

Town of Ballston
Planning Board

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: November 19, 2014

Present: Richard Doyle, Chairman
Jeffrey Cwalinski
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 November 19, 2014 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

MOTION: Mr. VanVorst made a motion to accept the October 30, 2014 minutes as submitted. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

OLD BUSINESS:

Dolomite Products Inc., Curtis Industrial Park (Site Plan Review) Adam Schultz, Esq. with Couch White, LLC.

Mr. Reilly said the litigation between the town and Dolomite is still pending, but in the meantime Judge Crowell issued an order directing the town to continue the process and the application. At the September 24, 2014 meeting, the Draft Environmental Impact Statement (DEIS) was accepted and a public hearing scheduled for October 30, 2014. Mr. Reilly stated Local Law #2-2014 was filed on October 3, 2014, which changed the zoning. Mr. Reilly stated Judge Crowell issued an interim order on November 13, 2014. Mr. Reilly stated a public hearing to be scheduled for the Draft Environmental Impact Statement (DEIS) - 15 days maximum is 60 days. Mr. Reilly stated December 10, 2014 is the tentative date of the public hearing.

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Chairman Doyle stated the board members concurred and a public hearing will be held on December 10, 2014 at 7:30 p.m. at the town hall in the community room.

Mr. Reilly recommended the Draft Environmental Impact Statement (DEIS) be put back on the town's website.

Mr. Schultz asked if the board has established a comment period. Mr. Reilly stated 10 days following that public hearing on December 20, 2014.

H. R. Schultz, R. J. Taylor, Route 67, Ballston Spa, NY 12020; AREA – A (Site Plan Review-Major Subdivision-21 dwelling units.) Scott Lansing, P.E., CPESC, CPSWQ with Lansing Engineering, PC and Ronald Taylor was present.

Mr. Lansing stated Area (A) – consisting of 4.46 acres proposing 21 units for the approved 22 lots.

Mr. Lansing said a narrative was provided relative to SEQR as requested from the last meeting relative to design modifications to the project. The SPEDES permit was provided for the project.

Mr. Lansing said since the last submission drawings were provided to show grading and drainage for the project.

Mr. Lansing stated C. T. Male comments were received and technical in nature and provided a response letter on November 19, 2014 to Ms. Serra, Town Engineer.

Mr. Lansing asked the board to consider approval contingent on outstanding engineering comments.

Mr. DiPasquale stated drawings dated November 4, 2014 page (1) sheet (1) under general notes refers to "Park Place" and "Route 9". Sheet 2 of 11 the plan shows "4". Mr. Lansing to make necessary changes to the plans.

Mr. DiPasquale asked if a service commitment was received from Saratoga County Sewer District for the project. Mr. Lansing said, "He believes the does from the original approval, but will double check."

Mr. Hayden stated last month the applicant said that roll-away receptacles are proposed, but the plan shows a dumpster. Mr. Lansing said that roll-away receptacles are proposed for the project.

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A further discussion was held on fire access for the project.

Chairman Doyle asked if an amendment will be made to the original Storm Water Management Plan or will a new one be provided. Mr. Lansing stated there are no changes to amend the original storm water management plan, but have provided the 25' separation for unit #5.

A further discussion was held on storm water management.

Mr. Lansing asked if the board would consider conditional approval of the project contingent on outstanding engineering comments.

Chairman Doyle said "Fire apparatus should be checked, storm water and review the final drawings" – make the changes pursuant to C. T. Male comments.

The board concurs with Chairman Doyle.

Mr. VanVorst said "Last month the board was encouraged to approve it on conditions certain things to be met with the assurance that it was a very similar project whereas there are some substantial changes and the information that we have been reviewing is not apparently the final outline." Mr. VanVorst is in favor of reviewing the updated information and asked if it's possible if this could be added to the December 10, 2014 agenda to meet the applicants December 15, 2014 deadline. Chairman Doyle said "He would have to think about that."

NEW BUSINESS:

H. R. Schultz, R. J. Taylor, Route 67, Ballston Spa, NY 12020; AREA – B, AREA – C (Site Plan Review-Major Subdivision-21 dwelling units.) Scott Lansing, P.E., CPESC, CPSWQ with Lansing Engineering, PC and Ronald Taylor were present.

Mr. Lansing stated that Area B consists of 3.45 acres and Area C 9.16 acres.

Mr. Lansing stated after review of the PUDD legislation Area B permits up-to 80 multi-family units and Area C permits multi-family units as well as commercial square footage

Mr. Lansing stated the applicants are proposing 43 units as well as a 36,000 sq. ft. office building on the eastern side. The frontage portion would be divided into roughly four commercial lots submitted at a later date for site plan for the project.

Access to the site remains consists with the original PUDD.

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Mr. Lansing stated C. T. Male comments were received and will be addressed.

Mr. Cwalinski asked if the proposal is for townhomes. Mr. Lansing stated multi-family.

Mr. Cwalinski asked if roll-away garbage receptacles are proposed for the residential units. Mr. Lansing stated dumpsters are proposed.

Mr. Hayden asked about fire access for the project. Mr. Lansing stated that will be provided for the board review.

Mr. Hayden asked so many parking spots – “seems more that what the town requires.” Mr. Lansing stated that parking would be looked at.

Mr. Taylor stated a proposal is being put together for a “convenient type” store and provides more of the current demand for “sit down” space for having coffee or gathering – similar to a Starbucks”, but a different brand - selling high quality pizza and homemade subs.

Mr. DiPasquale asked if the roadways would be municipally owned or private. Mr. Lansing replied private.

Mr. Hayden asked about buffering of the four-unit building.

Ms. Serra asked about phasing of the SWPPP. Mr. Lansing envisioned a SWPPP for this overall area and individual as the site develops. Ms. Serra has concerns with segmenting and would make a recommendation that any approvals have to comply with the general requirements.

A further discussion was held on an updated future traffic study.

Ms. Matias asked if lots 2, 3 and 4 have access to Route 67 or the private road. Mr. Lansing stated the private road.

Mr. Hayden stated mailboxes will be required.

Mr. Taylor asked the board their opinion on the proposed convenience store. Chairman Doyle said, “It was a very nice building.”

Nuri Ozbay, 814 Route 50, Burnt Hills, NY 12027; 257-10-2-55 (Site Plan Review (CONCEPT)/ Special Use Permit – Convert existing motor vehicle repair shop to convenience store with fuel sales.

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Nuri Ozbay presented to the board. Mr. Ozbay is the owner of USA Gas stations located on Western Avenue in Albany, Colonie and Broadway Schenectady.

Site access proposed is one entrance and exit on NYS Route 50 and LakeHill Road – following NYSDOT guidelines.

The applicant is proposing six pumps totaling 18 dispensers – six - diesel and 12 - gasoline.

Mr. Cwalinski asked the location of the underground gas tanks. Mr. Ozbay stated the proposed location is on the NYS Route 50 side – 2 – 15,000 gallon tanks double walled fiberglass – to be approved by the NYSDEC.

Mr. Ramsey asked the location of the septic system. Mr. Ozbay stated that he did not know.

The convenient store will have snacks – no prepared food.

Mr. Johnson said a new septic system is required for the project.

Mr. Cwalinski asked about screening. Mr. Ozbay stated vinyl fence is proposed.

Mr. Hayden asked the height of the fence. Mr. Ozbay stated 6' or 8'.

Ms. Serra asked how much higher that is than the actual site. Mr. Ozbay stated 5'.

Mr. Ramsey recommended using trees for screening.

Mr. Cwalinski asked if a change is proposed to the exterior of the building. Mr. Ozbay stated yes – using a dark color – nothing really bright.

Mr. Ramsey asked about the removal of the lifts and oil inside the building. Mr. Ozbay stated that NYSDEC to address.

Mr. Ramsey asked are storage tanks located inside the building. Mr. Ozbay stated not that he knew of.

Mr. Hayden asked is the garbage truck will have to drive around the building to access the dumpster. The proposed dumpster location is NYS Route 50 or LakeHill Road side next the building.

Ms. Serra handed Mr. Ozbay the C. T. Male comments for the project.

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A traffic study to be performed and provided to the board for review.

A rendering of the building will need to be provided to the board showing elevations, interior and exterior of the site.

Ms. Serra stated the sign to adhere to the town ordinance.

A further discussion was held on design standards in the Mixed Use South Zoning District.

The applicant proposes to replace all existing blacktop – 35% green space is required.

A further discussion was held on concrete curbing for the project.

Chairman Doyle recommends the applicant work with NYSDEC on the disposal of the oil at the site.

Ms. Serra asked if a site assessment has been performed. Ms. Serra said at a minimum a Phase 1 Site Assessment is necessary - if this project is approved to follow NYSDEC protocol.

Mr. Ozbay stated that NYSDEC does not get involved until taking ownership of the property.

Ms. Serra stated a Phase 1 Environmental Assessment to be completed and any past NYSDEC reports that have been done at that site and provide a report to the town.

Chairman Doyle said the board needs a more descriptive plan showing the interior and exterior of the building.

**E. Falls & M. Duemler, 121 Charlton Road, Ballston Spa, NY 12020; 238.-2-78.11 & 78.12
(Sketch Plan Conference for proposed Lot Line Adjustment).**

Matthew Duemler stated that he purchased 121 Charlton Road and the lot directly behind the said property and the plans are to build their house.

Mr. Duemler said, He would like to have the lot have a natural divide and where the lot line is currently goes directly through the hedgerow and rock wall."

Mr. Duemler submitted a proposed plan showing the lot lines and requests a variance from the board.

A further discussion was held on the proposed lot configuration.

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Mr. Reilly stated that this board cannot approve a substandard lot.

Mr. Johnson stated that the applicant would have to apply to the Zoning Board of Appeals.

Mr. Reilly said the most this board could do if in agreement of a lot line adjustment would be subject to obtaining a variance from the Zoning Board of Appeals – the ZBA is hesitant to grant a variance for a substandard lot when there is adequate acreage to make a compliant lot.

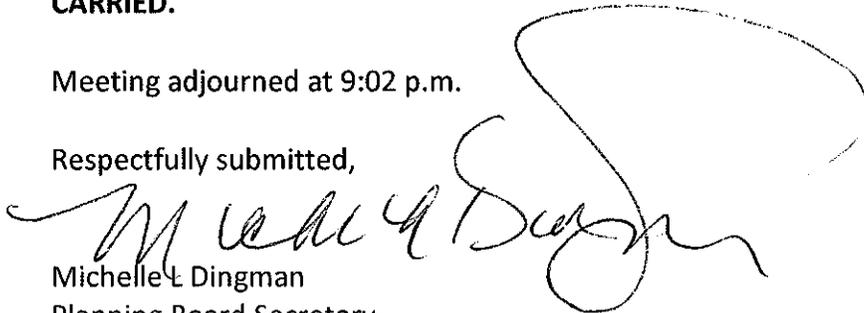
Mr. Reilly stated there are other substandard lots in this area.

Mr. DiPasquale requested the applicant provide a plan showing septic system, well house location, shed and required setbacks.

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

Meeting adjourned at 9:02 p.m.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read "Michelle L. Dingman". The signature is written over the typed name and title.

Michelle L. Dingman
Planning Board Secretary