



# PLANNING BOARD

## MINUTES (FINAL)

THURSDAY, NOVEMBER 7, 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, Bob Bristol, Ruth Horton, Sara Boivin; Lexi Bonitatibus; Todd Fabozzi

**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.

**NONE AT THIS TIME.**

**C. APPLICATIONS UNDER CONSIDERATION**

1. **20170994 2017.040 FADEN MIXED-USE DEVELOPMENT**, corner of West Avenue and Station Lane, Coordination of SEQRA Review for a new mixed-use project in the Transect-5 District.

Mark Torpey, Chairman stated what is before the Board this evening is coordination of SEQRA Review. This is an unlisted action. Involved agencies include the ZBA, DRC and DEC. A long form EAF has been submitted by the applicant. This proposed project is a mixed-use project, including 9,440 square feet of retail and 49 apartments in two buildings. This is a continuation of a pending application. Applicant has submitted a revised plan. Current plan has buildings located out of the NYSDEC wetland buffer area.

Agent: Scott Lansing, Lansing Engineering

Applicant: Russ Fadden

Mr. Lansing stated they are before the Board to present the conceptual layout plan to the Board, obtain feedback working toward approval for a Special Use Permit, Site Plan Review and final approval for the project. A visual

presentation of the site was provided to the Board. This parcel is 1.99 acres and is vacant, at this time. We are proposing a mixed-use development both commercial, retail and residential apartment units. The project features two buildings. Building 1 is facing toward West Avenue, which is a four-story building. The first floor would be mixed commercial/retail with an eating and drinking establishment proposed for the southern end of the building. Floors two, three and four will house 27 apartments approximately 1,000 square feet in size. Building 2 facing toward Station Lane is a three-story structure, apartments only, no retail. 22 apartments are proposed for this structure approximately 950 square feet in size. We are also proposing garages on the backside of the buildings. Primary access is from Station Lane and secondary access from West Avenue which would be a right turn in from the access point. Seven on-street parking spaces will be provided on West Avenue, and seven parallel spaces on Station Lane. The remainder of the 114 parking spaces are provided along the side and rear of the buildings. Dumpsters are positioned on the rear and northwest corners of the site. Streetlights, street trees and sidewalks will be installed and will meet city standards. Mr. Lansing reviewed access and circulation of the site to the Board. The applicant will provide recreational contributions in lieu of recreational space. There are plans for open space and parks in this area as part of other projects. A civic space area is proposed at the corner of Station Lane and West Avenue. We will access public water and sewer. Storm water will be managed on site with infiltration practices.

Mr. Lansing stated he will address some concerns from the agenda workshop. Regarding the build out along the frontage of West Avenue between 0-12 feet marks. We will push the building forward and meet the 70% build out requirement. Along Station Lane, being the secondary road, we do meet the frontage requirements for the secondary building. We believe the project complies with zoning requirements. There was conversation concerning moving out of the DEC buffer area and the applicant has complied with the Boards suggestion and request. The sidewalk may be in the buffer area and we will have additional conversations with the DEC. Concerning the sanitary sewer and the sewer cost sharing. There are proposed improvements to the pump station on Station Lane. The applicant is aware of that and has been involved with cost sharing aspect and is willing to contribute his share. The newly proposed sidewalk along Station Lane will connect with that proposed by the Askew project. The Board did request elevation drawings and those are being completed and will be provided to the Board.

Discussion ensued among the Board with the applicant concerning reducing and/or reconfiguring the parking.

Todd Fabozzi suggested moving the buildings closer together creating a streetscape on both sides of the corner. If some parking spaces could be reduced, and the buildings connected providing a plaza type green area providing a space for tenants creating a more urban feel and a gathering space for the people who live there.

Mr. Lansing spoke regarding the design of the building and their thoughts on providing convenience for retail customers.

Susan Barden, Principal Planner shared some comments from Traffic regarding parking on West Avenue. This project will be before the Board for Special Use Permit and final site plan where this information can be further discussed.

Mark Torpey, Chairman requested the applicant review their parking demands and see if parking demands can be reduced and perhaps provide an updated traffic study.

Mr. Lansing stated there is a bus stop in this location and a bus stop enclosure. Also, in the civic space some type of train related theme is being considered and in the plans.

Ruth Horton made a motion in the matter of the Faden Mixed-Use Development, corner of West Avenue and Station Lane that the Planning Board coordinate SEQRA Review and request Lead Agency Status from other involved agencies the DRC and DEC. Jamin Totino, Vice Chairman 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; Sara Boivin, in favor; Lexie Bonitatibus, in favor

**MOTION PASSES: 5-0**

2. **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 the application before the Board is for a Special Use Permit for a Neighborhood Bed and Breakfast in the UR-1 District. This is a Type II SEQRA action. The public hearing remains open. This request is for a 5 room Neighborhood Bed and Breakfast with a resident host. Seven parking spaces are required and will be provided on site.

Applicant: Robin Lauder, LLC

Agent: Michael Toohey, Attorney

Mr. Toohey stated the applicant is before the Board for a Neighborhood Bed and Breakfast in the UR-1 District. This is a permitted use with a Special use Permit. A visual presentation of the neighborhood was provided to the Board. As suggested by the Board we did host a neighborhood meeting. 27 invitations were sent, and 7 property owners attended. There was an attempt to have a conversation. The neighbors had two solutions – one was for the owner to move into the property and utilize it for their own purpose, the second was the neighbors stating they will buy the property from the current owners. None of these were acceptable by the current owners. No variances are required for this project. This is no larger than any home in the area and a review of ingress and egress to the site. No new entrances or exits are being created. Mr. Toohey reviewed the criteria for a Special Use Permit and provided an overview of what currently exists in this Residential Neighborhood-1 and Residential Neighborhood-2 Districts. This area is characterized by single-family residential uses with moderate density two family. A mix of housing types is present. Small neighborhood scale commercial uses exist as well as the operation of a law office in this residential neighborhood.

Sara Boivin reviewed all the current Bed and Breakfasts that operate in Saratoga Springs. There are currently no existing Bed and Breakfasts operating in the Urban Residential-1 District. She feels it does not fit in this low density area.

Lexie Bonitatibus seconded Sara's comments.

Mark Torpey, Chairman reviewed several items to consider for the Special Use Permit.

- Two-year renewable Special Use Permit.
- Operational only April through October.
- No indoor or outdoor activities, such as weddings, showers, business meetings, catered events, etc.
- Maximum of 10 adult's occupancy.
- 1 Kitchen.
- No food deliveries to the site.
- Directional signage.
- Conform to the City's noise ordinance of 9:00 P.M.

Discussion ensued among the Board concerning the location of the proposed B & B as compared with the location of other B & B's in the City. Also, further regulation by the City will be necessary.

Todd Fabozzi discussed the location of Air B & B's in the City which is currently unregulated. He spoke regarding what short term rentals happen during summer in the City. He believes the standards for a special use permit have been met.

**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.

**Sharon Byrne**, 247 Clinton Street. There are no B&B's in the UR-1 zone and there never have been. This needs further investigation by the City Council before a use is granted in perpetuity.

**Nadine Shadlock**, Counsel for owners of 124 State Street. She agrees with Board members regarding no B&B's in a UR-1 District. This is a very low-density neighborhood. I have submitted correspondence to the Board. This will change the character of the neighborhood.

**Rob Coughlin**, 54 Greenfield Avenue. I am an attorney. There is an impact on the density and intensity of the neighborhood. This does not enhance the quality of life for people in this neighborhood.

Susan Barden, Principal Planner, City of Saratoga Springs read the following correspondence received by the Board:

- Letter from Rob Coughlin, dated October 17.
- Letter from Nadine Shadlock, dated October 16.
- Letter from Jennifer McMahon, dated September 30.
- Letter from Jill McMahon, dated September 30.
- Letter from Dr. And Mrs. Roger Saillant, dated September 26.
- Email from Thomas Burkly, received September 14.
- Letter from Jennifer McMahon, received September 13.
- Letter from Jill McMahon, dated September 16.
- Letter signed by five neighbors dated July 22.
- Email from MaryAnn and Brian Wager, received July 26.
- Email from Gordon Boyd, received July 25.
- Email from Betsey Olmsted, received July 25.
- Email from Nancy and Tom Burkly, received July 24.
- Email from Rob Coughlin, received July 24.
- Email from Sue Hensley-Cushing, received July 23.

Mark Torpey, Chairman closed the public hearing at 7:45 P.M.

Jamin Totino, Vice Chairman made a motion in the matter of the Cluett House Bed and Breakfast application that the application for a Special Use Permit be denied based on the neighborhood incompatibility and its location is too far removed from any economic center pieces of the city. The economic viability comes into question with regard to the neighbors and this residential district. Sara Boivin 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, opposed; Lexie Bonitatibus, in favor; Todd Fabozzi, opposed; Ruth Horton, in favor; Sara Boivin, in favor

**MOTION PASSES: 5-2**

**7:50 P.M. The Board recessed.**

**7:55 P.M. The Board reconvened.**

3. **20190084 REGATTA VEIW AREA B PHASE III SUBDIVISION.** Union Avenue/Dyer Switch Road/Regatta View Drive, 24-lot residential subdivision within the Regatta View Planned Unit District.

Mark Torpey, Chairman stated this is in the Regatta View Neighborhood. A continuation of the Planned Unit Development. A 24-lot residential subdivision is proposed. This is a Type I SEQRA action before the Board. We have determined based on research by city staff that this is a modification of an existing subdivision which was approved in

1996. We will look at this as a modification to an existing subdivision. As part of the Board's responsibility we will reaffirm the previous SEQRA decision before engaging in the subdivision modification approval.

Vincent DeLeonardis, City Attorney stated a meeting was held with Patrick Cogan, Building-Zoning Inspector and they did provide to the applicant and applicant's agent their unanimous determination that this application was in fact a modification of a previously approved subdivision. There was a SEQRA determination done in the 1982 and reviewed and reaffirmed in 1996. There were no roadway determinations made at the time of the 1996 subdivision.

Mark Torpey, Chairman stated it would be helpful to the Board since this is a modification to see what was proposed in 1996 and what is currently proposed.

Applicant: Belmonte Builders

Agent: Matthew J. Jones, Attorney, Jones-Stieves

Mr. Jones stated what they will be reviewing this evening is the 1996 approval of the 89 single family lots know as Regatta View. The Board imposed conditions such as side yard setbacks, lot coverage, and building heights. The Board will be provided a chart how that compares with what is currently proposed. In 1996 there were area bulk requirements for those 89 single-family lots. The plan is identical, the configuration is identical, and we do not want the 1996 conditions to apply today and request a modification of what was originally approved in the PUD site plan in July. Secondly, we had a meeting and received an email today from DPW noting their concerns. We will address those. A change which was requested has to do with the trail, how and where it ends. These are minor changes which were approved in July.

Mr. Mitchell provided a visual of the plan configuration which is the same which has been presented previously. Also, how it looked in 1996 with the setbacks and area requirements as well as the conditions that were set for the project.

Mr. Jones reviewed the changes which were made to the lot configuration, the lots are smaller, and the building heights have gone from 35' to 45'. Side yard setbacks have been changed from 10' to 8'.

Mr. Mitchell provided a visual and layout of the approved trail. The applicant is attempting to stay out of the DOT Right-of-Way, per the feedback we have received. It is more useful if we continue up to Dyer Switch Road. Our concern remains the same regarding the ownership issue of the DOT Right of Way. We have reached out to the DOT and have not yet received a feedback. What we are proposing is for the Board to approve the application with two options. Approve it if the way we have presented remaining out of the DOT Right of Way but also approving an alternative configuration that is in the DOT Right of Way. We are happy to go that route. We do not want the homeowner's association to be saddled with the ownership obligations of that DOT Right of Way. The sidewalks become a challenge, one regarding ownership, one concerning placement in the DOT Right of Way without the vertical curb. This is a challenge since that requires an 8-foot separation which puts the sidewalk behind the ditch.

Susan Barden, Principal Planner, discussed the usefulness of the sidewalk for the neighborhood not just the immediate property owners. It should be visible and accessible. As with any city sidewalk it would have to be maintained with regard to repairs.

Discussion ensued among the Board concerning the placement of sidewalks and ownership for maintenance and upkeep.

Mr. Mitchell reviewed the comments from Al Flick, DPW concerning the ownership of stormwater and infiltration chamber systems in the Right of Way. These plans can be conditioned to the satisfaction of the DPW.

### **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 Way. He does like the location of crosswalk. It seems the Board could re-visit the issues set forth by the Supreme Court since this is now a modification of a previous subdivision.

Mark Torpey, Chairman closed the public hearing at 8:22 P.M.

Mark Torpey, Chairman reviewed some of the issues before the Board. The utility easement is to be to the satisfaction of the City Attorney. No cut buffer noted on the plans which relate to the Flying Dutchman area and 9P and should be noted. Dartmouth Way is to become a full city street.

Mark Torpey, Chairman stated the Board should reaffirm the 1996 SEQRA Determination.

Jamin Totino, Vice Chairman made a motion in the matter of the Regatta View Area B Phase III Subdivision, Union Avenue/Dyer Switch Road/Regatta View Drive to reaffirm the previous 1996 Negative Declaration noting there are no additional impacts that would warrant a re-analysis of the SEQRA. 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; Lexie Bonitatibus, in favor; Todd Fabozzi, in favor; Ruth Horton, in favor; Sara Boivin, in favor

**MOTION PASSES: 7-0**

Mark Torpey, Chairman stated the Board will now vote on subdivision approval with the following conditions:

- Final review by the City Attorney on the conservation easement language to be finalized.
- Outstanding DPW issues to the satisfaction of the Commissioner DPW and the City Engineer.
- Final agreement approval with DOT and the City of Saratoga Springs relative to the pathway and how it can provide greater continuity to the south. The Board prefers the design to provide greater continuity to the south.
- Planting specifications and spacing to be addressed with the City arborist.
- Dartmouth Way to be constructed to City standards.
- Site statistics as presented with 5' setbacks.
- Recreation fees as required.
- No cut buffer policy as noted in the conservation easement.

Ruth Horton made a motion in the matter of the Regatta View Area B Phase III Subdivision modification, Union Avenue/Dyer Switch Road/Regatta View Drive to approve the application with the conditions as noted by the Chair. Sara Boivin 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; Lexie Bonitatibus, in favor; Todd Fabozzi, in favor; Ruth Horton, in favor; Sara Boivin, in favor

**MOTION PASSES: 7-0**

**APPROVAL OF MEETING MINUTES:**

Mark Torpey, Chairman made a motion to approve the meeting minutes of the September 19, 2019 meeting as submitted. Ruth Horton seconded the motion.

**VOTE:**

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, abstained; Bob Bristol, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Lexie Bonitatibus, in favor; Sara Boivin, in favor

**MOTION PASSES: 6-0-1**

Mark Torpey, Chairman made a motion to approve the meeting minutes of the October 3, 2019 meeting as submitted. Ruth Horton 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; Lexie Bonitatibus, in favor; Sara Boivin, abstained

**MOTION PASSES: 6-0-1**

**UPCOMING MEETINGS:**

Planning Board Caravan, Thursday, November 14, 2019 at 4:00 P.M.  
Planning Board Workshop, Thursday, November 14, 2019 at 5:00 P.M.  
Planning Board Meeting, Thursday November 21, 2019 at 6:00 PM.

**MOTION TO ADJOURN:**

There being no further business to discuss Jamin Totino, Vice Chairman adjourned the meeting at 8:37 P.M.

Respectfully submitted,

Diane M. Buzanowski  
Recording Secretary

APPROVED 12-12-19