

Town of Ballston  
Planning Board

**TOWN OF BALLSTON  
PLANNING BOARD**

**Regular Monthly Meeting: June 24, 2015**

**Present:** Richard Doyle, Chairman  
Jeffrey Cwalinski, Vice Chairman  
James DiPasquale  
Patrick Maher  
Audeliz Matias  
Lee Ramsey  
John VanVorst  
Thomas Johnson, Building Inspector  
Kathryn Serra, Town Engineer  
Peter Reilly, Planning Board Attorney  
Members of the General Public

Chairman Doyle called the June 24, 2015 meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Chairman Doyle asked for corrections to the May 26, 2015 minutes.

"James DiPasquale "Present"

**MOTION:** Mr. Dipasquale made a motion to accept the May 26, 2015 minutes as amended. Mr. Ramsey seconded the motion. **CARRIED.**

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Chairman Doyle asked for corrections to June 10, 2015 minutes.

"James DiPasquale "Present"

**MOTION:** Mr. Maher made a motion to accept the June 10, 2015 minutes as amended. Mr. Cwalinski seconded the motion. Ms. Matias abstained; was not present at the meeting. **CARRIED.**

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**OLD BUSINESS:**

**Brooks Heritage, LLC, Abele Woods 249.-3-22, 23, 25, 33 (Major Subdivision-143 lot (CONCEPT)**

Jason Dell, PE, Lansing Engineering and Kevin Weed were present on behalf of the applicant.

The project site is located between Benedict Road and Eastline Road encompasses approximately 96 acres. The project proposes 129 single-family lots, 22 twin townhomes and 60 multi-family units. Water and sewer services will be extended to the project from extensions from the town's water system as well as Saratoga County Sewer District's sewer system. Stormwater mitigated on site through NYSDEC required practices.

Since the last board meeting, met with ACOE on site. Received and responded to several comment letters from C. T. Male. The most recent comment letters are technical in nature pertaining to culvert crossings and pipe surcharges. However, there are a couple of comments to go over with the board pertaining to sidewalks. As part of the project and the PUDD show sidewalks continuous on both sides of the street all the way around the project. It's well over 19,000 LF of sidewalk. The detailed plan proposes removing 80 feet at one of the wetland crossings to reduce wetland impacts as well as the height of the retaining wall. C. T. Male's comments was to get input from the Planning Board as whether they see it as a significant change of what was on the PUDD or a minor change that makes sense.

Kevin Weed, VanGuilder and Associates stated wetland have been re-delineated on the property and submitted an application to ACOE and in the process of a site walk and could be as soon as this week. NYSDEC has asked to be present at the site walk – applicant to be under old delineation regulations for ACOE regulations.

Mr. Dell stated the application still has a valid Jurisdictional Determination (JD) for the project and in the process of updating and reissued.

Mr. Dell stated there was a slight lack of consistency between the applicant's drawings and subdivision plat plans with respect to how the cul-de-sac ends and an extension of the ROW. Mr. Dell stated that will be cleared up and a real easy issue to fix.

Mr. Dell stated the third comment was relative to work limit lines – grading limit line and where the wetland boundary is located. Ms. Dell stated after discussing with Ms. Serra the applicant would keep everything no closer than five feet from the wetlands. Areas of concern are (a), (b), and (c), but are short in a couple of these areas and will revise on the plan.

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Stormwater management areas assume all impervious surfaces will drain towards the back of the lot. The applicant is proposing gutters or cisterns – lots to be identified.

Mr. Maher stated the C. T. Male comment letter indicates that more than half the lots will require gutters or cisterns – is that correct? Mr. Dell stated that he has not counted, but is probably pretty accurate. Chairman Doyle stated it's not a good permanent solution and would ask Lansing Engineering in support of C. T. Male to take a look at a positive design "to get the back to slope to the front." Mr. Dell said, "We can certainly look at it and try to do that, but the difficulty is "when you raise up the road, you raise up the houses" – gutters are needed to meet green infrastructure.

Mr. Dipasquale asked if the lots need to be identified as pertained to. Ms. Serra stated yes, if the board allows this design.

The applicant to provide plans for access to many of the proposed stormwater management areas to Mr. Whalen, Highway Superintendent. Mr. Dell stated that Mr. Whalen to review proposed plan. Ms. Serra said, "Whatever the Highway Department wants and the Planning Board wants."

Mr. Dell stated the applicant consulted with Mr. Weed, VanGuilder and Associates relative to the sizing of the culverts and what the ACOE will be requiring – 16" proposed, but could be raised. 12" culverts in the town presently are operating fine.

Applicant agreed, prior to final plans to perform test pits every 500' in the road for the viability of the highway road cross-section.

Mr. Dell stated he is working through the drainage plan and local hydrology with ACOE relative to culverts, interconnectivity of the wetlands. Ms. Serra stated her comment letter recommended that rudimentary analysis be provided to demonstrate continuation of existing drainage patterns through the wetlands.

Mr. Dell stated gravel aprons proposed in lieu of forebays; worked well in other areas and discuss further with Ms. Serra.

Mr. Dell asked if the board would be willing to set a public hearing for this project. Chairman Doyle said, "Not at this time Jason. I think we need to get more of the fundamentals down and move on from there."

Application tabled.

**NEW BUSINESS:**

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**NRP Group, Mourningkill Drive, Ballston Spa, NY 12020 228.-3-36.1 (Site Plan Review & Special Use Permit/Proposed Multiple Family Dwellings)**

Christopher Dirr, NRP Group, Joseph Dannible, Environmental Design Partnership and Teresa Bakner, Esq., Whiteman Osterman & Hanna, LLP were present.

Mr. Dirr stated this application is a continuation of or a subsequent project that the Planning Board received previously on Sherman Way and NYS Route 50. Concept site plan approval was secured for the development from the town to submit for financing, secured financing for the development and were asked to consider alternative sites. "This is the site that we have been able to secure site control and acknowledge it has some challenges."

The applicant proposes a 52-unit three-story development with a combination of one and two bedroom units (40 – 1 bedroom units and 12 – 2 bedroom units) ranging in size from approximately 725 or 730 square feet to 900 square feet.

Mr. Dirr stated this is a workforce housing development similar to what was previously presented to the board. It is not a subsidized aid development; however it is a mixed income development, six 1-bedroom units \$430.00 per month, 2-2-bedroom units \$550.00 per month and the balance of the units range from \$750.00 per month to \$1,100.00 per month – allows the applicant to balance the proforma.

Joseph Dannible with EDP stated Ballston Reserve is located at 20 Mourningkill Drive. The site is approximately five acres with an existing farmhouse, silo, barn, overgrown farm fields and the Mourningkill Creek (wetlands associated with creek to the north and wetlands and drainage courses throughout the property).

**Parking**

The proposal is for a 52-unit apartment complex to be developed and construct 114 parking spaces, which are 2 to 2.1 parking spaces per unit. A waiver is being requested from the section of the town's zoning code to reduce the number of spaces required to reduce the impervious area and reduce storm water management and help with wetland permitting; typically this type of building requires 1.5 to 1.7 parking spaces.

**Greenspace**

The site has 73% greenspace; 12% covered by building.

**Traffic**

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The applicant has hired Creighton Manning Engineering (CME) to complete a traffic assessment and trip generation. The study concluded 29 trips generated by this site entering and exiting in the AM peak hour and 46 trips in the PM peak hour – equally distributed from the northern and southern intersection of that site. The traffic generated by the site does not come near the thresholds set by NYSDOT. At the intersection of Mourningkill Drive and NYS Route 50 found 11 trips in the AM peak hour existing to the south and 8 trips in PM peak hour. Mr. Dannible said, “This is a very minimal amount of traffic coming up-to that intersection and heading south on NYS Rout 50.” The traffic study concludes that minimal traffic impacts, no impact to the intersection of NYS Route 50 and Mourningkill Drive and no warrant for any traffic mitigation.

**Water**

The applicant is proposing to connect to municipal water. There is a main on Mourningkill Drive and no capacity issues with that main.

**Sewer**

The applicant is proposing to connect to an existing gravity sewer system within Beacon Hill via low pressure lateral – low pressure force main from the proposed site crossing over NYS Route 50 and tie into sanitary manholes owned by Saratoga County Sewer District within the Beacon Hill Subdivision.

**Stormwater Management**

The applicant is proposing onsite stormwater retention and onsite water quality practices to comply with NYSDEC standards.

**Grading**

A preliminary conceptual grading plan was completed to show appropriate building location and have adequate ADA accessibility to and from the building to depict and understand the retaining walls on the site and conceptually locate and grade in some of the stormwater practices proposed on site to meet the NYSDEC standards.

**Wetlands**

Wetlands are located on the site. The applicant is in the process of going through a pre-construction notification with ACOE; disturbance on the site is less than one tenth of an acre. The wetlands for that site have been flagged and survey located by NYSDEC and ACOE.

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**Building Architecture**

At some of the pre-meetings with the Planning department there was a questions raised about the appearance of the building and how it would look from NYS Route 50 and Mourningkill Drive. The architects for the project (RDL Architects) have provided two prospective renderings (south-westerly direction from NYS Route 50 and north-easterly direction from Mourningkill Drive). Mr. Dannible said, "Very attractive architecture, varied roof lines, gables, bump-outs, cement board siding, stone veneers, porches, extended gables and extra details and the eaves and overhangs."

**Fire Apparatus Access**

The applicant received a letter from C. T. Male, which focused on fire apparatus access to the property; can a fire truck pull into the site and meet the requirement to have access within 300 feet all portions of the building - applicant meets the requirement. Access roads are not in excess of 150 feet and does not warrant the need for a turnaround – vehicles can back out onto Mourningkill Drive.

Ms. Serra stated the applicant must perform a truck turning analysis for both parking lots - provide information to document that the parking lots comply with access aide width (for the fire department design vehicle) and turn radius requirements. Mr. Dannible said, "We will look at that, but does meet the requirement of the fire code. Mr. Dannible said, "He does not know in the fire code where it says a fire truck has to navigate a parking lot."

Mr. Dannible stated buildings over 30 feet have to have access along one side of the building and represented in the letter "to be the long side of the building"; not represented in the NYS fire code.

The proposed building is within 30 feet of Mourningkill Drive and will serve as the fire apparatus access road for aerial apparatus to get to all stories of the building along the west side of the property. The applicant is in discussions with National Grid to look at relocating the lines underground.

The existing width of Mourningkill Drive ranges from 23 feet to 25 feet and will work with the town to expand the width with additional pavement or gravel shoulders.

Ms. Serra stated the code enforcement officer does have the authority to require an increase in the minimum access width where they are inadequate for fire and rescue operations. There is an inadequate amount of space along the east side of the building. The applicant stated they can develop a plan to meet minimal requirements of NYS fire code and therefore would not need access along that side of the building.

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A further discussion was held on proposed parking.

The applicant is proposing retaining walls along the south end of the building and working with Landscape Architects and Geotechnical Engineers to step the walls to essentially create green living area (greenscapes within the wall areas, therefore will soften the view looking out those windows).

A passive recreation site proposed on the south side for use by the residents.

A further discussion was held on CME comment letter relative to traffic.

Ms. Matias said, "She does not think it's a better site than you had before, but is worse. It's very tight in there, most of the time it's wet along the wetlands and traffic is more than just numbers it's also the geometry in the road and the fact that there are houses in the process of being built that are not built yet." Ms. Matias stated that we are not getting the full spectrum of the traffic that could be going in that direction. Ms. Matias walks her dog on that road and said its tough north and south. "The idea of having a fire truck hanging on Mourningkill Drive is ludicrous." That is not a very wide road and residents do park on the side of the road.

Terresa Bakner, Esq. stated that CME did the study for the Mourningkill Subdivision that was approved a few years ago and did account for all the numbers of cars that will come whether or not the buildings are built presently. At that time, looked at the accident history connection with the Mourningkill Subdivision and found a low level of traffic in that area and no history of accidents to excess and will request that accident information from NYSDOT. The site is currently zoned for this use and a request for site plan approval and a special use permit and meet certain criteria of the code. This is an unlisted action under SEQRA and provided the board with a short EAF, traffic analysis and wetland information. The site has been thoroughly examined by NYSDEC and ACOE. The proposed site has been designed to front on Mourningkill Drive to ensure minimal wetlands possible; less than a tenth of an acre.

Mr. VanVorst asked for clarification of the four stormwater basins on the site. Mr. Dannible stated that run-off calculations will be performed; one main basin and the remainder will be a combination of rain gardens and bio retention areas. Mr. VanVorst asked who will maintain those. Mr. Dannible said owned and maintained by the property owner. Mr. VanVorst asked how they will maintain if there is no access. Mr. Dannible said a gravel road will be provided for the access points.

Mr. VanVorst asked how close the passive recreation area will be to NYS Route 50. Mr. Dannible stated 75 to 100 feet.

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Mr. VanVorst stated there are a lot of long term residents on Mourningkill Drive and have no sewers and would like to see if this project proceeds, the ability to access the sewer system as it goes across NYS Route 50 through the proposed project. Mr. Dannible stated the applicant is proposing only a lateral. Mr. VanVorst stated he is not asking to extend it, but make it possible for an extension to go through your project. Mr. Dannible stated he would talk to the applicant about a possible easement.

Mr. DiPasquale asked if the billboard will remain on the southern end of the site. Chairman Doyle stated Lang Media is proposing LED lighting on the billboard. Mr. Dirr said, "They do not have control of the billboard and would prefer it wasn't there as well."

Mr. Cwalinski asked the purpose of the two long term onsite managers. Mr. Dirr said there are two full time positions; property manager and property maintenance.

Mr. Cwalinski said, "He is concerned that we are taking our business areas and filling them with residential uses." Mr. Cwalinski stated he reviewed the town's Comprehensive Plan and Industrial Development Plan and there is a multitude of reasons why this should be commercial and would feel better if the applicant would consider a mixed-use building with commercial downstairs and "kind of get close to our Comp Plan and Industrial Development Plan."

Mr. Ramsey asked if the lobby and community room open 24/7. Mr. Dirr said it's secure from the outside and has access with a key fob's and an intercom system that goes to each of the units.

A further discussion was held on number of tenants per apartment size. 1-bedroom (1-2 people) 2-bedroom (2-4 people). Mr. Ramsey asked if the parking is sufficient. Mr. Derr stated 1.5 "car park ratio is more than enough." Mr. Ramsey asked who manages the number of tenants per unit. Mr. Dirr stated it's included in the lease agreement. Small pets are allowed and are not opposed to a designated dog walk.

Mr. Cwalinski asked to provide details from the other projects relative to parking.

Mr. DiPasquale asked if there is adequate space for snow removal. Mr. Dirr stated property management reviewed the proposed snow removal and signed off having no issues. Mr. DiPasquale stated there does not look like enough space for snow removal. Chairman Doyle said, "You need at least 10%."

Chairman Doyle opened the public hearing at 8:37 p.m.

**John Goddard, Commissioner, BHFD** stated the problem he sees with this plan is the ISO rating for the BHFD will change dramatically. Currently we (BHFD) are a 4-4x, which under the new

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rating system is the same as the 4-9 used to maintain. Mr. Goddard stated that BHFD does not have a ladder truck in their district. ISO requires any buildings over two stories have a ladder truck, if not it will affect the ISO rating which in turn will affect homeowners insurance and commercial business insurance. Mr. Goddard has concerns with the access to the east side of the building. Currently there is no road there that would support a ladder truck, which is approximately 55 feet long. Mr. Goddard stated that ladder trucks cost approximately one million dollars to service a building of this size. Mr. Goddard stated that BHFD does not have a building capable of holding a ladder truck. The cost of a building to house a truck is approximately 2.5 to 3 million dollars to building something feasible. Mr. Goddard stated that we (BHFD) approximately two thousand hours each year for training among our 57 active members. The additional ladder truck in our district would probably almost double that training; qualified drivers, qualified aerial apparatus engineers. Mr. Goddard stated with an all-volunteer department, it puts a big burden on people. Power lines are a concern located on the east side of Mourningkill Drive, which does not support enough width. The access for the NYS Route 50 is a concern with the district. Mr. Goddard stated there is a provision in ISO that states, "Neighboring departments that have ladder trucks within a certain mileage can be used for automatic mutual aid." Mr. Goddard stated our (BHFD) closest ladder truck is not within the mileage that is acceptable by ISO. Mr. Goddard stated ISO stands for "Insurance Service Office, Inc." 90 percent of insurance carriers use this when they determine your homeowner's insurance and commercial business insurance. Mr. Goddard stated he is willing to work with the board and designers to address the concerns of the fire district.

**Bob Gomez** stated he has concerns with the compliance with the Americans with Disabilities Act (ADA); Sidewalks, walkable distances and bus shelters. Mr. Gomez asked schools – transportation of students and the impact on schooling in the district. Mr. Gomez stated he has a concern for parking and snow storage, increased traffic and trucks.

**Bill Crawford, Assistant Chief (BHFD)** stated he has 45 years with the district. Mr. Crawford is very familiar with that stretch of NYS Route 50. The stretch from Charlton Road and Brookline Road is notorious for accidents. In the wintertime, accidents occur on the hill next to Beacon Hill, which mean the fire department uses Mourningkill Drive as a bypass. The intersection coming out of Mourningkill Drive onto NYS Route 50 on the south side is at an angle – visibility is minimal. Mr. Crawford said as far as apparatus, the design proposed may meet code, but it's terrible. If you think you can park one piece of apparatus on each end of that building and fight a working structure fire, it is not going to happen – this plan is not going to work.

**Calvin Klein** stated he is agent for his son Steven Klein and his wife Abigail who resides on Mourningkill Drive who objects to this project due to the injurious nature to the character of the neighborhood. Mr. Klein stated there is going to be increased traffic. It's a very dense multiple unit rental housing versus what is predominately single family housing (owner occupied). The height of the proposed structure with minimum setbacks has an injurious effect

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on the character of the neighborhood. The entire site is a watershed for the Morningside. Increased traffic is a concern. Mr. Klein urges the board to fully consider the negative influences of this project and to deny the special use permit.

**Bill Shaw** stated he has been a defensive driving instructor for the last 15 years. Mr. Shaw said anyone who drives this road from Scotia to Saratoga realizes this road is a mess – it's a tragedy waiting to happen every day. If you start up at the V-Corners and look at places that generate turning traffic – Wal-Mart, busy gas station, Ecobelli's Restaurant (in the process of being renovated to reopen), Mangino's, school bus garage, Peak Point Apartments, two housing developments on the east side, another low cost gas station, Bridgewater Apartments and this proposal. Mr. Shaw said driving NYS Route 50 is like being pecked to death by ducks." Mr. Shaw stated there is constant stop and go, which creates a hazardous situation. "There is an iron law in traffic engineering, the longer pedestrians have to wait for a signal to cross, and the more likely they are to cross against the signal. The jaywalking tipping points seem to be about 30 seconds the same time it turns out after which cars waiting to make a left turn against traffic begin to accept more dangerous gaps." Mr. Shaw stated "We all do that and that is what is happening on NYS Route 50" and would highly urge this board to enact a moratorium on any more developments or anything that opens up onto NYS Route 50 until you (the board) gets together with the state and put together some type of way to get this traffic to enter onto streets that have traffic lights.

Chairman Doyle stated the board has an agenda of six or seven items and asked people to speak to items other than traffic. Chairman Doyle asked that all comment letters and email be forward to the Town Clerk.

**Steven Peterson, Chief (BHFD)** stated that he wanted to bring up the insurance rating that was brought up by Commissioner Goddard goes up for any other 3-story buildings put in our district – insurance companies will collect from all of us for that one building "unless we spend four million dollars on a ladder truck which will bring up taxes. Mr. Peterson stated this needs to be considered for all districts or projects that have a building more than two stories.

**Fred Jansen** stated his main concern is five or ten years down the road how well is this building going to be maintained. It's going to be low income; people who live there will not take care of themselves and for what he can see will be one manager and one maintenance person on site for the 24 hours of every day for the whole year. "How much do they know about maintain a building and who will maintain the building when it's all done." Is there a management group and who is it and how much experience do they have.

**Norm Collins** stated he has lived in the Town of Ballston his entire life and resided at 15 Morningside Drive since 1980. Mr. Collins stated he would challenge the traffic data and can count the number of times that there are cars, tractor trailers and Canadian trucks that turn

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onto NYS Route 50 and turn down Mourningkill Drive when they think they are on NYS Route 50. Mr. Collins stated he has enough problems with Bridgewater Apartments having drunk people on his lawn, people picnicking by the creek, skateboarders up and down the street. Mr. Collins said, "We are going to have another Bridgewater Commons, Bridgewater 2 or Bridgewater Village – whatever you want to call it."

**Fred Iannon** asked about garbage storage, removal and school bus turn-around.

**Al Poremba** stated the application that was submitted is substandard. The applicant is asking for three waiver requests because (plan A) on Sherman Way was woefully inadequate. The applicants are trying to fit this huge complex, which is grant funded (52 units). Mr. Derr stated it's an allocation of tax credits. Mr. Poremba stated the project the applicant is trying to fit it into this property that is too small for this 52 unit 3-story complex. The first waiver is relative to the parking spaces – there is no way you are going to get the adequate number of parking spaces if you have this waiver - 2.5 spaces are needed per 52 units. Mr. Poremba asked what is going to happen when that parking lot is filled up – it's not a matter of if, but when the parking lot fills up. The only place for people to park is on Mourningkill Drive. Mr. Poremba is asking the board not to waive that request. The other requests are for setbacks – one on NYS Route 50 and Mourningkill Drive. Mr. Poremba stated the complex is too big that's why they need waivers for the setbacks because there is not enough room – wetlands to the north. Mr. Poremba stated the three waivers requested by the applicant make this application woefully inadequate and rejected right on its face. Mr. Poremba stated he would expect a SEQRA review for the project (Long EAF). This isn't just the Mourningkill; there is a whole area of marsh and wetlands that are going to be disrupted by 52-units of housing. Mr. Poremba said the applicant's application to the state said, "Do you anticipate that any units in this project will receive a rental subsidy – answer "Yes." "If yes, enter the number of units that you expect to receive the subsidy from by source." B. "HTFC Section 8," Number of units that receive subsidy - answer – eight units.

Chairman Doyle stated anyone else who would like to speak would seriously suggest that you take and send in an email or letter and would like your input. It's impossible to get everybody at a meeting like this and allow them to speak. So please do that and would appreciate that very much - public hearing to remain open.

Chairman Doyle stated there will be another public hearing.

Chairman Doyle said there are many questions the board is looking at and asked the board how they feel about moving forward with conceptual design approval. Chairman Doyle said, "He did not think we are ready yet. Mr. Cwalinski agrees, "We are not ready yet and still a lot of public comment out there and issues to be resolve."

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Chairman Doyle stated the applicant to continue their engineering and has to go beyond concept in order to answer the questions the board has.

Chairman Doyle stated that more justification is needed for the requested waivers.

Ms. Serra stated that C. T. Male will offer support to the fire department with their Fire Code Compliance Officer and set up a meeting.

Chairman Doyle stated that the fire department is very upset and have real concerns.

Mr. Dannible stated at this time, will take these comments and provide written responses and do further evaluation of their plans and come back in July to discuss.

Application tabled.

**J & R Fuels, Curtis Industrial Park, Ballston Spa, NY 12020 228.-3-64 (Site Plan Review & Special Use Permit to allow a bulk propane distribution) John Couse, owner Couse Propane located at 270 Milton Avenue was present.**

The applicant is proposing bulk storage of an 18,000 gallon propane tank at 831 Route 67 (Curtis Industrial Park) Lot #33. Mr. Couse stated it's to help with supply and demand for the consumer and to ease on the storage of it – "buy direct and not run out and short their customers."

Mr. Couse stated Lot #33 (Curtis Industrial Park) is approximately three acres and no buildings on the lot – nearest building is 500' away. There is an existing abandoned pump house to be taken down.

Chairman Doyle stated a plan is required showing chain link fence, signage and what is proposed to make sure it's secured and locked up. Chairman Doyle said, "I don't see anything of that nature in the photographs that you showed us." Mr. Couse stated the photographs should have shown a fence. Mr. Couse stated poles are shown on the photo and the fence was erected the next day. Mr. Couse said, "The 18,000 gallon tank goes on a 26" slab 53' in length and 8 ½ feet in diameter – most propane companies have a 30,000 gallon propane tank for bulk storage; proposed is 18,000 gallons. The proposed tank is new and meets all the 2014 safety regulations.

Mr. Couse stated all the electrical for the project is filled with foam – no gas could ever enter the piping. It's explosion proof.

Mr. Cwalinski said, "This installation will require electricity." Mr. Couse said it will require electricity.

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Mr. Cwalinski asked the purpose of the gas cylinder in front of the tank. Mr. Couse stated that is a nitrogen tank that runs the air lines to the unit.

Mr. Cwalinski asked, "What is to stop a truck backing into this." Mr. Couse said, "We are going to pipe bollards in the area where the piping is accessible where the loading would go."

Mr. Ramsey asked if any other tanks will be stored there. Mr. Couse said no, this is just going to be bulk storage; our trucks won't even be there.

Mr. Cwalinski asked the size of the transport that fills the tank. Mr. Couse stated the transport holds 9,000 gallons and 25 feet long.

Chairman Doyle said the town is supporting new businesses coming to our area, but "we need to have some standards as how these tanks go in and have a good feeling about them."

Chairman Doyle stated a sketch is required showing the fence, bollards and signage.

Mr. Couse said if the board has any questions to direct to Eric Leskinen, Propane Safety Consultant.

Mr. DiPasquale requested a site plan layout. Mr. Cwalinski agrees, stating it will be helpful.

Mr. Maher asked if there is a gravel road. Mr. Couse said, "It's a gravel road and goes to an open round area where the tank would go."

Chairman Doyle stated that lighting protection and grounding is necessary and requested the applicant to provide a sketch that shows the requirements.

Mr. DiPasquale asked if the Fire Department were notified. Mr. Couse stated he has spoken to the Fire Department. Chairman Doyle requested a letter confirming discussions with the fire department.

Mr. Ramsey asked about lighting. Mr. Couse said lighting will be there for when it gets toward dusk – no night loading."

Mr. Leskinen stated the board was provided all the specifications that are required under the state fire code state fire code as well as the NFP - requirements for fencing and security plan.

Application tabled.

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**Walter Katz, White Beach Road, Ballston Lake, NY 12019 239.-1-21.2 (Sketch Plan Review for future minor subdivision) Duane Rabideau, VanGuilder and Associates** was present on behalf of the applicant. The applicant is proposing a 3-lot subdivision for family members to construct a single family residence located at 20 White Beach Road. Mr. Rabideau stated that clarification/interpretation of §104-12G-15 states "Permanent cul-de-sacs shall not contain more than 21 lots and shall be provided with a turnaround at the closed end having a street right-of-way line diameter of at least 150 feet". Mr. Rabideau stated that this is technically a cul-de-sac and right now there are 31 homes on this one-way street (White Beach Road), which everyone on the east side is utilizing the gated crossing at White Beach Road. Mr. Rabideau asked, "Does the Planning Board have the ability to waive this requirement so that potentially the applicant could move forward with the proposed subdivision and anyone on that side of the tracks, which has been a very long standing issue." Chairman Doyle said we the Planning Board do not have the ability to change zoning.

Mr. Cwalinski asked, "Will there be a total of four building lots." Mr. Rabideau stated yes.

Chairman Doyle said, "The board will have to review and try to come up with some ideas and present to the town board to get Mr. Katz an answer."

Mr. Rabideau said, "From NYS Route 50 down White Beach Road is paved, make the left hand turn to parallel the tracks, the road/driveways are in pretty good shape." Mr. Rabideau drove down the portion that connects into Saunders Lane and said it seems to deteriorate farther beyond that.

Mr. Rabideau stated 280A relief is needed from the Zoning Board of Appeals.

Chairman Doyle asked Mr. Rabideau to tell Mr. Katz to stand firm for a little bit. "We will certainly start talking to board members and the supervisor and develop a plan of action."

Chairman Doyle asked if board members had comments or suggestions on how to proceed. Mr. Cwalinski there is no other option the Planning Board cannot waive that legal requirement.

Chairman Doyle stated it's a large piece of land and a nice piece of land and will work on it. "We have to solve it and come up with some sort of a method."

Mr. Rabideau said, "Someone just built within the last two years on there and is truly a precedent."

Chairman Doyle said, "We lost track and allowed someone to sell their home, subdivide and build a new home next to the old home and was absolutely wrong."

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Mr. Rabideau said, "We will wait for instructions from the Planning Board." Chairman Doyle said, "Yes, I will carry the ball."

Application tabled.

**Rue Kemmerling, 1613 Amsterdam Road, Ballston Spa, NY 12020 215.-1-4.2 (Lot Line Adjustment/move east boundary line 175' to the east) Rue Kemmerling proposed a lot line adjustment; acquiring 175' on the east side of their property.**

No questions from board members.

Chairman Doyle opened the public hearing at 9:30pm.

No one wished to speak.

Chairman Doyle closed the public hearing at 9:31pm.

Mr. Cwalinski asked for the location of the septic system. Mr. Kemmerling stated in the front of the property.

Chairman Doyle asked the applicant to have the location of the septic system added to the final drawing.

**MOTION:** Mr. Cwalinski motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. VanVorst motioned to declare this an unlisted action under the SEQR process therefore will declare this a Negative Declaration under the SEQR process. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. Maher made a motion to approve the Lot Line Adjustment between Cromie and Kemmerling detailed on map number 159-30-19, dated April 9, 2015; subject to adding the notation for the septic system location. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

**Scott Tope, 1 Lakehill Road, Burnt Hills, NY 12027 257.12-1-79 (Special Use Permit to allow a Pizzeria)** Scott Tope, applicant currently operates a pizzeria in Ballston Spa and the building is being sold, found this property and thought it would be a great location for a pizzeria.

Mr. Maher asked about parking and utilizing the parcel across the street.

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Mr. Williams, owner said the property was sold together.

Mr. Ramsey asked if apartments are located upstairs. Mr. Williams stated one apartment.

Mr. Williams stated there is parking located behind the building to be used for the employees.

Mr. Ramsey asked the age of the septic system. Mr. Williams said he did not know.

Mr. Ramsey asked how much water is actually be used in a day. Mr. Tope said just hand washing dishes.

Mr. Ramsey asked about grease traps. Mr. Tope stated a grease trap will be installed above ground.

Chairman Doyle said, "The board has concerns about getting across the street", the lighting on the building, handicap parking (required). Mr. Tope said, "We plan on putting two handicap parking spots there."

Ms. Serra asked the location of the proposed handicap parking spaces. Mr. Tope said across the street. Mr. Tope proposes on taking down all the trees and brush and paving it.

Mr. Johnson said there is certain criterion for handicap parking relative to slopes. Mr. Tope said, "It would all be graded out."

Mr. Williams said it's his intent to make that a lot nicer than it is presently. Chairman Doyle said there has to be an easier way for a person in a wheelchair to disembark from their vehicle and get across the road – two slopes – one going down the hill and the other side lot going down to the road "seems like a tall order." Mr. Williams said he has no control of the road, but the parking lot can be addressed. Mr. Johnson stated the he is trying to get an interpretation from NYS Codes Division, to date, has not received a response.

A further discussion was held on change in occupancy relative to the NYS code.

Mr. Williams asked if it were possible for handicap parking on the building side.

A further discussion was held on parking.

Chairman Doyle recommends giving Mr. Johnson a couple days so he gets an answer from the state.

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Mr. Cwalinski asked if beer or wine would be served. Mr. Tope stated no. The business would be primarily pick-up and delivery. Mr. Tope said, "There will be a few tables to get slices and things like that."

Chairman Doyle opened the public hearing at 9:51 p.m.

Ralph Marino stated he has a concern for traffic and backing out onto Main Street is a challenge and parking cars around that curve is going to make it difficult to get out of his driveway.

David Pierce asked that the board have the septic system inspected prior to an approval.

Chairman Doyle closed the public hearing at 9:53 p.m.

Mr. William said, "It would not be a bad idea to have that a 3-way stop."

Application tabled.

**Thomas Benuscak, Goode Street, Burnt Hills, NY 12017 238.-1-39.12 (Major Subdivision 12-lot).** Paul Olund, EDP was present on behalf of the applicant.

The applicant proposes to subdivide 35.79 acre parcel into 12 residential lots. Ten of the lots are proposed to be serviced by a new town road approximately 1550 LF. The two remaining lots will have frontage on Goode Street.

The proposed subdivision is designed with on-site wastewater treatment systems and individual wells. Stormwater to be managed on site an easement would be granted to the town for maintenance of stormwater management areas.

A NYSDEC freshwater wetland crosses the site on the eastern portion and development to remain outside of wetland boundary.

The applicant is in the process of a jurisdictional determination from the NYSDEC.

Mr. Olund stated that some of wells separation appears to be downgradient - 200 ft. separation is required and some additional revisions need to be made to push the houses further to the north to create more backyard space.

A further discussion was held on test pit and percolation test information to be provided by the application for each of the proposed septic systems.

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Mr. VanVorst stated page 3 of the EAF, "total acreage of the site of the proposed action is 35.79 acres" and (C) "total acreage project site of any contiguous properties owned or controlled by the applicant." "It states 98 acres – potentially going to expand." Mr. Olund stated the owner owns both of the lots (63 acres North) and (36 acres South) with no plans to develop the 63 acres to the North.

Mr. Cwalinski stated page 5 of the EAF states "you will generate liquid waste, but do not specify how much."

Chairman Doyle stated there is a pond in front the Sampson property and runs in a northerly direction toward the barn and asked if the stream comes out onto that property. Mr. Olund stated he will look into that.

Mr. VanVorst said the map states "proposed rerouting of farm access drive by lot line adjustment – is that a separate action or part of this action." Mr. Olund stated the applicant wants to include in this action – provide buffer between Benuscak and proposed development and ensuring Lowe has an access to their farm fields." Mr. VanVorst stated for long term planning to make that proposed turn-around extend as a paper street to the property to the north.

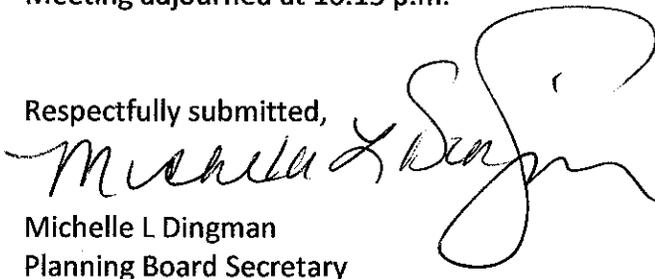
Chairman stated the West Wind Farm Subdivision there was a necessity to bring in sand for the leach fields. Mr. Cwalinski asked, "Did it have to go through a freeze thaw cycle." Ms. Serra said yes, a freeze thaw cycle and then perform test pits and perc tests.

Application tabled.

**MOTION:** Mr. Ramsey made a motion to adjourn. Mr. Cwalinski seconded the Motion and all board members voted in favor. **CARRIED.**

Meeting adjourned at 10:15 p.m.

Respectfully submitted,

  
Michelle L Dingman  
Planning Board Secretary