

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

Saratoga County Planning Board
Meeting Minutes
April 16, 2015

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: Ian Murray, Acting as Chairman; Paul Loomis, Don McPherson and Connie Wood.

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

Guests: Stephen Williams, Daily Gazette; Richard Doyle, Ballston Spa Planning Board Chairman; Tom Savino, Real Estate Broker; Frank Rossi II, representing Frank and Rose Marie Rossi and Leslie Mauro, representing Wal-Mart

Approval of Minutes:

The minutes of the March 19, 2015 meeting were unanimously approved on a motion made by Mr. Loomis, seconded by Ms. Wood.

Referrals:

14-174 Town of Ballston Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Wal-Mart Stores for the construction of a 136,800 square foot retail store on Church Avenue (NYS Route 50). Mr. Valentine stated No Significant County Wide or Inter Community Impact.

A motion to approve the Wal-Mart Site Plan and Rossi Subdivision as presented was made by Ms. Wood. The motion was seconded by Mr. Loomis, and unanimously approved.

15-37 Town of Halfmoon Planning Board

Mr. Valentine presented an application for a Special Use Permit and Site Plan Review in the name of 1589 Route 9 Halfmoon LLC/Starbuck's Drive-Thru facility for a proposed Starbuck's Coffee Shop on NYS Route 9 and Sitterly Road (East side south of NYS Route 146) Mr. Valentine recommended approval.

15-38 Town of Halfmoon Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of 1615-1617 Route 9 Halfmoon LLC/Harbor Freight Retail Development for the construction of two retail/commercial buildings totaling 20,000 square feet and 6,000 square feet on 6.82 acres on NYS Route 9 and Sitterly Road (East side south of NYS Route 146) Mr. Valentine recommended approval with comment on requirement for DOT curb cut permit.

15-48 Town of Wilton Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Sunoco Convenience Store/Gas Station for a 168 square foot storage addition on NYS Route 50. Mr. Valentine stated No Significant County Wide or Inter Community Impact with the following comment. Visual mitigation was a matter addressed in our earlier response related to the referral for an area variance. We did not receive a site plan that reflects the implementation of such screening and/or landscaping. Please provide a copy of the site plan that depicts the means of mitigation as discussed by both this board and the town zoning board of appeals.

15-58 Town of Clifton Park Zoning Board

Mr. Kemper presented an application for a Sign Variance in the name of Delmonico's for a second wall sign at 32 square feet on NYS Route 146. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

15-59 Town of Clifton Park Zoning Board

Mr. Kemper presented an application for a Sign Variance in the name of Whitney Lane Holdings, LLC/The Howard Group Management Co Inc. to increase the square footage of a sign by 17 square feet. The property is located on NYS Route 146. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

15-60 Town of Clifton Park Zoning Board

Mr. Kemper presented an application for a Sign Variance in the name of Saxton Sign Corp/Patel for two wall signs for a total area of 60 square feet and wall sign height on NYS Route 146. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

15-62MV City of Saratoga Springs Zoning Board

Mr. Valentine presented an application for an Area Variance in the name of Adelphi Hotel for frontage to facilitate a hotel expansion on Washington Street (NYS Routes 29 & 50). Mr. Valentine stated No Significant County Wide or Inter Community Impact. Recusal by Tom Lewis.

15-63MV City of Saratoga Springs

Mr. Valentine presented an application for a Site Plan Review in the name of Agrochem Inc. for the addition to the offices and warehouse space to industrial production facility on Grande Boulevard (County Routes 44 & 46). Mr. Valentine recommended approval. Recusal by Don McPherson and Tom Lewis.

15-64 Village of Stillwater Planning Board

Mr. Valentine presented an application for a Site Plan Review and Special Use Permit in the name of Camelot Associates Corp/North Hudson Avenue LLC for the construction of five 2-story apartment buildings each with eight units (40 total units) on North Hudson Avenue (Routes 4 & 32). Mr. Valentine recommended approval with the following comment. We note permitting required by other agencies: NYS DOT curb cut permit for the two points of access/driveways, and a permit from ACOE for disturbance of 0.3 acres of wetlands.

15-66 Town of Stillwater Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Cellco Partnership DBA Verizon Wireless to remove the existing tower and relocate to new property with new tower due to issues with a 6 mos. termination clause in the current rental contract that the owner of the property of the existing tower does not want. The Saratoga County Planning Board recognizes the reason for referral of these two actions as being the proximity of the proposed tower construction to the Saratoga Battlefield. Removal of the existing tower and contractual agreements of the applicant and the landowner are of no impact to our review of an application for a new cell tower. While the application and construction in and of themselves do not present significant countywide or inter municipal impacts – particularly in light of the past use of area lands as the Air Force radar base, we recognize the review criteria of the local land use board and comment by Federal representatives. The applicant contends adverse visual impacts to views and vistas will be “mitigated by the distance.” We, therefore, recommend that any future modification(s) to the cell tower or impact of surrounding development (including within the park) be open to a review of the success of such mitigation.

15-67 Town of Clifton Park Town Board

Mr. Kemper presented an application for a PDD Zoning Amendment for the Clifton Park Town Board to repeal a PUD and allow the property to be zoned Hamlet Mixed-Use to be consistent with the zoning assigned to surrounding parcels on Balltown Road (NYS Route 146). Mr. Kemper stated No Significant County Wide or Inter Community Impact.

15-68 Town of Charlton Town Board

Ms. O’Neill presented an application for a Text Zoning Amendment for the Town of Charlton for miscellaneous zoning amendments to make a consistent comprehensive plan and Farmland Protection Plan for Charlton Road, Jockey Street, NYS Route 67, NYS Route 147 and the Agricultural District #2. Ms. O’Neill tabled the file for further review.

15-69 Town of Clifton Park Town Board

Mr. Kemper presented an application for a text zoning amendment for the Town of Clifton Park to revert the jurisdiction for the review and approval of applications for subdivision of land to the Town Board from the Planning Board and would establish additional criteria for such approvals within the newly created Town Center Zones on

NYS Route 146 and I-87. Mr. Kemper stated No Significant County Wide or Inter Community Impact with the following comments. The Saratoga County Planning Board reviewed the proposed amendments to Section 179 of the Town of Clifton Park Town Code on April 16, 2015. The Board would like to point out that the amendments proposed by the Town of Clifton Park do not pose any Significant County Wide or Inter Community Impact, however the proposal raises a number of concerns that were expressed by Board members.

The Town of Clifton Park Planning Board and support staff has a vast amount of experience in reviewing subdivision plans. The SCPB is concerned that removing this review from the Planning Board and placing it at the Town Board level will result in an application that is currently reviewed. I have reviewed this concern with the Town Attorney and he assured me the applications would be reviewed by the TDE and Planning Staff just as they would if the project appeared in front of the Planning Board, this was expressed to the SCPB however the concern was still stated by the Board.

- Do other standards apply
- High politicizing a process that we strive to be non political
- Simple subdivisions will be required to go through town board process.
- Whether at TB or PB the requirements are still the same.

15-70 Town of Wilton Planning Board

Mr. Valentine presented an application for a Special Use Permit in the name of Baldwin for a two family dwelling on NYS Route 9. Mr. Valentine stated No Significant County Wide or Inter Community Impact with the following comment. The application meets all required yard dimensions, lot frontage, and the minimum lot size requirement for a 2-family residence. The new driveway will require the applicant to obtain a curb cut permit from NYS DOT for the proposed shared driveway access to NYS Rt. 9. Contact Chad Corbett at the Saratoga Springs (West Avenue) Residency of DOT at 584-3790.

15-71 Town of Malta Planning Board

Mr. Kemper presented an application for a Site Plan Review in the name of DA Collins Company (Kubricky) for the relocation of 80 +/- office trailers from the Global Foundries site to the LFTC MRFA site. Phase I will accommodate 120 +/- trailers and 900 parking spaces are proposed. Mr. Kemper stated No Significant County Wide or Inter Community Impact. Recusal by Don McPherson.

15-72 Town of Wilton Zoning Board of Appeals

Mr. Valentine presented an application for an Area Variance in the name of Aldi/KMDA, LLC/Wilton II, LLC for a proposed shopping center on the vacant parcel between Lowe's and Five Below on NYS Route 50. Mr. Valentine stated No Significant County Wide or Inter Community Impact with the following comments. The Saratoga County Planning Board recognizes the 32 acres of vacant commercially-zoned land on both sides of Lowe's Drive (parallel to and north of NYS Rt. 50) as being proposed for retail development that is in keeping with the appearance and character of the existing surrounding development.

Proposed are five Development Areas:

1A	2.10 acres	18,539 s.f. bldg.
1B	11.59 acres	94,000 s.f. bldg.
2	0.89 acres	4,000 s.f. bldg.
3	3.28 acres	28,500 s.f. bldg.
4	4.65 acres	45,000 s.f. bldg.
5	10.59 acres	undeveloped at this time

We are also aware that these lands proposed for retail development are like the last piece of a jigsaw puzzle that can just drop in neatly because of the ways in which its appendages fit or connect to what surrounds them. That does not, however, mean that the variances now before the town zoning board are subject to a quick glance-over: they are many, yet they are redundant by the nature of the imposed “fit”, by the use of defined Development Areas, and by the inherent setback variances of shared party walls, drives and travel lanes.

More important to the design of the future site plan(s) are the impacts resulting from (needing mitigation from) 1) the variances for pavement setbacks, rear and side yard setbacks (buildings and pavement from property lines), and 2) the green space variances associated with the overall site and the individual Development Areas. At this point in project review the variances push the site design. That the town planning board has rendered a favorable recommendation to the zoning board on the variances points to its desire to see a profitable development of the property and its willingness to work with and within the parameters established for site plan review.

While observing that the variances present no significant countywide or intermunicipal impacts, this board has discussed issues arising from the variances and site design that may warrant consideration by the town zoning board and a broader discussion at the town level (related to other future development in a commercial area/corridor):

1. We recommend that any approval of the rear yard setback variance (from 150’ to 50’) for Development Area 1B be conditioned upon the developer’s agreement to construct an extension of the wall and landscaping between its current retail development to the east and the Pyramid Pines mobile home park.
2. As part of any approval associated with the marked greenspace variances (from 35% to 20 %) of the individual development areas and for the overall site, we encourage a recommendation by the zoning board that the planning board call for enhanced landscaping in the green/common areas (in each Development Area and in the common areas, particularly in the street corridor).
3. As there continues to be retail/commercial development in the Rt. 50/Exit 15 corridor (where called for and directed to by infrastructure, comprehensive planning and zoning) that the town recognizes the need and opportunity for multimodal interconnections between various uses, neighborhoods, and the roads they are serviced by.

15-73 Town of Halfmoon Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of PKG Properties for the use of the garage to store a pick-up truck and lawn and garden equipment and lawn mower, rack, shovel, hose and spreader. The truck will be used for snow plowing and transporting lawn equipment to other properties when and if they are purchased. The property is located on Crescent Vischer Ferry Road (County Route 92). Mr. Valentine stated No Significant County Wide or Inter Community Impact with the following comments. Whereas the Saratoga County Planning Board views the proposed construction of a garage and its use to supplement the existing commercial business operation in the C-1 District as an accessory use subject to permit review, we recognize that the town's zoning ordinance requires site plan review for the garage addition. We have deemed that the site plan presents no significant countywide impact.

15-74 Town of Clifton Park Zoning Board of Appeals

Mr. Kemper presented an application for a sign variance in the name of The Crossing LLC to add an additional tenant panel on the existing sign. Total variance 272 square feet over the 150 square feet allowed. The property is located on NYS Route 146. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

15-77 Village of Ballston Spa Zoning Board of Appeals

Mr. Valentine presented an application for a Use and Area Variance in the name of Bubbles Inc. to operate a light manufacturing operation with 18 employees making labels on Science Street (NYS Route 50)/County Building north side of West High Street. Mr. Valentine recommended to approve w/recommendation to utilize Layout #2 (of 3) as proposed by applicant for parking needs with the following comments The Saratoga County Planning Board has recognized, as with previous applications for the subject building, the pre-existing nonconforming use of the structure (operating as various commercial entities since 1980). We also recognize that such status may have been obtained outside of the public record and encourage the use variance application presented. We note that the proposed use presents no changes or modifications aside from internal fit-ups for the manufacturing operation. It is our recommendation, however, that the applicant and the village authorities begin a discussion of how to implement on-street parking along Galway Street. We see this as an opportunity to continue and enhance development/re-development along Science Street as evidenced by the various business applications that have recently come before the village zoning board of appeals and planning board.

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

13-A-13 Town of Ballston Planning Board

Mr. Valentine presented an application for a Subdivision Review in the name of Rossi. The subdivision involves lands of Frank Rossi and Ballston Spa on NYS Routes 50 & 67. Mr. Valentine recommended approval.

15-A-17 City of Saratoga Springs

Mr. Valentine presented an application for a Subdivision Review and Site Plan Review in the name of Bardino Enterprises for automotive sales facility site plan review on NYS Route 50. Mr. Valentine recommended to approve with modification of site plan for proposed Lot 1. He also added the following comments: It is our recommendation that the site plan be modified to show access to Lot 1 by the driveway on High Rock Avenue with the elimination of the middle of three driveways (on Excelsior Avenue). It appears that with proper internal circulation of vehicles there is not a need for what may be unsafe turn movements in and out of Lot 1 by means of another Excelsior Avenue driveway. We would encourage the internal cross-connection of the two lots where appropriate (front or rear of lots) so that any complementing visits do not require leaving one parcel to again access the adjacent lot from the public road. Recusal by Tom Lewis.

15-A-18 Town of Ballston Planning Board

Ms. O’Neill presented an application for a Subdivision Review in the name of Duemler for a lot line adjustment on Charlton Road (County Route 51). Ms. O’Neill recommended disapproval with comments.

15-A-19 Town of Corinth Planning Board

Mr. Valentine presented an application for a Subdivision Review in the name of LaPhatt Holdings for one lot into two lots on Main Street (NYS Route 9N). Mr. Valentine recommended approval with the following comments. It is our recommendation that the town’s record should clearly define the future disposition of the existing commercial building (perhaps conditioning subdivision approval with re-use, demolition, or demolition w/construction of another 4-unit townhouse building. If the commercial building is to remain it appears that there is the need for the zoning boards of appeal to hear appeals for side yard setback (area) variances. It also appears that review of the present action under SEQR should identify the potential full use of Lot#2 for either commercial or residential use.

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

Adjournment

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

Respectfully Submitted,
Cynthia T. Nick, Secretary