



**Planning Board Meeting
Regular Monthly Meeting
June 24, 2009**

TOWN OF BALLSTON

PLANNING BOARD

Present: Richard Doyle, Chairman

Josephine Cristy

Jeffrey Cwalinski

Joan Eddy

Derek Hayden

Donald Rhodes

John VanVorst

Audeliz Matias, 2nd Alternate

Kathryn Serra, Town Engineer

Peter Reilly, Planning Board Attorney

Thomas Johnson, Building Inspector

Members of General Public

Chairman Doyle called the June 24, 2009 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Corrections to minutes: Page 1) 3rd para; strike mad change to "made", 4th para; strike wide change to "tall". Page 2) 11th para; add "not", 12th para; strike are, add "and". Page 3) 7th para; strike "this project". Page 4) 8th para; change convention to "conventional". Page 5) 2nd para; change Hildrebrant to Hildebrant, 3rd para; strike "as", 11th para; strike change add "chance". Page 8) 4th para; strike "an" change to "in", strike "if" change to "it", 6th para; add "s" to Rhode. Page 9) 9th para add "a" before (non). Page 10) 12th para; strike "can", 16th para add "a" to variance. Page 11) 11th para add "a" to Rhode. Page 12 2nd para add "on".



MOTION: Mrs. Cristy made a motion to accept the May 27, 2009 minutes as amended. Mr. Doyle seconded the motion and all present voted in favor except for Mr. Cwalinski who abstained. **CARRIED.**

OLD BUSINESS:

Joseph Casale, 1427 Route 50, Ballston Spa, NY 12020 for a Sketch Plan Conference. Pat Mitchell of Creighton Manning Engineering was present on behalf of the applicant Joe Casale. Mr. Mitchell said originally this project was proposed as an apartment complex and at the last meeting the Board suggested a need for senior style housing.

Mr. Mitchell said there are two plans in front of the Board with two versions (three story/two story).

The three story building meets the 40ft. height requirement and it also provided more green space; more amenities for the residence of a project of this nature.

Mr. Mitchell said this project is not meant to be a senior community as defined by the Town of Ballston (65 and older) it will be 55 plus community simply for marketing.

Mr. Mitchell said a survey, topography, have been completed, and the wetlands have been delineated. Mr. Mitchell received a letter from DEC stating they are not going to take jurisdiction over the wetlands.

The plan shows one access point from Route 50 the other shows two access points; it left more options for the project.

Mr. Mitchell said garages and storage spaces have been added.

Mr. Mitchell said sewer, water, gas, and electric are present at the site.

Mr. Mitchell said the project meets the zoning, however not being a true senior community which has a parking ratio of one space per unit in essence 60 parking spaces. The other option is multi-dwelling which requires two and a half spaces per unit. Mr. Mitchell said the difference of 60 spaces to a 150 spaces because the use is going to be geared more towards the senior community.

Mr. Mitchell said the amenities would be bache ball, horseshoes and some sort of community garden.

Mr. Hayden said the Town of Ballston is 62 years old for a senior as defined in the code.

Mr. Cwalinski asked what the storage space will be used for. Mr. Mitchell said he was not sure but, possibly golf clubs with size variations from 5' x 10' to 10' x 10' with man doors or slide up doors.

Mr. Hayden said the design standards require the main façade to face Route 50.

Mr. Mitchell said the applicant is trying to keep the people in the site and not out at the road. The "U" shaped portion of the building has access on both sides and both the two and three story buildings will have a community room and main access point would be and no access on the Route 50 side of this building.



Mr. Hayden questioned the parking spaces on the two story building. Mr. Mitchell showed 94 spaces; one car in the garage and one outside. Mr. Mitchell said if you have a garage you will have a reserved parking spot.

Mr. Hayden said he did not feel the plan show enough trash receptacles. Mr. Mitchell said there is enough room to add another.

Mr. VanVorst said the three story plan shows a storm water management area and two story plans does not. Mr. Mitchell said initial deep tests have been performed and are trying to stay away from ponds and would be possibly looking at bio retentions, rain gardens, and infiltration trenches. Mr. Mitchell said the plan is trying to keep the storm water underground so it infiltrates into the ground and it is not running over the ground.

Mr. Rhodes said he has a problem with the driveway in front of the building and feels it is important for the facade to be reworked so it is appealing from the main route. Mr. Rhodes said if a permit from DOT is obtained for both driveways if, not that circular areas should be able to turn those vehicles right back around and use the two way section. During the last meeting it was strongly recommended the use of underground systems as Mr. Rhodes has stated "you're packing a lot of intensity on this site."

Mr. Rhodes said when referring to parking, refer to the section of code that asks for a waiver from this Board; this is done by using ITE standard parking generation for the appropriate use. Mr. Rhode said as far as parking in front of the garage it is going to be problematic from your point of view of operations however; the space between the garages should be a pedestrian access to the rear. It appears that is going to be your outdoor recreation area and the length from the building to that area with the bache ball court and the horseshoe pit should be more than having to walk around the buildings perhaps using those as corridors for the pedestrian linkage.

Mr. Rhodes said one of the challenges is the dominant façade is perpendicular to Route 50 is to make sure that three sides of the building look good; the code requires doors on the main be in the main façade. Mr. Rhodes said to plan for in the future if a pedestrian link on Route 50 were to occur with the bus stop being right down the road would be a logical place for a people to enter and exit the building. Mr. Mitchell asked sidewalks. Mr. Rhodes said the site needs to accommodate.

Ms. Eddy asked if the applicant had a preference for a two or three story building. Mr. Mitchell said a three story can provide more green space.

Mr. Rhodes said the burden of proof is upon what the realistic parking rates should be for this facility, but would have to be careful where the garages are located.

Mr. Rhodes asked about the ITE analysis. Mr. Mitchell said 1.5 would be their goal.

A further discussion was held on parking.

Mr. Rhodes said ITE stands for Institute of Transportation Engineers; a publication for parking generation rates.



Mr. Reilly asked the applicant to refer to section 138-66.

A discussion was held on access to building.

Mr. Hayden asked if there is any commercial business being proposed within the site. Mr. Casale replied no.

Mr. Cwalinski asked if there will be elevators. Mr. Mitchell replied yes.

Mr. Cwalinski asked if the fire department is equipped to handle a three story building. Mr. Johnson replied yes. Mr. Johnson pointed out the that he thought the elimination of the road in front of the building would be a problem for emergency vehicle access if there was only going to be one access to the site from Route 50; if there were two entrances to the site, the elimination of the road would not be a problem.

Mr. Mitchell said our option would be to have two entrances or an entrance to have a one way exit.

Ms. Eddy asked about the esthetics. Mr. Casale said a stone main entrance, wood columns and break up the building color is being proposed. Ms. Eddy suggested looking at the Adirondack Trust Bank.

Mr. Hayden asked if mailboxes will be inside the building. Mr. Mitchell replied yes.

The Board is in agreement with a three story building.

R.J. Taylor, Route 50, Ballston Spa, NY 12020 for Site Plan Review and a Special Use Permit. Scott Lansing of Lansing Engineering was present of behalf of the applicant. Scott Lansing, P.E. of Lansing Engineering was present along with Ron Taylor to present the application to the Board. The overall parcel is 6.96 acres zoned Mixed Use Center North.

The applicant is proposing condominiums with a total of six buildings with the main entrance on Route 50 circulation within the buildings around buildings 1, 2, and 3; stubbed for future expansion with an emergency access road down to Rolling Brook Drive which would be gated at both ends to deter any through traffic from that area.

Water and sewer would be extended from Rolling Brook Drive to service all the units within the units both domestic and fire flows a sewer would be a gravity service all the way to Rolling Brook Drive. Storm water would be managed on site with a mixture of a surface basin in under a smaller underground detention facility up on the eastern portion of the site.

Mr. Lansing said CT Males comments will be addressed which are technical in nature.

Mr. Cwalinski asked if the application is for apartments are condominiums. Mr. Lansing said condominiums. Mr. Cwalinski asked if there will be two crash gates Mr. Lansing said one gate at the bottom and one at the top.

Mr. Cwalinski asked about sidewalks.

Mr. Lansing said the applicant has other condominium projects and is checking to see how many children are in that project and also when the trip generation numbers are back from the traffic study will compare and have that



information. The initial thought is that this roadway is not a through road and will not have any through traffic; the only traffic will be for the residents of the project. If the trip regenerations are low, if the school age children are low, we feel they could walk on the edge of the roadway.

Ms. Eddy feels there should be a sidewalk. Ms. Eddy asked how many feet off this new proposed road is the house to the south. Mr. Lansing said 35ft. to 40ft.

Mr. Rhodes said is there a reason why that storm water basin cannot be closed. Mr. Lansing said there is more volume in an open basin and did try to provide a park area in the upper portion of the parcel for recreation.

Mr. VanVorst has concern with drainage.

Ms. Cristy has concerns for children walking on the road waiting for the school bus.

Mr. Lansing said they will look at the traffic study, trip generation numbers, and estimates for the number of school age children to see how significant the trips are compared to school age children.

Mr. Rhodes said basically your pitch will there is enough room.

Mr. Rhodes said typically what happens in these facilities is traffic is going in most intensely in one direction which means cars can encroach on the other lane and bypass people when walking.

Mr. Rhodes asked the proposed width of the roadway. Mr. Lansing 24ft. with 2ft. wings on each side; the property is 30ft. wide.

Mr. Reilly asked Mr. Taylor to forward a copy of a deed to his office since this is a separate roadway since the roadway is a separate deed.

A further discussion was held on sidewalks and snow management issues.

Mr. Cwalinski said there were errors on the EAF that needed to be corrected. Mr. Lansing said that the revisions will be corrected.

Mr. Rhodes said the questions should be identified as something the applicant needs to resolve; sidewalks, parent drop off, pick up at the intersection of Route 50; asks how the applicant is proposing to fix this. Mr. Lansing said they want to look at the number of school age children for the condo trip generation. Mr. Rhodes wants to know how that will be accommodated and how it will be conveyed to buyers. Mr. Lansing said he will discuss with applicant and perhaps there is something in the condo association rules and regulations.

Mr. Johnson said at the present time condominiums are not permitted in this district. Mr. Reilly said there was a technical error caught and when the Town Board passed the zoning of 2006 single family dwellings were not permitted in the Mixed Use North and South Districts.



Mr. Doyle opened the public hearing at 8:35pm

Pat Cramer, 22 Rolling Brook Drive said the easement is close to her property and almost never gets used. Once this proceeds that proposed fence adjacent to Rolling Brook will be a dramatic eyesore and asked who will cut the weeds. Ms. Cramer even questioned whether a fence is even needed there. There are small children in the neighborhood and has a concern they may climb or swing on the fence.

Mr. Lansing said when sewer is extended through a cross country area; the SCSD does require an access path to get through the man holes along the pathway. The only traffic would be SCSD maintenance vehicles and any emergency vehicles. A gate is proposed (bollard) to restrict vehicles from going through. Mr. Lansing said if the Board is in agreement the gate can be moved back.

Mr. Rhodes said it can be relocated back to the wetland area. Mr. Lansing is agreement.

Ms. Cramer asked how the road is maintained.

Mr. Rhodes asked about winter maintenance.

Mr. Rhodes asked about keeping it weed free.

Mr. Doyle suggested using weed killer.

Ms. Cramer asked if they used salt on the road.

Mr. Rhodes said no they use sand.

A further discussion was held on the width of the roadway.

Mr. Rhodes said the maintenance plan should make sure they make sure they do not trespass and repair any damage that happens.

Tom Herrick, 12 Tomaselli Ct. asked about buffers on the backside of the development and the access road in the winter.

Mr. Lansing there is a strip of proposed plantings shown and a small area on each side edge of pavement where a windrow of pavement could be placed.

Mr. Rhodes suggested to the applicant to plant improvements on the adjoining property.

Donna Whyte, 32 Rolling Brook Drive was the first homeowner in subdivision and would not have chosen that lot having known this was going to happen. Ms. Whyte would rather not have the gate at the front of the property; the gate would take away from the quiet street.

Mr. Rhodes said the placement of the gate was to move back toward the wetland.

Ms. Whyte wanted to thank the Board for taking the steps for not making this a through road.



Mr. Rhodes said that the maintenance program for the snow should include raking the stones, soil that is displaced during plowing, replant, seed that is required, and mow.

MOTION: Mr. Rhodes 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.**

Richard & Mary Czub, 152 Lake Road, Ballston Lake, NY for Site Plan Review. Mr. Rabideau said the main issue from the last meeting was the mean high water mark of the lake. Mr. Rabideau said the information provided establishes the mean high water mark as shown on the map. Mr. Rabideau said the DEC issued a letter stating that is the mean high mark on the site.

Mr. Rabideau said that Mr. Kant has prepared the storm water calculations and the post run-off is less than 20%.

Ms. Eddy said that she has just received her package this evening and has not had a chance to review it.

Ms. Eddy said has an obligation to tell everyone she has made a mistake. Ms. Eddy said last month she looked at the wrong property and stated that “the wall was under water.” Ms. Eddy apologizes to everyone. Ms. Eddy would like the opportunity to review everything she received this evening and have Ms. Serra review it.

Ms. Serra said that now the mean high water level has been determined is less than 100ft. from the mean high water from the absorption field to the septic system; therefore you would need to obtain a different waiver form the Town Board as a Board of Health. Mr. Rabideau said the applicant is 110ft. Ms. Serra said the applicant 110ft. from the edge of water as located on the December 15, 2008 which is lower than mean high water. Mr. Rabideau said that is the mean high water.

Mr. Rhodes said a surveyor has the ability to identify and establish the mean high water mark.

Ms. Serra said she was misguided and thought that the rip rap shown on the plan was the mean high water and Mr. Rabideau has conveyed that there are two rip rap areas.

Mr. Rhodes has a concern over the septic system that is being proposed and needs a higher treatment standard on any site that is this close to the water. Mr. Rhodes said the enhanced Aerobic septic system that was approved by the Town Board is not the most appropriate for this area and would like something with remote telemetry and a little more redundancy and report it; so when there is a failure it's triggered central alarm site with a service plan and service package that is continued or until the system is replaced again.

Mr. Rhodes said there were issues at the last meeting with the way storm water was being channeled and directed into the lake. Mr. Rhodes said that he would like the storm water quality be looked at even though technically it is not required, however until our departmental review; it is important to acknowledge it.



Ms. Eddy said the garage will be included in the site plan. Mr. Rabideau replied yes.

Mr. Doyle opened the public hearing at 9:05pm

Peter Herman, 104 West Side Drive asked in the Ballston Lake Overlay District Regulations apply to this application. Mr. Rhodes replied yes.

Anne Pierce, 110 Lake Road said when considering the water levels last July 10th we had 15" of rain in three days and Outlet Road flooded and was closed for two days. If we had 15" of rain again, this summer in three days, how far up would that be?

Ms. Serra when it comes to septic design, we have to follow a set of standards; the standard is the mean high water. The regulations state is the level we look at for setback for septic systems.

Mr. VanVorst asked if there is a requirement for elevation. Ms. Serra said the way they have to build this house since the septic is going to be on the road it will be much higher of an elevation than it is today; it will be much further up out of ground water.

Walter Katz, III, Route 50, Ballston Spa, NY for Site Plan Review and a Special Use Permit. John Gay of Northeast Land Surveyors was present on behalf of Walter Katz, III for a Special Use Permit for the purpose of building an additional three apartment buildings each having four units to the south of the existing apartment buildings. Mr. Gay said that he received a comment letter from Ms. Serra. Mr. Gay said in order to move forward the applicant needs meet the requirements of a special use permit and variances to construct the apartments on this site.

Mr. Gay said the letter is advising architectural design review as applied to commercial buildings in the district.

Ms. Serra said an Architect from CT Male did the review and recommended that variances be given with regards to glass, no rooftop mechanical equipment, a canopy or awning at the entrance along side a public street; a canopy awing is against the building code due to snow and ice removal.

Mr. Rhodes asked the applicant if they can comply with all the recommendations. Mr. Gay said the applicant cannot comply with all the recommendations. Ms. Serra said the architect felt that what was submitted was acceptable.

Ms. Serra said the applicant is proposing a 90ft. setback and the standard is 50ft. and this is where the applicant is proposing to place the septic system. Mr. Gay said in order to be in line with the other apartment buildings; road noise and children's safety.

Mr. Hayden suggested that the applicant make his request in writing the justification as stated on the checklist. Mr. Hayden feels the Town Engineer is doing the work for the applicant.

Ms. Serra said a 90ft. waiver has been requested.



Ms Serra said the remainder of the site layout with regards to design standard; cul-de-sacs at dead end streets are prohibited. Ms. Serra said if the fire access roads are not met, the plan cannot meet the fire code.

Mr. Doyle asked about connecting the two parking lots; advantages of shared parking.

Ms. Serra asked how the applicant is going to make this site meet the fire code access requirements; dead end proposed does not meet requirements. Mr. Gay said we can have a cul-de-sac at the end of road or an approved turn-around (hammerhead). Mr. Gay said to put a fire lane down a parking lot or a cul-de-sac at the end of a parking lot does not make any practical sense.

Ms. Serra said that if the applicant does not meet the regulations, they are not getting approval.

Ms. Serra said if you put a hammer head at the interface of the driveway, and the parking lot; demonstrate that it meets the fire code.

Mr. Hayden asked if a sidewalk is being proposed for children to wait for the school bus.

Mr. Katz said presently the tenants take the children and wait out at Route 50; walk the kids up-to the road and wait for the school bus.

Mr. Cwalinski asked to provide water capacity from Town.

Mr. Cwalinski asked about garbage removal. Mr. Gay said they are still working out the details.

Mr. Cwalinski suggested screening.

Mr. Doyle opened the public hearing at 9:31pm

No one wished to speak

Mr. Gay summarized what is being asked for by the Board.

Mr. Doyle said consideration placement of the dumpster, waiting area for children, hammerhead for fire truck, and certification for the leach field.

Mr. Rhodes commented about the big large mass of open space between the doorway areas.

A further discussion was held on the color palette and landscaping.

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

Meeting adjourned at 9:35pm

Respectfully submitted,

Michelle L. Dingman

