



PLANNING BOARD

MINUTES (FINAL)

THURSDAY, SEPTEMBER 19, 2019

6:00 P.M.

RECREATION CENTER

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

SALUTE TO THE FLAG:

PRESENT: Mark Torpey, Chairman, Bob Bristol, Todd Fabozzi; Ruth Horton, Sara Boivin, Lexie Bonitatibus

LATE ARRIVAL: Amy Ryan, Alternate arrived at 6:05 P.M.

ABSENT: Jamin Totino, Vice Chairman

STAFF: Susan Barden, Principal Planner, 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:

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 or 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. **20190841 VERIZON WIRELESS COMMUNICATIONS FACILITY**, 25 Lake Avenue, Coordination of SEQRA Review for a new communications facility in the Transect-6 District.

Mark Torpey, Chairman stated this application is before the Board for a new telecommunications facility on the roof of an existing hotel in the Transect-6 District.

SEQRA:

Action appears to be a Type I action. The property is located within an architectural review district, but is adjacent to the East Side Historic District and substantially contiguous to the Broadway Historic District. Part 1 of the full EAF and visual EAF were submitted as required. Other involved agencies are the ZBA and the DRC. The ZBA deferred Lead Agency status on September 16, 2019 and the DRC deferred Lead Agency Status on September 18, 2019. The Planning Board will assume Lead Agency Status and proceed through the SEQRA analysis so the applicant can proceed with the approval process for area variances.

Agent: Dave Brennan, Young, Sommers Attorneys; Sarah Coleman, Site Acquisition Specialist, Airosmith Development

Mr. Brennan stated they are proposing to install a set of antennas on the roof of the Hampton Inn and Suites Hotel. A visual of the site was provided for the Boards review. They are proposing to co-locate antennas on the roof for a total of six in a stealth structure of a brick composition. Samples were provided for the Boards review. We have been in conversations with city staff concerning location, screening and visual impacts. We are requesting an area variance for height since 70 feet is the maximum height allowance for this District. This area is in need of additional service.

Discussion ensued among the Board concerning the height of the antennas, visual impact from the surrounding areas and proposed service.

Mark Torpey, Chairman stated our first order of business is to accept Lead Agency Status for this project.

Ruth Horton made a motion in the matter of the Verizon Wireless Communication Facility, 25 Lake Avenue that the Planning Board accepts Lead Agency Status for SEQRA review. Todd Fabozzi seconded the motion.

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

VOTE:

Mark Torpey, Chairman, in favor; Bob Bristol, in favor; Lexie Bonitatibus, in favor; Todd Fabozzi, in favor; Ruth Horton, in favor; Sara Boivin, in favor; Amy Ryan, Alternate, in favor

MOTION PASSES: 7-0

SEQRA REVIEW:

Mark Torpey, Chairman stated we will proceed with the SEQRA review. Part I of the Full EAF and Visual EAF were submitted by the applicant and are correct.

The Board reviewed Part II of the Full EAF.

SEQR DECISION:

Ruth Horton 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.

Amy Ryan, Alternate seconded the motion.

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

VOTE:

Mark Torpey, Chairman, in favor; Bob Bristol, in favor; Lexie Bonitatibus, in favor; Todd Fabozzi, in favor; Ruth Horton, in favor; Sara Boivin, in favor; Amy Ryan, Alternate, in favor

MOTION PASSES: 7-0

AGENDA ITEM ADJOURNED TO OCTOBER 3, 2019

20190815 THE GROVE AT NEUMANN, 233 Lake Avenue, Site Plan modification to add nine dwelling units to the existing complex in the Urban Residential-1 District.

- 2. 20190712 TAIT LAND FILL AND PLANTING**, 14 Tait Lane, Land Disturbance Activity Permit for filling and grading identified isolated wetlands on the property in the Transect-4 District.

Mark Torpey, Chairman stated what is being requested is to fill and grade areas of some wetlands on the property which are non-jurisdictional isolated wetlands. Mark Torpey, Chairman stated we are in receipt of the SEQRA short EAF which was submitted.

Susan Barden, Principal Planner stated this is considered part of the NRP Group and has received a SEQRA Negative Declaration on June 20, 2019.

Mark Torpey, Chairman stated we do not need to address SEQRA for this project. This is for a land disturbance permit which is greater than one acre which has triggered this action.

Applicant: William McNearny IV

Agent: Patrick Mitchell, VHB Engineering

Mr. Mitchell stated we had submitted the plans for grading. We are taking material from part of the site and placing it in another part of the site in areas which were previously designated as non jurisdictional wetlands. Mr. Mitchell provided the Board with information on the process concluding with the top soil being replaced, seeded and mulched. This required submittal of SWWWP for sediment controls and it requires we obtain a general permit for construction activities.

Mark Torpey, Chairman stated his only concern is the nearby neighbor adjacent.

Mr. Mitchell stated the plans show detailed grading. The only runoff is along the railroad area and is denoted by the silt fencing. The plans were submitted and reviewed by Chazen.

Todd Fabozzi questioned how these wetlands were determined non jurisdictional.

Mr. Mitchell explained the process and the criteria by which these are classified by the Army Corp and the DEC.

Libby Coreno, Attorney for NRP and this particular owner for clearing purposes. This has largely been on hold as we went through the SEQRA review regarding concerns that this might possibly be a segmented process. This is not a race to complete this before the deadline it has actually been known and held for a long period of time so the Board could see what is proposed for this site. I have walked this site with the site engineer and the engineer who will confirm that this has been done correctly. This is a unique part of the city where infrastructure improvements have created this island. It is not a manmade island because of the bridge over the railway and rail line which have impacted the soil and bisected the wetlands. The site plan remains to be done.

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

Susan Barden, Principal Planner, City of Saratoga Springs stated included in the motion should include to the satisfaction of DPW and the design engineer.

Amy Ryan, Alternate made a motion in the matter of the application of Tait Lane Fill and Planting, 14 Tait Lane, Land Disturbance Activity Permit for filling and grading identified isolated wetlands is approved to the satisfaction of DPW and the design engineer. Sara Boivin seconded the motion.

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

VOTE:

Mark Torpey, Chairman, in favor; Bob Bristol, in favor; Lexie Bonitatibus, in favor; Todd Fabozzi, in favor; Ruth Horton, in favor; Sara Boivin, in favor; Amy Ryan, Alternate, in favor

MOTION PASSES: 7-0

1. **20190604 THE CLUETT HOUSE BED AND BREAKFAST**, 2 Clement Avenue, permanent Special Use Permit for a neighborhood Bed and Breakfast within an Urban Residential-1 District.

Mark Torpey, Chairman stated this is a previously opened application. The applicant's agent submitted a letter conceding renewable special use for (2) years as well as the imposition of conditions of approval of no special events. A revised site plan was also submitted relocating the four parking spaces on the site using porous pavement. This appears to be a Type II action for SEQRA, so no further review is necessary. What are proposed are 5 guest rooms, a resident manager suite. We have spoken about a renewable special use permit and identified drainage issues regarding the site. The applicant agreed to no events on the site, and sidewalks along Clement Avenue for potentially safer crossing to the playground in the area. The public hearing was opened and remains open.

SEQRA:

Action appears to be a Type II action "Reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit.

Applicant: Robin Lauder, LLC

Agent: Michael Toohey, Attorney

Mr. Toohey stated the applicant is proposing to place a neighborhood Bed and Breakfast at this location which is a permitted use within this zone and over a broad spectrum of the City of Saratoga Springs. This property is located at 2 Clement Avenue and the applicant is seeking a Special Use Permit for a neighborhood bed and breakfast. The applicant is not changing the site at all. Mr. Toohey stated the only outside work to be performed at the site will be the construction of four parking spaces on the site off the existing driveway to the south of the home to comply with the zoning code for parking. Porous pavement will be used for this parking area where we will be removing existing concrete.

Mr. Toohey reviewed the criteria of a Special Use Permit as well as zoning code and the comprehensive plan which allows a bed and breakfast in all the UR zones. Views of the neighborhood were provided for the Boards review, noting several condominiums in the vicinity and apartments which is not an allowed use per the zoning ordinance. There is no need for any additional infrastructure other than what currently exists. A letter from Dave Carr, LA Group, which has been provided to the Board, shows the significant amount of green space in this area which absorbs its own stormwater. Secondly, there will no changes on the site other than the addition of porous asphalt for the parking area which absorbs the water runoff. The applicant is removing 250 square feet of hard concrete removed which does not absorb water and has less impact on the neighborhood. Mr. Toohey stated Mr. Carr provided documentation of storm water and the fact that it does not exacerbate or add to the storm water problem which the neighbors alluded to. A visual of the site was provided during an actual storm which occurred in August.

Mr. Toohey provided information concerning the marketing of this property as a single family home. Mr. Toohey also requested a waiver of site plan.

Mark Torpey, Chairman questioned the storm drainage in this area and requested information from the City Engineer concerning the storm water drainage in this area and the operation of the catch basin. The implication that the RR-1 Districts to the UR-7 of the mall does accommodate Bed and Breakfasts with a Special Use Permit. This does not require a blanket approval but review and approval on an individual basis.

Discussion ensued among the Board concerning food delivery trucks and vehicular traffic volume, additional lighting and the operation of the Bed and Breakfast and the fact that the Special Use Permit is issued to the property.

Mr. Toohey stated he will investigate the food delivery issue.

Ms. Lauder stated the property will be operational as a Bed and Breakfast from April through October. The resident host will remain and live at the site.

Mr. Toohey stated the applicant is requesting a renewable Special Use Permit for two years.

PUBLIC HEARING:

Mark Torpey, Chairman stated the Board is in receipt of communication from the neighbors, these communications are available and listed on the website.

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.

Katherine Benaquisto 10 Clement Avenue. We are in opposition of the Special Use Permit. We have submitted written correspondence in this matter. We are in agreement with all written and verbal communication from our surrounding neighbors. We have respect for our neighbors and these historic homes.

Rob Coughlin, 54 Greenfield. There are no sidewalks near the playground. This will be a change in the density and intensity of the neighborhood. He spoke regarding the water in this location.

Sharon Byrne, neighbor and realtor. The impact of commercial in a residential neighborhood will have an impact. Condos are permanent neighbors. Lack of strangers coming and going is an issue. The city needs to address and manage the Bed and Breakfast, Airbnb's etc.

Jill McMahon, 2 First Street. The family is opposed to the Bed and Breakfast proposed. They are afraid that this will become a Bed and Breakfast area. There will be more traffic and noise in this quiet owner occupied area.

Peter Belmonte, 124 State Street. Speaking on behalf of his wife the owner. Density is not the issue. Comparing a Bed and Breakfast to neighboring by owner condos or a home that is for long term rental is different than short stay occupants coming and going. Definitely a question and fear of the unknown.

Sara Boivin stated the city has a short term rental issue. It is not codified the policy is not enforceable program for the Board to rely on. The Special Use Permit is issued to the property and she is having difficulty with this.

Amy Ryan, Alternate agrees with Sara, this is an issue which needs to be addressed by the city. Can this be looked at as precedent setting?

Mark Torpey, Chairman stated in his review there is not a Bed and Breakfast approved in a UR-1 District. We would benefit from some additional information and clarity from the city before we are ready to make a decision.

Todd Fabozzi stated we are speaking about temporary rentals versus a controlled rental. We cannot make a decision based on how the laws might change. We have to disentangle the two.

Ruth Horton stated she questions traffic patterns is issue with a playground across the street. There are currently three curb cuts on the property and can this be mitigated or addressed by the applicant.

Bob Bristol would like to see DPW have some input on this. What is the solution? This is not just in this neighborhood but effects may neighborhoods. Neighborhood contact is imperative concerning this application.

Vince DeLeonardis, City Attorney spoke concerning the UDO and it is possible that it will move forward in the next month or so. The issue with regard to the enforcement issues and the differences between an Inn and a Bed and Breakfast, Airbnb's and an occupancy tax. There are conditions which can be set by the Planning Board. Also, there are temporary, renewable and permanent Special Use Permit if conditions set forth are not in compliance they will be cited and there is a potential for revocation of the Special Use Permit.

Mark Torpey, Chairman stated it appears that the Board is not ready to make a decision tonight. There are number of outstanding items to consider. We spoke about site plan issues with regard to drainage and conferring with the City Engineer. Some additional clarity as the UDO moves forward. Also, the uniqueness of the neighborhood and the precedent that this might set. I do not believe there is a B&B anywhere in the City in a UR-1 District.

Discussion ensued among the Board concerning the setting of a precedent in this neighborhood, traffic and the proximity of Skidmore College and events at the college, as well as the operation of the B&B for six months of the year.

Mark Torpey, Chairman stated we have some areas which we would like to have more information especially the storm water and the red ponding at the end of the driveway and traffic impact and volume. Identifying all conditions which are appropriate no events, and communication with the neighbors.

Sharon Byrne stated she has lived in her home for over 45 years and there has always been a drainage problem.

Rosemary Ratcliff, 107 State Street stated water is trickling across the street to the condos year around. There are two different water issues.

Mark Torpey, Chairman stated the public hearing will remain open. The applicant will return before the Board at a later date.

8:26 P.M. The Board recessed.

8:35 P.M. The Board reconvened

1. **20190808 GERONIMO SUBDIVISION**, 301 Old Ballston Avenue, two-lot conservation subdivision in the Rural Residential District.

Mark Torpey, Chairman stated we are unable to take formal action this evening because it requires County Planning Board approval. We would like to see have a review of the project to provide information and guidance to the applicant.

Applicant: Morgan Gazetos

We own the property and we are proposing splitting off a portion of the south side of the property on Northline Road. We have spoken to the DEC and the Historical Preservation Foundation office. The lot is fragmented into four fingers and we are proposing to keep 3 fingers as one lot and split off the second piece across the street. Since it is in the conservation zone it has a 60 foot wide buffer. Everything is conforming and we are looking for input from the Board. DEC has identified no wetlands on the site; there is nothing of archeological significance on this site.

Susan Barden, Principal Planner stated they have not identified any constrained lands. Confirmation from the wetland determination from DEC. There were some questions which arose about endangered species, and the possible existence of wetlands. We have both of those letters which will be provided to the Board.

Mark Torpey, Chairman stated it is the responsibility of the Board to determine if there is anything on the site worth preserving. So we will need to go through that analysis. We will need to review a delineation of where the conserved areas on the property are located.

Mr. Gazetos stated it has been provided to the Board.

Susan Barden, Principal Planner stated there is a calculation as well for the area to be conserved. This is based on planned areas which show 50% which is required. No constrained lands have been identified.

Mark Torpey, Chairman questioned how the lands would apportioned out and the easement areas on the site.

Susan Barden, Principal Planner stated there are some on Lot#1 and some on Lot#2. Lot#1 lands would be 2.27 acres including 1.74 acres of conserved area. Lot#2 would be 2.52 acres including .80 acre conserved area. Total lands 2.54 acres conserved area.

Todd Fabozzi requested a colored map for ease in reviewing the delineation.

Mr. Gazetos spoke regarding how the lots were determined and will be city water and county sewer. The water will be provided by Village of Ballston Spa, a letter of confirmation was provided. County provided correspondence that they will be providing service to the new lot.

The Board requested perhaps an aerial map of the site with color coding and perhaps a tree survey and noting the location of stone wall on this site.

PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing at 8:50 P.M.

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

Deborah Hedderstrom, 321 Ballston Avenue. She voiced concern regarding the notification process. She would like to look and see what the project is going to look like. She had no opportunity to see what they are proposing and have a better understanding of what is going on around it. She voiced concern regarding an easement areas that she would like to have clarification about. Also, wetlands are on my property which abuts this property.

Mark Torpey, Chairman stated the Board would like to caravan the site. Perhaps the applicant can reach out to the neighbor and walk the property and go through the project. Perhaps photographs would be helpful and provided before our next meeting. We will keep the public hearing opened.

APPROVAL OF MEETING MINUTES:

Ruth Horton made a motion to approve the minutes of the July 11, and July 25, 2019 Planning Board meetings as amended. Mark Torpey, Chairman seconded the motion.

VOTE:

Mark Torpey, Chairman, in favor; Bob Bristol, in favor; Lexie Bonitatibus, abstained; Todd Fabozzi, in favor; Ruth Horton, in favor; Sara Boivin, in favor; Amy Ryan, Alternate, in favor

MOTION PASSES: 6-0-1

UPCOMING MEETINGS:

Planning Board Caravan, Thursday, September 26, 2019 at 4:00 P.M.
Planning Board Workshop, Thursday, September 26, 2019 at 5:00 P.M.
Planning Board Meeting, Thursday October 3, 2019 at 6:00 PM.

MOTION TO ADJOURN:

There being no further business to discuss Jamin Totino, Vice Chairman adjourned the meeting at 9:00 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 11-7-19