



# PLANNING BOARD

## MINUTES ( FINAL)

THURSDAY, JULY 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; Chuck Marshall; Ruth Horton; Mark Pingel;  
Bill McTygue, Alternate

**ABSENT** : Todd Fabozzi; Kerry Mayo

**STAFF** : Susan Barden, Principal Planner, City of Saratoga Springs  
Leah Everhart, Counsel to the Land Use Boards - arrived at 6:30 P.M.

### **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.**

### **COMMENTS FRO STAFF:**

Mark Torpey, Chair stated they are attempting to coordinate a quarterly training session for the Board. One hour of legal training per quarter would satisfy our 4 hours training. More information to follow.

#### **C. APPLICATIONS UNDER CONSIDERATION:**

1. **#20220217 17 PARK AREA VARIANCE,** 17 Park Place, Consideration of Advisory Opinion to the Zoning Board of Appeals to permit the construction of a new single-family home and a two-family structure within the

Urban Residential-4 (UR-4) District.

Mark Torpey, Chair, stated this is an Advisory Opinion to the ZBA. There are a number of area variances requested by the applicant as part of the project. The Planning Board had issued a Notice of Decision in August of 2020 where at 21 Park Place the larger lot was subdivided into two lots. In the NOD of 2020, the Planning Board stipulated the applicant for the new lot to appear before the DRC, for Architectural Review. We also asked the Planning Board to review the final driveway placement. The DRC has issued a draft Advisory Opinion to the Planning Board, and this has not been finalized by the Chair. This was provided to share their thoughts with the Board. We have had comments from the Preservation Foundation and the neighbors. This is before the Board for an Advisory Opinion.

Applicant: Chris LaPoint, owner

Mr. LaPointe stated they purchased this lot one year ago. They are looking to construct a 2500 sq. ft. main house. We are also constructing a second principal structure on the lot which will house 2 units and garages. We are before the Board this evening for a review of the driveway placement and the address. A visual of the site plan was provided to the Board noting the placement of the driveway. We have appeared before the DRC, and they did not like the plans and the fact that it covered too much greenspace. The proposed driveway is between 80-100 ft. from the lot line.

Mark Torpey, Chair, stated what is before the Board is the Advisory Opinion to the ZBA. The applicant will return before the Planning Board for a decision on the placement of the driveway.

Susan Barden, Principal Planner stated the Board could make those determinations this evening.

Mark Torpey, Chair, stated this project is in the UR-4 district of the city so more than one principal residence is allowed for single and two family. When the Board reviewed this project during subdivision we focused on the placement of the single-family home, without the need for any variances as well as a detached two car garage. That was our template when we discussed the project.

Mark Torpey, Chair, stated noted that the ZBA will perform the SEQRA review for the project prior to the issuance of the variances. There are a few items on the SEQRA Part I which may need to be corrected or amended.

-Question #3 - to specify acreage of parcel and disturbance. **It is about a ¼ of an acre and the Chair is unsure if it was completed. The area or disturbance within that ¼ of an acre was identified.** It needs to be added.

-Question #9 - speaks to whether the new building proposed either a single-family home, two family home or carriage house would meet or exceed the energy codes. The box is checked off not and it should be checked off yes.

-Question #12 - speaks to whether the project would be substantially contiguous to the National Register of Historic Places. In reading through the Saratoga Springs Preservation Foundations correspondence, they noted the Property is immediately adjacent, so it maybe that this needs to complete as a yes answer.

The Chair stated this is a unique parcel. It is a beautiful corner lot, with a Greek Revival Home punctuating this intersection. The discussion prior to the subdivision approval centered around being respectful of the location of the property and looking to be able to see the trees and the open space. We did not discuss a shared access per se, from the standpoint of looking at the Guarino's

property at an easement of sorts. This proposal as we see it now would require that easement. Lastly, we felt the location is so unique we did want it to have extra review and that is why the DRC was asked to provide their review as well.

Bill McTygue, Alternate, stated based on the DRC's review which is significant the applicant has mentioned he is taking their comments seriously. In the face of what the DRC has noted, how much do we want to get into approving and reviewing the project as it is presented.

Mark Torpey, Chair, stated we can decide what we want to include in our Advisory Opinion to the ZBA regarding the driveway placement or other topics which would be helpful.

Mark Pingel stated after reading the public comments, the correspondence from the Preservation Foundation, and since the subdivision action itself at that time showed the structures as they were sketched did not require any variances. So, from that point of view there has been a significant shift in the building plans. The idea of detached garages and carriage houses and the plan that the applicant just showed us it does not comport with what the Preservation Foundation suggested was consistent with the neighborhood look and feel. There has been a shift from those expectations to where we are now. We can provide comments to the ZBA especially since the new plans require variances.

Chuck Marshall questioned the Planning Boards role in assigning the address. The city code notes that the Office of the City Engineer assigns the address. He does have the SHPO map, and the historic district extends to the church, diagonal to that. The house at 21 is not an eligible house but the house at 13 looks to be an eligible house. Also, does this block off the driveway to 21 Park Place.

Mr. LaPointe stated as part of purchasing this property, we have an easement over their driveway which is in place. We have full unrestricted pedestrian and vehicular access up to the property line.

Ruth Horton stated her observation is the Advisory Comments from the DRC who make a strong point regarding the attached garage and the greenspace. Are we coordinated with the DRC regarding the attached garage, there is no reason we should question that opinion, or do we have jurisdiction which would override that. It is a strong statement by the DRC and is significant.

Mark Torpey, Chair, spoke regarding the addressing of the home. He is unsure of the Boards jurisdiction in this matter.

Susan Barden, Principal Planner, stated there was discussion on the siting of the house and that would determine if the address would be Park Place or Regent Street.

Mr. LaPointe stated they did not subdivide this lot. When they purchased the property, the house was the only thing on the plans. It did not call out the garage or carriage house. We are not asking for anything outside of setback variances. It is zoned UR-4 which allows for more than one principal residence. Mr. LaPointe provided information on why the house was designed and sited in the manner which is shown to preserve the mature trees on the lot. The driveway is located as shown to address the 100 ft. from the property line requirement as well as address concerns of the Preservation Foundation with the garage doors. The applicants are considering moving the carriage house closer to the driveway which would open the view of 21 Park Place. It was also suggested by the DRC to detach the two-car garage and have the house present as if it faces on both Park Place and Regent Street. We will rework the plans to see if this is feasible.

Mark Torpey, Chair, stated he has reviewed the plans associated with the subdivision. The plans show a residential structure with a garage with no request for variances, perhaps a carriage house

with one unit and garage. This lot seems so unique in terms of historical connection to 21 Park Place and configuration it warrants a different treatment and touch. Currently there are two driveways shown, the main driveway will be as shown on the plans.

Mark Torpey, Chair, asked if there are any questions or comments from the Board regarding the Advisory Opinion.

Bill McTygue, Alternate stated moving the carriage house closer to the driveway would eliminate additional asphalt.

A plot plan would be helpful to determine the spacing of the neighboring homes.

**PUBLIC COMMENT:**

Ashley Gardner, 105 Regent Street. She has attended every meeting regarding this property back to 2015. Many Planning Board members speak about the density and the character of this piece of property. She was under the impression when the property was subdivided what was approved was a single-family home with a detached garage. She was shocked when a different plan was brought before the Board. What is being proposed is not appropriate in terms of the zoning variances requested, the attached the garage as well as creating an additional building. Two structures are not out of the question, but they are requesting variances that will negatively impact the neighbors and neighborhood.

Mark Pingel stated it appears to him after reviewing the elevations drawings, the DRC did not like the side elevation of the project and the conversation regarding this project centers around the architecture of the two buildings. The elevations drawings of the proposed project do not seem to fit in with the fine historic homes that are next door and nearby. This is less about variance recommendations and more about when the home is finally designed and built will look like it fits.

Mr. LaPointe stated if the proposed UDO is passed many of the setback variances requested would not be required. There are homes on Regent Street and Park Place that are set closer to the street than even what they are requesting.

Mark Torpey, Chair, stated Mark Pingel comment regarding the DRC's review and architectural assessment is particularly important. That was a concern and drove the decision back in 2020 to include the stipulation of DRC Architectural Review. Rather than the Planning Board considering the driveway placement at this time, the Chair stated he would rather see the DRC render a decision on the Architectural Review before we move forward with the decision on driveway placement.

Mark Torpey, Chair, stated the other option is to note that the Planning Board concurs with the DRC opinion. The other area of concern for the Chair is the context with which the project is being looked at. Specifically listed on the subdivision plans were the single-family home with a detached garage and the possibility of a carriage house with a single-family unit.

Mark Torpey, Chair, asked if there were any questions or comments from the Board on inclusions to the Advisory Opinion.

Bill McTygue, Alternate stated the concerns the DRC has noted the mass and scale of the secondary principal structure as presented is appropriate. Yet there seems to be conflict in what we typically see in the historic district neighborhoods in the city is a single-family home, with a detached garage and single unit carriage house. This would create a more tasteful sensitive approach to this beautiful lot.

Mark Torpey, Chair, stated the parking changes with the two-family unit.

Mark Torpey, Chair, stated regarding the Advisory Opinion, the Board concurs regarding deferring the location of the driveway until the DRC has rendered a decision on the Architectural Review. The Chair stated the Board concurs that their Advisory Opinion would reinforce the DRC's Advisory Opinion and support what they propose. We spoke about the possibility of a reduction in parking which would have an impact on the driveway. We encourage the ZBA to consider that idea as well. The Chair noted the Planning Board would provide context concerning their review of the subdivision in 2020, where a single-family home and detached garage were noted.

Chuck Marshall stated he will not concur with this. If they are entitled to pursue two units of additional dwellings that is their right. The setbacks requested to preserve the trees should be given credence. They have meet the greenspace requirements without relief.

Mark Pingel stated he would like to see more emphasis in fitting in with the neighborhood character. Whether it is a two-family dwelling or not. Zoning makes provisions for that. The concern is what will it look like when it is finished. That is the critical thing both the ZBA, and DRC must grapple with.

Mark Torpey, Chair, stated we can note that in the Advisory Opinion that the city arborist be consulted regarding these heritage trees.

Susan Barden, Principal Planner, noted in the subdivision approval there is specific language regarding tree protection during construction. The language is there and make sure that is installed and verified by the city arborist or the city prior to issuance of any permit.

Mark Torpey, Chair, stated regarding the Advisory Opinion - the SEQRA review is to be overseen by the ZBA. The Chair earlier noted the considerations he suggested for the ZBA in their review. We concur with the DRC Advisory Opinion. A recognition that the project as propose adheres to the greenspace requirement. No variance is required. The Planning Board sees value in having the city arborist review the proposed layout of the porch/patio to determine if there is any impact on the trees. The Board would be supportive of an additional variance to reduce the parking. A return to the DRC for Architectural Review is required.

Susan Barden, Principal Planner, stated the UDO takes effect on July 15<sup>th</sup>. This application was submitted prior to its inception. It remains under the current Zoning Ordinance and the requirements of UR-4. For the Board information it does not appear that the DRC issued a favorable or unfavorable Advisory Opinion to the ZBA, the simply offered recommendations to the ZBA.

Chuck Marshall made a motion in the matter of the application of 17 Park Avenue Area Variance, 17 Park Place, the Planning Board issues a Favorable Advisory Opinion with the conditions as noted by the Chair. Ruth Horton 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; Mark Pingel, in favor; Chuck Marshall, in favor; Bill McTygue, Alternate, in favor

## **MOTION PASSES : 5-0**

7:26 P.M. The Board recessed.

7:30 P.M. The Board reconvened.

- 2. #20220555 44 RUGGLES ROAD, SUBDIVISION MODIFICATION,** 44 Ruggles Road, Proposed  
Modification of previously approved two-lot conservation subdivision in the Rural Residential (RR) District.

Mark Torpey, Chair, stated when this property was subdivided the Planning Board undertook a Conservation Analysis for the project. Final approval of the two-lot subdivision with conditions was issued on February 12, 2020. A SEQRA Negative Declaration was also issued at that time. In this instance there was additional logging of trees in the conservation area. Trees were cut in the no cut buffer area. We are attempting to rectify this situation. No issue with the homeowner simply an overzealous logger. The city arborist did visit the site and performed a tree count.

Susan Barden, Principal Planner, stated a map and photographs were provided by the applicant which were circulated to the Board. At the workshop, the Board had requested the city arborist visit the site and identify the types of trees and the size of the trees which were removed. He visited the site today and identified those in the conservation easement area. Al Flick from DPW had originally made a site visit prior to the Notice of Violation being issued. He looked at the largest trees and identified only 6. When Steve Lashomb, City Arborist visited the site today, he reviewed the entire area and provided a more comprehensive analysis and report.

Mark Torpey, Chair, stated we now have a delineation of the species by Steve Lashomb, we have white oaks, red oaks, and red maples. This does provide the Board with information to consider a proposal for remediation. The City Arborist recommended the appropriate size trees be planted something like 2-3 DBH.

Applicant: Gerry Eberlein

Ms. Eberlein stated she attempted to meet with the City Arborist but has not yet connected with him. She noted she did visit the site with Al Flick and counted 6 trees. There may have been smaller trees removed. The diameter of the trees ranges from 20 inches to 40 inches. She has no problem replanting trees to mitigate this. If you were to walk the site now, there are still tons of trees in that conservation area. Re-planting trees in this area almost seems like too many trees. She believes it will come down to the number of trees to make this whole again.

Mark Torpey, Chair, stated situations like this do happen. It is no fault of the owner.

Ms. Eberlein stated she has never done this before. She had no idea they were doing what they did.

Chuck Marshall stated in the City Arborist's communication he delineates a cost mechanism. Then the homeowner indicates a willingness to plant trees. He is fine with the applicant replanting trees per the City Arborist's recommendations, have this verified and the Planning Board stay out of it. If we are looking to set a precedent we need guidance, are we looking at money, trees, or both.

Mark Torpey, Chair, stated we have had the benefit of Steve Lashomb out at the site to perform an inventory of what was removed. We need to be assured that we have an accurate depiction, and the homeowner agrees. What is important is to create a type of tree mitigation and placement that

is fair and equitable for everyone and sets a precedent. We are not in a position this evening having just received this information today to determine if this formula makes sense. We need more information to proceed.

Chuck Marshall stated he would be willing to go and meet with staff both Susan, Steve, and the homeowner to get a better understanding and assure that we are all on the same page.

Mark Torpey, Chair, stated this would be a good opportunity for the Board to come to a determination of what is fair, equitable and we can reproduce it. It is the planting of trees that matter not a fee or penalty per se. As the homeowner stated it may not be appropriate to plant these trees in the exact area from which they were removed a rationale may work better.

Bill McTygue, Alternate stated he would also include in this modification a follow-up to assure the plantings have survived.

Chuck Marshall stated he will coordinate the site visit with city staff and the homeowner.

Mark Torpey, Chair, stated he appreciates the applicant's patience in delaying a decision for another two weeks.  
The Board just wants this to be right for all parties.

3. **#20220339 120 SOUTH BROADWAY SITE PLAN REVIEW,** 120 South Broadway, Consideration of coordinated SEQRA Review of a propose multi-family residential project (58 units) and associated site work in the Transect-5 (T-5) District.

Mark Torpey, Chair, stated this is a Type I action. Part I of the Full Environmental Assessment Form has been provided.  
We have had two previous sketch plan reviews with suggestions provided by the Board. There have been good discussions and changes to the project. DRC Architectural Review will also be required for this project.

Applicant: Stephen Ethier, Strategies LLC, Performing Assets

Agent: Joe Dannible, Environmental Partnership; Shawn Corp, Balzer, Tuck Architecture

Mr. Dannible provided a visual of the proposed project to redevelop the motel on the site at 120 South Broadway.

A visual of the existing conditions were provided noting the existence of a 60+ unit motel with a day spa. The applicant is proposing to demolish the existing structures on the site except for the gazebo which houses a spring.

The spring will remain and become an aesthetically pleasing structure on the site. The proposed re-development will consist of four buildings, two will become 6-unit townhouse style multi-family dwelling. Each building will be 3 stories in height, six units in each building. The **façade** of a unit faces Broadway with a boulevard entrance. Directly down from the boulevard we will provide a community center which will be developed and placed adjacent to the existing gazebo spring. Flanking each side of the community center will be two multi-story buildings containing 23 units in each building. In total we are proposing 58 units to be developed on the property. Utilities will connect to municipal sewer and water. We are completely renovating the storm water system on the site. Removing the existing catch basins and dry wells and are proposing a new modern

infiltrator system underneath the parking lot. A visual of the new infiltrator system was provided to the Board. Parking will be provided at a minimum of 1.5 spaces for each unit. The townhouse style units that front on Broadway will have a garage space and an exterior parking space. In total we have 93 spaces on the property. Along the north side of the property, we are providing pedestrian connectivity to Zephyr Lane residential area. This will allow those residents to access the site as well as the sidewalks on South Broadway. We are in receipt of a comment letter from LaBerge Engineering issued in late June. We have responded to all those comments and provided them with an updated set of plans. The revisions which were required by LaBerge result in no substantive changes to the layout as presented here on the application as well as what the Board is in receipt of. Along South Broadway we are proposing a streetscape consistent with Saratoga City Standards, including interspersing 6 street trees with 4 ornamental streetlights. This is the southern gateway to Saratoga. The redevelopment we are proposing is a significant upgrade to the parcel that it is replacing.

Mr. Ethier thanked the Board, and he agrees with the Chair that the sketch plan reviews have been helpful to move the project along. He appreciates all the feedback. We are looking forward to proceeding through SEQRA so we can move forward with the demolition.

Mr. Corp provided an aerial view of all elevations and the context of the neighborhood. He reviewed the site axonometric for the Board as well as a review of all buildings and all elevations. A site perspective from the Hilton Garden Entry to the new project was provided as well as perspectives from Building 2 balcony showing the Community Center and the Spring and the rear of the townhomes. Additional building views and elevations were provided to the Board as well as the site elevations from South Broadway.

Ruth Horton questioned if there was any opportunity to increase the greenspace within the site or a playground.

Mr. Dannible stated they are working within the parameters of the existing site to accommodate the buildings, the parking and the greenspace. We have changed the look of the site by breaking up the greenspace versus having it all located in one area. We are providing green space not only in the center but adjacent to the buildings and in between the buildings and parking areas. We are near the state park which does provide the residents living in this area the ability to access and use these amenities.

Mark Torpey, Chair, requested what the requirements would be in the T-5 District for permeability.

Susan Barden, Principal Planner, stated there are no requirements for permeability in the T-5 District. The requirement for landscaping in the parking area itself and there is a percentage which must be met. 10% of the area in any parking lot shall consist of landscaped green space.

Mark Torpey, Chair, questioned if the areas proposed by the applicant satisfy the 10% greenspace area.

Susan Barden, Principal Planner, stated she believes this is at the discretion of the Board.

Chuck Marshall questioned if the community center a required element or is it a desired element.

Susan Barden, Principal Planner, stated civic space is required.

Chuck Marshall instead of a building do you place the gazebo in the center and the civic space around it.

Mr. Dannible stated it is certainly desired to have the building there. It will be much more desirable to have a community building versus an open lawn area.

Chuck Marshall stated it is his opinion that during the SEQRA consideration projects like this that if offsite mitigation is going to be asked of an applicant it should be contemplated during the SEQRA discussion because the site plan is tied to what they control. In looking at the pedestrian accommodations, he feels the applicant has made a big improvement with the property to the east. If you look at where this site is it is about 2,000 ft. from the controlled signal at the State Park. It is 2,000 ft. from Fenlon to Lincoln. It would be appropriate and inexpensive cost to the applicant, would be to install a rapid flashing beacon with a crosswalk. This would bring people to the Price Chopper Plaza without free range.

There is only one section of sidewalk in that area which is in front of the County Mental Health Building. During SEQRA Review this would require improvement and is Question #13 in the SEQRA Review.

Bill McTygue, Alternate, stated this is an appropriate spot to add this crosswalk and beacon.

Leah Everhart, Counsel to the Land Use Boards stated it is also her impression that this is a Type I action. We are reviewing the action as proposed by the applicant. If this were an unlisted action the Board would have the ability to potentially adopt a condition in the Negative Declaration. As a Type I action we do not have that ability. The Board will be reviewing the application with any verbal modifications made by the applicant. Answering questions in Part II and depending on those answers moving onto Part III, determining if there are any significant adverse environmental impacts. If that is the determination, there would be additional steps that would culminate in an EIS and Findings Statement. Mitigating measures can be applied required during that process. This phase of SEQRA is not the proper mechanism to create a mitigation measure such as was suggested. This would be more appropriate as a site plan condition.

Mr. Ethier spoke regarding the inception of the crosswalk and its proposed location.

Bill McTygue, Alternate, stated in this area of South Broadway there is no dedicated crosswalk. Having a controlled intersection in this area would be great.

Mark Torpey, Chair, stated a public amenity for safer pedestrian access make sense. He feels this conversation is a bit premature. Chucks idea especially under SEQRA to identify early anything we are thinking about provides the applicant the ability to plan and research the Boards recommendations and comments. The Chair questioned staff if there was a traffic assessment completed for this project.

Susan Barden, Principal Planner, stated nothing was submitted by the applicant regarding traffic assessment. The applicant may have completed this prior to completion of the Part I EAF.

Mr. Dannible stated there was a trip assessment completed for this site. From its current condition as a motel to the 58 residential units it has a PM peak hour which is the busiest trip generator for that use is an increase of 9 cars. It will have no impact on the traffic network of those streets.

Mark Torpey, Chair, asked if LaBerge has reviewed this traffic assessment and concurred.

Susan Barden, Principal Planner, stated no comments have been received by LaBerge regarding traffic and transportation. There are no comments from DPS traffic division or Police and Fire yet. They may wish to provide comments on any improvements.

Mark Torpey, Chair, stated our discussion on civic space and what is being proposed might be something to focus on. Could the pedestrian crosswalk discussed be considered part of the civic space considered for this project. Is there a rationale for offsite civic space rather than something that deals with traffic mitigation.

Susan Barden, Principal Planner, stated civic space is not well defined and the Board could look at larger pedestrian accommodations more than the community center as proposed, the preservation of the well and gazebo. It is up to the Board to consider appropriate civic space for this project.

Mr. Dannible stated the civic space is improving the community. We have provided additional sidewalks from Zephyr Lane to the South Broadway sidewalks. That is an improvement beyond what is required. We also have the area for civic/greenspace. The cross walk is something for the greater good of the entire area in general. There is nothing that this project proposes that would entail a cross walk or any improvement of this nature. We are approximately 600 ft. away from West Fenton Street which does have a crosswalk and signalized intersection which can be used by the pedestrians/residents of this community to access Ballston Avenue and that sidewalk system. Lincoln Street is too far north and would not be utilized. Lincoln Avenue and West Fenton Street are both signalized intersections and are certainly the safest areas for pedestrian crossing. Midblock crosswalks are not as safe as those in signalized intersections. As stated by the applicant he is willing to contribute toward improvements in that area but there are other projects which will occur in this area which will increase the demand for improvements. From our perspective providing the financial means as a mitigation in a fund for the city to design the crosswalk more appropriately for future buildout.

Discussion ensued regarding the offsite pedestrian midblock crosswalk.

Mr. Ethier stated his in agreement with a contribution to the crosswalk. He would appreciate the Board reviewing SEQRA so he could obtain a demolition permit. There will be other opportunities throughout the process to further discuss the pedestrian crosswalk.

Bill McTygue, Alternate, stated setting aside funds for the crosswalk or traffic light has been done in the past by the Planning Board and this can be discussed further at site plan review.

Chuck Marshall made a motion in the matter of the application of 120 South Broadway Site Plan Review, 120 South Broadway, the Planning Board accepts Lead Agency Status for SEQRA Review for the project. Ruth Horton 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; Mark Pingel, in favor; Chuck Marshall, in favor; Bill McTygue, Alternate, in favor

**MOTION PASSES : 5-0**

Mark Torpey, Chair, noted that the Board has not received approval from the Saratoga County Planning Board at this time, as well as additional information required from the DEC prior to review of SEQRA. There also was communication from LaBerge regarding the city is not interested in the dedication of water or sewer infrastructure constructed as part of this project. Is there something the Board needs to consider as part of this project.

Susan Barden, Principal Planner, stated she believes Al Flick reviewed this project and his point was that any of the water and sewer infrastructure that is on the private property would not be taken over by the city. Only the infrastructure that is in the right of way. This is typically how it is done. That change will be made on the plans.

Mr. Dannible stated they are proposing an 8-inch main with fire hydrants going into the site and laterals off that main.

At this time, everything is proposed to be multi-family and the owner of the property will maintain those lines.

Leah Everhart, Counsel questioned the Chair regarding proceeding through SEQRA without the documentation from the DEC, OPRPH, and DOH. Will the Board just note these are to be revisited once proper notifications have been received.

Mark Torpey, Chair, stated we will supplement our answers when we receive proper documentation.

Mr. Dannible questioned if the Board would like to see the communication from OPRPH which he is in receipt of.

Susan Barden, Principal Planner, stated she believes it was DEC regarding the endangered species. This was shared with the Board and applicant pertaining their deferral of Lead Agency Status to the Planning Board, as well as if any permit would be required requesting determination of authority from the DEC for the Karner Blue and Endangered Frosted Elfin on or near the site.

Mr. Ethier stated since this is a redevelopment of a site which has been in existence since 1954. He believes there was a conversation regarding the endangered species.

Mr. Dannible stated there was correspondence from the DEC that this area could house Karner Blue and Frosted Elfin.

As stated in our review and correspondence with DEC there is no habitat to support either species on the property because it was and has been a developed site and there is no need to perform additional studies.

Mark Torpey, Chair, stated as part of the Planning Board process we do require documentation from the Saratoga County Planning Board and DEC to weight in formally and consistency in dealing with all projects before the Board.

Susan Barden, Principal Planner, stated the first application the Site Plan Application was submitted for this project. The Special Use Permit was submitted after that. The County Planning Board and Staff have the Site Plan Application. They wanted to review both the Site Plan Application and the Special Use Permit together.

#### **SEQRA REVIEW:**

Mark Torpey, Chair, stated the Board will review Part II of the long EAF and see how far it progresses without the additional information required.

The Board reviewed the SEQRA Part II of the Long EAF.

Item #4 - **Impact on Groundwater** - As noted this site is the location of the first private spring to exist on the property.

There is a connection that could be made through the ground water and the aquifer. The preservation of that Spring and the integrity of that spring is a focal point of that space we need to assure that it is protected and Preserved. The Saratoga Springs Preservation Foundation offered comments as well. This is an Extracurricular activity we need to be concerned with for this project.

Mark Torpey, Chair, questioned Counsel regarding the Spring on the site which is critical and important, and the applicant is intending to assure that everything is being put in place to acknowledge it with the appropriate controls in place.

Leah Everhart, Counsel questioned if the intent is to identify, if the application is granted, it will have a beneficial impact on the well or to indicate that the applicant is already proposing to take efforts that would protect the well.

Mr. Ethier stated the well was installed in 1964 and is 435 ft. down. The hotel has been there for 70 years so there is no contamination. How can existing groundwater contaminate a well that is 435 ft. down. It is not a new project; it is a project being redeveloped without any impact over this time.

Mark Torpey, Chair, stated he wants to reinforce this as an issue under Site Plan the need to assure, we are preserving the integrity of the Spring and not undermining its function and capability.

Leah Everhart, Counsel stated one way to do this is to identify in the note section of the form only positive impacts are expected because of continued maintenance of the well.

Mark Torpey, Chair, stated he does not believe there is an area on this form to convey his concerns. Early on we recognize that the spring is important, and that the construction activity should not in any way impact that Spring being respectful of what the Foundation has identified.

Leah Everhart, Counsel stated Part III must be completed wherever you find any potential impacts. You may complete it when there is something of relevance that you need to further explain. It seems the Part III maybe the right place to do it. Part III can be utilized for further explanation and does not require an adoption of a Positive Declaration.

Mark Torpey, Chair, stated he will continue with the SEQRA Review and hold off commenting on the spring issue in Part III. This is to offer initiative-taking guidance that this is going to be important early on.

Mark Torpey, Chair continued with review of SEQRA Part II.

Item #7 - **Impact on Plants and Animals** - we will leave this category blank until we receive the required documentation.

Item #13 - **Impact on Transportation** - The Chair stated he would like to leave this section open. It would be helpful for LaBerge to weigh in on the trip assessment analysis to assure that we are looking at an appropriate level of mitigation. We spoke about a crosswalk.

Mr. Dannible stated LaBerge did review the trip assessment analysis, which was completed, and they did not feel any additional traffic mitigation measure was indicated.

Mark Torpey, Chair, stated if LaBerge did review this information and the possibility of the pedestrian crosswalk along with any information from DPW in this regard would provide the Board with additional information to analyze this area on the Part II form.

Mark Torpey, Chair, completed the remainder of the Part II Long EAF. The Chair noted that there are two areas of the form Item #7 and Item #13 which will remain open awaiting additional information. The project as proposed through SEQRA looks good.

Mr. Ethier stated following receipt of information from the DEC and the Saratoga County Planning Board we can move forward with SEQRA and then move to the DRC.

Susan Barden, Principal Planner, stated the Board would request information from the applicant for a plan for protection which might help in formulating Part III. They have shown on the plan that those areas will be preserved but not necessarily how during construction.

Mark Torpey, Chair, asked the applicant if they might meet with the Saratoga Springs Preservation Foundation to obtain feedback on how to appropriately protect the spring. Also, to meet with the adjoining neighbors and inform them of you plans might also assist in moving forward.

**NOTE:**

Board Member Chuck Marshall recused from the following application and exited the meeting at 9:05 P.M.

9:05 P.M. The Board recessed  
9:08 P.M. The Board reconvened.

- 4. #20220235 131 EXCELSIOR NORTH SPRING RUN SPECIAL USE PERMIT, 131**  
Excelsior Avenue,  
consideration of coordinated SEQRA Review of a proposed 102-unit multi-family residential project  
in the Transect-5 (T-5) District.

Mark Torpey, Chair, stated since there are only four members of the Board present this evening, we will treat this appearance before the Board tonight as a sketch plan discussion. It will be an opportunity to provide information to the Board and we can share thoughts with the applicant.

Applicant: Conifer Realty, LLC

Agent: Michael Birkby, Sr. Project Director, Conifer Realty  
Doug Heller, LA Group

Mr. Birkby, Senior Project Director for Conifer Realty who provided a brief overview of the company who has been in business over 50 years and currently manages over 15,000 units in over 200 communities throughout New York, New Jersey, and Maryland. We have been involved in this site for years.

Mr. Heller provided a visual of the site and surrounding vicinity noting the site itself consists of 4.2 acres in size which sits 24 ft. below Route 50 in elevation and 12 ft. below Loughberry Lake. A Geotech study was completed as well as borings completed throughout the site. Ground water flowed east to west to the drainage ditch with the groundwater getting lower heading west. A visual of the survey showing the existing conditions and topography of the site was provided. There is an elevation change along Excelsior Avenue and the frontage of the building. Along the western edge of the property is the drainage channel which includes discharge from DOT Route 50 and is the primary spillage from Loughberry Lake. There was a hazardous investigation on the site for a minor asbestos problem involving one sink and one door and caulking, which has been abated during the demolition and removal of the building itself. The proposed project includes 102 apartment units proposed in two buildings which are interconnected. Site access will be constructed along the western portion of the site. Parking is setback from the property line and along the frontage of the building setback an additional 12 ft. The building is setback 60 ft. from the property line. This requires a frontage build out of 70% in the district. Mr. Heller note the DOT drainage easement along the western portion of the property and to the east there is an existing residence where it transitions to the UR-1 District and the homeowner requests the maintenance of existing vegetative buffer. Due to those restrictions, we were unable to meet the frontage requirements and have submitted an area variance request for that. We are proposing 153 parking spaces for the project as well as 4 EV charging stations. On street parking will also be provided mimicking that across the street. Streetlights and street trees to city's standards. The entrance to Spring Run will be reconfigured to accommodate this construction. We are providing bike racks and internal bike storage room. Dumpster enclosure provided along the east side for the eastern building. For the western building there is trash compactor provided as well as potential future connector to any future develop in this area. Civic space proposed for this project and discussion with city staff indicated the possibility of interest for a midblock pedestrian crosswalk which would bring you to the Empire Run Development where they have a trail along the western property which connects to the Spring Run. Mr. Hellen provided information regarding the topography of the site and reviewing the grading and drainage plan which he spoke of earlier. No basements or underground parking is proposed. Storm water planters and underground detention systems are proposed for storm water management to existing piping and systems in the area down to the drainage channel. Slopes have been stabilized. Water is serviced by the City of Saratoga Springs and sewer by the Saratoga County Sewer District.

Tom Ryan representing Clark provided a visual rendering of the proposed site showing two apartment buildings totaling about 43,000 sq. ft. There 102 apartments proposed. 62 apartment buildings in Building 1 and 40 in Building 2. The height of the buildings is about 42ft. below the 50 ft. requirement in the district. The amenity spaces are contained on the ground floor of Building 1. Amenities include a community room, a business room, a fitness center, bike storage room, dog wash station and a leasing office will also be located on the ground floor of this building. Amenities on the second floor of Building 1 include a yoga studio, storage lockers and third and fourth floor amenities include additional storage and media rooms. The community and business center and the leasing center are on the ground floor facing Excelsior Avenue and will provide the nonresidential uses along the key frontage of the building. Adjacent to this area is a small parking area to service these areas. For the exterior design we are proposing deems to create a pedestrian friendly building with connections to Excelsior Avenue. There is horizontal banding in both the brick and the siding to bring down the verticality of the building, make it more appealing to pedestrian traffic and denote the services and amenities of the first floor. There are connections to Excelsior from the community room as well as all the first-floor residential units on Excelsior. The building exterior forms and finishes were selected to compliment nearby developments such as Empire Run and Hamlet. There is brick on the first and on the second floor. Composite siding with horizontal banding and ganged windows on the upper levels. There is a cantilevered cornice with ornamental brackets. Units have balcony access which are setback a bit to be consistent with urban housing. Pergolas will be provided on the fourth-floor balconies. All the fenestration windows and storefronts

will be black in color. A visual of the bridge connector between the building which is accessed from the second floor up. The bridge will be clad with materials which are used on the building. We are scheduled to appear before the DRC in August.

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

Mark Torpey, Chair, questioned the nature of the drainage easement and what function it has and how it works. It appears a portion of the parking falls within that area.

Mr. Heller stated the drainage easement contains the DOT discharge into the channel. The easement allows for maintenance, replacement of any of their storm structures within that area. The pavement currently does go over that drainage easement area, so we kept the structure out of that area. A parking lot or sidewalk does not prohibit maintenance or repair by the DOT.

Mark Torpey, Chair, questioned if the entire first floor of Building 1 is dedicated to nonresidential uses along the front streetscape.

Mr. Heller stated there are residential units along the first-floor streetscape of Building 1. Mr. Heller provided floor plans of the first floor Building 1 indicating the apartment units. There are all residential units on the first floor of Building 2.

Mark Torpey, Chair, stated in the Transect-5 District it is not expressly stated that in mixed use in not required for every project. A commercial and residential component. There are options. These commercial uses are not intended for pedestrians to come off the street, it is more associated for residents of the building and community room.

Mr. Heller stated the available commercial areas across the street remain unleased which is part of the reasoning for this configuration. We are moving closer to the residential district in this area.

Mark Torpey, Chair, questioned if a traffic study was completed for the project.

Mr. Heller stated there was a traffic study completed for the project as it was included in the submission and included in the paperwork submitted to Barton and Loguidice. The conclusion was an increase in 24 PM trips coming from the west and from the east with about 16 trips.

Mark Torpey, Chair, stated in the Excelsior Park project further down in this area it was determined there were trigger points for traffic. The Beacon project was required to provide mitigation on Route 50 and Veteran's Way. With this project coming to fruition the next point was a signalized intersection at Marion and Excelsior. The Chair is unsure of what the thresholds are and if this project pushes the thresholds to require mitigation.

Mr. Heller stated that trigger is 75 additional trips to that intersection. He provided information to the Board regarding the mitigation point.

Mark Torpey, Chair, questioned if the city had a designated engineer review this traffic study and provided information on those results.

Mr. Heller stated this was provided to Barton and Loguidice and included in their letter they noted the traffic evaluation provided by Creighton Manning and they did not have any traffic comments.

Mark Pingel questioned if these documents were provided.

Susan Barden, Principal Planner, stated she believes this may have been included in the Special Use Permit information. She assured the Board that this information will be provided in both applications.

Mark Torpey, Chair, spoke about the Excelsior Park Project -workforce housing including green initiatives. For a purely market rate project such as this what would you think about in terms of lead certification or exceeds energy codes. Have you given that any consideration.

Mr. Ryan stated they have spoken about implementing green initiatives for the project. We will be implementing energy star for new construction, with that comes inherit energy efficiencies, lighting, windows, and advance framing techniques to help with insulation. We will be adding an enhanced building exhaust system, low flow plumbing fixtures, energy efficient mechanical equipment.

Ruth Horton questioned if they considered onsite solar.

Mr. Ryan stated they have discussed this, but a decision has not yet been made.

Bill McTygue, Alternate questioned the size of the apartments.

Mr. Ryan stated they are one-, two- and three-bedroom apartments, ranging from about 600 sq. ft. to 1100 sq. ft.

Mark Torpey, Chair, stated he would be interested to see what the DRCs comment is concerning the architecture. The Chair stated the buildings do look a bit boxy and heavy. If there is a way to soften the square box type look may go a long way to improving how this looks. It does not have to follow the same pattern. This does resemble the other apartments in the area and may not be so pleasing.

Mr. Heller stated they did meet with the DRC, and it was well received, and they liked where it was heading. They did have suggestions. We can proceed through SEQRA at the next meeting.

Mark Pingel spoke about the side parking and the ability to screen this area.

Mr. Heller stated they can provide additional screening and landscaping in this area.

Bill McTygue, Alternate also recommended cleaning up along the frontage of the building.

Mark Torpey, Chair, stated at the applicants next appearance before the Board we will have better attendance by members and the ability to provide additional input. The applicant can work at the design a bit and of softening of the look of the project.

**UPCOMING MEETINGS:**

Planning Board Workshop, Thursday, July 21, 2022, at 5:00 P.M.

Planning Board Meeting, Thursday, July 28, 2022, at 6:00 P.M.

**MOTION TO ADJOURN:**

There being no further business to discuss Mark Torpey, Chair adjourned the meeting at 9:56 P.M.

Respectfully submitted,

Diane M. Buzanowski  
Recording Secretary

Minutes approved September 15, 2022