



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 August 15, 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, Devin Dal Pos, Donald McPherson, Ian Murray, Marcia E. Murray, and Connie Wood.

Members Absent: Ed Vopelak

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

Guests: Gary Meier, Saratoga County DPW; Matt Jones, Jones Steves Grassi; Olivia Feldman, Lightstar Renewables

Approval of Minutes:

MOTION: The minutes of the July 18, 2024, meeting were unanimously approved on a motion made by Ms. Wood and seconded by Mr. Murray. **CARRIED.**

Recusals: 24-118 Don McPherson; 24-124 Tom Lewis; 24-129 Connie Wood.

REFERRALS

24-118KL City of Saratoga Springs: *Saratoga Hospital* - PUD Amendment Review

Located on Church St (NYS 9N). Tax Map No(s): 165.-1-44.

Ms. Lambert presented an application for a consideration of a zoning text amendment to transfer a portion of the remaining development area in Zone A to Zone B to provide for a new 60,000 s.f. medical office building in the Saratoga Hospital PUD. The amended PUD is to allow child daycare use for employees of the hospital and parking garages in Zone E in the future, if needed.

MOTION: A motion to approve Referral 24-118 was made by Mr. Dal Pos, seconded by Mr. Murray and unanimously approved. **CARRIED.**

24-119KL Town of Moreau: *Town of Moreau Solar Law* - Zoning Text Amendment Review

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

Ms. Lambert presented an application for a proposed Local Law to incorporate into the Town's Zoning Chapter 149 to regulate Solar Energy Systems.

The Saratoga County Planning Board asked if there were specific qualifications of the environmental monitor. Ms. Feldman made some comments on the solar law. SCPB members expressed concern about how soil stockpiles will be managed and mitigated to ensure best practices are used, especially since some of these soils may be stored for extended durations.

MOTION: A motion to approve Referral 24-119 was made by Mr. Dal Pos, seconded by Mr. McPherson and unanimously approved. **CARRIED.**

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 existing retail convenience store with gas into a 7,500 multi-tenant building. The applicant revised plans by removing the restaurant and drive-thru from consideration and exchanging with retail space. The applicant stated that there are no further plans for additional development of the approximately 5-acre parcel.

Mr. Williams noted the applicant had failed to address the previously identified significant intercommunity impact regarding the access driveway to Brookline Road in three review letters dated November 27, 2023, May 23, 2024, and June 25, 2024.

Mr. Williams stated that despite these repeated notifications, the applicant has not yet contacted the Saratoga County Department of Public Works (SCDPW) to initiate discussions on what is needed to satisfy the County DPW's and the SCPB's concerns.

Mr. Williams stated that as SCDPW is a permitting agency for the proposed site development, the SCPB strongly suggested that the applicant take the above noted steps.

The SCPB requested additional information 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 provided a summary of recent communications regarding the proposed water connections to the site.

After considerable discussion, the SCPB provided the following comment:

The SCPB recognized that often approvals for utility services may come after the necessary Planning Board approvals, however it was acknowledged that a project in the vicinity of this project was still lacking adequate water service one year after approval. Additionally, it appears that any decision on

water service extensions in this area could involve at least two and possibly three municipalities. In addition, it appears that the SCWA and the CPWA could be involved in serving water to this project.

Given the inter-municipal approvals necessary for this project, the SCPB requested additional information that water service will be provided prior to rendering their decision.

In addition, the Board requested that a meeting be scheduled amongst all involved agencies to determine a viable solution to providing water to the project site.

24-113KL Town of Wilton: *Dance Lab* - Site Plan Amendment Review

Located on US Rte 9. Tax Map No(s): 140.17-1-7.1.

Ms. Lambert presented an application for a proposed expansion of the parking lot to reflect the overall site layout for 4.78-acre parcel. She noted from the November 2023 referral review letter, the Saratoga County Planning Board “expressed the desire to have the municipal sewer extended to the site when the next user further develops the parcel and that the Dance Lab abandons their septic and connects to the sewer.” It was noted that the November 15, 2023 Town of Wilton Planning Board site plan approval was conditioned upon the connection to sewer with any future development or permits. The Board discussed the expanded parking lot and the potential impact of future development.

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

24-114JW Village of Round Lake: *Village of Round Lake* - Zoning Text Amendment Review

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

Mr. Williams presented an application for a proposal to amend Section 180-13, RV-1 Residential Zoning of the Village Code.

Mr. Williams recommended approval.

24-115JW Town of Stillwater: *Saratoga Polo Farm, LLC* - Special Use Permit and Site Plan Review

Located on Brickhouse Rd (Ag Dist#1). Tax Map No(s): 220.-1-57.1.

Mr. Williams presented an application for a proposed facility that includes a polo school, horse training, pasture lands, and horse turn out areas with associated barn and future private home on a 32.17-acre parcel.

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

24-116KL Town of Wilton: *Kloss LLA* - Area Variance Review

Located on Corinth Mountain Rd/CR-33. Tax Map No(s): 101.-1-65.2, 101.-1-65.111, 101.-1-114.

Ms. Lambert presented an application for a proposed LLA creates the need for Lot #2 for a south side yard setback. The required setback is 100 ft, with 14 ft proposed, seeking 86 ft of relief. The proposed LLA is to amend an encroachment of the boundary line through a barn.

Ms. Lambert noted a few corrections that were needed on the map shown. At this location of Corinth Mountain Road, it is Saratoga County Road 101, not County Road 33. The new total lot 1 should reflect the new lot total of 2.852-acres (not 2.958-acres). The conveyance should be listed as Lot 1 to Lot 2 of

the 0.106-acres (not Lot 2 to Lot 1). The additional conveyance should be listed as Lot 2 to McConkey of the 0.108-acres (not McConkey to Lot 2). A clarification was needed for the easement of the Lot 4 detail on the McConkey property on Corinth Mountain Road.

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

24-117JW Town of Corinth: *Laphatt Holdings, LLC* - Area Variance Review

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

Mr. Williams presented an application for two proposed area variances for a proposed development of five, 4-unit apartment buildings where the shared municipal boundary line between the Village and the Town traverses the project site. The proposed area variances consist of relief to the required minimum sideyard setback and the maximum number of units allowed for a multi-family use dependent on the area of the site. The applicant seeks 20 ft of relief for the required setback of 20 ft where 0 ft is provided due to the shared municipal boundary line. The 1.93-acre project is allotted the maximum of 8 multi-family units within the Town's jurisdiction per the Town's Code. An extra unit from a building that encroaches the shared municipal boundary line provides a total of nine, multi-family units.

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

24-120KL City of Saratoga Springs: *Pet Lodge* - Area Variance Review

Located on US Rt 9 (Saratoga Spa State Park). Tax Map No(s): 191.8-1-53.

Ms. Lambert presented an application for a proposed roofed structure over an existing dog voiding area has created a need to seek side yard variances as the City's minimum interior side yard set back is 20 ft and 7 ft is being provided and the minimum total of both side yards needs to be 50 ft where 35 ft is provided.

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

24-121NM Town of Corinth: *Ladd Auto Garage* - Use Variance Review

Located on Wilton Mountain Rd (CR-24). Tax Map No(s): 88.-1-29.

Ms. Merchant presented an application for a proposal to operate an Auto Repair Shop out of a newly constructed three-bay garage in the Town's R2 zoning district. The 1.34-acre parcel is improved with a single-family residence and the garage with access to the local Wilton Mountain Rd.

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

24-122KL Town of Moreau: *Town of Moreau* - Zoning Amendment - Map Review

Located on Selfridge Road (County Reforestland). Tax Map No(s): 77.-1-27.1.

Ms. Lambert presented an application for a proposal to re-zone one of two parcels that is owned by the Murphy family, 7.82-acres, from One- and Two-Family Residential District (R-2) to Agriculture, One- and Two-Family Residential Districts (R-5) in order to allow the keeping of horses. This lot has existing residential improvements.

Ms. Lambert recommended approval.

24-123KL City of Saratoga Springs: *453-457 Broadway* - Site Plan Review

Located on Broadway/US Rt 9/NYS Rt 50 (NYS Rt 9N & NYS Rt 29). Tax Map No(s): 165.59-1-30 & 165.59-1-29.

Ms. Lambert presented an application for a proposal to redevelop existing mixed-use buildings into an additional 15 apartment units while keeping the commercial spaces on the ground level. 453 Broadway will add three additional stories. The rear of 457 Broadway will have an addition of 4 levels. The second and third level will each have 5 new apartment units along with the two existing apartment units and the fourth level will be 5 new apartments. Parking will be 8 spaces at ground level in the rear of the building. There did not appear to be any civic space provided.

The Saratoga County Planning Board questioned the “verbal variance of 2014” for the off street parking requirement listed on the Site Prep/Demo Plan (C-1). There was discussion if any civic space was to be provided on or offsite.

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

24-124JK Town of Clifton Park: *Riverview Rd Convenient Store & Liquor* - Site Plan Review

Located on Riverview Rd/CR-91 & NYS Rt 146 (CR-88). Tax Map No(s): 269.19-1-43.1.

Mr. Kemper presented an application for a proposal to construct a 5,400 s.f. commercial building with a 2,950 s.f. convenience store and a 2,450 s.f. liquor store. The convenience store will have a four-pump gasoline under canopy and a single access to Riverview Rd.

Mr. Kemper noted that Saratoga County DPW has agreed to the location of the curb cut into the proposed project. However, SCPB members raised a concern with the ability to enter and exit the site being potentially limited during peak hour traffic. A traffic evaluation or report should be completed that evaluates this concern. In addition, the SCPB requested concurrence with these conclusions from the town-designated engineer.

The Saratoga County Planning Board reviewed the application and is requesting additional information be provided for review.

24-125JW Town of Northumberland: *Town of Northumberland* - Comprehensive Plan Update

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

Mr. Williams presented an application for the Town’s comprehensive plan update to achieve its goal of preserving its agricultural character, fostering a strong farming economy and preserving open space and viewsheds while managing growth and its infrastructure.

Mr. Williams recommended approval.

24-126JW Town of Galway: *Flinton* - Special Use Permit Review

Located on Crane Road (Ag. Dist. #2). Tax Map No(s): 213.-1-94.

Mr. Williams presented an application for a proposed commercial use of an existing private shooting range to be used by S&K Prevention Inc. as an off-site facility for NYS mandated training of certain clients.

The SCPB recognized that a shooting range use is a needed function in order to train and certify law enforcement and safety personnel properly but also can possibly be construed as an objectionable use

to the neighboring parcels. The Board recommended the following considerations for the issuance of a special use permit which requires the applicant to meet certain parameters as to not negatively impact the surrounding area or community:

- Noise and Nuisances are probably the two key parameters listed in the Town's code for special use permit review that must be satisfied to the extent negative impacts from the shooting range use are avoided or lessened through mitigation measures. Conduct a noise study to determine the expected decibel levels of the shooting range. This study should evaluate potential noise impacts on nearby properties and identify measures to mitigate excessive noise, such as sound barriers or directional shooting.
- Define clear operational hours for the shooting range to minimize disturbances. Consider restrictions on early morning or late evening operations to avoid noise during sensitive times.
- Specify the frequency of shooting sessions and ensure it is consistent with local regulations. Request a detailed schedule of operation from the applicant to demonstrate that the facility will not be in constant use, thereby reducing potential disruptions. Provide the schedule to neighboring parcels to notify when the shooting range is to be in use.
- Determine and enforce limits on the number of attendees at any one time to control congestion and maintain a manageable scale of operation.
- Verify that the shooting range is following local regulations regarding the discharge of firearms near buildings. Ensure that the range is situated more than 500 feet from any building, as stipulated by law.
- Assess the impact of the shooting range on surrounding agricultural operations and livestock. Consult with local farmers and agricultural experts to evaluate potential disruptions or negative effects.
- To ensure that the proposed shooting range meets all necessary criteria and addresses the concerns raised, it is crucial to conduct comprehensive assessments and implement appropriate measures. Detailed studies and consultations with stakeholders, including neighbors, local farmers, and law enforcement, will help to address potential issues and ensure that the shooting range operates in a manner that is both effective and respectful of the surrounding community.

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

24-127JW Town of Halfmoon: *Prestige Petroleum Gas Station* - Area Variance Review

Located on NYS Rt 146. Tax Map No(s): 272.-3-16 & 272.-3-32.

Mr. Williams presented an application for a proposed convenience store with gas canopy proposes to place its canopy 47 ft from the front parcel boundary where 70 ft is the minimum front yard setback per Town Code. The area variance is seeking 23 ft of relief.

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

24-128NM Town of Ballston: *578 Randall Rd.* - Site Plan Review

Located on Randall Rd (Ag. Dist. #2). Tax Map No(s): 227.-1-5.21.

Ms. Merchant presented an application for a proposal to place a roof mounted solar system on the roof of an existing pole barn on the 55.97-acre parcel.

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

24-129JW Town of Charlton: *Smith* - Special Use Permit and Area Variance

Located on NYS 67 (CR 51). Tax Map No(s): 225.-1-34.3.

Mr. Williams presented an application for applicant is seeking a special use permit to operate a retail and service of snow plows. Mr. Williams stated that the applicant is also seeking two area variances - side yard setback and square footage of building.

Mr. Williams noted that a New York State Department of Transportation (NYSDOT) work permit is required for any proposed improvements for the access to the site on NYS Rt 67.

The SCPB recognized that the Town of Charlton views NYS Rt 67 as a rural agricultural gateway into Saratoga County and that this vision is reflected in the town's land use policies, which aim to maintain the rural character and functionality of this corridor and throughout the town.

SCPB members suggested that the applicant include sufficient visual screening for any exterior storage of implements so that the outdoor storage/display area is not visible from the road or neighboring properties, preserving the rural aesthetics. The display area for products must be within the required setback from the road to ensure displays do not encroach on roadways or adjacent properties.

The SCPB noted that adequate parking must be provided along with foundation plantings around the building to complement its design and integrate it into the surrounding environment.

The SCPB noted that the building's exterior siding must be compatible with the rural character of the area.

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. Murray, seconded by Mr. Dal Pos 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.

As noted above, the SCPB is reviewing this subdivision along with the special use permit and site plan for this site. The SCPB members stated that they will hold off on any discussion related to the proposed subdivision review until identified intercommunity impacts from the the GML-239m special use permit and site plan referral review is resolved.

24-A-35JW Town of Stillwater: VonAhn Subdivision - Subdivision Review

Located on McDermott Rd (CR-75 & Ag Dist#1). Tax Map No(s): 242.-1-106.1.

Mr. Williams presented an application for a proposed 2 lot subdivision from a 22.22-acre parcel to create an 8.32-acre parcel and a 13.90-acre parcel.

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

24-A-36KL Town of Wilton: *Kloss LLA - Subdivision (LLA) Review*

Located on Corinth Mountain Rd/CR-33. Tax Map No(s): 101.-1-65.2, 101.-1-65.111, 101.-1-114.

Ms. Lambert presented an application for a proposed 2 lot line adjustments between 3 Lots. The LLAs consist of Lot 2 receiving 0.108-acres from Lands of McConkey to adjust a proposed driveway location and Lot 2 is conveying 0.106-acres to Lot 1 to alleviate encroachment of a barn. Ms. Lambert reiterated the corrections as stated earlier in the meeting that were needed.

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

24-A-38JK Town of Clifton Park: *Miller Rd 3-Lot Subdivision - Subdivision Review*

Located on Miller Rd. (Grooms Rd/CR-91 & Ag. Dist. #2 -no farm operation). Tax Map No(s): 276.-2-33.

Mr. Kemper presented an application for a proposed 3-lot subdivision from an existing 5.169-acre parcel fronting on Miller Rd. The proposed lots will have an area of 1.087 acres, 2.219 acres and 1.863 acres respectfully and all are proposed for single-family use.

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

24-A-39JK Town of Clifton Park: *229 Riverview Rd 2-lot Subdivision - Subdivision Review*

Located on Riverview Rd. (Ag. Dist. #2). Tax Map No(s): 288.-1-39.

Mr. Kemper presented an application for a proposed 2-lot subdivision from an existing 13.16-acre parcel fronting on Riverview Rd. The proposed subdivision will create a 6.82-acre parcel with existing residential improvements and a 6.34-acre parcel with a proposed single-family use.

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

24-A-40NM Town of Halfmoon: *Olesen - Subdivision Review*

Located on NYS Rt 146 (CR-109). Tax Map No(s): 267.-2-17.13.

Ms. Merchant presented an application for a proposed 2-lot subdivision from an existing 9.05-acre parcel to create a 1.5-acre parcel and a 7.55-acre parcel. The 1.5-acre parcel is indicating a proposed auto repair shop use and the 7.55-acre parcel to remain vacant at this time.

Saratoga County Planning Board members questioned whether or not Proposed Lot 2 should be recognized with regard to the ingress/egress easement from the adjacent Lands of Olesen.

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

24-A-41JW Town of Halfmoon: *One-Four-Six Marketplace PDD - Subdivision Review*

Located on NYS Rt 146. Tax Map No(s): numerous.

Mr. Williams presented an application for a proposal to consolidate 22 parcels and then create 5 building lots along with lands set aside for public Right-of-Way for the proposed development. The building lots will have an area of 2.9-acres, 6.0-acres, 6.5-acres, 3.5-acres and 0.81-acres that conforms to the proposed multi-use PDD.

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 Ms. Wood, seconded by Mr. Murray and unanimously approved.
CARRIED.

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24-111MOUJW Town of Galway: *Dropper* - Special Use Permit Review

Located on McConchie Rd (Ag. Dist. #2). Tax Map No(s): 212.-1-20.

A proposal to place a double-wide manufactured home on a 1.9-acre parcel that has an existing single-family residence. A special use permit is needed in order to place two primary residences on a single parcel per Town code.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Galway Planning Board, the referral for Special Use Permit Review was reviewed on 7/19/2024 by Mr. Williams with concurrence from Devin Dal Pos & Ian Murray that the action posed No Significant County-wide or Intercommunity Impact.

24-112MOUJW Town of Moreau: *Phair* - Special Use Permit Review

Located on Reservoir Rd. (US Rt 9). Tax Map No(s): 63.2-1-23.1.

A proposal to construct a 300 s.f. addition to an existing home in the Town's Commercial zoning district.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Moreau , the referral for Special Use Permit Review was reviewed on 7/19/2024 by Mr. Williams with concurrence from Devin Dal Pos & Ian Murray that the action posed No Significant County-wide or Intercommunity Impact.

24-A-34MOUJW Town of Wilton: *Forest Grove Ph. 3* - Subdivision Review

Located on Putnam Rd and Jones Rd. (I-87-Northway). Tax Map No(s): 141.-1-35.11.

A proposed final approval of Phase 3 of the Forest Grove residential development. Phase 3 consists of 190 residential units of the total development's 420 residential units including the extension of roadway and utilities.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Wilton , the referral for Subdivision Review was reviewed on 7/23/2024 by Mr. Williams with concurrence from Don McPherson & Devin Dal Pos that the action posed No Significant County-wide or Intercommunity Impact.

24-A-37MOUJW Town of Greenfield: *Alford Subdivision* - Subdivision Review

Located on Howe Road (Ag. Dist. #2). Tax Map No(s): 99.-1-31.

A proposed 2-lot subdivision to create a 6.02 acre lot from an existing 48.13-acre parcel. The proposed 6 acre lot is to be utilized for a single-family use.

In accordance with the Memorandum of Understanding (MOU) between the Saratoga County Planning Board and the Town of Greenfield , the referral for Subdivision Review was reviewed on 7/30/2024 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 5:08 pm.

Respectfully Submitted,
Nisha Merchant
Economic Development Specialist/Planner