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

SALUTE TO THE FLAG:

PRESENT: Mark Torpey, Chairman; Bob Bristol; Ruth Horton; Janet Casey; Todd Fabozzi; Sara Boivin

LATE ARRIVAL: Jamin Totino, Vice Chairman arrived at 7:06 P.M.

STAFF: Kate Maynard, Principal Planner, Planning and Economic Development, 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. CHAIRS COMMENTS:

B. APPROVAL OF MEETING MINUTES:
Approval of meeting minutes was deferred to the February 7, 2018 meeting.

C. 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 of 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. **16.046.1 SAMES MIXED-USE BUILDING**, 20 Bowman Street, Extension of Special Use Permit for residential on second floor within the Tourist Related Business (TRB) District.

BACKGROUND:

Planning Board approved a Special Use Permit for residential unit on second floor on January 26, 2017, as well as final site plan for eating and drinking and 2nd floor residence on May 25, 2017. This apparently has been allowed to expire. Variances were originally received for front and side yard setbacks, then allowed to expire. New approval granted January 7, 2019 for same relief. Current proposal for 18 month until May 25, 2020. Application was submitted prior to Expiration preserving the approval, placed on agenda once the ZBA variances were received. Site plan review will require a future separate action.

Applicant: Matt Sames
Todd Fabozzi made a motion in the matter of the Sames Mixed Use Building, 20 Bowman Street, for an 18 month extension of the Special Use Permit until May 25, 2020. Janet Casey seconded the motion.

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

VOTE:

Bob Bristol, in favor; Ruth Horton, in favor; Janet Casey, in favor; Todd Fabozzi, in favor; Sara Boivin, in favor; Mark Torpey, Chairman, in favor

MOTION PASSES: 6-0

D. APPLICATIONS UNDER CONSIDERATION:

1. 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. multi-family residential units within the Transect-5 Neighborhood Center District.

Mark Torpey, Chairman stated this project has been before the Board previously. Tonight the applicants are requesting a Permanent Special Use Permit. The uses requested are office, warehouses, mixed office/retail/ storage and a clubhouse. Four separate buildings exist on site. A settlement has been reached between the applicant and the City and all the building currently meet code requirements. We have some revised drawings which have been provided to the Board.

BACKGROUND:

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 determination for SEQRA on October 4, 2018.

Kate Maynard, Principal Planner, City of Saratoga Springs noted correspondence was received this date from Libby Coreno, attorney on behalf of adjacent property owner Sonny Bonacio.

Applicant: Tara Stone for Gary Stone

Agent: Jon Lapper, Attorney; Jeff Anthony, Landscape Architect, Studio A

Mr. Lapper stated the applicant through the agreement reached with the City is on a time schedule to keep things moving in a positive way. The applicant is working to have paving completed, additional landscaping, sidewalk and street lighting improved. We are asking for a Permanent Special Use Permit. We understand the Board is looking for the Special Use Permit to have a sunset.

Mark Torpey, Chairman reviewed the three different types of Special Use Permits:

- Permanent Special Use Permit
- Temporary Special Use Permit
- Renewable Special Use Permit
PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing at 6:15 P.M.

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

Libby Coreno, attorney for the adjacent neighbor Sonny Bonacio, who submitted the correspondence to the Board this date. There is no entity more supportive of future development and connectivity and highest use of this parcel than her client. I appreciate the time this Board is taking to improve the conditions out there. We are asking for a Special Use Permit time frame of 30 months. Ms. Coreno spoke regarding two signature things her client is interested in and that is the Board consider a Temporary Special Use Permit for 30 months. The other is cross access be granted now to fully facilitate the 2004 Master Plan and allow connectivity. If a new Special Use Permit is granted than a full SEQRA review would be necessary for future development.

Mr. Lapper stated mitigation is not just for the future, there are some changes which will be made at this time.

Ms. Stone stated this is a 70 acre site. Connectivity is important and something they look to in the future. It is too premature at this time.

Mark Torpey, Chairman closed the public hearing at 6:31 P.M.

Mark Torpey, Chairman spoke regarding pedestrian connectivity which is a worthwhile venture.

Ms. Stone stated this is a large liability on the site to place sidewalks in the center.

Janet Casey stated she would like to see something done in the area, maybe not everything perhaps the neighbors could come to some sort of compromise, which would be a reasonable show of good faith on your part.

Sara Boivin perhaps some type of loop, a contiguous pedestrian access or bike path.

Mr. Lapper stated the applicant would be comfortable with pedestrian access versus vehicular access at this time.

Kate Maynard, Principal Planner, City of Saratoga Springs, stated the streets in this complex are privately owned but built to City’s standards.

Discussion ensued among the Board concerning pedestrian connectivity and mitigation.

Mark Torpey, Chairman suggested the applicant return with more information and an alternative design for connectivity. I would suggest that you identify clearly buildings 1 – 4 and their uses. No decision will be made this evening. I am looking at a Renewable Special Use Permit and that will be considered at the next meeting.

2. **17.006.1 SCOTT SUBDIVISION**, 22 Kaydeross Avenue East, Preliminary Review of a Conservation Subdivision within a Rural Residential District.

Mark Torpey, Chairman, stated tonight the Board will be reviewing the Conservation Analysis. This parcel is in the RR-District of the City. The Comprehensive Plan denotes this area as the Conservation Development District. The Planning Board did review this project for sketch plan back in January of 2017. At that time 12 lots were proposed for the Board to consider. More detailed conservation analysis has been provided since that time.

BACKGROUND:
Planning Board saw sketch plan application for 12 lots within the Rural Residential District on January 27, 2017. The project is proposed with the RR district. Residential subdivisions are required to fulfill conservation subdivisions first providing a conservation analysis, completing the calculation for number of possible units, then review of proposed layout and items such as preservation of 50% open space.

Conservation analysis discussed with applicant as being helpful or Board to review and provide feedback on first as is required with conservation subdivision process. Conservation analysis has been prepared and submitted. In addition, Prior single parcel has now been expanded to two parcels for consideration.

The City’s Open Space Committee was also requested to provide advisory input to assist the Planning Board in consideration of the analysis. A meeting to review the project and discuss advisory opinion with the Open Space Committee’s Chair Tom Denny took place in December, site visit took place on January 10th for committee members available.

Owner: Ken & Christine Scott

Applicant: Witt Construction

Agent: Libby Coreno, Attorney, Carter Conboy; Dave Carr, LA Group

Ms. Coreno provided an aerial view of the project site and a history of the parcel. In 2016-2017 there was a sketch plan with only the western parcel including 12 lots pursuant to the calculations. No conservation analysis was submitted. This is a brand new application for this project since we went back to the drawing board for the project. In 2018 we reviewed what is required under the Conservation Subdivision rules and regulations, Section 241. This speaks about what conservation elements are important prior to design. We have submitted the Conservation Analysis and map but no predetermined plot plan.

Ms. Coreno reviewed 5 steps concerning the Conservation Subdivision Regulations in Section 241. Number One is to calculate density, and that has been completed. Number Two is the Conservation Analysis which is completed and has been submitted. Number Three is the Conservation Determination which is part of preliminary subdivision review. This identifies which of the land is more important to preserve, this is currently under review. Number Four is where we takes steps 2 and 3 and incorporate them into a design we return to the Board for approval or further discussion and this is to be determined. Number Five is Conservation Approval which is also to be determined.

Ms. Coreno stated the site is approximately 78.88 acres, 45 acres of which are wetlands and 1.10 acres of 100 year floodplain, 1.8 acres with steep slopes and 34.8 acres of buildable lands which gives us the calculation of 15 buildable lots within 3 pods. The remainder of the land will remain as is.

Mr. Carr reviewed the conservation analysis document summary along with a visual presentation to the Board denoting the ACOE wetlands and the DEC wetlands. There is a significant oak tree on the property as well as an existing farmhouse and barn.

NOTE:

Jamin Totino, Vice Chairman joined the Board at 7:06 P.M.

Mr. Carr provided a summary following their analysis. Most important area of conservation was wetland classified by DEC in its proximity to the creek and flood plains and the significant oak tree and the City’s Open Space recommendations as well. Design considerations would be following the City’s conservation regulations, the maximum allowable density and preserving the conservation value of the property and buffering to the neighbors parcel.

Mr. Carr stated the Open Space Committee reviewed the applicant’s analysis. They made a site visit in January 2019. They recommended the applicant follow the Open Space recommendations of 2002. Renovate the existing farmhouse
and move the development away from Kaydeross Avenue. Down lighting is proposed in this area as well.

Bob Bristol questioned the historical significance of the farmhouse.

Mr. Carr stated he is not completely sure about that. The owner would have more information in that regard.

Ms. Coreno stated we are looking for feedback from the Board with guidance to the design.

Todd Fabozzi stated the applicant is on the right track with this project. He questioned the visibility of the site and the ridgeline and how that works. A documentation of view shed analysis from several different sites as this applies to SEQRA. Key conservation resources which are trees and identifying view shed which will be impacted.

Mark Torpey, Chairman stated the Open Space Committee made a recommendation of the applicant to identify the species of trees and the preservation of as many as possible of the most mature and healthy specimens. More information for the Board on what the Board is allowed to consider as part of the analysis, what is appropriate. We have the ability as a community and as a Board members to determine what is appropriate for that site in general.

Kate Maynard, Principal Planner, City of Saratoga Springs stated some additional information has been made available to the Board. In terms or what is being discussed the Board has the discretion land exhibiting present or potential recreational, historical, agricultural, ecological, water resource, or other natural resource value.

Ruth Horton stated her priority would be to preserve the wetlands.

Bob Bristol stated he would like to have more historic information.

Sara Boivin stated we haven't discussed the full conservation easement for the second parcel. I think that is something of high priority.

Janet Casey stated her concern was the Open Space Committees concern regarding the view from Crescent Avenue, that seems like an important thing to preserve. She is less concerned about a tree inventory.

Jamin Totino, Vice Chairman stated he agrees with Janet concerning the view shed as well as a tree inventory which will be more clearly defined during design.

Todd Fabozzi stating he simply re-iterated what the Open Space Committee recommended.

Mark Torpey, Chairman stated the view shed issue is important. The buffers to the wetlands are critical as well. Some additional information on the FEMA flood zones, 100 year and 500 year as well as the 100 foot buffers in various locations and how that affects the wetlands. Some type of tree count especially with the larger trees on the site as being important. Public access which is an additional amenity. The steep slopes and their locations depicted. The stone wall on parcel #2 should be also included.

Mr. Carr provided some additional information to the Board concerning the flood plain and the buffer requirements of the NYS-DEC wetlands and ACOE wetlands.

Kate Maynard, Principal Planner, City of Saratoga Springs stated the applicant has noted the farmhouse and barn on the property. Some feedback from the Board concerning these structures, or does the Board need more information.

The development area on parcel #1 again the Board to provide feedback along with the Open Space Committees recommendation which is keeping the new developments as invisible as possible from both Kaydeross Avenue and from Crescent Avenue by keeping them well setback, with limited height and completely screened in the uplands.

Mark Torpey, Chairman stated the Board would like to maintain the rural character of the area.
8:00 P.M. Board recessed.
8:10 P.M. Board reconvened.

3. **18.013 SARATOGA PET RESORT.** 9 Kaydeross Avenue West, permanent Special Use Permit for an Animal Kennel within the Rural Residential District.

**BACKGROUND:**

Subject parcel located along the rural stretch of Kaydeross Avenue West, wooded, low intensity uses within the vicinity, Kaydeross Creek and Northway to the rear of the property. Revised proposed 10,000 square foot facility for dog and cat boarding. Materials include a revised concept plan, revised building rendering, traffic evaluation, DEC Natural Heritage and DEC Wetland non-jurisdictional assessment correspondence. Petition from Stable Lane neighborhood.

Most significant proposed modification involves total 10,000 square foot structure on two floors within 5,000 square foot footprint. Applicant was requested to provide a clear comparison of prior proposal with the current.

**SEQRA:**

Planning Board issued a positive declaration for prior submission on September 20, 2018. Applicant is requesting Consideration of modified proposal and whether that would have Board re-open SEQRA and reconsider prior positive declaration. Re-noticing has taken place due to period of time since last before the Board and proposed modification to the project.

Applicant: Jen and Peter Lopatka

Agent: Jon Lapper, Attorney; Scott Learned, Learned Designs; Jeff Anthony, Studio A; Sue Davis, SD Atelier Architecture

Mr. Lapper stated the project has changed as a result of the Negative Declaration issued. The design team went back to the drawing board and has returned with a 5,000 square foot footprint.

Mr. Learned spoke regarding his background and his designing of animal care facilities. The design has changed to a two story walk out first floor design. A very high level of noise control, behavior control due to small separate grouping of animals in small zones. Very high level of HVAC equipment noting one in place for every zone. The building has state of the art finishes and cleaning systems. Odor free, disease mitigating, silent environment.

Mr. Anthony stated the building is in the same location as previously presented. One entrance in and out. There is a basement walkout. The lower level provides parking for employees and deliveries. Parking is located at the front of the site providing 29 parking spaces. We are not building the entire parking lot at this time and have decided to land bank some spaces up to 65 spaces. We have created some nice berms in the area and will be landscaped. We have an onsite septic systems and public water as well as a well.

Ms. Davis, provided a visual of the site. A scale model of the project was provided for the Board. Some architectural elements have changed. We have reduced the footprint from 10,000 square feet to 5,000 square feet. Ms. Davis provided samples of the proposed materials the applicant is proposing. The applicant is working within a height limitation. Ms. Davis also provided scale models of some homes and how they compare with the proposed structure for the Boards review.

Ruth Horton questioned the number of pets the facility can accommodate.

Ms. Lopatka stated the number of enclosures has dropped from 166 to 135. 20 cat enclosures, 26 enclosures for intake and time out areas, 4 for isolation, and 85 for dog boarding. Dog boarding is very seasonal. Majority of the time the
facility is not full. Holidays and vacations are the peak times. Dog day care capability is down to 30 versus 52. We currently have space for 2 groomers but we will start with 1 groomer. Ms. Lopatka stated they live in Saratoga and they care about the area. Play yards are outdoors and the area where they will be located was provided to the Board. Mark Torpey, Chairman questioned the total number of dogs which could be accommodated on site at one time.

Ms. Lopatka stated 147, this includes grooming kennels.

PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing at 8:49 P.M.

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

Claudia Braymer, Attorney for Stable Lane homeowners stated this community is opposed to this project. I do not represent the neighbor across the street, but they would be impacted by this project. This project will negatively impact the Stable Lane property values and impact the rural nature of their neighborhood. This alternative plan does not mitigate the 7 day a week operation they are proposing, boarding, day care and grooming. Even with the revised alternative the project includes 10,000 square feet of usable space. It is 135 pet enclosures, 25 parking spaces, 12 employees, onsite septic and well and water storage and stormwater management facilities. All of these leads to a very intense use of the property. Not just the square footage of the property but all the associated uses which impact his property. A positive declaration under SEQRA was issued in September of 2018 by this Board. There is no mechanism in the SEQRA regulations for the Board to skip the EIS process. It is the applicants burden to prepare the scoping document as well as the EIS and they have not done that. We would like to see in the document along with all of the impacts including traffic, stormwater, how close it is to the flood plain and we would like to know the impacts to the property values in the neighborhood. This is not permitted in the Conservation Development District. That is in the Comprehensive Plan. The proposed project is not a low density outdoor recreational or agricultural use and it is not allowed. It also does not support recreational uses and it destroys open space natural resources and is not permitted in this district. The Special Use Permit criteria are not satisfied. It will affect the neighboring community and community character and the increased traffic, increased water usage and septic. This will negatively impact the neighborhood.

We ask that you deny the Special Use Permit but first we request that you ask the applicant to go through the EIS process.

Barbara Waite, it is a beautiful property but there is a better location than our neighborhood. To obtain a Special Use Permit you need to have an exception granted for uses other than those allowed. Our neighborhood is a very serene Neighborhood. Special Use Permit is granted to the property.

Ken Broland, 11 Stable Lane. Kaydeross Avenue is a low salt, no salt area. It is a mess and very slippery when it snows. This project is very inappropriate for this area. How can it handle the intensity of this use.

Frank Scarpinato, Kaydeross Avenue East. I support this project. The use for this property is right by the northway. You will have impact no matter what is done with the property.

Anika Copeland, I live on Stable Lane. We oppose the approval of the Special Use Permit. We stand with our neighbors. Their hearts are in the right place. Putting this business in this location is a commercial business and will negatively impact the rural residential feel of our neighborhood.

Matt Pickney, 6 Stable Lane. We are concerned about the density, too many cars. We are concerned regarding the traffic and the number of animals.

Matt Sames, owner of Pet Lodges. I have been in this business for over 15 years. We have made a concerted effort to put our stores in busy areas on busy roads because we get busy. I would never consider putting one near or next to a neighborhood. We take care of our dogs but they bark. When we get busy we get crushed from 6:30 am – 9:00 am and again at night. That residential road will be bumper to bumper during busy times.
Mr. Lapper spoke about the location of the project and its proximity to the northway and location to a school and a business at the end of Kaydeross Avenue. Mr. Lapper stated this project has been reworked and the applicant is ensuring property buffering for the neighbors. Also, a traffic study was performed and the results were shared with the Board and it will not be an issue for the project.

Mark Torpey, Chairman stated he is struggling with this project is the fact that the rules are fairly straightforward regarding the density requirements and what is allowed. There isn't anything that give insight as to what an appropriate size or density of a commercial project would be or could be in the RR-District. My concern was not about the size of the building it was the general intensity of the property and the use. Trying to draw a comparison between commercial and residential.

Jamin Totino, Vice Chairman stated he agrees completely with the Chair. Procedurally how do we progress with the EIS.

Vince DeLeonardis stated Attorney Braymer raises an excellent point concerning the Boards reaction to a positive declaration concerning SEQA. The next step would be the EIS. The Board does have the ability to reconsider a SEQRA determination which has been made. The Board has a revised application. The Board can re-evaluate the Part II. You can review and reconsider the impacts with the revised application.

Ruth Horton stated we have not discussed the other potential environmental impacts as it relates to the floodplain.

Mark Torpey, Chairman stated there are two points on the short form we voiced concern over. One will the proposed use change the use or intensity of use of land, which was flagged moderate to large. Secondly, will the proposed use impair the character or quality of the neighborhood.

Sara Boivin questioned the use under Rural Residential. Does this fall under the use?

Mark Torpey, Chairman stated there are a lot of areas where there isn't exact detail specifications. There are inconsistencies in the zoning ordinance. The UDO process is moving forward. Unified Development Ordinance is looking to clarify some of the inconsistencies in the zoning ordinance. Perhaps we could ask this Committee to provide some information to us in the form of an Advisory Opinion.

Vince DeLeonardis stated the UDO, once approved will be and is looking to update zoning. The applicant can refer to the Zoning Officer for clarification.

Janet Casey stated she does appreciate the new design. This does not change the intensity of the land. My answer to SEQRA questions 2 and 3 will not change my position.

Jamin Totino, Vice Chairman stated he feels the same.

Bob Bristol stated he did not agree with this before and I didn't agree with the Positive Declaration either. It was a mistake and we should not have done that. Clarification from the Zoning Officer would be helpful.

Ruth Horton stated she appreciates the time and effort with the project and the changes. It is a great idea but not the right place to do it. My perspective has not changed.

Sue Davis, SD Atelier Architecture questioned what is included in this district and what is a permitted use. A clear understanding of what really is permitted for this property.

Vince DeLeonardis, City Attorney, City of Saratoga Springs stated with a Special Use Permit granted from this Board, This use is a permitted use. The Board has not gotten past the SEQRA portion of their review. Two categories have been identified as moderate to large impact.
Mark Torpey, Chairman stated this parcel is unique place in the city. It is looked at in the Open Space Plan. Pedestrian connectivity here as well as waterfront access, long term for this property, as well as Rural roadway configuration and a bike bath. It is hard to be clear since we do not have clear guidance which is some sense of the complexity of the issue.

Sara Boivin stated the impacts are too great and I agree with the Boards previous SEQRA determination.

Todd Fabozzi stated he did not agree with the majority of the Board the last time. Interpretations of things which are not always clear is something this Board does occasionally have to do. I am in favor of the application. Sometimes we have to make a judgment without certainty.

Mark Torpey, Chairman stated what he is hearing from the Board is the positive declaration is consistent with where we are with this re-submittal. I do not see that changing and this requires us to go through a Part III to identify potential areas in the EIS if the applicant wishes to move forward.

Vince DeLeonardis, City Attorney, City of Saratoga Springs stated the stage you have now with the Board not inclined to reconsider the SEQRA determination. The applicant would need to move forward and prepare the EIS scoping documents. Other factors could be made to mitigate the project or make it more palatable and this is up to the applicant.

Mr. Lapper stated we will meet and discuss with the applicant if they should choose to move forward with the project or and we will inform staff of our decision.

PUBLIC HEARING:

Mark Torpey, Chairman closed the public hearing at 9:30 P.M.

MOTION TO ADJOURN:

There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 9:30 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 3-21-19