

Town of Ballston
Planning Board

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: January 21, 2015

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

Chairman Doyle called the January 21, 2015, meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Chairman Doyle asked for corrections to the December 10, 2014 and December 17, 2014 minutes.

December 17, 2014 add "Lee Ramsey"

MOTION: Mr. Cwalinski made a motion to accept the December 17, 2014 minutes as amended. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. VanVorst made a motion to accept the December 10, 2014 as submitted. Mr. Ramsey seconded the motion and all present voted in favor. **CARRIED.**

OLD BUSINESS:

Living Hope Church, 978 Route 50, Ballston Lake, NY 12019; 248.-2-14.212 (Site Plan Review/Revised Landscaping Plan). Louise King and Pastor Eric Walton were present on behalf of Living Hope Church.

The applicant submitted revisions to the approved landscaping plan.

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Proposed changes include:

Tree and shrub planting (from C-504)

Bioretention areas/rain gardens (from C-504 and the landscaping plan C-104)

Pocket pond plantings (from C-504 and the landscaping plan C-104)

Propose to reduce the height of the visual barrier so the view shed of Ballston Lake may be seen from the road (approximately 416ft.)

Mr. Maher asked what was originally proposed as he was not on the board when the plan was approved.

Ms. King stated the proposal was originally 240' of eight trees, 19 shrubs along Route 50 and 13 trees along the south side of the property.

Chairman Doyle asked if the applicant's engineer has reviewed the proposal. Ms. King stated yes and approved it.

A further discussion was held on the revised landscaping plan/schedule being proposed.

Ms. Serra stated the only concerns were for the aquatic bench plantings for the pocket pond. The applicant is asking to reduce the original design of 6" OC by half and the purpose is for treating storm water runoff. Ms. Serra said the town cannot allow that because you have to be consistent with NYS regulations and the property is located in the Ballston Lake Watershed and additional measures are required. Ms. Serra recommends not modifying the planting schedule for the aquatic bench.

Ms. Serra stated the lake was just recently listed as impaired by NYSDEC for phosphorous and nitrogen – one of the main resources for storm water runoff and any deviation would require signoff from the applicant's engineer.

Chairman Doyle stated that any of the plantings around the pond should remain the same as originally proposed and approved.

Chairman Doyle stated the applicant's engineer to provide a statement that the front of the property is not affected by run off with the proposed change in elevation.

Mr. Cwalinski reiterated that the applicant to provide statements from Kurt Bedore, PE, stating that the change in elevation in the front does not affect the runoff and the adequacy of increasing the spacing.

A further discussion was held on the landscaping schedule pricing 6" OC versus the 12" OC.

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Ms. Serra said there are other ways to achieve an aquatic bench and that could be less expensive and will review other options with Mr. Bedore.

Ms. Serra stated the applicant respects the predicament the town is in. Essentially starting next week the state regulations are really putting a huge burden on the town to regulate and clean up the lake. The NYSDEC is really cracking down on town legislatively and have to start being diligent.

Chairman Doyle opened the public hearing at 8:02 p.m.

Chairman Doyle closed the public hearing at 8:03 p.m.

No one wished to speak.

Applicant to return with revised plan.

NEW BUSINESS:

James Sankowski, 906 Route 50, Ballston Lake, NY 12019; 248.-2-23 (Site Plan Review – Demo existing building and building new showroom)

Mr. Sankowski, owner of Ballston Lake Pottery presented the proposal to the board. Mr. Sankowski stated he has been in his studio for 39 years and his business is changing and is in need of a larger retail space.

The proposal is to raise the existing structure, rebuild in the same footprint (a difference of 20 sq. ft.), increase the setback from Route 50 and replace the existing kiln.

Mr. Sankowski stated the only landscaping proposed is a small planter located out front of the showroom area.

Mr. Sankowski stated that lighting will be located on the building – no exterior lighting or poles are proposed.

Mr. Ramsey asked if evening hours are proposed. Mr. Sankowski stated no, only open until 5:30 p.m.

A further discussion was held on the easement to the south relative to drainage and parking.

Ms. Matias asked if there would be demonstrations or workshops for the public. Mr. Sankowski replied no – his business is sought out by the customer not a destination.

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Ms. Serra stated she would review the proposed septic system design for the project.

Mr. VanVorst asked if the drawing that was submitted to the board was a representation of what it will look like. Mr. Sankowski replied yes.

Chairman Doyle stated the town has design standard guidelines.

Mr. Cwalinski asked about garbage disposal. Mr. Sankowski stated a rollaway is proposed.

Chairman Doyle opened the public hearing at 8:16 p.m.

Chairman Doyle closed the public hearing at 8:17 p.m.

No one wished to speak.

MOTION: Mr. VanVorst 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.**

Chairman Doyle asked the board if there were concerns with part 2 Impact Assessment questions 1 through 11. The board had no concerns.

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. Mr. Ramsey seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. VanVorst made a motion to approve Ballston Lake Pottery Shop showroom construction as described on the map dated November 21, 2014. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

Free Spirit Fellowship Church, 1425 Route 67, Ballston Spa, NY 12020; 215.-1-87 (Site Plan Review – 6,960 square foot addition to existing church)

Chad Pagan with Jarrett Engineers and Pastor T. A. LaFave were present. The applicant proposes to build an addition to the existing building to provide a better use of space for their fellowship. Mr. Pagan said, "The membership sanctuary size is not changing so the membership is not changing at this time."

Chairman Doyle asked the types of materials that are being proposed. Pastor LaFave stated materials to match the existing.

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Mr. Pagan stated parking to be maintained in the rear.

Mr. Pagan stated, "The new roof will be connected to roof liters and existing roof to connect to the new roof liters."

Ms. Serra concurs with the storm water sizing - essentially increasing the size of the basin to the maximum to what you have on site.

Mr. Cwalinski asked if there are plans to make this child care into a Monday through Friday business. Mr. Pagan replied no only during services.

Mr. Cwalinski asked, "Will you having something going on in the fellowship hall while you have a service." Pastor LaFave replied unlikely – right now our Sunday school area and the people who are involved will be moving to the section designated for the classroom. The other area is for the occasional church dinner, potential small wedding reception area – it will get very little use.

Pastor LaFave stated that the current membership is static – approximately 180 seats and use less than half. Pastor LaFave stated "We are not looking to do anything more than what is presently being done just make the spaces that we are using better."

Mr. VanVorst asked when the services are held. Pastor LaFave stated Sunday morning from 10:30 a.m. to 12:00 p.m. and Wednesday evening from 7:30 p.m. to 9:00 p.m. Mr. VanVorst asked what kind of activities take place during the week other than those mentioned. Pastor LaFave replied none.

Ms. Serra stated that it would be appropriate to wait for the building application process to review the calculations again to make sure that the NYS building code does have regulations that pertain to the size of the building.

Pastor LaFave stated that meals are potluck and not prepared in the kitchen – no commercial application.

Chairman Doyle stated that the building plans need to be signed by a professional engineer.

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

John Jensen, 386 Middleline Road stated he has a concern that the number of members may increase and also has concerns with lighting, parking and traffic as his property is located to the south. Pastor LaFave stated that the land was purchased ten years ago that borders Mr. Jensen's property and have been good neighbors.

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Chairman Doyle asked, "Do they trespass." Mr. Jensen replied no.

Chairman Doyle closed the public hearing at 8:39 p.m.

MOTION: Mr. Maher motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process. Mr. Cwalinski 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. Cwalinski made a motion for conditional approval for the building addition on the drawing entitled Free Spirit Fellowship Church dated, December 29, 2014 subject to the resolution of the engineering comments and the exterior to match the existing building. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

Kenneth Maynard, 840 Route 50, Burnt Hills, NY 12027; 257.-3-22.2 (Special Use Permit – Used car sales & service) Kenneth Maynard presented to the board.

Chairman Doyle stated that after looking at the site, the board requires more information and a site plan. The map provided by the applicant is not to scale and has dealt with the current owner of this property in the past relative to lot lines. The board was not able to determine using the numbers provided "how you are going to work this."

Chairman Doyle said, "You are on a bend if you are heading north where you have your cars, they are not going to be very visible. If you assume when an individual is coming to look at cars, you want to open up the door, there is probably an 8ft. space for each car – judging by what is present at the Sunoco station. Chairman Doyle asked the applicant if he would also be purchasing the house to the south. Mr. Maynard replied no. The house has the 30ft. easement allowing egress to that house. Normally cars are parked perpendicular to the house and if you place cars in front of this very steep incline, would not know how customers would really get to look at the cars. Chairman Doyle does not understand how you would get into your property unless you have some sort of agreement that you can use that easement as your entrance to this facility – you would have no way of getting to the facility unless you are going to put in a new road. The drawing provided to the board depicts rectangles and uses the number of cars and does not look as it all fits. The cars shown on the drawing behind the building would probably be fine, but that is a pretty steep bank."

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Chairman Doyle stated the board wants to see the applicant stay in the Town of Ballston, but the applicant needs to find a place that will work for him. A good example is at the corner of Brookline Road and Route 67. Chairman Doyle stated an individual opened up a used car lot with a special use permit. Mr. Maynard asked, "How did that guy get it in a residential area." Chairman Doyle said it meets the zoning. Mr. Maynard said, "If I have to do a lot up front, with alterations and jump through hoops, is not going to do it." Mr. Maynard said if he purchases the property, will operate there and hide cars in the back – wants to use as much frontage as he can and said trees can be removed to the south.

Ms. Matias has a concern for customers entering and existing onto Route 50 safely.

Mr. Ramsey stated the property to the south is a two family residence and asked the number of cars that would be parked there. Mr. Maynard stated he understands the boards concerns and said "there is no other place in this town that he could go to and be halfway decent and commercial on Route 50 and not move into some shack behind a tree somewhere."

Mr. Ramsey asked if mechanical work will be performed at the site. Mr. Maynard replied yes. Mr. Ramsey asked if lifts are proposed. Mr. Maynard replied three lifts.

Mr. VanVorst asked the number of customers in a day at his current location. Mr. Maynard replied 10 to 15 per day.

Ms. Serra stated the NYSDEC regulations to be followed relative to septic system – cleaning and oil storage. Mr. Maynard stated he burns the waste oil and stores anti-freeze and gasoline in one or two 55 gallon drums. Ms. Serra asked if cars will be washed on site. Mr. Maynard replied no, Boxley's details the cars off site.

A further discussion was held on the septic system.

Mr. Cwalinski stated his concern is site distance to the south – customers will be dropping their cars off in the morning and picking them up in the afternoon, which coincides when people are traveling to and from work and feels the site distance is inadequate. Chairman Doyle measured 135 ft. - 200ft. required.

Chairman Doyle suggested reevaluating the site to make sure that this is going to work and feels it has a lot of disadvantages to someone selling automobiles.

Mr. Ramsey asked the applicant to look at lighting, landscaping, paved handicap parking.

A further discussion was held on the easement.

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Mr. Reilly stated the property that the applicant is in contract to purchase is subject to an ingress/egress easement.

Chairman Doyle asked the applicant if he has looked at businesses that are going out of business.

Chairman Doyle opened the public hearing at 9:05 p.m.

Steve Merchant suggested the applicant look at Little's gas station on Route 50.

Chairman Doyle closed the public hearing at 9:08 p.m.

Thomas Benuscak, Goode Street, Burnt Hills, NY 12027; 238.-1-39-2 (Sketch Plan Conference – proposed 12-lot subdivision) Chairman Doyle said there was a concern as to whether this application should be on the agenda because of the concern of water. Chairman Doyle stated that Mrs. Pott sent the board an email regarding that concern and stated he was aware and knew that was a problem. Chairman Doyle said, "I for one have not heard what the other board members think and have some concerns with the layout because of wetlands and a dead-end situation with a type of bullhead in it." Chairman Doyle has concerns with wetlands and the NYSDEC 100' setbacks leave very little land for a house in his opinion.

No one present on behalf of the applicant.

Elizabeth L. Warden and Gregg and Susan Groh, 8 Zani Lane, Ballston Lake, NY 12019; 249.-2-61 (Minor Subdivision – 1 new residential building lot) Robert Wilklow, PLS with Gilbert VanGuilder Land Surveyor and Sam LeVake were present.

Mr. Wilklow stated that on January 7, 2015, the applicant was granted 280A Relief from the Zoning Board of Appeals for access on Zani Lane (private road). Mr. Wilklow stated there are two existing lots – Lot-C proposes a new single family dwelling with a septic system to be designed by a NYS professional engineer and a private well.

Mr. Cwalinski asked the location of the septic system for Lot-B.

A further discussion was held on wetlands.

Ms. Serra stated that any disturbance over 1,000 square feet requires site plan review as this property is located in the Ballston Lake Waterfront District. If there is an acre or more of disturbance to the property, the applicant will have to comply with the state and town storm water regulations. The Town of Ballston does have more stringent regulations than the state.

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A further discussion was held on what is required for site plan review.

Chairman Doyle opened the public hearing at 9:18 p.m.

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. Ramsey seconded the motion and all present voted in favor. **CARRIED.**

Chairman Doyle closed the public hearing at 9: 20 p.m.

No one wished to speak.

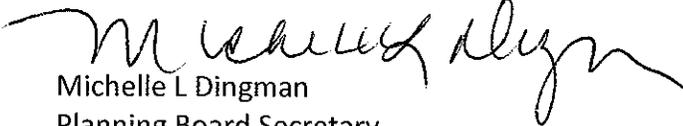
Mr. VanVorst suggested that the applicant amend the map to show the septic system leach field locations for the existing houses.

MOTION: Mr. Cwalinski made a motion to approve the subdivision/lot line adjustment as described on the drawing of the same name (Warden & Groh) dated, November 24, 2014 subject to the map being revised to show the location of the septic system for Lots A & B and \$1,000 park and recreation fee payable at issuance of building permit. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

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

Meeting adjourned at 9:22 p.m.

Respectfully submitted,


Michelle L Dingman
Planning Board Secretary