



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 December 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, Ed Vopelak and Cynthia Young.

Members Absent:

Staff: Jason Kemper, Director; Kim Lambert, Senior Planner; Jeffrey Williams, Planner and Nisha Merchant, Secretary.

Guests: Gary Meier, Saratoga County DPW

Chairman Lewis announced that Ms. Young will be stepping down from the Planning Board as she has been elected as Supervisor at the Town of Malta. Chairman Lewis and all others thanked Ms. Young for her service to the Board.

Approval of Minutes:

MOTION: The minutes of the November 16, 2023, meeting were unanimously approved on a motion made by Mr. Murray and seconded by Ms. Murray. **CARRIED.**

Recusals: Devin Dal Pos 23-185

Referrals

23-24JW Town of Wilton: Rt 50 Sr. Community- Messinger - Site Plan Review

Located on NYS Rte 50. Tax Map No(s): 154.-1-1.

Mr. Williams presented an application for a proposed 55+ Senior housing apartment complex involving the construction of two 38,500-s.f. 4 story apartment buildings on a 29.97-ac parcel with a total of 390, one bedroom units. The proposal includes a boulevard entrance off of NYS Rt 50, an emergency access from NYS Rt 50, a total of 485 surface and subsurface parking spaces with an attached clubhouse/indoor swimming pool and outdoor recreational amenities.

Mr. Williams stated that a NYSDOT work and curb cut permit will be required for the proposed construction of the boulevard entrance to the site along with the emergency access.

The Board recommended the landscaping along the site's Nys Rt 50 frontage be complimentary to its wooded surroundings.

Mr. Williams 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 applicant has placed the well and septic locations on the plan as was requested in the 10.30.23 referral response letter.

Mr. Kemper noted that that prior to any final approval by either the Planning and Zoning Board, the survey map should clearly represent the features on the site. Several of the buildings on the survey map have been removed.

Mr. Meier noted that the existing well may be partially located within the Right of Way for North Shore Road (County Highway Route #4).

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

23-185KL City of Saratoga Springs: *NYS RT 29 Multi-Family* - Area Variance

Located on Station Lane & NYS Rte 29. Tax Map No(s): 165.-2-70.

Ms. Lambert presented an application for a proposal to construct 344 multifamily units in two 4-story buildings, 40 two-story row houses, and a 110-bedroom hotel in the NC/T-5 District that has created the need for an area variance. The area variance consists of the UDO requiring a 70% minimum buildout along the public right of way. The request is 0% as the NYS Rte 29 road elevation creates a grade too steep to meet this requirement.

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

23-186KL Town of Corinth: *Town of Corinth* - Zoning Amendment-Map & Text

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

Ms. Lambert presented an application for a proposal to amend the Town Land Use Code and Zoning Map by eliminating split zoned parcels and designating those parcels with one zone, removing one residential district (Mixed Residential), adding an overlay district t#2 for solar uses, and to identify NYS owned parcels, designated as a new "Wild Forest" district. The text changes of the Land Use Code clarify definitions and words and phrases used in the regulations, and adds the regulations of keeping of animals (hens, ducks, turkeys, rabbits).

Ms. Lambert noted that the name change from the Zoning Board of Appeals to Land Use Appellate Board does correspond with the Town of Corinth's Land Use Chapter designation instead of a Zoning Chapter.

SCPB members felt that the name change may be confusing to the public. The Board requested clarification from NYS Department of State on the renaming of a Zoning Board of Appeals vs. Land Use Appellate Board as it relates to Town Law.

Ms. Lambert stated that in the proposed changes, training requirements were not included in the draft Land Use Appellate Board member section. Saratoga County Planning Board members understood that getting volunteers to serve these Boards can be difficult but noted that all Town Boards should be mandating the training requirement to Planning and Zoning Boards.

The SCPB members approved the proposed zoning amendments provided for review and provided some comments for the Town Board to consider during the approval process. The SCPB recognized that these zoning amendments are a local decision that pose no county wide or inter community impact.

23-187JW Town of Milton: *Doubleday Ave. Mixed Use Development* - Special Use Permit & Site Plan Review

Located on NYS Route 50. Tax Map No(s): 203.-3-10.12 & 203.11-2-8.

Mr. Williams presented an application for a proposal to construct two commercial buildings with a total area of 13,000 s.f. and construct two, 4-story multi-family buildings with a total of 54-units on two parcels with a combined area of 10.54-acres. The project proposes two curb cuts onto NYS Rt 50 leading to a total of 202 parking spaces for the site.

The Saratoga County Planning Board requested additional information to better understand the Town's review and acceptance of the submitted stormwater management plan. SCPB members requested additional information be provided regarding the proposed impacts to the surrounding wetlands and what is needed in order to gain a wetland disturbance permit from the ACOE.

The SCPB also noted that NYSDOT work and curb cut permits are required to construct the two access points for the site.

23-188KL City of Saratoga Springs: *67 West Avenue* - Special Use Permit

Located on West Avenue (NYS Rte 29). Tax Map No(s): 165.-2-85.

Ms. Lambert presented an application for a proposal to use a portion of an existing warehouse for a vehicle dealership with indoor display of cars for sale only. Existing driveway will be utilized and no exterior improvements are proposed.

The Saratoga County Planning Board expressed concern about the size and volume of the auto transport carrier for the vehicles being sold and the flow of such carrier around the site, however they noted that the indoor selling of vehicles did not create a significant county-wide or intercommunity impact,

23-189KL City of Saratoga Springs: *City of Saratoga Springs* - Zoning Amendment-Map

Located on Beekman St (NYS Rte 29). Tax Map No(s): 165.66-1-15, 165.66-1-17, 165.66-1-14.

Ms. Lambert presented an application for a proposal to extend the Beekman St Arts District (Zoning AC) on 1 side of the street from Grande to Washington St along Beekman St. Zoning UR-3.

Ms. Lambert stated that the 2015 Comprehensive Plan indicated the requested rezoned parcels on Beekman Street in the future Land Use Map area as Core Residential Neighborhood-1 (CRN-1). This area contained primarily single and two-family homes providing a transition from the Downtown Core/Complimentary Core to residential neighborhood areas. The inclusion of a separate arts district was not mentioned in the CRN-1 area. The Plan indicated "Although the Core Neighborhood is primarily residential in character, existing neighborhood-scale commercial uses may currently exist to complement residential uses."

The Saratoga County Planning Board expressed concern whether the extension of the Arts and Culture District remained compatible with the Comprehensive Plan and that it warrants a review of these uses within the CRN-1 zone. If it is found to not be compatible, then the Comprehensive Plan would need to be updated and forwarded to the SCPB for review.

Ms. Lambert recommended approval.

23-201JW Village of Stillwater: 805 & 806 Hudson Ave. - Area Variance & Site Plan Review

Located on Hudson Ave./NYS Route 32 & US Rt 4. Tax Map No(s): 243.84-4-14 & 243.84-4-15.

Mr. Williams presented an application for a proposed lot line adjustment (administrative review) between an existing 4,140-s.f. lot and a 3,905-s.f. lot to mend an existing lot line that traverse across one of the existing structures. The result of the lot line adjustment will be a 5,028-s.f. lot and a 3,017-s.f. lot, both with existing residential buildings. This has created the need for the applicant to seek an area variance as the minimum lot size for a residential lot in the Village's V5 zone is 5,000 s.f. There is also an exterior staircase proposed to be built on one of the residential structures that encroaches within the five-foot minimum side yard setback a prescribed in the Village's V5 zone. The proposed exterior stairway also requires an area variance for side yard setback relieve and, if approved, a site plan review is to follow.

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

23-191JW Town of Charlton: Jordan Commercial Equipment Storage - Special Use Permit

Located on NYS Rte 67 (Ag. Dist #2). Tax Map No(s): 226.-1-17.

Mr. Williams presented an application for a proposed lease for a landscape company to operate from a 2.35-acre parcel in NYS Rte 67, zoned Agriculture, for equipment parking and storage. A "Special Exceptions" permit (SUP) as the Town's Code has no provisions for commercial type zoning.

The SCPB determined that the proposed project poses no significant county-wide or intercommunity impact. However, the SCPB did raise some concerns that the local board may want to consider when reviewing the proposal.

The SCPB is cognizant that NYS Rt 67 in the Town of Charlton serves as a rural agricultural gateway into Saratoga County. This has been the Town of Charlton's vision as it is clearly reflected in the land use policies along this corridor. The local Board may want to consider requiring substantial vegetative buffering along the site's NYS Rt 67 frontage in order to provide a visual buffer to the outside equipment storage and maintain the rural character of NYS Rt. 67.

The SCPB also acknowledged the significant amount of wetlands on the site. It should be determined if these wetlands have been filled as part of the current application. The applicant should be advised to

seek proper permitting through the proper jurisdictional agency prior to any draining, filling, grading, removal of vegetation, or construction within any of the existing wetlands on the site.

Mr. Williams noted that the applicant will need a NYSDOT work permit if any improvements are proposed to the access drive off of NYS Rt 67.

23-192KL City of Saratoga Springs: 53 Putnam Mixed Use - Site Plan Review

Located on Broadway (U.S. Rte 9). Tax Map No(s): 165.60-1-58.

Ms. Lambert presented an application for a proposed mixed use building including 4,423-s.f. of commercial space and 32 residential units in the City's Urban Core (T-6) District on a 0.31-acre parcel.

The Saratoga County Planning Board expressed concerns regarding the walking distance between the residential building location and the leased off-site tenant proposed parking location at the Civic Center Parking Garage.

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

23-193JK Town of Edinburg: Town of Edinburg - Moratorium

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

Mr. Kemper stated that the Town wishes to enact a moratorium for 6 months to amend the Town's zoning code and establish new procedures for its reviews. Mr. Kemper stated that the ordinance will allow for two 3-month extensions.

Mr. Kemper recommended approval.

23-194KL Town of Halfmoon: Hickok Garage - Area Variance

Located on Crescent Vischer Ferry Road (NYS 911P). Tax Map No(s): 284.2-3-32.

Ms. Lambert presented an application for a proposal to expand a preexisting non-conforming commercial building in the Town's R-1 zone. A proposal to add a 6 ft addition to the front of the existing 6 ft x 30 ft car garage structure along with the addition of a 10ft x 10ft waiting room for customers.

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

23-195KL City of Saratoga Springs: 395 Broadway - Site Plan Review

Located on Division St & Broadway (U.S. Rte 9). Tax Map No(s): 165.59-1-88.

Ms. Lambert presented an application for a proposal to renovate an existing two-story building to construct two additional stories above the corporate offices of Prime Group Holdings. Site improvements will include civic space on Broadway and Division streets, parking lot security, ADA Accessibility, landscaping, and utilities.

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

23-196JW Town of Ballston: *Katz Super50 Self Storage - Site Plan Review*

Located on Super50 Way (NYS Rte 50). Tax Map No(s): 239.-1-40.12.

Mr. Williams presented an application for a proposal to expand the existing self-storage use (8 existing buildings) by constructing ten, 1-story self storage buildings and one, 2-story self-storage building as an extension of the original Super 50 Self Storage on a 11.30-acre parcel. The parcel will be served by an existing drive that will be further constructed to a cul-de-sac.

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

23-197JW Town of Ballston: *Hop City Maple- Medick - Site Plan Review*

Located on Hop City Rd./CR 56, (Ag Dist #2). Tax Map No(s): 226.-1-21.11.

Mr. Williams presented an application for a proposed modified site plan for a maple syrup farm to include collection, processing, and marketing of crops. This also includes 35 parking spaces with existing entrance and exit drives onto County Road 56.

The Saratoga County Planning Board acknowledged that the applicant has been granted two curb cut permits onto County Road 56.

With the limited information provided on the proposed parking area adjacent to County Road 56, the Board requested assurance that none of the construction of the proposed parking area improvements are conducted or placed within the County R.O.W.

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

23-198JW Town of Ballston: *East Line Commons - Site Plan Review*

Located on East Line Rd./CR 82 (Town of Malta). Tax Map No(s): 228.-4-1.1.

Mr. Williams presented an application for a proposed construction of 21 townhouse units, within three separate buildings, on a 3.66-acre parcel. This proposal is Phase III of the 2007 Eastline Commons PUDD where a maximum of 21 townhome units are allowed.

Mr. Williams stated that the site will be accessed by a private drive leading to the East Line Rd.

The SCPB questioned whether the Town of Malta has been notified as per GML-239nn.

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

23-199JW Town of Ballston: *Town of Ballston -Vertical Bridge Cell Tower - Site Plan Review*

Located on Charlton Rd/CR-51 (Ag. Dist. #2). Tax Map No(s): 238.-1-56.

Mr. Williams presented an application for a proposed construction of a 150 ft tall telecommunication tower to be placed on a 100ft x 100ft leased area of the Town of Ballston Town Hall's 13.09-acre parcel. The proposed tower will be accessed by an existing driveway off of Charlton Rd.

Mr. Williams stated that the proposed cell tower will be placed on public lands owned by the Town of Ballston and that a need for cell phone coverage identified for the area. Mr. Williams stated that the Town performed a public review and held a comment period and forwarded the site plan to its planning board for local review.

The County Planning Board acknowledged that the existing access to County Road 51 will be utilized in order to access the cell tower's lease area and no further improvements to County Road's 51 access will be needed.

The SCPB questioned whether the collapse zone of the cell tower was discussed and reviewed to determine if any existing structures and/or neighboring properties would be affected if such an occurrence should happen.

Mr. Williams recommended approval.

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

SUBDIVISIONS

23-A-67JK Town of Edinburg: *Fitzgerald* - Subdivision Review

Located on South Shore Rd./CR7. Tax Map No(s): 94.-1-47.1.

Mr. Kemper presented an application for: A proposal to subdivide a 4.3-acre parcel into a 2.4-acre parcel for a proposed house and a 2.9-acre parcel with existing residential improvements. Both lots are proposing to share the existing access drive to South Shore Rd (CR-7).

The SCPB Board members commented that the well location for Lot #1 should be illustrated on the plans prior to the Board rendering a decision.

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

23-A-68JW Town of Charlton: *Case* - Subdivision Review

Located on West Line Road (Ag Dist#2 & Town of Amsterdam, Montgomery County). Tax Map No(s): 223.-1-2.121.

Mr. Williams presented an application for a proposed 4-lot subdivision from a 45.513-acre parcel to create 5.02-acre, 5.02-acre, and a 5.34-acre parcels for proposed single family uses, leaving a 30.15-acre parcel with existing residential improvements.

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

23-A-69JW Town of Halfmoon: *Codie Development* - Subdivision Review

Located on US Rt 9 (Town of Clifton Park). Tax Map No(s): 266.-1-25.

Mr. Williams presented an application for a proposed two-lot subdivision of a lot that is bisected by the shared boundary of the Town of Clifton Park and the Town of Halfmoon. The Town of Halfmoon's portion will result in Lot A will be 0.4-acre, and Lot B will be 0.04-acre parcel with frontage along US Rt 9.

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

23-A-70KL Town of Corinth: Bloomfield - Subdivision Review

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

Ms. Lambert presented an application for a proposed two lot subdivision to separate a commercial use and multiple residential uses on a 2.17-acre parcel. Lot 1 will be the multiple resident lot with an area of 35,640 s.f. Lot 2 will be a 59,871 s.f lot with the existing commercial use. Both proposed lots and their uses will share an existing common drive out to NYS RT 9N.

Ms. Lambert stated that the SCPB had previously reviewed an area variance request on October 19, 2023 and agreed that there was no significant county-wide or intercommunity impact posed by the variances requested.

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

23-A-71JW Village of Waterford: DeMento - Subdivision Review

Located on Broad St & Fourth St (NYS 33, Town of Waterford). Tax Map No(s): 291.71-5-4.

Mr. Williams presented an application for a proposal to subdivide an 8,811 s.f. parcel into a 5,908 s.f. parcel with two buildings on it and a 2,903 s.f. parcel with an existing garage structure.

Mr. Williams noted that the Village of Waterford’s planning board had reviewed and approved this proposed subdivision in early December 2023.

Mr. Williams stated that subsequently during the procedure for filing of the map with the county clerk, it was discovered that this subdivision met the requirements for a GML-239l,m,n county referral due to the subject parcel being within 500 ft of NYS Rt 32, State owned recreational lands and the Town of Waterford’s shared boundary with the Village. A GML-239l,m,n referral was received by the county on December 15, 2023.

Mr. Williams noted that the proposed subdivision created two separate lots from an existing 8,011 s.f. lot with three existing structures. The result of the subdivision created Lot 1 as a 5,908 s.f. parcel with two existing structures and created Lot 2 as a 2.908 s.f. parcel with one existing structure.

The Board expressed concerns that the proposed subdivision may create a non-conforming lot due to the proposed area of Lot 2 being less than 4,000 s.f. and that further review by the Village’s ZBA to grant relief for the area discrepancy may be necessary.

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. Vopelak and unanimously approved.
CARRIED.

MOUS

23-179MOUJW Town of Halfmoon: Country Dollar Plaza - Site Plan Review

Located on NYS Rt 236 & Guideboard Rd/CR-94. Tax Map No(s): 278.4-1-86.

A site plan review in order to construct a 6 ft overhang covering a proposed sidewalk and the addition of three tenant spaces on the side of the existing Country Dollar Plaza. The site has received relief for the

required front yard setback along NYS Rt 236. There are no additional parking spaces required and the existing access to NYS Rt 236 and County Road 94 are to remain the same.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Halfmoon Zoning Board of Appeals, the referral for Site Plan Review was reviewed on 12/7/2023 by Mr. Williams with concurrence from Devin Dal Pos & Cynthia Young that the action posed No Significant County-wide or Intercommunity Impact.

23-184MOUJW Town of Wilton: *Corrigan* - Special Use Permit Review

Located on Jones Rd & Old Deer Camp Road (Northway/I-87). Tax Map No(s): 153.11-3-1.

A proposal to operate an in-home occupation (office) from a 210 s.f. accessory structure on a 1.44-acre parcel with an existing residence. The proposed in-home office use will have no signage nor any customers visiting the site.

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 Special Use Permit Review was reviewed on 11/29/2023 by Mr. Williams with concurrence from Ian Murray, Devin Dal Pos & Don McPherson that the action posed No Significant County-wide or Intercommunity Impact.

23-190MOUJW Town of Halfmoon: *Tanksi Commercial Building* - Site Plan Review

Located on NYS Rt 149 (NYS Rt 236 & CR-94 Upper Newtown Rd). Tax Map No(s): 273.-1-4.

A re-approval of a site plan for a 3,000 s.f., two-story office building with a single driveway off of NYS Rt 146.

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 12/7/2023 by Mr. Williams with concurrence from Ian Murray & Devin Dal Pos that the action posed No Significant County-wide or Intercommunity Impact.

23-200MOUJW Town of Moreau: *Gilligan* - Area Variance

Located on Old Saratoga Road (Moreau State Park lands). Tax Map No(s): 89.-1-3.2.

A proposed two-lot subdivision in order to separate an existing residential home by creating a proposed 1.50-acre lot with 251.29 ft of lot width from the rest of what is to be a proposed 48.67-acre vacant parcel. The minimum lot size and width for residential use in the Town's R-4 is a 3-acres and 250 l.f. The applicant wishes to construct a new home on the proposed 48.67-acre lot.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Moreau Zoning Board of Appeals, the referral for Area Variance was reviewed on 12/26/2023 by Mr. Williams with concurrence from Ian Murray & Devin Dal Pos 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

Planning Conference Update: Planning Board members volunteered to be Moderators and chose the sessions that they will facilitate.

Adjournment

The meeting was adjourned at 5:10 pm.

Respectfully Submitted,
Nisha Merchant, Secretary