



PLANNING BOARD

MINUTES (FINAL)

THURSDAY, JUNE 7, 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; Jamin Totino, Vice Chairman;
Bob Bristol, Ruth Horton, Todd Fabozzi;

ABSENT: Clifford Van Wagner

LATE ARRIVAL: Amy Ryan, Alternate, arrived at 7:00 P.M.

STAFF: Kate Maynard, Principal Planner, City of Saratoga Springs
Tim Wales, City Engineer, City of Saratoga Springs
Justin Grassi, Counsel to the Land Use Boards

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.

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 18, 2018 at 4:00 P.M.

Planning Board Workshop, Monday, June 18, 2018 at 5:00 P.M.

Planning Board Meeting, Thursday, June 21, 2018 at 6:00 P.M.

PRIVILEGE OF THE FLOOR:

None heard.

A. CONSENT AGENDA:

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

1. **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.

Mark Torpey, Chairman stated this application has been before the Board on a previous occasion. What is before the Board this evening is an Advisory Opinion to the City Council. We have drafted and finalized some language which we feel is appropriate.

Kate Maynard, Principal Planner, stated the proposed draft has been forwarded to the applicant and they have no further comments.

Bob Bristol made a motion in the matter of the NRP Group, LLC, Allen Drive/Tait Lane for a Favorable Advisory Opinion to the City Council.

Jamin Totino seconded the motion.

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

VOTE:

Janet Casey, 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: 6-0

B. APPLICATIONS UNDER CONSIDERATION:

1. **18.006 PEPPERS CORNER**, 173 Lake Avenue Special Use Permit for a convenience sales use in an Urban Residential -3 (UR-3) District.

Mark Torpey, Chairman stated what is being requested is a Special Use Permit for convenience sales in a UR-3 District. This is a Type II action for SEQRA so no further SEQRA environmental review is required. The applicant appeared before the Board on April 5, 2018 and the Board did request some additional information. We have received some additional information from the Department of Public Safety which indicates the confirmation for changing the area in front of the site to a 15 minutes loading zone. Also, we have some correspondence from the Saratoga Springs Preservation Foundation noting the structure itself has no historic significance, so replacement in kind will not be an issue. Correspondence was received from Duane Miller, Building and Zoning Inspector stating the previous non compliance citation issued by Steve Shaw is still in effect.

Applicant: Tom West

Mr. West stated relative to Public Safety has no objection changing the 15 minute parking area to a 15 minute loading zone. A visual of the site was provided to the Board, noting the proposed outdoor seating/eating area for 20 people and

a bike stand location. There will be no music and there is no consideration for a liquor license, as well as the hours of operation.

Ruth Horton questioned the hours of operation for outdoor seating.

Mr. West stated the applicant will be using a cargo bike for nearby deliveries. Mr. West stated 10:00 P.M. is closing. Outside eating can be until whenever.

Mark Torpey, Chairman is looking at the noise issue. How long will the customers be out there and present noise issues.

Mr. West spoke regarding noise and outside seating. They are hoping not to set a time limit on outside seating.

Janet Casey questioned if the outdoor furniture would be moved inside at the 10:00 P.M. closing time.

Mr. West stated if it is a nice evening they might leave the furniture outside and when it is inclement weather it may be brought inside.

Janet Casey questioned the hard stop time for serving patrons to prevent customers from eating outside until 2 AM.

Mr. West stated he doesn't think the level of activity which is being projected will occur. We do not feel this is intrusive. or present an issue to the neighbors.

Mark Torpey, Chairman stated the noise issue is a condition on the Special Use Permit and is within our purview. We are trying to ascertain how long the customers will be outside and possibly presenting a noise issue for the neighbors.

Mr. West stated the Board could place a 10:00 PM hard stop condition on the Special Use Permit. He does not feel this will be an issue.

Kate Maynard, Principal Planner, City of Saratoga Springs stated for convenience sales in this location, there is a known tenant, so the questions and concerns are guided toward that. Keep in mind that use continues. 9 Miles East moves on a new tenant moves in and the overall situation and condition that would apply for the use of the site remain.

Mr. West stated the neighbor's complaints with the existing operations and the way things were done and that has created concerns with the neighbors. We do not feel the outside eating area should be a concern at all.

Mark Torpey, Chairman questioned the buffering proposed for noise reduction.

Mr. West provided some information concerning the proposed landscaping plan.

Justin Grassi, Counsel to the Land Use Boards stated the courts have overturned certain conditions placed on the words where there is an attempt to regulate internal operations. If there is substantial evidence for say the hours of operation, does impact the neighborhood, those have been upheld. You have to identify what those impacts would be and there has to be substantial evidence provided. If however, the applicant themselves are self imposing certain conditions, those are always safe to accept.

Todd Fabozzi questioned if a new applicant moved in and served alcohol and had outdoor music is that allowed or would they need to return before this Board for an additional review.

Kate Maynard, Principal Planner, City of Saratoga Springs stated one thing you may want to consider is the definition of convenience sales is silent on that definition. So advice to you if that is something you wish to have solidified one way or another. You may wish to place that as a condition so that there is certainty.

Justin Grassi, Attorney for the Land Use Boards stated if the use is not expressly provided in the conditions that most likely arguably it is not a permitted use under that Special Use Permit. To avoid any future concerns you would want to specify that.

Mr. West stated he has reviewed the questions which were raised. He feels this is a modest proposal. The project requires no variances and meets the definition of convenient sales.

Mark Torpey, Chairman questioned the number of delivery vehicles on site.

Mr. West stated there will be one delivery vehicle which will cycle through several times per hour.

Mark Torpey, Chairman reviewed the loading zone requirements as well as delivery vehicles.

Janet Casey stated she wants to reaffirm that the applicant will continue to work with the neighbors to provide any screening deemed necessary from the parking area to their homes and back yards.

Mr. West stated they will continue to work with the neighbors and further discuss at site plan review.

Mark Torpey, Chairman stated the applicant has applied for a permanent Special Use Permit. However, we are proposing a Special Use Permit which will provide for some monitoring and time frame parameters. This will provide the Board to have an opportunity to see how it goes and additional conversation with the neighbors two or three years down the road.

Kate Maynard, Principal Planner, City of Saratoga Springs stated there are two things. One is a temporary Special Use Permit and the other is a Renewable Special Use Permit. They are both available. Renewable has time frame parameters and the applicant will return before the Board following a set time frame for the Board to re-evaluate, a public hearing will be required at that time. The Board will either renew the Special Use Permit or make changes.

Mr. West stated he does not agree with the interpretation of the Zoning Code. He would like a permanent Special Use Permit due to the investment he will be putting forth.

Ruth Horton stated she would like to have the applicant return to assure the conditions of the Special Use Permit are appropriate and hasn't changed. The Board would have an opportunity to review it, especially if the property transferred to a new owner.

Mr. West stated that is the responsibility of the Code Enforcement Officer to assure compliance.

Justin Grassi stated if the property were to transfer to a new owner, it must operate within the parameters of the Special Use Permit. Violations would be issued if they were found to be out of compliance.

PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing at 6:36 P.M.

Kate Maynard, Principal Planner, City of Saratoga Springs stated additional correspondence received by the Board:
-letter from Joan Brophy, dated April 6, 2018.

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

Joseph Tiquesub, 175 Lake Avenue. My son's front porch will have tables directly adjacent to the property. A letter was previously submitted on 07-17-2017, to the ZBA and the Planning Board and City Attorney. I have issues regarding the loading zone. He would like to have the ability to park in front of my own home. Outdoor seating is an issue as well.

We strongly oppose the project. He spoke regarding the UR-3 District and what is currently is proposed.

Dillon Moran, 177 Lake Avenue. A letter was submitted previously in opposition to the project. I am a lifelong resident. Peppers was a functioning market. We liked the concept. He spoke regarding the neighbors concerns in this UR-3 District as well as his family's.

Karen & Dave Dixon. We immediately border the property on the north side. Number of signatures on a petition of property owners in the Lake Avenue, Middle Avenue, and Warren Street. There are 26 signatures. We feel the hours are excessive in this quiet neighborhood. Very intrusive to our homes and us. Limit the hours and days of operation.

Joan Brophy, 171 Lake Avenue. I live directly across the street. Many of the concerns about traffic, schools and parking in this area. So many red flags going on in this area. We have legitimate concerns. Your decision will affect the neighborhood. Leaving the tables outside will invite drunks, and people getting high to sit down and party. All the neighbors have lived here for a long time paying taxes and supporting the City.

NOTE:

Board Alternate Amy Ryan arrived at 7:00 P.M.

Jerry Star, 12 Warren Street. My main concerns are noise, traffic and parking.

PUBLIC HEARING:

Mark Torpey, Chairman closed the public hearing at 7:04 P.M.

Mark Torpey, Chairman stated this Planning Board has no authority or jurisdiction concerning Moby Rick's and what is currently going on there. Even with respect to the definition of convenience sales that falls within the jurisdiction of the Zoning Officer. We have no ability to even weigh in on that legally we have no purview. We have no role in enforcement. We have a very narrow limited lens in which we make our decision. In this case it is the evaluation criteria for the Special Use Permit. In the UR-3 District permitted uses in the UR-3 District with Special Use Permit do include private schools, religious institutions, private civic clubs, bed and breakfasts, rooming houses, senior housing, assisted living, and convenience sales. It is a residential district but these uses are allowable.

Mark Torpey, Chairman stated he believes the renewable option maybe something to consider. It would be an option which is available.

Justin Grassi, Counsel to the Land Use Board stated it is an option of the Planning Board to either permit a temporary or renewable Special Use Permit and is expressly permitted in the Zoning Ordinance. It is an option for the Planning Board to utilize. If the Planning Board wanted to use a Permanent Special Use Permit for certain aspect of the application and a Renewable Special Use Permit for the remainder it would suggest you could also do so. So long as you clearly articulate a reasonable reason for doing so.

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

Jamin Totino, Vice Chairman stated I am moved and swayed by the public opinion on this matter. Especially the criteria associated with the density, intensity and compatibility of the use with the neighborhood and community character. It seems to me the hours of operation and the outdoor seating are two areas of contention. The immediate neighbors Are not in opposition to convenient sales but this seems to stretch the boundaries of what the definition is. I do agree, in living in an area like on Beekman Street where there is outdoor seating it is not always possible to enforce the rules that apply. In those restaurants on Beekman Street bring their outdoor furniture in at night expressly for the reasons the neighbors have cited in this instance. They will sit where they can sit. The impact on the neighborhood and such strong opposition to the compatibility with the neighborhood and the neighbors are concerned regarding the impact of the

loading zone. Again I am swayed by the public opinion and the uses and issues raised around this use, so at this moment I am not inclined to support this application.

Ruth Horton stated she is struggling with this because she likes the notion of a neighborhood convenience store, gathering place. It has some very positive attributes but this particular community is not seeing it that way. I would be more inclined to get a project that did not have outdoor seating and the hours of operation are still an issue for discussion.

Janet Casey stated she would add in terms of convenience sales clearly that definition customers consuming food on premise is allowed. I am not as concerned regarding the outdoor seating because we have some tools at our disposal to limit that. To me, the piece pushes things over the edge for her is the delivery aspect. This particular use and that seems outside of the use of convenience sales for her. It introduces a whole additional realm of traffic which seems to exceed the amount of traffic for a neighborhood convenience sales. This seems to push this over the edge in terms of compatibility with the Special Use Criteria.

Todd Fabozzi stated he agrees with most of the comments he has heard. We need to take a serious look at the hours of operation, the outdoor seating could work but not in the evening or early morning. Bringing in the furniture is something we should definitely look at. Also, the loading zone is questionable, and it appears from the photos there is a violation and an issue with that. Blocking driveways, fire hydrants or even the corner is something to consider. The delivery aspect is somewhat unclear and would generate additional traffic.

Mark Torpey, Chairman stated something Commissioner Martin might be able to provide concerning the loading area would be to delineate the loading zone so we can visualize where it would be located. Some fixed markers. The four deliveries per hour would they be done from the loading zone. It would be good to get some clarity regarding this. Also, I agree that the 10 PM stopping point may present some problems. Bringing the furniture in would be a good idea. This project may warrant a review after a period of time in a renewable way. It is warranted here to see how this is working in this area. You have heard some feedback from the Board and the audience. I would suggest the applicant review what was heard and return with some thoughts on what you would be asking for any changes to your proposal based on what you have heard.

Justin Grassi, Counsel to the Land Use Boards stated since the Public Hearing was closed the Planning Board has 62 days in which to render a decision.

2. 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.

Mark Torpey, Chairman stated tonight the applicant is before the Board for consideration of SEQRA review. The property is in the Water Related Business District. It also spans in the Rural Residential, so there are two districts for the project, both of which are within the Corridor Lodging District, which is an overlay district providing an allowed set of uses the applicants are looking to pursue. The current proposal is for a 10 room bed and breakfast, a 139 boat slip marina, 444 seat restaurant, 25 room inn and 2400 board rental and convenience shop. Some earlier questions and concerns were the approach to the site on 9P and the visual aspects associated with the project and how it would appear as well as view from the water. Traffic is also an important and key issue here. No response has been received at this time from the DOT weighing in on this project. We do have a response from Chazen who reviewed the traffic analysis performed by Creighton Manning.

Todd Fabozzi stated also parking was an issue and overflow parking and how that is being dealt with.

SEQRA:

Action appears to be a Type I with Involved Agencies of Planning Board (special use and site plan), ZBA and DRC. Planning Board accepted Lead Agency Status on 12/14/17.

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.

Applicant: 550 Union LLC – Mike Phinney, Principal, Phinney Design Group and John Haines

Agent: Matt Brobston, LA Group; Mark Nadolny, Creighton Manning

Mr. Brobston stated we have received comments from Chazen and we have responded to their concerns on June 6, 2018. We were before the Design Review Commission last evening and we will provide their comments. We did receive a Favorable Advisory Opinion.

Mr. Brobston stated some information requested:

- the 500 year floodplain
- the impervious area – existing and proposed
- rendering from the bridge
- revised phasing plan

Mr. Brobston provided a visual presentation of the site and the dock and an aerial view of the site with the existing conditions. A photograph of the survey was provided noting some of the structures have been demolished. On this Visual we have denoted the 500 year floodplain and the 100 year floodplain. Site Plan Review was submitted today to be reviewed by this Board at a later date following SEQRA review. The location of the 500 year floodplain has required the area of the restaurant to be raised to adhere to the floodplain. The impervious area existing is 71% proposed is adding 1/10th of an area of impervious to the plan with the addition of green roofs and pavers. We are trying to get through SEQRA and get into compliance the current site plan. The restaurant will not be open this season due to the fire. ZBA variance request which will not be used until after site plan. The Board shop will be expanded and the existing house and garage which are existing condition will also need variances. Mr. Brobston supplied information on the parking compliance plan which took into account the number of seats proposed for the restaurant. That compliance plan would have addressed that. We are trying to leave the current pavement until further development on the site is phased.

Mr. Brobston stated the Board requested the applicant review the phasing of the project.

- Phase 1 was the compliance plan and the requested variances.
- Phase 2 restaurant demolished and rebuilt with new parking proposed in the summer of 2019.
- Phase 3 – 25 room Inn on the hill – summer of 2022.

Screening of the parking with mature trees, close to the right of way.

Kate Maynard, Principal Planner, City of Saratoga Springs stated she made a site visit with DOT and 2 DOT representative and walked through a variety of items, pedestrian safety, lighting, access points. Additional screening.

Amy Ryan, Alternate questioned the additional screening and the effect it will have on the visibility from exiting the area. Are there any other alternatives to be considered.

Mr. Brobston stated that right of way area is under the control of the DOT and they control what if any vegetation is planted in the area, what vegetation stays or goes. As part of the traffic report done by Creighton Manning. The western entrance has been designed as an entrance only which should cut down on people exiting that way due to sight lines.

Mr. Brobston stated the final Phase 4 will be the construction of the 10 room Bed and Breakfast – final phase -2024. A parking waiver was considered as well.

Mr. Phinney provided a brief history of the site as well as a visual presentation of the site including the 30 convenience boat slips for the restaurant and the pier along with current trees on the lot which will be retained. 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 cottages built into the hillside. Also we will be incorporating a convenience element in expanding the board shop. The existing house that would be used by the innkeeper. Mr. Phinney provided a visual concerning the proposed design, which is a rustic modern feel, wood, metal, stone, concrete and steel elements which are embracing 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 30 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. The restaurant will have a large pavilion type feel, with an asymmetrical butterfly roof with solar panels. The restaurant will be raised 30 inches above the flood plain and also to prevent future flooding. The project will be completed in phases. Phase 1 – the restaurant and site improvements, Phase 2 – cottages on the hill, Phase 3, the bed and breakfast.

Todd Fabozzi questioned if there is any documentation on the historic flooding of this area.

Mr. Brobston stated the lake levels are a controlled level. Downstream they do open up and control the levels. There is some relief from the flooding. So, it is hard to tell when that flood level was established.

Mr. Phinney reviewed the pier area and the support columns will be replicated in the new design. A view from the bridge to the site was provided for the Boards review. Also, the hill/slope area was reviewed with cottages and a path throughout. The entire hill area will be maintained.

Amy Ryan questioned stormwater management in this area.

Mr. Phinney stated this will be discussed in site plan. We plan on keeping this entire area pervious surface. Bioswales and rain gardens are also being considered.

Mr. Brobston stated regarding the parking they are short 7 or 8 parking spots. We spoke about valet parking and they have had discussion with neighboring property owners to accept some overflow parking during peak times. There will be a capacity level.

Mr. Phinney stated they are working on parking and discussion with neighbors for shared parking. Also Uber and Lyft are also an option which was experienced last summer. This has helped. Also, we are in discussion with the shuttle which provides service to the National and perhaps we can enter into an agreement with them as well. At peak we

employ 150 people as it is now, so they already do ride share and we will be promoting that. We do anticipate more than 150 employees when this is built.

PUBLIC COMMENT:

Sharon Weise, 548 Union Avenue. Concern was voiced regarding traffic. Ms. Weise provided a visual of the right of way to their home, and what will be done to prevent parking in their right of way. If there is no roadway definition there is a safety issue. Also concern regarding stormwater. We are very happy with what they have done with Lake Local Inn. That property was a disaster. We have enjoyed the music and the restaurant. The inn on our side is our concern. We are concerned regarding traffic, noise and where the smoking area will be located per code. Will the designated ROW be signed. Construction and the ability to gain entrance to our property is our concern. We do not have City water.

Mark Torpey, Chairman questioned the applicant concerning City water and if the opportunity exists for the homeowners to obtain City water as well. Stormwater will be handled on the site.

Mr. Brobston stated definitely. The plan shows water line down through the right of way. Initially we were proposing to T-it off but hearing their desire for the water services could be an option.

Mark Torpey, Chairman stated the project seems absolutely great, great design while being respectful and great job. My issues regarding SEQRA are traffic and the response from Chazen to review. Appreciate the neighbors sharing their thoughts. Ingress and egress from the site and more information on traffic.

Mr. Brobston spoke regarding the Chazen comments and Creighton Manning's response. We haven't had a chance to review them.

Tim Wales, City Engineer, City of Saratoga Springs, stated he spoke with our designated engineer this afternoon, and reviewed the data submitted by the applicant's engineer. It appears the data they have submitted and have answered many of the questions. I do not have a lot of concerns. One of my concerns was the backup during the regattas, which is separate and several times a year. This is not really related to this. Mr. Wales stated in his opinion this has not been an in and out place, eat, stay and enjoy the weather. You could ask for more information. Based on the overview and information received the applicant has done a pretty good job of answering all the concerns. Water line comes down Route 9 and feeds that area, the potential restaurant across the street as well. Concerning SEQRA I do not have any problems. Traffic wise they have reasonably answered our questions and concerns.

Mark Torpey, Chairman stated we also have site plan review to further this project.

Todd Fabozzi questioned if the information received in the conversation with DOT could be shared with the Board.

Kate Maynard, Principal Planner, City of Saratoga Springs stated generally speaking we looked at the site. Their overall sense the secondary access point, the western access point we were just discussing. They were looking at that and wanted more information from the traffic report. Safety along the frontage. They shared some of their thoughts as we discussed the site distance, lighting and sidewalks. We spoke about on street parking as a traffic calming measure. Crosswalk across Route 9. Additional lighting was discussed for daytime and nighttime activities as well as safety access. Comments are to be provided by DOT and they have been requested. We have not received any written communication at this time.

Discussion ensued among the Board concerning SEQRA review this evening or at a Planning Board Workshop.

Mr. Brobston requested the Board review SEQRA this evening understanding it is the SEQRA Long EAF. We would like to keep this application moving forward if at all possible.

SEQRA REVIEW:

Mark Torpey, Chairman stated the applicant has submitted Part I of the SEQRA Long EAF. It has been reviewed and is complete and accurate.

Mark Torpey, Chairman and the Board reviewed Part II of the SEQRA Long EAF. 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. Seconded by Ruth Horton.

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

VOTE:

Janet Casey, in favor; Amy Ryan, Alternate; 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

8:30 P.M. The Board recessed.

8:38 P.M. The Board reconvened.

- 3. **18.013 SARATOGA PET RESORT,** Kaydeross Avenue West, Special Use Permit for an Animal Kennel in a Rural Residential (RR) District.

BACKGROUND:

Subject parcel located along rural stretch of Kaydeross Avenue West, wooded, low intensity uses within vicinity. Proposed 11,761 square foot facility for dog and cat boarding. Provided materials include concept plan, building rendering, 3/27 VHB Traffic evaluation, DEC Natural Heritage, and DEC Wetland Non-jurisdictional assessment correspondence.

Kate Maynard, Principal Planner, City of Saratoga Springs stated additional correspondence has been received by the Board.

-written communication from John Mastropietro, Stable Lane, dated May 29, 2018.

Applicant: Jen and Peter Lopatka

Agent: Jon Lapper, Attorney; Scott Learned, Learned Design; Jeff Anthony, Trish O’Grady Howard, Studio A

Mr. Lapper stated he is the attorney for the applicants. This project is an entirely different kennel than exists in the area. We have submitted information concerning the questions the Board had and the concerns of the neighbors. The design and operation are dramatically different than facilities in the area.

Mr. Anthony, Studio A, Landscape Architect and Environmental Consultant. Mr. Anthony provided a visual of the proposed site which is essentially the same as was presented at an earlier appearance before the Board. Mr. Anthony provided a review of the proposed building both Phase I and Phase II and the surrounding site and what is proposed. Land banking is proposed for future parking if necessary. The site plan has been modified in one way we are providing buffer area between the building and the street on both sides. This area will be planted with evergreen shrubs and trees. This is to improve the view of the facility from Kaydeross Avenue west. Mr. Anthony stated he will review the questions from the Board:

-The project site appears to be in the FEMA mapped 100 and 500 year floodplains.

Thompson and Fleming Licensed Land Surveyors plotted the floodplain limits of the Kaydeross Creek and have Determined that the project site, the pet resort building, parking and other amenities are not in either the 100 year or 500 year floodplains. The floodplain on the south and east side of the creek the Northway side is extensive however The land is inaccessible and no use or construction on it is proposed. Comments were made regarding the soils on the project and the appearance of high ground water. We have done 3 exploratory test pits in this area. These were done by a licensed civil engineer and were completed in November. They showed signs of wetness. Test pit #1 indicated mottling at 30 inches below grade. This depicts seasonal high ground water. This is in the vicinity of the proposed building. The building will be on slab on grade and will have no effect or impact on this construction. Test pit #2 was advanced to 72 inches below grade and Test pit #3 was advanced to 60 inches below grade. No mottling, bedrock or ground water was observed. The soils in this area are suitable for the installation of an on-site septic system and stormwater management practices.

Amy Ryan questioned the possibility of doing test pits in the spring or rainier months since this is in a wetter area.

Mr. Anthony when we progress with this project and the septic system and stormwater practices are finalized and located new soil test pits, percolation tests will be conducted and used for final engineering.

Ms. Lopatka stated all of their financing and plans are focused on Phase I of the project. Phase II of the project is a long term plan and could be entertained several years down the road. If there was a demand for it then we would proceed. We are presenting our entire long term plan for the Board for transparency and environmental review purposes. I also want to correct what I stated at the previous appearance before the Board. I stated 200 dogs would be the number and it is not correct. Included in your package are a couple of different scenarios. Under Phase I we would expect during non peak occupancy we would expect 78 dogs on a daily basis. Peak occupancy would be at approximately 106. Peak occupancy is in total about 1½ months of the year. The remaining month's occupancy would be at 78. Dog boarding rooms 36 dogs. The remainder is day care dogs. Boarding would be about 50%. Peak occupancy occurs during the holiday season, Thanksgiving, Christmas, and Spring Break and Summer Vacations. Phase I and II combined would be 104 during non peak time and 142 dogs during daily peak times. Also in the floor plans you will note 126 enclosures. The enclosure number includes boarding for cats and dogs, grooming cages and time out cages for day care dogs.

Mr. Learned, Design Learned. Mr. Learned stated my firm is based in Connecticut but we work all over the country. I am a licensed professional engineer in NY State. All we do is animal facilities and have for years. One question the Board had was concerning the potable water for emergencies. We have tanked water for emergencies. The way these facilities are designed they have one to two days of water or more in the event water supplies are interrupted. The building will have a supplemental water supply and Mr. Anthony checked into the water rate to be developed for a well. A well will be dug on the property so the water needs will be met, as well as the additional back up of the tank. We will tie into the City water system if and when it becomes available. Regarding the building fire rating. Fire rating in animal care facilities is covered by a specific fire code NFPA150. I am a committee member of the NFPA150 and participate in writing code for animal care facilities. Our approach is to have limited non combustible construction with fire separation. Smoke and fire wall protection is what we would be doing here. The building falls below the requirement for building sprinkler system. The safest environment is one that controls and detects fire. Early warning is built into the system. Noise is a big factor in any animal care facility. Our facility is designed to be completely quiet. We use a lot of small

segregated acoustically isolated kenneling areas. Our designs are very low stress. Animals are grouped in small groups including kenneling and day care. Every animal area is accessible without walking through adjacent animal areas. We do a lot with our design to eliminate noise both inside and outside. We use state of the art systems for flooring, finishes. To create high sound transmission class levels of 50 -60. Barking is greatly reduced or eliminated when dogs have limited olfactory and auditory stimulation. For that reason all dog kennel zones are on independent HVAC systems and all kennels are acoustically isolated on all walls, doors and ceilings. The design is intended to have the least amount of impact. We are proposing 6 outdoor play areas which are supervised and grouped together based on size, temperament, age and behavior. Kennel HVAC systems are multiple smaller, independent zones, ducted return air with animal specific ionizers, encapsulating exhaust at sources of odor and moisture and significant fresh air dilution. These systems are designed by mechanical ductwork to kill airborne bacteria such as Bordetella.

Alana Moran, Traffic Engineer with VHB who completed this traffic study for this project. One question was the safety of the Route 9 – Kaydeross Avenue West intersection. When we look at a smaller trip generation project as this we do not look at offsite intersections, so we did not do a traffic evaluation of that intersection. Because this project is expected to draw a few trips. In the morning about 28 trips going to and from that particular intersection and Route 9 itself carries from 1500 to 1800 trips during the peak hours. We are looking at less than 2% of overall traffic from our site going into that intersection. The characteristic of the roadway at that intersection has two travel lanes in each direction, which does provide a center turn lane which does help facilitate turns. We do not believe the addition of this project will have an impact on the operations and safety at that intersection. The other question was the sharp curve on Kaydeross Avenue to the east of the site location. There is a 15 MPH speed limit curve sign at this location which does not impact the capacity of the roadway itself but it does warn drivers to slow down to navigate the turn better. It is not a matter of capacity it is a visual cueing. Traffic volumes on Kaydeross Avenue were collected in mid-March and showed 330 vehicles on that roadway in the 24 hour period of collection. This roadway itself is technically defined as a low volume road. This project is not really going to impact that and it will remain a low volume roadway. The purpose of the boulevard is for aesthetics and emergency access to the site not for capacity. Lastly, a question of there was capacity on the site to handle drop offs and pickups. The site has plenty of capacity as well as storage space for 3 to 4 vehicles cueing. It is a quick turnaround. The project is adding roughly 28 vehicles to the west of the site and 24 to the east of the site at the peak hours. The additional traffic will be noticeable but not a SEQRA impact. It is still a low volume road.

Jamin Totino, Vice Chairman questioned in this district would a conservation analysis be in order.

Kate Maynard, Principal Planner, City of Saratoga Springs stated no conservation analysis is necessary. It is the same zoning district where a conservation analysis is required but only for subdivision not in this process.

Mark Torpey, Chairman stated he has two concerns, traffic and noise. Normally we would have the City Engineer Review the traffic analysis and report for the project. One of the key criteria for Special Use Permit as well deals with the safe and efficient pedestrian and vehicular access, circulation and parking it may be beneficial to have that analysis performed sooner rather than later. It would be helpful to have a more informed analysis from our side. Perhaps the City Engineer can assist with that.

Tim Wales, City Engineer, City of Saratoga Springs stated we can do this through our escrow review process. I can forward an escrow review letter to the applicants to have our engineers do that.

Mark Torpey, Chairman stated also noise is an issue. Is there a way to look at the design and perhaps flip it somewhat so that the outside yards could be facing away from the residential areas.

Mr. LoPatka clarified some information regarding day care and grooming will not necessarily be at the peak hours. Day care can be ½ a day and grooming is by appointments throughout the day.

Mark Torpey, Chairman requested the applicant provide a maximum number of dogs allowed in the facility would assist the Board in definitively assess what the traffic impact would be and not estimated.

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.

John Mastropietro lives on Stable Lane. Representing the entire Stable Lane Community. Traffic is a concern. I also reviewed the numbers provided and even on Phase I if you take 50% that would be 50 dogs, plus deliveries and pickups. You just do not pull up and drop off the dog that is not what happens here. You are proposing increasing the traffic four-fold. We have a nursery school across from Stable Lane which in the AM has parents parking along the road. There was no traffic evaluation from Route 9 and Kaydeross Avenue. Morning commute making a left turn south on Route 9 or coming from the City turning into Kaydeross is a very tough intersection and many of my neighbors avoid this area. To increase the traffic four-fold is a safety concern. The dog pens actually face Stable Lane Community which is 750 feet or less from the proposed project. Concerning the noise when you have 100+ dogs they will bark even with all the noise mitigation and staff. The entire Stable Lane Community has major issues with noise and additional traffic.

Mark Breslin, 1 Stable Lane. 20% of the homes that currently exist between Route 9 and the 4 way stop to exit to the Northway, 20% or less of the homes were there 30-35 years ago. I am surprised that the zoning has never changed to reflect the changes that have occurred. This is now a residential neighborhood. From Route 9 to the 4 way stop to the Northway is a 1 ¼ miles. This is the only piece of property that will be commercial. There are no other pieces of property you can do this on. This completely changes the complexion of the community. I hope you do not do it.

Chris Vanderwalker. I am kitty corner from this proposal. Just like everyone else I am concerned regarding the noise and traffic. An affidavit from the neighbors in the other communities who have a facility like this that loves it and there is no noise. The traffic on Route 9 and Kaydeross Avenue is horrible. What happens in the middle of the night when the noise is incredible or something happens. I hope everyone puts themselves in our shoes. We purchased our homes because it was rural.

Pam Stiasen, 5 Stable Lane. I 100% agree with the traffic issues and the noise issues. I would like to mention about the city water line, we know we are scheduled for replacement at some time in the future. On May 7th there was an issue with water bubbling in the road at the entrance to Stable Lane. We had a water main break which could have been far worse had I not reported it. I am not sure what their plan is for water but this system cannot handle the number of dogs in this facility.

Tim Wales, City Engineer stated the applicant has been made aware of the problems with the water mains in this area and that hook up cannot be accomplished until this situation has been resolved. The applicant is proposing a well at this time.

Mark Torpey, Chairman closed the public hearing at 9:35 P.M.

Mark Torpey, Chairman stated in terms of the allowable uses in the Rural Residential District , animal kennel is one, with Special Use Permit and Site Plan Approval, farms, riding stables, nurseries, golf course, club house, private civic clubs, religious institutions, cemeteries, heliports, marinas and docks, neighborhood bed and breakfast, and neighborhood rooming house. I am stating what is permissible in this district. This is defined as an allowable use with approvals.

Mr. Lapper stated this is not a typical kennel. It is not what they are concerned about.

Jamin Totino, Vice Chairman questioned where the Board is at with this application. Part of the reason I questioned the need for a conservation analysis because at the end of the day being in a Rural Residential area that to me spells regardless of allowable uses, we need to look at our criteria and evaluate the impact with the understanding that being in a Rural Residential area we are looking at the lowest possible impact that there can be. Particularly in relation to the character of the neighborhood and to our criteria, the density, intensity and compatibility of the use with the

neighborhood and community character. When I look at this project there are no other facilities like this in any area of the city. The impact is pretty great and it changes the character of this neighborhood and the compatibility as well. I am not inclined to support this project as it is. It has too much impact on this neighborhood and the immediate area around it. There are too many environmental impacts and it stretches the intent of the Rural Residential Area. Traffic issues are also important and we do need more information.

Bob Bristol stated he lives in a neighborhood where there are that many dogs that live there and I never hear them, approximately 50 feet from my home.

Ruth Horton stated it looks like the best of the best in terms of the design and the features proposed are state of the art. My concern is traffic on the road and this is too intense.

Amy Ryan, Alternate I need to have further information regarding the environmental impact of this design. I am not convinced that there isn't any risk at all. Due to the hydrology of the area I am concerned there will be accumulated water, with concerns regarding pet waste and septic system. I am undecided at this time.

Janet Casey stated she is not persuaded at this time that the context of this neighborhood is suited for this particular facility. My biggest problem is the safety of this road. I am concerned the additional traffic in this is not safe especially in the winter you just cannot see. There is a nursery school in the area. I am concerned regarding the shape of the road and where this is sited and it appears not to be the safest.

Todd Fabozzi stated the redesign of the outdoor location can perhaps deal with the noise issue in a better way and the facility itself with state of the art features. My main concern is traffic. I am not really sold that this is the right place for this level of new intensity of traffic. I would need to be convinced otherwise.

Mr. Lapper stated we feel very comfortable with the traffic since it is such a low traffic area. We will have the applicant pay the escrow and have the City Traffic Engineer review the traffic report. That would be helpful to everybody and make the Board feel more comfortable.

Mark Torpey, Chairman stated he also echoes the same sentiment regarding traffic concerns. Some issues relative to safety and moving people moving in and out in the area.

Tim Wales, City Engineer, City of Saratoga Springs stated he will request the escrow letter tomorrow and this will take a couple of weeks.

Mark Torpey, Chairman stated we will await the additional information concerning the traffic study and the applicant will return.

Mr. Belmonte, applicant for Agenda Item #4 has requested due to the importance of Spencer Subdivision to adjourn the Regatta View Phase 3 applicant to a subsequent meeting.

4. **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. Adjourned per applicant's request.
5. **17.075 SPENCER SUBDIVISION**, Kaydeross Park Road, and Arrowhead Road, final 22 lot subdivision within the Suburban Residential-2 (SR-2) District.

Mark Torpey, Chairman stated what is before the Board this evening is a final 22 lot subdivision in the SR-2 District. The Planning Board saw this application in January of this year. What is proposed is a cluster subdivision which is relevant in the SR-2. The applicant has provided an implementation plan which is worth discussion in terms of

preservation of open space which is a key are for us. We have opened the public hearing. Have we coordinated review with the DOH.

Kate Maynard, Principal Planner, City of Saratoga Springs stated we did and have received confirmation.

SEQRA:

Action appears to be Type I with involved agencies of Planning board as well as DOH. DOH provided a comment letter.

BACKGROUND:

SR-2 Zoning District permits clustering to be considered with Planning Board approval. Applicant previously provided conventional arrangement of lots, 22 lots is below threshold shown as development potential on site.

Applicant: Peter Belmonte, Belmonte Builders

Agent: Brian Osterhout, Environmental Design Partnership; Nadine Shadlock, Attorney

Mr. Osterhout stated this project has been before this Board on several occasions. Since that time we have advanced the plan and made some additional changes. We reviewed engineering and storm water management issues with Mr. Wales. During this time we have received no adverse impacts determination from the State Historic Preservation Office early in May. A visual presentation of the proposed project was provided to the Board. This project entails approximately for 12.79 acres. This is more of a rural type road much narrower with different housing types. The sidewalk ends on Arrowhead. This area also has a significant tree canopy giving the area a more rural feel. We are proposing a cluster development which is allowed under zoning. 22 lots are proposed. We are not seeking the maximum density. An aerial view of the area was also provided. We are looking to maintain the rural character of this area so there will be no homes built along Kaydeross Park Road maintaining open space and providing a rural buffer. We will be connecting through to Kaydeross Park Road which maintains the pedestrian connection. A density bonus is allowed in this area but the applicant is not seeking to build to maximum density. What the clustering does is to provide for 5.2 acres of open space that otherwise would not have been created. This is basically the plan you reviewed previously and I will explain the changes which were made. We have changed some of the lot configurations which were a suggestion from the Board to provide a larger vegetative buffer between the lots on Arrowhead and Julian's Way. This also affords the applicant the ability to loop the current water connections. The 22 lots work well and we are working between two areas that are already developed. We increased the width of the open space buffer to 30 ft between the lots. One of the things we introduced is boulevards design where Julian's Way would meet Kaydeross Park Road. The boulevard design is both aesthetically pleasing as well as producing a traffic calming effect. The lots will be smaller than 22,000 square feet. We have drafted an Open Space Plan and presented it to the City for consideration. It will be owned and maintained by the HOA in perpetuity. We will leave the open space forested. No further subdivision will be allowed in this area. We are proposing a 3 sided split rail fencing on the corners of the open space areas for demarcation. We feel it fits the nature of the area. This has been deeded and appropriately filed.

Kate Maynard, Principal Planner, City of Saratoga Springs spoke regarding the Open Space what is restricted, who has jurisdiction, who is going to own it and who will hold the conservation easement. If the City holds the easement the Council will decide to accept or decline. The Open Space Committee is available for advice in an Advisory Capacity as well as the Real Estate Committee. The City will not own the property.

Todd Fabozzi spoke regarding whether there is a value beyond the neighborhood itself. He thinks not and questions why this should not be kept with the Homeowners Association.

Kate Maynard, Principal Planner, City of Saratoga Springs stated there are mature trees in the forested area. The easement would provide another level of protection to retain this area.

Mark Torpey, Chairman stated then the Board can place a deed restriction on the property versus a conservation easement. He is more in favor of a deed restriction.

Discussion ensued among the Board regarding deed restriction versus a conservation easement.

Justin Grassi, Counsel to the Land Use Boards spoke regarding a deed restrictions and the possibility of having the deed restriction extinguished if all of the grantees request it. A suggestion would be to have the City be one of the grantees which would then give them some authority over enforcement.

Ms. Shadlock, Attorney for the project stated she thinks this is a great idea. She spoke with staff and noted a strong deed restriction will be placed in the proposal to the HOA. Having the City as a grantee to have some authority to enforce that is a perfect solution. This is a very workable solution.

Mr. Belmonte stated this has already been done in the same type of issue which occurred in Floral Estates Phase I – III. This is what we are willing to do. We are in favor of the idea.

Mr. Osterhout provided a visual presentation of the two proposed Open Space Areas in question. Buffering is proposed between the houses on Arrowhead and Julian's Way and also, the houses on the southern end of Julian's way to the west. We understand we are abutting adjacent houses.

Mr. Belmonte stated we are trying to connect to an existing neighborhood and make things as homogeneous as possible. Something that blends together. We have created a very wide land separation between the two homes and We involve our homeowners when the lots are cleared.

Mr. Osterhout stated we are going to preserve the rural feel of Kaydeross Avenue in perpetuity. Mr. Osterhout stated we have addressed some of the comments from the Board. We have increased the buffering between lots 16-17. We spoke about property screening on the Gennett property. Alana Moran is here to review traffic generation. We are speaking about 22 homes. Mr. Osterhout spoke regarding the neighbors concerns about traffic and circulation and additional screening for head light buffering for current residents. Correspondence from DPW this week indicating they are fine with our stormwater management system being place in the right of way and owning it.

Tim Wales, City Engineer stated that is correct DPW has indicated the stormwater chambers for this particular project are fine in the ROW location.

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

PUBLIC HEARING:

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

Wayne Fitzsimmons, 16 East Ridge. My only concern is the traffic and endorse anything that would slow it down.

Mark Torpey, Chairman questioned the language for the deed restriction and the proposed language so the application could move forward.

Kate Maynard, Principal Planner, City of Saratoga Springs spoke regarding the deed restriction language and how it would be created with the City Attorney.

Tim Wales, City Engineer stated one point the addressing would have to be changed on Arrowhead. Final drawing comments are fine.

Mr. Belmonte requested final approval so the project can move forward through the remaining city agencies.

Kate Maynard, Principal Planner questioned the setbacks and the porches.

Mr. Belmonte stated we are looking at providing a driveway sufficient to have a car parked in the driveway without the car protruding into the street or the sidewalk. We are looking to put porches on as many houses as practical. We do need to consider the owners input in this area. We have agreed to the shorter setbacks to allow for a streetscape, a more urban versus rural. We do not want to deviate too much from the current neighborhood since we are trying to create a harmonious neighborhood. Mr. Belmonte reviewed side entry garages versus front loaded garages.

Mark Torpey, Chairman closed the public hearing at 10:30 P.M.

SEQRA REVIEW:

Mark Torpey, Chairman stated the applicant has submitted Part I of the Long EAF, and it is accurate and complete.

Mark Torpey, Chairman and the Board reviewed Part II of the Long EAF.

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.

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

Mark Torpey, Chairman stated we will now move onto the final 22 lot subdivision portion of the application with the following conditions:

- The deed restriction language would be subject to the City Attorney Vince DeLeonardis' satisfaction as well as me and staff to assure that the language is appropriate and incorporates items listed in the conservation easement as well.
- There was offer by the applicant to work with the homeowner that might be affected by headlight spillage for additional screening and buffering in this area.

Ruth Horton made a motion in the matter of the application of the Spencer Subdivision, Kaydeross Park Road and Arrowhead Road for final 22 lot residential subdivision with the conditions as noted by the Chair.

Amy Ryan seconded the motion.

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

VOTE:

Janet Casey, in favor; Amy Ryan, Alternate, 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

NOTE:

The following agenda item was deferred to the next Planning Board Meeting scheduled for June 21, 2018 due to the time constraint restriction.

6. **18.019 15 BALLSTON AVENUE,** Special Use Permit for multi-family residences, service, retail, office uses in a T-5 District.
7. **18.018 15 BALLSTON AVENUE,** Site Plan Review for multi-family residences, service, retail, office uses in a T-5 District.

APPROVAL OF MEETING MINUTES:

Approval of meeting minutes was deferred to the June 21, 2018 meeting.

MOTION TO ADJOURN:

There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 10:40 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 7-5-18