



TOWN OF BALLSTON
PLANNING BOARD

Regular Monthly Meeting: September 30, 2009

Present: Richard Doyle, Chairman

Josephine Cristy

Jeffrey Cwalinski

Joan Eddy

Derek Hayden

Members of General Public

John VanVorst

Lee Ramsey, 1st Alternate

Kathryn Serra, Town Engineer

Peter Reilly, Planning Board Attorney

Thomas Johnson, Building Inspector

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

Corrections to minutes Page 5) 1st para add "more" 15th para; add, "would", 16th para; strike "they can", Page 6) 4th para; add "of", 10th para; change "operations" to operation, Page 7) 18th para; change t

MOTION: Mr. VanVorst made a motion to approve the August 26, 2009 as amended. Ms. Cristy seconded the motion and all present voted in favor except Mr. Cwalinski who abstained. **CARRIED.**

OLD BUSINESS:

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

Greg Beswick and Scott Kitchner of Tommell and Associates were present on behalf of the applicant. Mr. Kitchner said the original configuration of the apartment complex has been modified and the new design proposal is for a 20-unit residential apartment complex consisting of five structures with two proposed parking garages to provide 50 stalls for those wishing to obtain covered parking. Private septic will service the proposed site.

Mr. Kitchner went through CT Males comments.



1. Max setback 50'

Mr. Kitchner indicated the setback is 73 ½' requesting a 23 ½' setback waiver would minimize the wetlands.

2. The information on the color of the buildings and façade were missing.

Mr. Kitchner indicated the proposed colors would be earth tones; at preliminary review, color renderings will be available for the Board to review.

3. Parking stalls to be located on the south side.

Mr. Kitchner said the Board requested parking be moved to the side due to steep grades to keep in conformance with the design standards. The applicant will also be proposing a retaining wall.

4. Existing Conditions Map should reflect a 50-foot setback requirement from Route 50 and 20-foot setbacks from Connolly Road.

Mr. Kitchner has shown the required setback on the plan. Mr. Kitchner distributed a plan showing emergency vehicle access. There will no longer be a need for an access off Connolly Road.

Ms. Cristy questioned only having one window in the bedrooms. Mr. Kitchner said the proposal is preliminary and each unit would have two bedrooms with a den. Mr. Johnson said if the den has a closet it could be considered a bedroom.

Mr. Johnson said the septic system design would have to reflect a three-bedroom.

Ms. Eddy asked if the parcel is located in the BLOD and if so will need dry sewers incorporated into the project.

Ms. Katz provided the Board with colored renderings of the proposed buildings.

Mr. Hayden asked if there would be individual trash containers provided for each unit.

Mr. Kitchner said there would be one centralized unit for the buildings.

Mr. Cwalinski asked about a sidewalk toward Route 50.

Discussions were held on the depth of pocket pond.

Mr. Doyle said that the town requires fencing around the pond.

Mr. Katz said each unit would have its own washer and dryer.

The Board approved the concept as submitted.

NEW BUSINESS:

Ian L. Liebmann, 800 Route 50, Burnt Hills, NY 12027 for a special use permit. Mr. Liebmann was present on behalf of Monster Performance & Custom. The applicant is proposing to rebuild snowmobile, dirt bike, and ATV shocks.



Mr. Cwalinski asked about UPS delivery. Mr. Liebmann said he receives deliveries daily by standard ground, but today a tractor-trailer had to make a large shipment due to a Power Sport Show in Syracuse that he will be attending.

Mr. Doyle asked about fluid containment. Mr. Liebmann said CBM had manufactured a 150gal basin out of 1/8" steel.

Ms. Eddy asked if synthetic oil could be recycled.

Mr. Doyle said yes.

Mr. VanVorst asked if there are any other businesses like the one being proposed. Mr. Liebmann said the business specializes in shock rebuilding and there are no other businesses like this in the area. Mr. Liebmann he has built a good reputation at the Big E in Syracuse. Mr. Liebmann said the only two suspension shops in the Northeast at the Regional Show are himself and High Gear Suspension. Mr. Liebmann said the local dealers that he works for are Seymour's Motorized Sports, Alpin Haus, and smaller do-it-yourselfers.

Mr. Liebmann has customers in Alaska, Manitoba and Wisconsin.

Ms. Cristy asked how many repairs completed daily. Mr. Liebmann said three to five a day.

Ms. Eddy asked the size of the box. Mr. Liebmann said 24" x 12" x 12"

Mr. Liebmann said he ships out three to five boxes a day.

Ms. Eddy asked if the packaging is small. Mr. Liebmann replied yes; and recycles everything.

Mr. Ramsey asked about garbage disposal.

Mr. Liebmann said he takes the garbage home and places it in his dumpster.

Mr. Doyle opened the public hearing at 8:03pm

Mr. Doyle closed the public hearing at 8:04pm.

No one wished to speak.

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

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 determined no affect.

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 determined no affect.



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 determined no affect.

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 determined no affect.

MOTION: Mr. Cwalinski made a motion for a special use permit for Monster Performance located at 800 Route 50. Ms. Cristy seconded the motion and all present voted in favor. **CARRIED.**

Mr. Liebmann wanted to thank the Board and on October 10, 2009 will have having an open house from 2:00pm to 8:00pm.

Angelo Menagias, 120 Lakehill Road, Burnt Hills, NY 12027 for a sketch plan conference. Tom Andress, of ABD Engineers and Surveyors and Angelo Menagias were present for a sketch plan of the redevelopment of the above said address.

Mr. Andress said that the applicant was under contract to purchase the restaurant. The site has onsite septic and will be working with DEC to get further information. Mr. Andress said the 100ft. wetland buffer intrudes into the existing parking lot and will have to apply to the DEC for any disturbance.

Mr. Andress said the original plan had shown two major structures and proposed to take all the outbuilding portions off those and put a new building in place.

Since that time, several contractors have gone to the site and estimates are coming 150% of what it cost to demolish the building and build a new building.

Mr. Andress said there is a very good possibility that both structures would be taken down and rebuilt.

The applicant will submit a site plan at a later date that meets that design standards.

Ms. Cristy asked if the applicant would restore the building or take it down. Mr. Menagias said he was onsite today with two contractors that specialize in restoration of old buildings. They did not recommend restoring the building due to the mold and mildew inside the building. Mr. Menagias said the building is beyond restoration.

Ms. Eddy asked about saving the house north of the restaurant. Mr. Menagias said they are thinking about it, but it may interrupt with access and parking.

Ms. Eddy asked about saving the hardwood floors and reusing.

Mr. Menagias said the new restaurant would have a country look.

Mr. Andress said the maximum setback in the Mixed-Use Center South District is 15ft. and the present buildings are 25ft. or 30ft. Mr. Andress asked the Board if the proposed building should be moved back 40 or 50ft., or meet the maximum setback.



Ms. Eddy has an issue with keeping the first ingress. Mr. Andress said that is something the applicant would want to keep. Ms. Eddy said “there is no hard copy of accidents, but have traffic at that light/intersection at the hours between 4:30pm and 6:00pm and said, to have people race through that light make it to the west and then have somebody immediately slow down and pull in and get killed”

Discussions were held on a future roundabout.

Ms. Serra said that she asked the town’s traffic engineer BFJ which recommended that a site plan show calculation of traffic generator at the pm peak hour to the driveway. Ms. Serra said that could result in the preference of removing the one-way in or moving it to the west.

Ms. Serra suggested a traffic proposal at concept.

Mr. Cwalinski asked for a plan that meets the town’s setbacks. Mr. Andress said the plan would not meet the required setbacks; 15ft. off the property line and 70% of the frontage needed would be a long rectangular building right up on the road. Mr. Cwalinski suggested waivers.

Mr. Hayden asked about parking (one for five seats) that the town’s code require one per employee per max shift; added parking will be required.

Mr. Andress said the parking is based on the restaurant size (120 spaces) as the plan progresses.

Mr. Ramsey asked when the applicant would be proposing taking down the building. Mr. Menagias said by Thanksgiving.

Winjin Lin, 923 Route 50, Ballston Lake, NY 12019 for site plan review (concept). Stephen Lamb, PE, LS was present on behalf of the applicant to construct a duplex as rental property at the above said address to include a 12’ x 12’ addition.

Mr. Lamb said the original intent was to place the septic system in the rear of the property, but the town engineer indicated that it would be preferable to have the parking in the rear and move the septic systems in the front of the property. Mr. Doyle suggested hooking into municipal water.

Mr. Lamb said the duplex would consist of two bedrooms each with six parking spaces.

Mr. Cwalinski asked if this property is located in the Ballston Lake Overlay District.

Ms. Serra said the property is located in the BLOD and the two requirements would be the septic system design by a PE and the storm water requirement. Ms. Serra referred to CT Male’s letter comment (7) concerning storm water management practices. The Board can require it, but concurs that the conditions of the property would not warrant drainage to be an issue.

Mr. Reilly asked Mr. Lamb to have his client (Mr. Lin) forward a purchase contract to his office.

Mr. VanVorst said since this parcel is located in the Business Highway-District 2 District would the applicant be asking for a waiver. Mr. Lamb said their proposal is a permitted use and will have to conform to the design standards.



A discussion was held on the proposed 12' x 12' addition.

Mr. Ramsey asked if DOT recommends a commercial or residential curb cut. Mr. Lamb said a residential although, the modular company has indicated it needs a 20' width for their equipment.

Mr. Doyle asked standard garbage pickup or a dumpster. Mr. Lamb said a standard bucket out by the road.

Further discussions about parking in the front off to south side of the building. Ms. Eddy suggested parking on both sides.

Ms. Eddy said sidewalk access to the building is necessary from the driveway.

Mr. Doyle asked if the Board has any concerns about the 12' x 12' addition.

Mr. Lamb will address comments received from CT Male.

Mr. Lamb asked if contours are a requirement. Mr. Doyle said contours are a requirement.

Mr. Doyle opened the public hearing at 8:45pm

Ryan Dussault said since this is a residence if parking is in the rear, there will be no lawn in the backyard.

Mr. Doyle closed the public hearing at 8:46pm.

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

Meeting adjourned at 8:50pm

Respectfully submitted,

Michelle L. Dingman