



PLANNING BOARD

MINUTES (FINAL)

THURSDAY, SEPTEMBER 22, 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; Ruth Horton, alternate

LATE ARRIVAL: Clifford Van Wagner arrived at 7:35 P.M.

ABSENT: Howard Pinsley

STAFF: Kate Maynard, Principal Planner, City of Saratoga Springs
Justin Grassi, Counsel to the Land Use Board arrived at 7:35 P.M.

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:

- 1.16.031 ZUMPANO SUBDIVISION**, 119 East Avenue, proposed final 2 lot subdivision within the Urban Residential-3 (UR-3) District.
- 2.16.025 MENDENHALL SUBDIVISION**, 101 Old Schuylerville Road, 4-lot preliminary conservation subdivision within the Rural Residential (RR) District.
- 3.15.049 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, Tuesday, October 11, 2016 at 4:00 P.M.
Planning Board Workshop, Tuesday, October 11, 2016 at 5:00 P.M.
Planning Board Meeting, Thursday, October 13, 2016 at 7:00 P.M.

PRIVILEGE OF THE FLOOR:

None heard.

APPLICATIONS UNDER CONSIDERATION:

1. 14.055.1 MCINTYRE, 28 WHITE STREET, 110 REGENT STREET, proposed modification of a two lot subdivision in an Urban Residential (UR-4) District.

BACKGROUND:

The Planning Board approved a 2 lot subdivision in 2014. Conditions included retaining mature trees within the setback area and a mature hedge for privacy/buffering from adjacent property. Site construction has been completed, a number of trees and hedge noted to have been removed.

Mark Torpey, Chairman stated the applicant proposed an administrative action to approve the cutting of trees and replacement with new trees and landscaping. After reviewing and visiting the site, administrative action denied. Applicant is seeking a modification to the subdivision approval. Correspondence provided from the applicant noted that he thought he could take down trees after the CO was issued.

Applicant: Steve McIntyre

Mr. McIntyre stated he has removed some trees from the site and added other trees to the current site. A visual presentation of the site was provided noting where the trees were removed and where trees were replaced.

Kate Maynard, Principal Planner reviewed the subdivision regulations noting trees shall be preserved in the setback area. Tree preservation was noted as a sense of balance in terms of what is being proposed, protection of natural resources and aesthetically pleasing in this intact neighborhood.

Discussion ensued concerning the removal of the trees being against the subdivision regulations. Looking for some type of good faith effort. It was the recommendation of the Board to offer a donation to the City Arborist and the City Forestry plan with a 4' caliper tree.

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

None heard.

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

Tim Wales, City Engineer stated the City can use some trees down at the waterfront park area. They have some parking issues down there. We have some ideas where we could use some trees.

Mark Torpey, Chairman stated that is a perfect suggestion.

Jamin Totino made a motion that the applicant will provide a 4' caliper tree to be donated to the City. Placement to be determined by City staff.

Janet Casey seconded the motion.

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

None heard.

VOTE:

Jamin Totino, in favor; Bob Bristol, Vice Chairman, in favor; Ruth Horton, alternate, in favor;
Tom L. Lewis, in favor; Mark Torpey, Chairman, in favor; Janet Casey, in favor

MOTION PASSES: 6-0

2. 16.035 LP GAS STATION, 11 Ballston Avenue, sketch plan review for a gas station and convenience store in a Highway General Business (HGB) District.

BACKGROUND:

Site is vacant, portion of parcel otherwise occupied by shopping center. This was a former site of gas station since being torn down site has remained vacant. Area is within the gateway, major southern entrance into the City. Highway General Business allows for consideration of gas station and convenience store (<5,000sf) with site plan review.

Drive in facilities may be considered with special use permit review. The applicant requested a meeting with planning staff to discuss the application. This meeting was held on June 1, 2016. Minimal changes made to plan since initial discussion. Board direction is sought on application.

Applicant: Global Partners, LP

Agent: Matthew J. Jones, Attorney; Joshua O'Connor, PE, Bohler Engineering

NOTE:

Board member Clifford Van Wagner arrived at 7:35 P.M.
Justin Grassi, Attorney to the Land Use Board arrived at 7:35 P.M.

A visual presentation was provided to the Board by Mr. Jones. The area is within the Highway General Business District a major southern entrance into the City termed the gateway. These gateways have a number of rules and special conditions and design elements that the applicant needs to comply within these gateways. In addition to that Architectural Review is required along the main entrances to the City. Route 9, Route 50, Route 9P, Route 29, all these north and south, the rules require a further review, more than just site plan from the Planning Board, but Architectural Review from the DRC. That is separate and apart from the historic review for the areas downtown, and several blocks east and west. We are in a major entrance to the City but we do not trigger further review other than the DRC. Mr. Jones reviewed several other convenience stores in the City where the store is to the rear and the pumps are in the forefront closer to the street.

Mr. O'Connor provided a visual presentation of the proposed site and proposed project on this site. Stormwater management will be handled to the rear of the site. Access will be provided on Ballston Avenue and New Street, utilizing existing curb cuts. Cross access will be provided to the remainder of the parcel. We are also providing a drive thru with access on New Street and around the building. Parking is proposed on the front, sides and rear of the building. Two gas canopies are proposed on the site. Landscaping will be in accordance to the City's standards along New Street and Ballston Avenue and to provide additional screening to the plaza. This will be a leased parcel which will still be owned by Gibraltar which owns the plaza. We are proposing a minor decrease in overall green space on the whole plaza. At this point it is at 23% and we will be reducing this to 19%, which is in excess of the requirement of 15%. Thirteen parking spaces will be provided as per code. The plaza on the whole is in compliance and this will be in compliance as well. We are proposing a prototypical building for Global. A photograph was provided to the Board with elevations noted as well. A sketch plan of the site was provided to the Board as well. Additional sidewalks and the maintenance of those will be added throughout the parcel.

Janet Casey questioned the curb cut and if the site could be accessed using the existing curb cut.

Mr. Jones stated Price Chopper hold the lease to the property and we do not control the site.

Mr. O'Connor stated the applicant has contracted with Creighton Manning to perform a traffic study. An analysis was provided for the YMCA and they will provide information on how this corner will function. The Department of Transportation will weigh in on this project.

DISCLOSURE:

Tom L. Lewis stated he was an employee of Stewart's for over 20 years. He is no longer employed by them; however he is still a member of their ESOPS and has no conflict here.

Ruth Horton questioned the purpose of the two fuel canopies.

Mr. O'Connor stated one fuel canopy will house regular fuel and the other will house diesel fuel.

Robert Bristol stated what is being proposed is to utilize a pre-established company model building. For this very important intersection, I do not find it at all close to being acceptable architecturally.

Mark Torpey, Chairman stated that Kate Maynard, Principal Planner provided to the Board a Dutchess County Design Guidelines which provided some designs of convenience stores and gas stations. Some suggestions were provided for the project to move in a different direction. Perhaps the applicant can provide alternative designs.

Clifford Van Wagner stated we have had a lot of applicants appear before the Board with cookie cutter buildings. This is an opportunity to be more creative. It will benefit everyone.

Mr. Jones stated we hear what the Board is saying concerning architecture. This is a shared responsibility. We understand the location of the property and that it is in a major gateway location.

Jamin Totino stated a major concern for him is increased traffic.

Janet Casey states from an aesthetic point of view it is important to remember this backs up to a nature trail and the YMCA. We are trying to maintain a lot of natural surroundings. Think about what fits more appropriately there and aesthetically more pleasing.

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

None heard.

Mark Torpey, Chairman questioned the alignment with Espey manufacturing and the curb cuts. The access needs to be better factored in. Also, when the applicant returns before the Board, it would be helpful to provide a perspective drawing from the street level as opposed to the elevation drawings. Also turning radius for larger trucks and tractor trailers would be helpful.

3. 16.033 INTERLAKEN PUD PROPOSED AMENDMENT, REQUEST FOR ADVISORY OPINION FROM THE CITY COUNCIL.

SEQRA:

Action appears to be Unlisted. Short form Part 1 was provided.

BACKGROUND:

The applicant seeks to incorporate an existing 1.10 acre parcel into the Interlaken PUD to accommodate a future four lot subdivision for single family residences. The City Council determined that the petitions had merit for review and forwarded it to the Planning Board for an advisory opinion on August 16, 2016.

MAP AMENDMENT: Rezone the existing 1.110 acre parcel currently designated Rural Residential to Interlaken PUD.

TEXT AMENDMENT: Proposed changes to PUD legislation that would include the subject parcel.

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. The Comp Plan designation for this area is Residential Neighborhood-1 with maximum density of 3.5 units per acre. Board Members requested additional time to review the information presented. At the workshop we did receive a petition from a number of neighbors in full support of the project. The Planning Board's role in this is to provide the Advisory Opinion to the City Council. Our fundamental role is to determine if the project is compatible with the Comprehensive Plan and also if it is consistent with the Zoning Ordinance.

Kate Maynard, Principal Planner stated she has updated information to provide to the Board. In terms of the designation of Rural Residential Zoning District versus the Comprehensive Plan Designation of Residential Neighborhood-1. In terms of the zoning it would require a Conservation Subdivision for the subdivision of that property. This would require a conservation analysis, as well as a 50% set aside at minimum. In terms of the Comp Plan Designation of Residential Neighborhood-1, there is a density assigned to that which is 3.5 units per acre. In this case the calculation of the proposed area exceeds the 3.5 units per acre. Also the adjacent PUD area does contain lots which are smaller as well, that has the same designation as RN-1. The area in question is also within the Country Overlay District it is a designation that does not carry with it any restrictions. Demolition permit has been issued for the site. It does provide for the property owner to move forward. This site is not subject to DRC review for this action.

Mark Torpey, Chairman stated this is an Advisory Opinion to the City Council. We have no jurisdiction in this matter. Our role is simply to furnish information to the City Council for their final determination.

Applicant: 2 Gilbert Road Corners LLC

Agent: Michael Toohey, Attorney

Mr. Toohey thanked the Board for noting the receipt of the petition which was provided to the Board. Mr. Toohey noted that he had received additional letters and those were submitted to the Board as well. Mr. Toohey provided a visual presentation of the project to the Board noting the parcel in question. He reviewed the Rural Residential District and Residential Neighborhood-1 District. 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. It is a 1.10 parcel, which currently houses a 3 unit building. We have a legal demolition permit for this property. A review of the PUD developed site was presented and reviewed with the Board. All homes in the PUD and zone BB are single family homes per review with the City files. The applicant is requesting a positive advisory opinion to the City Council development.

Discussion ensued among the Board.

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

Joe Curtin, 65 Waterview Drive. We live next door to the property in question. We are here to give our support to this project. We think it is worthy of your support.

Peter Maioriello, residents of Saratoga since 1998. We love our community. We hate the home next door. It has been a problem since we moved there. We are happy that it is finally coming to a conclusion. If you don't allow this it is a big mistake.

Joe Geiger, 51 Waterview Drive. We are in favor of the proposed zoning change and we are in support of this. This is a blight to the neighbors and it is not a historic home. This is a great neighborhood.

Dewey Walling, 63 Waterview Drive. We would like to see the ugly blue house taken down. It is a detriment to the neighborhood. We are in support of this project.

Bill Kreiger, 59 Waterview Drive. We are in full support of this project.

Mike Kerry, Full support, great idea.

Kathy Wales, 68 Waterview Drive (wife of City Engineer). We have lived there for 11 years. I completely support the project and believe it will complete the neighborhood as intended.

Bob Kaiser, 52 Waterview Drive. We enjoy the neighborhood. The blue house is a blight. We are in full support of the project.

Judy Morris, Campion Drive (wife of applicant). It is a beautiful street. It will be a plus having the house gone.

Steph Noller. We moved to Saratoga three years ago from Switzerland. The blue house on the corner is a disgrace. I recommend that it goes.

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

Tom L. Lewis stated it is the only time in his tenure on the Board that the neighbors are all in support of the project.

Jamin Totino stated he was the Board member who advocated waiting to make a decision so information could be reviewed and studied. The more I reviewed the information I have determined I am in favor of the project. There is a disconnect between the Zoning Ordinance and the Comprehensive Plan.

Janet Casey seconded what Jamin stated. It was important for the Board to look at all the other pieces. Ultimately I agree with the project it is a logical project and the neighborhood is entirely in favor of it.

Mark Torpey, Chairman stated this is a fine project. It is the responsibility of the Board in terms of pointing out to the City Council and providing feedback so they can make an informed decision. I do feel it would be important to point out inconsistencies to the City Council in our Advisory Opinion and they are:

- In a Rural Residential zone a conservation analysis is required for any subdivision. It is connected to other RR parcels, that the PUD does not require this in an inconsistency.
- The RR zone, the existing parcel the designation on density is a ½ unit per acre. What is being asked here is to exceed that and that is an inconsistency as well.
- In terms of the Comp Plan it strictly prohibits the PUD expansion in the Conservation Development District. The exact same requirements exist in the RR zone.
- 2 units per parcel are allowed per the PUD. The density which is being requested is really 7 units per acre which is actually twice what is allowed by the Comp Plan in that area.

Mark Torpey, Chairman continued that he is concerned that this could be precedent setting.

Clifford Van Wagner stated this is not precedent setting. Each case stands on its own. There is no other realistic legitimate use for that 1.1 acre other than what is being proposed. The compatibility with the code is exactly what this advisory opinion should say. It is not a dangerous precedent setting thing at all.

Tom L. Lewis stated he agrees with Cliff.

Mark Torpey, Chairman stated the Board is leaning toward a positive Advisory Opinion to the Council. It is consistent from the Comprehensive Plan and Zoning Ordinance perspective. Each project is reviewed on its own merit.

Justin Grassi, Attorney to the Land Use Boards stated some inconsistencies have been identified between the Comprehensive Plan and the Zoning Ordinance. If the Board were desire to give a favorable Advisory Opinion they can still do so stating it is generally consistent with the Comprehensive Plan and the Zoning Ordinance with the exception of these minor inconsistencies. That does reach the goal within the purview of the Planning Board which is to provide the City Council with additional information.

Clifford Van Wagner made a motion for a positive Advisory Opinion to the City Council for this project noting that the project is consistent with the Comprehensive Plan and Zoning Ordinance.

Discussion ensued concerning the motion.

Ruth Horton, Alternate stated she would prefer the motion add Marks recommendations/caveats, to give that information to the Council.

Jamin Totino agrees to provide additional information concerning the inconsistencies to the City Council is his preference.

Justin Grassi, Attorney to the Land Use Boards suggested the motion state that the project is deemed favorable, it is generally consistent with the Comprehensive Plan and generally consistent with the Zoning Ordinance and the goals of the chapter. However, there were some suggestions that there were some minor inconsistencies as noted by the chair.

Clifford Van Wagner made an amended motion for a favorable Advisory Opinion to the City Council concerning the Interlaken PUD proposed map and text zoning amendment. The project is deemed favorable, it is generally consistent with the Comprehensive Plan and generally consistent with the Zoning Ordinance and the goals of the chapter. However, there were some suggestions that there were some minor inconsistencies as noted by the chair.

Tom L. Lewis seconded the motion.

VOTE:

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

MOTION PASSES: 7-0

8:52 P.M. The Board recessed.

8:58 P.M. The Board reconvened.

**4. 04.029.1 ICE HOUSE SITE PLAN MODIFICATION, 70 and 72 Putnam Street, site plan modification review
In a Transect-6 Urban Core (T-6) District.**

BACKGROUND:

Tent proposed as a permanent structure. This would allow for it to remain standing longer than temporary structure time requirements. ZBA has approved variances from required two story requirement, and minimum frontage: build-out 80% required 33.2% approved. DRC approved structure for historic review.

SEORA:

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

Applicant: Lynch's Tavern

Agent: Tonya Yasenchak, Engineering America; Peter Barry, Attorney

Mark Torpey, Chairman stated there are two actions here, site plan modification and a lot line adjustment. At the workshop Steve Shaw, Building Inspector provided the Board with additional information concerning the project. We will review the site plan this evening and the lot line adjustment will be handled administratively.

Ms. Yasenchak stated it has been a confusing process. It was unclear that this needed to be reviewed by the Planning Board and so it appeared before the DRC for a permanent tent and an addition to the building. The DRC did vote favorable on the addition and the tent as a permanent tent. This approval was granted on July 6, 2015. The applicant did put the tent up with a temporary tent permit after the summer of 2015. It was the incorrect permit and the tent remains up. That brings us to this year. There has been discussion between the applicant and the Building Department. We did appear before the ZBA in June of 2016 and we received approval on the 11th 2016. Discussion ensued why this tent cannot be attached to this structure. A history of the building and the property was provided to the Board. An easement exists with Sperry's which does not allow the attachment of the tent to the building. This is not character changing for the neighborhood. We have asked for a lot line adjustment as well.

Mr. Peter Barry, Attorney stated the applicant did go to court to address some of the code violation issues. City legal staff was present as well as Mr. Shaw.

Clifford Van Wagner discussed Steve Shaw's determination concerning the unlawful structure.

Steve Shaw stated the engineer can provide information concerning the fact that it can withstand the wind speed requirements for the area and the snow load requirements for the area than the building department would have no issues from our department standpoint. DRC and the Zoning Board have reviewed this project. When this application appeared before the DRC it was not a permanent structure. The applicant has appeared yearly before the DRC and getting yearly approvals. I do not believe it should have appeared before the ZBA.

Discussion ensued with regard to the removal of the tent, and the Boards purview in reviewing the application.

Justin Grassi, Attorney to the Land Use Board provided some input regarding this tent. The Planning Board cannot act on an application with outstanding violations on the property.

Mark Torpey, Chairman stated what currently exists is an unlawful tent which should come down. A set of plans should be provided to us that verify engineering concerns regarding wind and snow load as well as lighting and electrical needs. It would seem prudent that the application be adjourned until the applicant removes the tent.

5. 16.038.1 PET LODGE, SEORA COORDINATED REVIEW OF AN ANIMAL KENNEL USE, Route 9, SEORA Coordinated Review in Tourist Business (TRB) and Rural Residential (RR) Districts.

BACKGROUND:

Pet Lodge of Saratoga proposing building on the vacant lands on the east side of Route 9/South Broadway (tax parcel numbers 191.8-1-1-6, coordination of SEQRA review and area variance to construct a pet boarding facility and associated site work in the Tourist Related Business and Rural Residential Districts (split zoning on parcel).

SEQRA:

- Action appears to be Unlisted – Part 1 of the short form submitted.
- Required approvals from the ZBA, Planning Board and DRC.
- Coordinated review initiated by ZBA and lead agency proactively deferred to the Planning Board on September 12, 2016.
- DRC deferred Lead Agency Status deferred to the Planning Board on September 21, 2016.

REQUIRED APPROVALS:

- County Planning Board Referral required.
- Planning Board specialuse and site plan review required.
- DRC Architectural review is required.

Applicant: Pet Lodge, Matt Sames

Agent: Mike Toohey; Attorney; Jamie Easton, MJ Engineering

Mr. Toohey provided a visual presentation of the site which is 1.6 acres and encompasses 6 tax parcels with 105 sq. ft. of frontage as well as two zoning districts. The site fronts on the TRB District and the back of the parcel is the RR zone. There are wetland areas delineated in the front and rear of the combined property. Municipal water and on-site septic system is proposed. In the Tourist Related Business District we can have an animal clinic and in the RR we can have an animal kennel. The applicant is proposing to construct a pet lodge for the boarding and grooming of pets as well as an animal day care center. It will be open 7 days a week. Mr. Toohey reviewed the allowable uses. The building will be located 285 ft from the roadway. No land was available for purchase.

Discussion ensued concerning the wetlands and movement of the building forward by utilizing the ability for the zoning district boundary to be moved 100 ft.

Tom L. Lewis made a motion for the Planning Board to accept Lead Agency Status for SEQRA determination.

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

MOTION PASSES: 7-0

APPROVAL OF MINUTES:

Approval of meeting minutes was deferred to the October 13, 2016 meeting.

MOTION TO ADJOURN:

There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 10:00 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 10/13/16