

Saratoga County
Tom Lewis, Chairman *Planning Department* Jason Kemper, Director

Saratoga County Planning Board
Meeting Minutes
June 17, 2010

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 p.m.

The following members, staff and guests were present:

Members Present: Ed Vopelak, Vice Chairman, Beth Liebich, Stephen Porto, Robert Hall, and Paul Loomis.

Staff: Jason Kemper, Director, Michael Valentine, Senior Planner; Jaime O'Neill, Planner; and Cyndi Nick, Secretary

Approval of Minutes:

Following a brief discussion on the origin of the staff recommendation pertaining to Referral #10-61 sent by the Saratoga Springs planning board, Ms. Liebich requested that a statement be added to the May 20, 2010 meeting minutes related to that and future referrals to state: **DISCLAIMER:** "Recommendations made by the Saratoga County Planning Board on referrals and subdivisions are based upon the receipt and review of a 'full statement of such proposed action' provided directly to SCPB by the municipal referring agency as stated under General Municipal Law section 239. A determination of action is rendered by the SCPB based upon the completeness and accuracy of information presented by its staff. The SCPB cannot be accountable for a decision rendered through incomplete or inaccurate information received as part of the complete statement."

The minutes of the May 20, 2010 meeting were unanimously approved as amended on a motion made by Mr. Hall and seconded by Mr. Loomis.

Referrals:

08-88 Town of Clifton Park Planning Board

Mr. Kemper presented an application in the name of Durbhaknla Muralidhar for a Site Plan Review. The application was previously approved, however it had since expired. The applicant is proposing construction of two buildings on Route 9. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

09-30 City of Mechanicville Planning Board

Mr. Valentine presented an application in the name of Empire Warehousing Corp for a revised site plan. The revised plan proposes a decrease from seven buildings to six buildings with re-configured access from NYS Rt. 4 from two points of access to one new driveway with a boulevard entrance. Mr. Valentine recommended approval with comment for DOT review and the provision of a secondary access to abutting property on the south.

10-15 Village of Schuylerville Village Board

Ms. O'Neill presented an application for the Village of Schuylerville for a Map and Text Zoning Amendment. Previously submitted as a draft, Planning Board recommendations were added. Ms. O'Neill recommended approval. Recusal was made by Mr. Vopelak.

10-62 Town of Moreau Planning Board

Mr. Valentine presented an application for site plan review in the name of Heartland Community Church for place of worship and offices on the west side of Fort Edward Road (CR 28), just south of Sisson Road. He noted that the Board had reviewed and approved the referral for a special use permit at last month's meeting. Mr. Valentine recommended approval with comment referencing that the town planning board should consider a consolidated access from the county road and enhancement of road frontage landscaping to complement the residential character and zoning of the neighborhood.

10-85 Town of Halfmoon Town Board

Mr. Valentine presented an application for a PDD Zoning Amendment in the name of Abele Builders, Inc; Chris Abele-Glenn Meadows. The applicant is proposing a 150 mixed residential development on Upper Newtown Road (County Route 86). Mr. Valentine recommended approval noting most comments had been presented to the town with the PDD rezoning application.

10-86 Town of Clifton Park Zoning Board of Appeals

Mr. Kemper presented an application for an Area Variance in the name of MJM-PED, Inc.- Peddlers Restaurant. The variance being requested is to allow a zero setback on the front yard as well as utilize a portion of the Town right of way (Clifton Park Village Road) for parking. Mr. Kemper outlined his concerns for the application which included the ability to make future improvements or widening of Clifton Park Village Road, close proximity of parked cars to traffic on CP Village Road, and the fact that the applicant should explore sub surface stormwater options that would require no variances. After discussion on the matter the SCPB disapproved the application.

10-90 Town of Milton Town Board

Mr. Valentine presented a rezoning application made in the name of T & B Associates for a change in use of the property from its current residential/senior PDD to Mixed Use. The property is located in a decidedly R-1 district at the intersection of Northline Road (County Route #45) and Greenfield Avenue. Mr. Valentine recommended disapproval based upon the following considerations related to the following points concerning zoning, use, and the town Comprehensive Plan:

**Town of Milton
Rezoning Referral
T & B Associates**

A.) Does not conform to town's Comprehensive Plan

- The town's Comprehensive Plan recognizes the Geysers Road corridor across from the airport as land to be used for mixed commercial and high- density residential.
- The R-1 area of Northline/Greenfield was designated as residential in use, not mixed use which would permit:
 - Small-scale office,
 - Service businesses,
 - Non-retail commercial
 - Mixed with high density residential
- Does not call for mixed-use in the residential area
- NONE of the uses suggested as mixed use in the comp plan are proposed within the rezoning application, except high density multi-family residential.

B.) Town Zoning Map/Zoning Districts

- Underlying zoning of parcel is R-1
- Subject property is surrounded by R-1 residential uses.
- Proposed for rezoning to MU-Mixed Use
- The only area in the town now zoned MU is on the south side of Geysers Road, west side of Greenfield Avenue, across from airport.
- Mixed Use zoning is near town's commercial core of the Town Center District (where it should be located).

The proposed development offers no commercial or retail component that would be considered as "mixed" to complement the residential aspect.

C.) 2005 Strategic Plan, Route 50 Transition Area

- The Land Use Plan recognized Milton's Route 50 corridor as a "support area to the village [Ballston Spa] core. As such, businesses that are in direct competition with the downtown should be dissuaded."
- There is no need to extend the Geysers Road Mixed-Use zoning to Greenfield/Northline's residential area with the ability for commercial and retail uses that would compete with uses in the Route 50 corridor.

D.) Schedule of Area and Bulk Regulations

R-1 allows 2 du/a Maximum building coverage=20%
MU allows 16 du/a Maximum building coverage=50%

- 1.) Multi-family is not an allowed use in R-1, but
- 2.) Multi-family is a permitted use in Town Center District, and
- 3.) Multi-family is allowed by special permit in Mixed Use District.
- 4.) Applicant owns land in R-1 District, not in either of the Districts that allow high density.
- 5.) Applicant doesn't want the density allowed by the underlying R-1 zoning.

***Therefore, applicant is requesting a change to the zoning that will allow him the greatest density (other than on property in the Town Center District where there should be greater density)

10-91 Town of Clifton Park Planning Board

Mr. Kemper presented an application for a Site Plan Review in the name of Northstar Chevrolet. The applicant proposes to construct a 1,148 square foot addition to the body shop at Clifton Park Center. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

10-92 Town of Clifton Park Planning Board

Mr. Kemper presented an application for a Special Use Permit and Site Plan Review in the name of Paul Lattan. The applicant would like to create an in-law apartment on his property on Main Street. Mr. Kemper stated No Significant County Wide or Inter Community Impact with comment regarding addition of a time extension on the in-law apartment.

10-94 Town of Waterford Planning Board

Mr. Valentine presented an application for Site Plan Review in the name of Momentive Performance Materials. The applicant proposes the installation of bypass storm sewers and lagoon upgrades on Hudson River Road (NYS Routes 4 & 32). Mr. Valentine stated that the proposed construction presents No Significant County Wide or Inter Community Impact.

10-95 Town of Ballston Zoning Board

Ms. O'Neill presented an application for an Area Variance in the name of Parent-Ed's Small Engine Repair. The applicant is proposing the sales and service of farm machinery on Brookline Road (County Route #60). Ms. O'Neill stated No Significant County Wide or Inter Community Impact.

10-96 Town of Ballston Planning Board

Ms. O'Neill presented an application in the name of Nillson for the custody of two sheep on Route 50. Ms. O'Neill stated No Significant County Wide or Inter Community Impact.

10-97 Town of Clifton Park Town Board

Mr. Kemper presented an application for a Text Zoning Amendment for Clifton Park for stronger legislation on penalties for subdivision or site plan violation and preservation of historic structures on Fire Road and Clifton Park Village Road. Mr. Kemper recommended approval.

10-98 City of Saratoga Springs Planning Board

Mr. Valentine presented a referral for Site Plan Review related to the Leonard Bus Facility application in the Grande Industrial Park. The applicant proposes to construct a 285 x 110-foot bus maintenance and storage facility on a 16-acre site on Duplainville Road. Mr. Valentine recommended approval with comment on the minimal access the plan provides from the county road onto the lot, particularly as relates to the operation of a hammerhead road and future snow storage/removal.

10-99 Village of Ballston Spa Zoning Board

Ms. O'Neill presented an application for an Area Variance in the name of AJ Sign Co to erect a 46 square foot wall advertising sign on the front of Daisy Dry Goods and Antiques on Route 50. Ms. O'Neill stated No Significant County Wide or Inter Community Impact.

10-100 Town of Day Town Board

Mr. Kemper presented an application for a Comprehensive Plan Update for the Town of Day. Mr. Kemper recommended approval with comments to Town to remove various listed items that do not belong in a Comprehensive Plan.

10-101 Town of Moreau Zoning Board

Mr. Valentine presented an application for an Area Variance requested by The McCormack Group which is seeking approval to operate an existing construction office and a second use (for LP storage) on a lot with slightly less area for two uses than required by the district's bulk area requirements. The site is located on the east side of New York State Route 9 in the town's C-1 District. Mr. Valentine stated that while it would be preferable for the town to require a two-lot subdivision the action presents No Significant County Wide or Inter Community Impact and no additional review and permitting will be required by NYS DOT.

10-102 Town of Moreau Planning Board

Mr. Valentine stated that the proposed site plan complements the area variance just discussed. He presented an application for a Site Plan Review for The McCormack Group for a 30,000 gallon above ground tank and conversion of existing storage building for use by LP Co. on New York State Route 9. Mr. Valentine stated No Significant County Wide or Inter Community Impact.

10-103 Town of Moreau Planning Board

Mr. Valentine presented an application for a Special Use Permit in the name of Keith Chadwick to use the back portion of an existing garage that is accessory to the residential use but has operated as a pre-existing nonconforming use, an automotive repair shop. The applicant is proposing to add another use to a currently substandard lot, a gun shop with gun smithing services. The parcel on which the residence and garage/auto repair shop is located is on New York State Route 9, east side south of Reservoir Road. Mr. Valentine recommended disapproval due to the proposal would approve the operation of three uses on one lot of insufficient size.

10-104 Town of Moreau Zoning Board of Appeals

Mr. Valentine presented an application for an Area Variance in the name of Poulier, John & Susan-Belly Rubs Doggy Day Care; former site of the Rondack Kennels business. Due to dense tree growth along NYS Rt. 9, the sign for the business will not meet side yard set-back where it fronts on the west side of Route 9 near the Wilton town line. Mr. Valentine stated No Significant County Wide or Inter Community Impact.

10-105 Town of Saratoga Planning Board

Ms. O'Neill presented an application for a Special Use Permit for Justin Liptak for a Dog Kennel. Ms. O'Neill stated the County Planning Board would like to request additional information prior to rendering a decision on the application. Specially permitted uses are allowed under zoning law so long as the use will not adversely affect the neighborhood. To be able to determine potential impacts to the neighborhood, if any, the number of dogs expected to be boarded at the site should be provided. It should also be clarified as to if the kennel is for breeding or will be for boarding animals for the public while they are at work or vacation. From the information submitted it is not clear how the kennels will be constructed, including number of runs, and size of a general run area if any. Proposed measures to secure the dogs from escape as well as other animals potentially getting into the kennel should also be described. The Town should ensure that some type of condition regarding noise, and maintenance of the kennel is in place including waste removal on a regular basis.

On a motion to approve Planning Department recommendations for the referrals as presented was made by Ms. Liebich. The motion was seconded by Mr. Hall, and unanimously approved.

Subdivisions

09-A-64 Town of Corinth Planning Board

Mr. Valentine presented an application for a Subdivision Review in the name of Pace Builders for 17 lots on 14.7 acres in R-1 zoning off Dayton Drive. Mr. Valentine recommended approval based upon the board's prior review of the subdivision and the applicant's revisions to the plan.

10-A-32 Town of Charlton Planning Board

Mr. Kemper presented an application for a Subdivision Review in the name of Jane Davidson for one building parcel for family on Crane Street. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

10-A-33 Town of Halfmoon Planning Board

Mr. Valentine presented an application for a Subdivision Review in the name of Swatling Falls PDD to subdivide 94.79 acres for 100 units/92 lots on Upper Newtown Road (County Route 86). Mr. Valentine recommended approval subject to DPW Curb Cut Permits for two points of access.

10-A-34 Town of Saratoga Planning Board

Ms. O'Neill presented an application for a Subdivision Review in the name of Pat Dooley. The applicant proposes a three lot subdivision of 26 +/- acres on Condon Road. Ms. O'Neill recommended approval.

A motion to approve Planning Department recommendations for the subdivisions as presented was made by Mr. Hall. The motion was seconded by Mr. Porto and unanimously approved.

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Adjournment

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

Respectfully Submitted,
Cynthia T. Nick, Secretary