

Town of Ballston
Planning Board

TOWN OF BALLSTON PLANNING BOARD

Regular Monthly Meeting: April 30, 2014

Present: Richard Doyle, Chairman
Jeffrey Cwalinski
Josephine Cristy
Lee Ramsey
Audeliz Matias
James DiPasquale, 1st Alternate
Patrick Maher, 2nd Alternate
Thomas Johnson, Building
Inspector
Kathryn Serra, Town Engineer
Peter Reilly, Attorney
Members of General Public

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

Chairman Doyle asked for corrections of the March 26, 2014 minutes.

Page 7) 7th paragraph "site plan" change to "Zoning Board of Appeals minutes (March 5, 2014)"

MOTION: Mr. Cwalinski made a motion to approve the March 26, 2014 as amended. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

OLD BUSINESS:

Primax Properties, LLC., Dominic Drive, Ballston Spa, NY 12020; 216.-2-36 (Site Plan Review - Special Use Permit)) Chris Boyea with Bohler Engineering was present on behalf of Primax Properties, LLC. Mr. Boyea said since the last meeting, an agreement was made for a site layout - one item added to site plan was a visual buffer to then north with potential connection in the future. Drainage issues were resolved with NYSDEC and C. T. Male. Mr. Boyea said changes were made to meet the town's design standards as shown on the plan to both Advanced Auto Parts and Dollar General.

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Advanced Auto Parts

Add masonry to the bottom of the building.
Raise windows along the front of the building.
Add darker HVAC screen around the top to shield HVAC equipment on roof.
Option to extend the pilasters in the front of the building to break-up the red and reduce the amount of red on top.

Ms. Serra asked if the new sign dimension was closer to maximum size and was it listed on plan. Mr. Boyea said it would need to be scaled - it just reduces the redness.

Glazing added.
Masonry continued around building.
Cornice updated.

General Dollar

Raised parapet over the main entryway.
Larger cornice.
Brick finish - front of building and wraps around to match BSNB.
Pilasters on corner.
Earth tones with red brick (proposed samples shown to board).
White trim on windows.
Black awnings over windows.

Mr. VanVorst complimented Mr. Boyea on a job well done.

Ms. Matias thanked Mr. Boyea for a job well done.

Ms. Matias asked for clarification on the Advance Auto Parts signage. Ms. Serra said the maximum size permitted is 50 sf.

Ms. Serra said after the Architect's review of the signage, felt the Dollar General sign was updated, but Advanced Auto Parts sign could have tried meeting the town's design standards.

A further discussion was held on proposed signage for Advanced Auto Parts.

Mr. Ramsey said, "box the sign in."

Mr. Boyea said another option was using a muted red (handed sample copy to Chairman)

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Mr. Cwalinski asked about the Advance Auto Parts store in the Clifton Park location (EXHIBIT 1) as shown in the C. T. Male comment letter dated, March 20, 2014.

Mr. Boyea said, "That is something that could be done - replace the red background to match the gray parapet."

Mr. VanVorst agrees with Mr. Cwalinski.

The board is in agreement.

Further discussions were held on proposed sign colors.

Mr. Boyea said, "Muted gray background - red sign." (EXHIBIT 1)

Ms. Serra said the applicant needs to provide a Traffic Assessment and also recommends submitting it to NYSDOT.

Mr. Boyea provided a copy of the Traffic Assessment performed by Atlantic Traffic & Design Engineers. A traffic study was performed as part of the BSNB project that contemplated an office building. The trip generation was compared to the office building is very comparable. Two trips will be added on Saturday, however the road volumes on Route 67 are less on Saturday because there are no peak work or travel days. Mr. Boyea stated, "Therefore based on both trips generations and access configuration, the proposed project is not expected to result in any significant traffic impacts."

Chairman Doyle to discuss with NYSDOT.

Mr. DiPasquale said the plan shows ingress and egress easements from one property to the other. There is a storm sewer from Advanced Auto Parts which discharges across the property of Dollar General - easements should be in place and shown on plan. Mr. Boyea said general cross and access easements.

Mr. DiPasquale asked why the proposed septic design is shown for future expansion
Mr. Boyea said it's good engineering practice to provide space if the system were to fail and/or if the demand was to increase.

Chairman Doyle recommends conditional approval. C. T. Male to work out the final details.

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

Chairman Doyle closed the public hearing at 8:11 p. m.

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No one wished to speak.

Mr. Reilly suggested the board address each application separately.

Primax Properties, LLC., Dominic Drive, Ballston Spa, NY 12020; 216.-2-36 (Minor Subdivision/2 commercial lots) Chris Boyea with Bohler Engineering was present on behalf of the applicant. The applicant is proposing a minor 2-lot zoning compliant commercial subdivision. Lot 3A - consists of 1.224 acres (having access to Dominic Drive and NYS Route 67 and Lot 3B consists of .86 acres (access to NYS Route 67 and cross access easements).

Mr. Cwalinski referenced Easement Notes: Item No. 8 "Utility easement contained in book 836, page 438 is unplottable as described." Is this in error? Mr. Boyea said no, utility easements have the right to cross the property; it's not defined (unplottable).

Chairman Doyle opened the public hearing at 8:16 p. m.

Chairman Doyle closed the public hearing at 8:17 p. m.

No one wished to speak.

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

MOTION: Mr. Cwalinski made a motion to approve the subdivision as shown on the drawing titled "Route 67 & Dominic Drive - Two Lot Minor Subdivision Map of the Lands of Vincent & Nancy Monaco dated, February 4, 2014. Mr. Ramsey seconded the motion and all present voted in favor. **CARRIED.**

Primax Properties, LLC., Dominic Drive, Ballston Spa, NY 12020; 216.-2-36 (Site Plan Review/Special Use Permit) (DOLLAR GENERAL)

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

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

Chairman Doyle said outstanding issues were storm water management and traffic.

Mr. VanVorst asked about the waivers.

Ms. Serra said those issues were discussed at the February meeting. Mr. Reilly said the waivers were discussed and noted in the February minutes.

MOTION: Mr. VanVorst made a motion to approve the proposal/application for the Dollar General Store as described on map revision dated, April 16, 2014 for the construction of Dollar General. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

Chairman Doyle read through the four criteria of a Special Use Permit: (**DOLLAR GENERAL**)

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

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MOTION: Mr. Cwalinski made a motion to approve the Special Use Permit for the Dollar General Store. Ms. Cristy seconded the motion and all present voted in favor. **CARRIED.**

**Primax Properties, LLC., Dominic Drive, Ballston Spa, NY 12020; 216.-2-36
(Site Plan Review/Special Use Permit) (ADVANCED AUTO PARTS)**

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

Mr. Boyea asked for clarification for the Advanced Auto Parts sign - to be installed on a gray background to match the parapet and the sign to be red. Mr. Cwalinski said, "The letters will be red."

Ms. Serra stated the square footage of the text not exceed 50 sf.

Ms. Serra said the zoning states, "In no instance should any one sign (building sign) exceed 50 sf.

A further discussion was held on signage.

Chairman Doyle said the maximum signage on building is 120 sf. and the maximum size of one sign is 50 sf. Chairman Doyle suggests granting a waiver greater than 50 sf., but less than 120 sf.

Chairman Doyle said other outstanding issues were easements, traffic report to be submitted to NYSDOT and C. T. Male.

MOTION: Mr. VanVorst made a motion that the waiver be granted to increase the maximum size of the sign to 120 sf. on one side. Mr. Ramsey seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Cwalinski made a motion to approve the Advance Auto Parts store as described on map revision dated, April 16, 2014 subject to the sign waiver that was approved, detention basis and NYSDOT traffic report as described in the meeting. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

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Chairman Doyle read through the four criteria of a Special Use Permit: (**ADVANCE AUTO PARTS**)

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

MOTION: Mr. Cwalinski made a motion to approve a Special Use Permit for Advance Auto Parts Store. Ms. Matias seconded the motion and present voted in favor.
CARRIED.

New York Development Group, 253 East Line Road, Ballston Lake, NY 12019; 239.-7-1 (Major Subdivision) Scott Lansing, P.E., CPESC, CPSWQ with Lansing Engineering, PC, was present on behalf of the applicant's Geoffrey Booth and Jeffrey Knox. Mr. Lansing said the property is located at 253 East Line Road approximately 149.9 acres located immediately south of the Chapel Hill subdivision. There are two existing homes on the property. The home located to the south to be demolished and home to north to be retained. The property is zoned Ballston Lake Residential - 20,000 sf (lot area), 120' (frontage), 60' (front yard setback), 12' (side yard setback) and 15' (rear yard setback). Surrounding uses to the North - Chapel Hill subdivision, South and West (vacant) and to the East are scattered single-family homes along East Line Road.

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Mr. Lansing said a wetland survey has been performed- ACOE wetlands located on different areas of the project. A formal boundary and topographic survey have been completed.

Mr. Lansing said the overall drainage runs in front of the parcel (East) and flows towards the back (West) of the parcel.

A conventional subdivision is proposed - all lots within the proposed project to meet the Ballston Lake Residential Zoning District. Mr. Lansing said one homestead lot is proposed to the North (home to be retained), an estate lot to the South and 130 single-family residential lots.

Primary access off East Line Road and secondary off Chapel Hill Blvd. There are approximately 12,900 linear feet of roadway for the project proposed. All roadways designed and constructed in accordance with town standards and offered for dedication to the town.

Mr. Lansing said public water and sanitary sewer to extend from the Chapel Hill subdivision and storm water to be managed on site.

C. T. Male's comments were technical in nature and will be addressed.

Mr. Lansing said comment #3 Loss of Agriculture Land - the parcel was at one time an active farm and farming reduced throughout the years; approximately 20 - 30 acres of the 150 acres that are being actively farmed. Soils on this site are low quality agricultural soil and the amount being farmed is for cow corn; not a high quality crop. Mr. Lansing said the owner no longer wishes to farm the parcel.

Mr. Lansing said changes since the last submission were preliminary drawings, preliminary water reports, sewer reports, storm water reports and a Traffic Impact Study.

Mr. Lansing said an elimination of one lot in the southwest corner to be used for storm water management to mitigate the storm water.

A Traffic Impact Study was prepared to evaluate the site distance on East Line Road. It was determined that the entrance for the project needed to be shifted approximately 25' to the north.

A coordinated review was performed and the 30 days has expired and requested the board act to established the Lead Agency for the project.

Mr. VanVorst asked Chairman Doyle to explain the SEQR review process.

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Chairman Doyle said a SEQR review will ensure the board/agency approving an application looks at all the items that could affect the environment and people around this particular development.

Chairman Doyle said the applicant submitted a Phase 1 Cultural Resource Survey in March 2014. One prehistoric site was identified in the Southwest corner and an existing building in the eastern portion of the property.

Chairman Doyle said of the 149.9 acres, 14.25 acres will remain in the Agriculture District #2.

Chairman Doyle has contacted the Agricultural Committee that the town formed in January 2014 and said this will be reviewed under Article 25-AA - Agriculture Districts.

Chairman Doyle said applicant to provide more information pertaining to Watershed Protection Overlay District (WPOD) pursuant to § 138-27.7.

Chairman Doyle said the town's traffic engineer Buckhurst Fish & Jacquemart (BFJ) to review traffic.

Mr. Cwalinski said at the January meeting discussions were made on cisterns for some of the parcels. The recent drawings do no indicate having cisterns. Mr. Lansing said the LMG sheets 1-4 indicate a small circle with a "c" indicating cisterns. Detail sheets to be updated.

Chairman Doyle asked the total number of cisterns proposed. Mr. Lansing said between 48-49.

Chairman Doyle complimented Mr. Lansing on a great job and said it was very impressive. Mr. Lansing thanked Chairman Doyle.

A further discussion was held on storm water management areas.

A further discussion was held on traffic.

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

Bill Bashant said his property abuts the proposed subdivision. Mr. Bashant said he walked the property last week and said it's very wet. Mr. Bashant's biggest concern is storm water management and the overall capacity of sewer and water in that section. Mr. Bashant asked if the plan was available for review. Chairman Doyle said a copy is available in the Building Inspectors office.

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Ron Mrozek, 23 Sweet Road has an active dairy farm with 100 head of cattle and with people moving in feels the developers should erect a fence to protect his livelihood. Mr. Mrozek said, "With all this land going up for development, we are getting squeezed out" and thought the Town of Ballston wanted to keep agriculture in the town.

Chairman Doyle said, "We do and have an Ag group" and are looking at the impact of losing farm land .

Mr. Mrozek is concerned with the water run-off from the development of the good land that grow crops and graze the cattle.

Chairman Doyle said the Town has a Right to Farm Law

Mr. Mrozek said Sweet Road traffic will increase.

Charles Tanzer, 331 East Line Road (Original Weed Farm) as a child baled hay on that farm and chased the American dream and since built a home on that same property. Mr. Tanzer is very proud and wants others to have the same opportunity. Chapel Hill has had an adverse effect on his property - the run-off is not being controlled properly. There are three vital drains that go across the property - some are original clay tiles and actually leach out of the ground and follow the original troth to leach into a much larger drain canal that goes across East Line Road back behind the Howansky Farm (330 East Line Road) and travels down to the Ballston Creek. Mr. Tanzer said 13 years ago when building his home, had met with Mr. Serbalik of Saratoga County DPW about the curb cut and drainage pipe for the driveway. It was determined that 12" was adequate, but installed a 15" pipe. Within two or three years of the completion of the beginning of the project, the 15" pipe was not sufficient and submerged and water was backing up into the footing drains and into his home. Mr. Tanzer said a 24" pipe was then installed a 10" pipe up the driveway and they both were submerged.

Mr. Tanzer also has a concern for drainage and run-off of the DeRobertis major subdivision proposed at 337 East Line Road.

Van Judd, 67 Sweet Road asked is the proposal north or south of the Chapel Hill subdivision. Mr. Lansing replied, south.

Adam Forman, 47 Sweet Road said his property abuts the applicant's which happens to be among the lower lying surrounding land and is concerned over run-off onto his property. Mr. Forman said that Mr. Mrozek uses his property to field over 100 cows and a bull, which presently has an electric fence, but requests some type of fencing be erected by the contractor at their expense.

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Patrick Lentlie, 225 East Line Road has a concern for the speed limit on East Line Road and said it's a challenge to get the speed limit lowered. He also shares the concerns of other residents with water run-off and the Right-to-Farm Law. If the applicant works with the town and complies with applicable codes has no concerns with the subdivision itself. If rapid expansion of residential land use is made in the area, the town should take a hard look at the roads that serve the subdivision and mitigate secondary and cumulative impacts of the proposed action. Route 67 is slowly but surely becoming part of the urban corridor associated with the Northway. Many residents use East Line Road as a North/South thoroughfare as an alternative to the Northway with increase commercial truck traffic trying to avoid roundabouts at Route 67. It's common to see drivers travelling at 60 - 70 mph. Mr. Lentlie said he hopes that the traffic study would include a speed survey of East Line Road and Chapel Hill. Eight to ten years ago a request to lower the speed limit was made, but attempts to make the change were dismissed by the County Highway Department and/or NYS DOT. Land use on and around East Line Road has changed in the last 10 years. There are 40 driveways and intersections on East Line Road between Outlet Road and Burton Meadows. The remaining sections to the north and south have a high concentration of curb cuts and are bounded by signal-controlled intersections after which the speed limit is reduced to 45 mph. There is limited site distance south of the proposed intersection of this subdivision with East Line Road. Mr. Lentlie encourages the board to consider speed limit reduction and other traffic measures.

Jeff Wilson, 21 Chapel Hill Blvd asked if there are any plans for a buffer.

Dr. Forman, 47 Sweet Road said for 25 years have looked at rolling fields and large amounts of trees. Dr. Forman asked will the trees will be taken down, will there be green space. Mr. Lansing said the plans submitted show grading for roadways and all of the lots and feels that the applicant's have shown a tight footprint showing the grading and construction of the proposed homes. The ACOE wetlands will remain forever wild as well as other wetlands scattered about the project; vegetation to remain to the greatest extent possible.

Dr. Forman asked about the definition of fencing - "are we talking about walls." Dr. Forman knows from experience that fences have been bombarded by the cows, often knocked down - even the electrical fence. Dr. Forman asked, "Are we talking about a barrier that is incapable of being pushed down by the cows or are we talking about a fence." Mr. Lansing said the project is not proposing any fences at the perimeter at this time. Dr. Forman said knowing about the cows grazing not only on the Mrozek property, but this property - does this mitigate a fence along the lot. Mr. Lansing said that would be something that would have to be discussed with the applicant's.

Mr. VanVorst said the owners of the animals are obligated to keep their animals in more than the owners of the homes are obligated to keep the animals out.

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Dr. Forman asked, is it the applicant's problem or our problem. Mr. VanVorst said it does not matter who owns the property next door - the obligation of the owner of the animals to keep the animals in. Dr. Forman asked, "How do we go about doing that." Mr. VanVorst said you build good fences. Dr. Forman said then Mr. Mrozek needs to build a fence. Mr. VanVorst said that is his obligation. Dr. Forman asked, "the builder has no obligation." Mr. VanVorst said no more than you have an obligation to keep them out of your property."

Mr. Mrozek said, We have been residents of the town for years and are concerned about our future." Mr. VanVorst said at one point this piece of property came up for sale and anyone could of bought it. Mr. VanVorst said, "The point is - if you don't like a development being next door, you did have the option to buy that property." Dr. Forman said. If it was offered to me, I would have."

Femke Peters, 2 Chapel Hill Blvd asked about procedure and timeline of the proposed project. Chairman Doyle said there is preliminary design, review of the town engineer comments, final design and approval from NYSDEC. Ms. Peters asked will this be developed in phases. Mr. Lansing said the applicant has not identified the limits of the individual phases and will do that in subsequent submissions.

Richard Voehringer, 788 Goode Street is a member of the Farmland Protection Committee and said the meetings are open to anyone interested. Mr. Voehringer said he has concerns over the subdivisions being built in the town and the increase in school taxes. Mr. Voehringer also expressed that the town has a Right-to-Farm Law and thanked Chairman Doyle mentioning the Farmland Protection Committee.

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

Lansing Engineering, PC, 1487 Route 50, Ballston Spa, NY 12020;228.6-1-2.1 (Site Plan Review/Special Use Permit/Review - previously approved condominium) Scott Lansing, P.E., CPESC, CPSWQ with Lansing Engineering, PC, was present on behalf of Traditional Builders, LTD owner/applicant. Mr. Lansing said Cornerstone Condominiums is located on a 7.7 acres parcel and does include 54 condominium unit as well as a 1.05 acre commercial parcel in the front portion of the site. The project was approved on 9/26/2007. The project was on hold given the economic recession. The applicant is required to gain approvals from the town. The application was submitted to NYSDEC, NYSDOH, and Saratoga County Sewer Dist. #1 and Town of Ballston Water. The Town has signed off on the re-approval. Minor comments from Saratoga County Sewer District #1, NYSDOH and are awaiting NYSDEC comments.

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Mr. Lansing said there are no changes to the plan.

Chairman Doyle said there are no changes to SEQR.

Mr. Reilly said SEQR was completed and nothing has changed.

Mr. Reilly said the only motion needed to be passed is the re-approval/re-issuance of the Special Use Permit and not rescind Site Plan approval and re-approve the Special Use Permit.

Chairman Doyle opened the public hearing at 9:40 p. m.

Jim Paratore, 1490 Route 50 (Adirondack Medical) has a concern for drainage onto his property. It was determined that the applicant's are located south of his property.

Kathy Cornelius, 624 Cindy Lane asked where the entrance is located on Pine Grove and believes one of the buildings will be abutting her property. Mr. Lansing said the entrance is located two parcels in off of Pine Grove Ave - in between the second and third house. Mr. Cornelius asked about the values or price range. Mr. Lansing said he did not know and would have to ask the applicant's. Mr. Lansing said the applicant's are anticipating two story with garages.

Mr. Johnson asked if the applicant's are still proposing condominiums. Mr. Booth replied, yes.

Chairman Doyle closed the public hearing at 9:45 p. m.

MOTION: Mr. Cwalinski made a motion not to rescind the approval of Cornerstone Condominiums described on map titled Cornerstone Condominium Development dated April 4, 2014 and to approve the Special Use Permit for that project. Mr. Ramsey seconded the motion and all present voted in favor. **CARRIED.**

Lansing Engineering, PC, 1477 Route 50, Ballston Spa, NY 12020;228.6-1-17.1 (Site Plan Review/Special Use Permit/Review - previously approved condominium) Scott Lansing, P.E., CPESC, CPSWQ with Lansing Engineering, PC, was present on behalf of Traditional Builders, LTD. Mr. Lansing said IAIA Condominiums consists of 3.66 acres and 24 condominium units. The project was approved on 11/19/2008. The project was on hold due to the economic recession. The applicant is required to gain approval from the town. The application was submitted to NYSDEC, NYSDOH, Saratoga County Sewer Dist. #1 and Town of Ballston Water. The town has signed off on the re-approval. Minor comments from Saratoga County Sewer District #1, NYSDOH and are awaiting NYSDEC comments.

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Mr. Lansing said there have been no changes to the plan.

Chairman Doyle said there are no changes to SEQR.

Mr. Reilly said SEQR was completed and nothing has changed.

Mr. Reilly said the only motion needed to be passed is the re-approval/re-issuance of the Special Use Permit and not rescind Site Plan approval and re-approve the Special Use Permit.

MOTION: Mr. Cwalinski made a motion not to rescind the approval of IAIA Condominiums described on map titled IAIA Condominium Development dated, April 4, 2014 and to approve the Special Use Permit for that project. Ms. Cristy seconded the motion and all present voted in favor. **CARRIED.**

NEW BUSINESS:

Michael DeRobertis, 337 East Line Road, Ballston Lake, NY 12019; 239.-2-155 (Major Subdivision- 5 lot residential subdivision) Luigi Palleschi, Project Engineer with ABD Engineers and Surveyors was present on behalf of the applicant. Mr. Palleschi said the property is approximately a five acre parcel located on the W side of East Line Road - North - Lands of National Grid, West Lands of Monaco, South - Lands of Tanzer and East - East Line Road. The applicant is proposing five residential single-family lots in the Ballston Lake Residential District. The intent is to fully comply with the zoning requirements and no variances are requested.

At the last meeting, the applicant proposed a conceptual layout having all five lots with strips of land fronting on East Line Road. The layout has been revised to provide a 60' strip of land that would have common ownership to allow for a private driveway with each lot coming off of the private driveway. The lots varying in size from .50 acre to 1.0 acre will be serviced by public water and public sanitary sewer with grinder pumps for each of the homes with a common force main to connect to the sewer line on East Line Road. There is a 16" water main along East Line Road to extend with an 8" main and a hydrant with laterals for each of the lots.

The storm water generally drains from south to north with a ridgeline towards the rear of the property and west is approximately an acre that drains off to the northwesterly portion. The remaining land drains northeasterly. The aerial photo shows a defined watercourse through the National Grid lands that goes to a 36" concrete culvert pipe under East Line Road. A SWPPP and storm water calculations were prepared.

Comments were received from C. T. Male and will addressed.

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Mr. VanVorst said the C. T. Male comment letter it mentioned this property being located in the Ballston Lake Watershed Protection Overlay District and believes that only the last lot to the west is actually in the Ballston Lake Watershed Overlay Protection District. Ms. Serra said, "All the way to Lake Road."

Mr. Palleschi said he and Mr. Tanzer walked the property and respected all of his comments relative to drainage.

Mr. Palleschi said the applicant's are proposing a 24" culvert across the ditch line in addition to another 12" culvert directly across where the 10" pipe was installed by Mr. Tanzer.

Mr. Palleschi said the proposal is to elevate the private road and the proposed homes and by doing so are creating a swale along the southern portion of the proposed private road which will then have culvert pipes to allow his (Mr. Tanzer) drainage to flow through the property as it does today. There is a natural drainage course which flows in an easterly direction into a existing 36" culvert pipe - check dams to be installed so the peak flows will not be increased off site.

Mr. Cwalinski asked if this will take care of Mr. Tanzer's concerns. Mr. Palleschi replied, yes.

A further discussion was held on the 36" culvert pipe located within the ROW (owned by Saratoga County) Lands of National Grid.

Mr. Johnson asked if there will be swales between the proposed homes. Mr. Palleschi replied, yes and towards the back will be opening up the swales to get more of a sheet flow.

Mr. Palleschi said the applicant is proposing easements for all the culvert crossings between the lots. Mr. Johnson asked who will maintain the culverts. Mr. Palleschi said it will be part of the 60' strip (common ownership) an HOA.

Mr. Reilly said an easement can be provided for the right of the town to charge the property owners for cost.

Laurie Doin, 343 East Line Road has a concern about water run-off.

Mr. VanVorst said it was discussed having a paper street to the west and are creating a swale and asked how is that going to impacted if that road is ever extended. Mr. Palleschi said whoever would extend the swale would have to accommodate either by modifying lot #5 or on the future lot as they would extend it.

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Chairman Doyle asked Ms. Serra about drainage through the lots to carry the water from one side of the development to the other. Ms. Serra said this needs to be looked at and discussed more with Mr. Tanzer to mitigate the five proposed lots.

Ms. Serra asked if basements were proposed for the homes. Mr. Palleschi said either a crawl space of a 4' basement is proposed. Mr. Palleschi said there is a note on the plan stating there is high ground water and if a basement were to be constructed, it's recommended that it be 3' above the high water.

Ms. Serra asked the applicant to show sump pumps and foundation drains on plans.

A further discussion was held on water run-off .

Ms. Serra asked the applicant to confirm ownership of property north of the proposed site and dimensions of swales.

Chairman Doyle asked are the homes saleable without basements. The property is very wet and when the home are constructed and there is a potential problem the homeowner does not complain to the engineer or the builder, but complains to the town. Mr. Palleschi said he spoke with Mr. Tanzer (property to the south) and his home does not have a basement.

Mr. VanVorst said on page 5 c.iii of the EAF states, "Will line extension within an existing district be necessary to supply the project? Question not answered. Ms. Serra said it should be "No." "Source(s) of supply for the district: Question not answered. Ms. Serra said, "Town of Ballston Water District." Page 8 p. "Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? The applicant answered "No." Ms. Serra said the answer is correct.

Mr. Cwalinski said on page 3 C.4.d of the EAF it asks, "What parks serve the project site? Mr. Cwalinski said it should be Shenantaha Park.

Ms. Doin asked about the location of the proposed private driveway. Ms. Doin also asked why property owners were not notified in the Town of Malta. Mr. Johnson said, "We do not notify the people over the town line, but did notify Malta itself."

Mr. VanVorst asked if this parcel is located in the Agricultural District. It was determined the property is not located in the Ag District.

Ms. Matias asked if the applicant could keep the stonewall that is located on the property.

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

Meeting adjourned at 10:20 p. m

Respectfully submitted,


Michelle L Dingman
Planning Board Secretary