



**TOWN OF BALLSTON PLANNING BOARD**  
**Regular Monthly Meeting: April 28, 2010**

Present: Richard Doyle, Chairman

Josephine Cristy

Jeffrey Cwalinski

Joan Eddy

John VanVorst

Members of General Public

Lee Ramsey

Audeliz Matias, 1<sup>st</sup> Alternate

Timothy Northrup, 2<sup>nd</sup> Alternate

Kathryn Serra, Town Engineer

Peter Reilly, Planning Board Attorney

Thomas Johnson, Building Inspector

Chairman Doyle called the April 28, 2010, meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Corrections to minutes: Page 1) add "March 31", page 2, change applicant's to applicant

**MOTION:** Mr. Cwalinski made a motion to approve the March 31, 2010 minutes as amended. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

**OLD BUSINESS:**

Ms. Eddy recused herself, alternate member Timothy Northrup has taken the position.

**New York Development Group, Lake Road, Ballston Lake, NY 12019 for review of a previously approved PUDD.** Scott Lansing of Lansing Engineering was present of behalf of New York Development Group for a request for reaffirmation of the previously approved PUDD. Mr. Lansing indicated no changes since the last Board meeting. The project has gone through several months of review from the following agencies, DEC, DOH, and minor verbal comments from SCSD.



Mr. Doyle asked when the applicant would have their approvals. Mr. Lansing replied two to four weeks.

Mr. Lansing said the comments were minor, technical in nature. The SCSD had comments to the generator specs, but would not affect the planning aspects of the layout.

Mr. Doyle opened the public hearing at 7:43pm.

Mr. Doyle closed the public hearing at 7:44pm.

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

**MOTION:** Mr. Cwalinski moved to issue a Negative Declaration based on the fact there is no changes on the planning aspects and they are only incorporating minor technical comments from DOH, SCSD, and NYSDEC. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. VanVorst made a motion to approve this project based on no changes since the initial approval given December 2008. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

**Curtis Industrial Park, Route 67, Ballston Spa, NY 12020 for site plan review (concept).** John Gay of Northeast Land Surveyors was present on behalf of Curtis Industrial Park for seven (7) industrial buildings. The locations of the buildings are approximately 1600' to the south of Route 67 serviced by private road within the industrial park.

Northeast Land Surveyors performed the wetland delineation, and North Country Ecological Survey completed a second.

The applicant is requesting a public hearing set for the next meeting.

Ms. Eddy asked if Saratoga County Planning Board comments were addressed. Mr. Gay said those items have been outlined in the CT Male comment letter.

Ms. Serra asked Mr. Gay, "Where were the comments?"

Ms. Eddy read the SCPB comments, "Request additional information related to traffic impacts, access to state road, wetland delineation, ground water data, and septic design." Mr. Gay said there is no septic design; the site is on sanitary sewer.

Ms. Serra asked if DOT was contacted about the existing curb cut. Mr. Gay said DOT indicated there would be a one-month delay.

Discussions were held on handi-cap parking.

Mr. Ramsey asked if the parking spaces will be gravel. Mr. Gay said yes, except for the handi-cap parking.

Mr. Doyle asked if the handi-cap parking be moved closer on building (53). Mr. Gay did not see a problem.



**NEW BUSINESS:**

**Frederick Baldes, 2 Manning Road, Ballston Lake, NY 12019 for review of tree cutting in the Ballston Lake Waterfront District.** Mr. Doyle read a section of code 138-11.5 B (3) "Tree Cutting and land clearing regulations. The purpose of the tree cutting and land clearing regulations is to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the shoreline area. These provisions shall not apply to the removal of dead, diseased or dying trees or to other vegetation that present safety or health hazards."

- (a) Within the district, the removal of vegetation, including trees shall be permitted on shorefront lots, provided a development permit is issued by the Planning Board the following standards are met.
  - (1) Within 35 feet extending inland from all points along the mean high-water mark, no more than 25% of the trees in excess of six inches diameter at breast height existing at any time may be cut over any ten-year period.

Mr. Baldes said before cutting the trees he had read an excerpt from the town code "these provisions shall not apply to the removal of dead, diseased, or dying trees or other vegetation that presents a safety or health hazard." Mr. Baldes said two trees were taken down and four trees remain; one tree in his opinion will need to be taken down in three to five years.

Mr. Doyle asked the condition of the trees last fall.

Mr. Doyle said in the applicant's opinion and their contractor's opinion (KT Contracting and Tree Services) the trees removed were dead and rotting.

Mr. Baldes said, "Everyday there were dead branches on the ground."

Ms. Cristy stated if the trees are so important to neighbors, have you thought of replacing them.

Mr. Baldes spoke with Mr. Jackson who indicated the ground is wet and the trees are drowning.

Mr. Ramsey asked what is being done with the chip pile. Mr. Baldes said a letter from DEC indicates no wetlands and no violations. Mr. Baldes has been removing the chip pile.

Mr. Ramsey asked if the chip pile is causing drainage problems. Mr. Baldes said it is a pile of wood chips; the drainage problem was already there.

Ms. Eddy asked, "What are you doing with the chips." Mr. Baldes said he is spreading them on the lawn and on the low-lying areas.

Ms. Eddy indicated the lawn and low-lying areas are being filled in with wood chips, not soils.

Mr. Doyle said after grading, there is a concern not to change the water flow in the area.

Ms. Eddy said the Board is strongly suggesting removing the wood chips from the property.

Ms. Serra said the applicant is allowed to fill within that low area less than 1,000sq. ft., the town cannot regulate below that threshold.



Mr. Doyle opened that public hearing at 8:09pm

Anne Pierce, 110 Lake Road said the Ballston Lake Improvement Association (BLIA) are knowledgeable and can advise the applicant about plants and shoreline erosion and would be happy to forward names to the applicant. Having erosion going into the lake brings in more nutrients that cause more algae.

Debra Lee-Bruni, 6 Manning Road wrote a letter, which included pictures to the Board how it has affected her property. The trees taken down in her opinion were not dead; they were “nutritious”, growing for 15 years. The weight of the wood chips has caused a low spot, which caused erosion and nutrients to come up from underground causing rust colored water. By filling in the property directly adjoining the property line, water flow is going onto the entire property and have never had a water problem.

Mr. Doyle said the Board members were in receipt of the letter and pictures, dated April 28, 2010.

Herb Jackson attested that the trees were definitely in decline and dying including Ms. Lee-Bruni’s property along the edge of the lake is wet and the water table is rising from the beavers; trees need to breathe. Mr. Jackson said some of the trees were already dead and definitely in decline and had plans to take the trees down, but never did. Mr. Jackson does not feel any harm is being created to the neighbor’s property; they are all at the same level. Mr. Jackson said, “If trees are a big issue, I can put trees back, but the problem is they will not live.”

Discussion were held on the beaver issues.

Mr. Doyle is going to suggest asking the Town Board to change the section 138-11.5 B (3) to be more specific. Consider having trees of any quantity; keeping with the 25% of the trees with the 35’ of the water, but if it is greater than 6” in diameter, have someone look at it to verify; reduce the neighbor concern if the tree is alive or dead.

Mr. Doyle stated that Mr. Jackson and KT Tree Service sent letters to the Board.

Ms. Eddy asked the applicant to remove the wood chips.

Mr. Doyle asked when the wood chips will be removed. Mr. Baldes said three weekends.

Mr. Baldes asked for clarification of the zoning ordinance. Mr. Doyle said the watershed goes back 500’; 35’ back from the mean high water level.

Mr. Baldes asked for the one set of trees. Mr. Doyle said in (a) (1) it states, 35’ extending inland from all points from the mean high water level.

Mr. Baldes said there is only one tree within that 35’.

Mr. Johnson said there were two trees in the 35’.

Mr. Baldes said the second tree was taken down before moving into the house.

Mr. Doyle said the trees that he saw had fresh cut stumps and did see an older stump that was cut in the past.



Mr. Baldes asked is it only the trees within the 35' or is it the trees 500' back. Mr. Doyle said 35'.

Mr. Johnson said no, it states, "cutting trees requires site plan on the waterfront lot"

Mr. Doyle said, "Hopefully the zoning will be changed and will be very specific and should take two to three months."

Mr. Doyle will hold this open until June 1, 2010 and when completed, notify the Building Inspector.

**Frederick Baldes, 2 Manning Road, Ballston Lake, NY 12019 for a lot line adjustment.** Frederick Baldes said the above said property was band owned and in order to obtain a certificate of occupancy applied to the Zoning Board of Appeals for a set back variance.

Mr. Baldes purchased property from Mr. Jackson with plans to build an attached two or three-car garage (under 1,000sq. ft.) on the west side of the property.

Mr. Doyle opened the public hearing at 8:25pm

Robert Leitch, 5 Manning Road, asked if the garage would be built on the easement.

Ms. Eddy said the application before the Board is for a lot line adjustment.

Mr. Doyle closed the public hearing at 8:27pm

**MOTION:** Mr. VanVorst 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. Cwalsinki 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 lot line adjustment as described on the Map of entitled lot line adjustment between the lands of Frederick Baldes and Herbert L. Jackson, Jr., dated April 1, 2010 right-to-farm law to be added to final map. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

**Vincent Parent, 125 Brookline Road, Ballston Spa, NY 12020 for a special use permit for sales and service of farm equipment.** Mr. Parent presently operates a small engine repair shop at the above said address, which includes lawn mowers, and hand held gas powered equipment, generators, and small farm tractors. Mr. Parent has been repairing equipment for two years full time.

Mr. Ramsey asked where the equipment is stored. Mr. Parent replied inside.

The hours of operation are Monday through Friday 10:00am to 5:45pm and Saturday 10:00am to 2:00pm

Ms. Matias asked about the disposal of degreaser and oil. Mr. Parent said he uses a pressure washer and recycles the oil in a five-gallon receptacle.



Mr. Doyle opened the public hearing at 8:35pm

Mr. Doyle closed the public hearing at 8:36pm

No one wished to speak.

Discussions were held on turn-around and traffic for the site.

Mr. Doyle 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 replied no issues.

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 replied no issues.

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 replied no issues.

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 replied no issues.

**MOTION:** Mr. VanVorst 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. **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:** Ms. Cristy made a motion to issue the special use permit based on the approval by the Zoning Board of Appeals for the undersized lot and no outside storage. Mr. Ramsey seconded the motion and all present voted in favor. **CARRIED.**

**Jerold Knight, 323 & 325 Goode Street, Burnt Hills, NY 12027 for a lot line adjustment.** Duane Rabideau of VanGuilder and Associates was present on behalf of the Jeremy Knight, Jerold Knight, and Knight Orchards for a request of a lot line adjustment of the three lots.

Lot 1 11.13 acres (before) 8.81 acres (after)

Lot 2 1.41 acres (before) 3.46 acres (after)

Lot 3 3.74 acres (before) 4.01 acres (after)



Mr. Rabideau said access to Lot 1 is along the existing drive creating an easement to the existing parcel to Lot 1.

All buildings in this entire complex are now zoning compliant.

Ms. Eddy asked for septic location on Lot 1.

Ms. Eddy said an easement is needed on the drawing for the well on Lot 1.

Mr. Reilly said there is a recorded easement.

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

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

**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. VanVorst 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:** Ms. Eddy made a motion to approve the lot line adjustment as described on drawing 07-30-96C, dated April 2, 2010 subject to the septic system be added to Lot 1 and easement note. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

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

Meeting adjourned at 8:57pm

Respectfully submitted,

Michelle L. Dingman