



## TOWN OF BALLSTON PLANNING BOARD MEETING

August 30, 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  
Audeliz Matias, Board Member  
Michael Zuritis, Board Member  
Jeff Stickles, Code Enforcement Official  
Andrew Clark, Attorney  
Jenny Lippmann, Engineer  
Kerri Mains, Planning Board Secretary

### ABSENT:

Peter DiLorenzo, 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

**MOTION:** Mr. Blair made a motion to approve the July 26, 2023 meeting minutes. Mr. Zuritis seconded the motion. Mr. Baskin abstained due to absence from the July meeting. All others voted in favor. **CARRIED.**

### OLD BUSINESS

#### **Katz Outlet Road Minor Subdivision (PB 2022-015)**

Outlet Road; SBL 239.-1-80

Minor Subdivision application to divide the 14.58-acre parcel into three residential building lots with Town water and natural gas. Public Hearing scheduled.

**Mr. Walter Katz** and **Mrs. Maggie Katz**, property owners.

Chairman Van Vorst asked if the applicants had anything they would like to say; they did not. He polled the Board for questions or comments; there were none.

Public Hearing open at 6:31 pm.



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**Ms. Dolores Draina** of Outlet Road stated that she is disappointed this project was approved by the Zoning Board of Appeals (ZBA); they granted too much relief. The Champlain Hudson Power Express (CHPE) project is seeking permanent easements from property owners along the railroad tracks; if this affects the buildable acreage of these parcels it should be considered before approval of the project.

Mr. Clark stated that the Board has classified the project as an Unlisted Action under SEQR. 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. Clark stated that it would be appropriate for the Board to make a negative declaration.

**MOTION:** Mr. Blair made a motion to make a Negative Declaration under SEQR on this Unlisted Action. Mr. Collar seconded the motion. All in favor. **CARRIED.**

Mr. Blair asked if the CHPE easement is just an access easement and would not affect the space on the property.

Ms. Lippmann answered affirmatively and stated that they couldn't build within the easement, but that the easement is not part of the calculation that determines density.

Public Hearing closed at 6:36 pm.

**MOTION:** Mr. Blair made a motion to approve for Walter and Margaret Katz the Subdivision of SBL 239.-1-80, application dated August 11, 2023, for the map dated March 7, 2023. Mr. Zuritis seconded the motion. All in favor. **CARRIED.**

Mr. and Mrs. Katz 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

Multiple Lot Line Adjustments across five adjacent properties under the same ownership.

**Dr. Matt Duemler**, property owner.

Dr. Duemler stated that he is the owner of the properties. They presented everything at the last meeting.

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



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**MOTION:** Mr. Collar made a motion to approve the Goode Street and Orchard Terrace Lot Line Adjustments for SBL 248.17-3-4, 248.-1-51.1, 248.-1-89.111, 248.17-3-2, 248.17-3-3. Mr. Blair seconded the motion. All in favor. **CARRIED.**

Dr. Duemler thanked the Board.

### NEW BUSINESS

#### **1024 Route 50 Site Plan and Special Use Permit (PB 2023-006)**

SBL 239.17-3-1

Site Plan and Special Use Permit application for the construction of a single-family home with in-law apartment and accessory structure; on-site septic system and municipal water supply.

**Mr. Erik Sandblom** of SRA Engineers and **Mr. Joe Popolizio**, property owner.

Mr. Sandblom stated that Mr. Popolizio wants to construct a single-family home in the middle of the 39.9-acre parcel. An in-law apartment is proposed in the house which requires a special use permit and site plan review. They were in the process of obtaining the applications when this requirement came to light; the design is completed. The project will disturb more than an acre. Their Stormwater Pollution Prevention Plan (SWPPP) has been reviewed by the Town engineer and they have satisfactorily responded to her comments. The SWPPP is filed with the New York State Department of Environmental Conservation (DEC). Natural vegetation will obscure the house from view. The in-law apartment is for Mr. Popolizio's parents; there is no intention of rental or Airbnb. Regarding the engineering comments: the work proposed is in the Rural District; only the driveway access will be in the Rural Highway Transition District. Connection to public water is impractical due to the distance from the connection so they will drill a well on site. There will be a mound septic system; both the well and septic will comply with requirements. The driveway is over 500 feet long so they will add a pull-off as required. There is an existing culvert; they will contact the New York State Department of Transportation (DOT) to obtain a residential driveway permit if needed and replace the culvert if required.

Chairman Van Vorst polled the Board for questions or comments. He asked why a large quantity of dirt has been brought to the property.

Mr. Sandblom stated that construction permits have been obtained for the accessory structure which is a large pole barn. The site is sloped and due to soil conditions and high groundwater the fill was brought in to hold up the building.

Chairman Van Vorst asked Ms. Lippmann for any comments.

Ms. Lippmann stated that her only comment is the driveway pull-off that must be added.

Mr. Clark stated that the project should be referred to the Saratoga County Planning Board.



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**MOTION:** Mr. Blair made a motion to schedule a Public Hearing on the Joseph and Renee Popolizio property at 1024 Route 50 for September 27, 2023 at 6:30 pm. Mr. Collar seconded the motion. All in favor. **CARRIED.**

The applicants thanked the Board.

### **1003 Route 50 Sketch Plan Conference (PB 2023-007)**

SBL 248.-2-7, 248.-2-6

Sketch Plan Conference for the construction of a 24-foot by 28-foot building on 1.533 acres for a landscape supply business/nursery with on-site septic system and municipal water supply, on-site trees, plantings, a man-made pond, and an area with material bins for contractors to pick up landscape materials.

**Mr. Jason Singer** of Nolan Engineering, PLLC and **Mr. Andrew Hazlett** of Eco Quality Landscaping, LLC.

Mr. Singer stated that Mr. Hazlett is in the process of purchasing the property, which is located at the intersection of Route 50 and Middleline Road, in the Rural Highway Transition District and Watershed Protection Overlay District. He owns an existing landscaping business and wants to expand here as a nursery for customers and to supply landscape materials for contractors. The current property owner is in the process of consolidating the two lots into one. The proposed plans will meet all setbacks. Mr. Singer referenced the plan and stated that there will be a one-way entrance from Middleline Road, 13 parking spaces, a walkway and a pond. They want to make the corner nicer and a more natural looking place to buy plants. There is no entrance off Route 50 as it seems safer and more comfortable entering from Middleline Road. They will connect to municipal water and install a septic system. The parking area will be asphalt with a catch basin to collect stormwater for underground storage tanks; it will be used to water the plants. The roadway to the material bins will be gravel. Regarding the engineering comment about lot coverage, the gravel was not included in the calculation; they would like clarification. A portion of the parking is over the setback; he would like to know if that is acceptable.

Chairman Van Vorst polled the Board for questions or comments.

Mr. Blair asked if the Board can consider the project without the two lots being combined first.

Ms. Lippmann stated that for the sketch plan the Board is just giving a general consensus that it's okay for the applicant to move forward and invest in site plan review; upon site plan review the lots must be consolidated.

Chairman Van Vorst asked if that would be a lot line adjustment.

Mr. Stickles stated that it would be a merge at the County.

Mr. Singer stated that the owner is handling that now.

Mr. Blair stated that documentation would be required.

Ms. Lippmann stated that that is correct.



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Chairman Van Vorst stated that the property slopes away from the corner; he asked where they would get the water for the pond.

Mr. Singer that it could be pumped from the storage tanks.

Mr. Hazlett stated that the pond will have a permanent liner so it can contain water.

Ms. Lippmann stated that they could supplement from the storage tanks if needed.

Mr. Hazlett stated that once full, it will stay full.

Chairman Van Vorst stated that it will be stagnant.

Mr. Hazlett stated that there will be a water feature such as a small waterfall or fountain.

Ms. Matias stated that the corner is an odd shape; she likes how they have tried to maximize the use and keep it natural. She asked where they will keep equipment.

Mr. Hazlett stated that that is a good point.

Chairman Van Vorst asked if Mr. Hazlett has an established business elsewhere and if he is closing it.

Mr. Hazlett stated that his business is in Rexford and is still in operation; this would be a separate business and they would feed off each other.

Mr. Collar asked what they will be selling

Mr. Hazlett stated that it will be trees, shrubs, and bulk material. There would be nursery stock incorporated around the pathway and in display areas.

Chairman Van Vorst asked if Mr. Hazlett is growing the plants.

Mr. Hazlett stated that he does not grow the plants; he purchases them wholesale.

Mr. Blair stated that it looks like they are paving over the line to the leach field; he referred to the location on the plan.

Mr. Singer stated that that is where they are proposing to put it. They are proposing tanks under the parking area which are traffic rated.

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

Ms. Lippmann stated that lot coverage is the biggest question. The Town zoning refers to coverage as parking areas, buildings, and other impervious surfaces. She would argue that the gravel driveway and parking areas do constitute coverage which is consistent with the consideration of previous applications; an area variance would be required.

Chairman Van Vorst polled the Board for opinions on an area variance.



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Ms. Lippmann explained the Town Code on impervious surfaces; from a stormwater management perspective it is considered impervious.

Mr. Zuritis asked if there are options other than gravel.

Ms. Lippmann suggested grass pavers.

Mr. Blair asked if they would get any credit for the underground water storage system.

Ms. Lippmann answered no, not from a coverage perspective.

Mr. Blair asked what the underground storage is.

Mr. Singer stated that it's like a big septic tank or cistern, to pump to a hose bib.

Mr. Zuritis stated that for coverage the Code specifies parking areas, but the gravel access would not be used for parking.

Ms. Lippmann stated that the Code lists buildings, structures, parking or other impervious surfaces. Gravel compacts so it is considered impervious. Something pervious could be entertained for reducing coverage; it has been done in the past for other applicants under the previous zoning.

Chairman Van Vorst stated that some past projects have used porous pavement.

Mr. Singer asked if there are issues with the stone path or the pond being in the setback area.

Ms. Lippmann stated no; the setback requirement is for buildings. Parking lots can be within the setback but not within the right of way.

Mr. Baskin asked if there will be large trucks coming through.

Mr. Hazlett stated that there will large dump trucks for drop-off of materials, but they will be using smaller trucks to load materials into; loaders will not be needed as the bins are arranged for easy access.

Mr. Baskin asked how much truck traffic there will be.

Mr. Hazlett stated that there will be 10 or 12 types of materials; he estimates 1-2 trucks per hour.

Mr. Collar asked if Mr. Hazlett has a truck for the delivery of materials.

Mr. Hazlett stated that they have one small dump truck for delivery.

Ms. Matias asked if they have considered security.

Mr. Hazlett stated that there is a tentative plan to install a fence on the corner but nothing for the entrance. There is no other security plan; they will consider it. Having one entrance helps; lighting will play a big factor.

Chairman Van Vorst stated that the Board looks forward to seeing the applicant in the future.



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Mr. Blair stated that the project looks promising.

The applicants thanked the Board.

### **Dominic Drive Cold Storage Facility Conceptual Site Plan and Special Use Permit (PB 2023-008)**

216.-2-38.1

Conceptual Site Plan and Special Use Permit application for an 80,500 SF unheated self-storage facility on a 7-acre portion of a 48.39-acre parcel with paved access road, drive aisles, security gates, fencing, and a 1500 SF pole barn.

**Mr. Scott Lansing** of Lansing Engineering.

Mr. Lansing stated that he represents BBL Construction Services. The proposed project is on Dominic Drive to the east of Route 67. An indoor storage facility is being built on the corner. This property is 48.39 acres; they are only using approximately 7 acres for this project. The parcel is vacant and there is an existing stormwater management area that is part of Dominic Drive. Self-storage is a permitted use; this would be a cold storage facility. They propose 82,000 SF of all single-story structures; 10 buildings in total including nine buildings for storage and one for maintenance. This facility would have the same operator as the climate-controlled storage facility on the corner. There would be a private driveway off Dominic Drive, configured to allow tractor trailers to go through and access all units; fire apparatus could go through as well. No specific parking spaces are planned as there is no Code requirement and no real need for parking as people usually park in front of their storage unit. They propose a sidewalk along Dominic Drive. They will connect to municipal water and provide a small septic system. A SWPPP will be provided as required; they propose a stormwater management area adjacent to the existing stormwater management area. The project has 90% green space. Regarding the engineering comments: The setback requirements are 20 feet minimum and 70 feet maximum; they are at 10 feet; they matched the setback of the other storage facility on Dominic Drive but are willing to adjust that as necessary. Regarding the need to apply for the Purchase of Development Rights (PDR) program because the buildings are over 10,000 SF, they will probably reconfigure the structures so none are over 10,000 SF.

Chairman Van Vorst polled the Board for opinions on the 10-foot setback.

Mr. Blair stated that he likes that it will be similar to the neighboring property.

Mr. Zuritis asked why the other one is at ten feet.

Mr. Lansing stated that it was proposed back when the Code was evolving; there is one small area at the corner at ten feet then it gets wider.

Chairman Van Vorst stated that his recollection is that the Board asked that the other building have a ten-foot setback as that wasn't the original plan.



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Ms. Lippmann stated that in this zone the Code says 20-70 feet, but it provides the Board with discretion; if they want to allow ten feet there is no variance required. The other building at ten feet was because of some grading issues.

Mr. Baskin stated that he thought the other building was too large for the space, so they gave a concession for the size of the building. He asked what is directly across from that building.

Mr. Lansing described the rest of the street.

Mr. Baskin stated that his default, unless there are some special circumstances, is to honor the intent of the Town Board when they created the zoning.

Mr. Blair stated that the Town Board gave the Planning Board the opportunity to exercise discretion.

Mr. Baskin stated that there would have to be a compelling reason.

Mr. Zuritis stated that he would like to see the surroundings and reasons for why ten feet would make sense.

Mr. Lansing stated that they can provide a map.

Mr. Blair stated that the more they push the property onto the road, the narrower the road will seem.

Mr. Baskin stated that it's not as critical since these would be single-story buildings.

Ms. Matias stated that she agrees that there must be a reason. It is one story but is a long, skinny, square building. If it will look like that she prefers 20 feet. If they want it closer, then it should be prettier. The other Board members agreed.

Ms. Lippmann suggested looking at RISE on Dominic Drive for context, as it is close to the road as well; it may have been under the old zoning. This Code allows discretion and suggests taking adjacent buildings into consideration.

Mr. Baskin stated that that is a completely different type of property; it's residential and this is industrial.

Mr. Blair asked if there is the potential for future development on this lot; if they should consider interconnectivity between this and what may happen in the future.

Mr. Lansing stated that there are wetlands identified on the property, so he doesn't see any potential future development.

Mr. Baskin asked if the storage units will be for homeowners or industrial storage.

Mr. Lansing stated that it would be primarily for homeowners.

Ms. Lippmann asked if it is the same owner as the parcel next door.

Mr. Lansing answered affirmatively.





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Chairman Van Vorst stated that the village fire department has a fire truck that is the size of a tractor trailer so there must be access for that as well. He asked if there will be a fence surrounding the property.

Mr. Lansing answered affirmatively.

Chairman Van Vorst stated that one would prefer to not have a lot of connectivity with the neighboring property for security reasons. He stated that personally he is not opposed to the 10-foot setback but would like to see justification as to why it's preferable.

Mr. Baskin stated that he would like to see a diagram of where the surrounding properties are.

Mr. Lansing stated that he will provide a map.

Mr. Zuritis asked if there is a functional or aesthetic reason that the applicant wants the ten-foot setback.

Mr. Lansing stated that it is not coming from the applicant, it was just because of the neighboring property.

Ms. Lippmann read aloud the Town Code regarding the setbacks of new buildings on secondary roads.

Chairman Van Vorst stated that the Board has discretion.

Ms. Lippmann stated that that is correct.

Ms. Matias asked why there is no parking.

Mr. Lansing stated that people usually park in front of their storage unit to unload and then leave, so there is no need.

Mr. Zuritis asked if there would be parking at the maintenance facility.

Mr. Lansing stated that it's not shown on the current plan but there would be three or four spaces.

Mr. Baskin asked if there would be landscaping between the building and the road.

Mr. Lansing answered affirmatively; there will also be some at the entrance to the facility.

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

Mr. Lansing thanked the Board.

### **Cornerstone Condominiums Site Plan (PB 2023-009)**

1477 Route 50; SBL 216.79-1-2, 228.23-1-1

Site Plan application for the construction of 36 additional parking spaces to be constructed in 2 phases.

**Mr. Scott Lansing** of Lansing Engineering.



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Mr. Lansing stated that he represents the Cornerstone Community Association. The Cornerstone Condominiums project was approved approximately 15 years ago. It is located off Route 50 on 9.6 acres with 78 units; the applicants want to add more parking for residents and/or guests. They would complete the project in two phases as it is affordable; they are seeking construction proposals and would complete it all at once if possible. Phase one would include 15 spaces and phase two would include 21 spaces for a total of 36 additional parking spaces. He stated that the sidewalks would be maintained and extended. This is an addition of impervious area; they have provided an analysis of the stormwater management area; it is adequate to handle the increase. Regarding the engineering comments: they will increase the size of the parking spaces in phase one to the required 9 feet by 20 feet. The roadways are private; the Highway Superintendent can look at them if the Planning Board would like.

Chairman Van Vorst polled the Board for questions or comments; there were none. He stated that his recollection is that 15 years ago the Planning Board recommended these parking spaces but there was resistance.

Mr. Lansing stated that everything met the Town Code at the time; it may have been that the applicants didn't want to add them. Now the Homeowner's Association (HOA) wants to add them. He is representing the HOA, not the applicants who originally proposed the project.

Ms. Lippmann asked if the original developer will construct them.

Mr. Lansing stated that the original developer is no longer involved; the HOA will sponsor the construction.

Ms. Lippmann stated that with the sidewalk change it looks like it is close to a drop-off. She asked if they will add any fall protection.

Mr. Lansing stated that they can add a fence.

Ms. Lippmann stated that it should be something to provide a barrier to people who are walking, biking, pushing strollers, etc. She stated that the project requires County referral and is subject to SEQR as it is not a Type 2 Action.

Chairman Van Vorst stated that on the Environmental Assessment Form (EAF) question nine is marked "no" and should be marked "yes."

Mr. Lansing stated that it will be corrected.

**MOTION:** Mr. Blair made a motion to declare the Town of Ballston Planning Board the Lead Agency on this Unlisted Action for Cornerstone Condominiums for the map dated August 9, 2023. Mr. Baskin seconded the motion. All in favor. **CARRIED.**

**MOTION:** Mr. Blair made a motion to schedule a Public Hearing for the Cornerstone Condominiums Site Plan Review for September 27, 2023 at 6:35 pm. Ms. Matias seconded the motion. All in favor. **CARRIED.**



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Mr. Lansing thanked the Board.

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

Meeting was adjourned at 7:36 pm.

Respectfully submitted,

*Kerri Mains*

Kerri Mains  
Planning Board Secretary