

Town of Ballston  
Planning Board

**TOWN OF BALLSTON  
PLANNING BOARD**

**Regular Monthly Meeting: March 27, 2013**

Present: Richard Doyle, Chairman  
Lee Ramsey  
John VanVorst  
Audeliz Matias  
Jeffrey Cwalinski  
Joan Eddy  
Derek Hayden  
Kathryn Serra, Town Engineer  
Peter Reilly, Planning Board Attorney  
Thomas Johnson, Building Inspector

Members of General Public

Chairman Doyle called the, March 27, 2013 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Corrections to minutes February 27, 2013 Mr. Hayden provided grammar errors

**MOTION:** Mr. Hayden motioned to approve minutes of the February 27, 2013 meeting with the corrections supplied by Mr. Hayden. Mr. Van Vorst seconded the motion Ms all present voted in favor.  
**CARRIED.**

**OLD BUSINESS:**

**Peter Ollari - Public Hearing Opened 2/27/13**

**SEQR not started**

**1441 Rt. 50 SBL #228.-1-6**

**Site Plan Review / 2300 square foot storage building for landscaping business**

Duane Rabideau reviewed the Ollari proposal.

Mr. Hayden asked why the need for 2300 sq ft building. Mr. Ollari stated that a portion of the building will be used for sales but the majority would house the equipment used for the business. Mr. Hayden also asked if the planned 4 parking spaces are enough. Mr. Ollari explained that the employees will park in back of the building. The proposed sign will include the business phone number.

Ms. Eddy asked dimensions of the reclaimed wet land property. Mr. Rabideau answers 30,000 sq ft.

Ms. Eddy asked if they thought there was enough space for the delivery trucks to turn around.

Mr. Ollari was confident that there is more than enough room for a turn around.

Ms. Eddy requested window shutters be put on the building and be a contrasting color to the tones of gray the building will be. Ms. Eddy asked about the deed restrictions. Mr. Rabideau stated that the deed restrictions are very specific regarding the wet lands on the property.

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Chairman Doyle opened the public hearing opened at 7:50

Mr. Adams asked if there were wet lands on the property. Chairman Doyle answered Yes, to the rear of the lot.

Chairman Doyle closed the public hearing closed at 7:53

Chairman Doyle asked for a SEQR motion.

**MOTION:** Mr. VanVorst motioned to name The Town of Ballston Zoning Board of Appeals the Lead Agency in the SEQR process. Mr. Ramsey seconded the motion, all present voted in favor.

**CARRIED.**

**MOTION:** Mr. VanVorst motioned issue a Negative Declaration on the basis that there is not a potentially significant environmental impact. Mr. Cwalinski seconded the motion, all present voted in favor. **CARRIED.**

**MOTION:** Mr. Cwalinski motioned to approve the Ollari plans dated 3/13/2013 with the stipulation that that shutters be added to the windows on the building. Mr. VanVorst seconded the motion, all present voted in favor. **CARRIED.**

**NEW BUSINESS:**

**Burlingame Orthodontics - Public Hearing Scheduled**

**220 Church Ave. SBL #216.-2-21.1**

**Site Plan Review / New Sign**

Tom Wheeler of AJ Signs presented the proposed sign to the board. Mr. Wheeler stated Penn State University did a study re: readability of signs.

Mr. Hayden asked why the sign has to be perpendicular. No answer

Mr. Hayden asked for the height of the letters. Mr. Wheeler stated that Burlingame is 6" and Orthodontics is 10".

Ms. Eddy asked if the sign is really going to be 25 feet in from the road. Mr. Wheeler said yes, the sign will be 25 feet in off the road. Due to the dip in the property.

Ms. Eddy asked how big the sign in front of the building. She was told 62".

Mr. Ramsey asked if the sign will be lit. Yes, the lighting will be shielded and down casting.

Chairman Doyle asked Mr. Wheeler to provide the board with the study conducted by Penn State with regard to sign letter height and visibility.

Chairman Doyle opened the public hearing at 8:05

Mr. Adams asked where the sign from the center of the road. He was told at least 35'

Mr. Adams also asked if the drawing was to scale. Mr. Wheeler stated that it was not.

Chairman Doyle closed the public hearing at 8:08

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Ms. Burlingame stated the need for the waiver was due to the length of her last name and Orthodontics but there was not much she could do about either.

Mr. Cwalinski asked how far off the ground would the sign be. Mr. Wheeler stated the sign will be 3ft from grade.

Mr. Hayden asked where the lights would be. Mr. Wheeler said they will be 2 feet off the ground.

Mr. VanVorst stated it appears that all the new signs in the Town of Ballston are requiring a waiver, and he would recommend that the Town of Ballston Town Board revise the sign code.

Mr. Doyle stated that he agreed.

Chairman asked for a motion for SEQR

**MOTION:** Mr. Hayden motioned to name The Town of Ballston Zoning Board of Appeals the Lead Agency in the SEQR process. Mr. Cwalinski seconded the motion, all present voted in favor.

**CARRIED.**

**MOTION:** Mr. Cwalinski motioned to declare this a **Type II** action under SEQR and therefore exempt from review. Mr. VanVorst Seconded the motion all present voted in favor. **CARRIED**

**MOTION:** Mr. Cwalinski motioned to approve the Burlingame sign width of 60". Mr. VanVorst seconded the motion, all present voted in favor. **CARRIED.**

**Margaret Bagetta - Public Hearing Scheduled**

**1475 Rt. 50 SBL # 228.6-1-17.1**

**Site Plan Review / Special Use Permit / reopen existing restaurant**

Mr. Joseph Taylor and Ms. Margaret Bagetta owners reviewed their plans with the board. The architect in charge of the project was unavailable.

Chairman Doyle asked what the status of the house to the north was. Mr. Taylor said that they were planning on buying the house.

Mr. Hayden asked about access off of Pine Grove. No access on present application.

Chairman Doyle stated there needed to be an entrance/exit off Pine Grove.

Mr. Hayden questioned the parking on the drawing. The drawing did not appear to be to scale. He wants the new drawing to be to scale the next time. Mr. Hayden also asked about the lighting. Ms. Bagetta said that they planned to use the existing exterior lighting that is on the building.

Chairman Doyle asked if the new patio would have lights. They said yes.

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Mr. Hayden asked what would be the hours of operation. It was stated the restaurant would be open year round 7 days a week till 4am as business warranted. Music on the patio was planned for the hours of operation.

Ms. Eddy asked if they were aware of the amount of noise traffic on Rt. 50 creates. NO one answered her.

Ms. Eddy then asked how many people they were planning to seat on the patio. They said they plan to seat between 40 and 60. Ms. Eddy responded that the area did not appear to be large enough for tables & chairs to seat that many people.

Chairman Doyle requested that parking bumpers be installed around the patio.

Ms. Serra pointed out that the Town of Ballston had a noise ordinance that would have to be strictly adhered to.

Ms Bagetta asked if they would be able to try the music and see if it violated the noise ordinance. Ms. Serra said she did not believe that the board would go for a trial and error when it came to the noise ordinance. A professional noise analyst would need to be consulted before any outdoor music would be allowed.

Mr. Cwalinski noted that the dumpster needed to be screened.

Chairman Doyle said the colors were acceptable. The special use permit would be reviewed next time the parties came before the board.

Mr. Cwalinski asked if they planned to use the existing sign. Yes.

Mr. Ramsey asked if they were considering using the house next door (after it was purchased) for additional parking. Yes

Chairman Doyle opened the public hearing at 8:39

Residents at 4 Pine Grove asked about the septic on the property.

Chairman Doyle closed the hearing at 8:44

No motion was made. The application was tabled.

**Living Hope Church - *Public Hearing Not Scheduled***  
**978 Rt. 50 SBL # 248.-2-14.212**  
**CONCEPT Site Plan Review / Special Use Permit / New church**

Kurt Bedore PE presented the Living Hope Church's proposal to the board. He also introduced Pastor Eric Walton. The 12 acre parcel was purchased in 2009. A 7600sq ft 2 story church with modern

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architect which includes a drive thru entrance. The worship area will seat 275. DOT has approved the driveway off of route 50. The parking will be four rows two areas with a median and will have 79+ parking spaces. The church needs 3 waivers. Single row of parking, 50' set back and 60% build out waiver. Mr. Bedore stated that they have reviewed CT Male's comments and parking on the north side is a problem due to the grade of the area. Mr. Bedore stated due to budget restrains the handicap parking, walk ways and exit doors would be the only paved area all others would be gravel.

Mr. Hayden asked the number of members. Pastor Walton answered 84. More attend peak events such as holidays, weddings and funerals.

Mr. Hayden stated that the number of parking spaces seemed to be an overload. Demographics show 1.5 people per car which would mean 50 spaces would be plenty. Mr. Hayden asked if the Pastor would be living there and would they have bells in the church. Mr. Bedore said no the pastor would not be living there and they were not planning to have steeple bells.

Ms. Eddy said she loves the edifice but asks if the building could be pushed farther off Route 50 to allow for the parking to be pushed back off route 50 to meet town code.

Mr. Ramsey voiced a concern about traffic backing up onto 50.

Mr. Cwalinski stated that he would like to see a row of landscaping and only one row of parking spaces out front. Mr. Bedore stated a buffer is planned for that area.

Chairman Doyle asked Kathryn Serra of CT Male her thoughts on the parking issue. She recommended 2 rows out front and 2 rows out back. Ms. Serra also asked how many handicap spaces are planned; pointing out that 1 space for every 25 spaces is state code.

Mr. Hayden asked what the plans were for the back are. Mr. Bedore stated that the area would be left as a forever wild area.

Chairman Doyle spoke about the lighting for the area. Making sure they adhered to the town code.

Ms. Eddy asked if the lights would be on a timer. Mr. Bedore said yes, from dusk till 10pm.

Mr. Hayden thanked Mr. Bedore for the very comprehensive application that was submitted.

Application table.

**Richard Carusone – Public Hearing Scheduled**  
**8 Lakeshore Ave. SBL # 249.5-1-32**  
**Minor Subdivision / Two Residential Lots**

Mr. Carusone spoke to the board on his own behalf. Mr. Carusone stated that the property is on a well

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done by Adirondack pump and well and the septic was designed by John Gay.

Mr. Hayden asked if Mr. Carusone would be living at the new dwelling. Mr. Carusone said yes and the barn would be included with on the property of the new house as it is being used for storage of recreational vehicles.

Chairman Doyle opened the public hearing at 9:45 on one chose to speak, the hearing was closed at 9:46

**MOTION:** Mr. Cwalinski motioned to name The Town of Ballston Zoning Board of Appeals the Lead Agency in the SEQR process. Mr. VanVorst seconded the motion, all present voted in favor.  
**CARRIED.**

**MOTION:** Mr. Cwalinski motioned to declare this an **unlisted action** under the SEQR process and therefore will declare this a Negative Declaration under the SEQR process. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED**

**MOTION:** Mr. Cwalinski motioned to approve Mr. Carusone minor subdivision at 8 Lakeshore Rd as indicated on drawings dated 3/13/2013 with \$1,000.00 Parks and Recreation Fees. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. Hayden motioned to adjourn the meeting. Mr. Van Vorst seconded the motion and all present voted in favor. **CARRIED.**

Meeting adjourned at 9:50pm

Respectfully submitted,



Debora Bradt  
Planning Board Secretary