



PLANNING BOARD

MINUTES (FINAL)

THURSDAY, AUGUST 13, 2020

6:00 P.M.

ZOOM WEBINAR

CALL TO ORDER: Mark Torpey, Chairman called the meeting to order at 6:01 P.M.

SALUTE TO THE FLAG:

PRESENT: Mark Torpey, Chairman; Jamin Totino, Vice Chairman; Ruth Horton; Todd Fabozzi; Kerry Mayo; Lexie Bonitatibus; Shawna Jenks, Alternate

ABSENT: 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 or discussion. If anyone wished to further discuss any proposed consent agenda item, then that item would be pulled from the "consent agenda" and dealt with individually.

NONE AT THIS TIME.

C. APPLICATIONS UNDER CONSIDERATION

1. **#20200419 LEAFARC LOT LINE ADJUSTMENT**, 63 Spring Street, ZBA request for Planning Board Advisory Opinion for an area variance from the minimum front build out associated with a lot line adjustment in the Transect-5 (T-5) District.

Mark Torpey, Chairman stated this application was before the ZBA on August 3, 2020. The ZBA has requested an Advisory Opinion from the Planning Board on the requested area variance for the minimum frontage build out. The proposed lot line adjustment that would result in the existing building at 53 Spring Street not complying with the minimum frontage buildout of 70% (proposed 61.6%) in this T-5 District. A Special Use Permit for 53-63 Spring Street for a two-story mixed-use building was issued on September 27, 2011.

SEQRA:

Action appears to be a Type II action, no further SEQRA Analysis required.

Applicant: Leafarc, LLC, Anthony Swiatek

Agent: Matt Brobston, LA Group

Mr. Brobston stated what the applicant is proposing is to modify the lot line adjustment to remove the shared driveway. When this was approved the applicant requested the shared driveway to access some parking in the rear of the parcel for 53 Spring Street as well as their parcel on 63 Spring Street. They own both parcels and they are proposing to keep the access wholly on the 63 Spring Street parcel and adjust in the Site Plan. The remaining parking spaces on the 53 Spring Street parcel to access from Allerdice Alley which is to the rear of the parcels. The lot line adjustment would then make 53 Spring Street out of conformance with zoning due to lack of 70% frontage build out. We are adjusting this 12 feet and requesting a variance for 9 ft. This would be a minor lot line adjustment as well as a Site Plan Amendment. The applicant has owned this property for many years. Sharing the access is not working with the neighboring parcels. Also, they are looking to make the property more marketable.

Todd Fabozzi made a motion in the matter of the Leafarc Lot Line Adjustment, 63 Spring Street, the Planning Board Issue a Favorable Advisory Opinion. Ruth Horton 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; Ruth Horton, in favor; Todd Fabozzi, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor; Shawna Jenks, Alternate, in favor

MOTION PASSES: 7-0

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

Mark Torpey, Chairman stated this is a previously opened application. Public hearing was opened on May 14th, comments were received, and the public hearing was closed on June 25th. The Planning Board requested Advisory Opinions from the DRC and the Saratoga Springs Preservation Foundation. The DRC issued a Favorable Advisory Opinion with condition on June 17, 2020. Correspondence was received from the Preservation Foundation as well. A revised plan was submitted on August 11th. The applicant's agent will review the revisions with the Board.

SEQRA:

Action appears to be an Unlisted Action. Part 1 of the Short EAF was submitted by the applicant. The property is adjacent to a historic district. Identified on Part 1 is the property is in or adjacent to an area designed as sensitive for archeological sites. Correspondence from SHPO was received by the Board dated July 6th.

Applicant: David Guarino & Linda Hayner

Agent: Tonya Yasenchak, Engineering America

Ms. Yasenchak stated since the last appearance before the Board the applicant has proposed moving the property line to allow for buffering for the parking area. This has been included in the revised plan.

Mark Torpey, Chairman stated this is a unique application since the applicant has agreed to have the project reviewed by DRC when a house would be built in this location. The Saratoga Springs Preservation Foundation also appreciated that level of review considering the proximity to the historic district.

Mr. Guarino thanked the Board for their patience on this project. All departmental concerns have been addressed.

Mark Torpey, Chairman reviewed the items which were discussed by the Board. The need for an appropriate level of curbing on Park Place and Regent Street. Repairing of the brick walkway on Park Place and Regent Street. Utility easements for the underground electric noting the language should be reviewed and approved by the City Attorney. The City Arborist provided input to the applicant regarding plantings on the site. Regarding the curb cuts will the orientation remain as proposed on the plans or is there consideration to eliminate the additional curb cut on Park Place and home orientation. Will the address for 21 Park Place be re-addressed to a Regent Street address or remain as it currently exists?

Discussion ensued among the Board regarding the addressing of the properties.

Mr. Guarino stated he spoke to DPW regarding the addressing of the property. The DPW Commissioner will determine the final addressing. This is under their purview.

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

Ruth Horton did question the proximity of the curb cuts.

Mr. Guarino stated the curb cuts are approximately 40 feet apart.

Mr. Guarino stated they were under the impression that the future review of the project would be handled Administratively and not a full Board review.

Mark Torpey stated he does not have the ability of the Planning Board to encumber a future Planning Board. The future Planning Board may decide to bring it back to the Board versus an Administrative Action.

Vince DeLeonardis, City Attorney stated the Chair has stated this correctly. Review of this project would be at the discretion of the Planning Board Chair at that time.

SEQRA REVIEW:

The Board completed Part II of the SEQRA Short Form Review. No large or important areas of concern were noted.

SEQRA 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. Todd Fabozzi 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; Ruth Horton, in favor; Todd Fabozzi, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor; Shawna Jenks, Alternate, in favor

MOTION PASSES: 7-0

Mark Torpey, Chairman read the following conditions for subdivision approval for the project into the record:

- As offered and consented to by the applicant because of the property location being adjacent to the Canfield Casino-Congress Park-Circular Street Historic District, any future construction on the subdivided lot shall apply for and obtain architectural review and approval by the Design Review Commission (DRC). A noted stating such shall appear on the final approved subdivision plat and as a deed restrictive covenant, both to be filed with the Saratoga County Clerk.
- The owner shall return to the Planning Board for final driveway placement for the subdivided lot upon recommendation by the DRC, and review addressing.

- Final plans shall be to the satisfaction of DPW – including the City Arborist.
- Submit a fee in lieu of recreation of \$2,000 for each new residential lot per Appendix A of the Subdivision Regulations.
- Submit two (2) mylar and two (2) paper copies of the final approved subdivision plat for signature by the Planning Board Chair.
- File the signed final subdivision plat with the Saratoga County Clerk within sixty-two (62) days as provided in Article 3, k Section 32 of General City Law
- Full curbing along Regent Street and Park Place will be required.
- The brick walkway will be repaired and returned to a safe condition on both Regent Street and Park Place.
- Utility easement language being approved and to the satisfaction of the City Attorney and acceptable to the City.

Todd Fabozzi made a motion in the matter of the Guarino/Haner Subdivision, 21 Park Place that the application 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; Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor; Shawna Jenks, Alternate, in favor

MOTION PASSES: 7-0

3. **#20200270 TAIT LANE RESERVE MULTI-FAMILY**, Allen Drive and Tait Lane, site plan review for a 202 unit affordable housing project in the Transect-4 Urban Neighborhood District.

Mark Torpey, Chairman stated this is a previously opened application. This project is before the Board for site plan review. The project consists of new construction of 202 affordable housing units within 12 buildings of land to be built in two phases. The Planning Board issued a SEQRA Negative Declaration for the project and a Special Use Permit on June 20, 2019. The applicant will provide an update to the Board.

REQUIRED REFERRALS:

The County Planning Board has responded with no significant countywide or intercommunity impact which was received on June 18th, 2020 noting no significant countywide or intercommunity impact with comment. They noted the intersection of Allen Drive and 9N as a challenge.

Susan Barden, Principal Planner noted this project has appeared before the DRC. No approvals for Mass and Scale or final approval currently. This was for discussion only and the DRC asked for additional information with better visuals and will return before the DRC later.

Applicant: NRP Properties, LLC

Agent: Doug Heller, LA Group, C Dirr, NRP; Libby Coreno, Attorney

Mr. Heller provided a visual of the site. The applicant is before the Board this evening for site plan approval. Mr. Heller reviewed the history of the Special Use Permit.

- February 27, 2019 submitted Special Use Permit with traffic assessment supplements.
- March 21, Planning Board seeks Lead Agency.
- April 5, 2019 Received the town designated engineer (Chazen) comments.
- April 18, 2019 Responded to town designated engineer comments on traffic.
- April 18, 2019 Planning discussed Special Use Permit and SEQRA.
- Full presentation of the project layout.
- Traffic analysis-no off-site traffic improvements warranted-per Mark Nadolny-Creighton Manning.
- Board requested traffic study – Washington Street and Kirby Road intersection – accident reports on Church Street.

Mr. Heller stated the applicant returned before the Board on June 20, 2019. The following was discussed.

-Traffic analysis.

-No drop in loss of service if increased traffic to Washington/Kirby intersection

- Accident summary showed 4 total accidents over 3 years for Church/Allen

-Reduce speed limit along Church. City to make request to DOT.

-Special Use Permit approved and SEQRA Negative Declaration issued for

202 affordable housing units with a maximum of 600 square feet office space and 4,400 square foot clubhouse.

Mr. Heller stated since the Special Use Permit was approved.

-February 6, 2020 Planning Board Meeting – review of site plan layout.

-May 8, 2020 Site Plan Submission.

-July 15, 2020 DRC Meeting – materials are appropriate, positive feedback on townhomes and review of mass and scale which the DRC noted was not inappropriate.

-CDTA discussed options Flex on demand service, new bus route and vanpooling partnership.

-July 21, 2020 received town designated engineers' comments (LaBarge) and preliminary responses on 08/04/20.

Mr. Dirr provided a project overview noting their commitment to the project to provide workforce housing. The financing of this project is coming from Homes and Community Renewal and the Housing Finance Agency. We are proposing 202 units over 12 building providing a clubhouse and office space. This originally was a phased project however Homes and Community Renewal (HCR) has requested this be completed in a single phase. They requested we obtain local approvals and return to them to complete the financing process. Mr. Dirr provided funding update and AMI information to the Board.

Mr. Heller provided an aerial vicinity map noting the location of the project. The site is 14 acres in the T-4 zone. Access to the site is off both Tait Lane and Allen Drive. On Allen Drive we have a 50-foot easement over the adjacent parcel to access the site. Mr. Heller noted the proximity of the Allendale Project which has been approved by the Board and is adjacent to this site. A schematic layout and site layout were provided. Three different building types are proposed a three-story building; the second is three stories in the center and two stories on the sides and lastly the town homes. Concern was voiced regarding turning movements at the access point to Tait Lane and Allen Drive. We are proposing gating this area with access to emergency vehicles only. 341 parking spaces are proposed 1.7 parking spaces per unit.

Discussion ensued regarding CDTA and ride sharing mechanism and if this could reduce the number of parking spaces.

Mr. Heller stated they are moving forward with this number of parking spaces even with the inclusion of CDTA and drive share mechanisms. Mr. Heller continued with the main access to the site off Allen Drive. Parallel parking spaces will be provided. Sidewalks will be provided throughout the development as well as street trees and additional buffering and vegetation to the closest neighbors and along the railroad tracks. We are proposing streetlights with LED lighting and benches throughout. ADA accessibility will be provided throughout the project and to all the apartments which require this accessibility. Stormwater management will be handled on site. We are proposing porous pavement along the western section and for the parking spaces. Using the porous pavement does help to spread out the infiltration on the site. A stormwater pond is located on the site east side along the railroad tracks and this will provide the treatment and attenuation to hold runoff to assure no increase in flow rates during post construction. We are providing a fence around the pond and along the stretch between the site and the railroad tracks. We are proposing a split rail with a wire mesh attached to it which provides a softer effect. An overlay of the neighboring project and neighborhood plan was provided noting the connectivity to their site and the contiguous sidewalk network to be provided. Project amenities were reviewed including covered bike racks, outdoor grilling areas with picnic tables and additional patio areas. The clubhouse has a fitness center as well as a kitchen area which opens out to an outdoor patio area for gatherings which is central to the site. We continue to work with CDTA to have the bus stop moved to our location to accommodate not only our site by the Allendale site as well to provide transportation to the City itself. The main civic space off Allen Drive is a centralized gazebo with raised bed community gardens. A large grill and picnic area with picnic tables and a playground area open to the public. The combination of civic space and amenities will be a draw to the community itself.

Regarding utilities we will be connecting into the City water system off Allen Drive which will be looped through Tait Lane. Following flow tests, we have adequate water pressure. Sanitary sewer will be gravity fed and discharged into the Saratoga County Sewer District. We are in receipt of a "Will Serve" letter from the Sewer District and we are awaiting final approval of the plans. Architectural Elevations were provided to the Board for their information noting the applicant is currently working with the DRC.

Mr. Dirr provided information to the Board concerning the financing of the development long term. There are multiple regulations that require the applicant to maintain this as affordable housing. One is a long-term regulatory agreement with HCR and HFA which ensures it will be affordable for at least a 30 years term. Secondly, is that the financing will be for a 30-year term and that will require above and beyond that it be maintained as affordable for at least a 30-year term.

Mark Torpey, Chairman questioned if after 30 years time would the then applicant need to return before the Planning Board for a new Special Use Permit.

Vince DeLeonardis, City Attorney stated he does not believe it would need to come back before the Planning Board since the Special Use Permit is based on it being affordable housing for the proposed period.

Mark Torpey, Chairman questioned if the Special Use Permit granted denoted a specific time frame for affordable housing.

Susan Barden, Principal Planner stated it did not denote any specification of time simply the number of units.

Ms. Coreno, Attorney commented that during the resolution period she believes that we spoke about that we could make a recommendation on the record at that time. We were unsure of the time frame, but the Board was comfortable with the HCR's time frame recommendation as the State Agency denoted. If we do need to update this, we will.

Discussion ensued among the Board regarding a traffic study and if it had been done in conjunction with the adjacent Allendale Project.

Mr. Nadolny, Creighton Manning, Traffic Engineer stated they had originally responded to Chazen's comments and we did have a discussion with the Planning Board responding to comments that we received at various meetings. Regarding the project on the opposite side of the street he believes came after this project and would not have included their Traffic Study comments. They should have included this project with theirs. They are replacing many buildings which currently exist and adding some but not to the extent of this project.

Mr. Heller stated that is true we had completed that Traffic Study and it received approval before the adjacent project came before this Board. Our approval was received in June and the adjacent project was before the Board in November.

Todd Fabozzi questioned the impervious pavement maintenance.

Mr. Heller stated since porous pavement will be throughout the site, they will be adding signage on all entrances noting no sanding. Additionally, the city has been implementing for approximately a year now, yearly inspections of all stormwater practices. Those inspections are completed by an engineer and submitted to the City. With those inspections they will look at porous pavement to assure there are no issues. We do have inspection ports throughout the site.

Mr. Dirr stated from a management standpoint, we have been using porous pavement on many of our sites. Maintenance will be incorporated into the preventive maintenance program.

Todd Fabozzi stated previously when SEQRA was approved that one of the items which was brought up was being able to advertise to all of the tenants the state program "Solar For All" in which any of the tenants could get access if income qualified to a reduced electricity rate through a community solar program which NYSERDA offers. It was agreed that this literature be provided to any of the applicants to the project. I would like to ensure that this process occurs.

Mr. Dirr stated each of the units will be separately metered and the tenants will have their choice in selection of their utility providers. We do not have any issue whatsoever in providing these materials in the management leasing manual.

Todd Fabozzi questioned the clubhouse space and the capacity.

Mr. Dirr stated he does not know the overall capacity, but it is 4,000 square feet. We do have a club room and the size of the space would hold 60-75 people for a meeting.

Todd Fabozzi stated he would like to push for a response from DOT on the issues we have discussed on this project with pedestrian crossing over the bridge, access to downtown and pulling out onto the state highway.

Mark Torpey, Chairman stated we have discussed the speed limit at a previous meeting. It would be helpful to pursue this further with DOT and make a more formal request. The County Planning Board has noted the need to review the issues related to access from Church Street, the internal traffic circulation relating to Tait and Church Street and the potential for exacerbated turn movements to and from the site.

Susan Barden, Principal Planner stated one of the things the Board may wish to do is formalize a request to Commissioner Dalton to petition DOT for that reduction in the speed limit in this area. Previously it was a request for staff to reach out to the Commission which was done. That was an informal request by the Planning Board so, to formalize it is a great idea. This would be directly from the Commissioner of Public Safety to the DOT. Susan stated she has reached out to the regional engineer of DOT and provided the plans to her and spoke regarding perhaps some bike/ped accommodations in that area. I hope to further that conversation with her and will report back to the Board. Susan stated she is happy to provide a draft request for the Board to review prior to forwarding it onto Commissioner Dalton.

Jamin Totino, Vice Chairman stated he likes the way the project is laid out and the civic space and accommodations.

Discussion ensued among the Board and the applicant regarding the amount of parking proposed.

Mr. Dirr provided information to the Board regarding how the parking calculation was arrived at and why banking some parking is not an option due to funding and tax credits.

Mark Torpey, Chairman stated we have reviewed and spoke about this project several times. The speed limit is an issue and is up to DOT to decide but we will do our best to see that they do in fact review our request.

Susan Barden, Principal Planner stated we do have all necessary documents on file. We are awaiting and anticipating From LA Group a response to comments from LaBarge. We do have several items in this regard.

Mark Torpey, Chairman questioned if the Board would prefer not to act this evening but await further comments and recommendations from LaBarge. Should we vote on this application this evening or wait?

It was the consensus of the Board that they are comfortable voting on this application this evening.

Shawna Jenks, Alternate made a motion in the matter of the Tait Lane Reserve Multi-Family, Allen Drive and Tait Lane Site Plan be approved as submitted this evening. Jamin Totino, Vice Chairman seconded the motion.

Mark Torpey, Chairman asked if there was any further discussion.

Susan Barden, Principal Planner questioned if the Board if the standard conditions will be included in this motion.

- Satisfaction of final plans by DPW and the City's designated engineer.
- Evaluation of fee in lieu of the residential unit includes \$2,000 per unit.
- Easement language to the satisfaction of the City Attorney.

Mark Torpey, Chairman questioned if the Board is in receipt of the revised plans.

Susan Barden, Principal Planner stated the preliminary comments that were provided in response to LaBerge's comments were also going to be supplemented with revised plans.

Mr. Heller stated the LaBerge's comments were all technical and will not affect any of the civic amenities which were presented this evening.

Mark Torpey, Chairman questioned if the Board should wait for the final comments in order to reference that definitively.

Susan Barden, Principal Planner stated we are requesting further review by LaBerge regarding the traffic comments. The response from the LA Group was preliminary and we were expecting a formal response with another submission. So, we are still awaiting that additional information.

Ms. Coreno questioned if there is a way to have the resolution subject to technical comments. We have done this in the past if it does not materially impact the Boards approval.

Discussion ensued among the Board regarding waiting for final comments and plans prior to moving this application forward.

Mark Torpey, Chairman questioned the applicant if there was a timeline they were hoping to keep to or could they wait until the September meeting.

Mark Torpey, Chairman stated the only issue the Board has requested and is waiting for additional comments from LaBerge regarding traffic in this area.

Mr. Dirr stated he does not wish to have the Board vote on something they are uncomfortable with. There is no hard deadline. He also spoke regarding Libby's comment regarding the technical comments. Did LaBerge do the Allendale Review on behalf of the city as well.

Susan Barden, Principal Planner stated no.

Mr. Dirr stated if Allendale were approved with the information from our development then I am not sure what additional information would be additive or modify that approval.

Ms. Coreno stated specifically modifying the SEQRA. That would raise legal concerns for her. An after occurring project that would modify our SEQRA that did not come from our project I would have to raise that on the record as a significant problem procedurally.

Mark Torpey, Chairman stated he is comfortable moving forward with a vote this evening with the caveat being a condition that all the technical details to be worked out with DPW. I do not want to move forward if there is concern with other members and city staff.

It was the consensus of the Board that they are comfortable moving forward with a vote on this application this evening.

Mark Torpey, Chairman asked the City Attorney, Vince DeLeonardis his advice.

Vince DeLeonardis, City Attorney stated the ultimate decision is with the Chair and the Board collectively. Susan has identified some outstanding items. It is always in the Boards best interest to resolve all outstanding items prior to acting, ultimately it is the Boards call.

Discussion ensued among the Board to provide approval for the project and the additional technical information to be approved via Administrative Action.

Mark Torpey, Chairman stated the Board will proceed with the application. We have a motion and a second.

It was the consensus of the Board to retract the previous motion.

Jamin Totino made a motion to retract the previous motion.

Jamin Totino made a motion in the matter of the Tait Lane Reserve Multi-Family, Allen Drive and Tait Lane Site Plan be approved as submitted this evening with the following conditions.

- Satisfaction of final plans by DPW and the City's designated engineer.
- Evaluation of fee in lieu of the residential units include \$2,000 per unit.
- Easement language to the satisfaction of the City Attorney.
- Additional information from LaBarge will be reviewed by the Chair. At the discretion of the Chair the final Technical details will be either approved via Administrative Action or return before the Board for additional discussion.

Ruth Horton 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; Ruth Horton, in favor; Todd Fabozzi, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor; Shawna Jenks, in favor

MOTION PASSES: 7-0

APPROVAL OF MEETING MINUTES:

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

VOTE:

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor; Shawna Jenks, abstained

MOTION PASSES: 6-0-1

UPCOMING MEETINGS:

Planning Board Workshop, Thursday, September 3, 2020 at 5:00 P.M.
Planning Board Meeting, Thursday, September 10, 2020 at 6:00 PM.

MOTION TO ADJOURN:

There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 8:05 P.M.

Respectfully submitted,

Diane M. Buzanowsk
Recording Secretary

APPROVED 9-10-20