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

SALUTE TO THE FLAG:

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

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:

Thank you to Kate Maynard, Principal Planner, City of Saratoga Springs who is moving on to another position. The Board appreciates her commitment to the Board and the City of Saratoga Springs.

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 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. 20190051 120 HENRY STREET CONDOMINIUMS, 120 Henry Street, Special Use Permit Extension in a Transect-5 Neighborhood Center District.

Mark Torpey, Chairman stated what is before the Board this evening is the extension of a Special Use Permit. The Board originally approved this Special Use Permit on August 16, 2017, expiring on February 16, 2019. The applicant is requesting an extension to August 16, 2020.

Mark Torpey, Chairman asked if there was any discussion or concern from the Board regarding this extension. None heard.

Bob Bristol made a motion in the matter of the 120 Henry Street condominiums, 120 Henry Street that the 18 month extension of the Special Use Permit Extension be approved.

Todd Fabozzi seconded the motion.

Mark Torpey, Chairman asked if there was any further discussion. None heard.
VOTE:
Jamin Totino, Vice Chairman, in favor; Bob Bristol, in favor; Todd Fabozzi, in favor; Janet Casey, in favor; Sara Boivin, in favor; Ruth Horton, in favor; Mark Torpey, in favor

MOTION PASSES: 7-0

C. APPLICATIONS UNDER CONSIDERATION:

1. 16.018 REGATTA VIEW AREA B PHASE III SITE PLAN, Union Avenue/Dyer Switch Road/Regatta View Drive
   Final Site Plan review for a 24 unit duplex residential development within the Regatta View Planned Unit
   District.

Mark Torpey, Chairman stated the public notice for this application was completed. This project has changed in that it is
now proposed as a subdivision proposal. The original Site Plan proposal was for a single parcel, private street, separate
HOA from the Regatta View HOA. That project would also come before the DRC for architectural review. The new
submittal which is forthcoming and we have not yet seen in terms of the drawings for subdivision. That would include
multiple parcels, and a public street. The HOA which would be formed would become a part of the Regatta View HOA
and this would not require any DRC involvement. Tonight we will hear from the applicant, and open the public hearing.
We have received feedback in terms of correspondence from the neighbors which is on the record. We will review the
presentation and listen to comments from the public; however, we will not be in a position to vote on this application this
evening. We would need for the subdivision paperwork to be filed officially.

Kate Maynard, Principal Planner, City of Saratoga Springs noted the following correspondence has been received by the
Board and is posted on the web as well.
-01/31/2019 – email from Arthur Bozogian, 12 Flying Dutchman Way
-02/04/2019 – email from Kirsten DeMento, 3 Flying Dutchman Way
-02/07/2019 – email from Michael Iacovino, 10 Balmain Court
-02/07/2019 – email from Pamela Moniz, 9 Regatta View Drive -.02/0
-02/07/2019 – email from Eric Richard, 11 Flying Dutchman Way
-02/04/2019 – email from Eileen Venn, 5 Thames Way
-02/07/2019 – email from Steve Allen, 11 Sicada Street
-02/05/2019 – email from AJ Bozogian, 12 Flying Dutchman Way
-02/07/2019 – email from AJ Bozogian, 12 Flying Dutchman Way
-02/07/2019 – email from Jean Cockcroft, 13 Flying Dutchman Way
-02/08/2019 – email from Nancy Goldberg, 66 Sarazen Street
-02/04/2019 – email from the Regatta View HOA
-02/06/2019 – email from Jon Serri, 38 Dyer Switch Road
-01/16/2018 – email from Bruce Morrow
-01/17/2018 – email from Kirsten DeMento
-01/18/2018 - email from Kim and Nick Zito, 1 Flying Dutchman Way

Applicant: Belmonte Builders

Agent: Matthew Jones, Jones Stieves Law Firm; Joe Danibel, Environmental Design Partners

Mr. Jones stated the applicant has had several meetings with the HOA Board. It is our perception that there is an
interest in the street Dartmouth Way becoming a public street to make it more ripe for a sub-division. The subdivision
application has been filed. It is our intention to pursue Site Plan Approval which does not affect the subdivision approval.
The Site Plan Application which was filed in May of 2016. The configuration remains virtually the same as in May of
2016. We have added some things which will make this application better – there are three areas – the principal building
area; the accessory use area and the no cut area. We have added a 5 foot pedestrian multi-use trail/walkway.
Vince DeLeonardis, City Attorney, City of Saratoga Springs provided information to the Board concerning the original application and the court determination.

Discussion ensued among the Board concerning density and the configuration of the proposed project and size of the site.

Joe Danibel, Environmental Design stated the acreage of the site is 6.8 acres which calculates out to 24 townhouse units.

**PUBLIC HEARING:**

Mark Torpey, Chairman opened the public hearing at 6:28 P.M.

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

Bruce Marrow stated he submitted a letter some time ago. On December 26, 2018 a fire occurred in Interlaken. There was loss of a life, a home and 3 adjacent structures as well. Two are uninhabitable at this time. The proposed project is dangerous. These should be single family homes and we need a fire house closer to our homes.

AJ Bozogian, 12 Flying Dutchman Way. Our neighbors and myself we have a problem with this being a through street. Spoke regarding the proposed plan and cul-de-sac proposal.

Glenn Barry, Daggsots Coat. He spoke regarding what is currently in this area single family homes on 1/2 acre lots. He also would prefer this remain as the same pattern that is there. The walkway plan is great, but there is no connection or crosswalk.

Peter Sanchez, 6 Regatta View Dr. I will be directly affected by this development. I have met with Mr. Belmont. Concern regarding the through street and safety. He prefers the cul-de-sac design. A walking path for connectivity would be welcomed.

Kitty Gilbert, 8 Regatta View. I am directly impacted by this. Concerned regarding safety. The increasing density, people and traffic are a concern. There will be financial implications.

Kirsten DeMento, 3 Flying Dutchman Way. Concern regarding the number of homes and cars. Safety is a concern with the size of the street being too small to accommodate all this traffic.

Eric Richards, 11 Flying Dutchman. Mr. Richards spoke regarding the regattas which are held on the lake. This transforms the entire area. Traffic, people, etc., please do a traffic study for safety sake.

Rachel Burn, 6 Royal Henry Court. I have huge concerns about this. The road is very narrow. Single family homes would be more appropriate. Townhomes do not fit in this area. The regattas add congestion, parking and safety concerns.

Matt Masterson, 6 Eaton Court. New homebuyer. He questioned how this went from one type of project to another. What criteria were used? Concerned regarding traffic and safety.

Tom Hower, 24 Regatta View. He spoke regarding access and size of the roads. Safety issues. He also questioned combining the two HOA's and if it can be done mixing homes with townhouses.

Christian, 3 Themes Way. He reiterated the concern for traffic study and the increase in traffic. There are 6 regattas, and concerts and the public access for boats, and the snowplowing.
Greg Piper, 9 Flying Dutchman Way. He spoke regarding a traffic study. Questioned public versus private street. This plan does not fit the surroundings. Perhaps an outlet onto 9P.

Mark Torpey, Chairman questioned if all the streets in Regatta View private and maintained by the HOA or are they public.

Kate Maynard, Principal Planner, City of Saratoga Springs stated they are all public streets maintained by the City.

Vince DeLeonardis, City Attorney, City of Saratoga Springs spoke regarding the Judges' determination in the court case.

Jamin Totino, Vice Chairman questioned if fire safety is under the purview of the Board.

Vince DeLeonardis, City Attorney, City of Saratoga Springs stated the City is currently looking for land to build a fire station in this area.

Discussion ensued regarding the density of the project and information which was brought forth by the public.

Vince DeLeonardis, City Attorney, City of Saratoga Springs stated regarding the determination, it is made by the Zoning Officer. It is only when that gets challenged does the Court become involved. This was a site plan submitted to the Planning Board and this was deferred to the Zoning Officer for a determination. Determination was made by the Court that this design is allowable. The ability of the applicant to build 12 – two unit townhomes has been determined to be allowable by the Court.

Discussion ensued among the Board regarding traffic and storm water management, density, access and fire safety.

Mark Torpey, Chairman reviewed the Comp Plan determination for this zoning area which allows for single and two family homes in this area. We will need to re-visit SEQRA.

Jamin Totino, Vice Chairman spoke regarding traffic. There is no traffic study and that is something we can request from the applicant.

Mark Torpey, Chairman stated he would like to get some feedback and guidance from DPS directly.

Discussion ensued among the Board regarding a traffic study.

Mr. Belmonte spoke regarding this project and how it was described when the earlier Phases of Regatta View were approved as well as the HOA information which is contained in the minutes for that initial approval.

Mr. Jones stated the documents on SEQRA were provided to staff. Mr. Jones spoke about the PUD's in the City and back in 1982 there is not much information or guidance in this regard. You will never see this again. All the other zoning Districts have area bulk requirements, this does not. We do know this configuration is zoning compliant.

Mark Torpey, Chairman stated the Planning Board does have jurisdiction over SEQRA. The Board tonight will seek Lead Agency Status. I will leave the public hearing open.

Jamin Totino, Vice Chairman made a motion in the matter of the Regatta View Area B Phase III Site Plan, Union Avenue/Dyer Switch Road that the Planning Board Seek Lead Agency Status from the DRC.

Ruth Horton seconded the motion.

Mark Torpey, Chairman asked if there was any further discussion. None heard.
VOTE:
Jamin Totino, Vice Chairman, in favor; Bob Bristol, in favor; Todd Fabozzi, in favor; Janet Casey, in favor; Sara Boivin, in favor; Ruth Horton, in favor; Mark Torpey, Chairman, in favor

MOTION PASSES: 7-0

Mark Torpey acknowledged an audience member who would like to add one comment.

Peter Sanchez, stated Mr. Belmonte stated that he would not be willing to change configuration of the project road or townhomes. He does not have to live here. It seems at least due to the history of the project everyone is in limbo trying to go with the PUD or what was initially established. We will directly affected by this, because we live here.

Sara Boivin spoke regarding what the law suit stated and approved and what the applicant can and can't do.

Vince DeLeonardis, City Attorney, City of Saratoga Springs stated what is before the Board, the configuration and roadways was before the court and was determined to be zoning compliant.

Mark Torpey, Chairman stated there was no judicial determination concerning SEQRA.

D. APPROVAL OF MEETING MINUTES:

Jamin Totino, Vice Chairman made a motion of to approve the minutes of the January 10, 2019 Planning Board Meeting as submitted. Janet Casey seconed the motion.

VOTE:
Jamin Totino, Vice Chairman, in favor; Bob Bristol, in favor; Todd Fabozzi, in favor; Janet Casey, in favor; Sara Boivin, in favor; Ruth Horton, in favor; Mark Torpey, Chairman, in favor

MOTION PASSES: 7-0

MOTION TO ADJOURN:

There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 7:40 P.M.

Respectfully submitted,

Diane M. Buzansowski
Recording Secretary

APPROVED 3-7-19