

**TOWN OF BALLSTON  
PLANNING BOARD**

**Monthly Meeting: September 27, 2017**

Present: Jeffrey Cwalinski, Chairman  
James DiPasquale  
Patrick Maher  
Audeliz Matias  
John VanVorst  
Daniel Shorey  
Nicole Rodgers, 1<sup>st</sup> Alternate  
Brian Theriault, Building Inspector  
Sophia Marruso, Senior Planning/Storm Water Management Officer  
Peter Reilly, Esq.  
Kathryn Serra, P.E.  
Members of the General Public

ABSENT: James Fischer  
Laura Muschott, 2<sup>nd</sup> Alternate

Chairman Cwalinski called the September 27, 2017 meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Chairman Cwalinski reviewed the agenda.

Chairman Cwalinski asked for corrections to the August 30, 2017 minutes.

Page 7 paragraphs 8, change "so" to "or", page 21 second paragraph add "not" after "Town Water is...."

**MOTION:** Mr. VanVorst made a motion to approve the August 30, 2017 minutes as amended. All members voted in favor; Ms. Rodgers abstained – was not present at August 30, 2017 meeting. **CARRIED.**

**OLD BUSINESS:**

**Mark Katz**

**NYS Route 50; 239.-1-1**

**Sketch Plan Conference – PUDD Workshop**

Jason Dell, PE with Lansing Engineering, Mary Beth Slevin, Esq. and Mark Katz were present.

Mr. Dell stated the last time the applicant was in front of the Board, there were discussions regarding the PUDD language as well as public benefit. Based upon the input from the Board as well as a follow-up meeting with Ms. Marusso, Senior Planner and Ms. Serra, PE did provide a revised PUDD language as well as a letter detailing the public benefit and the cost associated with the dry line 4" force main.

Mr. Dell stated the applicant's goal is to request from this Board a positive recommendation back to the Town Board.

Mr. Dell stated Mr. DiPasquale requested the applicant provide a letter to the Board detailing the cost associated with extending the 6" force main. Mr. Dell stated that letter was provided to the Board.

Mr. Dell stated he worked the letter with Ms. Serra and came up with a number that we both felt was reasonable; \$143.00 a foot totaling \$1,942.00 per unit to install the additional 6" force main up NYS Route 50.

Mr. Dell stated other rather significant comments were with the drainage and who was responsible for it and did include a couple of paragraphs and broke that out in the language.

Mr. Dell the other concern was signage. Mr. Dell stated he had a discussion with Ms. Marruso as well as detailed language in the PUDD pertaining to signage.

Mr. Dell stated other more minor items that were talked about have been put into the PUDD language with respect to live entertainment and the times associated with that.

Mr. Dell recommended opening up discussions with the Board hoping of getting a Positive Declaration back to the Town Board.

Mr. Maher asked the applicant if there is a way to put some restrictions to make it acoustic type of music and does not know what type of music is planned.

Mr. Katz said, "Something like Carney's."

Chairman Cwalinski stated the Board's concern is amplified music; when the Board say's entertainment, acoustical is fine, but nothing amplified; no electronics and does not want to see a guy with an electric guitar.

Mr. Katz said, "Don't we have to stay under sound regulations."

Mr. Maher stated there is a noise ordinance.

Chairman Cwalinski stated there is a noise ordinance, but enforcement is problematic.

Mr. Maher asked the applicant is he would be agreeable with a stipulation.

Chairman Cwalinski stated the Board would like a stipulation that there be no electronics, no amplified noise and no amplified music. Chairman Cwalinski said, "You can have a man there singing and strumming a guitar is fine with the Board."

Chairman Cwalinski stated the other issue was the days of the week, which the Board allowed until 10:30 p.m. Chairman Cwalinski stated 10:30 p.m. on a Sunday is undesirable because people have to get up and go to work the next day.

Mr. Katz stated if it is a restaurant, it could be limited without an amplifier.

Mr. DiPasquale asked if this would be indoor or outdoor entertainment.

Chairman Cwalinski stated we are talking about outdoor entertainment.

Chairman Cwalinski stated indoor the applicant is pretty much free to do as you wish.

Ms. Serra stated right now it states that outdoor live entertainment shall cease; outside live entertainment shall only be acoustic (is a simple thing to add).

Chairman Cwalinski stated he would like to add the words “non-amplified.”

Mr. Katz said, ‘That is just outside.’

Ms. Serra stated the only restrictions are on the time of the day on the outside entertainment. Technically, as long as long as it doesn’t get so loud that it does not spill over the property line, but really this is for outside.

Mr. VanVorst stated the Board would not want to have indoor entertainment with outside speakers either.

Chairman Cwalinski stated that falls under the “non-amplified.”

Mr. DiPasquale stated the tenants upstairs will be complaining too.

Mr. Katz stated that is fine if it is not amplified.

Ms. Serra stated the one technical comment regarding the restrictions.

2. Section 6C (1): This section describes the 3-story flex space, however, does not specify what floors will contain which uses. The applicant has presented the plan that that the first floor will consist of retail/office and the top two floors will be apartments; however this is not reflected in the PUDD legislation.

Chairman Cwalinski asked that the zoning be revised to specify the first floor be commercial/retail and floors 2 and 3 would be apartments.

Mr. Katz agreed to the Board recommendation.

Chairman Cwalinski asked the rationale for changing the signs making it 2sf. Chairman Cwalinski stated 2sf of sign per linear foot of building believes the Town’s zoning was .65 sf.

Chairman Cwalinski stated the 2sf is an increase over the existing .65sf.

Ms. Marruso stated the 2sf is summarized in the table on page 4 (as shown below)

- ○ “Monument” added as a permitted sign type; appropriate and consistent with elevated design standards
- ○ PUDD proposes additional permanent signage to permit additional directory signage; seems appropriate to consider off of Route 50 frontage
- ○ Maximum sign area for freestanding signs 2x the size allowed in Business Highway; Planning Board should determine if this is excessive ✦ Consider if freestanding signs might identify multiple tenants on the commercial portion
- 
- ○ Maximum sign area for walls signs 2x the size allowed in Business Highway; Planning Board should determine if this is appropriate ✦ The cumulative increase of sign area between additional proposed wall and freestanding signs may not be consistent with the neighborhood. Planning Board should evaluate the additional proposed signage.
- 
- 

<b>Sign Code</b>	<b>Business Highway</b>	<b>Katz PUDD</b>
Permitted Sign Types	<i>Same as BH</i>	
Principal site ID signs	<i>Same as BH</i>	
Total area of signage associated with any one business or one site	<i>Area doesn't exceed .65 SF / linear foot of building or 400 SF, whichever is less</i>	<i>Area doesn't exceed 2 SF / linear foot of building</i>
Multiple permanent signs	<i>2 freestanding permitted with 100 ft separation</i>	<i>2 freestanding / monument with 100 ft separation</i>
	<i>2 additional freestanding/ monument signs in Area C- mixed use building</i>	
	<i>Freestanding/ monument signs can't exceed 150 SF or 75 SF per sign</i>	
	<i>Signs to be located at parking entrances, sides/rear of building- not on Route 50</i>	
Freestanding signs	<i>12' max height; 32 SF max sign area</i>	<i>12' max height; 75 SF max sign area</i>
Wall signs	<i>Area doesn't exceed 1 SF / linear foot of building or 300 SF, whichever is less. No sign to exceed 150 SF.</i>	<i>Area doesn't exceed 2 SF / linear foot of building. No sign to exceed 150 SF.</i>
Window signs	<i>Same as BH</i>	
Sign lighting	<i>Same as BH</i>	

Ms. Marruso stated her biggest comment was this was located in the Business Highway and would generally mean different areas of signage allowed.

Mr. Katz stated it's similar to the Price Chopper located in the Town of Malta; a sign would be located on NYS Route 50 and then go around the back and have to same sign to see which building to enter; that is a lot of signage. Mr. Katz stated you would need a sign on the road, a sign on the building and signs on the backside. Mr. Katz stated a sign size of 2' x 8' totaling 16sf.

Ms. Marruso stated that was one of the considerations that the Planning Board should weigh on whether or not the signage area allocated for multi-tenant signage and then dividing by tenant.

Mr. DiPasquale stated it's really difficult to make a good decision just knowing the issues of getting in off of NYS Route 50 into the complex and identifying the different areas; can see it can be a challenge.

Mr. DiPasquale stated if other members think it's critical, it could get a handle on the size proposed (2' x 8').

Mr. Theriault stated 2'x 8' to make a common sign plan.

Ms. Serra stated there are restrictions on one sign can be a certain size.

Chairman Cwalinski stated the next thing Ms. Marruso addressed was section 6(D) and 6(E), which still gives the Board the discretionary authority considering permitted uses. Mr. Cwalinski said, "What I think this Board would like is, you (the applicant) tell us exactly what you want and will put it in the zoning." If something should change, come back and get the law amended. Chairman Cwalinski said, "This is what you (the applicant) intend to have and that is it; don't give us the authority to or discretion to approve something else. If you want something other than what is in there, you can amend the law and come back."

Mr. Maher stated in essence, eliminate section 6 (D) and 6 (E).

Ms. Marruso stated she had two separate suggestions that the PUDD may contain an Appendix showing specific portions of roadways designed to be dedicated to the Town or to remain private.

Chairman Cwalinski stated the Planning Board is not the Town Board that approves public benefit.

Mr. Reilly concurs, it is part of the recommendation to the Town Board who has the consideration as to if it satisfies the public benefit.

Mr. DiPasquale stated Section 4 . B(3) states that Traditional Neighborhoods promotes walking throughout the development with street lights and trees. At the last meeting, a discussion was held on sidewalks in the residential part of the project.

Mr. Dell stated the project did initially have sidewalks in the residential area however, at that time; the lots were smaller and since have been spread out. It is the applicant's intent now not to have sidewalks or streetlights in that area and be more rural; there is ample room for walking on the street and the walking paths that are proposed throughout.

Mr. DiPasquale stated after reading the applicant's definition of a Traditional Neighborhood, wanted to make sure it meets the definition of Traditional Neighborhood concept that walking is being promoted throughout the development.

Mr. Dell stated all sidewalks are located from the west to the north for the apartments and the commercial/retail for the project.

Chairman Cwalinski asked wouldn't it make it difficult for people to get from their houses over to the commercial building.

Mr. Katz stated it's a wide road (boulevard) and feels there is plenty of room.

A further discussion was held on similar developments in the town without sidewalks.

Mr. Katz stated sidewalks are proposed on NYS Route 50.

Ms. Serra asked the applicant to clarify the sidewalk locations.

The Board is in agreement with the sidewalk locations for the project.

Chairman Cwalinski stated the Board can make a recommendation to the Town Board and consider this legislation subject to our discussion.

Mr. Reilly stated a resolution and the approval of the Town Board subject to the discussion of changes in the legislation.

Ms. Serra asked if there should be a letter or a note memorializing our changes.

Mr. Reilly stated Ms. Marruso or Ms. Serra could put a letter together for the Town Board.

Ms. Serra reiterated the Board wants the 3-story flex space defined as apartment buildings on the two floors (2<sup>nd</sup> and 3<sup>rd</sup> floors).

Chairman Cwalinski stated retail/commercial down below (1<sup>st</sup> floor).

Chairman Cwalinski stated the music to be acoustic only, unamplified and Sunday hours end at 10:00 p.m.

The Board agrees to the proposed signage.

Mr. Maher stated to eliminated Section 6(D) and 6(E).

Ms. Serra stated comment 4. Appendix C- O (1) (a): This section applies to Area A and mentions apartments, which are not permitted per the proposed legislation. It is recommended that the statement "In the case of apartment buildings...." be removed from the legislation.

Mr. Dell stated that will be deleted.

**MOTION:** Mr. Maher made a recommendation that the Planning Board forward a positive recommendation to the Town Board for approval of this PUDD legislation subject to the stipulations and comments. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**



**Thomas Benuscak**

**Goode Street; 238.-1-39.12**

**Major Subdivision/Proposed 12-lot subdivision**

Paul Olund from Environmental Design was present representing Thomas Benuscak for the Lowe Major Subdivision (12-lot) on Goode Street.

Mr. Olund stated the applicant was in front of the Board at the August 30, 2017 meeting with the plans that were approved last year which needed to be resubmitted because their approval had expired regarding the water connection.

At last month's meeting, the Board did affirm the SEQRA Negative Declaration for this project with the request that the applicant add the well information back to the plans, which were not shown on last month's plans, but have been shown and were reviewed by the Town.

The applicant is back in front of the Board seeking the same approval as last year.

Chairman Cwalinski stated there is no action on SEQRA this evening; it was completed at last month's meeting. Chairman Cwalinski asked if the Board had any comments.

The Board had no comments.

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

No one wished to speak.

Chairman Cwalinski closed the public hearing at 7:54 p.m.

**MOTION:** Mr. VanVorst made a motion to approve the residential subdivision of Thomas E. Lowe on map dated 9/5/2017 subject to Park and Rec fees of one thousand dollars per dwelling unit payable at issuance of building permit. Mr. Maher seconded the motion and all members voted in favor. **CARRIED.**

Ms. Serra stated just for the timing of this, can the Chairman sign the plans so the applicant does not have to wait for NYSDOH and go through this again. The last application sat and got delayed.

Mr. Olund stated the applicant has prepared a Realty Subdivision application to go the NYSDOH and part of which includes the water application. Mr. Olund stated he has spoken to Mr. Whalen, Highway/Water Superintendent, which was submitted for his review. Mr. Whalen stated as soon as you (the applicant) get the water issue resolved, he will sign the water application.

Ms. Serra stated just because the applicant is choosing to go the public water route, the applicant effectively cannot file the map.

Mr. Olund stated yes.

Ms. Serra stated the applicant cannot start construction tomorrow.

Mr. Olund stated correct.

Ms. Serra stated if the applicant decided to go with wells, could file the map.

Mr. Olund stated yes.

Ms. Serra stated to be careful about the clock (90 days).

Mr. Olund stated he is well aware of that.

**McDonalds Corporation**  
**201 Church Avenue; 216.-2-27.12 & 216.-2-25**  
**Site Plan Review & Special Use Permit – new 5,200 sf restaurant (CONCEPT)**

John Lapper and Steve Wilson with Bohler Engineering and representatives from McDonald's were present.

The applicant was before the Board several months ago and had discussed accommodating the Rossi site for the entrance for NYS Route 50 and to modify the architecture.

Mr. Lapper stated that McDonalds has reached an agreement with the Rossi's and the plan that was proposed completely accommodates all of the NYSDOT entrances and changes for the project in the back.

Mr. Lapper stated the applicant supplied the Board with renderings of more muted tones relative to the architecture, which is certainly a big upgrade from what is there now.

Ms. Marruso had raised an issue in her comment letter to the applicant relative to green space and has been under the assumption with discussion with Mr. Doyle, former Planning Board Chairman because that it is less non-conforming and adding more green space, we do not meet the standard and would not require a variance. Ms. Marruso indicated in her notes that the applicant did require a variance.

Mr. Reilly stated the Board is in agreement with the applicant that a variance is not required as submitted.

Mr. DiPasquale asked if the applicant will be connecting to the sewer system.

Mr. Lapper stated yes, that is what the applicant wants to do.

Mr. VanVorst stated there will be no septic underneath the parking lot.

Mr. Lapper stated no.

Mr. DiPasquale asked what the applicant is planning to accomplish tonight.

Mr. Lapper stated the architecture, layout in terms of the entrances and addresses all the detailed engineering.

Ms. Matias asked what the change was from the last rendering in terms of architecture.

Mr. Wilson stated the architecture is similar and there was a change to the color palate of the building. The last time the applicant was in front of the Board, was asked to look at Dunkin Donuts and Stewart's and try to mute the colors and make it more natural.

Mr. Maher stated a pitched roof cannot be accomplished because of the number of penetrations.

Chairman Cwalinski stated the proposed structure looks similar to the McDonald's at Exit 15 and asked if similar materials are being used.

Mr. Wilson stated the materials proposed are a little different, but it is a building with a play place; very similar.

Chairman Cwalinski stated the plans shows a bike rack on the drawing, but not on the color rendering.

Mr. Wilson stated there are some architectural likes surrounding the aspect of the site, but this rendering is what the building will look like.

Chairman Cwalinski stated we will not see the picnic tables.

Mr. Wilson stated no, it will look like what is shown on the plan.

Ms. Marruso stated she felt it was her obligation to identify the comparison between the Site Plan as proposed and the Design Standards presented. Ms. Marruso's comments were to demonstrate the need for perpendicular, not parallel, alignment of the building to NYS Route 50. The Design Standards indicates they want either building perpendicular or parallel to the site. The applicant has achieved placing the building perpendicular on the site, but the other supporting piece was aspirational build out of the street frontage and a lot of developments that are coming forward are trying to accomplish 60 to 70 percent build out the street façade and occupy that streetscape.

Mr. Lapper stated there were long discussions about that and is really a circulation issue, it's a drive-thru site and where the intersection is, traffic light is and the traffic entrance, cars would have to be going around twice if the drive-thru was put somewhere else.

Mr. Wilson stated over a year ago the Town stated they did not want to see the stacking of the cars along the front of the building.

A further discussion was held on the proposed drive-thru location.

Mr. Wilson stated the Town indicated they did not want to see the stacking in the corner and wanted the drive-thru towards the back.

Mr. DiPasquale stated he attended the first meeting with Mr. Doyle, previous Planning Board Chairman, which originally shoed the building parallel, a drive-thru was on the front and was very objectionable. The second time around the applicant came up with this site layout.

Mr. DiPasquale stated that meeting indicated that 60 to 70 percent of business was drive-thru, but notice in the future proposal and asked the need for an increase in 23 parking spaces.

Mr. Wilson stated the parking lot will be re-stripped and there is more trailer space now, which will organize the site, make it more efficient with an increase in business; with the parking on the side would be a return on their investment.

Mr. Wilson stated the applicant agrees to the landscaping recommendation by Ms. Marruso.

Ms. Matias stated she feels the front of the building is not right and looks like a rectangle with an arch; it's missing something.

Ms. Serra stated the two examples the Board gave the applicant were to look at Dunkin Donuts and Stewart's. Dunkin Donuts has dormers and Stewart's has a peaked roof line and should be clarified; it's obvious that McDonald's is proposing a flat roof, which is not consistent and mentioned as acceptable in the Design Standards.

Ms. Marruso brought up several times there is the Barrel roof in the front and the flat roof in the back.

Chairman Cwalinski stated yes, it not included or excluded; it's up-to the Planning Board to make a decision to accept or not.

Ms. Marruso stated in terms of the architecture, the addition to the front entrance would improve the façade as it faces NYS Route 50. The primary entrances are a critical design element for streetscape.

Mr. Wilson stated it changes the entire configuration and there are some fire code issues that are based on the design of the building and would be something the applicant can look at; can't say we can do it, but will look into it.

Ms. Serra asked if there is a way to take that front window and make it look like a door.

Chairman Cwalinski stated a false door.

Mr. Lapper stated he will have the Architect look at that.

Ms. Serra stated the lower awning could be staggered so the higher one so it appears like there is an entryway.

Roger Grout, owner of McDonald's stated the play place is located in the front and wants to keep our kids safe, we don't want to allow access from the street and interfere with children; there are mostly parents there, but the doors for patrons need to be on the side of the building, not in the front. Mr. Grout asked about a fake door or something, but the whole idea of having a door and being able to walk into the play area for the kid's area is not what McDonald's intended to have.

Chairman Cwalinski stated based on what Mr. Grout said, is reasonable.

Ms. Marruso stated she thinks there are ways that McDonald's can enhance the front of the building; the door is and opportunity.

Mr. Lapper stated they applicant will look into that.

Chairman Cwalinski stated the Barrel roof is not included or excluded from the Town's zoning and should tell the applicant if the Board agrees with a Barrel roof or not.

Mr. VanVorst stated he would like the applicant to explain to the Board why they cannot change it and make it a peak roof in the front.

Mr. Lapper stated it's a pretty important design for McDonald's because that is their logo; it's much more subtle than it used to be because there are 16 penetrations through the roof and the Barrel roof shields the back of the building.

Mr. VanVorst stated a peak roof would do the same thing.

Mr. Lapper stated it would not look like a McDonald's.

Mr. VanVorst said, "Less people are going to come and buy hamburgers if it's a peaked roof."

Mr. Wilson asked what is the particular concern with the Barrel roof, it is not in the code or out of the code, and if something isn't particularly mentioned and is designed to complement the proposed architecture of the building and integrated into the building, feels the it's shown in the prosed layout.

Chairman Cwalinski asked it would be more desirable to come closer to the Town's Design Standards.

Ms. Rodgers stated if you look at the McDonald's on South Broadway in Saratoga, it's not that and certainly conforms to the architecture in Saratoga and more appropriately than that would in Saratoga; that proposal does not conform to what is on NYS Route 50 if you look at Dunkin Donuts and Stewart's. Ms. Rodgers stated we (The Board) are asking why that new McDonald's was built, to look like that in Saratoga; why something can't be built in Ballston.

Mr. Wilson stated there are very different Design Standards, different requirements, and a different store.

Ms. Rodger stated earlier Mr. Wilson stated this is what McDonald's wanted and if McDonald's is able to conform to the Saratoga's Design Standards, what is the reasoning here.

Ms. Matias said, "She found a couple McDonald's across the country that are different than that and have been built within the last five years."

Mr. Wilson said, "I'm not sure those are the Town of Ballston Design Standards that the applicant is trying to adhere to." Mr. Wilson stated he cannot speak to those other designs. Mr. Wilson stated we took a look at the Town's Design Standards and incorporated them based on what we have heard over the last year.

Mr. Lapper stated we certainly look at the front, sides and the door to see if we can make it look more like what the Board has in mind.

Chairman Cwalinski asked the applicant to take a look at Saratoga.

Mr. Shorey stated there are also some in the Carolina's that look quite nice.

Ms. Serra stated the Board has looked at close to five proposals, "McDonald's is not going to do South Broadway in Saratoga and propose that here." The Board has been going back and forth with them for almost a year and it's pretty apparent they are not building a Manchester Vermont or a Saratoga McDonald's. Ms. Serra stated she does not want to keep telling the applicant to come back with that store, when they are not going to come back with that store.

Mr. Maher asked if this is the best the applicant is going to offer.

Mr. Lapper stated we will look at the front and get back to the Board.

Mr. Maher asked if this is the best the applicant is going to offer as far as the roof line.

Mr. Lapper stated the roof line is important to this proposal.

Ms. Serra stated if the applicant desires to receive approval for the concept from the Town's engineer.

Mr. Wilson stated that is the applicant's desire.

Ms. Serra stated she believes that the south entrance on the plan with the NYSDOT separation requirement for a Rossi future roadway. If the applicant continues to pursue that location, which is inside the taper of the Rossi road and not compliant with NYSDOT, will have to contact NYSDOT to discuss. Ms. Serra stated if the applicant decides not to address C. T. Male's comment letter from May 2017 (as shown below), will involve NYSDOT early.

3. The applicant shall provide confirmation that the proposed entrances off Church Avenue (NYS Routes 50/67) are consistent with the plan submitted to NYSDOT for the highway improvements associated with the Rossi PUDD project. Past submissions for this project have shown the widening of NYS Routes 50/67 for the left turn lane and the location of the proposed intersection with the PUDD. It is reasoned that the applicant has removed these improvements from the plan given recent notice of the main tenant for the PUDD not seeking to build, however, the redevelopment of this site must take into account this approved highway improvement plan when designing the entrances to this site.

b) The southern right-in only driveway is quite close to the location of the proposed intersection. NYSODT typically requires a minimum of 15 feet between the tapers for the intersections, and it appears as though the tapers may intersect (this is based upon scaling from a prior plan).

Ms. Serra stated she does not want to see this to proceed to final engineering and have the applicant apply for a work permit and have NYSDOT say no.

Mr. Wilson stated we would be happy to meet with Ms. Serra and NYSDOT to address the issue.

Ms. Serra recommends that Bohler Engineering look at site comments that they shift some layout.

Ms. Serra stated if the applicant can move the driveway, a 20' shift would probably solve the problem.

A further discussion was held on traffic circulation.

Chairman Cwalinski opened the public hearing at 8:25 p.m.

**Frank Rossi, II, Esq., 1 Constitution Court** representing Rossi Development. Mr. Rossi stated Mr. DiPasquale had brought up with the question of where we stood with McDonald's. Mr. Rossi stated we sat down today with a Regional Representative from McDonald's with the Real Estate Department and made great ground on reaching some kind of an agreement and would promote the idea of moving forward with any respect of any ideas of sewer versus septic. Mr. Rossi stated a prior discussion was held to have this orientation instead of going north or south and definitely an idea not to have that driveway in front. The applicant was sent back after that concept to re-orientate the store. Mr. Rossi stated it makes more sense without Wal-Mart in play because if we go back to the old Lot #1 strip center located at the Rossi PUDD, Wal-Mart was oriented to the north of that Lot #1 and the view shed from McDonald's is minimal as it was. Mr. Rossi stated we are challenged by altitude because the levels of the different areas there. Mr. Rossi has been in discussions with possible grocery stores in the strip center going to Lot #1 and trying to use that position of that old sketch plan, which would be to the east of Lot #1 to the north area; the view shed is a critical issue. The additional reason to keep the orientation in this pattern is to allow some level of view shed to a grocery store because obviously they want some small level of exposure beyond a sign. In addition, were speaking to them about the entrance issues today and they are willing to adhere to do what NYSDOT had permitted from the old letter from the previous Planning Board Chairman Richard Doyle about the southern entrance on NYS Route 50/NYS Route 67. The fact that it was to be a right-in only, at that time, believes they are going to adopt some type of side entrance on-to the Rossi loop road as well and move over 20' as Ms. Serra was suggesting will be in a position right where NYSDOT had permitted them to be. The only question will be utilization of a back entrance and will not have a way to connect directly if we have a grocery store go in first. because there may not be a parking lot that goes all the way to them, but there is always an option to go and do that later and will be plenty of access and ability to try to assist the traffic flow overall.

Ms. Serra asked if McDonald's is committed to connect to your future roadway.

Mr. Rossi stated he did not know if they were committed, but did discuss today and told them what our construction schedule is likely going to be and their construction seems to coincide with that.

A representative from McDonald's stated yes, their plan is to connect to the loop road.

Mr. Rossi stated that NYSDOT's original ideas here are being embraced and keeping to that 100' rule; got approval to "fudge" it 10' if it did not meet it, flares could be maintained.



Mr. Rossi stated he has been in touch with Wendy Holsberger, PE with VHB (previously with CME) to remind them where everything was; will confirm with NYSDOT

Mr. Rossi said, "You put McDonald's through the ringer for the last year plus and would say to you (The Board) as suggested by Ms. Serra and Mr. Maher – this is probably as good as it's going to get in terms of design. It's a much better situation than where you were a year ago and have begun to respect the Design Standards, but at the same time, they are a multi-national corporation that has certain designs and saw this with Wal-Mart as well. They did work with the Board and feels McDonald's has worked with the Board to get it in a middle position where they have to do what they have to do, but the Board has to do in terms of Design Standards."

Mr. Rossi stated it is going to be much better than what is there now, which is something to consider and encourages. They were willing to be a good a neighbor and would ask the Board to begin to move them forward because they deserve that at this point in time.

**Stephen Merchant**, stated twice he has been at Stewart's for coffee in the morning and saw car's rear ended pulling into McDonald's. Mr. Merchant stated his suggestion would be the road that they put in by McDonald's should be the entrance and exit off of that road with a light out front; trying to get to Dunkin Donuts and McDonald's in the morning is brutal.

Mr. Rossi stated the plan of the road being built is the entrance to the Rossi PUDD and will have a traffic light on it. Mr. Rossi stated we are getting some land from McDonald's to expand into a turn lane so we don't have the rear ending problems which will enhance their ability for left hand turns into their store; that is why the extra entrance was put on the north side to keep away from the traffic light to a certain degree.

Chairman Cwalinski adjourned the public meeting for tonight at 8:35 p.m.

Mr. DiPasquale asked if the next presentation going to be the final Site Plan as it relates to what we already approved with the Rossi project.

Mr. Wilson stated yes.

Ms. Serra asked the applicant to provide more information on signage.

Mr. Wilson stated we will have a break down on signage.

Application tabled.

**NEW BUSINESS**

**By-George Food Specialties, Inc.**

**1149 NYS Route 50; 239.-4-40.2**

**Site Plan Review – 2,500 sf addition to existing 24,000+ structure**

Mike Munter with Munter Enterprises and Susan Walsh, owner of By George Food Specialties, Inc. were present.

Mr. Munter stated the applicants have been in business since 1982 and started on Goode Street and has grown upward of 50 employees. The applicants moved to NYS Route 50 in 1998. Modifications were made to the building at that time, addition to the front of the building, which is used to be a porch for their enclosed retail and office space.

Mr. Munter stated the applicant is in front of the Board seeking a 2,500sf (39' x 64') structure for cold storage addition to replicate the existing building.

The parking is located to the east along the front on NYS Route 50.

The existing building is 24,200sf; a proposed addition is about 10% to the area.

There will be no change to the impervious area for the nature of the drainage for the facility.

Mr. Munter stated the proposed addition is located on the east side facing NYS Route 50, which complies with the Town of Ballston Design Standards.

Mr. Munter stated the applicant did look at other options of other areas of the building. There are a lot of site constraints due to the traffic flow, septic system, utilities and mainly due to the interior layout of the building, the way the products are accessed and what products the applicant plans on storing in the cold storage was the practical spot to put the addition.

Mr. Munter stated the original plan was a different configuration where we weren't building out to the north line of the building; it was more of a block that came out. Mr. Munter stated the meeting with Ms. Marruso going through some ideas with the Walsh family made sense to leave some access and distance, even though there are no setback requirements along the Katz property to the north east and felt it was practical to leave 20' of access for fire apparatus and the to keep the building maintained.

Mr. Munter stated the same building materials being proposed. There are no added windows. An ingress/egress door is proposed on the south side for safety and access for the office.

Mr. Munter stated there are no employees being added; no additional plumbing or parking will be required.

Mr. Munter stated they may some security lighting being replaced on the existing building; LED cut-off lighting will be an upgrade to the existing lighting - wall pack lighting exists; metal halide flood would replace.

Chairman Cwalinski asked what will be done with the drainage ditch to ensure that is not negatively impacted.

Mr. Munter stated that was the reason the applicant chose to move the building back from the north east corner. The structure will stay. It takes any water in that area and water from the bank that cannot make it back to the ditch will be maintained. Mr. Munter stated the proposed layout will not impact that pipe; it will be replaced if necessary.

Ms. Serra asked if that 20' easement was granted to NYSDOT.

Ms. Walsh stated she is not sure.

Ms. Serra stated it seems like the pipe comes up to the building.

Ms. Walsh stated it existed there when the property was purchased. Ms. Walsh stated she maintains it and keeps the drain clean because the cooler system drains into there and cannot afford to have that back up, if the cooler system backs up, would raise the floor on the freezer and cooling unit.

Ms. Walsh stated she would like to know who owns the 20' easement. There is a drainage plate in front of the building on NYS Route 50, which NYSDOT refuses to replace the drainage plate.

Chairman Cwalinski asked what gets stored in the cold storage.

Ms. Walsh stated paper products; mostly pizza boxes. Ms. Walsh stated the business started on Goode Street and is still grandfathered in for storage and has convinced her mother to move out of the house. That property will put up for sale and still needs the storage to function. Ms. Walsh stated the proposed cold storage location gives employees easy access to the paper products.

Ms. Walsh stated the cold storage is unheated.

Chairman Cwalinski opened the public hearing at 8:45 p.m.

No one wished to speak.

Chairman Cwalinski closed the public hearing at 8:46 p.m.

**MOTION:** Mr. Maher 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. Maher seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. Maher made a motion for the Site Plan proposed building addition for By-George Food Specialties, Inc. located at 1149 NYS Route 50 drawing dated 9/5/2017 be approved. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

**Surinaer Cheema**

**1324 NYS Route 50; 228.-3-9.2**

**Site Plan Review and Special Use Permit – renovate existing gas station**

Richard Nolan, PE with Nolan Engineer presented on behalf of the applicant.

Mr. Nolan stated the parcel is approximately .93 acres located at 1324 NYS Route and is an existing gas station.

Mr. Nolan stated currently there is a large canopy located in the middle of the property and an existing convenient store and two sheds on the property.

The applicant proposes to tear down the existing convenient store located under the canopy and build a new 2,900sf single-story convenient store/gas station.

Mr. Nolan stated two more islands are proposed.

Mr. Noland stated the applicant proposed to keep and refurbish the existing canopy.

The two existing shed to be removed.

Mr. Nolan stated the applicant proposes two more pumps for a total of six refurbished pumps under existing refurbished canopy, one diesel pump for trucks.

A dumpster is proposed for the project.

Mr. Nolan stated a septic system is proposed for the project.

Mr. Nolan stated there are 14 parking spaces located in front of the building; per the Town code, need a spot for 100sf gross building that includes the (12) spaces at the gas pumps as parking spaces totaling 26 parking spaces. Mr. Nolan stated 29 parking spaces are required and was originally going to ask for a variance for 26 parking spaces, but after C.T. Male reviewed the plans, can fit three more parking spaces, septic system and buried tanks.

Mr. Nolan stated currently the impervious area is 53% and 43% green space, which is above the 35% required.

Mr. Nolan stated other improvements proposed are sidewalks on NYS Route 50 and Brookline Road; recently other sidewalks were installed at the corner and will have to come off of that existing sidewalk to the first curb cut.

Mr. Nolan stated the existing tanks have been removed from the ground and have a NYSDEC sign-off for the tanks. Mr. Nolan will provide the NYSDEC document to the Board.

Mr. Nolan stated perc test are still required in order to size the septic system and a SWPPP for the project.

Mr. Nolan referred to C. T. Male's comment letter relative to traffic.

5. The project narrative states "The new operating gas station is not expected to increase traffic....on Route 50 or Brookline Road." In future submissions, additional information on traffic generation and a queue analysis for Route 50 and Brookline Road shall be provided. The site has been vacant for several years; therefore traffic generated by the new gas station would be considered new traffic. Furthermore, the intersection of Route 50 and Brookline Road is known for congestion, particularly during the AM and PM peak hours. It is recommended that NYSDOT and Saratoga County DPW be consulted early on in the design process, as these agencies may require the ingress/egress points to their roadways to be relocated further away from the intersection or to have restricted access, such as right-in, right-out.

Mr. Nolan said, "He did not think with a new gas station that people will make a special trip to the gas station; just the traffic on NYS Route 50 will just turn in to get gas."

Ms. Serra stated there were less concerns about additional trips and would not be adding more cars for that road, but are increasing turns and is concerned about changing the configuration of the curb cuts; similar concerns to the gas station in Burnt Hills on the corner of Lake Hill Road and NYS Route 50. Ms. Serra stated she would bet that NYSDOT would give the applicant right-in, right-out only on their entrance. Ms. Serra stated the Board agrees that the location of the driveway on Brookline Road is not ideal; this driveway is even closer to NYS Route 50 than the gas station across the street. Ms. Serra asked if there is any way to shift that driveway further to the east. Ms. Serra stated that Saratoga County DPW should be consulted very early on and recommends looking at the queuing analysis. Ms. Serra stated she believes there have been studies done at that intersection for the Rossi project that was done by Wendy Holsberger, PE. Ms. Serra stated she did not feel it would be too much effort to have an engineer to look at that stacking at the peak at this intersection. Ms. Serra believes the entrance on Brookline Road is a concern with the left hand turn lane at the PM peak.

Mr. Nolan stated there is potential to shift the entrance farther east.

Mr. Reilly stated not specific to this site, but the common experience with the previous applicant, could you give the Board information on the applicant itself; corporation and existing gas stations.

Mr. Nolan stated Mr. Cheema purchased the property in 2014 and has 23 gas stations in New York State.

Ms. Serra stated that Ms. Marruso sent her that tank closure report and will have Robart Engineering verify; they will approve that prior tank coming out, but not guarantee the entire site clean.

Mr. DiPasquale stated as the project progresses, see the new structure and septic system, which would entail removing a lot of the trees in the back. Mr. DiPasquale is concerned about the visual impact on NYS Route 50 and a buffer to the east.

Ms. Nolan stated Ms. Marruso comments were to specify new plantings.

Mr. Nolan provided the Board with proposed two black and white concept renderings for the site. The applicant prefers the first concept rendering; the Architect for the project did follow the Town's Design Standards. The size of the building and color palate were not provided at this time.

Ms. Serra stated the proposal is similar to Stewart's.

Ms. Serra stated the Valero brand is a turquoise color.

Mr. Nolan provided a floor plan which shows a small kitchen with a counter area that could be for a potential tenant for a deli, sandwich shop or pizza, two handi cap bathrooms, a beer cave, office and storage.

Mr. DiPasquale stated similar to a Speedway.

Mr. Nolan stated yes.

Chairman Cwalinski stated one parking space was missed under the diesel pumps, which makes 27 parking spaces, not 26 parking spaces.

Chairman Cwalinski stated the applicant's letter indicates there will be a diesel pump installed for refueling tractor trailers; will there be 18-wheel rigs coming to the site to get refueled.

Mr. Nolan stated one of their plans showed an 18-wheeler fitting quite well.

Mr. Nolan stated comment #6 of the C. T. Male comment letter indicated to show turning lanes moving in and out. (see comment #6 below).

6. The concept plan should indicate how fuel delivery trucks will navigate the site, taking into consideration that NYSDOT and/or Saratoga County DPW may require restricted access.

Chairman. Cwalinski asked if telephone poles were moved on that corner as they were targets for trucks.

Mr. VanVorst stated a pole was erected and have not attached the wires yet; the new pole will be removed.

Chairman Cwalinski stated the Design Standards require cross-hatching where the sidewalks are broken up by the driveway road cuts.

Ms. Serra asked if anyone knew how busy those bus stops on the west side of NYS Route 50 were.

Mr. DiPasquale stated it's fairly busy.

Ms. Matias stated it's fairly busy.

Ms. Serra encourages the owner to take that into account because of the landscaping plan.

Ms. Matias stated she is happy to see this being built.

Chairman Cwalinski opened the public hearing at 9:02 p.m.

**Steve Merchant** stated a new bus stop was put there on the corner for the kids and the poles on the north corner and to make sure that will not touch anything.

Mr. Nolan stated the applicant does not show a lot of changes to the north corner other than a telephone man pole, street signs, guide wires, traffic signal pole and a gas stand pipe; other than the new sidewalk, are not planning any development in that area.

Chairman Cwalinski adjourned the public hearing for tonight at 9:05 p.m.

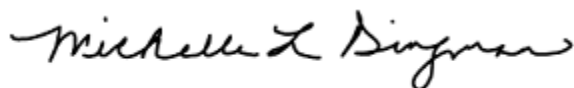
Ms. Serra asked that the applicant review the Design Standards and provide a color rendering for the proposed building.

Application tabled.

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

Meeting adjourned at p.m. 9:12 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