

Saratoga County
Planning Department

Tom Lewis, Chairman **Jason Kemper, Director**

Saratoga County Planning Board
Meeting Minutes
November 21, 2013

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; Michael Miller; Paul Loomis; Don McPherson and Ian Murray.

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

Press: Stephen Williams, **Daily Gazette**

Approval of Minutes:

The minutes of the September 19, 2013 meeting were unanimously approved on a motion made by Mr. McPherson, seconded by Mr. Murray.

Referrals:

13-105 Village of Ballston Spa Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Christ Episcopal Church for a child care center on West High Street (NYS Route 67). Mr. Valentine stated No Significant County Wide or Inter Community Impact with comments. Comment: Saratoga County and Christ Episcopal Church (the Church) have entered into an agreement by which the Church will be granted an easement on county property for the purpose of constructing a parking area that meets the village zoning requirements for the day care use proposed. The concerns addressed by SCPB in its June 25, 2013 response letter related to this project have, therefore, been addressed. We note that the removal of parking spaces on the state road on which the Church fronts was initially triggered in part by the mitigation package for the Rossi Rt. 50/Rt. 67 (south) multi-use development in the town of Ballston. There are design improvements proposed for West High Street by NYS DOT which it appears only progress (through Creighton Manning Engineering) as the Rossi development proceeds in its approval process. We request that the Saratoga County Planning Board be kept abreast on the status of those traffic improvements to be made on NYS Rt. 67 and NYS Rt. 50.

13-171 Village of South Glens Falls Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Hayes & Hayes LLC/Park View Village for the conversion of the existing building into a mixed-use facility with a portion of the building being climate controlled storage space and the remainder of the building being converted to apartment spaces on 1st Street (NYS Route 9). Mr. Valentine stated No Significant County Wide or Inter Community Impact.

13-174 City of Saratoga Springs City Council

Mr. Valentine presented an application for a Map and Text Amendment for the City of Saratoga Springs/Beekman District to increase the size of the District on West Circular Street, Western Avenue, Grand Avenue and South Franklin Street. Mr. Valentine stated No Significant County Wide or Inter Community Impact with comments. **Comment:** The Saratoga County Planning Board recognizes the historic and cultural tradition of the development pattern found in the mixed uses of Beekman Street and its immediate surrounding streets and properties. We note the historic mix of residential sizes and styles, along with the variety of retail and commercial establishments of the general neighborhood. To enhance the economic sustainability of the existing District (the 29 parcels approved as a new zoning district in 2001) and its businesses, the various components of the amendment provide for review and permitting processes (as well as reduced minimum lot sizes and setbacks to conform more to existing neighborhood) that encourages and can create a greater clustering of arts and complementing uses. The enhancement of the District's physical scope by including 72 new parcels from other zoning districts (2 from UR-2, 61 from UR-3, 7 from UR-7 and 2 from WD) may provide the desired critical mass spoken of in supporting documents, but there may be a public perception of too much, too quickly.

While recognizing the authority of the legislative body to implement new or amended zoning, the scope/breadth of the proposed expansion will more than likely not garner 100% backing of the residents of the neighborhood or surrounding areas. Some of the issues for further public discussion may be related to increased noise, additional traffic, need for increased on and off-street parking (currently there are no minimum off-street parking requirements in the NCU-1 for artist studios and art galleries), the types of commercial uses in a predominantly residential neighborhood, and (while insignificant based upon size and bulk schedules proposed) the perceived possibility of competing interests between office/retail districts on Broadway and Beekman streets.

One particular course that may be taken to lessen the impact of the numerous changes sought by broadening the reach of the office/retail/services/residential uses would be to limit eating and drinking establishments to permitted uses in the core "spine" of Beekman Street alone.

We offer this as a recommendation, noting that not allowing eating/drinking establishments as permitted uses outside the "spine" will not hamper the amendment's intent of promoting street-level, first-floor activity, nor will it prevent the mixed use aspect of in-fill and redevelopment that encourages residential and office uses to be on second floor and above (complementing the

existing historic architectural scale and form of the area), yet the foot traffic necessary to enhance and sustain the District will still be generated.

Recusal by Tom Lewis.

13-177 Town of Ballston Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Croyle to build a 560 square foot storage building on NYS Route 67. Mr. Valentine stated No Significant County Wide or Inter Community Impact.

13-181 City of Saratoga Springs Planning Board

Mr. Valentine presented an application for a Subdivision and Site Plan Review in the name of PUREsource for a 5.72 acre lot with a 13,000 square foot plan for the purification of hydrogen peroxide on Grande Industrial Park Duplainville Road (County Route 44). Mr. Valentine stated No Significant County Wide or Inter Community Impact with comments. Comments on DPW regarding secondary access and Sewer District #1 regarding Engineering Report and permit. Recusal by Tom Lewis.

13-183 Town of Halfmoon Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Stewart's Shop Corp for an exterior freezer addition to the existing building on NYS Route 9. Mr. Valentine stated No Significant County Wide or Inter Community Impact. Recusal by Mr. Lewis.

13-184 Town of Halfmoon Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Tanski for three professional office buildings, two at 3,000 square feet and one at 4,000 square feet on NYS Route 236. Mr. Valentine stated No Significant County Wide or Inter Community Impact.

13-185 Town of Halfmoon Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Beeche for the construction of a total of 11,235 square foot of warehouse and office space at their existing site on Hudson River Road (Routes 4/32) Mr. Valentine recommended approval with comments. SCPB reviewed original site plan in March, 2006 as #06-51 and approved the site plan with recommended modifications. We suggest that the 2006 review letter be revisited in regard to the identification and depiction of wetlands, the location and depiction of the stormwater management area (with respect to those wetlands), the depiction of the area(s) of disturbance, and the provision of a landscaping plan for visual mitigation of new commercial construction and parking along the common (southern) property line.

13-187 Town of Clifton Park Zoning Board of Appeals

Mr. Kemper presented an application for an Area Variance in the name of MB Kilmer Funeral Home for 10 variances. Ingress/egress, lot width, front yard setbacks, front and back setback on special road, side and rear setbacks and buffer on NYS Route 146 & Arnold Drive. Mr. Kemper stated No Significant County Wide or Inter Community

Impact with comment. Comment: The board unanimously agreed that the large amount of variances required to facilitate this project seems excessive.

13-189 Town of Wilton Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Saratoga Health and Wellness LLC for a 15,000 square foot new construction for a health and wellness center and mixed use commercial space on NYS Route 9. Mr. Valentine stated No Significant County Wide or Inter Community Impact with comment. **Comment:** The Saratoga County Planning Board previously reviewed the area variances associated with the health and wellness center and found, as with this site plan referral, that neither the variances nor the site plan present any significant impacts of county concern. We note the need for a curb cut permit to be issued by NYS DOT for the new commercial driveway for access to a state road. We understand that the Department has reviewed and commented on the applicant's assessment of the project's trip generation. It is noted that a traffic impact study is not triggered (generation of 100 trips at peak hour) by the traffic associated with the proposed use. In time, the town may want to consider the broader cumulative impact of traffic generated from existing, newly approved and proposed uses in the Rt. 9/Maple Ave corridor from NYS Rt. 50 to CR# 34; however, this project alone does not present substantial issues related to access or perceived congestion. We encourage the future use of those cross connections designed for the rear of the site as a means of minimizing redundant Rt. 9 turn movements to access abutting parcels as developed.

13-190 Town of Ballston Town Board

Ms. O'Neill presented an application in the name of Katz for a Mixed-Use residential/commercial PDD on 90 +/- acres on NYS Route 9. Ms. O'Neill recommended approval subject to Saratoga County Sewer District #1 Approval with the following comment: It is unclear what the public benefit of the proposed PUDD is based upon the plan submitted. Town may want to clarify with the applicant to insure that the proposal meets PUDD requirements. The town and the applicant may wish to have a phased approach to both parking and the number of residential units being proposed across the 90 +/- acres of land. Emergency access for the residential homes as well as the apartment buildings should be clearly shown on the Site Plan. Curb cut approvals from NYS DOT will be needed for the proposed access points onto Rte 50. Alignment with driveways on the eastern side of Rte 50 where possible is recommended. A traffic study should be conducted for the entire project whether or not it becomes phased. Applicant should disclose to the town the plan for future acreage that remains open on the preliminary plan. It is the County Planning Board's understanding that the applicant's engineer has contacted the Saratoga County Sewer District#1(SCSD) regarding the project. The project will need to have approval from the SCSD in order to be approved as well as New York State DEC and DOH for water. The Town should also request that the applicant provide a plan for management of any conserved areas on the property.

13-191 Town of Ballston Planning Board

Ms. O'Neill presented an application for a Lot Line Adjustment and Site Plan Review in the name of AJ Land Ventures for a 3,500 square foot addition to the existing building on NYS Route 50. Ms. O'Neill recommended approving subject to NYS DOT approval of newly proposed curb cut onto Rte 50.

13-192 Village of Corinth Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Corinth Senior Housing Development LLC for a 44 unit, three story, wood framed affordable "age-restricted" senior, multifamily housing complex. Mr. Valentine recommended Approval with the following comment: The Saratoga County Planning Board recognizes the proposed use and the components of its site plan as a means of providing an affordable housing alternative for the village's main street/downtown. We see this development not only as positive in-fill construction, but also as the provision of housing for the village's older citizens with an aspect of pedestrian connection to enhance the existing retail and recreational uses.

Several of the review aspects of this project come under the regulation and permit authority of other agencies to which we defer comment, particularly NYS DOT for a curb cut permit; Army Corps and NYS DEC as the property abuts the Sturdevant Creek; a critical review regarding the flood plain as floodway development requires permitting from FEMA (placing fill in floodplain, reduced volume of floodplain displaced (need to confirm that floodway is correctly depicted, determine any impact by placement of fill, and FEMA will be required to sign off).

As part of the final plans which will be guided by the review and comments of the noted agencies, the applicant will be required to submit to the village planning board (and copy to this board) a grading and drainage plan, a soil erosion/sediment plan, a full SWPPP, and a landscaping/planting plan.

From the documentation provided it is our understanding that the applicant will make a sanitary sewer tie-in to village system (in Main Street) by force main and that the existing pump station to service the project is undersized to service existing users during peak flows. To overcome this deficiency the village will be improving the existing pump station and a holding tank will be installed on site w/computer control to ensure peak flow storage (we are uncertain if to be done by the applicant or village).

With the noted contingencies required because of review and permitting by other agencies and with agreement on the needed infrastructure improvements, the SCPB recommended that the project site plan be approved by the village planning board.

13-194JK Town of Clifton Park Zoning Board of Appeals

Mr. Kemper presented an application for a sign variance in the name of Corpus Christi Church for an animated sign for 24 square foot variance and setback of 15 feet on NYS Route 9. Mr. Kemper recommended approval. This project was acted upon by the local board prior to the County Planning Board rendering a decision on the project.

13-195 Town of Day Planning Board

Mr. Kemper presented an application in the name of North Country Store to reopen the store on North Shore Road. Mr. Kemper stated No Significant CountyWide or Inter Community Impact.

13-196 Town of Wilton Town Board

Mr. Valentine presented an application for a PDD Zoning Amendment in the name of TJ Farone Home Builders/Saratoga Heritage II for the amendment to the Saratoga Home Builders PDD. This file was submitted for advisory opinion only. No action was taken by the Saratoga County Planning Board. The following comments were made. The Saratoga County Planning Board (SCPB) reviewed the referral submitted as a request by the applicant to the Wilton town board for an amendment to the Saratoga Heritage II PUDD. The applicant has sought to amend the existing District in a manner that would permit the utilization of PUD land in a way that provides forty (40) parking spaces to be used for the applicant's abutting Everglades project. The latter project, the Everglades, was reviewed by our Board on two separate occasions – on April 19 and December 20, 2012 – and both reviews resulted in referral responses indicating the applications to be incomplete in regard to the lack of a traffic study, in that the project was too dense for the site (too much development sought on too little land), incomplete information was provided on the proposed garages and the garage locations, lack of information/narrative on how the project meets the intent and criteria of a hamlet design, the lack of sufficient parking, and no explanation as to how shared parking will be provided.

It is unclear if and how the present PUDD amendment is meant to provide clarification to these items, most specifically the provision of parking to meet the requirements of the Hamlet District (for the Everglades project). Further clarification is required in these matters as even what is proposed (40 parking spaces from the PUD for consideration of shared parking for the benefit of the abutting Everglades site plan) is insufficient. Even with the provision of those 40 spaces from an adjoining property the parking requirements for a project within the Hamlet District (the Everglades) will not be met.

This amendment was submitted to the SCPB on November 15th and the town planning board took up its advisory opinion on November 20th, the day prior to this board's monthly meeting. The proposed amendment is requesting that action be taken on one parcel in one zoning district and seeking approval of that action which will insufficiently meet zoning requirements of another district on an abutting parcel. It is not a standard matter of course for the SCPB to consider review and action on what is essentially sent as an advisory opinion, rather than a zoning amendment that has been fully reviewed and received endorsement or general consensus. It is important to note our past referral responses in which we have indicated our underlying concerns with the project that will be the direct beneficiary of the proposed amendment. We note the town planning board's November 20th advisement that the amendment not be considered by the town board. At this time the SCPB renders a determination of "no decision" but at a later time and after all incomplete information is submitted in accordance to district requirements, we would consider review of a future PUDD amendment if submitted with the concurrence of the town board.

A motion to approve Planning Department recommendations for the referrals as presented was made by Ms. Leibich. The motion was seconded by Mr. McPherson, 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-51 Town of Stillwater Planning Board

Mr. Valentine presented an application for a Subdivision and Site Plan Review in the name of Evanchuck for a lot-line adjustment on Durham Road (Saratoga Battlefield). Mr. Valentine recommended approval with the following comment. Comment: The lot line adjustment creates no new building lots, nor any substandard lots. The adjustment of the parcels’ common boundary and the resultant transfer and merger of the 0.345 acres is a referable action because of the proximity (within 500 ft.) to a national park. County planning staff has conferred with the town to determine that there are no active ag operations within 500 feet of the proposed action (lands within the Saratoga County Consolidated Ag District #1).

13-A-52 Town of Galway Planning Board

Mr. Valentine presented an application for a Subdivision Review in the name of Milton Trust for 9 acres in A-R District subdivided into two lots on Galway Road (County Route 45). Mr. Valentine stated that the application was incomplete and provided the following comment. Comment: Call made on Nov. 12 requesting town subdivision application and short EAF. Nothing received.

13-A-53 Town of Saratoga Planning Board

Mr. Kemper presented an application for a Subdivision Review in the name of Cummings to subdivide 67 acres from 244 +/- acre farm and subdivision of 5.079 acre lot from the 67 acres. The remaining acreage will remain Ag Land on Hathaway Road (Ag District). Ms. O’Neill recommended approval.

13-A-55 Town of Malta Planning Board

Mr. Kemper presented an application for a Subdivision Review in the name of Deveno & Ferone for the revision to the proposed off-site sewer force main for the approved 77-lot subdivision (1 commercial and 76 twin townhome residential units on NYS Route 9 & NYS Route 9P. 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. Murray. The motion was seconded by Mr. McPherson and unanimously approved.

Other Business

Mr. Lewis stated that the Saratoga County Annual Planning and Zoning Conference will be held on Wednesday, January 29, 2014. Registration forms were mailed to all previously registered attendees and municipal personnel. The registration form is also available on the Planning Board website.

Adjournment

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

Respectfully Submitted,
Cynthia T. Nick, Secretary