

Town of Ballston
Planning Board

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: February 24, 2016

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

Absent Audeliz Matias

Chairman Doyle called February 24, 2016 meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

OLD BUSINESS

Eric & Rosemary Katz, Lake Road, Ballston Lake, NY 12019; 239.-2-37.1 (Amend previously approved 4-lot subdivision.

Eric Katz presented. All the lots remain the same. The lake rights are being revised for lot #2. Instead of doing a lane will keep all house numbers (191, 193, 195 and 197). The dock to remain for Lot #2

Ms. Kotkoskie stated the parcel that is by the water is now going to be part of the second parcel inland. Mr. Katz stated that parcel will remain in our name into the parcel that we are going to move onto.

A further discussion as held on the previously approved amendment. Mr. Reilly stated the reconfiguration of the lots has not changed just the lot numbers. Chairman Doyle opened the public hearing at 7:45 p.m.

Town of Ballston
Planning Board

No one wished to speak.

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

MOTION: Mr. Cwalinski made a motion to approve the Lakeview Gardens Subdivision on master subdivision plan dated January 15, 2016. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

Nuri Ozbay, 814 Route 50, Burnt Hills, NY; 257.10-2-55 (Site Plan Review/Special Use Permit) Convert existing motor vehicle repair shop to convenience store with fuel sales.

Chairman Doyle stated the board approved the site plan last month and did not do a special use permit for the project.

Chairman Doyle read through the four criteria of a special use permit.

- 1) The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of the adjacent districts. The board concurs there are no issues.
- 2) The location and size of the use, the nature and intensity of the operation involved or conducted in connection therewith, its site layout, and its relation to streets giving access to which shall be of such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. The applicant agreed that the hours of operations be 6:00 a.m. to 11:00 p.m.
- 3) The location and height of buildings, the location, nature and height of walls and fences, and that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof. The board concurred, no issues except Chairman Doyle has a concern of noise and there would be an advantage of putting the mechanicals on the ground floor. Ms. Serra asked if the board wanted to stipulate that the mechanical equipment be on the ground and cannot be on the roof. Mr. Cwalinski asked if the site plan to change to reflect. Ms. Serra stated the special use language would be enough. Mr. Reilly agrees.
- 4) The public convenience and welfare will be substantially served and appropriate use of neighboring property will not be substantially or permanently injured, subject to appropriate conditions and safeguards as determined necessary to promote the public health, safety and welfare. Chairman Doyle stated the new NYSDOT would like to see drawings of the roads on both sides with the arrow. Applicant is aware. Ms. Serra stated the Chairman Doyle asked the professional at C.T. Male who is experienced in

Town of Ballston
Planning Board

petroleum contaminated sites. Ms. Serra stated that C. T. Male can go out to the site on a part-time basis while site work is being done to ensure the NYSDEC permits are complied with. C. T. Male would not work for Mr. Ozbay, but would work for the town and have no authority with the site and reporting back to the Planning Board and the Code Compliance Officer to ensure that site work on this site is being done in accordance with applicable stated regulations. Ms. Serra stated there is likely there is contamination on the site based on the packet of information received relative to the remediation that was done back in the 90's and want to make sure that continued site work here is done in accordance with applicable regulations. C. T. Male estimate (to be put in escrow) to cover that service on behalf of the town. Chairman Doyle stated the applicant can hire someone or work with the town and C. T. Male will provide the overview. Chairman Doyle stated that it appears that the wall in the back portion of the building has a gap in it and asked the applicant to explain or show the board how it will be fixed. Chairman Doyle stated the applicant needs to come up with some type of handi-cap access. Mr. DiPasquale asked how contamination is reported. Ms. Serra stated we are required to comply with the stated regulations.

The stipulations for the special use permit are as follows:

Hours of operation to be 6 am to 11 pm

Mechanicals to be relocated from roof to ground (site plan to be amended to reflect this change)

Final approval from NYSDOT

On-site monitoring by a licensed engineer to ensure compliance with all applicable DEC regulations relating to soil contamination

Architect's certification of structural integrity of existing building

Site plan to be amended to reflect compliance with handicap access requirements

Note to be placed on site plan that no advertisements for tobacco products and alcoholic beverages shall be placed in such a manner so as to be visible from the exterior of the building.

Chairman Doyle opened the public at 8:05 p.m.

Gary Bloomer adjacent property owner believes there is contamination, and when talking about excavation there is no mandate if the floor of this building if there is possible

Town of Ballston
Planning Board

contamination; what is to prevent the applicant to just pouring concrete right over the existing floor. Ms. Serra stated that is allowed; if there is contaminated soil and you don't excavate it, you are permitted under state law to leave it. The town has no additional regulation to force the applicant to remediate the contaminated soil (odor or sheen in the soil is suspect, but cannot assume under 18" of the slab that is contaminated). There is going to have an impact on potential foot traffic on the middle school and high school. Mr. Bloomer stated at the other USA Gas located on Route 67/50 at 8:15 am on Tuesday morning and noticed six or seven kids outside the gas station smoking. Mr. Bloomer stated that Burnt Hills is not in need of another Convenience Store and another establishment that promotes ill habits for children, alcohol and cigarettes. Traffic is a concern as this corner has been a 7:00 am to 5:00 pm five days a week for 25 years and has not impacted the community other than a nice appearance, but neither does Gately's Welding Shop across from the Café, the gas station on the corner of Midline and Route 50 or the Getty station on the corner of Brookline and Route 50. This is going to create a monster – that is tough corner with traffic and Route 50 cannot handle the volume of traffic it handles now from north to south. There is traffic backed up at the gas station next to Dino's. Mr. Bloomer stated as a homeowner does not think it's a sensible decision to allow this kind of impact at that intersection the way it stands especially of what is being projected across the way and does not think it is worth the risk.

Mr. Fischer asked if this were to go through and was not going to be a small convenient store or gas station there and some other type of business went in there, would it have a lesser impact on some of these things that you are talking about; obviously you (Mr. Bloomer) would like to see it vacant), but there is going to be something there. Mr. Bloomer said, "If I owned it, it would, but the site plan shows four pumps – that's eight pumps with room eight cars parked at the pumps and 12 parking spots totaling 20 parking spots for that lot potentially could be there all at one time. Mr. Bloomer asked about the larger semi-truck deliveries; less than a half-acre lot allowing all this cramping on that lot and a gas station and convenience store is not what he feels would be best for that corner.

Ms. Kotkoskie stated last night at the town board meeting there was a presentation from a committee that they are looking at radius distances from schools and would like to put policy in place regarding the sale of cigarettes and would encourage you to contact the Supervisor and say that you are concerned about that. It was just a presentation and the more people that speak, more likely something will happen.

Town of Ballston
Planning Board

Mr. Bloomer stated that the Planning Board should contact the Supervisor stating the board has concerns.

David Pierce stated the town board was going to develop a resolution to try to keep cigarette sales to a minimum.

Anne Pierce stated it's called Realty Check and made a presentation and working with all the schools in Ballston Spa and other areas too. What attracts the youth is the marketing and advertising and kids are more tempted to buy.

Mr. Bloomer asked to clarify the size of the tanks. The proposed tanks size are two 15,000 gallon not 1,500.

Mr. Ozbay has been running his business for over 30 years and is really strict about selling cigarettes and beer to minors.

Fischer asked if no outside visual ads could be added to site plan for cigarette sales.

Mr. Reilly stated that we have the applicant's consent, but no outside sales of cigarette sales.

Ms. Kotkoskie stated the pitch on the property is such that filling of the tanks for any spill that happens in the island would drain to where there was a drywell and had discussed protecting that. Mr. Ozbay stated the Central Avenue site has a spill catch.

Chairman Doyle asked the spill prevention for when fuel in accepted.

Ms. Serra asked Mr. Ozbay that is part of the application to NYSDEC – a Spill Response Plan is required by the state.

Ms. Kotkoskie stated it's a poor design to pitch everything to the drywell, but understands the need to get rid of the water.

A further discussion was held on the notes to be placed on final drawing.

Town of Ballston
Planning Board

A further discussion was held on ground water levels and the size of the size of the proposed gas tanks.

MOTION: Mr. Cwalinski made a motion to table to application for the project. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

Application tabled.

Conifer Realty, 800 Route 67, Ballston Spa, NY 12020; 228.-2-9.1, 12, 43, 45 (Site Plan Review Mixed Use PUDD)

Matthew Jones, Esq.

Matthew Jones, Esq., Gavin Vuillaume, EDP and representatives from Conifer Realty were present.

Mr. Jones stated the overall project is to subdivide the existing areas A, B and C and hope to develop 142 apartments and divide into two lots.

The applicant is proposing to subdivide the property into four buildable tax parcels.

The first two phases are to construct 142 apartments

Phase (1)	82 apartments and clubhouse
Phase (2)	60 apartment units second lot

The buildings proposed stone veneer vinyl construction.

The easement area has been reconfigured and a couple of the buildings are oriented differently.

Procedurally in the process the notes indicated that the public hearing was closed, a letter from C. T. Male was received and received the 239-m referral letter from Saratoga County Planning Board with no impact.

Mr. Jones stated procedurally with completion of the public hearing and the country referral were primed for action, which could determine a SEQRA determination because a Negative Declaration by the lead agent was issued in 2007, when the town board reviewed the PUDD application – there is an existing Negative Declaration or seek a second Negative Declaration or no further action will be required.

Town of Ballston
Planning Board

Mr. Jones stated that a response letter was forwarded to C. T. Male.

Mr. Jones stated that the commercial lot is not part of the subdivision application.

The applicant provided a response to the comment letter from town engineer.

A conceptual drawing provided by C. T. Male was provided to the applicant of a conceptual round about, ultimately which could be constructed at the site. Mr. Jones and Mr. Murray, owner of Brookside Nursery met about a week ago between 7:00am to 8:30 am at the site. Mr. Murray described his circumstance in the morning with his drivers unable to get out of Commerce Drive either right or left and has made use of the exiting roadway that runs through the site when needed and cannot get out Commerce Drive go ahead and make use of that. It is an apartment complex and do not want to make it a highway and have no plans to restrict at this time. Mr. Jones said that applicant said, "There could be a happy marriage there without an easement or a normal contractual relationship.

Mr. Jones stated this has to do with various GEIS that were prepared specifically to traffic and the first one dating back to 2002 for SEDC were focused on this intersection. As early as the TIS in 2002, this intersection was identified and in need of mitigation at the intersections as early as 2005 the plan contemplated an east/west, east bound left turn signal and a west bound left turn signal on Route 67. That was the first mitigation measure that perceives with elevated steps onto 2011, 2018 and 2025 in which it would be a turning lane, separate turning lane or a roundabout. Identified as early as 2002 in that TIS identified a second time in Malta GEIS in which they laid out some 17 intersection's which would require mitigation measures; Route 67/Eastline Road was one of those 17. Another important point about the Malta GEIS would be important to the town is to contemplate future mitigation and don't have a use yet, but may trigger some mitigation so we (the applicant) will be a player. The town wide GEIS said, "One of the benefits of preparing an area wide GEIS is the ability to identify capital improvements necessary to serve in anticipated growth to distribute cost of these improvements equitably among all future development within the study area. That mechanism was developed in 2005/2006 by the Town of Malta and is in place and collects between \$1,500 to \$1,600 per peak trip in the morning and afternoon – they have accumulated a fund. If this qualifies, will be funded as a TIPS project so 8% of Federal and State funding, 20% local – the roundabout would be in the vicinity of approximately three million five hundred thousand dollars. The next time the intersection was studied was 8.2 with Global Foundries in 2013. When Global Foundries modified its plan, from a three fab scenario to an 8.1 TDC and 8.2, during that review, the intersection was studied again, with build and no build scenarios and identified for mitigation consistent with the two studies. The fourth study was the Route 67 corridor study combination of Malta and Ballston project in 2006; that similarly identified that intersection for future mitigation. The DRAFT regional study from CME to construct two roundabouts; northbound and southbound of what they call an aggressive scenario for future development. The

Town of Ballston
Planning Board

intersection have been studied at considerable length, it will call for mitigation either a turning lane or a roundabout in the future. The applicant has stated to the town and CME that they are willing to work with the Town of Malta and had a meeting with Mr. Tozzi, Planner Town of Malta; he had come from CDTC to see where the fifth application is. The applicant's message to the board is there needs to be a plan in the Town of Ballston in which we would be able to participate.

Ms. Serra stated that is something the applicant needs to speak to the town board about. Ms. Serra has told the town board since 2005 that they needed to do a GEIS for traffic. Mr. Jones stated that the applicant wants to develop that area and the town wants the applicant that area and hopes to "put your head together" as to hoping something will come along and be fully funded. The applicant cannot be the entity that fully funds the intersection because we are going to provide this much of the traffic; it's just a matter of working together. Ms. Serra would like to see what NYSDOT has to say.

Ms. Moran with CME stated the trip generation that was previously analyzed on this site when it was proposed by Mr. Schultz with Eastline Commons. Phase 1 trip generation for the AM peak hours is 86 and 202 trips for the PM peak hour. That was a threshold that was originally approved in the PUDD that NYSDOT had agreed that at this point you can develop to that many trips and not have to have any off site mitigation. When compared to the current proposal, the trip generation for the current site as proposed is 89 trips during the morning peak hour and 114 during the PM peak hour; it's comparable during the AM peak hour and 88 fewer trips during the PM peak hour. The current proposal is below the traffic threshold that has been established. Mr. Dipasquale stated since the LOS are changing from E to F irrespective of the number of trips generated. Ms. Moran stated under the current proposal there is an intersection has a LOS at operation at Commerce Drive – it's that underlying approach to Route 67 as would be expected and maintain the LOS with our without this project. At the Eastline Road and Route 67 intersection during the AM peak hour it goes from overall a LOS E to an overall LOS D, which is an increase of about four seconds of overall delay. During the PM peak hour occurring at that location is the overall LOS E; those conditions will occur with our without this project. Chairman Doyle asked if those were developed numbers or actual counts. Ms. Moran stated the traffic counts for this were completed in October/November 2015. Chairman Doyle stated the two subdivisions on Eastline Road and Lake Road and will add to the traffic numbers in continually moving the LOS down. Ms. Moran stated that when compared to the no-build conditions are looking at a very minor change at this site is added in because the future traffic volume that was analyzed for that no-build condition is what would happen at that area without this project – included the Rossi PUDD, Wal-Mart, Curtis Industrial Park, Stonebridge PUDD, Blacktop Plant, Exit-12 Medical Campus, Timber Creek and Kelly Farms so all of that background information was included in that process. Chairman Doyle stated that when that is all built out, it turns that intersection to a LOS F. Ms. Moran stated not under the Phase 1 conditions.

Mr. Vuillaume stated the overall layout has not changed since the last meeting. There is a section of the site plan was a little troublesome not only for the applicant, but also the neighbors that are utilizing the light industrial buildings. They currently have an access that comes off of their site, goes to the middle

Town of Ballston
Planning Board

of the applicant's property and then out to Eastline Road. That is an existing easement they utilize. Since it may be potentially a problem for the applicant and had looked at diverting them and now looking at running a new road for them just specially for their use that would come off of their property and straight through Eastline Road. It would essentially bisect phase 1 and 2, therefore keep a lot of their traffic out of our project and give them a quick and easy access. Ms. Moran was onsite Tuesday AM/PM and while out there during a one hour period there were about 16 vehicles in the morning peak that went from Eastline Road back into the Light Industrial area; no one went through from Eastline Road to Commerce Drive. During the evening for that one hour period there were 24 vehicles that went through. The bulk of them went through Eastline Road back to the industrial area – there were two vehicles that went all the way from Eastline Road into Commerce Drive; it's a matter of people getting into the industrial area.

Mr. DiPasquale asked for clarification of a left hand turn lane on Route 67. Ms. Serra stated its Route 67 westbound into the existing Curtis Industrial Park road.

Mr. Vuillaume stated that a meeting was held with the Chief and members of the Fire Department to review the project to look at the accessibility of how the project was designed. The site plan shows the east and west side of the property. A letter was received from C. T. Male and most comments are relative to storm water management. One of the improvements asked from the Fire Chief was to look at the widening of the access lanes in-between the parking lots for the apartment buildings on both sides. Typically the driveways would be set up at 24' or 26' and have increased to 28'. The applicant widened out the curb radii at the intersections as requested by the Fire Department. The applicant provided the Fire Department with turning access radii template that meets the turning radius of their particular trucks. A request from the FD grass paved areas and would be plowed by the owners; one setup on building seven and another that functions as both of accessibility for the storm water management area and also for the fire trucks and a small one located at building 3. No change to the fire hydrant locations for the project.

The applicants have modified some of the grading and drainage and have enlarged a couple of the storm water basins towards the rear of the apartment buildings and to the side of Route 67. Also incorporated bio retention areas on the porous pavement and increased the buffer around some of these wetland areas.

There were not many changes to the planting plan. There is a substantial evergreen buffer along Route 67 to provide privacy to the apartment buildings.

The applicant has proposed signage at three locations to include landscaping; some type of monument sign –located at Commerce Drive, Route 67 and one at the corner of Eastline Road.

Town of Ballston
Planning Board

Throughout the development will be proposing 15' low level lighting.

There are generous areas at the end of the parking lots for storing snow in the event of a heavy snow winter.

Mr. DiPasquale stated the initial submittal included phase 3. Mr. Jones stated yes, the townhouses and no definite schedule and activity look for an opportunity for development.

Ms. Kotkoskie stated she liked how you worked with the fire department and made those changes. The changes included grass pavers and permeable pavement for the fire trucks to drive on that. Ms. Kotkoskie asked if these changes will support the weight of a fire truck. Mr. Vuillaume stated normally they would have to get on the surfaces so there will be plenty of sub-base material underneath that. Ms. Serra stated that the permeable pavement is to meet NYS storm water regulations.

No change to phase 4 commercial developments for the project until traffic mitigation is current. Ms. Moran stated the trip threshold does not suddenly require that the applicant provide a roundabout at that location; what is required at that point, the applicant then look at off-site mitigation or look at additional potential impacts. Ms. Serra stated that what is proposed now is what can be built today without needing traffic mitigation, which is permissible for the PUDD language and NYSDOT. Mr. Jones said, "You would be taking a hard look of traffic impact at that intersection if the applicant proposes any commercial development and what you (the board) require under SEQRA would be the board's call, but we have a fair understanding now that any significant development there will put the applicant closer to study that intersection – left-turn signal, turning lane and roundabout." Ms. Moran stated the traffic numbers that have been evaluated and analyzed and shown on the presentation do include those 21 townhomes.

Chairman Doyle asked the status with CDTA for the proposed site. Mr. Jones stated that there is no indication that the bus will go down that far. Chairman Doyle stated if the board agreed to 1.7 spaces based on information that the applicant provided, part of that number being .3 percent less, the residents would be riding the bus, but there is no bus. Ms. Serra stated the assessment that the applicant gave provided 1.7 justifications was purely based on existing Conifer Realty sites and he lives wanted a lower number and there was a discussion of having a bus, but not part of their parking assessment. Mr. Vuillaume stated the applicant is at 2 spaces per unit.

Mr. VanVorst stated the town requires 35 percent greenspace and the applicant have presented a plan of 20 percent greenspace. Ms. Serra stated the 35 percent is for different zoning districts and that is specific to this PUDD.

Town of Ballston
Planning Board

Chairman Doyle stated the board has an issue with grating a Negative Declaration due to comments from C. T. Male letter relative to storm water. Ms. Serra stated that the question is whether the board is going to follow the current Negative Declaration from 2007; is the project within those parameters from a traffic standpoint, yes and from a number of parking spaces build out yes. Mr. Reilly stated the Town Board looked at the overall proposal of the PUDD and gave it a Negative Declaration. The issue is does the project in front of the board meet the specifics that were given arrive at the Negative Declaration. Mr. Reilly said, "He thinks it does in his opinion and would be the previous declaration." The board concurs. Ms. Serra stated that she had 53 total comments and 52 were on storm water and did a preliminary review, the sites tough, there is not a lot of space allocated for storm water – the soils are very limiting, ground water is high and has a letter from EDP stating that they can address all the comments – we really need to see those plans, it's a tough site. Ms. Besso stated to answer the question relative to greenspace its 20 percent as stated in subsection N in the PUDD. Mr. Jones stated that a subdivision approval cannot be granted without some determination under SEQRA Negative Declaration or to indicate the threshold implantations in 2007. Mr. Reilly stated that the previous declaration does cover this.

Chairman Doyle read the Approval of Eastline Commons PUDD Subdivision into the record.

TOWN OF BALLSTON PLANNING BOARD

RESOLUTION NO.1

FEBRUARY 24, 2016

APPROVAL OF EASTLINE COMMONS PUDD SUBDIVISION

WHEREAS, the Planning Board of the Town of Ballston ("Planning Board") has received from Environmental Design Partnership and The Jones Firm, on behalf of Conifer Realty, LLC (collectively "Applicant"), an application dated September 16, 2015 for subdivision approval within the Eastline Commons PUDD, Town of Ballston, said application providing for the subdivision of the southerly 17.05 +/- into four separate lots; and

WHEREAS the detailed subdivision plan for the project has been reviewed by the Planning Board, its engineer, CT Male Associates, and its attorney, Peter Reilly, Esq., and

WHEREAS, The Planning Board referred the application for subdivision to the Saratoga County Planning Board, under General Municipal Law Section 239-m, for its review and advice on such application; and

WHEREAS, the Town Board of the Town of Ballston declared itself Lead Agency for purposes of the analysis required under the New York State Environmental Quality Review Act

Town of Ballston
Planning Board

and its implementing regulations at 6 NYCRR Section 617, *et seq.* (“SEQRA”) for the Eastline Commons PUDD Amendment of 2007; and

WHEREAS, The Planning Board has determined that the application for subdivision approval does not raise any specific significant environmental impacts that were not previously addressed by the Town Board and that the subdivision is within the thresholds, conditions and limitations of the Negative Declaration under SEQRA issued in 2007; and

WHEREAS, the Planning Board opened the public hearing on January 21st at the Town Hall of the Town of Ballston, 323 Charlton Road, Ballston, New York 12020, and closed on even date, and during which hearing all persons desiring to be heard were heard; and

WHEREAS the subdivision application for the project conforms to all Town requirements, specifically including the requirements of the Eastline Commons PUDD;

Now, therefore, be it

RESOLVED that the Planning Board has determined that the application for subdivision approval for the Eastline Commons PUDD is complete; and be it further

RESOLVED that the Planning Board of the Town of Ballston hereby approves the application for subdivision approval for the Eastline Commons PUDD.

Ms. Serra asked that her name be changed to C. T. Male Associates.

Chairman Doyle stated this approves the subdivision and traffic.

Chairman Doyle stated we need to have a public hearing. Mr. Jones stated he believes the public hearing was opened and closed. Mr. Jones stated the public hearing was conducted for this application at the last meeting. Chairman Doyle stated that we normally continue until we pass the item. Mr. Reilly said, “It’s our usual source of confusion” and the board does have a policy each time the applicant is in front of the board and receive public comment even though the term closed may have been used at the end January 21, 2016 hearing; adjournment rather than closure, having said that, will open the public hearing.

Chairman Doyle opened the public hearing at 9:50 p.m.

Frank Rossi, II stated from a safety standpoint because of the subdivision scenario the applicant is in, the SEQRA Declaration probably should be passed and the public hearing subsequent to that – just out of safety sake for you for the court decisions in New York.

Town of Ballston
Planning Board

Chairman Doyle closed the public hearing for the subdivision at 9:52 p.m.

Chairman Doyle stated it was a thorough review.

Mr. Jones stated that there is a difference between technical compliance and good engineering practices with regards to the site plan on storm water issues versus the larger question of whether or not this is a project that was contemplated in 2007 plan and does it raise whatever ever differences it has, does it raise any significant environmental issues that were not studied in 2007. This happens to be a mirror image of what happen is in the PUDD and as a matter of SEQRA is a procedural matter and would not have a SEQRA issue per say because of what's in C. T. Male's letter. That is not to say however, that those are not to diminish to comments on storm water, which is a site plan matter.

A further discussion was held on the SEQRA determination that was made in 2007.

Mr. Maher stated the question is does it comply with the PUDD requirements. Those lots that were laid out in the PUDD have they been substantially changed to the point that it would trigger another review under SEQRA. Mr. Jones stated correct. The board concurs.

MOTION: Mr. Fischer moved to approve the resolution as read by Chairman Doyle and to change Kathryn Serra's name to C. T. Male Associates. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

Ms. Serra has to leave the meeting at 10:00 p.m. and wanted to let Mr. Olund know that obviously had our preliminary engineering review. There are some comments and does not see anything from moving forward to final subdivision plans, but if anyone has engineering comments within the next five minutes that need addressing.

Mr. Maher stated that a Realty Subdivision will need to be reviewed by NYSDOH. Ms. Serra stated yes, the board grants final approval and then Chairman Doyle cannot sign off until that happens.

Mr. Olund asked when we (the applicant) submit to NYSDOH with the preliminary Planning Board approval. Mr. Reilly said, "I don't believe so." Ms. Serra stated that it's her understanding that NYSDOT will not review anything until its final.

Thomas Benuscak, Goode Street, Burnt Hills, NY 12027; 238.-1-39.2 (Major Subdivision/Proposed 12-lot subdivision)

Town of Ballston
Planning Board

Paul Olund, PLS with EDP was present on behalf of the applicant.

Mr. Olund stated the applicant is in the process of addressing C. T. Male's comments, which are technical in nature involving storm water management and issues regarding the engineering details, new road section and water details.

The proposal has not changed since the last meeting. The applicant is proposing a lot line adjustment.

The storm water management area is located in the back and proposing an easement to the town to maintain this (lot 12); all other lots remain as originally proposed and two fronting off of Goode Street and remaining nine lots to front on the town road would terminate with a hammerhead.

Mr. Cwalinski stated during the November 18, 2016 meeting, the board asked that a note be placed that is a continuation of a town road.

Mr. DiPasquale asked when you think a final decision would be made of the water supply. Mr. Olund stated as long as the Planning Board is satisfied with this layout, so the applicant can petition for town water. Mr. Olund received a response letter from NYSDEC stating the Planning Board be the Lead Agency in the SEQRA process.

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.**

A public hearing will be scheduled for the next time the application is in front of the board.

Application tabled.

Speculator Development, LLC Devils Lane & Middleline Road, Ballston Spa, NY 12020; 227.-2-31.119 (Minor Subdivision three new residential building lots)

Donald Rhodes presented.

Mr. Rhodes stated that he addressed all the comments from the board from the last meeting with the revised plan. Mr. Rhodes stated that he received a DPW permit from the County. Mr. Rhodes stated what the board does not have are a couple of minor edits that the surveyor has

Town of Ballston
Planning Board

and either consider the approval on the map or defer until the next meeting – change the title of the map instead of using the property address, it's going to refer to the lot that was created in the last subdivision and add a couple of call-out's – lot line setbacks.

Ms. Kotkoskie stated on the drawing there is a note #11 – there is no note #11 on the plan. Note #10 states grading limits shown are conceptual if proposed grading on any parcel exceeds one acre of disturbance, a NYSDEC storm water permit will be required. The project should be looked at cumulatively so that note should be changed and between one and five acres an erosion and sediment control plan will be needed. Mr. Rhodes stated that note was developed in coordination with the last meeting with the town engineer, since it's under a five acre total of disturbance it isn't needed according to the conversation that we had. Ms. Kotkoskie stated the town engineer asked to relay this information to the applicant. Mr. Rhodes stated that you need erosion and sediment control plan and asked whether details or a full SWPPP was required. Ms. Kotkoskie stated just an erosion and sediment control plan and a partial SWPPP. Mr. Rhodes agreed to provide to the board.

Mr. DiPasquale asked which lots will the driveway be constructed. Mr. Rhodes stated lot C.

Chairman Doyle asked to put the proposed well locations on the plans.

Chairman Doyle opened the public hearing at 10:22 p.m.

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

Chairman Doyle closed the public hearing at 10:24 p.m.

MOTION: Mr. Cwalinski made a motion for condition approval of the minor subdivision subject to erosion and sediment control plan being submitted, adding item #11 to the drawing, the title of the drawing to be changed to Country Meadows Lots. Mr. Rhodes asked if the board would authorize the chairman to make sure it is an appropriately labeled subdivision. Subject to title being change appropriately, a Land Surveyor's stamp and comment #10 to be adjusted –

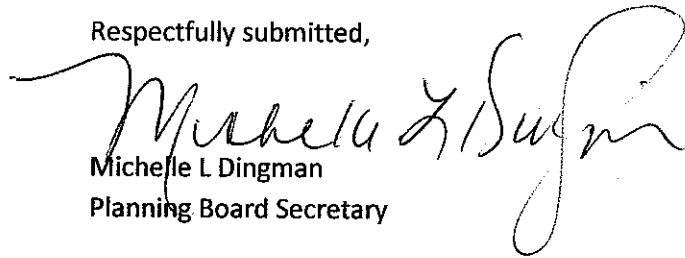
Town of Ballston
Planning Board

cumulative across all lots not individually lots and approximate well locations being added and one thousand park and rec fees per lot due at issuance of building permit. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. VanVorst made a motion to adjourn. Mr. Fischer seconded the motion all present voted in favor. **CARRIED.**

Meeting adjourned at 10:30 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michelle L. Dingman". The signature is written in a cursive style with a large, looping initial "M".

Michelle L Dingman
Planning Board Secretary