



# PLANNING BOARD

## MINUTES (FINAL)

THURSDAY, APRIL 14, 2016

7:00 P.M.

CITY COUNCIL ROOM

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

**STAFF:** Kate Maynard, Principal Planner, City of Saratoga Springs

**CALL TO ORDER:** Mark Torpey, Chairman called the meeting to order at 7:02 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:**

**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.

**15.041 77 EXCELSIOR MIXED USE DEVELOPMENT,** Excelsior Avenue, site plan review for mixed-use development with 90 multi-family residential units and 1,440 sq ft of commercial space in the Transect-5 Neighborhood Center (T-5) District.

**COMMENTS FROM THE CHAIR:**

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

Planning Board Caravan, Monday, April 25, 2016 at 4:00 P.M.  
Planning Board Workshop, Monday, April 25, 2016 at 5:00 P.M.  
Planning Board Meeting, Thursday, April 28, 2016 at 7:00 P.M.

**PRIVILEGE OF THE FLOOR:**

None heard.

**APPLICATIONS UNDER CONSIDERATION:**

1. **14.007.2 SUBDIVISION OF LANDS ON KAYDEROSS AVENUE WEST,** 14-17 Kaydeross Avenue West, Extension of subdivision approval within the TRB and RR Districts.

Applicant: David Decker

**SEQRA:**

No further SEQRA action is required with proposed extension.

**BACKGROUND:**

Subdivision approval by the Planning Board on June 10, 2015. Initial approval for subdivisions is 180 days until December 10, 2015. Extension was approved until March 10, 2016. Application for extension was submitted prior to the expiration date preserving the approval.

The applicant indicates additional time is required for project Letter of Credit to be issued, prior to final signature and filing of plans.

Bob Bristol, Vice Chairman made a motion in the matter of the application of the Subdivision of Lands on Kaydeross Avenue West, 14-17 Kaydeross Avenue for a 90 day extension until June 10, 2016 be approved.

Howard Pinsley 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. **15.022.1 EXPERT INSPECTION SUBDIVISION**, 508 Grand Avenue, request for Subdivision Approval extension.

**SEQRA:**

No further SEQRA action is required with proposed extension.

**BACKGROUND:**

Subdivision approved by the Planning Board on October 2, 2015. Initial approval for subdivisions is 180 days to an April 2, 2016 expiration date. Application for extension was submitted prior to this date, preserving approval. Extension request is noted for completing final map and deed information notes and descriptions.

Applicant notes additional time required for Letter of Credit to be issued, prior to final signature and filing of plans.

Clifford Van Wagner made a motion in the matter of the application of Expert Inspection Subdivision, 508 Grand Avenue be approved for a 90 day extension expiring on July 2, 2016.

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**

2. 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.

Mark Torpey, Chairman stated we have had a number of discussions concerning this application, most recently on March 24, 2015. Members of staff did make a site visit on April 5, 2016. Those present were Bradley Birge, Administrator, Planning and Economic Development; Kate Maynard, Principal Planner, Vince DeLeonardis, City Attorney, Jackie Hakes of MJ Engineering and Matthew Jones, Attorney for the applicants. We have received a correspondence dated April 7, 2016 from MJ Engineering which addressed the questions we have raised.

Kate Maynard, Principal Planner stated we are in receipt of a letter from MJ Engineering dated April 7, 2016, summarizing the concerns of the Board and the site visit. We spoke about the screen wall in some length in proximity to the loading area which is proposed, as well as alternatives for the Board to consider. We reviewed narrowing or eliminating the wall of the loading area which is located in the front of the building. Additional screening was also discussed. Arbovitae were proposed that has been altered introducing a mix of style and height. We did have some conversation about the loading area. An item was brought up in terms of impeding the loading in the rear. Concern was discussed concerning blocking the fire lane. I spoke with Chief Williams from the Fire Department this afternoon. He does not have any concern if the loading zone was moved to the southeast corner of the building. The proposed change in location does would not hamper fire department operations. The conversations staff had at the site was definitely a brainstorming session. This site visit was requested by the staff.

**SEQRA:**

Action appears to be Unlisted, with involved Agencies of ZBA, DRC and the Planning Board. The ZBA initiated Coordinated Review on September 22, 2014. The Planning Board issued a Negative SEQRA Declaration on October 8, 2014.

**BACKGROUND:**

The following area variances were granted on January 26, 2015.

	<u>REQUIRED</u>	<u>PROPOSED</u>	<u>TOTAL RELIEF REQUESTED</u>
Build to line: West Avenue	0-12"	32'10"	20.83' (173.58%)
Frontage build-out: West Avenue	70%	52.23%	17.77% (25.39%)
Minimum Two-story	Two-story	One-story	One story (approx. 14,000 sq.ft.) in excess of 1,500 sq. ft.

Special Use Permit (permanent) for a retail and drive in facility issued March 25, 2015.  
DRC Architectural Review approval November 18, 2015.

Applicant: National Retail Properties, Inc., David Reif

Agent: Jaclyn Hakes, Jamie Easton, MJ Engineering; Matthew Jones, Alex Beso, Jones Firm

Matthew J. Jones, Attorney for the applicant stated the applicant and City staff had a very successful meeting. A visual presentation was provided by the applicant. The first issue to discuss is the parking. The Board requested the minimum requirements for parking. The applicant has proposed to eliminate one parking space near the landscaped area, and is also proposing to bank seven parking spaces along the eastern most portion of the site. The

banked parking will be re-evaluated after one year to determine if these spaces are necessary following a year of operation. We will photograph the site over a period of 60 days submitting a report to the Chair for Administrative Action. A visual presentation of the footprint of the current building was provided to the Board highlighting the delivery loading area and why other options are not viable. The internal floor plan was modified to accommodate the two doors at the northwest and southwest corners of the buildings as required through approvals with the Design Review Commission.

Discussion ensued regarding reworking the floor plan and implementing some of the changes the Board has requested, mainly relocating the loading dock area.

Jackie Hakes, MJ Engineering walked through the possibility of changing the loading dock area and the pharmacy and how it impacts deliveries and why this is not possible since it will impact the vehicular and internal building configuration. We looked at the screening wall. If this area is moved 2 feet to the south, it will not impact the vehicular and delivery truck circulation as well as internal building circulation patterns or previous Land Use Board approvals such as the DRC. Some of the changes you see were made as a result of the site visit and conversations with staff. We are looking at more substantial landscaping to the screening wall. We originally proposed arborvitae, we have now proposed something softer. It does screen the delivery vehicles but really to screen the parking and the drive thru area. Several trees have been proposed. So by shifting the screening wall 2 feet and the change in the landscaping, it really helps to break up what is happening on Washington Street. With regard to the civic space. We are currently proposing civic space in four locations. The applicant's have reached out to the Mayor's Art Commission, we will coordinate with the arts district. Our idea is that it will be a permanent fixture rather than changing art.

Mark Torpey, Chairman asked if there were any questions or comments from the Board.

Jamin Totino questioned having a full scale view with all included changes, the added civic space, and the trees from the Washington Street view. That would really help visualize this.

Mark Torpey, Chairman stated perhaps from two directions. One from Washington Street and West that corner at the proposed building, looking southeast and another from the southwest vantage points. This will help to get a visual element of the changes which were made and see everything in summation. This is a focal point.

Discussion ensued regarding the applicant providing the requested views of the area prior to site plan approval.

Matthew Jones, Attorney for the applicant stated there is a greater risk of losing the property if a building permit is not issued prior to June 1, 2016. The applicant requested a short recess.

The Board recessed at 8:30 P.M.

The Board reconvened at 8:36 P.M.

Mr. Jones has requested that the Board vote on this site plan approval this evening, due to the risk of losing the property and the project.

Howard Pinsley made a motion in the matter of the application of Rite Aid Development, 90 West Avenue and 242 Washington Street for site plan approval.

Clifford Van Wagner seconded the motion.

Tom L. Lewis requested the Board recess.

The Board recessed at 8:40 P.M.

The Board reconvened at 8:44 P.M.

Mark Torpey, Chairman asked if there was any discussion on the motion.

Mr. Jones stated the applicant will submit for the record the elevations as a condition of an approval this evening within a week.

Mark Torpey, Chairman stated it bothers him to make a decision, to approve a project without the full view in site. We will review the conditions on the site plan approval to ensure we have covered everything.

- This project requires a lot line adjustment. This would require filing with Saratoga County prior to moving forward.
  - Banked parking for a total of 7 parking spaces. The banked parking will be re-evaluated after one year to determine if these spaces are necessary following a year of operation. Perhaps allowing Tim Wales and Mark Benaquista the ability to weight in on the assessment methodology before commencing this analysis which provides for a logical determination if the additional parking is warranted. The process of information gathering should be reviewed with City Engineer and Mark Benaquista concerning strategy as well as data which is presented. Also, if the additional parking is needed, this could be constructed using a porous material. This is subject to the review of the City Engineer, Tim Wales.
  - In terms of the temporary structure, building timeframe is 11 months and 29 days following the issuance of the building permit.
  - Civic space 4 focal points: Front of the building along West Avenue bench area, and preservation of trees.  
Focal point at the corner West and Washington Street.  
Focal point midway down Washington Street. Area 24 x 8 ½ foot art area.  
Focal point – rear – Washington Avenue entrance.
- Planning Board Chair shall approve final civic space improvements that shall be illustrated on final plans.
- Lighting 2 existing lights, one new light.
  - Landscaping, 3 existing trees will remain, 3 new proposed street trees on Washington Street.
  - Plans as submitted on April 7, 2016, as well as those presented this evening.
  - The applicant will submit for informational purposes elevations drawings.

**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, opposed; Janet Casey, in favor

**MOTION PASSES: 6-1**

4. **16.009 BEYER PROPOSED SUBDIVISION**, 199 West Circular Street, Advisory Opinion to the Zoning Board of Appeals in an Urban Residential-2 (UR-2) District.

No representative present for this application.

It was the consensus of the Board to table this application this evening.

**APPROVAL OF MINUTES:**

Tom L. Lewis made a motion to approve the minutes of the March 9, 2016 Planning Board meeting as submitted.

Clifford Van Wagner seconded the motion.

**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**

**MOTION TO ADJOURN:**

There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 9:00 P.M.

Respectfully submitted,

Diane M. Buzanowski  
Recording Secretary

APPROVED 6/9/16