



**TOWN OF BALLSTON
PLANNING BOARD
Regular Monthly Meeting: March 31, 2010**

Present: Richard Doyle, Chairman
Jeffrey Cwalinski
Joan Eddy
Derek Hayden
John VanVorst
Lee Ramsey
Audeliz Matias, 1st Alternate
Kathryn Serra, Town Engineer
Peter Reilly, Planning Board Attorney
Thomas Johnson, Building Inspector

Chairman Doyle called the, 2010 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Corrections to minutes: Page 2) 5th para; change title to "titled", 9th para; strike "that has", Page 3) change title to "titled", Page 5) 12th para; change sole to "soul"

MOTION: Mr. Hayden made a motion to accept the February 24, 2010 minutes as amended. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

OLD BUSINESS:

JM Development (Michael Casale, 1427 Route 50, Ballston Spa, NY 12020 for site plan review and a special use permit. Pat Mitchell, P.E., of Creighton Manning Engineering said since the last meeting, comments from both the Board and CT Male were addressed.

Mr. Hayden asked if revisions were made to meet fire requirements. Mr. Mitchell replied yes, plans were submitted and reviewed.

Mr. Doyle said the Board received information from the applicant about the porous paving proposed for this project. Mr. Mitchell said DOT has used it in an application to prevent skidding and road spray.



Mr. Cwalinski said note (2) of sheet C 3.1 states post construction maintenance operations recommends bi-annual vacuuming, and after reviewing the literature distributed by the applicant, it recommends quarterly vacuuming. Mr. Mitchell agreed to quarterly vacuuming.

Mr. Doyle opened the public hearing at 7:40pm

Mr. Doyle closed the public hearing at 7:41pm

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. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

Ms. Serra feels the few comments received will not change any of the results of their storm water plan and does not see any adverse impact to storm water as the plan is proposed.

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

Mr. Reilly referred to the December comments from the Saratoga County Planning Board relative to the parking. Mr. Reilly said sheet C 2.1 shows (2.5 per unit) and asked, "Where that number came from."

Mr. Mitchell believes it is in the requirements and submitted a request for waiver with justification.

Mr. Reilly said section 138-22 Senior Citizen District would be similar to a PDD.

Mr. Reilly read it as for one (1) unit.

Mr. Reilly said the applicable schedule is the 138-56 off-street parking; multi-family and senior citizen is actually 1 for 2 units.

Mr. Reilly said under either one, the applicant's have more than the statute of that the zoning requires.

Mr. Mitchell said this project due to age restriction does not fall under the senior housing. Mr. Mitchell said it was based on multi-family housing, which does require 2.5 per unit and then requested a waiver, which then brought the number to 1.5 per unit. Mr. Mitchell said justification was provided based on ITE parking generation.

MOTION: Mr. Cwalinski made a motion for preliminary approval for the project for Ballston Senior Housing as described on the drawing titled Ballston Senior Housing, 1427 Route 50 Town of Ballston Saratoga County NY, dated March 10, 2010. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

Brooks Heritage, LLC, Round Lake Road, Ballston Lake, NY 12019 for review of a previously approved subdivision. Geoff Brooks was present on behalf of Brooks Heritage LLC. Mr. Brooks said on the westerly portion of the subdivision, there is a small strip of land that is between the street to be installed, and property owned to the west, prohibits moving in a contiguous manner from the current subdivision crossing into the 29-acre parcel to the west.



Mr. Brooks said the highlighted parcel on the map was originally to be retained by Brooks Heritage, LLC, but was not shown on the map, and are now requesting the retention of the 1.1 acres.

Mr. Brooks said, “There are two maps one showing the HOA taking it over and then the proposed modification of Brooks Heritage, LLC; the southern lot moved.”

Mr. Brooks said that in the Town of Ballston the code states “everything” has to be within the building envelope.

A discussion was held on setbacks.

Mr. Brooks said this subdivision is proposed to be “green certified” and in order to accomplish, the eave has to be a minimum of 12”. The proposal is to make the building envelope 1’ wider and the foundation would stay within the original building envelope. The request is a reduction of 1’ of the building envelope 5’ width to a 4’ width on the side yard.

Mr. Cwalinski asked, “Is there a way to move the building envelope to maintain the 5’ setback.”

Mr. Brooks said, “There is a 60’ box with a 50’ building envelope with 5’ on each side.”

Mr. Doyle asked if there are going to be 12” eave on the gable end. Mr. Brooks said, “It would be done all the way around the house.”

Mr. Ramsey asked the purpose of the 12” eave. Mr. Brooks said the eave serves two purposes.

- Moisture protection
- Less heat or direct sunlight on the windows

Ms. Eddy said, “You’re not going up-to 24 inches.” Mr. Brooks replied yes, on some of the homes.

Mr. Johnson said the State Building Code requires a minimum of 6’ between buildings if there is not certain fire rated walls.

Mr. Hayden asked the alternative. Mr. Brooks said if this proposal did not receive approval, then some of the larger house plans would have to be eliminated.

Mr. Ramsey asked the square footage of the proposed homes. Mr. Brooks said they start at 1,200sq. ft. to 1,300sq. ft. up-to 2,600sq. ft.

Mr. Reilly said the coversheet addressed the reconfiguration of lot 37 and 38. Mr. Brooks said that is part of the reserve strip and considered a lot line adjustment.

Mr. Doyle asked the Board about the request for Brooks Heritage, LLC maintaining the 1.1 acres.

The Board does not have concerns.

Mr. Doyle asked the Board about the eaves.



Ms. Eddy said, "As long as we do not impale ourselves on the fire code issue."

Mr. Johnson said, "Whatever construction is closest to the eave".

Mr. Johnson said the fire code requires 3' off the common lot line, which is by default 6' between buildings.

Mr. Doyle asked about the expansion of lot 38 (Forestbrook Drive).

There were no concerns from Board members about the expansion of lot 38 (Forestbrook Drive).

Mr. Doyle opened the public hearing at 8:05pm

Mr. Doyle closed the public hearing at 8:06pm

No one wished to speak.

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

MOTION: Mr. Hayden 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. Hayden made a motion as described on the letter dated March 9, 2010 of the three proposed changes. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

Wesley Kaczmarek, 1017 Route 50, Ballston Lake, NY 12019 for site plan review and a special use permit. Scott Lansing, PE, of Lansing Engineering and Mr. Kaczmarek were present on behalf of the proposed property maintenance, office, and garage to be located at the above said address.

Mr. Lansing said since the last meeting, there were several comments and one referred to plantings on the south side of the building the other was relative to lands of Hoover on the western portion of the project. Mr. Lansing said after coordinating with the owners of that property, an updated landscaping plan for future mitigation and screening was submitted for review.

Mr. Lansing said another comment was to lighting on the signage in front of the site. The parking lot has traditional lighting toward the front of the sign having the light wash back from the front to the back of the sign; changes were made to the site plan.

Mr. Lansing said the last comment was the architecture of the building. The previous submission had vertical metal siding and the revised plan shows a horizontal siding as well as larger windows on two sides.

Mr. Lansing said comments received from CT Male, dated March 29, 2010 were relative to architectural design standards. Mr. Lansing indicated the plans were modified.

Mr. Lansing said minor labeling has been made to the septic system plan.

Mr. Lansing said the applicant is here for questions, comments, and consideration for final approval of the project.



Mr. Hayden asked, “How much bigger are the windows.” Mr. Kaczmarek said 50 percent larger and increased the numbers of windows on the south side from one to three.

Mr. Ramsey asked if the bin shown will be used for mulch storage. Mr. Kaczmarek said, “It will be used for a catchall for mulch or for whatever else we have.”

Mr. VanVorst asked the height of the fence. Mr. Kaczmarek replied 4’.

Mr. Kaczmarek said after speaking with Mr. Hoover his concern was hours of operation of the proposed business. Mr. Kaczmarek reassured there would be very little disturbance outside of normal business hours 7:00am to 6:00pm. Other items discussed were location of building, number of employees, lighting, screening options, and minimizing removal of existing trees. Mr. Kaczmarek said based on their discussion, Mr. Hoover was not overly concerned with screening, but possibly putting in larger trees and staggering them in the area that faces their dining room.

Mr. Doyle opened the public hearing at 8:22pm

Mr. Doyle closed the public hearing at 8:23pm

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. Ramsey 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. VanVorst seconded the motion. **CARRIED.**

MOTION: Mr. Cwalinski made a motion to approve the Landscape Facility described by the drawing titled Kaczmarek Property Maintenance Facility revision February 19, 2010 subject to the Town Engineer review of the septic system, and resolution of any outstanding engineering comments. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

Mr. Cwalinski went through the four criteria of a Special Use Permit.

1) The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of the adjacent districts. The Board agrees there will be no effect.

2) The location and size of the use, the nature and intensity of the operation involved or conducted in connection therewith, its site layout, and its relation to streets giving access to which shall be of such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. The Board agrees there will be no effect.

3) The location and height of buildings, the location, nature and height of walls and fences, and that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof. The Board agrees there will be no effect.



4) The public convenience and welfare will be substantially served and appropriate use of neighboring property will not be substantially or permanently injured, subject to appropriate conditions and safeguards as determined necessary to promote the public health, safety and welfare. The Board agrees there will be no effect.

MOTION: Mr. Cwalinski made a motion to approve the Special Use Permit for the operation of the Kaczmarek landscape and property maintenance business. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

NEW BUSINESS:

Al Longtin, 4 & 10 Main Street, Ballston Lake, NY 12019 for site plan review. Al Longtin, owner was present seeking approval to construct a new sign at 4 & 10 Main Street.

Ms. Eddy asked, "For a better visual aid as to the sign location on the property."

Mr. Longtin said 37' from the edge of the driveway along the drainage ditch.

Mr. Cwalinski stated the applicant asked for a waiver from the design standards relative to the max height of 8' asking for 9 ¾'.

Mr. Longtin said there is a discrepancy in the Design Standards and asked Mr. Johnson for clarification as to whether or not the 8' x 4' area is the actual sign area or tied into the overall height of the sign.

Mr. Longtin interprets it as the 8' x 4' area of signage. Mr. Doyle concurs.

Mr. Doyle said, "There is a note in the code where we look at having it 3' above grade and yours is 2' above grade and we have not enforced that unless there is some obstruction that would do that."

Mr. Johnson said an 8' sign is required to stand 3' above the ground the entire length.

Ms. Eddy asked about lighting proposed for the sign. Mr. Longtin said ground lighting is proposed.

A discussion was held on the proposed sign design.

Mr. Johnson said Design Standards and Chapter 138-33 B (1) sometimes conflict with each other.

Mr. Johnson referred to section 138-33 B (1) "Freestanding signs larger than eight square feet in area must stand at least three feet above the ground over their entire length."

Mr. Reilly said if the 3' were not met, the applicant would require a variance from the Zoning Board of Appeals.

Mr. Longtin agreed to meet the requirements.

Further discussions were held on the design of the proposed sign.

Mr. Reilly stated the maximum is 8' x 4' with at least 3' off the ground.



Mr. Doyle opened the public hearing at 8:45pm

Mr. Doyle closed the public hearing at 8:46pm

No one wished to speak.

MOTION: Mr. Cwalinski 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. Eddy seconded the motion. **CARRIED.**

MOTION: Mr. Hayden made a motion to approve the sign as depicted on the map entitled 4 & 10 Main Street signage for Longtin properties, dated 2/22/2010; maximum sign is 8' x 4' and at least 3' off the ground, and the plan to be resubmitted for engineering check. Mr. Ramsey seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. VanVorst made a motion to adjourn. Ms. Eddy seconded the motion. **CARRIED.**

Meeting adjourned at 8:53pm

Respectfully submitted,

Michelle L. Dingman