



TOWN OF BALLSTON PLANNING BOARD
Regular Monthly Meeting: March 26, 2008

Present: Richard Doyle, Chairman

Josephine Cristy

Jeffrey Cwalinski

Joan Eddy

Derek Hayden

Members of General Public

John VanVorst

Lee Ramsey, Alternate

Kathryn Serra, Town Engineer

Peter Reilly, Planning Board Attorney

Thomas Johnson, Building Inspector

Chairman Doyle called the March 26, 2008 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Corrections to minutes: Page 1) Add "February 27, 2008", page 2) 10th para: last paragraph change "Bolling" to "Rolling", page 3) 3rd para; change "Suhraba" to "Suhrada", add "letter" after February 20, 2008, page) 5, 2nd para; add "is" after this before project, page 6) 7th para; strike "that", page 7) 2nd para; strike "it does" add ", " after down and strike "and", 5th para; add "be" after will, "there" after asked if and, change "tress passive" to trespassive", page 8) 8th para; strike "the" add "to"

MOTION: Mr. Cwalinski made a motion to approve the March 26, 2008 minutes as amended. Ms. Cristy seconded the motion and all present voted in favor except for Ms. Eddy who abstained. **CARRIED.**

NEW BUSINESS:

Capitaland Property Management, LLC 820 Route 50, Burnt Hills, NY 12027 for Site Plan Review. Applicant proposing to convert previously approved storage building to office space. Lee Ramsey, owner of Capitaland Glass recused himself from the case. Evan Brower, co-owner represented Capitaland Property Management, LLC to construct a 32' x 48' building with 24' x 14' dormers for office space. The existing building would be leased to a local insurance company.

Mr. Doyle asked the applicant to provide the amount of traffic that is expected also include the number of employees in both buildings.

Mr. Brower said that the proposed building (pole type construction) will be used for office space (24' x 14') the remainder will be used for storage and work space. The proposed building will have the same façade as the present building; siding and roof material.



Ms. Eddy asked how many employees the insurance company employs. Mr. Brower replied four employees, generating five to tens cars per day. Mr. Brower indicated that Capitaland Glass currently has two to three cars per week and majority of their work is done off site; mobile service. Mr. Brower said there is parking for both business on site which includes nine spaces in the front building and eight in the rear including a handi-cap space.

Mr. Cwalinski asked for a traffic study showing the adequacy of the ingress and egress of the new tenants.

Ms. Eddy asked about the sign and where will it be placed.

Mr. Brower asked what is specifically needed with the traffic study; traffic on Route 50. Mr. Cwalinski said the trips generated by new business.

Ms. Eddy asked if this would be the end of developing this parcel. Mr. Brower indicated there is no more room on the property and would be imposing on the woods; the applicant likes the buffer separating their parcel and the high school. Ms. Eddy asked about storage of personal items. Mr. Brower said personal items will be stored somewhere else and the trucks will be kept inside as well as the tractor and tent on premise.

Mr. Cwalinski asked if another building will be built for storage. Mr. Brower said that storage was proposed for their personal toys which are not necessary at this property.

Mr. Cwalinski said that a waiver was asked for handi-cap parking space, but there already is a handi-cap parking space. Mr. Brower said that it was an error. The handi-cap space will be paved along with a pathway up to the door.

Mr. Cwalinski said a waiver for location of HVAC equipment. Mr. Brower said that it has not yet been determined until conditional approval has been received. The HVAC will be concealed off-site.

Mr. Hayden referred to EAF question #8 was answered no; asked if that was in error. Mr. Doyle said that it was in error and that it does comply with zoning.

Mr. Cwalinski said that he would like to see screening from the end the fence eastward north; Norway spruce.

Mr. VanVorst said that it is his understanding that the dormer is going to be used as office space which means it is going to be on the second floor. Mr. Brower said that it will be an enclosure below. Mr. VanVorst said that it will be on the ground floor.

Ms. Cristy asked to show parking on the plan for the building in the front.

Mr. Hayden asked if there is rear an entrance to the first building. Mr. Brower said there is a door off the garage.

Ms. Eddy asked if there is a possibility of more onsite employees. Mr. Brower replied yes, if business increases. Mr. Brower said water usage is considerably less than an average house over the course of a year.

Ms. Eddy asked Mr. Reilly if there was a way to hold the applicant to what the engineer has described as maintenance; have the system inspected regularly to be pumped a minimum of every two years. Mr. Reilly said if the septic fails the town would get involved.



Mr. Doyle said that a traffic study should be performed which would ensure that this project would work at that location. Mr. Doyle also asked that the details for the sign to include location, size and if the applicant's would consider sharing the sign

Mr. Doyle asked the town engineer to stop at the site to look at the affects of the amount of impervious surface.

Ms. Serra has assessed the property and where the proposed building will be located will not cause a problem. Ms. Serra said that it does not kick any of the thresholds for DEC storm water permit.

Mr. Doyle said to make sure along the edge of the original property that a good base in put down so an emergency vehicle could access.

Mr. Hayden asked where the water service location will be located. Mr. Brower said that a second meter within the house which will split off into the new building. Mr. Doyle said that it will be one water line with a "t" arrangement with two water meters.

Mr. Doyle opened the public hearing 7:56pm

Ms. Eddy would like NYSDOT as an involved agency in this application.

MOTION: Mr. Cwalinski 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.**

John Lentini, 485 Finley Road, Ballston Spa, NY 12020 for a Minor Subdivision. Daniel Wheeler, L.S. was present representing John Lentini for the minor subdivision located at 485 Finley Road. The property consists of 7.2 acres and presently is constructing a house on lot #2 and would like to divide the property into three lots. Mr. Wheeler said that soil testing has been done and placed on the map and meets all zoning criteria.

Mr. Cwalinski said that the proposed house, septic system, driveway location and other proposed locations of houses and driveways have to be shown on the map. Mr. Wheeler said he will place on the map. Mr. Cwalinski said other utilities that run to lot #2 (electrical) needs to be shown.

Mr. Doyle asked if lot #3 perc test will work in that location for a septic system. Mr. Wheeler said that it was engineered by Mr. Haugh, P.E. who also designed a septic system for that lot.

Ms. Eddy asked what well will be used for lot #2. Mr. Lentini said the well that is next to lot #1. Mr. Wheeler will show the minimum separation on the map and radius around the existing well.

Mr. VanVorst asked about the well and septic tanks of the adjoining property owners. Mr. Wheeler said that it would be the property to the south.

Ms. Serra said that this property is now in the town's MS-4 special water district however, there will be a total land disturbance of over one acre and you must obtain a storm water permit coverage and prepare an erosion control plan that needs to be prepared by the applicant however, is not something that needs to be reviewed by the town. Ms. Serra said that once it is prepared, transmit for the towns records. Mr. Wheeler asked if this applies, if it is done in phases. Ms. Serra said no, if the applicant is intending to subdivide, that is considered a larger common plan of development, and so



even though three lots may have different owners, they were from an original parcel and are coming off to be subdivided.

Mr. Doyle said there will be a fair amount of land disturbance because the lots require a great deal of fill.

Mr. Doyle opened the public hearing 8:10pm

Mr. Doyle read a letter from Mr. Bassam Rimawi, 491 Finley Road invested the last 14 years living next to the property in a country atmosphere and feels adding three more homes will make it like living in a subdivision. Mr. Rimawi asks the Board to honor the present zoning regulations and would ask the applicant to wait until more land is available so he could build as many homes as he likes as long as he abides by the present zoning regulations.

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

Frank & Denise Volpe Schaubert Road, Ballston Lake, NY 12019 to reconfigure a previously approve Major Subdivision.

Duane Rabideau of VanGuilder and Associates was present to present the applicant's for a concept review of a major subdivision. Mr. Rabideau said on the north said of Schaubert Road the applicant's are proposing to subdivide lot #4 into two lots which was subdivided in 2003.

Mr. Cwalinski said that lot 4A has 160ft of road frontage and has a minimum lot width of 175ft for the zoning regulation in the Ballston Lake Residential District. Mr. Rabideau indicated that by adding the frontage plus the rear divided by two gives you 175ft. Mr. Doyle said that it's the mean of the two sides.

Mr. Rabideau said that this parcel of land was subdivided in 2003 with a re subdivision a year or two later to acquire another lot and since the new zoning and flag lots are not allowed in this zone, but the option of a private road is now in existence.

Mr. Doyle asked Mr. Rabideau to show the Board why a Traditional Neighborhood Design is not being shown. Mr. Rabideau said that the public utilities are three miles away and numerous amounts of wetlands which constrict potential development and the process of a conventional subdivision has already been established on this parcel. Mr. Doyle said that subdivisions cannot be continued to be built out that are not within the zoning and have to prove it cannot be done and in this particular case the wetlands have to be looked at and determine that it cannot be done for that particular reason. Mr. Rabideau said that visually you can see that a TND will not work here it is not economically feasible and the southern side of this subdivision is the town of Clifton Park and the TND cannot go any farther south. Mr. Rabideau said that it should be a phased in TND as the utilities come out half a mile or quarter of a mile of the utilities then a TND would be a factor, but out here it does not work.

Mr. Doyle asked the Board members their comments. Mr. VanVorst agrees with Mr. Rabideau. Mr. Cwalinski said that there is nothing to the south to connect to Clifton Park. Mr. VanVorst said that it does not fit.

Mr. Rabideau said that lot #9 will require a three lot subdivision; lot #8 will require a lot line adjustment, lot #7 will require a lot line adjustment, lot #6 is proposing a two lot subdivision, lot #3 is proposing a two lot subdivision and lot #5 proposing a five lot subdivision. Mr. Rabideau said that DEC has been on site to verify jurisdictional wetlands and it has been determined that there is no disturbance.



Mr. Cwalinski asked for more turnouts on the road every 500ft.

Mr. Doyle asked why is this being made into a private road with proposed houses on it. Mr. Rabideau said the cost.

Ms. Eddy asked if there is a Home Owners Associations (HOA), to keep each homeowner involved with their portion of maintenance.

Ms. Serra said that the town does require that private roads be designed and built to town standards. In the event that the HOA is turned over to the town, it will need to be fully engineered by a licensed P.E. Ms. Serra said that project was approved in 2003 a month before the States new standards for storm water design came out; the Planning Board reviewed and did not know what the standards were and did not know require or comply with it. Ms. Serra checked with Mr. Johnson when the houses were built and all were built during a time period which the owner was supposed to do a full storm management report, construct storm water basins and treatment with it and obtain a permit from the state. Ms. Serra got the confirmation that the applicant's did not obtain permit coverage with the state.

Ms. Serra has driven by the site and nothing has been built and one of the ramifications may be when the applicant's come to the Planning Board with their plan, will detain a treatment run-off of all the houses that were built after June 2003. Ms. Serra said that this is also located in the Ballston Lake Overlay District so the town does have the right to enforce the state laws upon this applicant. Mr. Doyle said that nothing has been filed with the DEC. Ms. Serra said that if the applicant's were to build right now, the DEC could take action towards them on that violation.

Mr. Doyle does not see an advantage to a private road and should be built to town specifications; look at the length of the road, the number of proposed homes and the ACOE wetlands. Mr. Doyle mentioned the importance of the Town's Highway Superintendent to access and evaluate these ponds.

Mr. Cwalinski has a concern with the length road and having access for emergency vehicles.

Mr. Reilly asked if any of the lots have been sold. Mr. Rabideau replied one lot.

Application tabled.

Catherine Schafer, 118 Midline Road, Ballston Lake, NY 12019 (248.-2-25) and Julio Cappiello (248.-2-21.11) for a Lot Line Adjustment. Duane Rabideau of VanGuilder and Associates was present on behalf of the applicant for the proposal of a lot line adjustment. Mr. Rabideau said that Mr. Cappiello will sell Ms. Schafer approximately 9,300 sq. ft. of land so all the home improvements will be on her land and the triangle piece of about 1,700 sq. ft. will be transferred from Ms. Schafer to Mr. Cappiello.

Mr. Cwalinski asked for clarification on a tie course. Mr. Rabideau said it is a short cut from one end to the next.

Mr. Doyle opened the public hearing 8:45pm

Mr. Doyle closed the public hearing 8:46pm

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. Mr. Eddy seconded the motion. **CARRIED.**

MOTION: Mr. Hayden made a motion to approve the lot line adjustment as identified for this drawing; 96-22-93E, dated December 11, 1996. Mr. Doyle asked that a note be placed on the final map identifying the revision date. Mr. Rabideau was in agreement to place the revision date on the final map. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

New York Development Group, Lake Road, Ballston Lake, NY 12019 for a Major Subdivision (102 lots, 225 dwelling units) {Concept}. Mr. Reilly stated that the record should reflect that Ms. Eddy has recused herself and is no longer present. Mr. Doyle stated that Ms. Eddy has recused herself because she is employed by New York Development Group; Mr. Knox said Sterling Homes Real Estate a division of New York Development.

Scott Lansing, P.E. of Lansing Engineering, Geoff Booth and Jeff Knox of New York Development Group were present for the Stonebridge Mixed Use Planned Development District.

This parcel overall consist of 74 acres and 225 units a mixture of condominiums, single family and townhouse units. The zoning for the project was development with the PUDD with the Planning and Town Board.

Mr. Lansing said preliminary plans have been prepared for this project; profiles, water, storm sewer, grading, drainage and storm water pollution prevention plan (SWPPP). The overall layout for the project has remained unchanged.

Mr. Lansing said that comments have been received from CT Male which are technical in nature; one comment is relative to storm water management basins and access and locations. Mr. Lansing said that the locations of the basins are appropriate for the respective drainage areas that contribute to each one of those storm water basins. Mr. Lansing said the applicant's have discussed locations with the Highway Superintendent and one suggestion was that the adjacent units would be interrupted by the access ways so it was discussed and agreed to use a stone coarse or binder coarse to delineate those back to the storm water management areas. The neighboring residents would be certain that it was not their property and that it would be used for access to storm water basins and could be interrupted by noise or vibration which was agreed to by the Highway Superintendent. Mr. Lansing said that the review was held up due to this matter and with this clarification would like to keep the basin where they are presently located.

Mr. Hayden asked how many properties have wetlands on them. Mr. Lansing said that the wetland impacts are less than a 1/10th of an acre. There are areas where wetlands are in the backyard where grading and silt fence will need to be away from the wetland areas.

Ms. Serra said that these are very small single family lots 7,000sq. ft. and has spoken to a Wetland Scientist at her office and will need to be deed restricted; you cannot even build on them, place a shed on them or do anything with them and their recommendation was to not approve this subdivision with wetlands on these small lots simply with these small lots because people are going to mow them, disturb them and try to build a pool; it would be feasible on a two or three acre lot. The Wetland Scientist also thought that the ACOE would come to the same conclusion and force the applicant to it re-layout the subdivision.



Ms. Serra said that it should be looked at this level basically as a precursor as an ACOE submission because the Town does have a prerogative to ask that wetlands not be placed on lots on this project.

Mr. Doyle supports that conclusion.

Ms. Serra said that the duplex and the triplex.

Mr. Doyle referred to building #3 2nd street; as you go through the plan you will see infringements throughout.

Ms. Serra asked on behalf of the town that the roads in front of the condos be public roads because of the majority of drainage is going to storm water basin #3.

Mr. Whalen, Highway Superintendent said that he does not understand the concept of having the majority of the town roads and then having the little boulevards where storm water will travel through be private and have a Home Owners Association to maintain and once it fails, they go directly to Mr. Whalen (the town). Mr. Whalen said "they are already there with a truck."

Mr. Booth said that it already was initially laid out and approved in the PUDD. Mr. Booth said that it was setup for 60ft. right-of-ways to move forward as a PUDD.

Ms. Serra asked that the two landscaped areas in the horseshoes (Village Green) not be a maintenance item for the town. Mr. Booth said that he has spoken to Mr. Whalen about that issue and will accept responsibility for those areas.

Ms. Serra wants to make it clear that she has not reviewed the actual storm water design and of the opinion, the Highway Department would not recommend the locations, Ms. Serra has comments from Mr. Whalen though locations shown on the plan are acceptable and that he would be willing to maintain two basins to various easements through side yards. Ms. Serra said that as long as Mr. Whalen is in agreement she will agree. Mr. Whalen said as long as it is designed for equipment and there is no landscaping to maneuver around. Mr. Booth said that Mr. Whalen has valid concerns that homeowner's have plantings and dog fences and the conclusion is to put down a crushed stone or binder coarse and plant trees along the side and everyone will know that this is access to the storm water basins.

Ms. Serra wanted to remind the Board that this project is located in the Ballston Lake Overlay District so it's under the purview of the town's MS-4 permit, therefore, the applicant's will have to obtain a written approval of the town on any technical waivers and any disturbance waivers during construction. Ms. Serra said that likely those answers can be dealt with between me (Ms. Serra) the Storm Water Officer, Les Bonesteel or Building Department.

Mr. Cwalinski asked about having the houses having garages set back 10ft.; DT-1 figure 12 shows a typical house with a garage out in front. Mr. Lansing said that this a typical detail for lot management relative to storm water pollution prevention plan which can be adjusted.

Mr. Cwalinski asked if passive solar design will be put in any of the proposed homes. Mr. Booth said they are trying to maintain as much vegetation on site as possible.

Mr. Cwalinski asked for clarification for minimized street gradient. Mr. Lansing said that has to do with existing grades.



Mr. Cwalinski said back at the last meeting July 25, 2007, there was a discussion about variable setbacks between two to four feet house to house for the single family houses; for example lots 55, 56, and 57 all lie on the same setback line and the way it was interpreted the comment from the July 25, 2007 meeting that the lots were not suppose to be on the same setback line and the same holds true the house on lots 66 and 67. Mr. Booth said that he will take a look at this and will be a case by case basis as you go down the street which will go forward. Mr. Booth said this is meant just to show where a house and about where it is on the lot.

Respectfully submitted,

Michelle L. Dingman

Enc.