



PLANNING BOARD

MINUTES (FINAL)

THURSDAY, JULY 28, 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; Kerry Mayo; Todd Fabozzi; Chuck Marshall; Mark Pingel;
Bill McTygue, Alternate

ABSENT : Chuck Marshall; Ruth Horton

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.

- 1. #20220706 215 GRAND AVENUE FINAL SUBDIVISION EXTENSION**, 215 Grand Avenue, Approval extension of a previously approved two-lot subdivision in the Urban Residential-2 (UR-2) District.

Mark Torpey, Chair, stated this is a simple extension of a two-lot subdivision. The extension requested is 90 days.

This would take us from June 1, 2022, to September 1, 2022.

Mark Pingel made a motion in the matter of the 215 Grand Avenue Final Subdivision Extension application, 215 Grand Avenue, be approved as submitted. Kerry Mayo seconded the motion.

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

VOTE:

Mark Torpey, Chair, in favor; Kerry Mayo, in favor; Todd Fabozzi, in favor; Mark Pingel, in favor; Bill McTygue, in favor

MOTION PASSES : 5-0

- 2. **#20220557 TAIT LANE RESERVE SPECIAL USE PERMIT EXTENSION,** 14 Tait Lane, approval
 extension of a previously issued Special Use Permit for an affordable housing/multi-family residential project in the Transect-4 (T-4) district.

Mark Torpey, Chair, stated the applicant has requested an 18-month extension of the Special Use Permit from July 8, 2022, to January 8, 2024, due to the applicant seeking state level funding for the project.

Todd Fabozzi made a motion in the matter of Tait Lane Reserve Special Use Permit Extension, 14 Tait Lane that the application for an 18-month extension be approved. Bill McTygue seconded the motion.

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

VOTE:

Mark Torpey, Chair, in favor; Kerry Mayo, in favor; Todd Fabozzi, in favor; Mark Pingel, in favor; Bill McTygue, in favor

MOTION PASSES : 5-0

C. APPLICATIONS UNDER CONSIDERATION:

- 3. **#20210989 STEWART 'S 402 LAKE SITE PLAN,** 402 Lake Avenue, Site Plan of a proposed new 4,000 sq. ft., convenience store, gasoline pumps and associate site work in the Rural Residential (RR) District.

Mark Torpey, Chair, stated the applicant has appeared before the ZBA for area variances which were granted on September 27, 2021. The Planning Board through Administrative Action approved a lot line adjustment on March 19, 2021. The Planning Board performed a SEQRA Analysis and a SEQRA Negative Declaration was issued on July 29, 2021. Use Variance was approved on April 25, 1990, to permit construction of a Stewart’s Shop with two canopied gasoline islands to sell food, gasoline, dairy products, and sundries. This project does require architectural review by the DRB. The DRB has approved demolition of the existing structure on 10/21. DRB is awaiting site plan approval before considering the new construction.

Mark Torpey, Chair, stated at the workshop we discussed the truck movements around the site, how the trash pickup will be managed, bike, pedestrian accommodations to the site, Gilbert Road realignment and possible restricted movement, parking waiver, signature gateway, rural design standards and landscaping.

REQUIRED REFERRALS:

Saratoga County Planning Board referral received on 05/19. No Significant Countywide or Intercommunity Impact.

Applicant: Stewart's Shops

Agent: Libby Coreno, Attorney; Ryan Rubado, Stewarts; Matt Van Wie, Creighton Manning Engineering

Ms. Coreno thanked the Board Chair for providing a quick history of the project. A visual timeline of the project was provided noting the delay in moving forward was due to the need for Stewart's to obtain the additional property from the Anderson's as well as an easement to the west for the new signalized intersection. This site has been a convenience store since the 1990's. We are currently working with the DRB on the design of the store which is an Agrarian farmhouse type of style since it is in the gateway entry into the city. A visual of the current intersection at the corner of Weibel Avenue and Lake Avenue was provided to the Board as well as what is being proposed minus landscaping details. Ms. Coreno provided the parking calculation and revised site plan showing the reduction in the parking spaces and their location. We were able to reduce the parking to 18 total spaces from 24 spaces.

Mr. Rubado, Stewart's stated the existing store has 18 parking spaces which are always full. Ms. Coreno stated we have included bike parking availability which the current store does not have. We are trying to stay within the parking requirements and not ask for a waiver the Board is not inclined to give. Ms. Coreno provided a visual of the alternate site access for Gilbert Road and why it will not work. It will increase impervious surface by 5%.

Taking us beyond the 48% impervious surface approved by the ZBA and would require additional variances. Traffic safety, no improvement is due to NYSDOT recommends a right turn out only. Also, site safety, not ideal to direct traffic into load zones so the long access drive was necessary and impedes interior flow. There is discussion concerning the re-routing of Gilbert Road. There may be an alternative way to access the site at a point in the future. Ms. Coreno provided a revised landscaping plan and sidewalk visual since there was confusion about the available area to landscape from complete streets. If there are going be additional planting, we consent. There are buried utilities, water mains, and site distance concerns. There must be conversations regarding future landscaping and those that were cited in the Complete Streets plans are not on Stewart's land. We do have additional plantings in the new plan in the northern portion of the property. We can work on the sidewalks and the planting with DOT and even the city arborist. Ms. Coreno reviewed the Gateway Design Standards along with a visual of the existing site and DOT Right of Way and lands. In the visual of the proposed new building and site, landscaping has been left out to provide the Board with a better image of the building, gas canopies and available parking. Ms. Coreno stated another issue which was brought up during the workshop was the widening of Route 29 past Gilbert for bike lanes. The city agrees with Stewart's regarding the widening of the road east of the Gilbert Road intersection. It should not be undertaken as part of this project since it is such an extensive project itself. The City and Stewarts and the traffic engineers agree that DOT and the City are in conversation regarding a successful stripping plan that would work in the interim until a major road

Widening effort is undertaken. A comment was made in the letter from Complete Streets that the issuance of a SEQRA Negative Declaration is not relevant to site improvements. Ms. Coreno stated Stewart's Negative SEQRA Declaration coupled with its impacts to traffic at the time that vote was taken, and any off-site mitigation was identified in that SEQRA records. From that point on any offsite improvements are beyond the authority of the Planning Board because it does not mitigate anything identified in the SEQRA record. Onsite mitigation can still be done. Just to be clear, she absolutely disagrees that the Negative Declaration on SEQRA for the mitigation of the substantial new intersection is not relevant. It is incredibly relevant and if Stewart's does undertake the

stripping it would be considered an offsite improvement beyond the bounds of its property. They are willing to undertake the stripping plan
As part of the corporate citizen and to complete the intersection.

Mr. Rubado provided information to the Board regarding the trash truck movements and have they will enter off Gilbert Road and exit off Lake Avenue via the new intersection. The fuel delivery trucks will enter off Lake and exit off Lake.
due to the Gilbert Road weight restriction.

Mark Torpey, Chair, stated we have received correspondence from Tina Carton, from the City regarding the pedestrian issue and safety issues. Also, cycling safety considerations as well.

Todd Fabozzi spoke about the ingress and egress being moved further down Gilbert Road and the truck movements concerning ingress and egress with that configuration as well.

Mr. Rubado stated he has not completed those turning configurations.

Ms. Coreno provided a visual of the alternate site access to Gilbert Road and noted it would be a zoning violation since there would be additional impervious surfaces. It would require returning to the ZBA for additional relief when relief was already granted based upon the configuration shown. It would be a code violation.

Todd Fabozzi spoke regarding obtaining a variance for the optional site access to Gilbert Road. You asked for relief for one configuration, and we are asking for an alternate configuration. Why could you not request an additional variance if we have determined an alternative access.

Ms. Coreno stated these are the setbacks and variances that were legally approved by the ZBA. They have decided regarding the coverage relief.

Bill McTygue stated he agrees with Todd.

Leah Everhart, Counsel to the Land Use Boards, stated the ZBA is not prohibited from considering a further or additional variance application. The justification for doing so is the Planning Boards request for an additional site plan or design.

Ms. Coreno stated the applicant will make an application to the ZBA based on a request from the Planning Board to establish the five-part test for an area variance. There is an alternative. How could we make the case to the ZBA.

Leah Everhart, Counsel to the Land Use Boards, stated it is a five-point test it that feasible alternatives are available. They have obviously seen that in other plans. It does not mean the entire balancing test would be weighed against the variance issuances. Were it to weight against the variance issuance, and the ZBA were to deny then it is a reason for the Planning Board not to require that configuration because at that point it would be clear that the applicant cannot comply because the ZBA would have denied the application.

Ms. Coreno questioned what occurs with SEQRA and the determination made based on that configuration for zoning relief. So, we are in a zoning circle, we seek the relief required and provided to us by the city, which is applied for coordinated review based upon the plans. Full review by the Planning Board. Negative declaration on those plans. Then seek area variance relief based on those plans before the Planning Board will hear that matter. Bring those plans to the Planning Board and then told to go back to the ZBA.

Leah Everhart, Counsel to the Land Use Boards, stated it is an additional step. What Todd was asking was if it was possible. Nobody has made the determination that it would be necessary. A question was asked if the alternative design could accommodate the truck turning radius. The applicant is willing to do this but there are practical difficulties in pursuing that as a final plan.

Ms. Coreno stated they provided that information and have no issue in doing so.

Todd Fabozzi stated his question was merely a safety issue question overweighing permeability issues for safety over aesthetic considerations.

Ms. Coreno stated she has not seen any traffic issue comments from the city. Do they exist?

Mark Torpey, Chair, stated they have received email correspondence from Andy Krupski, Traffic Division, DPS.

These stated from a DPS perspective a left-hand turn prohibition with a right-hand turn restriction coming out of Gilbert. They did not seem to support that. It was a one or two sentence comment. We can provide that to you.

Ms. Coreno apologized to Board Member Todd Fabozzi stating they had not seen the email information provided by Andy Krupski. She was unaware where the conflicting information was coming from.

Todd Fabozzi questioned if the Board is bound by that comment from the city and DPW that we cannot make that decision, or can we require a restriction and right turn only even if that is a recommendation from DPW.

Leah Everhart, Counsel to the Land Use Boards stated they have not seen this communication either. It was a very terse email, rather informal. This is just a recommendation. She is unaware of any compulsory power that such a recommendation would have on the Planning Board.

Bill McTygue stated he has seen this type of signage before. This signage was ignored repeatedly and was finally taken down. Keep in mind the Planning Board strongly recommended to the city the realignment of Gilbert Road. This goal is supported by everyone to see that intersection of Gilbert Road and Lake Road be eliminated. Let us keep that in mind, that reconfiguration of Gilbert Road would better suit the whole idea that Todd is stressing here with Plan B configuration.

Mr. Van Wie, Creighton Manning stated DOT recommended that the Gilbert Road driveway be a right turn out only.

The Planning Board has not yet decided. If that is the case, then the location of the driveway on Gilbert would not be impacted by where it was located safety wise. You site distance is ample in both configurations.

Ms. Coreno stated the CME traffic report that is in the record and was reviewed as part of SEORA and the recent rounds of comments shows even without right turn only there is adequate site distance to come in and out of this current configuration, So, from a safety perspective, the traffic record for the project notes there is ample one way or even if it is not restricted to right turn. Our position would be to rest on what the traffic engineers have submitted. Ms. Coreno stated she does not want it to state in the record if something is not safe when it is not.

Discussion ensued among the Board regarding the alternate site access to Gilbert Road, proper signage, site distances,

Mark Pingel stated some drivers do follow the rules. A no left turn sign with appropriate signage also on the Stewart's side would give drivers time to decide which way to go. He does not feel this is an overwhelming issue. The possibility is there that the DOT recommendation would improve safety.

Mark Torpey, Chair, stated if we require a no left turn sign be implemented does the Planning Board have jurisdiction over that specific signage or is it DPS's call.

Leah Everhart, Counsel to the Land Use Boards, stated the Planning Board can decide on the entranceway configuration and rules. Was a no left turn sign be placed across the road on Gilbert could the Planning Board mandate that? Could the city department say no we are not putting that up. Maybe but it seems very unlikely that we would have a lack of cooperation, but the Planning Board decides on the entranceway and exits and left turns and right turns.

Ms. Coreno stated if that was the decision and a right turn only sign was placed, and someone violated there is enough site distance even for the violator to not pose a safety concern.

Susan Barden, Principal Planner, stated Barton and Loguidice was the engineering firm reviewing this for the city.

Mark Torpey, Chair, stated we could request Barton and Loguidice to weigh in on what we have been discussing. If it would be a quantifiable or justifiable safety benefit that would accrue by both moving the driveway in the optional plan and as well as the signage.

Mark Torpey, Chair, stated we have written a letter to the City Council which was done by Bill. By moving the access to the alternate position could be a baby step.

Bill McTygue spoke regarding his safety concerns for this intersection.

Ms. Coreno stated in reviewing all safety issues, no unsafe condition was approved.

Kerry Mayo stated he would like to hear what the engineering consultant has to say. He feels the elephant configuration works better and would set it up for when Gilbert Road is rerouted. He does not feel it would be a heavy ask from the ZBA to grant the additional relief.

Mark Torpey, Chair, stated the Planning Board can make an unsolicited initiative-taking advisory opinion to the ZBA regarding the rationale in support of the variance due to safety concerns.

Leah Everhart, Counsel to the Land Use Boards stated this could be set as a condition of approval so the applicant would only return once to the ZBA for this variance request.

Mr. Rubado stated he moved the entrance/exit further down on Gilbert Road. If Gilbert Road were re-routed at a point in the future, we would reroute the site to get rid of the dumpster site location. We would not stay tied into the location we are showing at Gilbert at this time.

Ms. Coreno stated this configuration was done specifically to line it up with a specific driveway. If the Board would like to see the driveway between the proposed and the alternate site access, we would like to know that too. It does not have to stay that way.

Mark Torpey, Chair, stated the Board wishes this project to be as safe as possible.

Mark Pingel stated if the city decides to fix the Gilbert Road safety issue, which will all go away and be ripped up.

None of our consideration should hinge on that decision by the city.

Bill McTygue suggested we forward a copy of the memorandum which the Planning Board sent to city council to the ZBA, as well as Barton and Loguidice.

Mark Torpey, Chair, stated he does not feel the Board is able to decide on this project this evening. The Board would like to receive additional information from Barton and Loguidice as well as provide them with the concerns the Board has discussed tonight as well as the comments from DPS.

Ms. Coreno stated that is perfectly acceptable to the applicant. The most pressing issue is the ability to construct the new intersection. The hope is to make this improvement this year and a major undertaking to get underway with DOT. We are trying to continue to move this forward.

Susan Barden, Principal Planner, suggested the Board continue to discuss the intersection improvements they would like to see, then Stewart's could submit that to DOT for final review and then they would be primed to submit for a work permit at that time.

Ms. Coreno stated that is a wonderful suggestion. The conversations between the city, DOT and the applicant are ongoing. We can wrap up the discussion on the landscaping plan and sidewalks proposed.

Mark Torpey, Chair, stated the applicants have provided the intersection improvements which have been helpful.

You have cleaned this area up in a great way and we would like to commend the applicant for that. The issue we discussed was to provide a safe means of pedestrian access from Weibel Avenue across the intersection to the southern portion of Lake Avenue. So, at a future time when the sidewalks are installed, they have a safe access to the south side.

This would benefit cyclists, and pedestrians both with a crosswalk in this location. We would have the addition of a sidewalk on the southern side of Lake Avenue in the DOT right of way running parallel along the frontage of Stewart's. DOT and the city arborist are working together to identify appropriate plantings, configuration along with Stewart's is a great thing and would be a condition of approval.

Ms. Coreno stated the final landscaping plan could be a part of the DOT permitting process subject for Administrative approval.

Mark Torpey, Chair stated we would bring this back to the Board for a review. Additional recommendation made by Tina Carton was to provide additional stripping on Gilbert Road to provide visualization to alert drivers that there is pathway proposed to allow safe travels to the Bog Meadow Trails. Another would be a recognition that a widening of Lake Road is a major undertaking. Re-stripping of the road would provide additional space for the cyclists per Tina Cartons suggestion. The last topic is the realignment of Gilbert Road. We will await additional information from the city's designated engineer.

Mark Pingel stated Stewart's has been very cooperative on a number of issues. He has safety concerns on the Stewart's property regarding parking. It is better to have the parking spaces rather than have added congestion both on the site and in the gas lanes.

Mark Torpey, Chair, stated Stewart's can look at what they need for adequate parking on the site. The redesign could afford an additional parking space on the site.

Discussion ensued regarding adding additional parking spaces on the site with the reconfiguration of the access/egress location. The Board provided suggestions for additional parking areas on the property.

Ms. Coreno stated we will review the suggestions the Board has made this evening. Revisions will be reworked and resubmitted to the Board awaiting suggestions from the city's designated engineer.

7:22 P.M. The Board Recessed

7:32 P.M. The Board Reconvened.

2. **#20220235 131 EXCELSIOR NORTH SPRING RUN SPECIAL USE PERMIT,** 131
Excelsior Avenue,
Consideration of coordinated SEQRA Review for a proposed 102-unit multi-family residential
Project in the Transect-5 (T-5) District.

Mark Torpey, Chair, this application was last before the Board on July 14, 2022. We discussed the general project.

The projects sit within a critical environmental area of the city as well as the water course protection district of the city.

from a SEQRA standpoint due to its proximity to Loughberry Lake. We did classify this as an Unlisted Action for SEQRA requiring the submittal of a Full Environmental Assessment Form which was submitted on July 25, 2022.

The DRB and ZBA are other involved agencies. The ZBA has proactively asked the Planning Board for an Advisory Opinion since the project does require variances. The Chair stated he would like to bring forward the following areas for discussion prior to SEQRA review.

Mark Torpey, Chair, stated at the workshop we noted changes to the FEAF. We want to assure that all that information has been updated, clear and completed. One issue is the T-5 district calls for parking to be in the rear of the building or properly screened. Due to the request for a variance for a reduction in the frontage requirement that makes this discussion more paramount. We understand the constraints of the site. We spoke about the parking lot design in the rear of the building which really does adhere to the 10% requirement for open space in the parking areas. We discussed the T-5 district requiring mixed-use. Civic space has not yet been discussed but is required in this district.

There is significant buffering on the site along with a significant change in slope with a transition from T-5 into a

Urban Residential District to the east. There are old growth trees and how that buffer can be preserved along with a tree survey. There are steep slopes on the site, so a conservation analysis is required and information from the applicant on how they intend to work with the steep slopes to prevent further erosion. We have a large drainage easement on the property that is under the DOT jurisdiction. The Board would like to understand that drainage easement and the DOT perspective if parking is allowed in that area and the language in terms of that easement. In reviewing the Beacon Project in this area, they hit a trigger point to make improvements in the Route 50 - Gick Road - and Veterans Way. This project comes close to the hitting the trigger point for mitigation. This project is 60% of the way towards requiring traffic mitigation. The Chair noted any project on Excelsior that contributes to the problem needs to discuss a prorated share in that mitigation. Board members have discussed size and design under community character. Also, along the Excelsior Avenue corridor there are projects which have incorporated a flat box type roof design. We are

trying to look at alternative designs to soften the roof scape. We discussed the demolition of the existing facility and asbestos removal. There are streams on the property along with rules and regulations to avoid disturbance. The site has been identified bedrock within 7 ft. and the water table at 5 ft., is blasting going to be considered. De-watering may be needed if there is a basement. There was mention of a dam project at Loughberry Lake to be coordinated with DPW. It is a large complex project, and we want to assure none of these issues were left out.

Mark Pingel stated he would like to add the storm water management issue to the list. In reviewing the site plan drawing there are site plan water bodies provided. It appears the swale which is on the west side feeds then into a type of connection to Loughberry Lake. Storm water is connected to that swale. He would like to be assured that what is going into the lake and how it is going to be managed.

Applicant: Conifer Realty - Michael Birkby, Senior Project Director-Conifer Realty

Agent: Doug Heller, LA Group; Gregory Hibbs, Architect

Mr. Birkby provided a background of Conifer Realty which is a full-service realty company specializing in construction, ownership, and management of high-quality communities. They own 15,000 multi-family homes over 210 communities over the northeast and mid-Atlantic. This project will be a market rate community and a self-imposed number of work force housing apartments at this project. We are currently looking at 20% minimum of workforce housing apartments. This is a 102-apartment complex proposed with 28 - one-bedroom apartments, 49 - two-bedroom apartments and 25 - three-bedroom apartments.

Mr. Heller reviewed the existing visual of the project site and surrounding vicinity and the property as it relates to Loughberry Lake. 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, which is 230 ft. from the project site. A Geotech study was completed as well as borings completed throughout the site. Ground water was from 264 - 266 ft. sloping west flowing to the drainage channel and becomes deeper and deeper. A visual of the survey showing the existing conditions and topography of the site was provided noting the elevation change along Excelsior Avenue and the frontage of the building. There was an addition to the building in the northeast corner back in the 1990's. A pre-demolition inspection was completed for asbestos. There was a hazardous investigation on the site for a minor asbestos problem involving one sink, glazing on a window and one door caulking, and a gasket which has been abated. There was also a lead study completed and two rooms had molding which were identified with lead. During demolition we will meet all OSHA state and city requirements for the removal. Along the western portion of the site there is a drainage channel. Feeding that channel is the Route 50 DOT drainage system discharges into that channel and Loughberry Lake spillway overflow. Mr. Heller provided a visual of the DOT drainage easement along the western portion of the property. He notes the purpose of construction, reconstructing and maintaining thereon berms, also for the purpose of constructing, reconstructing, and maintaining thereon a drainage pipeline for the purpose of relocating and maintaining a stream channel. 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. Areas of the current easement were denoted as well as the existing edge of pavement and the existing building on the site were overlaid which denotes the parking falls within the existing pavement, and we are expanding it off to the north and west. There is no construction proposed in the easement area.

Mark Torpey, Chair, questioned if the City Attorney has reviewed the DOT easement language.

Susan Barden, Principal Planner, stated no she has not asked for that as of this date, but she can provide this to him for review.

Mr. Heller stated he took the information on the easement language and provided it on the visual screen denoting the area for the DOT easement.

Kerry Mayo questioned if there is any buffering to the easement required.

Mr. Heller stated for the building itself, the main issue is that none of the building or overhangs extend over that easement. We have collaborated with the architect to assure that this building meets those requirements.

Mr. Heller continued with a visual for the drainage channel noting it is Army Corp of Engineers Wetlands toward the bottom of the embankment, it is non-DEC jurisdictional. There are no setbacks required and we are not proposing to disturb any of the wetlands and all proposed improvements at the top of the bank avoiding any impacts to the bottom of the drainage channel. He also provided a visual of the City Overlay Zoning District Map. Along Spring Run there is the watercourse protection zone. There is also the Public Water Supply District which is the Loughberry Lake 300 ft. step back. Within that 300 ft. zone we are assuring that the proposed building itself is outside that 300 ft. area and there are no proposed structures within that area.

Kerry Mayo questioned if the parking was allowed within this area.

Mr. Heller stated the zoning code only speaks about structures. As previously noted, the parking area site is 15 ft. lower than Loughberry Lake. Nothing draining off this site will be discharging to the lake but draining to the south. Mr. Heller provided a visual map of the existing slopes greater than 15%. He provided an overlay map showing the project site does not infringe on any of the steep slope areas. Mr. Heller provided a visual of the proposed site plan noting the construction of 102 apartment units proposed. One four story building will house 40 units and other four-story building houses 62 units with the two buildings interconnected. We have appeared before the ZBA for variances for relief from the Minimum Building Frontage, due to the drainage easement and the transition to the UR-2 zone. We are proposing 153 parking spaces for the project as well as 4 EV charging stations and 56 internal bike stations. On street parking will also be provided along Excelsior Avenue. 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. 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 which connects to the Spring Run. Green space requirement in the parking area will be met. Mr. Hellen provided information regarding the topography of the site and reviewing the grading and drainage plan which the spoke of earlier. A visual of the landscaping plan was provided to the Board. No basements or underground parking is proposed.

Mark Torpey, Chair, discussed with the applicant regarding reducing the parking for the site.

Mr. Birkby stated they could decrease the amount of parking by 6 spaces.

Discussion ensued among the Board regarding the parking.

Mr. Heller stated at the workshop it was requested to locate existing trees along the eastern buffer. The project itself will impact a 20 ft. swath of trees. A tree survey was completed and a visual was provided to the Board of the 19 trees which will be removed for this project. 11 - 3" - 8" trees will be

removed; 9 - 16" - 8" trees will be removed and 2 - 16" trees will be removed. Along Excelsior Avenue there are large trees which will not be impacted with this project. The grading and drainage plan was reviewed - the proposed action includes use of pervious materials, low impact development methods, re-use of stormwater, or other methods to reduce stormwater impacts. 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 into which we will connect. We are re-using existing storm outlets into the drainage system which will minimize the impacts to the existing banks. We have been in conversation with the city staff who suggested a midblock crosswalk to the Empire Run project. This project proposes a crosswalk with a pedestrian crosswalk symbol and activation on both sides of the road. The Saratoga County Planning Board did make a recommendation for connection to the Green Belt Trail and eventually into Spring Run. A visual of these upgrades was provided to the Board. Mr. Heller provided information on the Traffic Study which was completed. It noted sufficient site distance both east and west bound. They recommended the parallel parking spaces be stepped back 20'. parking spaces along Excelsior Avenue will be shifted to the east to meet that requirement. 40 new peak hour trips are projected. Marion and Excelsior Avenue indicated a traffic signal was warranted if 75 additional peak hour trips are generated. This project will generate 24 vehicle trips and Beacon will generate 30 trips. This is still under the 75-threshold indicated. GPI provided an estimated fair share traffic light would be \$72,000, which the applicant is willing to provide.

Mr. Hibbs provided a visual rendering of the proposed site from Excelsior Avenue showing two apartment buildings. An issue arose regarding the gap between the two buildings and why the gap. As we proceed through the presentation you will see the separation between the two provides a break in the size of the massing of the building. There are two multi-story buildings connected by a pedestrian bridge on levels 2, 3, and 4. This is not a true mixed-use building. That does not connect with what his client has done in previous projects. We have tried to stay true to the T-5 zoning district and note that those elements are where we have housed the leasing office, the business center, the community room, and the fitness room all those elements occur in the lower left first floor portion of the building fronting on Excelsior. In addition, these are designated by larger expanses of glass and is also where the signage is located. Mr. Hibbs provided information to the Board regarding the architecture of the building why it was designed in this fashion. It is simply not a flat box; we have used clapboard siding and the details between units are part of the residential and the interplay the balconies being inset and the pergolas also detailing the uppermost cornice. There is a three-dimensional quality to the building. The use of the brick and clapboard siding provides for a traditional base, middle and top to the overall project.

Mark Torpey, Chair questioned if the community room and the fitness center were for the exclusive use of the tenants.

Mr. Hibbs stated that is for the use of the tenants. He provided views of the floor plans for the Board highlighting the leasing office, business center, community room. Yoga studio, dog wash and media room. Elevations of the proposed buildings were also provided to the Board. 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. 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. The applicant is looking to have the building be as energy efficient as possible. LED Energy efficient lighting, an enhanced thermal envelope performance,

windows, doors, air seal to mitigate air infiltration, advanced framing techniques, maximum inflation within the thermal envelope, enhanced building exhaust systems, low flow plumbing fixtures and high efficiency mechanical units. Natural gas will not be utilized. All appliances will be electric. In addition, we will also have electric vehicle charging stations as part of the project.

Mark Torpey, Chair, questioned if there were any prospective drawings other than what has been shown.

Mr. Hibbs stated that is the only one.

Mr. Heller stated this project was before the DRB back in April and the presentation is exactly what was presented here this evening. They received positive feedback from the DRB for the massing and scale of the building itself. Another issue is the elevation and grading of the project in relation to groundwater. Groundwater was at 264-265 elevation. The proposed eastern portion of the building is set up higher at elevation 275 - 10ft. above seasonal ground water but then steps down to the front portion of the building which sits 12 inches higher than the previous building at 261 about 6-7 ft. above groundwater. As you proceed to the north the building steps up again another 18 inches. The lowest portion of the building is 6ft above groundwater and there is no proposed underground parking or basement.

Todd Fabozzi stated this a really good job and smart thinking about how you have programmed a pattern into this. It represents the spirit of urbanism in this zone without having commercial uses. He is comfortable without having commercial uses in this programming as a means of transitioning into where the single-family homes are. He likes the spacing between the building. If approved, he would like to discuss with the owner this being a demonstration or model project both inside and outside the city for developers. It is great to see that you are transitioning away from natural gas.

Mark Pingel stated there was a comment at the workshop that they wanted to avoid boxes. What struck me in the architecture is that the pergolas on right of the left building breaks up the corner of that building, so it does not look like a box.

Kerry Mayo stated he agrees with Todd comments. Is there any opportunity for solar in the individual units.

Mr. Hibbs stated in terms of solar what would need to happen is structural analysis to be performed in terms of the loads imposed. We would need to layout conduit runs, and location of panels and the electrical room would have to be sized accordingly to have feeders come from the roof.

Todd Fabozzi provided information regarding tenant's availability to join offsite community solar farms.

Mr. Michael Birkby stated they are proposing individual meters in the building. Onsite solar is not technically feasible.

As Todd suggested we can provide and encourage tenants to look at and enroll in community solar.

Bill McTygue questioned if the applicant considered any affordability units or workforce type housing for the project.

Mr. Birkby stated they are not looking for any type of state assistance or tax credits. We are saying affordable is targeting households earning 80% AMI.

Discussion ensued regarding affordable housing and how tenants are recruited.

Mr. Birkby stated the State has an entire procedure for marketing. We would follow a similar type of procedure for marketing, these units. We are happy to work with the city in this regard.

Todd Fabozzi stated he would like to discuss the SEQRA portion of the project and parking and the possibility of moving the six parking spaces on the side of the building. Are there any other areas on the site where parking could be reduced. On the back of the site behind the drainage area.

Mr. Birkby stated he would not want to lose any more parking spaces. **Based on the ratio 1½ per one unit** especially since this is a mix of 1,2, and 3 bedrooms which increased the likelihood that some residences will have more than one car. He is not comfortable losing more than those 5 on the drive isle.

Mark Torpey, Chair, stated based on the presentation personally would like more information on the traffic mitigation proposal. There was a discussion about the cost of the traffic light and apportionment of this project on that. More review and benefit from the traffic engineer to help access the costs of the signal with inflation. It is an area that need further review by the Board in general. The Chair feels the DOT review of the easement and the city's review for the Water Protection District would be helpful for interpretation from one of our attorney's regarding if what is being proposed comports with the spirit and requirement of those easements. Official documentation in these matters would be needed.

The Chair stated he is not enamored with the building layout and architecture. It is the same perpetuation of a box. He has respectfully listened to Todd's comments regarding urban design but without the benefit of any perspective drawings that allow visualization along the street is difficult to interpret how it looks from different angles and vantage points. The Chair would like to see something more flushed out. We have done this on projects, and it would be helpful. Also, what you are using for privacy and buffering and landscaping trees but also the significant change in slope to really make this modest from the viewshed of the residential neighbor. It would be helpful to see the transition from UR-1 to T-5 in a graceful respectful way. The civic space offered - a crosswalk is insufficient as compared to what we have required from other applicants. It is a great connector Spring Run but appears anemic to what is being provided. There is something missing in how this engages with the street. He appreciates the 20% allowance for a type of workforce housing. Will this be held in perpetuity or will it not. The issue regarding memorializing or producing the right recruitment strategy to truly get at the right people who will benefit from this type of housing. How we market or engage the right population. There is a specific set of requirements when a project is built along a stream, corridor. There is a city requirement that looks at the center line distance of that stream and a certain no disturbance buffering around it. It is not clear whether this project adheres to that in a definitive way. Lastly on this dam project. Something is envisioned where DPW wants to improve or remedy the dam and make it more robust and how this project allows for any onsite work on the property to accommodate that. A better gauge on how we can work together and compile more formal language. Regarding the green design he applauds the applicant for that. The Beacon project down the road from this project is a great affordable housing project with green design concepts and are attempting to reach a net zero concept. The Chair requested to see the CO2 per sq. ft., analysis for this project and have a way to start benchmarking performance in a methodical way so we can compare this project with the Beacon project. We can piece together a thoughtful strategy for other projects. The Chair stated he would like to have more information prior to reviewing SEQRA for the project. The information has been helpful, but he is not able to move forward with SEQRA this evening.

Mr. Heller questioned the Board for what additional information they would be requiring from the applicant. The cost for the traffic light installation was supplied just this past January of 2022.

Mark Torpey, Chair, questioned who provided the cost estimate.

Mr. Heller stated GPI provided a cost estimate for this traffic light as part of the Excelsior Park Special Use Permit.

They also provided cost estimates for all the traffic improvements in this area as they are being needed. The total cost for the traffic light was at the corner of Marion and Excelsior Avenue was \$225,000. 131 Excelsior Avenues portion is \$72,000.

Mark Torpey, Chair, stated what he is looking for is an independent based analysis of an applicant-based number.

He believes it was Chazen who was the engineering firm representing the city for the Excelsior Park project. He would like to have them involved to provide an objective analysis of that cost. Especially now with all the issues we have relative to increase in costs, inflation, and adjustments. That objective analysis would be warranted.

Kerry Mayo questioned how the fair share cost analysis was performed and determined.

Mr. Heller stated this project has 40 peak trips. Of that 60% are going either to or from that intersection. So, 60% of the 40 trips is 24 vehicle trips. 75 trips would then require a traffic signal being warranted at that intersection. So, the 24 divided by that 75 gives us a percentage that was then applied to that \$225,000.

Mark Torpey, Chair, stated the trigger point for Excelsior Park is a trip generation at peak hours. There was not a further parsing out how those vehicles leave the property and then apportion themselves in different directions. It was number based on trips. The Chair would like an independent viewpoint on behalf of the city.

Mr. Heller stated it was Barton and Loguidice were the reviewers. The traffic study was included in the original application. Are you simply requesting review on the fair share amount?

Mark Torpey, Chair, stated he was only raising the issue because of the amount the applicant has offered which is laudable and helpful to understand how accurate those estimates are. He is focused on just that mitigation and its apportionment.

Mr. Heller clarified the information the Board has requested.

Todd Fabozzi questioned across the way towards downtown there is an area designated on Google Maps as Excelsior Park. It is next to the Spring Run Trail on Excelsior Avenue and East Avenue. It is an open green field which owned by National Grid.

Susan Barden, Principal Planner stated the property is owned by National Grid.

Todd Fabozzi questioned if there is a use, they have for that. He agrees with the Chair concerning the civic space which has on occasions only been a bench. With all the development in this area - this is a perfect space for a park. There could be enhancements open to that for civic space for this neighborhood.

Mark Pingel stated there is a large space across from the Hamlet an undeveloped grassy area. That property could also be utilized.

Bill McTygue spoke regarding the area by the hot dog stand. Years ago, that area was remediated by National Grid for coal tar. There are stipulations on how that property can be used in the future due to the cleanup classification.

Mark Torpey, Chair stated we have spoken about the potential for onsite solar versus community solar. He agrees the community purchase option a good thing. Civic space does not need to be physically located on the property or a civic space contribution be physically located on the premises. He encourages the applicant to think about this, improving the actual trail that takes you down to Spring Run for safe access.

Bill McTygue stated regarding the storm water runoff. Particular attention needs to be taken by the applicant regarding the city's regulations to assure the correct measures in this area.

Mark Pingel stated there is a type of transformer on the site. It was not mentioned in the presentation. Is it an active transformer.

Mr. Heller stated he is unsure if it is active, but they will investigate and provide that information to the Board.

Mr. Heller provided information to the Board regarding the SWPPP which was performed on the site, submitted, and reviewed by the city's designated engineer to assure it met all storm water requirements and attenuation.

4. #20220612 YMCA SITE PLAN MODIFICATION, 290 West Avenue, proposed modification of an approved sit plan for expansion of the YMCA facility including construction of additions to a previously approved building in the YMCA PUD.

Applicant: YMCA, John Pecora, CFO, YMCA

Agent: Mike Ingersoll & Matt Brobston, LA Group

Mr. Ingersoll stated we have an approved project which is under construction right now. The difference is the Senior Center which is behind St. Peter's will moving into these new structures lower level before January 1st. We will explain what we are proposing for this project.

Mr. Pecora, CFO spoke regarding the history of the project, as well as the 17, 000 sq. ft. addition and an active site plan which was being phased in. We have immediate needs to provide additional outdoor activities our membership was growing. A new branch was built in Malta and then Covid happened, and everything stopped. Since that time, the Senior Center approach the YMCA and noted they needed more space and saw the PUD as an opportunity to expand onto our property. We had the site plan, an interested donor who stepped forward and did the first phase of the project as well as a tenant for the current Senior Center which would solve a big problem for the city. We took a risk and this benefits 3 nonprofits. The YMCA has been a good community partner in this whole collaboration, and we hope to get approvals to move forward.

Mr. Ingersoll provided a visual of the site noting what is being proposed. An aerial view of the project location was provided as well as a history of the YMCA PUD and site plan from 2005, the current YMCA Community Campus PUD map, the approved PUD Development Zone Map, and the 2016 Expansion Master Plan. Mr. Ingersoll further reviewed and provided a visual of the YMCA sequence plan noting that Phase I has built and completed. Phase 2 is currently under construction. Mr. Ingersoll continued with a visual of the revised building overlaid on the previous

Phase 2. The current 17,000 sq. ft. 2 story addition which was approved and is being built now along with the proposed parking. What we are here asking for is the 2nd floor space and the addition of the additional 5,100 sq. ft. gym area. Floor plans were provided for the Board. The first floor is the senior center area along with a community space which occupies the entire first floor. It is a much more functional space all on one floor. A view of the second-floor plan was also provided. This area will be accessed from inside the YMCA to this area which will house fitness equipment, yoga rooms, community space and activity space which is needed. Views of the gym floor plan was provided. It will be a play area and gym for the day care. Views of the existing conditions on the site were provided along with what the proposed 5,100 sq. ft. addition to the building. This project received DRB approvals last week.

Mark Torpey, Chair, questioned if the square footage being proposed is all under the 130,000 sq ft that is articulated in the PUD.

Mr. Ingersoll stated absolutely and there is about 8,000 sq. ft. which remains. The proposed parking plan was also reviewed. As part of the approved 17,000 sq. ft. project permeable pavers are to be installed as part of the modification 20 spaces. Additional permeable parking about 36 spaces along the west side of the existing driveway to be constructed if needed. Parking and walkways are to be constructed as part of the existing approved project allowing 18 spaces. We are not asking for a waiver just build if needed. A parking utilization study was performed by YMCA staff and that information was provided to the Board. Mr. Ingersoll provided views of the storm water management currently on the site as well as an existing irrigation cistern which waters the ball fields. Sewer and water will be connected to what is currently there. Mr. Ingersoll stated he had a conversation with Susan Barden, Principal Planner regarding SEQRA.

In the past the city had provided a negative declaration for the entire project; each subsequent reviews considered the issues surrounding SEQRA but there was no formal action taken. We have completed a Short EAF for the project and it was submitted to staff, nothing has changed. Saratoga County Planning Board approval has been received as well.

Mark Torpey, Chair, stated the project is staying within the confines of the PUD, the public benefit provided is quite impressive and laudable. He appreciates banking the parking. No impact to any neighbors and is a great project. He would be happy to see if the Board would like to reaffirm SEQRA.

Susan Barden, Principal Planner, stated she supports what has been provided by Mr. Ingersoll. In reviewing the history from 2016 - the 17,000 sq. ft. addition, was done as an Unlisted Action, Short EAF provided. The Planning Board reviewed the Part II at that time. So, she feels it is appropriate to do that again for the additional 17,000 sq. ft. plus the 5,100 sq. ft. that is beyond what was done in 2016.

Leah Everhart, Counsel, questioned if the additional 17,000 sq. ft. part of the initial SEQRA review.

Mr. Ingersoll stated the original PUD SEQRA did evaluate the entire 130,000 sq. ft. buildout. The Negative Declaration from the very beginning did look at the full project which we are not at that level yet.

Leah Everhart, Counsel, noted then that the SEQRA review included an evaluation of all environmental impacts which will result in full build out. We are not at full build out, yet which was evaluated by square footage and not by specifically what was proposed. This was already considered for SEQRA purposes. You do not need to reaffirm any previous SEQRA

review. The Board can simply adopt a motion finding that this falls within the previous SEQRA Review and no further SEQRA review is warranted.

Mark Torpey, Chair, stated there will be no further SEQRA Review and we will provide a motion noting that.

Mark Pingel made a motion in the matter of the YMCA Site Plan Modification, 290 West Avenue, the Planning Board has determined that the project falls within the threshold of the initial SEQRA Review and no further SEQRA Review is warranted. Kerry Mayo seconded the motion.

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

VOTE:

Mark Torpey, Chair, in favor; Kerry Mayo, in favor; Todd Fabozzi, in favor; Mark Pingel, in favor; Bill McTygue, in favor

MOTION PASSES : 5-0

Mark Torpey, Chair, stated we will now move onto site plan modification. We are speaking about the second-floor addition of 17,000 sq. ft. and the addition. We have previously approved the initial 17,000 sq. ft. addition for an approved use. We are also approving the additional 5,100 sq. ft., addition. There is no increase in impermeable surface.

Bill McTygue made a motion in the matter of the YMCA Site Plan Modification, 290 West Avenue, with the notations as stated by the Chair. Kerry Mayo seconded the motion.

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

VOTE:

Mark Torpey, Chair, in favor; Kerry Mayo, in favor; Todd Fabozzi, in favor; Mark Pingel, in favor; Bill McTygue, in favor

MOTION PASSES : 5-0

APPROVAL OF MEETING MINUTES:

Mark Torpey, Chair made a motion to approve the Planning Board Meeting Minutes from June 23, 2022, as submitted.

Kerry Mayo seconded the motion.

VOTE:

Mark Torpey, Chair, in favor; Kerry Mayo, in favor; Todd Fabozzi, in favor; Mark Pingel, in favor; Bill McTygue, in favor

MOTION PASSES : 5-0

UPCOMING MEETINGS:

Planning Board Meeting, UDO Training, Thursday, August 11, 2022, at 6:00 P.M.

MOTION TO ADJOURN:

There being no further business to discuss Mark Torpey, Chair adjourned the meeting at 9:58 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

Minutes approved September 15, 2022