



## **TOWN OF BALLSTON PLANNING BOARD MEETING**

**May 31, 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](http://www.townofballstonny.org)

### **ATTENDEES:**

John Van Vorst, Chairman  
Dave Blair, Vice Chairman  
Ben Baskin, Board Member  
Andrew Collar, Board Member  
Michael Zuritis, Board Member  
Bill Keniry, Attorney  
Jeff Stickles, Code Enforcement Official  
Jenny Lippmann, Engineer  
Kerri Mains, Planning Board Secretary

### **ABSENT:**

Peter DiLorenzo, Board Member  
Audeliz Matias, Board Member  
Dale King, 2<sup>nd</sup> Alternate

### **Call to Order**

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

### **Approval of Previous Minutes**

The March 29, 2023 meeting minutes could not be considered for approval as there was not a quorum of members present this evening who were present at that meeting.

The April 26, 2023 meeting minutes could not be considered for approval as there was not a quorum of members present this evening who were present at that meeting.

### **OLD 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. Public Hearing scheduled.



## TOWN OF BALLSTON PLANNING BOARD MEETING

May 31, 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](http://www.townofballstonny.org)

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

Ms. Stone stated that they are here for Stem & Stone Farm, located at 259 Scotch Bush Road, for an agritourism business with you-pick flower operation, photography sessions, and farmer's market. There was an engineering comment about providing "No Parking Anytime" signs for the ADA parking section. She stated that she has written a response and asked Ms. Lippmann if there were any other concerns.

Ms. Lippmann stated that the signage is enforceable by the Building department; she has no other concerns.

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

Public Hearing open at 6:32 pm.

No one wished to speak.

Mr. Keniry asked if the Board would like to complete the SEQR process; the Board agreed.

Mr. Keniry stated that the Board has declared Lead Agency and classified the project as an Unlisted Action. He presented Part 2 of the SEQRA Short Environmental Assessment Form and read the questions aloud for the Board to consider. He also offered the suggested answers for each question, which, for this project, were all "no, or small impact may occur." (See form attached to the end of these minutes.)

The Board members agreed with the suggested answers.

Mr. Keniry stated that if it meets with the Board's approval, the Board may authorize Chairman Van Vorst to sign the document indicating that the action will not result in any significant environmental impacts; a negative declaration.

**MOTION:** Mr. Baskin made a motion to make a Negative Declaration under SEQR and authorizing the Chairman to sign on behalf of the Board. Mr. Blair seconded the motion. All in favor. **CARRIED.**

Chairman Van Vorst asked if anyone from the public would like to speak on this application before the Public Hearing is closed.

Ms. Mains stated that the Public Hearing was not scheduled to start until 6:40 pm.

Chairman Van Vorst stated that they will leave the hearing open for another five minutes.

Mr. Keniry stated that it should be left open until 6:41 pm.

Ms. Lippmann stated that they applicant submitted a written statement in response to the engineering comment, indicating that they will provide two accessible parking spaces in conformance with the American National Standard ICC A117.1, and that all spaces will have access aisles of at least eight feet in width; each access aisle will have a sign in accordance with Section 111.5 of the NYS Building Code reading "No Parking Anytime." Ms. Lippmann stated that her recommendation is to include that as a condition of approval, which will be validated by the Building Department.



## TOWN OF BALLSTON PLANNING BOARD MEETING

May 31, 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](http://www.townofballstonny.org)

Chairman Van Vorst stated that the next time the Board schedules a public hearing, it should be earlier.

Mr. Keniry stated that the Zoning Board of Appeals has had the same issue. He recommends setting them all for 6:30 pm and opening them in the sequence in which they occur.

Mr. Baskin asked if a time must be set.

Mr. Keniry stated that a date and time must be specified. It's up to the Board; his suggestion is to set all public hearings for 6:30 pm as they can be opened late but not early.

Public Hearing reopened at 6:40 pm.

No one wished to speak.

Public Hearing closed at 6:41 pm.

**MOTION:** Mr. Zuritis made a motion to approve the Stem & Stone Farm project located at 259 Scotch Bush Road, conditioned on accessible parking space configuration requirements and aisle access signage. Mr. Collar seconded the motion. All in favor. **CARRIED.**

Ms. Stone thanked the Board.

### **1402 Route 50 Site Plan and Special Use Permit (PB 2022-022)**

SBL 228.-1-41

Site Plan Review and Special Use Permit for the redevelopment of an existing gas station/convenience store to add a new pump canopy, multi-tenant building, drive-through, parking, utility connections, stormwater management, and lighting/landscaping. SEQR Unlisted Action, open.

**Mr. Dave Kimmer** of ABD Engineering.

Mr. Kimmer stated that he is here on behalf of Harry Singh, the owner of 1402 Route 50 which is currently the Runway Express gas station at the corner of Route 50 and Brookline Road. They were before the Board in December 2022 for a sketch conference; they have now submitted fully developed plans. The concept is the same; the owner wants to redevelop the gas station with a larger fuel canopy, a mixed-use building with three tenants (convenience store, retail, and fast food), a larger parking lot, and a stormwater area in the rear. They don't take exception to the engineering comments and have prepared a draft response. He asked how the Board would like him to proceed.

Chairman Van Vorst asked Mr. Kimmer to list the responses.

Mr. Kimmer stated that one engineering concern is the parking location. He referenced the plan and stated that there is a row of parking in front between the canopy and the building and a smaller parking area to the north along the road. This was done to match the parking at the Valero gas station across the street, as they also have



## TOWN OF BALLSTON PLANNING BOARD MEETING

May 31, 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](http://www.townofballstonny.org)

a row of parking in front of the store and a small parking area along the road. This project is bigger than Valero, but they think this design is acceptable as the drive-through is to the rear and parking there wouldn't be practical; he knows this is part of the code. He asked for the Board's thoughts on the parking layout; the applicant is open to modifying the layout if necessary but would like to keep it as is.

Ms. Lippmann stated that she must leave the meeting early to attend an event. The biggest code issue is the parking location and validating the number of spaces based on the use and what the code dictates. There is some flexibility and the Board has the ability to grant a waiver for a reduction in parking spaces, based on what the applicant thinks would be needed, but not for location. The code is explicit in that the Board can allow up to 18 parking spaces in the front of the building; otherwise parking must be to the side or rear. The plan is currently showing 28 spaces which MJ Engineering classifies as being in front of the building and the code doesn't grant latitude for the additional 10 spaces to be in the front.

Mr. Kimmer stated that Valero has the same setup.

Ms. Lippmann stated that it was approved under the previous code.

Mr. Kimmer stated that he is under the impression that the canopy is a building; it's a structure and must meet setbacks. He referenced the plan and stated that the spaces are behind this building and others are really to the side of it. It's a typical gas station layout.

Ms. Lippmann stated that she will defer to Mr. Stickles, the Code Enforcement Official.

Mr. Stickles stated that the code says that the canopy is an accessory structure. He would have to make a determination.

Mr. Kimmer stated that the applicant is open to modification as there is a lot of room. The stormwater management area was designed for potential future impervious area. The owner may want to subdivide at some point so he's open to reconfiguring this area; they don't believe they need more parking than what is on the plan, but they can show an expansion area if needed.

Chairman Van Vorst asked if Mr. Stickles would make a determination tonight.

Mr. Stickles stated that he will have to take a closer look at it.

Chairman Van Vorst stated that it's a novel concept; he hadn't considered it.

Ms. Lippmann stated that the code doesn't define an accessory structure for this so the applicant may have found a loophole.

Mr. Stickles stated that he'll look into it and get back to the Board.

Mr. Kimmer stated that there were questions about the location of the dumpster and turning radiuses; they can create an exhibit to show fire trucks, etc. getting around the back. Referring to the plan, he stated that there's



## TOWN OF BALLSTON PLANNING BOARD MEETING

May 31, 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](http://www.townofballstonny.org)

plenty of room to widen it if necessary; he doesn't think the design of it will need to change. Regarding the comment about no parking space being greater than 75 feet from a deciduous tree, they're open to adding a landscape bump out with a tree so it will conform. Regarding sidewalks, they're not proposing any; the applicant is open to making a sidewalk connection from the existing sidewalk to the sidewalk at the building; they think that makes sense. He asked if the Board is okay with that proposal or if there's a master Town plan for adding sidewalks.

Chairman Van Vorst stated that his perception of the Town's sentiment is that they would expect sidewalks across the entire frontage of both Brookline Road and Route 50.

Mr. Kimmer stated that that's a lot of sidewalk.

Chairman Van Vorst stated that it is; he thinks it is what the Town expects.

Ms. Lippmann stated that Valero was required to install sidewalks on both sides. This corridor is looked at as connecting to other areas in the future; sidewalks in this region are something the Town is looking forward to in the future. Unlike more remote areas, this is a link that's important long-term.

Mr. Blair stated that there's a bus stop there too so there's a lot of movement occurring.

Ms. Lippmann stated that the development that's occurring across the street will have sidewalks; there are a lot of sidewalks happening in this region. Other project areas have considered escrow instead of installation; this area is where things are happening now.

Mr. Kimmer stated that he could see putting sidewalks on the front; they'll have to look at logical terminating points. The frontage along Brookline Road is approximately 700 feet; he doesn't think the applicant will be okay with installing 700 feet of sidewalk to nowhere.

Chairman Van Vorst stated that it might be a deal killer. He doesn't think the Board can grant a waiver.

Mr. Kimmer stated that he looked but the code doesn't explicitly say that you must build sidewalks.

Ms. Lippmann stated that it does in the sense that the code talks about sidewalks being a requirement and not something that's discretionary. She would be happy to provide that section.

Mr. Blair asked if, at one point, there was talk of subdividing where the house is.

Ms. Lippmann and others stated that that was a previous property owner.

Mr. Kimmer stated that the applicant plans to demolish the vacant house and garage, he just doesn't know the timing. It will most likely happen when the rest of the property is demolished but he's not sure.

Chairman Van Vorst stated that any potential approval will be conditional upon that.

Mr. Kimmer stated that the applicant is open to that.



## TOWN OF BALLSTON PLANNING BOARD MEETING

May 31, 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](http://www.townofballstonny.org)

Ms. Lippmann stated that the big items are the location of the parking, sidewalks, and removal of the existing house. She will be providing comments on the Stormwater Pollution Prevention Plan (SWPPP); at a high level she doesn't see any deal breakers, it will likely be typical New York State Department of Environmental Conservation (DEC) requirement type comments which she doesn't see affecting the site plan. Also, the length of the parking spaces must conform. She asked if anyone has questions for her before she leaves.

Mr. Blair stated that the last time the applicant was before the Board, there was discussion of monitoring wells in the parking lot. He sees things labeled "CO" on the plan and wonders if those are identifying the monitoring wells.

Mr. Kimmer stated that "CO" means clean out.

Mr. Blair asked if there is confirmation that they are clean outs versus monitoring wells.

Mr. Kimmer stated that there were monitoring wells there; where you see "CO" is a proposed clean out.

### **Ms. Lippmann exited the meeting.**

Mr. Blair asked if there are monitoring wells on the plan.

Mr. Kimmer stated that they should be there; the survey picked up one. The plans they provided in December were based on a 2007 survey and showed more monitoring wells; the updated phase one survey that was completed shows one that is still there.

Chairman Van Vorst asked what "SAN MH1" means.

Mr. Kimmer stated that it means sanitary manhole.

Chairman Van Vorst asked if that is different.

Mr. Kimmer answered affirmatively and stated that it's a proposed manhole for the sewer coming out of the proposed building.

Chairman Van Vorst asked if the manholes by the gas tanks are inspection manholes.

Mr. Kimmer referenced the plan and stated that those are all either filling manholes or inspection manholes for the gas tanks.

Mr. Baskin stated that MJ Engineering recommended one water main versus three.

Mr. Kimmer stated that they are okay with that. There are no architectural plans yet; it will probably be a metal building, but the interior layout is undetermined; there will probably be one water lateral split up inside the building but they showed three on the plan in case the Board wanted it that way.



## TOWN OF BALLSTON PLANNING BOARD MEETING

May 31, 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](http://www.townofballstonny.org)

Mr. Stickles stated that he spoke with the Water Superintendent; the property has a water meter in a pit which will need to be above ground.

Mr. Kimmer stated that he thought the property was on a well.

Mr. Stickles stated that the meter is in a pit and has been problematic over the years.

Mr. Kimmer stated that it will be replaced.

Chairman Van Vorst stated that there's a well next to the house, but he doesn't know there was ever a well for Runway Express.

Mr. Kimmer stated that either way it will go away.

Chairman Van Vorst asked if Mr. Kimmer had anything else.

Mr. Kimmer stated no; they anticipate the plan more or less staying the same. He doesn't know if the Board is ready to schedule a public hearing; they need to talk about the sidewalks.

Chairman Van Vorst stated that they don't need to talk about it.

Mr. Zuritis stated that an option would be to subdivide the property.

Mr. Blair stated that Mr. Kimmer would have to make the evaluation with his client; if it makes sense to pay money to subdivide it so it works, and that would shorten the length of the sidewalk; that would be an option.

Mr. Kimmer said that that's a great idea; it sounds like an option. He hopes Ms. Lippmann will send him the section of code where it says sidewalks are required, because he can't find where it explicitly says you shall construct the sidewalk; it's in the code but to him it was vague and ambiguous.

Chairman Van Vorst polled the Board for questions or comments.

Mr. Keniry asked if there is a closed spill number on this; was there an open spill at one time.

Mr. Kimmer stated not as far as he knows, not in the DEC database.

Mr. Keniry asked what the origin of the monitoring wells is.

Mr. Kimmer stated that he thinks that DEC puts them at every gas station.

Mr. Keniry asked if the DEC history and status is known; if there is a closed spill number. He asked Mr. Kimmer to pin it down so we know definitively what the current conditions are, in DEC's eyes, on site.

Mr. Zuritis stated that if a true environmental assessment was done, they should already have that information.





## TOWN OF BALLSTON PLANNING BOARD MEETING

May 31, 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](http://www.townofballstonny.org)

Mr. Kimmer stated that if you look at the Environmental Assessment Form (EAF), it is not in the DEC database. When the phase one environmental report was done at the time the applicant bought the property, it probably identified anything that wasn't on record; they can get that.

Mr. Blair stated that Mr. Kimmer stated that DEC installs monitoring wells to be able to monitor and there's only one monitoring well on the plan; the new building will be on top of it. He asked if DEC is going to require them to put in new monitoring wells at different locations and where those would be.

Mr. Kimmer stated that DEC would be responsible for installing them, the applicant doesn't do it.

Mr. Zuritis asked if the one currently on site is active.

Mr. Kimmer stated that he doesn't know; when building over it you just make sure DEC can access it.

Mr. Blair asked if the Board would want to consider declaring lead agency for SEQR.

Mr. Keniry stated that he's not sure where the Board stands in terms of the sufficiency of the information; declaring lead agency would be the next step.

Chairman Van Vorst stated that he has an idea that the plans may change based on the interpretation of the Code Enforcement Officer.

Mr. Kimmer stated that the location of the parking area to the side may change but he would not say that the building, canopy, drive-through, or stormwater area will change.

Chairman Van Vorst stated that, not to compare the two because this site has a lot more activity going on than Valero, but Valero is very congested sometimes. This is partly because people prefer to go to a new gas station rather than an old one and partly due to lower gas prices at these two stations than in other areas of the Capital Region. He assumes the gas war is going to continue; there will be a lot of activity at this new station. He asked why the building is where it is and is not further to the east where there is more space.

Mr. Kimmer stated that it is because the owner prefers it to be where the old one was; it's also the high ground and makes sense from a hydrological perspective. Currently there is no stormwater management on site; the building placement makes sense with the placement of the new stormwater management.

Chairman Van Vorst stated that if the building was further to the east it would reduce the congestion on the property.

Mr. Kimmer asked how much farther east Chairman Van Vorst is suggesting; five feet, 20 feet, 100 feet?

Chairman Van Vorst stated that 100 feet would be too far for customers to walk.

Mr. Kimmer stated that there are wide aisles around the canopy and three curb cuts; they don't anticipate traffic being a huge issue.





## TOWN OF BALLSTON PLANNING BOARD MEETING

May 31, 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](http://www.townofballstonny.org)

Mr. Stickles stated that he believes Chairman Van Vorst is saying that at Valero the aisle between the canopy and the store is very narrow and gets congested with cars backing out of spaces and exiting gas aisles. He doesn't know the distance they have compared to this project, but it can be looked at.

Mr. Kimmer stated that he believes this project is bigger; Valero's canopy and parking spaces are tight. This is at least 5 to 10 feet wider than that.

Mr. Collar stated that Valero is crowded and is just a gas station; this will have fast food, the convenience store and another retail store.

Mr. Blair asked if the fast food on the north side will have a drive-through.

Mr. Kimmer answered affirmatively and stated that there's a drive-through at the back with lots of room; it was placed at the opposite end of the building so cars can order and then have room to stack behind the building.

Mr. Blair asked if they have considered placing a flashing light where pedestrians cross the exit for the drive-through.

Mr. Kimmer stated that that is a good idea.

Mr. Blair stated that the cars leaving the drive-through have to cross over the entire property.

Mr. Kimmer stated that there will be a crosswalk of some sort.

Mr. Blair stated that something to identify it as people leave the drive-through would be helpful.

Chairman Van Vorst asked if there will be diesel gas pumps.

Mr. Kimmer stated that they will be on one end.

Chairman Van Vorst stated that the large trucks and RVs, etc. are one of the contributing factors to the congestion at Valero.

Mr. Kimmer stated that it's important; the owner hasn't specifically identified the location for those pumps yet.

Mr. Blair stated that he thinks having them on the south end would be better.

Mr. Kimmer stated that they can label that on the plan.

Chairman Van Vorst stated that the engineering comments discussed an electric vehicle charging station.

Mr. Kimmer stated that they are okay with adding that. He hasn't discussed it with the applicant yet; he may want to add more than one.

Mr. Baskin asked if that qualifies for credits.

Mr. Stickles stated that it's required by code.



## TOWN OF BALLSTON PLANNING BOARD MEETING

May 31, 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](http://www.townofballstonny.org)

Mr. Zuritis stated that there has been discussion about parking; he asked if it could be moved to the far end of the building and have the drive-through traffic loop around the parking spaces.

Mr. Kimmer stated that they designed it to be all impervious in terms of stormwater; they put parking in the front for simplicity; the applicant is okay with modification.

Mr. Zuritis stated that if it's on the end of the building and they loop the drive-through traffic around, pedestrians won't have to cross the drive-through traffic lane.

Mr. Blair stated that he can't tell if it's a sidewalk or if they have seating there; they won't have cars driving by.

Mr. Kimmer stated that it's just a sidewalk for the side door; they propose to put a row of shrubs to protect it.

Mr. Baskin stated that he agrees that it would be safer for people and cars to not have the drive-through traffic come back into congested areas.

Mr. Blair stated that they're trying to maintain the existing curb cut.

Mr. Zuritis stated that they can have the drive-through loop around and exit so they're closer to the road.

Mr. Kimmer stated that they can look at that.

Mr. Zuritis stated that it would help with the accessory structure and in-front parking issue too; it puts people closer to the stores.

Chairman Van Vorst polled the Board for additional questions or comments. He stated that the Board looks forward to seeing the applicant again.

Mr. Kimmer stated that they will submit something as soon as they can. He thanked the Board.

### NEW BUSINESS

No new business.

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

Meeting was adjourned at 7:16 pm.

Respectfully submitted,

*Kerri Mains*

Kerri Mains

Planning Board Secretary

Project:	Stem & Stone
Date:	5/31/2023

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	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 checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<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 checked="" type="checkbox"/>	<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 checked="" type="checkbox"/>	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>