

Town of Ballston
Planning Board

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: June 25, 2014

Present: Richard Doyle, Chairman
Jeffrey Cwalinski
Josephine Cristy
Derek Hayden
Audeliz Matias
John VanVorst
James DiPasquale, 1st Alternate
Patrick Maher, 2nd Alternate
Thomas Johnson, Building Inspector
Kathryn Serra, Town Engineer
Peter Reilly, Planning Board Attorney
Members of General Public

Chairman Doyle called the June 25, 2014 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Chairman Doyle asked for corrections to the May 28, 2014 minutes. Mr. Hayden submitted minor grammatical changes.

MOTION: Mr. VanVorst made a motion to accept the May 28, 2014 minutes as amended. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

OLD BUSINESS:

Heritage Development Holdings, Timber Creek Phase IV, Ballston Lake, NY 12019 (Major Subdivision) - Concept. Jason Dell, P.E., CPESC, CPSWQ with Lansing Engineering, PC was present of behalf of the applicant Geoff Brooks for the Timber Creek Phase IV project.

Mr. Dell said Abele Woods formerly known as Timber Creek Phase IV encompasses four parcels totaling 96 acres. Based on the comments from the last meeting, the density has been decreased. The project will now include 129 single-family residences, 24 twin-town homes and 16 multi-family dwellings.

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The project originally submitted to the town board consisted of 276 units with the current plan at 213 units - 22% decrease in the overall density.

The flag lots have been removed from this plan. Additionally, the parking for the multi-family units requires 2.5 stalls for every unit - 2 spaces were proposed and since revised, the plan to provide additional parking at the rate of 2.5 parking stalls per unit. An additional parking lot area was added as well as additional stalls added throughout.

The applicant has responded to all the C. T. Male comments pertaining to the SEQRA process to include the EAF, project narrative, comment response letters, letter pertaining to mature trees, conceptual wetland crossing plan, conceptual wetland mitigation plan, storm water concept, green infrastructure concept analysis, revised the GPI traffic memo (provides the correct number of housing units), submitted archeological reports, SHPO, threatened and endangered species evaluation (prepared by North Country Ecological Services), sewer and water reports and were in receipt of a letter from Mr. Gibson.

On June 24, 2014 the applicant received a letter from C. T. Male with four outstanding comments. The applicant feels those comments are minor in nature and should not preclude the board from issuing a Negative Declaration. These comments included changing the road name from Longkill to East Line Road. A response was requested from the U.S. Fish and Wildlife, provide objectives for the proposed wetland mitigation area.

Thomas Shepardson, Esq., with Whiteman, Osterman & Hanna, LLP said significant changes have been made to the project addressing all C. T. Male's concerns. A 22% reduction has been made to the project and feels at this time is appropriate for the board to consider issuing a Negative Declaration to move the project forward.

Mr. DiPasquale asked about C.T. Male's comment #3. Ms. Serra said the comments are minor and should not be an issue for the applicant to provide, but are still outstanding.

Mr. Cwalinski asked, where are the park-like focal points and trail ways located as referenced in the narrative. Mr. Dell said the trail features are in and throughout the centrally located wetland areas. A network of trails will be developed - approximately 130-140 acres that will have trails running throughout.

Mr. Cwalinski asked the location of the mailboxes for the twin-townhomes. Mr. Dell said the mailboxes will be centrally located along the eastern and western side of the project.

Mr. Cwalinski asked about garbage disposal. Mr. Dell said typically dumpsters and rollaway for the twin-townhomes and single-family dwellings.

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Mr. Cwalinski asked that the storm water management area be fenced to keep children out.

Chairman Doyle said, "The board has all the information and looks very complete and working through it." The Tuesday morning meeting concluded that a Negative Declaration would not be determined until the July meeting.

Mr. Sherpardson, Esq. stated comment #3 from C.T. Male comment letter refers to obtaining an actual letter from the US Fish and Wildlife regarding the endangered species report. Two reports - Vernal pools and Endangered, Threatened and Rare Species Evaluation. It's the applicants position that the board should not defer its Lead Agency responsibility and wait for a letter from US Fish and Wildlife and believe that the record before the board is sufficient for the board to take a hard look at the endangered species issue. - two expert reports showing no environmental impacts. There is no project pending before the US Fish and Wildlife service such that it's highly unlikely the applicant would receive a letter at this point. It would be appropriate for the board to look at the record and take action on that information as the Lead Agency is suppose to under SEQRA.

Chairman Doyle said this is a complex area and the board needs time to work through.

Mr. Brooks said, "In the North Country Ecological Report will find four pages from the US Fish and Wildlife, which documents the process and the study is based on the findings." There study was based on the feedback and an ACOE permit will be required to move forward.

Mr. Reilly was of the understanding that the board would not move forward with issuing a Negative Declaration and would be at the next meeting if and when C. T. Male was satisfied. Mr. Reilly said C. T. Male will be looking at the documents including comment #3 and should be prepared to move forward at the July meeting, but not this evening.

New York Development Group, 253 East Line Road, Ballston Lake, NY 12019; 239.-7-1 (Major Subdivision) Scott Lansing, P.E., CPESC, CPSWQ with Lansing Engineering, PC, was present on behalf of the applicants Geoffrey Booth and Jeffrey Knox.

Mr. Lansing the applicants objective is for the board to consider the preliminary and final approval for the project.

The project consists of approximately 150 acres zoned Ballston Lake Residential. The applicants are proposing 132 lots overall conforming to the Ballston Lake Residential District. Project served by public water, sanitary sewer and storm water management on site.

The C. T. Male comments overall are technical in nature and will address.

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Chairman Doyle said there are four outstanding C. T. Male comments.

Chairman Doyle said, "There is a problem with the SEQRA process." The board is working through with C. T. Male. Items of concern are traffic and Article 25AA - A Negative Declaration will not be issued at this time.

Mr. Lansing stated all comments have been addressed for the Traffic Impact Study and Farmland Protection; any SEQRA related comments have been addressed.. Chairman Doyle said a response to be included with the minutes when a Negative Declaration is issued.

Chairman Doyle opened the public hearing at 8:05 p. m.

John Warren, 25 Chapel Hill Blvd., said good job to the developers for the Chapel Hill Development. Mr. Warren had a satellite photo depicting the existing residences on the west side, which abut this proposed subdivision. The average home in the development have a setback of 160'. The concern is the new proposed road to the property lines of the existing homes in the Chapel Hill development and the loss of existing trees and their property values.

Mr. Lansing said he understands the residents' concerns, but it is a conventional subdivision and is the exact zoning as the Chapel Hill project. Mr. Lansing said he would look at the grading limit line in the area of lot #25 back to lot #33 - all that vegetation is being retained. The applicants are meeting the required setbacks in the Ballston Lake Residential District - 15' or the height of the structure - lot #25 estimating about 70 or 80' - trees maintained in that area.

Ms. Serra asked the actual distance from the back of the property to the grading limit line. Mr. Lansing said it varies - lot #25 is 15' - existing vegetation within the 15' setback.

Mr. Warren distributed a tax map and survey of his property and challenged the board to take the design of his driveway and imagine the exact house next to lot #68 having the 60' driveway and 10' for the easement - "does not think it's going to add up."

Mr. Lansing assumes Mr. Warren's house was built according to the town's setbacks. The proposed plan shows the grading, grading limit lines and adheres to all the setbacks in the zoning ordinance.

Chairman Doyle asked the width of the hedgerow in that particular area. Mr. Lansing said approximately 15' in the vicinity of lot #25. According to the survey it shows the vegetation roughly at building setback line at 15'.

Chairman Doyle to review drawings with C. T. Male.

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Susan Herbert, 27 Chapel Hill Blvd., said the Comprehensive Plan states that wildlife corridors be protected and does not think it's being protected. Ms. Herbert keeps a logbook of what is seen from her backyard - 45 different birds, deer, coyote and fox - "Having 15' of brush does not protect the wildlife because anyone that buys property can take it down." Ms. Herbert suggested green space be designated in the development.

David Pierce, 110 Lake Road, Dr. Pierce said this project is located on a creek near Sweet Road, which empties into Ballston Lake and the main concern is storm water retention and whether it is adequate to cover all the impervious surfaces that are proposed for this plan. Dr. Pierce spoke Mr. Blue Niels, Saratoga County Stormwater Management Coordinator and did not know if he was able to review this project before it's approved by the board and comply with the advance storm water retention regulations that are suggested for this proposed project.

Ballston Lake has been changed by its designation by New York State into an impaired water body and require mitigation. "The water that comes down the slope and into the Sweet Road creek and flows into Ballston Lake and with two or three inches of rain is very silt ridden - does not want to create anymore runoff."

Ms. Serra said Ballston Lake is newly listed as an impaired water body with phosphorous. However, there are no current regulations that NYSDEC placed to require any different measures for this application for storm water. So what the town reviews are the 2010 storm water design standards, which require pre infrastructure and pre and post run off, which the town has seen since 2004. Any discussions of any advanced measures that could result in a year when the permit is renewed, however the town cannot mandate that this applicant do anything that is above and beyond the current NYSDEC standards. There are a few comments on the SWPPP, however it generally meets the requirements of 2010 design manual as it stands.

Ms. Serra said any comments pertaining to the advanced phosphorus standards, which Mr. Niels has discussed are likely going to happen and be enforced into law within a year, however the town cannot mandate the applicant to adhere to standards not in place.

Mr. Adams, 910 Route 67, said the tree line is part of the five mile square and discussions of removing trees should be prohibited - will lose the tree line.

Ms. Serra said someone will look at the deed.

Dr. Pierce asked if the EPA established a phosphorus limit coming off of the property. Ms. Serra replied, no - not for this watershed. The first step likely would be the advanced phosphorous standards in place for storm water management in other areas would come into effect for this

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lake - permit expires in January 2015. The actual limit takes a decade or so - can foresee the advanced phosphorous standard for new construction being enacted in 2015.

Chairman Doyle closed the public hearing at 8:25 p. m.

Advance Auto Parts, Dominic Drive & Route 67, Ballston Spa, NY 12020 (Site Plan Review/Sign) Patrick Huyge with Site Enhancement Services was present on behalf of the applicant.

Mr. Huyge said as discussed at the last meeting, has returned with a significantly reduced height and square footage sign under the 150 sf. - wall sign 88 sf. (approved on site plan approval) and this 48 sf. sign. (108 sf. previously proposed).

Chairman Doyle said the sign needs to be mounted vertically - 4' x 8' totaling 32 sf. (the total is under 150 sf.)

Mr. DiPasquale asked if the applicant is looking for approval on a temporary sign. Mr. Huyge said that can be removed - that was accidentally submitted.

Mr. Hayden asked if there is a way to have a sign that meets the towns design standards (vertical). Mr. Huyge said 4' wide and 8' tall. Mr. Hayden replied, yes. Mr. Huyge said, "You would squeeze the Advance - it's a 6" letter" - barely legible and not esthetically pleasing.

Mr. Hayden asked, "Do you need the flag." Mr. Huyge said it's part of their registered trademark - Mr. Huyge said, yes.

Ms. Matias is glad to see the sign smaller and lower, but still has a hard time seeing a pole with a big sign on top.. Mr. Huyge said this sign is similar to the BSNB sign - it's taller due to the vegetation and the change in elevation on Route 67. Mr. Huyge stated by a resident at last month's meeting "The last thing you want is the sign not to be legible and someone making an improper maneuver into the site." The applicant does not want to continue or make the situation any worse in the area.

Mr. Hayden asked, "Is this proposal the smallest you can go." Mr. Hayden said the applicant is asking the board to approve 50% more and asked if this sign can be made smaller. Mr. Huyge said, "This is as small as we can go to get the letter height legible" due to the 17 characters and the checkered flag logo.

Mr. Cwalinski asked if there is any science related to letter height, speed and all those variable. Mr. Huyge said studies have been performed by the US Sign Council and based on letter height normally takes a motorist 10 seconds to read the sign, comprehend it and safely make the

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maneuver into the site - averaging 600' from the sign. "The sign proposed is nowhere near that" - legibility in this corridor of about 200'. Studies have been performed by the US Sign Council that say to properly identify the sign and give motorists safe way finding it will take approximately 10 seconds to read the sign and safely get to the site.

Mr. Hayden has a concern for the Dollar General sign - may obstruct Advance Auto Parts sign. Mr. Huyge only represents Advance Auto Parts.

Chairman Doyle asked the applicant if they would consider making the sign lower - 10' to 12'.

Mr. DiPasquale asked the height of the BSNB sign. Chairman Doyle said it's close to 10' to 12'.

Mr. VanVorst said "There needs to be give and take - applicant has given by lowering from 25' and give some leniency and change the sign to horizontal would be beneficial to the applicant and the town."

Ms. Matias asked for two poles rather than one.

Mr. Huyge asked, "Two poles, overall sign height of 10' and skirts around to match the building."

The board concurs.

Mr. DiPasquale has a concern with the Saratoga County Planning Board comment letter because they turned the request down. Mr. Huyge said the comments were from last month's proposal of the proposed 108 sf. 25' overall.

Chairman Doyle said the board would approve on the condition that the SCPB would approve the latest request. Chairman Doyle to meet with SCPB to discuss.

Chairman Doyle reiterated the sign height to be 10', two poles, skirting to match the building.

Chairman Doyle opened the public hearing at 8:40 p.m.

Lorraine Janack, 973 Route 67., said she is pleased with the board because this sign will "right in her bedroom window" appreciates the 10'. There was a car crash in front of the Trustco Bank, but that area is building up and many "close calls" with motorists trying to turn into the bank. Ms. Janack said "She appreciates the boards help to work things out."

Chairman Doyle closed the public hearing at 8:40 p.m.

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MOTION: Mr. VanVorst motioned to name The Town of Ballston Planning Board be the Lead Agency in the SEQR process. Ms. Cristy 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. Cwalinski made a motion to approve the Advance Auto Parts sign - 12' (horizontal), 4' (vertical), 10' maximum height, two poles to include skirting that matches building with colors specified in the submittal, dated 5/30/2014 - Conditional on Saratoga County Planning Board's (SCPB) approval. Ms. Cristy seconded the motion and all present voted in favor. **CARRIED.**

SSP Development Corp, 3 McCrea Hill Road, Ballston Spa, NY 12020;228.-3-30.12 (Site Plan Review/18,750 sf. addition to commercial building) Scott Lansing, P.E., CPESC, CPSWQ with Lansing Engineering, PC, was present on behalf of applicant, SSP Development Corp. and BBL Construction Services, LLC.

Mr. Lansing said the applicants are before the board for preliminary and final approval for site expansion conditioned on addressing the C. T. Male comments.

The site is located at 3 McCrea Hill Road approximately 8.93 acres with an existing building approximately 34,000 sf. The applicants are proposing to annex 18,750 sf. to the existing building. A parking waiver was granted by the board and supported by C. T. Male.

The project serviced by municipal water, sanitary sewer and storm water management managed on site. Preliminary plans were submitted and received approximately nine comments from C. T. Male technical in nature.

Mr. Cwalinski asked about lighting at the loading dock. Mr. Lansing said there is existing wall pack lighting and nothing additional planned for that area.

Mr. DiPasquale asked about the outstanding comment from C. T. Male. Mr. Lansing said outstanding comments to be addressed and request conditional approval.

Chairman Doyle has a concern with the building envelope. Mr. Lansing said revisions have been made since the last submission. The loading dock to be scaled down in size as previously submitted.

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Ms. Serra said she was in receipt of the package from Lansing Engineering, but has not had time to review.

Chairman Doyle asked Ms. Serra if there are any issues with the concept. Ms. Serra said other than the 1 acre disturbance and it meets the fire code.

Mr. Lansing said the plans shows the graded parcel, access to the storm water management area and have shown all the surface for the loading dock and are confident they are below the 1 acre threshold and ask for a conditional approval on the project.

Chairman Doyle opened the public hearing at 8:50 p. m.

Chairman Doyle closed the public hearing at 8:51 p. m.

No one wished to speak.

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

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

Ms. Serra read the following questions on Part 2, Page 3 and Page 4 of the Environmental Assessment Form (EAF):

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? The board replied, "No, or small impact may occur."
2. Will the proposed action result in a change in the uses or intensity of use of land? The board replied, "No, or small impact may occur."
3. Will the proposed action impair the character or quality of the existing community? The board replied, "No, or small impact may occur."
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? The board replied, "No, or small impact may occur."

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5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? The board replied, "No, or small impact may occur."
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities. The board replied, "No, or small impact may occur."
7. Will the proposed action impact existing:
 - a. public/private water supplies? The board replied, "No, or small impact may occur."
 - b. public/private wastewater treatment utilities? The board replied, "No, or small impact may occur."
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? The board replied, "No, or small impact may occur."
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? The board replied, "No, or small impact may occur."
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? The board replied, "No, or small impact may occur."
11. Will the proposed action create a hazard to environmental resources or human health? The board replied, "No, or small impact may occur."

The Board has determined, based on the information and analysis above and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

MOTION: Mr. Cwalinski made a motion to approve the Specialty Silicone Products (SSP) expansion as described on drawing SSP Site Expansion, dated 6/11/2014 subject to the resolution of C. T. Male comments. Ms. Cristy seconded the motion and all present voted in favor. **CARRIED.**

Chairman Doyle reiterated the board is concerned for the 1 acre disturbance and energy efficiency.

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NEW BUSINESS:

Guidarelli Construction, Sharon Lane, Ballston Lake, NY 12019 (Amend approved subdivision plan - to remove paving requirement) Joseph Suhrada, Partner, Sharon Lane Subdivision and owner of lot #6 presented the proposal to the board.

Mr. Suhrada said seven years ago purchased this property and approved by the planning board.

Mr. Suhrada is requesting two minor changes to the approved subdivision.

- Eliminate the requirement of paving individual driveways off of the private road allowing the homeowners to have gravel driveways.
- Allow natural settling and compaction of driveway prior to blacktop.

Mr. Cwalinski stated the letter from Guildarelli Construction it states "The request is an amendment item #16 under the general notes on page 1 of the approved subdivision plans." Mr. Cwalinski asked, "Is that on this drawing." Mr. Suhrada said it's on the front page - it calls for the paving of the private of individual driveways and the private road. Mr. Cwalinski said the note to be revised and resubmit a revised drawing. Mr. Suhrada said Lansing Engineering to provide to the board.

Chairman Doyle said the letter states that paving will occur after one year (365 days). Chairman Doyle asked that to be added on drawing.

Chairman Doyle said the town does not require a private road be paved.

Mr. Hayden said 365 days for paving seems like a long time. Mr. Suhrada said it can be changed to six months after issuance of the last Certificate of Occupancy.

Chairman Doyle opened the public hearing at 9:10 p.m.

Chairman Doyle closed the public hearing at 9:11p.m.

No one wished to speak.

MOTION: Mr. Cwalinski 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.

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

Chairman Doyle said, "No asphalt on private road until six months after the last Certificate of Occupancy is issued.

Mr. Hayden asked that item #16 be read into the record. "All driveways and parking areas are to be asphalt paved surfaces per detail unless otherwise noted."

Revised to read "The main private road be paved within six months of the last Certificate of Occupancy and that the minor driveways be pavement optional."

MOTION: Mr. Cwalinski made a motion that Note #16 be revised to state that the private road be paved no later than six months after the last Certificate of Occupancy is issued and that paving of the private driveways for each house is optional. Drawing to be resubmitted with revised note to include revision date. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

Jeffrey Gould, 922 Route 67, Ballston Spa, NY 12020;228.-2-25 (Amend Special Use Permit to allow for 20 cars for sale) Jeffrey Gould, owner Meredith Motors presented the proposal to the board.

Mr. Gould said the request is to increase the number of cars on the existing lot from 8 to 20.

Mr. Cwalinski asked if the existing cars were parking in the right-of-way (ROW). Mr. Gould said SCSD were at the property on Friday June 20, 2014 to determine if the existing cars were located in the easement. Representatives from SCSD measured 15' from the easement for the applicant - no issue with cars being 15' from the easement.

Mr. Cwalinski said a complaint from a resident was brought to the boards attention that the cars are being "haphazardly" parked. Mr. Gould said this is the first he has heard of the complaint.

Ms. Matias said that 20 cars seems to be a lot - too close to bend and intersection.

Mr. Hayden said the third revision shows 23 cars. Mr. Gould wanted to show there was plenty of room.

Mr. Hayden asked if the cars could be kept off farther of the road.

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Mr. Gould said other dealerships in the area have "double" the cars on their lots, which are smaller than the 1.56 acres at this location.

Chairman Doyle suggested parking cars 20' off the edge of the road.

Mr. DiPasquale asked the applicant if a sign was approved with the special use permit. Mr. Gould replied, yes.

Mr. VanVorst asked what changed from the original special use permit allowing 8 cars. Mr. Gould said he based it on his last location. A lot of traffic travels on Route 67 and sells a lot of cars to residents in Ballston Spa with several referrals. Mr. Gould did not anticipate that he would sell as many cars.

Chairman Doyle said the Comprehensive Plan limits the number of cars.

A further discussion was held on the parking of the cars.

Mr. Hayden said the minutes of the original meeting state "#6 A sign review before any sign can be posted." Mr. Gould said the 4' x 4' sign was approved and constructed by Adirondack Sign Company.

Mr. VanVorst said he supports local businesses.

Mr. DiPasquale agrees with Mr. VanVorst, but has concern for increased traffic at that intersection.

Mr. Hayden likes the third revision with the exception of the three cars in front.

Chairman Doyle opened the public hearing at 9:30 p.m.

Kathryn Serra, 936 Route 67 lives four houses north of said proposal and was the resident who sent in the complaint. Ms. Serra said she supports your business and realizes that is a commercial district. In April 2014, the board approved 8 cars that fit within the driveway. Ms. Serra said this spring there were between 22 and 25 cars all in the sewer easement surrounding the fence and did not look orderly. Ms. Serra said revision #2 shows all the cars in the sewer easement and obviously it was revised to show cars behind the house and on the south side of the driveway. Ms. Serra asked if the applicant intends on parking cars on the north side or just on the south side of the driveway and behind the house. Ms. Serra said revision #3 shows vehicles on the south side of the driveway and behind the house. Ms. Serra asked, "Do you intend on following that revision as long as it's outside the sewer easement." Mr. Gould

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replied, yes. Ms. Serra said, "You were not following your special use permit." Ms. Serra said she and her husband have no objection of the parking of 20 cars as long as it's orderly and it fits the plan you have.

Lorraine Janack, 973 Route 67 has the same concerns as Ms. Serra. There are always 20 cars or more cars parked there and is a dangerous intersection and are parked too close on Route 67.

Lisa Speidel, 11 Martin Avenue has the same concerns as mentioned above - it's a traffic hazard. Ms. Speidel is in favor of small business. The applicant received a special use permit for 8 cars and has three times that amount. Ms. Speidel said, "What is to say if 20 cars is allowed - what will happen."

Mr. Gould said he has never had 20 cars on that lot; maximum 18 - pulled in and pulled out.

Elizabeth Newsom, 123 Church Ave. asked if this property has the original driveway; does this property have an entrance and exit. Chairman Doyle said this property has two driveways.

Ms. Serra said, "The southern driveway is to the residence and the northern driveway is where the business is run out of the garage in the back."

Ms. Newsom asked, "Do people that come look at cars back out onto Route 67." Mr. Gould said he does not and cannot control what motorists do. Is there availability for a turnaround. Mr. Gould replied, yes. Is there an entrance sign. Mr. Gould replied, no. Ms. Newsom recommended an entrance sign.

Ms. Matias suggested a small parking area off Route 67.

Chairman Doyle closed the public hearing at 9:39 p.m.

A further discussion was held on the parking of the cars.

Chairman Doyle suggested an entrance sign be added to existing sign. Encourage turning around in the yard and driving out rather than backing out onto Route 67.

Mr. Gould said he always tells people to be careful when backing out onto Route 67.

Mr. Cwalinski asked for a revised drawing to be provided to the board.

Mr. Hayden said 10 cars to the north. Mr. Gould suggested 12 cars. The board concurs.

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Chairman Doyle said, "The Town has a Zoning Enforcement Officer and the town could use some tuning up out there."

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

MOTION: Chairman Doyle made a motion to have a new drawing provided by Mr. Gould to show 25' off the north side of the driveway and no more than 12 cars proceeding in an eastward direction. Cars can be parked on the south side of the driveway to accommodate a total of 20 cars starting behind the privacy fence. Entrance sign erected close to current sign. Mr. DiPasquale seconded the motion and all present voted in favor. **CARRIED.**

Mr. Reilly said the motion was to amend the existing special use permit

MOTION: Chairman Doyle made a motion to amend the current special use permit based on the amended action. All items under the special use permit continue to be addressed. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

Physical Therapy Association of Schenectady, 220 Church Avenue, Ballston Spa, NY 12020; 216.-2-21.1 (Site Plan Review - new sign) Teresa Lincoln, PT presented the proposal to the board.

Ms. Lincoln, PT said the applicants are requesting a new sign to be placed on the building for better visibility for patients.

The sign proposed is the same as the existing insurance company sign.

Chairman Doyle opened the public hearing at 9:56 p.m.

Lisa Speidel, 11 Martin Ave. asked if the sign will be lit at night. Chairman Doyle said no, it's just attached to the side of the building.

Chairman Doyle closed the public hearing at 9:57 p.m.

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

MOTION: Mr. Cwalinski made a motion to approve the Physical Therapy Associates Sign as shown on the information submitted to the Planning Board. Ms. Cristy seconded the motion and all present voted in favor. **CARRIED.**

Geoff Brooks, Independence Trail & Mourningkill Drive, Ballston Spa, NY 12020 (Site Plan Review - new sign) Geoff Brooks, with Briarwood Development, owner of Mourningkill Meadows presented the sign proposal to the board.

Chairman Doyle said the boards concerns are - the sign was built before a request and is located in the town's right-of-way (ROW).

Mr. Brooks said the subdivision sign was installed at the same time of Timber Creek Phase II subdivision sign. Mr. Brooks said he assumed Lansing Engineering put a sign provision in the subdivision for a subdivision sign.

Mr. Brooks said when the sign was originally laid out, the stakes for the Arc were in the right-of-way (ROW). Mr. Brooks spoke with Mr. Whalen, Highway Superintendant about the sign that is located approximately 5.6' in the ROW.

The overall sign dimensions are 5' in height, 15.6' in length and 3.6' in depth.

Mr. Whalen said there are no issues with the sign and did not interfere with the maintenance and plowing of the road, however the only concern is that Mr. Reilly would be able to address if there was a legal issue or if an accident were to occur on that corner.

Mr. Reilly said, "He does not envision anyone prevailing a lawsuit based on the placement of the sign in the ROW." Mr. Reilly asked how are is the sign from the road. Mr. Brooks said 20' off the pavement. Mr. Reilly said he does not see any exposure for the town.

Mr. Brooks said the 44 lot subdivision has a Home Owners Association (HOA) and will pay a fee to maintain that sign as well as a centralized mailbox. There are no subdivisions that the postal service will approve regardless of how large or small that will allow for individual mailboxes. A centralized mailbox will be located across from the sign with a parking area off the side of the

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road, which will be owned and maintained by the HOA. The centralized mailbox will be located in the ROW.

Mr. Hayden asked the sign height. Mr. Brooks said 3.2' off the ground 5' maximum.

Mr. Brooks said the physical sign itself is 10' x 2.6'.

Chairman Doyle asked if Mr. Johnson had an issue with proposal. Mr. Johnson replied, no.

Chairman Doyle opened public hearing at 10:05 p.m.

Mr. Adams said it blocks the site distance up and down the road.

Lisa Speidel, said when you start allowing it to go in the right-of-way (ROW), it sets a precedent.

Chairman Doyle closed the public hearing at 10:09 p.m.

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

Mr. Reilly said it does not impede on site distance in and out of roadways.

MOTION: Mr. VanVorst made a motion to retroactively approve the sign under consideration that the sign is located in the right-of-way (ROW) with approval given by the Highway Superintendent and hopefully all legal issues are resolved. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

Chairman Doyle asked why does the centralized mailbox have to be in the right-of-way (ROW). Mr. Brooks said it's the opinion of the Postal Service that it's no different than individual boxes in the ROW now they are centrally located.

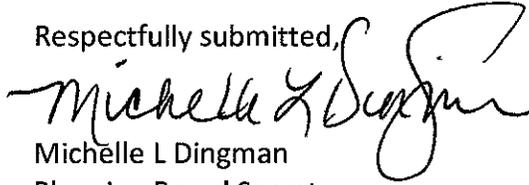
Chairman Doyle asked the applicant to provide a drawing showing the location.

MOTION: Mr. VanVorst made a motion to adjourn. Mr. DiPasquale seconded the motion and all present voted in favor. **CARRIED.**

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Meeting adjourned at 10: 16 p. m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michelle L. Dingman". The signature is written in a cursive, flowing style with a large, prominent initial "M".

Michelle L Dingman
Planning Board Secretary