

Town of Ballston
Planning Board

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: February 25, 2016

Present: Richard Doyle, Chairman
Jeffrey Cwalinski
James DiPasquale
Patrick Maher
Audeliz Matias
John VanVorst
Kim Kotkoskie
James Fischer, 1st Alternate
James Houston, PE Town Engineer
Thomas Johnson, Building Inspector
Peter Reilly, Planning Board Attorney
Members of the General Public

Chairman Doyle called February 25, 2016 meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Chairman Doyle stated that the board is running two meetings a month and sometimes special meetings and so between January and February 2016, have had five meetings and keep up with the minutes is a chore.

MOTION: Mr. Maher made a motion to accept the January 20, 2016 minutes as written. Ms. Kokoskie seconded the motion and all present voted in favor except Mr. Cwalinski who abstained as he was not present at said meeting. **CARRIED.**

MOTION: Mr. Cwalinski made a motion to accept the February 3, 2016 minute as written. Ms. Matias seconded the motion all voted in favor except Mr. VanVorst who abstained as he was not present at said meeting.

Michelle Dingman stated she received comments from Ms. Kotkoskie and incorporated the changes into minutes January 20, 2016 minutes.

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OLD BUSINESS

Mark Katz, 1145A Route 50, Ballston Lake, NY 12019; 239.-1-10.11 (Site Plan Review/Special Use Permit/Special Use Permit/Motor Vehicle Repair

Jason Dell, PE with Lansing Engineering was present on behalf of the applicant for the Vander Molen Fire Apparatus facility.

The project is located at the southwestern corner of Route 50 and Super 50 Way. It's about 3 acres in size and currently vacant. The applicant is proposing to construct about an 8,500 sq. ft. fire apparatus servicing outfitting type of facility. There will be paved as gravel parking areas around the building. The facility to be serviced by municipal water, an on-site septic system and storm water to managed on site in accordance with all requirements.

A comment letter has been received from C. T. Male there were two minor site plan related comments, one pertaining to the size of a pipe as well as a deed restriction on the future plans. Mr. Dell stated those two items to be incorporated into the final plans. The majority of the letter pertain the architecture.

Mr. Katz stated the comment letter stated vinyl on the front of the building, but the client would rather have steel on the front of the building, it's easier to clean and you don't get the fade as much and took pictures of building down the road and provided them to the board.

A further discussion was held on the height of the building.

Mr. Katz provided samples to be used on the proposed building.

Ms. Kotkoskie asked the applicant to show the board the preferred stone that is being proposed and hole the red roof sample on top so the board can get the effect. Chairman Doyle asked board members their feelings on its look. Ms. Kotkoskie said, "I think it looks good." Ms. Matias, said, " I'm fine and happy." Chairman Doyle stated that door work better when they have a canopy over them. Chairman Doyle suggested putting a canopy over the side door.

Mr. VanVorst stated a list should be made so the board an articulate the waivers and variances that the board will be giving.

Mr. Cwalinski asked about the colors on their logo. Mr. Katz stated his trucks are red with a tan. Mr. Cwalinski stated the applicant is being consistent with his corporate identify.

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Chairman Doyle asked Mr. Dell if the applicant is all set with the wash water and the draining from the wash water. Mr. Dell stated yes, there is a holding tank and all on the drawings.

Mr. Houston stated that as far as the pipe material and size going out to cisterns. Mr. Dell stated 4" SDR. Mr. Houston stated as long as that is identified on the final plan and preservation included towards the RRV. Mr. Dell stated that we are currently showing that on the LMG sheet on the location and had requested and can provide for the final plans; it's been on there all along, but wanted it identified on a separate plan.

Chairman Doyle stated is it acceptable to provided conceptual approval. The board concurs.

Chairman Doyle is generating a list of materials and specific colors for the proposed project.

White windows

Black shutters

Roof color – Bright Red #036

Stone color – Shadow Chardonnay

Canopy over side door

Landscaping – shrubs

Chairman Doyle opened the public hearing at 8:05 p.m.

No one wished to speak

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

Mr. DiPasquale asked about comment #12 from the January 18, 2016 letter from C. T. Male relative to landscaping. Mr. DiPasquale asked if the row of trees is clarified. Mr. Dell stated there is a row of trees that are proposed on the landscaping plan; landscaping plan to improve as the applicant moves forward with final plans showing the type of plant the applicant is proposing to use.

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Chairman Doyle stated the board needs all the final plans and thinks the SEQRA is good (having the wash water taking care of).

The applicant to submit final plans for stamping once C. T. Male is all set.

MOTION: Mr. Maher made a motion to grant conditional approval to the site plan detailed on LMG-1 dated 12/16/15 conditional on the details as discussed earlier regarding the architectural information. Ms. Matias seconded the motion and all presented voted in favor.

CARRIED

Chairman Doyle read though the criterion of a Special Use permit

1) The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of the adjacent districts. The board concurs, no issues

2) The location and size of the use, the nature and intensity of the operation involved or conducted in connection therewith, its site layout, and its relation to streets giving access to which shall be of such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. The board concurs, no issues

3) The location and height of buildings, the location, nature and height of walls and fences, and that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof. The board concurs, no issues.

4) The public convenience and welfare will be substantially served and appropriate use of neighboring property will not be substantially or permanently injured, subject to appropriate conditions and safeguards as determined necessary to promote the public health, safety and welfare. The board concurs, no issues.

MOITON: Mr. Cwalinski made a motion to approve the special use permit for the fire apparatus facility. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

NEW BUSINESS

Zaremba Group (CVS), 120 Lakehill Road, Burnt Hills, NY 12020; 257.-1-46.17 (Lot Line Adjustment/Site Plan Review/Special Use Permit/ New 13,255 Retail) CONCEPT

Stefanie DiLallo Bitter, Esq., John Wojtila, Zaremba Group, Mark Nalodny, CME and Pat Mitchell, VHB.

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The applicants are here tonight to discuss the proposed development of constructing a 13,225 sq. ft. CVS, which would be located at the corner of NYS Route 50 and Lakehill Road.

The existing parcel is 4.62 acres in size with little to no frontage on NYS Route 50. The only activity on the site is a farmers market and vast advertising signs.

The applicant is proposing a lot line adjustment with the Fire District and to obtain an easement to cross the Fire District property to gain that NYS Route 50 access that this parcel lacks.

The Zaremba Group has provided a proposal to the Fire District as to what it is willing to provide in exchange for that easement. The Zaremba Group has made presentations to the Fire Commissioners and had informally supported this proposal. In order to provide an approval, they like the Planning Board need to do a SEQRA review. Once the Fire Commissioners pass their resolution, it has a mandatory referendum and needs to go out to vote to the entire Fire District. Once the Fire District votes to support the easement, then the applicant will be back in front of the Planning Board for the site plan approval, special use permit and lot line adjustment.

Mr. Wojtila with the Zaremba Group, a developer for CVS stated there will be one customer entry from the (southeast) corner of the building. A critical point of CVS is the drive through window located diagonally from the entry door (northwest) corner of the building – it's a single drive through pick-up window, again critical to CVS and their operations.

As far as servicing goes, we have both a compactor (in a masonry enclosure) located to the north and then also a dumpster that would handle the other debris and would also be in a masonry enclosure located to the northwest corner of the site.

The applicant has 58 parking spaces shown. Two entry drives – one shown off of LakeHill Road as far west on the property as possible and a limited restrictive right-turn in/out entry drive at NYS Route 50. The area to the north and the building itself are not changed or impacted by the proposed development. With the new drive going in, there is no parking to the south, but parking to the west, north and additional surplus flow (ancillary parking) to the back of the site. Shown at the overflow supplemental parking there were discussions that there may be an opportunity for a Heliport, which has been shown on the plan.

Mr. DiPasquale asked the applicant to relate (C-1) of the existing properties that are being proposing relative to what we are looking at. Mr. Wojtila showed the existing property line – their property is almost a right triangle. The property that CVS has a contract with is adjacent to the west all the way to the consignment shop and opens up back off of the sheet. Mr. DiPasquale asked what this line is. Mr. Wojtila stated that with the proposal that was presented. Adjusted lot line, the adjusted land area would increase the 3.28 acres.

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Ms. Kotkoskie stated if the CVS parking gets very full, a CVS customer will be able to drive on the fire department property. Mr. Wojtila stated that is correct – this would be the fire districts property and there has been no talk of shared parking arrangement. CVS does not feel the need for shared parking as they have enough parking spaces within its boundaries. CVS has 58 parking spaces proposed. Mr. Cwalinski asked about a typical delivery truck. Mr. Wojtila stated a typical delivery truck once a day (straight trucks/panel trucks/UPS trucks) would come to the back. CVS does have a tractor trailer that comes once a week during the day.

A further discussion was held on overflow parking. Their intent is to put a sign up for fire department parking only.

Ms. Kotkoskie stated there is a Mama's Ice Cream Shop and currently patrons are parking across the street and do not feel Mama's is going to get less popular in the future – an agreement would need to be worked out.

Patrick Mitchell, VHB stated that the delineation was approved from the NYSDEC. A letter was received from Jed Hayden, NYSDEC. Encroach into the 100' buffer requires a permit from NYSDEC – they were favorable to what the applicants proposed because storm water runs into the buffer presently untreated. As the applicant develops, would collect and treat it based on NYS guidelines and then discharge it. Chairman Doyle asked for a copy of the letter from NYSDEC. Chairman Doyle said. "Give the copy to Tom Johnson and he will make copies for the board."

A further discussion was held on the storm water management on the proposed site.

The applicant is granting an additional 10' ROW with the request of the county. Mr. Nadolny stated that they met with DPW and County Planning in December 2015. Ted Serbalik retired – Keith Manz was also present at the meeting and Mike Valentine. There was a discussion of providing a 10' ROW buffer in the event that there was any widening could potentially be done in the future – they were thinking long term. The other comment was potentially extending a sidewalk from the intersection down LakeHill Road at least up-to the pedestrian connection to the building. They were agreeable of removing the two of the three existing curb cuts and moving the existing curb cut as far away from the intersection as possible, however they did note that the Route 50 access is a critical component so all the traffic is not dumping onto the county road. The applicant has counted the intersections, ATR's have been put out at each of the roads, we know what the speeds, and queuing studies have been done on LakeHill Road. Gap studies have been done on LakeHill Road, site distance analysis along both driveways. The site distance on NYS Route 50 is adequate – the site distance looking right from this site driveway is about 25' less than the recommended guidelines and adequate stopping distance on LakeHill Road. Chairman Doyle stated we (the board) would want a sidewalk going to the firehouse on NYS Route 50.

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A further discussion was held on school bus traffic in the AM peak hours. The AM peak hour spikes between 7 and 8:00 a. m. and does not start to slow down and the CVS does not open until 8:00 a.m.; you miss the worst case in the morning with this site because CVS does not open until 8:00 a.m. In the afternoon it peaks in the commuter time and when it's off from the school dismissal time, which is before 4:00 p.m. Chairman Doyle stated those activities periods that go to 5:30 p.m. A further discussion was held on hours of operation at this proposed site.8:00 a.m. to 9:00 p.m. seven days a week – weekend hours may differ.

A further discussion was held on proposed hours of operation.

A further discussion was held on the storm water management and septic system designed for the proposed site – NYSDEC cannot move further until they are in receipt of the above requested information.

Chairman Doyle stated its 27' off of the edge of the road.

Chairman Doyle stated if the applicant wants to set their building off the street 100, then a list of waivers should be provided and parking is the other waiver. Mr. Houston stated if the applicant does not conform to the zoning district, then demonstrate the hardship it causes and why it is practical so the board has some basis of granting the waiver.

Mr. VanVorst stated since the controversial nature of the application, the board set the public hearing sooner than later.

Application tabled.

Steven Jennings, 53 Mann Road, Ballston Spa, NY 12020; 215.1-45, 71 (Lot Line Adjustment)

Mr. Jennings was present. The applicant is proposing a lot line adjustment between 215.-1-45 (Jennings) and 215.-1-71 (Chew).

Mr. Cwalinski asked the location of the well (Jennings) and septic on (Chew) - they are required to be shown on the map. Mr. Jennings identified the location of the well and septic on his property.

Chairman Doyle opened the public hearing at 9:02 p.m.

Mr. Jennings described the proposed lot line adjustment to a neighbor.

Chairman Doyle closed the public hearing at 9:04 p.m.

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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 for a contingent approval the lot line adjustment shown on map dated December 30, 2015 of the septic system locations of the adjoining properties to be shown on final drawings. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

Jenncom Properties, 854 Route 50, Burnt Hills, NY 12027; 257.-3-26 (Minor Subdivision/Proposed new medical building) Kim Salerno, Esq. was present on behalf of the applicant. The application for the minor subdivision was prepared for by VanGuilder and Associates.

Jenncom is currently the owner of a vacant parcel consisting of 14.09 acres. The applicant is proposing to subdivide into two lots – Lot A – 2.69 acres and Lot B 11.40 acres. The applicant is before the board to request the subdivision into two parcels. Lot A to be retained by Jenncom and Lot B is currently in contract to sell that portion to Saratoga Schenectady Real Property.

A further discussion was held on wetlands on the site.

Mr. Cwalinski asked if there would be a need for test pit information on Lot B. Mr. Johnson stated whether or not that could be waived because of that medial building; it's not going to be a single-family home. The septic system will have to go through the site plan review process. Mr. DiPasquale stated the board recently required it done for a property on Brookline Road. Chairman Doyle stated a test pit should be dug to be pit in somewhere in the area. Ms. Hunt with Saratoga Real Properties stated that Mr. Bedore is doing all the site work, which is all designed and does have the test pit for the septic system completed.

A further discussion was held on the drainage of the site.

Application tabled.

Mourningkill Properties, 1443 Route 50, Ballston Spa, NY 12020; (Site Plan Review/Special Use Permit/CONCEPT/New Commercial and Residential)

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Jason Dell, PE with Lansing Engineering was present on behalf of New York Development Group.

The current site has a residential structure located in the northeastern corner and the remainder of the property is wooded. There is a federally regulated wetland area located along the southerly border of the property – approximately .08 located along the southern end of the property and right now no plans for disturbance.

The applicants are proposing to remove the residence to allow for the construction of two commercial buildings along Route 50.

Building #1 11,000 square feet

Building #2 5,500 square feet

Proposed on the west side of the property there will be five ten unit multi-family buildings for a total of 50 units. The proposed units to be higher end luxury multi living units.

The access to the project will come from a curb cut from Route 50 immediately across from Tomeselli Court and proposed as a boulevard entrance that will traverse to the west where it will wrap around a centralized park area. The park area will be landscaped and proposed to have a gazebo.

Building #1 will have a footprint of about 11,000 square feet, two story building and the parking is proposed on the back side of the building and is in accordance with the Town of Ballston standards both in location and in number of the stalls. Building #2 will have a footprint of approximately 2,750 square feet for a total square footage as it is a two story building of 5,500 sq. ft. and the parking is to rear of that and does meet the Town of Ballston requirements.

Proposed to the west there will be two ten-unit buildings, two story buildings and designed as a higher end type unit. Each one will have a garage as well as parking area in front of garage; each unit will have essentially two spaces associated with the unit itself. Additional parking has been situated around the facility that will meet the Town of Ballston requirements of 2.5 spaces per unit.

Water and sanitary sewer is available along Route 50 and those services will be extended into the project and storm water will be managed onsite in accordance with all NYSDEC regulations; preliminary areas have been identified for storm water management.

Mr. Cwalinski asked if the road will be town or private. Mr. Dell stated a private road. Mr. Cwalinski asked the location of the sidewalks. Mr. Dell stated that sidewalks are located within the facility that will connect our and around the buildings and connect the buildings internally. Mr. VanVorst asked what about along Route 50. Mr. Dell stated that the applicant is not proposing sidewalks there right now and there are sidewalks north or south which would essentially go to any particular place. There is

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wetland along the south of the property and would not want any wetland disturbances for this project as well.

Ms. Kotkoskie asked are the two commercial buildings multi occupants and different businesses being pictured in each one. Mr. Dell stated yes. Mr. Booth stated professional type office and medical type office.

Ms. Kotkoskie stated the second drawing with the existing home there is an open space showing a dark circle and asked if the applicant knew what that was. Mr. Booth stated they may have been a well initially and will check for you.

A further discussion was held on parking for the project.

Ms. Matias asked what do you mean with a high end apartment and what is the price range. Mr. Booth stated we cannot give you an exact number right now. Higher end finishes, granite, ceramic tile; nicer apartment trying to appeal to the professionals in the area. Mr. Knox said it's an open market, not subsidized.

Mr. DiPasquale stated that item #4 in C. T. Male's letter referenced sidewalks would be required along Route 50. Mr. Dell right now we do not have a wetland disturbance proposed and would not like to go through that arduous process if the sidewalk is potentially going nowhere. Chairman Doyle stated that the board will get back to the applicant on that matter. Mr. Booth stated the provision of the code does not state they are required. There is sidewalks to nowhere and do not want to go and disturb wetlands. Mr. VanVorst stated perhaps we could put money into that in the future. Mr. Booth stated certainly.

Chairman Doyle stated this is a very nice layout and works very well on this particular property and thinks it's going to be a very nice place to live. The boulevard entrance and greenspace in the middle provides those kinds of things upscale apartments deserve and should rent very well. Mr. Booth felt this was a good balance for the project.

Ms. Matias asked if it will be built out all at once. Mr. Knox stated multi-family first and have spoken to some commercial business, but no one has made a commitment.

A further discussion was held on the phasing of building the project.

The board agrees with the concept.

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MOTION: Mr. Maher 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.

Chairman Doyle stated most likely where the applicant is with engineering will schedule a public hearing.

MOTION: Mr. VanVorst made a motion to adjourn. Mr. Fischer seconded the motion all present voted in favor. **CARRIED.**

Meeting adjourned at 9:46 p.m.

Respectfully submitted,


Michelle L. Dingman
Planning Board Secretary