



## TOWN OF BALLSTON PLANNING BOARD MEETING

**September 27, 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  
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:**

Dave Blair, Vice Chairman  
Dale King, 2<sup>nd</sup> Alternate  
Jeff Stickles, Code Enforcement Official

### **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. Baskin made a motion to approve the August 30, 2023 meeting minutes. Ms. Matias seconded the motion. Mr. DiLorenzo abstained due to absence from the August meeting. All others voted in favor.

**CARRIED.**

### **OLD 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 private water supply. Public Hearing scheduled.

**Mr. Ryan Latif** of SRA Engineers and **Mr. Joe Popolizio**, property owner.



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Mr. Latif stated that Mr. Popolizio is building a single-family residence with a second kitchen and bedroom in the basement which is considered a two-family house in that zoning district. They are here for the public hearing and to answer questions.

Public Hearing open at 6:32 pm.

No one wished to speak.

**MOTION:** Mr. DiLorenzo made a motion to declare this as a Type 2 Action under SEQR, exempt from further review. Mr. Zuritis seconded the motion. All in favor. **CARRIED.**

**MOTION:** Mr. DiLorenzo made a motion to close the Public Hearing. Mr. Baskin seconded the motion. All in favor. **CARRIED.**

Mr. Clark read the Town Code Special Use Permit factors aloud for the Board to consider.

**MOTION:** Mr. Baskin made a motion to approve the Special Use Permit. Mr. DiLorenzo seconded the motion. All in favor. **CARRIED.**

Mr. Zuritis asked if all engineering comments had been addressed; Ms. Lippmann answered affirmatively.

**MOTION:** Mr. DiLorenzo made a motion to approve the Site Plan. Ms. Matias seconded the motion. All in favor. **CARRIED.**

The applicants 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. Public Hearing scheduled.

**Mr. Scott Lansing** of Lansing Engineering and **Ms. Polly Feigenbaum** of the Law Office of Polly Feigenbaum, PLLC.

Mr. Lansing stated that he represents the Cornerstone Community Association. Last month they presented an additional 36 parking spaces to be constructed in two phases. After addressing the engineering comments regarding ADA (Americans with Disabilities Act) accessibility, one space was eliminated which resulted in 35 spaces. They are here for the public hearing and to answer questions.

There was a discussion regarding the phases of construction and whether a second approval would be necessary. Mr. Lansing stated that the timetable is unknown, based on cost and funding. Ms. Lippmann stated that the Code does not specify the time to complete the project once it is begun. Ms. Feigenbaum stated that the applicants would like to build the first phase of 14 spaces to see if that is adequate to address the parking needs;



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they may not need the second phase but are seeking approval for both phases. They are increasing enforcement of the community's parking rules and adding signage as well.

Chairman Van Vorst stated that the EAF (Environmental Assessment Form) was not corrected from the last meeting; Mr. Lansing stated that it will be corrected.

Public Hearing open at 6:46 pm.

**Ms. Lynn Rogers** of Cindy Lane stated that she lives directly behind the condos. Her basement flooded this Spring, as have others on her street. Something has changed with the water table; she is concerned that additional building and additional pavement might have an impact and asked if there is a plan for rainwater.

**Mr. Dan Iskaros** of Cindy Lane has the same concerns. He is afraid of what will happen with more construction and development.

**MOTION:** Mr. DiLorenzo made a motion to declare this project an Unlisted Action under SEQRA. Mr. Collar seconded the motion. All in favor. **CARRIED.**

Mr. Clark read the questions from Part 2 of the SEQRA Short Environmental Assessment Form aloud for the Board to consider. The Board discussed the question on drainage in light of the public comments; the answer was marked "moderate to large impact may occur."

There was a discussion regarding the impact of this project on neighboring properties. Ms. Lippmann stated that the existing condominium project location has a stormwater management plan; this additional impervious surface will convey to existing stormwater areas which should be adequate. Mr. Lansing stated that there is an infiltration basin and the water from the site flows toward Ballston Lake. Cindy Lane is at a higher elevation; he does not think the condominium construction caused the problem and the additional parking should not contribute to the issue. Ms. Feigenbaum stated that the condominium construction is complete. Ms. Lippmann stated that she cannot speak definitively about this or any project, but groundwater tables seem to be rising around this area and elsewhere; there were heavy rains this Spring.

There was a discussion regarding approving the two phases separately, which is not possible with the current application. Mr. Clark stated that the Town Code does not specify a timetable for completion of both phases; if they begin and make substantial progress on the project within the permitted time frame, they will not need to return to the Planning Board. Ms. Feigenbaum stated that the developer has obligations to fulfill on the Cornerstone project that he is waiting to do in conjunction with this parking project. They are asking for approval for both phases as the Planning Board process is costly.

**MOTION:** Mr. Zuritis made a motion to make a Negative Declaration under SEQR for the Cornerstone Condominiums project. Mr. DiLorenzo seconded the motion. All in favor. **CARRIED.**

**Mr. Matthew Morales** of Pine Grove Avenue asked about the location and details of the project.



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**MOTION:** Mr. DiLorenzo made a motion to close the Public Hearing. Mr. Collar seconded the motion. All in favor. **CARRIED.**

**MOTION:** Mr. DiLorenzo made a motion to approve the Site Plan at Cornerstone Condominiums, with a corrected EAF, for the map dated August 31, 2023. Mr. Collar seconded the motion. All in favor. **CARRIED.**

The applicants 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.

**Mr. Dave Kimmer** of ABD Engineers, LLP.

Chairman Van Vorst informed the other Planning Board members that the applicant submitted materials several hours late for the August meeting, so they were not considered for that meeting due to the time that the staff needs to process the information. When considered for the September meeting agenda, there was no sidewalk plan submitted. He decided, upon advice from counsel and the other parties involved, to not allow them to be on the September agenda. When informed of this, the applicant adjusted the plans to include sidewalks and were added to the agenda. He hesitated to make that decision for the Planning Board on his own but felt that the other members would agree.

Mr. Kimmer stated that the plan is the same as what the Board has previously seen but they are now proposing sidewalks on the entire frontage of Route 50 and partially down Brookline Road. They are proposing to subdivide the property; the sidewalk on Brookline Road will go to the edge of the development and a 1.5-acre piece of the property along Brookline Road will be subdivided for future development.

There was a discussion on how to treat the subdivision; if it should be considered before the Board goes any further with the approval of the site plan. It was determined that the applicant must update the application, submit a subdivision map, and update the plans for the project. Ms. Lippmann stated that the project meets all bulk requirements, including lot coverage. Mr. Clark stated that once the documents are submitted, the Board can move forward with both plans in unison.

Mr. Kimmer stated that they can provide the documents. They have addressed several engineering comments and provided a traffic generation letter. The increase in new traffic will be negligible; they feel it will not be an issue and will address the engineering comments. They are working on signage.

There was a discussion regarding modifications to the plan. Mr. Kimmer stated that there are two outdoor seating areas and they have modified the traffic circulation to accommodate the egress door for the center



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building tenant. Ms. Lippmann asked if the area for mechanical equipment is adequate and stated that there are requirements for bollards, including for the fenced in eating area. She addressed some items that must be included on the plan.

There was a discussion regarding the abandoned house on the portion to be subdivided. Mr. Kimmer stated that it will probably be demolished but may be converted to an office. Ms. Matias would like it to be removed before anything else is done; it is dangerous. Chairman Van Vorst stated that the Board could make it a condition of approval or the Town could condemn it and proceed legally. Mr. Zuritis stated that Mr. Stickles should get involved to make a determination of its condition.

Mr. Kimmer thanked the Board.

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

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

Site Plan Review application for the construction of a 24-foot by 28-foot building 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. Joe Candida** of Nolan Engineering, PLLC and **Mr. Andrew Hazlett** of Eco Quality Landscaping, LLC.

Mr. Candida stated that the project is a landscaping supply business on Route 50 at Middleline Road. They are implementing the engineering comments. He listed the items added to the plans since the last meeting, including a fence, lighting and pervious pavers to reduce the lot coverage. He asked if the Board has additional comments they should incorporate.

Chairman Van Vorst stated that there are still many engineering comments on this revised plan.

Ms. Lippmann and the applicants discussed several of her engineering comments, including the probable need for a SWPPP (Stormwater Pollution Prevention Plan), the strength of the pervious pavers, the length of parking spaces, stormwater management, access to the material bins, lighting, etc. The applicant plans to submit the changes for the next meeting.

Ms. Matias asked if there is enough equipment storage. Mr. Hazlett stated that he has another business location, so he will have just one vehicle and one piece of machinery at this location. Bagged materials will fit in with the nursery stock; there will mostly be bulk materials and plantings.

There was a discussion regarding the perimeter fencing and the neighbors. Mr. DiLorenzo asked if the fence should be taller near neighboring properties. Ms. Lippmann stated that there is no requirement for that, but the Board could require it. The entrance gates should be brought to the attention of the fire department. Mr. DiLorenzo suggested a taller fence for the neighbors. Mr. Hazlett stated that he would be happy to do that; he



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has not spoken with the neighbors. The hours of operation would be standard business hours, such as 7 a.m. to 5 p.m. He will provide a map or aerial photo of neighboring properties as requested by Mr. Baskin.

Chairman Van Vorst stated that the Board looks forward to the next set of plans.

The applicants thanked the Board.

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

216.-2-38.1

Site Plan Review and Special Use Permit application for an 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, LLC. They have submitted a map showing the project relative to other properties on the street, as requested. Plan updates include showing fire truck access around the parcel. The large building has been divided into three smaller buildings and there are now 12 buildings instead of ten. Parking was added near the maintenance building. They interpreted the Town Code to mean that the Planning Board can adjust setbacks as they deem necessary; the 10-foot setback was not changed as it is similar to neighboring properties. He is here for input from the Board.

There was a discussion regarding the setback. Mr. Baskin stated that Dominic Drive curves away from the building next door, so the setback is only 10 feet for a portion of the frontage. He would prefer more than ten feet. Mr. Zuritis stated that he does not see a reason for a 10-foot setback. Chairman Van Vorst asked what the property owner would prefer. Mr. Lansing stated that the owner is flexible; they interpreted the Code to be in accordance with adjoining structures. Chairman Van Vorst polled the Board and all members wanted more than ten feet. Mr. Lansing stated that they will adjust it to 20 feet.

Mr. Lansing thanked the Board.

Chairman Van Vorst called for a short recess. The meeting was reopened at 7:54 pm.

### **NEW BUSINESS**

### **88 Connolly Road Site Plan (PB 2023-010)**

SBL 239.14-1-2

Site Plan Review application for the construction of a modular home. Front yard setback, lot area, and lot width area variances previously granted by the Zoning Board of Appeals.





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**Mr. Mitchel Blackfield** of Clayton Homes and **Mr. Robert Johnson**, property owner.

Mr. Blackfield stated that he is the general manager for Clayton Homes in Ballston Spa; they build manufactured and modular houses. He is representing Mr. Johnson. The proposed modular home is roughly 1500 SF and is 27 feet wide and 56 feet long, with three bedrooms and two baths; it will have an 8-foot by 27-foot deck off the back of the home.

There was a discussion regarding the EAF form. Mr. Clark stated that the project will be a Type 2 Action, exempt from further SEQR review.

**MOTION:** Mr. Collar made a motion to schedule a Public Hearing for the 88 Connolly Road Site Plan for October 25, 2023 at 6:30 pm. Ms. Matias seconded the motion. All in favor. **CARRIED.**

There was a discussion regarding the applicant's submission for the next meeting. Ms. Lippmann stated that they must submit updated plans based on the engineering comments; she listed the requirements for the updated plans, including a SWPPP. Mr. Blackfield stated that he will try to get it done by the submission deadline next week.

The applicants thanked the Board.

### **159 Lake Road Conceptual Site Plan (PB 2023-011)**

SBL 239.-2-86

Conceptual Site Plan Review application for the construction of a single-family home; onsite well and sanitary sewer.

**Mr. Bill Bashant**, property owner.

Mr. Bashant stated that he is requesting site plan review for the construction of a single-family home; the lot is currently vacant land. It will be a 2400 SF chalet style house with three bedrooms, 2.5 baths and an attached two car garage; it will be served by an onsite well and sewer connection. There was a site plan review and approval in October 2015. There have been some changes since then, including that this proposed house is smaller. He has responded to the engineering comments with a SEAF (Short Environmental Assessment Form) and will update the plans and address stormwater management. He stated that there is currently no well although he has a contract for one. He asked if the well must be on site before the site plan can be approved.

Ms. Lippmann stated that it's not necessary for approval but there is the risk of the yield being inadequate.

There was a discussion regarding the size of the property. Chairman Van Vorst stated that the amount of acreage is unusual around the lake and asked what they will do with the rest of the property. Mr. Bashant stated that there are no plans for anything other than passive recreation for his family and friends.

Ms. Lippmann stated that the biggest thing is the SWPPP; it must be done by an engineer.



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Mr. Zuritis stated that he would like to put on the record that this parcel is adjacent to his neighbor's parcel; he won't have any conflicts of interest.

There was a discussion regarding setting a public hearing.

**MOTION:** Ms. Matias made a motion to schedule a Public Hearing for 159 Lake Road for October 25, 2023 at 6:35 pm. Mr. Collar seconded the motion. All in favor. **CARRIED.**

Mr. Bashant thanked the Board.

### **4 Dominic Drive Lot Line Adjustment (PB 2023-012)**

Lot 4 Dominic Drive, SBL 216.-2-38.1

Lot Line Adjustment application to annex 11,314 SF of land from Town of Ballston to Lands of Monaco, Lot 4 Dominic Drive.

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

Mr. Jarosz stated that he is here on behalf of the owner of 4 Dominic Drive to request a lot line adjustment; they would like to annex 11,314 SF of land from Dominic Drive to lands of Monaco, lot 4 Dominic Drive.

There was a discussion regarding history and procedure for this application. Mr. Jarosz stated the intent was that once the road went through, the land was to be returned to his clients. Chairman Van Vorst stated that there was originally a cul-de-sac which was removed and now that property is owned by the Town of Ballston. It is no longer needed so through the contract agreement it is reverting back to the original owner. Mr. Clark stated that, because of the Town road at issue, it must go before the Town Board so they can sign off on it prior to Planning Board approval. A Planning Board opinion is not required but the Board could provide one if they choose. Chairman Van Vorst polled the Board and all members agreed that it makes sense to return the land; that is the Planning Board recommendation to the Town Board. Ms. Lippmann stated that the County must review it as well. The Planning Board must table the application until it goes to the Town Board.

Mr. Jarosz thanked the Board.

### **Townley & Wheeler Funeral Home Sketch Plan (PB 2023-013)**

Charles Street and Buell Avenue intersection; SBL 257.12-1-10, 257.12-1-9, 257.12-1-8

Sketch Plan Conference for a proposed expansion of the Townley & Wheeler Funeral Home parking lot to provide 35 new spaces and include stormwater management practices.

**Mr. Kurt Bedore** of KB Engineering & Consulting, PLLC, and **Ms. Kathleen Lowes** of Townley & Wheeler Funeral Home.





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Mr. Bedore stated that they are here for a sketch plan conference for a proposed parking lot expansion and other associated site plan improvements and modifications. There are only 23 parking spaces so when there are large events people park on both sides of Charles Street, and throughout the Buell Heights neighborhood, which is unsafe. The applicant is trying to remedy the situation. There are three parcels, including the funeral home owned by Ms. Lowes, and a rental property and vacant lot that are both owned by BeFor Realty, the LLC of Ms. Lowes. They want to expand parking to the vacant lot; the rental home will stay and will provide two more parking spaces. He explained the map and project and stated that the engineering comments identified several preexisting nonconforming conditions and the variances required. They will address stormwater management. Ms. Lowes is amenable to consolidating the two lots owned by BeFor Realty if necessary; there will be easements required. They are seeking preliminary feedback from the Board.

There was a discussion regarding easements and consolidating lots. Ms. Lippmann stated that consolidating would simplify the easements. Mr. Zuritis asked for clarification on which lots would be consolidated. Mr. Bedore stated that they would consolidate the two lots owned by BeFor Realty and provide easements.

There was a discussion regarding the Board's opinion of the project and a Planning Board recommendation to the ZBA. Mr. Baskin stated that they need variances. Ms. Lippmann explained the Town precedent on preexisting nonconforming setbacks and stated that the only variances required for all three parcels are for lot coverage. Mr. Bedore stated that the parking lot will be designed to commercial standards in terms of landscaping and lighting. Ms. Lippmann stated that the Code requires pervious surfaces or other advanced stormwater controls. Mr. Bedore stated that they prefer not to use pervious pavement and would pursue other avenues to meet the stormwater requirements. Mr. Zuritis stated that the project makes sense for the community; he's for it as long as they adequately address stormwater. Mr. Clark stated that the recommendation could include the caveat that the Planning Board will address stormwater. Mr. Baskin asked if all the proposed parking spaces are needed. Ms. Lowes answered affirmatively; she wants it to be pretty as well, with landscaping, etc. This would be much nicer for her neighbors; she has been planning this for years and has over 100 signatures in support of it, which were filed with the Town in 2019. Chairman Van Vorst asked Mr. Clark to draft a recommendation in support of the project.

Mr. Bedore stated that they will start with the ZBA. The applicants thanked the Board.

### **Katz Super 50 Self-Storage Phase II Site Plan (PB 2023-014)**

4 Super 50 Way; SBL 239.-1-40.12

Site Plan application for the construction of thirteen self-storage units with paved access from Super 50 Way, on a 3.87-acre portion of the 11.15-acre parcel located in the Katz Corporate Park PUDD.

**Mr. Scott Lansing** of Lansing Engineer and **Mr. Mark Katz**, property owner.



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Mr. Lansing stated that the project is on 11.15 acres at the end of Super 50 Way and is part of the Katz Corporate Park PUDD. The PUDD was approved for 115,000 SF of storage units; 41,286 SF are constructed, and this project would add 65,250 SF for a total of 106,536 SF. The end of Super 50 Way would be changed to a cul-de-sac; it is a Town road. There will be 13 single-story buildings. There is no need for water or sewer. They will review the existing stormwater management area to ensure it meets the requirements. They are here for the Board's comments and questions.

Mr. Baskin asked about hours and lighting.

Mr. Katz stated that it will be open 24/7 and the lighting will be LED.

There was a discussion regarding corrections to the EAF form.

There was a discussion regarding the buildings. Mr. Katz stated that they will try to have the same look as the existing buildings; they may use a different company. Mr. Baskin asked if the storage is for individuals or industrial uses and if there will be big trucks. Mr. Katz stated that there are many different uses; there will not be big trucks. Chairman stated that one building is large and asked what is allowed. Ms. Lippmann stated that there is no maximum building size in the PUDD, just overall maximum square footage. The Board members were all in favor of the project.

Chairman Van Vorst asked Mr. Katz for an update on his other PUDD on Route 50.

Mr. Katz stated that it is on 90 acres on Route 50, about a half mile north of Charlton Road. It was held up for years because of the agricultural district; it now has sewer, water, and gas. He is going before the Town Board in October to make some changes.

The applicants thanked the Board.

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

Meeting was adjourned at 8:42 pm.

Respectfully submitted,

*Kerri Mains*

Kerri Mains  
Planning Board Secretary