

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

**Saratoga County Planning Board**  
**Meeting Minutes**  
**April 17, 2014**

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, Michael Miller and Don McPherson.

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

**Approval of Minutes:**

The minutes of the March 20, 2014 meeting were unanimously approved on a motion made by Mr. McPherson, seconded by Mr. Vopelak.

**Referrals:**

**12-87MV Town of Halfmoon Planning Board**

Mr. Valentine presented an application for an Amended Site Plan Review in the name of Rock's Precision Automotive for amendments to the previously submitted site plan on NYS Route 146, east side, north of Upper Newtown Road. (County Route 86. Mr. Valentine stated No Significant County Wide or Inter Community Impact.

**12-137MV City of Saratoga Springs Planning Board**

Mr. Valentine presented an application for a Site Plan Review and Special Use Extension in the name of Hidden Fountain Commons for the extension of the approved site plan and special use permit on Church Street (NYS Route 9N). Mr. Valentine recommended approval with comment that the approval is contingent upon the current display area being in conformity with the prior approval. Recusals by Tom Lewis and Don McPherson.

**13-109MV City of Saratoga Springs Zoning Board of Appeals**

Mr. Valentine presented an application for an Area Variance in the name of ANW Holdings to align applied for variances with submitted site plan previously reviewed on Jumel Place and Granger Avenue. Mr. Valentine stated No Significant County Wide or Inter Community Impact. Recusal by Tom Lewis.

**14-51JK Town of Clifton Park Zoning Board of Appeals**

Mr. Kemper presented an application for an Area Variance in the name of Golub Corporation for the expansion of the current Price Chopper by adding a recycling area and a drive-thru pharmacy as well as to add some additional parking to the lot on NYS Route 146 and Plank Road. Several variances are required as a result. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

**14-52JK Town of Clifton Park Zoning Board of Appeals**

Mr. Kemper presented an application for a Sign Variance in the name of Fry/Jersen Construction Group for a freestanding existing sign installed, just changing the tenant on the sign on NYS Route 9. Mr. Kemper stated No Significant County Wide or Inter Community Impact with the following comments. Although this is not an issue the SCPB normally provides comment on, the Board commented that since the sign was installed without a permit the ZBA may want to consider granting a less substantial area variance.

**14-53MV Town of Stillwater Planning Board**

Mr. Valentine presented an application for a Site Plan Review in the name of Parker Floodplain Review for the construction of a single family home on an existing lot on Hudson River Road (NYS Route 4/Riverside Court). Mr. Valentine stated No Significant County Wide or Inter Community Impact.

**14-54MV Town of Halfmoon Zoning Board of Appeals**

Mr. Valentine presented an application for a Special Use Permit (for duplex lots in A-R District) in the name of Rafferty for the construction of a two-lot residential subdivision on a vacant rural lot on Middletown Road (County Route 96). Mr. Valentine recommended approval contingent upon construction of two shared/paired driveways and curb cut permit from DPW.

**14-55MV Town of Milton Planning and Zoning Board of Appeals**

Mr. Valentine presented an application for a Special Use Permit and Site Plan Review in the name of Environmental Design/Hannaford Supermarkets for an 8,000 square foot expansion of the pharmacy drive-thru on Trieble Avenue (Saratoga County Airport). Mr. Valentine recommended approval with comment on proper filing of FAA Form #7460.

**14-56JO Village of Ballston Spa Zoning Board of Appeals**

Ms. O'Neill presented an application for an Area Variance in the name of VFW Post 358 for an addition to improve the entrance on NYS Route 50. Ms. O'Neill stated No Significant County Wide or Inter Community Impact.

**14-57MV City of Saratoga Springs Planning Board**

Mr. Valentine presented an application for a Site Plan Review in the name of Hannaford To Go for grocery pick-up located on NYS Route 50. Mr. Valentine stated No Significant County Wide or Inter Community Impact.

**14-58MV City of Saratoga Springs Planning Board**

Mr. Valentine presented an application for a Special Use Permit in the name of Duo Restaurant for the modification of the existing special use permit on South Broadway (NYS Route 9). Mr. Valentine stated No Significant County Wide or Inter Community Impact.

**14-59JK Town of Clifton Park Planning Board**

Mr. Kemper presented an application for a Special Use Permit in the name of Pogoda for SUP approval to construct a duplex as required by Section 208 10(B)(9)(a)(7) on Grooms Road (County Route 91). Mr. Kemper stated No Significant County Wide or Inter Community Impact.

**14-60MV Town of Wilton Planning and Zoning Board of Appeals**

Mr. Valentine presented an application for a Site Plan Review and Area Variance in the name of Golub Corporation/Price Chopper to amend the site plan to add a customer drive-thru pharmacy and a 450 square foot recyclable return with additional parking and variance for green space and side yard setback on NYS Route 50. Mr. Valentine stated No Significant County Wide or Inter Community Impact with comments. While the overall impact of the proposed changes and additions relative to county or intermunicipal issues or concerns are minimal, we recommend a vigorous review and discussions by both local boards concerning matters such as: safe vehicular access at an existing entry as well as at a newly proposed egress, the impact on safe internal traffic circulation and movements throughout the site, the impact to visual appearances of the site due to an additional and (cumulative) significant reduction of green space, and consideration of whether this application is the catalyst for further discussions about a connection from the parking lot to the mall's loop road at the west end of the project site. Issues of access and traffic circulation have been and may continue to be critical to ongoing retail development on both sides of Rt. 50 in this area (ranging from the loop road that became Lowe's Drive, the future cross connection from the medical buildings to Lowe's Drive, the loop road connection from the Five Guys strip that died with the Trustco application). We recommend further review and updating of Wilton's town wide traffic study, as necessary, to provide for continued and smooth development while mitigating traffic impacts.

**14-61JK Town of Malta Town Board**

Mr. Kemper presented an application for a Project Plan Review for Hayes/Blacksmith Properties, LLC for a 214 unit multifamily apartment community consisting of 17 individual buildings on 8.84 acres on Saratoga Boulevard. Mr. Kemper stated that additional information will be requested with the following comments. The SCPB reviewed the above referenced project at their April 17<sup>th</sup> meeting. The plans that were provided for review did not include any of the details for Stormwater Management for the project site. The Board was concerned that with the substantial amounts of impervious surfaces the area required for the stormwater management would be substantial. The Board was also concerned with what appears to be tight turning radiuses within the project and the ability for emergency vehicles to gain access to the site. If these details

have been discussed or addressed, could you provide that information to me so that I can share it with the Planning Board members.

**14-63 Town of Malta Zoning Board**

Mr. Kemper presented an application for an Area Variance in the name of Caro Planned Development District #40 for frontage dimensions 200 feet to allow for the 72 foot wide frontage on Lot #2 in connection with a minor subdivision on NYS Route 9. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

**14-64 Town of Malta Town Board**

Mr. Kemper presented an application for a Project Plan Review in the name of Lakeview Outlets, Inc./Malta Commons Business Park Redevelopment for Phase I of the master plan to include eight building lots on approximately 7.4 acres of the 48.8 acre parcel. The proposal includes development of Lot #1 to construct a single story 4300 square foot restaurant. Proposed uses: pharmacy, hotel, restaurant, bank, fitness center and convenient store/gas station on Saratoga Boulevard (NYS Route 67). Mr. Kemper will request additional information with the following comments. The SCPB reviewed that above reference project as well as the proposed master plan for the project site at its April 18<sup>th</sup> Planning Board Meeting. The Board was concerned about the right in turn to the proposed 4300 SF restaurant. It appears that there will be a very short distance between those exiting the round a bout on Rt. 67 and turning into this proposed restaurant. Any traffic studies completed for this should be submitted to Saratoga County Planning Board for review. In addition the SCPB would like to review any traffic studies or parking analysis that have been completed for full build out of the project site. The stormwater management information should also be submitted for review. Recusal Don McPherson.

**14-65 City of Saratoga Springs Zoning Board of Appeals**

Mr. Valentine presented an application for a Area Variance in the name of 9N Medical Building for one story in an T-4, side yard setback for the future construction of 9,700 square foot medical building on Church Street (NYS Route 9N. Mr. Valentine stated No Significant County Wide or Inter Community Impact with recommendation for cross connection from proposed parking to adjacent property (east). Recusal Don McPherson.

**14-66 City of Saratoga Springs Zoning Board of Appeals**

Mr. Valentine presented an application for an Area Variance in the name of Mastroianni-“I Run Local” for signage on Congress Street and Hamilton Street. Mr. Valentine stated No Significant County Wide or Inter Community Impact.

**14-67 Town of Moreau Planning Board**

Mr. Valentine presented an application for a Site Plan Review in the name of Halliday for a flea market/vendor market outdoors in the parking lot of the former YMCA building on NYS Route 9. Mr. Valentine recommended disapproval with the following comments. We understand the current indoor flea market use, ongoing since the former YMCA vacated its use of the building, to be operational without the requisite local review and/or permitting. We recognize the proposed outdoor use to be of the same genre and that such use is not permitted as of right or by special permit within the C-1 zoning district in

which the property is located (noted in the Short EAF accompanying the application). It is not clear why an application for site plan was processed for an unpermitted use (and recognized to be so) unless a disapproval was required for a next step to go before the zoning board of appeals.

While it may be desirable for the applicant to expand sales operations to an outdoor venue (is there a need for increased sales/display space, simply take advantage of seasonal weather?), there may be very obvious safety reasons for why the town's C-1 zoning district does not permit the open mix of close vehicular access and circulation with pedestrian activity (unobservant sales foot traffic). Before, however, there is expended too much further review effort and discussion/counterpoint on the merits or faults of the proposed use, we recommend that the applicant either appeal to the town

zoning board of appeals for a use variance or petition the town board to add outdoor sales/flea market to the list of permitted uses within the C-1 zoning district.

#### **14-68 City of Saratoga Springs City Council**

Mr. Valentine presented an application for a Zoning Map Amendment in the name of Alfio Bonacio, Jr. (Bonacio Construction) to change from Institutional Ed to UR-1 on Lake Avenue (NYS Route 29). Mr. Valentine recommended approval.

#### **14-69 City of Saratoga Springs Zoning Board of Appeals**

Mr. Valentine presented an application for an area variance in the name of Gibraltyer Management (Price Chopper Plaza) European Wax Center for signage on Ballston Avenue (NYS Route 50). Mr. Valentine stated No Significant County Wide or Inter Community Impact.

#### **14-70 Town of Stillwater Town Board**

Mr. Valentine presented an application for a PDD Zoning Amendment in the name of Bove/Brickyard Road Apartments PDD for the construction of a 5-8 unit apartment buildings with future potential for two additional buildings on Brickyard Road (City of Mechanicville). The submittal of a site plan to the Saratoga County Planning Board for review and determination is premature as the material represents an incomplete application at this time. **Comment:** The SCPB has received no referral from the town board for the requisite zone change from Industrial to PDD. The first step in the review process for this agency is a review of the proposed zone change, the list of uses proposed under a planned development district, a complete site plan of development and a definition of the benefits afforded to the community in recognition of the zone change. We note that the packet of material submitted has no PDD legislation and that no list of PDD uses were submitted or proposed, other than the one type of residential dwelling units.

There needs to be a discussion of how the proposed uses within the PDD will be in accord with the town's Comprehensive Plan or, if they will not be so, that the applicant will additionally be proposing an amendment to the Comprehensive Plan.

The application material hints at no definition of the public benefit to be provided for the zone change (the property already has a public road servicing the site, along with public utilities in the form of public water and sanitary sewer). As a matter of course, such benefits should be provided.

Per SEQR, review of the project should be undertaken as for the whole or complete use(s) proposed for the site (complete plan of development), not as currently segmented. To look at the site's partial development as currently proposed without reviewing the needs and impacts of the full development of the site is not appropriate.

We don't know what traffic impacts may be associated with the proposed development and suggest that a traffic analysis be considered under SEQR to determine if any mitigation will be necessary.

We note from photographic data that a fill operation has been conducted at the subject location prior to local review and that fill material has been placed in the area of development. Additionally, it appears that the fill operation was undertaken without clearing and grubbing of the site prior to the fill being placed and without benefit of compaction.

We await submittal of complete application materials for a zone change from the town board prior to the SCPB's consideration of a referral for site plan review.

#### **14-72 Town of Moreau Zoning Board of Appeals**

Mr. Valentine presented an application for a use variance in the name of K & D Laundry Equipment for unpermitted use in an R-1 District on Bluebird Road (County Route 27). Mr. Valentine stated that the application is incomplete. Additional information will be requested. The current owners of that facility now under consideration for the granting of a use variance had operated offices and an educational institution related to the training of union steamfitters and plumbers by benefit of a use variance. It should be noted that all application material submitted with this referral make mention of the subject property being located within the town's R-2 Zoning District. A review of the zoning map indicates that the property lies within the R-1 District. As such, principal permitted uses are single family dwellings only. There is, however, a list of uses permitted by special permit in the R-1 District that was not recognized or explored as being considered in the sale and use of the property.

It is presumed that the use variance of record would allow a continuation for the proposed use and that the special permitted uses of the R-1 District not discussed or considered may in fact be viable for the owners; however, the Saratoga County Planning Board recognizes no countywide impacts posed by the use proposed. We do, however, look forward to a more detailed review and discussion of the criteria and components of a professional site plan and the accompanying application materials to be submitted to the town planning for approval should the zoning board grant the appeal under consideration.

#### **14-73 Village of Corinth Village Board**

Mr. Valentine presented an application for a Text Zoning Amendment for Local Law 1 of 2014 for codification of the local laws, ordinances and certain resolutions of the Village of Corinth into a Municipal Code (Corinth, Luzerne, Wilton). Mr. Valentine recommended approval with the following comments. The Saratoga County Planning Board recognized that the effort made toward codification reflects time spent by the Board of Trustees and a review committee, guided by counsel, to conduct housecleaning of and textual revisions to existing local legislation. As such, there is very little to be considered as new and little that directly involves local land use enactment or regulation. Telephone conversation was had between SCPB staff and village counsel within which questions and minor items of clarification were discussed.

One item we considered was whether it is truly desirable to include fences and driveways (for both commercial and residential uses?) as items identified as “land use activity” subject to site plan review by the village planning board. Not knowing the local history involved with this inclusion prevents a full understanding of the purpose; however, we have not seen these activities subject to planning board review elsewhere and question the need for board review and approval for items usually subject to the issuance of a building permit.

A new section, 435-9, references the notification requirement of GML 239-nn. This section of GML sites the clerk’s requirement for notification to be made to abutting municipalities for use variances, subdivisions, special use permits, and site plan review under consideration in the village. We recommend the same wording (as in 435-9, subdivision) be used for the other noted actions.

Finally, Chapter 500, Zoning, references the Village Board in the textual discussion of special use permits. In discussion with counsel it was affirmed that the Board of Trustees does in fact consider, review and make determinations on applications for special use permits. This is, again, a local decision as to which body is given such authority. In state legislation enacted in 1976, however, local governing bodies were enabled to delegate power to their planning boards for the review of site plans and special use permits (rather than the legislative body or zoning board of appeals exclusively). For the most part, municipalities in Saratoga County have delegated such review authority to their planning boards, although some zba’s still conduct such activity. The Board of Trustees may at some future time wish to consider such delegation as a means of diminishing its direct involvement in the land use review process (if it is deemed burdensome on their time for legislative activity).

#### **14-74 Town of Halfmoon Planning Board**

Mr. Valentine presented an application for a Site Plan Review in the name of New Cingular Wireless PCS, LLC (AT & T) for the co-location on an existing tower on Hudson River Road and NYS Route 9. Mr. Valentine recommended approval.

#### **14-75 Town of Halfmoon Planning Board**

Mr. Valentine presented an application for a special use permit in the name of Thumm and West for three residential building lots in the C-1 Zoning District on the easterly side of NYS Route 9 and westerly side of Plank Road. Mr. Valentine stated that the application was incomplete.

A motion to approve Planning Department recommendations for the referrals as presented was made by Mr. McPherson. 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**

##### **14-A-10 Town of Clifton Park Planning Board**

Mr. Kemper presented an application for a Subdivision Review in the name of Windover Farms/Daily for a 25- lot single family residential subdivision on Grooms Road (County Route 91). Mr. Kemper stated that additional information will be requested.

##### **14-A-20 City of Saratoga Springs Planning Board**

Mr. Valentine presented an application for a Subdivision Review in the name of Kaydeross Estates Residential Subdivision for a four lot conservation subdivision previously submitted on NYS Route 9 and Kaydeross Avenue West. Recusal Tom Lewis.

##### **14-A-21 Town of Halfmoon Planning Board**

Mr. Valentine presented an application for a Subdivision Review in the name of Crowther for subdivision of lands and lot-line adjustment and conveyance between lands of Crowther and lands of Voland and Stalker on Hudson River Road (NYS Routes 4 & 32). Mr. Valentine recommended approval.

##### **14-A-23 Town of Halfmoon Planning Board**

Mr. Valentine presented an application for a Subdivision Review in the name of Thumm and West for the subdivision of 2.0 acres into three lots on the easterly side of NYS Route 9 and westerly side of Plank Road. Mr. Valentine recommended approval.

**14-A-24 Town of Galway Planning Board**

Mr. Valentine presented an application for a Subdivision Review in the name of Weaver for a minor two-lot subdivision to separate a three acre parcel for a single family home on a 45-61 +/- acre parcel on Galway Road and Bliss Road (County Route 45). Mr. Valentine recommended approval with comments on DPW permit being required.

**14-A-25 Town of Milton Planning Board**

Ms. O'Neill presented an application for a Subdivision Review in the name of Chuck Hollow Inc. for an 11-lot major subdivision on Middleline Road (County Route 59). Ms. O'Neill recommended approval with comment. The applicant will need to obtain approval from Saratoga County DPW for the proposed roadway that accesses the County Highway. The applicant will also need to obtain approval from the New York State Department of Health for septic systems and meet well requirements on each proposed lot. The New York State Department of Environmental Conservation will need to review and approve the proposed stream crossing.

**14-A-26 City of Saratoga Springs Planning Board**

Mr. Valentine presented an application for a Subdivision Review in the name of Harrison for a two-lot subdivision of 7.4 acres on Meadowbrook Road (County Route 65) Mr. Valentine recommended approval.

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

**Adjournment**

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

Respectfully Submitted,  
Cynthia T. Nick, Secretary