



March 22, 2012

**CITY OF SARATOGA SPRINGS**  
**GAPS Committee**  
**Agenda**

**7:00 PM**

- o CALL TO ORDER**
- o ROLL CALL**
- o APPROVAL OF 3/8/12 COMMITTEE MINUTES**
- o GAPS OVERVIEW / RE-CAP FOR SOUTH BROADWAY PROPERTY OWNERS**
- o PUBLIC COMMENT PERIOD**
- o WORKSHOP – INTERACTION WITH SOUTH BROADWAY PROPERTY OWNERS  
- PILOT PROGRAMS**
- o PUBLIC COMMENT PERIOD**

**ADJOURN**



March 22, 2012

CITY OF SARATOGA SPRINGS  
GAPS Committee  
Meeting  
City Council Room

PRESENT: Commissioner John Franck  
Supervisor Matt Veitch  
Clark Brink (arrived at 7:24p.m.)  
Geoff Bornemann  
Bill Sprengnether  
Rick Fenton  
Stephen Towne  
Amy Durland

EXCUSED: Dennis Brobston

STAFF: Bradley Birge, Administrator of Planning & Economic Development  
Kate Maynard, Principal Planner

GUESTS: Cliff VanWagner, Chair of the City Planning Board  
Adam McNeil, Member of the City Zoning Board of Appeals  
Steve Rowland, Chair of the City Design Review Commission  
Land Owners and Business Owners of the South Broadway Corridor

**RECORDING OF PROCEEDING**

The proceedings of this meeting were taped 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.

**CALL TO ORDER**

Commissioner Franck welcomed everyone and called the meeting to order at 7:08 p.m.

**APPROVAL OF MINUTES**

**Geoff Bornemann moved and Rick Fenton seconded to approve the minutes as submitted.**

**Ayes – 6**

**Abstentions – 1 (Amy Durland)**

### **GAPS OVERVIEW / RE-CAP FOR SOUTH BROADWAY PROPERTY OWNERS**

Supervisor Veitch presented his power point presentation for the land and business owners of the South Broadway corridor. This was the same presentation he did at the first Committee meeting. The board members introduced themselves to the community.

Commissioner Franck explained how this committee came about. They are looking to hear from the land use boards, the property owners and business owners regarding why things haven't worked in this area. The Committee will present suggestions to the City Council at one of their May meetings.

### **PUBLIC COMMENT PERIOD / WORKSHOP**

Clark Brink stated this is a wonderful opportunity. He stated he is a proud resident of Saratoga Springs. He raised his family here, pays taxes here, and has invested here. We have an opportunity to take another look at the gateway into the City - it has to be vested, grounded, a return on investment, and be found based upon the principles that have made this a great City.

Rick Fenton stated they really need to hear from the property owners; otherwise they will just be spinning their wheels.

Mike Murphy of Murphy's Golf Range stated the fact that nothing is happening with the properties in his area is a direct result of zoning decisions 20 years ago. Those decisions were made then with the intent to see nothing happen; which has been very successful. Maybe that is what needs to be looked at and changed.

P.J. Davis of P.J.'s Bar-B-Q commended the committee for their endeavor. One thing that may help future development and developers is to have a sewer system. There are also safety issues.

Supervisor Veitch explained the County sewer goes down Crescent Avenue and then to the lake. It cutoff South Broadway. The County has no plans on building a sewer in that area.

Geoff Bornemann stated there have been various attempt in the past to look at bringing in sewer to that area. Property owners said 'no' to sewers in the past due to the expense. They thought about creating a special assessment district to install the sewers as they were not able to find municipal monies to do it.

Clark Brink confirmed there is a capacity issue with the County sewer treatment plant at this time.

Supervisor Veitch advised that is correct; there is a moratorium as they are at capacity.

Stephen Towne asked if there were any other thoughts of how the sewer line could be funded other than through the property owners.

Geoff Bornemann stated the discussion of bonding came to a dead end. There are some wetlands and undevelopable lands on either side.

Clark Brink stated West Avenue just realized a lot of infrastructure improvement and re-investment. How was that funded?

Brad Birge stated they did form a special assessment district. There is a combination of things that become the catalyst. There are a limited number of developable properties on South Broadway.

Mo Hussain, owner of the Best Western stated he would like to get a sewer system. This is a great City but they need help; maybe a private and government partnership. This is the entrance to the City, not exit 15.

Ken Fansiwala, owner of the Top Hill Motel stated they need the sewer system. He wants to expand his business, but he would have to add a septic system to do that and it would take up most of his land. They pay the same taxes but are not able to grow their businesses.

Iris Lu, owner of Hibachi stated last fall their septic system failed due to the hurricane. The Department of Health shut the restaurant down. They worked for a month to install a 2,000 gallon septic tank, 8,000 gallon grease tank, 1,500 gallon pump tank, a dual pump system, etc. to get the restaurant open again. The total cost for all of this was \$50,000. They pay equal amount of taxes without having the infrastructure. If everyone pitched in – the City, residents, etc. they should be able to install a sewer system.

Benita Collins, former owner of Joe Collins' Restaurant stated she has 34 acres of vacant land around the old restaurant. She is willing to give some land to the City for a pumping station. They need sewers down there.

Ted Cupp, new owner of Kimberly Inn, stated he bought the property in September 2011. He has other successful businesses; owner of the Thirsty Owl Wine Company, and owner of the Rome Country Club. He thought it would be great to have an outlet in Saratoga for the Thirsty Owl Wine Company. This has been the worst experience he has ever had in business. When he built the winery 10 years ago, he had about \$25,000 in soft costs; he is over \$100,000 in soft costs for his project here. There are some great City employees and there are others he doesn't want to comment on. This is a great community he wants to be part of but there should be a different attitude towards someone new coming in. It shouldn't be an adversarial attitude. Incentives aren't necessary; the costs need to be better controlled.

Carl Mihalek, owner of the Springs Motel stated they signed a contract with Rite Aid a few years ago. It looked like a reality until January 2<sup>nd</sup>, just after elections, the project fell apart. He commended the committee for their efforts. If they sell to the first person that comes along, the properties will not be cared for as they have been. He would like to see the City to welcome development and help them sell their properties, not discourage the sale.

Mike Toohey, attorney for several stakeholders such as Tim Higgins, Frank Parillo, and Mike Murphy. He stated it is an unreal expectation in these economic times to think the City or the County is going to come up with the money to extend a sanitary sewer line. It will have to be done with private money and private money has to have a return on investment. There are opportunities on South Broadway for that to happen. The zoning in the area of the lands owned by his clients is hospital, medical office structures. There are never going to be a hospital or medical offices on that strip. It is impossible to have that happen, especially with the medical construction going on in Clifton Park. The City has sterilized the land that is prime development. Mike Murphy is right when he said 10 years ago someone made a determination that nothing is going to be built there and they were 100% right in their perception because you can not sell or develop those properties for the uses they are zoned. A transect zone would be nice and would continue to give the City all the controls they would want to have. It would also allow buildings large enough to justify the cost to install a sewer line. The problem with South Broadway is the zoning designated. Is exit 13 the entrance statement the City of Saratoga Springs wants to present to the world? It does not present the City in the light we all want it to have. There are no opportunities for people to invest; the system is not working. Change a few small parts of the zoning code to get good looking development in that area. That will begin to help these people.

Bill Sprengnether stated Mike Toohey touched on competition that area faces from Clifton Park and Malta. He has been thinking about competition as an obstacle for development along all of South Broadway. He asked Mike Toohey if he had any other thoughts on that idea and where the competition is coming from.

Mike Toohey stated he mentioned Clifton Park and Malta because there are hospital facilities there. It is competition in that sense. Four Winds has no plans for expansion.

Geoff Bornemann stated in 2004, when the zoning went into effect, the transect was from Circular Street to West Fenlon. Since they put the transect in, the changes you think are going to come as a result of the transect changes, have not occurred for that area. He asked Mike Toohey if he has a perception of why that hasn't occurred.

Mike Toohey stated that has a lot to do with cost pressures that are there. Also, there are old 'on property' problems.

Clark Brink stated he is hearing maybe because of the way the corridor is zoned we can't capitalize on its potential and he is also hearing some of the zoning that is in place is cumbersome. Geoff's comment last week was T-5 was supposed to be designed to be efficient. In some ways maybe it has and in some ways there is a perception it is not. The process is as much a cumbersome opportunity as the potential regarding how the property is potentially utilized according to the Comprehensive Plan.

Amy Durland stated there have been a couple references to concerns regarding zoning changes made 10 or 20 years ago. She asked for clarification as to what the zone was before to what it is now.

Geoff Bornemann stated what is a T-5 zone now was a general business and did not allow any mixed uses; it did not allow residential and had many set backs. The T-5 that was put in place around 2003 allowed greater density and mixed uses with the intent that it should be easy to get approvals and easy to develop. The area further down, from the Honda dealership south, was just office use. It didn't have a significant change in policy.

Amy Durland stated from Geoff's description, the change allowed more flexibility of uses.

Brad Birge advised the transect zones allow for a variety of uses and has specific requirements. There are 4 categories of how the uses are identified: permitted as of right, permitted with a special use permit, permitted with a special use permit and site plan review, or prohibited out-right. In the T-4 and T-5 zones, nothing is prohibited so there is tremendous flexibility; nothing is also allowed as of right within that.

Amy Durland asked what the changes were made 20 years ago that Mr. Murphy referenced earlier.

Mr. Murphy advised he didn't remember what the zoning was, but the zoning was changed to allow Four Winds to be built. At that time, the adjacent properties were changed to allow for a medical office or a hospital.

Brad Birge stated the zone is identified as office, medical, business; but it is not only medical businesses that can reside there. It is a combination of office businesses and medical functions.

Commissioner Franck asked what the negative impact would be of extending the T-5 zone or transect zone from West Fenlon Street to this area. When the owner of the Spa City Diner was here last week he stated no one is going to build office space because there is so much of it.

Kate Maynard stated we need to look at how those areas had been framed as transect zones. In the 2001 Comprehensive Plan there were special development areas with the thought of looking at our current areas of intensity. The center of our City is what we want to keep sustainable and viable. The special development areas were designed to be areas of space where you would see infrastructure necessary to support that development. Our transect areas are seeing a high level of development within them. You need to define where your development is meant to go.

Commissioner Franck stated she just made the argument Mr. Murphy made; the zoning was meant to keep it as it is today. There will be no development there.

Supervisor Veitch stated the Weible Avenue project is a T-4. It is a flat piece of land like a blank slate and you start with a design and put into it what you want to do with it. The 'T' zone is up to the Adirondack Trust.

Cliff VanWagner stated another thing to remember regarding the Weible Avenue project is the developer put \$1.2 million out of his own pocket to install sanitary sewer.

Rick Fenton stated zoning by definition is a direction the community sets for everyone. His understanding about how zoning as it is set is we want to protect businesses downtown; when you dilute it you lose the character you think is precious.

Clark Brink stated he is hearing regardless of how it is zoned, it is cumbersome to navigate the process and is costly. If you are an applicant and come before the system, there is another set of obstacles. That is intimidating, costly, and not serving the intent of the comprehensive as originally designed and adopted by the community.

Cliff VanWagner stated Clark's hands were tied by corporate. It was timely and expensive but was not anyone's fault in the City. He is shocked Mr. Cupp had the issues he had; he had special use and site plan approval in 2 weeks. He can't imagine that process was too costly. People can come to the staff at the City for free and they can get them 70% down the road. Then they can go to the Planning Board for a sketch plan for free. They work with what is given to them as code. The process does not have to be cumbersome; it is an open book test. The process is transparent.

Clark Brink stated he is very respectful of all the individuals who serve on the DRC, ZBA, Cliff and his team. There is no right or wrong here; but there is a perception that this is difficult. We are all here because we all believe the properties are underutilized. They are not enhanced to the extent economically or aesthetically that they could be to the betterment of the community. How can we market ourselves better than the surrounding communities?

Commissioner Franck asked how many people have come in to do projects in that area from the Weathervane to Lincoln Avenue.

Brad Birge stated he can't give exact numbers. There has been a lot of talk and he hears a lot of interest regarding that area. In the transect zone, the City has required 2 stories and mix uses. Sometimes that is cumbersome for a mom and pop to envision.

Commissioner Franck stated there is considerable amount of traffic on South Broadway; but there is something wrong there. There are a lot of for sale and for rent signs. He owns office space and office parks aren't going to happen there.

Brad Birge stated without the reconstruction of South Broadway, the value of those properties would be more depressed. Many people were waiting for the improvements in that area. He also believes the economy has been a part of the problem.

Commissioner Franck stated that area can work. P.J.'s is proof positive.

Kate Maynard stated people are used to seeing that area as 'car central'. It is a contained area and people don't know what this area is. It is a transitional area and not meant to be in competition with our downtown; yet it doesn't have its own identity.

Ken Ivins of Outlook Avenue stated he was the former president of the Southern Saratoga Chamber of Commerce. The perception he heard was if you went to Clifton Park you would pay a lot of fees and jump through hoops; if you want to go to Saratoga you would need to double or triple what you are looking at in Clifton Park. The perception is out there because we do have a lot of rules and are there for good reasons. Coming up with a sketch is not free; every time you call your architect you write another check. This expense has to be justified down the line.

Stephen Towne stated he grew up in Saratoga Springs. South Broadway has always been a street occupied by businesses. There is no one answer or one obstacle. We are hoping to find some kind of

spontaneous combustion. This is going to be driven off one anchor. We have to decide if we want South Broadway to be like West Avenue or a road people will use to walk up and down to businesses or the state park. He doesn't believe the problem is the process; the efficiency of the land use boards is better now than any other time he can remember in history.

Dr. Marc Johnson stated he is on South Broadway as a tenant next to Subway. He has put 100's of thousands of dollars into his new office. He feels you don't need the anchor; you have everything you want within walking distance. He suggested affordable type apartments.

Carolyn Davis of P.J.'s Bar-B-Q stated she likes the idea of a park district. In order to do that we need a lower speed limit – 55 mph is too fast. We have had numerous accidents and deaths there. We should continue to bring the flowers south on Broadway.

Dr. Johnson followed up Ms. Davis' comment about safety stated if you ever tried to go south to take a left on Crescent Avenue – it's like a suicide in your rear end.

Bonnie Crowley of South Broadway stated safety is a concern of hers as well. She is not clear how the state got the traffic pattern that is there. There is no turning lane into her store; there are diagonal lines that you are not supposed to enter into. There is a traffic light in front of her store but stays on blinking until the state park opens up. If that light functioned at regular capacity as a stop and go light it may assist with the safety.

Bill Sprengnether stated there was a brief discussion of an anchor, which is a good idea. The area is walkable but in order to get to it you have to drive to it. The biggest obstacle of a 'park district' is the lack of residential property. We need to consider dense urban residential development as a good solution for bringing in 200 more people who will walk to the bakeries and diners.

Mike Murphy stated when the traffic light goes on a blinking system you cannot turn in or out of his property. When it is fully working, there is a break that allows people to pull in and out. In regards to walking and biking, there are people out there every day walking and biking. It is accessible by foot or bike. This is a big change from 15 -20 years when no one walked or biked by.

Mo Hussain stated the speed limit and safety is a very important issue. He told the story of a guest of his hotel who was killed last year trying to cross the road to have dinner across the street. A sidewalk and traffic light would be a great help.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:27 p.m.

Respectfully submitted,

Lisa Ribis  
Clerk

Approved: 4/2/12