



# PLANNING BOARD

## MINUTES ( FINAL)

THURSDAY, JULY 11, 2019

6:00 P.M.

RECREATION CENTER

**CALL TO ORDER :** Mark Torpey, Chairman called the meeting to order at 6:02 P.M.

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

**PRESENT :** Mark Torpey, Chairman; Jamin Totino, Vice Chairman, Todd Fabozzi; Bob Bristol;  
Janet Casey;  
Shawna Jenks, Alternate; Amy Ryan, Alternate

**ABSENT :** Ruth Horton, Sara Boivin

**STAFF :** Susan Barden, Principal Planner, City of Saratoga Springs  
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 of 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. THE WESLEY COMMUNITY PUD AMENDMENTS,** 131 Lawrence Street, request for an extension of time to provide an advisory opinion to the City Council on proposed text amendment to the Woodlawn Oval PUD.

Mark Torpey, Chairman stated this is before the Board this evening to request a 60 day extension to provide an Advisory Opinion to the City Council. This will provide the Board with some additional time with which to review the information provided and issue the Board’s Advisory Opinion.

Jamin Totino made a motion in the matter of the Wesley Community PUD Amendments, 131 Lawrence Street - Advisory Opinion to the City Council the Planning Board requests a 60 day extension until September 16, 2019.

Janet Casey seconded the motion.

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

**VOTE:**

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Bob Bristol, in favor; Todd Fabozzi, in favor;  
Janet Casey, in favor; Shawna Jenks, in favor; Amy Ryan, in favor;

**MOTION PASSES 7-0**

**C. APPLICATIONS UNDER CONSIDERATION**

1. **20190171 AIGUS PROPERTIES**, Tomahawk Lane (Arrowhead Road rear) initiation of Coordinated SEQRA Review and consideration of Lead Agency Status for an area variance associated with a proposed three-lot subdivision in the Suburban Residential-2 District.

Mark Torpey, Chairman stated what is before the Board is a 3-lot subdivision. The ZBA proactively deferred Lead Agency Status to the Planning Board on June 3, 2019. Due to the subdivision application the ZBA has also sought the required Advisory Opinion from the Planning Board. There are a number of variances requested for the project. What is before the Board is Lead Agency Status acceptance as well as an Advisory Opinion to the Zoning Board and SEQRA determination.

Applicant: Jim Agius

Agent: Mike Toohey, Attorney

Mr. Toohey provided a visual presentation site and the property in question for the Boards review as well as the history of the property. The application is before the ZBA to determine what occurs to the existing structures when we subdivide the property. There is one house on the site which has been pre-existing non-conforming. Homes in this area have existed for decades. In this general area 48% of the lots in this area are substandard. All lots have single family homes on them and it is what is permitted by the zoning code and are zoning compliant. There are no public streets in this area. Mr. Agius would like to have access to both these home. As per the zoning code two principal buildings on one lot are not allowed. This would rectify the problem and would also create lots that are size compliant. No structures are being increased, no buildings are being moved, in fact, some improvements are being made. An encroachment will be eliminated. This takes two lots and creates three lots.

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

Mark Torpey, Chairman questioned staff that lots 2 and 3 appear as though they are pre-existing non conforming  
With conversion of a garage to a home in the 1980's. Will this remedy an issue as far as zoning with this subdivision.

Susan Barden, Principal Planner, City of Saratoga Springs stated this will remedy the issue and allow the issuance of building permits proactively to convert that structure to satisfy issues on the site.

Mike Torpey, Chairman questioned the setting of precedent when you have a structure converted from a garage to a principal structure and then proceed to a subdivision to remedy that.

Mr. Toohey stated we are not requesting a subdivision for substandard lots. We will have lots that are in conformance with zoning requirements.

Jamin Totino, Vice Chairman spoke about the creation of substandard lots, that would be his only concern.

Amy Ryan, Alternate questioned legal precedent due to the scarcity of vacant land in the city is there concern by the City that we should be concerned about this happening in the city.

Vince DeLeonardis, City Attorney, City of Saratoga Springs stated there less chance of something like this happening in the City. This is an application that is somewhat unique in that it does meet the minimum lot size but not lot width.

Janet Casey stated it seems like quite a leap that this would set a precedent and that any type of application such as this would need to come before the Planning Board. I am fine with it. It is not changing anything this has already existed for years.

Mark Torpey, Chairman spoke regarding sheds on the properties which create encroachments.

Mr. Toohey stated all sheds on all three properties will be removed. They were on the property prior to these owners purchasing the property. This will remove all encroachments.

**SEQR REVIEW:**

Mark Torpey, Chairman reviewed SEORA Short 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 Short Environmental Assessment Form, and analysis of the information provided and presented in Part II of the SEQR Short 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.

Bob Bristol seconded the motion.

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

**VOTE:**

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Bob Bristol, in favor; Todd Fabozzi, in favor;  
Janet Casey, in favor; Shawna Jenks, in favor; Amy Ryan, in favor;

**MOTION PASSES 7-0**

Mark Torpey, Chairman stated we will now move onto the Advisory Opinion to the ZBA. The only condition we are imposing would be the removal of sheds.

Jamin Totino, Vice Chairman made a motion in the matter of the Agius Properties, Tomahawk Lane (Arrowhead Road rear), that the Planning Board Offers a Favorable Advisory Opinion to the Zoning Board of Appeals with the condition that the applicant remove the sheds on the properties, removing any encroachments.

Shawna Jenks, Alternate seconded the motion.

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

**VOTE:**

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Bob Bristol, in favor; Todd Fabozzi, in favor;  
Janet Casey, in favor; Shawna Jenks, in favor; Amy Ryan, in favor;

**MOTION PASSES 7-0**

2. **16.018 REGATTA VIEW AREA B PHASE III SITE PLAN,** Union Avenue/Dyer Switch Road/Regatta View Drive, final site plan review for a 24 unit residential duplex development within the Regatta View Planned Unit District.58-60 Beekman Street, sketch plan review of a site plan for existing three-family residence and 860 square foot non-residential uses, including art gallery, artist studio, retail, service establishment, office uses in the NCU-1 District.

Mark Torpey, Chairman stated this application is for approval of final site plan for 24 unit residential duplex development within the Regatta View Planned Unit Development District. The Planning Board issued a SEQRA Negative declaration on April 4, 2019. We have provided opportunities for public comment. Written correspondence has been posted on the web. We have reviewed the project at a number of meetings. We have received feedback from DPS and DPW.

Applicant: Peter and Lindsey Belmonte

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

Mr. Jones stated the applicant last appeared before the Board on April 4, 2019. At that time the Board issued a SEQRA Negative Declaration. This is our 7<sup>th</sup> appearance before the Board. We are seeking final site plan approval this evening.

We have a list of approximately 7 outstanding issues. The principal issue was if the City of Saratoga Springs would accept Dartmouth Way as a city street. This is a mutual benefit to the residents and the applicant. The street meets city standards of 28 feet in width, with a single sidewalk. There will be parking on one side of the street, south side. This will be proposed to the City during dedication. We are proposing a type of conservation easement - at the request of the building inspector we laid out easement linear measurements so the building inspector could determine if structures were compliant. We included open space development in concert with the City Attorney. We have some language in the HOA for the site with provisions for this development.

Mr. Mitchell spoke regarding Dartmouth Way and the intersection and its impact on the neighboring properties. We pushed this 7 feet to the east to put it as far away from the property in question as

possible. We offered some additional landscaping to help mitigate headlight issues. We also spoke regarding the seasonal pathway. The site was visually presented to the Board. It is intended to meander through the existing vegetation. Chazen's comments have been addressed.

Mr. Jones stated the applicant will proceed to the DRC since this is in an Architectural Review District.

Mark Torpey, Chairman spoke about future subdivision of this property. Any issues that can be averted now.

Susan Barden, Principal Planner, City of Saratoga Springs spoke regarding the future subdivision.

Peter Belmonte, Applicant stated if they pursue the subdivision they will proceed with that prior to the beginning of any construction. This will be done up front.

Jamin Totino, Vice Chairman spoke regarding the crosswalk moving closer to 9P.

Mr. Mitchell stated where the crosswalk was placed he felt it has impact on the neighbors and it is connected to the path.

Mark Torpey, Chairman spoke regarding the comments from Traffic stating they recommend the proposed crosswalks on the site plan should be removed as they are not justified according to the City's Pedestrian Crossing Toolbox and also would create an additional maintenance burden on the City.

Susan Barden, Principal Planner, City of Saratoga Springs stated currently it is a mid-block crosswalk and it is proposed that it be moved to the intersection of Dartmouth Way and Regatta View.

Discussion ensued among the Board concerning the crosswalk. Clarification was requested from Traffic.

Mark Torpey, Chairman spoke regarding moving the crosswalk closer to 9P and screening along 9P.

Mr. Mitchell stated it is along the property line and cannot be moved closer.

Mr. Belmonte stated if we place the path on the property line we can leave most of the vegetation with the least amount of destruction and removal of trees. The path will be in this general location.

Mark Torpey, Chairman stated he questioned having Regatta View a one way in only. We have received email comments from Chazen that suggested it is not an optimal suggestion. Based on that it seems two way traffic both ways seems to be more acceptable and makes sense. There are two other questions the first is if the water infrastructure will be built to City's standard. Also the landscaping plan the city arborist had some suggestions.

Susan Barden, Principal Planner, City of Saratoga Springs stated the city arborist had some comments and suggestions regarding selection of species of street trees.

Mr. Belmonte stated we have been working with the city arborist on many city projects which have been quite informational.

Mark Torpey, Chairman stated he will summarize the recommendations -  
-City Street width to be 28 ft in width per City standards.

- Parking specifically on one side of the street, the sidewalk side.
- Accessory use area and the final language associated with that will be subject to the City Attorney's approval.
- The path along 9P to choose a location that minimizes tree disturbance.
- Final approval and discussion with the city arborist for plantings along the right of way interior to the project.
- Plans to the satisfaction of DPW and the City Engineer.

Mark Torpey, Chairman stated following final site plan approval this application will go to the DRC for architectural review.

**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.

**Kirsten DeMento**, 3 Flying Dutchman questioned if this is becoming a public roadway.

**Brian Piper**, 9 Flying Dutchman questioned the public street versus the private road. This is a concern of the HOA.

City Staff stated this will become a public roadway. The point at which it is dedicated is when enough of the units are built and in place.

Mr. Belmonte stated once 75% of the units are constructed it becomes a public road.

Vince DeLeonardis stated this is correct. When the roadway is built to specifications, and 75% of the units are constructed the city accepts the road.

**Brian Piper** 9 Flying Dutchman stated he has correspondence from Peter Sanchez.

Susan Barden, Principal Planner, City of Saratoga Springs stated the correspondence has been loaded on the web.

Mark Torpey, Chairman stated we have received additional comments from Chazen and they will be posted on the web as well. Chazen has recommended additional landscaping for the properties impacted.

Mr. Belmonte spoke concerning the landscaping plan the Sanchez's have proposed. We will be happy to work with them on future landscaping plans for the site.

**Kim Zito**, 1 Flying Dutchman, spoke concerning the relocation of the roadway and it is now 7 feet closer to our rear property line. We are concerned how this will impact our home with noise and traffic and headlights.

Mr. Belmonte stated this is correct. We are happy to add additional buffering with additional evergreens to the applicant's satisfaction. They currently have a fence and large evergreens along the rear of the property line.

Mark Torpey, Chairman stated we have two neighbors that Mr. Belmonte will meet with Mr. Sanchez and Mrs. Zito.

This information can be handled and approved administratively.

Mark Torpey, Chairman closed the public hearing at 7:03 P.M.

Shawna Jenks made a motion in the matter of the application of Regatta View Area B Phase III Site Plan; Union Avenue for the final site plan approval is approved with the conditions as noted by the Chair.

Jamin Totino, Vice Chairman seconded the motion.

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

**VOTE:**

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Bob Bristol, in favor; Todd Fabozzi, in favor;  
Janet Casey, in favor; Shawna Jenks, in favor; Amy Ryan, in favor;

**MOTION PASSES 7-0**

3. **17.062/20190467 STATION LANE APARTMENTS (ASKEW )**, Station Lane, site plan review for 27 multi-family residential units and associated site improvements within the Transect-5 Neighborhood Center District.

Mark Torpey, Chairman stated this is a final site plan review for a 29 multifamily residential units in the T-5 zone. The Planning Board has issued a SEQRA Negative Declaration on November 1, 2018. Subsequently the Board issued a Special Use Permit on January 10, 2019. The ZBA approved frontage build out variances for the project. Site Plan Review and DRC Architectural Review are pending. The Board has requested some elevation drawings.

Applicant: Richard Askew

Agent: Scott Lansing, Lansing Engineering

Mr. Lansing stated the applicant is before the Board this evening for Final Site Plan Review. Mr. Lansing recapped the project for the Board. They are hoping to receive final approval so the project can move to the DRC for Architectural Review. The project is approximately 8.42 acres and the site is currently vacant and is located on the corner of Station Lane and West Avenue. The site features ACOE and DEC designated wetland areas. A visual presentation of the site was provided for the Board. What we are proposing is in accordance with the T-5 zoning. We are proposing 3 separate buildings. The first building is a three story building with 12 units. The second building will be a three story building with 11 units. The third and smaller building a three story building with 6 units. Parking on the site is proposed in accordance with city standards and we will be provided 44 parking spaces, with 20 parking spaces provided along Station Lane. The remaining will be located in the rear area. The dumpsters will be located in this area as well. We also have one single access point out to Station Lane going back to the parking area. The buildings shield the parking area very well. Civic space is also being proposed between the second and third buildings. Either concrete or pavers in this area along with benches around a central focal point in the plaza area, some type of rail related art. We are working with the arts commission on the art design feature. Plans for a community park type spaces on the southern portion of Station Lane. We are proposing connecting the City water and sanitary sewer. Stormwater management will be handled on the site outside the wetland and buffer site. We have devised a complete stormwater pollution

plan. A preliminary submission was submitted. Architectural renderings were provided to the Board.

Mr. Lansing reviewed the concerns of the Planning Board. The first was the civic space. We are continuing to work with the Arts Commission on an art design feature and city staff as well. Secondly a concern was voiced regarding sidewalk connection to the east. This is a requirement of the project and a visual of the proposed sidewalk to the property line to the east was provided. Concerning the wetlands on the parcel, the Board asked us to stay away from the wetlands and the buffers. As the project stands today it does not include any buffer impacts or wetlands impact. We are working with the DEC and have the permit in hand to transfer our buffer impacts in order to construct the sidewalk and trail. The permit was modified by the DEC to construct the sidewalk and trail in the location as presented. The third concern was request for one curb cut along Station Lane which has been accomplished along with the on-street parking. Lastly the concern was the maximum of 29 units which is what is currently proposed. Relative to the crossing in this area the plans have been modified to be ADA compliant with markings and signage. We have also received comments from Barton and Laguidice. We feel those are technical comments that we are more than prepared to address. We would like the Board to consider approval so we can move the project through the remainder of approvals.

Amy Ryan, Alternate questioned the final materials for the roadways, last year porous pavement was considered.

Mr. Lansing stated they cannot use porous pavement due to the soils in the area not meeting DEC requirements for porous pavement. We are meeting all the DEC requirements as it pertains to stormwater management.

Amy Ryan, Alternate stated she noted on the plans the 100 year flood line was indicated. Is there an opportunity to include the 500 year flood line and if so how it would impact the buildings.

Mr. Lansing stated he can review that.

Mark Torpey, Chairman questioned the sidewalk connection further to the East as it regards to pedestrian safety.

Mr. Lansing reviewed the sidewalks plans and noted the stormwater management catch basins along the sidewalks. A suggestion from Barton and Laguidice was some type of barrier for pedestrian safety perhaps a guiderail or railing device. We will add a 6" reveal on the curb and have the guiderail on the other side. We will add another catch basin in the area to handle additional storm water. Photographs were provided.

Mark Torpey, Chairman questioned the ability to have a tree belt along this area.

Mr. Lansing provided a review of what the applicant is providing.

Discussion ensued among the Board concerning maintenance of the sidewalk and parking lot areas. Also the applicant agreed to work with the city arborist on specific tree species for this area.

Mr. Askew, owner stated the sidewalks and parking areas will be maintained for the tenants by the owner.

Mark Torpey, Chairman reviewed the conditions for Site Plan Approval.  
-ADA compliant crosswalk from the property to the parking area.



- 6" curbing and the extra catch basin to continue to the eastern border of the property for safety.
- Sufficient bike racks.
- Civic space.
- Final approval from the arts commission - administrative approval
- Applicant will handle snow removal.
- Conformance with the city's urban master tree plan and city arborist approval for the final approval of species along the frontage.
- Depiction of the 500 year flood plain depiction.
- Plans to the satisfaction of the DPW and City's designated engineer.

Amy Ryan, Alternate, made a motion in the matter of the Station Lane Apartments, Station Lane that the application for final site plan approval be granted with the conditions as noted by the Chair.

Janet Casey seconded the motion.

**PUBLIC HEARING:**

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 7:32 P.M.

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

**VOTE:**

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Bob Bristol, in favor; Todd Fabozzi, in favor;  
 Janet Casey, in favor; Shawna Jenks, in favor; Amy Ryan, in favor;

**MOTION PASSES 7-0**

7:34 P.M. Board recessed.

7:38 P.M. Board reconvened.

**4. 17.057 CERRONE SUBDIVISION, Old Schuylerville Road, 2-lot Conservation Subdivision within the Rural Residential District.**

Mark Torpey, Chairman stated the application is before the Board for a preliminary review for a two lot Conservation Subdivision within the Rural Residential District. We will provide feedback to the applicant on the conservation analysis which was provided along with an analysis by the applicant. We had also requested some information from the Open Space Advisory Committee which we have received as well as correspondence from Blue Neils who works for the County and is the Stormwater Management Coordinator for the County.

Applicant: Cerrone Builders

Agent: Matthew J. Jones, Attorney; Tom Center, Project Engineer

Mr. Jones provided a visual presentation of the site located on Old Schuylerville Road. The applicant is proposing a 2-lot conservation subdivision. Mr. Jones provided some background on

the site including Mr. Cerrone's home on the site, which was the product of a subdivision back in 2014 and was not involved in a conservation subdivision. Mr. Center will review the conservation analysis.

Mr. Center provided a visual of the site noting the steep slope areas, provided a density calculation, conservation analysis map showing the third access drive. The analysis is quite self explanatory. It was a sand and gravel business previously. There is a wetland off the parcel on the adjacent property and we are trying to protect that area and keep construction off this area.

Mr. Jones stated 110,000 square feet to be burdened by the conservation easement. Location of the conservation subdivision is not a lot to be conserved on the land. Extending the conservation easement over to Mr. Cerrone's property and it will gain some value there. We did review the report from the Open Space Committee. The rest of the report is that he see's considerably more value to the hillets small hills and as a result of that this is the area to be preserved. He indicates that via aerial view which demonstrates that those hills were there some time ago. This is inconsistent with the aerial photographs from the 50's and 60's. These are natural land forms the hills and because of that they merit above everything else to be preserved. Blue Neils says essentially the same thing.

Mr. Jones reviewed several drawings reviewing different options and views of the area from Old Schuylerville Road. This view is not doable from the applicant's point of marketability. The alternative is a single lot which is there today. This does not achieve what the applicant is pursuing or the Open Space Committees recommendation.

Discussion ensued regarding the conservation subdivision evaluation and analysis.

Todd Fabozzi stated in rural communities they often feel suburban due to the frontage and distance from the roadway. Some people like that type of setting.

Mr. Cerrone feels these are much less desirable and less marketable.

Amy Ryan, Alternate questioned what is the plan regarding the conservation easement itself regarding management inspections, collaboration with the City Development of those things which are required per City Code to do that as well as notification to the City.

Mr. Jones stated they are very burdensome. To get to this step we need to get past the evaluation determination and analysis. The City has gotten very good at drafting and enforcing these type of subdivisions and in stating clearly what is allowed and not allowed.

Discussion ensued among the Board concerning shared driveway situation.

Janet Casey spoke regarding the dual driveway does not look good from the roadway. It is too much asphalt.

Mark Torpey, Chairman spoke regarding design and placement of the homes and the location and where to place the homes and the location of the shared driveway and use of material for landscaping. Situating the homes on the lands which have already been disturbed seems to make the most sense.

Amy Ryan, Alternate questioned an analysis of endangered species and what is currently on the site with the DEC.

Susan Barden, Principal Planner, City of Saratoga Springs stated this would be provided as part of the EAF and part of the SEQRA approval.

Discussion continued regarding a shared driveway situation and possible positioning.

Mark Torpey, Chairman questioned how the Board feels regarding utilizing the area which has been disturbed previously. Personally utilizing this space can offer the best conformance to the conservation regulations. There could be some additional planting to buffer the neighbor's property effectively.

Jamin Totino, Vice Chairman stated he also agrees with the Chair and it does speak the intent of the conservation subdivision and it calls for the clustering of houses with privacy to the road. There is a trade off.

Amy Ryan, Alternate stated she is in agreement with the Chair and Vice Chair. There might be a risk of disturbing any endangered species and more of an environmental impact.

Todd Fabozzi stated he agrees with the Board and also feels strongly for a shared driveway.

Mark Torpey, Chairman stated he hopes the applicant has received some good feedback from the Board.

**APPROVAL OF MEETING MINUTES:**

Janet Casey made a motion to approve the minutes of the June 6, 2019 Planning Board Meeting as submitted.

Jamin Totino, Vice Chairman, seconded the motion.

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

**VOTE:**

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Bob Bristol, in favor; Todd Fabozzi, in favor;  
Janet Casey, in favor; Shawna Jenks, Alternate, abstained; Amy Ryan, Alternate, abstained;

**MOTION PASSES 5-0**

**UPCOMING MEETINGS:**

Planning Board Caravan, Thursday, July 18, 2019 at 4:00 P.M.  
Planning Board Workshop, Thursday, July 18, 2019 at 5:00 P.M.  
Planning Board Meeting, Thursday July 25, 2019 at 6:00 PM.

**MOTION TO ADJOURN:**

There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 8:12 P.M.

Respectfully submitted,

Diane M. Buzanowski  
Recording Secretary