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; Sara Boivin; Lexie Bonitatibus; Kerry Mayo

STAFF: Susan Barden, Principal Planner, City of Saratoga Springs
Bradley Birge, Administrator, Planning and Economic Development
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. 20200155 GUARINO/HANER SUBDIVISION, 21 Park Place, final subdivision review of a proposed two-lot residential subdivision in the Urban Residential-4 (UR-4) District.

Mark Torpey, Chairman stated this project is before the Board this evening for a two lot subdivision. The Board has reviewed this application for a prior condominium project. This is a new application.

SEQRA:

Action appears to be an Unlisted Action. Part 1 of the Short EAF has been submitted. The property is adjacent to a historic district. Also, identified on Part 1 the property is located in or adjacent to an area designated as sensitive for archeological sites. The applicant’s agent will be in contact with SHPO for additional information.

Applicant: David Guarino & Linda Haner
Agent: Tonya Yasenchak, Engineering America

Ms. Yasenchak stated the project is located at the corner of Regent and Park Place. The previous project proposed was two 2-family homes. We have scaled the project down and the applicants are now proposing a 2-lot subdivision. There is one lot at 21 Park Place which houses the existing building containing 3 dwelling units. They would like to subdivide one lot off to Park Place. The new lot would be 17 Park Place, with a separate driveway, and a detached garage. Proposed lot dimensions were provided to the Board. In the past there was much discussion regarding the trees on the property. Since that time there were some which needed to be removed. The property owner spoke with the City Arborist who noted they were rotted from the inside. Currently the setback is 25 feet from the property line but with new zoning this allows the property to be closer to Park Place. Brick sidewalks run along the perimeter of the property and they will be repaired, including the area which does not have a sidewalk at this time. The existing hedge which runs along the east side of the property will also remain. We will be working with the surveyor and obtaining an easement for any type of utilities which will need to cross over the property.

Mark Torpey, Chairman questioned if the proposed home will be a one family.

Ms. Yasenchak stated the homeowners do not want to limit themselves since two family homes are allowed in this district.

Discussion ensued among the Board regarding the type of trees on the property and requested confirmation of the species from the City Arborist.

Sara Boivin questioned if there are conditions in a subdivision like this which would be sensitive to the placement of the home on the site.

Susan Barden, Principal Planner stated this property is not within a Historic District but adjacent to a Historic District. Once the Board begins the SEQRA review the impacts of the orientation of a subsequent structure and how that would impact the historic homes can be discussed.

Todd Fabozzi agrees with Sara concerning the house orientation.

Discussion ensued regarding a home placement on the lot and proximity to the intersection as well as the view shed of 21 Park Place.

Ms. Yasenchak stated a garage is allowed in this district. It would be side loaded. Many carriage houses are located in this area.

Jamin Totino, Vice Chairman stated in reviewing the neighborhood there are a number of homes in this area that have detached garages and even attached garages. It wouldn’t be fair to eliminate the garage, however, he agrees with the concerns regarding the orientation of the home on the lot.

Mark Torpey, Chairman stated when this project was reviewed previously during the SEQRA review we did discuss and have the Saratoga Springs Preservation Foundation review the design. It is certainly a relevant consideration.

Lexie Bonitatibus stated she feels the new proposed garage is in front of the new structure.

**NEIGHBOR COMMENTS:**

-email correspondence from John Wood, neighbor on May 12, 2020.
Ms. Yasenchak stated a detached garage/accessory structure is allowed in this district. The current owner/applicant does not have any plans to personally develop this lot. Their plan is to market and sell the property. There are zoning restrictions which would limit the height. We are trying to keep this as open as possible within the zoning restrictions. I do not know what those requirements might be at this time. Ms. Yasenchak explained the orientation of the house at 21 Park Place.

Mark Torpey, Chairman stated we are still awaiting a decision from the Saratoga County Planning Board regarding this application. Therefore, we are unable to make a determination or decision this evening. Perhaps the applicant can review an alternative design before our next meeting to discuss a different orientation that may work for both.

Jamin Totino, Vice Chairman stated historically this home probably had an entirely different façade. He agrees with the applicant concerning the façade of the home on Regent Street which is logical and consistent. Concerning a subdivision, one of the goals is to create uniform lots that are squared as much as possible. A different orientation example might be beneficial as well but he is not totally against this plan either. Also, possibly reducing the number of parking places off of Park Place might help.

Ms. Yasenchak provided information to the Board concerning parking and the logistics of current parking provided.

Todd Fabozzi suggested perhaps some input from the Saratoga Springs Preservation Foundation with regard to their expertise regarding layout and fronting as well as input from the DRC could enhance our understanding of the historic character and how it can be preserved.

Mark Torpey, Chairman stated he would encourage seeking input from the Saratoga Springs Preservation Foundation as well as the DRC.

PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing at 6:42 P.M.

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

Steve McIntyre, 10 Regent Street. Mr. McIntyre state he has lived in this area for 10-15 years. The original plan submitted was too much. This plan makes sense. The applicant is not asking for any variances.

Andrea Gardner, Regent Street. The neighbors were not opposed to the development of Mr. McIntyre’s lot because it was clearly a vacant lot. The lot at 21 Park Place looks like a spacious beautiful lawn. This looks like part of the property.

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

Mark Torpey, Chairman stated we will review SEQRA at the next meeting.

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 (UR-1) District.

Agent: Mike Toohey, Attorney

Mark Torpey, Chairman stated this project was heard previously by this Board. The application was denied on November 7, 2019. The decision was challenged in an Article 78 hearing and then remanded back to the Board for approval and consideration of appropriate conditions. Vince DeLeonardis, City Attorney will provide some information for the Board and help set the stage for this application.
SEQRA:

This is a Type II action and exempt from further SEQRA review. Following issuance of SEQRA determination, the application was denied on November 7, 2019. The decision was challenged and then remanded back to the Board for approval and consideration of appropriate conditions.

Vince DeLeonardis, City Attorney stated there was an application last year before this Board for a Special Use Permit to operate a Neighborhood Bed and Breakfast in a UR-1 Zoning District. The Planning Board heard that application on July 25th, September 19th, and November 7th, 2019 and ultimately rendered a Notice of Decision on November 21, 2019 which by vote of 5-2 denied the application for a Special Use Permit. The applicant ultimately challenged that determination in Saratoga County Supreme Court by an Article 78 proceeding. Judge Crowel after reviewing and considering the papers including our answer and objections and point of law by certified return which is the entire record submitted to the Supreme Court. She issued a decision effectively annulling the Planning Boards denial of the Special Use Permit and remanded the matter back to the Planning Board for the issuance of a Special Use Permit and for the consideration of applicable conditions. Ultimately what is before this Board is not a determination on whether or not to issue a Special Use Permit, this Board is required to do so via the court’s decision. It is up to this Board to determine the appropriate conditions to be associated with the Special Use Permit.

Mark Torpey, Chairman stated for this particular application this evening there is no public hearing required. However, members of the public can provide comments during the public comment period. The comments we expect are to deal with the conditions. We are required to issue a Special Use Permit.

Vince DeLeonardis, City Attorney stated pursuant to our zoning ordinance there are three types of Special Use Permits that are available, a Permanent Special Use Permit, a Temporary Special Use Permit which runs to a specified date and expires and an Renewable Special Use Permit which runs to a specified date and unless renewed expires.

Mr. Toohey stated the applicant did pursue an Article 78 hearing, which has allowed them obtain a Special Use Permit from this Board. Mr. Toohey spoke about providing the neighbors another opportunity to speak regarding this permit following several public hearings and their attempt to intervene at the Article 78 hearing is not fair to the applicants.

Discussion ensued among the Board regarding the types of Special Use Permits.

Mark Torpey, Chairman stated what we will do is work through the conditions and discuss what is acceptable.

Discussion ensued among the Board regarding imposing restrictions on events or community activities.

Vince DeLeonardis, City Attorney stated the zoning ordinance language does allow for some commercial activity, it doesn’t preclude it entirely. If you are going to utilize the definition of a B&B then you would do so understanding there is some allowance in there.

Todd Fabozzi stated if we use the original language it would not be a condition it is simply an aspect of a B&B.

Vince DeLeonardis, City Attorney stated that is correct. There is no definition of what constitutes an event.

Mr. Toohey questioned if the word commercial is giving the Board difficulty. Perhaps removing commercial. A paid party, a catered event.

Jamin Totino, Vice Chairman stated he would be fine with that if the applicant is willing to have that included.

Mr. Toohey stated that eliminates the commercial nature of events on that property.

Kerry Mayo questioned if there is only one kitchen on the site that itself is limiting.
Mark Torpey, Chairman stated this is a 5 bedroom B&B. We have spoken about the limitation of 10 adult occupants and 1 resident manager, with one kitchen within the property.

Mr. Toohey stated an occupant can invite people over but the limitation remains at one kitchen and 5 bedrooms.

Mr. Toohey asked if there is a limitation on how many people a neighbor in this area can invite to their home.

Jamin Totino, Vice Chairman stated he feels the Board should be careful around limiting the number of people allowed on the site. If the applicant is willing to propose no catered events that we should leave it to them and consider this a condition. There are 5 bedrooms to rent plus a resident manager and revisit the number of occupants or people allowed at one time.

Mark Torpey, Chairman stated he we will now move onto the operation of the B&B. Originally we spoke about April-October and now the applicants are requesting full year operation.

Mr. Toohey stated that is what they are asking. If the Board feels this is more seasonal then the applicant will accommodate that. These concessions are an accommodation which has gained the applicant nothing.

Operation – Full year.

Todd Fabozzi stated he is not supportive of restricting it by season. We should remove that restriction. We are a year around community.

Lexie Bonitatibus agrees with Todd.

Mr. Toohey stated the seasonal operation was a way to attempt to appease the neighbors.

Sara Boivin stated she is in favor of a renewable permit. She does however; agree with Todd regarding the seasonality.

Kerry Mayo stated he also is in favor of removing the seasonality restriction.

Ruth Horton also agrees regarding removing the seasonality restriction.

Jamin Totino, Vice Chairman agrees with fellow board members regarding the seasonality. He also agrees with Sara with the imposition of a 3 year renewable permit. This allows for the applicant and the property owners to work together.

Todd Fabozzi stated a condition which was offered by Mr. Toohey noting a condition of no outdoor activities after 10 PM, should be included.

Mark Torpey, Chairman stated he would like to review the site plan issues at this time with the Board.

Sara Boivin stated the Site Plan should be discussed separate from the Special Use Permit.

Mark Torpey, Chairman stated the applicant has not submitted a site plan request simply the Special Use Permit. This would require a separate application.

Site Plan Related Items were discussed – the first was sidewalks to connect safely to the park across the street at Clement.

Mr. Toohey stated we sought a waiver on this since there are no sidewalks on Clement. You are trying to connect something that does not have a connector to it. With regard to a crossing that would be fine. This is a severely
restricted B&B. The idea that we are required to make permanent Site Plan communal improvements again does not make sense.

The typical site plan standards are going to be imposed on this than let us have the use and utilization of this property. If we are going to have a limitation, and are required to install sidewalks, street trees and lighting or any other standard requirements which could revert to a single family home do not seem fair.

Mark Torpey, Chairman stated Special Use Permit and Site Plan approval from this Board feels it is appropriate for the Board to speak about some of these issues. Regarding the sidewalk is an extension up from State Street, wrapping the corner to get to the crosswalk would provide benefits to someone staying there with children to get to the playground. It really is something from a pedestrian standpoint safer. It does seem relevant.

Todd Fabozzi spoke regarding having the applicant install sidewalks, etc., this should not be a temporary Special Use Permit it should be a Permanent Special Use Permit.

Sara Boivin stated she does agree with the Todd and the sidewalk issue. It does seem to be a lot to ask for with a Temporary Special Use Permit. She does however, agree with Site Plan Review.

Mr. Toohey stated the house is not changing at all.

Mark Torpey, Chairman stated directional signage is proposed regarding drop-off and parking. We also spoke about flooding issues in the area. There had been some work done between the City and Skidmore College and there was a fundamental issue which has been remedied in this area.

Susan Barden, Principal Planner stated she will speak with DPW and confirm. Skidmore did indicate previously that they had done some work in this area in submitting their stormwater management plan to assure it was working correctly. During the last discussion we reviewed this issue the only site change being the addition of 3 permeable parking spaces This particular project would not contribute to the existing condition, flooding or runoff issues.

Discussion ensued among the Board regarding waiver of site plan. It was the consensus of the Board that a determination in the type of Special Use Permit granted would determine the outcome of either Waiver of Site Plan or Site Plan Review.

PUBLIC COMMENT:

Mark Torpey, Chairman stated he will open the meeting for public comment. Our discussion this evening relates specifically to the conditions. These should be concise and limited to 2 minutes.

Robert Coughlin spoke regarding the sidewalks. It is an important issue and safety feature.

Mark Torpey, Chairman spoke regarding imposing the site plan regulations on the applicant. This determination will be made once a determination is made on the type of Special Use Permit granted by the Board.

Susan Barden, Principal Planner stated the sidewalks are an offsite improvement. With a renewable or temporary Special Use Permit the Board would still want the onsite improvements with the parking.

Peter Belmonte, spoke regarding correspondence from the neighbors and not hearing their concerns being reviewed.

CORRESPONDENCE RECEIVED BY THE BOARD

-Letter from Gary and Elizabeth Parker, dated May 11, 2020
Discussion ensued among the Board concerning the conditions to be imposed on the Special Use Permit. It was the consensus of the Board to defer this application to the next meeting providing each Board Member the opportunity to review and collectively determine a list of conditions as well as the type of Special Use Permit to be issued.

Mark Torpey, Chairman requested the applicant’s agent to also compile a list of conditions as well. This will be discussed and reviewed at the next Planning Board Meeting.

3. **20200188 CHOW BELLA**, 50 West Avenue, special use permit for reuse of an existing building for dog related retails and services in the Transect-5 (T-5) District.

4. **20200187 CHOW BELLA**, 50 West Avenue, site plan review for reuse of an existing building for dog related retails and services in the Transect-5 (T-5) District.

Mark Torpey, Chairman stated this is a re-use of a commercial building. Before the Board this evening is an application for a Special Use Permit as well as Site Plan Review. This is located in the T-5 District. This application requires Saratoga County Planning Boards approval so no action will be taken on this project this evening.

**SEQRA:**

Type II action and exempt from further SEQRA review.

Applicant: Marijo English

Agent: Michael Bianchino, Lansing Engineering; Matt Chauvin, Attorney

**DISCLOSURE:**

Jamin Totino, Vice Chairman disclosed that Marijo English is the sister of my immediate neighbor. Early on I discussed the process of application for the Planning Board with her. We did not discuss the project.

Mr. Bianchino stated the site is located at 50 West Avenue. This is a single parcel located in the T-5 Neighborhood Center Transect Zone which permits this use with a Special Use Permit. The site is a 7,500 square foot single story building. There is an existing paved unstrapped parking area along with an accessory shed structure. The applicant is proposing to lease this building specializing the sale of dog food, supplies and services called Chow Bella. The interior of the building is being modified to accommodate the new use. No exterior or site improvements are proposed except for stripping the parking lot. Mr. Bianchino provided a visual of the floor plan for the Planning Board’s review noting the office area, grooming area, training area, several self wash stations, dog park area and a café bar waiting area that will serve customers. Mr. Bianchino provided a visual of the City’s Parking Code noting the calculation of parking spaces required. Based on square footage, the café area and employees 12 parking spaces are required, and the applicant is proposing 13. The existing building has water and sewer connections which is adequate to meet the needs of the proposed business. Stormwater management and the amount of impervious surface on the site will not be changed. There will be no impact. No outdoor activities are proposed. Hours of operation will be 9am to 9pm.

There is NYSDEC wetlands north of the parcel; the 100 foot buffer appears to encroach on the parcel. As a result we do not offer a landscaping plan. A visual of the existing site frontage was provided and the applicant is proposing the installation of some concrete planters and flower and scrubs in front of the building without disturbing or violating the buffer for the wetland. Examples were provided. Mr. Bianchino reviewed the criteria for exemption of site plan review and requested the Board consider waiver of site plan review.
Mark Torpey, Chairman, thanked the applicant and applicant's agent for addressing all of the Board concerns noted at the workshop. If the Board were to approve a Special Use Permit for retail sales and service uses for the property and the property changes hands do the uses sunset and the next property owner or lessee start from scratch.

Susan Barden, Principal Planner stated the Board would grant the Special Use Permit for retail service uses for that particular property. If the property were to change hands or if another lessee wanted to use that property or site and building we would look at whether or not those uses were consistent with what the next person would want to do. So it could be flexible. There is a section in the Code 7.1.2 Special Use Permit or Exemptions does note that a property would be subject to Special Use Permit if there was either an increase in the number of parking spaces or the proposed action altered impermeable or building coverage by more than 2% or 1200 square feet. So, we would review that as well to determine if it would require a new or modified Special Use Permit for any new or different use.

Mark Torpey, Chairman questioned the previous use which was retail versus the proposed use.

Susan Barden, Principal Planner stated staff reviewed the proposal and determined the previous use was more wholesale rather than retail operation. We encourage the Board to be flexible so that when a future applicant were to propose something to that particular site a future use could be allowed without requiring a Special Use Permit.

Discussion ensued among the Board regarding proper signage indicating a wetland area.

Mr. Bianchino stated they will install proper signage outside indicating the wetland area and not to be used by the dogs. Inside area available for dog use.

Ruth Horton questioned if the dog uses being co-located with the café area are there any health department concerns.

Ms. English stated this is not going to be a restaurant per se. It is not the largest part of the business. Coffee or wine while waiting for the dog to be groomed.

Mr. Chauvin, Attorney for the applicant stated any applicable Department of Health regulations for service of food or drink would be required and adhered to. The applicant would be subject to permitting and review by the DOH. Any deviation from those regulations would necessitate the revocation of the permit.

Mark Torpey, Chairman stated everything you have proposed seems appropriate. You have answered all the concerns voiced by the Board. Installation of proper signage denoting the location of the wetlands and proper area for dog use was addressed.

PUBLIC HEARING:

Mark Torpey, Chairman opened the public hearing at 8:17 P.M.

Mark Torpey, Chairman asked if anyone in the audience wished to comment on this application. None heard.

Mark Torpey, Chairman stated the public hearing will remain open. The application will be heard at the next Planning Board Meeting scheduled for May 28, 2020.

5. **ZBA 20200208 STEWART’S SHOP REDEVELOPMENT, 402 Lake Avenue, consideration of SEQRA Lead Agency (area variances) for the redevelopment/expansion of this facility for a 4,130 sq. ft. convenience store with two self-serve gasoline canopies in the Rural Residential (RR) District.**

Mark Torpey, Chairman stated the Board is in a position this evening to seek Lead Agency Status for SEQRA. Tonight we will become familiar with the project and provide the applicant with some feedback relative to the SEQRA analysis. We are familiar with this intersection and the traffic in this area and how any transportation...
traffic issues can be mitigated.

Applicant: Stewart Shops

Agent: Chuck Marshall, Real Estate Representative, Stewart Shops

Mr. Marshall stated the applicant is proposing the redevelopment of this store at the corner of Lake and Gilbert in the City. This store is located in the Rural Residential District that received a use variance in 1990. At that time the ZBA issued a SEQRA Negative Declaration. Because the application has changed and it is now an unlisted action a new SEQRA determination is required. The increase from a 2300 sq ft. to a 4100 sq ft store and the change from 8 fueling stations to 12. We are proposing utilizing the existing driveways one off of Gilbert Road and one off of Lake Avenue. We are not proposing any traffic mitigating proposals as our driveways are compliant with NYS-DOT standards and we believe have adequate sight distance. We are seeking three area variances from the ZBA. They generated the referral to the Planning Board for Lead Agency Status.

Mark Torpey, Chairman questioned if the applicant could acquire more property to allow the project to align better with Weibel Avenue and provide easier turning radius for truck deliveries.

Mr. Marshall stated the current understanding between Stewarts, the DOT and the City is this is not something Stewart's is going to pursue and bear the costs of. At this current time this is not on the table. The acquisition of additional land at this time is to accommodate store development.

Mark Torpey, Chairman questioned the increase in pedestrian traffic as well as vehicular traffic to the new store.

Mr. Marshall stated they believe 45 new cars in the AM and PM peaks. Stewart's is not a destination location. It is 65% pass by use. All or most of our existing customers are on the road. There is not a high trip generation assignment with our stores. We have

Mark Torpey, Chairman questioned due to the 1.25 acres of disturbance will a SWWPP be required, and what is the duration of this project.

Mr. Marshall stated a SWPPP is required. The project will take 14-18 weeks once a shovel is in the ground to opening in full capacity. The new store will be built, the gas pumps will be added and the new store opened.

Mark Torpey, Chairman questioned if we will require a deferral from the DOT for SEQRA.

Susan Barden, Principal Planner stated a letter was sent to the DOT requesting the Planning Board be granted Lead Agency Status for SEQRA and that was dated today. They have 30 days to respond. The ZBA and DRC have deferred Lead Agency Status to the Planning Board and these are the only involved agencies.

Bradley Birge, Administrator, Planning and Economic Development stated there are a number of newer Stewart's Facilities in the area. Jones Road, and Schuylerville as well just to provide a sense of what is changing. What is the size in comparison to those stores.

Mr. Marshall provided information to the Board Jones Road is a good comparison but for a new store Schuylerville would be the better comparison except that store is right on the road. This store is about 4,000 square feet and at this vicinity the attached shed will allow for storage of equipment.

Discussion ensued regarding input from DOT regarding increased traffic and safety for this intersection.

Mr. Marshall stated he will have Creighton Manning provide information to the Board regarding traffic.

Mark Torpey, Chairman made a motion in the matter of the Stewart's Shop Redevelopment, 402 Lake Avenue,
for the Planning Board to seek Lead Agency Status for SEQRA Determination. 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; Sara Boivin, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor

MOTION PASSES: 7-0

APPROVAL OF MEETING MINUTES:
Mark Torpey, Chairman made a motion to approve the minutes of the March 12, 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; Sara Boivin, in favor; Lexie Bonitatibus, in favor; Kerry Mayo, in favor

UPCOMING MEETINGS:
Planning Board Workshop, Thursday, May 21, 2020 at 5:00 P.M.
Planning Board Meeting, Thursday, May 28, 2020 at 6:00 PM.

MOTION TO ADJOURN:
There being no further business to discuss Mark Torpey, Chairman adjourned the meeting at 8:43 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

APPROVED 6-11-20