

**TOWN OF BALLSTON
PLANNING BOARD MEETING**

April 27, 2022 6:30 pm

Town Hall Meeting Room
323 Charlton Road
Ballston Spa, NY 12020

ATTENDEES: John Van Vorst, Chairperson

Dave Blair, Board Member

Peter DiLorenzo, Board Member

Patrick Maher, Board Member

Audeliz Matias, Board Member

Michael Zuritis, 1st Alternate

Bill Keniry, Attorney

Jeff Stickles, Code Enforcement Official

Jenny Lippmann, Engineer

ABSENT: Ben Baskin, Board Member

Dale King, Board Member

Call to Order

The meeting was called to order at 6:30 pm.

Pledge of Allegiance was led by Chairman Van Vorst.

Approval of Previous Minutes

No previous minutes to approve for the March meeting.

OLD BUSINESS

994 Rt. 67 RISE Site Plan Review (PB 2019-015)

SBL 216.-2-19

Site Plan Review of a revised proposal to construct a new 8300 SF 20-bed facility at the existing RISE site at 994 Route 67. Public Hearing continued. SEQRA Unlisted Action, open.

Mr. Brett Steenburgh represented the property owner, RISE Housing and Support Services.

Mr. Steenburgh stated that the proposed 20-unit facility will be located behind the existing facility at 994 Route 67. The curb cut will be in the same location; the driveway will swing to the south to allow for a better parking area behind the existing facility and a courtyard between the two buildings. An existing gazebo will be moved to allow for pathways and green space. The proposed parking has 14 spaces, which was discussed at the last meeting; the applicant feels this is adequate as the residents do not have vehicles and visitors are rare.

Mr. Steenburgh stated that they have satisfied all engineering and technical comments except for getting approval to join the Town of Ballston Consolidated Water District and providing an Electronic NOI to the Town once approval is attained. As RISE is a not-for-profit, they are working with the Dormitory Authority of New York State to determine who will be the applicant and the responsible parties on the Electronic NOI.

Mr. Steenburgh stated that he is seeking approval upon the project and a negative SEQRA declaration.

Ms. Lippman recommended two conditions if the Board would like to move forward with approval for this project; the water connection acceptance from the Town of Ballston Water District and same from the Sewer District, as well as review of the Electronic NOI. All other comments have been addressed.

Public Hearing opened at 6:35 pm.

No one chose to speak.

Ms. Lippman presented the draft Part Two of the Short Environmental Assessment Form and read the questions aloud for members to agree with the determination of impact:

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	✓	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	✓	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✓	<input type="checkbox"/>

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	<input type="checkbox"/>
7. Will the proposed action impact existing:	✓	<input type="checkbox"/>
a. public / private water supplies?		
b. public / private wastewater treatment utilities?	✓	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	✓	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	✓	<input type="checkbox"/>

All members agreed to each question.

Ms. Lippmann stated that the Part Three Determination of Significance has been prepared for signature and authorization to indicate, based upon the information analysis above and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

MOTION: Mr. Maher made a motion that the Town of Ballston Planning Board approve the SEQRA Assessment Form and make a Negative Declaration of Environmental Significance. Mr. DiLorenzo seconded the motion. All in favor. **CARRIED.**

Public Hearing closed at 6:40 pm.

MOTION: Mr. Maher made a motion that the Town of Ballston Planning Board approves the Site Plan for the RISE project at 994 Route 67 as depicted on drawing A001 dated April 5, 2022 on conditions of receipt of written documentation from the water and the sewer district that they can provide services to the project and receipt and review of the draft ENOI. Mr. DiLorenzo seconded the motion. All in favor. **CARRIED.**

Chairman Van Vorst stated that the project has been approved.

Mr. Speenburgh thanked the Board and Ms. Lippmann.

97 Midline Rd Minor Subdivision (PB 2021-016) – Public Hearing Scheduled

SBL 248.-2-31

Minor Subdivision proposal to subdivide the 3.65-acre parcel into 3 lots. Public Hearing scheduled. SEQRA Unlisted Action, open.

Mr. Pat Jarosz and **Mr. Duane Rabideau** of Gilbert Van Guilder and Associates represented the applicant, Mr. Adesh Budhraj.

Mr. Jarosz stated that they are here to continue the proposal to for a minor subdivision to subdivide the 3.65-acre parcel at 97 Midline Road into three lots. Lot 1 is 41,973 square feet and would be for the

construction of a single-family home with a proposed on-site septic system and water connection. Lot 2 is 1.16 acres and has an existing single-family home with an existing septic system and water connection. Lot 3 is 1.53 acres for the construction of a single-family home with a proposed on-site septic system and water connection.

Public Hearing open at 6:43 pm.

No one chose to speak.

Ms. Lippman presented the draft Part Two of the Short Environmental Assessment Form and read the questions aloud for members to agree with the determination of impact:

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	✓	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	✓	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✓	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	<input type="checkbox"/>
8. Will the proposed action impact existing: a. public / private water supplies?	✓	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	✓	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	✓	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	✓	<input type="checkbox"/>

Ms. Lippmann stated that the Part Three Determination of Significance has been prepared for signature and authorization to indicate, based upon the information analysis above and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

MOTION: Mr. Maher made a motion that the Town of Ballston Planning Board approve the SEQRA Assessment Form and make a Negative Declaration of Environmental Significance. Mr. DiLorenzo seconded the motion. All in favor. **CARRIED.**

Public Hearing closed at 6:47 pm.

MOTION: Mr. Maher made a motion that the Town of Ballston Planning Board approves the Minor Subdivision at 97 Midline Road, as depicted on map number 21-22-226A dated October 11, 2021. Mr. DiLorenzo seconded the motion. All in favor. **CARRIED.**

Chairman Van Vorst stated that the project has been approved.

Mr. Janosz thanked the Board.

Middleline West & Middleline East Solar Array (PB 2020-010) – Public Hearing Scheduled

284 Middleline Rd; SBL 227.-1-16.11

Site Plan Review, Special Use Permit and Lot Line Adjustment for Community Solar Installation (CSI). Public Hearing continued. SEQRA Type I Action, open.

Mr. David Bagley and **Mr. Rob Garrity** of Finlo Solar represented the applicant, Farm Raised LLC.

Mr. Bagley stated that they are here to continue the conversation on the solar projects. They have submitted further documentation and received confirmation from Ms. Lippmann that it was complete.

Ms. Lippmann stated that all technical comments regarding Site Plan Review and the Stormwater Prevention plan have been adequately addressed; there are no further comments.

Public Hearing open at approximately 6:50 pm.

Mr. Brian Toth of 288 Middleline Road stated that he lives next door, north of the site, and is concerned about the view and character of the land, as well as the possibility of solar panel fires. Mr. Toth is concerned about toxicity from solar fires; he wants to be sure the project is safe and that there is a contingency plan in the event of fire. He does not feel that his concerns have been adequately addressed. Mr. Toth would like further information on how this aspect of the project will be handled as the installation is close to his house, in a residential area. He would like his concerns to be addressed.

Mr. Dan Gaidasz of 291 Middleline Road stated that he lives northwest of the site. Mr. Gaidasz submitted a letter to the Board and would like to fill in some of his letter's comments. Mr. Gaidasz is concerned primarily with the visual aspect of the project, as most of the properties surrounding the installation site are above elevation. The visual assessment for the project was completed when the trees had leaves, but for seven months of the year the leaves are off. He is a forester and arborist and is concerned with the slow growth rates of trees selected for screening, as well as the soils in the area. Mr. Gaidasz would encourage the Board to look at other projects outside of the area to see how similar installations are blocked from view. He feels that the plan looks good on paper but won't block the panels well. Mr. Gaidasz is also concerned with the amount of acreage being cleared and the impact on the winter raptor, which depends upon woodlands and surrounding fields for its habitat and prey.

Public Hearing closed at 6:55 pm.

Mr. Bagley stated that since the last Public Hearing they met with the Fire Department and received a letter, which is in the records, that they support the project. They also met with neighbors of the project, including those who spoke tonight, to address concerns about how to modify and improve the screening, especially for those to the north who have the closest view. They did coordinate with the State Historical Society, as was mentioned at the last meeting, who supports the project as well.

Mr. Blair stated that while the Fire Department letter states that site access is not a problem, he is concerned about response time, as well as how fast is the reaction of the solar panels if they catch fire.

The applicant's representatives stated that they spoke with the fire department chief, who said that the array does not contain many flammable materials; it is more of a property issue for the solar array, not for the surrounding properties.

Chairman Van Vorst polled the Board members regarding moving forward with the SEQRA Assessment Form and Negative Declaration of Environmental Significance, opinions were mixed so he decided to wait until next month's meeting.

Ms. Lippmann stated that it would be beneficial for the applicant to know if there are any specific modifications necessary in order to prepare for the next meeting.

Chairman Van Vorst stated that screening seems to be an issue.

Mr. Maher asked if the screening plan is typical of other projects.

Mr. Bagley stated that the plan is more extensive than for other projects; they've hired a landscape architect and rely on experts to make the selections.

Chairman Van Vorst polled the Board again regarding proceeding; opinions were mixed.

Mr. Blair stated that he would like to research the fire situation.

Ms. Lippmann stated that she will ask MJ Engineering's landscape architect for additional opinions on tree species.

Chairman Van Vorst stated that he feels compelled to move slowly because this is all new to the Town of Ballston; he decided to wait until next month.

60 Middleline Rd CSI (PB 2021-011)

SBL 238.-2-26.2

Site Plan Review and Special Use Permit for Community Solar Installation (CSI). SEQRA Type I Action, open.

Ms. Amanda Postma of Renovus Solar represented the applicant, The Spinney Group.

Ms. Postma stated that due to passage of the new zoning law that will affect this project, they are going to withdraw the zoning variance application and proceed with the larger project. They are working on the fully scaled engineering package to be submitted for consideration for the June Planning Board meeting. Ms. Postma stated that since the size and concept of the forthcoming plan is known, she hopes

to discuss the landscape and screening plan this evening, as well as schedule the Public Hearing for the June meeting.

Ms. Postma presented an updated visual screening plan, which includes a nine-foot-high chain link fence with fabric screening, and two rows of staggered trees, according to the DEC planting guidelines. The tree species will be more clearly defined in the forthcoming planting plan; for now, they are proposing a mix of evergreens.

Ms. Lippmann stated that they are looking forward to the revised, more detailed submission for the June meeting, as it will be the larger system, which was previously proposed to the Board, that did not conform with then-current zoning law.

Mr. Keniry suggested waiting to schedule a Public Hearing until plans are available so that the public hearing notice is published accurately.

Ms. Postma asked if they could submit a conceptual site plan by the May 4, 2022, Planning Board submission date, in order to be added to the May meeting agenda.

Chairman Van Vorst stated that his concern is that the public's apprehension needs to be addressed, and it will be difficult for them to understand the scope of the project without all of the information.

Mr. Maher stated that a conceptual site plan provides a layout of the system which he feels is adequate.

Mr. Blair stated that it is unlikely that the Public Hearing would be opened and closed in one evening, and that he was open to a conceptual site plan so the public can see the progression of review.

Mr. Keniry stated that if the applicant can submit the plan that there is enough time to publish the notice.

Mr. Maher stated that the applicant could submit the original conceptual site plan for the larger project, that was proposed earlier in the year.

Ms. Postma stated that they could submit the conceptual plan by the submission date so that a Public Hearing could be scheduled for the May meeting.

Ms. Lippmann stated that she could validate that sufficient information is provided before the public notice is issued.

Chairman Van Vorst polled the Board as to whether they were ready to schedule a Public Hearing. All agreed.

MOTION: Mr. Maher made a motion to schedule a Public Hearing for the May 25, 2022 Planning Board meeting at 7:00 pm. Mr. DiLorenzo seconded the motion. All in favor. **CARRIED.**

Bloomfield Solar CSI (PB 2021-017)

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

Site Plan Review, Special Use Permit, and Lot Line Adjustment for Community Solar Installation (CSI). SEQRA Type I Action, open.

Mr. Travis Mitchell of Environmental Design Partnership and **Mr. Gillian Black** of Eden Renewables.

Mr. Mitchell stated that he will present a scaled back version of the previous presentation, focusing on the updates since the last meeting.

Chairman Van Vorst apologized for the miscommunication regarding the site visit which resulted in the applicant not attending the meeting, although the Board members saw all that they needed to see.

Mr. Mitchell stated that the updated site plan shows a shortening of the access road, and the addition of a substantial planting buffer. They have received the Fire Department sign-off as to access and have submitted the glare study that was requested at the last meeting; it showed no glare issues. They have received a letter from MJ Engineering stating that all comments have been satisfied and have submitted an update to the screening plan.

Mr. Mitchell presented the screening plan, which includes a twenty-foot buffer along the west and north sides of the site. It is a mix of deciduous and evergreen plantings that are appropriate for the soil conditions. They welcome feedback from MJ Engineering.

Mr. Mitchell stated that, due to the use of transformers, they have been able to reduce the number of poles from six or seven down to three. He presented a visual representation of the site, how it would appear on day one as well as three to five years in the future.

Chairman Van Vorst polled the Board members as to the adequacy of the screening. They all indicated that it was adequate.

Mr. Black stated that an open house was held on April 26, 2022, at the Ballston Spa Library, with thirty participants, representing fourteen or fifteen households. They spoke with residents, listened to concerns, showed them where the screening would be, and asked residents to complete a questionnaire. The responses were largely supportive, some noncommittal, but there was no negative feedback. Mr. Black stated that they will meet onsite with one neighbor who is concerned with screening.

Mr. Mitchell reviewed the process so far and would like to schedule a Public Hearing.

Chairman Van Vorst stated that he received some communication today from a township that has been entertaining proceeding with your companies' establishment of a solar array, expressing grave concerns about the process that they went through and so, because of that, and because it came in so late today and he hasn't had a chance to dive deeply into it, they are proceeding very cautiously.

Mr. Mitchell asked if the letter could be shared with them.

Chairman Van Vorst stated that he would forward the letter to the rest of the Planning Board, Mr. Keniry, Ms. Lippmann, and with the applicants.

The applicant stated that it is deeply concerning to them as they try to be good neighbors. Without knowing the content, they cannot speak to it now but would like the opportunity to do so. If it is project related, those things happen in construction and they try to make things right.

Chairman Van Vorst stated that he will wait to schedule a Public Hearing until more research is done.

Active Solar – Randall Road Solar Farm (PB 2021-012)

Randall Road; SBL 226.-1-43.1

Site Plan Review and Special Use Permit for Community Solar Installation (CSI). SEQRA Type I Action, open.

Mr. Jason Dell of Lansing Engineering, **Mr. Frank McCleneghen** of Active Solar and **Mr. Paul Kruger**.

Mr. Dell stated that January 26, 2022 was the last time the project was presented to the Board. Revised plans were submitted, based upon feedback in that meeting and comments from MJ Engineering's technical review of the SWPPP and plans that were previously submitted. After receiving notice that a zoning variance was required, they pursued that with the Zoning Board. The new zoning law does not require a variance, so they are here tonight to answer any questions on the revised plans and documents that were submitted, to ask that a site visit be scheduled, and to possibly schedule a Public Hearing.

Ms. Lippmann stated that the zoning modification removed the setback requirement for the energy utility-owned properties. There is no stated minimum, it is at the discretion of this Board.

Mr. Dell stated that they are providing a ten-foot setback.

Ms. Lippmann stated that all other setbacks were adequate.

Chairman Van Vorst polled the Board as whether they were ready to schedule a Public Hearing. All agreed.

MOTION: Mr. Maher made a motion to schedule a Public Hearing for the May 25, 2022 Planning Board meeting at 7:05 pm. Mr. Blair seconded the motion. All in favor. **CARRIED.**

Chairman Van Vorst scheduled a site visit for May 14, 2022 at 10:00 am.

Ms. Lippmann asked Chairman Van Vorst if the application is ready to refer to the County Planning Board and he answered affirmatively.

30 Hickory Grove Lane (PB 2022-003) – Site Plan Review

SBL 249.10-2-21

Site Plan Review for a single-family dwelling and detached garage within the Ballston Lake Waterfront Zoning District. SEQRA Type II Action, no action required.

Mr. Mike Palma of MJP Property Development, Inc.

Mr. Palma stated that he would like to construct a single-family home with a two-car detached garage, which is in the Waterfront District. The lot is between two residential homes. He is here to discuss, take suggestions, and provide any needed information.

Chairman Van Vorst asked Mr. Palma to provide some of the project history, as it has been ongoing for eighteen years.

Mr. Palma stated that on July 7, 2004, a variance was granted for size, setback, frontage, etc. but no one proceeded except to erect a shed, not affixed to the ground, with a deck. The issue was the septic system. With the sewer now available, it has become more advantageous to construct a home.

Chairman Van Vorst asked if the variance ever expired.

Mr. Keniry stated that the variance had no expiration. There was no resolution found, but a motion is on page 5 of the July 7, 2004 Zoning Board minutes. Mr. Keniry read from the minutes:

MOTION: Mr. Schulze made a motion to approve an area variance of 70,000 square feet, a lot width of 125 feet and a side yard setback of five feet at 30 Hickory Grove Lane. Ms. Bell seconded the motion and all present voted in favor.

Mr. Blair stated that 70,000 square feet is larger than the lot size. He would like clarification on the intent.

Ms. Lippmann stated that it has to do with minimum lot size; the relief given allows the applicant to have a smaller lot size than the minimum.

Mr. Stickles stated that some of the old variances were written backward from how they're written today.

Ms. Lippmann stated that the variance provided doesn't affect this application as they are generally meeting everything except for the front yard setback.

Mr. Palma stated that since the variance was issued there have been no changes made to the lot.

Ms. Lippmann stated that they can have a smaller width, smaller size; they could have a five-foot side yard setback. The issue will be the coverage.

Mr. Blair asked if the front yard setback is from the road or the lake.

Mr. Palma stated that with other houses built on the lake, like his on Connolly Road, the water is considered the frontage.

Ms. Lippmann stated that it is a Zoning interpretation.

Mr. Keniry stated that his understanding is that this has generally been the custom and practice.

Mr. Blair asked for the distance from the neighbor's leach field to the applicant's well, if the neighbor is not hooked up to sewer, to make sure there is a 100-foot distance.

Mr. Palma stated that unless he is granted something from the Department of Health, he would like to draw water from the lake until his neighbor hooks up to the sewer, and then use the well.

Ms. Lippmann asked if it an existing well.

Mr. Palma stated that it is new.

Mr. Blair stated that the assumption is that the deck and screen porch are on posts and not on a concrete foundation.

Mr. Palma stated that is correct.

Ms. Lippman stated that an elevated structure that allows water to flow underneath does not count toward coverage amounts; the project is at maximum coverage.

Chairman Van Vorst stated that there can be no impervious surfaces in the yard.

Mr. Palma stated that he will use gravel or pea stone.

Mr. Palma asked if the front yard setback, as noted on the engineering report, is taken care of.

Ms. Lippmann stated that she will leave that to Mr. Stickles' interpretation as the Zoning Enforcement official.

Mr. Palma asked if the other items noted on the engineering report, such as a lighting plan, are required.

Ms. Lippmann stated that there is more scrutiny because the project is in the Waterfront District. Full Site Plan documents, including a vegetation plan, and SWPPP, are required. They will be reviewed and approved at the Board's discretion.

Mr. Palma stated that he will submit those items before the next meeting.

Chairman Van Vorst polled the Board as to whether they were ready to schedule a Public Hearing. All agreed.

MOTION: Mr. Maher made a motion to schedule a Public Hearing for the May 25, 2022 Planning Board meeting at 7:10 pm. Mr. DiLorenzo seconded the motion. All in favor. **CARRIED.**

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

Meeting was adjourned at 7:44 pm.

Respectfully submitted,

Kerri Mains

Kerri Mains
Planning Board Secretary