



# PLANNING BOARD

## MINUTES (FINAL)

THURSDAY, JUNE 21, 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, Clifford Van Wagner; Jamin Totino, Vice Chairman; Bob Bristol, Ruth Horton, Todd Fabozzi;

**ABSENT:** Janet Casey

**STAFF:** Kate Maynard, Principal Planner, City of Saratoga Springs  
Justin Grassi, Counsel to the Land Use Boards – exited the meeting at 10:10

**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:**

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

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

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

**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.

**17.063 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, July 2, 2018 at 4:00 P.M.  
Planning Board Workshop, Monday, July 2, 2018 at 5:00 P.M.  
Planning Board Meeting, Thursday, July 5, 2018 at 6:00 P.M.

**PRIVILEGE OF THE FLOOR:**

None heard.

Kate Maynard, Principal Planner, City of Saratoga Springs provided information to the Board concerning the City of Saratoga Springs Preservation Area Policy as well as possible adoption of pedestrian crossing toolbox which was provided by Public Safety and Creighton Manning for discussion and possible vote following the meeting.

**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. **14.030.1 NEUMANN BUILDING**, 22 Lake Avenue, Site Plan Modification within an Urban Residential (UR-1) District.

Mark Torpey, Chairman stated what is before the Board this evening is a site plan modification for the Neumann Building, 233 Lake Avenue for a calculation change. No physical changes from the original application. Modification in the percentage from 100% senior housing, 55+ to a new proposed calculation of 40% senior and 60% no age restriction. Roughly 76 total units, 30 would be senior housing and 46 would be without age restrictions.

Clifford Van Wagner made a motion in the matter of the Neumann Building, 22 Lake Avenue that the application for site plan modification be approved 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:**

Clifford Van Wagner, in favor; Jamin Totino, Vice Chairman, in favor; Bob Bristol, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Mark Torpey, Chairman

**MOTION PASSES: 6-0**

**B. APPROVAL OF MEETING MINUTES:**

Approval of meeting minutes was deferred to the July 5, 2018.

**C. APPLICATIONS UNDER CONSIDERATION:**

1. **18.019 15 BALLSTON AVENUE**, Special Use Permit for multi-family residences, service, retail, office uses in a T-5 District.

2. **18.018 15 BALLSTON AVENUE**, Site Plan Review for multi-family residences, service, retail, office uses in a T-5 District.

Mark Torpey, Chairman stated this project is before the Board this evening for Special Use Permit and Site Plan Review. There is currently an existing building with parking. The applicant is proposing building additions to the front and rear of the site and parking for a multi-family residential, service establishments, office, retail, and medical office/clinic uses in a T-5 district. The Planning Board issued SEQRA negative declaration on May 3, 2018. The ZBA approved the required variances for build out. The project requires along with Special Use Permit and Site Plan Review with the Planning Board, DRC architectural review.

Applicant: Jim Dorsey

Agent: Clark Wilkinson, Paragon Civil Engineering

Kate Maynard, Principal Planner, City of Saratoga Springs stated the DRC has seen this project while considering SEQRA coordinated review and lead agency status. It will return before them following Site Plan Review and approval of the Special Use Permit. They have deferred SEQRA Lead Agency status to the Planning Board. The Design Review Commission did provide some guidance to the applicant regarding adjustment to the roof lines, a look at the overall structure and how the 2 additions are added appropriately. They provided guidance to the applicants. Architectural Review will be completed following Board approvals.

Mark Torpey, Chairman stated the uses we are reviewing are multi-family residential, service establishments, office, retail, and medical office/clinic uses.

Clark Wilkinson provided a brief history of the project. The applicant was before this Board on several occasions. The last appearance on May 3, 2018 we received a SEQRA Negative Declaration. There were several items which the Board requested additional information on. The parking is to the left and we are showing 25 spaces, 24 are required. The green space calculation in the parking area 10% is required we are showing 6% on the site. We have done some improvements to the civic space and green space. A visual presentation of the site was provided to the Board noting the location of the property and site. Mr. Wilkinson provided a visual of the proposed parking. This is a T-5 zone and we would like to make use of the existing driveway and parking area. It can be expanded as needed for additional parking. We are proposing to add 2 residential units with garage parking on the north side. All drainage will be handled on site.

Mark Torpey, Chairman provided information concerning the regulations regarding green space in the parking areas. It is not an option to look at the permeable pavers when the regulations stated 10% or more green space is required.

Justin Grassi, Counsel to the Land Use Board stated staff and Code Enforcement have determined that this is the case then that is what would be required is 10%.

Mark Torpey, Chairman questioned if the Board was comfortable moving forward with the application.

Mr. Wilkinson stated if the extra parking space is utilized for green space the 10% requirement would be met comfortably.

Kate Maynard, Principal Planner stated if the Board is comfortable this can absolutely be verified to assure the 10% requirement is met.

Mark Torpey, Chairman stated we can move forward with the application and site this as a contingency for approval.

Mr. Wilkinson provided a visual of additional plantings and a proposed stone wall along the east side of the driveway to try to maintain the level area and to present a more aesthetically pleasing entryway. Additional plantings have been added as well as supplementing the area between the sidewalk and the parking and the building and are provided on the

site plan. Civic space is provided in the designated area for the bench. The square footage of our project does not mandate that we provide civic space. We have also added a bench area and bicycle rack in front of the shop.

Todd Fabozzi stated the threshold is not met for requiring civic space. This is what they are proposing. We have spoken in the past about some type of sculpture for the area.

Mr. Wilkinson provided information on the street numbering placement on a sculpture type of element. I was unable to speak directly to the City Engineer. I know he spoke at the workshop concerning some minor details with the utilities and we will work them out together.

Mark Torpey, Chairman questioned the location of the handicapped parking space.

Mr. Wilkinson stated the applicant did review the area in question for the proposed location of the handicap ramp. Due to the incline he cannot meet ADA requirements.

Clifford Van Wagner stated he is looking at the sloped area to the street. He proposed using this area for civic space. A rock and a planter perhaps.

Todd Fabozzi stated he was looking for more of a gateway treatment in this area since it is the gateway to the City. Something to balance both sides of the building.

Mark Torpey, Chairman stated what you are hearing from the Board is we are looking for some type of architectural element as well as some landscaping to hide the parking, which is a T-5 requirement obscuring the parking.

Mark Torpey, Chairman questioned the street lights and street trees which are also a requirement.

Mr. Wilkinson provided a visual of the street lights and street trees which were placed by the City when City work was completed in this area.

Mark Torpey, Chairman stated the applicant will meet the 10% green space requirement and this will be met prior to the Certificate of Occupancy being issued.

Kate Maynard, stated, Counsel to the Land Use Boards suggested approval be based on what was provided or one less space. We will ask for the applicant to provide a calculation of accumulative square footage around the area and we will verify that that has been provided in and check spatially for compliance.

### **PUBLIC HEARING:**

Mark Torpey, Chairman opened the public hearing at 6:33 P.M.

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

Jamin Totino, Vice Chairman questioned the 10% green space requirement and what could be factored in.

Kate Maynard, Principal Planner, City of Saratoga Springs typically the Board is looking at the parking lot and the intent is to break it up. Generally speaking the intent in the immediate area of the parking lot. If the Board has further questions and wants to review further this could return before the Board as a consent agenda item.

Discussion ensued among the Board concerning voting on the Special Use Permit tonight only. The applicant will return before this Board for site plan review.

Mr. Dorsey stated he was driving around the T-5 District looking at other projects and he has not seen any with 10% in the middle of the lot. We are struggling with this.

Mark Torpey, Chairman stated the board is struggling as well, trying to discern how the calculation of green space is done consistently. The applicant needs to be before the DRC as well.

Ruth Horton stated she feels better knowing how the parking is distributed in the site. There are not all together but spaced throughout.

Clifford Van Wagner stated as a compromise the applicant return before this Board with several scenarios. Come back with something in the middle, or around the perimeter. Something for the Board to review.

Mark Torpey, Chairman closed the public hearing at 6:40 P.M.

Mark Torpey, Chairman stated regarding the Special Use Permit the permitted uses are service establishment, office, retail, medical office and clinic are the uses being sought. The parking is based on the worst case scenario use calculation.

Ruth Horton made a motion in the matter of 15 Ballston Avenue Special Use Permit application be approved.

Seconded by Jamin Totino, Vice Chairman.

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

**VOTE:**

Clifford Van Wagner, in favor; Jamin Totino, Vice Chairman, in favor; Bob Bristol, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Mark Torpey, Chairman

**MOTION PASSES: 6-0**

Mark Torpey, Chairman stated the Board will await additional information for Site Plan Review.

3. **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.

Mark Torpey, Chairman stated what is before the Board with this application is Site Plan. This is within one of the oldest PUD's in the City that covers Interlaken, and Regatta View. What is before the Board is 24 residential duplex units. This is in the Comp Plan RN-1 District. The 24 units comport and satisfy the density requirement for the comp plan. We have reviewed this project on several occasions and the areas which area delineated on the site plan to be able to define some of the requirements before the Board.

Applicant: Peter and Lindsay Belmonte

Agent: Matthew J. Jones, Attorney; Travis Mitchell, Environmental Design Partnership

Mr. Jones stated the applicant was last before the Board on January 18, 2018. There are approximately 20 comments we discussed and heard comments from the Board as well. We took those back and redeveloped and refined the project to where you see it this evening. The challenge is to create for your consideration a project in the absence of area bulk requirements which this particular project does not have. What we would like to do is combine the concepts of subdivision and use that concept as you review your jurisdictional powers over Site Plan a PUD Site Plan amendment. Combining those two things our solution was to do the following: Create three areas as shown on the drawing. One is the primary building area, and that is to be the parameters for the 12 structures which are presented with 2 duplex units. per structure, 24 in total. We have created an area for the construction 7 and 5 on the side. The individual units will be

configured differently. Their orientation will be slightly different. The garage in some cases will be face forward and in other cases side load. The size of the units will be different and as they sit side by side there will be different configurations. Rather than return each time for site plan amendments, we are hoping to use the subdivision parameters to create the area, which would otherwise be setbacks and create. The setbacks to the buildings area and behind that the accessory use area. Patios and porches and yard area items. No cut no build area to the rear. It looks like subdivision but is something we have created and offered up to the Planning Board. Enforcement of these items, we have offered up a 3 part approach. We will present this at the Final Site Plan Review. The first is Declaration of Covenant and Restrictions for your review. Those are designed to give the developer at the outset and the HOA as the successor the legal interest that they would need for the area in which to build. It will also give the property owner the rights to ensure that his neighbor is building in accordance with those restrictions. We will name the City as a party beneficiary so as to give the City of Saratoga Springs a property right. Within the area itself the Covenant will protect the property owner to property owner, HOA to property owner and giving the city a property right and independent right of enforcement. In addition we will take those restrictions and place them as a condition of site plan approval.

Mr. Mitchell stated the following the last appearance before the Board, Kate provided a listing of concerns by the Board and we have addressed the outstanding issues for our submission tonight. The first concern was cut through traffic. We do not see this as a concern. A visual of the site was provided for the Board. We have a boulevard on one of the entry points which is often used to prevent cut through traffic. Also, simply it creates extra turning movements. We do not see this as a concern.

Mark Torpey, Chairman voiced concern for the homeowners and the ability to provide screening from headlights.

Mr. Mitchell provided information regarding the screening. We have spoken to the homeowner and have decided on some additional plantings to the satisfaction of the homeowner. Concerning sidewalks, Regatta View has sidewalks on one side of the road. Current landscaping prevents sidewalks from the other side of the road.

Jamin Totino, Vice Chairman questioned the use of a striped sidewalk.

Peter Belmonte, Belmonte Builders, stated we could do that however, it would be out of character for the neighborhood. It would make it look awkward and inconsistent.

Mr. Ingersoll stated they were looking to reduce the amount of pavement and retain the rural character.

Mr. Mitchell stated the last topic was initially a multi-use path along 9P. It was not required, and we cannot move it closer to 9P due to the fact we do not own the property there, it is the State Right Of Way, which would have to be owned and maintained by the City. The drainage along 9P is not conducive to moving it. This is not a good location to put the path. We are proposing the sidewalk that comes through and out to 9P providing access. The DOT has an extensive ROW in this location.

Clifford Van Wagner stated in this area traffic comes upon you quickly. To promote pedestrian traffic it is almost a blind spot. There is no safe place to go. Cars going from west to east are traveling at 45 MPH.

Kate Maynard, Principal Planner, City of Saratoga Springs stated pedestrian traffic and cyclists use the shoulder of the road in this area.

Discussion ensued regarding sidewalks versus no sidewalks.

Mr. Belmonte stated along this section of Union Avenue, between Crescent Road and Dyer Switch Road the shoulder on 9P is the widest in this area. It is a full cars width. In order to put in a path it would require vegetative clearing as well as some larger scaled mature trees. Conversation with the City and the neighbors are very concerned regarding maintaining a large buffer from Union Avenue back to these homes. If we move the path closer to the road we are now in the DOT right of way. Now, the City becomes involved and they do not wish to maintain sidewalks in this area.

Todd Fabozzi spoke regarding how comfortable the bicyclists would be traveling in these development.

Mr. Belmonte stated Interlaken road are private roads. So entering there if you do not live there is trespassing. Regatta View neighborhood is the same as a city street.

Mark Torpey, Chairman questioned why the applicant did not want to proceed with a cul de sac type of arrangement like the other developments in the area so you don't have to have sidewalk discussions for Dyer Switch Road. As Cliff stated crossing the road to get to Longfellow's is a big risk.

Mr. Mitchell stated a cul de sac configuration was discussed early in the project but it was the consensus that this type of configuration would work better to provide access as well as utilities.

Mark Torpey, Chairman stated they have provided development parameters as a separate document. Is that something because it is a PUD needs to be adopted.

Kate Maynard, Principal Planner, City of Saratoga Springs sated this is one of the oldest PUD's in the City. This went through a court process and the judge determined what is being proposed is compliant with the PUD.

Jamin Totino, Vice Chairman stated we need to think in terms of the big picture in terms of the pedestrian walkways. Speaking about Longfellow's, keep in mind down the hill is Lake Local. There is just as much interest in maintaining the walkway. Does the City still have a ROW area along the highway or is there opportunity to create a walkway on the opposite side of the road. We should explore every opportunity we can to provide connectivity in this area.

Discussion ensued regarding sidewalks and access in this area and ownership of the NYS-ROW.

Mark Torpey, Chairman stated he would like to have an answer as to who owns and maintains the sidewalk in this area.

Kate Maynard, Principal Planner, City of Saratoga Springs stated she will verify and inform the Board.

Mark Torpey, Chairman stated perhaps the Board can obtain more information to help the Board make a determination. Also why is there a minimum square footage included in the parameters.

Mr. Belmonte stated he was trying to corral in what the city could expect to be built in this location. We were giving some minimum/maximum parameters for the City's information. Some of the proposed homes are 1400 square feet and some are 2400 square feet, all have 2 car garages.

Mark Torpey, Chairman also questioned who approves the change in the list of amenities. There is a set listed out. The question is should the HOA have the right to grant changes or should the City or Planning Board have oversight. Does the sole purview to add or delete and modify the list rest with the HOA or the City or the Planning Board.

Mr. Belmonte stated we are trying to be flexible and give the final review to the HOA the governing body for this project. I did not think the City would want to get into this to that level of micromanaging.

Clifford Van Wagner stated he believes this is for marketing more than anything else. He is comfortable with it.

Matthew J. Jones stated the applicant and the team will brainstorm this list again.

Mark Torpey, Chairman questioned if the Board needed to review SEQRA again as well as public input.

Kate Maynard, Principal Planner, City of Saratoga Springs stated there is no public hearing required for Site Plan Review. At the present a public hearing has not been set and is not required.

Justin Grassi, Counsel to the Land Use Board spoke regarding PUD's and this one is older and a bit ambiguous. We are looking at if the specific environmental impacts have been evaluated. Review the language of the PUD and and it would be appropriate to review the actions of this project than to review the specific information from 1982. It would be better to err on the side of caution.

Mark Torpey, Chairman stated we will revisit SEQRA for this location and site plan.

Jamin Totino, Vice Chairman stated it is the Board's decision to require a Public Hearing or not. I suggest we have a public hearing due to the amount of development in this area and because we have always tried to be as transparent as possible.

It was the consensus of the Board to revisit SEQRA.

Matthew J. Jones stated they take a different view of SEQRA.

Mark Torpey, Chairman stated counsel recommended revisiting SEQRA for this project only.

Justin Grassi, Counsel for the Land Use Boards stated what we would be worried about is someone coming forward and asking if anyone looked at the impacts of this specific site plan and we would then be relying on the evaluation from 1982 and whether or not it did. It would be more defensible to revisit SEQRA.

Discussion ensued among the Board regarding determining the jurisdiction for the State ROW and options for ROW maintenance.

Kate Maynard, Principal Planner, City of Saratoga Springs stated there is a very clear line between the City and state jurisdiction.

The applicant will return before the Board when the public hearing is set.

- 4. 18.031 153 SOUTH BROADWAY REDEVELOPMENT**, Site Plan review of multi-family residential, eating and drinking establishment, retail, office, service establishment, convenience sales, medical offices and educational facilities in a Transect-5 (T-5) District.

#### **BACKGROUND:**

Proposed redevelopment is existing Spa Diner site on South Broadway. Area is within the South Broadway corridor, gateway to City and has been desired by City policies and planning for redevelopment and adding to existing neighborhood, Spa State Park, hotels, etc. The Planning Board issued a Special Use Permit approval for 110 multi-family residences, 21,000 square feet of office, up to 7,500 square feet of eating and drinking establishment, and up to 7,000 square feet of retail uses.

Mark Torpey, Chairman stated this is a 3 acre site 4 story building. The Planning Board had issued in September 2017 a Special Use Permit for 110 residential units, 7,500 square feet of restaurant, 21,000 square feet of office and 7,000 square feet of retail uses.

Kate Maynard, Principal Planner, City of Saratoga Springs stated as the Chair indicated Special Use Permit was granted for this site on September 14, 2017. It is a large scaled mixed use project. The Board should look at the corridor as a whole. One issue is to assure safe pedestrian connections. Along this corridor we are seeing more development in what the City has called out for. We expect more people to walk and we want more people to walk. One issue we have discussed is the safe pedestrian crossing on Broadway.



Applicant: KCG Development, Stacie Capowicz, KCG Development;

Agent: Mike Ingersoll; Matt Brobston, LA Group, Bill Teeter, Steve Carmina, Carmina, Wood & Morris Architect;  
Rewire Associates

Mr. Ingersoll stated we obtained Special Use Permit approximately one year ago as well as the SEQRA determination. We have full DRC approval. I will provide a brief history and overview of this project. This is approximately a 3 acre leased parcel. It is a consolidation of 8 separate tax parcels. It will become one leased parcel. The project is 110 residential units which are part of the workforce housing. We have changed some of the mix. There is approximately 16,000 square feet of commercial now, and an eating and drinking establishment consisting of approximately 5,000 square feet. As we have gone through the project the building has gotten a little smaller. We are hoping to get approval so we can move to the funding aspect of the project.

Mr. Ingersoll provided the Board with a visual presentation of the site as well as the existing conditions. We have received some engineering comments from Chazen. We have responded and the City Engineer noted at the workshop that there were no substantial issues, fairly standard. Mr. Ingersoll provided the initial master plan as well as the revised plan. The new plan shows a cutback on the parking deck. We have reworked the landscape increased the green space and have added a pocket park in this area. We are introducing parking on South Broadway out front. The revised plan was presented to the Board noting the layout has been changed regarding the square footages. They are as follows – 110 residential family units, 16,000 square feet of office; 5,100 square feet of eating and drinking establishment, 7,000 square feet of retail. 125 total residential parking spaces in the parking facility and on street parking.

Todd Fabozzi questioned the installation of solar panels and their location.

Ruth Horton questioned Mavis and the proximity to this project and the parking.

Mr. Ingersoll stated the Mavis parking area which they use is not part of their parcel; however we did leave the access for them to use.

Mr. Brobston stated utility wise – there are two sewer connections to this project one on Canfield and one to the east. We have a split system with a more commercial use on one side. Water connection is off of Broadway and has adequate pressure following flow tests. Concerning stormwater we have roof drains which will take the water down into the system. This is a redevelopment site and we are increasing the impervious areas. This is being accomplished with infiltration chambers. We are treating and retaining all our stormwater on the site. The stepped sidewalk has gone away by stepping the elevations of the finished floor. We have revised the streetscape, civic space and a pocket park.

Mr. Carmina provided a visual of the site plan. He has stated they have shrunk the building. In progressing the design we determined the residential wing was too deep, so we narrowed them to keep them where they needed to be square footage wise. That allowed us to increase the separation line from the building to the ramp. We made the ramp more efficient as well. Mr. Carmina reviewed the access points. The building shrunk horizontally and lengthwise as well. Vertically the building was shrunk by almost 10 feet which changed the massing. Architectural renderings were provided to the Board.

Todd Fabozzi stated they have done a terrific job with the project design.

Jamin Totino, Vice Chairman stated this is a great project and sets the tone for South Broadway. He appreciates the civic space provided. Something we have been waiting for many years.

Clifford Van Wagner stated we have been working on South Broadway for years and it started with McDonald's. This is amazing.

Bob Bristol stated South Broadway has moved so far and this is moving it. There is a great example of how the State

Right of Way actually traded land and how that functionally works.

Mark Torpey, Chairman, stated it would be helpful and I question the line of sight. Is there anything we can do with this structure to help with visibility as well as pedestrian crossing.

Mr. Ingersoll stated we are trying to create connectivity with stripping and crosswalks. I believe there will be more growth in the corridor as project progress. We can either put the stripping in or look at the value of it and do something else for traffic control. We want to be part of it.

Clifford Van Wagner stated he is in favor of the application perhaps the applicant's money can be put into escrow. Do a South Broadway traffic study at some time and have everyone put money in.

Mr. Ingersoll stated DOT has to be involved with this and you need to have a traffic study and a plan. We will put in our fair share.

Discussion ensued regarding the stripping, curbing, crosswalks, etc. in this area as well as the possibility of placement of funds in escrow for further mitigation.

Mark Torpey, Chairman stated perhaps we should include in the motion for approval that the applicant should additional design work be done, analysis and study of the corridor, would they be willing to provide an appropriate contribution based on shared costs amongst other projects.

Mr. Ingersoll stated that the applicant's have budgeted \$10,000 for a traffic study to look at the area and provide an analysis. There is enough money here to receive a matching grant. We did not anticipate installing two crossing at \$100,000 each. Not in the cards.

Kate Maynard, Principal Planner, City of Saratoga Springs state traffic study would exceed the \$10,000 amount.

Mark Torpey, Chairman questioned the Board regarding an appropriate amount to be set aside in escrow for further traffic studies in this area.

Clifford Van Wagner stated perhaps the applicant would be willing to budget \$15,000 for escrow.

Jamin Totino, Vice Chairman stated without clear direction from the City, we just did a Comprehensive Plan that dealt with this area, it fell short where we need to be with traffic. \$15,000 is a good start and if we can get some matching funds.

Ruth Horton stated we need to set a reasonable number and be happy we have a contribution.

Bob Bristol stated we need to take a careful look at ownership in this basic area. We have a couple of major owners down there who have been historic supporters and backers of this community. We shouldn't overlook that they are going to be players here eventually.

Mark Torpey, Chairman stated the Board is leaning toward a \$15,000 contribution by the applicant. Thank you for providing the public benefit and appreciate you're entertaining the offer. I do not believe there is anything else to add to the motion other than an analysis to provide for a broader review of the South Broadway Gateway.

Todd Fabozzi stated he was hoping to review the proposed energy efficiency plan for the project.

Lee Evans, Rewire Energy. We do energy analysis and planning. We have strategic partners, sustainability architect Bill Coons with Loughton Engineering. We combine energy efficiency and solar in one company to address the whole energy efficiency plan. We came up with two issues for the plan. One is to put energy efficiency at 20% above code.

The team they already do a pretty tight job. We looked at the common areas and recommended placing solar for those areas for the utilities for the residents, commercial tenants and KCG. This accrues a lot of benefits. We are installing a 100 kw solar solution, with plenty of roof space.

Todd Fabozzi questioned the installation of more solar panels to decrease the cost of the affordable housing units. Bill Teeter stated we will look at this further. We do have new incentives from NYSERDA and we can then look at the installation of additional units for the affordable rental units.

Mark Torpey, Chairman requested additional information for the Board to review and recommend to other applicants the benefit of solar.

Lee Evans stated basically if the applicant is willing to incur some incremental costs initially; it still works out in terms of the reduction of overall costs to put in energy efficiency in a building.

Bill Teeter, stated energy efficiency will decrease operating and maintenance costs. Reduction in vacancies and retention rates. Positive social impact. Decrease in utility costs for residents and commercial customers as well as increase the value of the building.

Clifford Van Wagner made a motion in the matter of the 153 South Broadway Redevelopment site plan that the application be approved with the condition of \$15,000 to be held in escrow for future traffic studies in this corridor.

Jamin Totino seconded the motion.

**VOTE:**

Clifford Van Wagner, in favor; Jamin Totino, Vice Chairman, in favor; Bob Bristol, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Mark Torpey, Chairman

**MOTION PASSES: 6-0**

8:45 P.M. The Board recessed.

9:00 P.M. The Board reconvened.

5. **18.030 372 LAKE AVENUE FINAL SUBDIVISION**, Review of proposed final 3-lot subdivision within an Urban Residential-3 (UR-3) District.

Mark Torpey, Chairman stated this is a 3-lot subdivision in a UR-1 District. It is approximately 2 ½ acres. The applicant has been before the Board on several occasions. We spoke at the workshop concerning a shared driveway easement, conservation easement as well.

**BACKGROUND:**

Parcel is zoned UR-1 with minimum lot size of 12,500 square feet. An average lot width of 100'. Parcel is directly adjacent to the Northway, long linear parcel. As per other applications we are seeing the property could be considered more "marginal", but due to development pressures now proposed for development. Saratoga County Planning Board also agrees with this assessment.

Applicant: Giovanone Real Estate Partners

Agent: Doug Heller, LA Group

Mr. Heller stated nothing much has changed since the applicant's last appearance before the Board. This is a 3 lot subdivision. No lot lines have changed. We have addressed the City Engineers comments regarding both the sanitary sewer and water connections bringing it to the property line where it then branches off to the three connections. We are still proposing an easement on the lower left corner of the property for the City pump station which entails a generator on the site at this time. Surrounding the property in our prior presentation we had a no cut buffer. We have revised that to a conservation easement. We have the shared driveway. The shared driveway easement has also been modified. On lot #2 there is a turnaround area for fire trucks with language added to the plans which indicates that the homeowner shall maintain the turnaround in accordance with the New York State Fire Code as depicted on the subdivision plans. This easement area has been extended somewhat so all homeowners in this area will benefit from the turnaround area. This will also be on the approved subdivision plans on all three lots. Regarding the Conservation Easement we have used language from other conservation easement projects in the City citing, no principal and accessory structures, pedestrian access only, no fires, camping, hunting or soil disturbance. No cutting trees over 6 inches in diameter. Permitted use includes passive recreation. The easements will run in perpetuity with the land. The City easement is pretty straightforward. It provides for the maintenance of the sanitary pump stations and appurtenances. The shared driveway easement language is directly from the City requirements stating 0.81 acres covering portions of Lot #1, 2, and 3 and all will be responsible for contributing to the maintenance of the area, this also includes utility easements as well.

Kate Maynard, Principal Planner, City of Saratoga Springs stated the applicant is proposing a conservation easement versus a deed restriction, so the language needs to be worded differently on the plan.

Mr. Heller stated this is more of a deed restriction.

Kate Maynard, Principal Planner, City of Saratoga Springs stated she will work with the applicant to ensure the deed restriction language is correct. Also, regarding the dead and diseased trees the applicant will contact the city arborist.

Justin Grassi, Counsel to the Land Use Boards stated the advice he offered whether it be a conservation easement or deed restriction that the City be included as a grantee. If the city is included in that language it would have a seat at the table.

Mr. Heller provided wording to include in the conservation easement language including the City Planning Board consent as well.

Mark Torpey, Chairman stated the applicant has satisfied the City Engineer's requests in terms of the connections, the applicant will work with staff regarding the deed restriction language. No cutting of trees over 6" without the city arborist review and opinion.

### **PUBLIC HEARING:**

Mark Torpey, Chairman opened the public hearing at 9:05 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 9:06 P.M.

Ruth Horton made a motion in the matter of the 372 Lake Avenue Final Subdivision that the application be approved with the conditions as noted by the chair.

Jamin Totino, Vice Chairman seconded the motion.

### **VOTE:**

Clifford Van Wagner, in favor; Jamin Totino, Vice Chairman, in favor; Bob Bristol, in favor;

Ruth Horton, in favor; Todd Fabozzi, in favor; Mark Torpey, Chairman

**MOTION PASSES: 6-0**

- 6. **17.051.1 DEVAL SUBDIVISION AND RESIDENCE**, 59 Franklin Street, coordinated SEQRA review and ZBA Advisory Opinion within an Urban Residential-4 (UR-4) District.

**SEQRA:**

Action appears to be a Type I – “An Unlisted Action occurring wholly or partially within or substantially contiguous to, any historic district, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places or that is listed on the State Register of Historic Places.”

- Coordinated review is required. The ZBA and DRC are involved agencies.
- On May 7, 2018 the ZBA initiated Coordinated Review and deferred Lead Agency Status proactively to the Planning Board.
- The DRC deferred Lead Agency to the Planning Board on July 20, 2018.
- A short form EAFD has been submitted by the applicant – a long form has been requested.

**BACKGROUND:**

The Planning Board has reviewed a sketch plan submission of the proposed two-lot subdivision. The DRC provided an Advisory opinion to the Planning Board on the sketch plan. The DRC concluded the siting of the structure is not inappropriate, the mass and scale are in context with the neighborhood.

**AREA VARIANCE CONSIDERATIONS FOR SUBDIVISION:**

|  | <b>REQUIRED</b> | <b>PROPOSED</b> | <b>TOTAL RELIEF REQUESTED</b> |
|--|-----------------|-----------------|-------------------------------|
| Minimum average lot width: Cherry Street lot | 100 ft.         | 58.1 ft.        | 41.9 ft. (42%)                |
| Minimum side yard setback: to parking        | 25 ft.          | 0 ft.           | 25 ft. (100%)                 |
| Minimum side yard setback: to parking        | 25 ft.          | 5 ft.           | 20 ft. (80%)                  |
| Minimum total side yard setback: to parking  | 45 ft.          | 5 ft.           | 40 ft. (89%)                  |
| Minimum front yard setback: to parking       | 25 ft.          | 11 ft.          | 14 ft. (56%)                  |

**AREA VARIANCE CONSIDERATIONS FOR NEW HOUSE:**

|   | <b>REQUIRED</b> | <b>PROPOSED</b> | <b>TOTAL RELIEF REQUESTED</b> |
|---|-----------------|-----------------|-------------------------------|
| Minimum front yard setback: Cherry Street | 25 ft.          | 5 ft.           | 20 ft. (80%)                  |
| Minimum side yard setback:                | 20 ft.          | 7 ft.           | 13 ft. (65%)                  |
| Minimum side yard setback:                | 20 ft.          | 19 ft.          | 1 ft. (5%)                    |
| Minimum total side yard setback:          | 45 ft.          | 26 ft.          | 19 ft. (42%)                  |
| Maximum principal building coverage:      | 25%             | 25.98%          | .98% (3.9%)                   |

Applicant: David DeVall

Mr. DeVall stated they have appeared before the Design Review Commission for an Advisory Opinion. The Commission approved the design and positioning of the proposed residence as depicted on our site plan. They also approved Mass and Scale as well. Mr. DeVall provided a visual of the proposed site for the Boards review, noting this is the largest lot on Franklin Street. What we are proposing is a subdivision to allow the construction of a small residence in the rear. We are seeking the minimum relief to accomplish this while attempting to preserve the positioning of the historic building,

preserve the green space and preserve the existing parking. We have six parking spaces currently. The DRC also suggested we have a detached garage versus the attached garage we presented.

Clifford Van Wagner pointed out to the Board the relief which is being requested. Some of these are substantial. I respect that the applicant is trying to generate some income on the property. I think the requests for relief are substantial.

Mr. DeVall stated they are still able to meet the green space and parking requirements. Two projects across the street have much greater relief.

Mark Torpey, Chairman stated the ZBA will have to look at the request for these variance requests which are quite significant. Should we be reviewing this as a subdivision request to see if the requirements are met along those lines or should we be focusing on the magnitude of the request for relief and speak to that.

Kate Maynard, Principal Planner, City of Saratoga Springs stated the Planning Board is not looking at the variances or trying to do the ZBA's job. Typically the Board should be providing advice and looking at spacial layout and what might happen with the subdivision in terms of the existing parcel. How things are laid out, having sufficient space for snow storage, turning radius. Things you normally review in your subdivision review.

Justin Grassi, Counsel to the Land Use Boards stated Kate is absolutely correct. The ZBA will review all criteria for area variances and the balancing test on how that affects the applicant versus the health, safety and welfare of the community.

Clifford Van Wagner questioned how does this compare with the project on Beekman Street. This is very similar.

Jamin Totino, Vice Chairman stated this is very similar situation.

Mark Torpey, Chairman stated the application the Board is referring to was creating a substandard lot. This lot is all related to setbacks or is there a minimum lot size in question here.

Kate Maynard, Principal Planner, City of Saratoga Springs stated the requested variances were provided to the Board. In this case the lot size is conforming.

Clifford Van Wagner questioned the how the parking requirement is proposed to be met. Also, once the variance is granted it remains with the land.

Mr. DeVall stated the square footage of the law office is 1200 square feet. Currently 6 spaces are provided on the north side of the parcel as well as one handicap space.

Mark Torpey, Chairman stated he would like to review the Saratoga Springs Preservation Foundation Letter which will be provided to the Board.

Jamin Totino, Vice Chairman stated the DRC provided some input regarding a detached garage. In most cases I am in support of detached garages but in this case for anything to work on this lot the applicant will have to return with several different options regarding how this building can be sited without a detached garage. There are many homes in this area which do not have a garage at all. In order to meet the variances the applicant will need to entertain some other options. This is asking way too much for the lot which already has a historic building on the site.

Ruth Horton stated she is in agreement with Jamin. This project is squeezed into the corner.

Todd Fabozzi stated also in a Historic District garages aren't necessarily a part of that fabric. I would like to see the variance numbers minimized by an alternative which does not have a garage at all. Perhaps moving the building to help

the relief.

Discussion ensued among the Board regarding additional alternatives and options.

Mr. DeVall stated he is requesting the application be tabled and the applicant will return with alternatives.

**CORRESPONDENCE RECEIVED BY THE BOARD:**

Letter submitted from the Saratoga Springs Preservation Foundation dated January 17, 2018.

Mark Torpey, Chairman spoke regarding the context of the neighborhood as well as requesting the information from the Saratoga Springs Preservation Foundation. SEQRA Long EAF will need to be completed for this application. The Board will table the application and the applicant will return before the Board at a later time.

7. **09.057 SARATOGA SPRINGS JOCKEY CLUB**, 66 White Farms Road, Permanent Special Use Permit review Of a Neighborhood Bed and Breakfast Use within a Rural Residential (RR) District.
8. **18.035 SARATOGA SPRINGS JOCKEY CLUB**, 66 White Farms Road, Site Plan Review for a Neighborhood Bed and Breakfast within a Rural Residential (RR) District.

Mark Torpey, Chairman stated what is before the Board are two requests one for a Permanent Special Use Permit and Site Plan Review for a neighborhood Bed and Breakfast. This is in the Rural Residential section of the City. This is a SEQRA Type I action. The application has been around for some time since 2010. Additional information which was received from Mr. Toohey on behalf of his client was just received by the Board.

**SEQRA:**

Action appears to be Type I "An Unlisted Action occurring substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space.

- Coordinated review is required. DRC is the other involved agency.
- January 27, 2010 meeting the Planning Board initiated coordinated review with the DRC.
- DRC deferred lead agency to the Planning Board on February 17, 2010.
- A long EAF has been submitted by the applicant.

**BACKGROUND:**

Application for Neighborhood Bed and Breakfast submitted, last reviewed back on March 10, 2010. Applicant tabled application and then also submitted Corridor Bed and Breakfast application which was last placed on the Planning Board Agenda on November 22, 2011 before the applicant requested to also table that application. Zoning Ordinance does not have automatic expiration of application; technically current proposal is continuing the application from 7 years ago.

Applicant: Jon Cromer

Agent: Jon Lapper, Attorney; Corinna Martino, Martino Engineering

Mr. Lapper stated the applicant has appeared before the Board approximately 10 years ago it was a much different application with an outdoor venue for wedding and other events as well as a 106 car parking area. This application is Simply taking this large home and taking 5 bedrooms for a Neighborhood Bed and Breakfast. The only physical alterations to the site would be the installation of a handicap ramp, paving existing parking spaces and upgrading the septic system. No disturbance beside that. It is a 6 acre lot, nothing will be changed on the outside simply some maintenance and upgrading. This will enable the applicant to accomplish that. It is really very simple. Beautiful home and piece of property which need some maintenance work.

Todd Fabozzi questioned if the site has been operating illegally.

Justin Grassi, Counsel to the Land Use Board stated he does not really know about violations. We have no documentation citing active violations. One thing to consider if it appears other operations are occurring here we may want to be very specific with the bounds of the Special Use Permit so that you could not hide another use activity under the guise of the Bed and Breakfast. There is nothing prohibiting the Board from reviewing this application.

Mr. Lapper stated Mr. Cromer had a previous home occupation which was a videography business. Cell phones killed the business. It does not happen any longer. Two tractor trailers are on the site currently. As part of this application they will find another place to park them.

Todd Fabozzi stated there is some evidence that you are already operating a Bed and Breakfast.

Mr. Lapper stated Mr. Cromer has never been cited.

Clifford Van Wagner stated this applicant has never been truthful with this Board. A site visit revealed several occupations were being conducted here. The septic system was to be upgraded some time ago was never done. We have documentation that this was used as a Bed and Breakfast in April, so violations continue on the site. I am frustrated with this because the applicant can operate the way he wants to and then comes before the Board to get cleaned up. I am struggling with this.

Mr. Lapper stated he cannot speak of the history of the site. However, recently he has had discussions with Mr. Cromer and he has hired Ms. Martino and he is committed to upgrading and doing maintenance on his home. It is a 10 bedroom home and it can handle a 5 bedroom Bed and Breakfast.

Ruth Horton questioned who would oversee the Bed and Breakfast being in compliance.

Justin Grassi, Counsel to the Land Use Board spoke regarding violations. Regarding code enforcement this is discretionary. It is often when things are brought to their attention and priority levels. There is not an easy answer to that. If there is deemed a violation there is a process. It is discretionary.

Mark Torpey, Chairman spoke regarding a public hearing and hearing public comment and possible concerns voiced.

Mr. Lapper stated Mr. Cromer will not do anything that is in violation of the code and he will remove the trailers.

Bob Bristol questioned if there is an architect on the project, what he is proposing.

Mr. Lapper stated the applicant is looking to add the handicap ramp, painting and general maintenance.

Mark Torpey, Chairman explained the history of the Planning Board in issuing Permanent Special Use Permits versus Temporary Special Use Permits, when issues or violations have occurred in the past.

Jamin Totino, Vice Chairman stated due to the location of the property a conservation analysis is not required. Are we prevented from doing so.

Justin Grassi, Counsel to the Land Use Board stated the scope of our review would be limited to the criteria set forth in the City Ordinance.

Mr. Lapper stated in conversation with Mr. Cromer he understands the need for a Temporary Special Use Permit so he prove things have been right and in compliance and he would be acceptable.



Clifford Van Wagner stated in the letter from Mr. Toohey on behalf of his client Marylou Whitney citing their concerns regarding the property. Also, citing the fact that this was used as a Bed and Breakfast illegally in April. The tractor trailers are still there when they were supposed to be removed several years ago.

Mr. Lapper stated the application can be conditioned on having all the upgrades in place prior to the Bed and Breakfast being open.

Mark Torpey, Chairman spoke regarding conditioning the Temporary Special Use Permit.

Discussion ensued among the Board concerning the applicant's home occupation being closed.

Mr. Cromer spoke regarding his videography business going bankrupt. All the equipment was removed from the property and taken to the dump.

Mark Torpey, Chairman stated also a condition of the Temporary Special Use Permit would be no other use on the site.

Clifford Van Wagner stated he cannot support this application.

Mark Torpey, Chairman stated he is looking at this application as an opportunity for the applicant to get the property in shape and remedy a situation.

Bob Bristol requested financing information for this project.

Mr. Cromer stated he is working with Dennis Brobston to help obtain financing.

Kate Maynard, Principal Planner, City of Saratoga Springs stated the Special Use Permit does go with the property if the property should be sold.

Jamin Totino, Vice Chairman stated he shares Cliff's concerns and history of the property. This might be an opportunity to improve the property if the applicant is willing to go along with the conditions on the Special Use Permit.

Mark Torpey, Chairman suggested that the Board draft a list of conditions we spoke about, and potentially have this on a subsequent agenda, request Dennis Brobston or correspondence from him regarding financing.

Mr. Lapper stated he will provide all the information the Board has requested.

Kate Maynard, Principal Planner, City of Saratoga Springs stated we do have several items to consider here. We have SEQRA Long EAF to review. Special Use Permit to consider and Site Plan.

Mark Torpey, Chairman stated this will be placed on the next agenda and we will table the application this evening. We will need to address SEQRA and review the draft language.

#### **DISCUSSION AND VOTE:**

City of Saratoga Springs Preservation Area Policy

Adoption of Pedestrian Crossing Toolbox

It was the consensus of the Board to review the above draft policies and vote at the next Planning Board Meeting.

#### **APPROVAL OF MEETING MINUTES:**

Approval of meeting minutes was deferred to the July 5, 2018 meeting.

#### **MOTION TO ADJOURN:**

There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 10:19 P.M.

Respectfully submitted,

Diane M. Buzanowski  
Recording Secretary

APPROVED 7-19-18