

Town of Ballston  
Planning Board

**TOWN OF BALLSTON  
PLANNING BOARD**

**Regular Monthly Meeting: February 27, 2014**

Present: Richard Doyle, Chairman  
Jeffrey Cwalinski  
Derek Hayden  
Lee Ramsey  
Audeliz Matias  
Thomas Johnson, Building  
Inspector  
Peter Reilly, Planning Board  
Attorney

Members of General Public

Chairman Doyle called the February 27, 2014 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

**NEW BUSINESS:**

**Heritage Builders Group, LLC., 37 & 49 Forestbrook Drive, Ballston Lake, NY 12019; 249.43-1-34 & 249.3.72.1 (Lot Line Adjustment).** Duane Rabideau of VanGuilder & Associates was present on behalf of Heritage Builders Group. Mr. Rabideau said the applicant proposes to convey 1,568 sq. ft. (East) of land from 37 Forestbrook Drive to 49 Forestbrook Drive. All minimum requirements will be met.

Mr. Cwalinski asked the property owners of the abutting property. Mr. Rabideau said the lots are vacant owned by Heritage Builders Group, LLC. Mr. Cwalinski said the names of abutting parcel owners is a requiremen.

Chairman Doyle opened the public hearing at 7:35 p. m.

Chairman Doyle closed the public hearing at 7:36 p. m.

No one wished to speak.

Mr. Cwalinski said Phase 1 the plan shows street addresses in the circles and subdivision numbers outside the circles opposite on Phase 2. Mr. Rabideau said this is consistent with the other drawings.

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**MOTION:** Mr. VanVorst motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process. Mr. Cwalinski 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 approve the Lot Line Adjustment for 37 Forestbrook Drive and 49 Forestbrook Drive on the drawing dated January 8, 2013. Mr. Doyle asked to revise the map date to January 28, 2014; subject to date revision on plan and add names of adjoining property owners. Mr. Hayden seconded the motion and all present voted in favor. **CARRIED.**

**Michael DeRubertis, 337 Eastline Road, Ballston Lake, NY 12019; 239.-2-155 (Sketch Plan Conference - 5 lot residential subdivision)** Luigi Palleschi, Project Engineer with ABD Engineers and Surveyors was present on behalf of the applicant. Mr. Palleschi said the five acre parcel is currently vacant lands with pasture and open fields with woods towards the rear of the lot. Mr. Palleschi said bordered to the North are lands of Niagara Mohawk, West - Lands of Monaco (vacant land), South - Lands of Tanzer with an existing residential structure and Eastline Road to the East.

Mr. Palleschi said the applicant is proposing a five lot single-family subdivision each proposed lots are greater than the minimum zoning requirement; minimum lot size is 20,000 sq. ft. The smallest lot proposed is 39,165 sq. ft.

Mr. Palleschi said a curb cut access off of Eastline Road is proposed for a shared driveway to be privately owned approximately 950'; each home to have access off the proposed driveway. Mr. Palleschi said a 60' easement is proposed across the private driveway for purposes of access and utilities.

Mr. Palleschi said there is public water and sewer (SCSD#1) at the site and proposes to extend town water from Eastline Road; adding two hydrants. Grinder pumps are proposed for each lot with a force main within the easement, which ties into the gravity main along Eastline Road.

Mr. Palleschi said the property drains from South to North; in the after development condition, will continue to drain in that direction. A swale is proposed with pipes under the private driveway.

Mr. Palleschi said a SWPPP will be provided and attenuate the 100 year storm.

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Chairman Doyle asked if a Storm Water Management Plan has been completed. Mr. Palleschi said no and is in before the board for a Sketch Plan layout to gain feedback from the board members and town engineer.

Mr. Palleschi to coordinate with Saratoga County Department of Public Works (SCDPW) for curb cut access, Saratoga County Sewer District (SCSD#1) and Saratoga County Planning.

Ms. Matias asked who will maintain the private driveway. Mr. Palleschi said each of the homeowners would maintain their portion of the driveway. A maintenance agreement is proposed for a Homeowners Association (HOA). A 60' easement is provided for the future homeowners to share access along the private driveway.

Mr. Reilly asked if it would be common ownership of that 60' right-of-way (ROW) and if lots 2, 3 and 4 that access Eastline Road are proposed flag lots. Mr. Palleschi said every lot has frontage on Eastline Road. Mr. Johnson said that cannot be done the frontage has to be on the private road. Mr. Palleschi said 15' strips are proposed. Mr. Johnson said flag lots are not permitted in that zone; a separate 60' wide entity of its own is required for a private road. Mr. Palleschi said the 60' wide easement will be provided. Mr. Reilly said in the past, the board has approved private roads, but has been a separate Section, Block and Lot (SBL) in common ownership by either way of (HOA) with some entity to own and maintain it. Chairman Doyle asked the board if they were in agreement. The board concurs.

Mr. VanVorst said when a major subdivision has been approved, the board made an effort to connect that subdivision to the neighboring property by way of a paper street or provide for future potential access to the neighboring properties. Mr. Palleschi said that 60' easement can be shown all the way to the rear of the property.

Mr. Hayden asked will the vertical driveway along lot line located on lot #5 be used for a turn around. Mr. Palleschi said yes, for emergency vehicle access.

Mr. Cwalinski said the drawing indicates the side yard setback as 10' and the table indicates 12'. Mr. Cwalinski said 12' is the correct number and asked for a revision to be made to the drawing.

Mr. Cwalinski said the Right-To-Farm-Law is required. Mr. Johnson to forward the verbiage to Mr. Palleschi.

Chairman Doyle said there is no public hearing scheduled until the applicant returns for preliminary design.

**Primax Properties, Dominic Drive, Ballston Spa, NY 12020; 216.-2-36 (Site Plan Review - Special Use Permit) Chris Boyea with Bohler Engineering was**

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present on behalf of Primax Properties, LLC of Charlotte NC. Mr. Boyea said the applicant has entered into a contract to purchase the lands adjacent to Ballston Spa National Bank. Mr. Boyea handed out a colored rendering of the proposed site plan. Mr. Boyea said that Primax Properties, LLC is looking to make a substantial investment into the town proposing two freestanding fortune 500 retail developments.

Mr. Boyea said the 2.0 acre site is located on NYS Route 67 and Dominic Drive. The applicant proposes to subdivide into two separate lots and develop it as one for two separate retailers Advance Auto Parts and Dollar General. Mr. Boyea said the property will be owned by Primax Properties, LLC.

Mr. Boyea said the property is located in the Mixed Use Center North District. The proposed Dollar General consists of 9,100 sq. ft. and Advance Auto Parts 6,900 sq. ft.

Mr. Boyea said the minor two-lot subdivision proposed creates a 1.2 acres lot (Lot 3A) and 0.86 acre lot (Lot 3B) as depicted on plan.

Mr. Boyea said Primax Properties, LLC met with the President and CEO of Ballston Spa National Bank to discuss and review multiple layouts and options and were in agreement with the proposal submitted to the board.

Mr. Boyea said storm water was preplanned for the entire site; the Ballston Spa National Bank and the construction of Dominic Drive. The applicant has designed for 60% impervious surface and will be developing less than what was proposed. Mr. Boyea said since the rules and regulations have changed, green infrastructure be added to meet current regulations. The site is serviced by public water, natural gas for (HVAC) and are proposing two septic systems and all electrical to be underground.

Mr. Boyea said a comment letter stating no adverse impact was received from Saratoga County Planning Board.

Mr. Boyea said there are design guidelines for that zoning district and waivers have been requested.

Mr. Boyea said as per the design guidelines, there is a recommendation that the proposed buildings be placed out as close to the street as possible. Mr. Boyea said there is opposition from Ballston Spa National Bank.

Mr. Boyea said NYSDOT said this site is preplanned with no additional curb cuts along Route 67. The BSNB has limited access - right in/right out on Route 67 and with that limited access, their main access is Dominic Drive. Mr. Boyea said placing a building at the corner of Dominic Drive would severely impact the operation at BSNB from a visibility standpoint blocking their view as traffic is proceeding along Route 67.

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Mr. Boyea said the applicant worked with BSNB so the buildings matched frontage, height of buildings; would not block or intrude on their site. Mr. Boyea said it fits well from a safe traffic standpoint and will not have any impacts that were not preplanned off of Dominic Drive.

Mr. Boyea said original elevations were not submitted in this proposal. The proposed sign has been reduced in size at Dollar General, false windows added glazing and masonry wainscot to break up the base of the building. Mr. Boyea said false glazing was added to help with the frontage at Advance Auto Parts.

Mr. VanVorst said it's obvious that a lot of work has been done on this proposal, but more effort has been put into complying with Ballston Spa National Bank's designs rather than the town's design standards. Mr. VanVorst said the request for 17 waivers is excessive and sets a bad precedent as a Planning Board because the next applicant will expect that same number of waivers. Mr. VanVorst said there is a need for some modification either to reduce the number of waivers or to reduce the negative impact on the design standards of each individual waiver.

Mr. Boyea asked are there certain waiver or quantity of waivers you (Mr. VanVorst) feel strongly about. Mr. VanVorst said both and feels the applicant is asking for too much parking up front. Mr. VanVorst said the board had this issue with BSNB who requested two rows of parking, which is requested by the applicant and the Planning Board agreed to only one row of parking in the front.

Mr. Hayden said if BSNB have any concerns with the layout would encourage the bank to address in a letter or attend a meeting. Mr. Hayden said instead of you (Mr. Boyea) relaying what BSNB is saying it's all hearsay.

Mr. Hayden said a significant waiver is requested for the number of parking spaces, which is half of what the town requires. Mr. Hayden asked the applicant to provide locations and spaces of other sites to justify the need for less parking. Mr. Boyea will forward that information to the board.

Mr. Hayden said the height of the proposed buildings are 20' and the BSNB is a two-story building and does not feel moving the proposed buildings closer to the road will block the bank too much.

Mr. Hayden said in the past have required applicants to submit a plan that meets all the design standards showing the board why it is not going to work when trying to meet the required design standards. Mr. Hayden asked the applicant to submit the plan pursuant to the towns design standards and then have BSNB submit something in writing or you (Mr. Boyea) telling the board why it's not going to work for your clients. Mr. Boyea said plan can be provided.

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Mr. Cwalinski agrees the applicant needs to submit something that complies to the town's design standards and explain to the board where, why there is a problem and what the applicant wants changed.

Mr. VanVorst said connectivity between this property and the BSNB would be very advantageous to have that driveway in front connect or if that driveway were to go away and found it was not needed and went behind could also connect to the BSNB for emergency access would be beneficial.

Chairman Doyle asked the board if they needed more time to review the proposal. The board concurred.

Chairman Doyle said in his opinion having all the buildings line up makes it look better and following the current design standards would block the roadway and lose egress to the BSNB; could not enter bank unless traveling North on Route 67.

Chairman Doyle said one row of parking has been approved in front of the BSNB. Chairman Doyle said because doors are located in the front and handi-cap parking spaces are required.

Chairman Doyle asked Mr. Boyea to discuss the other proposed waivers.

Chairman Doyle has an issue with the Advance Auto Parts sign relative to the size and architectural details in the front.

Chairman Doyle asked Mr. Boyea if he was in receipt of the Engineers Report. Mr. Boyea replied yes.

Chairman Doyle referred to proposed waivers (page 4)- Parking landscape buffer to side of building -A waiver is requested to allow the construction of the sidewalk between building and the parking lot to allow for safe pedestrian access to the building. Chairman Doyle does not feel a waiver is necessary. Mr. Boyea said a crosswalk is proposed between the buildings.

Mr. Cwalinski asked for clarification.

Chairman Doyle said after review of the drawing, imagines a sidewalk across the front of the store down to the green space (proposed parking location)and then a crosswalk is needed from the sidewalk to the Advance Auto Parts store.

Ms. Matias said the applicant needs to redesign to the design standards and return for review.

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Chairman Doyle said the buildings on the drawing look to be in a straight line, but the sidewalk on the Advance Auto Parts is wider and appears to be another piece of sidewalk. Mr. Boyea said the wider area in front on the Advance Auto Parts is a concrete pad for the front wheels for vehicles to sit on to avoid ruts to develop in the asphalt. This is a standard that was developed by Advance Auto Parts for long term maintenance.

Chairman Doyle referred to proposed waiver - Parking Space distance to nearest large tree - A waiver is requested to allow a distance of 101.3' to the nearest large tree and reduce the developed area of the project. There are no mature trees on this lot. New trees are proposed. Chairman Doyle said a waiver is not needed. Mr. Boyea concurred.

Mr. Hayden asked will the tractor trailers making deliveries pull into the main parking lot. Mr. Boyea replied, yes with a 36' drive aisle to accommodate the full size trucks.

Mr. Ramsey asked if most deliveries are made at night. Mr. Boyea said it varies and try to make deliveries off-peak.

Mr. Cwalinski asked for clarification of the size of tractor trailers. Mr. Boyea said 65' for both Dollar General and Advance Auto Parts.

Mr. Hayden said the plans anticipates 15 employees per store. Mr. Boyea said that would be total; three or four employees per store per shift.

Mr. VanVorst asked if this Dollar General is in addition to or will it be replacing the Burnt Hills location. Mr. Boyea said the Burnt Hills store will remain.

Mr. Cwalinski said C. T. Male is performing an architectural review and asked that there be consistency with the BSNB. Mr. Cwalinski asked if there were alternate signs for Advance Auto Parts; does not feel the proposed sign is appropriate for this site. Mr. Cwalinski asked for a different color scheme as opposed to the red and yellow proposed.

Chairman Doyle asked if Advance Auto Parts is part of a logo. Mr. Boyea replied, yes and said, "The colors are going to be tough, but can certainly ask the questions."

Mr. Cwalinski said drawings are needed for signage. Mr. Boyea said there will be a separate application for signage.

Ms. Matias asked, "Is there something you can do to soften up" the Dollar General. Ms. Matias said it looks a "big square." Mr. Boyea said it has been done in the past and is something the applicant can look at.

Chairman Doyle referred to requested waiver - Lot 3A - Dollar General Site; minimum frontage buildout (Route 67). Chairman Doyle said if the applicant were to look at the buildings what the board has approved in the past, the longest side of the proposed

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building would be shown as the front. In this particular case it's not because of the lot. Chairman Doyle asked the board if they have any objections to the proposed site layout as depicted on the plan. Mr. Hayden said he would like to see Dollar General flipped. Mr. Ramsey said if the building were flipped, you would lose the parking on the sides. Mr. Boyea said this request can be shown. A further discussion was held. Mr. Boyea said with future plans for Dominic Drive, the proposed plan shows the "attractive side" of the buildings off of Dominic Drive.

Mr. VanVorst said the advantage of the applicant showing documentation can demonstrate why the board approved the waivers; it can be justified.

Chairman Doyle referenced the front yard setback. When this is shown to meet the setback, the proposed building blocks the road to the BSNB - showing the building in the middle of the road. Mr. Boyea to provide a site line distance schematic.

Mr. Boyea referred to the Maximum Secondary Road Setback - 15' required from edge of pavement. Mr. Boyea said that is impossible for the applicant to meet the required setback. The applicant is proposing 19.3' from edge of pavement.

Mr. Boyea said a parking study will be provided.

Mr. Hayden said, " The board needs a better reason than BSNB likes the way we presented it." Mr. Boyea said that will be discussed during the Special Use Permit criteria " fits in harmony with neighborhood."

Mr. Boyea said the applicant tried to limit green space reduction relative to parking.

Mr. Boyea said a landscape buffer is proposed along one side of the building.

Mr. Boyea said additional interior green space proposed.

Mr. Boyea said glazing was added to proposed buildings and asked does the board require additional false glazing.

Chairman Doyle said the Dollar General building facing Dominic Drive as proposed relative to glazing meets the design standards. Chairman Doyle suggested adding more architectural detail along the top.

Mr. Hayden said the BSNB is a beautiful building and suggested adding more detail.

Mr. VanVorst said breaking up the roof line would make the buildings more attractive.

Mr. VanVorst asked the timeline for the construction of the buildings. Mr. Boyea said two to three months.



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Chairman Doyle asked Mr. Boyea if there is more information needed from the board.

Mr. Boyea said the two rows of parking out front will be problematic; one row of parking is going to be a tough sell to the applicant.

Mr. Hayden said that C. T. Male's comments indicated a Traffic Study was performed as part of the BSNB project and if this development was not included, the study should be updated to include this development.

Mr. Boyea said that signs should be included in the next submittal.

Mr. Boyea said Dollar General has several locations across the United States their locations to date are several inline rental units with 14 active in Upstate New York.

Mr. Reilly asked the applicant if he (Mr. Boyea) wanted to hold off on the minor subdivision until site plan approval. Mr. Boyea replied yes.

Chairman Doyle opened the public hearing at 9:01 p. m.

Chairman Doyle closed the public hearing at 9:02 p. m.

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

Meeting adjourned at 9:03 p. m.

Respectfully submitted,

  
Michelle L Dingman  
Planning Board Secretary