



TOWN OF BALLSTON PLANNING BOARD
Regular Monthly Meeting: April 29, 2010

Present: Richard Doyle, Chairman

Josephine Cristy

Jeffrey Cwalinski

Joan Eddy

John VanVorst

Lee Ramsey

Audeliz Matias, 1st Alternate

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

NEW BUSINESS:

Lawrence Levine, Route 50, Ballston Spa, NY 12020 for a PUDD. Tom Peterson, Esq., Lawrence Levine, P.E., and Ed Esposito, R.L.A were present on behalf of the Levine's who currently own a 23-acre parcel on which to obtain rezoning by way of a PUDD to propose a mixed-use development. There are six districts within that proposed development.

- Residential
- Community Use (for picnics, community barn)
- Wetland containing a pond with paths and access walkways
- Two commercial/retail uses
- Commercial #1 are proposed behind the two-retail uses for a potential grocery, if not, there are other uses that are proposed.
- Five uses established.

Larry Levine, PE and Ed Esposito completed the engineering and landscape development.

Larry & Janet Levine have owned and operated Janet's V Corner's as a gift shop, greenhouse, garden center, and restaurant since 1986.



Mr. Levine said the parcel is 23.4 acres located at the intersection of Route 67 and Route 50 zoned commercial for 45 to 50 years.

Mr. Levine said the site is designed to accommodate the roundabout that Buckhurst, Fish & Jacquemart (BFJ) envisioned with a Wal-Mart, Home Depot, and Target. The grocery store is ranging from 20,000sq. ft. plus an adjoining store. Shown are BFJ's design ideas on the northeast quadrant.

Mr. Levine described the properties that surround the proposed PUDD.

The south side of the project drains towards the Kayaderosseras via the cross culvert under Route 50.

The saddle is a proposed green area "community area"

West of the pond, the water day lights towards the proposed hockey pond to the wetlands.

One concept shows apartments 2 to 3 story; smaller buildings shown are carports.

A turn-around has been included for fire trucks.

A grocery is proposed in the front. The other two parcels would be either a bank/pharmacy with a drive-thru.

Access to the site is via southbound on Route 50. The center area proposed for communal gatherings or sales.

NYS DOT may decide on a temporary or permanent entrance in the center; may not want the right in without the roundabout.

Main entrance located to the south.

If there were a grocery store, there is a potential need for a signal.

Traffic counts have declined 20% since the recession, not just at this intersection, but the whole area.

The sewer connection will tie into the Cornerstone Development on Route 50 to the south, if this does not happen; the applicant proposed to connect at the Rossi property to the east.

The other possibility is to use septic systems for the two front parcels.

The proposal has included a network of trails hoping to connect with the school and continue through the other green area and eventually through the neighbor's property.

Storm water areas managed onsite encouraged to be future wetlands.

NYS DOT are reviewing traffic numbers and plans expect comments in two weeks.

Jed Hayden of NYSDEC delineated the wetlands; project will not disturb the ACOE wetlands.

Mr. Levine received a letter from Jed Hayden of NYSDEC favoring the plan layout.



Mr. Levine discussed the two-way left turn lanes.

Mr. Levine said the "A" plan proposed is 36,000sq. ft. The A (2) plan is 56,000sq. ft. (super center) signal required.

Plan (B) the buildings are bigger, same number of apartments; limited by the number of parking spaces

Plan B consists of apartments (senior oriented) in the back with two levels of residential on top of retail.

This particular plan shows a different layout for a drive-thru in the back.

DOT is not in favor of this plan; BFJ is not giving up with the roundabout concept.

DOT standards on a 45mph are a minimum of 20' needed for "clear area" for safety.

Compiled are ten years of accidents for the entire town occurring at Brookline Road and Route 50 and Brookline Road and Route 67. The accidents at Route 50 and Route 67 are "not that bad" the traffic signal operates "pretty well". Some of the problems are at the Rehabilitation Center and Trustco Bank. There are many accidents at the high school, turning right out of the left turn lane; accident report states "inexperienced driver".

Potential full build out is 2015 based on assumed traffic increase of 1 ½ percent with declining traffic in the last three years.

Comments received from CT Male and BFJ and waiting comments from NYSDOT.

BFJ indicated the traffic numbers were "a little bit lower than they should be" due to the use of Edition (6) of the ITE trip generation book rather than Edition (8).

Mr. Levine counted parked cars in the Price Chopper parking lot in the Town of Malta for eight hours for two days. The peak hours compared to the ITE trip generation rates, Edition (6), were correct.

Discussions held on green areas "community areas."

Ms. Eddy said the percentage of residential on the entire project assuming there is a grocery store.

There are 132 units of residential apartments.

Mr. Esposito said the disturbed land area is 30%.

Mr. Doyle said C 1, 2, and 3 will be commercial and feel these types of applications are applicable to this area of commercial.

Mr. Cwalinski has a concern having no tenants there is an element of risk larger than other projects. Mr. Cwalinski said, "The last thing I would want to do is approve a project, build it, and have no one move in." A vacant building does not do anything for the town.



Mr. Levine said V-Corners is a very desirable location and does not want to represent to the Board that he has a signed contract, but does not want to have a signed contract. Mr. Levine has entertained many developers who supposedly have tenants, but want to do it their way.

Mr. Levine was in contact with CVS, Walgreens, and Hannaford.

Ms. Levine said commercial loans are not available at this time, but funding is available for residential projects. (Apartments) The apartments give more rooftops, which encourage the grocery store development.

In this economical climate the three criteria are:

- Location of the market
- Potential for more rooftops
- Shovel ready site

Mr. Cwalinski asked for a tax-producing project not a tax dollar-consuming project; minimize residential, maximize commercial.

Mr. Cwalinski suggested a bus stop.

Mr. Levine met with CDTA and discussed the possibility of a bus having on site pick up.

CDTA stated with more residential there is a better chance of on site pick up.

Ms. Eddy said existing multi-family units are as follows

Cornerstone Condominiums (54)

Route 67 and Brookline Road Apartments (48)

Taylor Condominiums (48)

Casale Senior Housing (60)

Katz Apartments

Brooks (Traditional Neighborhood Development)

Beacon Hill

Ms. Eddy would like to see demographics for both residential and retail.

Ms. Eddy asked about the existing tenants. Mr. Levine said the white house has rented for 15 years; the red house is rented, but will be moving in two months and anticipates moving JR's Barbeque in to the proposed community barn. The greenhouse tenant will not be in that space much longer due to his quadruple bypass.

Mr. Levine said each tenant pays month by month.



Ms. Eddy said, "This is going to be laid out and turned into a dust bowl before you get tenants."

Ms. Eddy asked the applicant, if there were approvals from the Town Board will all the trees be removed.

Mr. Reilly said by way of legislation, Mr. Peterson, and I will be reviewing as the process continues, stipulated, "No site work until such time", and controlled through legislation.

Mr. Levine has owned the property since 1986 and ran a 4400sq. ft. gift shop, a 3,000 sq. ft. greenhouse, and planted 2 acres of mums.

Ms. Eddy said the school has a concern for emergency vehicle access. Mr. Levine said there are two proposed emergency vehicle access areas.

Further discussion held on traffic.

Ms. Eddy asked Ms. Serra if there is a need for a further encompassing traffic study. Ms. Serra said the only requirement is to include the Rossi property because there has not been a definite plan.

Ms. Eddy asked if a larger traffic study be requested for anticipation of growth.

Mr. Levine said Widewaters and Wal-Mart submitted plans, which BFJ reviewed from I-87 Route 50 intersection south to Brookline Road based on traffic counts that are 20% higher. Traffic has declined since 2001.

Mr. Levine has assumed traffic a 1 ½ percent increase per year compounded growth.

A further discussion held on a proposed roundabout.

Ms. Serra said a solution would be to ask BFJ their opinion and if BFJ feels appropriate, to ask the applicants to analyze the Rossi property.

Mr. Levine said this plan takes advantage of the natural landforms.

Mr. Levine said, "We want to do something nice here and really mean it."

Mr. Reilly asked if the entire parcel located in the Mixed Use North District. Mr. Peterson replied yes.

Mr. Reilly asked if there is any proposed use under the PUDD presently not allowed in the Mixed Use North District. Mr. Peterson said all the uses proposed are consistent with the master plan development.

Mr. Reilly said the biggest vehicle for the PUDD is flexibility design.

Ms. Matias would recommend changing the layout "green building standard" in the proposed residential area; cul-de-sac not permitted with the number of proposed buildings.

The other concern is only having one exit onto Route 50.

Ms. Matias suggests looking at site design; parking for commercial, residential, and how to get more out of the environment without increasing the impervious surface.



Ms. Serra referenced comments #3

“The town code states that permanent cul-de-sac shall not contain more than 21 lots; the applicant is proposing at least 132 apartment buildings off of the cul-de-sac; does not meet the town zoning.”

The Taylor condominium proposed a cul-de-sac having less than 50 units. The Board was not in favor and returned with a different layout.

The applicant needs to meet the zoning and remove the cul-de-sac or have a second boulevard.

Mr. Levine said the cul-de-sac is a turnaround for fire trucks. There is a two lane 24' road and used a parking lot as a secondary to alleviate the dead end.

Mr. Levine desires future connection to the approved condominium project to the south and the Rossi project via the stub road.

Ms. Serra said she wants confirmation if approved, and when applying for site plan for the apartments, will access be an issue because if there are more than 21 lots off a cul-de-sac and not have proper fire access. Ms. Serra said the road layout is concept, but wants to make sure that the Board is not approving something that does not physically work.

Mr. Peterson asked if the number of dwelling units that can be built in a way in accordance with the town code. Ms. Serra said with the town code and Fire Apparatus Access Regulations (FAAR) of NYS building code.

Mr. Peterson said, “Permanent cul-de-sac shall not contain more than 21 lots.” The cul-de-sac itself does not have lots off it. Ms. Serra said the proposal is not a residential use that would require subsequent subdivision with a single point access to the apartments.

Mr. Levine said buildings will be fire sprinkled; 50' needed on one side of the building.

Ms. Serra recommended reviewing Appendix D of the fire code.

Ms. Serra said the “green building standards” and better site management (storm water) is subsequent to the town’s jurisdiction. The town is willing to work with you, but is encouraged to look at alternative methods published by NYSDEC.

Ms. Serra asked if anyone from NYSDEC said yes or no on the jurisdiction of the pond.

Mr. Esposito said NYSDEC flagged the wetlands and explained the manmade condition and determined there are no DEC wetlands. The applicant was not capitalizing on the pond for any storm water management area.

Storm water quality issues are controlled with fire retention areas around the housing.

The parking under the proposed grocery shown in C-1 has 30' of re-draining mason sand.

Ms. Serra asked for clarification.

Ms. Serra asked if enough area has been allocated for a large detention basin.



Ms. Serra asked for calculations for the 100yr storm event, the volume that is going to come off the site, and how it is going to be achieved.

Ms. Serra suggested not using the manmade pond because the DEC regulations it states specially in the regulations for storm water existing water bodies cannot be used.

Ms. Cristy asked the height of the building and total number of floors. Mr. Levine said two stories; three stories if located over commercial.

Mr. Doyle said 44'.

Further discussion was held on porous pavement.

Mr. Doyle said, "The message is agree on concept so we can agree on the location of the roads and buildings and then work on the details of storm water management."

The Board wants to adopt the concept of plan A, the C areas 1, 2, and 3 directly off Route 50 would be commercial, and the other areas would be residential. Commercial with residential above should be a "fall-back" if the grocery store a similar type of situation does not materialize.

The town has many apartments and does not know it that will work.

Mr. Doyle in the near future hopes to pull this together and forward information to the Town Board.

Mr. Levine said plan B were comments from the Town Board at a previous meeting.

Mr. Reilly said the statute of the review process talks about 60 days for the Planning Board to make a recommendation within receipt of the information requested.

Mr. Peterson said the 60 days can be extended by consent of the applicant.

Mr. Doyle said the allowance for the roundabout is an absolute necessity.

MOTION: Mr. Cwalinski made a motion to adjourn. Ms. Cristy seconded the motion. **CARRIED.**

Meeting adjourned at 9:30pm

Respectfully submitted,

Michelle L. Dingman