



TOWN OF BALLSTON PLANNING BOARD MEETING

October 25, 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
Peter DiLorenzo, Board Member
Michael Zuritis, Board Member
Jeff Stickles, Code Enforcement Official
Andrew Clark, Attorney
Jenny Lippmann, Engineer
Kerri Mains, Planning Board Secretary

ABSENT:

Andrew Collar, Board Member
Audeliz Matias, Board Member
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. DiLorenzo made a motion to approve the September 27, 2023 meeting minutes. Mr. Zuritis seconded the motion. Mr. Blair abstained due to absence from the September meeting. All others voted in favor. **CARRIED.**

OLD 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. Public Hearing scheduled.

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



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Mr. Mitchel stated that he is the general manager of Clayton Homes. They are proposing to build a modular home for Mr. Johnson. A Stormwater Pollution Prevention Plan (SWPPP) is required. He expects to receive it soon and will submit it for the next meeting.

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.

Public Hearing adjourned.

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

The applicants thanked the Board.

159 Lake Road Site Plan (PB 2023-011)

SBL 239.-2-86

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

Public Hearing scheduled.

Mr. Bill Bashant, property owner.

Mr. Bashant stated that he proposes to build a single-family home at 159 Lake Road. He has answered the engineering comments from the last meeting and submitted a SWPPP. He just received the SWPPP engineering comments today and will respond quickly.

Ms. Lippmann stated that there was nothing of consequence in the SWPPP comments; nothing to affect the site plan. All engineering comments have been addressed satisfactorily.

Public Hearing open at 6:34 pm.

No one wished to speak.

Mr. Clark stated that the project was declared a State Environmental Quality Review Act (SEQRA) Type 2 Action, exempt from review.

Public Hearing closed at 6:34 pm.

Mr. Clark recommended that the approval be conditional on the applicant submitting the necessary SWPPP changes.



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MOTION: Mr. DiLorenzo made a motion to approve the Site Plan for the project at 159 Lake Road, for the map dated October 4, 2023, contingent on the satisfactory resolution of the SWPPP comments of the Town Designated Engineer. Mr. Blair seconded the motion. All in favor. **CARRIED.**

Mr. Bashant thanked the Board.

Wellnow Site Plan Modification (PB 2022-008)

1508 Route 50; SBL 216.-1-35

Site Plan Modification Review for the installation of two (2) 32 SF freestanding signs for the Wellnow healthcare facility that was previously approved per resolution signed on May 2, 2023.

Mr. Tom Wheeler of AJ Sign Co.

Mr. Wheeler stated that he is here for the Wellnow healthcare facility signs. They propose two freestanding monument signs, one on the Route 50 side and the other on the Route 67 side.

Chairman Van Vorst stated that the Board made it clear before approval was granted that it is Planning Board policy not to accept sign applications after approval has been granted. He asked why Mr. Wheeler is here now.

Mr. Wheeler stated that he was not part of the original planning. The Wellnow developers came to him for signs so he is here.

Mr. Blair asked why these are multi-tenant monument signs.

Mr. Wheeler stated that the signs at the entrances on Route 50 and Route 67 will accommodate Wellnow as well as future development on the southern parcels. They are eight feet tall and 32 SF to be within code.

Chairman Van Vorst asked if Mr. Wheeler was told that two signs are not allowed per code.

Mr. Wheeler answered affirmatively and stated that it is a unique parcel that needs two signs to direct vehicular traffic to the site.

Chairman Van Vorst stated that the Planning Board can't approve that as it is a violation of zoning law; he will have to go to the Zoning Board of Appeals (ZBA).

There was a discussion regarding the need for a ZBA variance for the two signs. Mr. Clark stated that the Building Department determined that the two proposed monument signs clash with the code; a variance would be required from the ZBA as the Planning Board can only approve signs as part of the site plan review. Mr. Wheeler stated that he thought it was a site plan amendment to add the two signs. Chairman Van Vorst asked if the Board can approve one sign. Mr. Clark stated that the application before the Board is for two; the Board cannot legally approve an application that is not before them. Mr. Stickles referenced the Town Code and stated that two permanent freestanding signs are allowed in this situation without needing a variance. Mr. Blair asked



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if they are limited to two signs; would they need to go to the ZBA if they want a wall sign as well. Ms. Lippmann stated that they are only applying for two freestanding signs. If they want a wall sign, she would have to investigate it. The Board could potentially approve the current application for two freestanding signs.

There was a discussion regarding the requirement of three feet of ground clearance under the signs. Mr. Blair stated that the application lists 20 inches; he asked if they will make the signs taller. Mr. Wheeler stated that the application is the proposal; the solid base maximizes sign area and allows for landscaping, snow, etc. Mr. Blair stated that 3 feet are required. Ms. Lippmann stated that the code does not speak to monument signs, just freestanding signs. The Board discussed other monument signs in the Town of Ballston; the applicant can redesign the signs with the required clearance or get a variance. Mr. Clark stated that the two freestanding signs are allowed; if they need a variance it would be for the three feet of ground clearance. Ms. Lippmann stated that the code was written for post-mounted freestanding signs, not monument signs. Mr. Clark stated that the best course of action would be to look at previous applications to see what standard was upheld; if there is a precedent, and if that section of code was changed with the recent zoning updates. Mr. Baskin stated that the current code is clear. Mr. Blair stated that research should be done to determine if the code has changed. The Board discussed the need for a variance if a precedent has been set and the sign zoning has not changed in the most recent revision. It was determined that Mr. Stickles will research the situation. The applicants will have time to apply to the ZBA if needed; if they revise the application to not require a variance, they would come back to the Planning Board in November.

Mr. Baskin asked Ms. Lippmann about her engineering comment regarding the setback.

Ms. Lippmann stated that it was not clear on the plan. The next submission should show it clearly.

MOTION: Mr. Blair made a motion to schedule a Public Hearing for the Wellnow sign application located at 1508 Route 50 on November 29, 2023 at 6:32 pm. Mr. DiLorenzo seconded the motion. All in favor.

CARRIED.

Mr. Wheeler thanked the Board.

1402 Route 50 Minor Subdivision, Site Plan and Special Use Permit (PB 2022-022)

SBL 228.-1-41

Minor Subdivision, 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.



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Mr. Kimmer stated that he is here on behalf of Mr. Harry Singh, property owner. He stated that the layout has not changed since the last meeting; they submitted the subdivision application and plan and addressed the engineering comments. The latest engineering letter has comments that they will address. They submitted a proposed sign to replace the existing sign. It meets square footage requirements at just under 32 SF, is 11 feet high and has more than three feet of ground clearance.

Mr. Blair asked if the sidewalks will be installed on the main project and then on the second lot whenever it is developed.

Mr. Kimmer answered affirmatively; sidewalks would be added to the second parcel if it is developed.

There was a discussion about the abandoned house. Mr. Kimmer stated that the applicant is proposing that it stay; he may demolish it or renovate it. Mr. Blair stated that the Board wanted it to be demolished. Mr. Stickles stated that it must come down; it will be condemned. Mr. Kimmer stated that Mr. Singh is ok with removing it.

Mr. Baskin asked Ms. Lippmann about a trip generation letter.

Ms. Lippmann stated that she is still waiting on comments about that; it is being validated.

MOTION: Mr. Blair made a motion to schedule a Public Hearing for the project at 1402 Route 50 on November 29, 2023 at 6:35 pm. Mr. DiLorenzo seconded the motion. All in favor. **CARRIED.**

Mr. Kimmer thanked the Board.

1417 Route 50 Conceptual Site Plan Modification (PB 2019-016)

SBL 228.-1-48.32, 228.-1-2.1, 228.-1-48.112

Conceptual Site Plan Modification Review application to amend the commercial buildings previously approved per resolution signed on October 29, 2020.

Mr. Nick Zeglen of Environmental Design Partnership, LLP and **Mr. Colton Hill** of 1417 Saratoga Road, LLC.

Mr. Zeglen stated that he is here with the applicants for a concept site plan amendment submission, for feedback on the preliminary plans. The property is located on the northwest corner of Route 50 and Brookline Road on two parcels for a total of approximately 34.5 acres, in two zoning districts. He referenced a presentation of the project and stated that the previously approved apartment buildings are under construction; there are no changes to them, to the two access roads, or to the 6000 SF commercial building. The changes are to the commercial area near the intersection. Three buildings were approved; they are now proposing two mixed use buildings. Both buildings will have commercial space on the first floor and apartments on the second and third floors. Parking and travel corridors have been rearranged. Extensive sidewalks and an outdoor patio area will be



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provided. At the rear of the parcel, they are proposing townhouses on a cul-de-sac; five quadplex units and three duplexes. Community space will be provided. The Ballston Spa Fire Department has reviewed the plans and has no issues with the layout but wants to check that the ladder trucks can make the cul-de-sac turning radius. The applicant will verify.

Mr. DiLorenzo asked if mixed use buildings are allowed under the new zoning.

Mr. Stickles stated that mixed use buildings are allowed; buildings that are solely apartments are not.

There was a discussion regarding the roadways within the site. Ms. Lippmann stated that the proposal for the cul-de-sac is a bit different; she will investigate it. None of the roadways will be turned over to the Town; it is a bit of a maze. Mr. Blair stated that he is concerned about access in the event of a blockage or emergency. Mr. Zeglen stated that there will be signage and multiple points of ingress and egress. Ms. Lippmann will verify the number of units allowed on a cul-de-sac.

There was a discussion regarding the townhomes. Mr. Zeglen stated that they will be for sale. Each unit footprint will be a separate tax parcel with common homeowner's association (HOA) for the land around them.

Chairman Van Vorst stated that the maps need a north arrow and should show owners of the neighboring properties.

There was a discussion regarding connectivity to neighboring properties that are undeveloped. Chairman Van Vorst stated that it may make sense to add a paper street to the west side of the cul-de-sac. Mr. Zeglen stated that they will continue to improve connectivity as the process progresses.

Ms. Lippmann stated that the approved project was a Type 1 Action under SEQRA; it will need to be reopened. The applicant must submit the Full Environmental Assessment Form.

Mr. Baskin asked what the green space requirements are.

Ms. Lippmann stated that it won't be a problem due to lot size. She asked if they intend to consolidate the landlocked parcel with the main parcel. It will need ingress and egress.

Mr. Zeglen stated that he will investigate it; there will be an easement.

There was a discussion regarding the neighboring property belonging to Bridgewater Apartments. Mr. Zeglen stated that the provision for emergency access for that property has been maintained; it is being constructed now. Mr. Blair stated that there is a parking lot at the back of the Bridgewater parcel and asked if it could be connected to the townhouse cul-de-sac. Mr. Zeglen stated that they can discuss it. The relationship with the neighbors is improving.

Ms. Lippmann stated that the proposed commercial buildings have a square footage limit of 5000 SF; they are subject to the Purchase of Development Rights (PDR) program for the extra square footage.



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There was a discussion regarding the application process. Mr. Hill asked if the commercial amendment and the townhouse proposal should be separate applications since they are two different reviews. Ms. Lippmann stated that SEQRA will have to be looked at collectively and the SWPPP will have to address both as well but there could be two separate site plan applications. Mr. Clark and the Board members agreed. There was a discussion about the townhouse homeowner association (HOA) and roadways. Ms. Lippmann stated that it's complicated and she needs to investigate. Mr. Stickles suggested separating the applications. Ms. Lippmann stated that they can't be separate for SEQRA review. Mr. Clark stated that the cumulative impact of both projects would have to be considered. Mr. Hill stated that he would complete the long form answered with respect to both projects. Ms. Lippmann stated that the SWPPP must also address both. Mr. Hill stated that the stormwater design will be separate for the townhouses.

The applicants thanked the Board.

NEW BUSINESS

137 Kingsley Road Site Plan (PB 2023-015)

SBL 257.00-5-24.111

Minor Subdivision, Site Plan Review and Special Use Permit application for a three-lot subdivision to accommodate construction of a duplex on each of the two (2) one-acre lots fronting on Kingsley Road; public water and private septic systems.

Mr. Fred Metzger, Land Surveyor, P.C.

Mr. Metzger stated that he is here on behalf of Mr. Chris DeLucia, property owner, regarding the proposed subdivision located at 137 Kingsley Road in the Hamlet Residential zoning district. Mr. DeLucia wants to make two parcels that front on Kingsley Road for two new duplexes. They would tie into existing water and have private septic systems designed for each unit. The proposal meets the zoning requirements for that district.

There was a discussion regarding the creation of a flag lot. Chairman Van Vorst stated that they would create a flag lot which is not allowed in that zoning district. Mr. Metzger stated that it is a flag lot but cannot be accessed from Kingsley Road. Ms. Lippmann stated that, when subdivided, it will be a flag lot by definition; a variance is required. She explained the parameters of the parcel and how the flag lot will be created by the proposed subdivision. She stated that the front yard setback must be modified, or an additional variance will be required.

Chairman Van Vorst asked Mr. Metzger to explain the asphalt driveway on the plans.

Mr. Metzger explained how the driveway was constructed when the house to the northeast was built. It was configured for accessibility due to steep banks on that lot; an easement was granted, and the driveway will be maintained as is.



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Chairman Van Vorst asked if the Board should refer the applicant to the ZBA.

Mr. Clark stated that the Board can't approve the application as it stands without relief for the flag lot and front yard setback, unless the applicant wants to revise the setback.

Mr. Metzger stated that the applicant would like to have the buildings set back for room for driveway parking and turning around.

Mr. Clark stated no motion is required as it's just a referral to the ZBA.

Mr. Metzger thanked the Board.

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

Meeting was adjourned at 7:51 pm.

Respectfully submitted,

Kerri Mains

Kerri Mains
Planning Board Secretary