



## **SARATOGA COUNTY PLANNING BOARD**

**TOM L. LEWIS**  
CHAIRMAN

**JASON KEMPER**  
DIRECTOR

### **Meeting Minutes** **March 16, 2023**

The meeting held in Conference at the office of the Saratoga County Department of Planning and Economic Development located at 50 West High Street in Ballston Spa was called to order at 4:00 pm.

**Members Present:** Tom Lewis, Chairman, Ian Murray, Ed Vopelak, and Cynthia Young.

**Members Absent:** Devin Dal Pos, Donald McPherson, and Marcia E. Murray

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

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

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

The minutes of the February 16, 2023, meeting were unanimously approved on a motion made by Mr. Murray and seconded by Ms. Young.

**Recusals:** none

Prior to the review of referrals, Mr. Kemper discussed the challenges faced by the Planning and Economic Development Department in getting complete packets of materials in a timely manner. A revised referral form was developed clearly indicating the required materials and submission deadlines. These materials were forwarded to all municipalities prior to the January 2023 submission deadline. The timeline for submittal and distribution of staff recommendations was reviewed and the SCPB reiterated that if the required materials are not submitted by the deadline then the projects will not be placed on the Agenda.

## **REFERRALS**

### **23-02JW Town of Ballston**

Mr. Williams presented an application for the Town of Ballston, a Site Plan Review in the name of AstroChemical. Construction of a 2-story 5900 s.f. office addition to an existing light industrial building. Located on Mill Rd. (Schauber Rd/CR 80; Town of Clifton Park).

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

### **23-26KL Town of Wilton**

Ms. Lambert presented an application for the Town of Wilton, a Site Plan Review in the name of JAG I. A proposed self-storage development on a 2.77-acre parcel consisting

of an addition on an existing 2,100 s.f. storage building and the construction of five additional buildings totaling 33,590 s.f. Located on NYS Rt 50.

**Comments:** The area variance for this project was reviewed by the Saratoga County Planning Board on February 16, 2023 with no significant countywide or intercommunity impact. The Town of Wilton Zoning Board of Appeals did approve relief in the amounts of a 35 ft. rear yard building setback and 43 ft. rear yard landscape buffer at their February 23, 2023 meeting.

It was noted that snow removal and the stacking of vehicles at the gated/keyed access point from NYS Route 50 should be addressed.

Ms. Lambert stated No Significant County-wide or Intercommunity Impact

### **23-27MV Town of Moreau**

Mr. Valentine presented a referral submitted from the Town of Moreau for a Site Plan Review in the name of Old School Pest Control. The applicant proposes to operate a pest control business in an existing 1,100 s.f. commercial building on a 0.48-acre parcel in the Town's commercial district. Located on the SE quadrant of the US Rt. 9 & Bluebird Rd. (CR# 27) intersection.

**Comment:** Mr. Valentine explained that there was no site plan submitted to the SCPB for its staff review and presentation, but the town's Zoning Administrator will be submitting for our file. The site has been visited and our record has aerial and tax mapping of the parcel with its existing conditions displayed. Mr. Valentine explained that the business's sole point of site access is and will remain to be US Rt. 9 and not from an open frontage along Bluebird Road (nor by way of the driveway of the adjoining parcel). He added that the town planning board should review the proposed parking for the site as per the standards of the C-1 bulk area requirements, stating that these should be clearly defined on plan and site. He did indicate, however, that the need for parking spaces is lessened due to the fact that there will be no retail sales activity at this location, only the warehousing/storage for further distribution. Mr. Valentine noted that permitting review by NYS DEC regarding pesticide storage would be required.

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

### **23-28KL Town of Moreau**

Ms. Lambert presented an application for the Town of Moreau, a Zoning Amendment/Map in the name of Town of Moreau. The Town proposes to amend the zoning district boundary between the R-2 and C-1 as it extends through the site adjacent to the Exit 17 southbound interchange. The result will be an increase of 3.69 acres in the R-2 zoning district. Located Town-wide (US Rt 9 & I-87).

Ms. Lambert recommended approval.

### **23-29MV Town of Moreau**

Mr. Valentine presented a referral submitted from the Town of Moreau for a Special Use Permit associated with the Pine Mobile Home Park. Proposed is the expansion of a pre-existing, nonconforming MHP of 7.81 acres by utilizing two neighboring parcels of 4.19 acres. Located on US Rt 9, north side, east of NYS Rt. 197.

**Comment:** Mr. Valentine began his discussion on the Special Use Permit referral by noting that as in other Saratoga County municipalities with existing mobile (manufactured) home parks, the Town of Moreau has instituted provisions through which a Park owner can apply for a Special Use Permit for the expansion of an existing (but now non-conforming) MHP, providing an alternative option for housing while enhancing the investment of the property owner. Mr. Valentine pointed out that since 1983 there have been no new mobile home parks permitted or developed within Saratoga County. There have, however, been expansions allowed by Special Use Permit, as is proposed here.

The Town of Moreau has recognized in its Comprehensive Plan – and its update - the increased need for new housing as its population changes by total residents and within certain cohorts. While current zoning does not allow for the creation of new MHPs, there are provisions made for further expansion of existing ones under Sections 149-30 and 149-52 Extension. While there are no impacts of a countywide or intercommunity nature posed by this application, there is the obligation of the owner and the town review boards to be certain that the expanded use is compatible with the uses established in the surrounding neighborhood and within this District.

Staff review recognized and concurred with the Town Zoning Administrator’s calculations associated with the proposed extension/expansion (in the physical size of the current site and in the permitted number of new home sites). A one-time 50% expansion of the current nonconforming use (as allowed by an approved SUP) would permit an increase to the lot area of the MHP of 7.81 acres x 0.50, or 3.905 acres to be allowed (50%). The applicant, however, proposes to add the 4.13 acres from the two additional parcels, resulting in the need to either be granted a variance or to enter into an agreement with the town. Another option may mean that all but 0.225 acres of the owner’s 2-lot acreage becomes part of the MHP’s extension.

SCPB noted that both the town Zoning Ordinance and the Administrator’s correspondence rightly highlight that to the number of homes lawfully existing in the Park no nonconforming homes (a home which for at least two years of abandonment has lost its preexisting status) can continue in use (non-use) as part of the existing Park nor within its extension. This is recognized as a compromising standard to raise the appearance of the Park while allowing the owner to benefit from the extension of a non-conforming use. In that part of the Special Use Permit being sought, there was concurrence with the Administrator’s calculation of 14 new homes being allowed within the Park with its extension/expansion.

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

### **23-30MV City of Saratoga Springs**

Mr. Valentine presented a City of Saratoga Springs referral for Site Plan Review in the name of 3368 South Broadway Hotel. Proposed is a plan for the 2,942-s.f. addition to an existing hotel, incorporating 17 new rooms at this site within the Gateway Commercial-Rural District. The project location is on the east side of South Broadway (US Rt. 9) and south of Crescent Avenue (CR# 22).

**Comment:** Mr. Valentine reviewed the proposed amendment to the existing (approved) site plan, which is a permitted use in accord with the City’s Zoning Ordinance and has been identified as being consistent with the Comprehensive Plan. The amendment reflects a plan with 17 new, additional hotel rooms on a footprint of 2,942 s.f. with

three new parking spaces that results in no variances. There will be a site disturbance of 0.2 acres resulting from the proposed addition.

In its review of the amended site plan, the SCPB recognized that this site plan amendment comes to the city Planning Board while the UDO is before the City Council for its amendment as proposed within a list submitted by Sustainable Saratoga just after the UDO was adopted. One of those proposed amendments being considered would make hotels (and additions to them) a nonconforming use and, therefore, in need of a use variance. Saratoga County Planning Board declared there to be no significant countywide or inter-community impact posed by the amended site plan which adds 17 units to the hotel's total number of rooms.

### **23-31KL City of Saratoga Springs**

Ms. Lambert presented an application for the City of Saratoga Springs, a Area Variance in the name of Liberty Affordable Housing, Inc. A proposed multi-family project consisting of 212 affordable units with associated site work on the 30.3-acre parcel within the parcel's newly created Urban Residential-4 District. An area variance for the height of the proposed buildings is being discussed. The height in the UR-4 District is 40 feet. The proposed building is 48 ft, requesting 8 ft of relief.

Located on Crescent Ave. (CR# 22) & Jefferson St. (Spa State Park/Hemlock Trail & NYS Lands/Horsetrack).

The Saratoga County Planning Board reviewed and approved the Zoning Map Amendment from RR-1 to UR-4 for this parcel on September 15, 2022.

The Saratoga County Planning Board reviewed and approved the Comprehensive Plan Map Amendment to Core Residential Neighborhood-2 (CRN-2) for this parcel on November 17, 2022.

The Saratoga County Planning Board agreed there was No Significant County-wide or Intercommunity Impact posed by the relief request for the height area variance. Staff noted that future site plan review items related to sewer loading and traffic impact should include any updated studies that would be the most current to the size and scope of this proposal.

### **23-32MV City of Saratoga Springs**

Mr. Valentine presented a referral received from the City of Saratoga Springs for a Site Plan Review at 500 Union Ave. Proposed is redevelopment of the 8.6-acre site on which the current Longfellow's hotel, restaurant and conference center are located within Zone AA of the Interlaken PUDD. The proposal consists of demolishing a portion of the building, increasing the building footprint by 1,200 s.f., increasing the number of hotel rooms from 50 to 88 while decreasing restaurant and meeting space sizes. The project site is located on Union Avenue, which is NYS Rt. 9P.

The Saratoga County Planning Board recognized there to be no adverse issues of a countywide or intercommunity nature coming about from the proposed redevelopment of the existing site, its current facilities and the proposed reconstruction. The referral to SCPB does not involve any required PUD amendments prior to site plan review being undertaken by the City or County.

It was noted, in particular, that the site's infrastructure already exists and will be upgraded/enhanced as necessary for the redevelopment. Mr. Valentine stated that there may be the need for an update to the last traffic analysis of record to reflect present trips to/from the site and the change in background trips due to new surrounding development. The most immediately affected intersection would be Dyer Switch Road and Union Avenue.

With there being site disturbance of greater than one acre proposed, with there being wetlands on the site and with recreational construction within the wetland buffer area, the information provided in the required SWPPP will be of useful assistance to the city's review staff and planning board members. Mr. Valentine noted that he expected the City Engineer's office will ask for – if not already provided by the applicant – verification with SCSD #1 to there being sufficient capacity of its system in the affected area.

### **23-33MV City of Saratoga Springs**

Mr. Valentine presented a referral received from the City of Saratoga Springs, a Special Use Permit Review in the name of Hutchins Road Development. The proposed multi-family residential project consists of 16 dwelling units on a 5.54-acre parcel in the City's Gateway Commercial-Rural District and is located on land at the NW quadrant of the intersection of Hutchins Road and NYS Rt 50.

This application was submitted to the City Planning Board prior to the City Council's final adoption/implementation of any amendments that were proposed for the UDO with particular regard to the GCR District. One such amendment would have eliminated residential use in the District with the exception of single-family detached as a residential type. This SUP is being sought for Multi-Family residential use.

Mr. Valentine summarized for the Board the following plan components, which were offered without further comment because they will be comprised within a future referral for the site plan review application from the City. He provided only a list of review items that may tie into consideration of the Special Use Permit:

- Is this use proposed as an affordable housing option only for purchasers with special needs and a handicapped-accessible site?
- 600-1,200 s.f., small, attached dwelling units,
- Convert existing residential structure to a community bldg possibly with overnight visitor room(s) for family of residents,
- A NYS DOT curb cut permit for new access to/from NYS Rt. 50 will be required,
- No driveway access into the site proposed from Hutchins Road; a parking lot only,
- Visitor parking lot off Hutchins Road across from the Abundant Life Church,
- A review of provided parking spaces appears to indicate that a variance may be required to meet District standards (perhaps banked parking is/will be proposed to meet those requirements),
- Septic review will be undertaken by DOH,
- Appears to be no wetlands impacts resulting from elements of the site development,
- Public water via V/O B. Spa

Regarding the review standards that may be applicable for a Special Use Permit, the SCPB noted the overall favorable review of the proposed use particularly as regards:

1. To the extent that the proposed use is in harmony with and promotes the general purposes and intent of the City's Comprehensive Plan, its zoning ordinance(s), and the general health, welfare and safety of the city and its residents, the SCPB noted there to be no adverse countywide or inter-community impacts.
2. There is a neighborhood compatibility proposed by the use(s), without adverse impacts on community character (particularly to adjoining or surrounding properties) and density,
3. Impacts of the proposed use of the property as it relates to vehicular congestion and parking does not appear to be a concern, but the SCPB recognized the need for the provision of traffic-driven data with respect the proposal for a new intersection on the state road.
4. The provision of and impacts on existing public infrastructure and services will be an aspect of City planning board review and will need to be favorably evidenced.
5. Positive impacts on the use and site's long-term economic stability (self-sustaining) and community character (provision of multi-generational housing with a component of affordability).

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

### **23-37JK Town of Malta**

Mr. Kemper presented an application for the Town of Malta, a Use Variance in the name of Triple Crown Development. A proposed self-storage facility on a 1.99-acre parcel in the Town's R-1 zoning district. Located on Cherry Choke Rd (I-87).

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

### **23-38JK Town of Malta**

The application for the Town of Malta, a Special Use Permit in the name of Racing City, LLC. was not discussed as more information was requested from the Town.

### **23-39JK Town of Malta**

Mr. Kemper presented an application for the Town of Malta, a Site Plan Review in the name of NYSERDA. A proposed construction a 12,000 s.f. addition to an existing 22,983 s.f. building by removing an existing cooling tower on the existing 0.88-acre parcel. Located on Hermes Rd. (NYSERDA lands).

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

### **23-40JK Town of Malta**

The application for the Town of Malta, a Special Use Permit & Site Plan Review in the name of Stein was not discussed as more information was requested from the town.

### **23-41JK Town of Malta**

Mr. Kemper presented an application for the Town of Malta, a Comprehensive Plan Update in the name of Town of Malta. The Town is updating its Comprehensive Plan from its 2005 version. This DRAFT plan was excepted in February 2023 by the Town Board and readied for final approval. Located on Town-wide..

Mr. Kemper recommended approval.

### **23-43KL Village of Corinth**

Ms. Lambert presented an application for the Village of Corinth, a Zoning Map Amendment in the name of Village of Corinth. A proposal to correct the Village's zoning map by identifying an existing 0.24-acre parcel to be rezoned from its existing designation as Village Residential 1 to Industrial along the Hudson River. Located Pine St Rear (Hudson R.).

Ms. Lambert recommended approval.

### **23-44JW Town of Ballston**

Mr. Williams presented an application for the Town of Ballston, a Area Variance in the name of Duemler. Lot line adjustment involving 5 parcels created various area variances for three parcels. Located on Orchard Terrace & Goode St/CR 57.

**Comment:** The Board agreed that the proposed lot line adjustments were more of a local concern with no immediate county impacts. The Board questioned whether or not the possibility of removing the existing curb cut on CR-57 (Goode Street) that is presently serving 153 Goode St. was considered.

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

### **23-45JW Town of Ballston**

Mr. Williams presented an application for the Town of Ballston, a Site Plan Review in the name of 1417 Saratoga Rd. Proposal of a mixed-use development including four commercial buildings (two 6,000 s.f. buildings, one 15,000 s.f. building and one 2,000 s.f. drive-thru restaurant, and two residential buildings (64 units total) on an approximate 34.5-acre parcel. Located on Brookline Rd & NYS Rt 50.

**Comment:** Mr. Williams stated that our records indicate that this proposed amendment to the mixed-use development at 1417 Saratoga Road site plan is the first time reviewed by the Saratoga County Planning Board. Somewhere between June 2019 and October 2020, the timeframe between initial application to the Town and final local approval, a GML-239 l,m,n county referral review never occurred. The Board's review found no immediate concerns to the proposed layout of the project and also understands that the project is currently under construction. Nonetheless, the county offers the following comments:

A NYSDOT work and curb cut permit will be required for the proposed access driveway off of NYS Rt 50.

A County DPW driveway permit will be required for the proposed access driveway off of Brookline Rd./CR-60.

Furthermore, a review performed by the County DPW found several discrepancies with information within the provided set of site plans for this project. The misinformation ranges from incorrectly identifying Brookline Road as being under the permitting jurisdiction of the Town of Ballston, an incorrect detail on the cross section for the stabilized construction entrance and a question on the size of canopy for the proposed sugar maples to be planted along Brookline Road. Due to these concerns, the Saratoga

County Planning Board asked to have the project's design engineer contact Saratoga County DPW to go over these issues and discuss the requirements in order to obtain the needed curb cut permit from the county. The Board also asked the Town to make sure these corrections, identified by the County DPW, are made and represented on the amended site plans prior to the Town placing its final approval stamp on them.

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

## **SUBDIVISIONS**

### **23-A-10KL Town of Moreau**

Ms. Lambert presented an application for the Town of Moreau, a Subdivision Review in the name of Mullen. After the merging of two lots of 152.35 acres & 70.37 acres, the applicant proposes to subdivide into three lots of 5.06 acres, 5.07 acres and the residual of 212.57 acres. Located on Burt Rd. (Ag. Dist. #1).

Ms. Lambert stated No Significant County-wide or Intercommunity Impact.

### **23-A-11JW Town of Stillwater**

Mr. Williams presented an application for the Town of Stillwater, a Subdivision Review in the name of VonAhn. A proposed 13.95-acre parcel to be subdivided to create a 11.2-acre parcel with an existing barn and a 2.75-acre parcel for a proposed single-family use. Located on Malta Bemis Heights/NYS Rt 423 (Ag. Dist. #1).

**Comment:** A NYSDOT work and curb cut permit will be required for Lot 1 and Lot 5 for this proposed subdivision.

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

### **23-A-12JW Town of Charlton**

Mr. Williams presented an application for the Town of Charlton, a Subdivision Review in the name of Lachtrupp. A proposed 2-lot subdivision of an existing 10.43-acre parcel on NYS 147. Lot 1 will be a 7.42-acre parcel with existing residential improvements and Lot 2 will be a vacant 3.01-acre parcel for a proposed single-family use. Located on Sacandaga Rd/NYS Rt 147 (Ag. Dist. #2).

**Comment:** A NYSDOT work and curb cut permit will be required to provide access to the proposed Lot 2 of this subdivision.

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

### **23-A-13JW Village of Round Lake**

Mr. Williams presented an application for the Village of Round Lake, a Subdivision Review in the name of Lot 31 & 32 Hillman Estates. A proposed lot line adjustment between Lot 31 and Lot 32 of Hillman Estates. An even swap of 136 s.f. in the front



and rear shared corners for utility purposes. Located on Village Circle North (Zim Smith Trail).

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

### **23-A-14MV Town of Greenfield**

Mr. Valentine presented a referral submitted by the Town of Greenfield Planning Board for Subdivision Review in the name of Baldwin. Proposed is 3-lot subdivision of an existing 7.591-acre parcel with dual frontage on Middle Grove Road (CR# 21) and Lake Desolation Road (CR# 12). As proposed, Lot 1 will be a vacant 2.138-acre parcel with frontage on Lake Desolation Rd. and Lot 2 will be a vacant 3.448-acre parcel with 82.91 feet of frontage on Lake Desolation Rd. Lot 3 will be a 2.005-acre parcel with an existing commercial garage fronting on Middle Grove Rd.

**Comment:** Primarily, from the perspective of direct county impact, it is noted that the applicant/subdivider needs two permits as required from Saratoga County DPW for review and approval of curb cuts for Lot 1 and Lot 2 to provide access to/from CR# 12 (Lake Desolation Road). That being the case, the subdivision plat should have driveway locations indicated for board review.

Mr. Valentine further indicated that there are several other subdivision requirements on the final subdivision plat that are missing:

1. As stated, a driveway location for each of the proposed building lots,
2. At the interior end of each driveway there should be located the proposed dwelling/structure,
3. The location of the private on-site water source for each of those dwellings, and
4. The location of the private on-site sanitary disposal system.

Mr. Valentine made note that there is a grade difference between the road elevation and that of Lots 1 and 2 on Desolation's west side. There is no indication, however, of a driveway for either lot, nor of the provision of a drainage culvert (or length nor size) under the driveway to properly direct stormwater/drainage. Grading for either driveway will have its impact on site drainage, at least for the lot frontages.

Presented to Board Members was that the placement of the dwellings will also have direct bearing on the location of each house's water well and its septic system, with the required minimum 100-foot separation between one home's well and septic. For discussion, he explained that if Lot 2 is to be sold prior to Lot 1 (or vice versa) with a plot plan approved for the issuance of a building permit, where the owners of Lot 2 determine their well or septic will be placed will dictate the placement and spacing needed for Lot 1's utility locations. The depiction of a driveway and a house on the final subdivision plat along with proposed locations for well and septic for each lot will indicate if what is proposed can in fact be appropriately constructed. Without this required information being on the final plat, both the local and county planning boards are only guessing as to the feasibility of the proposed plan, he stated.

He did note that there are no indicated wetlands, stream or flood plain on the subject property, but he noted what is believed to be an error on Item #7 of the SEAF's Part One: it is indicated that the site is in or adjoining a state-listed CEA. For the town's record, this answer should be corrected, if in fact there is no CEA on or near this property.

Mr. Valentine noted that the referral submission to the SCPB was made on March 2, the same date that the town planning board planned to take final action (approval?), then that action must be rescinded, reheard, a new vote taken up and the final plat's mylar be re-stamped with a new date and signature. This action is, of course, necessary only if the final plan was acted upon by the Greenfield Planning Board prior to the County Planning Board's action and correspondence.

Mr. Valentine stated that the proposed 3-lot subdivision presents No Significant County-wide or Intercommunity Impact, but is deficient in the manner/material submitted.

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

### **MOUS**

#### **21-A-36MOUJW Town of Charlton**

A proposal to subdivide an 18.11-acre parcel into three separate parcels. Lot 1 will be a two-acre lot for a proposed single-family home. Lot 2 will also be a 2.0-acre lot for a proposed single-family home and Lot 3 will be the remaining 14.11-acre lot with an existing homestead. All lots front along CR -52. Located on Jockey Street (Ag. Dist. #2).

Comment: The County PB acknowledged that a subdivision review of the same was performed in June of 2021 with the like decision of No Significant County-wide or Intercommunity Impact.

A Saratoga County DPW driveway permit will be required for the proposed Lots 1 & 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 2/27/2023 by Mr. Williams with concurrence from Devin Dal Pos and Ian Murray that the action posed No Significant County-wide or Intercommunity Impact.

#### **23-34MOUKL City of Saratoga Springs**

Ms. Lambert presented an application for the City of Saratoga Springs, a Site Plan Review in the name of Stewart's Shop S. Broadway. A proposed redevelopment of an existing Stewart's by removing all structures and replacing with a fuel pumps/canopy and a 2-story, 3,720 s.f. Stewart's Shop in the City's Neighborhood Center (T-5) district. Located on South Broadway/US Rt 9.

Comment: There was some concern with the tankers being able to complete the turning radius around the fuel pumps and underneath the canopy. As noted, Lincoln Avenue does have a weight limit, so access to the site is limited for fuel delivery to the existing U.S. Route 9 entrance.

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 Amendment to Site Plan was reviewed on 3/16/2023 by Ms. Lambert with concurrence from Ian Murray and Cynthia Young that the action posed No Significant County-wide or Intercommunity Impact.

### **23-35MOUMV Town of Halfmoon**

A proposed subdivision of a 2.26-acre parcel with 151.59 feet of frontage and an existing duplex now requires an area variance in order to proceed. The proposed 2-lot subdivision will create a conforming 1.34-acre flaglot with 20 feet of frontage but causes the proposed 0.92-acres with the existing duplex to have only 131.59 feet of frontage where 150 feet is required. Located on Stone Quarry Rd, off Guideboard Rd. (CR# 94).

Comment: To follow this ZBA referral there will be a submittal from the town Planning Board for SCPB review of a Special Use Permit and a 2-lot subdivision.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Halfmoon Zoning Board of Appeals, the referral for Area Variance was reviewed on 3/16/2023 by Mr. Valentine with concurrence from Cynthia Young and Ian Murray that the action posed No Significant County-wide or Intercommunity Impact.

### **23-36MOUMV Town of Halfmoon**

Applicant proposes to add a merchandise cage to be placed on the existing sidewalk of the gas station/convenience store. The secured cage will be used to store and sell high-octane racing fuel. The project site is located at the SW quadrant of the US Rt. 9 and Grooms Rd. (CR# 91) intersection.

Staff recommended that the applicant provide supplementary safety information as part of its application materials, attesting to the security of open on-site storage of fuel containers. It should be verified that the wheeled storage cages will in fact be stored inside during non-operating hours.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Halfmoon Planning Board, the referral for Amendment to Site Plan was reviewed on 3/16/2023 by Mr. Valentine with concurrence from Ed Vopelak and Cynthia Young that the action posed No Significant County-wide or Intercommunity Impact.

### **23-42MOUMV Town of Wilton**

A proposal is being submitted to review the change in use from an existing liquor store use to that of a pizzeria on an existing 2.40-acre parcel (with two other existing uses on the same parcel). The project site is located on US Rt 9, east side, south of Daniels Road.

The proposal to the town zoning board of appeals is associated with a change in tenant from Brumley's existing wine and liquor store to a sit-down restaurant/pizza shop. With the proposed change in use the owner/applicant will need to obtain an area variance. The town's zoning ordinance requires that in aggregate (the total square footage of all individual uses located on a site with multiple principal uses) must be equal to or less than the maximum lot area permitted. In this case, by zoning, the three uses (a mini-golf course, an esthetician cottage and a new pizzeria) would

require a minimum lot size of 150,000 s.f., but the owner has only 104,544 s.f.; therefore an area variance is necessary.

The CR-1 District regulations stipulate that the minimum lot size associated with each of the multiple uses in aggregate must be met on the one subject parcel. In this case, the total lot size must be 150,000 sq. ft. for 4 users:

1. outdoor recreational use at 40,000 s.f.
2. personal services use at 40,000 s.f.
3. the new sit-down restaurant at 40,000 s.f., and
4. a pre-existing non-conforming residential use at 30,000 s.f.

Mr. Valentine indicated that we have looked at several applications and changes to the uses on this site over the last 15 years or so. As with previous changes, like this one, the town has dealt with the applicant's use changes and the site plan updates as required. One issue that needs to be addressed further and is not part of this referral is making the required number of useable/accessible parking spaces match with what is provided on the site plan. At this time, consideration of this site plan issue will have to come before the town planning board and be further referred to the SCPB for review. He also noted that the existing curb cut at the state road is to remain.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Wilton Zoning Board of Appeals, the referral for Area Variance was reviewed on 3/16/2023 by Mr. Valentine with concurrence from Tom Lewis and Cynthia Young that the action posed No Significant County-wide or Intercommunity Impact.

### **23-24MOUMV Town of Wilton**

A proposed senior living housing development consisting of three buildings with each building housing 130 one-bedroom apartments to be located on an existing 29.97-acre parcel located on the south side of NYS Rt. 50 east of Perry Road. The buildings will each require an area variance for the proposed height of the proposed buildings. The maximum height allowed for occupied building space in a building in this District is 35 feet, but the three buildings propose for the height of the occupied space to be 42 feet. As part of a referral to be later submitted by the town Planning Board, a NYSDOT work and curb cut permit will be required to provide access to/from NYS RT 50.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Wilton Zoning Board of Appeals, the referral for Area Variance was reviewed on 3/14/2023 by Mr. Valentine and with concurrence from Devin Dal Pos and Cynthia Young the action was determined to pose 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 5:10 pm.

Respectfully Submitted,  
Nisha Merchant, Secretary