



# SARATOGA COUNTY PLANNING BOARD

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

JASON KEMPER, DIRECTOR  
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## Meeting Minutes

April 18, 2024

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, Donald McPherson, Ian Murray, Marcia E. Murray, Ed Vopelak [arrived at 4:09 pm] and Connie Wood.

**Members Absent:** Devin Dal Pos

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

**Guests:** Gary Meier, Saratoga County DPW

### **APPROVAL OF MINUTES:**

**MOTION:** The minutes of the March 28, 2024, meeting were approved with a 5-0 vote on a motion made by Mr. McPherson and seconded by Ms. Murray. Mr. Vopelak was not present.  
**CARRIED.**

**RECUSALS:** Ed Vopelak 24-62

### **REFERRALS**

#### **24-50KL Town of Saratoga: *Boat N RV Condos, LLC - Area Variance***

Located on NYS Rte 9P. Tax Map No(s): 180.18-1-12, -29 & 193.6-1-2.1.

Ms. Lambert presented an application for a proposed 48,356 s.f. (2) building expansion of existing storage facility for boat, RV, and motor vehicle storage on a proposed merge parcel which creates the need for a rear setback variance. Required setback is 50 ft, where 36.33 ft is proposed, seeking 13.67 ft of relief.

The Saratoga County Planning Board expressed concern with the access point to the site with regards to stacking on NYS 9P, creating potential traffic jams. Due to the size of a truck with a trailer attached, the number of vehicles that can pull up to the gate at one time is extremely limited. The SCPB suggested that a review to increase the distance of the access gate further from NYS 9P be considered.

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

Mr. Vopelak arrived at 4:09 pm.

**24-51JW Town of Stillwater: *Saratoga Pointe PDD* - PDD Amendment**

Located on NYS Rte 9P. Tax Map No(s): 219.5-1-3, 219.-1-121.1 & 206.17-3-20.

Mr. Williams presented an application for a proposed PDD amendment for the boundary change to the existing 81-acre PDD by removing a 0.62-acre parcel currently zoned PDD and merging to another parcel with existing residential improvements currently zoned Residential Resort District.

Mr. Williams recommended approval.

**24-52KL Town of Wilton: *Quaker Springs Solar* - Use Variance**

Located on Jones Rd & Perry Rd (I-87). Tax Map No(s): 140.-2-6.12 &-55.

Ms. Lambert presented an application for a proposed use variance to allow large commercial solar array (defined as Tier 3 solar arrays per Town code) which are not permitted in the residential zones.

Ms. Lambert stated that the Town of Wilton's March 28, 2024 Notice of Decision was reviewed. The Notice of Decision upheld the Town of Wilton Code Enforcement Officer's determination that the Tier 3 solar array (5-megawatts or smaller) is not a principal or specially permitted use in the R-2 zone and would need to proceed as a use variance.

The SCPB concluded that the review material for the county referral submitted on March 29, 2024 did not contain adequate information in order to determine the possible impacts from the proposed solar array use variance. The SCPB requested that that Town ZBA provide the review standard that they will be utilizing to determine the impacts of the proposed use variance.

SCPB members asked whether the ZBA will be using the criteria set forth in the Town's zoning codes for use variance reviews or will the standard of use variances for public utilities be used.

SCPB members voiced concern regarding the viewshed and potential glare along I-87 corridor as this area serves as a gateway to the Adirondack region. SCPB members stated that a viewshed analysis for this area with any proposed mitigation measures being offered to lessen the visual impact should be reviewed.

The SCPB requested additional information.

**24-53JW Town of Ballston: *Town of Ballston - Zoning Amendment Text***

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

Mr. Williams presented an application for amending chapter 138 of the Town of Ballston zoning code to provide enhanced clarity and ensure consistency within the code to the goals identified in the Town's 2022 comprehensive plan.

With regard to the proposed fencing regulations, SCPB members suggested that the Town may wish to take other regulating factors into consideration such as implementing setbacks from the property lines and requiring the finished face of the fence orientating outward.

Mr. Williams recommended approval.

**24-54JW Town of Milton: *Leaf and Fog Dispensary - Special Use Permit and Site Plan Review***

Located on NYS Route 50. Tax Map No(s): 203.15-1-5.

Mr. Williams presented an application for a proposed cannabis dispensary in an existing 4,800 s.f. retail building with two other storefronts off of NYS Route 50.

The Saratoga County Planning Board questioned whether parking could be expanded to the rear of the site if parking demand is greater than available spaces with the concern of interrupting traffic flow on NYS Rt 50.

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

**24-55JW Town of Ballston: *Burnt Hills Veterinary - Use Variance***

Located on Goode St (CR57). Tax Map No(s): 248.17-3-4.

Mr. Williams presented an application for a proposed ground mounted solar array identified as a Type II-B solar array per Town code that is not permitted in the Town's Hamlet Residential Zone.

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

**24-56JW Town of Ballston: *Delix Development LLC - Area Variance***

Located on Kingsley Rd & NYS Rte 50 (Ag#2, Town of Glenville, Schenectady County). Tax Map No(s): 257.-5-24.111.

Mr. Williams presented an application for a proposed 3-lot subdivision with a proposed flag lot with 20 ft of frontage for Lot 3 off of NYS Rte 50 that has created the need for 2 area variances. Flag lots are not permitted in non-residential zones and the required width is 60 ft, where 40 ft is proposed.

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

**24-57JK Town of Clifton Park: 87 Hubbs Road - Site Plan Review**

Located on Hubbs Rd (Town of Ballston). Tax Map No(s): 258.-1-16.1.

Mr. Kemper presented an application for a proposed conversion of a 1200 s.f. barn into a professional office on a 77-acre parcel.

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

**24-58JK Town of Clifton Park: Site One Landscape Supply - Site Plan Amendment**

Located on 21st Century Park Drive & Tanner Rd (NYS 146). Tax Map No(s): 270.-2-3.11.

Mr. Kemper presented an application for a proposed site plan amendment for external changes to lay down and stocking areas of an approved 2018 site plan for a landscaping company. Mr. Kemper stated that the updates include a new curb cut to 21st Century Park Drive.

SCPB members commented that the proposed change and tenant and use (wholesale vs. retail) may impact traffic estimates and projections. Discussion ensued on previous concerns expressed by Board members in regards to the cumulative traffic impacts in this area as has been referenced in previous review letters. The Board commended the proposed connection to the neighboring property.

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

**24-59JK Town of Malta: Quick-Serve Restaurant - Special Use Permit & Project Review**

Located on Kendall Way (US Rte 9). Tax Map No(s): 229.4-1-23.

Mr. Kemper presented an application for a form based code project consisting of the construction of 2,650 s.f. restaurant with drive-thru on 1.02-acres that requires project review and a special use permit.

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

**24-60JK Town of Malta: Fairfield Inn & Suites - Project Review**

Located on Saratoga Village Blvd (I-87). Tax Map No(s): 229.-3-34.212.

Mr. Kemper presented an application for a proposed 390 s.f. addition for an exercise room at the existing Fairfield Inn & Suites.

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

**24-61JK Town of Malta: Chipotle - Special Use Permit & Project Review**

Located on Kelch Way (NYS 67, I-87). Tax Map No(s): 229.4-4-11.1.

Mr. Kemper presented an application for a proposed 2,325 s.f. Chipotle restaurant with a mobile pickup window on a vacant portion of a 2.82-acre parcel. A new egress curb cut is proposed on Kelch Drive.

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

**24-62KL Town of Halfmoon: *Hudson River Road Self Storage* - Special Use Permit & Site Plan**

Located on Hudson River Road/NYS32 US 4. Tax Map No(s): 286.-1-1.21.

Ms. Lambert presented an application for a proposal to convert a 4,800 s.f. pavilion into a self storage facility.

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

**24-63KL Town of Moreau: *Sanding and Handyman Solutions LLC* - Site Plan Review**

Located on Nolan Rd (CR27, US Rte 9). Tax Map No(s): 49.4-1-7.

Ms. Lambert presented an application for a proposal to utilize an existing building for a remodeling and restoration business with space for 20 work vehicles and two trailers.

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

**24-64JW Town of Ballston: *Katz Mixed Use PUDD* - PUDD amendment**

Located on NYS Rt 50. Tax Map No(s): 239.-1-1.

Mr. Williams presented an application for a proposed PUDD amendment of an existing PUDD to create a 57-single family homes and 161-units of apartments, with supporting road and utility infrastructure, on a 89-acre parcel located off of NYS Rt 50.

Mr. Williams stated that a site plan and subdivision review referral was received on the Planning Board submittal deadline of 4/4/2024. Mr. Williams stated that during the review of the referral, he discovered a discrepancy between the last review of the PUDD in 2019 and the plans submitted. Mr. Williams stated that there had been an amendment to the PUDD in January 2024 that had not been referred and subsequently the PUDD amendment was referred and was being reviewed today.

Mr. Williams stated that this amendment consisted of 57 single-family homes which remained the same, however the 121 apartment units were increased to 161 apartment units. Additionally, 23,000 SF of commercial flex space was removed from consideration. Original proposed amenities consisted of gazebo, benches, sidewalk and a fountain. A pet park, playground, community garden along with a community clubhouse and swimming pool have been added.

Mr. Williams recommended approval.

**24-65JK Village of South Glens Falls: *Village of South Glens Falls Board of Trustees - Local Law Amendment Text***

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

Mr. Kemper presented an application for a proposed local law amendment of the existing Chapter 123 Disposal of Solid or Liquid Waste to create local law Chapter 123 Importation, Disposal and/or Processing of Solid Waste Prohibited in the Village of South Glens Falls.

After some discussion, Board members agreed that this local law amendment was not referral to the SCPB as it was not part of the Village's Zoning Code.

**MOTION:** A motion to approve Planning Department recommendations for planning referrals as presented was made by Ms. Wood, seconded by Mr. McPherson and unanimously approved with the exception of 24-50 which was approved on a 5-0 vote as Mr. Vopelak was not present.  
**CARRIED.**

**SUBDIVISIONS**

**24-A-14JW Town of Halfmoon: *Mott Orchard - Subdivision Review***

Located on Farm to Market Rd (CR109). Tax Map No(s): 267.-1-1.

Mr. Williams presented an application for reapproval of a 91-lot residential subdivision on 96.1-acres for single family use. Mr. Williams stated that no changes had been made since the last time this project was reviewed in November 2020 and recommended the same No Significant County impact decision.

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

**24-A-15JW Town of Northumberland: *Commanda - Subdivision Review***

Located on West River Road (CR29, NYS Rte 32), (Ag#1). Tax Map No(s): 144.-1-3.2.

Mr. Williams presented an application for a proposed two-lot minor subdivision of an existing 91.6-acre parcel to create a 10-acre parcel for single family use and leaving 81.6-acre for the existing farmstead.

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

**24-A-16KL Town of Corinth: *Schuyler LLC - Subdivision Review***

Located on Dayton Dr & NYS Rte 9N (Ag#2, Village of Corinth). Tax Map No(s): 73.-2-56.

Ms. Lambert presented an application for a proposed 4-lot subdivision on a 53.41-acre parcel to create a 6.07-acre, an 8.06-acre, and an 11.6-acre parcel for residential use leaving 27.68-acre parcel residual.

The SCPB noted the reduction in the number of lots to four from the previous review conducted in September of 2022 which consisted of six lots.

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

**24-A-17JK Town of Malta: Quick-Serve Restaurant - Subdivision Review**

Located on Kendall Way (US Rte 9). Tax Map No(s): 229.4-1-23.

Mr. Kemper presented an application for a 3-lot subdivision on a 4.63-acre parcel to create a 1.02-acre parcel with proposed restaurant and drive-thru. Lot 2 will be a 1.26-acre vacant lot and Lot 3 will be 2.35-acre that contains an existing bank.

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

**24-A-18KL Town of Halfmoon: Proctor and Eggleston - Subdivision Review**

Located on Firehouse Rd (NYS 911P). Tax Map No(s): 284.2-3-63.11 & 284.2-3-63.2.

Ms. Lambert presented an application for a proposed lot line adjustment to convey 26,431 s.f. of property from 2.12-acre parcel to a 2.33-acre parcel resulting in a 1.51-acre parcel and a 2.94-acre parcel. All involved parcels have existing residential improvements.

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. Wood and unanimously approved.  
**CARRIED.**

**MOUS**

**24-16MOUJW Town of Clifton Park: 99 Wood Road Private Warehouse - Special Use Permit**

Located on Wood Rd (I-87). Tax Map No(s): 250.-2-48.

A proposed construction of a 4,000 s.f. private warehouse building. The building will be used for the storage and maintenance/repair of large trucks and paving equipment with a proposed curb cut off of Wood Road. A special use permit is required for the maintenance and repair use.

Comment: Site Plan Review was previously conducted in Feb 2024 and found to be of no significant county-wide or intercommunity impact.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Clifton Park Planning Board, the referral for Special Use Permit was reviewed on 4/11/2024 by Mr. Williams with concurrence from Don McPherson & Connie Wood that the action posed No Significant County-wide or Intercommunity Impact.

**24-A-13MOUJW Town of Milton: White Road - Subdivision Review**

Located on White Rd. (Ag. Dist. #2). Tax Map No(s): 215.-1-63.

A proposed two-lot subdivision of an existing 15.17-acre parcel into a 5.01-acre parcel with existing residential improvements and a 10.16-acre parcel for a single-family use. The applicant has obtained a NYSDEC wetland disturbance permit for the construction of the house and driveway.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Milton Planning Board, the referral for Subdivision Review was reviewed on 4/4/2024 by Mr. Williams with concurrence from Ian Murray & Don McPherson & Connie Wood 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**

**Memorandum of Understanding: Town of Hadley Planning Board**

**MOTION:** A motion to approve entering into a Memorandum of Understanding agreement with the Town of Hadley Planning Board was made by Mr. Vopelak, seconded by Mr. Murray and unanimously approved. **CARRIED.**

**ADJOURNMENT**

**MOTION:** A motion to adjourn was made by Mr. Vopelak, seconded by Mr. Murray and unanimously approved. **CARRIED.**

The meeting was adjourned at 5:07 pm.

Respectfully Submitted,  
Nisha Merchant, Secretary