



# PLANNING BOARD

## MINUTES (FINAL)

THURSDAY, JANUARY 27, 2022

6:00 P.M.

### ZOOM WEBINAR

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

**SALUTE TO THE FLAG:**

**PRESENT:** Mark Torpey, Chair; Ruth Horton; Kerry Mayo; Todd Fabozzi; Justin Doty;  
Chuck Marshall

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

1. **#20211240 61 VANDORN & 46/46A SEWARD STREET SUBDIVISION**, 61 Van Dorn & 46/46A Seward Street extension of a previously approve four-lot residential subdivision in the Urban Residential-1 UR-1 District.

Mark Torpey, Chair, stated this application is before the Board this evening for an extension of an approved four lot subdivision which is due to on February 13, 2022. The applicants are requesting a 90-day extension.

Jason Doty made a motion in the matter of the application of 61 Van Dorn & 46/46A Seward St Subdivision 90-day extension request be approved. The new expiration date is May 13, 2022. Ruth Horton seconded the motion.

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

**VOTE:**

Mark Torpey, Chair, in favor; Ruth Horton, in favor; Kerry Mayo, in favor; Todd Fabozzi, in favor; Jason Doty, in favor; Chuck Marshall, in favor

**MOTION PASSES: 6-0**

## **COMMENTS FROM THE CHAIR:**

Mark Torpey, Chair, stated we welcome Mark Pingle our new Board member who is observing the meeting tonight. He brings a wealth of knowledge and professional experience to the Board. We also welcome, Bill McTygue, former Director of Public Works and brings with him knowledge and expertise regarding the workings of the City of Saratoga Springs.

### **C. APPLICATIONS UNDER CONSIDERATION:**

2. **#20210415 DRISCOLL ROAD SITE PLAN (JUST CATS)**, Driscoll Road and NYS Route 9, Site Plan review of a mixed-use project including an animal clinic and 7 residences and associated site work in the Tourist Related Business (TRB) and Rural Residential (RR) Districts. Urban Residential-4 (UR-4) district.

Mark Torpey, Chair, stated what is before the Board is a site plan discussion. This project has appeared before the Board previously. The applicant is proposing to construct a two story 11,000 sq. ft. mixed used building with a veterinary clinic and non-residential tenants on the first floor with 7 apartment units on the second floor. This is a split zoned parcel TRB is designation next to Route 9, and the parcel is also zoned RR to the west.

### **BACKGROUND:**

ZBA area variances required for this project approval granted on April 19, 2021.

Planning Board Special Use Permit approval granted on May 27, 2021.

DRC architectural approval granted on September 1, 2021.

The Saratoga County Planning Board has reviewed this project and noted no significant Countywide or Intercommunity impact on March 31, 2021.

The New York State Parks, Recreation and Historic Preservation review, no impact on February 25, 2021.

Mark Torpey, Chair, noted the applicant submitted a revised site plan dated December 23, 2021. The Chair requested for the benefit of new members, a short synopsis of the project and then we will review the revised site plan.

Applicant: Driscoll Road, LLC/Susan Sikule, DVM

Agent: Luigi Palleschi, P.E. ABD Engineers, LLP

Dr. Sikule stated she first appeared before the Board back in the fall of 2020. She is the owner of the proposed project and currently owns a practice in Guilderland and Saratoga Springs on South Broadway. She has outgrown the space. She has chosen this area for her practice detached from the downtown area and more in the gateway. She is proposing a new mixed use building to house her veterinarian clinic along with two to three additional tenants on the first floor. On the second floor she is proposing residential space for 7 apartments one of which she will occupy. They will attempt to keep as many existing trees on the site as possible as she is environmentally conscious and will attempt to disturb as little of the site as possible.

Mr. Palleschi provided an aerial view of the site, noting the location of the proposed project which consists of approximately 6 acres of wooded site and the zoning delineation. We have appeared before this Board, the DRC and the ZBA. There were revisions made over the course of these appearances. The site plan was provided noting the ACOE wetlands on the site. There will be no wetland disturbance. Mr. Palleschi provided the current site plan. As the Chair noted what is different from when the Special Use Permit was granted is the stormwater. After detailing all the grading and drainage to comply with the DEC standards we could not contain all the stormwater in the area proposed. We needed to install underground chambers beneath the pavement in the front and the back. All the stormwater drainage goes to underground catch basins which complies with the DEC regulations. Further changes were sliding the building to the west a bit. This was done due to the comments by the city's designated engineer and the City Engineer. This

provides more distance from the septic system along the easterly side. The parking will remain in the front and rear of the building and will remain the same. The footprint is about 10,000 to 11,000 sq. ft. The first floor will be commercial, and the second story will have the 7 residential units. The remainder of additional residential parking on the rear of the site. Per the recommendation of planning staff, we do have a designation for a two-way entrance and exit as well as an additional one-way egress from the site. We are proposing to save as many trees as possible within the building and grading site. Street trees are also proposed. There are grading challenges from Route 9. The city water main exists on the east side of Route 9. A visual of the location of that service. In conversations with Al Flick, it was decided that the applicant will terminate the service at that Route 9 location and install a fire hydrant. A private lateral will be installed to service this building. There are no public sewers in this location, so a septic system is proposed for this site and is noted on the site plan. This septic system will be in conformance with the DOH and DEC standards. We have latest comments from the City's designated engineer. They were minor technical comments. Nothing that will change the layout of the building, parking or utilities and we will address those. We received further comments from Al Flick requesting further clarification to be added to the plans regarding the improvements to be made on Driscoll Road that are needed and wanted and the lighting. We anticipated improvements to Driscoll Road from Route 9 to the second driveway. The comment from the city is how far is the improvement to the road and meeting city's standards. The roadway goes to an 18-inch width after the proposed project with significant drop off to the south. The north houses a drainage swale. This will be a challenge. We would like to discuss this further. A typical city streetlight would be required is that what we would want in this location?

Ruth Horton questioned if a traffic study was done on this project since there will be an increase in the amount of traffic on this road.

Mr. Palleschi stated they looked at this site and knowing one of the tenants it would be an increase of 20 vehicles. With the other tenants, again those are smaller spaces, combined will be another 20 which would total 40 and an additional 12 for the apartments above. These would be in the peak AM and PM hours. The fact that it is a mixed-use building will benefit the parking availability during the daytime hours of operation. The patrons will only be using the first 400 feet of Driscoll Road. We also looked at the serviceability of the site. It will be serviced by box trucks only no tractor trailers.

Dr. Sikule stated she has spoken with her vendors and requested deliveries be made in box trucks. No tractor trailers will be used.

Todd Fabozzi questioned if the road width is a determination the Board can vote on or defer to public works.

Susan Barden, Principal Planner stated she believes this is within DPW's jurisdiction. We have discussed these improvements and what they would be requiring. Initially they were requesting the full extent of the frontage of Driscoll Road improved to the Rural standards. They have since reviewed that again and are requiring only to the second access point for those improvements. They really are quite adamant that this is an improvement which would need to happen here.

Todd Fabozzi stated he understands the applicant's point of view regarding this being a rural road and not wanting to turn this into an urban setting. The road is poor and very rural. The issue with that is you are talking about residents and people who will hopefully walk and bike places. There is shoulder on Route 9. If someone wanted to walk it would be a very narrow roadway particularly if cars were entering and exiting the site. He supports the widening of this road for that point as well. He is neutral on the lighting issues and are there standards to be met.

Susan Barden, Principal Planner stated DPW did not have a strong opinion on the street lighting. It is part of the Rural Road standard, and she did speak with the City Electrician regarding the actual spacing. He suggested spacing about 100 – 150 ft. apart. We thought it was a good idea considering the kayak launch located in this proximity. This is in your discretion.

Todd Fabozzi questioned what type of lighting is proposed – LED?

Chuck Marshall stated the City's current code does not speak to foot candles or temperature. But the UDO does and suggests going to a 3,000 light, which is a yellow hue, which is appropriate for this area. In the detail for the lighting there is a single arm fixture, proposed if you went to a double arm fixture it would light the parking and the road.

Jason Doty, echoed Todd's, and Chuck's comments regarding lighting.

Bill McTygue, Alternate stated there are specific lighting fixtures for the inside district and the outside district.

Mr. Palleschi stated this is not a subdivision. These lighting fixtures will not be in the City Right of Way but on private property. The applicant is proposing their own site lighting as well as parking lot lighting for safety and security. Having both the city street lights and the property lighting might be overwhelming for this rural area.

Susan Barden, Principal Planner, stated what would be used in this area is the decorative street which is a Sternberg light and specific for the outside areas. It is an LED luminaire.

Ruth Horton questioned if there is enough room on the roadway to install these streetlights. Would this change the site plan?

Mark Torpey, Chair, stated he is unsure what Driscoll Road is. It is a dead-end street, comprised mostly of wetlands so the development potential for the area is unknown. The dead end or terminus is Geyser creek and the wetland area. So, the potential for carrying that through for a contiguous street with another means of ingress and egress he does not foresee that happening. The Chair feels it is premature to decide what the road is and what it is intended to serve. We do need to assure that it is safe and equitable for traffic and pedestrians from Route 9 for good flow. It requires widening to the end of the project. The Chair feels this is a work in progress.

Chuck Marshall stated he checked the traffic count for DOT. The 9AM combined traffic is 1500 cars a day north and south bound. They are proposing 50. In reviewing the Driscoll Road traffic which was tracked at and indicates 38 cars a day.

Mark Torpey, Chair, stated these numbers are so small it does not even trigger a traffic analysis. It is a minor issue.

Todd Fabozzi stated regarding the lighting it is not needed all the way down the road, but near Route 9 to be able to turn in and out safely.

Mark Torpey, Chair, reviewed the Open Space Plan and this road does not have a designation on the plan. It really is undefined. DPW has jurisdiction. The Chair agrees with Todd regarding providing a degree of lighting closer to Route 9. It seems out of character for the nature of the road itself to provide lighting across the street.

Discussion ensued among the Board regarding providing appropriate lighting to both the site and the roadway as well as suggestions for the type of fixtures, enhanced lighting, and lighting on the proposed signage for the roadway entrance.

Mark Torpey, Chair stated since DPW has purview over this road we can provide input and suggestions. If we approve this project this evening, could we impose those conditions on the Notice of Decision?

Susan Barden, Principal Planner stated it would be better if you could identify whether you believe it is important to provide streetlights that would be in the right of way and leave the placement to DPW. It may not be specific enough to follow through on a condition that is a bit ambiguous.

Mark Torpey, Chair, stated what is being proposed is lighting on private property. We are providing suggestions on how best to provide parking lot as well as street lighting a dual purpose. At this point the road does not require prescriptive delineation like this.

Chuck Marshall spoke regarding alternating streetlights and parking lot lights so not as to over light this area.

Mark Torpey, Chair, stated they will move on to other areas to discuss and will circle back to the lighting issue. The Chair questioned if there were any specific tenants for the commercial portion of the project. The Special Use Permit was issued for the animal clinic and the residential tenants upstairs. In looking at the uses allowed in the TRB the allowed uses did not seem to fit what the applicant is looking for in terms of potential commercial tenants. This could help to determine what is being discussed with the proposed improvements to the road and the proposed lighting.

Dr. Sikule stated at this point she does not have any tenants. She cannot move forward in attempting to get tenants until she receives approval from the City. She has had interest, and tenants who want to move quickly. She is looking for tenants who will fit in with the animal clinic. They are not fast-food places; they are tenants who will have a long-term agreement with her.

Mark Torpey, Chair, stated there are more approved uses once the new UDO takes effect in April, and those seem to be more amenable with what the applicant is looking for.

Todd Fabozzi questioned what additional uses will be available after April? Isn't the approval set and based on when the application is approved. Would they then need to amend the Special Use Permit?

Mark Torpey, Chair, stated the approval was for an animal clinic and the residential units upstairs.

Susan Barden, Principal Planner stated the Special Use Permit was specifically for the residential units. The animal clinic is a permitted use. There are a host of other uses permitted with Site Plan Review, and Special Use Permit and Site Plan Review. In April if the UDO is effective and zoned GCR there are additional uses available for this property, office is one which would be permitted. If a use is requested and not allowed the Special Use Permit would be required to return before the Board to be amended.

Mark Torpey, Chair, requested the applicant to review the banked parking.

Mr. Palleschi spoke about the parking plan originally which did provide for banked parking. However, in the revised plan we are building out all the parking spaces and are not banking any. The site requires 64 spaces, and we are providing 67 spaces.

Mark Torpey, Chair, questioned the loading issues and deliveries of supplies. Is there a designated loading and unloading area and how would that take place in a practical sense?

Mr. Palleschi stated the box truck will pull into the site and park alongside the building and load to the front of the businesses, back up and exit the way they entered the site. The timing of day would be coordinated so there would be fewer cars in the parking lot. The intersection within the site provides maneuverability and options for the deliveries.

Jason Doty questioned if there is any thought to stripping the area as a loading zone as it is striped for parking, or merely a sign.

Mr. Palleschi stated if the lot is stripped it more confusing for other tenants and customers.

Mark Torpey, Chair, summarized the comments from the Board. It was the consensus of the Board to provide a greater level of lighting towards the east. Something that might illuminate the sign with down lighting and serve the purpose of additional lighting exiting off Route 9 unto Driscoll Road. Regarding the lighting in the right of way, we can have DPW address those issues with the applicant.

Leah Everhart, Attorney for the Land Use Board stated if lighting is proposed on this site, the Planning Board through the Site Plan Approval Process should identify the types of lights and where they should be located. If it is lighting required in

the right of way that falls under DPW's jurisdiction. There could be a condition more aspirational and less than a condition imposed on the Site Plan.

Mark Torpey, Chair, stated lighting on the signage is something the DRC will be addressing. Downward facing lighting serving a dual purpose, to light the sign and the corner being aware of the rural nature of the roadway. Down lighting throughout the private property portion and the parking areas. We would like to see DPW take that into account.

Susan Barden, Principal Planner stated this seems reasonable enough. Her only reservation is if DPW indicates that street lighting is suggested in this area, we may be over illuminating the site if you approve the lighting plan as presented this evening. This can be reviewed and approved Administratively once DPW has determined what street lighting would be required.

Leah Everhart, Attorney for the Land Use Boards stated we are not able to confirm the type of street lighting would be required in this location or if it is not required. In this case, she suggests having the plan with the onsite lighting the applicant is proposing and the Board is happy with noted with the approval resolution being clear if DPW requires lighting in the right of way on Driscoll Road the lighting shown on the plan would not be required.

Chuck Marshall stated if DPW requires street lighting standard than the applicant would need to return before the Board.

Discussion ensued among the Board regarding options to pursue for lighting in this location.

Mark Torpey, Chair, stated in reviewing these types of projects, the applicant is required to assure there is no light spillage beyond the property line or in the right of way at the proper lighting level. Their lighting is being installed to serve their purpose. The spacing of this lighting is as they propose. There is a complete separation between coordination of DPW and the applicant because they are responsible for their lighting needs on site.

The Board is comfortable with how the Chair explained the required lighting as it pertains to the applicant.

Mark Torpey, Chair, stated the only other conditions he would restrict no tractor trailer allowed on the site, loading zone signage to provide a visual cue for traffic entering the site. DPW has jurisdiction over the roadway and will provide information to the applicant what is needed to meet their requirements. Consideration of fee in lieu of for dedication of recreation lands.

Jason Doty made a motion in the matter of the Driscoll Road Site Plan (Just Cats), Driscoll Road and NYS Route 9 be approved with the conditions as noted by the Chair. Kerry Mayo seconded the motion.

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

**VOTE:**

Mark Torpey, Chair, in favor; Ruth Horton, in favor; Kerry Mayo, in favor; Todd Fabozzi, in favor; Jason Doty, in favor; Chuck Marshall, in favor

**MOTION PASSES: 6-0**

**APPROVAL OF MEETING MINUTES:**

Mark Torpey, Chair, made a motion to approve the minutes of the January 13, 2022. Kerry Mayo seconded the motion.

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

**VOTE:**

Mark Torpey, Chair, in favor; Ruth Horton, in favor; Kerry Mayo, in favor; Todd Fabozzi, in favor; Jason Doty, in favor; Chuck Marshall, in favor

**MOTION PASSES: 6-0**

**UPCOMING MEETINGS:**

Planning Board Workshop, Thursday, February 10, 2022, at 5:00 P.M.  
Planning Board Meeting, Thursday, February 17, 2022, at 6:00 PM.

**MOTION TO ADJOURN:**

There being no further business to discuss Mark Torpey, Chair adjourned the meeting at 7:37 P.M.

Respectfully submitted,

Diane M. Buzanowski  
Recording Secretary

Approved: March 29, 2022