



## **SARATOGA COUNTY PLANNING BOARD**

**TOM L. LEWIS**  
CHAIRMAN

**JASON KEMPER**  
DIRECTOR

### **Meeting Minutes October 20, 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:** Devin Dal Pos, Donald McPherson, Ian Murray, Ed Vopelak, and Cynthia Young.

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

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

**Guests:** none

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

**MOTION:** The minutes of the September 15, 2022, meeting was unanimously approved on a motion made by Mr. Murray and seconded by Mr. Dal Pos. **CARRIED**

**Recusals:** Donald McPherson 22-136.

#### **Referrals**

##### **22-95MV Town of Moreau**

Mr. Valentine presented an application for the Town of Moreau, a Special Use Permit in the name of Stone Self Storage. A proposal of site development for 26,000 s.f. of self-storage units on a 3-acre parcel in the commercial corridor of US Rt 9. The existing 6,000 s.f. building in front will be used for office space. The current site's existing commercial curb cut is to remain. Located on US Rt 9.

Comment: Previously reviewed for Site Plan Review (as referred by the town PB) at our July 21st meeting. The town planning board suspended its action until this current SUP application was submitted by the ZBA and SCPB reviewed that referral.

The use is proposed within an existing commercial corridor of like auto-based businesses and has an existing Rt. 9 commercial driveway intended for use. In review, the SCPB suggested that the applicant move that entrance more distinctly to one side or the other of the site's frontage to minimize conflicting movements at the front of the office building. Members also suggested that the town planning board consider where the site's trash receptacle will be placed (not identified) and how snow storage or removal will be managed to provide for internal vehicle circulation. It is recommended that the town receive a sign-off letter from emergency service providers related to

access and maneuverability on-site. Also, to be considered as part of site design should be site lighting, signage and access appropriate to the new development potential in this corridor.

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

### **22-131MV Town of Wilton**

Mr. Valentine presented an application for the Town of Wilton, a Special Use Permit & Site Plan Review in the name of Wilton Road Solar, LLC. A proposal to place a solar array on ~29.8-acres of a 65.58-acre parcel off of Wilton/Gansevoort Rd. Located on Wilton/Gansevoort Rd/CR-32.

Comment: Applicant (named in submitted materials as both Wilton Road Solar, LLC and as Seaboard Solar) proposes to build by 2023 and energize by 2024 a community solar array to be operated for 25 years. Access to/from the site by means of CR# 32, which will require a curb cut permit from Saratoga County DPW.

The building location is a forested site with what may appear to be a noted presence of wetlands and/or evidence of water/stream flow for which verification should be submitted (citing they are existing or non-existing).

The plan depicts the array surrounding the east and north sides of the existing residence that fronts on Wilton-Gansevoort Road. The applicant states no additional screening beyond existing vegetation is currently being planned. We recommend that, as with past submittals to the town planning board, the applicant submit photos of the impacted area of the site from the existing residence and along road frontage, identifying the proposed entry location and the array location. It is our suggestion that there should be the submittal of a proposed landscaping plan and evergreen vegetative buffering, if and as necessary.

Staff noted that there will be 30 acres of site prep and disturbance, that there are areas of steep slopes, and clearing & grading which will impact directional flow of surface water. The management of on-site stormwater will have to be accounted for and a stormwater pollution prevention plan submitted based upon the extent of disturbance.

Members of the SCPB made a recommendation during discussion that the town planning board consider as part of any approved SUP a constraint by which time/date following site plan approval the construction of the solar array should begin in order to minimize the time that the site is left cleared and graded w/o coverage over the disturbed site area.

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

### **22-132JW Town of Milton**

Mr. Williams presented an application for the Town of Milton, a Zoning Text Amendment in the name of Town of Milton. A proposal to add language to the Town's Chapter 180-Zoning, Article VII, Section 180-42 to regulate livestock buildings and manure storage on parcels less than 2-acres within the Town's R-2 zoning district. Located Town-wide.

Comment: The Board questioned whether there are other regulations within the Town Code that regulates the number and type of livestock that can be housed on any particular parcel size to assure a safe and healthy environment for the residents and animals. The Board also suggested on regulating the amount allowed and length of time to store any of the manure, dust or odor-producing substances.

Mr. Williams recommended approval.

### **22-133JW Town of Milton**

Mr. Williams presented an application for the Town of Milton, a Legislative Comprehensive Plan & Zoning Amendment Text & Map in the name of Town of Milton. The Town wishes to incorporate the study and its findings from the recent Route 50 corridor study to amend their comprehensive plan and zoning ordinance. Amendments include: replacing a past corridor study in their comp. plan with the current adopted NYS Route 50 Corridor Study, changing Commercial Transition (CT) zoning district to Corridor Mixed Use (CMU) district, adding Design and Maintenance Standards within the CMU district, amending District Schedule of Use Regulations and District Schedule of Area and Bulk regulations and identifying the CMU district on Town's zoning map. Located Town-wide (NYS Rt 50, Northline Rd/CR-45, City of Saratoga Springs, Town of Malta & Village of Ballston Spa).

Comment: The Board wished to convey to the Town of Milton that consideration with the Village of Ballston Spa should take place as the new zoning regulations within the CMU zoning district are implemented. The Board's view, as the Rt 50 corridor develops (redevelops), the corridor should complement the Village rather than distract and compete with the downtown atmosphere of the Village of Ballston Spa.

Mr. Williams recommended approval.

### **22-134JW Town of Ballston**

Mr. Williams presented an application for the Town of Ballston, a Area Variance in the name of Burnt Hills Family Dental. A proposal to construct a 648 s.f. addition on a dental office on a pre-existing non-conforming lot size has created the need to seek relief for area variances for lot area and side yard setback requirements. The pre-existing lot area is 0.82-acres where one acre is the minimum required and the proposed addition creates a 11.8 ft. side yard setback where 20 ft. is the minimum required. Located on Lake Hill Road/CR-58 and Goode Street/CR-57.

Comment: Although related to site plan review, the Board questioned how access will be gained to the garage structure and whether or not the existing curb cut onto Lake Hill Road will be abandoned since the proposed addition impedes the use of the existing driveway.

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

### **22-135JW Town of Milton**

Mr. Williams presented an application for the Town of Milton, a Special Use Permit & Site Plan Review in the name of Prime Group Holdings, LLC. A proposed private 14,940 s.f. airplane hanger to be constructed on Saratoga County Airport property within the proximity of the Greenfield Avenue and Geyser Road intersection. The proposed access is gained by modifying the West Airport Access Road and using the

existing curb cut to Geyser Road. Located on Geyser Road/CR-43 (Greenfield Ave/CR-50, Rowland St./CR-47, Saratoga County Airport).

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

### **22-136JK Town of Malta**

Mr. Kemper presented an application for the Town of Malta, a Site Plan Review in the name of KPM Restoration. A proposed construction of an 8,000 s.f. warehouse addition to the existing 9,500 s.f. office/warehouse building located on a 1.99-acre parcel. Located on Knabner Road (US Rt 9).

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

### **22-137JK Town of Malta**

Mr. Kemper presented an application for the Town of Malta, a Project Plan Review in the name of The Lofts at Saratoga Blvd. Phase III. A review for consistency of the Town's Form Base Code on the proposed construction of a single-apartment building, with 40 apartment units, to be added to the existing apartment complex consisting of 278 apartment units on a 2.13-acre parcel. Located on US Rt 9.

Comment: The Board determined the project posed No Significant County Wide or Inter Community Impact, however there were some concerns raised by Board members based on the proposed layout and materials submitted for review. The proposed layout of the parking lot indicates that ingress and egress into a number of parking spots will be restricted. The updated traffic summary should be provided for review prior to any approval by the Town of Malta. The Board recognizes that the original review for this project evaluated the traffic impacts at that time.

### **22-138JK Town of Clifton Park**

Mr. Kemper presented an application for the Town of Clifton Park, a Use Variance (Sign) in the name of North Country Commons. A proposal to replace an existing free-standing pylon sign, for the existing plaza, with a new pylon sign that is animated with a reader board. Located on NYS Rt 146 & Vischer Ferry Rd/CR-90. Mr. Kemper stated No Significant County-wide or Intercommunity Impact.

### **22-140JK Town of Clifton Park**

Mr. Kemper presented an application for the Town of Clifton Park, a Site Plan Review in the name of Eagle Crest Golf Club Inc. A proposal to construct a 1,870 s.f. building adjacent to a patio with a future breezeway connecting to the existing clubhouse. Located on NYS Rt 146A. Mr. Kemper stated No Significant County-wide or Intercommunity Impact.

### **22-141MV Town of Greenfield**

Mr. Valentine presented an application for the Town of Greenfield, a Special Use Permit in the name of Glasser. A proposal to demolish an existing garage and replace it with a garage and an in-law apartment on a 12.63-acre parcel. Located on NYS Rt 9N.

Comment: The submitted referral is for the SUP only. A building permit only is necessary following planning board review for issuance of a permit for special use as the town zoning ordinance allows for garages with apartments in the subject District without site plan review.

Based upon the submitted materials, the apartment will be serviced by a separate well and septic to be constructed and there will be no new driveway to be constructed/needed.

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

### **22-142MV City of Saratoga Springs**

Mr. Valentine presented an application for the City of Saratoga Springs, a Zoning Text Amendment in the name of City of Saratoga Springs. City wishes to amend its Unified Development Ordinance to address required notice, demolition in the Inner district, architectural review in Inner district, and review of city projects. Located on City-wide.

Comments: The Saratoga County Planning Board recognized the proposed amendments to involve review components of a local or internal nature without impact of a countywide or intermunicipal characterization usually referred under GML 239-1.

- 1) On-site property notices required from the time of application in Historic and in Architectural Review Districts,
- 2) Applications subject to DRB review when removal of 25% or more of an existing principal or accessory structure is proposed for a property that is listed or eligible to be listed on the National Register and is located w/in the Inner District,
- 3) Within the Inner District, a proposed structure on a vacant lot is subject to one-time review by DRB related to architectural compatibility a. Future alterations not subject to review by DRB
- 4) An advisory opinion from the necessary land use boards is required “for all City projects, not just City landmarks.” It was the thought of Staff and Board Members that this of all four amendments required more wording to help understand its meaning, purpose and applicability. Particularly, the definition of what constitutes a City project would be helpful.

Mr. Valentine recommended approval.

### **22-143MV 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 construct 24-units or more of apartments units within the City's Light Industrial zoning district. Located on William Street (NYS Rt 67 & US Rt 4).

Comments: The referral was originally submitted to the Saratoga County Planning Board for review in September as part of an application for a use variance to convert a vacant building into a one-family residence (res. in LI District). Upon resubmission, SCPB staff met on site with representatives of the City offices and discussed the proposed residential use of the property, the mix of existing surrounding uses (multi-family residential, commercial, retail, recreational. Staff noted and in review the SCPB concurred that the proposed use of the property appears to be compatible with character of the surrounding neighborhood, noting that the existing railroad line does create a clear line of demarcation. There was a discussion regarding the City's Comprehensive Plan, whether any review and update is considered and the impact to the present zoning ordinance that work may result in.

Specific to the subject proposal, Staff recommended that the appellant provide City Planning and Zoning Board with

- Clear financial evidence that a reasonable return cannot be realized on the property as it is now zoned,
- Evidence that the proposed use variance will not alter the essential character of the neighborhood, and
- Evidence and explanation that the unnecessary hardship is unique to this property and has not been self-created.

Overall, it was noted by Board and Staff that the overriding impact of granting a use variance will be governed by the site plan that is generated in accord with the zoning ordinance on this particular parcel, which will involve review by the same body of members.

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

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

### **SUBDIVISIONS**

No subdivision reviews.

### **MOUS**

#### **22-A-50MOUJW Town of Charlton**

A proposed lot line adjustment consisting of conveying a 0.80-acre portion of a 58.74-acre property to an existing 0.99-acre property creating a 1.79-acre parcel with existing residential improvements along Sweetman Road. Located on Sweetman Road/CR-55 (Ag.Dist.#2).

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Charlton Planning Board, the referral for Subdivision Review was reviewed on 10/5/2022 by Mr. Williams with concurrence from Mr. Dal Pos and Mr. Murray that the action posed No Significant County-wide or Intercommunity Impact.

#### **22-103MOUMV Town of Wilton**

A proposed ~130 ft telecommunication tower with a 4 ft lightning rod to be constructed on the Wilton Fire Station's 3.21-acre parcel. Located on US Rt 9.

Comment: Area and Use variance reviewed in July 2022.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Wilton Planning Board, the referral for Special Use Permit and Site Plan Review was reviewed on 10/14/2022 by Mr. Valentine with concurrence from Mr. Lewis and Mr. McPherson that the actions posed No Significant County-wide or Intercommunity Impact.

#### **22-A-49MOUMV Town of Wilton**

A proposal consisting of three boundary line adjustments and a two lot subdivision involving a vacant, 36.718-acre parcel in the vicinity of Corinth Mountain Road and

Woodard Road intersection. Located on Corinth Mountain Road/CR-101 & Woodard Road.

Comment: Area Variance reviewed in March 2021 (#21-29). A County DPW driveway permits will be required for the two proposed residential lots.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Wilton Planning Board, the referral for Subdivision Review was reviewed on 10/19/2022 by Mr. Valentine with concurrence from Mr. Lewis and Mr. Dal Pos that the action posed No Significant County-wide or Intercommunity Impact.

**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**

The meeting was adjourned at 5:05 pm.

Respectfully Submitted,  
Nisha Merchant, Secretary