

## **TOWN OF BALLSTON PLANNING BOARD**

### **Monthly Meeting: November 30, 2016**

Present: Richard Doyle, Chairman  
Jeffrey Cwalinski  
James Fischer  
Patrick Maher  
Audeliz Matias  
John VanVorst  
Daniel Shorey, 1st Alternate  
Thomas Johnson, Building Inspector  
Kim Kotkoskie, Storm Water Management Officer  
Peter Reilly, Esq.  
Kathryn Serra, P.E.  
Members of the General Public

Absent: James DiPasquale

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

Chairman Doyle asked for corrections to the October 26, 2016 meeting minutes.

**MOTION:** Mr. Maher made a motion to approve the October 26, 2016 minutes as written. Mr. VanVorst seconded the motion. Ms. Matias abstained as she was not present at the October 26, 2016 meeting. **CARRIED.**

### **OLD BUSINESS**

#### **Zelindo Viscusi**

**20 Mourningkill Drive; 228.-2-36.1**

**Site Plan Review – five (5) multiple dwellings – eight units each**

Luigi Palleschi with ABD Engineers and Surveyors and Zelindo Viscusi presented.

The applicant is proposing to develop 40 apartment units. This project is just north of the intersection of McCrea Hill Road, MeadowBrook Court, Independence Trail and single-family homes on Mourningkill Drive. There is a larger PUDD across NY Route 50 to the east, which includes single-family and condominiums.

The parcel is approximately five acres with one and a half acres of federal wetlands (ACOE) located on the north/eastern end of the property. The topography would be high on the southern side and everything drains to the north towards the Mourningkill Creek to the federal wetlands and to the Mourningkill Creek.

The 40 apartment units are divided up into five two-story apartment buildings. There is an eight bay garage proposed. From the last time the applicant was in front of the board, significant changes have been made to the site. As you recall the proposal was for two eight bay garages further south which were isolated, four separate curb cuts and a lot of parking was in front along Mourningkill Drive. The applicant took a lot of the board's comments and redesigned it and eliminated one bay of garages and brought it closer to the site and went from four curb cuts to two curb cuts with a nice circulation around the site and keeping the parking spaces in the back towards NYS Route 50. Apartment buildings along the road will buffer NYS Route 50 from the existing residents. The applicant is providing 100 parking spaces and feels it's a little excessive and can get 2.5 cars per unit and may consider banking some of those parking spaces.

Landscaping has been added to the project. Preliminary grading has been done and addressed the comments and storm water calculations around the storm water management. The applicant is proposing a bio-retention basin that goes to a storage basin for the 110 year/100 year detention and be in compliance with NYSDEC regulation.

The site is served by municipal water along Mourningkill Drive with individual laterals connecting to each of the units. The sewer will be a grinder pump station on the site; there are two options; one goes to Independence Trail and the other Sherman Way and directionally bore underneath NYS Route 50. The applicant has been in contact with SCSD#1 and will provide details as work progresses.

Retaining wall as proposed in between each of these units, which allows the grade to be dropped from one of the sites to the other.

The eight units proposed have four doors in the front and four doors in the back. A sidewalk along Mourningkill Drive was added to get to the front door and parking in the back. Access sidewalks have been added because residents will park in the back and walk in between the buildings to get to their unit in the front.

Chairman Doyle has a concern for the northern billboard and planned access route. Mr. Pelleschi stated the applicant is working on easements provided to both. The northern billboard is being serviced coming up NYS Route 50 to an existing curb cut and the southern curb cut serviced off the Mourningkill Drive access. If the applicant has to provide an easement behind the garages so it will not impact accessibility to those billboards. Mr. Reilly asked if they are refined easements in the lease agreements. What is shown on the plan is the lease agreement. Mr. Reilly asked is it one agreement of record for the billboards. Mr. Viscusi said yes, it's one. Mr. Viscusi stated this is an easement for the current owner and has his own agreement with the billboard owner "Lamar" – the easement will be between (us) the owner and the owner who is retaining the billboards. Chairman Doyle stated that will not have any effect on the retention basin or whatever you plan around the fire pit, BBQ area – it seems as though you can get in there and have some sort of path. The way it's graded today, they come off of NYS Route 50 on that existing curb cut and access there. The grading can be massaged so that basin area will work for the billboard company for servicing.

Mr. Cwalinski has a concern with the silo and asked to have a structural engineer look at it to make sure it's in good shape and if repairs are needed. Mr. Pelleschi stated there will be some modification done to the silo and the intent is to keep the silo as a monument. The applicant was thinking of naming the project after that silo and maybe the project sign and proposes to dress that silo up from their current submission.

Mr. VanVorst asked the height of the retaining walls. Mr. Pelleschi stated approximately 4 feet.

Ms. Matias thanked the applicant for listening to the board's comments and is a big improvement from what was presented from the first time. It's a little crowded in the north corner and asked the applicant to consider four buildings or merge buildings (1 & 2) into 10 or 12 units rather than an 8 unit building, which would give a little more space.

Ms. Serra wanted the applicant to understand that they need to do a traffic study to address the intersections and that information will be required forthcoming. Ms. Serra stated that

some of the board members in the past have expressed a concern about the geometry of the intersection of Mourningkill Drive and NYS Route 50, but answers have not been provided by the applicant and will be a requirement for any future submissions.

Chairman Doyle stated that Ms. Serra's letter is correct when she mentions that our traffic consultant and board members had some concerns. Chairman Doyle stated traffic is traveling north on NYS Route 50 at 50mph so they drive 55mph or 60mph and "whip off" of that road and getting out is a problem. Chairman Doyle said, "This is a concern and need to take a look at it to see if more of an interface at a 90 degree angle would work than whatever the angle is currently." Mr. Pelleschi stated that there is plenty of land that NYSDOT and the Town owns if they need to make that 90 degree turn and close up if that is a concern. Chairman Doyle asked where the money will come from. Chairman Doyle stated when they conducted the traffic study they certainly looked at that intersection and we will do so again. Mr. Viscusi stated there was already a traffic study done. Ms. Serra stated there were a lot of comments on the traffic study and understands the prior applicant conducted a traffic study and you (the applicant) should be able to obtain. A comment letter was provided with the August submission. The traffic study has significant comments not only pertaining to the actual counts and the modeling that was done, but the geometry of the intersection. Mr. Viscusi stated he does not wish to do another traffic study. Ms. Serra stated the pre-existing traffic study was deemed essentially not approved and is not valid and the board will not accept that traffic study. Mr. Pelleschi stated the previous traffic study was based on 52-units, which is a higher density that's what is being proposed and are allowed 65-units on the site. Chairman Doyle stated he thought the town gave the applicant a copy of the traffic study with the comments. Mr. Pelleschi stated yes, we did receive it and know moving forward we have to address some of those concerns and hoping tonight with this newly revised concept could get some sort of conceptual agreement or approval and would be happy to provide all the details and advance this plan. Chairman Doyle stated we said this last month. Ms. Matias summarized it; it's so much better from what you (the applicant) had before and is certainly a lot better than what was proposed before.

Mr. Cwalinski stated can a note be added to the drawing detailing when snow will be removed. Mr. Pelleschi stated yes. Mr. Cwalinski stated this parcel is in the Agricultural District and asked if it has to be taken out or any actions required. Chairman Doyle said, "I think we do and have put in a call to see how we (the board) would handle this and have not had the chance to see if this individual is getting any reduction in taxes and will continue on that."

Chairman Doyle opened the public hearing at 7:55 p.m.

**Stephen Cline, 19 Mourningkill Drive** stated these plans are a little bit better than what we saw last time, but still have a concern of how close these apartment complexes are to the road. What is the starting rent for these units? Mr. Viscusi stating at thirteen hundred depending on the unit – the first floor or second floor and a garage would be additional. Ms. Matias asked how many bedrooms. Mr. Viscusi stated two bedrooms and two baths. Mr. Cline would like to see the road be made a little bit wider with some type of sidewalks and possibly some trees along Mourningkill Drive. Mr. Viscusi stated sidewalks and shrubs are within the building envelope, but did not anticipate constructing sidewalks along Mourningkill Drive. Mr. Pelleschi stated there are sidewalks along Mourningkill Drive, but they are offset and on the property and there is a ditch along Mourningkill Drive and it would be difficult to put sidewalks on the edge of the road within the town ROW. There are sidewalks along the entire frontage of the property. The lighting will be typical residential style 8' high at the entrances, wall mounts and a few in the back to light up the parking spaces. Mr. Cline suggested more trees that will eventually grow up and fit in the that neighborhood

**Greg Bradtke, 20 Charlton Road** asked the board to encourage requiring some type of fire access road from NYS Route 50 similar to Bridgewater.

Ms. Serra stated to contact the BHFD to work with a similar plan from a previous application.

**Michael Audino, 24 Beacon Street** asked will the units have rooftop units on them. Mr. Pelleschi stated no, they will be ground mounted.

Mr. Johnson asked if the building will be sprinklered as changes have been made to the code. Mr. Viscusi stated yes, he will look into that.

Chairman Doyle adjourned the public hearing at 8:05 p.m. until the next presentation.

Chairman Doyle asked the board if they like the concept and should the board move forward to preliminary design. Mr. Maher stated yes. Mr. VanVorst said it is a significant improvement. Mr. VanVorst stated if this project moves forward, he would like the applicant to consider the possibility of enabling the existing residents on Mourningkill Drive to hook into the sewer system because if not, there will be an island of those residents who won't have service.

Mr. Viscusi will look into that recommendation. Ms. Serra stated that code does require reserving access to capacity for all reasonable neighboring properties.

A further discussion was held on the existing traffic study for the project.

Chairman Doyle stated since there is no other comments, the board concurs to move to preliminary design for the project.

### **McDonald's Corporation**

**201 Church Ave; 216.-2-27.12& 216.-2-25**

**Site Plan Review/Special Use Permit – new 5200 square foot restaurant [CONCEPT]**

Jonathan Lapper, Esq BARTLETT, PONTIFF, STEWART & RHODES, P.C., Steve Wilson, Bohler Engineering, Scott Buckley and Sandra Martel, McDonald's Corporation was present.

Mr. Lapper stated their last plan submitted was not received that well and have made changes to the architecture and the site plan to accommodate the town's design standards.

Mr. Wilson stated the biggest change is rotating the building 90 degrees and moved 20' east from road and the site.

### **ACCESS**

The current access moved south to get away from the new signalized intersection associated with Wal-Mart. Proposed is a right turn in only to the site, from there, the customer has the choice of entering the drive-thru lane as referred to a side-by-side – it improves site efficiency, cuts down on queuing time, stacking and customers move through much quicker than having a single ordering window. If people choose to bypass, they can circle around the drive-thru lane and park or use the exit onto Church Ave or circle back through and exit through the site into the Wal-Mart development.

Currently there are 62 parking spaces on the site and with improving the site efficiency and land exchange are now at 72 parking spaces for the proposed development.

The site will be completely redone with new lighting, landscaping, pavement and building; the site will look totally different and quite an investment will be made into the property.

## **BUILDING**

The applicant looked at the town's design standards and tried to balance McDonald's needs for certain brand associated with this store and try to incorporate neo traditional design elements that are included in the town's design standards. The proposed building will be redbrick; parapets will be red brick and flat roof on all four sides. The play place is located in the front of the proposed building with stone on the front.

Mr. Cwalinski asked where the HVAC equipment located is. Mr. Wilson stated it's located on the rooftop and screened from public view.

Mr. Shorey stated the plan shows 75 parking spaces not 72.

Chairman Doyle asked if the yellow over the doorways and canopies could be changed to white. Mr. VanVorst said it does not matter to him at all. Mr. Fischer stated it is McDonald's and it's their branding and signage. Mr. Cwalinski asked if there are alternate designs that are built. Mr. Wilson said there are certainly a lot of designs they build, but this is the preferred model and incorporated the town's design standards into it.

Mr. Shorey does not object to what he sees in the illustrations, what he questions is the proposed signage table (14 sq. ft. table shows 4.3) and the signs look fine, but see some errors. Proposed monument labeled (C) should be (D); there is some mislabeling on the drawing.

Mr. Cwalinski stated he would like to see something with a more New England flair to it; similar to Stewart's and Dunkin Donuts. Ms. Matias stated it's a box with a funny thing on the top. Ms. Serra stated it's considered an arch.

Ms. Matias stated it's certainly an improvement from the existing McDonald's.

Chairman Doyle stated what is shown is very basic and recommended the applicant to look at Dunkin Donuts and Stewart's (portico, patio, dormers and stone pillars). Mr. Wilson stated it's not out of the question, but a big change to the building style and design. Mr. Wilson asked where specifically this building not meets the town's design standards and does not say you have to have gables. Chairman Doyle said, "We are trying to make it look like what is out there". Mr. Maher stated to continue a theme being established in that corridor. Mr. Lapper

stated he does not think the applicant can come back with gables, but will talk to their client and see what we can do to improve this. Mr. Reilly stated that if the applicant is going to make any changes, C. T. Male will look at the architectural conditions that comply with the guidelines. Mr. Reilly asked whether you (the applicant) want C. T. Male to review at this point or wait for a subsequent submission; they have suggestions that are very useful. Mr. Lapper is hopeful to make a submission very quickly for the December meeting and have a public hearing. Ms. Serra stated the design standards have been around since 2006 and the board knows what works and what doesn't and agrees that the board seems to be looking at the roofline as being an issue. When you look at design standards, canopies and materials will be discussed.

Mr. VanVorst stated that question 17-A of the EAF was not answered.

Application tabled.

### **NEW BUSINESS**

**Carolyn Lee, James, P. and John Cromie**

**NYS Route 67; 257.-1-4.11**

**Site Plan Review – create a 20+ acre lot and a 25+ acre lot**

John Cromie presented.

The applicant is proposing to create a 25± acre parcel and a 20± acre parcel from an existing 45± acre parcel. The perc tests have been complete for each parcel. The applicant stated there will be no further subdivision.

Mr. Cwalinski asked what the #2 in the circle signifies. Mr. Cromie stated this is a parcel of land that is owned by Wayne McCormack, which fronts on Middleline Road and had gone through a subdivision and that was parcel #2 of that subdivision.

The applicant has permits from ACOE and NYSDEC to cross the wetlands.

Ms. Kotkoskie stated Note #7 on the SWPPP would have to be modified to a cumulative count for the acreage between the two parcels. "If cumulative soil disturbances across all lots of the minor subdivision exceed one acre, a SWPPP prepared in acceptance with NYSDEC requirements...etc." Ms. Kotkoskie provided the specific language to Mr. Cromie.



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

No one wished to speak

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

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

**MOTION:** Mr. Maher made the motion that the subdivision of lands as depicted on map 16-22-15A dated July 21, 2016 be approved with the revised note 7 as discussed and one thousand dollar park and rec fees payable at issuance of building permit. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

**David Little and Susan DeSimone**

**66 Westside Drive; 257.12-25.11, 2-6, 2-7, 2-8**

**Site Plan Review – combine four lots to create one new single-family building lot**

Susan DeSimone, David Little and Amanda Little were present.

The proposal is to place fill to raise the grade where the home will be constructed to above flood plain level. A gravity feed septic system is proposed for the site and a couple of test pits have been performed, but if needed would bring in fill over the winter and perc in the spring and confirm the design shown on the plans.

Mr. Shorey asked for more information on the proposed septic system. Ms. DeSimone stated they meet the separation distances of the proposed leach field shown and bring in soil to show that it percs at the number that was assumed per the design calculations. Ms. Serra is comfortable with the approach because there is extra land if something does happen and could decrease the footprint.

Chairman Doyle opened the public hearing at 8:56 p.m.

**David Pierce, 110 Lake Road** asked the size of the lot. The lot is a total of 1.19 acres.

Chairman Doyle closed the public hearing at 8:51 p.m.

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

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

**MOTION:** Mr. Maher made a motion of the site plan depicted on map 06-17-14C by VanGuilder Land Surveyor dated September 16, 2016 be approved. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

### **Eagleton, LLC**

**1 Charlton Road; 239.-1-47**

**Site Plan Review – two flex space building totaling 15,000 sq. ft.**

Scott Lansing, PE, Russ Metzger and Jared Phillips with Saratoga Custom Cabinetry were present.

The proposed project is owned by Eagleton, LLC. Mr. Lansing introduced Saratoga Custom Cabinetry as a potential tenant who is interested in occupying a portion of the building space if approved.

The project site is located at the intersection of Charlton Road and NYS Route 50. The project site consists of one parcel having a total area of approximately 1.47 acres. The site is currently occupied by an existing one story commercial/retail building and existing shed. The parcel is located within the Business Highway-2 Zoning District.

The 1.47± acre site consists of an existing one story commercial/retail structure, an existing two car metal garage a parking lot.

The proposed project includes the demolition of the existing commercial/retail building and garage and the development of a single story 5,000 sf. and a single story 10,000 sf flex space consisting of office/retail and warehouse.

The proposed flex space will be for multiple tenants containing a storage area and a separate office/retail area. The storage area will be accessed by 12' wide overhead doors within the rear of the buildings where large box trucks will park and remain out of the access isles of the proposed parking lot to unload equipment/products as needed. A separate office/retail area will be located within the front of the buildings accessed by a vestibule/entrance in the front of the building as well as an access door from the proposed storage area. Parking is proposed behind the main buildings to accommodate employees and customers. A double dumpster will be located in the back of the parking area to be accessed by a garbage truck.

Access to the site is proposed from a proposed curb cut on Charlton Road.

Building mounted signs are proposed along the front of the buildings are required for each tenant and each sign will be in accordance with the Town code.

The proposed site development will include one entrance and allow access to both structures. The parking area will contain 21 parking spaces (2 handicapped spaces) for employees and customers. An additional nine (9) parking spaces will be located directly behind the overhead doors as temporary employee parking.

The proposed development proposes two individual service connections for each of the proposed buildings. The proposed buildings will be sprinklered and the connections for the proposed buildings will utilize a new 6" water service from the water main located along Charlton Road. An individual wastewater treatment system is proposed until the extension of a public system is available and will consist of grinder pumps, a septic tank, a distribution box and infiltration chambers.

The stormwater runoff from the proposed site will be collected on-site using a small network of storm pipes and catch basins that convey stormwater to a proposed subsurface detention system. The greenspace proposed is approximately 36 %.

A further discussion was held on lighting for the proposed project.

Mr. Fischer and Ms. Matias stated the project is a great asset to the town.

Mr. VanVorst asked if the proposed building is one story. Mr. Lansing stated yes.

Chairman Doyle opened the public hearing at 9:10 p.m.

**Tom Shambo, 14 Charlton Road** asked the hours of operation. Mr. Phillips stated 7:00 a.m. to 4:00 p.m. Mr. Shambo asked if there will be a dust system and will not hear humming from the outside. Mr. Shambo asked if the joiners will be heard outside. Mr. Phillips stated no, it's impossible.

**Greg Bradtke, 20 Charlton Road** stated it sound like the tenants in this building are very low volume and wanted to let the board know that the Burnt Hills Fire District conducted a 11 year call volume study and the second highest call volume is located at the intersection of Charlton Road and Outlet Road and 70 percent of call in that area are traffic accidents. There was a four car accident there tonight.

**Carl Thurneau 12 Woodside Drive stated** that Mr. Bradtke is right that the two main intersections in the Town of Ballston are Outlet Road and Lakehill Road and we all know about Mr. Thurneau's concerns at Lakehill Road and NYS Route 50. The Planning Board has got to start looking at traffic patterns.

Chairman Doyle adjourned the public hearing at 9:20 p.m. until the next presentation.

Chairman Doyle recommended the applicant clean up some of the items that still need to be addressed and have the applicant return for the December 21, 2016 Planning Board meeting.

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

**CARRIED.**

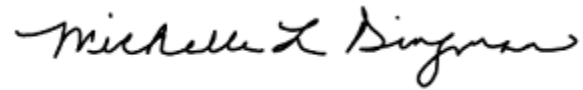
The Planning Board granted concept approval to the applicant.

Application tabled.

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

Meeting adjourned at 9:36 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michelle L Dingman".

Michelle L Dingman  
Planning Board Secretary