



PLANNING BOARD

MINUTES (FINAL)

THURSDAY, OCTOBER 17, 2019

6:00 P.M.

RECREATION CENTER

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, Bob Bristol, Todd Fabozzi; Sara Boivin; Lexie Bonitatibus

LATE: Ruth Horton arrived at 6:13 P.M.

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 appears 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.

C. APPLICATIONS UNDER CONSIDERATION

1. **20190906 CITIZENS BANK,** 1 Ballston Avenue, permanent Special Use Permit for a financial institution within a Transect-5 District.
2. **20190906 CITIZENS BANK,** 1 Ballston Avenue, site plan review for a financial institution within a Transect-5 District.

Mark Torpey, Chairman stated this is before the Board this evening for two actions a Special Use Permit and Site Plan Review for 1 Ballston Avenue. This is in T-5 District. The building footprint is about 3200 square feet located at a triangular intersection between West, Circular, Hamilton and Ballston Avenue.

SEQRA:

This appears to be a Type II action.

REFERRALS:

Saratoga County Planning Board referral has noted no countywide or intercommunity impact.

Applicant: Citizens Bank

Agent: Matt Silva, Bisbano and Associates; Bruce Bisbano, Principal, Bisbano and Associates;
Josh Healey, Head of Branch Construction for Citizens Bank

Mr. Silva stated they are here this evening to receive approval to renovate the existing building and site improvements for a financial institution. They will be relocating to the existing vacant Limoncello Restaurant trying to stay with the fabric of the neighborhood as well as with the existing commercial areas over to the south. Relative to the site the applicant is proposing to keep the existing curb cuts on both Hamilton and Circular Street. We are proposing to update and upgrade the circular vehicular traffic patterns and parking spaces to further adhere to the city's requirements. In terms of vegetation, we are looking to maintain most of the existing trees along West Circular with the exception of two trees which are in need of removal. All the brush along the Ballston Avenue side of the building will be removed and will be replaced with low lying shrubs for visibility. A new dumpster enclosure is proposed in the current location however we did relocate the entry point. New decorative street lights are proposed along the edge of both West Circular and Ballston with the removal of the current Cobra fixtures. A new concrete curb along Hamilton Street is proposed and new street trees dictated by the city arborist. A visual of the proposed site was provided for the Board. The Hamilton Street side will maintain the existing two way vehicular traffic pattern. We have retained the two parking spaces on the south by the two large trees and have further extended the parking spaces on the Ballston Street side. Mr. Silva explained the number of proposed parking spaces required at 18 and through re-stripping and some site modifications they are able to provide 16 spaces which is what they are currently proposing. The public entry has been relocated to accommodate an ADA parking space and a new area has been repaved leading to the entrance of the branch at the center of the building. The bank is currently discussing providing some civic space with picnic tables to re-engage the store front. The right access facing Circular Street will remain with steps leading down to the sidewalk. This is the area in question with the ROW encroachment.

NOTE:

Board Member Ruth Horton assumed her position on the Board at 6:13 P.M.

Mr. Silva provided a view of the proposed rendering which includes the landscaping plan, noting the height requirements of the Bank for security purposes.

Mark Torpey, Chairman noted the T-5 zone as noted in the Comprehensive Plan and ordinance there is a strong need for civic space and connectivity. The triangular point area seems to be appropriate for the civic space location.

Susan Barden, Principal Planner spoke regarding the Ballston Avenue beautification project. Also, there is a possibility of obtaining an easement from the City Council and the Real Estate Committee for the ROW.

Discussion ensued among the Board concerning the reconfiguration of the point to allow for a civic component.

Vince DeLeonardis, City Attorney stated civic space should be provided on the applicant's property. He also confirmed the encroachment and currently there is no easement.

Jamin Totino, Vice Chairman, stated perhaps the applicant can keep in mind the history of the neighborhood, the railroad and ADA accessibility in this area.

Discussion ensued concerning the number of parking spaces required and the number of parking spaces needed.

Mark Torpey, Chairman stated perhaps some of these details can be further discussed during Site Plan.

PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing at 6:38 P.M.

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

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

Mark Torpey, Chairman stated regarding Site Plan Review we have some loose ends which need to be clarified further such as the civic space, and number of parking spaces needed on the site, which we can deal with during Site Plan Review.

It was the consensus of the Board to continue through with Special Use Permit.

Mark Torpey, Chairman summarized the items discussed for the Special Use Permit.

- Design lays out one way onto West Circular Street.
- Identified no drive thru condition.
- ADA accessibility and compliance.
- Applicant will work with the City to develop easement language for civic space which would be acceptable to both parties for a civic space anchored at the corner of Ballston Avenue and West Circular Street. Those details should be mutually agreed upon and to the satisfaction of both parties.
- Reduce impervious surface by reducing parking to increase green space.
- Bike share location recommendation to be considered.

Jamin Totino, Vice Chairman made a motion in the matter of the Citizens Bank, 1 Ballston Avenue that the permanent Special Use Permit be approved with the recommendation as noted by the Chair. Seconded by Sara Boivin.

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; Ruth Horton, in favor; Todd Fabozzi, in favor; Sara Boivin, in favor; Lexi Bonitatibus, in favor

MOTION PASSES: 7-0

Mark Torpey, Chairman stated the applicant will return for Site Plan Review.

3. **20190497 SOUTH BROADWAY HOTEL**, 176 South Broadway, Special Use Permit for a proposed 120 room hotel in the Transect-5 District.

Mark Torpey, Chairman stated the applicant is before the Board for a Special Use Permit for a 120 room hotel in the Transect-5 District. A total of 126 parking spaces are provided surface, parallel and below level garage parking. The Planning Board issued a Negative Declaration for SEQRA on October 3, 2019. The project was reviewed by the DRC. The public hearing remains open. We identified a few outstanding issues at the last meeting and requested the applicant to return for further clarification concerning traffic and circulation layout. Possible review by DPW and Public Safety.

SEQRA:

Planning Board issued a Negative SEQRA Declaration on October 3, 2019.

Applicant: Joe Larkin, Larkin Hospitality & Mike Sherrin

Agent: Mike Ingersoll, Matt Brobston, LA Group; Dennis McGowan, Balzer, Tuck Architecture;
Larry Novik, Bonacio Construction; Mark Naldony, Creighton Manning Engineering

Mr. Ingersoll stated they will review the areas of concern noted by the Board. Mr. Ingersoll provided a review of the project as well as a visual of the site and neighborhood which is the old Turf and Spa Hotel. The property in question is 1.37 acres with frontage on South Broadway. There is a small alley in the rear which services several businesses, The Thirsty Owl, Nurture Spa and the drycleaner. Views of the property site were provided. Mr. Ingersoll discussed the parking both onsite, parallel and below the building. We have also reviewed the energy requirements. We have also put forth an agreement and there have been discussions concerning the shared parking agreement with the Thirsty Owl, since we are eliminating one curb cut which changes the circulation and provides a 6 car shared parking arrangement. We have also spoken about the civic space and we will present our ideas concerning the parking lot being somewhat amended to avoid some cut through and provide some ideas on how that will work. We have also advanced ideas on how to enhance the buffering to the neighbors. We have moved the fence back and added more vegetation. We have received some correspondence from Public Works. We have not heard from Public Safety. Once the project proceeds public works will look at the engineered drawings and the stripping, cross walks and signage.

Mr. Brobston provided a visual of the plan which shows the revisions since the last appearance before the Board. We last spoke about enhancing the intersection providing a crosswalk and in the final design plans the curb cut will need to be reconfigured slightly. As a whole the entrance and the crosswalk will be enhanced and improved on Whitney. There are barriers and bollards which can be removed during the winter for ease in plowing. Views along Gurtler Lane were provided noting the trees proposed to be saved. The 8 foot cedar fence has been moved closer to the motel property providing more space on Gurtler Lane to save existing vegetation. Civic space has been revised along the frontage.

Mr. Ingersoll stated the plan is to incorporate the existing signage into the new project in some manner. We have designed screening along Gurtler Lane preserving the trees; elimination of the gate to preserve the dead end feature of the street, allowing no cut through. We will continue to advance the civic space. The Memorandum of Understanding is advancing concerning the cross lot access and parking. We will continue to present information to the traffic engineer to achieve the best resolution to the Whitney Lane crossing working with Public Safety and the Department of Public Works. The energy efficiency of the project will be to the standard the chain requires.

Discussion ensued regarding traffic and traffic safety.

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.

Beth Nichol 13 Greenridge Place. Safety is a big issue with the additional traffic.

Nancy Bradshaw 14 Greenridge Place. Traffic and safety still remain an issue as well as the additional noise.

Mark Torpey, Chairman stated again the applicant is before the Board for a Special Use Permit. There is more information from DPW and work left and homework as well and this can be dealt with at Site Plan for the additional details. It will be a challenge from an engineering point.

Mark Torpey, Chairman stated we can however, move through the Special Use Permit this evening. Some of the key issues and items we discussed to be included as well as the memo and provisions the applicant provided are:

- Screening along Gurtler Lane at time of Site Plan Approval that works to preserve existing trees along the lane frontage and a solution that comports with zoning requirements. The configuration to be designed to preserve the 32 inch maple tree.
- Eliminate the gate access at the end of Gurtler Lane.
- Civic space along the South Broadway corridor that compliments the building and allows for items such as seating, bike share and other pedestrian amenities.
- Advance an agreement with commercial neighbors regarding easements for access, parking, maintenance, and signage to indicate where shared parking can be accommodated.
- Reuse portion of current Turf and Spa Hotel signage within the proposed building interior.
- Continue to work with DPW and DPS to achieve agreeable closure of the existing curb cut onto a paper street behind commercial tenants on South Broadway that speaks to the existing Thirsty Owl exit point. Also provide modifications along Lincoln and Whitney Place crossing to include a bump out, stripping and other improvements as detailed in the traffic engineers report, and as acceptable to DPW and DPS review as well.
- Continue to explore the energy efficiency systems for the project.
- Applicant will give consideration for identifying the rear parking lot as dedicated for employee parking.
- Applicant will review hotel shuttle bus opportunities to provide a service to customers and aide in traffic mitigation.

Ruth Horton made a motion in the matter of the South Broadway Hotel, 176 South Broadway that the Special Use Permit for the project be approved with the conditions as noted by the Chair. 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; Ruth Horton, in favor; Todd Fabozzi, in favor; Sara Boivin, in favor; Lexi Bonitatibus, in favor

MOTION PASSES: 7-0

The Board recessed at 7:42 P.M.

The Board reconvened at 7:47 P.M.

4. **20190808 GERONIMO SUBDIVISION**, 301 Old Ballston Avenue, 2-lot conservation subdivision within a Rural Residential District.

Mark Torpey, Chairman stated this application is before the Board for a 2-lot conservation subdivision within a Rural Residential District. This appears to be an unlisted action for SEQRA. A short EAF was submitted by the applicant. We have SHPO and DEC approvals as well as the Saratoga County Planning Board approval. The public hearing was opened and remains open. Mark Torpey, Chairman stated it was noted on the site visit on the eastern most parcel to the north there was a lot of debris. This was a portion of the conservation easement area. As required by the conservation rules, removing all of that material would be in alignment with the conservation subdivision regulations.

Applicant: Morgan Gazetos

Mr. Gazetos stated he has provided a colored coded map per the Boards request. Mr. Gazetos stated they have begun to remove the debris and he is in agreement with the Chair as it relates to the conservation subdivision regulations. Mr. Gazetos reviewed the designated areas for the Board and the adjacent neighbor. Mr. Gazetos also designed on the map the stone wall which will be preserved.

Mark Torpey, Chairman stated we have provided the No Cut Buffer Policy to the applicant. This delineates the no cut buffer area on the survey and the deed. On the property, this is denoted either with permanent tree markers spaced at 50 feet or split rail fencing along with being consistent with the Planning Boards policy. Also we spoke about the easement language and it should be noted per the City Attorney's approval.

Debbie Zetterstrom, 321 Ballston Avenue, abutting property owner. She questioned if when her property is surveyed and property lines are not what they have presented and the Board approves the applicants conservation subdivision does this negate the Planning Boards decision.

Vince DeLeonardis, City Attorney stated if this should occur, a lot line adjustment may be in order to bring the property lines into conformance.

Ms. Zetterstrom also noted the increase in traffic at the Route 50 and Route 9 location and this is a concern.

Mark Torpey, Chairman stated the following are conditions discussed for the Conservation Sub-Division.

- -Any approval which the Board may consider would require approval by the City Attorney with regard to the easement language.
- -The No Cut Buffer Policy, and identifying those areas on the plans.
- -Notation of the conservation easement on the deed as well.
- -Easement signage tags on a 50 foot nominal spacing.
- -Removal of all debris existing on the conserved area of lot #1, the east area.
- -Preservation of the stone wall.

SEQRA REVIEW:

Mark Torpey, Chairman stated the Board will review the SEQRA short form. The applicants have provided Part I of the Short EAF which the Board has reviewed and is accurate.

The Board reviewed Part II of the SEQRA 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; Ruth Horton, in favor; Sara Boivin, in favor; Lexi Bonitatibus, in favor

MOTION PASSES: 7-0

Mark Torpey, Chairman noted we will now move on the two-lot conservation subdivision.

Bob Bristol made a motion in the matter of the Geronimo Two-lot Conservation Subdivision, 301 Old Ballston Avenue that the application 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; Bob Bristol, in favor; Todd Fabozzi, in favor; Ruth Horton, in favor; Sara Boivin, in favor; Lexi Bonitatibus, in favor

MOTION PASSES: 7-0

5. **20190084 REGATTA VIEW AREA B PHASE III SUBDIVISION**, Union Avenue/Dyer Switch Road/Regatta View Drive, 24-lot residential subdivision within the Regatta View Planned Unit District.

Mark Torpey, Chairman stated what is before the Board is a subdivision application for Phase III of the project. This is 24 lot subdivision in this PUD. We have previously reviewed SEQRA and issued a SEQRA Negative Declaration as well as site plan approval on April 4, 2018. The applicant is now pursuing a subdivision application. SEQRA may be required depending on how things progress. Unbeknownst to us there was a subdivision that was provided to the city and reviewed and approved back in 1996. At this point additional review is warranted and required on the City's part to help resolve some procedural issues. We will not take action this evening to allow the City more time to review this development.

Vince DeLeonardis, City Attorney stated what the Chair stated is accurate. They was a subdivision application filed, reviewed and approved in 1996. The question is – is this a request for a subdivision or a request to modify the prior subdivision. We are still gathering information. I don't believe it changes the scope of the project this is a procedural matter.

Applicant: Peter & Lindsey Belmonte, Belmonte BUilders

Agent: Matt Jones, Jones Stieves Attorneys at Law; Travis Mitchell, Environmental Design Partnership

Mr. Jones stated in response to the agenda meeting last week. Mr. Jones provided a brief overview and history of the project as it relates to the prior subdivision.

Mr. Mitchell provided an aerial view and visual presentation of the site plan. What is being proposed is a 24 lot subdivision in this PUD. This view denotes how the project is laid out relative to access points, the seasonal use pathway and all other elements worked through during site plan. Everything remains the same including the site plan parameters. Mr. Mitchell highlighted the primary building area as well as the accessory use area again maintaining the same site parameters presented during site plan. The only changes made from site plan to the subdivision plan was the layout of the sidewalk and the change in the location of the crosswalk area to preserve existing trees and maintain the screening to homeowners. The remainder of the project remains the same.

Mark Torpey, Chairman questioned why the subdivision is necessary.

Mr. Jones stated it is not necessary; it has some advantages to the applicant. It is the preference of the applicant.

Discussion ensued regarding the subdivision, homeowners association and SEQRA.

Vince DeLeonardis, City Attorney stated further investigation into this matter and previous subdivision determination will be reviewed and information provided to the Planning Board following this review.

PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing at 8:42 P.M.

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

Kirsten DiMento 3 Flying Dutchman Way. I have been following this application for years. Regatta View has always been single family homes and now this is changing. Safety issues still remain an issue.

AJ Bozogian 12 Flying Dutchman Way. This will add a whole new dimension to the neighborhood. Dangerous traffic issues still remain a concern. Also, concerned was voiced regarding the Homeowners Association and the implications that presents.

Eric Richard 11 Flying Dutchman Way. Safety is a huge concern. There are many children in this neighborhood.

Mark Torpey, Chairman stated the public hearing will remain open. We do need some additional information from staff and we will await clarification from the City Attorney.

Mr. Belmonte provided information to the Board regarding the proposed neighborhood and what is being proposed and how this fits into the fabric of Saratoga.

Discussion ensued among the Board concerning how the project evolved and what was proposed and the PUD.

Vince DeLeonardis, City Attorney provided information to the Board on the lawful evolution of the project.

APPROVAL OF MEETING MINUTES:

Approval of meeting minutes was deferred to the November 7, 2019 Planning Board Meeting.

UPCOMING MEETINGS:

Planning Board Caravan, Thursday, October 31, 2019 at 4:00 P.M.
Planning Board Workshop, Thursday, October 31, 2019 at 5:00 P.M.
Planning Board Meeting, Thursday November 7, 2019 at 6:00 PM.

MOTION TO ADJOURN:

There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 9:00 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 11-21-19