

**TOWN OF BALLSTON  
PLANNING BOARD**

**Special Monthly Meeting: September 28, 2016**

Present: Richard Doyle, Chairman  
Jeffrey Cwalinski  
James DiPasquale  
James Fischer 1<sup>st</sup> Alternate  
Audeliz Matias  
Daniel Shorey 2<sup>nd</sup> Alternate  
Thomas Johnson, Building Inspector  
Kim Kotkoskie, Storm Water Mgmt.  
Officer  
Peter Reilly, Esq.  
Kathryn Serra  
Members of the General Public

Absent: Patrick Maher  
John VanVorst

Chairman Doyle called the September 28, 2016 meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Chairman Doyle asked for corrections to the August 31, 2016 meeting minutes.

Page 13 strike "Mr. Commercial" changes to "Mr. Cwalinski"

**MOTION:** Mr. Cwalinski made a motion to accept the August 31, 2016 minutes as amended. Mr. Fischer seconded the motion and all present voted in favor. **CARRIED.**

**OLD BUSINESS:**

**KT Development, LLC  
Benedict Road & Round Lake Road 249.-3-37, 249.-3-40  
Major Subdivision/19-lots  
Consideration for final approval**

Scott Lansing, PE, with Lansing Engineering was present on behalf of the applicant.

The applicant is seeking final approval for the project and if the board recalls, the applicant does have preliminary approval for this project.

The overall parcel is approximately 28.01 acres zoned Ballston Lake Residential. The applicant is proposing 19 single-family lots in accordance with the Ballston Lake Residential zoning.

- 20,000 square feet minimum per lot
- 120' lot width per lot
- Positioned on two cul-de-sacs and four lots; frontage on existing roadways.

Again, the applicant does have preliminary approval on the project and worked long and extensive with the board. Since obtaining that preliminary approval, has spoken to the agencies to wrap up various items for the approvals.

- Received technical sign-off from C. T. Male and Associates
- Obtained the ACOE and NYS DEC Wetland Disturbance Permits
- Saratoga County Sewer District approval and reserved capacity
- NYS DEC sewer acceptance letter
- SHPPO sign-off
- Road name and post hole verifications for the project
- The only outstanding items at this time, is NYSDOH sign-off – plans and reports are at NYSDOH and do expect approval and sign-off hopefully any day now.

The applicant is asking for the board's consideration for approval conditioned on the NYSDOH approving the plans. The plans have not changed – layout configuration, lot sizes, lot numbers and utilities.

Mr. DiPasquale stated on September 10, 2015 easement documents and deed restriction on lot 5 (conservation area) would be provided to the Town of Ballston. Mr. Lansing stated the Land Surveyors are working on forming the deed restriction and will be included with the final plans.

Mr. DiPasquale asked if the discharge point publically owned. Mr. Lansing stated it goes over to Timber Creek Phase (2) is constructed and the easements are not in place yet, but will be in

place of the filing of the final subdivision plans. Mr. DiPasquale stating any moving forward would be subject to that sewer system being turned over to the county. Mr. Lansing stated he believes it's turned over to the sewer district, but yes, it would be conditioned on. Ms. Serra stated phase (2) was turned over and phase (3) (cleared land at the intersection) is not built yet, so ultimately that will need to be decided to get the sewer to phase (2). Mr. Lansing stated if Timber Creek Phase (3) is constructed, the sewer lines are installed; this project would tie into that and for some reason does not move forward, this project has the ability and easements to go through Timber Creek to construct that sewer line and dedicate that so this project can stand on its own.

Chairman Doyle asked if there is going to be anything around that area to identify the restricted area. Mr. Lansing stated a deed restriction on the lot; all that SHPPO is requiring; as far at that area, would not be able to excavate or put foundations in that area, but could mow it and enjoy the use of that and even put a shed on top of if just as long as there is not excavation of the ground below.

Mr. DiPasquale stated that when the board sees the easement and deed restrictions regarding conservation area; want to make sure all of that is in there. Mr. Lansing stated correct and are fine with that being the condition of the approval.

**MOTION:** Mr. Cwalinski made a motion to approve the subdivision as described on the map "Subdivision Lands of Heritage Development Holdings, LLC" revision dated September 12, 2016 (revision date) subject to NYSDOH approval, conservation easements being placed on the drawing and the park and rec fees of one thousand dollars per lot payable at issuance of building permit. Mr. DiPasquale stated on September 12, 2016 a deed restriction was added. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

**Nuri Ozbay**

**814 NYS Route 50 257.10-2-55**

**Review of Changes to Site Plan approval 1/20/16**

**Special Use Permit approved 5/27/16**

Richard Nolan, PE and Nuri Ozbay were present.

Mr. Nolan stated since last month, two additional items were added to the plan. The applicant has C. T. Male's technical approval and received sign-off from NYSDEC. The applicant is waiting for NYSDOT's approval for the project.

The two items to be added to the site plan

- At the rear of the property there is a slope of about 6 to 8' and wanted to make sure that slope was stabilized. A retaining wall to be installed from the dumpster location (around the dumpster) and across the majority of the back of the building and where the slope was not extreme to call for a retaining wall, installed rip rap to stabilize the slope; a detail is shown on the drawing for the retaining wall.
- The second items to be installed were four monitoring wells.

Mr. Cwalinski asked if the enclosure around the dumpster form part of the retaining wall. Mr. Nolan stated yes, it's the highest point of the retaining wall (7' at the dumpster and then it tapers down to 2' at the far end).

Chairman Doyle asked if anyone has taken a look at the cost of refurbishing versus the cost of taking it down. Mr. Ozbay stated he is proposing to refurbish. Chairman Doyle stated that a ventilation system needs to be installed underneath the building. Mr. Nolan stated that slab has been removed and the ventilation system is feasible.

Chairman Doyle is concerned with the "end slots" of the parking – 1 – 12 on the north side of the building coming down toward the south side of the building. It appears in both of those parking spaces will end up backing onto the sidewalk. Mr. Nolan stated he did not see where a car would be backing onto the sidewalk – possibly with the exception of space 12. Chairman Doyle stated that could be angled a bit and makes a difference. Mr. Nolan stated he could look at that. Chairman Doyle also has a concern of space 1. Mr. Nolan stated it depends on how good of a driver you are and feels it can be made. Chairman Doyle stated that it depends on the driver.

Chairman Doyle stated the town is trying to beautify the Business District up and down NYS Route 50; for example, CVS which is going to build across the street, will have a sidewalk and put lights along the sidewalk and are similar to the lights at the Glenville CVS and Target. Mr. Nolan stated the applicant will look into that.

Chairman Doyle opened the public hearing at 7:55 p.m.

**Gary Bloomer, 116 Lakehill Road** stated that the site plan shows that Lakehill Road is labeled as NYS Route 50. Mr. Nolan stated that sheet 3 of 14 and sees some small font where it says (NYS Route 50) on sheets 3 of 14. Mr. Nolan stated that can be corrected and check will check the other sheets.

Ms. Kotkoskie stated the dewatering note can be removed from the site plan first page #8 "The dewatering operations shall occur at the Town of Ballston Building Department shall be notified during normal business hours Monday through Friday 9:00 a.m. to 3:00 p.m." Ms. Kotkoskie stated the reason it is no longer necessary at any time you are dewatering, are working with NYSDEC at this point monitoring the remediation. The original concern was that in drains in the lake and does not, tracked the drainage down which goes to the Alplaus.

Chairman Doyle closed the public hearing at 8:00 p.m.

Mr. Nolan stated the NYSDEC paperwork has been submitted and are in receipt of the final report.

**MOTION:** Mr. Cwalinski 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. (Based on the board's discussion of the review of the drawings and the information submitted by NYSDEC) Mr. Fischer seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. Cwalinski made a motion to approve the drawing the of the "Title 814 NYS Route 50" tax map number 257.10-2-55 with the revision date of 9/13/2016 subject to (NYS Route 50) on sheet 3 of 14 be deleted subject to note (8) referencing the dewatering be deleted. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

**Conifer Realty**  
**800 NYS Route 67 228.-2-9.1, 12, 43, 45**  
**Site Plan Review/Mixed Use PUDD**

Matthew Jones, Esq. was present and Brian Donato, Project Manager with Conifer Realty and Gavin Vuillaume with EDP.

Mr. Jones asked the board's consideration for final site plan approval for both phases 1 and 2 and now that the easements are resolved be incorporated on the subdivision map and will require a resolution of subdivision amendment for those two easements. Since convening last month, four actions have been taken.

- Resolve the easements over the lands which Conifer now owns for the benefits of lots 12 and 14 with the assistance of the board's council; executed easements were received for both lots 12 and 14.
- SHPPO letter dated September 1, 2016 was submitted to the board. In that correspondence SHPPO outlined its position with regard indicating that they (SHPPO) agree with level of effort up to this point, constitutes a good faith effort to identify the cemetery and is agreeable to the monitoring of remaining portion of the project area whether there is a reasonable expectation of locating the cemetery and pre-request with a letter to confirm that SHPPO has no concerns with the proposed site plan and has not yet reviewed the proposed monitoring plan, but at this phase will be accepted. Two non-disturbance areas have been identified in phase 2 that will remain in that condition pending that acceptance of the monitoring plan by SHPPO; first letter states it expects to accept the monitoring plan and have resolved the SHPPO issue. C. T. Male has issued a letter dated September 27, 2016 and have responded to that with comments from EDP; there are no concerns or objections to the letter and suggest and urge the Planning Board in any resolution of approval that the board conditions that approval on the satisfactory of any resolution of the C. T. Male comments of September 27, 2016. A draft resolution has been prepared for the board with those two conditions set out together with the areas marked for non-disturbance in phase 2 and that attachment is made a part of the resolution. Mr. DiPasquale stated the last plan was dated September 14, 2016. Mr. Jones stated that this came after a result of their conference last Wednesday and the request to specifically identify the areas of non-disturbance. Chairman Doyle stated this was done for clarity and conditions the approval on this project based on avoiding these two areas until the work has been done; it's required by SHPPO.

Mr. DiPasquale asked if the properties to the west had access to the sewer. Mr. Vuillaume stated yes, it's shown on the utility plan of the site plan which was forwarded to Ms. Serra.

Chairman Doyle stated that C. T. Male issued a letter with minor comments and will be conditioned on the completion of the minor comments.

Chairman Doyle opened the public hearing at 8:10 p.m. at 8:11 p.m.

No one wished to speak

Chairman Doyle closed the public hearing at 8:12 p.m.

Chairman Doyle read the Resolution approving Site Plan and Resolution adopting Subdivision Amendment. (see page 16 of 16)

Mr. Donato stated its "Conifer Realty, LLC" and requested that change be made to the resolution. Mr. Reilly asked if the easements are on the plan; book and page. Mr. Vuillaume states no, as it still states proposed easement and does not show existing easement.

Ms. Kotkoskie asked Mr. Vuillaume if anyone at the town have a copy of the drawing that he is referencing. Mr. Vuillaume stated that he believes that they were submitted at the last Planning Board meeting. Ms. Kotkoskie asked with the easements on the plan. Mr. Vuillaume stated with the wording that said proposed. Ms. Serra stated are they real easements. Mr. Jones stated yes, they are executed easements. Mr. Vuillaume stated right now they say proposed because nothing has been filed yet with the County Clerk. Mr. Reilly stated prior to signing that the map to be revised, to show the actual book and page of the two easements.

**NEW BUSINESS:**

**Heritage Builders Group, LLC**

**Timber Creek Phase (2) 249.43-1-39, 2-6, -8, -9**

**Lot Line Adjustment**

Duane Rabideau, PLS with VanGuilder and Associates was present on behalf of the applicant.

The request before the board is for a lot line adjustment for three lots within the Timber Creek phase 2 project and requesting lot line adjustments for lots 31, 32 and 34 Cypress Street. The lot size is increasing for lot 31, 32 and 34 and taking a portion of the HOA lands to add more

depth to the lots because the houses that they are using there do not fit within the building envelope; too long and pushing the lines back. All the lots to do meet the spatial requirements, side lot lines are not changing; the only change is the rear lot line in order to build the houses that were designed for these lots.

Mr. Cwalinski stated the SEQR EAF mentioned Cypress Street and 33 Sycamore Street and does not see a Sycamore Street on the drawing. Mr. Rabideau stated that is a typo; they are all Cypress Street.

Mr. Reilly asked if the developer still controls the HOA. Mr. Rabideau stated yes.

A further discussion was held on the DOH numbers and the Post Office address numbers on the plans; when the plans are usually developed, the post office hasn't approves street names or addresses yet – that is why both numbers have to be on the plans for that reason. Mr. Cwalinski stated there is a legend on the plan that explains this in detail.

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

No one wished to speak.

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

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

**MOTION:** Mr. Cwalinski motioned to declare this an unlisted action under the SEQR process therefore will declare this a Negative Declaration under the SEQR process. Mr. Shorey seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. Fischer made a motion to approve the lot line adjustment for Timber Creek Preserve Phase 2, map 16-17-107HG dated September 14, 2016. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

**Suzette E. McGann**

**84 Connolly Road 239.14-1-4**

**Site Plan Review – Demo existing home and build new single-family dwelling**

Duane Rabideau, PLS with VanGuilder and Associates was present on behalf of the applicant.

The applicant proposes to tear down the existing camp and construct a new four bedroom house closer to the center of the parcel.

The site plan is proposing limits of grading which are about .15 acres of regarding for the parcel. The parcel has an existing septic system designed in 2008 by a Professional Engineer for a four bedroom house on the other side of the road (west side), which was built in 2008.

An Erosion and Sediment Control Plan was prepared by Lansing Engineering. A comment letter was received by C. T. Male and not seeking any waivers.

Mr. Cwalinski this parcel is also located in the Ballston Lake Overlay District and needs to be added to the drawing.

Mr. Cwalinski asked what flood gates are used for. Mr. Rabideau stated a portion of the house is in the flood zone for the lake. The flood zone is 258.3' – a portion is below that elevation and set up flood gates for water to go in and out of the basement. Mr. Cwalinski asked Mr. Rabideau to describe floodgates. Mr. Rabideau stated they are 18" x 6"/9" little squares that let the water in and let the water out; equalizes the pressure. Ms. Serra stated that it makes so that if there is a flood, the foundation is not damaged.

Mr. Cwalinski asked about the designation near the dug wells (XHP 260.0). Mr. Rabideau stated that is part of the grading plan.

Mr. Cwalinski asked if the original septic system will be reused. Mr. Rabideau stated yes. Ms. Serra stated Mr. Rabideau confirmed via email that the septic system was constructed in 2008. Engineered for a four bedroom house and the building department have those plans.

Mr. DiPasquale asked if the septic system lid is in the flood plain. Mr. Johnson said he believes it's above 258.3.

A further discussion was held on the private road and easements.

Chairman Doyle opened the public hearing at 8:40 p.m.

No one wished to speak.

Chairman Doyle closed the public hearing at 8:42 p.m.

**MOTION:** Mr. Cwalinski 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. Cwalinski motioned to declare this an unlisted action under the SEQR process therefore will declare this a Negative Declaration under the SEQR process. Mr. Shorey seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. Cwalinski made a motion to approve the site plan as described on the drawing "Titled Site Plan Lands of John and Suzette McGann" map number 0-9-17-14-C dated September 8, 2016 subject to Ballston Lake Waterfront Overlay District. Mr. Shorey seconded the motion and all present voted in favor. **CARRIED.**

**Catherin Bretz**

**228 Charlton Road 238.-1-21**

**Minor Subdivision – Create a new single-family building lot**

Duane Rabideau, PLS with VanGuilder and Associates was present on behalf of the applicant.

The proposal is for a two-lot subdivision at 228 Charlton Road. The proposal is to subdivide a 7.62 acre parcel into two lots – lot (1) 2.99 acres and lot (2) 4.63 acres that fronts on Goode Street for the proposed single-family residence.

This proposal was before the board in 2011 for a discussion and this basically is the same proposal for the two-lot subdivision with more accurate information relating to the environmental constraints on the parcel being on the wetlands and showing more lot improvements. The applicant has NYSDEC verification on the NYSDEC wetlands and the 100' adjacent area.

The proposed septic area has been designed by a Professional Engineer to stay in the upland areas outside of the 100 adjacent areas.

The house and driveway proposed is set up so that the entire disturbance will be away from the wetland boundary line and need to still obtain a NYSDEC wetland disturbance permit within the 100' adjacent area.

Ms. Serra stated that any approvals by the Town of Ballston would be contingent upon obtaining that waiver from NYSDEC. Mr. Rabideau is aware of that. Ms. Serra asked Chairman Doyle if he would be comfortable only signing subdivision maps only with that letter from NYSDEC. Mr. Rabideau stated we (the applicant) can have the subdivision approval on that; would be good for the applicant.

Chairman Doyle stated the green line on the drawing needs to be highlighted better and have a note on the drawing so when someone looks at this, they realize this is a large flat area and only a couple feet difference in elevation, but in reality once you see the green line or interpret the elevation lines, it's a lot different picture. Mr. Rabideau stated the lines can be made bolder.

Ms. Serra stated the proposal is for a two-lot subdivision creating one new home, however the location of the home, well and septic are pretty much fixed; no way for someone who purchases this property can do anything else with it because of the constraints.

Mr. Cwalinski asked the boundaries for the 100 year flood plain. Mr. Rabideau stated this proposal is stacking of the elevations. Some of the property is located in Zone (X) – outside the flood zone and based on what that elevation is - the finished floor is going to have to be at a certain elevation. Mr. Cwalinski asked if flood gates will be required. Mr. Rabideau stated depending on what kind of construction; a basement will require floodgates. Mr. Johnson said the basement has to be a walkout with floodgates on it so the water can flow in and out. Mr. Johnson stated if part of the property is not in the floodgates. If part of the property is and part is not in Zone (X), will have to do a Letter of Map Amendment (LOMA) to take that part of the property out of Zone (X). Ms. Serra stated it is completely acceptable for the actual construction to be dealt with at the issuance of the building permit.

Mr. Cwalinski asked if the 100 year flood boundaries change over a course of time. Mr. Johnson stated the county is way overdue for new maps as their maps are dated back to 1993.

Ms. Serra stated let's just say you own the property and a portion of the flood plain was way in the back of the property and FEMA came a revised and stated the house is in the floodplain; it's literally a changing boundary.

Mr. Cwalinski asked how he knows that the septic system is consistent with the size of the house. Mr. Rabideau stated he believes it was sized for a four bedroom house. Frank Engineering designed the system and perc tests were completed and will be put on the map.

Mr. Fischer asked the estimated square footage of the proposed house and is that the maximum area of proposed house where it's located on plans. Mr. Rabideau stated 60' x 35/40'.

Mr. DiPasquale stated the well is located outside the limits of disturbance. Mr. Rabideau stated it will expand around it.

Chairman Doyle stated he feels as an individual very strongly that when we (the board) subdivide something and create a building lot and have some reasonable chance to build on that land. This needs to be identified on the drawing so you can see or depict what the land area is that you have to use. Chairman Doyle stated proposed is raised bed system and there is probably a 2' difference in elevation between the road and the land in some places and have a massive structure in front of the house, which detracts from it. Mr. Rabideau stated when looking at the elevation proposed did not think it was going to be more than 2' high and will blend in.

Chairman Doyle opened the public hearing at 9:02 p.m.

Kathy Welch, 506 Goode Street stated directly below is the Mourningkill Creek and what is evident about these drawings is every spring a significant part of that property is wet all around this area and close to the structure line that proposed. The Mourningkill Creek changes its bank all the time in particular in the back. The entire property almost sits in a bowl; Ms. Welch's house sits almost 30' above the proposed site and she has no issue with the creek flooding. That property does have trees on it and has a concern for taking down the trees for that proposed building lot and sediment flowing into the creek and potentially damaging the ecosystem of the Mourningkill Creek just because of the level of that lot. Ms. Welch has a concern for the septic system.

Ms. Serra asked if the board would like to see the flood elevations from the FEMA maps depicted on this and will be cross sections to determine what FEMA determines these 100 year flood plains as it moves down the creek.

Mr. Fischer asked if Irene was considered a 100 year flood or 1,000 year flood. Ms. Serra said in Ballston it was very close to 100 year flood; the 100 year storm is near 7" of rain in 24 hours and got about 5" less and technically less than 100 year flood. In the Catskills it was more than 1,000 year flood – biblical proportion flood is really what people are calling it.

Chairman Doyle closed the public hearing at 9:07 p.m.

Mr. DiPasquale is concerned about the NYSDEC waiver requirement. Ms. Serra stated that the Town of Ballston is the Lead Agency and NYSDEC generally does not issue permits unless the local agency weighs in; it's common on every other subdivision in Ballston where they obtain wetland permits after the board grants approval.

Chairman Doyle stated that a note on the drawing is needed indicating that NYSDEC approval is required and need some test pits in the area of the leach field. Chairman Doyle stated a darker line is needed indicating where the 2' boundary is so there would be some idea of what land around the house that is usable and what is the area inside of the 100' buffer. Mr. Rabideau stated he believes its  $.6 \pm$  acres.

A further discussion was held on Base Flood Elevation.

Chairman Doyle stated in 2011 the creek itself was very close to the top of the bank.

Mr. Rabideau stated to alleviate concerns can have some kind of notation on the drawing stated that this parcel is subject to a NYSDEC permit and the vast majority of the parcel is undevelopable.

Mr. Fischer stated erosion and sediment control was a concern of the adjoining parcel and to please explain the mitigation measures taken under construction. Mr. Rabideau stated silt fence to be used during construction.

Chairman Doyle asked Ms. Serra to have C. T. Male review this application, but normally do not review minor subdivision applications. Chairman Doyle asked Mr. Rabideau if his client wants to pursue. Mr. Rabideau stated it's really a cost issue. Ms. Serra stated it depends on what

level of review would the board want the town engineer to perform on the next submission, which will contain more technical information.

**MOTION:** Mr. Cwalinski made a motion to table the application. Mr. Fischer seconded the motion and all present voted in favor. **CARRIED.**

Ms. Matias exited the meeting at 9:20 p.m.

**Justin C. Rafferty**

**1241 NYS Route 50 239.-1-4**

**Site Plan Review – Modify single-family into a two-family dwelling**

Duane Rabideau, PLS with VanGuilder and Associates was present on behalf of the applicant.

The proposal is to modify a single-family residence into a 2-family dwelling. The site is located at 1241 NYS Route 50 zoned Business Highway-1.

The only change to the site at this point is to install a new septic system in the back of the house. As far as getting the house up to code for a Certificate of Occupancy, the applicant has hired a Professional Engineer to address any building code issues.

The site is served by public water and does not require a special use permit.

A letter was received by C. T. Male and has no technical comments.

Mr. Cwalinski asked if these are interior modifications only. Mr. Rabideau stated yes.

Mr. Cwalinski asked where the tenants are going to park. Mr. Rabideau stated now the applicant is in violation and apparently there are tenants on the first floor and second floor and apparently a third apartment, but that will be going away and will park on the asphalt. Mr. DiPasquale asked if the perc test will be handled during the building permit process. Mr. Johnson stated yes and the plans have not been submitted. Ms. Serra stated that level of location is acceptable.

Kurt Bedore, PE, Engineer retained by the applicant.

Mr. Bedore stated that Odorless Septic has been contracted to install the septic system.

The previous owner of the property was Mr. Czub which consisted of five bedrooms. Currently there are five bedrooms; 3-units and 2-units have two bedrooms each and an efficiency apartment. The replacement septic system will be for a four bedrooms. The septic system for the garage is completely separate and believes there is a leach pit system in the North West corner.

Chairman Doyle opened the public hearing at 9:30 p.m.

No one wished to speak.

Chairman Doyle closed the public hearing at 9:31 p.m.

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

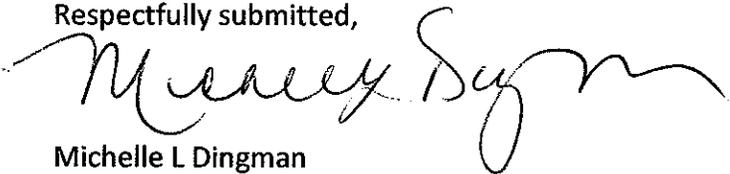
**MOTION:** Mr. Cwalinski motioned to declare this an unlisted action under the SEQR process therefore will declare this a Negative Declaration under the SEQR process. Mr. Fischer seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. Cwalinski made a motion to approve the modification of a single-family to a two-family structure from a 3-unit to a 2-unit as described on the drawing titled "Site Plans of Justin C Rafferty at 1241 NYS Route 50 dated August 23, 2016. Mr. Shorey seconded the motion and all present voted in favor. **CARRIED**

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

Meeting adjourned at 9:40 p.m.

Respectfully submitted,



Michelle L Dingman  
Planning Board Secretary

### Resolution approving Site Plan

Upon the motion of R.C. DOYLE, seconded by J. CLAWINSKI, the Planning Board approves the site plan of Conifer, ~~LLC~~ <sup>LLC</sup> for the project within the Eastline Commons PUDD at the intersection of Route 67 and Eastline Road entitled "Blue Heron Trail" pursuant to the plans of the Environmental Design Partnership, LLP dated SEPTEMBER 21, 2016 subject to the following conditions:

1. Monitoring plan pending SHPO approval in area depicted on attached drawing. No disturbance in this area prior to SHPO approval of monitoring plan. If cemetery confirmed, applicant to install a suitable plaque as approved by the Planning Board Chair.
2. CT Malé comments and letter dated September 27, 2016 and specified as numbers 1517205

Adopted by a vote of 6 in favor and 0 opposed.

### Resolution approving Subdivision Amendment

Upon the motion of R.C. DOYLE, seconded by J. FISCHER, the Planning Board approves the amended subdivision plan of Conifer, ~~LLC~~ <sup>LLC</sup> for parcels within the Eastline Commons PUDD at the intersection of Route 67 and Eastline Road entitled "Blue Heron Trail" pursuant to the subdivision plan of the Environmental Design Partnership, LLP dated JUNE 18, 2016. This amended subdivision plan approval amends the subdivision approval granted by the Planning Board on April 24<sup>TH</sup> 2016 by adding a reference to an easement granted to "Lands N/F of 14 Commerce Drive, LLC" (Lot 14) over the lands of Conifer, ~~LLC~~ <sup>LLC</sup> as more particularly depicted on the amended subdivision plan.

*THE MAPS SHOULD BE REVISED TO SHOW THE ACTUAL PHASING.*

Adopted by a vote of 6 in favor and 0 opposed.