

Town of Ballston
Planning Board

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: April 29, 2015

Present: Richard Doyle, Chairman
Jeffrey Cwalinski, Vice Chairman
John VanVorst
Patrick Maher
Audeliz Matias
Thomas Johnson, Building Inspector
Kathryn Serra, Town Engineer
Members of the General Public

Chairman Doyle called the April 29, 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 March 25, 2015 minutes.

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

OLD BUSINESS:

Mark Katz, Route 50, Ballston Spa, NY 12020; 239.-1-1 (Mixed Use PUDD – Residential and Commercial) CONCEPT.

Jason Dell, P.E., CPESC, CPSWQ with Lansing Engineering, PC, was present on behalf of the applicant Mark Katz.

The project is located on the western side of Route 50 and encompasses approximately 90.8 acres. The western side of the parcel is currently included within the rural zoning district and the eastern side in the Business Highway 1 District. The proposed project includes two entrances from Route 50. The northern entrance the applicant is proposing a three-story L-shaped building approximately 23,000 square feet. The first floor a mixture of retail and commercial uses, second and third floor proposes 20 apartment units per floor totaling 40 units. The proposed building will front on Route 50, parking in the rear on the west side and meets all parking requirements per the zoning code. The central portion of the site the

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applicant is proposing eleven 11-unit apartment buildings and the required parking requirements are met by the zoning code. The southern portion of the project the applicant is proposing 57 single-family residences to include a central park area as well as sidewalks and lighting for the project.

The proposed project will connect to the municipal water system along Route 50 and extend sanitary sewer with a proposed pump station and pump through a force feed north along where it will connect into the gravity system on McCrea Hill Road and down into the existing pump station. Mr. Dell stated that discussions were held with Grant Eaton, SCSD#1 about upgrades necessary and as the project progresses, will coordinate with the sewer district as what is necessary at that pump station. Storm water will be managed on site and green infrastructure practices are required by NYSDEC.

Chairman Doyle asked, "Have you done any looking at water." Ms. Serra asked if water district extension has been discussed with the town board. Mr. Dell stated he has had no discussions. Chairman Doyle said, "The resolution that was passed – only the commercial strip (first 500') would be eligible for water." Ms. Serra said, "Chairman Doyle is referencing the resolutions that were done in May of 1997 or 1998 when extension 7 was done on Route 50. Obviously, the planning board has no jurisdiction on water district extensions, but the board wondered if all the time you were at the town board, if that question came up." Chairman Doyle said, "He has opened up that question with the town board." Chairman Doyle said, "It basically talks about Ag and Market is part of this and specifies you can go deeper with water for Ag purposes, but other than that, would not be allowed." Chairman Doyle suggests that the applicant make an inquiry to the town to have them take a look at it." Chairman Doyle stated that the planning board cannot do that and proceed unless it is resolved. Mr. Dell said we will certainly take a look further into that and believes that the issue came up at the Mourningkill Meadows project and was able to work through that. Chairman Doyle said it's the same problem and said, "He has the packet and each one has that stipulation of all the extensions." Chairman Doyle said, "He can remember when some of this happened, and it was to not infringe on the Ag District." Ms. Serra said obviously the extension would not be granted until the PUDD had approvals, but would highly recommend it be done in parallel with the planning board and SEQRA determination so there is no question of whether or not the town board would permit water service to this property.

Mr. Dell stated the north end of the project the access road as well as the building orientation has basically mirrored the access has been shifted north as a traffic study was performed and the traffic engineers recommended moving the road to the other side and do not exceed ASHTO minimum.

The "green area" in the central portion of the site is proposed for a wetland restoration area and currently working with George Casey with ACOE. In order to accommodate this wetland

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area, the density of this project has been reduced from a 12,000 square foot commercial building to the wetland restoration area – commercial building to be removed.

Mr. DiPasquale asked who will own the wetland restoration area. Mr. Dell stated the applicant will maintain ownership. Chairman Doyle asked if the applicant had any records showing modification of the wetlands. Mr. Dell stated that will be put together and submitted to the town. Ms. Serra asked is it just ACOE or has NYSDEC determined they are not involved. Mr. Dell stated it's an ACOE action. Mr. Cwalinski asked the reason for restoring those wetlands. Mr. Dell stated as part of the project have looked at where we are going to be coming through with roads – the applicant to apply for a wetlands disturbance permit. The applicant has preemptively contacted ACOE, met onsite and provided them with aerial photos as well as test pit data from the wetland scientists. Ms. Serra stated to make sure that the EAF accurately reflects the record of past filling actions and all documentation from 2012 to present. Mr. Reilly stated no action has been taken or no coordinated review has been requested and to submit the new EAF.

Mr. Dell stated additional changes made on the southern end of the site to the single-family area – lot widths and sizes of the lots have been expanded – 75' and 80' wide (previously between 65' and 70") and reduced the number of lots to 57 to accommodate the additional lot width. Potential future right-of-ways have been extended to the property to the west and to the south.

Mr. DiPasquale asked for a larger overview of the project with their next submittal.

Mr. Cwalinski asked the applicant about shared parking as recommended by BFJ. Mr. Dell said the applicant is in agreement to save on the impervious areas. Mr. Cwalinski asked if that will cause any conflicts between residents and retail uses. Ms. Serra stated that depend on the actual PUDD language as to how it's written as whether you restrict your office versus retail space. Ms. Serra stated that BFJ was adamant that this was a great option for shared parking – recommendation from BFJ is to pursue shared parking, but be careful on how you have your zoning changes worded. Mr. Dell stated it can be shown as banked parking. Ms. Serra stated if you allocate space for it, all of your storm water management would include that being built.

Mr. DiPasquale stated that the Highway Superintendent should review to make sure that it can be maintained and plowed. Mr. Dell stated that the road cross section itself is a town standard width. Mr. Cwalinski asked the proposed front yard setback. Mr. Dell stated 20'. Chairman Doyle stated 20' setback is the minimum. Mr. DiPasquale asked who maintains the sidewalks. Mr. Dell stated the HOA. Mr. Cwalinski asked if sidewalks and street lights are proposed on both sides of the street for the residential single-family area. Mr. Dell stated yes. Mr. VanVorst asked the need to have sidewalks and street lights. Mr. Dell stated it's per the TND standards.

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Ms. Serra suggested meeting with the Highway Superintendent to discuss the lights and the trees and would recommend no trees in the boulevard.

Chairman Doyle stated the board cannot declare itself Lead Agency at this time because the applicant should solve the water problem first. Chairman Doyle said, "Ms. Pott, Chair of the Ag committee and is concerned about how the board treats subdivisions in the Ag District – after the first 500' is all Ag district. There is no much the planning board can do with that and not that we want to – we are trying to preserve our Ag districts and in support of that type of activity."

Chairman Doyle stated the board talked about traffic, banked parking and ACOE and request a history of what has occurred on this land in the recent past. Chairman Doyle suggests keeping the ponds or to make a dedicated road so that the homeowners on either side would probably use that land, but understand that truly is a road going through there.

Mr. Reilly stated that a coordinated review will not start until the board is declares themselves Lead Agency.

Application tabled.

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 12 pumps overall.

Mr. Lansing stated at the last meeting, discussed lowering the freestanding sign 3' off of the grade and requested a waiver from the board and stated it would be acceptable as depicted on renderings submitted and also included in detail on the engineering drawing.

Mr. Lansing stated the applicant has committed to fuel deliveries from Route 50 only and a note was added to the plans. Mr. Lansing stated that he has worked NYSDOT on the configuration of the intersection on Route 67 and have modified that to make that a standard configuration. Mr. Lansing stated he was in receipt of an email on April 28, 2015 from Mr.

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Novak approving the configuration of the site – the exact details will be handled during the construction phase with the highway work permit.

Mr. Lansing stated an approval letter was received on April 29, 2015 from Saratoga County Planning Board and their primary comments were relative to access to Route 50 and appreciate the change to the site. Chairman Doyle stated the letter also asked that the entrance only be added to the drawing. Mr. Lansing stated it was added as a note on the coversheet.

Chairman Doyle stated the dimensions of the freestanding sign are 3' above the ground and not more than 10.6" high. Mr. Lansing stated the proposed freestanding sign is 10.8".

Chairman Doyle opened the public hearing at 8:07 p.m.

No one wished to speak.

Chairman Doyle closed the public hearing at 8:08 p.m.

MOTION: Mr. DiPasquale 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.**

Ms. Serra stated the motion is based upon addressing the two outstanding comments and that the sign be 10.8" instead of the proposed 10.6" as discussed at the March 25, 2015 meeting.

MOTION: Mr. Cwalinski made a motion for conditional approval of the USA Gas commercial site plan as reflected on the drawing dated, April 15, 2015 subject to the submittal and approval of a drawing describing the design reflecting the requirements discussed in our meetings from changing the height from 10.6" to 10.8" (increase of 2") and subject to a note being added to the drawing restricting deliveries to Route 50. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

Chairman Doyle went through the four criteria of a Special Use Permit

1) The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of the adjacent districts. (NO)

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

MOTION: Mr. Maher made a motion to grant a special use permit for USA Gas station as described on this commercial site plan dated, April 15, 2015. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

KT Development, LLC, Benedict Road & Round Lake Road; 249.-3-37, 249.-3-40 (Major Subdivision – 19 Residential lots) CONCEPT

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

The project site is located along the western side of Benedict Road and comprised of two parcels approximately 28 acres with approximately 9.4 acres of ACOE and NYSDEC wetlands. The applicant is proposing 19 single-family lots – 20,000 sq. ft. minimum lots with an average lot size of 1.34 acres. The proposed project will include two cul-de-sacs and service the majority of the lots with two lots fronting Benedict Road with a shared driveway. The proposed project will connect to municipal water and sanitary sewer via the sanitary sewer district. Mr. Dell stated as indicated in the C. T. Male comment letter, water and sewer infrastructure for this project is dependent on approval of the Abele Wood Subdivision and construction of the off-site water and sewer mains, however this project could be serviced through a connection to the water main located in Timber Creek Phase 2 as well as the sewer system. The applicant is currently looking at capacity at Timber Creek Phase 1 pump station in order to accommodate the additional flows. All storm water will be mitigated per all NYSDEC and town requirements.

Chairman Doyle has a concern with the amount of wetlands around this particular development and thinks it needs rethinking or redesign – everything that isn't a wetland has a house sitting on it and by the codes can do that, but also it just seems whomever is building this would want a subdivision added a little more appeal. Chairman Doyle said, "He cannot imagine living next

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to these wetlands – yet the lots proposed are 20,000 sq. ft.” Chairman Doyle is requesting any history of this particular parcel – last time it was forested or anything else that you might know about his property. Chairman Doyle stated that that whole area down there is extremely wet and shared information with Dr. Pierce relative to vernal pools.

Ms. Serra stated comment #2 “The project narrative outlines the involved and interested agencies that will be consulted with when the project progresses further in design. It is recommended that the jurisdictional determination information for the NYSDEC and ACOE wetlands be provided to the Town early on in the review process given the amount of wetlands on the project site and their potential impact on the development as proposed.” Ms. Serra asked if a letter has been submitted requesting a jurisdictional determination to occur. Mr. Dell stated this project has .05 acre disturbance of the wetland are going to coordinate the jurisdictional concurrence with the permit process and would require a grading plan and SWPPP, but could attempt to get the ACOE and NYSDEC out to the site earlier. Ms. Serra stated acceptance is required if NYSDEC has accepted the boundary that your professional has determined. Ms. Serra stated that obviously there is a 100’ buffer and those agencies get their input early on, which does dictate layout. Mr. Dell stated that the project is adhering to the 100’ buffer and developing areas of the property that are developable, which are quite large and climb up out of the wetlands. Mr. Dell said, “We do feel that as though we would be able to successfully create a very nice neighborhood having much larger lots and will be able to accommodate the rain gardens and storm water controls.

Mr. VanVorst said, “He does not share as much concern as our Chairman does and feels it’s a very efficient use of the topography and the land as it exists.”

Chairman Doyle asked for the board comments.

Mr. Cwalsinki stated that it meets all the requirements.

Mr. DiPasquale asked Ms. Serra if everything was in order relative to wetlands. Ms. Serra stated no, and do need to get the agencies out to the site to verify and accept the boundary of the wetland provided by the professional. Ms. Serra stated that she would like to see a preliminary progression of the engineering plans for storm water.

Mr. Cwalinski said page (4) of the SEQR form has a couple items marked TBD and asked if that is because more engineering is needed. Page (8) mentioned street lighting – are traditional street lights proposed. Mr. Dell stated that may be a rollover from the original narrative as this project was previously proposed as a TND.

Mr. DiPasquale stated there seems to be a fair amount of uncertainty as to water and sewer.

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Ms. Matias asked if roads labeled on plans (A) and (B) will be town roads. Mr. Dell stated yes. Mr. Cwalinski asked if it will meet the town road standards. Mr. Dell stated yes.

MOTION: Mr. VanVorst made a motion to move forward with preliminary design. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

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

Meeting adjourned at 8:33 p.m.

Respectfully submitted,


Michelle L Dingman
Planning Board Secretary

