

Saratoga County

Tom Lewis, Chairman

Planning Department

Jason Kemper, Director

Saratoga County Planning Board

Meeting Minutes

October 18, 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; Stephen Porto; Michael Miller and Ian Murray.

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

Guest: Stephen Williams, **Daily Gazette**

Approval of Minutes:

The minutes of the September 20, 2012 meeting were unanimously approved on a motion made by Mr. Porto, seconded by Mr. Murray.

Referrals:

12-08 Town of Wilton Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Gordon Development for a mixed use building on lands of Harrison on NYS Route 9. No decision was made as project is in conceptual stage. Comments were made in reference to access, traffic circulation and need for DOT permit.

12-131 Town of Milton Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Mill Creek Group LLC-Milton Medical Center for an 11,000 square foot medical office building on Geysers Road. Mr. Valentine expressed that the application is incomplete however provided the following comments: Based upon a final draft (dated March 9, 1998) of Local Law No. 3 of 1998, PDD Legislation For Old Mill Town, Section V – Area A – Runway Protection Zone, it is stated that the Area “shall be developed for the following uses only:

- (1) Executive Putting Course.
- (2) Clubhouse – one story.
- (3) Storage buildings – one story.
- (4) Parking.
- (5) Open space.
- (6) Storm water management.”

A September 26, 2012 letter to the town zoning enforcement officer from the applicant's consultant states that "'Office Space' and associated parking is an allowable use within the PDD." This statement appears to be in conflict with the PDD legislation and should be clarified.

Neither within the application for site plan review nor within the set of review plans for Milton Medical Center is there mention or depiction of the bounds of PDD Area A or of the Runway Protection Zone (RPZ). It appears from a review of the February 4, 1998 Boundary Map of P.D.D. Land Use by the Environmental Design Partnership that the proposed project is in its entirety located within Area A of the PDD. It is not clear how the small triangular piece at the southwest corner of the PDD lands that lies adjacent to and behind the RPZ boundary can be labeled as part of Area B (independent and separated by 7.5 acres from the remainder of Area B).

Without delineation of the bounds of RPZ 32 on the site plans, however, it is not possible to clearly determine the extent to which the project (building, part of bldg., part of parking, all of parking) lies within the RPZ and requires review and permitting by the FAA. Based upon the applicant's plan sheet L2 by the LA Group, there is a line of demarcation which divides Areas A and B. That line of demarcation is also the boundary between the small triangular piece on which the office building is sited and the RPZ located within Area A. Determining whether the triangular piece of property is located within Area A or exists as a small island of Area B is a matter of importance to the allowable uses. Whatever may be determined in that matter does not alter the fact that the boundary line (either Area A or Area B) divides the remainder of the project (outside the building proper) and places the project within the RPZ. Plans and narratives should not be silent on matters of such importance and we recommend resubmittal of a site plan/narrative that provides clear definition of the bounds of RPZ 32 and how federal review requirements will be met should it be shown that such are necessary.

While the subject portion of Geyser Road is no longer a county road requiring issuance of a county curb cut permit, we recommend that the town planning board consider that access to the proposed use be made from the internal public road, Trieble Avenue, rather than creating a new intersection on Geyser Road. If the board determines that access to the site by means of the internal loop/parallel road is not required, we recommend that the travel lane within the parking lot be designed to provide future cross-connection to the adjoining remainder lands of Boghosian to the north.

12-132 Town of Milton Planning Board

Ms. O'Neill presented an application for a Subdivision Review, Special Use Permit and Site Plan Review in the name of Robinson for a two-lot subdivision for a duplex on Rowland Street (County Route 47). Ms. O'Neill recommended approval subject to County DPW approval.

12-133 Town of Clifton Park Zoning Board of Appeals

Mr. Kemper presented an application for a Use Variance in the name of Prestige Motor Car to expand the existing building 55 feet into an LC zone on 3.7 acres on NYS Route 9. Mr. Kemper recommended disapproval with the following comments: The SCPB believes that the issuance of a use variance is a local land use decision. However, when reviewing the facts surrounding this application (use variance already granted, purchase date of property, previous approval for additional building on the site) the board firmly believes that an additional use variance should not be granted on this site.

12-137 City of Saratoga Springs Planning Board

Mr. Valentine presented an application for a Special Use Permit in the name of Hidden Fountain Commons for 6 residential units, 2,526 square foot commercial office/retail existing, 3,420 square foot proposed. 2,800 square foot outdoor display area for garden ornaments on Lawrence and Church Streets (NYS Route 9)

12-138 Town of Moreau Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Varmette for the storage for landscaping business on Redmond Road (NYS I-87). Mr. Valentine recommended disapproval with the following comments: The applicant's site plan proposes to access a landlocked parcel on which to continue and expand what appears to be an existing use. From the application materials provided it is not evident what are the exact principal use and structure, nor is it evident what are the structures accessory to the principal structure. It is evident that the applicant proposes to access the landlocked parcel across lands now or formerly of Petrush. The parcel does not, however, abuts a town, county, or state road and by note on the proposed site plan, there will not be a recorded right of way or easement across that property.

Town Law 280-a authorizes the board to consider whether an applicant can show that he or she has the lawful right to build or to utilize a proposed access road for the property. The applicant has made no such showing. As appropriate lot frontage does not/will not exist, an area variance would need to be acquired if such lawful access is obtained.

Additionally, for any site plan to be reviewed a determination will need to be made as to which of the parcel's three sides are to be the front, rear and side yards. Appropriate setbacks will then have to be designated/assigned for existing and proposed structures.

Clarification should be provided regarding the site plan's determination that the zoning district for this project is C-1, while the referral states that it is R-2.

12-139 Town of Galway Zoning Board of Appeals and Planning Board

Mr. Valentine presented an application for an Area Variance, Area Variance for Signage and Site Plan Review in the name of Stewart's Shops for the construction of 3,000 square foot Stewart's Convenience store with self service gas pumps on NYS Route 29. Mr. Valentine recommended approval. Recusal by Tom Lewis.

12-140 Town of Malta Planning Board

Mr. Kemper presented an application for a Site Plan Review in the name of Albany Partners, LLC for the construction of (23) 10 unit two story wood frame buildings and (1) 8- tow story wood

frame buildings for a total of 238 dwelling units on Landau Boulevard (NYS Route 9). Mr. Kemper stated No Significant County Wide or Inter Community Impact.

12-141 Town of Halfmoon Planning Board

Mr. Valentine presented an application for a Special Use Permit and Site Plan Review in the name of Halfmoon Fire District #1 (Hillcrest FD) for an addition and parking on site on Pruyne Hill Road (County Route #1345). Mr. Valentine stated No Significant County Wide or Inter Community Impact with comment on the need for DPW Curb Cut Permit.

12-142 Town of Stillwater Planning Board

Ms. O'Neill presented an application for a Site Plan Review in the name of DeCrescente Distributing for the expansion of the warehouse and office space on 13 acres on NYS Route 67 and US Route 4. Ms. O'Neill stated No Significant County Wide or Inter Community Impact. Recusal by Ed Vopelak.

A motion to approve Planning Department recommendations for the referrals as presented was made by Mr. Porto. The motion was seconded by Mr. Vopelak, 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.

Subdivisions

12-A-58 Town of Malta Planning Board

Mr. Kemper presented an application for a Subdivision Review in the name of Maple Forest Holdings, LLC for a 17-lot Conservation Subdivision on East Line Road (County Route #82). Mr. Kemper stated that the Saratoga County Planning Board determined that the project had no significant county wide or inter community impact. The board did make the comment that it appears the project could be re-designed to provide one curb cut on the county road and utilize the existing stub street that was provided in the adjoining subdivision.

The applicant will need to contact Saratoga County Dept. of Public Works to apply for a curb cut permit.

12-A-60 Town of Wilton Planning Board

Mr. Valentine presented an application for a Subdivision Review in the name of Bollman for the subdivision of Lot 2A and Lot 2 and adjust property line in between Lots 1 & 2 on NYS Route 9. Mr. Valentine stated that the application will be resubmitted by the applicant. The proposed subdivision would create a substandard lot in the town's RB-1 District and would have been disapproved.

12-A-61 Town of Malta Planning Board

Mr. Kemper presented an application for a Subdivision Review in the name of Albany Partners, LLC for 5 lot-line adjustments and elimination of two lot lines. This reduces the number of lots from 27 to 25 (one lot remaining vacant) on Landau Boulevard (NYS Route 9). Mr. Kemper stated No Significant County Wide or Inter Community Impact.

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

Other Business

2013 Saratoga County Planning and Zoning Conference

The 2013 Saratoga County Planning and Zoning Conference will be held on January 30, 2013. A Save the Date mailer has gone out via email.

Adjournment

As there was no other business, on a motion made by Mr. Murray and seconded by Mr. Vopelak, the meeting was adjourned with all in favor.

Respectfully Submitted,
Cynthia T. Nick, Secretary