



PLANNING BOARD

MINUTES (FINAL)

THURSDAY, FEBRUARY 9, 2023

6:00 P.M.

CITY COUNCIL CHAMBERS

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

SALUTE TO THE FLAG:

PRESENT: Mark Torpey, Chair; Mark Pingel; Vice Chair; Kerry Mayo; Todd Fabozzi; Bill McTygue

STAFF: Susan Barden, Principal Planner, City of Saratoga Springs
Leah Everhart, Counsel to the Land Use Boards

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.

COMMENTS FROM THE CHAIR:

Mr. Torpey noted that Patty Morrison will be joining the meeting late and announced the items on the agenda for this evening. 223 Maple is a ZBA advisory opinion for area variances for a two lot subdivision which will be on the consent agenda but can be discussed if necessary. The main agenda will consist of the Weibel Plaza PUD Zoning Amendment, 172 Caroline Street proposed subdivision in the UR3 district; 131 Excelsior which is the North Spring Run with two items, special use permit and site plan for the multi-family project in the T5 district; 30 Caroline site plan for a residential and mixed-use facility and 126 West which is s site plan in the T4 district for mixed-use projects.

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.

#20221001 223 Maple Ave Area Variance Subdivision: Area variance to permit the subdivision of an existing lot into two residential parcels in the Urban Residential -2 (UR-2) District

Mr. Torpey mentioned this is a two lot subdivision that the Board previously reviewed in great detail and approved the subdivision in 2021. Because the approval expired and a new zoning ordinance was adopted, the applicant is required to come back before the Planning Board for SEQRA approval and the ZBA for variance approvals.

Mr. Torpey continued, saying that nothing has changed in this project and it was added to the consent agenda so that the Board could reaffirm the previous SEQRA determination and issue a favorable advisory opinion to the ZBA.

Bill McTygue motioned to approve the reaffirmation of the Planning Board's previous SEQRA approval, Kerry Mayo seconded.

All were in favor, motion carried.

Mr. Torpey then asked if there was a motion on the table to issue a favorable advisory opinion to the ZBA. Bill McTygue motioned and Mark Pingel seconded.

All were in favor, motion carried.

C. APPLICATIONS UNDER CONSIDERATION:

#20210564 Weibel Plaza PUD Zoning Amendment: Consideration of advisory opinion to the City Council for a text amendment to the Weibel Plaza PUD.

Petitioner: Baruch Aronson
Agent: Justin M. Grassi, Esq.

Mr. Torpey explained the Weibel Ave PUD is a project that had been previously discussed, and the Planning board had issued an advisory opinion to the City Council. One member of the Council had asked some questions and tonight would be a response to those questions to provide clarification and overall guidance. The draft response was reviewed by the Planning Board and there were some changes and suggestions.

Mr. Torpey noted that the first part of the PUD response was a reiteration of the questions that were asked and there was some confusion. The first clarification was to whether or not the Industrial Light District being referenced was in regards to the Zoning Ordinance or the new Unified Development Ordinance (UDO). Mr. Torpey continued, saying there was need for more clarification on question three, as it was not clear what specific area was being referenced. To be clear, the area referenced is on Washington Avenue. There are three Industrial Light areas in the city and the one on Washington was the only one being referenced. The other item that needed clarifying was the last sentence where it says UDO

clarity is need to more accurately define it, but it was not clear what we were referencing. They worked on clearly defining the type of warehouse intended in the Industrial Light District and also added language to address the concern we have about the parcel lapsing into a “no-zoning” designation. Additionally, we added language about why the need for a time extension is appropriate. Specifically, the last paragraph of the memo reads as follows: “While the language for these changes is created, meaning the PUD language, the existing PUD should temporarily be extended to avoid any complications arising from a parcel lapsing into non-zone status”

The final comment brought up about the response letter was to add “stage setting” in the response as the Planning Board did not know which, if any, of the City Council members received Commissioner Moran’s letter. It was decided that attaching the original letter to the response would make it clear to what the Planning Board was responding.

Mr. Torpey then noted that this parcel is in a unique area of the city because of the PUD and commercial development already in place and the Board wants to make it known that they are willing to work with the City Council in trying to capture the spirit of transect zones and allow for reasonable development.

Bill McTygue commented that he wanted to thank The Board and The Chair for recognizing the importance of the debate and the discussion regarding this parcel; that the added language will enhance what is already in that area and commended the Board for supporting the amendments as proposed.

Mark Torpey then noted that it was important to recognize that the CMU in general and comp overlay doesn’t require every parcel to have mixed-use residential-commercial that is normally in the T5 district. That if the area has a collective balance it will be in line with the comprehensive plan.

With no further questions by Mr. Grassi, it was noted that the only changes to what Mr. Grassi had in his possession is that the letter from Commissioner Moran would accompany the response.

It was determined that a vote was needed to adopt the further clarification provided to the City Council regarding the Weibel Avenue PUD.

Kerry Mayo motioned to adopt the clarification, Bill McTygue seconded. All were in favor, the motion carried.

#20221084 172 Caroline Final Subdivision: Final plat review of a proposed two-lot subdivision in the Urban Residential - 3 (UR-3) district.

Applicant: James Stockwell
Agent: Engineering America Co.

Mr. Torpey explained the next item for discussion was 172 Caroline St., a two lot subdivision in the UR3 district. It was discussed at the last meeting, but at that time, the ZBA had not deferred lead agency status to the Planning Board. Lead agency status has

since been deferred to the Planning Board and tonight the Board will be looking at SEQRA and potentially provide an advisory opinion to the ZBA. The ZBA would then review for the area variance that is being requested. If the variance is approved by the ZBA, this project would then return to the Planning Board for actual subdivision review and all the details of the project would be reviewed.

Because this property has an open subdivision application pending, and it was through that application that it was determined the ZBA needed to review for variances, a public hearing was opened at the last meeting. Because the public hearing is still open, no action can be taken at this time. There are members of the public at the meeting now to discuss this project, so the Board will listen to their comments.

Erica Chambers who lives at 215 Nelson Avenue with her husband came forward to comment. Their property is bordered on two sides by the property of 172 Caroline. Ms. Chambers' first concern was about the proposed driveway on Nelson Avenue. She mentioned how motorists often blow through the stop signs and they often hear squealing brakes. Additionally, Ms. Chambers is concerned that mature trees will have to be removed to accommodate the construction of this project; specifically the 'construction driveway' and the lack of space for such proposition. Ms. Chambers also mentioned the noise and air pollution associated with projects of this size. Ms. Chambers noted that she is not opposed to homeowners making needed changes to their homes, but this project seems to be over-reaching in its proposal.

Mr. Torpey thanked Ms. Chambers for her comments and mentioned they will be recorded and considered. Mr. Torpey confirmed there were no other members of the public at the meeting to comment on this project and then closed public comment. The applicant did not have anyone at this meeting representing them, but the Board can still go through their order of business and discuss the project.

The ZBA deferred to the Planning Board for SEQRA so Mr. Torpey asked if the Board members were comfortable walking through that now. Patty Morrison needed some clarification about the proposed driveway and the existing garage that is on Talford Place; there would be a new driveway cut on Nelson to go with the existing house and the garage on Talford would be for the new structure. Bill McTygue mentioned that there is currently a non-confirming use of residential over the existing garage and the assumption is that the residential space will be removed. This was confirmed. Additionally, there is an encroachment from the balcony that also needs to be clarified. Mr. Torpey mentioned these are allowed in UR3 under the right conditions, but the applicant is not pursuing it in this case. It was mentioned that they would have to have enough room for a two-family which includes 8,000 square feet and 80 foot of frontage. He mentioned that if the subdivision comes back to the Planning Board, the approval must mention removal of that secondary apartment use. .

Mr. Torpey then went through the Short Environmental Form. On all eleven points, it was determined there would be no or a small impact. Because this parcel is in the historic review district, the structures would also have to be reviewed by the Design Review Board.

Mark Pingel made a motion that this SEQEA found no adverse impact on environment and Patty Morrison seconded. All were in favor and the motion carried.

Mark Torpey then asked if any members had any reason to not provide a favorable advisory opinion to the ZBA. None were heard. Patty Morrison made the motion to provide a favorable opinion. Kerry Mayo seconded. All were in favor and the motion carried.

#20220235 131 Excelsior North Spring Run Special Use Permit: Special use permit for a proposed 102-unit multi-family residential project in the Transect-5 (T-5) district.

#20220236 131 Excelsior North Spring Run Site Plan: Site plan review of a proposed 102-unit multi-family residential project and associated site work in the Transect - 5 (T-5) district

Applicant: Conifer Realty, LLC
Agent: The LA Group, PC

Mark Torpey commented that this project has been before the Board for quite some time and it is for a special use permit and site plan at 131 Excelsior in the T5 district. This site plan is 102 residential units. The Planning Board had issued a negative SEQRA Declaration in November and the ZBA granted the necessary variances for the project in December of last year. Today there will be a high level review for the Special Use Permit and then the Site Plan. The reason a Special Use Permit is necessary for this project is that under the current UDO expressly states the uses allowed in the area whereas the old Zoning Ordinance left it wide open. It was also mentioned that this project went before the Design Review Board at the end of April of last year for mass and scale; the DRB took no action, it was a review for SEQRA in their deferral to the Planning Board as well as a measure to get preliminary feedback on the project. The project is in a DRB zone and will be going before the DRB again February 15, 2023.

Doug Heller stated that there have been no changes to the plan so he would just be going over what was discussed at the workshop. Firstly, the issue of affordable housing units. He did speak to the applicant, Conifer, and they are offering 20 of their units for 15 years. Unfortunately they could not commit to a longer time frame as the future is unpredictable. They are willing and able to submit all documents to the City for those 15 years for the affordable housing units. Conifer is planning on making the affordable housing units no more than 30% of a resident's income, so there will be a bit of a sliding scale for those units, and there is an income cap to be eligible for an affordable housing unit within the project. Additionally, those residents in the affordable housing units must fall under 80% of the median income and their unit would not cost them more than 30%.

Discussion regarding the paperwork for the city continued; the City does have a Community Development Planner that could use the information in those reports such as the number of affordable housing units, number of bedrooms, number of people in those households, etc. as the city continues to tackle the housing issues it faces. It was

mentioned that whatever reports Conifer does in house for their own uses would probably suffice for the city, with whatever redactions were necessary.

Doug Heller continued, mentioning that there was discussion about traffic improvements at the site and the applicant is still willing to provide the \$72,000 and has no issues providing escrow to the city as well.

Bill McTygue commented that this project is a great example of successful inclusionary zoning and how it can work. Mark Torpey agreed, stating that if it is a truly inclusionary project, it is a great example to show how one can merge affordability with market rate throughout the city. Todd Fabozzi suggested that the Planning Board writes a letter to the Council expressing the idea that developments like this should be given some sort of recognition when done voluntarily. It would shine a light on the developers in a public way which would be good for the developers and hopefully inspire more to take this route.

Mark Torpey then asked that the escrow account be discussed, the options and how it works. Susan Barden stated that the cost estimate for the entire project includes the \$72,000 for traffic improvements. The majority of the cost estimate, both on site and off site would be in a letter of credit, but that \$72,000 for traffic communication would be a separate cash escrow held by the city for the duration of the project. When and if a project at Excelsior Park comes to fruition, it would trigger the mitigation for improvements at the intersection of Excelsior and Marion. At that point, the \$72,000 cash escrow would be given to the applicant to give to whoever is performing the work. This is an unusual situation because it involves potential future developments and projects and nothing that is as yet determined. We can't just hold the money and then give it to Excelsior Park LLC because we don't know if they will be the developer in the future. In this situation, the idea is to hold that money until the as-built and CO are issued and if that does not trigger those improvements, the money is returned. Mark Pingel pointed out that would then cause the city to be responsible for the cost of those improvements.

Much discussion continued to clarify the differences between Letters of Credit and this cash escrow, the potential price differences for materials and labor when the traffic communication work would be started, the inability of the city to hold private money indefinitely and the suggestion to document/contract assistance from Excelsior Park, LLC in the future rather than hold their money.

Leah Everhart reviewed and clarified the thought process of this solution and why. She explained the Excelsior Park project was subject to SEQRA review and this Board through the EIS process was able to identify certain thresholds at which development in that particular development project would trigger the need for certain off-site improvements in that particular development project. This applicant is not within that development project and is not directly tied to that SEQRA review. This applicant is essentially saying that they have looked at the same traffic studies that formed the calculations during SEQRA review and believe that it is fair and equitable for them to provide some funding since they will be using a position of the capacity for traffic. Because the city does not have a process in place to hold money indefinitely, Susan looked for a way to accommodate

the applicant's goal of paying some portion of the work. Because this is not the city's expense, we would be holding money from one party for the benefit of another.

Discussion continued with many concerned that the process put forth is imperfect, but agreeing that a decision for it could not be made this evening. Ms. Everhart further explained that for purposes of this application, it would be recommended that there is also a condition for approval that an escrow agreement be signed between the parties city detailing when, if and how the money gets returned. The City Attorney can work on the verbiage for the agreement.

Mark Torpey then asked the applicant to review civic space for the project.

Doug Heller stated that across the street from the frontage is Empire Run that has an existing path to Spring Run. One of the things needed is to have a pedestrian crossing to get people safely across the street so we are proposing user activated flashing pedestrian signs on both the north and southbound sides. When you are on the site itself, there will be signage similar to the Greenbelt Trail signage that will direct people to the Spring Run Trail. At the frontage of the property there will be low walls and bike storage. There will be an area for a rose garden with a pergola and benches. Near that area there will be a space for those on the Greenbelt trail to pull off and rest.

Mark Torpey noted this would be a mixture of both public and private property to be maintained and it would be appropriate for the Notice of Decision to include that as a requirement. Todd Fabozzi stressed that it is important for the applicant to implement the designs as they are on the plans; that the details from the conceptual plans should be followed. It was reiterate that the applicant was looking at putting in a facility rental office and gym to provide a mixed-use look to the project.

1:06

#20220235 131 Excelsior North Spring Run Special Use Permit: Special use permit for a proposed 102-unit multi-family residential project in the Transect-5 (T-5) district

Applicant: Conifer Realty, LLC
Agent: The LA Group, PC

Mark Torpey commented that the Special Use Permit application is really the first order of business. Since the SUP was noticed for this evening, Mark opened the public hearing for this project. Hearing none wishing to speak, he then closed the public hearing.

Mr. Torpey then reviewed the particulars of the project. This project is 102 residential units, 20 percent of which will be affordable housing. Mr. Torpey commented that the Notice of Decision should reflect that offering was voluntary and the Planning Board respects and appreciates the applicant's willingness to include those units in the plans and would like to work with the applicant to help the City continue to offer more inclusionary housing in the future. Mr. Torpey continued, reviewing what had already been discussed: the civic space, both public and private; the escrow agreement needing specific language that will be worked on by the legal teams; everything else is on the updated drawings.

Mark Pingel noted that a checklist was included in the notes and it may be a good idea to go through the checklist as a team. Mark Torpey read through the checklist and the Board agreed that all items on the checklist had been covered in discussion. Mr. Torpey continued, stating that the Board had already gone through the SEQRA negative declaration.

Bill McTygue motioned that the project be approved subject to the conditions discussed. Todd Fabozzi seconded the motion.

Hearing no opposition, the motion carries on Special Use Permit.

For the Site Plan Review, Mark Torpey pointed out that this project is currently before the DRB, being discussed at next week's meeting, and asked his fellow Board members about their thoughts regarding moving forward before DRB issues approval. Discussion continued regarding the process and the possible outcomes of a DRB review and how that would impact the site plan. The Board was in agreement that they would postpone their vote on Site Plan Review until the DRB has a substantive discussion regarding this project. This would be added to the consent agenda for the next meeting.

#20220104 30 Caroline Site Plan Review: Site plan review of a proposed mixed-use building including an 1,825 sq. ft. first-floor commercial space and 11 residential units in the Transect-6 (T-6) district.

Applicant: GM 30 Caroline St. Corp

Agent: Doug Heller, LA Group and George Olsen, Olsen Associates

Mark Torpey reviewed the specifics of this project, which is 30 Caroline Street Site Plan discussion. This project is in the T-6 section of the city and falls under the Zoning Ordinance, not the UDO. The location of this project is next to Hamlet and Ghost and involves a five story, 60 foot building with 11 residential units. This project has already gone through DRB review.

Doug Heller stated this site is a little more than 3,400 square feet. There will be 1800 square feet of commercial space and the street scape will be reconstructed as well. This was approved by DRB in September 2022.

Mr. Olsen (?) took over the presentation, stating that the commercial space is still undecided as it is quite small. Floors two through four will have two studio apartments and one one-bedroom apartment on and the top floor is two one-bedroom apartments. Those will be a little bit larger but set back. The fifth floor sets back about 15 feet. Mr. Olsen noted that the apartments are small, but the target demographic for these apartments are young people who don't have "stuff" and would rather have a good location than a large apartment. Due to the fact that the building is more than four floors, they must include two staircases and an elevator.

Doug Heller took over to discuss the parking situation. This zone does not require parking but within a quarter mile radius, there are a number of parking lots and garages that can be utilized. Specifically, within that five minute walk, there are more than 1600 parking spaces, 1000 of which are free parking. Mr. Heller further discussed the question that had been brought up regarding accessible parking. Because this building is not building any new parking spaces, building code does not need to include accessible parking. The building itself will be ADA compliant with necessary ramps, turning radiuses in the bathrooms, etc., but no accessible parking is required by code.

Discussion continued regarding the fifth floor terrace access, rebuilding of sidewalks/curbs, sewer lines, trash removal, access during and after construction, emergency egress, the types of energy that will be used for heating, cooling and cooking as well as the screening that will be provided to hide the mechanicals on the roof.

Mark Torpey then went through the short form questionnaire. He then asked if there is a motion on the table to approve the SEQRA negative declaration for the project. XXX 1:50 motioned for a negative SEQRA declaration. Patricia Morrison seconded.

All were in favor and the motion carried.

Mr. Torpey then briefly reviewed the site plan discussion and Todd Fabozzi motioned to approve the site plan and Kerry Mayo seconded.

All were in favor and the motion carried.

#20211081 126 West Ave Site Plan Review: Site plan review of a proposed mixed-use development, including office and residential units in the Transect - 4 (T-4) district

Applicant: BD Properties
Agent: Joseph Hans, Ingels & Associates

Mark Torpey noted this Board went through SEQRA for this parcel in June 2022 and provided a favorable advisory opinion to the ZBA. In addition, this Board already approved the Special Use Permit application for this parcel. The ZBA approved the variances, but did note concerns about light filtering and proper buffering along Grand Avenue and Mr. Torpey would like to make sure the Planning Board Notice of Decision includes that as well. This evening they would be reviewing site plan and noted that there is a step change in zoning for this project.

Mr. Hans stated this is a proposed mixed-use development at 126 West Ave, at the northeast corner of West and Grand Avenue. The proposal is a mixed-use building that wraps around the corner with an office on the northern side. The north corner will be three stories with the third story being an apartment. There will be four townhouse units on the other side. The project also includes streetscape improvements along West and Grand Avenue such as street lights and street trees. This project is scheduled to go to the Design Review Board next week as well. The designs being presented tonight are different than what was originally proposed. The new design has three story buildings on each end with

two story townhomes in between. The Board members were concerned with the new design, saying it didn't flow as well into the residential area on Grand Avenue as the previous design did in addition for the need for light filtering and buffering.

Mark Torpey then inquired about the civic space that had been discussed in the previous meetings. Mr. Hans noted that the applicant's preference would be to pay a fee to the city and have the city maintain the space in front of the building as they were concerned about liability with shared maintenance. They prefer to provide the streetscape improvements and fee rather than do the maintenance. This is different than what was originally discussed because some of the original designs included water features of some sort and the applicant believed they would be difficult to maintain.

Todd Fabozzi asked to clarify some points. Firstly, the land in question, that the applicant does not want to maintain is city-owned property. Secondly, because there is less than 20,000 square feet of residential space, the applicant is not required to offer civic space. Therefore, the applicant has no responsibility for maintaining that land. He further commented that he has no issue with the design changes due to the fact that the area is becoming more urban in nature.

Discussion continued about the maintenance of the greenspace and that having an agreement in place with the city will protect the applicant in a way that they can make sure the space is up to the standard they have for their property. Also discussed what, if any, conversations were had between the applicant and the city for the maintenance of that space as well as the building across the street and the maintenance of that greenspace. Suggestions were by the Board of small improvements that would not require much maintenance but that would be really useful to the people of the city.

It was decided that no decision would be made on the site plan this evening. The Board would let DRB review the project as well as have the agent talk with the applicant about putting some amenities back in to the plans for the green space that would be acceptable to the applicant and beneficial to the city. The amenities in that were part of the original plan were very important to the Board.

Mr. Hann then reviewed the rest of the elevations. The Board suggested that the applicant include more trees in the plan; to not just plant the bare minimum. It was also suggested that the applicant shows specifically how the 10% greenspace is calculated to satisfy that portion of the code and also show where the parking area is.

The Planning Board will table the discussions for this project, have the applicant present to the DRB and get their feedback.

MOTION TO ADJOURN:

There being no further business to discuss the meeting was adjourned at
8:29PM

Respectfully submitted,

Julia Destino

Minutes approved May 25, 2023