

At a public meeting of the Town of Ballston Planning Board held at the Town of Ballston Town Hall, 323 Charlton Road, Ballston Spa, New York, 12020 on August 7, 2013 at 7:00 p.m., there were Board members:

Chairman Richard Doyle.....present
Vice Chair Jeffrey Cwalinski..... present
Josephine Cristy..... present
Joan Eddy present
Derek Hayden..... absent
Lee Ramsey..... present
John Van Vorst..... present
Audeliz Matias.....present

The purpose of this meeting is to look at the preliminary draft environmental impact statement for Dolomite, the hot asphalt plant in the Curtis Industrial Park.

In summary, the draft of the dEIS is incomplete therefore, it is recommended the Town Planning Board to find the June 27th version of the dEIS to be incomplete, pending the receipt of a revised dEIS from the Applicant that specifically addresses these identified deficiencies. The draft is not suitable for public distribution. A more detailed substantive review is anticipated to be done once the dEIS is determined to be complete by the Planning Board acting in its capacity as the SEQRA Lead Agency.

The following comments are a team product of input from CT Male, Teresa Backner Esq. of Whiteman, Osterman & Hanna, LLP, and BFJ transportation, and were presented by John Munsey of CT Male.

Comments 1-5: General: Add a list of acronyms and abbreviations in document need to be put all in one spot so reader can go back easily and refer to one section. Cover page: delete reference to FEIS- needs to be a separate document. Typographical error in table of contents, one page number off, re-check before submitting again. Figures 1.1 & 1.2 need to be specifically labeled. Section 3: the word “very” should be deleted from first sentence of last paragraph on page 15

Comments 6-11. Section 4.1 Air Quality: Text of DEIS did not adequately explain air modeling results. SEQRA requires reader to be able to understand the document. DAR-1 modeling results need to be consistent with the Final Scoping Document should be compiled into a table, summarizing the overall proposed emissions from the facility. Modeling the applicant uses a more sophisticated model. This is OK to include that info but the applicant needs to use more simplified air model result. Suggestions for air emission concentration to be shown at property lines and have represented at off site locations including nearby residential receptors, need to be presented. Isopleth maps may be useful, along with summary tables. Tables should include concentration for comparison again annual guidance concentration, one hour short term guidance concentration, National Ambient Air Quality Standards, and State Ambient Air Quality

Standards, as applicable and appropriate based on each contaminant. Section 4.1 Air Quality- Applicant states dust management practices as being “possible” litigation measures, should be specifically called out as being the best proposed best management system used in the facility and not “possible”. Section 4.1 Air Quality: summarize air report requirement to NYSDEC. The potential to emit air emissions without emission controls needs to be addresses. Section 4.3 Recreational Resources: error in last sentence on page 45 need to be rewritten- don’t understand.

Comments 12-16. Section 4.4, Visual Resources:: anticipating 5 mile study; usually done this way. Applicant did only 1 mile. Why? Provide information pertaining to five mile radius.

Section 4.4 Visual Resources: portion of report done by Northeast Consultants PC. It is more confusing to have 2 visual resource reports in document. Appendix G appeared to have a partial excerpt from prior document. Confusing area: 73’ height marker vs. 70’ height proposed structure, doesn’t match, need to clarify; other visual assessment report seems to be more comprehensive.

Section 4.4 Visual Resources: Each possible mitigation measure for visual resource should be addressed in terms of their practical application to the proposed action. Some may not work if that is the case state it, however, should be talking about mitigation measures that will work.

Section 4.4 Visual resources: important how facility will demonstrate compliance with the Town’s opacity standard, specific requirement in final scoping document, this needs to be added.

Comments 17-18: Section 4.5 Noise: applicant modeled noise levels to the property line of the Curtis Industrial Park. It’s ok to do but need to monitor noise levels and present results at lot line, this is a Town requirement. Another noise comment: explain why one of the three measurement stations was not done for 24 hours, why only 21 hours.

Comment 19 Section 4.6 Odor: specifically address demonstration of how Town Code will be complied with – what to do the control odors, best management practices proposed to be used associated with delivery, storage and use of liquid asphalt. The basis for coal tar, as being the only potential odor producing compound should be clearly presented with specific technical references provided.

Comment 20. Section 5.2, Alternative Production Processes and Configuration: There is no discussion of noise on impact needs a more detailed description of a drum mix style plant and a portable drum mix style plant should be presented to allow the reader to compare and contrast these processes with the proposed action.

Comment 21. Section 5.7 Alternative Technology: more details of how a warm mix asphalt plant is different from hot mix asphalt plant. Section 6.1 Cumulative impacts: no documentation from town provided for the additional background projects presented.

Comments 23- 25. Appendix G, Visual Impact: quality not legible, portion of study only included in Appendix "G" needs to be consistent "study area" reference. Appendix G: Figures 5, 6, 7 symbol for Sensitive Visual Receptors is not legible.

Comment 26. Appendix J: If any correspondence or documents with the U.S. Army Corps of Engineers regarding jurisdiction boundaries need to see information in report.

Comment 27. Include correspondence to and from NYS Office Parks & Historic Recreation requesting clearance.

Comment 28. dEIS states in several locations there are no threatened or endangered species associated with project site however better documentation and current (letter is 2 years old) from NYSDEC and USFWS on endangered species should be included to justify statement.

Additional comments by Caffry & Flower on behalf of Citizens for a Clean Environment concluded the following:

The pEIS failed to provide an adequate description of the proposed asphalt as required SEQR and the Scope. There is no explanation of plant's "occasional and weekend use", there is no description about the chemicals used and store on the site as required by the Scope.

It is necessary in the SEQR review to assess public health impacts, and plant safety and health impacts from the plant; the failure of analyzing the transportation impacts and needs more details to evaluate the potential adverse impacts of the plant. The pDEIS must include more details and a map on the truck routing to and from the site as required by the Scope.

Applicant needs to obtain information from the Curtis Industrial Park owner about any new operations or expansion of any existing operations within the Curtis Industrial Park; must provide emergency access route through Curtis Lumber; frequency of night time operation must be included as required by the Scope.

Mitigation measure from transportation impact not adequately analyzed. The pDEIS should be revised to include a discussion of additional measures to mitigate the traffic problems on Route 67, Curtis Industrial Road and Zim Smith Trail users (especially if the trail crossing is relocated). No detailed information on identified potential environmental impacts, and potential mitigation measure in order to allow the Planning Board, and the public to review and make informed decisions about this project.

Additional comments are in conjunction with CT Male's findings regarding air impacts, visual impacts; noise impacts were not adequately analyzed. For a more detail description of the above references from Caffry & Flower, not you may review this in the Planning Board Department.

Planning Board member, Mr. Cwalinski had the following specific comments details which were stated at the meeting:

Page 1, Section 1.1, 3rd paragraph states that there are 6 parking spaces. The Concept Plan, Figure 1.2 shows 5. This discrepancy needs to be resolved. The same applies to page 11, Section 3.0, 2nd paragraph.

Page 11, Section 3.0, 4th paragraph states that the production rate is 240 tons/hour and 100,000 tons are expected to be produced. This equates to 417 hours of operation ($100000 \text{ Tons} * \frac{1 \text{ Hour}}{240 \text{ Tons}} = 416.7 \text{ hours}$). The fourth paragraph states that normal hours of operation will be from 7 a.m. to 4 p.m. Monday through Friday, there will be an occasional evening and weekend operation to accommodate occasional DOT operations, and occasional operations on weekends and nights if the customer has a compelling need, and the plant will be open between April and November. There are 35 weeks (April to November inclusive) of operation. From the discussion in the fourth paragraph the 417 hour estimate (which is about 10 work weeks) equates to operation of about 29% ($10/35 = 0.285$) of the time the plant is open. This appears to be unrealistically low.

Page 11, Section 3.0, fourth paragraph states that the anticipated average production of asphalt is 100000 ton/year. Appendix D, the B&L letter to New York State Department of Environmental Conservation, dated June 26, 2013, on page 2, Emission Estimates, 2nd paragraph, uses a figure of 150000 ton/year as annual production rate. This discrepancy need to be resolved.

Page 14, Section 3.3, second paragraph states that the plant will contribute to the property taxes and school taxes. At a previous meeting a resident noted that the installed tanks, feed bins, dryer, and all the other equipment are considered to be personal property not real property. As such, there are no increases in school or property taxes. The applicant is requested to provide documentation proving their point.

Page 15, Section 3.3, second full paragraph addresses environmental impacts. There's an additional environmental benefit to this plant which can be added. Since it is located closer to the customer less fuel will be used transporting material to customers. This conserves fossil fuels and reduces air pollution from vehicles. Also, since trucks will be spending less time on the road vehicle accidents could be less probable.

Appendix D, Attachment 1, Emissions Calculations, first page, Emissions Summary, shows CO (carbon monoxide) Total Estimated Annual Emissions of 90.8 tons/year. Below it there is a figure of 50 tons/year for the New York State Facility Permit Thresholds. An explanation as to why it is acceptable to exceed the state limit is needed.

Appendix E, Traffic Study, Chapter 1, Section A, page 1 states that there will be an emergency access through the Curtis Lumber Company. This access is not shown on the drawing and should be.

Appendix E, Traffic Study, Chapter 2, Section C, 2nd paragraph, page 5 states that data was collected for the AM peak hour in July of 2010, when school was not in session. Data should have been collected when school was in session. The applicant is requested to collect data when school is in session.

Appendix E, Traffic Study, Chapter 2, Section C, 3rd paragraph, page 5 states that data was "balanced" where appropriate. It is not clear what this means and needs to be defined.

Appendix E, Traffic Study, Chapter 4, Section H, pages 40 and 41 contain a diagram of a possible modification to the Zim Smith Trail. In my opinion the applicant should be implement this modification to the trail.

Appendix E, Traffic Study, Chapter 5, page 42, item 3 request New York State Department of Transportation grant an exception to the policy requiring mitigation from the no build to build conditions for the north bound Curtis Industrial Park Road approach at the New York Route 67 intersection which degrades from a LOS D to LOS E during the AM peak hour. However, this is a private road and it is not clear why we are requiring improvements to a private road.

Appendix E, Traffic Study, Chapter 5, page 43, item 5, list "eastbound NY Route 67 approach at Brookline Road". On page 32 there is a "NY Route 67 Westbound Approach to Brookline Road". There does not appear to be one for the eastbound approach. This discrepancy needs to be resolved.

Appendix F, Noise Study, Section 4, page 7, Table 3, it is unclear if Measurement Site 24-1 which measurement sites are required to be measured for 24 hours. It appears that sites 24-1, 24-1A, and 24-2 were to be measure for 24 hours, but this is not stated in the text. Additionally, site 24-1 was measured for 16 hours and 31 minutes. The report should state which sites are to be measured for 24 hours and the noise measurements made accordingly.

Chairman Doyle expressed how important the 5 miles radius visual resource report is; must consider all that will be affected such as the subdivisions in area and also talks of a project at the intersection of Route 67 and Eastline Road. There will also be a large impact on noise.

The Planning Board members felt due to such an overwhelming amount of information; not adequate time was given to review. Ms. Bakner, Esq. stated more time will be granted to look at documents and to send comments electronically to Chairman Doyle in the next two weeks so these comments may be forwarded to the Applicant. Traffic is a major concern therefore Ms. Bakner suggested contacting the traffic consultants to step up their analysis and look at subdivision as well.

Everyone was in agreement that the DEIS is incomplete and Ms. Bakner read the following resolution:

RESOLUTION
TOWN OF BALLSTON PLANNING BOARD

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

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The following resolution was moved by: Jeff Cwalinski.  
Seconded by: John Van Vorst.

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

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

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

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

**WHEREAS**, the Applicant submitted the Draft Scope of the Draft Environmental Impact Statement (“DEIS”) and the Town’s consultant reviewed it and requested changes which the Applicant agreed to make; and

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

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

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Town Planning Board hereby determines that the DEIS is NOT complete and NOT sufficient for public review pursuant to the requirements of SEQRA as set forth in the attached letter dated August 4, 2013 prepared by the consultants to the Planning Board which is hereby incorporated by reference in this resolution, as set forth in the comments provided by Town Planning Board Vice Chair Jeff Cwalinski in electronic format and read into the record, as well as various comments offered for the record by other Planning Board members, and as set forth in a letter dated August 6, 2013 provided to the Planning Board by the law firm of Caffry & Flower;

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

RESULTS OF THE VOTE ON THE ABOVE RESOLUTION WERE: All present voted in favor of the resolution and the motion carried.

Resolution filed with Town of Ballston Town Clerk on August 19, 2013.

**MOTION:** Chairman Doyle motioned to end the meeting. Mr. VanVorst seconded the motion. **CARRIED**

Meeting adjourned 8:00 p.m.

Respectfully submitted,

Carol Gumienny  
Deputy Town Clerk