



**Town of Ballston Planning Board Minutes  
Regular Monthly Meeting - March 25, 2009**

**Regular Monthly Meeting: March 25, 2009**

Present: Richard Doyle, Chairman  
  
Josephine Cristy  
  
Jeffrey Cwalinski  
  
Joan Eddy  
  
Derek Hayden  
  
Donald Rhodes  
  
John VanVorst  
  
Lee Ramsey, 1<sup>st</sup> Alternate  
  
Kathryn Serra, Town Engineer  
  
Peter Reilly, Planning Board Attorney  
  
Thomas Johnson, Building Inspector  
  
Members of General Public

Chairman Doyle called the, March 25, 2009 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Corrections to minutes : Page 2) 9<sup>th</sup> para; change "rention" to "retention", Page 7) 11<sup>th</sup> para; change "will" to "with", Page 8) 9<sup>th</sup> para; strike "is", 10<sup>th</sup> para; change "you" to "you're", 13<sup>th</sup> para; add "they", Page 9), 1<sup>st</sup> para; add "Planning Board", Page 11) 8<sup>th</sup> para; change "to" to "for", 19<sup>th</sup> para; change "Cwailinski" to "Cwalinski"

**MOTION:** Ms. Cristy made a motion to approve the February 25, 2009 minutes as amended. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**



**Town of Ballston Planning Board Minutes  
Regular Monthly Meeting - March 25, 2009**

**NEW BUSINESS:**

**Kent Chase, 1 Chase Lane, Burnt Hills, NY 12027 for a Special Use Permit.** Kent Chase was before the Board for a Special Use Permit to operate a saw mill. Mr. Chase said he owns a two year old portable Wood-Mizer diesel engine saw mill with only 130 hours which he has been using for his own personal use and is not proposing to do commercial sawing.

Ms. Cristy asked Mr. Chase if he will be advertising with signs. Mr. Chase said he will advertise with business cards.

Mr. Cwalinski asked the proposed hours of operation. Mr. Chase said 8:00am to 5:00pm.

Mr. Hayden asked if the applicant plans to increase the hours on the saw mill. Mr. Chase said that he does not know what the demand will be for sawing lumber, but thought there would be a demand for individuals needing horse fencing.

Mr. Hayden asked when the sawing was performed. Mr. Chase said days, nights, and weekends; nothing was performed after dark.

Mr. Hayden asked if there have been any problems with neighbors. Mr. Chase said no.

Mr. Doyle opened the public hearing at 7:40 p.m.

Robert Zentz said that he has no problem and if it makes noise, he does not hear it.

Mr. Cwalinski said that question #8 on the SEQR form was not completed.

Mr. Reilly asked if there are going to be any other out buildings. Mr. Chase said he would like to construct a building around the saw mill; open end shed.

Mr. Reilly asked if there is parking or do you haul it back with your truck and then bring it back out.

Mr. Chase said that he does have a road that goes back to the woods.

Mr. Reilly said the special use permit runs with the land is an approved use and the Board would be concerned that the operation stays the way the applicant intends to use the land and there will be some constraints put on it by way of the approval

Mr. Doyle closed the public hearing at 7:44pm.

Mr. Zentz said that Mr. Chase has been running the saw mill and has never heard it and has not problem with it.

Mr. Doyle went through the four criteria of 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. Mr. Rhodes said so long as operated as proposed by the applicant at the location.



**Town of Ballston Planning Board Minutes  
Regular Monthly Meeting - March 25, 2009**

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. No issue.

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. Not applicable.

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. Mr. Rhodes asked what will happen to the slab wood. Mr. Chase said right now it is burned in the outside wood furnace. Mr. Rhodes said piles will not accumulate so there will not be an issue with public health and safety. Mr. Chase replied no.

Mr. Doyle asked the Board members if they feel it meets all the four conditions. The Board was in agreement.

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

Mr. Rhodes said the Saratoga County Planning Board said the Town may want to consider renewing and reviewing the permit on a semi-annual basis. Mr. Doyle thought that was excessive and if the conditions change if the applicant were to operate full time, but based on the stipulations that the Board is approving and what is being presented, did not feel it was necessary. The Board is in agreement

**MOTION:** Mr. Rhodes moved to issue a Negative Declaration, with the basis that there is not a potentially significant environmental impact. Ms. Eddy seconded the motion. **CARRIED.**

**MOTION:** Mr. Rhodes made a motion to approve the special use permit as per the applicant with the following stipulations; part time operation, one saw in the location as proposed in the application, dusk to dawn operation, and proper disposal of any debris or material. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

**William Bowers, 25 Pearce Lane, Ballston Lake, NY 12019 for Site Plan Review.** Wayne Kant, P.E. was present on behalf of the applicant. Mr. Kant said the applicant is before the Board for a replacement septic system. Pursuant to the Watershed Overlay Protection District, a site disturbance over 1000 sq. ft. requires site plan review. A site investigation has been performed and a number of variances were granted by the Town Board. A Wisconsin Mound type system is being proposed is a fill type system. Ms. Serra had comments after reviewing the plans.

Mr. Kant said this is a standard replacement system and feels it got caught up in the regulations as far as review. Mr. Kant said this type of system has to be capped immediately because they have to be put into service immediately.



**Town of Ballston Planning Board Minutes  
Regular Monthly Meeting - March 25, 2009**

Mr. Cwalinski asked if the existing system is failing and needs to be replaced. Mr. Bowers said that it is not failing, but wants to sell the house and upgrade existing septic system.

Mr. Rhodes asked about the enhanced treatment method. Mr. Kant said that he has an effluent filter in the tank to keep solids out of the dosing tank which is not required. Mr. Kant said the Wisconsin Mound gives you more aeration so when it's a dose system so it is an enhanced treatment.

Mr. Rhodes asked if it is an AdvanTex peat filter or something that gives you an equivalent treatment. Mr. Kant replied no.

Mr. Rhodes asked if the design itself needs a variance or just a setback. Mr. Kant said just a setback.

Mr. Rhodes referred back to the minutes of the Town Board meeting which was contingent upon review by the Planning Board and Town Engineer. Mr. Rhodes asked if the Town Engineer has reviewed this application. Ms. Serra said it has been reviewed for storm water and a survey map to be provided because given past problems with septic systems not being built in the location that was designated and approved by the Board.

Mr. Rhodes asked if a technical review was performed to see if there are going to be any problems with short circuiting to the adjacent well. Ms. Serra said because the Town Board did not ask CT Male to review it before they granted the waivers our technical review was limited and noted a few deficiencies on the plan that need to be addressed. Ms. Serra said that it is up to the Town Board to approve such a replacement system.

Mr. Rhodes asked if the Planning Board was only to review the site plan; storm water and disturbance.

Ms. Serra said the engineer that reviewed the plan stated this is an improvement to what is presently there, but there are systems that could be put in and are much more expensive and felt that the Town Board has already approved it and the Board of Health has spoken that the septic system is approved.

Ms. Serra said that the Town Board would concur that CT Male's recommendation that a stake out be done in the field. Mr. Rhodes asked about monitoring.

Ms. Serra said that the WPOD has sections in the code that give the Town Board as a Board of Health the right to ask that replacement septic systems that received waivers to be monitored for performance. Ms. Serra said based upon her knowledge of this the Town Board did not choose to do that in this particular project.

Mr. Rhodes said that there may have been a communication gap and would feel comfortable with saying where the Planning Board review ends and having the Town Engineer and the Town Board make sure that there is no confusion and they did not want CT Male to do a technical review.

Ms. Serra is in agreement with Mr. Rhodes and reviews plans for the Town Board. Mr. Rhodes said that the Town Board may have thought that was going to happen so let's confirm that.

Mr. Doyle has asked that question and is waiting back to hear back from Ms. Southworth.



**Town of Ballston Planning Board Minutes  
Regular Monthly Meeting - March 25, 2009**

Mr. Doyle said the Planning Board's portion is just soil disturbances so consequently we should move forward.

Mr. Kant said that every single replacement septic system disturbs more than 1,000sq. ft. Mr. Rhodes is in agreement. Mr. Rhodes said they really should be doing an enhanced treatment not just a Zabel filter and should be going to the discharge standards because there is not a lot of soil there under the existing systems.

Mr. Kant said the P.E. stands for position of the environment and need to protect it the best we can and if you over regulate it, people are not going to fix it or going to fix it on the weekend. Mr. Kant said that it is a real issue and feels that it needs to be looked at and what are the best available treatment standards and what can people afford.

Ms. Serra said that she will remind the Supervisor that the Board has expressed a desire to have CT Male review any of the technical issues. Ms. Serra concurs and feels that CT Male's review is better served at the Town Board level than only looking at the soil disturbance.

Mr. Doyle opened the public hearing at 7:55pm

Mr. Doyle closed the public hearing at 7:56pm

No one wished to speak.

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

**MOTION:** Mr. Rhodes moved to issue a Negative Declaration, with the basis that there is not a potentially significant environmental impact. Ms. Cristy seconded the motion. **CARRIED.**

**MOTION:** Mr. Rhodes made a motion to approve subject to the Town Engineer and Town Board working out the details for technical review and the septic. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

Respectfully submitted,

Michelle L. Dingman