



**TOWN OF BALLSTON
PLANNING BOARD MEETING
NOVEMBER 18, 2009**

Present: Richard Doyle, Chairman

Josephine Cristy

Jeffrey Cwalinski

Joan Eddy

Derek Hayden

Members of General Public

John VanVorst

Audeliz Matias, 2nd Alternate

Kathryn Serra, Town Engineer

Peter Reilly, Planning Board Attorney

Thomas Johnson, Building Inspector

Chairman Doyle called the November 18, 2009 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Corrections to minutes:

Page 1) 4th para; add "minutes", 5th para; strike 12017 add "12027", Page 3) 9th para; strike "Signs", Page 4) strike "meet" change to "be"

MOTION: Mr. Hayden made a motion to approve the October 18, 2009 minutes as amended. Ms. Cristy seconded the motion and all present voted in favor. **CARRIED.**

NEW BUSINESS:

Gary Bynon & William York, 775 Route 50, Burnt Hills, NY 12027 for a lot line adjustment, special use permit, and site plan review. Scott Lansing, P.E., of Lansing Engineering was present on behalf of Lakeside Recreation Facility. The proposal consists of 14.22 acres located in the Mixed Use Center South District. Mr. Lansing indicated the 4.35 acres of ACOE wetlands have been delineated.

The applicants are proposing to subdivide the existing residence from the 14.22-acre parcel. This leaves 4.22 acres in the southern portion 10 acres in the northern portion.

The proposed indoor recreation facility is approximately 26,400sq. ft. (200' x 132') consisting of two stories of steel construction approximately 33ft. high.



The applicants are proposing four volleyball courts or three basketball courts (an interchangeable type facility); one or the other or a combination of the two.

There will be spectator seating, physical therapist office, retail space for sports building facility, and food services.

The applicants have reviewed the site for possible future expansion of approximately 13, 200sq. ft. located on the north end of the building.

Mr. Lansing said proposed access to the site would be one curb cut along Route 50 coming in the driveway to a parking area. The parking area will consist of 150 spaces, 49 of which would be a paved area adjacent to the building to include handi-cap spaces. The balance of the spaces, (101) would be gravel located to the west. An additional 50 parking spaces would be added for future potential expansion.

Mr. Lansing said the number of parking spaces has been modeled after Buffalo Niagara Court Center (BNCC) located in West Seneca, NY.

Mr. Lansing said the dumpsters are to be located on the backside of the building.

A planting and lighting plan has been prepared for the site.

The site will be serviced by public water.

Mr. Lansing said storm water will be maintained on site with two basins being proposed on the eastern half of the project.

Mr. Lansing said sanitary sewer will be served by onsite waster water disposal system proposed on the western portion of the project to include a potential future expansion that would not be constructed at that time.

Mr. Lansing said 72% of green space is proposed with a significant buffer to Route 50 and to wetlands along the front portion of the parcel.

Mr. Lansing received comments from CT Male on November 10, 2009, but said CT Male felt the overall site met the design standards of the Mixed Use Center South District with one exception that was regarding the placement of the building. The first being the building setback exceeded the maximum front yard setback as outlined in that zone.

Mr. Lansing said the other issue was the architecture, size, and function. Mr. Lansing said this proposed building is not the type of building where architecture is associated with the type of building that would be right along the front of the roadway.

Mr. Lansing said signage will be proposed at the next submission.

Mr. Lansing said the parking spaces were modeled after a similar facility.

Mr. Lansing said fire flows were very favorable.

Mr. Cwalinski asked that each design standard be addressed and for each one that cannot be met, a waiver would be required.



Mr. Cwalinski said that proposed building is corrugated steel. Mr. Cwalinski said plain steel is prohibited by the town's design standards. Mr. Cwalinski said at the August 26, 2009 meeting the Board was told the building design is similar to Extra Inning's on McCrea Hill Road. The exterior of the proposed design is not similar to what is constructed on McCrea Hill Road. Mr. Cwalinski said it is plain, metal, not allowed by the design standards, and looks like a warehouse. Mr. Cwalinski does not feel it is appropriate for a building that is in the center of town.

Ms. Eddy said the applicant has not attempted to look at the architectural design standards. Ms. Eddy suggested reviewing the architectural design standards and come back with something that is "softer"

Ms. Eddy said "there are two sides that have to be made much more human than just an airplane hanger or warehouse."

Ms. Eddy said the concept that the Board agreed to was something that was more attractive with the town.

Mr. Doyle used Tom's Barber Shop as an example to follow the design standards.

Ms. Cristy has a concern with having only one exit door.

Mr. Johnson said the building would have to meet the fire code before receiving a building permit.

Ms. Eddy asked about the proposed kitchen and understood there would only be vending machines and not food created on site.

Mr. Cwalinski referred to the August 26, 2009 minutes "Mr. Rabideau said the inside of the building is set up for retail and a food court consisting of prepackaged food and vending machines."

Ms. Eddy asked if the applicant's intention is to feed the public and have full refrigeration, full cooking, and full cleaning facility, then the applicant's would be subject to New York State inspections.

Mr. Johnson said a commercial kitchen would require a fire hood.

Ms. Eddy asked "the applicant's would have to accept the people coming in off the street would change the parking lot."

Mr. Bynon said the kitchen would be open during evening practice and weekend tournaments.

Ms. Eddy asked if there would be restricted hours. Mr. Bynon said it would not be open all the time just weekend tournaments or during evening practices after 5:30pm.

Ms. Eddy said it would make more sense to have some type of shower facility.

Mr. York said this project was modeled after (BNCC). Ms. Eddy asked why there are no pictures provided for the Board members.

Mr. Hayden said "this proposal looks like a warehouse and would like to see the building softer and more esthetically appealing for people riding down Route 50."



Mr. Cwalinski asked since this proposal has a kitchen, will there be a possibility of using this facility as a banquet hall. Mr. Bynon said no.

Mr. Reilly said as it progresses through that approval process, the Board could certainly be thinking about what they would not like to see.

Mr. Hayden asked about martial arts. Mr. Bynon was approached about yoga at the facility and realizes there are limits to its uses.

Mr. Doyle suggested looking at uses for the facility in addition to athletics, prior to the review of the special use permit.

Mr. Bynon said he would make a list.

Mr. VanVorst said Chris Abele built a Sports and Recreation Center in his Industrial Park in Clifton Park that has many uses including a home show. Mr. VanVorst does not feel that it is fair to the applicant's to restrict their ability to use this facility to anything that may come up. Mr. VanVorst said there is a small food court with full cooking facilities. Mr. VanVorst feels this is great for the town.

Ms. Eddy asked where this facility is located. Mr. VanVorst said in Mr. Abele's Industrial Park.

Ms. Eddy "said she would not have as many concerns if it were not in that location".

Ms. Eddy asked the applicants' if they would be ready to hook up to the sewer line.

Ms. Cristy said having food at the facility is a good idea.

Mr. Hayden asked what kind of deliveries would be expected at the facility if any.

Mr. Bynon said big mats and equipment.

Mr. Hayden asked about bus parking.

Mr. Bynon said probably not.

Ms. Eddy suggested a right-hand turn lane.

Mr. Hayden said winter hours will be closed from 8:30am to 5:30pm.

Mr. Bynon said the facility will be left open for the school to use for practices.

Ms. Matias asked if the hours would be from 5:30pm to 11:00pm. Mr. Bynon said six months a year from Thanksgiving through June 1st is volleyball practices.

Ms. Eddy asked if the proposed extension would be a continuation of the courts. Mr. Bynon said two more courts.

Mr. Cwalinski asked if the applicant's would consider changing the name to "Burnt Hills Sports Complex" or Ballston Sports Complex."



Mr. Bynon said that can be discussed, but Lakeside Sports Facility is the name of their club with 215 members. Mr. York said the club is in the process of forming an LLC.

Ms. Eddy said the concern is esthetics.

Mr. Doyle also brought up his concern for esthetics, lighting, and signage.

Mike Munter asked if there were any issues with the kitchen.

Ms. Eddy asked why there are no shower facilities. Mr. Bynon said no one uses the showers.

Mr. Munter said CT Male felt addressing the side that faced the road (east side) was the most important.

Ms. Eddy suggested the east side and north side of the building.

Mr. Munter said even with the vegetation and large trees.

A discussion was held on the exterior materials used at Extra Innings on McCrea Hill Road.

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

Nancy Cousins asked the distance from this proposal to her property line. Mr. Lansing said 400ft. and 240ft. to potential future parking lot.

Ms. Serra said that is all regulated wetlands and even if the applicants wanted to expand, they cannot.

Jan Zepf asked is fencing proposed along the back of the applicant's property, she is afraid that kids will be cutting through her property rather than go all the way down Route 50.

Mr. Lansing said that there is no fencing proposed.

Mr. VanVorst said there is nothing preventing the Zepf's from putting up a fence.

Mr. Zepf said they should not have to put up a fence at their expense because the applicants want to put a building there.

Mr. VanVorst said "the applicants should not have to put up a fence either."

Mr. Zepf asked how high the light fixture would be in the parking lot.

Ms. Serra said the proposed height would be 14ft down shadowed and the applicants will be required to submit a lighting plan that shows that no lights will spill over onto the property line.

Mr. Doyle closed the public hearing at 8:35pm

Blue Loon Enterprises, LLC 1490 Route 50, Ballston Spa, NY 12020 for a minor subdivision. Duane Rabideau of VanGuilder and Associates was present on behalf of Blue Loon Enterprises, LLC, (Marshall's Motorsports). The existing



parcel consists of 2.50 acres and the applicant proposes to subdivide a 1.1-acre parcel off the north end to create a commercial building lot. The existing improvements will remain on lot 2 and serviced by public water and onsite septic.

Mr. Rabideau said the hand out depicted the proposed building shown is actually the same as lot 1 with a potential parking lot layout. The entrance to the proposed potential parking lot has an existing curb cut. The proposed septic will be at the test pit location.

Mr. Cwalinski asked the septic location for lot 2. Mr. Rabideau said in the rear.

Mr. Cwalinski asked if the water supply would be public. Mr. Rabideau replied yes.

Mr. VanVorst asked how much of the dirt will be removed. Mr. Rabideau said it is all depending on future build out of that lot.

Mr. VanVorst said the plan shows a proposed building and a parking lot. Mr. Rabideau said "this is a perfect situation for a retaining wall."

A discussion was held on septic locations.

Mr. Hayden said the Saratoga County Planning Board recommended that the applicant define the range of uses.

Mr. Rabideau said whatever is permitted in the Mixed Use Center North District.

Mr. VanVorst asked if a stipulation could be put the application, so the applicant cannot ask for a waiver or variance outside of those requirements. Mr. Reilly replied no.

Mr. Cwalinski asked to remove the junk vehicles from the site.

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

Lorraine Janack said the Marshall's Motorsports have been good neighbors, but was suppose to put up trees for a buffer. Ms. Janack spoke to Mr. Marshall about the noise and asked them "please stop the motorcycles" and they were very good about that. The real concern is a buffer because 50 years ago this area was zoned agricultural and cannot image seeing any more junk cars. Ms. Janack said she is looking to the Board to protect her work together so this will not happen.

Mr. VanVorst asked Ms. Janack if she had considered purchasing that piece of property. Ms. Janack said that her husband attempted to purchase the property, but Mary Mangino was always worried about not selling it as one parcel. Ms. Janack asked about having the bittersweet cleared out.

Ms. Eddy asked Ms. Janack's septic location. Ms. Janack said n the front of her property.

Mr. Doyle said he would check the minutes of the last meeting concerning plantings on the site.

Mr. Rabideau said that can be addressed at site plan review.

Mr. Doyle recommended the Board stipulate that a buffer be established with appropriate plantings.



Mr. Reilly said if the existing site plan is noncompliant; the Board has the ability hold up approval until the site complies with the existing site plan.

Carm Gizzi, indicated he has difficulty clearing the land because there are many vines growing up his fence and trees Mr. Gizzi said after speaking to Mr. Marshall about clearing the vines, two weeks had passed and the vines were still there so contacted Mr. Johnson, Building Inspector. Mr. Gizzi said within two days after contacting Mr. Johnson, a three feet wide path was made by Mr. Marshall. Mr. Gizzi inquired about having the land cleared behind his property.

Mr. VanVorst asked Mr. Gizzi “are you asking to have your land cleared.” Mr. Gizzi said no the land behind us.

Mr. VanVorst said “he did not know how the Board can require somebody to clear their land just because of their neighbors.”

Ms. Janack said the vines grow on our properties and killed an elm tree. Ms. Janack said that she has personally spent 20 hours cleaning up bittersweet from the Marshall’s property that has crawled onto hers. Ms. Janack said we have to clean their property to protect our own property.

Dennis Marshall has a concern with planting the trees with the bittersweet, but also reminded the Board it will be a new future property owner.

Mr. Doyle closed the public hearing at 8:55pm.

Mr. Cwalinski asked if this existing site is not complainant with the site plan.

Mr. Doyle said the Board has to make it contingent or table until the following month.

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. 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 subdivision of the land of Blue Loon Enterprises as described on the map #09-17-62 dated 10/21/2009 subject to the review of the site plan and minutes as granted original approval to Marshall’s Motorsports. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

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

Meeting adjourned at 9:03pm.

Respectfully submitted,

Michelle L. Dingman