

Town of Ballston  
Planning Board

**Regular Monthly Meeting April 28, 2016**

Present: Richard Doyle, Chairman  
Jeffrey Cwalinski  
John VanVorst  
Kathryn Serra, PE Town Engineer  
Thomas Johnson, Building Inspector  
Peter Reilly, Planning Board Attorney  
Members of the General Public

Absent: Audeliz Matias  
Patrick Maher  
Kim Kotkoskie  
James Fischer, 1<sup>st</sup> Alternate

Chairman Doyle called April 28, 2016 meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

**MOTION:** Mr. VanVorst made a motion to approve the February 25, 2016 minutes as submitted. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

**OLD BUSINESS:**

**Zaremba Group (CVS), 120 LakeHill Road, Burnt Hills, NY 12027; 257.-1-46.1 (Lot Line Adjustment/ Site Plan Review/ Special Use Permit/ CONCEPT – New 13255 sf. Retail**

Patrick Mitchell, PE with VHB Engineering and Surveying was present on behalf of the applicant.

Mr. Mitchell was before the board requesting that the board declare themselves Lead Agency for the CVS project and to set the public hearing.

Chairman Doyle stated what the board would like to do is have to Town of Ballston be the Lead Agency and also do a coordinated review and move forward within the next 30 days.

**MOTION:** Mr. VanVorst motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process and electing to do a coordinated review on this **Unlisted Action** and

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obtain a SEQRA Declaration. Mr. Cwalinski seconded the motion and all present voted in favor.  
**CARRIED.**

Mr. Mitchell received a favorable email from Ms. McGee with NYSDEC with the proposal and had no comments with regard to septic. Ms. McGee stated felt nine of the parking spaces that were laid out on the proposed fire house lot were too close to the wetlands and does not want to see a sheet flow into the wetlands; she may have misunderstood the drawings and actually collect the flow and send it through storage treatment and then back to the wetlands. Mr. Mitchell stated Ms. McGee asked if the applicant could look at reinforced turf for the parking lot and to add some fence and signage near the wetland boundary with a sign stating that it's a wetland and no snow to be piled at the end of that parking lot. Mr. Mitchell stated that deep tests were performed on the culvert; culvert no in very good condition and proposed any improvements made for the culvert – culvert to be replaced.

Mr. VanVorst stated that on page 3 question number 20 of the EAF states “Has this site of the proposed action or adjoining property are subject to remediation” applicant marked “No” and the board is aware that the property on this side of Route 50 has under gone significant remediation. Mr. Mitchell stated the EAF questions have been answered from NYSDEC Mapper.

Application tabled.

**Mourningkill Properties, 1443 Route 50, Ballston Spa, NY 12020; 228.-1-7 (Site Plan Review/ Special use Permit/ New Commercial & Residential)**

Scott Lansing, PE with Lansing Engineering was present on behalf of the applicant.

The project site consists of one 7.9 acres parcel located within the Business Highway 1 zoning district and proposing a mixed use development of apartments and retail office space. The proposed entranceway for the project is lined up with Tomaselli Court with a boulevard entrance that wraps around with a courtyard.

Commercial/Retail

One structure 11,000 sf (northern portion)

One structure 5,500 sf (southern portion)

The first floor proposes retail and second floor office space.

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The applicant proposes five apartment buildings in the back of the parcel – 10 units in each building totaling 50 units.

The C. T. Male comments were received and technical in nature.

**Traffic**

The applicant has obtained a traffic consultant to take a look at the trip generation.

**Sidewalks**

There sidewalks within the project and asked if the board would want sidewalks constructed on Route 50 now or have the applicant to put the money in an escrow account for sidewalks; the applicants' preference is to put the money in escrow and don't feel that it's feasible at this time to construct sidewalks.

**Architecture**

The applicant provided rendering of the proposed buildings. The applicant would request a waiver on the parapets for the commercial structures. Given the look of the commercial structures feels the lines, change in materials, and shadow lines and feels a pitch roof compliments the buildings very well and coordinates with the buildings in the back of the parcel.

**Transparency and Glazing**

The first floor of the commercial structures compliments the structures in the back with a residential element to it. The uses on the first floor retail will be an insurance or real estate office. The applicant feels the glazing on the first floor isn't appropriate for an insurance office or real estate office and compliment the buildings in the back.

Mr. Cwalinski asked where it wouldn't be feasible to construct sidewalks. Mr. Lansing stated to the south. Mr. Cwalinski asked if there is an alternative for an accessory path. Mr. Lansing stated perhaps in the future a crosswalk and a pedestrian path on the east side, but not on this side.

Ms. Serra stated the plan showing clearing up-to to the north western boundary line adjacent to the residential area on Rita Street and asked the applicant to provide some type of screening. A 4' to 5' retaining wall in that back area with 6' stockade fence on top from parking lot to parking lot.

Mr. Dipasquale asked if the applicant complied with the architectural standards. Mr. Lansing stated it would likely be a flat roof.

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Chairman Doyle stated the commercial looks more like a residential unit.

Mr. Serra asked if the applicant would work on the glazing (on the face along Route 50) if the board gave a waiver on the parapet. Mr. Booth stated they could take a look at potential changes to that and increase something on the walls on Route 50. The intent was to keep continuity between the residential and commercial structures. Mr. Cwalinski asked for an alternative and then the board can choose.

Chairman Doyle asked how the applicant ensures stability of the retaining walls. Mr. Lansing stated that the retaining walls will be designed by a Licensed Professional Geotech Engineer.

Chairman Doyle opened the public hearing at 8:02 p.m.

**Carl Thurneau** asked the total number of units. Mr. Lansing stated 50. Mr. Thurneau asked if the buildings are three-story. Mr. Lansing stated no, two-story. The property is located in the Village of Ballston Spa Fire Department jurisdiction. Mr. Thurneau stated that between last night and tonight there are 1600 units proposed along Route 50.

**Anne Pierce** asked the size of the rental units and is there a safety issues with having an eight to ten foot wall on the property.

Mr. Booth stated they vary from one to two bedroom; applicant refining floor plans.

Ms. Pierce asked the proof of demand for the apartments. Chairman Doyle stated it's all controlled by our (the town's) zoning.

**Lou Smith** stated he owns the adjoining property and is the first that he has heard of this proposal and asked if this conforms to present zoning in the town and are there "variances" to how many parking spots that they can have. Mr. Reilly stated it's zoning compliant and no variances are required. Ms. Serra asked if adding more buildings to site would be feasible. Mr. Lansing stated it's not, but could potentially add a building. Ms. Serra stated there are wetlands in the back of the parcel and cannot built on wetlands.

**Rick Hopson** asked about outdoor lighting. Mr. Lansing stated the buildings to have wall scones's no street lights.

**Bill Shaw** stated there are more accesses down through Route 50 and at some point, should put in a side street running parallel with Route 50 to bring traffic back onto Brookline Road.

Chairman Doyle closed the public hearing for this meeting at 8:07 p.m.; public hearing to remain open.

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Application tabled.

**NEW BUSINESS:**

**Mark & Sandra Dionne, Devils Lane, Ballston Spa, NY 12020; 227.-2-11 (Minor Subdivision)**

Raymond Koch, Land Surveyor was present on behalf of the applicant's.

The parcel consists of five acres and proposed to subdivide into two lots which meet the zoning requirements for the town. Mr. Koch just received the perc test and test pit data; there has been an engineering delay.

Mr. VanVorst stated he would feel more comfortable to review that information for the project.

Mr. Cwalinski stated the plans are missing the Right-to-Farm Law and need to be added to the plans for this project.

Chairman Doyle asked the reason for choosing the location for house (1) on the map for the project. Mr. Koch stated to get back a little further and lower in the front. Chairman Doyle stated it would be nice to have the house place more toward the east giving more room for the septic system and lot line. Mr. Koch stated when they go to build the house, there will be a design for the septic system and the engineer will most likely pick the location for the septic system and may change on the owner's preference.

Ms. Serra asked the location of the wetlands in proximity to the 500' buffer. Mr. Koch stated he has no idea and transferred the information from the zoning map. Ms. Serra stated normal setback is 100' and there are no current regulations that require a 500' setback from a wetland and the map shows the line crossing through onto lot two and it's confusing for future buyer or someone that does not know the regulations; house can be placed anywhere within the building envelope on the plan for the project. Ms. Serra asked if the board would agree to that. The board is in agreement with Ms. Serra. Chairman Doyle asked if garages will be proposed for the project. Mr. Koch stated probably, but cannot predict what a purchaser would do.

Chairman Doyle opened the public hearing at 8:18 p.m.

**Cathy Hayden, 6 Silver Springs Drive** stated her husband sent the board and email this morning. Ms. Hayden stated the lots three and lot four on the plans, are not accurately noted as the proper land owner and are actually owned by Berninger (lot #2) and Brower (lot #4) and ask that the town notify the proper land owners of the proposal for the project. Request that the rock wall that runs through lot #2

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pursuant to town code that it remains and to use to divide the two lots and screening with the natural buffer and mature trees to be considered to remain on this property.

A further discussion was held on preserving the stone wall.

Mr. Koch will calculate to see if it gives the two acre requirement for the project and if it does, will be glad to change.

**David Quackenbush, 8 Silver Springs Drive** stated when Silver Springs development was developed, particularly adjacent to this property, the water flow from rain and other storm water and not from development normal water quality out through swales onto the properties leaking into this property that wants to be developed. There is quite an elevation between Silver Springs Drive and Devil's Lane. If the developer adversely graded that property to stop that water flow, we would end up with a marsh from the property line from this development in the back of our properties. The water flow from 2,4,6,8 and 10 Silver Springs Drive would allow that water flow, swales on the new development for a retention pond or something.

A further discussion was held on contour of the properties was shown on the map for the project.

Chairman Doyle closed the public hearing for this evening at 8:28 p.m.; public hearing to remain open.

Application tabled.

**Peter Hatalyk (High Rock Distillery), 1321 Route 50, Ballston Spa, NY 12020; 228.-3-7 (Site Plan Review Addition)**

Peter Hatalyk presented the proposal to the board. Mr. Hatalyk asked if a unanimous decision was needed from the board for the project. Chairman Doyle stated yes.

Mr. Hatalyk stated the proposal if for a proposed 1500sf on the south side of the existing building to include a boiler room, storage room, full handi-cap bathrooms and additional vestibule. The boiler room and storage room are 600sf each and vestibule, bathroom and hallway are about 300sf. Garage doors will be installed for the boiler room and storage room facing Mourningkill Drive; the size of the doors to accommodate the size of the boiler. The boiler is low pressure 1- million Btu to operate mash and whiskey tank. The entire building will completed before the winter and will match existing building. The applicant will be looking to hire five to six employees; to keep up with production at the farmers market and only supply two retailers and restaurants.

Mr. Cwalinski asked if there will be any new exterior lighting. Mr. Hatalyk stated no additional lighting proposed.

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Mr. Cwalinski asked if new signage is proposed. Mr. Hatalyk stated no new signage is proposed.

The applicant is in the process of applying for a special use permit for outdoor seating and two 30' x 30' tents; can only fit 30 people inside the building.

Mr. Cwalinski stated that he did not receive a SEQRA form for the project. Chairman Doyle stated that he did not either and has to go through SEQRA. Mr. Hatalyk stated he has an EAF filled out for the special use permit application.

Mr. Johnson stated that the applicant will need to get a license from NYSDOL

Chairman Doyle opened the public hearing at 8:35 p.m.

No one wished to speak.

Chairman Doyle closed the public hearing for this meeting at 8:36 p.m.; public hearing to remain open.

Application tabled.

**John Tomasko, 1012 Route 50, Ballston Lake, NY 12019; 248.-2-8.1 (Minor Subdivision)**

Duane Rabideau, PLS with VanGuilder and Associates was present on behalf of the applicant.

The proposal is for a three lot subdivision on a 9.6 acre parcel located 700' north of White Beach Road.

The proposal is to subdivide into three lots around the multiple uses around the parcel.

Lot #1 Motel 32,000sf;

Lot #2 Flaglot in the rear of existing residence 60,000sf;

Log #3 Around existing residence in the front 57,000sf; six acres to remain vacant; no proposed improvements at this time.

There are no areas of improvements or disturbance on this site for any of the proposed lots being created. All the lots have a common ingress/egress.

Mr. VanVorst stated there are only two road cuts currently. Mr. Rabideau stated yes and no more proposed it's being taken care of with common ingress/egress.

Ms. Serra asked Mr. Rabideau to confirm that the back lot will remain vacant. Mr. Rabideau stated yes.

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A further discussion was held on ingress/egress easement for lot #2. Where the existing driveways are now, is covered by this easement.

Chairman Doyle opened the public hearing at 8:45 p.m.

**Marilyn Bell, 14 White Beach Road** stated her property is located to the south and abuts this parcel. When does a minor subdivision versus a major subdivision. Mr. Johnson stated if the 5<sup>th</sup> lot in done in a five year time frame, then it becomes a major subdivision. Ms. Bell stated she thought there were four lots off White Beach Road and everything else in the front including the house behind the motel was diverting the front part of the parcel. Mr. Jonson stated the back part of the parcel in the back is now being subdivided. Mr. Rabideau stated there is no access to White Beach Road. Mr. Johnson stated that Ms. Bell's property is located on the other side of the proposed subdivision.

**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. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. VanVorst made a motion for the approval of the subdivision of the Lands of John Joseph Tomasko map number 16-22-13, dated February 18, 2016. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

**Brian Harnois, 800 Route 50, Burnt Hills, NY 12027; 257.14-1-45 (Special Use Permit/Bottle recycling)**

Brian Harnois as presented.

The applicant is proposing a special use permit for the proposed bottle recycling facility (Can Cash) at above said location. Mr. Harnois stated a SUP approval is needed for Tomra recycling to pick up the bottle at the site. The tractor trailer will be on site one time per week; 6:00 to 7:00AM for approximately one hour.

The applicant has two other facilities located in Johnstown, NY and Fortplain, NY.

Chairman Doyle opened the public hearing at 8:55 p.m.

**Anne Pierce, 110 Lake Road** asked the size of the truck. Mr. Harnois stated 3' tractor trailer and will kept away from the diner.



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**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. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

Chairman Doyle closed the public hearing at 8:58 p.m.

A further discussion was held on how the bottle recycling operation works.

Chairman Doyle read through the criteria for 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.
- 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.
- 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.
- 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 concurred there were no issues with the above said criteria for a special use permit for the project at above said location.

**MOTION:** Mr. Cwalinski made a motion to approve the special use permit for the recycling business (Cash Can) at 800 Route 50, Burnt Hills, NY 12027. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

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

Meeting adjourned at 9:05 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michelle L. Dingman". The signature is fluid and cursive, with a large, stylized initial "M".

Michelle L Dingman  
Planning Board Secretary