

**TOWN OF BALLSTON
PLANNING BOARD**

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

Absent: Daniel Shorey, 1st Alternate

Chairman Doyle called the December 21, 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 November 30, 2016 meeting minutes.

MOTION: Mr. Fischer made a motion to approve the November 30, 2016 minutes as written. Mr. Maher seconded the motion. Mr. DiPasquale abstained as he was not present at the November 30, 2016 meeting. **CARRIED.**

OLD BUSINESS:

Thomas Benuscak
Goode Street, Burnt Hills, NY 12027; 238.-1-39.2
Major Subdivision – 12-lot subdivision

Paul Olund with EDP was present on behalf of the applicant.

Mr. Olund stated this project was approved and given a conditional approval upon seeking DOH approvals at the June 29, 2016 Planning Board meeting. The applicant is continuing to seek

that and has had recent correspondence with DOH and believes next week they he will be performing more test pits and are now requesting a 90-day extension.

Mr. DiPasquale asked if the subdivision is following through with wells and septic systems. Mr. Olund stated yes, but is working with the Town Board on pursuing the possibility of municipal water for the project. Mr. Fischer stated that is in the Ag District and this is causing a lot of controversy. Mr. Olund stated that is one of the issues. Mr. DiPasquale stated this board approved the project based on on-site wells and on-site septic systems. Mr. Olund stated yes. Ms. Serra stated the project was approved with on-site wells and if the Town Board was to approve municipal water, the density would not change. Mr. Olund stated that is correct; layout to remain the same. Mr. Olund stated nothing on the drawing has changed. Mr. DiPasquale asked about the delay. Mr. Olund stated we (the applicant) have to have DOH approval as a Major Realty Subdivision to approval the locations of the septic systems for the project.

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

CARRIED

MOTION: Mr. VanVorst motioned to declare the 90-day extension approval as an unlisted action under the SEQR process and therefore will declare a Negative Declaration under the SEQR process Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Maher made a motion to grant the 90-day extension of the conditional final approval. 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.

Jason Dell, P.E., with Lansing Engineering presented.

The project site is located at the intersection of Charlton Road and NYS Route 50 in the Business Highway-2 Zoning District.

The applicant is proposing to demolish the existing structures to allow for the construction of a 5000 sf. and a 10,000 sf. one-story flex buildings. The renderings have been provided to the board.

The access into the space will be by the one curb cut off Charlton Road and parking in the rear of the building. The water will be extended into the site and sewer service will be provided to the site via an on-site septic system located at the front of the site (east side). The storm water will be managed on site in accordance with the state regulations.

The preliminary engineering plans have been submitted and responded to C. T. Male's comments; last week received two more minor and technical in nature comments that have been addressed.

Chairman Doyle asked the applicant to explain the proposed underground storage although it meets the standards of a 10 year storm, it does not meet the 100 year storm; there is a concern of ponding. Mr. Dell stated the applicant is proposing a sub-surface storm water storage and treatment system within the parking area and designed to mitigate storm events up-to and including the 100 year storm event and there will be some temporary ponding within the parking area for the 100 year storm event. Mr. Dell stated that they responded back to C. T. Male's comments that there will be approximately 3" of ponding within this parking lot during the peak of a 100 year storm event and will not spill off the site. Mr. Cwalinski asked how long it will take for those 3" to dissipate. Mr. Dell stated one minute to one hour; the system is designed to hold water back and slowly drain out of the site only during a 100 year storm event. Mr. Cwalinski asked the applicant if there is a desire to correct that. Mr. Dell stated it's really not an issue and would be a very temporary occurrence and a very rare occurrence.

Mr. DiPasquale asked about snow melting at the site. Mr. Dell stated when the snow melts, it will be also be accommodated by the storm water detention system. Mr. Fischer asked the location of where the snow would be banked. Mr. Dell stated if the snow were to become a nuisance, it would need to be hauled off-site.

Mr. DiPasquale asked if the prior approval for this site is being rescinded. Mr. Dell stated the applicant is seeking approval for the project in front of the board. Mr. Dell stated that prior approval for the garden center and single-family dwelling can be rescinded.

Ms. Kotkoskie stated at the previous meeting Mr. Lansing is aware that they (the applicant) are going to maintain and operate underground devices for storm water and there will be Storm Water Maintenance Agreement. Chairman Doyle stated that Lansing Engineering has agreed

with the Storm Water Maintenance Agreement. Mr. Dell stated that is correct. If the board concurs, we could have two conditional requirements.

1. Permits and Maintenance Agreement signed with the Town.
2. Conditional approval with C. T. Male taking care of the last remaining items.

MOTION: Mr. Cwalinski made a motion to rescind the approval for the garden center and single-family dwelling. Mr. VanVorst seconded the motion and all present voted in favor.
CARRIED.

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

Julie Duchesne, 1157 NYS Route 50 and also owner of 11 Charlton Road. Ms. Duchesne has a concern of the height of the retaining wall and fence. The proposed lighting will be wall packs on the building and no lights in the parking lot.

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

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

Mr. Cwalinski asked about the design waiver for the sloped roof.

MOTION: Mr. Cwalinski made a motion for the conditional approval for Eagleton, LLC- Mircoflex Space-Site Plan on the drawing dated November 16, 2016 subject to the resolution of the C. T. Male comments, signature for Storm Water Maintenance Agreement and subject to the waiver for the sloped roof. Mr. Fischer seconded the motion and all present voted in favor.
CARRIED.

Brooks Heritage, LLC

Abele Woods; 249.-3-22, 23, 25, 33

Major Subdivision/Site Plan Review

123 Single-family homes, 22 twin-townhomes, 60 multi-family apartment units

Thomas A. Shepardson, Esq., Whiteman Osterman & Hanna, LLP, Geoff Brooks, and Jason Dell, P.E. were present.

Since the last PB meetings in October we have met with SHPO, NYSDEC and ACOE resulting in one minor change to the subdivision (the checkered area as shown on the map) is the avoidance area. Mr. Shepardson stated SHPO asked the applicant to shift the lot line approximately 3' away from that avoidance area. The applicant is in agreement and the revised plans have been submitted to accommodate that very minor change. Mr. Shepardson stated with that minor change, SHPO has issued a letter signing off on the project and are in agreement with it. Mr. Shepardson stated with the SHPO approving the project, NYSDEC issued a Water Quality Certification. The applicant has been working diligently with the ACOE providing a copy of the plans from the request of the C. T. Male comment letter dated October 24, 2016. The ACOE has consulted with The Native American Tribes. There are four of them; three of the four have signed off and are o.k. with the project; one asked for additional consultation. The applicant provided a report. The ACOE is in the process of circulating a Memorandum of Agreement (MOA) between us (the applicant), ACOE, NYSDEC, SHPO and the four tribes.

Mr. Shepardson stated C. T. Male's comment letter dated October 24, 2016 called for some changes in design of the roads; not that the roads are changing, but the way the roads are being constructed would require additional detail. Lansing Engineering has provided that information to the board. Mr. Shepardson stated the applicant has completed everything that was in the C. T. Male letter for final conditional approval except for a final technical engineering design of the retaining walls. Mr. Shepardson feels everything is in place at this time. Mr. Brooks stated we (the applicant) has spent a little over a year that had the franchise for the retaining walls; that company has lost that franchise right and now a company in New Hampshire has the rights in New York State. They took initial development work and brought to their engineer and were willing to crunch through and give the board some data with the roads that are going to cross the ACOE wetlands and are very close to getting it done and should have this information completed very soon.

Chairman Doyle asked how the avoidance area will be handled. Mr. Shepardson stated parts of the MOA are a declaration that will restrict any access to wetlands, avoidance area and the archeological site. Chairman Doyle asked if a fence will be erected. Mr. Shepardson stated it's not just part of any lot. Mr. Brooks stated that SHPO or the Native American Tribe asked for an enclosure.

Mr. Shepardson stated that the applicant is requesting a 180 day extension for the project. The board concurs with the applicant's request.

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

CARRIED

MOTION: Mr. Cwalinski motioned to declare the 180 day extension or the preliminary design approval as an unlisted action under the SEQR process and therefore will declare a Negative Declaration under the SEQR process for the 180 day extension. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Maher made a motion to grant a 180 extension of the preliminary design approval for the Abele Woods Subdivision. Mr. Fischer seconded the motion and all present voted in favor. **CARRIED.**

Nick Paravalos

800 NYS Route 50; 257.14-1-45

Special Use Permit

Nick Paravalos presented.

The applicant is seeking a special use permit to sell 20 to 25 used cars at above said location.

Mr. Paravalos stated there is an existing office on-site previously used for gazebo sales.

Mr. Paravalos stated 60 parking spaces are currently being used at the site and 20 to 25 parking spaces will be used including the lawn to park the used cars. Mr. Paravalos stated the tenant; Mark McLenithan said he will only be selling newer used cars.

Chairman Doyle asked what type of lighting is proposed. Mr. Paravalos stated he would like to put a fluorescent spotlight on the cars to be on for one or two hours after dark.

A further discussion was held on the gravel parking for the project.

Mr. Cwalinski stated he did not feel that a used car lot is good use for this section of town. This is a Town Center, people come in and see it and a used car lot does not have that attractiveness as a retail center would. Mr. Cwalinski stated he did not think that it fits with our vision for the town.

A Further discussion was held on the access to the site.

Chairman Doyle stated that legislation is being prepared by the Town Board to not allow this type of business; right now it's allowed with a special use permit. Chairman Doyle stated under the new zoning it will not be allowed and there is no moratorium and wishes there were a moratorium, but the Town Board has not finalized on that. Chairman Doyle stated from the south side of the Tae Kwon Do building towards the north to Lakehill Road will be the Center Business District for the Town of Ballston and there will be another one at the north end. Chairman Doyle stated that the Town Board is not looking to have a used car lot in this area and we have other places for used cars lots. The Town of Glenville has several used car businesses. Chairman Doyle stated we (the town) did not want that in our business district. Chairman Doyle stated Glenville does not have any car lots near the food chains and have selected other areas for car lots. Chairman Doyle said, "This just doesn't fit into the overall plan that the Town Board has for the particular area. Chairman Doyle stated there are used car lots in the northern part of the town and the Town does not want used car lots in the center of the Town. Chairman Doyle stated it presents a traffic problem at the site. There are presently three entrances; two on the north and 229' of frontage and cuts down on the horizontal visibility for vehicles coming out of the lower entrance. Chairman Doyle said, "we would be happy if you (the applicant) would just take and add onto your store another 150'."

Mr. Paravolos said, "if ten cars were put here five cars on the bottom, tens cars on the top and eight cars up here, will not bother anyone's view or the quality of the area." Mr. Paravolos stated if he does not do any business in that area, he cannot pay his taxes; taxes are too high. Mr. Paravalos stated it's a mixed-use property and have to allow him the special use permit. Chairman Doyle stated there is no town tax in the Town of Ballston.

Mr. Cwalinski asked if a tractor trailer will haul cars to the site. Mr. Paravlos stated cars will be driven to the site.

Mr. Reilly stated the site plan needs more engineering including a lighting plan, parking, and signage.

A further discussion was held on the proposed signage.

Mr. Maher stated we (the board) are cognizant that this is an allowed use in this district with a special use permit, but as a Planning Board we are looking at what we (the town) are planning for that district or that area of the Town going forward. Mr. Maher stated that is really not what we (the Town) are looking for and all the changes are pending with the Town Board, but are looking forward into the future and is not what we (the Town) want for the Town Center.

Mr. VanVorst stated he would have a hard time approving a use when it has been made clear by the Town Board that they want to zone this to prohibit this use; so it was to be approved for a temporary period of time would not have a problem, but if this is going to be a long term use, does not see a practical solution.

Mr. Fischer asked if the board can approve this conditionally for one year.

Mr. Reilly stated the site plan needs more engineering and does not think the board can put a timeframe on a special use permit. Mr. Fischer stated perhaps the board could table the application because there are a lot of things that need to be taken into consideration.

Mr. DiPasquale asked for a plan that clearly shows what is existing, what's proposed and exactly how many cars are being proposed. Mr. DiPasquale stated there is not enough information in front of him to make a good decision tonight.

Ms. Serra stated remember what the board went through with the car lot on NYS Route 67 as to the number of cars that could be parked there; the Planning Board brought them back and now it's more attractive, fits with that character and have restrictions for the number of cars relative to parking towards the road. Ms. Serra asked if this would be something the board would consider moving forward with this applicant and feels was successful on the other side of town in the mixed-use zone. Ms. Serra stated that site layouts needs to be restricted maybe backing up off the road, restrict the number of cars, restrict signage, and restrict banners not flying all hours of the day in a very similar zone.

Chairman Doyle stated more information is needed as stated by Mr. Reilly; define the size of the sign and how many cars. Chairman Doyle stated at best restriction will be made about washing cars outside and certainly cannot wash cars during the winter, no repairs on cars and can only have (X) number of cars. Chairman Doyle stated that he does not feel it fits the town plan and encourage the applicant to build a larger store.

A further discussion was held on the number of parking spaces at the site.

Mr. Cwalinski stated we are trying to create a home town feel here and this just does not fit.

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

Laura Garrison, potential tenant stated we are a start-up business, which has three entrances and does not know how much traffic is going to be coming in and out for these used cars. That café is open seven days a week, there is a barber shop, music shop and a nail salon and a lot

more pedestrian traffic of people getting their nails done, a haircut and having a snack, at the diner than coming to our used car lot. Ms. Garrison stated she is fine with the board adding stipulations to the special use permit for the used car lot. Ms. Garrison stated she signed a three year agreement with Mr. Paravlos and asked the board to give her a chance to operate the used car lot under a special use permit. Ms. Garrison stated that Smith's Automotive and Gils are located in the same zoning district. Chairman Doyle stated we (the board) do not want to put that used car lot in the same general area.

Chairman Doyle asked the applicant how many cars are proposed, what type of signage is proposed and what repair work will be done on site. Chairman Doyle stated we (the board) will tell you how many cars you can have. Ms. Garrison stated 15 cars; the sign is existing and no garages on site so repairs are performed on site.

The board concurs more information is needed and will table the application.

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

Al Russo, 795 NYS Route 50, owner of Tom's Barber Shop. Mr. Russo stated this proposal is located across the street from Tom's Barber Shop. Mr. Russo stated he was in front of the board several years ago and Mr. Paravalos stated he had a tenant that wants to do a barber shop, repair shop and sell used cars. Mr. Russo stated that he (Mr. Paravlos) has a used car there now. Mr. Russo stated there were problems with the smaller parking spaces and the usage of the building that were rented out. Mr. Russo stated that is a real big shed on the property being used as a temporary office. Mr. Russo stated that is a real big shed on the property being used as a temporary office. Mr. Russo asked if the applicant obtained a permit to put the shed up. Mr. Johnson stated the shed is valid for what he (the applicant) was doing for shed sales. Mr. Russo stated there is another shed with the letter "P" on it. Mr. Russo stated he went in front of the Planning Board so he could do his business, paid the engineer and did everything necessary to operate his business in the town. Mr. Russo stated he does not want to see shanty town in the middle of his community. Mr. Russo said, "Let him build an extension to the strip mall and put a garage in there and have a used car lot; brick and mortar he has to spend some money before you can make more money. It doesn't look right, you know it isn't right.

David Pierce, 110 Lake Road, commends the Town Planning Board for standing up for the Comprehensive Plan also referring back to the Town Board for the work the Town Board is doing on the zoning. Dr. Pierce stated that Mr. Doyle's comments wishing there was a moratorium and communication between the Town Board so may the Town Board would move

on the issue and be stuck with a presentation of a project that would be contrary of the zoning that is being proposed.

David Stern, 9 Currie Court said he hopes it's just not on the south side of town but the north side of town. There are several car dealerships that were approved on NYS Route 67. The Sunoco that sells cars, Coseos sells cars and does not hope Jim's Citgo starts to sell cars. They do have repair facilities. I hope that we (the board) are not talking about the south end of town, but also the north end as well and have another opportunity to get it right; we got it wrong. Hopefully the north can also be a community and an entry into Ballston and keep it residential.

Kim Kotkoskie stated the proposed changes are on the website on the front page; its public knowledge of what the Town's vision is going to be.

Chairman Doyle stated this is not a big secret and has been going on for some time. Chairman Doyle stated he wishes the Town Board would move faster and declare a moratorium because it is extremely difficult for the Planning Board and Zoning Board to operate under these conditions. The Planning Board is doing their best to enforce the new changes that are coming forth; we value your business in town and do not see how a used car lot fits in the center of our town. Chairman Doyle asked the applicant to provide how many cars the applicant will have, width of the parking spaces, what effect that has on traffic if any, explain that there will be no repair work on site and washing cars on site with an arrangement in the back of the building, tell us what the sign looks like, what the lighting will be, hours of operation and we certainly do not want lights on all night. Mr. Paravlos stated he has already explained in detail.

Mr. Fischer stated the hand written note was not professional and hard to understand. Mr. Fischer stated to go back to the drawing board and accept what is happening here tonight and move onto the next step. Mr. Fischer stated the board is going to table this application and move on.

Mr. Russo asked if a permit was provided for the shed that is there now. Mr. Johnson stated that he will look into the matter.

Mr. Reilly stated what needs to be submitted is a plan that shows parking spaces, blacktop and lighting and needs to be on a map and a site plan (engineered plan) that the board can approve.

Mr. Fischer stated if you come back with an information plan next month, you risk having this happen again. Chairman Doyle stated that a better job needs to be done on the narrative.

MOTION: Mr. Fischer made a motion to table the application. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

Application tabled.

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

Meeting adjourned at 9:10 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Michelle L Dingman". The signature is written in a cursive, flowing style.

Michelle L Dingman
Planning Board Secretary