



TOWN OF BALLSTON PLANNING BOARD
Regular Monthly Meeting: June 25, 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 June 25, 2008 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Corrections to minutes

Page 3) 8th para; delete "Ms. Eddy asked how the pond", 10th para, strike "5 acres" add ". 5 acres".

Page 5) 9th para; strike "to" add "to", Page 8) 5th para; strike "Ms." Add "Mr.", Page 10) 5th para; strike "BJF" add "BFJ", Page 12) 11th para strike "s" on separations. Page 13) 4th para; add "Mr."

MOTION: Mr. Hayden made a motion to accept May 28, 2008 minutes as a mended. Mr. Cwalinski seconded the motion and all present voted in favor except Mr. Rhodes and Ms. Cristy who abstained due to their absence from the May 28, 2008 meeting. **CARRIED.**

OLD BUSINESS:

Richard Stern, 344 Charlton Road, Ballston Spa, NY 12020 for a minor subdivision. Mr. Stern was present to address outstanding issues with the Board from the last meeting. Mr. Stern said that a wetlands evaluation was performed and concluded that there were no ACOE wetlands on the property. Mr. Stern met with Mr. Serbalik, Saratoga Department of Public Works on June 25, 2008 who had no objection to the applicant's request to providing the proposed driveway connection to Lot No. 4 relocating east, adjacent to the Lot No. 3.



Ms. Eddy asked for consideration of a shared driveway.

Ms. Eddy asked if this property was ever an orchard. Mr. VanVorst replied no. Mr. Merchant who resides at 357 Charlton Road said that there was an orchard.

Ms. Eddy asked if each well gets tested. Mr. Doyle asked Mr. Johnson what is required from the Town when a new well is drilled. Mr. Johnson said that the State Building Code requires that the Town receive a Well Report from the DEC and Well Driller; no water test.

Ms. Eddy is concerned that there is no potability involved. Mr. Johnson said that the Well Log is sent before the Certificate of Occupancy is issued.

A further discussion was held on testing the proposed wells for arsenic.

It was determined that a note would be placed on the final drawing for testing of arsenic for each well.

Mr. Doyle opened the public hearing 7:47pm

Steven Merchant said that even though they are not designated wetlands has a concern with the grade of the property and the water traveling to corner property to the west. Mr. Doyle said that the basic rule is one property cannot drain onto another and when construction is completed; the Building Inspector inspects the property. Mr. Johnson said that he does not get involved in drainage issues.

Ms. Serra said that the only time drainage issues are looked at is when they meet the State and Town thresholds for meeting Storm Water Management. Ms. Serra said that this project does not meet that threshold; no grading or drainage plan is required.

Mr. Johnson said if the land owner creates a problem it becomes a civil matter between land owners unless the DEC requires a drainage plan.

Mark Katz said that he is under contract with Mr. Stern for the property and will be keeping the proposed houses 80ft. off the road with the well to the rear and the septic system in the front.

Gail Merchant asked how far off the road are the houses proposed. Mr. Katz said that the zoning requirement is 60', but the proposal is for 80'. Ms. Merchant has a concern for each well because the water would be running downhill.

Mr. Doyle closed the public hearing 7:55pm

MOTION: Ms. Cristy 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. Cwalinski 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. Doyle made a motion to approve the subdivision at 344 Charlton Road into four residential lots including that there be a note on the drawing that there be an arsenic check performed on the property before the sale of the lots. Mr. Rhodes seconded the motion and amended with Park and Rec Fees. **CARRIED.**

Mr. Doyle said a note to be placed on the drawing indicating it will be checked for arsenic prior to selling the lots. Mr. Doyle said before signature of mylars would like to see the determination of arsenic.

Mr. Johnson asked for clarification and a base level for arsenic. Mr. Doyle said that it will come from the individual who will be performing the evaluation.

Ms. Eddy asked if Mr. Johnson was looking for wording in the note. Mr. Johnson does not want any ambiguities.

Mr. Reilly said that there should be a New York State Department of Health guideline.

Mr. Doyle made an amendment to the resolution that the arsenic information be provided before signature of the mylar. Mr. Rhodes seconded the motion. **CARRIED.**

Mr. Ausfeld, L.S. for the applicant asked what the Board the Board is exactly looking for; Mr. Doyle said soil samples.

Menagias Ice Cream, 119 Lake Hill Road, Burnt Hills, NY 12027 for site plan review. Gavin Vuillaume of Environmental Partnership was present to address the Board. At the last meeting, there were two outstanding issues that the Board asked to provide additional information.

Mr. Vuillaume said that the first item was a potential parking/access easement to the property to the south with a potential sidewalk to connect those two properties.

Mr. Vuillaume said that the second issue was further clarification as to the recommendations for the driveway configuration both on LakeHill Road and Route 50.

Mr. Vuillaume said that he spoke with Charles Ehrlich, owner of the property to the south who indicated that he was in favor of the project and felt that he had the proper amount of parking on his facility and was not interested in providing an easement for additional parking, but would consider possibly an easement for a sidewalk. Mr. Vuillaume forwarded a formal letter to Mr. Ehrlich requesting it to be looked at by his attorney to see it possible to construct the sidewalk from 119 LakeHill Road to the Ehrlich property. Mr. Vuillaume said that his client would assume all the legal fees for this transaction.

Mr. Vuillaume said that the applicant would construct and maintain the sidewalk.

Mr. Ehrlich said that he owns the property on Route 50 just south of the proposed ice cream parlor which has three tenants at the present time; Dunkin Donuts, Tanning Hut, and a Beauty Parlor. Mr. Ehrlich said that he was contacted by Mr. Vuillaume and spoke to Mr. Menagias and has also spoke to his attorney and are not interested in any form of easement or any arrangement to allow parking on our property. Mr. Ehrlich said that he does not want the exposure and said that the applicant's do not own the ice cream shop; they are leasing it. Mr. Ehrlich does not want the liability of someone falling on our sidewalk or using our parking lot; our parking lot is reserved exclusively for our tenants.



Mr. Ehrlich appreciates their interest in rendering the best service they can for their customers, but has to take care of his tenants. Mr. Ehrlich said absolutely no sidewalk on his property. Mr. Ehrlich said that any of the ice cream parlor clients park their vehicles in his lot would be towed. Mr. Ehrlich does not want any liability or wear and tear on his parking lot.

Mr. Rhodes asked if the sidewalk is in the public right-of-way or on private property. Mr. Vuillaume said private property. Mr. Rhodes asked if it could be extended into the public domain. Mr. Vuillaume replied yes. Mr. Rhodes said that it is a very important pedestrian connection that needs to be maintained.

Mr. Ehrlich said that if that was to be done, he will put a fence up.

Mr. Rhodes said that there are many reasons to have sidewalks in that area and is not saying to put the sidewalk on your property, but put it in the public thoroughfare.

Mr. Ehrlich said that he does not see any along Route 50.

Mr. Rhodes said that it is a dangerous place to walk. Mr. Rhodes said that there is a letter from the New York State Department of Transportation that speaks specifically to sidewalks which is an underserved area. Mr. Rhodes said depending on how this project is approved, it could potentially prohibit a proper pedestrian accommodation that is needed between Route 50 and Kingsley Road.

Mr. Rhodes said that this needs to be studied and if determined that carrying the sidewalk connection to provide safe passage for residents for people doing business it would be in everyone's best interest to accommodate that.

Mr. Ehrlich asked who will be responsible for maintaining the sidewalk in the wintertime.

Mr. Reilly said that the property owner is required for maintenance and sidewalk.

A further discussion was held on the proposed sidewalk.

Mr. Doyle addressed our zoning stating a need for cooperation between business owners.

Mr. Rhodes clarified that he is not recommending that sidewalks be put on your (Mr. Ehrlich's) property, but need to find out whether it is an important piece, and if the Board approves this application without sidewalks, serving this site, will this cause a problem for future development.

Mr. Ehrlich asked who determines the specifications for the sidewalk. Mr. Rhodes replied DOT.

Mr. Doyle said that notification will be sent to Mr. Ehrlich. Mr. Ehrlich is very concerned for liability and young children coming onto our property and cars being parked on our property running over for ice cream going out into the road; therefore does not feel they should be able to park on our land and will put up a sign up on the parking lot for "our tenant's only". Mr. Ehrlich said that a sidewalk would encourage people to park on our property.

Mr. Rhodes said that it encourages people to walk from the houses to the commerce.



Mr. Vuillaume was in receipt of a letter from Kevin Novak, P.E. referencing comment No. 2 to look at overall Town goals to look at if whether sidewalks or a possibility of a crosswalk or extended sidewalks. Mr. Vuillaume said when speaking to Mr. Novak he did not want the site plan to prohibit sidewalks to be constructed.

Mr. Vuillaume said that the proposal for concrete sidewalks is LakeHill Road south with curbing. Mr. Mengias said that sidewalk would continue to be blacktop.

Ms. Serra said that it is up to Saratoga County Department of Public Works as to what they want there.

Mr. Rhodes said that we have sidewalk standards that are concrete so how do we say that it is up to the County.

Ms. Serra said that the Town standards are concrete and the County standards are probably going to be concrete here.

Mr. Rhodes said that everything that is in front of the Board is saying a sidewalk at least in front of that intersection is required. Mr. Rhodes said that piece is so important because that will be formalized crosswalk and the Town will be able to put in appropriate crossing signage as well as striping. Mr. Rhodes said until that happens there is a very dangerous intersection for pedestrians.

Mr. Rhodes was talking to someone recently who rode their bike through that area was clipped by the mirror of a vehicle. Mr. Rhodes said that close calls are not documented.

Ms. Menagias said that bicycle traffic cuts through the parking lots.

Ms. Conrad, 123 LakeHill Road said that the County plows the sidewalk.

Mr. Rhodes said according to the letter from DOT has volunteered to partner with the Town for the signage and crosswalk striping.

Mr. Menagias is in agreement with the sidewalk.

Mr. Vuillaume said that he spoke to an engineer at BFJ to get their clarifications as to their reasoning about their recommendations on one way in off of Route 50 and one way out. Mr. Vuillaume said it is strictly simplicity and would be ultimately up to DOT.

Mr. Vuillaume spoke to Mr. Novak and referenced his letter comment No. 1.

1) With respect to access to the site, you indicated that one alternative being considered is an entrance-only from Route 50 with an exit-only to Lake Hill Road. This configuration would force the relatively easy traffic maneuvers, the eastbound right-in from Lake Hill and the right-out to Route 50 southbound, through the Route 50/Lake Hill intersection. From a capacity perspective, this may not result in the best possible operations. Is there a way to allow these moves while still restricting the problematic left-turn moves?

Mr. Vuillaume said that from a capacity perspective this may not be an operation; the negative part of taking all the traffic and running it forces every car to it that intersection.



Ms. Serra said that she spoke to Mr. Jacquemart, BFJ and his opinion was one way traffic was recommended particularly given the reason that trying to exit onto Route 50 make a left north would be a difficult maneuver and would likely inhibit entering the site creating a cue across the site; which the business owners do not want that to happen.

Mr. Rhodes asked if Mr. Jacquemart received the comment letter from Mr. Novak, P.E. (DOT). Ms. Serra replied no and will forward to Mr. Jacquemart, BFJ.

Ms. Serra said that Mr. Jacquemart will see that it is easy to make a right turn onto the site, but have to weigh the options, do you create restrictive entrances similar to Trustco Bank.

Ms. Serra said that BFJ should make a final statement and weigh in on DOT comment letter and their expertise as the Town's traffic consultant and make a final determination.

Mr. Vuillaume is in agreement, but if this creates a problem (one way in and one way out) would like the opportunity to come back in front of the Board.

Mr. Vuillaume said that a portion of stockade fencing would be erected in back for screening. Ms. Eddy suggested the whole length. Mr. Menagias was in agreement to go the whole length.

Mr. Rhodes asked about a landscaping plan.

Mr. Vuillaume said that there is a very small service area in the rear of the building; a roll-off for garbage disposal to be landscaped with evergreens and small plantings in the front.

Mr. Rhodes asked how tall.

Mr. Vuillaume said 2" – 2 ½ caliper. Mr. Johnson said that the Town's code prohibits anything taller than 3 ½' and 30' within the intersection.

A further discussion was held on the plantings in that area.

Ms. Eddy asked if the guide rail will be too low and too far apart. Mr. Rhodes suggested wheel stops.

Mr. Cwalinski asked for screening around the back; to avoid looking at garbage can.

Mr. Doyle asked Mr. Ramsey who had experience working at the proposed site to give an idea of traffic flow and visibility at that corner. Mr. Ramsey has a concern with visibility at that corner and to make sure that signage is put back as far as possible to keep traffic flow moving and to avoid any accidents.

Mr. Hayden asked the total number of parking spaces. Mr. Vuillaume said 12 spaces.

Mr. Rhodes said that the technical details, site circulation and performance including design standards for sidewalks. Mr. Rhodes said that there is an error in the Town Code for a 4' sidewalk which needs to meet an ADA (5' sidewalk). Mr. Rhodes said a curb transition; coordination will need done between the State and Town who will need to put the next piece in. Mr. Rhodes suggested signage and crosswalk delineation beforehand.



Ms. Eddy asked if the sidewalk needed to be completed before the establishment can open. Mr. Rhodes would like to see everything staged beforehand.

Mr. Doyle opened the public hearing 8:36pm

Mark Katz said that it is a good idea for an ice cream shop to help bring business to the area. Mr. Katz did frequent the gas station with his dump truck and triple axle trailer and had no trouble entering or exiting the site.

Mr. Menagias said that other businesses that exit Route 50 cross the double line. Mr. Doyle said that the problem is that the property is so close to the corner and there is a left hand turn lane.

Ms. Menagias suggested decorating the outside of building to beautify the corner. Mr. Doyle said that would be greatly appreciated.

Mr. Doyle closed the public hearing 8:40pm

MOTION: Mr. Cwalinski motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process. Ms. Cristy 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 subject final review and approval of schematic of BFJ and CT Male. Ms. Eddy seconded the motion and all present favor. **CARRIED.**

NEW BUSINESS:

Saratoga Chimney and Stove, 835 – 837 Saratoga Road, LLC for site plan review. Duane Rabideau was present on behalf of the applicant. Mr. Rabideau said that the applicant is requesting to expand the store 35' back and remain 40' wide for storage and a showroom.

The existing septic is proposed to be moved farther back as well as the propane tank.

Mr. Rabideau said that the applicant is proposing 49 parking spaces and two handi-cap spaces totaling 51 spaces; with enough storage for wood pellets.

Mr. Cwalinski asked for screening around the dumpster.

Mr. Cwalinski asked to move the HVAC equipment from the north side to the east side; show location on the plan.

Mr. VanVorst said that there is some impervious surface that crosses the property line and to provide a buffer.

Mr. Rhodes suggested a 4' planting strip.

Mr. Doyle opened the public hearing 8:50pm



Mr. Doyle closed the public hearing 8:51pm

No one wished to speak.

MOTION: Mr. Rhodes 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. Cristy seconded the motion. **CARRIED.**

MOTION: Mr. Doyle made a motion for the approval incorporating the comments of an open space between the Smith property to ensure there is no water carry over (4ft. open space raised mound). Mr. Rhodes asked for HVAC equipment to be shown and appropriate setbacks. Mr. Cwalinski asked for screening of the dumpster. Mr. Rhodes seconded the amended resolution. **CARRIED.**

MOTION: Mr. VanVorst made a motion to adjourn. Mr. Rhodes seconded the motion and all present voted in favor. **CARRIED.**

Meeting adjourned at 8:50pm

Respectfully submitted,

Michelle L. Dingman

Enc.