



# PLANNING BOARD

## MINUTES (FINAL)

THURSDAY, JANUARY 26, 2017

7:00 P.M.

CITY COUNCIL ROOM

**CALL TO ORDER:** Jamin Totino, Acting Chairman, called the meeting to order at 7:01 P.M.

**SALUTE TO THE FLAG:**

**PRESENT:** Jamin Totino, Acting Chairman; Janet Casey; Amy Durland; Ruth Horton, alternate; Todd Fabozzi

**ABSENT:** Mark Torpey, Chairman; Bob Bristol, Vice Chairman; Clifford Van Wagner

**STAFF:** Kate Maynard, Principal Planner, City of Saratoga Springs  
Justin Grassi, Attorney for the Land Use Boards arrived at 7:30 P.M.

**ANNOUNCEMENT OF RECORDING OF PROCEEDING:**

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. **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.
2. **16.040 WEST AVENUE MIXED-USE DEVELOPMENT**, 106-120 West Avenue, Special Use permit for mixed-use development within the T-5 Neighborhood Center (T-5) District.
3. **16.025 MENDENHALL SUBDIVISION**, 101 Old Schuylerville Road, 4-lot preliminary conservation subdivision within the Rural Residential (RR) District.

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

Planning Board Caravan, Tuesday, February 6, 2017 at 4:00 P.M.  
Planning Board Workshop, Tuesday, February 6, 2017 at 5:00 P.M.  
Planning Board Meeting, Thursday, February 9, 2017 at 7:00 P.M.

**PRIVILEGE OF THE FLOOR:**

None heard.

**A. APPLICATIONS UNDER CONSIDERATION:**

1. **13.002.2 THE HAMLET**, 52 Marion Avenue, Special Use Permit modification within the Transect-5 Neighborhood Center (T-5) District.

**SEORA:**

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

**BACKGROUND:**

Planning Board approved 54 multi-family units within Building 3 as part of the overall mixed use development at the site. During construction, the applicant constructed an additional unit without receiving approvals. The Building Department discovered the additional unit during inspections. The applicant is requesting approval for the additional unit.

Applicant: Prime Beechwood Development

Agent: Dave Carr, LA Group

Mr. Carr stated the applicant is before the Board this evening for a Special Use Permit modification on the existing project. A visual rendering of the existing project was provided for the Board review. The amendment which we are speaking of focuses on Building 3. We are speaking of the southeast corner of the property a space which is already constructed. The area we are speaking of is first floor from the street, second floor from the parking lot. The building permit for this building stated 55 units. One of the units is an office/model. The applicant would like to now use this unit as a residential unit changing the use of one of those units. Currently in the project there is 43,200 square feet of commercial rented, 9,000 square feet remains with 6,000 square feet of that currently under contract. Right now we have 54 residential units with almost 45,000 square feet of commercial rented. It truly is mixed use and is working quite well. Our request is to take 1,000 square feet of commercial and change it to residential.

Jamin Totino, Acting Chair stated this is the third violation noted on this site. Most notably was the second story violation of Building 2 which fronts on Marion Avenue was not built out as functional space as required per the Transect zoning. Also the HVAC equipment on the other building. I am having a hard time looking favorably on this. The site plan was development and approved and it was not followed. This is the third time the applicant is looking for forgiveness. There are other options available to the applicant.

Amy Durland stated she agrees with Jamin. If you look at this as a density bonus then what about dedicating it to some affordable housing.

Mr. Carr stated he doesn't know why it would be considered a density bonus when all the applicant is requesting is a change from commercial to residential. Changing one use for another. Mr. Carr spoke concerning the space in this area. He continued with you have a developer who came in and developed this site which was an eyesore for over ten years converting it into something nice.

Todd Fabozzi stated he was not on the Board when this project was approved. My reaction is that this is a bad precedent. Do what you want and then ask for approval.

Mr. Carr stated it was on the building plans. They constructed it and now they are looking to use it as something else. It was also discussed if this unit could be a live work unit. It would be different from those which have been constructed but we have no problem in converting this to a live work unit.

Jamin Totino questioned how that would be enforced.

Kate Maynard, Principal Planner stated Home Occupations are permitted within thresholds in Zoning Ordinance. For further defined commercial and residential space, enforceability would be difficult in terms of that one unit. It might be difficult to keep tabs on and enforce.

Amy Durland stated there have been some projects approved by the Board and then the plans have been disregarded and the applicant returns. Notably several meetings ago 5 acres of a no cut buffer were cleared. There is some sensitivity to the project being approved and then disregarded and brings up the question of the weight of the approvals and the specifics.

Ruth Horton questioned anything to help mitigate the request.

Mr. Carr stated the applicant did enhance the traffic improvements on Excelsior Avenue as part of this project.

Ruth Horton made a motion to for a Special Use Permit modification for The Hamlet, 52 Marion Avenue.

Janet Casey seconded the motion.

**VOTE:**

Jamin Totino, Acting Chair, opposed; Janet Casey, in favor; Ruth Horton, in favor;  
Amy Durland, opposed; Todd Fabozzi, opposed

**MOTION FAILED: 2-3**

Amy Durland made a motion that the proposed modification to the special use permit be denied.

Jamin Totino, Acting Chair seconded the motion.

**VOTE:**

Jamin Totino, Acting Chair; in favor; Janet Casey, opposed; Ruth Horton, opposed;  
Amy Durland, in favor; Todd Fabozzi, in favor

**MOTION FAILED 3-2**

2. **13.073.1 HENRY STREET MIXED USE**, 79 Henry Street, site plan extension for new construction within the T-6 District.

**SEQRA:**

Additional review not required with site plan extension.

**BACKGROUND:**

Site plan approval issued by the Planning Board for the project. Chair signature of Mylar on August 8, 2015. Zoning ordinance requires construction to begin within 18 month of signature of final plan. Applicant is requesting an 18 month extension of this timeframe.

Applicant: Places in Saratoga, LLC – property owner has changed

The applicant is looking for an extension. The ownership has changed, partnership dissolved. All engineering and design is complete. The property is currently up for sale. I am currently attempting to keep all approvals granted by the City up to date. We are requesting an 18 month extension.

Kate Maynard, Principal Planner provided information on the application and extension until August 8, 2018.

Jamin Totino made a motion in the matter of the application for the Henry Street Mixed Use, 79 Henry Street, site plan extension approval be approved until August 8, 2018.

Janet Casey seconded the motion.

**VOTE:**

Jamin Totino, Acting Chair, in favor; Janet Casey, in favor; Ruth Horton, in favor;  
Amy Durland, in favor; Todd Fabozzi, in favor;

**MOTION PASSES: 5-0**

**3. 17.002 CONGRESS STREET APARTMENTS, 92 Congress Street, Special Use Permit for conversion of commercial building into multi-family residential within the Transect-6 Urban Core (T-6) District.**

**SEORA:**

Action appears to be a Type II action, no further action required.

**BACKGROUND:**

Existing 2 story building consists of 10,050 square feet commercial space in the T-6 Urban Core District. Proposal is to convert space to 8 apartments – 4 on each floor.

The City's zoning permits residential units on the second floor and above with site plan review. Because residential is proposed on the first floor, a special use permit is required.

Applicant: DCG Development

Agent: Matt Hurff, Frost Hurff Architects

Mr. Hurff stated following the applicant's last appearance before the Board resubmission of information and plans was provided to the Board. New layout retains commercial space along the front portion of the first floor with 2 residential units to the rear. We believe this is what the Board was suggesting and we would be happy to move forward with that modification.

Amy Durland questioned how the parking issue is being resolved.

Mr. Hurff stated if there is home occupancy that does allow some overlapping. Also, reducing the residential down to two units 1.5 spaces is required per unit, and also we are reducing the square footage we are picking up a couple of spaces for the smaller commercial spaces.

Discussion ensued among the Board concerning the evaluation for the criteria for Special Use Permits.

Ruth Horton made a motion in the matter of the application of the Congress Street Apartments, 92 Congress Street

Special Use Permit for conversion of commercial space into multi-family residential, while retaining 2250 square feet of first floor to remain commercial.

Janet Casey seconded the motion.

**VOTE:**

Jamin Totino, Acting Chair, in favor; Janet Casey, in favor; Ruth Horton, in favor;  
Amy Durland, in favor; Todd Fabozzi, in favor;

**MOTION PASSES: 5-0**

**NOTE:**

The agenda was heard out of order awaiting arrival of Counsel to the Land Use Boards.

5. **17.006 SCOTT RESIDENCE**, 227 Kaydeross Avenue Extension, Sketch Plan Review of a 12 lot residential conservation subdivision within the RR District.

**BACKGROUND:**

Sketch plan review for 12 lots within the Rural Residential District.

Project is proposed within the RR District. Residential subdivisions are required to fulfill conservation subdivisions-first Providing a conservation analysis, completing the calculation for number of possible units, then review of proposed layout and items such as preservation of 50% open space.

Conservation analysis discussed with applicant as being helpful for the Board to review and provide feedback on proposed layout.

Applicant: Witt Construction

Owner: Christine Scott

Agent: Dave Carr, Matt Brobston, LA Group

Mr. Carr stated the project proposed is within the RR District. Residential subdivisions required to fulfill conservation subdivisions, first providing a conservation analysis, completing the calculation for number of possible units, then review of proposed layout and items such as preservation of 50% open space, etc. The site is a little over 34.4 acres. Army Corp of Engineers wetlands is present on the site. The LA Group did walk the property, and the wetlands were mapped. With a conservation subdivision you can create the size of the lots and setbacks. A little over 5½ acres are designated as wetlands, and steep slopes which leaves approximately 28.8 acres divided by the minimum lot size under zoning provides 14 lots. In a rural residential zone 50% of the unconstrained land needs to be held in a conservation subdivision. So we are speaking of a little over 14 acres. The property is located on a plateau area. Mapping appears to indicate steep slopes, stream, and forested area all present on site and connecting with surrounding current open space adjacent. Potential rural view shed along 600 ft. of property frontage. A conservation subdivision does not require minimum lot size. Setbacks are set by the Planning Board during the design. Flexibility possible to offer varying lot sizes, configurations that can assist in preserving larger contiguous tracts of open space, features on the site. Proposed configuration consists of 12-1 acre sites that extend to the back of the site. Within center of the site, the area proposed for conservation and to be conveyed to the City. Public water is available extending from Kaydeross Avenue East.

Sewer is not proximate, requiring septic systems. Soil information is not provided. Septic system space needs can vary, may be compatible with further clustering. Outside septic systems are required and they need to be at least 100 feet buffer from a wetland or water which dictates where the houses are sited. There is an existing house, barn and pond on one lot which will remain and 11 additional lots. A visual was provided of the clustering of the proposed homes, noting the site constrictions. Mr. Carr noted there is a lot of work to be done. The applicant is looking for input from the Board if they should move forward on this project.

Todd Fabozzi stated Mr. Carr did review some of the characteristics of the RR zone. However, I see this as a typical cookie cutter suburban development. A proposal in this area needs to be truly rural character. In the conservation subdivision approach we need to see up front features treated in a comprehensive sensitive way and fit this to those features. You note going over wetlands and streams, there are a number of things which need to reverse before homes are laid out in this area.

Jamin Totino, Acting Chair stated he agrees. A conservation subdivision it is an odd process because the Planning Board has a lot of leeway on how it can be shaped. Ideally what it should start with is the Planning Board and City Staff Should make a site visit to walk the property even before a proposal is put forth to better understand the land features that we want to preserve and that can include a variety of things. Several examples are Meadow Vista and Beaver Pond. That is honestly where we should have started. We have the ability to preserve any area the Board deems it to be preserved. We would like to schedule a site visit.

Todd Fabozzi stated the visual impact of what is being proposed here as well as maintains the rural character.

Jamin Totino, Acting Chair stated some issues are the lot size, tighter clustering of the homes. Perhaps a broader cul-de-sac encompassing the wetland area.

Todd Fabozzi questioned fragmenting the landscape. There are environmental impacts.

Amy Durland stated she agrees with what has been said. The Comprehensive Plan states that conservation guides development and that is the biggest concern. No minimum lot size and I agree with Todd's comment concerning the road crossing the stream. This would need to be consistent with conservation guidelines, soils and environmental features for a better understanding. We do need to look at adjacent properties to see what the potential is for conservation in the larger area. Soils and environmental features, we cannot proceed without a better understanding of those features and their limitations. The cul-de-sac is completely suburban and unacceptable. I am not convinced this is the best way to go in terms of conservation principals. Mainly, the view from the road is not the only conservation principal. Aesthetics is only one of the angles to conservation. I agree with Todd this looks like a conventional subdivision. It needs to go back to the drawing board.

#### **PUBLIC COMMENT:**

Frank Scarpinato, homeowner. Mr. Scarpinato stated he hopes the Board takes the whole ridge into consideration.

Kate Maynard, Principal Planner mentioned the project and offer for City to be conveyed open space property has been shared with the Open Space Committee. We have had concerns regarding ownership and monitoring of preserved open space, especially with smaller subdivisions. Historically, the City has not desired to assume the ownership and maintenance responsibilities with individual properties. HOA ownership, third party ownership are options. Reciprocal easements assigned to future property owners have been utilized, especially in consideration of smaller open space tracts of land.

4. **16.046 SAMES MIXED-USE BUILDING**, 20 Bowman Street, Special Use Permit for residential on second floor within the Tourist Related Business (TRB) District.

## BACKGROUND:

Project proposal includes eating and drinking establishment on the first floor, one residential unit on the second floor. Special use permit required for second story residential. Site plan review will be required for the eating and drinking establishment.

## SEQRA:

Action appears to be an unlisted action.

Kate Maynard, Principal Planner stated the applicant is before the Board this evening for a Special Use Permit for residential on the second floor within the Tourist Related Business District. The applicant has submitted a site plan however they have not submitted the actual Site Plan Application with further detail. Information has been submitted for the Board to continue with its SEQRA review.

Applicant: Matt Sames

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

Mr. Toohey stated the applicant is before the Board this evening for a Special Use Permit for the second floor residential unit. A visual presentation of the site was provided to the Board. Bowman Street parcel is 12,490 ft and is a pre-existing lot back to 1942 adjacent to the Horseshoe Inn. We are in the Tourist Related Business Zone. Eating and drinking establishments are a permitted use in this area. The neighborhood in which it is located houses the Horseshoe Inn to the south. South of that is a motel which is in the process of being restored. Barns for the harness track behind and directly behind us is an existing 4-8 unit structure. North of the property is an open field and is used for parking during the racing season. North of this are several multi use structures. Many of these properties the existing uses are not consistent with the zoning code as it exists today. Directly across the street is a stable and a 4-6 unit use, and a single family home and our property. The neighborhood in which it is located houses the Horseshoe Inn to the south. South of that is a motel which is in the process of being restored. Barns for the harness track behind and directly behind us is an existing 4-8 unit structure. North of the property is an open field and is used for parking during the racing season. North of this are several multi use structures. Many of these properties the existing uses are not consistent with the zoning code as it exists today. Directly across the street is a stable and a 4-6 unit use, a single family home and our property. We have received an area variance from the ZBA allowing us to maintain an eating and drinking establishment. That has already been granted. Residential uses above the first floor are permitted with a Special Use Permit. A proposed visual rendering of the project was provided. No outside music or amplified music is proposed. Mr. Toohey reviewed Part II of the SEQRA Short Form as well as the criteria for a Special Use Permit.

Todd Fabozzi questioned the lighting specific to the Special Use Permit.

Mr. Toohey stated there will be interior lights in the residence and one porch light. Any other lighting will be confined to the site itself. Exterior lighting will be down facing and one street light installed which is mandated by the City.

Ruth Horton questioned the hours of operation.

Mr. Toohey stated bars and restaurants are allowed to remain open until 4 A.M. This is a different nature of a restaurant. If it makes the Board more comfortable, we will agree to closing at 2 A.M.

Amy Durland stated she is not sure if citing the problems with the bar next door is a particularly compelling point for your client.

Mr. Toohey stated it is because it describes the neighborhood. One of the tests speaks about community.

Amy Durland stated it is a recognized problem but it is not the only element in the neighborhood. It is the most intensive element in the neighborhood but I wouldn't say it was consistent with the neighborhood. There are very few restaurants downtown that is open until 2 AM. Is the proposed use a restaurant or a bar?

Mr. Toohey stated it is a restaurant.

Discussion ensued concerning the hours of operation of the Horse Shoe Inn bar and several local restaurants.

Jamin Totino, Acting Chair stated the difference for him is that this is a year round operation. That is different on neighborhood impact. Some of the restaurants on Beekman Street close around 11PM or midnight because they are in a neighborhood. Some of the comments made about the Horseshoe Inn are only during the summer. This would suggest it be more consistent with restaurants than bars to fit in more with the neighborhood.

**PUBLIC HEARING:**

Jamin Totino, Acting Chairman stated the public hearing was opened and remains open.

Jamin Totino, Acting Chairman asked if anyone in the audience wished to comment on this application.

**Ed Miller, Joan Antheresta**, we live on Ludlow Street. We own the horse barn across the street from this project. Ms. Antheresta stated they are here this evening to oppose the special use permit for this bar/restaurant. This is a 1500 square foot restaurant on a slab I feel the menu is unrealistic since you need 2 bathrooms, and a bar and a dining area. You need refrigeration, compressors, and storage as well as stoves, ovens and dishwashing equipment. The Horseshoe is for sale. The bar closes at 2AM and the music is off at 11:00 PM. NYRA is planning a large expansion to enhance their bar area. This is a quiet neighborhood and everyone gets along well and is very respectful of the horses. They have horse awareness. Fear of an absentee owner with an apartment above the restaurant/bar. Questioned the removal of 10 mature trees. It will change the character and quality of the neighborhood. The noise is a concern. Once a Special Use Permit is issued; we have to live with it. Horses and people's lives are in danger.

Jamin Totino, Acting Chairman stated many of these items can be reviewed and discussed at site plan review.

**Rev. Vivian Franklin**, 122 Crescent Street. She has lived in this area for 3 years and is the new pastor of the church at this location. Once the racetrack season is over it is over in Saratoga. The rental properties are all over Saratoga. People want to live in Saratoga but the rents are too high. Questioned who will take care of the property and maintain it. Children are on the street worried about accidents.

Mr. Sames stated he lives 17 minutes away, not really an absentee owner.

Jamin Totino, Acting Chairman asked if there were any further questions or comments from the Board.

Amy Durland questioned the applicant concerning the space for a kitchen, bar area and the size of the building. I would like to ask the applicant to comment on that it is a large enough space for 54 seats.

Mr. Sames stated he has been assured that the menu offering will be small plates not seven course meals. The kitchen does not need to be huge. Everything is reduced. Mr. Sames assured the Board that the footprint is a large enough space.

Ruth Horton questioned the proposed removal of the trees which will change the character of the neighborhood.

Mr. Toohey stated the trees in question are not on the applicant's property.

Kate Maynard, Principal Planner questioned if the property lines were clearly marked in the event the Board would like to have a secondary site visit.



Justin Grassi, Counsel to the Planning Board stated he would like to reaffirm what Kate and Mr. Toohey had stated. Although there is a Special Use Permit before the Board that can be acted on. Before any actions occur, we need to review SEQRA. This will review all impacts of the entire project including the eating and drinking establishment and as was observed by Jamin and Amy just because there is a neighboring parcel that may have moderate or significant environmental impacts already that does not preclude us from finding that this parcel may have similar environmental impacts.

**Mr. Miller** stated the property is marked and the plan states removal of vegetation. I counted 20 trees inside the fence on the applicant's property.

Jamin Totino, Acting Chair stated again this is something we would review during Site Plan Review.

Kate Maynard, Principal Planner reviewed if there was no change to this property if it remains as it currently is, an eating and drinking establishment can be considered with Site Plan Review by the Planning Board.

Jamin Totino, Acting Chair questioned if the applicant did nothing to this property the applicant could open a restaurant on this site right now. I actually do not see a huge impact here. Many of the criticisms we have heard are based on some assumptions that are not founded. I agree that there are some potential hazards in the neighborhood and potential impacts I am not sure how significant those are. We will review the SEQRA Part II form and listen to the Boards comments and concerns.

Janet Casey and Ruth Horton both concurred with the Acting Chair that the majority of concerns can be reviewed at Site Plan Review.

Amy Durland questioned if the trees will be there when the applicant returns for Site Plan Review.

Mr. Toohey stated nothing will be touched until Site Plan Review is completed, the applicant does not own the property.

Amy Durland stated she agrees that there are allowed uses on this property that the Board does not have purview over. Site Plan is a significant process and so I am not disagreeing that a lot of these issues can be discussed. I am still uncomfortable with and am trying to picture the characterization of this project. On one hand you portray it as a year round restaurant. I look at the sample menus but it still looks like a significant effort and they do appear as entrees.

Mr. Sames stated they have only provided an example of food they have prepared in the past it is not necessarily what will be prepared at this site.

Amy Durland stated it is a neighborhood restaurant and an allowed use, it is something that might be acceptable in the neighborhood if there is control over the hours and the noise. On the other hand my concern is that it could morph into something that is more of a concern to the neighborhood. This is my concern and how to address SEQRA because it does go to the fundamental question of consistency and character of the neighborhood.

Jamin Totino, Acting Chair stated the Special Use Permit does go with the property. Our concern would be long term.

Amy Durland discussed the portion of the SEQRA review having to do with consistency with the character of the neighborhood. This could be answered in several ways depending on the use more of a bar or more of a restaurant.

Justin Grassi, Counsel to the Land Use Boards stated, for the purposes of SEQRA we would need to contemplate any of the permitted uses that that would be in there. We would look at the scope and the intensity of use, the impacts for a bar until 2 AM if they were serving alcohol. We would be looking at that unless that scope is revised and not what they were seeking.

Amy Durland can we be specific about hours during the SEQRA process.

Justin Grassi, Counsel to the Land Use Boards stated one of the things you can do, since finding that there is potential moderate to large impacts concerning noise, or taking down trees, what we can do is recognize that there are impacts there and then in Part III of the SEQRA analysis you can indicate why it is not likely to have significant adverse if the Board should find not significant negative impacts to the environment and outline the reasons why. For example during Site Plan Review we would identify the trees that would stay and could also limit the number of hours.

Mr. Toohey stated what the applicant would like to do is during racing season the establishment stay open until 2AM. For the rest of the year the restaurant will close at midnight.

Justin Grassi, Counsel to the Land Use Board stated that may put to rest the concerns. That could be under whatever the Board finds could be a change in the use and intensity of the land, change in the quality or character of the existing community where ever you thought there would be an impact.

Todd Fabozzi questioned the mature trees are you willing to agree that these will not be taken down.

Mr. Toohey stated one of the things which was stated earlier, no trees will be removed. We will need to return before this Board for Site Plan Review and we will analyze every tree on the property. We are trying to address the complaints of the neighbors and we thought the full fence would be appropriate there as well as remaining landscaping. Some trees are not on our property.

Jamie Easton stated there will be grading of the parking lot in the rear near the property line. We will keep the trees and review this during Site Plan Review. The applicant has agreed to this.

Jamin Totino, Acting Chair, reviewed Part II of the SEQRA form.

No large or important areas of concern were noted.

#### **SEQR DECISION:**

Ruth Horton stated that based upon the information provided by the applicant in Part I of the SEQR Full Environmental Assessment Form, and analysis of the information provided and presented in Part II of the SEQR Full Environmental Assessment Form, the project will not result in any large and important impacts and, therefore, is one that will not have a significant adverse impact on the environment. Based on this, I move to make a SEQR negative declaration for this action.

Janet Casey seconded the motion.

Jamin Totino, Acting Chair asked if there was any further discussion.

None heard.

#### **VOTE:**

Jamin Totino, Acting Chair, in favor; Janet Casey, in favor; Ruth Horton, in favor;  
Amy Durland, in favor; Todd Fabozzi, in favor

#### **MOTION PASSES: 5-0**

Kate Maynard, Principal Planner made a clarification in reference to #4 on the SEQRA form which talks about the critical environmental area is referring to Loughberry Lake. That is what the City has denoted is within our boundaries.

Janet Casey made a motion in the matter of the Sames Mixed Use Building, 20 Bowman Street application for the Special Use Permit for residential on the second floor within the Tourist Related Business District be approved.

Ruth Horton seconded the motion.

Jamin Totino, Acting Chairman asked if there was any further discussion.

None heard.

**VOTE:**

Jamin Totino, Acting Chair, in favor; Janet Casey, in favor; Ruth Horton, in favor;  
Amy Durland, in favor; Todd Fabozzi, in favor

**MOTION PASSES: 5-0**

9:11 P.M. The Board recessed.

9:17 P.M. The Board reconvened.

**6. 17.009 BENTON TRUST SUBDIVISION, 58 Fifth Avenue, Advisory Opinion to the ZBA on a 2-lot residential subdivision with the UR-1 District.**

Kate Maynard, Principal Planner stated the Board on February 11, 2016 issued a Favorable Advisory for a substantially similar application. It has returned before the Board slightly revised. It has been deemed a new application by the ZBA, and that is why it is before this Board again.

**SEQRA:**

Action appears to be Unlisted. A short EAF was submitted by the applicant. Part II of the SEQRA to be completed by the Board.

Applicant: Tom Roohan; Managing Partner, 519 Broadway, LLC; Chris Benton, owner

Agent: Dave Carr, Matt Brobston, LA Group; Michelle Anderson, Anderson Burns Attorney for the applicant;  
Matt McPadden, Contractor

Mr. Carr stated the applicant is before the Board for an Advisory Opinion to the ZBA. If the applicant is successful in obtaining the required relief requested we will return before this Board for subdivision approval. Mr. Carr provided an aerial view of the neighborhood noting the existing home and proposed site of the new lot as well as a view of the neighboring properties. The existing parcel is just over 1600 square feet, and has an existing home on it with a driveway and a large open yard. It is 160 feet wide. We are seeking variances which would create a lot which is consistent in size, lot width, and setbacks with the adjacent residential lots on Fifth Avenue bordering the Oklahoma Track. We have made some adjustments to the property line, which was at an angle; it is now perpendicular to Fifth Avenue. Mr. Carr reviewed the requested variances requested.

**AREA VARIANCE CONSIDERATION:**

	REQUIRED	PROPOSED	TOTAL RELIEF REQUESTED
Minimum average lot width: Lot 1	100 feet	91.5 feet	8.5 feet (8.5%)

Minimum lot size: Lot 1	12,500 sq. ft.	9,150 sq. ft.	3,350 sq. ft. (27%)
Minimum average lot width: Lot 2	100 feet	75 feet	25 feet
Minimum lot size: Lot 2	12,500 sq. ft.	7,500 sq. ft.	5,000 sq. ft. (40%)
Minimum total size yard setback: Existing house on proposed lot 1	30 ft.	10.3 ft.	19.7 feet (66%)
Maximum principal building coverage: Existing house on proposed lot 1	20%	32%	12% (60%)

Mr. Carr stated what is different than the previous application is that we now have a preliminary house design and a builder. We have located the new house and garage on the lot. The proposed home and location are very much in keeping with the character of the neighborhood.

Janet Casey stated she was in favor of this application at it's last appearance before the Board. She is happy that the lot line has changed.

**PUBLIC COMMENT:**

Jamin Totino asked if there is anyone in the audience who wished to comment on this application.

None heard.

Ruth Horton made a motion in the matter of the Benton Trust Subdivision, 58 Fifth Avenue Advisory Opinion to the Zoning Board of Appeals that the Planning Board issued a Favorable Advisory Opinion to the ZBA.

Amy Durland seconded the motion.

Jamin Totino, Acting Chair asked if there was any further discussion.

None heard.

**VOTE:**

Jamin Totino, Acting Chair, in favor; Janet Casey, in favor; Ruth Horton, in favor;  
Amy Durland, in favor; Todd Fabozzi, in favor

**MOTION PASSES: 5-0**

**APPROVAL OF MINUTES:**

Jamin Totino, Acting Chair made a motion to approve the minutes of the November 22, 2016 Planning Board Meeting as submitted.

Janet Casey seconded the motion.

**VOTE:**

Jamin Totino, Acting Chair, in favor; Janet Casey, in favor; Ruth Horton, in favor;  
Amy Durland, in favor; Todd Fabozzi, abstained

**MOTION PASSES: 4-0-1**

Amy Durland made a motion to approve the minutes of the December 8, 2016 Planning Board Meeting

as amended.

Janet Casey seconded the motion.

**VOTE:**

Jamin Totino, Acting Chair, in favor; Janet Casey, in favor; Ruth Horton, in favor;  
Amy Durland, in favor; Todd Fabozzi, abstained

**MOTION PASSES: 4-0-1**

Jamin Totino, Acting Chair made a motion to approve the minutes of the January 12, 2017 Planning Board Meeting as amended.

Amy Durland seconded the motion.

**VOTE:**

Jamin Totino, Acting Chair, in favor; Janet Casey, in favor; Ruth Horton, in favor;  
Amy Durland, in favor; Todd Fabozzi, in favor

**MOTION PASSES: 5-0**

**MOTION TO ADJOURN:**

There being no further business to discuss Jamin Totino, Acting Chair adjourned the meeting at 9:30 P.M.

Respectfully submitted,

Diane M. Buzanowski  
Recording Secretary

APPROVED 2/23/17