

Town of Ballston  
Planning Board

**TOWN OF BALLSTON  
PLANNING BOARD**

**Regular Monthly Meeting: August 27, 2014**

Present: Richard Doyle, Chairman  
Jeffrey Cwalinski  
Josephine Cristy  
Derek Hayden  
John VanVorst  
James DiPasquale, 1st Alternate  
Patrick Maher, 2<sup>nd</sup> Alternate  
Thomas Johnson, Building  
Inspector  
Kathryn Serra, Town Engineer  
Peter Reilly, Planning Board  
Attorney  
Members of General Public

Chairman Doyle called the August 27, 2014 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Chairman Doyle asked for corrections to the July 30, 2014 minutes. Mr. Hayden submitted minor grammatical changes.

**MOTION:** Mr. Cwalinski made a motion to accept the June 25, 2014 minutes as amended. Ms. Cristy seconded the motion and all present voted in favor, Ms. Matias voted to abstain was not present at said meeting. **CARRIED.**

**OLD BUSINESS:**

**Dolomite Products Inc., Curtis Industrial Park (Site Plan Review)** Adam Schultz, Esq. with Couch White, LLC and with Barton & Loguidice was present on behalf on the applicant and Stephen LaFevre with Barton & Loguidice, D. P. C.

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Mr. Schultz said the applicant is before the board tonight seeking a determination of completeness of the DEIS, which the board has had in front of them for 337 days, 11 months and three day and asked that the public comment period to commence. The applicant requests the board to schedule a public hearing.

Mr. Schultz said comments were received from C. T. Male dated, August 20, 014. The applicant submitted a response to said comments on August 26, 2014. Mr. Schultz asked the board received their August 26, 2014 comments to C. T. Male.

Mr. Doyle replied no. the comments were distributed this evening to the board.

Mr. Doyle said the town has a strict policy they do not take last minute notification.

Mr. Schutlz said the letter is dated August 20, 2014, giving the applicant not enough time to respond to the comments at the time the applicant requested to be on tonight's Planning Board agenda, which was more than three weeks ago.

Mr. Schultz said the applicant responded to comments in normal course. Mr. Schultz said "the board does not even need to of had our response in front of it" to simply look at the C. T. Male letter. Mr. VanVorst said he did not receive letter until this evening. Mr. Schultz said "Maybe you should talk about getting these comments in an efficient manner. Chairman Doyle said it would be the Chairman's responsibility.

Mr. Schultz said the comments in the August 20, 2014 C. T. Male – C. T. Male recommends that you (the board) determine the EIS incomplete yet again, but there is no basis provided to determine the DEIS to be incomplete. Mr. Schultz can walk through these comments and compare them to the scoping document and the board will understand that there is no reason not to determine this to be complete at this time. The DEIS has been posted on the town website and is available for public review – in the normal course that never happens until it has been determined complete, but the EIS is up and available for public review, which is fine and gives people the added time to review the document. The only comments in the C. T. Male letter is a request to delete an appendix and a request

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to add six or seven additional abbreviations or acronyms to the list of abbreviations – that a ministerial comment and has nothing to do with completeness and would note in October 2013 C. T. Male made the request that a list of abbreviations be provided or the EIS, which they were in October 2013, but if C. T. Male had wanted specific acronyms included in the EIS, then they had the opportunity and consistent with SEQRA should have provided those at the time of their comments in September. Mr. Schultz said the point being that this is no basis being not to determine the EIS not complete. The third comment from C. T. Male is in regard to order of resources or wetlands and asked for a discussion or a distinction of jurisdictional wetlands or non-jurisdictional wetlands. Mr. Schultz said that can be provided and explanation is provided in our response, but again that is a substantive comment regarding the comment of the EIS – it has nothing to do with the completeness – the completeness determination you compare what has been provided to what has been the you provide what the written scope was. The written scope asked the applicant to address wetlands – the applicant did so and now C. T. Male is now asking for clarification, which the applicant is happy to provide, but it's not to determine the EIS not complete and not allow public review. C. T. Male mentions air quality in their comment and regulations and in Mr. Schultz's opinion is ministerial comment that would not provide the basis on not to determine the EIS to be complete. Mr. Schultz said the fifth comment is to change the word department to NYSDEC – simply a ministerial comment.

Mr. Schultz said with that in mind and being somewhat insistent of requesting the determination of completeness. Mr. Schultz said that is the scope of comments that have been received.

The document has been before the board for over 300 days. Mr. Schultz said according to NYSDEC and the SEQR handbook – the question is - what should and EIS contain. This is a quote from page 118 of the SEQR handbook – The questions is what should and EIS contain - “The EIS needs therefore needs to contain sufficient descriptions of the proposed actions and its setting to provide appropriate context for a reader to understand the analysis of the impacts, alternatives and mitigation, but should not be encyclopedic or an overly technical document. Page 133 of NYSDEC SEQRA Handbook - what is the basis of

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determining a draft EIS - The Lead Agency should ensure that all relevant information shall that has been presented and analyzed, but should neither expect or require a “perfect” or exhaustive document. A draft EIS that is adequate to be accepted for public review should describe the proposed action, alternatives to the action and various means of mitigating impacts of the action. The draft EIS should identify and discuss all significant and environmental issues related to the action, however the draft EIS will not necessarily provide a final resolution of any of the issues. Page 134 of NYSDEC SEQRA handbook – Is there a limit on the number of times a Lead Agency may reject a submitted draft EIS. Mr. Schultz said C. T. Male is encouraging this board to reject it yet again. – The goal of the Lead Agency in its review of the submitted draft EIS should be to advance the review of the proposed project to the public review phase, therefore a Lead Agency should provide sufficient guidance in the initial description of deficiencies to enable the project sponsor to develop and acceptable draft EIS with one revision effort and only reject a resubmission if that resubmitted draft EIS still contains errors or omissions, which are essential to the public’s understanding of the proposed project. Given that NYSDEC wrote the SEQRA handbook – they are responsible for the administration of SEQRA. The C. T. Male comments are ministerial at best.

Mr. Schultz is asking the board and their consultant – what provisions of the scope haven’t been met and what information hasn’t been provided that would prevent meaningful public review of the document at this time.

Chairman Doyle said, “He sent this letter to Ms. Ferradino as a gesture of keeping all the information on the table – did not expect and answer – just for information on giving her the direction we were going.” Chairman Doyle said John Munsey with C. T. Male had comments and Chairman Doyle does not feel they are as minor as stated by the applicant. Chairman Doyle said the board should honor their engineer’s advice.

Chairman Doyle polled the board of any questions they may have relative to the SEQRA;

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Mr. Hayden said the board was in receipt of a letter from Claudia Braymer, Esq. regarding a traffic study and not including Wal-Mart. Mr. Hayden asked if Mr. Schultz has seen the letter. Mr. Schultz said he has not seen the letter. Mr. Hayden asked Mr. Schultz – does your traffic study not include Wal-Mart. Mr. Schultz said it is not required to. Mr. Schultz said this project has been before this board since June 2011 – the Wal-Mart was not proposed at that time. Mr. Schultz said “We don’t control the Wal-Mart and have a concern for the combined effect of traffic – that is a question you can ask of Wal-Mart because they are the ones second to the table.” Mr. Schultz said their applicant has performed a traffic study that is more than adequate and addresses the traffic that is expected to be generated by the project. There is not a basis or a requirement in SEQRA for us to take into account other private projects that we do not own or control.

Mr. Reilly said revised DEIS was dropped off to Town Hall on September 24, 2013 coincidentally was the same day that the Town Board adopted Local Law 3-2013, which eliminated the proposed project as an allowable use in that zone. Mr. Reilly said it’s understandable and legally correct with the advice of Mr. Reilly, Esq. and Thersa Bakner, Esq. the board ceases this review.

Mr. Schultz said the applicant will gladly provide the board with an updated EIS one more time that will contain whatever revisions that C. T. Male has requested and any revisions that the board request are reasonable. Mr. Schultz said these are very minor comments and can have a completed document by the end of this week or early next week. Mr. Schultz said given the amount of time that this application has been pending and the many events that have occurred in regard to this project over a lengthy period of time the applicant is simply asking this board go ahead and schedule a public comment period, which run for a minimum of 30 days and will have the revised EIS three to five days. Mr. Schultz has yet to hear a reason and have not set aside the scope or as to any rational as to why the board cannot schedule a public comment period. The EIS is already on the website and provide the board with the updated document for purposes of efficiency.

Chairman Doyle said under air quality – “is not that really covers dust control as it is envisioned to be.” Chairman Doyle said he travelled to their other facilities and

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everything down airstream is covered in dust. Chairman Doyle asked, "To have something in the document to address blowing dust.

Chairman Doyle has a concern for the location of the bike bath and if the applicant ever plans to relocate or do something different at the site. The pedestrian traffic in the area needs to be looked at in detail. Chairman Doyle has concerns for dust, bikers, and pedestrian traffic - where they meet Route 67.

Mr. Schultz said there is sufficient material within the EIS as currently compiled to allow a substantive review and inform the public of what the project is about, its potential impacts and mitigations measures are to provide comment in which the applicant will reply. SEQRA will not be addressed in the DEIS – rather it's to ensure that all the comments are addressed by the time of the final EIS.

Chairman Doyle the town engineer is recommending the board not move forward at this time.

Chairman Doyle polled the board if they want to move ahead with the project or follow the recommendation of the town engineer;

Mr. Cwalinski stated he would request to follow the recommendation of the town engineer.

Mr. Hayden said "it is as complete as it's going to get" and would move forward. – Comments are minor and technical in nature.

Ms. Cristy said to follow the recommendation of the town engineer.

Mr. Ramsey said to follow the recommendation of the town engineer.

John VanVorst said "He would like to move it ahead."

Audeliz Matias would request to follow the recommendation of the town engineer.

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Chairman Doyle said based on the polling of the board it is the board's opinion to follow the engineer's recommendation.

Mr. Schultz said there are no additional documents to be added – only text revisions made based on the C. T. Male letter. No additional documents have been requested and no additional documents to be provided or are necessary.

Mr. Schultz asked – what provisions of the scope have not been met – because that is the only bases not to determine the EIS complete at this time and move forward. Ms. Serra said Mr. Munsey was unavailable to attend this meeting and cannot speak on his behalf.

Mr. Schultz said the six or seven comments in the August 20, 2014 comment letter – are the only comments, which the board is basing its determination incompleteness on. When those comments are addressed in the August 26, 2014 letter – the board will determine the EIS complete and move forward with the comment period.

Chairman Doyle said he is almost positive.

Mr. Schultz said the board during site plan approval has the ability to impose substantive conditions.

Ms. Matias said her main concern is traffic – some studies were performed in 2012 – Ms. Matias said a lot has happened since 2012 and 2014. Ms. Matias asked if a new traffic study will be done and forward to the board for their review.

Mr. Reilly read Resolution into the minutes (see attached)

**MOTION:** Mr. Cwalinski made a motion to accept move that resolution. Mr. Ramsey seconded the motion.

Mr. Cwalinski - YES

Ms. Cristy - YES

Mr. Hayden - NO

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Mr. Ramsey - YES

Mr. VanVorst - NO

Ms. Matias - YES

Chairman Doyle – YES

Motion CARRIED.

**Eric & Rosemary Katz, Lake Road, Ballston Lake, NY; 239.-2-37.1 (Minor Subdivision/4-lot residential subdivision)** Kurt Bedore, PE, K.B. Engineering was present on behalf of the applicant. The applicant proposing a minor subdivision at Lakeview Gardens located at 197 Lake Road. Since the last meeting the applicants have provided a more detailed plan with grading and engineering. The applicants are proposing a four lot minor subdivision.

The owner/applicants house would be situated on lot #1 (6 acre parcel) lots 2, 3 and 4 a proposed to be subdivided along the back of the property. (Eastern uphill portion of the parcel) The proposed lots would range in size from 4 acres to 5 acres – the setbacks conform to the Ballston-Lake Residential District and situated on the Ballston Lake Overlay District.

The applicant is proposing to service proposed lots with municipal water and sanitary sewer via a directional bore east and up gradient connecting into the utilities in the Chapel Hill subdivision on Lancaster Court.

Mr. Bedore said after speaking with the town water department and conferring with the Saratoga County Sewer District – the approach that seemed amendable to both agencies was to put in a directionally bored common carrier pipe with each sanitary sewer line and provide backup lines in the event of some kind of failure of maintenance that may be needed. Those lines will be privately owned and maintained. The water lines services by a common meter pit on Lancaster Court and the lots serviced by individual grinder pumps.

The applicant was in receipt of the C. T. Males and realizes that there is refinement need for the SWPPP (complaint with Chapter 91 of Town Code and the NYS requirements).

Since the last meeting Federal wetlands (ACOE) have been delineated on the parcel as reflected on the plans. A 60' ROW is proposed to service the new proposed lots – a 20' common driveway – less than a 1/10 of an acre of disturbance to cross the wetlands to services lots #2 and #3.

Applicant proposing to submit correspondence to SHPP0 – recognizing there is a historical cemetery plot at the North West portion of site.

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The applicant is proposing to submit to the NYSDOH for a water district extension. A proposal to water district an extension of Water District 18 extension 2 of Chapel Hill.

Applicant is proposing to submit individual connection permits to the Saratoga County Sewer District.

A public hearing is scheduled for the Town Board on September 11, 2014 for the request for Water District Extension, Lead Agency, Public Hearing and the board is recommending a SEQR Type II Action.

Chairman Doyle said a public hearing is not schedule for this evening.

Mr. Reilly said no, the notice was not public so the board cannot have a public hearing.

Mr. Reilly said, "The notice was not published, no we cannot have a public hearing."

Chairman Doyle said "The information was not put in the paper and consequently not published and consequently not have a public hearing this evening."

Mr. DiPasquale asked if lot #1 is on a septic system and well. Mr. Bedore said it's a raised bed septic system and lot #3 is serviced by a private well. Mr. Bedore said it's the applicant's intention with the creation or extension of sewer system around the lake comes to fruition, to connect to sewer system.

Mr. Cwalinski said §138-27.7 A and §138-27.7 B – have certain items that need to be considered. Mr. Cwalinski asked the applicant to review and address each item.

Mr. Cwalinski said §138.11.5 A.2 requires driveways to be constructed of permeable material – will new driveway meet that requirement.

Mr. Bedore said the intent was to install crusher run – NYSDEC considers that an impervious surface.

Mr. Cwalinski said §138-11.5A.3 requires a Best Practice Erosion and Sediment Storm Water Control Plan be submitted and approved by the Storm Water Management Coordinator for construction. Ms. Serra said she (town engineer) performs the review on behalf of the town and the Storm water Management Coordinator only signs the MS4 acceptance form for certification of document.

Mr. Bedore said a full SWPPP was submitted and minor refinement is necessary after C. T. Male's comments.

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Mr. Cwalinski said §62.3 of the Town Law requires pull offs on long driveways every 200'. Ms. Serra said the applicant is proposing a 20' driveway. Ms. Serra said when the proposal shows a 10' or 12' driveway pull offs as required. Ms. Serra said a 20' wide road is consistent with a Town Road and does not see the need for pull offs. Mr. Bedore said NYS Fire code does require after 500' adequate means for turnaround emergency response vehicle – lots 3 and 4 split off are proposing a "Y" type of hammerhead configuration adequate for the turning movement.

Mr. Cwalinski asked if the proposed homes will be supplied with natural gas. Mr. Katz said no, in the future.

Mr. Cwalinski has a concern for seasonal high ground water and runs off onto Lake Road and when it gets cold it freezes and in his opinion is a hazard. Mr. Katz said a culvert is installed at the end of his driveway.

Chairman Doyle had a concern not to encroach the ACOE buffer.

Dave Stern suggested the town purchase a projector because as the board asks for public comment, it would be nice to know where the proposed projects are located.

Gregory and Joan Durnford, 187 Lake Road said he had spoken to Thomas Johnson on Tuesday who indicated there was going to be public comment. Mr. Durnford travelled back from Connecticut to address his concerns about this proposed project. Mr. Durnford said prior to the Chapel Hill development were woods and pastures to absorb water and since then, have never had the water problem that exists today. The water runs on the back of the Katz property and gets "steered" onto the Durnford property. Mr. Durnford said he put a swale in 2011 and last year in the wintertime had water coming down the side of his property that was and 1 ½" to 2" deep. The town just resurfaced the road adding 10" to 12" in height to the road to deal with the problem Mr. Durnford said the problem is not going to be dealt with if something is not done about Chapel Hill and this proposal is going to change the landscape next to his property. Mr. Durnford said he has lived there longer than Chapel Hill or Mr. Katz. Mr. Durnford said run-off is affecting the lake because all that water is running off the back. Mr. Durnford said his wife's family owns property behind his home and back in 1988 proposed four lot subdivision with a 25' "ROW". His family approached the town three to five years ago to subdivide and the town said that a 60' ROW is required. Mr. Durnford said the applicant is proposing a 60" ROW and a "fancy" name Lakeview Gardens for three homes – it's not a development, but a 60" ROW allows the applicant to build back there. Mr. Durnford said as a fireman that after the storms this past July 2014 trees were down all over the town. If someone needed help in the back, the town cannot cut the trees it's not a town road, fire department should not respond and have to cut eight or ten trees. Mr. Durnford said the watershed is going to be disturbed, nothing is going to drain and make it worse for the

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Durnford property. Mr. Durnford said “We have to do a better job where we all houses and how many we allow.” Not enough work is being put into property control and water control – not only as a citizen of the town as a volunteer fireman – it’s very difficult to deal with stuff off the road. Mr. Durnford asks that the Planning Board do their due diligence and do what is right for the community and what is right for around the lake.

Mr. Bedore said Mr. Durnford can look at the plans as they stand now and as they will be refined. Mr. Bedore reiterated that Mr. Katz does not discharge any storm water onto the Durnford property the issues is coming up hill from the east. Mr. Bedore said he is sensitive to his concerns.

Chairman Doyle apologizes again for holding the applicant up another month due to the legal ad not being published in the paper.

**NEW BUISNESS:**

**Saxton Sign Co., NYS Route 67/Dominic Drive, Ballston Spa, NY 12020; 218.-2-38 (Site Plan Review – Free standing sign) No on present on behalf of Saxton Sign.**

**MOTION:** Mr. Hayden made a motion to table. Mr. Ramsey seconded the motion and all present voted in favor. **CARRIED.**

**Prescott, Joel, 140 Westside Drive, Ballston Lake, NY 12019; 249.-27 (Site Plan Review -Single Family Dwelling) Vince Mazzone, P.E., was present of behalf of Joel Prescott.**

The applicant is proposing a single family residence on 140 Westside Drive on approximately 1.40 acres. The site has public water and will require a proposed septic system. The applicant submitted application on August 11, 2014 and received comments from C. T. Male on August 22, 2014.

C. T Male comment asked about adjacent wells. Mr. Mazzone said none of the adjacent properties have wells.

C. T. Male comment asked about ground water. Mr. Mazzone said the test pits indicated no ground water present.

A jurisdictional letter has been received from NYSDEC and from their wetland specialist that the NYSDEC does not have jurisdictional wetlands on the site – a small ACOE wetland is located on site, which the applicant would not be impacting.

Chairman Doyle apologized to the applicant that the legal ad was not published in the paper.

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Mr. Cwalinski said §138-27.7 and §138-27.7 b - have certain requirement for the BLOD and address each one.

Mr. Cwalinski said the Right-to-Farm Law needs to be added to map.

Mr. Cwalinski said on sheet S-3 shows details for a concrete washout area a materials stockpile area, however he did not see where those are on the drawings. Mr. Mazzone said the notes indicate a certain distance from the lake for washouts and stockpiles.

Mr. DiPasquale said the project is on public water line and asked in the case of a power outage there could be a problem with the pump in the tank and could have overflow. Mr. Mazzone said in the septic plans there is a note for a generator backup for the pump and capacity for one full days usage.

A resident asked the Chairman how the residents can ensure that the legal ad gets published in the newspaper.

Chairman Doyle apologized again for not having the legal ad published in the newspaper.

Mr. Reilly said NYS Town Law is five days – the official for town newspaper.

**DiCesare, Patrick 850 & 852, Route 50, Burnt Hills, NY 12027; 257.-3-8.1 & 9 (Lot Line Adjustment)** Duane Rabideau with Gilbert VanGuilder Land Surveyors was present on behalf of the applicant 2150 Properties, LLC (Suburban Services).

The applicant is requesting a lot line adjustment between 850 Route 50 (257.-3-8.1) and 852 Route 50 (257.-3-9) requesting to transfer 5,320 sf. from 257.-3-8.1 (850 Route 50) to 2150 Properties, LLC (Suburban Services).

Chairman Doyle apologizes to the applicant about the legal ad not be published in the newspaper and the board cannot have a public hearing this evening.

Chairman Doyle said the next meeting is scheduled for September 24, 2014.

Chairman Doyle said Wal-Mart is not the agenda tonight, but the Rossi Subdivision was on the agenda and the board received late information. The Wal-Mart public hearing and will be published in September 2014. Chairman Doyle said he needs to arrange for meeting place at the Ballston Spa High School – the Superintendent is looking at the proposal and will be getting back to Chairman Doyle and need to work through that. Chairman Doyle can assure the applicant there will be notices in the newspaper and will be correct.

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The questions was asked, could it be possible to put the notice in five days prior to meeting date. Chairman Doyle said that is the normal notification time unless you're working on a SEQRA application – 14 days; five days is normal – the meeting are always the last Wednesday of the month.

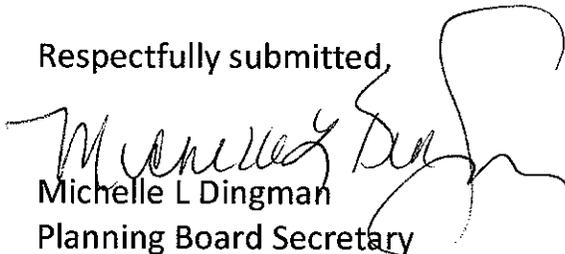
Leslie Mauro, Esq. said as attorney for Wal-Mart said thank you to the town for being as diligent as you have in compliance for terms of notice requirements and appreciate it. It is Wal-Mart intention to move forward and hopefully and assuming all goes well and finding a meeting place and notification that we (Wal-Mart) do plan to move forward with the public hearing on their site plan application in September if that works with the Planning Board's schedule and meetings places and all the other items that have to fall into place, but Wal-Mart is moving forward with due haste. Chairman Doyle said the board has spoken and the dates are good with the people – the one problem is a larger meeting place. The town hall holds approximately 200 people and have been advises that there may be more than that and so looking for an alternate place.

Ms. Mauro replied, Thank you.

**MOTION:** Mr. VanVorst made a motion to adjourn. Mr. DiPasquale seconded the motion. **CARRIED.**

Meeting adjourned at 9:05p.m.

Respectfully submitted,



Michelle L Dingman  
Planning Board Secretary

Enclosure

RESOLUTION  
TOWN OF BALLSTON PLANNING BOARD

PROJECT NAME: PROPOSED DOLOMITE HOT MIX ASPHALT PLANT  
AT CURTIS INDUSTRIAL PARK, LLC  
PROJECT LOCATION: PARCEL LOCATED IN THE CURTIS INDUSTRIAL  
PARK, 831 ROUTE 67, BALLSTON, SARATOGA  
COUNTY, NEW YORK  
PARCEL IDENTIFIED AS: PARCEL # 228-3-20.111  
SEQR TYPE: UNLISTED  
APPLICATION DESCRIPTION: DETERMINATION THAT THE DRAFT  
ENVIRONMENTAL IMPACT STATEMENT IS NOT  
COMPLETE

At a meeting of the Town of Ballston Planning Board held at the Town of Ballston Town Hall, 323 Charlton Road, Ballston Spa, New York 12020 on August 27, 2014 at 7:30 p.m., there were Board members:

	Present	Absent
Chairman Richard Doyle	<u>X</u>	<u>        </u>
Vice Chair Jeffrey Cwalinski	<u>X</u>	<u>        </u>
Josephine Cristy	<u>X</u>	<u>        </u>
Derek Hayden	<u>X</u>	<u>        </u>
Lee Ramsey	<u>X</u>	<u>        </u>
John Van Vorst	<u>X</u>	<u>        </u>
Audeliz Matias	<u>X</u>	<u>        </u>

The following resolution was moved by: \_\_\_\_\_  
Seconded by: \_\_\_\_\_

**WHEREAS**, an application has been made to the Planning Board of the Town of Ballston for a hot mix asphalt plant to be known as the Dolomite Hot Mix Asphalt Plant (the "Proposed Action") on the parcel # 228-3-20.111 located in the Curtis Industrial Park, 831 Route 67, Ballston, New York, by Dolomite Products Company, Inc. (the "Applicant"); and

**WHEREAS**, the Planning Board declared its Notice of Intent to establish itself as lead agency on June 29, 2011 and determined that the Proposed Action was an Unlisted Action; and

**WHEREAS**, the Planning Board conducted a coordinated review of their lead agency status and no involved agency objected to the Planning Board becoming lead agency; and

**WHEREAS**, the Planning Board confirmed their status as lead agency and issued a Positive Declaration on February 29, 2012, after carefully considering the full EAF; and

**WHEREAS**, the Applicant submitted the Draft Scope of the Draft Environmental Impact Statement ("DEIS") and the Town's consultant reviewed it and requested changes which the

Applicant agreed to make; and

**WHEREAS**, the Planning Board accepted the applicant's Draft Scope as amended by the Town's consultant as of September 28, 2012; and

**WHEREAS**, the Draft Scope was filed with (i) the Town Board; (ii) all involved agencies; (iii) all interested agencies (iv) any person who requested a copy; and (v) the Applicant; and was made available for public review in accordance with SEQRA; and

**WHEREAS**, the Planning Board held a duly noticed public scoping session on October 24, 2012 and accepted written comments until October 26, 2012; and

**WHEREAS**, the Planning Board and its consultants listened to and reviewed the public comments on the Draft Scope and the Draft Scope, now the Final Scope, was amended by the Town's consultants to address all of the comments as required by Section 617.8(f) of the SEQRA regulations; and

**WHEREAS**, the Planning Board issued the Final Scope in November of 2012 and directed the Applicant Dolomite to prepare the DEIS in accordance with the Final Scope and the requirements of SEQRA; and

**WHEREAS**, the DEIS was submitted to the Town on June 28, 2013 and it was reviewed by the Town Planning Board and the consultants to the Planning Board and certain deficiencies were noted; and

**WHEREAS**, by Resolution adopted August 7, 2013 the Planning Board, as a result of such deficiencies, determined that the DEIS was incomplete; and

**WHEREAS**, on September 24, 2013 the Applicant submitted a revised DEIS; and

**WHEREAS**, on September 24, 2013, the Town Council of the Town of Ballston adopted Local Law 3-2013 which local law removed the Proposed Action as a permitted use in the Industrial Zoning District, thus terminating the Planning Board's jurisdiction to review the Proposed Action; and

**WHEREAS**, on July 3, 2014, Local Law 3-2013 was declared null and void by Order of the New York State Supreme Court; and

**WHEREAS**, on July 30, 2014, the Applicant appeared before the Planning Board to request that the Planning Board deem the revised DEIS complete and to publish the requisite SEQRA notices; and

**WHEREAS**, on July 30, 2014, the Planning Board determined that it required time to review the revised DEIS as the Planning Board had ceased its review upon the adoption of Local Law 3-2013 on September 24, 2013; and

**WHEREAS**, the revised DEIS has now been reviewed by the Planning Board and the consultants to the Planning Board and certain deficiencies were noted;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Planning Board hereby determines that the revised DEIS is NOT complete and NOT sufficient for public review pursuant to the requirements of SEQRA as set forth in the attached letter dated August 20, 2014 prepared by the consultants to the Planning Board which is hereby incorporated by reference in this resolution,, as well as various comments offered for the record by other Planning Board members;

**BE IT FURTHER RESOLVED** that the Planning Board requests that the identified deficiencies be addressed and the DEIS be resubmitted by the Applicant, with the understanding that the review is on-going and that more deficiencies may be identified by Planning Board members and the Town's traffic consultants, before the Planning Board's regular September, 2014 meeting.

**RESULTS OF THE VOTE ON THE ABOVE RESOLUTION:**

**Roll Call Vote:**

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Chairman Richard Doyle	<u>X</u>	---	---
Vice Chair Jeffrey Cwalinski	<u>X</u>	---	---
Josephine Cristy	<u>X</u>	---	---
Derek Hayden	---	<u>X</u>	---
Lee Ramsey	<u>X</u>	---	---
John Van Vorst	---	<u>X</u>	---
Audeliz Matias	<u>X</u>	---	---

Resolution filed with Town of Ballston Town Clerk on 8-28-2014  
*R. Doyle*  
 8/27/2014

**Involved Agencies:**

Town of Ballston Zoning Board of Appeals  
P.O. Box 67  
Burnt Hills, NY 122027

Saratoga County Planning Department  
50 W. High St. # 5  
Ballston Spa, NY 12020-1979

Saratoga Sewer District No. 1  
Routes 4 & 32, P.O. Box 550  
Mechanicville, NY 12118

New York State Department of Transportation -- Region 1  
328 State Street  
Schenectady, NY 12305

New York State Department of Environmental Conservation  
Region 5 -- Warrensburg, NY Sub-Office  
232 Golf Course Road  
Warrensburg, NY 12885

**Interested Agencies/Parties:**

New York State Office of Parks, Recreation and Historic Preservation  
Peebles Island Resource Center  
P.O. Box 189  
Waterford, NY 12188-0189

Department of the Army  
ATTN: CENAN-OP-R, Brad Sherwood  
US Army Corps of Engineers, New York  
Upstate New York Field Office  
1 Buffington Street  
Watervliet Arsenal  
Watervliet, NY 12189-4000

United States Fish and Wildlife Services  
New York Field Office  
3817 Luker Rd.  
Cortland, NY 13045

Citizens for a Clean Environment  
C/O Caffry & Flower  
100 Bay Street  
Glens Falls, NY 12801