



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 July 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: Devin Dal Pos, Ian Murray, Marcia E. Murray, Ed Vopelak and Connie Wood.

Members Absent: Tom Lewis, Chairman, Donald McPherson

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

Guests: Gary Meier, Saratoga County DPW; Mark Mykins, Zoning Enforcement Officer, Town of Wilton

APPROVAL OF MINUTES:

MOTION: The minutes of the June 20, 2024, meeting were unanimously approved on a motion made by Mr. Murray and seconded by Ms. Wood. **CARRIED.**

RECUSALS: 24-40 Ian Murray.

REFERRALS

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 are not permitted in the residential zones.

Ms. Lambert noted that the SCPB received updates of photovoltaics/firefighter best practices and preliminary design drawings dated July 2, 2024 from the Town of Wilton Zoning Board of Appeals on July 3, 2024.

Ms. Lambert noted that the SCPB received updated application and updated preliminary design drawings dated July 2, 2024 (highlighting road change) from the Town of Wilton Zoning Board of Appeals on July 9, 2024.

Mr. Mykins stated that the applicant requested that the Town of Wilton Zoning Board of Appeals treat this application as a public utility variance.

Mr. Mykins stated that as per the Town Attorney, recent case law suggested that such a solar array could be seen as a public utility.

Mr. Mykins stated that the decision before the Saratoga County Planning Board is whether this application presents any county-wide or intercommunity impacts.

The Saratoga County Planning Board members identified a significant county-wide and intercommunity impact as the proposed solar panels pose a negative visual impact from the Interstate 87 (Northway) corridor that is not compatible with the community character and the relation between residential and non-residential areas.

The SCPB questioned whether any type of visual buffer mitigation put into place can adequately buffer the proposed solar array due to the differences in elevation. This concern is now coupled with a preliminary design drawing dated July 2, 2024, that indicated a change to the site's service road from the initial site layout dated January 31, 2024. The service road is now proposed to be located within the Town's designated 100 ft Northway buffer zone furthering the concern of the SCPB that visual buffer mitigation will not be achieved. It is the determination by the SCPB that the identified visual impact of the solar array was not addressed adequately but the concern was further enhanced with the placement of the service road.

The SCPB acknowledged that zoning regulations reflect community preferences and goals for land use and development within the municipality. The Town of Wilton, through a recent legislative process, has identified this type of use (large scale solar arrays) as incompatible with its residential zoning districts (R-1, R-2, R-3, RB-1). The process involved identifying the impact of these facilities locating in residential and/or non-residential districts and reaching out to community stakeholders to develop a comprehensive solar law. As such, a use variance is needed to proceed with this particular application.

Ms. Lambert stated that the SCPB received the Reason for Appeal for the Use Variance which indicated it did not have to address the use variance standards, since the application is reviewed "pursuant to the public utility use standard". Ms. Lambert stated that the application did not address what the standard was or how the project would meet the standard, as requested in the SCPB June 2024 letter.

As case law surrounding the public utility use variance is constantly changing, the Saratoga County Planning Board recognized the difficulty of providing criteria of a "standard" that does not yet exist. It was determined that this proposed solar array project faces significant mitigation challenges for this use related to the compatibility of the various land uses with one another (Northway corridor, Residential) which is identified to be a significant county-wide and intercommunity impact.

Ms. Lambert

MOTION: A motion to disapprove Referral 24-52 due to visual county-wide and intercommunity impacts was initiated by Mr. Murray, seconded by Ms. Wood and unanimously approved. **CARRIED.**

24-105JK Town of Malta: Adirondack Trust - Area Variance (Sign)

Located on US Route 9. Tax Map No(s): 229.4-1-15.

Mr. Kemper presented an application for a proposed sign to be mounted on timber columns above the entrance to the proposed modified building does not meet the qualifications on any signage type in the Town's Form Base Code. The proposed sign closely matches "Wall Sign" type in the code.

Mr. Kemper stated that there was No Significant County Wide or Inter Community Impact.

24-106JK Town of Malta: Adirondack Trust - Project Plan Review

Located on US Route 9. Tax Map No(s): 229.4-1-15.

Mr. Kemper presented an application for the proposed modification to the existing building and drive-thru which includes the reduction of the number of parking spaces and installing new raised curb areas, removing entrance canopy, and drive -thru canopy and clock tower.

Mr. Kemper stated that there was No Significant County Wide or Inter Community Impact.

24-107JK Town of Malta: Dunning Street Apartments - Project Plan Review

Located on Dunning Street/CR-108 (US Route 9). Tax Map No(s): 229.4-1-25.

Mr. Kemper presented an application for a proposed development of the existing Malta Presbyterian Church site with a new three story 44 unit apartment building with renovation to the Church on a 2.67-acre parcel.

Board members voiced concern regarding the additional curb cut being proposed along Dunning Street (CR # 108) that provides a direct connection to Kendall Way and the possibility of cut through traffic.

Mr. Kemper noted that the site is currently served by an arrangement with the adjoining property.

The SCPB requested a traffic study or assessment to be provided for review.

In addition, the Board requested the proposed uses be specified for the amenity spaces and if additional parking will be required for those uses.

The Saratoga County Planning Board requested additional information be provided prior to rendering a decision.

24-108JK Town of Malta: Heflin (NYS Route 67) - Site Plan Review

Located on NYS Rt 67 (Zim Smith Trail). Tax Map No(s): 229.-1-39.3.

Mr. Kemper presented an application for a proposed construction of 33 unit multi-family development consisting of three apartment buildings on 8.11-acre parcel off of NYS Route 67 and adjacent to Zim Smith Trail.

Mr. Kemper noted that the project narrative dated 2.24.23 states that the drinking water supply will be provided by the Town of Ballston by extending the existing main along NYS Rt. 67. Mr. Kempert stated that the staff review provided with the application states that water service will be provided by the Clifton Park Water Authority with an extension of the water district required. The Planning Board

requested documentation that the Clifton Park Water Authority is willing to extend the water district and provide service to the proposed apartment complex.

The SCPB commented that the proposed trail connection to the Zim Smith trail should be something more durable than wood chips. The SCPB requested additional details regarding connection to the sewer manhole along the Zim Smith Trail and any restoration work that will need to be completed as a result of the connection.

The SCPB requested additional information prior to rendering a decision.

24-40JW Town of Halfmoon: Murray Car Lot - Site Plan Review

Located on NYS Rt 146 & Fellows Rd (NYS 236). Tax Map No(s): 273.-1-54.

Mr. Williams presented an application for a proposed used car sales lot on a 1.5-acre parcel with existing wood frame building and 2 existing curb cuts on Fellows Rd and NYS Rt 146. There are 38 proposed display parking spaces, 5 customer parking, and 2 accessible parking spaces. Mr. Williams noted that a NYS DOT work and curb cut permit will be required for improvements to the NYS Route 146 access.

The SCPB recommended restricting car deliveries from unloading within the State Right of Way.

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

24-101JW Town of Milton: Mill Town Centre - Site Plan Review

Located on Trieble Rd & Rowland St.-local road (Saratoga County Airport). Tax Map No(s): 190.-7-10.11; -12.11; -12.15; -12.16; -12.14; -12.13.

Mr. Williams presented an application for a proposed mixed use development on a 31.74-acre parcel in the town's Town Center zoning district. The permitted proposed development consists of 507 apartment units and 50,000 s.f. of commercial space in three commercial buildings, five mixed-use buildings and ten apartment buildings. There will also be associated infrastructure, parking and green areas incorporated within the development with two curb cuts onto Rowland Street (Town controlled portion) and a cross-connection to lands to the South with existing commercial uses.

The SCPB determined that there were no county-wide or intercommunity impacts. The SCPB acknowledged that this section of Rowland St. is controlled and maintained by the Town, and additionally that the County DPW was involved in the review and satisfied with the findings of traffic related impacts and identified mitigations during the SEQR review and that the proposed development will not have a negative effect on the County airport's operations.

24-102JW Town of Clifton Park: Prestige Petroleum (Route 9 Convenience Store) - Area Variance

Located on NYS Rte 9. Tax Map No(s): 266.3-3-10.1.

Mr. Williams presented an application for a proposed convenience store with gas pumps under canopy that is in need of an area variance as gas pump canopies are required to be at a minimum of 50 ft from the property line according to Town Code. The proposed canopy has a 33.1 ft setback from one of the side boundary lines and is requesting 16.9 ft of relief.

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

24-104NM Town of Ballston: *Bedore* - Area Variance

Located on NYS Route 50. Tax Map No(s): 257.14-1-45.

Ms. Merchant presented an application for a proposed two lot subdivision that has created a need for a front yard setback relief and percentage of lot coverage relief. The proposed subdivision is to allow a residential home to be built behind a multi-commercial site. The town's code in the Burnt Hills Commercial zoning district allows structures to be built at a minimum of 20' and a maximum of 70 ft from the front property line. The proposed house is to be placed 187 ft from the front property line requiring 117' of relief. The town code also requires a maximum site coverage of 30% where Lot 1 (Plaza) will be 53.2% of coverage requiring relief of 23.2% and Lot 2 (proposed single-family residential dwelling) will be 32.7% requiring relief of 2.7%.

The SCPB noted that while there were no significant county-wide or intercommunity impacts, the proposed subdivision of a pre-existing non-conforming parcel renders Proposed Lot 1 to be adding to the pre-existing non-conforming condition in terms of lot coverage. The SCPB suggested that if such variances are continuously allowed, the Town may consider amending the zoning code in Commercial districts to allow for increased lot coverage.

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

24-109KL Town of Halfmoon: *Hickok Subdivision* - Special Use Permit Review

Located on Firehouse Rd & Vischer Ferry Rd (NYS 911P). Tax Map No(s): 284.2-3-28.1.

Ms. Lambert presented an application for a proposed two lot subdivision to create a 1.51-acre lot and a 1.14-acre lot that are to be improved with duplex residential structures on each lot which needs a special use permit in the R-1 Zone.

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

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

SUBDIVISIONS

24-A-33JK Town of Malta: *Philly Subdivision* - Subdivision Review

Located on US Route 9. Tax Map No(s): 204.4-1-4, 204.4-1-5, 204.4-1-42.1, 204.4-1-42.2, 204.4-1-47, 204.4-1-9.2, 204.41-11.1, 204.-4-21.2.

Mr. Kemper presented an application for a proposed lot consolidation, lot line adjustment and subdivision of 8 lots to create 4 lots. One lot will be for a proposed ROW to be dedicated to the town and will serve previously approved Charlie's Stay and Play.

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

24-A-32JW Town of Northumberland: *Woodcock (LLA)* - Subdivision Review (LLA)

Located on US Rte 4 (NYS 32). Tax Map No(s): 144.3-1-9; -1-30; -1-8; 144.-1-6.111.

Mr. Williams presented an application for a proposed lot line adjustment involving four parcels of which three parcels will convey a portion of land to the Lands of Woodcock. The proposed lot line adjustments

will mend several encroachments and straighten out skewed boundary lines. The Lands of Woodcock will have an area of 0.525-acres after the proposed LLA action approved.

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

24-A-34KL Town of Halfmoon: Hickok Subdivision - Subdivision Review

Located on Firehouse Rd & Vischer Ferry Rd (NYS 819). Tax Map No(s): 284.-2-28.1.

Ms. Lambert presented an application for a proposed two-lot subdivision of a 2.65-acre parcel to create Lot 1 with 1.51-acres and Lot 2 with 1.14-acres. Both lots are proposed to be improved with one duplex each and a proposed shared driveway out to Firehouse Rd.

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. Dal Pos, seconded by Ms. Wood and unanimously approved.
CARRIED.

MOUS

24-100MOUJW Town of Wilton: Verizon Telecommunication Tower - Use & Area Variance

Located on NYS Rt 50 and West Rd. Tax Map No(s): 128.-1-83.21.

A proposed 154 ft. telecommunication tower to be placed in the rear of a 18.06-acre parcel in the Town's R-2 zoning district needs a use and area variance to proceed with the site plan review. The Town's R-2 zone does not allow telecommunication towers to be placed as a principle or special permit use. The area variance is asking for relief of 54 ft. to the Town's required setback of 150% of the proposed tower's height. The tower is to be placed at 171 ft from its western boundary where 231 ft is the required setback.

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 Use & Area Variance was reviewed on 6/25/2024 by Mr. Williams with concurrence from Devin Dal Pos & Ian Murray that the action posed No Significant County-wide or Intercommunity Impact.

24-100MOUJW Town of Wilton: Verizon Telecommunication Tower - Site Plan Review

Located on NYS Rt 50 and West Rd. Tax Map No(s): 128.-1-83.21.

A proposed 154 ft. telecommunication tower, within a 50 ft x 50 ft compound, to be placed in the rear of a 18.06-acre parcel off of NYS Rt 50 in the Town's R-2 zoning district.

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 Site Plan Review was reviewed on 7/11/2024 by Mr. Williams with concurrence from Devin Dal Pos & Ed Vopelak that the action posed No Significant County-wide or Intercommunity Impact.

24-103MOUKL City of Saratoga Springs: 1 Driscoll Rd (Just Cats) - Special Use Permit

Located on Driscoll Rd (NYS Rte 9). Tax Map No(s): 191.-1-25.

A proposed modification to a previously approved mixed use building that consisted of the small animal clinic/commercial on the first floor and residential units on the second floor. The proposal now is requesting to remove a portion of the commercial space on the first floor and replace with residential units.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the City of Saratoga Springs Planning Board, the referral for Special Use Permit was reviewed on 7/10/2024 by Ms. Lambert with concurrence from Devin Dal Pos & Don McPherson that the action posed No Significant County-wide or Intercommunity Impact.

24-110MOUJW City of Saratoga Springs: *West Pitney Meadows* - Special Use Permit

Located on West Ave. (Ag. Dist. #2). Tax Map No(s): 178.-1-49.1.

A proposed one-time special event to awareness of the active farm's impact to the community. The event will be held from 6PM to 10PM and predicts of 380 attendees. The farm has ample room for parking and will be regulated by parking attendants.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the City of Saratoga Springs Planning Board, the referral for Special Use Permit was reviewed on 7/15/2024 by Mr. Williams with concurrence from Connie Wood & Marcia Murray that the action posed No Significant County-wide or Intercommunity Impact.

24-A-31MOUJW Town of Charlton: *Grattidge LLA* - Subdivision Review (LLA)

Located on Jockey St./CR-52 and Maple Ave. Tax Map No(s): 225.-1-75 (225.-1-20.12); 225.-1-21.11; 225.-1-20.11; & 225.-1-20.2.

A proposal to adjust four existing parcels with a total area of 56.75-acres by performing lot line adjustments and conveyances of land for family estate planning purposes that results in three parcels with the same total area.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Charlton Planning Board, the referral for Subdivision Review (LLA) was reviewed on 6/27/2024 by Mr. Williams with concurrence from Devin Dal Pos & Ian Murray 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 5:03 pm.

Respectfully Submitted,

Nisha Merchant
Economic Development Specialist/Planner