

Town of Ballston
Planning Board

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: May 27, 2015

Present: Richard Doyle, Chairman
Jeffrey Cwalinski, Vice Chairman
John VanVorst
Patrick Maher
Lee Ramsey
James Fischer, 1st Alternate
Thomas Johnson, Building Inspector
Kathryn Serra, Town Engineer
Members of the General Public

Chairman Doyle called the May 26, 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 April 29, 2015 and April 30, 2015 minutes. "Add James DiPasquale under attendance."

MOTION: Mr. VanVorst made a motion to accept the April 29, 2015 minutes as amended. Mr. DiPasquale seconded the motion and all presented voted in favor. **CARRIED.**

MOTION: Mr. Cwalinski made a motion to accept the April 30, 2015 minutes as amended. Mr. Maher seconded the motion and all presented voted in favor. **CARRIED.**

OLD BUSINESS

Wal-Mart Stores, Inc., Frank Rossi and Ballston Spa National Bank, Church Ave., Ballston Spa, NY 12020; 216.-2-22.111, 216.-2-27.11 and 216.-2-40 (Site Plan Review-137,000 square foot retail store-Major Subdivision-commercial lots) Engineering Status Review.

Chairman Doyle stated the Planning Board has scheduled a special meeting for June 10, 2015 at 7:00 p.m. to be held in the community room at 7:00 p.m. The applicant will address any remaining information to the Planning Board. At this time, the Planning Board will consider the direction to take with respect to (SEQRA) and an ultimate resolution. However, no public hearing will be held at the meeting. The Planning Board invites the public to submit written comments no later than June 17, 2015.

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Michael & Susan Palma, 92 Connolly Road, Ballston Lake, NY 12019; 239.10-2-10 (Site Plan Review – single-family dwelling)

Michael and Susan Palma presented their proposal to the board. Chairman Doyle stated the applicant purchased the property, which currently has a trailer on the property and proposes to remove the existing trailer and construct a single family dwelling to include private well and onsite septic system and a detached garage proposed on the west side of Connolly Road.

Mr. Palma stated that he was in receipt of the C. T. Male comment letter.

Chairman Doyle stated the board would agree to conditional approval.

MOTION: Mr. Cwalinski motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process. Mr. Ramsey 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 site plan for Michael & Susan Palma at 92 Connolly Road contingent on Zoning Board of Appeals approval of setback variances and resolution of alternate access to Powers Lane. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

Kelley Farms Mixed Use TND, Eastline Road, Ballston Lake, NY 12019; 239.-2-7.1 (Mixed Use Traditional Neighborhood Development) CONCEPT.

Donald Zee, Esq., Scott Lansing, P.E., with Lansing Engineering, Geoff Booth, principal, Jeff Knox, principal and co-council Andrew Brick, Esq. were present.

Mr. Zee stated a 14 page letter was submitted by Scott Lansing, P.E., for the project outlining the proposed TND.

The applicant is proposing 100 residential units and 60,000 sq. ft. of commercial development. Lot 1 which is 6.52 acres located in the southeast corner proposes 60,000 sq. ft. of commercial space and Lot 2 which is 20.03 proposes the 100 condominium units and the active/passive park.

Mr. Zee stated the applicant did not receive the C. T. Male comments, dated April 25, 2015 until May 27, 2015.

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Ms. Serra said, "It is not clear if the fact that this project is for a site plan, and not a subdivision, would automatically preclude this project from being considered a TND."

A further discussion was held relative to §104-14 Traditional Neighborhood Design Standards.

- (1) Is relatively compact.
- (2) Is design for the human scale.
- (3) Provides a mix of uses, including residential, commercial, civic and open space uses in close proximity to one another within the neighborhood.
- (4) Provides a mix of housing styles, types and sizes to accommodate households of all ages, size and incomes.
- (5) Incorporates a system of relatively narrow, interconnected streets with sidewalks or pedestrian paths, bike ways and transit.
- (6) Retains existing buildings with historical or architectural features that enhance the visual character of the community.
- (7) Incorporate significant environmental features into the design.
- (8) Is consistent with the Town's Comprehensive Plan.

A further discussion was held the proposed roadway for the project.

Mr. Zee stated an archeological study has been performed on the site.

Mr. Zee stated NYSDEC and ACOE have been delineated for the project. A jurisdictional determination was received from ACOE in 2014.

Mr. Zee stated that preliminary storm water management plan was submitted for review.

Mr. Reilly advised the applicant that condominiums are not permitted in this zoning district.

Mr. Zee stated that a workshop be scheduled to discuss outstanding C. T. Male comments housing types desired by the board.

A further discussion was held on traffic relative to number of trips per unit— changing the type of housing will change the number of trips.

Mr. Zee stated the commercial portion of the project is located along Eastline Road and offers a buffer to the single-family residences.

Ms. Serra stated one 1-family and 2-family are allowed in the Ballston Lake Residential District – condominiums and apartments are not permitted in this zoning district.

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Mr. Zee stated that Timber Creek Phase III (TND) permitted multi-family use. Mr. Zee stated the phrase "multi-family is not defined by the Town of Ballston code – "when something is not defined, you have to look at the plain meaning of the phrase." Mr. Zee said, "This town has used "multi-family and apartments interchangeably – multi-family more than three units in a building."

Mr. Brick said the term multi-family is used, but has not been defined in the town code.

A further discussion was held on interpretation if there is an ambiguity with the code.

Mr. Reilly stated that the zoning law states that multiple uses are not allowed only 1-family and 2-family.

Mr. Zee asked if the Code Enforcement Officer has made a determination that multi-family dwellings are not permitted in this area. Mr. Reilly stated that no determination has been made and needs time to review.

Mr. DiPasquale stated the board approved Kelley Farms subdivision. Mr. DiPasquale asked if construction has begun. Mr. Zee replied no.

A further discussion was held on Kelley Farms Road layout with possible changes.

Mr. Reilly stated the application in front of the board is not approvable. Mr. Zee stated that he feels the proposal in front of the board adheres to the TND regulations and wants to work with the town. Chairman Doyle stated the applicant should slow down and take time to work with the board. Mr. Zee stated the applicant just received the C. T. Male comment letter dated, April 24, 2015 and seems that someone has been trying to slow us down. Mr. Zee stated his clients rely on what is permitted in the zoning and do not feel "We are rushing." Mr. Reilly said, "The applicant agreed that condominiums are not allowed." Mr. Zee said, yes. Mr. Reilly stated the project in front of the board is not a TND and there was no reason to even be on the agenda because condominiums are not even allowed. The board is trying to work with the applicant. Mr. Reilly suggested the applicant schedule a workshop in order to move forward.

Mr. Cwalinski stated that he disagrees that this is a TND. Mr. Cwalinski stated that a TND is an attempt to demonstrate a neighborhood in the late 19th and 20th century prior to World War II neighborhoods.

There are single-family houses and 2-family houses (as stated in the town's zoning code)
Front porches.

The houses are smaller than today's standards.

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The lots are small.
Close to the street.
Small front yards.
Detached garages.
Sidewalks both sides of the street.
Grids
Businesses support the needs of the community.

Mr. Cwalinski stated the above listed items demonstrate a TND, not condominiums or commercial buildings.

Mr. Maher agrees with Mr. Cwalinski.

Mr. Zee stated that there are no detached garages in Stonebridge.

Mr. Cwalinski stated that the Planning Board is not bound by the past and if we (the board) made a mistake, we are going to fix it moving forward.

Chairman Doyle reiterated to the applicant to review their proposal as it does not meet the TND standards.

Mr. VanVorst stated his recollection is that when this project was in the concept phase (original Kelley Farms project) it was represented to us (the board) as a conventional design not a TND. Mr. VanVorst stated if this parcel whether it turns out to be one lot or three lots, if it had been represented correctly, but was represented as an estate lot, which in his mind is a single family home on a large lot and thinks it was purposely presented to us (the board) in a way to get approval when it was not intended to be approved as a single family home on a lot and has resentment in that.

Mr. Zee stated that there is nothing on the subdivision plan that says "No further subdivision of this parcel or other restrictions of this property." Mr. Reilly state Mr. Zee is correct.

Mr. Reilly stated original concept was presented as an estate lot (single family home on a large lot) and now the applicant has proposed a TND –"this gives the board a bad taste in their mouth."

A further discussion was held on a Traditional Neighborhood Design

Chairman Doyle stated the applicant should contact Mr. Reilly to schedule a workshop.

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Chairman Doyle made a motion to table. Mr. Cwalinski seconded the motion. Application tabled.

NEW BUSINESS:

NY Development Group, White Beach Road & Route 50, Ballston Lake, NY 12019; 248.-2-14.211 (Major Subdivision) CONCEPT.

Donald Zee, Esq., Andrew Brick, Esq., Scott Lansing, P.E., with Lansing Engineering, Geoff Booth, principal, Jeff Knox principal was present.

Mr. Zee stated the 62.7 acre property is located at the intersection of White Beach Road and Route 50. The applicant proposes (12) single-family residential units and (8) multifamily residential buildings. The eight (8) multifamily residential buildings include a total of 45 individual units. A boulevard entrance is proposed to improve the existing conditions. The overall project proposes over 90% green space. Currently the parcel is divided into two separate zoning areas with the front portion of the parcel extending 500' in from Route 50 zoned Business Highway 2 (approximately 8.82 acres). The remaining lands are approximately 53.88 acres zoned Rural. The parcel is located within the Watershed Overlay Protection District. The development will utilize public water supplied by the Burnt Hills-Ballston Lake Water District No. 2 Ext. 7. The proposed multi-family unit will convey wastewater to a community wastewater treatment system. The wastewater from individual single-family residences will be conveyed to an individual owned and maintained wastewater disposal system located on each individual lot. Mr. Zee stated the applicant was in receipt of the C. T. Male comments with a concern for the wastewater treatment system for the multi-family units shown on Lot 2 of the residential development.

A further discussion was held on §104-9 (14) "Proposed water supply and sanitary wastewater disposal is proposed, percolation rate and test pit information shall be provided."

Chairman Doyle stated dry sewers are a code requirement from the county.

Chairman Doyle suggested the applicant redesign another plan to propose to the town.

A further discussion was held on interpretation of §138-69 of the zoning code.

Chairman Doyle said the town is working on zoning changes.

A further discussion was held on the proposed site layout.

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Mr. Fischer stated the applicant could ask for clarification ahead of time – that’s what working together is all about.

Mr. Reilly reiterated the portion of the property within the rural zone is not in the water district; therefore a water district extension would need to be granted by the town board.

Chairman Doyle all technical comments or questions be directed to the town engineer.

Ms. Serra reiterated the project needs town board approval of Burnt Hills-Ballston Lake Water District No. 2 Extension 7.

Mr. Booth stated the property has been removed from the Ag District and can provide documentation to the board.

Ms. Serra stated she thinks the proposed boulevard is a “good idea.” Ms. Serra asked if NYSDOT would permit a second entrance to the site from Middleline Road, which would be preferred by the town.

Mr. DiPasquale stated the water district extension needs approval from the town board prior to the planning board moving forward with their review.

Mr. Booth said public water is a benefit to the project and does not feel they (NY Development Group) are not pushing any limits.”

Mr. Reilly stated that townhomes are allowed in the Business Highway 2 District.

Mr. Doyle asked Mr. Booth if he owned more land associated with this project. Mr. Booth said, “We do not.”

Mr. Fischer asked will Lot 2 will be affected with if the water district extension is not granted. Ms. Serra replied yes.

Ms. Serra asked if the water district extension was not approved, could the setbacks be met with individual wells. Mr. Booth replied yes.

Mr. Booth stated approval was given by the town board on previous projects after approval was received from the planning board. Ms. Serra said, “There has been a tide change.”

Mr. Cwalinski stated he has a concern with the intersection at Middleline Road – accident prone with additional traffic.

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Mr. Booth asked the board if they are in favor of the proposed boulevard entrance.

Mr. Maher said, "It helps."

Mr. VanVorst said, "It's a step in the right direction and believes there really needs to be a curb cut off of Route 50."

Mr. Booth stated that emergency access is proposed off of Route 50. Mr. Johnson said emergency access is no good unless it is available 24/7 365 days a year.

Chairman Doyle made a motion to table the application. Mr. Maher seconded the motion.

Application tabled.

STEWART'S SHOP #253, 170 Church Ave., Ballston Spa, NY 12020; 216.56-1-10 (Site Plan Review, Special Use Permit) Demolish old store and build new with self-serve gas pumps.

Chris Potter was present on behalf of Stewart's. The proposal is to construct a 3,975 sq. ft. Stewart's Shop to include two bathrooms and a 20' x 84' canopy with three dispensers to include diesel.

The applicant is proposing cement board siding and a stone façade around the bottom of the building. The site proposes two entrances – Church Ave and Martin Ave. A covered patio is proposed with additional tables. Two storage tanks are proposed – 15,000 gallon and 10,000 gallon (6,000 diesel fuel and 4,000 super unleaded). The applicant is proposing that the store remain open while under construction and demolish existing building when completed. There are currently five curb cuts to the existing site and are proposing three. The applicant is proposing to replace the curbing along Church Ave and construct sidewalks on Church Ave. LED lighting proposed. The existing location is serviced by municipal water and a holding tank and drywell. Ms. Serra said the new septic system comply with the NYSDOH regulations. Ms. Serra has concerns with onsite septic system due to site constraints (green space) and "bad septic systems in that area" and would prefer connecting to the sewer system. The applicant is proposing two 17 sq. ft. building signs and one 63 sq. ft. freestanding sign to include LED for gas and diesel prices.

Mr. Cwalinski has a concern about space for trucks on parking spaces 1 & 12 as indicated on sheet two of the site plan. Mr. Potter stated the next submittal will include a truck routing plan for the site. Mr. Cwalinski asked the applicant to provide justification of the proposed parking layout. Mr. Cwalinski asked the applicant to review the design standards for sidewalks. Ms. Serra stated that the lighting plan will need to be reviewed.

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Mr. Maher requested the applicant to provide architectural renderings.

Mr. DiPasquale requested renderings showing more architectural detail and color.

Mr. Fischer requested the applicant provide pictures of their other stores.

Chairman Doyle mentioned a Stewart's Shop in Manchester Vermont.

Ms. Serra suggested the applicant have their Architect review the design standards.

Chairman Doyle asked the applicant to provide data from their other stores relative to parking.

A further discussion was held on green space and proposed parking.

A further discussion was held on the proposed septic system.

Chairman Doyle opened the public hearing at 9:20pm

Leslie Mauro, Esq., requested the Planning Board limit comments to the Stewart's Shop's.

Patti Southworth stated she has a concern for traffic. Current parking at the facility is a "nightmare." If they are going to be putting in more tables and more bathrooms and more outside seating, then more parking is needed. Ms. Southworth said, "Dunkin Donuts were supposed to be putting up \$20,000 for sidewalks.

Lisa Speidel said Stewart's is a locally owned and operated business. Ms. Speidel has a concern for the driveway in the rear of the building, which has increased pedestrian traffic and was supposed to be for delivery trucks and is now paved and being used for an entrance and exit on Martin Ave. Ms. Speidel said, "This is our neighborhood" where children play and already have drainage problems. Ms. Speidel stated more pavement equals more problems. There will be increased deliveries with possible large semi-trucks similar to the ones at Dunkin Donuts (that were not permitted). Ms. Speidel stated there will be more increased trash in the neighborhood. Green space is a concern – homes are located on Martin Ave and do not think they want to look at a concrete wall. Noise from increased traffic, HVAC units, potential odors from gas tanks, safety concerns. Ms. Speidel said, "We are part of a residential neighborhood and would like to see the project has as little impact by "doing it right." Ms. Speidel stated Stewart's is great for the community; it's local, owned by its employees and supports the local community. Ms. Speidel said, "We need a projector and better speakers – it's 2015." Chairman Doyle said, "It's in the works along with air conditioning."

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Liz Kormos said this is the area where a Traditional Neighborhood Design should be happening, but the orientation of the proposed building with the pumps out front is hardly a TND, but put the pumps on the side of the building, which gives you a nice looking building with a TND design. Ms. Kormos suggested possibly rearranging the site or eliminating one pump.

Jim Legnante said in 2006 had ground water that tested positive with high concentrations of coli. In 2008 tested positive again for E. coli. Mr. Legnante has concerns for the antiquated sewer line and is not in favor of a septic system at that location and does not see how this can be allowed without sewer. Mr. Legnante said to think about safety (Thomas Avenue is nothing but a drag strip all day long) and something needs to be done with the ground water situation.

Amber & Paige Cook said they are both ten years old and live on Martin Avenue. We ride our bikes and walk our dogs and play basketball on our street. There are only seven small houses on our street and cars are all going very fast and a blind corner that is very dangerous. Because Church Ave. is so busy a lot of the time people cut through our street because they can't turn left out of Dunkin Donuts. We know Stewart's wants to get bigger and like to go there for ice cream, but we are asking that the Planning Board not approve until the speed limit is lowered to 15 mph and want to be safe on our street.

Renee Janack-Cook said we live this nightmare every day. We are a tiny little street and the traffic is "maddening" and unsafe. Ms. Janack-Cook said, "We love Stewart's and shop it every day", but needs to be addressed from a safety standpoint. Ms. Janack-Cook said her husband jumped out of the window of their home to help a woman who was being accosted in the parking lot at Coseo's garage. Ms. Janack-Cook said she would love to see Stewarts grow, but has a concern for safety.

Gregory Cobb said he does not see the room for the proposed expansion of the building and does not see enough space for two entrances. Mr. Cobb said there is a concern for people smoking cigarettes and drinking coffee for hours with the proposed covered patio and tables as his yard is littered with cigarette butts. "We are just creating more problems – it's very dangerous there and has witnessed many accidents at Thomas Ave and Route 50.

Theresa Legnante said she would like to remind the board that there is sewer on Ballston Ave. and on Church Ave. and cannot believe that the board would go backwards and not require them to hook into the sewer especially with the septic systems and drainage on Thomas Ave.

David Stern said he is not opposed to the proposal, but said that he resides on Currie Ct. and knows that it's 500' notification limit, but said, "It would be nice to hear about this than through other channels" – notification could be improved with letters that actually expand that. Mr. Stern said that he could not make a left hand turn out of Currie Ct., between 5:30 p.m. and 6:00 p.m. so he traveled south to Ballston Ave. Mr. Sterns said that vehicles are always turning

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around on Currie Court. Mr. Stern said there should be no one existing onto a residential street and should be closed off. Screening is a concern – after seven years the Arborvitae were not effective at Dunkin Donuts. Mr. Sterns suggested fencing to keep noise and litter out. Mr. Stern has a concern for the benches facing Thomas Ave. and suggests some type of screening. Mr. Stern stated there should be some restrictions to parking because vehicles park on Martin Ave. when the parking lot is full. Mr. Stern stated he learned a new phrase “Traditional Design Neighborhood” and lives in a TND and remember that this is our community and residential neighborhood. Mr. Stern stated that Stewart’s is part of the community, but wants a smart well designed store with green space and definitely need sidewalks extended.

Ben Baskin stated this town is at a turning point and becoming like Clifton Park (northern part of town) and requires the planning board to consider the residents and not make sure the same mistakes are made like Dunkin Donuts relative to lighting and make sure there are sidewalks. Mr. Baskin stated the privacy of the surrounding community should be respected and protected. Mr. Baskin stated the developers should bear the responsibly for the safety around the store (road and sidewalk) – it can’t all be done by the town and the village.

Richard Bachand said he is concerned about the area getting bigger and growing with a concern about parking and traffic. There is a backup of traffic every morning at Dunkin Donuts and has a concern for the proposed entrances.

Karen Welsh stated she supports the others residents comments and has a concern for the signs and smells as the students from the school travel by daily. Ms. Welsh stated it would be nice if Stewart’s Corporation would acknowledge the history of the store. Ms. Welsh has a concern for the size store as the property is on a corner lot.

Chairman Doyle closed the public hearing at 9:45 p.m.

Application tabled.

MOTION: Mr. Ramsey made a motion to adjourn. Mr. Maher seconded the motion. **CARRIED.**

Meeting adjourned at 9: 45 p.m.

Respectfully submitted,


Michelle L Dingman
Planning Board Secretary