

A public hearing was held by the Town Board of the Town of Ballston on Tuesday evening, November 25, 2014 at the Town Hall on Charlton Road, Ballston Spa.

PRESENT:	Patrick Ziegler	-----	Supervisor
	Timothy Szczepaniak	-----	Councilman
	William Goslin	-----	Councilman
	Kelly Stewart	-----	Councilwoman
	John Antoski	-----	Councilman
	Carol Shemo	-----	Clerk
	James Walsh	-----	Counsel

Supervisor Ziegler opened the public hearing at 6:50 p.m. He stated that the public hearing will remain open until the December 9th meeting so that the Town Board can receive the comment letter from the Zoning Board of Appeals concerning Abele Woods. The Zoning Board of Appeals Meeting will be December 3, 2014.

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

**TOWN OF BALLSTON NOTICE OF PUBLIC HEARING
REGARDING LOCAL LAW 4 OF 2014**

PLEASE TAKE NOTICE that pursuant to the Town Code of the Town of Ballston, Zoning, §§138-23 – 27 and the New York State Town Law §§ 261-c and 264, the Town Board of the Town of Ballston will conduct a public hearing on November 25, 2014 at 6:45 p.m., Ballston Town Hall, 323 Charlton Road, Ballston Spa, New York 12020 to consider the request of Heritage Development Holdings, LLC to rezone ±96.16 acres of land (Tax Map Nos. 249.-3-22, 249.-3-23, 249.-3-33 and 249.-3-25) from Ballston Lake Residential Zoning District to Planned Unit Development District in the Town of Ballston, to be known as the Abele Woods Residential Subdivision Planned Unit Development District (formerly named, Timber Creek Phase IV Planned Unit Development District). The proposed Local Law No. 4 of 2014 and copies of the documentation submitted in support of the local law and zoning change, are available for public review in the Office of Town Clerk located at 323 Charlton Road, Ballston Spa, New York 12020. The Abele Residential Subdivision Planned Unit Development District proposes to develop 129 single family homes (129 lots), 4 apartment buildings (60 units; 1 lot), townhomes (12 buildings, (24 Units) 24 lots) and a community center or a neighborhood live-work flexible space building with a total of 213 units. All persons are welcome to offer their oral and/or written comments at the above time and place.

By order of the Town Board of the Town of Ballston
Dated: October 28, 2014.
Carol R. Shemo
Town Clerk

Developer Geoffrey Brooks had his team give a quick review of the Abele Woods project.

Engineer Jason Dell reported that Abele Woods is a Ballston Lake Residential project. The Planning Board was Lead Agency under the SEQRA Process and the changes that were made to the project have been outlined in new language document. The development has a density of 276 units now reduced to 211 units, a 23% reduction. Since the developer is requesting 100 units, it was necessary to come before the Town Board with a Planned Unit Development District which is less dense than Traditional Neighborhood Design Standards. There will be two curb cuts, a park, a community center and water and sewer will be extended to the development. The Planning Board provided an extensive review of the PUDD. CT Male provided technical and environmental expertise; Army Corps and NYS DEC validated the wetlands crossing plans and water mitigations plans to CT Male. Traffic impact study was completed and it was determined that the light at Round Lake Road needs to be retimed. Stormwater post and pre analysis was completed with Green Infrastructure approach to stormwater management. Also, a water supply

report and sanitary sewer report were completed. They removed flag lots and additional units at the request of the Planning Board.

Project Attorney Thomas Shepardson said the project received a comment letter from CT Male and the PUDD has a Negative Declaration under the SEQRA Process binding across all fields. The project will need to get site plan and subdivision approval after the PUDD is approved.

Councilwoman Stewart asked about the nearby project in Clifton Park that had problems with the water table.

Mr. Dell replied that project had different regulations with the stormwater basins. The Clifton Park development had retention basins as opposed to the permanently standing basins of Abele Woods. The problems with the previous project were a failure of engineering with the roads and water table. The Town will not experience the same issues since the Homeowners Association will own the stormwater basins and will make sure they function properly. Timber Creek Preserve Phase I and II have not had any issues with the stormwater management in the past four years.

Councilman Goslin said that the amount of ground water and the elevation of the roads and houses are different from Phase I and Phase II. What are we doing to mitigate the problems of ground water and basements?

Mr. Dell answered that we are working with groundwater elevation depths and taking this into account.

PRIVILEGE OF THE FLOOR:

Mr. Swanson has a concern with the ground water issue. He has a dug well that is 3 ft. down. Abele Woods will affect all residents that are across Round Lake Road. He asked about improvements at Benedict Road. There will be increased traffic in an area that has had many accidents and is a very slippery road in the winter. The original plan showed a berm in Phase III and now there is no room for the berm. He asked the Board to please consider the wetlands.

Mr. Ward asked the Board to consider the traffic when you add 200 units to an already congested road. Phase II and Phase III are developed and he would like to know the impact on the Burnt Hills-Ballston Lake Schools. He stated that there is a good development design for the project across from Lakeside Farms. He said that we are changing the character on the eastside of Town.

Supervisor Ziegler said that the Town will be looking at the Comprehensive Plan to address the issue of development.

Mr. Gravereaux, a resident of Clifton Park and a property owner in the Town of Ballston, said poor development will affect Country Knolls; an increase in the water level will have a huge impact on the neighbors. This development will also impact the Clifton Park School System.

Mr. Meyers stated that there are 90 acres in this development and 80% are wet. The developer stated that Raylinski Road and the Timber Creek road would line up and he has yet to show this change on the map. This road is a very high risk for accidents. He asked the Town Board to look at the Comprehensive Plan and have traffic studies updated with the increase in development. He has a concern with the water table. There will be freestanding ponds and his pool will be right next to it. Also there will be a mosquito problem with the standing water.

Ms. Saile asked the Board to consider the safety of the people. With increased traffic, there is the potential for a lot of accidents. Her property abuts this development and she has concerns about the ponds. She feels that her property value will be negatively impacted.

Mr. Gibson has lived in the Town of Ballston for 30 years and opposes the PUDD zoning. He stated that Phase IV is completely different and it will be a cost and burden to the Town of Ballston. On the Saratoga County GIS System it shows wetlands even though they are not regulated wetlands. The Planning Board determined no significant impacts but the land is improperly zoned. Eighty percent of the land is poorly drained and there are seven stormwater management areas. He asked if wetland permits were obtained. These acres are densely forested

and we receive many nature benefits from them. At the very least a full EIS and scoping document of actual and potential impacts should be conducted. The Board has the ability to tell the Planning Board to go back and reconsider the issues and issue a Positive Declaration under the SEQRA process and do a full EIS. Then the project can be redesigned and avoid major environmental impacts.

Ms. Gibson expressed her concerns about the impacts to wildlife. She related her walks in the woods and the many species of animals she encounters here. The Board needs to be aware of the environmental destruction caused by this development. These animals, that were present for generations before us, are now being displaced by development. We need to celebrate this special place and have a higher standard to preserve what is left. Members of the Town Board have the ability to address this situation.

No one else wished to speak so the public hearing was adjourned at 7:35 p.m. and will be continued at the next meeting on December 9, 2014

Respectfully submitted,

Carol R. Shemo
Town Clerk