



**TOWN OF BALLSTON
PLANNING BOARD**

323 Charlton Rd
Ballston Spa, NY 12020
Phone: 518-490-2715
building@townofballstonny.org

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**PLANNING BOARD MEETING
February 23, 2022
Via Zoom Only
6:30 pm**

ATTENDEES: John Van Vorst, Chairperson
Ben Baskin, Board Member
Dave Blair, Board Member
Peter DiLorenzo, Board Member
Audeliz Matias, Board Member
Michael Zuritis, 1st Alternate
Bill Keniry, Attorney

ABSENT: Dale King, Board Member
Patrick Maher, Board Member

Call To Order

The meeting was called to order at 6:30 pm.

Pledge Of Allegiance was led by Chairman Van Vorst.

Approval Of Previous Minutes

MOTION: Mr. Baskin made a motion to approve the January 26, 2022, meeting minutes as drafted. Mr. DiLorenzo seconded the motion. All in favor. **CARRIED.**

OLD BUSINESS

994 Rt. 67 RISE Site Plan Review (PB 2019-015)

SBL 216.-2-19

Revised proposal to construct a new 8300 SF 20-bed facility at existing RISE site at 994 Route 67.

Mr. Brett Steenburgh represented the property owner, Rise Housing and Support Services.

Mr. Steenburgh stated that the proposal is for a new structure to be located at their existing facility at 994 Route 67 just before the intersection of Route 67 and Route 50.



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Mr. Steenburgh stated that RISE offers healthy housing for people with mental health concerns, substance abuse or other life challenges by helping them get on their feet.

Mr. Steenburgh stated that currently the site is occupied by a converted two-story residential structure, which houses 12 beds. RISE is proposing to add a new 20-bed facility at the rear of the parcel. The proposal is to utilize the existing entrance and expand the parking to 14 spaces from 8 spaces.

Mr. Steenburgh stated that RISE had indicated that 12 parking spaces is the maximum that they need as residents are not allowed to have vehicles.

Mr. Steenburgh stated that he had met with MJ Engineering and Mr. Wayne Howe to give a cursory review and there were some concerns with turns for fire truck access, which have been addressed. The proposal is utilizing striping for that and providing a basketball court for the residents instead of using up additional impervious area in the courtyard in the center.

Mr. Steenburgh stated that they are trying to create a central courtyard where this is a proposed gazebo to allow green space in a common area for the residents with active recreational space including a future garden.

Mr. Steenburgh stated that they are proposing a one-story building residential, approximately 24' high from the peak of the roof to the finish grade around the outside of the building. It will be residential in nature with a gabled roofs on the ends, shaker-style dormers along the longer section of the structure.

Mr. Steenburgh stated that the parcel is in the Mixed Use Center North district.

Mr. Steenburgh stated that proposed is a connector sidewalk from Dominic Hollow through this parcel and ultimately to Route 67 and 50.

Mr. Steenburgh stated that proposed is a trash dumpster to the south side of the parcel. The plan shows a dry well and they will be submitting a new SWPPP plan and are looking for some other type of infiltration system. They have had a geotechnical study done and they can easily manage stormwater onsite without any impact on neighboring parcels.

Mr. Steenburgh stated that they will need to push the waterline under Route 50. There is an existing 12-inch waterline on the West side of route 50 which is not shown on this plan. There is an 8-inch water line that runs up the north along Route 50 off of that 12-inch. They



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will be submitting a revised water service plan that will ultimately be a 6-inch PVC water service coming into the building.

Mr. Steenburgh stated that there is a sanitary manhole located just off the parcel to the Northeast, which is within an easement which they will be able to access. Also, not shown on this plan, they are proposing to connect the existing facility up front to the sewer system as well and eliminating their septic system, which is actually located within that green space area.

Mr. Steenburgh stated that they have received MJ Engineering's comment letter and he does not foresee any major issues.

Chairman Van Vorst asked board members for comments and questions.

Mr. Blair asked if a special use permit is granted with regard to parking, then when the property is sold, would the parking have to conform to the zoning regulations.

Mr. Keniry stated that the applicant is required to apply for a special use permit as well as a site plan review for this project. Mr. Keniry stated that parking is a condition that could be considered by the Board in connection with the special permit.

Ms. Lippmann stated that the special use stays with the use and if the new owner changes the use, then the new use would be subject to a special use permit which would require reevaluation of parking on the site.

Mr. Baskin stated that Ms. Lippmann's letter had indicated that a sidewalk was required along the roadway and asked if that was planned.

Mr. Steenburgh stated that he would like clarification on that as DOT typically doesn't like to see sidewalks with no actual terminus or connecting point.

Ms. Lippmann stated that a sidewalk along Route 67 is required by Town Code.

Mr. Steenburgh asked if the Board is looking for sidewalks from property corner to property corner and Ms. Lippmann said yes.

Mr. Baskin stated that DOT did just put in crosswalks at that intersection, so they are interested in promoting pedestrian use there.



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Chairman Van Vorst stated that on EAF form #8 B & C should be marked “yes”.

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Mr. Steenburgh stated that said it should be yes and will be corrected.

Chairman Van Vorst stated that Ms. Lippmann’s letter indicated that parking spaces need to be 20’ instead of 18’ and asked if the applicant has room to make that adjustment.

Mr. Steenburgh stated that they do have space; it would shrink the courtyard a little.

Mr. Steenburgh stated that typically if they have 20’ parking spaces they reduce the parking aisle to 22’ rather than 24’. Mr. Steenburgh asked if that would be okay.

Ms. Lippmann stated that it should be okay since there is not really two-way traffic there.

Chairman Van Vorst asked if visitors can come at any time.

Mr. Steenburgh stated that he doesn’t believe that the residents get visitors, but he will check and get back to the Board.

Mr. Blair stated that he was concerned about that statement and hopes that residents have visitors for support.

Mr. Baskin stated that Ms. Lippmann letter indicated that the front setback is non-conforming.

Ms. Lippmann stated that it is existing so typically this condition would not require a variance.

Ms. Lippmann stated that this is an Unlisted Action, and a coordinated review is not required.



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MOTION: Mr. Baskin made a motion that the Town of Ballston Planning Board be declared Lead Agency for this Unlisted Action. Ms. Matias seconded the motion. All in favor. **CARRIED.**

Chairman Van Vorst authorized a referral be sent to the County Planning Board.

Ms. Lippmann stated that they are being more proactive with consulting with the fire departments for such projects and she has scheduled a meeting in early March with the Fire Department to discuss this project.

Chairman Van Vorst asked if Ms. Lippmann thought having a Planning Board member present would be helpful.

Ms. Lippmann stated that the meeting will be held via Zoom on March 2, at 9:00 AM and she would send a link to Chairman Van Vorst.

Mr. Steenburgh asked if she felt the applicant is needed at this meeting.

Ms. Lippmann stated that she will send the meeting invite to Mr. Steenburgh.

Chairman Van Vorst stated that if any board member is interested in attending the meeting, they can contact him.

206 Westside Dr Minor Subdivision (PB 2021-014) - Public Hearing Closed

206 Westside Dr; SBL 249.13-1-14

Minor Subdivision and Site Plan Review - Revised site plan of proposal to demolish two existing dwellings and subdivide parcel into two lots.; SWPPP submitted; Response to comment letter

Mr. Duane Rabideau of Gilbert Van Guilder and Associates represented the applicant, Mr. Justin Zampella.

Mr. Rabideau stated that they had received all the area variances and met all the spatial requirements of the Waterfront zoning district.

Mr. Rabideau stated that they have received the DEC permit.



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Mr. Rabideau stated that minor changes to the SWPPP are being made based on MJ Engineering's comments.

Mr. Rabideau stated that he requests that the Planning Board consider subdivision approval.

Mr. Blair stated that if the houses that use the gravel road by the shed will have access when they are putting the porous pavement in.

Mr. Rabideau stated that they will have to work with those neighbors and make them aware of the temporary shutdown.

Chairman Van Vorst asked if Ms. Lippmann is satisfied with the response to her comments.

Ms. Lippmann stated that she recommends the SWPPP be a condition of approval.

Ms. Lippmann stated that Mr. Rabideau had submitted a modified site plan with some revisions to the driveway that did extend into Lot 1. Ms. Lippmann stated that she recommends driveway review be a condition of approval.

MOTION: Mr. Baskin made a motion to approve the minor subdivision at 206 Westside Drive with the condition that MJ Engineering's comments be satisfied with regard to 1) driveway modification and 2) SWPPP modification. Mr. Blair seconded the motion. All in favor. **CARRIED.**

Middleline West & Middleline East Solar Array (PB 2020-010)

284 Middleline Road; SBL 227.-1-16.11 Site Plan Review and Special Use Permit
Community Solar Installation (CSI) - Project plan is to construct two solar arrays on two parcels (227.-1-16.11 and 227.- 1-20). Project totals 91.9 acres and will be approx. 5 MW AC each.

Mr. David Bagley of Finlo Solar represented the applicant, Farm Raised LLC.

Chairman Van Vorst stated that the Board had received a multipage document the day before, but because that was so late, the Board would not take any action on the late submission.

Mr. Bagley stated that the new submission was following up on the site visit with an updated landscape plan to protect the house.



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Mr. Bagley stated that they are working on a decommissioning plan.

Mr. Bagley stated that the new plan may alleviate some of the concerns.

Mr. Bagley stated that they had received MJ Engineering's comments and will submit an updated decommissioning plan with an estimate.

Chairman Van Vorst stated that Mr. Stickles had an idea to consider connecting to National Grid at the east side of the property.

Mr. Bagley stated that there are DEC wetlands there and it may be difficult to get through the back.

Chairman Van Vorst stated that feels that it would be advantageous to not have the power poles on Middleline Rd.

Mr. Bagley stated that there are two issues – whether they can they navigate the DEC wetlands and also find anywhere outside the DEC wetlands to place the equipment that they need there. Mr. Bagley stated that they did research into these issues and after evaluating, it came out fairly negative, but he would refresh the look, but those are the reasons why they focused on the front.

Mr. Blair stated that the decision may be based on an economic determination, but also asked if DEC would say no the project through the wetlands. Mr. Blair stated that he would like to see more info on that.

MOTION: Ms. Matias made a motion that the Town of Ballston Planning Board declare Lead Agency for this Type I Action. Mr. Baskin seconded the motion. All in favor.

CARRIED.

Chairman Van Vorst asked if members felt ready to set a public hearing and all members agreed.

Chairman Van Vorst set a public hearing for this application for March 30, 2022, at 6:30 pm.

Ms. Lippmann stated that the Board should make sure that the public hearing is not closed unless the negative declaration is made.



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Mr. Bagley asked if the negative declaration could be made tonight.

Chairman Van Vorst stated that he did not feel they were ready to do that tonight.

Mr. Keniry stated that the Board would contemplate addressing the declaration of significance as its first order of business at the next meeting before the public hearing opens.

Chairman Van Vorst asked if the Board agreed, and all members agreed.

60 Middleline Rd CSI (PB 2021-011)

60 Middleline Road; SBL 238.-2-26.2 Site Plan Review and Special Use Permit for Community Solar Installation (CSI) - Proposal of 5 MW AC CSI. Response to comment letter, Revised site plan, FEAF.

Mr. Morgan Ruthman of the Spinney Group, **Ms. Amanda Postma** and **Mr. Jon McNamara** of Renovus Solar presented the application.

Mr. Ruthman stated that this was a revised submission, which shows a plan that has been reduced in size in response to Ms. Lippmann's comments.

Mr. Ruthman stated that he wishes to move forward with this application but may revisit the size issue as they have submitted applications to the ZBA for an interpretation and variance.

Mr. Ruthman stated that he had provided public comments to the Town for the DGEIS, and he believes that the Town Board may take some action on some of those items.

Mr. Ruthman stated that DEC correspondence had been submitted and the site visit with the Planning Board was conducted.

Mr. Ruthman stated that there are some pending items that were identified in Ms. Lippmann's letter.

Mr. Ruthman stated that the SWPPP has been drafted by Lansing Engineering and he anticipates submitting it for the March meeting. Mr. Ruthman stated that the landscaping plan has been developed, which he understands to be on the top of their agenda based on the site visit.



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Mr. Ruthman stated that they have received comments regarding the decommissioning plan and will work with the Town Engineer on that.

Mr. Ruthman stated that he wanted clarification about the statement in Ms. Lippmann's letter that "detailed plans are pending." Mr. Ruthman stated that it was his understanding that the project doesn't need to be fully engineered to that the standard which the Building Department would require for issuance of a permit, but that the site plan approval and special use permit process necessitate a level of conceptual design that the Planning Board is comfortable with going forward.

Mr. Ruthman stated that in terms of screening they are in agreement that robust plantings are appropriate to ensure adequate screening.

Mr. Ruthman stated that the landscaping plans have been prepared by Renovus, which show a couple of alternatives, one with a berm and one without. Mr. Ruthman stated that berms are interesting because they help elevate the vegetative growth, but they are somewhat problematic from a planting standpoint, they can undermine the root structure of the tree and then create consequences for stormwater runoff and site disturbance that might be able to be avoided by simply planting a larger caliper or taller tree. Mr. Ruthman stated that they are looking for feedback from the Planning Board.

Mr. Ruthman stated that they will submit the SWPPP, decommissioning plan and landscape plan for next month's meeting.

Mr. Ruthman stated that the process is moving forward for the designation of the Planning Board as Lead Agency and Ag and Markets had responded to the agency notification and had provided some information and he has corresponded with them. Mr. Ruthman stated that this particular parcel is in the process of being removed from the district, which is a separate process with Saratoga County.

Ms. Postma stated that in response to Ms. Lippmann's comment regarding setback from the residence, there was an oversight when the plan was revised. Ms. Postma stated that it will be corrected for the next submission.

Chairman Van Vorst stated that the applicant was trying to walk down three different paths at the same time.



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Mr. Ruthman stated that he has requested an interpretation of the term “System coverage perimeter” and also submitted a concurrent application for an area variance to the Zoning Board of Appeals. Mr. Ruthman stated that there is the possibility that the Town Board may decide to revisit the term “system coverage perimeter” and the submission to the ZBA would be moot.

Mr. Ruthman stated that the current plan in front of the Planning Board conforms to the coverage requirement.

Ms. Postma stated that they have submitted to the ZBA a request for an interpretation for system coverage that does not include the grassy area between panels towards the 20% requirement. Their interpretation would not count towards the 150 acres cap for the town as that calculation is based on the perimeter.

Mr. Blair stated that maybe there should be shaded areas on the submission showing the different versions so they can evaluate both versions as it makes sense to give feedback.

Mr. Ruthman stated that the landscaping and screening would stay the same along Middleline Rd and Rt 50 with both plans.

Mr. Ruthman stated that the parcel being in the Ag District is not an issue. The main issue is the 20% coverage in the Watershed. DEC and NYSERDA don't really see any stormwater implication for solar arrays. Only basic silt and erosion control measures are required.

Mr. Ruthman stated that as far as preservation of the watershed overlay district is concerned, there is no practical purpose being served by that particular provision in the town's zoning ordinance. It is their position they can make this project successful and one that reflects the intent to try and promote renewable energy.

Ms. Postma stated that the landscaping plan will be modified based on the site visit to include more shielding.

Mr. Baskin asked how the setback requirement will be met in the new plan.

Ms. Postma stated that they would be shifting the whole array system to meet the setback.

Mr. Baskin asked if they are not changing the connection point.



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Ms. Postma stated that they are not changing that.

Chairman Van Vorst stated that in the FEAF, Item C.4 (B), the applicant should eliminate the Ballston Spa Police Department as this parcel is not in their jurisdiction. Item C.4 (C), the applicant lists Ballston Spa Fire Department, but he believes this parcel is under the Burnt Hills Fire Department. On page 1, the address for applicant has the wrong zip code. Item E.1 (v), this section is left blank.

Mr. Ruthman stated that the corrections will be made.

Application is tabled.

NEW BUSINESS

9 Stabegate Special Use Permit (PB 2022-001) - Public Hearing Scheduled SBL 239.16-2-6

Proposal for a special use permit to have six (6) backyard chickens

Ms. Christine O'Connor, owner, presented the application.

Ms. O'Connor stated that she wants six pet chickens and no roosters and needs to apply for a permit to have them in this district.

Chairman Van Vorst stated that the applicant gave a very detailed application for 6 chickens.

Mr. Baskin asked how close the neighbors are to her backyard.

Ms. O'Connor stated that she has neighbors on both sides. The houses are probably 40' from the property line and about 80' from her house. Their houses aren't pushed as far back as the area where she plans to have the chickens.

Mr. Baskin asked if the applicant had spoken to her neighbors about her plan.

Ms. O'Connor stated that they don't seem to mind.

Chairman Van Vorst stated that there is farmland behind the applicant's property.



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Ms. O'Connor stated "yes."

Chairman Van Vorst stated that on the EAF Item #9, should be marked "YES".

Public hearing was opened at 7:38 pm.

No one chose to speak.

Public hearing was closed at 7:39 pm.

Chairman Van Vorst stated that this is a Type II action and exempt from review.

Mr. Keniry read the following for consideration of a special use permit:

In authorizing the issuance of a special use permit, the Planning Board shall take into consideration the public health, safety, and welfare of the community, the purposes of this chapter, the general considerations as per this subsection, and the Town of Ballston Comprehensive Plan, and shall prescribe appropriate conditions and safeguards to ensure the proposed use's scale and intensity are compatible with adjoining properties, and with the natural and built environment and character in the area and will accomplish the following objectives:

- (a) 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 adjacent districts. **All present agreed.**
- (b) The location and size of the use, the nature and intensity of the operations 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. **All present agreed.**
- (c) The location and height of building, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof. **All present agreed.**
- (d) 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. **All present agreed.**



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MOTION: Mr. Blair made a motion to approve the special use permit for 9 Stablegate Drive. Mr. Baskin seconded the motion. All in favor. **CARRIED.**

Mr. Keniry stated that the Board should expressly grant a waiver with respect to the strict application of the site plan requirements and note that the Planning Board is satisfied with the applicant's site plan depiction as presented.

MOTION: Mr. Baskin made a motion to approve the site plan for 9 Stablegate Drive for six (6) female chickens and noted that the applicant has provided all necessary information for such approval. Mr. Blair seconded the motion. All in favor. **CARRIED.**

MOTION: Mr. Blair made a motion to adjourn the meeting. Mr. Baskin seconded the motion. All in favor. **CARRIED.**

Meeting was adjourned at 7:48 pm.

Respectfully submitted,

Nisha Merchant

Nisha Merchant
Planning Board Secretary