



PLANNING BOARD

MINUTES (FINAL)

THURSDAY, APRIL 14, 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; Jason Doty; Chuck Marshall;
Mark Pingele

STAFF : Susan Barden, Principal Planner, City of Saratoga Springs
Mark Schachner, Counsel to the Land Use Boards
Debbie Labreche, City Engineer
Tony Stellato, CHA

COMMENTS FROM THE CHAIR:

Mark Torpey, Chair, requested a moment of silence to honor former Commissioner Skip Scirocco who passed last week.

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. **#20210755 BROADWAY SITE PLAN**, 269 Broadway, Site Plan review of a proposed multi-tenant commercial building and associated site work in the Transect-6 (T-6) Urban Core District.

Mark Torpey, Chair, stated this project was reviewed during the workshop and an outline was provided of the topic areas. The Board can lead the discussion for each area, ask questions and have discussion on each issue. The Chair questioned counsel regarding an updated Part I of the SEQRA form regarding dewatering of the excavated materials as part of the foundation work. Also, noted continuous water management required for the project post construction as well. The Chair requested guidance from Counsel on how to proceed.

Mark Schachner, Counsel to the Land Use Boards, stated complex projects often present complex issues as the project moves forward. This ongoing review of this project has yielded additional information. The Planning Board should in their role as Lead Agent review this new information. The Planning Board has adopted a SEQRA Negative Declaration and further evaluation, and clarification should be reviewed to determine if this new information impacts the previous decision and could lead to a Part III review which would require further analysis.

Discussion ensued among the Board regarding the SEQRA Negative Declaration, additional information, review, and determination.

Mark Torpey, Chair, noted that the applicant met with the City and CHA on April 1st to walk through the issues and concerns the Board had at the last meeting.

Applicant: 269 Broadway - Gerard Moser

Agent: Mike Toohey, Attorney; Mike Roman, C2 Design; Walt Lippmann, MJ Engineering

1. FRONT ENTRANCE

Mark Torpey, Chair, stated the Planning Board as well as the DRC had issues with the front entrance.

Mr. Roman stated the main entrance will be on Broadway. The second entrance will be located on the south side and an entrance will also be on Hamilton Street. Mr. Roman stated the building will have a Broadway address. We have had discussion about the possibility of a Hamilton Street address as well since there is retail located in that area as well. Retail entrance is accessed on Broadway off the civic space. Mr. Roman noted the front entrance is setback about 6 feet and there is step down into the retail area. He reviewed the ADA access areas.

Mark Torpey, Chair, questioned staff regarding the DRC **issues as it relates to the front façade**.

Susan Barden, Principal Planner, stated the DRC noted there were key points regarding the front facade they wanted modified. They were not in favor of the step-down subterranean entrance. DRC granted partial approval for mass and scale only. DRC still needs to complete their review.

PUBLIC COMMENT

Maree Fox stated the public has spent hours researching information. We are not opposed to a building at 269 Broadway, but we want responsible construction. No one knows this area better than the people who live here. We are not in favor of below surface areas.

2. BIKE PATH CONNECTOR

Mark Torpey, Chair, stated we typically ask for Advisory Opinions from the Complete Streets Committee. We have reviewed the civic space as well as safe connector from Broadway to Hamilton Street and the trails for pedestrians and bicyclists.

Todd Fabozzi spoke regarding the concepts provided and two options to traverse the site and if this negatively impacts the civic space.

Discussion ensued among the Board regarding the bike path connector, pedestrian traffic and bicyclists, width of the sidewalk/path, and its impact on the civic space.

PUBLIC COMMENT:

Ted Orosz, Vice Chair of Complete Streets, spoke regarding the width requirements of a bike lane and if the civic space area accommodates the proper width to provide a trail connection.

Kathleen Sonnabend spoke regarding bicycles on Broadway which is dangerous and busy.

Ed Lindner spoke regarding the bike lanes, bike path connector, shared use of the sidewalk and bike path. Making the path wider does make it safer. Requests the applicants meet with the Complete Streets Advisory Board to help rectify the issue.

Mark Torpey, Chair, questioned the Board regarding their input on the bike path connector.

Discussion ensued among the Board regarding the proposed civic space, accommodating bicyclists and pedestrians safely, providing alternatives, connection to the trail.

Mark Torpey, Chair, stated the Board in general is inclined to look at a compromise and the applicant can sit down with the Complete Streets Advisory Board, to see if this can work. We appreciate the applicant providing a public amenity to the city. The Chair spoke regarding the Board reaching out to the Complete Streets Advisory Board for projects. This project was not discussed with Complete Streets since it was not determined early on to be a connector.

Susan Barden, Principal Planner stated Tina Carton who staffs the Complete Streets and Open Space Advisory Committee was apprised of this project and brought information to both of her committees. She is always available for staff discussions on an informal level as well.

Mr. Toohey requested this meeting with the Complete Streets Advisory Committee be made a condition of approval.

Mr. Mosher spoke regarding liability issues.

Mark Torpey, Chair, requested Todd Fabozzi represent the Planning Board at the meeting between Complete Streets and the applicant.

3. LIGHTING

Mark Torpey, Chair stated this is an issue we have discussed. Does the site plan with lighting elements proposed satisfy the City's standards for historic lighting?

Susan Barden, Principal Planner stated proposed historic lighting along Broadway and along the pedestrian walkway between Broadway and Hamilton Street. Four existing historic lighting fixtures along the north sidewalk will be relocated and three along the school sidewalk will be relocated on the same side. Wall packs are proposed along the northside sidewalk. A triple light fixture has been included on the northern most light on Broadway adjacent to the crosswalk.

Three light fixtures along Broadway will be turned over to the city and all remaining fixtures within the property will be connected to the proposed building.

Mark Torpey, Chair, spoke regarding lighting spillage and should be addressed in the easement language.

4. EASEMENTS

Mark Torpey, Chair, stated the Board would require the easements be reviewed and to the City Attorney and the City Engineer's satisfaction.

Mark Torpey, Chair, stated there are four easements which are needed - Spa Catholic relative to the utilization of the civic space land, a temporary easement with Saratoga Hospital for a construction easement, a permanent easement for the switchgear to remain in place, and another easement with the bank based on the lighting issue in terms of light spillage.

Mr. Toohey stated the easement with Spa Catholic and the Diocese of Albany has been drafted and approved. The remaining three easements have not yet been drafted until we are sure we have a project. We have spoken to the bank regarding lighting spillage on their property and they have no issue with it. We have spoken to Saratoga Hospital regarding the easement during construction as well as the switchgear placement and utilities. The hospital is fine with this providing we provide signage on the building for them. We have agreed to this. Mr. Toohey stated these easements have been reviewed and signed off by the previous City Attorney. A copy of these documents will be provided to staff and the Board.

PUBLIC COMMENT:

Kathleen Sonnabend spoke on behalf of Carol Obloy. An easement does not convey ownership or enlarge the property of 269 Broadway. The applicant's statement that they are only using 65% of the property is erroneous. The entire site is being used. We still believe the building should be setback further and additional space from the building should be used for the bike connector.

8:08 P.M. The Board recessed.

8:15 P.M. The Board reconvened.

5. UTILITIES

Mark Torpey, Chair, stated we have spoken about the switchgear easement being imbedded into the language and the buffering from both noise and visibility impact.

Mr. Roman stated additional screenings were added along Hamilton Street to help provide impacts from both noise and visibility. A visual of the proposed landscaping around the switchgear was provided to the Board.

Mr. Roman stated the applicants have been in contact with National Grid. They have provided a letter regarding the switchgear and transformer. We meet their requirements currently and continue to work with National Grid for final signoff.

6. ENGINEERING

Mark Torpey, Chair, stated we spoke about the Broadway to Hamilton connection and the sloping and the proposed drainage solution mitigation. This has been designed and to the satisfaction of the consulting engineer.

Debbie Labreche stated Matt Zeno has met with Tony Stellato and the design and configuration are to the Engineering Departments satisfaction as well.

7. DELIVERIES

Mark Torpey, Chair, stated we discussed this issue. How does the applicant ensure that all deliveries are made to the Hamilton Street side of the building? There was discussion regarding adding an additional address on Hamilton to serve as the main address for deliveries. Additional signage and road stripping to assure proper delivery locations and assure compliance with Hamilton Street deliveries and the loading zone.

Mr. Roman stated they are providing a delivery area pull off on the Hamilton Street side 40 ft. in length. When orders are placed, they will be directed to the Hamilton Street side of the building for deliveries. The majority of the deliveries will be contained in this area. The owner will control delivery locations.

Discussion ensued regarding obtaining a separate address for deliveries, with coordinated times so as not to conflict with the bus schedules and dismissal.

Susan Barden, Principal Planner stated it would be helpful if the applicant could provide documentation regarding the scheduled times for deliveries to be added to the final decision so it can be enforceable. This comes under the auspices of the Zoning Officer.

PUBLIC COMMENT:

Carol Obloy suggested the Board caravan to Broadway and observe the deliveries and how they are managed or not managed. The resolution for the rear of the building make sense. UPS, FedEx, Amazon, and the Post Office are not going to go to the rear of the building, they will deliver to the address - 269 Broadway. There is no commercial pull off on Broadway for these trucks.

Myles Gombert spoke regarding the dual address suggestion. There could be a variance required for the rear of Hamilton Street for exceeding the height restriction for a building. He also spoke about refusing deliveries. To schedule deliveries for the building defies common sense.

Mark Torpey, Chair, questioned staff regarding the height of the building on Hamilton Street and if it would require a zoning variance.

Susan Barden, Principal Planner stated the building is zoning compliant regarding height on both Broadway and Hamilton Street. There is only one frontage and that is the frontage with the highest carrying capacity which is Broadway.

Discussion ensued among the Board regarding deliveries, coordinated deliveries and the proposed delivery zone.

Kathleen Sonnabend spoke regarding deliveries and incorporating delivery scheduling into the leases.

8. FOUNDATION

Mark Torpey, Chair, stated at the last appearance before the Board the applicant provided information on the secant wall configuration proposed for this project. The design is to provide

perimeter stability for the excavation work itself and used to provide support for the structure itself. This technology has been used and seems an appropriate technique for this site.

Tony Stellato, CHA, stated their geotechnical engineers reviewed this proposal for the foundation and they feel this system is reasonable and is appropriate. There are unknowns at this time and those concerns have been forwarded to the Board. The foundation wall and the water issue are interrelated. We have made recommendations and one of the recommendations is that the final design be evaluated by a professional hydrogeologist. Someone who would piece together the geotechnical information and the groundwater flow and how it interacts with the secant wall and post construction water issues pre and post construction.

Mark Torpey, Chair, stated there is a connection between the foundational support structure and the hydrology as well.

We are currently looking at the general foundation. We will discuss the water issues later in the discussion. The Chair questioned the City Engineer if this type of foundation has been used previously in the city and if so with what results.

Debbie Labreche, City Engineer stated it might be on the newer side. We have had conversation with Mr. Biggs who lives across the street. She is not aware of this technology. In our project meeting on April 1st, the city technology team felt that the applicant had fully thought out the proposed foundation and their approach was well thought out. We are still not sold on the actual construction process, the noise, vibration, the amount of materials being removed and taken off site. There will be drilling to create this type of foundation. It does make sense that the construction phase will be particularly important so as not to disrupt the neighbors, and utilities and traffic.

Tony Stellato, CHA stated this was discussed at the meeting and the applicant presented that there would be low-level noise. It was not quantified. There is a duration for the drilling for months. It is important to be aware there will be a level of disruption in this area for a duration and it will be visible and heard.

Chuck Marshall stated at the workshop he questioned how this project would differ from the project next to Druthers.

Debbie Labreche, City Engineer stated Terracon did mention we should observe that construction process.

Chuck Marshall stated he does not feel it is the applicant's responsibility, he feels it is the city's responsibility to do so.
It is a lot line to lot line project.

Mark Torpey, Chair, stated but there is no underground parking and no foundational layout for that project.

Tony Stellato spoke regarding the use of a secant wall for a portion of the project behind Starbucks.

Michael Roman, C2 Architecture stated Terracon has done the geotechnical and they will be doing additional borings to assist the design team in the location of the surface rock. Terracon is designing the shoring system for the building foundation systems. We are using the secant wall since we are going down two levels and wish to minimize the disturbance of the area. This secant foundation wall is used in larger municipalities. We have explored other options for shoring such as push piles, pile and lag and we feel the secant wall is the solution. Mr. Roman provided a review of what a secant wall is, what the advantages are and what is involved in its use. A visual of what the

secant wall installation looks like was provided to the Board. Mr. Roman stated they are not blasting they will be drilling.

This will help minimize the sounds and vibrations. All drilling and excavation of materials will be within the building site.

Mr. Roman provided a view of the foundation system, noting the concrete slab for parking levels, the super structure steel frame which will site on the secant wall. We have provided a route for the removal off site of this dirt as well as provided correspondence indicating the acceptance of the excavated dirt to be disposed of at 170 Porters Corners Road, utilizing 9P avoiding Broadway.

Mr. Robichaud provided a history of Terracon a local firm which has been in business for over 30 years. We have experience and have done a great deal of business in Saratoga Springs. He reviewed how the plan was established for this project to move forward. The secant wall foundation was decided based on the depth of excavation to accommodate two levels of parking below grade. The advantages in using this type of foundation are it will act not only as a groundwater cutoff for the building but also excavation support for the soils and properties outside the building during construction and as permanently as a foundation wall for the building. We will now complete supplemental investigations which include conventional test borings and rock cores to help us further define the overburden, groundwater conditions and depth to bedrock. We have hydrologists on staff who will assist us with the groundwater discussion. We will also add in geophysical type testing to help map bedrock surface tied in with the additional test borings and monitor groundwater flow and look for the presence of springs in the foundation area. Mr. Robichaud spoke regarding noise, and other projects in Saratoga, which were built using methods which were noisy. The level of noise and vibration will be quieter and less invasive than other types of pile driving footings. He noted other projects which have used innovative Methods for foundations.

PUBLIC COMMENT:

Mr. David Biggs stated the information provided by both Tony and Joe tonight has been much more thorough and informative than previous presentations. We are going quite deep about 20-25 ft. down. We have concerns about vibrations from the rotary drill going through the earth and concrete. Concerns regarding controls placed on the noise and vibrations and the hours of operation. Also, concern was voiced regarding the yardage of materials to be removed offsite. That requires trucks to haul this material and impacts on the sewer line and water lines. More assurance regarding the noise and vibrations is needed as well as patrols on vibration and sound.

Chuck Marshall questioned how the secant wall is installed.

Michael Caprara, with Keller. Keller is a specialty geotechnical contractor. He explained how the wall is installed and functions. We will keep all the rigs and materials in one area to maneuver around the site.

Chuck Marshall questioned if the city has an enacted noise ordinance with time frame parameters.

Susan Barden, Principal Planner stated we do, and it states there will be no building or construction between the hours of 10pm and 7am that is deemed unreasonable noise. It would be 60 decibels at the property line.

Mr. Toohey stated this is not a residential district it is the highest commercial district in the City of Saratoga Springs.

Discussion ensued regarding what the decibel level would be in this district which is not a residential district.

Mark Torpey, Chair, questioned if the applicant's agent could provide what the decibel level would be for this type of construction at the property line. Is there any type of mitigation that could make this as inobtrusive as possible?

Mr. Caprara stated this is information he does not currently have but could provide to the Board. Drilling is preferred since it is quieter.

Discussion ensued among the Board regarding obtaining data for the drilling and vibration to provide a sense of what the neighbors would be experiencing.

Mark Torpey, Chair, stated additional information would be helpful on how the construction process would unfold. The noise and vibration and decibel levels and what mitigation efforts could be made should this become an issue. Recognition by the applicant's agent that supplemental borings and investigations are still anticipated.

Mr. Roman stated the information the Board is requesting is information which does take time to compile and research.

Mr. Toohey questioned if other projects of this type had this type of detailed information provided to the Board.

Mark Torpey, Chair, questioned the Board if felt additional information was required and necessary.

Jason Doty spoke regarding borings and foundations and the noise associated with that type of site work. He feels what the Board is requesting of the applicant is a bit much.

Todd Fabozzi agreed with Jason's comments. Consistency in how we deal with these projects is important. Our concerns are safety and how the impacts on the neighbors could be mitigated to an acceptable level.

Mr. Biggs stated he feels this whole discussion could have been done earlier in the process if the information was provided was provided at that time as well. Sounds and vibrations will impact businesses, residences, and the school.

Mr. Roman stated he has never been involved in a project that questioned the detail regarding the secant wall, installation, noise, and vibration that the Board is requesting.

Chuck Marshall spoke regarding affecting the school and the optimum time for the least amount of disturbance and disruption, and the delay in obtaining a building permit.

Mark Pingel stated the one risk worth considering was the truck vibration and impact on city utilities.

He is in favor of moving the project forward with checkpoints along the way, so the noise would not affect the school at all.

Mark Torpey, Chair, stated he is also in favor of moving the project forward with as Mark Pingel stated checkpoints along the way. The Chair is comfortable in conjunction with the building department, city engineer and designated city engineer efforts along the way to their satisfaction.

Debbie Labreche, City Engineer stated it is quite a benefit having Mr. Biggs, a structural engineer available across the street. The applicant's team has provided information to city staff for information and review either by request or for review.

PUBLIC COMMENT:

Carol Obloy stated even though this building is in a T6 zone there are residential areas in this area as well as the school to be considered. The T-6 zone does not remove the responsibility for the rest of the neighborhood.

Robert Sponzo stated as a physician he is concerned regarding the noise which is taking place next to a school and the hearing health and safety for these students is important.

Mr. Toohey questioned if there were any complaints from the school when 268 Broadway was built.

Mark Torpey, Chair stated we should be consistent.

9. GROUNDWATER

Mark Torpey, Chair, spoke about the SEQRA Part I Full Environmental Assessment form which has been revised regarding the potential impacts on groundwater and significant groundwater variation.

Mr. Matt Zeno spoke regarding the substantial amount of water which comes from the one level parking garage at 268 Broadway to the 18-inch storm drain. It is hard to quantify the amount. He was not with the city when this was constructed.

Todd Fabozzi questioned pumping. Is there permanent pumping to discharge the water?

Mr. Matt Zeno stated he is unsure if its pumped or gravity fed.

Mark Torpey, Chair stated what they are trying to determine if after construction there will be a need to pump groundwater out of the basement area to the stormwater system.

Mr. Roman stated 268 Broadway has one level of parking on the main level and two below level parking.

Chuck Marshall questioned if the groundwater is pumped out of the basement to the storm system, you are just displacing the groundwater not creating any new groundwater.

Debbie Labreche, City Engineer, stated she defers to Tony Stellato's suggestion to have a hydrogeologist weight in on ground water during construction, after construction and its impacts on the groundwater flow and the city springs in Congress Park. If there are any permanent impacts.

Kerry Mayo questioned if there have been and problems or issues with the Springs following the construction of 268 Broadway. If the pumps are producing the springs, then construction would not affect it.

Debbie Labreche, City Engineer stated not that she is aware of anything, other than repair of pumps.

Mark Pingel questioned the relationship between the Congress Park Springs, the aquifer and ground water.

Debbie Labreche, City Engineer stated she is unsure.

Jason Doty stated the entire City is on an aquifer. The aquifer is fed through groundwater.

Mark Pingel noted if the two are connected in a way, then there is one way of thinking about it in terms of hitting groundwater or the aquifer when you excavate.

Kerry Mayo stated the city should have a better understanding of how the springs work not specific to this project.

Jason Doty spoke regarding the secant wall and if we are not affecting the aquifer it acts as shoring and pushes groundwater away from the building.

Mark Torpey, Chair, stated a condition of approval could be review and approval by a hydrologist who has expertise in reviewing impact during construction impact, long term impact in moving the groundwater to the storm water system, and what impact might this have in the long-term health of the spring. More information in this area would be helpful.

Todd Fabozzi stated this would be helpful in reviewing SEQRA.

Mark Pingel stated knowing the options when they have run into serious groundwater or an aquifer.

Mr. Toohey stated one of the issues noted is requiring the applicant to do an analysis of the Springs in the City of Saratoga Springs. We have been informed by the City Engineer that the Springs in Congress Park are not springs but Water pumped from the ground to look like springs. To require the applicant to provide an analysis for springs which are 400 ft. away from the construction project when this was not required of the condominium project across the street, is an unrealistic demand on this project.

Mr. Roman stated as noted previously Terracon has individuals with a great deal of experience in this area and are methodically working on this project. They have resources and we are looking at it. How all this information can be brought forth at a Planning Board meeting is a difficult ask.

Mark Torpey, Chair, stated the Board is trying to review all the important issues. This water management issue is a bit of an unknown. This is something the Planning Board cannot address. We have ruled on SEQRA, but we have new and additional information we need to work through regarding stormwater and groundwater management is an issue which is relative to review.

Susan Barden, Principal Planner, reminded the Board regarding conditions from CHA, which Tony had bulleted any you may wish to incorporate those into your list.

- They are design of the secant pile wall and dewatering systems should demonstrate no adverse effects to the surrounding properties due to changing ground water levels or ground movements during construction and/or long term. The design should include a construction instrumentation and monitoring plan for groundwater levels, and structure and ground movements.
- Springs are reputedly present within the project area. Both the further exploration and instrumentation proposed by the geotechnical engineer of record, and the design of the building, secant pile wall system, and dewatering system should address possible impacts of springs on the project.
- The design of the secant pile wall and dewatering systems should include an evaluation by a professional hydrogeologist that demonstrates no adverse impacts to the springs in Congress Park.

Jason Doty takes exception to the second point because if your pumping water then it is not a spring.

Mark Torpey, Chair, stated for this project if your excavating material for a garage then it is important to understand groundwater during the construction phase and long-term implications of moving groundwater into the storm system, and if you encounter any springs during excavation. A hydrogeologist on the team to access the situation would be important. The Chair cannot speak to what occurred during the construction of 268 Broadway we cannot speak to that. For this project we feel it would be useful information.

Mr. Roman questioned if CHA engineer Tony Stellato was aware that the springs were not real springs but were pumped.

Mr. Stellato stated he is not sure if that is true or not true. When we speak of springs in the area there are springs in the area that will produce from the ground when excavated. Our main concern is the construction in the groundwater and the likelihood of permanent dewatering. We have concerns regarding nearby buildings and water issues. Our concerns are not specific to the springs in Congress Park and stand on our recommendations.

Mark Torpey, Chair, stated he feels this is an important issue and should be reviewed by a professional which the applicant notes they are already doing this.

PUBLIC COMMENT:

Mr. Biggs stated they reviewed the boring logs for the 268 building. These do not even show water stops. We now have a couple of sump pumps which was not shown in the drawing documents. During construction, an uncapped water line was found, had been running for years, and was capped and a water drainage line off a building was draining into the storm system was rectified as well.

Mr. Toohey stated the information noted by CHA and Mr. Stellato states this should be noted as a condition of approval, he is not requesting this be completed prior to approval.

Mr. Stellato stated he is not dictating procedure to the Board. They are making recommendations. The final determination is made by the Board.

Mark Torpey, Chair stated in conversation with the Board we agree that this can be included in the condition of approval.

9. SIZE & DESIGN

Mark Torpey, Chair, stated the Planning Board requested an Advisory Opinion from the DRC which was provided with notes and stipulations. The DRC has reviewed the project for mass and scale and provided final approval for mass and scale in January. This zone does allow for infill development.

Todd Fabozzi stated he does not have an issue. This zone calls for this type of development. It is perfectly appropriate in this location. This is sustainable type of development the city is looking for.

It was the consensus of the Board that the size and design is appropriate for this location.

Ruth Horton exited the meeting.

PUBLIC COMMENT:

Myles Gombert provided a power point presentation of setbacks needed along Broadway and visual examples of other buildings were provided.

Samantha Bosshart, Executive Director, Saratoga Springs Preservation Foundation. Ms. Bosshart stated the DRC did vote on the mass and scale by a 4-3 vote. The setback discussion was a point of contention and there was a discussion.

The height and scale and overall size of the building is not appropriate for the context of the streetscape. The Preservation Foundation wanted to bring this to the attention of the Planning Board, and it is unfortunate that the setback discussion at the DRC meeting did not proceed further, and the vote took place with incorrect information.

Kathleen Sonnabend spoke regarding the bike connector and the placement of the connector. Push the building back a bit and would allow more room for the bike connector path.

10. PARKING

Mark Torpey, Chair, stated an updated revised parking analysis was provided on March 30th. The analysis addressed the concerns of CHA as well as those of the City Engineer. There was also additional tabular information regarding parking occupancy levels.

Mr. Stellato stated the impacts of parking demand on the public resource regarding parking is a concern of the Planning Board. The office use is the primary demand of this parking garage. There is just not enough unrestricted parking in the area and the applicant has looked beyond the immediate area. This parking is available with the 1700 ft. radius. The parking study consumes all the available on street parking and excess capacity.

Susan Barden, Senior Planner stated DPS had comments along the same lines as CHA. DPS did request a parking study and provided methodology to the applicant on how to prepare it. Andy Krupski, DPS noted there is no onsite parking requirement but suggested the Planning Board look at other ways to accommodate that.

Chuck Marshall spoke about SEQRA, the Negative Declaration issued by this Board which evaluated the same project before the Board tonight. The Negative Declaration does not force an environmental impact statement for no to small impact on traffic. The parking requirement is 0, they are providing 70 infinitely more than required to provide, how is it we forced them to go off site and look for something else.

Mark Torpey, Chair, stated he understands what he stated but within the Site Plan Review criteria traffic is an item we are to look at. There is a definite linkage between the amount of parking provided on the site and how people will be searching for parking which translates into traffic. We are trying to best mitigate any negative impacts, but we have a requirement to look at the issue in a broader way.

Chuck Marshall stated his concern is where does it stop, within their property or site plan and go to some type of offsite mitigation.

Jason Doty stated asking and discussing parking by itself is a disservice to the applicant since they are not required to provide parking. Parking is an aspect into traffic and that is where we should be concentrating.

Chuck Marshall stated it really should be as a revision to the UDO to establish a downtown overlay district with a parking contribution component to it. We are in a difficult position here.

Kerry Mayo questioned does not having parking necessarily increase traffic. Parking difficulty may require employees to use bicycles or public transportation.

Discussion ensued among the Board regarding the impact on parking.

Mr. Toohey stated currently they have 88 people working at Railroad Place with 3 parking spaces. These people have effectively found parking in the downtown core area. Those are spaces that still can be used with an additional 70 spaces we are providing.

Mark Schachner, Counsel, stated the comments the Board is making are making sense. Any property site plan review can go beyond the four corners of the property into the public street and would include concerns regarding traffic. It makes sense to look at the parking and traffic impacts would be, but the zoning is what the zoning is.

Mark Torpey, Chair, stated this is difficult to be consistent from project to project. The Board has in the past looked at intersections adjacent to projects in their review. The T-6 requirement for no parking may need to be revisited. Something needs to change in this district with regarding to parking as well as methodology recognizing every new building will have an impact and how do we fairly deal with that on a project-to-project basis being consistent throughout.

Mark Pingel stated the traffic study did consider the AM and PM commute and the levels of service and the additional traffic contributed by the employees of this building.

Mr. Lippmann explained how the traffic study data was obtained, calculated, and reported. DOT issued a guidance memo on how to adjust and calculate traffic study during the pandemic. All the proposed uses are assigned vehicle trips based on square footages.

PUBLIC COMMENT:

Kathleen Sonnabend spoke regarding the parking currently available to Prime Employees on Railroad Place which is near the Woodlawn Parking Garage. A visual of communication from Department of Public Safety Traffic Manager with comments regarding parking. A visual of where parking is allowed, and not allowed and limited parking was provided as well as local street parking available for employees of 269 Broadway.

Mr. Lippmann stated when they looked at parking, they excluded residential street parking in the commercial mixed-use areas from their calculation and analysis.

Discussion ensued among the Board regarding parking availability and what can be done to help mitigate.

Kerry Mayo felt it was appropriate not to look at parking on residential streets.

Mark Pingel stated the city may at some point need to protect its residents. The building has options to help their employees with the cost of parking if this becomes an essential thing.

11. TRAFFIC

Mark Torpey, Chair, stated a revised analysis was provided to the Board on March 30, 2022, which identified mitigation activities which will be required on Hamilton and West Circular Streets and Hamilton and Congress. There is mitigation to maintain the level of service within acceptable limits. The levels of service shown are surprisingly good compared to other intersections in town.

Mr. Stellato, CHA spoke regarding sidewalk and road closures. There are city permits that are required for those that will need to be applied for and complied with. That is the compliance part.

Mark Pingel stated in bullet point number #3 regarding the 2,000 truck traffic trips and vibration and its impact on city streets and infrastructure should be considered.

Mr. Roman stated all the dump trucks are DOT certified with proper weight limits traveling on roadways certified by the DOT standards. These vehicles are weight regulated by the state.

Mark Torpey, Chair, stated we have identified and discussed each topic item individually. Two Board members have left the meeting. The general feeling among the Board is the project should be approved with general conditions we spoke about and should be reviewed and compiled. We are not prepared to do that at midnight. One item we discussed earlier and that had to do with SEQRA. There was an addition to Part I of the SEQRA that dealt with the dewatering of the excavated material. We also spoke about moving groundwater to the storm system as part of a continuous operation of the building. Also new information we received following SEQRA Review. These areas open for the Board on the Part II - question #4 - Impact on Groundwater. Originally when reviewed we checked that box off as a no. Based on the new information provided, we need to go back on that one question and determine if the answer is appropriate. The Chair does not feel that it is. The Chair is proposing to adjourn the meeting, recognizing we are down two Board members, suggest we spend time before the next meeting developing conditions we discussed and reviewing SEQRA Part II - question #4 to fully address and assure that the original SEQRA performed reflects the information received. The Chair recommended this be done at the next meeting. It is too late to work through those issues.

Mark Torpey, Chair stated our job is to assure that the Part I is accurate, to assure that every issue related to question #4 is adequately addressed. Planning Board members would like to see information from a hydrogeologist addressing the groundwater both from a short-term aspect during construction and the secant walls and dewatering and longer-term impacts on discharging groundwater continually, as well as the Springs.

PUBLIC COMMENT:

Myles Gombert provided information to the Board regarding traffic from the NY State. The traffic study was performed using adjustment factors by the applicant for four hours, during covid, during no bad weather. Bus counts were incorrect and there were inconsistencies. A visual of the site was provided noting the traffic during normal daily hours.

When the look at average, the calculate using the mean. Using the median calculation would degrade these numbers.

We are not opposed to development; we are opposed to irresponsible development. There is too much difficulty for this project in this location.

Mark Torpey, Chair, stated at the next meeting we will consider the SEQRA questions and have time to

Compile a list of conditions to be reviewed and discussed with the applicant. This application will be placed first on the Agenda at the next meeting.

APPROVAL OF MEETING MINUTES:

Jason Doty made a motion to approve the minutes of the March 24, 2022. Chuck Marshall seconded the motion.

VOTE:

Mark Torpey, Chair, in favor; Kerry Mayo, in favor; Todd Fabozzi, in favor; Jason Doty, in favor; Ruth Horton, in favor; Mark Pingel, in favor;

MOTION PASSES : 6-0

UPCOMING MEETINGS:

Planning Board Workshop, Thursday, April 28, 2022, at 5:00 P.M.

Planning Board Meeting, Thursday, May 5, 2022, at 6:00 PM.

MOTION TO ADJOURN:

There being no further business to discuss Mark Torpey, Chair adjourned the meeting at 12:25 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary