



SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS
CHAIRMAN

JASON KEMPER
DIRECTOR

Meeting Minutes **July 21, 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, Ian Murray, Marcia E. Murray, Ed Vopelak, and Cynthia Young.

Members Absent: Donald McPherson

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

Guests: Gary Meier, Saratoga County DPW; Steve Bulger, County Administrator; Peter Lilholt, CT Male; Greg Connors, GlobalFoundries; Brendan Chudy, GlobalFoundries; Matthew Jones, Jones Steves Law Offices.

Approval of Minutes:

The minutes of the June 16, 2022, meeting was unanimously approved on a motion made by Mr. Murray and seconded by Mr. Dal Pos.

Recusals: none

Referrals

22-75JK Town of Malta and 22-77 Town of Stillwater

Mr. Kemper presented an application for the Town of Malta, a Site Plan Review in the name of GlobalFoundries U.S. Inc. A proposed new semiconductor fabrication facility that is known as Fab 8.2. A proposed total building footprint of the project is 632,721 s.f. of buildings will be constructed with 85% of the development in the Town of Malta and the rest in the Town of Stillwater. The Town of Malta will obtain the main 346,920 fabrication building with overhead covered corridors connect to Fab 8.1 buildings. There are also a total of 102 new parking spaces proposed that was derived by actual need vs. required per code. Located on Stonebreak Road Extension (Stonebreak Road/CR-77 & Town of Stillwater).

Comment: As a follow up to the 6-20-2022 comment letter in regard to this proposed project, staff of the Saratoga County Planning Department had a meeting with the applicant's representatives on 6-21-2022. Subsequently, the applicant provided a response letter of 6-27-2022 which was distributed to Planning Board members for review.

Due to the magnitude of the project and the complexity of the issues to be resolved, the Saratoga County Planning Board recognizes that certain aspects of the project will

need to be finalized after approval is granted. These project aspects are related to necessary infrastructure improvements such as roads, water, and sanitary sewer. If not reviewed, designed and constructed sufficiently, the proposed and required improvements have the potential to pose inter-community county wide impacts if not done adequately. The SCPB urges that as part of their review processes the local municipalities place any necessary conditions to their approval to ensure that these issues are adequately addressed.

Based on the 6-21-2022 meeting and 6-27-2022 response from the applicant, Mr. Kemper recommended approve with comment.

MOTION: A motion to approve the Town of Malta referral for the Site Plan Review in the name of GlobalFoundries was made by Mr. Lewis and a motion was seconded by Ms. Young.

AYE: Mr. Dal Pos, Mr. Murray, Mr. Vopelak, Ms. Young, Mr. Lewis

NAY: Mr. Murray

Motion carried, 5-1.

MOTION: A motion to approve the Town of Stillwater referral for the Site Plan Review in the name of GlobalFoundries was made by Mr. Lewis and a motion was seconded by Ms. Young.

AYE: Mr. Dal Pos, Mr. Murray, Mr. Vopelak, Ms. Young, Mr. Lewis

NAY: Mr. Murray

Motion carried, 5-1.

22-95MV Town of Moreau

Mr. Valentine presented an application referred from the Town of Moreau for Site Plan Review of Stone Self-Storage. Proposed is 26,500 s.f. of self-storage units on a 3-acre parcel fronting US Rt 9. The existing 6,000 s.f. building in front will be used for office space. The existing commercial curb cut is to remain.

Comment: Applicant proposes the previously-used commercial access from the state-maintained road will be utilized and it is assumed there will be no need for a new commercial permit, the applicant should verify that assumption with DOT. The project will utilize on-site septic and public water, 30 parking spaces are being designed into the site layout, and an on-site stormwater management system will be developed. The site plan lacks site landscaping, particularly along the frontage of a town's prominent (and promoted) commercial corridor. The site plan does not indicate the location of any entry or directional signage, if any, and care should be taken that sight distances at the entrance are not obstructed. The site plan does not depict site lighting and coverage, which we believe will be addressed by the local board.

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

22-96JW Town of Providence

Mr. Williams presented an application for the Town of Providence, a Site Plan Review in the name of Dun Loggin Campground. A proposed expansion of nine new RV sites

to the existing 135 site campground off of South Shore Road by extending the internal road network in the park. Located on South Shore Road/CR-7.

Comment: The Town should ensure the soil and erosion plan is adhered to as there is potential of negative impact to Cloutler Creek due to proximity of proposed roadway improvements and steep slope.

The applicant needs to contact the Saratoga County DPW in order to gain permit to perform improvements within South Shore Road/CR-7's Right-of-Way.

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

22-97MV Town of Moreau

Mr. Valentine presented a referral submitted by the Town of Moreau Planning Board for Site Plan Review in the name of RASP Inc. Proposed is construction of a 6,000 s.f. office/warehouse building on 3.81-acres off of US Rt 9. The site contains an existing 25,273 s.f. warehouse/office building. No changes to existing access road to US Rt 9 proposed.

Comment: A 27-yr old business previously located within the old Chase Bag factory until 10 or 11 years ago that builds control panels for large factories to control manufacturing processes. The SCPB previously reviewed another expansion of the operations (2,500 s.f. warehouse) at this site.

- Existing size of bldgs. = 25,300 s.f., going to 31,300
- Proposed new construction of a one-story 6,000 s.f. office/warehouse building
- New septic and connection to building's existing water service are designed
- The site presently contains attached existing buildings of 9,900 s.f. for warehouse use, another 5,900 s.f. warehouse, and one-story office buildings of 5,700 and 1,300 s.f., as well as a detached 2,500 s.f. storage building.

The applicant has noted that the business is growing, and it is hoped to begin construction very soon for year-end occupancy.

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

22-98MV City of Saratoga Springs

Mr. Valentine presented a referral received from the City of Saratoga Springs Planning Board for Site Plan Review as applied for by Saratoga Regional YMCA. This referral is proposed as an amendment to the previously approved site plan, which now includes adding a second floor addition to what was initially a 17,000 s.f. one-story addition (footprint) at the YMCA. The proposed second story expansion will allow the YMCA to meet its current needs while leasing out the first floor to Saratoga Senior Center as addressed in the 2021 PUD Text Amendment. Specific to the site plan, also proposed is a 5,100-s.f. first-floor addition to serve as expanded gym area. Located on West Ave. (NYS Rt 50).

Comment: A prior amendment to the YMCA Planned Unit Development (PUD) was favorably reviewed by the SCPB one year ago which included the possible expansion of the existing principal building to 34,000 s.f. (comprised of the initial 17,000 s.f. approved in 2017, plus additional space needed for the inclusion of the Saratoga

Senior Center within the PUD). The bulk expansion of both the 17,000 s.f. and 5,100 s.f. are within the PUD's square footage approved overall.

Mr. Valentine stated his recommendation of there being No Significant County-wide or Intercommunity Impact.

22-100MV Town of Corinth

Mr. Valentine presented a referral submitted by the Town of Corinth as a Site Plan Review in the name of BWPP Sand Brook LLC (a solar array). A proposed commercial solar array is to be constructed on approximately 30 acres of a 113.5-acre site comprised of four separate parcels. Located on Main Street (Village of Corinth).

Comment: We recognize that the area of disturbance covered by the construction/development of the array results in the need for a SWPPP and understand that the town planning board will have a consultant review of that document (with particular attention to site grading, working with steep slopes, site drainage and impact to an on-site stream). It is encouraging that the layout of the long entrance road, with the keeping of vegetative growth along its edges, will result in a visual block of the primary development area from the entrance to the site. Board members noted that if the four tax parcels comprising the development area are not merged as one parcel, then a number of constraints on the full utilization of the property will result; meaning simply that numerous setback variances will be required through the town's zoning board of appeals prior to the planning board's review of a site plan application.

Mr. Valentine made a recommendation of No Significant County-wide or Intercommunity Impact.

22-101MV Town of Halfmoon

Mr. Valentine presented a referral from the Town of Halfmoon Town Board which proposes a zoning change from AR to a PDD, the Tribley Residential PDD. Proposed is a PDD to create 42 single-family lots on a 22.08-acre parcel with underlying zoning of Agriculture/Residential located on Farm to Market Road (CR# 109). Mr. Valentine explained that the referral is incomplete in that the legislation to accompany the requested zoning change was not submitted. He has had conversation with the town planning staff (who submits PPDs on behalf of the Town Board) and he informed staff and the Town Attorney that the SCPB will move forward on the review of the complete referral upon receipt of the requested legislation that will be associated with the proposed zoning change that the Town Board will consider.

22-103MV Town of Wilton

Mr. Valentine presented a referral submitted by the Town of Wilton, (both a Use and Area Variance) in the name of Verizon Wireless. Proposed is a telecommunication tower to be constructed within the town's C-1 Zoning District, where such facilities are not permitted. The proposed 126-ft tower needs a minimum setback of 186 ft from the nearest property line but the applicant is seeking to site the tower with a 46-foot property setback. The tower is proposed to be erected on a parcel located on US Rt 9 that is owned and utilized by the Wilton Fire Department.

Comment: While the use variance and the appeal from setback variances have no direct countywide impact, a collapse of the tower has the potential for causing personal and property damage at adjacent Artisinal restaurant/brewery. It is our

observation and recommendation that the applicant should consider relocating the tower elsewhere on site – centered and pushed back further – or, look at another site for placement.

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

22-104JW Town of Clifton Park

Mr. Williams presented an application for the Town of Clifton Park, an Area Variance (Sign) in the name of Chick-fil-A. A proposed sign package for the Chick-fil-A has created the need for two area variance requests. The applicant seeks three wall signs when only one is permitted. The height of each proposed wall sign is 22ft 8.5in. when 16 ft is the maximum permitted. Located on NYS Rt 146. Mr. Williams stated No Significant County-wide or Intercommunity Impact.

22-105JK Town of Malta

Mr. Kemper presented an application for the Town of Malta, a PDD Legislation in the name of South Shore Marina PDD. A proposed PDD legislation for a mixed-use development of Condominiums & Apartments with Clubhouse, Fitness Center, Swimming Pool and Marina along with Commercial Business space on 9.1 acres on Saratoga Lake. Located on NYS 9P.

Comment: The SCPB is requesting that additional information be provided prior to making a determination. One of the main concerns expressed by Board members and staff is the lack of a detailed traffic analysis for the project. In addition, the plans (renderings and elevations) submitted for review lack sufficient detail for the project to be adequately reviewed at this time.

The SCPB fully appreciates the potential redevelopment of this site; however, that redevelopment must be balanced with the density and uses allowed in the underlying zoning district and the potential public benefit derived from the project. Additionally, the proposed uses within the PDD should complement those uses on the adjacent lands in order to provide for compatibility with neighborhood and the comprehensive plan.

22-106JW Town of Milton

Mr. Williams presented an application for the Town of Milton, a Site Plan Review in the name of Rowland Street Garage. A proposal to remove a 1,200 s.f. office building and a portion of parking and replace it with a 6,600 s.f. garage/office building. The existing 9,100 s.f. service garage will remain in the rear of the site as well as the existing curb cut out to CR-47. Located on Rowland Street/CR-47.

Comment: The applicant will need to contact Saratoga County DPW to consult on information needed to permit the construction of the proposed sidewalk and placement of street trees along with any other proposed improvements within Rowland Street/CR-47's Right-of-Way.

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

22-107MV City of Saratoga Springs

Mr. Valentine presented an application for the City of Saratoga Springs, a Special Use Permit & Site Plan Review in the name of 120 S. Broadway. A proposal to remove former motel and redevelop the 2.64-acre parcel with 58 townhome units in four

separate buildings, and a community center in the fifth building. Located on South Broadway/NYS Rt 50. Mr. Valentine stated No Significant County-wide or Intercommunity Impact.

22-108MV Village of Corinth

Mr. Valentine presented an application for the Village of Corinth, a Zoning Amendment-Text in the name of Village of Corinth. A proposal to amend the Schedule 1, Use, Area and Bulk regulations for the Village's Gateway Corridor to add Commercial Storage Facilities permitted as a Special Use Permit. Located on Village-wide. Mr. Valentine recommended approval.

22-109MV Village of Corinth

Mr. Valentine presented an application for the Village of Corinth, a Zoning Amendment-Text in the name of Village of Corinth. The amendment is proposed as a Local Law to modify the number of members that comprise a quorum from three to two.

Comments: In previous correspondence to the Village we noted that it would have been helpful if the referral was sent with a copy of the text that is being amended, as a means of comparison for Board review. We also inquired as to whether this amendment is applicable to the ZBA, the PB, or both as Paragraph (1) of A makes reference to the ZBA and voting on a variance; so, the question was will this quorum re-write also be applicable to the PB, which we assume it will.

Our initial review and discussion internally revolved around the current board being comprised of 3 members. If the Board is now comprised of three members, why would the existing quorum be identified as needing 3 members as normally a quorum would be 2 for a 3-member board. That, we came to understand, must be the crux of the matter – an error that was not picked up years ago.

Mr. Valentine recommended approval.

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.

SUBDIVISIONS

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 principle building within the county. Located on White Birch Road (Town of Northhampton/Fulton County).

Comments: A request for additional information has been made by the Saratoga County Planning Board (the Board) after the review of the proposed 8-lot subdivision for MGH Esates, LLC.

The Board commented that it is unfortunate the subdivision received local approvals without completing the required GML-239 county referral process as there are county concerns in relation to the current proposed layout.

The Board expressed strong concern in relation to the creation of Lot #1. Lot 1 is a proposed 44.1-acre parcel with no frontage along a public Right-of-way (ROW). The subdivision plan shows a 20 ft. ROW along the Northern edge of proposed Lot 19 that is to serve as access to the “landlocked” Lot 1. Further correspondences with the Town of Edinburg officials indicated that the Adirondack Park Agency (APA) has indicated that proposed Lot 1 is virtually all wetland and thus cannot be built upon and based on that information the Town of Edinburg Planning Board prematurely approved the formation of Lot #1 with no frontage on a public ROW.

During a cursory review of the Town Code, it does not appear there is a legal mechanism for the Town to approve the lot without getting the necessary variances from the Zoning Board of Appeals. Furthermore, the justification for a variance will be difficult in that the applicant is creating the lot that will be requesting the variance.

Clarification should be provided from Town officials as to whether or not the Town Code allows the creation of a landlocked parcel. Additionally, the Board should verify that any access provided to Lot #1 is feasible considering the wetland constraints that have been identified on the parcel. The County Planning Board commented that landlocked, unbuildable (as was stated in the record) parcels such are often foreclosed for failure to pay taxes.

For this reason, the Board asks the applicant to revisit the layout of proposed Lot 1 and to either provide a minimum frontage along the public road (i.e. a flaglot) if allowed by the Town’s code or to merge Lot 1 with one of its adjoining proposed lots that has the required road frontage.

The Board is requesting any correspondences from the APA in regard to their review of the proposed subdivision. Correspondence with the Town has indicated that the APA determined a vast majority of the proposed large landlocked parcel to be “wasteland”. As such, any APA designated wetlands appearing on any of the proposed lots within Saratoga County should be placed on the subdivision plan reviewed by the Town and subsequently submitted for filing at the County Clerks Office.

22-A-31JW Town of Stillwater

Mr. Williams presented an application for the Town of Stillwater, a Subdivision Review in the name of Luther Forest Business Park. A proposal to subdivide a 62.02-acres into six lots. The lots will be 11.34-ac., 4.55-ac, 9.52-ac., 10.11-ac., 10.57-ac, and 16.05-ac. Along with the subdivision, there is a lot line adjustment to incorporate a SWMA to the access road's ROW that is to be dedicated to the Town. Located on Shenandoah Drive (Town of Malta). Mr. Williams stated No Significant County-wide or Intercommunity Impact.

22-A-33JK Town of Providence

Mr. Kemper presented an application for the Town of Providence, a Subdivision Review in the name of Mead. A proposed lot line adjustment consisting of a 11.291-acre

parcel with frontage on Fishback Road conveying 3.000-acres to a 4.893-acre parcel with frontage on Middle Grove Road/CR-21. Located on Fish Back Road and Middle Grove Road/CR-21 (Town of Greenfield). Mr. Kemper stated No Significant County-wide or Intercommunity Impact.

22-A-34JK Town of Malta

Mr. Kemper presented an application for the Town of Malta, a Subdivision Review in the name of Levine. A proposal to subdivide a 41.25-acre parcel by creating an 8.51-acre parcel, with an existing house, and a 32.74-acre vacant parcel with both parcels having frontage along Rowley Road/CR-61 and the Northway. Located on Rowley Road/CR-61 and I-87.

The SCPB reviewed the project and is requesting that the following information be provided prior to rendering a decision on the application:

- 1) The plans submitted with the drawing show a proposed driveway for Lot # 3A-1, however, the wetland delineation and 100' adjacent area are only labeled on the north side of the DEC wetland. Note #4 on the plans alludes to the fact that a wetland delineation may have been completed. If so, this information should be added to the plans. If a wetland delineation was not performed, then it should be completed, and that information added to the plans.
- 2) The referral submittal packet includes a copy of the DEC wetland permit sign, a full copy of the DEC wetland permit should be provided for review.
- 3) Any proposed house location or other improvements should be made to the plans.

22-A-35JK Town of Malta

Mr. Kemper presented an application for the Town of Malta, a Subdivision Review in the name of Coreno. A proposal to create a 15.87-acre parcel from an existing "landhooked" 84.55-acre parcel by utilizing Payne Road/NYS Rt 67 ROW as the dividing line. Located on Payne Road and NYS Rt 67. 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 Mr. Murray and a motion was seconded by Mr. Vopelak.

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

MOTION: A motion to approve the waiver agreement for area variances with the Town of Waterford Zoning Board of Appeals was made by Mr Vopelak, seconded by Mr. Dal Pos and unanimously approved.

ADJOURNMENT

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

Meeting was adjourned at 5:09 pm.

Respectfully Submitted,

Nisha Merchant, Secretary