



## **SARATOGA COUNTY PLANNING BOARD**

**TOM L. LEWIS**  
CHAIRMAN

**JASON KEMPER**  
DIRECTOR

### **Meeting Minutes January 19, 2023**

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, Ian Murray, Marcia E. Murray [arrived after approval of minutes], Ed Vopelak, and Cynthia Young.

**Members Absent:** none.

**Staff:** Jason Kemper, Director, Michael Valentine, Senior Planner, Jeffrey Williams, Planner, Kimberly Lambert, Community Development and Planning Specialist and Nisha Merchant, Secretary.

**Guests:** none.

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

The minutes of the December 15, 2022, meeting was unanimously approved on a motion made by Ms. Young and seconded by Mr. Dal Pos.

**Recusals:** none

#### **Referrals**

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

Mr. Williams presented an application for the Town of Ballston, a Site Plan Review in the name of Burnt Hills Family Dental. A proposal to construct a 648 s.f. addition on an existing, non-conforming 926 s.f. dental office. The addition will provide a break-room, one examining room and an ADA compliant bathroom for the dental office. The existing driveway off of Goode St. is to be removed and curbing is to be installed to match surroundings. Located on Lake Hill Road/CR-58 and Goode Street/CR-57.

**Comment:** A Saratoga County DPW permit will be required for proposed work to be conducted within CR-58's ROW.

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

##### **23-01MV Village of Corinth**

Mr. Valentine presented a referral from the Village of Corinth, a Special Use Permit & Site Plan Review for development of lands owned by Cleveland. A proposal to construct 18,700 s.f. of self-storage buildings consisting of 5 sets of buildings with a

total of 136 storage units, of varying size, on a 1.55-acre parcel. A single, full access to NYS RT 9N is also proposed. Located on US Rt. 9N.

**Comment:**

In regard to the issuance of a Special Use Permit (SUP) in accord with NYS Village Law and the Village's Zoning Ordinance, both the Village and SCPB are reviewing the proposed use to assure that it is in harmony with the Zoning Ordinance. Additionally, in order to assure that the proposed use will not adversely affect the neighborhood and neighboring properties, the local planning board should consider the need for any conditions or special requirements attached to its approval/recommendations. SCPB staff noted that the project site is accessed by a state road which operates as a high-volume traffic carrier and the project is proposed to be located (geographically and by zoning) in an area of existing commercial and institutional uses.

The Village Planning Board has the authority to impose any reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit. Upon the Board's granting of said special use permit, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the village.

SCPB members noted that the proposed use and its site plan present no significant countywide impacts, but did want to highlight items that it thought the village review may want to address due to their local impact, as noted below:

1. Site lighting. A lighting plan should be provided to the planning board that assures downcast lighting from building and pole fixtures with no spillover to abutting parcels or right of way.
2. Stormwater management, noting especially that the site appears to be paved from side to side and front to back. The amount of disturbance – almost the entirety of the site's 1.55 acres – requires submission of a Stormwater Pollution Protection Plan. The planning board should be satisfied that there will be no stormwater leaving this site to the abutting properties and plan provisions are made for its on-site collection/capture.
3. Visual impact, landscaping – the plan sheet should particularly note planting along the highway frontage and to abutting residential use.
4. The referral provided comment that the local Fire Chief “sees no issue with fire equipment access[ing]” the internal site. The concern remains as to maneuverability of emergency equipment and for snow removal (it is great that the applicant notes “35 years experience” as his means of providing for snow removal, but the reality is that the Site Plan Application stands unanswered and may be a concern in operations).

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

**23-03JW Town of Ballston**

Mr. Williams presented an application for the Town of Ballston, an Area Variance in the name of Suburban Heating. After a lot consolidation to create a 3.39-acre parcel, a proposed 3,432 s.f. addition on an existing 4,494 s.f. building will create the need for an area variance for the maximum allowed coverage of impervious surface. The proposed addition and needed parking will create a 38.53% of lot coverage where 30%

is the maximum allowed in the Town's Mixed Use Center South zone. Located on NYS RT 50.

**Comment:** A NYSDOT work and curb cut permit will be required for the proposed improvements within NYS Rt 50's ROW.

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

### **23-04JW Town of Ballston**

Mr. Williams presented an application for the Town of Ballston, a Area Variance (Sign) in the name of Morris Ford Dealership. A proposal to remove the existing "Morris" sign and replace it with a 78.8 s.f. "Morris", wall-mounted sign has created the need for an area variance. The maximum allowed sign area is 50 s.f. where a relief of 28.8 s.f. is sought. Located on NYS RT 50.

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

### **23-06JW Village of Stillwater**

Mr. Williams presented an application for the Village of Stillwater, a Site Plan Review in the name of Upton Coffee Company. A proposed conversion of a former attorney's office into a coffee shop. The building has a barber shop and pizzeria along with seven residential apartments uses. The coffee shop is to operate from 7am to 1 pm. Located on US RT 4 & NYS RT 32 & School Street (Hudson River).

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. McPherson and a motion was seconded by Mr. Dal Pos and unanimously approved. **CARRIED.**

## **SUBDIVISIONS**

### **23-A-01JW Town of Northumberland**

Mr. Williams presented an application for the Town of Northumberland, a Subdivision Review in the name of O'Donnell. A proposed 5-lot conservation subdivision on a 25.79-acre parcel fronting along West River Rd/CR-29. Lot 1 has existing residential improvements with the other four lots left vacant for proposed single-family uses. The conservation easement protects 13.7-acres of the 25.79 acre site and includes a parking easement Located on West River Road/CR-29 & Mott Rd. (Hudson River, Ag. Dist. #1, Town of Moreau).

**Comment:** The Saratoga County Planning Board requested additional information for the Board to make a more comprehensive decision on the proposed 5-lot subdivision. The Board reviewed the proposed layout of the "James O'Donnell Conservation Subdivision Plan" prepared by MJ Engineering and Land Surveying, P.C. dated August 17, 2021 along with Parts I, II & III of the environmental assessment forms, including the November 28, 2022 Negative Declaration by the Town of Northumberland Planning Board. Also reviewed was the August 15, and August 24, 2022 comment/review letters from the Town's designated engineering firm. Additionally, correspondences from other agencies were part of the Board's review of the proposed subdivision. The Board had a number of concerns and questions regarding this complex subdivision referral and

requested the further information from the town in order to complete the GML-2391,m,n referral application.

The SCPB acknowledged that the Town PB issued a Negative Declaration for this project under SEQR as there seemed to be no potential environmental impacts large enough to issue a positive declaration and to generate preparation of an environmental impact statement. This, however, does not construe that there are no potential environmental impacts resulting from the proposed development of four single-family lots and that possible revisions to the layout and/or mitigating efforts on targeted impacts will not be warranted.

One of the Board's concerns related to the historic significance and integrity of the former Colonel Sidney Berry's homestead which is placed in the National Register of Historic Places. The Board noted that construction of four additional single-family homes adjacent to the historic site may have the potential to negatively impact the integrity of the historic site. The August 17, 2021 correspondence from NYS Parks, Recreation and Historic Preservation, along with the written concurrence from the Saratoga County Historian recommended that if new construction cannot be avoided, the new construction should not be visible or should be minimally visible from the historic site. The Board agreed with these recommendations/comments and asked if the Town and applicant have agreed to any type of mitigation.

Without the means of reviewing the archeological survey that was performed for this proposal, the SCPB could not make a determination of the significance of that potential impact. The Board requested a copy of all archeological studies performed for this 5-lot subdivision proposal and related information to any mitigation being proposed by the applicant to preserve the integrity of the Colonel Berry historical site. The Board also noted that the four residential structures are proposed to be built within a 100-year floodplain, necessitating that they each meet elevation requirements for their finished floors (FFE) to be above the 100-year flood levels. To do this may result in a significant amount of fill to be brought in to meet the FFEs, which, in turn, has the potential of changing the drainage dynamics of the site. Without having a grading and drainage plan and the subsequent review by the Town engineer, the Board could not determine the potential impacts that the final grade of the project will have on its surroundings, including the historic site and West Road (CR-29).

Additionally, the preparation of a Stormwater Pollution Prevention Plan seems to be in order along with additional design work for the proposed septic systems needs to be addressed. To determine if there are potential impacts for the adjacent environs - including the county road - and to identify their mitigation the Board requests a grading and drainage plan for the entirety of the project.

The Board also noted comments from the August 15, 2022 correspondence from the Department of the Army addressing the concern of steps and docks placed in the Hudson River that is represented on the conservation subdivision plan. The Board wishes for future subdivision plan submittals have these details removed from the plans to alleviate the concern of the USACOE.

Lastly, the Board noted that this project is under the auspices of the Town's Shoreline Overlay Zone and its Conservation Subdivision regulations. Both Town ordinances ask for visual impacts of new construction to be reviewed and mitigated by logical

placement of the proposed structure. This, coupled with the appropriate need to mitigate visual impacts from the historic site, would lend to a potential new layout of the proposed subdivision. It would be prudent for the Town and applicant to discuss these matters and identify and review the proper placement of each lot's proposed residential structure, driveway, well and septic locations to address the requirements within the Town's zoning laws and subdivision regulations.

The SCPB acknowledged that there is still substantial design work to be performed. Once this material is available for review, the County will re-visit this subdivision referral to determine the significance of any potential county-wide and/or intermunicipal impacts.

### **23-A-02JK Town of Edinburg**

Mr. Kemper presented an application for the Town of Edinburg, a Subdivision Review in the name of Haskell. A proposed two lot subdivision from an existing 4.3-acre parcel. Lot 1 will be a 1.3-acre parcel with existing residential improvements fronting on Sinclair Pt. Rd. Lot 2 is to be a flaglot with an area ~3-acres for a proposed single-family use fronting along Great Sacandaga Lk. Located on Sinclair Point Rd/CR-5.

Mr. Kemper stated that discussions with the municipality indicated that the APA would be performing a site visit when the weather cleared in the spring. There are a number of issues that need clarification related to setback variances, well and septic separations, wetland delineation status etc that will be include in a letter Requesting Additional Information.

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

### **MOUS**

#### **22-159MOUMV Town of Halfmoon**

A proposal to construct a 2,218 s.f. addition to the front of an existing 25,780 s.f. repair building of the car dealership facility. Located on NYS Rt 146 & Upper Newtown Rd/CR-86.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Halfmoon Planning Board, the referral for Site Plan Review was reviewed on 1/11/2023 by Mr. Valentine with concurrence from Ed Vopelak and Ian Murray that the action posed No Significant County-wide or Intercommunity Impact.

#### **23-05MOUMV Town of Halfmoon**

A proposal to construct a 150 s.f. open roofed addition on the North side of the existing building to provide cover for an outdoor meat smoker. Located on US RT 9.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Halfmoon Planning Board, the referral for Site Plan Review was reviewed on 1/11/2023 by Mr. Valentine with concurrence from Ed Vopelak and Ian Murray that the action posed No Significant County-wide or Intercommunity Impact.

### **23-07MOUMV City of Saratoga Springs**

A proposed 75,400 s.f. addition to house the college's health, wellness and fitness facility and tennis center. The plan also includes relocating eight of the nine outdoor tennis courts with LED lighting improvements. Located on Clinton St. and Broadway (Town of Greenfield).

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the City of Saratoga Springs Planning Board, the referral for Site Plan Review was reviewed on 1/12/2023 by Mr. Valentine with concurrence from Devin Dal Pos and Tom Lewis that the action posed No Significant County-wide or Intercommunity Impact.

### **Adjournment**

A motion to adjourn the meeting was made by Mr. McPherson, seconded by Ms. Young and unanimously approved. The meeting was adjourned at 4:40 pm.

Respectfully Submitted,  
Nisha Merchant, Secretary