

Town of Ballston
Planning Board

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: April 30, 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 April 30, 2015, meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

NEW BUSINESS:

Matthew Duemler and Emily Falls, 121 & 125 Charlton Road, Ballston Spa, NY 12020; 238.-2-78.11 & 78.12 (Lot Line Adjustment)

Dr. Duemler presented the proposal to the board. The applicant is proposing a lot line adjustment between 121 and 125 Charlton Road meeting all the zoning requirements.

Mr. Cwalinski stated that he has an issue with this proposal as it's creating a very irregular shaped lot and does not seem logical. Mr. Cwalinski said normally when a lot line adjustment is proposed, the lots are squared off. Dr. Duemler said, "He completely agrees and tried to square it off, but the ZBA did not allow and through the Zoning Board's guide and Planning Board's suggestions, this is the lot line that they came up with." Mr. Cwalinski asked, "You could not live with the lot as it was." Dr. Duemler stated no absolutely not. Mr. Reilly stated the Zoning Board of Appeals denied your request because you were attempting to create a non-conforming lot. Dr. Duemler stated that he was attempting to make it look like all the neighboring lots. Mr. Reilly stated this was not proposed by the Zoning Board of Appeals, never saw this configuration and was not what the Zoning Board suggested. Dr. Duemler said, "The board said to make this a U-shape to go around and included the property on the other side of the property that actually loses his lot – actually sacrificing a second lot to do this to meet their

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requirements.” Mr. Reilly stated the ZBA suggested an easement over the driveway – keep the driveway with an easement over the lot.

Mr. DiPasquale asked if all lots are compliant with the zoning. Mr. Reilly stated yes.

Ms. Matias stated it creates a very odd shape with a difficult parcel in the future – it’s too irregular.

Mr. DiPasquale stated the only thing the board is acting on is that the lots as presented are in compliance. Mr. Reilly stated the configuration may be a strangely shaped lot, but that is no reason to turn down the application. Mr. Johnson stated he assumes the acreage is correct as the proposal was prepared by a Licensed Land Surveyor.

Dr. Duemler stated the lot line to be adjusted just inside the hedgerow – stonewall hedgerow to be maintained and provide privacy to both properties.

Chairman Doyle asked Mr. Reilly what the Zoning Board of Appeals suggested. Mr. Reilly stated their primary suggestion was to move the lot line to the west to pick up the requisite square footage – the concern would go over the existing driveway, which is not an unusual situation to simply retain an easement over the existing driveway. Dr. Duemler stated the recommendation was to move the lot line to include wetlands all the way to the west. Dr. Duemler stated the proposed LLA is to protect the tree line for privacy. Dr. Duemler said, “The ZBA suggested giving them another 200’ of trees to cut down whatever they want.” Mr. Reilly stated we talked about descriptions as far as not cutting down trees. Dr. Duemler said, “When he conferred with his lawyer, the person who puts that in would not go from title-to-title and would be a hard thing to hold up when the property is sold.”

Chairman Doyle opened the public hearing at 7:49 p.m.

No one wished to speak.

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

MOTION: Mr. VanVorst 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.**

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MOTION: Mr. VanVorst made a motion to approve the Lot Line Adjustment as described on map titled Matthew Duemler dated, December 5, 2014 revised April 3, 2015. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

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

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

Mr. Palma is in receipt of the C.T. Male comments. One comment stated a septic design shall be provided as part of the application to verify the size of the system, which impacts setbacks and layout. Mr. Palma provided the board with a proposed septic plan.

A further discussion was held on the proposed septic system.

Chairman Doyle suggested that C. T. Male review the proposed septic plan.

The ZBA granted 280-A Relief on June 4, 2014 and once site plan is approved, the applicant to apply to ZBA for required setback variances.

Ms. Palma asked if there are any other outstanding comments other than the septic system proposal. Ms. Serra stated site layout is dictated by placement of the well and septic system.

Application tabled.

Charles McCormack, Lakeshore Ave, Ballston Lake, NY 12019; 249.5-1-26 (Lot Line Adjustment)

Mr. McCormack stated he resides on Lakeshore Avenue and purchased property on Lakeshore Ave (249.5-1-26) and proposes a lot line adjustment with property to the south owned by Dr. Eaton. Chairman Doyle stated that 10,690 sq. ft. to be retained by Eaton and 10,687 sq. ft. be retained by McCormack.

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

Dr. Eaton stated that he and Mr. McCormack intend to keep this property in its natural state.

Chairman Doyle closed the public hearing at 8:04 p.m.

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MOTION: Mr. Maher 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.**

MOTION: Mr. Cwalinski made a motion to approve the Lot Line Adjustment as described on the map titled Subdivision of a Parcel of Land of Charles B. McCormack, II dated, September 12, 2012 revised November 20, 2014. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

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

Scott Lansing, P.E., was present with the applicants Geoffrey Booth and Jeffrey Knox.

Mr. Lansing stated the overall parcel consists of 26.55 acres located at 253 Eastline Road. The parcel is zoned Ballston Lake Residential, which does permit a Traditional Neighborhood Development (TND).

The parcel consists of 26.55 acres subtracting the ACOE. NYSDEC wetlands, right-of-ways, storm water management area that slope over 15% ending up with 18.09 acres of unconstrained lands. Mr. Lansing said per the TND standards are permitted up-to 12 units per net acre an ultimate allowable density of 217 units – density bonuses outlined in the TND standards for affordable and senior housing, which does permit up-to a 30% increase totaling 283 units. The TND also allows for 25% commercial use.

The applicant is proposing 100 condominium units – 217 permitted – 15 buildings total (4-8 units per building) two to three bedroom units – all units to have internal garages. A mix of retail and office space located in the front portion of the parcel – 60,000 sq. ft. – six buildings (10,000 sq. ft. per building) first floor footprint approximately 5,000 sq. ft. Mr. Lansing stated that 19.16 acres overall of open space, which is approximately 72% of open space. The applicants are proposing a three acre active passive park located in the north east corner of the parcel with a general cleared area for recreational activities and a leisure area with a proposed gazebo and park benches positioned at the top of the slope with an existing pond feature. Proposed are sidewalks throughout the project connecting all the residential and commercial units and a streetscape to include trees and lighting. All parking proposed for the commercial and residential is in accordance with the town standards. Town roads are proposed approximately 1,700 feet ± to be designed and constructed to town standards and ultimately

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offered for dedication to the town. The project will be serviced by public water and sewer and storm water management to be managed on site.

Mr. DiPasquale asked if this project is related to the Kelley Farms Subdivision that was approved. Mr. Lansing stated that it's on a lot that was subdivided off of that parcel.

Mr. Maher stated the original approval there were two estate lots. Mr. Lansing stated it's actually one lot. Mr. Maher said the original proposal was for two lots with a home on each lot. Mr. Lansing stated no, it was just one big overall lot.

Ms. Serra stated that the SEQRA records stated that lot was for a single-family home and included traffic generations for one home. Ms. Serra stated that this lot was created when the map was filed.

Mr. Reilly stated he shares concerns with a threshold question – is this even a Traditional Neighborhood Development (TND). Mr. Reilly stated there is no subdivision proposed – it's proposed for the estate lot and "is almost a PUDD as opposed to a TND."

Ms. Serra asked if Mr. Lansing has reviewed the TND regulations §104-14, which include four pages of text. Ms. Serra stated that she provided an assessment to the board of what was submitted and one item it explicitly states "The following design standards shall apply to all subdivisions in the Hamlet Residential and Ballston Lake Residential Zoning Districts of the Town." Chairman Doyle said, "The board worked diligently at this and could not come to the conclusion that it was a TND – should it be a PUDD - should it go before the town board." Chairman Doyle said, "The problems that this board is having with some of the areas that you are developing are curbed roads don't work well." The actual specifications talk about a "block style" and it's located in a watershed closer to Sweet Road with a concern about migration of sand and silt back into the lake. Chairman Doyle said, "We looked at several other options and what he would like to do is asked you (the applicant) to demonstrate why you think this is a TND, why you think it does not affect major traffic, major environmental issues all through this and how are you going to handle all this water from all the impervious surfaces even with the two ponds – how is that going to work. Chairman Doyle stated he liked the commercial building not having an entrance on Eastline Road.

Chairman Doyle said the town is going through zoning discussions with meetings held every other week in the morning starting at 7:30 a.m. Chairman Doyle said, "The Town Board is looking at moratoriums." Chairman Doyle stated the applicant has to provide more information to the board as to why they think this is a TND and fits with the rest of the community. Mr. Lansing stated that he would like to discuss some of these issues tonight. Ms. Serra said, "Apparently you did not read the code, it's long and lengthy."

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Chairman Doyle stated he does not see why buildings 5 and 6 on the drawing don't get connected into the path area and gazebo. Mr. Lansing stated that sidewalks are shown on one side of the road and crosswalks to connect to a sidewalk.

Mr. DiPasquale asked who will own the park. Mr. Lansing stated the Condominium Association.

Mr. DiPasquale stated the town road is proposed to be Kelley Farms Road. Mr. Lansing stated it would connect to Kelley Farms Road, but be given a different name. Mr. DiPasquale asked if the loop roads would be privately owned. Mr. Lansing stated no, proposed for dedication to the town. Mr. VanVorst stated even the road that goes to building number 7 would be a town road. Mr. Lansing stated no, that would be a private road.

Mr. Cwalinski said, "He asked the applicant to consider sidewalks on both sides of the road – a resident in (building 1) wanting to go to the gazebo, which is on the same side, has to cross the road twice."

Mr. VanVorst said, "He is kind of disappointed this was not included in the original application, it would have made it much easier for all of us to understand this."

Ms. Matias stated the narrative should include an introduction explaining the original purpose of the lot and how it became to be so it's clear for the board to understand what happened.

Mr. Maher stated that this does not conform to the spirit of the intent of a TND as described in the town code. Mr. Cwalinski stated he agrees with Mr. Maher.

Chairman Doyle stated he will have discussions with the town board and take a look at what was submitted.

Application tabled.

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

Meeting adjourned at 8:25 p.m.

Respectfully submitted,


Michelle L Dingman
Planning Board Secretary