



TOWN OF BALLSTON PLANNING BOARD MEETING

February 22, 2023
6:30 pm

Town Hall Meeting Room
323 Charlton Road, Ballston Spa, NY 12020
www.townofballstonny.org

ATTENDEES:

John Van Vorst, Chairman
Ben Baskin, Board Member
Andrew Collar, Board Member
Peter DiLorenzo, Board Member
Audeliz Matias, Board Member
Michael Zuritis, Board Member
Bill Keniry, Attorney
Jeff Stickles, Code Enforcement Official

ABSENT:

Dave Blair, Vice Chairman
Dale King, 2nd Alternate Board Member
Jenny Lippmann, Engineer

Call to Order

The meeting was called to order at 6:30 pm and the Pledge of Allegiance was recited.

Approval of Previous Minutes

MOTION: Mr. DiLorenzo made a motion to approve the January 2023 meeting minutes as drafted. Ms. Matias seconded the motion. Mr. Baskin abstained due to absence from the January meeting. All others voted in favor.

CARRIED.

OLD BUSINESS

Burnt Hills Family Dental Site Plan (PB 2022-012)

154 Lakehill Road; SBL 257.10-1-75

Site Plan Review for proposed approximately 648 SF addition to existing dental clinic. SEQRA Unlisted Action, closed. Public Hearing Scheduled.

Mr. Patrick Mulkern of Colliers Engineering & Design.



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Mr. Mulkern stated that he is here to follow up on last month's meeting, regarding the additional engineering comments and revisions to the ADA (Americans with Disabilities Act) parking space. There is a public hearing scheduled as well. He stated that he has received the comments from the Town engineer; they agree with adding the "No Parking Anytime" sign. It will be included in the plans submitted to the Town for signature, after receiving final site plan approval. He stated that the Town engineer suggested that the sign be installed as to not interfere with the accessible route. Given the location of the access aisle in front of the existing concrete pad that leads into the building, he would not want to install the sign there as it would directly block the access route. He asked if it is acceptable to install it adjacent to the ADA parking sign and have an arrow pointing to the access aisle or install it on the grass side next to the aisle. Another option would be to paint "No Parking" on the asphalt to prevent a sign being in the way.

Chairman Van Vorst asked if there is any code requirement.

Mr. Mulkern stated that the Code does not specifically say; it notes that it shall not block the access. He stated that he can look into alternative locations; he doesn't know if the Board has a preference.

Chairman Van Vorst polled the Board for opinions; there were none. He asked Mr. Keniry for input.

Mr. Keniry stated that he would defer to Mr. Stickles and Ms. Lippmann.

Mr. Stickles stated that it should be installed in the most visible spot without blocking the line of sight; striping on the asphalt may be helpful.

Mr. Mulkern stated that they could do "No Parking" lettering at the front of the aisle and the "No Parking Anytime" sign can be installed adjacent to the parking spot. He has seen signs that say "No Parking in Access Aisle"; he could put that in as well, as an alternative if that's acceptable.

Chairman Van Vorst asked if it would be appropriate to have conditional approval based upon agreement with the Building Inspector.

Mr. Stickles stated that the Board can approve for it with the site plan and then the applicant can turn in the location with his permit application.

Chairman Van Vorst polled the Board for questions or comments.

Public Hearing open 6:35 pm.

No one wished to speak.

Public Hearing closed 6:36 pm.



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MOTION: Mr. Baskin made a motion to approve the site plan with the condition that the sign be put in the appropriate place according to the Building Inspector. Mr. DiLorenzo seconded the motion. All in favor.

CARRIED.

Mr. Keniry stated that, for clarification, it's his understanding that the Board made a determination that the sidewalk would be waived; the record should reflect that the strict application and compliance with the Code was determined by this Board, after considerable discussion, to be too much of a burden for this applicant.

Chairman Van Vorst asked if there should be a motion.

Mr. Keniry stated that the Board has had those discussions; he just wanted it noted on the record.

Mr. Baskin asked about the escrow that had been previously discussed.

Mr. Keniry stated that that had been considered at one point.

Chairman Van Vorst stated that it was decided at the last meeting not to do that.

Mr. Mulkern thanked the Board.

*** Mr. Baskin recused himself from the following application for Multi-tenant Retail Buildings Site Plan Approval Extension (PB 2020-010), as he works with the applicant in the Village of Ballston Spa. He moved to the audience.

Multi-Tenant Retail Buildings Site Plan Approval Extension (PB 2020-010)

Lot #1 Access Road; SBL 216.-2-49

Site Plan Approval Extension request for multi-tenant retail buildings, approved May 26, 2021. Project requires Planning Board review when two years have passed since approval and substantial steps have not been taken toward project completion §138-145F(5).

Mr. Jason Singer of Nolan Engineering, PLLC and **Mr. Frank Rossi, Jr.**, representing the property owners.

Mr. Singer stated that he is representing Frank Rossi, Sr. In May it will be two years since site plan approval; they are here asking for an extension. For the last two years Mr. Rossi has been looking to sell the property; he's under contract with someone. There hasn't been any work on the property as he has been working with Cushman and Wakefield (real estate company) to find a buyer. The buyer plans to do the same project that was approved.



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Chairman Van Vorst stated that three of the five Board members present were not on the Board at the time; he asked Mr. Singer to give a brief history of the project.

Mr. Singer stated that the site is near the Hannaford on Via Rossi Way, just south of the village of Ballston Spa. There's an access road just to the north of Hannaford; they had proposed and were approved to put in two one-story commercial buildings on the roughly six-acre site, with parking, landscape, etc. They went through a few rounds of meetings a couple of years ago and it was approved.

Chairman Van Vorst polled the Board for questions or comments.

Mr. Zuritis asked when the sale is expected to go through; when they expect to start construction.

Mr. Singer stated that he doesn't have those answers.

Mr. Rossi stated that he is here on behalf of the applicant; there is a due diligence period for a couple of months to ensure environmental, etc. and then as long as the deal moves forward they intend to move forward with the project at the end of the year or during the mid-portion of the year. He hopes it moves forward and progress is made on the site.

Chairman Van Vorst stated that it's just a simple matter of approving the extension.

MOTION: Mr. Collar made a motion to approve the extension of the Multi-Tenant Retail Building Site Plan (PB 2020-010) Lot #1 Access Road. Mr. DiLorenzo seconded the motion.

Discussion:

Mr. Keniry asked what period of time the extension would be for.

Ms. Matias stated that that is her question as well.

Chairman Van Vorst polled the Board for their thoughts; the original approval was for two years.

Board members stated that two years would be fine.

Ms. Matias asked what they have done in the past.

Chairman Van Vorst stated that past extensions were for two years. He asked if the Board members were okay with that.

Mr. Zuritis stated that the Board should be consistent with what was done in the past; he asked if zoning changes have an impact.

Chairman Van Vorst stated that this project is part of a PUDD (Planned Unit Development District) so the zoning changes do not impact it.



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MOTION: Mr. Collar made a motion to approve the extension of the Multi-Tenant Retail Building Site Plan (PB 2020-010) Lot #1 Access Road, for two years. Mr. DiLorenzo seconded the motion. All in favor.

CARRIED.

Mr. Singer thanked the Board and asked what must happen in those two years; is it some progress being made on the property.

Chairman Van Vorst answered either that or come back for another extension. If progress is being made, they won't need another extension. He asked Mr. Keniry if that is correct.

Mr. Keniry stated that the standard is whether or not there have been substantial steps taken to construct, alter, or change the use of the property or building subject to site plan review.

Mr. Singer stated that otherwise they'll have to come back.

Mr. Keniry answered affirmatively.

Mr. Singer thanked the Board.

***Mr. Baskin returned to the meeting.

Route 67 Self-Storage Special Use Permit and Site Plan Approval Extension (PB 2020-001)

976 Route 67; SBL 216.-2-42

Special Use Permit and Site Plan Approval extension for a self-storage facility, approved February 24, 2021.

Mr. Scott Lansing of Lansing Engineering.

Mr. Lansing stated that he is representing the Route 67 Self-Storage facility. The project is located on the corner of Dominic Drive and Route 67, on approximately 1.59 acres and is zoned Mixed Use Center North. There are no federal or state wetlands on the parcel. They propose the demolition of the existing structure and the construction of a three-story self-storage facility with 20,000 SF per floor; 60,000 SF overall. There will be a canopy entrance at one end of the building; access would be from Dominic Drive. They have shown that tractor trailers and emergency vehicles can go through the site with no issues. Parking is proposed to the Town requirements and the project includes 51% green space. Water would be served by public water from Dominic Drive and for sanitary sewer they propose a small individual wastewater treatment system on the site and stormwater will be managed on site as well. They worked through the process and received approval in February 2021. Nothing has changed on the site plan since approval was granted. The applicants are working



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toward getting building permit drawings together and submitting those to the Town; they plan to start construction in the near future. They are close to the expiration of both the site plan and special use permit approvals; they are asking for an extension of two years.

Chairman Van Vorst asked if it expires tomorrow.

Mr. Lansing stated that it expires on Friday, February 24th.

Chairman Van Vorst polled the Board for questions or comments; there were none. He stated that two separate motions are needed and asked if the Board was in agreement regarding a two-year extension; all agreed.

MOTION: Mr. DiLorenzo made a motion to extend the Special Use Permit for the self-storage unit at 976 Route 67 for two years. Mr. Collar seconded the motion.

Discussion:

Mr. Baskin asked if special use permits are usually good for one or two years.

Mr. Keniry stated that the underlying standard is that special use permits will expire if the applicant fails to obtain a building permit within one year. The Board has discretion in terms of the extension to determine a period of time, so it could be one or two years.

Mr. Baskin asked if it would make sense or be consistent to have it for one year versus two.

Chairman Van Vorst stated that in his opinion, and he will leave it up to the Board, is that the special use permit and site plan run together so they should both be for two years.

MOTION: Mr. DiLorenzo made a motion to extend the Special Use Permit for the self-storage unit at 976 Route 67 for two years. Mr. Collar seconded the motion. All in favor. **CARRIED.**

MOTION: Mr. DiLorenzo made a motion to extend the Site Plan approval for the self-storage unit at 976 Route 67 for two years. Mr. Collar seconded the motion. All in favor. **CARRIED.**

Mr. Baskin asked if the project was approved under the old zoning; that's why they can do it.

Mr. Keniry answered affirmatively.

Chairman Van Vorst stated that the applicant has their approval.

Mr. Lansing thanked the Board.

1417 Route 50 Site Plan Amendment (PB 2019-016)

SBL 228.-1-48.32, 228.-1-2.1, 228.-1-48.112

Site Plan Amendment to existing site plan approval dated October 29, 2020. SEQR Type 1 Action, open.



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Mr. Joseph Dannible of Environmental Design Partnership, LLP and **Ms. Mary Beth Slevin**, attorney for the applicant.

Mr. Dannible stated that he is here on behalf of 1417 Saratoga Road LLC for their application for amended site plan approval. This project was before the Board from 2017 to 2020 when it was approved with mixed uses, commercial to the front on Route 50 and residential to the rear of the property. It is located at Route 50 and Brookline Road, at the northwest quadrant of that intersection. The project was approved in October of 2020 and subsequently the property was sold. They started construction in late summer or early fall 2022 with all appropriate approvals in place from the involved agencies. They started construction in the rear portion of the site, in the area of the 24-unit building. They did the earth work and started installing storm drains; in late October or November of 2022 they discovered a pipe on the property coming from the adjacent Bridgewater Apartments and discharging flow onto this property. The pipe was buried three or four feet deep; no one knew it was there. It was unclogged, and water flowed across the property to the north to the wetland complex through the site, through the middle of where the 40-unit building would exist. They began developing plans to reroute that water, around the building and tying into other drainage swales that they had planned for the original approval, working with Bridgewater Apartments to create an appropriate solution. One option was to install the pipe underneath the 40-unit building, which is not ideal but is done in urban environments. Another option was to create an alternative site plan; to rotate the building and maintain flow through the property, which is the path they decided to pursue. He stated that there are many benefits to the Town. The applicant has \$400,000 in infrastructure and earth work; over the last six months there has been a \$2.5 million investment by his client into the Town of Ballston for the development of this property. Referencing a photo, he stated that the pipe was not discovered as it was completely buried until they excavated that area. He referenced maps of the approved site plan from 2020 and the proposed amended site plan and stated that the proposed plan only impacts one area of the site, the rest of the plan remains unchanged. The proposed plan rotates the 40-unit building approximately 90 degrees; the stormwater pond is flip-flopped with the building; the front of the building now faces east toward Route 50 instead of north; they provide ample parking consistent with the original approval; they are providing for conveyance of the drainage from the Bridgewater Apartments' land through the existing channel to the wetlands. They made sure to work with the original approvals; they have matched the turning radii from the approved plan to accommodate emergency vehicles responding to the site. Regarding SEQR and the potential environmental impacts of this property, in 2020 a negative declaration was issued by the Planning Board. In reviewing the document, there is essentially no difference in the proposed site plan as it relates to the 18 impacts that are evaluated for SEQR. The area of disturbance between the two plans is identical at 11.8 acres; there's .10-acre increase in the amount of impervious area, which is less than a 1% increase when compared to the 11.8 acres of disturbance. They see this as a relatively minor change to the overall scheme. They kept the identical number of residential units at 64, the commercial area remains unchanged, and the traffic generated by the project will remain identical to the approved plans. They have a serious amount of money vested into the property and are trying to obtain a building permit for the 24-unit building. They applied



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in October 2022 and to date have not been able to obtain the permit. They have come to the Board to amend the site plan and would like to entertain any questions. Ultimately, they would ask the Board to approve the amendment so they could finalize the plans and continue with the construction of the property. The applicant has \$2.5 million invested into this property; he has construction loans and is not able to do any work until a building permit is issued, which is becoming problematic. They'd like to find a way to move the project forward as expeditiously as possible.

Mr. Zuritis asked if Mr. Dannible had a chance to review the engineering comments.

Mr. Dannible answered affirmatively and stated that there were several comments related to SEQR. The original plan required a permit from the US Army Corps of Engineers for disturbance and wetlands. They filled out a new SEQR form based on the overall project and where it sits today. They have obtained the permit for the wetlands and the impacts to the wetlands have been completed so in their opinion the project no longer requires the wetland impact. Looking at it as a larger common project he understands why MJ Engineering stated that that should be filled out differently. The same applies to the New York State SPDES (State Pollutant Discharge Elimination System) general permit; this has already been filed for, the work has commenced, and inspections are already occurring on site. He stated that it's a matter of where the starting point is taken from; is it prior to the approved plan or is it starting from what the site looks like today, in process. Question five relates to lot coverage. As approved, the lot has 81% green space on the overall property; if parcels one and two are consolidated, which is where the development is occurring, the overall property has 65% green space. They are at 35% lot coverage which is below the 40% maximum allowed. Regarding setbacks, it's always been the intention that there would be lot line adjustments or consolidations on this property. The commercial portions of the site will probably have some future minor modifications associated with them. They wanted to come back to the Board for those when they have commercial tenants for the property rather than do them first and have to come back for amendments.

Mr. Zuritis asked if that was item six in the engineering review letter.

Mr. Dannible stated that that was regarding items five, six, and seven.

Mr. Baskin asked if they will not build a commercial building until they have tenants identified.

Mr. Dannible stated that the commercial building to the north will likely be built on spec; the others are yet to be determined. They are working through the process and want to get the commercial space going as soon as possible but they can't get the first residential building up, so they are paused from advancing the plans any further. The commercial building referred to in the engineering comments is the second one from the north, where the property line would bisect the building.

Mr. Zuritis stated that it seems strange that it would be okay to build a building on two separate lots; he thinks that if they build the building the lot line should be fixed first.



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Mr. Keniry stated that it is an issue that recently came to their attention. They recognize that the applicant may return for other lot line adjustments, but they would want to think about a solution for this one as it's a little quirky.

Mr. Zuritis stated that he doesn't know the requirements and asked if a building permit can be issued to someone who is building on two separate lots.

Mr. Stickles stated that it can as long as they own both lots.

Mr. Keniry stated that he cannot speak for Ms. Lippmann as she isn't present, but he thinks she'd like to see it addressed; even if the solution cannot be completed on all of the parts, just that one in particular.

Ms. Slevin stated that it might make the most sense to make having the lot line resolved a condition for pulling a building permit. Making the condition in the approval that it has to be resolved prior to the time that there is an application for a building permit would probably make more sense because then they could focus on exactly what is needed.

Mr. Zuritis stated that he thinks it would have to be conditional that whatever the lot line adjustments are would be in accordance with the existing zoning at the time. His take is that, if whatever they have set up for the lot line adjustments meets current zoning at the time of the building permit, that would be acceptable.

Chairman Van Vorst stated that he doesn't think it can meet current zoning as the building wouldn't be allowed under current zoning.

Mr. Zuritis stated that it would be like writing a blank check.

Ms. Slevin stated that their suggestion would be that it meet the zoning that was in place at the time it was approved as that would be consistent with what the overall project parameters would be. To apply the new zoning law would strangle the project as it couldn't comply with all the new requirements; that wasn't the intent of seeking the amendment.

Mr. Zuritis stated that he would be fine with the zoning in place at the time of the initial application as that would set a minimum standard.

Chairman Van Vorst stated that the new zoning doesn't allow for a grandfather clause but because they have put so much work and effort into it, they have vested rights to proceed under the previous zoning.

Mr. Zuritis stated that if the applicant is agreeable to using that as a standard, that's fine with him.

Mr. DiLorenzo stated that Ms. Lippmann's letter mentioned County referral.



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Mr. Keniry stated that he thinks that, in an abundance of caution, the project should go back to the County Planning Board. It has been fully reviewed but it's a smart thing to do and it warrants referral. He suggests that referral could be initiated now as it doesn't seem that there will be substantial changes to these proposed plans.

Chairman Van Vorst polled the Board for additional questions; there were none. He asked if the next step is to declare intent for Lead Agency.

Mr. Keniry stated that Ms. Lippmann's recommendation is to classify the project as a Type 1 Action under SEQR. He believes her question is whether the Board wants her to send out the letters to initiate coordinated review. If the Board directs her to do that, that can get the process going because that's a 30-day time period. He thinks it's appropriate if the Board feels comfortable to do that, indicating that the Board's intent would be to declare itself Lead Agency, assuming nobody steps up to the plate.

Chairman Van Vorst asked if a motion is necessary.

Mr. Keniry stated that the Board can simply direct Ms. Lippmann to do that; if there's a general consensus there's no requirement of a motion. They can initiate coordinated review; it will be done by MJ Engineering and presumably by the next meeting the Board should be in the driver's seat of the process.

Chairman Van Vorst asked if the Board should wait to declare Lead Agency.

Mr. Keniry stated that he would have it stated on the record that it's the Board's intent to become the Lead Agency and to initiate coordinated review.

Chairman Van Vorst polled the Board for opinions; everyone agreed.

Mr. Zuritis stated that there were other items in the engineering comment letter.

Mr. Dannible stated that, regarding the ADA parking space, it comes down to the number of spaces they needed and what is defined as a parking facility. They can stripe another if needed. They would like to talk with Ms. Lippmann about that methodology but it's really just striping another parking space if needed; adding fall protection or the headwalls, they can provide guide rails or whatever is appropriate. The pedestrian connector is essentially a sidewalk next to the driveway. He doesn't believe it's needed as they often provide parking spaces for commercial lots that don't have a sidewalk from every parking space to the front door of the building. He thinks it would increase the pipe sizes over top of this sensitive area. A sidewalk adjacent to the access aisle to the front of the building can be provided if the Board wants it but he doesn't think it's needed. For item twelve, there's some confusion regarding slopes coming off the side of the building. There is pavement immediately adjacent to the building; he thinks it's something they need to clarify and discuss with Ms. Lippmann.

Chairman Van Vorst polled the Board for additional questions or comments.

Mr. DiLorenzo stated that he would like to see a sidewalk.



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Mr. Zuritis stated that he would defer to MJ Engineering.

Mr. Collar stated that if MJ Engineering has said it should be there, it should be.

Mr. Dannible stated then they'll have a sidewalk, or a pathway that's striped separately.

Chairman Van Vorst stated that there's so little traffic through there that he doesn't see the need.

Mr. Dannible agreed.

Mr. Zuritis stated that it's just a recommendation from MJ Engineering. They could have the conversation and decide at the next meeting upon review with Ms. Lippmann regarding the expected volume of traffic, that there's no significant hazard to pedestrians, etc. He'd like to hear from Ms. Lippmann.

Chairman Van Vorst stated that when the project was before the Board originally there was some conversation regarding an interconnection between this site and the Bridgewater Apartments.

Mr. Dannible stated that there is pedestrian connectivity between the two but there is no vehicular connectivity. Bridgewater Apartments did not want vehicular connectivity of these residents going through their property and vice versa, as an alternative to Route 50. There is emergency access provided and pedestrian access for the residents of Bridgewater to get to the commercial offerings.

Chairman Van Vorst asked if emergency vehicles can move back and forth between the two.

Mr. Dannible answered affirmatively. He referenced the map and stated that there is a gated access road. In previous presentations they provided all the appropriate turning movements showing how fire trucks can maneuver adequately through the site.

Mr. Baskin asked if there is a sidewalk connecting the two for the pedestrian access.

Mr. Dannible stated that the area is hard surface with a gate for pedestrian access.

Mr. Baskin asked if it is the same as for the emergency vehicles.

Mr. Dannible answered affirmatively.

Chairman Van Vorst polled the Board for additional questions or comments; there were none. He stated that they will see the applicant next month.

Mr. Dannible asked if there is a way to proceed with obtaining a building permit for the 24-unit building as the amendment of this application does not affect that area; nothing there is changing from the approved plans. They are trying to continue the construction; materials are laying on the site, foundations are ready to go in. In conversation it was a question that if the Board was comfortable with that then maybe the permit could be issued for that building that proposes no changes. He is looking for the Board's opinion.



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Mr. Keniry stated that he's not sure they got that far. From the Building Department's perspective, issuing a building permit was considered but the department was uncomfortable not knowing what potentially might happen and still doesn't exactly know what potentially might happen. Not speaking for Mr. Stickles, he has a sense that the Building Department is growing more comfortable as a result of Mr. Dannible's depiction; he doesn't know that any determination has been made and the issue has not recently been reconsidered. In terms of the process, the issuance of a building permit had stopped, knowing that the Building Department would not issue a building permit on a site plan knowing that the site plan had been approved and would not be built in accordance with the approvals of this Board.

Chairman Van Vorst stated that he feels that if the building permit was granted it would reduce the Town's ability to have control over the progression; they have more control if it is not granted.

Mr. Zuritis stated that his thought process is that if they chose to do part of the project and not do the 40-unit building at all, that would be acceptable.

Chairman Van Vorst stated that it might be acceptable to the Town, but he doesn't think it's acceptable to the applicant.

Mr. Zuritis stated that if the Board makes it conditional that the permit is only for the execution of this work, there's no guarantee that they're going to get approval to do the balance of the work. If they want to do it at risk and based on their feelings about how this is going, it would be up to them. He asked if that would be legally acceptable.

Mr. Keniry stated that it's something Mr. Stickles is willing to consider but he doesn't think Mr. Stickles is prepared to make that determination.

Mr. Stickles stated not tonight.

Mr. Zuritis stated that he doesn't have an issue with it as long as the applicant understands it's completely at their risk.

Ms. Slevin stated that any building permit will be limited to just that building; they certainly understand that what would be permitted with that permit would be limited to that building. If they could have a conversation about that over the next week and get a decision it would be very helpful.

Mr. Zuritis stated that it must be clear that if this application goes south and they can't do the 40-unit building at all, that's not going to change just because they did the other building. It doesn't mean they're going to get special treatment for the 40-unit; they must make something that's going to work and be approved.

Mr. Dannible stated that to be clear, this is the approved plan. They could build this and get building permits with putting a pipe under the building; they thought there was a better solution. He stated that they understand



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there could be some risk but think it's very minimal, knowing that they could ultimately build exactly what's here by putting a rather large diameter pipe underneath the building.

Mr. Zuritis asked if the Board could be polled to see if there are concerns with the plan change.

Chairman Van Vorst asked Mr. Stickles if that is true, if he could issue a building permit with that drainage underneath the building.

Mr. Stickles stated that he would defer to Mr. Keniry, but he believes it is an approved site plan and he could issue permits.

Mr. Keniry stated that in terms of MJ Engineering's position, who were not the original reviewing engineers, they don't like it. He stated that all of us professionally don't like it but most of us have seen it; nobody likes it.

Mr. Dannible stated that he doesn't like it.

Mr. Zuritis stated that, from a site plan concept, he is okay with the building rotation that resolves the drainage issues; it's more of a question of all the reviews, County referral, etc.; that's the risk the applicant is going to take.

Mr. Collar stated that with the new plan the pipe just runs through the parking lot so if something does go south there's no impact other than it's going to impact the building.

Mr. Dannible referenced the map and stated that this is the stream drainage corridor and they will put in a new culvert pipe.

Mr. Zuritis stated that it's where the headwall is.

Mr. Dannible stated that it's standard construction for any stream drainage.

Mr. Zuritis stated that he thinks it is a good solution and it would be up to the applicant to do it at their risk if the Building Department is willing to issue a permit.

The Board members agreed.

Ms. Matias stated that the area is pretty wet; she thinks this is a smart way to go.

Chairman Van Vorst stated that if Mr. Stickles concludes that it's okay, the Board will stand behind him.

Mr. Zuritis stated that he would like to see the issue of those lot lines, etc. resolved to make sure they're going to follow the zoning.

Mr. Stickles stated that they're doing that. They're looking for tenants for the buildings and those lot lines will change; that was just for the proposal and will shift.



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Mr. Zuritis stated that he wants to make sure that the applicant picks lot lines that meet the zoning at the time of the application.

Mr. Keniry stated that in the underlying engineering review the lot line adjustments were never addressed; he asked if that was the case.

Mr. Dannible stated that a conversation occurred about adjusting the lot lines, similar to what was talked about regarding a building permit. The lot lines have never been changed or they're going to be consolidated once the front of that property is understood. The way site plan works, in order not to segment they had to do a full build-out of the site on spec of what may not happen on the front of the property. The building at the corner is a drive-through restaurant but the positioning, etc. may not work for a tenant; the intent was always to address modifications as needed. There are solutions in place that they can work with; they could consolidate them and then subdivide them at a later date, but they think this is a better solution. Their biggest concern is trying to get the site under construction, more so than it is already, as it has essentially been stopped for two or three months which is an impact.

Mr. Zuritis asked Mr. Stickles if he would prefer to see this than putting a pipe under the building.

Mr. Stickles answered affirmatively.

Chairman Van Vorst stated that the applicant will have to have some conversations with MJ Engineering before the next meeting.

Mr. Dannible answered affirmatively and stated that he is looking forward to what any of the outside agencies may say differently than they did the first time. He thanked the Board.

NEW BUSINESS

Astro Chemical Company Site Plan (PB 2022-016)

3 Mill Road Extension; SBL 257.16-1-13

Site Plan Review for a proposed 5,900 SF office addition to an existing light industrial building. SEQRA Unlisted Action, completed at the Zoning Board of Appeals.

Ms. Stephanie Alessandrini of Environmental Design Partnership, LLP and **Mr. Michael Wantuch** of Astro Chemical Company, Inc.

Ms. Alessandrini stated that Astro Chemical Company is proposing to construct a 5,900 SF building addition, which is approximately 3,400 SF of building footprint with a small stormwater management area and a connection to the Saratoga County sewer district with the sewer lateral connection replacing their septic system.



TOWN OF BALLSTON PLANNING BOARD MEETING

February 22, 2023
6:30 pm

Town Hall Meeting Room
323 Charlton Road, Ballston Spa, NY 12020
www.townofballstonny.org

The parcel straddles the line with the Town of Clifton Park; the parcel is partially in Clifton Park, but the majority of the parcel is in the Town of Ballston. Astro Chemical was founded in 1959. They've been at this location since 1960 and manufacture epoxy insulating materials, coatings, sealants, adhesives, etc. for heavy machinery. They are proposing this building addition for additional office space, a kitchenette, and employee locker rooms to improve the employee facilities. The current quarters are cramped, and this would be to expand to provide better employee accommodations. The parcel is zoned Mixed-Use and falls within the Ballston Lake Watershed Overlay district. There is a special use permit for the parcel; there's no proposed change in use so the permit would carry over. In December 2022 the applicant went to the Zoning Board of Appeals (ZBA) for an area variance for the building; with the change in the Town zoning code the maximum building size in that zone is 2,000 SF and with participation in the Purchase of Development Rights (PDR) program that would increase to 5,000 SF. The current existing building size was 33,500 SF which was nonconforming with that zoning change, so they went to the ZBA for the area variance which was granted in February 2023. As part of that process the County referral was done; the County recommended coordination with the Town of Clifton Park. They have been in contact with Clifton Park, who did not believe that site plan approval would be required as a small corner of the building is within their Town, as well as a portion of the green space. Tonight, they are here to pursue site plan approval. They have received the engineering comment letter. They will perform the required soil testing in the area of the proposed infiltration area. They will continue to coordinate with the Town of Clifton Park if sign-off, etc. is needed. They have been going back and forth with Ms. Lippmann on the lot coverage calculations. Ms. Lippmann had only looked at the portion of the parcel within the Town of Ballston but since the parcel straddles the line with Clifton Park and there is a good portion of green space in the Clifton Park portion, they weren't sure if the project could be looked at from that perspective, taking into account the additional green space within the Clifton Park area.

Mr. Zuritis stated that Clifton Park decided they don't need to do site plan approval and asked if there is a legal requirement on who does what.

Mr. Keniry stated that it is up to them; Ballston has the bulk of the project.

Mr. Zuritis asked if the Town of Ballston would expect a letter from Clifton Park.

Mr. Keniry stated that the Town of Ballston typically initiates communication with another municipality that tells them when the Public Hearing is; most of the time there is no response. It's important and appropriate for the applicant to do that coordination, and Ms. Lippman is sensitive to the calculation issue. They discussed whether they could consider the calculation in a more global way. He thinks that she looked at it both ways and her current leaning is toward the variance for that relief; she's not opposed to the conversation and is open to trying to find a solution.

Mr. Zuritis stated that the property is all owned by one company; he doesn't know why the Board wouldn't look at it holistically. He would look at the property as a whole but doesn't know if there's a legal standard.



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Mr. Keniry stated that Ballston doesn't have jurisdiction. The Board looks at it as a whole but is not approving a site plan in the Town of Clifton Park.

Mr. Zuritis stated that we know that there's that much space left on the property that...

Mr. Keniry answered affirmatively and stated that he can't give more information as he had a quick conversation with Ms. Lippmann.

Mr. Zuritis stated that he didn't know if there was black and white information with regard to laws.

Mr. Keniry stated that there's more to it in this instance in terms of Ms. Lippmann doing calculations and having a conversation.

Mr. Zuritis asked how the Board feels about looking at the entire property.

Mr. DiLorenzo stated that that makes sense.

Chairman Van Vorst stated that there isn't a separate lot; there's no lot line even though there's a Town line.

Mr. Stickles stated that it's a municipal line.

Chairman Van Vorst stated that it makes sense, but sometimes common sense doesn't enter into it.

Mr. Keniry asked Ms. Alessandrini if the project is compliant if they include the Clifton Park property. He has a sense that it may not be.

Mr. Alessandrini stated that it's still a little over the green space requirement. The Mill Road extends onto there as well; they weren't sure with the historic aspect, with the existing coverage being part of the public street, if there would be any relief with that.

Mr. Zuritis stated that they may still need the variance, it's just a matter of how much variance.

Mr. Keniry stated that SEQR was done by the ZBA so if the Board is inclined, they could schedule a Public Hearing. If they find out from speaking with Ms. Lippmann that the applicant must go to the ZBA, the Planning Board can go all the way but for a final action, knowing that the applicant is pursuing relief at the ZBA. There's nothing in the law that says this Board can't continue and then stop before the vote. That's a way to potentially counterbalance this situation.

Mr. Zuritis stated that it gives them the option to work parallel paths.

Chairman Van Vorst polled the Board as to whether they are in favor of moving the project forward; all agreed.

MOTION: Mr. DiLorenzo made a motion to set a Public Hearing for this project on March 29, 2023 at 6:45 pm. Mr. Baskin seconded the motion. All in favor. **CARRIED.**



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Mr. Keniry stated that, even though the project has been to the County Planning Board, he would suggest referring it again.

The applicants thanked the Board.

MOTION: Mr. DiLorenzo made a motion to adjourn the meeting. Mr. Collar seconded the motion. All in favor. **CARRIED.**

Meeting adjourned at 7:40 pm.

Respectfully submitted,

Kerri Mains

Kerri Mains
Planning Board Secretary