

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

Saratoga County Planning Board
Meeting Minutes
January 19, 2012

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: Tom Lewis, Chairman; Ed Vopelak; Beth Liebich and Michael Miller.

Staff: Jason Kemper, Director of Planning; Michael Valentine, Senior Planner; Jaime O'Neill, Planner; Cynthia Nick, Planning Secretary

Guests: Stephen Williams, Daily Gazette and Ted Serbalik, Saratoga County DPW

Approval of Minutes:

The minutes of the November 17, 2011 meeting were unanimously approved on a motion made by Ms. Liebich, seconded by Mr. Vopelak.

Referrals:

11-162 Town of Clifton Park Planning Board

Mr. Kemper presented an application for Use and Area Variances in the name of Beale for the expansion of a non-conforming building on the corner of NYS Route 9 and Biette Road. (Rusty Nail Property). Mr. Kemper explained that the applicant will need the approval of 15 area variances and a use variance. The Saratoga County Planning Board spent considerable time discussing the proposed use and area variances requested for this application. The board noted that the applicant is proposing to expand the pre-existing non-conforming use from 2000 SF to 6300 SF. This application, therefore, proposes to increase the present facility to more than three times its current size. With the addition of the proposed patio the requested expansion of the non-conforming use will be to over 4 times the size of the current establishment. It should be noted that the provision in zoning ordinances for the continuation of pre-existing non-conforming uses is a recognition of a property owner's right to an established use/structure while aiming for the eventual dissolution of that use and its replacement with one that conforms to the community's desire for uses within a certain district.

The continuation of this use within the vast expansion of the existing structure most surely is beyond the intent of zoning's permitting of pre-existing non-conforming uses. In addition, there appears to be incorrect information in the Site Statistics table provided with the application. The supplemental information provided with the application states that the current building is 2,500 SF and is being proposed to expand to 6,300 SF, whereas, the Site Statistics table on the map indicates that the existing building is 4,803 SF and the proposed building is 5,230 SF. The differences between the two sources of information should be corrected so that they coincide.

The SCPB recognizes that this is a local land use decision. The board emphasized, however, that it will be nearly impossible to meet the requirements for granting a use or area variance with the current configuration of the project. The board raised additional concerns that will need to be addressed at site plan approval if the project receives the necessary approvals from the town zoning board of appeals. Mr. Kemper recommended disapproval.

11-163 City of Saratoga Springs Planning Board

Mr. Valentine presented an application for a Special Use Permit and Site Plan Review in the name of Thirsty Owl Wine Company and Bistro. The applicant proposes the new use as eating and drinking residential/ retail on South Broadway (NYS Route 9). Mr. Valentine stated No Significant County Wide or Inter Community Impact. Recusal by Tom Lewis.

11-164 Town of Stillwater Planning Board

Ms. O'Neill presented an application for an Area Variance in the name of Nass for a side yard set-back to build a garage close to the property line on NYS Route 423 in the Agricultural District. Ms. O'Neill stated No Significant County Wide or Inter Community Impact.

11-165 Town of Stillwater Town Board

Mr. Valentine presented an application for a Zoning Text Amendment for the Town of Stillwater revising select definitions, home occupation, mobile home and non-conforming provisions and the codification of a new Route 67 Overlay District. Mr. Valentine recommended approval with comments. The Board recognized that for the most part the changes proposed by the amendment of the town zoning ordinance are a cleaning up of redundant wording and a streamlining of some unnecessary processes/procedures. The change proposed to the number of principal buildings per lot, however, may have the potential to create unintended impacts. Allowing more than one principal building/business in the BP, Rt. 67 Overlay and ID districts without consideration for lot size and setbacks has the potential to create increases in density and building coverage for which there may not be sufficient infrastructure to support that density. There may not be public water and/or sewer in these districts and soils may not be sufficiently suitable for septic and wells with more intense use of the land under greater density. Multiple uses on a lot zoned for one principal structure may also negatively impact turning movements on the local road system. We recommend that the town consider wording such as "in cases where two or more uses or structures occur on the same property, the area requirements for each use/structure shall be combined to calculate the total square forage required."

11-166 Town of Saratoga Planning Board

Ms. O'Neill presented an application for an Area Variance in the name of Giroux for a variance for signage on NYS Route 4. Ms. O'Neill stated No Significant County Wide or Inter Community Impact.

11-167MV Town of Ballston Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Trustco Bank to replace the existing free standing sign (42 square feet) and erect new sign (48.75 square feet) on Church Avenue (NYS Routes 50 & 67). Mr. Valentine recommended approval.

11-168 Town of Edinburg Zoning Board of Appeals

Mr. Kemper presented an application for a Use Variance in the name of Mitchell for mining on Northville Road (County Route #98). The majority of the mining associated with the permit will occur during the summer months. There are a large number of full time and part time residents that live in close proximity to this proposed project and they could be impacted by the activities associated with the mining operation. The Town may want to consider establishing limits on the

hours of operation and specify whether work is permitted or not during the weekend. The Town may also want to place a stipulation on the approval that either the Building Inspector or Highway Superintendent can terminate the mining operation if he deems that the noise and dust associated with this activity has become excessive to neighboring property owners.

A Use Variance typically runs with the land and not the applicant. In this case, the applicant is seeking the use variance for a mining operation for a short, limited time frame associated with the construction of the Batchellerville Bridge. To prevent this operation from continuing after the bridge is constructed the Board recommends that the Town seek a letter from the applicant and the landowner stating that they are seeking the use variance for a specific time period and it will be terminated after that time period expires. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

11-170 Town of Clifton Park

Mr. Kemper presented an application for a Sign Variance in the name of Kulak's Nursery to replace the existing sign with an illuminated sign on NYS Route 146. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

11-171 Town of Malta Planning Board

Mr. Kemper presented an application for a Site Plan Review in the name of M. T. Minogue, Inc. for a 5,800 square foot addition to the existing 16,000 square foot facility to accommodate a retail beverage business and up to two mixed-use retail and office tenants on Fillpoint Drive (NYS Route 9). Mr. Kemper stated No Significant County Wide or Inter Community Impact with comments on DOT access.

11-172 Town of Malta Planning Board

Mr. Kemper presented an application for a Site Plan Review in the name of Maple Leaf Child Care Center/Moran for a 15,863 square foot daycare facility on the 2.9 acre, former site of Dean Antiques on NYS Route 9. Mr. Kemper recommended approval.

11-173 City of Saratoga Springs

Mr. Valentine presented an application for an Area Variance in the name of Price Chopper to signage on Railroad Place (Church Street/NYS Route 29). Mr. Valentine stated No Significant County Wide or Inter Community Impact.

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

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.

Other Business

2012 Saratoga County Planning and Zoning Conference

Mr. Lewis reminded all that the 2012 Saratoga County Planning and Zoning Conference is scheduled for Wednesday, January 25, 2012 and reviewed all moderator instructions.

Adjournment

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

Respectfully Submitted,
Cynthia T. Nick, Secretary