



PLANNING BOARD

MINUTES (FINAL)

THURSDAY, SEPTEMBER 15, 2022

6:00 P.M.

CITY COUNCIL CHAMBERS

CALL TO ORDER: Mark Torpey, Chair, called the meeting to order at 6:05 P.M.

SALUTE TO THE FLAG:

PRESENT: Mark Torpey, Chair; Kerry Mayo; Todd Fabozzi; Bill McTygue;
Mark Pingel via videoconference

ABSENT: Ruth Horton; Chuck Marshall

STAFF: Susan Barden, Principal Planner, City of Saratoga Springs
Leah Everhart, Counsel to the Land Use Boards - arrived at 6:30 P.M.

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. **#20220765 504 BROADWAY SKETCH PLAN,** 504 Broadway, sketch plan for a proposed mixed-use project to include approximately 4,000 sq. ft. of non-residential space and 112 residential units in the Urban Core (T-6) District.

Mark Torey, Chair, stated this is a sketch plan review of this project. It provides an opportunity for the Board to learn about the project, see what is being proposed and provide an opportunity for the Board to ask questions and review this project for the first time.

Applicant: The Algonquin, LLC

Agent: Mike Ingersoll, LA Group; Matt Hurff, Frost Hurff Architects

Mr. Ingersoll provided a visual of the property, which is located at 504 Broadway, now owned by the Algonquin and is currently a parking lot for about 47 vehicles. This is an infill project and will be under the guidelines of the new UDO. There are two parcels one is about 1.22 acres, and the other is about $\frac{3}{4}$ of an acre. A full survey was completed for the site. There is about 20 ft. of grade change from Broadway to Maple Avenue and provides two floors of underground parking access from the rear. Vehicle access will be closed off from Broadway and an entrance will be on Maple Avenue. A site statistics chart was provided to the Board, noting building setbacks and the minimum buildout along the ROW which is 84%. The project is now designated as the Urban Core designation or (T-6). This district does allow for environmentally sensitive buildings and height bonuses. Floors above the second floor will be residential. We are proposing 112 residential units with a mix of 1-, and 2-bedroom units. We are proposing 112 residential. The first floor on Broadway will be commercial which is a requirement. An aerial view of the overall roof site plan was reviewed. Along Maple Avenue and Ellsworth Jones is shorter than the other side which allows for the grade but also allows for the upper units to have balconies and outside usable terraces along with a livable usable green roof which also helps with storm water management. This building is built on a green deck with the main floor off Broadway it becomes a user space, a green space maintaining the historic pedestrian walkway or cut through to Maple Avenue. It will be rebuilt in conjunction with the Collamer Building. There is an area or opportunity for civic space across from the parking garage when the area is bumped out and landscaped. There would be an opportunity for street parking along Maple Avenue as well. There is a small park proposed or public area.

Matt Hurff, Architect stated what is being proposed is a 6-story building with the 6th floor being reduced in scale.

As previously noted, we are proposing 112 residential units, with 1, and 2 bedrooms. 150 parking spaces is our target

provided below level with 5 required ADA spaces and 8 EV charging stations, and 52 spaces for bicycles. The building will have access both along the corner of Ellsworth Jones and Maple as well as the plaza level provided access from both sides of the building. 112 residential units, with 73 1 bedroom, 10 studio and 29 2-bedroom apartments. Mr. Hurff provided a visual of the church which was on this site at one time noting it was very much the size of the Algonquin.

This is what we are doing by creating these areas on either side of the building off Broadway. Mr. Hurff provided visuals of all elevations noting the proposed building in relation to the Collamer and Algonquin buildings to scale.

A visual of the proposed architecture was also provided taking cues off both adjacent buildings to provide continuity

to the streetscape. The top of the building is very closely related to the top of the Algonquin for scale. Mr. Hurff also provided a view of the portion of the building which wraps around the rear of the Algonquin. A close up of the front

façade was provided noting the storefront on the first story with columns and glass to provide detailing. We wanted

to make each story different with different window patterns and bay windows on the third story to provide interest and

keep heavier arches on the top. Views of the building from the Collamer building was also provided, maintaining the pathway to Maple Avenue. We have all the balconies looking out into that space. It will not be a long dark alley.

There will be people there and you can see how we are keeping the storefront down the front of the building. Views of the interior of the courtyard were also provided noting how they are continuing the language and rhythm of the building through that space. The rear of the building facing Maple Avenue, will have the same type of detailing with the same type of activities happening on the ends of the building facing toward the City Center and the Algonquin. To provide relief and variation they stepped this area back and provided a different type of material. We did not wish to do a massive wall of brick we are provided variety in this area. Mr. Hurff provided a section cut through the building noting the access off Broadway coming through and the side of the Algonquin. Views of the new building noting the entrance to the parking off Maple Avenue extending off that plaza. This project is still very much in development and could be as shown. We are still discussing the addition of another level of parking to meet the parking requirements. Mr. Hurff provided information to the Board on how we established the grade elevations and complying with the ordinance. Mr. Hurff then explained how the building height was determined. Spot elevations were taken at each corner of where the building will be. Lengths of the elevations were taken and determined what the average height was on each one to establish the height.

Mark Torpey, Chair questioned if a height bonus required for the project.

Mr. Ingersoll stated possibly. He provided images of the new building superimposed on the current site. Massing images were provided for all elevations. We are looking for suggestions and comments from the Board and if we are headed in the right direction. This project requires coordinated review since we are in a historic district.

Mark Torpey, Chair, thanked the applicant for the presentation. Considering the size and location of this proposed project the Chair suggested having a Joint Board Meeting with the DRB so we can have the benefit of their thoughts rather than in video form and interpreting. The Chair stated his first reaction to the Maple Avenue pedestrian area was it needs a bit of work since it does present as the back of the building, **and it should have equal prominence of that façade**. The civic space is another area which will need additional attention as well.

Todd Fabozzi stated his first reaction to the civic space this type of alley space with gates does not present an inviting space. He sees an opportunity especially following the amount of structure that you are proposing is to follow the historic form of the Church. To push not only the top floor of the building back but push the whole building back so that you create a plaza between the Collamer Building and the Algonquin Building. Following the form of the church in the front so you have an open space which you can shape into a plaza. The scale of this building is so overwhelming to a historic structure such as the Algonquin. From an architectural standpoint if you had considered, now you are looking at the idea of blending the language of the two buildings. Had you considered using just the language of the Algonquin, making it look like an extension of the Algonquin. You are respecting that building in its unique sandstone style and literally and expansion of that same building.

Mr. Hurff stated they can certainly speak to the owner. His initial response is if we are considering mass then making this a part of the Algonquin will only make this look bigger. You have three distinct pieces on this block the same size and scale, we are proposing to insert the fourth one in. He would rather preserve the integrity of the block. It is a missing tooth they would like to put back in. Perhaps you are responding to the size of the openings on the new building design, and we could look at that. He would like to keep elements of the Collamer Building since it is important to have the idea of transition versus one architectural language which is half of the block.

Todd Fabozzi stated if you are concerned about the Collamer Building then as he suggested pushing back the building

new building which dominates the Collamer Building and adding the civic space. He strongly suggests pushing back the new building to the setback of where the church was.

Discussion ensued among the Board regarding civic space requirements and build out requirements in this district.

Bill McTygue stated as he noted at the workshop his first interest is in the preservation of the walkway from Broadway to Maple Avenue. Yes, he would expect the future development of the area adjacent to the parking garage to Lake Avenue, a full build out of the property. He would ask that the applicants keep in mind the future development in this area.

Mark Torpey, Chair, stated there is one of the most beautiful and largest Elm trees in the city which punctuates that corner. So, any design you produce it would be important not to undermine the root system of that tree.

Mr. Ingersoll stated he spoke to the City Arborist regarding this tree. We do not own the entire tree. It has been growing in an urban development and he is afraid it is something they will have to discuss in the future.

Mark Pingel stated he seconds Todd's comments regarding the civic space needing more attention. He questioned If the units in this building, going to be full market. Any thought to the units being allocated to affordable housing, especially if there is a height bonus request.

Mr. Ingersoll stated it is on the table. However, the size of the units with the 1 bedroom, and the amount of 2's it is market driven.

Mark Torpey, Chair, stated the height bonus is obtainable in several ways. One is the affordable housing component, The other is through enhanced larger civic space and Leed Certification. What he is hearing from the Board if a height bonus is required the Board may wish to collaborate with the applicant on how best to optimize that.

Bill McTygue stated this is an ideal site and exciting things can result here. We want this to fit and complement the entire Broadway experience on that block. These are just sketches and the first time we have seen this. He is not only speaking for this project but for any project that would complete the buildout of Maple Avenue. We can in working together develop something meaningful for the city.

Mark Torpey, Chair, stated in conjunction with what Bill just stated the Maple Avenue façade is particularly important as well.
And need further treatment to assure that it is part of the landscape and the pedestrian walkway area to tie it in.

Todd Fabozzi asked if these units were to be privately owned or rental units.

Mr. Ingersoll stated they are rental units.

Mark Pingel stated they are speaking about underground parking. We did a great deal of research on 269 Broadway project and as we get into the details it would be important for us to look at the water table and aquifer.

Mr. Ingersoll stated as he noted at the workshop, we do have the geotechnical reports. Our concern is less water than bedrock. In this site we are not finding groundwater.

Bill McTygue spoke about parking and the area behind the Algonquin building where spaces are currently being leased.

Mr. Ingersoll stated there has been a dialog with the City Center regarding reserves and arrangements which helps.
We are in a zone that does not require parking.

Kerry Mayo suggested that the applicant not focus so much on the aerial view but more of the pedestrian feel of the building.

Mark Torpey, Chair, questioned if the civic space area were to be limited to certain hours of the day. That may be the only civic space in the city that has specific hours. If you are trying to create a more inviting civic space that is accessible and available that would not be gated certain times during the day.

Mr. Ingersoll stated there is concern regarding the night life and what happens. There will be tenants and residents in this area. It is a challenge.

Mark Torpey, Chair, stated there will be no public comment period this evening. The Chair encouraged any public comments be in writing and submitted. There will be additional appearances before the Board regarding this project and opportunities to provide public comments.

**2. #20220696 125 HIGH ROCK FINAL SUBDIVISION, 125 High Rock Avenue, Final plat review
of a proposed two-lot subdivision in the Neighborhood Center (T-5) District.**

Mark Torpey, Chair, stated this application was previously approved back in 2016. It has expired. Nothing has changed from the initial review and approval. The only condition of approval which has been met and provided to the Board was the addition of a 20ft. easement along the Excelsior Avenue property frontage shall be established allowing for access to construct and maintain a shared use path.

Applicant: 519 Broadway, LLC

Agent: Mike Ingersoll, LA Group

Mr. Ingersoll provided a visual of the site noting the shared access and easement for parking has been met.

Mark Torpey, Chair, stated we will open public hearing since the subdivision has expired. A previous SEQRA determination final plat approve was issued on July 14, 2016. It is the same application. The Chair questioned counsel as to how to proceed.

Leah Everhart, Counsel stated if it is literally the same application then SEQRA has been conducted and complied with.

PUBLIC HEARING:

Mark Torpey, Chair opened the public hearing at 7:05 P.M.

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

Mark Torpey, Chair, closed the public hearing at 7:05 P.M.

Bill McTygue made a motion in the matter of the application for the 125 High Rock Subdivision, 125 High Rock Avenue, that the final plat review of a proposed two lot subdivision be approved. Kerry Mayo seconded the motion.

Leah Everhart, Counsel, stated she understands there was a condition placed on this subdivision previously for a shared access for the parking area. Any previous condition placed on this approval should be conditioned here.

Mark Torpey, Chair, stated the one condition placed on this subdivision is that the easement be approved to the satisfaction of the City Attorney and that language should benefit the shared parking between these two lots.

Also, sufficient ROW for the green belt trail to be extended and has already been completed.

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

VOTE:

Mark Torpey, Chair, in favor; Kerry Mayo, in favor; Todd Fabozzi, in favor; Mark Pingel, in favor; Bill McTygue, in favor

MOTION PASSES : 5-0

3. **#20220086 126 WEST AVENUE SPECIAL USE PERMIT,** 126 West Avenue, Special Use Permit for a proposed mixed use project including office use and 4 residential units in the Transer-4 (T-4) District.

Mark Torpey, Chair, stated this is a previously opened application. The Planning Board issued a SEQRA Negative

Declaration, as well as a Favorable Advisory Opinion to the ZBA on June 9, 2022. The applicant received requested variances from the ZBA on July 25, 2022, with a note recommending appropriate light filtering methods to prevent light pollution in the neighboring residential lot. The public hearing was opened and remains open.

Applicant: B & D Properties, LLC

Agent: Joe Hens, Ingalls & Associates, LLP

Mr. Hens stated the applicant has appeared before ZBA and received the required variances for the project.

The ZBA did recommend that appropriate light filtering methods be used to prevent light pollution in the neighboring residential lot. Also, an additional row of screening will be planted in this area. This is a mixed-use development. Two story office building with a third-floor studio apartment, and four townhomes. We are proposing 21 parking spaces, 17 along the edge of the property with one handicap space, and 4 for the townhomes. The requirement per the code is 20. There is a large area of greenspace at the front of the building which provides an opportunity for civic space. The city declined to sell the ROW parcel to the applicant. This will be landscaped as a type of pocket park. Currently shown is a bench and flower beds which will be enhanced. We are also proposing a sidewalk extension that runs along the edge of the intersection to the end of the property line. Also, we will meet the city's requirement with the streetscape elements and street trees. We are currently working on an application to the DRB. We are making modifications to the elevations. A site plan application to the Planning Board is also forthcoming. Mr. Hens provided a visual of the buildings providing views of all elevations for the Board. More details on the materials will be provided with the site plan application and prior to appearance before the DRB. They are looking for a more modern look for the project.

PUBLIC HEARING:

Mark Torpey, Chair, opened the public hearing at 7:18 P.M.

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

Mark Torpey, Chair, stated we spoke at the workshop regarding the notion of having on street parking on Grand Avenue and that was discussed and suggested because we thought there was a need for additional parking. The applicant is providing adequate parking on the site and meets the parking requirement. No on street parking is needed.

Todd Fabozzi questioned the need for civic space, is there a threshold which needs to be met.

Mark Torpey, Chair, stated there is no threshold for civic space with this project to require civic space. We spoke regarding the required rec fee 5 units at \$2,000 each we could as a Board require the applicant to use those monies to improve the corner ROW. It would need the approval of DPW and DPS to make this corner nicer and aesthetically pleasing.

Todd Fabozzi questioned with the new UDO including DPW and DPS early on in these discussions with ROW issues.

Susan Barden, Principal Planner, stated this project does not fall under the new UDO but yes moving forward.

Mark Torpey, Chair, stated the applicant will be returning before the Board with Site Plan Review. Perhaps having a meeting with DPW and DPW prior to the applicant returning before this Board for Site Plan would be helpful. Also, the applicant could be responsible for maintaining this area. The Board can forward a letter to the Council and DPW, DPS requesting the applicant maintain this public area as a fee in lieu of for rec fees.

Mark Torpey, Chair, stated the only condition at this time for the Special Use Permit would be to add language

indicating that lighting should be down facing to prevent light pollution off the property and to shade the neighbor along Grand Avenue. Proper buffering for trees and landscaping to that neighbor on Grand Avenue.

Todd Fabozzi questioned if porous pavement is still proposed to be used on site. This can be managed at Site Plan.

Mark Pingel stated Todd had mentioned at a previous meeting that the applicant had done a nice job transitioning to the neighborhood with this project. Mr. Hens suggested tonight that the Town Homes would become more modern. We need to be careful that the transition to the neighborhood is not too jarring. Now, the design with the dormers and other architectural details which give it a more neighborhood feel. A completely box type of design that might not have the same effect on the transition to the neighborhood.

Todd Fabozzi questioned if there is signage proposed for this project or when the applicant returns before the Board.

Mr. Hens stated this will be addressed at Site Plan Review.

Mark Torpey, Chair, closed the public hearing at 7:22 P.M.

Kerry Mayo made a motion in the matter of 126 West Avenue, Special Use Permit, 126 West Avenue, for a proposed mixed use project including office use and 4 residential units be approved with the condition as noted by the Chair.
Bill McTygue seconded the motion.

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

VOTE:

Mark Torpey, Chair, in favor; Kerry Mayo, in favor; Todd Fabozzi, in favor; Mark Pingel, in favor; Bill McTygue, in favor

MOTION PASSES : 5-0

7:35 P.M. The Board recessed.

7:45 P.M. The Board reconvened.

4. **#20220679 120 S. BROADWAY SPECIAL USE PERMIT,** 120 South Broadway, Coordinated SEQRA Review and Special Use Permit for a multi-family residential project including 58 residential units in the Transect-5 (T-5) District.
5. **#20220339 120 S. BROADWAY SITE PLAN REVIEW,** 120 South Broadway, Site Plan review of a multi-family residential project including 58 residential units and associated site work in the Transect-5 (T-5) District.

Mark Torpey, Chair, stated this is a previous opened application which appeared before the Board on July 14th, 2022.

The Board requested an Advisory Opinion from Complete Streets, and jurisdictional determination from DEC pertaining to threatened and endangered species. Mark Torpey, Chair, noted the following:

SEORA - this is Type I SEORA action. A review of Part II of the Full EAF will be required. The applicant submitted Part I of the EAF which has been reviewed and is accurate.

DEC -We have received information from DEC stated no jurisdiction dated July 25, 2022.

Saratoga County Planning Board - no significant countywide or intercommunity impact with comment. They noted the need for a Special Use Permit in the T-5 District and have discussed the project's aspect of mixed use with municipal staff and the applicant's consultant. We note mixed use in this area of South Broadway to mean a mix of types or uses within/throughout the corridor, not specific to anyone building on a parcel in the corridor. The proposed residential emphasis of the SUP and site plan is certainly one component of the corridor mix of hotel, bank, office, retail, and automotive-based businesses.

Applicant: Stephen Ethier

Agent: Brien Ragone, EDP

Mr. Ragone stated the applicant was last before the Board on July 14th. The proposed re-development will consist of four buildings, two will become 6-unit townhouse style multi-family dwelling. Each building will be 3 stories in height, six units in each building. **There will be a façade** unit along Broadway with a boulevard entrance. Directly down from the boulevard we will provide a vista of the proposed community center which will be developed and placed adjacent to the existing gazebo spring. Flanking each side of the community center will be two multi-story buildings containing 23 units in each building. In total we are proposing 58 units to be developed on the property. Utilities will connect to municipal sewer and water. Parking will be provided at a minimum of 1.5 spaces for each unit. The townhouse style units that front on Broadway will have a garage space and an exterior parking space. In total we have 93 spaces on the property. Along the north side of the property, we are providing pedestrian connectivity to Zephyr Lane residential area. This will allow those residents to access the site as well as the sidewalks on South Broadway. We are proposing a streetscape consistent with Saratoga City Standards. We intersperse 6 street trees with 4 ornamental streetlights. Since our last appearance before the Board, we have received a sign off letter from LaBerge Engineering noting they are good with all the revisions and comments. We have received a letter from DEC stating no jurisdiction and a letter from Saratoga County Planning Board stating no impacts. We have installed protection fencing for the well and gazebo. There have been no changes to the site plan or layout since our last appearance before the Board. Comments were received from Al Flick, and we have no problem addressing and implementing his suggestions and comments. We have had a review from DPS. We have also received comments from Complete Streets who have recommended a complete traffic signal, which needs further discussion with the Board and DOT. A minor change to the entrance lighting. A triple light on either side of the entrance. In discussion with Al Flick yesterday he indicated that those triple Sternberg lights were used only in specific areas of the city.

Mark Torpey, Chair, stated at the last meeting Board members did mention the suggestion of a pedestrian crossing. We did obtain information from Complete Streets. They did talk about a traffic light there but also noted a freestanding beacon like the one on Route 29 would be acceptable. Andy Krupski, DPS also stated that would be a workable solution in this area. The Chair stated based on the development in this area there is a need for this for pedestrian safety.

Bill McTygue stated this residential project, the first of its kind on South Broadway will have an increase in pedestrian traffic looking to cross South Broadway safely. The corner of Adelphi and Finley Street would be a natural crossing.
A type of accommodation should be installed there short of a traffic control signal.

Mark Torpey, Chair, stated Andy Krupski was adamantly opposed to a traffic signal in this location.

Discussion ensued regarding the cost of the installation of a flashing beacon in this area.

Mark Pingel stated this area of South Broadway will continue to be developed. As it is developed there will be the need for more accommodations which should be on a step-by-step basis. Here it is appropriate for a crossing to be managed.

Future developments will be required to provide sidewalks and other types of improvements to make the city better.

It is logical for a crossing to be implemented here as part of this development.

Mark Torpey, Chair, encouraged the applicant to put this in place as part of the project.

Mr. Ethier stated he understands the amount of traffic in this area would require this. In conjunction with

his neighbors and a grant they could make this happen. He is all for pedestrian safety.

Mark Torpey, Chair, stated, grants do take an inordinate amount of time to pursue. The missing links program

the city has in place for sidewalk improvements not signalization.

Discussion ensued among the Board, the applicant, and staff regarding grant monies available, contribution with

neighboring businesses. Possibility of CDTC grant monies for pedestrian improvements, and Complete Streets might consider this whole segment regarding adding sidewalks with their missing links money to cover the whole connection from Broadway and Finley.

Mark Torpey, Chair stated it would seem getting this initial piece started sooner rather than later would get the chain reaction started in this area to ensure pedestrian safety.

Bill McTygue spoke regarding using the triple headed lighting fixture for this project. It is a gateway to the city and would be a nice way to highlight the new project.

Susan Barden, Principal Planner, provided information to the Board regarding the lighting which was suggested

for use in the entrance to this project is only for use in the Historic Lighting District. There may be a triple headed

lighting fixture in use in the city which is not designated for the historic district. She will investigate and advise.

Mark Torpey, Chair, stated the Board will now review SEQRA for the project. Following this review and determination the applicant will then apply to appear before the DRB and then obtain a demolition permit.

SEQRA:

The Board reviewed the SEQRA Part II of the Full EAF.

The Chair noted in #4 of the SEQRA Part II of the FEAF.

Impact on Groundwater - (h) Other impacts - It was noted the project will afford all protections for the existing Rosemary Springs. A protection plan will be put in place to ensure compliance with all health and safety issues associated with preserving the integrity of that spring.

Mark Pingel stated there is a possibility that the Rosemary Spring maybe contaminated. In a FEAF you do have to list during construction this must be protected.

Leah Everhart, Counsel to the Land Use Boards stated she is unsure what the concern is regarding Rosemary Spring.

For the process that Mark just mentioned this is a Type I action so, the Board will have two options following review of this part. It will be considering any moderate to large impacts and whether those impacts in addition to being moderate to large significant environmental impacts that prompts the submission of an Environmental Impact Statement.

That is where in a Type I action the Board can establish mitigation throughout that process. You will be considering following your review if you issue a Negative or Positive Declaration, this does not mean you cannot condition your Special Use Permit or Site Plan Approval. You can speak to the applicant at this stage and see if there are mitigation measures the applicant is willing to implement and they could amend the application verbally tonight so that you could reach a different conclusion in your SEQRA review.

Mark Torpey, Chair, stated he does not feel this requires a Positive Declaration.

Mr. Ethier spoke regarding Rosemary Springs and his concern for its preservation. Proper mitigation efforts are proposed and will be implemented to protect the quality of the Springs.

Todd Fabozzi questioned the process if SEQRA should be done following the issuance of a Special Use Permit with conditions that ameliorate a potential impact that we can say there will be no impact because we put these conditions in place to mitigate the impact. We are doing this after the fact.

Mark Torpey, Chair, stated since the Board can implement conditions for the protection of the Springs in the Site Plan Review and Special Use Permit he feels comfortable handling it this manner versus SEQRA.

SEQRA DECISION:

Bill McTygue stated based upon the information provided by the applicant in Part I of the SEQR Full Environmental Assessment Form, and analysis of the information provided and presented in Part II of the SEQR Full 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.

Kerry Mayo seconded the motion.

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

VOTE:

Mark Torpey, Chair, in favor; Kerry Mayo, in favor; Todd Fabozzi, in favor; Mark Pingel, in favor; Bill McTygue, in favor

MOTION PASSES : 5-0

Mark Torpey, Chair, stated we will now proceed with Special Use Permit. We will hold off on Site Plan Review for another meeting.

Mark Torpey, Chair, asked if there were any questions or comments regarding the Special Use Permit.

Mark Torpey, Chair, asked if the civic space area in front of the community center and courtyard area would be open to the public.

Mr. Ethier stated the civic space has not yet been completely designed at this time, but it will be open to the public.

Mark Torpey, Chair stated this detail can be further discussed at Site Plan.

Mark Pingel questioned the type of trees proposed for the streetscape will continue the streetscape along the property frontage.

Mr. Ragone stated the City Arborist has reviewed the streetscape plans. The trees which were chosen were to accommodate the power lines overhead.

Susan Barden, Principal Planner stated following the workshop she sent the landscape plan over to Steve Lashomb The City Arborist to review. He was satisfied with the proposed plantings choices.

Mark Torpey, Chair, stated looking at this project within the T-6 District which speaks of the residential and commercial. This is a pure residential but mixed in with commercial activities there is no definitive requirement that this meet all aspects of residential and commercial mixed use. From the Special Use Permit perspective in reviewing the project in total, with the civic space provided and the preservation of the historical element with the Spring and the pedestrian layout, the Chair feels comfortable moving forward with the Special Use Permit.

Mark Torpey, Chair, stated when the applicant next appears before the Board regarding Site Plan Review, we would like to see the pedestrian beacon/crosswalk laid out. Additional lighting alternatives with a proposal and street trees as designations as discussed, this evening. Preservation of Rosemary Spring and gazebo area, with additional detail at Site Plan that the public has access to the civic space area in the center of the project.

PUBLIC HEARING:

Mark Torpey, Chair, opened the public hearing at 8:58 P.M.

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

Mark Torpey, Chair, closed the public hearing at 8:58 P.M.

Kerry Mayo made a motion in the matter of the application 120 South Broadway Special Use Permit; 120 South Broadway be approved with the conditions as noted by the Chair. Todd Fabozzi seconded the motion.

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

VOTE:

Mark Torpey, Chair, in favor; Kerry Mayo, in favor; Todd Fabozzi, in favor; Mark Pingel, in favor; Bill McTygue, in favor

MOTION PASSES : 5-0

NOTE:

Board member Mark Pingel exited the meeting at 9:00 P.M.

6. **#20220414 CHLOE 'S WAY SUBDIVISION MODIFICATION,** Chloe's Way, Modification of a previously approved subdivision to alter the required no-cut buffer areas for the remaining undeveloped lots.

Mark Torpey, Chair, stated the application is to alter the no-cut buffer areas which was 25 ft. and taken down to 10ft. Ten of the lots have been sold that have a smaller approved no-cut buffer based on a subsequent Planning Board approval back in 2017. Twenty lots are remaining, and the request is to look at a different no cut buffer for those remaining lots.

Applicant: Chloe's Way, LLC - Steve Ethier

Agent: Brien Ragone, EDP

Mr. Ethier explained the lots which border Spa State Park, lots 12R to 18R - the 25ft. no cut buffer coincides with the 25ft. wide permanent ROW and utility easement. This no cut buffer was instituted to avoid a complete a full SEQRA analysis. Mr. Ethier stated he sold the ten lots in question to Peter Belmonte and at that time he did go into the no cut buffer. There is nothing worth saving just vegetation and trees. It really needs to be cleaned up.

Todd Fabozzi questioned if the applicant could indicate on the site plan where the easement is located, what has been cut and the no cut buffer which currently exists.

Mr. Ethier provided a visual of the areas in discussion for the Boards information and review and noted that a SWPPP has since been performed on the property.

Mark Torpey, Chair, questioned Mr. Ragone regarding specifics for a no-cut buffer with a SWPPP.

Mr. Ragone would like to do away with the no cut buffer since storm water management has been installed on the site. It will mitigate the removal of the trees on the site.

Mark Torpey, Chair, stated he would like to have the City Engineer review this. We will table the application this evening until we receive the requested information. This should be noticed to keep the other neighbors informed.

APPROVAL OF MEETING MINUTES:

Mark Torpey, Chair, made a motion to approve the minutes of the May 26th, June 9th, July 14th, July 28th and August 11th Planning Board Meetings as submitted. Todd Fabozzi seconded the motion.

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

VOTE:

Mark Torpey, Chair, in favor; Kerry Mayo, in favor; Todd Fabozzi, in favor; Bill McTygue, in favor

MOTION PASSES : 4-0

UPCOMING MEETINGS:

Planning Board Workshop, Thursday, September 22, 2022.
Planning Board Meeting, Thursday, September 29, 2022.

MOTION TO ADJOURN:

There being no further business to discuss Mark Torpey, Chair adjourned the meeting at 9:17 P.M.

Respectfully submitted,

Diane M. Buzanowski
Recording Secretary

Minutes approved October 13, 2022