



# PLANNING BOARD

## MINUTES (FINAL)

THURSDAY, MARCH 10, 2016

7:00 P.M.

CITY COUNCIL ROOM

**PRESENT:** Mark Torpey, Chairman; Bob Bristol, Vice Chairman; Clifford Van Wagner; Janet Casey; Jamin Totino; Howard Pinsley; Tom L. Lewis

**STAFF:** Kate Maynard, Principal Planner, City of Saratoga Springs  
Steve Shaw, Building Inspector/Code Enforcement Officer

**CALL TO ORDER:** Mark Torpey, Chairman called the meeting to order at 7:03 P.M.

**SALUTE TO THE FLAG:**

**ANNOUNCEMENT OF RECORDING OF PROCEEDING:**

Mark Torpey, Chairman stated the proceedings of this meeting are being recorded for the benefit of the secretary. Because the minutes are not a verbatim record of the proceedings, the minutes are not a word-for-word transcript of the recording.

**ANNOUNCEMENT OF ADJOURNED PROJECTS:**

**ADJOURNED PENDING ADDITIONAL INFORMATION:**

**14.064 UNION FOX APARTMENTS,** 72 Union Avenue, Site plan review for multi-family residential in an Urban Residential-4 (UR-4) District.

**14.010 SUBDIVISION OF LANDS OF HARRISON,** 180 Meadowbrook Road, public hearing for a two-lot subdivision in the Rural Residential District.

**14.057 RITE AID DEVELOPMENT, 90 West Avenue and 243 Washington Street,** site plan review for a 14,368 sq. ft. retail building with a drive-in establishment in the Transect-5 (T-5) District.

**COMMENTS FROM THE CHAIR:**

**UPCOMING PLANNING BOARD MEETINGS/AGENDA WORKSHOPS:**

Planning Board Caravan, Monday, March 21, 2016 at 4:00 P.M.  
Planning Board Workshop, Monday, March 21, 2016 at 5:00 P.M.  
Planning Board Meeting, Thursday, March 24, 2016 at 7:00 P.M.

**PRIVILEGE OF THE FLOOR:**

None heard.

**APPLICATIONS UNDER CONSIDERATION:**

1. **14.042.1 DOWNTON WALK,** 27 Jumel Place, proposed extension of site plan approval extension in the Urban Residential-3 (UR-3) District.  
Applicant: Witt Construction

**BACKGROUND:**

The Planning Board approved the site plan for 7 residential units on November 14, 2014. The current expiration date is May 14, 2016. An 18 month extension requested until November 14, 2017. Variances received for this project were allowed to lapse. Applicant is currently under review for new application submitted to the ZBA. Per advice of Planning Board Consultant Attorney, Mark Schachner, the Planning Board can consider an extension to site plan approval that the Board has issued, however the project would still be required to receive any necessary variances before being allowed to move forward.

**SEQRA:**

No additional SEQRA review is required with extension request.

Mr. Witt stated the reason for the extension is to allow more time to resolve property probate. We are hopeful to close in 2016. In the meantime we are moving forward with the project design, HOA and other tasks to keep the project moving forward. Mr. Witt stated there have been no changes in the project. The plan is as was originally submitted. A visual presentation was provided to the Board with a review of the site.

Mark Torpey, Chairman stated this is a simple extension of the approved site plan.

Mark Torpey, Chairman asked if anyone in the audience wished to comment on this application.

**Sam Brewton** neighbor questioned how the Board could provide a site plan approval.

Clifford Van Wagner stated the Planning Board's task is to simply look at the extension at this time.

Mark Torpey, Chairman stated the Comprehensive Plan allows 8 units per acre.

**Deb Madison**, 205 Lake Avenue stated this is too much density for this lot. The project needs to be scaled back. She opposes this project in its current configuration.

Howard Pinsley made a motion in the matter of the application of Downton Walk, 27 Jumel Place request for an 18 month site plan extension until November 14, 2017 be approved.

Clifford Van Wagner seconded the motion.

Mark Torpey, Chairman asked if there was any further discussion.

None heard.

**VOTE:**

Clifford Van Wagner, in favor; Jamin Totino, in favor; Bob Bristol, Vice Chairman, in favor;  
Howard Pinsley, in favor; Tom L. Lewis, in favor; Mark Torpey, Chairman, in favor; Janet Casey, in favor

**MOTION PASSES: 7-0**

2. **16.007 LOCAL BROADWAY HISTORIC DISTRICT, PROPOSED BOUNDARY AND ZONING ORDINANCE AMENDMENT**, 199 and 200 Woodlawn Avenue, City Council Referral for Advisory Opinion.

**DISCLOSURE:**

Bob Bristol, Vice Chairman stated he owns property in the Historic District, however there is no need for recusal.

**SEORA:**

Action appears to be a Type II action "designation of local landmarks or their inclusion within historic districts."

**BACKGROUND:**

Current property owners at 199 and 200 Woodlawn Avenue propose to expand the local Broadway Historic District to include their properties. The map of the existing district boundaries and proposed parcels was provided to the Board.

Properties are currently listed on the NYS and National Historic Register of Historic Places – which can be considered significant honors, but typically do not singly offer means for protection, this instead is carried through at the local level. Inclusion of parcels into the City's local historic district would require adherence with City's current and future policies and ordinances designed to protect local historic resources. The applicant acknowledges that this inclusion within historic district would require all actions that trigger historic review would take place under DRC's jurisdiction. This proposed action is a Zoning amendment and require DRC and Planning Board advisory opinions.

Mark Torpey, Chairman stated the Board is in receipt of a letter from the Saratoga Springs Preservation Foundation. A portion of the letter was read into the record.

Kate Maynard, Principal Planner stated there are 2 types of historic districts being discussed- National Historic District and Local Register District. The boundaries and what each means are different. Historic District is largely an honorary designation reflecting the level of importance of an historic resource. A local historic district provides for local legislation that provides further guidance and requirements related to protection of those resources and how proposed changes to the district are reviewed (if triggering a threshold) and require approval. The Design Review Commission reviews the historic district applications. Within the City, the National Historic Districts have larger boundaries.

Mark Torpey, Chairman stated this historic district boundary for the block between Greenfield Avenue and First Street jigsaws in and out. Inclusion of 200 Woodlawn 0.14 acre parcel will provide a consistent line along the east side of Woodlawn Avenue. 200 Woodlawn Avenue property located across the street from 199 Woodlawn would represent the first inclusion for the district on the west side of Woodlawn. Jim Gold property owner at 115 Woodlawn Avenue brought this up several years ago. We appreciate the letter written by Mr. Gold. There is no down side to this, the homeowners are volunteering. The burden is on the property owners.

Mark Torpey, Chairman asked if anyone in the audience wished to comment on this application.

None heard.

Mark Torpey, Chairman stated the work completed on these properties are absolutely beautiful. He would like to express that the City Council could reach out to other property owners in this area and give them an opportunity to do so and be included in this initiative taken.

Clifford Van Wagner made a motion in the matter of a Positive Advisory Opinion to the City Council for the Local Broadway Historic District, Proposed Boundary Zoning Ordinance Amendment, for 199 and 200 Woodlawn Avenue. Other property owners can reach out in the same manner as these property owners.

Janet Casey seconded the motion.

Mark Torpey, Chairman asked if there was any further discussion.

None heard.

**VOTE:**

Clifford Van Wagner, in favor; Jamin Totino, in favor; Bob Bristol, Vice Chairman, in favor; Howard Pinsley, in favor; Tom L. Lewis, in favor; Mark Torpey, Chairman, in favor; Janet Casey, in favor

**MOTION PASSES: 7-0**

3. **16.004 STEWART'S SHOP #333 ADDITION**, 87 West Avenue, site plan review of 789 sq. ft. commercial Addition in the Transect-5 Neighborhood Center (T-5).

**RECUSAL:**

Tom L. Lewis recused from this application and left the room.

**SEQRA:**

Action appears to be a Type II action and therefore exempt from further SEQRA review.

**BACKGROUND:**

Area variances were granted on December 14, 2015 by the Zoning Board of Appeals.

	REQUIRED	EXISTING	PROPOSED	TOTAL RELIEF REQUESTED
Build-to-line: West Avenue	0-12'	95'	99' to addition	87'
Frontage build-out: West Avenue	70%	0%	0%	70%
Minimum two-story:	Two-story	One-story 3,335 sq. ft	One-story addition 789 sq. ft.	One-story addition of 789 sq. ft.

Applicant: Stewart's Shops Corp.

Agent: Chuck Marshall, Stewart's

Mr. Marshall stated this plan has appeared before the Zoning Board of Appeals to receive appropriate area variances. We will be taking over a portion of Cudney's Cleaners and adding on a small addition. The interior of the shop will be reconfigured with the addition of an omega shaped counter. The outside of the building will have a stone veneer finish added to the bottom portion of the building with a hard board siding on top along the entire perimeter of the shop. The mansard roof will be maintained.

Discussion ensued concerning the turning radius for deliveries and parking concerns.

Mr. Marshall reviewed the ability of delivery vehicles to the site. Current LED lighting on the building will be maintained. No additional changes at this time. Also the level of parking provided was reviewed with the Board noting the code for parking on a 2,068 square foot area is 12 spaces; Cudney's provides 7 spaces which total 19 and 24 spaces are provided on site which includes people at the pump.

Mark Torpey, Chairman asked if anyone in the audience wished to comment on this application.

None heard.

Mark Torpey, Chairman asked if there were any further questions or comments from the Board.  
None heard.

Clifford Van Wagner made a motion in the matter of the Stewart's Shop #333 Addition, 87 West Avenue that the site plan application be approved as submitted.

Jamin Totino seconded the motion.

Mark Torpey, Chairman asked if there was any further discussion.

None heard.

**VOTE:**

Clifford Van Wagner, in favor; Jamin Totino, in favor; Bob Bristol, Vice Chairman, in favor;  
Howard Pinsley, in favor; Tom L. Lewis, in favor; Mark Torpey, Chairman, in favor; Janet Casey, in favor

**MOTION PASSES: 7-0**

Board Member Tom L. Lewis resumed his position on the Board.

4. **10.024.4 LOGISTICS ONE FLEX WAREHOUSE**, 33 Cady Hill Boulevard, proposed site plan modification  
In the Industrial-General (IND-G) District.

**SEQRA:**

Action appears to be Unlisted – modification/reaffirmation of Negative Declaration which was issued on December 8, 2010.

**BACKGROUND:**

Site Plan approval was granted on December 8, 2010.

Applicant: William McNearney, IV

Agent: Travis Rosencranse, Creighton Manning Engineering, LLP; Derek Gribulis, Cotler Architecture

Mr. Rosencranse stated they are before the Board this evening for a site plan modification. A brief summary of the project was provided for the Board. A visual presentation was provided for the Board's review. The proposed modification eliminates an asphalt parking area providing 47 parking spaces and will be replaced with the 12,445 square foot office building and 176 parking spaces. We have decreased the original square footage. We will also provide a new access road on the south end of the property from Cady Hill Boulevard. A 5 foot wide sidewalk will be provided along the perimeter of the building. Landscaping is proposed around the office building. Parking area islands are to be seeded but not landscaped. Lighting will be building mounted only, no interior parking area lighting is proposed. Power lines which currently run in front of the proposed building will be buried underground. A \$112,000 Letter of Credit has been provided and we respectfully request that this be applied to Phase I, since Phase II is yet to be determined concerning time frame. Parking requirements are 157 parking spaces provided 97 of which are tractor trailers. Parking provided is 167 parking spaces provided 123 of which are tractor trailers. This presents a 20% increase and will require a waiver from the Planning Board.

Pat Mitchell, formerly of Creighton Manning reviewed the current parking on site and reviewed the space requirements for tractor trailer parking. Currently there are 88 tractor trailer combinations on the site.

Mark Torpey, Chairman asked if anyone in the audience wished to comment on this application.

None heard.

Clifford Van Wagner stated for a business in an industrial park this building will hold all others to a higher standard. There is no building like it.

Jamin Totino stated this is an impressive project. He would like to see the handicap parking moved so it is in closer proximity to the building entrance.

Mark Torpey, Chairman stated perhaps the applicant if they would consider the notion of Idle Reduction Technology as an added energy saving bonus.

Mark Torpey, Chairman stated for the site plan modification we have discussed several conditions those being moving of the handicap parking to a closer proximity to the entrance of the building, Current Letter of Credit to applied to Phase I only, and a waiver for parking for Phase I.

Jamin Totino made a motion in the matter of the Logistic One Flex Warehouse, 33 Cady Hill Boulevard that the proposed site plan modification be approved with the conditions as stated.

Clifford Van Wagner seconded the motion.

Mark Torpey, Chairman asked if there was any further discussion.

None heard.

Mark Torpey, Chairman stated first we need to reaffirm SEQRA Negative Declaration issued December 10, 2010.

Jamin Totino made a motion for a Reaffirmation of the SEQRA Negative Declaration.

Janet Casey seconded the motion.

Mark Torpey, Chairman asked if there was any further discussion.

None heard.

**VOTE:**

Clifford Van Wagner, in favor; Jamin Totino, in favor; Bob Bristol, Vice Chairman, in favor;  
Howard Pinsley, in favor; Tom L. Lewis, in favor; Mark Torpey, Chairman, in favor; Janet Casey, in favor

**MOTION PASSES: 7-0**

Mark Torpey, Chairman stated we will now take a vote on the site plan modification. We have a motion and a second, is there any further discussion.

None heard.

**VOTE:**

Clifford Van Wagner, in favor; Jamin Totino, in favor; Bob Bristol, Vice Chairman, in favor;  
Howard Pinsley, in favor; Tom L. Lewis, in favor; Mark Torpey, Chairman, in favor; Janet Casey, in favor

**MOTION PASSES: 7-0**

8:25 P.M. The Board recessed.

8:37 P.M. The Board reconvened.

Mark Schachner, Planning Board Attorney arrived at 8:37 P.M.

5. **15.049 LANDS OF STONE**, 68 Weibel Avenue, sketch plan review of office, retail, and multi-family Residential in the Transect-4 Urban Neighborhood (T-4) District.

**SEQRA:**

Planning Board, DRC and ZBA are all involved agencies. ZBA and DRC pro-actively deferred lead agency to the Planning Board, which assumed lead agency status. Action has now changed with the proposal of new structures and infrastructure onsite. SEQRA could now include acknowledgement of the action changing, any revisions needed to Part I short form submitted. The Planning Board has the option of requiring a long form Part I being submitted. Providing updated Part I to the ZBA and DRC for their review, any input and affirmation of deferring lead agency to the Planning Board to complete the SEQRA environmental review.

Mark Torpey, Chairman stated this application is a sketch plan review. No formal action is taken with sketch plan. We will be looking at this under our jurisdiction for site plan review and special use and even subdivision as well as we review this application.

Kate Maynard, Principal Planner stated the full scope of buildout of this property is not proposed at this time. In terms of where this project is at there is currently a sketch plan being proposed. The applicant has explored obtaining additional approvals for the existing structures on the property, some of those are subjects of existing violations being enforced by the City. The application is now again proposing construction on the site, a building along Weibel Avenue, parking in the rear of the building. The front portion is the main entrance will be the entrance to the rear undeveloped portion of 80 acres. There are up to three appearances before the board for sketch plan review. The Board may consider a modified SEQRA form to be sent to ZBA and DRC for their consideration of their involvement and whether they wish to defer lead agency once again to the Planning Board for the modified project.

Mark Torpey, Chairman stated there is a lot being proposed at this site and much to be considered. A full Long EAF form is warranted in this case. A short form was submitted and we will be requiring this.

Applicant: Gary Stone, Tara Stone

Agent: Gavin Vuillame, Environmental Design; Jon Lapper, Attorney

Mr. Lapper stated the goal here is to bring the site into conformance. Bring a new building to the road conforming to the guidelines of the Transect-4 District. A multi-story building to house the current tenants. This parcel is adjacent to a parcel which is in the Stone family trust and will perhaps be developed at some time in the future. We will be building two new buildings, mixed use which fronts the road. The current constriction is the property is approximately 145 feet in width. This will include a building, an entrance road and entrance to parking. A sewer connection is proposed for the first phase, the second phase will have an onsite septic.

Mr. Vuillame provided a visual presentation of the site, with a breakdown of the acreage which exists. This acreage is owned by 4 separate entities. This concerns the 22 acres owned by Tara and Gary Stone. This project will consist of these 2 acres. Two buildings are proposed with a long separation and large parking area between. A review of the two proposed buildings was provided to the Board. Mr. Vuillame reviewed the traffic study provided by Creighton Manning. This was performed approximately one year ago. This is Phase I of the project. Upon completion of this project with Phase II, we estimate 300-400 residential units are proposed as well as 40,000 square feet of retail and

20,000 to 30,000 square feet of office space towards the rear of the parcel. Once this parcel is developed fully it will warrant a traffic control signal, with a turn lane. Private street shown on the plans will serve as the primary entrance into the existing development to the north and south. Proposed development and future development of additional 80+ acres. Sidewalks will be provided on both sides, streetlights and curbing, as well as the addition of street trees. A conceptual plan for stormwater management was provided with 2 stormwater management areas on site. Discussion with the City Engineer concerning tying into public sanitary south of site. Revised plans show connection near Bliven Way. On-site septic system is proposed for building 2 until project is fully built out.

Mark Torpey, Chairman questioned the amount of parking being provided as well as the possibility of underground parking.

Discussion ensued concerning the potential of a signaling device at this location and general traffic congestion.

Jamin Totino spoke concerning the recent project along Weibel with blank store fronts and the lack of establishing the type of neighborhood which was originally proposed. He suggested some way to provided parking in the front, even if minimal while maintaining the walkability of the site.

Clifford Van Wagner stated he would like the applicant to provide the Board with some additional alternatives concerning buildings size, layout and style. This should be more fully addressed. I am not in favor of a temporary septic system. This is two steps backward. Perhaps a new traffic study is warranted.

Mark Torpey, Chairman stated we need more information concerning the build out of this site and a new traffic report for this area.

Steve Shaw provided a review of the site using an aerial view of the site, noting as examples clothing storage containers, parking area provided for the tenants and a building for rent. Some vehicle storage areas as well as boat storage areas. 2 metal storage garages as well as the golf driving range. Mr. Shaw stated these are not lawful uses.

Mark Torpey, Chairman stated we do need more information concerning the timing of this plan for these buildings in the rear which are not code compliant and when they will be removed. This project needs further clarification and to be laid out expressly. I cannot vote for SEQRA without definitive documentation from DEC stated the violation has been remediated and the case is closed.

Mark Schachner spoke concerning the DEC remediation issue. If this action was resolved, documentation would have been sent to the property owner/applicant. The vast majority of these violations are a matter of public record.

Mr. Vuillame stated we will contact DEC for the information the Board requested and will return before the Board.

Mark Torpey, Chairman stated concerning the project to the north, there is an area with pallets, and mattresses which is an eyesore and we would like to see that area cleaned up.

#### **APPROVAL OF MINUTES:**

Bob Bristol, Vice Chairman made a motion to approved the January 11, 2016 minutes of the Planning Board.

Seconded by Janet Casey.

#### **VOTE:**

Clifford Van Wagner, in favor; Jamin Totino, in favor; Bob Bristol, Vice Chairman, in favor;  
Howard Pinsley, in favor; Tom L. Lewis, in favor; Mark Torpey, Chairman, in favor; Janet Casey, in favor

**MOTION PASSES: 7-0**

Mark Torpey, Vice Chairman made a motion to approved the January 28, 2016 minutes of the Planning Board.

Seconded by Janet Casey.

**VOTE:**

Clifford Van Wagner, abstained; Jamin Totino, in favor; Bob Bristol, Vice Chairman, abstained;  
Howard Pinsley, in favor; Tom L. Lewis, in favor; Mark Torpey, Chairman, in favor; Janet Casey, in favor

**MOTION PASSES: 5-0**

Bob Bristol, Vice Chairman made a motion to approved the February 11, 2016 minutes of the Planning Board.

Seconded by Janet Casey.

**VOTE:**

Clifford Van Wagner, in favor; Jamin Totino, in favor; Bob Bristol, Vice Chairman, in favor;  
Howard Pinsley, abstained; Tom L. Lewis, in favor; Mark Torpey, Chairman, in favor; Janet Casey, in favor

**MOTION PASSES: 6-0**

Bob Bristol, Vice Chairman made a motion to approved the February 25, 2016 minutes the Planning Board.

Seconded by Janet Casey.

**VOTE:**

Clifford Van Wagner, in favor; Jamin Totino, in favor; Bob Bristol, Vice Chairman, in favor;  
Howard Pinsley, abstained; Tom L. Lewis, abstained; Mark Torpey, Chairman, in favor; Janet Casey, in favor

**MOTION PASSES: 5-0**

**MOTION TO ADJOURN:**

There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 9:40 P.M.

Respectfully submitted,

Diane M. Buzanowski  
Recording Secretary

APPROVED 4/14/16