

**TOWN OF BALLSTON  
PLANNING BOARD MEETING**

September 28, 2022 6:30 pm

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

**ATTENDEES:**

John Van Vorst, Chairman  
Dave Blair, Board Member  
Peter DiLorenzo, Board Member  
Michael Zuritis, 1<sup>st</sup> Alternate  
Andrew Clark, Attorney  
Jeff Stickles, Code Enforcement Official  
Jenny Lippmann, Engineer

**ABSENT:**

Ben Baskin, Board Member  
Dale King, Board Member  
Patrick Maher, Board Member  
Audeliz Matias, Board Member

**Call to Order**

The meeting was called to order at 6:28 pm.

**Pledge of Allegiance** was led by Chairman Van Vorst

**Approval of Previous Minutes**

Chairman Van Vorst stated that the Board barely has a quorum this evening, but they do have one.

**MOTION:** Mr. DiLorenzo made a motion to approve the August 31, 2022 meeting minutes as drafted. Mr. Zuritis seconded the motion. Mr. Blair abstained as he was absent from the August meeting. Without Mr. Blair's vote, the motion was tabled as there were not enough other members in attendance to constitute a quorum.

**OLD BUSINESS**

**Van Auken Trucking Sketch Plan Conference (PB 2020-018)**

1262-1268 Saratoga Road; SBL 228.-3-27.1

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Sketch Plan Conference for a wood processing and handling facility. SEQRA Unlisted Action, open.

**Mr. Luigi Palleschi** of ABD Engineers, LLP represented the applicants, **Mr. and Mrs. Schreifels** of VanAuken Trucking

Ms. Lippmann apologized and stated that she inadvertently neglected to send the engineering review letter to Mr. Palleschi; she will send it to him and gave him her copy for use at the meeting. She stated for the Board that the applicant has not seen the engineering comments.

Mr. Palleschi stated that he is representing Mr. and Mrs. Schreifels who run VanAuken Trucking. He presented the project a year or two ago; the last meeting they had was via zoom. There have been some issues with the wood processing facility on the adjoining land that have been cleaned up, so they resubmitted the site plan application, continuing from where they left off. They have responded to the MJ engineering comments of May 2021: SHPO (State Historic Preservation Office) is underway, the archaeological study is underway, which should take care of SEQR (State Environmental Quality Review). As far as the site plan review, there have been no changes other than to add more details to the previous plan. Sheet two shows more details on the operation: storage for the tree logs, equipment and mulch areas. All are in compliance with New York State; the width and height of the piles is listed per their requirements. They provided a SWPPP (Stormwater Pollution Prevention Plan) and stormwater calculations. They plan to do perimeter drainage along the limits of clearing and grading, where they will have some swales and underdrains, allowing the water to infiltrate further back and control the stormwater so they can have some treatment and storage volume detention for clearing of the trees. Even though there are no real impervious surfaces, for this type of facility the DEC stormwater regulations require some means of stormwater management on site.

Chairman Van Vorst asked if the driveway is an impervious surface.

Mr. Palleschi stated that the driveway is gravel so is semi-impervious.

Ms. Lippmann stated that pursuant to NYS DEC (Department of Environmental Conservation) guidelines they would consider a gravel driveway to be impervious per stormwater standards and requirements.

Mr. Palleschi stated that they have continued the stormwater along the edge of that gravel road with a small swale and underdrain that carries it to the back portion of the site where the majority of the stormwater would be handled. The entire site drains to the east. They would like to continue and move forward with the project. Now that the previous operation has been cleaned up, they want to move it to the back of the site, out of sight and further away from Route 50. They had the opportunity to see the operation and stand next to and hear the old-style grinder when it was in use; the new one is much quieter and will be tucked away in the tree area. He stated that it makes the most sense to keep the operation as far back on the property as possible, closer to the railroad tracks. There may be some residents to the south, but the McCrea Hill industrial park is directly to the north. It makes sense to tuck the facility in the back. They will do whatever they have to do to move forward and are here to answer questions.

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

Ms. Lippmann stated that the biggest items addressed in the review letter are regarding the SWPPP, which will be the most complicated to get through due to DEC jurisdiction over wood processing facilities. She asked if they have had any contact with DEC regarding the industrial permit for this facility.

Mr. Palleschi stated that they have followed the DEC guidelines for size of piles.

Ms. Lippmann stated that she thinks the DEC industrial permit will be required and suggested confirming that with DEC; it is based on the size of the facility pursuant to NY Code part 361-4 so she will need some information on the permitting status of the facility if it's warranted. The piles of wood get hot and the heat that comes off the piles is what is concerning to DEC in terms of stormwater.

Chairman Van Vorst stated that Mr. Palleschi said that the legal issues have been resolved; he asked Mr. Stickles and Mr. Clark if they concurred.

Mr. Stickles and Mr. Clark both answered affirmatively.

Chairman Van Vorst stated that he is hesitant to proceed as the Board is missing so many members this evening. He polled the Board members for their opinions on County referral; all were agreeable.

Chairman Van Vorst asked Mr. Clark if the Board needed a motion to initiate the referral.

Mr. Clark stated that it's just an administrative referral so the Board can take that step.

Chairman Van Vorst stated that the Board can take that step; that's all they can do so far.

Mr. Palleschi stated that they will work with MJ engineering on their comments, wait to hear back from the County, and address anything that must be resubmitted.

Chairman Van Vorst stated that there are 24 comments.

Mr. Lippmann stated that the majority are SWPPP related. There must also be review and approval by the local fire department as the length of the driveway is excessive.

Chairman Van Vorst stated that it would be the Burnt Hills Fire Department.

Mr. Palleschi stated that he has worked with them on other projects.

Chairman Van Vorst polled the Board for questions. He stated that the Board will table the project and will see the applicant soon.

Mr. Palleschi thanked the Board.

**NEW BUSINESS**

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**Goode Solar Project Sketch Plan Conference (PB 2022-014)**

Goode Street; SBL 238.-1-39.11

Sketch Plan Conference for a solar installation. SEQRA Type 1 Action, open.

**Mr. Rob Garrity** of Finlo Solar.

Mr. Garrity stated that he appreciated working with the Board on the Middleline solar project. This project is a 5-megawatt project on 18 acres. It is a tracker system like the one on Middleline, which follows the sun with slow adjustments. The site is very flat with little if any grading required. The interconnection point is on Middleline Road; Goode Street is on the west side of the parcel and then back across the Cseh parcel. They are working with the Csehs on easements for permission to go across their property and bury the line: back to Middleline Road on the east and that's where the interconnection point is. The visibility for the project is great, you can barely see it. There is a natural hedgerow and the project sits back on the property; well exceeding the setback requirements. The vehicular access is on Goode Street and the electric access is at the Middleline and Lasher Road substations.

Chairman Van Vorst asked if they have done any site work as to the visibility from the neighbors.

Mr. Garrity stated that the site is strong in that way, because of the woods and being flat.

Chairman Van Vorst suggested that the Board will make the site visit when the leaves are off the trees, maybe in November. He polled the Board, and all agreed.

Mr. Garrity asked how to schedule the site visit.

Chairman Van Vorst stated that it's a mutual decision. He asked Ms. Lippmann if she will be there.

Ms. Lippmann stated that she did not attend the site visits for previous solar projects as it's such a subjective and personal decision for the Board to make, but she can attend if the Board would like her to.

Chairman Van Vorst asked if Mr. Garrity will be back before the Board again before the site visit.

Mr. Garrity stated that his next question is about process and what is needed from them.

Ms. Lippmann stated that she did not have many engineering comments; it is a basic comment letter because this was a sketch plan. The project meets code in that it requires a special use permit and site plan review and meets minimum land area requirements. It is partially in the watershed overlay district which has slightly stricter system coverage requirements. The presentation was conceptual in nature so she would be looking for more advanced plans. The Town of Ballston has limited total acreage of community solar installations within the Town to a total of 150 acres. This project will bring the total to 150 acres; it will be the last project for the Town.

Chairman Van Vorst asked if this project will exceed the 150 acres.

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Ms. Lippmann answered no and stated that this project brings the total to 149.59 acres. MJ Engineering will be looking for the formal special use permit application and site plan application materials per the checklists that are available.

Mr. Garrity asked if they are only missing a more thorough site plan; he thinks they submitted everything else.

Ms. Lippmann stated that the site plan submitted was just a sketch without dimensions or other details: where the panels are proposed, all the dimensions, the access road, all of the typical things showed on the application for their previous project. The short EAF (Environmental Assessment Form) was submitted but they must submit a full EAF as it is a Type 1 Action and will have to go through the coordinated review process pursuant to SEQR. All the other typical documentation is required as well as a SWPPP.

Chairman Van Vorst stated that November may be overly optimistic for the site visit as the applicant has work to do. The site visit can be done in winter.

Mr. Garrity stated that he will try to be here for the November meeting.

Chairman Van Vorst polled the Board for additional questions. There were none.

Mr. Garrity asked for the parameters around timing and if they are in queue. He asked if there is anything they need to do by a certain time.

Ms. Lippmann stated that they are in queue.

Chairman Van Vorst, Ms. Lippmann, and Mr. Stickles discussed the timing with Mr. Garrity and stated that he shouldn't take an extended period, but that he does have a reasonable amount of time. They discussed the submission deadline for the November meeting.

Mr. Garrity thanked the Board.

**Katz Sketch Plan Conference (PB 2022-015)**

Outlet Road; SBL 239.-1-80

Sketch Plan Conference for a minor subdivision for four residential building lots.

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

Mrs. Katz stated that they are here to have a sketch plan conference for their property on Outlet Road, for a subdivision for residential building lots.

Chairman Van Vorst asked if they received the MJ engineering comment letter.

Mrs. Katz answered no.

Ms. Lippmann stated that she did not have contact information for the applicant.

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Chairman Van Vorst asked Ms. Lippmann to explain the letter.

Ms. Lippmann stated that the applicant is proposing to subdivide their parcel into four residential lots. There are two items that MJ Engineering noted pursuant to the current zoning. One is that the density requirement in the rural district, in which this parcel exists, limits the number of residential dwellings to one dwelling per five acres. When looking at this parcel holistically it is 14.85 acres; the density limit to that parcel is only two dwellings. That is one of the biggest items that red flags this application. Additionally, bulk requirements now dictate that the minimum lot width is 250 feet. Two of the proposed lots are proposed to be 175 feet, so as proposed, they would require an area variance. Unfortunately, the way the application is currently presented to the Board it does not meet Code.

Mr. Katz stated that he understands that. He started with 80 acres of property; on 80 acres of property he has 13 residential lots. He has nine properties that he's built coming down Outlet Road that look terrible to the eyesight. He is finishing up his property; he's brought 8-inch duct tile down, he's brought infrastructure down for everything and is finishing up the project. He is not a big builder. When he bought the land, he would have paid another \$30,000 in property taxes if he had the property subdivided all at the same time. He doesn't have deep pockets. This is just finishing up the way he started the project; he has carried very low density. If he has to have his attorney talk to the Town attorney that will be what it is. He needs four others. He can't bring water down for two building lots. He is finishing up a project he started in 2003 or so, he just wants to complete it.

Ms. Lippmann stated that she is completely sympathetic; this Board did not change the rules, ultimately it was the Town Board that changed the zoning.

Mr. Katz stated that he started stuff last year, he has engineering bills that he paid Van Guilder (engineering firm); he started this last year and was working on the subdivision but could not do the septic stuff because the ground was too cold. He has bills he paid for engineering fees last fall.

Chairman Van Vorst stated that the problem is that the Planning Board can't act on this application because it doesn't meet Code.

Mr. Katz stated that they changed up the Code in the process of him developing 80 acres of land.

Chairman Van Vorst stated that he can't help that, and he didn't have anything to do with it. If Mr. Katz would like to proceed, he either has to go to court and fight it or go to the Zoning Board of Appeals and get a variance.

Mr. Katz asked what's easiest; he doesn't want to put any more money into engineering until he gets this stuff done. He thinks it's going to have to be attorneys. He's got a good track record; the road looks very nice. He just wants to finish out his project.

Chairman Van Vorst stated that there's absolutely nothing the Board can do for him until that issue is resolved.

Mrs. Katz stated that that's what he wants to find out.

Mrs. Katz stated that the next step is to go to the Zoning Board.

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Mr. Blair answered affirmatively.

Chairman Van Vorst stated that they can try the Zoning Board or go to court, one or the other.

Mrs. Katz stated that they'll try the Zoning Board first.

Mr. Katz agreed that they'll try the Zoning Board first. He has a track record; on 80 acres of land he has 13 houses. If he has to, he can bring the whole project in and, with all the frontage that he has, he could work it that way and only have three building lots. He just wants to finish the job.

Chairman Van Vorst stated that with another two tenths of an acre he could have three building lots, but Mr. Katz doesn't have it, so the Board can't proceed.

Mr. Katz stated that the Zoning Board of Appeals is his next phase.

Chairman Van Vorst stated that he would say so and asked Mr. Clark if that is correct.

Mr. Clark answered affirmatively.

Mr. Katz asked who he should talk to.

Chairman Van Vorst stated that he should talk to the Building Department.

The applicants 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 6:58 pm.

Respectfully submitted,

*Kerri Mains*

Kerri Mains  
Planning Board Secretary