



**TOWN OF BALLSTON PLANNING BOARD**  
**Regular Monthly Meeting: November 19, 2008**

Present: Richard Doyle, Chairman

Josephine Cristy

Jeffrey Cwalinski

Joan Eddy

Derek Hayden

Members of General Public

Donald Rhodes

John VanVorst

Audeliz Matias, 2<sup>nd</sup> Alternate

Kathryn Serra, Town Engineer

Peter Reilly, Planning Board Attorney

Thomas Johnson, Building Inspector

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

Corrections to minutes:

Page 1) 9<sup>th</sup> paragraph strike "there" change to "they". Page 2) 1<sup>st</sup> paragraph strike "is" change to "was". Page 4) 4<sup>th</sup> paragraph strike "Mr." to "Ms.", 6<sup>th</sup> paragraph add "of", 8<sup>th</sup> paragraph strike "Ms." change to "Mr.", 9<sup>th</sup> paragraph strike "the". Page 5) 6<sup>th</sup> paragraph strike "as" change to "was", 8<sup>th</sup> paragraph strike "that" change to "than". Page 7) 1<sup>st</sup> paragraph strike "parker" change to "parked", 11<sup>th</sup> paragraph add "or".

**MOTION:** Mr. Cwalinski made a motion to accept the October 29, 2008 minutes as amended. Mr. Hayden seconded the motion and all voted in favor. Mr. Rhodes abstained due to his absence at the October 29, 2008 meeting. **CARRIED.**

**MOTION:** Mr. Cwalinski made a motion to accept the October 29, 2008 minutes as amended. Mr. Hayden seconded the motion and all present voted in favor. **CARRIED.**

Mr. Doyle stated Ms. Eddy recused herself due to her affiliation with Sterling Realty.

**OLD BUSINESS:**

**New York Development Group, 1477 Route 50 for Site Plan Review and a Special Use Permit.** Scott Lansing of Lansing Engineering was present on behalf of New York Development Group for the IAIA project which is a multi-family development located along Route 50. The proposal consists of six buildings with four units per buildings totaling 24 units on 3.66 acres. The applicants received preliminary approval from the Planning Board, a Negative Declaration, and



subsequent to that were in receipt of CT Male comments which have been addressed to all the involved agencies. Mr. Lansing said the applicant is here tonight for final approval conditioned on technical comments.

Mr. Cwalinski asked if there were changes from the previous submission. Mr. Lansing said the outstanding technical comments.

Mr. Hayden asked Mr. Lansing if he anticipates any problems addressing the comments from the Town Engineer. Mr. Lansing said that the comments were addressed on Tuesday and forwarded to Ms. Serra.

Mr. Cwalinski asked if BFJ responded to the traffic assessment. Ms. Serra said that she emailed the BFJ response to all the members. Ms. Serra said that BFJ did not have any issues with this project.

Mr. Hayden asked the status of Cornerstone. Mr. Hayden asked if there will be a problem with the storm water management basin. Mr. Lansing said there will be no problem.

Mr. Doyle asked if there is a definitive plan for construction of the basin at Cornerstone. Mr. Lansing said the storm water basin should be constructed at Cornerstone first not necessarily the project itself. In the event of this project starting before the Cornerstone, this storm water management basin would need to be constructed first; the outlet from this project ultimately goes to Cornerstone.

Mr. Rhodes asked the most logical connection of Ecobelli's to the force main. Mr. Lansing said there is a force main in that area down to Pine Grove and Route 50. Mr. Rhodes asked about connecting at Pine Grove. Mr. Lansing said he would have to look into it. Mr. Lansing said the 2" is being tied into 6" of dry line for potential future development to the west.

Mr. Doyle said the town at one time had considered sidewalks in that area and does not believe there is a sidewalk plan and would need time to resolve that issue.

Mr. Booth said this issue was discussed at the last meeting and both either agreed that it did not make sense to start finding a place to put sidewalks on Route 50 and rather put them within the site to connect the two projects together.

Mr. Doyle said that he has read the minutes and concurs with the comments, but needs to assure himself that the Town Board is in agreement.

Mr. Booth asked how the Town Board would be involved with a Planning Board decision. Mr. Doyle said that sidewalks are not a Planning Board decision.

Mr. Rhodes said there is no zoning that requires sidewalks.

Mr. Booth said that New York Development Group has been more than accommodative for the additional amount of sewer lines and dry lines and to ask them to spend more money than this will push them over the top. Mr. Doyle said that he has to make sure that there are no concerns.

Mr. Rhodes said the code used to suggest the past actions were not required and asked that the town consider creating a sidewalk plan for this district six months ago. Mr. Rhodes said that the Town Board has not acted and unless they act, the Planning Board cannot force an applicant to comply. The Planning Board does not write the code; the code currently



does not require it and the minutes clearly reflect that it is a more desirable connection to be made in a public thoroughfare versus inside the project and the Board has no way to enforce that to be done.

Mr. Doyle said that it is an open item that the chairman has to resolve.

Mr. Booth wanted to note their objection to the way the code is written.

Mr. Doyle opened the public hearing 7:50pm

Mr. Doyle closed the public hearing 7:51pm

No one wished to speak.

Mr. Doyle asked Ms. Serra if she sees any problem with the outstanding comments. Ms. Serra said as she stated to the engineer to the applicant there are 19 outstanding comments and would be up to the Board to make a decision about whether they are going to approve a project that has 19 outstanding comments; plans missing subdivision sheets, adjoining property owners, survey and other minor technical issues.

Mr. Rhodes asked if some of the outstanding issues are planning and zoning related. Ms. Serra said the application is missing a subdivision sheet and adjoining property owners which are requirements. Mr. Rhodes said for plan content; how does that affect the Board's decision.

Mr. Rhodes asked if there is anything other than these minor technical issues. Mr. Rhodes asked whether they comply with zoning that will change the number of units, density or configuration. Mr. Rhodes asked if it is something that will remove units or add. Ms. Serra said the applicant is required to list the adjoining property owners; which were left blank, required to complete a survey which was not done. Ms. Serra said she received it from Mr. Lansing and is not comfortable making a yes or no recommendation for the Board because that is setting a precedent.

Mr. Rhodes asked is there anything serious that will change impacts. Ms. Serra said probably not, its missing information that is required. Mr. Rhodes does not see a subdivision sheet or anything listed of being concern of final approval.

**MOTION:** Mr. Rhodes made a motion for final approval. Mr. VanVorst seconded the motion. Mr. Rhodes said contingent on satisfaction of technical review comments. Mr. Doyle added contingent on resolving the sidewalk issue.

Ms. Serra said if the Board places a stipulation on this approval that the IAIA project cannot issue a building permit until the storm water management basin for the Cornerstone Condominium project is under construction or complete. Ms. Serra asked the Board if they feel this stipulation should be placed on this project. Mr. Rhodes said this is a major issue. Mr. Rhodes said a phasing plan should be required. Mr. Rhodes said that he is repealing his motion for approval.

Mr. Booth said that it is easy for New York Development Group to stipulate that this will not be started until the Cornerstone basin is under construction or completed.

Ms. Matias feels a complete survey would need to be completed to assure that the driveway intersection will not affect the neighbor's driveway. Ms. Matias said this need to be shown and resolved before it is approved; we owe respect to the neighbors.



Mr. Lansing said as far as the data on north side of Pine Grove Ave. the surveyors have picked up on structures, signs, driveways, and mailboxes. The request was for the south side which has been completed and still needs to be added to the plans which did not have impacts. Mr. Lansing said there are no impacts on the neighbor's driveway. Mr. Lansing suggested the Town Engineer would entertain smaller radii on that curve. Mr. Doyle is in agreement reducing the radius; the number of right turns will be small so if the radius was 2' less would not be an impediment.

Mr. Rhodes asked if that homeowner was at the last meeting. Mr. Booth replied yes. Mr. Rhodes asked if the applicant has spoken to the neighbor. Mr. Booth replies yes.

Ms. Cristy asked the applicant if they are going to have town water. Mr. Lansing replied yes. Ms. Cristy said there were a group of houses behind the project that had problems with water.

**MOTION:** Mr. Rhodes moved for final plan approval contingent on satisfaction of technical review comments developing of an agreement regarding phasing or a phasing plan that is acceptable under technical review and feels there is nothing that can be done under this approval with regards to sidewalks, but recommends the Planning Board Chairman uses this project as a good example for why the sidewalk plan should be developed for this district. This is a key connection to the school and to a large residential pocket that does not have back lot access to the school and feels it is underserved and the town would be in very good standing to develop such a plan. Mr. Rhodes also included park and rec fees. Mr. VanVorst seconded the motion. Mr. Cwalinski voted in favor, Ms. Cristy voted in favor, Mr. Hayden voted not in favor, Mr. Rhodes voted in favor, Mr. VanVorst voted in favor and Ms. Matias voted not in favor. **CARRIED.**

**New York Development Group, Lake Road, Ballston Lake, NY 12019 for a Planned Unit Development.** Scott Lansing of Lansing Engineering was present on behalf of New York Development Group for the Stonebridge PDD. The applicants have been working on this project with the Town Board and Planning Board for two years. The parcel consists of 74.1 acres with a mixture of 59 single family residential lots, 124 multi-family and 41 town houses. Mr. Lansing said he was in receipt of the CT Male comments. The only change to the plan was the elimination of two townhouse units.

Mr. Lansing would request the Boards consideration for preliminary approval of the project and a Negative Declaration and would also request a public hearing to be schedule for next month to receive final approval.

Mr. Rhodes asked if there were any responses from the coordinated review letters. Mr. Lansing said there was a comment from DEC that the Planning Board declare themselves Lead Agency.

Mr. Doyle asked Mr. Lansing to explain the ACOE letter regarding lot #54 and #55. Mr. Booth said they are proposing to put wetland protection fences all along the wetlands. Mr. Booth said that a lot was removed from the previous plan which spread out to minimize impacts to those lots. Mr. Booth said lots 54, 55, and 56 all have decent size backyards on all three sites.

Mr. Doyle asked the applicant to address the open environmental letter and explain what it does for the applicant and the town. Mr. Booth said that a letter was forwarded to the town from Copenhaver Environmental confirming the placement of the lots and homes were as far away from the wetlands as possible.

Mr. Cwalinski asked if the only changes made to the townhouses are the reduction of density. Mr. Booth replied yes.

Mr. Cwalinski asked about single family units with regards to color and style variations.



Mr. Doyle said one of the advantages to this configuration is that it cannot be seen from Lake Road.

Ms. Serra wanted to recommend to the Board that based on the coordinated review, no other involved agencies had any objections to the Town of Ballston Planning Board being the Lead Agent in this project.

Mr. Doyle said that a public hearing will be scheduled the next time the applicant appears before the Board.

Mr. Rhodes asked for a SEQR Lead Agency declaration of the SEQR in its entirety. Mr. Rhodes asked if there is anything missing for SEQR. Ms. Serra said that she has no objections to SEQR being done unless that Board has objections. Mr. Rhodes said he does not know how SEQR can be done until the public hearing is opened. Mr. Doyle said that he prefers doing SEQR after the public hearing, but since he failed to schedule a public hearing, would like to move forward. Mr. Lansing said that the applicant would like to move forward and feels that there has been a fair amount of public involvement and addressed all the comments. Mr. Reilly requested that a public hearing be schedule for next month.

Mr. Rhodes asked if districts have been established for maintaining sidewalks and lighting. Mr. Booth said that it has all been addressed in the PDD. Mr. Rhodes asked is a district going to be created. Mr. Booth said yes. The property owner is responsible for the clearing and maintenance of the sidewalk; in the event in that 48 hour period, the homeowner does not comply, the DPW will clear the sidewalk and bill the homeowner. Mr. Booth said that this has been worked out with Joseph Whalen, Highway Superintendent. Mr. Rhodes asked if the HOA is covering the entire project. Mr. Booth said no some will be maintained by homeowners and other single family units will be maintained by the traditional property owner.

Mr. Rhodes asked if there is a district formation. Mr. Booth said that there is language in the PDD legislation that talks about doing it two different ways. Mr. Rhodes asked if this needs to be confirmed before SEQR because that could essentially impact budgets for the town. Mr. Booth does not believe so because the lighting district within the town is created within the project. Mr. Rhodes said that SEQR is the Boards only vehicle to say the project has a negative affect on town budgets. Once were beyond SEQR, the Board cannot come and say "sorry the town cannot afford to take care of the lights." Mr. Booth said that it states a district will be created and the residents will pay into the lighting district.

Mr. Rhodes asked when the district formation will be completed. Mr. Booth said when construction on the project gets closer.

Mr. Doyle said the town contacted the Post Office and it was determined to have group mailboxes. Mr. Booth said that was also addressed in the PDD legislation.

Mr. Rhodes said that the sidewalks will be maintained by individual owners and complaints will end up coming to the town. Mr. Rhodes asked if the landowners will be notified at property conveyance. Mr. Booth replied yes.

**MOTION:** Mr. Rhodes 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 and all present voted in favor. **CARRIED.**

Mr. Doyle asked for someone to make a motion for a Negative Declaration.

Ms. Serra stated if the Planning Board is going to make a Negative Declaration, would request the Board to clearly state the reasons why the Negative Declaration is done. Ms. Serra said this helps Michelle and Mr. Doyle prepare the forms under SEQR.



Mr. Rhodes suggested this should be done under the technical review comments. Mr. Rhodes would like to see when all the storm water is completed; the design itself does not appear to have any negative affect. Ms. Serra asked if the Board would like CT Male to prepare that type of information. Mr. Rhodes said he would like Ms. Serra's opinion clearly stated in the drafter letters. Ms. Serra said it allows for the Planning Board Chairman and Secretary to appropriately fill out the Negative Declaration forms.

Mr. Doyle asked if the Board is prepared to move forward with a Negative Declaration or would prefer more information before moving ahead. Mr. Rhodes said that he is satisfied with the information, but would prefer to wait until after the public hearing to issue a Negative Declaration.

Mr. Rhodes asked the applicant if they are clear on any of the outstanding technical comments of what needs to be addressed with the next submission. Mr. Doyle said they have all the comments.

Mr. Doyle said that there is enough information for preliminary approval on the project. Mr. Reilly said that preliminary approval cannot be done without SEQR.

Mr. Booth said they were really in need of the SEQR for the finalization of DEC. Mr. Booth said that Mr. Doyle mentioned that there was error scheduling a public hearing on part of the town and unless there is some sort of environmental issues that have been brought up in public, feels that the comments have all been addressed by the town engineer and does not see an advantage for not having a public hearing.

Mr. Doyle said that a public hearing was scheduled, but at that meeting the applicants withdrew, so there was no presentation, so consequently the Board tabled that item and did not move ahead without the proper notification of the surrounding property owners. Mr. Booth said he understands from the public hearing standpoint, but asked about a Negative Declaration. Mr. Doyle said he does not know if there is a Board member that is comfortable with such a large project.

Mr. Rhodes said that this project would have been on the agenda at the end of the month, but with the change in schedule it will only be two weeks later. Mr. Rhodes asked is two weeks will really buy the applicants that much time and has already reviewed the plans.

Mr. Reilly said that Town Law requires that there is at least one public hearing, but it was not opened in August.

**Ballston Mourningkill, LLC, Mourningkill Drive, Ballston Spa, NY 12020 for a Major Subdivision.** Mr. Doyle stated that John VanVorst has recused himself because of his interest in this particular project. Scott Lansing of Lansing Engineering was present on behalf of the Ballston Mourningkill project. The property consists of 55.24 acres with 15.22 acres of wetlands and after delineation of the parcel has 11.71 acres. Mr. Lansing said before calculating the slopes it was 25% of .34 acres had increased to 1.29 acres. Mr. Lansing said the floodplain estimated at 2.66 acres has gone down to 1.06 acres. Mr. Lansing said overall the unconstrained land has gone from 38.56 acres to 40.81 acres. Mr. Lansing said the number of permissible lots has gone up from 42 to 44 and with 20% of potential increase for a Cluster-Conservation subdivision went from 50 lots to 53 lots. Mr. Lansing the applicant is proposing 49 lots overall including the existing residence.

Mr. Lansing said the project is essentially the same since the last time the applicant was in front of the Board.

Mr. Lansing said the CT Male comment were technical in nature.



Mr. Lansing would like to discuss the estate lots in the back portion. The code is written with the interpretation could be flag lots, although the way the new lots are being proposed has the frontage on the main thoroughfare and a shared driveway going to back to service the estate lots.

Mr. Lansing said a suggestion was made to extend hydrants back to the estate lots. Mr. Lansing said to extend an 8" water line would become stagnant and would require constant flushing. Mr. Lansing said the proposal would be to make the width of the roadway adequate so two fire vehicles can pass by so the trucks could load up with water on the main road and bring water back to the estate lots.

A discussion was held on designing a loop to counter act and to undersize one of the branches.

Mr. Cwalinski asked who will own the island in the center. Mr. Lansing said one homeowner. Ms. Eddy has a concern for liability with only one homeowner being responsible for the insurance.

Mr. Lansing said another option would be for the town to own. Mr. Rhodes suggested planting trees for a natural vegetative area.

Mr. Rhodes said the zoning has to be consistent with the Comprehensive Plan; the Rural District is allowed to have flag lots; it's clear in the Comprehensive Plan and should be clear in the code. Mr. Rhodes said from an actual ownership, maintenance, and right-of-way, a private road works best because the public road is the frontage road.

Mr. Lansing asked if a private roadway would that have a right-of-way or easements. Mr. Reilly said it can traverse more than one lot with common ownership under the four lots.

A further discussion was held on flag lots.

Mr. Cwalinski asked about a traffic study. Mr. Lansing said he just received the traffic study.

Mr. Doyle asked the Board for an amendment to accept the concept as presented.

**MOTION:** Mr. Rhodes made a motion for the conceptual layout as presented in the subdivision package presented for consideration on November 19, 2008. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

Ms. Serra asked the Board if they are interested in pursuing a coordinated review.

Mr. Doyle said that he and Ms. Serra will review and determine whether a coordinated review will be needed.

#### **NEW BUSINESS:**

**H.R. Schultz, Eastline Road, Ballston Spa, NY 12020 for Site Plan Review.** Jim Martin of the LA Group was present on behalf of the applicant. Mr. Martin said this application was part of a PUD that was approved by the town in March 2007. The overall PUD is 41 acres consisting of mixed use development, light industrial, residential, mixed use (office or residential as per the approved PUD as modified), retail with office or residential only on the second floor. Mr. Martin said that the overall site per the PUD was divided into five development areas (A, B, C, D, E and F). Mr. Martin said the applicant is proposing area "A".



Mr. Martin said area "A" is approximately 4 ½ acres consisting of five buildings totaling 21 connected units. Mr. Martin said water and sewer are on site; the sewer extends up through the parcel orientation and water connection from Commerce Drive with 6" mains will be used for both water and sewer. The proposed utility plan will be adding four hydrants to the site. The Martin said the buildings shown consist of; six units, two four unit structures, a five unit structure and a two unit structure totaling 21 units.

Mr. Martin said the proposal is for a private road with a two way through the primary access consisting of a paved 24' wide section, a paved 16' loop in the center and 15' wide private access drive.

Mr. Martin said there will be no wetland disturbance with this plan as proposed.

Mr. Martin said the proposal meets all the requirements of the PUDD consisting of two dedicated parking spots for every unit off street.

Mr. Martin said the lighting will be of a residential nature as per the requirements of the building code.

Mr. Martin said there will be no centralized dumpster; commercial hauler curbside pick up.

Mr. Martin said the landscaping plan shows Red Maples and Pin Oaks and some supporting shrubbery at the building entrances and center island.

Mr. Carr of the LA Group stated when the Master Plan was developed; a concept drainage plan was developed for the entire site. The site generally drains from north to south with two collection points that cross under Route 67. There is a 42" culvert by the intersection of Stewart's and a 24" culvert that crosses under Route 67 on the western part of the site which drains through a swale/ditch to a brook to the south.

The site soils are a type C soil which is considerably heavy and not well draining. The wetlands are type "D" soils; saturated with very little infiltration on site and a high ground water table of 18" below the surface. Mr. Carr said the proposal is for pocket ponds which will have a permanent pool which meet the DEC guidelines for storm water design. The proposal is for three ponds and when the project is further built out to the south, the pond would be relocated into its permanent location. All of the existing ponds would drain into the existing system through the rest of the site to those design points.

Mr. Carr said a drainage report SWPPP has been completed and submitted to the Town Engineer.

Mr. Carr said the comments from CT Male were technical in nature including storm water.

Mr. Martin said the buildings will be slab on grade.

Mr. Martin said the PUD specified that the development of the overall site will be split into two phases.

Mr. Martin said the traffic is 15 trips at the AM peak and 17 trips at the PM peak.

Mr. Rhodes asked if the Town Board completed a traffic review. Mr. Martin said that it was completed.



Mr. Rhodes asked Mr. Martin if it was between the applicant and DOT. Mr. Martin said the town was involved as well. Mr. Rhodes asked if the town was satisfied with coordination on the traffic. Mr. Martin said the applicant received a DOT sign-off on the traffic. Mr. Rhodes asked with full build out. Mr. Martin replied no, only Phase 1.

Mr. Rhodes suggested completing a traffic report not as extensive as the prior report, but confirms that the assumptions are still valid and requested BFJ review this project with existing conditions.

Mr. Rhodes said even the validations of the assumptions for base traffic of this design year is still valid, so the equivalent trips are not going to cause any delay.

Mr. Cwalinski asked if the parking will be in the garages. Mr. Martin said one car is intended to be parked inside the garage and one car to be parked outside.

Mr. Cwalinski asked where the roll away containers will be stored. Mr. Martin said the garages.

Mr. Doyle asked if the Board had question on the architectural features of the proposed buildings.

Mr. Rhodes said that is part of the PUD.

Mr. Martin said there were references in the PUD to some general architectural standards; coordinated color, textures and materials.

Ms. Eddy asked the applicant if they intend to make the buildings all different so it does not look like an army base. Ms. Eddy also asked "are you going to do something to pretty them up." Mr. Schultz replied yes.

Ms. Cristy asked if they will be rentals or owned. Mr. Martin said the intention is for ownership.

Mr. Martin said the green area shown on the map is intended for a common lot for a HOA.

Mr. Rhodes asked about storm water phasing.

Ms. Eddy asked where the mailboxes will be located. Mr. Martin replied on the building.

A discussion was held on traffic flow within the site.

Ms. Serra said the two unit building will have to go against the one way direction to access the building. Mr. Martin said the proposal is to travel all the way around the site to access the building.

Mr. Martin said detail specification will be supplied for the emergency access gate.

Ms. Eddy asked Ms. Serra for an explanation on the one way access. Ms. Serra said that one way would minimize the amount of pavement.

Mr. Rhodes asked the width of the one way access. Mr. Martin said 15ft.

A further discussion was held on access throughout the site.



A further discussion was held on the grouping of the mailboxes.

Mr. Cwalinski asked if the HOA will be responsible for maintaining the green area. Mr. Martin replied yes.

Ms. Eddy asked about fencing around the storm water basins. Ms. Serra said that the basins will not be owned by town, but as proposed, there is no fencing around the basins. Mr. Martin said as of right now, but indicated the HOA may want to. The DEC puts safety benches in their design standards for that reason; right below the water level there is a 15ft. bench for safety.

Mr. Doyle said that a public hearing will be scheduled for the next meeting.

Ms. Eddy suggested bringing concepts to the next meeting.

**MOTION:** Mr. Doyle said that as a Board we agree with this project as a concept. All present voted in favor. **CARRIED.**

Mr. Rhodes asked if a coordinated review will be done on this project. Mr. Doyle said that he will review the PUD application and talk to the Town Engineer.

**Thomas Wallace, 220 Church Ave, Ballston Spa, NY 12020 for a Sketch Plan Conference.** Dick Butler, Architect was present along with Thomas Wallace, owner and developer of the property.

Mr. Butler said the proposal is to add a 7200sq. ft. building similar to the present one. Mr. Butler said the applicant plans to seek out tenants that are similar in nature; clean, quiet, professional office. Mr. Butler said the proposal is located in the Mixed Use North District and have tried to adhere to most of the Design Standards. Mr. Butler said the parcel fronts on two streets and is serviced by municipal water and has on site septic. Mr. Butler said that EDP performed test pits on site which determined very favorable soil conditions and will have no problem enlarging the septic system.

Mr. Butler said that a setback buffer has been given to the property to the north.

Mr. Butler said the proposal is to create a dual frontage closest to the Ballston Ave side consistent with the Design Standards although there is a power line that has to be respected and will be requesting a waiver.

Mr. Butler said that most of the parking will be between the buildings with access on Route 50.

Mr. Hayden asked if the applicant envisions one tenant or more than one tenant. Mr. Wallace said a maximum of three. Mr. Hayden has a concern with parking and having the school right across the street.

A further discussion was held on access to the site.

Mr. Rhodes asked if the entire 7200sq. ft. is office space.

Mr. Rhodes asked if there is space for the septic system because a letter from EDP states either expanding the existing septic system which will require a SPEDES permit.

Mr. Butler said that either an entire system will need to be installed to the north or expand the tile on the existing.



Mr. Rhodes said that when combining flows for both buildings it might be over 1,000 gallons per day.

Mr. Cwalinski asked if there are plans for the existing well. Mr. Wallace said it will remain and use it for watering the lawn.

Mr. Rhodes asked how storm water will be handled. Mr. Butler said one site; the perc is good and would be proposing two leach pits to handle the additional hard surface areas with some small run off along the ditch on Ballston Ave.

A further discussion was held on drainage on the proposed site.

Ms. Eddy asked if brick will be used on the exterior. Mr. Butler replied yes.

Mr. Hayden asked what is kept in the storage shed. Mr. Wallace replied lawn equipment.

Mr. Hayden has a concern about the back entrance and having pedestrian traffic along Ballston Ave.

A discussion was held on pedestrian traffic.

Mr. Rhodes said the connection through the site to Route 50 makes it much safer.

A discussion was held on ingress and egress of the site.

A discussion was held sidewalks.

A discussion was held on storm water management for the site. Ms. Serra said that she will look at the storm water on a case by case basis.

Mr. Doyle indicated that the Board and Town Engineer will look at the storm water and discuss with the Highway Superintendent and determine what the drainage is along Ballston Ave.

Mr. Reilly said that NYS Law states that if a homeowner puts their property to reasonable use to the watershed on other properties are not liable, but cannot channel or pipe onto another persons property.

**Jodi McClernan, 124 LakeHill Road, Burnt Hills, NY 12027 for a Special Use Permit.** Jodi McClernan was present on behalf of the Montessori School of Schenectady. Ms. McClernan said presently the school is located in a church in a very small classroom which is not fitting their needs due to water main break at the previous location on Cypress Drive.

Ms. McClernan said that the Montessori started in 1968 servicing the Burnt Hills-Ballston Lake, Glenville and Scotia residents. Ms. McClernan said the Montessori School is a pre-school educating children between 2 ½ to 6 six years old; kindergarten children attend each day for less than three hours a day.

Ms. McClernan said there would not be anymore than 18 cars at one time entering the parking lot within a 15 to 20 minute time span. The morning session starts at 9:00a.m. and ends 11:45a.m. The afternoon session starts at 12:30p.m. and ends at 3:15p.m.

Ms. McClernan said they are proposing to fence the backyard for a play area.



Ms. McClernan said there is overflow parking across the street if needed. Presently there are approximately 15 parking spaces and one handi-cap.

Ms. McClernan said the proposal is to use the downstairs, but plan on expanding to the upstairs at a later date.

Ms. McClernan said that the school wants to expand from Schenectady County into Saratoga County.

Mr. VanVorst asked if this proposal is a temporary or permanent move. Ms. McClernan said she would like it to be a permanent move.

Ms. Eddy asked how many children are bussed. Ms. McClernan said seven children as bussed; one bus will drop off three children at a time.

Mr. VanVorst said there are four times during the day when the buses are going to be stopping all the traffic on Lake Hill Road.

Mr. Doyle said that he spoke with Mr. Hewitt, Supervisor of Transportation and received the schedule of the buses and stated that none of these times conflict with the Middle School or High School schedules.

Mr. Doyle said there are four buses coming out of Stevens School that actually go west across Route 50 between 3:15p.m. and 3:30p.m.

Mr. Rhodes asked what the AM and PM peak is for that intersection.

Mr. Rhodes also asked which project performed the most recent traffic study. Ms. Serra said most of the projects in front of the Board have been peaks in the morning between 7:30a.m. and 8:00a.m. and afternoon between 4:00p.m. and 5:00p.m.

Mr. Rhodes said that it needs to be validated with a traffic study, but it looks like dismissal is at 4:00p.m. peak hour with the only conflicting peak with the afternoon staff.

Ms. Eddy has a concern with this application being permanent rather than temporary. Ms. McClernan said a place is needed until June.

Mr. Rhodes asked what happens after June and a traffic study is performed. Ms. McClernan said that there hope is to stay at this location long term. Mr. Rhodes asked what the negative impact is if this does not work. Ms. McClernan said they would have to move again.

Ms. Eddy has an issue with traffic and also a concern with the school expanding into a daycare. Ms. McClernan said that the school is not a daycare. Mr. Doyle said the application stated that the proposal was to obtain a daycare license. Ms. McClernan said "possibly" would be applying for a daycare license and that does not mean that they would be having daycare. Ms. McClernan said in order for their children to stay longer than three hours, the kindergarten children can extend to four hours.

Ms. Eddy has a concern with the afternoon traffic. Ms. McClernan said that it would be extended in the morning program.



Mr. Rhodes said that short term accommodations are needed knowing that it may not work. The Board has the ability to issue a Special Use Permit for a short period of time. Mr. Reilly said that a Special Use Permit runs with the land. Mr. Rhodes asked Mr. Reilly to check into that.

Mr. Rhodes said after checking traffic the application will be less intense than the uses next to the property.

Mr. Rhodes said there are safety issues with crossing and overflow of parking across the street. This is a very problematic intersection and would be better served to find a site that has transportation improvements that are needed.

Mr. Doyle asked what it takes to update to meet the code to use the building as a school.

Mr. Rhodes said that he would love to see your site located in the Town of Ballston and wanted to know what the Board can do to help.

Kurt Bedore, P.E. was present as a parent of a student of the Montessori School. Mr. Bedore asked Mr. Johnson if he has been in the building.

Mr. Johnson said no, but said two handi-cap accessible bathrooms will be needed.

Ms. Eddy asked if the septic system will handle three bathrooms.

Mr. Simmons, owner of the property said the 1000 gallon concrete septic tank was pumped and checked this week and said it is more than adequate with an existing handi-cap bathroom.

Ms. Eddy asked how long will it be until an addition will be needed. Ms. McClernan said the future plans for the school would not be larger than a couple of classrooms.

Mr. Rhodes what needs to be resolved for a short term occupancy or permanent occupancy?

Mr. Rhodes said the Board will not have the answer until Mr. Reilly does the research.

Mr. Rhodes said that reasonable conditions can be put on a Special Use Permit.

Mr. Rhodes asked if the special conditions could include an annual review.

Ms. Cristy asked Ms. McClernan if she has approached any of the local churches to rent space.

Ms. McClernan said that the school is presently located at a church. Ms. McClernan said that the Calvary Episcopal Church have offered space, but the issue with layout and inadequate supervision of the children. Mr. Johnson said it that building is in the same zoning district and would need a Special Use Permit and would have to meet the building codes.

A further discussion was held on other buildings in the town.

Mr. Doyle said if the building meets all the codes, would the Board grant a Special Use Permit without a traffic study until the end of the school year.



Mr. Rhodes suggested giving the Board time to review the application for future expansion.

Mr. Doyle said that if the Board would agree to the concept and Mr. Reilly could determine that this was legally possible that it could be reviewed by June 2009. The Board is in agreement.

A discussion was held on what will be needed for the December 17, 2008 meeting.

Mr. Reilly asked Mr. Bedore if he was looking at building code issue with Mr. Johnson. Mr. Bedore said that he can.

Mr. Reilly said that he will look into a temporary Special Use Permit and get back to the Chairman and Mr. Johnson, Building Inspector.

Mr. Bedore asked the Board if they want to see a traffic study. Mr. Doyle said it depends on what can be done in a short period of time. Mr. Doyle said that a small traffic study to show what the impact will be.

Ms. Serra asked if the Board is going to mandate a traffic study be done, if a temporary Special Use Permit is granted.

Ms. Doyle said a traffic study will not be needed for something temporary; only permanent.

Mr. Rhodes said that the arrival and departure schedules do not conflict with the AM or PM peak hours.

Mr. VanVorst said if there was a different means of transportation a traffic study would not be needed.

Mr. VanVorst suggested a van for children to be picked up at school. Mr. Rhodes said a designated place for a shuttle.

Mr. VanVorst said the school buses parked on LakeHill Road stop in traffic with an accumulation of traffic coming into the intersection.

A further discussion was held on a contingent approval.

Ms. Serra asked the Board if they are in agreement that a temporary approval would not mandate a traffic study only a permanent approval.

**MOTION:** Mr. Rhodes said the information as presented would appear that the proposed traffic does not coincide with peak traffic on the main right-of-way and there is no real need according to BFJ recommendations for a traffic study at this location because of its temporary nature. There will be future potential conflicts with any new development or reopening of the Old Homestead, but it is unlikely to happen in the same period and moves that a traffic study is not required because of those facts for temporary occupancy. Mr. Cwalinski seconded the motion. Ms. Eddy voted no, Mr. VanVorst voted yes, Mr. Rhodes voted yes, Mr. Hayden voted yes, and Ms. Cristy voted yes. **CARRIED.**

Mr. Hayden asked Mr. Rhodes to clarify temporary. Mr. Doyle said July 1, 2009. Mr. Rhodes asked the likelihood the Old Homestead will reopen; the traffic will materialize and be in conflict with this small project. Mr. Rhodes said that he does not feel this will cause a negative condition that raises the threshold of the full traffic study. Ms. Eddy said not a full traffic study, but wants something in the file. Mr. Rhodes said in the future there will be a traffic study.



Ms. Serra said that Mr. Rhodes referenced the memorandum that BFJ sent to the Board members stating that it does not coincide with the known peaks, does not need traffic study. Ms. Serra concurs with that statement.

Mr. Bedore asked if that was a regional traffic study. Ms. Serra said that BFJ sent a memorandum to the Planning Board stating when a project needs a traffic study.

Mr. VanVorst said that if this is approved, there will be no motivation to develop some other strategy.

Ms. McClernan said that enrollment starts in January 2009 and with a waiting list will need to move as fast as possible to move to this site.

Mr. Doyle said after hearing back from Mr. Reilly on the status of the Special Use Permit will contact the applicant so they can move forward with their proposal.

Respectfully submitted,

Michelle L. Dingman