

Town of Ballston
Planning Board

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: June 29, 2016

Present: Richard Doyle, Chairman
Jeffrey Cwalinski
James DiPasquale
Patrick Maher
Audeliz Matias
John VanVorst
James Fischer, 1st Alternate
Thomas Johnson, Building Inspector
Paul Guillet, Town Engineer
Peter Reilly, Planning Board Attorney

Members of the General Public

Chairman Doyle called the June 29, 2016 meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

OLD BUSINESS:

**Kelley Farms Mixed Use TND
Eastline Road, Ballston Lake, NY 12019; 238.-2-7.1
Mixed Use Traditional Neighborhood Development**

Scott Lansing, PE with Lansing Engineering, Geoffrey Booth and Jeffrey Knox were present.

The applicants are here tonight to ask the board for final approval on this project. The applicant has been working with the board for many months on technical comments.

The exiting conditions are 26.55 acres located at 253 Eastline Road consisting of residential, commercial and recreational uses – 97 residential units, 70 multi-family units, 27 single-family townhome units, approximately 44,000 sf of commercial uses and an active passive park of approximately 2.75 acres. Overall green space is 75% on the project, a streetscape, which includes sidewalks, streetlights and street trees connecting all the residents and open space in the overall project. A 31-lot subdivision is

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part of the application. All parking is to town standards, town standard roadways approximately 1,800 linear feet and the site to be served by public water and public sewer.

As far as changes since the last meeting relative to preliminary final engineering and configuration of the storm water, lost a couple of units from 99 units to 97 units proposed.

The applicants received comments from C. T. Male and are technical in nature – comment #19 was relative to storm water basin and an equalization pipe between the two storm water basins; felt that was the most significant comment and discussed how that would be configured with C. T. Male and have a mutually acceptable resolution for that and alleviate that concern. All other comments are technical in nature and will be addressed.

Mr. Lansing wanted to read into the record something the applicants are offering to the town. The applicants do realize there are traffic concerns, traffic problems throughout the town and are looking to help the town to alleviate some of those concerns.

“We would like to offer a voluntary offsite traffic mitigation payment in the total sum of \$65,250 for the Kelley Farms TND. The Town of Ballston shall use the funds in any manner they deem necessary to help offset the costs of traffic improvements in the Town of Ballston including but not limited to traffic studies, GEIS studies, road/intersection improvements, matching Federal or State grants, etc. Payments will be made as follows: \$750 per residential dwelling unit and \$2,000 per commercial building with payments being made at the issuance of the Certificate of Occupancy. At such time that \$65,250 has been paid, the payments shall cease and no longer apply to any remaining residential dwelling units or commercial buildings.”

Mr. Lansing to provide a copy to the board and add to the plan for the project. The applicant is requesting approval for the project.

Chairman Doyle said, “Thank you for the traffic mitigation.”

Mr. DiPasquale asked about the BFJ comment letter, which stated 8.6 second delay at Eastline Road/NYS Route 67. There has been a lot of discussion going through the existing subdivisions and would like for someone to review construction access directly off of Eastline Road. Mr. Lansing stated he knows that is a separate project, but as far as the Eastline Road project, it was divided into phases and part of the construction phasing plan; first phase access was from the Chapel Hill Blvd area and subsequent phases would be access from Chapel Hill and come out to Eastline Road and could shift the access to Eastline Road. Mr. Booth states the next phase in the Kelley Farms Subdivision will connect this road all the way out to Eastline Road and traffic

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will come through here. Phase 1 the roads are finished and dedicated to the town and houses are under construction at this time. Mr. Booth stated this was something discussed with DPW ahead of time at the preconstruction meeting and was aware that the first phase that traffic was going to go through Chapel Hill Blvd.

Mr. Cwalinski stated on page 2 stated an archeological report and did not receive in this submission. Mr. Booth stated that was submitted previously to the town and signed off by SHPPO.

Mr. VanVorst stated in the last submission was information about a Jelly Fish system and after reading and researching it, seems to be a lot of maintenance involved and asked if there was some sort of maintenance schedule or anyone to make sure its properly maintained. Mr. Lansing stated this system is an approved system by NYSDEC and the SWPPP should have the maintenance requirements for that system; if it's not, it will be added.

A further discussion was held on the Jelly Fish system proposed for this project.

Mr. DiPasquale asked the applicant to discuss this proposal with Mr. Whalen, Highway Superintendent to see if he is comfortable with the proposal. Mr. Lansing stated he will discuss with Mr. Whalen

Mr. VanVorst stated that it seems like there is some equipment necessary; like a vac truck in order to remove the sediments and petroleum products that are filtered out. Mr. VanVorst asked if the town had to purchase this type of equipment or if this has to be subcontract that kind of equipment out, who will off-set that cost. Mr. Lansing stated he can talk to Mr. Whalen and typically vac trucks are used for cleaning out catch basins and should be a part of the town's routine maintenance; not too many towns own their own vac truck and usually lease for whatever period of time. Mr. Lansing anticipated they would perform this maintenance along with their other storm water maintenance.

Chairman Doyle asked Mr. Whalen to take a look at it. Mr. Lansing stated the applicant can work with the town and C. T. Male to see if there is an alternative; it's a technical item and can be adjusted. Mr. VanVorst stated the water coming out is much cleaner and thinks it's a good concept, but doesn't know the town and maintaining it or if there is a maintenance schedule or training. Mr. Fischer asked if the applicant knew how often the filters would need to be changed. Mr. Lansing stated he did not. Chairman Doyle stated he has a concern for #36 (storm basins).

Mr. Lansing stated the applicant is here tonight asking for final approval from the board.

Chairman Doyle asked the board members feel about this.

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Mr. Maher stated he would not have an issue with voting on this tonight.

Mr. DiPasquale would like to check with the attorney and maybe the town attorney relative to the \$65,250.00. Mr. Reilly stated he was not included in the conversation, but is his understanding that it has been discussed with Mr. Walsh. Mr. DiPasquale would like to know that this is not an issue. Mr. Booth had a discussion with the town attorney and the town supervisor this evening and stated that if this was an issue with the Planning Board to call him and would come up and address the board. Mr. DiPasquale stated he would like more information from Mr. Whalen, Highway Superintendent relative to the Jelly Fish system.

Chairman Doyle stated in the agenda meeting the board had concerns as well as C. T. Male to moving ahead on the project.

Mr. Lansing stated the applicant had a discussion with Mr. Guillet, C.T. Male and feels the applicant has an acceptable resolution on it and would ask the board for a consideration for approval conditioned on addressing C. T. Male's technical comments and making sure that Mr. Whalen is accepting of the practice and the maintenance procedure and training.

Mr. Guillet stated C. T. Male had discussion with basin #4 about the changes they are making; they are significant enough and should take a good look at what they resubmit and really changing the nature of what was originally submitted.

Chairman Doyle stated we would like to hold off and resolve those issues and will be all set for next month. Mr. Lansing asked if that was the consensus of the board.

Mr. Maher stated he would like to vote on this now. Mr. DiPasquale stated he agreed with Mr. Maher. Mr. VanVorst stated he agreed with Mr. Maher. Mr. Fischer stated he tends to agree with Mr. Maher. If we can do something conditional upon those issues with pond #4 being resolved, the issue with the payment and the training for the filtration; they don't seem like insurmountable things – the biggest one obviously being the basin and could approve contingent upon those. Ms. Matias agrees with conditional approval. Mr. Fischer stated it would be more helpful for us to be a little bit more unanimous, but would like a little more feedback from the town's engineer on why you think we should hold back on approving this with a contingent approval.

Mr. Guillet stated obviously the board can do what it wants to do; respectfully felt the change in the design at the basin is significant enough that it could impact the overall storm water approach for the whole project.

Chairman Doyle stated that basin #4 doesn't work out; it's going to affect some of the plans and don't see where we should be moving ahead and C. T. Male have some concerns. Mr. Lansing

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stated that is unfortunate and there were conversations with C. T. Male about this and thought the applicants approach was acceptable and it seem different this evening. It's whatever the board would like to do, but the applicant feels 100% confident can address this issue; layout and configuration the project would not change. Mr. Guillet stated we did have this conversation and does agree and thinks the applicant's theoretical approach is sound and does not have a problem with that, but I don't have evidence that it's going to work; haven't seen any modeling to indicate that; agrees with general approach, but needs proof that it will work.

Mr. Booth stated they will wait, take care of it and address the boards concerns.

Chairman Doyle stated the town's engineer and certainly some members of the board feel we should wait and not move ahead. Mr. Reilly stated depending on the amount of input should close the public hearing

Chairman Doyle opened the public hearing at 8:07 p.m.

No one wished to speak.

Chairman Doyle closed the public hearing at 8:08 p.m.

Mr. Reilly stated to make the record clear; the public hearing has been open since April 2015, not April 2016 as stated on the agenda.

Application tabled.

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

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

Mr. Olund stated the applicant is proposing a 12-lot subdivision on Goode Street.

The applicant received a Negative Declaration for SEQRA back in April 2016 for this project.

The layout is identical. Since the last meeting, the town board voted to extend the Water District #2 into the said parcel and connect and provide water service to the 12 rural/residential lots. The plans that were resubmitted showing the town water connection without the wells as previously been shown on the plans; revised plans show town water.

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The applicant assisted the town in preparing the water district application to NYSDEC.

A comment letter was received from C. T. Male and the main technical comments were regarding the storm water management area, which have been addressed. The NYSDOH is reviewing the placement of stabilized fill for the individual waste water treatment areas and waiting for sign-off for the septic systems.

Mr. Cwalinski asked who will be maintaining the storm water basins. Mr. Olund stated the town, with an easement proposed. The applicant updated the SWPPP (previously stated privately maintained) and since made the change and submitted.

Mr. DiPasquale asked when the applicant expects to hear back from the NYSDOH and is there some concern for getting approval. Mr. Olund stated he does not believe there will be a problem and it's just a question of time and are backed up.

Mr. Guillet stated that C. T. Male is just waiting for NYSDOH approval as well.

Chairman Doyle feels there is a problem with 9 of the 12 units and when talking to NYSDOH should get it all at the same time.

Chairman Doyle opened the public hearing at 8:17 p.m.

No one wished to speak.

Chairman Doyle closed the public hearing at 8:18 p.m.

MOTION: Mr. Maher made a motion for approval for site plan dated 6/15/2016 sheet 1 of 10 conditional final approval contingent on the ruling of NYSDOH of the septic systems. Park and Rec fees of one thousand dollars per unit at issuance of building permit. Mr. Van Vorst seconded the motion and all present voted in favor except Ms. Matias stated she was absent during the April 2016 meeting when the Negative Declaration was given and still has concerns after reading said minutes and voted no.
CARRIED.

**1491 Saratoga Road, LLC,
1491 Route 50, Ballston Spa, NY 12020; 216.-1-62
Site Plan Review/Special Use Permit-Apartment Community**

Joseph Dannible, EDP was present on behalf of the applicant.

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The applicant is proposing a 40-unit apartment community located at 1491 Saratoga Road.

At the last meeting the applicant received a Negative Declaration and preliminary approval. There was outstanding storm water comments that we addressed by a response letter to C. T. Male.

The trash collection area has been moved into a more centralized location.

Six additional parking spaces have been added; 90 total parking spaces (2.5 spaces per unit).

An additional comment letter has been received from C. T. Male and is minor and technical in nature.

The applicant has been provided a turn apparatus from the Ballston Spa Fire Department and provides the turn around, which is in compliance with NYS standards; C. T. Male stating there may need to be some tweaking on the template or a better template provided by the fire district.

The building elevations were provided showing all the materials proposed for the proposed apartments.

Mr. Cwalinski stated at the last meeting, were discussing a CDTA bus stop. The applicant cannot provide one on their property; still have to cross a ditch line in a NYS ROW. This entrance and the entrance for Cornerstone Condominiums will provide a much better access for pedestrians.

Mr. DiPasquale asked about sidewalks. Mr. Dannible stated we are going to take out sidewalk in front of our site and tie into the sidewalks and are coming out as part of Cornerstone Condominiums, run them up in front of their property, cross, terminate the sidewalk and provide a woodchip trail through the woods leading to an open space area for residents of this community can use.

Mr. Guillet stated there were new comments in the new letter, but believes they can be addressed.

Chairman Doyle opened the public hearing at 8:30 p.m.

Scott Draina was at the last meeting and drives this road regularly because it's a highway. The sidewalk to nowhere bugs him because most pedestrian walking towards the north. Mr. Drains stated there are wetlands and knows it's like a ditch only 25' wide and feel something could be done to extend the sidewalk and continue it north and felt he had to say that and if something happened there, would feel bad.

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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. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

Chairman Doyle closed the public hearing at 8:31 p.m.

MOTION: Mr. Maher made a motion to grant final conditional approval for the site plan sheet 3 of 11 dated June 8, 2016 contingent on the resolution of the outstanding comments of the C. T. Male comment letter dated June 27, 2016. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

Chairman Doyle read the four criteria for a special use permit:

Chairman Doyle went 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. (NO)
- 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. (NO)
- 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. (NO)
- 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. (NO)

MOTION: Mr. VanVorst made a motion to grant the special use permit for 1491 Saratoga Road. Mr. Fischer seconded the motion and all present voted in favor. **CARRIED.**

Zaremba Group (CVS)

120 Lakehill Road, Burnt Hills, NY 12027; 257.-1-46.1

Lot Line Adjustment/Site Plan Review/Special Use Permit/CONCEPT/New 13,255 sf Retail

Stephanie Bitter, Esq., BARTLETT, PONTIFF, STEWART & RHODES, P.C., John Wojtila, Zaremba Group, Mike Tucker, VHB and Alana Moran, CME were present.

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Ms. Bitter stated this parcel is currently vacant and sits at a very important intersection and most common uses are a farmer's market, overflow parking for the adjacent uses and the hottest spot to advertise and are hoping to change that.

Ms. Bitter stated that CVS is not being introduced into this town; it already exists and it's a hope that we (the applicant) are going to be an owner occupied parcel and currently exists south of the proposed location. The applicants stated with this new location will have a bigger store and provide more products to their customers and more services -- more importantly the drive-thru. It's the applicants hope with this process there won't be an interruption of service with the current customers. The site was once the Old Homestead parcel and one of the nicest parcels in town and believes that we (the applicant) can bring that back; this proposal is not a restaurant.

The applicant is proposing on this 4.6 acre parcel, all buildings have been demolished, it's flat and there is vegetation located in the rear and encumbered by wetlands.

The parcel currently has frontage along Lakehill Road. The Zaremba approached the Burnt Hills Fire District last year and their parcel is .72 acres and about 300' of frontage along NYS Route 50 and triangular in shape. The Zaremba Group has proposed to obtain an easement to cross that Burnt Hills Fire District parcel to access NYS Route 50 for the proposed project. In exchange for that, the applicant is going to provide compensation and a boundary line adjustment in addition to a number of other things. The boundary line adjustment is part of the application that is before the board. What is being proposed is that the CVS parcel will be reduced to 2.65 acres, the BHFD parcel will go from .72 acres to 2.61 acres. This has been before the Fire Commissioner's and they have informally provided their support for his proposition and presented the applicant to get here at this point and gave authorization to submit to involved agencies, one being the Planning Board. The reason it's informal is because they need a SEQR Declaration and looking for the Planning Board to provide to them. Once they have the declaration; they then will go back to the Fire District's Commissioner's to hopefully obtain their approval for this proposal. With that approval it is conditioned on a referendum -- it has to go out to a vote to the fire district and have it be approved. If approved, the applicant will return with this site plan.

The applicant is proposing to construct a 13,225 sf CVS pharmacy, 58 parking spaces are proposed, the easement as is demonstrated, crosses over the fire district property -- right-in/right-out only onto NYS Route 50 and full access onto Lakehill Road. The project is located in the Mixed Use Center South Zoning District and subject to design guidelines. The applicants met with the Chairman and town engineer to decide how to mitigate those waivers; having difficulty obtaining those guidelines some of which are the buildings setbacks. The proposal is to have the building set back further than the guidelines and having parking in the front. One of the elements that came from the workshop was to mitigate that proposal with the landscaping proposed along Lakehill Road with a decorative fence with

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columns along Lakehill Road, a sidewalk along Lakehill Road and a sidewalk along NYS Route if allowed by the Fire District to assist with pedestrian accommodations. Ms. Bitter stated that the guidelines cannot be met due to the number of parking spaces that are needed for this project as well as the width of this lot and the need for the traffic access and circulation of the site.

The applicant is also seeking a waiver for the number of parking spaces proposed. Ms. Bitter stated CME was before the board in March 2016 and talked about the data collected on the other CVS stores. They also provided a letter demonstrating why they came up with that number of 58 parking spaces; that supports corporate standards and what is necessary at other stores.

The applicant is proposing a waiver for a landscaping island, but after talking to C. T. Male, there may be another alternative.

Ms. Bitter stated the applicant is only proposing to impacts the wetland buffer – a NYSDEC permit is required. One of the first responses came from NYSDEC relative to SEQR concurring they have had several discussions with the applicants agent relative to this project and providing the Planning Board the authority as the Lead Agency for this project.

The applicant is proposing to receive Concept approval.

Ms. Bitter stated that NYSDOT has responded to the applicant's traffic assessment and concurred with CME. A letter from NYSDOT dated June 22, 2016 stating no objections to this proposal of a right-in/right-out as proposed for this project.

The draft elevation for the project was proposed in March 2016 and comments were generated. The chairman met with the applicant and stated that Glenville was a template to look at and try to draw some architectural features. The applicant has since modified their proposal and incorporated that in the latest submission as well as the signage based on comments received.

The applicant feels this project is a good fit at this intersection.

Mike Tucker, VHB stated over the past numerous months has been working with NYSDEC. There is a NYSDEC wetland on the back of the site, flows into a culvert and down across Lakehill Road/NYS Route 50. The curved line on the site plan shows the 100' wetland buffer. Mr. Tucker stated the applicant is proposing to construct a parking lot, giving the fire department a sufficient buffer from the existing wetlands; the maintained grass to turn back into its natural condition and plants trees and try to forest it up a little bit. The run-off for the existing paved lot runs into that wetland stream uncontrolled and untreated, but are picking up that new parking lot and putting into our new proposed storm water management system, treating it and releasing into the stream.

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Mr. Tucker stated preliminary testing has been done in the field for ground water and perc rates just to show that the septic system will work there; it's not fully designed, but is confident it will work at this location for the project. The proposed plan is picking up all the storm water from both the expanded fire department parking and the new CVS; no infiltration on site – shown under the pavement is underground storm water detention. There will be a proprietary device that will treat the water.

Mr. Wojtila, Zaremba Group stated the building is more of a colonial look. The predominant finish is a composite siding material, white decorative pilasters throughout the exterior of the proposed building. There are two entry gables highlighted at the entry with continuous roofline visible on all four sides. There is 50 percent glazing on the south and east elevations. The design of the building includes the brick wainscot on all four sides and dumpster enclosure. The awnings are similar to the color of the brick masonry. Decorative light fixtures located above primary signage.

Alana Moran, CME stated the study starts out with identifying a need for a study and study limits; the site generates less than 100 trips on any one vehicle approach and limits the study area to the site driveways, but because this is on a corner, will look at the Lakehill Road/NYS Route 50 intersection.

Turning movement counts were conducted during the PM peak hour – automatic traffic recorder data (hourly information for an entire 24 hour period). The PM peak hour was the highest traffic volume hour and when CVS would generate the most traffic. Existing geometry at the intersection was put into the analysis. The volumes are those developed using existing conditions, general background growth rate and in addition, adding in traffic from the gas station across the street.

The trip generation was estimated using ITE guidelines. The analysis covered intersection operation, pedestrian access activities, queuing elevation, gap analysis, site distance and parking demand. There have been various rounds of TDE comments and satisfying any questions that BFJ may have had.

The site is expected to generate 79 new vehicle trips during the PM peak hour; less than the 100 trip threshold identified by both ITE and NYSDOT. AM peak hour will generate 28 new vehicle trips and Saturday peak hours will generate 64 vehicle trips.

When going through the intersection not waiting for anything and once you get to LOS C you may wait for 20 to 25 seconds, LOS D and then LOS E; generally LOS D is an acceptable condition.

Overall the intersection operates at a LOS D under the no-build conditions and at full built out a LOS D with a minimum increase of average a delay; northbound left hand turn goes from LOS C to LOS D with 14 and a half second increase in delay.

The site driveway approaches will operate very well with a LOS B (right in/right out) maneuver onto NYS Route 50 and on the Lakehill Road intersection LOS C. The average vehicle queues are expected to go to the site driveway, but there is enough gaps and did an evaluation to allow vehicle to exit and also the signal cycle through.

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The intersection has the crosswalk, pedestrian countdown timer/pushbuttons and this project will add to that pedestrian network with the sidewalk along the frontages of both sides of the roadway. The parking demand is consistent with other CVS projects in the area.

NYS DOT has commented on the project; providing two letters that they have no objection to the right-in/right-out driveway onto NYS Route 50 and concur with the findings of the study.

Mr. DiPasquale stated the level of ground water is specifically high to accommodate the septic and groundwater. Mr. DiPasquale asked the location of the septic system relative to the easement.

Mr. Wojtila stated the current location of the septic system and this edge of pavement is similar to the existing edge of pavement; currently a drive aisle with parking on either side. The applicant proposed to the fire district is to rebuilt their septic system on their property, but at the rear of the site; two septic systems shown on the site plan along with the redundancy area and the septic system on the fire district property would be for the fire district and if they chose for the applicant to not build, then would be given a monetary pavement – and likewise CVS would be to the west of that.

Mr. DiPasquale stated in a letter dated January 7, 2016 would be looking for a waiver from NYS DOT for a LOS on the northbound left turn; it's not mentioned in the letter from Mark Kennedy, NYS DOT.

Ms. Moran stated it's essentially an exception to the policy of requiring mitigation for a LOS change between no build and build condition and would be requesting that exception from NYS DOT. In response to the comment response letter, there is no overall LOS change and when you see a movement change where it may drop from LOS C to LOS D whenever it may happen. With respect to the overall intersections, that is considered a minor movement and minor approach; it would be like having a driveway approach to a very mainline road operating at a LOS E or LOS F – NYS DOT is not going to be overly concerned about that because it's a side street and not the mainline – the northbound left turn is not as much of a concern for the intersection overall. Mr. DiPasquale stated in your report you are recommending that NYS DOT and the Town of Ballston grant a waiver. Mr. Moran stated yes, an exception. Ms. Moran stated we always have to call out, but it happens when they accept the findings of the study and that's them saying, you are good to go.

Mr. Cwalinski stated he would like to minimize the number of different devices relative to storm water. Mr. Tucker stated this one is privately owned and maintained by the applicant. The study is preliminary and has not selected a place and if there is a place that C. T. Male or the town is more comfortable with, could certainly look at that; they take up less space, accepted by NYS DEC for redevelopment projects.

Mr. Cwalinski stated sheet C-3 shows bumpers, but do not show any on the opposite side. Mr. Tucker stated the sidewalk along the store is flush the sidewalk along the perimeter will have a 6" curb.

There are two separate septic systems proposed for the proposed site; one on CVS property and one for the fire department; two independent systems.

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Mr. Cwalinski stated that sheet ES-1 shows lighting. Mr. Wojtila stated that all lighting will be provided by CVS and maintained by CVS. The whole access easement area would be maintained by CV, including lighting and will provide lighting onto the ancillary parking for the fire district.

NYSDEC recommends reinforce turf for the firehouse parking lot. Mr. Wojtila stated we told them we were not able to do the reinforced turf and are ok with the pavement. Mr. Tucker stated gravel was originally proposed, but went to NYSDEC and they actually want the applicant to pave it so no sediment was getting in.

Mr. Cwalinski asked if temporary trailer used during construction will have utilities. Mr. Wojtila stated a temporary holding tank for sewer and a temporary electric service to the trailer. Mr. Cwalinski asked if that would require another site plan review. Mr. Wojtila stated the proposal was included in the site plan and not considered a residential use.

Chairman Doyle asked the applicant if they really need all 58 parking spaces; CME states 40. Chairman Doyle said, "The eight spaces on the entrance when you come from the fire department; it could be grass or something else."

Chairman Doyle stated he likes the rendering of the wall and fence. The shrubbery proposed along the east and if there could be just a plain metal fence (42" to 48"). Mr. Wojtila was in agreement.

Chairman Doyle stated the building fascia as it seems the gable height is un-proportional to the lower section; run the white boarder across there or take the cornice that goes around from the roof channel and run across the front. Mr. Wojtila stated they will take a look at that.

Chairman Doyle stated pole lights will provide some lighting for the fire department in the back and are there going to be building lights. Mr. Wojtila stated three wall packs are shown on the north elevation. Chairman Doyle asked if there is any additional lighting in the drive-thru. Mr. Wojtila stated building mounted lighting is sufficient in that area. A photometric study has been performed and does provide the foot-candle levels; based on the building mounted fixtures are comfortable with the lighting in that area.

Chairman Doyle asked for a proposed filtration system. Mr. Tucker said, "We are capturing all the run-off in the paved areas with a series of catch basin, piping it to an underground storage area between the fire department and CVS (under the parking lot) using large diameter pipe and takes the place of a surface detention pond; it will hold the water, there will be an outlet structure from that series of pipes that will release the water at a rate slower than (a lesser rate than the existing conditions for the storm water) and from there go through a proprietary filtering devices and has not been selected yet that will filter the water to meet the standards and then discharge into the existing stream as it does today. Chairman Doyle asked the impact on the intersection and of course NYSDEC will have concerns of the impacts on the stream. Mr. Tucker stated June 15, 2016 submitted to NYSDEC to work in the buffer

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zone along with the replacement of that culvert and would pump around when constructing the pipe; it's not going to impact the intersection and only replacing where they are paving over it where fire trucks could be going over it.

Mr. Cwalinski stated page three of the attorney's letter item 7, the seventh line states, "The NYSDEC wetland buffers extends 50'. Mr. Cwalinski stated sheet C-3 of the site plan review is 100'. Ms. Bitter stated that is a typo.

Chairman Doyle opened the public hearing at 9:20 p.m.

Chairman Doyle stated that comments are limited to five minutes per person.

Carl Thurneau stated he has been a resident of the town, long time fireman, former Commissioner of the Board of Fire Commissioners. Mr. Thurneau states he presentation tonight which augments his letter to the board dated 12 February 2016 in which he outlined a lot of safety and health issues. A review of the current CVS proposal (the seventh by his count) dated June 15, 2016 still reveals many areas of concern. The proposal as received on June 15, 2016 was not made or deployed to the fire department and members until June 27, 2016 and then only in a form of two small plan drawings. Mr. Thurneau stated he has reviewed the proposal as well as FOILING parts of it. There are still many areas where CVS is requesting waivers including parking lot locations. Mr. Thurneau to comment in bullet form and then will send a letter to the Planning Board in detail. Mr. Thurneau stated everyone knows that he thinks this proposal is ill advised for the Fire Department and Board of Fire Commissioners voted 3 to 2 to go forward with this informal procedure. It's going to create massive traffic trouble. The proposal is hard to review because of the reduction in the size of the drawing prints and had to have a magnifying glass to look at some of this stuff.

Access

Route 50 southbound only

Right-in/right-out

No direction sign provided on the drawings

No cross traffic

Non-turn signs provided for north bound

Gas station signage must reflect – no cross traffic into our driveway

Lakehill Road – originally taking right-in/right-out; now see left out/left- in crossing traffic on Lakehill Road. Tractor trailer supplies are not going to be happy trying to get into this place.

Lot line adjustments – now has 4.2 acres and gives the fire department 2.6 acres; 2.6 is approximately the area of the wetlands – we don't want the wetlands, they don't want the wetlands; they are not good for anybody.

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NYSDEC says they are going to do a review after three years and how does this impact on the BH fire district if something changes.

CVS wants 58 parking spaces they now have 24 parking spaces at their present store – is this an anticipation of higher use – I think so. To accurately determine store traffic, you must use cash register sequence numbers to determine store activity – not somebody's estimate of how many people are going to show up.

CME wants to use a December 8, 2015 study and made a study on May 27, 2016 – a much higher count; CME used 4:00 to 5:30pm – Mr. Thurneau used 2:00 to 3:00pm.

Fire house parking – eliminated parking along the south side – firemen have to go further.

NYS DOT letter says they cannot make a decision on the ROW until the fire department agrees to the settlement – we have not done that.

Stream culvert – district looking at three consulting engineers to look at the culvert and make estimates of its integrity.

Alan Colyer stated he has been with the BHFD for 56 years and concern is the safety and on the north end see people where there are cars lined up and traffic will drive into the fire station and go around. Sharing of an easement/ ROW – the emergency responders to share with retailers is a bad idea. The gas station will enter into that same flow and have to remember that abandoned garage has not been a functioning gas station since sometime in the early 70's and there is awful lot more traffic. The stench along the back of the fire department property from effluent from the septic tank is legend.

Dave Bevins stated he has been a firefighter for 45 years. About a week ago had a fire call in the morning and buses were backed up all the way to the school and waited three complete cycles at the light to get to the firehouse and that was with no one waiting to get out of the new CVS to turn left, which could become a real nightmare. Mr. Bevins provided the Chairman with a petition that was signed by 33 of our 53 firefighters – that's 66 percent and are not against CVS, but don't want the traffic going in and out of our fire department and have no police force.

Brandon Richards is a resident of the town and also a member of the BHFD. Traffic is an issue and understands that change happens, but did not talk about the response times. We are increasing traffic and that's ok, change happens, but when we have to respond to a 911 call, where are those cars going to go on Lakehill Road. It's not the traffic coming in and out from CVS and is onboard with CVS – this town needs a new face and needs new development. We have one side of the district that does not have fire hydrants and other side that does and have to shuttle the water there; when those cars can't move, we have no water to fight those fires. The sidewalk in front of Lakehill Road and venture farther up that street will notice there is a sidewalk on the far side that approaches the corner and then just stops; however on the other side there is not a bit of sidewalk and why are we putting a sidewalk that leads to nowhere. Put the sidewalk on the other side for students and instead of a sidewalk on the side

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of CVS why not increase the footage to widen that for cars to pull over a bit more -there is nowhere to get the fire trucks through and want that addressed.

Tim Bachand stated he owns Burnt Hills Hardware and is a present neighbor with the existing CVS and obviously there is not enough stacking distance with either scenario. Mr. Bachand does not think it's a good deal for the fire department. If CVS wants that corner so bad, they should buy them a fire department outright, they need a fire department not so close to NYS Route 50. There is a sewer ditch that runs right through the middle of that property runs diagonally across Route 50, down under "Frontier Town" and runs directly behind the CVS and its coming in and does not believe there would be any drainage easements because that ditch is so old, it's in disrepair, its falling in directly behind their property and put up a fence to protect the garbage from blowing onto his property. Mr. Bachand questions their underwater storage facility is only going to exacerbate the situation of the water coming into this. Mr. Bachand lived at 138 Lakehill Road 15 years ago and had trouble getting in and out of his driveway. Mr. Bachand stated he cannot believe the board is talking to the applicant without north bound egress; it's absolutely ridiculous. Having a turn traveling north and does not see it, but a big traffic mess and the fire department's response times will be slowed down.

Nancy Reynolds stated she resides on Goode Street and owns most of the wetland that drains through there and are dealing with a delicate ecological environment. Years ago there was a creek that there that drained and now there is a culvert and the smell is from the swamp. Ms. Reynolds agrees that the fire department should not be given two acres of swamp. Ms. Reynolds is concerned and own 20 acres of swamp and does not want to own 25 acres of swamp when it's all dammed up.

Gary Bloomer stating he has been opposing the gas station next to his house for the last six months. At that time there was a concern about the safety and the intersection and find that the board hears everybody talking about it, but any of the board lives near the intersection and if you did, would not approve what's going on there. When a big company comes in and giving 2.6 acres to the fire department, it's like they are heroes; they don't want to pay the taxes on it so give it away. The safety continues to go on and on here. What are you (the board) going to do when a big company comes in? and wants to develop the Burnt Owl corner, let Price Chopper come in, it won't happen, but would be better than what is there now. Never mind the safety issues because you folks don't face it every day or have to and sitting here making decisions for the town and does not feel we (the board) have the best interest of the town at heart when reviewing the application. The gas station is going to be a problem with traffic and was before CVS was before the board tonight and now it's just going to compound it more. The highway cannot handle the traffic that is there now; it's too small and has to think about the safety issues, not whether it looks nice and it's not like the town needs another pharmacy – safety should be first. The firefighters – their lives are on the line every day and volunteer for services (and fortunate they do), but if they can't do their job because some town decided to plug up the traffic arteries, it's crazy. It's crazy to think that it could work.

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Mitchell Ramsey stated CVS is not going to buy the property – it's not worth it to them and don't even know why they want to be in Burnt Hills really, because there is nothing here anyways. Carl (Mr. Thurneau) say's "we" a lot about the fire department and he is not "we", that petition was signed against it long before anyone saw this site plan. People keep talking about the entrance coming in and leaving; have been in the department for four years and has never once entered with the entrance we have now. Mr. Ramsey stated he comes in through the north side and does not see how it will affect the entrance whatsoever; if anything, it's telling these people to pullover to get out of our way. Mr. Ramsey stated it looks great, they gave us more parking in the back, a spot for a helicopter to go in to do our emergency extrications; granted we have football fields, yes, it's just another opportunity and allowing us more parking for community events; we do fill up during clambake time.

Matthew Loukes stated he's 29 years old and has lived here his whole life. Mr. Loukes stated he does agree with a lot of the traffic conditions and feel they can be addressed; roads can be widened, putting in sidewalks, maybe we don't have to put in sidewalks and make that road wider. Mr. Loukes agrees with Mitchell (Mr. Ramsey) and does not usually have trouble getting into the fire house or responding to a fire call; this may or may not increase traffic, but it's moving it up NYS Route 50. Mr. Loukes does believe there are other options to explore to make that traffic flow better. Mr. Loukes stated he agrees with Mr. Richards about the fire trucks, although have not experienced an issue – people do find a way to get over and get out of our way. Yes there is going to be more traffic on Lakehill, but if we all work together, there are things that we can do to make everybody happy, make traffic flow good, and make it work for the BH firehouse, CVS and the Town of Ballston

Chairman Doyle will close the public hearing for tonight. Public hearing will reopen at next meeting.

Ms. Bitter is looking for concept approval and get to a comfortable position with a Negative Declaration. The two main involved agencies that we (the applicant) are waiting to hear form are NYSDEC and NYSDOT. NYSDOT have provided letters demonstrating that they concur with the traffic assessment as well as the access presented onto NYS Route 50. NYSDEC has said, they have no objections to you (the board) being Lead Agency and talked about the status of the NYSDEC permits. The applicant has starting working with C. T. Male as to drafting a Negative Declaration as suggested. The applicant gave them an extensive Negative Declaration and spoke with Mr. Reilly today and will try to condense that and was trying to see what public comment was generated and also incorporate that into a proposed resolution. The applicant was hopeful that this board would feel comfortable looking to do this at next month's meeting and were hopeful if there were more additional materials that were needed by the board, in order to get to that comfort level and would supply at next submission deadline.

Chairman Doyle asked if the board was comfortable and satisfied with the concept. There are certainly

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items to worry about and work on. The board concurs that the concept is good.

Mr. Fischer asked if there were plans for tractor trailers constrained to only entering and exiting off of NYS Route 50. Ms. Bitter stated right-in/right-out. Mr. Fischer asked if the Lakehill road access will be used. Mr. Wojtila stated that part of the submittal did include truck access for this CVS and it does show truck access working off of Lakehill Road (in and out). Chairman Doyle asked when they depart, are they going to be making a left or a right because with the queuing and everything at that corner, the tractor trailer won't fit between where the exit is or the entrance is and the traffic light. Mr. Wojtila stated it does not show it maneuvering out and will look into that; sheet C-9 did include a detail of that; showing the truck maneuvering into the site; not show it maneuvering out. If you look it's a WB-67 truck which is a 67' truck and can visually that there is a lot more space between the driveway and the intersection. Mr. Fishcher is concerned about the traffic pattern particularly on the east bound with school buses; it's crazy. Mr. Wojtila stated it's a once a week truck and its scheduled; the truck will not be there at the PM peak hour. Mr. Fischer asked could it be there during school bus hours. Mr. Wojtila stated he did not know that. Mr. Fischer stated we had the same situation across the street with the gas station and required them and they had a whole truck access for their fuel deliveries and think that we may want to consider that for this project and have to use the NYS Route 50 entrance and exit. Ms. Moran stated it's really hard for a truck to make a right-in and right-out maneuver and there is 175' of space between the stop bar and the driveway. Mr. Fischer stated its fine, until you have a whole backup of traffic coming from the BH-BL Middle School to NYS Route 50; tractor trailer will be sitting there for a half an hour and have trouble getting out and a whole lot of traffic. Mr. Wojtila stated we can look at that and can come back and schedule a time.

Chairman Doyle stated the board thinks the concept is good and all want to understand the traffic flow a little better and concerns of what happens to the fire house and look at the sidewalk concerns.

Chairman Doyle stated concept is relative to the store and location on the lot. Chairman Doyle stated the details need to be worked out.

Ms. Bitter stated at the next meeting, other than answering further questions presented by the public and the proposed SEQRA Negative Declaration, and are there any other items to be addressed.

Chairman Doyle stated the board would like to move ahead and get the storm water done and the would talk to the fire district and see if their attorney's views as to CVS and see when the referendum occurs. Chairman Doyle stated he will walk the property behind the existing CVS.

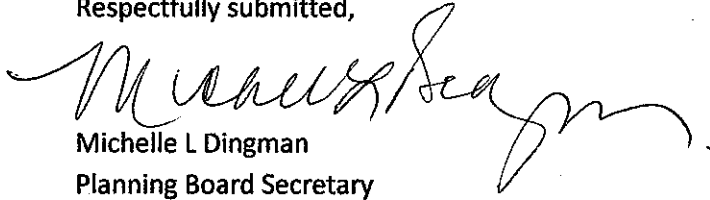
Application tabled.

MOTION: Mr. Cwalinski made a motion to adjourn. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

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Meeting adjourned at 9:55 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michelle L. Dingman". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Michelle L Dingman
Planning Board Secretary