



PLANNING BOARD

MINUTES (FINAL)

THURSDAY, MAY 17, 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; Amy Ryan, Alternate; Jamin Totino, Vice Chairman; Bob Bristol, Ruth Horton, Todd Fabozzi;

ABSENT: Clifford Van Wagner

STAFF: Kate Maynard, Principal Planner, City of Saratoga Springs
Justin Grassi, Counsel to the Land Use Boards arrived at 6:30 P.M., exited at 9:40 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:

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 the T-5 District.

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

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

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.

UPCOMING PLANNING BOARD MEETINGS/AGENDA WORKSHOPS:

Planning Board Caravan, Monday, June 4, 2018 at 4:00 P.M.
Planning Board Workshop, Monday, June 4, 2018 at 5:00 P.M.
Planning Board Meeting, Thursday, June 7, 2018 at 6:00 P.M.

COMMENTS FROM THE CHAIR:

Mark Torpey, Chairman announced the resignation of Board Alternate Abigail Wolfson. The Mayor will be appointing a new alternate to the Board. We wish Abby all the best in her new endeavor.

PRIVILEGE OF THE FLOOR:

None heard.

COMMENTS FROM STAFF:

Kate Maynard, Principal Planner, City of Saratoga Springs provided information regarding an upcoming program. The City of Saratoga Springs is partnering with the Center for Economic Growth and SEDC to host an interactive session on energy efficiency, alternative energy production and potential financial support for industrial and commercial uses. This program will be held on June 7, 2018 7:30 am – 9:00 am at Saratoga Eagle. If anyone is interesting in attending please contact staff for reservation information.

A. APPLICATIONS UNDER CONSIDERATION:

1. **17.077 BALLSTON AVENUE TOWNHOMES**, 96/116 Ballston Avenue, sketch plan review for 20 multi-family residential units in a Transect-5 Neighborhood Center District.

BACKGROUND:

Planning Board issued a favorable advisory opinion for zoning amendment for overall area to T-5. Council approved a portion of original defined area; the proposed project is within this rezoned area. T-5 Neighborhood Center is a commercial district. Planning Board saw first sketch review in January 2018. Applicant has now provided traffic report and is seeking specific guidance from the Board on Ballston Avenue access.

Agent: Brian Osterhout, Environmental Design Partnership; Alana Moran, VHB

Applicants: Ginley and Gottman

The applicants were before the Board in January 2018. The applicant is proposing to develop the above mentioned parcels along Ballston Avenue. Mr. Osterhout provided a history and background of the project. A visual presentation of the site was provided to the Board. The project is approximately 1.37 acres. This area was rezoned within the last several years. The proposed project is for 20 townhomes for this site. The townhomes will be facing Ballston Avenue will have a brownstone type feel. This project the preferred concept and access is Finley Street. We also spoke regarding exit only on Ballston Avenue. The units in the rear will be slightly larger than those on Ballston Avenue. In the T-5 district we can get quite dense, however we are only proposing 20 units. This fits into the character of the neighborhood. Due to the traffic concerns of the Board the applicant hired a traffic consultant VHP. Their purpose was to speak about traffic access and circulation as well as trip generations which were addressed with Mark Benaquista. The preferred concept which we have presented tonight is access to both Finley and Ballston Avenue. Also the Board voiced concern regarding civic space. We do have a bus shelter on the site as well as benches. This will be further developed as the project progresses. The current driveway on the site can provide ingress and egress. At peak AM and peak PM hours we are speaking about an additional 9 trip and 11 trips.

Ms. Moran, VHB spoke regarding traffic input and trip generation for this site. The 20 townhomes proposed will increase the trip generation by 9 additional trips in the AM during peak hour and 11 additional trips in the PM peak hour.

Todd Fabozzi questioned if the traffic consultant looked at the accidents in this corridor.

Ms. Moran, VHB stated they reviewed the trip generation plan. Also they reviewed the design report for this high crash corridor. They noted the Lincoln Avenue corridor is to operate at Level of Service B which is very good. The northbound approach to Lincoln Avenue, 14 second delays. This intersection operates well along the project frontage. Ms. Moran provided input to the Board on the area and the corridor.

Ruth Horton questioned since the Finley Street area has new projects coming in the future how that would impact the traffic in this area.

Ms. Moran, VHB stated they did not look at Finley Street. She provided information to the Board concerning trip generation and Level of Service and the determination of such.

Kate Maynard, Principal Planner, City of Saratoga Springs questioned if the second access point whether it is egress ingress however it is built on Ballston Avenue is not required by the trip generation but you are proposing this for the additional circulation.

Ms. Moran, VHB stated the corridor study which was performed did include build out in this area. This intersection still operates at a Level B which is very good.

Jamin Totino stated a letter from the Saratoga Springs Preservation Foundation recommending we consider requesting an Advisory Opinion from the DRC regarding the house which is currently on that property.

Mr. Osterhout stated that home is scheduled to be demolished. This property has been through all the Boards including DRC with the rezoning efforts and never once was historical significance ever brought up concerning this property. It is not a listed site. We are looking to proceed with what the Board is comfortable with in this area. Civic space will be reviewed when we return before this Board. We are open to suggestions.

Mark Torpey, Chairman stated DRC does have jurisdiction over this property. If they could address the point about the significance of this home. The applicant does need to appear before this Board anyway. Why not have that conversation with them first. It seems we could have more conversation with regard to Civic Space and that can be done at Site Plan Review. Moving the bus shelter maybe a good idea. The big issue is the access to Ballston Avenue. Is the Board receptive of the DRC to weigh in on this.

Amy Ryan, Alternate questioned if there was ever a traffic study done including the bus stop.

Ms. Moran, VHB stated where there is transit in the study area we look at the type and frequency of the routes. The frequency of the routes in this area range from every 30 to 50 minutes. This equates to approximately 2 buses per hour. The busses usually dwell for about 30 seconds maximum. During the most frequent trip being 2 buses per hour you are talking about 1 minute. We do not consider this to be an impact for this project.

Mark Torpey, Chairman questioned if there was any further comment from the Board concerning the ingress egress the applicant is proposing in this area. It is not required it is recommended by the applicant.

Discussion ensued among the Board concerning the ingress and egress and Finley Street.

Mr. Osterhout stated this will be further discussed when the applicant returns for site plan.

2. 17.079 ERICSON SUBDIVISION, 517 Grand Avenue, proposed final two lot subdivision in a Suburban Residential-2 District.

BACKGROUND:

Two lot subdivision proposed in the SR-2 District. This district offers potential of clustered subdivision; this is not currently proposed by the applicant. Public water is available at the proposed lot 2 site, sanitary is not. Septic system is proposed.

Mark Torpey, Chairman stated this application is before the Board for a two-lot final subdivision. A waiver is proposed for sidewalks and streetscape details for Slade Road. This is roughly two miles outside the City. This is an unlisted SEQRA action.

Kate Maynard, Principal Planner, City of Saratoga Springs stated this is an SR-2 district. This is one of the districts which allow a clustered subdivision. Public water is available at the site, sanitary is not. Septic system is proposed. A waiver is proposed for sidewalks and streetscape details for Slade Road and Grand Avenue. They applicant would like to have the sidewalks on Grand Avenue not Slade Road.

SEQRA:

Action appears to be unlisted with Planning Board as only involved agency.

Applicant: Patrick Donworth

Agent: Kristen Darrah, Darrah Land Surveying

Ms. Darrah stated her client is proposing a simple two lot subdivision of his property. Both lots meet and exceed the dimensional and area requirements for the zoning designation. The new lot would be created for the construction of a single family home, which would enter and exit onto Slade Road. They will be hooking into public water. A septic system is proposed. They are proposing to clear a minimal portion of the lot. On the south side of the proposed lot they will clear to within 10 feet of the property line. In the rear of the lot they will clear to 10 feet inside of the property line. They will leave 50 feet on the north end of the lot wooded. Ms. Darrah provided an overlay of the proposed lot and site location. The neighboring homes are not close to the property line. A 20 foot backyard is proposed with a 10 foot buffer beyond. Septic details will be going north and south. They will have ample frontage to accommodate the septic system.

PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing at 6:35 P.M.

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

Patrick Donworth applicant stated at the rear they will leave 10 feet of trees. There is an addition 40-50 feet of trees beyond that between us and the neighbors. There will be a fence installed to keep our dogs in the yard. Concerning sidewalks on Slade Road we would have to take down 10-12 trees and remove the privacy from Mr. Ericson. The Grand Avenue portion will be 20 feet from his front porch. Other properties which have been subdivided along Grand Avenue, all those properties enter and exited onto and off of Grand Avenue. They all had Grand Avenue Addresses. Ours will not.

Jamin Totino, Vice Chairman spoke regarding sidewalks. Normally I am a strong proponent of sidewalks; in this case it does make sense to waive sidewalks. There is so much distance between this area and where there are sidewalks. There are no sidewalks anywhere around this area. It seems simple to waive this.

Kate Maynard, Principal Planner, City of Saratoga Springs spoke regarding sidewalks and the waiver and provided them information to the Board concerning the conditions required to waive sidewalks.

Todd Fabozzi discussed the waiving of sidewalks and requirements and the lack of sidewalks in certain outlying areas. All in favor of keeping sidewalks in outlying rural areas. We are creating conditions where people don't walk but will eventually. He would be inclined to require sidewalks on Grand Avenue.

Ms. Darrah stated Mr. Ericson who owns the property stated he would not be inclined to sell the property to Mr. Donworth if sidewalks were required.

Ms. Darrah stated her client would be willing to donate funding to place or repair sidewalks in another area of the city in lieu of on this property.

Mr. Torpey, Chairman stated this is something the Board has considered and done in the past. Is the Board receptive to this and would the City be willing to accept. How would the Board articulate that.

Justin Grassi, Counsel to the Land Use Boards stated as it appears there is no mechanism to do so. We can work out a mechanism.

Kate Maynard, Principal Planner, City of Saratoga Springs stated we have calculated linear footage and we have done similar things. This can be worked out with Finance.

Todd Fabozzi stated he would support that. If you look at the complete streets plan there is a whole area mapped out in the City that we have identified needs sidewalks. I would be fine with that.

Janet Casey stated she agrees with Todd but there is a fundamental inconsistency where plans require sidewalks and some do not. We need guidelines and more clarity.

Jamin Totino, Vice Chairman stated there are some sections of sidewalks on Grand Avenue. He is sensitive to the safety of pedestrians walking in this area. He is not opposed to the sidewalks being placed in other areas of the City.

PUBLIC HEARING:

Mark Torpey, Chairman closed the public hearing at 6:52 P.M.

Mark Torpey, Chairman stated in this case it would be helpful to have some guidelines set in place that we can point to. Since we don't I would be inclined to accept an offering to do mitigation to establish an account in this instance. Then to look at the Planning Board making a policy that we can use going forward to make those decisions when it is acceptable and when it may not be acceptable.

SEQRA:

Part I of the SEQRA Short EAF was submitted by the applicant and is accurate and complete.

The Board reviewed Part II of the SEQRA short form. No large or important areas of concern were noted.

SEQR DECISION:

Jamin Totino, Vice Chairman 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.

Bob Bristol seconded the motion.

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

None heard.

VOTE:

Janet Casey, in favor; Amy Ryan, Alternate, in favor; Jamin Totino, Vice Chairman, 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 the Planning Board shall not approve exceptions or waivers of conditions unless it shall make the findings based upon the evidence presented to the Board that in each specific case:

- A. The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property.

Mark Torpey, Chairman stated the question of public safety maybe safe movement of young children into town. Is the granting of the waiver in violation of condition A.

Jamin Totino, Vice Chairman stated he does not feel granting of the waiver would be detrimental.

- B. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to the other property.

Mark Torpey, Chairman questioned what is unique about this property. The two miles from the center part of town is that triggering the unique aspect of the property.

Jamin Totino, Vice Chairman stated the other sidewalk is only four properties away.

Todd Fabozzi questioned if the properties on the other side of town along the lake has the comparable distance from town in terms of distance. Has that been evaluated for sidewalks?

- C. Because of the particular physical surroundings, shape or topographical condition of the property involved, a particular difficulty for the owner would result, as distinguished from a mere inconvenience, if a strict interpretation of these regulations were carried out.
- D. The relief sought will not in any manner, vary the provisions of the Zoning Ordinance, Comprehensive Plan or Official Map...

Mark Torpey, Chairman stated it seems to be B and C.

Discussion ensued among the Board regarding the above mentioned criterion and waivers of sidewalks. It was the consensus of the Board to allow the waiver of sidewalks on Slade Road. Grand Avenue sidewalks are the concern of the Board.

Ms. Darrah questioned if the applicant is still contributing funds to construct a sidewalk somewhere is it still considered a waiver.

Justin Grassi, Counsel to the Land Use Boards stated arguably it is not a waiver. What we are pointing to in the code is a description of the streets. If we are saying this is going to be in lieu of by putting sidewalks on the other side of the street we are not waiving anything as far as design.

Ruth Horton stated if we are looking for mitigation we should consider the sidewalks on Grand Avenue as well considered in the amount to be set aside.

Ms. Darrah stated if the applicant was required to place sidewalks along Grand Avenue and Slade it would be the end of the project.

Mark Torpey, Chairman apologized to the applicant since the Board does not have a current policy on what they are proposing. The applicant is proposing a sidewalk along Grand Avenue. A monetary contribution to the City for the waiver of sidewalks along Slade which is a very narrow, very rural road for sidewalks elsewhere in the City.

Mr. Donworth questioned the Board. Placing the sidewalks along Grand Avenue and make another contribution for those on Slade. I cannot possibly do both sidewalks along Grand and a contribution for Slade. The deal is dead. What I am proposing is place the sidewalk in front of 515 Grand where I currently live.

Mark Torpey, Chairman stated at this point we must submit this to the City Engineer. We are trying to make this consistent from project to project. What we have determined is to provide the sidewalks, curbing and city streetscape requirements on Grand. We are willing to waive the requirements on Slade Road, but to use the funding to provide some sidewalk in front of your property or if the City Engineer has an issue somewhere else. We would make a determination on the contribution based on the linear frontage of the property. We have spoken about several different options.

It was the consensus of the Board to have the applicant sit with the City Engineer to discuss the project and work the details out and return to the Board with something that makes sense financially and is acceptable to the City.

Todd Fabozzi suggested perhaps trail or path connectivity could be considered as an option in some of the outlying areas. It would not be as expensive as sidewalks but accomplish the connectivity the City is trying to accomplish.

3. **16.045 LAKE LOCAL**, 550 Union Avenue, SEQRA environmental review for Inn, Corridor Bed and Breakfast Marina, Restaurant and Retail uses in a Water Related Business District and Rural Residential District.

BACKGROUND:

Former tropic hut site – restaurant as well as a number of trailers-occupied and vacant. Property owner is now 550 Union LLC – group of private investors.

Violations issued for the site by Zoning Enforcement. Noted issues present included number of bathrooms, overflow in terms of parking spaces, trailers unlawfully occupied on-site.

Legal stipulation created between City and 550 Union Avenue to address outstanding violations and provide required items with timeframes for completion.

Current application proposed a four phased project that brings the site into compliance with current regulations, then expands uses on site to expand to a 2,400 square foot water sports rental shop, eating and drinking establishment up to 15,000 square feet. A 25 room Inn, and continuation of a marina use with 95 boat slips and 14 customer parking slips for the restaurant.

Site consists of 2 parcels currently. Proposed lot line adjustment to merge parcels. Zoning district boundary along current parcel boundary – RR on northern parcel. Water Related Business District on southern parcel where existing restaurant and facilities provided.

SEQRA:

Action appears to be a Type 1 with Involved Agencies of Planning Board (Special Use and Site Plan) ZBA and DRC. ZBA and DRC have pro-actively deferred lead agency to the Planning Board on 12/14/17. If trailers are eliminated as a use variance review only coordinated with DRC and could continue straight into Special Use Permit review.

Mark Torpey, Chairman stated the applicant is before the Board this evening for determination of SEQRA Lead Agency Status as well as SEQRA review. There are still some outstanding items which we discussed at the workshop. We are still awaiting correspondence from the Department of Transportation. A traffic study was done by Creighton Manning. Tim Wales, City Engineer still has not had a chance to review that. There are still some comments from DOT. We are not in a position to render a SEQRA determination this evening without those few outstanding items. We want to get a sense of the project, to take a look at the project but certainly not take any action on the project this evening merely a fact finding mission.

Applicant: 550 Union LLC – Matt Phinney and John Haines

Agent: Matt Brobston, LA Group

Mr. Brobston stated the applicant was before this Board back in December of 2017. At that time some items were requested and the following have provided for the Boards review.

- Geotechnical report
- Traffic report
- Revised EAF to reflect the current changes in the plan
- Revised Special Use Permit to reflect the changes in the current plan
- Architectural Renderings-correspondence from ORPHP-no impact archeologically
- Revised Compliance Plan
- Revised Project Narrative

Mr. Brobston stated the he Lake Local unfortunately did have a fire recently and the building is a total loss. It will not be open this season which prompted us to revise our project narrative. We have moved away from our compliance plan or Phase I plan which required a lot of variances and are moving towards a different plan which is a site plan for the restaurant project. As early as today we have had a hydrant flow data done in preparation for the Site Plan application which has begun. It was a concern of the City Engineer and this information was provided to Kate this date. We will build on this for water and sewer, more site plan issues. At the SEQRA end of it we have determined there is plenty of water pressure and water for the development of the site.

The Board asked for the following items at our last appearance:

- Peak traffic and how we would handle some of our parking on demands and we requested a waiver of 33 spaces and how we provide options to handle that which would be valet parking on site.
- Dealing with DOT – we have reached out and are awaiting a response.
- An aerial drawings showing more context.
- SLPID coordination.

Mr. Brobston provided a visual presentation of the site and the dock system which has been installed. A photograph of the survey was provided noting some of the structures have been demolished. Variances which were anticipated will be gone due to the revision of the application. Also provided was the revised Master Plan of the Site showing full build out of the site. The Lake Local Restaurant, 10 unit Bed and Breakfast and the 25 unit in built into the hillside. One of the issues we are dealing with is SEQRA. We need to get through SEQRA to obtain our variances and our Special Use

Permit. Because we are not seeking use variances as previously discussed regarding the two structures and the one office structure these will be removed from our Special Use Permit and our list of variances requested. What we will be requesting regarding variances will be for the existing structures when we change their use. The two variances would be for the Board Shop which will be expanded incorporating a convenience element and the existing house that would be used by the innkeeper. There is a temporary variance for this compliance plan, which includes parking in the setbacks. These go away during the restaurant development. The compliance plan is part of the overall stipulation that occurred so that Lake Local can stay in compliance with the City. Context with adjacent neighborhoods is issue we have been discussing. We have been talking about the sidewalks and connectivity of this project. There are sidewalks across the street from this project. This is a DOT right of way and they have recently widened it. There is a steep slope on our property in this area. DOT will weigh in and there are concerns and questions. We proposed several safe pedestrian crossings and we have worked with the DOT in this regard. Photographs of the site were also provided to the Board. There were some questions regarding the dock configuration and how it interacts with the boating channel. Photographs of this area were also provided. We have moved several of these dock areas to lessen the concern.

Mike Phinney, Phinney Design Group, also part owner. Mr. Phinney provided a visual of the proposed project. Rustic modern feel. Embrace the view of the lake. Simple clean interior with rustic elements will be featured throughout the project. The buildings and the landscape will be integrated. Three prominent trees currently exist on the site and will be undisturbed with this project. The building will be elevated by about 18 inches for aesthetics as well as stormwater management. Photographs of what the proposed project will mimic were shown to the Board for the restaurant and the bed and breakfast. The hillside is sloped and scrubby. We will tuck the cottages in and stabilize the slope. Green roofs will be installed on the cottages. This will help mitigate the stormwater management system. Natural materials will be used. A large pavilion type feel, with an asymmetrical butterfly roof with solar panels.

Todd Fabozzi questioned if geothermal would be something they would be interested in.

Mr. Phinney stated we are looking at geothermal.

Amy Ryan questioned if the applicant considered if porous pavement will be considered.

Mr. Brobston stated once the soils are analyzed if possible the applicant would be open to it.

Mr. Phinney stated he met with SLPID. What we are proposing will help to stabilize the slope and will help with the drainage and improve it. Views of the cottages were also provided for the Boards review. Bio-swales and rain gardens will also be incorporated into the project.

Mark Torpey, Chairman requested further renderings of the site from both directions along 9P. Aesthetically the view currently is the parking lot.

Todd Fabozzi stated parking is going to be the most pressing issue. In terms of accommodating the demand. So, more information in this regard would be helpful. Also, the entrance to the site for pedestrians and bicyclists needs to be further developed with DOT.

Mr. Brobston stated they are very aware of this issues and that is something they will be further developing. The valet parking was discussed and how that would be accommodated. We do feel we can accommodate our parking patrons on site.

Ruth Horton questioned the entrance and driveways on the site.

Mr. Brobston provided information on the 3 entry points to the site. Creighton Manning has provided input on the ingress and egress and it is being reviewed and considered.

Mark Torpey, Chairman stated also we would like to give the City Engineer and staff time to review this traffic report as well. One item the analysis was completed for 95 slips and you are currently proposing 108. The restaurant was 420 seats and now is 440. I am anticipating the design engineer may question that and request an update. Also you mentioned events. Are there any specific events you are considering which would be included in the Special Use Permit.

Mr. Brobston stated no, no special events proposed.

Mr. Phinney stated they hope to have a synergistic relationship with the Saratoga Rowing Association. They are big supporters of SRA. However we can help with those events will be accommodated providing a space which is heated and cooled and will be a year around facility. We have met with many associations but it would not entail any huge events.

Mark Torpey, Chairman questioned boat storage on the site and how this can be accommodated along with the site being opened year around. In reviewing the drawing I would like to see imposed on this the 500 year flood plain, to see where it lines up. The SEQRA analysis requires us to review this. Will this project require the merging of two parcels in two zones the WRBD and RR.

Kate Maynard, Principal Planner, City of Saratoga Springs stated by merging the parcels that is the mapping question. You will still have the zoning designations. This will be one parcel with two separate zoning designations. This application is the overlay.

Mark Torpey, Chairman stated the SEQRA Part I should be updated with the new number revisions for units that would be helpful. There are three separate parcels adjacent to this. Have you been in contact with the owners to discuss the future plans.

Mr. Phinney stated we have been in contact with the neighbors and have been speaking to them for about 3 years now. They are knowledgeable about the plan and are in favor of it. We plan to have them either write letters or attend a meeting to verbalize their support of the project.

Todd Fabozzi questioned the waiver for parking and how this will be accommodated on the site.

Mr. Phinney spoke regarding where the additional parking will be available. We have been in contact with SLIPID and there will be some additional docks to accommodate additional watercraft. We also have parking attendants during the peak season.

Discussion ensued regarding shared parking.

Mark Torpey, Chairman stated at the next meeting we will review SEQRA. This will provide additional time for the traffic study review and stormwater management and any further information.

Mr. Brobston requested if the Board would like any additional information be provided so the Board can then review SEQRA.

Jamin Totino, Vice Chairman spoke regarding the fire. One thing of concern is the amount of light and spillage into and around the lake. How that will be controlled as well as the noise.

Mr. Brobston stated lighting will be dark sky compliant. The noise concern – the bandstand is being designed and configured to minimize the impact to the neighbors. That is the intent. Special Use Permit will address the hours or operation for the outdoor activities as well.

Mark Torpey, Chairman is proposing the applicant appear before the DRC since this is a focal point into the City. Having DRC's input and review perhaps an Advisory Opinion prior to the applicant's return before this Board.

4. **11.010.6 SIRO'S**, 168 Lincoln Avenue, seeking a renewable Special Use Permit for outdoor entertainment Within an INST-HTR (Institutional Horse Track Related) District.

BACKGROUND:

Planning Board last issued a renewable Special Use Permit for 3 years with expiration of March 30, 2018. Over years there have been many conversations with the neighbors regarding noise and other perceived impacts on their neighborhood for Siro's seasonal outdoor entertainment. The Board has issued renewable Special Use Permits with conditions designed to provide certainty as to noise, hours of operation and other expectations.

SEQRA:

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

Applicant: Racing Restaurants of America, LLC

Agent: John Carusone, Attorney; Toby Porter, Sound Engineer

Mr. Carusone provided a visual presentation of the site, and the location of the bandstand and details of the acoustical fence. Mr. Carusone provided some background information on the Special Use Permit. There have been no complaints in the last three years that we know of. In conversation with staff, no complaints were received either. Also, there have been no changes in the way the restaurant has been operating.

Mr. Carusone reviewed the conditions set forth in the Special Use Permit granted on January 29, 2015.

- 1). The occupancy of the facility for the permitted outdoor group entertainment shall not exceed 1,000 people or a determination by the Fire Department of a lesser amount per the NYS Fire Code.

The applicant agrees that the occupancy for outdoor group entertainment shall not exceed 1000 persons.

- 2). The outdoor group entertainment shall be limited to three days in addition to the days of the thoroughbred racing meet.

The applicant agrees that the outdoor group entertainment shall be limited to 3 days in addition to the days of the thoroughbred racing meet.

- 3). The hours of operation for the outdoor group entertainment shall be limited to:

- Sunday, Monday: 5pm – 9pm
- Wednesday 5pm – 9pm
- Thursday 5pm – 9:30pm
- Friday, Saturday 5:30pm – 10pm
- Monday of Sales Week 4pm – 9pm
- The day before Opening Day, Opening Day and Traver's Day 4pm – 11pm
- Final Saturday 5:30pm – 9pm
- Two Friday twilight racing nights 5:30pm -10pm
- Three additional days in addition to Thoroughbred Meet 4pm – 9pm

Applicant agrees to the hours of operation for outdoor group entertainment as set forth in the January 29, 2015 decision.

- 4). A waiver of 187 space required on-site spaces, originally granted in 2003, continues to be granted on the condition that the Applicant obtains lease agreements for a total of 121 off street spaces for the duration of the Special Use Permit with the Owners of nearby lots within 300 feet of the subject parcel. On or before July 1st of each year, the applicant must provide the lease(s) on these parking lots to the City's Zoning Enforcement Officer. If the applicant's lease is not provided on one of these lots, the applicant must apply for a modification to this Special Use Permit.

The applicant has signed a lease with NYRA for the 2018 Racing Meet. A copy of which shall be provided to the Planning Board.

5). Based on the recommendation of the City's consultant, noise is not to exceed a three hour LEQ of 70 dB(A) at any point on the south and west property lines of the property. Based on the findings of the City's consultant, NOVUS Engineering, and the Applicant's consultant Bergmann Associates, and on the interpretation of the findings and discussion of sound levels contained in the NOVUS and Bergmann reports.

- In order to maintain year-to-year comparative data collection, sound monitoring will continue at the current Monitoring locations along the south and west property lines for a more accurate evaluation of noise levels in the direction of residential properties west of the Applicant's property;
- Cooperation in the calibration of the Applicant's and City's sound monitoring equipment will continue to take place

5). An independent noise report analyzing operations during the 2015-2017 racing seasons will be provided by a certified sound expert engaged by the City that will utilize a calibrated decibel meter to monitor sound at the property line at various times throughout the racing meet. The cost of this monitoring will be provided via an escrow account established for the benefit of the City by the applicant in an amount not to exceed \$15,000 (\$5,000) each year. The report will be sent to the City Planning Department each year.

The Applicant agrees that independent noise monitoring will occur. The Applicant deposited money with the City in connection with the earlier permit but does not know whether the monitoring occurred during the 2017 Racing Meet nor does the applicant know the balance of funds held by the City.

Mr. Carusone noted that the number of hours the band plays is less than it used to be. The clientele is getting older.

Kate Maynard, Principal Planner, City of Saratoga Springs stated she will check on the amount held in escrow.

6). Upon notification that the LEQ of 70dB(A) limit has been exceeded on more than six occasions with a track season, the Planning Board will be notified and decide whether the applicant must appear before the Planning Board for additional consideration or Modification of the Special Use Permit.

The Applicant believes that the decibel limit has not been exceeded previously and further believes that there have been no complaints filed with the Planning Board.

7). Siro's shall designate a single contract person with a phone number whom any neighbor can call in the event of a noise complaint to verify decibel level on property line.

The Applicant will designate a single contact person and will provide the Planning Board with the name and telephone number of said person.

8). Applicant will continue to work with residential property owners to control and reduce any adverse impacts from outdoor entertainment.

The Applicant will continue to work with nearby residential property owners to reduce any adverse impacts from outdoor entertainment.

9). Stage and speaker re-orientation shall be completed and maintained in accordance with the Gerald Marshall 1/18/11 Recommendations.

Stage and speaker reorientation has been completed.

10). Siro's shall maintain the acoustical screening and sound mitigation measures shown on the plan entitled "Siro's, 168 Lincoln Avenue" prepared by Frost Hurff Architects, dated June 13, 2011.

Acoustical screening and sound mitigation has been completed.

11). the entire outdoor eating and group entertainment area shall be fenced and all entrances controlled by security personnel.

Fencing has been completed and all entrances will be controlled by security personnel.

12). Garbage collection shall take place after 8am. A lock and sign will be placed on the dumpster ensuring no pick up prior to 8am.

Applicant agrees to the conditions regarding garbage collection.

- 13). All conditions from Frost Hurff Architecture memo of August 10, 2011 shall be fulfilled with any use of the NYRA track Parking.

Applicant agrees to comply with the conditions of the Frost Hurff Architecture Memo of August 10, 2011.

- 14). The results of the report described above in Condition 5 will be provided to the Planning Board during and following the Racing seasons of the Special Use Permit and will be shared with the applicant. If, based on the results and conclusions of the Report, it is deemed necessary to make adjustments to the existing sound mitigation measures, these changes will be agreed Upon by both the Planning Board and Siro's, and shall be implemented by the applicant prior to the following racing season.

The Applicant agrees that if any sound mitigation measures become necessary it will make the required adjustments.

- 15). The Special Use Permit shall expire on March 30, 2018 but upon application by the applicant it may be renewed by the Board.

Since the Applicant believes that there have been no complaints from the neighborhood, request is made that the Special Use Permit be renewed for a period of five (5) years.

PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing at 8:15 P.M.

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

None heard.

Jamin Totino, Vice Chairman stated he applauds the applicant for the hard work in keeping the neighbors happy. No one is here this evening to speak regarding this application. A welcome change.

Ruth Horton questioned if the 5 year Special Use Permit is something the Board often does.

Kate Maynard, Principal Planner, City of Saratoga Springs stated this Special Use Permit set the bar. In general conditions the conditions that have been made have reached a good balance with the neighborhood.

Janet Casey stated the last time the applicant appeared before this Board we approved the three year Special Use Permit to see how things would proceed, then extending that period if all was good.

Discussion ensued concerning the money which was held in escrow for noise monitoring.

Mark Torpey, Chairman questioned if the Board were agreeable to refund the money to the applicant. However, if any complaints or concerns arose the Board has the right to request additional monitoring if necessary

Kate Maynard, Principal Planner, City of Saratoga Springs, stated the Code Enforcement Office and the new personnel have the ability to perform noise monitoring.

Mark Torpey, Chairman closed the public hearing at 8:25 P.M.

Jamin Totino, Vice Chairman made a motion in the matter of Siro's Renewable Special Use Permit, 168 Lincoln Avenue be renewed for 5 years with the stipulations cited by the Chair.

Janet Casey seconded the motion.

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

None heard.

VOTE:

Janet Casey, in favor; Amy Ryan, Alternate, in favor; Jamin Totino, Vice Chairman, in favor; Bob Bristol, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Mark Torpey, Chairman, in favor

MOTION PASSES: 7-0

8:25 P.M. The Board recessed.

8:32 P.M. The Board reconvened.

5. **07.048.6 HORSESHOE INN BAR AND GRILL**, 9 Gridley Street, seeking a permanent Special Use Permit for outdoor entertainment within a TRBD (Tourist Related Business District).

Mark Torpey, Chairman stated as discussed at the workshop some outstanding items are the physical improvements on the Nelson Avenue frontage and Gridley Street.

BACKGROUND:

Temporary Special Use Permit approved on May 16, 2007.

Renewable Special Use Permit approved on May 28, 2008 with condition, to expire May 28, 2011.

Project last reviewed by Planning Board at April 13, 2011 meeting at which time site improvements were

Proposed to be shown utilizing City provided.

Project was issued a temporary extension for existing Special Use Permit through tonight at July 13 Planning Board Meeting.

SEQRA:

This project appears to be a Type II action.

Applicant: Horseshoe Inn Inc.,

Agent: Bruce Steves, Attorney

Mr. Steves stated the Special Use Permit is essential to the business. This is a new application, not a renewal.

Nevertheless, the Applicant requests a special use permit that is entirely consistent with the expired SUP so that the Applicant can offer live entertainment for the 2018 summer season in the same manner which has been done over the previous six years. The Applicant seeks minor modifications to the Special Use Permit which would be implemented after the 2018 season and prior to the 2019 season. As described the modifications involve the removal and relocation of certain temporary structures within the outdoor entertainment area, but do impact the number of days or time periods when live entertainment can be offered.

Mr. Steves stated the Applicant requests that the Planning Board grant a permanent Special Use Permit for the offering of live outdoor entertainment at 9 Gridley Street with the following conditions:

- (i) The outdoor entertainment with 44 seats shall be limited to six (6) days in addition to the days of the thoroughbred racing meet;
- (ii) The hours of operation for the outdoor entertainment shall be limited to between the hours of 4PM and 11PM Friday and Saturday;

- (iii) The Applicant shall continue to work with all adjacent residential properties to control and reduce Any adverse impacts from this outdoor entertainment;
- (iv) The Applicant shall comply with all provisions of the City's noise ordinance.
- (v) Improvements to the Nelson Avenue frontage were in place with the prior approval. They were contemplated to be constructed in association with a drainage improvement project that the City had proposed at the time. Subsequent conversations with the Planning Staff and Tim Wales, City Engineer have indicated that the project although potentially viable will not happen in the near future. The Applicant is ready, willing and able to make those improvements and we ask that they be allowed until June 1, 2019 to make these improvements. Those specific improvements include installation of a sidewalk adjacent to the Nelson Avenue frontage. Crosswalk, stripping at the Nelson Avenue intersection. Installation of pedestrian curb ramps on both sides of Nelson. The installation of 2 light posts and fixtures, two trees or landscaping to be provided on that frontage. We proposed to continue the sidewalk that exists to the residential property next door to the Horseshoe, and continue that to the corner of Nelson and Gridley.

With regard to the backyard layout for entertainment, the Applicant seeks to keep the layout the same as it was in prior years for the 2018 season only. That layout involves two bars, one centrally located in the middle of the entertainment area. One located on the northeast corner of the property, and the area with the tables also comprises the dance floor when live entertainment performs. There are 3 separate tents. One encloses the dance area and one for each of the bars. In the 2019 season and beyond the Applicant is proposing to locate an L shaped bar in the northeast corner of the Property and have a single larger tent which encompasses the remainder of the backyard area. That will allow patrons who are utilizing the bar will not be interfering with the patrons dancing.

As far as the current application presents we request the Board consider this a Type II action under SEQRA. Although the Application seeks a Permanent Special Use Permit, following conversations at the workshop and with the Planning Staff we are agreeable to a Renewable Special Use Permit. The prior permit was in place for six years. If the Board we so inclined to grant a Renewable Special Use Permit we would ask for the continuation for another 6 years. The backyard will operate under current configuration until October 31, 2018 and then we would change it over to the new configuration for the summer next year. The only caveat being if additional approvals would be required to do that, and if those approvals were not able to be obtained, we would then like to continue with the existing configuration for the balance of the permit.

PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing at 8:39 P.M.

Mark Torpey, Chairman asked if anyone in the audience wished to comment on this application. None heard.

Mark Torpey, Chairman closed the public hearing at 8:40 P.M.

Discussion ensued among the Board concerning the proposed improvements along Nelson Avenue.

Mr. Steves stated there was some conversation concerning the two curb cuts on Nelson Avenue and closing off the curb cut on Gridley. It seems very congested in the smaller parking area off of Nelson. We are agreeable to suggestions from the Board.

Todd Fabozzi questioned the applicant for an aerial view of what is being proposed.

Mr. Steves provided a visual of the proposed site.

Jamin Totino, Vice Chairman reiterated the applicant is proposing sidewalks, cross walks, curbing street trees and street lights on Nelson. No sidewalks are proposed on Gridley.

Mr. Steves stated the bulk of the patrons do enter and exit from Nelson Avenue.

Mark Torpey, Chairman stated the improvements along Gridley would certainly be helpful. It seems safer to move about the property. Some curbing would be helpful as well as improving aesthetics.

Charlie Herteford, owner, stated along Gridley Street along the shoulder right alongside the fencing is approximately 4 or 5 parking spaces. During the track season taxi cabs line up in the gravel area moving them off of Nelson Avenue. Mr. Mr. Herteford spoke regarding the area in front of the Horseshoe Inn – gravel area and split rail fencing currently exists here.

Discussion ensued among the Board regarding the lack of sidewalks on Gridley Street and the traffic flow in this area.

Mark Torpey, Chairman spoke regarding the renewable permit versus the permanent permit. If a permanent permit were issued that goes with the property. It was the consensus of the Board to issue another 6 year renewable Special Use Permit.

Mark Torpey, Chairman spoke regarding the Renewable Special Use Permit for a period of six years which is what was previously approved with all the same provisions:

The outdoor entertainment with 44 seats shall be limited to six (6) days in addition to the days of the thoroughbred racing meet;

The hours of operation for the outdoor entertainment shall be limited to between the hours of 4PM and 11PM Friday and Saturday;

The Applicant shall continue to work with all adjacent residential properties to control and reduce Any adverse impacts from this outdoor entertainment;

The Applicant shall comply with all provisions of the City's noise ordinance.

Upgrades to the Nelson Avenue frontage which includes sidewalks, crosswalks, stripping, curbing, street lights and street trees in accordance with City standards.

Janet Casey made a motion in the matter of the Horseshoe Inn Bar and Grill, 9 Gridley Street that the application for a renewable 6 year Special Use Permit be approved with the conditions as noted by the Chair.

Jamin Totino, Vice Chairman seconded the motion.

Mark Torpey, Chairman asked if there was any further discussion. None heard.

VOTE:

Janet Casey, in favor; Amy Ryan, Alternate, in favor; Jamin Totino, Vice Chairman, in favor; Bob Bristol, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Mark Torpey, Chairman, in favor

MOTION PASSES: 7-0

6. **18.028 NRP GROUP, LLC**, Allen Drive/Tait Lane, Advisory Opinion for a proposed Zoning Map Amendment from Warehouse District to T-4 Urban Neighborhood.

BACKGROUND:

Proposal is for a zoning map amendment from current Warehouse District to T-4 Urban Neighborhood Designation. Basic characteristics of area. There are six parcels, 3 of which have single family homes which are within the Warehouse District and are pre-existing non conforming.

Mark Torpey, Chairman stated the request is for an Advisory Opinion to the City Council for a Zoning Map Amendment. SEQRA will be completed by the City Council for this action.

Kate Maynard, Principal Planner, City of Saratoga Springs stated the Planning Board has 60 days to render a written Advisory Opinion to the City Council, unless extended by mutual consent. The Planning Board may hold a public hearing at their discretion. The Planning Board review shall include whether the proposed revision is consistent with the Comprehensive Plan and whether the proposed revision is not contrary to the general purposes and intent of this Chapter. Also any information regarding SEQRA could be included in this opinion.

Mark Torpey, Chairman stated there are 6 parcels involved in this Zoning Map Amendment application. Three have single family homes on them which are in the Warehouse District and are pre-existing non conforming. This particular proposal is to look at transitioning 6 total parcels to the T-4 District.

Applicant: NRP Group, Denton Group, LLC

Agent: Libby Coreno, Attorney; John Canney; Attorney, Carter Conboy; Dave Carr; LA Group

Ms. Coreno stated she is representation the NRP Group and Denton Group LLC. Ms. Coreno provided an aerial view of the proposed project site. This is being requested to be more conforming with the area which high density residential. There are six parcels involved in this application 3 currently have single family homes on them which are pre-existing non conforming. This application would provide more continuity in the T-4 District. The other 3 parcels remain vacant. Parcels to the south do house some manufacturing, self storage and warehouse units. Currently this is zoned Warehouse District and the uses previously noted are permitted. Rezoning to a T-4 makes all the uses conforming. It becomes a more conforming district and what is proposed in the Comprehensive Plan. We have potential use for the re-zoned area. The three current single family homes will remain. As stated they are pre-existing non conforming residential. The three remaining parcels have potential for workforce housing. The rezoning will also provide the ability to cooperatively develop affordable housing for redevelopment potential. There are some four plex units which are currently in need of some updating and this would provide the ability to expand on that in redevelopment. The applicant is before the Board tonight for an Advisory Opinion to ensure that this application is in conformance with the Comprehensive Plan and whether the proposed revision is not contrary to the purpose and intent of the chapters. Ms. Coreno stated in the interest of the Comprehensive Plan the entire area is designated as Community Mixed Use. Focus on moderate density residential and community supported commercial uses. The T-4 includes community supported business or commercial to be supported inside the neighborhood. So a small portion is dedicated to commercial but is not intended to be the dominate use. Our position is the Warehouse District is inconsistent with the CMU and that there is no part of the CMU really intended to be light industrial, or warehouse use. Other Comp Plan recommendations that support what we are asking for are to promote safe affordable housing close to employment centers, like the Hospital and Downtown. Increase the availability of safe affordable housing and promote the use of funding opportunities to assist with the same. Also to look at whole site approaches that actually encourage affordable housing. Is it consistent with the purpose and intent. The purpose of the zoning ordinance 1.3 is to eliminate non conforming uses. So the residential will no longer be non-conforming in the T-4. Conservation of taxable lands and buildings will take currently vacant land and convert to developable property which has a higher tax value. Encourage the flexibility in special use permit and site plan to design the site. The intent of the Zoning Ordinance 1.3 Orderly Physical Development.

Ms. Coreno provided a visual presentation of the Land Use Development plan which indicates it will not be the dominant type of use in a T-4. Also indicated on the plan are passive and active recreational elements for the site. There is an easement from the Saratoga Affordable Housing Group which notes an additional access point to the site. Also there is a possibility of connections to other components adjacent such as the Allen Drive neighborhood, through the trail systems and other areas we have been looking at for potential linkage here.

Discussion ensued among the Board concerning the T-4 zoning district.

Ms. Coreno continued with the topography of the site, noting municipal water and sewer is available to the site and will be further discussed as plans proceed. Water service could become an issue but sewer can meet the capacity. Neighbors were notified on April 8, 2018 via written correspondence from Ms. Coreno's office and an affidavit of mailing was submitted to City staff. Also Ms. Coreno spoke regarding the possibility of folding the Saratoga Affordable Housing Group in with this application for large scale master planning. Traffic for residential use is estimates at 99 additional trips in the AM and 116 trips in the PM. These are peak hours and the assumption is 200 residential housing units and 3,000 square feet of commercial. Intersection at Church and West is operating at a Level of Service B. An additional traffic study for any use in either zone would be indicated.

Discussion ensued among the Board concerning employment and will this remove any job opportunities.

Ms. Coreno spoke regarding the topography of the site and the difficulty for large trucks and vehicles in this area.

Mr. Carr spoke regarding the T-zone does not take any uses away from the warehouse.

Justin Grassi, Attorney for the Land Use Boards spoke regarding the Advisory Opinion what is being required from the Board. This requires us to determine if it is consistent with the Comprehensive Plan and not contrary to the Zoning Ordinance. There is nothing prohibiting us from stating any other comments as the Board wishes. Any suggestions or questions or opinions you wish to send to the City Council. Currently we are not an involved agency. We will be once there is a project and the Board will have an additional opportunity to review the plans for the site.

Mark Torpey, Chairman stated perhaps the Board would want to identify any key issues for the City Council to review. To provide a Favorable Advisory Opinion to the City Council would require more thought and review prior to issuing a recommendation.

Ms. Coreno stated regarding the lost economic opportunities, this zone was part of the discussion for the Comprehensive Plan and community supported which is supported in the T-4 Zone. Other alternatives would be fine but I could not Present anything against the Comprehensive Plan. Warehouse is inconsistent with that.

Jamin Totino, Vice Chairman stated he is in favor of a Favorable Advisory Opinion to the City Council. However, he is proposing the Board take some time to draft the language to expand the zone.

It was the consensus of the Board to draft and review a motion for a Favorable Advisory Opinion, noting the key points addressed by the Board. We could take a more proactive assessment noting the lost economic opportunities, NCU but to provide the Board members time to draft and review the motion and prepare it for the next Board meeting scheduled for June 7, 2018.

NOTE:

9:40 P.M. Justin Grassi, Attorney for the Land Use Board exited the meeting at 9:40 P.M.

7. **18.029 EAT DRINK SARATOGA**, 20 Lake Avenue, Request for a Renewable Special Use Permit within a T-6 Urban Core District.

Mark Torpey, Chairman stated this is a unique Special Use Permit since it is requesting the permit for one event per year.

BACKGROUND:

Proposed outdoor eating and drinking event for 6/30 on existing Saratogian parking lot. Site bounded by Lake/Caroline/Pavilion/Maple Avenues.

SEQRA:

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

Applicant: Jillian Peterczak.

PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing at 9:43 P.M.

Ms. Peterczak stated we are doing an event at 20 Lake Avenue. We are requesting a Special Use Permit for this event which is scheduled for June 30th for one day use, one time per year for the next 3 years. Mr. Parillo is the owner of the lot, who we have an agreement with. Ms. Peterczak provided a view of the proposed site. She noted the loading will be at 9:00 A.M. for all the vendors. The event starts at noon to 4 P.M. for the first session and 5 P.M. to 8 P.M. for the second session. There will be no cars in this area during this time. We are working with the Fire and Police Department. Strike Force Security will also be providing security for the project. A fence will be installed in this area on Friday night. The fence will be removed on Sunday morning. Security will be available through night on Friday and Saturday nights. We have contracted with Stone for porta potties. A DJ will be playing ambient music from 12-8 PM. We are anticipating 800 people on the site. 600 tickets have been sold and 200 people who come with restaurants and vendors. The cost \$60.00 for general admission. VIP session from 12 – 1PM is \$75.00. Ms. Peterczak noted proceeds will be going to the Saratoga County Children's Committee and the Backpack Program in the Schools, both non for profits.

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

Mark Torpey, Chairman closed the public hearing at 10:00 P.M.

Mark Torpey, Chairman stated the Special Use Permit Conditions are as follows:

- 85 tables on the site.
- 800 people 600 tickets sold +200 additional.
- 12 tents.
- 2 sessions 12-4PM – 5-8PM.
- 9AM start time and 9PM finish.
- 1 event for 3 years renewable permit.
- Hard fencing to be placed around the site in accordance with public safety and code enforcement.
- Friday setup and Sunday breakdown of the fencing.

Ruth Horton made a motion in the matter of the Eat Drink Saratoga, 20 Lake Avenue, for a Renewable Special Use Permit with the conditions as listed by the Chair.

Bob Bristol seconded the motion.

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

None heard.

VOTE:

Janet Casey, in favor; Amy Ryan, Alternate, in favor; Jamin Totino, Vice Chairman, in favor; Bob Bristol, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Mark Torpey, Chairman, in favor

MOTION PASSES: 7-0

8. **09.001.5 WAGNER SUBDIVISION**, Joshua Road, Request for a Modification to Park Grove Phase 3 Subdivision approval within an Urban Residential (UR-2) District.
9. **09.001.6 WAGNER SUBDIVISION**, Shaw Drive, Request for a Modification to Park Grove Phase #2 Subdivision approval within an Urban Residential (UR-2) District.

BACKGROUND:

Park Grove subdivision was proposed and approved by the Planning Board in 3 Phases. Project inactive for long period of time, sold to different builders, remainder of project lots sold to Dave DePaulo. A meeting was held with Dave DePaulo to discuss project requirements, what was fulfilled and what remained to be completed. It was stressed that the project was to remain as approved with no modifications proposed.

Administrative action for the site has already been approved that removed the requirement for a path along the rear of the lots parallel to the Spa State Park adjacent property.

Late in 2017 – Administrative action proposed and reviewed that would eliminate shared driveways for all lots within the Shaw Drive phase. Prioritization requested for what may be most desired sites to separate driveways, additional information not provided.

SEQRA:

SEQRA review completed with original application. Action appears to be Type II, no further action required.

PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing for Phase 3 at 9:55 P.M.

Applicant: Bella Homes, Dave DePaulo

Agent: Tony Adang, Attorney; Mike Binachine, Lansing Engineering

Mr. Adang stated this is an application to modify the subdivision approval. It was known as the Park Grove Subdivision, alternately the Wagner Subdivision on Joshua Road. The application is to request a waiver of shared driveways for Phase 2, which entails 11 lots. The original subdivision was approved 18 years ago in April of 2000. It consisted of two phases. A visual presentation of the site was provided for the Board. Phase 1 on Joshua Road was 13 lots. Of those 13 lots 12 of those had common driveways. Lot #1 did not have a common driveway. Phase 2 which was approved at the same time was 11 lots, 10 of which had shared driveways. Lot #7 is the only lot in Phase 2 which did not have a shared driveway. Joshua Road in 2000 was an existing road. Shaw Drive was not an existing road at that time. The developer Norm Wagner had a vision of a community here and that is why he created these lots and part of his vision was this walking path that went along the rear of the lots bordering the state lands and there was fencing here. About one year ago I made an application to have a waiver on this walking path and fence because all of the residents did not want this path which was a path to nowhere. It was something the public could use to access state lands. The 13 lots in

Phase 1. Ten homes have been built in Phase 1. This Phase encompassed 3 builders. Shaw Drive has recently been opened up. There has been no development on any of the lots in Shaw Drive. Since Mr. DePaulo is entertaining purchasers for the homes he is finding that given the common driveways they dictate of the design and placement of the home. We are running into resistance. These common driveways were not dictated by the Planning Board. The Planning Board only articulated the placement of the driveways on three homes which were exiting out onto Shaw Drive not on Garfield Drive. What we are requesting is a waiver of shared driveway access for these 10 lots. Given the fact that Shaw Drive is a limited access road maximum speed limit is 30 MPH. There is no compelling reason to limit the number of curb cuts.

Mr. DePaulo stated if you look at the lots they are 60 feet wide on average. When you take 15 feet out of each lot you are only allowed 35 feet. When you add your side setbacks you are left with 25 feet. Adding the overhangs you are left with an 18-20 foot wide home in that area. There are 15 feet easements and they are back to back you have 30 feet out of the two lots it is absolutely impossible to place a house there and get out of the driveway, shared driveway or not.

Mark Torpey, Chairman questioned if the shared driveways are part of the subdivision regulations.

Kate Maynard, Principal Planner, City of Saratoga Springs state the shared driveways are part of the subdivision plat. This request is a modification.

Jamin Totino, Vice Chairman stated the request is a modification without revised drawings to review.

Mark Torpey, Chairman stated we would need to ascertain where things would go and how the homes would be situated.

Mr. Binachine stated what we are looking at is home with a front load garage and driveway. It is similar layout and similar type home as those on Chloe's Way.

Mark Torpey, Chairman stated due to the issues we have had with consistency to have this information before the Board to review would be helpful prior to making a decision.

Mr. Binachine stated we can work with the builder to put building footprints on each lot. The problem is he is working with different homeowners. It would be a concept.

Mark Torpey, Chairman stated it would not be merely a concept it would be an official approval for the subdivision layout. Curb cuts, layouts and where they would be. The Board does not have any preconceived notions about a shared driveway. We understand your constraints and issues. It is just a question of how you want to lay it out.

Jamin Totino, Vice Chairman stated the Board will want to consider before we see the new map changing the shared driveways is changing the character of the site plan which was originally approved by the Planning Board which in my estimation was meant to be modest size houses. Now we are hearing you don't want to do that.

Mr. DePaulo stated you cannot construct an 18 foot wide home.

Jamin Totino, Vice Chairman stated if you want to modify the site plan we would need drawings of a modified site plan to review. We cannot review and decide on anything without a drawing. The Board has to consider the changes to the character of the neighborhood. Maybe it doesn't but we need a map.

Mr. Adang stated 18 years have passed since this subdivision was approved. We have had 3 builders during this time and certainly market conditions have changed during this time. With the 10 shared driveways on Shaw Drive, none of them have been developed at this point.

Mark Torpey, Chairman stated from the Boards point of view we need to look at the revised drawings. It would be good to review what was anticipated with the shared driveway provision and what is being proposed now prior to rendering a decision.

Kate Maynard, Principal Planner, City of Saratoga Springs stated what the Board is requesting is a potential layout to what is being proposed versus what is being shown this evening on the old site plan to see how each lot will be sited.

Janet Casey stated also how the driveways would be situated to each other would also be of interest. How they work with each other that is why the plan is so important. We cannot just waive this procedurally.

Amy Ryan stated a review of the traffic in this area is warranted because this is between Crescent and Broadway and it will become a cut through.

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

Jack Trieber, a prospective homeowner spoke regarding waiting for a year for their home to be built in this area. This has been very frustrating. We are waiting for this to be resolved.

Jamin Totino, Vice Chairman reiterated the need for revised drawings and plans to be submitted to the Board.

Mr. Adang spoke regarding the driveways and the placement.

Mark Torpey, Chairman stated it is not a foregone conclusion that the Board will approve a waiver for the shared driveways. This Board has to look at the entire plan. Review the configuration and location of the curb cuts relative from one parcel to another. Are they adjacent, at the opposite sides and also what does that do to changing the square footage of what you could build on the property. The intent of the Planning Board at the time the decision was rendered, Their intent was to preserve square footage in terms of the layout. We want to be able to see what we are doing to that.

Mr. Adair stated there was no mandate at that time. We can submit a plan showing approximate driveway plans, and where the building envelopes are proposed.

Mr. DePaulo stated if I submit a plan and the homeowner wishes to flip flop the garage or something can that be done or am I locked into the drawing/plan submitted.

Mark Torpey, Chairman stated yes, basically that is the whole point of the review. We do it all the time. We show the curb cut, the location of where the driveways are located. A representation of the setback to show where the house will be cited. Those physical curb cuts and layout of the sidewalks it is all done by the Board in a pre-approval.

Mr. DePaulo stated it is important to certain people to be able to have different amenities in their home. When I give the Board the proposed driveway exit it is not going to change the scope of anything I give you if it is to the left or to the right of the lot. It is not going to change anything, only on the drawing. I want to make sure that is what you are going to hold me to. The answer is yes.

Jamin Totino, Vice Chairman stated once you have submitted a site plan to the City, you cannot change a driveway from one side of the home to another.

Janet Casey stated that is why you are here this evening. It is not an approval for one home. It is an approval for a subdivision for the entire project.

Mr. DePaulo stated it is unique and different. As long as your driveway meets the code and the setbacks it doesn't change the subdivision one bit on a 60 foot lot, whether the driveway is to the left a little or the right.

Kate Maynard, Principal Planner, City of Saratoga Springs, stated as Jamin pointed out regarding the easement and how it works with the shared driveways does lend it to certain things happening in terms of that space. If you are interested to see where the layout of the driveways are, which you have reviewed with other projects. It is not required with

subdivision. The Board seems interested in seeing the location of the driveways, the buffering between the driveways, and also the character of these lots especially with the change. These are very small lots, and we are seeing things a little different than when they were approved. We are seeing large homes on very small lots. In terms of the actual characteristic we are seeing more of the front loaded garages. If you are interested in seeing some of the features you are concerned about in past application it might be where the garages are located, front loaded, side loaded, detached garages and front porches. If you are trying to get to the character you may wish to ask for Information on those features, some of the community character items. The applicant can provide this to you.

Kate Maynard, Principal Planner, City of Saratoga Springs stated the Board is looking at some additional information. The Board is looking for the general layout, or a mix of layouts. Can you provide some of the building types you are looking at. Do they have porches.

Mark Torpey, Chairman stated the applicant will return before the Board with the additional information requested.

APPROVAL OF MEETING MINUTES:

Approval of meeting minutes was deferred to the June 7, 2018 meeting.

MOTION TO ADJOURN:

There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 10:55 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 7-5-18