

**TOWN OF BALLSTON
PLANNING BOARD**

Monthly Meeting: August 30, 2017

Present: Jeffrey Cwalinski, Chairman
James DiPasquale
James Fischer
Patrick Maher
Audeliz Matias
John VanVorst
Daniel Shorey
Laura Mushcott, 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: Nicole Rodgers, 1st Alternate

Chairman Cwalinski called the August 30, 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 July 26, 2017 minutes.

MOTION: Mr. VanVorst made a motion to accept the July 26, 2017 minutes as written. Mr. Fischer seconded the minutes and all present voted in favor; Mr. Maher abstained and was not present at said meeting. **CARRIED.**

OLD BUSINESS:

Gail DeGraff

35 Lakehill Road; 257-5-4

Minor Subdivision – (2) lots

Lee DeGraff was present on behalf of Gail DeGraff.

The proposal is for a two lot subdivision, which was in front of the Board approximately four to five months ago.

Since then, the applicant has had a meeting with both the Planning and Zoning Board's to discuss ways in which this could be done. The plan in front of the Board has been prepared per the prior discussions with Planning and Zoning Board's.

Mr. DeGraff stated the topographical and boundary surveys have been completed and had the wetlands delineated.

The applicant has applied for the NYSDEC Permit because the proposed lot is located in the buffer area and if the structure were moved, makes it closer to the ACOE wetlands located in the center of the property.

Mr. DeGraff stated after meeting with a representative from NYSDEC, implied that it would not be an issue.

Mr. Reilly asked if the representative from NYSDEC gave any time frame.

Mr. DeGraff stated no, but who to contact; we did and sent in the permit application.

Ms. Serra asked how long it has been since the application was submitted.

Mr. DeGraff stated five weeks.

Ms. Serra stated that NYSDEC does not like to approve a project with two structures in that 100' buffer.

Mr. DeGraff stated it's only one structure; that rear box is the leach field for the septic system.

Ms. Serra stated that NYSDEC considers a septic system a structure.

Ms. DeGraff stated if a contingent approval is given by the Planning Board could move the house.

Ms. Serra stated technically the driveway, home and a leach field outside that adjacent area.

Mr. DeGraff stated we technically could barely to that.

Ms. Marruso stated is it worth having the survey revised and moving the structures outside of the buffer and suggest that any additional change of the footprint would necessitate a permit approval from NYSDEC should that extend beyond the 62 days the applicant would have time to file the map and the building permit that is issued, would have to have Disturbance Permit from NYSDEC.

Chairman Cwalinski stated the drawing needs to be revised to show the structure outside the buffer.

Ms. Marruso stated in the event that the applicant wants to be cautious to the timeline that it takes NYSDEC to issue the Disturbance Permit.

Ms. Marruso stated if the Board is uncomfortable issuing an approval with the current configuration and need a Disturbance Permit from NYSDEC, suggested revising the survey to show all the disturbances outside the buffers so then the applicant will have a buildable subdivision, file with Saratoga County, pursue outside that timeline the Disturbance Permit from NYSDEC and when it comes time to get a building permit, could generate that letter from NYSDEC.

The Board and Mr. DeGraff agree with Ms. Marruso.

Ms. Serra stated if the Board approves that second plan tonight, presents it to Ms. Marruso and Chairman Cwalinski would not be dealing with extension upon extension.

Chairman Cwalinski asked Mr. Reilly if that would be a preliminary approval of the second plan or that plan.

Mr. Reilly stated the Board can do that plan as a final.

Ms. Serra stated to get the subdivision filed with Saratoga County as soon as possible versus waiting for NYSDEC.

Ms. Serra stated moving the house and septic system is straightforward and does not change any lot dimension.

Mr. VanVorst asked how does that affect the driveway because isn't the driveway in the buffer.

Ms. Serra stated if the applicant moved it farther south and extended it right on the setback line (as noted on map) and move the turnaround.

Mr. Reilly stated to revise the map and show all the improvements outside of the 100' buffer

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.

Mr. DiPasquale asked if it would still work moving the septic system.

Mr. DeGraff stated yes it would and would be pushing that back and would still be still high and dry property.

Mr. DiPasquale asked the separation from the septic system to the water line.

Ms. Serra stated 10 feet.

Ms. Serra stated most likely the final dimensions will be shown at the building permit process.

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

Chairman Cwalinski stated there are (11) questions on the SEQRA form and asked if the Board could agree the answers are either "No" or "Small Impact".

The Board concurs.

MOTION: Mr. VanVorst motioned to declare this an **Unlisted Action** under the SEQRA process therefore will declare this a Negative Declaration under the SEQRA process. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. VanVorst made a motion to approve the Subdivision of Lands of 35 Lakehill Road with the provision that the driveway, septic tank, leach field and house be built positioned outside of the NYSDEC wetlands and be shown on the map to scale. Park and Recreation fees of one thousand dollars per lot payable at issuance of building permit. Mr. Shorey seconded the motion and all present voted in favor. **CARRIED.**

NEW BUSINESS:

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

Scott Lansing, PE with Lansing Engineering, Geoff Booth and Jeff Knox were present.

The parcel is approximately 1.56 acres located on the west side of NYS Route 50 about midway between Brookline Road and NYS Route 67 and immediately north of the Schmidt project, which was reviewed and approved by this Board several months ago.

The proposal is for a multi-family development and two structures proposed.

Building (A) is located close to NYS Route 50 in accordance with the recommendations in the Business Highway 1 zone. The proposed building is a 3-story and 22 apartment units and

garages associated with some of those units; eight garages located on the south side of the building and the balance of the parking will be located behind that structure.

Building (B) is located in the back, which is a 2-story structure; tens units overall and all units would have a one car garage associated with each one of those units.

The access to the site is shown from the Schmidt project from the boulevard coming into that project and hinging off the roadway of the commercial building for access into the parcel and a secondary access out onto NYS Route 50.

The proposed site will be served by municipal water, sanitary sewer and storm water management to be managed on site with an underground infiltration system located in the parking lot.

The architecture is similar on both buildings.

Mr. Lansing stated the applicant meets the requirements for setbacks; front, side and rear.

Mr. Lansing stated there are two items that the applicant would be requesting waivers from this Board.

1. Greenspace – it outlines a 35% requirement and has approximately 28.5% greenspace as shown on the plan.
2. Building frontage – there is a recommendation for 60%; the applicants are at approximately 31% for the width of the building relative to the frontage of the lots.

Mr. Lansing stated he feels the applicant has done the best job they can to try to maximize that along NYS Route 50. There is parking access off to the side. The parcel does come down to kind of a point in the northern end which makes it difficult to get a building in there and have proper access.

Mr. Lansing stated he did not know if this was a recommendation or waiver from this Board that unfortunately could not meet on the project.

Mr. Maher asked if the applicant is going to rely on the shared parking with the other project structures to meet the requirements.

Mr. Lansing stated yes, we do have adequate parking not only for the multi-family project, but for the commercial to the south and obviously there will be cross accesses.

Mr. Maher stated the shared parking (shared lot) will not be able to meet the parking requirements.

Mr. Lansing stated the parking requirements are met and are slightly short on the greenspace.

Mr. Reilly stated the Town of Ballston's Design Guidelines have been made of the Zoning Ordinance and those guidelines have been made mandatory (shall meet) and this this Board without legal authority grant waivers for variances; if the applicant wants a reduction in greenspace, would need to apply to the Zoning Board of Appeals.

Ms. Serra suggested checking the rear lot line because it's very close to the rear and knows this zone allows a zero side yard setback and 15 foot rear setback.

Mr. Lansing stated it was the applicants understanding that if the rear setback was a zero setback as well.

Chairman Cwalinski stated this is a new project on a vacant piece of land and asked why it cannot be designed to meet the Town's green space requirements; why can't the building be shrunk so something along those lines.

Mr. Reilly stated the Zoning Board of Appeals will have the same question.

Mr. Lansing stated we can take a look at that and see what can be done.

Chairman Cwalinski asked what guarantee does the Board have that the parking requirements won't peak at the same time and there would be insufficient parking.

Mr. Lansing stated each site has the required parking and if they were to peak, would each be full in accordance with the zoning code.

Mr. DiPasquale stated that Ms. Marruso provided analysis where she said the parking on the Smith parcel did not conform.

Mr. Lansing stated we can take a look at that and was of the understanding that the parking on both the commercial and the multi-family side was adequate. Mr. Lansing was not sure if Ms. Marruso accounted the garage spaces out in front of the garages for each one of those.

Ms. Marruso stated her understanding was that the Smith parcel provided 36 on-site parking spaces and then have the ratio to have parking for the community and the difference between the 36 parking spaces on the Smith parcel would be to the south.

Mr. Lansing stated we can take a look at that; we have eight inside, eight just behind the doors, ten 10 inside and 10 just outside the doors, all the parking in the middle as well and all the commercial parking.

Ms. Serra asked if the applicant would be amendable to document that this project is not segmenting with the Schmidt parcel in terms of the PUDD requirement. Mr. Reilly has spoken to Chairman Cwalinski about doing a Lot Line Adjustment and absorbing the Smith parcel into the Schmidt parcel so some of these questions of shared parking and possibly setbacks and greenspace might resolve themselves.

Mr. Booth stated we can take a look at that and reiterated that the Board would be open to the idea of incorporating the Smith into the other parcel.

Mr. Reilly stated without the applicant doing a PUDD.

Mr. Booth stated as long as it doesn't impact the next application in front of the Board because we have someone interested in the commercial parcel and would not want to delay the ability to move forward.

Ms. Serra stated it is not segmenting the PUDD language and in fact the same project at this point. They share a utility, a SWPPP and share a lot of site amenities.

Mr. Lansing stated it would propose a separate SWPPP and would be individual services from NYS Route 50.

Ms. Serra stated they meet the definition of a common PUDD.

Mr. Booth stated they will take a look at it and have no issues doing it.

A further discussion was held on the square footage of the parcel.

Chairman Cwalinski opened the public hearing at 8:05 p.m.

Rick Hopson, 311 Moonlight Drive stated when the applicant looks at putting them together and re-zoning them asked to make sure you think about the residents on Moonlight Drive and asked not to infringe on the residents.

Mr. Booth stated he will meet with Mr. Hopson to discuss his concerns.

Chairman Cwalinski adjourned the public hearing for tonight

Mr. VanVorst stated the Board should give the applicants some final thoughts on what the Board is looking for, which is not exactly what we have been presented.

1. Greenspace – redesign or go to the Zoning Board of Appeals and get a variance.
2. Clarify the parking.
3. Looking at combining this into one lot – it may solve some problems.

Ms. Serra stated moving forward building (A) is 3-stories so the applicants would need to meet the ladder truck requirement with the Ballston Spa Fire Department. There are requirements for setbacks to the fire access (NYS Route 50) – cannot be too close or too far. In the next submission for concept, will definitely be looking at that.

Chairman Cwalinski asked if a requirement for Fire Department approval for 3-story buildings going to be implemented in the next zoning revision.

Ms. Serra stated that will be implanted in the next proposal of changes that is currently not required although the Board has done that on the Blue Heron project.

Chairman Cwalinski asked Mr. Theriault if he could take care of that for the Board. Mr. Theriault stated yes.

Ms. Serra stated that the Fire Department should have a say during concept.

Application tabled.

Mourningkill, LLC (Schmidt Property)
1443 NYS Route 50; 228-1-8
Minor Subdivision
Create (3) lots

Scott Lansing, PE with Lansing Engineering, Geoff Booth and Jeff Knox were present.

Mr. Lansing stated on the Schmidt parcel subdivision consists of two commercial structures in the front with a boulevard entrance coming in with a roadway wrapping around to service five multi-family buildings with ten units each. This project was approved, stamped filed and set and ready to go. The only change to the proposal is the subdivision of the overall parcel.

The overall 7.9 acre parcel is being proposed to be subdividing into three lots.

Lot #1 -The north would include building #1 approximately .62 acres.

Lot #2 - The commercial building to the south is approximately .67 acres.

Lot #3 – The back portion is the multi-family consisting of 5.8 acres.

Mr. Lansing stated overall nothing has changed on the plans; water, storm, sewer, grading and drainage. It's strictly a subdivision for financing purposes so those lots can be developed, financed and sold independently from one another.

Mr. Lansing stated that each one of the three lots are compliant as far as code goes; setbacks, greenspace and parking.

Mr. Lansing stated we would like to request the Boards consideration for an approval of the subdivision.

Mr. DiPasquale stated various easements would be needed and even though it's three lots, it basically will be a common area.

Mr. Lansing stated correct and the table on the side of the plan identifying the various easements; water, storm, sewer access.

Chairman Cwalinski asked Mr. Reilly if he reviews these easements.

Mr. Reilly stated if they are adjoining properties then this one he could, but if there is a common ownership no, unless the Board would want him to.

Chairman Cwalinski opened the public hearing at 8:14 p.m.

No one wished to speak.

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

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

CARRIED.

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

MOTION: Mr. Maher made a motion that the 3-lot subdivision plan for 1443 NYS Route 50 as depicted on drawing SP-1 dated 8-1-2017 be approved. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

Douglas & Joan Hallgren
301 Charlton Road; 238.-1-57.1/.58
Minor Subdivision
Two existing lots into (3) single-family building lots

Duane Rabideau with VanGuilder and Associates was present on behalf of the applicants.

Mr. Rabideau stated the proposal is to subdivide the 10 acre parcel into three single-family residential lots.

Lot #1 3.5 acres for a proposed single family house – access onto Charlton Road.

Lot #2 3 + acres will encompass includes house, barn and outbuildings of the homestead parcel – Access on Charlton Road with existing loop driveway.

Lot #3 3.5 + acres for a proposed single family house – access only onto Goode Street.

Mr. Rabideau stated that lot 1 and 3 will have onsite septic systems and proposed public water, but there seems to be an issue if the applicant can tie into the water. If the applicant cannot tie into water, wells will be drilled for lots 1 and 3.

Ms. Serra stated that Lot 2 is currently in the water district, but not proposed lots 1 and 3 and would have to get permission from the Town Board to tie into public water.

Ms. Serra asked if there was any reason why these lots would not work with onsite wells.

Mr. Rabideau stated no.

Mr. VanVorst stated the Board does not know if the existing residences' on the north side of Charlton Road and the east side of Goode Street are on public water or on wells and being how the septic systems are fairly close to the road and it could be possible that it could be within 100' of a well on the other sides of the road.

Mr. Rabideau stated the front line is 60' and a minimum of 50' totaling 110' in the ROW; the wells have to be farther back – they are more than 100'.

Mr. VanVorst asked what about on the west side of Charlton Road.

Mr. Rabideau stated the same situation; 60' a minimum of 50' and wider since it's a Town road and meet the takings and meet the 100' setback.

The septic system for the existing in the back of the house is maybe a 200'.

Mr. VanVorst stated he raised this question because a few years ago further on Charlton Road we ran into that same problem.

Mr. Rabideau stated this up here on the north side is an apple orchard.

Mr. VanVorst stated the applicant is not show the location of the residents.

Mr. Rabideau stated we normally don't on the other side of the road.

Ms. Serra asked if that is a home across the street.

Mr. Rabideau stated yes, that is a home.

Mr. DiPasquale asked the applicant to locate the well on that property across the street.

Mr. DiPasquale stated we can do that or push the septic system location back.

Ms. Serra stated if the applicant did have to change the septic system on the western lot; it would not result in the lot not being compliant.

Mr. Rabideau stated no, it's high and dry and sandy loam; excellent soil conditions.

Chairman Cwalinski asked the applicant to show proposed wells on the plan.

Ms. Serra stated to file the map showing wells and if municipal water does become available, it is a bonus.

Mr. DiPasquale asked the applicant to locate the Davis well.

Mr. Rabideau reiterated either located the well or push the septic system location back.

Chairman Cwalinski opened the public hearing at 8:23 p.m.

Tarl Gordon, 405 Goode Street stated he is the neighbor of proposed parcel #3 and of the Town Hall and has lived here almost six years. Mr. Gordon stated that parcel #3 is very wet and a lot of soil will need to be brought in order to build on it. Mr. Gordon stated he cannot imagine a septic system working very well on that parcel. Mr. Gordon understands moving the lot lines for parcel #2; parcels #1 and #3 are farmland right now and are important to the character of Ballston to have those remain as farmland that was harvested for hay just a month ago at parcel #1 and is important that we keep that here and corn on the west side of Town Hall. Mr. Gordon had expressed an interest in purchasing this land from them before and it never went up for sale. Mr. Gordon stated he supports parcel #2; the property lines make a lot of sense and do not support parcel #1 and #3 changing from farmland to single-family residence.

Fran Maher, 399 Goode Street is questioning an apple orchard back there, which is almost next to her side yard and does not know of any orchard in there. There is an orchard across the street (the Davis property). Ms. Maher agrees with Mr. Gordon and thinks we should leave farmland - - farmland because we have too many developments especially on Goode Street and it's becoming a city in itself and should leave it farmland.

Chairman Cwalinski asked Mr. Rabideau to address the apple orchard question.

Mr. Rabideau stated we were referring to the apple orchard on the north side of Charlton Road.

Kathy Knight, 321 Goode Street stated she agrees that is farmland and is also in the Ag District.

Chairman Cwalinski stated we have moved property out of the Ag District before and need to follow the same procedure.

Mr. Reilly stated the issue is the applicant may not be able to get public water, but could certainly have wells.

Chairman Cwalinski closed the public hearing at 8:27 p.m.

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

Ms. Serra stated she is checking the EAF to see if the Board has discussed Ag Land for Short Form. This version of the EAF for a minor subdivision does not specifically ask the Board to look at or discuss Ag Lands however; the Board can choose to decide if they want to bring up the public comments regarding this past use of farmland. Ms. Serra said it's permissible, it meets zoning turning farmland into single-family homes as long as it does meet the zoning. The applicant just needs to go to the County and have the property removed from the Ag District and assume they will not be farming their land; the single-family homes will not continue to farm and no longer receive the tax exemptions that the Hallgren's currently receive.

The Board will be discussing other subdivisions in this area and bringing up Ag Land and have the applicant provide a lot of information of what's required by the State because for this particular project did not require the Board to review in depth with the Ag Data Statements.

Chairman Cwalinski asked the Board if we should be consistent with these subdivisions on the Goode Street area.

Mr. VanVorst stated there is a clear distinction between a major and a minor subdivision and does not see the need the urgency for it. The Board concurs.

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.**

A further discussion was held on changing the note on map to proposed private wells and not municipal water.

Mr. Rabideau stated he will revise any notation concerning public water.

MOTION: Mr. VanVorst made a motion to approve the subdivision of Lands of Hallgren on the drawing dated July 19, 2017 with the changes to the removal of the proposed water lines in the notes pertaining to it with the moving of the proposed septic system leach field on Lot #1 and the location on the drawing of the new wells for Lot #1 and #3. Park and Rec fees of one thousand dollars per lot payable at issuance of Building Permit. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

Michal Bracht
217 Middleline Road; 227.-2-41.111
Sketch Plan Conference
Minor Subdivision
(4) Lot single-family building lots

Terry Humiston, PLS was present on behalf of the applicant.

The property consists of 19 acres parcel with an existing residence and a fairly large old barn.

The applicant is proposing to create three new lots divided into four pieces.

1. 4.4 acre parcel with frontage on Middleline Road.
2. 4.4 acres existing house with frontage also on Middleline Road and use the existing driveway.
3. 3.4 acres located in the rear – use a common driveway to access back along the north line.
4. 6.8 acres located in the rear - use a common driveway to access back along the north line.

Mr. Humiston stated he performed a survey on this parcel several years ago, but are still waiting to do soils, improve the contours and take a look more closely around the Mourningkill Creek.

The County GIS system shows NYSDEC wetlands, ACOE wetlands and a floodplain and will take a closer look at that. The proposal is to stay out of the 100' buffer with the driveway, house and septic system.

Mr. VanVorst asked if any consideration has been given to accessing Lot #4 and maybe Lot#3 and Lot #4 from the stub road that comes off of Devil's Lane.

Mr. Humiston stated there is a private driveway and not held to the same title.

Mr. VanVorst asked if it was a Town road.

Mr. Humiston stated no, in fact did this subdivision for Michaels father and put four residences' in there and a private driveway, which was a little unusual and have not done anything like that in the Town of Ballston since then.

Mr. VanVorst stated there are others.

Chairman Cwalinski stated there is a requirement in the Town that requires a pull-off every 500' and to comply as required. Mr. Cwalinski stated it is in §138-117 (A) (2).

Mr. VanVorst asked if that was true if the driveways are wide enough for two vehicles to pass.

Ms. Serra stated if it is wide enough for two vehicles to pass, but most driveways are not.

Mr. Cwalinski asked if the garage in the south west portion which encroaches by 1.6" will cause a problem.

Mr. Reilly stated not for us.

Mr. Humiston stated that garage has been there for a while.

Chairman Cwalinski stated this application is a Sketch Plan so there is no public comment tonight.

Ms. Serra stated more than likely these three lots with the long driveway might kick a threshold of one acre of disturbance. This project is not in the Watershed Overlay District so a SWPPP will not be required with storm water management, but will be required though to prepare a SWPPP for Erosion and Sediment Control.

Application tabled.

Joe & Jean Mrozek

200 Round Lake Road; 249.-3-59.1/59.2

Minor Subdivision

**Create a new 2.5-acre single-family building lot from the 90+ acre parent lot; 2490.-3-59.1
Lot Line Adjustment between parent lot (249.-3-59.1) and existing lot (249.-3-59.2)**

Tim Mrozek presented.

The applicant is proposing a 2.5 acre subdivision of the 90 acre parcel on Round Lake Road. It involves a Lot Line Adjustment on the property at 200 Round Lake Road. An easement is proposed on the current driveway.

Mr. DiPasquale stated the applicant is adding acreage to lot 2 and from lot 1.

Mr. Mrozek stated yes.

Mr. VanVorst asked if the trailer shown on the plans if it is used for living quarters.

Mr. Mrozek stated no, it once was, but is on the County database as an improvement for the property; trailer to remain.

Chairman Cwalinski stated that the Right-to Farm statement and Water Contingency note is missing from the drawing and needs to be added. Ms. Marruso will provide verbiage to the applicant.

Chairman Cwalinski asked the applicant to have a pull-off every 500'; driveway is 691' long.

Mr. VanVorst stated it seems like the proposed wells is some distance from the proposed house and normally that is not the case.

Mr. Mrozek stated that was because it a little downhill there and 200' is required from the leach field. Mr. Mrozek asked if the well can be placed at another location on the property.

Chairman Cwalinski asked the separation distance for a down gradient.

Ms. Serra stated 200' (the well is down gradient from the septic system). Those are final issues to be looked at during the building permit and there is enough space for this to be compliant. Ms. Serra stated it seems that the Surveyor probably was showing the worst case to prove the lot does work for the well and septic system.

Chairman Cwalinski opened the public hearing at 8:47 p.m.

Ameilia Mrozek stated she approves and agrees with the proposal and we (Mr. & Mrs. Mrozek) want them next to us at the farm.

Chairman Cwalinski closed the public hearing at 8:50 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. Maher seconded the motion and all present voted in favor. **CARRIED.**

Chairman Cwalinski entertained a motion for action on the drawing subject to

1. Right to Farm Statement.
2. Water Contingency Note.
3. Pull-offs being added.
4. Park and Rec Fees.

MOTION: Mr. VanVorst made a motion to approve a Lot Line Adjustment between lots 249.-3-59.1 and 249.-3-59.2. Mr. Maher seconded the motion and all present voted in favor.

CARRIED.

MOTION: Mr. Maher made a motion that the Minor Subdivision of those parcels as depicted on drawing 17-063 dated 8/8/2017 be approved subject to the Right to Farm Law, Water Contingency Note and Pull-offs and Park and Rec fees of one thousand dollars per lot payable at issuance of Building Permit. Mr. VanVorst seconded the motion and all present voted in favor.

CARRIED.

Thomas Benuscak

Good Street; 238.-1-39.12
Major Subdivision
Proposed 12-lot subdivision

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

The applicant is proposing 12-lot rural residential lots with a proposed Town Road and a T-turnaround at the end and two of those lots will have frontage on Goode Street and one and the remaining ten lots will be serviced by the proposed Town Road.

The proposed lots will have onsite septic systems and have been designed to conform with private wells and meet all the required separations.

This project was approved by the Planning Board June 2016 and the basic contingencies were a sign-off from NYSDOH and have been actively working with.

The applicant had to get the field work done with the NYSDOH for the septic systems and asking to connect to Town water (12" main on Goode Street). The has been stalled for a while and went through a couple approval extensions for the contingency approval, which was given in June 2016 and went through those and was determined have to start up the application process.

The application is before the Board identical as before and the main change are the two issues with water and septic. The applicants had NYSDOH perform test pits for the septic location and did make some revisions to some of the lots in response to some of those test pit results. The applicant did provide some information outlining of what actually was changed; additional test boring were done and changes to some of the locations of the septic fields.

Ms. Serra stated she agrees with the changes and stated the NYSDOH takes a good year to get through their process unless the Town grants final approval.

Mr. Olund stated the previous submission showed wells on the plan and for the June submission of last year they were taken off because were anticipating that and basically resubmitted the same plan and the plans the board received did not show the wells. Mr. Olund

stated their engineer did review and said they were ok. The plan in front of the Board this evening did have wells shown and can leave on the plans for future submission.

Ms. Serra stated the plan that was approved by the Planning Board was signed off by her and did show wells and public water. Ms. Serra asked the applicant to show on the cover sheet that Town water is provided until that issue has been resolved. The engineering plans that the Board approved last year show public water and private wells with a caveat that the developer can build the water lines, but cannot connect to the town line on Goode Street until the applicant gets through the Town Board and Ag and Markets and legal. Ms. Serra would recommend that same notation placed moving forward and does not believe it has been resolved.

Mr. DiPasquale asked if Ms. Serra is suggesting that dry water be put in.

Ms. Serra stated that is up-to Mr. Benuscak and has every right to put in a water main and not physically connect it, but would have to have it inspected.

Ms. Serra stated the Board should not be approving this set of plans because it does not show wells.

Mr. Shorey stated it would make it consistent with the description of the proposed action including proposed action or purpose or need; "The lots are designed to provide water by individual wells and it does not show any wells."

Chairman Cwalinski asked Ms. Serra if she would like it to read Town water.

Ms. Serra stated she would have to look at what the submission was from last spring that was signed off on. It was never stated that the water supply is from Town water, it was always stated that there was a possibility of an extension.

Ms. Serra stated since day one, the applicant was never going to increase the density and went to the Town Board and got the water extension; only coming in for 12-lots regardless of the source of water.

Ms. Serra stated the applicant could technically build this project with wells and always tried to get public water.

Mr. Olund stated that is what the applicant is trying for now.

Chairman Cwalinski stated he received an email from a resident, David Gehrs who owns the property just north of Rogner and across the way from the temporary driveway that the applicant is using now (across from proposed lot 1).

1. Concerned with entrance of this subdivision - entrance is well south of him from the drawing – that should not be a concern.
2. Noise – the Town has limits on noise so that should not be a concern.
3. Road debris – the applicant will not spill any debris on the road and if you do, will pick it up. The applicant is in agreement.
4. The speed limit – requested an additional 45mph sign installed on Goode Street and states that people travel at much higher speeds however, that is a County Road and that comment should be directed to the County not to the Town of Ballston Planning Board. As far as the people exceeding the speed limit, that is a law enforcement issue, not a planning issue.

Chairman Cwalinski stated the NYSDOH comment is what's to be expected. Ms. Serra stated they are, but wish they would come sooner, but have to wait for the Board to grant final approval. If this project did not expire, the applicant would not need to come back to the Planning Board because some of the minor changes that were made by the NYSDOH, but missed the day of the extensions.

Chairman Cwalinski stated this is Conservation Subdivision.

Mr. Olund stated it's a Conventional Rural Subdivision.

Ms. Serra stated with the smallest lot of around 1.8 acres approximately 80,000 square feet.

Chairman Cwalinski asked about site distance from the entrance.

Mr. Olund stated he has not actually measured himself, but with having the knowledge of Goode Street north and south, does not believe there is a problem with adequate site distance from the geometry of the road and the other thing to consider is the grade of the road, but does not think there are any serious drops there.

Ms. Serra stated that will be required when formalizing the County DPW when the applicant applies for the curb cut permit.

Ms. Serra stated for clarification of the questions related to this project which was reviewed for SEQRA and there is an extensive Negative Declaration that the Board went through in 2016. There are some minor wetland impacts particularly to the rear lot. The Board went through the Farmland in terms of what's required by the State for these projects (major subdivision) which exceeds five acres. The Board did soil map reviews and past farm history and did document that in the Negative Declaration.

Chairman Cwalinski stated they have all been addressed.

Ms. Serra stated it's filed in the Building Department.

Ms. Serra stated the decision on the Water District Extension is not the Planning Board and any questions to be addressed to the Town Board.

Chairman Cwalinski opened the public hearing at 9:05 p.m.

Katie Calhoun, 387 Goode Street stated she has lived here for 18 years it's always been farmland and thinks it's really sad that area is turning into suburbia and thinks it's a shame and that the Board should think about where you want our community to go. It's rural, beautiful, and agricultural and these developments keep going in one after the other and does not know where the end is. It is also a watershed area and very important that the Board take that into consideration.

Kathy Knight, 321 Goode Street asked about what been done about the removal from the Ag District.

Ms. Serra said, "We don't take properties out of the Ag District whether it's a large or small subdivision, but the Board will assess the impact of converting farmland into single-family and that was from 2016 and feel free to read as there is a lot of information in the record at Town Hall. It is up-to the landowner to physically go to the County and have that done." The Planning Board does not take the property out of the Ag District.

Frank Maher, 399 Goode Street stated she understands that Mr. Lowe has a ton of acreage back there and asked if that is also going to be approved eventually for these folks to build on.

Chairman Cwalinski stated they would have to submit an application to the Planning Board and have not seen an application yet

Nancy Como, 400 Goode Street stated she has lived there for 41 years and drainage has not been a good thing for us and the traffic has increased enormously in the 41 years.

Chairman Cwalinski closed the public hearing at 9:10 p.m.

Mr. Olund stated he did not think it would affect a property that far north because we are required to keep all our drainage managed on site and does not see how that will have an impact on your property.

Ms. Como stated the drainage down the street in the gutter is often not good with all the new driveways and houses there is less land for the water.

Mr. DiPasquale stated the roadway is sloping to the east.

Mr. Olund stated correct and ultimately everything is going to end up in this storm water management area and the topography is such that the property is sloping toward the east and away from the road. If you are close to the road, he does not see any impact to your property.

A resident asked if there are copies of this proposed plan available.

Ms. Marruso stated she has the plan in digital form and would forward to the resident.

Ms. Serra stated that the prior SEQRA record did state there was no public water available.

Chairman Cwalinski stated that the plans would need to be changed as recommended by Ms. Serra.

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.

Mr. Reilly stated based on the prior comprehensive review the plans have not changed in any significant way and a resolution to reaffirm any prior Negative Declaration.

Ms. Serra asked Ms. Marruso the date on that plan. Ms. Marruso stated April 27, 2016.

MOTION: Mr. Maher made a motion that the Planning Board reaffirm the Negative SEQRA Declaration that was approved at the Planning Board meeting on April 27, 2016 and this a **Type 1 Action** under the SEQR process. Mr. VanVorst seconded the motion. **CARRIED.**

Chairman Cwalinski stated he would really like to see the drawings revised to resolve this water issue. The applicant is not getting public water and will be private wells.

Chairman Cwalinski would like to see the drawings resubmitted before approval.

Mr. DiPasquale agrees because the plans should reflect water mains on the plans and the location of the wells.

Mr. Maher asked about the plans the Board approved last year.

Ms. Serra stated the plans the Board approved have a full design for public water. If the Town Board would approve that water extension, so the engineering will be there, just the actual source of water was never formalized as per the water; it was always wells shown.

Mr. DiPasquale stated there is no intention to install the water lines for the future.

Ms. Serra stated she does not know and would have to ask Mr. Benuscak.

Mr. DiPasquale stated we should know that before the Board approves this.

Ms. Serra stated any person has any right to build water mains all over their property, but the problem is the applicant cannot connect to the public water system so we chose to have the

applicant design the road assuming the applicant would be granted a water extension; that ultimately was their goal to provide municipal water to the homes.

Mr. Maher stated he wants to see wells on the plans.

Ms. Serra stated the applicant should still show the design of the water main on the plan to show that they can build it. If they cannot get the extension, they can build these lots with wells and the large septic's that come with building in this area that has poor soils.

Mr. Fischer stated the drawing needs to show wells.

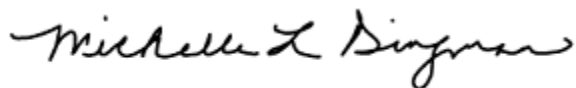
Mr. Olund stated the applicant will show wells on the plans.

Chairman Cwalinski stated the applicant was advised accordingly and resubmit for approval.

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

Meeting adjourned at 9:20 p.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Michelle L. Dingman". The signature is written in a cursive, flowing style.

Michelle L Dingman
Planning Board Secretary