



# SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS, CHAIRMAN  
50 WEST HIGH ST, BALLSTON SPA, NY 12020

JASON KEMPER, DIRECTOR  
518.884.4705 (P) 518.884.4780 (F)

## Meeting Minutes May 18, 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 4:04 pm.

**Members Present:** Tom Lewis, Chairman, Devin Dal Pos, Donald McPherson, Ian Murray, and Cynthia Young.

**Members Absent:** Marcia E. Murray and Ed Vopelak

**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:**

**MOTION:** The minutes of the April 20, 2023, meeting were unanimously approved on a motion made by Ms. Young and seconded by Mr. McPherson. **CARRIED.**

**Recusals:** Don McPherson 23-86

## **REFERRALS**

**21-15MV Town of Halfmoon: *Moore's Tree Service & Company, LLC - Special Use Permit***  
Located on NYS Rt 4 & 32 (Saratoga County Sewer District #1). Tax Map No(s): 268.-1-12.

Mr. Valentine presented an application for a proposed expansion of the approved tree service company (previously reviewed for a change in tenant application in 2021) through issuance of a special use permit to allow use of an on-site portable sawmill at the rear portion of the existing 3,450 sq. ft. building situated on a 0.69-acre parcel.

For the benefit of minimizing the impact of the operation's noise, SCPB recommended that there be minimal clearing of surrounding mature trees/vegetation at the rear of the site. Additionally, Mr. Valentine suggested that the type of exterior lighting and hours of operation should be considered by the town planning board as criteria or standards associated with the special use permit, as well as a discussion of any possible on-site storage of product.

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

### **23-02JW Town of Ballston: *AstroChemical* - Area Variance**

Located on Mill Rd. (Schauber Rd/CR 80; Town of Clifton Park). Tax Map No(s): 257.-16-1-13.

Mr. Williams presented an application for the proposed construction of a 2-story 5900 s.f. office addition that presents a need for a variance on the proposed lot coverage percentage allowed. The maximum lot coverage allowed in the Town's Mixed Use South zoning district is 30% where the proposed building addition will create 38% coverage of buildings on the 3.73-acre site.

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

### **23-17JK Town of Malta: *Mohawk Chevrolet Recon Center* - Site Plan Amendment Review**

Located on State Farm Place (NYS Rte 67). Tax Map No(s): 229.-2-98.121.

Mr. Kemper presented an application for a project that was reviewed in February 2023 for a 18,297 .f. building on a 3.41 acre parcel to be utilized for the car dealership's automotive detailing facility. The applicant is now proposing a 15,092 s.f. building with associated parking and two curb cuts onto the local State Farm Place Rd.

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

### **23-22JK Town of Clifton Park: *Rexford Square Self Storage Expansion* - Site Plan Review**

Located on NYS Rt 146 & Upper Newtown Rd/CR-86. Tax Map No(s): 269.-3-2.24.

Mr. Kemper presented an application for a proposed addition of (14) 20ft. X 30 ft. self-storage units to a site with four existing self-storage buildings on 6.47-acres.

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

### **23-31KL City of Saratoga Springs: *Liberty Affordable Housing, Inc.* - Site Plan Review**

Located on Crescent Ave./CR-22 & Jefferson St. (Spa State Park/Hemlock Trail & NYS Lands/Horsetrack). Tax Map No(s): 179.-5-8.

Ms. Lambert presented an application for a proposed multi-family project consisting of 212 affordable units with associated site work on the 30.3-acre parcel within the Urban Residential-4 District.

Ms. Lambert stated that the Saratoga County Planning Board had previously agreed that there was no significant county-wide or intercommunity impact posed by the relief request for the height area variance at their meeting on March 16, 2023. At that time, staff had noted 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.

With referral review material received on February 14 and March 13, 2023 it was noted that there were no updated sewer loading information, City of Saratoga Springs Engineering Office technical reviews received, or traffic study updates before the SCPB met on May 18, 2023.

From what the SCPB Board had received, there were concerns that the 2019 Traffic Analysis was only for 192 units and not the full build out of 212 units. Ms. Lambert stated that the dates of the study were performed in February of 2019 and may not accurately reflect traffic counts for this area. The study also indicated that "residents of the apartment complex can access the Capital District Transportation

Authority system via a bus stop associated with the *Saratoga Visitors Trolley* route provided at the casino.” The Saratoga Visitors Trolley line (#875) is a seasonal line, only available July to September, as per CDTA. This information should be updated to accurately reflect this site, currently, as not being serviced full-time by CDTA.

The SCPB noted that parking was shown in the set back on the site plan closest to Bunny Lake Drive. The City of Saratoga Springs Planning Board should determine if a waiver will be provided for portions of those spaces as part of the UDO or if changes to the plan are needed.

Ms. Lambert stated that in verifying that the Saratoga County Sewer District #1 had not seen anything on this project yet, the applicant will need to submit all their plans for review and approval to them. This includes a report outlining flows and loads - and they will likely need DEC approval as well, as it is above the 2,500 gpd threshold.

The SCPB reviewed the materials, however, prior to making a decision, the Board requests additional information as noted above and including additional site plan updates, ACOE wetland verifications, SWPPP updates.

### **23-40JK Town of Malta: *Stein* - Special Use Permit & Site Plan Review**

Located on NYS Rt 67 & East Line Rd/CR-82 (Town of Ballston). Tax Map No(s): 229.-1-39.11 & 229.-1-66.

Mr. Kemper presented an application for a proposed 139-unit apartment facility with supporting retail space on a 11.51-acre site by combining two existing parcels at the corner of East Line Rd and NYS Rt 67. The 139 units of apartments will be housed in a single, 62,654-s.f. building with 7,711 s.f. of commercial space. The existing historical house is to be relocated on site.

The SCPB reviewed the materials that were submitted in various transmissions from the Town of Malta. Prior to making a decision, the SCPB is requesting additional information be provided for review associated with the following comments below.

The main concerns expressed by the SCPB focused on the ingress/egress to the site along both East Line Road and NYS Rt. 67 and the future traffic improvements being planned for the four legs at the intersection.

Mr. Kemper stated that this intersection has been the subject of numerous conversations, meetings, and plans for a number of years involving the County, NYSDOT, applicants and the towns of Ballston and Malta. Most recently, Saratoga County provided financial support to supplement a federal aid project at this intersection. A summary of the traffic study, comments of the applicant’s engineer, and TDE review comments were recently provided to the Board for consideration. Mr. Kemper stated that Town staff has also indicated that NYSDOT has approved the location of the curb cut onto NYS Rt. 67, but the SCPB believes the comments mentioned below should be evaluated.

The Board requested that the applicant explore modifications to the site plan that would shift the proposed access located on East Line Road further to the north to provide for safer access under the current conditions and with consideration for future improvements that are proposed. The Board acknowledged the wetland constraints on the property and the applicant’s desire to keep below the ACOE threshold; however, there is a significant ACOE wetland disturbance currently proposed for the site and the Board recommended evaluating a more suitable access to East Line Road. Possible wetland disturbances have been expressed as justification against shifting the proposed access to the north.

Based on the information provided to the SCPB, neither NYSDEC, or the ACOE have provided any correspondence verifying the wetland delineations for the project site. Signoff on these delineations should be provided to the SCPB as it impacts the discussion on current and future ingress/egress into the site.

The Board also suggested that the proposed access on NYS Rt. 67 be shifted further to the east. Members of the SCPB noted that the likelihood of limiting the ingress/egress access in the future because of possible improvements is greatly reduced or eliminated by shifting the proposed access to the east. In addition, a shift to the east, perhaps to the property line, would allow for a possible shared access arrangement with the adjacent landowner in the future and minimize consecutive and redundant turn movements.

Mr. Kemper stated that there are a number of stakeholders involved; roadway design for the intersection at NYS Rt. 67 and East Line Road is currently underway, or will be initiated in the immediate future. Based on the high likelihood of ROW takings on the applicant's property, the SCPB thought it advisable that the town Planning Board request a survey of the potential ROW takings. Such a delineation of necessary future improvements should become part of the approval process for the Special Use Permit and Site Plan.

### **23-59MV Town of Halfmoon: *Pearl Landscaping* - Special Use Permit and Site Plan Review**

Located on NYS Route 4 & 32. Tax Map No(s): 280.-2-51.

Mr. Valentine presented an application for the proposed construction of a new 6000 s.f. building and associated storage area (5,500 s.f.) behind the building on a 1.6-acre parcel. Special Use Permit is required in W-2 Waterfront commercial district.

Mr. Valentine stated that comments and questions posed in correspondence with Town staff have been answered through written response and by the town's provision of updated plan sheets that assisted further review.

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

### **23-70JK Town of Clifton Park: *1774 Route 9* - Site Plan Review**

Located on US Rt 9. Tax Map No(s): 266.3-3-11.21.

Mr. Kemper presented an application for a proposal to add 19 additional parking spaces, of which 18 will be in the rear of the building, to bring the total number of parking spaces to 42.

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

### **23-73JW Town of Stillwater: *Town of Stillwater* - Zoning Local Law adoption**

Located Town-wide. Tax Map No(s): N/A.

Mr. Williams presented an application for the proposed Transfer of Development Rights (TDR) ordinance within the Town of Stillwater's zoning laws. The TDR's objective is to promote higher density growth in identified areas in town, to reduce sprawl, to improve economic efficiencies with the Town's infrastructure and to conserve agricultural and open space lands within the Town of Stillwater.

The Saratoga County Planning Board commended the Town of Stillwater for the proposed creation of a Transfer of Development Rights (TDR) program in its zoning regulations. Prior to the Town adopting the TDR legislation, the SCPB requested that additional information be provided in order to more clearly understand the proposed processes involved with the program.

The SCPB discussed the Town Board's desire to designate the Town planning board as the governing body to oversee the TDR program. The SCPB questioned whether or not the action of transferring development rights from lands in the sending area to lands in the receiving area is not actually a legislative action of the Town Board. This has been evidenced in other county municipalities, so the Board expressed that the Town Board should assume the responsibility of overseeing the Town's proposed TDR program. If warranted, it is conceivable that the Town's planning board may perform a preliminary review to determine the status of the sending and receiving lands and to determine the proper number of TDR credits that will be involved. After that, the planning board should provide a recommendation of its findings back to the Town Board. The preliminary review performed by the planning board could be seen as the conduit between the landowner (sending area) and the applicant (receiving area) as to how many TDR credits will be recommended so that negotiations between the two parties can be fortified prior to the Town Board taking official action.

The SCPB recommended that a set of guidelines should be established whether it is the Town planning board that is performing a preliminary review of TDR credits, as described above, or whether the Town planning board and Town attorney will have sole discretion to approve and accept TDR credits from a sending area to a receiving area. The guidelines would be used to justify the Town planning board's recommendation to either accept the full proposed number of TDR credits to be transferred or reduce or deny the same. Guidelines on the procedure to be used will protect the Town planning board from what could otherwise be perceived as an arbitrary decision if ever that decision should be challenged.

The SCPB also questioned the Town's desire to monitor the TDR program's conservation easements by designating one or more persons or organization to manage the lands. Typically, conservation easements are entrusted to a land management organization to oversee the lands in a conservation easement. With this, there is usually a stewardship fee associated with monitoring these lands. The Board was interested in finding out how the stewardship fees will be administered, and the possible recourse should the stewardship fee become deficient or defunct.

The SCPB requested additional information from the municipality prior to rendering a decision.

### **23-74MV Town of Corinth: Roberts - Area Variance**

Located on Mosher Rd/CR-10 and West Mountain Rd. Tax Map No(s): 73.-1-10 & 73.-1-54.

Mr. Valentine presented an application for a proposed lot line adjustment between existing single-family residential lots which, if effected by the planning board, will result in one of the lots – now conforming to the standard R-3 minimum lot size requirement of 40,000 s.f. – to become deficient in lot size and need an area variance from the ZBA for its newly-created substandard lot size. The other lot of 10,374 s.f. is presently not of a standard R-3 lot size. After the lot line adjustment and the exchange/conveyance of 29,769 s.f. of property, the compliant lot will become non-compliant with an area of 16,100 s.f. in need of a variance of 23,900 s.f. and the other lot becomes compliant with 40,143 s.f. for its new lot size.

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

### **23-76MV Town of Wilton: *Town of Wilton* - Zoning Map Amendment**

Located on US Rt 9. Tax Map No(s): N/A

Mr. Valentine presented a referral from the Wilton Town Board for amending the Zoning Map that proposes the discontinuance of the Commercial Residential 2 (CR-2) zoning of several parcels on the west side of US Rt 9 - along with a portion of Residential 3 (R-3)-zoned parcels - and replace them with Residential Business 1 (RB-1) zoning designation to better reflect existing and current requested land uses.

Mr. Valentine stated that the overarching purpose of the proposed changes to the town's zoning map is spelled out in the March 22, 2023 Memorandum from the town Zoning Enforcement Officer to the Town Board. It was noted in the memo that the CR-2 zone was initially intended to be a transition zone between the Hamlet and RB-1 zones; however, over the years, development in the RB-1 zone has decreased the usability of the CR-2 as originally intended.

Members of the Saratoga County Planning Board voiced their recognition and support of those observations and recommendations for approving the Zoning Map Amendment; however, Board Members noted that the 20-acre tax parcel# 140.-3-31 on the west side of Rt. 9, owned by Michael Roohan, is presently zoned R-3, is landlocked, has no frontage on or access to US Rt. 9. This one parcel is proposed to remain as the only unaffected (not rezoned) R-3 parcel of this proposed action. Board members were a bit bewildered as to why this large trapezoidal parcel that is now zoned R-3 in the proposed mix of RB-1 is being looked at differently from the abutting parcel to the north (140.-3-27) also owned by Roohan. This latter parcel which exists as a split-zone parcel (split R-3/CR-2) is proposed to become fully designated as RB-1, as the others except for the already mentioned R-3 landlocked parcel. This oddity was the only major comment raised in discussion by Board Members. As a concise explanation from staff beyond the fact that "the parcel is landlocked" (per town discussion) could not be provided, the SCPB requested an explanation for our file/record as part of the Report of Final Action per GML 239-m.

Mr. Valentine recommended approval.

### **23-77KL City of Saratoga Springs: *118 Woodlawn* - Special Use Permit & Site Plan Review**

Located on Van Dam St. & Woodlawn Ave. (NYS Rt 9 & NYS Rt 50). Tax Map No(s): 165.43-3-24.

Ms. Lambert presented an application for a proposal to reinvent a former house of worship into a private social club. The building is located on the corner of Van Dam St. and Woodlawn Ave. and is situated on 0.14-acre portion of a 0.37-acre parcel with the remaining part of the parcel across the street, for parking, on Woodlawn Ave.

Saratoga County Planning Board members commented on the amount of traffic that flows to and from NYS Route 50 and US Route 9 via Van Dam Street as a cut over to NYS Route 9N which does intersect two of the streets that the parking lot for the private/social club will use as ingress/egress. The City of Saratoga Springs Planning Board should review any updated traffic studies that have been completed for this area.

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

### **23-79MV Town of Moreau: *Turfs-R-Us Lawncare* - Site Plan Review**

Located on US Rt 9 and Reservoir Rd. Tax Map No(s): 63.2-1-24.

Mr. Valentine presented a referral from the town of Moreau planning board proposing a change in tenant for a lawncare business' indoor and on-site storage of vehicles/equipment within a portion of an existing surveying office/garage. The applicant proposes to utilize the existing 3-bay garage and outdoor storage area to store equipment and park a truck and two trailers on the 0.71-acre, commercially-zoned parcel.

The SCPB viewed the site plan application (absent a site plan) as a change-in-tenant application with the appearance of there being no greater impact(s) to the use of the site/building than currently exist. The Board recommended, however, that the town planning board provide specificity to the applicant and the record on what operations and storage are to become part of this site plan, i.e. the extent of on-site outdoor storage, the type of stored items to be permitted, the number of work-related vehicles accounted for on-site, as well as the number of employee vehicles/parking spaces to be provided. These conditions are offered only in the event that the current surveying business vacates use of the site and building altogether and that over time growth of the turf business expands its site-presence.

For the benefit of safe vehicular movements to and from this site, the Board recommended that any further development of the site beyond a change-in-tenant application should bring about an amended site plan with a paved parking area and driveway entrance that is relocated to the lot's southernmost point on Reservoir Road and away from the Rt. 9 intersection.

Mr. Valentine recommended to the Board a decision of No Significant County-wide or Intercommunity Impact.

### **23-80MV Town of Halfmoon: *Jones Road Subdivision* - Area variances associated with Jones Road Subdivision (Rexford Group Associates, LP (Bast Hatfield))**

Located on Jones Road (Crescent Vischer Ferry Rd/NYS Highway 819). Tax Map No(s): 284.-2-14.2 and -59.

Mr. Valentine presented a referral from the town of Halfmoon zoning board of appeals by which a proposed lot line adjustment that was before the town planning board involving two abutting parcels, both which currently exist as non-conforming lots (areas), that will result in the need for three area variances, noted as:

- A) Lot 1 is now a 0.12-acre vacant lot to which will be conveyed lands from Lot 2 to make it a 0.38-acre lot. Lot 1 is to remain vacant. Town's C-1 zoning district's minimum lot size requirement is 0.80 acres.
- B) Lot 2 will therefore decrease in lot size from 0.79 acres to 0.53 acres. Town's C-1 zoning district's minimum lot size requirement is 0.80 acres.
- C) A variance request for Lot 2's non-conforming front yard setback. The existing house on Lot 2 is now set at 46.7 ft., where 50 ft. is required.

Mr. Valentine stated that these proposed changes will result in the lots reverting back to the original 2002 property lines at purchase prior to the change made in 2003. There are no impacts of a countywide or intermunicipal impact resulting from the LLA and variances requested. As it is the desire of the appellant that no obstruction of view be blocked by construction on Lot 1, and as the buildability of Lot 1 (restricted building area) does not appear to pass the scrutiny of a proper review, we recommend that a note be added to the public record, or to the resulting map created, that Lot 1 is conditioned to remain vacant.

### **23-81JW Village of Round Lake: *Santy* - Area Variance**

Located on Lake Ave. (Zim Smith Trail). Tax Map No(s): 250.34-1-40.

Mr. Williams presented an application for a proposed addition on an existing home that has created the need to seek relief for a rear yard setback and lot coverage. The proposed one-story addition of 12 ft X 24 ft will create a rear yard set back of 3.7 ft where 30 ft is the minimum required per RV-2 zoning in the Village. The maximum allowed lot coverage in the Village's RV-2 zone is 20% or in this case 660 s.f. The proposed 288 s.f. addition on the pre-existing 1600 s.f. housing structure will create the need for 1288 s.f. of relief on the Village's lot coverage.

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

### **23-82KL Town of Saratoga: *NLH Properties* - Special Use Permit**

Located on NYS Rt 29 (Ag. Dist. #1). Tax Map No(s): 154.-1-14.1.

Ms. Lambert presented an application for a proposed mixed use operation involving two existing residential structures (one to be renovated and the trailer removed), professional office, and a horse farm operation with the proposal of a 3,500 s.f. workshop garage with 18 parking spaces on a 26.98-acre parcel.

The Saratoga County Planning Board acknowledged the concerns from the Town of Saratoga Planning Board regarding the sight distances of the three existing driveways on NYS Route 29. The updated site plan illustrated the ingress only with a "no exit" sign at the east driveway that addressed the sight distance concern while still allowing access.

Any development or improvements to the driveways will need to be reviewed by NYSDOT.

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

### **23-83JK Town of Malta: *Keystone Novelties* - Site Plan Review**

Located on US Rt 9 & Taddeo Rd. Tax Map No(s): 240.-2-45.1.

Mr. Kemper presented an application for a temporary fireworks retail tent, from June 22 to July 7 2023, on the corner of Rt 9 and Taddeo Rd.

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

### **23-84JK Town of Malta: *Heflin* - Area Variance**

Located on NYS Rt 67 (Zim Smith Trail). Tax Map No(s): 229.-1-39.3.

Mr. Kemper presented an application for a proposed three apartment building (33-units total) that has created the need for three area variances. One is the required front yard setback where the proposed setback is 226.9 ft where 500 ft is minimum required. The second and third variance requests are due to a needed stream crossing where 0.064-acres of 15% slope will be disturbed and impacts 0.34-acres of the Town's 100 ft stream buffer. The town does not allow any impacts to the slope in excess of 15% or its stream buffer. It was noted that if the area variances for the project are granted, then additional details regarding the connection to the Zim Smith Trail will need to be provided when site plan approval is initiated.

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



**23-85JK Town of Malta: *Catskill Hudson Bank* - Area Variance (Sign)**

Located on US Rt 9. Tax Map No(s): 229.4-1-27.

Mr. Kemper presented an application for a proposal to install an internally lit, double-column freestanding sign that is 10.9 ft from Rt 9 in the Town's FBC DX-3 zone. The Town's DX-3 zone only allows externally lit signs.

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

**23-86JK Town of Malta: *Charlie's Stay and Play* - Special Use Permit & Site Plan Review**

Located on US Rt 9. Tax Map No(s): 204.4-1-11; -8.

Mr. Kemper presented an application for a proposed 11,800 s.f. mixed-use building on a 5.139-acre parcel with access to Rt 9 via an easement through two other parcels. The proposed building will be utilized to offer pet grooming, pet daycare, vet services and an accessory caretaker unit.

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

**23-87JW Town of Ballston: *Stem & Stone* - Site Plan Review**

Located on Scotchbush Rd/CR 56 (Ag. Dist. #2). Tax Map No(s): 247.-1-21.111.

Mr. Williams presented an application for a proposed agritourism use on an existing farm to provide pick your own flowers, farm market stand and offer workshops for flower arrangements, wreath making and host reserved photography sessions. The site has an existing farmhouse and barn with proposed two 144' x 20 ft gravel parking areas being constructed along with several areas of flowers.

Mr. Williams noted that a Saratoga County DPW driveway permit will be required for the proposed improvements to the existing driveway to the site.

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

**23-88KL Town of Clifton Park: *Lee* - Area Variance**

Located on Riverview Rd./CR-88. Tax Map No(s): 269.-3-28.

Ms. Lambert presented an application for a proposed 3-lot subdivision, by creating two flaglots, creates the need for an area variance due to the proposed width of the access to the rear lands being 25 ft in width when 40 ft is required.

The Saratoga County Planning Board noted the length of the requested shared access driveway (over 500 ft) for Lot 2 and Lot 3 and suggested a fire apparatus turnaround as per NYS Fire Code be indicated on the subdivision map, along with any access easements.

The Zoning Classification on the proposed site plan will need to be corrected to Hamlet Residential with the corrected bulk requirements, along with "Keyhole" Lot setback requirements. The site plan should indicate the location of the proposed driveway for Lots 2 and 3.

A Saratoga County DPW driveway permit will be required for the proposed improvements to the existing driveway with access to Riverview Road.

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

## **SUBDIVISIONS**

### **23-A-32KL Town of Clifton Park: *Lee* - Subdivision Review**

Located on Riverview Rd./CR-88 (Schenectady Co./Town of Glenville). Tax Map No(s): 269.-3-28.

Ms. Lambert presented an application for a proposed 3-lot subdivision of an existing 9.6-acre parcel. Lot one will be a 1.35 acre lot with existing residential improvements, Lot 2 will be a vacant 3.63-acre lot with 50 ft. of frontage on CR-88 and Lot 3 will be a vacant 4.67-acre flaglot. Both proposed vacant lots are to have single-family home constructed upon them.

Discussion regarding the subdivision occurred concurrently with the presentation of the area variance requested (23-88) as noted above.

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

### **23-A-33MV Town of Halfmoon: *Mars* - Subdivision Review**

Located on Cary Rd. (Farm to Market Rd/CR-109). Tax Map No(s): 260.-2-38.32.

Mr. Valentine presented an application referred from the town of Halfmoon planning board for a 3-lot subdivision of an existing 6.03-acre parcel designed to create 2 flaglots with frontage on Cary Road, utilizing a shared-access drive. Lot 1 will have an area of 1.80 acres and Lot 2 will have an area of 3.41 acres. On Lot 3 will be the existing residential structure with improvements and will directly access Cary Road from its own driveway on a new lot of 0.82 acres. Municipal water service for the homes will come from an existing service on Cary Road. Private individual sanitary service to the lots will be by septic systems.

Mr. Valentine stated that the proposed subdivision conforms with District requirements and is located in an area of other residences and wooded areas. There are 0.21 acres of undisturbed ACOE wetlands, near equally divided between Lots 2 and 3. With the District's minimum lot size requirement of 30,000 s.f. w/water, all lots are conforming.

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

### **23-A-34MV Town of Wilton: *Forest Grove* - Subdivision Review**

Located on Jones Rd (referrable as proximate to Northway (I-87) and County Forest Land). Tax Map No(s): 141.-3-12; -53; -39.

Mr. Valentine noted that this Board has reviewed the subject conservation subdivision several times over the years. The town of Wilton planning board is referring its application for an expansion of the existing Forest Grove Conservation Subdivision that is proposed by adding to its lands an adjacent 105-acre/55-lot parcel (St. Dennis), by transferring development rights from lands of Pickett (29 lots) that was reviewed last month, along with the addition into the Conservation Subdivision the adjoining lands (45 acres) of Ingalls (for which density yielded 20 lots). According to various written and mapped sources over time, the SCPB recognized that the approved mixed residential units have increased from 321 units

to a total of 428 dwelling units for the entire project with 390 acres of open space within the 667-acre project

Mr. Valentine 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. Dal Pos, seconded by Mr. Murray and unanimously approved. **CARRIED.**

## **MOUS**

### **19-33MOUJW Town of Wilton: *Mandy Springs* - Site Plan Amendment Review**

Located on US Rt 9. Tax Map No(s): 140.-3-6.

Project review performed by NYSDOT determined two accesses driveways for the proposed site was not feasible and asked for the applicant to amend the site plan. The applicant responded by providing one access of Rt 9 with an internal connector road to reach both sides of the proposed building and providing emergency access through the neighboring property to the North of the site.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Wilton Planning Board, the referral for Site Plan Amendment Review was reviewed on 5/8/2023 by Mr. Williams with concurrence from Devin Dal Pos & Don McPherson that the action posed No Significant County-wide or Intercommunity Impact.

### **23-67MOUMV Town of Wilton: *Babson* - Area Variance**

Located on Ruggles Rd.(King Rd/CR-39). Tax Map No(s): 129.-1-27.12.

In order to subdivide an existing 3.42 acre parcel into two equal areas, the applicant will need to gain relief for minimum lot area for both proposed lots. The minimum lot allowed in the Town's R-2 zone district is 80,000 s.f. where each proposed lot will have an area of 74,487.6 s.f.

Comment: The Town of Wilton legislates that minor subdivisions of a parcel from which there have been no subdivision in the previous three years can be considered and approved by the Zoning Enforcement Officer administratively without planning board review and action.

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 4/27/2023 by Mr. Valentine with concurrence from Cynthia Young & Tom Lewis that the action posed No Significant County-wide or Intercommunity Impact.

### **23-68MOUJW Town of Clifton Park: *The Exchange* - Area Variance**

Located on Main Steet/CR-82. Tax Map No(s): 265.-1-54.

The Town's Neighborhood Business zoning district allows restaurant signs to be placed a maximum of 15 ft from the front boundary line, due to building location 265.-1-54 and lot constraints, the applicant is proposing a 10 ft front yard setback for their sign.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Clifton Park Zoning Board of Appeals, the referral for Area Variance was

reviewed on 4/25/2023 by Mr. Williams with concurrence from Devin Dal Pos & Ian Murray that the action posed No Significant County-wide or Intercommunity Impact.

**23-69MOUJW Village of Round Lake: 0 Clark Avenue - Area Variance**

Located on Clark Rd (St Route 911U & Zim Smith Trail). Tax Map No(s): 250.26-2-55.2.

The applicant proposes to construct a single-family home and is in need of two area variances. The required frontage within the Village's RV2 zone is 70 ft and the required area is 7,000 s.f. where the provided frontage is 60 ft and the lot area is 6,000 s.f.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Village of Round Lake Zoning Board of Appeals, the referral for Area Variance was reviewed on 4/25/2023 by Mr. Williams with concurrence from Devin Dal Pos & Don McPherson that the action posed No Significant County-wide or Intercommunity Impact.

**23-71MOUJW Town of Milton: 71 Rowlands St. - Special Use Permit & Site Plan Review**

Located on Rowland St./CR-47 & John St. (Village of Ballston Spa). Tax Map No(s): 203.14-2-56.

A proposal to renovate a 5,000 s.f. portion of an existing 15,547 s.f. building to operate a classrooms for children with special needs. There are no exterior improvements proposed at the site for this time and the Village of Ballston Spa's planning board has agreed for the Town of Milton's planning board to take lead on the required local reviews.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Milton Planning Board, the referral for Special Use Permit & Site Plan Review was reviewed on 4/27/2023 by Mr. Williams with concurrence from Cynthia Young & Devin Dal Pos that the action posed No Significant County-wide or Intercommunity Impact.

**23-72MOUJW Town of Charlton: Shea - Special Use Permit**

Located on Maple Ave. (Charlton Rd./CR-51, Lake Hill Rd./CR-51 & Ag. Dist. #2).  
Tax Map No(s): 247.-1-1.

A proposal to open an antique/home good retail store by utilizing a 463 s.f. room in an existing home that is situated on a 20.24 -acre parcel within the Town's Residential Agriculture zoning district.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Charlton Zoning Board of Appeals, the referral for Special Use Permit was reviewed on 5/3/2023 by Mr. Williams with concurrence from Devin Dal Pos & Tom Lewis that the action posed No Significant County-wide or Intercommunity Impact.

**23-75MOUJW Village of Victory: Sullivan - Area Variance**

Located on Pearl St. (NYS Rt 32 & Village of Schuylerville). Tax Map No(s): 157.71-4-24.

A proposal to demolish an existing garage and replacing it with a garage within the same footprint creates a need for an area variance for a sideyard setback of 1 ft. where 20 ft. is required.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Village of Victory Zoning Board of Appeals, the referral for Area Variance was reviewed on 5/8/2023 by Mr. Williams with concurrence from Don McPherson & Tom Lewis that the action posed No Significant County-wide or Intercommunity Impact.

### **23-78MOUMV Town of Wilton: Haru Japanese Steakhouse - Site Plan Review**

Located on Old Gick Road (Northway-I-87). Tax Map No(s): 153.-3-55.2.

A proposed tenant fit-up of the former Golden Coral Restaurant building into a Japanese Steakhouse restaurant with the proposed addition of an 18 ft x 56 ft, outdoor, roofed, dining patio on the west side of the existing building.

Comment: In April of 2022, the SCPB reviewed the appeal for an area variance along with an also-proposed subdivision of parcel 153.-3-55.2, dividing the property on which sat both the Golden Coral Restaurant and the Comfort Inn Motel. That subdivision created two new and separate tax parcels, one for the restaurant site (now 153.-3-55.22) and one for the motel (now 153.-3-55.21). The submitted SCPB Referral Form, the town planning board's site plan application, and the LA Group's plan cover sheet should note the correct/referenced SBL for proper recording.

The proposed site plan proposes no changes of substance or utility which pose impacts of a county nature. Because the new outdoor seating area juts into a paved area previously used for full traffic circulation, we only reiterate a recognized concern for the safety of diners easily ameliorated by ample signage and pavement painting to regulate traffic movement as one-way.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Wilton Planning Board, the referral for Site Plan Review was reviewed on 5/11/2023 by Mr. Valentine with concurrence from Cynthia Young & Tom Lewis that the action posed No Significant County-wide or Intercommunity Impact.

### **23-A-31MOUJW Town of Clifton Park: 228 Lapp Rd. - Subdivision Review**

Located on Lapp Rd & Maurice Lane (Sar. County Pump Station Lot). Tax Map No(s): 278.17-1-9.

A 2-lot subdivision consisting of subdividing a 62,479 s.f. lot, with existing residential improvements, at the corner of Maurice Lane and Lapp Rd. The subdivision will create a 42,479 s.f. lot for the existing residence and a 20,000 s.f. vacant lot for a proposed single-family use. Public water and sewer is available.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Clifton Park Planning Board, the referral for Subdivision Review was reviewed on 4/20/2023 by Mr. Williams with concurrence from Devin Dal Pos & Don McPherson 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 5:00 pm.

Respectfully Submitted,  
Nisha Merchant, Secretary