





Mr. Doyle opened the public hearing 7:40pm

Mr. Doyle closed the public hearing 7:41pm

No one wished to speak.

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

**MOTION:** Mr. Cwalinski moved to issue a Negative Declaration, with the basis that there is not a potentially significant environmental impact. Ms. Cristy seconded the motion. **CARRIED.**

**MOTION:** Mr. Cwalinski made a motion to approve the Site Plan portions of plans of Joseph Hilko dated January 3, 2008 subject to the resolution of the engineering comments. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

**Joseph Suhrada, Round Lake Road and Schaubert Road for a Major Subdivision (Sharon Lane) Erik Schmidt** of Lansing engineering and Duane Rabideau of VanGuilder and Associates were present to present Sharon Lane Subdivision. Mr. Schmidt said since the last meeting has reevaluated and reengineered the storm water system so there were no problems with the water quality volume with both the road size swales and the detention basin have been able to provide a significant increase in water quality volume above what is required and have handled all the storms as required.

Mr. Schmidt said that there are no significant changes to the plan houses are still in the same location and have shown the laterals for the septic system and have shown proposed grading.

Mr. Doyle asked if the applicant have received the last comment letter. Mr. Schmidt said that he has received the comments and is ready to move forward with the minor changes. Mr. Cwalinski reiterated to the applicant that the comments have been addressed. Mr. Schmidt reassured Mr. Cwalinski that they are minor comments and will be incorporated. Ms. Serra is in agreement.

Mr. Cwalinski asked for the Water Contingency Note to be placed on the drawing. Mr. Schmidt apologized for not having it on the drawing and said that it will be placed on.

Mr. Doyle said that the Board would like to have the storm water management to be completed all at one time so consequently house location will be needed. Ms. Serra referred to lots 1 & 9 on the comment sheet. Mr. Schmidt has looked at the plan and noticed that the house location for lot 9 where it is shown now is close the ACOE wetlands and has been moved over slightly and will design both of the dry swales for those lots.

Mr. Rabideau asked the Board if preliminary approval could be granted. Mr. Doyle said that the storm water management needs to be completed before an approval is granted.

Mr. Doyle opened the public hearing 7:50pm

Application tabled.



**Joseph Lazare, 370 Goode Street for a Major Subdivision (Concept).** Kurt Bedore of Tommell and Associates was present representing the applicant for property located at 370 Goode Street for the project (Westwind Farm). Mr. Bedore said that property is a 40.1 acre parcel of land situated in rural zoning in its existing condition is predominately open pasture with some hedgerows and there are wooded sections in the middle and towards the eastern portions to the top. Mr. Bedore said that there are wetlands recognized on the property; grouping out towards the front with a small pond varies with the seasons, there is a wetland in the middle and there are recognized wetlands in the back. Mr. Bedore said that their firm has done delineation on those and has correspondence from DEC regarding the wetlands and exhibit one of the 8 1/2 x 11 that were handed out to the members of the Board is the proposed DEC wetland mapping. Mr. Bedore said that DEC propose that none of the wetlands on the property meet the criterion for state level wetlands, however the applicant is in contact with the ACOE and when the weather breaks in the spring will be out to check the delineation for those three areas for their criteria. Mr. Bedore said at this point, recognize the wetlands to the west along Goode Street would meet the ACOE classification and indications are the wetland in the middle is non-jurisdictional because it is isolated hydraulically and there will be additional determinations to be made toward the rear portions of the site regarding wetlands. Mr. Bedore said that currently the property is occupied along Goode Street by a residence which is occupied by Mr. Lazare including a large red barn and a garage.

Mr. Bedore said that the project proposed is 23 total lots on a looped cul-de-sac currently with a split boulevard entrance on the front. Mr. Bedore said that if you look at the tally of the total of 23 wetlands the applicant is proposing two which will have double frontage along Goode Street as well as along the split boulevard and the additional 21 lots with the intention of meeting the town code for 21 maximum lots on a cul-de-sac. Mr. Bedore said subject to the applicants presenting in the future the conservation analysis and to look at the property under a conventional layout and taking out the constrained lands; wetlands out of the 40 acres, the current zoning under conventional would allow for up-to 39 lots and the applicant is only proposing 23 lots with significant green space preservation through the middle of portions of the property and particularly to the east. Mr. Bedore said that that lots average from the smallest size of a half an acre to as large to 1.8 acres with the average lot size of .9 acres which is in keeping with the current rural zoning which is about 40,000 sq. ft. 0.910 of an acre. Mr. Bedore said that the applicant is proposing 2,500 lineal feet of roadway and proposing that the lots would be serviced by individual septic systems and municipal water. The storm water management facilities are as proposed in the middle portions and front portions of the lots in the logical low areas.

Mr. Bedore said that the developed areas total approximately 25 acres and are proposing the balance of that 14 acres or about 36 % as a conservation or preservation green space. Mr. Bedore said that the reason for the split boulevard proposal is beneficial for a second means of access to augment public safety. Mr. Bedore said that it could be made esthetically pleasing with landscaping and would be able to preserve that wet pond out front by splitting the entrances and preserving the character and would minimize the wetland impacts and slow traffic down.

Mr. Bedore said the project was presented to the Town Board last summer requesting permission to connect the project into the town water main which received conditional approval conditioned upon approval of the project by the Planning Board. Mr. Bedore indicated that the applicant was before the Planning Board with a sketch with slight modifications on August 30, 2007 and Mr. Bedore with the chairman's recommendation went through the minutes of the meeting and have brought up issues that were raised at that meeting and would like to address those and summarize the minor changes that have been brought in since that time. Mr. Bedore mentioned previously about the DEC being well on the way of being resolved and outstanding reviews with the ACOE. The question was raised by Mr. Rhodes "what was the purpose of the narrow strip of property immediately abutting our project site to the south." Mr. Bedore said that the research confirmed that the strip of is deeded/owned by the Town it was done concurrently with the Stewart Ct. Subdivision further to the south and the purpose of the strip were for recreational purposes. Mr. Bedore said that the



applicant is prepared to provide a connection to that for recreational purposes; small bike path a logical location would be between lots 16, 17, or 17, 18.

Mr. Bedore said that there were questions regarding traffic flows versus traffic flow in relation to where the driveways would go for these particular lots. Mr. Bedore believes that there is room to shuffle the driveways around to what would be deemed an optimal configuration even to the point of possibly doing shared driveways or perhaps for lots 21 and 22.

Mr. Bedore said that this layout has been coordinated with the Town Highway Supervisor which raised a few issues which were related to signage with the split boulevard in addition operation and maintenance and details involved with ownership with the storm water facility that is proposed between the split boulevard. Mr. Bedore said that preliminary analysis of the site distance which is available on Goode Street each way for 45mph posted speed limit more than adequate site distance each way and again the details will flush out as the applications move forward into preliminary planning review.

Mr. Bedore said that as the plan moves forward in preliminary review, there still is pending reviews from regulatory agencies to include the New York State Health Department, ACOE, and DEC for stream crossing for the entrance; class "c"

Ms. Eddy has a problem with curb cuts and place chain link fence around the storm water management areas for safety concerns. Ms. Eddy asked the applicant to preserve the big old red barn. Ms. Eddy feels that that barn is still in "good shape" and is used by helping local farmers in any way then help them indirectly by losing a lot (#22) and feels this should be preserved and there are enough avenues to be explored to preserve a barn that is apparently a working barn. Ms. Eddy does not feel that two ways of ingress and egress is going to calm traffic coming in and out.

Mr. Cwalinski said that the Board is always trying to minimize the number of road cuts for safety reasons and also would like to see the barn preserved. Mr. Cwalinski asked about the paper streets for access to north and south. Mr. Bedore said that he did speak to that going to the south and will be glad to offer for recreation purposes. Mr. Cwalinski mentioned future development of the lands to the lands north and south for access to those properties.

Mr. Doyle asked to evaluate adjoining properties relative to space and determine if it is applicable to put in side roads to feed those two properties.

Mr. Bedore asked Ms. Serra that all storm water management areas need to be fenced. Ms. Serra said that it is a preference of CT Male and the Highway Department and children in the street or a house adjacent to the feature. Mr. Bedore said so regardless of what is modeled for the storm water management whether it is less than four feet would still require fencing. Ms. Serra said that it would be up to the Board and looked at on a case by case basis.

Mr. Bedore is not in any position to comment on at this time it is currently leased and working and cannot comment on the condition and is salvageable. Mr. Bedore said aside from the esthetics of the structure cannot speak to the historical value; a call to the Town Historian will be appropriate.

Mr. Bedore said with regards to the paper street possibilities for connection north and south. Mr. Bedore does not feel that the strip to the south would be configured as a street at this point; unless the Board would like a town road to put in, but to the north it does not seem logical due to the current conditions in the area. Mr. Bedore said due to the site location of the map, the upper right hand corner, the property to the north does not appear to add any major development potential out of it because of its narrow rectangular configuration.



Mr. Hayden asked about a Conservation Subdivision. Mr. Bedore said that the current code said that analysis is required in preliminary stage.

Mr. VanVorst asked who will own the green space. Mr. Bedore said that one would be to deed it over to the town for open space, another option would be a private easement to the abutting future property owners and then finally there would be a homeowners association (HOA) as an option which would be a least desirable.

Mr. Hayden asked the width of the street in the cul-de-sac. Mr. Bedore replied 24ft. with wing edges.

Mr. Doyle asked the Board the feeling on the use of the additional land and how it is structured. Ms. Eddy said in theory giving the residents access to the green space or set it up the way it exists. Mr. Bedore said that it is at the Boards discretion and is set up such that there is flexibility here and how it could be managed. Mr. Bedore suggested a trail system around the perimeter and to access west of lot 7. Ms. Eddy said if trail system were going to be created she did feel that the town wants to own it and have a liability. Mr. Bedore said that it does not have to necessarily have to be a trail system; deed restrictive language that all lots would have the right to enjoy the property. Mr. Reilly said generally the town does not want this type of open space.

Mr. Bedore had another drawing showing a single entrance but the configuration is potentially the same; two corner lots up front and 21 lots in the cul-de-sac. Ms. Eddy said that if you take out the ingress you can logistically leave the barn it will not change. Mr. Ramsey asked Mr. Bedore to confirm if the barn was leased out. Mr. Bedore replied yes. Mr. VanVorst asked if the Barn was leased out for animal use

or for storage. Mr. Bedore replied storage of hay. Mr. Bedore said that he believes that the barn is in somewhat in a state of disrepair.

Mr. Doyle opened the public hearing 8:25pm

Kent Chase, 1 Chase Lane asked if the applicant will be required to pay the \$10,000 to hook up to the municipal water like the other residents on Goode Street. Mr. Doyle said that if this application becomes approved, Mr. Lazare or his representative will have to go the town and will have a sub water district set up for this and whatever is the correct payment whether it is \$10,000 does not know the answer to that question. Mr. Chase has concern for water running into his field and now adding 23 septic systems to this lot will this affect the well on my property and how will it affect natural drainage and feels it could contaminate. Mr. Doyle said that there will be a whole storm water management plan to look at each one of those items. Mr. Chase said that there are four or five horses in the big barn. Mr. Chase asked the dollar value of the 23 proposed homes; \$500,000 - \$750,000 and how many cars will be added onto Goode Street. Mr. Chase said that after purchasing part of the original Stewart Subdivision was told by the town attorney, Mr. VanVranken, that this property cannot be subdivided. Mr. Doyle asked if there is anything in the deed that states that it cannot be further subdivided.

Carol Samson, 354 Goode Street said that she has a 10ft. dug well and cannot afford the \$10,000 to connect to municipal water and bring it back a quarter of a mile back. Ms. Samson has a concern with drainage onto her property. Ms. Samson said that each single family dwelling will use 250 gallons a day is 40,250 gallons extra gallons of water in the ground per week that will be running in the areas that are already wet. Ms. Samson said that her cellar is dry and would like it to remain dry and who will be responsible for when it becomes flooded. Ms. Samson asked who will maintain the green space. Ms. Samson asked in an EAF has been performed. Mr. Doyle replied no because this application is at the concept stage. Ms. Eddy asked Ms. Samson if she has livestock. Ms. Samson replied yes.



Mr. Reilly said that the Planning Board cannot enforce a private deed restriction. If there is such a restriction, it is incumbent on the owners the common grantors to enforce that.

Arnold Palmer said that he attended the Town Board meeting when the application was proposed to the Board for the Boice subdivision; the Board had turned the application down because the water line was not put down through there to promote development. Mr. Palmer said that when Mr. Lazare proposed his application; the Board said "go right ahead Joe no problem." Mr. Palmer said that in the concept meeting the pond in the summer dries up and said that he, Mr. Palmer has lived here most of his life and has never seen that pond or the next one over from it dry up. There is a drainage ditch that runs out of the Boice farm underneath that road that feeds that pond plus a spring.

Mr. Palmer asked how many gallons of water per house per year. Mr. Doyle asked Mr. Bedore to give an average number of gallons of usage of a three or four bedroom house. Mr. Bedore said that the NYS Health Department part 75A for septic system design 110 gallons per day, however would anticipate for water use that will use town water use records which would expect it to be less.

Mr. Palmer said that he helped Ms. Samson for three years cut hay and most of the time there was water in the field; it only drops off 1ft. from her property and said that it is extremely wet and could not bail on that side of the hedgerow. Mr. Palmer has a concern for the drainage to the surrounding properties and does not want to see anymore water than what already exists.

Mr. Palmer said that the soil is wet clay. Mr. Palmer said that it would cost millions to storm drain the land correctly. Mr. Doyle said that it will be looked at by Tommell and Associates who are a very thorough and credible firm. Mr. Doyle said that the town's engineers will look at it and would not do anything that would destroy the environment or anything of that nature. Mr. Bedore said that he does concur with the gentlemen the wetland areas class c and d clay where the test pits were performed and where the development is proposed and is personally witnessed and qualified to categorize the soil is a silty loam.

Mr. Palmer asked why the Town of Ballston wants to own the green space because now it is producing taxes. Mr. Doyle said that the Board did not say that.

Rich Kinney said that cul-de-sacs are the most evasive form of a subdivision that a style that takes away from open space. Mr. Kinney said that it is the most inefficient when it comes to traffic flow. Mr. Kinney would like the Board to the reject the cul-de-sac style to protect the character of the town.

Todd Stewart, Vienna Ct. said that his children play with at least 40 other kids in the neighborhood. Ms. Samson drives her horse up and down Vienna Court. Mr. Stewart is very happy to raise his family in a subdivision and would love to see another subdivision like this one. Engineers are paid a lot of money to make sure that no more water flows off; lets rely on the engineers to do their job.

Paul Simpson said that everyone is assuming that the land cannot be subdivided and should get this issue addressed before this project moves forward. Mr. Reilly said that a deed restriction this Board cannot enforce, but that is not saying that it is not enforceable. Mr. Simpson said that it is expected that an individual to enforce. Mr. Reilly replied correct. Ms. Eddy said to get a lawyer and have the attorney to review every document, but until that is done this Board will move forward with the application.



Jason Henderson, 376 Goode Street said that there is a pond that drains from the field across the street in the front area under the culvert into our pond and there is water in it all the time. Mr. Henderson said that this area in the front is a farm, but the area that you would be giving us in the back is a swamp. Mr. Henderson suggested creating some of the green space in the front. Mr. Henderson said that their well will be close to a proposed house and with a septic system and maybe it will be a legal distance, but it doesn't mean that I want it just a ft. beyond where it should be next to our well; we use our water, our pond. I don't want the water disturbed that comes to the pond and I don't want anymore water, but I don't want any less. Mr. Henderson said that these look like the types of homes that will be using law services and all those chemicals will be coming over to our yard. Mr. Henderson also has a concern with traffic. Mr. Henderson said that the soil is clay. Mr. Henderson said save the barn.

Tabatha Fugal, 371 has a concern with the proposed subdivision because she moved to the country with plans to have horses and loves to look across the street at the barn and the horses. Ms. Fugal said she moved here not for more traffic, more houses, more noise and lights, but to see the stars at night; it's quiet and peaceful. Ms. Fugal asked about the property values.

A further discussion was held about the site layout.

Application tabled.

**Karl H. Von Der Ahe, 3 LakeHill Road for a Lot Line Adjustment.** Duane Rabideau of VanGuilder and Associates. Mr. Rabideau said that this is a continuation of a last meeting held on December 19, 2007 for a potential new driveway for the school district. Mr. Rabideau said that there was a traffic study which was forward to the Board for their review with results which were favorable to the applicant. Ms. Cristy asked if the playground will be redesigned. Mr. Rebideau said that nothing has been designed.

Ms. Eddy how is this going to alleviate the problem at the school; what is the plan. Ms. Eddy said that we can ask, but we do not have to have an answer to that question. Ms. Eddy said that the Professional Engineer that the Department of Education and every other governmental agency will be review this application.

Mr. Doyle said based on the engineering discussions, was with congestion problems at Stevens School with parents dropping of their children and buses congregating in the semi circle. Mr. Doyle said about five years ago a 203 bond the BH-BL school signed on how to solve the traffic congestion; like to use the playground to have an entrance to discharge children on the side of the school and cars in the turn around and for buses in the bus parking area. Mr. Doyle said that there is a need to get to the rest of the land to get the buses out so the idea is to have this second or third access points; trying to stop the public from parking on LakeHill Road when there are school activities. Mr. Doyle said that the Board asked for a traffic study and the school provided one performed by Creighton Manning Engineering.

Lee Ramsey has a concern with speed and site distance; Mr. Ramsey has a concern with traffic that exceeds that speed limit up the hill. Mr. Doyle said that a half hour before school and a half hour after school there is a flashing light and the speed limit on LakeHill Road is 25mph.

Mr. Doyle opened the public hearing 9:05pm.

Muriel Swatling, Lake Hill Road said that if a driveway is put in there it will be located right across from her driveway. Ms. Swatling said that she has lived there her whole life and that traffic does not go 35mph. Ms. Swatling said that when pulling out of her own driveway, you have to "nose out" and look to the left down the hill and look to the right and look



to the left again. Ms. Swatling said cars traveling from Midline Road or from the Village slow down at the corner and then step on it and see how fast they can make it up the hill. Ms. Swatling said that she has dealt with this problem for many years and when the cars are traveling down the hill, in the wintertime the road is very icy and do not slow down until they get almost to the bottom and the snow is drifting and traffic is coming around the corner and all you hear is a screeching sound. Ms. Swatling said that you even hear the cars screech traveling up the hill when the road is wet. Ms. Swatling realizes that this is a lot line adjustment, but has a hard time with buses not pulling out fast enough someone will be flying around that corner and get broadsided. Ms. Swatling said that she has almost gotten hit for not getting out of her driveway fast enough. Ms. Eddy said that this new driveway is an offset from the road; this new driveway is not straight across to the existing.

Ms. Serra said a complete traffic study is done at the state level including traffic counts, analysis on the average speed; it will be reviewed by Transportation Engineers at the state level; comments by 20 people much for review goes into a state project than the town is even allowed to look at. Mr. Reilly asked if there will be public hearing at that level. Ms. Serra said that there is not a public hearing, but will take public comment. Mr. Reilly said that this application is simply a lot line adjustment and the Board of Education is a concerned and would not do something to jeopardize children's safety.

Mr. Simpson asked if the school gets approved for the lot line adjustment, is the school system committed to if they can sell other property. Mr. Doyle said that before the driveway is put in, will have to go to the State Education Department.

Mr. Doyle said that the County concurred with this application and Mr. Ritchey will make sure that the hill is sanded or salted more frequently than before.

Mr. Doyle closed the public hearing. 9:15pm

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

**MOTION:** Mr. Hayden moved to issue a Negative Declaration, with the basis that there is not a potentially significant environmental impact. Ms. Cristy seconded the motion and all voted in favor except Ms. Eddy who voted against. **CARRIED.**

**MOTION:** Mr. VanVorst made a motion to approve the lot line adjustment. Ms. Cristy seconded the motion and all present voted in favor except Ms. Eddy who voted against with the information presented above. **CARRIED.**

#### **NEW BUSINESS:**

**Michael Kisel, 518 Goode Street, Donna Preston, 546 Goode Street for a Lot Line Adjustment.** Duane Rabideau of VanGuilder and Associates was present to represent both parties. The purpose of the proposal is to annex 0.810 of an acre triangle to the Kisel parcel which consists of 12.8 acres which will consist of 13.6 acres; land slopes to a pasture and has no real value.

Mr. Doyle opened the public hearing 9:20pm

Mr. Doyle closed the public hearing 9:21pm



No one wished to speak.

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

**MOTION:** Mr. Cwalinski moved to issue a Negative Declaration, with the basis that there is not a potentially significant environmental impact. Ms. Eddy seconded the motion. **CARRIED.**

**MOTION:** Ms. Eddy made a motion to approve the Lot Line Adjustment. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

**Lori Liebert, 11 Long Creek Drive, Bryce Pullano 168 Kingsley Road for a Lot Line Adjustment.** Duane Rabideau of VanGuilder and Associates was present to represent the applicants. Mr. Rabideau passed out a photo of the area. Mr. Rabideau said that 2 acres will be added to lands of Liebert which consists of wetlands and slopes to the property for a buffer for the house.

Mr. Doyle opened the public hearing at 9:25pm

Mr. Doyle closed the public hearing 9:26pm

No one wished to speak.

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

**MOTION:** Mr. Cwalinski moved to issue a Negative Declaration, with the basis that there is not a potentially significant environmental impact. Ms. Eddy seconded the motion. **CARRIED.**

**MOTION:** Mr. Hayden made a motion to approve the lot line adjustment. Ms. Cristy seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. Hayden made a motion to adjourn. Ms. Eddy seconded the motion.

Meeting adjourned 9:26pm

Respectfully submitted,

Michelle L. Dingman