

**TOWN OF BALLSTON
PLANNING BOARD**

Monthly Meeting: December 20, 2017

Present: Jeffrey Cwalinski, Chairman
John VanVorst, Vice Chairman
James DiPasquale
Patrick Maher
Audeliz Matias
Daniel Shorey
Nicole Rodgers, 1st Alternate
Laura Muschott, 2nd Alternate
Brian Theriault, Building Inspector
Sophia Marruso, Senior Planning/Storm Water Management Officer
Peter Reilly, Esq.
Kathryn Serra, P.E.
Members of the General Public

ABSENT: None

Chairman Cwalinski called the December 20, 2017 meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Chairman Cwalinski reviewed the agenda.

Chairman Cwalinski asked for corrections to the November 29, 2017 minutes.

MOTION: Mr. VanVorst made a motion to approve the November 29, 2017 minutes as written. All members voted in favor. **CARRIED**

OLD BUSINESS:

Oak Grove Motel

830 NYS Route 50; 257.6-3-1

Burnt Hills, NY 12027

Site Plan Review – Addition (front & rear) to exiting building & second story over garage.

Richard Nolan, PE with Nolan Engineering presented on behalf of the applicant.

Mr. Nolan stated the applicant is proposing a 20' x 20' office addition on the west side of the existing structure, a second story over the garage (for storage) and a bedroom/sunroom on the east side; the addition to match existing façade.

Mr. Nolan stated all comments have been addressed; no issues with structure, setbacks, but there is a potential issue with a shared property line between the Oak Grove Motel and Sam's Chinese Restaurant. At that meeting, the applicant decided to table the application to look at the property line.

Drew Schaufert, PLS with Santos Associates stated he prepared the map and did the title research on this property, which determined four different parcels that were combined to create the parcel that exists today. Back in 1950, there were different title sources and all the parcels were described somewhat by metes and bounds descriptions, but they don't fit together perfectly. Mr. Schaufert stated errors were found with the survey with the school district in the rear, monuments at the south corner along Sam's Restaurant (old survey of Sam's Restaurant), which had mathematical errors – there was some room for interpretation, but based on what was found out there, and Mr. Schaufert's interpretation of the deeds, thinks this is the best depiction of the common property line between the two parties that we could come up with at this point.

Mr. Reilly asked if the adjoiner agrees with this at this point in time because Tom Andress, PE with ABD Engineering & Design (representative for Sam's Restaurant) is not present this evening. Mr. Reilly asked if there is an agreement as to this line or are they still disputing it.

Mr. Schaufert stated no, he did not think they agree, but they have not prepared their own survey.

Mr. Reilly stated it was clear on the record last meeting, but it's worthwhile repeating that the Board is going to move forward with a Certified Survey, however there is risk to the applicant if these

improvements go up on the disputed parcel, and in the end, the adjoiner does take action and prevail; those improvements may have to be removed, but does not think this is the Boards concern at this point.

Mr. Schauffert stated he believes the closest improvement was 19' from the disputed line.

Mr. DiPasquale stated he thought it was over the disputed line.

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

No one wished to speak.

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

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

MOTION: Mr. Maher made a motion to approve the Site Plan as depicted on sheet 1 of the drawing for the additions to the Oak Grove Motel on drawing dated 10/30/2017 be approved. Mr. Shorey seconded the motion and all present voted in favor. **CARRIED.**

Surinaer Cheema

1324 NYS Route 50; 228.-3-9.2

Site Plan Review and Special Use Permit – renovate existing gas station

Richard Nolan, PE with Nolan Engineering presented on behalf of the applicant.

Mr. Nolan stated the most recent changes are to the façade of the proposed building. Mr. Nolan stated windows were added to meet the 50% light requirement at the front of the building; coolers will be blocking some of the windows and will treat the inside of the windows. Mr. Nolan stated windows were added to both north and south sides of the proposed building.

Mr. Nolan provided an elevation view of the canopy.

Ms. Serra asked which windows are real and not faux.

Mr. Nolan stated all the windows being proposed are real.

Mr. Nolan is proposing pedestrian striping going across the two entrances; the Town code calls for a sidewalks. Mr. Nolan stated the hatching is more visible than a sidewalk and offer more of a safety buffer to a vehicle before it pulls over into the entrance.

Ms. Serra asked Mr. Nolan to explain the queue analysis.

Mr. Nolan provided the Board with the queue analysis for the proposed site.

Mr. Nolan stated C. T. Male requested the applicant provide a queue analysis for the traffic at that intersection. If this business were to operate at this intersection, there would be a right-turn only when leaving the Brookline Road exit and how many cars back up at that light. Mr. Nolan conducted the queuing analysis on Tuesday, December 19, 2017 and recorded how many cars backed up at that light.

Mr. Nolan stated the light turned red every minute with only a couple instances where it did not turn red during a single minute. The light time average is from 21 seconds to 37 seconds including the yellow signal. If took five cars behind the light, could still get into the entrance – six cars or more would block the entrance.

Mr. Nolan stated on page 2, there is a horizontal line and if that line falls below five, the entrance was not blocked.

There are a total of 136 red lights that were observed; every time the light turned green, the intersection cleared every time except for one time because there was someone wanting to turn left.

Mr. Nolan stated 68 percent of the time the intersection would not be blocked during a red light – five cars or less and the other 32 percent it would be blocked; “very short lived because the light is only 37 seconds long” and takes 10 to 15 seconds until the light backs up six cars. Mr. Nolan was surprised that the traffic was as light as it was at the busiest time of day.

Ms. Serra stated the applicant stated they are restricting access on Brookline Road and that is why she did not ask the applicant perform the analysis on Brookline Road. Ms. Serra stated if you did the same thing at the same time, Brookline Road would be blocked because it's so close to the light. Ms. Serra stated this was requested because NYSDOT will be asking for that while they are working on their NYSDOT ROW permit. The applicant still needs to go to NYSDOT for their permit, but after reviewing the traffic analysis, their application is complete and researched what the Board feels is necessary.

Mr. Nolan stated one of the drywells was close to the gas pump and has been moved.

Mr. Nolan stated part of the Table on the plans has been fixed.

Mr. Nolan stated the floor elevations have been provided.

Mr. Nolan stated the applicant has addressed both C. T. Male's comments and the Town's.

Mr. Nolan is requesting conditional approval pending NYSDOT and Saratoga County DPW road approval.

Mr. DiPasquale stated what is being done at the intersection would improve traffic flow; maybe not a minor impact with cross-walks, but feels the Board has done their due diligence.

Mr. DiPasquale stated the plans states the address as "Burnt Hills" change to "Ballston Spa."

Mr. Nolan stated he will make that change to the plans.

Mr. DiPasquale stated the NYSDOT restriction for lane closure holiday would need to be updated in 2018.

Mr. VanVorst stated the applicant's response to #8 should state "only turn right (East)."

Mr. DiPasquale asked if the owner of the site will need to hire a Licensed Professional Engineer to monitor on site regulations for any contamination to ensure compliance of the NYSDEC Regulations.

Ms. Serra recommended that stipulations be provided from the CT Male comment letter dated, November 22, 2017.

1. The project site is located at a former spill site previously under the jurisdiction of NYSDEC. NYSDEC closed the spill in November of 2013 and stated “residual petroleum contamination remains...” The Town and the applicant should be aware that there is the potential for encountering petroleum impacted soils as part of any subsurface construction activities, which may trigger special handling of subsurface soils. No additional information on the closed spill needs to be provided by the applicant, but if during construction if any petroleum impacted soils are encountered, NYSDEC shall be notified.

2. The Tank Closure Report indicates that there were a few end point soil sample locations where petroleum related compounds were detected above NYSDEC unrestricted soil cleanup objectives. However, based upon the location of these samples (they are located off the property and outside of the project limits); the Town would not be concerned with them as it pertains to this project.

3. According to the Tank Closure Report, there are other end point soil samples likely within the footprint of the new fuel dispensers where petroleum related compounds were not detected above the limit of laboratory detection. There are, however, a couple of samples where a few petroleum related compounds were detected above the limit of laboratory detection but below NYSDEC unrestricted soil cleanup objectives or samples that had residual petroleum vapors as detected by organic vapor field instrumentation. Although the lack of detections suggests generally clean soils, the potential exists for site construction to disturb soil soils with petroleum vapors thereby limiting the ability to call them “clean”. The Town should require as part of site plan approval that if residual petroleum contamination is encountered, NYSDEC will be consulted by the applicant since the site is a former NYSDEC spill site.

4. The footprint of the new tanks to be installed is within an area of the site that may not have been subjected to subsurface soil testing. With the absence of this information no conclusion can be drawn about the soil quality where the tanks will be installed. It is recommended that the Town require specific notification for the start of excavation for the installation of the tanks to have the opportunity to visit the site at that time and observe typical subsurface conditions.

5. The project narrative states “The new operating gas station is not expected to increase traffic....on Route 50 or Brookline Road.” In future submissions, additional information on traffic generation and a queue analysis for Route 50 and Brookline Road shall be provided. The site has been vacant for several years; therefore traffic generated by the new gas station would be considered new traffic. Furthermore, the intersection of Route 50 and Brookline Road is known for congestion, particularly during the AM and PM peak hours. It is recommended that NYSDOT and Saratoga County DPW be consulted early on in the design process, as these agencies may require the ingress/egress points to their roadways

to be relocated further away from the intersection or to have restricted access, such as right-in, right-out.

6. The concept plan should indicate how fuel delivery trucks will navigate the site, taking into consideration that NYSDOT and/or Saratoga County DPW may require restricted access.

Mr. DiPasquale asked Ms. Serra if a Professional Engineer is issuing something to the Building Department that everything is in order.

Ms. Serra said, "Technically speaking, if they are out there and digging, and there is no evidence of contaminated soils, would not need to provide anything."

Chairman Cwalinski asked the width of the sidewalks that are being proposed for the project.

Mr. Nolan stated 4' to match exiting sidewalk.

Mr. DiPasquale asked if it is a requirement to run the sidewalk through the driveway.

Ms. Marruso said, "It depends on how we interpret the constructing of any public spaces and whether we acknowledge it as a requirement of site plan.

Mr. DiPasquale asked if it is a requirement to extend the sidewalk material through the crossing.

Ms. Serra stated it depends.

Mr. Reilly stated the ordinance does not speak to that.

Ms. Serra stated striping long term shows the pedestrian that this is your crosswalk.

Chairman Cwalinski asked Board members if striping is acceptable.

The Board members concur.

Mr. Reilly stated the Site Plan application that is approved, did not include the proposed signage.

Ms. Marruso stated a variance will need to be sought with the Zoning Board of Appeals for proposed signage.

Chairman Cwalinski asked when the electrical design for the lights be completed.

Mr. Nolan stated typically we do that when we submit to the Building Department.

Ms. Rodgers asked if there was any way to make the canopy line up to be parallel with the building.

Mr. Nolan stated the posts are angled and possible when the do the top, could straight it out a bit.

Ms. Serra stated it was angled because NYS Route 50 because that property is not rectangular.

Chairman Cwalinski provided Mr. Nolan with minor editorial comments.

1. Sheet S101 –
 - a. If this sheet is revised for other reasons then the table of containing the sign areas should be deleted. It is already contained on sheet S105.
2. Sheet S105 -
 - a. Table with sign areas -
 - The value of 45.5 SF in the row “Street Pole Sign” and column “Allowed” should be 32 SF as specified in 138-37 E 4 (b).
 - The value of 70 SF in the row “Building Sign” and column “Allowed” appears to neglect the area of the triangular portion of the facade located above the entrance. If this area is included the allowed value increases to 84.7 SF.
 - The value of 45.5 SF in the row “Total SF” and column “Allowed” should be 150 SF as specified in 138-37 E 3.
 -
 - b. The Light Pole Base Detail – Flush
 - One note states that the light fixture is to be high pressure sodium or metal halide while the Site Lighting Fixture detail to the left is for a Lithonia DSXO LED P1 VLS 27K fixture which is a LED area luminaire. It is recommended that the inconsistency be resolved by deleting the two choices in the note since 138-9.5 D (7) b does not prohibit the use of LED fixtures. accordance with applicable NYSDEC Part 613 regulations, and notification

Mr. DiPasquale asked if the Board can accept the 4' wide sidewalk.

Mr. Reilly stated or matches the existing 4' sidewalk.

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

No one wished to speak.

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

Ms. Matias thanked the applicant for working with the Board to match the architecture, right-turn on Brookline Road and providing the Board with the traffic analysis.

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

MOTION: Mr. Maher made a motion on the Site Plan as depicted on sheet S-101 dated 11/7/2017 be approved conditioned on minor editorial comments from Chairman Cwalinski

1. Sheet S101 -
 - a. If this sheet is revised for other reasons then the table of containing the sign areas should be deleted. It is already contained on sheet S105.
2. Sheet S105 -
 - a. Table with sign areas -
 - The value of 45.5 SF in the row "Street Pole Sign" and column "Allowed" should be 32 SF as specified in 138-37 E 4 (b).
 - The value of 70 SF in the row "Building Sign" and column "Allowed" appears to neglect the area of the triangular portion of the facade located above the entrance. If this area is included the allowed value increases to 84.7 SF.
 - The value of 45.5 SF in the row "Total SF" and column "Allowed" should be 150 SF as specified in 138-37 E 3.
 -

b. The Light Pole Base Detail – Flush

- One note states that the light fixture is to be high pressure sodium or metal halide while the Site Lighting Fixture detail to the left is for a Lithonia DSXO LED P1 VLS 27K fixture which is a LED area luminaire. It is recommended that the inconsistency be resolved by deleting the two choices in the note since 138-9.5 D (7) b does not prohibit the use of LED fixtures.

Ms. Serra stated conditioned upon addressing C. T. Male's comment letter dated November 22, 2017 regarding unground storage tanks and soil remediation: (see comments below)

1. A Short Environmental Assessment Form is required for this project.
2. The project narrative indicates that the applicant will provide information from NYSDEC regarding the removal of the underground fuel tanks from the site. The applicant shall provide all information from NYSDEC on past spills/cleanup at the site, tank closure, soil removal and if any monitoring wells are located on the site.
3. The project narrative indicates that the project site is less than 1 acre and for this reason a SWPPP that meets NYSDEC and Town criteria is not required. The applicant should be aware, however, the both NYSDOT and Saratoga County DPW require that development of this project site, due to an increase in amount of impervious surfaces, must be done in a manner as to not increase runoff towards the existing roadways.
4. The project narrative mentions that a parking waiver will be necessary. The applicant should be aware that there is ample space to provide parking on this site and that parking at the gas pumps counts towards the total number of parking spaces.
5. The project narrative states "The new operating gas station is not expected to increase traffic...on Route 50 or Brookline Road." In future submissions, additional information on traffic generation and a queue analysis for Route 50 and Brookline Road shall be provided. The site has been vacant for several years; therefore traffic generated by the new gas station would be considered new traffic. Furthermore, the intersection of Route 50 and Brookline Road is known for congestion, particularly during the AM and PM peak hours. It is recommended that NYSDOT and Saratoga County DPW be consulted early on in the design process, as these agencies may require the ingress/egress points to their roadways to be relocated further away from the intersection or to have restricted access, such as right-in, right-out.
6. The concept plan should indicate how fuel delivery trucks will navigate the site, taking into consideration that NYSDOT and/or Saratoga County DPW may require restricted access.

The sidewalks to match 4' existing sidewalks and a note be placed on the drawing regarding the signage and change "Burnt Hills" to "Ballston Spa."

Ms. Serra stated normally the Board would not condition their approval based upon obtaining the work permits from NYSDOT and Saratoga County DPW and would not allow a Certificate of Occupancy. If this does take time to get these permits from these agencies, it allows them to start construction; our approval is not conditioned upon receiving the NYSDOT and Saratoga County DPW permits, but the Certificate of Occupancy is conditioned on those two. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

Chairman Cwalinski read through the four (4) criteria for a Special Use Permit.

- 1) The use shall be such location, size and character that it will be in harmony with 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 concurred, there were no issues.
- 2) The location and size of the use the nature and intensity of the operation involve 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 board concurred, there were no issues.
- 3) The location and height of the 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 there were no issues.
- 4) The public convenience and welfare will be substantially served and appropriate neighboring property will not be substantially permanently injured, subject to appropriate conditions and safeguards as determined necessary to promote the public health, safety and welfare. The board concurred, there were no issues.

MOTION: Mr. VanVorst made a motion to approve this Special Use Permit for Cheema. Mr. Shorey seconded the motion and all present voted in favor. **CARRIED.**

Michael Bracht
217 Middleline Road; 227.-2-41.111
Minor Subdivision – 4-lot subdivision

Terry Hummiston, PLS presented on behalf of the applicant.

Mr. Hummiston stated the applicant received approvals in October 2017 and subsequently had discussions with the neighbor who was unhappy with some of the characteristics of the subdivision and has worked out an agreement with the neighbor for some modifications that would make them happy.

Mr. Hummiston stated the plan has been modified with no impact on Lot #1, made Lot #2 & #3 slightly smaller and made Lot #4 a little bit bigger; slid things down so Lot #4 has 60' of frontage to accommodate a 40' x 630' no cut buffer to help screen the new driveway from the neighbors existing house.

Mr. Hummiston stated the neighbors have entered into a signed agreement with the applicant that states, with this plan, they have no opposition.

No comments from Board members.

Chairman Cwalinski opened the public hearing at 8:15 p.m.

No one wished to speak.

Chairman Cwalinski closed the public hearing at 8:16 p.m.

Mr. Reilly thanked Mr. Hummiston and Mr. Hogan's attorney. It was a combined effort to get this done and make sure everyone is happy; especially the attorney for the Hogan's as opposed to just filing court papers right away who reached out to everyone involved and from their were further negotiations and were able to get it done and now everyone is happy. Mr. Reilly appreciates everyone's cooperation.

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

MOTION: Mr. VanVorst made a motion to rescind the approval of the October 2017 meeting of the subdivision of "Lands of Bracht" and to approve the new map "Division of Lands of Bracht dated November 2017. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

Stewarts

810 NYS Route 50; 257.10-2-70

Site Plan Review – New Store

Chris Potter, with Stewart's presented.

Mr. Potter stated since the last meeting, the main plan that was filed remained unchanged and did provide four additional site layouts and reasons why they did not work.

Mr. VanVorst said, "The truck turning template that was provided, the truck mysteriously this canopy and gas island has moved closer to the property line than all the other depictions.

Mr. Potter stated correct, because this building and canopy were asked to be moved closer to Lakehill Road and to move closer to Lakehill Road and still be able to get circulation to the north east, it also had to moved that way.

Mr. VanVorst asked why the canopy had to be moved.

Mr. Potter stated we were asked to move the building and the canopy towards Lakehill Road.

Mr. VanVorst said, "You were asked to move the building, but not the canopy."

Mr. Potter stated he has enough back-up space out of those parking spaces between the canopy and the building; we couldn't just move one, they both have to go together.

Mr. Cwalinski asked how much room you need between the canopy and the parking spaces for circulation.

Mr. Potter stated we show 35' – minimum back-up space out of a double stacked island parking area is 24'. Mr. Potter stated we like to show a minimum of 35'

Mr. DiPasquale asked if 35' was normal for their stores.

Mr. Potter stated yes.

Chairman Cwalinski opened the public hearing at 8:25 p.m.

George Wemyss, 115 Lakehill Road stated he has never had anyone approach him as far as this building going up.

Mr. Wemyss asked what the plan is for the site in the back.

Mr. Potter stated the grade is going to be brought up 9' to 10'.

Mr. Wemyss asked what will be done with his driveway.

Mr. Potter stated we would have effect on your driveway at all.

Mr. Wemyss stated it would be nice to have the strip mall torn down.

Mr. Wemyss said, "All we have right now is drug dealing going on in the back, kids hanging out there in the back and trash all over.

Mr. Wemyss asked if a fence is proposed along with the whole complex.

Mr. Potter stated a 6' high vinyl fence is proposed to run along the property line.

Mr. Wemyss asked if there would some type of tree or shrub being proposed to be planted.

Mr. Potter stated there is some landscaping up toward the front portion of the property line; gets narrow towards the back and does have existing trees.

Mr. Wemyss stated there are going to be a lot of kids hanging there and a terrible spot to get in and out of Lakehill Road for him and even worse when the CVS gets built. Mr. Wemyss stated he is lucky that the bus drivers let him out onto Lakehill Road; nobody else does and vehicles travel 60mph to the next road (Kingsley Road) from NYS Route. The other problem with that section of Lakehill Road from NYS Route 50 to the traffic light at Kingsley Road has no sidewalk; that section should have a sidewalk.

Ms. Serra stated Mr. Wemyss biggest concern is to fence the entire property.

Mr. Potter stated there is an existing fence and would just screen the building and delivery area and if it was necessary, does not have an issue to carry an additional 50' to 60' of fence to that corner.

Ms. Serra said, "To add the fence all the way to the south line completely on the west side of the property."

Ms. Serra said, "When you say the fence is 6' high, where the store is, kicks up more and essentially be a fence that is too low and does not doing anything for visible screening."

Mr. Potter stated they (the neighboring property) is 395' and ours is roughly 392; 3' lower than what the neighbor's driveway is.

Ms. Serra stated the most fill after checking their grading plan is adding about 7.5 to 8' of fill near the turn-off of the neighbor's driveway.

Ms. Serra stated as the site progresses to conceptual engineering, asked Mr. Potter to make this less severe; sometimes a fence is "a little in your face." Ms. Serra's suggestion to the Board would be to require a specific representation of what the fence will look like as part of the site Plan Approval.

Chairman Cwalinski stated the specific type of fence should be specified in the resolution for approval.

Ms. Serra stated the Town has received Stewart's Traffic Study and is in the process of reviewing it as well as NYSDOT and Saratoga County DPW.

Mr. Wemyss asked if there will be an entrance off of Lakehill Road.

Ms. Serra stated Stewart's is not changing the Lakehill entrance up front.

Mr. Potter stated we are decreasing it significantly.

Ms. Serra stated the eastern most limit is not changing.

Mr. Potter received comments from Saratoga County DPW, which were minor in nature.

Tim Bachand stated his property abuts the proposed Stewart's and said it's a great idea, but has some concerns with traffic and the elevation.

Mr. Bachand has a concern with the elevation change from the bottom catch basin; applicant is recommending a plastic replacement pipe (will need to be replaced in 50 years).

The elevation change is huge from the neighbor's property and would like to see it all one level plain if Mr. Bachand decides to develop his property; would be able to put in walkways to the Stewart's Shop.

Mr. Bachand stated what is being proposed looks like a lot of fill, a big ravine and a fence.

Mr. Bachand feels that Stewart's owes it to Mr. Wemyss to address the trees and does not want a ravine that is going to catch garbage.

Mr. Bachand asked if anyone was in the audience from the existing CVS property. No one was present.

Mr. Bachand is concerned about the elevation from Kingsley Road to NYS Route 50.

Mr. Bachand said, "He owns the property by the water and sewage problem in the back of CVS and asked if that is being addressed."

Mr. Bachand stated eventually the owners of the existing CVS is going to have to come to the Planning Board and are proposing all those properties are connected at the same grade; not a bunch of ditches in there.

Mr. Bachand has a concern with traffic; if you are traveling south on NYS Route 50 and stop and want to turn into Stewart's there has to be a control there and will have to turn onto Lakehill Road or otherwise, stop the whole lane of traffic on NYS Route 50 traveling south.

Ms. Serra stated that is one of the recommendations that an entrance on NYS Route 50 be right-in right-out.

Mr. Bachand stated he did not know what all the elevations entail; if he pulls his truck with his boat, his trailer will block those parking spots.

Mr. Bachand would like to see the Stewart's bigger, moved back and closer to the property lines and hope the store is big enough to serve the Town; store looks similar to the one on Vischer's Ferry Road.

Mr. Bachand said, "He is very concerned about ditching and does not want to find a dead body out there someday."

Chairman Cwalinski adjourned the public hearing for tonight's meeting at 8:40 p.m.

Ms. Marruso stated the Board asked the applicant demonstrate how the different layouts would work in this particular spot and the Board asked for an alternate layout based on the Town's collective recommendation that would orient the building as being projected up here along NYS Route 50 and from a permit conceptual standpoint and design standpoint that would be ideal in terms of build out and feels the applicant has done their due diligence and demonstrating how it's impacted on site; including critically site circulation issues that may hinder their ability to rotate the building. Their original layout of what they are choosing to proceed with, would require variances from the Zoning Board of Appeals. If the Board was to make the determination tonight, that they wanted to commit to this orientation where the building is perpendicular and not parallel to the street would be a better to approach the Zoning Board of Appeals to see if they could seek the area variances for their setbacks and depending the outcome of that application process, then return to the Planning Board for further engineering and design review.

Mr. Cwalinski asked the Board agrees with the proposed layout of the proposed Stewart's.

The Board is in agreement.

Mr. Reilly stated if the Board is in agreement and has looked at all the various scenarios. If this is the one the Planning Board wants to go with and does necessitate a variance from the Zoning Board of Appeals, and if the Planning Board is inclined to pass the resolution amending the variance be granted with the site constraints and various aspects of the property, would be helpful to the Zoning Board of Appeals. Mr. Reilly stated it would be the first time the ZBA looked at a variance for a build-to line and why it's necessary, if the Board is inclined would be helpful.

Chairman Cwalinski stated the variance is for the build to line.

Ms. Serra the applicant is showing it at 85'; the requirement is 82'.

Chairman Cwalinski stated the Board should make a resolution recommending the ZBA approve a variance to the setback in the amount of 3’.

MOTION: Mr. Maher made a motion that the Planning Board recommends that the ZBA approve the build-to variance that will be requested by Stewart’s Shop of approximately 3’ of frontage. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

Mr. VanVorst stated to add the building orientation.

Mr. Reilly stated the building orientation necessitated the 3’ variance, but there is no variance as to the building orientation itself.

Mr. VanVorst stated isn’t that what the Design Standards call for that the building be oriented parallel.

Mr. Potter stated it’s the setback as well as the parking in front of the building.

Ms. Serra stated the applicant is allowed one row of parking.

Chairman Cwalinski went to get back to Mr. VanVorst’s question about the building orientation - the word “shall” is not in the paragraph pursuant to §138-9.5 D (2) (a) [1].

Chairman Cwalinski stated the building orientation will be shown on sheet 2 – revised December 1, 2017.

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.**

Chairman Cwalinski recommended a Coordinated Review so that the County and NYSDOT is on board with all the traffic and need to get the ZBA involved since they have to grant the variance.

Ms. Serra stated C. T. Male files the Coordinated Review letters on behalf of the Town and requested Mr. Potter to provide an electronic copy of the EAF and sheet S-2.

Mr. Potter stated wouldn’t this be considered an Unlisted Action.

Ms. Serra stated under SEQRA the Board has the purview to do a Coordinated Review for Unlisted Actions if the Board feels some of the impacts are severe, but do frequently do Coordinated Reviews for Unlisted Actions in this Town. The Board did one for CVS and Wal-Mart, which is consistent with the Town's procedures at major intersections; once Ms. Serra receives the requested information, will send out the Coordinated Review letter, which will start the 30-day clock.

NY Development Group

Kasey Pass; 228.13-1-1, 18, 19

Site Plan Review – Nine (9) 4-unit condominium buildings

Scott Lansing, PE with Lansing Engineering was present representing Pigliavento Builders.

Mr. Lansing stated the applicant has been in front of the Board and the last time was about two months ago and received a Lot Line Adjustment and conceptual approval for the overall layout and configuration of the parcel.

The parcel is located on the east side of NYS Route 50, Everson Way, Sherman Way and Kasey Pass. There is an area in between Sherman Way and Everson Way and another portion of another lot in the north east portion that is part of the overall lot.

Mr. Lansing stated at the last meeting, the applicant received a Lot Line Adjustment; a consolidation of two lots in the middle and a land hook – an annexation of a portion of the lot to the north to the lot in the middle of the parcel.

Mr. Lansing stated the applicant chose not to attend the November Planning Board meeting and received technical comments and chose to address those comments and feel the comments have been addressed; there are a few minor outstanding comments that will be addressed with the final submission.

Mr. Lansing stated the applicant received planning comments from the Planning Department and feel those are technical in nature as well and will be addressed.

Mr. Lansing stated the applicant would like to request the Board's consideration of the project this evening conditioned on addressing the technical engineering and planning comments.

Mr. VanVorst stated to correct page 9, 2.2 (SWPPP) it states "Topography"- based on topographic survey information, the site predominately drains from the northeast to the southwest. Mr. Lansing stated that will be corrected.

Ms. Serra stated the past PUDD with the archeological site; there were two sides and were closer to Mourningkill Creek.

Mr. Lansing stated there was an inlay on the LMG sheet that shows one site that basically in the middle of the residential section site #1 was cleared, site #2 as shown on this map behind a residential lot, but the majority of it is on the residential lot, but there is a small little area that clips into the lot and are not proposing any impacts to that.

Ms. Serra said, "Technically that site, a part is on your lot, the rest of them are on other lands."

Mr. Lansing stated there is one little tiny portion of site #2 that is on Lot A, but not proposed for any disturbance.

Ms. Serra asked the applicant to explain how they are utilizing the past studies done for traffic and storm water.

Mr. Lansing stated the overall PUDD there was a SWPPP prepared for that overall site. As a part of that plan, it did contemplate storm water impacts from this area as such; drainage from that was directed to the two storm water basins in the very back of the parcel and designed to the NYSDEC requirements and there is still and active NOI for the parcel. All of the existing features of the existing basins do adequately meet the requirements for the current mitigation of the site. There is no new mitigation proposed for this parcel; the potential future commercial parcel will need to be addressed at another date.

Ms. Serra asked if the applicant is utilizing the prior Traffic Study.

Mr. Lansing stated yes, we did take a look at it and as far as the other trips, feel the trips associated with this are less than what we are contemplating; the original study there were some commercial developments contemplated (hypothetically in that original study)the residential has less trip generation than the commercial.

Chairman Cwalinski opened the public hearing at 8:56 p.m.

Joan Signor, 2 Everson Way asked which street are which on the proposed plan.

Mr. Lansing said, "This is NYS Route 50, this is Sherman Way, this is Everson Way and Kasey Pass connects those two roadways."

Ms. Serra stated the renderings shown are what is being proposed by the builder.

Mr. Lansing stated yes.

Chairman Cwalinski closed the public hearing at 8:58 p.m.

Mr. Lansing stated the applicant has responded to the C. T. Male's comments and will address Ms. Marruso's comments too.

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

Chairman Cwalinski stated the Board can take action subject to the resolution of the engineering and planning comments.

Mr. VanVorst asked if the Board wants to articulate what those comments are.

Ms. Serra stated she had four comments in her December 18, 2017 comment letter

1. The comment response letter provides for information on a 2003 signoff letter from SHPO and states that the two identified prehistoric contact sites identified during the PUDD process are shown on LMG-1. LMG-1 does not show these sites, and they may be located "off" the plan sheet, closer to the Mourningkill Creek.
2. The size and material of the following utilities shall be noted: the storm lines connecting the roof leaders to the storm sewer system, and the gravity sewer laterals.
3. The water service line to Building #6 shall utilize the existing 8" water stub and not add an

additional tap to the existing water main.

4. The location of the water service lines shall be added to the landscaping plan. Some of the proposed trees may need to be relocated since they are shown above the proposed water services.

MOTION: Mr. VanVorst made a motion to approve the application contingent on meeting the requirements of C. T. Male for the Kasey Pass Multi-Family proposal dated December 8, 2017. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

Mourningkill, LLC (Smith)
1445 NYS Route 50; 228.-1-8 & 228.-1-7
Site Plan Review & Special Use Permit

Scott Lansing, PE with Lansing Engineering was present representing Geoff Booth and Jeff Knox with NY Development Group.

Mr. Lansing stated this project received conceptual approval two months ago for a Lot Line Adjustment for the project.

The property is located on west side NYS Route 50 with the Schmidt property to the south and south west.

The applicant is proposing two buildings. The front building consists of a 3-story 22-unit apartment building and a 2-story 9-unit apartment building in the back of the parcel.

Access to the site would be from NYS Route 50 as well as connecting access from Kensington Court (part of the Schmidt project) to the south.

Mr. Lansing stated the applicant did receive conceptual approval at the last meeting and since that meeting, did receive technical comments from C.T. Male and have addressed those comments.

Mr. Lansing stated he wanted to discuss the planning comments:

1. **Front build-out**

It's noted, the applicant is approximately 41% of the overall build-out; discussions with the Board determined a waiver be provided because of the odd configuration of the parcel and the curb cut.

2. **Sidewalks**

The applicants are not showing a sidewalk along NYS Route 50; similar to the Schmidt parcel we did work with the Planning Board and put the money in escrow for the cost of the sidewalk to be constructed at a later date. Mr. Lansing stated it was their opinion and the Board's opinion that there was not a logical term for the north or the south with no direct linkage so it would be wise to postpone the construction of that sidewalk until a later date until there is more of a continuous sidewalk and linkage along the way. Mr. Lansing stated we have provided a letter requesting the escrow in lieu of the sidewalk at this time and provided a cost estimate outlining the cost of that sidewalk.

3. **Adding trees along the front**

Mr. Lansing stated that large deciduous trees will be added in accordance with the request. The width of the sidewalk and the trees – the standards outline an 8' wide sidewalk and in their opinion is a pretty wide sidewalk for this roadway and limits the amount of space for trees and keeping them outside the ROW. An 8' sidewalk is not necessarily typical and would like the Board to consider reducing that sidewalk down to 5' to provide more room for trees.

4. **First floor height**

The first floor to second floor height is 12' and the applicant would like to request the Board's consideration for a waiver; this is a residential structure not a commercial/retail type structure – typically with retail space the first floor has a higher ceiling height for display and storing of goods. With a residential structure the applicants were not planning on doing that high of a ceiling. The applicant would like to request the Board's consideration for a waiver to allow an 8' floor to ceiling height on the first floor (floor to floor height might be 10.5' or 11').

5. **Transparency requirement-first floor**

Mr. Lansing stated the first floor standards outline 50 percent glazing on the first floor; standards outline 50 percent glazing on the first floor and 30 percent on the second and third floor. Mr. Lansing stated we do meet the 30 percent on the second and third floor however, on the first floor is around 25

percent – this is a residential use not a retail/commercial type use. The intent of the guidelines was to provide the glazing access and visibility for retail/commercial type structure and is not proposed and would request the Board’s consideration for a waiver from that 50 percent requirement.

6. Elevations

Mr. Lansing stated there was a comment about the second and third floor on the 3-story buildings that the colors were a little monotonous across the top of the structure. Mr. Lansing stated the applicants did come up with a suggested change to that second and third floor and have added a couple colors with a total of four different colors across the various areas that are recessed in or extended out.

Mr. Lansing stated that two dimensional renderings do not actually give these pictures justice and there are some pretty significant recessed areas that bump out; the combination of the colors and architecture meets the intent of what the comment.

Mr. Lansing stated the applicant is before the Board to requests the Board’s consideration for final approval conditioned on addressing the comments before us.

Mr. Shorey asked the distance of the sidewalks on the parcel.

Mr. Lansing stated there is escrow in place for a sidewalk along the frontage of the Schmidt parcel – the applicant is proposing to escrow the sidewalk to the frontage along the parcel; approximately 300’.

Mr. Reilly asked if the escrow of the Schmidt parcel was a letter of credit, cash or how was the assurity posted.

Mr. Booth stated he thinks it’s was going to be a letter of credit.

Mr. Reilly asked could be or do you know or remember.

Mr. Booth said, “He thinks we proposed a letter or credit.”

Mr. DiPasquale asked who eventually will be putting in the sidewalks.

Mr. Lansing said, "The Town asked the applicant to put it in and if they did not put it in, would use that money that they have in escrow to construct the sidewalks."

Mr. DiPasquale asked if there was a timeframe on the Schmidt parcel.

Mr. Booth stated he did not think there was an end date to it.

Mr. Reilly asked if Schmidt's have been approved, but there is no letter of credit posted.

Mr. Booth stated it's subject to Certificate of Occupancy.

Mr. Reilly asked if that was the agreement on the Certificate of Occupancy.

Mr. Booth said, "He believes it was for the Certificate of Occupancy."

Mr. Reilly stated if you look at Site Plan Review as far as NYS ordinance, an agreement has to be made by the Town Board and the Town Attorney. Mr. Reilly asked if that has been looked at or given to them for review.

Mr. Booth said, "I don't believe so."

Mr. Reilly asked when you will be looking for a Certificate of Occupancy on that.

Mr. Booth stated we have not even started construction on that and won't be until sometime next summer.

Mr. Reilly asked if the applicant prefer a letter of credit or cash posted.

The applicant's stated they would prefer a letter of credit.

Mr. Booth asked if it matters to the Town.

Mr. Reilly would have to defer to the Town Board and the Town Attorney.

Mr. Reilly said, "He thinks that cash because to go against a letter of credit there are a lot of formalities." Mr. Reilly stated from the applicant's perspective, cash would be easier.

Mr. Booth asked if he can check that; it's been a while and stated he will get back to Mr. Reilly.

Mr. Booth stated we would model this to what was done on the Schmidt parcel for continuity.

Mr. VanVorst stated instead of having an 8' sidewalk have a 4' sidewalk and put it in now, then we don't have to worry about it.

Mr. Booth stated it's a possibility to do that; it just doesn't go anywhere.

Mr. VanVorst stated there is a lot of stuff that does not go anywhere.

Ms. Serra said initially with the Schmidt parcel was a pretty short frontage on NYS Route 50 and now you are coming in with the neighboring parcel – could you just build the sidewalk.

Mr. Booth said the issue with Schmidt parcel was wetlands to the south and we could not go all the way down; it doesn't go anywhere, let's put the funds in whether it was escrow or cash.

Mr. DiPasquale stated it would make it easier for everyone involved.

Chairman Cwalinski stated yes.

Ms. Serra stated it would be from Kensington Court to that now second driveway; extent the sidewalks to the north property line.

Mr. Booth stated he does not see a problem with it.

Ms. Serra stated Kensington Court north to the other property line (Smith) parcel.

Mr. Lansing stated it works well the trees that have been requested along NYS Route 50.

Mr. Maher stated the updated renderings are an improvement over the previous version.

Mr. VanVorst stated on the applicants response to the comment letter #5, it talks about a Lane Sediment Strip – is a row of chambers that are surrounded by two layers of geo synthetic separation fabric. Mr. VanVorst asked who is responsible for maintaining and cleaning that.

Mr. Lansing stated that is a pre-treatment practice and is approved by NYSDEC and can apply to a system like this. Mr. Lansing stated that would be the individual owner that would own, operate and maintain that system; privately owned, not a Town responsibility.

Mr. VanVorst asked who determines when it needs to be maintained.

Mr. Lansing stated there are periodic inspections that are required as part of the ultimate permit that is granted for the project; NYSDEC requires periodic inspections and maintenance.

Mr. VanVorst asked who does the inspection.

Mr. Lansing stated the private owner.

Mr. VanVorst stated the owner inspects his own.

Mr. Lansing stated the owner would coordinate it being done by a Licensed Professional Engineer.

Ms. Serra stated the Town does have a required Maintenance Agreement for practices such that at some point, if maintenance does not occur over a period of time and becomes a hazard, the Town can go in repair it, clean it up and back charge the owner.

Mr. Booth stated test holes were performed and the site is all sand.

Ms. Matias asked about item #1 combined Traffic Study as noted in a C. T. Male's letter dated December 18, 2017.

Ms. Serra stated she received it this morning and provided it to the Board and has not had to time review.

Ms. Matias stated she did not read the Traffic Study either.

Ms. Booth stated there was no impact on the Schmidt or Smith parcels and did combine them at Ms. Serra's request and the combined threshold did not trip any threshold for NYSDOT.

Chairman Cwalinski asked if Ms. Serra has had time to review the combined Traffic Study.

Ms. Serra stated she was not in the office today and did not have time to review.

Chairman Cwalinski stated the Board can establish Lead Agency, but is as far as the Board can go tonight on this project.

Mr. Lansing asked if the applicant could ask for the Board's consideration of approval conditioned on the Traffic Study; the project is relatively small in nature and does not trip any sort of thresholds and are competent there would not be any issues and trust that the Town Engineer would come to the same conclusion.

Mr. VanVorst stated he does not think it's appropriate to have a SEQRA determination without having an answer to the traffic.

Mr. Booth said, "On the Schmidt parcel we did do traffic and did receive a Negative Declaration because there was no impact – 15 units plus the commercial development. This is 31-units and we did provide a traffic engineering letter that was reviewed by the Town and Ms. Serra and there was no significant issue there. This is a documentation thing at this point -the first one was already approved and got a Negative Declaration and this is a nominal one and that study indicates the same thing. This new project is the only one we are looking at; it's 31-units and was a nominal number of trips."

Ms. Serra stated from a traffic standpoint, they are not separate projects; they are using the same entrances. Ms. Serra stated she may review in a few days and agrees with VHB's letter, but the Board has not had time to review the document and "I supposedly asked for the Traffic Studies to be combined in November and your professional did not do that." Ms. Serra stated you had time to do the Trip Analysis like we asked and did not do it in the timeframe needed for the Board to review it.

Mr. Booth said, "He would suggest that they are separate parcels, separated tax ID's and separate entities that control the properties and do have separated entrances; although we are trying to do

some sharing and cross access between the parcels in the back – they are separate parcels from a tax ID standpoint and from an obligation standpoint.

Ms. Matias stated she does not appreciate receiving information at that last minute and has not had time to review.

Mr. Lansing asked for feedback from the Board relative to floor height.

Chairman Cwalinski asked if the code states “shall” and will the applicants require a variance from the ZBA.

Mr. Lansing stated he believes both of those are “shoulds” and did receive waivers; waivers were retained on other projects in the past.

The Board agrees to the first floor height proposed.

Chairman Cwalinski stated 8’ ceiling height and the transparency (25%) seems reasonable to the Board.

Ms. Serra asked if there will be any residents on the first floor.

Mr. Lansing stated yes, there are residences on the first floor.

Application tabled.

NEW BUSINESS:

Mourningkill, LLC (Smith)

1445 NYS Route 50; 228.-1-8 & 228.-1-7

Lot Line Adjustment

Scott Lansing, PE with Lansing Engineering was present representing NY Development Group.

Mr. Lansing stated this is an extension of the previous presentation and proposing an adjustment to the Lot Line Adjustment that was approved at the last meeting.

Mr. Lansing said, "Before this lot line, in that area, went across at a diagonal and went through some of the spaces. The applicant's and their attorney thought it would be best to cut across those spaces and have them more uniform so full spaces are on one property. The applicant has provided an adjustment to the Lot Line Adjustment; a very minimal minor change in the acreage – about two one-hundredths of an acre and met all the green space requirements.

Chairman Cwalinski opened the public hearing at 9:25 p.m.

No one wished to speak.

Chairman Cwalinski closed the public hearing at 9:26 p.m.

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

MOTION: Mr. Maher made a motion that the Lot Line Adjustment plan as detailed on drawing CP-1 dated 12/6/2017 be approved. Mr. Shorey seconded the motion and all present voted in favor. **CARRIED.**

Craig & Catherine Todd
17 France Lane; 249.17-2-21
Site Plan Review – New Home

Duane Rabideau, PLS with VanGuilder and Associates presented on behalf of the applicants for Site Plan Review for the construction of a new single-family residence at 17 France Lane.

Mr. Rabideau stated the building is under construction.

Mr. Rabideau stated the revised plan shown to the Board is based on comments from Ms. Serra regarding the grading plan.

Mr. Rabideau stated the grading limit line is shown around the parcel of the area that is disturbed now and for future grading based on this plan.

Mr. Rabideau stated the home will have a walk-out basement to the lake.

Mr. Rabideau stated the drainage is set up on a portion of the site will go to a bio-retention basin that runs along the north line of the parcel.

Mr. Rabideau stated there is a reciprocal agreement with this parcel and the neighbors to the north.

Mr. Rabideau said, "The revised plan created a small bio-retention basin to catch the drainage on this portion of the parcel and will end up going into the lake there; basically mimicking what this one does, except at a lot smaller scale."

Mr. Rabideau stated there is already an area built up for the proposed septic system and the applicants have expressed interest into tying into the new sewer system.

Mr. VanVorst stated #2 on the EAF "2. Does the proposed action require a permit, approval or funding from any other governmental Agency? Mr. VanVorst stated the application is checked "Yes", and said he is not sure that is true. Mr. Rabideau stated we did not fill that application out. Ms. Marruso said, "She worked with the applicant on that and said, "That was her mistake" and obviously checked yes with the anticipation of a building permit. Chairman Cwalinski stated to write "Building Permit on the EAF. Mr. Rabideau said, "That question is always interpretive and always don't put something, but it can be interpreted the way Ms. Marruso interpreted it."

Mr. Reilly stated there will be a septic system built when the house is constructed and tie into the sewer when it's available.

Mr. Rabideau stated yes, there is a built up system and do anticipate running a line for future tie-in; force main located at the edge of the driveway.

Mr. Reilly stated our resident expert is here this evening for all things sewer. Mr. Reilly stated that Mr. DiPasquale mentioned in our agenda meeting and does not think it's finalized yet on new systems were to be a seven year period is that is what is being looked at now.

Ms. Kotkoskie stated currently the language being put in after January 1, 2015 has until December 31, 2025 to connect. The debt payments still happen at connection fees.

Mr. Reilly stated as long as the applicant is aware. Mr. Rabideau stated yes they are.

Chairman Cwalinski opened the public hearing at 9:32 p.m.

Bryon Knight, France Lane asked about the details of the waterfront area relative to retaining walls and trees “because we have seen projects on the lake that don’t seem consistent with the regulations on the zoning.” Mr. Knight asked if that is covered in this part of the Planning Board.

Mr. Cwalinski stated yes, it’s covered in this part of the Planning Board.

Mr. Cwalinski asked if the applicant is proposing to cut down any trees.

Mr. Rabideau said, “The intent is to grade this down about 3’ or 4’ from here to here, but the intent is leave these here; minimized the impact to the lake frontage.”

Mr. Rabideau said, “He is referring to the lots across the lake with a massive regarding; that is not going to happen here.

Chairman Cwalinski said, “If he remembers correctly, it’s allowed to clear cut 75’ for access to the beach.”

Mr. Rabideau said, “Yes, they are pretty much maintaining this area here for a walkout; this is fairly high above the lake; it’s probably 20’ higher than the lake.”

Ms. Serra stated if the applicant was to come in to do a retaining wall or some sort of shoreline protection, would have to come back in front of the Planning Board for a separate application; this proposal is not proposing that.

Mr. Knight asked, “What type of treatments is being proposed.”

Mr. Rabideau stated it’s just grading from the walkout to the shore and wants to minimize as much as possible.

Chairman Cwalinski closed the public hearing at 9:36 p.m.

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

Chairman Cwalinski stated the Board needs to add language in our approval that the applicant will connect to the sewer system when it becomes available.

Ms. Serra said, "As required by the future Town Sewer Use Law."

Mr. DiPasquale stated the plan the Board will be approving is the one that is presented today not the one in our packet.

Mr. Rabideau stated yes.

Mr. VanVorst asked for the date on the plan.

Mr. Rabideau stated November 28, 2017 with a revision date of December 19, 2017.

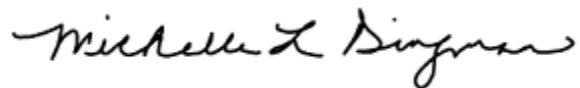
MOTION: Mr. Maher made a motion that the Site Plan on map 08-30-18N – revision date of 12-19-2017 and "As required by the future Town Sewer Use Law" be approved. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

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

Meeting adjourned at p.m. 9:40 p.m.

Chairman Cwalinski stated that in 2018, John VanVorst will be the Chairman of the Planning Board. Mr. Cwalinski is resigning as Chairman. Mr. VanVorst thanked Mr. Cwalinski. The Board thanked Mr. Cwalinski.

Respectfully submitted,

A handwritten signature in black ink, reading "Michelle L Dingman". The signature is written in a cursive style with a large, stylized initial "M".

Michelle L Dingman
Planning Board Secretary