

Town of Ballston  
Planning Board

**TOWN OF BALLSTON  
PLANNING BOARD**

**Regular Monthly Meeting: October 29, 2015**

Present: Richard Doyle, Chairman  
Jeffrey Cwalinski, Vice Chairman  
James DiPasquale  
Patrick Maher  
Audeliz Matias  
John VanVorst  
James Fischer, 1<sup>st</sup> Alternate  
Thomas Johnson, Building Inspector  
Kathryn Serra, Town Engineer  
Peter Reilly, Planning Board Attorney  
Members of the General Public

Chairman Doyle called the October 29, 2015 meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

**OLD BUSINESS:**

**Nuri Ozbay, 814 Route 50, Burnt Hills, New York 12027; 257.10-2-55 (Site Plan Review (Concept)/Special Use Permit – Convert existing motor vehicle repair shop to convenience store with fuel sales.**

Chris Meyer, PLS was present on behalf of the applicant to discuss the October 23, 2015 review from C. T. Male the additions and changes to the project that have been made since the last meeting.

1. The Design Standards require that facades facing a public street have a parapet with cornice details. The architectural rendering provided do not show a parapet. The drawing shows “parapet coping” and is not considered a decorative cornice. Some level of a decorative cornice should be provided with more depth and variety. The Architect suggested the applicant to provide a similar decorative cornice.
2. The proposed façade treatment does provide for a variety and change of materials, however, it does not break the building down into smaller components as intended by the Design Standards. A change in parapet height for a portion of the building will assist in this and will help the building not look

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like one large cube. The architect suggested the overall design of the building and the type of materials chosen have both provided variety and broken down the buildings small components.

3. One piece of roof top equipment is noted. The size of the equipment shall be verified and if there will be any additional equipment. If the roof top equipment is greater than 2 feet high, it will likely be visible from the road and would need to be screened. The Architect stated the RTU currently shown is placed on the existing lower roof and should adequately screen the RTU.

EAF Question 20 asks "Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste." Gas stations are historically sites that have the potential for spills of petroleum products, and a review of NYSDEC's spill database found several occurrences of past petroleum spills into the soil on this site. The applicant should provide information on any past spills or leaks from the buried petroleum storage tanks and any associated cleanups. Mr. Meyer stated the report indicated two spills in 20 years.

The EAF states that of the 0.45 acre parcel, only 0.07 acres will be disturbed. Based upon this information, it appears as though the majority of the site pavement will not be reused. The EAF should be revised if additional disturbance is needed to accommodate new pavement construction.

CME's response letter outlines several traffic mitigation/site driveway improvements that must occur for this project to move forward with NYSDOT and Saratoga County DPW, however, one of the improvements is missing from the site plan: Modification to the hatched area on Route 50 to accommodate a short two-way left turn lane adjacent to the site. The traffic engineer is preparing a plan to accommodate that modification.

On Page 2 of CME's response letter, they provide information from the fuel delivery trucking company on the truck turning plan, which restricts fuel delivery to the site with one traffic route: southbound on Route 50, turning left into the site, exiting the site by taking a left onto LakeHill Road eastbound, then left onto Kingsley Road and northbound to Route 50 northbound. If the applicant is willing to commit to this truck route (since it is the only feasible truck route as determined by CME) then the truck turning plan provided in CME's response letter shall be entered into the record for SEQRA and site plan approval.

The engineer for the project is working on stormwater management/drainage report to be reviewed by NYSDOT.

Mr. VanVorst asked how the trees could be planted where the dumpster is proposed on the plan. The trees will be planted in front of the fence on the westerly side and will be planted so they do not interfere with the dumpster.

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Mr. Cwalinski stated the zoning is incorrect on the drawings as commercial and should be mixed use it appears on note 7 page 1 and page 2 of the project information listing.

Chairman Doyle asked the board about the design proposed to the board.

Ms. Matias stated we (the board) did get a really good design with the other USA gas on NYS Route 67 and NYS Route 50 and agrees with Ms. Serra that something is missing – it just looks like a big brown box with some red, blue and white. Some little decoration and the cornice should be done.

Chairman Doyle stated the owner of the USA Gas on NYS Route 67/50 dressed up the front without going through a lot of financial costs. Ms. Serra stated that was addressed in comments A and B in particular the side view that faces LakeHill Road; it's just tan brick and would suggest a dark brown different kind of brick.

A further discussion was held on the materials suggested for the USA Gas on NYS Route 67/50.

Mr. DiPasquale stated the plan refers to emergency generator and asked where the emergency generator will be placed. It's shown on sheet DET-2 (Notes – emergency power supply to the pump station). Ms. Serra stated that is for the septic tank not for the pumps for the gas. Ms. Serra asked if emergency generators are required at gas stations. Mr. Ozbay stated no. Mr. Meyer stated the he will check with the engineer who designed the system.

Mr. Cwalinski stated that he asked for a snow removal plan (what accumulations do you plan on removing snow and where would it go.) Mr. Meyer stated 2 to 3 inches from a standard commercial company. Mr. Meyer will provide an outline on the map – when the snow becomes a certain volume, it's taken off site.

Mr. Maher asked if there is going to be any remediation of what is going to be required relative to spills. Mr. Meyer stated he does not think there is and have had three monitoring wells on site for 18 years. Chairman Doyle stated this site did have a major spill and it was for a number of years there were hay bails out front and the soil was degassing.

Mr. Cwalinski stated deliveries will be before 6:00 a.m. and after 8:00 p.m. and asked if there is a note on the drawing or do we do that through SEQRA. Ms. Serra stated that it should be on the plan so it's easily found in the future.

The board is in agreement to move the project to preliminary design.

**MOTION:** Mr. VanVorst motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process. Mr. Matias seconded the motion and all present voted in favor. **CARRIED.**

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**MOTION:** Mr. Cwalinski made a motion to move from a conceptual design to a preliminary design for the gas station. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

Ms. Serra stated the next time the applicant is in front of the board the town will be scheduling a public hearing. Chairman Doyle stated yes and feels it is important for the applicant as well as the board to see what the neighbors think.

Application tabled.

**Thomas Benuscak, Goode Street, Burnt Hills, NY 12027; 238.-1-39.2 (Sketch Plan Conference/Proposed 12-lot subdivision – Concept).** Paul Olund, Environmental Design Partnership was present on behalf of the applicant.

The applicant is proposing a 12-lot subdivision with two lots fronting Goode Street (east side) and nine lots proposed to be serviced by a proposed town road.

The wetlands on the site are ACOE and had performed their own jurisdictional field delineation. Change from Lot #4 – wetland has been taken out and revised the lot layout accordingly.

C. T. Male comment letter was discussed. After contacting the town water department, the only property that is not on municipal water is the Hussey property. This is up gradient of the septic's that are being proposed. The adjacent property owners will be added to the map. Perc tests were completed and will forward that information to the town and conducive for shallow absorption trenches and an extended wetland wet pond system and will be submitted to C. T. Male.

Mr. Cwalinski stated at the last meeting we ask that the road be extended up to the northern property line at least a paper street and did not see it on the drawing and is important to show it on the drawing and label as such so there is no confusion in the future.

A further discussion was held on scheduling of the test pits that were performed

Ms. Serra stated the next submission should have some preliminary designs for the septic systems to see how the area will be impacted and see how the lot layout works.

Mr. Olund stated that everything conforms to the rural subdivision with individual wells and septic systems.

Ms. Serra stated that if the next submission has septic design and storm water conceptual designs and show that the project works out, there would not be any reason why the board wouldn't schedule a public hearing or ask you to go to preliminary engineering.

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Application tabled.

**David McDonald, 22 McCormick Lane, Ballston Lake, NY 12019; 249.10-1-2 (Site Plan Review – New sewage disposal system).** Tom Hutchins with Hutchins Engineering is present on behalf of the applicants.

This is an existing residence that the applicants have purchased. The wastewater system is presently in failure and was aware when purchasing the property that it would need to be replaced.

The geometry of the property does not allow us to replace this wastewater system with a fully compliant system that meets all the setbacks from property lines, shoreline and water supply well – have come close, but cannot meet all the setbacks.

The soils are a very low permeability and high silt content and very compact. The proposal consists of a 1200 gallon septic tank, pump tank, absorption bed with a mound configuration. The applicant is able to hold all of the setbacks to the actual absorption bed itself however; the standards require that the applicant has a mounded system that the setbacks be maintained. Chairman Doyle recommended taking a look a low flow faucets – it's not a requirement. Ms. Serra stated that it's on the site plan.

**MOTION:** Mr. Maher motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process. Mr. Fischer seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. Cwalinski motioned to declare this an unlisted action under the SEQR process therefore will declare this a Negative Declaration under the SEQR process. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. Maher made a motion for the waste water replacement plan for 22 McCormick Lane detailed on 29960-01-S1 be approved. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

**NEW BUSINESS:**

**Daniel Kirkpatrick, 166 Good Street, Burnt Hills, NY 12027; 248.-1-50 (Lot Line Adjustment)**

Ms. Kirkpatrick stated that the request is for a Lot Line Adjustment.

Chairman Doyle said, "You get more frontage and lose a triangular shape in the back.

A further discussion was held on the layout of the property.

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Mr. DiPasquale asked if the septic system in that area. Ms. Kirkpatrick stated yes. Chairman Doyle asked if it is more 10' from the edge of the triangle. Ms. Kirkpatrick stated yes.

A further discussion was held on the location of the existing septic system.

Chairman Doyle opened the public hearing at 8:32 p.m.

A neighbor stated that he had no objections to the proposal.

**MOTION:** Ms. Matias motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. Cwalinski motioned to declare this an unlisted action under the SEQR process therefore will declare this a Negative Declaration under the SEQR process. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. Maher made a motion that the Lot Line Adjustment at 166 Goode Street detailed on drawing number 2015-08-21R be approved. Mr. Fischer seconded the motion and all present voted in favor. **CARRIED.**

Mr. Johnson suggested to Chairman Doyle that the applicant provide three paper copies and one Mylar (11x17) and add the Right-to-Farm Law note to the map. Chairman Doyle stated to also file the map with the County in 60 days after the Chairman's signature.

**William Bashant, Lake Road, Ballston Lake, NY 12019; (Site Plan Review – Construct single-family dwelling).** Scott Lansing, PE with Lansing Engineering was present on behalf of the applicant.

The applicant proposes to construct a single-family resident on approximately 34 to 35 acres parcel located on Lake Road. The water will be serviced by an individual well located in the back of the proposed residence and an on-site waste water treatment system. The disturbance is below an acre for the storm water management so a SWPPP is not required.

Three comments were received from C. T. Male and the first one was relative to the EAF and listed the size of the home at 3,600 sq. ft. Mr. Lansing feels we are conservative on that and included the garage. In actuality the home will be 2,700 sq. ft. with three bedrooms and a bonus room over the garage

The second comment was relative to limit of disturbance and are at .9 acres, which is under one acre and SWPPP is not required.

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The existing driveway has a culver along Lake Road and was planning on leaving that culvert in place and suggested to possibly remove the culvert and would like to leave in place if that is something that is acceptable.

Ms. Serra stated if the applicant is going to be adding another driveway within 50 to 100 feet, please remove that culvert and is a request of the Town Highway Department.

Mr. Cwalinski asked if sewers were going to be running down this section of Lake Road. Chairman Doyle stated yes. Mr. Cwalinski asked if the applicant/homeowners be required to connect into those sewers or will it be optional. Ms. Serra stated the Town Board has to decide whether they are going to grandfather newer construction.

Chairman Doyle opened the public hearing at 8:41 p.m.

No one wished to speak.

Chairman Doyle closed the public hearing at 8:42 p.m.

**MOTION:** Mr. Maher motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. VanVorst motioned to declare this an unlisted action under the SEQR process therefore will declare this a Negative Declaration under the SEQR process. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. Cwalinski made a motion to approve the site plan with the title Bashant Site Plan project number 748.00 dated October 1, 2015 subject to the resolution of the town engineer's comments. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

**Rebecca J. Little, Brookline Road, Ballston Spa, NY 12020; 228.-3-11.11 (Sketch Plan Conference – Minor subdivision).** Matthew VanDorn, PLS was present on behalf of the applicant.

Mr. VanDorn stated Rebecca Little and Robert Rutland are co-owners of this 11.38 acre parcel on Brookline Road.

Mr. VanDorn stated that Ms. Little to own Lot #1 and Mr. Rutland Lot #2 and he has no plans to build just intends on cleaning up with area and maintaining the buildings.

Mr. Johnson stated the zoning requires the principal use of the lot for a dwelling and does not know how to create a lot that does not a have the principal use as the dwelling on it.

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A further discussion was held on the definition of a flag lot. Mr. Johnson said you could say it's not a flag lot, then you have to get past that it's not the principal use of the dwelling. Mr. Johnson stated his interpretation that it is not a flag lot because both conditions of a flag lot are not being met.

Further discussions were held on flag lots.

Mr. Johnson stated the other questions is do you deviate the requirement to do a perc test and test pit information are you creating what would be a buildable lot. Mr. Reilly stated to refer to the engineer, but would not just because there are no immediate plans. Ms. Serra stated that the test pit needs to be performed and put on paper. Mr. Johnson stated you are not designed the septic system, just putting the soil date on it.

Chairman Doyle asked Mr. Reilly if it is acceptable that the board required test pit and perc test. Mr. Reilly stated yes.

Mr. Rutland stated he has no intentions of building a house on Lot #2. Mr. Rutland asked if a note could be added to the plan that a perc test and test pit is required if a house is built. Ms. Serra stated there are certain things that are required for every subdivision.

Mr. Fischer asked if it would possible to put a deed restriction on the new lots stating in anyone were to want to build a residence in there they would not be approved prior to perc test, storm water management.

Application tabled.

**Walter Katz, White Beach Road, Ballston Lake, NY 12019; 239.-1-21.2 (Minor Subdivision).** Duane Rabideau, PLS with VanGuilder and Associates was present on behalf of the applicant.

The parcel is located at 20 White Beach Road. The applicant requests to subdivide and reconfigure an existing two lot subdivision approved in March 2013. The applicants want to subdivide it into four parcels.

Lot #1 – 11 acres

Lot #2 5.7 acres

Lot #3 4 acres to include LLA- 6.3 acres

Lot #4 6.1 acres

All lots will have onsite septic systems and wells.

Mr. Rabideau stated that all lots to have access to White Beach Road through a 50' ingress/egress easement through Lot #1 for utilities and ingress/egress.



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The Right-to-Farm Law and Water Contingency note to be added to plan.

Mr. Serra asked if Mr. Katz is prepared to prepare a SWPPP. Mr. Rabideau stated yes. Ms. Serra stated does he understand what is needed for one. Mr. Rabideau stated yes.

A further discussion was held on what is required for preparing a SWPPP.

Chairman Doyle stated when we add the private road extension, Saunders Road area (where we blocked off that train area) that intersection is very confusing and take a look at that and make it look more like a driveway and less like a "Y" in the road going in two directions.

Mr. Cwalinski stated the applicant may want to add that this is also located in the Ballston Lake Overlay District. Ms. Serra stated it's called the Watershed Protection Overlay District.

Chairman Doyle opened the public hearing at 9:15 p.m.

**Anne Pierce** asked how much of this property is wetlands. Chairman Doyle stated there are ACOE wetlands and noted the location of the floodplain area.

Mr. DiPasquale asked if the house locations in the 100 year floodplain. Mr. Rabideau stated no.

Chairman Doyle stated if there are no more comments we will close the public hearing at 9:17 p.m.

Chairman Doyle asked if Ms. Serra would look at the way this driveway comes in and get approved and then when she takes a look at it, and says it's o.k. Ms. Serra would not recommend approving this project tonight since the applicant has not submitted the required SWPPP. The board is in agreement and would like to see the SWPPP.

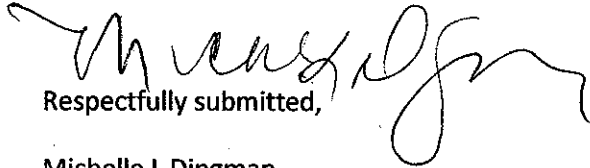
Mr. Rabideau stated the applicant was hoping to get approval contingent that the plan has been prepared and has not been signed. Ms. Serra is not comfortable that nothing has been shown to date. The Planning Board needs to do SEQRA and there is no way to say this does meet the intent because there is nothing shown.

Application tabled.

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**MOTION:** Mr. VanVorst made a motion to adjourn. Mr. Maher seconded the motion. **CARRIED.**

Meeting adjourned at 8:56 p.m.

A handwritten signature in black ink, appearing to read "Michelle L. Dingman". The signature is fluid and cursive, with a large loop at the end.

Respectfully submitted,

Michelle L Dingman  
Planning Board Secretary