

Town of Ballston
Planning Board

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: March 25, 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
Members of the General Public

Chairman Doyle called the March 25, 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 February 25, 2015 minutes.

MOTION: Mr. Cwalinski made a motion to accept the February 25, 2015 minutes as submitted. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

OLD BUSINESS:

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 parcel consists of approximately .76 acres with two parcels that would be consolidated as a part of this project on the corner of Route 67 and Route 50. There are currently two existing structures on the parcel – one is the existing USA gas station approximately 1,500 sq. ft. and an existing residence more toward the south that would be demolished.

Mr. Lansing stated that a 2,500 sq. ft. convenience station to include six pumps and utilizing the existing tanks to include 25 parking spaces. Mr. Lansing stated the architectural changes:

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- Added details to the parapet around the building.
- The scale of the building has been reduced – column detail added to corner to break up the mass of the building.
- Floor to ceiling windows have been removed.
- Water table added around the bottom of the windows and side of the building
- Southeast wall detail added to the back portion of the building – false windows added across the back.
- Building contains brick and cement board siding colors have been adjusted (the canopy prior did have a prior red, white and blue stripe around it has been eliminated.)
- Parapet to have red, white and blue striping, which is a part of the branding for the station.

Mr. Lansing reviewed C. T. Male's comments:

#1 Signage – A narrative provided for building and canopy square footage and compared it to the code and it's "our opinion" that the signage on both the building and canopy does meet the code. Applicant requests to replicate the (15' x 7') sign set back further. The town code outlines freestanding signs 4' x 8' totaling 32 sq. ft. Mr. Lansing said "The applicant's sign is beyond that" – displaying the price for the gas is a NYS law for passing motorists without stopping or going into the station. The majority of the 6' x 6' (36 sq. ft.) of the sign is dedicated to price of the gas and 1.6' x 6' that say's USA Gas – approximately 10 sq. ft. area that actually has the USA logo on it, the rest dedicated to the price of the gas. Overall the sign is above 4' x 8' above the 32 sq. ft., but the actual USA gas portion is only 10 sq. ft. Applicant requests a waiver given the characteristics of the sign and a much larger and grander facility in their opinion. Applicant requests electronic digits on the sign to remotely change the price of the gas.

#2 Architectural renderings – Revisions made and feel are in compliance with the standards – C. T. Male agrees.

#3 Wastewater treatment system and separation from the building – Performed adjustments to the system to maximize the distance and were 6.8' away from the building and refined the location and size of the system and meet the 20' separation from the building meet the 10' separation from the property boundary. Drawings provided to C. T. Male for their concurrence – No waivers needed from NYSDEC or NYSDOH.

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#4 Photometric Plan – Reduced to the maximum extent possible – very slight amount of spillage onto the ROW, but is such that before it reaches the edge of pavement, it reaches zero.

#5 NYSDOT – Sign-off received on 3/25/15 - concurred with a right-out exit onto Route 50 is appropriate for the site and exiting of the fuel trucks for the pumps. NYSDOT restricting the out movements to a “right out only.” A lane with left turn restrictions and a curb – the NYSDOT asked to limit all truck deliveries to the site strictly to Route 50 and then construct that left turn restricted lane onto Route 67 in accordance with NYSDOT standards. Mr. Lansing spoke with the owner and stated they can restrict their truck deliveries for fuel to Route 50.

Mr. Ramsey asked if the applicant needed the parking spots on the Route 67 side. Mr. Lansing said, “We do.” Mr. Ramsey asked if there will be enough room to “swing by.” Mr. Lansing replied yes.

Mr. Cwalinski stated it’s difficult to grant a waiver when on the previous application (on the south end of town) as a picture was submitted showing a sign, which meets all NYS requirements on size, and it was low to the ground and asked why can’t “we have a similar sign.” Mr. Lansing said, “If we were to lower it, would that be acceptable.” Mr. Cwalinski would agree to 10’ as stated at the last meeting and would consider a variance. Mr. Lansing suggested 3’ from the grade of the bottom of the sign. Mr. Cwalinski stated he agrees to that. Mr. Lansing stated the same dimensions. Mr. Cwalinski stated it needs to be consistent with the rest of the signs. Chairman Doyle stated the board has provided relief on Advance Auto and Dollar General, but still trying to make the signs as close to conformance with the Comprehensive Plan and another 6” would not be a problem. The board is in agreement. Chairman Doyle said, “You can do that as long as the sign is lowered to 10’.6.” Mr. Lansing agreed to the 10’.6”

Ms. Matias thanked Mr. Lansing for incorporating the comments from the previous meeting and said the sign looks much better. Mr. Maher also thanked Mr. Lansing. Chairman Doyle stated the architecture is much better.

Ms. Matias asked about the material of the proposed fence on the south side. Mr. Lansing stated a 6’ vinyl privacy fence.

Chairman Doyle stated outstanding issues:

- Provide a drawing of the completed sign

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- Provide a drawing of the septic system in that area ensuring it meets all the standards.
- Provide a copy of the NYSDOT comments – truck navigating within the site.

Chairman Doyle said the board cannot move forward until those items are resolved. Mr. Lansing asked if the board would grant an approval conditioned on these items. Chairman Doyle replied no. Mr. Lansing stated these items seem relatively technical in nature. The board is in agreement with Chairman Doyle.

Mr. Cwalinski stated on the drawing LP-1 (Lighting Plan) shows mounting PVC to ground. Mr. Lansing stated the electrical conduits are typically PVC. Mr. Cwalinski said, "He has never seen a PVC conduit bonded to ground", maybe there is a code requirement. Mr. Lansing said, "We will take a look at that."

Application tabled.

NEW BUSINESS:

Lakeside Farms, 336 Schaubert Road, Ballston Lake, NY 12019; 249.-2-27-1 (Site Plan Review – Septic Replacement)

Wayne Kant, P.E., was present on behalf of the applicant.

The applicant is proposing to upgrade a new onsite septic disposal system using a Presby system, which is a NSF Class 1 aerobic treatment system and add two grease traps.

Mr. Kant stated silt fence is proposed because of the 1,000 square feet that will be disturbed.

Mr. Kant stated that the application is being reviewed by NYSDOH and will have the final say on the disposal system. There will also have to have a SPEDES permit with the NYSDEC because of the discharge of more than 1,000 gallons per day to the ground

Chairman Doyle stated in the design, has the applicant taken into account the additional water temperature that some of the dishwashers are running at so we do not have solidification of the greases and the grease trap not working.

Mr. Kant stated that is always a concern and that is the reason of putting two grease traps instead of one large one because you get the better cooling and more area in the ground. Mr. Kant said permits have been obtained for replacement of the tanks – this will give us a chance to see how effective they are. Mr. Kant said between now and when the new fields are installed, will be monitoring the tanks to make sure that they are working.

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Chairman Doyle opened the public hearing at 7:58 p.m.

No one wished to speak.

Chairman Doyle closed the public hearing at 7:59 p.m.

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. Cwalinski 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 that the septic system design (Site Plan) as detailed on LAKS-1 be approved. Mr. Ramsey seconded the motion and all present voted in favor. **CARRIED.**

Lang Media, 20 Mourningkill Drive, Ballston Spa, NY 12020; 228.-3-36.1 (Site Plan Review LED Billboard)

Michael Lang with Lang Media presented the application to convert one billboard sign to an LED digital sign, which fit within the zoning district.

Mr. Lang stated all digital signage has to be approved by NYSDOT (traffic & safety) as well as the municipality. Mr. Lang said, "A five year study was performed by NYSDOT with RPI on safety, location, and how often it changes." Mr. Lang said, "One Route 50 at 45 mph a car would drive at eight seconds - 528' - 1/10 of a mile." All digital billboards have light sensors and a camera - NYSDOT controls how bright a sign can be.

Mr. Cwalinski asked if the sign has some type of circuitry to monitor- not to exceed "280 candelas per square meter in the daytime and 5000 at night." Mr. Lang stated yes and monitored 24/7.

Mr. Ramsey asked, "The lighting that is on there now is it just uplighting." Mr. Lang stated yes, there are three holophane lights that shine on the sign currently. Mr. Ramsey asked if they are brighter than what is proposed. Mr. Lang stated yes and in the daytime the sensor makes it 5 % brighter and reduces the brightness at night.

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Chairman Doyle said, "The light dims based on whenever the sun sets." Mr. Lang stated that a smart link is hooked to a satellite that tells you when it's dark.

Mr. Cwalinski asked the difference between energy uses between the LED and the traditional sign. Mr. Lang said, "It used to be when it came out there used to be 100 amp service and now it's 50 amps." Mr. Lang stated that their National Grid bill is higher - \$200.00 per month for a traditional sign and \$400.00 for LED. Mr. Cwalinski asked why pay more money every month. Mr. Lang stated he doesn't want to pay more. Mr. Lang stated that the industry is working on solar.

Chairman Doyle asked how frequent is the sign going to change. Mr. Lang stated that all signs are eight seconds and would be the same. Chairman Doyle stated using the data between the two signs at 45mph and the speed limit is actually 50mph. Chairman Doyle said, "If you're going south going off of a hill they accelerate quite rapidly, and going the other way is downhill, and run a little bit faster to get up the other side of the hill - is this is going to work." Mr. Lang stated that you're not going to see it as much. Ms. Matias stated that the speed limit is 55 mph. Mr. Lang stated that it may not be as valuable because you do not see as much because you are going by so fast and would be more of a value to our customers who cannot afford to buy things long term or are more interested in a shorter term program. Chairman Doyle said, "We allow billboards in that area and question the effectiveness of the sign being put up to the consumer and to you." Ms. Matias asked the applicant is they have an example of a similar sign close to a residence for the board to compare. Mr. Lang stated Route 9 in Latham, Wetherby Ct. (Dutch Meadows) and Lamar built another sign in Clifton Park on Route 9. Mr. Lang stated that a digital sign is no different than a flat screen television. Chairman Doyle asked the applicant to forward information to Mr. Johnson as he will disseminate the information to the board. Chairman Doyle asked the hours of operation. Mr. Lang stated 24 hours a day and fans behind the sign to cool it when it's hot.

Chairman Doyle opened the public hearing at 8:20 p.m.

David Pierce, 110 Lake Road would like the Planning Board to look at the Comprehensive Plan when they consider this and see if it's commensurate with what the Town of Ballston wants in the Comprehensive Plan. That area on Route 50 from McCrea Hill to the bottom of the hill has eleven signs now and does not know if adding digital to that sign is going to enhance the look of the town in that area and what we want in the Comprehensive Plan. Dr. Pierce stated that Councilwoman Stewart is looking into the town ordinances relative to LED signs and signs and thinks the Planning Board should be in discussion with Councilwoman Stewart and make sure that this is going to go along with what she is doing at the Town Board level relative to our town ordinance of signs and LED signs. Thank you very much.

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Doug Sullivan, 29 Sherman Way thanked Dr. Pierce for his comments and Chairman Doyle's comment about being able to reading the signs. Mr. Sullivan said that he goes by there often and turns into his neighborhood and finds it's very difficult to read a static sign there and can only image a digital sign that potentially changes every eight seconds. If halfway through the traffic cycle, and it changes four seconds before he is out of that zone, his eyes are drawn, which is the intention of changing signs. Mr. Sullivan stated he sees the value in digital signs and did not see all the uses - police uses and emergency uses and probably a lot of great ad revenue being able to cycle signs, but something like this with 55mph on that road right in front of our neighborhood is too fast. Mr. Sullivan stated his community has tried to deal with the town with that trying to get turning lanes, traffic signal or anything in there. Mr. Sullivan stated that he would invite each of you to come to our neighborhood and try to make a left turn to Beacon Hill during a traffic situation and watch your rearview mirror and how tightly you grab your steering wheel when people come up behind you because every night says "Is this the night I'm going to get rear-ended" because people fly by him on the shoulder - it's one lane each direction and do not slow down and just image introducing something that changes every eight seconds. Mr. Sullivan stated that he would not be opposed to a digital sign if it did not change every eight seconds - every four hours or once a day in the middle of the night would allow them to change their ad revenue daily, but it would not be a safety impediment. Mr. Sullivan said the speed limit is too high and starting to look like the thruway in that section there and is still a rural community. Mr. Sullivan asked the board to take all that into consideration. Thank you.

Eleanor Guess, 21 Sherman Way believes that the speed on that road is too fast there are many cars turning in and out of the residential area. Ms. Guess stated that she does actually like the digital sign and have seen some on her way "on the bus" on her way to Albany. However, it is a residential area and trying to keep it more like a residential area and is afraid this is going to make it look less so. Ms. Guess agrees that if message changes in the middle of your commute, you're going to want to see the other part as well. Ms. Guess stated that she has seen several accidents at the end of the road there - one was a tractor trailer that got stuck on the guardrail and a lot of illegal passing and is concerned that this is going to cause more distractive driving. Ms. Guess stated as Chairman Doyle mentioned, "They are gaining speed coming down the hill and ramping up speed going up the hill." Ms. Guess asked the board to take that all into consideration. Thank you.

Alan Poremba, 1 Sherman Way said he is one of the closets residents to what is termed "Billboard Alley" on Route 50. Mr. Poremba stated two years ago there were 10 billboard fronts now there are 14 billboard fronts. Mr. Poremba stated that he did not have a problem with the 10 billboards it's these last two billboards that were built and approve two years ago. Mr. Poremba stated an application was in front of the board two years ago and the LED portion was withdrawn and completely agrees and does not fit the rural character of our community to have LED lights - this is not NYC, Las Vegas or even Albany. Mr. Poremba stated you don't even

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see billboards like this on the Northway and most towns are getting rid of billboards because of the way they appear and the distraction that they pose. Mr. Poremba said if this was a US route, no billboard would actually be constructed at an intersection. A couple of years ago, the LED portion of the application were addressed, but think more importantly is public safety is absolutely paramount. Mr. Poremba stated there are four reasons why he opposes these billboards. #1 Public Safety, #2 Does not fit the rural character of the community – we are a farm town. Ironically 30' away from these billboards is a barn silo – we are a rural town, not a city. #3 Does not fit in the zoning laws – towns zoning law for billboards it does not fit the criteria. #4 Impairs the value of the properties that exist.

Mr. Poremba asked the board to look at page (1) of the handout (Sherman Way and Everson Way) these billboards unlike the other billboards are situated right at the intersection so by definition of billboards says, "So look over here, read this, don't look in front of you, and look over here." Mr. Poremba stated that is what his neighbors were talking about and has been echoed and everyone feels the same way. When you take a left hand turn heading southbound on Route 50 onto Sherman Way or onto Everson Way, it is frightening a horrific experience and the car is actually shaking as you are trying to take a turn because the cars are trying to pass you in a single lane travelling 55 mph crossing over the fog line (solid white line) into the breakdown lane and because his house so close hears these accidents and prays that no one is hurt. Mr. Poremba stated that someone is going to get killed out there - for years neighbors have been coming to the town board meetings asking for help at those two intersections – instead the intersection is getting worse not making it safer, but worse. Mr. Poremba stated that now putting these LED lights that are more distracting than anything else because they are actually brighter and flicker.

Page (2) states the four criteria for the application – 1) "It has to be within the harmony, character of the community – these billboards are not in harmony with a rural community. 2) "It will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood." Mr. Poremba stated that those two billboards are hazardous let alone the LED lights. 3) "Impair the value thereof adjoining property." Mr. Poremba stated that when you see LED lights outside your window, that's not going to increase the value of your property or keep the value of your property the same and not retail the value of your property. 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. Mr. Poremba stated that page (3) depicts the view from Sherman Way and Route 50 intersection, page (4), depicts a view from Everson Way and Route 50 intersection. Page (5), depicts travelling south on Route 50 the first speed limit sign you see is 45 mph at Brookline Road and Route 50. Page (6) depicts south bound speed increasing to 55 mph. Page (7) depicts a lot of the billboards, but the one circled are the ones in question – as you approach the intersection of Sherman Way and Route 50 is a single lane road 55 mph in both directions – not

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enough room for another car to get by. Everson Way and Route 50 is a single lane road 55 mph in both directions – not enough room for another car to get by – both intersections are treacherous as they exist right now, adding these billboards are going to make it more harrowing every time when someone tries to take a turn. Page (8) depicts a closer view of what you would be looking at as you take a left hand turn onto Sherman Way. Page (9) depicts being closer to Everson Way/Route 50 intersection. Page (10) depicts the Everson Way/Route 50 intersection heading southbound. Page (11 & 12) depicts Route 50 north bound – Everson Way billboard shown first. Page (13) depicts both billboards and at least part of one intersection. Page (14) depicts north bound with Sherman Way/Route 50 intersection. Page (15) depicts a better view of that intersection. Page (16) is the zoning law as it exists in the Town of Ballston – A. “A billboard may be illuminated, provided that all light sources shall be designed, shielded, arranged and installed to confine or direct all illumination to the surface of the billboard and away from adjoining properties. Light sources shall not be visible from any street or any adjoining properties.” Mr. Poremba said, “The lights are supposed to be facing the billboard – these LED lights face out.” Mr. Poremba said Mr. Lang may be correct in saying that the lights that face the billboard are brighter, but are facing the billboard and are not facing out towards the people and the houses that exist there. Mr. Poremba said, “That is in direct violation of the town code as it exists with respect to the zoning law. Mr. Poremba said part C of the zoning law states – “No billboard of part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving, fluttering or revolving devices.” Mr. Poremba stated that is what was exactly described to us before. If this billboard is changing every eight seconds, it’s like a television screen – you have that fluttering, moving and distraction in the two most dangerous intersections in the Town of Ballston. Page (17) depicts the view from 12 “Beacon Hill” – if these were lit up, you could see them from a property – definitely in violation of the existing zoning law. Page (19) depicts the Poremba residence – a view from the window – you can’t see the billboard during the day, but can see it better at night and will be able to see if it’s lit up. Page (20) is the view from the back deck of the Poremba residence depicting the barn silo and the billboard.

Mr. Poremba stated the four reasons specified and safety - should be paramount to everyone in the Town of Ballston. It does not fit the rural character of the community. It violates the zoning laws that exist and just going to impair the value of the property.

Mr. Poremba cannot emphasize this enough and will say this at every town board and planning board meeting – there has to be something done about those two intersections. There has to be some sort of traffic study done because it is so dangerous and hear those accident and see those accidents, but safety is of our utmost concern. There are children that live in that neighborhood, it’s a model neighborhood and wished more neighborhoods in this country were more like it – we don’t just look out for our own kids, we look out for our neighbor’s kids. Mr. Poremba said, “It would hurt him to the core if someone were hurt at those two intersections and please do something about those two intersections and does not want there to be a

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tragedy over there that we can all avoid – something has to be done and please do it.” Thank you.

John Digman, 49 Sherman Way said he cannot top Mr. Poremba’s presentation and echoes what he said. Mr. Digman stated a year ago; two huge billboards were placed at the entrances of our development in addition to eight or ten billboards in a very short area. Mr. Digman stated they are very distracting as they are now and only get worse when illuminated and electrified. Mr. Digman stated it makes the whole area look “seedy.” Mr. Digman stated that we refer to this as “Billboard Alley.” Ms. Digman stated that Route 50 is a two lane road and is very often being treated like a four way super highway like Route 9 – no separation of the lanes, no jersey barriers and any small distraction could cause a driver to veer over into the other person’s lane and very easily be a “head-on.” Mr. Digman said, “We had one accident recently in the entrance to Sherman Way both vehicles were travelling south from Brookline Road – the vehicle turning into Sherman Way begins to slow – the other vehicle wants to pick up steam and so they go flying down onto the left side of the vehicle.” Mr. Digman asked how many more billboards are going to be allowed in that area – there is such a concentration of them now. Mr. Digman said, “If you are going to have them, put them on some other part of Route 50 and on some other roads.” Chairman Doyle said, “It the only place in town that you can have a billboard.” Mr. Digman said, “That is the rule now, can that be changed.” Chairman Doyle said, “Anything can be changed.” Mr. Digman asked, “Why is everything put in that little confined area.” Chairman Doyle said, “There were billboards there and did not want them to spread.” Mr. Digman, “Said they are spreading aren’t they.” Chairman Doyle said, “That is becoming more populated.” Mr. Digman said, “This development was there before some of these billboards came in.” Chairman Doyle said, “There are two new billboards at the entrances.” Thank you.

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

Mr. Lang said, “That is the only place that we were allowed to put the billboards.” Mr. Lang agrees with a lot of the comments made and if he (Mr. Lang) had an opportunity to present to the board removing one of the signs and putting it somewhere else he would.

Mr. Lang stated that digital permits are conditioned by NYSDOT for traffic safety. Mr. Lang said, “He wants to work with the community and will print a sign that says, “Slow down.”

Ms. Serra stated that normally the town engineer doesn’t review Special Use Permits, but you had mentioned the ultimately NYSDOT has the final say and obviously it’s on a state road. Ms. Serra asked in your experience has NYSDOT ever asked for the eight second changing of the view to be increased to 20 or 30 seconds such that they felt that it was distracting considering it is at an intersection. Mr. Lang stated that they had seen where they had a 10 second change – that’s about it, they just revoke permits. Mr. Lang stated that safety is #1. Ms. Serra stated

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that she has been in this role for about ten years and the town board has petitioned to the state to get this section of Route 50 reduced from 55 mph to 45 mph. Ms. Serra stated that NYSDOT is not really paying attention so now it's referred to the planning board with a special use permit to look at the four conditions and say "does this fit the harmony of this district and is it a safety issue." Ms. Serra stated that the planning board may want to have an expert to look at the safety issues and feel some of the questions asked are quite warranted of traffic safety in the town. The accident data is only updated every two years. Mr. Lang stated that he is willing to reach out and ask them to have someone contact the board. Ms. Serra stated there has to be someone at NYSDOT's central office on Wolf Road that is an expert on billboards. Mr. Lang stated that he would be more than happy to send that to them. Ms. Serra stated that if any technical traffic safety information was provided to the board would have their traffic consultant review.

Mr. Cwalinski stated he would like BFJ to weigh in on this. If this was a limited access highway, but we all travel this road and know what it's like. Chairman Doyle agrees.

Chairman Doyle said NYSDOT issued a revised sign policy on January 5, 2015 and one of their major concerns is safety. Chairman Doyle stated as the applicant indicated if there is a deviation (accidents) – this is an accident prone area – "they have removed their permission for this and feels that is what stimulated the applicant for coming in."

Chairman Doyle said, "We still have that sign ordinance relative to moving signs – what is an animated sign, does it have to keep moving or is it six seconds, eight seconds or ten seconds." Mr. Lang stated the he can show the board information from Daktronics. Chairman Doyle stated the town board has been working on this as stated by Dr. Pierce and tomorrow morning will be the start of a zoning committee looking at things of this nature. Chairman Doyle stated that he does not feel at this point in time has the information necessary to move forward. Mr. Lang said in the meantime, will come up with a "slow down" sign.

Mr. Ramsey said, "You were considering actually eliminating one of the signs to accomplish what you are trying to do here." Mr. Lang stated his goal is to have a LED sign in the community somewhere and sure he could find another commercial zone and is willing to work with the town and the public. Ms. Matias stated she appreciates you (Mr. Lang) for being so honest and working with the town and will be good to have a balance. Chairman Doyle stated in this particular case, one or two seconds taking your eyes off the road can cause a tragic accident.

Application tabled.

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

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Jason Dell, P.E., CPESC, CPSWQ with Lansing Engineering, PC, was present on behalf of the applicant for the Abele Woods residential subdivision.

Mr. Dell stated the project is located between East Line Road and Benedict Road. The project site is comprised of four parcels of approximately 96 acres. The projects will involve 120 single-family residences, 22 twin townhomes as well as 60 multi-family units. There will be two connections into the project one of which will be from Benedict Road the other connection to East Line Road. There will be sidewalks, community center, parkland trails – everything that would be associated with a traditional neighborhood. Water will be supplied to the projects through connections and municipal system. Sanitary sewer would be provided by a connection to the Saratoga County Sewer District main that is located along Round Lake Road and storm water will be managed on site.

Mr. Dell stated the last time the applicant was before this board was for the SEQRA review process. A significant amount of resources went into to providing the required analysis, reports, and plans that this board as well as the review engineer felt necessary for the SEQRA review process and after review of those materials, this board issued a SEQRA Negative Declaration on July 30, 2014. Mr. Dell said the applicant went back to the town board for the PUDD approval portion of the project. After additional debate and discussion with the town board as well as a public hearing, the town board did approve the PUDD for the project. Applicant is now back to the planning board for subdivision approval portion of the project and work through the engineering “nuts and bolts” of the project.

Mr. Dell stated there was a concern by a resident on Leah Court for a proposed storm water management basin and were able to eliminate the storm water basin area and accommodate the required storm water mitigation in one of the other basins and alleviated the concern of the resident by removing that storm water basin that was proposed next to their pool.

Mr. Dell said detailed engineering plans have been submitted to both C. T. Male and the town. Ms. Serra, P. E. provided a comment letter and has since discussed the letter as it was an overview review of major items that need addressing with iterated steps moving forward with sizing of pipes, locating of pump stations, basins and overall basins and ponds. Mr. Dell stated work is being done to revise those plans and will be resubmitted.

Chairman Doyle stated that C. T. Male’s letter and the feelings of this board, is that the storm water management is of the utmost importance – ground water issues and is very concerned of how the drainage works, where it runs, changes or impacts on the adjoining neighbors. Mr. Dell stated he would welcome any of the board members to review their project SWPPP’s as those documents really have become very detailed analysis of how each one of the basins is designed to function and how it should function based upon the NYSDEC methodologies

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needed to follow – volumes, storm water basins, run-off reduction volumes, water quality volumes, channel protection volumes and 10-year storm event volumes. Mr. Dell stated it's a very iterative process – 1-year storm event (2.6") of rainfall to 100-year event generating (6") of rainfall in a 100 hour period. The stage storage within storm water basins have orifices that regulate the storm water based upon all those various storm events.

Mr. VanVorst stated "As he recalled, this is not in the Ballston Lake Watershed correct." Mr. Dell replied correct.

Mr. Cwalinski asked how you (the applicant) ensure that storm water from one neighbor does not flow onto another neighbor's property. Mr. Dell stated that is detailed on the grading plan with swales typically between the houses.

Mr. Cwalinski asked if the proposed lots will be large enough for pools and decks. Mr. Brooks stated these lots are actually larger than Phase 1 and 2. Mr. Dell stated the proposed lots for Abele Woods are 20' deeper than Timer Creek Phase 1 and 2.

Mr. Dell stated in the past for subdivisions with wetland crossings to typically use a culvert, embed a culvert 20% into the base. The ACOE is requesting the width of the channels – the actual flowing water and match the width of that and then add "20 or 25% "to that width – the wetland crossings are not going to be just standard culvert pipes, but will be wide and shallower concrete box culverts. In order to off-set the wetland crossings, there is going to be a wetland mitigation area that is in excess of an acre in size – impacting less than ½ acre. The ACOE is going to require mitigating (2:1). The application to the ACOE will have not only those crossing areas, but will have to supply to them a detailed grading plan. The ACOE will also review SWPPP and storm water analysis for the project.

Mr. Cwalinski asked the size of the proposed community center. Mr. Dell said 40' x 60' (2,400 sq. ft.). Mr. Brooks stated that the PUDD mentions a certain footprint.

Mr. Cwalinski asked about garbage disposal at the community center and townhouses Mr. Dell stated typically rollaways. Mr. Brooks stated that townhouses in Timber Creek have individual pick up and the community center proposes rollaways with some type of vegetative buffer.

Mr. Cwalinski asked what is being proposed for the exterior of structures. Mr. Brooks stated very much like what you see in Timber Creek. Mr. Brooks said some of the residents are asking for a pool at the community center.

Chairman Doyle stated the National Grid is no longer putting their gas lines in the right-of-way (ROW) and putting them on private land. A 20' ROW is needed to bury the gas line in the center 3' down. Mr. Brooks said, "They have been doing that for years" and Timber Creek

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Phase 1 is out of the ROW and on private property. Mr. Brooks said, "He is being told it's because of tariffs." Chairman Doyle asked how the gas line is going to get through the 15' setback – 20' is needed. Mr. Brooks stated it has been done on Phase 1 and 2 and the easements have been granted. Chairman Doyle said, "This all came about when I saw a photograph of Stonebridge and there was a gas line within 38.6" of a house foundation and would have to say that the house foundation is in the National Grid ROW." Chairman Doyle stated he is not looking for answers tonight, but proposing this as a big concern. Ms. Serra asked Mr. Brooks for the maps from National Grid from Phase 1. Mr. Brooks stated he will call his attorney tomorrow to see what was granted for easements and provide that to the board.

Mr. Cwalinski asked if the roads proposed will be town roads. Mr. Dell replied yes.

Mr. Dell asked if the board would schedule a public hearing or go through additional engineering. Chairman Doyle stated to resolve the two issues:

- Storm Water Management
- Gas line

Mr. Dell welcomes the board to review the SWPPP. Refers to comment #20 of the C. T. Male letter, "All basins should have a minimum one foot of freeboard between the top of the berm and the 100-year water surface elevation." Mr. Dell said, "We are close there, but will give you an idea the iteration and the volumes of data that generate the results for those sizes."

Application tabled.

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

Meeting adjourned at 9:16 p.m.

Respectfully submitted,


Michelle L. Dingman
Planning Board Secretary

Enclosures