

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

Saratoga County Planning Board
Meeting Minutes
September 18, 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 Paul Loomis and Connie Wood.

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

Guests: Stephen Williams, Gazette

Approval of Minutes:

The minutes of the July 17, 2014 meeting were unanimously approved on a motion made by Mr. Miller, seconded by Mr. Loomis.

Referrals:

12-08MV Town of Wilton Planning Board

Mr. Valentine presented an application for an amended site plan review in the name of Park Place at Wilton/Gordon Development for the modification of the existing site plan to construct 10 additional detached garages to relocate the dumpster pad and mailbox area on NYS Route 9. Mr. Valentine stated No Significant County Wide or Inter Community Impact.

13-203MV Town of Ballston Planning Board

Mr. Valentine presented an application for a revised PUDD. Formerly Timber Creek Phase IV now listed as Abele Woods. Mr. Valentine recommended approval with comments. Recusal by Ed Vopelak.

14-46JO Town of Galway Planning Board and Zoning Board of Appeals

Ms. O'Neill presented an application for a Special Use Permit and Site Plan Review for a propane refill station stove and generator, showroom, driveway and signs on Fishhouse Road (County Route 14) and NYS Route 29. Ms. O'Neill stated upon review of the proposed site plan and special use permit for the Galway Co-Op it was apparent that there is a portion of the existing building as well as parking spaces and driveway located on the neighboring Saratoga County owned Property. It is imperative that the property owner

resolve this encroachment issue with Saratoga County as soon as possible. The Landowner should contact the Saratoga County Attorney's office at 884-4770 to discuss this matter further.

14-158JK Town of Malta Town Board

Mr. Kemper presented an application for a Project Plan Review in the name of Ippoliti/Forest Cleaners to enclose an existing 390 square foot canopy as additional square footage for the Forest Cleaners portion of the building on Dunning Street (County Route 108). Mr. Kemper stated No Significant County Wide or Inter Community Impact.

14-61JK Town of Malta Town Board

Mr. Kemper presented an application for a Project Plan Review in the name of Hayes/Blacksmith Properties LLC/The Lofts for a 214 unit multifamily apartment community consisting of 17 individual buildings on 8.84 acres on Saratoga Boulevard. Mr. Kemper recommended approval.

14-171MV Town of Wilton Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Wang Yi Architecture for a 10,000 square foot mixed use building on a 4.7 acre parcel on NYS Route 9, west side, south of Ernst Road. Mr. Valentine stated No Significant County Wide or Inter Community Impact with the following comment. We recognize the site plan submitted as being conceptual in nature and request a color print (as presented) of the approved site plan which will finalize areas of disturbance, grading and drainage, and any visual buffering that the applicant may desire from the surrounding uses. The new intersection created by the driveway will require a curb cut permit from NYS DOT and we recommend that the applicant contact Chad Corbett at the Saratoga Springs Residency on West Avenue (584-3790) to review the access and for issuance of a curb cut permit.

14-172MV City of Saratoga Springs Zoning Board of Appeals

Mr. Valentine presented an application for an area variance in the name of National Retail Properties (Rite Aid) for signage on West Avenue and Washington Street. Mr. Valentine stated No Significant County Wide or Inter Community Impact with the following comments. The subject property is located within the city's T-5 transect district (Neighborhood Center). Based upon that zoning, it is thought that the proposed land use and the site design will be viewed in light of or geared toward an urbanized/neighborhood center setting. In the context of the transect district, we recognize the Rite Aid plan as one for a non-residential use that has the potential to strike a balance between neighborhood and regional scales while set among major thoroughfares and servicing nearby residential areas.

Washington Street has been determined to be the frontage for this corner parcel; therefore, the build-to line and frontage build-out requirements are to be met along the Washington Street frontage of the new structure. The variance requests sought for these two are minimal and present no county issues or impacts in and of themselves. The building orientation that results from that determination does, however, have review impacts beyond the appeal before the zoning board.

With street frontage assigned to Washington Street it would be thought that the primary access would be from there, the building would have the appearance of fronting the state road, and that the south side of the building would be the rear of the building. The building orientation, however, gives the appearance of a West Avenue frontage, parking on the side of the building from West Ave., and traffic flow from West to a drive-thru and egress onto Washington. Matters of discussion in the next phase of review and approval (special use permit and site plan) will flow directly from the way that site issues are interconnected with the area variances for the build-to line, frontage build-out (and the resultant building orientation).

For example, as a follow-up to the city ZBA addressing the variances related to the building, the planning board may wish to discuss how the structure can either enhance or impede neighborhood connectivity (particularly pedestrian from residential areas), how the site/building may be providing a suburban approach to access and parking – i.e., the oversupply of off-street parking and the institution of a drive-thru that encourages automobile use in a neighborhood setting, and create the potential for a “blank wall” appearance along the Washington Street non-frontage of the new retail building. We encourage the early involvement of NYS DOT to review and comment on the safety of left-turn exit movements into the line of stacked vehicles on Washington Street (an area already noted in other/prior site plans for the very visible queuing of vehicles in traffic). Prohibiting southbound left turns into the site from West Ave. and left turns out of the site onto Washington Street may be necessary considerations based upon the proximity of the points of ingress/egress to the signalized intersection.

The amount of signage the applicant has requested (above that which is permitted) can be argued as being substantial, particularly for a well-recognized national brand store not located in a high-speed setting in need of overabundant signage to draw customers. This review criterion is, however, a matter more suited for the local zoning board to grapple with. Recusal Tom Lewis.

14-173MV Town of Milton Zoning Board of Appeals

Mr. Valentine presented an application for an Area Variance in the name of Dollar General for the construction of a new 9,300 square foot retail store on West Milton Road. Mr. Valentine stated No Significant County Wide or Inter Community Impact with the following comments. While the variances themselves present no countywide impact, we recommend that the applicant contact (885-2235) and meet on site with Ted Serbalik of Saratoga County DPW to review how the decreased setback for paved parking may impact (narrow) the drainage path along the project frontage.

We suggest a discussion between the applicant and the town zoning board of appeals regarding the overall need for creating a variance from the front parking setback requirement. If the applicant is already requesting a variance from the setback requirement for the rear yard placement of the new building, we ask why not increase that

variance request by six (6) feet and site the building closer to the rear property line so the front yard setback variance is not necessary?

In addition to obtaining a permit for drainage work that may be in the county ROW, the applicant will need to obtain a curb cut permit from Saratoga County DPW for the new commercial driveway onto the county road. The on-site meeting is necessary as the site plan submitted has no grading or drainage depicted. We recommend that the plan provide at least finished contours when submitted to the town planning board for site plan review.

14-174MV Town of Ballston Planning Board

Mr. Valentine presented an application for a Site Plan Review in the name of Walmart Stores for the construction of a 136,800 square foot retail store on Church Avenue (NYS Route 50). Mr. Valentine stated that there will be no decision made at this time, file will be resubmitted.

14-175JK Town of Clifton Park Planning Board

Mr. Kemper presented an application for a Site Plan Review in the name of Cellco Partnership DBA Verizon Wireless for the collocation of 12 panel antennas at the 99 foot centerline of an existing 110 foot monopole and installation of a 12 x 30 foot equipment shelter on Vischer Ferry Road (County Route 90). Mr. Kemper stated No Significant County Wide or Inter Community Impact.

14-176JO Town of Saratoga Zoning Board of Appeals

Ms. O'Neill presented an application for an Area Variance in the name of Ahmed for the demolition of the existing house and build a new two story house with attached garage on Palmers Maple Shade (Saratoga Lake/NYS Route 9P). Ms. O'Neill stated No Significant County Wide or Inter Community Impact.

14-177JO Town of Saratoga Zoning Board of Appeals

Ms. O'Neill presented an application for an Area Variance in the name of Bucciantini for the construction of a two story addition with deck to the existing home on NYS Route 9P/Saratoga Lake. Ms. O'Neill stated No Significant County Wide or Inter Community Impact.

14-178JO Town of Saratoga Zoning Board of Appeals

Ms. O'Neill presented an application for an Area Variance in the name of Morse for the removal of old existing structures and replacing them with a 26'8"x 46' manufactured home on NYS Route 9P (Saratoga Lake). Ms. O'Neill stated No Significant County Wide or Inter Community Impact.

14-179JO Town of Galway Zoning Board of Appeals and Planning Board

Ms. O'Neill presented an application for a Special Use Permit and Site Plan Review in the name of McKenzie for an auto repair business on Galway Road (County Route 45). Ms. O'Neill stated that the Saratoga County Planning Board would like an opportunity to

review additional information from the town planning board prior to rendering a decision. Upon Planning staff's review, it appears that the proposed use is more intense than a minor home occupation as defined in the town's zoning code. The applicant is proposing to use more square footage of the structure than allowed by the minor home occupation definition, the proposed signage appears to be more than the 4 sf allowed in the code. The proposed number of delivery/pick-ups from the business per week is more frequent than allowed in the code by 5. If there has been modification to the proposed application since submittal to the County or modification to the zoning ordinance please forward that material to the County Planning Office.

14-180MV Village of Corinth Village Board

Mr. Valentine presented an application for a Legislative Action for the Village of Corinth for the creation of the Eastern Palmer Neighborhood Overlay District on Palmer Avenue. Mr. Valentine recommended approval with comments.

14-181JK Town of Malta Zoning Board of Appeals

Mr. Kemper presented an application for an Area Variance and lot line adjustment in the name of Pennacchia on Fifth Street (NYS Route 9P). Mr. Kemper stated No Significant County Wide or Inter Community Impact.

14-182JO Town of Galway Planning Board and Zoning Board of Appeals

Ms. O'Neill presented an application for a Special Use Permit and Site Plan Review in the name of Elston to demolish a portion of the present home and build a 1,000 square foot in-law apartment on Old Mill Road (County Route 52/Jockey Street). Ms. O'Neill stated No Significant County Wide or Inter Community Impact with the following comment. The applicant should certify to the town that there is enough water capacity and septic capacity to serve the additional living quarters. The well meets New York State Department of Health standards and the septic design should be certified by a New York State licensed engineer.

14-183JO Town of Saratoga Zoning Board of Appeals

Ms. O'Neill presented an application for a Special Use Permit in the name of Israel for a restaurant to be used as a banquet hall, bed and breakfast and retail space on NYS Route 29. Ms. O'Neill recommended approval with the following comment. The applicant will need to obtain New York Department of Health and New York Department of Environmental Conservation approvals for the on-site well and septic systems with respect to increased capacity needs with respect to the new use.

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

13-A-13MV Town of Ballston Planning Board

Mr. Valentine presented an application for a Subdivision Review in the name of Rossi for a major subdivision involving lands of Frank Rossi and Ballston Spa on NYS Route 50 and 67. Mr. Valentine stated no decision would be made at this time. File will be resubmitted.

14-A-25JO Town of Milton Planning Board

Ms. O'Neill presented an application for a Subdivision Review in the name of Chuck Hollow Estates for the subdivision of 37.098 +/- acres in an R-2 zone for 10 residential building lots using Open Space Incentive on Middleline Road (County Route 59) and NYS Route 29. Ms. O'Neill recommended approval with the following 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-50MV Town of Milton Planning Board

Mr. Valentine presented an application for a Subdivision Review in the name of McPadden Builders LLC for an eight lot residential subdivision on Stone Church Rd (Saratoga County Airport). Mr. Valentine recommended approval.

14-A-53JK Town of Edinburg Planning Board

Mr. Kemper presented an application for a Subdivision Review in the name of Baldwin to create two new lots from 67 + acre lot on South Shore Road. Mr. Kemper stated that the file was removed by the Town.

14-A-57JK Town of Clifton Park Planning Board

Mr. Kemper presented an application for a Subdivision Review in the name of Riverview Construction Assoc. for a two lot subdivision on Vischer Ferry Road . Mr. Kemper stated No Significant County Wide or Inter Community Impact with the following comments. The SCPB was concerned that the developable portion of this site is a small percentage of the overall parcel and that should be noted in any discussions with the applicant. The Board also thought this would be the appropriate time to acquire additional ROW along the county roads for future multi-use path or intersection improvements.

14-A-63MV City of Saratoga Springs Planning Board

Mr. Valentine presented an application for a Subdivision Review in the name of City Center Authority for a parking garage on Broadway (NYS Route 50). Mr. Valentine recommended approval. Recusal Tom Lewis.

14-A-64MV City of Saratoga Springs Planning Board

Mr. Valentine presented an application for a Subdivision Review in the name of Matt McPadden (Benedict Street Subdivision) for a three lot subdivision to trim some backyard square footage off both backyards at 163 and 165 Ash Street to front a lot on Benedict Street and Ash Street (Washington Street). Mr. Valentine stated No Significant County Wide or Inter Community Impact. Recusal Tom Lewis

14-A-65JK Town of Malta Planning Board and Zoning Board of Appeals

Mr. Kemper presented an application for a Subdivision Review as well as a Special Use Permit in the name of Lakeview Landing Pump Station for the creation of a 1,850 square foot lot exclusively for the recently constructed SCSD #1 Pump Station on NYS Route 9P/Galleon Drive. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

14-A-66JK Town of Malta Planning Board

Mr. Kemper presented an application for a Subdivision Review in the name of Richards for the subdivision of the existing Albany/Saratoga Speedway 57. Mr. Kemper stated No Significant County Wide or Inter Community Impact with the following comments. There are wooded areas located on all 3 of the proposed lots that help provide a visual and noise buffer to the racetrack. The Town of Malta Planning Board may want to limit disturbances in these areas to protect the buffer areas.

14-A-67JK Town of Malta Planning Board

Mr. Kemper presented an application for a Subdivision Review in the name of Witt Construction Inc. for the subdivision of the existing 40.68 +/- acre parcel into three lots for single family residential homes. Lot #1 will contain 5 acres and Lot #2 will contain 30 +/- acres on Nelson Avenue Extension. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

14-A-69JO Town of Galway Planning Board

Ms. O'Neill presented an application for a Subdivision Review in the name of O'Hara for a two lot minor subdivision of 136 +/- acres to create lots of 7+ and 129+ and to allow an accessory apartment with a barn on both parcels on Ridge Road (Broadalbin). Ms. O'Neill stated No Significant County Wide or Inter Community Impact.

14-A-70JO Town of Galway Planning Board

Ms. O'Neill presented an application for a Subdivision Review in the name of McKay for a two lot minor subdivision of 25 + acres into Lot #1 of 9.1 acres with existing buildings and Lot #2 to be 16 acres on Ballston-Galway Road (County Route 45) in the Agricultural District. Ms. O'Neill stated No Significant County Wide or Inter Community Impact.

14-A-71MV Town of Halfmoon Planning Board

Mr. Valentine presented an application for a Subdivision Review in the name of Crowther for the consolidation of lands of Hickok and lot line adjustment between Hickok and Ross to make three lots into 2 on Halfmoon Drive. Mr. Valentine stated No

Significant County Wide or Inter Community Impact with the following comment
Approval is subject to the condition that there be a plan note prohibiting any future curb cuts for access from Lot C (a dual frontage lot) onto Middletown Road.

14-A-72MV Town of Halfmoon Planning Board

Mr. Valentine presented an application for a Subdivision Review in the name of Papa for a two lot minor subdivision with two flag lots a drainage easement on Guideboard Road (County Route 94). Mr. Valentine stated No Significant County Wide or Inter Community Impact with need for DPW permit with following comments. The applicant should contact Ted Serbalik of Saratoga County DPW (885-2235) regarding the curb cut permits required for the two driveways accessing the county road. The submitted subdivision plan does not depict the location of the town water main from which house services will be provided. The plan should be amended to show the location of the existing main and services. Any work undertaken in the county ROW for such laterals will require a work permit from DPW. The ability of the soils to support the private sanitary sewer which will service each lot cannot be determined by the plan submitted. There is no evidence on the plan of soils tests being taken or the record of such tests. The above-noted data/information should be depicted on the final subdivision map prior to the planning board's determination.

14-A-73MV Town of Halfmoon Planning Board

Mr. Valentine presented an application for a Subdivision Review in the name of Sturtevant for the conveyance of 0.20 acres to meet 36,000 square foot lot size; doesn't meet lot width of 150 feet from mother to son. The property is located on Guideboard Road. Mr. Valentine stated No Significant County Wide or Inter Community Impact with the following comments. The present substandard R-1 lot owned by William Sturtevant, III (Lot B) has insufficient lot size and insufficient frontage. Being proposed is a lot line adjustment between and conveyance of 0.20 acres from Aline Sturtevant, mother to William and adjoining lot owner of 4.86 acres (Lot A). It is the desire of the Sturtevant owner of Lot B to make the lot more conforming and saleable through the conveyance prior to moving to Florida. The proposed lot line adjustment will permit a conveyance that creates a standard R-1 lot size but neglects to address the substandard lot frontage of 108 feet where 150 is required. If it is the desire of the applicant to come before the planning board with a proposal to meet only one of two existing substandard conditions, particularly when both conditions can be satisfied by one action, then this Board cannot approve the proposed LLA and conveyance.

14-A-74JO Town of Northumberland Planning Board

Ms. O'Neill presented an application for a Subdivision Review in the name of Coffinger for the subdivision of 5 acres containing an existing residence from approximately 132 acres of agricultural land and retain agricultural use on Jewell Road (Ag District). Ms. O'Neill recommended approval.

14-A-75MV Town of Corinth Planning Board

Mr. Valentine presented an application for a Subdivision Review in the name of Matoon for a two lot family subdivision on Spier Falls Road (County Route 25). Mr. Valentine stated that no review is needed nor is a reply required. The file was forwarded to DPW for curb cut permits.

14-A-76JO Town of Saratoga Planning Board

Ms. O'Neill presented an application for a subdivision review in the name of Saratoga Development LLC for an 11 lot major subdivision on Brown Road (NYS Route 9P). Ms. O'Neill recommended approval with comment for need for DOH and DEC approvals.

A motion to approve Planning Department recommendations for the subdivisions as presented was made by Mr. Miller. 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 Mr. Miller, the meeting was adjourned with all in favor.

Respectfully Submitted,
Cynthia T. Nick, Secretary