

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

Saratoga County Planning Board
Meeting Minutes
May 16, 2019

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.

Members Present: Ed Vopelak, Acting Chairman, Devin Dal Pos, Connie Wood, Ian Murray and Don McPherson, Marcia Murray.

Staff: Michael Valentine, Senior Planner; Jeffrey Williams, Planner and Cynthia Nick, Senior Typist.

Guests: Michael Dobis, Chairman, Planning Board, Town of Wilton

Approval of Minutes:

The minutes of the April 18, 2019 meeting were unanimously approved on a motion made by Mr. Murray and seconded by Mr. Dal Pos.

Referrals

19-80MV Town of Wilton Town Board

Mr. Valentine presented an application for a Moratorium submitted by the Town of Wilton to temporarily restrict Mixed-Use Building applications in the Town's Hamlet One District (H-1). Mr. Valentine recommended approval with the following comments:

Municipalities have the inherent authority to enact moratorium ordinances or local laws

1990 court case of B&L Dev. Corp. vs. Greenfield: moratorium requires GML 239 referral

1. Moratorium not mentioned, not defined in State statutes
 recourse to court cases
2. Is there a need for stop-gap zoning
 or, interim zoning until adoption?
3. Reasons or purposes cited for moratorium?

To realize objectives of current planning efforts prior to a Comp Plan update

Correct failing utility and traffic infrastructure

New actions or proposals makes current zoning in this part of town outdated

Outcry of public opposition to growth and development in general terms

4. Length/duration of moratorium?

- for a reasonable time during considerations

5. How will applications submitted before adoption be considered?

6. When was the last update of the town's Comprehensive Plan?

7. What is the purpose of the town's Zoning Revision Committee?

8. What planning goes on in duration?

9. New regs will apply to new applications after adoption, but creates protected nonconforming uses (either existing uses or those rushing for approval prior to adoption) as of time of adoption of new zoning.

ELEMENTS THAT NEED BE PRESENT FOR A MORATORIUM TO BE CONSIDERED VALID – SUSTAINABLE

Adhere to, comply with enabling statutes regarding enactment or amendment of local laws

Town Law?

Zoning amendments made upon recommendation from...?

Must not exceed a reasonable time

Property owners' right to a favorable economic return from his property

Moratorium restricts/prohibits development

But, if no control while planning objectives are being revised and implemented – lost money, effort to municipality

So, meet both sides by moratorium not being unreasonably long

Municipality needs to show meaningful progress toward an amended zoning ordinance

Active progress must be being made to achieve the objectives cited by the moratorium

Vested rights in the issuance of permits

Need to act with reasonable promptness

A motion to approve referral 19-80MV as presented was made by Mr. Murray, the motion was seconded by Mr. McPherson and unanimously approved.

19-63MV Town of Halfmoon Planning Board

Mr. Valentine presented an application for a Site Plan Review for the Town of Halfmoon in the name of JGS Recycling for the proposed construction of a 25' x 21' carport on Hudson River Road (US Route 4 & NYS Route 32). Mr. Valentine stated No Significant County Wide or Inter Community Impact.

19-68MV City of Saratoga Springs City Council

Mr. Valentine presented an application for a PUD Map and Text Amendment for the City of Saratoga Springs in the name of Wesley Community PUD Amendment. The proposed amendment to an existing PUD with request for increased boundary and additional buildings from the original PUD legislation. The property is located at 131 Lawrence Street (Town of Greenfield-City Zoning Map Amendment). File was determined not referable. Recusal by Don McPherson.

19-70MV Village of Stillwater Planning Board

Mr. Valentine presented an application for a Site Plan Review for the Village of Stillwater in the name of 19 Colonial Road Apartment Project for the construction of 198 apartment units. The property is split by the boundary line of the Village of Stillwater and the Town of Stillwater. Proposes to connect to village sewer and water. The property is located on Colonial road at the town/village boundary. Mr. Valentine state that the application will be removed and it was prematurely submitted and incomplete.

19-71MV Town of Moreau Planning Board

Mr. Valentine presented an application for the Town of Moreau for a Site Plan Review in the name of Schermerhorn Real Estate. The applicant proposes to construct 25 four-unit town homes on 17 acres in the UR-District. The property is located on Sisson Road; west side, north of Bluebird Road (County Route #27). Mr. Valentine stated No Significant County Wide or Inter Community Impact.

19-72MV Town of Moreau Planning Board

Mr. Valentine presented an application for the Town of Moreau for a Site Plan Review in the name of Saratoga Olive Oil/Braidwood (Previous site of Aqua Wood Pools). The applicant proposes to rehab the existing 7,200 square foot building to ship on-line orders. Mr. Valentine stated No Significant County Wide or Inter Community Impact with comments for need for DOT review and issuance of curb cut permit with definitive commercial driveway (as per submittal).

19-73JW Town of Stillwater Planning Board

Mr. Williams presented an application for the Town of Stillwater for a Site Plan Review in the name of Forest Ridge Mixed Use Development LLC. The applicant proposes to build 260 apartment units on 48.9-acres that is to be subdivided from the existing 115.12 acres of the mixed use site. The property is located on

Division Street (Town of Malta). Mr. Williams stated No Significant County Wide or Inter Community Impact.

19-74JK Town of Clifton Park Planning Board

Mr. Kemper presented an application for the Town of Clifton Park for a Site Plan Review in the name of Anyaegbunam. The applicant proposes a 6,000 SF medical office building with 40 parking stalls on NYS Route 146. Mr. Kemper stated No Significant County Wide or Inter Community Impact with comment to seek a NYSDOT permit for commercial driveway on US Route 146.

19-75JK Town of Clifton Park Zoning Board of Appeals

Mr. Kemper presented an application for the Town of Clifton Park for an Area Variance in the name of Fisher Revocable Trust. The applicant is requesting setback and width variances needed due to new subdivision on Crescent Road. Mr. Kemper stated that additional information needed to be requested with comments. The County Planning Board's area variance review is premature due to the current proposed single lot subdivision is directly related to a future, proposed major subdivision with a new town road on same lot. All proposed subdivisions of this lot, along with the proposed Town road, should be submitted for review.

19-76JK Town of Clifton Park Zoning Board of Appeals

Mr. Kemper presented an application for the Town of Clifton Park for an Area Variance in the name of Stormy View Stables. The applicant proposes the construction of a new barn to replace the existing barns on Schaubert Road (County Route #80). Mr. Kemper recommended disapproval with recommendation to modify the variance plan. Mr. Kemper stated that there is a strong concern with the proposed buildings located too close to the County's Right of Way. These concerns include, sight distance, public safety and future needed improvements to the County Roads, such as, drainage needs and widening. It appears that the proposed buildings have ample room of being located further away from the County ROW.

19-77JK Town of Clifton Park Zoning Board of Appeals

Mr. Kemper presented an application for the Town of Clifton Park for an Area Variance in the name of Boni. The applicant proposes to subdivide a parcel to allow construction of two duplexes and donate land to the town. The property is located on NYS Route 146A. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

19-78JK Town of Clifton Park Planning Board

Mr. Kemper presented an application for the Town of Clifton Park in the name of Paulsen Development Office Building. The applicant proposes the construction of a two-story, 40,000 SF medical office building. Parking lot area variance reviewed in April. The location of the property is US Route 9. Mr. Kemper stated No Significant County Wide or Inter Community Impact.

19-81MV Town of Wilton Planning Board

Mr. Valentine presented an application for the Town of Wilton for a Special Use Permit and Site Plan Review. The applicant proposes a 6,000 SF motor bike

shop for retail sales and maintenance and repair. The property is located on NYS Route 50. Mr. Valentine stated No Significant County Wide or Inter Community Impact with comment for need for NYSDOT curb cut permit. The applicant needs to address mitigation of noise with operation of repair shop and maintaining presentable outside “sales” appearance.

19-84JW Town of Ballston Planning Board

Mr. Williams presented an application for the Town of Ballston for a Special Use Permit in the name of Wagtail Pet Grooming. The applicant wishes to operate a pet grooming business by refitting an existing detached garage structure on NYS Route 50. Mr. Williams stated No Significant County Wide or Inter Community Impact.

19-85JW Town of Ballston Zoning Board of Appeals

Mr. Williams presented an application for the Town of Ballston for a Use Variance in the name of Townley & Wheeler Funeral Home. The applicant proposes to expand the funeral home’s parking lot from 21 Midline Road to Charles St. Mr. Williams stated No Significant County Wide or Inter Community Impact.

19-86JW Town of Ballston Planning Board

Mr. Williams presented an application for the Town of Ballston for a Site Plan Review in the name of Iaia & Cornerstone Condominiums, Site Accessories. The applicant proposes site accessories: benches, mailbox cluster location, gazebo, dog park, additional parking spaces and landscape screening. The property is located on NYS Route 50. Mr. Williams stated No Significant County Wide or Inter Community Impact.

19-87JW Town of Ballston Zoning Board of Appeals

Mr. Williams presented an application for the Town of Ballston for an Area Variance in the name of Ballston Spa National Bank. The applicant proposes a 10.3 feet tall sign with an area of 50 SF whereas the regulations allow a maximum of an 8 feet tall and 32 SF sign on Saratoga Road (NYS Route 50). Mr. Williams stated No Significant County Wide or Inter Community Impact.

19-88JK Town of Malta Town Board

Mr. Kemper presented an application for the Town of Malta for a Text Zoning Amendment. The amendment to town code relating to providing a definition for “Townhouse” along with providing setback information including “zero” side yard setback for shared party walls, consistent language for the Form Based Coder and allowing Townhouses in their R-3 District. Mr. Kemper recommended approval.

19-89JK Town of Malta Planning Board

Mr. Kemper presented an application for the Town of Malta for a Site Plan Review in the name of TNT Fireworks-Mulligan’s, SPA. The applicant proposes the sale of fireworks at this location from June 20, 2019 thru July 5, 2019. The property is located on Round Lake Road (County Route 80). Mr. Kemper stated No Significant County Wide or Inter Community Impact.

19-90JK Town of Malta Zoning Board of Appeals

Mr. Kemper presented an application for the Town of Malta for an Area Variance for the construction of a three story motel in the GC-3. They are requesting to have a drive aisle or drop off zone between the building and the primary street which is located. The property is located on US Route 9. Mr. Kemper stated No Significant County Wide or Inter Community Impact..

19-91MV Town of Halfmoon Planning Board

Mr. Valentine presented an application for the Town of Halfmoon for the Change of Occupancy and Site Plan Review for GT Toyz. The applicant proposes to occupy the building for a new franchised sales and service of motor sports, boats, trailers and automobiles. Additional pavement will be installed for vehicle display and storage. The property is located on US Route 9. Mr. Valentine stated No Significant County Wide or Inter Community Impact.

19-92JW Town of Ballston Planning Board

Mr. Williams presented an application for the Town of Ballston for a Site Plan Review in the name of Stevenson. The applicant proposes the construction of two 8-unit condominium buildings and a 12-stalk garage on 1.19 acres. The property is located on NYS Route 50. Mr. Williams stated the project needs modification.

19-93MV Town of Halfmoon Planning Board

Mr. Valentine presented an application for the Town of Halfmoon for a Site Plan Review in the name of Kenworth Northeast Group. The applicant proposes a 6,000 SF addition on an existing 16,625 SF building. The property is located on Rexford Way of Crescent Vischer Ferry Road (State Highway 819). Mr. Valentine stated No Significant County Wide or Inter Community Impact.

19-94MV Town of Moreau Planning Board

Mr. Valentine presented an application for the Town of Moreau for a Site Plan Review. The applicant proposes a 20' x 40' tent for temporary sale of fireworks. The property is located on US Route 9. Mr. Valentine recommended No Significant County Wide or Inter Community Impact with comment for need for locked storage of fireworks.

19-95MV Town of Moreau Planning Board

Mr. Valentine presented an application for the Town of Moreau for a Site Plan Review in the name of Keystone Fireworks. The applicant proposes a 35' x 45' tent for the temporary sale of fireworks. The property is located at US Route 9 & Spier Falls Road (County Route #24). Mr. Valentine stated No Significant County Wide or Inter Community Impact with comments. Mr. Valentine stated that the Plan should indicate specific location of safe and defined points of access. Need for DOT and/or DPW curb cut permits (Recommend Route 9 access).

19-96MV Town of Moreau Planning Board

Mr. Valentine presented an application for the Town of Moreau for Site Plan Review in the name of Common Roots Brewing Company, Inc. /Weber to demolish and construct a 13,458 SF brewery on an expanded site. The

property is located on the corner of US Route 9 & West Marion Avenue. Mr. Valentine recommended approval with comment on the landscaping plan, site lighting, sidewalk and parking.

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

19-A-28MV Town of Milton Planning Board

Mr. Valentine presented an application for the Town of Milton for a Subdivision in the name of LaQue Subdivision. The applicant proposes to subdivide an existing 12.40-acre parcel to create a 5.0 acre vacant parcel and a 7.40-acre parcel with existing residence. The property is located between Old Route 29 off NYS Route 29 and Kayaderosseras Creek. Mr. Valentine recommended approval with comments that there is no need for a NYSDOT Curb Cut Permit and questioned wetland delineation and floodplain elevation.

19-A-29MV Town of Wilton Planning Board

Mr. Valentine presented an application for the Town of Wilton for a Subdivision Review in the name of Ridgeview Townhomes LLC (former G & R Development 2006). The applicant proposed 22-lot residential subdivision within a previously approved PUDD (2011). The property is located at Wilton Gansevoort Road (CR# 32) and Ballard Road (CR#33) 114.-2-15.2. Mr. Valentine reaffirmed prior lapsed approval with comments stating the file was previously reviewed by the Saratoga County Planning Board in 2006 will need 2 curb cut permits from DPW. Street trees, lights and trail connections were also mentioned by Mr. Valentine.

19-A-30MV Town of Halfmoon Planning Board

Mr. Valentine presented an application for the Town of Halfmoon for a Subdivision in the name of Manupella (Belkevich). The applicant proposes a two-lot subdivision of 18,657 SF and 18,777 SF respectively. The subdivision is a re-do of a 2004 local approval with area variances previously granted. The property is located on the Mohawk River in Albany County). Mr. Valentine stated No Significant County Wide or Inter Community Impact.

19-A-31MV Town of Halfmoon Planning Board

Mr. Valentine presented an application for the Town of Halfmoon for a Subdivision Review in the name of Shops at Halfmoon Lot #2 Subdivision. The applicant proposes to subdivide out a 1.28 acre vacant parcel from the existing 3.98 acre commercial plaza site. The location of the property is US Route 9 and

NYS Route 146. Mr. Valentine stated No Significant County Wide or Inter Community Impact.

19-A-32JW Town of Waterford Planning Board

Mr. Williams presented an application for the Town of Waterford for a Subdivision Review in the name of Riberdy's Devitt Road Minor Subdivision. The applicant proposes to take two lots created in a 2018 subdivision (#51 & #53) and merge them into one lot (#51) for the purpose of constructing a duplex home on the new enlarged lot. The property is located on Devitt Road (Town of Halfmoon). Mr. Williams 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. McPherson, the motion was seconded by Ms. Wood and unanimously approved.

Adjournment

As there was no other business to come before the board, on a motion made by Mr. Murray and seconded by Mr. Dal Pos, the meeting was adjourned with all in favor.

Respectfully Submitted,
Cynthia T. Nick, Senior Typist