

Town of Ballston  
Planning Board

**TOWN OF BALLSTON  
PLANNING BOARD**

**Regular Monthly Meeting: April 25, 2012**

Present: Richard Doyle, Chairman  
Josephine Cristy  
Jeffrey Cwalinski  
Joan Eddy  
Derek Hayden  
John VanVorst  
Lee Ramsey  
Audeliz Matias, 1st Alternate  
Timothy Northrup, 2<sup>nd</sup> Alternate  
Kathryn Serra, Town Engineer  
Peter Reilly, Planning Board Attorney  
Thomas Johnson, Building Inspector

Members of General Public

Chairman Doyle called the April 25, 2012 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Chairman Doyle asked for corrections to the March 28, 2012 minutes. Mr. Hayden made corrections as follows:

**Within the OLD BUSINESS 2<sup>nd</sup> full paragraph of Wesley Kaczmarek, 10117 Route 50 Ballston Spa, NY (238.-2-79.2),** changes shown in *italics*, “The *vertical* siding would *decrease* the cost of the project by 14%. Kaczmarek also asked for a 1 year *extension* on the site plan approval.

Mr. Cwalinski and Ms. Eddy both voiced their displeasure with allowing vertical siding. *[removed “the”]*

**Within the 3<sup>rd</sup> MOTION,** corrections made in *italics* as follows:

**MOTION:** Mr. Ramsey made a motion to approve the request of Mr. Kaczmarek to change *from vertical siding to horizontal siding* along with a site plan extension for two years. Mr. Northrup seconded *the* motion.

**Within NEW BUSINESS, 1<sup>st</sup> full sentence,** corrections made in *italics* as follows:

Jay Arnold, Mike Wantaugh, Duane Ball, and Scott Fuller were present to represent Astro Chemical. *[removed “and”]*

And also within this same section, the 3<sup>rd</sup> **MOTION:** Mr. Cwalinski *moved* to approve the proposal as described in the site plan with waivers from the Design standards for parking and siding. Mr. Ramsey *seconded* the motion *and* all present voted in favor.

**Also within NEW BUSINESS Palmer/Cotter Lot Line Adjustment** section, corrections to 1<sup>st</sup> **Motion:** Mr. Van Vorst 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.

Town of Ballston  
Planning Board

And the 3<sup>rd</sup> **MOTION** within this same section: Mr. Hayden moved to approve the proposed lot line adjustment. Mr. Northrup *seconded* the motion. All present voted in favor.

**Also within NEW BUSINESS Nick Paravalos Proposed new signage, Public Hearing section,** corrections made as follows: **MOTION:** Mr. *Cwalinski* motioned to name the *Town of Ballston Planning Board* the lead agency in the SEQR process. Mr. Northrup *seconded* the motion and all present voted in favor. **CARRIED**

**MOTION:** Mr. Van Vorst moved to issue a Negative Declaration *with* the basis that there is not a potentially significant environmental impact. Mr. *Cwalinski* *seconded* the motion. **CARRIED**

Corrections to page 5, **Proximity of two family dwellings to Round Lake Rd.**, made as follows: *Derek Hayden* is of the opinion that the dwellings are too close to Round Lake Rd.

Corrections to page 6: ***Motion to Adjourn***

**MOTION:** To approve minutes with corrections as submitted by Derek Hayden. Motion was seconded by Peter Reilly. All present voted in favor. **CARRIED**

**OLD BUSINESS:**

No Old Business

**NEW BUSINESS:**

1. **Sketch Plan Conference for a Tennis Complex and Minor Subdivision located at 933 Route 50**

Mr. Dudley passed out packets of his proposal to members of the board.

**Site Plan**

Parcel includes 2 lots totaling 2.83 acres currently zoned Business Highway 2. The tennis complex is proposed for the rear parcel. A private road is proposed to tie in to Route 50 from the residential lot with one curb cut in Route 50. 16 parking spaces for the facility would be located in front and it is set up for 12 in the back.

The applicant explained that fire apparatus would be able to access from the 2 roads in back and it would meet fire code. The lobby would have 2 fire walls. Building Inspector Johnson agreed as long as it stayed within the code. Mr. Johnson stated the house is serviced by public water and on-site septic for the house and tennis complex.

The applicant explained the residential lot is on the front lot due to the location on Route 50, they felt it fit better in the area: Capiello's and farmland-leave open field: 53% green space whereas there is only a 35% minimum requirement.

Town of Ballston  
Planning Board

Chairman Doyle opened for questions from the board and thanked the applicant. Mr. Cwalinski inquired as to the maximum number of people expected. Applicant stated as many as 6. And spectators? Not many tournaments due to the size but there could be people watching. Mr. Ramsey inquired if basketball would be included. The applicant stated the primary focus would be tennis. He explained he has taught tennis for 31 years at other clubs located in Schenectady and Latham. There are a lot of people looking for tennis clubs and only having 2 courts, they will stay very busy. Mr. Ramsey inquired as to soccer. The applicant stated it would be approximately 200 sq. ft. Maybe volleyball. Mr. Ramsey raised concerns over parking if it were opened to volleyball and basketball. The applicant stated the main intention is tennis. He explained that tennis is what people in the area are looking for, They are a Not-for-profit and are looking to reach out to the community and be extremely busy.

Ms. Eddy inquired if school busses would have access. Applicant stated yes, they spoke with Burnt Hills School and tennis teams but they are not planning on transporting kids over. Chairman Doyle stated the district has different size busses, maybe a 24 or 10 passenger van. The applicant stated it is not adequate for a big bus.

Ms. Eddy inquired if it would have a laundry facility or if towels would be supplied. The applicant stated some clubs provide that service but they are looking at cost. In Guilderland, it is a small club and there has been no need there. Ms. Eddy inquired if the facility would have a kitchen. The applicant stated it would not, it is not part of the design or concept. Ms. Eddy inquired if the facility would be used for parties. The applicant stated members would be able to sit.

Mr. Hayden inquired how tall the building would be. The applicant stated it would be 44' or 46' at the peak and slope down. Chairman Doyle stated the maximum height requirement is 40'.

Mr. Hayden inquired if showers would be installed. The applicant stated there would be showers. Mr. Hayden inquired if there would be a buffer. The applicant stated there would be a buffer of trees between the residential and the complex for privacy and there is enough land there.

Mr. Hayden inquired whether there would be a sign on the building or on Route 50. The applicant stated there would be a sign on Route 50.

Ms. Christy inquired about the photo in the packet. The applicant explained the photo in the packet is much larger than the facility they are proposing. Their facility would only be 1/6 of the size of the one depicted in the photo.

Mr. Hayden inquired as to the number of employees. The applicant stated not more than 2. My Hayden stated that the parking would not be for the applicant, as he would live there. The applicant confirmed and explained the building is not a conventional building.

The tennis complex is two courts separated by lobby. The applicant explained the trussing is wrapped in fabric and acts as a skin; it also has a translucent ceiling to take advantage of the day sun and minimize utility usage.

Mr. Van Vorst inquired as to the life expectancy of such a structure. The applicant stated approximately 15 years and it can be taken down and removed.

Town of Ballston  
Planning Board

Mr. Hayden inquired about the hours of operation. The applicant stated 7 days/wk from 4-10pm and on the weekend and kids after school. Applicant feels there are enough courts for their specific purpose of servicing underprivileged kids.

Mr. Hayden inquired about garbage dumpsters. The applicant stated there is an area for a dumpster behind the building and it would be screened. There is approximately 20' in back.

Town Engineer, Kathryn Serra questioned the reason to exceed the height requirement by 4'. The applicant stated that is the design. Tri City and SportTime buildings are that high. Town Engineer Serra stated the applicant would come to the board for a variance. The applicant explained the building is trussing with fabric over it. It has a fabric skin and is more reliable.

Ms. Christy inquired as to the status of the Foundation. Applicant explained they are a Not-For-Profit in process of 1023 application of 501(c) (3) tax exempt status. Looking for determination letter from the IRS. They have complied with all requirements for the tax exempt status. The home is on a separate piece of land owned by applicant and his wife.

Mr. Hayden inquired if the road will be paved. Applicant stated that is to be determined. This is only a sketch plan right now.

Mr. Hayden inquired about plan to handle stormwater. Applicant stated the land slopes, there is a natural low area and potentially under the parking lot.

Chairman Doyle reviewed the points brought up by the board: height, school bus turn around, fire apparatus. This is only concept stage. Need sign design. Road service, asphalt, handicapped spaces need to be paved.

Ms. Eddy questioned stormwater management. The water from the roof will be a lot to handle.

Mr. Hayden inquired about a balcony. Applicant explained there would not be a balcony; the lobby area is located between the courts with glass for the spectators to watch. There would not be spectators on the courts.

Chairman Doyle stated need for all information on the building especially because it is a modular type and we need information on the roof rafters and parking. Applicant stated snow loads and all meets standards. Ms. Eddy inquired if it meets fire code. Building Inspector Johnson stated it depends.

Mr. Hayden inquired about the pro shop area. Applicant stated it might be just a closet when it comes down to it. Chairman Doyle inquired if the color was fine. Ms. Eddy stated green was fine. Chairman Doyle was fine with the white roof and green sides. Applicant stated the color plays 15 degrees cooler and it protects from UV rays, utility expenses of lights are addressed.

Chairman Doyle restated this is only a concept and thanked the applicant for coming in. The Sketch Plan Conference closed at 8:13 pm.

Town of Ballston  
Planning Board

2. McCleod/Crandall Preliminary Stage

Applicant addresses the board and explains at a very preliminary stage and Mr. Crandall desires to find a location for duplexes for rental. Ms. Cook needs to sell property hidden in Ballston on Tiffault Rd. Gave overview to Chairman Doyle earlier and not sure if this is the right site for this. Soil testing, well yields need to be done. This is unusual site with number of single family houses, barns and past the bridge, private roads, hidden away and it does abut the railroad tracks but there is not much usage there. Trees between this parcel and Jay Curtis's store and lumber yard. It is kind of isolated.

Need feedback from Planning Board: Is this the site could be used for this purpose? 15 acres relatively large lots, required private road, have land for 60' right of way. We understand a private road would have to be constructed to deal with fire and emergency vehicles and other heavy vehicles such as concrete truck.

Land is only under option, not owned yet. Owner needs to sell and buyer needs investment.

Mr. Cwalinski raised concern over intersection of Brookline and Tiffault Road and adding more traffic there. Difficult intersection already. Also location of Railroad tracks, may not be in use now but may not always be the case. Mr. Cwalinski does not feel this is appropriate site.

Ms. Eddy states private roads limit school busses creating a mess. It is a diamond in the rough but really not an appropriate place. Ms Eddy raises same concerns of traffic at intersection and railroad crossing. Town Engineer Serra recommends sitting with county regarding the traffic. Chairman Doyle stated to check with the State. Ms. Eddy would like something from the School Bus Garage. Chairman Doyle states that checking these items out will eliminate problems. Noise from traffic may impede ability to rent. Building Inspector Johnson stated the train is Canadian Pacific and there are 20 trains/day plus 4 Amtrak trains that go through there.

Chairman Doyle inquired as to the easement for power lines. Could get a house 38' away from power line but that needs to be checked out.

Mr. Cwalinski stated 10/18/2011 Daily Gazette documented trains.

Chairman Doyle stated centered on traffic and school busses. Head North on Route 67 making left is dangerous predicament.

Applicant traffic, railroad tracks and they need to spend money to do soil testing, well testing and various things before come back. Wanted board concerns to determine if this is a good investment. Chairman Doyle recommend applicant spend time with the County, State DOT Tennison or Mark Kennedy. Applicant agrees problem with the intersection that is a safety issue.

Applicant states the duplexes will be 2 bedroom with single car garage. Applicant Heather raises issue of duplexes as a special use permit and questions if it is a single family issue verses a duplex issue or is it a traffic concern from the board. Ms. Eddy states the traffic would be worse if it was apartments. Chairman Doyle confirms more of traffic concern.

Ms. Eddy inquires who owns the property between the tracks and these lots. It is not known.

Town of Ballston  
Planning Board

Mr. Hayden inquires about moving the road. Chairman Doyle states there is a creek there and a house on the corner and questions how you would get across one big lot. Ms. Eddy states a bridge would be too high a cost. Chairman Doyle thanked the applicants for coming and closed this conference at 8:34pm.

**3. 156 Round Lake Road- Gaydushek (SBL# 249.-3-9.1)**

Chairman Doyle called this Applicant at 8:34 pm.

Present on behalf of applicant is Paul Owen of EDP. Mr. Owen states this is a minor subdivision on Round Lake Road and Eastline Road where Timbercreek is under construction on an existing 13.5 acre lot with an existing single family dwelling. Applicant is proposing to leave it as own separate lot and the remaining 3 lots to be served by a shared access driveway on Round Lake Road. Lot 1 will be a stand-alone lot and the remaining 3 lots will be accessed via a common driveway on Round Lake Rd. This road has access to Timbercreek Subdivision, a town road and Diamond Road on the left and proceed to Lakeside Farms. Existing Cul-de-sac is of Morningdale Court Subdivision and this would be west of that. Proposing all 4 lots be serviced by water and sewer. There is existing sewer and water along Round Lake Rd. Hook up to existing water main there. Sewer is on north side of road, served by a grinder pump. Site inspection determines presence of wetlands. Few revisions to wetland boundaries based on field inspection with a GPS and have a fairly accurate way to locate wetlands.

Chairman Doyle asks if that is DEC Wetland or Army Corps of Engineers? Applicant states that it is shown to be Army Corps and not DEC. DEC states they have no jurisdiction over these. There will be 4 areas of impact by 1 common driveway, lot 1 has wetlands but no impact, and driveway has impacts of lots 2, 3, 4. We believe we can get permission and wetland mitigation.

Ms. Eddy inquires if there is enough room for fire trucks. Applicant says 1,000 ft. Chairman Doyle states lot 4 has a turn around. Building Inspector Tom Johnson stated there needs to be a pull off every 200'.

Mr. Owen added that basically this falls under existing zoning along Round Lake Road and it would be shared easement to common driveway. Point out wetland location and potential impacts and address layout, fire access turn and access point.

Mr. Cwalinski inquired about the distance from driveway of lot 1 and the common driveway. Less than 100'. Mr. Cwalinski asked about topography on the map. Applicant stated it is fairly level with no major. Chairman Doyle stated the need for a couple of maps.

Mr. Cwalinski asked what would happen to existing structure on lot 1. Applicant stated it would be replaced, maybe consider taking it down. Chairman Doyle suggested putting "existing" on the plan on lot 1 by the house. Mr. Cwalinski stated to add the Right to Farm Law. Ms. Eddy agreed. Ms. Eddy inquired about a buffer on lot 4 line. Applicant stated there are trees.

Town Engineer Serra stated the need to talk about stormwater and the property is believed to be in the Ballston Lake Overlay District (BLOD). Watershed Protection Laws are very strict. Asked Applicant to check that. If it is in BLOD, if you disturb more than 1 acre but less than 5 acres than you do not have to do any stormwater management. If you disturb more than 5 acres, any disturbance of any road, wetland mitigation area, and any tree clearing you do or any disturbance you do on lot 1. First check if you are in

Town of Ballston  
Planning Board

BLOD and then check acreage. Recommend Applicant provide a map showing a reasonable amount of disturbance to each lot not just the whole. Land owners are going to want to have a large yard, a pool and a deck and you may have to disturb 2 or 3 acres to do that. That will require engineering review. The break point is the Morningdale parcel slopes to the east and this slopes to the west.

Ken Zorn, member of the public, asked to speak. He approached the map on the easel and pointed out his house neighbors the proposed site. He states stormwater runs here and this is wetland, there is a 25' buffer between these properties just for a stream. Town Engineer Serra states still need to do stormwater management and want to see it for all 4 acres, cannot segregate it out. Plan must be for every lot. Each lot has to do stormwater management. Recommend that a plan be in place before any land is disturbed on lot 1.

Ms. Eddy asks Tom Johnson what the dimension of a pull off for fire trucks. Building Inspector Johnson replies 12'x 20' as determined by the Planning Board. This is 1,000 feet long? Inspector Johnson states the option of changing that according to Code Chapter 62-3.

**4. Public Hearing 156 Round Lake Road- Gaydushek (SBL# 249.-3-9.1)**

Public Hearing called at 8:50 pm and opened the meeting up to the public.

Ann Peirce, member of public, Lake Road resident, questioned where on the map, 120' ft frontage on Round Lake Road. Mr. Owen states 120' is minimum size of the road to subdivide a lot. Chairman Doyle states 120' each. If look at the rural area, the residential area and if you look at the pages and headings on the pages and flip those pages over, you will see you if you have water and sewer it is 120' if not than it is 175'. The original house is 185', the next lot is 120', the next lot is 120', and the last lot is 185'. Building Inspector Johnson stated that is average lot width not frontage.

Jim Wilkus, member of the public, owns 166 Round Lake Road. He has concerns about the wetland markup. He states this is not wetland; he has horses and mows goes west to east by the road. Mr. Owen states certain criteria to determine wetlands, vegetation, soils and probably is emersion of wetland area here but this has trees, red maples, handle drier conditions but it is still wetlands. Mr. Wilkus disagreed stating he mows it all the time. Mr. Wilkus also stated concern of the driveway almost on the border. Ms. Eddy agreed and stated put driveway on private road so there did not have to be 2 curb cuts. Mr. Owen stated possible to share the driveway but the original intent was to have this as a separate lot. Wetlands were probably the reason for that and the driveway might actually be in wetlands so might want to put in up-land, that is why we moved it.

Town Engineer Serra states the force main starts on Morningdale Court the main goes east, need to pump the sewer to the new subdivision road, there's a sanitary manhole there, have to pump to that manhole and enter that gravity system and eventually pump back out. More than likely, that will make you put some structures on Round Lake Road but need to talk to sewage about that.

Ms. Eddy asks about making lot 1 come out on the private road. Mr. Cwalinski states there is 90' between the both. If you go on Round Lake Road 55-60 mph. Ms. Eddy states if you get further away than if you had them all come out of the same place because it is not a big amount of space away from the big entrance of this TND (Traditional Neighborhood Design). Mr. Cwalinski agreed it might be worth looking into. Chairman Doyle states before making that decision, Mr. Owen should find out if

Town of Ballston  
Planning Board

they leave the house there, then the driveway already is maybe about close to 175' between the new one and the existing one, this one here is one you just threw in there, it's really not existing. Unless you are going to make a new house, then we will have to talk about that. Find out what the applicant is going to do with that. Points made, you have done the field survey, I agree with what you are saying that some wetlands may not be wet but they are still categorized as wetlands. You might want to get permits early. Chairman Doyle asks if any one has any problem with the basic layout of 3 new houses. All present agreed.

Chairman Doyle stated the one open item is the driveway location for lot 1. The distance from the intersection, it is far enough away from the main intersection and close to the county manhole for sewer connection and it disturbs less wetland than any other way going across there, which should be one of our major objectives.

Chairman Doyle asked the members of the board if they had anything else and asked the applicant and members of the public if they had anything else to add.

**MOTION:** John Van Vorst made a motion to adjourn. Derek Hayden seconded the motion.  
**CARRIED.**

Meeting adjourned at 9:01 pm.

Respectfully submitted,



Carrie Fisher  
Appointed Planning Clerk for this meeting