



TOWN OF BALLSTON PLANNING BOARD
Regular Monthly Meeting: May 28, 2008

Present: Richard Doyle, Chairman

Jeffrey Cwalinski

Joan Eddy

Derek Hayden

Members of General Public

John VanVorst

Audeliz Matias, 2nd Alternate

Kathryn Serra, Town Engineer

Peter Reilly, Planning Board Attorney

Thomas Johnson, Building Inspector

Chairman Doyle called the May 28, 2008 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Chairman Doyle asked for the corrections to the April 30, 2008 and the May 1, 2008 minutes.

Corrections to minutes:

April 30, 2008: Page 1) 6th para: add "of" after mixture, Page 2) 2nd para; strike "that may not" change to "without a", 8th para; add "from the" after access, 10th para strike "passed" change to "past", Page 3) 3rd para; strike "of " change to "on", 7th para; strike "and would" add "Mr. DeSorbo has", Page 4) 1st para; strike "parameter" add perimeter, 6th para; strike "there" add their, strike "that", change "of" to "off", 8th para; strike "check" add truck, Page 5) 5th para; strike "to" 7th para; strike "to", Page 6) 1st para; strike "One" change to On, under **motion**: strike "the".

May 1, 2008: Page 1) 5th para; strike "which", 7th para; strike "Mouningkill" change to "Mourningkill", Page 2) 12th para; strike "and" change to "an", add a "comma "after Permit, Page 3) 7th para; add "50" after Route, 10th para;, Page 4) 3rd para; strike "radiuses" change to radii, 11th para; strike "on" change to "that", strike, "who is applying", change to "applies", add "should" after restaurant.

MOTION: Mr. Cwalinski made a motion to accept the April 30, 2008 and the May 1, 2008 minutes as amended. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

OLD BUSINESS:

George Kane, 289 Middleline Road, Ballston Spa, NY 12020 for a previously approved subdivision. Mr. Kane presented the proposal to the Board on lot #2 for a 30' allowance for the placement of a single family dwelling. Mr. Kane said that the owner of lot #2 has this request due to the existing stone wall and trees.



Ms. Eddy said that the owners do not want to remove the tress and stone wall. Ms. Kane replied no. Ms. Eddy asked the location of the well. Mr. Kane said 15' off the property line to the south.

Ms. Eddy asked Mr. Reilly about making the removal of the trees and stone wall a deed restriction. Mr. Reilly said that this could be done and would want to review the deed.

MOTION: Mr. Hayden 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. Hayden 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. Cwalinski made a motion for the 30' allowance and the placement of the single family dwelling dwg # 08-012-SP01, May 6, 2008. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

Joseph Lazare, 370 Goode Street, Burnt Hills, NY 12027 for a sketch plan. Mike Brooks and Jason Tommell of Tommell and Associates were present on behalf of Joseph Lazare. Mr. Brooks said that Todd Stewart, contractor for the project would not be able to attend the meeting and wanted everyone to know that he submitted a letter to the Board members that he was in favor of the subdivision.

Mr. Brooks said that there were two concepts developed based on the comments from the last meeting. Mr. Brooks said the access has not changed; however, the road has curved around the barn in keeping with the existing lot. Mr. Brooks said the small barn will be removed and follow the grade of the land and removed the large cul-de-sac and followed the grade of the land for a typical size cul-de-sac. Mr. Brooks said in return, the green space that originally was in the back, was now brought to the front with the loss of a lot with the road being 100' shorter in sketch plan 2. Mr. Brooks said that a buffer was placed on the north side and the back part of the cul-de-sac.

The storm water management concept remains in the front and in the middle and the layout of the land with the low spots and water drain naturally in the back. Mr. Brooks said also in the back near the high spots with the storm water management areas cannot drain anything over previous storm water conditions with the basins there to hold the water with existing rates.

Mr. Brooks walked the site with Mr. Doyle and found that lot #11 had a stone wall and a pond in the middle will try to preserve all stone walls and hedgerows when placing these houses will try to preserve to keep with the rural character; similar to Vienna Ct. The homes will be serviced by public water and septic systems.

Ms. Eddy asked about the placement of houses on plan #2 on lot #9 and lot #10 due to the septic system and the layout of the land. Mr. Brooks said in the middle and based on the distance to the septic to the storm water area. Ms. Eddy asked if this is area is in the MS-4. Ms. Serra said that this is in the original Ballston Lake Overlay District and the town has decided that this will be reviewed and it is in the MS-4 and the Town will have to sign-off on the project and will be required to get a permit from DEC.

Ms. Eddy asked if this project has a potential for sewers. Ms. Serra replied no.

Ms. Eddy has a concern with the neighbor to the north who owns horses and asked the applicant to maintain as much of their property as possible. Mr. Brooks said that they could set back an area and do a conservation area.



Ms. Matias has a concern with lot #9 having to place everything on the lot and keep the buffer zone.

Ms. Eddy asked the distance between storm water management and the septic. Ms. Serra replied 100'. Ms. Eddy asked from the tank or the leach fields. Ms. Serra replied leach fields.

Mr. VanVorst said at the previous meeting it was discussed about the green space being donated to the Town. Mr. Brooks said that the town typically is not taking green space, but could be put in conservation easements attached to deeds or in an HOA.

Mr. VanVorst said on plan 2 would recommend a paper access to the east. Mr. Brooks said that it was not due to the DEC wetlands.

Mr. Cwalinski asked who is responsible for the maintenance of the storm water management areas. Mr. Doyle said that the Town Highway Superintendent and will need easements. Mr. Cwalinski asked if a special taxing district could be set up for the people who benefit from the storm water management area. Mr. Reilly said to ask the Town Board. Mr. Doyle will bring it to the Supervisors attention.

Ms. Eddy asked how the pond. Mr. Brooks said the culvert that exists minimizes, disturbance at the edge of the pond shown in the right-of-way to maintain the flow out to Goode Street.

Mr. Doyle opened the public hearing 8:00pm

Arnold Palmer said that he has approached the Town Board about the retention ponds and should be put into a special tax district and thinks that the Town Attorney is looking into the matter. Mr. Palmer feels that it is going to be a tax burden. Mr. Palmer asked the smallest size lot and largest size lot: 5 acres 24, 514 sq. ft., and 2.96 acres 129,132 sq. ft. Mr. Palmer asked if sewers are being proposed on the project. Mr. Palmer said that septic systems do not work in the Town of Ballston. Mr. Doyle said that any septic that is installed in the Town of Ballston is per the NYSDOH standards and is designed by a Professional Engineer. Mr. Palmer has a concern about getting the water out of that area. Mr. Palmer said as a resident and a taxpayer does not want the town taking over all the land and being responsible for green space and would rather see a Home Owners Association.

Carol Samson said that she has written three letters to the Town with concerns about the well on her property. Ms. Samson said that there are tractor ruts on her property that are still filled with water which comes from the pond on the Lazare property. Ms. Samson has a concern with the water that runs across her property from the pond from the Lazare property and the proposed houses right next to her well and her house. (Ms. Samson will send in photos to the Board) Ms. Samson said that Goode Street was petitioned twice for water which was turned down, but because of this subdivision water was approved and was suppose to maintain a rural character. Ms. Samson said that across that street from this proposed project an individual who wanted to develop their land was told no because the water was not going to promote development. Ms. Samson said that the residents on Goode Street did not want water and were promised it would not promote more development and with 23 houses on 25 acres if that is not development, I don't know what is. Mr. Doyle said that he will speak to the Town Council because the Planning Board does not make the decision on whether water is provided to a subdivision.

Ms. Serra said that drainage upholds the storm water rules checking calculations from the applicant's engineer.



Ms. Eddy said that the applicant's engineer is not going to change the water flow allegedly by adding to it, but are not going to stop the flow of water; it is what it is. Ms. Eddy said apparently the engineer's cannot make more water flow, but cannot make less.

Ed Haddad, Esq., who resides in the Town of Colonie said that his lot is larger than the lots proposed in this subdivision, Mr. Haddad said that Ms. Samson has real concerns about what is going to happen to her farm. Mr. Haddad said that if the water comes in everyone will have to tap in. Ms. Samson's property is a ¼ of a mile in from the road and has a concern with the water pressure and how big the pipe has to be. Mr. Haddad submits if the Town allows this to happen, or requires that water, it constitutes the taking and then she would have a condemnation actions to bring the town to the task to put the water line in, unless the developer puts it in. Mr. Haddad suggests that if this is intended to be rural to look at the original intent which according to the newspaper article, dated February 12th the houses are priced for \$500,000 to \$750,000 that program runs 12 to 18 million dollars. Mr. Haddad said that to see this in a rural setting perhaps 5 acre lots which would cut the profit margin down to 3 to 5 million dollars which would be more conducive to the neighborhood and to the area which the people have to come to understand and love; lets not put a village in and call it a farm, lets put a few farm houses in there and not have to go through all of this.

Jonathan Samson said that there are 23 homes being proposed and water will be brought in and not brought out; the water has to go somewhere or it will just be sitting and will flood the properties. Mr. Samson said "he read that 40,000 gallons per year per household times 23 calculates to around a million gallons" Mr. Doyle said roughly about 100 gallons per bedroom per person; 300 gallons per household.

Mr. Samson also has a concern with the proposed houses being built and the existing hedgerow and making sure that there are enough buffers between them.

Jason Henderson wanted to thank the applicant for addressing the comments of keeping the pond and the possibility of keeping the barn. Mr. Henderson asked how the pond will be maintained. Mr. Henderson is in favor of green space, but feels there are a lot of homes being proposed in swampy land. Mr. Henderson would like to see the applicant maintain the hedgerow with several plantings.

A discussion was held on plan #1 and plan #2 with the Board members.

Mr. Doyle brought up positive points of plan #2:

Deleting the two proposed houses in the middle of the cul-de-sac

In favor of the tiering this disturbs less land

Shorter road which has less storm water

Jason Tommell said that the applicant has had perc test and deep hole test done and would like to move forward.

Ms. Serrra said that perc test and deep test pits need to be performed for each individual lot to determine which type of septic system will be needed.

Ms. Matias has a concern for lot #9 and is also in favor of plan #2.



Mr. Cwalinski also has the same concerns as Ms. Matias.

NEW BUSINESS:

Richard Stern, 344 Charlton Road, Ballston Spa, NY 12020 for a minor subdivision. Richard Stern and Kathleen Hughes were present to present the case to the Board for a minor subdivision. The applicants are proposing to subdivide 11.3 acres parcel into three lots with the remaining 5.5 acres with the original farm house. Mr. Stern said that the proposed septic will be in front and wells in back as well as walk out basements.

Mr. Doyle opened the public hearing 8:51pm

Steven Merchant, 357 Charlton Road has a concern with all the building go houses taking over and the deer that used to run in the fields have no where to go. The farms are being depleted; using up all the green space. Mr. Merchant said that the traffic on Charlton Road is between 60mph to 65mph. and feels there should be a speed limit sign.

John Ebert, 360 Charlton Road has a concern on how the land will be drained in the back to the Mourningkill. Mr. Ebert supplied the Board with pictures.

A further discussion was held on setback requirements of the proposed homes.

Arnold Palmer also has a concern that property is wet and wants to know how the water will be drained.

Ms. Serra asked if this has been delineated for State jurisdictional wetlands.

Ms. Serra said that the applicant will also have to apply to Saratoga County for curb cuts for possible shared driveways.

A further discussion was held on storm water basins

The Board is requesting the applicant have the land delineated for wetlands.

Ballston Mourningkill, LLC, Mourningkill Drive, Ballston Spa, NY 12020 for a major subdivision. Mr. VanVorst recused himself from this application. Scott Lansing, P.E., of Lansing Engineering presented the application on behalf of the applicant, Eric Carlson. Mr. Lansing said that the property consists of 55 acres in the rural zone with the wetlands conceptually delineated by a wetland scientist. The site has a mixture of NYS DEC and ACOE wetlands totaling 15.22 acres. Mr. Lansing said the allowable density is 38.56 acres which total 42 units. Allowable density under Conservation/Cluster provision: 8 additional units totaling 50 units. Mr. Lansing said the applicant is proposing 45 lots:

Traditional Neighborhood

Single Family Structures (40)

10,000 sq. ft. per lot

75' lot width at building line

30' min front yard setback



10' min side yard setback

20' min rear yard setback

Estate Lots

Single Family Structures (5)

40,000 sq. ft. per ft. per lot

75' lot width at building line

30' front yard set back

10' side yard set back

20' rear yard set back

Mr. Lansing indicated that the existing farm house will remain.

The applicant is proposing approximately 3258 linear feet of roadway with minimal impacts to wetlands. Mr. Lansing said the proposed infrastructure will consist of public water, sanitary sewer and storm water management including two storm water basins.

Mr. Lansing said the proposal shows clustering of open space to be deed restricted accounting for 24-26 acres of the parcel; 44% overall.

Mr. Lansing commented on several items of the proposed project:

- 1) Water District Extension with preliminary approval through the Town Board
- 2) The property lies outside of the MS-4 area and will require review from DEC and filing of an NOI with DEC.
- 3) Will supply a Traffic Impact Study
- 4) A floodplain boundary for the Mourningkill will be added to the map if applicable; will apply for a letter of map revision.
- 5) Extension to Meadowbrook Drive
- 6) The proposal has met all the zoning requirements and the flag lots will be serviced by a private driveway to support emergency vehicles.

Ms. Eddy asked how green space will be delineated for lots 30, 31, and 32.



Ms. Eddy asked about the dirt on the property and why it has been moved around. Mr. Carlson said that there was a pond dug on the property.

Ms. Eddy asked about a potential run off for lots 36 and 37 due to the large drop off.

Ms. Eddy has a concern for the traffic generated from this proposed subdivision (approximately 90 vehicles) at the southern end of Mourningkill Drive and Route 50 and also at the northern end and feels that it needs to be looked at.

Mr. Lansing said with regards to traffic, their statement was trip generations.

Ms. Serra recommended that Mr. Lansing contact their office regarding the left turn land onto McCrea Hill Road and minor improvements of the Mourningkill intersection to the south. Ms. Serra said that the plans have not been approved by DOT, but should be able to give permits and some background information at these intersections.

Mr. Cwalinski asked if there will be fencing around the storm water management areas. Mr. Lansing replied yes.

Ms. Serra said given the presence of DEC wetlands and our previous experience with DEC wetlands, there will be impacts in the buffers so would recommend a coordinated review.

Mr. Doyle asked if the private road to the estate lots will be built to town standards and to alleviate the flag lots. Mr. Lansing said that the private drive is the best access to the estate lots. Ms. Eddy is in agreement and feels that it is a privacy issue on an estate lot and said it is the best use of the plan.

Mr. Doyle asked the distance between the private road and the Mourningkill Creek. Mr. Lansing said approximately 50'.

Ms. Matias has a concern with lot #34 having a larger wetland area past the buffer zone. Mr. Lansing said there has been cursory wetland delineation on a mixture of DEC and ACOE wetlands on the property.

Mr. Doyle asked Board members their thoughts about the layout of the private road and how to protect the Mourningkill and additional bump outs so two emergency vehicles can pass.

Ms. Matias asked about the green area in the corner with lots #12 through lots #7. Mr. Lansing said that would be part of the town right-of-way. Mr. Doyle said that will be part of the homeowners association to mow that area.

A further discussion was held on the width and length of the private road. Ms. Serra said that she would discuss standards with Mr. Lansing. The width of the private road is 16' and the length of the road to the rear of the proposed house is 1600'. Mr. Johnson said that the fire truck has 1000' of hose and would want to stagger the bump outs accordingly.

Mr. Doyle said that it is the Boards intent to perform a coordinated review of this project to establish Lead Agency.

Ms. Serra asked Mr. Lansing to prepare a long EAF to quantify the impacts. Mr. Lansing said that it has been submitted.

Brian T. Feeny & Sherri D. Cseh for a lot line adjustment. Duane Rabideau of VanGuilder and Associates was present to present the case to the Board. The proposal is to settle an estate between the two applicants. The property consists of



approximately 144 acres with two existing parcels. The proposal is for each applicant to receive 72.1 acres. There will be a common driveway with an easement for both parcels.

Ms. Hayden asked about the gazebo being on the property line. Mr. Doyle said that he spoke to Ms. Cseh and she said that it could be moved over 15' or 20' if needed.

Mr. Doyle opened the public hearing 9:40pm

Mr. Doyle closed the public hearing 9:41pm

No one wished to speak.

MOTION: Mr. Cwalinski motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process. Mr. VanVorst 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. Mr. Hayden made the motion to approve the lot line adjustment map 07-22-86C, dated November 14, 2007. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

Eagle Acquisitions, 1252 Route 50, Ballston Spa, NY 12020 for a sketch plan conference. Steven Grogan, owner presented the application to the Board. The applicant is proposing to construct a 14' x 21' shed to the east side of the building. Mr. Grogan said that the structure will have a shed type roof which will enclose for storage for their tractor and lawn mower business.

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

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

MOTION: Mr. Cwalinski made a motion to approve the addition of the shed to the back of the building. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

Mengias Ice Cream, 119 Lake Hill Road, Burnt Hills, NY 12027 for site plan review. Gavin Vuillaume of Environmental Design Partnership was present on behalf of the applicants. Mr. Vuillaume said the proposal is to convert an existing gas station into an ice cream shop. At the last meeting a layout was chosen due to the size and accessibility of the site. The existing building will be renovated with a sidewalk around it. The parcel will access Route 50 and exit onto Lake Hill Road and would be allowed to exit back out to Route 50 for parking spaces 1 through 5. Mr. Vuillaume said that once customers are on the site, they would not enter the building it is walk-up service for ice cream.

One suggestion from a Board member was to eliminate a parking space to make room for eating space. There are a total of 13 parking spaces shown; one space for employees.



Mr. Vuillaume said another suggestion was to provide a side walk along route 50 and connect the parking area to the Dunkin Donuts. The sidewalk will be provided along Route 50 and connect the parking area to Dunkin Donuts. To complete that sidewalk cooperation will be needed from the adjacent land owner. Mr. Vuillaume feels that it is a good idea to encourage pedestrian traffic between the two parcels. There is proposed screening along the rear of the property with landscaping along the front again trying to get as much green space as possible on the small lot. Mr. Vuillaume said that they are at 30% with 35% required which will require a waiver from the Board. Mr. Vuillaume said that most of the frontage is taken up by the NYSDOT right-of-way. Mr. Vuillaume said that an elevation was completed shows a rendering of an ice cream shop as is and would be adding a sign with walk up windows.

Ms. Eddy asked the colors of the building. Mr. Vuillaume said that it will be a white building with blue trim, blue metal roof and small brick along the bottom and a fabric awning.

Ms. Eddy asked for a buffer along the rear of the property (at the stone wall). Mr. Vuillaume said that the applicant is proposing evergreens along the back of the property. Mr. Vuillaume said that a small fence could be proposed. Mr. Eddy has a concern for small children climbing over or sitting on the stone wall.

Ms. Eddy asked if there is a certain amount of exhaust that needs to be controlled. Ms. Eddy asked that a charcoal filter be installed.

Mr. Hayden asked the number of employees. Mr. Mengias replied two employees and said they will car pool or when taking two cars, could park at Dunkin Donuts or the Café

Mr. Cwalinski asked about site lighting. Ms. Serra said that open site lighting are building wall packs meets the standards.

Mr. Doyle said the dumpster needs some type of screening.

Mr. Hayden asked when deliveries are made and what type of trucks. Mr. Mengias said 11:00am by single axle trucks.

Mr. Doyle asked Ms. Serra to address the ingress and egress off Route 50.

Ms. Serra said the Traffic Consultants; BFJ Planning reviewed the layout and said that parking spaces 1 and 2 closest to Route 50 would conflict with backing out and cars entering from Route 50. Ms. Serra said that if there was an agreement with the property to the south, shared parking would be mitigated with losing those two parking spaces. Ms. Serra said that traffic should be one-way to the site coming up Route 50. Ms. Serra said that there is no traffic impact study needed for this project and that trip generated low and is off Route 50 and LakeHill Road.

Ms. Eddy asked the hours of operation. Mr. Menagias replied 11:00am to 10:00pm. Ms. Eddy asked seven days a week. Ms. Eddy asked if this would not create enough trips. Ms. Serra said that the peak traffic generated for this project one will not generate enough traffic and two will not occur between 4:30pm and 5:30pm more likely later between 6:00pm and 7:00pm and the weekends.

Ms. Eddy said that it is not the number of trips it is just a tough intersection and it should be looked at. Ms. Serra said that she has a background in traffic and obviously BFJ Traffic Planning has looked at this and does not feel it is needed. Ms. Serra said that a lot of people have a view of traffic, but the "traffic experts have spoken" Ms. Serra stated that BFJ



was hired as a Traffic Consultant and made the decision that it is not needed. Ms. Eddy said that she will write a memo to BJF when something happens. Ms. Serra indicated that is there liability when writing a comment letter.

A further discussion was held on the parking spaces being removed.

A further discussion was held on the design of the building; colors, awning.

Mr. Doyle said the queing at the intersection whether it is a half day at 12:30pm or a full day at 3:30pm slows up until about 4:30pm until 5:00pm. Mr. Doyle said in the evening it does not seem to be a problem.

Mr. Doyle said that an easement is needed for parking at Dunkin Donuts.

Ms. Serra said the one way versus two way issue.

Mr. Doyle asked Ms. Serra if she is comfortable with the design of the building. Ms. Serra said if the Board is comfortable then she is in agreement.

Mr. Doyle said the open issue is the easement for parking and the resolution of the traffic which may result in losing one more space. Mr. Vuillaume said that if the site were left with a two way in and out then one space will be taken out, but if there is a one way, only then five spaces will remain.

Ms. Eddy asked if the tables and umbrellas will be attached in some way. Mr. Vuillaume replied yes.

Mr. Doyle asked Ms. Serra if she was satisfied with the design standards and should the applicant return to give the Board more time to review. Ms. Serra said that in reference to design standards the application is sufficient and the outstanding issues are the latest BFJ comments. Ms. Serra said that she can work to get the comments addressed. Ms. Serra said that if conditional approval is given, the Board would like the applicant to return once the traffic is satisfied.

Ms. Eddy asked how much time is needed once approval is given from the Board. Mr. Vuillaume said that this application would need conditional approval this evening to open this year.

Mr. Doyle would like to be involved in the final traffic discussion.

Ms. Eddy asked what constitutes making changes to the traffic. Ms. Serra said adding more parking spaces, LakeHill Road becoming a two-way in or out and moving the landscaping.

Mr. Doyle said that if there are any changes the applicant will return to the Board. Mr. Hayden asked condition on what. Mr. Doyle said condition on the resolution of the in and out and the number of parking spaces and the obtainment of an easement of the adjoining property owners for parking. Mr. Hayden asked who is going to make the final determination. Mr. Doyle said the Town Engineer. Ms. Serra said that it will come as a letter from CT Male however, BFJ will be the one reviewing it the same as a subdivision review with conditional approval to signoff. Ms. Serra said that there are significant items to be addressed and does consider the applicants request.

Ms. Eddy asked the time frame of conditional approval and moving forward with DOT. Mr. Vuillaume said a month.

Mr. Doyle opened the public hearing 10:20pm



Timothy Szcapaniak would like to commend the applicants for going through the process and to see a new business come into our Town and wants to wish them success.

Arnold Palmer said that the one way does not work and people do not follow the instructions.

MOTION: Mr. Cwalinski motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process. Mr. VanVorst 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. Matias seconded the motion. **CARRIED.**

MOTION: Mr. Cwalinski made a motion for conditional approval based on resolution of the traffic flow problem, the number of parking spaces and condition upon obtaining a legal easement for parking to the lot to the south. Ms. Eddy seconded the motion and all present voted in favor. **CARRIED.**

Richard VonAhn, 840 Route 50, Burnt Hills, NY 12027 for site plan review. Gavin Vuillaume of Environmental Design Partnership was present on behalf of the applicant. This project is proposed in the Mixed Use Center zoning consisting of a single family dwelling proposing to convert a two family dwelling. Mr. Vuillaume said that some of the renovations have already occurred on the structure. Mr. Vuillaume said that additional parking is being proposed and a new septic system.

Mr. Vuillaume said that the property is located in the Mixed Use Center there is multiple uses are permitted with an existing business with an existing metal building on the property with a gravel driveway. The existing residential driveway that now accesses the garage behind the existing structure would be removed.

Mr. Vuillaume said that the septic tank is 500 gallon will be replaced with a 1250 gallon with new leach fields. Soil borings were performed; one in back and front (back had better soil conditions 4' sandy conditions) (2 ½ min perc). The property will be serviced by municipal water; the existing well will be abandoned.

Ms. Eddy asked if there is a septic tank for the business. Mr. Vuillaume replied yes.

Mr. Cwalinski said that his drawing shows trees on parking lot. Mr. Vuillaume said that the trees will be removed.

Mr. Cwalinski said that the design standards ask for underground utility lines. Mr. VonAhn said that he did not see a problem with this request.

A discussion was held between Ms. Eddy and Ms. Serra regarding buffers.

Mr. Hayden asked about lighting. Mr. Vuillaume said that there is no lighting proposed on site.

Mr. Vuillaume proposed a carriage light to illuminate the sidewalk. Mr. Hayden asked for lighting on the stairs.

A further discussion was held on the placement of the proposed septic system.

Mr. Hayden asked about trash disposal. Mr. Vonahn said that each apartment will have there own trash can.



Mr. Johnson said that there are fire separations requirements between dwelling units plus fire rated structural requirements.

Mr. Doyle opened the public hearing at 10:35pm

Mr. Doyle closed the public hearing at 10:36pm.

No one wished to speak.

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.**

Mr. Doyle asked the applicant for a septic location, foundation type, and landscaping plan. Mr. Vuillaume said that it is all on the updated plan. Mr. Cwalinski asked for screening between commercial and residential. Mr. Doyle said that the Board cannot ask for that because it is all one property owned by the same individual. Mr. Vonahn said that it will be screened.

Ms. Eddy asked how many parking spaces. Mr. Vonahn replied four.

Mr. Hayden said that there are three entrances. Mr. Vuillaume said there is one access to the upstairs unit and the front and side doors to the downstairs unit. Mr. Doyle asked about having two doors for a fire escape on the second floor. Mr. Johnson said that means of egress is out the window. Mr. Doyle said since it is a rental property it would require two doors. Mr. Johnson said that he has not had a set of plans to review or issue a permit and the plans would have to review in accordance with the NYS building code.

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

MOTION: Mr. Cwalinski made a motion to approve the site plan as described on the drawing VonAhn dwg May 7, 2008 subject to CT Male review of landscaping and septic. Mr. Hayden seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Hayden made a motion to adjourn. Mr. Cwalinski seconded the motion. **CARRIED.**

Meeting adjourned at 10:44pm.

Respectfully submitted,

Michelle L. Dingman