



**Town of Ballston
Planning Board Minutes
July 29, 2009**

Regular Monthly Meeting: July 29, 2009

Present: Richard Doyle, Chairman

Jeffrey Cwalinski

Joan Eddy

Derek Hayden

Donald Rhodes

John VanVorst

Lee Ramsey, 1st Alternate

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

Corrections to June 24, 2009 minutes Page 1) 6th para; change residence to "residents" Page 2) 6th para; change bache to "bocce", page 3) 2nd para; change bache to "bocce", 13th para; strike "the", Page 4) 10th para; strike "are" change to "or", 12th para; strike "regenerations" change to "generations". Page 5) 5th para; add "be", 7th para; add "said". Page 6) 11th para; add "said" before there. Page 7) 4th para; add "she" after said, 5th para; add "that" after now, add "it" after determined, change, 12th para; change "in" to "if". Page 8) 2nd para; add "that" after state, 4th para, add "to" after needs, 9th para; change "the" to "with"

Corrections to June 25, 2009 minutes Page 1) 3rd para; change "of" to "on". Page 3) 3rd para; change "that" to "the", 5th para; strike "on a sign the" change to "held on the sign", 9th para; 10th para; add "be" after could. Page 5) 1st para; change "incumbent of to" "encumbrance of" Page 6) change "and" to "an", 13th para; change "were" to "was". Page 6) 3rd para; strike "of", 8th para; change easement by description to "easement by prescription". Page 7) 6th para; add "be" after" shall.



MOTION: Mr. Cwalinski made a motion to approve the June 24, 2009 and June 25, 2009 minutes as amended. Mr. Hayden seconded the motion and all voted in favor except Mr. Rhodes who abstained. **CARRIED.**

OLD BUSINESS:

Noel & Judy Beninati, 121 Charlton Road, Ballston Spa, NY 12020 for a Minor Subdivision. Robert MacFarlane, PLS was present on behalf of the applicant's for a minor subdivision. Mr. MacFarlane said one change has been made showing 200ft. to the dug well to any septic system. Mr. MacFarlane changed to 100ft.

Mr. Hayden asked the well location on the existing property. Mr. MacFarlane said that it is not shown. Ms. Beninati said that it is approximately 50ft. behind the house.

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. 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.**

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. Rhodes made a motion to approve the subdivision as depicted on the map presented by Mr. MacFarlane to include Park and Rec fees of \$1,000.00 for each lot. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

Jack France, Schauber Road, Ballston Lake, NY 12019 for a Minor Subdivision. Duane Rabideau of VanGuilder and Associates was present on behalf of the applicant for a subdivision and a lot line adjustment. Mr. Rabideau said the subdivision was before the Board in June 2007 consisting of 5 ½ acres. Mr. Rabideau said lot (1) proposes a lot line adjustment (original lands of France), lot (2) consists of a new lot; totaling 2 ½ acres, lot (3) consists of 2 ½ acres, lot (4) existing structure with lot line adjustment; totaling 3 acres. Mr. Rabideau said a .2 acres land annexation to Ross and a lot line adjustment to the Gill/Bishop parcel for the septic system.

Mr. Rabideau said that Ms. Serra said the driveway is acceptable for this project.

Mr. Hayden said that at the previous meeting, a turn-off was required for emergency access.

Mr. Doyle said CT Male reviewed the property and a comment letter dated August 14, 2007 concluded there was enough room for pull-offs.

Mr. Hayden asked the distance from Schauber Road. Mr. Rabideau said 1,000ft.



Mr. Rhodes asked the width of the driveway. Mr. Rabideau said 16ft. wide.

Mr. Rhodes said the code is not asking for a pull-off it's asking for a section that is at least 20ft wide every 500ft.

Mr. Johnson said the code said every 200ft on a road or 500ft. long.

Mr. Rhodes said the width of pavement has to be at least 20ft. wide every 200ft.

Mr. Cwalinski asked for the Water Contingency Note for both existing and proposed houses to be shown on the drawing.

Mr. Cwalinski asked to add the Right to Farm Law to the drawing.

Mr. Hayden asked if 60ft. on lot #3 is correct. Mr. Rabideau said that does not apply.

Mr. Rhodes asked how that applies with private roads.

Mr. Johnson said the Zoning Board has determined the building setback is based on the setback from the edge of road.

Mr. Rhodes asked if CT Male had any objections to keeping the existing road.

Mr. Rhodes said the letter states "perform an assessment of the existing private roadway." Mr. Rhodes said to summarize it Ms. Serra observed it, looked at the structure, and put conditions in here regarding the turn-around. Mr. Rhodes said nothing is objecting to using the existing. Mr. Rhodes said that it can be looked at, but it looks like it has been concluded. There is no concern for emergency vehicle access; radii adhere appropriate, so it seems existing is fine, it just needs to have those turn-offs meet code.

Ms. Eddy asked how far the proposed house will be from the road on lot #1. Mr. Rabideau said 22ft.

Mr. Rhodes asked where the roadway easement will be for the roadway line. Mr. Rabideau said 60ft. Mr. Rhodes said "no, 60ft. is way too much for a private road."

Ms. Eddy said if the current road is going to be maintained, it diminishes the value of that lot to have a road 20ft. off a new house. Ms. Eddy said "if the road can move forward and not be in "peril" of whatever the lines were dealing with from the lake, then would strongly suggest that happen."

A further discussion was held on whether the existing road is acceptable or the proposed road as shown.

Mr. Rhodes said one option is to keep the existing driveway, but will have setback issues.

Mr. Rhodes asked what option meets code.

Mr. Rabideau said the existing road. Ms. Eddy replied with no house.

Mr. Johnson said the Zoning Board requires following the interpretation of the present code for setbacks.

Mr. Rhodes asked if a variance would be needed to use the existing road. Mr. Rabideau replied yes.



Mr. Rhodes required the road meet code.

Mr. Hayden asked that the side and rear setbacks are shown on the plan.

Mr. Doyle asked the applicant if they are in agreement with the minor subdivision and then site plan approval. The applicant's are in agreement.

Mr. Doyle opened the public hearing at 8:00pm

Mr. Doyle closed the public hearing 8:01pm

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.**

Mr. Rhodes said if the applicant sells one lot you are going to have to do the plan for all of the lots.

Mr. Doyle said the plan should show road width every 200ft., Right-to-Farm Law, Water Contingency Note, setbacks, and site plan review before any work is completed.

Richard & Mary Czub, 152 Lake Road, Ballston Lake, NY for Site Plan Review. Duane Rabideau of VanGuilder and Associates was present on behalf of the applicant's. Mr. Rabideau said the concerns have been addressed of the removal of the recharge basins and septic system upgrade.

Mr. Rabideau said after reviewing CT Male said it was not necessary to upgrade the septic system.

Mr. Rhodes said to show the location of the mean high water mark on the plan.

Mr. Rhodes said 110ft. is good and to also make sure it is measured to the right portion of the septic system and to put it on the plan in the appropriate location.

Mr. Rhodes asked if Elgin systems are permitted in this state with a reduction. Ms. Serra replied yes.

Mr. Doyle opened the public hearing at 8:10pm

Peter Herman said when this application was in front of the Zoning Board of Appeals, a concern was brought up about backing out onto Lake Road; was this issue addressed. Mr. Doyle said there is a turn-around proposed.

Mr. Doyle closed the public hearing at 8:13pm.

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. Rhodes moved to issue a Negative Declaration, for the site plan review since the project meets the technical requirements as recommended by CT Male with the basis that there is not a potentially significant environmental impact. Mr. VanVorst seconded the motion. **CARRIED.**

MOTION: Mr. Rhodes made a motion to approve the site plan subject to the Zoning Board of Appeals approval. Mr. VanVorst seconded the motion. Mr. Cwalinski voted in favor, Mr. Ramsey voted in favor, Mr. Hayden voted in favor, Mr. Rhodes voted in favor, Mr. VanVorst voted in favor, and Ms. Eddy abstained. **CARRIED.**

Richard VonAhn, 840 Route 50, Burnt Hills, NY for Site Plan Review and a Special Use Permit. Paul Olund of Environmental Design Partnership was present of behalf of the applicant. Mr. Olund said the applicant was asked to address the design guidelines and the proposed sign. Mr. Olund said the proposal is for an addition to an existing business (warehouse) and match the existing colors, materials, and also add art deco features.

Mr. Olund said a comment letter from CT Male stated addressing the design guidelines.

Mr. Olund said the applicant has requested waivers for materials, siding, and windows.

Mr. Doyle asked the Board what their feelings were about matching the color on the existing commercial building. The Board is in agreement with the applicant's proposal.

Ms. Eddy asked if that was the color scheme of the proposed sign. Mr. Olund replied yes.

Mr. Rhodes was glad to see a sign by the road because he has used these types of companies in the past and did know about TV Ferret until it came in front of the Board.

Mr. Ramsey asked if the sign will be lit at night. Mr. Olund said if it is, it will not be internal and will have flood lights on it.

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

Mr. Doyle closed the public hearing at 8:26pm

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.**

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

Mr. Cwalinski said that a hand-cap parking space is needed for the proposal.

Mr. Doyle asked the applicant to add a handi-cap parking space to the plan.

MOTION: Mr. Rhodes made a motion to approve all the waivers. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**



MOTION: Mr. Rhodes made a motion to approve the project with the changes of adding a handi-cap area. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Rhodes granted a special use permit and waives the formal reading and rights of each and every one of the items since the Planning Board has reviewed them and this project against them. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

Walter Katz, III, Route 50, Ballston Spa, NY for Site Plan Review and a Special Use Permit. John Gay of Northeast Land Surveyors was present on behalf of the applicant. Mr. Gay said at the last meeting, the applicant was asked to formally make a request to set the buildings back in an appropriate distance in line with the other apartment buildings essentially for safety of the residents and more appropriate for a residential project to set back off the road.

Mr. Gay met with Ms. Serra regarding the 150ft. fire access road and feels the plan is now in compliance.

Mr. Gay is requesting final approval of the three apartment buildings subject to technical issues.

Mr. Hayden asked if this is a new plan because Ms. Serra had concerns with the fire apparatus.

Mr. Gay replied yes, and is now in compliance with the fire code.

Mr. Rhodes commented that minor alignment and driveway change are being made.

Ms. Serra said she is comfortable with the Boards contingent final approval. Ms. Serra reiterated to the applicant that contingent final approval means you cannot start site work until you've (Town Storm Water Management Officer) signed off. Ms. Serra said the Town has also signed an acceptance form prior to start of construction.

Mr. Cwalinski said at the last meeting, the Board asked for the construction of a waiting area for children. Mr. Gay said it was discussed as to whether there was a necessity and after talking to Mr. Katz, he thought there was not a need since there has not been an issue in the existing apartment complex.

Ms. Katz said that she has contacted the BH-BL Transportation Department and said they will only stop at approved driveways. Mr. Cwalinski said that is why the Board is asking for a waiting area.

Mr. Rhodes said that he drives past a large apartment complex daily and they do not provide a waiting area and does not feel that it is required for this complex.

Ms. Eddy said there needs to be enough room for parents to pull over.

Mr. Rhodes asked the width of the driveway. Mr. Gay said 24ft.

Mr. Cwalinski asked for the certification of the leach field. Mr. Gay said that is part of the technical issues.

Mr. Cwalinski asked about screening for the dumpster. Mr. Gay said it is normally a wood structure.



Mr. Cwalinski asked about water capacity verification. Ms. Serra said the Town generally along Route 50 has great water capacity and even with the large developments approved, have had no problems.

Mr. VanVorst has a concern for the total number of waivers.

A further discussion was held on the waivers.

Mr. Rhodes said that the letter addressed all the waiver requirements and CT Male reviewed it and did not express any objections that the site was lacking and moves to waive all the design standards that are in conflict with the proposal.

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

Mr. Doyle asked the applicant what they are recommending for their color scheme. Mr. Gay said the applicant included a color palette in their application focusing on muted colors; grey, beige with contrasting shutter colors.

Mr. Rhodes moved that the approval of colors be waived for this project since currently the Town Board is considering whether or not to approve a color palette and until they do, it is not something the Planning Board should be approving.

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

Mr. Doyle opened the public hearing at 8:47pm

Mr. Doyle closed the public hearing at 8:48pm

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.**

MOTION: Mr. Rhodes moved to issue a Negative Declaration, with the basis that there is not a potentially significant environmental impact; to be reviewed by the Town Engineer. Mr. Hayden seconded the motion. **CARRIED.**

MOTION: Mr. Rhodes moved to approve the plan subject to satisfaction of all outstanding technical comments from CT Male, \$1,000.00 Park and Rec fees for each unit, and **No construction or earth disturbances commence until all permits are in place.** Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

Mr. Rhodes moved to approve the special use permit for this project and waived the reading of the special permit conditions since the Board has reviewed them and this project is fine. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

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

Meeting adjourned at 8:50pm

Respectfully submitted,

Michelle L. Dingman

