

Town of Ballston
Planning Board

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: July 30, 2015

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

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

OLD BUSINESS:

J & R Fuels, Curtis Industrial Park, Ballston Spa, NY 12020 228.-3-64 (Site Plan Review & Special Use Permit to allow a bulk propane distribution) John Couse, owner Couse Propane was present.

The applicant proposes an 18,000 gallon storage tank in order to fill their trucks and satisfy customers with home delivery.

Chairman Doyle stated the Curtis Industrial Park (CIP) is broken up into lot size portions. The applicants will be putting in a large propane tank. Chairman Doyle summarized and said, "A big above ground tank on a pad with a chain-link fence all the way around with bollards around the front end, locked gates, and lights. Mr. Couse states there are barricades going around the chain-link fence that weigh 7,000 pounds; barriers that protect the fencing so no one can damage the propane tank. Mr. Maher stated barriers are listed on the drawing as temporary. Mr. Couse said they will be permanent. Mr. Ramsey asked if it's required or are you just doing that. Mr. Couse said we are going over and above because there is no traffic there.

Chairman Doyle stated there is signage that is included with the application. A letter is included from the Chief of the BSFD dated, June 26, 2015 which indicated they are aware of the propane and how to handle it.

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Mr. Couse said the signage that was submitted with the application – “No Smoking” “No Flame” is going to be on all four sides of the fencing and emergency numbers will be on the outside of the main gate to enter where the tank is located. “Notice of Property camera surveillance and “No Unauthorized Personnel” will be posted outside the entranceway. The sign “1075” is a triangular sign and “240 Propane” is affixed to the tank. Mr. Cwalinski asked what does 1075 and 240 mean. Mr. Couse said the 240 tells the fire company how to handle it – telling them to put it out with water if there was ever a fire. Mr. Couse said the 1075 is propane.

Mr. DiPasquale stated the limits of the lot and where this is and related to the lot lines. Ms. Serra stated it’s a leased parcel. Mr. DiPasquale said, “He knows it’s leased, but must be leased with certain dimensions.” Mr. Couse stated there is a plan submitted to the board; it’s just an open field with nothing around it – 500’ away from anything. Mr. DiPasquale said, “It’s not a defined lot.” Mr. Couse said, “Not really its lot #33.”

Chairman Doyle said, “There must be something Curtis has as identified as boundaries.” Mr. Couse said not on that lot.

Ms. Serra said the lease agreement states “vacant land next to building #33” and does not give dimensions or size of leased parcel.

Mr. Couse said, “We need to get started on this and could take and drive anyone of the members down to the site and time is of the essence.” Mr. Couse said, He submitted everything that he was supposed to” and they (CIP) did not have anything other than Google maps.

Mr. Reilly said a map would be beneficial not only to the board, but the applicant. Mr. Couse said that Curtis does not have a map. Mr. Johnson said, “He did not think the applicant is going to get more than that from Mr. Curtis.”

Chairman Doyle stated he will take the responsibility for contacting Curtis Industrial Park and will get something from them so we (the board) can put in the file indicating where this is next to building #33. Mr. Johnson said, “He does not think you are going to get anything more than what you have.” Mr. Reilly stated we should have something on file for the layout.

Mr. Cwalinski said he feels the applicant made his best effort. Mr. Maher agrees.

Mr. Ramsey said, “Could you also have placards on the front gate of the fence will know what’s inside.” Mr. Couse said, “The 1075 goes on the tank.” Mr. Johnson reiterated that it goes on the tank.

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Chairman Doyle opened the public hearing at 7:50 p.m.

No one wished to speak.

Chairman Doyle closed the public hearing at 7:51 p.m.

MOTION: Mr. Maher motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process. Mr. Ramsey 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.**

Chairman Doyle to fill out SEQRA form and asked the board if there were any concerns. The board had no concerns.

Chairman Doyle read the four criteria of the 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 stated 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 stated 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 stated 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 stated no issues.

MOTION: Mr. Cwalinski made a motion to grant the special use permit for the propane gas facility. Mr. Ramsey seconded the motion and all present voted in favor. **CARRIED.**

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MOTION: Mr. Maher made a motion to approve the site plan as depicted on drawing 14-005 – 18,000 gallon skid tank be approved. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

Scott Tope, 1 LakeHill Road, Burnt Hills, NY 12027 257.12-1-79 (Special Use Permit to allow a Pizzeria) Scott Tope, Danielle Tope and Kyle William, property owner were present.

Ms. Tope stated her husband in the last two and a half years has worked hard to establish a pizzeria in Ballston Spa and abruptly about two months ago the property owner decided to put the property on the market. At that time had to decide what their options were and came across this property at 1 LakeHill Road.

Ms. Tope stated that both she and her husband are long term residents of Burnt Hill-Ballston Lake. Ms. Tope said at one time lived in an apartment at 2 LakeHill Road and lived in Buell Heights and now reside on Schauber Road.

The proposal is for a pizzeria for takeout and delivery service with limited seating.

The current business in Ballston Spa has about 40% delivery, 55% takeout and less than 5% dine-in.

The occupancy is classified as a B – There is no need to upgrade the building or parking lot. A letter was provided by Mr. Johnson to the applicant.

The septic system was analyzed by Kurt Bedore, PE. Ms. Tope stated the septic tank is good particularly given our water usage is low. The existing Dog Grooming business is on a separate septic system. The leach field does need work and is working with the owner to resolve.

The current 40 pound grease trap is 20 gallon a minute is sufficient for the current use at the pizzeria.

Ms. Tope stated there was concern of the neighbor regarding traffic and looking to make this more of a delivery business. Unlike their current business they charge for delivery this location will not charge for delivery and make delivery more prominent than take-out service.

Ms. Tope stated overall feels this is going to be a benefit to the community.

Mr. DiPasquale asked about signage. Ms. Tope stated that we are envisioning a sign just above the doorway – something consistent with the original Ketchum's sign that still hangs inside the

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building. Chairman Doyle stated there will only be one sign. Ms. Tope stated the one sign over the doorway and lettering perhaps on the windows and a small open sign for the door.

Mr. Cwalinski said, "He can see someone coming down the road pulling off in front of the store, putting their four-ways on, getting out and if it's wintertime (does not have to be wintertime), open the door and someone coming down and hitting their door." Mr. Cwalinski said, "He sees people parking in the fire lane all the time." Mr. Cwalinski asked the applicant to put a sign up prohibiting that behavior. Ms. Tope said their tactic would be a barrel of flowers.

Chairman Doyle asked the plan for the repair of the leach field and is it usable the way it is. Mr. Williams said it has been working and was not been pumped and had built up a lot of solids and the engineer recommends placing the fields in the back of the building. Chairman Doyle asked if that will limit when the applicant can start his operation. Mr. Williams said no. Ms. Tope stated the septic tank has been pumped. Ms. DiPasquale stated a permit will be required to work on the leach field. Mr. Johnson said Mr. Bedore is working on designing a new system. Mr. Johnson said the permit for the interior of the building will include the leach field.

Mr. Ramsey asked if lighting is proposed on the outside of the building. Ms. Tope said looking at it now it really does not need it.

Mr. DiPasquale asked if someone were to pick up a pizza, parking would be across the street in that area. Ms. Tope stated yes. Mr. Ramsey asked, is there lighting over there. Ms. Tope said yes, the street light for the area is on that side and another on the far end.

Mr. Cwalinski asked if the all that brush will be trimmed. Mr. Williams stated that will be cleared out. Chairman Doyle stated that would help to see the cars in both directions and the street lighting is fairly good. Chairman Doyle said to make sure the lighting on the store does not reflect onto the street.

Chairman Doyle opened the public hearing at 8:10 p.m.

No one wished to speak.

Chairman Doyle closed the public hearing at 8:11 p.m.

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

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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.**

Chairman Doyle read the four criteria of the 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 stated 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 stated 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 stated 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 stated no issues.

MOTION: Mr. Maher made a motion that the building at 1 Lakehill Road, Ballston Lake, NY be granted a special use permit for the operation of a pizzeria in the existing building. Mr. Ramsey seconded the motion and all present voted in favor. **CARRIED.**

NEW BUSINESS:

John Raffa, 15 Lakeshore Drive, Ballston Lake, NY 12019; 249.5-1-31 (Site Plan Review – replacement sewage disposal system). Charles Haugh, PE was present on behalf of the applicant.

The property consists of three acres. The initial camp (built in 1931) was moved back from the lake and an addition was put on in early 90's, which increased the bedrooms from two to five bedrooms.

Mr. Haugh sized this system based on the applicant upgrading their fixtures to the current fixtures – applicant still making a decision on going that way or increasing the mound.

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The proposed field will be at least 200' away from adjoining wells with the exception to the property to the north – no well on the piece of property.

Mr. Haugh spoke to Ms. Serra about the comments from C. T. Male and “have pretty much resolved or can make minor changes.”

Mr. Cwalinski asked if sewers are coming around the lake in that area. Chairman Doyle stated yes. Mr. Cwalinski asked if the design should anticipate hooking into the sewers. Chairman Doyle stated yes.

A further discussion was held on the type of sewer.

Mr. DiPasquale stated if the board was approving this application, it would be using low flow fixtures.

Chairman Doyle said, “We want to put the least amount of waste water into the ground.”

Mr. DiPasquale said, “Assuming you stay with this design the low flow (toilets and faucets etc.) were installed to meet your design.”

Chairman Doyle said, “We (the board) could establish a criterion and if the applicant agrees, and then Mr. Johnson could let you go ahead when you are ready.”

A further discussion was held on expanding the leach field (15%) or upgrading the fixtures.

Mr. DiPasquale asked that the engineer certify that the low flow fixtures are installed.

Mr. DiPasquale asked Mr. Johnson, “At some point will issue a permit.” Mr. Johnson said, “That’s correct.” Mr. DiPasquale said, “At some point will ask for certification that is was built as designed.” Mr. Johnson said, “Yes a pump system requires certification.” Mr. DiPasquale stated part of the certification would be that the low flow fixtures were installed.

Chairman Doyle opened the public hearing at 8:30 p.m.

No one wished to speak

Chairman Doyle closed the public hearing at 8:31 p.m.

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MOTION: Mr. Cwalinski motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process. Mr. Dipasquale 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. Cwalinski made a motion to approve the site plan as described on the drawing Raffa septic system repair, 15 Lakeshore Ave, Ballston Lake, NY 12019, dated July 9, 2015. Subject to the low flow fixtures being installed as discussed and incorporation of the C. T. Male comments. Mr. Ramsey seconded the motion and all present voted in favor. **CARRIED.**

Sharon Lane Associates, 2 Sharon Lane, Ballston Lake, NY 12019; 249.-2-19.11 & 99 (Lot Line Adjustment). Duane Rabideau, PLS with VanGuilder and Associates was present on behalf of the applicant.

The proposal is for a lot line adjustment. The parcel is located at the corner of Round Lake Road and a private road for the Sharon Lane Subdivision.

Mr. Rabideau stated that Lot #1 requests to annex the southerly portion (2 acres) which encompasses the storm water basin to Sharon Lane Associates (HOA for the subdivision) leaving 3.1 acres to Lot #1 making it more saleable.

Mr. DiPasquale said, "The HOA owns the storm water basin. Mr. Rabideau said, that is correct.

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

Carl Hoyt asked for clarification of Lot #1 and has a concern for wells and septic systems as this subdivision is right next door.

Chairman Doyle closed the public hearing at 8:38 p.m.

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.**

MOTION: Mr. Maher 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.**

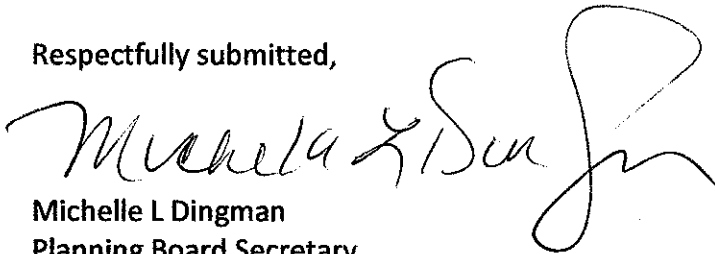
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MOTION: Mr. Maher made a motion to approve the lot line adjustment as depicted on map number 07-22-20Y by Gilbert VanGuilder be approved. Mr. Ramsey seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Cwalinski made a motion to adjourn. Mr. Maher seconded the motion and all Board members voted in favor. **CARRIED.**

Meeting adjourned at 8:40 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 loop at the end.

Michelle L Dingman
Planning Board Secretary