked if there was an aquifer there to draw from.

Mr. Holman, Planning Bd. Chairman, stated the aquifer lies to the west - it is not the same as Geyser Crest one - it will not effect our wells in that area.

Jan Gorski told the Council that many summer residents were not here yet and haven't had a chance to voice their opinions. She added that all development is toward Lake Lonely.

Mr. Adang stated that most of the flat acreage is there and it provides the most attractive views.

Robert Cline pointed out that it is a rural area and Lake Lonely is really only a pond. He felt the City had made a certain commitment with Conservancy zoning there to the people of the area and this should not be destroyed.

Mayor Jones assured the residents that the Council shared their concerns and would make the best effort they could.

Glenn Jamison told the Council he had returned from Florida to this area - the pasture and grazing lands in Florida have been built up and are covered with concrete today. There should be a balance of living space and business districts without one taking over too much. He suggested that buildings on Broadway should be renovated for residential use and the City should protect what they have.

Joseph Lamb Jr. complained about insufficient notice of the hearing and asked if there had been an environmental impact study.

Mr. Adang advised that all the proper papers were filed with the Planning Board and processed with all the State agencies who had an interest in the application. No State agency felt there was adverse impact.

Mr. Lamb requested a delay in the matter until the next meeting.

Mayor Jones pointed out that everything required had been accomplished and nothing was left un-done.

Marjorie Martin asked if this matter could be tabled with a 45 day time limit - and asked where that would

leave the developer.

Mayor Jones said the developer would have to proceed at his own risk.

The City Attorney added that this is the Council's first P.U.D. public hearing and normally there is only one public hearing.

Judy Casey also requested a 2 week delay.

Mayor Jones stated the request would be taken under advisement.

Jack Cline said he questioned whether or not the Council had enough facts for a decision - distances - number of stories high - have not been answered.

Mr. Adang said he was unsure of the height of the apt. house but the other units will be 2 stories high. The Council has never had as much data as this application has presented. The Council is a legislative body and relies on the staff (Planning Board) who have thoroughly reviewed this application. A delay will not serve any-one.

Mayor Jones announced that the Council will take the matter under advisement.

Public hearing closed at 8:15 P.M.

The Mayor called the regular session to order at 8:25 P.M.

Comm. Casey moved for the approval and payment of the payroll for 6-25-82 in the amount of $89,517.65 and for 7-2-82 in the amount of $90,132.26.

Seconded by Comm. Valentine.

Ayes all.

Comm. Casey moved for the approval and payment of warrants #103-9 in the amount of $88,918.27 for the General Fund and $7,915.55 for C.D. for a total of $96,915.55.

Seconded by Comm. Valentine.

Ayes all.

Comm. Casey requested a public hearing be scheduled for the July 19th meeting at 6:30 P.M. re: Discount on City and County tax bills

Comm. Casey advised that a Bond Anticipation Note was needed of $44,400 to pay for the Loader.

Comm. McTygue explained that the loader at the landfill was down and the estimated repairs were $10,000-11,000 and the Council decided to purchase a new one but no funds were placed in the 1982 budget for it. This was done in a workshop session and suggested that it be paid for in 3-4 years.

Comm. Casey said it could be paid for out of Capital in 2-3 years

Mayor Jones stated that he had been notified by Senator Bruno's office that the City will receive the same amount as last year in supplemental state aid ($206,800) and it would be better to pay for the equipment from these funds.

Comm. Casey said the interest rate is 10% - the City can set aside the State Aid money at 14%. The money will come from Capital funds.

Comm. McTygue pointed out the City is faced with the possibility of purchasing a new sewer cleaning machine which is needed.

Mayor Jones said that he felt that the additional revenues would solve the problem. He was averse to bonding - short term loans could be arranged - and there are 3 items on the agenda requiring additional funds.

Deputy Cummings suggested that bonding for 1 year would require a raise in the budget figures and the entire revenues for the year are not in yet.

Comm. McTygue pointed out the City has had the machine 8 weeks and it should be paid for.

Comm. McGourty stated that this is a 2 year bonding matter and the Council should not open the flood-gates on bonding.

The City Attorney advised it is not a bonding procedure but a Bond Anticipation Note and the Mayor's point is well-taken.

Mayor Jones stated it will cost the City $4,000 to bond.

The City Attorney suggested a 6 months note.

Comm. Casey moved to amend the Bond Anticipation Note Resolution for $44,400.00 for six months duration and that the Finance Dept. be authorized to send the check.

Seconded by Comm. McGourty.

Ayes all.

Comm. Casey moved for the adoption of the following resolution.

A RESOLUTION OF THE 6TH DAY OF JULY, 1982, AUTHORIZING THE ISSUANCE AND SALE OF A FIRST SERIES OF BOND ANTICIPATION NOTES IN THE PRINCIPAL AMOUNT OF FORTY-FOUR THOUSAND FOUR HUNDRED AND no/100 ($44,400.00) DOLLARS.

WHEREAS, the City of Saratoga Springs, County of Saratoga, has purchased a loader for the purpose of maintaining the City landfill, and

WHEREAS, it is necessary to issue and sell bond anticipation notes in the principal amount of Forty-Four Thousand Four Hundred and no/100 ($44,400.00) Dollars for the financing of said purchase,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Saratoga Springs, County of Saratoga, New York, by the favorable vote of not less than two-thirds of the voting strength of said Board as follows.

1. The Finance Commissioner of the City of Saratoga Springs is hereby authorized to issue a first series of bond anticipation notes of the City of Saratoga Springs in the aggregate principal amount not exceeding Forty-Four Thousand Four Hundred and no/100 ($44,400.00) Dollars, in anticipation of the sale of serial bonds hereafter to be issued in the aggregate principal amount of Forty-Four Thousand Four Hundred and no/100 ($44,400.00) Dollars authorized to be issued by this bond resolution.

2. The Finance Commissioner of the City of Saratoga Springs is hereby authorized to sell at private sale the first series of bond anticipation notes herein authorized to be issued. Such notes may be sold and delivered at one time or from time to time, and if sold at different times, they shall be dated as of their respective dates of issue. Each of said notes shall mature not later than six months from its date of issue. The place of payment, denominations, and all other items, details and contents of said notes, including interest rate of said notes and including provisions for redemption, if desirable, shall be determined by the Finance Commissioner of the City of Saratoga Springs.

3. The said first series of bond anticipation notes shall be signed by the Finance Commissioner of the City of Saratoga Springs, and countersigned by the City Clerk of the City of Saratoga Springs and shall have the corporate seal of the City of Saratoga Springs affixed thereto.

4. Said first series bond anticipation notes are not issued in the anticipation of bonds for any assessable improvements.

5. This resolution shall take effect immediately.

Seconded by Comm. McGourty.

Ayes all.

Comm. Casey stated that the City has an agreement with the C.S.E.A. on the adoption of a Salary Schedule and he would like to schedule a workshop meeting on July 12th at 7:00 P.M. to

whose premises a violation occurs of Chapter 74 of the City Code of the City of Saratoga Springs entitled "Noises" two times in one year shall have his license revoked for one full year and shall not be eligible for another license until the expiration of one full year.

Any person who fails to remove a sidewalk structure by October 31st as provided for in Section 97-8-5 shall not be eligible for a license in any following year."

SECTION 6. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

Seconded by Comm. McGourty.

Ayes all.

Comm. Valentine moved for the adoption of the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 74 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NEW YORK, KNOWN AS "NOISES".

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, as follows:

SECTION 1. Section 74-7 of said ordinance entitled "Unusual noises in streets or public places" is hereby amended to read as follows:

"Section 74-7. Unusual noises in streets or public places.

It shall be unlawful for any person to make, aid or countenance or encourage or assist in making any unusual or improper noise, riot or disturbance, in any street or public place to the annoyance or inconvenience of travelers, or to persons residing adjacent thereto; nor shall any person use any profane, obscene or vulgar language in any street or public place.

This section shall apply to all sidewalk cafes and any violation of this section occuring at a sidewalk cafe shall be noted in the record of the cafe owner kept in the Office of the Commissioner of Accounts."

SECTION 2. Section 74-15 of said ordinance entitled "Penalties" is hereby amended to read as follows

"Section 74-15. Penalties.

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not less than five dollars ($5.00) or more than one hundred dollars ($100.00) or by imprisonment for not more than thirty (30) days or less than five (5) days, or by both such fine and imprisonment, and each day on which such violation continues shall constitute a separate offense.

Any person who holds a sidewalk cafe license and at whose sidewalk cafe a violation occurs, shall, in addition to the punalties provided for in this chapter which may upon have their license to operate a sidewalk cafe revoked by the Commissioner of Accounts, but only after two such violations in any one year and no person at whose sidewalk cafe this chapter has been violated two times in any one year shall be eligible to obtain another sidewalk cafe license for one full year following the second offense."

SECTION 3. This ordinance shall take effect the day after publication as provided by the provisions of the City of provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

Seconded by Comm. McGourty

Ayes all.

Mayor Jones asked who the enforcer would be.

Comm. Valentine stated that Comm. McGourty was the enforcer.

Comm. Valentine stated that at a meeting of the Downtown Merchant Association, Chamber of Commerce and Special Assessment District, he agreed to request a public hearing on an ordinance to allow canopies on Broadway. The Chamber will get back to his office on their recommendations and he requested a public hearing be set for July 19th to bring this matter to a vote - 7:00 P.M.

Comm. Valentine stated that, upon the recommendation of David Moyer, Assistant Assessor, and with the approval of Mr. Schimmel and the City Attorney, he moved for the approval for the City Attorney to prepare a contract with Harry O. Lee of the firm of Lee Lo Forestier, Malone, Smith and Hoeft of Troy, N.Y. as Cortorari Attorney for the City and authorization for the Mayor to sign the contract. Comm. Valentine moved for the transfer of the sum of $20,000 from the Contingency to Assessment A-1355-478.

Seconded by Comm. Casey.

Comm. Valentine stated that Peter Tulin will stay on during the transfer even though his money has run out.

Comm. McGourty asked about the status of the Contingency now.

Comm. Casey reported that he had been saving this money for the expenditures but now the contingency was "wiped out."

Mayor Jones stated that the charge for the Attorney is $125.00 per hour, that he is highly recommended and the City is trying to get the best they can.

Ayes all.

Mayor Jones moved for approval to sign a Letter of Agreement with the CPA Firm of Edwards, Williams, McManus, Ricciardelli & Coffey of OCD Closeout Audit for the fixed fee of $1,650.00.

Seconded by Comm. McTygue.

Ayes all.

Mayor Jones stated that HUD is not satisfied and would like to see some action in the matter of the elevator ($70,000) in City Hall.

Comm. McTygue stated he would like to discuss different location at the workshop session.

Mayor Jones announced that the Senate and Assembly have allowed the creation of the IDA and the Civic Center Authority and that he has received notice that the supplemental aid to the City is $206,887.

Mayor Jones stated that the P.U.D. has been discussed and debated and asked if there were a motion to postpone the vote.

There was no motion offered to postpone the vote.

Comm. Valentine moved for the adoption of the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 136 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NEW YORK, ENTITLED "ZONING."

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

SECTION 1. Chapter 136 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" is hereby amended to show and reflect the following change in district boundaries from its classification as a Conservancy District to a Planned Unit Development, which property is designated on the Assessor's Map of the Outside Tax District of the City of Saratoga Springs, as 180-4-1, 180-4-2.1, 180-4-2.2, 180-4-3, 180-4-16, 180-4-18, 180-4-19, 180-4-20 and 180-2-12, 180-2-13, 180-2-16, 180-2-17, 180-2-22, 180-2-23 and 180-2-30 and which property is more specifically

described as consisting of approximately 250 acres, having a frontage of 4106.32 feet on the south side of Union Avenue and the Union Avenue Extension, and 1295 feet on Crescent Avenue and 1770 feet on the north side of Union Avenue, Route 9P.

SECTION 2. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

Seconded by Comm. McCourty.

Robert Cline said it was his understanding that if 80% of the adjoining property owners objected, a 3/5 vote was required.

Mayor Jones advised that a simple majority (3 votes) would pass the ordinance.

The City Attorney explained that was a requirement under a re-zoning but is not a requirement under the P.U.D. matters.

Frederick Holman, Planning Board Chairman, agreed.

Comm. Valentine pointed out that there were many articles in the paper as far back as February.

Mayor Jones stated he was sorry the residents were not more fully advised.

The City Attorney advised that a postponement could have been considered if it had been requested for a specific reason - such as an engineering study or certain evidence with a heavy bearing on the matter. He stated that the legal notice had appeared in the paper on July 25th in the legal publication of the City and the City cannot send letters to all the residents of an area advising them of public hearings. He added that there must be some rules followed in these matters.

Mayor Jones added that if the City has not filled their obligation, the residents have recourse.

Comm. Casey stated he was a resident of Gilbert Rd. and also has an interest in property on Union Avenue and would abstain in the voting.

Comm. Valentine called for the question.

Ayes - Mayor Jones, Comm. McTygue, Comm. McCourty, Comm. Valentine.

Abstain - Comm. Casey.

Comm. McTygue pointed out there were still additional steps to be taken for final approval and the matter goes back to the Planning Board.

Mayor Jones announced the ordinance passed by 4 votes.

The City Attorney advised the residents that many of the questions asked will be decided on at Planning Board meetings and the applicant will be back for another approval.

Meeting adjourned at 9:30 P.M.

CITY COUNCIL

Regular Meeting - July 19, 1982 - 6:30 P.M.

Present - Mayor Jones, Comm. Casey, Comm. McTygue, Comm. McCourty, Comm. Valentine

Mayor Jones called the meeting to order at 6:35 P.M. for the purpose of holding a public hearing on proposed Local Law No. 3 of 1982, A Local Law To Amend Section 92 Of The Charter Of The City Of Saratoga Springs Entitled "Discounts".

City Attorney, Richard Mullaney, explained the proposed Local Law which will permit the City to give a 2½% discount to property owners who pay the entire year's taxes on or before March 1st each year.

Comm. Casey stated that it really is a 3% discount and will help their cash flow. His department would like to see how this works out. Previously the discount was 1½% over-all on an annual basis and the discount has been raised ¼ of a per-cent. He felt the City would "break even" and will not lose any money. It will save time in the office on bookkeeping.

There were no appearances.

Public hearing closed at 6:45 P.M.

Mayor Jones opened a public hearing on the 3rd year application for the Small Cities II Program at 6:45 P.M.

Dominic Cardillo, Community Development Director, stated that the purpose of the hearing was to receive input and obtain comments from the citizens and answer questions regarding the third and final application for $500,000 under the Small Cities Program. The application must be submitted to HUD by August 20, 1982. A total of 1.5 million was approved in January, 1980 for the years 1980, 1981 and 1982.

Mr. Cardillo presented the 3rd year budget breakdown as follows:

Housing Rehabilitation Grants	$100,000
Housing Renovation Loans	205,000
Site Improvements	100,000
Administration, Planning & Management	60,000
Contingencies	35,000
Total Third Year Grant Request	$500,000

The designated area will remain the same. Project activities will address the problems and needs of low and middle income persons in the area. This is the final $500,000. In 1983, the City will be back in the competitive pool for funds.

Comm. Valentine asked if the money had to be used up.

Mr. Cardillo advised that the money can over-lap. HUD had sent us a letter encouraging the City to increase their performance.

Mayor Jones pointed out that HUD wants the City to spend the money and show performance for the money spent. He asked when the City could make application for funds again.

Mr. Cardillo stated the City could apply for additional funds as soon as word is received for 1983 - late this year or early next year.

Comm. Casey asked about additional funds for the Village Brook project which is not completed.

Mr. Cardillo said that the project would not receive a high priority from HUD.

Comm. McTygue asked about changing the boundary line to include the Church St. area above the Hub. Sidewalks there need attention and many small businesses have made improvements there.

Mr. Cardillo said there is a possibility for the extension if there is money left-over and he would propose this to HUD. However, there are no residential families there and he would have to inquire if the change of boundary would require a formal amendment.

Comm. McTygue stated that drainage correction is also needed.

Mr. Cardillo pointed out that the City has not done everything yet that we said we would - after this is accomplished, we can talk about this request.

Comm. McTygue said the little businesses are struggling along there and the City should help.

Mr. Cardillo said he would talk to HUD.

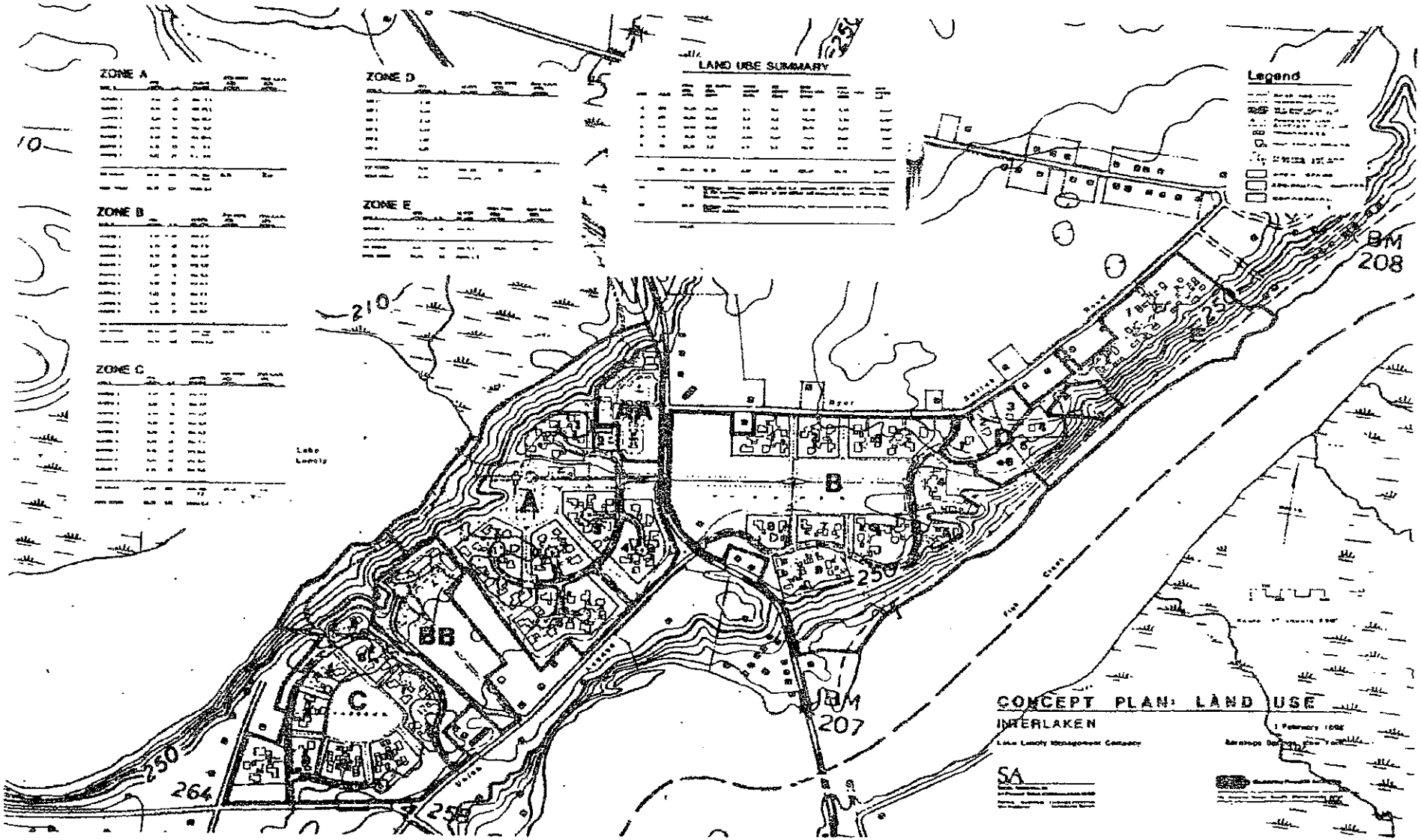
Mayor Jones advised they will do the work requested by Comm. McTygue if they can find the money.

Hearing closed at 7:05 P.M.

Mayor Jones called the regular meeting into session at 7:30 P.M.

Pledge of Allegiance to Flag.

Comm. Casey moved for approval of the payroll for 7-9-82 in the amount


ZONE A
ZONE B
ZONE C
ZONE D
ZONE E
LAND USE SUMMARY
Legend
Lake Lonely
210
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A
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BB
BM 208
BM 207
CONCEPT PLAN: LAND USE
INTERLAKEN
SA

LAND USE SUMMARY

ZONE	UNITS	GROSS AREA ACRES	NET CLUSTER AREA ACRES	GROSS DENSITY DU/AC	NET DENSITY DU/AC	OPEN SPACE AREA ACRES	ROAD R.O.W. AREA ACRES	ROAD LENGTH L.F.
A	188	56.19	19.48	3.4	9.6	30.72	5.99	4745'
B	152	66.87	20.91	2.3	6.3	42.44	3.52	2790'
C	113	40.52	15.88	2.8	7.2	20.04	4.60	3645'
D	6	8.76	7.31	0.68	0.82	0.76	0.69	550'
E	41	22.23	7.8	1.9	5.3	13.51	0.92	730'
Residential Totals	500	194.57	71.38	2.57	7.0	107.47	15.72	12,460

AA	6.73	Program: 360-seat restaurant, 2000 S.F. grocery and 10,000 S.F. office rehab at the Canterbury, 8250 S.F. of new office and commercial space, 50-room Inn, 231-car parking.
BB	13.76	Program: 110-room hotel-conference center, 150-seat restaurant at the Riley, 170-car parking.
	215.06	

August 10, 1982

Richard F. Mullaney, Esq.
City Attorney
City Hall, Broadway
Saratoga Springs, New York 12866

RE: Interlaken Planned Unit Development
Louis J. Farone, Jr.

Dear Mr. Mullaney:

I am enclosing herewith a copy of the Concept Plan for the Interlaken Planned Unit Development which was approved by the City Council of the City of Saratoga Springs on July 6, 1982.

The planned unit development consists of approximately 215 acres which is bisected by Route 9P and bounded as follows: The first segment consisting of 117 acres is bounded by Route 9P on the north and east, Union Avenue extension on the south and east, Crescent Avenue on the south and Lake Lonely and contiguous property owned by Louis J. Farone, Jr. on the west and north. The second segment consisting of 98 acres is bounded by Dyer Switch Road on the north, lands of Louis J. Farone, Jr. on the north and east, Fish Creek on the south and Route 9P on the south and west.

The planned unit development will consist of a combined total of 500 residential dwelling units located in both segments; 6000 square feet of commercial retail space in the present Caunterbury facility, 6000 square feet of commercial office space also in the present Caunterbury facility; a 54 room inn to be constructed at the Caunterbury facility; a 150 room hotel and conference center to be constructed at the present site of Riley's Lake House; and a 450 seat restaurant to be constructed at the present site of the Riley's Lake House; 15 townhouse apartment units and 6 building lots for single-family residences. The exact location of the residential dwelling units within the Planned Unit Development have not been precisely determined at this time and will depend to some extent upon architectural, engineering and market considerations. The inn, hotel, commercial and retail space will be in those areas which I have indicated.

Sanitary sewer services to the planned unit development will be provided by the Saratoga County expanded sewer district and water will be supplied by the numerous wells located on the site of the project. All roads, drainage easements and rights of way will be constructed and maintained by the developer. It is anticipated that construction will begin within nine months.

If you should require any additional information, please do not hesitate to call.

Very truly yours,

[illegible]

Anthony P. Adang

APA/bc

Enclosure

cc: Louis J. Farone, Jr.

Exhibit E

Comm. McTygue wanted to know why the City Center hired a Custodial Manager. It is a City building.

Mayor Jones stated it will not be a municipal building after it is paid for.

Mayor Jones requested the approval of the following change order for the City Center:

Change Order #34 for MLB in the amount of $239.00.

Seconded by Comm. Butler. Ayes all.

Mayor Jones stated the Real Estate Committee has set a Public Auction for August 23, 1984 at 1:00 PM.

Comm. McTygue suggested the West Side Neighborhood Association be informed about land next to a public cemetery that is up for sale.

Mr. Ted Corbett of the Preservation Foundation said they are not sure where parcel begins and ends. There is nothing of any archeological significance in the parcel.

Mayor Jones moved that he be authorized to advertise for the Public Auction.

Seconded by Comm. Butler.

Mr. Dominic J. Cardillo asked if there was a parcel on East Beekman Street up for sale.

Mayor Jones said it was taken off the list because Franklin Center will be using it for parking.

Ayes 4 Nayes 1 - Comm. McTygue. Carries 4-1.

Mayor Jones moved that he be authorized to sign a Funding Split Agreement re Section 18 Public Transportation for CDTA for years 5 and 6 in the amount of $150,020.

Seconded by Comm. Butler. Ayes all.

Mayor Jones reported receiving a $100 donation for the Rec Field lights from Mr. & Mrs. Steven Ferradino.

Mr. Richard Mullaney stated he has notified the insurance carrier about the fence at the City parking lot on Church Street. The fence is on Mr. Clark's property and the wall is on City property - the fence is in the ground and not on the wall.

Comm. McTygue stated the City Engineer is surveying the area where the fence stands.

Mayor Jones moved for the adoption of an ordinance amending a previous ordinance adopted July 5, 1982 re Chapter 135, "Zoning". This will correct the ordinance to read 215 acres instead of 250 acres on property owned by Louis Farone for a PUD. There are no other changes.

Mr. Mullaney said the change was shown to the Planning Board and they have no objection.

Seconded by Comm. Butler. Ayes all.

AN ORDINANCE TO AMEND CHAPTER 135 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NEW YORK, ENTITLED "ZONING".

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

SECTION 1. Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" is hereby amended to show and reflect the following change in district boundaries from its classification as a Conservancy District to Planned Unit Development, which property is designated on the

Assessor's Map of the Outside Tax District of the City of Saratoga Springs, as 180-4-1, 180-4-2.1, 180-4-3, 180-4-16, 180-4-18, 180-4-19, 180-4-20 and 180-2-12, 180-2-13, 180-2-16, 180-2-17. 180-2-22, 180-2-23 and 180-2-30, and which property is more specifically described as consisting of approximately 215 acres, having a frontage of 4106.32 feet on the south side of Union Avenue and the Union Avenue Extension and 1295 feet on Crescent Avenue and 1770 feet on the north side of Union Avenue, Route 9P.

SECTION 2. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

Mayor Jones reported on the following Charter Commission Vouchers:

$100 for editing
119 transcription of minutes
150 custodial services-use of school

Mayor Jones stated he had received a letter from Robert Scott, Recreation Director, stating the no parking at the Rec on Lake Avenue caused no measurable impact to area users. Inadequate parking still exists and should be addressed soon.

Mayor Jones asked if we should continue with parking on Granger and Lake.

Comm. McGourty suggested letters be written to all schools using the field notifying them of the new parking area when the fall games begin.

Mayor Jones stated the East Side Rec lights have been authorized to be installed by the City and the school district on a 50-50 basis of up to $31,000 each.

Comm. McTygue said Comm. Butler should be thanked for his work in getting donations from contractors for their services and for his work in negotiating with the School Board of Education.

Mayor Jones said a letter was received from Turbon Corp., dated July 20, 1984, regarding a Small Cities application for a ten year loan for $250,000 at 5% interest for equipment for their new plant.

Comm. McTygue asked if they have committed money for sewer lines.

Mr. D. Cardillo said this is between Planning Board and Turbon.

Mayor Jones said there have been letters and questions from the residents of Crescent Avenue regarding a hospital being considered for the area. An environmental impact has been done.

Comm. McGourty has talked with L. Benton of County Planning Board and the plans are to be done at applicants cost. It will be checked over when it is done. In regard to security at the hospital, Comm. McGourty will discuss this with the group at a later date.

Mr. Ted Corbett, Executive Director of the Preservation Foundation, stated he has met with Comm. Butler and Comm. McTygue to set up a budget for the Spirit of Life restoration project. The cost of the masonry is $27,000 with the Foundation giving the City $17,000 toward the restoration and the City will add the additional $10,000. The Foundation will pay $7,000 to the Architect for his fees.

Comm. Butler said in this type of project where City money and outside money is involved, the money will flow thru the City. Everyone should know where money is coming from and how it will be spent.

Mayor Jones moved that this project be approved.

Seconded by Comm. Butler. Ayes all.

Exhibit F

Waive of Bid - Vehicle Purchases

Commissioner Thomas Curley moved and Commissioner Edward Valentine seconded to waive the bid for the purchase of one police vehicle in the amount of $18,982. Ayes all.

Authorization for Mayor to Sign Governor's Traffic Safety Grant Award (96-28)

Commissioner Thomas Curley moved and Commissioner Edward Valentine seconded to authorize the Mayor to enter into this contract for the Traffic Safety Grant Award at $27,590. Ayes all.

Police Department Promotions Announcement

Commissioner Thomas Curley announced the promotions of Gary Forward, Michael Kyne and Michael Biss in the police department and congratulated them.

Page Award Update

Commissioner Thomas Curley thanked the union in obtaining a grant which allows the City to obtain the pagers for the firefighters. He said this would enable firefighters to be contacted directly by the dispatcher.

MAYOR'S AGENDA

Appearance: Michael Toohey - Petition for Zoning Amendment

Michael Toohey, attorney, representing John Roohan, Thomas Roohan and John Witt explained that his clients recently purchased a portion of the Interlaken Planned Unit Development which had historically been designated at Zone BB. He said the zoning petition does not significantly alter the density or style of this property which includes 30 detached or single family units and 120 apartment units. He said they are proposing an alternate use of a hotel, conference center and restaurant. He said the housing community would include recreational facilities, restaurant and retail space. He said that approximately 65 percent green space and 50 foot buffers would be maintained. He also said the area would be serviced by City water and County sewer lines. Michael Toohey asked that the Council forward this zoning amendment petition onto the Planning Board for an advisory opinion.

Mayor J. Michael O'Connell moved and Commissioner Thomas McTygue seconded to accept this zoning amendment petition and to forward it to the Planning Board for an advisory opinion. Ayes all.

Exhibit G

Award of Bid - Tree Removal

Upon the recommendation of the Department of Public Works, Commissioner Edward Valentine moved and Commissioner Thomas McTygue seconded to award the bid for Tree Removal to Tree Care by Stan Hunt of Queensbury, NY (low bidder). Ayes all.

Award of Bid - Street Trees

Upon the recommendation of the Department of Public Works, Commissioner Edward Valentine moved and Commissioner Thomas McTygue seconded to award the bid for Street Trees to Garden Time of Queensbury, NY. (Item #4 was rejected because it cannot be supplied) Ayes all.

Award of Bid - Traffic Paint

Upon the recommendation of the Department of Public Safety, Commissioner Edward Valentine moved and Commissioner Thomas Curley seconded to award the bid for Traffic Paint to Artco Equipment Sales, Inc., of Cohoes, NY per their bid (low bidder). Ayes all.

Award of Bid - Traffic Tickets

Upon the recommendation of the Department of Public Safety, Commissioner Edward Valentine moved and Commissioner Thomas Curley seconded to award the bid for Traffic Tickets to Moore Business of Albany per their bid (low bidder). Ayes all.

Set Public Hearing for Interlaken PUD - Zone BB

Commissioner Edward Valentine reported that the Council has received a favorable advisory report from the Planning Board concerning the revised amendments for Zone BB of the Interlaken PUD District at 649 Crescent Avenue. Since the application is now complete, it will be sent to the Saratoga County Planning Board for the required 30 day advisory opinion.

Commissioner Edward Valentine requested that a public hearing date on this project be set for Tuesday, May 7, 1996, at 7:00 p.m. Council members agreed.

Commissioner Edward Valentine moved and Mayor J. Michael O'Connell seconded that the City Council initiate a formal request to be SEQR lead agency for the environmental review of this project. Ayes all.

[redacted]

Exhibit H

CITY COUNCIL MEETING
CITY OF SARATOGA SPRINGS, NEW YORK
TUESDAY, MAY 7, 1996
CITY COUNCIL CHAMBERS
7:00 P.M.

PRESENT: J. Michael O'Connell, Mayor
Thomas Curley, Commissioner, Public Safety
Kenneth Klotz, Commissioner Finance
Thomas McTygue, Commissioner, Public Works
Edward Valentine, Commissioner, Accounts

STAFF PRESENT: Sam Downing, Deputy Commissioner, Public Works
Ralph Flinton, Deputy Commissioner, Accounts
Christine Gillmett, Deputy Commissioner, Finance
Bob King, Deputy Commissioner, Public Safety
Peter Tulin, City Attorney

PUBLIC HEARING

Interlaken Planned Unit Development Public Hearing

Mayor J. Michael O'Connell explained that this public hearing is for the Interlaken Planned Unit Development Zone BB which proposes to amend the existing PUD. The applicant is proposing to maintain the current use of the PUD which would allow for a 100-room hotel/conference center and a 150-seat restaurant, however, the applicant is also proposing a planned senior housing community of 150 units. He noted that the City Planning Board has issued a favorable advisory opinion and the Saratoga County Planning Board advisory opinion states that the project will have no significant county-wide or inter-community impact.

Michael Toohey, attorney representing the applicants (John Witt, Thomas Roohan and John Roohan) and Michael Ingersoll, The LA Group, appeared before the Council.

Michael Toohey said that in 1982 and again in 1984 the City passed the Interlaken PUD which involves 205 acres. The applicants are interested in one portion -- Zone BB -- which represents only 9 percent of the PUD. The applicants recently acquired this property through foreclosure proceedings and with that purchase came the right to continue the approved uses of that PUD, however, they are now proposing a different use. He said they would now like to incorporate the use of a senior housing complex.

Michael Toohey said that the previously approved use for this site was a hotel/conference center, a restaurant and 170 car parking area. He said they are now proposing to continue that use with a "sunset" clause of five years. He said if that option is not developed within five years it would be lost. They would maintain, for a ten-year period, the option of a senior housing complex.

Michael Toohey said the senior housing complex would allow for 30 detached units on the eastern portion of the site and along the rear of the site would be 120 unit apartments. There would also be outside and inside recreation facilities that would be consistent with the use of this property. These recreation facilities would be available only to the property owners. He said the proposed buildings will be at least 50 feet from the boundaries and green space will remain at or above the 60 percent level. He said it is consistent in design and density of the properties that were historically approved for use in this area. Michael Toohey said the property would be serviced by city water and county sewer. He said there is not a preferred developer at this time.

Commissioner Thomas McTygue asked what was the "either/or" stipulation. Michael Toohey explained that this proposed amendment would allow for either the hotel/conference center or the senior housing complex but not both. Commissioner Thomas McTygue asked if the ten-year time limit could be shortened. Michael Toohey said the hotel/conference center had been decreased to five years, however, the senior housing complex ten year time limit is consistent with other PUDs. Commissioner Thomas McTygue asked if this was just a concept or was there truly an interest in developing this area. Michael Toohey said there is interest in developing, however, there is no preferred developer at this time.

Commissioner Kenneth Klotz asked if the applicants had a preference for the hotel/conference center or the senior housing complex. Michael Toohey said the rational development pattern would be for the senior housing complex because of the demand. Commissioner Kenneth Klotz asked where this site exists on the map. Michael Toohey said the developed portion of the Interlaken PUD is to the north. He noted that some of their garages, etc. are within two feet of the property line. He said the applicant has agreed to a 50-foot setback on this site. Commissioner Kenneth Klotz asked about adjacent property owners' feelings. Michael Toohey said the applicant has appeared before the Planning Board four times and has had no negative comments from the neighbors. He pointed out that the senior housing complex is of lesser density than the hotel/conference center. Commissioner Kenneth Klotz asked about the hotel/conference center option and competition with the downtown facilities. Michael Toohey said drawing people to the downtown area is commendable but not every project can be the same. He said this proposal is an opportunity to have different things in different places throughout the community. He pointed out that the hotel/conference center would not be a significant draw for people to leave the downtown area. He said this could compliment the downtown area because people staying there would continue to come downtown.

Mayor J. Michael O'Connell then opened the public hearing.

Bill May, 19 Vallera Road, representing the Board of Directors of the Interlaken Homeowners Association, said they did not participate in the previous Planning Board meetings because they were away and have only recently returned to the area. He said they have a keen interest in this proposed amendment. He said they are not able at this time to endorse or condemn the proposal, however, they do have some concerns.

Bill May noted that in the March 28 letter from Lorraine Tharp, Planning Board Chair, to Edward Valentine, Commissioner of Accounts, it was noted that this proposal will not change the density in this area. He disagreed saying it will change the density. He also noted that current approval allows for a hotel/conference center and a 150-seat restaurant and parking area. He said in their deeds, it indicates that Zone BB is planned as a hotel/conference center and they thought they have a direct or indirect contract with the City through the original developers for the hotel/conference center and not a senior housing complex.

Bill May said the combined City and County taxes are projected to be $77,549. He asked if the City share would be about $44,000. Commissioner Kenneth Klotz agreed. He pointed out that there would be additional expenses spent in this area (fire, police, etc.) and asked whether it would be greater than the anticipated revenue.

Bill May said if the applicant is really seeking a zoning change and it would be setting a bad precedent. He said even with a 50-foot setback and screening a five-story building it would be detrimental to the area.

Bill May said that there is county water in this area. He asked about the 50-foot connection and not being required to directly tap into it. Michael Toohey said that a line would run from the County line and taps would then run from that main line.

Commissioner Thomas McTygue said as far as he was concerned there is only one water system in the City and that is City water line. He said he does not recognize the Saratoga County Water Authority. Bill May said that the Interlaken PUD is specific in stating that they would be serviced by a private water company. Commissioner Thomas McTygue agreed, however, noted that was before there was a City line east of the Northway. Bill May said they did ask to join the City water system, however, he said that DPW refused them. Commissioner Thomas McTygue disagreed saying that the last correspondence he received through previous Mayor A. C. Dake was that DPW should not continue to negotiate because Interlaken would be utilizing the Saratoga County Water Authority lines.

Marion Walsh, attorney representing Interlaken, said the letter from the City stated that the City was at a loss to understand why the City should take over the system. Bill May said the City wanted to charge the homeowners in this area $3,000 per unit to connect to the City system.

Tom Ferguson, 258 Caroline Street, requested that anyone addressing the Council refrain from using profanity.

There being no one else wishing to address the Council on this matter, Mayor J. Michael O'Connell closed this public hearing.

The Village at Saratoga Planned Unit Development Public Hearing

Mayor J. Michael O'Connell said The Village at Saratoga Planned Unit Development proposal would allow for a residential unit planned unit development. He said this PUD would allow for the construction of a community center and up to 118 residential units. He said this petition proposes to amend the zoning map to change the designation from Urban Residential-2 to Planned Unit Development District. He said the land affected by this change it approximately 20 acres. Mayor J. Michael O'Connell said the City Planning Board has issued a favorable advisory opinion on the proposed amendment and the advisory opinion from the Saratoga County Planning Board recommends approval with comments relating to buffers, setbacks, and road layout.

Jim Carr, architect/land planner Duten Associates, said this proposal contains 19.78 acres. He said they are proposing to subdivide it into 107 lots with 118 units. He said they are proposing 40 and 50 foot wide lots and 11 lots with duplexes. They are also proposing a community center and sales office. The community center and sales office facility will be approximately 2,500 square feet and will include a pool and volleyball court. He said the four typical housing units, which the Planning Board worked at great length on, will create a certain character/theme. He said at least 70 percent of the units will have front porches, the roof pitch will be 8:12 minimum and the square footage on the first floor will be at least 1,100 square feet.

Jim Carr said the target market consists of three segments: 1) senior citizens; 2) empty nesters and single people; 3) residents who live in Saratoga Springs only part of the year. He noted there are public water and sewer. Storm drainage will be handled on site with a point discharge and streets will meet all city standards (55 feet wide with curbing). There will be a minimum of two off street parking spaces for each unit.

Commissioner Edward Valentine asked what the price range would be for these units. Jim Carr said approximately $160,000.

Commissioner Kenneth Klotz asked about the size of the senior citizen portion of these development. Jim Carr said that segment is at least 50 percent.

Commissioner Edward Valentine asked about the size of the duplexes. Jim Carr said they would range in size from 1,500 to 2,200 square feet.

Commissioner Kenneth Klotz said that he was not persuaded that this is the right project for this part of the City, therefore, he would not support this proposal.

Ayes: Commissioner Edward Valentine, Commissioner Thomas Curley and Mayor J. Michael O'Connell; Nays: Commissioners Kenneth Klotz and Thomas McTygue. Motion carried.

Vote: Interlaken Zone BB PUD (96-55)

On April 4, 1996, the City requested lead agency status for the SEQR for amendment for Zone BB within the Interlaken PUD. Within the 30-day period, no objections were received. Therefore, Commissioner Edward Valentine moved and Mayor J. Michael O'Connell seconded that the City Council establish itself as the SEQR lead agency for this PUD. Ayes all.

Commissioner Edward Valentine moved and Commissioner Thomas McTygue seconded for the issuance of a SEQR negative determination of significance and for the adoption of the ordinance to amend Zone BB of the Interlaken Planned Unit Development District.

Commissioner Kenneth Klotz said he hoped the hotel/conference center would be eliminated from the proposal and that the senior housing complex would be developed but understood the applicants desire to maintain both options.

Ayes all.

Status of Revaluation

Commissioner Edward Valentine informed Council members that on April 26 he met with Bob Mancusco and Dave Shanley from the State Offices of Real Property Services to discuss the upcoming revaluation for the City. The following schedule was agreed upon:

Issue RFP	May 20
Receipt of inquiries from companies no later than	June 14
Pre-proposal meeting	June 17
Issue pre-proposal meeting summary	June 24
Receipt of sealed proposals	July 8
Conduct company interviews week of	July 22
Announcement of most responsive bidder	August 5

Commissioner Edward Valentine also noted that he would be forming a volunteer revaluation committee in conjunction with the revaluation. He said Dick Mullaney would serve at no cost to the City as counsel to the committee. He said if Council members would like to add anyone to this committee with knowledge in this area, to please forward their name to him. He said he would continue to keep the Council informed of the revaluation.

Exhibit I

DEPARTMENT OF PUBLIC WORKS

Adoption of 1997 Water and Sewer Rates (96-138)

Mayor J. Michael O'Connell moved and Commissioner Edward Valentine seconded to adopt the 1997 water rates as presented (Attachment B). Ayes all.

Mayor J. Michael O'Connell moved and Commissioner Edward Valentine seconded to adopt the 1997 sewer rates as presented (Attachment C). Mayor J. Michael O'Connell said there would be an 8.5 percent increase in the rate if adopted. Ayes all.

DEPARTMENT OF PUBLIC SAFETY

Snow Removal

Commissioner Thomas Curley reminded everyone there is an ordinance pertaining to snow removal within 12 hours of a snow fall and asked that residents do their best to remove the snow.

Commissioner Edward Valentine said he was concerned about senior citizens and their inability to remove the snow with 12 hours. Commissioner Thomas Curley said a warning notice would be issued to residents giving them an 24 additional hours to remove the snow before a ticket would be issued. Commissioner Kenneth Klotz reminded Council members that the West Side Association has offered on several occasions to help residents and perhaps they could be called upon in these cases.

Victorian Street Walk - Dogs

Commissioner Thomas Curley reminded residents there is a leash law in effect and suggested that pets be left at home rather than bringing them downtown for the Victorian Street Walk.

MAYOR'S OFFICE

Interlaken PUD Zone BB Amendment

Mayor J. Michael O'Connell moved and Commissioner Edward Valentine seconded to accept the Interlaken PUD Zone BB Amendment and forward it to the Planning Board for an advisory opinion.

Michael Tooney, attorney representing the applicants, said this amendment requests the addition of single family units as a possible use. He pointed out that there are subdivisions near this parcel which currently have single family housing.

Commissioner Edward Valentine asked what effect this amendment would have on the law suits pertaining to water. Michael Toohey said this amendment has no effect on those legal matters. He further reminded Council members this is an either/or request. The applicant would not be able to do a combination of proposals, but would only be able to develop one of the options.

Commissioner Kenneth Klotz asked how this amendment differed from the previously proposed senior citizen housing and what prompted the request. Michael Toohey said this proposed single family housing would be for individual ownership and market conditions prompted this proposal.

Ayes all.

Grant Easement on North Broadway/Bryan Street

Mayor J. Michael O'Connell moved and Commissioner Kenneth Klotz seconded to authorize the Mayor to sign all necessary documents upon the City Attorney's review and approval for granting the easement on 748 North Broadway/Bryan Street.

Michael Toohey, attorney representing the applicants, explained that this request is for the parcel at the rear of 748 North Broadway which is on Bryan Street. He said there is a 2.3 foot encroachment over the property line, however, this house is located in its original position and was constructed during the 1800s.

Ayes all.

Authorization for Engineering Department to purchase Hewlett Packard Design Plotter

Mayor J. Michael O'Connell moved and Commissioner Edward Valentine seconded to waive the bid to purchase Hewlett Packard Design - Jet 350E-size Plotter from Charrette, Inc., Liverpool, New York for $2,890 (lowest bidder). Ayes all.

West Avenue Survey of Property Owners

Mayor J. Michael O'Connell said a proposal has been made to perform a survey of West Avenue property owners in connection with the proposed Special Assessment District in that area. He said the survey would include such items as assessment formula, boundaries, etc. He said the City Planner would be responsible for coordinating the survey and the City Attorney would begin work on the special assessment district legislation. Approval of the survey would be placed on the December 17 agenda and if approved, the survey would be mailed to property owners on December 20. A draft of the proposed special assessment district legislation would be placed on the January 21 agenda and adoption of the legislation would be placed on the February 1 agenda. Council members agreed to this tentative schedule.

Exhibit J

CITY OF SARATOGA SPRINGS

PLANNING BOARD

05.060

City Hall · 474 Broadway
Saratoga Springs, New York 12866-2296
Tel: 518-587-3550 Fax: 518-580-9480
http://www.saratoga-springs.org

APPLICATION FOR: SUBDIVISION APPROVAL

(Rev: 1/05)

1. Project Name: Regatta View - Lot 90 Subdivision

2. Project Data
   Location: Rt 9P / Regatta View Dr. / Dyer Switch Road
   Tax Parcel Number: 180.54-2-30
   Current Zoning: Interlaken P.U.D
   Total Acres: 6.78 Land to be subdivided into: 33 lots / 40 D.U.

3. Professional Representing Applicant:
   Name: Francis J. Boscolini PE Phone: 272-8140
   Address: 297 River St, 5th Floor Fax: 272-8148
   Troy NY 12180

4. Type of Application and Application Fee: Total $ 400.00
   If fee is required, a separate check payable to: "Commissioner of Finance" must accompany this application.

   ☒ Sketch Plan – $400

   ☐ Preliminary Approval
   1-20 Lots $200
   21-50 Lots $300
   51+ Lots $500

   ☐ Final approval (Major and Minor Subdivision)

Residential -	Minor (1-4 lots)	$350 plus $50/lot	=	$
	Major (5+ lots)	$1,000 plus $100/lot	=	$
Non-Residential -	Minor (1-4 lots)	$500 plus $50/lot	=	$
	Major (5 + lots)	$1,500/lot	=	$

5. Environmental Assessment Form - All applications must include a completed SEQR Short Form.

6. Cost estimates for Letter of Credit - All applications must include cost estimates.

7. Application Check List - All applications must include application check list.

8. Estimate of increase in water consumption: 13,200 gallons/day.

9. For all projects including new water connections to the City system, a copy of a signed water service connection fee agreement with the City Department of Public Works is required and MUST be submitted with this application.

10. Does any City officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? YES_____ NO _X_. If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

11. Submit 12 copies of complete application including checklist, SEQR form, and all plans (must be 24" x 36").

12. Submission Deadline - All completed applications are due 3 weeks before the Planning Board meeting date.

I, the undersigned owner or purchaser under contract for the property, hereby request subdivision approval by the Planning Board for the identified property above. I agree to meet all requirements under the Subdivision Regulations for the City of Saratoga Springs.

Applicant Signature: _____ Date: 8/24/05

Name: Gerry Mageelaghan Phone: 371-1000

Address: Belmonte Builders Fax: 371-4673

1743 Rt 9, Clifton Park, NY 12065

PROJECT ID NUMBER

617.20
APPENDIX C
STATE ENVIRONMENTAL QUALITY REVIEW

SEQR

SHORT ENVIRONMENTAL ASSESSMENT FORM

for UNLISTED ACTIONS Only

PART 1 - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT / SPONSOR	2. PROJECT NAME
Belmonte Builders	Regatta View - Lot 90 Subdivision
3.PROJECT LOCATION: City of Saratoga Springs (Municipality)	County of Saratoga (County)

4. PRECISE LOCATION: Street Addess and Road Intersections, Prominent landmarks etc - or provide map
Intersection of Dyer Switch Road/NYS 9P to Intersection of Regatta View Drive/NYS 9P

5. IS PROPOSED ACTION : ☑ New ☐ Expansion ☐ Modification / alteration

6. DESCRIBE PROJECT BRIEFLY:
Subdivide existing Lot 90 into 33 parcels with 40 dwelling units

7. AMOUNT OF LAND AFFECTED:
Initially 6.78 acres Ultimately 6.78 acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS?
☑ Yes ☐ No If no, describe briefly:

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.)
☑ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☑ Park / Forest / Open Space ☐ Other (describe)

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local)
☑ Yes ☐ No If yes, list agency name and permit / approval:
Subdivision Review - NYSDOH

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☑ No If yes, list agency name and permit / approval:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION?
☐ Yes ☑ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant / Sponsor Name

Signature

Date: 8/22/06

If the action is a Costal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☐ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly:
☐ Yes ☐ No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:
☐ Yes ☐ No

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

Adjoining Properties

S-B-L #	OWNER	PROP ADDRESS	MAILING ADDRESS
180.54-2-1	MICHELLE MORRIS	1 DYER SWITCH RD SARATOGA SPRINGS, NY 12866	SAME
180.54-2-24	KATHLEEN CONNOLLY	11 FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	SAME
180.54-2-25	REGATTA VIEW, LLC	FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	1743 RTE 9 CLIFTON PARK, NY 12065
180.54-2-26	DONALD COOTWARE	7 FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	SAME
180.54-2-27	SCOTT EGBERT	5 FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	SAME
180.54-2-28	JAMES HOLMES	3 FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	SAME
180.54-2-29	NICHOLAS ZITO	1 FLYING DUTCHMAN WAY SARATOGA SPRINGS, NY 12866	7 COBBLESTONE CT CENTERPORT, NY 11721
180.54-2-30	REGATTA VIEW, LLC	NYS RTE 9P SARATOGA SPRINGS, NY 12866	1743 RTE 9 CLIFTON PARK, NY 12065

05.060

SARATOGA COUNTY PLANNING BOARD
50 West High St.
Ballston Spa, NY 12020

I. Municipality: (City) Town, Village of Saratoga Springs

Referring Agency/Body: Zoning Board of Appeals _____, Planning Board X,
Legislative Body _____

Date: 8/26/05

Submitting Officer: Geoff Boxerman

Mailing Address: City Hall, 474 Broadway, Saratoga Springs NY 12866

Telephone Number: 587-3550 x 517 Fax Number: 580-9480

II. Type of Referral

Variance: Use _____, Area _____, Interpretation _____

Special Permit _____, Site Plan Review _____, Subdivision Review X Sketch Plan for Subdivision

Amendment: Map _____, Text _____, PDD _____

Brief description of proposal Discussion for a PUD Site Plan for a 40 unit residential unit in Interlaken's Planned Unit Development.

III. This proposal is referred to your agency, as required by the General Municipal Law, Sections 239- l, m, and n, because it would affect real property lying within a distance of 500 feet from the boundary of:

a) the City, Town or village of _____

b) an existing or proposed county or state park or other recreation area. Such park or recreation area is: _____

c) an existing or proposed right-of-way of a county or state parkway, thruway, expressway, road or highway. Such road is: 29

d) an existing or proposed right-of-way of any stream or drainage channel owned by the county, or for which the county has established channel lines. Such right-of-way is: _____

e) an existing or proposed boundary of any county or state-owned land on which a public building or institution is situated. Such land is: _____

f) a farm operation located in an agricultural district as defined by Article twenty-five – AA of the Agriculture and Markets Law, except this shall not apply to the granting of area variances. Use the provided Agricultural District Referral Form.

BELMONTE
"Homes As Individual As You Are"
www.belmontebuilders.com

November 14, 2005

Mr. Geoff Bornemann
City Planner
City of Saratoga Springs
474 Broadway
Saratoga Springs, New York 12866

Dear Geoff:

By copy of this letter, please be advised that I am a member of the Comprehensive Plan Advisory Committee.

I specifically bring this to your attention due to the fact that I currently have a proposal for completion of the Interlaken PUD in front of the City Planning Board and point out that from time to time during my stay on the above Committee, I may have other projects under consideration for approval by the City of Saratoga Springs.

Please feel free to call me at any time regarding these issues.

Sincerely,

Peter J. Belmonte

1743 Route 9, Clifton Park, New York 12065 — Phone: (518)371-1000 — Fax: (518)371-1267

BELMONTE
"Homes As Individual As You Are"
www.belmontebuilders.com

November 15, 2005

Mr. Geoff Bornemann
City Planner
City of Saratoga Springs
474 Broadway
Saratoga Springs, New York 12866

RE: REGATTA VIEW PROPOSAL

Dear Geoff:

Pursuant to our conversation this morning, we understand the concerns you outlined regarding sewer capacity and the need for a determination and commitment by Jim DiPasquale and the Saratoga County Sewer Authority.

With that said, we would like to continue moving through the approval process with confirmation of sewer capacity as a stipulation and condition to be dealt with before construction would begin.

Thank you for your consideration.

Sincerely,

Gerry

Gerry Magoolaghan
Director of Real Estate Acquisitions

Subject: Regatta View Carriage Houses
Date: Tue, 20 Sep 2005 12:00:45 -0400
From: "Jeffrey B. Schwartz" <jschwartz@HONENWOOD.com>
To: <geoff.bornemann@saratoga-springs.org>

To SS Planning Board:

I am writing regarding the following item on the 9/21 agenda:

05.060 INTERLAKEN PUD – ZONE B: Request for sketch plan discussion for a PUD site plan for a new 40 units of residential use in the Interlaken Planned Unit Development District, 5 Regatta View Drive.

I will be out of the area during the 9/21 meeting and wanted to convey my thoughts regarding the proposed project. I live in the Regatta View (RV) development

The agenda states that the project calls for 40 units. I suspect that, consistent with the applicant past practices, revenue maximization is the applicant's driving factor. That is fair enough, but I feel that from a density perspective, 40 units is much too large.

The key concern that I have has to do with the ingress and egress into and out of this proposed development. While the sketches that Mr. Belmonte has delivered to the Regatta View community do not have street names, it appears that the plans call for curb cuts on Dyer Switch Road and Regatta View Drive. I am not empowered to speak for the RV community, but can assure you that many residents I have spoken with do not want a curb cut on Regatta View Drive. It would be way too close to Route 9P. The congestion would be horrific. Cars turning left onto Regatta View Drive, and then left again into the carriage house development would cause significant problems. I'm guessing that automobile directionals may not be physically able to give correct consecutive turn signals in light of the close proximity of the proposed curb cut to the main RV entrance. One can easily envision some bumper banging, even for drivers in compliance with applicable speed limits.

In addition, as you may know, a traffic light has been installed at the intersection of RV Drive and 9P (it has not gone "live" yet). When that light is active, one can also envision a back up of cars within the development waiting to exit, while carriage house owners seek to merge onto RV drive to exit the development. Further, given the light's presence, it is reasonable to suspect that cars, in an attempt to "make the light", will use excess speed (particularly those making a left onto RV drive or coming straight from Crescent Avenue); this will further increase the likelihood of accidents.

The neighborhood has a significant number of children engaging in outdoor activity which is another reason to prohibit a RV Drive curb cut.

For the sake of comprehensiveness/fairness, I should point out that while Mr. Belmonte has reserved a building lot on Flying Dutchman as another possibility, the residents of Flying Dutchman that I have spoken with would want that to be the last option. So, they also do not want a curb cut on RV Drive, but would prefer that to using Flying Dutchman.

I understand from previous research that the parcel at issue is bordered by a state road (9P), a county road (Dyer Switch/County Route 66) and a city road (RV Drive). I spoke to City and County engineers but none had seen anything on this. From those discussions, I learned that the curb cut is often dealt with later in the process. I'm hoping that by addressing this early, we can clarify and communicate the concerns and you can act/advise accordingly.

I'd be happy to discuss this further is desired. Thank you for you attention to this.

JBS

Jeffrey B. Schwartz
Honen & Wood, P.C.
126 State Street, 5th Floor
Albany, New York 12207
(518) 472-1224 x 235
(518) 472-1227 (Facsimile)
jschwartz@honenwood.com
www.honenwood.com

SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

LAWRENCE D. BENTON
DIRECTOR

September 21, 2005

Geoff Bornemann, City Planner
City of Saratoga Springs Planning Board
474 Broadway
Saratoga Springs, NY 12866

RE: SCPB Subdivision Review #05-A-99 – Regatta View, Belmonte
40 lots/5.9 acres, NYS Rte. 9P and Dwyer Switch Rd.

Received from the city of Saratoga Springs Planning Board on August 30, 2005.

Reviewed by the Saratoga County Planning Board on September 15, 2005.

Decision: Disapprove

Comment: We have previously advised the board, that the pump station serving the plateau area has reached capacity. As the project is dependent upon community sewer service it should not be approved until such time as this issue is resolved.

Lawrence D. Benton, Director
Authorized Agent for Saratoga County

cc: Director, Saratoga Co. Sewer District #1

50 WEST HIGH STREET
BALLSTON SPA, N.Y. 12020

(518) 884-4705
(518) 884-4760 Fax

SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

LAWRENCE D. BENTON
DIRECTOR

September 21, 2005

Geoff Bornemann, City Planner
City of Saratoga Springs Planning Board
474 Broadway
Saratoga Springs, NY 12866

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Lawrence D. Benton, Director
Authorized Agent for Saratoga County

cc: Director, Saratoga Co. Sewer District #1

50 WEST HIGH STREET
BALLSTON SPA, N.Y. 12020

(518) 884-4705
(518) 884-4780 Fax

Nancy Ohlin said there is confusion about "affordable housing," because affordable actually means what is affordable for a person. It also means not spending more than 35 percent of your income on housing. She said that the words "workforce housing," have replaced low income because people think they will have drug addicts living next door to them. She explained that workforce housing is everyone who works for a living and needs a home. Geoff Bornemann concluded that the applicant would be subject to the law at the time this project is approved. The applicant is also subject to the deed restriction that he has agreed to place on this property.

SEQR: Nancy Ohlin noted that there was no SEQR action required for sketch plan discussions.

PUBLIC COMMENT: Nancy Ohlin asked if anyone in the audience wished to comment on the application. No one spoke.

TECHNICAL ISSUES: Nancy Ohlin said that the application fee of $400 has been paid.

DEPARTMENT COMMENTS: Nancy Ohlin noted the following comments from the City Departments: DPS comments: Fire Department: No comments received. Police Department: No comments received. Traffic Maintenance: No comments received. Code Administration: No comments received. DPW comments: "No concerns or comments." Office of the City Engineer: "Private street? Adequate sanitary sewer, storm sewer and water?"

COMMENTS: The Board said that at this time they saw no compelling reason for a through road in this project. Steve Ethier thanked the Board for their comments and he said that he would proceed with an application for site plan review.

✧ **05.060 INTERLAKEN PUD – ZONE B**, 5 Regatta View Drive

This was a sketch plan discussion for a PUD site plan for 40 new units of residential use in the Interlaken Planned Unit Development District. The applicant is Belmonte Builders (Peter Belmonte).

Appearing before the Board was Peter Belmonte, applicant, Frances Bossolini, engineer.

INTENT: The applicant intends to develop 40 units on this last remaining area of the PUD. The zoning ordinance allows the applicant to apply for a PUD sketch plan.

BACKGROUND: Nancy Ohlin said that on May 6, 1998 the Planning Board reviewed a sketch plan for 20 single-family homes on this site. On July 22, 1998 the Planning Board reviewed a sketch plan for a commercial center on this site. On February 3, 1999 the Planning Board reviewed a sketch plan for 26 single-family homes on this site. Nancy Ohlin also noted that this Interlaken PUD never had any specific standards for uses or area/bulk standard. The Planning Board has the right to establish such development standards. In past years the Planning Board has interpreted that they have the right to approve PUD site plans for this PUD provided that the overall density and use does not exceed that presented to the City Council in 1982. The PUD at that time included 500 residential units. To date 331 units have been approved (Zone A = 125 units, Zone BB = 30 units, Zones B/D/E = 102 units, Zone C = 74 units).

Nancy Ohlin said that this project needs PUD site plan (site plan and subdivision) approval for the Planning Board. Any structure on the lot that fronts Union Avenue will require architectural review from the Design Review Commission.

This discussion was continued from the September 21, 2005 meeting. New materials were submitted on November 9, 2005.

POLICY ISSUES: Frances Bossolini said that they met with the Interlaken homeowners again and they were very clear that they wanted a fifty-foot, no-clear, landscape buffer on the frontage of this property. He said that the revised plans show this 50-foot buffer and he noted that they would examine the project to see if even more additional plantings were needed in this buffer area. He said that they eliminated the pedestrian connection between Flying Dutchman Way that was previously proposed. Frances Bossolini also said that the capacity for the Saratoga County sewer would not be a problem. When the project was first approved there was capacity allotted for it. He said these homes would be a traditional style of architecture with front porches. There would be carriage houses as the workforce housing units.

Peter Belmonte said that the project clearly has opposition from the Interlaken community. There were approximately 40 members at the meeting they held with the neighbors. Half the people were mildly to adamantly opposed. Peter Belmonte said that Nancy Goldberg has stated that this is her last crusade to stop this project. He said that he possesses an earlier map where this parcel was clearly depicted as having high density housing on it. He said that he is confident that they are not going against what was originally proposed. Peter Belmonte said that the map was part of Farone's project proposal prior to Regatta View's application. Peter Belmonte said that the other opposition in regards to the project is in reference to workforce housing. He noted that Workforce housing brings a broad range of confusion to the table. People are asking what it will bring to the neighborhood and how it would be regulated. Nancy Ohlin said that she does not appreciate the applicant commenting to what a speaker from the audience might potentially state.

Lou Schneider said he remembers the discussion during the commercial use proposal for this lot. The homeowners decided they did not want this density and rental units were not mentioned. They said they would like to see some townhouses similar to the architecture of Interlaken. He questioned who would own the 7 rental units and what would they be. Peter Belmonte said that they added these units in order to complement the City's direction with workforce housing. The units would be 600-700 square foot apartments on top of a garage. They would be one bedroom apartments and would be owned by the owner of the primary residence and under their control. He said that the HOA would also monitor these units. Each unit would have a designated parking spot. Lou Schneider said that the PUD legislation states that a rental unit is not conducive to the neighborhood. He would rather see a residential unit that is affordable and more compatible to the entire PUD system. Peter Belmonte noted that a good portion of Interlaken is rented year round. Lou Schneider said those were considerable units that are being rented out and there is only one family per residence.

Bob Israel said that the master plan concept is a mixed-use community. He said that a homogenous community is more suburban and that is not what they are trying to achieve. He said the density should be comparable to Interlaken's. Nancy Ohlin said it appears that they did not consider a lower density. Frances Bossolini said that they are compatible with what is already there, but not in reference to the single-family portion if Regatta View. Peter Belmonte said that the Interlaken community was not designed to be consistent in density and there were areas specifically designated as higher density. Interlaken is a large community and there are high density condominiums there. He said this is much less than what was originally proposed for this area.

SEQR: Nancy Ohlin said that there is no SEQR action required for sketch plan discussions. In 1982 City Council issued a negative declaration for the entire Interlaken PUD.

PUBLIC COMMENT: Nancy Ohlin asked if anyone in the audience wished to comment on the application. She noted an email from Jeffrey B. Schwartz, 3 Thames Way, dated September 20, 2005.

Nancy Goldberg, 66 Sarazen Street, said that she is on the Zoning Board of Appeals, but she is here as a private citizen. She said that Jack Gray said this was a Pandora's Box if this was approved. There were 100 signatures against this project in 1982 and there were only 230 residents at that time. The City Council cut these lots into parcels and wanted to do cluster housing in order to preserve conservancy. When the PUD went bankrupt, instead of bringing the area back into zoning, each builder obtained approvals for separate things. She said that going back to the original zoning does not make sense. There are 60 acres that were promised in covenants. This project was supposed to have fairly dense development in only 19 acres. 41 of the acres were supposed to be left green as per the conservancy. She asked the Board to keep the faith with the residents and do what was promised to them. In 1987 there were 700 people on the plateau and there are almost over 3000 people now. She said that it takes 20 minutes for fire or emergency services during racing season. There have been no changes in the road or anything else other than the population. Those who have spent their money to live here, expect conservancy. The concept of this PUD works because there are buffers. This is the last 4 acres in this PUD and she requests that it remains green. They did their due diligence when they purchased their properties. She said that Peter Belmonte should donate this land to the City. The Board needs to consider the infrastructure and the traffic. Since the light at Crescent Avenue was installed, everyone cuts through Regatta View. She asked the Board to please honor the promise that was made to the residents. She questioned if the 100 signatures that Jack Gray obtained did not do it, how many would the Board need. The residents do not want to come out in the middle of the night for these meetings. This was a promise that was made to the people who purchased these properties. It was promised as a foresighted, clustered zoning. People were not objecting to affordable housing, but to the rental housing that was proposed. They could not understand who would live in 600-700 square foot apartments. That would not be suitable for a family unit. Most young people are families and single people would not want to live in the suburbs. She reiterated that safety is getting dire in this area. In 2005 there was a traffic safety report completed. It took anywhere from 6 to 20 minutes for emergency services to reach the area. She said that in twenty minutes a person would be dead. She urged the Board to please review the original designations for this property. Riley's was never supposed to be developed or subdivided into more than two parcels. Previous Planning Boards have just said it was ok to do this. The Board should read the original definitions of the various zones and consider the modern infrastructure available.

There was no one who wished to speak, Nancy Ohlin closed the public comment period.

Lew Benton said that the density does not bother him. What bothers him is how the development would be set on the landscape. He said there is some latitude and discretion involved. At the time this all was developed, it was a new concept to the City. There is no clean legislation regarding how the PUD would develop. Even if there was clean legislation, PUDs can be amended several times during their lifetime. His records go back to 1982. There were 60 acres and 19 of which were to be developed with a large open space, paddock area on the interior. There are 9 clusters of condominiums with the paddock. He said that the remaining 2/3 of this area was supposed to remain undeveloped. The situation has changed and there is no legislation to amend. Geoff Bornemann noted that the developer for Zone BB (Riley's area) went back to the City Council and got approval for new development. He suggested that this applicant also has this option.

TECHNICAL ISSUES ON SUBDIVISION: Nancy Ohlin said that an application fee of $400 has been paid.

DEPARTMENTAL COMMENTS: Nancy Ohlin noted the following comments from the City Departments: DPS comments: Fire Department: "Proposed alley appears to be 12 feet wide, which is not sufficient. How does applicant proposed Fire Department vehicle access? All turning radii, especially near divided pavement access roads much meet City standard." Police Department: "See Fire Department comments." Traffic Maintenance: "Trees and shrubs should not be permitted within 60 fee of intersections." Code Administration: "None at this time." DPW comments: "No concerns or comments." Office of the City Engineer: "Lot dimensions. Not all lots have access to sewer. Public street/alley? Surveyed data? ROW dimensions? Who will own/maintain opens space? Sewer to SCSD#1? Capacity on existing system? I thought it was at capacity now?"

SARATOGA COUNTY PLANNING BOARD: "Disapprove" "We have previously advised the board, that the pump station serving the plateau area has reached capacity. As the project is dependent upon community sewer service, it should not be approved until such time as the issues are resolved."

COMMENTS: Lew Benton said that he could not support this proposal. It was not because of the density, but because this corridor should be preserved. He said the Board needs to be particular about the original parameters set by the City Council. There is a description of the ultimate buildout of the PUD and this submission is inconsistent with that. He concluded that any referral to the City Council would only delay and defer the inevitable. Nancy Ohlin said that the Board should honor the original PUD language. She also does not recommend that this go to the City Council because it would come back for an advisory opinion. She said that she does not know what the vote would be, but the infrastructure and services are an important issue.

Lou Schneider noted that the road going to Dyer Switch Road seems to be very close to the veterinarian's property. During the summer they enter with horse trailers and a horse even made its way through Interlaken. He also asked if there would be a separate HOA for this project. Peter Belmonte said that it would be part of the existing Regatta View HOA. Lou Schneider also said that Regatta View needs a meeting place and some of this area should be used as such. There should also be some recreational area put onto the back of this property to cut the density.

Geoff Bornemann said that there is a chance that the Board "erred" in approving Regatta View and they clearly changed the open space concept. He noted that the current applicant would have to submit a PUD site plan application to the Planning Board if they do not go before the City Council to amend the PUD legislation.

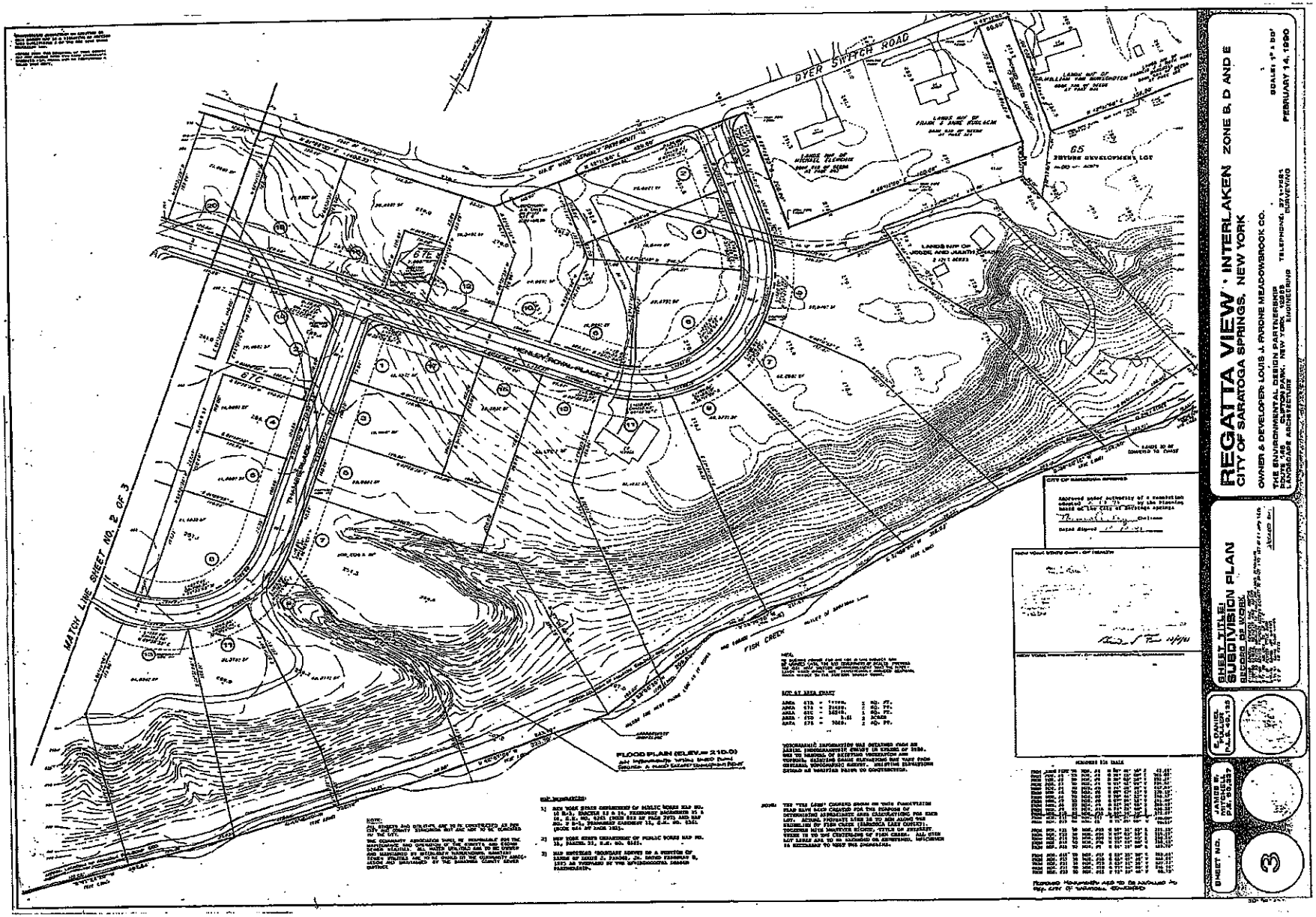
Bill McTygue noted that the County Sewer District has put a stop to all major connections to the sewer in that area. Peter Belmonte said that he has had discussions with Saratoga County Sewer and there is documentation that they have reserved capacity in that line for this project. He said that the developed community might have already impacted that capacity. He would agree to participate in sewer improvements if an approval was given. Bill McTygue said that the sewer system could be maxed out, but they are getting mixed messages from the sewer district. They are not being clear about whom they will and will not let into the system. Lew Benton added that the County Planning Board disapproves because the pump station has reached capacity. This project would be dependent on the county sewer availability and there is a lack of communication between the County Sewer District and the County Planning Board.

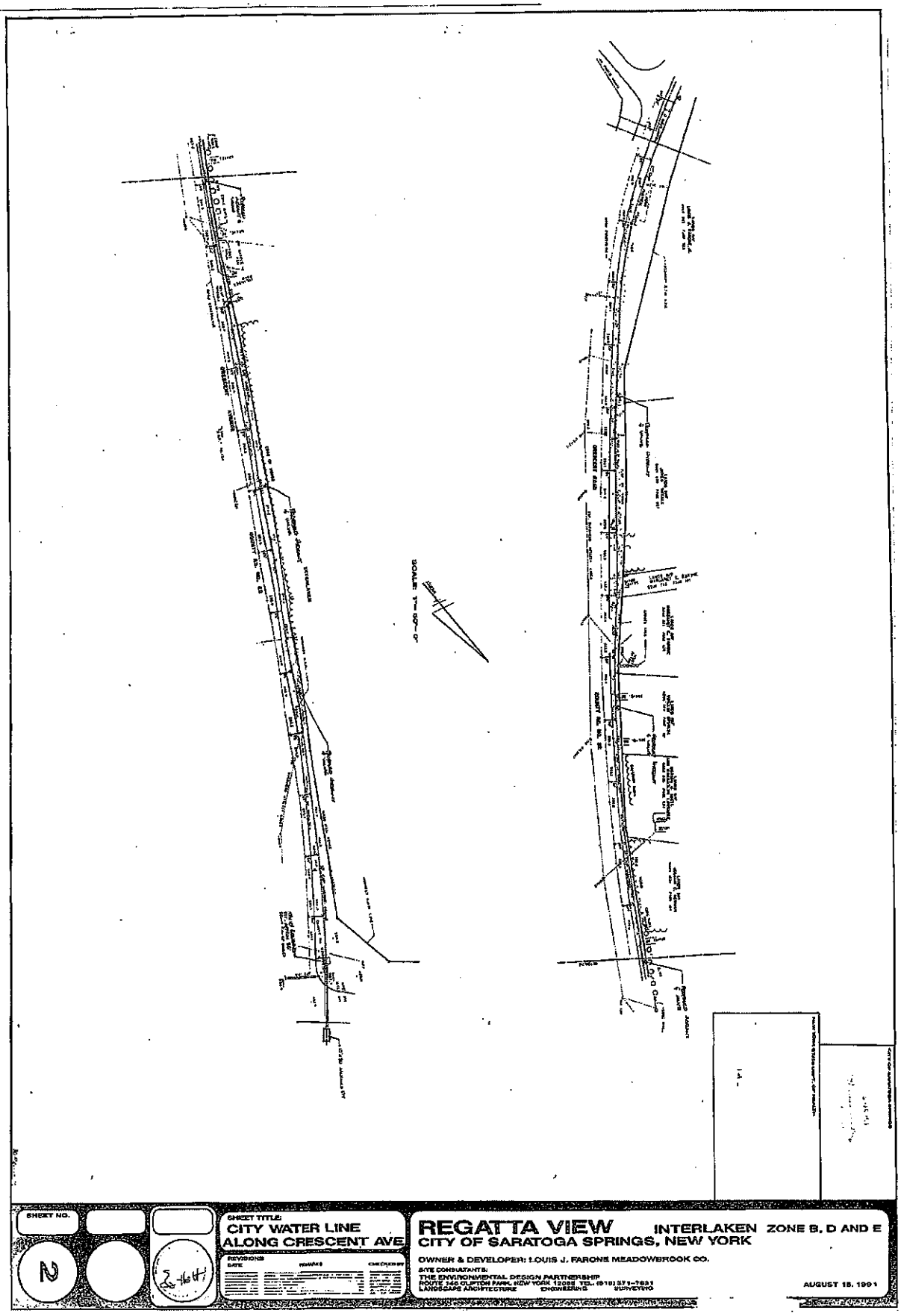
Peter Belmonte thanked the Board for their comments. He said he would make his decision in the coming months on how he wanted to proceed with this project.

Exhibit K

REGATTA VIEW - INTERLAKEN - ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. PALMIERI MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
LANDSCAPED ARCHITECTURE
ENGINEERING
SURVEYING
SHEET TITLE
SUBDIVISION PLAN
RECORD OF SURVEY
SHEET NO.
SITE LOCATION MAP
TYPICAL LOT
SITE STATISTICS:
MATCH LINE
MATCH LINE
DYER SWITCH ROAD
NEW YORK STATE ROUTE 9P
FISH CREEK

REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
SUBDIVISION PLAN
SHEET TITLE
OWNER & DEVELOPER: LOUIS J. PRONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING
FEBRUARY 14, 1990
SHEET NO. 2
MATCH LINE SHEET 3 OF 3
THAMES PLACE
DYER SWITCH ROAD
NEW YORK STATE ROUTE 9P (S.H. 8361)
FUTURE DEVELOPMENT LOT 68
FUTURE DEVELOPMENT LOT 69


REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
SCALE: 1" = 50'
FEBRUARY 14, 1990
SHEET TITLE: SUBDIVISION PLAN
SECOND OF WORK
DYER SWITCH ROAD
MATCH LINE SHEET NO. 2 OF 3
FISH CREEK
FLOOD PLAIN (ELEV.= 210.0)
SHEET NO.
3



SHEET NO.

SHEET TITLE:
CITY WATER LINE
ALONG CRESCENT AVE

REVISIONS
DATE | REMARKS | CHECKED BY

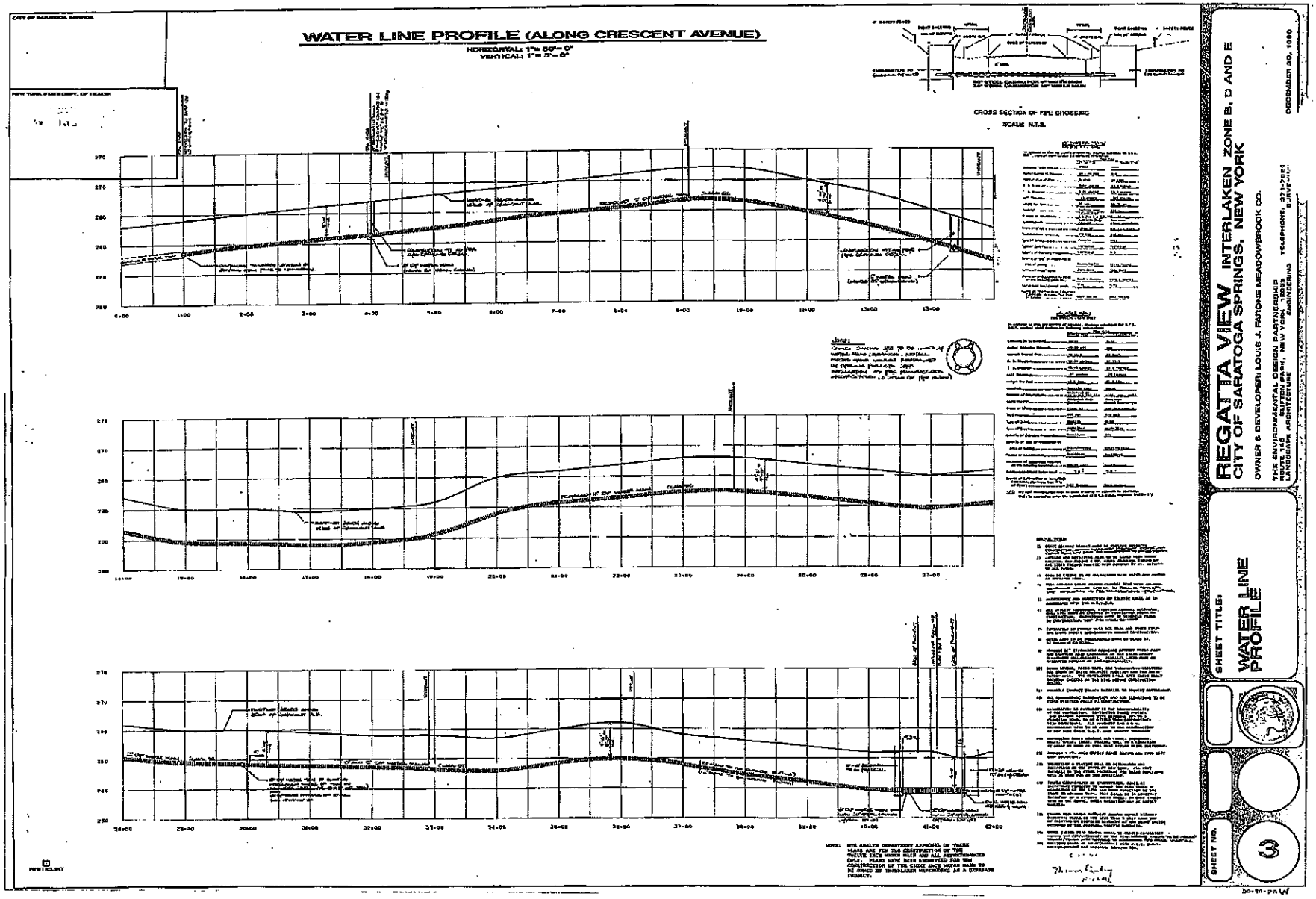
REGATTA VIEW INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK

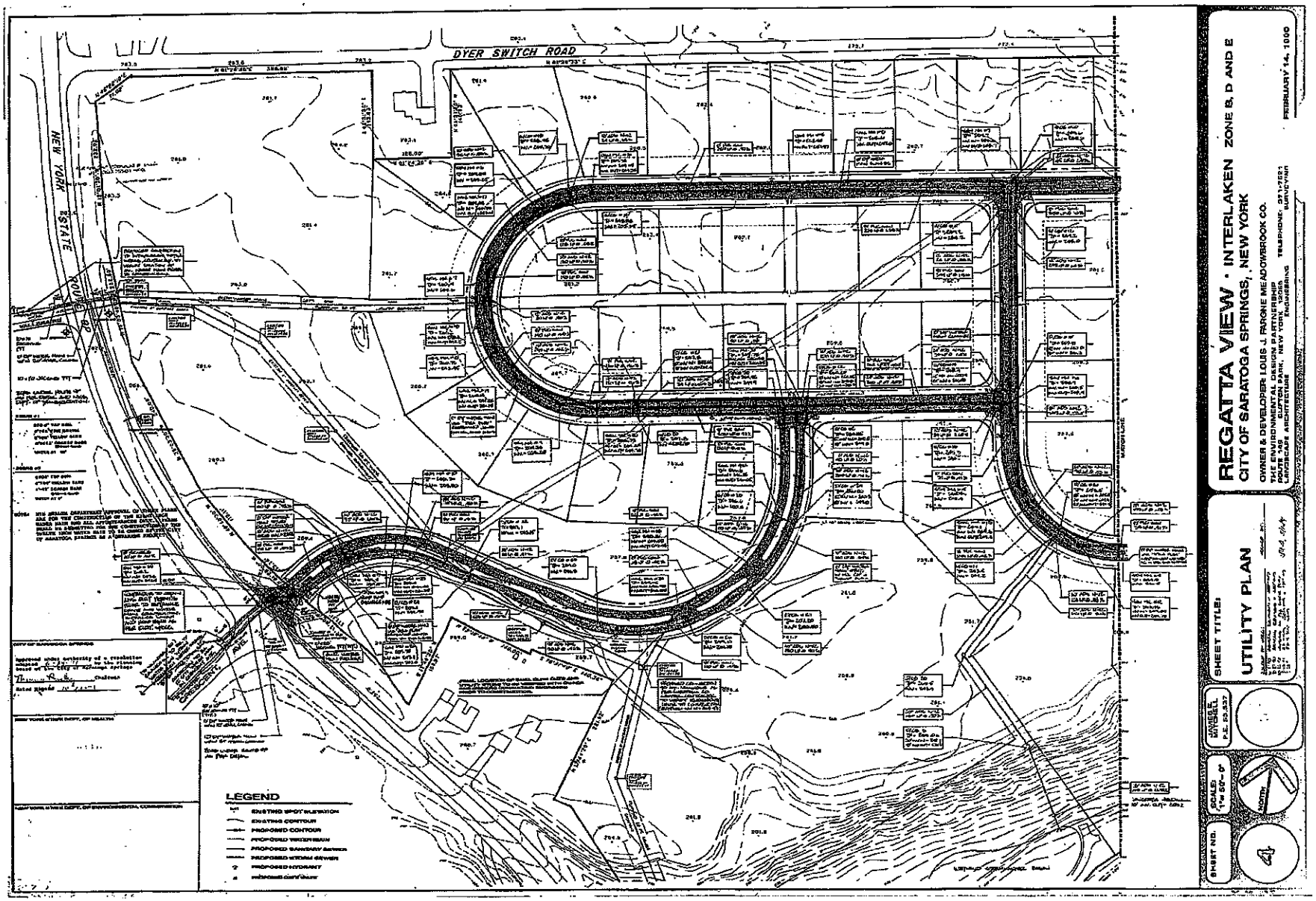
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.

SITE CONSULTANTS:
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065 TEL. (518) 371-7623
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING

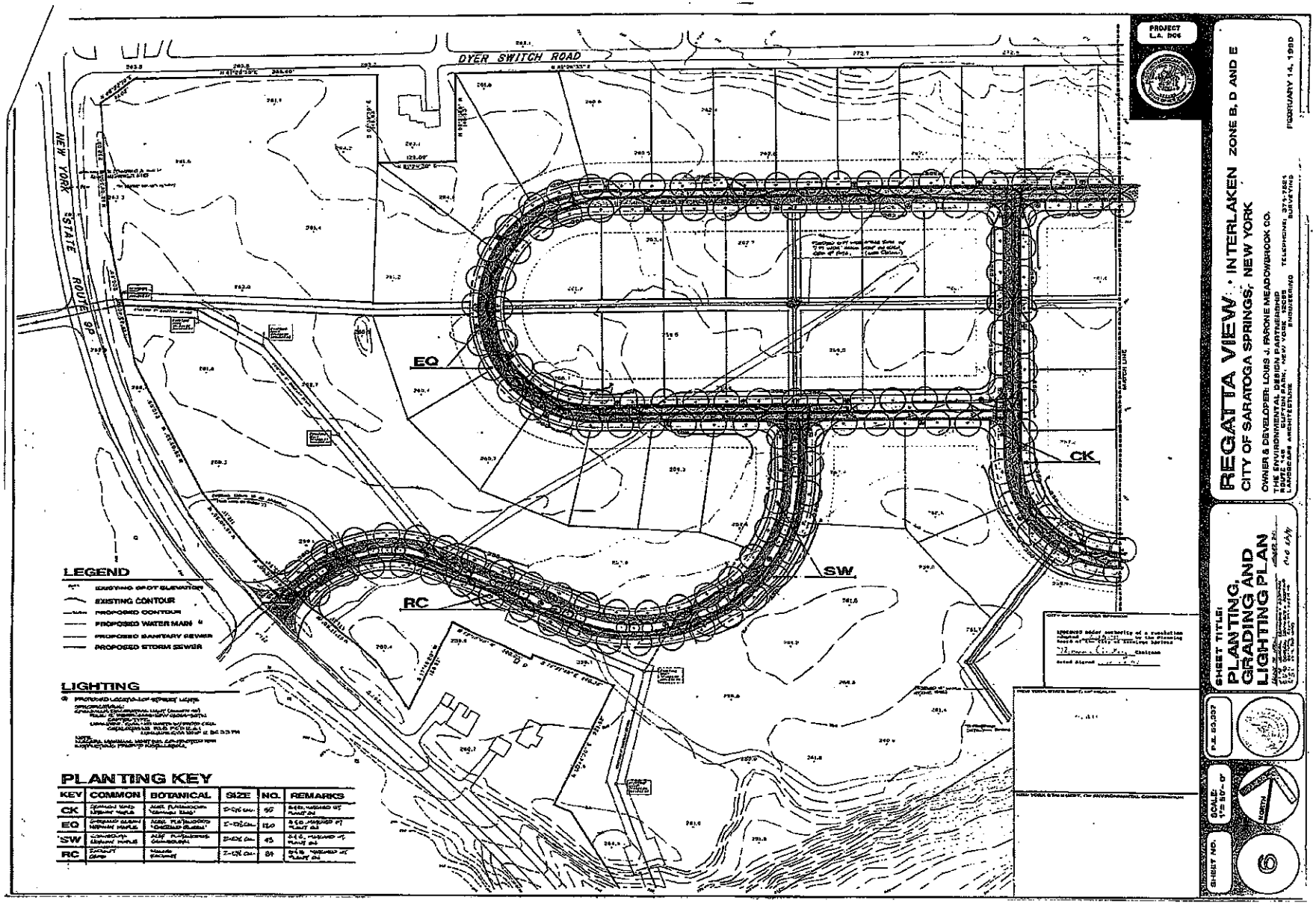
AUGUST 15, 1991

REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, N.Y.
OWNER & DEVELOPER: LOUIS J. ARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
LANDSCAPE ARCHITECTURE
ENGINEERING
DECEMBER 20, 1990
SHEET TITLE:
CITY WATER LINE ALONG CRESCENT AVE
SHEET NO.
ROAD CROSSING PLAN
WATER CONNECTION PLAN
SCALE 1"= 100'
TYPICAL HYDRANT INSTALLATION
TYPICAL JUNCTION LAYOUT
FISH CREEK
ROUTE 50
INTERLAKEN ZONE A
INTERLAKEN ZONE B
INTERLAKEN ZONE C
INTERLAKEN ZONE D
CRESCENT ROAD

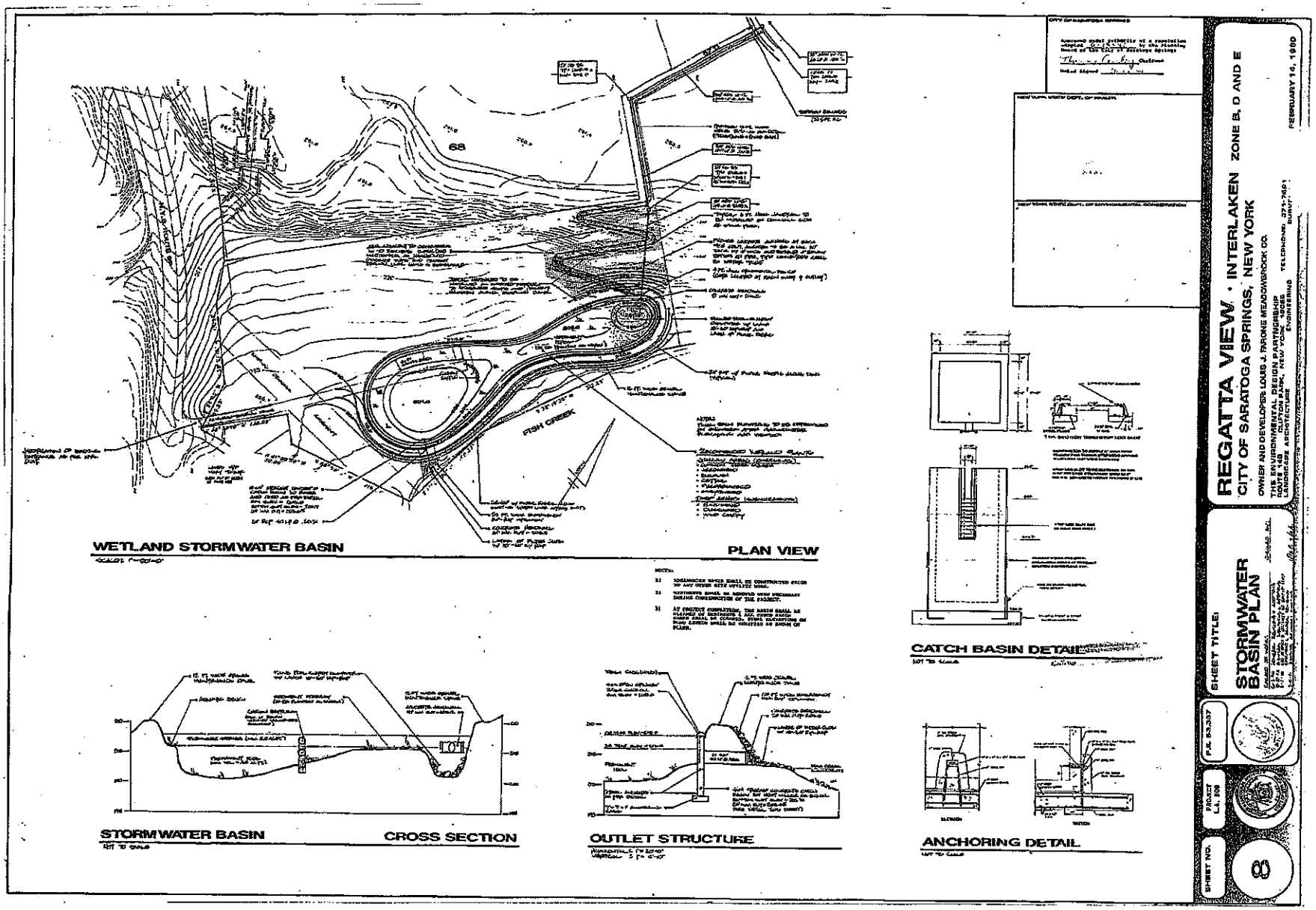

WATER LINE PROFILE (ALONG CRESCENT AVENUE)
HORIZONTAL: 1"= 50'- 0"
VERTICAL: 1"= 5'- 0"
CROSS SECTION OF PIPE CROSSING
SCALE: N.T.S.
REGATTA VIEW
INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FUSONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065 TELEPHONE: 371-2521
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING
DECEMBER 20, 1990
SHEET TITLE:
WATER LINE PROFILE
SHEET NO.
3


DYER SWITCH ROAD
NEW YORK STATE ROUTE 9P
LEGEND
EXISTING SPOT ELEVATION
EXISTING CONTOUR
PROPOSED CONTOUR
PROPOSED WATER MAIN
PROPOSED SANITARY SEWER
PROPOSED STORM SEWER
PROPOSED HYDRANT
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 149 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING
FEBRUARY 14, 1990
SHEET TITLE:
UTILITY PLAN
SHEET NO.
SCALE: 1" = 50'-0"
NORTH

REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER LOUIS J. BRUNE NEADOWSROCK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING
TELEPHONE 371-7621
FEBRUARY 14, 1980
SHEET TITLE
UTILITY PLAN
SCALE 1"= 60'-0"
SHEET NO. 5
GENERAL NOTES
LEGEND
EXISTING SPOT ELEVATION
EXISTING CONTOUR
PROPOSED CONTOUR
PROPOSED WATER MAIN
PROPOSED SANITARY SEWER
PROPOSED STORM SEWER
PROPOSED HYDRANT
PROPOSED GATE VALVE
FISH CREEK
OLDER SMITH ROAD


DYER SWITCH ROAD
NEW YORK STATE ROUTE 9P
EQ
CK
SW
RC
LEGEND
EXISTING SPOT ELEVATION
EXISTING CONTOUR
PROPOSED CONTOUR
PROPOSED WATER MAIN
PROPOSED SANITARY SEWER
PROPOSED STORM SEWER
LIGHTING
PLANTING KEY
KEY | COMMON | BOTANICAL | SIZE | NO. | REMARKS
CK
EQ
SW
RC
PROJECT L.A. 806
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065 TELEPHONE: 371-7551
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING
FEBRUARY 14, 1990
SHEET TITLE:
PLANTING, GRADING AND LIGHTING PLAN
P.E. 53,337
SCALE: 1"= 50'-0"
NORTH
SHEET NO.
6

REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. PRONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
SHEET TITLE:
PLANTING, GRADING AND LIGHTING PLAN
SCALE: 1"= 60'-0"
SHEET NO. 7
FEBRUARY 14, 1990
PLANTING NOTES
PLANTING KEY
KEY | COMMON | BOTANICAL | SIZE | NO. | REMARKS
LIGHTING
DEER SWITCH ROAD
FISH CREEK
EQ
SW
LEGEND


WETLAND STORMWATER BASIN
PLAN VIEW
FISH CREEK
68
STORMWATER BASIN
CROSS SECTION
OUTLET STRUCTURE
CATCH BASIN DETAIL
ANCHORING DETAIL
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER AND DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 140 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING
TELEPHONE: 371-7621
SURVEY
FEBRUARY 14, 1990
SHEET TITLE:
STORMWATER BASIN PLAN
P.E. 53,337
PROJECT L.A. 109
SHEET NO.
8

REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, N.Y.
OWNER & DEVELOPER: LOUIS J. IRRONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
FEBRUARY 14, 1990
SHEET TITLE:
WATER MAIN - CONNECTION PLAN
SHEET NO.
9
OVERALL CONCEPT PLAN
SCALE 1"= 200'
WATER CONNECTION PLAN
SCALE 1"= 100'
FISH CREEK
LAKE LONELY
PHASE 1
PHASE 2
PHASE 3
A
AA
B
BB
C
D
E

REGATTA VIEW INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. PAONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING
TELEPHONE: 371-7021
MAY 15, 1990
SHEET TITLE: WATER LINE PROFILE
SHEET NO. 10
P.M. 53.337
WATER LINE PROFILE (ALONG CRESCENT AVENUE)
HORIZONTAL 1"= 50'-0"
VERTICAL 1"= 5'-0"
CROSS SECTION OF PIPE CROSSING
SCALE: N.T.S.

SHEET NO. 11

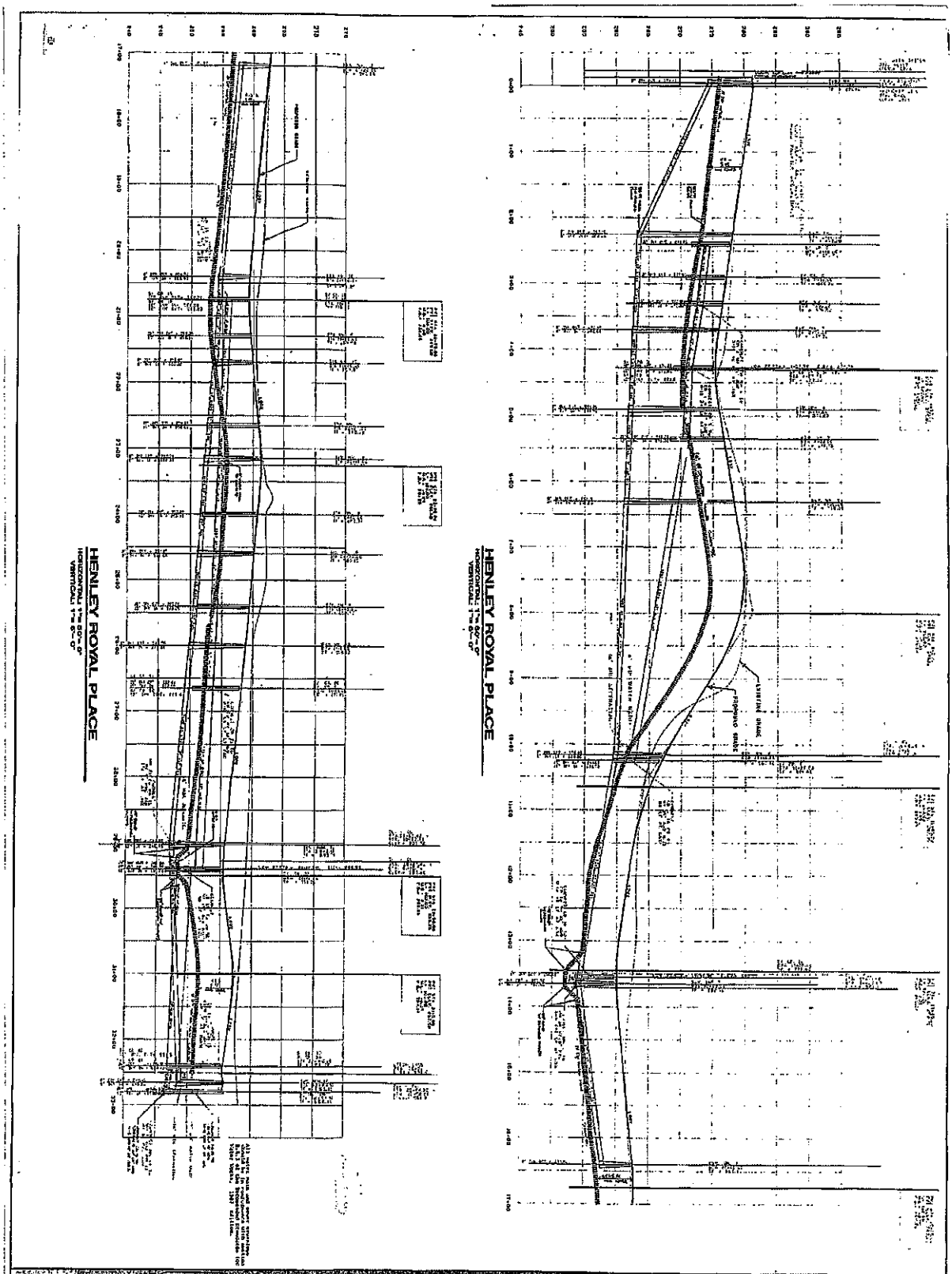
SHEET TITLE: ROAD PROFILES

REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK

OWNER & DEVELOPER: LOUIS J. PRIORE MEADOWBROOK CO.

THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065 TELEPHONE: 371-7227
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING

JANUARY 14, 1980



SHEET NO. 12

P.E. 83,007

SHEET TITLE:

ROAD PROFILES

REGATTA VIEW · INTERLAKEN ZONE B, D AND E

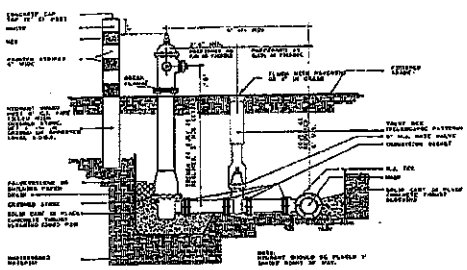
CITY OF SARATOGA SPRINGS, NEW YORK

OWNER & DEVELOPER: LOUIS J. PRONE MEADOWBROOK CO.

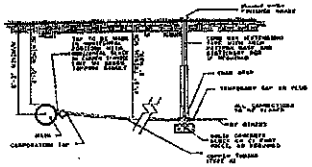
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065 TELEPHONE: 371-
LANDSCAPE ARCHITECTURE ENGINEERING GU

RUARY 14, 1990

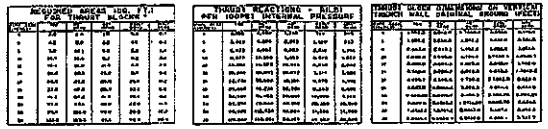
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. PARONE READYMIX CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTS ENGINEERS
TELEPHONE: 371-7081
FEBRUARY 14, 1990
SHEET TITLE: WATER MAIN AND ROAD PROFILES
P.E. 69,337
SHEET NO. 13
GENERAL NOTES
N.Y.S. ROUTE 9P ENTRANCE PROFILE
N.Y.S. ROUTE 9P ENTRANCE PLAN
WATER MAIN ACROSS LOT 66
WATER MAIN ALONG INLANDER ROAD
THAMES PLACE

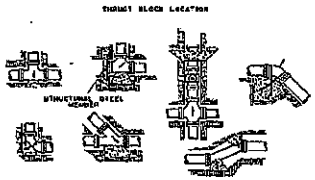


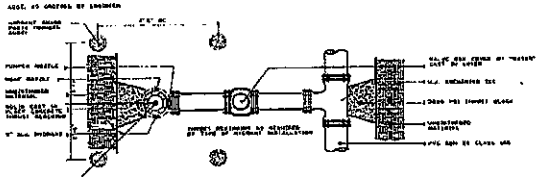
TYPICAL HYDRANT INSTALLATION ELEVATION
NOT TO SCALE



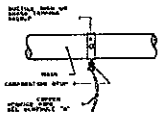
TYPICAL SERVICE CONNECTION DETAIL COPPER SERVICE PIPE
NOT TO SCALE





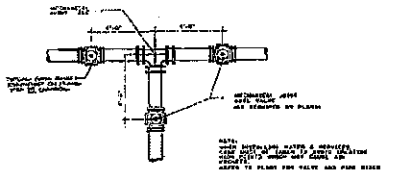


TYPICAL HYDRANT INSTALLATION PLAN VIEW
NOT TO SCALE

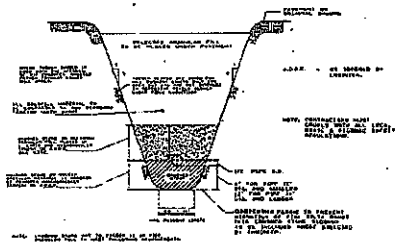


SCHEDULE A	
LENGTH OF SERVICE CONNECTION	MINIMUM INSIDE DIAMETER OF SERVICE COUPLING
0' - 75'	3/4" I.D.
75' - 200'	1" I.D.
OVER 200'	SIZE TO BE DETERMINED BY P.E.

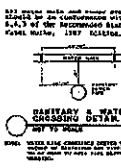
COPPER SERVICE PIPE CONNECTION FOR SINGLE TAP
NOT TO SCALE



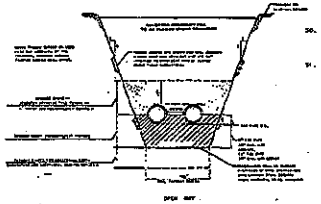
TYPICAL JUNCTION LAYOUT
NOT TO SCALE



TRENCH DETAIL
NOT TO SCALE



SANITARY & WATER CROSSING DETAIL
NOT TO SCALE



GENERAL NOTES:

DISINFECTION PROCEDURE

REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. PARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 TELEPHONE: 371-7621
CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING

FEBRUARY 14, 1990

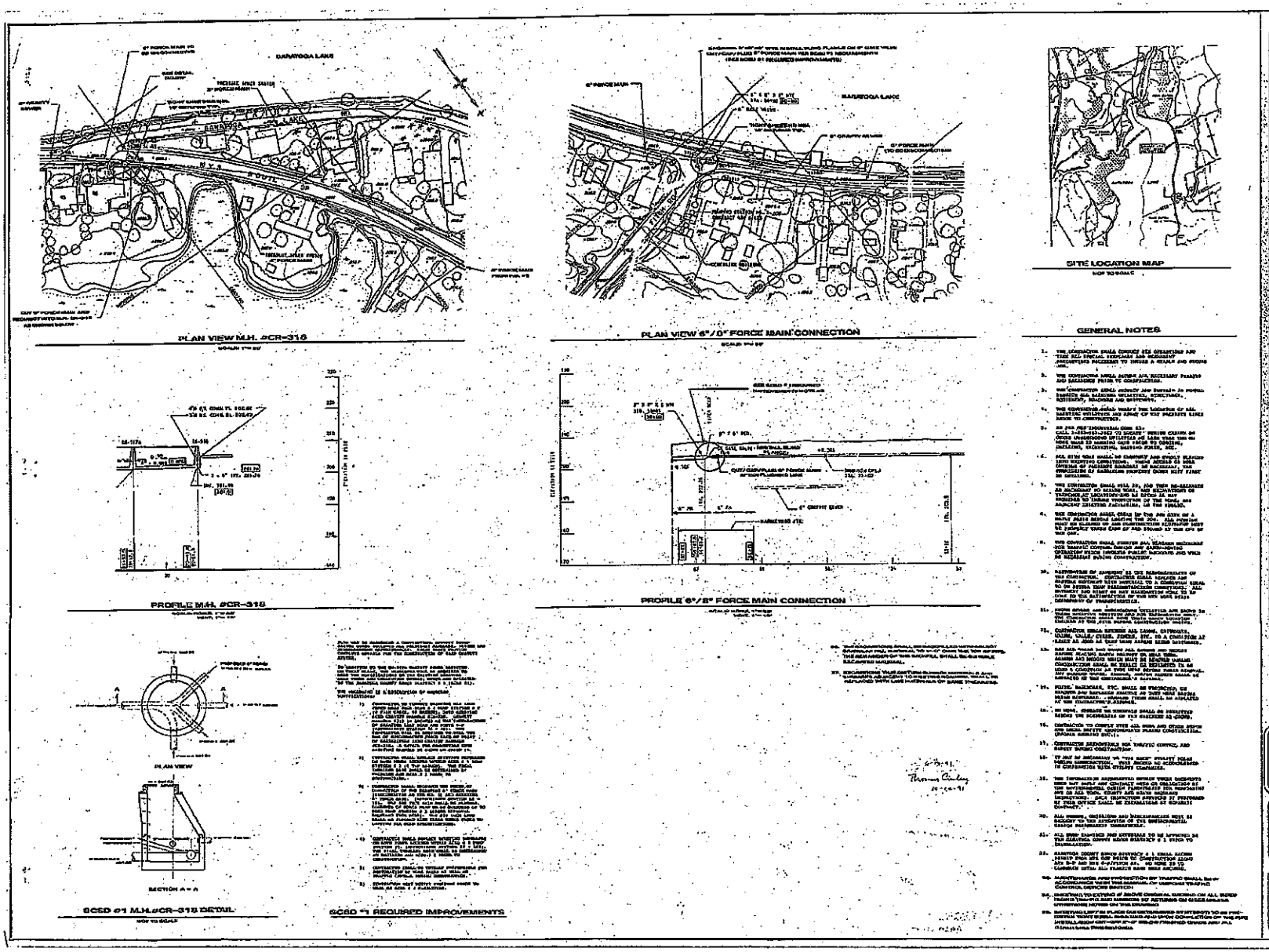
SHEET TITLE:
SITE DETAILS

P.E. 86337

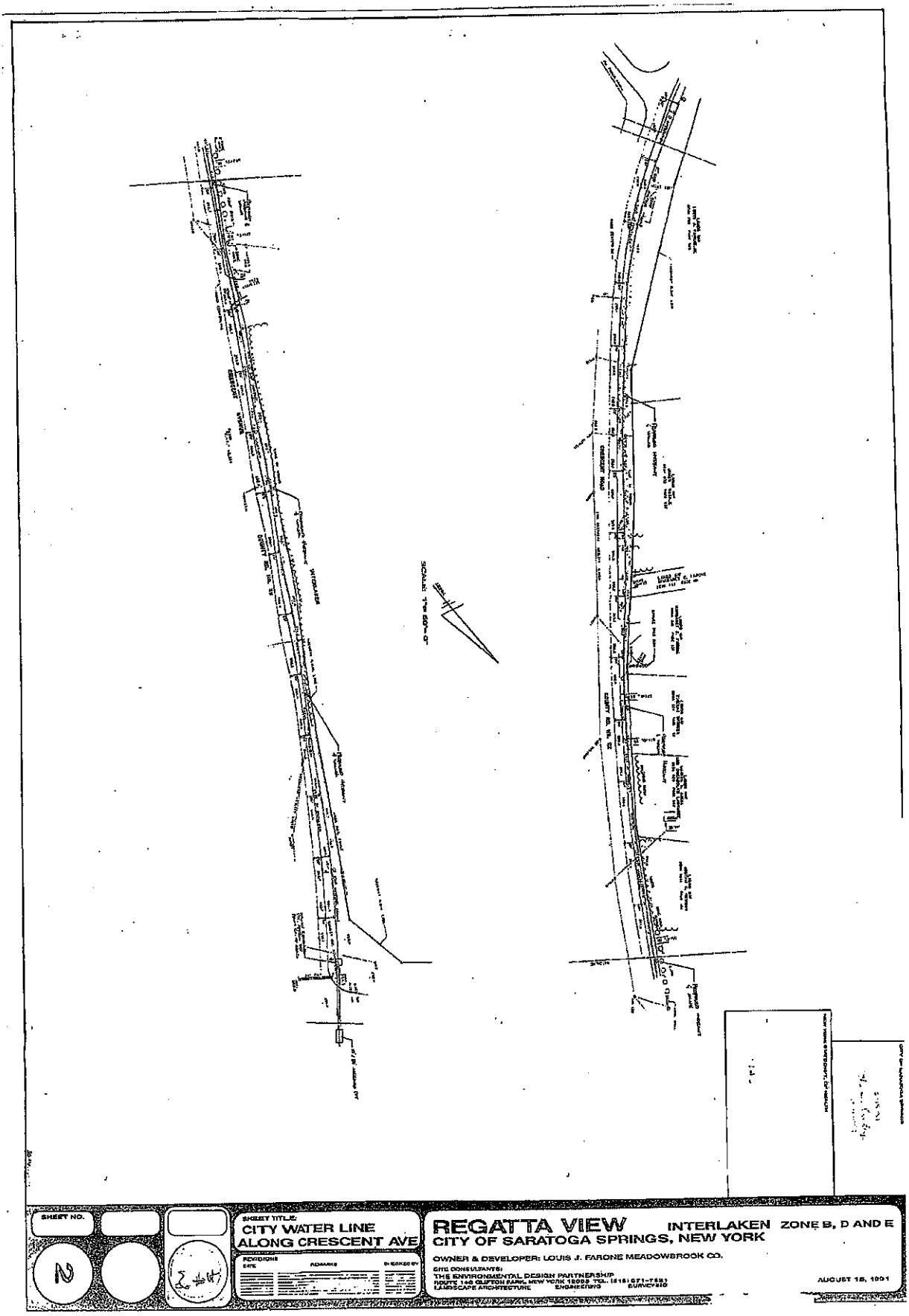
SHEET NO. 14

SHEET NO. 15
SITE DETAILS
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER LOUIS J. PRONE MEADOWBROOK CO.
GENERAL NOTES:
SANITARY MANHOLE
SANITARY & WATER CROSSING DETAIL
VALVE/METER PIT DETAIL
SECTION A – A
SECTION B – B
TRENCH DETAIL
SEWER LATERAL CONNECTIONS

REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FRIONE MEADOWBROOK CO.
SITE DETAILS
SHEET TITLE:
SHALLOW CATCH BASIN
NOT TO SCALE
STORM MANHOLE / DEEP CATCH BASIN
NOT TO SCALE
BOULEVARD ROAD CROSS SECTION
WELL INSTALLATION PITLESS UNIT
OMIT
WATER WELL DETAIL
OMIT
STRAW BALE DIKE
COMMON AREA / STONE PATH
TYPICAL ROAD SECTION
BITUMINOUS PAVEMENT
NOT TO SCALE
CONCRETE WALK
NOT TO SCALE
TYPICAL CONCRETE CURB
NOT TO SCALE
TRANSITION CURB
NOT TO SCALE
PEDESTRIAN RAMP AT STREET CORNER


PLAN VIEW M.H. #CR-318
PLAN VIEW 6"/8" FORCE MAIN CONNECTION
SITE LOCATION MAP
NOT TO SCALE
PROFILE M.H. #CR-318
PROFILE 6"/8" FORCE MAIN CONNECTION
PLAN VIEW
SECTION A-A
SCSD #1 M.H. #CR-318 DETAIL
NOT TO SCALE
SCSD #1 REQUIRED IMPROVEMENTS
GENERAL NOTES
REGATTA VIEW · INTERLAKEN · ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARINE MEADOWBROOK CO.
SHEET TITLE: COUNTY SEWER IMPROVEMENT DETAILS
SCALE: AS SHOWN
SHEET NO.
17

REGATTA VIEW • INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, N.Y.
OWNER & DEVELOPER: LOUIS J. PRIORE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
SHEET TITLE:
CITY WATER LINE
ALONG CRESCENT AVE
SHEET NO.
1
DECEMBER 20, 1990
ROAD CROSSING PLAN
SCALE: 1"= 50'-0"
WATER
CONNECTION PLAN
SCALE: 1"= 100'
FISH CREEK
TYPICAL HYDRANT INSTALLATION
TYPICAL JUNCTION LAYOUT
INTERLAKEN
ZONE C



SHEET NO.

2

SHEET TITLE:
CITY WATER LINE
ALONG CRESCENT AVE

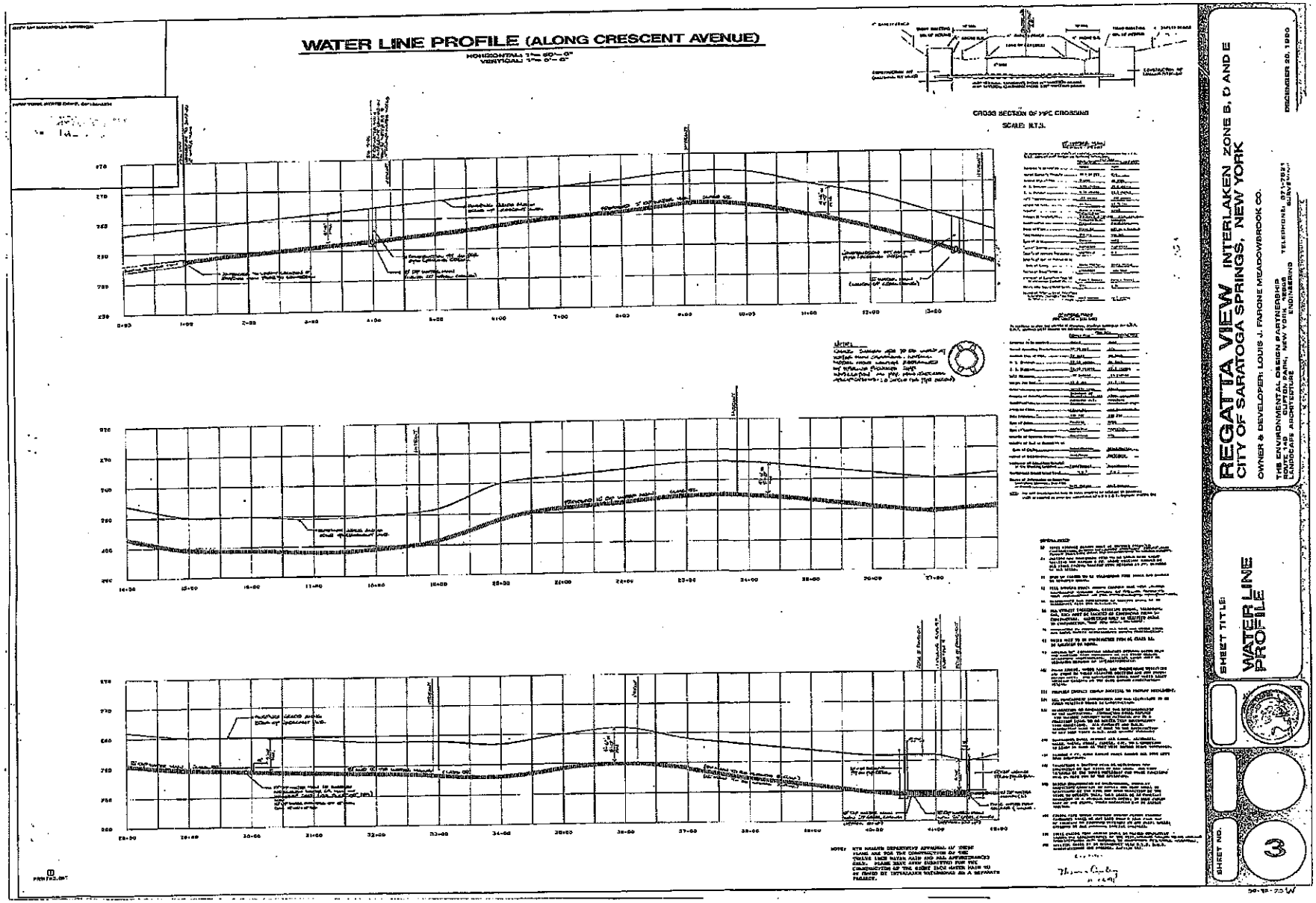
REVISIONS
DATE | REMARKS | BY

REGATTA VIEW INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK

OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.

SITE CONSULTANTS:
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065 TEL. (518) 371-7881
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING

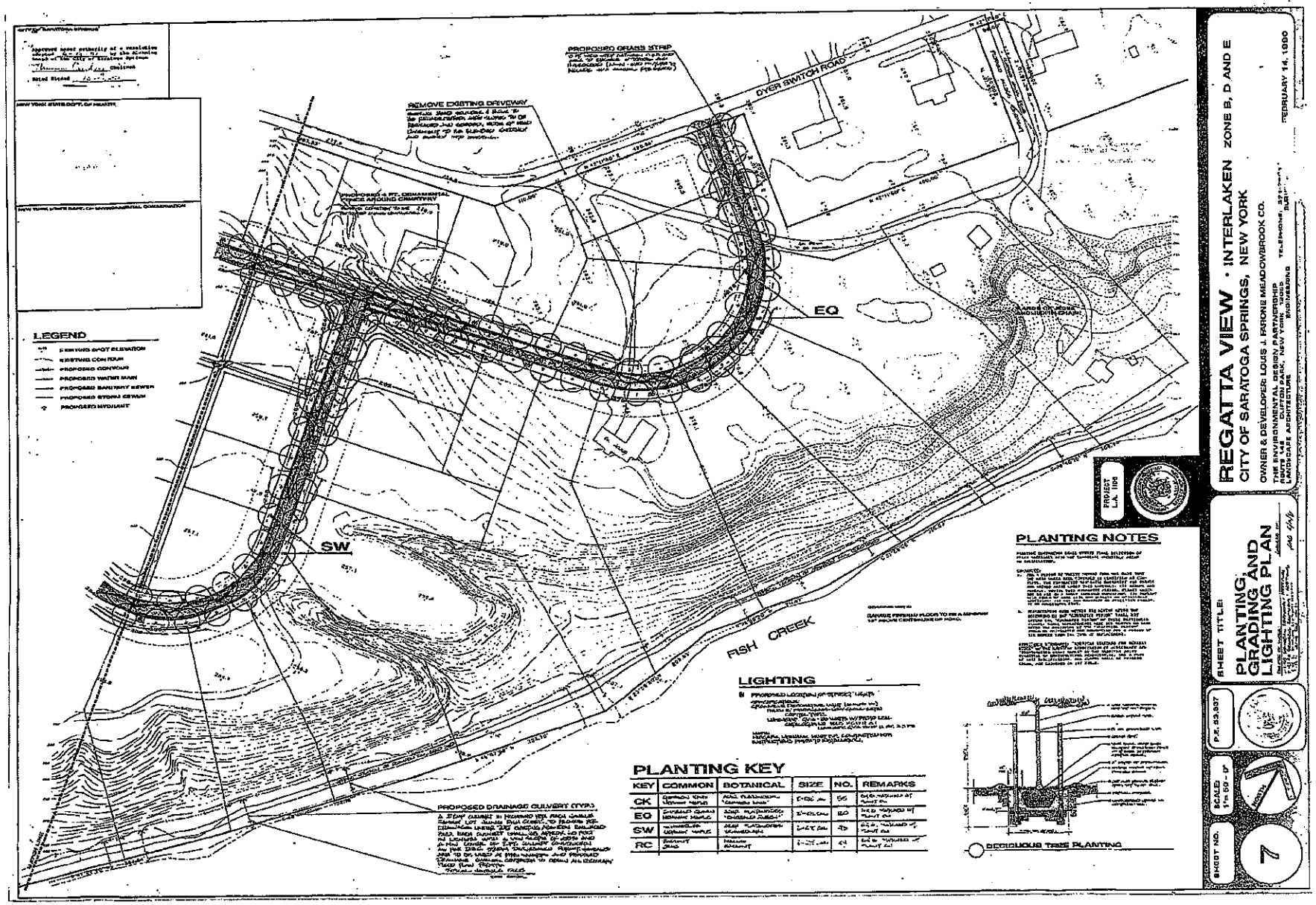
AUGUST 15, 1991

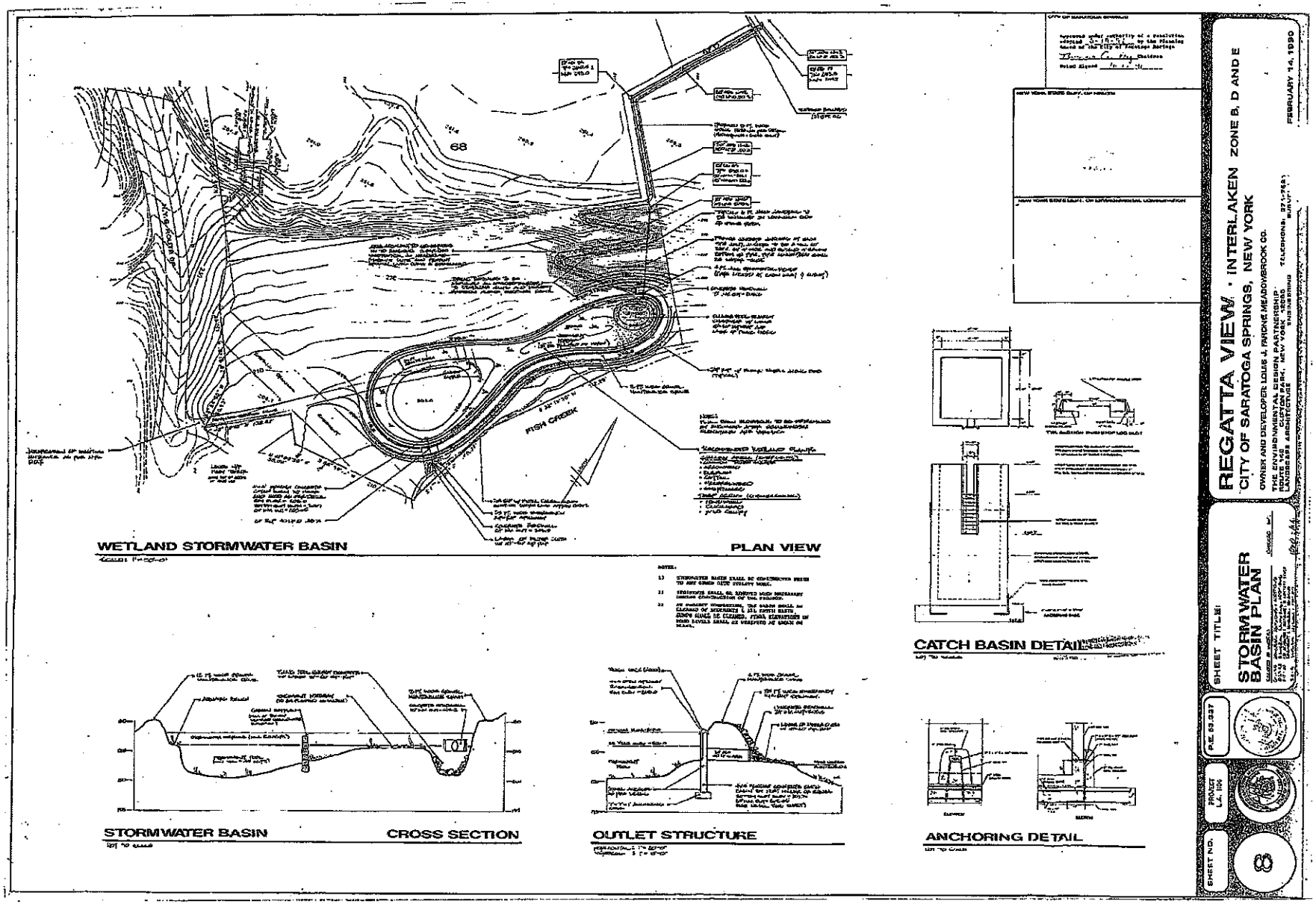

WATER LINE PROFILE (ALONG CRESCENT AVENUE)
CROSS SECTION OF PIPE CROSSING
SCALE: N.T.S.
REGATTA VIEW INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING
TELEPHONE: 371-7521
SURVEYING
DECEMBER 20, 1990
SHEET TITLE:
WATER LINE PROFILE
SHEET NO.
3

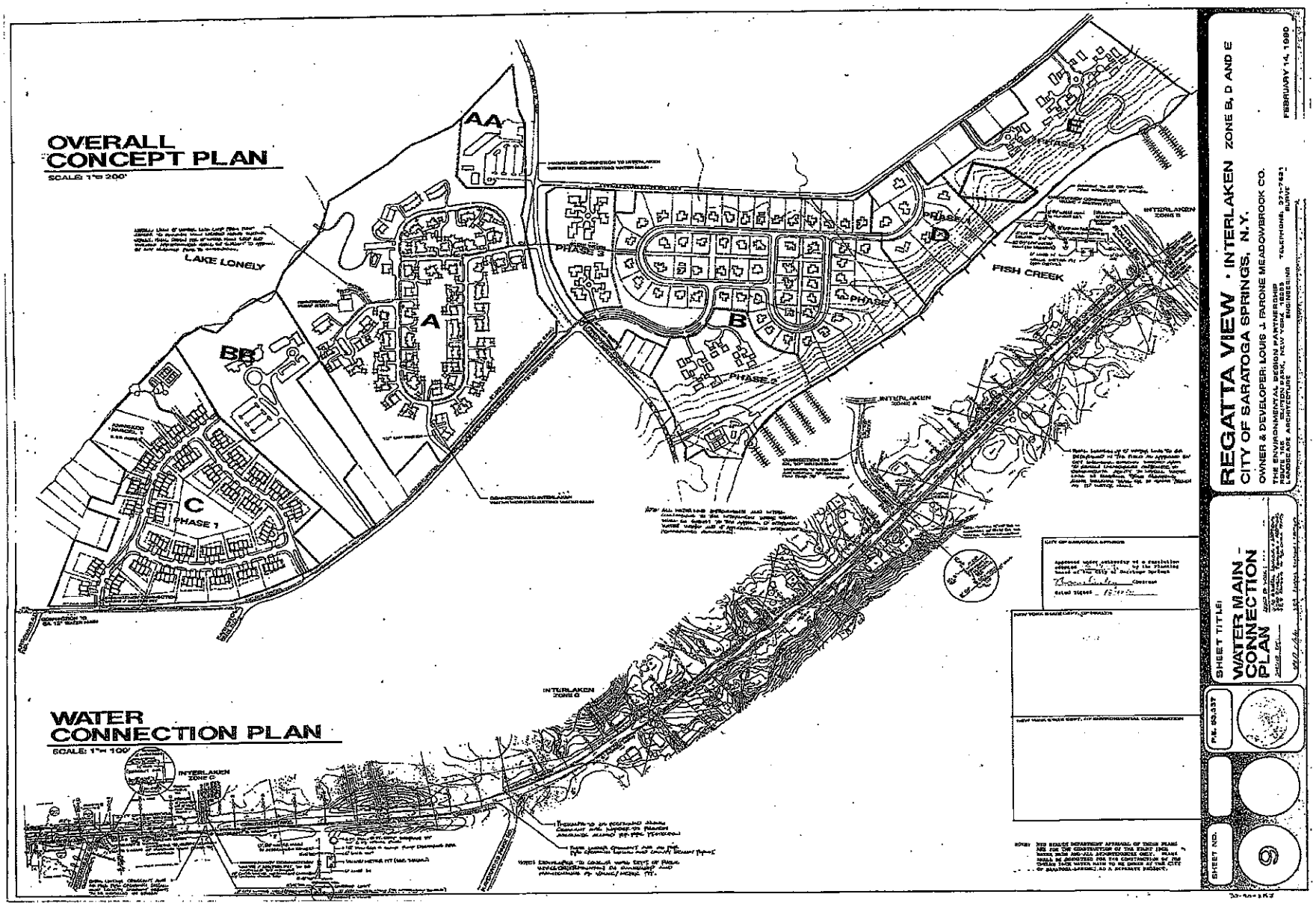
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS L. IRRONE MEADOWBROOK CO.
UTILITY PLAN
SHEET TITLE:
SHEET NO.
SCALE: 1"= 50'-0"
JAMES E. MITCHELL P.E. 63,337
NORTH
DYER SWITCH ROAD
NEW YORK STATE ROUTE
LEGEND
PROPOSED SANITARY MANHOLE
PROPOSED CATCH BASIN
PROPOSED WATER MAIN
PROPOSED SANITARY SEWER
PROPOSED STORM SEWER
PROPOSED HYDRANT
PROPOSED GATE VALVE

REGATTA VIEW - INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. BRONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING
TELEPHONE: 371-7021
FEBRUARY 14, 1990
UTILITY PLAN
SHEET TITLE:
MARK E. MITCHELL P.E. 63,357
SCALE: 1"= 60'- 0"
SHEET NO. 5
GENERAL NOTES
LEGEND
EXISTING SPOT ELEVATION
EXISTING CONTOUR
PROPOSED CONTOUR
PROPOSED WATER MAIN
PROPOSED SANITARY SEWER
PROPOSED STORM SEWER
PROPOSED HYDRANT
PROPOSED GATE VALVE
FISH CREEK
DEER SWAMP ROAD

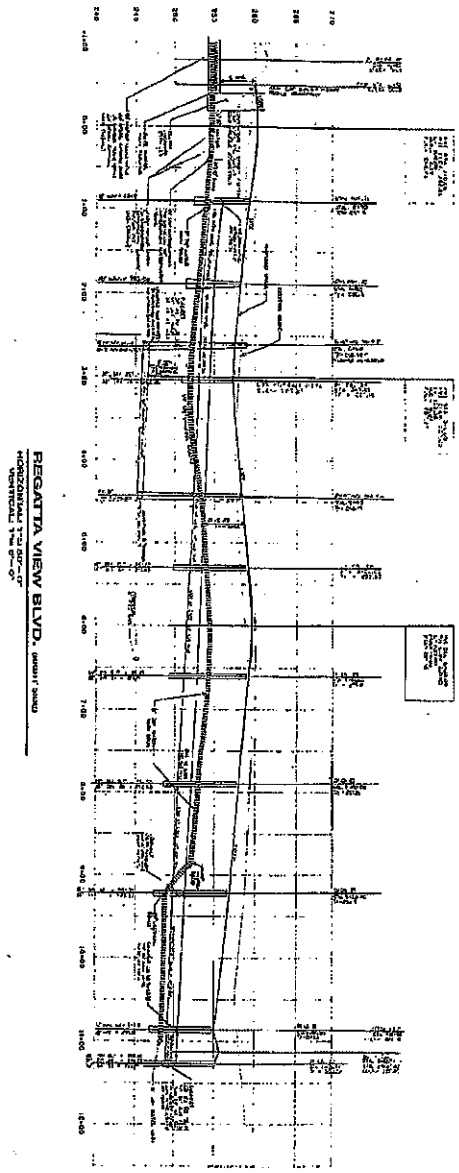
REGATTA VIEW - INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER LOUIS J. PARONE HEADOWBROOK CO.
SHEET TITLE:
PLANTING, GRADING AND LIGHTING PLAN
SHEET NO. 6
SCALE 1"= 50'-0"
NORTH
FEBRUARY 14, 1990
DYER SWITCH ROAD
NEW YORK STATE ROUTE 9P
MAPLE LANE
LEGEND
EXISTING SPOT ELEVATION
EXISTING CONTOUR
PROPOSED CONTOUR
PROPOSED WATER MAIN & HYDRANT
PROPOSED SANITARY SEWER
PROPOSED STORM SEWER
LIGHTING
PLANTING KEY
KEY
COMMON
BOTANICAL
SIZE
NO.
REMARKS
GK
EQ
SW
RC

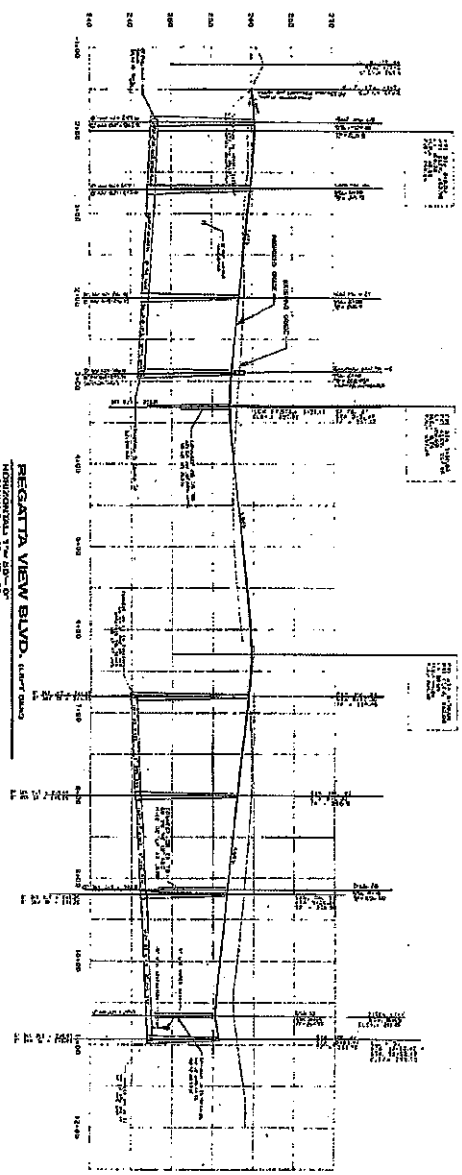

REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE ENGINEERING
FEBRUARY 14, 1990
SHEET TITLE:
PLANTING, GRADING AND LIGHTING PLAN
SHEET NO.
7
SCALE: 1"= 50'-0"
NORTH
P.E. 53,937
PROJECT L.A. 1100
LEGEND
EXISTING SPOT ELEVATION
EXISTING CONTOUR
PROPOSED CONTOUR
PROPOSED WATER MAIN
PROPOSED SANITARY SEWER
PROPOSED STORM SEWER
PROPOSED HYDRANT
REMOVE EXISTING DRIVEWAY
PROPOSED GRASS STRIP
DYER SWITCH ROAD
EQ
SW
FISH CREEK
PROPOSED DRAINAGE CULVERT (TYP.)
PLANTING NOTES
LIGHTING
PLANTING KEY
KEY | COMMON | BOTANICAL | SIZE | NO. | REMARKS
CK | | | | 55 | |
EQ | | | | 80 | |
SW | | | | 45 | |
RC | | | | 41 | |
DECIDUOUS TREE PLANTING


WETLAND STORMWATER BASIN
PLAN VIEW
FISH CREEK
68
STORMWATER BASIN
CROSS SECTION
OUTLET STRUCTURE
CATCH BASIN DETAIL
ANCHORING DETAIL
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER AND DEVELOPER: LOUIS J. PARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
FEBRUARY 14, 1990
SHEET TITLE:
STORMWATER BASIN PLAN
SHEET NO.
8


OVERALL CONCEPT PLAN
SCALE: 1"= 200'
WATER CONNECTION PLAN
SCALE: 1"= 100'
LAKE LONELY
FISH CREEK
AA
BB
A
B
C
D
E
PHASE 1
PHASE 2
PHASE 3
INTERLAKEN ZONE A
INTERLAKEN ZONE B
INTERLAKEN ZONE C
REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, N.Y.
OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
SHEET TITLE:
WATER MAIN - CONNECTION PLAN
SHEET NO.
9
FEBRUARY 14, 1990

REGATTA VIEW
INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FRONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
LANDSCAPE ARCHITECTURE
ENGINEERING
MAY 19, 1990
SHEET TITLE:
WATER LINE PROFILE
SHEET NO.
P.E. 53,337
WATER LINE PROFILE (ALONG CRESCENT AVENUE)
HORIZONTAL: 1"= 50'-0"
VERTICAL: 1"= 5'-0"
CROSS SECTION OF PIPE CROSSING
SCALE: N.T.S.





SHEET NO. 11

P.E. 83,537

SHEET TITLE:

ROAD PROFILES

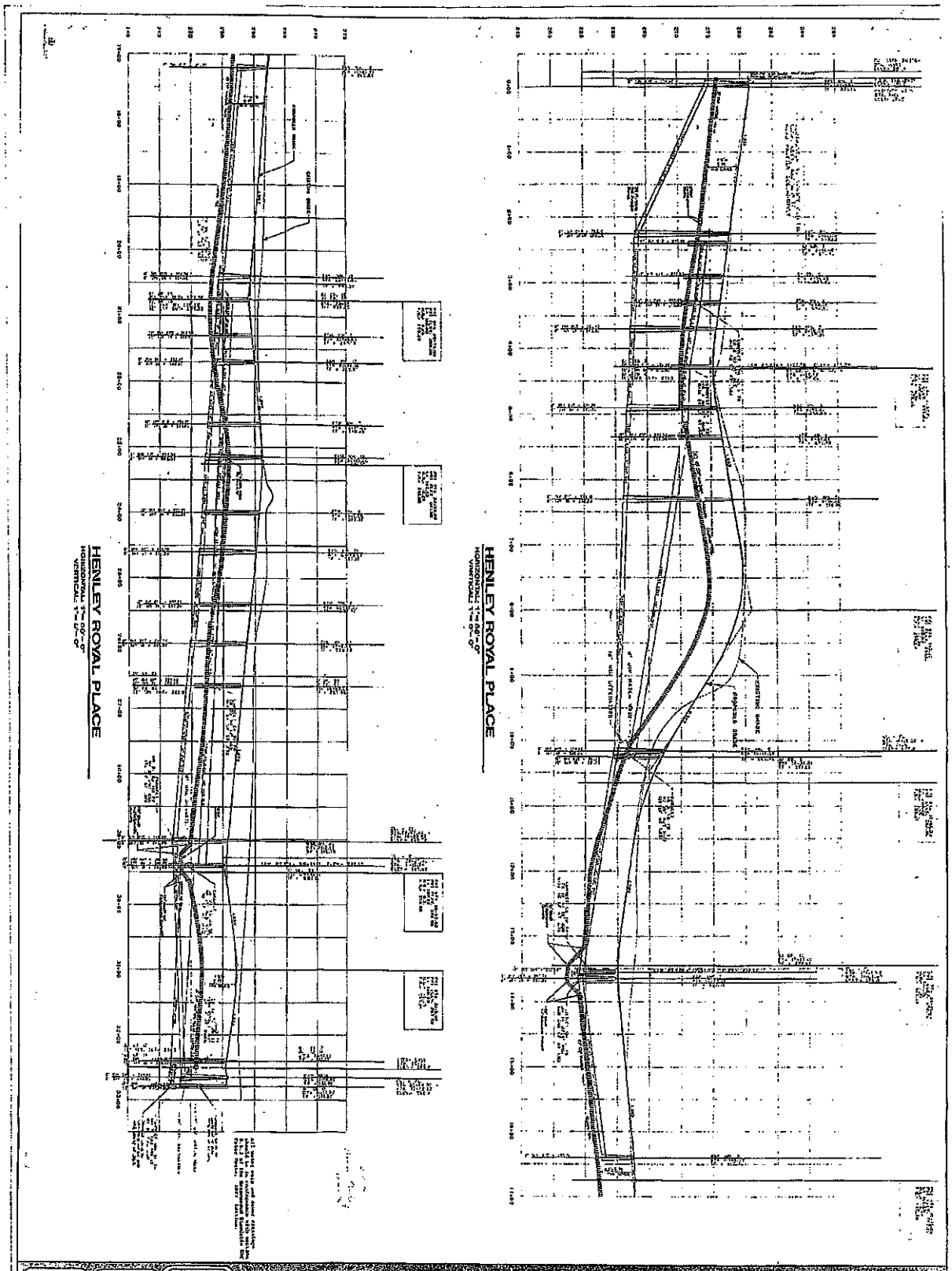
REGATTA VIEW · INTERLAKEN ZONE B, D AND E

CITY OF SARATOGA SPRINGS, NEW YORK

OWNER & DEVELOPER: LOUIS J. FARONE MEADOWBROOK CO.

THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065 TELEPHONE: 371-7651
LANDSCAPE ARCHITECTURE ENGINEERING SURVEYING

AUARY 14, 1990



SHEET NO. 12

P.E. 83,337

SHEET TITLE:

ROAD PROFILES

REGATTA VIEW · INTERLAKEN ZONE B, D AND E

CITY OF SARATOGA SPRINGS, NEW YORK

OWNER & DEVELOPER: LOUIS J. HIRONS MEADOWBROOK CO.

THE ENVIRONMENTAL DESIGN PARTNERSHIP
SOUTH MAIN CLIFTON PARK, NEW YORK 12065 TELEPHONE: 371-
LANDSCAPE ARCHITECTURE ENGINEERING PLANNING

RUARY 14, 1980

REGATTA VIEW • INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER LOUIS J. PRINCE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065 TELEPHONE: 371-7021
LANDSCAPE ARCHITECTURE ENGINEERING
FEBRUARY 14, 1980
SHEET TITLE:
WATER MAIN AND ROAD PROFILES
P.E. 03.037
SHEET NO.
13
GENERAL NOTES
N.Y.S.L. ROUTE 9P ENTRANCE PROFILE
N.Y.S.L. ROUTE 9P ENTRANCE PLAN
WATER MAIN ACROSS LOT 66
HORIZONTAL 1"= 50'-0"
VERTICAL 1"= 5'-0"
WATER MAIN ALONG INLANDER ROAD
HORIZONTAL 1"= 50'-0"
VERTICAL 1"= 5'-0"
THAMES PLACE
HORIZONTAL 1"= 50'-0"
VERTICAL 1"= 5'-0"

REGATTA VIEW - INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. MARONE/MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
ROUTE 146 CLIFTON PARK, NEW YORK 12065
LANDSCAPE ARCHITECTURE SURVEYING
TELEPHONE: 371-7581
FEBRUARY 14, 1990
SHEET TITLE: SITE DETAILS
P.E. 69,337
SHEET NO. 14
TYPICAL HYDRANT INSTALLATION ELEVATION
NOT TO SCALE
TYPICAL HYDRANT INSTALLATION PLAN VIEW
NOT TO SCALE
TYPICAL JUNCTION LAYOUT
NOT TO SCALE
TYPICAL SERVICE CONNECTION DETAIL COPPER SERVICE PIPE
NOT TO SCALE
COPPER SERVICE PIPE CONNECTION FOR SINGLE TAP
NOT TO SCALE
TRENCH DETAIL
NOT TO SCALE
RAILROAD & WATER CROSSING DETAIL
NOT TO SCALE
GENERAL NOTES
SCHEDULE A

REGATTA VIEW · INTERLAKEN ZONE B, D AND E
CITY OF SARATOGA SPRINGS, NEW YORK
OWNER & DEVELOPER: LOUIS J. FRONE MEADOWBROOK CO.
THE ENVIRONMENTAL DESIGN PARTNERSHIP
SHEET TITLE:
SITE DETAILS
JANUARY 14, 1980
TYPICAL ROAD SECTION
BITUMINOUS PAVEMENT
CONCRETE WALK
TYPICAL CONCRETE CURB
TRANSITION CURB
PEDESTRIAN RAMP AT STREET CORNER
STORM MANHOLE / DEEP CATCH BASIN
SHALLOW CATCH BASIN
BOULEVARD ROAD CROSS SECTION
WELL INSTALLATION PITLESS UNIT
WATER WELL DETAIL
STRAW BALE DIKE
COMMON AREA / STONE PATH

Exhibit L

the opening of the new Jamesway which the city would be proud of and that it was an exciting plan. Mr. Toohey indicated that 70 of the employees were either currently working at another position or waiting for the reopening and were looking forward to work there again as soon as possible.
Mr. Toohey indicated that there would be fire lane signs in front and rear of building.

All hydrants would have easy access and within 4 ft. of pavement stated Mr. Toohey.

Mr. Toohey stated that to meet the intent of the buffer provision of the zoning ordinance they are proposing a fence and "landscaped" as opposed to a densely planted buffer 25 ft. between residential zone and business zone. Mr. Cummings indicated that personally, he would like to see a landscape buffer with a solid fence. Mr. Toohey indicated that a 6 ft. high wood stockade fence would be erected.

The applicant agreed to further address all the issues and return to the January meeting for a decision on their request for site plan approval.

89.50 INTERLAKEN PUD - PHASE B: This is a discussion of sketch plan for Interlaken PUD legislation as it relates to Phase B. Richard Mullaney, attorney, appeared before the Board.

Beth Scavone excused herself from the Board and stated that she would not participate in the discussion because she is employed by an attorney involved in this matter.

Geoff Bornemann stated that there were three remaining issues regarding the draft revised legislation for the Interlaken PUD. First, the draft legislation refers to the project being serviced by private water system. The Board agreed to ask the City Council to change it from a "private water system" to a "community water system."

The second issue was that the draft legislation states that all recreation areas will be opened to all residents of the PUD. The Board agreed to revise this to state that they may be opened to all residents but such decision should occur on a phase by phase basis.

The final issue related to the amount of open space or common areas that would be diminished with the shift toward more single family detached housing units. The Board agreed that this was not a problem and the original language in the draft legislation can stand.

The Board agreed that with these latest changes, the ordinance could go back to the City Council for consideration. Since this legislation is part of the new comprehensive zoning ordinance, it would be preferable to not have it presented separately unless a long delay is forseen.

89.79 INTERLAKEN PUD - PHASES B & D: This is an application for preliminary PUD site plan approval. Richard Mullaney, attorney, and Richard Eats, landscape architect, appeared before the Board.

Mr. Eats acknowledged the incomplete mapping for lots 39, 65 and 68 but stressed that this issue was just a technical problem. He further stated that the applicant will grant an access easement for the Chase property across lot #65 and this will be shown on the plat plan.

Mr. Mullaney indicated he talked with the Commissioner of Public Works and he felt that the issue of who would maintain the central median strip along the entrance road could easily be resolved in the near future.

In reference to traffic impact at Rt 9P intersection, Greiner Engineering and Mr. Eats have looked at the issue and the results indicated that there will be no problem for this phase. They agreed that the issue may have to be re-examined in later phases.

Mr. Mullaney stated that his client is totally opposed to granting any easement along Fish Creek for a future bike trail or hiking trail. His client's only wish is to pay the required $400 per unit for cash-in-lieu of recreation land.

Mr. Mullaney asked the Board about their feelings on the extension of city water to serve Phase B & D. Geoff Bornemann stated that the original application was revised and that the applicant is now requesting city water to service phase B & D. He states that research by the City Attorney and the City Engineer has revealed the following opinions:

-Interlaken Water Works does not appear to have any exclusive right to service future phases.
-City may legally service all phases except "A".
-City Council minutes of 9/17/84 indicate that PUD would in the future, tie into the city system if the city system is extended near the project.
-Analysis of adequacy of pressure in the city line has been submitted and is under review by the City Engineer. If analysis reveals inadequate pressure then, applicant may have to add storage tank, loop line or tie-into Phase "A".
-Request for city water is different from original SEQR action and an amendment is necessary. Focus should be on

financial impacts to Phase "A" users.

The Chairman opened the public hearing.

Mr. Tony Ianniello, an Interlaken resident and attorney for the Interlaken private water company, spoke from the audience. He feels that the Planning Board and City Council should stick to the deal made years ago. He feels the water company should be allowed the opportunity to give water to the other phases. He stated that the special legislation creating the development gives the waterworks a hold on all phases. He indicated that if the waterworks ends up servicing only Phase I which supplies water to 125 homes and not the plans for the 500 homes to be developed that the cost to phase I residents would be extremely high. As a homeowner, he hopes the water bill isn't going to be based on the 125 homes. He stated that it was unfair for the city to overlook the rights of the present tenants. He stated that the waterworks is owned by the company and is willing and able to supply all the necessary water for this PUD.

Bill May, an Interlaken resident spoke from the audience. An important factor he stated was the equity of his property as compared to the new Interlaken phase across the street. He stated that he wants water and doesn't care where it comes from and that any equitable solution would satisfy him. His concern was that private water system should be built to tie into city system.

Mr. Cummings stated that the Board would refer this entire water service matter to the City Council where it can be properly addressed.

Mr. May expressed that he hoped the residents would not be hurt by this and felt the City has an obligation to current tenants in phase I and definite clarity is lacking.

The Chairman closed the public hearing.

Mr. Eats added that they have been working with the NYS Department of Environmental Conservation to design an acceptable storm water polution control basin to protect Saratoga Lake and he did not anticipate any problems.

Geoff Bornemann suggested that if the Board wanted to vote on preliminary PUD site plan approval, they should ask the applicant to agree to postpone a SEQR determination because of the yet unresolved impacts from using city water. The applicant agreed to this postponement.

Mr. Cummings stated that the applicant was entitled to get preliminary approval. Jack King made a motion to approve the revised preliminary PUD site plan contingent upon successful resolution of the water supply issue, storm water discharge issue

and the maintenance issue of the median strip along the entrance road. The motion was seconded by Tom Curley. Ayes all.

89.23 BIRCH RUN - PHASE II: This is an application for revisions to the subdivision plat plan for 12 "great lots" in a R-4 Multi-family Residential District at 69 Seward Street.

Geoff Bornemann reported that the applicant has requested a continuation until January.

The Board agreed to this continuation.

89.72 MARVIN ALLEY APARTMENTS: This is an application for site plan review for a new six unit apartment buoilding in a R-4 Multi-family Residential District at 14 Cherry Street.

Geoff Bornemann reported that the applicant has requested a continuation until January.

The Board agreed to this continuation.

REVISIONS TO EXISTING LETTERS OF CREDIT: Upon the recommendation of the City Engineer, Wally Allerdice made a motion to approve the following revision to the Letter of Credit:

	PROJECT:	REDUCED TO:	DUE DATE:
a)	87.14 Meadowbrook Subdivision	Cancel if streets accepted by 12/18 or continue for $71,666	6/28/90
b)	87.92 Beacon Hill Subdivision (exit road)	$33,375	9/27/90
c)	87.13 Briar Trace Subdivision	Cancel if streets accepted by 12/18 or reduce to $20,059	6/28/90
d)	88.03 Emerald Forest Subdivision	$79,783	12/28/90
e)	89.65 Travers Manor Drainage Improvements	Cancel and accept $195,000 performance bond	N/A

Exhibit M

also that they plan to ask NYS DOT for permission to run a sanitary sewer force main to the Washington/West Avenue manhole. If this option is not possible, they will install a temporary septic system.

Mr. Bryce stated that this postal facility is being designed as the first phase of a larger plan for the entire area. He reported that his firm is attempting to develop the entire 22 acres owned by the post office as well as some adjacent lands. He presented the Board with a conceptual plan for a proposed commercial complex, tentatively called "West End Plaza". The project would be a mixed-use commercial complex using the post office and railroad station as focal points. The project would include restaurants, retail stores and offices. Mr. Bryce indicated that this commercial project is subject to full review by the City and as plans are further developed, he will bring them to City for review.

Mr. Cummings noted that the West Avenue area has a significant traffic problem that will have to be addressed. Mr. Bryce acknowledged that fact and added that there were substantial storm water and sanitary sewer solutions also to be found.

Mr. Cummings thanked Mr. Bryce for his cooperation and encouraged him to keep voluntarily working with the City on construction details for the post office facility. He noted that it has been very useful to have the public and City informed about this important project.

In response to a question by Mr. Allerdice, Mr. Bryce indicated that the post office construction is planned to be finished by May 1, 1991.

90.24 INTERLAKEN PUD - PHASE B & D: This is an application for final PUD site plan review for 61 residential units in a Planned Unit Development at 509-531 Union Avenue. Appearing before the Board were Richard Mullaney, attorney; Richard Eats, landscape architect; and Jim Mitchell, engineer.

Beth Scavone excused herself from the Board because she is employed by a firm that is involved in this project.

Mr. Mullaney addressed the issues identified on the Board's agenda notes. He said cost estimate and an expiration date would be developed for the extension of the public water line along Crescent Avenue to Route 9P, but maintained that none were needed for all other improvements because they were to be privately owned and bonded for the homeowner's association.

He noted that the postal address system has been developed for the project. All easements will be clearly identified on the plans and filed. All monumentations will fully comply with City standards. Notes have been added to indicate that the actual lot lines along

the Fish Creek are the mean high water mark. The plans will show the drainage channel along the old railroad bed and the appropriate drainage easements will be granted. This channel will be maintained by the Homeowners' Association.

Mr. Mullaney noted that NYS DOT is still reviewing the signage plan for the Route 9 entrance. He said they will develop a fee for each Phase 1 lot that would be collected to pay for a future traffic light if it should become warranted. A note will be added that all streets and utilities within the project will not be offered for dedication to the City. Sidewalks will comply with City and State construction standards. The paths on HoA land will be constructed with stone dust but otherwise will be left very natural. The cemetery will have a wrought iron fence and will be protected during and after construction.

Mr. Eats asked for consideration to waive the requirement for Niagara Mohawk davit arm light fixtures at the project entrances. He felt they would distract from the visual image that the developer wants to create for this project. The Board asked the developer to work with the Departments of Public Safety and Public Works to arrive at an acceptable substitute.

The project entrances will have signs similar to those in Phase A. A decision has been reached not to construct guardhouses during this phase of the project.

Mr. Mullaney stated that the applicant wishes the City fee of $400 per lot for recreation instead of dedicating 10% of the land.

Mr. Mullaney stated that all vegetation that was being cleared from the site will be deposited in a NYS DEC approved landfill behind the Canterbury Restaurant. If spoil was deposited on site, it will be so marked on the plans.

Mr. Eats indicated that the "wet basin" has been favorably reviewed by NYS DEC. It will be fenced and all appropriate easements will be noted on the plans. He noted also that the County Sewer District is satisfied will all the plans for the sanitary sewer system.

Jim Mitchell explained the latest revision to the water distribution system. He noted that the State DoH is reviewing the application for the private water company's service extension and the taking of additional ground water. A decision on the application is expected by June 1st. A detailed analysis of the existing system has been reviewed by the City Engineer. Mr.Cummings asked if the existing private water system is able to adequately service Phase B & D. Mr. Mitchell replied that it was, but that the City's water main along Crescent Avenue was being extended to Route 9P to provide emergency back-up flow should a fire occur within the project. The developer will pay the cost for

extending this City water main. Mr. Mitchell noted that fire hydrants have been added at the request of the Fire Department. An internal looping system has been added and all aspects of the plans have been developed to the satisfaction of the Department of Public Works.

Wally Allerdice made a motion to approve the final PUD site plan contingent upon all the items agreed to during the discussion, all State and County permits, and payments of the remaining $60 application fee and the $26,400 recreation fee. Seconded by Tom Curley. Ayes all.

Beth Scavone resumed her seat on the Board.

Walter Markunas, 7 Pleasant Drive, expressed disappointment that a bike path was not included along Fish Creek in the Interlaken project. Mr. Cummings stated that he felt it was unwise to commit the City to a bike path without there being a comprehensive plan. He noted that the City Council recently rejected a proposal to fund such a trail system.

Jeff Olson, a Saratoga Lake resident, noted that an open space recreational system needed the cooperation and support from private developers. He felt that such a system would enhance property values and be a benefit to private developers.

Richard Mullaney, attorney for the Interlaken project, stated that he felt there were several reasons why a bike path would not work for the Interlaken project. He said the developer only controlled about 3,000 feet of shore line and that bridges further up along the old railroad bed were no longer standing. The trail therefore, would go nowhere. It would be too costly to complete. He stated that Mr. Farone, the Interlaken developer, owns other lands where it might make more sense to build a bikeway. He felt that Mr. Farone would be willing to cooperate with the City in the future should this concept be further developed.

The meeting was adjourned at 9:05.

Exhibit N

PLANNING BOARD
CITY OF SARATOGA SPRINGS
Saratoga Springs, New York

June 2, 1982

SEP 1 2 1...

Saratoga Springs City Council
City Hall
Saratoga Springs, New York 12866

Re: INTERLAKEN RESIDENTIAL PLANNED UNIT DEVELOPMENT:

Dear Mayor and Commissioners:

After reviewing the proposed zone change from Conservancy and Residential Seasonal to Residential Planned Unit Development for the area generally known as Interlaken, it is our recommendation that it be approved with the following additional clarifications:

1. Buffer areas shall be established and maintained along the slopes facing Lake Lonely and Bear Swamp to the West and Fish Creek to the East.

2. All signage shall conform to the Saratoga Springs sign ordinance.

It is the determination of the Planning Board that:

a. The Interlaken Residential Planned Unit Development is a logical extension of the present zoning and land use as recommended in the 1970 Master Plan. The Master Plan recommends Residence Recreation for Interlaken. The resort concept proposed is in conformance with that recommendation.

   The support uses including restaurants, lodging facilities and minimal retail space reinforce the resort concept and are dependent upon the residential and recreational development of the project. The facilities are not intended to compete with the Central Business District.

   The construction of the Saratoga County Sewer Line will provide sanitary sewers to the project site. This coupled with the development of an independent water supply will allow a more dense development not before possible under the Conservancy zone.

b. The Interlaken Residential Planned Unit Development provides flexible land use and design regulations. The proposal provides a variety of housing types and integrates commercial and residential uses.

The design of Interlaken is formulated around the creation of neighborhoods; some of which are residential, others commercial. All neighborhoods are linked together with open space and recreational facilities to create the resort concept.

Interlaken is self-contained and not dependent upon other building sites.

The design of Interlaken provides an innovative site planning approach by providing flexibility and diversification throughout the plan. The Plan is then unified through the natural environment and character it develops.

Interlaken is in conformance with the Master Plan and is in the interest of the general welfare. The resort theme in conjunction with the horse breeding farm will attract clientele who will further the New York State Horse Breeding Industry. The design approach sets a precedent and will act as an example of innovative design desired by the P. U. D. Ordinance.

c. Interlaken provides choices in building type (single family, townhouse, apartment) and occupancy (individual ownership, condominium, lease). The development further provides for community recreational facilities.

Residents of Saratoga Springs would also benefit from the restaurants and small conference space which would be made available to the general public.

Interlaken provides an extensive useable open space developed with swimming pool and clubhouse, tennis courts, playground facilities, boat basin and trails, walks and picnic areas. These recreation areas will be connected with an interior walk system.

Coupled with the residential development at Interlaken is 6000 square feet of retail space, conference space, a clubhouse and recreational facilities. These services are all within walking distance and available to all residents of Interlaken.

The flexible design concept at Interlaken will allow buildings to be sited around trees and significant vegetation. All slopes and wet lands have been retained and protected as open space. The storm drainage system has been designed for a minimum environmental impact from construction and operation by returning the water into the ground as soon as possible thereby preventing erosion and concentrations of water.

The area around Interlaken is predominantly rural in character. For that reason, buffer areas have been retained and constructed screening the development from collector streets. Buffer areas have also been retained within the development between different land use types. To the west, the horse breeding farm not only provides a pastoral view from Interlaken, but provides a buffer as well.

Interlaken provides an efficient use of land by clustering development thereby lowering development costs. The storm drainage concept further reduces cost of infrastructure investment. All aspects of the design are focused on a minimal disturbance to the land and therefore, lower development costs.

The 1970 Master Plan recommends this area for Residential - Recreation. Although the specifics of that recommendation were focused on development ten years ago and are not economically viable today, the general direction and resort home concept is fulfilled if not surpassed at Interlaken.

The existing zoning ordinance does not allow for the unique environment which Interlaken will provide. The variety and flexibility of Interlaken will preserve the natural features creating an environment encouraged by the P. U. D. Ordinance.

d. There is a variety of residential housing types providing a balanced community.

The site encompasses approximately 215 acres, exceeding the 10 acre minimum.

The site will be serviced by sewer. Water will be provided on site. Snowplowing and street maintenance will be provided by the owners of the development. The storm drainage system will be maintained by the owners of the development.

The project is serviced by major collector streets and is 1.25 miles from I-87.

A market survey is available supporting the development.

A residential and commercial fiscal impact analysis is available.

6000 square feet of retail space will be developed to serve the needs of the residents. At present there is a small grocery store at the Caunterbury Restaurant which services the existing campground. This new retail space would serve the same limited function.

A 54 room inn will be constructed to provide accommodations for prospective owners and guests of residents. It will also provide minimal conference space for business professionals at the Interlaken resort development.

The Caunterbury Restaurant is an existing facility that will be retained and will act as a focal point for the development from its inception.

Riley's Lake House is an existing but abandoned restaurant. This building would be restored to its original Art Deco theme and provide a "High polish" alternative to the rustic Caunterbury. It will house a restaurant with possible dinner shows and a lounge. The resort theme of the residential development will be supported by the rehabilitation of Riley's

A 110 room hotel will be constructed adjacent to and in coordination with Riley's. This is a natural extension of the resort theme and will again act as accommodations for guests of residents and provide conference space. Like Riley's, it will provide a "high polish" image as compared to the more rustic inn adjacent to the Caunterbury.

As part of the resort community, certain accessory uses will be developed:

Recreational facilities will include a swimming pool complex, tennis courts, playground facilities, picnic grounds, trails, a small dock on Lake Lonely and a boat basin on Fish Creek. These facilities will be available to all residents of Interlaken.

Storage buildings and garages will be provided for maintenance and storage of automobiles and maintenance vehicles.

A full time on site maintenance superintendent may be desired. A special residence would allow more privacy for his family unit.

e. The Interlaken Residential Planned Unit Development is conceptually sound. It meets all local and area wide need and it conforms to the accepted principles of functional, highway and pedestrian circulation systems, land use configurations, open space systems and drainage systems. The scale and design of the elements are humane and related to each other and the area in general.

f. With the construction of the Saratoga County Sanitary Sewer System and the development of the on site water system, there will be adequate services and utilities available to the development.

g. The Planning Board has determined the proposed action will not have a significant effect on the environment.

It is the recommendation of the Saratoga Springs Planning Board that the City Council schedule a Public Hearing within forty five days, (as directed in Section 135.43 of the Code of the City of Saratoga Springs, New York) for the purpose of considering P. U. D. districting for the Interlaken Project.

Sincerely,

Frederick J. Holman, Chairman
Saratoga Springs Planning Board

cc: Commissioner Casey, McGourty McTygue Valentine
Louis Farone

EAF

ENVIRONMENTAL ASSESSMENT - PART I

Project Information

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire Data Sheet. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete PARTS 2 and 3.

It is expected that completion of the EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF PROJECT:

Interlaken

NAME AND ADDRESS OF OWNER (If Different)

(Name)

(Street)

(P.O.) (State) (Zip)

BUSINESS PHONE:

ADDRESS AND NAME OF APPLICANT:

Louis J. Farone
(Name)
Interlaken at Caunterbury
Route 9P
(Street)
Saratoga Springs, NY 12866
(P.O.) (State) (Zip)

DESCRIPTION OF PROJECT: (Briefly describe type of project or action) Zone change for 500 housing units, 54 hotel units, 6,000 sq. ft. neighborhood retail, 6,000 sq. ft. office, 2 restaurants, recreation area.

(PLEASE COMPLETE EACH QUESTION - Indicate N.A. if not applicable)

A. SITE DESCRIPTION

(Physical setting of overall project, both developed and undeveloped areas)

1. General character of the land: Generally uniform slope X Generally uneven and rolling or irregular ____.

2. Present land use: Urban ____, Industrial ____, Commercial X, Suburban ____, Rural X, Forest ____, Agriculture ____, Other Some areas developed- trailer park, restaurant, retail, recreation area, unoccupied Lake House and outbuildings.

3. Total acreage of project area: 215 acres.

Approximate acreage:	Presently	After Completion
Meadow or Brushland	51 acres	29 acres
Forested	157 acres	129 acres
Agricultural	0 acres	0 acres
Wetland (Freshwater or Tidal as per Articles 24, 25 or F.C.L.)	0 acres	0 acres
Water Surface Area	0 acres	0 acres
Unvegetated (rock, earth or fill)	0 acres	0 acres
Roads, buildings and other paved surfaces	7 acres	57 acres
Other (indicate type)	0 acres	0 acres

4. What is predominant soil type(s) on project site? loamy, fine sands

5. a. Are there bedrock outcroppings on project site? ____ Yes X No

b. What is depth to bedrock? 100'-150' (in feet)

7. Is project contiguous to, or contain a building or site listed on the National Register of Historic Places? ____Yes __X__No

8. What is the depth to the water table? 18' feet

9. Do hunting or fishing opportunities presently exist in the project area? ____Yes __X__No

Does project site contain any species of plant or animal life that is identified as threatened or endangered - ____Yes __X__No, according to - Identify each species Sasaki Associates

11. Are there any unique or unusual land forms on the project site? (i.e. cliffs, dunes, other geological formations - ____Yes __X__No. (Describe ____)

12. Is the project site presently used by the community or neighborhood as an open space or recreation area - ____Yes __X__No.

13. Does the present site offer or include scenic views or vistas known to be important to the community? ____Yes __X__No

14. Streams within or contiguous to project area:

a. Name of stream and name of river to which it is tributary Fish Creek to Saratoga Lake

15. Lakes, Ponds, Wetland areas within or contiguous to project area:
Saratoga Lake, Lake Lonely,

a. Name Little Bear Swamp; b. Size (in acres) All greater than 50 acres

16. What is the dominant land use and zoning classification within a 1/4 mile radius of the project (e.g. single family residential, R-2) and the scale of development (e.g. 2 story).

Seasonal residential, conservancy

B. PROJECT DESCRIPTION

1. Physical dimensions and scale of project (fill in dimensions as appropriate)

a. Total contiguous acreage owned by project sponsor 215 acres.

b. Project acreage developed: 56 acres initially; 108 acres ultimately.

c. Project acreage to remain undeveloped 107.

d. Length of project, in miles: 1.5 (if appropriate)

e. If project is an expansion of existing, indicate percent of expansion proposed: building square footage N/A; developed acreage ____.

f. Number of off-street parking spaces existing 515; proposed 1450.

g. Maximum vehicular trips generated per hour 1040 (upon completion of project)

h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initial	____	____	15	173
Ultimate	6	____	15	479

i. If:

	Orientation Neighborhood-City-Regional	Estimated Employment
Commercial	Neighborhood/ Regional	211
Industrial	____	____

j. Total height of tallest proposed structure 50-60 feet.

___ cubic yd

3. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site - 50 acres.

4. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? ___Yes _X_No

5. Are there any plans for re-vegetation to replace that removed during construction? _X_Yes ___No

6. If single phase project: Anticipated period of construction N/A months, (including demolition).

7. If multi-phased project: a. Total number of phases anticipated 7 No.

   b. Anticipated date of commencement phase 1 4 month 83 year (including demolition)

   c. Approximate completion date final phase 12 month 92 year.

   d. Is phase 1 financially dependent on subsequent phases? ___Yes _X_No

8. Will blasting occur during construction? ___Yes _X_No

9. Number of jobs generated: during construction 100; after project is complete 211.

10. Number of jobs eliminated by this project 0.

11. Will project require relocation of any projects or facilities? ___Yes _X_No. If yes, explain:

_____.

12. a. Is surface or subsurface liquid waste disposal involved? ___Yes _X_No.

    b. If yes, indicate type of waste (sewage, industrial, etc.) N/A.

    c. If surface disposal name of stream into which effluent will be discharged N/A.

13. Will surface area of existing lakes, ponds, streams, bays or other surface waterways be increased or decreased by proposal? ___Yes _X_No.

14. Is project or any portion of project located in the 100 year flood plain? _X_Yes ___No

15. a. Does project involve disposal of solid waste? _X_Yes ___No

    b. If yes, will an existing solid waste disoosal facility be used? _X_Yes ___No

    c. If yes, give name: city landfill; location Saratoga Springs

    d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ___Yes _X_No

16. Will project use herbicides or pesticides? ___Yes _X_No

17. Will project routinely produce odors (more than one hour per day)? ___Yes _X_No

18. Will project produce operating noise exceeding the local ambience noise levels? ___Yes _X_No

19. Will project result in an increase in energy use? _X_Yes ___No. If yes, indicate type(s) _____

electric, coal, oil, gas.

20. If water supply is from wells indicate pumping capacity 1700 gals/minute.

21. Total anticipated water usage per day 131,300 gals/day.

22. Zoning: a. What is dominant zoning classification of site? Conservancy.

    b. Current specific zoning classification of site Conservancy & Residence Seasonal.

    c. Is proposed use consistent with present zoning? No.

    d. If no, indicate desired zoning Planned Unit Development.

b. Does project involve State or Federal funding or financing: ___ yes _X_ no

c. Local and Regional approvals:

	Approval Required (Yes, No)	(Type)	Submittal (Date)	Approval (Date)
City, Town, Village Board	Yes	Zone Change		
City, Town, Village Planning Board	Yes	Site Plan		
City, Town, Zoning Board				
City, County Health Department	Yes	Sewer, Water		
Other local agencies				
Other regional agencies DOT	Yes	Road		
State Agencies	Yes	Dock Const.		
Federal Agencies				

C. INFORMATIONAL DETAILS

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with the proposal, please discuss such impacts and the measures which can be taken to mitigate or avoid them.

PREPARER'S SIGNATURE: Richard J. Holman

TITLE: CONSULTANT

REPRESENTING: LOUIS J. FARONE

DATE: 3/23/82

Project Impacts and Their Magnitude

General Information (Read Carefully)

In completing the form the reviewer should be guided by the question: Have my decisions and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.

- Identifying that an effect will be potentially large (column 2) does not mean that it is also necessarily significant. Any large effect must be evaluated in PART 3 to determine significance. By identifying an effect in column 2 simply asks that it be looked at further.
- The Examples provided are to assist the reviewer by showing types of effects and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be more appropriate for a Potential Large Impact rating.
- Each project, on each site, in each locality, will vary. Therefore, the examples have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.

INSTRUCTIONS (Read Carefully)

a. Answer each of the 18 questions in PART 2. Answer Yes if there will be any effect.

b. Maybe answers should be considered as Yes answers.

c. If answering Yes to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.

d. If reviewer has doubt about the size of the impact then consider the impact as potentially large and proceed to PART 3.

e. If a potentially large impact or effect can be reduced by a change in the project to a less than large magnitude, place a Yes in column 3. A No response indicates that such a reduction is not possible.

IMPACT ON LAND

	NO	YES	1. SMALL TO MODERATE IMPACT	2. POTENTIAL LARGE IMPACT	3. CAN IMPACT BE REDUCED BY PROJECT CHANGE
1. WILL THERE BE AN EFFECT AS A RESULT OF A PHYSICAL CHANGE TO PROJECT SITE?	○	(X)			
Examples that Would Apply to Column 2					
___ Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.			___	___	___
___ Construction on Land where the depth to the water table is less than 3 feet.			___	___	___
___ Construction of paved parking area for 1,000 or more vehicles.			___	___	___
___ Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.			___	___	___
___ Construction that will continue for more than 1 year or involve more than one phase or stage.			___	X	X
___ Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e. rock or soil) per year.			___	___	___
___ Construction of any new sanitary landfill.			___	___	___

		IMPACT	IMPACT	PROJECT CHANGE
___	Construction in a designated floodway.	___	___	___
___	Other impacts: _____	___	___	___
	_____	___	___	___
2.	HERE BE AN EFFECT TO ANY UNIQUE OR UNUSUAL LAND FORMS FOUND ON THE SITE? (i.e. cliffs, dunes, geological formations, etc.) NO (X) YES ( )			
___	Specific land forms: _____	___	___	___
	_____	___	___	___
	IMPACT ON WATER			
3.	WILL PROJECT AFFECT ANY WATER BODY DESIGNATED AS ..... PROTECTED? (Under Articles 15, 24, 25 of the Environmental Conservation Law, E.C.L.) NO (X) YES ( )			
	Examples that Would Apply to Column 2			
___	Dredging more than 100 cubic yards of material from channel of a protected stream.	___	___	___
___	Construction in a designated freshwater or tidal wetland.	___	___	___
___	Other impacts: _____	___	___	___
	_____	___	___	___
4.	WILL PROJECT AFFECT ANY NON-PROTECTED EXISTING OR NEW BODY OF WATER? ..... NO (X) YES ( )			
	Examples that Would Apply to Column 2			
	10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	___	___	___
___	Construction of a body of water that exceeds 10 acres of surface area.	___	___	___
___	Other impacts: _____	___	___	___
	_____	___	___	___
5.	WILL PROJECT AFFECT SURFACE OR GROUNDWATER QUALITY? NO ( ) YES (X)			
	Examples that Would Apply to Column 2			
___	Project will require a discharge permit.	___	___	___
___	Project requires use of a source of water that does not have approval to serve proposed project.	X	___	___
___	Project requires water supply from wells with greater than 45 gallons per minute pumping capacity.	___	X	X
___	Construction or operation causing any contamination of a public water supply system.	___	___	___
___	Project will adversely affect groundwater.	___	___	___
___	Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.	___	___	___
___	Project requiring a facility that would use water in excess of 20,000 gallons per day.	___	X	X
___	ject will likely cause siltation or other discharge an existing body of water to the extent that there ...l be an obvious visual contrast to natural conditions.	___	___	___

	NO	YES	SMALL TO MODERATE IMPACT	POTENTIAL LARGE IMPACT	CAN IMPACT BE REDUCED BY PROJECT CHANGE
___ Other Impacts: _____			___	___	___
_____			___	___	___
6. WILL PROJECT ALTER DRAINAGE FLOW, PATTERNS OR SURFACE WATER RUNOFF?	X	○			
Example that Would Apply to Column 2					
___ Project would impede flood water flows.			___	___	___
___ Project is likely to cause substantial erosion.			___	___	___
___ Project is incompatible with existing drainage patterns.			___	___	___
___ Other impacts: _____			___	___	___
IMPACT ON AIR					
7. WILL PROJECT AFFECT AIR QUALITY?.....	X	○			
Examples that Would Apply to Column 2					
___ Project will induce 1,000 or more vehicle trips in any given hour.			___	___	___
___ Project will result in the incineration of more than 1 ton of refuse per hour.			___	___	___
___ Project emission rate of all contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.			___	___	___
___ Other impacts: _____			___	___	___
_____			___	___	___
IMPACT ON PLANTS AND ANIMALS					
8. WILL PROJECT AFFECT ANY THREATENED OR ENDANGERED SPECIES?	X	○			
Examples that Would Apply to Column 2					
___ Reduction of one or more species listed on the New York or Federal list, using the site, over or near site or found on the site.			___	___	___
___ Removal of any portion of a critical or significant wildlife habitat.			___	___	___
___ Application of Pesticide or herbicide over more than twice a year other than for agricultural purposes.			___	___	___
___ Other impacts: _____			___	___	___
_____			___	___	___
9. WILL PROJECT SUBSTANTIALLY AFFECT NON-THREATENED OR ENDANGERED SPECIES?	X	○			
Example that Would Apply to Column 2					
___ Project would substantially interfere with any resident or migratory fish or wildlife species.			___	___	___
___ Project requires the removal of more than 10 acres of mature forest (over 100 years in age) or other locally important vegetation.			___	___	___

			SMALL TO MODERATE IMPACT	POTENTIAL LARGE IMPACT	CAN IMPACT BE REDUCED BY PROJECT CHANGE
	IMPACT ON VISUAL RESOURCE				
10	WILL THE PROJECT AFFECT VIEWS, VISTAS OR THE VISUAL CHARACTER OF THE NEIGHBORHOOD OR COMMUNITY?	NO (X) YES ( )			
	Examples that Would Apply to Column 2				
___	An incompatible visual affect caused by the introduction of new materials, colors and/or forms in contrast to the surrounding landscape.		___	___	___
___	A project easily visible, not easily screened, that is obviously different from others around it.		___	___	___
___	Project will result in the elimination or major screening of scenic views or vistas known to be important to the area.		___	___	___
___	Other impacts: _____		___	___	___
	_____		___	___	___
	IMPACT ON HISTORIC RESOURCES				
11.	WILL PROJECT IMPACT ANY SITE OR STRUCTURE OF HISTORIC, PRE-HISTORIC OR PALEONTOGICAL IMPORTANCE?	NO ( ) YES (X)			
	Examples that Would Apply to Column 2				
___	Project occuring wholly or partially within or contiguous to any facility or site listed on the National Register of historic places.		___	___	___
___	Any impact to an archeological site or fossil bed located within the project site.		___	___	___
___	Other impacts: Two cemeteries on site.		___	X	X
	Architecturally significant building.		X	___	___
	IMPACT ON OPEN SPACE & RECREATION				
12.	WILL THE PROJECT AFFECT THE QUANTITY OR QUALITY OF EXISTING OR FUTURE OPEN SPACES OR RECREATIONAL OPPORTUNITIES?.....	NO (X) YES ( )			
	Examples that Would Apply to Column 2				
___	The permanent foreclosure of a future recreational opportunity.		___	___	___
___	A major reduction of an open space important to the community.		___	___	___
___	Other impacts: _____		___	___	___
	_____		___	___	___
	IMPACT ON TRANSPORTATION				
13.	WILL THERE BE AN EFFECT TO EXISTING TRANSPORTATION SYSTEMS?	NO ( ) YES (X)			
	Examples that Would Apply to Column 2				
___	Alteration of present patterns of movement of people and/or goods.		X	___	___
___	Project will result in severe traffic problems		___	___	___
___	Other impacts: _____		___	___	___
	_____		___	___	___

			SMALL TO MODERATE IMPACT	POTENTIAL LARGE IMPACT	CAN IMPACT BE REDUCED BY PROJECT CHANGE
IMPACT ON ENERGY					
WILL PROJECT AFFECT THE COMMUNITIES SOURCES OF FUEL OR ENERGY SUPPLY?	NO (X)	YES ( )			
Examples that Would Apply to Column 2					
___ Project causing greater than 5% increase in any form of energy used in municipality.			___	___	___
___ Project requiring the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences.			___	___	___
___ Other impacts: _____			___	___	___
_____			___	___	___
IMPACT ON NOISE					
15. WILL THERE BE OBJECTIONABLE ODORS, NOISE, GLARE, VIBRATION or ELECTRICAL DISTURBANCE AS A RESULT OF THIS PROJECT?	NO (X)	YES ( )			
Examples that Would Apply to Column 2					
___ Blasting within 1,500 feet of a hospital, school or other sensitive facility.			___	___	___
___ Odors will occur routinely (more than one hour per day).			___	___	___
___ Project will produce operating noise exceeding the local ambient noise levels for noise outside of structures.			___	___	___
___ Project will remove natural barriers that would act as a noise screen.			___	___	___
___ Other impacts: _____			___	___	___
_____			___	___	___
IMPACT ON HEALTH & HAZARDS					
16. WILL PROJECT AFFECT PUBLIC HEALTH AND SAFETY?	NO (X)	YES ( )			
Examples that Would Apply to Column 2					
___ Project will cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there will be a chronic low level discharge or emission.			___	___	___
___ Project that will result in the burial of "hazardous wastes" (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc., including wastes that are solid, semi-solid, liquid or contain gases.)			___	___	___
___ Storage facilities for one million or more gallons of liquified natural gas or other liquids.			___	___	___
___ Other impacts _____			___	___	___
_____			___	___	___

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

		NO	YES	IMPACT	IMPACT	PROJECT CHANGE
17.	WILL PROJECT AFFECT THE CHARACTER OF THE EXISTING COMMUNITY?	○	(X)			
	Example that Would Apply to Column 2					
___	The population of the City, Town or Village in which the project is located is likely to grow by more than 5% of resident human population.			X	___	___
___	The municipal budgets for capital expenditures or operating services will increase by more than 5% per year as a result of this project.			___	___	___
___	Will involve any permanent facility of a non-agricultural use in an agricultural district or remove prime agricultural lands from cultivation.			___	___	___
___	The project will replace or eliminate existing facilities, structures or areas of historic importance to the community.			___	___	___
___	Development will induce an influx of a particular age group with special needs.			___	___	___
___	Project will set an important precedent for future projects.			___	X	X
___	Project will relocate 15 or more employees in one or more businesses.			___	___	___
___	Other impacts: _____			___	___	___
	_____			___	___	___
18.	IS THERE PUBLIC CONTROVERSY CONCERNING THE PROJECT?	(X)	○			
	Examples that Would Apply to Column 2					
___	Either government or citizens of adjacent communities have expressed opposition or rejected the project or have not been contacted.			X	___	___
___	Objections to the project from within the community.			___	___	___

IF ANY ACTION IN PART 2 IS IDENTIFIED AS A POTENTIAL LARGE IMPACT OR IF YOU CANNOT DETERMINE THE MAGNITUDE OF IMPACT, PROCEED TO PART 3.

PORTIONS OF EAF COMPLETED FOR THIS PROJECT:

PART 1 ____ PART II ____ PART 3 ____

DETERMINATION

Upon review of the information recorded on this EAF (Parts 1, 2 and 3) and considering both the magnitude and importance of each impact, it is reasonably determined that:

A. The project will result in no major impacts and, therefore, is one which may not cause significant damage to the environment.

PREPARE A NEGATIVE DECLARATION

___ ○

B. Although the project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in PART 3 have been included as part of the proposed project.

PREPARE A NEGATIVE DECLARATION

___ ○

The project will result in one or more major adverse impacts that cannot be reduced and may cause significant damage to the environment.

PREPARE POSITIVE DECLARATION: PROCEED WITH EIS

___ ○

Date

Signature of Responsible Official in Lead Agency

Signature of Preparer (if different from responsible officer)

Print or type name of responsible official in Lead Agency

File
82-10

PLANNING BOARD
CITY OF SARATOGA SPRINGS
Saratoga Springs, New York

June 2, 1982

To Mr. Joseph C. Ritchey, City Engineer
Room 10
City Hall
Saratoga Springs, New York 12866

RE: INTERLAKEN RESIDENTIAL PLANNED UNIT DEVELOPMENT - STATEMENT OF NEGATIVE DECLARATION:

Dear Mr. Ritchey:

This shall constitute a negative declaration for the purpose of Article 8 of the Environmental Conservation Law.

Lead Agency	City of Saratoga Springs City Hall Saratoga Springs, New York 12866
Contact	Mr. Joseph C. Ritchey, City Engineer
Telephone #	518 - 587 - 3550

ACTION DESCRIPTION: The proposed action is a zone change from Conservancy and Residential Seasonal to Planned Residential Planned Unit Development. The project encompasses 215 acres of land upon which is planned 500 housing units, an existing restaurant, 6000 square feet of office space, a 54 room inn, a 110 room hotel and a recreation system including a swimming pool, tennis courts, play ground, picnicing and inter connecting trail system.

The action is proposed for a site within the corporate units of the City of Saratoga Springs. It is located on either side of N.Y.S. Route 9P, approximately 1¼ miles east of interchange 14 of Interstate 87.

REASONS SUPPORTING NEGATIVE DECLARATION:

1. The project can provide its own water and will use the County Sewer system for distribution of sewage waste. Under current laws a project larger than that planned could be constructed under these circumstances.
2. The project is in accordance with the City Master Plan.

3. The applicant has answered to the satisfaction of the Lead Agency, all concerns of potential significant negative impact upon the environment of the City of Saratoga Springs, New York, and has planned for the mitigation of those potential impacts.

Sincerely,

Frederick J. Holman, Chairman
Saratoga Springs Planning Board

copy of above letter sent to

L.Gordon
D. Palma
D. Rudolph
B, Fear
W. Murmenn
A. Matrose
Commissioner Flack
J. Ritchey
L. Farone

INTERLAKEN - ENVIRONMENTAL ASSESSMENT
PART III - EVALUATION OF THE IMPORTANCE OF IMPACTS

1.0 IMPACT ON LAND

1.1 DESCRIPTION

The construction of the project is anticipated to continue for ten (10) years involving seven phases. Five phases will involve the construction of residential units and two phases will involve commercial construction.

During this period dust, construction traffic, noise and potential erosion problems would exist.

1.2 MITIGATIVE MEASURES

The project is subdivided into seven (7) distinct areas of construction. Each area is separated from the other by buffer zones of vegetation. Each area has its own vehicular access and the utility systems are designed to extend with the phasing. Therefore, although the project will extend over ten (10) years, the phasing and design approach will allow minimal disturbance to the landscape during any particular time frame in segmented, concentrated areas of construction.

1.3 IMPORTANCE

The impact will occur and will continue for approximately ten (10) years. There is not an anticipated loss of resources due to this impact. The impact will be minimized by segmenting the construction, and clearing only small areas at one time.

Only areas of building locations and roads will be cleared. Buildings will be set so as to minimize clearing and tree removal. Erosion control devices will be installed if required to eliminate off site sedimentation.

The impact will be of local consequence. Areas adjacent to regional uses such as Fish Creek and Saratoga Lake will not be built upon except for a boat basin and a dock.

The approach to the development of the site is in conformance with local goals and there have been no objections to this impact.

2.0 IMPACT ON WATER

2.1.1 DESCRIPTION

The project will require a water supply from wells with greater than 45 gallons per minute. Fire protection requires a minimum of 1500-1700 gallons per minute. At present, there are three active wells producing 140 gallons per minute.

2.1.2 MITIGATIVE MEASURES

The geologist recommendations indicate that by modifying the well points and installing a screen on these and new wells, the aquifer could easily produce 2000 gallons per minute.

The buildings will all be equipped with sprinkler systems. The chances of a major fire requiring prolonged use of large amounts of water are reduced; however, the system(s) would be designed to handle the needs of a major fire and the domestic requirements simultaneously. If the requirements dictate, storage tanks will be built to provide for fluctuation in need during the day with a pump refilling the tank during the non-use hours.

2.1.3 The use of water is an impact which cannot be avoided. The impact can be effected by the proper design of the water distribution system which provides for average daily use, peak demands and emergency water requirements. There are no regional impacts because the aquifer servicing the project can generate in excess of the water required by the project on site.

The development of a new water source is in conformance with the local needs and goals, since the City water system is presently near or at capacity during the summer season.

There is concern in the City of Saratoga Springs over the water supply. The location of the Interlaken project (between Lake Lonely and Saratoga Lake) provides an unique opportunity to develop a private water supply from a large renewable source.

2.2.1 DESCRIPTION

The project will use approximately 130,000 gallons of water per day. This is based on the following projections:

650 residents @ 150 gallons/day	97,500
Inn 50 units @ 80 gallons/unit/day	4,000
Hotel 110 units @ 120 gallons/unit/day	13,200
Office 6,000 sq.ft. @ 500 gallons/1,000 sq.ft./day	3,000
Retail 6,000 sq.ft. @ 100 gallons/1,000 sq.ft./day	600
Restaurant 1,000 patrons @ 12 gallons/patron/day	12,000
Pool/Clubhouse 100 users @ 10 gallons/swimmer/day	1,000
Total Usage	131,300 gal/day

This usage is based on 100% occupancy of all facilities. Figures were taken from Design, by Elwyn E. Seelye and Manual of Individual Water Systems, published by the United States Department of Health Education and Welfare.

2.2.2 MITIGATIVE MEASURES

There are no mitigative measures which could reduce the amount of water required for the project. There is, however, sufficient water available on site to service this project thereby eliminating any impact to the City's infrastructure related to water supply.

Presently, wells operating on the site can generate 200,000 gallons of water per day.

2.2.3 IMPORTANCE

The impact on total water usage is probable. The duration of the impact will occur during the month of August. It is anticipated that water usage will decline during the winter months as it presently does in the rest of Saratoga.

There will be water removed permanently from the aquifer. Since the aquifer appears to exist between Saratoga Lake and Lake Lonely, the water supply available will not be significantly effected by the project.

The development of new water supplies is in conformance with local needs and goals. At present, the City water system is near or at capacity during the summer season.

3.0 IMPACT ON HISTORIC RESOURCES

3.1.1 DESCRIPTION

There will be an impact on two cemeteries. There are two family cemeteries located on the project site, the extent of which will be determined and sites protected. The cemetery on the south side of Route 9P is located alongside one of the cul-de-sacs inside the site. The cemetery on the north side of Route 9P is located adjacent to Dyer Switch Road and is on the extremity of the project.

3.1.2 MITIGATION

These cemeteries will be identified, fenced and retained within the project.

3.1.3 IMPORTANCE

Since the properties are to be secured, the effect will be a positive impact. These areas have been left unattended and open to vandalism. By integrating them into the project, the history of the area will be recognized and secured.

4.0 IMPACT ON THE CHARACTER OF THE EXISTING COMMUNITY

4.1.1 DESCRIPTION

The project will set an important precedent for future projects. Currently the area east of I-87 is sparsely developed. Although there has been pressure to begin denser developments in this area, Interlaken will be the first large dense residential project to be constructed within the City east of I-87.

4.1.2 MITIGATION

It is important that the quality of design and impact to the environment and community be evaluated. The following steps have been taken to ensure a positive precedent is set by the Interlaken development.

A. Architectural styles, bulk and height restrictions have been established which relate to the character of existing buildings on the site and the general architectural quality in Saratoga Springs.

B. Buffer areas have been established to minimize the impact of an otherwise dense residential project on the more sparsely developed adjacent land.

C. A private water system has been developed which can service the project without putting additional impact on the City's water supply.

D. The construction phasing of the project will minimize the impact on noise, dust and visual qualities as well as traffic and the generation of solid waste.

E. The project is designed to minimize tree removal within the project as well as maintaining all environmentally sensitive forested areas and areas of steep slope.

F. The phasing of the project is related to servicing the existing community and the development. First phases include residential use and recreation facilities. Commercial development will include the Inn and offices in the first phases. A presently existing grocery store will remain to serve the first residents with neighborhood retail.

4.1.3 IMPORTANCE

The construction of the project will create a precedent on the east side of Saratoga Springs. The land presently

unutilized will be occupied. The extent of the impact will, however, be controlled by the creation of buffer zones and phases.

The consequences of this impact will effect future development in the City, especially on the east side.

The approach to the development of this project is in conformance with the goals of the City of Saratoga Springs as expressed in the newly adopted Planned Unit Development Ordinance.

There has been concern expressed over the development of the east side of the City, which at present is relatively undeveloped.

Exhibit O

PLANNING BOARD
CITY OF SARATOGA SPRINGS, NEW YORK
WEDNESDAY, FEBRUARY 28, 1996
CITY COURT ROOM, CITY HALL
7:00 PM

MINUTES

PRESENT: WALLACE ALLERDICE
CLARK BRINK
ROBERT BRISTOL
NORMAN FOX
LORRAINE THARP, CHAIR

ABSENT: JAMES MURPHY
JOSEPH O'HARA

STAFF PRESENT: GEOFF BORNEMANN, CITY PLANNER
PAUL MALE, CITY ENGINEER

Lorraine Tharp, chair, called the meeting to order at 7:00 pm.

WELCOME TO NEW BOARD MEMBER ROBERT BRISTOL:

Lorraine Tharp welcomed new Planning Board member Robert Bristol. She noted that Robert Bristol has long been active in the community and that the Board is pleased to have him as a member.

Lorraine Tharp noted that Robert Bristol was originally appointed in late January and that he missed his first two meetings (January 31 and February 7) because of a long planned vacation.

APPROVAL OF MINUTES OF JANUARY 31, 1996 MEETING:

Clark Brink moved and Norm Fox seconded to approve the minutes of the January 31, 1996 meeting. Ayes all.

APPROVAL OF MINUTES OF FEBRUARY 7, 1996 MEETING:

Clark Brink moved and Wallace Allerdice seconded to approve the minutes of the February 7, 1996 meeting. Ayes all.

ANNOUNCEMENT ON RECORDING OF PROCEEDINGS:

The proceeding of this meeting is not being taped because the meeting is being held in the City Court Room and there is no recording equipment available. The Board minutes taken by the secretary are not a verbatim record of the proceedings.

PRIVILEGE OF THE FLOOR:

Lorraine Tharp opened the meeting to anyone wishing to address the Board on any item not on the scheduled agenda. No one spoke.

"NEW VISIONS"

This is a presentation by the Capital District Transportation Committee on "New Visions", an analysis of regional transportation issues.

The presentation was made by Kristina Younger, Senior Transportation Planner. A workbook that details each of the topics in her presentation was given to each Planning Board member.

Kristina Younger gave an overview of the Capital District Transportation Committee (CDTC). The CDTC is a 4-county agency that oversees the direction of federal transportation funding in the Capital region, funds that are currently at $4 billion dollars. Kristina Younger said the Capital region will see modest changes in population, but a large growth in transportation up through the year 2015. This is due to the increasing trend toward each registered driver having their own vehicle and a spread of the population out toward the suburbs where mass transit is unlikely to serve.

There are 13 proposed investment principles which are listed in the workbook. They include strategies on maintaining pavement and bridge rehabilitation, public transportation infrastructure and other transportation facilities. Congestion management and the lack of options for transportation are some of the remaining issues that need to be examined. Infrastructure maintenance and meeting federal requirements are CDTC's highest priorities.

Kristina Younger explained that there are 9 task forces which include over 120 people who have contributed in excess of 1000 hours to meetings. The task forces cover subjects such as reducing jurisdictional barriers and the maintenance of good bridges and highways, which Kristina Younger noted were important to the Saratoga Springs region.

The CDTC foresees new transportation problems in the future as more jobs move to the suburbs and road congestion increases.

Kristina Younger reviewed the 17 consensus strategies that have emerged from the task forces. It was noted that many people expect that most of the region's growth will occur in the Interstate-87 Northway corridor.

CDTC has identified the following five major transportation policy choices facing the region: 1) Northway Congestion, 2) Transit Futures, 3) Regional Land Use Policy, 4) Infrastructure Treatment and 5) Budget Options.

The CDTA, the region's transit authority, has experienced a 40% decrease in federal operation assistance this past year.

In response to a question by Lorraine Tharp, Kristina Younger explained that even though the economy and population are going to be slowing down, the number of vehicles trips is increasing. People are living longer and driving more. The type of trips growing the most are not work-related commutes, but non-work trips, such as shopping and dropping children off at activities.

Lorraine Tharp asked if the audience had any questions. There were none.

Geoff Bornemann said that the possibility of a light railway system and the Northway congestion problem are the two issues that will affect Saratoga Springs the most.

Kristina Younger said that at a previous meeting, former Mayor A.C. Riley had suggested that one possible strategy was to do nothing to relieve Northway congestion because then more jobs might move to Saratoga Springs.

A discussion was held on possible Northway options, including H.O.V. lanes and shoulder use, as well as building a median express lane with a change of traffic direction depending on the time of day. Kristina Younger noted that there have been some suggestions to have commuter rail from Mechanicville to Albany and from Saratoga Springs to Schenectady. These rail services might attract commuters away from the Northway corridor.

Kristina Younger said that some regions are raising their own funds for transportation improvements through sales tax revenue, tolls, and vehicle registrations instead of waiting for federal or state funds to come through. She also noted that the strong trend toward suburban office parks does not lend itself to mass transit use.

Geoff Bornemann noted that the issue of changing existing highway jurisdictional boundaries could result in a financial gain for the city. Currently most of the state numbered routes that run through the city have to be maintained by the city and not the state. If this were changed, our operating and maintenance costs might be reduced. Clark Brink noted that most state numbered highways that run through suburban towns are maintained by the state.

Clark Brink asked if the Capital Region experiences problems that are unique from the rest of the country. Kristina Younger replied that our area has a different geographic pattern because of the triangle created by the Albany/Schenectady/Saratoga region.

Clark Brink asked if extending I-787 further north into the eastern portion of the county was a possibility. Kristina Younger replied that it is not an affordable option.

Kristina Younger also noted that transit services will become an issue within the region and county. The growth of suburban office parks is making it more difficult to provided efficient transit service to get people to and from work.

Lorraine Tharp suggested that adding additional exits (such as Exit 8A) only adds to congestion. Kristina Younger reported that some people have proposed constructing thru lanes in the center of the Northway that would have not exits and would serve the non-local traffic.

Kristina Younger urged the Board members to take a few minutes and respond to CDTC's response survey.

Lorraine Tharp thanked Kristina Younger for the fine presentation.

96.06 INTERLAKEN PUD AMENDMENT: (649-661 Crescent Avenue)

This is a request from the City Council for an advisory opinion to amend the existing Interlaken PUD ordinance to allow a 150 unit senior citizen housing community.

Mike Toohey, attorney, appeared before the Board representing the applicant. Mike Ingersoll, landscape architect, also appeared before the Board. Tom Roohan and John Witt, co-applicants, were in the audience.

The applicant submitted a draft ordinance dated February 1, 1996. The staff has developed an alternative ordinance dated February 21, 1996. Both copies were distributed to the Board.

Mike Toohey gave the Board a brief overview of the history of this PUD ordinance since 1982. He said in 1982 the PUD showed this parcel as having 250 acres, and in 1984 the records show it as only being 215 acres. He did not know why there was a discrepancy. He said the applicant would like to write an ordinance for Zone BB with today's standards to use as a model for future PUD amendments. In 1984, Zone BB was approved primarily for developing a 110 room

hotel and a 150 seat restaurant, uses that the developers think may still be viable in the future.

Mike Toohey said the applicants now propose building a senior community. They would like it to be run by a single entity and have all the units leased, as opposed to selling them outright to individual owners. They propose building 30 townhouses and 120 apartments. They also would like to consider having some ancillary facilities, such as a cafe/restaurant, convenience store and beauty shop, for the sole use of the residents and their guests.

Mike Toohey said the current greenspace is proposed at 65% in the draft ordinance, but they would like it decreased to 60%. They would like to tap into the county sewer and the city water lines. There is a city public water main along the frontage of the site and they want to distribute the water off of a single meter, having the landlord pay the water bill for all units.

Mike Toohey said they think there is a market for people 50 years of age and older for leased units. Because of the small amount of responsibility associated with owning leased units, residents can feel comfortable leaving their homes for warmer climates in the winter months. Mike Toohey said this use is not inconsistent with residential uses in the 1984 ordinance that the City Council passed.

Geoff Bornemann gave the Board a brief outline of the history of this PUD ordinance. He explained that the City Council meeting minutes from the 1984 meeting in which they passed the PUD ordinance was full of details about the various aspects of the project, but the details were never actually presented in the ordinance. In 1984 the ordinance was just one paragraph. The applicant's version of the proposed amendment only discusses Zone BB. Geoff Bornemann noted that in 1990, as part of the comprehensive rewrite of the zoning ordinance, the Planning Board drafted a proposed amended version of the Interlaken PUD that addresses the details that never made it into the adopted ordinance. The amendment was never actually presented to the City Council in 1990. Geoff Bornemann noted that the version of the draft ordinance that he prepared includes the original information for the entire PUD (from the 1990 draft) plus the proposed new amendment for Zone BB. The staff version incorporates the entire PUD and provides a framework for future amendments.

Geoff Bornemann noted that Thomas McTygue, Commissioner of Department of Public Works, has raised a number of objections concerning the Board's review process in a memorandum dated

February 28, 1996. Copies of the Commissioner's memo were distributed to each Board member.

Bob Bristol asked if the City Council could at any time amend an existing PUD ordinance without approval from the applicant. Geoff Bornemann noted that the City Council has been hesitant to do so because the applicants often view a PUD as a contract with the city.

Mike Toohey said the applicant wants to avoid controversy and is asking for a finite change of use, they are not trying to create a new ordinance for the entire PUD.

Norm Fox suggested to the Board that they should consider the specific advisory opinion that the City Council requested. He asked why the Board should try to change the ordinance for the entire PUD when that was not what they were being asked to do by the City Council. Lorraine Tharp replied that part of the planning process is to make the document better. She noted that the Board has in the past recommended substantial changes to the original ordinance sent from the City Council. She said that Commissioner McTygue's memorandum does not recognize what the Planning Board's role could or should be. Lorraine Tharp said in this case she was leaning toward the applicant's draft which only addressed Zone BB, but that she wanted more time to think about this issue.

Mike Toohey addressed the following remaining policy issues as listed on the Board's agenda notes:

1. Section V- Permitted uses: Mike Toohey gave the Board a-hand-out and reviewed it with them. He said that it is still desirable to retain the hotel/conference center as a permitted use in that portion of the community. He said the applicant is looking for either hotel/conference center or senior housing, but does not yet want to exclude one use or the other. Norm Fox and Lorraine Tharp were both concerned with the wording of "either/or" as it refers to the permitted use of the parcel. Norm Fox said there is a need for senior housing, not for more restaurants on the outskirts of town. Mike Toohey said he didn't see any logical sense in giving up the potential of a restaurant at that location.

   Geoff Bornemann told the Board that in the recent East of the Northway Study, PUD's were excluded from analysis. The report contains a proposal to established a C-8 zone across the street that is oriented toward water use. The recommendation does not allow motel/hotel uses in that C-8 zone, but it does allow marinas and restaurants.

Mike Toohey said the proposed maximum size for the townhouses will be 2,000 square feet, with a height of 35 feet and attached or detached car portals. It is proposed that there will be 1 parking space per unit, but no parking required for the ancillary uses. The apartments will have a footprint of 1500 square feet, and will be 50 feet high. The applicant plans on asking for 150 parking spaces, the maximum being set at 170 spaces.

Mike Toohey reported that the applicant proposes to have the ancillary uses occupy up to 15% of the total square footage of the complex.

Mike Toohey said that as long as the applicant keeps use, set-backs, density and green space in keeping with the ordinance, they shouldn't have to come back before the Planning Board in the future. They do not want to have to amend the PUD for every change.

Bob Bristol asked if there was a possibility that the senior housing community could be run by a non-profit organization and therefore be exempt from real property taxes. Mike Toohey said that it was a possibility, but noted that the applicant does not currently have a buyer or operating entity.

Lorraine Tharp noted that the current consensus appears to be that the Planning Board does not have any objection to either of the two proposed uses.

2. Section VIII- Infrastructure Service and Improvements:

Mike Toohey said the city has the legal right to service this section of the PUD with city water.

Mike Toohey referred to some proposed amendments to the draft ordinance which were faxed to the City Planner on the afternoon of February 27, 1996. However, Geoff Bornemann said he did not have any knowledge of that fax. Lorraine Tharp reminded Mike Toohey that the City staff would have to review the document more closely before the Board could comment on it. Mike Toohey said he had hoped that the Board could issue a favorable advisory on this project tonight. Lorraine Tharp felt that issuing an advisory opinion was premature, because this is the first time the Board has had a presentation on this project.

Geoff Bornemann noted that in the February 28th memo from Commissioner McTygue, the city is prepared to serve Zone BB with city water.

Mike Toohey said that in the original Farone PUD, exclusivity of water service was given to the Interlaken Water Company. But when the property was foreclosed upon and then sold, the new owners were not bound by that previous water agreement.

Lorraine Tharp felt that it was important to complete the research to be sure that the private water company no longer has the exclusive right to serve the entire PUD. She felt that the research could be accomplished within the next few weeks. She said she wanted to be sure that the city's desire to serve Zone BB was legally defendable.

Mike Toohey said the applicant is proposing that the roads within the proposed senior citizen community be a privately owned and maintained private driveway. Since all the units would be leased there would not be any resident owning land on a private road. Geoff Bornemann noted that if any of the units were to be subdivided or sold in the future there could be increased pressure to have the city take over the substandard private roads.

Mike Toohey said that the landowner would be responsible for improving the streets for dedication to the city. Geoff Bornemann suggested putting into the ordinance that the PUD can only have one property owner and any change to that would be an amendment to the ordinance and would have to come back before the Board. Tom Roohan, developer, asked not to have that put into the ordinance. Mike Toohey said he was not willing to limit community ownership to just one person, but he would limit it so that units are not individually owned.

Mike Toohey said they have no intention of building sidewalks or dedicating 50 feet of right-of-way through the middle of the project. But the pavement of the roads would probably be built to city standards.

Mike Ingersoll noted that the leased townhouse units were designed in clusters off the main driveway.

Paul Male, City Engineer, reported that Joe O'Neill, Director of Public Works, was adamant that the wording referring to utilities and road construction be written as "meeting all city standards at the time it's dedicated".

The Board expressed no objection to the proposed deferment of traffic studies and archeological studies until the time of PUD site plan approval.

Mike Toohey said that interconnected walking trails to other areas of the PUD pose a liability problem. There are HOAs on either side of the property and the landowners will have to get together and decide if they want interlocking trails. He opposed any requirements for such a trail in this PUD amendment.

3. Section IX- Phasing: Mike Toohey questioned the need to have time limits. Geoff Bornemann said the City Council has never taken the attitude that it can amend a PUD. Lorraine Tharp said there needs to be some kind of sunset provision written in. Mike Toohey said he would consider a 15 year time frame.

4. Section X- Setbacks: Mike Toohey said that since the applicant is not proposing to have any public streets in this zone of the PUD, consideration should be given only to creating buffers around external property boundaries. The Board expressed no objections to this approach.

   Clark Brink said he was not concerned about the proposed building heights because the site is large enough to reduce such impacts on the neighbors and the landscape.

5. Section XI- Signs: Mike Toohey reviewed the applicant's proposed special sign regulations. The applicant plans on building a 40 square foot entrance sign with interior or exterior illumination. The recently developed ordinance has more specifications for sign sizes and locations. Geoff Bornemann suggested that given the way the current draft is worded, there could be 3 or 4 free-standing signs along Crescent Avenue. Mike Toohey said that was not the applicant's intent and he would work with the staff to clarify the wording.

6. SEQR process: Mike Toohey said that only the senior citizen community action is being reviewed. Mike Ingersoll and Geoff Bornemann noted that changes must be made to clarify what agencies will be involved in the SEQR process. It was agreed that the City Council would determine when the lead agency status will be sought.

Lorraine Tharp suggested that there were still some issues that needed to be thought about and resolved. She asked the applicant

to work with the staff to bring a revised version of the ordinance back to the Board.

It was agreed that the applicant will reappear before the Board at the March 13, 1996 meeting to further discuss this project again.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:00 p.m..

Respectfully submitted,
Chris McCormic
Secretary

Adopted: April 10, 1996

Exhibit P

PLANNING BOARD
CITY OF SARATOGA SPRINGS, NEW YORK
WEDNESDAY, JULY 17, 1996
CITY COUNCIL CHAMBERS, CITY HALL
7:00 PM

MINUTES

PRESENT: WALLACE ALLERDICE
CLARK BRINK
NORMAN FOX
JAMES MURPHY
JOSEPH O'HARA
LORRAINE THARP, CHAIR

ABSENT: ROBERT BRISTOL

STAFF PRESENT: GEOFF BORNEMANN, CITY PLANNER

Lorraine Tharp, chair, called the meeting to order at 7:00 pm.

ANNOUNCEMENT ON RECORDING OF PROCEEDINGS:

The proceeding of this meeting is being taped for the benefit of the secretary. The Board minutes taken by the secretary are not a verbatim record of the proceedings.

PRIVILEGE OF THE FLOOR:

Lorraine Tharp opened the meeting to anyone wishing to address the Board on any item not on the scheduled agenda.

No one spoke.

96.35 CREEK RIDGE SUBDIVISION: (110 Meadowbrook Road)

This is an application for final approval for a 3 lot subdivision. John Witt, developer and applicant, appeared before the Board.

The property was rezoned from RR-1 to SR-1 by the City Council on July 2, 1996. This property was subdivided into two lots on April 3, 1991.

John Witt addressed the following policy issues as listed in the Board's agenda notes:

1. Driveways: John Witt said he would like to have 3 separate driveways off of Meadowbrook Road. He said the County Planning Board is reviewing the issue and he expects to have an official decision by July 18, 1996. He said Meadowbrook

Road is a 35 mph road and the driveways would have 500 feet visible access.

Lorraine Tharp asked if he had considered shared driveways. John Witt said shared driveways were not feasible. Clark Brink asked if the 2 outer lots could have a driveway off Dyer Circle, a private gravel peripheral road. John Witt said driveways from the peripheral roads would not be aesthetically good.

Joseph O'Hara suggested a T-formation shared driveway coming off of the center lot. John Witt said he would have to take out trees to do that.

John Witt said there is 150 - 250 feet of road frontage between lots. Geoff Bornemann said the County Planning Board has the final say on this matter. The Board agreed that unless the County Planning Board says no, the three driveways on Meadowbrook Road as proposed would be acceptable.

2. Pedestrian easement: John Witt said there will be a 10 foot wide pedestrian easement across the backs of all three lots that would allow each owner access to Fish Creek.

3. Lots deeded to Royal Dyer: John Witt said a small corner of lots #1 and #3 will be deeded to Royal Dyer and not Daniel Dyer as indicated on the plans. These small portions will be added to the adjacent lands owned by Royal Dyer. John Witt agreed to grant all the same easements to the small areas that exist on the Dyer land.

4. Boat slips: John Witt said all three lots will have rights for a boat slip on Fish Creek. John Witt said he has made arrangements with the Dyers for rights to the Boat slips and he will provide a copy of the contract to the Board.

5. Water supply: John Witt said he will use city water for these homes.

6. Waiver of curbs, sidewalks, street trees and street lights: The Board agreed to grant a waiver for curbs, sidewalks, street trees and street lights because of the low density of the project and its small size.

7. Recreation land: The Board agreed that cash in-lieu-of recreation land would be appropriate for this site.

8. Letter of Credit: Because there were no improvements planned in the public right-of-way, the Board determined that no LoC is needed.

John Witt said he has no problem complying with any of the technical issues. He clarified that city water, not wells, will be used.

Lorraine Tharp noted the DPS and DPW comments as listed in the agenda notes have been satisfied.

Lorraine Tharp opened the public hearing.

Charles Evans, adjacent lot owner, said he likes John Witt's driveway arrangement because the drives exit onto Meadowbrook.

No one else spoke. Lorraine Tharp closed the public hearing.

Lorraine Tharp noted that the correct cash in lieu of recreation land fee would be $500. She noted that the proof of mailing for the legal ad just came in today.

Wallace Allerdice moved and Joseph O'Hara seconded the motion to issue a negative SEQR declaration. Ayes all.

James Murphy moved and Joseph O'Hara seconded the motion to approval the final subdivision contingent upon the items agreed to during the discussion.
Ayes all.

Lorraine Tharp noted that the applicant John Witt was to come back before the Board if the County Planning Board tells him to do anything besides have 3 separate driveways.

96.34 BLACKMER BUILDING: (28-32 Clinton Street)

This is an application for site plan review to convert an existing structure to a commercial office building.

Hal Gerow, landscape architect, and Nick Palmetto, applicant, appeared before the Board.

Hal Gerow gave a quick orientation of the site and the proposed improvements. He said the site is in a C-1 commercial zone and they will create 22 new parking spaces.

Hal Gerow said in early June the DRC allowed the removal of a wood frame covered loading dock area in the rear of the building. The only new addition to the building will be a small enclosed stairway on the southern side of the structure. He said the building will be 12,400 square feet. He said they will utilize the existing water lateral service off of Clinton Street. They will tie into the sewer on Clinton Street near Thomas Street. Hal Gerow said they will add a handicap ramp at the entrance and add landscaping.

Hal Gerow addressed the following policy issues as listed in the Board's agenda notes:

1. Building entrance: Hal Gerow said they will keep the two existing entrances, but the principal entrance will be a converted loading dock overhead door. It will be lighted and clearly marked as the principal entrance. Lorraine Tharp asked if the other two doors could be used. Hal Gerow said yes, they could be used as long as the interior architecture doesn't prevent it. He predicted only one will be used due to the interior layout.

2. Free-standing sign: Hal Gerow said they have no intention of putting up a free-standing sign.

3. Wall lights: Hal Gerow said there will be two lights mounted on the walls for the parking area, one of which is on already. He said they will show the location on the final plans. He said they want to keep the historical motif.

4. Access easement: Hal Gerow clarified that the existing easement that allow the neighbor to park on a portion of the southern end of the property is accessed via a driveway off Butler Place. He said there would be no access across the parking lot. He said this easement is recorded.

5. Driveway: Hal Gerow said the existing curb cut is at 45 feet so they are just continuing at that point to make the driveway. Lorraine Tharp asked why they propose 45 feet when the city standard is 24 feet. Nick Palmetto said the 45 foot width allows for easier access and the curb cut is already at that width. Hal Gerow said they are not planning to put in a new apron and they will ask for a waiver from putting in a concrete apron.

6. Curbing: Hal Gerow said the applicant is willing to repair cubing and sidewalk segments that need it. Lorraine Tharp noted that DPW is recommending new curbing. Nick Palmetto said he is willing to either narrow the driveway or replace

the curbing, but not both. Lorraine Tharp asked for clarification that the applicant wants a waiver from concrete aprons. Hal Gerow said yes, they want the waiver because they already have an existing asphalt apron.

Lorraine Tharp said she was reluctant to go against the DPW wanting new curbs. Nick Palmetto said trash removal will be easier with the wider driveway. Lorraine Tharp asked the applicant if the Board leaves the driveway the way it is now, will he put in new curbs and replace sidewalk sections? Nick Palmetto asked to think about it and return to that question later in the evening. Lorraine Tharp agreed to come back to that.

7. Sidewalk: Hal Gerow agreed to replace a few sidewalk sections that are in need of replacement.

8. Parking lot: Hal Gerow said parking spot #9 requires a driver to back-out at an angle and swing around to exit. He said 10% of the lot is landscaped and if they add more landscaping there will be a problem with snow removal. Hal Gerow said they don't see an area for an island to fit.

Lorraine Tharp asked if they really needed spot #9. Clark Brink said parking spot #9 could be a problem. Hal Gerow said they don't have anyone signed up for occupancy yet and a possible tenant may need lots of parking. He said at one time they considered putting in even more spots. Joseph O'Hara asked how many employees they expect the offices to hold. Nick Palmetto said they only have tentative lay-outs right now. He said they have left the grass area in the front of the building alone for the time being, but may need it for future parking space.

After a brief discussion, the Board agreed that they were not bothered by the current lay-out. Wallace Allerdice said a small car could fit into space #9.

9. Drainage: Hal Gerow said they should be able to easily revise the drainage plan to include some recharge and some control over the rate of discharge into the city system. He said he will work with Paul Male on this. Geoff Bornemann said restricting the pipe and increasing the recharge is consistent with the DPW's comments. Hal Gerow said there is a cellar in the building and an 8 foot deep manhole in the street, so he believes there is enough soil on the site to achieve recharge.

10. Utilities: Hal Gerow said the building will not be sprinklered. He said a 1" (water) service feeds the building and that is more than adequate.

11. Street lights: Hal Gerow said there are two ornamental lights across the street and 1 in the island at this time. Nick Palmetto said there are large trees and people wouldn't be able to see more lights if they put them up. Geoff Bornemann suggested having the applicant work with the DPW on the exact location for the lights. The Board required that two historic street lights be installed.

12. Curbing: Lorraine Tharp returned to the subject of curbing. The Board agreed to waive the concrete apron and allow the current driveway width if the applicant puts in new curbing. Nick Palmetto agreed.

13. Letter of credit: Lorraine Tharp said the applicant should work with Paul Male to determine the final amount for the required LoC. The Board set the expiration date at June 30, 1997.

The applicant said he had no problem complying with any of the technical issues as listed on the Board's agenda notes.

Lorraine Tharp said that the DPS had no concerns. She noted the DPW's comments.

Lorraine Tharp asked for comments from the audience. No one spoke.

Nick Palmetto asked the Board for a list of requirements that they need to work on as a result of the meeting. Lorraine Tharp said Geoff Bornemann will give the applicant that list.

Clark Brink moved and James Murphy seconded the motion to issue a favorable SEQR determination. Ayes all.

Wallace Allerdice moved and Joseph O'Hara seconded the motion to approval the site plan contingent upon the items agreed to during the discussion. Ayes all.

96.29 INTERLAKEN PUD - ZONE B, D & E - REGATTA VIEW: (509 Union Avenue)

This is an application for preliminary and final PUD site plan review to resubdivide 64 lots into 98 lots.

Dick Mullaney, attorney, Mike Ingersoll, landscape architect, David Carr, landscape architect and Peter Belmonte, applicant, appeared before the Board.

The PUD site plan approval for this project was granted on June 19, 1991. The subdivision was filed in the County Clerk's office and construction was started. Construction was halted when a letter of credit expired. No homes were built and no roads were dedicated to the city. However, the subdivision still has legal status.

Mike Ingersoll illustrated the difference between the new 98 lot layout and the old 64 lot layout. They have added looped drives and cul-de-sacs, and residents will be able to view the lake as they drive in or out of their cul-de-sac. They will have an HOA and the homeowners will be able to get to the water's edge via a network of paths. He said most lots will be 10,000 - 15,000 square foot. Along the water front and bluffs, the lot size will be 7,500 - 10,000 square feet.

Mike Ingersoll said they intend to construct a marina, but plans for it will be submitted under a separate PUD site plan review application.

Lorraine Tharp asked if the public could access the water and Mike Ingersoll said no, it is for homeowners with this phase of the PUD only.

Mike Ingersoll said they will use all municipal utilities and they will offer the streets to the city for dedication. He said the drainage will flow through a settling basin.

Mike Ingersoll said a national study cited 80% of all home buyers wanting to live on a cul-de-sac.

Mike Ingersoll said there is a small family cemetery on the site that they will donate to an organization or have it owned by the HOA.

Mike Ingersoll said they are setting aside the parcel to the west of this site for a future development .

Mike Ingersoll addressed the following policy issues as listed in the Board's agenda notes:

1. Resubdivision: Mike Ingersoll clarified that this is a proposed resubdivision and that a note will be added that the former approved subdivision will be "abandoned" or superseded by this new one.

2. Number of lots: Mike Ingersoll said there are 98 buildable lots and 7 HOA outparcels. The Board suggested that the HOA lands be treated as a single tax parcel.

3. Retained land: Mike Ingersoll said the original zone E, the west corner zone D parcel and the marina parcel are not being developed now. He said the south side of zone D is potentially buildable. The Board asked the applicant to provide a condition that no house or structure can be built on these areas until the Planning Board approves of a site plan for them.

3. Phasing: Mike Ingersoll said they are thinking about phasing, but are not sure if they want to at this time. They will have at lease two phases if they do phase the project.

   Geoff Bornemann said they have the option of asking for approval of the whole project and phasing its construction, or approval for one phase at a time. Mike Ingersoll said they will probably ask for approval for the phases individually.

4. Request for PUD approval: Dick Mullaney said the applicant is seeking a review tonight and not an approval. Mike Ingersoll said they would like to receive a general indication of how the Planning Board feels about this project.

5. Change on the total number of units: Mike Ingersoll said they are not yielding the number of units at this point. The Board asked what kind of units are envisioned in the remaining undeveloped portions. Peter Belmonte said they will let the market direct them; they are not sure yet.

   Geoff Bornemann asked about the possibility of a vegetated buffer along Union Avenue. Peter Belmonte said that is a heavily treed area now and in this phase will remain so.

   Mike Ingersoll said a few parcels along Dyer Switch may be good for multi-family. He said 5 parcels may be multi-family.

   The Board asked the applicant to provide some indication on the plans as to what might be built in the future in these remaining undeveloped areas. The Board felt the purchasers in this project should have a right to know what might be next to them.

6. Lot configurations: Lorraine Tharp noted that cul-de-sacs #1, #2, and #3 could easily be connected. Mike Ingersoll said they want the cul-de-sacs because people want like to live on

them. Lorraine Tharp noted the DPW has not expressed any opposition to the cul-de-sacs. Geoff Bornemann said there are reasons why the Board's policy is discourage cul-de-sacs - they cut off the neighborhood, add confusion, are more difficult to maintain, etc.. Dick Mullaney noted that the sales at Water's Edge have run 15-1 in favor of cul-de-sac homes.

Peter Belmonte said people like cul-de-sac home because children's safety is an issue. They also like the exclusivity and the fact that those streets do not become speedways. He said they want to minimize corner lots because they are difficult to sell.

The Board felt the use of the cul-de-sacs in this project would be acceptable.

7. Public view spot: Mike Ingersoll said they do not want to have a specially designated public view spot. He noted that along the proposed road there are areas where the views of the water can be seen.

8. 5 lots on Dyer Switch Road: Mike Ingersoll said the 5 lots will have homes that match the neighborhood already there. Clark Brink asked if the homes would be included in the HOA. Peter Belmonte said they would be included. Peter Belmonte said there is currently a veterinarian and 2 or 3 single-family homes, but no two-family homes.

   Mike Ingersoll asked if 2-family homes would be allowed or desired on these five lots. Geoff Bornemann said although the area around the PUD is zoned RR-1 (which permits only single family detached homes), the Board has a right to negotiate different housing types within this PUD.

   Lorraine Tharp asked the applicant to re-think where it wants to put the 2-family homes seeing as there are no other 2-family homes on Dyer Switch. Mike Ingersoll agreed to reconsider it.

9. Minimum lot zone: Mike Ingersoll said 7,500 square feet is the minimum lot size. The Board said they had no problem with the variety of lot sizes.

10. Patio home: Mike Ingersoll said in a patio home the living space is turned away from one of the side yards. Lorraine Tharp said the Board would like to see a model unit. Mike

Ingersoll showed on the drawing where the 28 patio units would be located.

Joseph O'Hara asked how the applicant would be dividing the lots. Mike Ingersoll said lots will abut each other.

Geoff Bornemann asked if the applicant wanted flexibility on the number of patio homes vs. the number of single family homes. Mike Ingersoll said they would like flexibility, but they won't exceed 98 total units. Geoff Bornemann said the final plans should show where each type of unit will be. Lorraine Tharp said the Board had no problem providing some flexibility on that issue. Mike Ingersoll said they will re-think the lay-out and get back to the Board on this.

11. Setbacks: Mike Ingersoll said they want the patio homes to have a 25 front and rear and 10 foot side yard setback, but they are not sure yet and need flexibility.

Mike Ingersoll said all units will have 2-car garages and room in the driveway to park at least two cars.

12. Buildability of lots: Mike Ingersoll acknowledged that there were a number of lots that currently have some topography problems. However, he felt they have the ability to shift the lots to ensure that adequately sized homes can fit on all the lots. Mike Ingersoll said no retaining walls will be needed.

13. Height: Mike Ingersoll suggested that they set a 40 foot maximum height for all the structures.

Joseph O'Hara asked if the homes above the ridge will have a sight line. Mike Ingersoll said most will. Peter Belmonte said there is not that much height change on the ridge land but the homes are being spaced to maximize the views.

14. Impervious surfaces: Mike Ingersoll said they will always have at least 40% greenspace on every lot. Lorraine Tharp asked him to add that note on the plan and Mike Ingersoll agreed.

15. HOA: The Board asked that there be a provision in the HOA agreement that lien against individual property owners can be made if the owners fail to pay their HOA dues.

16. City maintenance: Mike Ingersoll said the city will have the right to maintain on an emergency basis the storm system that is out of the public right-of-way.

17. Cemetery lot: Mike Ingersoll said they were not sure who owns that and they will propose it as an HOA property if they can not find the owner.

18. Street names: Mike Ingersoll said they will submit proposed names for the streets at the next meeting.

19. Street dedication: Mike Ingersoll said the streets will be offered for dedication to the city. He said there will be a center island at the entrances. Geoff Bornemann noted the DPW said the road lay-out is acceptable. Mike Ingersoll said they will show the details of how the boulevard islands will be planted.

20. Water: Mike Ingersoll said they want city water. He said there is a main off of Dyer Switch and Route 9P.

    Lorraine Tharp asked if there was any legal requirement that stipulates these zones of the PUD have to use the water from the Interlaken Water Company. Dick Mullaney said there is nothing to prohibit them from using city water. He said they feel secure in this position.

    Dick Mullaney said they feel they are entitled to city water and that the project will market better with city water. He said the price of the project has gone up since 1981 and people are losing money. He said they need public streets and city water. He said it is critical to the project.

21. Vault: Mike Ingersoll said they will identify the location of the existing water connection vault on the plans. This vault was originally constructed to provide an emergency connection between the city system and the private system.

    Dave Carr said they will abandon the concrete vault or move it if the DPW wants it moved.

22. Fire flows: Mike Ingersoll said they provide the verification, but they felt sure there would be adequate fire flow within the project. Geoff Bornemann said they need to submit the data in an engineering report.

23. Sanitary sewer lines: Mike Ingersoll said they will provide the easement documents. He said the County sewer line easement runs through the property. Dick Mullaney said the sewer district will take over the lines. The Board said they will need to provide a statement from the Sewer District stating that they will accept the lines and that the system is

designed to the County standards. Mike Ingersoll they will also provide documentation that there is existing capacity in the nearby pump stations and force mains to handle the flows from this project.

24. Storm water: Mike Ingersoll said they will elaborate on the storm water system proposal during the next presentation.

25. Recreation area: Mike Ingersoll said they will include detail on the site plan review. He said it is a passive recreation area. Geoff Bornemann noted that the marina was be part of site plan that has received approval. Mike Ingersoll said the marina plans are the same as before except they do not have a gazebo now. Lorraine Tharp asked if this would be clarified and Mike Ingersoll said it would.

26. 10% land for recreation or cash-in-lieu of land: Mike Ingersoll noted that $31,500 has already been paid toward the cash-in-lieu of land fee. He said they are not interested in a public access area because the piece of land is too small and there would not be adequate parking. He said it would not be good for marketing. Joseph O'Hara clarified that they would pay $500 per lot for the additional 35 lots they are planing. Geoff Bornemann said the $31,500 credit is still valid and has to be honored. Mike Ingersoll said they will clarify the number of lots that still need to be paid on.

27. Letter of credit: No estimate for the required letter of credit has been submitted yet but will be for the next meeting.

The applicant said he had no problem in complying with any of the technical issues listed on the Board's agenda notes.

Lorraine Tharp noted the DPS had no concerns.

Lorraine Tharp noted the DPW's comments and said that she was please to have DPW commenting about the project.

Lorraine Tharp referenced a letter from the Interlaken Homeowner's Association received on July 17, 1996.

Lorraine Tharp opened the public hearing.

Bob Bullock, 30 Sarazen Street, Interlaken, read a letter he submitted to the Board on July 17, 1996. He said the HoA is opposed to the use of city water for the project.

Bob Pascula, 1 Beach Court, Water's Edge, said he lives in a cul-de-sac and it is desirable, but there are also problems such as snow removal and the maintenance of the cul-de-sac. He said the density of homes within the cul-de-sac is fine, but outside on the street it gets confusing. He said the Interlaken PUD was written in 1981 but things have changed since then and that the Board should build in some safeguards.

Lorraine Tharp said Mr. Pascula brought up some good points as to why the Planning Board doesn't encourage cul-de-sacs.

Bill May, 19 Vallera Road, Interlaken, asked about price range and Peter Belmonte replied that the homes would start in the $150,000 range and go up from there.

Bill May said 9P is a State road that people speed on and he asked about a traffic light. Geoff Bornemann noted there has been a traffic study done as part of the prior approval.

Bill May also commented on the need for adequate street lighting, care when working around the water vault, and the use of city water. He referenced a June 15, 1995 letter from DPW Commissioner McTygue that said Interlaken will be serviced by a private water company. Geoff Bornemann explained that the PUD legislation is only one paragraph long and it doesn't mention water. However, the PUD application and discussions before the City Council all talked about the entire PUD being serviced by a private water company.

Elliot Loeb, 1 Lakeview Road, urged the Planning Board to consider the overall conceptual plan of the project since the remaining land can be built on. He would like to see the final plans for the entire project. He urged the Planning Board to set some limits.

No one else spoke. Lorraine Tharp continued the public hearing to the September meeting.

96.32 ADVISORY OPINION TO CITY COUNCIL - C&B SANITATION REZONING: (2356 Route 50)

This is a request from the City Council on a petition to rezone 4.6 acres from Commercial-6 to Commercial-2, to amend the Comprehensive Plan designation for this area from COMM-5 to COMM-2, and to amend the zoning ordinance to permit "garbage/refuse collection and it's outdoor storage" as a use allowed in the C-2 zoning district with the issuance of a special use permit.

Dave Pentkowski, attorney, appeared before the Board representing the applicant.

Dave Pentkowski reviewed the purpose of the application. He emphasized that he was not here for a special use permit tonight, but just for an advisory opinion on the amendments that are before the City Council.

Lorraine Tharp said the Planning Board will issue an advisory opinion on the zoning and if the City Council votes to approve this, the applicant will come back before the Planning Board for a special use permit and then once again for a site plan review.

Lorraine Tharp asked why the applicant was seeking rezoning from-C-5 to C-2. Dave Pentkowski said that if the C-2 were amended to allow garbage/refuse collection and its outdoor storage use as a special use permit, the C-2 district that lies across the street could be expanded to this site. He felt that this expansion of an existing district will not be considered a spot zoning situation. He emphasizes that the area across the street is zoned C-2, so the rezoning of this site to C-2 would not represent the introduction of a new zone in this neighborhood.

Clark Brink asked why the applicant didn't stay with the C-5 zoning district request. Dave Pentkowski said the C-5 district combines light industrial and business. He said there is no other C-5 in the neighborhood. Dave Pentkowski noted that with the proposed zoning text amendment the applicant's requested use could go into a C-2 district with the issuance of a special use permit. He said this special use would apply for any C-2 district, if approved. Joseph O'Hara noted that it would appear that the applicant wants C-2 zone to avoid spot zoning with a C-5 zone. He said the broadening of all C-2 zones makes this a difficult request.

Dave Pentkowski addressed the following policy issues as listed in the Board's agenda notes:

1. Comprehensive Plan Amendment: Dave Pentkowski said the applicant proposes to amend the Development Plan map in the 1987 Comprehensive Plan to change the designation of this area from "COMM-5" (Medium Density Office Park Commercial) to "COMM-2" (Motorist-oriented Commercial).

   Dave Pentkowski noted that the petition is vague on this request and that is will be corrected. Geoff Bornemann said the problem is that there are similar terms used in the Comprehensive Plan and in the zoning ordinance, but each have different meanings. Dave Pentkowski said there is commercial use across the street and there is nothing unique about their 4.6 acres.

The Board asked if the applicant has talked to any of the neighboring property owners about joining the applicant in this amendment so that the geographic area would be larger. Dave Pentkowski said there has been no dialogue with the neighbors.

Using a colored map, Geoff Bornemann gave the Board a brief history of the land use category changes in the Comprehensive Master Plan for this area of the city. He said the 1987 Comprehensive Master Plan limits commercial and retail establishments at this entrance of the city. It encourages office park development and the existing homes could be converted to professional offices for lawyers, etc. Geoff Bornemann acknowledged that this policy does not appear to be working and that the Board might wish to review it.

2. Zoning amendments: Dave Pentkowski said his clients need to have their use identified specificly in the zoning ordinance and then to have it permitted somewhere in the city.

Joseph O'Hara asked if there was any zone specifically for the applicant's purpose. Geoff Bornemann said the industrial zones and the institutional-municipal purpose zone on Weibel Avenue would permit this type of use.

Joseph O'Hara said the problem with this is changing all the C-2 zones. He suggested creating a new zone, perhaps C-9, for that would specificly allow garbage and refuse businesses.

Lorraine Tharp said she agrees with Joseph O'Hara. She was concerned about the this type of use being allowed in the C-2 district as a special use permit. She felt this type of use would not be compatible with the other uses in the zone. She suggested the applicant come back with a C-9 proposal. Dave Pentkowski said a proposal for a C-9 zone will still raise the issue of exclusive zoning, "does the proposal benefit a single property owner".

Clark Brink said Joseph O'Hara's approach is sound.

Geoff Bornemann said creating a separate district might be acceptable, but another test of spot zoning is that the proposed uses should not be incompatible with surrounding land use.

Lorraine Tharp suggested that the applicant rethink the request and come back at a September meeting The Board generally agreed that the C-2 concept was not desirable.

Dave Pentkowski asked if he should go back to the City Council and amend his petition. Lorraine Tharp recommended that the applicant come back to the Planning Board to negotiate the C-9 proposal before going to the City Council again to avoid unnecessary steps.

Lorraine Tharp asked for comments from the audience.

Joe Berger, attorney for several of the homeowners in the area, said any rezoning of one parcel is still spot zoning unless the whole side of the street is rezoned. He referred back to the original ruling by State Supreme Court Judge William Keniry, who said the change to C-5 was spot zoning. He said Judge Keniry cited the Open Space Plan and the protection of the entrance way to the city as factor in his decision. Joe Berger said that unless the Open Space Plan is changed, he sees trouble rezoning that one parcel.

Ed Holohean, Jr., 462 Route 50 South, asked the Board to consider the impacts this zoning change would have on the other existing C-2 zones in the city. He said the land on the east side of Rout 50 is all zoned for offices and this proposed use would be incompatible with the office uses.

No one else spoke.

The applicant and the Board agreed to continue the discussion at one of the September meeting.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Chris McCormic
Planning Board Secretary

Adopted: July 30, 1996

PLANNING BOARD
CITY OF SARATOGA SPRINGS, NEW YORK
WEDNESDAY, SEPTEMBER 25, 1996
CITY COUNCIL CHAMBERS, CITY HALL
7:00 PM

MINUTES

PRESENT: WALLACE ALLERDICE
CLARK BRINK
ROBERT BRISTOL
NORMAN FOX
JAMES MURPHY - arrived at 9:40 PM
JOSEPH O'HARA
LORRAINE THARP, CHAIR - arrived at 7:25 PM

STAFF PRESENT: GEOFF BORNEMANN, CITY PLANNER
PAUL MALE, CITY ENGINEER - left at 10:30 pm

Norm Fox, vice-chair, called the meeting to order at 7:00 pm.

ANNOUNCEMENT ON RECORDING OF PROCEEDINGS:

The proceeding of this meeting is being taped for the benefit of the secretary. The Board minutes taken by the secretary are not a verbatim record of the proceedings.

PRIVILEGE OF THE FLOOR:

Norm Fox opened the meeting to anyone wishing to address the Board on any item not on the scheduled agenda.

No one spoke.

96.43 VALENTINE/EGAN PROPERTY: (71 Lincoln Avenue)

This is an application for final approval for a 2 lot subdivision. Brian Egan, applicant, appeared before the Board.

Brian Egan reviewed the following policy issues as listed in the Board's agenda notes:

1. Garage and driveway encroachment: Brian Egan said the driveway does encroach into the neighboring property and he is working on obtaining an easement to allow that encroachment. The survey indicated that the garage does not encroach. He said the agreement on the easement should be signed in a few days. He said the Board has a copy of the letter from his attorney indicating that negotiations for a permanent easement for the driveway are underway.

   Geoff Bornemann said this could be done as a deed amendment or as an easement. Brian Egan said they want to do it as an easement.

2. Sideyard setbacks: Brian Egan said the existing garage and shed was constructed in 1948 and they do not conform to the current building setback lines. He will add a note on the plan saying these are legal pre-existing, non-conforming conditions.

3. Lot #1 driveway and garage: Brian Egan said the new lot will have a driveway and it will be shown on the plans.

4. Sanitary sewer lateral: Brian Egan said a 6" PVC with a slope of 1/4 inch to a foot will be used. He said there is 9 feet between the elevation and the invert of the sewer. He said there is plenty of slope. Paul Male agreed that this should work.

   Geoff Bornemann noted that the Board would usually not allow such a long lateral and would prefer the construction of a sewer main along the frontage of the property. However, because no other property owner would likely be serviced by such a main, the applicant's proposal seemed reasonable. The Board agreed.

5. Sidewalks: Brian Egan asked for a waiver, but said he would go with whatever the Board requested. Norm Fox noted it is the Board's policy to request sidewalks for projects of this density in the developed portions of the city. Geoff Bornemann said the side street, South East Street, has no curbs or sidewalks, but most of Lincoln Avenue does. Norm Fox said he would support a waiver of the sidewalks for the side street, but will require them for Lincoln Avenue. The Board agreed.

6. Curbs: Brian Egan asked for clarification about curbs on Lincoln Avenue. He said an old, low curb is already out there. Paul Male said he did not remember seeing a curb when he went there to inspect the site. The Board agreed that if the existing curb was not effective, there should be a new curb installed along the frontage on Lincoln Avenue.

   Geoff Bornemann noted there were no curbs on either side of South East Street. The Board agreed that no curbing along the short frontage on South East Street was necessary. Norm Fox said curbs would be needed on Lincoln Avenue.

7. Street lights: Geoff Bornemann noted this property was not in the historic lighting district, so the applicant was not required to install decorative street lights. Brian Egan said there was adequate street lighting in the area.

8. Letter of credit: Brian Egan said he will prepare the required detail cost estimate for all the improvements within the public right-of-way. Norm Fox noted that those figures would be subject to the approval of the City Engineer. The

applicant and the Board agreed to set the letter of credit expiration date at December 30, 1997.

Brian Egan said he had no problems complying with any of the technical issues as listed on the Board's agenda notes.

Norm Fox read the comments from the DPW regarding a water service connection fee as listed in the Board's agenda notes.

Norm Fox opened the public hearing. No one spoke. Norm Fox closed the public hearing.

Norm Fox noted the recreation fee is due before filing and the proofs of legal notice and mailings to neighbors are already in.

Robert Bristol moved and Clark Brink seconded to issue a negative SEQR declaration. Ayes all.

Robert Bristol moved and Joseph O'Hara seconded the motion to approve the final subdivision, subject to the conditions agreed to during the discussion. Ayes all.

Lorraine Tharp arrived at 7:25 pm and took her seat on the Board. She thanked Norm Fox for conducting the meeting in her absence.

96.44 U-STOR-IT OUTDOOR STORAGE: (249 Washington Street)

This is an application for a special use permit for the relocation and reduction of outdoor storage.

Hal Gerow, landscape architect, appeared before the Board. The applicant, James J. Grande, was in the audience.

A prior special use permit was granted on July 13, 1994.

Hal Gerow gave an overview of the project using a drawing. He noted that this was the fourth of five planned phases for the development of this facility.

Hal Gerow reviewed the following policy issues as listed in the Board's agenda notes:

1. Type of permitted outdoor storage: Geoff Bornemann said the Board previously approved a very specific list of uses for the storage area. The applicant requested that this list still be accepted. The Board agreed.

   Robert Bristol asked if any of the sealants on the list would require a license. Hal Gerow said no, there would be no controlled substances stored at the facility.

2. Dimensions: Hal Gerow said the applicant is changing configuration of the gravel fenced in area. It will now not exceed 5,000 square feet, a change from the original 14,500

proposed. He said the existing outdoor storage area that is now earth surface will remain at 11,000 square feet.

3. Type of permit: Hal Gerow clarified that a permanent special use permit is being requested.

4. Hours of operation: Hal Gerow said there would be no changes in the hours of operation for the facility and noted that the prior special use permit did not stipulate any conditions on hours of operation.

6. Potential impacts: Hal Gerow said there will be no potential impacts.

Lorraine Tharp suggested that the same conditions should be put on this special use permit as the one granted previously. These related to size of the storage area and the list of acceptable items that could be stored on the site.

Lorraine Tharp noted that the DPW and DPS had no concerns.

Geoff Bornemann noted that the Saratoga County Planning Board comments are still pending, but he spoke with them on the telephone and they said they have no problems with the application.

Lorraine Tharp opened the public hearing. No one spoke. The public hearing was closed.

Lorraine Tharp noted that the applicant has provided the required proof of mailing notices to adjacent property owners and payment of the legal advertisement for the hearing.

Wallace Allerdice moved and Clark Brink seconded a motion to issue a negative SEQR declaration. Ayes all.

Joseph O'Hara moved and Robert Bristol seconded to issue the following permanent special use permit:

The Board grants a permanent special use permit to amend the prior special use permit issued on July 13, 1994, for the outdoor storage of the following materials:

Building materials: Including bricks, concrete blocks, cement, sand, stone, topsoil, mulch, pipe, lumber, wood, pelletized materials, paint, paint thinner and remover, acids for washing masonry, foundations/roofing and driveway sealants, adhesives, and similar types of building materials.

Construction Equipment: Including air compressors, concrete mixers, cranes, scaffolding, trucks, trailers, track and rubber tire equipment, light assembly and repair of stored equipment, and similar types of construction equipment.

Recreational Equipment: Including all terrain vehicles, campers, cards, motor homes, motorcycles, sea and snow machines, trailers, trucks, light assembly and repair of stored equipment, and similar types of recreational equipment.

The outdoor storage of such materials shall be restricted to two areas shown on the approved site plan: 1) a gravel fenced-in area not to exceed 5,000 square feet; and 2) an earth surface area not to exceed 11,000 square feet.

Ayes all.

96.42 U-STOR-IT PHASE 4: (249 Washington Street)

This is an application for site plan review for 2,400 square feet of additional storage units and a new outdoor storage area.

Hal Gerow, landscape architect, appeared before the Board. The applicant, James J. Grande, was in the audience.

Hal Gerow addressed the following policy issues as listed in the Board's agenda notes:

1. Lights: Hal Gerow said there will be no additional lights because the existing site lighting was adequate for this small addition.

2. Plantings: Hal Gerow said they are not proposing to add any additional plantings. He said the public using the storage facilities needs viewing access for security, so they want to keep the area as open as possible.

3. Drainage: Hal Gerow showed the area on the plans where gravel is being replaced by asphalt. He said calculations were done for the entire area and the changes proposed did not alter drainage. He said the total new impervious area is between 8,000-9,000 square feet where the original gravel is being replaced with asphalt. James Grande said the existing drainage system used 12" ADS, perforated and wrapped in stone. He noted that it has been working well. Paul Male agreed that the existing drainage was adequate to handle this small new facility.

4. Letter of credit: Hal Gerow said there may be from $5,000 - $7,000 in improvements. He requested a waiver. Lorraine Tharp said she had no problem waiving the letter of credit if the detailed cost estimated comes in under $10,000. The Board agreed to waive the letter of credit.

Hal Gerow said he had no problems complying with any of the technical issues as listed on the Board's agenda notes.

Lorraine Tharp asked for comments from the audience. No one spoke.

Lorraine Tharp noted that DPS and DPW have no concerns with the applicant's proposal.

Robert Bristol moved and Joseph O'Hara seconded to issue a negative SEQR declaration. Ayes all.

Joseph O'Hara moved and Wallace Allerdice seconded to approve the site plan contingent upon the items agreed to during the discussion. Ayes all.

96.46 EMPIRE STATE COLLEGE-DISTANCE LEARNING CENTER: (15 Union Avenue)

Lorraine Tharp recused herself from the Board because her firm represents Empire State College Foundation. She said that James Murphy had arrived, but was recusing himself from the Board as well because he has represented the Foundation in the past. Norm Fox, vice-chair, assumed the position of chair of the Board.

Mike Ingersoll, landscape architect, appeared before the Board representing the applicant. Bill Ferraro, Empire State College representative, and Sandra Baptie, architect, also appeared before the Board.

This is an application for site plan review for the construction of a new 17,750 square foot building.

Mike Ingersoll said that in 1995 a use variance for this building was granted. Last week, the ZBA granted area variances for the proposed parking and building canopy setbacks.

Bill Ferraro said he is a vice-president of the college and the treasurer for the Foundation. He said the Foundation is building this and is on a very tight budget since no state money is going into the project.

Mike Ingersoll reviewed the site plan with the Board. He said it will go through historic review procedures with the city's Design Review Commission within the next two months.

Mike Ingersoll addressed the following policy issues as listed in the Board's agenda notes:

1. Cross lot easement: Mike Ingersoll said the applicant will grant a cross lot pedestrian and vehicular access easement to Empire State College.

   Bill Ferraro noted that it is planned that the site and the building will be turned over to Empire State College from the Foundation once the debt service is paid.

2. Parking: Mike Ingersoll noted that the connection to the parking lot on Empire State College's property will only be 12

feet wide and allow for one way traffic. He said they would like to keep the 36" oak tree, but would have to cut it if the driveway had to be made wider. The Board agreed that the tree should be saved.

He said the parking spaces currently on this site are overflow parking for the adjacent apartments and antique center. The removal of the spaces from their use will not affect the parking requirements for the adjacent uses. The proposed 27 parking spaces for the Foundation are all required to meet the parking demand of the new building.

3. Landscaping: Mike Ingersoll said the applicant is requesting an interpretation that the required 10% landscaping standard for the parking lot is met.

Joseph O'Hara asked about screening. Mike Ingersoll showed the landscaping plan. He said there are currently large trees and a new hedgerow is proposed. Joseph O'Hara suggested extending the hedge to provide better screening from Regent Street. Robert Bristol suggested bringing the hedge in and around the butternut tree, using approximately 10-12 shrubs to accomplish this. Mike Ingersoll said they would do this.

The Board interpreted that the 10% landscaping requirement was met.

4. Parking lot curbing: Mike Ingersoll said they propose putting granite curbs on half the lot and leaving the other half without curbs for snow storage. Robert Bristol said they would need to reseed every spring. Mike Ingersoll said they are aware of that fact.

5. Parking demand: Mike Ingersoll said a description of how the parking demand was calculated is in the package given to Board members. Bill Ferraro said there will be lots of training going on in the building, but it will not be used every day. He also noted that the employees using the building will have offices elsewhere. Bill Ferraro said on busy days parking will overflow into the streets and further tighten the parking there. Geoff Bornemann asked if the building inspector has agreed with the applicant's parking demand figures and Mike Ingersoll said yes.

6. Building entrances: Sandra Bapti said the staff will use the back door coming in from the parking lot. She said people can also go through the courtyard and access the front canopied entrance. Mike Ingersoll said there will be no Regent Street entrance.

7. Sidewalks: Mike Ingersoll noted that they did not propose to install a sidewalk from Regent Street along the northern side of the building because the roof will dump snow on this area. Bill Ferraro said they prefer to funnel traffic through the

main entrance. The Board agreed that this sidewalk connection would not be necessary.

8. Curbing: Mike Ingersoll said they will replace the entire curbing along the Regent Street and Union Avenue frontage.

9. Lighting: Mike Ingersoll said the revised plan will show two lights along Union Avenue. Mike Ingersoll said the lights in the parking lot will be 20 feet high. Bill Ferraro explained that the lights in the parking lot were vandalized twice and finally the college put a light on the building that floods the parking lot. Mike Ingersoll said they use sharp cut-off fixtures that don't glare onto other neighboring properties.

10. Utilities:

Sewer: Mike Ingersoll said they will tie into the Regent Street line. He said they met with the DPW this morning and the DPW requested that they put in two manholes at this location. Mike Ingersoll said the applicant agreed to this. He noted that this sewer line was previously classified as a private line, but DPW now believes it is a public main.

Storm drainage: Mike Ingersoll said the property will have two drywells. He said test percs were done and they have sand to 20 feet. He said the property has a great perc rate. An overflow pipe will connect to the city system at the corner of Regent Street and Union Avenue.

Mike Ingersoll said they will install an orifice plate in their 12" pipe at the point it connects to the existing 10" clay pipe line on Union. This plate was requested by DPW.

Water: Mike Ingersoll said they were going to tap off the 4" line from Regents Avenue that comes into the building but they are concerned that their may not be enough water pressure in that line to meet the building requirements. He said they are investigating the possibility of installing a new private water main from Circular Street across the Empire State Parking lot to the building. Geoff Bornemann suggested that it might be of more value to have such a main installed in the Union Avenue right-of-way and tied into the Regent Street line. He suggested that the city should be looking to install a new larger main in Union Avenue from Circular Street to Nelson Avenue. Mike Ingersoll felt that the applicant could not afford to install the water main in Union Avenue.

Joseph O'Hara said the DPW will give their comments on the subject, so why discuss it further. He suggested leaving the decision to the City Engineer and the DPW. Mike Ingersoll agreed to this. He said they will negotiate in good faith.

11. Dumpster: Mike Ingersoll said there would be no dumpster at the site. He said they will have daily trash pick-up.

12. Postal Address: Mike Ingersoll said the applicant wants #3 Union Avenue for a postal address.

13. Letter of credit: Mike Ingersoll said the cost estimates submitted for the letter of credit will have to be revised slightly. He said they will work with the City Engineer to finalize the figures. An expiration date of September 30, 1998 was agreed to by the applicant and the Board.

Mike Ingersoll said he had no problem complying with all technical issues as listed on the Board's agenda notes.

Norm Fox read the comments from the DPW and noted that they appear to have been addressed.

Norm Fox asked for comments from the audience. No one spoke.

Robert Bristol moved and Joseph O'Hara seconded to issue a negative SEQR statement. Ayes all.

Joseph O'Hara moved and Wallace Allerdice seconded to approve the site plan subject to the conditions agreed upon during the discussion. Ayes all.

Lorraine Tharp and James Murphy took their seats on the Board.

96.46 NORTH PIER MARINA - STORAGE AND STORE BUILDING: (549 Union Avenue)

This is an application for site plan review for the construction of a new 9,600 square floor building.

Eric Rector and Larry Rector, applicants, appeared before the Board.

Eric Rector said that based upon the comments on the Board's agenda notes, they have made some revisions to the original plan. He submitted copies of the revised plan to the Board. Lorraine Tharp said the Board and staff would need time to review the new plans and she asked the applicants to come back next week to the October 2, 1996 meeting. They agreed.

Lorraine Tharp asked if there were any issues they could clarify tonight. Geoff Bornemann suggested that the paving of the parking lot is a key issue.

Eric Rector said they would like only to have to pave the required two handicapped parking spaces and leave the rest of the lot gravel.

Robert Bristol asked if the boat sales business would be open in the winter. Eric Rector said it would. Lorraine Tharp said she felt they should then pave the spaces that would be required for the year round uses. Eric Rector said 34 of the 40 spaces will be used by marina customers, 5 months out of the year. He suggested paving the remaining 6 spots.

Robert Bristol suggested paving the entrance road and the parking spaces required for the store and showroom. He reminded the Board that the DPS will be looking for fire access during the winter months.

Clark Brink asked if the ramp for the marina would be open to the public. Eric Rector said it is for private use only.

The Board asked the applicants to return on October 2, 1996. They agreed.

96.29 INTERLAKEN PUD - ZONE B, D, & E - REGATTA VIEW: (509 Union Avenue)

This is an application for preliminary and final PUD site plan review to resubdivide 64 lots into 89 lots.

Mike Ingersoll, landscape architect; Dave Carr, landscape architect; Peter Belmonte, applicant; and Dick Mullaney, attorney for the applicant, appeared before the Board.

Mike Ingersoll gave an overview of the history of the project to Board members. Mike Ingersoll said the applicant is now proposing 89 lots, as well as the right to build an 48 additional lots in the future.

Mike Ingersoll addressed the following policy issues as listed in the Board's agenda notes:

1. Buildable lots: Mike Ingersoll said there are now 89 buildable lots. Dave Carr said 4 of the 89 lots will be duplexes. Geoff Bornemann clarified that there will be 93 units on 89 lots. Mike Ingersoll said they would add a note to the plan about the other non-buildable lots.

2. HOA lots: Mike Ingersoll said they will be 4 HOA lots, including the cemetery. He said there will be 3 remaining lots owned by the developer, making a total of 96 lots in the subdivision, 89 of which are buildable.

3. Phasing: Mike Ingersoll said the applicant intends to file the entire subdivision as shown and would like to reserve the right to trigger building permits to future phases. He said the applicant wishes to have the flexibility to move around with market conditions.

4. Undeveloped areas: Mike Ingersoll said they do not yet know what they will do with areas designated for future development. He said the applicant will add a note indicating the maximum number of units currently planned for those areas and add a note that no buildings can be constructed on these vacant parcels until a future PUD site plan review approval is obtained.

5. Cul-de-sacs: Geoff Bornemann asked about connecting the cul-de-sacs by a trail. Peter Belmonte said people do not like paths near their homes because of security problems. Norm Fox said there was another development in which the public didn't like the idea of paths near their homes. The Board felt the cul-de-sac proposal as submitted was acceptable.

6. Public view spot: Mike Ingersoll noted that there would be one area along Regatta View Blvd. where there would be good views of Fish Creek. He noted that since this would be on a public road, the public could enjoy this view.

7. Four lots on Dyer Switch Road: Dave Carr said he met with Ted Zerbalik of the Saratoga County DPW highway department. He said Zerbalik reviewed the curb cuts, site distance and drainage and had no concerns with the location of the driveways.

   Geoff Bornemann referred to the Saratoga County Planning Board comments made on July 16, 1996, expressing concern over the number of driveways, as listed in the Board's agenda notes.

   A discussion of driveway locations took place. Lorraine Tharp suggested holding this issue open until later in the meeting.

8. Minimum lot size: Mike Ingersoll said they have no objection to the suggestion that the minimum lot size be raised from 7,500 to 8,500 square feet.

9. Unit prices: Mike Ingersoll said patio homes would start in the upper $100,000's. Mid-homes would be in the mid-to-upper $200,000 range. Custom homes would range from the mid $200,000's to low $300,000's.

   Peter Belmonte pointed out that no home will have less than a 2-car garage. He said the duplexes would not have all the full privileges of the proposed HOA and the patio homes may have separate HOA provisions than the single-family homes. He said each duplex will be owned by one individual.

10. Letter of Credit: Peter Belmonte explained that he would like the flexibility, as the market demands, to go forward with another section of road. He would like to divide the letter of credit into four sections and have permission to set up an inspection policy when he wants to build a street. Geoff

Bornemann pointed out that the Board has done this before, but that project had specific phases and sequences.

Joseph O'Hara said segmenting the LoC and not building the through road all at once does not make sense. Peter Belmonte said all utilities would originate on Union Avenue and when the road was completed it would loop back to Dyer Switch Road, if city water is available. He said he would like to trigger the road completion based on certain numbers of units sold.

Joseph O'Hara suggested the alternative of calculating the cost of the second segment divided by the number of homes agreed upon, and for the applicant to contribute as he goes along. Peter Belmonte said he could put the letter of credit up after the model house is built and then do each other as a separate letter of credit. He said he wants to avoid investing in the road.

Lorraine Tharp suggested that the applicant develop a specific proposal and submit it to her for review. If she had some concerns with it, she would bring it back before the full Board.

11. Setbacks: Lorraine Tharp suggested the applicant should go to a 20 foot, instead of a 25 foot, front setback for the patio homes so as to allow flexibility for the garages to be installed in the rear or side of the lot. The applicant agreed.

12. Topography: Mike Ingersoll said they will show grading on the plan for the seven lots along the bluff to demonstrate that there is adequate room to construct a home.

13. Street names: Mike Ingersoll said Henry Drive should read Henley Drive. Peter Belmonte said all names are related to famous regattas. Mike Ingersoll agreed to change the last part of the name of the dead end roads to courts, ways, place or street. The Board agreed the names were acceptable.

14. HOA's: Mike Ingersoll said they will add a note to the plan about liens against owners of individual properties to be made if there is a failure to pay HOA dues.

15. Cemetery: Mike Ingersoll said the HOA will own and maintain the cemetery.

16. Street dedication: Mike Ingersoll said the street will be dedicated to the city. He said the DPW has okayed the use of a divider in the center of the street. Mike Ingersoll said they will add a note to the plat plan that states the street shall be offered for dedication to the city, but if DPW objects to the divider, it will be removed.

17. Traffic analysis: Dave Carr said he contacted the DOT and discovered that a 1990 permit for the project has expired but has not been closed out. DOT's position is that since it is an open file, no further traffic analysis is required.

18. Traffic funds: Mike Ingersoll said that because the applicant has extended the original entrance road permit with the DOT the applicant should not have to pay the traffic impact mitigation fee that was contributed by Water' Edge and Interlaken Phase C. Lorraine Tharp said that since the first approval on this site for 64 units occurred in 1991 before the Planning Board and DOT agreed on the mitigation fee process, she felt that this phase of the project should not be subject to the fee. James Murphy suggested bringing the issue up again when the applicant comes back for the next phase. The Board agreed.

19. Utilities: Dick Mullaney said the county water authority believes it has exclusive rights to serve this section of the PUD and has filed a lawsuit against the city. He said the applicant prefers city water and wants the Planning Board to approve this project with a connection to the city water system.

    Geoff Bornemann referred to a summary of the county's action against the city, copies of which were previously distributed to Board members. He noted that Dick Mullaney is representing the city in defending this lawsuit and representing the applicant of this project that is before the Board. Geoff Bornemann gave a summary of the reasons the County believes they have exclusive right to serve the PUD with water. Dick Mullaney said the matter will be litigated. Geoff Bornemann noted that it would be an easy matter for the applicant to connect to either the County water system or the city's because the pipes are right next to each other. Lorraine Tharp suggested going with city water unless the court says otherwise. The Board agreed.

20. Vault: Mike Ingersoll said that the existing underground vault that was designed to connect to the County water system is in the ROW of the proposed new street, Regatta View Blvd., but under the pavement. He said the DPW wants it to remain where it is.

21. Water lines: Mike Ingersoll said the DPW asked the applicant to place water lines behind the curb line on the dead-end streets only.

22. Fire flows: Mike Ingersoll said there are adequate fire flows for this project. Geoff Bornemann noted that this issue was raised during the 1991 review of this site, but the current fire department review did not raise the issue.

23. Cross lot sewer lines: Mike Ingersoll said the cross lot sewer lines at the end of the cul-de-sacs are acceptable to the County. He said the applicant does not feel an easement should be extended to Dyer Switch Road. Paul Male asked if any of the land along Dyer Switch Road would be able to access this sewer line with a gravity connection. Peter Belmonte referenced the Snyder lands across the street and that the pipes in this project would be too high to service the Snyder property. Peter Belmonte said it would be too expensive for him to drop his piping any lower. He also noted that their sewer line already was into the water table.

    Geoff Bornemann noted that in other projects (such as Westway Farms) the Board asked the applicant to lower the pipes so that the neighboring properties could be serviced. Peter Belmonte felt that it would be cheaper for the Snyders to tie into the County sewer line at the intersection of Union Avenue and Dyer Switch Road. The Board agreed not to ask for the easements extension or for the lowering of the lines.

24. Status of county sewer review: Mike Ingersoll said they have submitted the plans to the County Sewer District, but have not yet heard back from the county. He said this would all be subject to County review.

25. Storm water: Mike Ingersoll said the City Engineer is still reviewing the storm water plan. He said they will use perforated pipes and have discussed this with the DEC. He said they will agreed to whatever modifications are suggested by the City Engineer.

26. Sewer capacity: Mike Ingersoll said they met with the County and they feel there is adequate capacity in the system that flows around the lake. He said they will wait for the county's decision since it is their pipe. Geoff Bornemann said that the county has said the system has a limited capacity and they have taken the position that the last one in has to pay the cost of increasing the capacity.

27. Detention pond: Mike Ingersoll said the HOA will own and maintain the proposed storm water detention ponds and pipes leading to it. He said they are easily maintained.

28. Easement for pond: Part of the HOA's pond is on the developer's lot. Mike Ingersoll said an appropriate easement to the HOA will be granted.

29. Storm water report: Mike Ingersoll said the storm water report has already been revised to include the pre- and post-development mapping of drainage areas.

30. Recreation area: Mike Ingersoll said the docks for the marina are part of another site plan review. Mike Ingersoll said

they will add a note that rescinds the prior approval and will come back with another site plan review.

31. Cash in lieu of land for recreation: Mike Ingersoll said they will pay the cash. The Board agreed and asked that the applicant work with the City Planer on the amount based on the final number of lots.

32. Letter of credit: Mike Ingersoll said the city engineer needs to review it the estimate presented. Dave Carr said they need to set an expiration date that relates to the phasing plan that the developer will soon present to the chair. The Board agreed that the chair could set the expiration date.

Mike Ingersoll said they have no problem complying with any of the technical issues.

Lorraine Tharp noted the comments from the DPW and DPS, as listed in the Board's agenda notes. Geoff Bornemann said the applicant needs to agree to the DPS's request for parking control signs, as listed in the comments. Dave Carr said they would work with DPS to finalize the plan.

Lorraine Tharp opened the public hearing.

Lorraine Tharp noted a letter from the Interlaken HOA dated July 18, 1996.

Robert Bullock, 30 Sarazen Street, sent the letter of July 18, from Interlaken Homeowners' Association. He asked the Board to consider present residents of the area. He said the PUD is being dismantled and he is disappointed.

Jackie Jacknowitz, 191 Crescent Avenue, said she is concerned with the erosion and quality of water if the marina is approved. She said developing a marina may result in some adverse environmental impacts.

Lorraine Tharp asked Robert Bullock to summarize the reasons why the HOA objects to this project. Robert Bullock said the original PUD document said water would be supplied by Interlaken Water Works since city water was not available at that time. He said the residents are now paying the full cost of the water system and they expected the other portions of the PUD to join the system and reduce their costs.

Joseph O'Hara asked what the difference was in what Robert Bullock pays for private water verses what he would pay to the city for water. Robert Bullock said it was about 2.5 times what he would pay for city water. Joseph O'Hara said that would average to-$200-$250 per household annually.

Ageo Frizzera, 88 Dyer Switch Road, said there are primarily two acre lots in that area and Regatta View doesn't fit in with that

plan. He said the developer, Peter Belmonte, has a good track record for moving areas forward. He noted the potential for litigation of the original PUD. Lorraine Tharp said there is no challenge to the legal status of the PUD granted in 1982.

Ed Albrecht, 18 Vallera Road, said he objects to the Board changing the PUD as the developer see fit. The Planning Board should not allow the original PUD to be modified.

Lorraine Tharp said she had yet to hear any specific adverse impact on adjoining neighbors.

Bob Pasciullo, 1 Beach Court, president of the Water's Edge HOA, said he assumed the PUD would not change when he bought his home. He said buyers go through documentation carefully and assume things will remain the same. He said the changes to the PUD would affect the value of the homes in the area.

Dave Reppert, Dyer Switch Road, said everyone wants a good, planned, controlled development. He said he was concerned with the affect a traffic increase would have on children's safety. He said he was concerned that dropping lines lower into the water table would impact his private well. Dave Carr noted that the county sewer line was installed near his property deep in the ground and it did not appear to alter the water table.

Lorraine Tharp said she hasn't heard anything but how the water has changed. She said legal rights are attached to this property. She said the older plan was not good for anyone. She also said there will now be less people than there could have been legally.

No one else spoke. The public hearing was closed.

Lorraine Tharp said the final application and recreation fee is still to be calculated. She noted the proof of legal ad and mailing to neighboring property owners has been received.

The Board agreed to let the chair authorize the SEQR statement of findings once it has been drawn up.

Clark Brink moved and James Murphy seconded the preliminary and final PUD approval subject to the conditions agreed to during the discussion. Ayes all.

96.47 SKIDMORE COLLEGE PARKING LOT: (815 North Broadway)

This is an application for site plan review for the construction of a new parking lot for 50 vehicles.

Dave George, Skidmore College, and Dan Sheehan, landscape architect, appeared before the Board.

Dave George reviewed the history of the project. He said after one month's experience with the new class he is convinced more parking

spaces are needed. He says they have been ticketing the cars that have been parking illegally.

Dan Sheehan addressed the following policy issues as listed in the Board's agenda notes:

1. Storm drainage for entire campus: Dave George said they have submitted to the City Planner an outline of the College's action plan to remediate the storm water drainage problems coming from the campus. He said about a half of a million dollars worth of work has been done so far by the college. He says they will employ the LA Group to work with the city on the development of an overall storm water management action plan.

2. Health concerns because of location next to transformer: Dan Sheehan cited research done by Dr. Clark Heath and said results were inconclusive. He said the switch transformer in the lot is not a risk because people will not come within 20 feet of it. He said risk is greater from televisions, computers and electric blankets.

2. Parking layout plan: Dan Sheehan said the biology staff uses the woods on both sides of the site so they are locked into the current configuration and could not widen it.

3. Drainage: Dan Sheehan said the drainage will go to the North Hall detention basin, which captures 8 acres of campus drainage. He said there would be no increase in run-off during 10, 25, and 50 year storms due to rerouting. He said there would be a net benefit to North Broadway.

4. Lights: Dan Sheehan said there will be ten 200 watt, low sodium fixtures. He said the east lot will have 5 fixtures and the west lot will have 3 fixtures.

5. Plantings: Dan Sheehan said they can't do a lot of plantings because the area is NiMo owned. He said the plantings around the transformer station will screen the parking lot. Dan Sheehan said campus security wants to be able to view into the parking lot.

6. Islands: Dan Sheehan said they will hydroseed the islands and there will be no curbing. He said they will get in touch with NiMo. The Board asked for some low level plantings in the islands and the applicant agreed to do so if NiMo permitted it.

Lorraine Tharp said the City Engineer will review the drainage and letter of credit cost estimate. It was agreed that the letter of credit will expire on December 30, 1996.

There was no one in the audience to comment.

Joseph O'Hara moved and Wallace Allerdice seconded to issue a negative SEQR declaration . Ayes all.

Wallace Allerdice moved and Joseph O'Hara seconded to approve the site plan subject to items agreed to during the discussion. Ayes all.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:30 pm.

Respectfully submitted,

Chris McCormic
Planning Board Secretary

Approved: 11.6.96.

City of Saratoga Springs

PLANNING BOARD

CITY HALL
474 BROADWAY
SARATOGA SPRINGS, NY 12866

TELEPHONE 518 587-3550

SARATOGA SPRINGS PLANNING BOARD

STATEMENT OF FINDINGS
PURSUANT TO SEQR REGULATIONS

INTERLAKEN PLANNED UNIT DEVELOPMENT
SITE PLAN APPROVAL FOR ZONES B, D AND E

This document is the Finding of Fact made by the City of Saratoga Springs Planning Board in the matter of the application of Homeland Development, Inc. for PUD site plan approval for Zones B, D and E of the Interlaken Planned Unit Development District, at 509 Union Avenue.

These Findings are made pursuant to the New York State Environmental Quality Review Act (SEQRA 6NYCRR Part 617.

These Findings are based on the documents, presentations and testimony, submitted or made in relation to the PUD site plan application.

The Planning Board has carefully considered the materials which form the basis for these Findings and has applied the standards found in 6NYCRR Part 617 in reaching its decision.

1. The adoption of the Interlaken Planned Unit Development District was a Type I SEQR action. The lead agency was the Saratoga Springs City Council. The City Council reviewed a SEQR long assessment form and issued a negative declaration on this project in 1982.

2. The Saratoga Springs Planning Board is a SEQR "involved agency" because it has the responsibilities to issue PUD site plan approval (i.e. subdivision approval) for the development of the various phases of the project. The Planning Board granted PUD site plan approval for Zone B, D and E on September 25, 1996 contingent upon several items, including the filing of this statement of Findings.

3. The Saratoga Springs Planning Board held public hearings on the proposed PUD site plan on July 17, 1996 and September 25, 1996. At those hearings eleven different presentations from the public were made.

4. The proposed project includes 90.31 acres and involves the construction of 89 residential units. The original PUD legislation, which received a SEQR negative declaration, permitted the construction of 262 residential units.

5. The civil engineering for the design of this project is supported by a detailed engineering report (dated September 9, 1996) and a detailed drainage report (dated September 9, 1996).

6. The project will be serviced by the City of Saratoga Springs public water supply. Mains from that water supply run along the street frontage of the property. The new water mains within the project are designed to city standards and will be owned and maintained by the city. The city has an adequate water supply to service this project.

7. The project's sanitary waste water will be handled by the Saratoga County Sewer District #1. The District has a major sanitary sewer trunk line crossing a portion of this property. The sanitary sewer mains within the project are designed to District standards and will be owned and maintained by the District. The District has adequate capacity to service this project.

8. The storm water drainage system for the project will be designed in accordance with the NYSDEC publication, "Reducing the Impacts of Stormwater Runoff from New Development". The proposed "wet pond" that will accept storm water runoff from the project has been designed in consultation with the NYSDEC. The primary purpose of the storm water management plan will be to prevent building and pavement runoff from discharging or sheet draining directly into Fish Creek/Saratoga Lake, and from eroding existing slopes.

9. The streets and infrastructure for this project have been designed to meet all applicable city standards. The Planning Board has required adequate financial securities, in the form of letters of credit, from the applicant to ensure that the project will constructed in a timely matter.

10. The potential traffic impacts of the project have been analyzed and adequate mitigation plan developed.

11. Proper site design will ensure a minimum impact on existing views and vistas. The residential units have been sited to maximum the attractive views. An unobstructed view of the Fish Creek/Saratoga Lake has been provided along a new street that will have public access.

12. A soil erosion and sediment control plan has been included in the approval to assure minimal disturbance to slopes and exposed soils.

13. The project site is serviced by a fully staffed professional city fire department and police force.

14. The project will not affect any threatened or endangered species.

15. All construction standards for building, private and public improvements and for utilities shall be prepared and approved by licensed architects or engineers. All costs associated with this shall be borne by the applicant, whether the plans are provided by the city or by the applicant. All completed construction shall be certified by licensed architects or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith. The city may require any or all costs connected with this to be borne by the applicant.

16. The construction of this project shall be undertaken in strict compliance with the approved final site plan. The city will conduct formal inspection during the construction.

Approved by the Saratoga Springs Planning Board on September 25, 1996.

Signed: Lorraine Power Tharp Date: 11/13/96

Lorraine Power Tharp
Chair

Exhibit Q

3. The proposed amendments meet all the general requirements of the planned unit development.

4. The proposed amendment is conceptually sound in that it meets local and area-wide needs and it conforms to acceptable design principles in the proposed functional roadway and pedestrian system, land use configuration, open space system, drainage system and scale of the elements, both absolutely and relative to one another.

5. There are adequate services and utilities available or proposed to make available in construction of the development.

Ayes all.

98.30 INTERLAKEN PUD - ZONES B, D & E: (509 Union Avenue)

This is a request for sketch plan discussion for 20 single family lots in Zone B and 15 lots in Zone E.

Eleanor Mullaney recused herself because her law firm represents the applicant.

Appearing before the Board were Dave Carr, landscape architect, and Peter Belmonte, applicant.

Dave Carr said there are 2 areas they are talking about. Zone B is 7.5 acres at the corner of Union Avenue and Dyer Switch Road and Zone E is 25 acres off Dyer Switch Road.

Zone B:

Peter Belmonte said he has spoken with several retail businesses and no one seemed interested in establishing a business on this site. The heavy traffic is early in the morning and at night with people going to and from work. With regard to medical offices and regular offices only one person showed any interest.

He said the proposal they have submitted is to allow single family homes to be constructed. They were looking for an administrative action from the Chair of the Board to allow the existing cul-de-sac to be modified to connect to this area. The chair was not

comfortable with it and wanted the Board to hear the plan.

Geoff Bornemann said that a vote was possible for sketch plan discussions. Norman Fox said the applicant is looking for comments from the Board on both proposals.

Dave Carr said they want to go with the original PUD which designated residential uses for this area. They are doing what the county wants with putting up a buffer. Wallace Allerdice asked if the buffer would fully hide the backyards. Dave Carr said not completely. Bob Bristol said he would not support looking into people's backyard from Union Avenue and said he does not like the proposed uses and layout. William McTygue said he was concerned that the area is too dense. The lot sizes are smaller, 80 feet wide, similar to patio lots of 8,500 square feet. He also expressed concerned about the visual impact.

Dave Carr asked what the Board thought about multi-family residential use on this site. Bob Bristol said architecturally is would fit. Geoff Bornemann said that Interlaken - Zone A is considered multi-family.

Peter Belmonte said if he proposed commercial uses for this site, would the Board be interested in supporting the necessary amendment to the City Council. Norm Fox indicted he felt the Board probably could support such an amendment.

Bob Bristol said this is a very important site in the PUD and it needs special attention. He doesn't want to it to de-value the properties already there.

Peter Belmonte asked about issues of scale of any proposed building. Bob Bristol told the applicant to look across the street at Zone A, the golf course clubhouse, and the changes at Longfellows.

Peter Belmonte said they want the area to be larger in size, more green space and set back further.

Peter Belmonte suggested running a stone wall all the way down the property line. Bob Bristol said the Board might like that idea. William McTygue asked to make it look more like Interlaken - Zone A. Bob Bristol felt the area could be residential or commercial

provided the Interlaken design concepts were used.

Geoff Bornemann suggested that site could be developed around a village green. William McTygue said he liked the idea of larger scale buildings. Dave Carr said they feel that the PUD is split up by the road system. Bob Bristol said he would like to see landscaping along Union Avenue.

Geoff Bornemann said the plateau already has 750 housing units on it and the traffic volume on this section of Union Avenue is up to 5,000 vehicles per day.

The applicant said they will go back to the drawing board, take the Board's comments into consideration, and then develop a new plan.

Zone E:

Dave Carr this area is off Dyer Switch Road and east of the project now under construction. He said the lot sizes are .75 to 2 acres in size. There are 15 lots and they have they have the same set back and in the approved project and all single family lots.

Dave Carr said lots 3 & 4 are buildable on steep slopes but will require a long driveway. Dave Carr said that a geo-technical report on the slope area is being undertaken to determine an appropriate setback line or mitigation measures.

Dave Carr said the cul-de-sac could be avoided by connecting this area to Regatta View Drive. If so, maybe the second street entrance onto Dyer Switch Road could be eliminated. Dave Carr expressed concern that in doing this, a straight road would exist that could become a speedway. Bob Bristol felt the applicant should seriously look at it without a cul-de-sac.

John Swick of Dyer Switch Road got up to speak to the Board and said this project is good and that it is not low income housing. He has a 350 foot long driveway. He doesn't want the road going through to be straightened out because he wants his privacy.

Dave Carr said they would plan to use City water and they are still investigating on the best way to connect to the sanitary sewer. They are also studying options for storm water drainage.

Dave Carr said the HoA for this section would be part of the existing Zone B & D HoA.

Dave Carr said there is no interest in a public easement along the water line. He said along Fish Creek is a floodplain area.

Norman Fox asked for comments from the audience:

John Swick, Dyer Switch Road, asked if the next time the applicant comes before the Board for subdivision plans would the neighbors be notified. Geoff Bornemann said that for a subdivision plan the applicant would have to have a public hearing and would have to notify neighbors within 250 feet of his property.

Norman Fox noted comments from the following departments:

- DPS comments: Zone B: "Response time to this area is approximately 8-10 minutes. I recommend that residential sprinklers be considered for all construction in this area. Also, consideration for locating additional fire and medical (EMS) station to serve this area."
  Zone E: no comments received.
- DPW comments: "All to be serviced by City water."

Norman Fox said that no action is required tonight, this is for discussion only.

Eleanor Mullaney resumed her seat on the Board.

97.07 ADVISORY OPINION TO CITY COUNCIL - WATER'S EDGE/WOODLANDS PUD AMENDMENT: (64 Kaydeross Park Road)

This is a request from the City Council, dated April 23, 1998, for lead agency SEQR status for the environmental assessment of the proposed zoning changes.

Robert Bristol and Eleanor Mullaney recused themselves.

Geoff Bornemann explained that all involved agencies have 30 days to respond to the City Council's request. The Planning Board can either defer to the City Council or the Board could request lead agency status itself and challenge the City Council's request.

Exhibit R

PLANNING BOARD
SARATOGA SPRINGS
WEDNESDAY, APRIL 11, 1990
CITY COUNCIL ROOM

MINUTES

PRESENT: WILLIAM CUMMINGS
THOMAS CURLEY (Arrived Late)
NORMAN FOX
JACK KING
WALLY ALLERDICE
GEORGE PARKER
BETH SCAVONE

CHAIRPERSON CUMMINGS CALLED THE MEETING TO ORDER AT 7:30 P.M.

APPROVAL OF MARCH 7, 1990 MINUTES

The Board made the following changes to the draft minutes of the March 7, 1990 meeting:

1. On page 5, last line, delete "it is necessary that the leach field was put in there".

2. On page 6, top line, delete first word "elevation."

3. On page 7, top line, delete first three words "would be acceptable."

Wally Allerdice made a motion to approve the minutes as amended of the March 7, 1990 Planning Board meeting. Seconded by Jack King. Ayes all.

APPROVAL OF MARCH 14, 1990 MINUTES

The Board made the following changes to the draft minutes of the March 14, 1990 meeting:

1. On page 12, fifth paragraph, 19th line, change "186 million" to read ".186 million."

Jack King made a motion to approve the minutes as amended of the March 14, 1990 Planning Board Meeting. Seconded by Beth Scavone. Ayes all.

Tom Curley arrived and took his seat on the Board at 7:35 P.M.

90.20 SPA VIEW HOMES: This is an application for preliminary approval of 79 lot subdivision at 220 Geyser Road. David Carr Jr.,

landscape architect; Mark Schachner, attorney; Charles Baker, engineer; David Kahlbaugh, traffic engineer; Sandra Allen, attorney appeared before the Board to represent the applicant. Also present for this project was Jean O'Connell, stenographer.

Mr. Carr began by reviewing the issues presented on the Board's agenda notes. He noted that the coordinated SEQR review has been initiated by the City and that responses have been received from NYS DOH and NYS DEC but not yet from the Saratoga Planning Board. Mr. Kahlbaugh added that the traffic impact analysis is in the process of being updated and expects to have it completed soon. Geoff Bornemann, City Planner, noted that the Department of Public Safety also has a study of the pedestrian safety issue underway. They are looking at the problems of safe access to the park and the school. The are also exploring such solutions as a possible traffic light or pedestrian bridge across Geyser Road.

Mr. Carr remarked that in the road layout plan,a provision was made for the future extension of the cul-de-sac but that the applicant has no specific expansion plans at this time. He stated that the reason for the cul-de-sac was that there were approximately one hundred and five (105) acres in the rear and that it was being left there for access, otherwise the entire acreage would only have one access through Geyser Crest. Mr.Cummings stated that the drawing should identify the fact that at some point of time, a road would be built through.

David Kahlbaugh stated that both entrances to the site were evaluated for sight distances for 40 and 50 miles per hour speeds and found that both intersections do meet established criteria for safe design. He did state that the distance between the two entrances was five hundred (500) feet which was an acceptable separation distance. One of the intersections was designed to align with the exit from the school. In reference to the pedestrian activity, he mentioned that the best way to address the situation would be to signalize with pedestrian signals and push buttons so that all individuals could cross at the intersection. The operation of this intersection would be within acceptable levels of service without delay. Mr. Cummings stated that the Board was very concerned about the crossing for pedestrians, especially children. Mr. Kahlbaugh referred to the preliminary findings of the traffic study and that the conclusions derived from at this point was that the impact of traffic and pedestrian activity by the development would not precipitate the need for a traffic signal at this location but there might be other concerns that would warrant some control device. Mr. Kahlbaugh commented that the area of the playground at Casino Drive is fenced off and as traffic increases in the general area, a signal near the school might be necessary.

Mr. Cummings expressed concern for a larger buffer along Geyser Road. Mr. Carr responded that most of the lots proposed along Geyser Road have their front yards facing interior streets except

for lot #1 and #68. The only lot he can see with an extended buffer would be lot #1. He mentioned that the County staff has also suggested a larger buffer.

Mr. Bornemann, City Planner, remarked that most of the lots in this subdivision were larger than those standard permitted by the ordinance. To achieve a greater buffer along Geyser Road, one could make the lot size smaller in the rear areas but larger in the front or one could cluster lots and leave buffers as open areas. Mr.Carr indicated that he would discuss this with the County.

Mr. Carr stated that the roads are designed to city specifications and that they will be offered for dedication to the City.

Mr. Carr stated that they do plan on building sidewalks throughout the projects and along the Geyser Road frontage of their property. Mr Bornemann noted that because of the strange configuration of the Geyser Road right-of-way, it might be necessary to work with the County on the placement of sidewalks.

Mr. Baker stated that the NYS Health Department has announced that they would only approve City water system connections of approximately sixty-five (65) more single family homes unless additional water supply is obtained. He noted that this project exceeds 65 units and referred to a letter to the Planning Board from Commissioner McTygue dated April 13th, where he gave a few options for this project. The original proposal was to tap into the existing 16" main along Geyser Road but the Commissioner of Public Works has stated that this kind of a tap is usually not permitted. The Commissioner has suggested two options. The first is to run a new line along Geyser Road, down Hathorn Blvd. and connect it into the existing pump station in Geyser Crest. The second option would be to pay for the approximate $40,000 cost to drill a new City well. Mr. Baker did indicate that he did not have the opportunity to discuss these options with his client yet, but felt his client might agree to the $40,000 construction of a new well.

Mr. Baker stated that currently, there is an existing sewer pump station on Casino Drive which has had some problems. He had dialogue with the Engineering Department and the DPW and it was suggested that it might be possible to connect the existing pump station into the one that was proposed to serve the new subdivision. It appears that a gravity line can be taken from the existing pump station into the new proposed system. Mr. Baker indicated that this matter is still being discussed with his client and that it doesn't appear that this would be a problem with him.

Mr. Baker did state that there were two options on where to connect the sewer outfall pipe from the new proposed pump station. Option #1 is to construct a new forced main along Geyser Road, down Hathorn Blvd. and into an existing sewer line in Geyser Crest. The

second option is to construct a new forced main across off Geyser Road and tie into the gravity system which has been built to serve the new park. He stated that Commissioner McTygue has given the client permission for the second option if they pick up the Casino Drive station. Once again, this must be discussed with the client.

Mr. Cummings indicated to Mr. Baker that either the water or sewer options would have to be subject to the review by the City Engineer's office and the Department of Public Works. Mr. Baker noted that if any utilities lie along or cross Geyser Road, County permits and specifications must be met.

Mr. Baker remarked on the possible insufficient project coverage of storm drainage system. He stated that the roads within the project are graded away from Geyser Road and will drain into the site. All the lots that front on Geyser Road will drain to the proposed new interior road. A berm would be placed near the low area of lots #4 through #12 thereby, taking all that drainage in front of site away from Casino Drive. He noted that there would be tests performed next month to determine the actual ground water level at various locations. He stated that there is a good possibility that some of the homes in the project would be built on slabs and not have basements.

Mr. Bornemann indicated that there were other lots backing up on Quevic Drive and Hawthorn where drainage was not properly provided for. Mr. Carr stated that he would do a more detailed grading design to address this problem. Mr. Fowler, City Engineer, expressed concern that drainage from Geyser Road or the Geyser School may need to be provided for by this subdivision's drainage system. Mr. Carr indicated that he would look into this matter further.

Mr. Carr spoke concerning the storm drainage outfall to the rear parcel. He referred to the memo the Board received from Commissioner McTygue where it was indicated that the applicant would have to put an access drive along the corridor. The applicant agrees to do this and he will also riprap the outfall area. As far as the rationale for the alignment, Mr. Carr stated that knowing the City's requirement against cross lot easements and also realizing that one day the back parcel might be developed, he tried to come up with an alignment that possibly would follow a future road system.

Mr. Baker stated that the rationale behind the storm water management system is one of detention. The proposed detention basin will have a discharge to an existing stream that connects down to Geyser Brook which runs through the Saratoga State Park. The basin will have a 12" outflow pipe, designed for a 50 year storm. The basin is designed to carry water from a 100 year storm.

Mr. Cummings asked that a copy of the drainage report be sent to

the State Parks and the DEC tree nursery. Mr. Baker agreed to do this.

Mr. Carr stated that the proposed sewer pump station would be located behind lot #8. He indicated that the land under the pump station and the access road would be turned over to the City for ownership and maintenance.

Mr. Fowler indicated that it would be important for the Board to know groundwater levels and which building lots required slab construction.

Tom Curley inquired if the fill which is going to be used, is from the site itself. Mr. Carr responded that soil tests indicated that most of the soil is good sand so they do plan on using everything on the site that can be used. Since it is not known at this point how much sand will be used, there is no way of knowing if there is enough soil or if other resources must be utilized. Mr. Curley stated that the Board would like to know if additional soil is required and where it would come from. Mr. Cummings indicated that this would be subject to the approval of the City Engineer.

In reference to the location of easements within lot lines, Mr. Fowler stated that there was a small problem near the cul-de-sac that should be addressed.

Mr. Baker spoke regarding the wetland disturbance permit needed and indicated that the DEC performed some preliminary research and it was found that as long as this project stays outside the 100 ft. buffer in that area, no permit will be required.

Mr. Carr stated that since there is a recreation area already in the area, his client would plan to pay the cash-in-lieu of recreation land.

He also indicated that he is aware that preliminary approval requires submittal of additional construction details and this would be addressed.

In reference to the habitant area for Karner Blue butterflies, Mr. Carr stated that when he first submitted plans in 1987, the DEC was contacted and they wrote back that there were sightings of Karner Blue butterflies in the area. Last year when DEC was contacted, they gave more specific information and stated that "yes, there were sightings of the butterflies in the area". John Ozard, senior wildlife biologist was contacted last year and a map was sent to Mr. Carr showing that there was a good possibility that the butterflies were on the property. Mr. Carr has contacted DEC and a site inspection will be done early next month.

Mr. Cummings asked if anyone in the audience wished to discuss the proposed project.

Molly Gagne, 22 Vichy Drive, spoke from the audience. She is concerned about traffic along Geyser Road, especially the numerous trucks from the industrial park and buses going to route 50. She noted that cars were parking on Geyser Road to let kids off at the park and children were coming by on their bicycles or walking and have to go between parked cars to the playground. Also, she was worried about the open space. She indicated that there was a gorgeous sand dune on the project site and very concerned about protecting the blue lupines. She also expressed a concern about the amount of ground water and felt that new development will adversely affect existing wells and encroach upon the remaining open land.

Charles Joseph, 25 Casino Drive, spoke from the audience and stated that he was concerned about the lack of green area and wanted to keep Saratoga beautiful. He was disappointed that no buffer was proposed between his property and the project property. He is concerned that his property value would be going down if there is not going to be any woods to look at.

Karl Mihalek, 19 Casino Drive, spoke from the audience. He asked for an explanation of easements and the distances between Casino Drive and the new development. He was informed by Mr. Carr that since the homes are being bermed, all homes will be built as close to the project's interior road as possible. Therefore, most buildings would range between 75 and 150 feet from the Casino Drive properties. Beth Scavone inquired if a wood stock fence shown on the plans along the property lines is now existing and was given a positive response.

James Lambalot, 33 Casino Drive, spoke from the audience. His comment involved the present heavy traffic on the road and feels that this first summer of full use in the park will see a tremendous amount of activity. His concern was that the impact of the new homes would cause the school district to start transporting children from Geyser Road Elementary School to other areas of the City. A main concern relates to his property which backs on the proposed new cul-de-sac. When the road is extended in the future, it will feel like children and autos will be coming through his back yard. Mr. Lambalot is very concerned that his property value will depreciate.

Mr. Cummings indicated that the impact of traffic generated by this project and all the other concerns stated must be carefully analyzed.

Mary Beth Delarm, 96 Quevic Drive, spoke from the audience. Her concern was that the project's lots would be butted right up against her back yard and she was concerned about the possible environmental destruction. Her major concern was what impact would the additional water consumption from this project have on the City's water supply. She also mentioned a concern regarding the

possible overcrowding of the schools.

Raoul Gagne, 22 Vichy Drive, spoke from the audience. He wanted to know how the creation of a new well will ease the strain upon the City's water supply since the current well now has to replace the Loughberry water. He feels that the impact of traffic on Geyser Road and Hathorn Blvd. must certainly be addressed. He expressed concern that the storm sewer from this project might eventually be dumped into Geyser Pond. Mr. Gagne mentioned that this pond is one of the hidden beauties of Saratoga Springs. Mr. Cummings informed him that the Department of Environmental Conservation and the State Parks people would also have to evaluate this situation. Mr. Gagne added that he and other residents in Geyser Crest do observe Karner butterflies on their property.

Bob Reed, 7 Casino Drive, spoke from the audience. He was concerned about the impact on water and sewer and felt that these issues certainly must be carefully addressed. He felt that there were too many houses coming into the area and this condition will be causing environmental problems. He stated that there is an 8 foot drop behind his property on the project site and in the spring there is always an abundance of standing water. Mr. Reed feels that there will be additional water coming into his yard with the new project. He also expressed concern that there may not be enough water to support the number of houses that will be built. Mr. Reed expressed his concern to protect the Karner Blue butterflies and wanted to be sure DEC would properly inspect the area for the presence of the butterflies.

Beth Hill, 25 Casino Drive, spoke from the audience. She spoke about the lack of green areas within the project and feels that the 79 houses to be built will not have an adequate buffer. She wanted to know why there will not be buffers between the existing homes and wants to see a better designed development with more green areas around it. Mr. Cummings indicated to her that the proposed lots were sized well above the 12,500 square foot minimum standard established by the zoning ordinance. He felt that it might be possible to rework lot sizes to achieve her objectives.

Fran Bates, 15 Casino Drive, spoke from the audience. She wanted to know the plans as to how the new pump station will be connected with the existing one on Casino Drive, and how will the gravity line be run. She was informed by Mr. Carr that they are looking at the possibility of bringing the line between lots on an existing easement. Any damage that might be made on private property by this construction would be restored.

Susan Avondolio, 97 Quebec Drive, spoke from the audience. She wanted to know if the developer was planning to cut down trees and re-landscape or was he going to leave the existing trees which have established root systems for water absorption. Mr. Carr responded that there will be some areas that must be graded and that the

intention for this project is to leave as much trees as possible. In regards to storm drainage, she stated that she was under the impression that the dune area would drain towards Geyser Road and would there be a provision made to adequately handle the overflow water to prevent icing conditions in cold weather. In regard to the butterfly investigation, she asked if the developer would be performing this site investigation along with DEC and she was concerned whether this was the proper time to find the butterfly population. Mr. Carr stated that the life expectancy of the butterfly was very short but what they were looking for was the plant habitant that is actually most abundant in early spring. She also questioned why the traffic study was being done in the cooler weather when traffic volumes would most likely be less than in the summer months. She felt that it should be done in the summer months. Mr. Kahlbaugh noted that they have the ability to calibrate the data to estimate normal conditions.

Tom Curley expressed his feeling that most of the residents residing in the area are used to looking at trees behind their home and he stated that consideration should be given to whatever maximum buffer can be given to them. He questioned Mr. Carr if any vegetation or grass would be planted to stabilize the area. Mr. Carr indicated that when construction begins, there will be adequate erosion control measures taken. Regarding water problems, Mr. Curley hoped that there would not be a problem with the water and wanted to know if there was enough water to supply this new project. He wanted to also know what effect the new well would have on the existing wells. Drainage and traffic were also Mr. Curley's concerns. He further mentioned that access to the new playground on Adams Road must be safe for the children.

Jack King indicated that he was concerned about the traffic and the safety of the children. He felt a careful look at mitigating measures would have to occur.

Beth Scavone referred to Mr. Curley's remarks and expressed her concern about the maximization of the green spaces in the development and she would like to see more consideration given to the buffers impacting on the Casino Drive lots and a reconfiguration of the development.

Norman Fox reiterated the same comments as Beth Scavone. Mr. Fox did state that he was concerned about the water also. He did ask the developer as to when he plans to start this development and was informed that there is no set date now. Mr. Schachner stated that it would be commenced upon approval from the City.

Mr. Cummings asked Mr. Carr when this project should be scheduled for another presentation of the additional data requested. Mr. Carr indicated that he wanted to wait until the butterfly investigation and the traffic update reports are completed. He felt that sometime in June these matters should be ready for

presentation. The Board agreed to extend discussion of this project until the June meeting.

89.103 The Parting Glass: This is an application for site plan review at 40 Lake Avenue. This application was continued from the January 10, 1990 Planning Board meeting. Robert Cohan, applicant, and John Hearn, contractor, appeared before the Board.

Mr. Cummings noted that the parking demand had been revised to conform with the City standards. The property survey has been completed and the several encroachments are noted on the revised plans. Geoff Bornemann indicated that one problem is that the applicant is proposing to build his front addition one foot into the City right-of-way. Mr. Cohan stated that the existing front step that he wished to build upon has existed since 1934. He indicated that the step theoretically does belong to the City according to the survey. He also stated that the City Attorney has all the information regarding this issue. Mr. Bornemann stated that this matter would probably have to be presented to the City Council if the applicant wants permission to build on City land.

Mr. Cummings reminded Mr. Cohan that the City mandates vertical signs for the handicapped parking spaces and Mr. Cohan agreed to provide them.

A motion was made by Wally Allerdice to issue a negative SEQR determination contingent upon successful resolution of the proposed front yard encroachment. Seconded by Tom Curley. Ayes all.

A motion for approval of the site plan as amended and with the stipulation that the issue go before the City Council and City Attorney for resolution was made by Jack King. Seconded by Beth Scavone. Ayes all.

90.10 SARATOGA PSYCHOLOGY ASSOCIATES: This is an application for site plan review at 63 Franklin Street. This project was continued from February 7, 1990 meeting. John Carusone, attorney, appeared before the Board.

Mr. Cummings acknowledged a letter written to the Board by William Sutton, contractor, indicating that the proposed cost of constructing a storm drainage tie-in for this site would be $31,600. Mr. Cummings inquired if the applicant was willing to spend the amount mentioned for the drainage system and Mr. Carusone responded, " No, I don't think so." However, he asked the Board to consider an alternative. Mr. Carusone stated that a perc test was performed and the results indicated that storm water could be handled by a drywell on-site. Mr. Carusone requested that the storm drainage tie-in requirement be waived. Mr. Cummings indicated that there is a State law that mandates that if an applicant is within 500 feet of a City drainage system that he must tie in, unless there are some other extenuating circumstances that could be

agreeable between the State and the City Engineer's Office or the Department of Public Works. Mr. Cummings indicated that the consensus of the Planning Board appeared to be that the existing conditions in the area did not warrant support for a waiver of this requirement. Mr. Allerdice stated that the estimate seems relatively high to him judging by prices for that kind of work.

Mr. Carusone stated that he thought another alternative for the applicant might be to ask the State for a waiver from their requirement. Mr. Cummings indicated that if this was done, the State would then contact the City of Saratoga Springs Engineer for an advisory opinion. If the Engineer couldn't justify the waiver, then it would be a waste of time since the State might rely heavily on the City's advice. However, it was suggested by Mr. Cummings that Mr. Carusone should speak with Mr. Joe O'Neill, Department of Public Works, to see if the City might be interested in constructing the line. Perhaps the City could construct the tie-in at a lower cost.

In reference to the issue regarding street lights, Mr. Cummings indicated that the project is located in the historic lighting district. The Department of Public Works has a lighting scheme for that area and expects the applicant to add a victorian street light to the front of the property. Mr. Carusone agreed that the applicant would install the light as per instructions provided by the City.

A motion to issue a negative SEQR determination contingent that a tie-in to the City drainage system at Cherry Street was made by Beth Scavone. Seconded by Jack King. Ayes all.

A motion for approval of the site plan contingent on a tie-in to the drainage system at Cherry Street; the installation of the light; and the other minor changes agreed to at the February meeting, was made by Jack King. Seconded by Wally Allerdice. Ayes all.

<u>90.20 CONKLIN PROPERTY:</u> This is an application for preliminary approval of a 32 lot subdivision at 89 Louden Road. Discussion of this project was continued for the March 14, 1990 meeting. Richard Eats, landscape architect, appeared before the Board.

Jack King stepped down from the Board because he has an interest in the adjacent property.

Mr. Eats stated that the availability of groundwater for wells was submitted. Mr. Cummings informed Mr. Eats that the City does not usually want an applicant to use shallow wells. Mr. Eats stated that he spoke with a hydrologist who is preparing some additional material to support their request. This issue was requested by Mr. Eats to remain open until this new material can be evaluated. The

Board agreed to this request.

Mr. Eats indicated that the street names and postal addresses for each lot would be changed according to the recommendations of the City. Mr. Bornemann stated that the Board should have the Town of Wilton respond as to whether the proposed street names are acceptable. Tony Adang, attorney, responded that he would have additional dialogue regarding this as well as the roads standards and ownership. Both issues would be discussed with the City and Town and brought before the Planning Board again.

Mr. Eats noted that the roads will be developed to City and Town standards and that the profiles submitted meets the City's specifications. Mr. Bornemann stated that the memo received from Mr. Adang concerning road ownership has been referred to the City Attorney and the Department of Public Works.

Mr. Eats stated that the water transmission line was field located on site and drawn on the plans as requested by the Department of Public Works. A storm drainage report has also been submitted to the City for review.

Mr. Fowler stated that the report that came back on perc test indicated that the three areas that were bored indicated standing water. There are several areas that have depressions. Mr. Fowler suggested that this issue has to be addressed further before final approval and Mr. Eats agreed to provide the additional information which he felt would prove that this is not a significant problem.

Mr. Eats noted the Saratoga County Planning Board returning the project for local decision with comments suggesting dry-lining. He stated that dry-lining was not proposed. Mr. Bornemann noted that this project is at the edge of the proposed Wilton Sewer District but that this issue was resolved at the last Board discussion.

Mr. Cummings recommended that a SEQR determination should be deferred until after the final approval process. Mr. Eats agreed to this postponement.

A motion for approval of the preliminary subdivision plat plan was made by Wally Allerdice. Seconded by Beth Scavone. Ayes all.

Jack King resumed his seat on the Board at the conclusion of the discussion regarding this project.

<u>90.24 INTERLAKEN PUD - PHASE B & D:</u> This is an application for final PUD site plan approval for 64 residential units at 509-531 Union Avenue. Geoff Bornemann noted that the applicant has requested additional time to respond to the Board's concerns and wishes to postpone his appearance until the May meeting. The Board agreed to this postponement.

89.23 BIRCH RUN - PHASE II: This is an application for revised great lot subdivision plan at 69 Seward Street. Geoff Bornemann stated that the applicant has asked for a continuation until the May meeting. The Board agreed to this continuation.

90.24 ADVISORY OPINION TO ZBA- SARATOGA PELICAN ASSOCIATES: This is an application for use and area variance for improvements at the Holiday Inn, 232 Broadway. Michael Toohey, attorney; Mike Ingersol, landscape architect; and, Cindy Hollowood, manager of the Holiday Inn, appeared before the Board.

Mr. Toohey stated that the Holiday Inn was built by the community thirty-four (34) years ago. A few years ago, the Hotel was bought out by the present owners who now own the franchise. In order for the owners to continue this franchise, they are required to make approximately two million dollars ($2,000,000) worth of improvements.

Mr. Toohey stated that he could not find a record of the building being approved with variances or a site plan back in the early 1960's. He stated that there were no zoning variances for the parking although the building roughly sits within the set back for the zone. Currently, the building is on a site that has 160 parking spaces and 215 is needed. A site plan review application was made and approved in 1987 for an addition to the restaurant in the Holiday Inn. Mr. Toohey acknowledged that there was a discrepancy in the parking data submitted with the 1987 application.

Mr. Toohey stated that this application was for the construction of 24 additional hotel rooms, a new entrance way, parking lot improvements and other interior improvements. The 24 rooms will consist of 10 standard rooms, 8 business rooms and 6 suites would be on the 4th and 5th floors. The City's ordinance requires 16 new parking spaces but 17 parking spaces were added. Mr. Toohey indicated that discussion before the Zoning Board will be that this parking has pre-existed and has been there for such a long time. Mr. Toohey mentioned that the more off street parking or non-congested parking that is created, the better the site will be.

In the proposed parking lot, a new pedestrian walkway is planned that would highlight the stairs that lead down to Congress Park. An easement will be granted for pedestrian access to the park. This entrance way will be highlighted by planting, benches and lighting. The applicant also plans to seek approval to make improvements in Huestis Cour t. By constructing perpendicular parking, 10 new parking spaces will be created. Those spots would not be owned by Holiday Inn but would be City parking spaces and they could be utilized by anyone. They would be dedicated to the City and improved to whatever standards the City wants and the City would continue to own Huestis Court.

Mr. Toohey stated that as a safety consideration, they have eliminated the entrance way to the Holiday Inn parking lot that is closest to the Circular Street intersection. They have also opened up a rear access point for Huestis Court. By doing this, ambulances, fire vehicles, etc. could drive right through the area and get around the Hotel easily with a turning radius.
Mr. Toohey noted that the parking aisle widths have been corrected on the map to reflect City standards.

Geoff Bornemann stated that DPS has requested the removal of a tree near the rear of the parking lot to facilitate the movement of a fire truck. Mr. Toohey agreed to eliminate the planned tree from the site plan.

Mr. Toohey stated that the Holiday Inn currently removes snow from its parking lot to an off-site location and would continue to do so with this new plan.

Mr. Toohey spoke concerning the impact of the setback variances. He stated that the site is boarded by three public streets. He stated that there is very little impact from the proposed plan because the conditions have been existing for many years. Improvements are actually being made with the rear setback line that backs up onto Congress Park. The two existing storage buildings will be demolished because they are unsightly. Meetings were arranged with the Urban Cultural Park Office to work out details that would make a very attractive visual approach when looking at the Hotel from the Park.

In response to a question by Mr. Fowler, Mr Toohey stated that the Holiday Inn would construct and maintain all improvements (including snow removal) in the proposed pedestrian easement that led to the Park.

Jack King asked if the sidewalks along Broadway would be changed from the way they are now as seems to be indicated on the plan. Mr. Ingersol stated that no changes were anticipated and that the current plans have a drafting error.

Mike Ingersol stated that the drainage system is now very minimal. He stated that they will develop a more detailed drainage plan for the site plan review application. He did state that the parking lot would be resurfaced.

Mr. Bornemann asked if there was any possibility of removing or hiding the satellite dish. Cindy Hollowood, manager of the Holiday Inn, noted that the dish was replaced with a smaller one just a few years ago and suggested that in the near future technology will probably improve, so that the dish will no longer be needed.

The Board agreed to issue the following advisory opinion to the ZBA:

1. The Board believes that the current parking is a pre-existing non-conforming condition. The proposed project will provide 17 additional on-site parking spaces while generating a new demand for only 16 parking spaces. Therefore, the Board feels that the impacts from this proposal are minimal.

2. The Board strongly supports the proposal to close off the Broadway driveway closest to Circular Street and the new sidewalk and parking arrangements for Huestis Court. The Board notes that Chapter 130-18.1 of the City Code will have to be amended to permit angled parking in Huestis Court.

3. There are a number of minor issues, such as proper aisle widths, fire truck access, etc., that we feel can adequately be resolved during the required site plan review.

Mr. Cummings noted that this project will return to the Planning Board for site plan approval. He also indicated that the plan for Huestis Court will have to receive approval from the Department of Public Works or the City Council.

<u>90.26 ADVISORY OPINION TO ZBA - RIGANO:</u> This is an application to waive all on-site parking for a six unit apartment building at 64 Phila Street. Bourne and Carol Rigano, applicants, appeared before the Board.

Mr. Rigano stated that this property is within a few hundred feet of the public parking lot at Henry and Spring Streets which has one hundred and sixty four (164) spaces available. He indicated that there is a proposed lot planned for the new Library which will alleviate the day time parking in the area. He stated that he has tried numerous configurations to try to get on-site parking but his lot is not big enough. He noted that he has been working for many months with the Planning Board to try to arrive at a safe parking arrangement. He also expressed concern about having to eliminate the little bit of green space that exists on the site. Mr. Cummings asked what would be the barest minimum of cars that he feels he could put on his site without creating a parking lot environment. Mr. Rigano stated that in order to put two cars on site without having them back out onto an alley or street he would have to pave most of the side yard. Mr. Bornemann stated that he could put two cars in straight but they would have to back out on Phila Street. Mr. Cummings would prefer not to allow any backing out on Phila Street.

Mr. Cummings stated that when the applicants go before the Zoning Board of Appeals, then they would be in a position to discuss with

them the limitations of the site plan showing the adverse conditions that presently exist. Mr. Cummings stated that he felt it wasn't the parking but basically, it was Mr. Rigano's vision for developing this site and the six apartments were a contributing factor already there. Mr. Rigano discussed that the barn and the house are both on the National Register. Beth Scavone stated that she would rather support waiving the parking spaces than have an unsafe condition of backing out onto an alley or street. Mr. Cummings stated that it would also be detrimental to limit whatever green space there is on the property.

The Planning Board offers the following comments for consideration by the Zoning Board of Appeals;

1. The Board finds that this site currently has six apartments in the structure and no on-site parking provided. The applicant is proposing to retain the six units and provide no on-site parking. Therefore, the Board finds that the impacts from this proposal are minimal.

2. After a thorough review of the site, the Board has come to the conclusion that the site can't safely accommodate any on-site parking. To accommodate on-site parking would require demolition of the barn or permitting cars to back out onto the City street or alley. neither of these alternatives are acceptable to the Planning Board.

90.27 WOODRIDGE - PHASE II: This is an application for revision of subdivision plat plan for six lots at 143 Old Schuylerville Road. Dan Wheeler, land surveyor, appeared before the Board.

Mr. Wheeler stated that the creation of one additional lot was made possible by the recent acquisition and that former lot lines were revised. He noted that this revision was actually approved by the Planning Board on March 1, 1989 but that the plat plan mylar was never submitted and the prior approval has expired. He is asking for reapproval.

He also stated that postal addresses are completed.

Mr. Wheeler referred to lot #26 and stated that the developer has reserved a permanent easement off the cul-de-sac for a driveway entrance. Mr. Bornemann indicated that the Board agreed with this at the March 1, 1989 Planning Board meeting.

A motion to issue a negative SEQR determination was made by Beth Scavone. Seconded by George Parker. Ayes all.

A motion for approval of the final subdivision plat plan was made by Wally Allerdice. Seconded by Jack King. Ayes all.

90.23 RYDER TRUCK, INC.: This is an application for site plan review for a 300 sq. ft. addition at 240 Excelsior Avenue. George Yasenchak, engineer, appeared before the Board.

Mr. Yasenchak informed the Board that Ryder Truck has two buildings that have been connected by a walkway. He stated that what was initially proposed was to close in the 12 by 25 foot section. However, the applicant now wants to enclose the entire area between the two buildings. Therefore the total building addition is now approximately 780 square feet.

Mr. Yasenchak indicated that there were 14 employees with no additional hiring planned. He indicated that there are nine spaces currently which meets the criteria for employee parking on site. Along the right side of the building, there are nine spots which have electrical hook-ups so that the diesel trucks can be pulled up and plugged in for easy start in the winter.
The area for the trucks are 10 ft. by 25 feet spaces. He indicated that Ryder has three service vehicles which are away all day. As per the ordinance requirements, there is a need for about 35-38 parking spots for the company vehicles and there are 71 provided on the site plan.

Mr. Cummings noted that several of the parking spaces shown on the plan are in violation of the front yard setback requirement. He inquired if parking spaces #1, 2, 3, 4 could be removed without interfering with the employees parking. Mr. Cummings suggested that Ryder continue from lot #9 and go down on the left side of the building to make up for the four spaces that will be removed. Jack King asked if the Board wanted more of the area within the front yard setback returned to green space and Mr. Cummings indicated that he did because he was very concerned as to how that area looked from the arterial. He wanted more plantings to enhance the front of the building.

Mr. Yasenchak indicated that the postal address was added to the plan.

Mr. Cummings asked Mr. Yasenchak if there was an 1 1/2" water line from the City main and was it in good condition. Mr. Yasenchak responded positively to both questions.

Mr. Yasenchak stated that he is investigating the condition and design of the septic system. He does not anticipate any problems and will add the data to the site plan.

In reference to the holding tanks for floor drains,
Mr. Yasenchak stated that when the vehicles are brought into the building during the winter months, there is water and snow dripping off them. Since there are floor drains in the two buildings and rather than have the water go back into the ground, they have installed a 4" drain pipe going out to three 2,000 gallon holding

drain pipe going out to three 2,000 gallon holding tanks which is pumped out by a licensed hauler and disposed of properly. Mr. Bornemann inquired if it was sealed and he responded with a positive response. Mr. Fowler asked to have the near fire hydrant identified on the plans. Mr. Yasenchak agreed to identify the water main and the hydrant.

Jack King asked Mr. Yasenchak if the underground fuel tanks were steel or fiberglass and he was informed that they were constructed of steel and that they were inspected last year and meet all State requirements.

Mr. Cummings asked Mr. Yasenchak to improve the visual impact of this area from the Northway and was informed that some plantings would be done when the parking spaces are removed within the front yard setbacks.

Jack King referred to one of the truck parking areas and requested that the gravel portion be paved. The Board discussed the paving verses leaving it gravel and it was agreed that the existing gravel area for truck parking spaces could remain gravel because the trucks are generally parked by employees.

A motion to issue a negative SEQR determination was made by Wally Allerdice. Seconded by Beth Scavone. Ayes all.

A motion for approval of the site plan as revised with the hydrant and water line located; and, the elimination of twenty-three (23) parking spaces in the front yard setback and replacement with grass, curbing and major tree planting, was made by Beth Scavone. Seconded by George Parker. Ayes all.

The Planning Board Meeting was adjourned at 10:50 P.M.

Exhibit S

PLANNING BOARD
CITY OF SARATOGA SPRINGS, NEW YORK
WEDNESDAY, MARCH 13, 1996
CITY COURT ROOM, CITY HALL
7:00 PM

MINUTES

PRESENT: WALLACE ALLERDICE
CLARK BRINK
ROBERT BRISTOL
NORMAN FOX
JAMES MURPHY
JOSEPH O'HARA
LORRAINE THARP, CHAIR

STAFF PRESENT: GEOFF BORNEMANN, CITY PLANNER

Lorraine Tharp, chair, called the meeting to order at 7:00 pm.

ANNOUNCEMENT ON RECORDING OF PROCEEDINGS:

The proceeding of this meeting is not being taped because the meeting is being held in the City Court Room where there is no recording equipment available. The Board minutes taken by the secretary are not a verbatim record of the proceedings.

PRIVILEGE OF THE FLOOR:

Lorraine Tharp opened the meeting to anyone wishing to address the Board on any item not on the scheduled agenda. No one spoke.

96.07 ISRAEL PROPERTY: (65-69 Franklin Street)

This is an application for a 2 lot subdivision. Robert Israel, applicant, and Ernie Gailor, engineer, appeared before the Board.

Robert Israel showed the Board several plans for the Marvin Sackett Todd House. He explained the history of trying to secure parking on the property. He showed the Board where a line of gravel will be moved past a 6 foot buffer that is required for the building code.

Robert Israel addressed the following policy issues as listed in the Board's agenda notes:

1. Proposed lot configuration: Robert Israel explained that he wouldn't want to straighten the proposed lot line because he needed additional area to store snow in the winter time. Robert Israel said the dumpster that is there will remain because it is used by the tenants of #6 Franklin Square. Lot #A, lot #B and the building at #6 Franklin Squared will be

owned by different legal entities. Robert Israel owns 75% of 6 Franklin Square and 25% is owned by another person. Lot #B will be owned by Robert Israel. Robert Israel said that there is no legal easement tying to building #6. There is only an informal arrangement at this time.

The Board and Robert Israel agreed that the lot line should be slightly modified so that it runs at an angle.

Robert Israel said he will move the gravel line within the parking lot on lot #B over 6 feet. He said there was adequate room on the lot to safely park two rows of cars.

2. Encroachments: Robert Israel said he would consider doing a swap of the triangle of land in lot #A that extends into the Division Street public right-of-way with the city for a little piece of the land where the building sits in the public-right-of-way. Geoff Bornemann told him that only the City Council has the power to make swap deals. Lorraine Tharp suggested that the applicant make such a request to the City Council.

3. Sidewalks and street trees: Lorraine Tharp noted she would like to see curbs and sidewalks on the frontage of lot #B. Robert Israel said there already were curbs and a few well-matured trees. He'd prefer not to put in additional trees because he doesn't want to detract from the pretty building facade. A discussion of street trees took place in which Geoff Bornemann explained that some of the purposes of the city requiring street trees are to retain control over cutting and to have them for shade.

   Ernie Gailor told the Board that putting a tree near the turn on Franklin Street might present a safety problem because of reduced visibility for drivers. Lorraine Tharp said she would defer on the tree issue for safety reasons.

   The Board agreed that a sidewalk with a commercial driveway apron would have to be added along the frontage of lot #B. Since the estimated cost of these improvements was under $10,000, the Board agreed to waive the letter of credit.

4. Recreation fee: Robert Israel agreed to cash in-lieu-of land.

Robert Israel had no problem complying with any of the technical issues as listed on the Board's agenda notes.

Lorraine Tharp noted that the Department of Public Safety had no concerns and the Department of Public Works did not submit any comments.

Lorraine Tharp opened the public hearing. No one spoke. The public hearing was closed

The $600 application fee has been paid and the recreation fee is due. Proof of notice of mailings to adjacent neighbors and proof of payment of legal ad are due.

Clark Brink moved and Wallace Allerdice seconded a motion to issue a negative SEQR declaration. Ayes all.

Joseph O'Hara moved and James Murphy seconded a motion to approve the subdivision contingent upon the items agreed to during the discussion. Ayes all.

96.08 MARVIN SACKETT TODD HOUSE: (69 Franklin Street)

This is an application for site plan review for conversion of an existing apartment building into a 10,000 square foot commercial building. Robert Israel, applicant, Peter Benfey, landscape architect, and Ernie Gailor, engineer, appeared before the Board.

Robert Israel addressed the following issues as noted in the Board's agenda notes:

1. Zoning: The northern 50 foot of parcel is zoned C-1 and the rest is zoned UR-4. When a property lies in two districts the owner is entitled to either district within 100 feet of the line. Robert Israel said only a small portion of the driveway is on the section of the property that still would remain in the UR-4 district and so there are no setback problems.

2. Proposed parking lot: Robert Israel said the parking lot will be paved and he agreed to add the construction details for the driveway apron and drop curb.

3. Drainage: Ernie Gailor said they would like to put in 2 dry wells and have the water go to french drains and then pipe it into the drywells. There is no city drainage system along the frontage of the property. Geoff Bornemann noted that a determination needs to be made by the DPW that the city storm drainage system, which is within 500 feet of this site, is not available for connection. The Board agreed and, in addition, asked that the design of the on-site drainage system would be subject to the City Engineer's review.

Ernie Gailor said the roof drainage goes to the lawn and then to the street. The drywells are not sized to take the additional flow. Robert Israel said he has never seen the water flow over the sidewalk. There are no gutters currently on the building. Geoff Bornemann suggested that if gutters were to be installed, the gutters should be directed toward the drywells. Ernie Gailor said they didn't want to make any changes because they haven't had any problems there for 150 years. The Board agreed that the current situation with the roof drainage was acceptable, but that if the applicant installed gutters, the water would have to be piped to the drywell.

4. Sidewalks: Norm Fox said the DPW will probably insist on a wider tree belt along Division Street for snow depository. He suggested moving the sidewalk closer to the building and increasing the tree space for snow. Ernie Gailor said they will work with Geoff Bornemann on putting that into the plans. It was noted that the sidewalk and curb along Franklin Street was in good condition and did not need any repairs.

5. Lighting: Pete Benfey said they will use city's standard historic lighting within the parking lot. There will be a total of 3 new lights put in. The Board agreed.

   The applicant agreed to install a street light in the Franklin Street public right-of-way.

6. Curbing: Robert Israel said there will be a new drop curb on Franklin Street and standard city detail. Pete Benfey said they have replaced the damaged curb along Division Street.

   Robert Israel said they won't know about funding for a fountain on Division Street until August.

9. Street trees: Robert Israel said they want to keep the building as visible as possible. They might add another Maple tree. Lorraine Tharp recommended putting one additional street tree in on Division Street and one in on Franklin Street. The Board agreed with this.

10. Utilities: Robert Israel said the existing utilities are adequate to serve the proposed building uses.

11. Free-standing sign: Pete Benfey said they would like a 40 square foot sign put in 8 feet off the property line, keeping it angled. Geoff Bornemann said they can work out the height issue and include a detail on the plans.

12. Letter of Credit: Robert Israel agreed to submit the required cost estimates of the letter of credit and have them approved by the City Engineer. The expiration date for the letter of credit will be set by the applicant and the Board chair.

Lorraine Tharp noted that the Department of Public Safety had no concerns and the Department of Public Works had no comments.

Lorraine Tharp asked for comments from the audience.

Rich DeVall, an attorney whose office is on 15 Franklin Street, noted that he is a neighbor of Robert Israel's. He said the neighbors are excited about the project and support it.

No one else spoke.

Lorraine Tharp noted that the application fee has been paid.

Joseph O'Hara moved and Wallace Allerdice seconded a motion to issue a negative SEQR declaration. Ayes all.

Clark Brink moved and Joseph O'Hara seconded a motion to approve the site plan contingent upon the items agreed to during the discussion. Ayes all.

96.05 O'HARA BED AND BREAKFAST: (181 Phila Street)

This is an application for a special use permit to operate a 5 unit bed and breakfast establishment.

Joseph O'Hara noted that he is the principal owner and applicant and he recused himself from the Board.

Norman Fox recused himself because of the possibility of an appearance of a potential conflict of interest.

Robert Bristol noted that he owns property that was given legal notice of the process. He felt that there was no conflict of interest and that he would participate in this discussion.

Geoff Bornemann reported that the applicant has asked for a continuation until the April meeting in order to have more time to address the issues raised by the neighbors.

Lorraine Tharp opened the public hearing and adjourned it to the April meeting.

Joe O'Hara and Norm Fox resumed their seats on the Board.

96.10 SIX SISTERS BED AND BREAKFAST: (149 Union Avenue)

This is an application for site plan review for an existing bed and breakfast establishment. Cynthia Behan, landscape architect, appeared before the Board representing the owner/applicants.

Joseph O'Hara noted that he is recusing himself from voting on this project, because of his ownership of the proposed O'Hara Bed and Breakfast.

In 1988 the ZBA issued a special use permit for a 3 unit bed and breakfast establishment with 4 parking spaces. Site plan review by the Planning Board was a condition of that permit, but it was never obtained.

Cynthia Behan addressed the following issues as listed in the Board's agenda notes:

1. Parking: Proposed parking is in violation of rear and side setback lines, and requires backing out into the alley. These are pre-existing non-conforming conditions.

   Norm Fox noted that the Planning Board does not approved of parking situations that require backing out into an alley or a street. The Board agreed that the owner/resident manager's two cars should park on the applicant lot that is on the north side of the alley. There is adequate room on that lot to park two cars in a configuration that would not require backing into the alley. The Board also agreed that the required two parking spaces for the guests should be located in the paved spaces marked #2 and #4. No parking would be allowed in parking space #3.

2. Paving the parking lot: Cynthia Behan said paving the lot on the north side of the alley would represent a significant cost problem for the applicant. Geoff Bornemann said he estimated that the paving would cost about $800 but that there was no drainage system to handle the increased runoff. The Board agreed to require the applicant to change the parking so the cars don't have to back out and to waive the paving requirement because this lot would be used only by the owners.

3. Drainage: Cynthia Behan said there is no drainage now, nor do they have any problems, or any history of problems. The Board agreed that the existing pavement without drainage was an acceptable pre-existing nonconforming condition.

4. Water lateral: Cynthia Behan reported that the existing water lateral is not on the neighbor's property as originally shown on the plan, but rather is located entirely on the applicant's property.

5. Garage: Geoff Bornemann noted that the garage encroaches into the alley's public ROW, and there is no record of easement. Lorraine Tharp told the applicant to go to the City Council to correct that and the applicant agreed.

6. Buffer: The Board determined that an existing 6 foot high fence owned by the applicant on the north line of the lot on the north side of the alley was deemed sufficient as a buffer required by the Zoning Board of Appeals.

7. Signs: A wall sign on the garage appears to be in violation of the ZBA decision which specified no signage. Geoff Bornemann said that they can have directional signs, but they can't have the name of the establishment on them because it is considered additional advertising. The applicant agreed to either remove or modify the sign.

8. Existing sidewalks: Cynthia Behan said the condition of the Union Avenue sidewalk is good. The curbing is old but in keeping with the type of slate curbing on the street. The level of the curb would have to be brought up to repair the sidewalk and that would look different than the sidewalk on either side of the property. It was noted that this is a small site and that the curbing is in the same condition as the that around it. Lorraine Tharp noted that the DPW has not expressed any concerns about the curbing. The Board agreed that the curbing did not have to be replaced.

9. Lights: Cynthia Behan said the parking area is well-lit. Geoff Bornemann noted that the site is within the historic lighting district which normally requires site plan applicants to install a light along the frontage of their property. In this section of Union Avenue the historic lights have already been installed in the center median. He suggested checking with DPW about a master lighting plan to see if the historic street lights also had to be installed along the applicant's street frontage. The Board felt it would look inconsistent with neighboring properties if a new light were added along this street frontage.

10. Topography data: The Board approved a waiver of the topography data because the site is essentially flat.

11. Letter of Credit: The Board agreed to waive the letter of credit because the total cost of the site improvements is less than $10,000.

Cynthia Behan stated that she had no problem complying with any of the technical issues.

Lorraine Tharp noted that the Department of Public Safety had no concerns and the Department of Public Works had no comments.

Lorraine Tharp asked for comments from the audience. No one spoke.

Lorraine Tharp noted that the application fee has been paid.

James Murphy moved and Wallace Allerdice seconded a motion to issue a negative SEQR declaration.

Wallace Allerdice moved and James Murphy seconded a motion to approve the site plan contingent upon the items agreed to during the discussion. Ayes all.

Joseph O'Hara resumed his seat on the Board.

94.44 CANFIELD MANOR: (83 Quevic Drive)

This is an application for preliminary and final approval of an 11 lot subdivision.

This has been continued from the September 14, 1994, December 7, 1994, July 25, 1994 and September 25, 1995, October 18, 1995 and November 15, 12995 meetings.

Geoff Bornemann reported that the applicant has asked for a continuation until the April meeting in order to have more time to address the issues raised by the Board.

The Board agreed to continue this discussion at the April meeting.

96.04 WITT PROPERTY - NORTHERN PARCEL: (169-203 Old Schuylerville Road)

This is an application for final approval of a 4 lot subdivision.

The sketch plan discussion was held on January 10, 1996.

This discussion is continued from the February 7, 1996 meetings.

Geoff Bornemann reported that the applicant has asked for a continuation until the April meeting in order to have more time to address the issues raised by the Board.

The Board agreed to continue the discussion at the April meeting.

96.05 WITT PROPERTY - SOUTHERN PARCEL: (168-202 Old Schuylerville Road)

This is an application for final approval of a 3 lot subdivision.

The sketch plan discussion was held on January 10, 1996.

This discussion is continued from the February 7, 1996 meeting.

Geoff Bornemann reported that the applicant has asked for a continuation until the April meeting in order to have more time to address the issues raised by the Board.

The Board agreed to continue the discussion at the April meeting.

95.50 VILLAGE AT SARATOGA PUD: (39 Crescent Street)

This is a request for an advisory opinion to the City Council on an application for a 132 unit residential planned unit development district. Appearing before the Board was Victor Gush, developer, Stephen Rodriguez, attorney for the owners, and Frank Landry, Title and Deed attorney.

This discussion is being continued from the December 13, 1995 and January 10, 1996 meetings.

Frank Landry told the Board that an agreement had been reached with the Greenridge Cemetery Association and the applicant is in a tentative agreement with the City about the transfer of interest in the paper streets within the PUD boundaries. All the existing property owners within the PUD boundaries will be ensured an easement to use the street. Frank Landry told the Board a title for the applicant's interest in Vanderbilt Avenue and Crescent Street has been prepared to be deeded to the City.

Victor Gush noted that Peter Tulin, the City Attorney, likes what they have done so far. Peter Tulin will recommend to the City Council that the city's interests in the streets be transferred to the development. Geoff Bornemann noted that the City Attorney has

given the Planning Board a recommendation (dated March 13, 1996) and that the City Council is scheduled to voted on this matter at their March 19, 1996 meeting. Lorraine Tharp suggested that any Planning Board action should be contingent upon the City Council approving the transfer.

Victor Gush addressed the following issues as listed on the Board's agenda notes that relate to the draft ordinance dated March 6, 1996:

1. Section III- Boundaries: Parcels not under the control of the applicant are included within this PUD. The applicant has submitted copies of letters that were sent on January 30, 1996 to those "outparcel" owners inviting them to join in the PUD application. No responses (favorable or unfavorable) were received.

   Steve Rodriguez said that the city would have to approve the deed that was sent out for Crescent Street.

2. Section V- Densities: The Board agreed that the revised densities, the three types of units and proposed lot sizes were acceptable.

   The Board agreed to allow the applicant to increase by 25% any of the housing types. The applicant can not build over 118 units.

3. Section VI- HOA: A provision has been made for an alternative to an HOA and this was acceptable to the Board.

4. Section VIII- Utilities: The applicant agreed to add a sentence that all utilities must be constructed to city standards at the time of dedication to the city.

5. Section X- Streets: Victor Gush reported that the DPW has agreed that no sidewalks, curbs or other improvements along project frontage on Crescent Street and Vanderbilt Avenue would be required. The Board agreed.

   The applicant will add a sentence stating that all streets must be constructed to city standards at time of dedication to city.

6. Section XI- Off-site Improvements: Geoff Bornemann reported that the DPW has apparently requested that the applicant be responsible for extending water (300 feet) along Crescent

Street from Vanderbilt Avenue to Joshua Road. Victor Gush agreed to include this item in the legislation.

The Cemetery Association wants the applicant to build a fence on the cemetery property across the entire northern boundary of the PUD. This would be considered an off-site improvement. The Cemetery Association wants an 8 foot fence, but the zoning on their land may only allow a 6 foot fence to be built.

Dave Carr, representing the Greenridge Cemetery Association, suggested that a 8 foot high fence would be permitted pursuant to Section 240-12.7 of the zoning ordinance. Geoff Bornemann said they can work out with the zoning enforcement officer and he suggested not specifying the height at this time. The Board authorized the applicant and the cemetery association to work on the specific wording for the legislation.

7. Section XII: Phasing: Victor Gush said the phasing has not changed. They will do the interior first and then the exterior. This was acceptable to the Board.

8. Section XIII: Community Center: The applicant proposes no parking demand for the community center. Geoff Bornemann referred to the DPS comments on the Board agenda notes which stated, "Community center, sales office must have own parking to avoid congestion and on street parking."

Norm Fox suggested creating a temporary parking lot for the sales office. Victor Gush said that was acceptable. Lorraine Tharp suggested having 5 spaces for parking while the community center is being used as a sales office. It was agreed that the spaces would be constructed as part of the PUD site plan approval and that once the facility was used as a community center there would be no off-street parking demand.

9. Section XIV- Area and Bulk Schedules: Victor Gush said Jim Carr has talked to the building inspector about the side yard set-backs of 3 and 4 feet and the applicant wants to stick with these numbers.

The Board agreed to ask for a minimum front yard set-back of 5 feet and a minimum garage set-back of 20 feet, with no maximums set for either at this time.

10. Section XV- Buffers: The proposed no-cut buffers, as defined in the ordinance, were acceptable to the Board.

11. Section XVII- Construction Standards: The Board said they want the opportunity to approve the layout of each of the house models during the site plan approval process. Victor Gush agreed to bring back the architectural designs at the time of site plan review.

Victor Gush noted that the SEQR form has been revised to conform to the latest features of the project.

Geoff Bornemann reminded the Board that the applicant and the Planning Board can negotiate until the applicant declares the application complete. When the application is declared complete, the Planning Board must issue an advisory opinion within 60 days. Lorraine Tharp reviewed the statements that must be included in a favorable advisory pinion. The agenda notes list those statements.

Lorraine Tharp referenced 2 letters from the Greenridge Cemetery Association, dated January 26, 1996 and March 12, 1996, respectively. She also referenced a memo received from the City Attorney dated March 13, 1996.

Lorraine Tharp asked for comments from the audience.

Milford Lester and Shauna Sutton, representing the Greenridge Cemetery Association, appeared before the Board. They explained that they felt strongly about having an 8 foot fence put in because of vandalism in recent years that has cost them in excess of $20,000 to correct. The Cemetery Association would like an easement from the HOA to maintain the no-cut buffer. Lorraine Tharp suggested leaving the primary maintenance duty to the HOA, but if they fail to maintain it properly, the Cemetery Association would have the right to go in and take care of the buffer.

Shauna Sutton stressed that any height less than 8 feet would be unacceptable to the Cemetery Association. Norm Fox said that the Planning Board has no problem with an 8 foot fence, but it may not be within their power to approve it.

No one else had any comments.

Joseph O'Hara moved and Wallace Allerdice seconded a motion to issue the following advisory opinion subject to the City Council clearing the title problems of the ROW and paper streets, and to defer SEQR lead agency status to the City Council.

1. The proposal conforms to the current Comprehensive Plan, including density limitations because the project has a maximum density of 6 units per acre and the Comprehensive

Plan designation of the "HDR-2" district for this site has a maximum density of 15 units per acre.

2. The proposal meets the intent and objectives of a planned unit development.

3. The proposal meets all the general requirements of the planned unit development.

4. The proposal is conceptually sound in that it meets local and area-wide needs and it conforms to acceptable design principles in the proposed functional roadway and pedestrian system, land use configuration, open space system, drainage system and scale of the elements, both absolutely and relative to one another.

5. There are adequate services and utilities available or proposed to be made available in the construction of the development.

Ayes all.

96.06 INTERLAKEN PUD AMENDMENT: (649-661 Crescent Avenue)

This is a request from the City Council for an advisory opinion to amend the existing Interlaken PUD ordinance to allow a 150 unit senior citizen housing community in Zone BB. Mike Toohey, attorney for the applicant, appeared before the Board. Developers John Witt and Tom Roohan were in the audience.

The applicant submitted a draft ordinance dated February 1, 1996 and a revised draft ordinance dated March 8, 1996.

Mike Toohey requested that the Board issue an opinion at this meeting. He said the City Council asked the Planning Board only to vote on the proposed senior citizen community amendment and not to consider anything else. He felt the Planning Board has gone beyond it jurisdiction and the Board has no right to do that. In 1982 and 1984 the City Council passed the PUD ordinance which gave the applicant the right to build a hotel/conference center. The Council had an opportunity to ask the applicant to take that right away but they didn't, so the Planning Board shouldn't either. Mike Toohey noted that the Board made a commitment at the February 28, 1996 meeting to allow the applicant to have either of the proposed uses. He said it was unfair that the Planning Board would reverse itself in private at an agenda workshop session. Mike Toohey noted that even without the hotel/conference center, the PUD allows a 50

room inn and some retail uses near the Caunterbury restaurant. He felt the process was being held up by the fear of having a new hotel built out of the downtown area. He further noted that the Planning Board has supported commercial growth in the West Avenue corridor.

Lorraine Tharp said the Planning Board is being asked to approve an amendment to the PUD. She said the Planning Board would be remiss if it did not look at the issue under today's guidelines and policies. Significant changes have occurred in this community since 14 years ago when the original PUD was approved. She said that the Board has a right to change its thinking as new information comes along, but she said the Board has not officially reversed any position, and that there was no vote taken at the agenda workshop session or prior meeting. The Board has merely raised some issues and included them in the agenda notes for this meeting. She believes the Planning Board is acting in good faith is still willing to have open and frank discussions with the applicant. Lorraine Tharp also noted that the Planning Board workshops are open to the public.

Norm Fox said he objected to some of the semantics being used by Mike Toohey. Norm Fox said he especially objected to the use of the word "fear" concerning impacts on the downtown area and said the adopted city policy (as expressed in the Comprehensive Plan) focuses commercial development activities in the downtown area.

Mike Toohey said the Comprehensive Plan does not supersede the zoning code as it exists. The applicant already has the right to build a hotel and restaurant. Lorraine Tharp noted that the applicant was asking the city for a revision in the regulations for Zone BB, so the Board should be reviewing all the elements of Zone BB.

Lorraine Tharp said she could not vote until all the issues were addressed and she suggested that the Board continue with its review of the major issues.

Mike Toohey said the water issue was the other major problem. He noted a court case involving a controller ruling in the Jamaica Water Authority on Long Island, and said unless the Saratoga County Water Authority can show documentation saying it has exclusive rights, the PUD can be served by multiple water entities. Geoff Bornemann noted that the Board has received an opinion from Peter

Tulin (dated March 13, 1996) with a suggested wording for inclusion in the draft PUD ordinance.

Mike Toohey asked the Board to vote now on whether the Planning Board will recommend that the applicant will be entitled to both the senior citizen use or the hotel/conference center use. He wants this vote before there is any further discussion of the details of the draft ordinance. Lorraine Tharp felt it was not actually required that the Board vote on what Mike Toohey was suggesting, but thought it was appropriate for the Board to give the applicant some direction on how this project should proceed.

Joe O'Hara suggested that it might be appropriate to allow the hotel/conference center option if there was a sunset provision attached to it. He suggested that if the applicant did not built it within 2 to 5 years, the applicant should lose the right to have such use. Mike Toohey suggested a 5 year sunset provision would be acceptable to the applicant. Most of the Board members agreed that there should be a 5 year sunset period for the hotel. Lorraine Tharp preferred a 2 year sunset period. Mike Toohey said they don't want to give up right to build a hotel if the senior housing doesn't go through.

Mike Toohey addressed the following issues as listed on the Board's agenda notes that pertain to the draft PUD ordinance:

1. Section V- Permitted Uses:

   Hotel/conference center: Mike Toohey said under the current allowed uses they can build a free-standing restaurant. The sizes of the proposed ancillary uses (up to 30,000 square feet) were deemed acceptable by the Board. Mike Toohey said they may add a dock and marina (12 slip limit) and possibly a tennis court. Mike Ingersoll, of the LA Group, said they will be putting "stuff" on the roofline and would like the option to allow 5 stories.

   Mike Toohey proposed that ancillary uses be not more than 15% of the 350,000 square feet. Robert Bristol opposed that. He suggested putting in a maximum square footage of 18,000 square feet for ancillary uses. Mike Toohey agree to the 18,000 square foot maximum.

   Senior housing: Mike Toohey suggested a parking ratio of 1.0 parking spaces per unit. The Board suggested that it be 1.5 spaces per unit. Mike Toohey agreed to put the 1.5 standard in the ordinance provided that it could be adjusted by the

   Planning Board at time of PUD site plan approval if market studies showed a need for less cars.

Mike Toohey said the units should remain as leased units. Lorraine Tharp suggested adding "no condo or co-operative units" to the ordinance and Mike Toohey agreed. Mike Toohey said they should be allowed to subdivide the parcel, but not into any more than 2 parcels. The Board agreed.

The recreational use of Lake Lonely and the size of marina were acceptable to the Board. The Board said walking trails, including sidewalks, would be looked at during the site plan approval process.

2. Section VII- Sketch Plans: Mike Toohey asked if they could use the existing sketch plan for the hotel. The Board agreed but suggested it needed to labeled better.

3. Section VIII- Infrastructure Service and Improvements: Lorraine Tharp noted that overtures have been made to the County Water Authority and to the Phase I HoA and as of this date, neither has provided any evidence as to why the city cannot serve water to Zone BB. The Board agreed that the ordinance should state that Zone BB will be served by city water unless a judicial order states otherwise.

4. Section X- Roadway: Geoff Bornemann noted that the applicant has requested a waiver from curbs and sidewalks on the streets and that this request does not conform to current city standards. Mike Toohey said the roads will be built to city standards and he withdrew the request to have the waiver in the ordinance.

5. Section IX- Phasing: Mike Toohey noted that more than one phase was proposed and the Board agreed to the proposal.

6. Section XIII- Expiration: Mike Toohey proposed that within 5 years they have PUD site plan approval for at least the first phase of the hotel/conference center (either a restaurant or a hotel) and have commenced construction. Then an additional 5 years for the second phase of the hotel/conference center project would be permitted. There would be a total of 15 years for the senior housing. The Board agreed to this proposal.

SEQR Process and Forms: Mike Ingersoll said he will work with Geoff Bornemann to amend the SEQR forms.

Lorraine Tharp stated that the applicant must comply, however brief, with the required PUD submittal requirements. The Board

authorized the chair to review and approve the final documents prepared by the applicant.

Lorraine Tharp asked for comments from the public. No one spoke.

Lorraine Tharp noted that the application fee has been paid.

Joseph O'Hara moved and Wallace Allerdice seconded to issue the following favorable advisory opinion and to defer SEQR lead agency status to the City Council:

1. The senior citizen community proposal conforms to the current Comprehensive Plan, including density limitations. This is because with the senior citizen community the entire PUD will have an overall maximum density of 2.4 units per acre and the Comprehensive Plan designation of the "MDR-2" district for this area has a maximum density of 3.4 units per acre. In regards to the Comprehensive Plan, we view the proposed hotel/conference center as pre-existing non-conforming condition. Under the revised proposal, if the hotel/conference center is not started within 5 years, it would no longer be permitted.

2. The proposal meets the intent and objectives of a planned unit development.

3. The proposal meets all the general requirements of the planned unit development.

4. The proposal is conceptually sound in that it meets local and area-wide needs and it conforms to acceptable design principles in the proposed functional roadway and pedestrian system, land use configuration, open space system, drainage system and scale of the elements, both absolutely and relative to one another.

5. There are adequate services and utilities available or proposed to be made available in the construction of the development.

The motion carried 6-1.

Lorraine Tharp voted nay, explaining that she still has a problem with the hotel/conference center use. She emphasized that she was not opposed to the plans for the senior citizen community.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:45 p.m..

Respectfully submitted,

Chris McCormic
Secretary

Adopted: April 10, 1996

Exhibit T

PLANNING BOARD
SARATOGA SPRINGS
WEDNESDAY, NOVEMBER 7, 1990
CITY COUNCIL CHAMBERS-CITY HALL
7:30 P.M.

MINUTES

PRESENT: WALLACE ALLERDICE
ROBERT BERRY
THOMAS CURLEY
ROBERT FLANAGAN
SARAH FOULKE
NORMAN FOX

ABSENT: (One Vacant Position)

Thomas Curley, chairman, called the meeting to order at 7:30 pm.

APPROVAL OF MINUTES OF OCTOBER 24, 1990

Norman Fox made a motion to approve the minutes of the October 24, 1990 meeting with two changes. The first change being on page 3, fifth paragraph, fourth line. Mr. Fox stated that he wanted "for a separate bond" added after the word substitute. The second change being on page 7, third paragraph, tenth line. Mr. Fox stated that there should be an apostrophe in the word Board's, in the text that it is used.

Robert Berry seconded the motion. Ayes all.

REPORT ON ADMINISTRATIVE ACTIONS:

Thomas Curley, chairperson, reported the following recent administrative actions:

- 90.45 ATLANTIC GAS STATION: (525 Broadway)
  - Minor revisions to size of gas tanks and handicapped parking aisle. (Signed 11/2/90)
- 88.66 ADIRONDACK TRUST COMPANY: (112 Broadway)
  - Minor revisions relating to as built conditions such as drainage and location of air cooler unit. (Signed 10/29/90)
- 89.80 FEDERAL EXPRESS: (250 Excelsior Avenue)
  - Minor revision for adding 10 extra parking spaces. (Signed 10/29/90)

90.71 "9 MAPLE AVENUE", INC.: (9 Maple Avenue)

This is an application for a special use permit and a public hearing for group entertainment. The applicant is requesting a permanent special use permit. Appearing before the board was Jean Sirianni and Michael Sirianni.

The chairperson noted that the Department of Public Safety expressed general concerns with parking and the noise, but no comments were received from the Department of Public Works.

Mrs. Sirianni stated that her building occupies almost all the site and therefore there was no parking available on site. The properties around her business also had group entertainment, and were open the same hours as her business.

Mrs. Sirianni stated that there were no impacts on any adjacent properties. She stated that the type of music that they would have would consist of a piano, bass, and a saxophone, all of which would be non-amplified.

Mrs. Sirianni stated that the music would only be on the first floor of the establishment. She said that they planned to be open the same hours as many of the other establishments in the area.

Michael Sirianni stated that the entrance to the building is in the alley, and that flood lights have been installed over the entrance and at the end of the alley.

Robert Flanagan stated that he had reservations about permitting any additional establishments in the Caroline Street area which served liquor and had live entertainment, but due to the non-amplified music and size of the place, he has no problem with this proposed application.

The Board also agreed that the site was exempt from site plan review because a large percentage of the site is occupied by the building and appeared to not need site improvements.

Thomas Curley opened the public hearing and no one spoke.

Sarah Foulke made a motion to issue a negative SEQR determination. Wallace Allerdice seconded the motion. Ayes all.

Sarah Foulke made a motion to grant the permanent special use permit with the music being non-amplified, and being contained to the first floor. Robert Berry seconded the motion. Ayes all.

90.68 FAST EDDY'S ENTERPRISES, INC.: (64 Putnam Street)

This is an application for a special use permit and a public hearing for group entertainment. Appearing before the Board was the applicant, John Jones.

Mr. Curley noted that a legal notice failed to appear in the newspaper due to a staff error. The public hearing will be convened but will have to be continued until the Board's special meeting on November 28th. The legal notice will be published this weekend but it will not be necessary to send any additional notice to adjacent property owners. Mr. Curley thanked Mr. Jones for his patience in this matter.

Mr. Curley noted that the Department of Public Safety expressed a general concern with the parking. Mr. Jones stated that he had his own parking lot right on the side of the building, and in addition there is a City parking lot adjoining his parking lot.

The Department of Public Works had no comments.

Mr. Jones is requesting a temporary special use permit. His building is owned by the Saratoga Springs Public Library and his lease expires in 1992 as does his special use permit to operate a billiard room. He is willing to have his special use permit for group entertainment also expire in 1992.

Mr. Jones stated that his establishment has no impact on adjacent properties. His establishment does not serve alcohol and it is usually closed by 1:00 am.

Mr. Jones stated that approximately 800 square feet will be used for a dance floor.

Geoff Bornemann, city planner, stated his concern that the number of people that would be going to the establishment would increase with the live music. He noted that the ordinance only identifies parking demand for group entertainment by the number of seats and not by standing room or size of the dance floor. He wanted to know the number of occupants allowed by the fire inspector. Mr. Jones stated that he had not been given that information yet. Geoff Bornemann stated that he would discuss this matter further with the fire inspector and the building inspector.

Robert Flanagan asked Mr. Jones what he would estimate for the number of people that would be in there on the weekend. Mr. Jones stated that it would not exceed the occupancy that is decided by the fire inspector and he estimated that he would exceed more than 200 people.

The chairperson opened the public hearing. No one from the audience spoke. The chairperson announced the continuation of the public hearing to November 28, 1990 at 7:30 pm.

The Board agreed to continue this meeting until November 28, 1990, until the ad was run in the newspaper and for the Board to receive more information on the parking requirements.

90.67 BRENNAN PROPERTY: (194 Broadway)

This is a public hearing and an application for a special use permit for a professional office as a nonconforming use with lesser impacts. Appearing before the Board was John Brennan, owner of the property, Michael Toohey, attorney for the owner, and Dave Carr. landscape architect.

Mr. Curely noted that the Department of Public Safety was concerned with the parking setbacks and that no comments were recieved from the Department of Public Works.

Mr. Toohey stated that presently there were Navy personnel living in the four apartments on building's first and second floors. Mr. Brennan stated that presently there were 4 apartments in the building, and a seasonal apartment in the basement.

Mr. Toohey stated that the tenants all had vehicles that were coming in and out around the clock with the swing shifts that they work.

Mr. Toohey stated that the land around the building would not be altered. Mr. Toohey stated that there would be a total of 16 parking spaces but the ordinance does require more for professional offices and the applicant will seek a use variance to waive the additional spaces.

Mr. Toohey stated that he has talked to all of the people who own property surrounding Mr. Brennan's property, and all of them are in favor of the change. Mr. Toohey stated that the neighbors told him that they didn't like the Navy personal staying there.

Mr. Toohey stated that he wanted a permit for professional offices, not a law office. Mr. Toohey stated that if he got a permit for a professional office, the new owner would not be restricted to sell in the future to someone with a law office. He noted that the new zoning ordinance does not allow a medical office as a professional office.

Mr. Toohey stated that Mr. Brennan has made a reasonable attempt to sell this property for two and a half years (2 1/2 yrs.) and has not been successful. Mr. Toohey stated that Mr. Brennan presently has a buyer that wants to use the property as a law office.

Mr. Toohey stated that there would be less noise, lesser adverse impacts on the neighbors, less sewage, and less traffic if the property was used as a professional office than its use now as an apartment building. Mr. Toohey also stated that as a professional office the building would not be used at night. He noted that now the tenants are in and out all night, and they also have frequent parties inside and on the lawn in the summer.

Norman Fox stated that if the non-conforming use that is intended had a lesser impact than the present non-conforming use, than he has no problem with it.

Mr. Toohey stated that the proposed use would have a lesser impact on traffic and submitted a letter from a traffic engineer stating their reasons. Mr. Carr stated that they determined the amount of traffic to be generated by the square footage of the office. Geoff Bornemann stated that he hasn't had an opportunity to review the letter but that normally the trips generated by a residential use were less than those by a professional office.

Mr. Fox stated that he believes this proposed use is less objectionable and has less impacts than what is there now.

Sarah Foulke stated that the proposed use is a good idea and it is preferable to what is there now.

Tom Curley opened the public hearing, and no one in the audience spoke. The hearing was closed.

Robert Berry made a motion to issue a negative SEQR determination. Robert Flanagan seconded it.

Sarah Foulke made a motion to grant a permanent special use permit for a professional office as a nonconforming use with lesser impacts and that the use is not to exceed the size of the existing structure (6,000 square feet). Wallace Allerdice seconded the motion. Ayes all.

90.70 RONALD RIGGI RESIDENCE: (637-641 North Broadway)

This is a public hearing on an application for a special use permit for temporary accessory residence. Appearing before the Board was Michael Toohey, attorney , and Bob Mitchell and Scott Wallant, architects for the owner.

Mr. Curley noted that no comments on this application were received from the Department of Public Safety or the Department of Public Works.

Mr. Toohey stated that Mr. Riggi's parents will be staying at the house only 3-4 months out of the year.

Mr. Toohey stated that he believes having two kitchens in a single family home was not illegal, but to turn a single family residence into a two family requires in special use permit in a single family zoning district. Mr. Toohey stated that his client just wants to put in two kitchens, not to have a two family home.

Scott Wallent stated that the building inspector told them they would need a special use permit because of there being two kitchens.

Mr. Toohey asked the Board to issue a determination as to whether the applicant needs to have a special use permits for a temporary accessory dwelling. Geoff Bornemann noted that the ordinance requires the building inspector to make that determination and suggested that only the Zoning Board of Appeals could over rule a determination by the building inspector. The Board agreed with Mr. Bornemann's interpretation and asked Mr. Toohey to seek his decision from the building inspector. Mr. Toohey said he would do this and asked that this application and hearing be continued until the December 5th Planning Board meeting.

Mr. Curley stated that this project should be adjourned until the next meeting so that the Board can have time to discuss this with the building inspector, to see if a special use permit is required.

The Board agreed to continue this meeting until December 5, 1990.

90.70 RONALD RIGGI RESIDENCE: (637-641 North Broadway)

This is an application for site plan review for a special use permit for a temporary accessory residence.

Mr. Curely noted that since the application for a special use permit has not yet been granted this matter would have to be continued until the December 5th meeting.

Mr. Toohey, attorney for Mr. and Mrs. Riggi, agreed to the continuation.

90.66 MILLER RESIDENCE: (163 Denton Road)

This is an application for site plan review. Appearing before the Board was Al Miller, owner of the property.

Mr. Curley noted that the Departments of Public Works and Public Safety had no concerns or comments.

Geoff Bornemann noted that single family homes do not usually require site plan review but this was a condition placed on the subdivision of this parcel granted by the Board in 1986.

The Board's original concern was with the disruption and stabilization for the steep slopes on the site.

Mr. Miller distributed copies of a revised plan which includes many of the changes requested by the Board's agenda notes.

The Board stated that they have recently modified the well testing procedures that they would like Mr. Miller to use. Mr. Miller agreed to do so.

Mr. Curley stated that they wanted to make sure that the source of fill be identified and that it should come from an establishment which has a valid mining permit. Mr. Miller said he would add these notes to the plans.

Mr. Miller stated that on the slopes 12 to 15 feet around the proposed structure, he planned to use a grassy mixture and to follow up with planting trees and shrubs.

Mr. Miller stated that his engineer had contacted the NYS Department of Environmental Conservation and was told that the stream on his property was a class D, which is unclassified, and that a stream disturbance permit was not necessary.
Mr. Miller has added this note to his plans.

Mr. Miller stated that his gravel driveway does not presently have a culvert, but will put one in, in the future if he paves the driveway and it is required by the Town of Greenfield. Mr. Miller stated that his engineer doesn't feel as though he needs one.

Greg Fowler, city engineer, stated that there is not a lot of water running across the front of the applicant's property, so a culvert was probably not necessary.

Geoff Bornemann asked Mr. Miller if he could avoid foundation fill by moving his home a little. Mr. Miller stated that he probably could, and if he had to than he would.

Mr. Miller stated that the material that he uses to mend the slope will be what he takes out of the ground for his foundation.
Mr. Miller also stated that he has no intention of disturbing the creek that runs through the property.

Mr. Miller stated that he does not plan on cutting down all of the trees on the slope. Greg Fowler stated that if you put fill around the trees, it would kill them. Mr. Miller stated that there are only 4 significant trees on that side.

Mr. Curley stated that the Board should require planting to preserve the slopes greater than 2:1 and Mr. Miller agreed.
Mr. Miller stated that filter fabric would also be added.

Sarah Foulke stated she didn't feel as though Mr. Miller needed a letter of credit, due to this being a unique situation and a single family house. The Board agreed.

Mr. Miller stated that his perculation test had been done. Mr. Fowler stated that the test did not specify where and how deep it was done. Mr. Miller stated that it was done 7 feet and 5 gallons per minute.

Robert Flanagan made a motion to issue a negative SEQR determination. Sarah Foulke seconded the motion. Ayes all.

Wallace Allerdice made a motion for site plan approval contingent upon items agreed to during the discussion and waiving the letter of credit requirement. Robert Berry seconded the motion. Ayes all.

90.24 INTERLAKEN ZONE B - RECREATION AREA : (543 Union Avenue)

This is a public hearing and application for preliminary and final PUD site plan for a recreational area for the residences of zone B.

Appearing before the Board was David Carr, landscape architect, Richard Mullaney, attorney, and the applicant, Louis Farone.

Mr. Curley noted that the Department of Public Works, and Public Safety have not submitted any comments.

Mr. Carr stated that he felt the proposed 2 inch water line was adequate to service the 2 bathrooms and the 2 sinks in the gazebo. He did not feel it was necessary to provide a hydrant and larger pipe for fire protection. Mr. Carr did agree to add the construction details on the 2 inch water line to the plans.

The Board stated that they recieved a letter from the owners or the Bayshore trailer park which expressed concern with a leaking pipe that supplied water from the Interlaken Waterworks. Mr. Carr noted that the pipe lies on the west side of Route 9P and does not cross the applicant's property. Therefore, the applicant believes this issue was beyond the applicant's control and not a relevant issue for this site plan review. The Board agreed.

Mr. Carr stated that the docks that they would be putting on the lake would be for the residents only, and that both the docks and the boats would be stored off of the site. There would be no boat launching or ramp at this site.

Mr. Carr agreed to add a note clarifying that the drawings make a reference to the approved PUD site plan for Zone B, Phase I. He also agreed to add a note for the need of DOT driveway permits.

Mr. Carr stated that the gazebo would hold a maximum of forty people and it would have electrical services. The parking lot would have security lighting. He stated that they were not going to have lighting on the docks, tennis courts, or the path up to the residential units because the facility is not being designed for night use. Mr. Carr agreed to add the parking demand for the gazebo to the plans.

Mr. Carr stated that the design calculations for the culvert in the NYSDOT easement and the on site drainage would be submitted to the city.

Mr. Carr agreed to make the handicapped parking space aisle 8 feet wide and to add the required vertical signs.

Mr. Carr stated that they are planning to install 100 docks slips for the exclusive use of the Zone B tenants. Mr. Carr stated that they would be floating docks and that Tom Watts, from the NYS Department of Parks and Recreation in Albany told him that they did not need to obtain a permit. He also agreed to check with NYS DEC to confirm that no other permits were needed for the docks.

Mr. Carr stated that all of the water for the property is coming from the Interlaken Water Company. He also stated that no fire protection had been discussed due to all of the structures being open.

Mr. Carr stated that they would put a fence around the drainage pond and provide a construction detail of it on the plans.

Mr. Carr stated that if the Board wanted handicapped ramps near the docks, that it would be no problem, and that they would add the details to the plans.

Richard Mullaney stated that he did not feel as though an archeological investigation was needed to be done on Mr. Louis Farone's property. Mr. Mullaney stated that in the 1920's and 1930's the property was owned by the Albany Sand and Gravel Company which had dug up the land, and that there were railroad tracks going through the property. Mr. Malaney stated that Albany Gravel had dug up 3 feet of the sand and replaced it with gravel and that the land had been built up to support the train tracks.

Geoff Bornemann asked the applicant to verify if any of the site was within the designated floodplain and if it is a note should be added that a floodplain permit will be needed. Mr. Carr agreed to investigate this matter.

Mr. Mullaney stated that Interlaken has already had someone out there to check out the land, and no sensitive archeological hot spots were found. He stated that in order to prove that their are no artifacts it might cost them nearly $8,000.00 dollars.

Geoff Bornemann stated that during the past year he has had meetings with representatives from the NY State Museum and the archeology department at Skidmore College which indicated that the area along Fish Creek is particularly rich in archeological artifacts. They have recommended that the city establish a special ordinance that would require a stage 1 investigations in this area. Mr. Bornemann noted that if the evidence does prove the site has been disturbed the requirements for the stage 1 investigations should probably be waived. He reported that the representatives from Skidmore College were willing to give free technical advise to the City and suggested that the applicant's documents on past disturbances could be reviewed by the College. He added that the College might want to do a quick site visit to confirm the prior disturbance. Mr. Bornemann noted that the College personnel were also accredited archaeologists and have indicated their availability to provide services to applicants at "non-profit" organization rates.

Thomas Curley stated that he would like to see what those people have to say about the land and recommended the Board refer the documents to them.

Mr. Mullaney objected and stated that his client would prefer to hire someone of his choice to do the stage 1 investigations. The Board agreed that the client could chose who they wanted as long as they were properly accredited.

The Board and the applicant agreed to continue this project until December 5, 1990, so that the applicant may have time to do the archeological investigation and address the other issues.

90.72 EMERALD FOREST PHASE II: (146 Geyser Road)

This is a sketch plan discussion for a proposed 10 lot subdivision. Appearing before the Board was William McNeary IV.

Mr. Curley reported that the Department of Public Safety had no concerns and that no comments were recieved from the Department of Public Works.

Greg Fowler, city engineer, asked the applicant for a status of the first phase of the Emerald Forest subdivision. Mr. McNeary stated that all sidewalks and curbs are in and the binder coarse of paving has been laid. The top coat of paving will be laid in the spring and then the street should be ready for dedication.

The Board wanted to know if the Applicant would be interested in clustering. Mr. McNeary stated that he supported the idea but didn't think it would work in this small parcel.

He suggested that the open space gained by clustering would be very small and also he thought the people who are interested in buying his homes would want as much back yard as possible. The Board agreed with the applicant that clustering would not be beneficial on this site.

The Board was concerned that their may be a drainage problem because Geyser Road is higher than most of the land. Mr. McNeary stated that the soil is very sandy and it absorbs the storm water very quickly. He has had no problem with the drainage in phase one and he doesn't foresee any drainage problems in this second phase.

Mr. McNeary stated that he has no intention of developing any driveways onto Geyser Road from the lots in this subdivision.

Mr. McNeary stated that he proposes to run his sanitary sewer lines in the street and hope not to have to go cross-lot. The lines will lead to the pumping station on Geyser Road.

Geoff Bornemann noted that the radius of the proposed cul-de-sac conforms to the current subdivision regulations but not the proposed new regulations. Mr. McNeary stated that he would redesign the cul-de-sac and try to meet the new proposed standard.

Mr. McNeary also noted that the lots which back up onto Geyser Road must be treated as having two "front" yards. He agreed to check to be sure that all lots had sufficient buildable area.

The Board determined that this subdivision would be classified as a major subdivision because it contained more than four lots.

90.73 ADVISORY OPINION TO ZBA - MACIER: (290 Church Street)

This is a request for a use variance for medical offices.

Mr. Bornemann reported that the applicant has requested a continuation until the December 5th meeting in order to have additional time to address the Board concerns listed in the agenda notes. The Board agreed to continue this project until December 5, 1990.

90.60 SCIDMORE WOODS - GRENTZER PROPERTY: (56 Ruggles Road)

This is an application for final approval on a 2 lot subdivision and a public hearing. Approval was granted on July 19, 1989, and has expired. This application is a resubmittal.

Mr. Bornemann reported that the applicant has requested a continuation until the December 5th meeting in order to have additional time to address the Board concerns listed in the agenda notes. The Board agreed to continue this meeting until December 5, 1990.

DISCUSSION OF POSSIBLE MINOR REVISION TO NEW ZONING ORDINANCE:

Geoff Bornemann distributed a handout which described the proposed minor revisions to the ordinance as discussed in a previous meeting. The Board agreed to review the exact wording in the proposal. Mr. Curley asked the Board members to be prepared at the December 5th meeting to make any changes and if not refer the amendments to the City Council.

DISCUSSION OF REVISIONS TO DRAFT SUBDIVISION REGULATIONS AND THE DESIGN AND CONSTRUCTION STANDARDS FOR SITE PLANS:

Mr. Curely made reference to the city planner's memorandum of November 2nd which outlined further changes to the proposed subdivision regulations. The Board agreed in principle to the changes but wanted more time to study the exact wording. The chairman asked the Board to call the city planner with any changes they want made.

Mr. Curley asked the Board members to be prepared at the December 5th meeting to vote on the adoption of the new subdivision regulations, the new design and construction standards for site plans and the new standard construction details.

Meeting adjourned 11:30 pm.

Exhibit U

PLANNING BOARD MEETING
SARATOGA SPRINGS
WEDNESDAY, JUNE 19, 1991
CITY COUNCIL ROOM, CITY HALL
7:30 P.M.

MINUTES

PRESENT: WALLACE ALLERDICE
ROBERT BERRY
CLARK BRINK
THOMAS CURLEY
SARAH FOULKE
NORMAN FOX

ABSENT: ROBERT FLANAGAN

Thomas Curley, chair, called the meeting to order at 7:30 p.m.

APPROVAL OF MINUTES OF MAY 22, 1991, MEETING

Robert Berry motioned and Sarah Foulke seconded to approve the minutes of the May 22, 1991, meeting as submitted. Ayes all.

REPORT ON ADMINISTRATIVE ACTIONS BY THE CHAIRMAN

88.02 VISTA ON SARATOGA LAKE - PHASE II: Request to amend PUD site plan to make temporary site improvements in front of units 88-90 so they may be used as a sales office and models.

Thomas Curley, chair, stated that he had reviewed the changes and judged them to be minor in nature and, therefore, approved them. He did so on the condition that the approval would expire on August 31, 1993.

91.31 S.H.I.P. SUBDIVISION: (2-16 South Franklin Street)

This is a public hearing for an application for preliminary and final approval for a 7 lot subdivision which is continued from the June 5, 1991, meeting. Appearing before the Board were Jay Ekman, President of SHIP; Don McPherson, landscape architect; and John Muse, architect.

Jay Ekman began by explaining that it is proposed that this development will be affordable housing for those people who would otherwise be unable to purchase a home. The approximate cost of the home would be $105,000 - $110,000 but with the anticipated state or federal subsidy the two-family structure will end up costing approximately $60,000 - $70,000 to the homeowner. The salary requirement for a prospective purchaser is less than 80 percent of the median salary in Saratoga Springs with the maximum salary being approximately $24,000 - $25,000.

will be extended to the pavement edge.

Geoff Bornemann noted the traffic study had suggested a traffic light at the entrance may be needed in future phases and that the applicant last year was going to think about requiring residents in this phase to set aside their share of that future cost. Dick Mullaney informed the Board the applicant has not given it any further thought and therefore was not asking the Board to include such a condition on this phase of the project.

Dick Mullaney noted the plans for this project were all prepared last year before the new 2 X 3 foot size requirement was adopted by the Board. He asked if the size of the plans could remain as they are. He stated it would cost approximately $4,000 - $5,000 to have them redone and would take many hours of rechecking everything. The Board agreed to waive the size requirements in this unusual circumstance.

Dick Mullaney requested the letter of credit should remain the same as approved on May 9, 1991, at $195,800 for off-site improvements and $1,707,200 for on-site improvements. The Board agreed. An expiration date of June 30, 1993, was also agreed upon.

Thomas Curley noted that the application fee of $3,300 had been paid and the recreation fee of $31,500 (63 x $500) is due. Proof of mailing to adjacent property owners has been provided and proof of payment for the legal ad is due. The Saratoga County Planning Board referral is still pending.

Dick Mullaney raised an issue brought to his attention earlier in the evening by some homeowners in the audience concerning the homeowners association having receiving a bill relating to the second phase of this development. Dick Mullaney stated that if there is a charge on the bill for anything in Phase B the developer, Louis Farone, will pay it.

Geoff Bornemann asked if the sewer line which now crosses phase B was owned by the county, the phase A homeowners or the Phase B developer. Dick Mullaney stated that the developer owned the line in Phase B, however, there is a question who owns the line in Phase A.

Wally Christiansen, 45 Sarazen, informed the Board members he was told by the county that until all the property in the development is on the tax rolls the homeowner's association in Phase A will continued to be billed for the line. He stated that the attorney they used when doing the initial paperwork did not inform the residents of this.

Pat Ambrozak, daughter of Henry Witkowski, Saratoga Trailer Court, stated they own the Saratoga Trailer Court and they are having problem with their water supply from the Interlaken Water company.

She gave a brief history of their problems and explained that in 1986 when the Phase A sewer line was constructed the private water supply for the trailer park was disturbed. At that time, Louis Farone agreed to supply the tailer park with water from the Phase A private water company. She stated that recently the water service to the trailer park has sprung a leak which has not yet been repaired.

Louis Farone stated he had told Brian Fear, NYS Department of Health, he would fix this problem at his own expense in the near future. Geoff Bornemann reported he had been advised that Brian Fear would not sign off on approval for Phase B subdivision plans until Lewis Farone had agreed to fix the leak.

Thomas Curely asked how this problem affected the project. Geoff Bornemann stated the Health Department may delay signing the plans or the Planning Board could choose to require the leak to be solved as a condition of Phase B approval. Thomas Curley stated he did not see a direct relationship between this water problem and Phase B, and he felt uncomfortable trying the two together.

Dick Mullaney again reiterated that Louis Farone had agreed to fix the problem with Henry Witkowski's water.

Pat Ambrozak stated, however, the problem could not be completely identified. Dick Mullaney stated the applicant will do whatever Brian Fear says needs to be done. Sarah Foulke stated that possibly the building permit could be withheld until the water problem was fixed.

Geoff Bornemann suggested that a note be placed on the plans stating the problem with the water must be fixed before the building permit is issued. Everyone agreed.

Wallace Allerdice motioned and Sarah Foulke seconded that preliminary and final approval be granted for the site plan review contingent upon the water issue being resolved and the other items agreed to during the discussion. Ayes all.

91.06 JOBA PROPERTY: (116 Ballston Avenue)

This is an application for extension of a letter of credit in the amount of $29,200 from June 27, 1991, to September 26, 1991. Richard Mullaney, attorney, appeared before the Board.

Dick Mullaney stated the applicant has had some delays in finishing the work and just needs a few more months to complete the job.

Clark Brink motioned and Wallace Allerdice seconded that the $29,200 letter of credit be extended until September 26, 1991. Ayes all.

Exhibit V

Tom Curley made a motion to approve the site plan as revised contigent upon City Engineer's approval of construction details. Seconded by Wally Allerdice. Ayes all.

89.50 INTERLAKEN PUD - PHASE B: This is a discussion of sketch plan for Interlaken PUD legislation as it relates to the PUD's Phase B project at 509-531 Union Avenue. Appearing with the applicant was Richard Mullaney, attorney and Hal Gerow, landscape architect.

Geoff Bornemann, City Planner, stated that an official sketch plan of the entire PUD project was never filed with the ordinance as required in 1984. If the appropriate sketch plan can be located or reconstructed it can be used as a guide in future phases of the planned unit development. The draft sketch plan map submitted by the applicant and dated May 17, 1989, fails in a number of ways to conform to the ordinance requirements for an official sketch plan map.

The various requirements for a sketch plan were discussed and it was agreed that the applicant would work with the staff to resolve the differences and bring another proposal back to the Planning Board in September. In the meanwhile the Board agreed that the applicant could apply for Phase B site plan approval. However the Board stated that no final site plan approval should be granted until this sketch plan matter was resolved.

89.65 TRAVERS MANOR: This is an application for revision of site plan approval for modification of drainage in a R-4 Multi-family District at 370 Church Street. Representing the applicant was Sanford Sheber, engineer.

Mr. Sheber explained that the proposed modifications will enable the Travers Manor project to have a point discharge for stormwater to the Putnam Creek. The property owners have agreed to provide the necessary easements and NYS Department of Transportation has given preliminary approval for the bore under Rt 9N for the piping. He noted also that Travers Manor will construct a drainage pipe behind lot #26 that the City can tie into to drain the Allen Drive area.

Mr. Sheber noted that a comprehensive drainage report has been submitted which documents that with the point discharge, basements throughout the project will not be adversely affected.

Greg Fowler stated that he was satisfied with the report and the new design.

Wally Allerdice made a motion to issue a SEQR negative declaration on this site plan modification. Seconded by Tom

Geoff Bornemann announced that the applicant was still responding to Board concerns and has requested a continuation to the October meeting. The Board agreed to this request.

89.52 GLENMORE HEIGHTS: This is a continuation from July 19th of the approval of a 42 lot subdivision in a R-2 Single Family Residential District at 5-19 Glenmore Avenue.

Geoff Bornemann announced that the applicant was still responding to Board concerns and has requested a continuation to the October meeting. The Board agreed to this request.

89.57 SPA CITY DINER: This is a continuation from July 19th of an application for site plan review and architectural review for a walkway addition in a B-2 Planned Business District at 153 Broadway.

Geoff Bornemann announced that the applicant has requested a continuation to the October meeting. The Board agreed to this request.

89.50 INTERLAKEN PUD-PHASE B: This is a discussion of sketch plan for Interlaken PUD legislation as it relates to Phase B and discussion of sketch plan for proposed 191 units in the second phase of PUD project at 509-531 Union Avenue. Appearing with the applicant Louis Farone was Richard Eats, landscape architect, and Richard Mullaney, attorney.

Mr. Mullaney announced that he is still working with city staff on clarifying the original sketch plan and legislation for the PUD. He suggested that discussion of this issue be postponed until October. The Board agreed.

Mr. Eats described this proposed sketch plan for Phase B and D. He noted that the original layout was similar to the PUD original proposal with a variety of housing types and a linear grand feeling with a pedestrian spine. He estimated that the single family detached homes would be built first and sell for about $400,000.

Mr. Eats noted the Board's concern for the proposed setback, building heights and parking requirements and he agreed to study these items further. He noted that it was the applicants intention to use water from the Interlaken private water system but dedicate the roads to the City. There will be a homeowners association which will manage the recreation and open space areas. He noted also that the applicant will deal with the floodplan and storm water management issues.

Mr. Cummings asked the applicant to carefully consider as preliminary plans are prepared all the Board's issues listed in the agenda notes.

The Board took no action as this was a discussion item only.

89.73 INTERLAKEN PUD - PHASE C: This is a discussion of sketch plan for proposed 113 units in the third phase of this PUD project, 563-631 Crescent Avenue. Appearing with the applicant Gary Olson was Hal Gerow, landscape architect.

Mr. Gerow briefly described the sketch plan for the proposed 121 townhouses. All roads would be built to city specifications and dedicated to the city. They will have a small recreation facility maintained by a Phase C Homeowner's Association. He stated the project should be built out in about five years. Each unit would sell for about $120,000 to $150,000.

Mr. Gerow envisions seeking "great lots" approvals and then submitting as-built subdivisions for each "great lot". Each unit will have a 36 foot front yard setback and adequate on-site parking. A 100 foot buffer will be maintained along Crescent Avenue.

Mr. Cummings asked the applicant to carefully consider, as preliminary plans are proposed on all the Board's issues as listed in the agenda notes.

The Board took no action as this was a discussion item only.

89.64 SARATOGA HOSPITAL PUD-PHASE I: This is an application for final approval for a professional building in a Planned Unit Development District at 59-83 Myrtle Street. The applicant was represented by Randy Cole, architect, Carla Anderson, landscape architect, Renee Rosch, attorney.

Mr. Cole stated that they will document the parking demand, handicap accessibility, clarify the section to be curbed, add a lighting plan and provide details for the signs. He stated that the Hospital wishes to defer until Phase II construction of curbs and sidewalks along Myrtle Street in front of the professional office building. The Board agreed to this request.

Gregg Fowler, city engineer, expressed some concerns about lack of information on the drainage areas and water pressure service on this professional building. Mr. Cole acknowledged these concerns and said his staff was working to provide the needed data.

over 65 Ldn, then residential uses should be prohibited if slightly less noise levels are identifiable, then suggested that the Board may want to to require warnings in the plat plans for prospective homebuyers.

Because a number of these traffic and noise issues are not fully resolved, Mr. Carr agreed to postpone until final approval SEQR action. The Board agreed with this request.

Wally Allerdice made a motion to grant preliminary subdivision approval contingent on the issues discussed be resolved before final approval. Beth Scavone seconded the motion. Ayes all.

89.50 INTERLAKEN PUD - PHASE B: This is a continuation of the discussion of the sketch plan for Interlaken PUD legislation as it relates to Phase B. Richard Mullaney, attorney and Richard Eats, landscape architect, appeared before the Planning Board regarding this project.

Mr. Eats presented a copy of what he believes to be the approved sketch plan for the entire PUD legislation. He said they are still working on the boundary map and PUD property line description.

Mr. Bornemann indicated that the staff will need to compare this new data with the proposed PUD legislation and additional time will be needed to do this.

The Board agreed to postpone discussion of this project until the November meeting.

89.79 INTERLAKEN PUD - PHASE B&D: This is an application for preliminary PUD site plan approval for 64 residential units in the Interlaken Planned Unit development district at 509-531 Union Avenue. Richard Mullaney, attorney, and Richard Eats, landscape architect, appeared for the applicant.

Mr. Eats addressed a number of the Board's concerns. He said they would identify all lots including those to remain with the developer and homeowner's association. The boundaries for lot #63 are being changed to reflect a land swap with an adjacent property owner. Mr. Eats said the applicant will investigate placing the cemetery in the homeowner's association ownership.

Richard Mullaney stated that the issue of sight distances at Dyer Switch Road intersection is being dealt with between the firm of Greiner, Inc., and the County. The road layout plan will be revised to show entrances to future phases. Mr. Mullaney said they would explore with DPW those concerns relating to the median strip along the entrance road. He also said they will review

Exhibit W

Set a Public Hearing on Interlaken PUD Zone BB Amendment

Commissioner Edward Valentine removed this item from his agenda because the applicant is not yet ready.

Vote on Gary DeRusso Comprehensive Master Plan and Zoning Amendment (96-40)

Commissioner Edward Valentine informed Council members that the City Attorney has drafted two different sets of ordinance amendments for the DeRusso rezoning. One changes the designation for the entire site and the other changes the designation for the southern portion of the site.

Commissioner Edward Valentine then moved and Commissioner Kenneth Klotz seconded for the issuance of the negative SEQR declaration and for the adoption of the resolution that amends the Comprehensive Plan and the zoning map for the entire property and adopt the designation for the entire site.

Roll call vote: Commissioner Edward Valentine: aye
Commissioner Kenneth Klotz: no
Commissioner Thomas McTygue: aye
Commissioner Thomas Curley: no
Mayor J. Michael O'Connell: no

Motion denied.

Commissioner Edward Valentine then moved and Commissioner Kenneth Klotz seconded for the issuance of the negative SEQR declaration and for the adoption of the resolution that amends the Comprehensive Plan and the zoning map for the southern half of the property only.

Roll call vote: Commissioner Edward Valentine: aye
Commissioner Kenneth Klotz: aye
Commissioner Thomas McTygue: aye
Commissioner Thomas Curley: aye
Mayor J. Michael O'Connell: aye

Motion carried.

Appointment (96-41)

Commissioner Edward Valentine moved and Commissioner Thomas Curley seconded to appoint Bond, Schoeneck & King as counsel in the City vs. Elsee Industries (same terms as contract previously approved by Council). Ayes all.

Exhibit X

R-326A

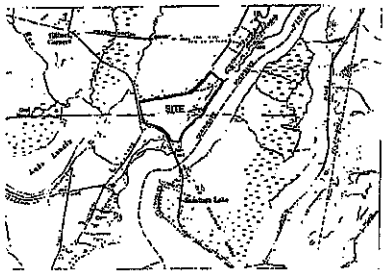
FILED

R-326A

REGATTA VIEW

INTERLAKEN P.U.D. - ZONES B, D, & E
SARATOGA SPRINGS, NEW YORK

August 28, 1996



SITE LOCATION MAP

Prepared For:

Homeland Development Corp., Inc.
1650 Route 9
Clifton Park, N.Y. 12065
518/371-1000

Prepared By:

the LA group
Landscape Architecture and Engineering, P.C.
40 Long Alley
Saratoga Springs
New York 12866
518/587-8100
Telefax 518/587-0180

ABD Engineers & Surveyors
411 Union Street
Schenectady, N.Y.
518/377-0315

SHEET INDEX:

	COVER SHEET
S-1	SUDIVISION MASTER PLAN
S-1A,B,C	SUDIVISION PLAT
S-2A,B,C,D	GRADING & UTILITY PLAN
S-3A,B,C	LANDSCAPING & LIGHTING PLAN
S-4A,B,C,D	ROAD PROFILES
S-5	SITE DETAILS
S-6	SITE DETAILS
S-7	WATER SYSTEM DETAILS
S-8	SANITARY SYSTEM DETAILS
S-9	DETENTION BASIN DETAILS
S-10	BERM SECTIONS

adopted 9-29-96

5/8/97

NEW YORK STATE DEPT. OF HEALTH

NEW YORK STATE DEPT. OF ENVIRONMENTAL CONSERVATION

R-326A

R-326A

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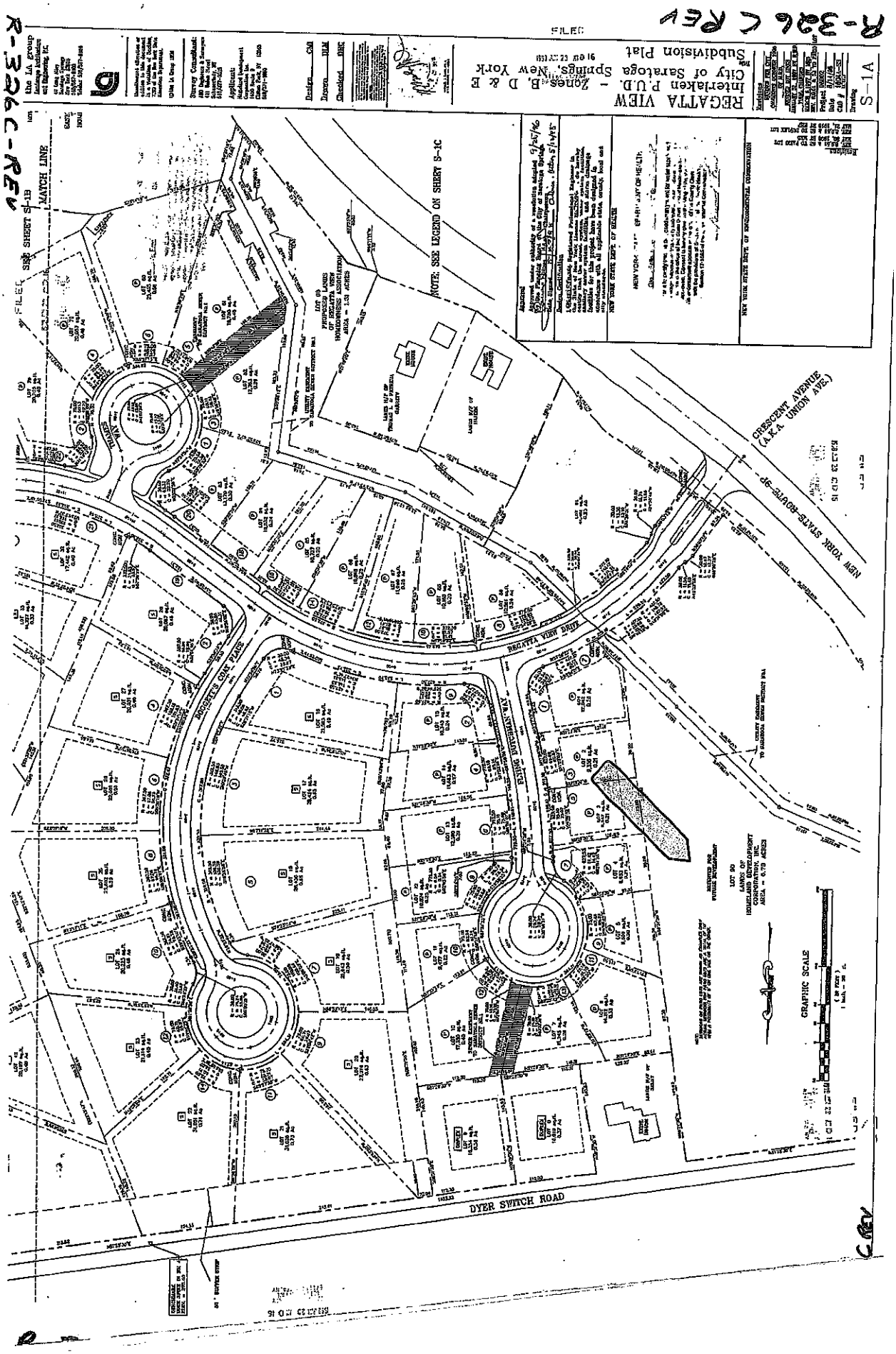
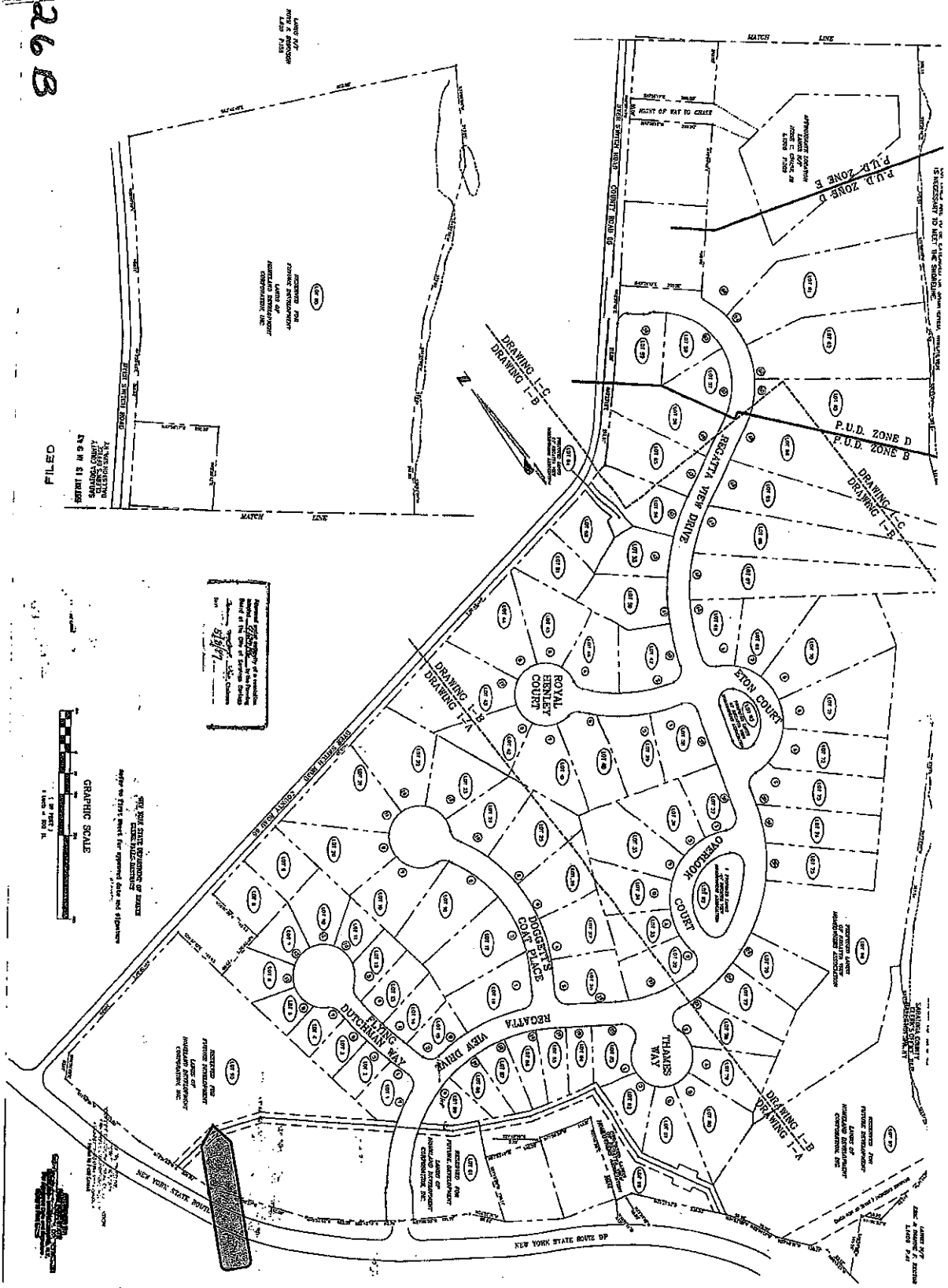
R-326 C REV


FILED
REGATTA VIEW
Interlaken P.U.D. - Zones B, D & E
City of Saratoga Springs, New York
Subdivision Plat
S-1A
NOTE: SEE LEGEND ON SHEET S-1C
MATCH LINE
SEE SHEET S-1B
CRESCENT AVENUE (A.K.A. UNION AVE.)
NEW YORK STATE ROUTE 50
REGATTA VIEW DRIVE
ROBERTS COURT PLACE
CRESCENT BOULEVARD
DYER SWITCH ROAD
GRAPHIC SCALE
R-326 C REV

1993 MAR 12 AM 9 43
SARATOGA COUNTY
CLERK'S OFFICE
BALLSTON SPA, NY

268



S-1

REGATTA VIEW
Interlaken P.U.D. Zones B, D & E
City of Saratoga Springs, New York

SUBDIVISION LAYOUT

FILE

R-326B

Exhibit Y

Appendix C:
1. Division Street Planned Unit Development (formerly 241.1)

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS "*DIVISION STREET* PLANNED UNIT DEVELOPMENT"

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing as follows:

SECTION I – NAME:

This ordinance shall be known as the "Division Street Planned Unit Development," and amends Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning."

SECTION II – HISTORY:

The Zoning Ordinance of the City of Saratoga Springs and the Zoning Map of the City of Saratoga Springs as set forth herein be and the same are hereby amended by changing from the existing zoning districts of R-2 Single Family, R-3 Two Family and R-4 Multi Family, as hereinafter described and creating within the boundaries of said newly described area, a Planned Unit Development District to be known as the Division Street Planned Unit Development.

SECTION III – BOUNDARIES:

The area of the Division Street Planned Unit Development consists of approximately 23 acres in the City of Saratoga Springs and is bounded and described as set forth in Appendix A – Legal Description, attached hereto and made a part hereof, and Appendix B – Sketch Plan, which is on file in the City Engineer's Office in the City of Saratoga Springs. The area is located on the west side of the City of Saratoga Springs and is known as Division Street.

SECTION IV – PURPOSE:

It is the purpose of this ordinance to provide a means to establish parameters and limits around which the desired commercial and industrial activities in the Division Street area of the West Side Neighborhood may expand and grow in a manner which will contribute to the redevelopment of the residential and neighborhood commercial uses as well. It is further the purpose of this ordinance to promote flexibility in the development and design of the Division Street Planned Unit Development that will result in the more

efficient use of land, promote good site design and visual quality, and result in a more pleasing environment than that otherwise possible.

SECTION V– PERMITTED USES, DENSITY AND OFF-STREET PARKING:

There shall be constructed within the boundaries of the Division Street Planned Unit Development, primarily industrial uses; said uses shall include any or all of the following: office, production, metal fabrication, retail sales facilities, garages, storage, service spaces, adequate parking and loading docks have been planned for with minimal impact to the neighborhood. New buffer plantings will be provided to further mitigate any impact on the neighborhood. The major uses proposed can be serviced and accessory uses are planned to support the main activity.

The attached preliminary plan, Exhibit B shall be used by the City and the applicant as a guide for the overall development of the Division Street Planned Unit Development.

The entire Division Street Planned Unit Development area is adequately serviced by existing water and sanitary service lines.

Prior to the issuance of a building permit to develop any or all of the area within the Division Street Planned Unit Development, the applicant shall receive final site plan approval from the Planning Board of the City of Saratoga Springs. Such site plan approval and final development plan shall be in conformance with Section 135-44-F of the Zoning Ordinance of the City of Saratoga Springs.

Within sixty days of receipt of the final site plan the Planning Board of the City of Saratoga Springs shall approve, approve with modification or disapprove the final site plan according to the procedure and time as specified in Section 135-44-G of the Zoning Ordinance of the City of Saratoga Springs.

Copies of the final approved site plan shall be filed with the City Planning Board, City Clerk and the City Building Inspector.

The Division Street Planned Unit Development shall be developed in strict compliance with the approved final site plan.

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: October 17, 1983

EXHIBIT "A"

DESCRIPTION OF LANDS FOR
"DIVISION STREET PLANNED UNIT DEVELOPMENT"

BEGINNING at a point at the intersection of Marvin Alley and Cherry Street; thence running along the centerline of Cherry Street northwesterly 289 feet to a point on the centerline of Cherry Street; thence running southerly along the eastern boundary of lands owned by Allerdice 225 feet to a point; thence running westerly along the southerly boundary of lands owned by Allerdice 180 feet to a point on the centerline of Walworth Street; thence running northerly along the centerline of Walworth Street 225 feet to a point at the intersection of Walworth Street and Cherry Street; thence running westerly along the centerline of Cherry Street 345 feet to a point at the intersection of Cherry Street and Beekman Street; thence running southerly 135 feet along the centerline of Beekman Street to a point; thence running southerly 135 feet along the centerline of Beekman Street to a point; thence running westerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 209.5 feet to a point; thence southerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 55 ½ feet to a point; thence running westerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 184 feet to a point; thence southerly along the southern boundary of land owned by the Saratoga Springs Enlarged City School District 50 feet to a point; thence running westerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 400 feet to a point at the centerline of Walnut Street; thence running northerly along the centerline of Walnut Street 200 feet to a point at the centerline of Walnut Street; thence running westerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 564 feet to a point at the centerline of Bensonhurst Avenue; thence running northerly along the centerline of Bensonhurst Avenue 325 feet to a point at the intersection of Bensonhurst Avenue and Division Street; thence running easterly along the centerline of Division Street and Beekman Street; thence running northerly along the centerline of Beekman Street 230.5 feet to a point on the centerline of Beekman Street; thence running westerly along the southern boundary of lands owned by Dehn 104 feet to a point; thence running southerly along the eastern boundary of lands owned by Dehn 50.5 feet to a point; thence running westerly along the southern boundary of lands owned by Dehn 30 feet to a point; thence running northerly along the western boundary of lands owned by Dehn 126 feet to a point at the centerline of Andrew Street; thence running easterly along the centerline of Andrew Street 134 feet to a point at the centerline of Beekman Street 25 feet to a point on the centerline of Beekman Street; thence running easterly along the northern boundary of lands owned by Dehn 175 feet to a point; thence running northerly along the western boundary of lands owned by Dehn 50 feet to a point; thence running easterly along the northern boundary of lands owned by Dehn 100 feet to a point; thence running northerly along the western boundary of lands owned by

Dehn 50 feet to a point; thence running easterly along the northern boundary of lands owned by Dehn 85 feet to a point at the centerline of Walworth Street; thence running southerly along the centerline of Walworth Street 100 feet to a point on the centerline of Walworth Street; thence running easterly along the northern boundary of lands owned by Dehn 239 feet to a point at the centerline of Park Street; thence running southerly along the centerline of Park Street 50 feet to a point at the centerline of Park Street; thence running westerly along the southern boundary of lands owned by Dehn 239 feet to a point at the centerline of Walworth Street; thence running southerly along the centerline of Walworth Street 281.1 feet to a point at the intersection of Walworth Street and Division Street; thence running easterly along the centerline of Division Street 643 feet to a point at the intersection of Marvin Alley and Division Street; thence running southerly along the centerline of Marvin Alley 306 feet to the point and place of beginning.

EXHIBIT "B"

SKETCH PLAN ON FILE
IN THE OFFICE OF THE CITY ENGINEER
IN THE CITY OF SARATOGA SPRINGS

EXHIBIT "C"

AN ORDINANCE TO AMEND CHAPTER 135 OF THE CODE
OF THE CITY OF SARATOGA SPRINGS, NEW YORK,
ENTITLED "ZONING."

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

SECTON 1. Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" is hereby amended to show and reflect the following change in district boundaries from its classification as R-2 Single Family, R-3 Two-Family and R-4 Multi-Family to a Planned Unit Development, which property is located in the Inside Tax District of the City of Saratoga Springs, and includes lands occupied by Ellsworth Ice Cream Company; Allerdice Building Supply; Dehn's Flowers, Inc.; West Side Recreation Field; Division Street School and only those residential properties within the area which are logical or integral to the contiguousness of the proposed zone to be known as the "Division Street Planned Unit Development."

SECTION 2. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: October 17, 1983.