

**TOWN OF BALLSTON
PLANNING BOARD**

Present: Jeffrey Cwalinski, Chairman
John VanVorst, Vice-Chairman
James Fischer
Patrick Maher
Audeliz Matias
Daniel Shorey
Nicole Rodgers, 1st Alternate
Kim Kotkoskie, Storm Water Management Officer
Peter Reilly, Esq.
Kathryn Serra, P.E.
Members of the General Public

Absent: James DiPasquale

Chairman Cwalinski called the February 22, 2017 meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Chairman Cwalinski reviewed the agenda.

Chairman Cwalinski stated that Brooks Heritage, LLC and Marc Desrosiers will not be here for the February 22, 2017 meeting.

Chairman Cwalinski stated starting at the March meeting, applications will be due three (3) weeks prior to the meeting; a detailed schedule is on the Town of Ballston website.

Chairman Cwalinski asked for corrections to the January 22, 2017 meeting minutes.

MOTION: Mr. VanVorst made a motion to approve the January 22, 2017 minutes as written. Mr. Maher seconded the motion. **CARRIED.**

OLD BUSINESS:

Zelindo Viscusi

20 Mourningkill Drive; 228.-3-36.1

Site Plan Review/Special Use Permit – 5 multiple dwelling, 8 units each

Luigi Palleschi with ABD Engineers and Surveyors and Zack Viscusi with Viscusi Builders presented.

Mr. Palleschi stated the applicant was before the board last month proposing to develop 40 apartment units called Silo Point. Proposed are five buildings, eight units per building and two stories in height totaling 40 units. Proposed are two curb cuts off of Mourningkill Drive. A total of 101 parking spaces provided in the rear of the buildings and with 21 banked parking spaces. Mr. Palleschi stated the site is designed for two paved parking spaces per unit and 21 parking spaces will be banked for future need. The applicant feels the requirement in this town of two and half parking spaces per unit is a little excessive.

Mr. Palleschi stated landscaping is proposed along Mourningkill Drive using foundation shrubs and street trees. A sidewalk is proposed along the front of Mourningkill Drive. Mr. Palleschi stated there are eight units per building and four entry doors on the front facing Mourningkill Drive and four entry doors on the backside. Sidewalks are proposed in-between the buildings so when residents park in the back, they can walk along the sidewalk to get to their front unit.

The site to be served by municipal water and sanitary sewer Mr. Palleschi stated that Grant Eaton with Saratoga County Sewer District #1 agreed to dedicate a portion of the 2" force main so other residents could tie into that sewer main.

Mr. Palleschi stated the site drains from the top of the site down. There are 1.5 acres of wetlands on the north and east side disturbing less and 1/10 of an acre on the east end of the parking area. The storm water would be conveyed to a closed piping system and to a bio retention system. The bio retention system is a dry system with a filter media and when it rains, it ponds to six inches high and then it filters through the soil media collected by under drains. The retention system is designed to meet green infrastructure practices and water quality goals to meet NYSDEC intent. The site is being designed for the 1 10 and 100 year peak

attenuation and a dry detention basin for any excess or overflow to accommodate the 100 year to hold it back and slowly release it back into the wetlands.

The applicant received a comment letter from C. T. Male and feels the comments are technical in nature and can be easily addressed and will not change the site in any way and if needed, they will address any comments this evening.

Mr. Cwalinski asked about the residents gaining access to the sewer system. Mr. Palleschi stated the main would be dedicated to SCSD#1 from the ROW up-to that sanitary manhole connection. The individual residents would have to install their own grinder pump station next to their home and a 1 ¼' line and make that direct path to the main that the applicant would install for their project.

Ms. Matias asked if the rendering received of the proposed façade of the building was the view from Mourningkill Drive and will all the buildings be the same. Mr. Palleschi stated the only difference on the NYS Route 50 side will be some steps due to the grade changes. Mr. Palleschi stated that is the latest rendering that has some good character jogs in 3D dimension, stone façade on the bottom with cedar shakes on the top half. Ms. Serra asked if all buildings will have the same façade. Mr. Palleschi stated yes, they will be identical with the same color scheme.

Ms. Serra asked if the applicant will have a Structural Engineer look at the existing silo. Mr. Palleschi stated the whole silo is concrete and has contacted Michael Kenneally, Structural Engineer to analyze the silo and to provide a letter to satisfy the board. The structural engineer evaluation will be a condition for final approval. Mr. Palleschi stated the applicant is proposing to modify the silo to make it look nice and some sort of painting will have to be done with the outside of the silo to make sure it keeps its structural integrity.

Mr. VanVorst stated the silo was used for storage of silage which is very acidic. There was a fire on the property years ago and the barn had burned down.

Mr. Maher asked if the applicant has engaged with the fire department regarding the fire access for the project. Mr. Maher stated the applicant feels the project meets code, but will be happy to site down the Fire Chief. Mr. Maher stated the comment letter from BFJ recommends a crash analysis. Mr. Palleschi stated he made a call to Saratoga County Sherriff's Department

to see what they have on record. It was also mentioned that the number of apartments and subsequent traffic flow was too small to require the awkward geometry of the roads to be addressed.

Mr. VanVorst stated that Agriculture was not marked on question #4 of the EAF and has indicated that livestock are located on the west side of Mourningkill Drive.

Ms. Matias asked if signage is proposed to warn people of the wetlands on the property. Mr. Palleschi stated the applicant did not propose anything; foot traffic can go in the wetlands, but is not encouraged.

Chairman Cwalinski opened the public hearing at 7:53 p.m.

David Pierce asked the size and rent for the proposed apartments. Mr. Viscusi stated proposed apartments are 1,000 square feet and rents proposed are \$1,250.00 to \$1,440.00 per month averaging \$1,300.00 per month.

Kevin Draina stated it's his understanding that this parcel lies in the NYS Ag District and was brought up by the previous Planning Board Chairman, Richard Doyle. Mr. Draina asked has this been brought before Ag and Markets. Mr. Draina stated the town is involved in a couple other legal issues toward similar projects in the Ag District. Ms. Serra asked the applicant to confirm whether this parcel is located in the Ag District. Mr. Palleschi stated the applicant will check into that.

Chairman Cwalinski adjourned the public hearing for tonight at 7:56 p.m.

Mr. Palleschi stated the applicant needs to address C. T. Male's comments, letter from Structural Engineer for silo, check if parcel in the Ag District and correcting question #3 of the EAF.

The applicant asked the board if they could grant preliminary approval for the project. Chairman Cwalinski stated he did not think the board could grant preliminary approval without a SEQR determination. The standard archaeological paperwork will also be needed.

Application tabled.

Don Dudley

933 NYS Route 50; 248.-2-18.1

Special Use Permit – Tennis Court and Parking Area

Don Dudley with Don Dudley Tennis Foundation was present along with Jennifer Dudley, Jeff and Louise King.

Mr. Dudley stated he came before the Planning Board a few years ago with initial concepts of what the tennis foundation wanted to do on this parcel. The foundation was formed in September 2011 after the death of his son from a car crash. His son was an avid tennis player and one of the top juniors in the area at the time and this is a tribute and honor to him. Mr. Dudley stated their goal is to provide tennis to other kids in the area that normally would not be able to afford to take lessons.

The initial concept was to put indoor and outdoor tennis courts at the site, but the cost of indoor tennis courts is relatively high and the board has decided to construct one single outdoor court on the north western side of the parcel.

The applicant proposes a curb cut off of NYS Route 50, a small parking area with eight parking spaces which will include one handi-cap space. The area between the parking lot and tennis court will be green space. The proposed tennis court is 75' x 130'.

The applicant proposes a 4x8 (32sf.) sign similar to what exists at the site, which meets all the required setbacks.

A 5' to 6' light post is proposed in the parking area and to the entrance of the proposed tennis court.

A porta-john is proposed on the southern side of the parcel.

The total project will disturb only a third to a half acre.

Mr. VanVorst asked if any sort of walkway would be constructed between the parking area and tennis court. Mr. Dudley stated that area will be grass. Mr. VanVorst asked if that is acceptable

for handi-cap access for ADA compliance. Mr. Dudley stated there is a path to the northern side that can be used as a roadway to get access into the back, which will be more dirt than grass.

The applicant is proposing a 12' fence around the tennis court and will be locked. A sign indicating the hours of operation proposed at 8:00 a.m. to 9:00 p.m. or until dark.

Mr. Cwalinski asked if the applicant will be pursuing their previous plans. Mr. Dudley stated their intention at some point is to pursue their previous plans and build some indoor tennis courts towards the east side of the parcel. The foundation has fundraising events on Memorial Day and this would be another revenue stream to help move the project forward.

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

Patrick Burke stated he is concerned how far back the tennis court would be on the parcel. Mr. Burke stated when he bought the property it was all woods and little noise. Mr. Burke has recommended some type of green barrier. Mr. Burke asked the height of the proposed fence. Mr. Dudley stated 12'. Mr. Burke had a concern for the proposed lighting.

A further discussion was held on the setbacks. Mr. Dudley stated from the northern boundary to the tennis court is approximately 30' from the northern boundary and 15' from the back corner. The applicant is proposing to clear trees on the west side. A further discussion was held on whether a grass pathway from the parking lot to the proposed tennis courts meets code.

Chairman Cwalinski closed the public hearing at 8:20 p.m.

Chairman Cwalinski read through the four (4) criteria for a special use permit.

- 1) The use shall be 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 concurred there were 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 concurred there were no issues.

- 3) The location and height of the 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 concurred there were no issues.
- 4) The public convenience and welfare will be substantially served and appropriate use of neighboring property will not be substantially permanently injured, subject to appropriate conditions and safeguards as determined necessary to promote the public health, safety and welfare. The board concurred there were no issues.

Chairman Cwalinski stated a stipulation will be added to the motion not to cut any trees down along the northern boundary. Mr. Fischer stated from a construction standpoint if there were trees close to the footprint of the tennis court and roots going underneath would have to be concerned of the future root growth underneath the proposed tennis court. The applicant will need to excavate down enough for the sub base and not have any concern from roots from the large trees that are adjacent. Mr. Fischer stated the adjacent landowner has the option to plant trees along his side of the property line. Chairman Cwalinski stated that Saratoga County Soil and Water Conservation District is having their spring tree sale. Mr. Fischer stated that trees are a benefit and used as a wind breaker especially to the west side.

Mr. VanVorst stated page 4 of the EAF was not checked agriculture. Chairman Cwalinski stated that #14 is not completed and should be agriculture grasslands.

Chairman Cwalinski asked if the board has reviewed the 11 questions of the SEQR form. The board is satisfied and concurs there is no impact.

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. VanVorst motioned to declare this an **Unlisted Action** under the SEQR process therefore will declare this a Negative Declaration under the SEQR process. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. VanVorst made a motion to grant the Special Use Permit for Don Dudley Tennis Foundation located at 933 NYS Route 50; 248.-2-18.1 subject to no lighting in the tennis courts and corrections of pages #4 and #14 of the EAF. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

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

Meeting adjourned at 8:30 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