



May 23, 2022

Mr. John VanVorst, Chairman
Town of Ballston Planning Board
323 Charlton Road
Ballston Spa, NY 12020

Sent Via Email: jvanvorst@townofballstonny.org

**Re: Preliminary Site Plan Review for 1484 Route 50/965 Route 67
Mangino's Buick GMC
PTR Properties, Applicant**
Tax Lot 228.-1-53 and 228.-1-18
MJ File: 1078.026/1078.061
PB 2022-006

Dear Chairman VanVorst and Planning Board Members:

MJ Engineering and Land Surveying (MJ) has reviewed the submission for the above referenced application within the Town of Ballston. The applicant proposes to construct an additional entrance to the site from Route 67, including a 6,000-sf building addition, entrance sign and associated stormwater management infrastructure. Documents received for our review included the following:

- Town of Ballston Application for Site Plan Review and Special use Permit dated May 3, 2022.
- Site Plan Review Checklist
- Special Use Permit Checklist
- Comment response letter prepared by the Environmental Design Partnership, LLP dated May 4, 2022.
- Project narrative prepared by the Environmental Design Partnership, LLP dated May 4, 2022.
- Owner Authorization for Planning Board Review, dated May 3, 2022.
- Part 1 of the SEQR Short Environmental Assessment Form, dated May 3, 2022.
- Copy of current deeds for 228.-1-53 and 228.-1-18.
- Letter from the New York State Office of Parks, Recreation and Historic Preservation Office (SHPO) dated January 7, 2021.
- Freshwater Wetlands Permit from the New York State Department of Environmental Conservation (NYSDEC) dated January 20, 2022.
- Project plans comprised of nine (9) sheets, titled "Site Entrance and building Addition Mangino Buick, GMC", by Environmental Design Partnership, LLP, last revised May 4, 2022.

Based upon our review of the above documents, we offer the following comments for consideration.

STATE ENVIRONMENTAL QUALITY REVIEW

Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but are not necessarily limited to the following:

- Saratoga County Planning Board: General Municipal Law 239m referral due to the project's location on NYS Route 67.
- NYS Department of Transportation: Highway Work Permit.
- NYS Department of Environmental Conservation: Wetland crossing permit.
- US Army Corps of Engineers: Wetland crossing permit.

Additional agencies may be identified by the Town during its review of the project.



The applicant has submitted Part 1 of the Short Environmental Assessment Form (SEAF). Based upon our review of the submitted Part 1 SEAF, the following comments are offered:

1. Part 1.8b – The applicant has indicated that public transportation services are not available at or near the site of the proposed action. A public bus stop is located in front of the project site on Route 50. This answer should be revised to “yes”.
2. Part 1.10 – The applicant has indicated that the proposed action will not connect to an existing public/private water supply. Mangino's is currently served by Town of Ballston Consolidated Water District No. 2. This answer should be revised to “yes”.
3. Part 1.11 – The applicant has indicated that the proposed action will not connect to existing wastewater utilities. An explanation is required.
4. Part 1.12.b – The applicant has indicated that the proposed site is located in or adjacent to an area designated as sensitive for archaeological sites on the SHPO archaeological site inventory. The applicant has supplied a letter from SHPO indicating that no potential impacts to historic properties, archaeological and/or historic resources, or listed or eligible historic places are anticipated.
5. Part 1.13.b. – The applicant has indicated that he proposed action will physically alter, or encroach into, an existing wetland or waterbody. The project will include permanent disturbance to approximately 0.02 acres of NYSDEC wetlands. A Freshwater Wetlands Permit from NYSDEC has been provided by the applicant for this disturbance. The applicant also indicated that the Joint Application for Permit has been submitted to the Army Corps of Engineers (ACOE). The permit from ACOE shall be provided once received.

We offer no further comments at this time with regards to SEQR. Additional comments may be forthcoming as the project advances.

SITE PLAN REVIEW (Chapter 138 – Zoning)

In reviewing the proposed plans for conformance with zoning, the following observations and/or potential deficiencies have been identified:

6. The project is located within the Town’s Mixed-Use 50/67 District. Automotive sales and service facilities within the Mixed-Use 50/67 District are allowed by Special Use Permit. Parcel 228.-1-53 is currently home to Mangino’s Buick GMC, and no changes to the use are being proposed.
7. The Planning Board Application Cover Sheet indicates that the project is located in the Mixed-Use North zoning district. The Town of Ballston effectively updated Chapter 138 Zoning on April 27, 2022 and the project site is now located in the Mixed-Use 50/67 zoning district. The application shall be revised accordingly.
8. The bulk requirements and proposed conditions are provided below.

	Required	Provided
Lot Area (min)	1 acre	8.57 acres
Lot Width (min)	175 ft	681.80
Lot Coverage (max %)	50%	46%
Front Yard Setback (min)	20 ft, with 70 feet max	46 ft
Side Yard Setback (min)	5 ft	21 ft
Rear Yard Setback (min)	15 ft	240 ft
Building Height (max)	40 ft	27 ft
Commercial Building Footprint (max)	10,000 sf 40,000 sf with PDR	28,580 sf

9. The total commercial building footprint with the proposed 6,000 sf addition is approximately 28,580 square feet. In the Mixed Use 50/67 District, the commercial building footprint may only exceed 10,000 square feet with participation in the Purchase of Development Rights (PDR) program.



10. Pursuant to §138-167.C, applicants seeking to use PDR incentives shall first seek input about applicability from the Planning Board in a sketch phase meeting. The intent of the sketch phase meeting is to share information between the applicant and the Planning Board, discuss applicability of use of bonuses, and to review consistency of the proposal with the Town's Generic Environmental Impact Statement (GEIS January 2022) prepared pursuant to Town Law 261-b and 6 NYCRR Part 617.
11. Pursuant to §138-167.E(2), the plans shall clearly indicate the location and size of the buildings where square footage increases will be applied. A plan note shall be added providing narrative indicating the added square footage to be used as a result of participation in the PDR program.
12. The proposed project spans two parcels and the applicant has indicated that the parcels will remain separate and that an easement will be granted. The way the property lines are represented in the plans makes the lots appear to be one. The plans shall be revised to clearly indicate the existence of two separate parcels. The final easement shall be provided to the Town.
13. The project proposes a new curb cut on NYS Route 67. The applicant is required to coordinate this work with the NYS DOT and a Highway Work Permit will be required.
14. The applicant is proposing to install a new sign on NYS Route 67. A Town of Ballston Sign Permit Application is required for review by the Planning Board. All signs must be 35 feet from the center of the highway and 15 feet from the edge of pavement. It appears that the proposed sign is less than 35 feet from the center of the highway. The applicant shall review the sign's location and provide dimensions on the site plan.
15. Pursuant to §138-82.E, free standing sign height shall be a maximum of 8-feet. The total area of the sign, counting one sign face, shall be a maximum of 32 square feet. Detail 8 on Sheet 6 indicates that the sign height and sign face area exceed zoning requirements. The applicant shall revise the plans accordingly.
16. The applicant shall indicate the location and quantity of existing and/or proposed ADA compliant parking spaces.
17. The following comments are for the Board's reference. Several requirements of Article VI: Mixed Use Center Regulations are not met in the proposed plan, however, are existing non-conforming conditions.
 - a. §138-17.D(7) requires pedestrian-scale and area lighting.
 - b. §138-17.D(8) requires sidewalks along the road frontage and within the site.
 - c. §138-17.D(8)(d)(3) requires one large deciduous tree planting for each 35' of linear road frontage.

STORMWATER (Chapter 91 – Stormwater Management)

18. It appears that less than one-acre of soil disturbance is proposed, and therefore the project is not subject to the requirements of Chapter 91 of the Town Code or NYS SPDES General Permit GP-0-20-001.

Considering the plan submitted is preliminary in nature, we will reserve further comments until more detailed plans and reports are submitted. The applicant shall provide written responses to all technical comments provided by Town staff and consultants as part of the next submission.

Should you have any questions, please do not hesitate to contact me at (518) 371-0799.

Sincerely,

Jenny Lippmann, P.E.
Associate, Project Manager/Senior Engineer



ecc: Jeff Stickles, Town of Ballston
Bill Keniry, Esq Planning Board Attorney
Stephanie Alessandrini, Agent for Applicant