



TOWN OF BALLSTON PLANNING BOARD
Regular Monthly Meeting: August 27, 2008

Present: Richard Doyle, Chairman

Josephine Cristy

Jeffrey Cwalinski

Joan Eddy

Donald Rhodes

Members of General Public

John VanVorst

Kathryn Serra, Town Engineer

Peter Reilly, Planning Board Attorney

Thomas Johnson, Building Inspector

Chairman Doyle called the August 27, 2008 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Mr. Doyle said that New York Development Group tabled their application for a PUDD on Lake Road.

Corrections to minutes:

Page 2 fourth paragraph; change "wholly" to "holy"

MOTION: Mr. VanVorst made a motion to accept the July 30, 2008 minutes as amended. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

OLD BUSINESS:

Geoff Brooks, LLC Round Lake Road for a Traditional Neighborhood Development (TND). Scott Lansing, P.E. of Lansing Engineering was present to represent the applicant. Mr. Lansing said that after working with the Planning Board, Town Engineer, and receiving preliminary approval, contacted DEC, ACOE for wetland permits and DEC had questions on the wetland impacts. Mr. Lansing said that the coordinated review was also performed. Mr. Lansing said that revision has been made to the storm water basin.

Mr. Lansing said that wetland permit applications have been submitted by a wetland consultant and DEC has reviewed the wetland impact, DEC wetland impact, and adjacent area impacts for the project. Mr. Lansing said that the DEC feels that the comments have been addressed and a permit will be issued. Mr. Lansing said a Negative Declaration is needed from the Planning Board before issuing a permit.



Mr. Lansing said the outstanding comment from ACOE is the SHPO signoff for archeological resources. The applicant has performed a phase 1 and 2 investigation of the site and the phase 2 investigation has determined that there is no further work needed for the project. The process is waiting for SHPO to provide a signoff and therefore will issue permits for the project.

Mr. Lansing said that there are three comments from CT Male that he would like to discuss.

Mr. Lansing said that the first response asked if the SEQR coordinated review has been performed by this Board. There were letters sent to all the involved agencies and none of the involved agencies responded. The Town Engineer is recommending that the Planning Board make a motion to declare themselves Lead Agency.

Mr. Lansing said that the wetland permits and indirect impacts have been applied for to the various agencies. The two indirect impacts specifically relative to Lot 2 and Lot 54 have been included in the permit applications.

Mr. Lansing said that comment #3 is relative to tabling the application until the ACOE and DEC permits are issued or an issuance of a positive declaration for the project. Mr. Lansing said that the Town Engineer has recommended that the Planning Board declare themselves Lead Agency. Mr. Lansing is requesting a Negative Declaration, consideration of preliminary approval conditioned on ACOE and DEC issuance of permits, and outstanding comments from the Town Engineer.

Mr. VanVorst asked for clarification on item #24 of the comment letter from CT Male. Mr. Lansing said that Clifton Park Water Authority has agreed that the tee at Miller Road is not needed and will be removed on the plan.

Mr. Doyle asked for comments on a conditional approval or wait until further information is received from the ACOE.

Mr. Rhodes asked Mr. Doyle if he meant conditioned SEQR or conditioned approval. Mr. Doyle said conditioned approval of SEQR. Mr. Rhodes suggested conditioned preliminary approval.

MOTION: Mr. Rhodes said subsequent to the coordinated review and no interested agency wanting to take lead, moved that the Town of Ballston Planning Board is the Lead Agency in the SEQR process. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

Mr. Rhodes said that he does not feel that the SEQR should be conditioned, but believes that preliminary approval should be conditioned under SEQR permits to be signed off through technical review by CT Male. Mr. Rhodes said that the SEQR should either be a Negative Declaration or a Positive Declaration.

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

Geraldine Freedman asked the Board to explain the term Lead Agency. Mr. Doyle said that the Board acts as the coordinator of all the items that may occur relative to an environmental nature.

Mr. Reilly read the definition of Lead Agency: "An involved agency principally responsible for undertaking funding or approving an action and therefore responsible for determining whether an environmental impact statement is required in connection with the action and for the preparation of filing the statement of what is required." Mr. Reilly said that it is an agency that is involved with the review of the project and is principally given the undertaking of approving it. Mr.



Reilly said that letters were sent out having jurisdiction of this project and felt that the Planning Board would be the most appropriate agency to become the Lead Agent.

Mr. Doyle closed the public hearing at 7:48pm

Mr. Rhodes said the SEQR process means the environmental review is complete, but the applicant is stating that there are outstanding permits that must to be obtained and feels the only way to make sure that it is done is to condition the preliminary approval.

MOTION: Mr. Rhode said that this project has no negative affect on the environment. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Rhodes made a motion to issue preliminary conditioned approval subject to the satisfaction of outstanding technical review items and obtaining permits from the outstanding agencies that have an interest in the actual pieces of the environment. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

Mr. Doyle made a minor change to the wording of the SEQR to "there will be" no affect on the environment.

NEW BUSINESS:

Katz, Eric & Rose, Route 50 and Connolly Road for a Sketch Plan Conference. Roy Beaudmen, P.E. was present representing Eric & Rose Katz for their site plan application for an apartment project. The applicants are proposing 33 apartment units consisting of 3 buildings with 11 units per building in the Business Highway-2 District consisting of 7.237 acres.

Mr. Beaudmen said the proposal is to take all access ingress and egress off of Route 50 and have emergency access on Connolly Road. The applicants are proposing to upgrade Connolly Road to town standards only to the driveway. The project will be served by public water and a private septic system.

The storm water will be on site. Mr. Beaudmen said the wetland delineation is being performed which is estimated to be an acre in size.

Mr. Beaudmen said that the density is 4.6 units per acre and after deducting the wetlands totals 5 ½ units per acre. The impervious area is .58 acres for buildings and .6 for parking. The total green space is 83%, buildings 8%, and parking and access 9%. The applicant is proposing 86 parking spaces; town requirement is 83 spaces.

Mr. Beaudmen said in the Business Highway-2 District the setback is 50ft. maximum and due to the residential character of the neighborhood, is proposed moving the buildings back 75ft.

Mr. Beaudmen said that the applicants are proposing two and three bedroom apartments appealing to empty nesters and professional couples with proposed rent at \$1,300.00 a month. Mr. Beaudmen said that the same units built in Halfmoon consist of 10% with families.

Mr. Cwalinski said that he does not want to see apartments, but rather businesses along Route 50.



Mr. Rhodes asked about the proposal on Connolly Road. Mr. Beaudmen said that since Connolly Road is private, there is a need for two access points with the emergency access on Connolly Road. Mr. Beaudmen said the proposal is to upgrade a portion of Connolly Road to town standards.

Mr. Doyle said that this proposal is a permitted use in the Business Highway-2 District.

Ms. Matias said \$1,300.00 could be spent on a mortgage rather than a high end apartment.

Mr. Rhodes asked if a cul-de-sac will be constructed since a portion of the road is proposed to be upgraded. Mr. Rhodes said that this will need to be done if it is dedicated to the town. Mr. Beaudmen said the proposed access is for emergency only. Mr. Rhodes recommends coordinating with the Highway Superintendent. Mr. Doyle recommends building a road to town standards. Mr. Johnson said that the Highway Department does not maintain any private road.

Mr. Rhodes said that if the market will bare a high end apartment, people will want it and it will be built. Mr. Rhodes feels that if the project meets zoning, he would not advocate in any way that someone not do a project.

Mr. Doyle said that the project in Halfmoon is successful, expensive, and feels there is a market for the apartments.

Ms. Serra asked if there is a proposed means to prevent Connolly Road from becoming a main entrance. Mr. Beaudmean said that this will be done through signage and lease agreements. Mr. Serra said that since Connolly Road is a private road, the town will not plow it, enforce it, or get involved with the neighbors complaints.

Mr. Rhodes said that since Connolly Road is a secondary access it will be the applicant's responsibility to maintain.

Mr. Reilly said that he did not find any deed rights to ingress and egress off of Connolly Road.

Ms. Cristy has a concern for traffic coming out onto Route 50.

Mr. Beaudmen said that a traffic analysis will need to be performed for that area. Mr. Beaudmen said that there is a great deal of site access.

Mr. Johnson asked if the waste water disposal area will be 100ft. away from the 100ft. buffer boundary of the wetlands. Mr. Beaudmen replied yes. Mr. Johnson said that the proposed map is not showing 100ft. Mr. Beaudmen said that when the final delineation is completed, it will be shown on the new map.

Ms. Serra said this project is located within the Ballston Lake Overlay District which is subject to the town's chapter 91 local law. Ms. Serra said the requirements for storm water are no different than the state standards due to the significant size of the project. Ms. Serra said that a formal request is needed from the Board for the setback variance.

Mr. Doyle is in agreement with the setback. Mr. Cwalinski is also in agreement due to the noise from Route 50 especially at night.

Mr. Rhodes asked if the lighting will be controlled so it is down cast. Mr. Beaudmen replied yes.

Mr. Rhodes said that there are issues to be resolved, but feels this is a pretty good project.



Mr. Doyle asked about signage. Mr. Beaudmen said a very low profile sign.

Eugene Weiss, Route 50 and Brookline Road for a Sketch Plan Conference. There was no one present to present application to the Board. Application tabled.

Respectfully submitted,

Michelle L. Dingman