



TOWN OF BALLSTON
Planning Board Minutes
December 16, 2009

Present: Richard Doyle, Chairman

Josephine Cristy

Jeffrey Cwalinski

Joan Eddy

John VanVorst

Members of General Public

Kathryn Serra, Town Engineer

Peter Reilly, Planning Board Attorney

Thomas Johnson, Building Inspector

Chairman Doyle called the December 16, 2009 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Corrections to minutes: Page 2) 8th para; strike "waster", Page 3) 1st para; change propoesd to "proposed", Page 5) 10th para; strike said change to "asked", 14th para;, strike is, change to "is" add "is", Page 6) 15th para; add "ed", strike image, change to "imagine"

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

OLD BUSINESS:

Winjin Lin, 923 Route 50, Ballston Lake, NY 12019 for site plan review. Stephen Lamb, PE, LS was present on behalf of the applicant and since the last meeting; Mr. Lin has purchased the property and submitted the maps to support the engineer's comments. Mr. Lamb said one notable difference was a 12' extension was to be placed on either side of the proposed modular, but after laying it out, it is only viable on one side due to setback requirements for the septic system.

Ms. Eddy asked if the proposed fence is stockade. Mr. Lamb replied yes.

Ms. Eddy is concerned with pushing snow up against the stockade fence making it difficult for cars that park closest to the fence.

Mr. Lamb said fence placement was per the applicant's request.

Mr. Lamb said he would revise the plans to show the stockade fence further away.



Ms. Eddy asked about the roofline. Mr. Lamb said it is a proposed hip roof from front to back, gable from first floor addition. Mr. Lamb said it looks exactly like what was presented the first time except on the right hand side, instead of one 12' x 12' addition, there are two 12' x 12' side by side proposed.

Ms. Eddy asked about the 20ft. curb cut. Mr. Lamb said it is required to get the modular into the site, but once the modular has been set, "it can be cut back."

Ms. Eddy asked the applicant about an exterior color.

Mr. Doyle said the town does not have a color palette to offer choices.

Mr. Lamb said he believes it will be earth tones.

Mr. Doyle opened the public hearing at 7:42pm

Mr. Doyle closed the public hearing at 7:43pm

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. 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: Mr. Cwalinski made a motion to approve the site plan for Wenjin Lin at 923 Route 50, dated 11/23/2009 contingent on the resolution of CT Male comments. Ms. Cristy seconded the motion and all present voted in favor. **CARRIED.**

NEW BUSINESS:

David Walsh, 25 Zani Lane, Ballston Lake, NY 12019 for site plan review. Richard Doyle presented the site plan application for a septic system replacement for the applicant. Mr. Doyle said this property is located in the Watershed Protection Overlay District. Mr. Doyle has indicated that the original septic tank was replaced in December 2008. The new septic system has been designed by a Professional Engineer Mr. Doyle said the town engineer has reviewed the plan and meets all the New York State Health requirements. Mr. Doyle said silt fence will be added at excavation.

Mr. Cwalinski requested that the plan show silt fence.

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



MOTION: Mr. VanVorst made a motion to approve the site plan as submitted, dated 12/5/2009, pending the addition of silt fence. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

Donald Benson, 122 Scotchbush Road, Burnt Hills, NY 12027 for a lot line adjustment. Mr. Benson presented the lot line adjustment to the Board. Mr. Benson conveyed property from the existing parcel to adjoining property owners, Zimmerman and DeWeese.

Mr. Doyle opened the public hearing at 7:56pm

Mr. Doyle closed the public hearing at 7:58pm

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. 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. Mr. VanVorst seconded the motion. **CARRIED.**

MOTION: Mr. VanVorst made a motion to approve the lot line adjustment, dated 10/30/2009, contingent upon the elimination of the incorrect note. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

Wesley Kaczmarek, 1017 Route 50, Ballston Lake, NY 12019 for a sketch plan conference. Scott Lansing, P.E. of Lansing Engineering was present along with Wesley Kaczmarek to present a conceptual sketch plan rendering for the Kaczmarek property maintenance business.

Mr. Lansing said the property is located in the Business Highway -2 District and is approximately 1.46 acres.

The proposed building is 3,600sq. ft. to include eight parking spaces; one space for office and seven for garage.

Mr. Lansing said access will be on the northern end of the parcel and the parking will be located on both the side and rear of the parcel. Mr. Lansing said garage doors are located on the backside of the building.

Mr. Lansing said public water is available on Route 50 with an on-site wastewater disposal system is proposed. The storm water management will be located on the southern portion of the site.

Mr. Lansing said green space is located on the back portion of the yard.

Mr. Lansing said a proposed dumpster is located in the northwest corner.

Mr. Cwalinski asked what types of chemicals will be stored on site. Mr. Kaczmarek said lawn fertilizers, salt for deicing, and calcium chloride. Mr. Cwalinski asked, "If it is liquid." Mr. Kaczmarek said no, granular.

Ms. Eddy asked what would be stored outside. Mr. Kaczmarek said outside storage would consist of equipment and trailers.



Ms. Eddy asked about mulch storage.

Mr. Kaczmarek does not intend on storing mulch on site unless there is excess from a job.

Ms. Eddy asked would mulch be contained or loose.

Mr. Kaczmarek proposes a concrete block container for mulch storage.

Mr. Cwalinski said the ZBA minutes stated there would be dump trucks, two or three pickup trucks, two or three trailers, and three or four employees. Mr. Cwalinski has concerns about the size of the site.

Mr. Kaczmarek said most of the trucks leave with the employees and other trucks are their personal vehicles.

Mr. Kaczmarek proposes to park the dump trucks inside the building.

Ms. Eddy asked what type of fencing is proposed. Mr. Kaczmarek replied chain link.

Mr. Eddy asked the height of the proposed fence. Mr. Kaczmarek said 4' to 6'.

Ms. Eddy asked, "What is the Route 50 side of this building going to be made out of."

Mr. Kaczmarek is proposing a Morton building with wood frame construction, steel skin, steel roofing, and an accent along the bottom.

Mr. Cwalinski asked if a sign out front is proposed.

Mr. Kaczmarek said a sign at the southern entrance is proposed.

Mr. Doyle said a sketch of the sign will need to be submitted and suggested reviewing the sign ordinance.

Mr. Johnson suggested having the sign approved with this site plan or the applicant will require site plan review for the sign.

Mr. Cwalinski said any Design Standards that cannot be met; the applicant should request a waiver and submit to the Board.

Ms. Eddy asked if this proposed business is wholesale or retail.

Mr. Kaczmarek said there are no retail sales.

Mr. Doyle asked the Board if they are in agreement with the concept. The Board agrees.

Brooks Heritage, LLC, Round Lake Road, Ballston Lake, NY 12019 for a sketch plan conference. Geoff Brooks, owner of Brooks Heritage, LLC was present on behalf of a preliminary sketch plan for a Traditional Neighborhood Development/Planned Unit Development. Mr. Brooks presented the PUD with the Town Board on December 1, 2009.



Mr. Brooks said phase (1) is an approved 99-lot subdivision that is due to start soon.

Mr. Brooks said there are five parcels that are included in the proposal.

- Open corn field
- Wooded parcel to the south
- Three additional parcels that stretch to Benedict Road to Eastline Road.

Mr. Brooks owns several pieces and other pieces are under contract.

Mr. Brooks said there are wetlands on the central part of the property and have worked with NYSDEC, ACOE, and both agencies have accepted the delineation. Mr. Brooks has submitted the stamped and signed map from DEC and ACOE to their headquarters for final approval; all agencies have accepted delineation.

Mr. Brooks said by it self; the Ballston Lake Residential District allows for 179 units, if we then employ the TND zoning, the single-family units will move from 179 to 494 units and multi-family increases to 987 allowable units. Mr. Brooks said, "When it is all said and done, if you were just going to do the Ballston Lake Residential District, it is 251 lots allowed." Mr. Brooks said with the TND standards calculating additional density substantially goes up-to 691 units and the multi-family is 1,382 units.

Mr. Brooks said there is extensive off-site work to bring water and sewer to the site.

Mr. Brooks is working with Lansing Engineering and has employed Robert K. Stevens, TND expert to guide them through Phase (2).

Mr. Brooks is proposing a commercial component in the juncture of Round Lake Road and Benedict Road approximately four acres (40,000sq. ft. of commercial space).

Mr. Brooks said the Comprehensive Plan talks about commercial space with perhaps rented space above, apartments with parking in the rear. The parcel that goes from Benedict Road all the way to Eastline Road would have a through route from one side to the other. Mr. Brooks said there would be buffering as you enter in from Benedict Road and a mixture of single-family homes on both ends, town homes in the middle, and multi-family apartments as well as open park space.

Mr. Brooks said the numbers are preliminary in some of the "bubbles" may end up moving because he had a discussion with Jim Schultz, Superintendent of the BH-BL School District who has concerns with growth and budget. Mr. Brooks said after discussions with Mr. Schultz, and after talking with Mr. Stevens, will then meet back with Mr. Schultz on what has developed.

Mr. Brooks said there are three single-family executive lots off Eastline Road, 167 single units, carriage homes, ranches, colonials, 4 twin town home units, and 7 town home units, "60 all together", and 176 apartments totaling 450 units on that project.

Mr. Cwalinski asked the types of commercial uses envisioned in the proposal. Mr. Brooks said "daycare, pizza place, outdoor burger, ice cream."



Mr. Doyle questioned the decision process of having commercial at Benedict Road. Mr. Brooks said there are three points of access.

Ms. Eddy said neighbors are important and would strongly suggest keeping as much “green” to keep the neighbors buffered.

Mr. Brooks would personally like to see “a berm of some sort” in the open field.

Mr. Cwalinski asked, “What is that line going through there.”

Mr. Brooks said the red lines are a first attempt to mark pathways deemed to the active park space.

Ms. Eddy asked if it would be a Homeowners Association. Mr. Brooks said yes, there is a HOA in phase (1) and proposed in phase (2).

Ms. Eddy asked if the HOA would be responsible for the trail.

Ms. Serra said it depends on whether or not the town owns the road (trail). Ms. Serra asked if the town would own the road for the residential portion. Mr. Brooks replied yes. Ms. Serra said then the town would be responsible if they would not own the physical property, however, easement and maintenance rights.

Mr. Brooks said there is 136 acres in phase (2) 61 ½ acres are proposing to be dedicated to forever wild, deed restricted, as well as active park space, and passive space. Mr. Brooks said just under 50% is open space.

Ms. Eddy asked the percentage of wetlands. Mr. Brooks said VanGuilder and Associates has that information.

Mr. VanVorst asked which way the wetlands drain. Mr. Brooks said towards Eastline Road down to Round Lake.

Mr. Doyle said there is a small part of the property that is in the Watershed Protection Overlay District.

Mr. Brooks said after calculating the portion of property in the WPOD it is at 11% and does not flow towards Ballston Lake. Mr. Brooks is requested that portion be removed from the WPOD and is on the next Planning Board agenda.

Ms. Eddy asked “are you intending to do this type of density everywhere, anywhere, some places, other places, and have a back up so that they really have this much back yard so the rest of it is in the buffer so they can’t do anything with it.”

Mr. Brooks said, “We are going to try to stay out of DEC as best we can.”

Mr. Brooks said the proposed homes range from under \$300,000. Mr. Brooks said in order to accomplish, density is necessary.

Mr. Brooks said the cornfield would be the next phase, the parcel to the south, and Eastline Road in one or two phases.



Ms. Serra said a traffic study will be mandated at the PUD process. Ms. Serra said geometric improvements would need to be made to the roadways; significant traffic will be added to those roads.

Ms. Serra said the traffic study will need to curve for phases and possibly the first phase may not need improvements, but as it builds out, it will need to be done.

Ms. Serra said the Town is in the process of working on the Generic Environmental Impact Study (GEIS) for traffic. Ms. Serra said some recommendations might be necessary; however, it is likely this area will not be targeted as an area of concern.

Ms. Eddy asked if the cut through road would be a town road. Mr. Brooks replied yes, everything would be a town road except for the multi-family area.

Ms. Eddy asked about sidewalks. Mr. Brooks is proposing 5ft. sidewalks similar to phase (1).

Mr. Doyle suggested identifying the storm water management control plan and how it affects the whole property, and once that is in place, start working on the roads and density. Mr. Lansing does agree with Mr. Doyle and is looking at the constraints, wetlands and topography on site. Mr. Lansing said a formal wetland delineation completed by DEC and ACOE as well as topography. Furthermore, concerns with ground water on site were tested.

Ms. Serra said to include basin sizing in the preliminary PUD application.

Ms. Eddy asked, "You are starting in the spring with any luck." Mr. Brooks said yes.

Discussions were held on a similar subdivision (Fieldstone Estates) off Consaul Road.

Mr. VanVorst asked the total number of road cuts. Mr. Brooks said six.

Mr. VanVorst asked, "How much is in the Burnt Hills District." Mr. Brooks said the commercial piece, the active park open space, and single-family carriage homes.

Ms. Eddy asked how many units. Mr. Brooks said approximately 60.

Mr. Brooks said if this becomes a problem for Burnt Hills, the single-family carriage homes, will switch to the Shenendehowa district.

Mr. VanVorst said, "You can remind Mr. Schultz that in the early 70's the school population was much bigger than it is today."

Mr. VanVorst said the topography is flat, but asked if there is standing or moving water. Mr. Brooks pointed out areas of seasonal running water and other areas suggest the rainy season.

Mr. VanVorst said, "So the beavers were in and are not in there now." Mr. Brooks said, "We have a permit to move them and the dam is down and there were 13 dams from here to here and we broke them down and trapped initially; there is a family that tried to go back about a month ago, and broke two more dams down and have not seen them since."



Mr. VanVorst asked, “What is the elevation of the dams, how deep is the water.” Mr. Brooks said, “When we started the beginning of the summertime it was chest high.”

Mr. VanVorst asked if the quantity of water on the map would be less, once the dams are gone. Mr. Brooks said water has been reduced to what is being shown on the map; unless it is still delineated as wetlands.

Mr. Brooks asked the Board opinion of the project.

Mr. Doyle suggested a community room for children and separate area for barbeque grills.

Ms. Eddy suggested adding garages to the apartments. Mr. Brooks suggested separate garages.

Ms. Serra said this is the largest project the town has ever seen and will be struggle with everyone involved to go through the planning process all the reviews of the environmental impacts. One of the recommendations is to have a consistent person, whether it is a Planning Board Member, a Planner at CT Male to go through the process with each individual board.

Ms. Serra recommends that the Town Board not approve any zoning PUD until there is a handle on traffic.

Mr. Reilly said that one parcel is in the overlay district and suggested the applicant make an application to get it removed.

Terrance Hubbard, 28 Diamond Road, Ballston Lake, NY 12019 for a minor subdivision. Mark Jacobson, PE was present on behalf of the applicant for a minor subdivision. Mr. Jacobson was before the Board back in June 2009 with a sketch plan. Mr. Jacobson said the property is approximately 7 acres with topography sloping from the wood line down to Diamond Road; the Hubbard residence labeled as lot #3 on the plan consisting of 1.4 acres as proposed.

Mr. Jacobson said at the last meeting, the Board asked that topographical data be included, neighbors property, drilled well, septic location, the applicant’s existing utilities and perform deep tests and perc tests; 21-24 to 30inches. Mr. Jacobson has proposed an alternative bed and sized for the absolute largest possible system.

Mr. Jacobson said that Mr. Hubbard does not intend to build on these lots, but is proposing to extract his property from the bank as part of the refinance.

Mr. Jacobson said the applicant is taking out approximately 5 ½ acres from a 7 acre parcel.

Mr. Jacobson said the notes requested by the Board have been included on this map.

Ms. Eddy asked if this property was ever an orchard. Mr. Jacobson replied no.

Mr. Doyle opened the public hearing at 9:15pm

Jim Orkins asked if the applicant has plans to build on the property. Mr. Hubbard said he is refinancing and the goal is to separate the lots and has no plans to build at this point.



Mr. Orkins owner of the abutting parcel asked if the right-to-farm law will protect him when selling his land. Mr. Doyle said the right-to-farm law note is required on every map.

Mr. Orkin has a concern with water.

Ms. Serra said the water line will be built down Eastline Road and connected to the County's water system that will in the future serve Clifton Park Water Authority.

MOTION: Mr. VanVorst 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. 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. VanVorst made a motion to approve the subdivision on the map dated, November 5, 2009, to include park and rec fees of \$1,000.00 per dwelling unit. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

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

Meeting adjourned at 9:28pm.

Respectfully submitted,

Michelle L. Dingman