

Town of Ballston
Planning Board

**TOWN OF BALLSTON
PLANNING BOARD**

Regular Monthly Meeting: September 24, 2014

Present: Richard Doyle, Chairman
Josephine Cristy
Jeffrey Cwalinski
Audeliz Matias
John VanVorst
Lee Ramsey
Derek Hayden
James DiPasquale 1st alternate
Patrick Maher 2nd alternate
Kathryn Serra, Town Engineer
Peter Reilly, Planning Board Attorney
Thomas Johnson, Building Inspector
Members of General Public

Chairman Doyle called the September 24, 2014 meeting to order at 7:31pm and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Corrections to minutes

Ms. Matias has submitted some comments on behalf of herself and Mr. Ramsey. Mr. Hayden also has comments on the minutes from August 2014 meeting.

MOTION: To accept the August Planning Board minutes as modified made by Mr. Hayden.
SECONDED by Ms. Cristy. **CARRIED.**

OLD BUSINESS:

Dolomite Products Inc.

Stephanie Ferradino on behalf of the Applicant. On September 10th the applicant made a submission consistent with the comments made in the consultant's letter and at the August 27th meeting. The consultant has advised the applicant has addressed all issues for completeness and asks the Board to accept the DEIS as complete prepare notices of completeness and hold a public hearing if the Board decides to do so and direct the staff to publish in the ENB as well as the local newspaper. It is the applicants understanding that a 60 day public comment period, of both written and verbal, will be established but the applicant requests a shortened time period of 45 days.

Chairman Doyle discusses the reasoning for the 60 days including the amount of public interest, vacation times and holidays that attributed to the decision of a 60 day comment period. The majority of

Town of Ballston
Planning Board

the Board agreed with the 60 day time period. Chairman Doyle stated the 60 day public comment period is what will be used.

Chairman Doyle asks for a Motion to accept the DEIS as presented and asks the Board if there are any concerns. Chairman Doyle reads the 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: TYPE 1
APPLICATION DESCRIPTION: DETERMINATION THAT THE DRAFT
ENVIRONMENTAL IMPACT STATEMENT IS
COMPLETE

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 a Type 1 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; and

Town of Ballston
Planning Board

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; and

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 based on certain deficiencies that were noted the Planning Board determined that the DEIS was not complete; and

WHEREAS, as the Applicant, by letter dated September 10, 2014, with attached exhibits, has addressed the noted deficiencies.

NOW, THEREFORE, BE IT RESOLVED that the Town Planning Board hereby accepts the Dolomite Hot Asphalt Plant DEIS as adequate for public review, authorizes the Planning Board Chairman to cause to be filed and distributed the DEIS and the attached Notice of Completion of DEIS and Notice of Public Hearing in accordance with the requirements of SEQRA, and to take such further steps as are necessary to discharge the Planning Board, as Lead Agency, duties.

On a motion by John Van Vorst, seconded by Jeff Clawinski, the foregoing resolution was adopted on a vote of 7 in favor, 0, opposed and 0 abstentions.

On a **MOTION** by John Van Vorst to accept the foregoing Resolution and **SECONDED** by Jeff Cwalinski and all present voted in favor:

John Van Vorst	Yes
Lee Ramsey	Yes
Audeliz Matias	Yes
Derek Hayden	Yes
Josephine Cristy	Yes
Jeff Cwalinski	Yes
Chairman Dick Doyle	Yes

MOTION is **CARRIED**.

Town of Ballston
Planning Board

Chairman Doyle reads the following Notice of Completeness for the record:

**NOTICE OF COMPLETION OF DEIS
AND
NOTICE OF PUBLIC HEARING
for
Dolomite Hot Mix Asphalt Pavement Plant
Town of Ballston, Saratoga County, New York
October 8, 2014 (date of publication in ENB and local newspaper)**

This Notice is prepared and issued pursuant to 6 NYCRR Part 617, the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act or "SEQRA") of the Environmental Conservation Law.

A Draft Environmental Impact Statement ("DEIS") for the proposed Dolomite Hot Mix Asphalt Pavement Plant dated September 10, 2014, 2014 has been completed and accepted for the purpose of commencing public review on September 24, 2014 by the Town of Ballston Planning Board, as the Lead Agency, for the proposed action.

A public hearing to receive public comments on the DEIS will be held on Thursday, October 30, 2014, at 7:00 PM, at the Ballston Town Hall, 323 Charlton Road, Ballston Spa, New York 12020. Comments on the DEIS are requested and written comments will be accepted by the Lead Agency until December 8, 2014. Please address all written public comments to Mr. Richard Doyle, Planning Board Chairman, at the Town of Ballston Town Hall, 323 Charlton Road, Ballston Spa, New York 12020. The DEIS is available online at the Town website townofballstonny.org and print copies are available for public review at the Town Hall and the Town of Ballston Community Library at 2 Lawmar Lane, Burnt Hills, New York 12027.

The Ballston Town Planning Board, as Lead Agency, has determined that the proposed action is a Type I Action subject to SEQRA, and made a positive determination of significance to require a full Environmental Impact Statement, which included public scoping of the EIS.

Project Sponsor:	Dolomite Products Company, Inc.
Name of Action:	Dolomite Hot Mix Asphalt Pavement Plant
SEQRA Type:	Type I Action

Project Location: The project site consists of 10 acres within the Curtis Industrial Park on NYS Route 67 in the Town of Ballston, Saratoga County, New York. The 10-acre parcel, which is located near the center of the industrial park,

Town of Ballston
Planning Board

abuts Curtis Lumber to the north, other lands within the industrial park to the south and east, and a rail line to the west. The project site is currently zoned Industrial and part of tax map 228-3-20.11.

Description of Action: The proposed action is the construction and operation of a hot mix asphalt pavement plant. Components of the plant include a drag conveyor, aggregate dryer and mixer with burner, batching tower with pug mill and elevator, raw and recycled material feed bins and transfer conveyor belts, storage silo, control house and a truck scale. The storage silo is the tallest of structures at 70 feet above grade. The proposed 10-acre site will include approximately one acre for plant equipment including a control house. Access roads and 6 parking spaces for employees and vendors will occupy and additional 1.5 acres. The remainder of the area will be used for aggregate storage and green space.

Contact Person: Mr. Richard Doyle, Planning Board Chairman
Town of Ballston Town Hall
323 Charlton Road
Ballston Spa, New York 12020
(518) 885.8502

A copy of this Notice and the DEIS have been sent to the recipients listed below:

Town Board and Supervisor
Town Building Inspector
Town of Ballston Zoning Board of Appeals
Saratoga County Planning Department
New York State Department of Transportation - Region 1
New York State Department of Environmental Conservation - Region 5
New York State Office of Parks, Recreation and Historic Preservation
U.S. Army Corps of Engineers, New York District
U.S. Fish and Wildlife Service
Citizens for a Clean Environment (c/o Caffrey & Flowers)
Project Sponsor (c/o Couch White)

Notice only:
NYSDEC Environmental Notice Bulletin via email: enb@gw.dec.state.ny.us

Chairman Doyle asks the audience to mark their calendars for 10/30/14 @7pm in the Community Room. He asks if there are any comments. There are none.

Chairman Doyle states 2 additional copies of the 9/10/14 version of the DEIS be provided and one will also be placed on the Town's website.

**Chairman Doyle called the meeting to order at 7:59 pm to begin with the next applicant:
Katz, Eric and Rosemary - Minor Subdivision on Lake Rd.**

Kurt Bedore addresses the Board and gives a brief overview of the proposal. It is a residential subdivision of a 21 acre lot situated at 197 Lake Rd. It overlays of 2 zoning districts; Ballston Lake

Town of Ballston
Planning Board

Waterfront and Ballston Lake Residential. Approval is being sought to subdivide a 21 acre lot into 4 lots. The applicant will retaining western 8 acres for himself and creating 3 new lots (lots 2, 3, 4) on the upper eastern portion. All are configured and comply with the Ballston Lake Residential Zoning requirements and average just shy of 4 acres. Those 3 parcels are proposed to be served by municipal water and sewer via individual private homes and a common carrier back up force means up to and connect to a gravity sewer on Lancaster Rd in the Chapel Hill subdivision. The remaining lot (Lot#1) will continue to be serviced by private utilities. The lots will connect to public water in water district 18. Town Planning Board did approve the water district ext. 18 on 9/11/14. The stormwater management meets town standards. A Homeowners Association is proposed for the subdivision. The DEC has determined that Lot 1 wetlands along the shoreline will not impact any wetland. Lots 2, 3, 4 have federal wetlands delineated and proposing minor disturbances less than 10th of an acre. There is a Historical Cemetery is located on northern part east of Lake Rd and there will be no activity or disturbance there and will stay at least 1000 feet away from that location. Need to submit to NYDOH still to review the water district extension. The Town Engineer sent a comment letter regarding stormwater management and have no objections to it and will address each item. Applicant will make sure due diligence on all permits and items.

Questions from the Board:

Jeff Cwalinski addresses permeable driveway material that was discussed at the last meeting. The applicant states this site is not conducive to that due to soil being type C and D soil and high ground water. Jeff Cwalinski addresses the post development run-off and asks the applicant if the run-off off the driveway onto Lake Rd will not be any greater after the development. Applicant states that is correct. The Applicant is proposing a small retention basin along lot 1,2 line, treat it and release under a culvert on Lake Rd.

Chairman Doyle addresses the applicant and states he has contacted the Chapel Hill Engineer and asked him to take a look at the pond and the invert to the pipe and see if there are any concerns. A resident had concerns after the last meeting and he does also. Kathryn Serra, Town Engineer, states a comment letter was sent to the applicant and recommends that contingent approval is not granted as the applicant requests as it is not consistent with past practice. Mr. Cwalinski asks if that will mean the applicant will be back next meeting. Chairman Doyle states that Mr. Bedore has a prior engagement and that will push this to November. Chairman Doyle states the Town Engineer raises a good point that it is not consistent with past practice and asks the Applicant how they feel about it. Kurt Bedore states he understands. Chairman Doyle asks the Board if they agree to table this and come back to it.

Chairman Doyle opens the Public Hearing scheduled.

Dave Pearce of Ballston Lake Improvement Association stated he was glad to hear Mr. Katz was taking care of the stormwater and thanked him. Chairman Doyle summed up for the audience that Mr. Katz was planning to connect 3 new homes into the SC waste disposal sewer system so no septic system with this and he is also connecting to the water district.

A resident on the lake front stands and speaks and asks whether there will be lake front rights given to the homeowners. Mr. Katz states there will be no changes to the west of the lake and if they own it, they can use it. The resident asks if it will remain in the children's hands or sold outside the family. There is discussion regarding the driveway remaining 22' wide. Kurt Bedore states intent is 12' wide with grass on either side. Mr. Katz concurs. Chairman Doyle speaks about a 60' width and right of way for

Town of Ballston
Planning Board

Emergency vehicles to pass if it is over 500' and carry over 45,000 lbs. The resident is next concerned about the drainage. Chairman Doyle states those are normal methods of stormwater control and assures it will be built to the code. The objective is to slow it down and confine it as in a rain garden and the Town Engineer is meticulous about stormwater run-off. Kurt Bedore states the discharge in Chapel Hill connects to a stream only on the lower portion in the rain gardens.

Mrs. Pierce asks if the deeds will be required to reflect that no dock will be expanded. Mr. Katz states a variance will be required to expand a dock. Mrs. Pierce asks about buoys. Tom Johnson, Building Inspector, states as long as he meets specification. The Code addresses moorings. Chairman Doyle asks if the Board agrees. Yes, unanimous.

Chairman Doyle states the November meeting will be November 19th, moved up a week early due to Thanksgiving.

Chairman Doyle closes the public hearing at 8:25 pm.

Chairman Doyle asks for a motion to declare the Town of Ballston Lead Agency for SEQR.

MOTION: Jeff Cwalinski motioned to name the Town of Ballston Planning Board as Lead Agency in the SEQR process. Audeliz Matias **SECONDED** the motion. All in favor. **CARRIED**.
Application tabled.

Chairman Doyle introduces Saxton Sign Co. as the next applicant.

Terry Misener speaks on behalf of Dollar General, the Applicant and is asking to replace the monument sign. Applicant states the sign 5x10 (10' tall) is same shape as Advance Auto right next door which is 5x12. This is 8 sq ft smaller and will be double sided with lamps.

Chairman Doyle asks if there are questions from the Board. Derek Hayden asks where the sign will be located. Mr. Misener handed a plot plan to so indicate. Chairman Doyle asked the applicant to provide a copy to the Board. Derek Hayden asks if it will be illuminated. Yes with florescent lights. Jeff Cwalinski asks if there is a reason it cannot be 40 sq. ft. to meet the zoning requirements. Mr. Misener states the applicant wants it to be 50 sq. ft. The concern is readability when travelling up the road. Jeff Cwalinski asks if the applicant can prove it is necessary rather than just that they want it. Tom Johnson states the code is 32 sq. ft. Chairman Doyle states the Advance Auto is a little bigger at 48 sq. ft. because of the logo that goes with it and that he shares the concern with Board Member Jeff Cwalinski and some other concerns. He thinks it could be smaller if you cut off the white/black trim on it and can still have the yellow there and black trim. The letters will still be seen, the rest is just frill. In addition, the Advance Auto sign has a post on either side, the stores are 40' apart, look similar and he expressed that he would like the signs to be similar. The sign should look like the Advance Auto sign but somewhere closer to our design sign standard which is 32 sq. ft. If the Applicant puts forth that the sign must be a certain size so it can be seen and can be read as they are going by then we will make it a little bigger but it can be made smaller and still legible because some of the trim can be taken off around it. Derek Hayden states he will be happy if the dimensions of the other sign are met. Terry Misener states the Applicant wants to compete with the other businesses around them. Chairman Doyle states the sign around has a double post and asks Tom Johnson to email a copy of that sign to the Applicant.

Town of Ballston
Planning Board

Derek Hayden asks what the dimension of the building itself is. 3'9' x 26'. Chairman Doyle states that is 104 sq. ft. The Chairman asks the applicant to make this look like other sign geometrically and meet the code. Josephine Cristy states it will look more desirable with the posts. Chairman Doyle asks if the Applicant needs anything else and asks if the applicant wants to email something he would pass it around to the Board for comments if the applicant wants.

Chairman Doyle opens Public Hearing at 8:37 pm. On Route 67 just before the BSNB, there are two new stores to be built. One is an Advance Auto and the other is a Dollar General. Both stores will have access off Dominic Drive.

Resident Lorraine Janack is the first to speak and expresses concern over the lights after 10pm. Applicant states there are no lights after they close at 9pm. Chairman Doyle asks if there are any other comments. There are none.

Chairman Doyle closes the public hearing at 8:39 pm.

The next item on the Agenda is Joel Prescott for a Site Plan Review of a single family dwelling situated on 140 Westside Drive.

Vincent Mazzone speaks for the Applicant. The Applicant seeks site plan approval for a single family home one 140 Westside Drive that is 1.4 acre lot and received an area variance 11/20/13. It is in the Ballston Lake District. Formerly it had a structure on it with some type of camp. Water, electric, gas, asphalt driveway are currently on the site. Propose to connect to public water and use the utilities that are currently there. Septic system will be required for the site. It is 200' to the lake. The adjacent lot to the north is vacant and the south lot is a single family home. A site plan was submitted 8/11/14 and comments by CT Male were addressed. Septic design was submitted 8/19/14 and no comments have been received. Questions raised at the last Board meeting and have addressed all of those. A Right to Farm note was requested to be added to the plans and that has been done. Applicant is ready for site plan approval.

Chairman Doyle apologizes for the bad start last month due to errors of not getting information in the papers which hindered action. Chairman Doyle addresses Kathryn Serra, Town Engineer and asks if she has received any drawings as he has not. Engineer Serra states she has had limited time to review as she did not receive this until last week. She states there is nothing in the comment letter that would prevent approval contingent on the letter. Chairman Doyle asks the Board if they have any questions or concerns relative to what was submitted. There are none.

Chairman Doyle opens the Public Hearing at 8:44 pm for 140 Westside Drive.

Chairman Doyle asks if there is anyone who wishes to speak regarding 140 Westside Drive. No one wishes to speak. Chairman Doyle closes the public hearing at 8:45 pm.

MOTION: John Van Vorst motioned to name the Town of Ballston as lead agency in the SEQR process. Josephine Cristy **SECONDED** the motion and all present voted in favor. **CARRIED.**

Town of Ballston
Planning Board

Chairman Doyle states it is an unlisted action. Chairman Doyle asks for a declaration.

MOTION: Jeff Cwalinski makes a motion based on review of information that we issue a Negative Declaration, with the basis that there is not a potentially significant environmental impact. Lee Ramsey **SECONDED** the motion. All present voted in favor. **CARRIED.**

Chairman Doyle asks for a motion for conditional approval based on final review and acceptance by Town Engineer.

MOTION: Jeff Cwalinski makes a motion for conditional approval of the drawing Titled Prescott Homes 140 Westside Drive Ballston Lake, NY dated August 2014 with the condition the Town Engineer's comments be resolved to satisfaction. **SECONDED** by John Van Vorst. All present voted in favor. **CARRIED.**

SEQR Impact Assessment

Chairman Doyle reads through SEQR and the Board members respond in unison:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No.
2. Will the proposed action result in a change in the use or intensity of use of land? No.
3. Will the proposed action impair the character or quality of the existing community? No.
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No.
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No.
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No.
7. Will the proposed action impact existing:
 - a. public / private water supplies? No.
 - b. public / private wastewater treatment utilities? No.
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No.
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? No.
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No.
11. Will the proposed action create a hazard to environmental resources or human health? No.

Chairman Doyle thanks the Board and addresses the Applicant. The motion is approved and it is ready to go after the items are completed to the satisfaction of the Town Engineer. After Kathryn Serra approves, the applicant will need to bring in the maps, sign the plats and Tom Johnson will need to issue the building permit.

Town of Ballston
Planning Board

At 9:13 pm, the next item on the agenda is DiCesare Property which is an older white house on east side of the Route 50, next to the Big Red Barn by the Post Office. Duane Rabideau from Gilbert Van Guilder presents using a map displayed on an easel. A lot line adjustment is requested between DiCesare and Suburban Services. Mr. Cwalinski asks if there are driveways. Duane Rabideau answers the question and points to a parking lot on the easel map display. Chairman Doyle asks the Board if they have any further questions. There are none.

Chairman Doyle opens the public hearing at 9:15 pm. And asks if anyone wishes to speak. He sums up the issue as a lot line adjustment and if you look at the front of the property, the older home sitting to the south of it or to the right and these garages sitting to the left of it and squaring off. If no one interested in speaking then close the public hearing. Public Hearing is closed at 9:15 pm.

Chairman Doyle asks for a motion for lead agency.

MOTION: John Van Vorst motioned to name the Town of Ballston as lead agency in the SEQR process. Jeff Cwalinski **SECONDED** the motion and all present voted in favor. **CARRIED.**

SEQR Impact Assessment

Chairman Doyle reads through SEQR and the Board members respond in unison:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No.
2. Will the proposed action result in a change in the use or intensity of use of land? No.
3. Will the proposed action impair the character or quality of the existing community? No.
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No.
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No.
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No.
7. Will the proposed action impact existing:
 - a. public / private water supplies? No.
 - b. public / private wastewater treatment utilities? No.
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No.
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? No.
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No.
11. Will the proposed action create a hazard to environmental resources or human health? No.

Chairman Doyle asks for a motion for a negative declaration.

MOTION: John Van Vorst moved to issue a Negative Declaration in this unlisted action. Josephine Cristy **SECONDED**. All present voted in favor. **CARRIED.**

Chairman Doyle asks for a motion to approve the lot line adjustment as shown on the attached drawing.

Town of Ballston
Planning Board

MOTION: On a motion by Jeff Cwalinski to approve the lot line adjustment on the drawing labeled Lot Line Adjustment between the lands of DeCesare and 2150 Properties LLC #14-11-62 dated July 13, 2013 and **SECONDED** by John Van Vorst and all present voting in favor, the Motion is **CARRIED**.

Chairman Doyle introduces next item as Walmart Stores at 9:17. There will not be a public hearing with this. This property is located on Church Ave, Route 50, behind McDonalds, Jims Citgo and behind the former restaurant that burned there and runs down to the road going into Zepko Lane.

Kelly Pronti with Harder Seacrest for Walmart introduces herself. Chairman Doyle continues that he has a letter from the senior project manager that suggests they do the Walmart project in tandem with the new look at the Rossi BSNB as one entity. We think this is a good idea. That being said, there is a Resolution to make to combine:

RESOLUTION
TOWN OF BALLSTON PLANNING BOARD
INTENT TO SERVE AS LEAD AGENCY FOR
THE COMBINED REVIEW OF THE ROSSI/BALLSTON SPA NATIONAL BANK
SUBDIVISION AND WAL-MART STORES, INC. SITE PLAN APPROVALS

WHEREAS, an application has been made to the Planning Board of the Town of Ballston for a five (5) lot subdivision on parcels 216.-2-27.11, 216.-2-22.111 and 216.-2-40 by Frank Rossi and the Ballston Spa National Bank (the Rossi/BSNB subdivision application) ; and

WHEREAS, an application has been made by Wal-Mart Stores, Inc. for site plan approval of a proposed 136,800 square foot retail store to be located on one of the lots proposed to be created in the Rossi/BSNB subdivision (the Wal-Mart site plan application) ; and

WHEREAS, the Planning Board intends to serve as Lead Agency for the SEQRA review of both the Rossi/BSNB subdivision and Wal-Mart site plan applications; and

WHEREAS, to avoid any possible segmentation in its review of the applications the Planning Board intends to conduct a combined environmental review of the two applications; and

WHEREAS, the Wal-Mart application, as a Type 1 action, necessitates a coordinated review in accordance with the provisions of 6 NYCRR Part 617.

NOW, THEREFORE, BE IT RESOLVED that the Town Planning Board hereby declares its intention to serve as Lead Agency for the combined SEQRA coordinated review of the Rossi/BSNB subdivision and Wal-Mart site plan applications and authorizes the Planning Board Chairman to cause to be circulated a copy of the applications together with Part 1 of the EAFs submitted in connection therewith, to all involved agencies, in accordance with 6 NYCRR Section 617.6 and to notify such involved agencies of the Planning Board's intention to serve as Lead Agency..

On a **MOTION** by Jeff Cwalinski and **SECONDED** by Josephine Cristy, the foregoing resolution is adopted on a vote of all in favor, none opposed and no abstentions. **MOTION CARRIED**.

Town of Ballston
Planning Board

Frank Rossi II addresses the Board with respect to the application. Return with the same map but with satisfaction of the conditions. Appreciate support for the plan to consider the two projects in tandem. It will save the Town's resources. Asks Paul Olund, Engineer to present to the Board. Mr. Olund places map previously reviewed by the Planning Board on the easel that shows the 2 properties part of the subdivision: the PUDD in yellow and in green is the BSNB. He shows the access roads on Rt. 67 and Church Ave and the proposed loop road highlighted in blue with 2 access points behind Trustco Bank behind Hess, comes out by McDonalds and serves as an extension of the Dominic Drive cul-de-sac thru BSNB and intersects with the T intersection with the PUDD. Lot 1 is Walmart site plan in the PUDD, there are other lots too and one lot is reserved for stormwater management on the bank property. Ms. Cristy asks if the roads coming on to Route 50 can turn either way. Paul Olund states, No, the south loop road exit is right turn in right turn out. Mr. Cwalinski addresses the speaker and says "use the term 'basically the same', is there any differences?" No they are the same. Mr. Rossi states the same presentation is given as there was some turn over on the Board. He continues in regards to the EAF, Walmart is the user of Lot 1 of the subdivision. While this has changed certain items in the EAF when compared to the original EAF file in 2013 for a major subdivision, it should be remembered that Walmart site plan has always been considered from an impact standpoint with two important assumptions: 1) Walmart will fulfill in the entirety the allowed commercial use in the Rossi PUDD land and 2) the office industrial or so-called flex space users have yet to be identified meaning that for the assumptions for impacts like traffic, the worst case scenario assumptions for 132,000 sq. ft. of flex usage that were adopted by the PUDD legislation are used to ensure combined allowable impacts will not be exceeded. As Traffic Engineers Crate Manning stated in a narrative inside the new EAF, "the analysis presented includes the maximum trips including retail, supermarket, industrial and office land uses for the Rossi PUDD and the build condition as included in the original traffic impact study, ie, not site specific Walmart trips. Summary and attachment illustrate how the site has always been assessed as an entire PUDD development." While Mr. Baker stated in letter from last month "obviously the development of a new Walmart on the subject property raises the potential for significant traffic, noise, lighting, community character and other environmental impacts that cannot be separated from the subdivision review." He misses the fact that impact assessments have already been performed for 137,000 sq. ft. of commercial usage and 132,000 sq. ft. of flex usage during the PUDD review and approval process. He also fails to identify supposed anomalous impacts that are particular to this user, indeed he cannot identify them since traffic trips generated are already shown to be below the allowable threshold and since Walmart is abiding by all other combined and individual impacts as regulated by the PUDD legislation and, were that legislation silent, by the Ballston Town Code. The statement by Mr. Baker on behalf of Smart Growth Ballston once again shows without a shred of doubt that they are urging this Board to adopt an illegal user-based form of planning discrimination. The first paragraph of his letter validates this, "in particular, Smart Growth Ballston is opposed to the nearly 137,000 sq. ft. big box Walmart that is proposed as part of the above referenced Frank Rossi Subdivision." There can be no clearer statement of user based discrimination than that. With all that said and with a new long form EAF has been submitted with our major subdivision application, we are prepared to submit it to a new SEQR coordinated review including a new 30 day period related to the planning board seeking lead agency status, should this board elect to seek such status again. We are happy to answer any questions of the Board at this time and ask that after the Q&A is completed, Applicant respectfully asks you, Mr. Chairman, that the Planning Board decide whether it will seek Lead Agency status with respect to the new SEQR review for the major subdivision with Walmart as the user of Lot 1. We again will be seeking preliminary subdivision approval by final approval as dictated by Town Code Section 104. Thank you for this opportunity.

Town of Ballston
Planning Board

Chairman Doyle suggests the board move ahead to lead agency. Walmart will now be in tandem with Rossi/BSNB. Reread lead agency paragraph,
Now therefore be it resolved the Town Planning Board hereby declares its intent to serve as Lead Agency for combined SEQR coordinated review of the Rossi/BSNB subdivision and Walmart site plan application and authorize the Planning Board Chairman to cause to be circulated a copy of application together with Part I of the EAF, submitted in connection therewith to all involved agencies in accordance with 6 NYCRR section 617.6 and to notify such involved agencies of the Planning Boards intention to serve as Lead Agency. Chairman Doyle asks for a motion.

MOTION: Jeff Cwalinski makes a motion to name the Town of Ballston Planning Board as Lead Agency in the combined SEQR process. **SECONDED** by Josephine Cristy. All present voted in favor with no abstentions. **MOTION CARRIED.**

Applicant Rossi thanked the Board.

Motion to adjourn made by John Van Vorst and seconded by Derek Hayden at 9:20 pm.

Chairman Doyle thanked the Board.

Respectfully submitted,



Carrie Fisher, Alternate Secretary