



PLANNING BOARD

MINUTES (FINAL)

THURSDAY, OCTOBER 4, 2018

6:00 P.M.

SARATOGA ARTS COUNCIL

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

SALUTE TO THE FLAG:

PRESENT: Mark Torpey, Chairman, Jamin Totino, Vice Chairman; Janet Casey; Ruth Horton; Todd Fabozzi; Amy Ryan, Alternate

ABSENT: Clifford Van Wagner; Bob Bristol

STAFF: Kate Maynard, Principal Planner, City of Saratoga Springs
Vincent 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.

ANNOUNCEMENT OF ADJOURNED PROJECTS:

ADJOURNED PENDING ADDITIONAL INFORMATION:

16.025 MENDENHALL SUBDIVISION, 101 Old Schuylerville Road, 4-lot preliminary conservation subdivision within the Rural Residential (RR) District.

17.061 STATION LANE APARTMENTS (ASKEW) Station Lane, Special Use Permit for 36 multi-family Residential units within the T-5 District.

17.063 WASHINGTON STREET HOTEL & SPA, 19-23 Washington Street, SEQRA consideration of Lead Agency Status and coordinated review for construction of 62,567 square foot Hotel & Spa within the T-6 Urban Core District.

17.074 EXCELSIOR PARK (2017), Excelsior Avenue and Ormandy Lane, Special Use Permit for mixed use development including 163 residential units, 36,200 square feet of commercial space and a 60 room hotel with restaurant within the T-4 & T-5 Districts.

COMMENTS FROM THE CHAIR:

UPCOMING PLANNING BOARD MEETINGS/AGENDA WORKSHOPS:

Planning Board Caravan, Monday, October 15, 2018 at 4:00 P.M.
Planning Board Workshop, Monday, October 15, 2018 at 5:00 P.M.
Planning Board Meeting, Thursday, October 18, 2018 at 6:00 P.M.

PRIVILEGE OF THE FLOOR:

None heard.

A. PRESENTATION:

Re-wire – Energy Efficiency and Alternative Energies being included within private development projects – a case study presented by Lee Evans and Ken Evans a local clean energy group.

B. APPLICATIONS UNDER CONSIDERATION:

1. **18.043 SARATOGA HOTDOG COMPANY**, 110 Excelsior Avenue, Permanent Special Use Permit for Food Vending within a Transect (T-5) District.

Mark Torpey, Chairman stated this business has been operating in this location for over 13 years. The applicant received notice this year which necessitated them obtaining a special use permit due to a modification in the City Code.

Vince DeLeonardis, City Attorney, City of Saratoga Springs stated for purposes of clarification the City did recently amend Chapter 165 of the City Code which includes vending and the need for a Special Use Permit and that is why the applicant is here.

Kate Maynard, Principal Planner, City of Saratoga Springs stated the applicant is before the Board for a Permanent Special Use Permit as well as a waiver of site plan.

Mark Torpey, Chairman stated the applicant has provided a certificate of liability insurance, a NYS Department of Health permit, and a letter from the property owners allowing the use on their property. The Chairman stated that the Special Use Permit goes with the property. It is not necessarily just this operation but any operation on this site must work within the constraints listed on the Permit.

BACKGROUND:

Application within the Transect-5 which requires special use permit for every use that is proposed. Tables provided for eating – appear to be placed on National Grid property, “Oral” permission noted to have been granted. Tables would appear to be permitted on EBI property due to lease, relocate appropriately. City Council amended Chapter 165 of the City Code – which applies to Peddling and Vending.

Applicant: Kathy Kahl, Saratoga Hot Dog Company

Agent: Dave Beauchin, friend and customer

Ms. Kahl provided some background for the Board on the history of her business and how it evolved. She has operating this business for 13 years.

Mr. Beauchin stated this business has been in operation for over 13 years. She hires her family and friends to work there. It is located in the parking lot of Quality Beverage off of Excelsior Avenue. This is a unique business with 6 picnic tables, umbrellas and some seasonal retailing. With the City of Saratoga Springs amending the Code, Section 165 Peddling and Vending. We have spoken with Commissioner Franc. We are looking to bring this business into compliance.

PUBLIC HEARING:

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

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

An anonymous person from the audience spoke in favor of the business and the owner.

Mark Torpey, Chairman closed the public hearing at 6:51 P.M.

Mark Torpey, Chairman reviewed some of the specifics about the provisions of the Special Use Permit.

- hours of operation – 9am-6pm 7 days a week, year around weather permitting. During the track season the hours of operation are 9AM-8PM.
- limit the number of vending stations at the site to one.
- limit the square footage.
- limit outdoor entertainment or music on the site.
- allowed to be occupied.
- pedestrian access.
- identify the footprint to the areas where it is located at this time.
- Waiver for Site Plan.
- Required license shall include written authorization from the property owner. National Grid adjacent property owner – licensee shall secure written authorization.
- Tables should be situated on EBI property.

Vince DeLeonardis, City Attorney, City of Saratoga Springs spoke regarding the picnic tables need to be on the EBI Property until National Grid provides permission.

Mark Torpey, Chairman continued with the condition of the Special Use Permit –

- Maximum of 6 picnic tables.
- Tent maybe appropriate as well.
- Temporary wind break.
- Seasonal retail aside from the food vending. – Removed following legal counsel information on outdoor food vending application regulations.

Vince DeLeonardis, City Attorney, City of Saratoga Springs stated retail is not part of the outdoor vending application.

Discussion ensued among the Board regarding additional uses on the site. It was the consensus of the Board that the seasonal retail will be eliminated from consideration in the Special Use Permit.

Mark Torpey, Chairman stated this application was public noticed for food vending only. A modification can be made for any allowed changes down the road. The Chairman stated he would like the applicant to calculate the area used for the vending and picnic tables to define the site.

Jamin Totino, Vice Chairman made a motion n the matter of the Saratoga Hotdog Company, 110 Excelsior Avenue that the Special Use Permit 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:

Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Amy Ryan, Alternate, in favor; Janet Casey, in favor; Mark Torpey, Chairman, in favor

MOTION PASSES: 6-0

2. 18.034 41-45 JEFFERSON STREET SUBDIVISION, 4 Lot final subdivision within a UR-2 District.

Mark Torpey, Chairman stated we have discussed this project before on several occasions. The applicant has Expressed willingness to donate back portion of the parcel to the City for expanded parking for the Recreation Center. The City Council is an involved agency due the potential conveyance of property to the City. No potential action on the application this evening simply either a request for Lead Agency Status for SEQRA or the deferral of the Lead Agency status to the City Council with comments.

Vince DeLeonardis, City Attorney, City of Saratoga Springs stated this has been before the Real Estate Committee for the potential donation of a portion of this parcel to the City. It was very well received and approved by the Real Estate Committee.

BACKGROUND:

This project was formerly owned by Jelenik. The property proposed for development previously did not move forward New owner Andre Schmid is currently proposing a 4 lot subdivision and potential conveyance of property to the City.

Applicant: Andre Schmidt, Laguna Homes

Agent: Dave Carr, LA Group

Mr. Carr provided a visual presentation of the project site which is approximately 1.2 acres. The applicant is here this evening to start the process by having the Planning Board seek Lead Agency Status or defer Lead Agency Status to the City Council. We are proposing a four lot subdivision. We are not asking for a density bonus, we are not asking for lots that do not meet zoning. Everything meets the requirements of the UR-2 zone, which are 2- 6600 square foot lots 60 feet wide. Access could be a private road or a public street. The land at the end of the lots will link to the Rec Center parking lot. This is the area the applicant has expressed willingness to donate to the City for expanded Rec Center parking.

This will increase parking from 22 parking spaces to 68 parking spaces with additional green space. The proposed 4 lot subdivision will have municipal water and sewer; drainage would be handled on site. The homes would be market rate homes. Mr. Carr stated the land will be donated to the City and it would be the City's responsibility for buffering.

Ruth Horton questioned if the donated property was specifically earmarked for additional parking for the Rec Center or was the conveyance of the land simply just that.

Vince DeLeonardis, City Attorney, City of Saratoga Springs stated the property was offered to be conveyed to the City without any restrictions or designations or limitations.

Kate Maynard, Principal Planner, City of Saratoga Springs stated the property being conveyed to the City is a little over a ¼ of an acre.

Mr. Carr stated the parcel to be conveyed to the City is approximately 14, 400 square feet.

Janet Casey stated if the City in the future were to consider developing this site a recommendation to the City Council would be that the Planning Board provide an Advisory Opinion to the City Council on this development.

Mark Torpey, Chairman questioned the proper procedure for providing information to the City Council whether the Board Requests Lead Agency Status or defers Lead Agency Status to the City Council.

Kate Maynard, Principal Planner, City of Saratoga Springs provided guidance to the Board regarding either requesting Lead Agency Status for SEQRA or deferring Lead Agency Status to the City Council. Also, concerning the Public Hearing noticing was done successfully. There was a snafu at the Saratogian and the noticing was not run successfully.

Counsel suggests we open the public hearing and take comments from the public but keep the public hearing opened until the next Planning Board Meeting.

PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing at 7:27 P.M.

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

Neil Hammond, his property abuts the land in question. He voiced concern about what the City is going to do with it. He would like to have some green screening along the property lines since they are concerned regarding their privacy.

Linda Piazzi, 81 Jefferson Street. I have lived here for a long time. She is concerned regarding the additional traffic for the children, elderly and disabled. Visibility is limited from the Rec Center. Supports a visual green screen. She is in support of this project.

Sara Goodwin, 2 Webster Street. She is thrilled to see this development. Terrible parking issues on Vanderbilt which affects the entire neighborhood. This is going to look better than the lot. She would like to see elevation drawings once they are submitted.

Tom Sneeds, questions the size of the homes. There should be 4 homes versus 3. Concerned regarding drainage.

Lisa Bonaquist, is concerned about the drainage. She is happy it is being developed. She is also concerned about the drainage. She would also like to see the plans.

Mark Torpey, Chairman stated the public hearing will remain open.

Mark Torpey, Chairman stated this is a UR-2 zone. Minimum lot size is 6600 square feet. The proposal satisfies zoning so no variances are required.

Mr. Carr stated these will be two story residential homes. The Comprehensive Plan stated 7 units per acre. In an environment like this we would like smaller. Smaller does not have to do with quality. We can discuss this at a later time.

Mark Torpey, Chairman stated the applicant will return to this Board following SEQRA review for subdivision approval.

Ruth Horton made a motion in the matter of 41-45 Jefferson Street Subdivision application that the Planning Board seeks Lead Agency Status for SEQRA.

Janet Casey seconded the motion.

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

VOTE:

Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Amy Ryan, Alternate, in favor; Janet Casey, in favor; Mark Torpey, Chairman, in favor

MOTION PASSES: 6-0

8:45 P.M. Board recessed.

8:50 P.M. Board reconvened.

3. **18.041 GARY STONE**, 68 Weibel Avenue, Consideration of SEQRA Lead Agency and environmental review within a Transect-4 (T-4) District.

BACKGROUND:

Review is for several buildings and uses that per City files never received relevant approvals. Involved agencies include ZBA who deferred lead agency to the Planning Board and DRC who deferred lead agency to the Planning Board.

No new action is proposed at this time but consider buildings as they were constructed without approvals as noted below:

Building permit for a horse barn issued June 10, 1975.

- Saratoga Sunrise Stables-riding academy in conservancy district.
- Use and area variances for an auction house for livestock and expanded retail store (tack shop) in conservancy district
Advisory Opinion Planning Board November 4, 1987.
- Notice of Violation – operation of “Mr. Windshield” January 4, 1995.
- Use Variance to operate a golf driving range, teaching facility and pro-shop including miniature golf, batting cages, Indoor and outdoor coin operate amusement devices and other recreational uses, indoor golf practice and teaching Facilities, club assembly and repair and retail sale of recreational equipment and clothing denied April 29, 1998.
- Notice of Violation July 22, 1998 – operation of golf driving range, teaching facility and pro-shop despite denial of use Variance.
- Inspection report January 18, 2002 identified six tenants in the red barn building complex at the rear of the site, construction company in the middle building and “Mr. Windshield” in the front building, four freestanding signs on the premises, all businesses and signs without approvals or permits.
- Appearance ticket to City Court issued on September 30, 2002.
- Building Inspector inspection of the site on April 11, 2003 identified 11 businesses and 16 signs.
- Special Use Permit for business and professional office and general retail within the existing three buildings totaling 16,258 square feet in the T-4 District denied on June 4, 2003.
- Use and area variances to maintain existing freestanding signs denied June 25, 2003.
- Stipulation and Order by City Court, November 25, 2003 to comply with all City Zoning Laws, Rules and Regulations By April 15, 2004.
- Area variances to allow existing uses to continue for two years, withdrawn by the applicant June 2, 2004.
- City Court hearing on April 23, 2014 for violation of the Stipulation and Order of November 25, 2003. Respondent Guilty of contempt of court in having failed to remove unlawful uses from its property and all uses specified in the Stipulation and Order shall cease and desist, June 24, 2004.
- Respondent appealed the case to County Court – appeal dismissed for failure to submit brief June 2007.
- Notices of violation for signage, occupancy by various businesses, placement of buildings September 3, 2013.
- Follow up letter to property owner from Zoning and Building Inspector compelling compliance with City Zoning and And NYS Building Codes July 10, 2014.

SEQRA:

Board (Special Use Permit and Site Plan), DRC (Architectural) and ZBA (variances) involved agencies with application. ZBA and DRC pro-actively deferred SEQRA Lead Agency at its January 14, 2015 meeting. Coordination reinitiated With new application with both ZBA and DRC pro-actively deferring SEQRA to the Planning Board for this action.

Mark Torpey, Chairman stated this project is before the Board this evening for consideration of SEQRA Lead Agency Status and environmental review. A number of uses have been requested on this site as part of this application. They are office, office warehouse, storage as well as golf driving range.

Vince DeLeonardis, City Attorney, City of Saratoga Springs stated we have had a proceeding against the property owner with regard to various zoning violations which have existed on this property for some time. The context of that action was a meeting with their attorney and it came to a Stipulation and Settlement Order. They ultimately pleaded guilty to a certain number of zoning violations and they agreed to certain conditions including the discontinuance of certain actions, and removal of certain aspects and items on the property and having to come before the Land Use Boards within a certain amount of time and receive approvals within a certain amount of time. The time limit associated with that is a 180 days with the possibility of a 90 day extension if the applicant shows good cause.

Applicant: Tara Stone

Agent: Jon Lapper, Attorney, Kirsten Cattellier, Studio A

Mr. Lapper stated Mr. Stone built some of these properties in the 60's and approvals granted are unable to be located at this time. The applicant did meet with the City and Stipulation and Settlement Order was reached. A visual of the Weibel Avenue site was provided to the Board. The applicant at this time is focused on cleaning up the site and bringing this site up to code.

Ms. Catellier, Studio A provided a visual of Weibel Avenue Site, noting the proposal of 2 street trees and street lights to the city standards and similar to what exists on the south properties. We are proposing a concrete sidewalk to connect all three properties. A crosswalk will be added across the driveway. Currently there is signage out front. The signage being proposed out front will be complementing the others to advertise the businesses on the site.

Kate Maynard, Principal Planner, City of Saratoga Springs stated the signage will need to be reviewed and approved by the DRC.

Ms. Catellier continued with the current parking and access driveway on the site will be resurfaced and striped. The blue donation bins on the site will remain. The gravel access road will be paved with asphalt. Land banking is being proposed at this time, and this will eliminate some of the gravel. This will be parking for the tenants only. Stormwater will be handled on site.

Discussion ensued among the Board regarding the need for land banking on the site.

Ms. Catellier provided a view of the mixed use building, parking associated with that building and a proposed rain garden. Buffering is proposed along the property boundaries abutting the apartment buildings.

Mr. Lapper provided a visual of the mandated corrective measures required by the May 17, 2018 "Stipulation"

1. Removed all temporary structures/membrane type structures from the site.
2. Removed all unlicensed vehicles from the site.
3. Remove all waste building materials from the site.
4. Removed all waste containers from the site (other than those dedicated to tenants of the buildings).
5. Removed all "Stone owned enterprises" activities from the site.
6. Cease operation of the golf driving range (until a Special Use Permit is issued).

Mr. Lapper stated all these have been completed.

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

Mark Torpey, Chairman stated the applicant will need to reappear before the Board for Special Use Permit and Site Plan Review. Currently the site is not what the T-4 District envisions.

SEQRA:

Jamin Totino, Vice Chairman made a motion in the matter of the application for Gary Stone, 68 Weibel Avenue, that the Planning Board accept Lead Agency Status for SEQRA.

Janet Casey seconded the motion.

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

VOTE:

Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Amy Ryan, Alternate, in favor; Janet Casey, in favor; Mark Torpey, Chairman, in favor

MOTION PASSES: 6-0

Mark Torpey, Chairman stated Part I of the Short EAF form was submitted by the applicant is accurate and accepted.

The Board reviewed Part II of the Short EAF Form noting no large or important areas of concern 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.

Amy Ryan, Alternate seconded the motion.

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

VOTE:

Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Amy Ryan, Alternate, in favor; Janet Casey, in favor; Mark Torpey, Chairman, in favor

MOTION PASSES: 6-0

4. **18.046 GRAND AVENUE SUBDIVISION**, 485 Grand Avenue, Final 4-lot Residential Subdivision Review Within a Suburban Review within a Suburban Residential-2 (SR-2) District.

Mark Torpey, Chairman stated this is a 2.31 acre site within the SR-2 District. This is an area where the minimum lot size is 20,000 square feet and clustering is an option.

BACKGROUND:

This is a 2.31 acre site within the SR-2 District.

SEQRA:

Action appears to be Unlisted with the Planning Board as Involved Agency.

Applicant: Bogoshian Brothers

Agent: Doug Heller, LA Group

Mr. Heller provided a visual presentation of the site noting it is 2.31 acre which the applicant is proposing a 4 lot subdivision. Currently there is a ranch style home on the property. What the applicant is proposing is to fit this 4 lot subdivision into this neighborhood. Each parcel will be 25,000 square feet or 1/2 an acre and the applicant does not feel clustering would fit in this neighborhood. A rendering of the subdivision was provided. We are proposing 2 street trees on Grand Avenue and we are attempting to save 3 larger street trees on Grand Avenue. One street light is proposed to the center of the parcel. There is an existing utility pole to the east of the property with a cobra light. Each of the lots will be 100 feet wide and 200 feet deep. At the workshop there was a discussion of providing a no cut buffer. At the present time the applicant prefers not to provide a no cut buffer and restrict those lots.

Mark Torpey, Chairman suggested a no cut buffer in the setbacks are only.

Mr. Heller stated this can be discussed. It would be preferable not to place fencing in this area. We prefer signage but that is up to the Board. A visual of the plans were provided to the Board. Water and sewer lines will be provided along Grand Avenue. One issue discussed with the staff was sidewalks in this area. The concern of constructing a sidewalk in this location is whether it will be well received due to Right of Way issues and water and sewer lines. The applicant is proposing to do a replacement of sidewalk in the City if feasible since there are no sidewalks in this area. This is up to the Board. If the Board requires sidewalks in this area we will construct sidewalks in this area.

PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing at 8:23 P.M.

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

Dan McDermott lives across the street. The street light shines right into his windows and he questioned if it could be moved. The applicant is correct there are no sidewalks in this area.

Mr. Heller stated the applicant will work with the property owner.

Mark Torpey, Chairman stated sidewalks are required as part of the subdivision regulations.

Todd Fabozzi stated we should push for sidewalks in the city per the code and eventually one day all the sidewalks will be connected.

Kate Maynard, Principal Planner, City of Saratoga Springs spoke regarding the Complete Streets Plan and the Grand Avenue extension area this area being identified as a multi-use path for one side of the road. It is not there yet. Regarding the deferral of sidewalks to another area of the city we have discussed it and it will take time and effort to comprise a policy and put it in place.

Mr. Heller stated the applicant will keep the sidewalks in this area.

Todd Fabozzi stated regarding the no-cut buffer in this area he does not take issue with it in this location. There is currently a tree buffer in this area. There is no public benefit in this area. Also, regarding the street lights does the City use LED lighting or a set standard for lumens with decreased wattage.

Kate Maynard, Principal Planner, City of Saratoga Springs stated all City lights are now LED.

Jody, 205 Sherwood spoke regarding the tree space and how much will remain between Lot 1 and Lots 2 and 3 on Sherwood.

Mr. Heller stated there no housing design at this point.

Mark Torpey, Chairman stated currently it is 15 feet.

Liz Horan 1 Sherwood Drive questioned if the no cut buffer includes the area along the side. There are a lot of kids in this area and sidewalks would be a fantastic idea.

Mark Torpey, Chairman stated the Board did go out a view the site on caravan. There are some fairly mature trees and they are worth protecting and saving. Also I am in favor of a no cut buffer area in the setback and only as far as the setback.

Discussion ensued among the Board regarding the no cut buffer designation, fencing, signage, deed restriction, etc.

Janet Casey stated she is in favor of a no cut buffer but only as far the setback.

Chris Johnson 76 Hoffman. Questioned why the no cut buffer does not encompass everything.

Mark Torpey, Chairman closed the public hearing at 9:00 P.M.

SEQRA:

Mark Torpey, Chairman stated Part I of the EAF was provided by the applicant and is accurate and accepted by the Board. Part II of the EAF was reviewed by the Board. 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.

Ruth Horton seconded the motion.

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

VOTE:

Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Amy Ryan, Alternate, in favor; Janet Casey, in favor; Mark Torpey, Chairman, in favor

MOTION PASSES: 6-0

Mark Torpey, Chairman stated we will move on to Subdivision. We discussed the following and will part of the subdivision approval:

- Identification and marking of mature trees along the front of the property to be preserved.
- Proposed street light to be repositioned so it does not impact the neighbor across the street.
- Preserving the 30 ft no cut buffer to the rear of the property would be appropriate. The Board is providing flexibility with the choice of signage to be approved via Administrative Action.
- Sidewalks and curbing to be installed consistent with the City standards and design. Subject to the City Engineers approval and satisfaction.

Ruth Horton made a motion in the matter of the Grand Avenue Subdivision, 485 Grand Avenue that the application for a Final 4-lot subdivision be approved with the conditions as noted by the Chair.

Amy Ryan, Alternate seconded the motion.

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

VOTE:

Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Amy Ryan, Alternate, in favor; Janet Casey, in favor; Mark Torpey, Chairman, in favor

MOTION PASSES: 6-0

5. **18.048 318 WEST AVENUE MIXED USE BUILDING,** Permanent Special Use Permit for office and multi-family residences within a Transect (T-4) District.

Mark Torpey, Chairman stated the applicant is proposing a Special Use Permit for office and multi-family residences. This project proposes 6500 square feet of office space and two residential units are proposed. 25 parking spaces will be provided and the site currently houses a single family residence which would need to be demolished as part of the project. The property in the rear is part of the YMCA PUD and that would need to be acquisitioned from the YMCA for the project to move forward.

Kate Maynard, Principal Planner stated correspondence was received and reviewed with the Building and Zoning Office as well as Counsel. The rear of the property is zoned as T-4 not T-5 according to mapping which was researched. The property is now completely in the T-4 zone. Also provided was the visualization of the structure which was requested.

SEQRA:

Action appears to be an Unlisted Action with involved agencies of Planning Board for Special Use Permit and Site Plan and DRC for Architectural Review.

BACKGROUND:

Project currently contains a single family residence. Proposed lot line adjustment with the YMCA adjacent property submitted separately and inferred with application. City Zoning Officer requested to consider apparent PUD sunset clause and portion reverting to Transect zoning. Site is adjacent to commercial space renovated for a doctor's office. Proposed sidewalks for subject project will not be connected to doctor office long stretch of sidewalk.

The area is diverse with single family homes. The Pitney Farm, neighborhood level commercial uses, and newly constructed multi-family project at 246 West Avenue. Transitional, further re-development could be expected due to YMCA potential liner buildings along West Avenue.

Parking requirement met for office and residential space. Does applicant believe they require all 25 spaces. Large amount of site dedicated to parking, impervious surface. If less required, proposed sharing of spaces as well as banking could be considered. There are a number of mature trees on the site provide buffer from light and noise from Ballston Avenue and West Avenue. Site should be staked for consideration of tree loss proposed on site versus what will remain.

Existing sanitary easement had shown extending apparently to YMCA property. Description of line, both parties consideration of line to remain versus connection in at the rear of the property.

Applicant: Margaret Smith, Aerosmith Development

Agent: Mike Ingersoll, LA Group, Brett Balzer, Balzer Tuck Architecture

Mr. Ingersoll stated this is an exciting project whereby Aerosmith Development Company Headquarters will be located in Saratoga.

Ms. Margaret Smith, owner of Aerosmith Development. They have been in business for over 14 years. Currently they have 57 employees and we work in wireless site development industry. We basically site the areas for the antennas for wireless service. We expect to continue to grow. We are looking forward to having a headquarters where staff can meet, collaborate and team build.

Mr. Ingersoll provided a visual presentation provided to the Board, noting the site of the proposed project. Mr. Ingersoll reviewed the PUD location in relation to the site. A view of the YMCA PUD was also provided. We have been in conversation with the YMCA and have reached an agreement to purchase approximately ¼ of acre site from them for this project. Sewer easement area was noted in the visual of the site plan, noting the area designated for parking and porous pavement was discussed. As noted there is 6,675 square feet of office space, 2 residential units and 25 parking spaces.

Mr. Balzer provided a view of the proposed building and floor plans. The geometry of the building was driven by the geometry of the site. The first two floors will be commercial and the third floor of the structure will house a 1 bedroom unit and a 2 bedroom unit, with garages as well in the rear of the building. Currently 15 employees will work in this building and the company will grow into the building. There are amenities a large kitchen and balconies. There are also locker rooms for men and women in the building. The mechanicals will be placed on the roof behind privacy fencing and there are still conversations regarding the possibility of a green roof. The drawings are very conceptual. Mr. Balzer stated the applicant will submit to the DRC for Mass and Scale in November. These are early drawings. A view of all elevations was provided. The applicants are looking for a Permanent Special Use Permit. Saratoga County Planning Board referral and a Draft Easement from the Sewer District.

Mr. Ingersoll stated we have heard back from the Saratoga County Planning Board. The referral they issued states no County Wide Impact. The Sewer District has responded with draft easement language. We spoke on how this reverts to a T-4. Sketch Plan modified to reflect minor T-4 parking layout changes. Build to line percentage is 53.8%. Parking meets required 25 spaces. Building height complies. DRC has deferred Lead Agency Status for SEQRA to the Planning Board. We have received verification from OPRHP and endangered species are clear. The test pits show permeable pavement may be feasible. Lot line consolidation/adjustment has been submitted. Our hope is to move through SEQRA and Permanent Special Use Permit.

Kate Maynard, Principal Planner, City of Saratoga Springs stated green space requirements will be discussed at Site Plan Review.

PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing at 9:58 P.M.

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

Mark Torpey, Chairman closed the public hearing at 9:59 P.M.

Jamin Totino, Vice Chairman made a motion in the matter of the 318 West Avenue Mixed Use Building, 318 West Avenue that the Planning Board accepts Lead Agency Status for SEQRA.

Ruth Horton seconded the motion.

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

VOTE:

Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Amy Ryan, Alternate, in favor; Janet Casey, in favor; Mark Torpey, Chairman, in favor

MOTION PASSES: 6-0

SEQRA REVIEW:

Mark Torpey, Chairman stated Part I of the Long EAF was submitted by the applicant and is accurate and accepted by the Board.

Mark Torpey, Chairman and the Board reviewed Part II of the Long EAF.

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.

Amy Ryan, Alternate seconded the motion.

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

VOTE:

Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Amy Ryan, Alternate, in favor; Janet Casey, in favor; Mark Torpey, Chairman, in favor

MOTION PASSES: 6-0

Mark Torpey, Chairman stated now we will move on to the Permanent Special Use Permit for office and multi-family residences.

Jamin Totino, Vice Chairman made a motion in the matter of 318 West Avenue Mixed Use Building, 318 West Avenue that we approve the application for Permanent Special Use Permit.

Janet Casey seconded the motion.

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

VOTE:

Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Amy Ryan, Alternate, in favor; Janet Casey, in favor; Mark Torpey, Chairman, in favor

MOTION PASSES: 6-0

MOTION TO ADJOURN:

There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 10:05 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 11-15-18