

Town of Ballston
Planning Board

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: December 17, 2014

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

Chairman Doyle called the December 17, 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 November 19, 2014 minutes. Mr. Hayden submitted minor grammatical changes.

MOTION: Mr. Hayden made a motion to accept the November 19, 2014 minutes as amended. Mr. Cwalinski seconded the motion and all present voted in favor **CARRIED**.

Chairman Doyle stated a motion was omitted in error at the July 30, 2014 Planning Board meeting and read the following motion - **New York Development Group, 253 East Line Road, Ballston Lake, NY 12019; 239.-7-1 (Major Subdivision)**

MOTION: Mr. Cwalinski made a motion to approve Lands of Kelley as described on the drawing revision dated June 11, 2014, subject to the resolution of the engineering comments. Mr. VanVorst seconded the motion. Mr. Munsey stated the motion is contingent upon the applicant's receipt of the ACOE permit and that the applicants comply with requirements of the OORHP letter dated June 16, 2014. Mr. Cwalinski stated the motion is subject to Park and Rec fees of \$1,000.00 per unit payable at issuance of building permit. **CARRIED**.

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OLD BUSINESS:

Dolomite Products Inc., Curtis Industrial Park (Site Plan Review) Stephanie Ferradino, Esq., Peter Zeh, with Dolomite Products and Stephen Le Fevre, P.G., with Barton and Lajoudice, Adam Schultz, Esq., and Michelle Piasecki, Esq., with Couch White were present on behalf of the applicant.

Ms. Ferrandino stated this process started in the summer of 2011 for filing applications in front of the Planning Board and Zoning Board of Appeals and the Zoning. In 2012 the Planning Board issued a Positive Declaration, which triggered the preparation of the DEIS. Scoping occurred in order to vet the issues to be studied in the DEIS – that was a public process with the public contributing to the comments with regard to those studies. The DEIS proposed drafts were submitted in June and September 2013; current version was submitted in 2014 in September. At the September 24, 2014 meeting the DEIS was deemed complete and that is the subject of tonight's meeting.

This project is a hot mix asphalt plant located on ten acres in the Curtis Industrial Park. The plant equipment, the control house and the roadways occupy about two and half acres of this ten acre site. The remaining seven and a half acres are utilized for green space primarily, but also for aggregate storage. There are two types of asphalt plants that are typical in the industry – batch plants and drum plants. This proposal seeks to locate a batch plant at the site. Batch plants produce custom asphalt mixtures which are tailored to the client's needs – each order is custom made in batches. In contrast a drum plant utilizes a continuous mixing process designed to service larger projects by producing a uniformed type of asphalt for an extended production run. This plant is one of the smallest available on the market - the production is based on demand so significant periods of inactivity are followed by periods of production. The maximum hourly output of the plant is limited by plant equipment, the batching size, the time and frequency of the truck loading process. This facility would be open in April through mid-November. The normal hours of operation would be from 7:00 a.m. to 4:00 p.m. Monday through Friday. Occasionally night and/or weekend hours may occur based on demand with four employees at the site. Tonight's meeting is the continuation of last week's public hearing and is limited to the issues vetted in the public scoping process and studied in detail in the DEIS.

Chairman Doyle opened the public hearing at 7:47 p.m.

Pam Duncan, 104 Lake Road stated good points were made last week including a few she would like to reiterate. The emissions data in the DEIS were calculating using different numbers of hours in different places in the report. Some used hours per year (8,760 hours) and others used operating hours per year typically from April to November about (1, 876 hours). Using the actual hours of operation increases some of the average emissions by a factor of four and half times putting over the EPA DAR-1 allowable threshold. The air permit application in the DEIS is

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for 450,000 tons per year of production that translates to nine hundred million pounds per year production – “I don’t want to breathe any of it - even if it might meet the NYSDEC standards.” Noise is another issue and would expect to hear the clang of tailgates on the mega trucks as they unload raw material, the noise of finished product being loaded into the trucks from conveyor belts and the roar of the truck engines themselves. Dolomite says they may have to operate evenings and weekends wherever there is a need for a special order. Ms. Duncan states if we (the board) o.k. this, the plant then has the potential to keep this extended work schedule at any time, but of course it would only happen in the Spring, Summer and Fall when our windows are open and outside more and can hear the noise smell the stench and see the lights more. House values in the surrounding areas will fall – just ask yourselves if you would buy a house and live within a quarter of a mile, half mile or even one mile of an asphalt plant if you had a choice. Such an operation does not belong near a nature preserve with the Herron Rookery or near hiking and bike trails nor anywhere near people’s homes and children.

Hank Cardinalli, 13 Kingsbridge Ct. Dolomite’s initial presentation to the board and the public that he attended contained this representation if not an outright lie on the expected amount of traffic. Under pressure Dolomite ultimately revised the number significantly upward. Mr. Cardinalli asked, why do business with a company that is deceitful? Dolomite requires a height variance and asked why grant a height variance to a business that would cause numerous adverse impacts on the town and its residents. Dolomite requires a noise variance – why grant a noise variance to a business that would cause numerous adverse impacts to the town and its residents.

Alice Rubin, 59 Outlet Road stated that she and her husband strongly oppose the proposed asphalt plant. Ms. Rubin stated that her husband is asthmatic and concerned about pollutants. We hear promises and reassurance, but the history of Oldcastle Materials that owns Dolomite and its subsidiaries have given us reason to disbelieve them, but there has been anti-trust and price fixing activities – they settled in Florida in 2012 and accused of fraud in January 2014 (Cadillac Asphalt – Michigan Paving), which his another one of their Oldcastle subsidiaries agreed to pay 3.8 million dollars to resolve allegations of fraud against the Federal Disadvantages Business Entity Program. In Opelika Alabama Oldcastle subsidiaries paid the city 1.1 million dollars for numerous sink holes, loss of spring water (water is a big issue around here). They have been accused and shown to have violated the anti-pollution limits – burning limits. With this kind of history if Dolomite comes here, are they ready to put up monies to put up an escrow account in case the promises that they make fall through in case the pollution levels are too high – how are they going to ameliorate it. Ms. Rubin stated that Dolomite, Oldcastle and subsidiaries have well established reputations of violations of laws and regulations and diminishing local living conditions – this is not a neighbor that we need.

Bill Shaw, 12 Everson Way wanted to thank the board for continuing the public hearing for those of us who were not able to make it last week. Mr. Shaw said in October he went out to

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get the newspaper and the stench in the air was incredible – it's something Meteorologists refer to as an inversion. Inversions occur when the ground gets cold and warm air comes in over top of that and prevents any smoke and fume from rising where they normally would – they tend to hug the ground. Mr. Shaw said that day there was a lot of petroleum smell in the air and probably sure it was coming from the Northway and some of the industries. Although inversions are not all that common they are not all that rare especially in the spring and fall and if we go adding another source of particulate matter to the atmosphere, does not think it is going to be good because we have the Northway and particles from tires being worn out. We also have a certain particulate matter in the air that comes from West Milton – they have a certain level of emissions that they are allowed to do with radioactive materials from their operation. To add another source of emissions to an area where so many people live and work is not such a good idea and would ask the board not to grant this permit.

William Simard, 41 Ave. B said he has not seen anything addressed about the hot liquid asphalt (which normally comes in tank cars by rail) is going to get to the plant. Mr. Simard went to the site and there are tracks leading to the proposed site and is concerned with those tracks which are not in that great of a condition and derailments that happen quite often with the lumber that is unloaded there. Is there any type of contingency plan in case that hot liquid asphalt tank cars, which are more dangerous were to tip over, spill or explode – is there any emergency response plan. Has anyone looked into this if they were going to bring those over the roads through the town and would worry about where those trucks would be going? Mr. Simard asked if anyone has looked into a way to scrub everything that is coming out and put a scrubber on top of the plant to actually clean all the emissions that have a waste site to actually remove everything before it's released (nothing dangerous released into the air). Mr. Simard stated he resides a half a mile away in Malta and said the wind comes from the west to the east and will "hit us" more than Ballston and impacted dramatically.

Bob Gomez, 24 Everson Way said right now the traffic on Route 67 backs up beyond Curtis Lumber from the intersection of Route 67 and East Line Road regularly in the morning and afternoon – the roads can't even take the traffic that we have now. The road is going to have to be improved and have seen Curtis Lumber ask for a traffic light and what did they get "nothing." The state is less than responsive to the requests of everyone involved. There is a rail line that is carrying a large amount of crude and it's very flammable – the County of Albany already has said "we don't really want this and have to deal with this." Who is going to bear the cost of the training of our volunteers, their equipment and the plans of it? It should be the plant because they are bringing in this problem. The fume mixed with the flammable liquids creates a danger that has to be dealt with and considered. Traveling west bound on Route 67 is the underpass, which is a narrow street "choke point" and "throwing everything we have in there" and now have big trucks coming in and can't really run trucks and have to go back to the Northway. We have to have the infrastructure to take care of it and the state is not taking care of it.

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Craig Scavullo, 24 Everson Way stated the DEIS proves that it will violate the zoning code emissions standards §138-14 A “requires no emissions of excess smoke, fumes, gas, dust or other pollutant beyond the boundary of the users lot. Table 4.1.2-3 shows that the model emissions for four of the nine hazardous air pollution and asphalt air emissions will exceed the annual guideline concentrations at the lot line, therefore this application should be denied because it cannot meet the standards of the Town of Ballston’s zoning code. Page 14 of the DEIS states the aggregate content contains moisture from outdoor storage and would also be wet downed to control dust emissions – this has to be dried out by the burner resulting in excessive emissions. The town should require an enclosed aggregate storage facility to capture the dust and prevent the aggregate from getting wet. Page 21 – The plant will not be required by NYSDEC to submit an annual emissions statement and feels the town should require an hourly monitoring program reportable to the town building department. Mr. Scavullo stated that he feels that Dolomite should provide funds to the town for this monitoring program and should establish an escrow account to pay for the potential violations of this air quality review. Page 28 – Mentions possible mitigations for emissions – the list does not mention the following suggestions made by Blue Neils December 2011 report. The semi enclosed truck loading area, scavenging duct system in a load out area to recapture fugitive emissions, enclosed aggregate storage facility, use of a hot screen mixer at the gas fire dryer to catch the phosphorous. Page 29 – No other mitigation efforts are required or proposed by the facility the town should be required for the facility to use all available BMP’s. Mr. Scavullo said the bottom line is “please do not let this happen to our town, our families and our children.”

Ian Murray, 824, 830, 838, 934 Route 67 said thank you Mr. Chairman and the board for the job that you do; it’s a thankless job. The Town Board and the Planning Board underestimate the impacts of this hot mix asphalt plant will have on our community. Huge quality of life impacts to the residents and the businesses that surround the proposed application. The proposed application has absolutely no benefits to the town or its residents – both in the standard of living of economically. The planned economic development of this corridor – if you let the trucks on this road as this application is approved; you will never see any development or tax dollars come from that area – this will push all the traffic on the rural roads that is currently there now that everybody has brought to light tonight and very well aware of. There will be no sales tax generation for the town and the creation of only four jobs. Noise from night time operations at that the proposed plant either by manufacturing or reloading of raw material products. § 4.2 of the DEIS – Transportation §4.2.3 states “possible mitigation of which a turn lane is proposed. The proposed mitigation measure will not fit in the DOT right-of-way (ROW). No engineering was done prior to this possible mitigation scenario. This proposed mitigation measure will require more road surface area, improved geometric layout of the road, major drainage realignment and the possible taking of land of which the county owns the land to the south, which is the county ROW for the sewer line and Mr. Murray owns the land to the north. Mr. Murray requests that the applicant provide an engineered design for this work as

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part of the DEIS. §4.13 of the DEIS – Other areas with potentially non-significant impacts, §4.13.2 – Agricultural resources states that the project will not have an impact on agricultural resources. This is a total false statement and has not been addressed in the DEIS. Mr. Murray stated that his family has been a member of this community since 1975 and are an agricultural and horticultural business located within the Industrial District, have NYS Ag and Markets license and regulated by such. The proposed application will have a large impact on our growing operations of our business – impacts that need to be addressed is dust from the unimproved industrial road, SWPPP plan for the industrial road has not been submitted. As you know the Town Board passed the zoning amendment that prohibits heavy industrial activities like Dolomite's asphalt plant. Dolomite sued the Town Board to challenge the zoning amendment. The court has not ruled on Dolomite's claim yet. It is our position that you are not subject to court order since the Planning Board was not named as one of the parties, therefore you should not process this application because it is prohibited under the 2014 zoning amendment, however assumes that you (the board) are going forward with an abundance of caution. In any case, we ask that you (the board) use the zoning amendment as one of your reasons for denying this application. Remember the court order does not say what you (the board) have to decide just that you (the board) have to review the project and make a decision. Given the adverse impacts to the project and its failure to comply with the pre amendment zoning code should decide to deny this application. Mr. Murray stated in his experience on the Planning Board always kept the public hearing open until final EIS was accepted and urge you (the board) to do the same. Town Law 272 A – Among the most important powers and duties granted by the legislature to a town government is the authority to and responsibility to undertake the town comprehensive planning and regulate land uses for the purpose of protecting the public health, safety and general welfare of its citizens. Town Law 272 D – Land use regulations – a law or local law enacted by the town for the regulation of any aspect of land, use or community resource protection that includes any zoning, subdivision, special use permit or site plan regulation or any other regulation that prescribes the appropriate use of the property or the scale, location and intensity of the development. Mr. Murray stated he urges the board to deny this application.

John Hufford, 13 Sherman Way stated Dolomite does not need this plant and currently operates in Saratoga just fine. Their parent company just recently paved Route 67 west to Amsterdam – it did so as the low bidder for that project. Dolomite also paved Route 146 from Clifton Park to Glenville and all that work was completed at night. The DEIS should be thrown out and redone. It needs to analyze the impacts of greater production and the Planning Board must place restrictions on plant if they approve it to limit its output to the 100,000 tons it outlines – who will monitor. The Planning Board should just deny the application because of the negative impacts based on the application alone – 100,000 tons are too great. Mr. Hufford said it took him ten minutes to get from Stewart's to the Northway. There were three semi-trucks that pulled out during that time and honestly those trucks are much safer – the drivers are unionized, teamsters and most are self-insured. The drivers that drive the dump bodies

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trucks that hauls the asphalt are all unlisted drivers - "there are some guys that have the CDL to cover their backs, but when those guys calls in sick, it's a 20 year old kid getting behind the wheel of those things and driving them around and see it every day." The applicant has tried to deceive us from day one – putting up those pictures showing only 10,000 lbs. trucks. These are going to be 30,000 ton dump body trucks and asked how much fill they are going to have in them. Lastly, someone wise told Mr. Hufford that you deserve what you tolerate.

Dan Symer, 42 Sherman Way stated as a young resident of the Town of Ballston, is opposed to Dolomite's site plan and application and hoping that you (the board) as my representative consider the following – There are major traffic concerns – Route 67 has enough traffic and during peak times of the day is congested and cement trucks will only add to this congestion. The asphalt plant will also have a negative impact on property values thus decreasing the desire of having people relocate to the area or purchase a home in one of the new housing developments in the area. The DEIS also needs to be considered having a very close relative to my mother develop breast cancer without any family history leave me to wonder what environmental issues contributed to her diagnosis and hope to limit these and not impact them. Please consider a Positive Declaration on the environmental impact of Dolomite and deny their application.

Liz Kormos, 89 Hyde Blvd. stated the DEIS pointed out that they are a considerable distance from residences, but as you heard before are very close to businesses particularly one of her favorite Brookside Nursery. Being largely an outdoor facility can't imagine if there are asphalt smells and dust will dramatically impact their business and just does not belong here and does commend you (the board) for declaring a Positive Declaration and having the applicant do these studies and urges the board to do the same for the Wal-Mart project.

Kathleen Barclay, 18 Kingsbridge Ct. stated she and her family decided to build in the Chapel Hill Development because it overlooked the beautiful valley, it was a nice up and coming community and was not a community of heavy industry. A representative from Dolomite said production will be from April to mid-November and that is when her kids are outside riding their bikes and are directly down wind. We are going to inhale and smell all the carcinogens that are coming out and see the gigantic plume coming out. The proposals being set forth by Dolomite are dramatically underestimating what we are going to be able to see from our community. "The visual analysis is relying on off-site vegetation as blocking our view" – they have no control over the people that own that off-site vegetation and insincere at best to say that we will not see that. Ms. Barclay has two pictures showing what the plume will look like; it's coming up above our houses and will be visible to constantly remind us of the carcinogens that are coming out. Ms. Barclay said that she did not choose to raise her children in a heavy industry community subjecting them to harmful chemicals. If you go onto the town's website you will see that this is a Farm's First Community and pride ourselves on that and do not see how we can conceivably go to a Farm First Community to one that is supporting heavy industry

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polluting the air - do we want to be Watervliet or do we want to be a family of communities, small businesses and a community of farms. It's a slippery slope to allow this in and will open the flood gates. Lastly, we are a family of farms and families and not a community of heavy industry and urge the board to deny this application.

Jan VanDeCarr, 15 Sherman Way stated that a couple of years ago there were site visits at the Watervliet facility, however at the time the facility was not venting the plume of smoke as depicted in the picture shown by residents. It's very important before any decisions are made that the community and the board's see that plume of smoke first hand. Mr. VanDeCarr said he worked in Albany at the time and drove by it numerous times and sometimes would write down the date and time and does have a record of instances of the plume of smoke is quite visible – sometimes over 200 ft. Mr. VanDeCarr asks that the traffic study be revisited and learned today that the state issued a casino license to a developer for the City of Schenectady and would have to believe that some of that traffic coming from the north will take I-87 and get off at exit 12 take Route 67 over to Route 50 into Schenectady.

David Hanson, 6 Jovan Ct. stated he has been to many of these meetings in the last three years and only time heard the risk of asphalt fire. Mr. Hanson has pictures from last month in Houston – there was obviously a pretty big explosion and is not something we need near our neighborhood. Mr. Hanson said we looked at a picture of a plume from Beacon Hill – that goes from safety to esthetics. After attending these meetings the representatives from Dolomite there have been half-truths – there is arrogance and smugness at any one of the meetings and as a parent and a member of the community finds it despicable that we are still talking about this. We are here for the community and more importantly for each other and urge the board to keep the public hearing open until the final EIS is accepted more importantly deny this application.

Wes DeVoe, 196 Westside Drive stated that page 92 of the DEIS states the four remaining wetlands in a project site are not hydro logically connected of any others wetlands of waters found on or off the site. Mr. DeVoe stated he assumes that also includes Ballston Lake. The northern end of Ballston Lake is close from Outlet Road and the wetlands to this site. If there is any kind of pollution with one wetland on the site, there are liable to be problems with the lake itself. The lake community works very hard to keep this lake in good condition and does not want to see anything happen that is detrimental. According the Saratoga County mapping the project does contain NYS wetlands and is in a floodplain. Mr. DeVoe thinks this has to be revisited and take another look at it to make sure the wetlands are protected including Ballston Lake, which is not on the site, but is right next door.

Adam Schultz, Esq., Couch White EXHIBIT (1) (2) (3) (4) (see attached)

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Richard Solosky, 268 Lake Road stated he lives right across from the creek where this plant might be. Mr. Solosky has the privilege of living in ten acres connected to another possible 100 acres – the land is completely amazing. There are foxes, herons, bald eagles and beavers – the animal life is amazing; it's like you're in the Adirondacks. There are fish in the creek and turtles – everything and would be ruined with something like this.

Kevin Batsinger, 12 Kelly Meadow Road stated he rows on the Mohawk and every day passes the Lighthouse and there is an asphalt plant near and operating - it's very acrid and fills your lungs and is not pleasant to go through. Mr. Batsinger respects that they are trying to develop a business, but frankly does not think we have a need for their product here and personally would not like to be affected by toxic chemicals.

Bill Pettis, 16 Kingsbridge Ct. stated that he lives within a half a mile within this proposed asphalt plant. Mr. Pettis cannot believe that he is here tonight and should be watching Jeopardy or something and cannot believe – what is the view of this town. Years ago this was an agricultural/country hometown. We know the suburbs are growing towards Saratoga Springs. Mr. Pettis said, "Are we going to put an asphalt plant in the center of Ballston – he cannot believe it." Mr. Pettis said he knows the board has to listen to both sides of this argument and our housing values are going to drop. "Were paying the highest taxes in the nation and you are going to put an asphalt plant right next to me - am I going to lose my investment because Dolomite is going to put an asphalt plant?" Mr. Pettis said to look at the people here – they are the faces – they're Ballston Lake – Town of Ballston. "These people are the town." Mr. Pettis said knows the board will have great wisdom and judgment on this issue and the decision you (the board) will last for years and years – make the right decision.

J. D. Wood, Eastside Drive said he is a cancer survivor and are going to add some particulate matter – a threat to him and his family and everyone else. Mr. Wood said his property is on Ballston Lake and is his 401K, which will diminish his property values, lake, wildlife and open spaces. The master plan that we had about our community – it's all about our sense of community, what our identity is about (Town of Ballston) and Malta – we don't need this crap and I'm not going to be bullied into it and neither should you.

Brian Digman, 45 Sherman Way stated the projects that Dolomite just reviewed the letters (read into the record by the applicant) are not located on Route 67 and not in our town, therefore they are not applicable. Mr. Digman said, "Please board do not let Dolomite intimate us because those projects do not have our traffic issues, environmental issues and are not the same plants." The sales tax is not applicable here and the town should not expect revenue. At best, will see four employees, so while interesting they don't apply.

Ryan Seymour, 94 Connolly Road stated for someone who has just recently graduated college, looking for a job and looking for a place to live to call a home can guarantee will not be

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anywhere near an asphalt plant. Mr. Seymour said no one his age is looking to move into an area where there are possible carcinogens and will push out the younger generation and no one new will come in – what's that going to do to the town.

MOTION: Mr. Cwalinski made a motion to close the public hearing. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

New York Development Group, 253 Eastline Road; 239.-2-7.1 (Major Subdivision) 132 Residential Lots – EXTEND APPROVAL. Scott Lansing, P.E., CPESC, CPSWQ with Lansing Engineering, PC was present on behalf of the applicant. Mr. Lansing asked for the board's consideration for extending the approvals for the Kelley Farm residential subdivision. Approvals were received on July 30 2014 and extend to January 30, 2015. Since the approvals from the town, the applicant has been working with Saratoga County Sewer District, NYSDEC and NYSDOH to obtain their approvals. Mr. Lansing said, "Everyone is in line with the exception of NYSDOH and feels confident with this one extension of the approvals should be able to wrap up the project and get the plans filed." The request is to extend the approval from January 30, 2015 to July 30, 2015.

Mr. Cwalinski asked if there were any changes. Mr. Lansing replied no changes other than the minor changes, documents that the various agencies have required and can provide copies of the responses and approvals from the agencies to the town for the board's review.

Mr. Cwalinski asked about SEQRA and site plan considers. Mr. Lansing replied no, not in his opinion.

Chairman Doyle opened the public hearing at 8:45 p.m.

Chairman Doyle closed the public hearing at 8:46 p.m.

No one wished to speak.

MOTION: Mr. Cwalinski made a motion to grant the extension of the Kelley Farm subdivision. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

NEW BUSINESS:

F. W. Webb, 1 McCrea Hill Road; 228.-3-68 (Site Plan Review) Building mounted sign. Roger Keating with The Chazen Companies was present on behalf of the applicant.

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Mr. Keating stated the applicant is requesting a new non lit logo sign on the new recently constructed building expansion on the westerly side just above the loading docks. A basic site plan was provided in the application.

Ms. Matias has a concern for trucks loading and unloading at the docks.

Chairman Doyle opened the public hearing at 8:50 p.m.

Chairman Doyle closed the public hearing at 8:51 p.m.

No one wished to speak.

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

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

MOTION: Mr. VanVorst made a motion to approve the sign for F. W. Webb as described on drawing dated November 12, 2014. Ms. Mastias seconded the motion and all present voted in favor. **CARRIED.**

Ballston Spa Diner, LLC 1475 Route 50; 228.6-1-5 (Special Use Permit) Open existing restaurant. Rose McKenna, Esq. was present on behalf of the applicant Teddy Sourlis.

Ms. McKenna stated that Mr. Sourlis is an established diner operator and leasing this space from Racemark International and proposes to have a family diner.

Ms. McKenna stated that no alterations to the outside of the building are proposed and no significant interior alterations.

Mr. Hayden asked the hours and days of operation. Mr. Sourlis stated seven days a week – 7:00 a.m. to 8:00-9:00 p.m.

Mr. Hayden asked if outside seating is proposed. Mr. Sourlis replied no.

Mr. Cwalinski asked about signage. The applicant will stay within the footprint of existing sign (Ballston Spa Diner).

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A further discussion was held on the shared driveway to the north.

Mr. Hayden stated that the plan shows 50 spaces and 44 spaces are required per the town code and asked if there will be enough parking.

Mr. Hayden asked if the applicant is planning to restripe the parking lot.

Mr. Cwalinski would like to see a site plan describing the parking – “where it is and where the handicap spaces are.”

Mr. Sourlis stated the four handicap parking spaces are marked.

Ms. Serra stated last year when the other applicant did have a very basic site plan – it would not need to be an engineering plan, but just showing the 50 parking spaces to show that you are in compliance with the town code.

Ms. Serra stated because it was previously used as a restaurant and not expanding the size of the restaurant, that the existing curb cuts with DOT is acceptable.

A further discussion was held on existing curb cuts.

Mr. Cwalinski stated that he would like to eliminate the curb cuts on Route 50.

Mr. Cwalinski asked about the delivery schedule. Mr. Sourlis stated deliveries are between 9:00 a.m. to 12:00 p.m. Monday through Thursday.

Mr. Cwalinski asked about banquet facilities. Mr. Sourlis replied no banquet facilities are proposed.

Chairman Doyle said “This was a restaurant at one time and did have a banquet facility and all cars did fit into the parking spaces.”

Mr. DiPasquale asked if the septic system issues have been addressed. Ms. McKenna stated they were remedied by the landlord.

Ms. Serra asked if the grease trap was installed. Ms. McKenna replied yes and received confirmation from the landlord’s council that all those items were remedied. Ms. Serra asked the applicant to submit updates to the building department.

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Ms. Serra said, "Sanitary sewer is coming down in front of your building probably within the next year and condos that are going to be built north of you and would be advantageous for you to tie into public sewer and that way are not worry about septic systems."

A member of the public asked the type of restaurant that is being proposed. Ms. McKenna stated a diner with diner cuisine.

A further discussion as held on the existing septic system.

A further discussion as held on the parking plan – application states 50 spaces and at least two handicap spaces.

Chairman Doyle opened the public hearing at 9:09 p.m.

Liz Kormos, stated she welcomes the business to the neighborhood and will be an asset to the town.

Paul Simpson, stated he thanks the board for clearing up the need to a special use permit and would give an approval contingent on the items received so he can add to the community and nice to have that site open – it's been a long time.

Robert Richter, stated he owns the apartment building to the west of said property and said there is a huge problem with the septic system.

Chairman Doyle said we have reports from two different contractors and talked about the upgrading.

Ms. Serra stated she recommends to the board that any special use permit be contingent upon obtaining the record from and the engineer inspecting it. The information from August is from a contractor; so to be clear there needs to be a licensed professional engineer from NYS stating that the repairs are made – not just the contractor, which is a standard NYSDOH regulation.

Chairman Doyle closed the public hearing at 9:11 p.m.

Chairman Doyle read the four criteria for a special use permit.

1) The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of the adjacent districts. The board stated no issues.

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2) The location and size of the use, the nature and intensity of the operation involved or conducted in connection therewith, its site layout, and its relation to streets giving access to which shall be of such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. The board stated no issues

3) The location and height of buildings, the location, nature and height of walls and fences, and that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof. The board stated no issues.

4) The public convenience and welfare will be substantially served and appropriate use of neighboring property will not be substantially or permanently injured, subject to appropriate conditions and safeguards as determined necessary to promote the public health, safety and welfare. The board stated no issues.

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.**

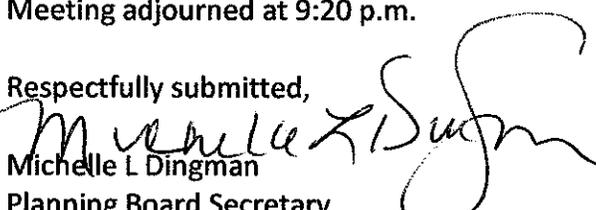
MOTION: Mr. VanVorst motioned to declare this an unlisted action under the SEQR process therefore will declare this a Negative Declaration under the SEQR process. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Cwalinski made a motion to accept the special use permit for the restaurant at 1475 Route 50, Ballston Spa, NY subject to them obtaining an inspection report from a licensed professional engineer regarding the condition of the septic system and tie into the sewer system within a year after it is dedicated to the Saratoga County Sewer District and that they provide a site plan showing parking in which is agreeable to the town engineer. Ms. Cristy seconded the motion and all present voted in favor. **CARRIED.**

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

Meeting adjourned at 9:20 p.m.

Respectfully submitted,


Michelle L. Dingman
Planning Board Secretary

Enclosures



TOWN OF GRAFTON

Established in 1807

P.O. BOX G, Grafton, New York 12082

(518) 279-3565 - (518) 279-3685 (Fax)

Email: grafton_supervisor@verizon.net

www.townofgraftonny.org

12/16/2014

Mr. Richard Doyle, Chairman
And members of the
Town of Ballston Planning Board
323 Charlton Road
Ballston Spa, New York 12020

Dear Chairman Doyle:

It has been brought to my attention that Callanan Industries is seeking to establish a processing facility in the Town of Ballston. I am writing in support of this business to let you know that Callanan Industries has operated a stone quarry located on the Brunswick / Grafton town line for in excess of thirty years. Their operation has been trouble free & professionally operated throughout this period, our code enforcement people state they have had no issues with this operation & they have been receptive to any suggestions offered by our officials. I speak not only as our town's supervisor but also as a neighbor. My personal residence is located on the peak adjacent to their quarry, less than half a mile as the crow would fly, I have been there forty five years and never had a complaint or issue regarding their operation of their mine.

In addition to being a good neighbor Callanan Industries has supplied the Town of Grafton with quality stone products (Item #4, crushed stone in various sizes, crusher run, etc.) at reasonable rates, these materials are used to maintain the sixty plus miles of the gravel roads in our town. They have also been very supportive & helpful to our town's highway department frequently making donations of materials. They have and continue to be a valued taxpayer & business partner in the Town of Grafton. I hope this information is useful to you during your review process. Feel free to call if you have any questions or wish to discuss any of these comments, my cell number is 518-788-5100, my email is grafton_supervisor@verizon.net.

Town of Grafton
Code Enforcement Officer

Very truly yours,

Francis M. Higgins
Supervisor, town of Grafton

Exhibit (2)



TOWN OF 
THOMPSON

William J. Rieber, Jr.
Supervisor

4052 State Route 42 • Monticello, New York 12701-3221

(845) 794-2500 Ext. 306 • Fax: (845) 794-8600

Email: supervisor@townofthompson.com

December 16, 2014

Mr. Richard Doyle, Chairman
and members of the
Town of Ballston Planning Board
323 Charlton Road
Ballston Spa, N.Y. 12020

Dear Chariman Doyle and Planning Board Members:

I have been asked to write a letter of support for the Dolomite project public hearing to be held on Thursday. Dolomite is a subsidiary of Callanan Industries. Due to short time constraints I am authorizing Callanan/Dolomite to submit this letter as part of the official record. I will mail a hard copy to you as well.

Callanan Industries purchased the asphalt and aggregate business previously operated by Sullivan Highway Products many years ago. They have operated the Bridgeville plant in our Town ever since. In my thirty years on the Town of Thompson Board I have only known Callanan to be a good corporate citizen. They run a clean and efficient operation and provide many well paid jobs. On the very few occasions when there were question or concerns from residents I have found that Callanan bent over backwards to respond in a timely and positive manner.

I urge you to consider the application of Dolomite in a positive way. Economically there will be a boost in employment and the municipalities should benefit from more competition. I am sure Callanan's subsidiary, Dolomite Products will do what they say they will and they will not disappoint.

If you wish to discuss this further please feel free to give me a call.

Thank you.

Yours very truly,

A handwritten signature in black ink, appearing to read "William J. Rieber, Jr." with a stylized flourish at the end.

William J. Rieber, Jr.
Supervisor of the Town of Thompson

cc:

Callanan Industries

Attn: Kevin Maher Via email only to: kmaher@callanan.com

Exhibit (3)



Town of Brunswick

Supervisor Philip H. Herrington
336 Town Office Road
Troy, New York 12180
Tel. (518)-279-3461
Fax (518) 279-4352

July, 22, 2013

The Honorable Patricia Southworth
Supervisor Town of Ballston
323 Charlton Road
Ballston Spa, New York 12020

Dear Supervisor Southworth:

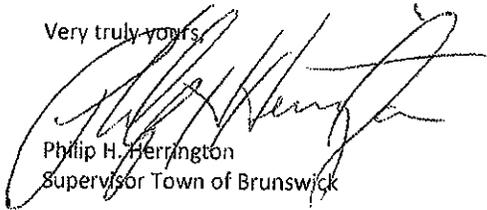
I am advised that Callanan Industries is currently seeking to construct a facility in the Town of Ballston. While I would not presume to intervene in your review process, or even offer an opinion on the merits of the application, I would like to take the liberty of offering some general comments for your consideration about Callanan Industries and the business in which it engages.

Callanan Industries has operated a stone quarry on NYS Route 2 in the Town of Brunswick for some thirty (30) years, contributing to our tax base and providing employment opportunities and trade within our Town. The Town of Brunswick does business with Callanan Industries on a regular and ongoing basis purchasing, for the most part, crusher run, rip rap, stone dust and other related materials for use by our Highway Department in maintaining our roads and other infrastructure. I have found Callanan to be, in all respects, a reliable and responsible company with which to do business, providing quality product at a reasonable and competitive price. We have also found Callanan to be supportive of our youth programs, often donating materials from its quarry to maintain and improve our athletic fields.

While, to be sure, stone quarries, asphalt plants, and the like are not the most popular of projects these days, the materials and products they provide, and the companies that operate them, contribute to the construction and maintenance of the transportation infrastructure in this State, which, in turn, supports our local economies and tax bases. Moreover, as regular and frequent consumers of highway construction and maintenance products, municipalities such as ours stand to financially benefit from the competition which would inevitably result from the approval of new, properly sited and environmentally sound asphalt facilities, such as the one now under consideration in your Town.

In my view, Callanan Industries has proven itself to be a valued business partner, responsible taxpayer and corporate citizen, and a good neighbor, in the Town of Brunswick. Should you have any questions, or if you wish to discuss my comments, please do not hesitate to contact me at your convenience.

Very truly yours,


Philip H. Herrington
Supervisor Town of Brunswick

Exhibit(4)

TOWN OF COEYMANS

18 RUSSELL AVENUE
RAVENA, NEW YORK 12143
(518) 756-6006 FAX (518) 756-1991

STEPHEN D. FLACH
SUPERVISOR

GEORGE E. LANGDON
PETER E. MASTI
COUNCIL

KENNETH A. BURNS
THOMAS E. DOLAN
COUNCIL

December 15, 2014

Mr. Richard Doyle
Planning Board Chairman
Ballston Town Hall
323 Charlton Road
Ballston Spa NY 12020

Re: Dolomite Paving Plant Project DEIS

Dear Chairman Doyle:

I am writing to voice my support for Dolomite Products, which I understand is seeking to build a facility in Ballston. While I can't speak to the specific details of the plan or suggest how the town should review it, I would like to offer some general comments about Dolomite.

Dolomite has owned and operated an asphalt plant in the Town of Coeymans for many years. In fact, the plant was recently expanded in 2013 with only positive results for the residents of Coeymans. In addition to providing tax revenue and jobs to our town, the indirect spending from Dolomite in local restaurants, fueling stations and stores has been a real economic boost to our area. Dolomite has also played an important role in spurring improvements to existing local business and even generating new businesses that have emerged to take advantage of the Dolomite facility here.

Companies like Dolomite support the crucial maintenance of New York State infrastructure, like highways and roads that keep our communities thriving. Robust competition between asphalt facilities further helps to ensure local municipalities and businesses of competitive, affordable pricing.

From my perspective, Dolomite has shown itself to be a highly valued corporate citizen and good neighbor in Coeymans. I hope that the Town of Ballston will give its proposal the fair, objective consideration it deserves.

Sincerely,



Stephen D. Flach
Supervisor

Public Comment on the DEIS presented to the Ballston Planning Board
Dr. David Pierce, 110 Lake Road, Ballston Lake N.Y. December 16, 2014 Footnote#1

I have been going over the 773 page DEIS and have found the following discrepancies that I feel the applicant must further address. In the following statements the DEIS states:

1. "The odors and emissions will not affect those people living further than 1/2 mile from the project site". A Canadian study of ambient air quality states "at 12 km away from a batch asphalt plant there were demonstrated elevated levels of PM 2.5 and PM 10 that are attributed to the asphalt plant." Footnote #2
2. The emissions concentrations per hour at full production 240T/hour are 4 times more elevated than the yearly totals that Dolomite stated in the the DEIS
3. The concentrations per hour at full production of formaldehyde and carbon monoxide exceed the State permitted amounts.
4. page 9 "The DEIS was revised in response to written comments by the following parties". It failed to reference the Dec. 9, 2011 report by Blue Niles, Saratoga County Stormwater Coordinator. It did not incorporate the many BMPS that Mr. Niles suggested in his report.
5. page 12 "The plant will be open occasional evenings and weekends." Dolomites other plants are open an average of 15 extra days per year. So I calculate that this pus the work year at 189 days not the 150 that they claim.
6. page 14 "The aggregate contains moisture from outdoor storage. It also will be wetted down to control dust emissions." Then it has to be dried by the burner resulting in excessive emissions. The town should require an enclosed aggregate storage facility to capture dust and prevent aggregate from getting wet.
7. page 17 "The majority of the production goes to state, county or town paving projects." Where is the sales tax revenue? The Town should require billing information from other Dolomite asphalt plants to see the real sales tax figures based who purchased the asphalt not on tons of production. The Planning Board realizes that the Town does NOT buy asphalt directly but it shares in the buying power of the county and relies on the county to negotiate these contracts.
8. page 21 "The plant will NOT be required by NYDEC to submit an annual emissions statement". I feel the Town should require an hourly monitoring program reportable to the Town Building department. Who will monitor the 6 minute opacity requirement at 20% mentioned on page 22? I feel Dolomite must provide funds to the Town for this monitoring program. I also feel Dolomite should establish an escrow account to pay for any potential violations of this air quality review.

9. page 28 The DEIS mentions possible mitigations for air emissions . This list does Not mention the following suggestions made by Blue Niles in his 12/2011 report:
 - A. Semi enclosed truck loading area
 - B. Scavenging duct system in load out area to recapture fugitive emissions
 - C. Enclosed aggregate storage facility
 - D. Use of a hot screen and mixer at the gas fired dryer to capture phosphorus
10. page 29 “ No other mitigations efforts are required or proposed for the facility.” The Town should require the facility to use ALL available BMPs.
11. page 30 “An average of 30 truckloads will be produced per day”. However, at full production of 240T/hr there could be 12 trucks loaded per hour or 108 truckloads of asphalt product exiting per day.
12. page 33 “The 3 study intersections have accident rates that are HIGHER than the statewide average for rural intersections”. The facility could make this worse.
13. page 37. “ 22 T trucks are being loaded for a project, then 35T trucks hauling aggregate would be entering the site to supply this need”. Does the traffic report reflect this size truck impact?
14. page 37 Truck impacts are misleading and conflicting. The DEIS states that it takes 5 min. to load a 4 ton truck so there will be 12 trucks per hour. That results in 24 trucks per hour passing through the Rt 67 entrance. Add to this the 2 trucks per hour delivering aggregate at full production and you get 28 truck trips per hour.
15. page 37 Hourly asphalt production. They is stated that at full production it could produce 240T per hour. However it also stated that that its delivery rate was limited by filling 4T trucks every 5 minutes or 48T per hour. Then they stated that it could fill a 22 T truck in 7 minutes or 7 trucks per hour. This equates to a delivery rate of 154 T per hour or 3 times the tonnage claimed of 48 T per hour.
16. page 43 “ That it takes 35-40 min. to refill the silo. It will be filled during off peak hours.” If the peak morning hours are 7-8 AM the plant will have to open at 6 AM to get the silo filled for the arrival of 22T delivery trucks.
17. page 50 “The facility will impact the Zim Smith trail at the rate of 14 trucks per hour which is 1 truck every 4 minutes”. In reality, this results in 28 trucks either incoming or out going on the trail crossing in an hour or a truck every 2.15 minutes.
18. page 92. “The four remaining wetlands in the project site are not hydrologically connected with any other wetlands or waters found on or off site.”

How is this possible? Where does the water go? According to the Saratoga mapping the project site does contain NYS wetlands and is in a US flood plain.

Footnote #1 Dr. Pierce's credentials: Dr. Pierce is a retired dentist with a bachelor's degree in Biological statistics. In the past 8 years, as chairman of the Water Quality Committee of the Ballston Lake Improvement Association, he has attended over 120 hours of continuing education in environmental science. These courses were presented by Cornell, RPI, Paul Smiths, SUNY Oneonta, NYS College of Environmental Science, NYSDEC, and NYSDOH. He is a member of the Saratoga County Water Quality Coordinating Committee, New York State Federation of Lakes, and the Hudson River Watershed Alliance.

Footnote #2 Asphalt plant a serious threat, by www.whistlerquestion.com May 26, 2010 article/20100526

Dear Mr. Doyle and the Ballston Planning Board,

December 19, 2014

The decision made by Ms. Jaime L. O'Neill of the Saratoga County Planning Department in her letter of July 26, 2011 was premature and should be re-evaluated in light of the additional information in the DEIS.

1. Dolomite's application in 2011 was for 30,000 Tons per year production as stated on page 1 paragraph 2 of the Public Hearing Comments made by Dolomite dated August 31, 2011. The current application is for 100,000Tons per year stated on page 11 of the DEIS. On page 215 they state 150,000Tons per year is reasonable, and it may increase even more as Dolomite is applying for an air permit of 450,000Tons per year (page 244).
2. The DEIS published 3 years after her letter to Ballston has information that may affect her previous decision.
3. The traffic situation is more congested now than it was in 2011. The potential Walmart application and Schultz project should be taken into consideration.
4. The DEIS does not embody the Best Management Practices suggested by Blue Niles the Saratoga County Stormwater Coordinator in his report to the Town of Ballston on Dec 9, 2011. Ms. O'Neill requested that "Dolomite minimize dust in whatever manner appropriate".
5. The emission data is much different in the 2014 DEIS than it was in the 2011 original submission. This data should be reviewed at the 240Tons per hour production level which Dolomite states it will achieve at full production.

There is much more information in the DEIS that Ms.O'Neill should review to render a more comprehensive decision relative to this proposed project. Dolomite continues to quote the decision in the letter of 26 July, 2011 as justification for their project. It is NOT the same project that was reviewed by the Saratoga Planning board on July 26, 2011. The Ballston Planning Board should resubmit the DEIS and the current project to the County Planning Board for an updated review.

David Pierce
BLIA Water Quality Committee Chairman

cc: Patrick Ziegler Town of Ballston Supervisor
 Jaime L. O'Neill Saratoga County Planning Department
 Blue Niles Saratoga County Stormwater Management Coordinator