



TOWN OF BALLSTON PLANNING BOARD
Regular Monthly Meeting: April 30, 2008

Present: Richard Doyle, Chairman

Josephine Cristy

Jeffrey Cwalinski

Joan Eddy

Derek Hayden

Members of General Public

Donald Rhodes

John VanVorst

Lee Ramsey, Alternate

Kathryn Serra, Town Engineer

Peter Reilly, Planning Board Attorney

Thomas Johnson, Building Inspector

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

OLD BUSINESS:

CW Ventures, 6 Brookline Road & Route 67 for Site Plan Review and a Special Use Permit. Scott Lansing of Lansing Engineering was here on behalf of Brookline Apartments. Mr. Lansing said the April 9, 2008 comments from CT Male have been addressed were in receipt of the April 28, 2008 comments which will be addressed at the next meeting. Mr. Lansing said that the applicant is requesting the Board to consider preliminary approval for the project so the applicant can submit to DEC and DOH for public water and public sewer extensions.

Mr. Cwalinski asked about green space and an area for kids to play. Mr. Lansing said that the previous submissions had sidewalks, but changes were made for a more contiguous green space area; total green space 63%.

Ms. Eddy asked if fencing is required around the wetlands. Ms. Serra replied no. Mr. Lansing said that they area mixture of forested wetlands; a lower quality emergent wetland.

Mr. Cwalinski asked for a fence to be erected for security. Mr. Lansing said the proposal was for vegetation with a mixture Evergreen and Deciduous (caliper 2 ½ - 3)

Ms. Cristy has a concern with lighting for units #4 and #6 and the safety and concern with people coming in and out at night. Ms. Cristy asked is one light enough.

Ms. Eddy asked the size of the recreation area. Mr. Lansing said 60' x 80'



Further discussion was held on the trail connecting to Brookline Road.

Mr. VanVorst said that the Board should not require the applicant to connect to a trail that may not guarantee that there is going to be a trail.

Ms. Cristy asked the type of fence that Mr. Cwalinski was recommending because if it were temporary, more shrubbery could be put down instead of a fence. Ms. Cristy said that fence require upkeep and would not be something that she would encourage.

Mr. Cwalinski asked about planting mature shrubs to block access from one parcel to another. Mr. Lansing cannot guarantee blocking access, but it would be very dense vegetation.

Mr. Doyle asked about snow removal and where it will go. Mr. Lansing said it will be pushed across the wetland areas and stock piled.

Mr. Doyle has a concern with storm water and drop off and water flow to the neighboring property and how the water is going to flow.

Ms. Serra said Mr. Doyle is referencing comment #19 and #20 from the response letter dated, April 28, 2008. Ms. Serra indicated that topography is needed on the Waldin property to tie into the existing grading. Mr. Lansing said that from a drainage stand point this has been addressed, but will need to take a few more shots of the property. Mr. Rhodes and Lansing discussed existing contours shown on the map.

Mr. Johnson has a concern with placement of building #4 with the fire code which requires that a maximum of 150ft. of fire access road to all points of the building unless it is sprinklered.

Mr. Cwalinski asked about road salt in the snow being placed in the wetlands. Mr. Rhodes said to make sure that there is no sediment.

Mr. Johnson said that the fire access road is the parking lot and will not exceed the 150ft maximum distance from that point where the fire truck stops to the farthest point passed that building.

Mr. Doyle said that it will be difficult to get into building #4 and #5.

Ms. Eddy asked if there is sidewalk access to all buildings. Mr. Lansing replied yes.

Mr. Johnson said that it is imperative that the parking lot be kept clear.

Mr. Rhodes recommended a snow management plan.

Further discussion was held on snow removal of the parking lot and sidewalks.

Ms. Serra asked can a fire truck access the 90 degree turns without hitting a parked car. Ms. Serra asked Mr. Johnson if this should be a requirement. Mr. Johnson replied yes that it is a fire code issue.

Mr. Doyle opened the Public Hearing 8:15pm



Robert DeSorbo, 6 Rolling Brook Drive suggested that the design layout be reversed so the apartments are facing Route 67. Mr. DeSorbo said the town has an ordinance on berms' and can only be 2ft. and would suggest consideration to amend for this project so a larger berm can be created in the back of the apartments. Mr. DeSorbo has concerns with guest parking and not having enough parking spaces. Mr. DeSorbo asked about phase 1 and the carwash and approving that before moving forward with phase 2. Mr. DeSorbo asked if anyone has contacted the school district with ingress and egress because Route 67 and Brookline Road are a nightmare in the morning.

Anne Pierce, Lake Road asked if the school bus enter that property or does it stop of Route 67 or Brookline Road. Mr. Baker said that morning and afternoon drop at the corner of Rolling Brook and Brookline Road.

A further discussion was held on school bus drop off.

Matt Baker, 2 Rolling Brook Drive asked to consider flipping the project. Mr. Baker said their development was forced to set their buildings back on their lots. Mr. Baker said the applicant is now placing the buildings in their backyards and has a problem with it. Mr. Baker has a concern that children will be traveling across his property to get the bus. Mr. Baker also has concern with the lighting around the perimeter and will exceed the height of the buildings. Mr. Baker said that it is not going to be approved for the next phase, why is it all being bunched in one corner of the property.

Jeffrey Waldin, 929 Rt. 67 asked about the separation between the existing structure and the proposed project. Mr. Lansing said 20' to 30' to the property line. Mr. Waldin asked about drainage to his property. Ms. Serra said that was noted in the comment letter. There was a discussion on the distance between the 4ft. retaining wall and the Waldins' property. Ms. Eddy also has concerns with lighting on the second story due to the house being close to a proposed parking lot. Mr. Waldin asked if the Board received his letter.

Robert DeSorbo said that phase 1 "bit the dust" and asked if the front portion of the property could be utilized with regard to the number of structures utilized. Mr. DeSorbo feels that there is enough room to move those structures further away from the houses on Rolling Brook and away from the other area and there would be enough green space and enough additional parking and would not concerns with the fire department and utilize the entire acreage.

Ms. Eddy says that it "bit the dust" is not true and is reserving the right to use that in the future.

Mr. Doyle asked the Board members their feelings on the construction of a fence. Ms. Eddy asked what will be on the top of the retaining wall. Mr. Lansing said that there will be a guide rail.

Mr. Rhodes suggests moving the dumpster.

Mr. Rhodes is in favor of fencing around the parameter and the landscape plan is not 2 ½ caliper deciduous trees, but feels it should 5 to 7 or asked to do the 6ft. fence even taller 8 to 12 evergreens. Mr. Johnson said that the code requires a minimum of 8 and a maximum of 10.

Mr. Lansing said that the applicant worked very hard on the carwash trying to meet the Mixed Use Center standards and had spoken to a realtor to look for other potential uses and shifted the focus toward the back portion of the parcel.

Mr. Rhodes brought up pedestrian safety and linkage.



Mr. VanVorst asked why it is necessary to place the entire burden of the expense of establishing a fence on Brookline Apartments when it may well be that there will be children from Rolling Brook infringing on that property, shouldn't that expense be shared.

Geoff Brooks, LLC Round Lake Road for a Traditional Neighborhood Development (TND). Scott Lansing of Lansing Engineering was representing the applicant Geoff Brooks of Brooks Heritage, LLC. The single family homes are proposed on the west side and duplex and two family units on the east side.

The preliminary approval was relative to storm water areas and there relation to the 100ft. buffer and the NYS DEC wetlands. Originally when the plan was put together, the storm water management area was completely in the 100ft buffer and some areas within the 6ft from the DEC line. The applicant met with DEC and it was determined that prior plan and layout did not consider permit-able and wanted the applicants to reduce the amount of impacts to the buffer area. Mr. Lansing said that the DEC was right and move the basin's to an upland area to reduce the 100ft. impacts and have more of a uniform impact on the 100ft. buffer. Mr. Lansing said that that before they were 6ft of the DEC wetland and now on average 75ft. from the upland DEC wetland which required re-grading and a much smaller basin on the north west corner on the site and were able to redistribute the storm water. Mr. Lansing said that it was submitted to DEC and feels that it is conceptually approval-able.

Ms. Eddy asked Ms. Serra if she is in receipt of the letter from DEC and if she concurs. Ms. Serra replied yes.

Mr. Cwalinski asked if the turning radii will allow for a fire truck; ladder truck. Mr. Lansing said that this public street and {will check on the requirements for a ladder check and parking area from the last application} Mr. Lansing said there is proper off street parking for all the units. Mr. Brooks said emergency vehicle ingress and egress will be in the legislation.

Ms. Eddy asked about the buffer being close on lot #42. Mr. Lansing said DEC does not like to see storm water management areas near the 100ft. buffers, but the DEC has indicated they have no problem with that not being an impact the applicant is applying for adjacent areas.

A further discussion was held on the redesign of the project; based on land walk with DEC to meet the new criteria.

A discussion was held on wetland impacts on lots 8, 9, 13, 56 and 57 with regards to DEC and ACOE. Mr. Lansing said that this will be addressed.

Mr. Reilly indicated that the resolution should include all the involved interested agencies.

Ms. Serra went through the involved agencies:

Town Board

Saratoga County Sewer District #1 (SCSD#1)

Saratoga County Department of Public Works (SCDPW)

NYS Department Environmental Conservation (DEC)

NYS Department of Health (DOH)



Army Corps of Engineers (ACOE)

Town of Ballston Highway Department

MOTION: Mr. Rhodes made a motion to that the Town of Ballston Planning Board conduct a coordinated review by CT Male for the SEQR part of this application on behalf of the Planning Board. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

Capitaland Property Management, LLC 346 Kingsley Road for Site Plan Review. Evan Brower of Capitaland Property Management was present to answer questions from Board members.

Mr. Cwalinski asked that the parking in the rear to be shown on the plan.

A further discussion was held on the number of parking spaces and traffic concerns.

Mr. Rhodes said that this is a low scale project and what scale of a project should the Board be asking for a project to be addressed. Mr. Rhodes said that guidance is the trigger and a traffic professional is needed and BFJ's recommendations are needed.

Mr. Doyle opened the public hearing 9:03pm

Mr. Doyle closed the public hearing 9:04pm

No one wished to speak.

MOTION: Mr. Cwalinski 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 site plan map dated February 13, 2008. Mr. VanVorst seconded the motion. **CARRIED.**

John Lentini, 485 Finley Road for a Minor Subdivision. Dan Wheeler, PLS distributed revised copies to the Board members. Mr. Wheeler said that at the last meeting the Board requested well and septic location be placed on the map and the DEC wetlands be delineated. Since that time, this information has been completed. Mr. Wheeler indicated the test pit for lot #1 was in the buffer area and felt that it needed to be redone. One April 17, 2008 the plans were submitted to DEC for review.

Mr. Wheeler said that lot #2 was in the 100ft. buffer disturbance area. The applicant is making the necessary application to DEC for grading disturbance.

Ms. Eddy asked which well was being used. Mr. Wheeler said the well closest to the road.

Mr. Doyle asked if lot #1 has relief from the 100ft. buffer will the lot have enough build-able room.

A further discussion was held on encroachment of the wetlands and allowable wetlands on the property.



Mr. Doyle opened the public hearing 9:19pm

Application tabled.

New York Development Group, Lake Road for a Major Subdivision [Concept]. Ms. Eddy recused herself from this application and Mr. Ramsey assumed her position. Scott Lansing of Lansing Engineering was present to represent New York Development Group. Mr. Lansing said that this application is a Mixed Use Residential PUDD with the number of units decreasing from 225 units to 222 units; one townhouse and one condominium.

Mr. Lansing went through several of the CT Male comments

The applicant is requesting a waiver for a right-of-way.

The applicant is here this evening for a SEQR and coordinated review request.

The private roads the applicant is now asking the town to take over ownership.

Mr. Lansing said that 50ft right-of-way (ROW) waiver is requested. Ms. Serra is in agreement along with the Town Highway Department.

MOTION: Mr. Rhodes made a motion that the Town of Ballston Planning Board conduct a coordinated review to be coordinated by the CT Male pursuant to SEQR based on the engineering review to the following agencies:

Town Board

Saratoga County Sewer District #1 (SCSD#1)

Saratoga County Department of Public Works (SCD

NYS Department Environmental Conservation (DEC)

NYS Department of Health (DOH)

Army Corps of Engineers (ACOE)

Town of Ballston Highway Department

State Historic Preservation Office (SHPO)

Ms. Cristy seconded the motion; Mr. Cwalinski voted in favor, Mr. Hayden voted in favor,

Mr. Rhodes voted in favor, Mr. Van Vorst voted in favor, Mr. Ramsey voted in favor. **CARRIED.**

Corrections to minutes: Page 1) under **new business**, 2nd para; add "to" after expected, Page 2) 1st para; change "business" to "businesses", 5th para; add "s" to premise, 7th para; add "is needed/requested after waiver, 8th para; change "referred" to said, 9th para; add "of" after end, 13th para; strike "an" change to "a rear", Page 3) 4th para; change



"affects" to effects, 6th para; change "in" to is, 8th para; add "at", Page 6) 1st para: change to "road length", 14th para; add a comma after 225 units, Page 7) 2nd para add "s" to basin, 4th para; strike "with these small lots", strike "it", 9th para; strike "is", Page 8) 3rd para; add "was" after and.

MOTION: Mr. Cwalinski made a motion to approve the minutes as amended. Ms. VanVorst seconded the motion and all present voted in favor, except Mr. Rhodes who abstained who was absent from the March 26, 2008 meeting. **CARRIED.**

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

Meeting Adjourned at 9:32pm.

Respectfully submitted,

Michelle L. Dingman