

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

Saratoga County Planning Board
Meeting Minutes
June 17, 2021

The meeting at the office of the Saratoga County Planning Department located at 50 West High Street in Ballston Spa was called to order at 4:00pm.

Members Present: Tom Lewis, Chairman, Ed Vopelak, Ian Murray, Devin Dal Pos (Zoom), Don McPherson, Marcia Murray and Cynthia Young.

Staff: Jason Kemper, Director, Michael Valentine, Senior Planner, Jeffrey Williams, Planner and Cynthia Nick, Senior Typist.

Guests: Gary Meier, Saratoga County DPW
 Bobby D’Andrea, Resident of Saratoga Springs, NY
 Matthew Jones, Representing Global Foundries and Saratoga Springs City Chamber of Commerce
 Brandon Chudy, Global Foundries
 Terresa Bakner, Whiteman, Osterman and Hanna
 Steve Boisvert, McFarland
 Tim Bailey, McFarland
 Peter Struzzi, Pyramid Brokerage

Approval of Minutes:

The minutes of the May 20, 2021 meeting were unanimously approved on a motion made by Mr. Murray and seconded by Mr. Vopelak.

Recusals: 21-76 Don McPherson and Cynthia Young

Referrals

21-76 Town of Malta Town Board

Mr. Kemper presented an application for the Town of Malta, an amendment to PDD and Text, in the name Scannell Properties LLC (Luther Forest). A proposed amendment to the Luther Forest Technology Campus PDD by expanding the permitted uses within the 2,3,5,6,7, and 9 development areas, expand the definition of manufacturing uses, add warehouse/distribution/last mile center uses and to modify the bulk area regulations for new leasable floor area. The location of the property is Luther Forest Boulevard, County Route 78; Rocket Way County Route 73 and Stonebreak Road Ext. County Route 77 (Town of Stillwater). Mr. Kemper presented the project to the Board and Guests. Ms. Bakner represents Scannell who purchased land in Luther Forest for Scannell Marketing. Ms. Bakner reviewed the hurdles of further development

within the park. Mr. Boisvert explained that Scannell is a privately owned real estate development and investment company focused on build-to-suit projects throughout the US, Canada and Europe. He stated that the Luther Forest Technology Campus is a 1,414 acre site. He stated that the site is environmentally friendly and pre-approved with convenient dedicated Interstate highway access only 1.5 miles away. Mr. Boisvert reviewed existing clients of Scannell. The 20 listed clients included such clients as Lowe's, General Mills, Best Buy and Alcoa. Mr. Struzzi reviewed the Development Strategy, Major Prospecting Targets such as Semiconductor Fabrication Plants, Research and Development/Manufacturing, Industrial and Additional Leads. He stated that Lowe's was interested in the Park however due to limitations their timing was too lengthy and Lowe's backed out. Mr. Struzzi mentioned the existing LFTC Development Constraints. He stated that due to the uncertainty of the timeline, conditions of the PDD and ongoing audits, numerous clients with aspirations of creating hundreds of jobs within the area have terminated their interest and have moved out of state or out of the country. Such companies are C&W requirement for Dev Tech, JLL requirement for Ball Manufacturing, Global Pharmaceutical Company and State of the Art Build-to-Suit Food Production and Packaging Facility. All companies reached hurdles and moved on. Ms. Bakner reviewed the proposed PDD improvements for Development Areas 2,3,5,6,7, and 9. She stated that Areas 4 & 8 are controlled by Scannell. The improvements are as follows: Increase square footage to permit up to 3,500,000 of net leasable area in Development Areas 2,3,5,6,7 and 9. Leaving 500,000 square feet of development for Areas 4 & 8. Expand and define allowable uses to include technology and light industrial, research and development, warehouse/distribution centers/last mile centers, ancillary buildings and uses, including data centers and freestanding office buildings. For Development areas 2,3,5,6,7 and 9 to add new architectural and lighting guidelines, remove special use permit requirement-site plan review only, amend setbacks and buffer area to increase flexibility, clarify green space requirements, specify that independent environmental audits will not be required, synergies with other on site development not be required and business campus environment and complementary business focus not required. Ms. Bakner stated that that the park needs flexibility to determine what fits. Ms. Bakner showed the Board the SEQRA/PDD Amendment Process and stated that currently they are in the Step 7 phase. This will be the 4th SEQRA statement when adopted. Mr. Daley presented the PDD setbacks 2004 and the PDD proposed setbacks. Mr. Daly stated that a Traffic Study will analyze 28 surrounding intersections. This is underway and will be completed ASAP. Mr. Jones (Global Foundries Attorney) and Mr. Chudy (Director of Global Real Estate) were present. Mr. Jones stated that this decision is the jurisdiction of the Saratoga County Planning Board. In 2007, 2008, 2013 and 2015 Mr. Jones evaluated PDD Amendments for Malta and Stillwater. Mr. Jones stated that Global Foundries has a unique roll due to the park being in two jurisdictions; Malta and Stillwater. In 2013 they added detail to the Fab 8.2. Mr. Jones stated that county funds are at stake, providing water from Sewer District #1 and disposal of water undertaken by the roll of the Saratoga County Planning Board impacts of the Scannel project. Mr. Jones stated that Scannell has yet to produce Lead Agency Draft Environments Impact Statement asking to defer consideration of referral on impacts. Mr. Chudy stated that in the opinion of Town Planner Floria Huizinga traffic

improvements remained allocated to Global Foundries. New companies are not able to access traffic impact statements. Mr. Lewis stated that Mr. Jones comments will be considered. Mr. Kemper stated that the traffic study is being considered. Mr. Dal Pos stated his concern about Green Space being 60% and was concerned if this was correct. Ms. Bakner stated that it is correct the PDD Amendment states 60% in the park. Mr. Dal Pos stated that the park needs to encourage development warehouse to support the park. Ms. Bakner stated that she appreciates Mr. Dal Pos's concern and they wish to bring in new users. Ms. Bakner concluded saying that the world changes and that flexibility would make good changes to the park and will attract people to Luther Forest Technology Park. Mr. Lewis asked for recommendations of Mr. Kemper. Mr. Kemper stated that the Board could not render a decision under GML 239 without additional materials being provided to complete an adequate review. The applicant indicated that they were in the process of evaluating 28 intersections identified as needing to be evaluated. Without analysis being complete it would be difficult for the Saratoga County Planning Board to render a fully informed decision as relates to the traffic impacts of the site's full development (to intersections and corridors of county and state roads.) In addition the SCPB commented that the SEQRA/PDD amendment process should be further along (SGEIS completed, etc) prior to rendering a decision. The Board agreed with all in favor. Recusal by Don McPherson and Cynthia Young.

21-80MV City of Saratoga Springs City Council

Mr. Valentine presented an application for Legislative Map and Text Amendments for the City of Saratoga Springs in the name of Unified Development Ordinance. A proposed unified document that compiles town code, land use codes, zoning and subdivision regulations together to provide a more efficient, user-friendly planning tool. Mr. Jones was present for the presentation of this referral. Mr. Valentine stated that the city has gone through two consultants during this process. Mr. Dal Pos stated that the city missed the mark on the goal of the study. Mr. McPherson stated that a business friendly zone would have to be within 250 feet questioning the dumpsters and parking. Ms. Young stated that this is too limiting. She questioned the Environmental Concerns near the Kayaderosseras. Mr. Jones questioned the rational of the county. Mr. D'Andrea stated his concerns of pollution and no containment by the Sewer District. Mr. Murray stated that this is too restrictive. Mr. Vopelak stated that users like gas stations would be too restrictive as well. Mr. Valentine stated that under GML we would have received this and that the comments will not be questionable. Mr. Murray stated 500 feet would be appropriate and Mr. Valentine stated it was 250 feet before with no lot lines. Mr. Murray stated his concern with Ballston Linear Development and Mr. Kemper stated acreage requirements. Mr. Jones questioned the rational. Mr. McPherson and Mr. Vopelak stated that this is the gateway into the city. Mr. Kemper reminded the Board that we must be consistent. Ms. Young questioned the rational for the change. Mr. Jones stated that the GCR is the same. Why wasn't it left GCR and stated there is no rational. Mr. Valentine brought up a referral Just Cats similar to this referral which ended in litigation because it has two zoning districts. Mr. Valentine reminded the Board that Mr. Jones is representing the Chamber of Commerce.

Mr. Jones asked the county for comments for proper zoning. Mr. Jones stated that the zone is the only zone bisected by 11 parcels some of which are owned by Mr. D'Andrea. Mr. Valentine recommended approval with comments.

21-33JW Town of Clifton Park Zoning Board of Appeals

Mr. Williams presented an application for an Area Variance in the name of D, K & S Enterprises Inc. for the Town of Clifton Park. A proposal to build a 7,200 square foot pole barn in need of relief of the Town's required 100 foot buffer between commercial uses and residential uses. The proposed location of the pole barn is in the same location as a former, since then collapsed, storage tent. The new pole barn seeks relief of setbacks from the adjacent residential property lines with proposed setbacks of 30 ft. on the Northside and 40 feet on the Westside. The location of the property is Main Street (County Route 82). Mr. Williams stated No Significant County Wide or Inter Community Impact.

21-61JW Town of Clifton Park Zoning Board of Appeals

Mr. Williams presented an application for an Area Variance for the Town of Clifton Park in the name of Exit 8 Liquor. A proposal to construct a 20 ft. x 60 ft. addition on the back of the existing store has created the need for several area variances. The applicant is required to gain relief for two pre-existing conditions of the site regarding lot area and lot width. The proposed addition has caused the need to gain relief for side yard setback requirement and rear yard setback requirement along with the reduction of a 1994 area variance granted for percentage of greenspace provided for the site. The location is Crescent Road (County Route 92). Mr. Williams stated No Significant County Wide or Inter Community Impact.

21-73JW Town of Ballston Town Board

Mr. Williams presented an application for the Town of Ballston for a Zoning Text Amendment town-wide. A proposal to remove Chapter 86 Town's Solar Collection Systems from the Town Code and add Solar Energy Installations text to Chapter 138 "Zoning" of the Town Code with updated language and administrative review procedure. Mr. Williams recommended approval.

21-74JW Town of Northumberland Town Board

Mr. Williams presented an application for the Town of Northumberland, a Moratorium. A proposal for an 8-month moratorium for the Town to consider updates to its existing Zoning Ordinance that regulates Solar Energy Systems. The location is town-wide. Mr. Williams recommended approval.

21-75JW Town of Northumberland Town Board

Mr. Williams presented an application for the Town of Northumberland for a PUD and Zoning Map Amendment in the name of New Cingular Wireless Telecommunications Development District. A proposed amendment to the Town's Telecommunications Development (TDD) to allow a second telecommunications tower to be built within the proposed expanded PDD area. The location of the property is Blue Herron Terrace (Townwide, NYS Route 50). Mr. Williams recommended approval.

21-78JK Town of Clifton Park Planning Board

Mr. Kemper presented an application for the Town of Clifton Park, a Site Plan Review in the name of Route 146 Technology Building. A proposed two-story, 10,520 s.f. office/warehouse building to be built on an existing 7.40 acre lot off of NYS Route 146. The location of the property is NYS Route 146. Mr. Kemper stated No Significant County Wide or Inter Community Impact.'

A motion to approve Planning Department recommendations for planning referrals as presented was made by Mr. Vopelak and a motion was seconded by Mr. Murray 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

21-A-36JW Town of Charlton Planning Board

Mr. Williams presented an application for the Town of Charlton, a Subdivision Review in the name of Finkle. A proposal to subdivide an 18.11 acre parcel into three separate parcels. Lot 1 will be a two acre lot for a proposed single-family home. Lot 2 will also be a 2.0 acre lot for a proposed single-family home and Lot 3 will be the remaining 14.11 acre lot with an existing homestead. All lots front along County Route 52. The location of the property is Jockey Street (Ag District #2). Mr. Williams stated No Significant County Wide or Inter Community Impact.

21-A-37MV Village of Corinth Planning Board

Mr. Valentine presented an application for a Subdivision Review for the Village of Corinth in the name of The Riverview at Corinth. A proposal to create a 3.2 acre parcel from an existing 10.38 acre parcel. The proposed subdivision is to create a site for a multi-family complex adjacent to the Hudson River. The location of the property is Pine Street Alley (Hudson River, Warren County-Town of Luzerne). Mr. Valentine stated No Significant County Wide or Inter Community Impact.

21-A-39JK Town of Clifton Park Planning Board

Mr. Kemper presented an application for a Subdivision Review for the Town of Clifton Park in the name of Freemire. A proposal to subdivide an existing 1.76 acre lot into two parcels. Lot 1 will be a 0.66 acre parcel for a proposed single-family use. Lot 2 will be a 1.10 acre lot with an existing single family home. Both lots will share a driveway to access Carlton Road. The location of the property is Carlton Road (Kinns Road-County Route 109). Mr. Kemper stated No Significant County Wide or Inter Community Impact.

A motion to approve Planning Department recommendations for planning subdivision as presented was made by Mr. Murray and a motion was seconded by Ms. Young.

Adjournment

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

Respectfully Submitted,
Cynthia T. Nick, Senior Typist