



# PLANNING BOARD

## MINUTES (FINAL)

THURSDAY, APRIL 4, 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; Jamin Totino, Vice Chairman; Bob Bristol; Todd Fabozzi; Ruth Horton; Amy Ryan, Alternate; Shawna Jenks, Alternate

**ABSENT:** Janet Casey; Sara Boivin

**STAFF:** Susan Barden, Principal Planner, 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:**

Mark Torpey, Chairman made a motion to approve the minutes of the March 7, 2019 Planning Board Meeting Minutes as submitted. Jamin Totino, Vice Chairman, seconded the motion.

**VOTE:**

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Amy Ryan, Alternate in favor; Shawna Jenks, in favor; Bob Bristol, abstained; Todd Fabozzi, abstained

**MOTION PASSES: 5-0-2**

Mark Torpey, Chairman, made a motion to approve the minutes of the March 21, 2019 Planning Board Meeting Minutes as submitted. Ruth Horton seconded the motion.

**VOTE:**

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, abstained; Ruth Horton, in favor; Amy Ryan, Alternate in favor; Shawna Jenks, in favor; Todd Fabozzi, in favor; Bob Bristol, abstained

**MOTION PASSES: 5-0-2**

**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. 17.042 KCG MIXED-USE DEVELOPMENT, 153 South Broadway, Special Use Permit Extension for a mixed use development project approved September 14, 2017.

Mark Torpey, Chairman stated a special use permit was issued September 14, 2017. That approval would expire on April 3, 2019. The applicant is requesting an 18 month extension. The applicants are waiting federal funding to be granted.

Jamin Totino, Vice Chairman made a motion in the matter of the KCG Mixed Use Development to approve an 18 month Special Use Permit Extension until October 3, 2020. Ruth Horton 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; Bob Bristol, in favor; Todd Fabozzi, in favor; Ruth Horton, in favor; Amy Ryan, Alternate, in favor; Shawna Jenks, Alternate, in favor

**MOTION PASSES: 7-0**

2. 18.046 GRAND AVENUE SUBDIVISION, 485 Grand Avenue, subdivision extension for a four-lot residential subdivision approved on October 4, 2018.

Mark Torpey, Chairman stated the applicant has requested a 90 day extension until July 2, 2019, as the City is reviewing the mylar prints which were submitted on November 14, 2018.

Jamin Totino, Vice Chairman made a motion in the matter of the application of the Grand Avenue Subdivision, 485 Grand Avenue, that the 90 day extension be approved until July 2, 2019. Shawna Jenks, Alternate seconded the motion.

**VOTE:**

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Bob Bristol, in favor; Todd Fabozzi, in favor; Ruth Horton, in favor; Amy Ryan, Alternate, in favor; Shawna Jenks, Alternate, in favor

**MOTION PASSES: 7-0**

**B. APPLICATIONS UNDER CONSIDERATION:**

**NOTE:**

The agenda was heard out of order due to a misprint in the meeting start time. The Board conferred on the Advisory Discussion concerning the Flat Rock Center Parking Structure.

1. FLAT ROCK CENTRE PARKING STRUCTURE, High Rock/Lake/Maple Avenues, Advisory discussion on the proposed parking structure within the Transect-6 Urban Core District.

Mark Torpey, Chairman stated a Joint Board Meeting was held on March 21, 2019 with the DRC. Conceptual drawings were shared with the group. A presentation of the overall project and specifics on the first phase of development was provided. Planning Board discussion this evening and possible consolidation of comments/considerations to be provided to the City Council for review of the project. I would like to discuss with the Board and draft some recommendations to share with City Council.

Jamin Totino, Vice Chairman stated he would like to recommend permanent open space beyond the Green Belt Trail. Civic Space that was initially to be placed on the Lake Avenue frontage but could also in the future be a building. Creating meaningful and permanent civic space in the City should be a consideration.

Todd Fabozzi stated there is a way to use buildings to create civic space. He spoke concerning the narrow strip of green space along Lake Avenue and recommended trees on both sides to create a canopy with a brick paved walkway in the middle leading to the Green Belt Trail. There should be benches for seating as well. Examples were provided of a linear park. He also suggested a public plaza framed by mixed use buildings creates a partial enclosure and if properly designed could be an attractive addition to the city. We could have buildings that line Lake Avenue and Maple Avenue with small cafes and seating, landscaping, perhaps a fountain would enhance the area and add additional revenue for the city.

Vince DeLeonardis, City Attorney, City of Saratoga Springs stated the presentation was more structural in nature. The Mayor will be convening the committee for Phase II of the project which entails the park. The information the Planning Board provides will be helpful.

Shawna Jenks, Alternate stated she does have concerns regarding safety. Cameras in the area – perhaps.

Vince DeLeonardis, City Attorney, City of Saratoga Springs stated these details have not yet evolved, however these considerations will be taken into account. The Green Belt Trail connector and the Farmer's Market component and other vendors such as food trucks will be discussed in further detail as well as additional green space in Phase II. These are components which will be included in the Phase II development.

Amy Ryan, Alternate questioned if there will be language in this project for the allowance of solar and/or other green energy alternatives and sustainability for this building.

Vince DeLeonardis, City Attorney, City of Saratoga Springs stated that is a possibility, however, we have not yet put pen to paper to discuss these possibilities with the City Center Authority. Cost estimates are being prepared. The City Center will be paying for this project and will be managing the parking structure.

Mark Torpey, Chairman stated the Planning Board would like to view the plan when the project moves forward similar to a site plan review and look at some of those issues brought forward.

Discussion ensued among the Board concerning the possibility for free parking for Farmers Market patrons as well as the possibility for free parking for certain "city" events.

Vince DeLeonardis, City Attorney, City of Saratoga Springs stated there was discussion concerning free parking for the first two hours and a fee following that time.

Mark Torpey, Chairman stated the mixed use portion of this is tertiary as well. This is a T-6 District. An anchor area for the City to integrate the mixed use space with the civic space and the parking. It does not seem cohesive at this time.

Amy Ryan, Alternate questioned the landscaping and trees and types and species.

Vince DeLeonardis, City Attorney, City of Saratoga Springs stated that would be a discussion with the Flat Rock Committee to review the parcel and reach out to the interested committees in the city for recommendations on those issues.

Discussion ensued among the Board concerning the connectivity and pedestrian safety.

Mark Torpey, Chairman reviewed the recommendations discussed and the following are recommendations the Planning Board would like to forward to the City Council. We will first produce a draft, review and then forward onto the City Council.

- Establish the importance of permanent open civic space and the mixed use functionality. A definitive commitment to that in Phase II.
- Linear park concept along High Rock and the notion of a small plaza with mixed use buildings.
- Safety issues with the connector. ? Blue light capability.
- Parking for the Farmers Market – added benefit for the patrons – degree of access.
- Managed parking – free versus charged.
- Ability for the Board to review more detailed substantive comments at the next detail of the project.
- Ability to repurpose the building in the future.

Discussion ensued among the Board concerning the repurposing of the building in the future.

Vince DeLeonardis, City Attorney, City of Saratoga Springs stated this was discussed and the building is 70% flat and can be repurposed if necessary.

Susan Barden, Senior Planner, City of Saratoga Springs stated comments were received from Board Members Janet Casey and Sara Boivin. We have covered in our discussion all their concerns. I will review the comments and forward them to the Board for further discussion prior to forwarding onto the City Council.

2. **16.018 REGATTA VIEW AREA B PHASE III SITE PLAN**, Union Avenue/Dyer Switch Road/Regatta View Drive, final site plan review for 24 unit residential duplex development within the Regatta View Planned Unit Development.

Mark Torpey, Chairman stated the applicant has appeared before the Board on multiple occasions. Information is on the web including some revisions to the final SWPPP updated on March 19, 2019. We have received comments from neighbors and VHB has provided s traffic analysis. Environmental Design Partnership as well as Chazen correspondence. We have received deferral of SEQRA Lead Agency Status from the DEC and the DOH and the DRC. So, therefore, we can broach SEQRA this evening. We have not yet received any formal feedback or response from Traffic Safety concerning the traffic analysis and new configurations. The public hearing was opened and remains open.

Susan Barden, Senior Planner, City of Saratoga Springs stated she is awaiting information concerning the distance from Dartmouth Drive regarding the length.

Agent: Matt Jones, Jones Steves, Attorneys at Law; Travis Mitchell, Environmental Design Partnership

Applicant: Peter Belmonte, Belmonte Builders

Mr. Jones provided a visual presentation of the Phase III of Regatta View which entails the last six acres. This is the last portion to be developed. This is a unique application. This is the last 6 acres in the city which does not have area and bulk requirements. Mr. Jones reviewed the chronology of the project. The application has appeared before the Planning Board and the DRC. A visual of the 6 acre parcel site was provided to the Board. 12 Duplexes – 24 units will be constructed on what is to be Dartmouth Way. This is the last build out of Regatta View.

Mr. Jones spoke regarding the proposed easements and stated the subdivision application has been filed and provided the Board with information noting subdivision may be forthcoming. We are in discussion with the HOA and there are advantages for the HOA in doing so, one of which is dedicating the street to the City of Saratoga Springs. Today we are presenting the zoning compliance application which is for the final site plan review for this application before the Board. Mr. Jones further stated that the definitions in the zoning code concerning accessory uses were reviewed and some definitions were created with the approval of staff. Easement language has been prepared including enforcement and responsibility, and if included in the project will be to the satisfaction of the City Attorney.

Discussion ensued concerning easements, property owner's responsibility and city's responsibility.

Mr. Mitchell, EDP provided a visual of the 6 acre parcel site as well as the accessory use area. A traffic study was completed by VHB and notes that the increase in the traffic will be accommodated for the existing roadway network and no off site mitigation is recommended or needed. The Boulevard access and egress is a traffic calming measure. Mr. Mitchell provided a visual of the accessory use area. Access and egress to the site was reviewed. South side parking only. Sidewalks and pathways were reviewed with the Board.

Discussion ensued concerning the possibility of alternate side parking for ease in snow removal.

Mr. Mitchell spoke regarding the infrastructure for the project and information was provided to the Board noting the water lines and sanitary sewer lines. The sewer line is owned by Saratoga County Sewer District and they will have jurisdiction over this approval. There will be an easement with the Saratoga County Sewer District for the sanitary sewer lines and an easement with the City of Saratoga Springs for the water lines. Stormwater management will be handled on site. Planting plan and landscaping plan was reviewed. Street trees will be provided and screening t but is not completely defined at this time. Additional screening will be provided to the neighbor most affected by the entrance and exit of vehicles. We will further develop landscaping plans.

Mark Torpey, Chairman questioned if the no cut buffer policy the City has enforced in some areas will this be instituted for this project.

Mr. Jones stated he will review the plan and assured the Board they will comply with the City's requirements. Mr. Jones further requested the Board take action on SEQRA this evening following the review of the application and public comment.

#### **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.

**AJ Bozogian**, 12 Flying Dutchman. This plan has changed over time. Originally it was condos to single family homes and now to townhomes. This is too congested and he is not in favor of the application. Too much open space has been taken away.

**Joe Cesaro**, 44 Regatta View Drive, Vice President of the Homeowners Association. We have met with the applicants on several occasions. We hope this is a huge success. We have discussed all these details with him. We are concerned with the width of the road and snow removal. We would like to meet with the applicant to resolve all the issues. The HOA will not be maintaining the street.

**Peter Sanchez**, 3 Regatta View Drive. My home is the one most affected by this project. Concern was voiced regarding the traffic and the width of the street and the proximity of his home to the road. This will affect the value of his home.

**Greg Piper**, 9 Regatta View. Many of my concerns were already addressed. Concerned regarding the roadway width. The roadway width is stated in the Complete Streets Policy. Also, safety concerns regarding police and fire are issues.

Mark Torpey, Chairman stated he would like to have traffic safety review the traffic analysis and the roadway width and what would be required concerning sidewalk placement.

Jamin Totino, Vice Chairman spoke regarding approval of the site plan without definitive information concerning the width of the proposed roadway. We cannot approve a site plan if the width of the street could change.

Discussion ensued among the Board concerning the width of the roadway and the impact on the neighbors.

Todd Fabozzi questioned the authority of the Board to change the configuration of the proposed project.

Vince DeLeonardis, City Attorney, City of Saratoga Springs stated it was the court's decision was specific and reviewed the initial site plan which was submitted in 2016 that almost mirrors what you are looking at. The number of units, the location of the units, the incorporation of the street from Dyer Switch to Regatta View. That specific site plan was reviewed and is compliant with the zoning in this area which is a PUD.

Mr. Jones stated in speaking with the Building Inspector if we modify the plan we return to the Building Inspector to determine if we are zoning compliant. We do not have underlying zoning in this area. Every modification goes back to the Building Inspector. This is not fair to the applicant.

**Jean Cochrane** 15 Flying Dutchman Way. Prefer it would remain wild. Concern regarding fire and safety. Traffic in that area is a concern.

#### **CORRESPONDENCE RECEIVED BY THE BOARD:**

Email received from AJ Bozogian, 12 Flying Dutchman Way, dated April 1, 2019.

Email received from Joseph Cesaro, 44 Regatta View Drive, dated April 3, 2019.

Amy Ryan, Alternate spoke regarding the traffic reports comments concerning public safety and fire protection in this area.

Mr. Jones spoke regarding the Boards comfort level in reviewing SEQRA this evening.

**Peter Sanchez**, 3 Regatta View Drive spoke regarding changing the plans.

Mark Torpey, Chairman stated he will leave the public hearing open but the Board will not entertain any further public comments this evening.

Mr. Jones refuted Mr. Sanchez's comments.

Mark Torpey, Chairman stated Part I of the Short EAF was submitted by the applicant and is accurate and complete.

Mark Torpey, Chairman reviewed Part II of the Short EAF. No large or important areas of concern were noted.

#### **SEQR 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 or 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.

Bob Bristol seconded the motion.

**VOTE:**

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Bob Bristol, in favor; Todd Fabozzi, in favor; Ruth Horton, in favor; Amy Ryan, Alternate, in favor; Shawna Jenks, Alternate, in favor

**MOTION PASSES: 7-0**

Jamin Totino, Vice Chairman stated the applicant needs to work with the HOA with some of the finer details regarding the roadway width and the screening of Mr. Sanchez's home.

Mark Torpey, Chairman stated he agrees with Jamin along with Traffic Safety comments and the configuration of the roadway. I do not have any issue with the layout.

Jamin Totino, Vice Chairman stated perhaps tweaking the entranceway a bit so it does not face Mr. Sanchez's home.

Mr. Belmonte spoke concerning the roadways, plowing and ownership of the roadway.

Shawna Jenks, Alternate proposed one way traffic to help resolve some issues. She proposed this as a possibility.

Mr. Belmonte stated anything is possible, it is unlikely.

Mark Torpey, Chairman stated we will add this to our list of questions for Mr. Krupski in Traffic Safety.

Peter Belmonte provided some history of the project for the Planning Board.

**MOTION TO ADJOURN:**

There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 8:35 P.M.

Respectfully submitted,

Diane M. Buzanowski  
Recording Secretary

APPROVED 6-20-19