



PLANNING BOARD

MINUTES (FINAL)

THURSDAY, AUGUST 8, 2019

6:00 P.M.

RECREATION CENTER

CALL TO ORDER: Mark Torpey, Chairman called the meeting to order at 6:01 P.M.

SALUTE TO THE FLAG:

PRESENT: Mark Torpey, Chairman; Jamin Totino, Vice Chairman, Todd Fabozzi; Bob Bristol; Amy Ryan, Alternate; Shawna Jenks, Alternate

ABSENT: Ruth Horton, Sara Boivin

STAFF: Susan Barden, Principal Planner, City of Saratoga Springs
Vince DeLeonardis, City Attorney, City of Saratoga Springs
Leah Everhart, Counsel to the Land Use Boards

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:

Approval of meeting minutes was deferred to the end of the meeting.

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.

C. APPLICATIONS UNDER CONSIDERATION

- 1. THE WESLEY COMMUNITY PUD AMENDMENTS,** 131 Lawrence Street, Advisory Opinion to the City Council on proposed text amendment to the Woodlawn Oval PUD.

Mark Torpey, Chairman stated the application is before the Board for an Advisory Opinion to the City Council. We have requested an extension for our response. The applicant provided an overview at our previous meeting as well as detailed briefing. The proposed changes are to permit proposed and future projects within the proposed legislation and on the sketch plan. We spoke about buffering for neighbors, pedestrian access from Clement, traffic analysis on the corner of Clinton and Clement as well as stormwater management.

Applicant: Wesley Community

Agent: Dave Carr, LA Group; Brian Nealon, CEO Wesley;
Clifford Van Wagner, Pharmacist, Development Coordinator, Wesley

Mr. Carr stated the applicants are before the Board for an Advisory Opinion to the City Council for a proposed text amendment to the Woodlawn Oval PUD and is a language change only. Mr. Carr stated they have provided an overview of five projects which will span over the next ten years. The first project will be the build out of the Springs Building. The second project will be the construction of 100 unit affordable housing apartment building in this location, also included in this location will be an office building where the Wesley Community can move off site administrative services back onto the campus. Lastly, the addition of a memory care facility which will be a one story 52 bed facility. There are three points I will answer based on the discussion at the workshop. We have received communication from a neighbor with regards to storm drainage on her property due to increased construction in the area. Mr. Carr provided a visual of the storm water management on the site. Each one of these projects would require site plan approval at which time these types of issues are reviewed and addressed. Secondly, there are currently 700 seniors on the campus. At the entire build out it will go to 875 after the 10 year build out. Concerning the traffic, a traffic study was completed by Creighton Manning and it was provided with the application. The applicant's agent reviewed the entire build out of the project due to some revisions in the plan. There was no intersection analysis done since it did not meet the ITE guidelines for review.

Mark Torpey, Chairman asked if there were any questions or comments from the Board.

Amy Ryan, Alternate questioned if the neighbors concerns regarding stormwater have been met.

Clifford Van Wagner spoke regarding the neighbors concern noting following completion of the project in 2005 they improved the storm drainage, sewer and water in this area. The neighbor in question home is sited such that the property is higher than ours and the water issue she is having is not coming from Wesley.

Todd Fabozzi stated this is a well thought out plan and Wesley has done their due diligence.

Jamin Totino, Vice Chairman stated he couldn't agree more. They are tremendous neighbors.

Shawna Jenks, Alternate stated moving the Administrative Offices back on campus will help to increase the convenience to the residents you are trying to serve.

Bob Bristol stated he looks forward to the site plan review of these projects as the move through the process.

Amy Ryan, Alternate stated this is very forward thinking on Wesley's part.

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

Jamin Totino, Vice Chairman made a motion to provide a Favorable Advisory Opinion to the City Council for this project. Todd Fabozzi seconded the motion.

VOTE:

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

MOTION PASSES 6-0

2. **20190634 138 NELSON LLC ROOMING HOUSE**, 138 Nelson Avenue, permanent Special Use Permit for a corridor rooming house within an Urban Residential-2 District.
3. **20190633 138 NELSON LLC ROOMING HOUSE**, 138 Nelson Avenue, Site Plan Review for corridor rooming house within an Urban Residential-2 District.

Mark Torpey, Chairman stated the applicant is before the Board this evening for a Special Use Permit and Site Plan Review for a corridor rooming house. Six bedrooms in total. We have received communication from the ZBA noting some zoning requirements for the Board to be aware of during this discussion. This will require a public hearing.

SEQRA:

This is a Type II action for SEQRA and does not trigger a SEQRA review.

DISCLOSURE:

Bob Bristol disclosed that he owns property at 305 Nelson Avenue.

Agent: Stephanie Ferradino, Attorney

Ms. Ferradino stated this property is located at the corner of Lincoln and Nelson Avenues. A visual of the project site was provided noting the 1850's home in question as well as a view of the neighborhood. The applicant is seeking a corridor rooming house. The corridor rooming house is utilized in a one or two family residential structure having a resident host where 5-10 rooms are offered for rent, where meals maybe provided for compensation. That is not the intent here. The rentals cannot be longer than 28 days and may have a common kitchen but no kitchen facilities in the rooms. No regularly scheduled commercial activities such as weddings and other events and lodging are allowed upon the granting of a Special Use Permit and Site Plan Review. We are proposing 6 rooms for rent along with a manager's apartment. Ms. Ferradino reviewed the floor plans of the residence both upstairs and downstairs noting they are each an ensuite having their own bathrooms. A review of the parking area revealed that there is a parking lot with three spaces and we will be providing for additional parking on the site and this is the only change to the site. Ms. Ferradino reviewed the Comprehensive Plan and how this is in accordance with that plan as well as a review of the neighborhood and what currently exists in this area. Ms. Ferradino reviewed the evaluation criteria for the Special Use Permit. The applicant is proposing to run this operation all year long, noting no outdoor activities. No basement or attic modifications are proposed and those bedrooms will be removed. Kitchen access will be allowed to all renters.

Discussion ensued among the Board concerning enforcement of the 28 day minimum leasing.

Shawna Jenks questioned the screening process for renters in this area considering the close proximity to schools and playgrounds what is the vetting mechanism used for such temporary renters. This could raise some red flags.

Mark Torpey, Chairman questioned staff is there a requirement for a screening process for rentals.

Discussion ensued among the Board regarding rentals, rooming houses, etc., and some type of screening or vetting process, as well as the criteria for the resident host.

Ms. Ferradino stated this is a country wide issue with air B&B's and such it is a very hard issue to monitor.

PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing at 6:56 P.M.

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

Thomas Montalloni, 140 Nelson Avenue. I have owned the home across the street from the residence in question for 40 years. Over the past 10 years, more specifically the last 4 years the house has been rented to Skidmore students.

Personally he has no issues with that type of rental and has had no issues with the renters. Many of his questions were answered and clarified already this evening. His concern was how many occupants per room.

Jim Shone, 136 Nelson Avenue. Over the last 3 years there has been increased activity. What he has heard this evening was reassuring.

Mark Torpey, Chairman stated he will leave the public hearing open.

Mark Torpey, Chairman stated we will now discuss the Special Use Permit and we will take this up at a future meeting. Here are some conditions we discussed:

- Assurance that there are no attic or basement bedrooms. These will be removed as part of the building permit process application.
- Resident manager on site with point of contact to be determined.
- Limited to 6 bedrooms maximum plus the resident manager.
- Year round around operation.
- Rental agreement/screening process/record of renters.
- House rules.
- No events.
- No meals to be provided.

Todd Fabozzi questioned if the Board is over reaching outside the Boards purview beyond the Special Use Permit evaluation criteria with the inclusion of a screening process for renters.

Discussion ensued among the Board concerning criteria which should be reviewed for Special Use Permit.

Mark Torpey, Chairman stated we will now move onto Site Plan Review. Some items which were discussed are:

- Parking to be provided on site with a change in orientation of parking to be provided.
- Tree planting and street lighting to be considered along Lincoln Avenue.
- Request for consideration of removal of curb cut on Nelson Avenue.
- Curbing and sidewalks in the public right of way.

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

Susan Barden, Principal Planner provided the following information concerning correspondence received by the Board.

- correspondence received from Linda Duhanne, 135 Nelson Avenue dated August 5, 2019.
- email from Rose Tait, 164 Lincoln Avenue, received August 8, 2019.

Mark Torpey, Chairman stated the next opportunity for discussion will be at the next Planning Board Meeting scheduled for September 5, 2019

4. 20180673 LOUDON ROAD SUBDIVISION, 406 Loudon Road, sketch plan for a proposed 6-lot Conservation Subdivision in a Rural Residential District.

Mark Torpey, Chairman stated a sketch plan discussion for a proposed 6 lot conservation subdivision in a Rural Residential District. One of lots is split between the City of Saratoga and the Town of Wilton. The applicant will provide an overview of the project. The site is a completely wooded area. The Board at some point would like to go out and walk the site with the applicant's permission and consideration.

Applicant: Wade Newman, Engineer

Mr. Newman stated he is the applicant and the engineer. The property is located at 406 Loudon Road and what is being proposed is a 6-lot conservation subdivision for six residential lots. The property consists of three parcels. Two are in the City and one is in the Town of Wilton. The Town of Wilton line goes right through the northern end of the property. The two parcels within the City limits total 11.19 acres and the parcel in the Town of Wilton is 4.6 acres. The zoning is Rural Residential which requires a conservation subdivision. Mr. Newman provided density calculations to the Board. A

visual presentation of the site was provided to the Board noting no jurisdictional wetlands on the property, no steep slopes in excess of 25% with a 2,000 square foot contiguous footprint and no area with floodplains. That leaves unconstrained land at 11.19 acres divided by 2 acre lots which is the minimum lot size per zoning gives us 6 lots. Proposed conservation area minimum is 5.595 and we are provided 6.165 via deed restriction. The proposed minimum setbacks are front yard 50 feet, rear yard is 50 feet and side yard is 0 which applies to the parcel on Loudon Road. Mr. Newman reviewed the site for the Board noting an existing residence on the site. Photographs of the site were provided to the Board from the road and the Bog Meadow Development. Mr. Newman provided a proposed layout of the homes. Three would access from Loudon Road and three lots would be accessed from Bog Meadow Run. All the homes will be on individual wells and septic systems. Due to the individual wells and septic does provide a challenge in siting the homes.

Mark Torpey, Chairman spoke regarding clustering of the homes.

Jamin Totino, Vice Chairman stated he agrees and perhaps more clustering even if it leads to one less lot or two clusters providing more contiguous open space in the middle of the site. This currently looks like a conventional subdivision.

Amy Ryan, Alternate questioned the removal of trees and is that included in the contiguous green space. She provided information to the applicant noting the possibility of sinkholes as well as some recommendations for the applicant to consider regarding the location of the driveways off Bog Meadow Road and visibility issues.

Mr. Newman spoke regarding the location of the driveways and trees to strategically locate driveways and site lines as well as drainage and stormwater management.

Jamin Totino, Vice Chairman suggested the applicant look at the Beaver Pond subdivision since they faced some of these issues.

Mark Torpey, Chairman stated the applicant may wish to connect with the City Engineer regarding some of the issues with septic and individual wells in this area.

Mr. Newman stated wells and septic systems have 100 foot horizontal separation requirements from each other. If the well is downstream from the septic than the separation requirements are 200 feet. These are minimum requirements. Mr. Newman stated he would like to provide more than the minimum separation requirements.

Amy Ryan, Alternate questioned if the applicant had looked into the Land Trust portion of the Conservation Subdivision.

Todd Fabozzi, spoke regarding the Rural Residential Zone and what would be seen from the road and how the subdivision would be sited.

Mark Torpey, Chairman stated the Board would like to walk the site. If the applicant could stake the corner points where the proposed lots are sited. Perhaps shared driveways are something which could be explored.

Mark Torpey, Chairman thanked the applicant for presenting this application.

7:58 P.M. the Board recessed.

8:02 P.M. the Board reconvened.

5. 18.057 BALLSTON AVENUE TOWNHOUSES, 96-110 Ballston Avenue, Site Plan Review for 18 townhouse units and associated site work in a Transect-5 Neighborhood Center District.

Mark Torpey, Chairman stated what is before the Board this evening is Site Plan Review for 18 townhouse units. The Board has reviewed this application several times issuing a SEQRA Negative Declaration on January 10, 2019. If the applicant could provide a short overview of the project for the Board.

Applicant: Ginley and Gottman

Agent: Brandon Ferguson, Brian Osterhout Environmental Design Partners

Mr. Ferguson stated the applicants have previously had this property rezoned as T-5. In January of 2018 we presented a 20 unit concept for townhouses. In May of 2018 we returned before the Board with a new concept for 20 units with limited access onto Ballston Avenue. We began moving forward with architectural floor plans and site engineering concepts. We proceeded with archeological studies which we are in receipt of no effect determination from SHPO. We then did threatening endangered species and we are in receipt of a no impact letter from the DEC. On January 10, 2019 we returned before the Board and obtained a Special Use Permit for 18 residences with conditions. A visual of the existing site includes three parcels totaling 1.37 acres. On the site currently are the Atkins Law Firm as well as an existing commercial development and a residential structure. There is an existing curb cut onto Ballston Avenue for the law office as well as one on Finley. Photographs of the existing area were provided to the Board. Renderings of the current design plan were provided to the Board retaining 18 units. The private access road off of Finley Street leads to a single exit only onto Ballston Avenue. The private road in the center of the site will be porous pavement for stormwater and the remainder of the stormwater management will be handled with infiltration devices. Mr. Ferguson provided information on the units facing the alley and what is proposed along Ballston Avenue. Front porches on all the units as well. All elevations were reviewed for the Boards information.

Steve Gottman stated we will go through DRC following the Planning Board review. As far as the color choices we are not tied to the color selection proposed.

The Board offered suggestions as to use of different elements to break up the massing of the buildings as well as breaking up the roofline.

Mr. Ferguson provided a review of the floor plans which have not changed since the previous appearance before the Board. Since our last appearance before the Board we have received comments from the Board and the City. These are proposed as townhouses. They will be individually owned. The common space will be owned by the HOA. The rear units will face onto the alleyway with a pedestrian access. CDTA will provide a bus stop out front. Several minor changes were made to accommodate the bus stop, and an ADA parking space was added. Mr. Ferguson provided information on signage for the one way exit onto Ballston Avenue per the City DPW as well as additional landscaping and a bike rack which was added. We did receive comments from the City Engineer as well as the City's designated engineer. No major issues were noted only utility related questions as well as storm water management. We have responded to those comments.

DISCLOSURE:

Jamin Totino, Vice Chairman disclosed he has past business real estate transactions with Ginley and Gottman. He has no financial interest in this property and can be impartial in his determinations.

Jamin Totino, Vice Chairman stated his concern was how the buildings in the rear facing the alley will interact with each other and the street.

Discussion ensued regarding stormwater management practices as well the area proposed for the porous pavement.

Brian Osterhout, Environmental Design Partners spoke regarding the porous pavement areas being under the control of the HOA to understand and maintain the porous pavement asphalt.

Todd Fabozzi questioned how the building will be heated and cooled. A recommendation was made to consider geothermal.

Mr. Osterhout stated the alley is owned by the City. We are open to do additional landscaping in this area if the city will allow.

Susan Barden, Principal Planner stated they can reach out to DPW to determine if landscaping and other improvements in the alley will be allowed or not allowed.

Mr. Ginley, spoke regarding the paper street. The easiest possibility is an easement for landscaping, fencing in this area. We will do anything to enhance that area.

Mark Torpey, Chairman spoke regarding the rear of the site noting curbing exists only on one side.

Discussion ensued regarding buffering and screening for the neighbors behind the buildings, extending the sidewalk to Finley Street and the parking waiver for the site to provide additional parking on the site since it exceed the 20%.

Mark Torpey, Chairman stated the project has come a long way incorporating many of the Boards concerns. There are a few loose ends. A conversation with DPW would be advantageous to resolve the alley issue. Sidewalk and curbing in the rear to provide safety and continuity for the residents and pedestrians. Screening to the north in some fashion. Some degree of what the view will look like from Finley. Reaching out to CDTA for final plans on the bus stop. Lastly, breaking up the roofline or the façade would be helpful.

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

Mark Torpey, Chairman thanked the applicant.

6. 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 the Planning Board along with the DRC had participated in a presentation to look at the 30% completed parking garage. One of the comments we made as a Board was as you progress further to return and share some thoughts where you are headed and perhaps provide some advice and guidance. We appreciate the opportunity for the additional input.

Agent: Mike Ingersoll, LA Group; Tom Roohan, Chairman of the City Center Authority; Ryan McMahon, Executive Director, City Center; Tom Owens, Bette Cring, Contractors, Daria Mallin, Joe Paradis, from Envision Architecture

Mr. Ingersoll stated the plans have gone through structural design with much iteration. We met with the DRC last night and they were very happy with the project. A brief overview of the project and the site was provided to the Commission. A Flat Rock Committee was formed and they have devised parameters which fit the site and a design solution which is balanced and everyone is happy and we have come a long way. This is a City structure it will be managed and built by the City Center. SEQRA has been completed and we are in a position where the pre-cast concrete can be ordered and this can actually begin construction late September or early October. A visual of the entire 2 ½ acre parcel was provided. During the discussion it was determined this will be completed in two phases. Phase I which we will be speaking about tonight is basically the public parking structure which can house 600 vehicles. The idea of connecting the Green Belt Trail to the parks in the city started to emerge during that process. In discussion with the Mouzon House the building will be stepped back from the street to allow view of the street from adjacent properties. In addition to the Green Belt trail it is important to maintain pedestrian connection though the middle of the property and also for York Street. There will also be an additional entrance only to Ellsworth Jones Place and an entry and exit onto High Rock Avenue. All the floors have been built flat and the lower level because it is flush and handicap accessible we purposely built it so that it could become a warehouse or farmers market or events in the area. Review of all elevations was provided as well as a visual topography of the site. Mr. Ingersoll provided and reviewed the current site plan, including the addition of a small pocket park and pedestrian entrance. The site will be greener than what currently exists on the site. A review of the stormwater management plan was provided. The lighting plan was reviewed noting the rooftop lighting will be located in the center of the parking area.

Ryan McMahon, Executive Director, City Center spoke regarding plowing and the plans for snow removal as well as security noting it will be a manned secure building.

Shawna Jenks, alternate stated the architecture is a very thoughtful building.

Jamin Totino, Vice Chairman stated this version is very nice.

Amy Ryan, alternate, stated this building is aesthetically beautiful.

Mark Torpey, Chairman questioned if there will be solar charging stations available in the garage.

Mr. McMahon stated this will be something they will look at.

Todd Fabozzi suggested the infrastructure be placed to allow for further charging stations if the need arises in the future.

Mark Torpey, Chairman, questioned if there is anything the Board should be thinking about to provide the most flexibility with what could be placed there.

Mr. Ingersoll stated per the SEQRA review this is to be grass. We will need to return with any plans.

Mark Torpey, Chairman thanked the applicant for the presentation of the project as it has progressed. It looks great.

APPROVAL OF MEETING MINUTES:

Jamin Totino, Vice Chairman made a motion to approve the minutes of the June 20, 2019 Planning Board Meeting as submitted.

Bob Bristol, 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; Shawna Jenks, Alternate, abstained; Amy Ryan, Alternate, abstained

MOTION PASSES 4-0-2

UPCOMING MEETINGS:

Planning Board Caravan, Thursday, August 29, 2019 at 4:00 P.M.
Planning Board Workshop, Thursday, August 29, 2019 at 5:00 P.M.
Planning Board Meeting, Thursday September 5, 2019 at 6:00 PM.

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 10-3-19