



# PLANNING BOARD

## MINUTES (FINAL)

THURSDAY, MAY 28, 2020

6:00 P.M.

**ZOOM WEBINAR**

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

### **SALUTE TO THE FLAG:**

**PRESENT:** Mark Torpey, Chairman; Ruth Horton; Todd Fabozzi; Sara Boivin; Lexie Bonitatibus; Kerry Mayo; Shawna Jenks, Alternate

**ABSENT:** Jamin Totino, Vice Chairman

**STAFF:** Susan Barden, Principal Planner, City of Saratoga Springs  
Bradley Birge, Administrator, Planning and Economic Development  
Vince DeLeonardis, City Attorney, City of Saratoga Springs

### **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.

#### **A. APPROVAL OF MEETING MINUTES:**

Approval of meeting minutes was deferred to the end of the meeting.

#### **B. POSSIBLE CONSENT AGENDA ITEMS:**

**NOTE:** The intent of a consent agenda is to identify any application that appear to be "approvable" without need for further evaluation or discussion. If anyone wished to further discuss any proposed consent agenda item, then that item would be pulled from the "consent agenda" and dealt with individually.

**NONE AT THIS TIME.**

#### **C. APPLICATIONS UNDER CONSIDERATION**

1. **20191216 LOUDEN ROAD SUBDIVISION**, 406 Louden Road, preliminary subdivision review for a proposed five-lot conservation sub-division within a Rural Residential (RR) District.

Mark Torpey, Chairman stated this application has previously been before the Board. This is a proposed 5-lot conservation subdivision. The applicant has with the most recent submission reduced the number of lots previously proposed by one. One of the lots has a two family residence (Lot #5). The other lots will be improved with single family residences.

### **SEQRA:**

This is SEQRA Type I action. Coordinated review is required. Department of Health is the only other involved agency. On January 30<sup>th</sup>, the Planning Board coordinated review and sought Lead Agency Status. The project appears to no longer be a Type I action due to the reduction in the number of lots.

## **BACKGROUND:**

Property has been reduced to five lots and has preserved the ridge in the middle of the project site. Property consists of three lots – within the City and the Town of Wilton – with one house off Loudon Road. The Board conducted a site visit on August 1, and walked a portion of the site. The Board reviewed a sketch plan at the August 8, 2019 meeting.

Applicant: Wade Newman

Mr. Newman reviewed the project location and provided a visual of the site for the Boards review. The property consists of three parcels. Two are in the City and one is in the Town of Wilton. The Town of Wilton line goes right through the northern end of the property. The two parcels within the City limits and one parcel in the Town of Wilton. The parcel has frontage on Loudon Road to the north and also some frontage on Bog Meadow. There is an existing residence on the north end. The zoning is Rural Residential. The lands on the site are highly permeable with no wetlands. There is an easement on the property which allows raw water to run to the water treatment plant. A conservation analysis was performed along with conservation regulations. There are no constrained lands as defined by the city code. There are some significant hardwood trees which the subdivision has been designed around to preserve. Generally speaking the property is defined north to south by a ridgeline. The conservation analysis yielded four findings; there are no constrained lands as defined by city code, no steep slopes over 25%, no regulated wetlands and no floodplains. The site does contain wooded areas in excess of one acre in size. A density calculation was also completed which will support 6 residential units. The project as proposed is a five lot subdivision, with four single family residences and one lot houses a two family residence, which is Lot #5. The parcel was surveyed and a copy was also provided for the Board. The Open Space Committee walked the site in March and issued correspondence regarding their findings, which was provided to the Board. The new subdivision plat was provided to the Board with the Open Space Committees recommendations. The Town of Wilton does not require permission for subdivisions. They only require driveway permits. An approval letter was issued and noted for the driveway off Loudon Road which met their requirements and was submitted to the Board. The project is a 5-lot subdivision and is no longer a realty subdivision and as such is no longer a Type I action for SEQRA.

Mark Torpey, Chairman thanked the applicant for the presentation. The Board is not in a position to take any action on this application this evening. We will provide additional feedback to the applicant. We are awaiting feedback from Complete Streets regarding pedestrian access.

Susan Barden, Principal Planner stated she has been in conversation with Tina Carton, Complete Streets. They are requesting a site visit in the near future and then will provide their findings and thoughts to the Board.

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

Todd Fabozzi stated this is an improvement from where this started. Comments from the Open Space Committee and this Board have been met. He is in favor of pedestrian accommodations on Loudon Road.

Ruth Horton requested further clarification on the lots, the size and orientation.

Mr. Newman provided additional information with regard to the lots, size, acreage, and orientation to the Board.

Discussion ensued regarding Loudon Road in the Town of Wilton. Staff will reach out to them to regarding sidewalks in the right of way on Loudon Road.

Mr. Newman provided a visual of the area noting the absence of sidewalks in this area.

Bradley Birge, Administrator, Planning and Economic Development provided information regarding where the city line ends and Wilton begins. He noted the presence of many county trails in this area. They are still trying to provide some creative ways to provide pedestrian traffic in this area.

**PUBLIC HEARING:**

Mark Torpey, Chairman opened the public hearing at 6:27 P.M.

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

**Patrick Luch**, 36 Bog Meadow Run states their concern is the basic community concept of the Bog Meadow neighborhood. We are trying to preserve the feel of the neighborhood. The three driveways are a concern with no trees or buffering. More trees out front would be great.

**Broadly and Emma Krass**, 30 Bog Meadow Run, directly south to the proposed development. We are concerned about the lot size. The new plan is more in keeping with the neighborhood.

Mark Torpey, Chairman asked if there was any further questions or comments from the Board. None heard.

**CORRESPONDENCE RECEIVED BY THE BOARD:**

-email correspondence from Marilyn and Amerigo Bocchi, 4 Alfred Court, received May 28, 2020.

-email correspondence from Emma Kress, 30 Bog Meadow Run, received May 28, 2020.

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

2. **20200188 CHOW BELLA**, 50 West Avenue, special use permit for reuse of an existing building for dog related retails and services in the Transect-5 (T-5) District.
3. **20200187 CHOW BELLA**, 50 West Avenue, site plan review for reuse of an existing building for dog related retails and services in the Transect-5 (T-5) District.

Mark Torpey, Chairman stated this is a previously opened application. The project is an adaptive reuse of a commercial building on West Avenue. The public hearing was opened and remains open.

**SEQRA:**

Action appears to be a Type II – 617.5(c) (18) “reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by Special-Use Permit, and the action does not meet or exceed any of the thresholds in Section 617.4 of this Part.

**REQUIRED REFERRALS:**

Saratoga County Planning Board correspondence noted no significant countywide or intercommunity impact.

Applicant: Marijo English

Agent: Michael Bianchino, Lansing Engineering; Matt Chauvin, Attorney

Mr. Bianchino stated since the last appearance before the Board the applicant has submitted a landscaping plan. Lighting analysis was conducted and a lighting plan was also submitted indicating the addition of two building mounted lights one in the front and one on the side. This will adequately light the parking lot and limit light spillage off the property to zero. We request consideration for approval of the Special Use Permit and Site Plan Waiver.

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

Discussion ensued among the Board regarding type of Special Use Permit to be issued and consideration of site plan waiver.

**PUBLIC HEARING:**

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

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

Mark Torpey, Chairman reviewed Special Use Permit considerations:

- No outdoor operations or activities, all indoors.
- Instruction signage inside the building as well as markers delineating the wetland buffer.
- Hours of operation from 9am – 8pm.
- Stripping of 13 parking spots.
- Planters and plantings as proposed in the landscaping plan.
- Additional lighting as proposed in the lighting plan.
- No boarding of animals.
- 7500 square feet for sales, service and eating and drinking uses. Combination of uses not to exceed 13 parking spaces.

Mr. Chauvin stated the applicant agreed to the installation of proper signage noting dogs are not allowed on the grassed area.

Ruth Horton made a motion in the matter of the Chow Bella Special Use Permit, 50 West Avenue, for reuse of an existing building for dog related retail sales and services application be granted with the conditions as noted by the Chair. Lexie Bonitatibus seconded the motion.

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

**VOTE:**

Mark Torpey, Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Sara Boivin, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor; Shawna Jenks, Alternate, in favor

**MOTION PASSES: 7-0**

Kerry Mayo made a motion in the matter of the Chow Bella Site Plan Review, 50 West Avenue for reuse of an existing building for dog related retail sales and services that the Planning Board Waive Site Plan Review. Sara Boivin seconded the motion.

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

**VOTE:**

Mark Torpey, Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Sara Boivin, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor; Shawna Jenks, Alternate, in favor

**MOTION PASSES: 7-0**

4. **20200177 DI CENZO AUTO USES**, 254 Washington Street, special use permit for automotive sales, motor vehicle repair, car rental agency and office uses in the Transect-5 (T-5) Neighborhood Center District.

Mark Torpey, Chairman stated the applicant is requesting a Special Use Permit for automotive sales, motor vehicle repair, car rental agency and office uses. The site is ¾ of an acre. The applicant has requested a Waiver of Site Plan Review. The Saratoga County Planning Board in their referral counseled the Board not to consider that waiver.

**SEQRA:**

Action appears to be a Type II – 617.5(c) (18) “reuse of a residential or commercial structure or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by Special-Use Permit, and the action does not meet or exceed any of the thresholds in Section 617.4 of this Part

**REQUIRED REFERRALS:**

Saratoga County Planning Board issued a response indicating no significant county-wide or intercommunity impact with comment.

Applicant: William DiCenzo

Mr. DiCenzo stated he is trying to re-establish the use. This is a family owned property and the uses have been existing on the site for over 25 years. The only new uses proposed are the office space and accessory use. He is attempting to make the property more viable and will also offer the potential to bring in renters. Mr. DiCenzo provided a visual of the existing site plan noting what they are proposing as well as a floor plan for the Boards review.

Mark Torpey, Chairman reviewed the district intent as well as the future land use designation which is Community Mixed Use. This includes areas of moderate density, residential and community supported commercial uses. These are characterized by mixed use neighborhoods that are walkable and connected to adjacent residential neighborhoods and neighborhood scale businesses and services that meet the needs of the surrounding neighborhood. This district also focuses on providing quality streetscape amenities and civic spaces to enhance pedestrian activity. The site plan issues of pedestrian connectivity and the uses and how this fits in with the concept is something we are trying to promote.

**PUBLIC HEARING:**

Mark Torpey, Chairman opened the public hearing at 7:10 P.M.

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

Ruth Horton questioned if sidewalks are proposed.

Mr. DiCenzo stated he does not feel that he wants to put sidewalks in this area. He has no neighbors in this area.

Sara Boivin stated she really would like to see some sidewalks, lighting and streets aping. We are working very hard at the other end of this street. It would be a misstep not to include sidewalks. This entire corridor will have a great deal of walkability with all the development current and proposed. Buffering with some trees might be acceptable as well.

Mr. DiCenzo stated he is right on the highway. He believes there are right of way issues in this area.

Discussion ensued among the Board regarding the importance of sidewalks and the pedestrian activity in this area.

Mark Torpey, Chairman stated he appreciates what the applicant is trying to do. The Board has a set of guidelines to adhere to specifically for the T-5 area. The aesthetics with pedestrian connectivity is a critical part of what the Board is charged with. We deal with so many projects both residential and commercial where the applicants take issue with installing sidewalks that do not go anywhere at the moment. From a long term standpoint we like to look ahead where these are all stitched together even if it takes a while. What I am seeing here does not give me enough information to work with and what the T-5 District is all about. I would need to see more information in order to move this project forward.

Mr. DiCenzo questioned the revitalization of the Plaza on West Avenue and what is currently there and what was

required of that applicant.

Bradley Birge, Administrator, Planning and Economic Development stated the changes which were made in that Plaza did not require a Special Use Permit or Site Plan Review as part of those renovations. It was a re-skinning of the existing facility. What is being asked of the Planning Board now is a new allowance under Special Use Permit. I do not believe there is an approved Site Plan for the site as it currently exists. Those are two areas certainly under the jurisdiction of the Planning Board to determine the appropriate combination of uses as well as appropriate establishment of the site.

Mark Torpey, Chairman provided some input to the applicant with regard to further information regarding parking areas and requirements to better visualize the proposed uses and to have the use better comport with the T-5 District.

Mr. DiCenzo stated he can rework the site. He questioned the ability to have the site plan review waived.

Mark Torpey, Chairman provided information to the applicant regarding the requirements for site plan review.

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

Shawna Jenks, Alternate agreed with earlier comments concerning the T-5 District and what is currently being developed and proposed in that area along with pedestrian connectivity. The examples shown are a good start but there is not enough information to make an informed decision.

Sara Boivin stated perhaps a lighting plan for street side and the interior site. Screening and landscaping as well as garbage and dumpster location, along with traffic flow should be added to the plan.

Mark Torpey, Chairman stated the public hearing was opened and will remain open. We will adjourn this application pending additional information from the applicant. The Chair recommended the applicant meet with staff for additional guidance and information.

5. **20200229 VERIZON WIRELESS**, 233 Lake Avenue, coordinated SEQRA Review for a special use permit for a new telecommunications facility to be located on an existing structure in the Urban Residential-1 (UR-1) District.

Mark Torpey, Chairman stated what is before the Board this evening is to initiate coordinated SEQRA Review, and request Lead Agency Status. This is an unlisted action, and only other involved agency is the DRC. Tonight the Board will coordinate SEQRA review and Seek Lead Agency Status from the DRC which is the only other involved agency.

#### **REQUIRED REFERRALS:**

Saratoga County Planning Board response received "No significant County-Wide or Intercommunity Impact.

#### **SEQRA:**

The project appears to be an Unlisted Action. The applicant has submitted Part I of the Full EAF. Involved agencies have been identified as the Planning Board and the DRC.

Applicant: Verizon Wireless

Agent: Dave Brennan, Attorney, Young, Sommer, Law Firm; Rich Andras RF Engineer for Verizon;  
Jackie Bartolotta, Site Acquisition Specialist

Mr. Brennan provided a visual of the existing coverage area and what the new site coverage area will be. A copy of the proposed plans were also provided, noting the proposed location of the antennas. As a matter of background

information, he contacted the City School District Recreation Area to entertain Verizon using this location to install a new telecommunication site. They declined speaking to us. We have many of these types of installations in locations similar to this in several neighboring communities. Communication from the school district is dated May of 2019 and a copy will be provided to the Board. We looked at a building at 233 Lake Avenue and we did submit an initial application which included stealth enclosures around the antennas. We have a letter from the Saratoga Springs Preservation Foundation dated May 16, 2018 stating they did not like our stealth enclosures. We were told to redesign and reduce the size of the antennas. This presentation was given to the DRC at this time. This information will also be provided to the Board. A visual presentation of that initial plan was provided to the Board. The City was not happy with that iteration and we pulled that application. It was at that time we spoke to the City regarding location at Recreation fields and we were told no. Mr. Brennan provided a visual of the proposed installation at 233 Lake Avenue.

Todd Fabozzi questioned the applicant appearing before the DRC for a telecommunication facility then but now the applicant is before the Planning Board for a Special Use Permit for a telecommunication facility.

Bradley Birge, Administrator, Planning and Economic Development stated it is the evolution of the clarification of what the process is. There are essentially three avenues when proposing a telecommunications facility. One is if you wish to create and build a new facility and place an antenna on it, requires Zoning Board approval, Planning Board and DRC. If one uses an existing telecommunications facility, a co-location scenario, where you already have structure, pole and silo and you are only adding a silo, it only goes to the DRC. The middle ground is if you are placing an antenna on a building, the building has not been used as a telecommunications facility, but the building exists, the evolution analysis scenario and re-evaluation and language notes that the facility already exists but it is a new use, it is another primary use from what exists now. That is when it needs to appear before the Planning Board and the DRC.

Todd Fabozzi stated it is disappointing that the City School District would not accommodate this request. He questioned the use of a Frankentree rather than locating on top of this historic building.

Discussion ensued among the Board regarding the information received by the applicant and proposed location of the telecommunications facility on this historic building, as well as other considered locations considering the current conditions and economy.

Mark Torpey, Chairman requested the applicant work with staff to reconsider approaching the City School District. Also, information from the Saratoga Springs Preservation Foundation will also be helpful considering the placement is on an historic structure.

Mr. Brennan stated he will be in contact with City staff and pursue the communications with the City School District. Mr. Brennan provided a visual of the location of tower and the area of coverage proposed.

Mark Torpey, Chairman spoke regarding the Newman structure, its historic nature and community character. He requested the applicant's agent review the area and return before the Board with some additional location possibilities.

Mr. Brennan stated we will see where we go with this application. We do need the service and we want to do it in the best way we can to provide the best service and in a respectful way to the community.

Mr. Andras, RF Engineer for Verizon provided information on other buildings in the vicinity of 233 Lake owned by the Church. Considering the area Verizon is trying to cover with this tower he feels the Church would block coverage to the south. We will take a look at it.

Sara Boivin stated perhaps not St. Clements's Church but the school which is set back from the road somewhat.

Shawna Jenks, Alternate made a motion that the Planning Board seek Lead Agency Status for SEQRA in the application of Verizon Wireless, 233 Lake Avenue, Special Use Permit. Ruth Horton seconded the motion.

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

**VOTE:**

Mark Torpey, Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Sara Boivin, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor; Shawna Jenks, Alternate, in favor

**MOTION PASSES: 7-0**

**APPROVAL OF MEETING MINUTES:**

Mark Torpey, Chairman made a motion to approve the minutes of the March 12, 2020 Planning Board Meeting as submitted. Ruth Horton seconded the motion.

**VOTE:**

Mark Torpey, Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor; Sara Boivin, in favor; Shawna Jenks, Alternate, in favor

**MOTION PASSES: 7-0**

Mark Torpey, Chairman made a motion to approve the minutes of the April 30, 2020 Planning Board Meeting as submitted. Ruth Horton seconded the motion.

**VOTE:**

Mark Torpey, Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor; Shawna Jenks, Alternate, in favor

**MOTION PASSES: 6-0**

**UPCOMING MEETINGS:**

Planning Board Workshop, Thursday, June 4, 2020 at 5:00 P.M.  
Planning Board Meeting, Thursday, June 11, 2020 at 6:00 PM.

**MOTION TO ADJOURN:**

There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 8:17 P.M.

Respectfully submitted,

Diane M. Buzanowski  
Recording Secretary

APPROVED 7-30-20