PLANNING BOARD
MINUTES (FINAL)
THURSDAY, MARCH 7, 2019
6:00 P.M.
RECREATION CENTER

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; Ruth Horton; Janet Casey; Sara Boivin; Amy Ryan, Alternate; Shawna Jenks, ALternate

ABSENT: Todd Fabozzi; Bob Bristol

STAFF: Susan Barden, Principal Planner, Planning and Economic Development, City of Saratoga Springs
       Bradley Birge, Administrator, 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. APPROVAL OF MEETING MINUTES:

Ruth Horton made a motion to approve the minutes of the February 7, 2019 Planning Board Meeting Minutes. Jamin Totino, Vice Chairman seconded the motion.

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

MOTION PASSES: 5-0

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.

None at this time.

C. APPLICATIONS UNDER CONSIDERATION:

1. 20190130 FALVEY MIXED USE BUILDING, 65 Beekman Street, SEQRA environmental review of a 2-story, mixed-use building within the Neighborhood Complementary Use-1 District.
Mark Torpey stated this application was before this Board in 2006-2007. The project has been reincarnated with a first floor area to be a gallery/retail proposed and a 1st floor apartment, as well as a 2nd floor residential for the owner. The ZBA deferred Lead Agency Status to the Planning Board. DRC is also an involved agency. Variances for this project will be required.

**SEQRA:**

- Action appears to be Unlisted.
- The ZBA Initiated Coordinated Review and proactively deferred Lead Agency status to the Planning Board on February 4, 2019.
- The DRC proactively deferred Lead Agency status to the Planning Board on February 6, 2019.

**PARCEL HISTORY:**

- Area variance approved November 26, 2007.

Agent: Mike Bianchino, Environmental Design Partners; Sue Davis, SD Atelier Architecture

Applicant: Matthew Falvey

Mr. Bianchino stated as noted by the Chairman we do require several variances from the ZBA. Special Use Permit and Site Plan Approval from the Planning Board and Architectural Approval from the DRC. A public hearing was opened on March 4, 2019 and is to reconvene on March 18, 2019 following SEQRA determination by the Planning Board. We are here to review the project and the Planning Board accept Lead Agency Status and issues a Negative SEQRA determination. Once we receive the necessary variances from the ZBA we will return before the Planning Board for Special Use Permit and Site Plan Approval. The project site is located at 65 Beekman Street, and is a .12 acre parcel about 5300 square feet. It is located on the southwest corner of Beekman and Oak Streets. The parcel currently contains a two car garage and a driveway in the Neighborhood Complementary-1 District which allows a mixed use building with Site Plan Approval.

The area consists of residential and mixed use properties.

A visual of the site was provided as well as the street perspective. This property was reviewed by the City back in 2006-2007 and approvals were received for area variances and site plan approval back in 2008. The current proposal has not changed much from what was previously approved. A visual of the current site plan was provided for the Boards review. The applicant is proposing a two story building with a 4,400 square foot footprint. The first floor is proposing 1200 square feet of commercial/retail/service type use. Specific uses has not yet been determined. It will be consistent with the zoning and uses in the area. A 958 square foot studio apartment is also proposed on the first floor. The second floor is proposed to be a 2300 square foot 2 bedroom apartment to be owner occupied. Parking required pursuant to the code is 9 parking spaces. We are proposing two parking spaces for residential use in the garage, and 2 parking spaces in the driveway which is code for residential use. Concerning water and sewer connection we are working with DPW and the City Engineer. The plan is to remove and replace the sidewalk on Oak Street which is in disrepair and improve the apron of the driveway at this time as well to bring it up to city standards. We will disturb less than 1/10th of an acre on the site. The ZBA questioned the site distance from the corner because we are building the building along the front setbacks and this is a corner lot. Mr. Bianchino reviewed the variances currently requested from the ZBA as well as the elevations. A visual of the floor plans were also provided to the Board. A parking and traffic analysis was completed by Wendy Holtzberger from VHE and submitted to the city. The conclusions of that report stated the project will produce very low volume of traffic generated. Parking for residential units can be accommodated on site. Parking demand for the commercial space is expected to be very low and anticipated to be walk by patrons. We don’t expect a destination to the site will be common and will result in a very small parking demand and accommodated by on street parking. Ms. Davis did an analysis of parking and that was provided to the Board. We will return before the Board following approval of requested variances from the ZBA.
Sue Davis, SD Atelier Architecture spoke regarding what the applicant would be requesting for a use will be one that does not require a return to the ZBA. The parking is for the commercial/retail space which will be a daytime use.

DISCLOSURE:

Jamin Totino, Vice Chairman stated he lives on Beekman Street and he has no financial interest in this application. This is simply a disclosure. This property has been vacant for many years and he questioned the setback.

Amy Ryan, Alternate questioned if the applicant is planning on having reviewed radon studies on the property. It would be important to understand what will be under your building.

Matt Falvey, applicant stated at this time he has not thought about those aspects, he is simply looking for some approvals to move forward. Further down the line they will look at those issues.

Mark Torpey, Chairman stated this project will return before this Board for Site Plan Review and Special Use.

Ms. Davis stated we have met the permeability requirement. This is an urban lot and there is not a lot of opportunity for green space. Street trees have been proposed along the front. We have not developed a landscaping plan at this time. The building will be sprinklered as it is a requirement.

Discussion ensued parking for the commercial gallery space as well as loading and unloading.

Jamin Totino, Vice Chairman stated this project will fill in the missing tooth along the street which has been vacant for many years. He spoke regarding snow and his concern regarding the ability to keep the sidewalks clear.

Mark Torpey, Chairman stated he appreciates the applicant lowering the height of the building. The proposed project looks good and he appreciates the applicant's efforts.

SEQRA REVIEW:

Mark Torpey, Chairman stated the first order of business is for the Planning Board to assume Lead Agency Status.

Jamin Totino, Vice Chairman made a motion in the matter of the Falvey Mixed Use Building, 85 Beekman Street, that the Planning Board assumes Lead Agency Status for SEQRA. Ruth Horton seconded the motion.

VOTE:

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Janet Casey, in favor; Ruth Horton, in favor; Sara Boivin, in favor; Amy Ryan, Alternate, in favor; Shawna Jenks, in favor

MOTION PASSES: 7-0

Mark Torpey, Chairman stated the applicant has submitted Part I of the SEQRA Short Form, it is accurate and complete. The Board reviewed Part II of the SEQRA Short Form. No large or important areas of concern were noted.

SEQRA DECISION:

Jamin Totino, Vice Chairman stated that based upon the information provided by the applicant in Part I of the SEQR Short Environmental Assessment Form, and analysis of the information provided and presented in Part II of the SEQR Short Environmental Assessment Form, I make a motion for a SEQR negative declaration since the project will not result in any large and important impacts and, therefore, is one that will not have a significant adverse impact on the environment. Janet Casey seconded the motion.
VOTE:

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Janet Casey, in favor; Ruth Horton, in favor; Sara Boivin, in favor; Amy Ryan, Alternate, in favor; Shawna Jenks, in favor

MOTION PASSES: 7-0

2. **20190786 MACICA 3-LOT CONSERVATION SUBDIVISION**, 104 Old Schuylerville Road, final review of a 3-lot conservation subdivision within the Rural Residential District.

Mark Torpey, Chairman stated this is a large piece of property with significant wetlands. The applicant is before the Board this evening for final review. The applicant appeared before the Board back on November of 2018. We also need to address SEQRA for this project as well as the subdivision application.

SEQRA:

Applicant has provided Part I of the SEQRA Short Form. SEQRA Review by the Planning Board.

BACKGROUND:

Applicant owns 55+ acres lot east of Bog Meadow Brook between Old Schuylerville Road and NYS Route 29. Farmhouse access is from Old Schuylerville Road and will remain so. Applicant wishes to create 2 additional lots with 1 shared driveway from NYS Route 29.

Applicant: Katherine Macica

Agent: Dave Ingalls, Ingalls & Associates

Mr. Ingalls stated the applicant appeared before the Board in November of 2018 when the Board conducted a sketch review. The lot surrounding the current home is 32.7 acres. Two lots fronting on Route 29. Lot #2 being 13.9 acres and Lot #3 being 8.8 acres. The lots are 55.3 acres in total size in the Rural Residential District which does require a conservation analysis. The Conservation Analysis Map denotes the wetlands on the site. Mr. Ingalls provided a visual of the proposed site which is 55.3 acres for the parcel size requiring two acre lots in this district. The conservation analysis revealed a fair amount of wetlands on the site. 32 acres are jurisdictional wetlands. These are joint jurisdictional wetlands between the Army Corp of Engineers and the NYS-DEC and are designated as Q-11. This does have an associated 100 foot buffer around the wetlands. There are no direct wetland impacts simply buffer impacts. We have done a good job of avoiding the wetlands. Subtracting out the constrained wetlands, jurisdictional wetlands, steep slopes and flood plains we have roughly 32.4 acres of constrained lands which leaves us 22.9 acres of unconstrained or buildable lands, including half of those lands in the preserved area. 11.6 or 51% of the lands are preserved deed restricted conservation area. Total parcel size is 55.3 acres; 31.8 acres wetlands; .6 acre of steep slopes. 22.9 acres unconstrained or buildable property. This calculation shows 11 buildable lots. This project is proposing 3 lots including the existing homestead.

Out of the 55.3 acres we are proposing to conserve 43.7 or preserve those through a conservation area. A draft deed restriction was submitted and will be finalized with legal at some point. 11.6 acres that are within the unconstrained area are being preserved. 11.6 or 51% of the lands are preserved deed restricted conservation area. There is not an entity that would take a conservation easement. It was decided it would be a private deed restriction and as part of the private deed restriction it is filed with the clerk’s office and the city would be party to that as an enforcing agent as well as any of the neighbors. We have prepared a draft document which has been submitted Declaration of Restrictive Covenance which is filed with the plat.

Discussion ensued regarding the maintenance and management of the conservation area.
Mr. Ingalls stated all the individual lot owners will maintain the deed restricted lands. The deed will also have the language for Restrictive Covenant. Mr. Ingalls continued that they have met with the DEC on site and they have reviewed the delineation and will be issuing a permit.

Sara Boivin questioned if any consideration had been given to no salt roads since it is in a conservation district and perhaps runoff should be considered. This could have impacts over a long period of time.

Mr. Ingalls stated they have envisioned some grass buffered areas along the driveways for filtering purposes. There is enough flat area and shoulder area. DEC does not have any requirements for no salt driveways.

Discussion ensued regarding roadways in the area and proposed driveways.

Amy Ryan, alternate stated this is a beautiful space and questioned if access to the site for research and can be put into the agreement.

Mr. Ingalls stated this will be privately owned property.

Eileen Macica, Malta. I understand the points you are making. This property is beautiful and areas are wet you would need waders to get through some of the areas.

Mark Torpey, Chairman stated we have to be consistent with all the other conservation easements in the area. Perhaps going forward the City can research and possibly include some verbiage into the easement language to provide some mechanism for access for research and education.

Mr. Ingalls stated the only impact to the buffer would be the driveway. Septic is beyond the buffer.

**PUBLIC HEARING:**

Mark Torpey, Chairman opened the public hearing at 7:24 P.M.

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

Mark Torpey, Chairman closed the public hearing at 7:25 P.M.

Mark Torpey, Chairman stated the common driveway easement language is being developed. DOT permit for the driveway curb cut.

Mr. Ingalls stated they do have an application before the DOT for the permit.

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

Mark Torpey, Chairman stated he would like to not that none of the homes will be within the 100 foot wetland buffer.

Susan Barden stated there is an individual grading plan for each home to be provided to the principal planner.

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

**SEQRA REVIEW:**

Mark Torpey, Chairman stated the applicant has submitted Part I of the SEQRA form and it is accurate and complete.
Mark Torpey, Chairman and the Board reviewed Part II of the SEQRA form. No large or important areas of concern were noted.

SEQRA DECISION:

Jamin Totino, Vice Chairman stated that based upon the information provided by the applicant in Part I of the SEQR Short Environmental Assessment Form, and analysis of the information provided and presented in Part II of the SEQR Short Environmental Assessment Form, I make a motion for a SEQR negative declaration since the project will not result in any large and important impacts and, therefore, is one that will not have a significant adverse impact on the environment.

Ruth Horton seconded the motion.

VOTE:

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Janet Casey, in favor; Ruth Horton, in favor; Sara Boivin, in favor; Amy Ryan, Alternate, in favor; Shawna Jenks, Alternate, in favor

MOTION PASSES: 7-0

Mark Torpey, Chairman stated we will now review the Conservation Subdivision. We have discussed some conditions: The conditions of the conservation deed restriction language should be provided to the Planning Board Chair and the City Attorney to their satisfaction. The plans will be to the City Engineers satisfaction. We spoke about the ability and how to provide access and notice as well as look at the property for research and education purposes. We spoke about the need for signage around the conservation area to delineate where those areas are as the approval runs with the land. No hard structures within the wetland buffers. The applicant will use the City approved language for easement for the shared driveways.

Amy Ryan, Alternate made a motion in the matter of the Macica 3-lot Final Conservation Subdivision that the application be approved with the conditions as noted by the Chair.

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; Janet Casey, in favor; Ruth Horton, in favor; Sara Boivin, in favor; Amy Ryan, Alternate, in favor; Shawna Jenks, Alternate, in favor

MOTION PASSES: 7-0

The Board recessed at 7:35 P.M.
The Board reconvened at 7:40 P.M.

3. **20190117 EBERLEIN 2-LOT CONSERVATION SUBDIVISION.** 42 Ruggles Road, sketch plan discussion of a 2-lot conservation subdivision within the Rural Residential District.

Mark Torpey, Chairman stated this is a 10.31 acre property to be divided into two lots. This application is before the Board this evening for a sketch discussion basically to see what the applicant is proposing and to receive some feedback and suggestions that might be helpful to the project.
Applicant: Geri Eberlein

Agent: Dave Ingalls, Ingalls and Associates

Mr. Ingalls stated the proposal is to divide out one lot from the existing parcel. The parcel is 10.3 acres in size. This property is in the Rural Residential District obligating us to look at a Conservation Analysis and Conservation Subdivision. A visual presentation was provided to the Board noting the analysis of the conservation area and the site development plan showing one new lot. We have completion some surveys. A perk test and test pits showing that the site can support an onsite septic system. Very sandy soils with high infiltration in this area and the perk test results were very good. We will be hooking up to the existing City waster service on Ruggles Road. Lot #1 is the existing home site which will remain with approximately 7.25 acres. The proposed lot #2 would be approximately 3 acres in size. We have no flood plains on the site. We do have .27 acres of wetlands, a 1/3 of an acre of steep slopes, and .62 acres of constrained lands. Leaving 9.68 acres of unconstrained lands. We are proposing to deed restrict or conserve a minimum of 50% or 4.84 acres of preservation. 9.6 acres of unconstrained lands. The density calculation allows 5 lots. This is a straightforward application.

Mark Torpey, Chairman stated when you return before the Board with final approval you will want to include signage for the conservation easement to be incorporated in the plan as well. A suggestion for Lot #2 which is shown coming into the site on the left side in the middle of a steep slope area, if you come into the site on the right you will not have to deal with any additional grading and does not impact the steep slope areas. This provides the ability to situate the septic system to the rear of the home, just a design layout to consider having fewer impacts to the property and less expensive.

Mr. Ingalls spoke regarding the layout and keeping the house on the higher elevation and where the septic is situated. Test pits in that area were good. One constraint on the right hand side of the property is the stream which requires a 100 foot separation to the septic.

Bradley Birge, Administrator, Planning and Economic Development stated toward the rear of the property to the restricted area we ask that you have more of a corridor to that area.

Sara Boivin questioned the endangered species which is on the application. Do you have a DEC assessment? You will need to have some correspondence from DEC denoting their guidelines and if the project can move forward.

Mark Torpey, Chairman stated some members of the Planning Board would like to walk the site. We typically like to do this with the conservation subdivision to get a lay of the land.

Mr. Ingalls stated we can coordinate that with the owner and as soon as it can be accommodated. You have given us some recommendations and information to look at.

Amy Ryan, Alternate questioned what the owner’s opinion is regarding research and education to go on within the conservation space.

Mr. Ingalls questioned if there is a large enough context to review or research since the parcel is only 10 acres in size. In this case the parcel will remain private with no public access.

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

Mr. Ingalls stated they will look at the layout of the construction and open space and schedule a site visit when The weather permits and will then return before the Board.

COMMENTS FROM STAFF:

Bradley Birge, Administrator, Planning and Economic Development introduced the new City Planner, Susan Barden. Susan has been with the City for 11 years and worked in the capacity of Senior Planner. Bradley Birge updated the Board on upcoming meetings and workshops as well as the Joint Land Use Board Meeting scheduled for March 21, 2019 at 5:30 P.M.
Discussion ensued regarding streamlining paperwork for staff.

UPCOMING MEETINGS:
Planning Board Caravan, Thursday, March 14, 2019 at 4:00 P.M.
Planning Board Workshop, Thursday, March 14, 2019 at 5:00 P.M.
Joint Board Meeting with the Design Review Commission, Thursday, March 21, 2019 at 5:30 P.M.
Planning Board Meeting, Thursday March 21, 2019 at 6:30 PM.

MOTION TO ADJOURN:
There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 8:20 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 4-4-19