



# PLANNING BOARD

## MINUTES (FINAL)

THURSDAY, JUNE 25, 2020

6:00 P.M.

### ZOOM WEBINAR

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

**SALUTE TO THE FLAG:**

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

**ABSENT:** Jamin Totino, Vice Chairman

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

**ANNOUNCEMENT OF RECORDING OF PROCEEDING:**

The proceedings of this meeting are being recorded for the benefit of the secretary. Because the minutes are not a verbatim record of the proceedings, the minutes are not a word-for-word transcript of the recording.

**A. APPROVAL OF MEETING MINUTES:**

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

**B. POSSIBLE CONSENT AGENDA ITEMS:**

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

1. **#20191001 AGIUS SUBDIVISION**, Tomahawk Lane, subdivision approval extension of a previously approved three-lot residential subdivision in the Urban Residential-4 (UR-4) District.

Mark Torpey, Chairman stated this is a simple request of an extension to a previously approved three-lot residential subdivision in the UR-4 District. The applicant is requesting a 90 day extension with a new expiration date of August 28, 2020. The condition of the original approval states "Elimination of all existing encroachments". Have the encroachments been eliminated.

Applicant: Pat Agius

Agent: John Cannie, Attorney

Mr. Cannie agent for the applicant stated the mylars have been filed, the encroachments have been removed. All other conditions have been met. We are awaiting a signature.

Ruth Horton, made a motion in the matter of the Agius Subdivision, Tomahawk Lane application for a 90 extension to a previously approved three-lot subdivision be approved. Kerry Mayo seconded the motion.

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

**VOTE:**

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

**MOTION PASSES: 7-0**

**C. APPLICATIONS UNDER CONSIDERATION**

2. **#20200155 GUARINO/HANER SUBDIVISION**, 21 Park Place, final subdivision review of a proposed two-lot subdivision in the Urban Residential-4 (UR-4) District.

Mark Torpey, Chairman stated this application was before the Board on May 14, 2020. The Planning Board requested an Advisory Opinion from the DRC and the Saratoga Springs Preservation Foundation. The DRC discussed the application at their meeting on June 3, 2020. At that meeting the DRC requested additional information including mass and scale, and height of the proposed structures. The applicant offered future DRC Architectural Review of the structures. The DRC issued a favorable advisory opinion with the condition on June 17, 2020. The Saratoga Springs Preservation Foundation submitted correspondence dated June 2, 2020. The public hearing was opened on May 14, 2020 and remains open.

**SEQRA:**

Action appears to be an Unlisted Action. Part 1 of the Short EAF has been submitted.

Applicant: David Guarino, owner

Agent: Tonya Yasenchak, Engineering America

Ms. Yasenchak stated at the last appearance before the Board we were looking to have our application deemed complete and with that the completion of SEQRA review. We were directed to the DRC since the project is located adjacent to a Historic District. We had some discussion and their concern was the mass and scale and design of any future building on this property and how it would affect the adjacent Historic District. Having no design since the lot is intended to be for sale we did not have a specific design. Mr. Guarino did agree to place language in the deed which stated any new construction on the lot is would be subject to DRC Architectural Review prior to issuance of a permit. Since the last appearance before the Board we did modify the lot slightly. The lot line was modified and the footprint is smaller and additional space was added for the driveway. Ms. Yasenchak provided photographs of the original front of the building which faced Regent Street. A photograph was provided noting the side of the home facing Park Place.

Mark Torpey, Chairman stated both the DRC and the Preservation Foundation both stated concerns regarding the curb cut. There may need to be some additional flexibility with lot line adjustments as well as the garage possibly being moved closer to the house.

Discussion ensued among the Board concerning curb cuts and the driveway location, orientation of the proposed new home, and salvaging trees on the lot.

Mr. Guarino provided information to the Board regarding driveways and curb cuts in this neighborhood. Also, he noted the entrance off of Park Place does service two apartments. The trees on the lot have been surveyed and some are in

need of removal. They will retain as many of the trees as possible and this will also be noted in the future plans and remedies to construct and consider the trees on the lot.

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

Mark Torpey, Chairman stated there is a notation regarding a utility easement for proposed underground electric. This will be reviewed by the City Engineer as well as other infrastructure. Also the City Arborist provided comments and suggestions regarding the plantings on Park Place. We spoke about the curb cuts and the brick walkway. The applicant did agree to fully replace the brick walkway on Park Place and Regent Street and bring that into good condition. Also discussion did occur regarding the concrete curbing on Park Place. Additionally the applicant agreed to provide additional buffering to the neighbor to the east.

Mr. Guarino provided a history of the project for the Board, their travels through the Boards.

### **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.

Dan Maney, owner of the property adjacent to this property on the north side. He questioned if the home will be a one, two or three family structure. There is a 25 ft. setback from Park Place and Regent Street and he is concerned regarding the corner and vehicle safety. Also, drainage is a concern.

### **CORRESPONDENCE RECEIVED BY THE BOARD:**

Susan Barden, Principal Planner provided the following information concerning correspondence received from the public:

- Email correspondence from Andi Gardner on May 14.
- Email correspondence received from Mark Herwig on May 14.
- Email correspondence received from Debra Fernandez on May 14.
- Letter from Stephen and Debra O'Shea, dated May 14.
- Email correspondence received from Daniel Maney on May 14.
- Email correspondence received from Michael and Deirdre Ladd on May 14.
- Email correspondence received from Ashley Gardner on May 14.
- Public comment form submitted by John Wood on May 12.

Mark Torpey, Chairman closed the public hearing at 6:50 P.M.

Susan Barden, Principal Planner stated in the UR-4 District, single and two family residences are principal permitted uses and structures. Each residence would require 3,000 square feet of lot area. Multi-family residences and accessory uses and structures for multi-family residences require site plan review, and again 3,000 square feet of lot area per dwelling unit for multi-family residences. This would also require site plan review as well as meeting parking requirements.

Mark Torpey, Chairman stated Part I of the Short EAF has been submitted by the applicant and is accurate and complete.

Susan Barden, Principal Planner stated on May 14, 2020, additional information was requested from SHPO in response to Question 12B on Part 1 of the Short Form. The EAF mapper identified the project site is located in or adjacent to an area as sensitive to an archeological sites. We are still awaiting a response and correspondence from SHPO. The Board may need to defer this analysis to the next Planning Board meeting scheduled for July 15, 2020.

Mark Torpey, Chairman stated the Board will draft a NOD and await correspondence from SHPO until the next scheduled Planning Board Meeting.

**3. #20191216 LOUDEN ROAD SUBDIVISION, 406 Louden Road, preliminary subdivision review for a proposed five-lot conservations subdivision with a Rural Residential (RR) District.**

Mark Torpey, Chairman stated this is a previously opened application. This is a 5-lot conservation subdivision in the RR District. The applicant has with the most recent submission reduced the number of lots previously proposed by one. One of the lots will/has a two family residence (Lot #5). The remaining 4 lots will be improved with single-family residences. The project is no longer a SEQRA Type I action and has been classified as an Unlisted action. Complete Streets has provided an Advisory Opinion to the Board, as well as input from the Saratoga County Planning Board. Both these agencies offered strong recommendations to provide street connectivity on the north side of Louden Road. The public hearing was opened and remains open.

**SEQRA:**

The action has been classified as an Unlisted action.

Applicant: Wade Newman

Mr. Newman stated Chazen issued a second comment letter since our last appearance before the Board. They had one additional comment that stated a sealed subdivision plat submission would be required with the final subdivision. Mr. Newman provided a visual of latest iteration of the project as well as a brief overview. The Open Space Advisory Opinion offered a recommendation of a 20 foot conservation buffer to the southern property and also a 20 foot conservation buffer to the eastern property.

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

Todd Fabozzi stated he is curious about the County recommendation regarding the trail connection on the west side of the property. It seems reasonable to consider.

Mr. Newman stated the letter from the Saratoga County Planning Board seemed different from the discussion with this Board. At the last meeting we discussed a connection from the Stone Property to the west to Bog Meadow to the east. There is a paper street in place specifically for connecting the Stone Property to Bog Meadow.

Susan Barden, Principal Planner stated she is unsure if the County is aware of the paper street. There are two parcels. The parcel 11.1 if it were to be developed separately you would have two different connections to Bog Meadow Run.

Bradley Birge, Administrator, Planning and Economic Development provided some insight to the Board regarding the paper street. What the County was suggesting was if there was an opportunity closer to Louden through two very large parcels. The Stone properties could be developed in a variety of configurations simply to allow the flexibility especially for bikes and pedestrians at a different area than the cul-de-sac much further south.

Discussion ensued among the Board regarding the Saratoga County Planning Boards recommendation, the paper street in that area and the Stone's property, as well as connectivity, bike trails and paths.

Mr. Newman stated he is not in favor of adding pedestrian traffic through the back yards of these new lots. If the goal and the rationale is the Stone property could be developed in many ways, then why couldn't the pedestrian access reside within the Stone property. The same owner owns the two parcels north of that which connect to Louden Road. Secondly, what is the purpose of bringing pedestrians and bicyclists from the Stone property area up to Louden Road when it's been a consensus of everyone who has reviewed this that the most appropriate location for the trail is the north side of Louden Road. There would not be connectivity for that portion of the trail anyway. You would be dumping

pedestrians and bicyclists onto Louden Road where there is no ideal place to cross. The best place for pedestrians to get to the south side of Louden Road from the north side of Louden Road is the signalized intersection to the west where Weibel and Louden connect.

Bradley Birge, Administrator, Planning and Economic Development spoke regarding paper streets and the neighbors who live in this area and have never had this type of connectivity, although their properties are adjacent to the paper streets are very surprised and opposed to additional traffic in this area. There is great neighborhood opposition for what are generally isolated residential neighborhoods. Globally it makes great sense for those connections.

Mr. Newman provided a visual of the roadway site. He met the Complete Street Committee on the site to determine where the appropriate placement of the bike path or multi-use path. Their communication noted some of the obstructions on the southern side of Louden Road such as utilities and multiple properties. They suggested the north side of the road, fewer owners and more space. The Saratoga County Planning Board also recommended the north side of Louden Road. He feels this is reasonable. There has been some discussion concerning this project contributing to a path and he is willing to explore this with the Planning Board. He requested the Board take into consideration that this is not a large project the City code does not apply to the property owned in the Town of Wilton. What we are speaking of is a multi-use path totally within a different municipality. He supports these types of amenities and is willing to discuss hoping the Board will keep an open mind about this. All of the frontage on Louden Road is the Town of Wilton.

Discussion ensued among the Board regarding the property location for the pedestrian amenities being in a different municipality and the possibility placing fees in lieu of.

Susan Barden, Principal Planner stated in a conventional subdivision street amenities are required. In a conservation subdivision the Board still reviews vehicular and pedestrian systems. The Board can also consider trails in this type of environment in lieu of a sidewalk. Consideration of a trail along Louden Road if the Board feels this is appropriate in this area. If the recommendation is the other side of the roadway the Board could consider a fee in lieu of.

Bradley Birge, Administrator, Planning and Economic Development stated the City is looking to have inter-municipal cooperation for a feasibility study. There are some challenging points in this area.

Todd Fabozzi suggested staying with the formulas that are specific to the road frontage that an applicant would otherwise pay to install a sidewalk or a multi-use trail and recreation fees. Using those numbers is the safest, cleanest way to do it. The money may not necessarily go to a study. There are opportunities. The Transportation Committee provides funds for these types of studies with Federal Grants, which require an in kind match. It is more like putting those funds for the actual construction of the trail over time.

Wade Newman stated his willingness to work with the City in this regard. He provided information within the City Code that gives the Board the ability to waive these improvements if unique topographical features or hazards exist or meet certain criteria. The criteria are: the individual subdivision lots have a frontage of 200 feet or more; the density of the residential subdivision does not exceed one dwelling unit per acre; the zoning district in which the subdivision lies does not permit a lot size of less than 40,000 square feet. Mr. Newman feels his application meets all three requirements.

Discussion ensued among the Board regarding an appropriate fee for in lieu of.

### **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.

Emma Kress, 30 Bog Meadow Run stated she has submitted written correspondence voicing her concerns. Tonight we heard you discuss a trail through our backyards. Consider the current neighbors who currently live in Bog Meadow.

Melissa Tobrocke, 19 Bog Meadow Run across the street from this development project. We have the same concerns as Emma mentioned. Our homes are on 2+ acres and have 250 foot frontages. We knew this property would be developed at some point. We do have concerns to keep our neighborhood as it currently exists.

Mark Torpey, Chairman spoke regarding the neighborhood. This area is zoned as Rural Residential but the rules require this Board to look at this project or any project in the Rural Residential District as a conservation subdivision. That pushes us into a set of evaluations that look at conserved areas, subdivided lots, encourages the use of clustering the lots, provisions for smaller lot sizes than 2 acres. These provisions have been in the City Code since 2003.

**CORRESPONDENCE RECEIVED BY THE BOARD:**

-Letter received from Broady Neville and Emma Kress, 30 Bog Meadow Run, dated June 24, 2020.

Mark Torpey, Chairman closed the public hearing at 8:07 P.M.

Mark Torpey, Chairman stated the Board will proceed with SEQRA.

Mark Torpey, Chairman stated the Board is in receipt of the Part I SEQRA form submitted by the applicant. This form is accurate and complete and reflects the project as currently presented.

The Board reviewed Part II of the Long Form.

**SEQR DECISION:**

Ruth Horton 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, I make a motion for a SEQR negative declaration since 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. Sara Boivin seconded the motion.

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

**VOTE:**

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

**MOTION PASSES: 7-0**

Mark Torpey, Chairman stated we will now review the 5-lot Conservation Subdivision Conditions:

- Fee in lieu of for potential path/pedestrian bike path on the north side of Loudon Road and the public benefit associated with this project.
- Apportioning the recreation fees to be collected for the project to support the potential path/pedestrian bike path as noted. A \$10,000 fee estimate was determined by city staff.
- West side of the property providing some additional pedestrian connectivity based on County Planning Board recommendation. Critical area based on the no cut buffer.
- Conservation easement and providing the buffering for the neighbors. This language must be approved by the City Attorney. Ownership of the conservation easement to be shared among the property owners. Each respective property owner would own a piece of the conservation easement. Each respective neighbor has the ability to mutually re-enforce the security of the easement, language to be approved by the City Attorney.

Vince DeLeonardis, City Attorney stated the City has done this on many occasions regarding providing reciprocal rights to abutting property owners to the conservation easement. It is not uncommon.

Susan Barden, Principal Planner stated this is for preliminary plat review. When the applicant returns for final plat review and approval the applicant should have the Conservation Easement language with the conditions as noted with the language as identified and also revised dimensional standards for those lots. The applicant should consider revised setbacks and coverage's associated for those lots that are smaller sized.

**PUBLIC HEARING:**

Mark Torpey, Chairman closed the public hearing at 8:38 P.M.

Lexie Bonitatibus made a motion in the matter of the Loudon Road Conservation Subdivision, Loudon Road that the application for preliminary 5-lot conservation subdivision be approved with the conditions as noted by the chair. Kerry Mayo seconded the motion.

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

**VOTE:**

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

**MOTION PASSES: 7-0**

**APPROVAL OF MEETING MINUTES:**

Approval of meeting minutes was deferred to the next Planning Board Meeting scheduled for July 16, 2020.

**UPCOMING MEETINGS:**

Planning Board Workshop, Thursday, July 9, 2020 at 5:00 P.M.  
Planning Board Meeting, Thursday, July 16, 2020 at 6:00 PM.

**MOTION TO ADJOURN:**

There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 8:40 P.M.

Respectfully submitted,

Diane M. Buzanowski  
Recording Secretary

APPROVED 7-30-20