



TOWN OF BALLSTON PLANNING BOARD MEETING

June 28, 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
Andrew Collar, Board Member
Peter DiLorenzo, Board Member
Audeliz Matias, Board Member
Michael Zuritis, Board Member
Andrew Clark, Attorney
Jenny Lippmann, Engineer
Kerri Mains, Planning Board Secretary

ABSENT:

Jeff Stickles, Code Enforcement Official
Dale King, 2nd 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

MOTION: Mr. Blair made a motion to approve the March 29, 2023 meeting minutes as drafted. Mr. DiLorenzo seconded the motion. Mr. Collar and Mr. Zuritis abstained due to absence from the March meeting. All others voted in favor. **CARRIED.**

MOTION: Mr. Collar made a motion to approve the April 26, 2023 meeting minutes as drafted. Ms. Matias seconded the motion. Mr. Blair and Mr. Baskin abstained due to absence from the April meeting. All others voted in favor. **CARRIED.**

MOTION: Mr. Zuritis made a motion to approve the May 31, 2023 meeting minutes as drafted. Mr. Blair seconded the motion. Ms. Matias and Mr. DiLorenzo abstained due to absence from the May meeting. All others voted in favor. **CARRIED.**



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OLD BUSINESS

Astro Chemical Company Site Plan (PB 2022-016)

3 Mill Road Extension; SBL 257.16-1-13

Site Plan Review for a proposed 5,900 SF office addition to an existing light industrial building. Public Hearing Continued.

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

Mr. Arnold stated that he is here with Ms. Alessandrini who is filling in for Mr. Vuillaume. He thanked the Board for seeing them again and asked if there are any questions.

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

Ms. Alessandrini stated that they received the variance last month from the Zoning Board of Appeals (ZBA) for lot coverage. They have filed the lot line adjustment map with the Town in April. She requested that the Board close the public hearing and grant site plan approval.

Chairman Van Vorst stated that SEQR was completed at the ZBA.

Public Hearing open at 6:35 pm.

No one wished to speak.

Public Hearing closed at 6:35 pm.

Chairman Van Vorst asked Ms. Lippmann if she had any comments.

Ms. Lippmann stated that the lot line adjustment was actually applied for in the Town of Clifton Park; the stormwater management area was also reviewed by Clifton Park as it primarily resides within their jurisdiction. She has no further comment on the stormwater management system. The last item was lot coverage and with the variance being granted by the ZBA, she has no further comments on the application.

MOTION: Mr. Blair made a motion for Site Plan approval for Astro Chemical Company, Inc. at 3 Mill Road Extension, for the plan submitted on June 6, 2023. Mr. DiLorenzo seconded the motion. All in favor.

CARRIED.

The applicants thanked the Board.



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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.

Mr. Dave Kimmer of ABD Engineering and **Mr. Harry Singh**, property owner.

Mr. Kimmer stated that Mr. Singh wants to redevelop the current gas station at the corner of Brookline Road and Route 50 into a larger gas station with a retail store and fast food attached to a convenience store. They have revised the plans in accordance with comments from Ms. Lippmann and the Board. The revised parking layout takes the drive-through around the back of the building and through the parking aisle and they added outdoor seating. The size of the building, the pumps, and the stormwater management remain the same. The existing home and garage will be demolished as part of the site plan. They added a sidewalk connection from the existing sidewalk at the corner of Brookline Road and Route 50; it crosses the curb cut to the outdoor seating area and the building. They do not take exception to most of the engineering comments; there is still the issue of sidewalks. Ms. Lippmann provided him with a section of Town Code regarding sidewalks; to him, no part of that section could possibly be interpreted to mean all development shall provide for sidewalks along the road frontage within the site. That's a very simple and unequivocal sentence and if that was the intent of the Code why would it not be written into the Code. For his client to build sidewalks along the entire road frontage would be an enormous burden. He calculated that it would cost \$120,000 to build the 1175 feet of sidewalks that don't go anywhere, in addition to other development costs. He would like the Board's opinion on the design changes and the sidewalk.

Ms. Lippmann stated that there is an additional section of Code that does make sidewalks mandatory. The Board moved on to other topics while she and Mr. Clark searched the Code for that reference.

Mr. Kimmer stated that they have building elevations and floor plans that have not yet been submitted; he showed them to the Board. He stated that the other engineering comments are minor and wouldn't have an impact on the design.

Mr. Blair stated that there's an engineering comment regarding parking spaces within 75 feet of a tree; he asked if the center parking spaces in front of the store will meet that requirement.

Mr. Kimmer stated that if circles are drawn at 75 feet, the middle parking spot is touched by both circles with no overlap.

Mr. Baskin asked about the screening for the property next door.

Mr. Kimmer stated that the existing woods will remain and there is no clearing at this time; future development may require additional screening.



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Ms. Matias asked about how removal of the existing house was handled for an application by the prior owner.

Mr. Kimmer stated that it will be removed as part of this project.

Mr. Baskin stated that the Board received a public comment letter with concerns about stormwater management; he asked for Ms. Lippmann's thoughts.

Ms. Lippmann stated that there isn't sufficient downstream topography information or wetland information to determine whether the stormwater management system will have an adverse impact on downstream conditions. She has asked for this information in the most recent engineering comment letter and the previous one as well.

Mr. Baskin asked Mr. Kimmer if they are planning to provide that information.

Mr. Kimmer stated that they added two-foot contours for the eastern part of the site on the most recent plan; it's a flat site that slopes gently toward the east. They don't see any potential issues.

Ms. Lippmann stated that some wetlands have been brought to the Board's attention. They are not identified on the plan so it's impossible to evaluate impacts to those wetlands.

Mr. Kimmer asked if Ms. Lippmann meant impacts in that the project would create wetlands.

Ms. Lippmann stated disturbance to; also, she doesn't know where the stormwater is discharging in relation to those wetlands as they're not depicted on the plans. The two-foot contours don't provide enough information to evaluate the downstream condition. The stormwater plan, which shows the eastern portion of the parcel, is cut off. She would like to see more as there are neighborhood concerns.

Mr. Baskin asked if the applicant has seen the public comments.

Mr. Kimmer stated that they have not.

Ms. Mains stated that they can be found in the document link in the agenda.

Mr. Baskin asked where we are with the sidewalks.

Ms. Lippmann stated that she will find and send the language in the Code that describes that sidewalks are mandatory.

Mr. Clark stated that in that section of the Code, the language is: "The following standards are mandatory for new buildings and structures." Ms. Lippmann is finding the specific sidewalk information, which would apply, based on the introductory language.

Mr. Kimmer stated that if that was the intent of the Code, it's one sentence so why would it not just say that.

Ms. Lippmann stated that there's more to it than that; she will find the reference.



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Mr. Kimmer stated that it shouldn't be difficult to interpret; why not just put that sentence in there when writing the Code.

Ms. Lippmann stated that the reference in her comment letter was to the design standards and apologized for any confusion; she will forward the explicit statement where sidewalks are required to Mr. Kimmer.

Mr. Singh stated that he can't do the whole thing as it will cost a lot of money; he needs some kind of break.

Mr. Kimmer stated that it was brought up at the last meeting that a way around this could be to subdivide the property. He referenced the map as to where the property could end.

Mr. Blair stated that there would then be coverage issues.

Mr. Kimmer stated not necessarily as the lot could be an irregular shape. They don't want to do that because it seems like a crazy way to get around this but they're hoping the Board will be reasonable and work something out with the owner. To force him to do that all at once would be tough.

Mr. Singh stated that in the future they want to build something additional on the property, but he doesn't know what yet or how it will be laid out.

Mr. Blair stated that if they do a lot line adjustment, that portion of the sidewalk and its cost will be for the next project.

Mr. Kimmer answered affirmatively and stated that he doesn't think the Board is mandated to require it at all; the Board could ask for it to be installed gradually within a period of years.

Mr. Collar asked if there is an existing sidewalk to connect to.

Mr. Kimmer stated that there is at the corner but not on the sides; they propose to connect to the corner sidewalk.

Chairman Van Vorst suggested that everyone move on and revisit the sidewalk discussion at the next meeting after both the Board and the applicant have time to evaluate the Code.

Mr. Kimmer stated that the applicant wants to get going on the project.

Mr. Blair stated that there are multiple things that the applicant did not address from the previous engineering comment letter. He suggested remaining calm and stated that those items could be worked on while the sidewalk Code reference is being determined; when everyone has the true definition, the issue can be addressed.

Mr. Kimmer stated that the sidewalk definition was an issue last time and is not resolved this time.

Mr. Blair stated that there are still several items that were not addressed by the applicant; he suggested not getting upset.



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Chairman Van Vorst stated that there are other items to address. The Planning Board policy is to approve signs at the time of site plan approval; that must be worked on as the Board does not expect to address signs after approval. Also, a photometric plan must be in the Board's possession before approval. He polled the Board for opinions on granting a parking waiver; the requirement is 60 spaces and the applicant is asking for 51 spaces.

Ms. Lippmann stated that it could be a maximum of 60 spaces required, without knowing the specific uses of the building's tenants. There are up to 18 spaces allowed in the front of the building, with permission from the Planning Board; the plan fits within that requirement.

Mr. Zuritis asked for the number on the lower end.

Ms. Lippmann stated that that wasn't calculated as they look to the applicant for what they need.

All Board members were agreeable to granting the parking waiver; it would be part of the site plan resolution.

Ms. Lippmann stated that it sounds like that's acceptable to the Board so the applicant can continue to pursue the application with the parking as shown.

Chairman Van Vorst stated that the Board will maybe see the applicants next month.

The applicants thanked the Board and left the room.

Mr. Zuritis asked if the attorney or engineer will provide a letter about the sidewalks.

Ms. Lippmann stated that she will provide Code references to the Board so they can determine if the sidewalks are mandatory or discretionary. Previous discussions have stated that it is a busy intersection and other applicants at this intersection have been required to install sidewalks.

Mr. Blair stated that it is a busy area with a lot going on; sidewalks are a good idea.

Mr. Zuritis agreed and stated that they need to make sure the Code is enforceable.

Ms. Lippmann stated that the Code contemplates sidewalk connectivity in this zone, and the idea of being walkable. Whether or not the Code says "shall," the Board has the authority to require sidewalks if they choose to. She will double-check the Code and will send it to the Board.

Ms. Matias stated that if it's an issue of safety the Board should be able to require it.

Ms. Lippmann stated that that is correct, and the Board has done so before.

Mr. Collar stated that if it says "shall," there's no debate.

Ms. Lippmann stated that if it says "shall," the Board does not have the authority to say it's not required. She feels very confident that the Code allows the Board the authority to require sidewalks. She wants to firm up whether the Code requires them without the Board's discretion.



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Chairman Van Vorst stated that he thinks there's a consensus on the Board that they are in favor of the project as it's an improvement over what is there now; they should pursue the sidewalks.

Ms. Lippmann stated that if the Code does not say "shall," the Board may have the authority to not require sidewalks on both roads, or some other option.

Mr. Zuritis stated that if not "shall," it gives latitude regarding when and where sidewalks can be installed.

Mr. Collar stated that if they connect to nothing then maybe they could require escrow for installation later if there is development.

Mr. Baskin stated that they could put them in where the development is happening now and wait for the rest until development occurs.

Ms. Lippmann stated that across Route 50 there will be sidewalks that are required of that site plan that's already been approved, and there are already sidewalks across Brookline Road. She will provide the Code reference.

Mr. Clark stated that he can provide an analysis for the Board of the upper ends of the discretion and what's allowed here; they want to be sure to follow the precedent that was set with other applications. The Code section will be provided to the applicant.

Ms. Lippmann stated that there is a lot of sidewalk talk in that chapter of the Code.

Mr. Blair stated that he thinks the other corner has more linear feet of sidewalk than this project.

Mr. Zuritis asked if the other corner is fully developed along the whole length; if the whole frontage is not being developed could the sidewalk be required at a later date when those sections are developed.

Chairman Van Vorst stated that it will be cheaper now.

Ms. Lippmann stated that when asking for escrow we ask for enough money for the Town to install sidewalks on their own at prevailing wages, which are always more expensive than what a developer would pay; if the concern is financial, the applicant can save money by installing the sidewalk himself.

Mr. Zuritis stated that he doesn't think the applicant wants to put money into escrow, he thinks the applicant wants to limit how much sidewalk he installs. At a certain point there is a reasonable justification for that if you know you will be developing the other half of it later; the Board could require the sidewalks then.

Ms. Lippmann stated that she will find the Code language.



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NEW BUSINESS

220 Scotch Bush Road Minor Subdivision (PB 2023-002)

248.-1-81.141

Minor Subdivision to divide the parcel in half for the construction of a home.

Mr. Patrick Jarosz of Gilbert VanGuilder Land Surveyor, PLLC.

Mr. Jarosz stated that he is here on behalf of the Clark family regarding the two-lot subdivision at 220 Scotch Bush Road. Both lots have received area variances from the ZBA for lot size; lot B received a variance for front lot width as well. The owner proposes to split the 8.23-acre property in half for the construction of a home for their son. The lots would be roughly equal in size; the existing house is on lot B and will remain. Both lots are zoned Rural and will have wells and septic systems.

Chairman Van Vorst polled the Board for questions or comments; there were none. He stated that the Board must refer the application to the Saratoga County Planning Board and schedule a public hearing.

MOTION: Mr. Blair made a motion to schedule a Public Hearing for the project at 220 Scotch Bush Road for July 26, 2023 at 6:30 pm. Mr. Collar seconded the motion. All in favor. **CARRIED.**

Mr. Blair asked how far the proposed well on lot A is from the property line and the neighboring Volpe Custom Homes septic system; there must be 100 feet of separation.

Mr. Jarosz stated that they are more than 100 feet from each line; he doesn't know the location of the neighboring septic system. The wells seem like they are good where they are proposed. He thanked the Board.

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

Meeting was adjourned at 7:11 pm.

Respectfully submitted,

Kerri Mains

Kerri Mains
Planning Board Secretary