Meeting Minutes October 19, 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.

<u>Members Present</u>: Tom Lewis, Chairman, Devin Dal Pos, Donald McPherson, Ian Murray, Marcia E. Murray, Ed Vopelak and Cynthia Young.

<u>Staff</u>: Jason Kemper, Director; Jeffrey Williams, Planner; Kim Lambert, Sr. Planner; Nisha Merchant, Secretary.

Guests: Gary Meier, Saratoga County DPW; Stephanie Ferradino, Ferradino Firm, PLLC.

Approval of Minutes:

MOTION: The minutes of the September 21, 2023, meeting were unanimously approved on a motion made by Mr. Murray and seconded by Ms. Murray. **CARRIED.**

Recusals:

Don McPherson 23-132, 23-156

Referrals

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 parcel's newly created Urban Residential-4 District.

The Saratoga County Planning Board recognized the conditional will-serve letter from the Saratoga County Sewer District #1. The SCPB requested notification once the NYS DEC approval process is complete and the capacity conditions are satisfied.

Ms. Lambert noted that there have been significant site connection updates since the SCPB's site plan review in May 2023 to this site. Ms. Lambert noted that the traffic and connectivity concerns in and around the build out area have been addressed.

Ms. Lambert stated there was no significant county-wide or intercommunity impact.

MOTION: A motion to approve Ms. Lambert's recommendation for Referral 23-31 was initiated by Mr. Vopelak, seconded by Ms. Young and unanimously approved. **CARRIED.**

23-29KL Town of Moreau: *Pine Mobile Home Park* - **Site Plan Review** Located on US Rt 9. Tax Map No(s): 63.3-1-20.1, -21.1.

Ms. Lambert presented an application for a proposal to expand a pre-existing, nonconforming MHP of 7.81 acres by utilizing two neighboring parcels of 4.19 acres.

The Saratoga County Planning Board previously reviewed the Special Use Permit on March 16, 2023 and found No Significant Countywide or Intercommunity Impact. Ms. Lambert stated that at that time, the staff review concurred with the Town Zoning Administrator's calculations that found 14 new homes being allowed from the one-time 50% expansion of the current nonconforming use as allowed by Special Use Permit. Ms. Lambert stated that the current site plan has 15 potential home sites illustrated. The SCPB requested verification of these calculations.

SCPB members noted that the proposed new private service road configuration has the road parallel and in very close proximity to U.S. Route 9 and there was concern that vehicle lights will be in the opposite direction of traffic and be distracting.

SCPB members also noted that the proposed intersection of the new road is very close in proximity to U.S. Route 9, creating potential turning conflicts on the private road, as well as potential conflicts within the U.S. Route 9 travel corridor. The SCPB requested a review from NYS DOT about this proposed roadway configuration and its impact on this section of U.S. Route 9. The SCPB recommended a different configuration that would either move the proposed roadway further away from the main access point (this may involve removing one of the existing mobile homes) or to create an additional access point on U.S. Route 9 on the northern section of the property.

A NYS DOT work permit will be needed regarding the access improvements to U.S. Route 9.

The SCPB requested additional information be provided before it can render a decision.

23-57JW Town of Milton: *Northline Gas & Convenience Store* - Special Use Permit and Site Plan Review

Located on Northline Rd/CR-45 & NYS Rt 50 (City of Saratoga Springs). Tax Map No(s): 203.-3-4.11.

Mr. Williams presented an application for a proposed convenience store and a 6 gas pumps under two canopies by retrofitting the former Sunmark Bank building and reconstructing the parking area on a 9.05-acre site. Applicant proposes to utilize existing accesses provided off of Northline Rd and NYS Rte 50.

Mr. Williams noted that Sheet SW-1 of the provided site plans depicts asphalt wings extending to the edge of CR-45 (Northline Rd.) as an improvement to the site's existing driveway off of CR-45. The Saratoga County DPW will not allow the asphalt wings to be extended beyond the limit that currently exists.

Mr. Williams stated that both Saratoga County DPW and NYSDOT permits will be required in order to perform access improvements within their respective Right-of-Ways.

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

23-132KL City of Saratoga Springs: *Chipotle -12 Ballston Ave -* **Site Plan Review** Located on Ballston Ave (NYS Rte 50) & Hamilton St. Tax Map No(s): 165.83-1-3.

Ms. Lambert presented an application for the proposed construction of a 2,300 s.f. restaurant on a 0.32-acre parcel, with 23 parking spaces.

Ms. Lamber stated that area variances for build out percentages on Hamilton Street and Ballston Avenue (NYS Route 50) were reviewed by the Saratoga County Planning Board on September 21, 2023 with no significant countywide or intercommunity impact found.

Board members voiced concern regarding potential conflicts with vehicles entering the property from Ballston Avenue (NYS Route 50) and the two parking spaces to the south of the entrance.

A NYSDOT work permit will be needed regarding the access improvements to NYS Route 50.

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

23-145KL Town of Clifton Park: *Rt 146 Gas Station - Site Plan Review* Located on NYS Rt 146. Tax Map No(s): 271.-1-11.

Located of 1013 NC 140. Tax Map 100(3). 271:-1-11.

Ms. Lambert presented an application for redevelopment of an existing auto repair garage and gas station. The building, gas pumps, and canopies are to be removed. A new 2800 sf convenience store, gas islands and canopy will be built on a 0.61-acre parcel.

Saratoga County Planning Board previously reviewed the area variances for this project on September 21, 2023 and while there were No Significant County-wide or Intercommunity Impacts found, it was questioned if there was an ingress/egress agreement in place for the proposed western entrance. Ms. Lambert noted that the Town of Cliton Park Zoning Board of Appeals did include in the Notice of Decision that the approval was contingent on the side easement access to NYS Route 146.

Due to the proximity to the Dwaas Kill, SCPB members expressed concern regarding stormwater runoff and concurred with the provided MJ Engineering letter dated June 22, 2023, that a "stormwater analysis should be conducted to ensure there will be no adverse impacts to adjacent or down gradient properties."

Ms. Lambert noted that 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.

23-147JW Town of Clifton Park: *CT Solar Blue Barns* - Special Use/Site Plan Review 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 3.5 MW solar array on 53-acre property with an entrance on Blue Barns Road/CR-110. The proposed fenced in area of the solar array site will utilize approximately 18 acres.

Mr. Williams noted that a Saratoga County DPW driveway permit will be required to provide access to the site from CR-110.

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

23-151JW Town of Halfmoon: Northway 8 Golf - Site Plan Review

Located on Progress Lane (Vischer Ferry Rd/NYS 819, I-87 & Town of Clifton Park. Tax Map No(s): 284.-1-61.

Mr. Williams presented an application for a proposed 10 ft X 32 ft addition for a climate controlled fitting room for the retail golf shop.

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

23-152JK Town of Malta: *Town of Malta* - Zoning Amendment-Map Located Town-wide.

Mr. Kemper presented an application for an amendment to the Town of Malta zoning map. The Town of Malta adopted its amended Comprehensive Plan in July of 2023. In the Neighborhood 3 zoning district, one of the recommendations from the Comprehensive Plan is to expand the current C-2 Commercial and C-9 Gateway district lines to the West to be parcel specific and to reduce the number of split zoned parcels in this area. There is a total of 11 parcels that will be affected by this proposed map change. This change will add 28 acres to the C-2 district and 3 acres to the C-9 district.

Mr. Kemper recommended approval.

23-153JK Town of Edinburg: *Arsenault* - Area Variance

Located on North Shore Rd/CR-4. Tax Map No(s): 68.17-2-1.

Mr. Kemper presented an application for a Lot line adjustment and the conveyance of a private road and lands has created a number of area variances for the existing lots. No new construction is planned.

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

23-154JK Town of Edinburg: Cimino - Area Variance

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 increased the size of 2 existing non-conforming lots, except the enlarged lots will not meet the required lot area requirements for the Town's Lakefront Residential Zoning District. 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 area variance and previous lot line adjustment referral reference well and septic locations that are not shown on the plans. Mr. Kemper stated that the basis for the variance request is to provide separation between well and septic and therefore it should be placed on the plans.

Board members discussed the materials provided and in order for the SCPB to complete its review, the SCPB requested that this information be placed on the plan and resubmitted.

23-155JW Town of Charlton: The Charlton School - Site Plan Review

Located on Lake Hill Rd/CR 53, (Ag District #2, Town of Glenville, Schenectady County). Tax Map No(s): 256.-1-38.

Mr. Williams presented an application for the proposed Phase 1A development consisting of the construction of 4 new dormitory buildings, a maintenance garage, reconfiguration and improvements of access roadway and pedestrian walkways on the 20-acre campus area of the 267-acre parcel located off of Lake Hill Rd/CR-53.

Mr. Williams noted that a Saratoga County DPW permit will be required if there are improvements to be made to the existing site's driveways that are within the CR-53 (Lake Hill Rd.) Right-of-Way.

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

23-156KL City of Saratoga Springs: 151-153 Nelson Subdivision - Area Variances

Located on Nelson Rd, White Street, North Lane, NYS 9P, Saratoga Race Course. Tax Map No(s): 166.69-4-30.1 & 30.2.

Ms. Lambert presented an application for a proposed 3-lot subdivision that has created the need for several area variances for each of the lots in the City's UR-3 zoning district.

Ms. Lambert noted that that the building/garage (barn) on the potential Lot 3 is historic in nature and may add value to the neighborhood, so efforts to preserve it might be considered.

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

23-157KL Town of Corinth: Sharon Bloomfield - Area Variances

Located on NYS Route 9N. Tax Map No(s): 73.49-1-15 & 7.2.

Ms. Lambert presented an application for a proposed two lot subdivision to separate commercial and multiple residential uses on a 2.17-acre parcel has created the applicant to seek relief for two area variances. Lot 1 proposed multiple resident lot will be 35, 640 s.f. where 40,000 s.f. is needed. The boundary line to create Lot 2 has created a sideyard setback for an existing residence of 9.6 ft where 10 ft is needed.

Ms. Lambert noted that a NYSDOT work permit will be needed regarding any access improvements to NYS Route 9N.

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

23-158KL Town of Saratoga: Brown - Special Use Permit

Located on NYS Route 29. Tax Map No(s): 157.-1-49.2.

Ms. Lambert presented an application for a proposed cannabis dispensary on a 0.29-acre parcel with 18 parking spaces off of NYS Route 29.

The Saratoga County Planning Board requested a parking plan drawn to scale that addresses a more defined ingress/egress area, indicates proposed spaces including accessibility, traffic circulation, emergency zones, pedestrian access points, and any buffers proposed for neighboring properties.

SCPB members noted that the adequacy of the number of customer parking spaces for the potential demand for this use and employee parking should be addressed. The resubmitted plan should also include delivery truck loading areas.

The Board is also requested information regarding how security will be addressed through a lighting plan or other means as required by New York State Office of Cannabis Management.

The Board expressed concern that this parcel did not meet the minimum lot area requirements for a Retail Business in a Rural Residential District of 2 acres, as it is only 0.29 acres.

Ms. Lambert stated that a NYSDOT work permit will be needed regarding the access improvements to NYS Route 29.

The SCPB requested additional information be provided before it can render a decision.

23-159JK Town of Clifton Park: *Sunshine Landscaping Warehouses - Site Plan Review* Located on Tanner Road & NYS Rte 146. Tax Map No(s): 270.-2-3.11.

Mr. Kemper presented an application for a proposal to construct nine 6,000 s.f. warehouse buildings for Flex space on a 21.22-acre parcel with previously approved and constructed buildings off of Tanner Road.

The Saratoga County Planning Board reviewed the project and is requesting additional information before completing their review. Board members noted that a traffic evaluation should be completed and submitted for review.

Board members noted that stormwater management details should be provided.

Board members commented on the distance between buildings and that turning movements may be difficult depending on the tenants that may occupy the flex space and this should be evaluated.

23-160JK Town of Clifton Park: *Woodin Rd Duplex Units* - Special Use Permit Located on Woodin Rd (I-87 & Ushers Rd/NYS 911T). Tax Map No(s): 278.-1-7 & -7.2 & -7.3 &-4.

Mr. Kemper presented an application for a special use permit that is needed for duplexes in the R-1 zone. The proposal includes the consolidation of two parcels into a single lot and constructing a duplex unit on each of the two existing and 1 consolidated lot.

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

23-161JK Town of Clifton Park: *Parkway Music Expansion - Site Plan Review* Located on US Route 9 & Biette Rd (Town of Halfmoon). Tax Map No(s): 266.3-2-10.

Mr. Kemper presented an application for a proposed two story building addition of a 1,218 s.f. footprint on the existing two story 6,572 s.f. footprint of the existing building.

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

23-162JK Town of Clifton Park: Bobrick Building - Site Plan Review

Located on Commerce Dr (I-87). Tax Map No(s): 259.-2-93.

Mr. Kemper presented an application for a proposed 1,300 s.f. building addition on the rear of the existing 96,970 s.f. manufacturing distribution building.

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

23-163JW Town of Halfmoon: One Four Six Marketplace LLC - PDD Legislation

Located on NYS Rt 146, Old Rt 146 & Cemetery Rd. Tax Map No(s): numerous.

Mr. Williams presented an application for a proposed PDD for a multi-use retail and residential development on a 21.85-acre parcel consisting of 10 buildings with a total building footprint of 151,000 s.f. situated with frontage along NYS Rte 146, Old Route 146, and Cemetery Rd. The proposed PDD proposes design changes in the traffic circulation in the area with new Town roads from Old Route 146 through the project site with an improved Old Rt 146/RT 146 intersection.

There was discussion regarding access points to the site that will be reviewed when the site plan is referred.

Mr. Williams recommended approval.

23-164JW Town of Wilton: Sunmark Shed - Site Plan Review

Located on NYS Rte 50. Tax Map No(s): 153.-3-90.53.

Mr. Williams presented an application for a proposal to install a shed in lieu of a dumpster enclosure.

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

23-165JW Town of Clifton Park: CRBRA Freestanding Sign - Area Variance (Sign)

Located on US Rte 9, I-87. Tax Map No(s): 272.9-1-26.

Mr. Williams presented an application for a proposal to place a 4ft x 4ft freestanding sign on the entrance of the site at Old Plank Rd with a 1 ft. front yard setback where 15 ft. is the minimum requirement.

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

23-166JW Village of Ballston Spa: O'Reilly Auto Parts - Site Plan Review

Located on NYS Rt 50. Tax Map No(s): 203.80-2-16.

Mr. Williams presented an application for a proposal for O'Reilly Auto Parts store to improve the former NAPA site with new parking schematic, fence buffering and enhanced greenspace.

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

23-167JW Town of Wilton: Burke - Site Plan Review (Amendment)

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

Mr. Williams 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 resulting in the Lands of Burke removing an approved commercial pad from the property thus an amendment to its former approved site plan.

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

SUBDIVISIONS

21-A-90JK Town of Clifton Park: Boni - Subdivision Review

Located on Woodale Drive (Northway-I-87). Tax Map No(s): 259.-2-71.

Mr. Kemper presented an application for a proposed subdivision of an existing 28.6-acre parcel into 19 lots with access onto Wood Dale Drive. The 18 lots will be for 9 duplex buildings and fronting on a new proposed town road ending into a cul de sac.

Mr. Kemper stated that the proposed subdivision illustrates a public road to be used for the frontage of the proposed residential uses. Mr. Kemper stated that the Town of Clifton Park Town Board via resolution has opted to not accept the public road as presented. Based on this information provided with the referral, the Saratoga County Planning Board disapproved the project.

23-A-02JK Town of Edinburg: Haskell - Subdivision Review

Located on Sinclair Point Rd/CR-5. Tax Map No(s): 93.-1-26.1.

Mr. Kemper presented an application for a proposed two lot subdivision from an existing 4.5-acre parcel. Lot 1 will be a 1.3-acre parcel with existing residential improvements fronting on Sinclair Pt. Rd. Lot 2 is to be a constructed behind Lot 1 with an area of 3.2 acres for a proposed single-family use fronting along Great Sacandaga Lake.

Mr. Kemper stated that subdivision review was previously conducted by the SCPB in February 2023 with request for additional information. Mr. Kemper stated that the response letter from the applicant as well as the Town of Edinburg Notice of Decision dated 3.23.2023 also reviewed. The SCPB letter stated that the project should be referred to the ZBA for a determination. The current modified submission did not address some of those concerns including an updated survey map and APA jurisdiction.

Board members commented that the granting of the proposed subdivision with a unique approach to the lot frontage requirement is a local Planning Board decision. SCPB members voiced concerns and had long deliberations focused on the Town's precedent, set over many years, of not allowing lots without adequate frontage. That policy is in keeping with long-standing development patterns and good practice relative to community character and safety. The SCPB and Planning/DPW staff were very concerned with

the consequences of allowing such lots in the Lakefront Residential area, thus the community impact, of the project.

The potential front and back lot development for existing parcels with significant acreage (greater than 2.6 acres for two or more lots) and less than the required frontage for two lots is substantial and a potential large impact to the county road system (CR#4, CR#5 and CR#7) and needs to be evaluated. Other potential impacts are an increase in density and traffic in the Lakefront Residential District.

SCPB members recommended disapproval of the project. Mr. Kemper stated that he will send out the comment letter for approval by Planning Board members.

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

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

Mr. Williams 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.

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

23-A-55JK Town of Malta: Rainville - Subdivision Review

Located on Ruhle Rd, (Zim Smith Trail). Tax Map No(s): 240.-1-4.21 & 240.-1-65.

Mr. Kemper presented an application for a proposed 2 lot subdivision and Lot Line Adjustment on a 5.72-acre parcel to create a 2.73-acre residential parcel and a 3.25-acre residential parcel with a shared driveway. Lot line adjustment consists of conveying 0.10-acre portion to neighboring property.

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

23-A-56JK Town of Clifton Park: Synergy Phase 3 - Subdivision Review

Located on !-87, US Rte 9, Town of Halfmoon. Tax Map No(s): 259.-2-48.

Mr. Kemper presented an application for a proposal to resubdivide lands of the Synergy Light Industrial Park. The proposal consists of creating 3 new lots, revise pre-existing lots 6, 7, 8 of the previously approved Synergy II project, and revise the parcel West of the project site.

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

23-A-57JW Town of Charlton: Heflin - Subdivision Review

Located on Cook Rd & NYS Rt 67 (Ag District #2). Tax Map No(s): 225.-1-35.

Mr. Williams presented an application for a proposed subdivision of the 41.825-acre Lot 1 of the previous approved lot line adjustments reviewed in 2022. The proposal will create Lot 1 as a 20.218-acre parcel with existing residential improvements and outbuildings. Lot 2 will be a 5.507-acre parcel, Lot 3 will be a 10.00-acre parcel and Lot 4 will be a 6.100-acre parcel. The three vacant lots are proposed for residential use.

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

23-A-58JK Town of Edinburg: Woods/LaViolette - Subdivision Review (LLA)

Located on Brookside Lane (South Shore Rd/CR-7). Tax Map No(s): 94.-1-42.112 & 94.9-3-1.

Mr. Kemper presented an application for a proposed conveyance of 16,280 s.f. of land from a 27.88-acre parcel to a 1.00-acre parcel with existing residential improvements.

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. McPherson, seconded by Mr. Vopelak and unanimously approved. **CARRIED.**

MOUS

23-A-46MOUJW Village of Round Lake: Sheridan-Dugmore - Subdivision Review

Located on Goldfoot Rd (Zim Smith Trail). Tax Map No(s): 250.26-1-37.

A proposed two-lot subdivision of a 0.34-acre lot that has two residential dwellings situated upon it. The proposed subdivision is to separate the two dwellings by creating a 0.29-acre parcel and a 0.05-acre parcel with existing access to the local Goldfoot Road. According to the Village, the proposed subdivision will create the two lots as originally configured.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Village of Round Lake Planning Board, the referral for Subdivision Review was reviewed on 10/3/2023 by Mr. Williams with concurrence from Cynthia Young & Devin Dal Pos that the action posed No Significant County-wide or Intercommunity Impact.

OTHER BUSINESS

MOTION: A motion to approve an MOU agreement between the Saratoga County Planning Board and the Village of Ballston Spa Planning Board was initiated by Mr. Vopelak, seconded by Mr. McPherson 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 <u>inaccurate</u> information received as part of the complete statement.

Adjournment

The meeting was adjourned at 5:20 pm.

Respectfully Submitted, Nisha Merchant, Secretary