

Town of Ballston
Planning Board

TOWN OF BALLSTON PLANNING BOARD

Regular Monthly Meeting: November 18, 2015

Present: Richard Doyle, Chairman
Jeffrey Cwalinski, Vice Chairman
James DiPasquale
Patrick Maher
Audeliz Matias
Thomas Johnson, Building Inspector
Kathryn Serra, Town Engineer
Peter Reilly, Planning Board Attorney
Members of the General Public

Chairman Doyle called the November 18, 2015 meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

OLD BUSINESS

KT Development, Benedict Road & Round Lake Road, Ballston Lake, NY 12019; 249.—37, 249.-3-40 (Major Subdivision – 39-lots.) Jason Dell, PE, Lansing Engineering was present on behalf of the applicant.

The project site is located at along the western side of Benedict Road and encompasses approximately 28 acres zoned Ballston Lake Residential. The applicant is proposing to subdivide the parcel into 19 single-family lots. The applicant is proposing to construct two cul-de-sacs and having the majority of those lots coming off of the cul-de-sac; three lots that will front on Benedict Road as well as one on Round Lake Road.

Water and sanitary sewer will be provided through the Town of Ballston water system as well as Saratoga County Sewer District. Storm water will be managed onsite. At this time, the applicant has addressed all of C.T. Males comments/technical concerns regarding the project. At the last meeting, there were questions relative to screening the property located further to the south. A landscaping plan has been provided and is showing a line of Evergreen trees along there. At the last meeting, the board asked the applicant to supply the archeological report as well as to show the archeological concern on the map. The applicant has submitted those items and Mr. Lucier is here on behalf of the applicant to answer any questions about the archeological report.

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Mr. VanVorst stated that he would like to hear about the archeological. Mr. Lucier with Harkin Archeological Associates stated we dug tests throughout the entire project where the development is proposed and found two small Native American sites that are likely associated with the wetland area. On the edge of Lot #4, produced datable information so when we have data artifacts – animal bone and charcoal – things that we can use to date the occupations and tie it in to what we know about Native American pre-history of the area. Mr. Lucier stated that the Phase 1 and Phase 2 report to SHPPO and have been in agreement with everything to this point. We will do another archeological excavation as mitigation, once the permitting process starts to move forward at that site. Ms. Serra stated the artifacts will be removed. Mr. Lucier stated yes. Ms. Serra stated for the area on Lot #5 – it's currently stated there could be avoidance. Mr. Dell stated on Lot #5 as we work through the ACOE permitting process there will be coordination between SHPPO and the ACOE and Mr. Lucier had indicated that the area on Lot #5 could be cleared through that process. Ms. Serra said, "What do you mean cleared, the artifacts removed or restrictions for property owners." Mr. Dell stated the artifacts will be removed.

Mr. DiPasquale stated what impact all this has on Lot #4. Mr. Dell stated we anticipate that there will be no impact. Mr. DiPasquale stated no restrictions on Lot #4. Mr. Dell stated it's what we anticipate. Mr. Dell stated that will be through the coordinated review by ACOE and SHPPO with Native American involvement. Mr. DiPasquale stated that you anticipate when to be hearing back from SHPPO. Mr. Lucier stated once the permitting moves forward, we submit a plan for final excavation of the removal of the artifacts, mitigate the site and the ACOE and SHPPO accepts the plan and once that happens we execute the plan and are given a permit from the ACOE to proceed with construction. Mr. DiPasquale asked how long this takes. Mr. Lucier stated in the spring. Chairman Doyle asked if you are going to have a designated area. Mr. Dell stated it's located in the NYSDEC wetlands, but the goal would be not have to identify that area and to be cleared and the future homeowner to have no restrictions. Mr. DiPasquale said, "When you mean cleared, it's taking the artifacts out. Mr. Dell stated yes. Mr. DiPasquale asked where the artifacts go. Mr. Lucier stated a repository (a NYS museum). The Native Americans have a repository at Sage College in Troy.

Chairman Doyle stated at this point and we know the date we (the board) could move from concept to preliminary design, but put a condition on indicating that the historical work has not been complete and needs engineering signoff and from the Planning Board. Ms. Serra asked are you allowed to move forward with the SHPPO with preliminary approval. Mr. Dell stated the ACOE goes along with SHPPO.

Ms. Serra stated a coordinated review was completed in August and no one objected and the only letter we received is from SHPPO stating that they are working with you on the resources.

Chairman Doyle opened the public hearing at 7:46 p.m.

No one wished to speak.

Chairman Doyle closed the public hearing at 7:47 p.m.

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Ms. Serra stated the only engineering comment was to finalize the SHPPO with will withstand any preliminary approval.

MOTION: Mr. Cwalinski motioned to declare this a Negative Declaration under the SEQRA process. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Cwalinski made a motion for preliminary approval subject to the resolution of SHPPO items - applicant to obtain a permit from SHPPO. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

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 major subdivision on Goode Street.

Mr. Olund stated the comment letter from C. T. Male was asking for additional information of the existing lots relative to whether the residents had town water and the locations of the existing wells and septic's have been provided. The applicant has also provided soil testing information including perc test and test pits, which were provided on the submission. Mr. Olund feels the applicant have covered the information that was asked for. The layout really has not changed a lot – it's basically the same as last month's submission and was hoping the board would allow us to proceed with preliminary if we have addressed these items at the conceptual level.

Mr. DiPasquale asked about the easements and conveyance of property from Lot #1. There was an existing minor subdivision that occurred and we are just going to ask Mr. Lowe (Lot #2) of the old subdivision to give us an additional 12 feet. There are two lot line adjustments – Mr. Benuscak to add more property to his existing lot and within that additional property, he is going to provide an additional 30' access easement that goes to Lot #2 of the Lowe lot. Chairman Doyle asked if Lot#2 has any other access from Goode Street. Mr. Olund stated he thinks that it does from up here. Mr. Benuscak stated on the north side of Tom Lowe's property is that old Charlton Lane. Mr. DiPasquale asked at the end of the turnaround, from the subdivision to Lot #2, asked if that was an easement. Ms. Serra stated a paper street. Mr. DiPasquale stated it would be a continuation of the town road. Chairman Doyle stated that is correct. Chairman Doyle stated to add a note to the plan. Ms. Serra stated that after having the Highway Superintendent review this after more engineering they may ask you (the applicant) to extend the hammerhead a little bit further to the north, but that can be dealt with at the preliminary engineering phase.

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Ms. Serra stated this is a Type 1 SEQRA action and do believe that there is enough information that has been provided to the board to declare themselves Lead Agent and send out the coordinated review letters to the involved agencies.

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

Chairman Doyle stated if the board agrees with the concept plan to start preliminary engineering.

Ms. Serra stated that C. T. Male sends out the Lead Agency coordination letters and if you could provide a pdf copy of the EAF the conceptual plans.

Chairman Doyle stated that a public hearing will be held on this application at the next meeting.

Application tabled.

Conifer Realty, 800 Route 67, Ballston Spa, NY 12020; 228.-2.1, 12, 43 & 45 (Site Plan Review – Mixed Use PUDD). Gavin Vuillaume, Environmental Design Partnership was present on behalf of the applicant.

Mr. Vuillaume stated at the last meeting the board was very comfortable with the layout of what was presented and at the present time, are preparing the detailed plans. The preliminary plans have been prepared and submitted to the town.

The project is essentially showing 144 apartment units and 21 townhomes – those residential units will ultimately be multi-family. The 144 apartments would be built mostly within 3-story 24 unit apartment buildings and the townhomes would be individual townhomes stacked in groups of six or five depending on how things layout.

The first phase is going to include 84 units with an entrance off of Eastline Road and building four apartment buildings in phase 1. Phase 2 which are generally near the intersection of NYS Route 67 and Commerce Drive with three more apartment buildings. Also within phase 1, would be developing the main entrance which is on NYS Route 67 and that access will have some limited access due to the traffic on NYS Route 67 and be limited to right-in/right-out. There will be full access points for visitors and emergency services to the project. The clubhouse is centrally located. The storm water management is shown on the detailed plans. There are several storm water management areas throughout the project. The two discharge points for storm water would be at the intersection of Commerce Drive and NYS Route 67 and Eastline Road. A full storm water report has been submitted for the board's review. The sewer connection would connect to several utility pipes via SCSD#1. A 12" main that would supply water to the project and have also submitted and update traffic study.

Mr. Cwalinski stated that after reviewing the design of the buildings there is a 38' 9" dimension and thinks the dimension line is incorrect. Mr. Vuillaume stated he will point that out to the Architect.

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Mr. Cwalinski asked if the application is proposing signage on Eastline Road. Mr. Vuillaume stated yes there will be very small signage on Commerce and on Eastline – a small entrance sign. Mr. Cwalinski asked if the sign will be lit. Mr. Vuillaume stated probably not. Mr. Cwalinski states that the town code requires that signs are 3' off the ground and there is no dimension shown on the plans. Mr. Cwalinski asked if that could be added to the plan.

Mr. VanVorst stated on several of the maps/drawings the writing is upside down. Mr. Vuillaume stated that is our base map and the original base map was brought in from an original surveyor and are currently updating that. Mr. VanVorst asked if the roads will be town owned. Mr. Vuillaume stated no they are privately owned roads. Mr. VanVorst asked if Commerce is a town road. Mr. Vuillaume stated yes. The map note said, "There is an 80' wide ROW to Brookside Farms and asked why is that necessary. Mr. Vuillaume stated that we (the applicant) are not too sure. That was something that was established quite a while ago. Ms. Serra stated that some of these things were decided in the 1990's. Mr. Vuillaume will check with Mr. Schultz. Alexandra Besso, Esq. with The Jones Firm stated that she did not know why that easement is there with that ROW – it pushed the building back so if the town did chose to exercise the choice to widen that road or use it in any other manner and still would be zoning compliant under the PUDD regulations. Mr. VanVorst said there is another note relative to Lane Pipe and asked what it has to do with this project. Ms. Serra stated that Lane Pipe is across the street. Mr. Vuillaume stated probably just labeling the location of the facility. Chairman Doyle stated there are a lot of notes on that map that do not make a lot of sense. Mr. Vuillaume stated the base map will be cleaned up. A subdivision map was provided and the base information is better on that. Mr. VanVorst stated on the bottom right of the map there is a reference to the Hudson Valley Rail Company. Ms. Serra stated that is the old trolley line that ran through the area and below it is the Schenectady Railway Company. Ms. Serra said it's a trolley line. Mr. VanVorst stated that it seems like some of this should be cleaned up. Ms. Serra stated unless those are still somewhat valid. Mr. Reilly stated they probably exist in record. Ms. Serra stated to maybe have your surveyor and the town's attorney look into that again, because obviously they are quite old references. Mr. Vuillaume stated that he could forward a memo to the town referencing what the easements are doing. Chairman Doyle stated to possibly add to the drawing the historical references to the drawing. Mr. DiPasquale asked about the restrictive covenant. Mr. Vuillaume stated that is for the deed restricted wetlands. Mr. DiPasquale stated number 37 on the sewer easement says that there is no document provided – meaning you could not find it. Mr. Vuillaume stated probably yes. Mr. DiPasquale stated he would like to confirm that. Mr. DiPasquale stated that number 27 stated utility is not for sanitary sewer granted to "SandsMart". Mr. Vuillaume said, "It sounds like we need better explanations on a lot of these." Mr. Vuillaume stated there has been a lot of activity on that property for many years. Mr. DiPasquale stated that number 37 to confirm that easement is in place because of the county sewer.

Ms. Serra apologized as she did not receive the plan with her submission and have the opportunity to comment on this. If you are proposing private roads, the town does ask that you provide a 60' area that

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could be a ROW and again in the future it could be turned over to the town and asked that a plan for the detail of the road meet the town's standards because we have issues with HOA trying to have the town take over the road and will the waterlines be town owned. Mr. Vuillaume stated that will be up to the water department. Ms. Serra stated that is preferred by the water department.

Mr. Cwalinski asked if a plan was submitted showing the boundaries of areas A, B and C. Mr. Vuillaume stated yes.

Chairman Doyle asked if the board agrees with the concept. The board is in agreement. Chairman Doyle stated that the applicant can move onto preliminary design. An updated traffic study will be provided for the next meeting. A public hearing will be scheduled for the next meeting.

Application tabled.

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 there are no plans to build on Lot#2, but there is a town law requiring test pit information, which were performed and data was added to the map. The lot was the same as it was in the sketch plan conference. The perc test and test pit data has been placed on the plan.

Mr. Cwalinski stated the Right-to-Farm-Law needs to be added to plan. Mr. Johnson provided Mr. VanDorn with the verbiage.

Chairman Doyle opened the public hearing at 8:25 p.m.

Scott Miller stated the he sent the Planning Board a letter and asked if they were in receipt. Chairman Doyle stated the board was in receipt of the letter. Mr. Miller stated he has no objections to the site and does not want the debris from that parcel buried on the property. Mr. Miller stated that it's not permitted by town law anyway. Mr. Johnson stated the last time he talked to NYSDEC you could bury demolition debris on your property. Ms. Little stated that no one is planning on burying anything. Chairman Doyle stated you need to follow the town code. Mr. Johnson stated there is nothing in the town code. Chairman Doyle stated there is nothing stating that you can't bury it, but what the gentleman is suggesting is probably not a good idea and the applicant's intent was not to bury anything.

Mr. Miller said, "If Tom is saying that if somebody came and said I want to bury it and Tom say's that he can issue a permit to bury it. Mr. Johnson stated he does not issue a permit and just go ahead and say they can do it as far as the town of concerned, I would tell them to contact NYSDEC because of the last discussion he had with NYSDEC indicated you could do that. Mr. Johnson stated he does not pretend to keep up exactly with all the NYSDEC regulations, but that is what I tell them to contact NYSDEC. Mr. Reilly stated the bottom line there is no town code on it with materials so you have to follow state regulations. Mr. Miller said, "Basically you can bury it." Mr. Cwalinski stated whatever the state says.

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Mr. DiPasquale asked if this has anything to do with the subdivision of the property. Mr. Reilly stated not if there is nothing in the town code you just can't pick something out of the air and has nothing to do with the subdivision regulations. Chairman Doyle stated that he has heard nothing about burying anything on the property. Ms. Little stated she is environmentally friendly and would not do anything to hurt the environment. Chairman Doyle said, "You will have to take the ladies word." Mr. Miller stated that the property could change hands. Mr. Reilly stated it has nothing to do with the subdivision and how would you think it should be enforced through the subdivision process. Mr. Reilly stated that this board has no jurisdiction over those restrictions.

Latwauna Nowak, 40 Brookline Road stated that she is all for it.

Ken Markiewicz, 38 Brookline Road stated that when her mom was alive, she did a lot for this town. They are just trying to split it between her and her brother. When they were working on the house they had a dumpster. People complain about stuff and don't even live in their house and rent it out. Mr. Markiewicz stated that he is in favor of the proposal.

Daniel Lee, 32 Brookline Road stated that they have been doing a fine job and have cleaned the place up since their mother passed away and have done a lot of work and see contractors there and said that it is all good.

Chairman Doyle said, "Honestly thinks that Ms. Little will do the right thing.

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

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

MOTION: Mr. Maher made a motion that the subdivision/site plan at 35 Brookline Road job number 2015-008 dated June 19, 2015 be approved. \$1,000 Park and Recreation fee payable at issuance of building permit. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

NEW BUSINESS

Mary Pace, 124 Lake Hill Road, Burnt Hills, NY 12027 248.10-1-46.2 (Site Plan Review/ New Sign)

Bob Pace, Mary Pace and Jen Craig were present.

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The applicant is proposing to put a sign between the two windows on the east side of the first floor of the building. The proposal is for an 8' round advertisement the company name is "Just in Time Consignments" Earth tone colors with black hands for the clock. The proposed 50 sq. ft. sign meets the town code. Mr. VanVorst asked if this is an established business that you're moving to this location. The applicants have been working for Mona Lisa Consignments for six or seven years and have decided to go out on their own and start a business. Ms. Pace stated they are hoping to open on December 1, 2015.

Chairman Doyle opened the public hearing at 8:40 p.m.

No one wished to speak.

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

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

MOTION: Mr. Maher made a motion to the placement of the sign on the east side of the building located at 124 LakeHill Road be approved as shown on the attachment. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

Mark Katz, 1145A Route 50, Ballston Lake, NY 12019 239.-1-40.11 (Site Plan Review/Motor Vehicle Repair). Jason Dell, PE, with Lansing Engineering on behalf of the applicant Vander Molen Fire Apparatus Facility.

Mr. Dell stated the project site is located at the intersection of NYS Route 50 and Super 50 Way. The project site consists of one parcel having a total area of approximately 3.12 acres. The site is currently vacant. The parcel is located within the Business Highway-2 Zoning District. The proposed development will convert the current vacant land into a retail and maintenance/storage facility for the Vander Molen Fire Apparatus Company.

The proposed site development will include an entrance from the existing Super 50 Way to a paved/gravel parking lot with eight parking stall (1 handi-cap) for customers and employees.

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The proposed development will utilize a 2" water service connection to the existing water main located along Super 50 Way with an estimated use of 220 gallons per day. The proposed site will consist of a septic tank, distribution box and infiltration chambers with an estimated use of 220 gallons per day. The stormwater management to be managed on site in accordance with NYSDEC regulations.

Mr. Johnson stated the town board changed the zoning to service, but not sales. A representative from Vander Molen Fire Apparatus Facility stated that this will not be a sales facility; it will be a service facility and outfit units that have been sold.

A further discussion was held on the internal road setbacks.

Ms. Serra stated that the design standards of Business Highway prefer to a setback off of Route 50, however you (the applicant) are the rare case where you are accessing off of a side street and if the frontage is to the side street, then its 20' off the edge of pavement. Ms. Serra stated technically how she reads the standards you can be any distance off Route 50, just have to be further to the north of the site and closer to the town road.

A further discussion was held on the proposed layout of the site.

Ms. Serra stated documentation is necessary for the parking waivers.

Chairman Doyle stated if the applicant does not meet the design standards, the board needs justification explaining why you do not meet the design standards.

Ms. Serra stated she reads the definition of the front yard as Super 50 Way and the side yard to the east faces NYS Route 50.

Ms. Serra stated that the short side that faces NYS Route 50 could be dressed up a little bit. Mr. Katz stated that is where the offices are located.

Ms. Serra asked if there would be any way to take possibly the six spaces that are now on the north side of the site and move them to the west – the only parking you have on the front (by NYS Route 50) are the handi-cap accessible spaces. Mr. Katz stated that is where they are entering the office if out front. Ms. Serra stated that the design standards say you cannot have any parking in front of the building and allowed on row if you absolutely need it and usually its handi-cap accessibility governs that rule. Ms. Serra said, "The design standards are sometimes finicky and try to work with you to make your site work, but you also have work within the standards." Ms. Serra stated if you sit down and look at the standards it seems like the board will likely grant you waivers where it's completely documented, but

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maybe if you come up with some way to make it work with the standards. Chairman Doyle stated for example could the proposed staging area be on the side of the building.

A further discussion was held on the layout of the proposed building.

Ms. Serra stated the zoning standards say that the parking has to be on the rear or side of the building and only prohibited one row of parking in the front of the building is justified. Ms. Serra said, "Could you amend so you just have one row of parking across the front or take one of those six spaces where they are and move them further to the west.

Ms. Serra asked how many trucks you think you have parked on that crusher run area. That would vary from day to day on average. On average would not see anything outside for a period of time— one or two at most because most of the stuff is inside. Ms. Serra stated the parking area is more of a staging area. The crusher run is more for getting vehicles around the building.

Mr. DiPasquale asked if architectural drawings will be provided for the board to review. Mr. Katz stated yes. Mr. DiPasquale stated anything that requires a waiver to send some information in on why we (the board) should consider it.

Chairman Doyle asked the number of customers on any given day. The applicant stated none. There will be a conference room so if customers need to come in to do a layout on their new truck to layout their equipment, we may have a room for two or three vehicles to come in on any particular day, but not every day. The employees consists of one office staff, myself, two shop guys presently – on average there are four vehicles. Chairman Doyle stated employees could park in the back of the building.

Mr. Cwalinski asked what kind of fluids will be maintained at the site and how will you keep them from leaking into the environment. Mr. Cwalinski asked if that information could be provided at the next meeting. The applicant would like to investigate an oil separator because there is obviously going to be runoff from the trucks pulling in with snow on them and have an oil/water separator at the facility to catch any contaminants that may leak out. Ms. Serra stated to make sure that it's on a site plan and there is also language in the Watershed Protection Overlay District (WPOD).

Mr. Cwalinski asked if trucks will be parked there to be cannibalized for parts. The applicant stated no and 50 to 60 percent of the work is done on the road – we don't want to take them out of service.

This facility will expand and hire a few more people and have high paying quality jobs – the lowest paying job is \$20.00 per hour.

Ms. Serra stated at least preliminary design that might support some of the waivers.

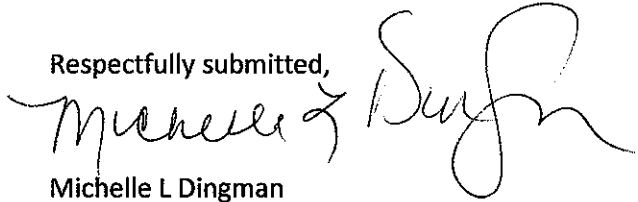
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Application tabled.

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

Meeting adjourned at 9:06 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michelle L. Dingman". The signature is written in a cursive style with a large, looped initial "M".

Michelle L Dingman
Planning Board Secretary