



SARATOGA COUNTY PLANNING BOARD

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

JASON KEMPER, DIRECTOR
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Meeting Minutes June 15, 2023

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

Members Present: Tom Lewis, Chairman, Devin Dal Pos, Donald McPherson [arrived after approval of previous minutes], Ian Murray, Marcia E. Murray, Ed Vopelak and Cynthia Young.

Members Absent:

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; Lindsay Buck, Town of Stillwater; Justin Grassi, Attorney; Geoff Booth, Applicant for South Shore Marina PDD; members of the public.

Approval of Minutes:

MOTION: The minutes of the May 18, 2023, meeting were approved with a 6-0 vote on a motion made by Mr. Murray and seconded by Ms. Young. **CARRIED.**

Recusals: none

Referrals

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

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

Mr. Williams presented an application for the Town of Stillwater's proposal to create a Transfer of Development Rights (TDR) ordinance within their local laws of zoning. 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 Board commended the Town of Stillwater in its efforts to protect and conserve its vital agricultural farmlands and open space by initiating a Transfer of Development Rights program.

The Board reviewed the response from the Town of Stillwater regarding the Saratoga County Planning Board's May 23, 2023 review letter that satisfied prior questions from the Board.

The Board recommended that the Town reconsider directives listed in the proposed Transfer of Development Rights Law under Definitions of Constrained Lands. More precisely, the restriction of removing development rights considerations from 50% of land that is in a 100-year floodplain, as there are referenced standards that, if met, would allow development within the 100-year floodplain, thus adding to the potential of TDR credit to be utilized in a receiving area. Additionally, the Board questioned removing transfer of development rights considerations from lands with known or suspected environmental contamination. Again, contaminated lands can be mitigated to a level that would allow for development and by removing them from consideration of being able to transfer development rights would lessen the likelihood of the property being cleaned up and being able to add to the potential TDR credits to be sent to a receiving area.

Mr. Williams recommended approval.

MOTION: A motion to approve Referral #23-73 was made by Ms. Young and seconded by Mr. Murray and unanimously approved. **CARRIED.**

22-105JK Town of Malta: *South Shore Marina PDD* - PDD Legislation

Located on NYS RT 9P and Plains Rd. Tax Map No(s): 218.18-1-2.1; -37; -35; -41.

Mr. Kemper presented an application for a proposed mixed-use PDD off of NYS Rt. 9P on a total area of 9.51 acres which consists of residential condominiums (85 units across four buildings on three of four parcels), select commercial uses (not to exceed 10,000 square feet), and associated amenities including a clubhouse with a pool, meeting space, fitness center and outdoor gathering spaces.

Mr. Grassi, attorney for the applicant, and Mr. Booth, the applicant, provided information about the proposed project, including changes that had been made after discussions with the Town Board. Recent changes included a decrease in the number of condominium units from 100 to 85, a decrease in the height of the building at the end of Plains Rd. so that views of the lake from Plains Rd. would match the current situation. Mr. Grassi and Mr. Booth reiterated that there would be stormwater controls and pedestrian access within the site and across NYS Rt. 9P. They stated that discussions were ongoing with NYS DOT and County DPW.

Mr. Grassi indicated that minor traffic improvements as recommended by the traffic engineering study, as well as mitigation fees, would help alleviate the traffic issues.

Mr. Kemper gave a brief history of the project before the County Planning Board, stating that it was previously reviewed about a year ago and at that time the SCPB requested additional information as the proposal was still conceptual. Mr. Kemper also noted that since that time, the Town of Malta Planning Board had sent their Advisory Opinion to the Town Board and that Opinion was a unanimous disapproval of the project.

Mr. Kemper provided a summary of all materials received from the municipality, stating that these materials (as well as public comment letters) were received and distributed to the County Planning Board Members via email prior to the meeting.

Mr. Kemper reviewed the materials that had been submitted for this month, which included the Traffic Engineer's Report and the review by the Town Designated Engineer of the traffic study. The TDE letter concluded that the applicant should revise the report and address Town comments. To date, no response from the applicant to that letter was received, but signoff is expected.

Chairman Lewis stated that members of the public could speak to the project.

Most members of the public that were present opposed the project and voiced their concerns especially as related to traffic, incompatibility to Town accepted policies and plans, visual impacts and lack of public access to the lake.

Two people, however, expressed their support for the project.

Discussion by the SCPB members ensued on the role of the County Planning Board and those items that should be reviewed under GML 239 and what would constitute a county-wide or inter-community impact. The discussion revolved around several areas, including but not limited to: density and land use compatibility, visual impacts, SEQR, Comprehensive and Master Plans, Town-wide GEIS studies, compatibility with town-wide plans/policies, traffic, affordable/workforce housing.

Chairman Lewis explained to residents the review process under GML 239. If a County Planning Board issues a decision of “disapproval” that will trigger a required supermajority vote by the Town Board, if it decides to override the County determination. However, in this case, because the town Planning Board has already issued a unanimous decision of disapproval, the Malta Town Board must have a supermajority vote regardless of the decision of the Saratoga County Planning Board.

Mr. Kemper stated that considering the large number of comments and materials that were discussed during the meeting today that he would be sending his draft comment letter out to all Board members for approval.

MOTION: A motion to request additional information for application #22-105 was made by Mr. McPherson and seconded by Mr. Dal Pos.

AYE: Ed Vopelak, Ian Murray, Don McPherson, Cynthia Young, Devin Dal Pos, Marcia Murray.

NAY:

All in favor. **CARRIED.**

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 a proposal for a 139-unit apartment facility with supporting retail space on a 11.51-acre site created by combining two existing tax 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.

Mr. Kemper stated that the Saratoga County Planning Board initially reviewed this proposal at May 18, 2023 meeting and requested additional information related to site access on both Eastline Road and NYS Rt. 67. Subsequently, Town staff submitted a response from the design engineer and traffic engineer for this month’s review. Mr. Kemper stated that submitted materials were distributed to the Planning Board via email prior to the meeting.

Discussion ensued of the following topics:

- The SCPB requested that verification of wetlands delineations rendered by jurisdictional agencies be provided. The applicant's reasoning for not shifting the point of access further north on Eastline Road - as previously recommended by SCPB - has been explained as this driveway may possibly impact a sliver of an existing ACOE wetland and may be an encroachment into a NYSDEC 100-foot buffer area.
- The SCPB strongly encouraged the applicant to evaluate shifting the site access points (at both Eastline Rd. and NYS Rt. 67) further away from the principal intersection, with the thought that resulting traffic improvements will provide significant short and long-term benefits to this intersection.
- Considering the uncertainty in funding future road improvements at this intersection (beyond monies already awarded), the Town of Malta Planning Board should require any future ROW impacts to be addressed during site plan and special use permit approval stages.
- SCPB requested correspondence stating the willingness of the Town of Ballston to provide water service to the proposed project be provided.

SCPB requested additional information prior to rendering a decision. Mr. Kemper stated that he would be sending his draft comment letter out to all Board members for approval.

23-90KL Town of Milton: *Masonic Lodge* - Special Use Permit and Site Plan Review

Located on Columbia Ave Ext. (Village of Ballston Spa & Malta Ave.). Tax Map No(s): 203.82-1-7.

Ms. Lambert presented an application for proposal to relocate the Masonic Lodge fraternity into existing buildings (old train station and L-shaped second building) for fraternity purposes only, which includes meetings in the L-shaped garage building and storage/office space in the train station for use by members on a 1.18-acre parcel off of Columbia Ave. extension.

The Saratoga County Planning Board did express concern about excess traffic along the residential street and did want to ensure lighting was appropriate for the R-1 District and not distracting to the residences nearby.

Ms. Lambert stated that as the R1- Residential District zoning allows for the membership club usage, the special use permit should identify specific hours of operation, gathering size, gathering type (public breakfasts, etc.) and length of time of the permit.

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

23-93JW Village of Round Lake: *The Mill* - Site Plan Review

Located on English Rd and US RT 9 (Town of Clifton Park). Tax Map No(s): 250.-3-14.

Mr. Williams presented an application for a proposed 4,300 s.f. building addition to the existing restaurant by removing the existing patio and bar area. Other minor improvements consist of alterations to existing sewer, water and drainage systems and associated parking and driving surface.

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

23-94MV City of Saratoga Springs: 182 Excelsior Zoning Amendment - Amendment of Zoning Ordinance

Located on City-wide. Tax Map No(s): 166.-1-14.

Mr. Valentine presented a referral received from the Saratoga Springs City Council that proposes to designate properties at 182 Excelsior Avenue as a City landmark (existing residential building previously converted to a multi-story apartment building). The proposed action is referred to SCPB as a Council legislative action under Land Use Board Applications (Section 13) of the City's newly adopted UDO. Landmark designations are considered for review under Section 13.9 by the Design Review Board, but the UDO also cites the pre-required designation of an amendment to the ordinance (UDO, the provisions of the City's UDO ordinance (Section 13.9 K.4). Mr. Valentine explained that t82 Excelsior Avenue is known as the historic 1869 Henry Lawrence House and is currently used as apartments.

Mr. Valentine recommended approval.

23-95JK Town of Malta: Lia Nissan - Site Plan Review

Located on US Rt 9 (I-87). Tax Map No(s): 204.-3-9.

Mr. Kemper presented an application for a proposed 1,767 s.f. addition to the existing dealership building to serve as the vehicle service entrance for customers. The addition will cause the net loss of 6 parking spaces.

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

23-96JW Town of Clifton Park: River Pools - Area Variance (Sign)

Located on NYS Route 146A. Tax Map No(s): 264.-3-35.

Mr. Williams presented an application for a proposal to place a 32 s.f. wall sign on the existing building with an existing freestanding sign for the site. The Town's Hamlet Mixed Use zone allows a maximum of 25 s.f. wall sign under this site's circumstance. The applicant is seeking 7 s.f. of relief.

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

23-97JW Town of Northumberland: Mauran Church - Special Use Permit & Site Plan Review

Located on NYS Rt 32 & Lansing St. Tax Map No(s): 103.12-1-3.

Mr. Williams presented an application for a proposal to convert a theatre use back into a church use in an existing church building on a 0.40-acre parcel in the hamlet of Gansevoort and off of NYS Rt 32.

Mr. Williams stated that the applicant should consider creating a standard, single, NYSDOT commercial curb cut, off of NYS Rt 32, in order to better define the site's access point and provide a more defined internal traffic circulation pattern. Such a curb cut will require a NYSDOT curb cut permit.

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

23-98JW Town of Northumberland: *Bannon* - Site Plan Review

Located on West River Road/CR-29 & Mott Rd. (Hudson River, Ag. Dist. #1, Washington County, Town of Fort Edward). Tax Map No(s): 118.-1-26.

Mr. Williams presented an application for a proposed single-family home on an existing 5.01-acre parcel that abuts the Hudson R. is in need of meeting the Town's Shore Overlay Zone.

Mr. Williams stated that a Saratoga County DPW driveway permit will be required to provide access to the site from CR-29. The current layout of the proposed driveway, as depicted on the site plan provided by the Town of Northumberland, does not meet Saratoga County DPW's design criteria. A minimum of 5 ft. between the property lines is needed before starting the radius of the driveway is required. The applicant should contact the Saratoga County prior to a building permit being issued to correct this discrepancy.

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

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

SUBDIVISIONS

23-A-20JW Village of Round Lake: *Baltic Lake Motel* - Subdivision Review

Located on NYS Rt 9. Tax Map No(s): 250.-3-9.

Mr. Williams presented an application for a proposed two-lot subdivision of an existing 13.85-acre parcel, with existing residential and commercial improvements, to create a 39,771 s.f. residential lot fronting on US Rt 9.

The Board strongly recommended that the applicant address the health and safety concerns regarding the access to US. Rt. 9 by sharing the existing driveway, via a shared access easement, that serves the residential use in the rear of the proposed site. Any other means of access onto US Rt. 9 will require a review and permit from NYSDOT. No building permit from the Village should be issued until the concern over the access to the new residential lot is resolved.

Mr. Williams stated No Significant County-wide or Intercommunity Impact with comments noted above.

23-A-35JW Town of Milton: *Acland Blvd. TRA-TOM* - Subdivision Review

Located on Acland Rd. (Saratoga County Airport). Tax Map No(s): 177.13-5-28.

Mr. Williams presented an application for a proposal to create three residential lots and a vacant lot from an existing 7.55-acre parcel. The three residential lots will have areas of 1.45 acres, 1.36 acres and 0.85 acres, respectively. The remaining lands of 3.86 acres will remain vacant with wetlands and a 30-ft utility easement present.

Mr. Williams stated that this project was reviewed by the Saratoga County DPW and was found not to be within the Saratoga County Airport's Runway Protection Zone (RPZ) and therefore had no cause for concern regarding the airport's operation.

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

23-A-37KL Town of Charlton: *Ellms Family* - Subdivision Review (LLA's)

Located on Charlton Rd./CR-51 (Ag. Dist. #2). Tax Map No(s): 237.-1-33.111; .12; & .2.

Ms. Lambert presented an application for a proposal to perform lot line adjustments on three parcels with residential improvements and one in a farm operation. 488 Charlton Rd. with an existing home will go from 8.91-acres to 3.56-acres, 478 Charlton Rd. with existing residential improvements will go from 2.04-acres to 2.46-acres, and 468 Charlton Rd. with an existing farm operation will go from 47.00-acres to 52.00-acres.

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

23-A-40JK Town of Malta: *Jersen-Hermes Rd* - Subdivision Review

Located on Hermes Rd. (NYSERDA lands, County Roads-73, 77, 78 & 108). Tax Map No(s): 230.-1-75.11.

Mr. Kemper presented an application for a proposed two-lot subdivision of an existing 259.92-acre NYSERDA property into a 24.32-acre parcel and leaving the residual acreage at 235.60-acres. There is no indication of proposed uses for either proposed parcel.

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

MOTION: A motion to approve Planning Department recommendations for planning subdivision as presented was made by Mr. Vopelak, seconded by Mr. Dal Pos and unanimously approved.
CARRIED.

MOUS

23-91MOUJW Town of Clifton Park: *John Deere* - Area Variance (Sign)

Located on Ushers Rd (NYS I-87). Tax Map No(s): 259.-2-74.31.

There is an existing and conforming 56 s.f. (allowing 67 s.f.) wall sign on the existing John Deere Dealership off of Ushers Road. The applicant is asking for two additional wall signs, where two wall signs are permitted with a total area of 93.s.f. The applicant is requesting relief of one extra wall sign and 26 s.f. of additional signage.

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 Area Variance (Sign) was reviewed on 5/31/2023 by Mr. Williams with concurrence from Devin Dal Pos & Don McPherson that the action posed No Significant County-wide or Intercommunity Impact.

23-92MOUMV City of Saratoga Springs: Sweet - Area Variance

Located on Marvin Street (NYS Rt 9N). Tax Map No(s): 165.57-2-31.

A request to place a second principal building on an existing 13,903 s.f. lot with an existing home has created the need for two area variances. The first is the second principal building where one is allowed, and the second area variance is for lot width where 120 ft is required, and 95 ft is provided.

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 Area Variance was reviewed on 5/31/2023 by Mr. Valentine with concurrence from Cynthia Young & Devin Dal Pos that the action posed No Significant County-wide or Intercommunity Impact.

23-99MOUMV Town of Halfmoon: American Tower - Site Plan Review

Located on Elizabeth St. Ext. Tax Map No(s): 261.-1-6.11.

A proposed construction of a concrete pad to place a generator and electrical infrastructure within an existing telecommunication's fenced in compound.

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 6/6/2023 by Mr. Valentine with concurrence from Devin Dal Pos & Ian Murray that the action posed No Significant County-wide or Intercommunity Impact.

23-100MOUKL Town of Wilton: YMCA of Saratoga - Site Plan Review

Located on Old Gick Road (Northway-I-87). Tax Map No(s): 153.-3-118.

The YMCA desires to create a level pad area by the infiltration basin for temporary tents to be placed during the summer for camp programs. The level pad would partially fill the infiltration basin.

Comment: If actual storm event conditions are different from the updated storm report dated June 5, 2023 and require more area, there was concern that this area be restored to the original design and the temporary tent pad removed.

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 6/14/2023 by Ms. Lambert with concurrence from Ian Murray & Devin Dal Pos that the action posed No Significant County-wide or Intercommunity Impact.

23-A-38MOUMV Town of Halfmoon: Jones Rd. - Subdivision Review

Located on Jones Road (town road) directly off (north of) Crescent Vischer Ferry Rd. (NYS Rt. 819). Tax Map No(s): 284.-2-14.2; &-59.

A proposed lot line adjustment involving two parcels that are currently pre-existing, non-conforming due to lot areas. Lot 1 is currently a vacant 0.09-acre parcel and Lot 2 currently has single-family improvements on a parcel of 0.82 acres. A transfer will involve 0.29 acres being conveyed from Lot 2 to Lot 1 by which the new lots will have an area of 0.38 for Lot 1 and will stay vacant and 0.53 for Lot 2, which will maintain its existing single-family home.

Comment: A previous recommendation from the SCPB Referral Response Letter of May 26, 2023 (#23-80) to the town ZBA stands with this subdivision referral: there should be a map note in regard to the very limited buildability of Proposed Lot# 1.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Halfmoon Planning Board, the referral for Subdivision Review was reviewed on 6/6/2023 by Mr. Valentine with concurrence from Cynthia Young and Devin Dal Pos that the action posed No Significant County-wide or Intercommunity Impact.

23-A-39MOUMV Town of Halfmoon: Park Place on the Peninsula (Halfmoon Village PDD) - Subdivision Review

Located on Towpath Rd. (Mohawk R. & Erie Canal). Tax Map No(s): 289.-1-88.

A proposed two-lot subdivision of the existing 36.47-acre project for financial purposes. Lot 1 will be 19.39 acres with 15 apartment buildings and Lot 2 will be a 17.07-acre parcel with 9 apartment buildings.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Halfmoon , the referral for Subdivision Review was reviewed on 6/6/2023 by Mr. Valentine with concurrence from Devin Dal Pos & Ian Murray 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.

OTHER BUSINESS

Village of Round Lake Zoning Referral Waiver Agreement

MOTION: A motion to enter into a Zoning Referral Waiver Agreement with the Village of Round Lake was made by Mr. Vopelak, seconded by Mr. Dal Pos and unanimously approved. **CARRIED.**

Adjournment

The meeting was adjourned at 6:08 pm.

Respectfully Submitted,
Nisha Merchant, Secretary