

Town of Ballston
Planning Board
February 29, 2012

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: February 29, 2012

Present: Richard Doyle, Chairman
Jeffrey Cwalinski
Joan Eddy
Derek Hayden
John VanVorst
Lee Ramsey
Audeliz Matias, 1st Alternate
Timothy Northrup, 2nd Alternate
Kathryn Serra, Town Engineer
Peter Reilly, Planning Board
Attorney
Thomas Johnson, Building Inspector

Members of General Public

Chairman Doyle called the February 29, 2012 meeting to order at 7:30pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Corrections to minutes Page 3) strike "Highland" change to "Clifton" Page 3, "Mr. Doyle opened public hearing at "8:04pm" and closed public hearing at 8:10pm"

MOTION: Mr. VanVorst made a motion to approve the January 26, 2012 minutes as amended. Mr. Hayden seconded the motion and all present voted in favor. **CARRIED.**

NEW BUSINESS:

Michael Brewster (owner) , 861 Route 50, Burnt Hills, NY 1202 (Site Plan Review) Tom Wheeler, AJ Sign representing Boxley's Services requesting the installation of a new sign below existing pole sign.

Submitted plan shows proposed 16' height, which complies with Town Design Standards

Sign location is pre-existing, 15' from edge of pavement. Existing sign is 13' 4" from edge of pavement (which complies with present zoning)

Existing sign is 32' from center of roadway (which does not comply with present regulations)

The sign dimensions (Mixed Use Center Design Standards)

Height – 8' Proposed 48" (does not comply with present regulations)

Width 4' Proposed 63 ½" (does not comply with present regulations)

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- 1' ½" waiver from Design Standards will be required for sign height
- 1' 3½" waiver from Design Standards will be required for sign width
- This proposal will not further violate required setbacks

Mr. Cwalinski asked, is internal lighting proposed? Mr. Wheeler replied yes.

Mr. Cwalinski requested the address be placed on the sign for emergency response.

Mr. Doyle opened the public hearing at 7:45pm

Mr. Doyle closed the public hearing at 7:46pm

MOTION: Mr. Cwakiński 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. Hayden moved to issue a Negative Declaration, with the basis that there is not a potentially significant environmental impact. Mr. Cwalinski seconded the motion. **CARRIED.**

MOTION: Mr. Cwalinski made a motion to approve the sign to include to the following waivers (Height 1' ½") and width (1' 3½") subject to street address be added to sign pole. Mr. VanVorst seconded the motion and all present voted in favor. **CARRIED.**

NEW BUSINESS:

Nick Paravalos, 800 Route 50, Burnt Hills, NY 12027 (Sketch Plan Conference) Applicant (Backyard Sheds & Gazebos) proposes the sale of gazebos, lawn furniture, play sets, and doghouses at above said address. The site is for display only.

The hours of operation are 10:00am to 4:00pm having one employee closing in the winter.

A discussion held on the types of delivery trucks.

The applicant has two other locations in Selkirk, NY and Schodack, NY.

The applicant proposes installation of a chain in front to secure the area for security and add extra lighting.

Discussions were held on the other businesses and hours of operations within the building; Café (6:00am to 8:00pm), Barbershop closes at 4:30pm, and garage only open two days a week.

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Joan Eddy reiterated concerns with lighting and color palette (signage)

Mr. Hayden is concerned about children jumping on the play sets after 8:00pm.

Mr. Doyle asked the applicant to look at lighting, color palette (signage) and location of proposed fence.

Alan Andersen, 881 Route 50, Ballston Lake, NY 12019 for a special use permit. Alan Andersen proposed Bonesteel Truck Repair registered with Department of Motor Vehicles at the March 2011 and returns this evening requesting the grating of a special use permit.

A correction has been made between the boundary encroachment between Andersen and Ingles Mr. Andersen has removed the equipment. Mr. Ingalls is satisfied and is not against the proposal.

Mr. Doyle opened the public hearing at 8:05pm

Mr. Doyle closed the public hearing at 8:06pm

No one wished to speak.

Mr. 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.
- 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.
- 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.
- 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 conclusion of the Board determined no issues with above said criterion.

MOTION: Mr. VanVorst made a motion to grant the special use permit for Alan Andersen. Mr. Cwalsinki seconded the motion and all present voted in favor. **CARRIED.**

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Robert Howard, 974 Route 67, Ballston Spa, NY 12020 (Special Use Permit) Robert Howard (owner) and Jamie Croyle (tenant) were present seeking permission to sell automobiles and perform basic routine maintenance at above said address. At the December 2011 meeting, the Board requested the applicant review exterior lighting, parking, traffic, vehicle inventory, and signage.

Lighting update: Two metal Halide light fixtures have been attached to signage along Route 67. One metal Halide light fixture has been attached to the south side of building. The addition of three metal Halide Light fixtures improves the exterior lighting and visibility in the parking lot with minimum spillage onto neighboring properties.

Parking update: Two spaces added on north side and one additional handi-cap space in rear. The front parking area changed to "inventory lanes" 15 cars maximum.

Installation of a security camera proposed to view incoming customers.

The 5' dumpster screened with 6' chain link fence.

The elimination of two parking spaces discussed on the southeast due to space constraints.

A discussion held on eliminating the trailers parked in the rear of the building.

A further discussion held on proposed lighting.

Signage located on building directing auto sales to rear of the building.

The applicant said modifications made to existing free stand signage listing businesses.

Mr. Doyle opened the public hearing at 8:20pm

Mr. Doyle closed the public hearing at 8:21pm

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. Cwalinski seconded the motion and all present voted in favor.
CARRIED.

MOTION: Mr. Cwalinski moved to issue a Negative Declaration, with the basis that there is not a potentially significant environmental impact. Mr. Ramsey seconded the motion. **CARRIED.**

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

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- 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.
- 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.
- 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.
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The conclusion of the Board determined no issues with above said criterion.

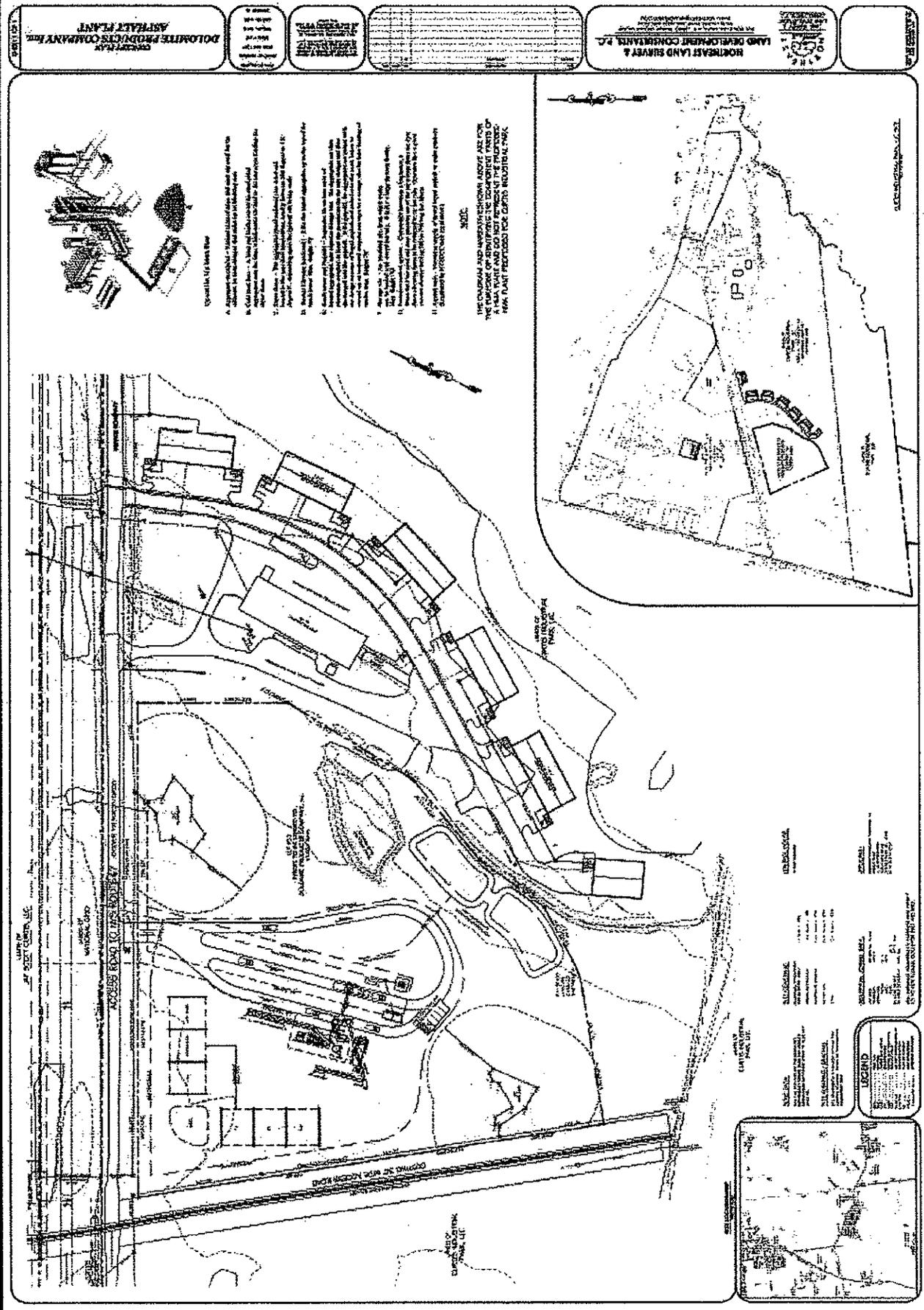
Mr. Doyle granted a special use permit for 974 Route 67 not to exceed 15-car maximum on site.

Dolomite Products, Co., Inc, (HMAP), 831 Route 67, Ballston Spa, NY 12020 (Site Plan Review)
Stephanie Ferradino, Esq., John Gay, PLS., Peter Zeh, Dolomite, Mark Clemente, Dolomite, Robert O'Neal, CCM Epsilon Associates, Richard Hisert, PhD., P.E, of H2H Associates, Wendy Holsberger, P.E., CME, were present on behalf of Dolomite Products, Co.

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John Gay discussed the revised site plan. (see attached)

Revised Site Plan



DOLOMITE PRODUCTS COMPANY INC. ASPHALT PLANT

NORTHEAST LAND SURVEY & LAND DEVELOPMENT CONSULTANTS, P.C.

SCALE

DATE

PROJECT

NO. 1

NO. 2

NO. 3

NO. 4

NO. 5

NO. 6

NO. 7

NO. 8

NO. 9

NO. 10

NO. 11

NO. 12

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NO. 100

Jones Ferradino, Attorneys At Law

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Ms. Ferradino summarized the Days of Normal Operation (2011) April through November (see attached)

DAYS OF NORMAL OPERATION (2011)

	DAYS	SUNDAY	½ DAY SAT	HOLIDAYS	RAIN	OPER DAYS
April 15 to 30 =	16	3	2	0	1	10.00
May 1 to 31	31	4	2	1	2.6	21.40
June	30	4	2	0	2.6	21.40
July	31	5	2	1	2.2	20.80
August	31	4	2	0	2.3	22.70
September	30	5	3	1	2.0	19.00
October	31	4	2	0	2.5	22.50
Nov. 1 to 17	17	2	1	0	1.2	12.80
TOTAL	217	31	16	3	16.4	150.60

Jones Ferradino, Attorneys At Law

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Ms. Ferradino reviewed the 20-Ton Truck Load Process; assuming only 20-ton trucks at maximum capacity (6 trucks / hour) (see attached)



20 TON TRUCK LOADING PROCESS

ASSUMING ONLY 20 TON TRUCKS AT MAXIMUM CAPACITY:
6 TRUCKS / HOUR

DRIVER STOPS AT TARP RACK TO CHECK THAT BOX IS CLEAN, GATE IS CLOSED AND TARP IS CLEAR

DRIVER PULLS TRUCK AHEAD AND GETS IN POSITION FOR TRUCK TO BE LOADED

20 TON TRUCK ARRIVES AT PLANT (ASSUMING NO WAIT TIME)

TRUCK IS LOADED WITH 4 TONS OF ASPHALT

LOADED TRUCK PULLS FORWARD DRIVER GOES TO CONTROL HOUSE TO OBTAIN A RECEIPT

TRUCK IS LOADED WITH 4 TONS OF ASPHALT

TRUCK IS LOADED WITH 4 TONS OF ASPHALT

TRUCK APPROACHES CONTROL HOUSE PLACES ORDER WITH PLANT OPERATOR

TRUCK IS LOADED WITH 4 TONS OF ASPHALT

TRUCK IS LOADED WITH 4 TONS OF ASPHALT



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Sound

Robert O'Neal, Epsilon Associates agrees with Town Engineer legal interpretation of noise ordinance applicability needed. The boundary of Curtis Industrial Park or leased lot line?

The current design focused at meeting more demanding (50 dBA at leased lot line).

Initial engineering shows noise control is possible to meet 50dBA. Once approved, a more specific design will be completed.

Air Quality

Total emission levels presented by opponents/Cornell Coop Extension reports are ~ 600 tpy under 32,000 tpy HMA production, or ~ 1,877 tpy under 100,000 tpy HMA production. These totals are more than 98% CO₂.

CO₂ emissions are the cars in Ballston alone are over 284,000 tpy. This assumes 100% are model 2010 (cleanest year available).

NYSDEC maintains ambient air monitoring network to continuously measure various pollutants and compare them to health-based criteria set by State and Federal government.

All monitors in the area show compliance with standards except ozone, which is a regional issue primarily exacerbated by vehicular emissions and other downwind sources.

Water Quality

Richard Hisert, PhD., P.E, of H2H Associates said there are limitation on Groundwater and Surface Water Impacts.

Liquid asphalt, hardens at ambient temperatures, does not flow. It is a solid at room temperatures.

The proposal is approximately one mile downgradient and downstream of Ballston Lake. Stormwater control measures limit any off site discharge. The applicant proposing an implementation of storm water pollution prevention plan (SWPPP).

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Tonnage and Impacts

(see attached)

Environmental Issue	Impact at 30,000 tons/ studies conducted (anticipated production)	Impact at 120,000 tons
Visual	See visual impact study – cannot be viewed from surrounding properties, roadways, businesses or residential homes.	No additional impact
Traffic	See traffic studies	Increase trip generation, but not level of service. Peak hours will have no additional impact.
Air Emissions	See submission on emissions and information from meetings	Impacts increase by 4 times, but still well below DEC thresholds and minor permit
Odor	See information from December 14, 2011 meeting	No additional impact
Ground Water and Surface Water	See submission responses and information from December 14, 2011 meeting	No additional impact
Sound	Mitigation measures to comply with town regulations	No additional impact
Emergency Services and Protection	Town has capacity to accommodate coverage	No additional impact
Wetlands	No impact on DEC or ACOE wetlands. Buffer to be intact	No additional impact
Historical and Archeological	Letter of no effect	No impact
Endangered Species	No endangered species on site	No impact
Petroleum and Liquid Asphalt Storage	Storage on site in tanks.	No additional impact

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Traffic

Trip Generation Summary (see attached)

Trip Generation Summary

AM Peak Hour (7:00-8:00am)		PM Peak Hour (3:00-4:00pm)	
Enter	Exit	Enter	Exit
14	14	14	14
Total		Total	
28		28	

- Increase of 10 trips from the initial Traffic Impact Study
- Addition of PM Peak Hour analysis

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Traffic

Level of Service Summary (see attached)

Level of Service Summary

Interpretation Approach	Scenario	AM Peak Hour			PM Peak Hour						
		2011 Existing	2012 No-Build	2012 Build	2011 Existing	2012 No-Build	2012 Build				
Route 67/Eastline Road	S										
Route 67 EB L		B (13.5)	B (13.6)	B (13.6)	A (7.0)	A (7.4)	A (7.5)				
TR		D (52.1)	E (59.1)	E (62.5)	B (12.9)	B (15.6)	B (16.2)				
Route 67 WB L		E (55.6)	E (62.5)	E (62.8)	B (11.3)	B (17.5)	B (19.6)				
TR		B (12.8)	B (13.6)	B (13.8)	B (15.1)	B (17.4)	B (18.1)				
Eastline Rd NB LTR		D (45.4)	D (50.2)	D (50.2)	D (36.1)	D (40.7)	D (40.7)				
Eastline Rd SB LTR		E (57.5)	E (65.0)	E (65.0)	C (20.1)	C (20.3)	C (20.3)				
Overall		D (42.1)	D (46.8)	D (48.1)	B (17.2)	C (20.0)	C (20.6)				
Route 67/Curtis Industrial Park	TW										
Route 67 WB L		B (10.1)	B (10.2)	B (11.2)	A (9.6)	A (9.9)	B (10.8)				
Curtis Industrial Park NB LR		C (24.4)	D (26.7)	D (34.7)	D (28.9)	E (36.5)	E (45.5)				

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Summary

Compare LOS between No-Build and Build
Mitigation to provide a westbound left-turn lane
Left-turn lane mitigates existing and future conditions (provides a public benefit)

The Town Engineer (BFJ) concurs with the improvement as well as NYSDOT.

Proposed mitigation:

Left turn lane
Mitigation Measures
Traffic Budget not applied to other projects and mitigation proposed for this project.
Mitigation adequately addresses project impacts
Mitigation is consistent with other approved projects

Peter Reilly reiterated whether the noise measured at the lot line or the lease line.

Mr. VanVorst questioned the amount of annual tonnage produced due to the consistency of the numbers proposed throughout the proposal (30,000 to 120,000 tons).

Mr. Doyle has a concern with vehicular traffic with a concentration on the elderly having to deal with the number of trucks.

Mr. Doyle said that 30,000 tons is not a profitable business.

The first proposal stated 30,000 tons and railhead, which divides the traffic in half.

The town has a responsibility to NYSDOT and residents relative to traffic.

Mr. Ramsey said AM peak hours at 7:00am to 8:00am, with 12 to 14 trucks per hour, asked how scheduling is handled due to in climate weather or other concerns. Mr. Clemente said calls are placed one to two days prior to scheduling or would possibly be sent to one of their other plants. Mr. Clemente said Dolomite is in contact with their customers once a week.

Ms. Eddy has a concern with traffic travelling west of the site, which includes Brookline Road as trucks travel on to Middleline Road.

The raw material arrives from the east (from I-87) to the proposed site said Mr. Clemente.

A further discussion held on why two lanes were not warranted for exiting the Curtis Industrial Park site.

Discussions were held on the grade of the ingress/egress of the site.

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Time is of the essence said, Mr. Clemente and so is the time of the year when delivering asphalt to the job site 45 minutes up-to 1½ hour with precautions, which is not typical.

Mr. Doyle said if a job on I-87 were granted to the applicant, which typically operates at night, would the plant operate at all intervals of the night. Mr. Clemente said a job of that size is typically 50,000 tons and virtually impossible for that plant even if it ran day and night.

Mr. Doyle said the Board has been working on SEQR.

Mr. Doyle said after all the review traffic still has outstanding issues stated, "Town of Ballston is a host community".

Mr. Doyle outlined Part 2 of the SEQRA Long EAF as follows:

After review of Part 2 of the Long Environmental Assessment Form, questions 1-6 can be answered in the negative.

As for question 7, evidence submitted shows the project will not have an adverse impact on air quality. However, this is a major issue with Town residents, but could be a potential for harmful emissions under (other impacts) in other areas.

Questions 8-14 are answered in the negative, but you may find a concern with the height of the silo/hopper (proposed 70') tower under question 11.

Question 15 the proposed action will result in major traffic problems.

Question 17 is relative to both noise and odor. The proposed operating noise will exceed the local ambient noise levels outside the structures.

Mr. Doyle suggests the Board require a DEIS.

Mr. Doyle said, "We do not understand all the questions as they are misleading and not solving the town's problem."

Mr. Doyle polled the Board based on the findings the applicant prepare an Environmental Impact Statement.

Ms. Eddy voted YES

Mr. VanVorst said there has been so much information, fact, opinion relative to traffic, water, and air and voted NO.

Mr. Ramsey voted YES

Mr. Hayden voted YES (due to traffic issues)

Mr. Matias voted YES (traffic and tonnage)

Mr. Cwalinski voted YES

Mr. Northrup, Alternate voted YES **CARRIED.**

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MOTION: Mr. Cwalinski said based on Board's findings that the proposed action may include the potential for at least one significant adverse environmental impact, as set forth in Parts 2 and 3 of the SEQR Long Environmental Assessment Form, the Planning Board, as Lead Agency, finds that the applicant must prepare an Environmental Impact Statement.

Ms. Eddy voted YES
Mr. VanVorst voted NO
Mr. Ramsey vote YES
Mr. Hayden voted YES
Ms. Matias voted YES
Mr. Cwalinski voted YES **CARRIED.**

Ms. Ferradino requested scheduling a formal scoping session.

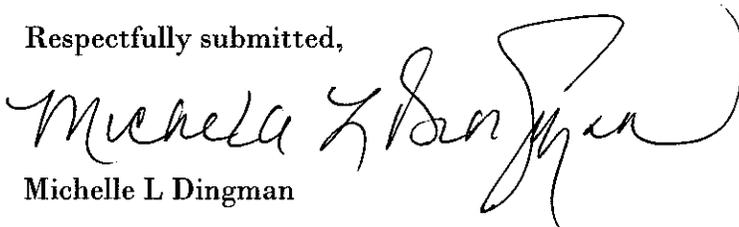
John Caffry, Esq. representing Citizens for A Clean Environment appreciates the Board's information, which puts it in one place to do the process right and move forward with the public scoping process.

Bob Vinsick is concerned with check and balances; 30,000 tons a years is not a profitable business. He also has concerns with noise.

MOTION: Mr. VanVorst made a motion to adjourn.

Meeting adjourned at 9:58pm

Respectfully submitted,


Michelle L Dingman