



SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

JASON KEMPER
DIRECTOR

Meeting Minutes September 15, 2022

The meeting held in Conference 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 pm.

Members Present: Tom Lewis, Chairman, Devin Dal Pos, Donald McPherson [arrived after vote on minutes], Ian Murray, Marcia E. Murray, Ed Vopelak, and Cynthia Young.

Members Absent:

Staff: Jason Kemper, Director, Michael Valentine, Senior Planner, Jeffrey Williams, Planner and Nisha Merchant, Secretary.

Guests: Gary Meier, Saratoga County DPW; Stephanie Ferradino, Ferradino Firm, PLLC.

Approval of Minutes:

MOTION: The minutes of the August 18, 2022, meeting were approved by a 6-0 vote in favor on a motion made by Mr. Murray and seconded by Mr. Dal Pos. **CARRIED.**

Recusals:

Tom Lewis 22-121; Donald McPherson 22-A-47.

Referrals

22-122JK Town of Clifton Park

Mr. Kemper presented an application for the Town of Clifton Park, an Area Variance (Sign) in the name of United Ag & Turf. Due to the transition of two businesses into one, a proposal to increase the size of wall signage from 78 s.f. to 150 s.f. where 60 s.f. is the maximum allowed in the Town's LI-2 zone. The maximum height allowed for a wall sign is 20 ft where the proposal is to place the proposed sign at a 22 ft height. Located on Ushers Road (I-87). Mr. Kemper stated No Significant County-wide or Intercommunity Impact.

22-123JK Town of Clifton Park

Mr. Kemper presented an application for the Town of Clifton Park, an Area Variance (Sign) in the name of Ravenswood. A proposal to re-locate a freestanding sign off premises next to another existing freestanding sign has caused the need to seek three area variances. Per Town's code, there is no allowance for off premises signs, the maximum area for signage is 60 s.f. where the two freestanding signs have a total area 123 s.f. and no two freestanding signs are allowed less than 50 ft apart whereas the

proposal will allow zero separation. Located on NYS Rt 146 and 146A. Mr. Kemper stated No Significant County-wide or Intercommunity Impact.

22-124JK Town of Clifton Park

Mr. Kemper presented an application for the Town of Clifton Park, an Area Variance in the name of 1739 RT 9 Medical Office. A proposed medical building has caused the need to seek area variances for side and rear yard building setback and front parking setback. The proposed side yard setbacks will be 23.8 ft & 24.8 ft where 30 ft is the minimum allowed. The proposed rear yard will be 21.2 ft where 50 ft is the minimum allowed and the front parking is set to be 13.7 ft where 30 ft is the minimum allowed per Town Code. Located on US RT 9. Mr. Kemper stated No Significant County-wide or Intercommunity Impact.

22-126MV City of Saratoga Springs

Mr. Valentine presented an application for the City of Saratoga Springs, a Zoning Amendment-Map in the name of City of Saratoga Springs. A proposal to extend the UR-4 zoning from the adjacent neighborhood across from Jefferson Street to create a workforce housing development. Located on Crescent Ave and Jefferson St.

Comments: In June of 2018 the Saratoga County Planning Board reviewed an amendment proposed to the city's Comprehensive Plan. Along with that referred action, amendments to the city's Zoning Map and the Ordinance's text were submitted that involved consideration of use/uses for the same parcel of land which is the subject of the present zoning map amendment. Sought then was to add Residence-Multi Family as a future land use to be considered, to amend the Future Land Use Map, and the rezoning of the subject parcel from Rural Residential to Institutional Horsetrack-Related. The underlying desire for these changes was to effect the review and approval of a development plan on the 30-acre parcel of 192 affordable housing dwelling units within two buildings.

Presented to the City Council by the applicant (Liberty Affordable Housing, Inc.) for Council consideration is a zoning map amendment, with no materials or proposed changes requested to the Comprehensive Plan (if necessary) or to the Comp Plan Map or to the text of the Zoning Ordinance (silent as to how the processing of this action will interplay with the City's newly adopted UDO, to the degree necessary). The Zoning Map amendment seeks a change in designation of the single 30-acre parcel from the present RR-1 (Rural Residential) to UR-4 (Urban Residential). The proposed change in zoning is desired to move forward to the City Planning Board a site plan for two residential structures comprised of affordable housing dwelling units.

It is important to note that in its reviews of legislative actions referred by a City Council, a Town Board or a village's Board of Trustees, the Saratoga County Planning Board has adopted an unwritten practice of affording these bodies the due responsibility of their elected position in both review and adoption relevant to land use determinations and decisions. On behalf of the county planning board, our principal review comments are noted below and are provided to highlight discussion points that we are certain have already been dug into in some depth by all parties from the 2018 application through to the current application four years later:

- 1) The SCPB expressed that the City's elected body has an existing record of material, information, and documented presentations pertinent to the use of this property which SCPB and Staff have no true need to expand upon,

- 2) In the 2018 actions, and what would be the resulting use proposed for this property, the SCPB voiced concern that “all parcels now designated as zoned INST-HTR would be open to multi-family development, not just the subject parcel...”.
 - a) As noted, that action proposed a zoning text amendment to add multi-family housing as a permitted use in the INST-HTR District. Such inclusion of a single new use into the Use Schedule and Area and Bulk Schedule is not now being proposed. What is proposed is the rezoning of the entirety of the parcel to that of an already existing District designation, UR-4.
 - b) This zoning amendment does not request – as previously - the addition of one particular use that could have ramifications to all similarly-zoned parcels throughout the city, but does propose that all of the permitted uses of UR-4 are available to this property as in other similarly designated lands with the City.
 - c) The zoning designation that is being requested – UR-4 – is not one that would exist in a vacuum as parcels and general areas along Jefferson Street already are so designated (particularly directly across from the subject property).
 - d) SCPB noted that a thorough review of the entire list of that District’s uses for development of the subject property should be considered by the City Planning Board in an Advisory Opinion and be part of the Council’s discussion (and it was noted that this is not historically unknown territory for both bodies).

The SCPB further discussed that there may be more local favor afforded the particular end use and density of this specific property if the City and the applicant can legislatively come to some type of a contractual agreement (if feasible and permissible) similar to (but foundationally different from) a PDD sunset provision (similar to the recent discussions on the Aronson Rt. 50 property) that locks the rezoning of this property to a timed approval and development of the very use and components of Liberty’s end use. Again, this is only presented as a discussion point for consideration of a legislative means that could provide for the desired use and tie development to that particular and permitted UR-4 use. Protections could be incorporated to prohibit - if such development is not acted on - the possibility of allowing for the later consideration by others (piggybacking on) within the list of UR-4 uses and density permitted but were never part of the 2018 or 2022 presentations.

Mr. Valentine recommended approval.

MOTION: A motion to approve the City of Saratoga Springs Zoning map amendment as presented was made by Mr. Vopelak, seconded by Ms. Young and unanimously approved. **CARRIED.**

21-54MV Town of Corinth

Mr. Valentine presented a referral submitted by the Town Clerk of the town of Corinth, a Legislative Zoning Amendment - Text Amendment. The Town Board is moving toward adoption of a Local Law to establish regulations on Wireless Telecommunications Facilities. Located Town-wide.

Comments: Mr. Valentine explained that the legislation includes several favorably-viewed aspects, such as a prohibition of such use in the R-1, R-2 and R-3 residential zoning districts; that existing facilities are permitted to continue while any future modifications will require complete review to comply with this legislation; special use permits will be required for new installation, collocation and modification; site plan review is to follow if a SUP is granted; and, a tower is to be set back from an abutting

parcel (or road/ROW) by a distance of tower height plus 10% to provide clearance for collapse.

Mr. Valentine recommended approval.

22-100MV Town of Corinth

amended to "BWPP Heath Brook LLC" by motion of the Board on 2/16/2023

Mr. Valentine presented an application referred by the Town of Corinth ZBA, an Area Variance sought by ~~BWPP Sand Brook LLC~~ (Solar array). Proposed is a commercial solar array to be constructed on approximately 30 acres of a 113.5-acre site comprised of four separate parcels. The area variances for side yard setbacks result because the applicant intends on keeping the four tax parcels intact (without merging them as one parcel) creating a design in which the area encompassing the solar array overlaps the parcel boundaries. Located within the 500-ft. trigger for referral due to its distance from the municipal boundary of the Village of Corinth.

Comment: The SCPB recognizes the thought-out project design, particularly the emphasis on negating visual impacts to neighboring properties and travelling public. Mr. Valentine explained that there are no significant impacts of a direct county or countywide nature resulting from the properties' development under new zoning regulations, but he did want to again draw the town zoning board's attention to the concerns voiced in our August 9, 2022 correspondence to the planning board with regarding the unnecessary need to carry forth four separate parcels rather than to merge them as one – which would have negated the need for any variances and would have removed a burden for the town assessor's records.

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

22-121JW Town of Galway

Mr. Williams presented an application for the Town of Galway, a Zoning Amendment - Map in the name of Town of Galway. A proposal to rezone a 2.54-acre Agricultural/Residential (A/R) zoned parcel to a Commercial (C) zoned parcel. The A/R parcel is adjacent to a 1.58-acre Commercial zoned parcel owned by Stewart's Shop. The rezoning will allow Stewart's to purchase the 2.58-acre parcel and use it to expand their septic field. Located on NYS Rt 29. Mr. Williams recommended approval.

22-125JW Town of Stillwater

Mr. Williams presented an application for the Town of Stillwater, a PDD Legislation in the name of Kings Isle PDD Ph. 6. A proposed PDD to extend twelve (12) 11-unit apartment buildings or 132 total units of the Kings Isle apartments onto an adjacent 55.9-acre parcel to the east. Located on NYS Rt 67. Mr. Williams recommended approval.

22-127MV City of Mechanicville

Mr. Valentine presented an application for the City of Mechanicville, a Use Variance in the name of Capital District Ventures. A proposal to convert a vacant light-industrial building into a single-family residence. Located on Saratoga Avenue (NYS Rt 67). Mr. Valentine stated that he has spoken with the Chairman of the City Zoning and Planning Commission and determined that the Chair will resubmit this referral when the appellant has made application for a specific use (non generic) for the existing building. Presently the application/referral has been pulled from consideration.

22-128MV Town of Corinth

Mr. Valentine presented an application for the Town of Corinth, an Area Variance in the name of Schuyler LLC. The design of the proposed residential subdivision with wetlands is design with proposed Lots 2, 3, 4, 5 & 6 of six new building lots seeking relief from the district requirement of 100-ft lot frontages along a public ROW as well as the need to meet the required 200-ft. lot frontage. The principal frontage and access for the existing single tax parcel is its location on NYS Rt 9N and is additionally referable because of the property's location in regard to the municipal boundary with the Village of Corinth.

Comment: Members of the Saratoga County Planning Board made note that their vote to disapprove the variances requested (cited as being only the need to meet the required 200-foot lot width, without reference to the fact that for 5 of the 6 proposed lots there is not the requisite 100 feet of frontage on a public road or right of way) is restrained only by there being no direct county or countywide impact due to the variances. In effect, advised Mr. Valentine, the proposed variances being requested of the Town of Corinth ZBA should only be heard following the receipt of an advisory opinion from the town planning board.

It was staff's recommendation to the SCPB that it is the deficient subdivision design itself which creates the need for substantial variances, resulting in an undesirable neighborhood character and the potential for adverse environmental effects. We note that there is only requisite frontage (100 ft. on a public right of way) and lot width (200 ft.) for the 26 acres of proposed Lot 1 that fronts the state road. While the 54-acre site does have sufficient frontage and lot width as one parcel, once subdivided that frontage and width is only afforded to Lot 1 and there is no means of access or utilization of that frontage for the remaining lots due to the extent of wetlands.

Mr. Valentine noted that it is not the role or objective of this Board nor its staff to design or redesign what has been provided for the consideration of both local review bodies; however, as already stated, his thought was that the issuance of an advisory opinion from the town planning board should precede review and action by the ZBA on the requested variances. We would suggest that the planning board consider:

1. That a driveway location for Lot 1 be delineated (on the site itself and on the subdivision map) taking into consideration the sight distance standards for safe ingress/egress along NYS Rt. 9 that would be required for a permit from NYS DOT, and
2. Rather than access being from a long dead-end street with substandard frontage for even one lot, the remaining 26 acres with insufficient frontage along Dayton Drive may have to be designed with a public road having a 60-ft ROW through the 26 acres with 2-acre lots of 200-ft. frontage developed from it.

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

22-129JW Town of Milton

Mr. Williams presented an application for the Town of Milton, an Area Variance in the name of Saratoga Winery. A proposal to separate the existing home and the Saratoga Winery business has created the need to seek a side yard setback variance for the Winery at 48 ft where 50 ft is the minimum allowed. The proposed subdivision also

created 22.5 ft side yard setback for two metal accessory buildings being separated. Located on NYS Rt 29.

Comment: The Planning Board questioned whether or not the two accessory buildings meet the merits of accessory buildings in the Town's Zoning Code: Article V Area and Bulk Regulations, Section 180-17-B.2.b? If so, it appears this would eliminate the need for side yard setback area variance relief for the two accessory buildings.

Mr. Williams 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, seconded by Ms. Young and unanimously approved. **CARRIED.**

SUBDIVISIONS

22-A-46JK Town of Wilton

Mr. Kemper presented an application for the Town of Wilton, a Subdivision Review in the name of Ingersoll Road Conservation Subdivision. A proposed 35-lot conservation subdivision on a 73.37-acre parcel that is bisected by Ingersoll Road. Located on Ingersoll Road (NYS Rt 50).

Comments: The SCPB reviewed the project and issued a decision of No Significant County Wide or Inter Community Impact. However, there were some issues raised by Planning Board members that may want to be considered as the local Planning Board continues its review on the project.

The intersection of NYS Rt. 50 and Ingersoll Road has recently received funding through CDTC for design on intersection improvements. Any anticipated ROW required for that project should be discussed and resolved during the subdivision approval process.

Although internal to the subdivision, the significant amount of grading for the road and some lots (proposed Road A) did raise concerns from SCPB members, especially considering the sandy soils that are prevalent in the project area. In addition, Board members expressed that deed restrictions may want to be considered in the areas where dwelling units abut the wetland and/or buffer areas. We assume that through the submitted SWPPP the groundwater elevation (particularly in the area of extensive grading) has been identified and individual lots will not be adversely affected relative to the town's required 3-ft. separation above groundwater elevation.

16-A-38MV City of Saratoga Springs

Mr. Valentine presented an application for the City of Saratoga Springs, a Reaffirmation of a prior subdivision review. in the name of The Mill, LLC. Reaffirmation of a previous subdivision review consisting of a subdivision of a 3.5-acre site into 2 commercial lots with existing uses. Located on High Rock & Excelsior (NYS Rt 50).

Comments: This application has been reviewed by staff and with the necessary concurrence of two Board members reaffirming the approval of the previous subdivision review.

Mr. Valentine recommended approval.

21-A-87MV Town of Halfmoon

Mr. Valentine presented an application for the Town of Halfmoon, a Subdivision Review in the name of Hank's Hollow. A proposed phasing plan for the 110-lot major subdivision. Phase I will be to construct 33 homes with supporting roads and infrastructure, Phase II will be to construct 31 home and the last phase will be to construct 45 homes. Located on Staniak Road (Town of Stillwater & Zim Smith Trail). Mr. Valentine stated No Significant County-wide or Intercommunity Impact.

22-A-30JW Town of Edinburg

Mr. Williams presented an application for the Town of Edinburg, a Subdivision Review in the name of MGH Estates. A proposed seven lot subdivision that is bisected by the shared boundary Town of Northhampton/Fulton County and Town of Edinburg/Saratoga County. Of the seven lots involving Saratoga County, two lots will have their principal building within the county. Applicant has responded to previous comments by merging Lot 19 and Lot 1 to resolve the landlocked parcel issue and has provided wetland information on the subdivision plan. Located on White Birch Road (Town of Northhampton/Fulton County).

Comment: The applicant has responded favorably to the County's July 29, 2022 comment/review letter by merging proposed Lot 19 and Lot 1, thus eliminating the concern over the "landlocked" parcel and providing direct frontage onto a public right-of-way. The applicant has also provided the wetland delineation on the subdivision plan. These revisions will need to be represented on the subdivision plan at the time for filing with the County Clerk's Office.

Mr. Williams recommended approval.

22-A-45MV Town of Halfmoon

Mr. Valentine presented a subdivision referred from the Town of Halfmoon Planning Board, a subdivision titled Noradki North. This action follows last month's review by SCPB of a subdivision of the parent-parcel (92 acres) into two lots split by Tabor Road, one being 61 acres and the other becoming a 31-acre lot. This action proposes the subdivision of an existing +61-acre parcel on the north side of Tabor Road into two parcels, creating a vacant 24.5-acre parcel and the remaining 36.5-acre parcel on which are existing residential improvements. Located on Tabor Road within referable distance from the municipal boundary with the Town of Clifton Park.

Comments: Mr. Valentine explained that the SCPB previously reviewed the subdivision of the 92-acre parcel owned by Noradki as a subdivision proposed by Tanski which would create two new building lots of roughly 61 and 31 acres divided by the town ROW along Tabor Road. By that subdivision, the subdivider (Tanski) was to acquire the southern lot of roughly 31 acres with the remainder to remain with Noradki. Because the mylar of that subdivision had not yet been filed with the County Clerk at the time this referral was submitted, we noted that the town should have

submitted this action as a 24.5-acre subdivision of a 92.54-acre parcel in the name of Noradki.

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

22-A-47JW Town of Milton

Mr. Williams presented an application for the Town of Milton, a Subdivision Review in the name of Rowland Street Subdivision. A proposed 14-lot single family lot subdivision with a proposed mixed-use lot on a 15-acre parcel off of Rowland Street (local road portion). Located on Rowland Street (local road portion) (City of Saratoga Springs). Mr. Williams stated No Significant County-wide or Intercommunity Impact.

22-A-48JW Town of Milton

Mr. Williams presented an application for the Town of Milton, a Subdivision Review in the name of 11 Encore Drive. A proposal to consolidate two parcels into one parcel which is reviewed by the Town as a subdivision review. Located on Encore Dr (Rowland St Co Rd 47). Mr. Williams 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. Vopelak 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.

Other Business

Mr. Lewis stated that the annual Planning and Zoning Conference is scheduled for February 1, 2023 and asked board members to think about speakers and sessions for the conference and to send their recommendations to him and the Planning Department.

Adjournment

The meeting was adjourned at 4:55 pm.

Respectfully submitted,
Nisha Merchant, Secretary