



**TOWN OF BALLSTON PLANNING BOARD**  
**Regular Monthly Meeting: February 25, 2009**

Present: Richard Doyle, Chairman

Josephine Cristy

Jeffrey Cwalinski

Joan Eddy

Derek Hayden                      Members of General Public

Donald Rhodes

John VanVorst

Audeliz Matias, 2nd Alternate

Kathryn Serra, Town Engineer

Peter Reilly, Planning Board Attorney

Thomas Johnson, Building Inspector

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

MOTION: Ms. Cristy made a motion to accept the January 26, 2009 minutes as presented. Mr. Cwalinski seconded the motion and all voted in favor. Mr. Rhodes abstained, he was not present at the January meeting. 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 was present on behalf of the applicant. Mr. Doyle asked Mr. Lansing if he would go through the density requirements. Mr. Lansing said the overall parcel is 55.24 acres located in rural zone. Mr. Lansing said under the conservation subdivision regulations it outlines calculations to determine density within a project. Those calculations would include full parcel area, minus wetlands, and slopes over 25% to an unconstrained land totaling 40.81 acres. Mr. Lansing said the 40.81 acres is then divided by underlying density is 40,000sq. ft. per unit (44 units total). The cluster/conservation subdivision regulations allow a 20% increase in density to add another 9 additional units for a total of 53 units; the applicant is proposing 49 units. Mr. Lansing said the proposal is for 45 lots in one area, 4 estate lots, and one existing lot.



Mr. Lansing said since the last meeting, he was in receipt of comments from comments from CT Male which are technical in nature and is requesting a coordinated review of this project.

Ms. Serra asked the status of the Board's request to perform a more involved traffic study.

Mr. Lansing said the applicant is working with a traffic consultant.

Mr. Cwalinski asked about the traffic study. Mr. Lansing said he is not the traffic engineer on the project, and cannot comment, but will bring it to their attention.

Ms. Eddy asked that the traffic engineers look at the intersections of Mourningkill.

Mr. Rhodes asked if the southerly intersection identified in the Specialty Silicones EIS for mitigation.

Ms. Serra said the original proposal from CT Male for the left hand turn lane on Route 50 were to do modifications of that southern intersection of Mourningkill Drive however; lack of cooperation from adjoining land owners, those improvements could not be done.

Mr. Rhodes asked if the town did not want to exercise their right of eminent domain.

Mr. Doyle said they have not reached that point yet.

MOTION: Mr. Rhodes made a combined motion to establish the Planning Board as Lead Agency circulating coordinated review correspondence with the involved or interested agencies. Mr. Hayden seconded the motion and all present voted in favor. CARRIED.

Mr. Doyle opened the public hearing at 7:45pm

Arnold Palmer asked who owns all the green space. Mr. Lansing said the land will be owned by all the individual lots. Mr. Palmer asked if the town will own the retention ponds. Mr. Lansing replied yes. Mr. Palmer said that will be a big cost to the town in the future. Mr. Doyle said that the town is looking at a way to take over the retention ponds in the future. Mr. Palmer asked if there are access roads. Mr. Lansing said access roads are proposed.

Richard Kinney asked if the green space will be owned by the lot owners. Mr. Lansing said the green space will be incorporated through individual lots and deed restricted onto individual lots for a permanent buffer. Mr. Kinney said a cluster subdivision is not to "cherry pick" and which house qualifies as a cluster. The least desirable control of that space is to have a creation of square footage obtained by the individual lot owners. The initial cluster seems fine, but does not see how it maintains a rural character and can see a problem down the road.

Mr. Reilly said that the subdivision regulations do allow this type of ownership for this open space under the cluster subdivision for this amount of homes.

Mr. Kinney said that this proposal is the least desirable option to this cluster subdivision.



Paul Sausville asked the authority for the Board to approve the 20% bonus lots. Mr. Sausville said that it is his understanding that discretion should be exercised in order to encourage the use of cluster development. Mr. Sausville asked Mr. Lansing if it was his position that his client did not build the cluster development and were not granted those bonus lots. Mr. Lansing said the applicant is permitted 44 lots and providing 40% open space and protecting environmental sensitive areas and creating some larger conservation lots.

Mr. Sausville said in the absence of the bonus lots does not prevent the project from moving forward; the bonus lots are not necessary for the applicant to move forward with this development. Mr. Carlson said he would not necessarily change the amount of space that would be used; four less or four more lots. Mr. Sausville would argue that the four lots that would be used for bonus lots are suppose to be the open space that represents the justification for the cluster development. Mr. Sausville reiterated from last months meeting regarding the quantity and quality of that open space; specifically the definition of open space including the open space systems would argue the four estate lots basically divide into quarters. Mr. Sausville would ask the Board to exercise their discretion and do have a considerable amount of discretion when it comes to determining the quantity or quality of the space to consider making this a group cluster development. Mr. Sausville said justification of which is preserving all of that as open space and not granting those bonus lots in particular those estate lots that break up what is suppose to be open space.

Mr. Doyle asked Mr. Sausville “you would like the Planning Board not approve the estate lots.” Mr. Sausville is in agreement with that statement with the justification provided; they are not clustered. Mr. Doyle agreed; they are not clustered.

Mr. Carlson disagrees and feels the estate lots have a rural feel and would not be out of character.

Mr. Sausville asked about determining the scope of the Environmental Impact Statement and if there is an opportunity for the public to have input into that for a scoping session.

Mr. Doyle said there will continue to be public hearings and sent to other agencies to provide direction or comments.

Mr. Sausville asked for someone to describe the scoping opinion. Mr. Reilly said there is an ability to have a scoping session under SEQR (Mr. Reilly does not know if this project will go through that process) and the coordinated review will go out and a decision will be made as to a determination of the environmental significance. If there is a positive declaration, there would be a public hearing, and may be a scoping session during that. Mr. Reilly said “he does not know if this project will go that route.” Mr. Sausville asked who makes that determination. Mr. Reilly said the Lead Agency. Mr. Doyle said if the Planning Board turns out to be the Lead Agency, then we can make some of the decisions, but for now we are requesting to be the Lead Agency. Mr. Sausville said if that is approved, then the public can request the Board have a scoping session.

Mr. Reilly said based on the project and projects of similar in size and environmental issues, not too many of them have received a positive declaration, there may not be a scoping session. Mr. Sausville said that is the discretion of the Lead Agency. Mr. Reilly said correct and also why there are public hearings throughout because if there are environmental issues that you have, or anyone else has, is the time to bring them up because they may not have another opportunity under the SEQR process.



Mr. Sausville said that a portion of his property drains into the wetlands that are identified on this proposal, will this environmental impact statement be taken into consideration; drainage from adjoining properties to ensure there are adverse environmental impact by the development to back water up on other properties and things of that nature. Ms. Serra said she takes in account all drainage issues and in her review did not notice any back water drainage issues that would affect your property. Ms. Serra said the most concern is at discharge point of the site; where the basins are discharging to.

Christopher Bonitatibus, Lake Road, Ballston Lake, NY 12019 for a sketch plan conference. Peter Lynch, Esq., Christopher Bonitatibus were present to present the application to the Board. Mr. Lynch said the previous plans proposed were an access road off of Lake Road into a 13 lot subdivision one lot of which was a storm water detention area. The comments were to investigate whether or not to get access from Kingsbridge Ct. Mr. Lynch said at the last meeting, eliminating the access off of Lake Road coming in off of Kingsbridge Ct. would require a variance for the number of lots and also raised issues of access for emergency vehicles for the project. Mr. Lynch said the latest proposal is a hybrid consisting of a main access off of Kingsbridge Ct. which has a two lane road (proposed to be a town dedicated town road) complete with the project which includes 21 building lots on the easterly portion of the site and the balance of the site would be 13 acres of green space.

Mr. Lynch said one big issue was the access road which would be one way off of Lake Road to provide access not only for the lot owners, but for emergency access. Mr. Lynch said the access road would be a private road. Mr. Lynch said if the subdivision approval is granted, the applicant would consent to some conditions, one condition being that this access road be maintained in a suitable fashion for emergency vehicles and would agree to do deed restrictions to all the lot owners that the road be maintained and suitable for emergency vehicles. Mr. Lynch said a one way road can be built with sufficient 25ft. width.

Mr. Lynch said that each one of the lot owners would have an easement to utilize that road be subject to the maintenance obligations.

Mr. Hayden asked Mr. Lynch if a conservation subdivision is being proposed. Mr. Lynch said that is correct. Mr. Hayden asked Mr. Reilly that the rural district only allows conservation subdivisions. Mr. Reilly replied correct. Mr. Hayden said that he does not think this meets the zoning. Ms. Serra said that it does not meet the Traditional Neighborhood Design (TND). Mr. Rhodes said not in a permanent cul-de-sac. Mr. Rhodes said that it would have to be adjacent and connected to an existing TND at least 15 acres; this proposal consisting of 15 acres. Mr. Rhodes said the schematics show a cul-de-sac on the adjacent property and would appear coming off the end with a "T" intersection into your site and put in another cul-de-sac; typically when cul-de-sacs are built, and extended, one cul-de-sac goes away, and gets relocated. Mr. Rhodes said what commonly happens is roadway geometry is either established or rerouted as a movement that a snow plow can make until it gets to that end of that feature there either going to turn around at the cul-de-sac and then return a trip through? Mr. Rhodes said one of the layouts is going to have to address that comment and provide some sort of a circulation that meets town standards and reduces the number of cul-de-sacs. Mr. Rhodes said private roads are enabled and unfortunately have not been supported by this Board and one of the concepts originally for the private roads was to allow development and to build out without having to tax everyone else. Mr. Rhodes said having a private road that is maintained by a local entity and not connected to something that the town needs to maintain is a positive thing, but it has not been implemented that



way. Mr. Rhodes has always advocated that a storm water district be created or some other mechanism so that the infrastructure expense does not get born on the existing residence.

Mr. Hayden has a concern for school buses; the proposal was to come off the one way road and come out of Eastline Road and circle back. Mr. Lynch said that the school bus would have to go into Kingsbridge Ct. Mr. Rhodes said that school buses do not go into cul-de-sacs.

A further discussion was held on transportation for the school districts.

Mr. Cwalinski asked the length of the access road off of Lake Road. Mr. Lynch replied 1300ft.

#### NEW BUSINESS:

R.J. Taylor, Route 50, Ballston Spa, NY 12020 for a sketch plan conference. Scott Lansing of Lansing Engineering was present on behalf of Ron Taylor for Ballston Condominiums. Mr. Lansing said the proposal is for 7 buildings with eight units per building totaling 56 units. The primary changes since the last time the applicant was in front of the Board were more detailed data topography, boundary, and wetlands which have incorporated details on the plan. Mr. Lansing said another change was in the center portion of the project where the central park area is located. Mr. Lansing said prior there was a roadway that went around and eliminated a back section of that and felt that it created more green space area in that area.

Mr. Lansing said since the last meeting, the applicant has submitted a full detailed set of the plans and received CT Male comments which are technical in nature. The first comment #2 relates to the wetland and the wetland permits for the parcel. The applicant is working with Kim Copenhaver of Copeland Environmental and is preparing permit applications for the disturbance to these areas. Mr. Lansing said at this time, the applicant is not proposing any wetland impacts, but are proposing adjacent area impacts and Ms. Copenhaver is very optimistic that permits would be granted by DEC. Mr. Lansing said comment #3 references a traffic study. A traffic study has not been performed and the applicant will retain a traffic engineer consultant to perform the study. Mr. Lansing said comment #4 refers to the secondary access point shown on Rolling Brook Drive to make that a permanent access road to go through an access out on to Rolling Brook and have two permanent access points. The original intention for this was for this to be emergency access and was not to be through traffic.

Mr. Cwalinski asked if the capacity exists to supply the 14,000 gallons a day being proposed. Mr. Lansing said yes from the Rolling Brook subdivision.

Mr. Cwalinski said there were a number of items that the Board asked for and a few have been supplied.

Ms. Eddy said "I would like something from the Sheriff that says he won't be affected by this as a new project."

Ms. Eddy said it is a pretty interesting concept that the applicant wants to put condos in the middle of such a mixed bag.



Ms. Eddy had a concern with the applicant EAF with regards to stream, river to which it is tributary and feels it is incorrect.

Mr. Rhodes is uncomfortable with this emergency services drive on Rolling Brook Drive because the connection on Rolling Brook Drive is to anyone's advantage. Mr. Rhodes feels there is a way to redesign access from Route 50 and site circulation to make sure there is not going to be a negative impact to operations for ambulances, fire protection, or police.

Mr. Rhodes said quite commonly are put in because people think they are a good idea. Mr. Rhodes said that a better job needs to be done with the site organization and circulation to make sure the fire trucks (ladder trucks) can get around. Mr. Rhodes said leaving that land available for construction of emergency services if it needs to be installed feels is important, but does not want to make that connection, and should focus on the one on Route 50 and reorganizing the site for circulation on site.

Ms. Eddy asked that one building be removed out of the DEC buffer.

Mr. Doyle said the last option is to redesign the site so it can work off an access of Route 50 and reduce density.

Mr. Rhodes said that the Board has to make a decision on whether to construct the emergency services drive. Mr. Rhodes said that he does not see much use for it or need for it as long as the site is developed however, he feels the land always needs to be reserved associated with the site with an agreement that if there is a problem that is built.

Ms. Serra said as long as the sewer is there, there will be a clear easement that is for maintenance access by the County Sewer District.

Ms. Serra reiterated the Town of Ballston code states that a cul-de-sac cannot contain more than 21 lots and the definition of a lot is not well described in the code. There may be a comment that allows one access point that the Board may need to provide a waiver for that requirement for the justification that the circulation within the site be looked at, and that ladder trucks be able to properly drive and turn around and go out of the site.

Mr. Rhodes would like to put a motion on the table to allow that the Planning Board has formally looked at the definition of lot and number of dwelling units that are being proposed by this application and that this is not a typical subdivision. This is just like an apartment complex which would be exempt from that portion of the code and that 21 or 22 lot threshold does not apply to this project and it's more aligned to an apartment complex which would be completely separate from that code.

MOTION: Mr. Rhodes made a motion that this project does not fall under the category requiring the applicant to meet the 21 lot threshold on a permanent cul-de-sac as this is more aligned to a commercial apartment complex than a conventional subdivision. Ms. Cristy seconded the motion.

Mr. VanVorst said if this was an apartment complex with 56 rental units would have a hard time accepting that with only one entrance for emergency services sake. Mr. VanVorst said the issue is the safety of the residents.



Mr. VanVorst said either the density either has to be significantly reduced or that second access point has to be established.

Ms. Eddy has a problem with the second access point.

Mr. Rhodes amended the motion contingent on the applicant making sure that there were adequate provisions for on site circulation to provide the redundancy so they can access the site so now there is a split so there is a redundant point.

Mr. Rhodes amended the motion provided that the applicant can develop the site in such a way that emergency services issues are resolved.

Ms. Eddy asked Mr. Rhodes to repeat.

Mr. Doyle asked Mr. Rhodes to ask the applicant to redesign this and not put all the Board members on the spot on having made a decision which they may not be happy with in the end.

Mr. Rhodes said his only concern would be fairness to the applicant and providing them direction on how to go forward.

Mr. Reilly said the town can have input and a provision that it will be maintained by the association and allow the Town of Ballston enforcement rights to plow and obviously charge back to the condo association.

Ms. Eddy said legally speaking that is fine, but practically speaking this road has to be built to sustain the vehicles plowing it and for the emergency vehicles.

Mr. Doyle said the Board would rather not have an access on Rolling Brook Drive and would like to keep that development as is. The Board would like a design that allows a good traffic flow in and out off of Route 50. Mr. Doyle said if that means reconfiguring what is proposed, reducing the number of units, but a ladder truck needs to be able to access the site.

Mr. Rhodes asked is there support for a project that has emergency service road that was closed or open.

Does it need to be gated or does it need to be active?

Mr. Rhodes said this one would reputedly have an agreement that was enforceable by the town.

Mr. Rhodes asked if this was the consensus of the Board.

Mr. VanVorst said the Home Owners Association obviously will have to contract will someone to plow the roads in the complex and will be obligated by the contract to also maintain that road. Mr. VanVorst feels that road will be a problem; length, in through Rolling Brook. Mr. VanVorst asked about making arrangements with the bus garage to put an emergency access.

Mr. Doyle asked the applicant to try to design the site with one access off of Route 50.



Mr. Rhodes said that he would like the applicant to redesign the site so the applicant is addressing the comments of internal circulation, provide redundancy on site, and come back with a recommendation for a maintenance agreement.

A discussion was held on gates.

Mr. Reilly said if the applicant could come up with a site design/internal design that everyone would agree to firematic and safety purposes, but it exceeds the 21 unit threshold. Mr. Reilly asks is there a consensus of the Board that it would still be ok even if there were no secondary access as long as the applicant has shown that it work internally.

Mr. Rhodes said that was the motion that he began to put together, but did not have full support of the Board.

Mr. Cwalinski asked where the Board stands with the 21 lots. Mr. Doyle said the Board has not decided. Mr. Rhodes said it depends on what is a problem with emergency services.

Mr. Doyle wants to evaluate with Mr. Reilly what other towns are doing and what our town council thinks of this proposal thus the Board give the applicant a waiver.

Mr. Rhodes respectfully withdraws his motion.

Rocky Palma, Scotchbush Road, Burnt Hills, NY 12027 for removal of property from the Watershed Protection Overlay District. Rocky Palma was present to remove the property from the Watershed Protection Overlay District. The property was looked over by the Building Inspector and an Engineer from CT Male. Mr. Palma said they came to the conclusion that particular piece of property should not have been part of the Watershed Protection Overlay District.

Ms. Eddy said the Town Board refused to remove Mr. Palma before they passed the WPOD. Ms. Eddy said the Town Board removed Mr. Palma from any obligation to provide mapping from any fees and this was merely to be a formality to come and asked to be removed.

Mr. Cwalinski asked if a SEQR from is required. Ms. Eddy said the applicant is removed from any and all obligation.

Mr. Reilly said this is meeting is a recommendation from the Planning Board.

Mr. Rhodes said the Planning Board is not following a process and the applicant should not be in the WPOD and wished the Town Board had just done what they should have done and taken the property out so it is not in front of us. Mr. Rhodes said this application needs to be very separate from this process and it should just be as simple as no SEQR, no formal approval under this part of the town code, but more of a process saying "we agree with you on this night, we made this motion you looking for us to confirm that it is ok, we believe that it is, rather than having to go through this process either.

Mr. Doyle said all we need is a motion to remove the Palma property from the WPOD.

Mr. Doyle opened the public hearing at 8:56pm



Mr. Palmer asked the Board if anyone can prove that their property is not in the WPOD can file an application.

Mr. Reilly said within one year.

Mr. Palmer said the town took Lead Agency, do they have the authority; DEC, or ACOE. Ms. Serra said the only agency that could be Lead Agency is the Town of Ballston Board.

Peter Sawyer asked the location of the property.

Ms. Serra said based on the field visit from one of the engineers from CT Male, it was determined that the eastern property line of the Palma property is approximately the watershed boundary.

Ms. Serra said the town gave about a nine month period in which the town did a lot of property walks. Ms. Serra said there will be a way for anyone else who will like to contest this to prove to the Planning Board through a surveyor or any other means that the property should not be in the district.

William Clark is in agreement that no water drains to Ballston Lake.

Mr. Doyle closed the public hearing 9:01pm

MOTION: Mr. Cwalinki made a motion that the Planning Board recommend to the Town Board that the Palma property located on Scotchbush Road be removed from the Overlay District based on the letter received from CT Male that very little/any water drains into Ballston Lake. Ms. Cristy seconded the motion. Mr. Rhodes wanted to make the record clear the Planning Board is not following the processes outlined in the new code and if we are, we do not have the content for it. Mr. Rhodes would recommend that the record reflect that the Board is supporting or acting as a second set of eyes to the inclination of the Town Board to remove that property from the zoning.

Mr. Doyle said we have reviewed the recommendation of the Town Board relative to the Palma property and CT Male and concur with the removal of this property from the Overlay District.

Mr. VanVorst said that it is an embarrassment that the town did not take the time to find out whether this was actually property that should have been in the Overlay District to begin with.

Mr. VanVorst said an applicant shall file at least 30 days before a regular meeting to the Town of Ballston Planning Board and this application is less than 30 days. Ms. Eddy said that this is being waived; the Town Board waived everything.

Mr. Hayden said that we need to make it clear that this is a special case and every other person that comes before us in a similar situation does not expect the Town Engineer and Tom to walk the property with them; if we are going to set a precedent, I don't want to set that precedent.

Mr. Rhodes said can't we just leave it as simple as "we have reviewed and support the Town Board's recommendation to remove this parcel from the Ballston Lake Overlay District.

Mr. Reilly said the Planning Board is only recommending to the Town Board anyway.



Mr. Reilly said the record is extremely clear as to why he was aboard in this particular instance for not requiring surveys of the property or other engineering information that would support the removal of it. It is simply based on the record before the Board that should have been included in the first place.

Mr. Rhodes said after this the Town Board has another action to make to either accept or deny.

Ms. Eddy voted yes

Mr. VanVorst voted yes

Mr. Rhodes voted yes

Mr. Hayden voted yes

Ms. Cristy voted yes

Mr. Cwalinski voted yes

Marie Pangie, Charlton Road, Ballston Spa, NY 12020 for a minor subdivision. Robert Randall, Esq. was present on behalf of the applicant. Mr. Randall said that the applicant is proposing a three lot subdivision to consist of 15 acres each; one lot to front on Middleline Road and two on Charlton Road.

Mr. Cwalinski asked that the Right-to-Farm law be added to the map. Michelle supplied Mr. Randall with the Right-to-Farm Law verbiage.

Mr. Doyle opened the public hearing at 9:15pm

Christopher Hadden asked if the parcel to the north will be built on in the future and the two lots to the east. Mr. Randall cannot confirm that the owner to the north will build, but said the owners to the east have no intention on building. Mr. Hadden asked if the lot to the north can be subdivided. Mr. Doyle said yes. Mr. Hayden said the owner will have to wait five years.

Greg Bradtke said all the property to the east drains across to the back of his property.

Mr. Doyle closed the public hearing at 9:20pm

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

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

MOTION: Mr. Rhodes made a motion to approve the latest map subject to Right to Farm Law, park and rec fees, and a signature block. Ms. Eddy seconded the motion and all present voted in favor. CARRIED.



Richard VonAhn, 840 Route 50, Burnt Hills, NY 12027 for a minor subdivision. Gavin Vuillaume of Environmental Design Partnership was present on behalf of the applicant.

Mr. Vuillaume said this proposal is to subdivide a 1 ½ acre parcel which was recently approved by the Planning Board for site plan review the construction of a two family home. Since then, then applicant has almost completed the construction, and ran into some financial difficulty so subsequently is trying to get a loan from the bank to complete the project and the bank suggested it be subdivided.

Mr. Vuillaume said the parcel to the south noted on the map as lot 1 includes the two-family and the business on lot 2. Mr. Vuillaume said the applicant has received the Certificate of Occupancy for lot 1.

Mr. Doyle opened the public hearing at 9:20pm

Mr. Doyle closed the public hearing at 9:21pm

No one wished to speak

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

MOTION: Mr. Hayden 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. Cwalinski made a motion to approve the 2 lot subdivision as described map titled VonAhn, dated February 3, 2009, and subject to park and rec fees. Mr. VanVorst seconded the motion and all present voted in favor. CARRIED.

Theodora Smith, 59 Middleline Road, Ballston Spa, NY 12020 for a sketch plan conference. Theodora Smith was present to the proposal of a 30'x 44' addition to an existing veterinary hospital.

Mr. Doyle said there is enough room for 10 vehicles to park on the barn side for customers. The staff would park on the opposite side; there is enough room for 6 vehicles; presently there are 3 employees.

Mr. Cwalinski asked if the parking area will be crusher run. Dr. Smith replied yes.

Mr. Doyle opened the public hearing at 9:30pm

Mr. Rhodes said there is not an acre of disturbance and supports the use in the rural district.

Mr. Hayden asked if site plan will be granted this evening because this application is for sketch plan.

Mr. Doyle replied yes.

Mr. Reilly said the Board can grant approval.

Mr. Doyle opened the public hearing at 9:30pm



Arnold Palmer said “hello” to Joe and Teddy.

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

MOTION: Mr. Cwailinski 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.

Mr. Hayden has a concern because the application before the Board is a sketch plan conference.

Mr. Rhodes asked the record to reflect why this is an unusual project.

MOTION: Mr. Rhodes moved to approve this project without the normal application process for site plan review because of its benign nature; it will not increase the intensity or traffic leaving the site. It will provide some existing additional space for existing operations without any additional vehicles, clients, or office and any of those increases would be benign in nature. Mr. Rhodes said exempting from a formal process from the formal site plan review application which includes the survey and all the details because of the nature of the project.

Mr. Rhodes moves to approve move to exempt from a detailed site plan review process because it is very minor project with no significant impacts. Ms. Cristy seconded the motion.

Mr. Cwalinski voted yes

Ms. Cristy voted yes

Mr. Hayden voted no

Mr. Rhodes voted yes

Mr. VanVorst voted yes

Ms. Eddy voted yes CARRIED.

Stewart’s Shops Corp., 801 Route 67, Ballston Spa, NY 12020 for site plan review to add a canopy and two gasoline dispensers. Chad Fowler was present on behalf of Stewart’s Shop Corp. Mr. Doyle said comments from last months meeting were relative to signage; 35ft. to the center line of the road to the edge of the sign was included on the map (shown is 38’ and 15ft off the edge of the pavement was added).

Mr. Fowler said that current proposal is for a 24’ x 30’ canopy and the proposal is for a 27’ x 30’. The applicant would like a little more drive lane in between the new dispensers. Mr. Fowler said as part of the process will be replacing the gas tanks. Mr. Fowler said the fascia will be enhanced by adding decorated molding.

Mr. Fowler said the current lighting is 400 watt under the canopy and will be proposing 320 watt.



Mr. Fowler said 2500sq. ft. of blacktop will be added and control the drain water with catch basins.

Mr. Fowler said a new sign is proposed with LED changeable (from the register) for gas.

Mr. Rhodes asked how this site development matches in with the Route 67 corridor study and possible future improvements of Route 67. Mr. Rhodes this is a very important east/west link for several communities and is also one of the premier gateways into the town.

Mr. Fowler said the sign proposal is for 15ft., but can be lowered to 12ft.

Mr. Doyle asked the Board if they are in agreement with a lower sign.

Mr. Rhodes said he has not looked at it, but it comes down to traffic safety and esthetics.

Mr. Doyle opened the public hearing 9:40pm

Mr. Kinney he has a concern for the ability for the supply trucks to navigate in and out of traffic.

Mr. Doyle closed the public hearing at 9:42pm

Mr. Cwalinski recused himself from voting on this application.

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

Mr. Rhodes made a motion to adjourn. Ms. Cristy seconded the motion. CARRIED.

Meeting adjourned at 9:49pm

Respectfully submitted,

Michelle L. Dingman