



PLANNING BOARD

MINUTES (FINAL)

THURSDAY, OCTOBER 3, 2019

6:00 P.M.

RECREATION CENTER

RECEIVED

DEC 09 2019

ACCOUNTS DEPT

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, Bob Bristol, Todd Fabozzi; Ruth Horton, Lexie Bonitatibus; Amy Ryan, Alternate

ABSENT: Sara Boivin

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. **20190497 SOUTH BROADWAY HOTEL**, 176 South Broadway, special use permit for a proposed 120 room hotel in the Transect-5 District.

Mark Torpey, Chairman stated the applicant is proposing the demolition of an existing motel and construction of a four story 120 room hotel. A total of 126 parking spaces are provided surface, parallel and garage parking. What is before the Board this evening is a discussion on a Special Use Permit. We have received a number of comments and they are posted on the web. Also additional information has been provided since the applicant's last appearance before the Board. A traffic assessment report and elevation drawings have been submitted. The applicant will provide an overview of the project for new Board members and then we will hear from the public.

SEQRA:

- Action appears to be an Unlisted action.
- DOT, DEC and DRC identified as involved agencies.
- DRC proactively deferred Lead Agency on June 19, 2019.

Applicant: Joe Larkin, Larkin Hospitality & Mike Sherrin

Agent: Mike Ingersoll, Matt Brobston, LA Group; Dennis McGowan, Balzer, Tuck Architecture;
Larry Novik, Bonacio Construction; Mark Naldony, Creighton Manning Engineering

Mr. Ingersoll reviewed the procedures entailed in a project of this type. The applicant's last appearance before the Board was in June of this year. Mr. Ingersoll provided a visual of the site and neighborhood which is the old Turf and Spa Hotel. The property in question is 1.37 acres with frontage on South Broadway. We have met with the neighbors and continue in conversations with them and the City. An updated traffic analysis was provided which includes the numbers, trips and existing traffic. We have advanced the concept of cross lot access. We have spoken to the neighbors and Thirsty Owl and we will provide further information on how that will be accomplished. There is an existing vegetative barrier and fence on Gurtler Lane, this will remain and be improved. Lighting has been reviewed to minimize the effects on the neighbors. We are currently entering into an agreement with Thirsty Owl to have the curb cut closed to allow single access. There will be directional signage to direct traffic. We are working on a formal legal document. There are 60 parking spaces on grade and 60 below grade, and 6 on the street for a total of 126. Mr. Ingersoll provided an architectural rendering of what the proposed project would look like at the site.

Mr. Ingersoll reviewed some areas which need to be further advanced. The screening from the neighbors, civic space, and further conversations on ingress and egress with the commercial neighbors.

Mark Naldony, Creighton Manning Engineering reviewed the traffic assessment report which was provided to the Board. The traffic assessment report concludes that access will be provided via a driveway to Todd Street to the south and via a connection to Gurtler Lane to the north. The existing driveway associated with the Turf and Spa Motel and the paper street that provides access to the Thirsty Owl will be eliminated which is consistent with good access management principles". Most significantly the traffic report recommends improvements to the Lincoln Avenue, Whitney Place, and Gurtler Lane intersection. Circular Street and Route 50 will continue to backup to the intersection. This project will not exacerbate that problem. We are proposing signage Do Not Block Side Road in this area. Traffic counts were done in this area prior to the track season and during the track season. The overall impacts do not change from track season and non track season. Cueing assessments were also performed in this area. We are proposing stripping on the west side of Whitney Place.

Mr. Ingersoll stated the plan is to eliminate access behind the Thirsty Owl and consolidate access to this project having Thirsty Owl and Nurture access from Gurtler Lane. This would become a public access. We have met with Public Safety and Public Works and they both support the idea. We are pursuing a photometric plan which will be provided to the Board at a later date. The street lighting will be to city standards.

PUBLIC HEARING:

Mark Torpey, Chairman stated the public hearing was opened in June and remains open.

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

Shelly Strack, 11 Greenridge Place. She voiced concern regarding the entry at Gurtler Lane along with the commercial properties being problematic. Also, additional traffic, screening and parking remain a concern.

Nancy Bradshaw, 14 Greenridge. All the intersections are a problematic during track season. This project and the changes which come with it will be more difficult. The trees on this site screen Broadway from traffic and noise. Safety remains an issue.

Beth Nichol, 13 Greenridge. She agrees with Shelly. She is concerned regarding the trees and greenery in the area and is hoping the trees and vegetation will remain. Safety is a big issue with the additional traffic.

Dennis McGowan, Balzer and Tuck Architecture provided some information to the Board regarding the design of the structure and materials.

Discussion ensued regarding the need for more hotels in the City of Saratoga Springs.

Joe Larkin, owner spoke to the Board regarding the rationale for locating their family owned and operated business in Saratoga.

Susan Barden, Principal Planner stated the Board is in receipt of several public comments:

- Letter from Maureen Bergen, 9 Whitney Place, dated June 22, 2019.
- Comments submitted by Elizabeth Nichols, 13 Greenridge Place, received June 18, 2019.
- Comments submitted by Shelly Strack, 11 Greenridge Place, received June 18, 2019.

Mark Torpey, Chairman stated what is before the Board is the Special Use Permit. Obviously site plan typically does get involved with specific items such as traffic and buffering so we have an opportunity there. This is focusing on the use of the property. Procedurally we have to assume Lead Agency Status for SEQRA as well as review SEQRA.

Ruth Horton made a motion in the matter of the South Broadway Hotel, 176 South Broadway, that the Planning Board assumes Lead Agency Status for SEQRA. Jamin Totino, Vice Chairman seconded the motion.

VOTE:

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

MOTION PASSES: 7-0

Susan Barden, Principal Planner stated the Board will review the Short EAF; this is an unlisted action with coordinated review. A no effect letter was received this date from OPRHP. An analysis was performed by the LA Group noting no endangered species.

SEQRA REVIEW:

The Board reviewed the SEQRA Short EAF. No large or important areas of concern were noted.

SEQRA DECISION:

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

VOTE:

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

MOTION PASSES: 7-0

Mark Torpey, Chairman stated regarding the Special Use Permit the Board would request further analysis of the intersection from DPW and DPS. Also, more information on the civic space, closed gate access on Gurtler Street seems appropriate, the screening in terms of the type of treatment there. Further details on the shared parking. We will keep the public hearing open.

The Board recessed at 7:33 P.M.

The Board reconvened at 7:42 P.M.

2. **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.

Mark Torpey, Chairman stated the applicant is before the Board this evening for a site plan modification to add 9 dwelling units. This has been before the DRC for architectural review on June 19, 2019. The increase in parking is what precipitated the appearance before this Board. This does not require a public hearing for this type of action. We will provide a public comment period

SEQRA:

Negative SEQRA Declaration issued March 19, 2014.

REFERRALS:

Saratoga County referral was required and received. No significant county wide or intercommunity impact was issued on September 5.

Applicant: The Grove at Neumann, LLC – Sonny Bonacio, Bonacio Construction

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

Ms. Coreno provided a summary for the Board regarding their appearance this evening. The applicant appeared before the Board approximately one month ago concerning what is happening at the Grove. A visual presentation of the original approved site plan was provided for the Board, including the original façade of the Neumann, two additions in the rear of the property, the walking trails which were produced down the east end of the site and the parking which was approved in 2014 and pursuant to the SEQRA Negative Declaration which was for 92 units, though only 76 currently exist on the site. An aerial of the structure was also provided. What is being provided to the Board at this time are the current site plan modifications from Balzer Tuck which was provided to the DRC. A visual of the infill areas was provided to the Board noting 4 units on the west wing of the second floor, 3 units on the east wing of the second floor, and the first floor will have two units on the east wing on the first floor. These units will sit inside of the building. A visual of the site change was provided to the Board noting it is not a building change but a site change.

Sonny Bonacio provided information to the Board the location of the infill development in the current building.

Ms. Coreno continued as the Chairman mentioned this appearance before the Board was necessitated by a change in the parking requirement. The parking count change from the 2014 site plan noted 76 apartments. Due to the apartment change there will be a change in the parking count. On August 7, 2019 we submitted to the Board an analysis that we are able to meet this additional demand. In order to meet the code, 136 spaces are required. The 2014 parking requirement was 142 spaces, 142 spaces were built in 2014 per the submitted plans this leaves 6 spaces more than required. There are no additional changes to the approved 2014 site plan from this application or from SEQRA. We did hear some additional comments from our last appearance before the Board and we want to address those. The first was water and sewer capacity was of concern. Information has been submitted over the last month including a letter from Doug Heller, LA Group dated this date indicating that there is sufficient capacity with the existing infrastructure to support the 9 infill units. The actual water data usage was used and it is significantly less than what was anticipated in 2014. We are actually at half even with the additional nine units with the water capacity. Next was the curbing installation specific to the resolution which was passed on July 23, 2014. Curbing was not required based upon the layout of Excelsior and the eastern portion of Lake Avenue. A lot of this was based upon the jogging of the paths out to the glade area. The recreation fees, is a site plan requirement. In this case the Board made an analysis that parkland was available and they wanted the entryway to be protected and that is the Glade. This is open to the public pursuant to an easement which is recorded in the County Clerk's Office, so this land is forever encumbered as a public park.

Mr. Bonacio stated in addition when we purchased this property the grotto was on our land and we deeded back the grotto to the Church through an easement for perpetuity.

Ms. Coreno stated there are three public documents associated with this land. One is the public easement for this parcel, which means the project carries the insurance; there is no burden to the city in that regard. The second is the deeding back of the grotto. The third is a 25 foot buffer along the northern edge of the property which is 10 feet more than required by the zoning code. The project also represented the property being placed back on the tax rolls which had previously been in tax exempt status. This was a significant consideration in the economic impact to the city. Secondly the population was unlikely to need a recreation area with the park across the street and the marketing to a more mature population would appreciate a more passive type of recreational area. The parkland is beautiful and an entryway to the City. A construction mitigation plan was submitted to the Board as well as the Building Department which oversees construction safety. That plan includes a life safety plan, debris control which includes asbestos abatement per local, state and federal guidelines, as well as hazardous communication governed by OSHA. Also concern was voiced concerning future build out. There are site constraints including the public park there are no future considerations for build out.

Ruth Horton questioned if there were any considerations for noise abatement.

Ms. Coreno stated in reviewing the previous documents and the city code construction hours are permitted Monday-Saturday 7am-6pm. The current regulations do not differentiate between additions versus new builds.

Mr. Bonacio stated the time line for the project is approximately 6 months. On this project work will begin from the outside of the building and will not penetrate into the building until the outside construction is completed.

Jamin Totino, Vice Chairman reviewed the scope of the Planning Boards purview since this is an approved project and only a modification.

Vince DeLeonardis, City Attorney stated the site plan modification was triggered because of the parking. You have the ability to review site plan. At the same time the issue which has triggered this modification is the parking which exists on the site.

Discussion ensued among the Board concerning the site plan modification and the concerns of the tenants as well as the parking calculations and the additional demands being placed on the applicant.

Mr. Bonacio reviewed the asbestos abatement for the project which is basically on the outside of the building. This is monitored by the Department of Labor. We have a enlisted a third party that inspects the party doing the work.

Susan Barden, Principal Planner stated this information was provided to Patrick Cogan and he reviewed the policy and procedure and provided details of the evaluation for the record.

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

PUBLIC COMMENT:

Eric Sterling, tenant at the Grove. They feel deceived and betrayed and received no information concerning this project. He read his letter into the record noting his concerns and those of the tenants.

Peter Winkler, resident of the Grove. He stated the majority of the residents in the Grove are retirees and senior citizens and are home during the day. We were never told about this work.

Matthew J. Jones, a Victoria Lane neighbor. He spoke regarding the process and concerns of his neighbors during the construction of his home. So long as we have a city and we have construction, we will have noise.

Mr. Bonacio's word is as good as gold and that is his reputation in the community. He has done everything he stated would be done on the site. There are concerns but it is temporary.

Barbara Miller, lives at the Grove – apartment 112. A unit will be going over my apartment. I question the process. We were not notified of this project until this parking issue arose.

Mark Torpey, Chairman stated this project was approved back in 2014. This is the first opportunity the Board is seeing this project and what is being proposed.

Jamin Totino, Vice Chairman stated he appreciates the comments and concerns of the neighbors. There is a balance to be struck. We have spoken about affordable housing and affordable senior housing. The more we can do to provide senior housing is in the city's best interest.

Amy Ryan agrees totally with Jamin's comments concerning affordable senior housing.

Ann Needham, lives at the Grove. She stated the Grove is market rate housing, probably on the higher level. When you speak of affordable senior housing, we are not part of that. I just wanted to clarify that.

Mark Torpey, Chairman stated we have a very limited jurisdiction relative to this project in general. We have been trying as a Board to encourage infill development. This comports with the Comprehensive Plan.

Ruth Horton stated she feels a missed opportunity regarding communication with the tenants. She hopes this is an opportunity to improve on that.

Bob Bristol stated he feels this is a fabulous project. I have seen it from the beginning and it has happened very well.

Todd Fabozzi stated he feels this is a great revitalization of the site, however, we have a narrow set of things to respond to. Tenant and landlord issues are not those, whatever they may be.

Amy Ryan, Alternate spoke regarding the asbestos abatement and the efforts the company is taking are quite substantial. What is being proposed is minimally invasive.

Mark Torpey, Chairman spoke regarding the recreation fees. We looked at the Grove space, as open space provided by the applicant in lieu of recreation fees. Recreation fees should be assessed on all 9 units.

Vince DeLeonardis, City Attorney stated the code makes reference to parkland donation of at least 10%. What was provided was in excess of 10%. If the Board agrees they can then extend the waiver of recreation fees or assess recreational fees.

Mr. Bonacio stated the donated parkland is at 22% without the Grotto dedication.

Mark Torpey, Chairman stated this will be included in the motion, the extension of waiver of recreation fees.

Bob Bristol made a motion in the matter of The Grove at Neumann, 233 Lake Avenue, site plan modification to add nine additional dwelling units, and the extension of the waiver of recreation fees be approved. Amy Ryan, Alternate, 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; Ruth Horton, in favor; Todd Fabozzi, in favor; Lexi Bonitatibus, in favor; Amy Ryan, Alternate, in favor

MOTION PASSES: 7-0

APPROVAL OF MEETING MINUTES:

Mark Torpey, Chairman made a motion to approve the meeting minutes of the August 8, 2019 meeting as submitted. Amy Ryan, Alternate seconded the motion.

VOTE:

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

MOTION PASSES: 5-0

Jamin Totino, Vice Chairman made a motion to approve the meeting minutes of the September 5, 2019 meeting as submitted. Ruth Horton seconded the motion.

VOTE:

Jamin Totino, Vice Chairman, in favor; Todd Fabozzi, in favor; Ruth Horton, in favor; Lexi Bonitatibus, in favor

MOTION PASSES: 4-0

UPCOMING MEETINGS:

Planning Board Caravan, Thursday, October 10, 2019 at 4:00 P.M.
Planning Board Workshop, Thursday, October 10, 2019 at 5:00 P.M.
Planning Board Meeting, Thursday October 17, 2019 at 6:00 PM.

MOTION TO ADJOURN:

There being no further business to discuss Jamin Totino, Vice Chairman adjourned the meeting at 8:45 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 11-7-19