



TOWN OF BALLSTON PLANNING BOARD
Regular Monthly Meeting: September 4, 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 September 24, 2008 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Corrections to minutes: A discussion was held on the August 27, 2008 minutes to add on Page 4, paragraph 5 "she does support the construction of apartment buildings in town, however". Mr. VanVorst suggested making a motion at the next meeting to determine if this was actually stated at that meeting; the Board was in agreement.

NEW BUSINESS:

Bradley Callahan, 1 Manning Road, Ballston Lake, NY 12020 for a Lot Line Adjustment. Duane Rabideau of VanGuilder and Associates was present on behalf of the applicant. Mr. Rabideau said the proposal creates two lots out of the 12.4 acre parcel. Lot #2 will consist of 4.8 acres with existing house and improvements. Lot #1 will consist of 7.6 acres with a proposed building lot, septic and private road.

Mr. Cwalinski asked if the well on lot #1 is proposed or existing. Mr. Rabideau replied existing.

Mr. Eddy asked if the new driveway is over 500ft. in length. Mr. Rabideau said approximately 600ft. Ms. Eddy stated that a pull-off will be required for emergency vehicles.

Ms. Eddy asked if the first portion of the driveway will be shared. Mr. Rabideau said that it will be an extension of Hawkwood Avenue.



Mr. VanVorst asked which well is currently being used. Mr. Rabideau said the well located on lot #2.

Mr. Hayden asked for clarification on the lot numbers; comparing the application to the map. Mr. Hayden stated that the application seemed to have the houses reversed; the application states lot #1 has existing house, but the map shows #2 having the existing house.

Mr. Doyle asked that the locator be added to the map.

A further discussion was held on the location of the wetlands.

Mr. Doyle said the Board received a request from Canadian Pacific Railroad asking for time to review the application. Mr. Doyle said under a good neighbor policy the Board will allow Canadian Pacific Railroad their request to review the application.

Mr. Rabideau asked Mr. Reilly if he had contacted Canadian Pacific Railroad. Mr. Reilly said that he only spoke to Mr. VanGuilder.

Mr. Rabideau said the Zoning Board of Appeals did not receive any response back from the notifications that were sent out for the 280A Relief on this property. Mr. Rabideau said because of the rail road crossing, the 280A Relief would have more of an impact.

Mr. Callahan said he will be out of the country for the next three weeks and this is part of a strategic refinancing allowing him to move forward to purchase property in Italy which is contingent on the sale of the created lot from the lot line adjustment. Mr. Callahan said with respect to financing, another month with the current economic environment would put him at a disadvantage. Mr. Callahan said that Canadian Pacific Railroad has not responded to the Zoning Board of Appeals notification for 280A Relief on the property, which has been approved.

Mr. Reilly said that it is not a legal requirement and is at the discretion of the Planning Board allowing Canadian Pacific Railroad their request, but felt it made more sense to provide their concerns with the Zoning Board of Appeals for 280A Relief.

Mr. Doyle suggested the applicant return next month so the Board can further review the plan and approve at that time.

Mr. Callahan said that this will affect the marketability of the property.

Ms. Eddy said the applicant can list the property subject to final approval.

Mr. Callahan said that the financing is subject to the lot line adjustment approval.

Mr. Cwalinski said that Canadian Pacific Railroad could have expressed their views in the letter which was sent or could have sent a representative to the meeting.

Mr. Doyle said other than the safety aspect of two cars going over the unregulated rail as a potential problem, does not see any other factors to consider.

Ms. Cristy said whoever goes over the tracks has to be careful whether it's one car, two cars or ten.



Mr. Cwalinski said there is risk involved in crossing.

Mr. VanVorst does not feel that it is the Board's responsibility to assist in resolving personal finance issues and does not see anything that would prevent the Board from resolving tonight.

Mr. Hayden said that Canadian Pacific Railroad has written a letter and asked to be heard and would like to wait until they can respond.

Ms. Eddy said even though Canadian Pacific Railroad needed to go before the ZBA, there is nothing the Planning Board can do. Ms. Eddy is in agreement with Mr. VanVorst and also said this is a lot line adjustment the applicant can list, market, and sell the property and return next month. Ms. Eddy does not feel the Canadian Pacific Railroad is acting as a good neighbor when they should have responded to the ZBA.

Mr. Reilly asked when the notifications were sent out. Michelle replied seven to ten days prior to the meeting.

A further discussion was held on the moving forward with the listing and marketing of the property.

Mr. Doyle said the Board's policy would be to wait one month in this particular case (two attorney's) Mr. Reilly and Mr. Hayden were in agreement that Canadian Pacific Railroad should be heard.

Ms. Eddy asked Mr. Doyle what will happen if the applicant does not attend the October meeting. Mr. Doyle said the Board will move forward.

Mr. Johnson said Canadian Pacific Railroad requested a copy of the map and wanted to know who will be forwarding them a copy. Mr. Doyle asked Mr. Rabideau to forward a copy.

Mr. Doyle opened the public hearing at 7:55pm

Mr. Doyle closed the public hearing at 7:56pm

No one wished to speak.

MOTION: Mr. VanVorst made a motion to table this application. Mr. Ramsey seconded the motion and all present voted in favor. **CARRIED.**

R. J. Taylor, Route 50, Ballston Spa, NY 12020 (228.6-3-2/228.6-3-3) for a Sketch Plan Conference. Scott Lansing was present with Mr. Taylor to present the application to the Board. Mr. Lansing said the parcel is zoned Mixed Use Center North with a vegetated corridor down the middle buffering this proposed project from Rolling Brook Drive.

The topography has been completed; wetlands have been looked at on the parcel in a cursory fashion and identified as DEC wetlands.

Mr. Lansing read a section of town's zoning ordinance in the Mixed Use Center North that states; "The purpose and intent of the Mixed Use Center District stems from the purpose of creating a commercial and social core for the Town emphasizing a small-town feel. This requires a balancing of a variety of uses on a scale and design so that the various



uses can not only co-exist but compliment each other to create a vital and active community of shopping, service, social and residential opportunities."

Mr. Lansing said after looking at the purpose and intent of the Mixed Use Center North, the Route 50 and Route 67 corridors where typical of commercial type development, but felt this location is more of an inset parcel and would be best used as residential.

Mr. Lansing said that the applicant is proposing seven buildings including eight units per building totaling 56 units.

The primary access to the site would be from the Route 50 corridor with a loop road to service each one of the units. A secondary access would be proposed through Rolling Brook Drive with an existing road crossing the DEC wetland. Mr. Lansing said this proposal would be for an emergency access gate with a Knox box for emergency vehicles to access the site.

Mr. Lansing said that a sidewalk loop is being proposed around the project with a central park space which includes a gazebo.

Mr. Lansing said the applicant is proposing plantings around the streetscape, lighting plan to be added during the preliminary stage.

Mr. Lansing said that water service will be provided at the best location either Route 50 or Rolling Brook Drive.

Mr. Lansing said the applicant is proposing to connect into the exiting gravity system on Rolling Brook Drive; gravity to the main trunk line on Brookline Road.

Mr. Lansing said the storm water management location is conceptually shown on the map.

Mr. Hayden asked about parking of the 112 cars. Mr. Lansing said that all units will have a garage.

Mr. Ramsey asked how many bedrooms are proposed for each unit. Mr. Lansing said the applicant estimated two bedrooms per unit.

Ms. Eddy asked if a demographic has been performed and also asked if there is a need for this project because of the approved projects that in the area which includes townhouses and condominiums. Ms. Eddy asked if the proposed units will be for seniors or high end. Mr. Taylor said that there is a need for the proposed apartments. Ms. Eddy asked if this proposal is for apartments or condominiums. Mr. Doyle replied apartments.

A further discussion was held on proposed apartment projects.

Ms. Eddy asked for numbers. Mr. Taylor said that he is working on the numbers and will provide them at the next meeting.

Ms. Eddy said that there is nothing green to separate the proposed apartments from Tomaselli Ct.

Ms. Eddy said that something is needed to keep the kids out of Tomaselli Ct.



Ms. Eddy said that it is all open to the back side of the school bus garage. Mr. Lansing said that buffering will need to be added. Ms. Eddy suggested a fence.

Ms. Serra asked if the applicant has purchased the property on Route 50 because there currently is no access point at that location. Mr. Lansing said that Mr. Taylor has obtained that parcel.

Mr. Cwalinski said that part of building #2 extends beyond the 20ft. setback. Ms. Serra said that there are zero side yard setbacks in this zone.

Mr. Cwalinski asked if the road will be private or dedicated to the town. Mr. Lansing replied private.

Ms. Eddy asked the percentage of green space. Mr. Lansing estimated 50 percent.

Mr. Hayden asked about mailboxes. Mr. Lansing said the proposal would be some type of community mailboxes.

Mr. Lansing said each unit will have its own individual garbage can.

Ms. Eddy said that some type of setup will be needed at the bus stop area to keep kids out of the middle of the access road.

Mr. Ramsey asked if the garages will be considered a parking space. Mr. Doyle said the sketch appears to show two parking spaces with one parking space inside the garage. Mr. Doyle asked the provisions for guest parking. Mr. Lansing said he feels the roadways are wide enough with remaining opportunities along the roadways. Mr. Doyle has a concern for the winter months.

Mr. Johnson said the applicant has to decide whether the proposal is apartments or condominiums because the parking for apartments has a different set of rules to follow in the building code which include handi-cap accessibility and parking.

Mr. Cwalinski asked the width of the emergency access road. Mr. Lansing replied 22ft. room enough for two vehicles to pass.

Ms. Eddy asked if the emergency access road will need to be plowed. Mr. Lansing replied yes.

Mr. Doyle asked Mr. Johnson if he has any problems relative to fire issues. Mr. Johnson said changing the application from proposed condominiums to apartments will change the parking layout.

Ms. Serra said that she spoke with Region 5 of DEC about their recommendation on how the Planning Board should handle the application. DEC suggested a sketch plan having the Board recommend to the applicant to contact DEC to coordinate a field visit with a Region 5 wetland professional. Ms. Serra said that the DEC will either grant the wetland disturbance or will not grant it. At that time, the applicant will need to contact the town. Ms. Serra said that if the DEC does not permit this wetland disturbance, then the emergency access cannot be done; which can jeopardize the project, however it is very rare for DEC to deny such disturbances.

Ms. Serra recommended to the Board that the applicant seek involvement with DEC on the wetland issues at a sketch plan level prior to moving forward with site plan review.



Mr. Doyle asked if it would be easier to conduct a coordinated review. Ms. Serra said that it is very early in the process for a coordinated review and would like to see a topographic map, drainage plan, and any wetland impacts.

Ms. Serra recommended coordinated review at the time of site plan review with a project of this size.

Mr. Reilly asked Mr. Lansing if the ingress/egress off of Route 50 was purchased from the school district. Mr. Taylor said that there is an existing right-of-way and will be providing the school with sewer and other work for the district to swap for a wider roadway. Mr. Reilly asked if there has been a conveyance of property. Mr. Taylor said not until sewer is provided.

Mr. Doyle brought up signage and additional lighting.

Mr. Doyle said to follow the building codes when a decision is made on whether it will be apartments or condominiums.

Mr. Doyle asked that all the radii be adequate for fire trucks.

Ms. Cristy asked about walkways or paths around the buildings. Mr. Lansing said sidewalks are being shown around the central area and will be shown around the buildings.

Mr. Cwalinski asked for some type of fence around the storm water management area to keep the children out.

Ms. Eddy asked if these buildings are constructed at another location. Mr. Taylor said that this proposal is similar to the condominiums on Route 50 north of SPAC in Saratoga.

Mr. Johnson asked how many units are in the Saratoga location. Mr. Taylor replied 48. Mr. Johnson asked how many per building. Mr. Taylor replied three ten unit buildings and two eight unit buildings.. Mr. Johnson asked if each condominium has its own tax max number. Mr. Taylor said no.

Mr. Taylor said that he thought condominiums and apartments were identical, but town homes with zero lot lines needed water and sewer connections per unit. Mr. Johnson said that condominiums are designed as single family dwelling with a zero lot line. Mr. Johnson said apartments are reviewed under the building code.

Mr. Doyle asked about acquiring additional land to spread out and make more room. Mr. Lansing said that the adjacent land is in the wetlands.

Mr. VanVorst asked Mr. Doyle his interest in spreading the proposal out. Mr. Doyle said it would give it more green space for children to play.

Ms. Eddy asked how many apartments are being proposed at Brookline Road and Route 67. Mr. Lansing said between 48 and 56 units.

Mr. Cwalinski asked if the school buses idle in the morning because of the noise and fumes. Mr. Doyle said that he read that the BH-BL school district buses idle for ten minutes.

Ms. Cristy asked if the children will have to walk in the road to get to Route 50 to pick up the school bus.



Mr. Cwalinski asked the length of the roadway. Mr. Lansing replied 400ft.

Mr. Doyle suggested a sidewalk down one side of the roadway.

Mr. Reilly said that the proposal cannot move forward without the deed for ingress and egress.

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

Meeting adjourned at 8:30pm.

Respectfully submitted,

Michelle L. Dingman