



**TOWN OF BALLSTON
PLANNING BOARD
Regular Monthly Meeting: October 28, 2009**

Present: Richard Doyle, Chairman

Josephine Cristy

Jeffrey Cwalinski

Joan Eddy

Derek Hayden

Members of General Public

John VanVorst

Lee Ramsey, 1st Alternate

Audeliz Matias, 2nd Alternate

Peter Reilly, Planning Board Attorney

Thomas Johnson, Building Inspector

Chairman Doyle called the October 28, 2009 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Corrections to minutes Page 1) 3rd para; Add "September 30, 2009", 5th para; strike accept change to "except", 6th para; strike wising change to "wishing". Page 3) 5th para; strike "he". Page 4) 1st – 4th para; strike "affect" change to "effect", 6th para; strike have change to "be", 12th para; strike "that" change to "the"

MOTION: Ms. Cristy made a motion to accept the September 30, 2009 as amended. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

OLD BUSINESS:

Jerry Menagias, 119 Lakehill Road, Burnt Hills, NY 12017 for a review of a previously approved site plan. The Board is recommending extending the deadline for installing the missing piece of curbing to the same date as what NYSDOT has granted.



Mr. Doyle opened the public hearing 7:35pm.

Mr. Doyle closed the public hearing at 7:36pm.

No one wished to speak.

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

MOTION: Ms. Cristy made a motion to accept the August 31, 2010 extension as recommended by NYSDOT. Mr. Hayden seconded the motion and all present voted in favor. **CARRIED.**

NEW BUSINESS:

Carney's Restaurant, 17 Main Street, Ballston Lake, NY 12019 for site plan review. Mr. Doyle asked the applicant to explain the purpose of the third sign. Ms. Carney said the purpose of the third sign is to advertise community and special events.

Mr. Hayden asked if it is similar to the Burnt Hills Fire Department sign. Mr. Carney said yes, but smaller, the message would change.

Mr. Hayden asked the applicants if they were aware of the town code only permitting two signs, a wall sign and a freestanding sign. Mr. Hayden said justification is necessary for a third sign. Mr. Carney said he was not aware of that part of the code; a third sign is needed for visibility.

Mr. Hayden said if the Board grants a waiver, every business that applies for a third sign is going to expect a waiver granted.

Mr. Cwalinski has the same concern and said the applicant must show a benefit to the town if they are not going to comply with the designs standards. Mr. Carney said the sign is to show events.

Mr. Hayden asked if the sign would be lit.

Ms. Carney replied no.

Mr. Hayden asked if daily specials would be advertised on the proposed sign. Mr. Carney said just events.

Mr. Hayden asked if the sign would be used to advertise for events and make the room available to the community, but since those participating would already know and event is going on.

Ms. Eddy asked if Mr. Reilly had any concerns.

Mr. Reilly said the applicant complies with the overall sign regulations.

Mr. Doyle suggested hanging another sign underneath the existing sign on the porch.



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

Mr. Doyle closed the public hearing at 8:11pm

No one wished to speak.

Mr. Cwalinski asked where people are going to park if the parking lot is full. Mr. Carney said there are plenty of parking spaces.

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

Mr. Doyle asked the Board to make a motion to accept the waiver, but indicated this business is established and would hope the applicant would be asking for the sign because they feel their business is impeded by the look of their parking lot being full and not just a meeting being held in the room upstairs.

MOTION: Ms. Cristy made a motion to grant the waiver for the three signs. Mr. Ramsey seconded the motion. Ms. Eddy abstained, Mr. Van Vorst abstained, Mr. Ramsey voted in favor, Mr. Hayden voted not in favor, Ms. Cristy voted in favor, and Mr. Cwalinski voted not in favor. **MOTION DENIED.**

A further discussion was held on interior signage.

Mr. Johnson said Chapter 138 "Interior Signs" Signs contained wholly on the interior of the building and the intended for the viewing shall not require a permit. Such signs shall be exempt from all other provisions of this chapter.

A further discussion was held on window signs.

MOTION: Ms. Cristy made a motion to grant the waiver for the three signs. Ms. Eddy voted in favor, Mr. VanVorst voted in favor, Mr. Hayden voted not in favor, Ms. Cristy voted in favor, Mr. Cwalinski voted not in favor, and Mr. Doyle voted in favor. **CARRIED.**

Robert Richards, 12 Underpass Road, Ballston Spa, NY 12020 for a minor subdivision (sketch plan conference). Ms. Richards said Saratoga P.L.A.N. needs assurance from the Town of Ballston Planning Board that their parcel can be subdivided.

Mr. Doyle said the frontage would have to meet 100ft to meet the requirements for a commercial lot.

Ms. Eddy asked about parking.

Mr. Doyle said a road would be added with interior parking.



Mr. VanVorst asked, “How they would get across the Mourningkill”. Mr. Doyle said by a bridge. Mr. VanVorst said, “Who is going to pay for the bridge”. Mr. Doyle said Saratoga P.L.A.N.

Mr. Hayden asked how many acres would remain. Ms. Richard said six acres.

Mr. Cwalinski asked what the property is presently zoned. Mr. Johnson said Industrial.

Ms. Eddy has a concern for the driveway and policing the area.

Mr. Johnson had the Board review the checklist for a minor subdivision, and waive the items that may not pertain to this application.

Mr. Reilly said the Board has the ability to waive items with adding a notation on the map.

The Town of Ballston Planning Board agrees that this concept is acceptable.

Mr. Doyle asked Ms. Richards if she would accept a review between the Town Engineer, Building Inspector, and me as to what is applicable and what is not applicable.

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

Respectfully submitted,

Michelle L. Dingman