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Town of Ballston  
Planning Board  
June 30, 2010

**TOWN OF BALLSTON  
PLANNING BOARD**

**Regular Monthly Meeting: June 30, 2010**

Present: Richard Doyle, Chairman

Josephine Cristy

Jeffrey Cwalinski

Joan Eddy

Derek Hayden

Members of General Public

John VanVorst

Lee Ramsey

Kathryn Serra, Town Engineer

Peter Reilly, Planning Board Attorney

Thomas Johnson, Building Inspector

Chairman Doyle called the June 30, 2010 meeting to order at 7:30 PM and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Corrections to minutes: Page 1) 7<sup>th</sup> para; strike “do” add “to” Page 2) add “Mr. Doyle opened the public hearing at 7:39pm”

**MOTION:** Mr. Hayden presented written corrections and then made a motion to approve the May 26, 2010 minutes as amended. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

**OLD BUSINESS:**

**Ballston Morningkill, LLC, Mourningkill Dr, Ballston Spa, NY 12020** - Major Subdivision of 49 lots. Board member Mr. Van Vorst excused himself from the board for this project because of a conflict of interest.



Mr. Lansing of Lansing Engineering representing Ballston Mourningkill, LLC gave a brief presentation describing the proposal and was here to request final approval of the project conditioned on that the final drawings being stamped and signed.

Chairman Doyle asked the board if they had any questions regarding the proposal. No additional questions were asked by the board at this time. Mr. Doyle noted that the project was approved by the town engineer around the end of April 2010.

Ms. Serra noted that as of May 1, 2010 this project now is under the town's jurisdiction regarding Stormwater Management and recommends minor changes to the SWPPP and that the changes be submitted to the town's Stormwater Management Coordinator.

Mr. Doyle noted that a negative declaration regarding the SEQR process was done in April 2010 and that preliminary approval was granted at this same time.

Mr. Doyle opened the public hearing at 7:42 PM

Mr. Doyle closed the public hearing at 7:43 PM

No one wished to speak

**MOTION:** Mr. Cwalinski made a motion for final approval of drawings titled Mourning Meadows, dated March 4, 2010 subject to the town's engineer's comments regarding the SWPPP being incorporated, and also subject to the park and recreation fees being collected. The fee of \$1,000 per lot be collected at the time of each building permit being issued. Ms. Cristy seconded the motion. **CARRIED.**

**Curtis Industrial Park, Route 67, Ballston Spa, NY 12020.** Mr. Andrew Kosiba of Northeast Land Surveyors was present on behalf of the applicant. The applicant proposes seven industrial structures to be located within the Curtis Industrial Park south of the truss shop.

Mr. Kosiba noted that the couple of issues that were outstanding from the last meeting have been resolved. Those issues were regarding DOT and the Saratoga County Sewer District.

Mr. Hayden had a question regarding the EAF noting that the dates indicated showed a commencement date of 9/2010 and end in 10/2010.

Mr. Gay of Northeast Land Surveyors stated that the starting date of 9/2010 is correct and the completion date should be 10/2011.

Mr. Doyle opened the public hearing at 7:47 PM

Mr. Doyle closed the public hearing at 7:48 PM

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. Van Van Vorst seconded the motion and all present voted in favor. **CARRIED.**



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

**MOTION:** Mr. Cwalinski motioned to approve Curtis Industrial Park expansion as described on the drawing dated June 9, 2010. Ms. Cristy seconded the motion. **CARRIED**

**JM Development (Michael Casale), 1427 Rt. 50, Ballston Spa, NY 12020 – 60 Unit Multiple Senior Housing.** Mr. Patrick Mitchell of Creighton Manning Engineering was present on behalf of the applicant. Mr. Mitchell gave an update to the board regarding the proposal and indicated that the eradication issue has been addressed on the demolition drawing and is seeking final approval.

Mr. Doyle asked board members if they had any questions regarding the proposal.

Mr. Cwalinski noted that a special use permit must also be approved.

Mr. Doyle opened the public hearing at 7:51 PM

Mr. Doyle closed the public hearing at 7:53 PM

No one wished to speak

**MOTION:** Mr. Van Vorst motioned to approve the Ballston Senior Housing drawing dated May 13, 2010. Ms. Eddy seconded the motion. **CARRIED.**

Mr. Cwalinski read the four requirements for issuance of a special use permit; after each of the requirements Mr. Doyle polled the board to determine if there were any issues with each requirement. There were no issues regarding any of the four requirements.

**MOTION:** Mr. Cwalinski made a motion to approve a special use permit for the Ballston Senior Housing. Ms. Cristy seconded the motion. **CARRIED.**

## **NEW BUSINESS:**

### **David Bonitatibus, Lake Road, Ballston Lake, NY 12019 – 4 Lot Minor subdivision.**

Mr. Peter Lynch Esq, was present on behalf of the applicant. Mr. Lynch gave a brief overview of the proposal. Mr. Lynch indicated that the 4 lots came from the same source of title within the Bonitatibus family and already exists as tax maps lots but never received prior formal subdivision approval by Town of Ballston Planning Board. Within the last year; several variations of proposed projects ranging from 21 lots down to 12 lots were made and the final one is the one presently before the board.

Mr. Lynch described the 280A subparagraph 5 pertaining to access to the property with access of at least 15 feet wide. The proposal shows 16 'wide paved roadway within the 25' easement. Once you reach the property line were the four lots begin, the easement will be expanded to 30 ' The first 550' will be the existing deeded easement and the balance of the site will be 30' wide. The proposal has a hammerhead for large vehicles including fire apparatus.



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Mr. Lynch just received this date, a letter dated June 24, 2010 from the Chief Ken Wachtel of the Ballston Lake Fire Department who has indicated that he has reviewed the plans and has determined the road configuration as well as the construction proposal of the road is adequate for emergency vehicles including fire trucks.

Mr. Lynch stated that there are wetlands that are under ½ acre on the wetland disturbance but the bigger concern is access to the property and under town law 280A there is a mechanism for the town board to grant access.

Ms. Eddy said it was not the access that was a concern to her, but she is confused with the fire chief's thinking that in the dead of winter a 16' wide road is wide enough for two vehicles to pass.

Mr. Doyle stated with all do respect to the fire chief, the planning board will require due to the length of the road in addition to the hammer heads, every 500 to 900 ft there needs to be a by-pass for two vehicles to pass one another. Mr. Doyle doesn't seem to think that this is a huge problem because there are areas that aren't in the wetlands which could accommodate this.

Mr. Doyle didn't understand why the fire chief didn't mention that because of the length of the driveways to each one of the homes. There should be some sort of a hammerhead at each one of the driveway's.

Mr. Lynch stated that these comments could be corrected and that the bigger concern is getting into the site.

Ms. Eddy noted to Mr. Lynch that he is not looking at the housekeeping issues but the more important concern is gaining access to the property. Mr. Lynch responded by saying that is correct. Ms. Eddy asked if the board has seen a copy of the deed. Mr. Lynch presented a copy of the deed to Mr. Reilly.

Mr. Doyle stated that the board really needs to know where the road cut is going to be. There is a lot of little clean-up on the drawings that need to be done. The other thing is because of all the wetlands, the town engineer will look at all of the cuts to the wetlands and the grading around the buildings.

Mr. Lynch stated that unless the applicant can gain access to the property all of the other comments become moot. However, the housekeeping items would be no problem putting in to the plans and agreeing to the conditions to the approval of the project.

Mr. Doyle asked the board if anyone has any concerns about a private road with four houses on it?

Ms. Eddy stated if there is adequate ingress and egress she doesn't. Where is the snow going to be put, it's right on the property line, those are the kinds of things that are going to come up down the line. Ms. Eddy has an issue with this turning into a sluiceway. She is concerned with the elevation changes.

Ms Eddy asked Mr. Reilly if he is comfortable with what the board is hearing? Mr. Reilly said that the code in 2006 was changed to allow for private roadways as long as it is on a plat approved by the planning board and filed in the county clerk's office and has access for fire equipment. Mr. Reilly said that CT Male could look at the drainage so that the board could be more comfortable with the proposal.



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Mr. Van Vorst questioned how wide the road would be? The road is going to be 16' wide the whole length. If the road were to be increased 30', it wouldn't be necessary to have any of the pull-off's. Mr. Doyle stated if the road were to be even increased to 20' there wouldn't be any need for pull-off's either.

Mr. Johnson said that town code, section 62-3 with driveways over 500' in length must be accessible and be able to hold a 50,000 lb, 30' long vehicle as determined by a licensed engineer, with facilities for turning around be available within 100' of any structure. A pull-off, 10' in width shall be provided every 200'.

Mr Lynch says that town law 280At allows to board to make an exception or grant a variance under circumstances that you think are appropriate. What Mr. Lynch is doing tonight is orientating the board to a scaled down project to match the existing four lots and to come up with the idea to allow this private road via easement.

Mr. VanVorst said that one of the major concerns is the applicant's ability to provide a pull-off every 200' in that first section.

Ms. Eddy asked if there were any rules or regulations about putting snow in wetlands? Ms. Serra said that was permitted. Ms. Eddy also asked if this project was in the BLODD? She also stated that the board has to really tune the project for water coming off of the hill. Building swales looks good on paper, but someone has to really prove that this going to work.

Ms. Serra advised the applicant to look at the culverts in the area on Lake Road. There have been problems in past regarding run-off onto Lake Road. The applicant should also look at the overlay district requirements as well including septic design.

Ms Eddy stated that the applicant needs to go back to the planning stage and figure out what is going to work and then come back before the board and doesn't want to make any suggestions.

Mr. Doyle stated that the board entertains having a private road within our regulations and making sure that two vehicles can pass one another including fire trucks and one you get by the first 500' then you have more leaway regarding design.

Mr. Doyle opened the public hearing at 8:20 PM

Mr Greg Durnford of 187 Lake Road stated that since the development at Chapel Hill, there is a lot of water coming from this area. There is a stream just to the south of his property. All he is asking that if these steps are taken by the applicant, he doesn't want to find out that the board said that everything has been taken care of and that eight months later he has water in his basement and water coming down his driveway then who does he go to. He just wants to make sure its done right other wish there is going to be a real problem.

Mr. Doyle asked if Mr. Lansing could take a look at Chapel Hill and see if he could see if anything is going on. The concern is the stream on the southside of the property owned by Mr. Durnford.

Mr. Allan Raney owns property at 185 Lake Road, wanted to know where the boundary of this proposal was. The boundary was pointed out to Mr. Raney by the consultants.



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Ms. Eddy asked Mr. Raney where the stream comes out on his property. Ms. Eddy asked Mr. Raney if he has observed more water coming down the hill? Mr. Raney stated that he hasn't observed anything but he hasn't been there in several years.

Mr. Doyle closed the public hearing at 8:27 PM

Mr. Doyle concluded the discussion by briefing the applicant regarding location on the main road, talked about the private road, drainage, and because of the complexity of the project, he will have the Town Engineer look at the Stormwater issues.

**Ballston Spa National Bank, Rt.67, Ballston Spa, New York 12020** – proposes to construct a two store commercial structure to be used as corporate offices, branch banking as well as commercial rental space.

Mr. Scott Lansing from Lansing Engineering represented the applicant and introduced the project to the board. There are three parcels associated with the project.

Proposal would demolish the existing structures on the parcels and construct a 33,000 square foot two story commercial building approximately 30 feet high, 2,500 square feet would be for the branch office, 25,000 square feet would be for the Ballston Spa National Bank corporate offices and the approximately 5,500 square feet would be for rental space for professional offices. There would be three access points to the property with one having a right hand turn only towards Rts. 67 and 50. one near the middle and the last at the southeast end. There would be 115 parking spaces with the majority being in the rear of the structure. There would be a waste water disposal system for the parcel and stormwater management would be incorporated as part of the project.

Mr. Cwalinski how many bank employees would be at this site? It was indicated that approximately 60 people would be here that includes both the corporate and the branch portions. Mr. Cwalinski asked about the approximately 5,000 square feet for tenant space. An explanation was given regarding the use of this space.

Ms. Eddy indicated that the design as presented is a "big box bank". She asked what are the designers going to do to make it attractive? The response was that they would work with the board to do so. Reference was made to other banks in the area and how attractive they are as well as other buildings.

Ms. Serra noted that the town does have a set of architectural standards and recommends that they look at them and see if they can meet them and if not explain why. Ms. Serra also asked about a traffic study. Mr. Lansing stated that they were working with NYSDOT to meet their standards.

Mr. Doyle asked the board if they had any additional comments from the board. Mr. Hayden questioned if there would be any signage for the project. Mr. Doyle questioned about parking in the front of the structure. Mr. Doyle mentioned about sewer connection and that the design might want to look at future connect to a municipal system in the future.

Mr. Doyle stated that the Town of Ballston is very pleased that they selected this town as the place to construct their building. It's the right thing in the right place it's the real crossroads of the community and its good for the community and look forward to working with the bank.

Representatives from Ballston Spa National Bank thanked the board for their input and will take their comments and come back to the board.



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**MOTION:** Mr. Cwalinski made a motion to adjourn. Mr. VanVorst seconded the motion. **CARRIED**

Meeting adjourned at 8:55 PM

Respectfully submitted,

Les W. Bonesteel