

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

Saratoga County Planning Board
Meeting Minutes
March 19, 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: Tom Lewis, Chairman, Ed Vopelak, Michael Miller, Paul Loomis, Ian Murray, Don McPherson, Connie Wood.

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

Guests: Stephen Williams, Daily Gazette; Nicholas Basile, Town of Moreau Resident

Approval of Minutes:

The minutes of the January 15, 2015 meeting were unanimously approved on a motion made by Mr. Vopelak, seconded by Ms. Wood.

Referrals:

15-04MV City of Saratoga Springs Planning Board

Mr. Valentine presented an application for a Special Use Permit in the name of 130 Excelsior Avenue/Allerdice for a mixed use development-2,750 square feet of commercial, 65 residential units within a 27,605 square foot four story building. There will be 35 parking spaces inside the building and 111 spaces outside the building for a total of 146 spaces on Excelsior Avenue (Broadway, NYS Route 50)

Mr. Valentine recommended approval with the following comments. There are no impacts of a countywide nature that would hinder review of a special use permit; there are, however, considerations for when the project returns to the city planning board for site plan review. By application alone there is indication of the increasing development potential and activity in the area of Excelsior and Marion avenues. This particular project warrants a careful consideration of any connection to Spring Run, the means of managing run-off, erosion and stormwater from the site, and the project's part of the cumulative impacts to the various traffic corridors (particularly in light of increased mixed-use development).

- Mixed- use bldg in transition area
 Last parcel between UR-1 and Transect
- Height of bldg

- Urban look
- Flat roof
- Connection to Spring Run Trail
 - Move away from parking lot edge, provide green space between trail and lot for snow removal/storage and lawn maintenance.

Recusal Don McPherson and Tom Lewis.

15-16MV City of Mechanicville Planning Board

Mr. Valentine presented an application for a Modification of existing Special Use Permit and Site Plan Review in the name of New York State Electric and Gas Corporation for the redevelopment of the former manufactured gas plant for compressed natural gas process through two new utility buildings of 12' x 30' and 12' x 20' and construction of a three bay truck staging area. Mr. Valentine stated that the file will be reviewed and April and removed from the agenda for March.

15-20 Town of Moreau Town Board

Mr. Valentine presented an application for an amendment to the zoning ordinance for the Town of Moreau to add chicken(s) to the list of permitted uses in all zoning districts in the Town of Moreau. Mr. Valentine stated no significant countywide or inter community impact with the following comments. We note from the breadth of discussion which has accompanied the proposed amendment to the zoning ordinance that there is a wide spectrum of thought and opinion given to the matter. Adding chickens as a permitted use in the town's R-1 and R-2 zoning districts effects permitting the use in all residential districts. The Saratoga County Planning Board noted that much has already been said about the number of chickens to be allowed per residential lot, how to control or limit noise, whether noise is even a regulatory issue, how to address odors, where to keep/house chickens, what to do with animal waste, what is a proper practice for waste removal or how can it be kept and used on site, and determining what impact will the keeping of chickens (and their waste) have on surface and ground water.

This is noted as the norm of public give and take when considering the addition of a use to a zoning schedule. The SCPB does not see the need to interject itself into such a healthy discussion nor to delve into the various nuances of each provision that residents and town board members are already handling with local advisement and counsel. There was, however, one primary condition for permitting the keeping of chickens for which this board's discussion showed concern. That concern was voiced regarding the requirement that no chickens be allowed without the express written consent of ALL owners of property adjacent to that of the applicant. It was stated that such may create a subjective and onerous condition for any property owner to acquire (and maintain over any substantial length of time). The difficulty for enforcing such a condition has already been spelled out in the public discussion and enactment of the condition could be seen as passing on legislative authority and responsibility to neighbors, in the end "pitting one neighbor against the other" as noted in the public hearings.

Guest, Mr. Basile spoke briefly of his support of the addition of chickens as a permitted use. He expressed his concern with getting permission from neighbors for the keeping of chickens and did not feel that having to get permission from neighbors was a fair way to regulate who can keep chickens.

Previously we provided the town building department with an informational flyer from the Cornell Cooperative Extension of Saratoga County which hosted a training session on Backyard Poultry Basics last night. We recommend that the Extension be contacted at 885-8995 to determine if there will be other such training session which may help Moreau residents with beginner poultry farming.

15-21 Town of Moreau Zoning Board

Mr. Valentine presented an application for a use variance in the name of McAllister to rezone R-5 and R-2 land to all agricultural on Gansevoort Road (NYS Route 32). Mr. Valentine had the following comments. Decision on proposed use variance has been withheld until final action is taken by the town of Moreau Town Board on a proposed zoning change relative to the keeping of chickens in all residential districts of the town. Application materials are not clear as to whether what is being sought is a use variance (to allow a use not now permitted in R-2) or is it a proposed rezoning of the R-2 portion of the 7-acre parcel. We see these as two different actions, before two different boards. Town's referral states that the description of the proposal is that the "applicant is requesting to re-zone to an all agricultural use."

15-33 Town of Moreau Planning Board

Mr. Valentine presented an application for a Special Use Permit in the name of Keith Chadwick for an office in the detached garage for a sales representative for War Sports Industries on NYS Route 9. Mr. Valentine stated to disapprove with the following comments. On June 17, 2010 the Saratoga County Planning Board reviewed a similar referral for a special use permit which was applied for by Mr. Chadwick. That request for a permit was for use of the back portion of the same garage for a gunshop with gun smithing services. Again, this agency (SCPB) recognizes the existing residence on the 1.05-acre lot as the principal use, rented by Mr. Chadwick, and that the residence is a pre-existing nonconforming use in the town's C-1 District. The current application for a special use permit notes that the existing residential garage – an accessory (not principal) use – is being used as an auto body shop. This use might be seen as an expansion of the pre-existing nonconforming use and there was no record information provided to indicate that this was or is an approved/permitted use. The applicant now proposes to further expand the uses operating on the subject lot by adding within the accessory structure an office for his position as a sales representative. Previously, the proposed use was not deemed a home occupation and question arose how the new application differs from that of 2010. We see the application as seeking three separate and distinct uses on one lot and as such we disapprove the special use permit being sought.

15-34 Town of Clifton Park Planning Board

Mr. Kemper presented an application for a site plan review in the name of Windsor Development Group/Northside Land LLC for the construction of a 3,000 square foot bank at the corner of Park Avenue and Maxwell Drive (NYS Route 146). Mr. Kemper Stated no significant county wide or inter community impact.

15-35 City of Saratoga Springs Planning Board

Mr. Valentine presented an application for a site plan review in the name of Palette Stone Corp for the construction of a 14,000 square foot light manufacturing and storage building on Brook Road (County Route 23 and NYS Route 29). Mr. Valentine recommended approval with the following comments. We note from the submitted SEAF that there is the potential for a 50% expansion to what is now being considered. The review of the application should consider the parking required for a 21,000 sq. ft. building, the associated vehicle trips, and any change in access to the site that may require a curb cut permit from Saratoga County DPW. We suggest that the applicant contact Ted Serbalik of DPW, provide him with a copy of the currently proposed site plan and an explanation of future expansion. Recusal Tom Lewis and Don McPherson.

15-39 Village of Corinth Village Board

Mr. Valentine presented an application for a Comprehensive Plan for the Village of Corinth to update and revise the Comprehensive Master Plan. Mr. Valentine recommended approval. Recusal Don McPherson.

15-40 Town of Ballston Planning Board

Mr. Valentine presented an application for a Special Use Permit and Site Plan Review in the name of USA Gas Station to expand existing convenience store /fuel sales on NYS Route 67. Mr. Valentine sated that the file needs further review. Town will need to submit variances.

15-41 City of Saratoga Springs City Council

Mr. Valentine presented an application for a Text Amendment for the Saratoga Springs City Council for a zoning text amendment to restrict selected uses in the Tourist Related Business District within the City Gateway Overlay 1 on NYS Route 9. Mr. Valentine recommended approval with the following comments. The Saratoga County Planning Board has reviewed the amendment that proposes a revised list of uses permitted by approval of site plan review/site plan with a special use permit/accessory uses and structures as well as the associated area and bulk schedule. We recognize the city's concern for uses on the commercial properties in the Tourist Related Business District that lie within the Gateway Overlay District –1 in the South Broadway corridor (South Broadway, west side: Columbia down to Driscoll; east side up to Crescent Ave).

As part of the discussion and approval process for a hotel as a permitted use in the TRBD on South Broadway - at the site of a former restaurant – it was noted that there are uses permitted in the district that may not be desirable or appropriate. As this is one of the

city's principal gateways, the city council, with advisement from the city planning board, undertook review and revision of the TRBD in City Gateway Overlay 1. We note the list of uses proposed for deletion from the District's schedule of uses permitted either by site plan review or by site plan with a special use permit, some of which are (predominantly auto-oriented uses): car rental, convenience sales (<5,000 s.f.), outdoor storage, movie theater, parking facilities, drive-in facility, car wash, gas station, and motor vehicle repair. We note an amended list to protect the two existing animal care facilities/clinics.

Additionally, we recognize that the current exercise in zoning and land use revision has been a temporary or stop-gap measure undertaken to address a more immediate issue and that the city is taking up a review of its Comprehensive Plan and future revisions to the zoning ordinance and subdivision regulations which will reach beyond this one Gateway. Recusal Tom Lewis, Don McPherson and Paul Loomis.

15-42 City of Saratoga Springs Planning Board

Mr. Valentine presented an application for a Special Use Permit in the name of National Retail Properties/Rite Aid for a commercial building with a drive-thru establishment on West Avenue and Washington Street. Mr. Valentine stated No Significant County Wide or Inter Community Impact. Recusal Tom Lewis.

15-43 Town of Milton Zoning Board

Ms. O'Neill presented an application for a Use Variance in the name of Nimmo/Saratoga Winery to allow a restaurant in an R-2 district on 7 acres on NYS Route 29. Ms. O'Neill stated No Significant County Wide or Inter Community Impact.

15-44 Town of Malta Town Board

Mr. Kemper presented an application for a Project Plan Review in the name of Cap Com Federal Credit Union for the construction of a single story 3,400 square foot bank with three drive thru lanes on NYS Route 9. Mr. Kemper stated No Significant County Wide or Inter Community Impact with the following comments. The applicant should consider providing cross access easements to adjoining properties to allow for cross connections in the future. In addition, the Town of Malta may want to consider a pedestrian walkway across the front of the project.

15-46 Town of Waterford Zoning Board

Mr. Valentine presented an application for a Change in Use in the name of Cameron to abandon the existing use from the use that was previously submitted by a variance to a two family residence on Fonda Road (County Route 97). Mr. Valentine stated No Significant County Wide or Inter Community Impact.

15-47 Town of Wilton Planning Board

Mr. Valentine presented an application for a Special Use Permit and Site Plan Review in the name of Rick Woodcock for the construction of 212 storage units and 900 square feet of office space on 4.38 acres on NYS Route 9 (lot bisected by Niagara Mohawk ROW) Mr. Valentine stated No Significant County Wide or Inter Community Impact with

comment on access on the state road needs DOT permit, density and visual impact and buffering and stormwater. The file was held for April review due to site plan changes.

15-48 Town of Wilton Zoning Board

Mr. Valentine presented an application for an Area Variance in the name of Northeast Petroleum Tech for the construction of a 14' x 12' addition for storage onto the rear of the existing convenience store. The required rear setback is 50 feet, the applicant is proposing 5.63 feet. Amount of relief requested is 44.37 feet. The property is located on NYS Route 50. Mr. Valentine stated No Significant County Wide or Inter Community Impact with the following comments. While there is now no adjacent structure or business directly impacted by the proposed addition, at some time in the future there will be. By granting this applicant's additional variance (it appears that if granted this will be an increase to a previously granted setback variance for the existing structure) a future business may be affected by an unnecessary and adverse visual impact. We recommend a condition be attached to this appeal, if granted. We suggest a requirement that the applicant provide a mutually agreed upon visual buffer (either now or by agreement at the time site plan approval is obtained by an adjacent landowner).

15-49 Village of Corinth Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Delores Nolet to operate an internet café in an existing building (former art gallery). Parking will be permitted on an existing parking lot located between Mallery Street and Sturdevant Creek. On street parking along Mallery Street will supplement parking. The property is located on NYS Route 9N. Mr. Valentine recommended approval.

15-50 City of Saratoga Springs Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Saratoga Springs Water Company Warehouse Expansion. The applicant proposes an addition to the warehouse on Geyser Road (County Route 43). Mr. Valentine recommended approval with the following comments. We recognize no unaddressed physical or environmental impacts associated with the proposed expansions. We are aware of the partnering between the property owner and the city and county as design progresses for an 8-ft. wide side path along the north side of Geyser Road. It is noted that a small triangular section of the path is depicted outside of the county right of way and on private property and we encourage the parties in a continuation of discussions to move forward both the site plan approval process as well as design and construction of the path. Recusal by Tom Lewis.

15-51 City of Saratoga Springs Planning Board

Mr. Valentine presented an application for a Special Use Permit in the name of Fasig-Tipton/Mazzone Catering to conduct non-horse track related events in Horse Track Related District on East Avenue (NYRA Track). Mr. Valentine stated No Significant County Wide or Inter Community Impact with the following comments. We recognize the application for a special use permit to address issues of a local nature, more than any

of a countywide impact. The issues appear similar to the history of discussion had for the Siro's special use permit. Recognizing the temporary nature of any permit issued and the need for reissuance, it is assumed that safeguards will be written into the SUP that specifically address noise, security, property clean-up, and local enforcement measures. Recusal Tom Lewis and Don McPherson.

15-52 Town of Northumberland Planning Board and Town Board

Ms. O'Neill presented an application for a Site Plan Review and PDD Zoning Amendment in the name of Cellco Partnership/Verizon to create a TDD (Telecommunications Development District) for the placement of a mono-pole for cellular service currently within a PDD on NYS Route 50 (Saratoga RV Park). Ms. O'Neill stated No Significant County Wide or Inter Community Impact.

15-53 Village of South Glens Falls Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Cellco Partners/Verizon Wireless for the colocation on the village water tower on NYS Route 9. Mr. Valentine recommended approval.

15-54 Town of Halfmoon Zoning Board and Planning Board

Mr. Valentine presented an application for an Area Variance and Site Plan Review in the name of Vasilakos for the construction of a 1,934 square foot retail clothing boutique on an existing 0.38 acre parcel with 12 parking spaces on Birchwood Drive and Grooms Road (County Route 91). Mr. Valentine stated that the area variances for setbacks will be approved with the proposed modification of site plan due to the Grooms Road access.

15-55 Town of Ballston Planning Board

Ms. O'Neill presented an application for a Site Plan Review in the name of Lang Media for a LED Billboard change in sign type due to new permitting regulations through NYSDOT on NYS Route 50 & Mourningkill Drive. Ms. O'Neill stated No Significant County Wide or Inter Community Impact with the following comments. The town should have the applicant ensure that there will not be any spillage from the LED sign onto neighboring properties.

15-56 Town of Saratoga Planning Board

Ms. O'Neill presented an application for a Special Use Permit and Saratoga Rowing Association to convert existing building and property into a year round rowing training center on NYS Route 9P (Saratoga Lake). Ms. O'Neill recommended approval. The applicant will need to obtain approvals from NYS Department of Health for the well as well as Saratoga County Sewer District #1 to connect to the system. The town may wish to have NYS DOT reviewing the existing access to Route 9P to make sure that it is sufficient for the change in use proposed. Recusal by Don McPherson.

15-57 Town of Malta Planning Board

Mr. Kemper presented an application for a Site Plan Review for the Town of Malta for the construction of a 3,350 square foot roadway extension to the Luther Forest main road; 1,750 LF (0.33 mile) in the Town of Malta; 1,625 LF (0.30) in the Town of Stillwater.

The Town of Malta to acquire new roadway right of way from LFTCEDC. The property is located on Rocket Drive. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

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

15-A-12 Town of Clifton Park Planning Board

Ms. O’Neill presented an application for a Subdivision Review in the name of Caruso Home Builders for the subdivision of land into two new residential dwelling lots on Riverview Road (Ag District Referral). Ms. O’Neill stated No Significant County Wide or Inter Community Impact.

15-A-13 Town of Malta Planning Board

Mr. Kemper presented an application for a Subdivision Review and Site Plan Review for the Town of Malta for the construction of a 3,350 square foot LF (.63 mile) roadway extension to the Luther Forest main road; 1,750 LF (0.33 mile) in the Town of Malta; 1,625 LF (0.30) in the Town of Stillwater. The Town of Malta to acquire new roadway right of way from LFTCEDC on Rocket Drive (Town of Stillwater). Mr. Kemper stated No Significant County Wide or Inter Community Impact.

15-A-14 City of Saratoga Springs Planning Board

Mr. Valentine presented an application for a Subdivision Review in the name of Oak Ridge Development LLC for a 72-lot subdivision for housing development on Meadowbrook Road. Mr. Valentine recommended approval. Recusal Tom Lewis and Don McPherson.

15-A-15 Town of Northumberland Planning Board

Ms. O’Neill presented an application for a Subdivision Review in the name of Finch Paper LLC for a minor subdivision of 99 acres on Peters Road/Wells Lane (County Route 39). Ms. O’Neill stated No Significant County Wide or Inter Community Impact.

15-A-16 Town of Ballston Planning Board

Ms. O'Neill presented an application for a Subdivision Review in the name of KT Development LLC for 39 single family lots on 28 acres on Benedict and Round Lake Road (County Route 80). Ms. O'Neill 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. Loomis. The motion was seconded by Mr. Vopelak and unanimously approved.

Adjournment

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

Respectfully Submitted,
Cynthia T. Nick, Secretary