



**TOWN OF BALLSTON
PLANNING BOARD
Regular Monthly Meeting: April 29, 2009**

Present: Richard Doyle, Chairman

Josephine Cristy

Jeffrey Cwalinski

Joan Eddy

Derek Hayden

John VanVorst

Audeliz Matias, 2nd Alternate

Kathryn Serra, Town Engineer

Peter Reilly, Planning Board Attorney

Thomas Johnson, Building Inspector

Members of General Public

Chairman Doyle called the April 29, 2009 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Correction to minutes

Page 2) 11th para; add "he", change "not" to "no". Page 3) 6th para; change "dusk to dawn operation" to "dawn to dusk", 7th para; add "it".

MOTION: Mr. Cwalinski made a motion to approve the March 25, 2009 minutes as amended. Ms. Cristy seconded the motion and all present voted in favor. **CARRIED.**

Mr. VanVorst recused himself.

OLD BUSINESS:

Ballston Mourningkill, LLC, Mourningkill Drive, Ballston Spa, NY 12020 for a major subdivision. Scott Lansing, P.E. of Lansing Engineer was present of behalf the applicant. Mr. Lansing said the applicant is proposing a conservation subdivision in the zoned district consisting of 55.24 acres. Mr. Lansing said the applicant is proposing 49 units. The project is comprised of 44 single family homes and five estate lots; one lot being the existing home.



The project will be served by public sewer, water, and storm water will be managed on site.

Mr. Lansing said since the last meeting, comments have been received additional by CT Male which are very technical in nature are prepared to be addressed.

Essentially the project is unchanged since the concept phase and was hoping the Board would consider issuing a Negative Declaration. A coordinated review was done for the project and responses were received by the town. The applicant is requesting the Board's consideration for preliminary approval contingent upon CT Male's technical comments.

Mr. Doyle said the Director of Saratoga County Planning had comments about the private road having three lots rather than four lots.

Mr. Doyle asked the topography between the last house on the private road relative to the property line. Mr. Lansing said the grades are consistent with an existing farm road with one area where it does dip down are proposing a culvert with a crossing. Mr. Doyle asked how visible will that last house be from the adjoining property line. Mr. Lansing said approximately 500 to 600ft.

Mr. Cwalinski said that owners could plant screening is so desired.

Ms. Matias asked about the predominant soil type (silt/loam) as regard to septic systems; it was pointed out this application was proposed for public sewer.

Mr. Doyle said the town has the lead of coordinated review.

Ms. Serra said BFJ reviewed the traffic plan prepared by Creighton Manning Engineering analysis on the intersections that would receive traffic from this project to determine traffic from this project and determined that there is essentially no impact to the intersection or the adjacent roadways as a result of the project. Ms. Serra said she knew there were questions at prior meetings regarding traffic, but it has been reviewed by the town's traffic consultant and it has been determined there are no significant impacts.

Ms. Eddy asked if this is based on trips, geometry or both. Ms. Serra replied both.

Ms. Eddy said BFJ sees no problem with the geometry coming from the south end out of Mourningkill Drive. Ms. Serra said it was concurred by CME, BFJ and CT Male who was preparing the design plans for additional left turn lane on Route 50 associated with McCrea Hill Road that current configuration of Mourningkill Drive on both north and south is challenging, however it is an existing condition and the amount of trips are just not enough to warrant any improvements.

Ms. Eddy asked what point does risk become a factor. Ms. Serra said that she is not a traffic engineer by profession and it all decided by a highway capacity manual.



Ms. Eddy asked when the striping of the passing lanes will be changed. Ms. Serra said she is not sure and to ask the town supervisor.

Mr. Doyle opened the public hearing 7:50pm

Mr. Doyle closed the public hearing 7:51pm

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

MOTION: Mr. Cwalinski moved to issue a Negative Declaration, based on all the information submitted to date, United States Department of the Interior (Fish and Wildlife Service), Saratoga County Planning Board, New York State Office of Parks, Recreation and Historic Preservation (SHPO), New York State Department of Conservation (Division of Environmental Permits, Region 5), and New York State Department of Transportation based on the concurrences of the involved agencies. Mr. Hayden seconded the motion. **CARRIED.**

MOTION: Mr. Cwalinski made a motion for preliminary approval of the Mourningkill Drive subdivision as described on drawing dated March 10, 2009 subject to satisfaction resolution of the outstanding engineering comments. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

R.J. Taylor, Route 50, Ballston Spa, NY 12020 for a sketch plan conference for condominiums. Scott Lansing, P.E. of Lansing Engineering was present along with Ron Taylor to present the application to the Board. The overall parcel is 6.96 acres zoned Mixed Use Center North.

Mr. Lansing said at the time the applicant was before the Board, the entrance was off of Route 50 with a T-type roadway system with a proposed emergency access out of the RollingBrook Drive. There were concerns by the Board with the layout and revisions were made to the plan.

The former layout had seven buildings with eight units per building with a total of 56 units. The applicant has reduced the number of buildings to six buildings with eight units per building with a total of 48 units.

The main access still out on Route 50, will have circulation around the lower three buildings and circulation from the upper three buildings.

Mr. Lansing feels that emergency vehicles have good access around all of the buildings.

Mr. Lansing said the project will be serviced by public water, sewer, and storm water will be managed on site.

Mr. Lansing said that comments have been received by CT Male and wanted to discuss the comment relative to the access to the 150ft. lay down of the hose for an emergency vehicle. Mr. Lansing said the concern was on the upper three buildings; there was not access to each side. Mr. Lansing is proposing to upgrade the two stub roadways for fire apparatus.



Mr. Doyle said that the town did receive a letter from a homeowner on RollingBrook Drive with a concern of what will be done with the emergency access road. Mr. Doyle said would only emergency access only.

Mr. Hayden said there are 96 spaces and does not know where all the vehicles will fit. Mr. Lansing said one space in the garage and one in the driveway; typical for a condominium project.

Ms. Serra asked that the code be met for the proposed hammerhead on the two stub roads.

Mr. Cwalinski asked for a crash gate on the emergency access at both ends.

Ms. Serra said the crash gate proposal is a right-of-way sewer line easement for the SCSD and mandates that be compacted gravel so that it can be accessed.

Mr. Cwalinski asked if a sidewalk will be constructed out to Route 50. Mr. Lansing said the applicant thought that it could be handled during the design phase, but the applicant does not feel there will be many school age children living within the project. Mr. Lansing said the roadway could be widened slightly and stripe a portion of the side and construct a shelter down by Route 50.

Ms. Eddy said "if you're that tight, where are you going to put the snow". Mr. Lansing said there is a little bit of room.

Mr. Cwalinski asked that applicant to have the water district show that 14,000 gallons per day capacity is available.

Ms. Eddy asked "whether this all dumps into Ballston Lake".

Ms. Serra said on your previous environmental assessment form, you incorrectly stated Ballston Lake, not to the Mourningkill.

Mr. VanVorst said there are significant elevation differences behind buildings #2 and #3 and asked how that was going to be resolved. Mr. Lansing said to reduce with retaining walls.

Ms. Eddy asked how the perimeter will be fenced. Mr. Lansing said at the property line.

Mr. Hayden asked if the issue of the cul-de-sac has been resolved (max 21 units). Ms. Doyle said that although these are condominiums and would be a taxing parcel, but this configuration we would not include this in our cul-de-sac regulation.

Mr. Johnson asked if buildings have been built similar any where within the last couple of years; eight unit condominiums not sprinklered. Mr. Taylor replied no.

Mr. Johnson said that the building code will have to be reviewed to see how the buildings are actually configured because it depends on which code reviewed under (residential/commercial) whether it is sprinklered.

Ms. Eddy said that she does not particularly care for the project, but the Board has reached the maximum of what we can do assuming the applicant meets the fire code requirements and protect the subdivision by gates at both ends and is uneasy by not having a sidewalk on at least one side.



Mr. Doyle asked the applicant to look at possibly finding a way to put in a sidewalk. Mr. Lansing said they will take a look at it and dropping the number of units from 56 to 48 will not expect a lot of traffic going in and out.

NEW BUSINESS:

Frank & Denise Volpe, Schaubert Road, Ballston Lake, NY 12010 for a Major Subdivision. Duane Rabideau of VanGuilder and Associates and Scott Lansing, P.E., were present on behalf of the applicant.

Mr. Rabideau said the proposal is for a 16 lot subdivision reconfiguration of a subdivision of the east side of Schaubert Road and the West side of Schaubert Road in 2003.

Mr. Rabideau said the applicant is proposing to subdivide lot #4 on the west side of Schaubert Road into two lots, lot # 9 into three lots, and upgrade existing driveway into a private road for road frontage for additional lots.

Mr. Rabideau said the applicant is proposing to phase the subdivision; phase 1,2,3,4 and 5. Mr. Rabideau said after meeting with Mr. Doyle, Mr. Reilly, and Mr. Johnson it was determined that these lots number 4, 9, 8, 7, 6, 3, and 5 are stand alone lots. Mr. Rabideau said the purpose is to consider the lots as minor subdivisions. The phasing concept is to approve conceptually that the applicant can get three lots for #9, two for #4 split lot #3, five lots for original lot #5, and two for #6 which would be a major subdivision to address the SEQR and storm water pollution prevention plan.

Mr. Doyle was under the impression this was a 16 lot major subdivision and all the storm water management was being completed all as one. Mr. Rabideau said that it is being completed as one. Mr. Doyle said the Board would take an approve this major subdivision; how it's built would be up to the applicant except that in the phasing plan would have to make sure that the storm water management were in place before phase one is built.

Mr. Rabideau said that a storm water management plan has been prepared for the subdivision. The phasing plans have set up so each phase of the SWPP stays under the five acre limit.

Mr. Lansing said the SWPP analyzes the site, drainage, and mitigates what impacts the project may have. The phasing plan identifies disturbed areas and tries to keep those areas under five acres of DEC.

Mr. Lansing said as far as lots being disturbed, as long as it below the five acre threshold and routine inspections to monitor erosion sediment control and make recommendations on a weekly basis for them; to put silt fence and erosion control measures on the site. Mr. Lansing said the SWPP phasing plan has been prepared and estimates of five acre disturbance areas where development may go, but the SWPP is a living document and is something that is modified during this process.

Mr. Doyle asked if the storm water management area will be built in pieces. Mr. Lansing said yes and no. There are certain functional pieces that have to be built.

Ms. Serra said that this property is located in the Watershed Protection Overlay District which means the town has jurisdiction over the storm water system. The storm water plan has two major components the first being construction related; sediment control, silt fence and construction entrances. The second being post construction being the permit practices. Ms. Serra said the SWPP is a fluid document that is amended every week during construction. Ms. Serra said



that it is not that what is approved at Planning Board level is going to happen, but it is going to be constantly reviewed by someone at the town if they do decide to make changes.

Mr. Reilly asked if and when the approvals are obtained, for the 16 lots subdivision, will the map be filed for a 16 lots or a phase map. Mr. Rabideau said phasing maps will be filed.

Mr. Reilly asked what approval the applicant is looking for when the 16 lot subdivision is completed; what map will be filed. Mr. Rabideau said the phase lines will become great lot lines.

Mr. Reilly said subject to no building permit whether the SWPP components for that lot were completed.

Mr. Doyle said that he would be agreeable with the maps shown which identifies storm water management.

Mr. Rabideau said there will be no further subdivision of the larger lot in back. Mr. Doyle asked to have a note shown on the map.

Mr. Eddy said no further subdivision of all lots.

A discussion was held on showing the five great lots.

Ms. Serra asked about the main detention basin off the private road whether it will be maintained by HomeOwners Association or maintained by the people who have ownership rights of the private road. Ms. Serra has a concern with the basins, storm water swales, and filter beds. Ms. Serra's opinion is they are a good design; they generally meet the states typical standards for continuing run-off and treatment. Ms. Serra said these are going to be open swales behind people's houses (1' to 2' of standing water and wetlands) and does not feel this will be desirable to homeowners. Some of these practices 30' to 40' off the back deck; a homeowner wants to put in a pool, shed, or a playground for their children or are they going to fill in these practices. Ms. Serra said there will be no provision for treatment to run into the lake. Ms. Serra said that she does not know if there is a mechanism of enforcement to be maintained, but the way they are designed is a concern.

Mr. Johnson said there was a similar situation on Beechwood Drive with water detention on each lot; once the house was built, there was no mechanism to go back a assure that homeowners go back and fill in the detention area because they don't like detention areas in their back yards.

Ms. Serrra has a big concern for the east side of Schauber Road because they are being proposed right behind the houses.

Mr. Lansing said they have been moved and are proposing a form of restriction of that portion or otherwise modify the swales. Mr. Lansing said there is no other way to treat the run off of the lots and feels this is the best practice for this subdivision.

Ms. Eddy said lower the density and take a lot out and use that for storm water management. Ms. Serra said that is an option, but if the applicant were to not put the swales in, we have the storm water in tact and would call that acceptable.



Ms. Eddy asked if the town has any elevated recourse because it sits in the WPOD. Ms. Serra said that it is treated like it is in the MS-4; the town is required to regulate storm water discharges. Ms. Serra said that MS-4 regulations vaguely address maintenance and only tells the town to require a post construction meeting plan to prepare.

Mr. Reilly said the Board can certainly do a deed restriction, but the problem of course always is enforcement, but depending on improvements could restrict no pools, decks to be enforced by not issuing a permit.

Mr. Cwalinski asked for the Right-to-Farm Law and Water Contingency Note to be added.

Mr. VanVorst said this is convoluted and confusing and makes it difficult as a Board to have a clear decision making ability about the phasing and how is impacted with the Sunset Clause.

Mr. Reilly will have to look into the local law and get back to the Board.

Ms. Eddy asked about making fencing a requirement for the basins. Ms. Serra does not feel it something that will be called out on this plan.

Mr. Reilly asked if there will be HomeOwners Association. Mr. Lansing replied yes.

Mr. Doyle asked the Board's opinion on the layout as shown and the method of approving the total major subdivision one phase at a time as a minor subdivision.

Mr. VanVorst does not have a problem with the lay out, but has a problem with the phasing.

Mr. Cwalinski agrees with Mr. VanVorst and has a concern coming back to the Board five more times.

Mr. Rabideau said that the applicant will have addressed all the issues pertaining to SEQR and will return for minor subdivisions to establish real lot lines between the great lots.

Ms. Matias does not feel comfortable with the phasing. Mr. Rabideau said that the applicant is completing it as a whole project.

Ms. Eddy said if you can assure her that you (the applicant) that lot (6B) will not change; lot lines. Ms. Eddy is uncomfortable with swales and feels it is a health and safety issue and can deal with the phasing.

Mr. Hayden said that he feels it is a little awkward, but thinks it is doable.

Mr. Doyle is concerned with the land and wetness, but feels the phasing makes it difficult for the Board and somewhat difficult for the town to handle. Mr. Doyle would rather handle this as a total major subdivision and to do it right; can we work through it in pieces.

Ms. Eddy asked the real reason for phasing. Mr. Rabideau said they are stand alone lots and that in itself keeps it out of the major subdivision process; keeping this a minor subdivision it's a non jurisdictional by DOH.



Mr. Johnson said the Board would be approving five great lots. Mr. Johnson said this would be a major subdivision because the applicant would be creating five lots or more within a five year time frame.

Mr. Rabideau said the great lot is an existing approved lot that has been in existence for over five years.

Mr. Reilly asked if that is the existing subdivision map.

Mr. Reilly said if and when the applicant receives approval for the initial five lot subdivision map, will that be filed. Mr. Rabideau said those five lots already exist.

Mr. Reilly said the end of the first phase of the review there will be fewer lots on the map. Mr. Rabideau said yes, if referring to the great lots, but if referring to potential build out 16.

Mr. Reilly asked if a map will be filed with the great five lots. Mr. Rabideau said yes with proposed lines through there and the seven. Mr. Reilly said based on that would agree with Mr. Johnson's assessment that this is a major subdivision.

Mr. Doyle asked the Board if they should go along with the plan as proposed.

Mr. Doyle asked Mr. Rabideau to think this through again and then come back with some sort of a consistent phasing plan between yourself and Lansing Engineering to have a total understanding.

Mr. Lansing said the basic plan for the SWPP is not really relative to the phasing of the lots provided that the SWPP is adhered to the storm water practices are constructed at appropriate times to service appropriate lots.

Mr. Lansing said this proposal is in accordance with the comprehensive plan showing the dimensional full build out and this is how the applicant is addressing storm water grading, drainage, and roadways.

Mr. Reilly said one of the first questions that will be appropriately asked, "what do you plan to do with the rest of the property". The applicants are showing what they plan on doing, but they do not get everything approved right now. Mr. Reilly does not feel that it is as quite cumbersome as the Board feels it is, but may want a map that shows the five great lots.

Mr. Cwalinski feels better about it now.

Mr. VanVorst said there is more going on than what we know; we are being presented with a picture that we know is not the whole picture and does not feel it should be necessary to be this convoluted.

Mr. Reilly said he does not feel it is convoluted; the applicant does want to get caught up in a DOH realty subdivision as defined under NYS Law.

Ms. Eddy asked about wording for homeowners not to fill in the swales. Mr. Reilly said you certainly could come up with that even with a HOA (DCR) the town could have enforcement rights under that. Mr. Reilly said depending on exactly how the importance of the land the particular swale, the town engineer could review it and restrict it as to no improvements.



Mr. Doyle said one concern is doing this project in phases (the actual property and the swales). Mr. Doyle would suggest to the Board to proceed in this direction.

Ms. Eddy asked what the Board is approving. Mr. Doyle said the Board is approving the concept.

Mr. Hayden said the application is asking for a 16 lot subdivision and now the applicant is telling the Board they only want five. Mr. Doyle said the applicant wants to further subdivide the five lots to total 16.

Mr. Doyle asked the applicant to provide a map showing the five great lots.

Mr. Doyle asked the Board if they were in agreement. The Board is in agreement.

Thomas Kramlick, Route 50, Ballston Lake for a minor subdivision. Duane Rabideau of VanGuilder and Associates was present on behalf of the applicant for a request for a two lot subdivision on the east side of Route 50. The applicant is proposing to create a 12 acre parcel on the north side of the existing barn; the remaining lands will be approximately 63 acres. The property is zoned Business Highway -2 in the front and Rural in the back.

Mr. Hayden asked why that small strip on the south side. Mr. Rabideau said there is a laneway and wants to keep for a potential entrance.

Ms. Cristy asked what is being proposed. Mr. Rabideau said the proposal is for a future church. The applicant will also need to apply for a Special Use Permit.

Mr. Cwalinski asked if there any plans for the rest of the property. Mr. Rabideau said no.

Mr. Doyle opened the public hearing at 9:20pm

William Hillig asked how this property will be accessed off of Route 50. Mr. Rabideau said it will be accessed just north of the barns. Mr. Hillig asked about how the land will be divided. Mr. Rabideau said this application is for the subdivision of 12 acres and did check the site distance and is quite conceptual. Mr. Hillig asked if it will be divided into lots and so, what size lots. Mr. Rabideau said that he did not know. Mr. Doyle said that the application indicates the applicant is proposing to build a church. At this point, a land subdivision is allowed by zoning so there is little that the town can do.

Ms. Serra said when the applicant applies to build the church, they will have to return to the Planning Board for Site Plan Review and those questions can be answered at that time. Mr. Hillig asked what time frame will this happen? Mr. Doyle said the Board does not know.

Karl Hillig asked where White Beach Road was located on the map. Mr. Rabideau explained to Mr. Hillig where it was located.

Mr. Hillig asked for clarification of the map and location of the subdivision. Mr. Rabideau said that is the overall lands of Kramlick. (The red area shows the 12 acres being subdivided).

Mr. Doyle closed the public hearing at 9:26pm



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

MOTION: Mr. VanVorst made a motion to approve the subdivisions of the land of Kramlick based upon the map #8930128d, dated 2/17/2009. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

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

Meeting adjourned at 9:35pm

Respectfully submitted,

Michelle L. Dingman