

Town of Ballston  
Planning Board

**TOWN OF BALLSTON  
PLANNING BOARD**

**Regular Monthly Meeting: May 28, 2014**

Present: Richard Doyle, Chairman  
Jeffrey Cwalinski  
Josephine Cristy  
Derek Hayden  
Audeliz Matias  
John VanVorst  
James DiPasquale, 1st Alternate  
Patrick Maher, 2nd Alternate  
Thomas Johnson, Building  
Inspector  
John Munsey, C. T. Male  
Peter Reilly, Planning Board  
Attorney  
Members of General Public

Chairman Doyle called the May 28, 2014 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Chairman Doyle asked for the corrections to the April 30, 2014 and May 1, 2014 minutes.

Chairman Doyle asked for the corrections to the May 1, 2014 minutes. Add "John VanVorst and Josephine Cristy" and minor editorial corrections.

**MOTION:** Mr. Cwalinski made a motion to accept the April 30, 2014 and May 1, 2014 minutes as amended. Ms. Cristy seconded the motion and all present voted in favor.  
**CARRIED.**

**OLD BUSINESS:**

**Wal-Mart Stores, Inc, Church Ave, Ballston Spa, NY 12020; 216.-2-27.11 (Site Plan Review - Concept/137,000 sf. Retail Store)** Leslie M. Mauro, Esq., with Harter, Secrest & Emery, LLP was present on behalf of the applicant.

Chairman Doyle said since the last Planning Board meeting the board was in receipt of the SEQR form and establish Lead Agency and perform a coordinated review.

Town of Ballston  
Planning Board

Mr. Cwalinski asked, "The board intends to be the Lead Agency." Chairman Doyle said that would be the contention of the board. Mr. Cwalinski asked, subject to the results of the coordinated review. Chairman Doyle replied, correct.

Chairman Doyle said, "With any major application the board declares itself Lead Agency, offer a coordinated review letter to all the state agencies and then after 30 days, the Planning Board will declare itself Lead Agency."

**MOTION:** Mr. Cwalinski made a motion that the Town of Ballston Planning Board intends to be Lead Agency. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. Cwalinski made a motion for a coordinated review. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

Chairman Doyle said it will be about a week from today until the actual letters are sent out to the involved agencies and to allow 30 days.

**William F. McLaughlin, 806 Route 50, Burnt Hills, NY 12027;257.10-2-68 (Special Use Permit/Physical health establishment).** William F. McLaughlin, owner and Amanda Barone, applicant were present.

Mr. McLaughlin gave a brief history of the site.

Ms. Barone is proposing to open a cardio kickboxing health establishment primarily class based or personal training in small groups.

The peak hours will be between 8:00 a.m. to 10:30 a.m. and 6:00 p.m. to 7:00 p.m.

Mr. Hayden stated the SEQR form questions #5 and #14 were not completed. Mr. McLaughlin left a few items blank not knowing the answers to the questions.

Mr. Hayden asked about class volumes and are classes being held here or at another location. Ms. Barone said she was subleasing from a Martial Arts school located at the Dollar General plaza in Burnt Hills.

Ms. Cristy asked the hours of operation. Ms. Barone said it varies in the morning - higher volumes being held in the evening after 6:00 p. m.

Mr. Hayden asked the applicant to explain the business name "Girl Fight" Fitness and Martial Arts Fusion. Ms. Barone said it's a way to empower women, to be fit, be active and be in an environment that is not so judgmental.

Mr. Cwalinski said the parking analysis states 5 people - two cars per person.

Town of Ballston  
Planning Board

Mr. Cwalinski asked about waste. Ms. Barone said what is generated will be disposed of offsite.

Mr. Hayden asked the proposed sign. Ms. Barone said the proposed logo was submitted with the narrative.

Chairman Doyle asked about sign placement. Ms. Barone said on the front of the building over the entrance.

Chairman Doyle answered question #5 of the Short EAF - with a special use permit.

Chairman Doyle answered question #14 of the Short EAF - Urban and Suburban.

Chairman Doyle opened the public hearing at 7:56 p. m.

David Stern asked how this application would vary since this was a former Tae Kwon Do studio. Mr. Johnson said a special use permit was issued and if it lapses for more than two years, that special use permit is null and void.

K. Curvin, 17 McMaster Street said this is exactly the kind of small business that the community likes - local homegrown people doing things that promote community spirit and keeping money in the community. The concern for traffic is admirable and is something that is always a concern for residents.

Chairman Doyle closed the public hearing at 8:00 p. m.

Chairman Doyle read the following questions on Part 2, Page 3 and Page 4 of the Environmental Assessment Form (EAF):

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? The board replied, "No, or small impact may occur."
2. Will the proposed action result in a change in the uses or intensity of use of land? The board replied, "No, or small impact may occur."
3. Will the proposed action impair the character or quality of the existing community? The board replied, "No, or small impact may occur."
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? The board replied, "No, or small impact may occur."
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? The board replied, "No, or small impact may occur."

Town of Ballston  
Planning Board

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities. The board replied, "No, or small impact may occur."
7. Will the proposed action impact existing:
  - a. public/private water supplies? The board replied, "No, or small impact may occur."
  - b. public/private wastewater treatment utilities? The board replied, "No, or small impact may occur."
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? The board replied, "No, or small impact may occur."
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? The board replied, "No, or small impact may occur."
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? The board replied, "No, or small impact may occur."
11. Will the proposed action create a hazard to environmental resources or human health? The board replied, "No, or small impact may occur."

The Board has determined, based on the information and analysis above and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts

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

Chairman Doyle read through the four criteria of a Special Use Permit:

- 1) 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

Town of Ballston  
Planning Board

situated and will not be detrimental to the orderly development of the adjacent districts. The board stated, no issues.

- 2) The location and size of the use, the nature and intensity of the operation 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. The board stated, no issues
- 3) The location and height of buildings, the location, nature and height of walls and fences, and that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof. The board stated, no issues.
- 4) 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. The board stated, no issues.

**MOITON:** Mr. VanVorst made a motion to approve the special use permit for Girl Fight (Mixed Martial Arts). Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

**Advance Auto Parts, Dominic Drive & Route 67, Ballston Spa, NY 12020 (Site Plan Review/Sign)** Patrick Huyge with Site Enhancement Services was present on behalf of the applicant. Mr. Huyge said the applicant is requesting a deviation from the Mixed Use Center design standards to allow Advance Auto Parts to construct a 6' x 18' pylon sign at 25' in overall height in order to provide proper wayfind and visibility to motorists in the surrounding corridor.

Mr. Huyge said the applicant will adhere to the setback requirements; 35' from the center of the roadway and 15' from the edge of the pavement.

Mr. Huyge said the applicant feels the height of the sign is absolutely necessary because of the surrounding corridor, vegetation, and a "slight hill" traveling north on NYS Route 67. The applicant feels the proposed sign will provide the right letter height so that motorists travelling the corridor will be able to see the sign and make the proper maneuvers to safely enter the site.

The applicant feels this proposal is a necessity to provide proper wayfinding and with the surrounding conditions motorists will be able to identify and safely get into the site without putting the public in an unsafe situation.

Town of Ballston  
Planning Board

Chairman Doyle asked, "What do you plan to put on the building" - the town has a limit of 150 sf. total signage.

Mr. Huyge said the wall sign approved during site plan. Mr. DiPasquale said the applicant was going to get back to the board with the total square footage. Mr. Huyge said the applicant is proposing either 71 sf. or 88 sf. for the wall signage, which will be over the required 150 sf. total signage.

Mr. Johnson said during the site plan review process the applicant was to provide sign information to town engineer and she (Ms. Serra) was going to make an interpretation of how much that was going to be considered square footage for the sign and to date, has not received this information. Mr. Huyge said that is something that can be provided.

Mr. Hayden said if the board approves the proposed sign "as-is", then everyone will want the similar size and height. Mr. Hayden said the surrounding business signs provided to the board predate the design standards and does not think the signs have much relevance.

Mr. Huyge said the proposed sign is non-revolving, strictly static and internally illuminated. The illumination hours will adhere to the town ordinance. The applicant said two hours before the store opens and two hours after the store closes.

Mr. Cwalinski asked what is shown on page 6 of the proposal. Mr. Huyge said it shows how the sign is wired and the schematics for the proposed sign. Mr. Cwalinski asked why is there an on/off switch shown - the sign is going to be 20' in the air and asked who will be turning it on and off. Mr. Huyge said the sign is controlled in the store. The on/off switch on sign is for an emergency.

Mr. Hayden asked if the sign is trying to be made visible from NYS Route 50 and if so, why so big and so high. Mr. Huyge said the letter height is necessary to guide motorists to that busy intersection.

Ms. Matias said the proposed sign is too big and is in the wrong location.

Ms. DiPasquale said the board has not got an answer for the sign on the store and will not address until the information requested is received from the last meeting.

Chairman Doyle said the proposed sign is too large.

Mr. Huyge suggested a 4' x 12' (48 sf.) pylon sign with the wall sign being 88 sf. or 71 sf. Mr. Doyle said, "That would be approvable."

Mr. VanVorst said, "The plan submitted to the board is not what was proposed."

Town of Ballston  
Planning Board

Mr. Huyge to return with drawings of the wall sign and freestanding sign.

Mr. Reilly said C. T. Male to calculate the wall sign before returning.

Chairman Doyle suggested the applicant resubmit and include the pole cover.

Chairman Doyle opened the public hearing at 8:25 p. m.

Lorraine Janack, 973 Route 67 has lived there since 1949 and said this area has become "distressed alley" with Dolomite, Walmart and other smaller stores in front of her home. Ms. Janack is not opposed to small business and does not want an 18' sign..

Anne Pierce, 110 Lake Road asked the store hours. Ms. Huyge said prototypically between 7:00 a.m. and 8:00 a.m. and 7:30 p.m.8:00 p.m. - Monday through Friday and shorter hours on the weekends. Ms. Pierce said the 18' light will be on at 5:00 a.m. to 10:00 p.m. or 10:30 p.m. Mr. Huyge said approximately and would work with the town. Ms. Pierce said two hours before the store would open and two hours after. Mr. Huyge said he would work with the town to make sure everyone was happy. Ms. Pierce asked f Advance Auto Parts had other signs for the board to review to the town standards.

David Stern, 9 Currie Ct. said ten years ago before NAPA moved into the village were his backyard neighbors. NAPA did very well with their signage, which was not very big. Mr. Stern said, "Were going down a slippery slope" there is a lot of development proposed and need to follow the guidelines of the Comprehensive Plan. Mr. Stern is not opposed to the business, but need to make this a gateway into the community.

Renee Janack-Cook, 13 Martin Avenue said her children are homeschooled at 973 Route 67 and an proposed 18' sign is too high. Ms. Janack's said there is a very dangerous hill on Route 67 having seen numerous accidents at that intersection - traffic flow increasing at BSNB having nowhere for the traffic to go. Ms. Janack said the light does not need to be illuminated at 10:00 p, m. if the store is closed. Ms. Janack does not want a sign illuminating in their front yard.

Susan Miller, 115 Church Avenue said when the traffic light at NYS Route 67 flashes yellow and then red does not feel a giant sign is necessary. Most businesses have smaller signs that are more esthetic to fit the town atmosphere.

Chairman Doyle said the town has a sign ordinance and the board tries to adhere to those regulations.

Chairman Doyle reinterred the board would like to see a smaller and shorter sign.

Chairman Doyle closed the public hearing at 8:35 p. m.

Town of Ballston  
Planning Board

**SSP Development Corp, 3 McCrea Hill Road, Ballston Spa, NY 12020;228.-3-30.12 (Site Plan Review/18,750 sf. addition to commercial building)** Scott Lansing, P.E., CPESC, CPSWQ with Lansing Engineering, PC, was present on behalf of applicant, SSP Development Corp. and BBL Construction Services, LLC.

Mr. Lansing said the ultimate objective for the board is to consider conceptual approval of the site plan expansion and consideration for a parking waiver.

The site is located at 3 McCrea Hill Road and approximately 8.93 acres and houses the 33,685 sf. Specialty Silicone Products building. The property is zoned Corporate Technology Park Planned Unit Development District.

The surrounding land uses includes commercial, light industrial, single-family residential, two-family residential, and multi-family residential uses to the north. Commercial, manufacturing and industrial to the west, south and east. The water tower borders the site on the southwest corner.

A boundary and topographical survey has been performed as shown on plan.

The proposed expansion is approximately 18,750 sf. off the east side of the building and will meet all the setbacks, area and height requirements of the PUDD. Loading dock improvements are proposed on the south side of the building.

A proposed reconfiguration of the paved area in the back for proper maneuvering of vehicles and formalization of the dumpsters and pallet storage area.

The applicant's are proposing to utilize the existing parking lot with the expansion. The town code does require 1 space per 400 sf. which equates to approximately 132 spaces. The current parking shown is approximately 86 spaces.

SSP currently employs 40 to 45 employees and anticipate with the expansion is estimated to be 75 employees and with the 86 spaces still have a surplus of 11 spaces.

The applicant is requesting the board's consideration for a waiver from the town's parking requirements and feels it would decrease the overall impervious area, increase the green space and decrease the overall runoff.

The project will utilize the existing public water and sanitary sewer to the expansion.

The overall disturbance is below 1 acre and do not meet the thresholds for a full SWPPP. The town engineer requests the applicant to look at the storm water runoff from the building expansion and the parking area and quantify and see if some improvements can be made to the existing storm water management area at the eastern end of the site.

Town of Ballston  
Planning Board

Mr. Hayden asked if the proposed expansion will match the existing. Mr. Lansing replied, yes using the same materials.

Ms. Cristy asked about entrances or emergency exits of the expansion. Mr. Lansing said access points will be identified as the project moves forward.

Mr. Cwalinski asked what the expansion will be used for. Mr. Lansing said the same operations that exist with additional offices and meeting rooms.

Mr. Cwalinsk asked about the storage of chemicals. Mr. Lansing said the same storage and materials - same exact operation.

Mr. Cwalinski asked about screening of the dumpsters. Mr. Lansing said screening is not proposed at this time, but will take a look at screening.

Ms. Cristy asked, "How safe is the material." John Hand, Director of Operations with SSP said it's very safe - it's like silly putty - nothing airborne, but do have some powder materials.

A discussion was held on noise and ventilation.

Chairman Doyle asked if more parking was necessary, where would the parking lot be expanded. Mr. Lansing said a conceptual layout would be done and could easily fit the town required 132 spaces.

Chairman Doyle asked about adding additional lighting. Mr. Lansing said will look at additional lighting in the back near the loading docks.

Chairman Doyle asked the board about the request for a parking waiver. The board concurs the request is reasonable.

Chairman Doyle opened the public hearing at 8:50 p.m.

Richard Voehringer, 788 Goode Street said one of the contingencies of the original approvals had to do with traffic - the project as it was approved was to continue to grow additional businesses down the street with consideration for the remediation of traffic. Mr. Voehringer suggested reviewing the minutes of those meetings to see what the contingencies were. Mr. Voehringer is not against the project and said it's a great business for the town.

David Stern, 9 Currie Ct. said he likes the fact the proposed expansion is below 60,000 sf. and having manufacturing jobs in the town. Less asphalt is better environmentally for our town.

Chairman Doyle closed the public hearing at 8:53 p.m.

Town of Ballston  
Planning Board

Chairman Doyle said, "He did check the trip point and is nowhere close to it."

**Daniel Sullivan, 133 Lake Road, Ballston Lake, NY 12019; 239.-2-59 (Site Plan Review/Single Family Dwelling)** Kurt Bedore, P.E., with KB Engineering & Consulting, PLLC is present on behalf of the applicant Daniel Sullivan.

Mr. Bedore said the parcel is approximately a 2 acre site and is part of the original Lakeview Estates subdivision approved in early 2000. The project is still operating under an older SPEDES permit.

The applicant is proposing a single-family two story wood framed residence. The driveway access proposes pervious pavement to meet the storm water quality requirement in addition to rain gardens.

The applicant is proposing a raised bed septic gravity fed system and grading to provide drainage within the confines of the site.

The applicant received C. T. Male comments and drafted a comment letter and forwarded to Kathryn Serra, town engineer and Thomas Johnson.

Mr. Cwalinski asked if the water supply will be a newly drilled private well. Mr. Bedore said there is an existing well located in the northeast corner.

Mr. Cwalinski asked about maintenance requirements for the driveway - no driveway sealer. Mr. Bedore said it's imperative for functionality of the pervious pavement and should not be sealed.

Chairman Doyle opened the public hearing at 9:00 p. m.

Chairman Doyle closed the public hearing at 9:01 p. m.

No one wished to speak.

Mr. Munsey said a single-family residence is considered a SEQR Type II action and do not have to answer the 11 questions.

Mr. DiPasquale suggested moving forward conditionally based on some response from C. T. Male that all comments have been addressed.

This is a Type II Action under the SEQR process therefore exempt from review.

**MOTION:** Mr. DiPasquale made a motion to approve the site plan conditional upon receipt and sign-off of satisfactory comments by C. T. Male. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

Town of Ballston  
Planning Board

**Wm. H. Buckley Farms, 946 Route 50, Ballston Lake, NY 12019; 248.-2-86.1 (Special Use Permit - Cafe Restaurant)** Mark Sacco, owner was present for a sign and special use permit.

Mr. Sacco said presently there is a store, butcher shop and chicken processing facility. Part of that license under Article 20-C allows the sale of goods and preparation of certain foods in the kitchen.

The Cafe serves coffee and breakfast - hours of operation are 8:00 a. m. until 3:00 p. m. Wednesday through Sunday.

Additional parking has been added - 20 spaces total with added crusher run for handi-cap parking.

There are eight full time employees.

The applicant is proposing a sign to the south on Route 50 in the pasture.

A further discussion was held on proposed signage.

Chairman Doyle asked who is inspecting the restaurant. Mr. Sacco said Ag and Markets. Mr. Sacco to provide the name of the inspector from Ag and Markets to Thomas Johnson, Building Inspector.

Mr. Sacco said Ag and Markets is responsible for the whole establishment - if the applicant exceeds 50% of their sales, then a discretionary call from Ag and Markets is made to the Department of Health.

Mr. DiPasquale said since food is being prepared suggested a grease trap - to be approved by Mr. Johnson, Building Inspector. Mr. Sacco to install grease traps.

Mr. Cwalinski said when he visited the site, noticed mud on Route 50 caused from cars exiting the site caused from pot holes and asked they be filled in.

Ms. Matias asked what is on the menu. Mr. Sacco said pork, hamburgers and sausage and peppers.

Mr. DiPasquale asked the store hours. Mr. Sacco said the store is open seven days a week - 8:00 a. m. to 6:00 p. m.

Chairman Doyle opened the public hearing at 9:15 p. m.

Richard Bashant said the project is great and the mud in the road is part of the charm.

Town of Ballston  
Planning Board

K. Curvin, 17 McMaster Street said she has been to the shop and feels it's a great thing - fits in with the Comprehensive Plan and preserves the rural character. It's a really beautiful piece of land and a great use of the land.

MaryAnn Priest, 72 Chapman Street said this is great - her grandfather was a farmer in Saratoga County. "It preserves what we like to see in Ballston."

Mr. Sacco asked, "Does the town have a speed sign to tell motorists how fast they are traveling." Chairman Doyle said he would contact Saratoga County.

Chairman Doyle said a resolution was made at the last town board meeting to reduce the speed on the "whole length" of Route 50.

Stephen Merchant, 357 Charlton Road said, "Their bacon is awesome." Mr. Merchant said the Farmland Protection Committee had a guest speaker talk about using speed signs in the town. Mr. Merchant said the guest speaker to propose the use of speed signs to the town board. The signs are not that expensive and can be moved to areas in the town telling motorist to slow down. Mr. Merchant said, "Visit the store - it's a great place."

David Stern, 9 Currie Ct. said this is a great business for the town and perhaps maybe have some "chicken crossing" signs - to slow traffic down.

Mr. Sacco said there are 950 chickens.

Applicant working on sign proposal - will return at a later date.

Chairman Doyle said the handi-cap parking spots require asphalt. Mr. Sacco asked if cement could be used. Chairman Doyle said that was fine.

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

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

Chairman Doyle read through the four criteria of a Special Use Permit:

- 1) 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 the adjacent districts. The board stated, no issues.

Town of Ballston  
Planning Board

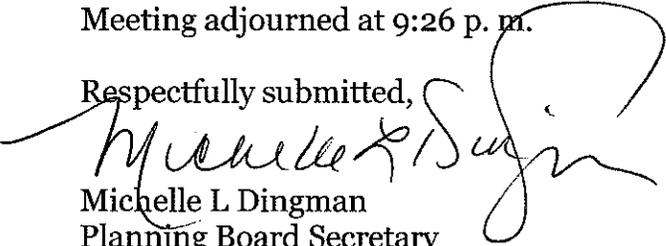
- 2) The location and size of the use, the nature and intensity of the operation involved or conducted in connection therewith, its site layout, and its relation to streets giving access to which shall be of such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. The board stated, no issues
- 3) The location and height of buildings, the location, nature and height of walls and fences, and that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof. The board stated, no issues.
- 4) 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. The board stated, no issues.

**MOTION:** Mr. VanVorst made a motion to approve the special use permit for Wm. H. Buckley Farms Cafe. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

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

Meeting adjourned at 9:26 p. m.

Respectfully submitted,

  
Michelle L Dingman  
Planning Board Secretary