



# PLANNING BOARD

## MINUTES (FINAL)

THURSDAY, APRIL 5, 2018

6:00 P.M.

CITY COUNCIL ROOM

**CALL TO ORDER:** Mark Torpey, Chairman called the meeting to order at 6:00 P.M.

**SALUTE TO THE FLAG:**

**PRESENT:** Mark Torpey, Chairman, Janet Casey; Clifford Van Wagner, Ruth Horton, Todd Fabozzi;

**LATE ARRIVAL:** Amy Ryan, Alternate, arrived at 6:01 P.M.  
Bob Bristol arrived at 6:10 PM

**ABSENT:** Jamin Totino, Vice Chairman

**STAFF:** Kate Maynard, Principal Planner, City of Saratoga Springs  
Mark Schachner, Counsel to the Land Use Board – arrived at 7:50 PM

**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:**

**16.025 MENDENHALL SUBDIVISION**, 101 Old Schuylerville Road, 4-lot preliminary conservation subdivision within the Rural Residential (RR) District.

**17.061 STATION LANE APARTMENTS, (ASKEW)**, Station Lane, Special Use Permit for 36 multi-family residential units within three proposed structures within the Transect-5 Neighborhood Center (T-5) District.

**17.057 CERRONE SUBDIVISION**, Old Schuylerville Road, two lot residential conservation subdivision within the RR District.

**17.074 EXCELSIOR PARK (2017)**, Excelsior Avenue and Ormandy Lane, Special Use Permit for mixed use development including 163 residential units, 36,200 square feet of commercial space and a 60 room hotel with restaurant within the T-4 & T-5 Districts.

**17.075 SPENCER SUBDIVISION**, Kaydeross Park Road, and Arrowhead Road, final 22 lot subdivision within The Suburban Residential-2 (SR-2) District.

**16.018 REGATTA VIEW PHASE 3**, Union Avenue and Dyer Switch Road & Regatta View Drive, Site Plan review for construction of 24 residential units within the Interlaken PUD District.

**17.063 WASHINGTON STREET HOTEL & SPA**, 19-23 Washington Street, SEQRA consideration of Lead Agency Status and coordinated review for construction of 62,567 square foot Hotel & Spa within the T-6 Urban Core District.

**COMMENTS FROM THE CHAIR:**

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

Planning Board Caravan, Monday, April 16, 2018 at 4:00 P.M.

Planning Board Workshop, Monday, April 16, 2018 at 5:00 P.M.

Planning Board Meeting, Thursday, April 19, 2018 at 6:00 P.M.

**PRIVILEGE OF THE FLOOR:**

None heard.

**A. POSSIBLE CONSENT AGENDA ITEMS:**

Note: The intent of a consent agenda is to identify any applications that appear to be “approvable” without need for further evaluation or discussion. If anyone wishes to further discuss any proposed consent agenda item, then that item would be pulled from the “consent agenda” and dealt with individually.

**1. 17.033.1 120 HENRY STREET SUBDIVISION EXTENSION.**

Kate Maynard, Principal Planner, City of Saratoga Springs stated there were three separate approvals the Board acted on for this project. Special Use, Site Plan and Subdivision. Subdivision has an initial 180 day approval time frame which is much shorter than the 18 month time frame for the other two actions. That time period has already been reached. They are before you to extend their approval. Additional unlimited number of 90 day periods may be considered and granted by the Board individually.

Ruth Horton made a motion in the matter of the 120 Henry Street Subdivision Extension application that the 90 day extension be approved.

Janet Casey seconded the motion.

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

None heard.

**VOTE:**

Janet Casey, in favor; Clifford Van Wagner, in favor; Amy Ryan, Alternate, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Mark Torpey, Chairman, in favor

**MOTION PASSES: 6-0**

**B. APPLICATIONS UNDER CONSIDERATION:**

- 1. 18.012 109 WASHINGTON STREET,** 109 Washington Street, Final site plan review for 3 multi-family residences within the Urban Residential-4 (UR-4) District.

**SEQRA:**

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

## **BACKGROUND:**

Planning Board approved site plan in 2014 almost exactly same as current. Project was allowed to expire. New owner and consultants proposing project again before the Planning Board. 3 parking spaces being proposed on-site. The ZBA granted approval for variances from minimum lot size for 3 residences, and minimum setback for parking from 25' required to 0' at their June 23, 2014 meeting. Site plan review is required by the Planning Board, and architectural review by the DRC for the proposed action. Rear open staircase addition is added with new submission.

Kate Maynard, Principal Planner, City of Saratoga Springs stated the applicant was unable to attend the workshop. I requested an overview of the project in its entirety for those Board members who were not on the Board in 2014, as well as what has been completed or changed. Back in 2014 some of the items the Board was interested in were the assurance that the parking for the site would be located on the property not on street parking. Also a confirmation of the calculation. What you are looking at is a pre-existing two family residence. The net increase being requested now is an additional unit. The determination calculation which was made is 1.5 parking spaces being required on site. The applicant is proposing 3. Secondly, there were several easements required during the course of review. Public utilities were found on the private property, so the applicant will provide the status update as to those two easements as well as the assurance that the City can reach those actual utilities in case of any need.

Mark Torpey, Chairman stated the ZBA has granted the variances for this project. DRC will also provide architectural review for this proposed action.

Agent: Mike Bianchino, Lansing Engineering; Michael Albrecht, SD Atelier Architecture

Mr. Bianchino stated this project is a single parcel .14 acres located at the corner of Washington and Walworth in a UR-4 zone where multi-family parcels are permitted. It currently has a two story parcel on it. It has been vacant for many years and fallen into disrepair. The new owner has invested in the property, and has begun to perform some exterior maintenance and repairs on the siding. The intent of the owner is to restore the building to its original character and convert the building into a 3 family dwelling. First and second floors will consist of 3 bedroom units and a studio apartment in the attic. The exterior porches will be renovated and an additional porch area constructed and connected to an existing porch at the rear of the building. The owner has proposed an exterior stair, rear deck and walkway which would connect to the side porch which leads to the existing sidewalk on Walworth Street as well as the proposed parking area. The main reason for the exterior stair and walkway was to provide a code compliant egress and maintain the original integrity of the inside of the building. The original design for the renovations included some interior structural changes to obtain a second form of egress; this compromised the historic character of the home. The architect has been working with the building inspector on this particular portion of the project.

## **NOTE:**

Board Member Bob Bristol arrived at 6:10 P.M.

Mr. Bianchino provided information to the Board concerning the topography of the site and grade changes. We are proposing to install a small retaining wall around the parking area which will house 3 parking spaces and a driveway. The project includes a new 2" water line which will connect to the water line on Washington Street for both domestic and fire safety use. A new 6" sanitary sewer line will tie into the existing sewer line on Washington Street. The proposed site plan is consistent with the approved site plan in 2014. Area variances were required for the exterior stairs and deck. Those variances were approved in July of 2017. The project has also gone through an architectural review and received approval in August of 2017.

Clifford Van Wagner questioned the drainage on the site due to the significant grade change on the site.

Mr. Lansing stated the applicant is proposing to grade the parking area and the pavement to a new catch basin which will drain out to existing catch basin system on Walworth Street.

Mark Torpey, Chairman questioned if the appropriate easement language has been approved concerning the easements on the site.

Mr. Lansing stated the survey map and the easements have been filed. The original plan which was approved included 2 street trees along Walworth Street and one light consistent with the City standards. The existing fence along the rear of the property will remain. There will be some plantings and the site will be cleaned up.

Mr. Albrecht, SD Atelier Architecture stated the new rear staircase is meant for code compliance and secondary egress.

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

None heard.

**PUBLIC COMMENT:**

**Maureen Curtin**, 125 Grand Avenue. I speak for the neighbors. We are very appreciative of the restoration being completed on this project. It was an abandoned home and is becoming a charming addition to the neighborhood.

**Randal DeShone**, I live around the corner. This is a very beautiful project. Thank you. The fencing should be restored and/or replaced.

**Steve Romaro**, 119 Washington Street. Concern was voiced about the number of the units, because of the lack of parking in this area. Also recommend the repair or replacement of the fencing.

Mark Torpey, Chairman spoke to the applicant's agent to perhaps clean up the site as part of this application. Would Shelters of Saratoga be amenable to repair and cleaning of the area surrounding the fencing as the rear property line neighbor.

Libby Coreno, Shelters of Saratoga, deferred to Mike Ingersoll.

Mike Ingersoll, LA Group spoke and stated this is part of the site plan and we can address it. Not opposed to it.

Mark Torpey, Chairman stated in the motion perhaps the addition of a caveat that the applicant has agreed to work in good faith with the adjoining neighbors to remedy the property line fence disrepair and clean up.

Clifford Van Wagner made a motion in the matter of 109 Washington Street, final site plan review for 3 multi-family residences be approved as submitted with the caveat as noted by the Chair.

Ruth Horton seconded the motion.

Mark Torpey asked if there was any further discussion.

None heard.

**VOTE:**

Janet Casey, in favor; Clifford Van Wagner, in favor; Amy Ryan, Alternate, in favor; Bob Bristol, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Mark Torpey, Chairman, in favor

**MOTION PASSES: 7-0**

2. **13.031.4 RIP VAN DAM**, 353 Broadway, Site Plan modification within the Transect-6 (T-6) Urban Core District.

Applicant: Saratoga Springs Partners, LLC – Jim Quinn

Agent: Tony Stellato, CHA; Matt Chauvin, Attorney

**SEQRA:**

Negative declaration issued for project and correlated Hamilton Street Parking Garage. Current project proposes changes to uses (removal of banquet facility, addition of eating and drinking on top floor), but anticipates an increase in square footage to the space. Planning board analysis of whether the project is overall below the threshold for SEQRA negative declaration of if the action needs to be opened for anything to be considered.

**BACKGROUND:**

Planning Board issued site plan approval for original hotel and banquet facility proposal in 2014. Original approval was for a 176 room hotel, with a banquet facility for 200 people. They have changed the design somewhat. Current proposal is a 159 room hotel, and rather than a banquet facility, it is now a 4200 square foot restaurant proposed with 120 seat capacity. There has been a modification to this.

Mark Torpey, Chairman stated the Planning Board has reviewed this new design and layout over several meetings and in every respect and every comment made the applicant has been very responsive to what we have asked in modifying the design. We did receive an updated traffic analysis provided for current proposal versus approved project provided. The DRC has provided the Planning Board with a Favorable Advisory Opinion on this project. This project will require further review by the DRC but we have this favorable information which was requested in our pro active review. We do have comments from the Saratoga Springs Preservation Foundation and SHPO which are posted on the web for anyone to access and review.

Kate Maynard, Principal Planner, City of Saratoga Springs reminded the Board along the streetscape; we spoke about this being an important connection. The Board and staff have spent some time in reviewing and providing dialog with the applicant in terms of some improvements. Modifications have been made to the front of the actual structure. Some recent items in terms of adding some additional items to further declutter or to add openness to the area. The applicant has been in contact with the Arts Commission as well. They have provided guidance. The applicant has provided the proposed modification. So listing of the original conditions of approval on the Notice of Decision and their proposed agreement to continue with those terms or how we propose to modify that.

Mark Torpey, Chairman stated we will reaffirm the SEQRA decision as well as site plan modification.

Applicant: Saratoga Springs Partners, LLC – James Quinn

Agent: Matt Chauvin, Attorney; Tony Stellato, CHA

Mr. Chauvin stated the last time the applicant appeared before this Board you recommended we complete the process with the DRC for purposes of evaluating Mass and Scale. We received a favorable referral from the DRC with regard to Mass and Scale. At this time they are pleased with the project. One of the most significant issues we discussed at our last appearance before the Board was perspective and the visual feel of the building from that point of view. The applicant has taken significant steps to show the Board what the views will look like from different areas of the City as well as the view of the Washington Street corridor.

Tony Stellato, CHA provided the approved site plan from 2014 with a visual view of the project. The revised building lines were provided in a visual presentation of the project. Different elevations and different streetscape views from all access points from the street were provided for the Boards review.

Kate Maynard, Principal Planner, City of Saratoga Springs spoke concerning the meetings staff, Chair and the applicant has had with regard to the large green transformer. Conversations have moved forward with National Grid and great strides have been made as well as their intention to work closely with City on further projects. Each individual project will have its own service connection to the property. For all intents and purposes the green box will be gone.

Mr. Stellato provided a visual of the transformer room located on the Rip Van Dam site. Renderings of the project for the Boards review were also provided. Visual slides of the views of the project were provided to the Board noting the lightening up of the building frontage. The parking proposal has not changed. The parking garage is on Hamilton Street and will provide approximately 341 spaces. We are currently working with the UPH to provide parking on event nights for them due to the excess of spaces. Public access will remain as available.

Kate Maynard, Principal Planner, City of Saratoga Springs stated the two projects are tied together. The Certificate of Occupancy for the garage must be signed prior to the hotel being completed and operational. There is some opportunity for a potential public or other destination usage in the parking garage as long as first all hotel related parking taken care of.

**PUBLIC COMMENT:**

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

None heard.

Janet Casey stated she was concerned regarding the bulkiness of the building and feels the improvements are terrific. It fits better and the look of it has lightened up and the applicant responded well to what the Board was looking for.

Mark Torpey, Chairman stated the Board will now reaffirm the SEQRA Negative Declaration. With the reduction in room size and the transition from a banquet facility to a restaurant the traffic counts are lower. A Favorable Advisory Opinion was received from the DRC.

Ruth Horton made a motion for the reaffirmation of a SEQRA Negative Declaration on the Rip Van Dam, 353 Broadway site plan modification application.

Todd Fabozzi seconded the motion.

**VOTE:**

Janet Casey, in favor; Clifford Van Wagner, in favor; Amy Ryan, Alternate, in favor; Bob Bristol, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Mark Torpey, Chairman, in favor

**MOTION PASSES: 7-0**

Mark Torpey, Chairman stated he would like to review the previous Notice of Decision for clarification purposes. We have gone through a fairly rigorous review.

Review of Conditions of Site Plan Approval:

1. Banquet facility will offer events for a maximum of 200 people.  
The banquet hall has been eliminated from the project. A small restaurant has been added on the sixth floor of the hotel approximately 4200 square feet with 120 seats.
2. A 30 foot setback for the stop bar on Washington Street will be required to be installed. All signage and conditions as noted with Public Safety comments of October 10, 2013 shall be fulfilled. This remains the same.

3. The existing Washington Street loading area will remain on the north side of the street but will be relocated between the projects two access points. This has changed and the commercial zone will be shifted 40 feet east of the approved location which is 25 feet west of its current location.
4. One way egress of the site will be a right out only to discourage vehicles from turning left to head east to Broadway. This requirement will be reinforced via a bull nose curbing and signage.
5. To assist in providing a viable transportation alternative for hotel patrons to reach local destinations and reduce individual car trips. The applicant shall contribute \$20,000 to increasing the time span and frequency of seasonal CDTA shuttle service or towards overall pedestrian bicyclist and transit accommodations within Saratoga Springs.

Kate Maynard, Principal Planner, City of Saratoga Springs stated that has been received and our partnership with CDTA over the past year has been great. They are coordinating and running the bike share program. Our ridership on the seasonal trolley has more than quadrupled over the last two years. We are now looking at increasing the frequency and also the routes. It is a valuable example to show the money is working very well in our community.

6. Applicant will work with CDTA and shall offer bus passes to the employees of the hotel. This will be reflected in the hotel's enrollment with CDTA's Universal Access Program.
7. Applicant shall post web based driving directions to direct drivers to the Hamilton Street Parking Garage Facility instead of the hotel.
8. Hamilton Street parking garage will serve the parking needs of the hotel and employees of the facility. The garage is required to continue to serve these uses in this capacity in order to retain its Certificate of Occupancy. 40 spaces shall be allocated to the tenants of 260 Broadway. Public parking shall also be offered as capacity allows.
9. The Hamilton Street Parking Garage must receive its Certificate of Occupancy and be operational prior to any certificate of occupancy being issued for the project.
10. Garbage collection shall be made in along Washington Street with bins rolled out at time of garbage truck Pick up. Bins shall not remain along Washington Street frontage for any length of time. No longer in effect. In the new proposal garbage collection shall be made in the underground delivery area; no bins will be rolled out to the street.
11. Shared service driveway shall serve the needs of the hotel, Maestro's and the Adelphi Hotel. All delivery vehicles using the service driveway shall pull in and turn around in the loading dock area, no backing in or out of the vehicles will take place.
12. Utility lines shall be removed along the Washington Street frontage and utilities placed underground. A required transformer shall be sited to the rear on adjacent property. The executed easement is required to be provided to the Planning Department.
13. Storm sewer infrastructure shall be constructed along Washington Street west of the subject property boundary and to the north along Broadway and tie into existing public infrastructure as illustrated on the revised plans. Cost to be shared by Adelphi Hospitality Group and Bethesda Episcopal Church in a manner acceptable to the City Engineer. Coordination between the involved property owners is ongoing, and the applicant understands and agrees that a building permit for this project will not be issued until an agreement has been executed by all parties.

14. The proposed streetscape improvements on Broadway as modified are approved by the Planning Board, with final details subject to Planning Board Chair approval. All improvements within the City Right-of-way are subject to DPW Commissioner approval.
15. Radiant sidewalks as proposed by the applicant along the Washington and Broadway frontage shall be installed as shown on the revised site plan.
16. Final parking lease agreement between Rip Van Dam Hotel and the Hamilton Street garage site must be approved by the City Attorney and/or Planning Board Attorney. This has been completed.
17. Remainder of escrow required for retention of Creighton Manning Engineering for services to the City Planning Board shall be provided by the applicant.
18. Written agreement among the applicant, Adelphi Hotel, and Maestro's assuring that common vendor deliveries to both facilities will be coordinated so as to avoid duplicate delivery trips to the same vendors to the maximum extent possible.
19. Civic space and the curation of that should be involving the Art Commission and subject to the Planning Board Chair and/or staff approval.

Todd Fabozzi made a motion in the matter of the Rip Van Dam, 353 Broadway, that the site plan modifications be approved as noted by the chair.

Bob Bristol seconded the motion.

**VOTE:**

Janet Casey, in favor; Clifford Van Wagner, in favor; Amy Ryan, Alternate, in favor; Bob Bristol, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Mark Torpey, Chairman, in favor

**MOTION PASSES: 7-0**

3. **17.071 LAGUNA HOMES SKETCH SUBDIVISION**, 41-45 Jefferson Street, Sketch 4-lot residential subdivision within the Urban Residential-2 (UR-2) District.

**BACKGROUND:**

41 Jefferson Street history site formerly owned by Jelenik. Property was proposed for development previously and did not move forward. New owner Andre Scmid proposing current 4 lot subdivision and potential conveyance of property to the City.

The parcel is rectangular with 140 foot frontage on Jefferson Street. Similar to other recent proposals that are deeper parcels, additional units proposed that do not all front on a public street but instead propose a shared access and dead end street configuration.

Mark Torpey, Chairman stated the Board did make a site visit and what is being proposed are four residential lots.

**SEQRA**

Action appears to be Unlisted, no formal review required with sketch.

Applicant: Andre Schmid, Laguna Homes

Agent: Dave Carr, LA Group; John Hurlman, City of Saratoga Springs, Recreation Department

Mr. Carr provided some history of this project. Back in October or November the applicant submitted an application for a six lot subdivision on this lot which is approximately 1.2 acres. Following the application submittal the agents met with the Mayor, City Attorney, and John Hurlman and City Staff. The City questioned the applicant to see if he was interested in entering into an agreement with the City to sell or transfer to the City property to improve parking situation at the City Recreation Center. We reviewed our plans and again met with the City. In reviewing our plans, we are currently proposing a 4 lot subdivision. All lots meet the zoning requirement of 6600 square feet in a UR-2 zone. Private access drive and a shared driveway for all 4 lots. The Jefferson Street fronting lot will face Jefferson Street with an entrance. Also included in this project is a sidewalk connection from Jefferson Street to the lot. .4 acres of this land my client has decided to donate or transfer to the City. What this plan shows is an option, it is up to the City. In meeting with the mayor we presented land which will house 68 parking spaces versus 22 parking spaces which currently exists. We can introduce some green space. We are looking for a privacy fence and some screening. Those details will be worked out with the City and the land transfer. City Council will be involved in this.

Kate Maynard, Principal Planner, City of Saratoga Springs, spoke about the site. On the process mentioned currently John Hurlman, Parks Director has been looking at this situation. He has spoken with 4 City Council members at this time. The goal here is to make the Board aware of the current proposal. The subdivision would be up to the Board's normal review and approval in looking at this project. The Council will need to actually approve the conveyance of property in this manner. Positive conversations have occurred, but there will be an actual conversation with the Council to have this information conveyed.

Discussion ensued among the Board concerning the property conveyance and subdivision. It was the consensus of the Board that this is a great project and great for the City. The Board members thanked the applicant for the property conveyance.

7:24 P.M. The Board recessed.

7:34 P.M. The Board reconvened.

4. **18.006 PEPPERS CORNER**, 173 Lake Avenue, Special Use Permit for a convenience sales use in the Urban Residential-3 (UR-3) District.

#### **BACKGROUND:**

Site is currently host to Moby Rick's. It is pre-existing non-conforming use status per correspondence from Steve Shaw. Convenience sales are permitted in a UR-3 District with special use permit and site plan review.

Convenience sales is classified as a small retail establishment providing a limited line of groceries and household items, and catering primarily to nearby residential areas. The use may have up to twenty seats for customers consuming food sold or prepared on-premise. Gasoline pumps shall not be permitted unless separately authorized.

#### **SEQRA:**

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

Mark Torpey, Chairman stated what is being considered this evening is a Special Use Permit for convenience sales use in a UR-3 District. Currently this site has a 1,064 square foot structure which will be removed and replaced with an in kind replacement. A single story single tenant is the proposal. With the newly situated structure on the site no variances will be required from the Zoning Board of Appeals.

**DISCLOSURE:**

Bob Bristol stated he has received notice that his property is within 250 feet of Peppers. I do not have anything that fits into our new guidelines for recusal requirements. I am disclosing this. The only other disclosure is that the applicant has been a long time friend and colleague.

Kate Maynard, Principal Planner, City of Saratoga Springs stated the project has been revamped. It was formerly a larger footprint overall which would have required variances in the past and has gone before the ZBA. During that process the applicant decided to alter the proposal and has been largely reduced in size. The current proposal does not require any variances and is zoning compliant. This arrives to the Board as convenience sales defined use and a Special Use Permit. Additional information available on the web is correspondence from the Building Inspector, Steve Shaw which he makes the determination that the use as proposed is a convenience sales use.

**CORRESPONDENCE RECEIVED BY THE BOARD:**

Kate Maynard, Principal Planner, City of Saratoga Springs noted the following correspondence was sent to the ZBA and per the request of the authors of these letters have been included/forwarded to the Planning Board. This correspondence reflects the prior project and not necessarily the current project before the Board.

Joan and John Brophy, 171 Lake Avenue – written correspondence dated 07/17 & 7/24/17.

Dillon and Jen Moran, 177 Lake Avenue – written correspondence dated 07/24/17.

Jim Faucci, Attorney-written correspondence dated 09/28/17.

Joan Brophy, 171 Lake Avenue- email correspondence dated 04/04/18.

Dave and Karen Dixon, 10 Warren Street – written correspondence dated 04/05/18.

Dillon and Jen Moran, 177 Lake Avenue – written correspondence dated 04/05/18.

Maribeth Wallingford – written correspondence dated 04/06/18.

Joan and John Brophy, 177 Lake Avenue – written correspondence dated 04/06/18.

Kate Maynard, Principal Planner, City of Saratoga Springs noted any additional correspondence received this date has not yet been posted on the web but will be uploaded on the next business day.

Applicant: Tom and Renae West

Mr. West stated we are proposing this project to revitalize 173 Lake Avenue and bring 9 Miles East into Saratoga. A visual presentation of the previous project site was provided. The current structure has no foundation or insulation. We originally planned to have two buildings for two tenants. Our neighbors were very much opposed to the project with the fish market and another tenant. We are sympathetic to the neighbors and we went back to the drawing board. We are now proposing a 1,000 square foot one story convenience store. A visual of the proposed floor plan was provided to the Board. Convenience sales are permitted in a UR-3 district with Special Use and Site Plan Review. We now be providing off street parking. The new project will have a basement for storage. We can accommodate 20 seats indoors with 10 of those moving outside in the good weather. 9 Miles East has a great reputation in this area. They will sell their freshly prepared products and other products as well as sundries.

Mr. West reviewed the criteria for Special Use Permit noting it is consistent with the Comprehensive Plan and the Zoning Code which accommodates this type of use in this zone. These types of local markets are a dying breed in cities. We understand our neighbors concerns and we cut the project in half. It has been designed to replicate the type of building which currently exists. It is consistent with the mixed uses currently found on Lake Avenue. There are a variety of uses on this major state highway. It has residential, schools and other activities. Another convenience sales was approved in this area- Augie's. That demonstrates our use is consistent and compatible with the neighborhood. Concerning the infrastructure and public facilities and services, there will be no increase in demand since we are replacing in kind. We will reduce the amount of permeable surfaces. If we proceed with permeable pavement we will cut this in half. We will use rain gardens and such to be a model for the City in terms of stormwater management and control. We will use dark sky compliant lighting as well as down lighting. Hours of operation are 7am – 10 pm which we

feel is a reasonable proposal. We have met Gordon Sax of 9 Miles East is requesting a long term lease. He has a large customer base in this area and we are happy to afford that to him. With regard to the safe pedestrian and vehicular access circulation and parking. We currently have 5 spaces in the back which will accommodate employees and patrons. Deliveries are a concern of the neighbors.

What we have done and spoke with Public Safety is the parking spot out front with a 15 minute time limit. This will be converted to a loading zone area to be used for deliveries to the store. Bicycle parking will be available out front. We will restore the sidewalks as well.

**NOTE:**

Mark Schachner, Counsel to the Land Use Boards arrived at 7:50 P.M.

Gordon Sax, 9 Miles East Farm owner, spoke regarding designating delivery times to the store from 9AM-5PM 5 days per week. There will be 3-5 deliveries per week for this store in a medium sized delivery truck. Majority of the operation is delivery based. Delivery hours are 5PM – 10PM.

Clifford Van Wagner spoke regarding the delivery hours and hours of operation.

Mr. West stated delivery is a benefit to this project for those who cannot get to the store and thereby reducing the patrons to the store.

Mr. Sax stated what his vision is for the store providing locally grown products and items which will save a trip to the grocery store. No alcohol will be sold.

Discussion ensued concerning the hours of operation and delivery service hours and delivery trips as well as the number of outdoor patio seating area.

Mark Torpey, Chairman requested a copy of the most current letter of determination from Steve Shaw, Building Inspector. We need more information concerning the proposed project in terms of an onsite kitchen.

Mr. West stated he will do more research concerning the hours of closing and deliveries.

**PUBLIC HEARING:**

Mark Torpey, Chairman opened the public hearing at 8:14 P.M.

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

**Joan and John Brophy**, 171 Lake Avenue. The Brophy's spoke regarding the corner store at 173 Lake Avenue. Over the last 16 years there have been different tenants with no parking lot. Moby Rick's has been a nightmare and spoke regarding complaints concerning this store odors and noise. No accountability and no response over the years despite all the complaints lodged against the operation. It's a busy corner. There are many issues here.

**Karen Dickson**, 10 Warren Street. Ms. Dickson spoke about the hours and buffer zone.

**Jim Bogo**, Warren Street. Concerned regarding the hours and the parking and traffic. It will be a nightmare.

**Randall Dayshone**, East Beekman Street. You can visit the farm, the cleanliness, and the food they produce. There is no fish on their menu so the smell is not an issue. The 10 P.M. hour is not that late. I am supportive of this.

Mr. Sax stated his commercial kitchen is in Schuylerville. All the prepared foods will continue to be made at this location.

Mark Torpey, Chairman stated the Board is interested in obtaining the current correspondence from Steve Shaw noting the current operation and proposal, not necessarily what was provided in 2013.

Kate Maynard, Principal Planner, City of Saratoga Springs stated she will speak to Steve Shaw concerning the 2017 letter to be provided to the Board.

Mark Torpey, Chairman stated the Board would also like some data provided concerning the delivery schedule and 10 P.M. closing time. Few perspectives on the duration of the hours of operation and some alternatives. Verify that the building has no historical significance. Also, the opportunity for a loading zone on Lake Avenue and will verify this from DPW. Also the number of outdoor seating allowed. The applicant has some homework to do. April 19<sup>th</sup> is the next scheduled meeting.

8:36 P.M. The Board recessed.

8:46 P.M. The Board reconvened.

5. **18.005 SHELTERS OF SARATOGA**, 14 Walworth Street, Special Use Permit for use as a neighborhood rooming house within the Urban Residential-4 (UR-4) District.
6. **18.011 SHELTERS OF SARATOGA**, 14 Walworth Street, Site Plan Review for neighborhood rooming house in the Urban Residential-4 (UR-4) District.

Mark Torpey, Chairman stated this application is before the Board for Special Use Permit and Site Plan Review in a UR-4 District. The Planning Board reviewed this new application at its last meeting on March 15, 2018. The applicant had provided an overview of the project. We did not open the public hearing at that time since we had some issues with a public notice. Tonight we will open the public hearing and gather feedback from everyone here. Since the last meeting on March 15, 2018 we have received some additional information. We have a Code Blue Operational Blueprint that was provided as a document on April 2, 2018. We also received a Code Blue Program Statistics which was received on April 2, 2018 and is also available on the web. We received comments from the Police Chief which was received on April 4, 2018. We have also received correspondence from Claudia Braymer, Attorney for several neighbors with regard to documents that have been provided to the Planning Board in the previous project review and would like to have considered for this review and made part of the new application as well. Also received this date is an Annual Report template provided to the Board by Libby Coreno, attorney for Code Blue and Shelters of Saratoga.

Kate Maynard, Principal Planner stated one additional item, we also did receive additional correspondence from Maureen Curtin, this date. All additional correspondence received has been provided in hard copy for the Board. They will be posted on line tomorrow morning.

Mark Torpey, Chairman stated since the Board has received an abundance of materials this week, and as recent as today, we are not as a Board in any position to make a determination. What we would like to do this evening is gather up the feedback and open the public hearing but I believe we need some additional time to review this information. We will give everyone an opportunity to share their thoughts.

#### **DISCLOSURE:**

Janet Casey disclosed that she and her husband are regular donors to Shelters of Saratoga, and Code Blue.

Applicant: Shelters of Saratoga;

Agent: Libby Coreno, Attorney, Carter, Conboy - Shelters of Saratoga & Code Blue; Mike Finocchi, Executive Director of Shelters of Saratoga; Marcy Dreimiller, President Board of Directors of Shelters of Saratoga; Mike Ingersoll, LA Group; Don Petersimons, former Code Blue client

Ms. Coreno, Attorney with Carter, Conboy in Saratoga Springs and representing Shelters of Saratoga who is before the Board this evening for Special Use Permit and Site Plan Review. A visual overview of the site and the property location at 14 Walworth Street was provided for the Board. Currently the configuration of four lots will be combined to accommodate this project. A visual presentation of the project was provided to the Board noting how the project will fit mass and scale wise onto the site as well as parking. A scaled rendering of the building was provided as well. The Board requested some updated program statistics which were provided in written form and also provided visually. We are pleased to report there were 54 successful transitions from Code Blue this year. This means a successful transition from Code Blue to a stable environment. The Code Blue Operational Blueprint was also submitted for the Boards review and is also available on the web. This speaks how code blue operates, staffing blue print and shift coverage's and monitors. We also provided our arrival procedure. Our hours are 7pm on Monday to Thursday during a Code Blue alert. Doors open at 5pm on Friday, Saturday and Sunday to coincide with the closing of the public library. There is a sign in procedure, time of arrival is documented and guests must arrive of their own accord, if they cannot an emergency call is made. Guest's bags and coats are checked and patted down to ensure there is no contraband. Any items not conducive to safe sheltering is confiscated and disposed of. All rules and policies are reviewed. 10 pm lights out. Morning discharge is staggered from 9:00 am to 9:30 am with the exception of those who leave for work and depart earlier. Neighborhood Advisory Council Policy has changed 2500 feet radius eligibility for neighbors to serve on the Board. There is a proposal of ten members, 4 neighbor representatives, 1 representative of the police department, 1 representative from SOS, 1 representative from Code Blue, 1 outreach coordinator, and 2 representatives from the Shelters of Saratoga Board of Directors. The Board will be appointed by the City Council or the Mayor for a term of 2 years. Any other stakeholders are welcome to participate as well. This Council will meet quarterly. Ms. Coreno provided information on what the Neighborhood Advisory Council would be reviewing, monitoring and handling of complaints. Annual report to the City Council and the Planning Board along with an operational summary will be provided to both by April 1<sup>st</sup> of each year. A visual sample of an annual report as well as a summary of the police department calls was provided for the Board review. Ms. Coreno reviewed the Memorandum of Understanding from 2017. The Planning Board reviewed the MOU made the following recommendations as part of their approval.

1. The Code Blue Shelter will only operate during the times a State-mandated Code Blue alert is in effect, unless appropriate approvals are obtained from the City via application to the entire Planning Board to amend the Special Use Permit.
2. All outdoor nighttime activity shall cease at 10:00 P.M. nightly.
3. Gate providing access to Marvin Alley shall be closed and locked at all times, opening only for deliveries or specific access needs to the site.
4. A maximum of 50 guests shall not be exceeded on any single night the Code Blue Shelter is in operation.
5. As outlined by the applicant, guests shall be released from site in morning or when temperatures increase above 32 degrees over time, not all at once.
6. During periods of time that a Code Blue alert is in effect, Shelters of Saratoga or its successor will dedicate staffing and finances to monitor the grounds and immediate surrounding neighborhood.
7. As outlines by the applicant's description, the Shelter will institute a permanent Neighborhood Advisory Council (NAC) that will include at least 4 neighborhood residents residing within 2,500 feet of the property.
8. The Code Blue Shelter shall abide by provisions as set forward in Neighborhood Advisory Council Policy – Shelters of Saratoga – Code Blue, last revised on June 6, 2017. In the event of any discrepancy between the submitted policy and any provision of this decision, the decision revision shall apply.
9. The Director of Code Blue Shelter in conjunction with the Neighborhood Advisory Council shall provide the Planning Board an annual report providing overview of Code Blue shelter operations, including programming statistics as well as any issues or neighborhood complaints, provided in April of each year. Upon basis of police reports, notable neighborhood input or complaints regarding Code Blue shelter activity, the Planning Board may require the applicant to provide additional information or appear before the Planning Board to discuss provisions of the Code Blue shelter's operation.

We agree with all the stipulations and conditions set forth in the above document. The parking for Code Blue is in close proximity and adequate. If there is any change whatsoever the applicant will return before this Board for modification

and/or amendment to the Special Use Permit. A video of a short presentation outlining the mission of Code Blue and Shelters of Saratoga was provided.

**Don Petersimes**, 107 Caroline Street, spoke regarding his experience on the streets as well as his experience with Code Blue and with their support he successfully completed rehab is now 2 years sober and is now living in his own apartment.

### **PUBLIC HEARING:**

Mark Torpey, Chairman opened the public hearing at 9:15 P.M.

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

**Edward John Hamil**, participant of Code Blue. Code Blue is necessary for the people, not only for the winter months but year around. These resources need to be available year around as well.

**Nora Brennan**, Anders Street. I think this is a really good idea. I volunteer at Code Blue for the past 3 years and it has brought a depth of understanding regarding these people in our community. They are on our streets. The risks exist whether this building is built or not. This is important for us to do.

**Tim Hoff**, Fawn Drive. Several years ago my wife and I became volunteers at Code Blue. It opened my eyes to our community and what exists here. We go in on weekends and cook breakfast. We have never felt threatened or scared. Seriously consider this it can only help our community.

**Matthew and Suzanne Dickson**, 25 Franklin Street we have lived here for ten years and we love it. This has been a wonderful place to live and raise our boys. I speak tonight in opposition to the proposed project. It will be a detriment to the west side. I question the appropriateness of the location.

**Joe Banea** stated we are trying to find common ground in Saratoga concerning Code Blue. This neighborhood does not have the proper capacity to support this large non sober shelter. We ask the Board to reject this proposal.

**Don Petersimes** stated he totally disagrees with what the gentleman stated. This program helps people who have fallen through the cracks.

**Sandy Lewis**, 60 Franklin Street. Spoke regarding Code Blue. Our neighborhood accommodates several facilities for both homeless and low income population, more so than other parts of the city. Other cities place their code blue facilities in commercial areas, not in the middle of a residential area. Bethesda House has proposed housing Code Blue in their new facility. This is not a neighborhood rooming house. I respectfully ask that you do not approve this application at this time.

Neighbor at 147 Woodlawn Avenue. We are better than this. These are our neighbors. Every one of these people is our neighbors. We are giving them a place to go. The people who are complaining about where to place this facility are the same people who complain when they are on the streets. We are giving them a place to go. You don't want them on the streets but you don't want them in Code Blue and you don't want Code Blue in your neighborhood. We don't have an industrial area in Saratoga we have neighborhood and these are our neighbors. We are better than this.

**Kathy Cameron**. I live one block away. We have no problem. We have more problems with an occasional drunk Navy guy and far more with tourists and summer brings vacationers, but not with the Code Blue folks. There is a way to do this if we are committed to it.

**Sherri Grinter.** I am a private advocate for the homeless. Shelters of Saratoga does an awesome job in helping people to get people off the street. Maximum of 50 has already been outgrown. We do not have low income housing for some of these people.

**Molly Cavanaugh,** work in Franklin Square for more than 12 years. I also have a 3 year old child and I volunteered at Code Blue. I am coming up on 7 years sober. I don't think this a good fit in this location. People do deserve a chance. This is a bigger problem and is not the best use of this space or donation. This is an inferior solution. Seeing people coming and going from Code Blue and again they are working to improve their lives. I appreciate what shelters is doing is essential. This need is too big for this small space. We do need a Code Blue shelter in a better location than what is being proposed.

**Ceilia Dillon,** Franklin Street directly behind the Code Blue Shelter. I believe in the shelter simply not in this location. We have seen double digit increases in 3 years and is verified by their statistics. We are already nearing the 50 people benchmark. When additional towns are being added the population is far beyond the number it can accommodate.

**Steve Romero,** live around the corner from the shelter. I have had problems with the current shelter. I am very supportive of the Shelter and Code Blue. They have very noble missions. I have found trash, cigarettes, and beer cans. I park on the street on Walworth Street. You cannot go down Walworth Street without passing clients from the shelter smoking. It is a health issue. I do not support it being increased or enlarged.

**Colleen Morgan,** 7 Dublin Square Lane. I oppose the project on Walworth Street. I do not believe this is in harmony with the City's Comprehensive Plan.

**David Rellsback,** 118 Washington Street. I am a worrier. I have seen a level of scrutiny by the Board which is impressive with regard to traffic volume, decibel levels and such on other applications. I hope you apply this type of scrutiny to this project as well.

**Claudia Braymer, Attorney.** We represent approximately 20 people who either own property or reside near the Code Blue Shelter located at 14 and 20 Walworth Street. These are concerned neighbors who support finding a solution for the homeless in a way that is in harmony with the code and also with the existing community character. We heard tonight how we really need a comprehensive solution to provide all of the services for people who are homeless not just during the Code Blue season. One thing I took note of this evening when Attorney Coreno presented the MOU elements which in my opinion have been completed and incorporated into their application. You approved almost all of those elements when you went through and gave your approval last time. This time I didn't see anything that stated this particular use would only be open when there is a Code Blue in effect. So if they are no longer going to stay within those limits then we are looking at a completely different project. I believe they need to completely amend their application so that the Planning Board and all of the public can understand what Shelters is actually proposing. Are we doing a Neighborhood Rooming House, a Code Blue Shelter or is it some sort of year long facility to provide services to people who are not necessarily homeless, they just need services for addiction problems, etc. This really needs to be clarified and if they are going to change from other than a Code Blue Shelter they need to amend their application. We have submitted a power point presentation previously as well as a letter dated March 18, 2018. I do have some points of the Power point presentation I would like to hit on this evening. Before I begin I want to update you on the lawsuit. This is not a neighborhood rooming house. The Zoning Board stated it was and this is before the judge for a determination. I think it would be prudent for this Board to wait until this determination is received prior to making a determination on this project. Waiting 5 or 6 weeks for this determination is not too much to ask of this Board. Concerning the Special Use Permit Criteria one of the Boards primary considerations is the density and intensity of the use and the compatibility with the character of the neighborhood. Here you have heard over and over again. This is a residential neighborhood, a UR-4 District. With the Episcopal Church site which is not before you tonight but this is in a Transect-6 Neighborhood. Pretty much any use can go in a UR-6 District. This is very different from a UR-4 District. The population on the Shelters of Saratoga small lot would go from 35 people to 85 people. Even with strict rules in place for the current residents we heard the Police were called there almost 100 times in a year period previously. The Police Chief noted in his correspondence that there were 108 calls to the Code Blue Facility this year. That is an

enormous change and increase in intensity. It will change the density of the neighborhood and negatively impact the character of the community and that is grounds for you to deny it under the Special Use Permit criteria. I will note some of the Chief of Police's comments from his letter that Attorney Coreno did not review. I do understand the quality of life and public safety concerns that are apparent surrounding the Code Blue Shelter and our local homeless population. The Police Chief went on to say to be certain, quality of life issues are always present when dealing with the homeless population, specifically panhandling (which occasionally can be aggressive but is generally limited to our downtown area) trespassing, intoxicated individuals and minor disputes. Those are things that will be intensified and exacerbated having an additional 50 homeless people in that tiny lot on the shelters site. We argued to the ZBA that this is not a neighborhood rooming house. The ZBA deferred to you about the number of guests who could be there. I can go on to determine the number of people allowed in a neighborhood rooming house and have concluded the number is 16. This is far more than 16 people. The proposed use is going to be far more intense than what is allowed under the Special Use Permit for neighborhood rooming house. Shelters does not plan to provide transportation to and from its site. When the Code Blue shelter is closed, people will be loitering on the streets and alleys and will negatively impact safe pedestrian traffic and probably vehicular access as well. These are all ground for the Board to deny the Special Use Permit under the Special Use Permit Criteria. New residential projects since the Board reviewed this application last year show this is a desirable residential neighborhood, and a proposed Code Blue Shelter would negatively impact the long term economic viability of the site, the neighboring properties and districts. Under your site plan review criteria the number of parking spaces is a criteria here the number of parking spaces indicate the high intensity and density of the use and shows that the use is far more intense than a real neighborhood rooming house. Looking at the zoning code the required number of spaces for a neighborhood rooming house in this situation is 4. Your code states you can have 20% over that. So, you could have 5. Here they are proposing 10. This is double. Again, double the intensity allowed of the neighborhood rooming house. The proposed Code Blue Shelter should not be permitted because it would then be a third principal structure on the lot. The zoning code prohibits more than one principal use on any one lot. Here you have the Shelters residence at 20 Walworth Street which is where they want the Code Blue Shelter added onto the back, as well as the Community drop in shelter. I would like the Board to review this carefully because if approved the Board would be allowing 3 principal uses on one lot. I ask the Board to carefully review and scrutinize this project. In addition to parking also consideration should be given to the stormwater management and impervious surfaces they are creating. We ask that you keep the public hearing open until the Board receives the response from the Judge. We also request that you deny this project and that the community will pull together and support an alternative location for the Code Blue Shelter.

**Maureen Curtin**, 125 Grand Avenue. We are the neighbors who oppose this. Having a Code Blue Shelter at 20 Walworth Street would adversely impact us. In the July 2017 Notice of Decision you have chosen to ignore our concerns. Instead you noted the Neighborhood Advisory Committee will address all these concerns. This is not in harmony with the Comprehensive Plan. A Code Blue Shelter does not belong in a residential neighborhood. Bethesda House has recently shown their plan for an area to house the homeless. This should be explored.

**Rachel Dwyer**, 33 Franklin Street. Shelters is in my backyard. I have lived here 18 years. There was homeless then and there are homeless now. This place is the right place to put the shelter and will give them a roof over their heads.

**Beth Della Rocco**, 124 Beekman Street. We already have a shelter in our backyards. We put up with the Police, and the homeless in our backyards. They are our neighbors. This is too much in our neighborhood. This is a huge increase in density. We need a facility for the homeless year round.

**Leo Jeffrian**, 38 High Rock. I have been involved with Code Blue from the start. I have been part of the steering committee. There is a misconception that it is fairly easy to find an alternative site for the Code Blue Shelter. This has been a concern right from the start.

Mark Torpey, Chairman asked if anyone in the audience would like to speak on this application.

Libby Coreno, Attorney for Shelters stated she would like to clarify some items. The first noting the 2017 Planning Board Decision 17.017 Condition 1 reads:

The Code Blue Shelter will only operate during the times a State-mandated Code Blue alert is in effect, unless appropriate approvals are obtained from the City via application to the entire Planning Board to amend the Special Use Permit. I referenced each item and we are willing to abide by them. The second thing is the conflation of the mixed population and mixed services. I want to be 100% clear. These are two separate facilities. There are no mixed population on the site. We do everything we can to keep the sanctity of the two facilities and services. We also heard about the number of people served and finding an alternative location. Finding a location that fits what you want is difficult. We are here to tell you why this is a good location for what we can provide programmatically and financially. We believe this is our solution.

Mark Torpey, Chairman asked if there were any further questions or comment from the audience.

None heard.

Mark Torpey, Chairman thanked the audience for speaking and sharing and their patience.

Mark Torpey, Chairman closed the public hearing at 10:20 P.M. We will take everything stated into consideration as well as the information and correspondence we received.

**MOTION TO ADJOURN:**

There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 10:25 P.M.

Respectfully submitted,

Diane M. Buzanowski  
Recording Secretary

APPROVED 7-5-18