



# PLANNING BOARD

## MINUTES (FINAL)

THURSDAY, APRIL 30, 2020

6:00 P.M.

RECREATION CENTER

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

**SALUTE TO THE FLAG:**

**PRESENT:** Mark Torpey, Chairman; Jamin Totino, Vice Chairman; Ruth Horton; Todd Fabozzi; Lexie Bonitatibus; Kerry Mayo; Shawna Jenks, 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. **20200022 (ZBA) TOP DOG ENTERPRISES SUBDIVISION**, 46-46A Seward Street, coordinated SEQRA review and Advisory Opinion to the ZBA for an area variance associated with a proposed four-lot subdivision in the Urban Residential-1 (UR-1) District.

Mark Torpey, Chairman stated this project is before the Board this evening for coordinated SEQRA review and an Advisory Opinion to the ZBA. The application appeared before the ZBA and they proactively deferred Lead Agency to the Planning Board on February 24, 2020. The Planning Board and ZBA are the only involved agencies. The application is before the ZBA for an area variance for the rear yard setback.

Applicant: Christine & Steven Sbardella; Top Dog Enterprises, LLC

Agent: Michael Toohey, Attorney

Mr. Toohey stated the parcel of land in question is two tax parcels located at 46-46A Seward Street and the parcel of land goes back to 61 Van Dorn Street which is a dead end street. A visual of the site was provided to the Board. The

existing parcel contains a single-family residence off of Seward Street and a detached garage with an apartment and bungalow dwelling, 3 dwelling units as well as a pre-existing nonconforming daycare center. Maximum density for RN-2 in the Comprehensive Plan is 7 units per acre, which is more than supported by the UR-1 requirement for 12,500 square feet minimum lot size. The creation of three parcels at 7,636 square feet is the equivalent density of 5.7 units per acre. This project will significantly enhance the character of the neighborhood by eliminating a use that is not permitted and bringing attractive housing to this area. The applicant is proposing removing the existing bungalow dwelling on proposed lot #1. The removal of the commercial use, the daycare center and shed for a residential use. This would have a positive impact on the traffic and the environment and better utilization of the property. The applicant is proposing dividing the property on the Van Dorn Street side into three residential parcels, each parcel will be 7, 636 square feet with identical frontage on Van Dorn. Mr. Toohey provided a tax map of all residential parcels on the street. Comparables of lots in the neighborhood were provided, noting what the applicants are proposing are in the middle range size of those lots which currently exist in the neighborhood. The home being proposed will meet all the setback requirements. Statistics were provided to the Board.

Mark Torpey, Chairman questioned the use of the land across the street and questioned if there were any longer term issues with the PUD and the use of this property abutting on Van Dorn Street. Also, there is a question on lots #3 and #4 concerning the 10 foot easement on the site.

Mr. Toohey stated the easement does not interfere with the ability to build single family home, meeting all the setback requirements for this zone.

Mark Torpey, Chairman questioned the use of the easement.

Mr. Sbardella stated the easement on Van Dorn Street is a water sewer easement. There is a new fire hydrant in this location.

Mark Torpey, Chairman questioned if there were utilities in this area, both water and sewer.

Mr. Sbardella stated the water and sewer line goes all the way to the end of the property to the neighboring property UHY.

Ruth Horton questioned the variance percentages which would be required and see quite aggressive. Why not less units to comport better.

Mr. Toohey stated the lots we are proposing are virtually dead center of the entire neighborhood both in size and frontage requirements. We are attempting to build homes to create consistent neighborhoods. These would be 100% consistent. The non conforming day care center will be removed and a residential unit will be infilled in its place which is more conforming to this zone. This neighborhood pre-existed zoning.

Todd Fabozzi stated this is a reasonable reconfiguration of these properties for this area. It is in context with the neighborhood and is a decent way of infilling this area. He is in favor of the infill development.

Jamin Totino, Vice Chairman questioned the use of an apartment over the garage in a UR-1 District would require a variance in and of itself.

Susan Barden, Principal Planner, City of Saratoga Springs stated it would. You are allowed only one principal structure per lot in the UR-1 District. Additional variances would be required for two principal structures on one lot. The Advisory Opinion requested at this time would be specific to the lots which do not meet the minimum lot width and lot size requirements. The ZBA will review in addition to that, setbacks for the existing structures to remain on those new lots and also to provide for the second dwelling unit and setbacks for that as well.

Mr. Toohey spoke regarding the garage apartment being pre-existing non-conforming use and structure within this property and as a result the two principal uses classification can be waived because of that pre-existing nonconformance. We have sought an interpretation of that and have submitted additional documentation to the ZBA requesting that be considered.

Jamin Totino, Vice Chairman questioned if this application includes improvements to the garage and the garage apartment.

The Sbardellas stated and noted they have obtained a demolition permit and plans have been initiated to update and renovate this space. The outside of the structure will be more in line with the new construction proposed and remove the eyesore.

Mr. Toohey stated there a four different homes proposed for these lots which are thinner home so that they would not require front and side yard setbacks. These will fit perfectly into the lots as proposed in the subdivision diagrams.

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

Lexie Bonitatibus stated she likes the way the project is layed out and feels it is a good use of space.

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

Bradley Birge, Administrator, Planning and Economic Development stated there are two attendees in the audience at this time however it appears neither of them wish to comment on this application.

Mark Torpey, Chairman made a motion to accept Lead Agency Status for SEQRA. 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; Ruth Horton, in favor; Todd Fabozzi, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor; Shawna Jenks, Alternate, in favor

**MOTION PASSES: 7-0**

**SEQRA REVIEW:**

Mark Torpey, Chairman stated the applicant has submitted a Part I Short EAF which is complete and accurate.

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

**SEQR 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. Ruth Horton 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; Ruth Horton, in favor; Todd Fabozzi, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor; Shawna Jenks, Alternate, in favor

**MOTION PASSES: 7-0**

Mark Torpey, Chairman stated the final action on this application this evening is the Advisory Opinion to the ZBA. As mentioned previously this application will return before this Board for subdivision approval. Prior to the applicant's return we would like more information on the long term vision of the PUD and the language in their to better understand the context of this residential development. This project represents and supports infill development. We are not speaking about a historic district. I am supportive of the general approach here and the projects looks like a good one that comports with the rest of the neighborhood.

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

Jamin Totino, Vice Chairman stated he is in support of this project for all the reasons as noted by the Chair. I am glad to hear about the garage apartment. He noted he is a big supporter of providing more affordable housing in the City.

Mark Torpey, Chairman stated in context with the Comprehensive Plan and the RN-2 Designation just to convey the point that the density we are speaking about here really from that standpoint, not the Zoning Ordinance or the law of the land but it does set the broader context for development and it is within the densities allowed.

Jamin Totino, Vice Chairman made a motion in the matter of the Top Dog Enterprises Subdivision, 46-46A Seward Street, for a Positive Advisory Opinion to the Zoning Board of Appeals. Todd Fabozzi 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; Ruth Horton, in favor; Todd Fabozzi, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor; Shawna Jenks, Alternate, in favor

**MOTION PASSES: 7-0**

2. **20200174 BROADWAY MIXED USE COMMERCIAL BUILDING,** 269 Broadway, sketch site plan for proposed construction of a 6-story retail and office building and associated site work in the Transect-6 Urban Core (T-6) District.

Mark Torpey, Chairman stated this project is located at 269 Broadway is a sketch discussion for a proposed construction of a 6 story retail and office building in the Transect-6 Urban Core District. This project will be reviewed by both the Planning Board and the Design Review Commission. It is located in both the Historic District as well as the Architectural Review District. This project will also be required for site plan review. During the workshop there were several areas the Board indicated they would like to focus on. An area of particular concern is the outdoor civic space.

Susan Barden, Principal Planner, City of Saratoga Springs noted this is located in both the Historic District as well as the Architectural Review District. It will be reviewed by the DRC under their Historic Review guidelines.

Mark Torpey, Chairman stated there will be no decisions or determinations this evening. A sketch discussion is to provide feedback to the applicants.

Applicant: Gerard Mosher & Robert Mosher, 269 Broadway, LLC

Agent: Michael Toohey, Attorney, Jamie Easton, Project Engineer, MJ Engineering;  
Michael Roman, Architect, C2 Architecture.

Mr. Toohey stated this property is located in the Transect -6 Urban Core District of the City. It is a commercial building in the City's downtown on the west side of Broadway 400 feet south of the intersection of Broadway and Congress Street. This site is unique it is the only commercial site that goes street to street. Broadway is on its east, Hamilton Street on its west. This zone does not require any setbacks and its maximum height is 70 feet. There is no requirement for public parking. We will review the project this evening so the Board can understand the scope of the project and better understand what the applicant is proposing.

Mr. Easton provided a visual presentation of the site providing context for the Board noting the existing conditions and the elevation changes. Street views were provided noting the building will stretch from block to block. They are proposing mixed use retail on the first floor. The second floor through the 6<sup>th</sup> floor will be office space. The applicant's business Prime Holdings will occupy office space in the building. The features of the building will be 500 square feet of covered public open space off of Broadway. Each side of the building will be treated the same, with balconies on all sides. There will also be 2 levels of parking. Mr. Easton provided information concerning the energy estimates noting the CO<sub>2</sub> impact and upcoming regulations.

Mr. Roman spoke about the building built from property line to property line. Mr. Roman reviewed the site plan for the Board's information and review. The public space is located off Broadway. We have two levels of parking which will be located below grade and will provide 67 spaces which will be accessed off Hamilton Street. A traffic study will be performed. Renderings were provided noting the street views from all directions noting the addition of balconies along Broadway and Hamilton Streets. Mr. Roman provided information concerning the proposed materials which will be brick and limestone. He provided a review of all elevations, facades as well as floor plans including the floor plans of the civic space as well as the parking garage. All mechanicals will be housed on the roof towards the rear and these will be screened. We are proposing a heat pump system which will also be housed on the roof. The 6<sup>th</sup> floor of the building will house the Prime Company.

Mark Torpey, Chairman questioned the SEQRA form submitted noting the civic space at approximately 2300 square feet. On the drawing roughly 500 square feet was noted.

Jamie Easton, MJ Engineering stated the SEQRA form which was submitted is not 100% accurate. Some design and site plan changes have been made and the SEQRA form will need to be updated and changed to reflect this.

Mark Torpey, Chairman questioned the Hamilton Street elevation with the transformers and the trash receptacles presents as unappealing. I think there might be some creative ways from a pedestrian and neighborhood view to improve that rear façade. Also, on some of the larger projects we have had the applicants provide a 3D model to obtain a perspective street view. Some balloon floats have also been used to provide a perspective of the height of the buildings.

Todd Fabozzi stated it is a very sharp building and will be a great addition to Saratoga Springs. It is great to see office infill in a city. I concur with Mark regarding the rear façade. He spoke regarding the energy stretch code and what the state is doing to help with green practices. This building will be in place for a long period of time and in order to meet the State's energy goals and climate goals as a society. It is important to think about this and where this can be implemented. I like the idea of a joint meeting with the DRC and hear how they approach this type of construction. Regarding the roof and options for such things as a green roof for stormwater management, has it been considered. Lastly, the civic and my impression is that it doesn't appear all that civic. It seems part of the building and does not appear to be all that inviting or adaptable. It does not signal to other buildings and pedestrians that you can enter here. There seems to be a way to bring some of that civic space out to the street and make it more inviting. How does this line up with CDTA bus stop. This could be an area to wait for this transportation.

Mark Torpey, Chairman stated he would like to work closely with the applicants on the energy side of this analysis.

Jamin Totino, Vice Chairman stated he likes the project and agrees with many of Todd's thoughts. He likes the balconies. He agrees especially with the civic space comments and how to extend this more towards the street. The Vice Chairman questioned the former Hamilton Street garage project and if that was still being considered.

Susan Barden, Principal Planner stated she believes this was associated with the Rip Van Dam and she believes that project has expired.

Jamin Totino, Vice Chairman questioned the height of this building as compared to the Congress Park Center building.

Mark Torpey, Chairman stated the 70 foot height is based on Broadway to the peak calculations. Have you looked at Hamilton Street to the peak and have you looked at that.

Mr. Roman stated approximately 76 feet.

Mr. Toohey stated a memo was submitted to the City concerning the frontage of the building and the building Inspector issued his opinion that the frontage of this building is the Broadway side and that is at 70 feet. It is comparable to the condominiums across the street and it is lower than the PUD legislation for Congress Park Center which allows 75 foot buildings and is equal to or less than the Embassy Suites Hotel that is in the Purdy's Commercial Center. Height is consistent with this neighborhood and the frontage is as allowed by code.

Ruth Horton indicated the importance of looking at the whole energy issue. It is a great new large building and this is an opportunity to dig deep and make this as energy efficient as possible. Have you considered some solar on the roof and this building could really be a showcase.

Lexie Bonitatibus thinks the building looks amazing. She voiced concern in the use of the school's parking lot. Concerning the civic space and perhaps the addition of some benches.

Jamin Totino, Vice Chairman also noted to be aware of ADA accessibility.

Kerri Mayo stated he agrees with his fellow Board members. He likes the look of the building and agrees with Lexie concerning the civic space. He also voiced support in the use of green practices.

Shawna Jenks, Alternate echoed Jamin's concern regarding accessibility. She worried about snow and the balconies and the overhangs.

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

Mark Torpey, Chairman asked if there was any attendees who would like to comment on this application.

Bradley Birge, Administrator, Planning and Economic Development noted there were two attendees but neither have indicated their desire to speak.

Mark Torpey, Chairman stated he is also in favor of a Joint Meeting with the DRC would be helpful. Having as much feedback as possible early on would be helpful and we encourage it. A 3D model will be very helpful and we ask that you give that some consideration. On the energy side of this he is more than happy to provide assistance. The Chair voiced concern regarding the water infiltration systems especially with the underground parking proposed.

Mr. Roman noted that the north and south side of the building are fire rated and the provided a sample of the glass which is proposed and offers a great insulation. This information will be provided to the Board.

Mr. Easton stated this is being reviewed and worked though and have been implemented in other various projects.

Mark Torpey, Chairman asked if there is any information the Board could provide to the applicant.

Mr. Roman did request some clarification from the Board concerning the civic space, the 3D rendering and possible balloon fly on the corners of the building.

Mark Torpey, Chairman stated the Board has provided information and suggestions to the applicant. With regard to the civic space perhaps input from DPW would be appropriate at this early stage. In fact they could attend the Board meeting to provide information and suggestions to the applicant. A 3D rendering would be helpful, possibly a balloon float and possibly improvements to the Hamilton Street façade.

Susan Barden, Principal Planner, City of Saratoga Springs stated she encourages the design team to reach out to staff and they can coordinate a meeting with the DPW when the applicant has some conceptual plans for civic space in the right of way.

Discussion ensued among the Board with the applicant concerning some suggestions for the civic space, electric charging stations in the parking garage area.

Bradley Birge, Administrator, Planning and Economic Development stated there is an attendee who wished to speak a Derek Melacone. He was unable to speak at the meeting. He was encouraged to submit his concerns in writing via email to staff. These will be submitted to the Board. No decision was made this evening this was simply a sketch review

**APPROVAL OF MEETING MINUTES:**

Mark Torpey, Chairman made a motion to approve the minutes of the February 13, 2020 Planning Board Meeting as submitted. Jamin Totino, Vice Chairman seconded the motion.

**VOTE:**

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor; Shawna Jenks, Alternate, in favor

**MOTION PASSES: 7-0**

Mark T Chairman made a motion to approve the minutes of the February 27, 2020 Planning Board with modifications as submitted. Jamin Totino, Vice Chairman seconded the motion.

**VOTE:**

Mark Torpey, Chairman, in favor; Jamin Totino, Vice Chairman, in favor; Ruth Horton, in favor; Todd Fabozzi, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor; Shawna Jenks, Alternate, in favor

**MOTION PASSES: 7-0**

**UPCOMING MEETINGS:**

Planning Board Workshop, Thursday, May 7, 2020 at 5:00 P.M.  
Planning Board Meeting, Thursday, May 14, 2020 at 6:00 PM.

**MOTION TO ADJOURN:**

There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 8:00 P.M.

Respectfully submitted,

Diane M. Buzanowski  
Recording Secretary

APPROVED 5-28-20