



TOWN OF BALLSTON
PLANNING BOARD

Regular Monthly Meeting: June 25, 2009

Present: Richard Doyle, Chairman
Josephine Cristy
Jeffrey Cwalinski
Joan Eddy
Derek Hayden
John VanVorst
Lee Ramsey, 1st Alternate
Audeliz Matias, 2nd Alternate
Kathryn Serra, Town Engineer
Murry Brower, Town Attorney
Thomas Johnson, Building Inspector
Members of General Public

Chairman Doyle called the June 25, 2009 meeting to order at 7:30pm and Mr. Doyle led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

NEW BUSINESS:

Curtis Industrial Park, LLC and Jay Scott Curtis, LLC, 885 Route 67, Ballston Spa, NY 12020 for a Lot Line Adjustment. Jeffrey Meyer, Esq. was present of behalf of the applicant's to amend the lot line between the Industrial Park and the Lumber Company. The purposes are for equitable distribution between children, and boundaries match how the property is being used. Presently everything comes and goes through the Industrial Park that is managed by Todd Curtis. The Curtis Lumber Company is essentially is run by Jay Curtis; while they share a business, there is not access that utilizes in that direction to legally correct the boundaries.



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

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

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, with the basis that there is not a potentially significant environmental impact. Ms. Eddy seconded the motion. **CARRIED.**

MOTION: Mr. Cwalinski made a motion to approve the lot line adjustment as described on map Jay Scott Curtis, LLC dated July 10, 2006, revised May 22, 2009. Mr. Hayden seconded the motion and all present voted in favor. **CARRIED.**

Ronald J. Fortune Consulting and Design, 804 Route 50, Burnt Hills, NY 12027 for Site Plan Review. Ron Fortune, authorized agent for Drake Petroleum was present to request the removal of the graphics package for Citgo.

The proposal is for the removal of the two end signs of 16.83sq. ft. with the word Citgo on each end of the canopy and to replace on a blue background a yellow Sunoco individual word with square footage of 30sq. ft. on each side. The plan shows a NASCAR and a graphics package on the Route 50 side of the canopy; that NASCAR component is 13.5sq. ft.

Mr. Cwalinski asked if the logo and words are just being changed and not the sign. Mr. Fortune said there was Citgo verbiage on a panel that was 25sq. ft. and directly replaced it with a Sunoco panel (brand change).

Mr. Fortune said this is vinyl graphics with a painting of the material surface of the canopy to Sunoco blue and the Sunoco words with each letter in yellow vinyl.

Mr. Doyle said it is basically a word change.

Mr. Fortune said the square footage of the Citgo word versus the square footage of the Sunoco word. Mr. Doyle said "we go by the sign and then between the two posts; and the sign has not changed; the word on it has changed, but you can have letters as large as you would like within the framework of that sign.

Mr. Johnson said when it was first explained to him the Sunoco sign was configured to be bigger than the Citgo sign. Mr. Johnson said the Town's policy is if the sign is increasing in size, it will need site plan review.

Mr. Doyle opened the public hearing at 7:50pm

Mr. Doyle closed the public hearing at 7:51pm

No one wished to speak.



Mr. Johnson said the narrative indicates to remove two existing 16sq. ft. Citgo signs and install 30sq. ft. Sunoco signs; the sign is changing and that is why the applicant is in front of the Board; as you stated the applicant was not changing the signs. Mr. Doyle said he read the same thing and was of the same opinion and looked at this and was looking for the 30sq. ft. sign.

Mr. Fortune said the word Sunoco is larger than the word Citgo. Mr. Doyle said it still fits within the existing sign. Mr. Fortune said the canopy surface is not changing.

Mr. Brower said the square footage currently will remain the same what goes on it is changing and therefore, does not feel that applicant needs to be here.

Mr. Brower said as he understands it the square footage of the sign is not changing.

Mr. Johnson disagrees and said that it is and that way that he reads it the Citgo sign is 16.83sq. ft. the Sunoco sign is 30sq. ft.

Mr. Fortune said that his application states the word is increasing on the canopy however; his understanding the outcome of this meeting is that he does not have to be here because he is not changing the size of the panel that this word is on. Mr. Doyle was in agreement.

A further discussion was on a sign the interpretation.

MOTION: Mr. Hayden 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. Hayden 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. Cwalinski made a motion to accept the wording of the sign as the existing sign area remains the same and the verbiage. Ms. Cristy seconded the motion and all present voted in favor. **CARRIED.**

Noel & Judy Beninati, 121 Charlton Road, Ballston Spa, NY 12020 for a Minor Subdivision. Robert MacFarlane Land Surveyor was present on behalf of the applicant's. Mr. MacFarlane said that the applicant's are proposing a two lot subdivision; one lot approximately 2 ½ acres and the other lot 3 ¼ acres and increase the size of their lot to two acres and then the remaining land to be sold or changed.

Mr. Cwalinski said the drawings are missing the existing septic systems and wells to the adjacent tracts of land which is required for a minor subdivision. Mr. MacFarlane said the final approval could subject to that.

Mr. MacFarlane asked the Board to show the existing well and septic system to the east of the Beninati house.



Mr. MacFarlane said the two parcels that are directly east of lot four will require the applicant to show the well and septic system, the lot directly to the south of lots three and four is vacant land; there is no septic system within 400ft, and the lot to the east will consist of two acres; well and septic system location will be shown. Mr. MacFarlane said he will not know what will happen to the property to the west and south of the 22 acre parcel.

A further discussion was held on wells and septic on adjoining property owners.

Mr. MacFarlane will show the location of the two lots to the east of the proposed lot four and the septic system and well to the east of the Beninati property.

Mr. Hayden said to review section 104-9 of the Town Code; topography.

Mr. MacFarlane said that the 22 acre will not be built on at this time and topography will be performed at that time.

Ms. Serra said that Mr. Johnson and the NYS Health Department will have to review septic and wells and will have to meet all the setbacks and does understand that it is in the zoning, but the Board does have a right to waive it.

Mr. Cwalinski asked for the water contingency note to be placed on the final map.

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

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

No one wished to speak.

Mr. Johnson said when an individual purchases the lot to construct a home will have to hire an engineer or design professional to design the septic and put the proximity of well and grading as part of the process.

Mr. MacFarlane said if he is retained as an exempt Land Surveyor, to do the septic system design, and well location, there will be topography for the area that is impacted by the design of the septic system.

Mr. Hayden said the plan is also missing setback lines.

Mr. Doyle asked for contour line to be put on the two lots that are being proposed to be sold.

MOTION: Mr. Hayden made a motion to table the application. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

Mr. Doyle said that the Board asked for septic and wells of existing systems to be shown on the map and also to include contour lines and setbacks.

Mr. MacFarlane requested that the Board consider granting this approval pending receipt and review by the Board.

Terry Hubbard, 28 Diamond Road, Ballston Lake, NY 12019 for a Sketch Plan. Mark Jacobson, P.E., of WSP Sells was present on behalf of his client Terry Hubbard. The property is located on 28 Diamond Road with an existing house,



detached garage, and shed. Mr. Hubbard said the property slopes gently towards Diamond Road from the east to the west; with a small pond in the lower northwest corner of the property.

Mr. Jacobson said Mr. Hubbard is negotiating with the bank to refinance his home and the bank only wants the property around his house (acre and a half) to refinance that loan and the rest of the land without the incumbent of mortgage. The applicant was proposing to subdivide the parcel into four total lots; three additional vacant lots. The applicant does not intend to sell the lots at this time, and meets the zoning requirements for the Ballston Lake Residential District.

Mr. Jacobson said if the applicant were to simply remove this property from the rest of the lands, he cannot further subdivide that land per SEQR for five years per the town code without turning into a major subdivision.

Mr. Jacobson said Mr. Hubbard has contacted the Assessor and said the applicants taxes will increase, but will not increase to the point as approved lots. It is beneficial for the applicant not to pay for septic design, additional topography, soil, and SWPP. Mr. Jacobson said this gives the applicant more time until the market gets to a point where it makes more sense to sell the lots.

Mr. Jacobson said that boundary and topography can be put on the map. Lot #1 shows house placement in the front, lot 2, and lot 4 the septic will be proposed in the front.

Since this is a sketch plan, the standard notes are not placed on the plan.

Ms. Jacobson said when the applicant returns, the septic design and grading will be reviewed by Mr. Johnson, but it also would need review to make sure it has the appropriate erosion and sediment control because it will disturb and acre, but not five acres.

Mr. Cwalinski also asked for topography and 20ft. setback lines to be placed on the map.

Mr. Hayden asked that the Right-to Farm Law be placed on the map.

Mr. Johnson said if this were to be approved, a building permit could be issued.

Mr. Hubbard said he has tried to re-mortgage his house and at this time, to pay engineers and perform test pits does not have the cash., but still needs to re-mortgage the home and land; to get building lot approval is financially not feasible. Mr. Hubbard is requesting getting the lines on the board to get it out of the banks hands and maybe three years down the road talk about more engineering and test pits.

Ms. Eddy said as she understood Mr. Johnson the Board does not have that designation.

Mr. Jacobson said if the applicant moves forward, the test pits, setback lines, topography, and utilities will need to be performed.



Eric & Rose Katz, 4 Connolly Road, Ballston Lake, NY 12019 for Site Plan Review and Special Use Permit (Concept).

Mike Brooks of Tommell and Associates were present on behalf of applicant's Eric and Rose Katz and Tony Fazzone, Esq. Mr. Brooks said the property located at 4 Connolly Road consisting of 7.2 acres located in the Business Highway – 2 District. The wetlands have been delineated by ACOE and NYSDEC with the 100' buffer shown on the map.

The proposed plan is for a 20 unit apartment building with 50 parking spaces. The storm water retention is being proposed in the rear and the septic system in the front. Mr. Brooks said soil tests have been performed and it has been determined the only location for the septic system is in the front of the property. Mr. Doyle said that does not meet the towns zoning. Mr. Brooks said that a waiver is being requested.

Mr. Brooks indicated moving the proposed building back from Route 50 will not impact the wetlands and alleviate any noise from Route 50. Mr. Brooks said by setting 35ft. building within the wetlands (in the natural character of the land) will help scale down of everything that is on site. The proposed landscaping that is throughout the parking lot will help mask the building as well as the parking.

Mr. Brooks said that a comment letter was received from CT Male, dated June 19, 2009 with a request of possibly to look at "flip flopping" the building requirement. Mr. Brooks said the reason the building is located here and the parking is set back is alienating the applicant from having two means of access.

The applicant meets the green space requirements. The storm water is proposed in the rear of the site will be treated in the impervious area which will be associated with the building and the parking.

The main access will be off Route 50 with a concern with the emergency only access off of Connolly Road. Mr. Brooks said that Mr. Katz has talked to the neighbors about having emergency access only off of Connolly Road.

Mr. Cwalinski asked for an agreement in writing.

Mr. Fazzone said the current easement is an easement by description and the purpose of the plan and it would be much better to have it in writing. All the land owners have agreed, but to have it drafted, executed, recorded is usually placed on the project; not the approval. Mr. Fazzone said typically to propose an easement given in writing to be submitted with the documents in an agreement with the landowners that they agree with the easement, but until the exact language is known and it's conditioned approval, then it will be recorded.

Mr. Doyle said that this proposal does not meet the zoning. Mr. Doyle said the parking is shown in the front and suggested moving toward the back or side.

Ms. Serra asked the reason for the building being long and narrow. Ms. Serra stated this application is requesting a lot of waivers from the Design Standards and feels the Board will have a problem granting all the waivers unless the applicant can absolutely justify that it will not work. Ms. Serra said she does not feel that the documentation of the letter she received can justify because the applicant has not investigated the option of reorienting the building or staggering.

Mr. Katz said the previous proposal was for two 60 unit buildings instead of one 120 unit.



Mr. VanVorst has a concern with the number of waivers that are being proposed.

Mr. Hayden said that in the past, the Board has asked the applicant to design per the Design Standards.

Mr. Doyle asked the applicant to comply with the Design Standards.

Mr. Doyle indicated that the Board does not like the design; it does not meet the zoning, and does not want to grant that many variances.

Ms. Cristy has a concern with safety and children getting to school bus on Route 50.

Mr. Fazzone asked about setback issues; parking in the front. Ms. Serra referenced the Design Standard; for parking. The parking shall be in the rear of the building. Extra parking shall inside of the building. Ms. Serra said there may not just be one standard for parking and not one has been met.

A further discussion was held on Design Standards and setbacks.

MOTION: Mr. VanVorst made a motion to table. Ms. Eddy seconded the motion and all present voted in favor.

CARRIED.

Richard Zalucki, 31 Zani Lane, Ballston Lake, NY 12019 for Site Plan Review. Richard Zalucki was present to present the application to the Board for shoreline stabilization. Mr. Zalucki received permits from DEC and ACOE for shoreline stabilization. The 100ft. of shoreline will not change. The applicant is proposing to remove the existing cobblestone and put fabric paper down and then place the cobblestone back in place.

Mr. Cwalinski asked if there will be any change. Mr. Zalucki replied no.

Mr. VanVorst asked if more rocks will be added. Mr. Zalucki said if the landscaper thought necessary.

Mr. Doyle opened the public hearing at 9:02pm

Mr. Doyle closed the public hearing at 9:03pm

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. VanVorst 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. Cristy seconded the motion. **CARRIED.**

MOTION: Mr. Cwalinski made a motion to approve the site plan review shore line stabilization as shown on map dated February 2, 2009, and permits from DEC and ACOE. Mr. Van Vorst seconded the motion and all present voted in favor.

CARRIED.



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

Meeting adjourned at 9:15pm

Respectfully submitted,

Michelle L. Dingman