

A Town Board Agenda Meeting was held by the Town Board of the Town of Ballston on Tuesday evening, March 28, 2023, in the Meeting Room at Town Hall located at 323 Charlton Road, Ballston Spa, New York and via Zoom webinar for the public to view and listen only.

PRESENT:	Eric Connolly	Supervisor
	Chuck Curtiss	Councilman
	Kelly Jasinski	Councilwoman
	Rob Fendrick	Councilman
	Mike Carota	Councilman
	Carol Gumienny	Town Clerk
	William Ryan	Counsel
	David Urkevich	Town Comptroller

Due to the Public Hearing that was held prior to the meeting, Supervisor Connolly called the meeting to order at 7:05 p.m. and the Pledge of Allegiance was recited.

Ballston Lake Sewer Update

Ed Hernandez, project engineer for the Ballston Lake Sewer project, stated that the contractor is working on a punch list of items that need to be completed over the next few weeks. Letters will be mailed to residents in the Buell Heights area in May on connection. There is a change order on the agenda this evening for additional paving to Lazur Road. This change was approved by Environmental Facilities Corporation. Grant money will be used for this.

The Supervisor stated that a student was hit by a driver in front of Ballston Spa High School yesterday. Unfortunately, this was preventable. It was not due to the lack of signage or ill-conceived plans of the school. It is unfortunate. The student's condition is not known. He and the mayor of the Village of Ballston Spa had conversations with the sheriff's department to understand what happened and if there is anything the Town or Village can do, they will.

Recognition of First Responders

The Supervisor introduced Mike Siiss of the Ballston Lake Emergency Service. Mr. Siiss discussed a chain of events that took place with the help of so many individuals who saved the life of Mr. Baker. On January 24, 2023, 56-year-old Peter Baker from Ballston Lake had just finished dinner and was going to sit down for a nap, and just slumped onto the floor. An immediate call to 911 and instructions from a dispatcher, followed by a rapid response from Burnt Hills Fire Department, the New York State Police, and Ballston Lake EMS. CPR and defibrillation saved a life; Mr. Baker was transported to Ellis Hospital, where he was treated. He walked out of the hospital and back into his home 5 days later. Mr. Siiss introduced Peter Baker who attended with his family, and all the people who were involved in saving Mr. Baker's life. Dispatcher: Daniel Dunn-Desk Sgt. Saratoga County Sheriff's Dept Law enforcement: Evan Hayner-Trooper New York State Police, First responders: Adam Costa, Peter Costa, Michael Fowler-Burnt Hills Fire Department. EMS: Kevin Sarsick-EMT, Jessica Fiffe-Paramedic, Ryan Jones-Paramedic Ballston Lake EMS. Mr. Siiss stated that cardiac arrests strike nearly 350,000 people each year. Only 11% survive. Having CPR performed doubles or triples the chances of survival for a victim of sudden cardiac arrest. Saratoga County EMS Mike McEvoy was in attendance and stated that it is by chance that this occurred. Only 40% of 911 centers allow people to give CPR instructions; for 30 years Saratoga County's 911 center has given instructions over the phone for calls such as CPR, choking, and delivering babies. The County is one of two counties in the State who have a phone app that anyone can download which will alert them if they are within a ¼ mile of a person who needs CPR. All people in the area are alerted: police, EMS, fire departments, etc. The closest person will get there first. Nine months ago, the Ballston Town Board had some important decisions to make because the Ballston Lake Emergency Service was having problems with not having enough volunteers. The Board facilitated what needed to be done along with the Ballston Lake Emergency Service, to improve the response to calls in Town. In Saratoga County, the rate of survival is 23%. Mr. McEvoy congratulated everyone.

Grants Update

Supervisor Connolly stated that he recently met with two representatives from M.J. Engineering because it is grant season. He must make sure that the Town is organized and know what grants are available. The Northern Borders Grant, through the Department of State, is for the design and construction of the possible business sewer district. This will be applied for if the feasibility study comes back favorably showing that it can handle the capacity. This feasibility study should

be completed in a couple of weeks and then they can apply for the grant. There is a good chance of getting this grant. The Bridge New York Grant for the Finley Road bridge will be reapplied for as the Town did not get this grant. It is a \$1.3 million project. The Town does not have the funding for this. The bridge is currently safe but will need to be replaced in the future. This should move to the top of the list at the County level. He will advocate for this to happen. The Town will apply again for the grant in 2024. The Consolidated Funding Application is due at the end of May and consists of a few grants. The Town will apply for a grant for the construction of the connection from the Veterans Bike path to the Zim Smith Trail. A grant for playground equipment for Jenkins Park will also be researched. We are not ignoring this equipment, and have received legal counsel. This is why we are prioritizing the dog park instead of the equipment. The Supervisor does not believe we are in a negative position; the equipment can stay for now and the Town will work on getting it replaced. A grant for Safe Pathway to Schools will be for a sidewalk connection on Thomas Avenue, Martin Avenue and eventually connect to Route 50. There have been two people hit by vehicles in this vicinity in the last year. The school will work with the student body to encourage safe pathways to keep them safe. There is one homeowner on Thomas Avenue that is not in favor of an easement that would be needed to put in sidewalks. Highway Superintendent Joe Whalen stated that all homeowners on Thomas Avenue will give easements except for one, which means eminent domain. He stated that to be clear, there are crosswalks that cross Thomas Avenue and another one on Route 50 that was installed a year ago by the Department of Transportation which connects to the sidewalks at the new Sunoco Gas Station. There are missing links such as in front of Adirondack Trust and the dentist. The Town had met six to eight years ago with the school district and the Sheriff and had made improvements. Unfortunately, where the student crossed was not a cross walk. Crosswalks are put in place to get across the road safely and they are not in places where there is no place to go. There is room for improvement. Sidewalks can be funded through the budget via taxes, fit them in the budget, or go after grant money. We have a good relationship with the school and the sheriff's office. The Sheriff has monitored Ballston Avenue. Councilwoman Jasinski asked if the speed limit can be reduced in front of the school. It was stated that the speed limit is 20 mph. Mr. Whalen stated that he has witnessed chaos when students are leaving school in cars, buses, and being picked up by parents. We worked hard to try to make it a safer area.

Parks and Recreation Committee Report

Councilman Fendrick stated that the Parks & Rec Committee has a person interested in the alternate position available on the Committee. The Committee will ask the Board at the April meeting for approximately \$400 to purchase a load of stone dust that is needed for the trails in Anchor Diamond Park. Rotary and Saratoga PLAN stewards are planning a workday in Anchor Diamond Park in late May. Mr. Fendrick received a quote from M. J. Engineering to do a survey of the land for the proposed drop-off point for residents with kayaks near the fishing pier. The quote was \$8,350. He will be getting other quotes. All the verbiage for the signs for the dog park had been reviewed by legal and the Town's insurance agent. AJ Signs gave a price quote of \$1,300 - \$1,500 for the signs that are needed. This price includes all the hardware. The fishing pier will be installed as planned.

Eastline Road and Route 67 Roundabout

Supervisor Connolly stated that the Town of Malta has an application for a 159-unit apartment complex near the intersection of Route 67 and Eastline Road. Malta received a grant for the design work for a roundabout at this intersection which is currently being done. They are looking at how much in traffic mitigation fees they currently have and doing an assessment. They will look at all funding sources if the grant does not come through. Supervisor Connolly mentioned to the Supervisor of Malta that half of the circle is in Ballston. Our Town did not collect traffic mitigation fees from 2005 until recently when we redid the zoning. He encouraged the Supervisor of Malta to talk to us. We will see what funds we have from mitigation fees. The Supervisors are working together to get traffic to move more smoothly at that intersection. The circle cost is estimated at \$3 million. Councilman Curtiss stated that he feels that the two towns should not have to shoulder this expense. Councilman Carota stated that it may help with increased traffic, but there will still be a lot of traffic. Councilwoman Jasinski stated that she continues to feel that the traffic that started back on Middleline Road to Exit 12 is the responsibility of the County. She does not think that is the biggest traffic situation in the Town. Most of these drivers do not live in the Town. She feels we should push the County and State as this responsibility should not fall on the two Towns.

NEW BUSINESS

There was no new business to discuss.

Privilege of the floor ONLY on items for consideration and action this evening.

No one wished to speak.

NEW BUSINESS FOR CONSIDERATION AND ACTION THIS EVENING

RESOLUTION 23-63

APPROVE THE SUPERVISOR TO EXECUTE A CHANGE ORDER FOR CONTRACT #1 TRINITY CONSTRUCTION WITH AN INCREASED AMOUNT OF \$36,500 TO COMPLETE ADDITIONAL ROAD PAVING ON LAZUR ROAD AT THE SAME TIME AS THE PAVING OF BUELL HEIGHTS TO RESTORE DAMAGE FROM SEWER WORK.

A motion was made by Councilman Fendrick and seconded by Councilwoman Jasinski.

ADOPTED Ayes 5 Councilman Fendrick, Councilwoman Jasinski, Councilman Curtiss, Councilman Carota and Supervisor Connolly

Nays 0

RESOLUTION 23-64

DESIGNATE THE TOWN BOARD OF THE TOWN OF BALLSTON AS LEAD AGENCY PURSUANT TO PART 617 OF THE STATE ENVIRONMENTAL QUALITY REVIEW ACT WITH RESPECT TO THE POTENTIAL PURCHASE OF THE MAGNUM SITE, LOCATED AT 814 SARATOGA ROAD, TAX MAP ID# 257.10-2-55, AND AUTHORIZE THE SUPERVISOR TO SIGN ANY AND ALL DOCUMENTS RELATED TO THIS ENVIRONMENTAL REVIEW.

A motion was made by Councilwoman Jasinski and seconded by Councilman Fendrick.

A RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BALLSTON, SARATOGA COUNTY, NEW YORK, DESIGNATING THE TOWN OF BALLSTON AS LEAD AGENCY PURSUANT TO PART 617 OF THE STATE OF NEW YORK ENVIRONMENTAL QUALITY REVIEW ACT WITH RESPECT TO THE PROPOSED PURCHASE OF 814 SARATOGA ROAD.

WHEREAS, the Town of Ballston proposed to purchase the former Magnum gas station, situate at or about 814 Saratoga Road, Ballston, Tax ID: 257.10-2-55, from Saratoga County for a future public use in the Town of Ballston, and such purchase is in the maximum cost of \$7,000.00; and

WHEREAS, in connection with the proposed purchase of 814 Saratoga Road the Town of Ballston is required to review the environmental impact, if any, associated with the proposed purchase.

NOW, THEREFORE, IT IS:

RESOLVED, that the Town Board of the Town of Ballston be designated as lead agency with respect to the environmental review associated with the proposed purchase of 814 Saratoga Road; and it is further

RESOLVED, that the Town Supervisor be authorized to sign any and all documents associated with the environmental review regarding the proposed purchase of 814 Saratoga Road.

The question of the adoption of the foregoing resolution was duly put to a vote, which resulted as follows:

Eric Connolly, Supervisor	Aye
Michael Carota, Councilperson	Aye
Chuck Curtiss, Councilperson	Aye
Rob Fendrick, Councilperson	Aye
Kelly Jasinski, Councilperson	Aye

ADOPTED 5-0
Dated March 28, 2023

Attorney Ryan stated that before the Board does the next resolution, which concerns the type of action under the State Environmental Quality Review Act and whether the acquisition of the property will have an adverse negative impact to the environment, the Short Environmental Assessment Form will need be reviewed which reviews the action that the Town will undertake. Attorney Ryan went over the questions and answers with the Board as follows:

The 20 following questions and answers (attached) were read by Mr. Ryan. Question #5 the residential box will be checked. Question #9 will be stated as non-applicable.

Attorney Ryan stated that Part 2 of the Short Environmental Assessment Form has 11 questions (attached) which were read and answered, there will be no negative impact. The next resolution of the property is an Unlisted Action, and the acquisition of the property will not have an adverse effect. The New York State Department of Environmental Conservation has closed their file as the site has been remediated and received clean dirt. The resolution also allows the Supervisor to sign.

RESOLUTION 23-65
CLASSIFYING THE MAGNUM SITE, LOCATED AT 814 SARATOGA ROAD, TAX MAP ID# 257.10-2-55 AS AN UNLISTED ACTION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT.

A motion was made by Councilwoman Jasinski and seconded by Councilman Curtiss.
ADOPTED Ayes 5 Councilman Fendrick, Councilwoman Jasinski, Councilman Curtiss, Councilman Carota and Supervisor Connolly
Nays 0

RESOLUTION 23-66
APPROVE THE DETERMINATION AND DECLARE THE MAGNUM SITE, LOCATED AT 814 SARATOGA ROAD, TAX MAP ID# 257.10-2-55, A NEGATIVE DECLARATION. THIS IS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, AS THE POTENTIAL PURCHASE WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

A motion was made by Councilwoman Jasinski and seconded by Councilman Carota.
ADOPTED Ayes 5 Councilman Fendrick, Councilwoman Jasinski, Councilman Curtiss, Councilman Carota and Supervisor Connolly
Nays 0

RESOLUTION 23-67
AUTHORIZE THE SUPERVISOR, ON BEHALF OF THE TOWN OF BALLSTON, TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF SARATOGA, TO PURCHASE THE MAGNUM SITE LOCATED AT 814 SARATOGA ROAD TAX MAP ID# 257.10-2-55 FROM THE COUNTY OF SARATOGA FOR THE SUM OF \$7,000.00, AND SUCH FUNDS ARE TO COME FROM THE TOWN OF BALLSTON CAPITAL EXPENDITURE FUND. THIS RESOLUTION IS SUBJECT TO A PERMISSIVE REFERENDUM PURSUANT TO SECTION 90 OF THE TOWN LAW.

A motion was made by Councilwoman Jasinski and seconded by Councilman Carota.
Discussion: Councilwoman Jasinski asked where the funds go at the County. The Supervisor stated that he believes the money will go to the Oil Spill Cleanup Fund which is controlled at the NYS Comptroller's Office.

**TOWN BOARD RESOLUTION AUTHORIZING PURCHASE OF
THE MAGNUM SITE FROM THE COUNTY OF SARATOGA**

WHEREAS, the Town Board of the Town of Ballston identified 814 Saratoga Road, Ballston, New York, Tax Map No.: 257.10-2-55 (the “Magnum Site”) as a blighted area consisting of unsafe premises, structures, equipment and conditions, within the Town of Ballston; and

WHEREAS, the Town Board of the Town of Ballston took action pursuant to law and the Town of Ballston Town Code to address the identified unsafe premises, structure, equipment and conditions at the Magnum Site; and

WHEREAS, such actions included Town Board Resolution 21-77 that declared the premises, structure, equipment and conditions at the Magnum Site unsafe and further ordered a Notice be served upon the Owners ordering the removal or repair of the unsafe premises, structure, equipment and conditions; and

WHEREAS, such Notice was personally served upon the Owners of the Magnum Site, Nuri Ozbay, and Sevinc & Nuri, LLC, on March 12, 2021, and such Notice directed the removal or repair of the premises, structure, equipment and conditions deemed unsafe by this Town Board no later than sixty (60) days after the Notice was served; and

WHEREAS, the Owners did fail to remove or repair the unsafe premises, structure, equipment and conditions, or present an engineer’s findings to show that the Magnum Site was safe, by the May 11, 2021, deadline; and

WHEREAS, the Town of Ballston by and through its attorneys, Tabner, Ryan & Keniry, LLP, commenced an action in Saratoga County Supreme Court, to condemn the Magnum Site, and obtained an Order and Judgment, dated October 7, 2021, that declared the Magnum Site a public nuisance and authorized the Town of Ballston to teardown or demolish all the unsafe structures, property and equipment on the Magnum Site; and

WHEREAS, such Order and Judgment further declared that the New York State Oil Spill Fund and the New York State Department of Environmental Conservation, and their agents, may at all times enter the Magnum Site to participate in the removal of the unsafe structures, property and equipment and/or environmental remediation of the Site; and

WHEREAS, such Order and Judgment further declared the Owners of the Magnum Site, Nuri Ozbay, and Sevinc & Nuri, LLC, “Responsible Parties” pursuant to Navigation Law § 181; and

WHEREAS, the Town of Ballston completed the teardown, demolition and removal of all the unsafe structures, property and equipment at the Magnum Site on January 19, 2022; and

WHEREAS, the Town of Ballston coordinated with the New York State Department of Environmental Conservation and New York State Oil Spill Fund to complete environmental remediation of the Magnum Site, which had an open petroleum spill, number 1601392; and

WHEREAS, the New York State Department of Environmental Conservation and New York State Oil Spill Fund undertook and completed and fully remediated the Magnum Site, and closed spill number 1601392 on January 12, 2023; and

WHEREAS, the County of Saratoga foreclosed on the title to the Magnum Site in connection with unpaid real property taxes, and now owns the Magnum Site; and

WHEREAS, the County of Saratoga has entered into an Agreement regarding the tax foreclosure sale of the Magnum Site with the New York State Environmental Protection and Spill Compensation Fund; and

WHEREAS, such Agreement is premised upon the understanding that the County desires to sell and convey the Magnum Site to the Town of Ballston for the sum of \$7,000.00; and

WHEREAS, by the terms of such Agreement and the \$7,000.00 payment, the Department of Environmental Conservation and the New York State Oil Spill Fund has fully released any right to recover the costs associated with the aforementioned remediation of the Magnum Site from the Town of Ballston and the County of Saratoga; and

WHEREAS, the Department of Environmental Conservation and the New York State Oil Spill Fund have explicitly released the Town of Ballston and the County of Saratoga; and

WHEREAS, the Town of Ballston, through Town Board Resolution 22-226 approved a proposal from Empire State Appraisal Consultants to perform valuation services and prepare an opinion letter relating to the Magnum Site; and

WHEREAS, Empire State Appraisal Consultants' found and determined the value of the Magnum Site to be \$40,000.00, as of October 24, 2022, and

WHEREAS the premises and location of the Magnum Site are important to the community of Ballston, with respect to the health, safety and welfare of the Town residents, but also with respect to the aesthetics of the Town of Ballston; and

WHEREAS, the Town of Ballston has determined that the Magnum Site is an appropriate location for a public purpose use, such as, but not limited to, a public park; and

WHEREAS, the Town of Ballston Town Board has determined that it is in the best interests of the Town of Ballston and the residents of the Town of Ballston to purchase the Magnum Site and develop it for a public purpose or use; and

WHEREAS, such \$7,000.00 expenditure for the purchase of the Magnum Site is a capital expense and subject to a permissive referendum pursuant to New York State Town Law § 90; and

WHEREAS, the action of the proposed purchase of the Magnum Site is an Unlisted Action pursuant to the New York State Environmental Quality Review Act (SEQRA) and it has been determined and declared that the purchase will not have a significant impact on the environment; and

WHEREAS, the Town has complied with all applicable requirements, made the requisite determinations under and pursuant to SEQRA, and the regulations promulgated thereunder, including without limitation, all those applicable to the proposed sale and purchase of the Magnum Site.

Now, **THEREFORE BE IT RESOLVED**, that the Supervisor, on behalf of the Town of Ballston, is authorized to enter into an Agreement with the County of Saratoga, a copy of which is attached hereto, to purchase the Magnum Site located at 814 Saratoga Road, Ballston, New York, Tax Map No.: 257.10-2-55 from the County of Saratoga for the sum of Seven Thousand (\$7,000.00) Dollars and no cents, and such funds are to come from the Town of Ballston Capital Expenditure Fund; and

BE IT FURTHER RESOLVED, that pursuant to Town Law Sections 90 and 91, within ten (10) days the Town Clerk, in the same manner as provided for notice of a special election, shall post and publish a notice which shall set forth the date of the adoption of the resolution and contain

an abstract of such resolution stating the purpose and effect thereof. This notice shall specify that such resolution was adopted pursuant to a permissive referendum. This resolution shall take effect thirty (30) days after adoption, unless there shall be filed with the Town Clerk a petition signed and acknowledged by the electors of the Town qualified to vote upon a proposition to raise and expend money, in number equal to at least five (5%) percent of the total vote cast for governor in the Town at the last general election held for the election of State officers, protesting against the resolution and requesting that the matter be submitted to the qualified electors of the Town at a referendum in the manner provided by the Town Law.

A copy of the resolution is available for public inspection during normal business hours at Town Hall located at 323 Charlton Road, Ballston, New York.

Roll Call Vote was as follows:

Eric Connolly, Supervisor	Aye
Michael Carota, Councilperson	Aye
Chuck Curtiss, Councilperson	Aye
Rob Fendrick, Councilperson	Aye
Kelly Jasinski, Councilperson	Aye

ADOPTED 5-0

Dated March 28, 2023

RESOLUTION 23-68

APPROVE THE HOST COMMUNITY BENEFIT AGREEMENT BY AND BETWEEN THE TOWN OF BALLSTON AND MIDDLELINE EAST SOLAR, LLC, DATED MARCH 28, 2023, AND AUTHORIZE THE SUPERVISOR TO EXECUTE ANY AND ALL DOCUMENTS ASSOCIATED WITH THIS AGREEMENT.

A motion was made by Councilwoman Jasinski and seconded by Councilman Fendrick.

Discussion: Councilwoman Jasinski stated that they are paying a lump sum. She wrestles with this. She stated that the property was recently consolidated which had a different assessment than before. If they were taxed on this property now, the County gets \$1000, the school gets \$1500 and essentially the school district will get the monies with the current assessment before it becomes a commercial solar installation. The Town wouldn't get anything if we didn't have this agreement. The County is making out like a bandit in that scenario. She wondered if we could tell the County that the money is going into a Purchase of Development Rights fund, which the County supports. She thinks they should compromise, and a portion of the funds should come back to the Town. We could have negotiated for much more. Councilman Curtiss stated that he does not think this is enough money because it is a funding stream for the Purchase of Development Rights program. The Supervisor added that the County has a set agreement with all Towns of \$1000 per megawatt. If he has a conversation with the County, they will say that the Town could apply every year for a \$400,000 farmland grant and a \$150,000 open space grant; in essence they are giving the money back. In the Supervisor's experience, these grants are easy to apply for and the money comes. He has asked for assistance from the Farmland Protection Committee on identifying the parcels on the outer edge of the urban district so sprawl does not happen. If there is a list of property owners with a strong interest, this would save the Town time. It can be timed so these County grants are not missed. Councilman Curtiss stated that this will be discussed at their next Farmland Protection Committee meeting. Councilwoman Jasinski asked if the Supervisor is looking for suggestions on all parcels or just the perimeter? Supervisor Connolly stated that we paid a consultant to assist us with the numbering system for parcels; we can be more strategic by concentrating on the perimeter. Councilman Curtiss asked how do we make sure all landowners know about this program? The Supervisor stated that a post card can be mailed and to hold an information night. If

the Farmland Protection Committee has a different approach than the perimeter properties, the Board will listen.

ADOPTED Ayes 3 Councilman Fendrick, Councilman Carota and Supervisor
Connolly
Nays 2 Councilwoman Jasinski, Councilman Curtiss

RESOLUTION 23-69

APPROVE THE HOST COMMUNITY BENEFIT AGREEMENT BY AND BETWEEN THE TOWN OF BALLSTON AND MIDDLELINE WEST SOLAR, LLC, DATED MARCH 28, 2023, AND AUTHORIZE THE SUPERVISOR TO EXECUTE ANY AND ALL DOCUMENTS ASSOCIATED WITH THIS AGREEMENT.

A motion was made by Councilman Curtiss and seconded by Councilman Carota.

ADOPTED Ayes 3 Councilman Fendrick, Councilman Carota and Supervisor
Connolly
Nays 2 Councilwoman Jasinski, Councilman Curtiss

RESOLUTION 23-70

APPROVE TO AMEND THE 2023 BUILDING DEPARTMENT FEE SCHEDULE AS FOLLOWS: UNDER “BUILDING DEPARTMENT FEES” THE FOLLOWING SOLAR FEES WILL BE ADDED: TYPE I, RESIDENTIAL: \$.25 PER SQ. FT. ARRAY AREA, MINIMUM CHARGE \$100.00; TYPE II-B, COMMERCIAL: \$.25 PER SQ. FT. ARRAY AREA; TYPE III, COMMUNITY SOLAR INSTALLATION (CSI): \$.20 PER SF. OF SOLAR MODULES. ALSO, UNDER THE “PURCHASE OF DEVELOPMENT RIGHTS FEES” THE BUSINESS & COMMERCIAL FEE WILL BE CHANGED TO \$2.00/SF. THESE CHANGES WILL BE EFFECTIVE IMMEDIATELY.

A motion was made by Councilwoman Jasinski and seconded by Councilman Fendrick.

ADOPTED Ayes 5 Councilman Fendrick, Councilwoman Jasinski, Councilman
Curtiss, Councilman Carota and Supervisor Connolly
Nays 0

The Supervisor stated that the Board will enter Executive Session to discuss a personnel matter with no expected action. Attorney Ryan also stated that litigation and a contract consultation regarding the library will be discussed with no expected action.

A motion was made by Councilman Fendrick and seconded by Councilman Carota to enter into Executive Session. Executive Session began at 8:20 p.m.

A motion was made by Councilman Fendrick and seconded by Councilman Carota to return to regular session. No action was taken.

A motion was made by Councilman Fendrick and seconded by Councilman Carota to adjourn the meeting. All Board members were in favor. The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Carol Gumienny
Town Clerk

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Magnum Site			
Project Location (describe, and attach a location map): 814 Saratoga Road, Ballston, New York Tax ID: 257.10-2-55			
Brief Description of Proposed Action: The Town of Ballston proposes to purchase the Magnum Site from the County of Saratoga for a public use.			
Name of Applicant or Sponsor: Town of Ballston		Telephone:	
		E-Mail:	
Address: 323 Charlton Road			
City/PO: Ballston	State: New York	Zip Code: 12020	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ .47 acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ <i>N/A</i> _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ There is no potable water required at this time	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ There is no wastewater treatment required at this time	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The Site was an Oil Spill Number 1601892, said spill has been closed by the New York State Department of Environmental Conservation		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>TOWN OF BALLSTON</u> Date: <u>3/28/23</u>		
Signature: <u>[Signature]</u> Title: <u>SUPERVISOR</u>		

PRINT FORM

Project: Magnum
 Date: _____

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Project: Magnum

Date: _____

**Short Environmental Assessment Form
Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Town of Ballston Town Board	<u>3/28/23</u>
<u>Eric Connolly</u> <small>Name of Lead Agency</small>	_____ <small>Date</small>
<u>Eric Connolly</u> <small>Print or Type Name of Responsible Officer in Lead Agency</small>	_____ <small>Supervisor</small>
_____ <small>Signature of Responsible Officer in Lead Agency</small>	<u>W. Mark Ryan</u> <small>Title of Responsible Officer</small>
	_____ <small>Signature of Preparer (if different from Responsible Officer)</small>

PRINT FORM