

Town of Ballston
Planning Board

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: February 25, 2015

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

Chairman Doyle called the February 25, 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 January 21, 2015 minutes.

Minor grammatical corrections to the January 21, 2015 minutes.

MOTION: Mr. Maher made a motion to accept the January 21, 2015 minutes as amended. 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). Kurt Bedore, P.E., with KB Engineering and Louise King were present on behalf of Living Hope Church.

Mr. Bedore stated the documents submitted to the board on February 11, 2015 are acceptable and will incorporate into the final site plan.

The applicant is requesting a waiver on the landscaping standards. The approved landscaping changes are in keeping with the town's comprehensive plan particularly relative to the trees,

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parking lot islands, landscaping, flowers along Route 50, trees along the southern and western property lines and the storm water management basin.

The photos supplied to the board depicts the natural berm along the ditch, obstructed by Route 50, the view to the average "eye level" observer on Route 50 of the view shed down towards Ballston Lake as well as across the valley to Malta Ridge, and the Green Mountains. The applicant believes the modifications to grading will enhance the view shed for the general public's enjoyment and add to the view shed setting values for that corridor.

Mr. Bedore stated the proposed changes are the landscaping species and the timing of the plantings proposed. The changes proposed are esthetic improvements and will reduce all the construction costs for the owner, meet the intent of the comprehensive plan, improve the esthetics and the view shed.

Chairman Doyle asked the board if there were concerns with the berm along the edge of Route 50.

Mr. Cwalinski asked if that will negatively affect storm water. Mr. Bedore replied no, it's at the head water of the sub catchment – there is a break line in the right-of-way (ROW) line with a negligible material change to drainage and will not increase anything to Route 50, but will change the grade slightly and increase infiltration at the point source, which is an objective with the new storm water regulations.

Mr. DiPasquale stated that he wanted to make sure during the discussions that the detention pond (pocket pond) meets the approvals of C. T. Male and are adequate to serve the purpose.

Ms. Serra stated that one final check will be done when the plans are updated and issue a letter to the chairman. Ms. Serra stated that the changed are beneficial and more budget friendly and maintenance friendly.

Chairman Doyle said "The purpose of the pond is to allow the drainage to collect somewhere to evaporate and slowly be absorbed by the soil" – it makes some sense to leave an area or several areas in order to access for maintenance. Mr. Bedore stated the plans specify an access perimeter road across the top of the berm – it's accessible for O&M and the valve drain pipe meets the design standards. Ms. King stated that all the plans are consistent with the design manual.

Chairman Doyle opened the public hearing at 7:50 p.m.

David Pierce asked if there was a picture of the landscape diagram. Mr. Bedore provided a site plan. Dr. Pierce asked Ms. Serra if the pond was adequate for a 100 year storm. Ms. Serra

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stated that everything was approved previously, and the base SWPPP is designed for everything. The applicant's request was a change to the plantings of the aquatic bench and Ms. Serra feels it's a better design because it's more maintenance friendly – meets all the state standards, but it's something that will be better long term, more budget friendly, and easier with maintenance.

Chairman Doyle stated that Mrs. King has done a wonderful job on this and certainly not this year, but next year will be a spectacular view – the layout, different types of flowers, colors and it's going to be beautiful.

Dr. Pierce stated the reason he asked about the retention area of the pond is that some the projects that have been approved in the watershed during a heavy storm there is overflow from the pond and did not know if there was a provision if this pond is going to be adequate to handle or where is the overflow going. Ms. Serra stated it does overflow and goes to an existing drainage course north of "Cappiello Farm" and leads into the lake, but there is going to be flow out of those pipes during any storm event – it's attenuated to a rate that is equal to or less than what is there today.

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.**

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.**

Chairman Doyle closed the public hearing 7:55 p.m.

MOTION: Mr. Cwalinski made a motion to approve the planting schedule as submitted on three drawings, which are attached to the letter dated, February 11, 2015. Mr. Ramsey seconded the motion.

Mr. DiPasquale asked if this is subject to final approval by C. T. Male. Ms. Serra replied yes, – when updated maps are received from Mr. Bedore, a letter will be issued to Chairman Doyle.

Mr. DiPasquale added that the approval subject to the final review and approval by C. T. Male. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

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USA Gas Station, 991 Route 67, Ballston Spa, NY 12020; 216.-1-33 & 34 (Site Plan Review/Special Use Permit/Modify existing gas station/convenience store.

Scott Lansing, P.E., CPESC, CPSWQ with Lansing Engineering, PC, was present on behalf of the applicant.

Mr. Lansing stated the site is .76 acres with an existing USA gas station with approximately 1,700 sq. ft. structure, existing residence and barn/garage structure. The applicant is proposing to demolish the structures on the site and proposes to construct a 2,500 sq. ft. convenience station on the back parcel and (6) six pumps. The access to the site would be modified with the existing parcel – current curb cuts along Route 50 and Route 67 – full access along and right out on Route 50 and Route 67.

Mr. Lansing stated at the last meeting (October 2014) there was a request for screening (vegetation or fence) to the southern boundary.

Mr. Lansing stated a comment was made relative to a new sign. The applicant did suggest possibly reusing the existing sign on the parcel using new materials and façade. Chairman Doyle stated the applicant should follow the town code on signage. Mr. Lansing said the sign is still roughly the same size, but is a little bit lower and applied for a waiver – it's similar in size and slightly modified.

Mr. Lansing stated a comment was made relative to the condition of the tanks. The applicant did provide the tank certification.

Mr. Lansing stated a comment was made relative to the coordination of the curb cuts with Ballston Spa National Bank (BSNB) – provided information to NYSDOT for their review.

Mr. Lansing stated a comment was made relative to the architecture (building and canopy) for the site as to what is being proposed for the parcel. Mr. Lansing stated that 3D renderings were provided for the board's review.

Mr. Lansing referred to comment #8 relative to photometric light spillage – there is a small amount of light spillage on Route 50 and Route 67 – applicant asking for direction from the board.

Mr. Lansing referred to Façade Treatment and Fenestration comment #2 (Entrance Recess). Applicant to propose to leave it as is for the safety of the owners and the gas station. The applicant to request a waiver to leave the façade as is.

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Mr. Lansing stated that the other architectural comments can be addressed and provide a response to C. T. Male.

Ms. Serra asked, "Can you (Mr. Lansing) make the septic system work." Ms. Serra stated she is concerned about the 20' required distance from the leach field to the building. Mr. Lansing stated the modified plan is to move the tank out into the parking areas, have a traffic top on it and meet all the setback requirements. Mr. Lansing stated the leach field is somewhat of a grey area – the NYSDOH regulations Appendix 75A are applicable for dwelling units as residential units – 1,000 gallons or less. Mr. Lansing stated the NYSDOH regulations require 20' from a dwelling to a leach field – applicant does not have the required 20', a dwelling or an excavated basement. Mr. Lansing stated the NYSDEC regulation has a recommended 20' setback. Mr. Lansing stated the applicant will connect to public sewer when it becomes available in that area. Ms. Serra said, "Historically she and Mr. Johnson agreed to look at the NYSDOH standards because they are meant for more of a smaller system." Ms. Serra stated that since Saratoga County does not have a Department of Health, NYSDEC will not review because it's less than 1,000 gallons per day. Mr. Johnson said, "If I asked Mike Shaw from NYSDOH he not going to look at it either." Ms. Serra stated that NYSDEC will not look at it either – any commercial project falls into a grey area where the town needs to step up and decide. Ms. Serra asked Mr. Lansing to please respond in a letter and agrees with the fact that it does not have a basement. Mr. Johnson stated that it is not an issue without a basement.

Chairman Doyle asked Mr. Lansing if he has looked at hybrid systems. Mr. Lansing said no, the applicant is proposing chambers as opposed to stone and pipe and said, "It is somewhat of a hybrid type system" and feel it's the most appropriate for the site - will not have an excavated basement and no one will be occupying the space under the slab.

Mr. DiPasquale asked if confirmation was made for the Lands of "Becker" to the south that there is no problem with separation and no infringement to the well and septic. Mr. Lansing stated that he will check and provide that information at the next meeting.

Mr. Johnson asked Mr. Lansing if he has looked at an Elgin system. Mr. Lansing said, "We have not" there is an additional cost associated with an Elgin system and is very confident meeting the 20' setback. Ms. Serra said, "I really don't think you have 20' anyways with the clear space between the corner of the building and the right-of-way (ROW) to fit something in."

Chairman Doyle asked if that was an open public restroom in the proposed building. Mr. Johnson stated that the code requires it. Mr. Johnson said with a mercantile occupancy it has to have a public restroom. Chairman Doyle asked the total number of gallons per day. Mr. Lansing stated that he would forward that information to the board. Ms. Serra requested a formal written response. Ms. Serra stated that Mr. Lansing is technically correct that there is really no standard that applies to this and the town historically has defaulted to NYSDOH for

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these lower flow systems so we need to understand that if the site constraints are warranted for this layout – NYSDEC does not have standards, but recommendations. Chairman Doyle stated that his son's friends have a property on a peninsula on Galway Lake and decided to use a hybrid system from Environment One, which got approved by the Town of Galway. Ms. Serra agrees with Mr. Lansing that the real estate left for the leach field is quite small. Ms. Serra recommends the applicant make it the maximum setback given that triangular piece of land even shifting it 2' making it a bit more reasonable accommodation. Chairman Doyle said, "If you get the 10." Mr. Lansing stated the drawings indicated one toilet, 400 gallons per day – (320 gallons per day).

A further discussion was held on Entrance Recess for the proposed structure. Ms. Serra stated that the visual reason for architectural standards is that it helps break up the façade. Ms. Serra said, "The architect's letter only provided four bulleted items that in his opinion were some things that the applicant should work on, and that was not one of them." Ms. Serra stated the board has to formally address that, but the architect did not feel that it was enough of an issue to bring to the forefront. Chairman Doyle stated that it would be nice to break up the front somehow. Ms. Matias agrees and sees the point of safety being an important issue and would be willing to waive that as long as the façade is broken up in another way. Ms. Matias stated to maybe get rid of the canopy and make sure the materials are similar to what is in that corridor. Mr. Maher said, "It sounds like your client is willing to work on these points." Mr. Lansing stated yes, and looking for comments and consensus from the board and address the C. T. Male comments. Chairman Doyle stated he would waive the recessed doorway. Mr. Cwalinski stated that is a reasonable request. Chairman Doyle would request something over the door area to protect from the weather so the rain and snow does not beat directly upon it. Mr. Lansing stated that is code has to be for a small canopy protruding out. Chairman Doyle stated that the parapets work well and the refrigeration units are well hidden on top. Ms. Serra asked if the applicant is amenable to less granting of the color – something not red, white and blue, more in line with the historic color palate. Mr. Lansing stated that he has not spoken to his client, but this canopy is something that is at other facilities and something his client would like to see. Mr. Lansing stated as far as historical colors red, white and blue are historical colors. Ms. Serra stated that it's the red particularly on the top of the building stands out and maybe break that up. Mr. Ramsey asked what type of lighting is proposed on the outside of the building. Mr. Lansing stated that he assumes that there will be lights underneath the canopy, gas canopy and obviously site lighting. Ms. Serra asked the applicant to make an effort on the comment relative to lighting and fully understands that is a NYSDOT right-of-way (ROW), but if the board is going to be granting a "relaxing" of that standard, it needs to be justified. Ms. Serra suggested a sharp cut-off. Mr. DiPasquale asked Mr. Lansing to comment on question #8 of the C. T. Male letter. Mr. Lansing stated the intent of the architect is to have a stick built frame building with cement board siding. Ms. Serra stated that Mr. DiPasquale was referencing sides of building that face the road – every side of the building faces the road and commented the southern side does have a blank wall and specifically states that blank walls are prohibited. Ms.

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Serra asked if there is some way to do something similar to the false windows at Dollar General. Mr. Lansing asked if cement board siding and a fence are acceptable and a window/false window in the back would most likely be a stockroom area behind a cooler. Ms. Serra stated that the design standards specifically say blank walls are prohibited when it refers to walls visible from the public road – it is definitely visible when traveling north on Route 50. Ms. Serra stated that a false window works well for a storeroom.

Mr. Cwalinski stated that he is not in favor of the proposed sign and suggests a sign that is “closer” to the town’s design standards. Mr. DiPasquale stated the height should be consistent with Advance Auto and Dollar General. Chairman Doyle asked if the proposed sign will be automated or manual. Mr. Lansing stated he believes the applicant will continue with the manual letters and numbers. Ms. Matias asked the size of the sign on the building itself. Mr. Lansing said the applicant is in the process of analyzing the town code and provide to the board.

Mr. Ramsey said, “If someone were to pull in with a trailer or a big truck, are they going to be able to swing that if there is a car parked in that parking spot. Mr. Lansing replied yes, it has been reduced. A further discussion was held on the proposed parking plan.

Chairman Doyle reiterated some of the following issues:

- Septic system
- Color
- Waiver – recessed doorway

Chairman Doyle asked if any items have been received from NYSDOT. Mr. Lansing stated nothing has been received and wrote a response to their comments. Ms. Serra stated she would like a resolution on that second entrance because that is a real substantial change if DOT won’t approve it.

Chairman Doyle opened the public hearing at 8:30 p.m.

Lorraine Janack, 973 Route 67 stated that her property is located two houses down from the proposal. Ms. Janack stated the “Treasures from the Past” will remain and the “brown” house will be taken down. Mr. Doyle stated that is his understanding. Ms. Janack said, “Thank you everybody for helping to ensure green space and consideration of other neighbors.” Ms. Janack appreciated the boards comment about how beautiful the church is going to be, the opposite is happening in her neighborhood. Ms. Janack said, “We went from having originally a schoolhouse and a church across the street to having it now a used car lot.” There is a bank across the street, the bank is beautiful and an auto parts store – it’s going just the opposite and extremely upset and frustrated, but a fact of life it’s happening. Ms. Janack stated she looks for

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the board to make sure that everything is done and everyone is protected. Ms. Janack stated her biggest concern is the water quality and loves her water out of her well as she has not connected to municipal water.

Chairman Doyle said, "There probably will be a gasoline spill and will go onto the pavement and cannot lock the handle of the pump and walk away from the pump and all pumps have an automatic shut-off – it's an impervious surface and should stay there and evaporate." Ms. Janack asked about the underground tanks and possible leakage. Chairman Doyle said, "There is a letter relative to testing the tanks." Mr. Lansing stated the tanks are installed to the modern standards. There was one spill in 2013 and has been cleaned up and NYSDEC is satisfied.

Ms. Serra stated the applicant is providing for a Storm Water Management Plan that they are not required to do. The site is less than an acre and the town code does not require anything to be done. The applicant is providing for underground infiltrators with an upstream treatment unit and those do have a capacity to pre-treat any spills. Ms. Serra commended the applicant for going above and beyond the town and state code. Ms. Serra stated that it has current standard underground tanks.

Mr. DiPasquale stated the EAF indicates that a NYSDEC permit or approval is needed and asked if it is related to the gas tanks. Mr. Lansing stated no, it may have been related to the storm water. Ms. Serra stated that NYSDEC does review the pumps.

David Pierce, 110 Lake Road asked if the applicant considered bringing the leach field out to the "point." Ms. Serra stated she believes that is the right-of-way (ROW). Mr. Lansing said, "The right-of-way (ROW) does come up into this area, but there is talk of potential possible roundabout at some point in the future and trying to reserve that for that future possibility." Dr. Pierce said the applicant is ignoring the setbacks for the proposed location of the leach field. Mr. Johnson stated the property line is to the building. Chairman Doyle stated there are sewers in the area and would have to investigate how to connect.

Renee Janack, 13 Martin Avenue stated she has concern with the water. Ms. Janack stated that her husband worked in the petroleum industry and is familiar with the accidents that can happen. Ms. Janack provided the board with pictures of their gardens and appreciates the board's due diligence. Ms. Janack said she is not so concerned over the simple seepage or a little bit of leaking, but are more concerned about a major spill. Ms. Janack said she is not concerned with a little bit of leakage from the septic system, but are concerned with a major crack or something. Ms. Janack stated she has a concern for the back of the building and understands that a fence is being proposed, but obviously "the laws of physics are such that as you are farther away from something, you can see more of it" so just because the fence may be six, seven or eight feet tall when you are standing next to it, but can be seen from the driveway

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at 973 Route 67. Ms. Janack stated she really appreciates the “fake windows” of Dollar General. Ms. Janack stated that the fence is nice and Arborvitae on the “left” side of the building, but they take 50 years to grow. Ms. Janack stated the light pollution is an issue. The rendering depicts big beautiful lush tall trees, which do not exist and light that is there will spill onto the property located at 973 Route 67. Ms. Janack stated the board worked well with Dollar General and Advance Auto and their lights are off at 11:00 p.m. one hour after they close. Ms. Janack asks that the board monitor the hours because we do not need a 24 hour gas station – Hess closes at 11:00 p.m. and their lights are off by 11:15 p.m. Ms. Janack stated that traffic is chaos and provided the board with pictures of that corridor. Chairman Doyle stated that queuing is a problem.

Chairman Doyle closed the public hearing at 8:46 p.m.

NEW BUSINESS:

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) Duane Rabideau, PLS, with Gilbert VanGuilder Land Surveyor and Sam LeVake were present.

Mr. Rabideau stated the applicant is present for site plan approval for Lot (C) for the subdivision that was approved on January 21, 2015.

Mr. Rabideau stated the proposal is for a single family residence with a well an onsite septic system. The septic system is proposed to be located in the front of the house with .8 acres of disturbance. The grading is set up so the water flows down around the house.

Mr. Rabideau stated that C. T. Male comments have been reviewed and addressed all concerns.

Ms. Serra stated that she received a map via email this morning and said essentially what was added to the map was the property at 22 Zani Lane “Lands of VanVranken” is not on a well and receive water from the lake if they were on a well and would be an issue.

Mr. DiPasquale stated after reading the comments from C. T. Male it appears that the shale is 25” down and asked if that is accurate. Mr. Rabideau stated yes according to the logs. Ms. Serra stated the engineers comment was that he would like to see another test pit (when the temperature is above zero). Ms. Serra stated to confirm and said the boundary condition needs to be 2’ away from high groundwater or shale/rock (Hardpan) with the bottom of the leach field. Ms. Serra said if the shale is at 25”, then some sort of raised bed system will be needed. The limit of the leach field shown on the plans consuming it’s a conventional system, which is not convinced it’s going to work knowing that area have shallower shale than 65”. Ms. Serra expressed to Mr. Rabideau and the Engineer that final design happen at the building permit

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process. There is adequate space on the property if that system needs to be slightly shifted to the south would still fit.

A further discussion was held on the septic system design.

Chairman Doyle opened the public hearing at 8:55 p.m.

David Pierce asked if the owner was aware of public sewer being available in the future.

Chairman Doyle closed the public hearing at 8:56 p.m.

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

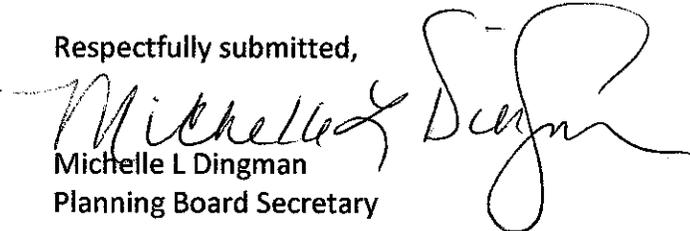
MOTION: Mr. VanVorst motioned to declare this an unlisted action under the SEQR process therefore will declare this a Negative Declaration under the SEQR process. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Maher made a motion to approve the site plan for (Lot C) on the drawing dated February 6, 2015. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

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

Meeting adjourned at 9:00 p.m.

Respectfully submitted,


Michelle L Dingman
Planning Board Secretary