



TOWN OF BALLSTON PLANNING BOARD
Regular Monthly Meeting: January 29, 2008

Present: Richard Doyle, Chairman

Josephine Cristy

Jeffrey Cwalinski

Joan Eddy

Derek Hayden

Members of General Public

John VanVorst

Lee Ramsey, 1st Alternate

Audeliz Matias, 2nd Alternate

Kathryn Serra, Town Engineer

Peter Reilly, Planning Board Attorney

Thomas Johnson, Building Inspector

Chairman Doyle called the, 2008 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Corrections to minutes

Page 6) 8th para; change Cwalsinki to "Cwalinski", Page 8) 1st para; add under **MOTION** "Mr. VanVorst voted in favor"

MOTION: Mr. Cwalinski made a motion to accept the December 17, 2008 minutes as amended. Mr. Ramsey seconded the motion and all present voted in favor. **CARRIED.**

OLD BUSINESS:

Mr. VanVorst recused himself.

Ballston Mourningkill, LLC, Mourningkill Drive, Ballston Spa, NY 12020 for a major subdivision. Scott Lansing of Lansing Engineering and Eric Carlson were present. Mr. Lansing said the overall parcel is approximately 55.24 acres located in the rural district with existing single family homes along Mourningkill Drive. Mr. Lansing said that a boundary survey, detailed topography, and formal wetland delineations for both the ACOE and NYSDEC have been completed.

Mr. Lansing said a conservation subdivision is being proposed in accordance with the zoning ordinance within the rural zone. The unconstrained land is 40.81 acres out of the overall 55.24 acres. Mr. Lansing said the underlying density is 40,000sq. ft. per unit. The total permissible number of units is 53. The applicant is proposing 49 lots which are 4 less than what the regulations permit.



Mr. Lansing said those 49 lots are divided into two essential types of units

Traditional neighborhood units

Estate units

The applicant is proposing 44 traditional neighborhood units and 5 estate lots; one estate lot being the existing homestead on the parcel.

The traditional neighborhood units will consist of 10,000sq. ft. with a 75ft. minimum width.

The Estate lots will consist of 40,000sq. ft. with a 75ft. minimum width.

Mr. Lansing said town roadways within the project are being proposed with one access point on Mourningkill Drive and another access connecting up-to the Ridgeview Subdivision consisting of approximately 3,250 linear feet of roadway following the higher more consistent grades of the site.

The roadways have been positioned to minimize wetland impacts to the greatest extent.

The project will be served by public water and public sewer. The public water would be extended from both Mourningkill Drive going through the project and connecting up-to the Ridgeview subdivision to provide a loop in the water system. Mr. Lansing said sanitary sewer would be a low pressure force main system to connect up-to the Ridgeview subdivision and out down to the main along Curtis Industrial Park.

Mr. Lansing said storm water management would be performed on site. The applicant is proposing two primary storm water management areas in the lower areas of the parcel.

Mr. Lansing said the applicant is proposing 21.86 acres of open space to be deed restricted with "no cut buffers" around the units of the project to the existing residents along Mourningkill Drive.

At the last meeting, the Board requested a private roadway with a right-of-way along the lots running on that private roadway for the estate lots.

Mr. Lansing said a response letter was sent to CT Male.

Ms. Eddy asked the total number of lots. Mr. Lansing replied 49.

Ms. Matias asked the average buffer for the homes on Mourningkill Drive. Mr. Lansing said 50ft.

Mr. Doyle opened the public hearing at 7:50pm

Lynn Hedger, 7 Mourningkill Drive asked the setbacks for the 10,000sq. ft. lots. Mr. Lansing said the setbacks are:

30ft. front yard setback

10ft. side yard setback



20ft. rear yard setback

Mr. Lansing said proposal for a 50ft. "no cut buffer" along the back of the homes to those existing residents and potential future residents on Mourningkill Drive and the Ridgeview subdivision.

Ms. Hedger said there are no trees on the lots on Mourningkill Drive. Mr. Lansing said if there is a "no cut buffer" it would successfully grow into a substantial buffer over the years.

Ms. Hedger asked the availability of public sewer. Mr. Lansing said that proposal does not include extending sanitary sewer along Mourningkill Drive to the existing residents in that area, however it does bring it closer for potential future connection.

Ms. Hedger asked if grinder pumps will be used on all the proposed homes. Mr. Lansing replied yes.

Mr. Doyle said grinder pumps are used throughout the county and saves putting in a pump station for a small number of homes. Mr. Doyle said to make the pump station economically viable would be a number greater than 70.

Ms. Eddy asked the average life span of a grinder pump. Mr. Doyle said six to ten years.

Ms. Eddy asked the square footage of the proposed traditional neighborhood homes. Mr. Carlson replied 2200sq. ft.

Ms. Eddy asked the cost of replacing a grinder pump. Mr. Doyle said the grinder pumps cost \$600.00 to \$700.00 to replace.

Ms. Serra said the policy of the Saratoga County Sewer District is "if the grinder pump breaks, you fix it".

A further discussion was held on grinder pumps.

Mr. Simpson asked if there are visuals of what the proposed homes will look like.

Mr. Simpson asked why a public hearing was scheduled because he feels there is not enough information for the public.

Mr. Doyle said a public hearing was scheduled to make the public aware of the proposed conservation subdivision.

Norm Collins, 15 Mourningkill Drive has a concern with traffic and has witnessed a traffic problem at both Beacon Hill intersections.

Mr. Collins asked what changes, accommodations, or improvements will be made to Mourningkill Drive. Mr. Lansing said a letter report has been prepared and submitted by the traffic consultant, Creighton Manning Engineering to CT Male. Mr. Lansing said that CME reviewed the project and felt that with the total number of homes the trip generations would not be that significant and does disperse the number of trips from the project to three separate areas. Mr. Lansing said the intersection of Mourningkill Drive and Route 50, Mourningkill Drive and Brookline Road, and the last being through the Ridgeview Subdivision on MeadowBrook Drive.

Mr. Lansing said CME felt there was not an impact with the disbursement of these trips on any intersections in that area and there would be an option for the residents within the project to go out to a signalized intersection.



Mr. Collins asked the total number of cars. Mr. Lansing did not mention a total number of cars, but did say there were 49 homes being proposed. Mr. Lansing said the number of trips was around 30 to 35 trips.

Ms. Serra asked CME to expand the scope of their study to actually look at the physical intersection.

Ms. Serra said that the traffic estimation is 51 cars generated during the peak hour in the evening from about 4:30pm to 5:30pm. Ms. Serra said once the document is completed to what is considered acceptable; it will be forwarded to town's traffic consultant Buckhurst Fish & Jacquemart (BFJ).

Ms. Eddy asked if the town is looking at the southern intersection of Mourningkill and Route 50.

Ms. Serra said originally CT Male was going to attempt to slightly improve the geometry of that center intersection, but due to some underlying issues with easements cannot do the work without encroaching on private property.

Ms. Serra said there is an option for striping to obstruct vehicles.

Mr. Collins asked if the residents of Mourningkill need to petition the town or the county to have sewer on Mourningkill Drive.

Ms. Serra said Mourningkill Drive is located in Sewer District #2 and currently do not have the option to tie into that public sewer. Ms. Serra said that if the residents were to approach the town, CT Male would have to look at it in two different ways by either creating a district with the purpose of paying back the construction loan or an agreement to split the costs of the construction to be paid up front by the residents of the district.

Joanne Lorenc, 25 Mourningkill Drive has a concern for traffic and feels that it is very dangerous. Ms. Lorenc has a concern for possibly another 100 cars going up and down Mourningkill Drive. Ms. Lorenc said that a tree next to her mailbox that has been hit at least twice; vehicles do not slow down going down the hill.

Ms. Lorenc asked if the school district has been taken into consideration. Ms. Lorenc said the Beacon Hill residents are being bussed to Charlton Heights because there is no room at Stevens Elementary. Ms. Lorenc said the school is not going to get anymore state aid to build additional schools.

Ms. Lorenc said the fire departments will be impacted by adding another 50 homes.

Ms. Lorenc has a concern with the environmental impact.

Ms. Lorenc asked how the creek will be impacted from the run-off.

Mr. Doyle said there should not be any impact on the well because there are no septic tanks proposed in this subdivision. Ms. Lorenc asked about the run-off from the homes. Mr. Doyle said the run-off will be no greater than it is today. Mr. Doyle said that this is all covered under the SEQR process.

Ms. Matias asked Ms. Serra to take the curve into consideration when reviewing the traffic. Ms. Serra said that she did ask CME to look at the two intersections; northern and southern. Ms. Serra said it is very difficult for a project of this size and generally will not generate enough traffic to force a single developer to reconstruct two intersections; however we can ask the traffic engineer to look at it, document it, and see if anything needs to be done.



Mr. Carlson said there is a third way out through the subdivision to the south.

Ms. Bonarrigo, 21 Mourningkill Drive said that intersection to the south will not be used because of the traffic traveling 55 miles per hour on Route 50; the northern or southern intersections at Mourningkill Drive will be used.

Joe Shufelt, 9 Mourningkill Drive asked about the storm water management areas. Mr. Lansing said there are two storm water management areas being proposed consisting of four bay ponds that would have a pool of water, a permanent pool area with water, and an outlet control structure.

Mr. Shufelt asked if the outlet would come out into the Mourningkill. Mr. Lansing said to the wetlands first and eventually to the Mourningkill where it goes presently.

Mr. Shufelt asked if there are houses proposed on both sides of the road. Mr. Lansing replied yes.

Mr. Shufelt asked if there is 50ft. from their property line to the backyard of the adjacent house. Mr. Lansing said a minimum of 50ft.

Dee Shufelt, 9 Mourningkill Drive asked if residents can plant trees within the 50ft. buffer zone. Mr. Doyle said during the site plan process that issue will be discussed with the applicant regarding tree planting.

Paul Sausville, 202 Middleline Road said his biggest concern is maintaining the character of the neighborhood. Mr. Sausville said it was his understanding when Beacon Hill was approved that development would stay to the east of Route 50 to maintain a rural setting to the west.

Mr. Sausville said when he built his house, there were significant restrictions put on their development; five homes on 90 acres.

Mr. Sausville feels that we are compromising the nature of this community.

Mr. Sausville feels that the Planning Board created this by an easement to the adjoining development; without that easement he does not feel it could take place because there would only be one limited access to Mourningkill Drive.

Mr. Sausville said one of the justifications for a cluster development is high density development and the town gets some benefit from it with significant open space. Mr. Sausville feels that the town should demand this developer to get some benefit for this town. Mr. Sausville also feels that the town should demand the developer to reduce the density and make the lots larger consistent with the rest of the community.

Mr. Sausville said that the Master Plan suggests making wildlife corridors; that whole wetland area should be unobstructed due to the significant migratory bird population within the beaver ponds.

Mr. Sausville asked the Board to exercise their discretion to not grant the maximum number of houses to the developer and to limit the density first and then be sure that the town gets a benefit by opening up some of the open space and retain a rural setting.

Mr. Sausville asked the Board to look at the affects in the planning when easements are required it opens it up for further development of a rural area and has a significant impact on the neighborhood.



Mr. Sausville suggested stipulating an easement to the 90 acres west of this subdivision so property owners could develop their land in the future.

Mr. Sausville asked the Board to limit the density in this particular project and to ensure that there is significant open space to maintain that wildlife corridor to the west of the development.

Mr. Lansing asked if the Board would consider advancing with Lead Agency and a coordinated review.

Mr. Doyle said that the Board needs more time to look at the plans that were submitted.

Menagias Ice Cream, 119 Lake Hill Road, Burnt Hills, NY 12027 for site plan review. Jerry Menagias presented the proposed lighting plan for the site.

Ms. Serra said that the proposed lighting was fixed and compliant with zoning. The plan shows that it illuminates the property, but will need to determine that there is no light spillage onto the neighbors. Ms. Serra said that she has not formally signed off on the plans, but does not see a problem with the Board moving forward.

Mr. Ramsey asked the height. Mr. Menagias said 15ft.

Ms. Eddy asked the height of the fence. Mr. Menagias said 9ft.

Mr. Ramsey asked if the lights will be on timers. Mr. Menagias said that timers will be installed.

Mr. Doyle opened the public hearing at 8:33pm

Mr. Doyle closed the public hearing at 8:34pm

No one wished to speak.

MOTION: Ms. Cristy 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 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. Cwalinski made a motion to approve the site plan for the lighting as submitted to CT Male subject to engineering review of photometric plan. Ms. Cristy seconded the motion and all present voted in favor. **CARRIED.**

Christopher Bonitatibus, Lake Road, Ballston Lake, NY 12019 for a sketch plan conference. Peter Lynch, Esq., Mark Jacobson, P.E., and Christopher Bonitatibus were present. Mr. Lynch said at the last meeting the proposal was for a 13 lot subdivision with 12 building lots, a storm water lot, and a 25ft. easement to Lake Road. Mr. Lynch said the Board's suggested acquiring access off of Kingsbridge Ct.

Mr. Lynch said the revised plan shows at the south east corner of the site an access to Kingsbridge Ct. and has mitigated the impact on the 3.2 acres. The building lots meet the minimum dimensional requirements ranging from 28,000sq. ft. to 231,000sq. ft.



Mr. Lynch said there are two issues with the proposal, one being between the Burnt Hills Fire District and the Ballston Lake Fire District. The other issue is a split between the Burnt Hills-Ballston Lake school district located on the west side and Shenendehowa school district on the east side.

Mr. Lynch said the access works, but as defined in the code having one single access roadway that will service up-to 21 homes with 17 lots that are serviced on Kingsbridge Ct., adding 12 brings the total number of lots to 29.

Mr. Lynch said the Planning Board has the power to grant a variance pursuant to section 104-25A if it is deemed appropriate.

Mr. Lynch said a total of .36 acres of wetlands would be impacted with this proposal.

Ms. Serra asked if Kingsbridge Ct. has the right-of-way at the property line. Mr. Jacobson said the cul-de-sac misses their property line by 3ft.

Mr. Hayden said he has concerns with the split between the school districts and fire departments.

Mr. Lynch said the applicants engineer has spoken with the Building Inspector, members of the fire department which include, Ed Trombley, Ross Sangster, and Jim Schultz.

A further discussion was held on access to the proposed site.

Mr. Hayden asked Mr. Johnson about the ambulance district. Mr. Johnson said it is the same.

Mr. VanVorst said that he is not in favor of granting a variance to exceed the threshold of 21 lots on a cul-de-sac. Mr. VanVorst said in his opinion there should be access from both sides which is the safest and most prudent use of the property.

Ms. Serra asked how much of the wetlands will be impacted if the proposal has access off of Lake Road. Mr. Jacobson said the applicant tried acquiring lands from the neighbors, but were unsuccessful. Mr. Jacobson said with the whole design will be more than ½ an acre.

Ms. Serra said if ½ an acre of wetland are disturbed, a permit is required from the ACOE.

Mr. Doyle asked the Board what there thoughts are on the second entrance.

Ms. Eddy said this comes down to health and safety and would not want a family crisis knowing on a good day it is going to take an excess of 15 minutes for the fire department to arrive. Ms. Eddy said that a maximum number on a one point of ingress and egress is there for a reason.

Mr. Cwalinski said that he is in favor of two access points. If an individual permit is needed, use public safety as justification.

Ms. Cristy agrees with Mr. Cwalinski.

Mr. Hayden said that he does not like the first or second proposal and would like a combination of both proposals.



Mr. Ramsey agrees with Mr. Hayden

Mr. VanVorst agrees with Mr. Hayden.

Mr. Doyle is also in agreement.

A further discussion was held on the proposed roadway off of Lake Road.

Mr. Lynch said that 15ft. is sufficient for the access; applicant has 25ft.

Mr. Jacobson asked if a secondary access could be deeded. Mr. Johnson said you want a road that can be plowed by an entity of the town.

Ron Dunn, Commissioner, Ballston Lake Fire Department wants to thank everyone for addressing the concerns of the development. Mr. Dunn said a single access particularly one that requires taking such a circuitous route to get there is not in the best interest in health and safety. Mr. Dunn said the 25ft. road will have good access as long as the road is maintained. Mr. Dunn feels that extending the water down to the bottom of Lake Road for a fire hydrant would be beneficial.

Mr. Doyle said there is a problem if the applicant cannot get legal acquisition of the land.

Mr. Lynch asked if the parcel could be added to the fire district servicing Chapel Hill and if that were allowed, then the fire safety issue would be eliminated.

Mr. Doyle asked the Board there feeling on having more than 21 lots on a cul-de-sac.

Mr. Cwalinski said that it is a public safety issue and would not entertain a thought of going greater than 21.

Mr. Doyle said that this is the consensus of the Board.

Mr. Doyle said the Board likes the concept of the two entrances and the problem with the subdivision is the ability to have that second entrance. Mr. Doyle said the Board is willing to work in the 60ft. right-of-way. Mr. Doyle feels that it should be a town road. Mr. Doyle said that the applicant will need to acquire a piece of land. Mr. Lynch said unfortunately that would be putting a condition on the applicant that they cannot compel. Mr. Lynch said that he is going to research that a municipality can accept an interest in a road by way of easement.

Mr. VanVorst said the town is very close to enacting new zoning for the Ballston Lake Overlay District which includes this property; the zoning in existence now may change.

NEW BUSINESS:

Stewarts Shops Corp., 801 Route 67, Ballston Spa, NY 12020 for a sketch plan conference. Tom Lewis was present on behalf of Stewart's Shops. The proposal is for a request to add a canopy and two gasoline dispensers. Mr. Lewis said an application was presented to the Zoning Board of Appeals for a variance with a total disturbance of 2.4 sq. ft. and a number of the Zoning Board members were not in favor of the proposal. Mr. Lewis said the Board's reason was the possibility of a round-about in that area.



Mr. Lewis asked if a round-about would be an issue with the Board.

Ms. Eddy asked "does DOT say it will fit." Mr. Lewis said yes. Ms. Eddy asked if there was a letter confirming. Mr. Lewis replied no. Mr. Lewis said that his biased opinion is that he will not live long enough to see a round-about.

Mr. Lewis supplied the Board with a letter from DOT which states "we would hope that the useful life of the investment made under the intersection project completed in 2005 would have a much greater useful life." "While the linkage Study does include a schematic design for a roundabout at other intersections in the corridor where this type of improvement is recommended, it does not include a schematic for this intersection." Mr. Lewis said "there is not sufficient detail information available to quantify the impact at this time. "NYSDOT is in process of completing our program update for the next five years." "This update does not include a project to construct a roundabout." Mr. Lewis said in a minimum they are saying it will not happen in five years and competition for the CDTC funds and any funds in the current fiscal climate is very strong."

A further discussion was held on the circulation and parking on the proposed site.

Mr. VanVorst asked if the store will remain open while the changes are being made to the site. Mr. Lewis replied yes.

Mr. Cwalinski said the plan shows a 15ft. setback for the sign, but the town ordinance also requires a 35ft. setback from the center line of the road to that portion of the sign nearest to the center line of the road. Mr. Cwalinski asked for the drawing to show the 35ft. setback.

Mr. Cwalinski has a concern in the wintertime that the parking spots will be non existent where all the snow is piled. Mr. Lewis said they will do there best to keep on top of the snow removal.

Mr. Cwalinski asked if the layout will accommodate the circulation of certain types of vehicles; trucks, trailers. Mr. Lewis said that this situation does not happen a lot on the site.

Mr. Hayden said the site plan shows keeping existing pumps and adding two more pumps. Mr. Lewis said the proposal is for four new pumps, one new island, and new tanks.

A further discussion was held on circulation through the site.

Mr. Doyle asked the Board their feelings about circulation through the site.

Mr. Cwalinski asked to show traffic flow on the plan.

Mr. Lewis said there are ten more parking spaces located at the gasoline dispensers.

Extra Space Storage, 75 Brookline Road, Ballston Spa, NY 12020 for site plan review. Peter May of Hanley Signs was present to present the case to the Board. Mr. May said after speaking with the manufactures they are willing to reduce the size of the sign to make it within the 29ft. by reducing it 4"

Mr. Doyle opened the public hearing at 9:40pm

Mr. Doyle closed the public hearing at 9:41pm



No one wished to speak.

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.**

MOTION: Mr. Cwalinski 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: Ms. Cristy made a motion that the new sign is in conformance. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

Meeting adjourned at 9:50pm

Respectfully submitted,

Michelle L. Dingman