

**MEETING MINUTES**  
**May 15, 2008**

The meeting held at the office of the Saratoga County Planning Department located at 50 West High Street in Ballston Spa was called to order at 4:00 pm.

The following Members, Staff and Guests were present:

**Members Present:** Tom Lewis, Chairman, Edwin Vopelak, Chris Barclay, and Beth Liebich.

**Absent:** Michael Miller, Steve Porto and Robert Hall.

**Guests:** Stephen Williams of the Daily Gazette and Ted Serbalik of Saratoga County DPW.

**Approval of Minutes**

A motion for approval of the minutes of the March 20th and April 17th, 2008 meeting minutes was made by Ms. Liebich, seconded by Mr. Barclay, and approved unanimously.

**Referrals**

**07-183 – Town of Wilton – Nigro Companies – Retail, Bank, and Starbucks**

Mr. Valentine explained that the Board has seen the site plan previously when it was associated with the requested (and approved) area variances for pavement and building setbacks. The site plan was reviewed two months ago when it was determined that additional information was required in relation to the proposed Route 50 access and connection to the mall's interior perimeter service road. In the comment letter on behalf of the Board, we voiced concern (as did NYS DOT) for the proposed location of the site's ingress/egress – and the applicant's later revision moving it 80 feet further north and closer to the signalized intersection. The full service commercial driveway would have allowed left turns into and out of the site, dangerously crossing two through lanes of busy traffic and a center turn lane. Additionally, the right turn out of the site would cause exiting traffic to enter into the right turn lane from Route 50 into the mall. The applicant has been working in concert with the Golub Corporation on turning the cross-connection between its retail site and the abutting Price Chopper parking lot into a shared full commercial driveway and removing the proposed problematic driveway. This provides a cross-connection between complementing uses and a safer point of access to/from Route 50. At the same time, the town of Wilton planning board has stated its goal of obtaining another connection to the retail site from the mall's internal loop road to minimize the number of traffic movements back onto Route 50 to get to the new shopping/service area. Based upon the refinements to the site plan, Mr. Valentine recommended and the Board agreed to approve the site plan as submitted.

**08-62 – Town of Charlton – Special Exception**

Ms. O'Neill presented the Special Exception application for a 4,903 square foot office building on Stage Rd in an Agricultural-Residential zoning district. Ms. O'Neill explained that in the town, special exception is the same as a special use permit. Planning staff did not have any concern

with the proposed plan for the first phase office building with a drive onto Stage Road aligned with Old Stage Rd. Ted Serbalik from County DPW indicated that he was meeting with the applicant's agent the next day at the site to discuss the proposed curb cut. There would be a concern if the proposed entrance was moved to Lake Hill Road due to proximity to the intersection and the speed along the road. Ms. O'Neill stated she recommends approval of the first phase office building, but does not recommend that the county planning board or town planning board consider the second phase approval at this time. The applicant should apply for a special use permit in the future at such time when they are ready to construct the second office building.

#### **08-67 – Town of Halfmoon – Don Neddo – Duke's Grove**

Mr. Valentine reviewed with the Board the site plan received from the Halfmoon planning board by which the applicant is seeking approval for a 3,000 sq. ft. addition to an existing pole barn previously approved for the storage of personal property. The applicant now intends to convert the use from storage to a concession stand/picnic pavilion for planned events during the months of May through September. The applicant's parcel is 14 acres in size with over 400 ft. of frontage on the Hudson River Road (NYS Rt. 4 & 32); however, he proposes to access the pavilion by way of an easement over the adjoining lands of Abele. Mr. Valentine recommended that any decision by the SCPB require that access be across the applicant's own 14-acre parcel which has sufficient frontage. Additionally, he noted that the town's zoning ordinance does not list the proposed use as a principally permitted use in the M-1 (Industrial) district in which this property is located. Restaurants and drive-in/drive-thru service establishments (which are permitted) are the uses under which the planning board is considering the application. Mr. Valentine recommended a Board determination of No Significant Countywide or Inter-Community Impact with a review by the town planning board's attorney as to the proposed use. He added that a suggestion be made to the town of Halfmoon that it consider allowing the building inspector to issue a temporary permit for public gatherings.

#### **08-70 – Town of Ballston – CPR Auto Sales**

Mr. Valentine explained that the owner/operator of Slice's Ice Cream and Mini Golf (Michael Samek) located at the intersection of NYS Rt. 50 and Charlton Rd. (CR #51) is seeking a use variance to allow the operation of auto service and auto sales. With the adoption of new zoning districts and schedules of uses in the 2006 update of the town's ordinance automobile repair and auto sales are not permitted uses in the Business Highway District-2 District that runs along Route 50 south of Charlton Road. He recommended disapproval by the Board because the application materials have not demonstrated an unnecessary hardship. The applicant has not shown that a reasonable financial return could not be realized for the other uses in the listed in the Business Highway District-2 as principally permitted or allowed by special permit. Based upon the town's review of its zoning ordinance it was determined that these uses are more appropriate in the Business Highway District-1 that lies north of the BH-2 District and applicant's property. The town has been consistent in its desire to keep car sales and repair from this area of Rt. 50, denying in 2002 a request made to the town zoning board of appeals for the exact same use variance (car sales). There is no unique hardship applied to Mr. Samek's property or the use on it, Mr. Valentine added; and, it may be that conducting motor vehicle repairs on the lot in 2006 in violation of the town code would constitute self-created hardship. In any event, the recent adoption of new zoning districts and uses within them would clearly indicate that the town of Ballston – residents and town officials – have determined that the character of Route 50 in the BH-2 District would be altered by allowing auto sales and service as a permitted use/use by special permit.

A motion to approve the staff recommendations for the referrals as presented was made by Ms. Liebich. The motion was seconded by Mr. Barclay and unanimously approved.

### **Subdivisions**

#### **08-A-30 – Town of Malta – Celia Hayes**

Mr. Kemper presented the application for a lot line adjustment for a parcel that has frontage on East Line Rd. (CR #82) and Round Lake Rd (CR #80). The original lot lines create a parcel that is unbuildable because of wetland constraints. The lot line adjustment will move the buildable portion of Lot #1 onto Lot #2 and thus give it an upland area to construct a residence. There is a note on the plans that states the "Southerly Edge of DEC Wetland Approximate as Per Saratoga County GIS 1999 Ammended Wetland Mapping". However, on the northern boundary there is no indication of a delineation date or how that boundary was derived. This information needs to be added on the plans. A DPW work permit will also be required for any work proposed within the County ROW.

A motion to approve the staff recommendations for the subdivisions as presented was made by Ms. Liebich. The motion was seconded by Mr. Barclay and unanimously approved.

### **SCPB Conference Update**

- Discussion of what courses could be added for this year to keep the previous attendance levels
- Accreditation for engineers, landscape architects, etc, will be included in 2009 conference
- The idea was presented on having a session at the conference to discuss recent court cases in Saratoga County
- Conference date for 2009 is confirmed for January 28th
- Next conference meeting will be on Tuesday, May 20<sup>th</sup> at 4PM

### **Other Business**

Mr. Kemper briefed the Board on the training sessions that were held in the Town of Galway and Village of Stillwater. The Town of Galway training was geared towards both the Planning Board and Zoning Board of Appeals, as well as the Town Board. This session was attended by about 15 people and the department received excellent feedback from those who attended. The Village of Stillwater also requested a training session for their newly formed Zoning Board of Appeals. The Planning Department will be spending a significant amount of time assisting that village board as it moves forward with organizing its policies and procedures. The department will be performing training sessions, helping out with meetings, and developing new forms for the Village.

### **Adjournment**

On a motion made by Ms. Liebich and seconded by Mr. Barclay, the meeting was adjourned, with all in favor.

Respectfully submitted by,

Victoria Ainsworth, PB Secretary