

Town of Ballston
Planning Board

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: March 30, 2016

Present: Richard Doyle, Chairman
Jeffrey Cwalinski
Patrick Maher
Audeliz Matias
John VanVorst
Kim Kotkoskie
James Fischer, 1st Alternate
Kathryn Serra, PE Town Engineer
Thomas Johnson, Building Inspector
Peter Reilly, Planning Board Attorney
Members of the General Public

Absent: James DiPasquale

Chairman Doyle called March 30, 2016 meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

MOTION: Mr. Maher made a motion to accept the January 21, 2016 minutes as written. Mr. VanVorst seconded the motion and all present voted in favor; Mr. Cwalinski abstained as he was not present at said meeting. **CARRIED.**

OLD BUSINESS

Thomas Benuscak, Goode Street, Burnt Hills, NY 12027; 238.-1-42.2 (Major Subdivision/ 12-Lot subdivision)

Paul Olund was present on behalf of the applicant. The property consists of 36 acres and the applicant is proposing a public road would provide frontage for nine lots along the public road and two lots fronting Goode Street and conform to the rural subdivision standards. The town road would be built to town standards. Storm water located in the rear of the property. There will be a lot line adjustment to follow the subdivision. A permit from the ACOE would be required to build on the additional lot on the east side of the wetlands.

Town of Ballston
Planning Board

Ms. Serra asked if the applicant can make Lot 12 a buildable lot. Mr. Olund stated yes. If that were to progress, the applicant would have to revise the EAF form to indicate the wetland fill. Chairman Doyle stated to show on the plans that lot 12 is buildable or not buildable. Mr. Olund stated that the applicant would like to leave it open as a buildable lot. Mr. Olund provided a sketch of the proposal to the board relative to lot #12.

Ms. Serra asked the applicant if they propose individual wells or municipal water for the proposed project. Ms. Serra stated that consolidation of the water district is complete so they are willing to entertain. The final plans have to include one or the other because the board cannot approve the subdivision with both. Mr. Olund stated it's the applicant's intention to go the town board for public water and keep lot #12 as a building lot. Mr. Olund stated the applicant may want to provide lot #12 with a well.

Mr. Olund asked the board what is necessary from the applicant to receive final subdivision approval.

Amend the SEQRA form – include wetland disturbance

Address the remaining comments from C. T. Male – update plans

Add additional information on lot #12 to the subdivision plans providing the perc test information.

Chairman Doyle opened the public hearing at 7:47 p.m.

Sarina and Pat Ciraulo, 374 Goode Street asked for the location of the ACOE wetland crossing to their property line. Mr. Olund showed the Ms. Ciraulo the proposed layout. Mr. Ciraulo asked how many feet from their property line. Mr. Olund stated about 35' to remain wooded. The edge of the wetlands will remain undisturbed.

David Pierce, 110 Lake Road asked Ms. Serra when they ran the water up Goode Street to the town hall that there were not going to be any other water additions. Ms. Serra stated that any rule that apply to that old extension, were voided in the consolidation.

Mr. Olund asked if the applicant should go to the town board and explain that it's being reviewed as a rural subdivision and asked to pursue that.

Ms. Serra would recommend from a procedural standpoint – the Planning Board could theoretically approve this project next month, but then the Planning Board Chairman will not sign the plans unless the water district extension happens.

A further discussion was held on wells versus municipal water.

Application tabled.

Town of Ballston
Planning Board

Tracy Egan, Midline Road, Ballston Lake, NY 12019; 257.-4-1.2 (Minor Subdivision/Site Plan Review)

Duane Rabideau, PLS with VanGuider and Associates and Kurt Bedore, PE with KB Engineering was present on behalf of the applicant.

Mr. Rabdideau stated the proposal is to subdivide the 43 acre parcel into 3-lots for single-family residences.

Lot #1 2.67 acres

Lot #2 1.6 acres

Lot #3 37.8 acres

The ingress/egress to site will be a private road. The site will be served with municipal water, onsite septic systems and storm water managed on site.

Mr. VanVorst asked Mr. Bedore in the future, to include the questions with the answers in the comment letter.

Ms. Serra stated her comments are very minor and need to be addressed by the applicant.

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

No one wished to speak.

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

Chairman Doyle closed the public hearing at 8:03 p.m.

MOTION: Mr. Maher made a motion that the minor subdivision map #13-22-55B dated 2/23/16 be conditionally approved by the resolution of the outstanding comments from the C. T. Male letter dated March 24, 2016 and Park and Rec fees of one thousand dollars per lot payable at issuance of building permit. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

Town of Ballston
Planning Board

1491 Saratoga Road, LLC, 1491 Route 50, Ballston Spa, NY 12010; 216.-1-65 (Apartment Community)

Joseph Dannible with EDP was present on behalf of the applicant.

The applicant is proposing a 40-unit apartment community at above said location approximately 500' south of the intersections of 50/67.

The applicant was before the board in January 2016 with conceptual site plan consisted of a 16 unit building facing Route 50, 24 unit building located to the rear of the site. The site access is off Route 50 crossing a wetland and parking lot in the front and back. The board was generally o.k. with the concept had conversations with the amount of parking and agreed with a number of 90 parking spaces – 2 parking spaces per unit.

There were issues with the site distance evaluation at the northern entrance. In order to have adequate site distance looking north, it would require the ability to cut and remove land on an adjacent property that the applicant does not have control of. The applicant did talk to the owners of Cornerstone Condominium project to the south and did not believe having the additional vehicle trips for their private road was something they were willing to entertain.

The revised proposal is a single curb cut on Route 50 and the 24-unit building in the front of the site and the 16-unit to the rear of the site. The pavement area has been decreased by 18,000 sq. ft. roughly 9 percent in the impervious area. The green space increases nine percent. The project is now over 70 percent green space on the site and increase the area of passive and active recreation areas on the parcel. The layout works the applicant has the appropriate fire apparatus turn-around at the end of the site. The applicant is providing 84 parking spaces.

A further discussion was held on the façade and lay out of the buildings for the proposed project.

A traffic assessment has been completed and reviewed by BFJ and provided four very minor comments and as of today, have responded to three of the four comments.

There is a sidewalk planned in front of the site and are not going to carry the sidewalk along the entire frontage due to the wetlands and drainage issues within the NYS ROW.

Chairman Doyle stated this proposal is much better than the first design.

Chairman Doyle asked if the board feels that EDP should move to preliminary designs for the project. The board concurs.

Chairman Doyle opened the public hearing at 8:19 p.m.

Town of Ballston
Planning Board

Anne Pierce, 110 Lake Road stated it's a shame that it does not have sidewalks all the way along it because people are going to be walking on the road and is it possible to put a walkway through the wetlands. Chairman Doyle stated there certainly is a limit on how much sidewalks you can ask a developer to put in. Ms. Serra asked the applicant to show us why you can't put in sidewalks due to drainage issues.

Jim Paratore, 1490 Route 50 said that he likes the project and has questions relative to the ingress/egress, drainage and sidewalks. He stated that the people that walk down that road and wonder why no one has gotten hit yet. Ms. Serra stated the NYSDOT will have to look at it. Mr. Dannible said the applicant did a traffic study and there are several other projects in the area. The traffic from their project is minimal.

The public hearing to remain open for this project

Application tabled

Eagleton, LLC, 1 Charlton Road, Ballston Spa, NY 12020; (Site Plan Review/Special Use Permit – Landscaping equipment/storage and single-family dwelling)

Scott Lansing, PE with Lansing Engineering was present on behalf of the applicant. Mr. Lansing stated that he is an owner of Eagleton, LLC which is a property he owns with his wife and will be leasing it back to the proposed tenant for the project, which is Lansing Property Services

The overall parcel is 1.63 acres and currently has two structures on the parcel with the proposal of demolishing the existing snack bar.

Lansing Property Services is a turf management plantings, snow and ice removal.

The proposal is for a 6,000 sq. ft. enclosed equipment storage facility with three sides and an open back for vehicle and equipment storage. Also within the structure are proposing a 400 sq. ft. office space and within the 6,000 sq. ft. would a loft for additional storage of equipment and materials. The applicant is proposing five material storage bins. The back portion of the property the applicant is proposing a single-family residence for the primary supervisor.

The applicant is proposing one curb cut from Charlton Road at the end of the day, trucks and trailers would be able to circulate around the building and actually drive through the building and would be in climate controlled and secure building and the applicant has four bays.

Proposed are 20 parking spaces for employees and visitors and do not anticipate visitors to the site.

Town of Ballston
Planning Board

There is approximately 62 percent green space on the parcel and have planted buffers and maintain existing vegetation. Privacy fence is proposed on the southern side connecting to existing vegetation.

The site to be served by municipal water, storm water managed on site and a waste water treatment system is proposed in the upper northeast corner of the parcel.

Since the last time the board has seen the proposed building colors have been added, textures and some of the comments from last meeting there was a request to add an overhang and to balance that out added a rake on the front portion of the building.

C. T. Male comments were relative to the waste water treatment system. On the prior plans the applicant did not include a slope off of the waste water treatment system. The current plan does show a slope off of that – the toe of the slope was not meeting the setback and the primary issue was to the NYSDOT ROW. The applicant has moved the septic system around and maintains 10' of separation, which is required to the NYSDOT ROW. The applicant is lacking from the separation from the toe of the fill to the ROW line on Charlton Road instead of 10' its 7.2'.

Waivers

Proposing a 70' setback from the Charlton Road

Parapets

Glazing meets the 50 percent on Route 50 side, but 33 percent on Charlton Road side.

Horizontal siding on Route 50 and Charlton Road midway of the structure and vertical metal siding on the back of the building is proposed for the project.

Mr. Cwalinski asked about washing of the vehicles inside. Mr. Lansing stated that yes, and will have a holding tank with an alarm system.

Ms. Kotkoskie stated the water usage for the commercial building states 64 gallons and is that included with the house per day. Mr. Lansing stated that this is what the applicant anticipates for the employees and employees in the office and then incorporated in the single-family residence to that septic system. On page 3 it states the commercial building is estimated to use 64 gallons per day, but then it says the proposed single family residential structure will utilize a new one inch water service connection with an estimated use of 330 gallons a day and asked if that is flipped. Ms. Serra stated normal residences use that amount. Ms. Kotkoskie stated the commercial seemed low. Ms. Serra stated 300 gallons per day for a residential structure is normal. Ms. Kotkoskie stated also washing of the vehicles. Mr. Lansing stated that washing was not a daily thing and that water would go into a holding tank, which would then be pumped out.

The board concurs with the proposed waivers.

Town of Ballston
Planning Board

Mr. Lansing stated that applicant has invested another 50 thousand in enhancements of the building and would like to ask the board to phase the wing on the south side of the building. Ms. Serra asked the wing size. Mr. Lansing stated 30 x 44. The fence would tie into the stockade fence in the back.

Mr. Reilly stated if the applicant received approval, it needs to be built within two years from the approval date.

Chairman Doyle opened the public hearing at 8:43 p.m.

Julia Duchensne, 1157 Route 50 stated she owns two pieces of property 9 Charlton Road and 1157 Route 50 asked if the septic system will be tied into the building. Has a concern for a buffer on the west and south side. Ms. Duchensne asked if there will be outside lighting. Mr. Lansing stated wall sconces low level.

Robert Immel, 1203 Route 50 asked for a brief reiteration of the proposal for the project. Mr. Immel asked the percentage of business that Lansing Landscaping does in the county or the town. Mr. Lansing stated 100 percent in Saratoga County.

Ron Charbeneau, 4 Charlton Road asked the location of the garage doors entrance and exit as he has a concern for his neighbor of lights shining in their windows.

Chairman Doyle closed the public hearing at 8:50 p.m.

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

MOTION: Mr. Maher made a motion that the site plan detailed on LMG-1 dated March 16, 2016 be approved conditionally addressing the comments on the septic system, the waivers of the architectural design standards as requested by Lansing Engineering and setback. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

Chairman Doyle read the criteria for a special use permit

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.

Town of Ballston
Planning Board

- 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.
- 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.
- 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 answered no to all above said questions.

MOTION: Mr. VanVorst made a motion to a special use permit for Eagleton, LLC. Mr. Cwalinski seconded the motion and all board members voted in favor. **CARRIED.**

Saratoga-Schenectady Endoscopy Center, 854 Route 50, Burnt Hills, NY 12027; 257.-3-26 (Site Plan Review – 34,759 sq. ft. single-story building)

Kurt Bedore, PE KB Engineering, Tom Johnson, with TR Jonson Engineering, Paul Huysman, Architect, and Debbie Hunt Chief Nurse Administrator with the facility.

This proposal is an action going concurrently with Jenncom and are proposing to develop lot B, which is 11.3 acres out of the 14 acres – Lot A, 2.7 to be retained by Jenncom.

The applicant is proposing on the 11.3 acres to construct a new single-story 35,428 sq. ft. Medical arts facility; an expansion of the existing Endoscopy Center operations adjacent property at 846/848 Route 50. The applicant is proposing a loop road, which is privately held with two entrances off the parking lot into the property with a loop road coming out with a 65 foot strip access on Route 50 approximately 200' south of Forest Road. 258 parking spaces proposed, which exceeds the building code, but have vetted out the justification for the increase above the building code. The existing practice at 848 Route 50 has four procedure rooms and proposing turning that into an administrative building and turn into ten new procedure rooms.

The new entrance proposed 2-lane out left turn right turn to commercial NYS DOT standards.

The applicant proposes an onsite waste water treatment system and the water main to remain private. All storm water to be managed on site.

Town of Ballston
Planning Board

The building will be sprinklered for fire protection and proposing two fire hydrants out front.

The applicant received comment letter from C. T. Male.

The applicant requests consideration for temporary installation of overhead utilities during construction phase only and per Comprehensive Plan all utilities will go underground.

Tom Johnson completed a traffic study for the project and there will be on impact on Route 50 and discussed the C. T. Male comment letter. Route 50 is a 45 mph and speeds measured by NYSDOT of 50 mph and does not recommend marking a crosswalk with that high of a speed unless you do other traffic control measures with the marked crosswalk either installing a traffic signal, advance warning signs with flashing beacons in front of the crosswalks, inroad flashers or change the type of pavement, but again a marked crosswalk by itself is not recommended by NYSDOT and does not support a marked crosswalk on Route 50. No sidewalks are proposed at this type of facility is not conducive to pedestrian traffic. The request to change answers on the complete streets worksheet and disagreed with that request and do think there are connecting pedestrian facilities and does not think there is a gap of facilities indicated in BFJ's letter. The site distance analysis has an excess of 700' in both directions, however the stopping site distance of vehicles traveling on Route 50 to be able to stop in time before striking and object two feet in height – stopping site distance that you want is 425' with the site intersection be greater than 700' and the stopping site distance to the south was almost 1,000feet and almost 1,500 feet, which indicates that applicant has more than 425' required.

Mr. Bedore stated the floor plans and elevations have not changed – minor changes to the footprint of an 8 foot bump out.

Mr. Cwalinski asked the total number of employees at full build-out.

80 new employees at the new facility
120 employees at 848 Route 50
20 employees at 846 Route 50

The proposed lighting will match existing in kind. Mr. Huysman stated the lighting that goes down the access road to Route 50 is 18' high, 25' high in main parking lot and 12' in front of walkway.

Mr. Bedore would like to discuss requests for waivers from the Comprehensive Plan because that is very basic to their site plan and has impacts and the board did request to bypass concept and go to sketch plan directly to preliminary at risk to the applicant at greater detail. Chairman Doyle stated he has not seen any waivers to date. Ms. Serra stated they were in the original application. Mr. Bedore stated that all six requested waivers are requested in the narrative dated March 15, 2016.

Town of Ballston
Planning Board

Mr. Maher stated frontage, front built to, off-street parking, lighting, sidewalks and utilities. The board is in agreement to all above said waivers.

Chairman Doyle opened the public hearing at 9:25 p.m.

Carl Thurneau asked the location of the exit and going to increase by two and half times and increase the number of procedure rooms, but sensitive to issues on traffic for other reasons and already at 15,000 cars on Route 50 and a two lane road with the sewer and all the development.

Richard Bradt lives 500' east of this development and has to pay a lot of money for sewers and raise his taxes every year for sewers and this is a piece of property according to the new park on Middleline Road will be good protection for the lake? This proposal is for a septic system and Mr. Bradt stated he has to pay for a sewer s and they are 20' higher than his house. Mr. Bradt was a licensed Civil Engineer designed drainages for forty years and knew what they were supposed to do and also knows how they don't work sometimes because people don't properly design them or properly maintain or inspect them and all that stuff is going onto his property. Mr. Bradt stated he does not know why the applicants can have a septic system and he cannot. If we are going to be protecting the lake, it should not be just me and my neighbors in Buell Heights.

Chairman Doyle closed the public hearing for said meeting at 9:35 p.m.

Mr. VanVorst asked if discussion could be held on the stub road opposite Forest Road.

Charlie Morris stated that he has had discussion with the applicant and have discussed another egress onto Route 50.

A further discussion was held on the stub road.

Ms. Matias asked Mr. Morris to give more detail relative to the stub road.

Mr. Morris stated the he owns the property directly across from Forest Road and a discussion with the applicant was to put in a temporary road possibly going right across Forest Road. Mr. Morris stated that he has three or four curb cuts in that section and his proposal was to put some type of stub road temporarily to get maybe get rid of the 60' egress on Route 50 and may be do a stub road onto Route 50 and would take and put his exit on the Ford store side.

Mr. Bedore wanted to go back to Mr. Bradt's comment relative to storm water management wanted to reiterate about the storm water management and wanted to say that the state of the art storm water management in keeping with the Clean Water Act from the EPA to the NYSDEC has evolved significantly and is the law of the land. It's being treated for water quality; it's filtered and gets detained and

Town of Ballston
Planning Board

released at the predevelopment rate. Mr. Bedore or someone will be inspecting the project or someone to ensure that the water quality reaching the lake going down through Buell Heights will be the same or better than it is now. The practice wants to connect to town sewers at the earliest opportunity.

Application tabled.

Zaremba Group (CVS), 120 Lake Hill Road, Burnt Hills, NY 12027; 257.10-1-46.1 (Lot Line Adjustment/Site Plan Review/Special Use Permit/ New 13,255 sq. ft. Retail)

Stefanie DiLallo Bitter, Esq., John Wojtila, Zaremba Group, Mark Naldony, CME and Pat Mitchell, VHB.

Chairman Doyle stated that he had a call from the Architect for the project and talked about the design of the building. Chairman Doyle asked about colonial designs as this proposal does not meet the town's design standards.

Mr. Wojtila stated the Architect will be at the next meeting to discuss these issues. The proposal is for a brick building with more of a downtown design versus a colonial look. C. T. Male provided the applicant with photographs of local CVS stores.

Ms. Bitter stated that colonial style means different things to different people and a similar structure here is being constructed in the town of Rotterdam.

A further discussion was held on waivers.

Ms. Bitter has received an informal approval from the Fire Commissioners they need SEQRA approval and looking for this board to take Lead Agency and give a Negative Declaration SEQRA before they approve a resolution for this easement proposal. Once in place, that is subject to a mandatory referendum which requires you go out to the voters of the fire district.

Mr. Wojtila stated the CVS parcel would be just about 2 acres and the fire district 2.6 plus the existing .7 acres totaling 3.3 acres

Mr. Wojtila stated this proposal is the most efficient for parking. Ms. Serra stated the applicant to show an engineering reason for parking in front of the building and does not meet the town's design standards. The board has grant waivers in the past for one row, bus justification is required.

Mr. Naldony stated that a parking study was performed in Glenmont the exact same size and provides 59 parking spaces; similar to what is being proposed here.

Wednesday AM peak 24

Town of Ballston
Planning Board

Thursday PM peak 18

Mr. Noldony stated this is significantly less than what they applicant is providing. In 2010 the Malta CVS at the PM peak was 24.

A further discussion was held on parking.

Chairman Doyle stated to get NYSDEC approval is to get site layout that shown storm water and septic and the board has received a drawing showing septic on the land that applicant is giving to the fire department. Mr. Wojtila stated part of the deal with the fire department and choose for the applicant to construct a new septic system or make a payment to them equal to the cost of build.

Mr. Maher asked the applicant to respond to the C. T. Male comment letter dated March 24, 2016.

Ms. Matias asked the applicant to provide for evidence for the requested waiver and show the board a model that would work.

A further discussion was held on parking.

Mr. Mitchell stated some of the issues are truck travel through the site because of the limited access from Route 50.

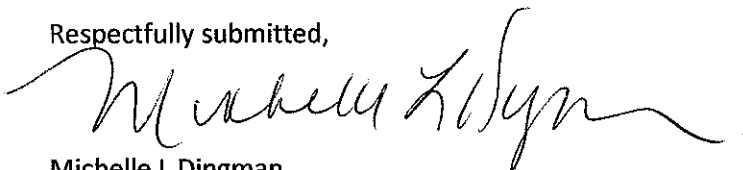
Mr. Fischer stated we (the board) does not even know if it's going to work on this property, but before we get into what the building is going to look like, let's see if it's actually going to be there.

Chairman Doyle stated everything sent was confusing and not complete or just off the board. application tabled.

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

Meeting adjourned at 10:25 p.m.

Respectfully submitted,



Michelle L Dingman
Planning Board Secretary