

A public hearing was held by the Town Board of the Town of Ballston on Tuesday evening, July 30, 2013 at the Town Hall on Charlton Road, Ballston Spa.

PRESENT:	Patricia Southworth	-----	Supervisor
	Mary Beth Hynes	-----	Councilwoman
	Timothy Szczepaniak	-----	Councilman
	William Goslin	-----	Councilman
	Kelly Stewart	-----	Councilwoman
	Peter Reilly	-----	Attorney for Zoning and Planning
	Carol Shemo	-----	Clerk
ABSENT:	Murry Brower	-----	Counsel

Supervisor Southworth opened the public hearing at 7:05 p.m.

The Town Clerk read the legal ad for the public hearing.

The purpose of the public hearing was to consider the adoption of proposed changes to the Zoning Law of the Town of Ballston on July 30, 2013 at 7:00 p.m. at the Town Hall 323 Charlton Road, Ballston Spa, New York regarding the adoption of proposed changes to the Zoning Law of the Town of Ballston. The changes affect the definition of manufacturing by deleting light and heavy manufacturing from the current definitions and by replacing the definitions of each with the definitions of “light industrial” and “heavy industrial” at §138-3, and by making the regulations consistent with those definitions by amending the following sections, §138-13, 138-13.1, 138-13.1.1, 138-13.2, 138-14, 138-15(E), 138-17, 138-18(C), 138-21 (A), (B) and the permitted and not permitted use tables at the end of the zoning regulations for the Industrial District.

PLEASE TAKE FURTHER NOTICE that the environmental significance of said proposed local law will be reviewed by the Town Board of the Town of Ballston incident to and as a part of said public hearing. Copies of said proposed amendments to the Industrial District Zoning Regulations are available for review at the Town Clerk’s office, 323 Charlton Road, Ballston Spa, NY 12020 during regular business hours and on the Town website, townofballstonny.org.

By order of the Town Board of the Town of Ballston, dated July 9, 2013.

The following people spoke at this Public Hearing:

Mr. Misiunas, a resident of Malta and a business owner in Ballston Spa, asked the Town Board to consider the traffic, congestion and sprawl. This asphalt plant will take a community rural and residential in character, and damage the water supply, agriculture, properties values and the quality of life. There are massive tracks of abandoned industrial land in communities that are comfortable with factories and would welcome this economic development such as Amsterdam, Cohoes, Schenectady, Watervliet, and Troy. He strongly urges the Board to vote down this proposal.

Andy Brick Esq., with the law firm of Donald Zee, representing Todd Curtis and the Curtis Industrial Park, stated that when this legislation was first proposed his client had a number of concerns. They were able to present these concerns to the Board at a special meeting on how this legislation could negatively impact the Curtis Industrial Park, which is one of the areas largest employers. The new draft of the legislation shows that the Board listened. The Town Board has incorporated the majority of their suggestions into this legislation. Thank you for listening and making this legislation better.

Mr. Pierce, a resident of the Town of Ballston, stated he is in favor of the proposed change of the Industrial Zone to become Light Industrial. It is the best action to preserve the quality of air and water resources in this section of the Town. Industries that contain potential chemical or environmental hazards to Saratoga Lake, Round Lake and the Hudson River watersheds should not be located in the flood plains or wetlands. The manufacturing process of some industries could affect the air we breathe and the water we drink. Extreme weather events could result in hazards that these industries may not be able to prevent or contain. With the light industrial designation, the Town of Ballston Zoning Board could determine, through their variance granting ability, what is best for the Town.

Mr. Pabis, a resident of the Town of Ballston, stated that he is in favor of passing the zoning change. This is about the avoidance of a lawsuit. The Town Board needs to be concerned with representing the interest of the residents in Ballston. This is not about Dolomite. He thanked this industry for bringing a larger issue to the surface. Heavy industrial businesses do not belong in the Town; this includes companies manufacturing explosives, chemicals and asphalt plants. The residents of Ballston want their Town to grow in a smart way. The threat of a lawsuit is not the reason for inaction on the part of the Town Board. We cannot allow out of town businesses to hold the Town of Ballston hostage when they want to come into our community.

Jeremy Smith Esq., attorney with Couch White, LLP representing Dolomite Products Co. Inc., submitted a Position Statement to the Town Board concerning their objections to the proposed legislation to change the permissible uses in the Industrial Zone. He stated that the concerned citizens are here because they do not want an asphalt plant to be built in their Town. The asphalt plant will be good for the Town for it will provide jobs, taxpaying revenue and good things that come with growth. The Dolomite application has been before the Town Zoning and Planning Boards for two years. A study has been done to show the effects of an asphalt plant on the Town. The findings of this study shows: a 2% increase in traffic on Route 67, noise levels to be within the Town's decibels requirements, lowest amount of air pollution, if any, that is required to be registered with the State and no water pollution. There is a lawful process, a forum for this application to be reviewed and studied. The Zoning and Planning Board have studied this application on its merits. A special interest group does not like this application and does not want to discuss this on its merits. The Town cannot just allow an applicant to spend hundreds of thousands of dollars on an application for years and then change the zoning code. The Town needs to include an exception for the pending Dolomite application outlined in the submitted Position Statement. Dolomite is not going to let this go. There will be a lawsuit by Dolomite. He urged the Town Board to vote against this amendment.

Ms. Pierce, resident of the Town of Ballston, said prior to 2005, the Town's Zoning Plan dated back to 1963. The 2005 zoning map was a dramatic change. The original industrial area should have been made light industrial at the time the Comprehensive Plan was adopted. Ballston is a small town and has to make changes as issues arise. This is about all heavy industry, not just about an asphalt plant. She asked the Town Board to change the Heavy Industrial Area to Light Industrial.

Claudia Braymer Esq., from law firm of Caffry and Flower, representing the Citizens for a Clean Environment, said her clients are all residents of the Town of Ballston. She thanked the Board for the proposed amendment to exclude heavy industrial activities throughout the Town's Industrial District. This legislation is in response to residents' concerns that the current zoning language is not adequate to prevent inappropriate industrial uses within the Town. Under this amendment, light industry is allowed but heavy industry is prohibited. It should be noted that none of the uses already in the Curtis Industrial Park will be affected since they are not heavy industrial uses. This shows the zoning amendment is in accord with the Town's Comprehensive Plan. One of the goals of the Comprehensive Plan is to ensure protection of all natural resources. This amendment fulfills that goal since it will prohibit heavy industrial activities as truck traffic, noise pollution, vibration, pesticides and other hazardous materials and other undesirable conditions. The Town Comprehensive Plan notes the possible regional growth in the future and the shift from heavy manufacturing to light high technological industry. Concerned with the adverse environmental impacts of heavy manufacturing, this zoning amendment was proposed in 2012. The Dolomite application went forward. This is not spot zoning. A single parcel was not singled out, but the whole industrial district was changed under this amendment. The amount of money Dolomite spent on this application should not have any effect on this legislation. The grandfather clause allowing the Dolomite application should be denied. Ms. Braymer urged the Board to vote for the amendment for it will positively impact the environment by promoting those industries that do not adversely affect the environment or the quality of life for the resident of the Town of Ballston.

Mr. Druzynski, resident of the Town of Ballston, urged the Town Board to pass the amendment for Light Industry. We need to take into account the Zim Smith Trail which is at the entrance to the Industrial Park. This is a nationally recognized recreational trail.

A lot of time and money was spent on creating this trail. There will be a safety issue here with families crossing around trucks to get to the trail. He has submitted pictures to the Planning Board showing this traffic problem. The Dolomite study may show only a 2% increase in the traffic on Route 67, but what is the increase of traffic at that specific trail crossing. The truck traffic at that site will put families and residents in danger. The Town should not be bullied by a company that spends a lot of money and threatens a law suit. We have the responsibility to protect the citizens and trail users from the dangers from heavy industrial plant.

The Town Clerk read the following correspondence she received concerning this proposed zoning amendment:

Mr. & Mrs. Adams, Town residents, sent an email to let the Town Board know that they feel strongly that the change to light industrial is the right move for our Town. This proposed amendment has their total support.

Mr. Cooper, Ballston Town resident, stated he is in favor of the proposal to change the zoning in the area along Route 67 between Eastline Road and Route 50 to light industrial. The Town should have a say on an industry entering the Town that has a potential impact on the environment, traffic flow, noise, etc. Such may be the case for the Asphalt plant proposal for the Curtis Industrial Park.

Mr. & Mrs. Walsh in an email stated they are residents and lake property owners and support the proposal to change the Town zoning designation to light industrial for the area off Route 67 in the Curtis Industrial Park. The many facts presented at all the Town of Ballston meetings by residents and knowledgeable professionals opposing the plant have justified their concerns and opposition of having an asphalt plant located at the Curtis Industrial Park.

Mr. Schultz, business owner in the Town of Ballston, had the LA group review the Town of Ballston's Comprehensive Plan of 2005. The purpose was to gauge the compliance of a heavy industrial use in the Town of Ballston just south of Route 67 next to the existing Curtis Lumber facility with the vision, goals and recommendations as listed in the Comprehensive Plan. There is no basis in the Comprehensive Plan to support a heavy industrial use at this location. The Plan envisions balanced growth while maintaining its rural character. The Plan never states the accommodation of heavy industry. It promotes the residential, commercial and light industrial growth in certain areas that minimize the conflicts between land uses and maintain the health, safety and welfare of the residents. The basis of this opinion is outlined in this review by noting relevant sections of the Comprehensive Plan.

Supervisor Southworth received a letter from Supervisor Philip H. Herrington from the Town of Brunswick. He offered some general comments concerning Callanan Industries. Callanan Industries have operated a stone quarry in the Town of Brunswick for the past 30 years. They are a reliable and responsible company, providing a quality product at a reasonable and competitive price. They have contributed to the tax base, provide employment and trade opportunities within the Town. They contribute to the construction and maintenance of the transportation infrastructure which supports our local economies and tax bases. Municipalities benefit financially from the competition that results from the approval of new properly sited and environmentally sound asphalt facilities.

Supervisor Southworth received a letter of support for Dolomite Products from Stephen D. Flach, Supervisor from the Town of Coeymans. Dolomite has operated an asphalt plant in the Town of Coeymans for many years and recently expanded in 2012. They have provided tax revenue, jobs and indirect spending that has been an economic boost to our area. Dolomite has played an important role in spurring improvements to existing local businesses and generating new businesses that have emerged to take advantage of the Dolomite facility in the Town. They provide support for the maintenance of the State's infrastructure. Also, competition between asphalt facilities helps ensure competitive and affordable pricing.

No one else wished to speak; therefore, the public hearing was closed at 7:40 p.m.

Respectfully submitted,

Carol R. Shemo
Town Clerk