PLANNING BOARD
MINUTES (FINAL)
THURSDAY, MARCH 21, 2019
6:00 P.M.
RECREATION CENTER

CALL TO ORDER: Mark Torpey, Chairman called the meeting to order at 6:40 P.M.

SALUTE TO THE FLAG:

PRESENT: Mark Torpey, Chairman; Ruth Horton; Janet Casey; Sara Boivin; Todd Fabozzi;
Amy Ryan, Alternate; Shawna Jenks, Alternate

ABSENT: Jamin Totino, Vice Chairman; 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:

Janet Casey made a motion to approve the minutes of the January 24, and February 7, 2019 Planning Board Meeting Minutes as submitted. Ruth Horton seconded the motion.

VOTE:
Mark Torpey, Chairman, in favor; Janet Casey, in favor; Ruth Horton, in favor; Todd Fabozzi, 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. **20190187 ALLEN DRIVE APARTMENTS**, Allen Drive and Tait Lane, Initiation of coordination of SEQRA Review and request to seek Lead Agency status for a 200 unit affordable housing project in the Transect-4 Urban Neighborhood District.

Mark Torpey, Chairman stated the DRC has deferred Lead Agency Status to the Planning Board. This application is for the Planning Board to reach out to the Housing Trust Fund for them to defer Lead Agency Status for SEQRA.

Agent: Libby Coreno, Attorney, Carter Conboy; Doug Heller, LA Group

Ms. Coreno stated what the Chairman stated she is representing the NRP Group LLC. If the Board has any questions or comments they are available.

Mark Torpey, Chairman questioned involving a third party review.

Mr. Heller stated this has been referred to a third party for review and we are awaiting their comments. This should be available for the next Planning Board Meeting.

Mark Torpey, Chairman stated per the ethics code the Board needs to identify any conflicts of interest. Do we need to ascertain the owners to determine if there is any conflict of interest.

Vince DeLeonardis, City Attorney stated per the ethics code the applicant can provide this information to the Board.

Ms. Coreno due to the number of contracted people, when the applicant returns in April we will have an answer for the Board.

Todd Fabozzi made a motion in the matter of the Allen Drive Apartments that the Planning Board seeks Lead Agency Status from the New York State Housing Trust Fund. Janet Casey seconded the motion.

**VOTE:**

Mark Torpey, Chairman, in favor; Janet Casey, in favor; Todd Fabozzi, in favor; Ruth Horton, in favor; Sara Boivin, in favor; Amy Ryan, in favor; Shawna Jenks, in favor

**MOTION PASSES: 7-0**

2. **TELECOMMUNICATIONS FACILITIES AND TOWERS**, Advisory Opinion to the City Council on the Proposed amendment to the Zoning Ordinance to add Section 6.3.2.1 relating to Small Cell Wireless Facilities.

Vince DeLeonardis, City Attorney stated the FCC recently passed regulations relating to small cell wireless facilities. They are in effect limiting a municipality’s ability to regulate the deployment of the small cell wireless facilities particularly in the city’s right of way. The regulation became effective in January 2019. There are small time implications in which we have to adopt regulations relating to that. A public hearing has been scheduled by the City Council to be held at the next City Council meeting and voted on and why it is before you this evening. We are in the midst of a UDO review of our zoning ordinance where we expect this to have a harder look and incorporation. We do have a section 6.3.2. and this is intended to have a section 6.3.2.1 within that section to relate specifically to the small cell wireless facilities. This relates generally to definitions such as what a small cell wireless facilities is it outlines the application requirement, design requirements, approval procedures and the time lines that are in place. They are strict. Typically 60 days or 90 days depending on the specific application. The building inspector only has 10 days in which to review and determine if the application is complete. This is part of a global effort to develop 5G and the interest at the Federal level to make that transition as smooth as possible for the benefit of the installer. This does put restrictions on the municipality.
Sara Boivin questioned since we do have a historic corridor if a 5G small cell facility needs to go in and our current equipment could not bear that. Would that be up to the provider and could we provide input to them regarding what would be appropriate.

Vince DeLeonardis stated within limitations. There is a priority listing which we are providing to the DRC who currently has the authority over communications in section 6.3.2.

Sara Boivin stated is the city mandating that perhaps when a new traffic pole or any pole in the City is installed to assure that it can bear the weight of the 5G small cell facility.

Vince DeLeonardis, City Attorney stated that is a very good point and we will look into that.

Amy Ryan, Alternate stated there are severe time restrictions and documentation to the DRC and 30 day turnaround. What happens when there are many applicants with a 30 day turnaround. Also the difference between the city right of way and private property. Should we be drafting documentation in this regard.

Vince DeLeonardis, City Attorney stated there are severe repercussions if this does not meet their time requirements.

Discussion ensued among the Board concerning the location of the placement of the small cell wireless facilities.

Mark Torpey, Chairman stated it appears the opinion back to the City Council should be favorable in nature. The UDO is an opportunity where we can get these suggestions and regulations imbedded and may take some time until these come to fruition. Perhaps we can include some of these suggestions in our Favorable Advisory Opinion.

Mark Torpey, Chairman stated the Planning Board can issue a Favorable Advisory Opinion to the City Council concerning the proposed amendment to the Zoning Ordinance to add Section 6.3.2.1 relating to Small Cell Wireless Facilities with the following recommendations – The City Council to consider modifying the City Standards to allow for more flexibility for alternate street post designs and other infrastructure. City standards considered to be updated so as to include in Site Plan Review and Special Use Permit. The Planning Board recommends the City join the lawsuit against the FCC consistent with what many other municipalities have done. Compliance timelines be reviewed. Perhaps a committee can be formulated to review this.

Amy Ryan, Alternate made a motion in the matter of the Favorable Advisory Opinion to the City Council on the proposed amendment to the Zoning Ordinance to add Section 6.3.2.1 relating to Small Cell Wireless Facilities with the conditions as noted by the Chair. Ruth Horton seconded the motion.

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

VOTE:

Mark Torpey, Chairman, in favor; Janet Casey, in favor; Todd Fabozzi, in favor; Ruth Horton, in favor; Sara Boivin, in favor; Amy Ryan, in favor; Shawna Jenks, in favor

MOTION PASSES: 7-0

3. **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.

BACKGROUND:

The applicant appeared before the March 7th meeting the Board suggested that the applicant consider a wider range of possible uses in addition to the requested retail and art gallery uses proposed. The site plan identifies "existing brick
remains replaced with 5' wide concrete sidewalk. The Board could consider restoration and replacement of the brick sidewalk. The ZBA did not grant the variances requested by the applicant. They have, however, requested an Advisory Opinion from the Planning Board concerning the parking waiver.

SEQUA:

- 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

Applicant: Matthew Falvey

Mark Torpey, Chairman stated the parking requirement is for 9 spaces, the applicant is proposing 4. 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, along with 1200 square feet of commercial space.

Mr. Bianchino stated 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 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. We are asking for a waiver of 5 parking spaces. We have completed an analysis of the parking. 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, architect did an analysis of parking and that was provided to the Board as well.

Mark Torpey, Chairman spoke regarding the proposed uses for the commercial space and the possibility of tightening up on the possible uses for the commercial space.

Janet Casey agreed with the Chair. Narrow down the commercial space usage.

Sara Boivin voiced concern about the parking and loading and unloading of materials.

Matt Falvey, owner stated the he is comfortable to have restrictions on the commercial space. I am looking for a daytime use. Not a Laundromat or drycleaner. Perhaps an architect, engineer or realtors office.

Ruth Horton stated she is comfortable with the plan as presented. Uses are consistent with the neighborhood.

PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing at 7:25 P.M.
Mark Torpey, Chairman asked if anyone in the audience wished to comment on this application.

Shavone Hart, 39 Oak Street. As nearby neighbors stated the analysis of the parking issue is that there is no on street parking. There are a full suite of cars on Oak Street mainly for residences that do not have off street parking.

Tony, Shavone Harts husband, 39 Oak Street. The use of the property is in keeping with the character of Beekman Street. The applicant needs to consider the uses on the side streets and the property owners there as well.

Mr. Bianchino provided a visual of the elevations, the site and placement of the proposed building for the Boards review.

Mark Torpey, Chairman stated by virtue of the size of the commercial space will determine what will occupy the space.

Mark Torpey, Chairman stated the public hearing will remain open.

Mark Torpey, Chairman stated it appears the Board would like to issue a Favorable Advisory Opinion to the ZBA concerning the parking waiver from 9 to 4 spaces.

Ruth Horton made a motion in the matter of the Falvey Mixed Use Building, 65 Beekman Street the Planning Board issues a Favorable Advisory Opinion to the ZBA concerning the parking waiver from 9 spaces to 4. Janet Casey seconded the motion.

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

VOTE:

Mark Torpey, 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

7:30 P.M. The Board recessed.
7:37 P.M. The Board reconvened

4. 18.055/20190204 AIROMITH MIXED USE DEVELOPMENT, 318 West Avenue Coordinated SEQRA Review and Advisory Opinion to the ZBA for modifications to the approved site plan for a mixed-use Development within the Transect-4 Urban Neighborhood District.

BACKGROUND:

-Planning Board assumed Lead Agency Status and issued a SEQRA Negative Declaration on October 4, 2018.
-Planning Board issues a permanent Special Use Permit for office and multi-family residence on October 4, 2018.
-Planning Board approved Site Plan for 6,675 sq. ft., of office use and two residential dwelling units on January 10, 2019.
-ZBA deferred Lead Agency Status to the Planning Board on March 18, 2019 and requested an Advisory Opinion on the Variance request.
-County Planning Board issued a response noting No Significant County Wide or Intercommunity Impact.

AREA VARIANCE CONSIDERATION:

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<th>REQUIRED</th>
<th>PROPOSED</th>
<th>TOTAL RELIEF REQUESTED</th>
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<tr>
<td>Frontage build-to-line</td>
<td>12-18 ft.</td>
<td>6 ft.</td>
<td>6 ft. (50%)</td>
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Mark Torpey, Chairman stated that the application is before the Board concerning modifications to the approved site as well as SEQRA review.

Applicant: Smith Cassier Real Estate Holdings, LLC

Agent: Matt Brobston, LA Group

Mr. Brobston stated that we have received all approvals. The applicant was closing on the property and an easement issue arose. The original project survey was provided to the Board noting the easement of the large sewer line to the rear of the property as well as a forced main line which was being avoided. We were able to place paved surfaces but nothing structurally built above. Since that time they discovered during a title search an additional easement of the County Water Authority on the property and a 36 inch water main. During our initial contact with the County Water Authority we were given a diagram and plan that showed the water line being designed and located on the east side of the existing sanitary sewer easement and main. We took that information, went through designs and through all the Boards and received necessary approvals. We verified with the County Water Authority that this is the as built location of the water main and that the easements shown here are the filed easement encumbering the parcel. We needed to modify our plan. A visual of the site was provided to the Board. In this T-4 zone the build to line is 12-18 feet. We were avoiding the rear of the parcel. Originally we proposed porous pavement in the rear to manage stormwater management on the site. We had to determine how to shrink the building. We were able to squeeze 6 feet out of the building. We then needed to obtain an additional 6 ft which forced us to move the building forward. This does not impact the streetscape designs; there are no utility changes and no stormwater management changes. The ZBA has deferred Lead Agency Status to the Planning Board.

Mark Torpey, Chairman stated this is a minor change. At this point we can re-affirm Part II of the Negative SEQRA determination.

Janet Casey made a motion in the matter of the Airosmith Mixed-Use Development, 318 West Avenue, that the Planning Board re-affirms Part II of the Negative SEQRA declaration for the project. Amy Ryan, Alternate seconded the motion.

VOTE:

Mark Torpey, 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 the Planning Board offers a Favorable Advisory Opinion to the ZBA for the Site Plan modification.

Ruth Horton made a motion in the matter of the Airosmith Mixed-Use Development, 318 West Avenue, that the Planning Board offers a Favorable Advisory Opinion to the ZBA concerning the Site Plan Modification. Sara Boivin seconded the motion.

VOTE:

Mark Torpey, 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

5. 20190156 MAIORELLO SUBDIVISION, Crescent Avenue, Coordination of SEQRA Review and Advisory Opinion to the ZBA for a two-lot residential subdivision within a Rural Residential District.
BACKGROUND:

- The action appears to be Unlisted with the Planning Board and ZBA identified as involved agencies.
- Part I of the EAF identifies the existence of wetlands and floodplain on the property. Other approvals/permits required, other involved agencies not identified.
- The ZBA will defer Lead Agency Status to the Planning Board and seek an Advisory Opinion Opinion on the variance request.

Mark Torpey, Chairman stated per our regulations this will be a Conservation Subdivision.

Applicant: Peter Maioriello

Agent: Matt Webster, Van Duesen & Steves Land Surveyors

Mr. Webster is looking to subdivide his property which is bi-sected by Crescent Avenue. The parcel on the lake side is vacant and Mr. Maioriello has maintained that property since he purchased it in 1997. This is becoming a safety issue for him and his families as the developments around his home have increased as well as the traffic. He would like to subdivide his property and build a smaller residence on the lake side of his property. What we are here for this evening for an Advisory Opinion to the ZBA since the parcel on the lake side does not fit with the regulations of the Rural Residential District and we are seeking a variance. Mr. Webster stated there is not a lot of buildable area on the proposed lake parcel but it is similar to other parcels on the lake. This is a unique situation.

Mark Torpey, Chairman stated this particular application requires us to move forward with a Conservation Subdivision which requires a Conservation Analysis in a Rural Residential District. When we move through the analysis there are steps noting what can or cannot be done. During this analysis we would need to identify steep slopes, as well as distance from streams. There is a 100 foot stream buffer which is required in this area. The only area worth preserving is that entire section by the lake. This would preclude the only area worth building is the parcel across the street where the current home exists. This parcel along the lake should remain as is and be preserved. It does not appear it could be built on based on the steep slopes and the proximity to Fish Creek. I do not believe we could approve this on how this is presented.

Mr. Webster stated they would be happy to proceed with the Conservation Analysis as well to see how it would impact the site.

Mark Torpey, Chairman stated that based on what is involved in the Conservation Analysis it would preclude the applicant from building on this side of the street based on what is reviewed on these constrained lands.

Mr. Webster stated there are buildings on either side of the proposed parcel. We can add topography to the map.

Mark Torpey, Chairman stated these two parcels are unique. I do not see how you could fit a home in.

Susan Barden, Principal Planner stated on the EAF has identified as well the existence of flood plains and wetlands. The Board may wish ask for that information as well.

Sara Boivin stated in the Conservation Analysis it will determine the stability of the ground. We would need much more information due to the sleepness of the site.

Janet Casey stated we could not look at the application without a Conservation Analysis and much more information.

Mr. Webster stated the applicant placed a home on the site meeting all the setbacks.
Mark Torpey, Chairman stated along with the Conservation Analysis 50% of the site would be required to be set aside in Conservation Easement so that further restricts it. We are being asked for an Advisory Opinion and at this time I do not feel we could provide a Favorable Advisory Opinion at this time.

Susan Barden, Principal Planner asked the Board if they would rather wait and receive more information from the applicant including the Conservation Analysis prior to issuing the Advisory Opinion.

Mark Torpey, Chairman stated he does not wish to waste the applicants time. If the applicant would like to provide more information to the Board and return before the Board we will wait to issue our Opinion to the ZBA.

Mr. Maiorillo stated he purchased the land in 1997. There were a few cars going by. There was no Regatta View, no Racino, no East Ridge. There was much less traffic. Today the traffic is not careful about pedestrians. It is a safety issue. Having a parcel divided by a roadway is highly unique. When we bought the property it was a country road.

Mark Torpey, Chairman spoke regarding what the Board is required to review. This is a tough situation based on the Analysis.

Mr. Webster asked if the application can be tabled until further evaluation and information can be submitted.

6. 20190098 SARATOGA HONDA, 3402 NYS Route 9, site plan review for parking area expansion in the Office Medical Business -2 District.

**BACKGROUND:**

Previous site plan approval, DRC Architectural Review and ZBA variances for the expansion of the building. County Planning Board referral response – No significant countywide or intercommunity impact.

**SEQRA:**

- Action appears to be a Type I action; Part I of the Long form EAF was submitted.
- Planning Board is the only involved agency.

**Applicant:** Tim Higgins/Saratoga Honda

**Agent:** Matt Brobston, LA Group

Mr. Brobston stated what is being proposed is an area for vehicle storage for sales. A visual of the site was provided to the Board noting the area where this storage is proposed. The site is currently occupied by an infiltration pond. Adjacent to that area is where the existing merchandise is parking prior to advancing to the sales lot. We are looking to expand our inventory by 102 spaces. This area will be constructed with porous pavement. Some short trees will be removed. We will enhance the buffer area with the same type of plants to the East. Maintain the majority of the forested wooded area from Route #9 and the natural screen. The basin for drainage will be placed from the pavement area to the existing trees. The storage spaces are thinner than normal parking spaces. We will add two new lights and reposition two existing lights. They are LED lights and are on timers and dimmers and greatly reduce the light in the rear. The site grading plan was provided to the Board. Regarding landscaping we are providing the same type of tree buffer as in our previous project.

Amy Ryan, Alternate questioned the regular type of maintenance which will not affect the porous pavement. How will this be managed effectively.
Mr. Brobstion stated they are treating this as one porous surface. We vacuum out sediment for the winter. There is a procedure to vacuum out this area and is in the SWPPP and maintenance documents. It is the owner’s responsibility to maintain these areas. We will be using the porous pavement which is a city standard which is above and beyond the DEC requirements. We are very conservative in our infiltration rates. We will be onsite during construction to assure that it is property installed and is required by the City of Saratoga Springs.

Amy Ryan, Alternate questions water runoff or new culvert.

Mr. Brobstion stated there is no new system required.

Mark Torpey, Chairman questioned if the SWPPP has been approved.

Mr. Brobstion stated the SWPPP is under review by an outside review agent, and they expect a response by March 26th. Final approval of course is by the City Engineer.

Mark Torpey, Chairman questioned if the 10% requirement for landscaping of a parking area been met.

Mr. Brobstion stated this is not a parking area, but a vehicle storage area for storage of merchandise.

Sara Boivin questioned snow removal.

Mr. Brobstion explained the snow removal and will go into the first infiltration basin.

Mark Torpey, Chairman stated we will now review SEQRA. The applicant has provided Part I of the Long EAF and it is accurate and accepted by the Board. We will review SEQRA Long EAF due to the proximity to the State Park. No large or important areas of concern were noted.

**SEQR DECISION:**

Amy Ryan, Alternate 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; 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**

Janet Casey made a motion in the matter of the Saratoga Honda, NYS Route 9 for Site Plan Approval be approved as presented. Ruth Horton seconded the motion.

**VOTE:**

Mark Torpey, 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**
UPCOMING MEETINGS:
Planning Board Caravan, Thursday, March 28, 2019 at 4:00 P.M.
Planning Board Workshop, Thursday, March 28, 2019 at 5:00 P.M.
Planning Board Meeting, Thursday April 4, 2019 at 6:00 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