



PLANNING BOARD

MINUTES (FINAL)

THURSDAY, MARCH 10, 2022

6:00 P.M.

ZOOM WEBINAR

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

SALUTE TO THE FLAG:

PRESENT: Mark Torpey, Chair; Ruth Horton; Kerry Mayo; Todd Fabozzi; Justin Doty; Chuck Marshall; Mark Pingle; Bill McTygue, Alternate-Observing

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.

A. APPROVAL OF MEETING MINUTES:

Approval of meeting minutes was deferred to the end of the meeting.

B. POSSIBLE CONSENT AGENDA ITEMS:

NOTE: The intent of a consent agenda is to identify any application that appear to be “approvable” without need for further evaluation or discussion. If anyone wished to further discuss any proposed consent agenda item, then that item would be pulled from the “consent agenda” and dealt with individually.

NONE AT THIS TIME.

C. APPLICATIONS UNDER CONSIDERATION:

1. **#20211132 68 WEIBEL AVENUE, SPECIAL USE PERMIT**, 68 Weibel Avenue, Renewable Special Use Permit to maintain existing non-residential (office, storage) uses in the Transect-4 (T-4) District.
2. **#20211129 68 WEIBEL AVENUE, SITE PLAN REVIEW**, 68 Weibel Avenue, Site Plan Review to maintain existing site as improved in the Transect-4 (T-4) District.

Mark Torpey, Chair, stated this application was last before the Board on January 13, 2022. The applicant requested an extension to March 10, 2022. Suggestion of the Board for a modification request from Renewable to Temporary Special Use permit. The Board suggested modification of the request limited to only the existing tenants within the 12,000 sq. ft. warehouse building. The Board also suggested modification of site plan to provide vehicular or pedestrian connectivity to adjacent properties. The public hearing was opened and remains open.

Applicant: Gary Stone

Agent: Greg Teresi, Attorney

Mr. Teresi provided history of the property ownership by Mr. Stone since 1968. The applicant is requesting consideration for a Temporary Use Permit no longer than 5 years. Offers have been made and the property is being actively marketed. Two proposals for the sale of the property were provided to city staff today. A site map was provided. Several buildings will remain vacant as indicated on the application. Currently we have three tenants in 12,000 sq. ft. building which are Saratoga businesses. Mr. Teresi provided an overview of the buildings on the site and their uses. The boat storage on the back half of the property has been there for over 20 years. The applicant is requesting the Board to consider the Driving Range be maintained as well. Regarding the interconnectivity we do have plans to provide pedestrian interconnectivity via a sidewalk that would connect the two neighboring properties. Concerning vehicular interconnectivity, the concern is the expense and impact this will have on the current tenants. The paramount concern for the applicant is to have authorization from the city for the existing tenants to stay.

Mark Torpey, Chair, requested a listing of the current tenants and what they are using the warehouse for? Is it for retail or storage?

Mr. Teresi stated Finger Paints, Hattie's, Tea and Bee, and an antique on-line business. The on-line antique business is used for storage and shipping. Finger Paints uses it for storage and are a subtenant of Hattie's. Hattie's uses it as storage and prep space for their catering business. No customers or retail is managed from this site.

Mark Torpey, Chair stated these uses are not complementary to the surrounding neighborhood and residential units that are there.

Mr. Teresi stated they do not service the general public. They complementary to the uses, there are similar types of businesses within the two adjacent properties. There are concession types of business and restaurants.

Mark Torpey, Chair, questioned if one of the current tenants were to leave, you would seek new tenants for this location.

Mr. Teresi stated if we were granted the Special Use Permit then yes.

Todd Fabozzi questioned how many people are working in these businesses on the site.

Mr. Teresi stated 3, and they are not there all the time. They come and go. It is not Monday – Friday 9am-5pm.

Todd Fabozzi stated if these were not operational in this location or if they needed to be shut down, there would not be job loss by people who work there. It would just be a relocation of storage space.

Mr. Teresi stated that is a fair assumption.

Todd Fabozzi questioned if the applicant were to entertain an offer to sell the property what would you do with your current tenants at that stage.

Mr. Teresi stated it would be worked in with the purchase, and due diligence would be done.

Mark Pingel stated in 2019 in the notice of violation there was a quite different client list. Those tenants listed at that time are no longer tenants in the building.

Mr. Teresi stated that is correct, except Stone Shredding which was never in that location and is owned by the applicant.

Mark Pingel stated then you re-tenanted the building when other people left.

Mr. Teresi stated the building itself can house approximately 6 businesses. All the current businesses may not have been listed but they were there in 2019. Other tenants have left and have not been replaced per the suggestion of the City Attorney.

Jason Doty questioned the applicants are not looking for a renewable Special Use Permit? You are asking for a 5 Year Temporary Special Use Permit.

Mr. Teresi stated based on input from the Board there was little interest in the Renewable Special Use Permit. Five years would allow enough time to properly market and sell the property. We are requesting a 5 Year Non-Renewable Temporary Special Use Permit.

Jason Doty questioned if the property was listed on the MLS?

Mr. Teresi stated no it is not listed on the MLS.

Jason Doty questioned how the applicant is marketing the property and is it with the uses that are currently there now and not in compliance.

Mr. Teresi stated it is being marketed and the purchase offers were provided for the Boards review noting the due diligence portion of the contract which denotes the development of single-family homes and multifamily homes. This is the largest undeveloped lot in the City of Saratoga Springs.

Jason Doty stated the uses you are bringing forward in the T-4 District are not in compliance with the requirements of the T-4 District and are not in conformance with the Comprehensive Plan. He would be in favor of a 1-Year Temporary Special Use Permit.

Kerry Mayo questioned if there is a Certificate of Occupancy on any of the businesses in the building.

Mr. Teresi stated there were CO's initially, but they cannot be located. Should the Board grant the approvals the next step is to apply for the building permit. At that time, the building would need to be inspected to assure it conforms to all the current building and code standards.

Todd Fabozzi questioned if that includes connecting to the city's infrastructure for sewers.

Mr. Teresi stated he has discussed that with Code Enforcement. It is something we will ask the city to waive since it will not benefit any new development in that area.

Kerry Mayo questioned why connecting to city infrastructure would not be good for a developer coming in?

Mr. Teresi stated that depends on what is being developed.

Kerry Mayo questioned if the applicant had plans for the street scape improvements discussed which are bare minimum improvements on the site.

Mr. Teresi referred to the site plan and indicated the planting of a tree, sidewalks, and signage on the frontage of the property.

Kerry Mayo requested clarification; you are marketing of the property but keeping the tenants. Whereas the tenants would need to leave if the property were sold. This does not make sense.

Mr. Teresi stated if the Board decides to deny this project the tenants will be out. The goal for this Board and the applicant is to sell the property. The applicant would like to stay here for as long as he can. Our goal is to keep it as it is until we find the right developer who presents the right plan for the community.

Kerry Mayo questioned if tenants have leases or month to month rentals.

Mr. Teresi stated they are month to month tenants. If the Board decides to deny this application, we would hope to give the tenants a 90-day notice.

Ruth Horton stated she is willing to take them at their word and they are marketing the property. At some point a new owner and developer will emerge. She also agrees that developing this property would take time. She would be willing to provide the tenants a reasonable amount of time to relocate, and the project gets to the point where it will look like something completely different. A Temporary Use Permit seems like the way to go. She is struggling with the amount of time that is reasonable. If we can gear the discussion around that it would be productive.

Mark Pingle stated regarding Ruth's comment why would the Special Use Permit need to cover the development period and wouldn't the length of the permit be associated with the sale. Once the sale took place the development would occur on the site and nullify the Special Use Permit. He is comfortable with the tenant rationale. The duration of the Temporary Special Use Permit is driven to make a successful sale, not to make a successful development.

Mr. Teresi stated the sale of the properties is contingent upon City approval. City approval will take both ZBA and Planning Board approval and is the reasoning behind the time frame for the Special Use Permit. However, a project of that magnitude would take several years to complete. At least a year or two which would provide enough time to provide the tenants with enough notice to locate to another location.

Todd Fabozzi stated he is not in agreement with it is all about the time. From his perspective first there has been a lot of time. We denied the Special Use Permit years ago. This property has been under various orders from the City. There have been all kinds of time. The concern about time says that we would entertain approving a Special Use Permit with some type of time period. A Special Use Permit has special criteria which must be met for approval which has nothing to do with the discussion we have been having here about time or someone's real estate issues or tenants coming and going. This is not in our purview. What is in our purview is the extent in which the uses are in harmony with and promote the general purposes and intent of the Comprehensive Plan. He does not see how warehousing and storage for businesses in the city do that. If it was storage related to existing retail on the site, storage for the residential units, that is something else. He is trying to read all the different aspects of it. Everything from vehicle access and compatibility with the neighborhood and trying to say how do these things square before we even discuss timeline. He is struggling to make this proposal fit with that.

Mr. Teresi stated the tenants that occupy this space are Saratoga businesses the exist around the corner. These are low impact businesses, restaurants, retail stores using this space for storage. They could easily be businesses next door.

Todd Fabozzi stated it is the neighborhood it is supposed to cater to not necessarily the city as a whole. This is a matter of what fits in with the scenarios developed for this area through the Comprehensive Plan and the zoning code.

Mr. Teresi stated they are comfortable here, secure here and would like to stay.

Chuck Marshall stated he feels the Board agrees with Todd's statement that this would not be evaluated in the same light if they were proposed tenants versus existing tenants without leases. Any developer coming in and doing his due diligence would understand that the tenants have rights only as a hold over tenant which are different than a lease hold interest. That point needs to be in everyone's mind. Secondly, in harmony with the neighborhood if it were an existing tenancy, we would not be talking about it, but the site plan which would only be evaluated if the Special Use Permit is issued would have to harmonize the site with its surrounding neighbors.

Jason Doty stated to Todd's point we get that the tenants need time. They have had time. They have been long term tenants with the knowledge of a lack of a Special Use Permit approval since 2019. Asking for an additional five years seems too much.

Mr. Teresi stated for the last two years everything has been on hold due to covid. Two months ago, we were given legal authority to evict the tenants. During that time, we have meet with city staff to discuss this and why we are here today.

Jason Doty stated again it seems like there are people there. This is warehouse. Self-storage units have been built all over. Warehouse space has gone up all over. It's not like you are trying to move 100 offices and personnel.

Mark Torpey, Chair, questioned the connectivity. What the applicant is proposing is limited to what is along Weibel Avenue. There is no intention of any pedestrian connection between the neighborhood facilities to the north and to the south nor any vehicular connections between those other projects. Site plan is where we deal with the interconnectivity and sidewalks. The Chair stated on the evaluation criteria for Special Use Permit item #3 speaks about safe and efficient pedestrian and vehicular access, circulation, and parking. Fundamentally trying to provide some degree of connectivity is relevant under the Special Use Permit discussion. The Chair stated he does not see any movement on the applicant's part to provide that interconnectivity which we have been asking for a long time. To think a new owner for the facility would not be required to provide that is not correct.

Mr. Teresi stated the sidewalks along Weibel Avenue would be able to service both building complexes on either side. Additional sidewalks within the site are a conversation we would be willing to discuss. We can go back and speak with our engineer and determine the cost. The concern of vehicle connectivity is the cost.

Mark Torpey, Chair, stated he is struggling with the project as Todd articulated. Our review is limited to the evaluation of the criteria for the Special Use Permit. We need to anchor thoughts and rationale to those points. Without having the uses be complementary to the surrounding neighborhood and providing small scale amenities strikes out at those T-4 components. Without providing any type of connectivity for vehicle access and pedestrian as well. The Chair stated he cannot get past the fundamental components of a Special Use Permit in terms of an approval. It does not comport. Out of respect for the tenants that are there it makes sense to provide a finite period, give them advance notice and provide an opportunity for the applicant to sell the property that is reasonable. However, a 5-Year Temporary Special Use Permit is not a length of time he is willing to consider.

Mr. Teresi stated that is not a hard fast time frame. Any time the Board is willing to consider keeping the tenants in their current location for as long as possible is appreciated.

Mark Torpey, Chair stated as noted by Jason earlier he is willing to consider a 1-Year Temporary Special Use Permit to give enough of a time frame for the tenants.

Jason Doty stated he agrees, drop the driving range, give the tenants one year to relocate and it sunsets.

Mark Torpey, Chair, stated the other point is COs for the existing tenants would be required to assure the tenants are in a code compliant building.

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

Mr. Teresi asked if the Board would consider a 3-Year Special Use Permit? This would provide an opportunity to get a buyer in and an opportunity to re-locate the tenants and perform the due diligence process.

Jason Doty stated he is uncomfortable with approving a 3-Year Special Use Permit since it does not meet with the Comprehensive Plan, or the T-4 District requirements. We are willing to take into consider the existing tenants temporarily. Anything beyond a year is not acceptable.

Mark Pingle stated he agrees with Jason. A 1-Year Special Use Permit responds to the rationale offered by the applicant which was all about the tenant. The 1-Year Special Use Permit make sense.

Chuck Marshall stated he agrees with the 1-Year Special Use Permit. Are there easements to the properties on the north and south?

Mr. Teresi stated he is currently unaware of any easements.

Chuck Marshall stated he is just questioning regarding future development and construction and cross access. You do not have the rights to tie into those parcels.

Mark Torpey, Chair stated when the other projects were developed on Weibel there was discussion regarding providing connectivity through this area. There is no easement in place, but the Chair believes there is an appetite to obtain an interconnection point there.

Susan Barden, Principal Planner, stated she believes that those are city streets on either side and the city has the right of way to cross.

Mark Torpey, Chair, questioned if the Board is comfortable with a 1-Year Temporary Special Use Permit.

Mark Pingel stated he would like to suggest that in the Notice of Violations back in 2019, they noted trash and a number of other items which are detrimental to the neighbors. In addition, sidewalks and connectivity in the front should be part this application.

Mr. Teresi stated the violation regarding trash has been resolved. We have no active code violations currently. The only outstanding issue is the buildings do not have certificate of occupancies.

Mark Torpey, Chair summarized the issues discussed by the Board:

- 1 Yr. Temporary Special Use Permit. The Board is concerned with the tenants and providing them the time needed to potentially relocate which is inevitable.
- As shown on the plan - providing the sidewalk interconnectivity and improvements along Weibel Avenue, including sidewalks, street trees and plantings.
- COs are not currently approved for the current businesses located in the warehouses. CO's must be obtained along with the needed code changes put in place to accommodate those.
- City Code Requirement – if city sewers are located within 100 ft. of your property or development – a one year time frame to conform is a requirement. The Chair noted at this time it is a challenge to determine the type connectivity requirements will be needed for future development. The Chair stated he is willing to allow the potential new owner the opportunity to determine his needs for development.
- Use of the warehouse only. The boat storage facility as well as the driving range are not considered in this permit.
- Applicant to provide the Board with a listing of current tenants and addresses for proper notification.
- No new tenants.

Leah Everhart, Counsel to the Planning Board indicated a Public Hearing was scheduled this evening. It may behoove the Board to close the Public Hearing before the application proceeds further this evening. Also, further clarification only the applicant's requirement to provide the Board with a CO. Does the applicant need to seek a CO, obtain a CO and if so, by what time frame prior to final considerations?

PUBLIC HEARING:

Mark Torpey, Chair, stated the public hearing was opened and remains open.

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

Mark Torpey, Chair, closed the public hearing at 7:13 P.M.

Mark Torpey, Chair, stated Counsel did mention a valid point for consideration regarding the Certificate of Occupancy. The Chair assumed the applicant would secure COs for all the existing tenants and the spaces they occupy within as soon as possible. We are unsure of that time frame.

Susan Barden, Principal Planner stated there are several other permits and approvals which are required as well. The applicant was able to obtain area variances for those existing buildings Site Plan Review is also required. DRC Architectural Review is required as well for that building and any others. A building permit is required along with inspections prior to the issuance of the CO's.

Jason Doty questioned if the time frame for obtaining the COs be within the year the same as the 1-Yr. Special Use Permit which would then sunset in one year.

Mark Torpey, Chair stated he was unaware all the other permits and approvals which are required prior to obtaining a Special Use Permit. If we are talking about a year, does it make sense to go through all those requirements. The Chair noted the tenants should be made aware there is no active CO on the property and the risks associated with that. It seems likely it would take a year to go obtain all the information and obtain the approvals. That is the process. The Chair feels the tenants in that building should have a CO as soon as possible to assure that they have a safe building.

Ruth Horton stated it is up to the applicant to determine if they want to go through the expense and the process or simply provide the tenants with a 90 days' notice.

Mark Torpey, Chair state there are two options. We can proceed with the 1-Year Temporary Special Use Permit concept and idea and the other is simply denying the approval for the 5-Year Renewable Special Use Permit. The Chair noted his preference is to proceed with the 1-Year Temporary Special Use Permit because it puts a finite limit on the project.

Jason Doty stated he is also concerned about the tenants; however, the applicant notes the tenants have leased there for a long time without a CO.

Kerry Mayo stated we discussed back in 2019 or 2020 and this process could have been started at that time.

Mr. Teresi stated the applicant is willing to proceed through the process with the Land Use Boards. He also feels it will take a year to navigate through. The Board could give some consideration to a 1-Year Temporary Special Use Permit to provide enough time to market the property. These are low impact tenants.

Chuck Marshall stated he understands what the applicant's agent is stating but it does set a precedent.

Mr. Teresi stated the applicant has been grandfathered in having owned the property since 1968. The city was aware the buildings have been for over the last 50 years, and he has been taxed on them. The records which indicate that these buildings had a CO and they have been lost.

Chuck Marshall stated then they have also been lost on your part as well.

Mr. Stone stated his attorney had the records and he has since past.

Ruth Horton stated the Board has now spent one½ hours on this project.

Chuck Marshall stated he feels a motion is in order. He personally supports the 1-Year Temporary Special Use Permit with the conditions as previously outlined by the Chair.

Todd Fabozzi stated that the applicant's agent made a statement that these buildings are not visible by the residents. That is not true, there are over 100 windows on the rear of the apartment buildings which look right out at these properties.

Mark Torpey, Chair stated as Ruth noted we are 1½ hours into this application. The Chair noted in our motion we are going to encourage the applicant to acquire the COs for the existing tenants as soon as possible and practical. A 1-yr time frame to provide the tenants an opportunity to relocate is a fair and reasonable resolution. The street scape improvements on Weibel will be a condition on the approval of this 1-Yr. Temporary Special Use Permit.

Susan Barden, Principal Planner stated in the recent narrative received from the applicant they are willing to install one hydrant along Weibel Avenue frontage. Should that be included in this motion.

Mark Torpey, Chair, stated yes, this is a fire safety issue and would be a requirement of the layout. Also noted was if the tenant were to move out prior to the year end, the space would not be re-filled. Identification of current tenants with addresses to properly notify them of this decision.

Jason Doty seconded Chuck's motion.

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

VOTE:

Mark Torpey, Chair, in favor; Todd Fabozzi, opposed; Ruth Horton, in favor; Kerry Mayo, opposed; Jason Doty, in favor; Chuck Marshall, in favor; Mark Pingle, in favor

MOTION PASSES: 5-2

3. **#20211217 90 CATHERINE STREET SUBDIVISION**, 90 Catherine Street, Coordinated SEQRA Review and Advisory Opinion to the ZBA for an area variance associated with a propose two-lot subdivision in the Urban Residential-2 (UR-2). ****NO REPRESENTATIVE PRESENT****

THE AGENDA WAS HEARD OUT OF ORDER DUE TO LACK OF REPRESENTATION FOR AGENDA ITEM #3.

4. **#20220011 143 WEST CIRCULAR SUBDIVISION**, 143 West Circular Street, preliminary plat review of a two-lot subdivision in the Urban Residential-2 (UR-2) district.

Mark Torpey, Chair stated the Planning Board issues a Favorable Advisory Opinion to the ZBA on February 17, 2022. The ZBA granted area variances for the project on February 28, 2022.

Applicant: Habitat for Humanity, Adam Feldman

Mr. Feldman stated the most important concern was the siting for the driveway. We have moved the driveway to the opposite side of the house, after conversations with the neighbor.

DISCLOSURE:

Chuck Marshall stated Mr. Feldman met his wife. They are one of the notified neighbors in the project. Mr. Feldman Parked in Chuck's driveway while speaking with the neighbors just for transparency.

Mark Torpey, Chair, stated the plans look good. The Chair noted there is no curbing on West Circular Street in this area, sidewalks but no curbing. We want to assure that the sidewalks and curbing are included in these plans.

Susan Barden, Principal Planner stated in speaking with DPW they have confirmed it would be appropriate to have sidewalks and curbing in this area, along West Circular. There is curbing on Walnut.

Mr. Feldman questioned if they are to provide curbing on both properties, and just the newly created property.

Susan Barden, Principal Planner stated both properties.

Mark Torpey, Chair, stated the Board has been noting to the applicants to mark out the sidewalks through the driveway as a clear indication that the sidewalk continues. Streetlights are well established on the plans along with the required spacing and street trees would be approved by the city arborist.

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

Mark Torpey, Chair stated we have already managed the SEQRA for this project.

PUBLIC HEARING:

Mark Torpey, Chair, opened the public hearing at 7:35 P.M.

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

Mark Torpey, Chair closed the public hearing at 7:35 P.M.

Jason Doty made a motion in the matter of the application of 143 West Circular Street, two lot subdivision in the UR-2 District, to approve the subdivision with the conditions as noted by the Chair. Todd Fabozzi seconded the motion.

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

VOTE:

Mark Torpey, Chair, in favor; Todd Fabozzi, in favor; Ruth Horton, in favor; Kerry Mayo, in favor; Jason Doty, in favor; Chuck Marshall, in favor; Mark Pingle, in favor

MOTION PASSES: 7-0

- 3. #20211217 90 CATHERINE STREET SUBDIVISION**, 90 Catherine Street, Coordinated SEQRA Review and Advisory Opinion to the ZBA for an area variance associated with a propose two-lot subdivision in the Urban Residential-2 (UR-2). ****NO REPRESENTATIVE PRESENT****

Mark Torpey, Chair, stated the ZBA initiated Coordinate SEQRA Review and proactively deferred lead agency status to the Planning Board on February 14, 2022. At that time, the ZBA also requested an advisory opinion from the Planning Board concerning the proposed subdivision. One of the lots does not comply with zoning and require an area variance and a written recommendation from the Planning Board.

Susan Barden, Principal Planner stated the Board could proceed with the Advisory Opinion to the ZBA since the request is required due to the area variances which are associated with minimum lot requirements associated with a subdivision. The ZBA initiated Coordinated SEQRA Review and proactively deferred lead agency status to the Planning Board on February 14, 2022. It is an unlisted action. The Planning Board could go through that analysis and issue an Advisory Opinion back to the ZBA absent the applicant.

Leah Everhart, Counsel stated typically they recommend not continuing if the applicant is not present. This is not brought on by an application before the Planning Board but is a referral from the ZBA. What Susan stated is correct and there is no reason the Board cannot continue with the application and recommendation back to the ZBA.

Mark Torpey, Chair, stated his concern regarding the project is an application where the two-lot subdivision is creating two substandard lots. The existing house is grandfathered in and is a legally preexisting nonconforming two-family home, currently sitting on a 10,000 sq. ft. lot. The idea is to provide the two subdivided lots both of which would be less than 6600 sq. ft. This is the first project he has seen where the lot where the established home exists is being established to a lower level required as a minimum lot size. The Chair stated he is concerned regarding a legal precedent being set. Another issue is the collective density which equates to 12 units per acre. The Comprehensive Plan in this district is 7 units per acre. Based on that information he is not willing to proceed with a positive Advisory Opinion to the ZBA.

Todd Fabozzi stated we had this similar issue not in the too distant past. At that time, we stated we would not create two substandard lots in this way. He agrees with the Chair.

Todd Fabozzi questioned Counsel if this Board were to recommend denying this subdivision to the ZBA would we proceed with a SEQRA review.

Leah Everhart, Counsel, questioned staff if the ZBA has identified itself as Lead Agency, and the Planning Board has deferred?

Susan Barden, Senior Planner, stated the ZBA initiated coordinated review, and proactively deferred to the Planning Board requested the Planning Board assume Lead Agency. It is a SEQRA Unlisted Action.

Leah Everhart, Counsel stated the Planning Board should conduct SEQRA review. That does not have to be the basis of the recommendation. It could result in a SEQRA Negative Declaration, but the Board believes there are real and appropriate reasons for denial or approval.

Mark Pingel stated from a building density point of view it would not violate the character of the neighborhood in this immediate surrounding. His greatest concern is the duplex on the property and there is a variance for it. If the duplex remains on the property, then he agrees with the Chair.

Mark Torpey, Chair explained his concern regarding the collective density and the creation of setting a precedent for the creation of non-conforming building lots regarding density.

Discussion ensued among the Board regarding setting a precedent in approving nonconforming lots and unit density and the compliance with the Comprehensive Plan.

SEQRA REVIEW:

Proposed action appears to be an Unlisted Action.

No large or important areas of concern were noted.

SEQRA DECISION:

Ruth Horton stated 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. Jason Doty seconded the motion.

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

VOTE:

Mark Torpey, Chair, in favor; Ruth Horton, in favor; Kerry Mayo, in favor; Todd Fabozzi, in favor; Jason Doty, in favor; Chuck Marshall, in favor; Mark Pingle, in favor

MOTION PASSES: 7-0

Mark Torpey, Chair stated regarding the Advisory Opinion the Board discussed providing an Unfavorable Advisory Opinion for this project. The Chair stated the establishment and creation of two substandard lots when an existing two-family house is on the site creates density challenges. It is a substandard lot being created for an existing two-family home. Within the Comprehensive Plan there is an upper density limit that is established at 7 units per acre and that this project will exceed that value and is a concern to the Board.

Jason Doty made a motion in the matter of the 90 Catherine Street Subdivision, 90 Catherine Street the Planning Board issues an Unfavorable Advisory Opinion to the ZBA for this project with notations as cited by the Chair. Kerry Mayo seconded the motion.

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

VOTE:

Mark Torpey, Chair, in favor; Ruth Horton, in favor; Kerry Mayo, in favor; Todd Fabozzi, in favor; Jason Doty, in favor; Chuck Marshall, in favor; Mark Pingle, in favor

MOTION PASSES: 7-0

NOTE:

Ruth Horton exited the meeting at 8:00 P.M.
Bill McTygue, alternate assumed a position on the Board

- 4. #20210319 120 SOUTH BROADWAY SITE PLAN,** 120 South Broadway, sketch site plan of a proposed multifamily residential project in the T-5 District.

Mark Torpey, Chair stated this is a second sketch plan review for this multi-family project in the T-5 District. There are revised plans based on comments from the Planning Board which were submitted on March 8th.

Applicant: Steve Ethier

Agent: Brien Ragone, Environmental Design Partnership;
Brett Balzer, Shawn Corp and Aaron Conklin, Balzer & Tuck Architecture

Mr. Ragone stated the applicant last appeared before the Board in July 2021. Based on the input from the Board at that time we have revised the concept and plans. Additionally, input was received from the Board at the workshop, and we have incorporated those comments. The proposed site plan is to demolish the existing buildings and redevelop the 2.6-acre site with this residential community. This will include 60 town homes and multi-family units. There will be five total buildings for the development 1-4 will all be residential units. Building 5 at the center of the site will be a community center. Sidewalk connectivity throughout. Center green area. Two existing entrances on either side of the development will be removed and a new boulevard type entrance will be added in accordance with DOT standards. This area will include benches, civic space amenities, sidewalks leading to the community center which houses the historic Rosemary Spring and gazebo and 1500 sq. ft. of community space. This plan includes the preservation of the gazebo and

Rosemary Spring at the request of the Saratoga Springs Preservation Foundation. Parking includes 93 parking space, 20 interior garage spaces and 73 exterior spaces. This will provide 1.5 spaces per unit. Accessible parking and striping will be provided to meet all state and local standards. Accessible and EV parking spaces will be provided along buildings 1 & 2. Driveway connections will be provided to the adjacent properties. There are trees and a hill in the rear of the property which will provide screening. Along the bank there is a fence and retaining wall which will remain. Along the Monroe Muffler side of the property, we are proposing a new privacy screening fence which will match the other side of the property. Landscape screening, plants and buffering along the borders as well. Landscaping and new lawn areas incorporated around each building. Street trees and sidewalks along the entrance of the property where current driveway locations exist. An updated traffic letter which indicates no significant impact with the additional units. A new SHPO letter was received citing no historical impacts. Utilities to municipal water and sewer connections. Stormwater will be managed on site. Mr. Ragone stated they are no longer pursuing the extension of Zephyr Lane which is a private street to serve as additional access and egress.

Chuck Marshall questioned if sidewalks could be continued to the east and connection to Zephyr Lane to provide a midblock connection.

Mr. Ragone stated they can provide this and incorporate this into the plan.

Chuck Marshall questioned the vehicle connections as presented to the neighboring properties. The driveways are feasible on the property site but where the exit onto neighboring properties is not.

Todd Fabozzi stated he agrees with Chuck. He is in favor of connectivity, but he is unsure of the appropriateness of vehicle connections in the proposed locations.

Mr. Ragone spoke regarding obtaining easements from the neighboring properties. In the event of future development on these sites for ingress and egress.

Bill McTygue questioned the lighting in the frontage along South Broadway. The lighting installed in this area are not the standard Sternberg lighting fixtures. Perhaps increased lighting for this residential project should be investigated.

Mr. Ragone stated they will provide street scape amenities and lighting per the standards of the City of Saratoga Springs. Mr. Ragone feels that there will be additional lighting provided by the porches of the townhomes along South Broadway. As we further progress with the plans we will provide a photometric plan for the Board.

Discussion ensued among Board regarding lighting and the ownership of the roadway in this location, and light pollution.

Bill McTygue stated that roadway is under the authority of the City of Saratoga Springs.

Todd Fabozzi stated the open space area in the center of the site is an area where people can congregate with the benches and landscaping and different features in this area. How can this also serve as a snow storage area? Isn't there an area out of the way to house the snow storage and keep this area for use by the tenants even in the winter. He also requested clarification on the parking for the site and how it corresponds to the requirements for this area.

Mr. Ragone stated he will provide a more concise landscaping plan for this area and will designate areas where the snow storage could be used in the rear of the site, or it will have to be taken off site. We will be providing 1.5 spaces per unit for parking as well as the interior garage units and this is shown on this current site plan.

Todd Fabozzi stated overall this looks decent and is a good layout and an improvement over the previous submission.

Jason Doty agreed with Todd and likes the connectivity of the sidewalks on the site.

Mark Pingle stated as the plans become more detailed how traffic speed would be regulated in the site would be of interest.

Chuck Marshall questioned if there is a raised median in the boulevard, if you could place lighting in that area would help to define the ingress egress area as well as for pedestrian safety and is an aesthetic opportunity as well.

Mr. Ragone stated the median design was based off the NYS-DOH Right of Way, and what their standards are. It is a stone area. We can go back and see what we can do in this area after consulting with their traffic engineer.

Bill McTygue agreed with Chuck and feels this is an opportunity to enhance the entrance to this new residential development.

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

Kerry Mayo questioned if these units will for rent or for sale.

Mr. Balzer stated the townhomes and condominiums are a for sale product and there will be a HOA who will be responsible for trash, maintenance, and snow removal.

Mark Torpey, Chair, questioned if the applicant has appeared before the DRC and provided elevations and concept plans for this project for their review.

Mr. Balzer stated as of yet this has not happened. We understand the Planning Board is our first stop. We need to receive an Advisory Opinion with this Boards recommendation to the DRC and share out thoughts with them.

Mark Torpey, Chair stated this project is approximately 37,000 sq. ft. in total with publically accessible civic space which is required in the Transect zones for any project exceeding 20,000 sq. ft. The benches look nice coming into the boulevard but a more enhanced civic space in that location might be warranted. Also, something to think about a CDTA station stop in this location might be appropriate.

Jason Doty noted sidewalks along the boulevard entrance into the site is suggested.

Mr. Ragone stated the new plan reflects sidewalks on either side of the boulevard.

Mr. Balzer stated lighting is certainly a topic we can further discuss with the Board. Are there any other comments the Board is looking for from the team?

Mark Pingle stated pedestrian safety throughout the complex is of utmost importance. Snow storage and management.

Kerry Mayo stated incorporating renewable energy and efficiency in the buildings.

Mark Torpey, Chair, stated one thing we have been asking of applicants is to get a sense of the carbon footprint and what the CO2 emissions would be per square foot to have a more methodical way to look at these projects and will help to compare building to building to assure we are moving in the right direction.

Bill McTygue questioned storm water management.

Mr. Ragone stated the storm water will be managed on site.

Mr. Balzer provided a perspective from the Hilton Garden Entry and was provided to the Board.

Mark Torpey, Chair questioned if the Community Center building was a two-story building housing units on the second story.

Mr. Balzer stated, when the connection to Zephyr Lane was no longer considered we looked at massing and the relocation of buildings and we loss units as result of that configuration change. We then relocated units to the center above the Community Center to keep the financial viability of the project. We have gone through several iterations to show the Board what this might look like. A perspective of what additional stories on that building would present like inside the project. We are of the opinion it is not as successful as the one-story Community Center building and from a DRC standpoint, we might here the same.

Mark Torpey, Chair stated if you are looking at the Community Center building as one story it relates better with the historic spring and gazebo.

Mr. Balzer stated they have provided all the 3-D images they have to date. They are hoping for a Favorable Advisory Opinion to the DRC as well as any comments on the architecture we are appreciative what has been said to date and any further comments are appreciated.

Mark Torpey, Chair stated having the applicant appear before the DRC is helpful for this Board. We will issue that Advisory Opinion on this project this evening. The Chair stated when he looks at the two rear buildings, they look like typical box structures. It does not necessarily seem to flow as easily as the townhomes in the front. If there is a way to configure it so that it is more complementary to the front.

Mr. Balzer requested the Board put to bed the request for a connection to Zephyr Lane tonight would be a huge help.

Mark Torpey, Chair stated following the Board's conversation and the fact that this is a private street, and not wanting to exacerbate the traffic issues there the Board is comfortable not making a vehicular connection in this area simply a pedestrian connection would be a nice amenity. Good visibility with lighting in this area is also a concern of this Board. The Chair also agrees with Todd concerning snow storage in the civic space in the center of the site and looking for additional areas or moving it off site. This application has come a long way.

APPROVAL OF MEETING MINUTES:

Mark Torpey, Chair, stated approval of meeting minutes was deferred to the March 24, 2022, meeting.

UPCOMING MEETINGS:

Planning Board Workshop, Thursday, March 17, 2022, at 5:00 P.M.
Planning Board Meeting, Thursday, March 24, 2022, at 6:00 PM.

MOTION TO ADJOURN:

There being no further business to discuss Mark Torpey, Chair adjourned the meeting at 9:07 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

Minutes approved May 25, 2022