



PLANNING BOARD

MINUTES (FINAL)

THURSDAY, JANUARY 16, 2020

6:00 P.M.

RECREATION CENTER

CALL TO ORDER: Mark Torpey, Chairman called the meeting to order at 6:05 P.M.

SALUTE TO THE FLAG:

PRESENT: Mark Torpey, Chairman; Jamin Totino, Vice Chairman, Ruth Horton, Sara Boivin; Todd Fabozzi; Lexi Bonitatibus; Kerry Mayo

STAFF: Susan Barden, Principal Planner, City of Saratoga Springs
Vince DeLeonardis, City Attorney, City of Saratoga Springs

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.

PRESENTATION: TINA CARTON, CITY STAFF – COMPLETE STREETS ADVISORY BOARD

Tina Carton provided an overview of multi-modal transportation within the City in conjunction with the Complete Streets Plan adopted by the City in 2016. This includes the Pedestrian Network and Facilities, with a visual presentation of the existing pedestrian facilities throughout the City as well as the mapping of the existing sidewalk network. The ADA Transition Plan, Missing Sidewalk Plan, Bicycle Network and Facilities, Linking of the Trail System and Updating of the Greenbelt Trail were also reviewed. Trolley and Bike Share Programs and Maintenance of the City Code were also included in this review. This information is available on the City's website.

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. 20190428/18/034 JEFFERSON STREET SUBDIVISION,** 41-45 Jefferson Street, Extension of Subdivision
Approval of a four-lot residential subdivision in the Urban-Residential-2 District.

Mark Torpey, Chairman stated this is a request for a 90 day extension of approval for a 4 lot subdivision. The applicant is still finalizing land transfer documents with the City Attorney's office. This approval will expire on February 15, 2020.

Ruth Horton made a motion in the matter of the Jefferson Street Subdivision, 41-45 Jefferson Street to approve the 90 day extension application for this 4 lot residential subdivision. Jamin Totino, Vice Chairman seconded the motion.

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

VOTE:

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Sara Boivin, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor

MOTION PASSES: 7-0

C. APPLICATIONS UNDER CONSIDERATION

1. **20190117 EBERLEIN SUBDIVISION**, 42 Ruggles Road, final subdivision of a 2-lot conservation subdivision within the Rural Residential District.

RECUSAL:

Board Member Lexie Bonitatibus recused from this application.

Mark Torpey, Chairman stated this is a proposed two-lot conservation subdivision within the Rural Residential District. The Board has seen and reviewed this project several times at a number of meetings. The public hearing remains open. The Board has two potential actions to consider, SEQRA review as well as the subdivision. We have received some new information which was provided to the Board. On January 13, 2020 a revised set of plans was provided by the Ingles Group as well as correspondence from Sterling Environmental Engineering on behalf of Mrs. Raga which was just received. We have made a number of suggestions to the applicant. This latest iteration seems to be responsive to many of the questions the Board has provided over the course of several months. What is currently submitted is a plan rerouting the driveway away from the steep slopes area. There is a placement of a no cut buffer to the north which will protect views from the neighbor. Location of the conservation easement itself it now includes a swath that runs the entire area of the stream all the way up to a drainage easement which we are still attempting to receive information on from the Town of Saratoga. It is providing continuity and protection from construction from that drainage way.

Applicant: Geraldine Eberlein

Agent: Chad Pagan, Ingalls and Associates, LLP

Mr. Pagan stated the 30 foot buffer was incorporated into the restricted area. With the redesign of the driveway and the proposed development of that area will be closer to a 60 foot buffer.

Mark Torpey, Chairman spoke regarding the rural view shed along this road.

Mr. Pagan spoke regarding the concern of the Board regarding moving the home closed to the road. Due to the topography of the site the home must be sited where it was originally was presented.

Todd Fabozzi spoke regarding neighbor concerns regarding stormwater.

Discussion ensued regarding the stormwater management, tree conservation and protection of the view shed.

Susan Barden, Principal Planner, City of Saratoga Springs spoke about the drainage easement. We are awaiting final review from Chazen.

Mark Torpey, Chairman spoke regarding the Board awaiting final review from Chazen as well as some additional language the Board would like to incorporate relative to the drainage easement and view shed. We are not in a position to take action this evening.

Jamin Totino, Vice Chairman stated he would like to have some time to review correspondence received from Sterling Engineering as well.

PUBLIC HEARING:

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

Mark Torpey, Chairman asked if anyone in the audience wished to comment on this application.

Leeanne Raga, 50 Ruggles Road. The Raga Family Trust owns the property at 50 Ruggles Road which is adjacent to the proposed project, and opposes the subdivision. This is the third time she is appearing before the Board and has Most recently provided correspondence from Sterling Engineering which is a very basic review. In November there were three pages of comments from the City's engineering Chazen Engineering. Sterling Engineering also has some issues. I haven't seen any written responses to Chazen's comments which were requested. There have been issues and incomplete information. The applicant's December responses to Chazen and the SWPPP report still has some inaccuracies. There are also some city regulations concerning open space areas which remain unresolved. The November City Engineers review cited specifically in writing that this proposal will impact the property of Gary and Leeanne Raga. There are other neighbors who are not mentioned in the review whose lands will be also impacted. There is no need for this subdivision. There are three other properties in the area for sale which would suit a home. Instead the city is entertaining an application to disturb an area with steep slopes, drainage issues, and wetlands. We are speaking about taking down an acre of trees to build this home with other options available. This project ignores conservation and subdivision regulations.

Joy Bull, 47 Ruggles Road. She will be most impacted by the water issue and this project and she spoke regarding the easement and the overload of water. Re-routing the driveway will force additional water down the driveway into her property. Major concerns are the overflow of water on her well and septic system. She opposes this application as this will have implications for all the adjoining properties. Neighbors Nick and Anna DiMatteo at 51 Ruggles Road have the same issues. Also, she questioned if there was a study done to determine if the area housed any butterfly habitat.

Mr. Pagan stated on December 12, 2019 the City received from Chazen a signoff letter noting the project met all the guidelines of the City. DEC did review the area for endangered species and documentation was provided that the area is not conducive for this purpose. We have met the guidelines and what was required of us to provide.

Mark Torpey, Chairman stated he believes we will need one additional meeting to receive and review materials for clarification. We are awaiting final review from Chazen. We would like to review the conservation easement language to include a way for the Town and the City to work together on this water drainage easement issue which we can remedy in some way, shape or form. We spoke about the preservation of as many trees as possible on Ruggles Road so as not to impact the stormwater management system, and view shed.

Mark Torpey, Chairman stated the public hearing will remain open. Our next Planning Board meeting is scheduled for January 30, 2020.

NOTE:

Board member Lexie Bonitatibus resumed her position on the Board.

2. **20181055/18.057 BALLSTON AVENUE TOWNHOUSES**, 96-110 Ballston Avenue, site plan review for 18 multi-family residential units and associated site work in the Transect-5 Neighborhood Center District.

Mark Torpey, Chairman stated what is before the Board is Site Plan Review for 18 multi-family residential units in the T-5 Neighborhood Center District. This application has appeared before the Board several times. On January 10, 2019 a

SEQRA Negative Declaration was issued as well as a Special Use Permit for this project. The Planning Board also issued a Favorable Advisory Opinion for a zoning amendment change.

Applicant: Ginley and Gottman

Agent: Brian Osterhout, Brandon Ferguson, Environmental Design Partnership; Dave DePaula, Bella Homes

Mr. Osterhout provided a brief history of the project for the benefit of new board members. This project has a 5 year history beginning with the rezoning of this area to a T-5 District. The applicants have appeared before the City Council, Planning Board and DRC to get the project to this point. In January of 2019 the Planning Board issued a Negative SEQRA Declaration as well as a Special Use Permit for the project. Our last appearance before this Board was in August of 2019 at which time there were four items requested. An elevation view of the proposed project from the Finley Street elevation was provided along with additional screening on the north side of the property adjacent to the nearest residence. Discussion on the rear alleyway and our progress in meeting with the City, the Real Estate Committee with respect to it being a paper street. Mr. Osterhout spoke regarding the applicants meeting with the Real Estate Committee. The proposal was very well received turning the paper street (alley) into a one-way alley with sidewalks. Responses were favorable as well as support letters from neighbors. The Real Estate Committee is looking for some type of formalization of what is to be included in the alleyway. The conclusion is there will be a licensing agreement between the applicant and the City.

We are hopeful to receive a conditional approval this evening noting all conditions are met with engineering concerns by Barton and Loguidice. A visual of the project was provided to the Board noting the 1.3 acre parcel along Ballston Avenue. The latest design concept was reviewed as well as the traffic flow on the site, common space areas, parking areas, the view shed, sidewalks, a bus shelter and additional landscaping was added. The alleyway, is 20 ft right of way. A sidewalk is proposed, landscaping and proposed buffer for the properties to the east. Additional landscaping on the north of the project. A discussion with CDTA regarding the upscale CDTA bus shelter was unsuccessful.

Todd Fabozzi questioned the applicant regarding the bus shelter versus a pad and assurances that in fact this will be a covered shelter.

Mr. Osterhout stated the shelter will be a covered shelter whether this is provided by the developer or CDTA.

Ruth Horton requested a review of the traffic flow on the site.

Mr. Osterhout stated the driveway is right only turn onto Ballston Avenue. There is two way traffic on Finley. A stop sign will be provided before the sidewalks at the streets intersection of Finley Street and Ballston Avenue. Also, at the intersection with Ballston Avenue they will have a One-Way Do Not Enter as well as No Left Turn signage.

Discussion ensued regarding traffic flow, sight lines, common space areas and civic space.

Sara Boivin questioned the location of the mechanicals.

Dave DePaula, Bella Home Builders. Air conditioning condensers will be on the ground near the homes and are usually buffered by shrubbery. All equipment will be in the rear of the homes unless otherwise specified by the architect.

Mr. Osterhout stated he received comments from the City Arborist today and they have no issues with them and feel they are applicable. We have received engineering comments from Barton and Loguidice and have reached out to them to discuss. Written comment letter will be sent to address outstanding technical comments.

Mark Torpey, Chairman questioned if the HOA will be responsible for the ownership of the water and sewer.

Mr. Osterhout spoke regarding the ownership of the water and sewer the HOA cannot own the infrastructure. Following discussion with the City the applicant will provide a hold harmless agreement with the City of Saratoga Springs.

Discussion ensued among the Board concerning proposed signage and drainage concern on Finley Street.

Brandon Ferguson stated in discussions with the City Engineer we did add an additional dry well to collect any drainage off of Ballston Avenue.

Susan Barden, Principal Planner, City of Saratoga Springs stated there were three outstanding issues from DPW, and these include a signed sealed survey map, detailed information on the proposed catch basin dry well located at the corner of Ballston Avenue and Finley Street, and ownership of the utilities.

Mark Torpey, Chairman questioned the encroachment on the northwest side of the parcel.

Mr. Osterhout stated there was a slight driveway encroachment from the neighbor to the north of our property. The applicant is willing to rectify that with an easement.

Discussion ensued among the Board concerning placement of street trees and curbing along Finley Street.

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

Mark Torpey, Chairman reviewed the stipulations the Board discussed this evening. There are still some outstanding comments from Barton and Loguidice. This approval will be conditioned upon resolution of these issues and requirements to the approval and satisfaction of the City Engineer. Resolution for the ownership of the sanitary sewer and the Hold Harmless provision to the satisfaction of City Staff. Ballston Avenue signage responsibility. Input and further details from the City Arborist regarding landscaping of the alley. Planning Board recognizes the long term transition of this neighborhood to T-5 and encourages a pedestrian friendly accessible presence on Finley Street. Licensing agreement between the applicants and the City concerning the alleyway. Adherence to the City Arborists recommendations. HOA agreement to the satisfaction of the City Attorney. Recreation fees in lieu of civic space. Resolution with CDTA as a bus shelter as a specific condition of the civic space requirement, along with the addition of two benches and bike racks.

Jamin Totino, Vice Chairman made a motion in the matter of the Ballston Avenue Townhouses, 96-110 Ballston Avenue that the application for Site Plan Approval be approved with the conditions as noted by the Chair. Lexie Bonitatibus seconded the motion.

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

VOTE:

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Sara Boivin, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor

MOTION PASSES: 7-0

RECESS:

The Board recessed at 8:05 P.M.
The Board reconvened at 8:15 P.M.

3. **20191038 118 JEFFERSON STREET SUBDIVISION**, 118 Jefferson Street, Coordinated SEQRA Review for final Subdivision Review of a proposed 6-lot residential subdivision in the Urban Residential-2 District.

Mark Torpey, Chairman stated since this is larger than a 5 lot subdivision the NYS-DOH is the only other involved agency for SEQRA. Coordination of review is required as well as discussion regarding Lead Agency Status.

Applicant: Bonacio Construction

Agent: Doug Heller, LA Group

Mr. Heller provided a visual overview of the proposed site which is approximately 1.1 acres in size. Currently a barn structure exists on the site. The barn will be demolished. Municipal water and sewer exist in the area and we will be utilizing these utilities. The applicant is proposing a 6 lot subdivision. The lots will vary in size from approximately 7,000 square feet to 9300 square feet in size. Two lots will front on Jefferson Street, three lots will front on Madison and one will front on Madison and Steele Streets. A proposed plan was provided noting street trees and street lights, and sidewalks extending along Jefferson Street, along Madison Street but currently there are no sidewalks on Steele Street. The proposed homes will be approximately 2,000 to 2,500 square feet in size. A proposed visual of the homes was provided. These homes will be two stories in height.

Discussion ensued among the Board regarding the surrounding homes in the neighborhood being comparable in size as well as the encroachment in the Right of Way for sidewalks, as well as extending the sidewalks in this area.

Todd Fabozzi suggested the design model appears more suburban than urban. The garage should not be the most prominent feature. A large porch on the front would be more in keeping with urban design.

Mark Torpey, Chairman suggested the applicants revisit the narrow nature of Steele Street for sidewalks if possible.

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

Mark Torpey, Chairman questioned if the Board would consider seeking Lead Agency Status for SEQRA.

Sara Boivin made a motion in the matter of the Jefferson Street Subdivision, 118 Jefferson Street that the Planning Board seeks Lead Agency Status for SEQRA from the Department of Health. Jamin Totino, Vice Chairman seconded the motion.

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

VOTE:

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Sara Boivin, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor

MOTION PASSES: 7-0

4. **20191158/18.042 GARY STONE COMMERCIAL ACTIVITIES**, 68 Weibel Avenue, Permanent Special Use Permit for office, retail, storage, golf driving range uses within a Transect-4 Urban Neighborhood District.

Mark Torpey, Chairman stated what is before the Board is a request for a Permanent Special Use Permit. The application was previously noticed and re-noticed for this evening. The applicant was last seen before the Board on January 24, 2019. Area variances were granted for existing building. The review is for a series of buildings and uses that per City files never received relevant approvals.

SEQRA:

Involved agencies include the Planning Board, ZBA and DRC. Planning Board issued a negative declaration for SEQRA on October 4, 2018.

Applicant: Gary Stone; Tara Stone

Agent: Gavin Vuillame, Environmental Design Partnership

Mr. Vuillame stated the applicants are still pursuing the full development of the 22 acre parcel. We have plans ready to present for the parcel. The City has requested we pursue variances and a Special Use Permit. In December of 2018 we received three variances for the existing structure. A visual of the proposed site was provided to the Board noting the secondary buildings, the square footages as well as the current businesses located in the buildings. We are in need of site plan approval to bring this property up to the current standards of the Transect zone. This requires the frontage be occupied with street landscaping. We are proposing street trees, decorative lights along the edge of the right of way along with the sidewalk for the entire 120 feet. We will keep all improvement positioned so the current roadway into the site could be widened to a four lane roadway.

Jamin Totino, Vice Chairman requested a review of where the application stands with the legal issues for his benefit as well as the new members on the Board.

Vince DeLeonardis, City Attorney stated there are current activities on the property which are unlawful and the city has been addressing these activities for a number of years. In 2016 the City commenced an action with the applicant in City Court which took some time to progress through the system. This did lead to a Stipulation and Settlement issued in 2018 which included requirements that certain uses should be discontinued in 2018 and other uses to be discontinued by a Date Certain which was 180 days from the date of the Stipulation. Several extensions have been granted and have long since passed. The uses are currently again unlawful. We issued a Notice of Violation at the end of November or beginning of December relating to a multitude of violations on the property. The Code Enforcement Officer has been meeting with Mr. Stone to resolve some of the issues relating to rubbish and debris but the uses remain. These uses have never been lawfully approved which is the basis for this application. No new application can be entertained by a Board that does not address the violations.

Todd Fabozzi stated looking back in 2003 it appears the applicant had requested a Special Use Permit for uses similar to what is being requested at this time and was denied. What was the basis for the denial then and isn't this what is before us now?

Vince DeLeonardis stated he is unfamiliar with what was requested in 2003 with regards to a Special Use Permit however, there was an action which dates back to 2003 which determined the uses were unlawful.

Todd Fabozzi stated this appears to have been before the Planning Board in 2003 and what is different about the application now then was presented in 2003. It appears they are requesting the same thing. The way the buildings are laid out and what they are requesting in terms of the T-4 zone and the Comp Plan for the area. How does this comport or not.

Susan Barden, Principal Planner stated these buildings predate the T-4 district designation. This is not a design that comports with the standards and guidelines of the T-4. If this was to be proposed today certainly it does not comport. The uses could be allowed in a T-4 district with a Special Use Permit.

Todd Fabozzi spoke regarding the application and what is being proposed looking toward the future. This application does not appear to meet what we are looking for in this area. I am not inclined to support this application regardless of the violations.

Vince DeLeonardis, City Attorney spoke regarding the number of violations that exist and noted it is the violations that prevent the application from moving forward. They can only present an application before you addressing the violations.

Tara Stone spoke regarding what the application is trying to do, the cost involved in prepping the site. They have owned this building for over 52 years, and they are attempting to have the tenants stay until we build a new building.

Discussion ensued among the Board regarding the issuance of a Special Use Permit, what the applicant is requesting, and what could be done to remedy the situation.

Vince DeLeonardis, City Attorney spoke regarding rectifying the illegal uses which was agreed to in the Stipulation and Order issued and the entered into in 2018. Some of the extensions were granted per the request to perform a SWPPP and interconnectivity of project. The extension requests were granted for the purpose of obtaining a SWPPP which was never conducted as well as a proposal for interconnectivity.

Tara Stone stated they are attempting to move this forward and also keep our tenants.

Vince DeLeonardis, City Attorney stated if there are pending or open violations they cannot have an application before the Board unless the application will cure the violations.

Discussion ensued among the Board concerning what the applicant is proposing, what currently exists and what has existed on the site and the purview of the Board.

Vince DeLeonardis, City Attorney stated there are code violations on all three parcels of the property in question. We had an agreement that was not complied with and violations still exist.

Todd Fabozzi spoke about the Special Use Permit criteria. On that premise Todd Fabozzi made a motion in the matter of the Gary Stone Commercial Activities, 68 Weibel Avenue, Permanent Special Use Permit application is denied. Jamin Totino, Vice Chairman seconded the motion.

PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing at 9:00 P.M.

Mark Torpey, Chairman asked if anyone in the audience wished to comment on this application.

Broady Neville, Bog Meadow Run, property adjacent to this property. More concerned regarding the northern property development, nothing to add at this time.

Mark Torpey, Chairman spoke about the history of the application and what has been accomplished on the site. I cannot in good faith and good conscience approve even a temporary special use permit for this application. I also support denying this application.

Tara Stone spoke regarding what the applicant is trying to do on the site and what the Board is attempting to do.

Todd Fabozzi again spoke regarding the criteria for a Special Use Permit and what the Board is charged with in approval of a Special Use Permit.

Mark Torpey, Chairman closed the public hearing at 9:10 P.M.

VOTE:

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Sara Boivin, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor

MOTION DENIED: 7-0

APPROVAL OF MEETING MINUTES:

Mark Torpey, Chairman made a motion to approve the meeting minutes of the November 21, 2019 meeting as amended. Jamin Totino, Vice Chairman seconded the motion.

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

VOTE:

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Todd Fabozzi, in favor; Ruth Horton, in favor; Sara Boivin, in favor; Lexie Bonitatibus, in favor;

MOTION PASSES: 6-0

NOTES FROM STAFF:

Susan Barden, Principal Planner provided information concerning projects before the Board. Information was presented regarding the draft of the UDO and possible review and discussion at the next meeting in January.

UPCOMING MEETINGS:

Planning Board Caravan, Thursday, January 23, 2020 at 4:00 P.M.
Planning Board Workshop, Thursday, January 23, 2020 at 5:00 P.M.
Planning Board Meeting, Thursday January 30, 2020 at 6:00 PM.

MOTION TO ADJOURN:

There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 9:25 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 2-27-20