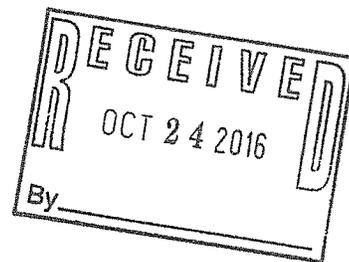


Thomas Curley
[REDACTED] Dutchess Court
Saratoga Spring, New York 12866



October 22, 2016

William Moore, Chairman
Zoning Board of Appeals
City Hall
474 Broadway
Saratoga Springs, New York 12866

Re: Interpretation/appeal Interlaken PUD

Dear Chairman Moore:

I have attached a letter to you along with supportive exhibits regarding the above captioned agenda item scheduled for the Zoning Board on Monday October 24, 2016.

I am not sure I have the correct e-mail addresses for the members of the Zoning Board that are copied here and I don't have e-mail addresses for Susan Steer or James Helicke.

As such I am asking Susan Barden to circulate this letter and all attachments to all Zoning Board members to ensure that each receives a copy.

I also intend to provide a copy to the applicants Attorney Matt Jones.

Sincerely,

Thomas Curley

Enclosures

Cc: Susan Barden, Senior Planner
Keith B. Kaplan, Vice Chair
Adam McNeil, Secretary
Skip Carlson
Gary Hasbrouck
Susan Steer
James Helicke

Thomas Curley
Dutchess Court
Saratoga Spring, New York 12866

October 22, 2016

Susan Barden, Senior Planner
City of Saratoga Springs
City Hall
474 Broadway
Saratoga Springs, New York 12866

Re: Interpretation/appeal Interlaken PUD

Dear Senior Planner Barden:

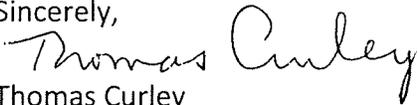
I have attached a letter to William Moore Chairman of the City of Saratoga Springs Zoning Board along with supportive exhibits regarding the above captioned agenda item scheduled for the Zoning Board on Monday October 24, 2016.

I am not sure I have the correct e-mail addresses for the members of the Zoning Board that are copied here and I don't have e-mail addresses for Susan Steer or James Helicke.

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Enclosures

Cc: William Moore, Chairman
Keith B. Kaplan, Vice Chair
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James Helicke

Thomas Curley
Dutchess Court
Saratoga Springs, NY 12866

October 22, 2016

William Moore, Chairman
Zoning Board of Appeals
City Hall
474 Broadway
Saratoga Springs, New York 12866

Re: Interpretation/appeal Interlaken PUD

Dear Chairman Moore:

I'm writing to you in connection with the above entitled application.

On Wednesday, October 12, 2016 I met with the applicant's attorney, Matthew J. Jones, Esq. and his landscape architect David R. Carr, Jr. to discuss the application. Mr. Jones and Mr. Carr asked me if I could provide any insight into the decision making of the Planning Board and the City Council as it pertains to the Interlaken PUD zoning. Following that meeting, I reviewed the application narrative with attached exhibits to assist me in preparing this letter.

By way of background, I served as a member of the Planning Board from 1988 – 1995 which included the position of Board Chairman from 1990 or 1991 when William Cummings stepped down from the Board. I became Commissioner of Public Safety in August of 1995, serving in that capacity as Commissioner until 2005. In both capacities, I had the opportunity to review the Interlaken PUD on several occasions. As such, I became quite familiar with this planned unit development and the construction within the PUD that ensued during the 1980s and 1990s.

To the best of my recollection, I first became acquainted with the Interlaken PUD in the late 1980s. At that time the PUD was 7 years old and construction of two projects was well underway. Indeed, the Canterbury Restaurant (now Longfellow's) had been completed and most (if not all) of the townhouses within the development adjacent to the Canterbury were finished and occupied.

Although I don't have a specific recollection of the meetings in 1989, it appears that Phase B first came to my attention on July 19, 1989 during a sketch plan discussion for the PUD. According to the minutes of the meeting (Exhibit V, page 224-227) City Planner Geoff Bornemann advised us that "an official sketch plan for the entire PUD project was never filed with the ordinance as required in 1984." I note that the original legislation was adopted in 1982

and a technical amendment (correcting the acreage) was passed by the City Council in 1984. Geoff continued his advice to us by indicating 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." The minutes of the meeting further reflect that we reached an agreement with the applicant that "the applicant would work with the staff to resolve the differences (in the sketch plan) 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."

Minutes of the next two Planning Board meetings (Exhibit V, pages 226-227) reflect the continued work between the staff and the applicant's attorney on a reconstructed sketch plan. On December 6, 1989, the Planning Board was able to reach an agreement with the applicant on the reconstructed sketch plan (Exhibit L, pages 94-95). At that point Chairman Cummings indicated that "the applicant was entitled to get preliminary approval." A motion for preliminary PUD site plan approval was then made by Jack King and seconded by the undersigned. The motion was approved unanimously (Exhibit L, pages 96-97).

Five months after we granted preliminary site plan approval, the applicant returned for final site plan approval for 61 residential units and Phases B and D. On motion of Wally Allerdice, seconded by the undersigned, the Board approved the final PUD site plan unanimously (Exhibit M, pages 98-100). The applicant returned to the Planning Board a year later to seek a re-approval of the site plan. According to the minutes of June 19, 1991, "Dick Mullaney began by noting the Planning Board had approved this project last year but the applicant was unable to get all his financing in place before the year expiration date. The current application is identical to the one submitted last year," (Exhibit U, pages 221-223). Following this presentation, the Board adopted preliminary and final site plan approval on motion of Wally Allerdice, seconded by Sarah Foulke and approved unanimously (at 223).

Mylars based upon the June 19, 1991 approval were presented to me in my capacity as Chairman in October 1991. Following review of the mylars by the planning staff, I executed same on October 21, 1991. Among the approved mylars was the "Overall Concept Plan" which appeared as sheet #9 of the approved plans. A copy of the Overall Concept Plan bearing my signature appears at Exhibit K, page 68. This overall development plan depicts multiple condominium or townhouse units in Phase 3 – the 6-acre undeveloped parcel at the intersection of Dyer Switch Road and Union Avenue.

During the winter and spring of 1996 the City Council reviewed a petition to amend the permitted uses for Zone BB of the Interlaken PUD. At that time, I was a member of the City Council serving as the Commissioner of Public Safety. The process commenced on February 5, 1996 with a proposal from the applicant's counsel which sought to eliminate a hotel/conference center from Zone BB and substitute in its place a senior housing complex (Exhibit F, page 33). The application proceeded through the zoning amendment approval process during which the Council reviewed the matter on April 2, 1996 (Exhibit G, page 34) and May 7, 1996 (Exhibit H, page 35-39). On this latter date, the Council adopted the amendment by unanimous vote.

William Moore, Chairman

Page 3 of 4
October 22, 2016

I had not been aware of any objection to the Planning Board's reconstruction of the PUD sketch plan in 1990 until Mr. Jones informed me that Mr. Bornemann commented on the PUD at a sketch plan review before the Planning Board in 2005 (Exhibit J, page 56). In that application, Mr. Belmonte proposed a townhouse development for the 6-acre parcel along Dyer Switch Road and Union Avenue. During the discussion before the Planning Board, Mr. Bornemann indicated 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," (Exhibit J, page 56). Interestingly enough, we considered this issue at the December 6, 1989 Planning Board meeting (Exhibit L, page 94) as reflected in the minutes that read: "the final issue related to the amount of open space or common areas that would be diminished with a 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."

Although I was not on the Planning Board in 1996, I am advised that the configuration of Zone B – Phase 2 depicted in the 1991 mylar was changed during a 1996 site plan review by the Planning Board, although both plans depicted this area for single family residences. Regatta View was built according to the 1996 plans as a single family residential development.

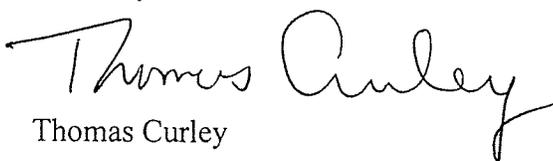
I have read the Building Inspector's determination of August 11, 2016 in which Mr. Shaw concludes that "none of the previously or currently submitted proposals sufficiently provide proof of compliance with the Interlaken PUD due to lack of information." To the best of my knowledge, the Interlaken PUD was developed using the 1991 Overall Concept Plan (Exhibit K, page 68) as the baseline document. This Overall Concept Plan was subsequently modified by the City Council in amendments dealing with Zone BB and by the Planning Board as it reconfigured the lots within Zones B and D during the 1996 site plan amendments. An additional City Council amendment also dealt with the marina portion of Zone B.

In closing, it would be my opinion that had there been any issues regarding the process over the years Geoff Bornemann and other staff in City Hall would not have signed off on any approvals by the Saratoga Springs Planning Board or the Saratoga Springs City Council.

I hope the foregoing is helpful to the Zoning Board as it endeavors to construe the various documents dealing with the Interlaken PUD.

Thank you for your time and attention in this matter.

Sincerely,


Thomas Curley

Enclosures

William Moore, Chairman

Page 4 of 4

October 22, 2016

Cc: Susan Barden, Senior Planner
Keith B. Kaplan, Vice Chair
Adam McNeill, Secretary
Skip Carlson
Gary Hasbrouck
Susan Steer
James Helicke

Exhibit A



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

STEPHEN SHAW
Zoning & Building Inspector
Extension 2491

DUANE MILLER
Assistant Building Inspector
Extension 2312

JOHN BARNEY
Assistant Zoning Technician
Extension 2521

- BUILDING & PLUMBING
- CODES
- ZONING

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

August 11, 2016

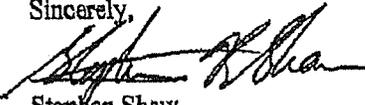
Mr. Matt Jones
The Jones Firm
68 West Avenue
Saratoga Springs, NY 12866

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 F

City of Saratoga Springs City Council Meeting
Monday, February 5, 1996

Waiver 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 Kyné and Michael Bliss 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 Toohy - Petition for Zoning Amendment

Michael Toohy, 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 as Zone BH. 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 Toohy 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 McTygus seconded to accept this zoning amendment petition and to forward it to the Planning Board for an advisory opinion. Ayes all.

Exhibit G

City of Saratoga Springs City Council Meeting Minutes
Tuesday, April 2, 1996

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 Gordon 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 Auto 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 SEQRL lead agency for the environmental review of this project. Ayes all.

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 Valentina, Commissioner, Accounts

STAFF PRESENT: Sam Downing, Deputy Commissioner, Public Works
Ralph Flinton, Deputy Commissioner, Accounts
Christine Gillmett, Deputy Commissioner, Finance
Bob Kling, Deputy Commissioner, Public Safety
Peter Tullin, 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 Toohy, attorney representing the applicants (John Witt, Thomas Roohan and John Roohan) and Michael Ingersoll, The LA Group, appeared before the Council.

Michael Toohy 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 the PUD, however, they are now proposing a different use. He said they would now like to incorporate the use of a senior housing complex.

City of Saratoga Springs City Council Meeting Minutes
Tuesday, May 7, 1996

Michael Toohy 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 Toohy 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 Toohy 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 Toohy 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 Toohy 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 Toohy 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 Toohy 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 Toohy 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 Toohy 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 Toohy 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.

City of Saratoga Springs City Council Meeting Minutes
Tuesday, May 7, 1996

Bill May, 19 Vallery 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 130-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 Toohy 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. Dike 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.

**City of Saratoga Springs City Council Meeting Minutes
Tuesday, May 7, 1996**

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 is 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 Dutes 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 2,400 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 this 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 1,300 to 2,200 square feet.

City of Saratoga Springs City Council Meeting Minutes
Tuesday, May 7, 1996

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 J

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 feet 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.

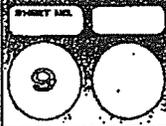
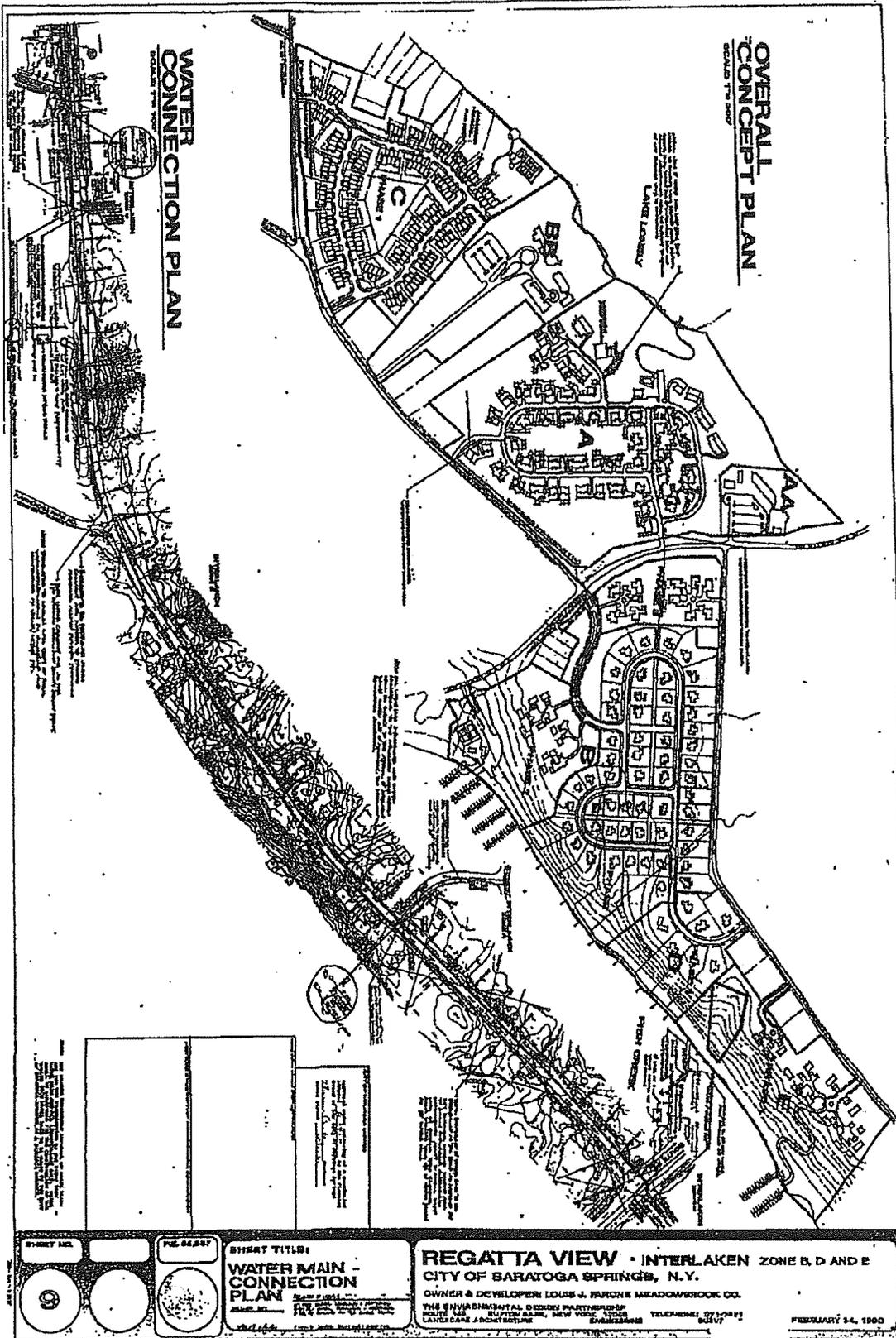
Lou Schneider noted that the road going to Dyer Switch Road seems to be very close to the veterinarian's property. During the summer they enter with horse trailers and a horse even made its way through interlaken. He also asked if there would be a separate HOA for this project. Peter Belmonte said that 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 Bomanian said that there is a chance that the Board, by not approving Regatta View and they really changed it, open space concept. He noted that the applicant would have to submit a PUD application to the Planning Board if they do not go to the City Council to amend the PUD legislation.~~

Bill McTygus 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 McTygus 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



SHEET TITLE:
WATER MAIN - CONNECTION PLAN
 SHEET NO. 9
 DATE: FEBRUARY 24, 1990

REGATTA VIEW - INTERLAKEN ZONE B, D AND E
 CITY OF SARATOGA SPRINGS, N.Y.
 OWNER & DEVELOPER: LOUIS J. FERONE MEADOWBROOK CO.
 THE ENVIRONMENTAL DESIGN PARTNERSHIP
 SUITE 102 RUTHERFORD, NEW JERSEY 07070
 LANDSCAPE ARCHITECTURE ENGINEERING
 TELEPHONE: 973-981-8817 FAX: 973-981-8817

FEBRUARY 24, 1990

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 foreseen.

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 SEQOR 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 pollution 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 SEQOR 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:

<u>PROJECT:</u>	<u>REDUCED TO:</u>	<u>DUE DATE:</u>
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 perfor- mance bond	N/A

Exhibit M

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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. Allardice, 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

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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 with 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

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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.

Bath 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 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 III: 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 modals.

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.

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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.

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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 trailer 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 Curley 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 contingent 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 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 SEQOR 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