



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 June 20, 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: Devin Dal Pos, Ian Murray, Ed Vopelak and Connie Wood.

Members Absent: Tom Lewis, Chairman, Donald McPherson, Marcia E. Murray

Staff: Jason Kemper, Director; Kimberly Lambert, Senior Planner; Jeffrey Williams, Planner and Nisha Merchant, Economic Development Specialist/Planner.

Guests: Gary Meier, Saratoga County DPW

Approval of Minutes:

MOTION: The minutes of the May 16, 2024, meeting were unanimously approved on a motion made by Ms. Wood and seconded by Mr. Murray. **CARRIED.**

Recusals: none

Referrals

23-173JW Town of Ballston: 1402 Route 50 - Special Use Permit & Site Plan Review

Located on Brookline Rd./CR 60 and NYS Route 50. Tax Map No(s): 228.-1-41.

Mr. Williams presented an application for a proposed demolition and redevelopment of an existing retail convenience store with gas into a 7,500 multi-tenant building, drive-thru, and also including a convenience store and a 10-pump gas canopy.

The major concern raised by the Board focused around the traffic impacts and ingress/egress movements along NYS Rt. 50 and Brookline Road (CR #60). These potential traffic impacts pose a county-wide/inter-community impact that need to be evaluated.

Mr. William stated that the Saratoga County DPW, as a permitting agency for the proposed project, has requested a traffic study to assess the potential impacts of the proposed entrance onto Brookline Rd. Specifically, they are concerned about queue lengths at peak times and the potential disruption to traffic flow, including turning movements to and from the proposed Brookline Rd. access. Mr. Williams suggested that the applicant contact Saratoga County DPW to discuss the scope of the traffic study required.

In addition to the traffic concerns raised above, the Board questioned the applicant's assertion that only 17.4% of the site is being developed. Board members voiced concern about whether the remaining 82.6% of the site could be developed in the future. It was noted that the lack of an overall development plan for this parcel eliminates the potential for cross access easements and coordination to reduce the potential cumulative impacts of the project site, if fully developed. The Board suggested that this issue be evaluated further as the potential cumulative impacts of proposed project and development on the remaining lands, including the proposed lands related to the proposed subdivision, may constitute segmentation under SEQRA. As such, the SCPB requested the disclosure of any plans for the future development of the remaining lands.

The SCPB requested additional information for review.

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 such as the Town's Tier 3 solar arrays that are not permitted in the residential zones.

Ms. Lambert stated that the Saratoga County Planning Board requested additional information after the review for a use variance at the April 2024 meeting.

The Saratoga County Planning Board reviewed the viewshed assessment material that was submitted and suggested additional screening/buffering along the I-87 corridor edge.

The SCPB did not receive additional information on how the project will address either a) the typical use variance which includes the basic four-point criteria or b) public utility use variance criteria. The SCPB requested additional information regarding the Town's standards and criteria to be used and supporting documentation as to how the project addresses those criteria.

24-78KL City of Saratoga Springs: *1 Kaydeross Ave* - Site Plan Review

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

Ms. Lambert presented an application for a proposed demolition of all buildings, except the BBQ restaurant and build a 4,000 s.f. cannabis dispensary with modification to the parking areas, lighting, landscaping, and stormwater.

Ms. Lambert stated that this project was initially reviewed by the Saratoga County Planning Board at the September 21, 2023 for special use permit where there was no significant county-wide or intercommunity impact with comments made on overflow parking and access points.

Ms. Lambert stated that the original design presented for the special use permit showed the cannabis building northeast of the existing restaurant on the parcel; the current proposal shows the cannabis building more in line with the existing structure along U.S. Route 9.

The SCPB noted this updated proposal has only the two access points shown for U.S. Route 9, down from the original three (northern point- ingress/egress, southern point-right in/right out) and the one ingress/egress point on Kaydeross Ave.

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

24-79KL City of Saratoga Springs: *City of Saratoga Springs* - UDO Amendment

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

Ms. Lambert presented an application for a proposed amendment to the UDO to eliminate jail time under section "Penalties and Fines" and remove "and/or jail time of 30 days" and "imprisonment" from the language.

Ms. Lambert recommended approval.

24-80JW Town of Galway: *Churchill* - Special Use Permit and Site Plan Review

Located on Hermance (Ag Dist #2). Tax Map No(s): 186.-2-6.21.

Mr. Williams stated that after the sale of property and the applicant seeking a building permit to build a new house, it was discovered that one of the several existing outbuildings was being used as a seasonal cabin. The special use permit is to allow the continuation of the seasonal cabin as an accessory apartment with the accompanying site plan review. The seasonal cabin is to be used by the previous owner as outlined in purchase of the property and will be terminated once the previous owner ceases to use the structure.

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

24-81JK Town of Clifton Park: *Town of Clifton Park* - Zoning Text Amendment

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

Mr. Kemper presented an application for zoning text amendment to allow sales, leasing, manufacturing, and distribution of Zero-emission vehicles and electric vehicles in the B-4, B-4A, B-5, LI-1, and LI-2 zones. Mr. Kemper stated that the current code refers specifically to gas-powered vehicles in these zoning districts and the proposed changes will now also allow zero-emission and electric vehicles in addition to gas powered vehicles.

Mr. Kemper stated that additional changes included allowing commercial recreation facilities in the B-5, LI-1, and LI-2 zones.

Mr. Kemper recommended approval.

24-82KL Town of Wilton: *Patterson Subdivision* - Area Variance

Located on Gurn Spring Rd (Town of Northumberland, Ag Dist #1). Tax Map No(s): 102.-1-35.111.

Ms. Lambert presented an application for a proposed 2-lot subdivision which has created the need for an area variance regarding frontage on the proposed lot. The proposed lot provides 46.49 ft of frontage, where 250 ft is required in the Town's B-1 zone.

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

24-83KL Town of Corinth: *Town of Corinth* - Zoning Text/Map Amendment

Located Town-wide. Tax Map No(s): 86.-1-2.1 & 73.-2-56.

Ms. Lambert presented an application for zoning text amendments to permit LED signs on parcels with frontage on CR24, Main Street, and NYS Rte 9N, defining minimum yard setback in special lot

regulations, defining principal buildings per lot, creating the position of zoning administrator, and defining the job duties of the zoning administrator and the Code Enforcement Officer. The powers and duties of the Planning Board are now included in the Land Use chapter. The Land Use map will change 86.-1-2.1 from Resource Management to zone R-2 (Moderate Density Residential) and 73.-2-56 from Resource Management to (RR) Rural Residential.

Ms. Lambert stated that the updated Planning Board powers and duties are now included in the Chapter 89 Land Use chapter. Currently, the Town of Corinth code also includes Chapter 36 Planning Board which does conflict with parts of the updated Chapter 89 Land Use, Article XI Planning Board. Ms. Lambert noted that Chapter 36 Planning Board may need to be repealed as well as part of the repeal and replacement process with Chapter 89 Land Use.

Ms. Lambert recommended approval.

24-84KL City of Saratoga Springs: 122 Regent Street - Site Plan Review

Located on Regent St. (Union Ave./US Rt. 9P). Tax Map No(s): 165.76-1-35.11.

Ms. Lambert presented an application for a proposed adaptive re-use of an existing educational structure into residential dwelling units on a 0.54-acre parcel in the City's Urban Residential-4 (UR4) district. Project includes converting the existing building into 5 residential dwelling units and the construction of 4 accessory structures for storage and garage space only (non-residential).

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

24-85KL Village of Schuylerville: Woodward B&B - Special Use Permit Review

Located on Church St. (US Rte 4, NYS 29, Champlain Canal). Tax Map No(s): 157.64-1-5.

Ms. Lambert presented an application for a proposed remodel of an existing structure into a bed and breakfast.

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

24-86JK Town of Malta: Windstone Farm - Special Use Permit Review

Located on Brownell Rd. (Ag. Dist. #2). Tax Map No(s): 216.-1-43.

Mr. Kemper presented an application for a proposal to convert a residential home and barn into a two-family residential dwelling on a 10.57-acre parcel.

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

24-87JK Town of Clifton Park: Route 9 Convenience Store - Site Plan Review

Located on US Rt 9 (I-87). Tax Map No(s): 266.3-3-10.1.

Mr. Kemper presented an application for a proposed 4,500 s.f. convenience store with drive thru and gasoline and diesel canopies on a 2.15-acre parcel off of US Rte 9.

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

24-88JK Town of Clifton Park: 28 Synergy Dr. Warehouse - Site Plan Review

Located on Synergy Park Dr. (US Rt 9 & Town of Halfmoon). Tax Map No(s): 265.-5-11.

Mr. Kemper presented an application for a proposed construction of a 50,000 s.f. warehouse/office building on a 5.96-acre parcel in the Synergy Light Industrial Park.

The Saratoga County Planning Board requested an update on the off-site improvements (permitting, design schedule, construction schedule, etc.) that were required as part of the original approval from 2012 prior to rendering a decision. In addition, Board members inquired as to whether or not the traffic study needs to be updated to account for any changes since the original approval.

The SCPB requested additional information.

24-89JW Town of Ballston: Burnt Hills Veterinary - Site Plan Review

Located on Goode St./CR-57. Tax Map No(s): 248.17-3-4.

Mr. Williams presented an application for a proposal to install 2229.89 kW ground-mounted solar array for on-site consumption on the 3.85-acre Burnt Hills Veterinary Hospital parcel. Mr. Williams stated that this particular solar array is classified as Type II- B within the Town's Solar Energy Installation regulations

Mr. Williams stated that the SCPB reviewed a use variance for this solar array on April 18, 2024. Mr. Williams stated that the Town Zoning Board granted the use variance in May 2024.

Since a roof-mounted solar array is not possible, the SCPB recommended that the Town consider some form of visual buffering to the ground-mounted solar array, especially to benefit nearby residential areas and for visibility on County Road 57. This buffering should be implemented using the best practicable means available, meaning the most effective and feasible methods should be used to minimize the visual impact of the solar array on its surroundings.

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

24-90JW Town of Ballston: 13 Mill Rd. - Special Use Permit and Site Plan Review

Located on Mill Rd. (Schauber Rd./CR-80, NYS 146A, & Town of Clifton Park). Tax Map No(s): 257.16-1-11.1.

Mr. Williams presented an application for a proposed adaptive reuse of an existing 2-story, 6,336 s.f. barn structure into a restaurant and prospective office/retail use on a 1.30-acre parcel. The restaurant will utilize 4,800 s.f. first floor area, and the office/retail will utilize the second floor.

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

24-91KL Town of Wilton: 4289 Route 50 Use Change - Site Plan Review

Located on NYS Rt. 50. Tax Map No(s): 141.-2-14.12.

Ms. Lambert presented an application for a proposed change of tenancy for an existing 1-story 10,000 s.f. footprint building for the extraction, refinement, and packaging of cannabinoid products. No proposed changes to the existing site plan, formally used as Tech II Business Services.

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

24-92KL Town of Wilton: *The Brill Manor* - Special Use Permit Review

Located on US Rt 9. Tax Map No(s): 140.-3-9.

Ms. Lambert presented an application for a proposed conversion of a residential dwelling into a "Tourist Home" on a 31-acre parcel off of US Rte 9.

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

24-93KL Town of Wilton: *Coldbrook RV Park Expansion* - Site Plan Review

Located on Gurn Springs Rd. (I-87). Tax Map No(s): 115.-2-97.

Ms. Lambert presented an application for a proposal to expand the existing seasonal RV Park with existing 277 RV sites with an additional 249 RV sites on a 97.52-acre parcel. The current owner acquired the business in 2018.

The Saratoga County Planning Board reviewed the material that was submitted and suggested additional screening/buffering along the Gurn Springs edge near the front entrance.

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

24-94JW Town of Halfmoon: *Next Generation Roofing* - Site Plan Review

Located on US Rt 9. Tax Map No(s): 266.-1-45.11.

Mr. Williams presented an application for a proposal to add a second story to an existing, single story office building for the existing roofing business.

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

24-95JW Town of Halfmoon: *Empire ADAS Fencing* - Site Plan Review

Located on US Rt 9 (Town of Clifton Park). Tax Map No(s): 260.-1-32.

Mr. Williams presented an application for a proposal to place a 6-ft decorated metal fence with 2 gated access points in the front and a 6-foot chain link fence around the remaining perimeter of the 1.79-acre property.

Mr. Williams stated that the provided site plan depicts the proposed decorative fence that is to be placed in front of the site encroaching onto the State's Right of Way of US Route 9. The SCPB requested a revised site plan showing the proposed decorative fence located on the applicant's property and not impacting the State's ROW.

The SCPB further noted that the proposed gates need to open into the site and not be allowed to swing out impacting the State's ROW.

The Saratoga County Planning Board requested a modification to the site plan.

24-96JW Town of Saratoga: *Jackson* - Area Variance

Located on Franklin Beach Rd. (NYS 9P). Tax Map No(s): 193.5-1-23.

Mr. Williams presented an application for a proposal to construct a garage with two-bedroom apartment, 3-season room, and deck on an existing 0.115-acre parcel that has created the need for

several area variances including pre-existing minimum lot area, lot width, and lot frontage along with front yard and side yard setbacks relief.

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

24-97JK Town of Galway: *Town of Galway - Solar Moratorium*

Located on . Tax Map No(s): .

Mr. Kemper presented an application for a proposed moratorium to temporarily prohibit the creation and siting of large-scale solar power installations and solar energy systems (Tier 3 and 4) within the Town of Galway for a period of 6 months with up to (2) 90-day extensions as deemed appropriate by the Town Board.

Mr. Kemper recommended approval.

24-98JW Village of Corinth: *Laphatt Holdings, LLC - Area Variance*

Located on Main St. (Town of Corinth). Tax Map No(s): 73.52-1-44.

Mr. Williams presented an application for a proposed 24-unit multi-family project shared with the Village and Town of Corinth regarding the shared boundary line that has created the need for several area variances for the Village. The area variances needed are for minimum side yard setback where 15 ft. is required and 0 is provided, for minimum lot area where 62,500 s.f. is required and 22,233 is provided and for minimum lot width where 100 ft. is required, and 66 ft is provided.

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

24-99JW Town of Ballston: *Backyard Sheds - Site Plan Review*

Located on NYS Rt. 50. Tax Map No(s): 257.14-1-40.

Mr. Williams presented an application for a proposal to utilize 0.77 acres of a 2.43-acre site to set up a graveled display area of sheds for the retail business. The applicant states there will be four parking spaces provided for the "by-appointment-only" customers to view the sheds. The site's remaining 1.66 acres to remain as greenspace.

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 Mr. Murray and unanimously approved.
CARRIED.

SUBDIVISIONS

23-A-64JW Town of Ballston: *1402 Route 50 - Subdivision Review*

Located on Brookline Rd./CR 60 and NYS Route 50. Tax Map No(s): 228.-1-41.

Mr. Williams presented an application for a proposed two lot subdivision of a 6.04-acre parcel on the corner of Brookline Rd (CR 60) and NYS Route 50. The proposed subdivision will separate an existing

retail gas station/convenience store on a 4.58-acre parcel and existing residential dwelling on a 1.65-acre parcel.

The SCPB requested additional information for the related special use permit and site plan review of this parcel which may or may not affect the proposed subdivision. The Board will take up the proposed subdivision referral review at the time of the project's special use permit and site plan referral review.

24-A-07JW Town of Milton: 614 Acland Blvd - Subdivision Review

Located on Acland Blvd. (Sar. Co. Airport). Tax Map No(s): 177.13-5-29.

Mr. Williams presented an application for a proposed 2-lot subdivision on an existing 2.80-acre parcel with an existing home to create a 1.89-acre parcel and a 0.91-acre parcel. Previous concerns of encroachment of a shed on County property (Airport) have been corrected per 5/21/24 correspondence with Town of Milton CEO.

Mr. Williams stated that the applicant had corrected the encroachment of their shed and fence that was on the County's property.

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

24-A-23JW Town of Stillwater: *Sabatino Subdivision* - Subdivision Review

Located on Jolly Road (Ag. Dist#1). Tax Map No(s): 243.-1-12.1.

Mr. Williams presented an application for a proposed 2-lot subdivision from an existing 4.03-acre parcel to create a 2.03-acre parcel with existing residential improvements and a 2.0-acre vacant parcel for proposed residential use.

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

24-A-24JW Town of Stillwater: *Everts Subdivision* - Subdivision Review

Located on NYS Rte 32 (Ag. Dist#1). Tax Map No(s): 220.-1-14.11.

Mr. Williams presented an application for a proposed 2-lot subdivision of an existing 21.16-acre parcel to create a 2.01-acre vacant parcel and leaving the remaining 19.15 acres as is with existing residential improvements.

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

24-A-25JW Town of Stillwater: *Werneberg Grocniak Rd Subdivision* - Subdivision Review

Located on Grocniak Rd (Ag Dist #1). Tax Map No(s): 220.-1-38.11.

Mr. Williams presented an application for a proposed 2-lot subdivision of an existing 98.92-acre parcel to create a 2.00-acre parcel and leaving the remaining 96.92 acres as vacant.

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

24-A-26KL Town of Hadley: Sanders Subdivision - Subdivision Review

Located on Harris Rd (Town of Corinth, Ag Dist #2). Tax Map No(s): 46.-1-41.

Ms. Lambert presented an application for a proposed 2-lot subdivision of an existing 61.40-acre parcel to create a 26.8-acre parcel and leaving the remaining 34.6 acres improved by a residence with a shared boundary of the Towns of Corinth and Hadley.

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

24-A-27JW Town of Waterford: Novick Subdivision - Subdivision Review

Located on Fonda Rd (CR 97). Tax Map No(s): 285.-1-65.

Mr. Williams presented an application for a proposed 3-lot subdivision from an existing 2.80-acre parcel to create lot 1 as 1.88-acre with existing pole barn, a 0.42-acre parcel with existing residential improvements, and a 0.50-acre parcel proposed residential use.

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

24-A-28JW Town of Milton: Hammond Subdivision - Subdivision Review

Located on LeRoux Rd (Town of Greenfield, Ag Dist #2). Tax Map No(s): 163.-1-3.12.

Mr. Williams presented an application for a proposed 2-lot subdivision from an existing 17.12-acre parcel to create a 5.09-acre parcel for residential use with existing garage structures and shed with the remaining 12.8 acres with existing residential improvements and outbuildings.

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

24-A-29JW Town of Hadley: Ghent Subdivision - Subdivision Review

Located on Parker Rd & So. Shore Rd./CR-7. Tax Map No(s): 34.-2-36.1.

Mr. Williams presented an application for a proposed subdivision of a 59.12-acre parcel into a 4.50-acre parcel with existing residential improvements and a 54.62-acre parcel with a wood frame building tennis court.

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

24-A-30JW Town of Ballston: Katz Subdivision - Subdivision Review

Located on NYS Rt 50. Tax Map No(s): 239.-1-88.1.

Mr. Williams presented an application for a proposed 2-lot subdivision of a 3.70-acre parcel into a 2.70-acre parcel with existing commercial improvements and a vacant 1.00-acre parcel fronting on Outlet Road.

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. Murray, seconded by Mr. Dal Pos and unanimously approved.
CARRIED.

MOUS

24-77MOUJW Town of Waterford: Novick - Area Variance

Located on Fonda Rd./CR-97. Tax Map No(s): 285.-1-65.

A proposed three-lot subdivision of a 2.79-acre parcel has created a need for an area variance for frontage on proposed Lot 1 of the three-lot subdivision. The required frontage in the Town's R-100 zoning district is 100 l.f. The proposed Lot 1 of the proposed subdivision provides 99.76 l.f. A requested relief of 2 and 7/8 of an inch.

Comment: A County DPW driveway permit will be required for the vacant lot.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Waterford Zoning Board of Appeals, the referral for area Variance was reviewed on 5/31/2024 by Mr. Williams with concurrence from Don McPherson, 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.

Adjournment

The meeting was adjourned at 4:53 pm.

Respectfully Submitted,

Nisha Merchant
Economic Development Specialist/Planner