TOWN OF BALLSTON
PLANNING BOARD

Monthly Meeting: October 24, 2018

Present:  John VanVorst, Chairman
          James DiPasquale
          Patrick Maher
          Audeliz Matias, Vice-Chair
          Laura Muschott
          Dan Shorey
          Dave Blair, 1st Alternate
          Peter Solberg, 2nd Alternate
          Sophia Marruso, Senior Planning/Storm Water Management Officer
          Matt Chauvin, Esq.
          Members of the General Public

ABSENT:    Nicole Rodgers
          Brian Theriault, Building Inspector
          Kathryn Serra, P.E.

Chairman VanVorst called the October 24, 2018 meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Chairman VanVorst reviewed the agenda.

The Chairman asked for corrections to the August 29, 2018 and September 26, 2018 minutes.

**MOTION:** Mr. Shorey made a motion to approve the August 29, 2018 meeting minutes. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Ms. Muschott made a motion to approve the September 26, 2018 meeting minutes. Mr. DiPasquale seconded the motion and all present voted in favor. **CARRIED.**
OLD BUSINESS:

Thomas Benusacak  
Goode Street; 238.-1-39.12  
Major Subdivision/Proposed 12-lot Subdivision  
Renew preliminary approval/approved 5/30/2018

Paul Olund with Environmental Design Partnership, LLP presented on behalf of the applicant.

Mr. Olund stated the project was approved at the May 30, 2018 Planning Board meeting, now towards the end of the expiration period, the applicants intent is to pursue development of this project.

Mr. Olund stated the applicant has not been able to start the project the way the applicant originally planned.

Mr. Olund stated the applicant is applying for the extension per the Town requirement.

Mr. Olund stated if the Board has any questions, he would be happy to answer; it’s the same plan that has been approved, signed and stamped.

MOTION: Mr. Shorey made a motion to extend the approval. Mr. Blair seconded the motion and all present voted in favor. CARRIED.

Mr. Olund asked the duration of the approved extension.

Ms. Marruso stated this new 90-day extension created will be good through January 19, 2019, which is the date of the January 2019 Planning Board meeting; simply notify the Building Department the first week of January whether an initial extension will be required.

The Spinney Group  
60 Middleline Road  
PUDD Sketch Plan Conference

Scott Lansing, PE with Lansing Engineering was present along with several members of the Spinney Group.

Mr. Lansing stated their objective this evening is just to discuss the project and did have the opportunity to talk with Ms. Marruso today about several items the Board is concerned about
with, primarily the Ag lands on the parcel, impacts to the Ag lands and the status with Ag & Markets with water service for the project.

Mr. Lansing went through a background of the proposed project; there are a few new members on the Board.

Mr. Lansing stated this is a PUDD, and in the second step of the process, did receive a positive referral from the Town Board. The project was received very well by the Planning Board and are looking for a SEQRA declaration for a referral back to the Town Board to get the PUDD approved and ultimately come back to the Planning Board for a Site Plan/Subdivision for the parcel.

**Existing Conditions**

Mr. Lansing stated the parcel is located at 60 Middleline Road, approximately 62.79 acres. Mr. Lansing stated the drawing provided gives the overall size of the project; NYS Route 50 (East), Middleline Road (West) and Wakeman Road on the southern side.

Mr. Lansing stated surrounding uses are commercial and residential; wetlands are located on the parcel – approximately .72 acres located in the front portion of the parcel.

Mr. Lansing stated there are two different zoning districts for the parcel; front section is Business Highway-2 (approximately 8.1 acres) and the back is Rural (approximately 54.69 acres).

**Proposed Conditions**

Mr. Lansing stated this is a PUDD and proposing a Mixed Use Development and the focus is on Active Adult Housing.

Mr. Lansing stated proposed are Active Adult Apartments (41 buildings) for a total of 264 units primarily single-story (ranch type) structures and a few two-story units.

Mr. Lansing stated townhouse style type units ranging from 750 to 1,500 square foot per unit, two parking spaces per unit, and each unit will have an oversized garage - 94% of the units have proposed garages and 6% have exterior parking spaces.

Mr. Lansing stated a community center is proposed located at the center of the site; a 6,000 sf clubhouse with 27 parking spaces around the clubhouse.
Mr. Lansing stated an outdoor gazebo is proposed, pool, community garden, Dog Park and a trail connection from that community center to different areas of the project.

Mr. Lansing stated a facilities garage is proposed to store maintenance equipment for the site; snowplows, mowers and anything maintenance related.

Mr. Lansing stated storage units are proposed for residents only, not for lease to the general public; 60 units or 5,000 sf.

Mr. Lansing stated also as part of the project are single-family lots located along Wakeman Road and Middleline Road; five single-family lots are proposed,

A minimum of;
40,000 sf lot area
240' frontage
40’ front yard setback
15’ side yard setback
20’ rear yard setback

Mr. Lansing stated the proposed single-family homes have been positioned around the perimeter of the project to make a better transition from the exiting residents along Wakeman Road and Middleline Road, which would provide a buffer to the proposed Senior Active Adult use in the project.

Mr. Lansing stated the Business Highway-2 area located in the front of the project along NYS Route 50 proposes that area to be in accordance with the existing zoning; the PUDD would outline that front area as following the existing Business Highway-2 zone.

Mr. Lansing stated conceptually being shown are three buildings in that area, two stories each and a 5,000 sf for each one of those buildings; overall will be approximately 30,000 square feet and could be something different; Site Plan Review and approval will be required.

Mr. Lansing stated those proposed buildings are anticipated to include retail and uses that will be complimentary to the Active Adult Apartments.
Mr. Lansing stated storm water will be private – storm water facility shown on the site. The proposal has compared a conceptual storm water management analysis to show what is shown on the parcel does work for the site.

Mr. Lansing stated public water and public sewer is proposed.

Mr. Lansing stated the primary entrance is on NYS Route 50 - a boulevard entrance coming into the project and also services the commercial uses in the front and a secondary access on Middleline Road, which is a boulevard type access.

Mr. Lansing stated all the roadways proposed are to be privately owned, operated and maintained by the project proponents.

Mr. Lansing stated sidewalks are shown throughout the project and all the roadways would have a sidewalk for the project and connect to the clubhouse; internal trail connection (short cut) to get from the back section of the project to get to the community center.

Mr. Lansing stated street lights and street trees are proposed; details will be provided during preliminary final design.

Mr. Lansing stated the rural zone of the parcel is approximately 4.9 units per acre.

Mr. Lansing stated green space is 66% overall and subtract out the storm water management areas is 63.3%.

Mr. Lansing stated as far as changes and submissions made from the last the last time the applicant presented to this Board; only plan change has been made to the single-family lots – the last plan in front of the Board showed 12 single-family units and has been reduced to five units. Mr. Lansing stated it’s not feasible to service the single-family units with public water and sewer extensions; soils were not conducive for conventional types of septic systems. Mr. Lansing stated unfortunately, with a raised septic system, the NYS DOH Regulations are limited to five lots.

Mr. Lansing stated a conceptual storm water analysis to demonstrate that what is shown, does work on the plan.

Mr. Lansing stated a full phase 1 Archeological investigation has been done for the entire site and submitted to the NYS Office of Parks and Recreation and Historic Preservation. A review
was performed and a sign-off letter was provided on August 1, 2018 stating the project does not have any impacts to any archeological resources.

Mr. Lansing stated a Traffic Impact Study was prepared and submitted to the Town for review. Mr. Lansing stated applicants did receive comments from BFJ, those comments have been addressed; the only outstanding comment is relative to the commercial space – a comment to bank parking spaces in the future.

Mr. Lansing stated a Habitat Study was performed; there are no threatened or endangered species that was submitted to both NYSDEC and the US Fish and Wildlife. Mr. Lansing stated a sign-off was received from NYSDEC on October 11, 2018.

Mr. Lansing stated the last outstanding correspondence did outline and outstanding issue with Bald Eagle nesting in close proximity to the site.

Mr. Lansing stated correspondence was received on October 11, 2018; that nest is considered far enough away from this project and would not have an impact on that Bald Eagle nest or habitat.

Mr. Lansing stated that US Fish and Wildlife provided a sign-off on September 5, 2018; conditioned on clearing conditions for the Northern Long Eared Bats – clearing done from October to March, so it does not impact that sort of habitat.

Mr. Lansing stated there were comments and suggestions from Ms. Marruso relative to the PUDD ordinance.

Mr. Lansing stated the general changes for the PUDD ordinance;

1. Will be adjusting the document to include the square footage for the storage units; to date, 60 storage units – a request for the specific square footage. Mr. Lansing stated the square footage will be 9,000 square feet for the 60 ± units.

2. There is a request to evaluate the size needed for the project.

Mr. Lansing stated on the commercial structures (signage) tenant uses, would follow the code in the appropriate zone for wall signs, awning signs or any sort of signage associated with them.

Mr. Lansing stated an addition to be added to the PUDD ordinance that NYS Route 50 includes a monument sign by the facility, so there is identification for that plaza.
Mr. Lansing stated to also include for the commercial structures interior monument signs; something back in from NYS Route 50.

Mr. Lansing stated a monument sign is being proposed for the Senior Housing on NYS Route 50 and a smaller sign on Middleline Road.

Mr. Lansing stated similar to the commercial, would like to have an interior monument directory sign and also a sign for the community center; specific area requirements in the PUDD ordinance will be provided.

Mr. Lansing stated there was a request to update the square footage for size for the single-family lots.

Mr. Lansing stated green space to be updated; green space on the project is 63.3%

Mr. Lansing stated Ms. Marruso asked about public benefit for the project.

Mr. Lansing stated the applicants feel strongly about the project itself provides an inherit benefit that there is a housing choice/option for seniors in the community that is not otherwise available within the Town. Mr. Lansing stated the applicants feel it does provide an opportunity for residents with Ballston to stay within aging and housing within the community.

Mr. Lansing stated beyond that, the applicant is proposing a sewer line along NYS Route 50, which would extend sewer service in the area and provide service to other parcels along the NYS Route corridor.

Mr. Lansing stated there was a request to put together a sketch of what those options were; two separate options;

1. Go down to Lake Road and work with the current Lake Sewer District.
2. Another option is going up-to McCrea Hill Road and utilizes the existing pump station; both viable options and are considering working towards.

Mr. Lansing stated the applicant is working with the Town to make these options a reality and finalize with the Town Board prior to the PUDD approval.
Mr. Lansing stated C. T. Male comments mentioned NYSDEC’s sign-off on the impact to the Bald Eagle nesting; comment letter came in after C. T. Male’s comment letter – will follow up with Ms. Serra.

Mr. Lansing stated there were three comments outlined on Agricultural Resources with a request to provide a map of the highly productive soils (approximately 17 acres) on the parcel.

Mr. Lansing provided maps for the Board’s review.

Mr. Lansing stated there was also a request for agricultural activity on the project.

Mr. Lansing stated that The Spinney Group purchased the parcel in 2015, since 2015; there has been no farming or hay since that time.

Mr. Lansing stated outlined the previous owner purchased the parcel with the intent to farm the land and that previous owner died in 2008.

Mr. Lansing stated the activity of the land from 2008 to 2015 is not clearly known, but have looked at aerial photos to get a best estimate of what the activity is on the parcel; the surviving widow may have leased the land after her husband’s death and the aerial photos outlined some activity since then.

Mr. Lansing described each aerial photograph from 2007 to 2017.

Mr. Lansing stated in 2007, the parcel looks active; there are plow windrows on the east and expected that hay was planted on the balance of the parcel.

Mr. Lansing stated if you look closely on Middeline Road, there is a yard area where it looks like a fair amount of farm equipment on the parcel – looks like there was activity back in 2007.

Mr. Lansing stated in 2009, the year after the owner’s death, looks like the central southern section is inactive and would suspect that hay was the balance of the parcel and the equipment is gone on Middeline Road.

Mr. Lansing stated in 2011 does not appear to be any activity on the parcel and is does not appear to be any hay planted on the fields and the equipment area is overgrown.

Mr. Lansing stated in 2013 there may have been a small revival; limited hay activities suspected in the south/west corner; balance of the land has successional growth through the parcel.
Mr. Lansing stated in 2014, did not see any activity on the parcel.

Mr. Lansing stated in 2015 the applicants purchased the parcel and we know it was not farmed from there.

Mr. Lansing stated in 2017 shows no activity.

Mr. Lansing stated as far as the impact on the agricultural resources, we had estimated that as a small impact.

Mr. Lansing stated it’s the Board’s duty to outline what they feel the impacts are on the SEQRA forms, but we estimated a small impact in a comment letter that we submitted back to the Town and the reasons being are the highly productive soils on the western portion of the site, the area is isolated, Wakeman Road, Middleline Road and residential structures to the north.

Mr. Lansing stated the proposal does not bisect any other major highly productive soil areas.

Mr. Lansing stated based on that, we feel the impact is small and limited to no agricultural activity for the past nine years and know that there is absolutely no activities for the past three years; applicants have no intentions on farming this land in the future.

Mr. Lansing stated there was one other item relative to Ag and Markets to the status of the water service for the project.

Morgan Ruthman with The Spinney Group stated the property was acquired in 2015 and their intent is to develop this property.

Mr. Ruthman stated they operate two Active Adult communities in Rensselaer and Albany counties, which are very successful and feel this one is going to be great as well.

Mr. Ruthman stated they are aware it’s in the Ag District and the portion of the project located in the Business Highway-2 Zoning District is in the existing water district and has access to water.

Mr. Ruthman stated it’s our intention to opt out of the Ag District “when that cycle comes down the pike in the next three years.” Mr. Ruthman stated in order for any project to be viable, access to water is necessary; well water is not an option for this type of project.
Mr. Ruthman stated they are aware of the litigation and intervened in the suit, after it was commenced by the State of New York – Mr. Ruthman is an attorney licensed to practice law in New York State and is representing their organization in the matter, since the inception of the case.

Mr. Ruthman stated the case as it currently stands is in the process of being appealed. Mr. Ruthman stated an appeal has been filed by the State of New York with Ag and Markets because they disagreed with the Supreme Court’s conclusion and there have also been cross appeals by the attorneys for Mr. Katz, Mr. Benuscak and myself.

Mr. Ruthman stated the determination that was made at the lower court level was that the pre-existing litigation undertaking was unenforceable; it did not have any binding affect.

Mr. Ruthman stated the Town has passed a series of resolutions to that affect and those resolutions were determined to be lawful; that matter is on appeal. Mr. Ruthman said, “We have a briefing schedule currently with briefs due this fall or opted into a decision followed by sometime this spring.

Mr. Ruthman stated when the Town Board did make its positive recommendation on this project and language in the resolution authorizing that referral, that we (the applicant) are seeking our own risk, are aware of it, aware of the status of the matter and the Town and the parties, that are subject to a law suit are all going to be bound by when a final determination is made equally.

Mr. Ruthman stated the Town in its discretion felt that it was appropriate for the project to move forward and as it relates to the Planning Board process now, are looking at this from the context of a zoning change; the Town Board ultimately will be the body responsible for its discretion, either approving or disapproving a Water District Extension.

Mr. Shorey asked the proposed size of the garages.

Mr. Ruthman stated they are 12’ x 20’ and our projects are built using Universal Design Concept; for accessibility purposes want to make sure that anyone in a wheelchair can get a car in their garage, open the door on both sides of the garage, close the door and get out.

Mr. Shorey asked about the units per acre of the 264 units; its approximately six units per acre.

Mr. Lansing stated there are six units per acre in just the Active Adult housing.
Mr. Shorey has a concern about space; “That is a lot of people.”

Mr. Ruthman stated the projects in Rensselaer and Albany counties have higher densities of the proposed density currently and would contend that they are both full and both very well received and residents have enjoyed the environment that is provided.

Ms. Matias stated she has questions about the whole recreational/open space community.

Ms. Matias stated it would have a clubhouse for residents to engage with a broader community.

Ms. Matias asked if that clubhouse and those particular types of spaces are going to be for the residents only.

Ms. Matias stated its proposed in the draft language in section 13 – The Spinney PUDD states in the second the last page, “Will include an established of approximately $6.99$ acres to passive or creation of an open space/recreation land, nature trails and parks within the Senior Housing component available for use by its residents.”

Ms. Matias stated that public benefits states Open Spaces (section 16A) “The Spinney PUDD will establish open recreational space for residents and members of the community.”

Ms. Matias also mentions section 13 – Nature Trails.

Ms. Matias stated she looked at the map and did not see any trails.

Ms. Matias asked is it going to be for the residents only, and if that is the case, how is that a benefit to the community as a whole.

Mr. Ruthman stated that may have been somewhat in artfully drafted; there is a trail connection between the path and the clubhouse.

Ms. Matias stated that is not a nature trail, but a sidewalk.

Mr. Ruthman stated he will look into that.

Mr. Ruthman stated it’s a private community so the clubhouse is for its residents, with that being said, there are a series of events that are for residents which involve other community
organizations; Senior Services in the Town, in which we operate, have been partners of ours in providing events and other types of services.

Mr. Ruthman stated as far as access to the community, access to its resources by the general public, we do not have any strict policy or protocol of enforcing access; it’s not a gated community – others are free to enjoy the roads, but it is a private community with private management and ownership of all the roads and resources; plowing, sidewalk clearing and maintenance of the roads.

Ms. Matias stated section 16A needs to be eliminated because that is not a benefit to the Town; it’s not a public benefit when it’s only for the residents.

Mr. Ruthman stated to be clear; residents of this community are residents of the Town of Ballston.

Ms. Matias stated that is the same benefit of a development of residential apartments and does not see this as an extra bonus to the rest of the public.

Mr. Ruthman stated that is a great point and thinks Mr. Lansing touched on that on that and said, “When we start to think about what the public benefits of this project are, we look at things that are outlined in the Towns’ Zoning Code; infrastructure improvements, which we are offering and also looked at the Comprehensive Plan. In its intent, in terms of providing a diversity of house options to area seniors, which in our view is lacking in this Town. As a means of addressing that concern, we offer this project – that may not be in and of itself a public benefit, which is again, why we go back to what is outlined specifically in the Comprehensive Plan. Mr. Ruthman stated we do feel this does offer a unique proposition and has a lot of specific attributes that are not available elsewhere; that is a public benefit in their view.

Mr. DiPasquale asked if the Agricultural Resources as presented here tonight, included in the information provided to the Board.

Mr. Lansing stated it has not; the comment just came up today so we put this together.

Mr. DiPasquale stated it should be included in a future submission.

Mr. Lansing stated we can provide a comment response letter from October 10, 2018 that outlined the sections in the SEQRA documents, part 2, question 8, there are four or six items and will provide information for the next submission.
Mr. DiPasquale asked for a basis on how the prime agricultural property is determined.

Mr. Lansing stated it’s determined from the county soil maps; divide into the different soil types that fall into different classifications.

Mr. Maher reiterated that the final ruling on the Water District Extension litigation will be in the spring.

Mr. Ruthman stated yes and expects it to be favorable.

Mr. Maher said, “It was tossed out by the Supreme Court.”

Mr. Ruthman stated that is correct, Justice Buchanan of Saratoga County Supreme Court.

Mr. Maher asked what court is it in now.

Mr. Ruthman stated the Appellate Division.

Mr. Maher said, “You are intervening along with Mr. Benuscak and Mr. Katz.”

Mr. Ruthman stated correct, the Town of Ballston was the initial respondent and the developers intervened – Mr. Benuscak, Mr. Katz and The Spinney Group.

Mr. Maher stated then Ag and Markets appealed the decision.

Mr. Ruthman stated yes.

Ms. Matias section 11B (Signage) needs more details.

Mr. VanVorst said, “I think we should flush out the language of the PUDD so it can be sent back to the Town Board.”

Mr. VanVorst said, “If it is approved by the Town Board, and then comes back to the Planning Board and then we can pick apart the minutia of the details of the Site Plan.”

Mr. VanVorst stated the Traffic Report mentioned a concern about the Middleline Road entrance, site distance and vertical curve to the north – has anything been done to adjust the plan to accommodate that.
Mr. Lansing stated it has, the Traffic Report outlined optimal spot for the access to the site; prior submissions have that access on Middleline Road further to the north. Mr. Lansing stated the optimal spot was further to the south, but adjusted the plan and relocated that intersection further south in the optimal spot.

Mr. VanVorst stated when he scaled out that entrance from the two previous maps, did not see a difference.

Mr. Lansing stated the plan shows the adjustment that was made, but will double check that.

Mr. VanVorst stated the applicant is proposing a small monument sign on Middleline Road entrance and two monument signs on NYS Route 50 entrance; one for the residents and one for the commercial.

Mr. Lansing stated that is correct.

Mr. VanVorst asked if there was any possibility or considers consolidating and putting one monument sign so that it is not so cluttered.

Mr. VanVorst stated he cannot imagine that it is to your benefit to reduce the number of single-family homes to five, if you can service them with water and sewer.

Mr. Ruthman stated timing was the consideration and cost; access to water and sewer for those lots could be achieved in two different ways; down Wakeman Road and Middleline Road, which is challenging and accessing from the rear and so far as the construction of the multi-family component providing infrastructure to those lots presented logistical problems as well. Mr. Ruthman stated we felt with reduced density will not be consistent necessarily with the surrounding neighborhoods either and is a helpful transition of uses; we feel this layout adequately balances the various considerations and also enables the applicant to proceed with the subdivision approval and our primary business model is not built around or predicated upon custom home building.

Mr. VanVorst stated a raised bed system is more expensive than running a sewer line.

Mr. Ruthman stated he would be happy to look at the numbers again.

Mr. DiPasquale asked when you feel you would have a better idea on the sewer service; applicant mentioned going to McCrea Hill Road or Outlet Road.
Mr. Lansing stated we are working with the Town and try to tie into the Lake sewer system and hope to have a resolution in the future.

Mr. Chauvin stated at the next meeting, to have the Board start working through Part 2 of the SEQRA and answer some of those questions that require a second look.

Mr. VanVorst asked if a SEQRA determination is needed before it goes back to the Town Board.

Mr. Chauvin stated we should before it goes back to the Town Board.

Application tabled.

**NEW BUSINESS:**

**Briarwood Brooks Development, LLC**
2 & 4 America Way; 228.13-3-43 & 44
Lot Line Adjustment

The applicant’s agent was not present to present application to the Board.

**Briarwood Brooks Development, LLC**
5 & 7 America Way; 228.13-3-20 & 21
Lot Line Adjustment

The applicant’s agent was not present to present application to the Board.

**Mourningkill, LLC**
1451 NYS Route 50; 228.5-1-38
Site Plan Review [CONCEPT]

Ms. Muschott recused herself.

Peter Solberg, 2nd Alternate succeeded Ms. Muschott.

Scott Lansing, PE, with Lansing Engineering, Geoff Booth and Jeff Knox with Mourningkill, LLC were present.

Mr. Lansing stated this is a conceptual presentation outlining the general plan that we have proposed for the parcel.
**Existing Conditions**

Mr. Lansing stated the existing conditions are located at 1451 NYS Route 50.

The overall parcel is approximately 1.18 acres, zoned Hamlet Residential; this is the first parcel located in the Hamlet Residential zone; south is the Business Highway-1 District and is the Smith and Schmidt parcels (mixed-use) projects.

Mr. Lansing stated the surrounding uses are commercial and residential surrounding the parcel.

Mr. Lansing stated there are no NYS DEC or ACOE wetlands on the overall parcel.

**Proposed Conditions**

Mr. Lansing stated the applicants propose to demolish the existing structures; an existing house and two outbuildings.

Mr. Lansing stated 14 single-family attached residential units in accordance with the TND standards.

Mr. Lansing stated these would be townhouse style units.

Mr. Lansing stated the proposed plans are for two 3-unit buildings and two 4-unit buildings; each one of these structures would have their own garages.

Mr. Lansing stated that access would be from NYS Route 50.

Mr. Lansing stated the applicant will be obtaining an easement with the property to the south to allow that driveway to access as shown on the plans.

Mr. Lansing stated proposed is a private shared driveway approximately 300’; grading differences between the two properties made it difficult to connect to the south so we had to make a connection out to NYS Route 50.

**Pedestrian Accommodations**

Mr. Lansing stated a connection is proposed to the sidewalk along NYS Route 50; currently sidewalks are proposed for both the Schmidt and Smith project and extend the sidewalk to the north of the parcel.
**Greenspace**

Mr. Lansing stated there is approximately 44% greenspace; public water, sanitary sewer and storm water would be managed onsite – cursory storm water calculations have been done and would have an unground infiltration system serving primary needs of stormwater.

Mr. Lansing stated the TND itself is appropriate for this parcel and the first parcel in the Hamlet Residential Zoning District.

Mr. Lansing stated a Mixed Use project to the south, with both residential and commercial continuing that theme, adding a different housing type as we transition to the north into the heart of the Hamlet Residential Zoning District.

Mr. Lansing said, “We feel it is an appropriate transition for this area.”

Mr. Lansing stated as far as the TND, have the interconnected NYS Route 50 sidewalks.

Mr. Lansing stated this project is a redevelopment type of parcel as opposed to developing on a vacant parcel.

Mr. VanVorst stated the grade differences were created by the excavation of the property to the south.

Mr. Lansing stated no, actually NYS Route 50 in this area does have a pretty good grade and things are being terraced as we are going down on the parcel. Mr. Lansing stated there was a bit of a retaining wall that was put in until we work with the grade on the southern parcel. Mr. Lansing stated there is a wetland area on the Schmidt parcel to the south. Mr. Lansing stated even the parcels to the south have retaining walls on the downstream side to try to terrace things out and work with the grade to make those sites work.

Mr. VanVorst said, “You are saying it is impossible to create connectivity between those two properties.

Mr. Lansing stated there is a wall on the northern side (Smith) parcel approximately 6 or 8 feet; it’s a small parcel and in order to make up a grade difference and have it within reasonable slopes, would be a very long road and there is just not enough room in that area to make that transition.
Mr. DiPasquale stated the proximity to the residents to the north, is difficult to see on the map (blurry); concerned about the proximity to the adjoining residents and trying to determine what impact, if any.

Mr. DiPasquale stated the building on the west side has a lot of trees versus the north side.

Mr. Lansing stated as far as the layout configuration, we do meet the setbacks for the Hamlet Residential Zoning District; as far as the front yard setbacks and rear yard setback, that is why there are those areas, but the side yard setbacks are zero; close the zero and the property line in that area.

Mr. DiPasquale stated the road will be owned by HOA.

Mr. Lansing stated the road will be a private road, owned by the owners of the property.

Mr. DiPasquale asked who owns and maintains the sidewalks along NYS Route 50.

Mr. Lansing stated he thinks they are maintained by the property owners.

Mr. DiPasquale inquired about the onsite underground water detention because there does not appear to be much space.

Mr. Lansing stated it would be in the back (cul-de-sac) area and outlined in size for the area.

Mr. Blair asked how far off the property line is the first 4-unit building.

Mr. Lansing stated only a few feet.

Mr. Blair asked how will you be able to put windows back there; get the light back into the building.

Mr. Lansing stated we are at the property line so there would be windows on that side of the building.

Mr. Blair stated that building code requires at least 3’ from the property line to put any window in there.

Ms. Matias stated it’s very crowded with 1.18 acres and is very concerned with the neighbors to the north.
Ms. Matias said, “She knows you have the right to be all the way to 3’ (where it is), but what about consideration for these neighbors that have been there and all they have is one single home; there is no buffer between these huge buildings on their property.”

Ms. Matias stated she does not think this works.

Mr. Solberg asked if there were plans for fire hydrants.

Mr. Lansing stated we have not got that far, but will check the fire code of what is required and chances are will be running a main line in, putting a hydrant in close by that cul-de-sac.

Mr. Solberg stated there would be at least two; one by the road and one by the cul-de-sac.

Mr. Lansing said, “Probably one by the cul-de-sac and there are existing hydrants along NYS Route 50.”

Mr. Solberg asked if the radius of this proposed cul-de-sac supports a plow, school bus or a Lowe’s delivery truck.

Mr. Lansing stated it was checked and can get fire apparatus access and can get a Lowe’s truck to access the cul-de-sac, but chances are, it won’t be served by a school bus because it is a private road.

Mr. Blair stated to the north everything slopes to the south because you have some roof lines that are going to be so close the property line and are going to have water running off of the neighbor’s property and asked what intent is proposed to capture that to direct it towards the underground storage.

Mr. Lansing stated would have to capture all that run-off towards the storm water mitigation system and is also proposing gutters.

Mr. Shorey asked what time of year is this illustration supposed to represent.

Mr. Lansing stated he would have to check; our software can be set at different times of the year and different times of the day and does not recall what it was for this graphic.

Mr. Shorey said the proposal is really impinging on the north property line.
Mr. VanVorst stated they seem to be falling like dominos along NYS Route 50 and wanted to know the plans for the property to the north.

Mr. Lansing stated no.

Mr. VanVorst stated as a Planning Board we attempt to create connectivity in-between the properties.

Mr. VanVorst said, “I would like you to come back next month with a plan that shows that or at least to demonstrate why it would not work.”

Mr. Lansing stated he can take a look at that.

Mr. VanVorst stated the building to the west - if you remove one unit, you can take the building to the north and slide it to the west and create a pathway between #2 and #3 to the north.

Mr. Lansing stated he can take a look at that and believes there is a road immediately to the north, so access to any of those parcels would likely be off of that road as opposed to the south.

Ms. Matias is still struggling with the 1.18 acres and asked if this proposal is comparable in size to Silo Point, which are very close together with more acreage.

Mr. Lansing stated he is not sure; not familiar with that project.

Ms. Matias has a concern for the size and for the neighbors to the north.

Mr. Solberg stated he does not think that the design aspect of the buildings allows for that close to the property line. Mr. Solberg stated the plans show some type of porch/patio in the back or windows, but to look at a block style building, where it’s a flat structure behind that would lend itself more to having an abutment with a building that has an adjacent property line.

Ms. Matias stated in terms of density at Silo Point, the acreage is a lot more compared to these proposed four fairly large buildings on 1.18 acres.

Mr. Lansing stated we can come back with the square footage of each building.

Application tabled.
MOTION: Mr. Maher made a motion to adjourn the meeting. Mr. Blair seconded the motion and all present voted in favor. CARRIED.

Meeting adjourned at 8:40 p.m.

Respectfully submitted,

Michelle L Dingman  
Planning Board Secretary