



PLANNING BOARD

MINUTES (FINAL)

THURSDAY, SEPTEMBER 10, 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; Sara Boivin; Kerry Mayo; Lexie Bonitatibus;

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. DISCUSSION ITEM:

1. **#20200574/17.074 REINTRODUCTION OF EXCELSIOR PARK PROJECT,** Excelsior Avenue & Ormondy Lane, Special Use Permit for mixed use development including 163 residential units, 36,200 square feet of commercial space, and a 60 room hotel and restaurant within the T4 & T-5 Districts.

Agent: Dave Carr, LA Group

Mr. Carr provided background information on the original project. This is a 52 acre site in two parcels. This is split by Ormondy Lane. A visual of the project was provided noting this was to be developed in two phases. Mr. Carr provided a history of the project beginning with the approval of the Special Use Permit in 2002; Subdivision approval for Phase 1A and Phase 1B in 2003; along with Site Plan Approval for a hotel and 3 buildings. There were several amendments to the Special Use Permit over the years as well as extensions to the Special Use Permits for Phases 3 & 4 which expired in 2011. Phase 1 & 2 were started so they could be completed. In 2015 Phase 2 and 2A were approved. Phase 2A which is John Witts project is currently under construction. In 2017 a new application was submitted because the permit expired. In 2018 we presented the project to the Board. At that time the Board and City staff requested documentation comparing the current proposal to what was originally approved in 2017 under SEQRA. This was submitted and

reviewed by Chazen the city's designated engineer. We responded to all questions and comments and we have gone through SEQRA. Traffic is one area which has not yet been completed. Our traffic engineer is completing the analysis centered around mitigation for future vehicles trips.

Mr. Carr reviewed the original master plan which was tied to the statement of findings of the Special Use Permit with a visual mapping of the site. 60% of the site has been commercially developed and 70% of the site has been residentially developed. A visual of the current proposal was also provided noting 34.7 acres of developable land remaining. We are currently under contract with a company to provide for 52 units of mixed income affordable workforce housing. Paperwork is currently being completed and will be submitted within the month.

Discussion ensued among the Board regarding what is currently being proposed; new traffic study results; pedestrian connectivity and amenities.

2. #20200409/2018097415.040 EXCELSIOR PARK, PHASE 2A, Excelsior Avenue & Eureka Avenue, lot line Adjustment between two lots in the Transect-5 (T-5) District.

Applicant: Excelsior Park, LLC

Agent: Dave Carr, LA Group

Mr. Carr provided a visual of the site. With the existing developed phases of the project, the applicant is requesting a lot line adjustment to place this phase on its own parcel as part of the creation of a homeowners association (HOA) for the homeowners of this individual phase. They do their own plowing, landscaping and mowing and their own maintenance. The adjusted lot would result in 22 residential units on a 1.7 acre lot. This does not impact the site plan or the letter of credit. Those remain under Excelsior Park, LLC. This is solely for the sale of the units.

Mark Torpey, Chairman questioned if there was an issue with not having access from a City street.

Mr. Carr stated it is only meant to have access from Whistler Court and Gibson. Originally the City did not want to take those. Whistler Court and Gibson Court are not city owned, they are maintained by the HOA.

Mark Torpey, Chairman questioned if this makes it more difficult or places restrictions for the master plan or broader development.

Mr. Carr stated the projects will share the maintenance of the alleys.

Susan Barden, Principal Planner stated she did question how the site plan approval will be affected if the property is sold or transferred, as well as the letter of credit. Mr. Carr did provided that information noting nothing will change. Excelsior Park, LLC will be responsible for the completion of the site plan and the City will hold the letter of credit for completion of that project.

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

Mark Torpey, Chairman asked if anyone in the public would like to comment on this application. None heard.

Ruth Horton made a motion in the matter of the Excelsior Park, Phase 2A, Excelsior Avenue and Eureka Avenue lot line adjustment be approved for the project. Lexie Bonitatibus 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; Sara Boivin, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor

MOTION PASSES: 7-0

3. **#20180203/18.016 ANW HOLDINGS, INC., SUBDIVISION MODIFICATION**, Birch & Hyde Streets, subdivision modification to a previously approved three-lot subdivision to remove a condition of approval to permit removal of a silver maple tree at 13 Birch Street.

Mark Torpey, Chairman stated this is a subdivision modification. Two of the homes are built out and the third one is under construction currently. The Planning Board issued an approval with a condition to preserve and protect a heritage 55 inch mature silver maple tree. A visit to the site did not indicate any measures in place to preserve this tree. The City Arborist has also visited the site. We have also received two letters from the neighbors objecting to removing the tree.

Applicant: John Witt, Witt Construction

Mr. Witt stated this application was before the Board for a three lot sub-division in 2018. He provided a brief history of the project for the Board. We have pushed the current house as far to the right as possible. The future homeowner met with the City Arborist and noted her concerns regarding disturbing the root system of the tree. The future homeowner and the City Arborist discussed the situation and determined the tree would need to be removed. There is a landscape plan for the area.

PUBLIC HEARING:

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

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

Taryn Matusik, a neighbor questioned if her comment was received by the Board.

Susan Barden, Principal Planner, City of Saratoga Springs, stated the Board is in receipt of the following correspondence.

-email from Taryn Matusik, received September 10, 2020.

-email from Michael Winefeld, 11 Hyde Street, received September 10, 2020.

Mark Torpey, Chairman stated he visited the site. There was no delineation where the tree root structure would be or any type structure identifying the critical area to avoid or where the root structure would be.

John Witt stated that is a correct statement. The tree canopy is usually where the root structure would be. That tree leans over to this lot and also the lot next door. It would be a 50 ft. circle and the lot is only 60 ft. wide. Although it is a beautiful tree, you either have a tree or you build a home. We cut it as minimal as possible. It could stay but the grade slopes up and wind from the southwest could create a problem. Landscaping and planting new trees would be very nice.

Susan Barden, Principal Planner stated she spoke to Steve Lashcomb, City Arborist to see if he had re-visited the site as he had stated in his email. No response was received as of this date.

Mark Torpey, Chairman asked if anyone on the Board would like to comment on this application.

Todd Fabozzi stated the condition of subdivision approval was to leave the tree intact. That was blatantly disregarded and excavation cut into the root zone. Now it appears that the tree will not thrive and we are being asked to approve the removal of it.

John Witt stated that is not correct. The house siting was moved as far to the right as possible to protect the tree root system. It was an approved lot and a fine thought to save the tree. The reality of it is it is in the building envelope and we did the best we could to stay away from the base of the tree. The house is a very small house.

Todd Fabozzi asked if it was ever feasible to save the tree?

John Witt stated it is feasible now. As the arborist stated the tree will decline. Older trees decline. If we are trying to create a mature forest in an urban city and build houses trees will need to be removed. It is a beautiful tree; however a big windstorm will topple this tree.

Sara Boivin stated she agrees with Todd. This was a condition of approval. It is a violation and should be addressed as a violation and a fine assessed with funds put in escrow. This is part of the Boards purview.

Jamin Totino, Vice Chairman agrees with both Sara and Todd. It is important to also remember we included in that Approval a waiver for the sidewalk on this lot. He does not recall the tree being a big issue and saving the tree was a condition of approval and we should not go back on that approval.

Kerry Mayo stated he did visit the site and the tree looks healthy. He questioned when the foundation was excavated.

John Witt stated about 3-4 weeks ago.

Kerry Mayo stated we have had some significant wind storms since then and I do not think you can compare a maple tree to a willow tree which is a delicate tree and fall over all the time. He would like to wait for the City Arborists comments.

John Witt stated the City Arborist met with the prospective homeowner and agreed the tree should come down. He agrees with the Board. He loves saving trees, and planting trees. He feels in reviewing the building envelope, this tree could become an issue in the future. We are planting many trees in this area.

Discussion ensued among the Board regarding the tree, the conditioning of the subdivision which included saving the tree and potential violation, as well as re-planting plan noting the placement of additional trees.

Mark Torpey, Chairman stated what the Board needs is a definitive analysis and response from the City Arborist. In his professional judgment does the tree need to be removed. It is difficult for the Board to render a decision this evening.

Mark Torpey, Chairman stated the public hearing will remain open. We await a response from the City Arborist.

4. #20200440 CRESCENT STREET SUBDIVISION, 125 Jackson Street, coordinated SEQRA review for a Proposed 6-lot subdivision in the Urban Residential-2 (UR-2) District.

Mark Torpey, Chairman stated what is before the Board this evening is discussion regarding coordinated SEQRA Review. The other involved agencies are the City Council and the Department of Health. This proposed six lot residential subdivision will accommodate single-family residences and includes the proposed abandonment of the paper street. This is subject to approval by the City Council.

Applicant: David DePaulo, Bella Homes

Agent: Scott Lansing, Lansing Engineering

Mr. Lansing provided a visual of the site noting the existing structure on the site will be demolished as well as several trees. We are proposing six lots in this UR-2 zone with minimum lot size 6,600 square feet minimum width 60 feet. All lots meet zoning requirements and will be served by public water and sewer. Concerning the endangered species We did get a hit on the resource mapper for the environmental assessment form for the Frosted Elfin and the Blue Karner Butterflies. We did have habitat studies performed and it was determined the habitat was not there to support these species. We will coordinate with the DEC on those studies. Secondly relative to archeology. We did get a hit for

historic resources since we are located 650 feet from the tract and the Historic District. We will coordinate with the State Historic Preservation Office. Concerning the alleyway down the middle. The applicant has been working with the Real Estate Committee and they have recommended unanimously making the conveyance of this parcel of land. The applicant has appeared before the City Council and at their July 7th 2020 meeting they approved the conveyance of the property subject to the Planning Board approval of the subdivision. If subdivision approval is granted by the Planning Board the applicant will proceed with the purchase of the conveyed land from the City.

Susan Barden, Principal Planner stated the conveyance of property is for the entire paper street. The center line of the street would go to the adjoining property owner on each side. It will go from Crescent Street to the north.

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

Kerry Mayo made a motion in the matter of the Crescent Street Subdivision, 125 Jackson Street, that the Planning Board seeks Lead Agency Status for SEQRA. Involved agencies include the City Council and Department of Health. Jamin Totino, Vice Chairman seconded the motion.

VOTE:

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Sara Boivin, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor

MOTION PASSES: 7-0

5. **#20200518 LOUDEN ROAD SUBDIVISION**, 406 Louden Road, final subdivision review for a proposed five-lot conservation subdivision within a Rural Residential (RR) District.

Mark Torpey, Chairman stated what is before the Board this evening is a final subdivision review and approval. This is a previously opened application and has been before the Board several times. The applicant will provide any updates on the project.

Applicant: Wade Newman

Mr. Newman stated since the last Planning Board Meeting the Board requested further clarity on the zoning requirements for the lots. That information has been provided to the Board. Currently the applicant is working with DPW for obtaining the 911 addressing assignments for Bog Meadow Run. The Deed Covenant language was submitted and is currently being reviewed by the City Attorney. The Letter of Credit is currently being finalized. He did note the lots lines for Lot #4 were moved a bit to add more acreage to Lot #3. A visual of this proposal was provided to the Board. The total conservation area will remain the same. No other changes have been made.

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

Mark Torpey, Chairman reviewed and recapped the conditions for approval:

- Contribution in lieu of – The applicant will provide \$15,000 in funding for a mixed use trail on the northern part of Louden Road. -The Board will make a recommendation to the City Council for the \$10,000 Rec fees to be attributed to that as well.
- The Condition of Approval contains an approved address.
- Appropriate Letter of Credit.
- No cut buffer – the Planning Board’s no cut buffer policy to be acknowledged on the deed. Delineation of this area to be handled administratively.
- Easement language to the satisfaction and approval of the City Attorney.
- Development of language concerning the Planning Boards logic and thought in determining the in lieu of fees for the project.
- Final plans to the satisfaction of DPW and city’s designated engineer.

PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing at 7:47 P.M.

Mark Torpey, Chairman asked if anyone in the public would like to comment on this application. None heard.

Mark Torpey, Chairman closed the public hearing at 7:49 P.M.

Lexie Bonitatibus made a motion in the matter of the Louden Road Subdivision, 406 Louden Road final subdivision be approved with the conditions as noted by the Chair. 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; Sara Boivin, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor

MOTION PASSES: 7-0

Mark Torpey, Chairman allowed audience applicant to speak.

Mark Richardson, Whistler Court spoke regarding the Excelsior Park Project.

Mark Torpey, Chairman suggested the applicant contact City Staff regarding his questions. The Excelsior Park project will be before the Board for further approvals. The applicant should check the agendas for this projects re-appearance before the Board.

APPROVAL OF MEETING MINUTES:

Mark Torpey, Chairman made a motion to approve the minutes of the July 30th, and August 13th Planning Board Meeting Minutes as submitted. Jamin Totino, Vice Chairman seconded the motion.

VOTE:

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Sara Boivin, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor

MOTION PASSES: 7-0

UPCOMING MEETINGS:

Planning Board Workshop, Thursday, September 17, 2020 at 5:00 P.M.

Planning Board Meeting, Thursday, September 24, 2020 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

APPROVED 9-24-20