



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

ATTENDEES:

John Van Vorst, Chairman
Dave Blair, Vice Chairman
Ben Baskin, Board Member
Peter DiLorenzo, Board Member
Audeliz Matias, Board Member
Andrew Clark, Attorney
Jeff Stickles, Code Enforcement Official
Jenny Lippmann, Engineer
Kerri Mains, Planning Board Secretary

ABSENT:

Andrew Collar, Board Member
Dale King, 2nd Alternate
Michael Zuritis, Board Member

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 February 2023 meeting minutes as drafted. Ms. Matias seconded the motion. Mr. Blair abstained due to absence from the February meeting. All others voted in favor. **CARRIED.**

OLD BUSINESS

Bloomfield Solar CSI Special Use Permit Extension (PB 2021-017)

Mann and Garrett Road; SBL 215.-1-48.1

Special Use Permit Extension request for the construction of the Bloomfield Solar project. Planning Board review is required when one year has passed since the permit was granted and a building permit has not been obtained.



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

Ms. Stephanie Tomlinson of Eden Renewables for Bloomfield Solar.

Ms. Tomlinson stated that they are requesting a twelve-month extension of the Bloomfield Solar CSI (Commercial Solar Installation) approvals as they will expire in June. Due to supply chain issues they are struggling to finalize the equipment in order to submit final drawings for building permits.

Chairman Van Vorst asked if they are asking for extension of both the Special Use Permit and Site Plan approvals.

Ms. Tomlinson answered affirmatively.

Chairman Van Vorst polled the Board for questions or comments.

Ms. Lippman stated that the Special Use Permit has a one-year expiration while the Site Plan has a two-year expiration. The Special Use Permit is more critical, but it's up to the Board if they want to extend the Site Plan approval as well.

Chairman Van Vorst asked Mr. Clark if there should be two motions.

Mr. Clark answered affirmatively.

Mr. Blair asked if a one-year extension were granted, if it would it be from today or from the expiration date.

Ms. Lippmann stated that the Board can put a date on it.

Ms. Tomlinson stated that they would request it from the expiration date.

Chairman Van Vorst stated that the Board approved it on June 29, 2022.

Mr. Blair stated that it would be extended to June 29, 2024 and asked if that is what Ms. Tomlinson is looking for.

Ms. Tomlinson answered affirmatively.

Chairman Van Vorst asked if it matters in what order the motions are made.

Mr. Blair stated that if the Site Plan approval is for two years it doesn't make sense to extend it because the one-year extension of the Special Use Permit would require them to come back after a year if they need to renew it.

Ms. Lippmann stated that that is correct; if there is a one-year extension on the Special Use Permit, the Site Plan approval is good for that extra year. If they go beyond that they'll need to return to ask for approval again.

MOTION: Mr. Baskin made a motion to extend the Special Use Permit for one year, starting from June 30, 2023 and extended to June 29, 2024. Mr. Blair seconded the motion. All in favor. **CARRIED.**

Ms. Tomlinson thanked the Board.



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

Wellnow Site Plan (PB 2022-008)

1508 Route 50, 1502 Route 50, 975 Route 67; SBL 216.-1-35, 216.-1-36, 216.-1-37

Site Plan Review, Special Use Permit, and Lot Line Adjustment for proposed 3,500 SF Health Care Facility with associated driveway and parking lot. SEQRA Unlisted Action, closed.

Mr. Scott Lansing of Lansing Engineering.

Mr. Lansing stated that he is representing Ridgeback Hospitality for the Wellnow site plan. He would like to update the Board and request consideration for approval of the project. The project is located at 1508 Route 50 on approximately 1.13 acres between Routes 50 and 67, just south of the USA gas station in the Mixed Use Center North zoning district. They propose a 3,500 SF Wellnow healthcare facility which is an allowed use in that district; they had originally applied for a special use permit but with the change in zoning that is no longer required. There is access from both Route 50 and Route 67. Parking is to Town standards and 33 spaces are provided. A front yard setback variance was required. There is frontage on both Route 50 and Route 67; the setback requirements are 20 feet minimum and 70 feet maximum. The building is positioned towards Route 67; they met the requirement on Route 67 but not on Route 50 which required them to obtain a variance from Route 50 to the structure; the variance was granted. There will be public water and sewer and stormwater will be managed on site. They received comments from MJ Engineering and prepared a comment response letter just this afternoon so Ms. Lippmann may not have had time to review it. He stated that if the Board is comfortable, they would like to request approval on the project.

Chairman Van Vorst stated that the Board cannot approve the project as there hasn't been a public hearing yet; he polled the Board for questions and comments.

Mr. Baskin stated that MJ Engineering said that the Board needed a NYS DOT (New York State Department of Transportation) right-of-way plan before they could grant site plan approval; he asked where they are in that process.

Mr. Lansing stated that a traffic impact evaluation was prepared by VHB Engineering and shared with NYS DOT. They have received stage one approval; DOT agrees with the trip generations, the intersection analyses, the layout configuration of the other driveway and is allowing the project to advance to design of the driveways. In Mr. Lansing's experience, DOT likes to see some sort of buy-in or approval from the Planning Board prior to them approving curb cuts like this, so they are hoping for Planning Board approval so they can continue to advance with DOT. DOT has weighed in and has reviewed and approved what they have on site.

Mr. Baskin stated that that is a different order from what the engineer...

Ms. Lippmann stated that MJ Engineering has suggested that they get buy-in from DOT to make sure there are no significant changes to the ingress and egress. Mr. Lansing provided some additional information late this afternoon that she hasn't had a chance to go through. There is an email from DOT indicating the stage one



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

approval for the proposed project; she feels like that is sufficient to have confidence that they're not going to ask for anything significant in terms of the curb cuts proposed.

Mr. Baskin asked if the planting plan has been finalized.

Mr. Lansing stated that it has been modified according to the engineering comments and was provided with the submission they provided today.

Mr. Baskin stated that the Board hasn't seen it.

Ms. Lippmann stated that the Board hasn't seen it yet.

Ms. Matias stated that she received the email at 3:52 this afternoon from Ms. Mains and it was sent today. She thinks it's unacceptable; it's late for them to submit. She understands comments to the review letter but revisions to the site plan this late; she didn't have time to review it.

Mr. Lansing stated that he understands completely. The MJ Engineering comment letter was provided to them after the submission deadline; they just wanted to demonstrate to the Board that they trust the comments and provided responses. He didn't expect anybody to review them for this evening; he's just trying to be as responsive as possible.

Chairman Van Vorst polled the Board for questions or comments; there were none.

MOTION: Mr. Baskin made a motion to set a Public Hearing for April 26, 2023 at 6:30 pm. Mr. Blair seconded the motion. All in favor. **CARRIED.**

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 Zoning Board of Appeals. Public Hearing scheduled.

Mr. Gavin Vuillaume of Environmental Design Partnership, LLP and **Mr. Jay Arnold** of Astro Chemical Company, Inc.

Mr. Vuillaume stated that the project was presented last month. They are proposing a 5,900 SF building addition on the back of the existing facility. If the public has any questions during the public hearing Mr. Arnold would be happy to explain some of the activities that would be occurring as part of the addition. Basically, it's a general office addition; there's no expansion of the business. Last month there were two things discussed a lot: lot coverage and the recognition from the Town of Clifton Park as to whether they wanted to have any review time as part of this project. They have a letter from Mr. John Scavo at the Town of Clifton Park stating that they won't do any formal review or Planning Board site plan review for the project since the



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only

323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

majority of the activities and the building are in the Town of Ballston. Referencing the map, he stated that they propose a stormwater management area at the rear of the building to accept some of the additional flows from the building. Mr. Scott Reese, the Clifton Park Stormwater Management Officer, is going to give a quick review of that. Mr. Vuillaume has spoken with him; he asked for soil testing which was done today; when results are received Mr. Vuillaume will package it and send it to Mr. Reese. He thinks Mr. Reese will be satisfied and he thinks MJ Engineering should be good with everything as they don't expect it to change much except for maybe the elevation; the location and size is accurate for the additional runoff. They are now proposing an additional .47 acres to the project, all in the Town of Clifton Park, who will give them the approval for that additional land; it gives more room around the building. He indicated on the map the .47 acres that Astro Chemical will purchase; it's in process. Regarding lot coverage, they were hoping to use the entire parcel of land as part of that calculation. Unfortunately, according to MJ Engineering and the Town attorney they are only allowed to use the land that's within the Town of Ballston for that calculation; they cannot use the .5 acres of land they currently have in the Town of Clifton Park, plus the .47 acre they are purchasing. None of that green area can go under the calculation so they're forced into going back to the Zoning Board of Appeals (ZBA) for lot coverage. The maximum coverage allowed is 30% and they are at approximately 39%. They are hoping for a site plan approval conditioned on the variance.

Mr. Arnold stated that today they are requesting approval conditional on going back to the ZBA to receive approval on coverage. This is his fourth or fifth building project and he's never had to go to the ZBA for coverage; the entire parcel has always counted for the coverage calculation. The lands in Clifton Park are essentially swamp or standing water; they're undevelopable but they still count as the groundwater recharge. They thought they had it covered in that full calculation which was roughly 29.5 % when they submitted back in October. That was the discovery period where they were told to go to the ZBA for footprint size because the zoning had changed to 2000 SF; Astro Chemical is much bigger than that and they were essentially grandfathered but had to get approval. They did that; it went to County for referral and came back with no issue as long as they work with Clifton Park, and was deferred to Ballston. Now the coverage is an issue which is a bit of a blindside and he wishes it had been picked up in October when they initially submitted. They've tried to get into the next ZBA meeting but it may be another month so they are requesting some sort of conditional site plan approval so they can at least move forward once the ZBA hopefully gives them a positive read.

Chairman Van Vorst polled the Board for questions.

Mr. Blair asked if, when the application was submitted in October, all the land was included.

Ms. Lippmann stated that she can give some history. When the application was initially submitted, the biggest red flag was the building footprint which wasn't allowable per zoning. MJ Engineering thought there would need to be a zoning change for this application to move forward so did not do site plan review. In the meantime, it was determined to send the application to the ZBA to see if they could get an area variance for the building footprint, which they did, but no site plan review was done to determine that they needed the coverage as well.



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only

323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

When the variance was granted and the application came back to MJ Engineering for review, they picked up on the coverage. They were all looking for ways to make it work but must operate within the confines of the municipal law and the municipal zoning for the Town of Ballston; they have no jurisdiction over what happens in Clifton Park. In coordination with Mr. Stickles and counsel it was determined that the safest way to move this application forward is to have the applicant get the area variance to be in conformance with zoning. She stated that she can't speak to previous applications for previous expansions as the Building Department, counsel, engineers, and zoning laws were different.

Chairman Van Vorst polled the Board for opinions on conditional approval; all were agreeable. Mr. DiLorenzo asked if it had been done before; if it is setting a dangerous precedent. Ms. Matias stated that it's a tough situation in terms of the law and the boundary between two towns.

Mr. Clark stated that the conditional approval can't be conditioned upon the approval of another agency. He understands everyone wants it to move forward, and it has been before the ZBA already, but it wouldn't be appropriate to issue an approval at this time, unfortunately, based upon what the ZBA does. The Planning Board needs to see that variance get approved and then full approval could be granted. It slows the process down but it's not appropriate for conditional approval.

Chairman Van Vorst stated that he tends to believe that as well.

Public Hearing open at 6:54 pm.

There was a comment received by email:

Hi,

My name is Patricia Rusilas. I plan to be at the meeting tomorrow, but I wanted to send a written comment, too.

My husband and I live at 40 Main Street, Ballston Lake, NY.

Our property extends back to Mill Road. The concern we have is traffic. Has a traffic impact study been done? I would like to hear how Mill Road will be affected by the addition of this building and the increase in traffic on Mill Road.

Thank you,
Patricia Rusilas

No one wished to speak.

Public Hearing adjourned until the next meeting.

Mr. Clark stated that, since the Board has indicated a positive response to this project, and the ZBA has requested other recommendations from the Board, if the Board is inclined to give a positive recommendation on



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

this project it would help the ZBA move along. If the Board is so inclined, he can draft a letter to that effect to be sent to the ZBA before their next meeting.

The Board members indicated that they are in favor of that.

Mr. Blair asked if a motion is necessary.

Mr. Clark stated that a motion would be appropriate.

MOTION: Mr. Blair made a motion that the Town of Ballston Planning Board make a positive recommendation to the Town of Ballston Zoning Board of Appeals on the Astro Chemical project located at 3 Mill Road Extension. Mr. DiLorenzo seconded the motion. All in favor. **CARRIED.**

The applicants thanked the Board.

Katz Outlet Road Minor Subdivision (PB 2022-015)

Outlet Road; SBL 239.-1-80

Minor Subdivision to divide the 14.58-acre parcel into three residential building lots with Town water and natural gas. SEQR Unlisted Action, open.

There was no representation for the Katz Outlet Road project this evening. The application was tabled.

87 Scotch Bush Road Minor Subdivision (PB 2023-001)

SBL 256.-1-6

Minor Subdivision to divide the 3.314-acre parcel into three residential building lots, one with existing home and remaining two to have public water and private septic systems. SEQRA Unlisted Action, open.

Mr. Harold Berger, project engineer and **Mr. Brian Gould**, property owner.

Mr. Berger stated that he represents Mr. Brian Gould and the Gould Family Trust in reference to a three-lot minor subdivision located at 87 Scotch Bush Road. The project was presented in January and there were some items that the Board asked him to look into. In January Mr. Berger had indicated that there may be a patch of wetlands in the southwest corner of lot three; they have determined that there are no wetlands. He spoke with Deborah Roberts, a neighboring property owner, who confirmed that there is no well in use on her property; it has been on public water for many years. Mr. Berger stated that they have prepared the final plans; he referenced the drawings submitted and explained that sheet one is the survey; sheet two shows the utility design which includes public water service. The homestead is already tied into public water; there's an 8-inch water main across the street. Also shown is the conventional sewage disposal system design for the other two lots.



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

They did test holes and the soil is sand, so he designed conventional septic systems. Sheet three is the utility details. The plan set is complete and there were no engineering comments.

Chairman Van Vorst polled the Board for questions or comments; there were none.

Chairman Van Vorst stated that, on the existing lot with the current house, there are two buildings that violate the side yard setback.

Mr. Berger stated that the little barn in the front is in violation, but that building is going to be removed.

Chairman Van Vorst stated that that's not the one he's talking about.

Mr. Blair stated that it's the shed in the northwest and part of the garage on the north side. He asked if those would be considered existing.

Mr. Stickles stated that, for those two buildings, the lot line is already established and is not moving so that's a preexisting nonconforming situation.

Chairman Van Vorst asked if that's the case even though the lot size is changing.

Ms. Lippmann stated that the Board has set the precedent that if that condition isn't changing, no one is moving the lot line, the existing building isn't moving, there's no change in lot coverage, etc. then an area variance is not required because it's a preexisting nonconforming condition that is not being changed.

Chairman Van Vorst stated even though the lot size is changing.

Ms. Lippmann stated that the lot size is changing but the lot boundary is not. If the barn they're taking down were to stay, an area variance would be required as that boundary is being created. That is the position the Board has historically taken which has set the precedent.

Chairman Van Vorst stated that the next thing to do is to set a public hearing.

MOTION: Mr. Baskin made a motion to set a Public Hearing for April 26, 2023 at 6:45 pm. Mr. Blair seconded the motion. All in favor. **CARRIED.**

Suburban Services Group Site Plan (PB 2022-013)

852 and 854 Saratoga Road; SBL 257.-3-30, 257.-3-26.1

Site Plan Review for proposed 1,666 SF warehouse addition including new front parking area, new east side access driveway, and lot line adjustment to combine the two existing lots into a single parcel. SEQRA Unlisted Action, completed at Zoning Board of Appeals.

Mr. Kurt Bedore of KB Engineering & Consulting, LLC, and **Mr. Craig MacDonald** of 2150 Properties.



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only

323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

Mr. Bedore stated that he is here with Mr. MacDonald who is the managing member of 2150 properties and owns the tenant business, Suburban Services. They were before the Board last year to present a concept of a 3,200 SF addition. It was identified that a site coverage area variance was required from the ZBA. During that process, they increased the size of the addition to approximately 4,800 SF; after doing some costing on it and with the inflation of the construction market, etc., they have arrived at the current proposal of an addition of 1,666 SF, at approximately 32 feet by 50 feet. This was approved for the area variance, with relief of 2.35% for site coverage on the property. The parcel is situated at what was formerly 852 and 854 Saratoga Road; the lot has been combined into one lot with a lot line adjustment and filed with the County. The parcel is 3.39 acres in the Burnt Hills Commercial zoning district. They are asking for site plan approval for the 1,666 SF building addition. They propose some minor parking additions in the front of the building and a new loop road that would come around back to enhance circulation for service vehicles that operate out of this facility. The operations are primarily in support the HVAC servicing business; it is not a showroom or retail business. The septic system was repaired last year, and another absorption line was added in preparation for the addition. The existing building and addition will be served by the existing water service. The project is in the Ballston Lake Overlay district, but they are proposing much less than an acre of disturbance. They propose a drainage dry well in the front parking lot addition to manage and infiltrate stormwater; there won't be a significant change to the runoff characteristics of the site. They propose street trees out front and landscape buffering to the north side of the site. Regarding the Town Designated Engineer's comments: comment number two identified that the setback is less than five feet from the existing building to the common property line; now that the line has been removed, they don't believe it would be an issue.

Mr. Blair asked if the garage was removed.

Mr. MacDonald stated that the existing garage is still there.

Mr. Blair asked Ms. Lippmann if that is the structure that's five feet off the property line.

Chairman Van Vorst stated that the property line has been removed because the two properties are combined.

Mr. Bedore stated that he thought it was referring to the existing main building with the common property line.

Ms. Lippmann stated that it's the garage on the southern property line at 3.4 feet.

Mr. Blair stated that he thought that the previous plan was removing the garage; other Board members answered no.

Mr. Bedore stated that it's a nonconforming existing condition.

Ms. Lippmann stated that that is correct.

Mr. Bedore stated that he had misinterpreted the comment, thinking that it referred to the main building. As is, it's a nonconforming existing condition; he stated that he presumes there's no need for an area variance.

Ms. Lippmann answered affirmatively.



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only

323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

Mr. Bedore stated that the plan shows six existing parking spaces in front of the existing building; adding the connector road to wrap around the new addition will reduce the parking to five spaces. A sign will be added to the ADA parking space and asked if it can be mounted on the building.

Ms. Lippmann answered affirmatively.

Mr. Bedore stated that they will add an egress door on the north side of the building with a five-foot square concrete pad. For the screening to the north they will change the proposed arbor vitae to a deer-tolerant species. They will add additional grading and verify that the two new man doors into the proposed and existing buildings will be ADA compliant. They will add spot grades between the buildings and an area drain out to the dry well out front; this would include the hard piping for the gutters and downspouts for the addition. They will address the septic system comments.

Ms. Lippmann asked for confirmation that they are using the existing septic system.

Mr. Bedore answered affirmatively and stated that they remediated it and added a finger to it. They submitted an engineer's report last year. He stated that there is a comment about streetscape, site furniture and pedestrian activity; he assumes that refers to adding a bench or bike rack. Mr. MacDonald says they have maybe one customer per day, so they are asking for relief on that standard as it doesn't seem warranted. They will add another street tree to the south, placed to not block the business signs as the trees mature. They propose business-mounted area lighting on the peak on the front and back. The engineering comment regarding parking states that all parking shall be on the rear or side of the building. The existing business has a row of parking that runs in line with the building; they proposed the same to keep the same character. They request relief on that standard, as there is a drop of several feet on the side of the building so to put parking there may create a hardship for a pedestrian walking. They would like to maintain the proposed parking as shown. He asked for Board comments.

Chairman Van Vorst stated that it sounds like a good idea.

Mr. Bedore stated that if they were building new construction, they would pursue total compliance but in working with an existing business they don't believe it would be out of character with what is there and what's in the neighborhood to allow that.

Ms. Lippmann stated that the Code contemplates new construction. She brings this section of the Code to the Board's attention as it's up to their discretion to allow those 18 parking spaces, they would have to express it in the approval as to what they're allowing.

Mr. Bedore stated that it would be 17 spaces now. The next comment relates to a tree within 75 feet of parking spaces. The street tree out front will cover some but not all the spaces so they will add another tree so 95% of the parking spaces will be covered. They may not be able to cover the ADA space; he'll take a look at it. Regarding the comment about sidewalks out front, similar to his earlier comment regarding the lack of pedestrian traffic, they would ask for relief on that requirement.

Chairman Van Vorst polled the Board for comments on the sidewalk.



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

Mr. Bedore stated that it would be a sidewalk to nowhere for the time being.

Mr. Blair stated that eventually we have to promote pedestrian traffic; if we never put in the sidewalks no one's ever going to go there.

Mr. Bedore stated that he respects that; he's on the Burnt Hills Forward Committee.

Mr. Blair stated that if they don't think ahead, they'll never promote pedestrian traffic or provide safe pedestrian travel up and down that road; a decision doesn't need to be made tonight.

Ms. Matias stated that they could think in terms of building escrow for a future sidewalk instead of building a sidewalk now, because it's going nowhere now.

Mr. MacDonald asked for someone to explain.

Mr. Bedore stated that the money is put aside.

Mr. MacDonald asked if he would ever get the money back.

Mr. Blair stated that it goes into a Town account; when applying for a state or federal grant to install sidewalks in this corridor, the Town could say that they have money to put into the project.

Mr. MacDonald asked if he would be off the hook in the future if he does the escrow now.

Mr. Blair answered affirmatively.

Mr. Bedore stated that someone else installs it then too, and costs are only going to go up.

Mr. MacDonald stated that he doesn't have a big problem with that, with the little incremental increase to the price of this project.

Mr. Bedore asked how the escrow amount is determined.

Ms. Lippmann stated that in the past they have worked with the applicant. The applicant has provided a quote that will be validated by the Town engineer and Town staff, and agree upon a rate based on current prices. She stated that it's something for the Board to consider.

Ms. Matias stated that for the previous project where it was considered, it was not really needed as there was a sidewalk on the other side of the road. This area is different.

Mr. MacDonald stated that, as he understands the build-out of that area on Route 50, he doesn't see where anything will ever be built up there. This will be a sidewalk to nowhere for the next 25, 30, or 40 years; unless properties burn down, there's no room to do anything there anymore. There will permanently be sidewalks to nowhere as he looks at the entire corridor, as there is no parcel that anyone will ever be able to build on, and no one will be able to get a building permit for an addition because they're all maxed out. He would ask the Board to consider that there's no flexible space left there anymore.



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

Ms. Matias stated that it's a valid point, but with beautification grants that the Town can apply for that don't depend on development, and hearing that a pedestrian was hit on Route 50, she prefers to plan ahead for the possibility.

Mr. MacDonald stated that he's okay with doing it but thought he'd bring up his perception from the perspective of future building; beautification he understands.

Mr. Bedore asked if an applicant puts up escrow and it goes into a Town escrow account toward future sidewalks, if that means that those monies are going to go back specifically to a sidewalk in front of the site or if it might be something for community benefit closer to the hamlet.

Ms. Lippmann stated that those details need to be worked out; there's no precedent.

Mr. Bedore stated that an escrow account is for the benefit of the community overall.

Ms. Matias asked if it is tied to the project and the area.

Mr. Clark stated that the idea behind the Code is that the escrow money would go directly to that property; it wouldn't be that the applicant pays the sum and then it gets distributed. The Code doesn't allow that as it's not the intent.

Mr. Bedore stated that it's not for community benefit, it's specifically for this project.

Mr. Clark stated that that is correct.

Mr. Bedore stated that they will work up an estimate. The next engineering comment was related to NYSDOT work permits within the right-of-way; they are not proposing anything within the right-of-way. There is one small triangle in the right-of-way for the new entrance for the loop road; he might be able to pull that driveway back into the site to avoid going into the right-of-way. He would like to eliminate the need for a DOT utility permit; they have not petitioned DOT at all for this project. Regarding the comment about non-standard entrances, they are both existing and operate well for the applicant. They would propose to retain the entrances as is without modification, as the existing configuration is amenable to the turning movements of the occasional tractor trailer delivery. They would refresh the paint markings to aid traffic flow and would ask the Board for relief on the entrance requirements to be able to keep them as is.

Mr. Baskin asked if the entrance to the north goes across the neighboring property.

Mr. MacDonald stated that it's been a shared entrance with the neighbor for many years.

Mr. Baskin stated that DOT has standards for commercial egress; he doesn't know if this meets them.

Ms. Lippmann stated that it doesn't, but the applicant is not modifying it. If a DOT permit is triggered, they'll comment on it. It's not ideal but is an existing condition; she was just bringing it to the attention of the Board. She guesses that if a DOT work permit were required, DOT would want it modified.

Mr. Baskin asked if the applicant is going to pave.



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

Mr. MacDonald stated that they are going to pave and connect to the existing paved driveway within the confines of the site.

Mr. Baskin asked if they'll replace the gravel piece with pavement.

Mr. MacDonald stated that there will be some pavement added so they're not running on gravel.

Mr. Bedore added that they will be effectively using the existing curb cut.

Mr. Baskin asked what the traffic situation is; how many employees and trucks there are.

Mr. MacDonald stated that there are 14 trucks that typically go home with the employees. Some mornings they come in and some mornings they go directly to calls, some evenings they come in. They are all there only if there is a company meeting. There are usually only a few cars parked and the trucks come and go. Roughly once a week a tractor trailer must pull in; there's room out back so it can spin around and pull back out again.

Mr. Baskin stated that they're not going down the neighbor's driveway.

Mr. MacDonald answered no, they wouldn't get anywhere if they went on that driveway.

Mr. Bedore stated that it is a service-based business; they go out to businesses and residences and work on their HVAC units, etc. but he would characterize the intensity of activity and intensity on the site as very low.

Mr. Blair stated that the applicant has proposed an 8-foot by 8-foot digital sign. In the past the Board has asked applicants to include the sign in the application, so they don't need to return.

Mr. MacDonald stated that he doesn't see the need for a sign. It was Mr. Bedore's idea to include it for the future, but he doesn't know that he'll ever need it. He asked for the Board's recommendation if he should leave it in so it's easier to approve or does he go through the same approval in the future should he ever need it.

Chairman Van Vorst stated that the Board discourages separate applications so if there's any chance in the future of having a sign now would be the time.

Ms. Lippmann stated that they have a sign now.

Mr. MacDonald stated that it will be called 852. There's a sign at 852 and he thinks there's a remote possibility that there could be a sign to the north someday; it's not in his plans but if it's beneficial he'll leave it in and act upon it in the future but he doesn't see it ever being used.

Mr. Bedore stated that they'll take it out. He stated that he went through all the engineering comments; he asked for initiation of the SEQR (State Environmental Quality Review) process.

Chairman Van Vorst stated that SEQR was done at the ZBA. He asked that a list of the waivers they are requesting be included in the next document submission, as several options were discussed.

Mr. Bedore stated that they will include the rationale as well.



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

MOTION: Mr. Mertzlufft made a motion to set a Public Hearing for April 26, 2023 at 7:00 pm for the lands of 2150 Properties LLC, at 852 and 854 Saratoga Road. Ms. Matias seconded the motion. All in favor.

CARRIED.

Mr. Baskin asked when the sidewalk escrow calculation will be discussed.

Chairman Van Vorst stated that the applicants need to present an estimate.

Mr. Bedore stated that they will do that.

The applicants thanked the Board.

Goode Street & Orchard Terrace Lot Line Adjustments (PB 2022-021)

145 Goode Street, 149 Goode Street, 153 Goode Street, 4 Orchard Terrace, 6 Orchard Terrace
SBL 248.17-3-4, 248.-1-51.1, 248.-1-89.111, 248.17-3-2, 248.17-3-3

To discuss request of the Zoning Board of Appeals.

There was no representation for the Goode Street & Orchard Terrace project this evening.

Ms. Lippmann stated that the applicant didn't know he was on the agenda and is out of town; this came back to the Planning Board from the ZBA and was placed on the agenda.

Chairman Van Vorst stated that the Board wants to craft a letter and asked if that is correct.

Ms. Lippmann answered affirmatively and stated that the history of this project is that they need a series of variances and they went to the ZBA. There was some confusion as to what they were looking for; they didn't have a concise explanation in their application to the ZBA. The ZBA asked that it come back to the Planning Board to reaffirm a recommendation for that series of variances. The applicant did provide this Board with a summary of what they're looking for, which is consistent with the last engineering letter for multiple variances with that sequence of lot line adjustments.

Chairman Van Vorst asked if another letter is needed.

Mr. Stickles stated that he believes it's all set; his office created a letter listing the variances for the ZBA for the project, as well as individual letters of what's needed for all the other projects that go to the ZBA.

Ms. Lippmann asked if the Board should reaffirm the recommendation.

Mr. Clark stated that it makes sense to reaffirm what the Planning Board has already recommended so there's no holdup at the Zoning Board; everything's clear.

Chairman Van Vorst asked if a motion is necessary.

Mr. Clark answered affirmatively, consistent with the other one.



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

MOTION: Mr. Baskin made a motion to reaffirm the Planning Board position on the lot line adjustments for Goode Street and Orchard Terrace. We support the application to do that. Mr. Blair seconded the motion. All in favor. **CARRIED.**

NEW BUSINESS

Stem & Stone Farm, LLC Modified Site Plan (PB 2023-003)

259 Scotch Bush Road; SBL 247.-1-21.111

Modified Site Plan (Town Code §138-156) for an agritourism business focused on a you-pick flower operation and including a farmer's market, market stand, photography sessions, and workshops. SEQR Unlisted Action, open.

Ms. Courtney Stone and Mr. Nelson Stone, of Stem & Stone Farm, LLC.

Ms. Stone stated that they propose an agritourism business at 259 Scotch Bush Road, with a you-pick flower destination, farmers' market to include local growers and vendors, a market stand to sell flower bouquets, local goods, and vegetables grown on the farm as well as flower baskets and bulbs. She would also like to have workshops for flower arranging and wreath making, and a sunflower field for private photography sessions with local photographers for families, etc. The property currently has three existing structures: a farmhouse built in 1877 that uses well water and has a septic system on the property, a four-car garage and a 30-foot by 68-foot barn also built in 1877. They are going to keep the farmhouse and barn in their current locations and remove the four-car garage as it is unsafe. The 78 by 55-foot area of the garage will allow for parking spaces and there will be a porta-potty on site for bathroom use. They propose to use the east side bay of the barn as a market stand. They have someone to jack up the barn as some of the beams need structural help; in the future they would like to fix it up in order to host customers in a larger place than just a market stand. The current driveway is ten feet wide; they propose to expand it by an additional ten feet to allow two-way traffic. There will be a small sign for the entry and exit; a sign application was submitted for a six-foot tall sign out front to identify the farm.

Chairman Van Vorst polled the Board for questions and comments.

Mr. Blair stated that 14 parking spaces doesn't seem like enough if they have a farmers' market that draws quite a bit of traffic. He asked where the overflow parking goes.

Ms. Stone stated that if you follow the driveway, there's a 35-acre field across from the pond that could serve as overflow parking; it's stable enough for cars and there's a path all the way around it.

Ms. Matias asked why they wouldn't build the extra parking lot now if there's space.

Ms. Stone stated that they could but wouldn't know the number. The you-pick operation is going to be by reservation only and the farmers' market could only fit about ten vendors so she doesn't think there will be more than 30 to 40 people at a time; they're thinking it will be on Fridays from 1:00 to 4:00 pm.



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

Mr. Blair stated that with 10 vendors and 30 people there will be around 25 cars.

Ms. Stone stated that one of the engineering comments was related to parking calculations and resubmitting for the next meeting; they can take this into consideration as well as the overflow parking, and maybe have vendor parking a little further away.

Ms. Matias stated that that will make her feel more comfortable.

Ms. Stone stated that the space is there.

Mr. Stone stated that there's adequate space so there won't be cars on Scotch Bush Road; it can be handled on the property.

Ms. Stone stated that they will put that in the resubmission.

Ms. Lippmann stated that if they exceed 25 spaces, they will need two ADA spaces; there's a chart that indicates how many spaces they would need.

Ms. Stone stated that they will include the calculation of what they're basing it on; what was just discussed.

Mr. Blair stated that he asked because he lives across the street from Lakeside Farms and when it's busy his road is crazy; people park down the road and it creates problems and he wouldn't want to see that here. He stated that the applicants are starting this business for it to be successful and grow so he wants to make sure they have a plan in place.

Ms. Lippmann stated that that's a good point. The Code discusses agritourism operations and the fact that they cannot rely on road parking; it must be off road parking.

Ms. Stone stated that she doesn't want to do that to her neighbors.

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

Mr. Clark stated that he wanted to remind everyone that it's a modified site plan review which is designed to be a bit more expedient from when it is determined to be a complete application; he's not sure the Board has that at this moment, if they want to make that determination or not. He would recommend that if the Board has any other questions, now would be the best time to ask them so the applicant can get out in front of it and the Board can be well informed and keep the process moving.

Mr. Blair stated that they have been discussing flow through the site; he doesn't know if the sunflowers have been planted but shifting that field to the right, if they're going to push people down along the pond, may make it easier to get into out into that field if the sunflower field isn't right there.

Mr. Baskin asked if they will need any large trucks to come in.

Ms. Stone answered no.

Mr. DiLorenzo asked where the porta-potty will be located.



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

Ms. Stone stated that they didn't include it on the plan. She asked if they should resubmit the plan with the porta-potty indicated as well as the sunflower field and the overflow parking.

The Board members answered affirmatively.

Mr. DiLorenzo stated that he would want it in a spot that's hidden.

Ms. Stone stated that she will make sure the porta-potty is adequate for the number of people.

Mr. Blair stated that he assumes, with vendors, etc., that there will be trash produced. He suggested putting it in a corral and indicating where they would put that.

Ms. Matias asked if garbage pickup is the common type and doesn't require a special truck.

Ms. Stone answered affirmatively.

Ms. Lippmann stated that the initial application defines it as an agritourism business which requires modified site plan. She recommends that they indicate both agritourism plus farm market. The distinction is that an agritourism business is specifically for crops and products that are produced on the farm so when other vendors are invited in it is no longer considered solely an agritourism business. The agritourism use definition does apply to the you-pick operation and things of that nature but the farmers' market jumped out at her as being beyond agritourism. She suggests that they revise the application cover sheet to indicate the farm market. Farm markets are also an allowed use with the modified site plan so the process isn't changed, but she wanted to make sure it's very clear as there have been instances in the past and will probably be instances in the future where applicants try to stretch that definition of agritourism for other business operations; she just wants to make sure it's clear.

Chairman Van Vorst stated that they are moving toward a modified site plan and asked if a special use permit is needed as well.

Ms. Lippmann answered no and stated that the process isn't changed; she just wants to make sure the use is clear so there's no question in the future.

Chairman Van Vorst asked if SEQR needs to be pursued.

Ms. Lippmann answered affirmatively and stated that the applicant will submit a short form.

Chairman Van Vorst asked if a public hearing should be set.

Mr. Clark stated that a public hearing on this matter is not explicitly required; it's up to the Planning Board's discretion.

Chairman Van Vorst asked the Board members if they want to have a public hearing.

Mr. Blair stated that the Board probably would want to give the neighbors an opportunity to speak; he would be remiss not to give them that opportunity.



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

Ms. Matias agreed.

Chairman Van Vorst agreed. He stated that they can't set a public hearing before SEQR.

Mr. Clark answered affirmatively and stated that the SEQR short form must be submitted first. He stated that it's worth clarifying that it's not a complete application yet for purposes of starting the 45-day clock; it won't be running from this meeting.

Chairman Van Vorst stated that he just doesn't want to delay the approval.

Mr. Blair stated that he thinks they are going to want to plant flowers by May.

Ms. Stone stated that there are bulbs in the ground; she can still do a market stand but not the you-pick. For the few months while it's all getting ironed out, she has some coverage; she can still sell them she just can't have people come on the property and pick them.

Chairman Van Vorst stated that, without a complete application, it can't be sent for County Planning Board referral.

Ms. Lippmann stated that that is correct.

Mr. Baskin asked if there is a Code requirement for any kind of safety measure around the pond since it's a commercial area.

Ms. Lippmann stated that it's not explicit but is something that the Board can contemplate during the site plan review.

Mr. Baskin asked how deep the pond is.

Ms. Stone stated that she doesn't know.

Mr. Baskin stated that his first thought was a fence along the road.

Ms. Stone stated that there are large rocks along the road that were there from the prior farmer, for the reason of cars; if there is a suggestion of doing something else.

Ms. Matias stated that there could be a sign.

Ms. Lippmann stated that the New York State Department of Agriculture & Markets has requirements for signage such as "no public beyond this point", etc. in their agritourism law. She encouraged the applicants to read it.

Mr. Blair stated that he would recommend putting those signs up.

Mr. Baskin stated that the pond is right next to the road so maybe some kind of fence would be helpful.

Mr. Blair stated that the applicants need to get a complete application in, and the SEQR form, so the Board can start the process for them.



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

Ms. Stone asked if there's anything else besides the SEQR form.

Ms. Lippmann stated that, from her perspective, the two biggest things are the parking lot and the SEQR short form.

Mr. Baskin asked if the applicants have spoken with their neighbor to the south.

Ms. Stone stated that they have spoken with all the neighbors; they're excited it's not going to be a development. They're great neighbors and she doesn't want to be a burden on them.

Mr. Baskin stated that the flower fields do surround the neighbor and asked if there is a fence.

Ms. Stone stated that they will put up a fence, a plantings barrier and signage.

Chairman Van Vorst stated that they are neighbors with Mr. Dave Wood, who engages in intense agriculture. He asked if they have considered the fact that he probably uses herbicide and chemicals on his products and the effect that might have on the applicant's property.

Ms. Stone stated that Mr. Wood leased the field from the previous owner to grow alfalfa and they have had the soil tested and nothing has come up; there's more testing to do in more areas but so far, it's been ok.

Chairman Van Vorst stated that hopefully the Board will see them next month.

The applicants thanked the Board.

310 Charlton Road Site Plan and Special Use Permit (PB 2023-004)

SBL 238.-1-11.11

Site Plan Review and Special Use Permit for the conversion of an accessory storage building to a livable space for the owner, including electrical service, water, and wastewater treatment system. SEQR Unlisted Action, open.

Mr. Zachary Boekeloo of DAVM LLC.

Mr. Boekeloo stated that he owns the property at 310 Charlton Road with his mother and aunt. His goal is to run the farm. He manages it after school, including the orchards and the Mourningkill Farm Bake Shop on the property. He is looking for a place of his own on the property and, as the main farm operator, he needs to be as close to the action as possible. The small barn that is proposed to be converted would provide him the opportunity for his own space. The barn was constructed as a milk house for the farm in the 1930s. They'd like to maintain as much of the historical charm as possible. The 14 by 24-foot building is currently used for storage. They plan to tie into the existing electrical service on the property. The farm currently sources its water from a spring on the property and they plan to tie into that as well. They will construct a wastewater treatment system for the new residence; they will conduct a percolation test this spring that will determine the specifications. The farm, DAVM LLC, has approved the project, and with the Board's permission he can begin it. He referenced a



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

PowerPoint presentation to address some of the engineering comments; a map showed where the electrical and water services are located on the property as well as the proposed services.

Mr. Blair stated that, given the location of the water source and where the leach field will go, it may be too close; they must have 100 feet of separation.

Mr. Boekeloo referenced the map and stated that the pump box pulls from a spring that's another 200 yards to the west.

Ms. Lippmann stated that the pump box is not the water source.

Mr. Boekeloo stated no, it's just a transfer station from the spring that is farther out of the picture. The new water line would tie into the existing line. He indicated where the septic field would go and stated that it will be a conventional septic system, designed to specifications after the percolation test. It's a small building of roughly 500 SF; they propose a three-quarter bath and a kitchen sink.

Mr. Baskin asked if it will have one bedroom.

Mr. Boekeloo answered affirmatively.

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

Mr. Baskin asked if they will make the leach field large enough so they can expand if they want to.

Mr. Boekeloo stated that he doesn't foresee any expansion to that building as he doesn't plan on living in it for his whole life.

Mr. Blair stated that expansion would be pretty easy if he ever needed to do it.

Ms. Lippmann stated that it is an accessory residential structure; it has size limits according to Code.

Mr. Blair stated that he doesn't consider 550 SF excessive.

Ms. Lippmann stated that the Code contemplates this type of accessory apartment as usually used for farm workers, an in-law apartment, etc., it's not meant to be another primary residence.

Mr. Baskin asked what the maximum square footage would be.

Ms. Lippmann stated that she thinks it's 1200 SF.

Mr. Stickles stated that Chapter 138-154 states that the minimum size of a primary structure is 720 SF. There is an exception for an accessory structure that doesn't call out a square footage.

Chairman Van Vorst stated that the Board has to do SEQR and make a motion to declare lead agency.



TOWN OF BALLSTON PLANNING BOARD MEETING

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

Ms. Lippmann stated that it's the Board's role to classify the action and she would recommend it being a Type 2 based on the description provided by the applicant; there are a few clauses in §617 that she feels it fits under to classify it as a Type 2. The first is §617.5- (c)12 which includes construction or expansion of a single-family, two-family or three-family residence on an approved lot including provision of necessary utility connections; she stated this isn't a single-family home necessarily but it kind of is. The second is reuse of a residential or commercial structure or structure containing mixed residential and commercial uses where the residential or commercial use is a permitted use under the applicable zoning law or ordinance including permitted by special use permit. So those two definitions, and this is a much smaller intensity, do classify as Type 2 actions under SEQR.

Mr. Clark stated that he came to the same conclusion and highlighted the same sections of Code, that a Type 2 designation would be accurate.

Chairman Van Vorst stated that the next step would be to make a motion to declare the Board the Lead Agency.

Ms. Lippmann answered affirmatively and suggested to classify it as a Type 2 action, then SEQR is done.

MOTION: Mr. Blair made a motion to declare the Town of Ballston Planning Board the Lead Agency in the Type 2 SEQR Action for the property located at 310 Charlton Road, Ballston Spa, New York. Mr. Baskin seconded the motion. All in favor. **CARRIED.**

MOTION: Mr. Blair made a motion to set a Public Hearing for 310 Charlton Road on April 26, 2023 at 7:15 pm regarding the Special Use Permit and Site Plan Review. Mr. DiLorenzo seconded the motion. All in favor. **CARRIED.**

Chairman Van Vorst stated that the last thing is County referral.

Ms. Lippmann answered affirmatively and stated that, for the Board's knowledge, the maximum footprint for an accessory residential dwelling in an accessory structure shall not exceed 1000 SF, so that would be the most the applicant could ever expand to.

A member of the public asked what a Type 2 action is.

Ms. Lippmann stated that a Type 2 action is an action that has been classified under the State Environmental Quality Review Act to have been categorically determined to not have a negative impact on the environment. There's a list provided in the law that applications are checked against to see if they fit that criteria and in this case it does. It affords it to a lot of single-family residential type projects, like lot line adjustments, etc. that don't need any further review.

Mr. Boekeloo thanked the Board.



**TOWN OF BALLSTON
PLANNING BOARD MEETING**

March 29, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

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

Meeting was adjourned at 8:12 pm.

Respectfully submitted,

Kerri Mains

Kerri Mains
Planning Board Secretary

DRAFT