



TOWN OF BALLSTON PLANNING BOARD
Regular Monthly Meeting: December 17, 2008

Present: Richard Doyle, Chairman

Jeffrey Cwalinski

Joan Eddy

Derek Hayden

Members of General Public

Donald Rhodes

John VanVorst

Lee Ramsey, 1st Alternate

Kathryn Serra, Town Engineer

Peter Reilly, Planning Board Attorney

Thomas Johnson, Building Inspector

Chairman Doyle called the December 17, 2008 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Corrections to minutes:

Page 1) 2nd para; add 'November 19, 2008', strike second motion. Page 4) 3rd para change need to "needs" 9th para; change schedule to "scheduled". Page 5) 9th para; change that to "the", change schedule to "scheduled", Page 6 1st para; change affect to "effect", 8th para change affect to "effect", change drafter to "drafted" Page 7 1st para; strike "not", 3rd para; change is to "if", 5th para; add "said", 7th para; change comment to "comments" Page 8) 4th para; strike "that", 12th para; strike "The". Page 12) 12th para; change an to "and" 13th para; add "on" Page 13) 8th para; change as to "are" Page 14) 1st para; change there to "their", 13th para; change and to "an", 14th para; add "said" Page 15) 4th para; change have to "has", strike "is", 10th para; change issue to "issues"

MOTION: Mr. Cwalinski made a motion to accept the November 19, 2008 minutes as amended. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

OLD BUSINESS:

New York Development Group, Lake Road, Ballston Lake, NY 12019 for a Planned Unit Development. Scott Lansing of Lansing Engineering, Geoff Booth, and Jeff Knox of New York Development Group were present. Mr. Lansing gave a brief overview of the project which is located in the Ballston Lake Residential District consisting of 74.1 acres. The project includes 56 single family homes, 41 town home units, and multi-family units.



The project will be served by public water and public sewer. The water will be extended from the Chapel Hill project to service all the residents. The sanitary sewer will service all residents and connect to the Saratoga County Sewer District.

The roadways will all be designed and constructed in accordance with the Town of Ballston Highway regulations.

The storm water management will be managed on site through a series of basins on the parcel.

Mr. Lansing said CT Male comments were minor and technical in nature from the last meeting and have been addressed and forwarded to CT Male.

Mr. Doyle opened the public hearing at 7:35pm

Arnold Palmer asked who will be responsible for the retention ponds. Ms. Serra said the retention ponds will be owned by the Town of Ballston.

Mr. Palmer asked about fencing around the wetlands.

Mr. Palmer asked if there will be access roads built to the retention ponds. Mr. Doyle replied yes.

A discussion was held on access roads on Chapel Hill.

Mr. Palmer asked if the sewer line to be put in is 6" and also asked how Ballston Lake will hook into a 6" line. Ms. Serra said the sewer is sized to handle the flows from the lake. Ms. Serra said it is consistent with the Ballston Lake Sewer Study that CT Male prepared on behalf of the Saratoga County Sewer District in 2004 and 2005.

Mr. Palmer said he was told that the pump stations at Chapel Hill are coming out and will be put down at the end of this project which all will be gravity fed to the lake and then pumped back out.

Ms. Serra said the Sewer District has jurisdiction and are definitely making sure that it is sized to handle all the future flows that will go into it with space accommodated to possibly add more pumps to the pump station.

Mr. Palmer asked what will happen in a power outage. Mr. Doyle said there are backup generators at the pump station. Mr. Palmer stated the county said there were nothing but problems with the last power outage.

Mr. Palmer asked the type of soil at this location due to the number of units. Mr. Doyle said a heavy clay soil and would not have an effect. Mr. Palmer said it will have an effect on mother earth.

Mr. Palmer asked the specific soil type. Ms. Serra said a clay silt nature. Mr. Lansing said a silt loam soil and shale underneath.

Mr. Palmer would like to see the retention ponds off his tax roll because he is getting tired of paying and paying and paying.

Geraldine Freedman asked what the units will cost. Mr. Booth said there is no set price on the units at this time; it has to do with the market, cost of the infrastructure at the time, and size of the house including the optional amenities.



Ms. Freedman said the economic times are not supporting a large project like this one. Mr. Booth feels this project will appeal more to the masses because it will be a more affordable product; lots are smaller, houses will be smaller, and will appeal more to the majority of the people that can afford to buy a house these days.

Ms. Freedman asked the starting price at Chapel Hill. Mr. Knox said the offering starts at \$280,000.00 with the average price about \$350,000.00.

Bob Wilson said he is looking forward to this project because sewers will be closer to the lake and more people to support the tax base.

Jim Furey said it is a good idea and fits the needs of the people living in the town without having to move to Saratoga, Halfmoon, or Clifton Park.

Mr. Doyle closed the public hearing at 7:46pm.

Mr. Rhodes asked how many acres of recreation park land to be dedicated.

Mr. Lansing said 40% green space; 30.12 acres.

MOTION: Mr. Cwalinski moved to issue a Negative Declaration, with the basis that there is not a potentially significant environmental impact. Mr. Rhodes seconded the motion. **CARRIED.**

MOTION: Mr. Rhodes made a motion to approve the project as presented contingent on satisfactory final technical review comments by CT Male. Mr. Cwalinski asked about park and rec fees. Mr. Rhodes said that he does not think they are applicable; due to the amount of land being donated and asked if that is applicable because there was also \$100,000.00 given to the town. Mr. Doyle said no it is all covered under the PUD. Mr. Doyle said it will be governed by whatever the PUD conditions were. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

Joseph Casale, 1427 Route 50, Ballston Spa, NY 12020 for a Sketch Plan Conference. Michael Casale, Joseph Casale and Brian Glasser were present. Mr. Casale said they are trying to get a feel for what the town would like to see on that piece of property. Mr. Casale said since the last meeting, the proposal has changed from high end apartment to senior apartments catering to 55 and older.

Mr. Glasser said based on the discussion from the last meeting, the proposal was for a three story 60 unit high end apartment building with 2 ½ parking spaces for each unit. Mr. Glasser said this proposal is a two story senior housing apartment building with parking at 1 space per unit; requiring 60 spaces. The green space is 51%; prior proposal was below 35%. There are sidewalks being proposed around the entire building. The proposed lighting will be around the entire perimeter of the building and within the site along the sidewalks. The prior proposal was for one trash disposal area; three are being proposed.

Mr. Cwalinski said that the narrative for the project talks about having small commercial professional space and wanted to know where it will be located.

Mr. Glasser said the center area for a coffee shop or a small scale business. Mr. Glasser said another suggestion would be a formal grand living space; a place where the tenants could gather for a party.



Mr. Hayden asked about the change from a three story building to a two story building. Mr. Glasser said this would add 10,000sq. ft. to the footprint. Mr. Hayden asked about the size of the apartments. Mr. Glasser said the proposal has remained the same for the number of apartments which includes 40 two bedroom apartments and 20 one bedroom apartments approximately 900 to 1000sq. ft. with possible partial basements.

Mr. Ramsey asked if the parking is adequate if the tenant has two vehicles. Mr. Glasser said there are five extra spaces shown on the plan and depending on the need could add parking.

Ms. Serra said the plan calls for one space per two apartments for senior, however is there a discrepancy between what the code defines as senior to what is being proposed. Ms. Serra said in her opinion 55 is not senior and may have two cars. Ms. Serra would recommend that the Board ask the applicant to do more research with similar project locally. Mr. Casale said after driving through a senior housing community, the parking lot is only 40% full anytime of the day. Mr. Casale said that his mother lives in senior housing and anytime of day the parking lot is never full. Mr. Ramsey asked if she owns a car. Mr. Casale replied yes.

Ms. Serra said her concern is storm water because the size of the basin for that amount of development will be quite significant and might lose some of the landscaping features and requested creative ways to make this function.

Mr. Johnson said the plan shows parking for senior housing, but the age restriction is 62 years old. The applicant would now have to apply to the Town Board for a PUD.

Mr. Rhodes said unless through that PUD process the applicant advocates to 55 years old identical to the Beacon Hill Condominiums which is part of the PUD.

Mr. Reilly said it is his understanding this is not an application for senior housing, but is an allowed use within the Business Highway District-1. Mr. Johnson said the applicant will have to use the senior housing parking criteria. Mr. Rhodes said the Planning Board has the ability to request the applicant to provide a parking study. Mr. Reilly is in agreement, but would be under a special use permit.

Mr. Rhodes suggested providing a study based on the similar projects in similar locations and would not want the applicant to add parking that is not needed.

Mr. Rhodes asked the total length of the building. Mr. Glasser said 442ft. Mr. Rhodes said that would fall under the PUD requirements.

Ms. Serra asked about cutting the building in half. Mr. Rhodes you can as long as the ground floors are connected with the courtyard and the first floor.

Ms. Eddy asked if there will be elevators. Mr. Glasser replied yes. Ms. Eddy said to include a service elevator that will fit a gurney. Mr. Johnson said an apartment building will all have to be accessible.

Mr. Johnson asked if there will be garages. Mr. Glasser said all outside parking.

Mr. Rhodes said that it is wonderful that the applicant is proposing senior housing and feels it is a very short commodity and a good fit for the town. Mr. Rhodes said with this density the applicant owes it to the town and future residents to make sure the site amenities get followed through to the final package.



Ms. Eddy asked what will be used for the exterior of the building. Ms. Casale said vinyl. Ms. Eddy asked what kind of siding. Mr. Rhodes said it will be driven by the design guidelines.

Jodi McClernan, 124 LakeHill Road, Burnt Hills, NY 12027 for a Special Use Permit. Jodi McClernan and Kurt Bedore were present to present the traffic report. Mr. Bedore said the memo generated based on information provided by Creighton Manning Engineering for the proposed CVS project. The conclusion of what was provided appears to be adequate queuing stacking space available for a bus that was to stop and to drop-off would be approximately one minute. The traffic study appears to be more than adequate time without adversely impacting the intersection of Route 50.

Ms. Eddy said "when you say you can accommodate 10 vehicles, are you including the bus." Mr. Bedore said he does not know. Ms. Eddy asked if there are any other stops between Route 50 and Goode Street that drop off kids on this bus. Mr. Bedore said that would be a question for someone in the bus garage.

Ms. Eddy has a concern for traffic that is heading north making a left turn onto Lakehill Road. Ms. Eddy asked how many kids get dropped off. Ms. McClernan said the program is set up that the most number of children are dropped off on Thursdays and Fridays. There are seven children throughout the day that are dropped off at different times from three different elementary schools. Ms. McClernan said according to the school district, the average time of that drop-off for those children is less than one minute.

Ms. Eddy said when growing the business, how many more kids per stop are being proposed. Ms. McClernan said typically the school does not take more than a third of the class size; a maximum of six to eight children per year.

Ms. Eddy said "this is not daycare in any form and have no intention of going to daycare." Ms. McClernan said no, licensing is needed to offer programming more than three hours.

Ms. Eddy asked if there is a possibility of growing the footprint. Ms. McClernan said if the school were to expand larger, the school would look for a different building. The school does not want to go much beyond what can be held in that building would be two classrooms.

Ms. Eddy referred to the comment that school buses stop if this was a residence, however is concerned that six or seven kids can disembark in less than a minute.

Mr. Doyle said that he received a similar number from Mr. Hewlett, Director of Transportation. Ms. Eddy does not doubt the veracity and is greatly relieved that the applicant is not looking to increase the footprint of the building.

Mr. Cwalinski asked if there are any improvements planned for this intersection. Mr. Doyle said DOT has not indicated there would be any improvements and there would have to be some massive change at the intersection to generate anything.

Mr. Cwalinski said if a round about were to be constructed at that location, the school bus stopped at the western end would be inconsistent to what is proposed.

Ms. Eddy said on Tuesday around 3:00pm a bus was stopped at the edge of the entrance to the Old Homestead.

Ms. McClernan said that a staff member's child is bussed at 3:00pm.



Ms. Eddy said if and when the hamburger and hotdog establishment opens, will parents and students walk from the school as opposed to driving down. Ms. McClernan said she will encourage walking.

Mr. Cwalsinki read through the parking requirements 1 space per employee, 1 per 20 children, plus 1 stacking space per 10 children for pickup and drop-off.

Ms. McClernan asked per program because not all of the staff is present at the same time.

Mr. Rhodes said that it is the largest number of staff at one period of the day.

Mr. Rhodes asked if stacking space is available to the drop-off point.

Ms. McClernan said that drop-off times will be staggered by a half hour.

Mr. Rhodes said "I think that you are going to have backups Joan, but you can't design buildings, businesses, and intersections for three times a day."

Mr. Rhodes said "until the state initiates a project, that problem is going to be there and to tell someone that they cannot put a business in our town because the state is not doing there part, I'm against that."

Mr. Rhodes asked about what is being done with a special permit.

Mr. Doyle said the county and the town would like to issue a special use permit through the end of the 2008-2009 school year and then review again.

Mr. Reilly said the questions came up at the last meeting as to this Board's authority to issue a temporary special use permit. Mr. Reilly said under New York Town Law the Planning Board does have the power to issue a temporary special use permit, but only if the legislation provides for it and our zoning ordinance does not have any reference to a temporary special use permit. This board is without legal authority to issue a temporary special use permit and does not mean that it cannot be conditioned upon some event occurring.

Mr. Rhodes does not feel that the board needs a traffic study because the BFJ memo should guide the request for a traffic impact study and is very clear that this project does not exceed those thresholds. Mr. Rhodes said even if the applicant came back at the 2008-2009 season, what is the Board looking at. Mr. Rhodes does not see any reason to make the business owner come back in front of the board again, unless there is something of concern. Mr. Rhodes said future growth on that site will be limited.

Mr. Reilly said those issues are easily spoken to in a special use permit and could be conditioned on no physical expansion, issues presented, and number of students.

Ms. Eddy asked if the condition made to trigger development of the Old Homestead. Mr. Rhodes said it would be their responsibility to mitigate the neighboring landowner that is going to develop the business on that vacant parcel; it is incumbent upon them to make things work.

Mr. Rhodes said a special condition is not needed and can grant a special permit with no real reservation.



Ms. Eddy said "but it does have a Sunset Clause." Mr. Rhodes said no, the reason it was recommended by the county was because of the way the application was put together and reservation from the Board regarding traffic. Mr. Rhodes said that the Board has already consumed that time and reviewed the application.

Ms. Eddy asked the total number of kids. Mr. Doyle said there is a cap.

A discussion was held on site improvements.

Mr. Johnson said site plan review will be required for a fence.

Mr. Doyle said that the Saratoga County Planning Board recommends reviewing the special use permit, but that does not mean the Board has to follow their suggestion.

Ms. Eddy suggests reviewing it at the end of next year.

Mr. Reilly said that a review would need to be triggered by some condition such as to coming back by a certain date with an acceptable traffic study showing that the use is not detrimental or deterioration of the intersection. Mr. Reilly said if the Board is satisfied there is enough information to make the determination, and then issue a special use permit, but if you want to review it, it would have to trigger something other than just date certain.

MOTION: Mr. Rhodes made a motion to not review any additional traffic.

Mr. Cwalinski voted in favor

Ms. Eddy voted in favor

Mr. Rhodes voted in favor

Mr. Ramsey voted in favor

Mr. Hayden voted in favor

MOTION: Mr. Cwalinski motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process. Mr. Rhodes seconded the motion and all present voted in favor. **CARRIED.**

Mr. Doyle opened the public hearing at 8:43pm

Arnold Palmer said that he does not know why the board is so worried about a few kids getting off on Route 50 when you have 221 of them that might fall into Ballston Lake.

Teddy Smith asked why the applicant would need to return to the Board to put up a fence. Mr. Rhodes said that it is in the code. Ms. Smith said that it just seems backwards.

Mr. Doyle closed the public hearing 8:45pm



MOTION: Mr. Rhodes moved to issue a Negative Declaration, with the basis that there is not a potentially significant environmental impact. Mr. Cwalinski seconded the motion. **CARRIED.**

MOTION: Mr. Rhodes moved for approval that the Board has reviewed the special permit conditions and this project does not have any negative impacts any of those conditions and move that it be a permanent special use permit that is issued to the tenant and no reason to return only for site improvements. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

NEW BUSINESS:

Noel Beninati and Theodora Smith, 121 Charlton Road (238.-2-78) and 59 Middleline Road (238.-2-50.1) for a Lot Line Adjustment. Derek Hayden recused himself from this application. Noel Beninati, Judy Beninati, and Teddy Smith were present. Mr. Beninati said the proposal is to seek approval to transfer 6.7 acres from the Beninati property to the Smith property.

Mr. Doyle opened the public hearing at 8:50pm

Mr. Doyle closed the public hearing at 8:51pm

No one wished to speak.

MOTION: Mr. Cwalinski motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process. Mr. Rhodes 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. Mr. Rhodes seconded the motion. **CARRIED.**

MOTION: Mr. Rhodes moved to approve per the most recent map submitted; Map No. 08-12-L, dated November 20, 2008. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

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

Meeting adjourned at 8:58pm

Respectfully submitted,

Michelle L. Dingman