



PLANNING BOARD

MINUTES (FINAL)

THURSDAY, FEBRUARY 23, 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; Todd Fabozzi; Bill McTygue, Patricia Morrison, Chuck Marshall

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 Kerry Mayo is not in attendance, but there was quorum so the Board could still conduct business. Mr. Torpey then listed the projects before the Board this evening: 131 Excelsior Spring Run site plan; Stewart's Route 9N Lot Line Adjustment; 182 Excelsior text amendment to convert the building into a city landmark which is an advisory opinion for the City Council; 23 Richard Subdivision and 26 Freedom Way Lot Line Adjustment and Site Plan Review.

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.

#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)

Mark Torpey noted that during the last meeting, the Special Use Permit for this project was approved, but the Board did not move forward with Site Plan because they wanted the Design Review Board to provide input regarding the design of the buildings. Those discussions by the DRB approved mass and scale, which is all the Planning Board was waiting for. There is a draft Notice of Decision for this project drafted. Mr. Torpey then read through the items on the Notice of Decision.

Chuck Marshall had recused himself from this discussion, and Mr. Torpey asked for a motion to approve the site plan conditions as described. Patty Morrison made the motion and Bill McTygue seconded.

The motion carried.

#20221046 Stewarts Rt 9N Lot Line Adjustment: Proposed lot line adjustment of two lots in the Rural Residential (RR) District.

Chuck Marshall recused himself from this project.

Applicant: Stewart's Shops Corp.
Agent: Ryan Rubado

Mark Torpey noted the project is on Route 9 in the Rural Residential district. It is a Lot Line Adjustment for two lots: 164-1-19 which is currently 19.4 acres will be increased to 60.4 acres and parcel 164-1-18 will be changed from 43.3 acres to 2.3 acres. He asked the applicant/agent for rationale.

Ryan Rubado commented that the adjustment was simply for a real estate transaction with their neighbor. Stewart's Shops is looking to trade land so they can expand. Discussion continued regarding the withdrawn subdivision application that was unnecessary as well as the fact that at this time there are no specific expansion plans. It was noted that the land trade would include trading some land in the City of Saratoga Springs for land in the Town of Greenfield. Discussion further indicated that Lot Line Adjustments cannot be approved through Administrative Action and although SEQRA for a Lot Line Adjustment cannot know future use, any development at the site would have to go through its own SEQRA process. Mr. Torpey then went through the SEQRA checklist.

Mark Pingel motioned the Short Form EAF wording proved this analysis for SEQRA Negative. Bill McTygue seconded. All were in favor of Negative SEQRA and the motion was approved.

Patricia Morrison motioned to approve the Lot Line Adjustment and Todd Fabozzi seconded. All were in favor of the Lot Line Adjustment and the motion carried.

#20220031 182 Excelsior Zoning Amendment: Consideration of advisory opinion to the City Council for a proposed text amendment to the UDO.

Applicant: Saratoga Springs Preservation Foundation

Agent: Samantha Bosshart, Saratoga Springs Preservation Foundation

Mr. Torpey explained that in this Zoning Amendment application Planning Board was asked to issue an advisory opinion to the City Council. The application is looking to establish the home at 182 Excelsior as a city landmark.

Samantha Bosshart introduced herself and noted she was there to give an overview of the history of the property with more visual aids. Ms. Bosshart went through the history of the family that owned the property as well as the property itself. Ms. Bosshart noted the house is in the Gothic Revival style and retains many of its historic features. The property is eligible for listing on both the New York State and National Register of Historic Places. She further explained the history and accomplishments of the Lawrence family and their importance to the development of Saratoga Springs.

Ms. Bosshart showed comparison photos of the property and pointed out how the buildings on the property have deteriorated considerably while in the ownership of the current owner. She explained that there is nothing to prevent the current owner from demolishing the buildings and the city losing this historic landmark. Ms. Bosshart further explained that the Advisory Opinion by the Design Review Board could not ensure the property is preserved and that is why they have applied for this Zoning Amendment.

Discussion ensued as to why the property had not yet been designated an Historic Landmark and what other properties in the city should be listed as such; that applying to have a property designated historic only when it looks like it would be developed sets a bad precedent. Ms. Bosshart countered that not all "historic" buildings in the city have the same level of merit as this one and that often, the buildings don't seem to be threatened by development. She further noted that there have been homeowners who ask to be added to the Historic Review District voluntarily.

Discussion continued as it was asked of Ms. Bosshart to go through the process that the Saratoga Springs Preservation Foundation has to determine which buildings and homes they are interested in protecting. Ms. Bosshart explained the role of the advocacy committee and the process of how items are brought to the Executive Committee and then their Board, indicating that anything they advocate for has been thoroughly researched. Ms. Bosshart further explained how little the Preservation Foundation can do if the property owner is unwilling to work with the Foundation. Ms. Bosshart also mentioned how being part of the State and Historical registries allows property owners big tax credits for their work and that the Preservation Foundation helps homeowners navigate through the requirements.

It was noted that the owner of the property does not have to sign or be a part of the application to designate a property a local historic landmark. Continued discussion about

the issue with unwilling property owners, lack of enforcement and the general difficulty of keeping the historic structures useful. Points were made that historic properties maintain their property values regardless of condition, the willingness of the current developer to keep and improve the established buildings and that only local historic designation can prevent a property owner from demolishing a building; state or National designations do not protect from demolition.

Discussion continued and it was decided that the Planning Board would like an advisory opinion from the Design Review Board before making their decision. Specific questions were relayed to Samantha to be addressed with the DRB. Samantha agreed to either address those concerns directly or have Susan Barden communicate with Amanda Tucker so those questions and concerns would be appropriately addressed.

#20220827 Richard Ave Subdivision: Preliminary plat review of a proposed three-lot subdivision in the Urban Residential - 2 (UR-2) district.

Applicant: M&A Capital, LLC

Agent: Advance Engineering & Surveying, PLLC

Mark Torpey noted this is a three-lot subdivision in the UR2 district. This project was reviewed in October 2022 and was issued a Negative Declaration of significance. The public hearing was opened at that time and is still open for anyone to share thoughts. He questioned the plans that were available for review, noting that some things discussed at the last meeting were not on any plans. Susan Barden noted that tonight the Board would be taking action on preliminary plans with the revised drawings available now.

Nick Costa from Advance Engineering introduced himself and confirmed the timeline that the subdivision was first reviewed in October and in January a new submission was presented addressing many of the concerns. Then, in February, they received the Natural Heritage Letter from the DEC. Mr. Costa continued by explaining the owner, Maxine Washington, owns a large lot that currently has a house on it. The house actually straddles two separate lots. The lot on the upper side is 24,000 square feet and they are proposing to subdivide it into three lots: two that will be 6,600 square feet each and one that is about 10,800 square feet, where the current home stands.

Some discussion ensued as to whether Lot Line Adjustments would be needed in addition to the subdivisions as the current home straddles two lots and one of the Board's responsibilities to address inconsistencies in lot size and shapes. It was explained that Ms. Washington owns lot 18 and lot 20. The current building straddles these lots. The applicant is looking to divide Lot 20 into three lots and the two new lots will be 6,600 square feet each with about 10,800 square feet for the original Lot 20. Additionally, there is a small triangular portion of land, about 190 square feet that will be conveyed to the City because it is actually part of the city right of way.

Initially, the applicant was only looking to extend the sidewalk on Penn St, but now the applicant will also extend sidewalk on Richard Ave. as well as a handicap accessible transition when terminating the sidewalk.

Mr. Costa noted that documentation from the State Historic Preservation office determining no effect as well as an ecological site evaluation have been submitted. The new drawings include all the details required by the City.

After being asked to speak about the trees on the property, Mr. Costa noted that there are Cherry, Maple, Oak and Pine trees. The plans show which of the trees will be preserved, especially those along the property line. Due to the amount of grading needed on the lot, not all of the trees can be saved, but most of those being removed will be pines. Mark Pingel noted that there are many trees on the property that are not notated on the plans and is concerned with the number being removed versus the number being planted in their place. Mr. Pingel also commented about trees along the property line and that the property line should be moved rather than go through the trees. The Planning Board mentioned that they would like to see trees planted on Ms. Washington's properties if she were open to that. Further discussion touched on where compensatory trees should/could be planted, the need for a survey and inventory of the existing trees to be used to determine needs for replanting as well as the sensitivity of the Board regarding trees due to a different project on Richard Ave. that was approved with conditions to preserve trees and those conditions were ignored.

Mr. Costa agreed to return to the property to do a more in-depth survey of the trees on - site to submit to the Board. Mr. Torpey asked that the applicant return with a complete picture of the tree count and listing for the two new lots as well as what is on the third lot so the Board has a better idea of the buffering and tree replacement. Because the applicant has already submitted a final application, when they return, the Board will be able to decide on final subdivision.

#20221116 Freedom Way Lot Line Adjustment: Proposed lot line adjustment between two lots in the Industrial - General (IND-G) district

#20221117 Freedom Way Lot Site Plan: Site plan review of an 8,100 sq. ft. addition to a previously approved site plan in the Industrial - General (IND-G) district.

Applicant: AgroChem USA, LLC, Rob DeMarco

Mark Torpey noted that there were two items for the Board to consider this evening for this property. The first is a Lot Line Adjustment to consolidate the property and also a Site Plan Review. The board previously approved this and is now looking at about an 8,000 square foot additional onto that previous approval.

Rob DeMarco, President and part-owner of AgroChem introduced himself and explained that they came before the Board in 2021 for site plan and a little later that year, AgroChem became part of a larger, global company known as the Kersey Group, based out of France. AgroChem makes cleaners and sanitizers for the food industry and now has the opportunity to expand into other markets. Due to this expansion, AgroChem needed to rethink the way they used the space that had been previously approved. The applicant is

looking to add about 8,000 more square feet of space. It is now primarily going to be used for storage of finished goods and inventory but also container cleaning and recycling. This addition will require a bit of extra land to maintain allowable setbacks.

Mark Torpey asked the question of if there would be additional employees hired to account for the significant amount of parking that is being added. After some discussion, Susan Barden pointed out that the Board approved the 16,000 square foot addition in 2021 and with it, granted a waiver to exceed the 20 over the minimum requirement for warehouse usage. It was also noted that there was no more parking added for this 8,000 sq. ft addition and that the applicant is maintaining the greenspace requirement.

The presentation continued with explanation of two new curb cuts. It was explained that the existing curb cut that is on Freedom Way, where trucks currently enter the site will stay, but it will be for employees and visitors. The proposal is to extend Freedom Way a few hundred feet and create a truck-only entrance. This would wrap around the building to a more traditional loading zone with truck bays. It's a safer configuration to keep those entrances separate. This would create a loop for the trucks.

Currently Freedom Way is a privately owned street but was designed as a city street and can be turned over. Additionally, if more tenants come to the park, Freedom Way can be extended further. Discussion continued, noting that this proposal has a lot line adjustment to accommodate the additional building area.

After further commentary about the potential re-selling of parcels in the industrial park, it was questioned whether the Board can reaffirm the SEQRA. Leah Everhart explained that because what was proposed and reviewed two years ago is different than what is being proposed now, the Board needs to determine if the new 8,000 square foot addition would likely create any new or different impacts that were not considered.

After some commentary, Kerry May made a motion to reaffirm the SEQRA determination of 2021 based on the fact that the additional 8,000 square feet will not have a negative impact on the overall environment. Bill McTygue seconded the motion.

The SEQRA passed, five to one. Mark Pingel voted against the determination.

The next item up for discussion is the Lot Line Adjustment that allows a little more space to preserve the percentage of impervious surface.

Todd Fabozzi moved to approve the Lot Line Adjustment; Mark Pingel seconded. All were in favor, the motion carried.

The next order of business is to approve the Site Plan as proposed. Patricia Morrison made a motion to approve and Chuck Marshall seconded. All were in favor, the motion carried.

MOTION TO ADJOURN:

There being no further business to discuss the meeting was adjourned at 8:43PM

Respectfully submitted,

Julia Destino

Minutes approved June 15, 2023