

Town of Ballston
Planning Board

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: April 24, 2013

Present:	Richard Doyle, Chairman	Members of General Public
	Josephine Cristy	
	Jeffrey Cwalinski	
	Joan Eddy	
	Derek Hayden	
	John VanVorst	
	Lee Ramsey	
	Audeliz Matias, 1stAlternate	
	Kathryn Serra, Town Engineer	
	Peter Reilly, Planning Board Attorney	
	Thomas Johnson, Building Inspector	

Chairman Doyle called the April 24, 2013 meeting to order at 7:30pm and led the Pledge of Allegiance.

Chairman Doyle asked for corrections to the March 27 minutes.
Correction as follows: Grammar corrections

Chairman Doyle asked for corrections to the March 28 minutes.
Correction as follows: Miss Cristy was not present at the meeting. Mr. Van Vorst asked what a LEEDS development is not leads.

MOTION: Mr. Hayden made motion to approve minutes Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

Chairman Doyle reviewed the agenda

OLD BUSINESS:

Eric Katz - Public Hearing Opened 2/23/13
4 Connolly Rd.
Site Plan Review / Special Use Permit 32 Multiple dwelling units

Lead Agency 1/23/13
Coordinated Review

Mike Brooks of Tommell & Associates reviewed the Katz project. Rain gardens in the front left side of the project and the rear right side have been added. CT Male comments were just received today; however after a quick review the comments will be easily addressed.

Town of Ballston
Planning Board

Mr. Van Vorst asked where water from the rain gardens go.

Mr. Cwalinski voiced the concerns of the owners of Connolly Rd with regard to the flooding of that road. Stating the stream running along Connolly Rd. could have an additional 6400 gallons added to it from the waste water treatment plant. This could cause the steam to flood the road on a regular basis. Kathryn Serra asked Mike to give the board a quick calculation for what 6400 gallons looks like.

Chairman Doyle asked Eric Katz if he has looked at the flow of the stream. Mr. Katz stated that he had walked it just the other day and it was running fine. Mr. Katz did mention that the stream does need to be made clear of debris, just as he cleans the stream that runs thru his property. Mr. Brooks stated DEC has approved the use of the stream.

Ms. Eddy asked who should be maintaining this stream. Mr. Katz told her the landowners of the property that the stream runs thru.

Chairman Doyle spoke about the easement that Mr. Katz was originally granted for use of Connolly Rd was for one single family dwelling and now the use is for 3 buildings totaling 32 apartments. The Board suggests that the emergency entrance be eliminated. Mr. Brooks stated the emergency entrance was needed to allow the fire trucks room to get around building 2.

Chairman Doyle stated he was unaware of that issue. Mr. Brooks told Chairman Doyle the change was necessary to conform to requests from the board and was documented in previous plans. Kathryn asked Mr. Brooks to provide the board with updated turn radii.

Mr. Katz said it appears that the board is back peddling on the Connolly Rd emergency entrance. Chairman Doyle said the board is trying to separate you from your neighbors.

Chairman Doyle opened the public hearing at 7:55

Ms. Joanne Lorenc 25 Mourningkill Drive asked what if anything was being done about the traffic on the S turn on Route 50. Chairman Doyle stated DOT has determined the site distance in the area of the project is satisfactory.

Mr. Grasso Eastern Ave Charlton asked if the letter of concern from the land owners of Connolly Road had been received by the board. Chairman Doyle said the letter was received and distributed to the board members.

Mr. Adams 910 Route 67 asked where on Route 50 they are talking about. Chairman Doyle said of north of Sanders lane and south of Outlet Rd where the shale pile is on Route 50.

Chairman Doyle closed the public hearing at 8:10, and asked if the board members had any further questions.

Mr. Van Vorst asked what was keeping the board from moving forward with this project. Chairman Doyle said the issues with the emergency access on Connolly Rd. Mr. Van Vorst asked if the board could make a motion with the stipulation that the road issues be addressed. Kathryn pointed out that the

Town of Ballston
Planning Board

next step for the board would be to grant the special use permit. Before that can be done the issues with the emergency access off Connolly Road have to be satisfied.

Application was tabled till next regularly scheduled Planning Board meeting.

Brooks Heritage LLC - *Public Hearing Scheduled*
Timbercreek Phase III
Site Plan Review / Mixed residential, commercial

Mr. VanVorst excused himself for this application.
Ms. Matias joined the board for this application.

Scott Lansing of Lansing engineering came before the board. He tried to give the board parking revisions to the previously supplied plans. Chairman Doyle stated he would need to reschedule. The board would not accept revisions to plans on the night of the meeting. However it was determined that a coordinated review was needed due to the buffers impact to the wet lands in the area.

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**

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

Mr. VanVorst joined the board for the remainder of the applications before the board this evening.
Ms. Matias excused herself for the remainder of the evening.

Kurt Bedore reviewed the revisions that have been made. The row of parking facing route 50 replaced with landscaping and a split rail fence but they are not really happy with the look of the split rail fence. They add handicap parking spaces. The light poles are now at 18', however that required there to be more of them. The septic system has been moved up the hill due to the soil testing in the field.

Ms. Eddy asked if a sign was planned. Mr. Bedore said a sign is not planned.

Mr. Hayden asked if they really needed all the parking spaces. Pastor Eric Walton said yes.

Mr. Ramsey asked how deep the rain gardens are. Mr. Bedore said they were shallow and about 10' away from the foundation.

Chairman Doyle poled the board for approval of the concept. All present were in favor of the concept.

Town of Ballston
Planning Board

NEW BUSINESS:

Michael Gifford - *Public Hearing Scheduled*
65 Lundy La. SBL # 249.17-2-5.1
Site Plan Review / Replacement sewage disposal system

Ed Hernandez spoke on behalf of Mr. Gifford for his application for a septic replacement at 65 Lundy Lane. The project is a raised bed and will disturb more than 1,000 sq ft of soil hence the reason for the appearance before the planning board.

Chairman Doyle opened the public hearing at 8:27 no one chose to speak; the hearing was closed at 8:28.

Chairman Doyle asked for a motion on this application.

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

MOTION: Mr. Van Vorst motioned to approve Mr. Gifford's septic replacement as shown in plans dated April 4, 2013. Mr. Ramsey seconded the motion all present voted in favor. **CARRIED.**

Jeff Gould - *Public Hearing Scheduled*
922 Rt. 67 SBL #228.-2-25
Special Use Permit / Used car sales

Mr. Gould presented his proposal to sell used car at 922 Rt. 67, which includes additional outside lighting.

Mr. Hayden asked how many employees would be at the site and what will be the hour of operation. Mr. Gould stated he is the only employee and it is by appointment only.

The board was concerned with the light bothering the neighbors. Mr. Gould said he would put in a night vision security camera in place of the extra lighting.

Mr. Hayden asked if any service would be done at the property, for example oil changes. Mr. Gould said no, at the most he might have to wash a car.

Chairman Doyle asked how the cars would be delivered. Mr. Gould said he buys them at auction and drives them to the property himself. Chairman Doyle said it has been reported that tractor trailers have been seen delivering cars to the property. Mr. Gould said no not him.

Chairman Doyle stated that the board wanted the driveway to be widened to accommodate 2 vehicles at one time for 30ft of the driveway.

Ms. Eddy asked how he determined the site distance in that area. Mr. Gould said he walked it.

Town of Ballston
Planning Board

Mr. Ramsey asked if any cars would be parked on the lawn. Mr. Gould said no the 8 parking spaces would be more than enough.

Mr. Hayden asked what the buffer was to the north of the property. Kathryn said it was the sewer easement.

Chairman Doyle opened the public hearing at 8:31

Mr. Whitehead 916 Route 67, stated that there was a bunch of debris behind the barn left from the repair of the barn. He asked if the sewer line was taken into consideration. He left that the proposed additional lights would be annoyance to the neighboring properties. He also wanted the board to be aware of the traffic on the road at the property. Chairman Doyle said the sewer is far enough away to not be compromised by the driveway. The proposed lights will not be put up. Also the traffic safety was the reason for the request to widen the driveway.

Public Hearing closed at 8:47

The board asked why this was an application for a special use permit and not a site plan review. Mr. Johnson explained that Mr. Gould was not going to build anything at the address therefore a site plan review application was not used.

Chairman Doyle read the four criteria for a special use permit.

1) The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of the adjacent districts. NO

2) The location and size of the use, the nature and intensity of the operation involved or conducted in connection therewith, its site layout, and its relation to streets giving access to which shall be of such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. NO, with the stipulation the driveway is widened to 20' for the first 30' of the driveway.

3) The location and height of buildings, the location, nature and height of walls and fences, and that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof. NO

4) The public convenience and welfare will be substantially served and appropriate use of neighboring property will not be substantially or permanently injured, subject to appropriate conditions and safeguards as determined necessary to promote the public health, safety and welfare. NO

The Board agrees there are no issues with the above criterion.

Town of Ballston
Planning Board

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

MOTION: Mr. VanVorst motioned to approve Mr. Gould's application for a special use permit for used car sales at 922 Route 67 with the following stipulation:

1. The driveway widened to 20ft for the first 30 ft of the driveway.
2. No extra lighting
3. DOT approval of widened driveway
4. No more than 8 cars can be parking on the property at any given time
5. Clean up debris behind barn.
6. A sign review before any sign can be posted.

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

Lang Media - Public Hearing Scheduled
20 Mourningkill Dr. SBL # 228.-3-36.1
Special Use Permit / Two new Billboard Signs

Chairman Doyle explained that due to an administrative error there would not be motions made at tonight's meeting. Mr. Lang will need to come back to the next regularly scheduled planning board meeting.

Mike Lang – Lang Media owner spoke to the board. The proposal is for two billboards with messages on both sides of each billboard. One will be digital not animated. The digital display is the same as watching a television screen. The screen will change every 6 minutes.

Mr. Cwalinski asked about the lighting of the digital billboard, and voiced a concern about the lighting being a distraction to the traffic on Route 50. Mr. Lang said the lighting is LED, he did not have information as to distraction the billboards are to drivers passing the billboard.

Kathryn told the board they can ask Mr. Lang to provide traffic studies of any type.

Mr. Hayden asked what types of messages would be on the billboards. Mr. Lang stated that to comply with the Town code, things like amber alerts, and other emergency, community events, one day sales at area establishments and so on.

Chairman Doyle poled the board for their opinions of one of the proposed billboards being digital.

Mr. Cwalinski is not interested in a digital billboard.

Ms. Cristy does not have a problem.

Mr. Hayden believes that the digital sign would be an asset to the community.

Mr. Ramsey agrees with Mr. Hayden

Mr. Van Vorst agrees with Mr. Ramsey and Mr. Hayden.

Ms. Eddy wants to know if the sign would have political messages on it.

Chairman Doyle believes that a digital sign does not belong in a rural community such as the Town of Ballston.

Mr. Doyle opened the public hearing at 9:15

Town of Ballston
Planning Board

Ms. Joanne Lorenc 25 Mourningkill Dr spoke of her concern regarding the distraction the sign will cause on an already heavy traffic area. Also stated that the digital sign would take away the rural feel of the community.

Ms. Ann Pierce feels the rural setting of the area would be compromised by a digital sign.

Mr. Goslin 14 Skaarland Lane reiterated the digital sign taking away the rural feel.

A forth, out of town resident concurred with Mr. Goslin, Ms Pierce and Ms. Lorenc in regards to the digital billboard not belonging in a rural community such as the Town of Ballston.

Public hearing closed at 9:20

The application was tabled.

MOTION: Mr. VanVorst motioned to adjourn the meeting. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

Meeting adjourned at 9:30pm

Respectfully submitted,

A handwritten signature in cursive script that reads "Debora Bradt". The signature is written in black ink and is positioned above the printed name and title.

Debora Bradt,
Planning Board Secretary