

Town of Ballston
Planning Board

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: December 16, 2015

Present: Richard Doyle, Chairman
Jeffrey Cwalinski, Vice Chairman
James DiPasquale
Patrick Maher
Audeliz Matias
John VanVorst
Kim Kotkoskie, 1st Alternate
Thomas Johnson, Building Inspector
Kathryn Serra, Town Engineer
Peter Reilly, Planning Board Attorney
Members of the General Public

Chairman Doyle called the December 16, 2015 meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

MOTION: Mr. Cwalinski made a motion to accept the November 18, 2015 as submitted. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. VanVorst made a motion to accept the October 28, 2015 minutes as submitted. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Maher made a motion to accept the October 29, 2015 minutes as submitted. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

OLD BUSINESS

Walter Katz, White Beach Road, Ballston Lake, NY 12019; 239.-1-21.2 (Minor Subdivision/LLA). Duane Rabideau, PLS with VanGuilder and Associates was present on behalf of the applicant.

Mr. Rabideau stated since the last meeting, there have been some changes from a proposed 4-lot subdivision to a 3-lot subdivision and a lot line adjustment.

Lot #1 – Consists of four acres and a LLA - increasing the size of the lot to approximately 6.3 acres.

Town of Ballston
Planning Board

Lot #2 - Consists of 6.1 acres.

Lot #3 – Consists of 17 acres.

Mr. Rabideau stated a storm water management plan has been prepared and believes that Ms. Serra has agreed to it. Ms. Serra stated no, "I got an email yesterday saying that the revisions would be made and have not seen any of the revisions and obviously have not agreed to that." Mr. Rabideau stated that he was not sure or exactly where that was.

Mr. Rabideau stated at the last meeting, the board had a concern about the driveway access to the new road. A 90 degree bend has been added so vehicles travelling down the road making it more defined. A directional sign is proposed at the intersection.

The Right-to-Farm Law was added to plan. The CAD drawing the Ballston Lake Overlay District was added and still need to add Water Contingency Note to plan.

Chairman Doyle asked why the one lot was removed from the original plan. The applicant did not know when this lot would actually be developed and did not want the added cost of the sewer and things of that nature.

Mr. Cwalinski asked about a note of the drawing conforming to §503 and §511 relative to the fire code. Mr. Rabideau stated that it will meet the requirements of width and weight and be able to support a fire truck and emergency vehicles will be able to pass side by side.

Mr. DiPasquale asked if the property is in the newly defined sewer district. Mr. Rabideau stated yes. Mr. DiPasquale asked if the applicant was connecting to the sewer. Mr. Rabideau stated that he would assume so when it becomes available.

Ms. Serra stated that she had just received an email stating that they (the applicant's engineer) would be addressing the 11 separate comments on the storm water plan, however have not seen any of those changes. Chairman Doyle stated that when those items are reviewed and it's all done and forwarded to the board, can take a look at it. Ms. Serra is in agreement.

Chairman Doyle stated the next meeting is January 20, 2016 and any materials to be forwarded two weeks prior to meeting.

Town of Ballston
Planning Board

Ms. Kotkoskie asked if the project include any shoreline disruption any docks for the future homes. Mr. Rabideau stated for the potential future homes. A permit would be required from the Building Department.

Ms. Serra stated if there was enough disturbance of the shoreline that would be covered as separate site plan by the Planning Board.

Ms. Kotkoskie stated if a design was known at this point, should it be included. Mr. Rabideau stated there are no significant plans at this time. Ms. Serra Stated that if there are no plans, they Planning Board has to review at this time. Ms. Serra said, "It would be a very tough permit to get from the State to get docks on this property because of the NYS DEC wetlands. Ms. Serra stated this subdivision approval does not permit a dock be constructed; there are obviously other regulations in the town pertaining to that.

Chairman Doyle opened the public hearing at 7:45 p.m.

No one wished to speak.

Chairman Doyle closed the public hearing at 7:46 p.m.

Chairman Doyle stated that the next submittal deadline is January 6, 2016.

Mark Katz, 1145A Route 50, Ballston Lake, NY 12019 239.-1-40.11 (Site Plan Review/Motor Vehicle Repair). Scott Lansing, PE, with Lansing Engineering was present on behalf of the applicant Vander Molen Fire Apparatus Facility.

The project is approximately 3.12 acres and is currently vacant zoned Business Highway-2. A small retail maintenance facility if proposed (mostly maintenance) approximately 8,505 sq. ft. used primarily for the outfitting of repairing emergency services types of vehicles. The applicant is proposing vehicle washing on-site, oil and fluid changes, brakes, tires and general maintenance.

The proposed access would be off of Super 50 Way – a single access off of NYS Route 50. The site to be served by public water, individual on-site septic system and storm water to be managed on-site located on the south east portion of the parcel.

The building will be equipped with doors on both the front and the back. A turning template has been prepared of what it would look like if a tow truck were towing a fire truck and where they could make the bend and swing around to go through the building and the tow truck would obviously detach and come back out around.

Town of Ballston
Planning Board

Since the last meeting, the changes are noted below.

A proposed sign location has been provided.

Moved parking from the front to the west portion.

Provided screening on the east side of the building.

Maintain as much vegetation on the south side.

Mr. Lansing stated comments that were received from C. T. Male are technical in nature and will absolutely address before the preliminary final design.

Mr. Cwalinski said, "When you are saying retail, we are not talking about an Auto Zone." Mr. Lansing stated no not selling fire trucks it's more of selling an outfitting type of equipment.

Mr. Cwalinski asked if this is going to turn into a "fire truck used parking lot." The Vander Molen representative stated absolutely not. Mr. Cwalinski asked how many trucks will be parked out there at any one time. A maximum of four inside, but rarely ever see on parked outside.

Mr. DiPasquale stated it's a good business for the town and a business that supplies services that are needed and assumes it's a benefit to local emergency services. Mr. Dipasquale stated as long as from Route 50 and surrounding properties that it's properly screened.

A further discussion was held on the proposed sign.

Ms. Kotkoskie asked the applicant if they will be getting back to the board about the vehicle washing and the solution for that. Mr. Lansing stated yes. Ms. Kotkoskie stated that may impact some of the questions about impoundment and storage of liquids. Ms. Kotkoskie asked the largest size individual container (in gallons) of a chemical. The waste oil is stored in up-to a 250 gallon tote before it's removed. Ms. Kotkoskie asked if there are any plans with the building design to pitch the floor so if the tote were to rupture. The floor will be pitched and will have a waste oil water separator containment system in the building; the plan is to be environmentally friendly and will be contained on site. Ms. Kotkoskie asked if the trucks will have foam (aFFF). The Vander Molen representative stated some will, aFFF is now biodegradable foam and is environmentally friendly – Class B foam is not and we don't use that. Mr. Johnson stated that most fire department use aFFF. Ms. Kotkoskie stated the EAF said, "Specify the amount to be handled or generated and the answer was two tons a month and hazardous waste is different and most is not hazardous waste." The Vander Molen representative stated its oil and believes we will be burning it and uses it as a resource. Ms. Kotkoskie stated you may want to adjust that question and analyze your waste streams better because that quantity would make you a large quantity generator.

Town of Ballston
Planning Board

Chairman Doyle opened the public hearing at 7:58 p.m.

No one wished to speak.

Chairman Doyle closed the public hearing at 7:59 p.m.

There were no objections from board members that the applicant advances to preliminary final phase of the project.

Application tabled.

NEW BUSINESS:

Tracy Egan, Margaret Cummings and Eileen Mack, Midline Road, Ballston Lake, NY 12019; 257.-4-1.2 (Minor Subdivision/Site Plan Review) Duane Rabideau, PLS with VanGuilder and Associates was present on behalf of the applicant.

The applicant proposes a 3-lot subdivision on the east side of Midline Road approximately 43.1 acres.

Lot #1 2.7 acres

Lot #2 1.6 acres

Lot #3 Remaining 38 acres

The parcel will be serviced by public water and onsite septic systems. The applicant is using the private road provision allowed by zoning for access to these parcels. Mr. Rabideau was in receipt of the C. T. Male comments and the storm water management plan will be prepared. The septic system areas have been revised and water laterals to be added to plan and have documented the delineated wetlands with the adjacent associated areas.

Mr. Cwalinski asked if blacktop is proposed for the private road. Mr. Rabideau stated no.

Mr. DiPasquale asked if this property within the proposed sewer district of the town. Mr. Rabideau stated the sewer district. Mr. Rabideau stated no, the sewer district actually ends right next to the said parcel.

Mr. Cwalinski asked if we (the board) requiring a turn-around at the end of that private road. Ms. Serra asked the length of the private road. Mr. Rabideau stated approximately 700 feet. Ms. Serra stated that 500 feet is the guideline for the ability of having two vehicles passing and stated that lots #1 and #2 could back into that driveway would be "nice", but would not be required by code. Chairman Doyle has

Town of Ballston
Planning Board

a concern if there is a heavy truck and backing off the road onto someone's driveway is a risk. Mr. Rabideau stated a turn half way through and then then a "T". Mr. Cwalinski stated like a hammerhead. Chairman Doyle asked if the board is in agreement, it would be a safer fit. Ms. Matias stated it would certainly help with snow removal.

Chairman Doyle stated that the board would like to see something on regular NYSDEC letterhead that states they (NYSDEC) is approving a 50' buffer. Ms. Serra stated the letter is a standard form letter and agree with the wetland boundary of this particular jurisdictional wetland. The board's particular concern is that we (the board) have never seen a 50' buffer – the statutory buffer is 100'. Ms. Serra said, "The applicant to come in stating NYSDEC has given an exception, and the board would like something from them saying that is a wetland." Mr. Rabideau stated that the map provides that information. Ms. Serra said, "She does not want this to come back and bite the applicant where NYSDEC says you don't have this buffer and not that she does not trust the applicant." Mr. Rabideau said, "The adjacent buffer is not locked into that 100' and have had subdivisions where NYSDEC have taken the wetland right out based on various reasons." Ms. Serra asked if the application could ask NYSDEC for a letter stating that – the problem is that the letter does not definitively talk about the buffer and refers to a map. Ms. Serra asked is there any way to have Mr. Hayden give Ms. Serra a call to discuss further. Chairman Doyle asked if Ms. Serra or Mr. Johnson could call Mr. Hayden from NYSDEC. Chairman Doyle stated the letter is signed by Mr. Hayden and confirming this would be the thing to do. Ms. Serra stated the board does not want this project to move forward based on the assumption that you can do whatever you want outside of the 50' limit.

Chairman Doyle opened the public hearing at 8:09 p.m.

David Pierce, 100 Lake Road, Member of the Sewer Committee and stated the sewer committee is looking into adjacent properties as possible add-on's to the sewer district. Dr. Pierce stated Our Lady of Grace has expressed an interest. Mr. Rabideau has spoken to Delaware Engineering and stated that this is the only parcel on Midline Road down to the railroad tracks and felt there was some kind of feasibility to run a line right down through there to facilitate the new sewer district. Chairman Doyle said, "We have a problem at the church and the committee is looking at what possible things they can do." Chairman Doyle stated he did not know when the applicant is going to build this out, but it would be worthwhile to stick with the line in the road. Mr. DiPasquale stated they would have to go through the wetlands to access the line. Dr. Pierce stated that his comment was to make everybody aware of how far does the proposed sewer district goes and there may be another 100 foot one way or 200 foot another way to pick up a couple properties. Mr. DiPasquale stated it may be economically beneficial for the development versus the septic systems. Ms. Serra stated the problem there is if the applicant wants approval in a month or two and start building in the spring; the sewer project is years out.

Town of Ballston
Planning Board

Theresa Lozier, 56 Midline Road asked if this proposal includes water because we all have septic systems that are currently functioning and there has been no consideration of talk for septic systems or water line and asked if that could be addressed without a consideration. Ms. Serra stated there is municipal water on Midline Road and would be connecting to that. Ms. Lozier stated only from Gartner Road down into the village; not north. Ms. Serra stated there is municipal water to the north on Midline Road from the hamlet north and would be connecting to the Town of Ballston water. The discussion was if the sewer project happened the sewer district is formed, would they be interested into connecting into that sewer and the answer is they (the applicant) would be interested into connecting into the sewer district, but would have to put septic system in the interim until that time. Ms. Lozier asked since they are all single family homes in that area, what allows a subdivision in. Mr. Reilly stated the subdivision regulations

A further discussion was held on the proposed layout of the subdivision

Deanna Lozier, 62 Midline Road has concerns of how the wetlands will be affected - "there are 47 acres back there and never intend to develop" and very concerned of the environmental impacts. Chairman Doyle stated when this project is engineered; the water will stay within this parcel. Chairman Doyle stated if you have concerns, stop in town hall and go through it to know what you have got.

Ms. Serra said, "Get the engineering set." Chairman Doyle said, "To put in the turnarounds as discussed."

Application tabled.

Gilbane Builders-Speedway, 229 Church Avenue, Ballston Spa, NY 12020; 216.-2-22.12 (Site Plan Review/Addition). Dave Gilbane presented the proposal to the board.

Mr. Gilbane stated the applicant is proposing to renovate/remodel the interior including but not limited to new equipment upgrades to mechanical, electrical and plumbing at above said address. The proposal calls for a cooler to extend about three feet outside of the normal store front of the building. Mr. Gibane stated its cooler panels – insulated panels with insulated windows. The purpose of the beer cave is to provide public access from inside the store to purchase beer. The beer cave does not fit outside of the footprint of the building; it comes out onto the sidewalk about three feet and that space will be reconfigured to include five bollards put in front of it to protect from traffic. Mr. Gilbane stated similar projects have been done in Johnstown NY and Highland NY. They maintain the façade of the building as far a color and general features.

Mr. Cwalinski asked, "Am I going to see glass panels with beer bottles." Mr. Gilbane stated basically you will see glass and not see anything beyond it – it's going to be opaque and are presently working on a

Town of Ballston
Planning Board

design with frosted glass so you cannot see in. Mr. Gilbane said, "They have been doing some trials in other areas and found they don't want to see that so they are frosting the glass.

Mr. Cwalinski asked where are the compressors located for all this going to be located. Mr. Gilbane stated with most of the facilities the condensers are located on the roof and will be not see them as they are within the parapet – very similar to the rendering that was provided to the board. Mr. Gilbane stated he will forward pictures of the Johnstown NY and Highland NY stores that have been renovated.

Chairman Doyle asked if there are any other modifications proposed to the outside of the building. Mr. Gilbane stated other than the signage, there will not be any other modifications – in general, all the work is done inside. Chairman Doyle said, "Maybe message to carry back – we can all remember the old Hess station and painted the curbs once a year, but this on could use a little TLC (a coat of pain and a few other things) would be very helpful to carry that message back or we (the board) could provide a letter." Chairman Doyle stated we are trying to make the business areas look better so consequently that will bring more business. Mr. Gilbane stated he feels they will be receptive to that suggestion.

Chairman Doyle opened the public hearing at 8:27 p.m.

No one wished to speak.

Chairman Doyle closed the public hearing at 8:28 p.m.

Ms. Matias stated this is not going to affect the parking spaces there. Mr. Gilbane stated it will not affect parking at all.

MOTION: Mr. VanVorst motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. VanVorst motioned to declare this an unlisted action under the SEQR process therefore will declare this a Negative Declaration under the SEQR process. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Maher made a motion on the revised site plan detailed on drawing SP-1 for the addition to the building be approved. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

Town of Ballston
Planning Board

New York Development Group – Kelly Farms, Eastline Road, Ballston Lake, NY 12019; 239.-2-7.1 (Review of grading limits) Scott Lansing, PE, with Lansing Engineering was present on behalf of the applicants.

Mr. Lansing stated the applicant proposes an adjustment to the SWPPP grading line on the overall plan. There was a SWPPP grading line provided on the previous plan based off the typical average size home that the developer has provided for the project. Subsequently, they want to accommodate for larger type homes and “ranch style” homes that would be a little bit deeper in size. The applicant is proposing a revised SWPPP grading line for the project to accommodate to provide flexibility for larger “ranch style” homes throughout the project and there were slight adjustments to the project. This project is zoned Ballston Lake Residential as well as the Chapel Hill Subdivision to the north with the exact same area requirements for the lots. The applicants are proposing to provide a 20’ no cut buffer along the entire northern boundary of the project. A comment letter from C. T. Male was provided to the applicants.

Ms. Serra stated what was mentioned by Mr. Lansing was that the original approved plan had a SWPPP grading line – that is incorrect. The approved plan had a line that stated “limits of clearing and grading typical.” Ms. Serra said, “That was the crux of the issues that occurred once construction started, so again not to mince words, but the Planning Board did not approve the SWPPP grading line previously they approve a limit of clearing and grading, which is coming in for an adjustment at this point.” Mr. Lansing said, “He apologizes for the misuse of words.” Mr. DiPasquale asked if the new proposed line is the dark line. Mr. Lansing stated yes. The original is the lighter grey line. Mr. Lansing stated yes. Mr. Maher asked if that is what the applicant used for the original SWPPP calculations. Mr. Lansing stated the lighter shaded line. Mr. Maher stated the dark shaded line is what is being used as the revised SWPPP line with a 20’ buffer. Mr. Lansing stated correct. Ms. Serra asked if the applicant could explain the hatching of the lot at the north end of the property – the understanding is that it’s a wetland. Mr. Lansing stated yes that is a 20’ no cut buffer and would be a deed restriction. Ms. Serra asked how that differs from the previously approved plan. Mr. Lansing stated the previously approved plan did not have any sort of deed restriction on the lots. Mr. Booth said, “One of the things that we are doing are prohibiting any cutting or clearing of vegetation unless there is a tree in fear of falling down and hurting someone; all of the vegetation stays where the adjacent lots in the adjacent subdivision have cleared all the way back to the property line and are now providing some additional protection and be some sort of a buffer between the two projects. Mr. Reilly stated this proposal will be binding with the homeowners and not problematic to enforce. Mr. DiPasquale asked if there is a document or is it on the plan. Mr. Reilly stated it’s on the plan. Mr. Booth stated that deed restrictions will be filed with the County Clerk’s Office and the town will receive a copy as well. Ms. Serra asked if this will be for all the lots that essentially about the existing subdivision. Mr. Booth stated that is correct. Ms. Serra asked if it applies on any other part of the subdivision. Mr. Booth stated no, just across the adjacent lands. Mr. VanVorst

Town of Ballston
Planning Board

said, "When we as members of a Planning Board look at a plan and it says clearing grading limit, it does not mean anything anymore." Mr. Booth stated he feels there is an ambiguity that Ms. Serra pointed out to what that line means and what is enforceable – no one has ever said, "That is the limit of the line." Mr. Booth stated that part of the issue was a note was placed on the plan that provided some of that ambiguity and on essentially for SWPPP calculations and the homeowners come in after the fact and clear an additional area if they want a fence and there is really no enforceability on that line. Ms. Serra stated that the board should be aware that any project that comes before them that says "limits of clearing and grading." Limits of grading does not discuss cutting down brush. This plan said "limits of clearing and grading" and felt many of you thought it was going to be the tree line. Ms. Serra stated a way to learn from this and moving forward the Planning Board would like a true clearing limit line and then the Planning Board needs to have deed restrictions. Ms. Serra said, "As it stands right now legally, the amendment was not approved by the Planning Board legally those homeowners could cut right to the property line without any ramifications." Ms. Serra stated whether the people in Chapel Hill like this 20' buffer, it's probably better than approved plan from a legal standpoint. Mr. Brick, attorney for the applicant said, "The best mechanism to obtain a no cut buffer (what is being proposed) and look at the PUDD approved by the town board, if they want a "no cut" buffer in this location, you the Planning Board have the ability to require that same thing and want to keep it woods – they call it a "no cut" buffer, put dimensions on it and require deeds enforceable not just by the town, but by neighbors. Mr. VanVorst stated that raises the question of why would a person go through the effort of putting that line on the drawing, if they did not intend of abide by it. Mr. Brick stated that line is for construction purposes. Once the site is developed, and all the houses are sold out, then that line has no more enforceability and the individual properties owners can clear to their property line. Once the individual obtains the property, the only way to restrict them from clear cutting to the property line is the "no cut" buffer. Mr. VanVorst asked how many people know that, but we (the board) did not know that. Mr. Brick stated this has been a learning experience for everybody. Mr. VanVorst stated that he has a tendency to trust what he reads as being factual whereas obviously it was not. Mr. Maher stated no, he did not think that it was not factual; Mr. Brick stated unless you put something in a deed that is legal and binding the people who take possession of the property can do whatever they want. Mr. Booth stated that this is a way to provide a true "no cut" area. Mr. DiPasquale asked how this incident came about. Ms. Serra stated the town received a complaint that trees were being cut past this line and went out and asked their surveyor to survey this "clearing and grading limit line" and determined they were past this line and met twice and this was the consensus that this was the only legally binding way the town could enforce a "no cut" buffer. Mr. Dipasquale stated it's only one lot. Ms. Serra stated it was the first lot that was sold and cleared just happened to be inconsistent of that original line.

Chairman Doyle opened the public hearing at 8:45 p.m.

David Pierce, 110 Lake Road stated he had a study that was done by the Land Conservation Committee back in 2005 of a study of the Ballston Lake Watershed conducted in 2001 by the Capital District

Town of Ballston
Planning Board

Regional Planning Commission. The study identifies three Ballston Lake streams which sites inadequate out-of-date zoning and subdivision regulations in Ballston. The study recommends screening, buffers in conformance standards for screened buffers. The study recommends limiting non permeable surfaces. The study recommends additional storm water management regulations and practices be permitted. The subdivision recommended by the Land Conservation Committee move forward with the recommendations of the 2001 study.” The stream at Kelly Farms subdivision is located is the stream that goes underneath Sweet Road and crosses Lake Road. Dr. Pierce stated the Sweet Road creek was identified by the Ballston Lake Watershed study and is entirely free of wetland buffers. The Land Conservation Committee recommended that buffer designations be implemented to the Town of Ballston. Dr. Pierce stated the following towns require 100 foot buffers - Town of Wilton, Town of Milton and the Town of Northumberland. Dr. Pierce wants the Planning Board to consider how this project is being designed because we are trying all we can to mitigate the flow of that stream coming down Sweet Road because once it hits that 15 degree slope behind the properties behind Sweet Road and the volume just becomes unbelievable and picks up so much sediment that flows into the lake and has created a delta at the end of the stream that is over 400 cubic yards wide. Ms. Serra stated the original SWPPP for the subdivision was done in accordance with the NYSDEC and town regulations. The additional amount of clearing that additional runoff was provided to the board as part of the application and was determined that the original basins that were approved in the original SWPPP can accommodate this change and do not impact the stream. Dr. Pierce stated that property is part of a wetland that flow to that stream. Ms. Serra stated that’s true. Dr. Pierce stated he wanted the Planning Board to be aware of the recommendation that were made ten years ago and do all we can to not make our job more difficult on trying to control the velocity of the water. Chairman Doyle stated the town board are going to continue with zoning changes and now is a good time to forward that information to the board.

Chris Mitchell asked for more clarification of the site layout relative to the buffer. Mr. Mitchell stated that unless you put the restrictions in the deeds, then everyone knows that it’s filed because otherwise they will cut the trees.

Ron Mrozek, 23 Sweet Road stated his family’s farm is located on Sweet Road and abuts the Kelly Farm project and are currently farming and currently use the Forman property. Mr. Mrozek has a concern for the runoff from the roads of the contamination of the soils, ponds and wells. Mr. Mrozek said, “As you know that water that is on the road is polluted and eventually go down to the lake and concerned for the lake being polluted. Mr. Mrozek stated that since we are still farming that, does not want their property damaged by polluted water.

Bill Bashant stated that he and his wife own the abutting property to the west. Mr. Bashant asked if there is an opportunity to do something similar on that west side especially that face that most of that boundary line is a wetland and make it very clear and put it in the deeds to make it very clear to the

Town of Ballston
Planning Board

people that own it that they cannot clear through that wetland and disturb that area. Ms. Serra stated that actually is not permitted so normally the town would not ask for that unless the developers do not like it. If anyone were to encroach that wetland, the ACOE would be contacted and enforce on their end. Mr. Bashant stated if there is an opportunity for the applicant to consider that, it would be appreciated. Chairman Doyle stated he did not feel the board could do that. Mr. Cwalinski stated there is protection already in place. Mr. Maher stated with ACOE. Chairman Doyle stated there is nothing we (the board) can do at this time.

Chairman Doyle closed the public hearing at 8:57 p.m.

MOTION: Mr. Maher motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

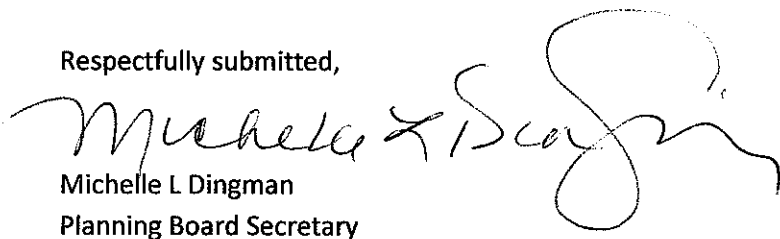
MOTION: Mr. Cwalinski motioned to declare this an unlisted action under the SEQR process therefore will declare this a Negative Declaration under the SEQR process. Ms. Maher seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Maher made a motion that the revised layout materials and grading plan as described on LMG-0 be revised – grading lines and the no clear cutting zone as designated be approved. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. VanVorst made a motion to adjourn and Ms. Matias seconded the motion. **CARRIED.**

Meeting adjourned at 9:01 p.m.

Respectfully submitted,


Michelle L Dingman
Planning Board Secretary

Enclosures

Attn: Town of Ballston Planning Board:

Regarding the Public Hearing on Wednesday, December 16, 2015 to “consider the APPEAL of NYDG/Kelley Farms, to review the grading limits, **we are vehemently opposed to any changes for the following reasons:**

1. The plans submitted by Lansing Engineering for NYDG/Kelley Farms contains a clear statement of “limits of clearing and grading,” noted in the “legend” by a bold dotted line. The site plan is a contract between NYDG and the town of Ballston; **the clearing line was the creation of NYDG. It defies logic to believe that “limits of clearing and grading” can be interpreted to mean anything other than what it states and should not be changed nor eliminated.**
2. Whatever interpretation NYDG/Kelley Farms might put on their own language in the blueprint, and for whatever reason or purpose they may have in mind to challenge or eliminate the “limits of clearing and grading,” can be achieved by some other method. For example: **Houses could be sited in a way that allows ample space for equipment to operate without invading the “grading limits line.” NYDG refers to these lots as large, estate size lots and therefore there should sufficient room to honor the grading limits line.**
3. If the grading line is ignored, an undesirable change will be produced in the character of the neighborhood that borders this major development, and would be a detriment to nearby properties. **The “limits of clearing and grading” on lot # 62 has already been violated and has a clear and obvious negative effect on the existing property the lot borders.**
4. It would not be an inordinate economic burden on the developer to have cited the house on lot #62, or any other lot, in such a way as to avoid violating the grading line, and certainly not a sufficient reason to eliminate or revise the “limits of clearing and grading line.”
We understand that upon closing, the new property owners can clear trees to the property line if they choose, however lets give them that option, not the developer.

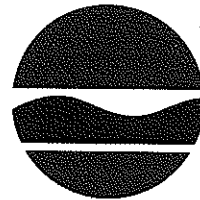
*Kathleen M. Ford 12/14/15
Thomas J. Ford 12/14/15
2 Lancaster Court
Ballston Lake, N.Y. 12019*

**New York State Department of Environmental Conservation
Bureau of Wildlife**

232 Golf Course Road, PO Box 220, Warrensburg, NY 12885

Phone: (518) 623-1200 · FAX: (518) 623-3603

Website: www.dec.ny.gov



Joe Martens
Commissioner

December 8, 2014

Mr. Kevin Weed
Gilbert Van Guilder and Associates
988 Route 146
Clifton Park, NY 12065-3617

**Re: Freshwater Wetland Validation, FWW R-19
Lands of Egan
Town of Ballston, Saratoga County**

Dear Kevin:

I have reviewed the wetland delineation map entitled "NYSDEC Wetland Lands of Egan," dated November 20th, 2014. The wetland boundary on this map accurately depicts the limits of Freshwater Wetland R-19, as verified by the Department of Environmental Conservation (DEC) on November 13th, 2014.

The wetland boundary validated by the DEC remains valid for three years from the re-validation. For official use of the wetland boundary after this three year period, the boundary must be re-validated by DEC staff. This may include additional flagging and survey of the wetland boundary if changes are noted.

If you have any questions regarding the above-referenced project as it related to the DEC freshwater wetland regulations please contact me at (518) 623-1241. If you have any questions regarding permitting please contact the Division of Environmental Permits at (518) 623-1200.

Sincerely,

Jed Hayden
Wildlife Biologist