



## **SARATOGA COUNTY PLANNING BOARD**

**TOM L. LEWIS**  
CHAIRMAN

**JASON KEMPER**  
DIRECTOR

### **Meeting Minutes December 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, Donald McPherson, Ian Murray, Marcia E. Murray, Ed Vopelak, and Cynthia Young.

**Members Absent:** Devin Dal Pos

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

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

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

The minutes of the November 17, 2022, meeting was unanimously approved on a motion made by Mr. McPherson and seconded by Ms. Murray.

**Recusals:** Ian Murray 22-160

### **REFERRALS**

#### **22-139JK Town of Clifton Park**

Mr. Kemper presented an application for the Town of Clifton Park, a Site Plan Review in the name of DCG Wood Road. After a proposed 2-lot subdivision, a proposal to construct two (2) 31,000 s.f. multi-use industrial buildings on the 7.7-acre parcel and a 10,000 s.f. multi-use industrial building on a 4.0-acre parcel within the Town's L-2 zone. Located on Wood Road (Northway/I-87).

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

#### **22-155JK Town of Clifton Park**

Mr. Kemper presented an application for the Town of Clifton Park, a Site Plan Review in the name of Alda Enterprises of Albany. A proposed 10,650 s.f., two-story medical facility building to be constructed on an existing 1.21-acre parcel with a single full access driveway out to Rt. 9. Located on US Rt 9 (Town of Halfmoon).

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

#### **22-156JK Town of Clifton Park**

Mr. Kemper presented an application for the Town of Clifton Park, a Site Plan Review in the name of Mount Whitney Meadows, LLC. A proposed construction of a Business

Park consisting of a 9,000 s.f. addition onto an existing 7,500 s.f. building plus the construction of three separate flex storage buildings with a total area of 30,000 s.f. on a 7.63-acre parcel off of Ushers Road. Located on Ushers Road/NYTS Rt 911T (I-87/Norhtway).

The SCPB requested that a traffic analysis be completed and submitted for review prior to the Board making a determination on this project.

### **22-158MV Village of Corinth**

Mr. Valentine presented an application for the Village of Corinth, a Use Variance in the name of Barnash. The appeal involves the proposed placing of a mobile home on a 0.15-acre parcel within the Village's Residential-1 zoning district where mobile homes are not listed as a permitted use. The parcel is located on Ash Street within referable distance from the municipal line shared with the Town of Corinth.

**Comment:** The initial concern related to this variance centered around the fact that action had already been taken on the appeal by the village ZBA without referral to Saratoga County Planning Board as required under GML section 239 1. That oversight has been rectified by provision to our office of the referral and the Village's December 20th rescheduled hearing of the appeal. Our office has reviewed the submitted material, made comments to those noted and requested further info/clarification. Staff has been in follow-up discussion with the Village Building Department as well as the Village Mayor and the village attorney for the ZBA, and with the appellant and the SC Planning Board has determined that beyond what has now transpired the use variance presents no impacts of a countywide or intermunicipal impact.

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

Mr. Valentine presented an application for the Town of Halfmoon, an Area Variance in the name of New Country Motor Car Group Inc. A proposal to construct a 2,218 s.f. addition to the existing 25,780 s.f. auto sales and repair facility has caused the need for front yard setback relief. The proposed addition will have a 68.3 ft. front yard setback when 70 ft is the minimum allowed within the Town's C-1 and the Town's Route 146 Overlay Zone. Located on NYS Rt 146 & Upper Newtown Rd/CR-86..

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

### **22-160MV Town of Halfmoon**

Mr. Valentine presented an application for the Town of Halfmoon, a Site Plan Review in the name of Town Auto Inc. Being proposed is the applicant's converted use of an existing 988 s.f. home into a car dealership on an existing 1.46-acre commercially zoned parcel off NYS Rt.146. The proposal is to re-develop the house into an office and provide a parking/display area for 47 vehicles in the rear of the site.

**Comment:** Mr. Valentine stated that at first glance it was not understandable why a business selling automobiles would want to operate at a site on which the display of vehicles is to be located well off lot frontage and behind the sales office building, but after learning that vehicles would be viewed online more than by prospective purchasers visiting the site, the operational layout became clearer.

Mr. Valentine stated that that the current site conditions include a pervious surface on which the vehicles are to be stored/displayed and there is no indication on the

incomplete plan that was submitted whether there is to be a paved surface. The concern with the pervious surface is that used autos may be susceptible to the leaking of fuel and/or lubricants through the soil. The referred materials do not address items such as surface water flow or stormwater management (is a SWPPP going to be required?), nor whether the applicant is going to provide the town planning board with a planting/buffering plan, nor whether a lighting plan is required to assure downcast lighting is provided which does not cast to abutting properties.

It was noted that the applicant has not provided, to date, an EAF that would address some of these noted points. It was also noted that at this time there was no review letter from the town-designated engineer which also may have addressed these issues in more detail. It may be the town's determination that the existing driveway will require the construction of a commercial driveway as replacement of the existing one that serviced the single-family home. The planning board should direct the applicant to NYS DOT if it is determined an improvement is necessary.

Overall, the proposed use of the site does not raise any issues of countywide concern, but the absence of the noted review items by which the town planning board can act needs to be enhanced, as is the norm for most applications. Comment regarding such lack of material has been noted to town staff.

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

### **22-161JK Town of Malta**

Mr. Kemper presented an application for the Town of Malta, an Area Variance in the name of Arnoff Global Logistics - Ph. 6. With its fourth building to be constructed at the site, a proposed 110,164 s.f. warehouse building is seeking relief of 9.2 ft. due to the maximum allowed height for a building in the Luther Forest PDD #9 is 30 ft. Located on Stonebreak Rd./CR-77.

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

### **22-162JW Town of Ballston**

Mr. Williams presented an application for the Town of Ballston, a Site Plan Review in the name of Dish Wireless. A proposed colocation of three antennas at the 155 ft elevation of the existing 198 ft. monopole telecommunication tower and to place a 5ft x 7ft equipment pad within the existing fenced in compound. Located on NYS RT 50.

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

### **22-163MV Town of Halfmoon**

Mr. Valentine presented an application for the Town of Halfmoon, a Special Use Permit in the name of Milczarek. Due to a proposed residential subdivision within the Town's Light Industrial/Commercial zone, the Town requires a special use permit review for a residential use in a non-residential zone. Located on English Road (Zim Smith Trail & Town of Clifton Park).

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

### **22-164JK Town of Clifton Park**

Mr. Kemper presented an application for the Town of Clifton Park, a Zoning Amendment-Map in the name of Town of Clifton Park. A proposed update to the

Town's Zoning Map to reflect changes of its Form Base Code and PDD's since 2006. Located on Town-wide.

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Mr. Kemper 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 Mr. McPherson and unanimously approved. **CARRIED.**

## **SUBDIVISIONS**

### **22-A-51JK Town of Clifton Park**

Mr. Kemper presented an application for the Town of Clifton Park, a Subdivision Review in the name of DCG Wood Road. A proposed 2-lot subdivision of an existing 11.7-acre to create a 4.0-acre parcel and a 7.7-acre parcel. Located on Wood Road (Northway/I-87).

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

### **22-A-59JK Town of Clifton Park**

Mr. Kemper presented an application for the Town of Clifton Park, a Subdivision Review in the name of Milczarek. A proposed three-lot subdivision involving an existing 63.89-acre parcel that is bisected by the Zim Smith Trail and the shared boundary with the Town of Halfmoon. Lot 1 will be a 10.7-acre parcel with an existing house on the Southside of English Road. Lot 2 will be a vacant 17.3-acre parcel with English Road to its South and the Zim Smith Trail to its North. Lot 3 will be a 35.9-acre parcel on the Northside of the ZST with no road frontage and is slated to be dedicated to the Town of C.P. Located on English Road (Zim Smith Trail & Town of Halfmoon).

**Comment:** The SCPB recognized that the applicant will be deeding a large landlocked parcel to the Town of Clifton Park as part of this subdivision application. The Zim Smith Trail which abuts this parcel sees a large amount of pedestrian and bicycle traffic on a regular basis. However, there is no viable off-street parking opportunities for trail users where the Zim Smith Trail crosses English Road. To that point, Saratoga County is inquiring as to whether or not the applicant would be willing to explore opportunities to provide a small area for a parking lot adjacent to the Zim Smith Trail as part of the subdivision approval process.

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

### **22-A-60MV Town of Halfmoon**

Mr. Valentine presented a referral sent from the Town of Halfmoon, a Subdivision Review in the name of Milczarek. A proposed three-lot subdivision involving an existing 63.89-acre parcel that is bisected by the Zim Smith Trail and the shared boundary with the Town of Halfmoon. Proposed to be created is Lot 1, which will be a 10.7-acre parcel with an existing house on the south side of English Road and Lot 2, which will be a vacant 17.3-acre parcel with English Road as its south boundary and the Zim Smith Trail to its north. Lot 3 will be a 35.9-acre parcel on the north side of the ZST with no road frontage that is slated to be dedicated to the Town of Clifton Park.

**Comment:** The SCPB recognized that the applicant will be deeding a large landlocked parcel to the Town of Clifton Park as part of this subdivision application. The Zim Smith Trail, which abuts this parcel, sees a large amount of pedestrian and bicycle traffic on a regular basis. However, there is no viable off-street parking opportunities for trail users where the Zim Smith Trail crosses English Road. To that point, Saratoga County is making an inquiry of the town of Clifton Park as to whether the applicant would be willing to explore opportunities to provide a small area for a parking lot adjacent to the Zim Smith Trail as part of that town's subdivision approval process, and would appreciate any support that the town of Halfmoon can offer in support of such a consideration.

Mr. Valentine made a recommendation to the Board of No Significant Countywide or Intercommunity Impact.

### **22-A-61JW Town of Northumberland**

Mr. Williams presented an application for the Town of Northumberland, a Subdivision Review in the name of Sherman Oak Farm. Proposed lot line adjustments and a subdivision involving three existing parcels on Austin Rd and West River Rd. Of the three involved lots, lot 5A is vacant parcel and will be subdivide to create a 5 ac. parcel across West River Rd and adjacent to the Hudson River. Located on Austin Rd & West River Rd/CR-29 (Hudson River& Ag. Dist. #1).

**Comment:** A Saratoga County DPW driveway permit will be required when and if a driveway to serve Lot 5A and/or Lot 6A off of CR-29 is needed.

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 Mr. Vopelak and a motion was seconded by Ms. Young and unanimously approved. **CARRIED.**

### **MOUS**

### **22-147MOUMV City of Saratoga Springs**

Proposed construction in T-4 District of a one-floor 2,000 s.f. addition to the rear of the existing (formerly Roma's) specialty market and deli. Located on NW corner of Birch St. & Washington Street (NYS Rt 29).

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 12/9/2022 by Mr. Valentine with concurrence from that the action posed No Significant County-wide or Intercommunity Impact.

### **22-A-55MOUMV City of Saratoga Springs**

A two-lot subdivision to be created by subdividing an existing 0.46-acre parcel into two 0.23-acre parcels. One parcel has existing residential improvements while the other will be vacant parcel proposed for a single-family use. Located on Kirby Road and Glenwood Road within referable distance from Washington St. (NYS Rt 29).

Comment: Are there any improvements along Glenwood that would be required by the subdivider (stormwater, sidewalk ext/continuation)?

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 Subdivision Review was reviewed on 12/5/2022 by Mr. Valentine with concurrence from Cynthia Young and Devin Dal Pos that the action posed No Significant County-wide or Intercommunity Impact.

### **22-157MOUMV Town of Halfmoon**

A proposed construction of a 28 ft. X 30 ft. storage garage in the rears of the existing funeral home site which is located on a 0.95-acre parcel off of U.S. Rt 9. Located on U.S. 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 12/9/2022 by Mr. Valentine with concurrence from Cynthia Young and Ian Murray that the action posed

### **22-A-62MOUMV Town of Saratoga**

A proposal to subdivide an existing 34-acre parcel into two parcels of 24-acres and 10-acres off of NYS Rt 32. The proposed 10-acre parcel will have existing residential improvements, including an existing driveway onto NYS Rt 32. Located on NYS Rt 32 (Town of Stillwater & Ag. Dist. #1).

Comment: NYS DOT curb cut permit. Well & Septic

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Saratoga Planning Board, the referral for Subdivision Review was reviewed on 12/13/2022 by Mr. Valentine with concurrence from Cynthia Young and Devin Dal Pos that the action posed No Significant County-wide or Intercommunity Impact.

### **22-165MOUJW Town of Milton**

A proposed aircraft hangar is to be built at a height of 40 ft. whereas the Town's Code allows a maximum building height of 35 ft. Located on Geyser Road/CR-43 (Greenfield Ave/CR-50, Rowland St./CR-47, Saratoga County Airport).

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Milton Zoning Board of Appeals, the referral for Area Variance was reviewed on 12/16/2022 by Mr. Williams with concurrence from Don McPherson & Ian Murray that the action posed No Significant County-wide or Intercommunity Impact.

## **OTHER BUSINESS**

a. 2023 Meeting Schedule – The 2023 schedule was discussed and the Planning Department staff noted that the submittal deadline was changed to two weeks prior to the meeting date so as to allow for enough time for staff review before the next meeting.

b. Planning Conference Update

Moderator Choices – Chairman Lewis asked Board members if they would like to moderate some of the sessions and members chose sessions to moderate.

c. Round Lake Memorandum of Understanding – The Board was notified of the agreement with the Village of Round Lake Planning Board, Zoning Board and Board of Trustees for MOUs.

**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 4:45 p.m.

Respectfully Submitted,  
Nisha Merchant, Secretary