

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

**Saratoga County Planning Board**  
**Meeting Minutes**  
**February 20, 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; Beth Liebich; ; Ian Murray.

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

**Guests:** Dave Ingalls, Ingalls and Associates; Sam Becker, Milton Grange and John Cromie, Milton Grange.

**Press:** Stephen Williams, **Daily Gazette**

**Approval of Minutes:**

The minutes of the January 16, 2014 meeting were unanimously approved on a motion made by Mr. McPherson, seconded by Mr. Murray.

**Referrals:**

**12-44 Village of Corinth Planning Board**

Mr. Valentine presented an application for a Site Plan Review in the name of Schuyler, LLC for a 13-unit apartment complex consisting of primarily two family units, off-street parking, community room and on-site laundry facility on William Street. Mr. Valentine recommended approval.

**13-123 City of Saratoga Springs Zoning Board of Appeals**

Mr. Valentine presented an application for an Amended Use Variance in the name of Verizon Wireless for a 110 foot monopole and 12’ x 30’ equipment shelter on the west side of Hutchins Road. Mr. Valentine stated No Significant County Wide or Inter Community Impact.

**14-10 City of Saratoga Springs Planning Board**

Mr. Valentine presented an application for a Site Plan Review in the name of Saratoga North LLC/15 Maple Dell-Dr. Richard Farrell for an office building and professional office on NYS Route 50/Route 9 (Marion Avenue)

#### **14-11 Town of Moreau Town Board**

Mr. Valentine presented an application for a Zoning Change in the name of Bluebird Trace to change M-1 to Residential PDD. Mr. Valentine recommended approval with the following comments. The referral for a planned unit development district was reviewed by the Saratoga County Planning Board (SCPB) in regard to the application for a change in zoning from the subject parcels' current designation as manufacturing/industrial to a residential PUDD. Comment on the proposed site plan and its components (review of wetlands, drainage, stormwater, utilities, new intersections/access) will follow referral of that action to SCPB by the town of Moreau planning board subsequent to any further legislative review and approval by the town board.

It is evident that the proposed project site is surrounded by parcels for which their uses and zoning are a mix of residential, manufacturing and vacant/unused. Near or abutting the properties proposed for development are a self-storage facility, single family detached homes, a single-family attached community, vacant forested land, the Moreau Industrial Park (MIP), and lands used for quarrying/cement production. Aside from the existing residences found in nearby districts designated as Urban Residential and R-2 Residential, there are numerous existing residences that underlie the M-1 Manufacturing District in which the subject 25 acres are located. It should be considered that the M-1 zoning designation has not deterred consideration of the surrounding properties for residential development or home occupation. In the same regard, we note that the long-availability of vacant manufacturing (zoned) property has not been an enticement to the development of corner parcels serviced by public infrastructure for manufacturing purposes.

To service the development with public utilities it is proposed that a sanitary force main will be extended along Harrison Avenue 2,100 feet eastward from Sisson Road to the subject property. There now exists a town water main fronting the project site on Harrison Avenue to service residential and commercial sites. The developer intends to extend this main through the site and westward along the county road (Bluebird Rd.) to create a looped system at a point of connection in front of the MIP.

We believe that the town board already recognizes Harrison/Sisson/Bluebird area as one favorable to further residential development and, therefore, recommend that the board or a zoning review committee undertake a review of the current zoning for lands of this area to determine if adjustments to both the comprehensive plan and the zoning ordinance need to be made.

#### **14-12 Town of Milton Planning Board and Zoning Board of Appeals**

Mr. Valentine presented an application for a Special Use Permit and Site Plan Review in the name of Milton Veterinary Hospital for new construction of a veterinary office on NYS Route 29. Mr. Valentine recommended approval.

#### **14-13 Town of Milton Zoning Board of Appeals**

Mr. Valentine presented an application for an Area Variance in the name of New York Development Group/Stiles for road construction in 15% slopes, 50 foot rear yard

setbacks in 15% slopes, front and rear lot setback in 15% slopes on Rowland Street (County Route 47). Mr. Valentine stated No Significant County Wide or Inter Community Impact with the following comments. Review, comment and final determination by the Saratoga County Planning Board were premised upon information presented in a February 19<sup>th</sup> email from the applicant's engineer that it has been agreed to eliminate Lot 32 from the proposed subdivision plan, minimizing the total front and rear lot area variances being sought. This board recognizes the ability to design for and construct a subdivision road in an area of 15+% slopes; however, the extent to which backyard slopes (positive or negative) of greater than 15% impact the livable space for new homeowners in Milton should be a consideration of review for various levels of town review. We note the applicant's site design to protect the higher impact areas of wetlands and stream corridors. If, however, the disturbance of areas with slopes greater than 15%, and if the need to provide a minimum setback of 50 feet from such slopes for residences is considered "engineer-able" and no longer the concern cited in the zoning ordinance, perhaps it is time that associated provisions be reviewed for deletion from such regulations. We note this to be an issue of local concern with no intermunicipal or countywide impact unless erosion and sedimentation from construction ultimately impact areas of wetlands, stream corridors, or stormwater management.

#### **14-14 Town of Milton Planning Board**

Ms. O'Neill presented an application for a Site Plan Review in the name of Rowland Street Garage for an addition to the existing garage on Rowland Street (County Route #47). Ms. O'Neill stated No Significant County Wide or Inter Community Impact.

#### **14-15 Town of Milton Planning Board**

Ms. O'Neill presented an application for a Site Plan Review for a 50,000 square foot grocery store on Doubleday Avenue and Northline Road (County Route 45). Ms. O'Neill stated that additional information will be requested stating the following comments. The Saratoga County Planning Board would like to review additional information prior to rendering a decision on the above referral. Given the scope of the project and the location along a State and County highway multiple agencies will need to review the Site Plan. New York State DOT approval as well as Saratoga County DPW approval of the 4 proposed accesses will need to be obtained. The intersection of NYS Rte 50 and Northline Roads currently has a high volume of daily traffic. The Town of Milton along with New York State DOT and Saratoga County DPW should work together to develop a traffic study and plan for this area including future development potential.

#### **14-17 Town of Malta Planning Board**

Mr. Kemper presented an application for a Special Use Permit in the name of Berkshire Bank for a drive-thru for a new 2,430 square foot bank on NYS Route 9 and Kendall Way. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

**14-18 City of Saratoga Springs Zoning Board of Appeals**

Mr. Valentine presented an application for an Area Variance in the name of Congregation Yeshiva Pardes/Joel Aronson for overall lot coverage for a building connector on Veterans Way corner of Excelsior Avenue off NYS Route 50. Mr. Valentine stated No Significant County Wide or Inter Community Impact.

**14-19 City of Saratoga Springs Zoning Board of Appeals**

Mr. Valentine presented an application for an Area Variance in the name of Pavillion Grand for the installation of metal letters above the first floor on Lake Avenue. Mr. Valentine stated No Significant County Wide or Inter Community Impact.

**14-20 Town of Stillwater Town Board**

Ms. O'Neill presented an application for a Text Zoning Amendment for the Town of Stillwater to replace the existing Town Code, Chapter 134, Mobile Home, Mobile Home Park and Travel Trailer Ordinance. Ms. O'Neill stated No Significant County Wide or Inter Community Impact.

**14-21 Town of Clifton Park Planning Board**

Mr. Kemper presented an application for a Site Plan Review in the name of Stewarts Shops Corp for the construction of a 1,160 square foot building addition and an exterior freezer on Vischer Ferry Road, Grooms Road (County Route 90). Mr. Kemper stated No Significant County Wide or Inter Community Impact with the following comments. The SCPB determined that this project does not present any significant county wide or inter community impact. However, the board would like to comment that there is no vegetative screening on the East side of Vischer Ferry Road on the set of plans submitted for review. With the expansion of the footprint of the store this is an opportune time to request additional screening to buffer the rear of the store.

**14-22 Town of Clifton Park Planning Board**

Mr. Kemper presented an application for a Site Plan Review in the name of Stewart's Shops Corp for the construction of a 292 square foot building addition on Crescent Road (County Route 92). Mr. Kemper stated No Significant County Wide or Inter Community Impact.

**14-23 Town of Clifton Park Planning Board**

Mr. Kemper presented an application for a Site Plan Review in the name of Oak Brook Commons LLC for the construction of a 2,000 square foot administrative office for Oak Brook Commons Apartments on NYS Route 9. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

**14-24 Town of Clifton Park Planning Board**

Mr. Kemper presented an application for a Site Plan Review in the name of Columbia Development Companies/Greene for the construction of a 34,000 square foot medical office complex at the corner of Sitterly Road and Crossings Boulevard. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

**14-25JK Town of Clifton Park Planning Board**

Mr. Kemper presented an application for a Site Plan Review in the name of Greene for the construction of a 12,000 square foot retail building with drive-thru service on NYS Route 9. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

**14-26 Town of Milton Planning Board and Zoning Board of Appeals**

Mr. Valentine presented an application for a Site Plan Review and Special Use Permit in the name of Cumberland Farms for a retail store with a gas island on Northline and Doubleday Avenue (County Route 45). Mr. Valentine stated that the application was incomplete and additional information would be requested.

**14-27 Town of Clifton Park Zoning Board of Appeals**

Mr. Kemper presented an application for an Area Variance in the name of Parkland Development/The Vistas for 24 dwellings in the form of 12-2 family home on NYS Route 146 and Tanner Road (NYS Route 9). Mr. Kemper recommended disapproval with the following comments. The SCPB reviewed the above referenced project and unanimously agreed on disapproving the application. The Board determined that the appeal does not meet the requirement to balance the benefit to the applicant with the health, safety and welfare of the community as required to grant an area variance. In addition, the Western Clifton Park GEIS and subsequent zoning changes carefully evaluated the development potential for the study area, both with and without taking advantage of the incentives outlined in the code. This project far exceeds the development potential that was envisioned and evaluated for this area. Prior to the adoption of incentive zoning and the zoning designation of Conservation Residential, this parcel was zoned as R-3, which further restricted the development of this parcel. This board also pointed out that if the town ZBA considers granting the area variances then only the minimum variance necessary should be granted. Additionally, the applicant should be required to complete a Supplemental EIS as this project is not at all consistent with the Western Clifton Park GEIS and Findings Statement.

**14-28 Town of Galway Planning Board and Zoning Board of Appeals**

Mr. Valentine presented an application for a Site Plan Review and Special Use Permit in the name of Gordon and Gordon Properties to amend the current office use to include retail use on NYS Route 29. Mr. Valentine stated No Significant County Wide or Inter Community Impact.

**14-29 Town of Northumberland Planning Board and Zoning Board of Appeals**

Ms. O'Neill presented an application for a Use and Area Variance, Special Use Permit and Site Plan Review in the name of Randall Countermine for interior use of existing building for a dog agility training facility, grooming and daycare of dogs on Colebrook Road (NYS Route 50). Ms. O'Neill recommended approval.

**14-30 Town of Malta Zoning Board of Appeals**

Mr. Kemper presented an application for an Area Variance in the name of Burke to rebuild the Dunkin Donuts to fit the new zoning codes on NYS Route 67. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

**14-31 Town of Saratoga Zoning Board of Appeals**

Ms. O'Neill presented an application for a Use Variance and Area Variance in the name of Snyder for the construction of a duplex on Brown Road Rear (Brock Road-Saratoga Lake). Ms. O'Neill stated No Significant County Wide or Inter Community Impact.

**14-32 City of Saratoga Springs Zoning Board of Appeals**

Mr. Valentine presented an application for a Site Plan Review in the name of Teakwood Builders for the renovation of an office and relief from T-6 on site off street parking requirements on Henry Street (Lake Avenue). Mr. Valentine stated No Significant County Wide or Inter Community Impact.

**14-33 Town of Ballston Planning Board**

Mr. Valentine presented an application for a Site Plan Review in the name of Stewart's Shops Corp for a 17' x 40' building addition on Charlton Road. Mr. Valentine stated No Significant County Wide or Inter Community Impact.

**14-35 City of Saratoga Springs Zoning Board of Appeals**

Mr. Valentine presented an application for a Use Variance and Area Variance in the name of 569 North Broadway LLC to expand the existing use (Dental Office) into second floor/replace apartment use and need for additional off-street parking on Broadway. Mr. Valentine stated No Significant County Wide or Inter Community Impact.

**14-36 City of Saratoga Springs Zoning Board of Appeals**

Mr. Valentine presented an application for an Area Variance in the name of Bonacio Construction/422 Broadway LLC for projecting signs for the first and second floor tenant signs in alley/walkway of mixed-use building on Broadway, east side. Mr. Valentine 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. Murray. 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-07 Town of Milton Planning Board**

Mr. Valentine presented an application for a Subdivision Review in the name of NY Development Group for a 35-lot major subdivision and one commercial lot on Rowland Street (County Route #47). Mr. Valentine recommended approval with conditions.

### **14-A-08 Town of Milton Planning Board**

Ms. O'Neill presented an application for a Subdivision Review in the name of Hallmark Property Holdings/Clear for a minor two lot subdivision on Middleline Road (County Route 59). Ms. O'Neill recommended approval subject to DPW permit.

### **14-A-09 Town of Charlton Planning Board**

Ms. O'Neill presented an application for a Subdivision Review in the name of Deer Run for the final approval of the last 15 new lots in the Deer Run Subdivision on Swaggertown Road (Cosgrove Road)-Creates forever wild along the Alplaus. Ms. O'Neill stated No Significant County Wide or Inter Community Impact.

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

Mr. Kemper presented an application for a Subdivision Review in the name of Windhover Farms for a 35-lot single family residential subdivision on Grooms Road (County Route 91). Mr. Kemper recommended requesting additional information with the following comments. In reviewing the above referenced project, the members of the SCPB requested that additional information be provided on the application. The application references that the large open space area is suitable for active recreational purposes. The SCPB is encouraged that this may be the case however if there will be active recreational uses occurring in the rear of this parcel then the impact on traffic (both on subdivision street and intersection with Grooms Road) and possible noise, lights, traffic, etc. impacts to the homes being proposed within the development need to be evaluated. The board also expressed concern with the long distance being proposed for the directional boring of the sewer force main. Although wetland impacts will be minimal with this procedure, if there is a maintenance issue in the future it could prove difficult to repair. A signoff on this sewer connection will be required from the Saratoga County Sewer District.

### **14-A-11 Town of Clifton Park Planning Board**

Mr. Kemper presented an application for a Subdivision Review in the name of Brook Heritage LLC for a cluster subdivision of approximately 70 acres into 104 single family homes on Grooms Road (County Route 91), south side. Mr. Kemper recommended requesting additional information with the following comments. The SCPB reviewed the application for a 103 -lot subdivision and is requesting that the applicant re-evaluate and modify its layout and density or submit a conventional design that takes into account the characteristics of the site. For example, the existing site is a large open field, wide open to unobstructed views with a drainage ditch traversing its centerline. The current lot layout proposes a large stormwater management area designed in the open between Grooms Road frontage and the open and visible rear yards of new homes that will front

on an interior road. An additional concern was voiced for the visual impact of converging rear yards which will meet at the center drainage area. With the backyards of the center lots all abutting each other it will only be a matter of time that this central area will be comprised of an array of various fences along the drainage ditch, resulting in both visual impacts and concerns for maintenance. It is hoped that a more thoughtful design and creative use of enhanced landscaping will soften the impacts of the existing conditions. The SCPB is encouraged to see the applicant using the existing stub streets on adjoining lands rather than additional curb cuts occurring on Grooms Road. The Board would like to see those connections remain in any future designs submitted for the project.

#### **14-A-13 Town of Northumberland Planning Board**

Ms. O'Neill presented an application for a Subdivision Review in the name of Dennis for a minor two lot Agricultural Subdivision on Peters Road (NYS Route 29-Ag District). Ms. O'Neill recommended approval.

#### **14-A-14 Town of Ballston Planning Board**

Ms. O'Neill presented an application for a Subdivision Review, Site Plan Review and a Special Use Permit in the name of Primax Properties for the construction of a Dollar General and Advanced Auto Parts on NYS Route 67. 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. Murray. The motion was seconded by Ms. Liebich and unanimously approved.

#### **Other Business**

Mr. Lewis thanked all for a successful conference and stated that the next Saratoga County Annual Planning and Zoning Conference will be held on Wednesday, January 28, 2015.

#### **Adjournment**

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

Respectfully Submitted,  
Cynthia T. Nick, Secretary