



PLANNING BOARD

MINUTES (FINAL)

THURSDAY, SEPTEMBER 8, 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

ABSENT: Howard Pinsley

STAFF: Kate Maynard, Principal Planner, City of Saratoga Springs
Justin Grassi, Counsel to the Land Use Board

CALL TO ORDER: Mark Torpey, Chairman called the meeting to order at 7:05 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.

COMMENTS FROM THE CHAIR:

UPCOMING PLANNING BOARD MEETINGS/AGENDA WORKSHOPS:

Planning Board Caravan, Monday, September 19, 2016 at 4:00 P.M.
Planning Board Workshop, Monday, September 19, 2016 at 5:00 P.M.
Planning Board Meeting, Thursday, September 22, 2016 at 7:00 P.M.

PRIVILEGE OF THE FLOOR:

None heard

APPLICATIONS UNDER CONSIDERATION:

1. **15.004.3 OAK RIDGE PHASE 2 SUBDIVISION**, Meadowbrook Road, Residential conservation subdivision extension within the Rural Residential District.

Mark Torpey, Chairman stated at the workshop it was noted that the Board received some initial feedback information from Tony Izzo, Deputy City Attorney concerning the conservation easement. We are awaiting updated information concerning the establishment of a Conservation Easement holder, trail design change from bark chip to stone dust noting the opportunity for the trail to become part of the Greenbelt Trail System, and the trail connection to 9P, awaiting DOT correspondence.

SEORA:

No further SEORA action is required with proposed extension.

BACKGROUND:

Subdivision approved by the Planning Board on November 5, 2015. Latest approval for subdivision extension – August 5, 2016 is expiration date. Application for extension was submitted prior to this date, preserving approval. Requested new extension of November 5, 2016.

After initial approval time period, 90 day extensions may be considered by Planning Board. Applicant notes additional time needed for project for LOC to be issued, prior to final signature and filing of plans.

Applicant: Jeff Snyder, Lakeridge LLC

Agent: Dave Carr, LA Group

There is no new information to present since the workshop. The reason for the extension is the continued negotiations of the Conservations Easement holder and applicant. All other interested parties have signed off on this project.

Mark Torpey, Chairman stated at the workshop the applicant had made a request that the Recreation fees be used for the trail itself. It has gotten larger than originally discussed. Mark Torpey, Chairman stated he is concerned that the Planning Board does not have jurisdiction to make such a request. The Planning Board, however can make such a recommendation to the City Council for the allocation of the recreation fees.

Discussion ensued concerning the Recreation Fees and the proposed use for the Green Belt Trail System.

Mark Torpey, Chairman stated perhaps a recommendation to the City Council such as the Planning Board feels that funds allocated to this purpose are suitable and we want to support this activity since this is what recreation fees should be used for.

Clifford Van Wagner made a motion in the matter of the Oak Ridge Phase 2 Subdivision Extension that a 90 day extension be approved and the Planning Board recommends the recreation fees assigned to this project that the appropriate level of funding to support the activity and be applied to the Saratoga Plan for the long term maintenance and overseeing of the trail and the increase in construction costs, as well as the approval of the trail construction as shown on submitted plans.

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; Tom L. Lewis, in favor; Mark Torpey, Chairman, in favor; Janet Casey, in favor

MOTION PASSES: 6-0

2. 16.026 ALLERDICE GLASS & ALUMINUM, 120 Excelsior Avenue, Special Use Permit for manufacturing, retail,

office and recreational facility within the Transect-5 (T-5) District.

Mark Torpey, Chairman stated the applicant has requested a Special Use Permit as well as a waiver of site plan review since there is no additional parking requirements at this time.

SEORA:

Action appears to be a Type 2 action, no further environmental review is required.

BACKGROUND:

Site currently consists of principal structure with uses as noted. The site improvements predated Transect districts which require a Special Use Permit for all uses. Proposed includes existing uses with proposed flexibility and the new use of a recreational facility.

Applicant: Wally Alderdice, Owner; Aiden Holly, proposed tenant

Agent: Dave Carr, LA Group

Mr. Carr stated this plan has been in effect for several years. The last appearance before this Board was in 2004 which was at the time there was a Zoning Change. No Special Use Permit was required at this time. This project does not have a Special Use Permit, we are looking to bring that into compliance as well as the addition of a personal training facility use to be added. Mr. Carr provided a visual presentation of the 3 acre site. The existing site is just under 20,000 square feet. 1,000 sq. feet of retail exists; 2,450 sq. feet of office space, 13,500 sq. feet of manufacturing and warehouse and the back area includes indoor parking, as well as 2,650 square feet of the proposed training facility. Parking totals 31 spaces on site and indoor parking spaces. We are required to provide 30. There is no need for shared parking since there is different timing for the onsite uses.

Discussion ensued regarding providing the applicant flexibility in space usage as well as light manufacturing versus heavy manufacturing, as well as the hours of operation.

Mark Torpey, Chairman spoke regarding the Excelsior Avenue cross section plan. Plan provides for on-street parking, lighting and bike lanes as being constructed at adjacent site 130 Excelsior. These improvements offer amenities for upgrading site, also contributing towards corridor level improvements for more activity on street, accessibility to commercial and residential uses, safety, etc.

Mr. Carr stated they looked at the Plan. The applicant is not planning at this time adding any additional space on the building. Outdoor display and storage area was reviewed.

Mark Torpey, Chairman questioned the drainage easement as well as the 25 foot permanent easement on the property.

Mr. Carr stated these are both held by the City of Saratoga Springs.

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

None heard.

Jamin Totino made a motion in the matter of Alderdice Glass and Aluminum, 120 Excelsior Avenue, that the application for Special Use Permit for 20,000 square feet of Light Manufacturing Retail, office and recreational facility

up to the as well as the waiver of site plan review in accordance with the sketch plan. Suggestion for the applicant to have a conversation with the neighbor concerning parking and Excelsior Avenue cross section plan.

Clifford Van Wagner, Chairman 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; Tom L. Lewis, in favor; Mark Torpey, Chairman, in favor; Janet Casey, in favor

MOTION PASSES: 6-0

3.16.027 WEST AVENUE APARTMENTS, 246 West Avenue, Special Use Permit for construction of 16 multi-family residential units within the Transect-4 (T-4) District.

4. 16.028 WEST AVENUE APARTMENTS, 246 West Avenue, site plan for construction of 16 multi-family residential units within the Transect-4 (T-4) District.

SEORA:

SEORA negative declaration issued on May 22, 2008 was reaffirmed for proposed project on December 7, 2011, then on January 22, 2014.

BACKGROUND:

Special use permit for a total of 16 multi-family residential units was approved by the Planning Board on December 7, 2011. Approval is valid for 18 months, approved by the Planning Board on December 7, 2011. Approval is valid for 18 months. Applicant did not request an extension prior to the expiration of the site plan approval. Project approved on January 22, 2014. Applicant allowed the approval to lapse again. Potential developer of project has changed- formerly Pike Construction/Mike Dickinson still the current owner. Project currently proposed reduction to a single structure, but retaining proposed 16 units.

NOTIFICATIONS/APPROVALS/CONDITIONS OF APPROVAL:

Saratoga County Planning Board referral stated No significant countywide or intercommunity impact, dated June 22, 2016.

Applicant: John-Paul Builders, LLC

Agent: John Lapper, Attorney; Matthew Brobston, LA Group

Mr. Brobston spoke concerning several comments received from the Board at the previous Planning Board Meeting. The applicant was asked to screen the parking on the trail side of the building which was part of the original application. The client and applicant will provide proper screening and comply with the Board's request. This will be presented to the DRC when the applicant appears on September 22, 2016. The Board requested the applicant discuss the buffering plan with the neighbors, this was accomplished in early August. We spoke with The Adirondack Inn, Mr. Strauss, Mr. Hovey, and the YMCA. They all had concerns and we spoke with them and their concerns will be addressed. There was some discussion from the Board concerning traffic and pedestrian signals at Congress

Street. We have not received any comments from Mark Benacquista concerning suggestions or requirements. We agreed to extend the bike trail and provide a lane crossing across West Avenue for any future connections of the trail to the west. Lastly, the density was discussed at it relates to the Comprehensive Plan.

Mr. Lapper reviewed the proposed plan for this site. We have spoken with the builder concerning density, and he reiterated that 16 units are proposed and he cannot feasibly decrease the units and have this remain profitable. This is a T-4 zone and 16 units are proposed. There are no density issues in the T-4 zone. The adjacent zone to this property does however speak of density issues.

Mark Torpey, Chairman stated the property location as far as it is concerned regarding the Comp Plan Designation is Community mixed use, one adjacent parcel is CRN-1; which is ten units per acre and across the street it is CDD which is ½ a unit per acre. Also, across the street is an RN-1 designation which is a 3 ½ units per acre. You are asking for 31+ units per acre. It seems such a change from anything which is around this and it stands out like a red flag. There are implications of that density relative to traffic, movement of vehicles and pedestrian safety. There is a connection between the density and the size and layout of the building.

Discussion ensued concerning the density of the project, additional traffic, how it relates to the Comprehensive Plan and its impact on the neighborhood.

Mark Torpey, Chairman stated due to the expiration of the project twice, we will need to complete a reaffirmation of SEQRA and it would be helpful to the Board having DRC input on the project. Not just for Mass and Scale but in terms of the SEQRA requirements which need to be looked at relative to Community Character, Comp Plan Compatibility and architecture. These are categories within the SEQRA review the Planning Board is required to review.

Clifford Van Wagner questioned the applicant's agent as to the footprint of the building remaining the same, however, one building has been removed. How has the applicant absorbed these units into this building.

Mr. Brobston stated in the previous application seen by the Board, the outbuilding was a garage carriage house which housed 2 units with 2 bedrooms each. There was a mix of 3, 2 and single bedroom units in the main building consisting of 14 units. The building we return with has 16 units the majority of which are single bedroom units. The applicant is looking to target the single professional client. 12 single bedroom units and 4-2 bedroom units.

Mark Torpey, Chairman stated it would be helpful for the Planning Board to have the DRC review this project concerning the broader SEQRA issues prior to the Planning Board issuing a decision on this project.

Discussion ensued concerning requesting an Advisory Opinion from the DRC.

Janet Casey stated what concerns her is the character of the neighborhood. This is not an area where we are about to see broader development and she feels this project overdoes it.

Jamin Totino concurs with Janet Casey. Too much density.

Mr. Lapper stated they will go to DRC first and then return to the Planning Board with suggestions.

Kate Maynard, Principal Planner asked if there was any special items the Board would like for the DRC to identify and review. Mark Torpey did state a few issues for the DRC to review such as the community character, density for the area, architecture, mass and scale of building, and neighbors input.

Jamin Totino stated he was not in favor of the first project. My concerns with the original plan have been exacerbated with this plan. It does not seem to work for me.

PUBLIC HEARING:

Mark Torpey, Chairman stated the public hearing was opened and remains open.

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

Adrian Hovey, 12 Gilman Avenue spoke concerned regarding drainage due to his septic system and well, light pollution, and privacy issues. This is a large building in our back yard. Mechanical locations as well as the dumpster and increased noise are issues. Also, we question the demand and what will happen if it does not become filled.

Jamin Totino questioned the possibility of a balloon float to denote the height of the future building.

Dave Madden, 11 Gilman Avenue, stated they were unaware of the previous meeting. This notification was untimely. Also he questioned addressing correspondence to both homeowners. He spoke concerning the density, septic systems, wells, lighting and possible drainage studies.

Discussion ensued concerning noticing neighbors of projects in close proximity to their home and proper addressing.

Mark Torpey, Chairman stated we are not in a position to vote on this. This application will go onto the DRC and return to this Board.

Mark Torpey, Chairman stated the public hearing will remain open.

5. **16.031 ZUMPANO SUBDIVISION**, 119 East Avenue, proposed final 2 lot subdivision within the Urban Residential-3 (UR-3) District.

SEQRA:

Action appears to be Unlisted.

Applicant: Albert and Nicole Zumpano

Agent: Bill Thompson, Thompson and Fleming Land Surveyors.

Mark Torpey, Chairman stated this subdivision application is on a site which is 0.43 acres. No variances are required with this subdivision application. The applicant did request a waiver from installing curbing and sidewalks on Bingham Street.

Mr. Thompson stated this is a double lot. An existing home is on the southern part of the property. They are looking to subdivide this into two lots and build a new home for themselves on the newly created lot on the northerly portion of the site. We will be installing new sidewalks, a street tree and light on East Avenue. We are asking for the waiver of the curbing, sidewalks and light on Bingham Street. A visual presentation of the site was provided for the Board's review.

Mark Torpey, Chairman stated several items which were discussed at the workshop. The Right of Way being only 50' 2.5 feet required to be conveyed along property frontage to merge with the City Right of Way.

Mr. Thompson stated the applicants are willing to do this. A 2.5 foot easement will be provided to the City. Discussion ensued regarding an easement versus the property being conveyed to the City.

Mr. Thompson stated the new home will be fronting on East Avenue. The garage side of the home will face on Bingham Street.

Mark Torpey, Chairman stated at the workshop concern was voiced concerning the preservation of trees in the setback area.

Mr. Thompson stated the two 20 ft. maple trees in that area are in close proximity to the new sidewalk. If they cannot be preserved the applicants will provide a new tree between the sidewalk and the curb in that location. Also trees are planned for the northerly portion of the property and another on the southerly part if the Maples cannot be preserved.

Mark Topey, Chairman stated those trees will be required whether the Maples remain or not. It is not an either or. Trees along East Avenue in the tree belt as required per subdivision regulations with proper spacing. Small species trees are identified. Every attempt should be made to preserve trees in the setback areas. Mark Torpey questioned the Board on the applicants request for a waiver of sidewalks and curbs on Bingham Street. The regulations are clear on when a waiver can be issued.

Jamin Totino stated he is not inclined to support a waiver of curbing and sidewalks. Over on the west side which is currently begin redeveloped sidewalks are an important part of making the City a walkable City.

Clifford Van Wagner brought up a concern noting installing curbing and sidewalks where they do not currently exist and the possibility of redirecting current water flow.

Kate Maynard, Principal Planner stated on the original plans which were submitted the original driveway was going to remain. Today, what was introduced shows that has been removed and two new access points have been added. It is shifting the location to where a steep slope exists and an additional curb cut.

Mr. Thompson stated the applicants are proposing a two car garage as well as a one car garage. The applicants' parents will be living in the in-law apartment and they do not wish to share a driveway.

Discussion ensued regarding two curb cuts off of Bingham Street in such close proximity to each other and the corner.

Mark Torpey, Chairman advised the applicant to revisit the Bingham Street garage access, and the two curb cuts and the distance between the driveway and the sidewalks. Also the placement of the street trees and street lights on Bingham Street as well and then return before the Board.

8:47 P.M. Board recessed.

8:54 P.M. Board reconvened.

6. 16.033 INTERLAKEN PUD PROPOSED AMENDMENT, REQUEST FOR ADVISORY OPINION FROM THE CITY COUNCIL.

Mark Torpey, Chairman stated this is a proposed text amendment and the City Council has requested an Advisory Opinion from the Planning Board. This is really a request to expand an existing PUD incorporate a new parcel 1.1 acres and then subdivide that parcel into four residential lots. The two primary questions we need to address are as part of the advisory opinion is the compatibility to the Comprehensive Plan as well as the consistency with the zoning ordinance. The original approval was for 31 lots and with this we are actually expanding the number of units. This is ultimately the City Council's final determination.

Applicant: 2 Gilbert Road Corners LLC

Agent: Michael Toohey, Attorney

Mr. Toohey stated the applicant submitted an application to the City Council to expand zone BB, which was created in 1997. This was limited to 31 parcels which we are requesting be expanded to 34. A visual presentation of the site was provided to the Board noting location of the proposed expansion which is located at the corner of Crescent and 9P. The property in question was unavailable at the time of the initial application. Prior to the application a meeting was held with the neighbors in Zone BB. It was well attended and the neighbors are very enthusiastic about the project and the street scape to be complete and in conformance with this zone. We also met with the mayor and several city department heads to explain this project. They also support this concept. I believe this is a relatively simple process we are attempting to have approved. Mr. Toohey explained that PUD are zoning districts with area requirements and zoning requirements. Mr. Toohey explained this project is a consistent extension of the current PUD and zoning regulations. The applicant is requesting a positive advisory opinion to the City Council development.

Tom L. Lewis stated a PUD is really its own district. It does not require any zoning variances. I do not have a problem with this.

Clifford Van Wagner stated the home currently on the property is in such a derelict condition. If this project is built, it will be compatible to what currently exists.

Mark Torpey, Chairman stated when he first reviewed this project it did seem like a simple extension of a PUD. We are being asked to focus on compatibility with the Comprehensive Plan and consistency with the zoning ordinance. I am having difficulty with a couple of issues. The property is in the RR District. What is required in the RR District is to have a Conservation Analysis for any subdivision. When reviewing the PUD requirements there is nothing in the PUD requirements noting a need for a conservation analysis. There is an inconsistency between the existing zoning and what is being asked in terms of the PUD. There is a conflict relative to that conservation assessment. The RR zone the maximum density allowed is ½ a unit per acre versus 3 ½ units per acre which is what the comprehensive plan states. There is a conflict between what the zoning allows and what is being requested. Another issue is the distinction between RR and CDD. Basically the same requirements in terms of the density, requirements for a conservation analysis assessment are exactly the same for both. The 2015 Comprehensive Plan states a PUD shall not be established in a CDD. This project is in the RR District. However in reviewing the RR requirements it is virtually identical to the CDD District. The spirit of what is identified in the RR is also present in the CDD. My confusion and conflict is how to reconcile that. The RN-1 District which you stated is 3 ½ units per acre which you are in adherence to that level. In looking how these are configured and what is being presented which is 2 units per lot you could conceivably have 7 units per acre which differs from what the Comprehensive Plan allows. I cannot support this positive Advisory Opinion to the City Council based on how I calculate the numbers.

Jamin Totino stated he does see both sides of the argument. I am curious concerning the remarks which were made by the Chairman. I am generally supportive of the project and personally would like to have additional time to review the application.

Janet Casey stated she concurs with Jamin, she is torn between both sides of the argument.

Mr. Toohey stated we are not looking for a subdivision within a PUD. We are looking to amend the current PUD. We are consistent with what currently exists in this area.

Mark Torpey, Chairman stated he sees this as a precedent setting proposal. That is what I am concerned about here.

Discussion concerning the RR District and the RN-1 zoning designations and the density proposed.

Kate Maynard, Principal Planner provided some history of the parcel. Several options afforded, one of which is to leave the home on the site, secondly, demolish the home on the site, minimum lot size and width would be required for future building as well the meet the setback requirements in the RR District. If these cannot be met then the applicant would need to appear before the Zoning Board of Appeals for variances. An additional alternative is to retain the home on a single lot. Additional lots being provided to the rear, approximately two additional lots would be provided. Fourth would be what the applicant is currently proposing. This is merely for providing information to the Board. In terms of the Comprehensive Plan this is a RN-1 District with a density requirement noted. This is part of the Country Overlay District and not to be confused with the CDD. It does serve as an illustrative purpose only but signals extra sensitivity be provided to natural resources on-site or proximate, scenic viewshed etc.

Jamin Totino stated he would like to have additional time to review the application.

Mark Torpey, Chairman stated the Board would like to have more time to review the information. The Board would like more information concerning the status of the current home on the site.

7. 16.034 INCLUSIONARY HOUSING PROPOSED ZONING TEXT AMENDMENT, REQUEST FOR ADVISORY OPINION FROM THE CITY COUNCIL.

DISCLOSURE:

Mark Torpey, Chairman disclosed that he is a member of the Board of Sustainable Saratoga. He has no financial interest in this project/proposal therefore no need for recusal, simply disclosure.

Applicant: Harry Moran, Chairman, Sustainable Saratoga; Geoff Bornemann

Mr. Moran stated what they are proposing is a amendment to the Housing Ordinance which mandates that 20% of all new development for project consisting of ten units or more be affordable. In return there will be a 20% density bonus provided to the developer. A visual presentation was provided to the Board concerning this project. The key principal is diversity, economically, ecosystem, as well as population. Mr. Moran reviewed the need for affordable housing. This proposal is to become a part of the Comprehensive Housing effort. There are 20 agencies currently working to meet different types of housing needs. This is basically focused on workforce housing. This is market driven. Developers decide on what to build. It is a private public sector partnership. All projects are diverse within themselves.

Mr. Bornemann provided information concerning the specifics on how the workforce housing costs are calculated on rentals and homeownership.

Mr. Moran stated the two main tests, it is consistent with the Comprehensive Plan and Consistent with the intent and purpose of the zoning ordinance.

Clifford Van Wagner stated the City has recently entered into a contract with a company this July addressing this. Perhaps we should wait to see what that yields.

Kate Maynard, Principal Planner stated she just received information today concerning this. The Saratoga Housing Authority has entered into a contract with Gar Associates/Appraisers and Consultants. The scope appears to bill the work as a potential first phase with up to date demographic information, look at a variety of housing types, and approaches in terms of affordability and what is here. It is looking to update demographic information, population and the variation of approaches of what is happening and not and providing information on alternatives.

Kate Maynard, Principal Planner stated the City Council is asking for your Advisory Opinion. Compatibility with the Comprehensive Plan and is it consistent with the Zoning Ordinance.

Tom L. Lewis stated he would like to have a public hearing concerning this.

Jamin Totino stated he would like more information concerning the modified zoning code.

Kate Maynard, Principal Planner stated the UDO is currently reviewing zoning in the City.

Discussion ensued among the Board concerning the presentation and the Advisory Opinion.

Mark Torpey, Chairman stated we will not vote on this tonight. It seems appropriate for the City Council to have the public hearing. We will review this information and have the applicant return.

Kate Maynard, Principal Planner provided information concerning the recent report on the Unified Development Ordinance, diagnostic report available online.

APPROVAL OF MINUTES:

Approval of meeting minutes was deferred to the September 22, 2016 meeting.
as submitted.

MOTION TO ADJOURN:

There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 11:00 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 10/13/16