



# SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS, CHAIRMAN  
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JASON KEMPER, DIRECTOR  
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## Meeting Minutes July 20, 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, Marcia E. Murray, Ed Vopelak and Cynthia Young.

**Members Absent:** Ian 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; Frank Rossi, Mayor, Village of Ballston Spa; Liz Kormos, Trustee, Village of Ballston Spa; Matt Jones, Jones, Steves, Grassi, LLP.

Chairman Lewis and Mr. Kemper thanked Mr. Valentine for his 27 years of service as this was his last Planning Board meeting.

### **Approval of Minutes:**

**MOTION:** The minutes of the June 15, 2023, meeting were unanimously approved on a motion made by Ms. Young and seconded by Mr. Dal Pos. **CARRIED.**

**Recusals:** none

### **Referrals**

#### **23-106JW Village of Ballston Spa: *Village of Ballston Spa - Comprehensive Plan Update***

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

Mr. Williams presented an application for the Village Comprehensive Plan that presents an overview of the current state of the village, the challenges it faces and a vision for the ideal state. The purpose of the plan is to lay out guidelines and goals for the village in a broad sense. It is the role of future decision makers to determine how resources will be used to accomplish those goals.

Mr. Williams noted that, overall, the proposed amendment to the Village's Comprehensive Plan embraces the multi-facets of the Village's resources and will provide practical guidance for the Village to consider while planning its future.

The Saratoga County Planning Board wished the best to the Village of Ballston Spa as it proceeds forward with this document.

Mr. Williams recommended approval.

**MOTION:** A motion to approve Planning Department recommendations for Referral number 23-106 as presented was made by Mr. Vopelak, seconded by Mr. McPherson and unanimously approved.

**CARRIED.**

**23-107JW Town of Milton: Monaco Parcel - Zoning Map Amendment**

Located on Saratoga Ave. (Northline Rd/CR-45, NYS Rt 50 & City of Saratoga Springs). Tax Map No(s): 203.11-1-26.

Mr. Williams presented an application for a zoning map amendment due to the applicant petitioning the Town to rezone an existing 4.26-acre parcel from R-1 Residential to CMU Corridor Mixed Use. The CMU zone has just been adopted through recommendation of the Town's Rt 50 Corridor study and the CMU zone is contiguous to the applicant's target parcel.

Mr. Jones stated that the Town of Milton Planning Board had sent a favorable advisory opinion to the town board.

Mr. Williams recommended approval.

**23-108JW Town of Milton: Malta Development Company - Zoning Map Amendment**

Located on Trieble Ave. (Saratoga County Airport). Tax Map No(s): 190.-7-10.11.

Mr. Williams presented an application for a proposal to rezone a 6-acre parcel that is currently zoned A Airport to TC Town Center. The land is contiguous to the applicant's land that is currently zoned TC.

Mr. Williams stated that plans on future development will need to be referred to the Saratoga County Planning Board with further scrutiny by the County DPW with regards to the operations of the Saratoga County Airport.

Mr. Williams recommended approval.

**MOTION:** A motion to approve Planning Department recommendations for Referrals 23-107 and 23-108 as presented was made by Mr. Vopelak, seconded by Mr. Dal Pos and unanimously approved. **CARRIED.**

**22-160KL Town of Halfmoon: Town Auto - Site Plan Review (amendment)**

Located on NYS Rt 146 & Upper Newtown Rd/CR-86. Tax Map No(s): 272.-3-42.

Ms. Lambert presented an application for a proposal to add 7 additional display parking areas to the front of the office building and fronting along NYS Rt 149.

Ms. Lambert stated that the original site plan was reviewed by the Saratoga County Planning Board on December 15, 2022 with No Significant Countywide or Intercommunity Impact. Ms. Lambert stated that there was a previous concern about ensuring stormwater management was addressed by the town requiring a small retention facility.

The modeling should be updated to include the additional parking spaces to ensure no dramatic changes.

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

### **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. Previous SCPB decisions on this project requested additional information as related to areas of concern with county wide-inter community impacts that included the ingress/egress on NYS Rt. 67, ingress/egress on Eastline Road, inter municipal water supply and possible ROW requirements for a future intersection improvement.

Mr. Kemper stated that the applicant has proposed shifting the proposed access on NYS Rt. 67 to the eastern most property line and providing a cross access easement to the adjoining property. The Board commented that the access easement depicted by the hatch mark on the corner of the property should be expanded to allow flexibility with any possible future connections. This minor adjustment should be provided as a condition of approval of the local planning board.

Mr. Kemper stated that the applicant has included a large area for possible ROW acquisition in case it is required as part of the proposed roadway/intersection improvements. As stated in the letter from the applicant's representative, the applicant is willing to provide this ROW for the improvements and is expecting that it be a condition of the approval.

Mr. Kemper stated that according to the correspondence provided, the Town of Ballston notified the Town of Malta that they would be unwilling to provide water service for the project. Subsequently, correspondence from a private water company showing willingness to provide water service to the project was provided to the SCPB on 7.20.23. Additionally, drawings were provided showing a possible water connection to the private water company. This eliminates the inter community impact of water service that was previously raised by the SCPB.

The SCPB commended the applicant for making these adjustments to the site plan. Mr. Kemper noted that, if necessary, Saratoga County will assist in any discussions or permit approvals necessary to shift the proposed driveway further away from any proposed intersection improvements. Mr. Kemper stated that the applicant has provided documentation to show that this option is a viable alternative that will result in a safer intersection with less conflicting movements over time. In addition, the documentation provided illustrates that the historic structure can be moved to accommodate both future intersection improvements and the proposed access drive shifted further north on Eastline Road.

The SCPB approved the project with the comments noted above. Mr. Kemper stated that the referral letter sent in response to this project will be forwarded to the members of the SCPB for review.

**23-101MV City of Saratoga Springs: City of Saratoga Springs - Zoning Amendment-Text**

Located on City-wide. Tax Map No(s): n/a.

Mr. Valentine presented a referral from the Saratoga Springs City Council for a proposed zoning text amendment to the language in its Unified Development Ordinance regarding the locating of *Homeless Shelters*. Proposed is a required 1,000-ft. buffer of all homeless shelters from defined Educational Facilities, both Primary and Secondary.

Mr. Valentine noted that a public comment letter opposing this legislation was received and distributed to the Planning Board.

The Saratoga County Planning Board has always recognized the role of local elected legislative bodies (City Council, in this case) in adopting and/or amending legislation related to municipal zoning. Mr. Valentine noted that the SCPB very infrequently has had reason to present objections or raise issues with legislation meant for the health and general welfare of the municipality's citizens. He expressed that this proposed Council action is no different, leaving the discussion of those details of no-county impact to be between local residents and their elected officials. He did note that based upon the material referred for this Board's review and because of the newness of maneuvering through the UDO, he needed to obtain some very general clarification or enhancement of it and City planning staff did provide that to him.

An inferred or unstated part of the reason/purpose for the proposed buffering is believed to be the simple provision of safety through distance between certain uses/users. As part of the separation from homeless shelters, some SCPB members asked what constitutes an "educational facility" and Mr. Valentine stated that the UDO does not define a school and the proposed amendment simply uses "Educational Facility – Primary or Secondary." From that City Planning Staff stated that an "EF can be a public, private or parochial facility that provides instruction for elementary, junior high and/or high school levels."

Mr. Valentine stated that a pre-school facility would be buffered from a homeless shelter if it is part of an elementary school. Locating homeless shelters a minimum of 1,000 feet from colleges and day-care facilities is not a requirement under the proposed text amendment.

Mr. Valentine explained that a defined "educational facility" does not include colleges, preschool or daycare facilities and, therefore, a question he posed to City Staff was if this means that the protective nature of a buffer is not needed and not afforded, for example, to Skidmore College, Empire State College, YMCA Daycare, Saratoga Independent School, or the various other colleges, childcare, preschool and daycare operations throughout the City?

In addition, Mr. Valentine presented a scenario to Board members questioning that if there were to be construction of (or a change of tenant) to a proposed educational facility, would it then also be subject to the 1000-foot buffer from a already-existing homeless shelter. He indicated that he will present these questions to the City in his Referral Response Letter.

Mr. Valentine recommended approval.

### **23-105MV Town of Corinth: *Camp Hudson Pines* - Site Plan Review**

Located on NYS Rt 9N (Town Hadley, Hudson R). Tax Map No(s): 46.16-1-11; -14;& -4.11.

Mr. Valentine presented a referral sent as an application for a change in use from pre-existing residential to campground with sites changing from RV rental campsites to glamping and/or tent sites, including the restructuring of some existing camp sites to allow for small RV trailer or glamping tents. Also includes improving the campground's septic with new on-site wastewater systems.

Mr. Valentine noted that revisions to the proposed site plan represent no changes that are of a County-review impact (noting that only 1.7 acres of the total 41.6 acres are affected by changes/improvements) and that said revisions are also being reviewed by the Adirondack Park Agency.

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

### **23-112KL Town of Galway: *The Galway Local* - Special Use Permit & Site Plan Review**

Located on NYS Rt 147 (Village of Galway). Tax Map No(s): 199.-1-44.

Ms. Lambert presented an application for a proposal to re-open a former convenient store into a convenient store and café in the existing structure with two two-bedroom apartments and two one-bedroom apartments in a Rural Hamlet Zone.

The Saratoga County Planning Board expressed concern about additional pedestrian and vehicle traffic along NYS-147, especially with the school in close proximity.

Ms. Lambert noted that the special use permit should identify specific hours of operation, noise restrictions, and length of time of the permit.

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

### **23-113KL Town of Galway: *Town of Galway* - Area Variance, Special Use Permit & Site Plan Review**

Located on Sacandaga Rd/NYS Rt 147 (Ag. Dist. #2). Tax Map No(s): 199.-2-40.

Ms. Lambert presented an application for a proposal to construct a 6,902 s.f. community building (pole barn) to be placed on the 17.80-acre parcel of Dockstader Recreation Field. Area Variance for Size of building: 3,500 sq feet floor area for nonresidential allowed.

Ms. Lambert stated that this parcel is split between two zoning districts, and the location of the proposed building was identified from the Town of Galway Zoning map with the date of 9-14-2011 as Residential Core. As the Residential Core zoning allows for a community or municipal/public building with a special use permit, the special use permit should identify specific hours of operation, gathering size, gathering type and the length of time of the permit.

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

### **23-114JW Town of Milton: *Home Daycare* - Area Variance**

Located on Goode Rd. (Ag. Dist. #2). Tax Map No(s): 202.-1-49.

Mr. Williams presented an application for a proposed 750 s.f. addition to an existing day care facility has created the need for the applicant to seek an area variance for the front yard setback and side yard setback requirement per Town Code.

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

### **23-115MV Town of Saratoga: *Dempsey* - Special Use Permit**

Located on NYS Rt 29 (Ag. Dist. #1). Tax Map No(s): 155.-1-63.2.

Mr. Valentine presented an application for a new Special Use Permit for the opening and operation of a restaurant as the primary/principal use on an existing 5.28-acre parcel in an existing barn-like structure. Mr. Valentine stated that the restaurant will operate out of the same location and structure as was previously reviewed (approved locally) in November, 2016 for a special use permit in the name of Maranville/Crames. That SUP was granted for an ag educational business with a farm-to-table (FTT) eatery and small FTT weddings. This new SUP is being submitted solely for a restaurant use which, upon approval, will trigger the extinguishing of the original SUP. There are no indicated proposed changes to the site. Capacity is/will continue to be limited to a maximum of 80 patrons with 40 parking spaces. There appear to be existing curb cuts providing access to NYS Rt. 29 and Wooley Road.

Mr. Valentine stated that the SCPB had previously reviewed the 2016 special use permit application and had made the recommendation of no significant county-wide or intercommunity impacts. Mr. Valentine stated that issues or concerns that were then noted (in regard to the full use of the property for weddings/events) related to increased traffic and the number of vehicles in the area, the impact of outside and building lighting, and raised levels of noise. The then-owners sought to amend or expand that approved SUP in 2017 but this was ultimately abandoned. Town Planning Board members noted then that the initially intended use was for FTT education for school children w/occasional FTT weddings to financially supplement the primary use.

Mr. Valentine stated that from the record of information, he recognized that the subject property was purchased by Mr. Dempsey (current applicant) in 2020 for weddings and events uses, with no regard to ag education. It is also understood that a neighboring property owner (or owners) was opposed to the 2020 use as being in a manner not allowed under the 2016 SUP. It appears that opposition emanates from the property seen as being used solely as a wedding venue, not as was originally planned and permitted.

We note there being either discussion had or correspondence of record about the applicant having to submit a new Hence, the property owner's current application for a SUP for operation of a restaurant only.

Mr. Valentine noted that if a Special Use Permit is granted for a restaurant use, the existing SUP is to go away, AND that the applicant cannot have *just* weddings or *just* events as the purpose of this new SUP is solely and consistently for a restaurant operation under an SUP which is suggested to have a 1-yr renewal requirement. Mr. Valentine noted that if the applicant intended to use the property as wedding venue, a use variance would be required as this use is not listed as principally permitted use in the Rural Residential Zoning District.

The County Planning Board recognized there to be no noticeable impact of a countywide or intermunicipal nature and that the narrative provided here is to record past and present reviews associated with the currently existing use and with that which is being applied for. Mr. Valentine stated that based upon the site plan submitted, the proposed parking layout is in need of a site plan review by

the town planning board with consideration of existing rights of way and access from either state and/or local roads as related to legal traffic access and circulation.

Mr. Valentine 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-28JK Town of Edinburg: *Bennett* - Subdivision Review**

Located on Sinclair Rd (CR 5). Tax Map No(s): 80.-3-13.1.

Mr. Kemper presented an application for a proposed 2-lot subdivision of an existing 26.95-acre parcel to create a new 3.54-acre parcel for new home and a 23.41-acre remaining parcel with existing single-family improvements.

Mr. Kemper noted that the proposed driveway location as well as site distance measurements must be depicted on the subdivision plan. In addition, prior to construction of the driveway, for any work within the county ROW the applicant will need to apply for a Saratoga County DPW Permit for Construction of a Driveway.

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

### **23-A-41MV Town of Saratoga: *Skrinik* - Subdivision Review**

Located on CR-68. Tax Map No(s): 168.-2-74.

Mr. Valentine presented an application for a proposed two-lot subdivision of a 5.14-acre parcel to create an 80,000-s.f. lot for a proposed single-family structure with the remaining 3.31-acre parcel with existing residential improvements.

Mr. Valentine stated that over a period of nearly two weeks, staff of the Saratoga County Planning Department, along with that from County DPW, worked with the applicant's surveyor and communicated with town representatives to determine that on June 28, 2023 there was - with necessary and appropriate revisions - agreement reached on acceptance of a final subdivision plat as shown on the screen. Mr. Valentine stated that the new proposed lot (No. 1 of 2) would need County DPW curb cut permits as shown in the plat. The existing residential lot's curb cuts have been reviewed by County DPW.

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

### **23-A-42JK Town of Edinburg: *Cimino* - Subdivision Review (LLA)**

Located on Lakeland Rd and North Shore Rd/CR-4. Tax Map No(s): 54.17-2-66.1; 54.17-2-40 & 54.17-2-26.

Mr. Kemper presented an application for a proposed lot line adjustment involving three existing parcels. The 0.23-acre Lands of Cimino will gain 0.04 acres from the Lands of Frey at the corner of Lakeland Rd and North Shore Rd. The 0.25 acres of Land of Cimino Jr. will gain 0.29 acres from Lands of Frey off of Lakeland Rd.

Mr. Kemper stated that the referral form was completed by the Code Enforcement Official and that it stated the proposed lot line adjustment does not bring two lots in conformance with the Zoning Code. Mr. Kemper stated that based on the plans submitted, the lots do not meet the minimum lot size requirement in the Lakefront Residential District. The proposed action to modify the lots is currently being reviewed by the Town Planning Board.

The SCPB noted that generally, if any action alters a “pre-existing non-conforming” lot, then the lot must conform to current code or get the necessary relief from the Zoning Board of Appeals. As the proposed modified lots are not in conformance with the code, then the proper procedure would be for the ZBA to review and issue the variance prior to the Planning Board rendering a decision on the lot line adjustment.

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

**23-A-44KL Town of Halfmoon: Geleta - Subdivision Review (LLA)**

Located on Farm to Market Rd. (CR 109). Tax Map No(s): 266.-2-104; -12.2; 12.112 & -12.121.

Ms. Lambert presented an application for a proposed lot line adjustment involving four parcels owned by family members. Lot 1 is a 104.69-acre parcel and will convey majority of its lands to the other three involved lots. Lot 1 will be a 2.50-acre parcel. Lot 2 is a 4.00-acre lot and will be a 39.28-acre lot. Lot 3 is a 5.00-acre lot and will be a 36.34-acre lot and Lot 4 is a 4.79-acre lot and will be a 40.35-acre lot. All four lots have existing residential improvements including existing driveways to Farm to Market Rd.

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

**23-A-45JW Town of Ballston: Jarosz - Subdivision Review**

Located on Scotch Bush Rd./CR-56 (Ag. Dist. #2). Tax Map No(s): 248.-1-81.141.

Mr. Williams presented an application for a proposed two-lot subdivision of an existing 8.23-acre parcel to create a 4.21-acre, vacant parcel and a 4.11-acre parcel with existing residential improvements.

Mr. Williams stated that a Saratoga County DPW driveway permit will be required to provide access for the proposed vacant parcel off of CR-56.

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

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



## **MOUS**

### **23-102MOUMV Town of Wilton: Adams - Area Variance**

Located on Glenburnie Drive (Northway/I-87). Tax Map No(s): 128.17-1-5.

A proposed pool installation that will encroach 3 feet in the Town's 100 ft Northway Corridor Buffer.

Comment: It is suggested that the Town Planning Board review site conditions and consider the need for the applicant to provide any necessary evergreen buffering as replacement of natural vegetation that may be lost through the granting of the requested waiver.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Wilton Planning Board, the referral for area Variance was reviewed on 6/21/2023 by Mr. Valentine with concurrence from Devin Dal Pos and Cynthia Young that the action posed No Significant County-wide or Intercommunity Impact.

### **23-103MOUJW Town of Charlton: Johnson - Special Use Permit**

Located on Charlton Rd./CR-51 (Ag. Dist. #2). Tax Map No(s): 246.-1-68.

A proposal to operate a dog training and boarding facility from an existing residential homestead located on a 20.28-acre parcel. There are no external site improvements being proposed.

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 6/29/2023 by Mr. Williams with concurrence from Devin Dal Pos & Tom Lewis that the action posed No Significant County-wide or Intercommunity Impact.

### **23-104MOUMV Town of Wilton: Sunmark Signage - Area Variance (Sign)**

Located on NYS Route 50 & Perry Road. Tax Map No(s): 153.-3-90.53.

A proposed sign package for the SunMark Credit Union site consists of two wall signs and seven detached signs. The Town's sign ordinance allows for two wall signs and one detached sign per site in its Commercial (C-1) zone. A relief for 6 detached signs is requested.

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 (Sign) was reviewed on 7/6/2023 by Mr. Valentine with concurrence from Cynthia Young and Devin Dal Pos that the action posed No Significant County-wide or Intercommunity Impact.

### **23-109MOUJW Town of Halfmoon: Sysco - Site Plan Review**

Located on US Rt 9. Tax Map No(s): 260.-1-86.1.

A proposal to install a new backup generator for the existing fleet garage for Sysco Food's site.

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 7/11/2023 by Mr. Williams with concurrence from Devin Dal Pos & Cynthia Young that the action posed No Significant County-wide or Intercommunity Impact.

### **23-110MOUJW Town of Halfmoon: RISE Dispensary - Site Plan Review**

Located on US Rt 9. Tax Map No(s): 272.-2-69.

A proposal to replace an existing 25 kW generator with a 60 kW generator on the rooftop of the existing J.S. Watkin's Plaza building.

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 7/11/2023 by Mr. Williams with concurrence from Don McPherson & Devin Dal Pos that the action posed No Significant County-wide or Intercommunity Impact.

**23-A-43MOUJW Town of Charlton: Kondrat and Northeast LLC - Subdivision Review (LLA)**

Located on NYS Rt 67. Tax Map No(s): 224.-1-16.1; &-17.

A proposed lot line adjustment involving two parcels with existing residential improvements off of NYS Rt 67. As owner of both adjoining parcels, a proposal to convey 5,222 s.f. from the 2.00-acre parcel to the 2.73-acre parcel in order to be able to maintain an existing pond, will create a 1.88-acre parcel and a 2.851-acre parcel respectfully. An area variance has already granted for the proposed 1.88-acre parcel as 2.00-acres is the minimum allowed in the Town's zoning requirements. The residential area variance waiver between the County planning board and the Town's zoning board of appeals was applied.

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 (LLA) was reviewed on 6/23/2023 by Mr. Williams with concurrence from Don McPherson & 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.

**Adjournment**

The meeting was adjourned at 5:15 pm.

Respectfully Submitted,  
Nisha Merchant, Secretary