



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 September 21, 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, Ian Murray, Marcia E. Murray [arrived after approval of previous minutes], Ed Vopelak and Cynthia Young.

Staff: Jeffrey Williams, Planner; Kim Lambert, Community Development and Planning Specialist and Nisha Merchant, Secretary.

Staff absent: Jason Kemper, Director

Guests: Gary Meier, Saratoga County DPW; Dylan DeFrino, Seaboard Solar; Steve Wilson, Bohler Engineering; Mark Sweeney, Sweeney Law Firm; Ryan Clark, Seaboard Solar; Tawney Farmer, Macerich; Thomas Shepardson, Whiteman, Osterman & Hanna LLP; Matt Jones, Jones, Steves, Grassi, LLP.

Approval of Minutes:

MOTION: The minutes of the August 17, 2023, meeting were approved with a 6-0 vote on a motion made by Mr. Murray and seconded by Ms. Young. **CARRIED.**

Recusals: Don McPherson 23-149; Tom Lewis 23-140

Referrals

23-130JW Town of Waterford: Riberdy Grove Solar - Special Use Permit & Site Plan Review

Located on Flight Rock Rd. & private Riberdy Lane (Erie Canal, Mohawk River, Albany County, Town of Colonie and Town of Cohoes Alcahy's State Park, & Cohoes Company Head Gatehouse). Tax Map No(s): 290.-1-29.111.

Mr. Williams presented an application for a proposal consisting of two 5 MW solar arrays utilizing approximately 27 acres and 28-acres on an existing 136-acre parcel in the R (Rural) and L-C (Land Conservation) Town zoning designations and fronting along the Mohawk River.

Representatives from Seaboard Solar as well as the Bohler Engineering answered board member questions regarding the steep slopes and vegetation at the site. Mr. DeFrino stated that the project would be enhancing the site and was a good use of the site.

The SCPB commented on the complexity of the project and remarked that local issues remain to be addressed.

Mr. Williams stated that there was no significant county-wide or Intercommunity impact.

MOTION: A motion to approve Mr. Williams' recommendation of Referral No. 23-130 was initiated by Mr. Dal Pos, seconded by Ms. Murray and unanimously approved. **CARRIED.**

23-150JW Town of Wilton: Wilton Mall Mixed-Use PUDD - PUDD Legislation

Located on NYS Rt 50 & Loudon Road (City of Saratoga Springs, Loudon Road County Forest Land). Tax Map No(s): 153.-3-86; -86.12 & -86.2.

Mr. Williams presented an application for a proposed PDD that allows all uses and special uses listed in the underlying zone of Commercial (C-1) along with a defined educational institution use and the multi-family use as a designated area on the east side of the mall building.

Ms. Farmer stated that the plan included market-rate apartments. The Bonton was to be removed as it had been vacant for several years. Ms. Farmer stated that the apartments would have below-grade parking and the trail connections were to be preserved.

The Saratoga County Planning Board stated that the proposed Wilton Mall Mixed Use PUDD has the potential to stimulate further development on the Wilton Mall property and surrounding area. For this reason, the SCPB suggested that the Town should contact NYSDOT to determine if future improvements are proposed for NYS Route 50 and the two signalized intersections at the Wilton Mall.

A potential improvement mentioned by SCPB members was the possibility of an isolated traffic light signaled, left hand turn movement for southbound traffic on NYS Rt. 50.

There was discussion about the type of housing being proposed. Ms. Farmer informed the Board that these are market rate apartment units. SCPB noted that is a local land use decision; however, the Town of Wilton may want to provide clarification within the PUDD legislation.

MOTION: A motion to approve with comment Referral No. 23-150 was initiated by Mr. Dal Pos, seconded by Mr. Vopelak and unanimously approved. **CARRIED.**

23-149KL City of Saratoga Springs: Reverie 73 NY LLC - Special Use Permit

Located on US Rt 9 & Kaydeross Ave. West. Tax Map No(s): 191.-2-26 & 191.-2-49.

Ms. Lambert presented an application for a proposed removal of a single-family home, in the rear of PJ's BBQ, and the construction of a 3,950 s.f. marijuana dispensary building on an existing 2-acre parcel at the corner of US Rt 9 & Kaydeross Ave. West. The project also proposes to construct 30 parking spaces for a total of 59 parking spaces while utilizing and modifying the site's four existing access points.

Board members noted that the current business at this location has overflow parking that is consistently in use. Board members had concerns regarding the additional use of this parcel and questioned how

overflow parking would be addressed. There were also concerns with having three access points on NYS Route 9. Any improvements along NYS Route 9 will need to be reviewed with NYSDOT prior to work being done.

Ms. Lambert stated no significant county-wide or intercommunity impacts.

MOTION: A motion to approve with comment Referral No. 23-149 was initiated by Ms. Young, seconded by Mr. Murray and unanimously approved. **CARRIED.**

23-53JK Town of Clifton Park: 21st Century Park Redevelopment - Site Plan Review

Located on 21st Century Drive & NYS Rt 146. Tax Map No(s): 270.-2-2.

Mr. Williams presented an application for a proposal of four light industrial buildings to be constructed on the existing 22.48-acre site that has two existing buildings. The proposed Building 1 will be a 45,000 s.f. and Building 2 will be 25,000 s.f. in the Northeast corner of the site and Building 3 & 4 will each be 20,000 s.f. and will be constructed in the Southwest corner of the site. All existing access roads and utilities to the site will remain the same.

The SCPB previously reviewed the information in April and provided a response in the April 21, 2023 review letter that requested additional information regarding traffic management. Town staff provided VHB's traffic analysis in which the conclusion references LOS E/F conditions to the Waite Rd./Rt. 146 and Tanner Road/Rt. 146 intersections. The conclusions go on to state that these intersections will operate at LOS A/B after proposed roundabout construction. The Board is concerned that the proposed improvements may be several years from construction. In addition, the funding for these improvements will likely require a competitive application process for State and Federal funds.

The SCPB is requesting information regarding the mechanisms that may be put in place or conditions of approval placed on the applicant in the event that the proposed roundabout improvements are not made or planned in a timely manner.

23-138KL Town of Halfmoon: Dawson Senior Center PDD - Site Plan Review

Located on Farm to Market Rd/CR 109 & Pruyn Hill Rd/CR 1345, NYS Rt 146. Tax Map No(s): 267.-1-64.12.

Ms. Lambert presented an application for a proposed 124-unit senior apartment building and 34-units of townhomes with supporting road and utility infrastructure on a 23.51-acre parcel located at Southeast corner of Farm to Market Rd. and Pruyn Hill Rd. intersection.

Ms. Lambert stated that the SCPB had previously reviewed the Dawson Center PDD legislation in February 2023 and had voted to approve.

Ms. Lambert stated that the site plan proposal did raise some concerns with the Saratoga County Dept of Public Works and that she would encourage municipal staff to contact DPW for further discussion.

Ms. Lambert noted that any work performed within the County ROW must be permitted by the County DPW.

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

23-127JK Town of Malta: *Aschauer-Senior Apartments* - Special Use Permit & Site Plan Review

Located on US Rt 9 (NYS Rt 67 & Village of Round Lake). Tax Map No(s): 240.-2-28.1.

Mr. Williams presented an application for a proposal to construct a 19,000 s.f., 3-story, 48-unit senior apartment building on a 6.31-acre parcel off of US Rt 9. The proposal consists of removing existing houses in order to place associated parking and the single curb cut onto Rt 9.

The Saratoga County Planning Board reviewed the submitted Traffic Generation & Sight Distance Evaluation report for the proposed development and asked the applicant to maintain and clear the vegetation along the site's frontage a minimum of 14.5 feet from the travel lane along the northeast corner toward the roundabout as recommended in the conclusion of the report.

The Board also questioned whether the location of the dumpster enclosure allows adequate space between a raised curbed island across the parking area for solid waste disposal trucks to be able to maneuver in a safe manner.

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

23-132KL City of Saratoga Springs: *Chipotle -12 Ballston Ave* - Area Variance

Located on Ballston Ave (NYS Rte 50) & Hamilton St. Tax Map No(s): 165.83-1-3.

Ms. Lambert presented an application for a proposed construction of a 2,344 s.f. restaurant on a 0.32-acre parcel, with 23 parking spaces provided has created the need for the applicant to seek an area variance for percentage of buildout along the road frontage. The required minimum buildout along the road frontage is 70% where the applicant has provided 34.7% for Ballston Ave. and 23 % for Hamilton St. The relief requested is 35.3% for Ballston Ave and 47% on Hamilton St.

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

23-133JW Town of Charlton: *Stevens* - Use Variance

Located on Charlton Rd (CR 51), Ag. District #2. Tax Map No(s): 247.-2-7.1.

Mr. Williams presented an application for a proposal to construct camp sites for guests and a bathhouse on an existing 24.73-acre parcel that is zoned Rural/Agricultural (R/A). Camp sites are not listed in the Town's R/A zone as a permitted use therefore the applicant is seeking a use variance from the Town's Zoning Board of Appeals.

The SCPB acknowledged and appreciated the utilization of Lands of Stevens as an integral part of Saratoga County's Snowmobile trail system and encouraged the continued use of these lands during the winter months for the snowmobile community.

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

23-134JW Town of Clifton Park: *Nott Rd Solar Array* - Special Use Permit and Site Plan Review

Located on Nott Rd. & Appleton Rd. (NYS RT 146). Tax Map No(s): 269.-3-6.

Mr. Williams presented an application for a proposal to construct two separate areas of 5MW solar arrays, each with their individual access road and equipment pad, on the 64.21-acre parcel. The total combined area of proposed solar arrays is 20.70 acres. Mr. Williams stated No Significant County-wide or Intercommunity Impact.

23-135JW Town of Clifton Park: North Crest Village PDD - Amendment of PDD

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

Mr. Williams presented an application for a proposal to remove a clause from the North Crest Village PDD that creates a need to maintain a 10 ft. of free space on the sides and rear of all of the buildings. The Town has stated current NYS Building and Fire Code requirements are met without the restrictive language in the PDD.

Mr. Williams recommended approval.

23-136JW Town of Wilton: Lambert - Area Variance and Special Use Permit

Located on Ruggles Rd. (County Forest Land/Kalabus-Perry Trail). Tax Map No(s): 142.-1-34.2.

Mr. Williams presented a referral for an area variance and special use permit for an applicant that is seeking to house two horses, two donkeys and two goats on a 83.94-acre lot with pre-existing frontage of 70 l.f. in the Town's R-2 zone. The applicant is seeking relief for road frontage where 400 l.f. is required and 70 l.f. is provided. The keeping of farm animals is permitted through special use permit where the applicant's parcel has met the Town's minimum bulk requirements in order to do so.

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

23-137KL Town of Halfmoon: Main Street Barber Shop - Special Use Permit

Located on Johnson Rd. (Pruyn Hill Rd./CR-1345). Tax Map No(s): 261.-1-24.

Ms. Lambert presented an application for The applicant proposes to operate a barbershop in 330 s.f. of an attached garage of their home on Johnson Rd.

The Saratoga County Planning Board expressed concern about the backing out of the driveway into Johnson Road on a more frequent basis.

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

23-139KL Town of Halfmoon: Hank Hollow parking lot - Site Plan Review

Located on Staniak Rd and Seashore Way (Zim Smith Trail). Tax Map No(s): 261.-1-53.17.

Ms. Lambert presented an application for a proposal to pave the gravel parking area for the sales office trailer associated with the Hank Hollow residential development. The parking area will provide six lined parking stalls including one handicap accessible space.

Ms. Lambert noted that the site plan should indicate that Staniak Road does continue past Seashore Way.

The Saratoga County Planning Board commented favorably on limiting the ingress/egress at the sales office trailer to Seashore Way.

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

23-140KL Town of Wilton: *Stewart's/Tesla* - Site Plan Review

Located on Ballard Rd./CR-33 & Traver Rd. Tax Map No(s): 115.14-1-23.

Ms. Lambert presented an application for a proposed installation of two Super Chargers with a total of eight charging posts for Tesla electric vehicles on the west side of the existing parking lot of the Stewart's Shop at the corner of Traver and Ballard Rd.

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

23-141JW Town of Charlton: *Sargent/Meulunas* - Area Variance

Located on NYS Rt 67 & Rocky Ridge Road (Ag. Dist. #2). Tax Map No(s): 223.-1-44.

Mr. Williams presented an application for a proposed three-lot subdivision that has created the need for an area variance for road frontage for proposed lot C where 173.52 l.f. is provided and 200 l.f. is required.

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

23-142JW Town of Ballston: *Popolizio* - Special Use Permit & Site Plan Review

Located on NYS Rt 50. Tax Map No(s): 239.17-3-1.

Mr. Williams presented an application for a proposed construction of a home with an accessory in-law apartment is permitted in the Town's Rural and Rural Highway Transition zone by special use permit and site plan review.

Mr. Williams commented that a NYSDOT work permit will be needed if improvements to the current access to the site are to occur.

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

23-143JW Town of Ballston: *Cornerstone Condominiums* - Site Plan Review (amendment)

Located on NYS Rt 50. Tax Map No(s): 216.79-1-2 & 228.23-1-1.

Mr. Williams presented an application for a proposal to add 36 parking spaces to an existing condominium complex (circa 2007) off of Rt. 50 in two phases. Phase I will construct 15 additional parking spaces and Phase II will create another 21 parking spaces.

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

23-144KL Town of Wilton: *Karner Blue Preserve Subdivision* - Special Use Permit

Located on Ballard Rd./CR-33. Tax Map No(s): 116.17-1-1 to -30 & 116.17-1-99.

Ms. Lambert presented an application for a proposed re-development of a former approved 30-lot single-family subdivision into 18 twin townhome lots (36 units) and one single family lot. Duplexes are allowed in the Town's R-2 zone by special use permit.

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

23-145KL Town of Clifton Park: Rt 146 Gas Station - Area Variance

Located on NYS Rt 146. Tax Map No(s): 271.-1-11.

Ms. Lambert presented an application for a re-development of an existing auto repair garage & gas station that has created the need for the applicant to seek eight area variances. The requested variances involve a pre-existing lot area, parking setbacks, gas canopy setbacks, rear yard setback and greenspace.

The Saratoga County Planning Board discussed the number of variances requested. The Board did question if there was an ingress/egress agreement for the proposed western entrance off the existing "Asphalt Drive". A NYSDOT work permit will be needed regarding the access improvements to NYS Route 146.

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

23-146KL Village of Schuylerville: Liptak - Special Use Permit

Located on Ferry St./NYS RT 29. Tax Map No(s): 157.64-1-81.

Ms. Lambert presented an application for a proposed construction of a residential home in the Village's Commercial/Business zone is allowed by special use permit.

Ms. Lambert noted that a NYS curb cut permit will be needed to create access to NYS Route 29 due to shifting of the access point of the existing driveway.

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

23-147JW Town of Clifton Park: CT Solar Blue Barns - Area Variance

Located on Blue Barns Rd/CR-110 (Town of Ballston). Tax Map No(s): 263.-2-89.

Mr. Williams presented an application for a proposed construction of a 3MW solar array and the desire not to impact existing environmental sensitive resources has created the need to seek an area variance for a side yard setback of the solar array. The required setback for solar arrays is 100 ft. where the applicant proposes a 39 ft set back.

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

23-148KL Town of Wilton: BJ's Gas Station - Site Plan Review

Located on NYS Rt 50 & Loudon Road (City of Saratoga Springs, Loudon Road County Forest Land). Tax Map No(s): 153.-3-86.111.

Ms. Lambert presented an application for a proposal to place six fuel dispensers with underground tanks and gas canopy on the Eastern side of the existing BJ's retail building. The internal traffic flow will be one-way with an entrance at the rear of the building and providing an exit to the mall site's drive and an exit to BJ's parking area.

Board members expressed concerns over the stacking of vehicles on the Wilton Mall Road at the one-way entrance into the gas staging area.

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

SUBDIVISIONS

23-A-01JW Town of Northumberland: O'Donnell - Subdivision Review

Located on West River Road/CR-29 & Mott Rd. (Hudson River, Ag. Dist. #1, Town of Moreau). Tax Map No(s): 92-1-2.1 .

Mr. Williams presented an application for a proposed 5-lot conservation subdivision on a 25.79-acre parcel fronting along West River Rd/CR-29 which was previously reviewed in January 2023. Lot 1 has existing residential improvements on NYS Historic Register. The other four proposed lots are for single-family use with area ranges of 5.12-acre to 5.32 acres. The proposed development fronts along County Road 29 and the Hudson River.

The Saratoga County Planning Board was satisfied with the due diligence the applicant has provided in response to their initial January 23, 2023 comment letter.

Mr. Williams stated that a recent discussion with a representative of the applicant discussed the further need to provide buffering to the historic site in response to recommendations made in an August 17, 2021 correspondence from NYS Parks, Recreation and Historic Preservation. The representative was amendable of providing additional vegetative screening on proposed Lot 2 to minimize the visual effects of the new construction from the historic Colonel Berry's homestead site (Lot 1). The Saratoga County Planning Board suggested that this vegetative buffer be represented on the subdivision plan prior to the Town's approval stamp and the map being filed with the County Clerk's office.

Mr. Williams recommended Approval as the applicant positively responded to the Board's concerns.

23-A-34JW Town of Wilton: Forest Grove - Subdivision Review

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

Mr. Williams stated that in May of 2023, the county planning board reviewed the TDR legislation from the Town Board and the increased density and amended subdivision plan for the Forest Grove Conservation subdivision. The increased density from three separate TDR parcels brings the total units up to 421 on 667-acres of land with 70% of open space.

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

23-A-36KL Town of Clifton Park: Sugar Hill Road - Subdivision Review

Located on Riverview Rd. (Ag. Dist. #2 & NYS Lands-Mohawk R.). Tax Map No(s): 282.-1-30.11.

Ms. Lambert presented an application for a proposed 3-lot subdivision from an existing 129.8-acre parcel. The applicant proposes to create a 10.39-acre lot for a proposed single family use, a 10.01-acre lot to remain farm fields while leaving the remaining 109.40-acres as a farmstead.

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

23-A-50JW Town of Stillwater: Vincent - Subdivision Review

Located on Ag District #1 & Saratoga National Historical Park. Tax Map No(s): 208.-1-11.

Mr. Williams presented an application for: A proposal to subdivide a 24-acre parcel into 3 lots. Two lots are to be 11.025-acres and one lot at 2-acres.

In light of the August 15, 2023 correspondence from NYS Parks, Recreation and Historic Preservation, the Saratoga County Planning Board suggests that a note be placed on the subdivision map reiterating the need of an archeological investigation for components of the project that involves ground disturbance.

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

23-A-51JW Town of Stillwater: Urbanski - Subdivision Review

Located on NYS 9P. Tax Map No(s): 218.12-1-2.11.

Mr. Williams presented an application for: A proposed subdivision of a 1.55-acre parcel into 2 parcels. Lot 2A will be 0.730-acre parcel. Lot 2B will be a 0.817-acre parcel. Both parcels are slated for single family use off of NYS Route 9P and Saratoga Lake.

Mr. Williams commented that a NYSDOT work and curb cut permit will be required to gain access to NYS Rt 9P.

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

23-A-52KL Town of Halfmoon: Dawson Senior Center PDD - Subdivision Review

Located on Farm to Market Rd/CR 109 & Pruyn Hill Rd/CR 1345, NYS Rt 146. Tax Map No(s): 267.-1-64.12.

Ms. Lambert presented an application for a proposed PDD consisting of a 124-unit senior apartment building and 34-units of townhomes on a 23.51-acre parcel located at the Farm to Market and Pruyn Hill intersection. The senior apartment complex will be on a 10.83-acre parcel and the 17 great townhome lots will have an area range of 15,636 s.f. to 1.49-acres. All proposed lots will be served by a proposed town road that traverses between Farm to Market Road and Pruyn Hill Road.

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

23-A-53KL Town of Wilton: Burke - Subdivision Review (LLA)

Located on US RT 9. Tax Map No(s): 140.13-1-18 & -17.

Ms. Lambert presented an application for: A proposed lot line adjustment involving the annexation of 2.29-acres of rear property from the 4.76-acre property of Burke to lands of Prime Saratoga LLC. The result will be a 2.47-acre parcel for Burke and a 4.20-acre parcel for Prime Saratoga LLC lands.

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

OTHER BUSINESS:

MOU Agreement with Village of Schuylerville Planning Board

MOTION: A motion to approve entering into an MOU agreement with the Village of Schuylerville Planning Board was initiated by Mr. Murray, seconded by Ms. Young and unanimously approved.
CARRIED.

DISCLAIMER: Recommendations made by the Saratoga County Planning Board on referrals and subdivisions are based upon the receipt and review of a "full statement of such proposed action" provided directly to SCPB by the municipal referring agency as stated under General Municipal Law Section 239. A determination of action is rendered by the SCPB based upon the completeness and accuracy of information presented by its staff. The SCPB cannot be accountable for a decision rendered through incomplete or inaccurate information received as part of the complete statement.

Adjournment

The meeting was adjourned at 5:10 pm.

Respectfully Submitted,
Nisha Merchant, Secretary