



## **SARATOGA COUNTY PLANNING BOARD**

**TOM L. LEWIS**  
CHAIRMAN

**JASON KEMPER**  
DIRECTOR

### **Meeting Minutes** **August 18, 2022**

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

**Members Present:** Devin Dal Pos, Ian Murray, Ed Vopelak, and Cynthia Young.

**Members Absent:** Tom Lewis, Chairman, Donald McPherson, Marcia E. Murray

**Staff Present:** Jason Kemper, Director, Michael Valentine, Senior Planner and Nisha Merchant, Secretary.

**Staff Absent:** Jeffrey Williams, Planner.

**Guests:** Gary Meier, Saratoga County DPW

#### **Approval of Minutes:**

The minutes of the July 21, 2022, meeting were unanimously approved on a motion made by Ms. Young and seconded by Mr. Murray.

**Recusals:** none

#### **Referrals**

##### **21-54MV Town of Corinth**

Mr. Valentine presented an application referred by the Town of Corinth Town Board, a Moratorium Extension proposed on the construction, establishment, installation, review or approval of any new Wireless Telecommunications Facilities. The original 6-month moratorium covered the dates of February 1 to September 1, 2021. Then two additional extensions brought the moratorium's expiration to September 2022 and the town is now requesting to extend the moratorium for an additional three months or to December, 2022. Located on Town-wide.

Comment: Mr. Valentine explained that the Saratoga County Planning Board recognizes that the Town of Corinth, with limited building/planning staff, has been pursuing the adoption of land use regulations for regulating both ground-mounted solar facilities and wireless telecommunication facilities. It is understood that the town's Zoning Ordinance has recently been amended following a lengthy process toward the regulation of solar facilities utilizing the services of a committee comprised of town staff, the planning board chairman, and a zoning administrator among others. At the same time, the Town Board looked at similar means of legislatively regulating the establishment, installation, and review or approval of any new Wireless Telecommunications Facilities. He noted to the Board members present that the

original 6-month moratorium covered the dates of February 1 to September 1, 2021 and two additional 6-month extensions brought the expiration date of the moratorium to September 11, 2022. In order to allow the Corinth Town Board time to complete its legislation and schedule its adoption, it is now requesting to extend the expiration date of that moratorium to December 11, 2022 (3-month extension). The only concern voiced by the SCPB in its review of this extension was not with the proposed regulation of the use but noting the 16-month duration that may have adversely affected property owners as well as industry applicants. Mr. Valentine suggested that based on this body's review of such actions by other County municipalities, we may wish to recommend that any future consideration of a zoning/building moratorium establish a one-year expiration date within which to work for final adoption.

Mr. Valentine recommended approval of the proposed extension of the moratorium.

#### 21-74JW Town of Northumberland

Mr. Valentine presented an application for the Town of Northumberland, a Moratorium Extension in the name of Town of Northumberland. A proposal to extend the Moratorium for Certain Solar Energy Systems for another 6-months or to March 2023. Located on Town-wide.

Comment: The Board commented on the length of time the moratorium has been in effect with hopes that the Town will be able to complete its review within this 6-month extended time.

Mr. Valentine recommended approval.

#### 22-101MV Town of Halfmoon

Mr. Valentine presented an application for the Town of Halfmoon, a PDD Legislation in the name of Tribley Residential PDD. A proposed PDD to create 42 single-family homes on a 22.08-acre parcel with underlying zoning of Agriculture/Residential. Located on Farm to Market Road (CR# 109).

Comment: Mr. Valentine explained that at its July meeting, the Saratoga County Planning Board decided that additional information was needed to complete its review of the submitted referral (the legislation creating the PDD zoning change from A-R). He noted that such legislation was received on August 8, 2022 following a positive recommendation by the town of Halfmoon Planning Board to the Town Board for approval of the rezoning. In explaining what the applicant presented in its original proposal, Mr. Valentine stated that there were some concerns voiced about the plan and its design, particularly 1) the 44 SF lots, which was later resubmitted as reduced to 42 lots. Under A-R zoning standards the number of building lots on the site's 22 acres would yield 20 lots. Secondly, another point of concern was that the proposed PDD was designed with a minimum lot size of just under 8,500 s.f. A 3<sup>rd</sup> point raised to the town boards was the cross connection to/thru the abutting residential neighborhood (Arlington Heights).

Mr. Valentine explained to the Members that the town of Halfmoon Planning Board's Positive Recommendation on the proposed zoning change to a PDD cites

- a maximum of 38 SF building lots,
- a minimum lot size of 10,000 s.f., and

- recommended that the road connection to Savill Row shall be a full, two-way access public (Town-dedicated) road
  - o Not a one-way out from Arlington to Tribley
  - o Not with a 2-way access for emergency services access only
    - Per fire department
    - Per Highway Superintendent

Mr. Valentine recommended approval of the PDD and the Saratoga County Planning Board voted in full accord with the positive recommendation given by the town planning board to the Halfmoon Town Board, particularly with the endorsement given to a full two-way connection by municipal right of way to and from the existing Arlington Heights residential neighborhood.

#### 22-110JK Village of Round Lake

Mr. Kemper presented an application for the Village of Round Lake, a Zoning Amendment - Text in the name of Village of Round Lake. Proposed additional language to the definition of Cottage Zoning Planned Development District in the Village's Code in Chapter 180 -Zoning to provide clearer separability to the Village's Code Chapter 158 Subdivision of Land and Article VIII Cluster Development provisions. Located Village-wide. Mr. Kemper recommended approval.

#### 22-111MV Town of Wilton

Mr. Valentine presented an application referred by the Town of Wilton Planning Board for Site Plan Review in the name of Liou's Thinking, Inc.. Proposed is construction of a 5,180-s.f. warehouse on a 2.6-acre parcel including access drives, outdoor paved storage and fencing. The property to be developed is located within the NE quadrant of the Edie Road and NYS Rt 50 intersection.

Comment: While the proposed development raises very few impacts that are of a direct concern or impact to Saratoga County or to issues of its purview, we do note that there are review items that deserve attention or mention (while recognizing the town planning board and its professional staff are cognizant of the factors):

- a NYS DOT curb cut permit will be required for the site access to/from the state road,
- because nearly the entirety of the site will be cleared, grubbed, graded and filled, the town planning board should consider the need for an enhanced landscaping and visual buffering plan to particularly address what will become a completely open site that is
  - 1) utilized for commercial vehicle circulation and storage, and
  - 2) removed of visual buffering to the adjacent residential use.

He recommended that the town planning board, in consideration of the site work involved, closely look at how the impact to existing wetland areas will be mitigated, and the way in which stormwater is to be managed through the proposed detention and bio-retention areas.

Mr. Valentine recommended that the site plan specify a distinct number of commercial vehicles/containers to be stored on the paved surface (not in warehouse bays), along with wording on the regulation of non-vehicle outdoor storage. He also suggested the provision of a lighting plan which provides for downcast lighting which does not allow for shed light outside the limits of the site proper.

Mr. Valentine stated No Significant County-wide or Intercommunity Impact.

## 22-112JW Town of Milton

Mr. Valentine presented an application for the Town of Milton, a Special Use Permit & Site Plan Review in the name of Community Emergency Corps Facility. A proposed 11,814 s.f., 4-bay EMS building with associated office space and living quarters. The proposed building will be constructed on a proposed 1.72-acre parcel and utilize an existing curb cut onto Geysers Road (local portion). Located on Geysers Road -Local (Geysers Rd/CR-43 and County Airport).

Comment: Due to the proximity of the proposed project site to the Saratoga County Airport, the applicant needs to be made aware of the requirement for Notification of Construction or Proposed Alteration to the Federal Aviation Administration (FAA). Pursuant to Title 14 of the Code of Federal Regulations (14 CFR) Part 7, any person/organization who intends to sponsor certain construction or alterations must notify the administrator of the FAA whose prime objective is to promote air safety and the efficient use of the navigable airspace. To accomplish this mission, aeronautical studies are conducted based on information provided by the applicant on an FAA Form 7460-1, Notice of Proposed Construction or Alteration. Projects meeting the criteria for notification are to be submitted during the design phase and the construction of such projects should not begin until the FAA returns a response and the terms of such response are satisfied. All further inquiries regarding compliance with FAA regulations and submission of documents as they may relate to the review, approval and permitting of land use applications should be directed to the FAA with a copy to Saratoga County Department of Public Works and the Town of Milton Planning Department.

Furthermore, there is a related, existing Avigation Easement involved with this property by a July 16, 2009 agreement between the Town of Milton and Saratoga County. There needs to be assurance that this easement is conveyed along with the subdivided parcel as the transfer of ownership occurs.

Mr. Valentine stated No Significant County-wide or Intercommunity Impact.

## 22-113JW Town of Waterford

Mr. Valentine presented an application for the Town of Waterford, a Site Plan Review in the name of National Grid Substation Expansion. A proposal to remove an existing 550 s.f. substation building along with the existing apparatus and fencing and replace it with a 880 s.f. building and new apparatus and fencing. Located on Middletown Road/CR-96 (CR-97, RTs 4 & 32, Champlain Canal and Hudson R.). Mr. Valentine stated No Significant County-wide or Intercommunity Impact.

## 22-115MV Town of Halfmoon

Mr. Valentine presented an application for the Town of Halfmoon, a Special Use Permit & Site Plan Review in the name of Tech Property Management, LLC. A proposal to construct a detached, 2,750 s.f. cold storage building on the existing 2.3-acre site with an existing 8,747 s.f. office/warehouse building. Located on Hudson River Road/US Rt 4 & NYS 32 (Hudson R.).

Comment: Mr. Valentine explained that the proposed construction seeks no additional parking, will pose no impact to the existing stormwater management system, will continue to use the existing shared easement that provides ingress/egress at the state

road, and there is nothing noted for connection to the existing public water and sewer services.

Mr. Valentine stated No Significant County-wide or Intercommunity Impact.

#### 22-116MV Town of Halfmoon

Mr. Valentine presented an application referred by the Town of Halfmoon ZBA, an Area Variance in the name of 1605 Route 9/ Tanski. Proposed is the conversion an existing home into a commercial use within the Town's C-1 zone, resulting in the need for three variances due to pre-existing conditions. The required lot area is 35,000 s.f. where the preexisting lot area is 14,619 s.f., the required front yard setback is a minimum of 50 ft. with a pre-existing condition of 22.5 ft., and the minimum required lot width is 150 ft. where the pre-existing lot width is 140 ft. The project site is located on the east side of US Rt 9, north of Sitterly Road.

Comment: An after-meeting discussion has revealed that if the subject variances are granted, the intended use of the structure will be for a retail business (for flooring sales) to occupy the converted residential structure. That information was not provided in the submitted application materials, resulting in concerns voiced about the ability of an unknown use being properly situated and operated (access, parking, circulation) on the substandard commercial parcel. Such further review will come with a referral for site plan review.

Mr. Valentine stated No Significant County-wide or Intercommunity Impact.

#### 22-117JK Town of Malta

Mr. Kemper presented an application for the Town of Malta, a Special Use Permit in the name of 2010 Rowley Road. A proposed conversion of an existing single-family home into a two-family home is permitted by special use permit in the Town's R-8 zone. The existing 3.9-acre lot is located off of Rowley Road/CR61 with an existing driveway access. Located on Rowley Rd./CR-61. Mr. Kemper stated No Significant County-wide or Intercommunity Impact.

#### 22-118JK Town of Malta

Mr. Kemper presented an application for the Town of Malta, a Site Plan Review in the name of Lia Auto Group. A proposed amendment to the existing stormwater basin to include a subsurface infiltration system and the relocation of the septic system will allow for the expansion of 55 parking stalls. There are also updates to the building's interior and exterior. Located on US Rt 9. Mr. Kemper stated No Significant County-wide or Intercommunity Impact.

#### 22-119JW Town of Ballston

Mr. Valentine presented an application for the Town of Ballston, a Area Variance in the name of Wellnow Healthcare Facility. A proposed lot line adjustment involving three parcels has created the need to seek three area variances for the proposed commercial lots. Lot 3 has a proposed area of 0.91-acres where the minimum area allowed in the mixed use Route 50/67 zone is 1.00-acres. Lot 1's proposed width is 141.55 ft. and the front setback is 159 ft. where the lot width minimum allowed per zone is 175 ft and the min/max front setback allowed is 20ft/70ft. Located on NYS RT 50 & 67.

Comment: Although the Board had no concerns related to the requested variances, the Board wished to pass along concern of the cross connection between Routes 50 & 67 that provides access to the proposed commercial development as depicted in the submitted "Conceptual Master Plan" (Sheet CM-1; 7/20/22). The Board asked for the Town's planning board to take consideration early during their site plan review to look for alternative layouts or other mitigating factors that may discourage a "short cut" between the two NYS routes.

Mr. Valentine stated No Significant County-wide or Intercommunity Impact.

#### 22-90JW Town of Ballston

Mr. Valentine presented an application for the Town of Ballston, a Site Plan Review in the name of Mangino Buick, GMC. A proposal to construct a 7,870 s.f. addition on the Northeast of the existing 24,670 s.f. car dealership/service building. Located on NYS Rt 50 & NYS Rt 67. Mr. Valentine stated No Significant County-wide or Intercommunity Impact.

#### 22-120JK Town of Edinburg

Mr. Kemper presented an application for the Town of Edinburg, a Area Variance in the name of Gill Subdivision. A proposed two lot subdivision has brought about the need to seek an area variance for one of the proposed lots. The minimum lot area for the Town's Rural Use is 8.5-acres. Lot 2 is proposed to be 8.05-acres with need of relief of 0.45-acres. Lot 1 will be 8.55 acres. Located on Shields Rd. (adjoining Saratoga County park parcel). Mr. Kemper stated No Significant County-wide or Intercommunity Impact.

**MOTION:** A motion to approve Planning Department recommendations for planning referrals as presented was made by Mr. Murray and a motion was seconded by Ms. Young and unanimously approved. **CARRIED.**

### **SUBDIVISIONS**

#### 19-A-57MV Town of Halfmoon

Mr. Valentine presented an application referred by the Town of Halfmoon Planning Board, a Subdivision Review in the name of Brookwood Farms. Being proposed is an amendment to an approved 17-lot residential subdivision which seeks to allow the applicant to begin installation of the interior infrastructure and road construction prior to obtaining a permit to cross a National Grid easement of fee simple holding needed for site connection to a public ROW. The property is located on Brookwood Road and near Middletown Rd. (CR# 94), Fonda Rd. (CR# 97) & the municipal boundary of the Town of Waterford.

Comment: Prior to any further review of the subject subdivision, the town of Halfmoon Planning Board should receive evidence from the subdivider of there being in place and effective either 1) a current and authorized easement of record by and between National Grid and the subdivider of record, or 2) a permanent crossing permit issued from National Grid to CGM Construction, as was a condition of this body's September 20, 2019 Referral Response Letter and the final subdivision approval granted by the town of Halfmoon Planning Board.

Mr. Valentine stated there was no Significant Countywide or Intercommunity Impact.

#### 22-A-36JK Town of Edinburg

Mr. Kemper presented an application for the Town of Edinburg, a Subdivision Review in the name of Clark/Schaffer. A proposed 2-lot subdivision of an existing 4.729-acre parcel into a 1.675-acre parcel, with an existing camp and a vacant 3.054-acre parcel. Located on South Shore Road/CR-7. Mr. Kemper stated No Significant County-wide or Intercommunity Impact.

#### 22-A-39JW Town of Milton

Mr. Valentine presented an application for the Town of Milton, a Subdivision Review in the name of Community Emergency Corps Facility. A proposed two-lot subdivision of a 21.82-acre parcel in order to create a 1.72-acre parcel for a proposed EMS off of Geyser Road (local portion). The remaining 20.10-acre parcel will remain part of the existing Town Complex & Burgess Kimball Memorial Park. Located on Geyser Road (Geyser Rd/CR-43 and County Airport).

Comments were noted above for related referral (22-112).

Mr. Valentine stated No Significant County-wide or Intercommunity Impact.

#### 22-A-41MV Town of Corinth

Mr. Valentine presented an application for the Town of Corinth, a Subdivision Review in the name of Welch. A proposed two lot subdivision of an existing 100.8-acre parcel to be split in half. Lot 1 and Lot 2 will both have an area of 50.4-acres each with access to Fenton Road via dedicated strips of land (i.e. flaglot) leading to the public ROW. Located on Fenton Road (Town of Lake Luzerne and Hudson R.).

Mr. Valentine stated No Significant County-wide or Intercommunity Impact.

#### 22-A-42MV Town of Halfmoon

Mr. Valentine presented a subdivision application referred by the Town of Halfmoon Planning Board in the name of Noradki. This is a proposed subdivision of an existing 92.54-acre parcel that is bisected by Tabor Road. The proposal consist of separating the southern portion of the parcel on Tabor Road to create a 31.54-acre parcel, leaving +61-acres on the northern side of Tabor Road. The subject parcel is located on Tabor Road near the Town of Clifton Park town line.

Comment: Depending upon the future uses proposed by the subdivider of the subject property, there may be the potential for trail development and interconnection with the Ushers Road State Forest Trail on the west side of Ushers Road.

Mr. Valentine stated No Significant County-wide or Intercommunity Impact.

#### 22-A-43JW Town of Ballston

Mr. Valentine presented an application for the Town of Ballston, a Subdivision Review in the name of Hubbard. A proposed three-lot subdivision of a 6.97-acre parcel off of Diamond Road. Lot 1 will be a 2.55-acre vacant parcel, Lot 2 will be a 2.01-acre, vacant parcel and Lot 3 will be a 2.41-acre parcel with existing homestead. Located on Diamond Rd & Anchor Rd (Lake Hill Rd/CR80 & Ag. Dist. #2).

Comment: The subdivision plan should depict the proposed location of the single-family homes and their driveways on the proposed, vacant lots of 1 & 2.

Mr. Valentine stated No Significant County-wide or Intercommunity Impact.

22-A-44JK Town of Edinburg

Mr. Kemper presented an application for the Town of Edinburg, a Subdivision Review in the name of Quest Holdings. A proposed "land swap" lot line adjustment to convey 0.24-acres from Marco to Questholdings to correct a building encroachment and a 0.24-acres conveyance from Quest Holdings to Marco in the rears of the two parcels. Located on Sinclair Rd/CR-5. Mr. Kemper stated No Significant County-wide or Intercommunity Impact.

**MOTION:** A motion to approve Planning Department recommendations for planning subdivision as presented was made by Ms. Young and a motion was seconded by Mr. Murray and unanimously approved. **CARRIED.**

**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.

### **Adjournment**

As there was no other business to come before the board, on a motion made by Ms. Young and seconded by Mr. Murray, the meeting was adjourned at 4:55 pm with all in favor.

Respectfully Submitted,  
Nisha Merchant, Secretary