

Town of Ballston  
Planning Board

**TOWN OF BALLSTON  
PLANNING BOARD**

**Regular Monthly Meeting: September 30, 2015**

Present: Richard Doyle, Chairman  
Jeffrey Cwalinski, Vice Chairman  
James DiPasquale  
Patrick Maher  
Audeliz Matias  
Lee Ramsey  
John VanVorst  
Thomas Johnson, Building Inspector  
Kathryn Serra, Town Engineer  
John Munsey  
Peter Reilly, Planning Board Attorney  
Members of the General Public

Chairman Doyle called the September 30, 2015 meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Chairman Doyle reviewed the agenda.

Chairman Doyle asked for corrections to the August 26, 2015 meeting minutes.

Mr. Reilly asked Chairman Doyle if he received a letter from Mr. Lang's attorney. Chairman Doyle stated he did this evening and has not read it. Mr. Reilly stated his recollection is that they were leaving the table, but one of the board members asked (there have been previous discussions) the questions was posed to the applicant whether they would be willing to arrange a meeting (site visit) with a NYSDOT representative with the billboard in question. Mr. Reilly stated his recollection was that Mr. Lang agreed to that (words of the effect of "No problem") the minutes understandably do not reflect that because they left the table; however if the board wants to make a motion to amend the minutes to include that verbiage and that letter states that was not requested. Mr. Maher stated he recalled that the applicant was going to reach out to NYSDOT if they would agree to a meeting. Ms. Serra stated that she and multiple board members expressing desire to have that meeting. Mr. Cwalinski stated he agrees hearing those same words. Mr. DiPasquale stated that Chairman Doyle agreed to meet him anytime it was convenient. Chairman Doyle stated he did reach out to Mr. Roberts of NYSDOT and had a nice chat on the phone and basically would have been agreeable and left it up-to Lang Media to make that contact and did not do that. Mr. Reilly stated that is his recollection and the minutes

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should be amended to reflect that. Chairman Doyle stated to have Michelle Dingman, Secretary add what Mr. Reilly said to the August 26, 2015 minutes.

**MOTION:** Mr. Cwalinski made a motion to approve the August 26, 2015 meeting minutes as amended to include the site visit that Lang Media and also page 14 second paragraph strike "bury" change to very. Mr. Maher seconded the motion and all present voted in favor.  
**CARRIED.**

**MOTION:** Mr. Maher made a motion to accept the September 3, 2015 minutes for the Wal-Mart approval. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

**OLD BUSINESS:**

**Dolomite Products, Inc. – Curtis Industrial Park (Site Plan Review – Asphalt Plant)** Steve LeFevre, Sr. Managing Geologist with Barton & Loguidice and Adam Schultz, Esq. with Couch White were present on behalf of the applicant.

Mr. LeFevre stated the DEIS was accepted by the town Planning Board as Lead Agency September 14, 2014 and the public comment period ran until December 31, 2014.

The proposed project calls for the construction and operation of a of a Hot Mix Asphalt Pavement Plant on a 10-acre parcel with the Curtis Industrial Park, which is located with the Town's Industrial District.

As presented in the DEIS, the proposed Hot Mix Asphalt Pavement Plant consists of aggregate stockpiles and feed bins, conveyor belts, a drum mixer and burner, a hopper/silo with a drag elevator, a baghouse, an asphalt tank and heater, a truck scale, and a control house.

The proposed plant will utilize approximately 1.4 acres of the 10-acre site for equipment and a control house, 0.7 acres for aggregate storage, 0.6 acres for a parking area and the access road. The remaining 7.3 acres will be left undisturbed as green space.

The DEIS evaluated the Plant's potential adverse environmental impacts on air quality, transportation, visual resources, noise, odor, public health/plant safety, soils and geology, water resources, vegetation and wildlife, cultural resources, recreational resources, utilities and agricultural resources.

Based on the findings of the completed studies, the DEIS determined that all of the potential adverse environmental impacts associated with the hotmix asphalt batch plant had been mitigated to the maximum extent practicable.

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However, consistent with the requirements of SEQRA, Dolomite evaluated project alternative as described in Section 5 of the DEIS.

In accordance with the provisions of SEQRA, the range of alternatives to be considered may include alternative technology, scale, or designed. In addition, private project sponsors such as Dolomite are encouraged to consider alternatives for which no discretionary approvals are needed.

Therefore, as presented in the DEIS, Dolomite considered the use of a portable drum mix style plant at the site rather than a batch plans. However, Dolomite determined at that time due that due to anticipated market conditions and the overall project goals, a portable drum mix plant was appropriate.

Nonetheless, upon consideration of public comments and concerns expressed by the Planning Board members, Dolomite continued to explore alternative project configurations that would address public concerns and still satisfy company goals.

As presented in the FEIS, Dolomite has identified a low capacity portable drum mix plant that will meet production goals and provide increased mitigation of potential environmental impacts.

The positive attributes associated with the portable drum mix plant are considerable and noteworthy, as I will now briefly discuss.

As you will recall, visual impacts were one of the main concerns expressed by the public, as well as the Planning Board members, with regards to the proposed batch mix plant. In particular, the potential visual impacts associated with the 70 ft. tall silos that were part of the batch plant configuration was pointed out by many of the reviewers. In addition, it was noted that the height of the silos exceeded the Town's 40 ft. tall building to obtain a variance from the Zoning Board of Appeals.

However, there are no elements of the portable drum mix plant that will exceed the 40 ft. tall height restriction. (Show the Planning Board members a photo of a portable drum mix plant)

Another positive attribute of the portable drum mix plant as opposed to the batch mix plant, is that the capacity of the portable drum mix plant is only 200 tons per house (TPH) as compared to the 240 TPH capacity of the originally proposed batch plant.

Therefore, the reduction in plant capacity will serve to reduce the amount of overall truck traffic associated with the facility. Therefore, the results of the traffic impact analysis remain valid, and the actual traffic volumes will be even lower than the study projections.

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Another positive attribute of a portable drum mix plant is that the dryer burner on a portable drum mix plant is smaller and quieter than the burner that is used on a batch mix plant. An since the drum mix plant will occupy the same footprint as was proposed for the batch mix plant, the results of the noise analysis remain valid, and the actual noise levels will be lower than the study projections.

With regard to air emissions, the EPA has determined based on the results of extensive air emission studies that the emissions of a drum mix plant are lower than those produced by a batch mix plant. Therefore, since the emissions from the batch mix plant represent the worst case scenario for potential air emissions, the results of the air dispersion modeling remain valid, and actual emissions will be lower than study projections.

The other studies, analyses and conclusions presented in the DEIS are unaffected by the section of a portable drum mix plant alternative and therefore remain valid.

In summary, the selection of the portable drum mix plant alternative presents many positive attributes in terms of mitigating potential adverse environmental impacts and provides even greater environmental protections.

Mr. Cwalinski asked the applicant to quantify how much lower in noise is the new plant. Mr. LeFevre cannot quantify at the moment. Mr. Schultz stated that looking at the DEIS the batch plant as configured at the time met all noise regulations of the town at the property line (was actually lower). This plant because it has the quieter burner, it will be necessarily lower than the previously proposed plant. Mr. Cwalinski said, "And still meets our town requirements." Mr. Schultz stated yes.

Mr. DiPasquale stated the secondary access if proposed through Curtis Lumber and the response was that was up-to the owner of the Industrial Park to obtain easement and would feel more comfortable with at least a Letter of Intent that will be granted. Mr. Schultz stated that the applicant can work with them and that was just an agreement that was in place.

Mr. DiPasquale stated you (the applicant) are not moving the Zim Smith Trail, but there is a signal going in place. Mr. Schultz stated that was at the recommendation of the town's consultant. Mr. DiPasquale asked the position of the County. Mr. Schultz stated this proposal was put in front of the County Planning Board and said it was a local matter. Mr. Schultz stated if the town's consultant feels that's the best results after being reviewed after the study conducted by our (the applicant's) consultants. Mr. DiPasquale stated the Zim Smith Trail is property owned by Saratoga County. Mr. Schultz stated the DEIS was provided to the County and have had the opportunity to comment and apparently chose not to. Mr. DiPasquale said, "He would like some assurance that the County is comfortable - saying that this is on County

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property.” Mr. Schultz stated that can be approached. Mr. DiPasquale asked who is responsible for maintenance of the signals.

Mr. DiPasquale has a concern for the sewer line, which is on county property and being the former Director of the Sewer District would like some reassurance of what’s under there would be able to withstand the loading and frequency of this project, which is much greater than anything that is going on there now as far as weight and frequency.

Mr. DiPasquale asked the extent of the interior paving. Mr. Schultz stated the access to our (the applicant’s) site will be paved – from the Zim Smith Trail to proposed site.

Mr. Maher stated that the Air State Facility Permit has been filed and given the fact that the design is being changed will the process need to be restated with NYSDEC. Mr. Schultz stated no, the facility permit is in its draft form since the emissions will be lower it will be covered. Mr. Schultz stated the NYSDEC cannot legally move forward until the Planning Board makes its decision.

Mr. Maher asked the mechanics of the complaint protocol and will that phone number be routed to Dolomite’s headquarters or local. Mr. Schultz stated it will be setup to go to the plant when it’s in operation and go to headquarters in off hours.

Chairman Doyle asked if the town will be notified and how do you (the applicant) envision the system to work. Mr. Schultz stated the details are in one of the documents – the applicant will keep a log and periodic reporting to the town.

Ms. Matias stated hours of operation are 7:00 a.m. to 4:00 p.m. however, the first employee will open the gate at 6:00 a.m. and the last employee will close at 5:00 p.m. There are still no examples of hours of operation beyond five o’clock – evenings and weekends could be anytime. Mr. Schultz stated the information is there and what you were seeing is planned hours of operation, but because the business is supplying asphalt to contractors and to the State, there is a part of the business that is subject to market demand. “If there is a paving job that the State is conducting but because of traffic and safety concerns – most of that work is done at night and there may be a time to meet that contract demand.” There is a provision the applicant has agreed to that the town could be notified in advance of that occurrence and if it was going to be any longer than a period of time, it would need approval from the town. Ms. Matias stated she understands that, but would like to see examples of what that entitles. Mr. Schultz cannot answer that because he does not what the contracts will be for 2017. Ms. Matias asked “How you (the applicant) are going to provide the amount of information that the Code Enforcement Officer is going to need to make sure that you (the applicant) are following.” Mr. Schultz stated that we (the applicant) can show Mr. Johnson the contracts. Mr. Fischer asked what if there was a contract that stipulates the plant be open at 5:30 a.m. and when you

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say 7:00 a.m., will there be a line of trucks idling from 6:00 a.m. to 7:00 a.m. waiting for the plant to begin producing and dispensing. Mr. Schultz stated that this is not a large production facility, but a secondary source facility and designed to supply the local market. If this were something that was to occur on a regular basis, would require a discussion and approval by Mr. Johnson. Ms. Matias stated that if there is a set of standards that Mr. Johnson can use. Mr. Dipasquale stated how Mr. Johnson can make a decision without parameters. Mr. Schultz stated this is a very small plant and not designed to handle that type of activity and further have agreed to an overall production limitation for each season and have agreed to the consultation process with the Code Enforcement Officer.

Chairman Doyle stated Mr. Johnson needs tool to work with and needs a reason to say no. An example is you want to run through the Fourth of July weekend and Mr. Johnson may not agree with that as there are a lot of outside cook outs. Running early in the morning certainly has to present some light splash to the neighbors on Beacon Hill.

Mr. Cwalinski recommended looking for quantifiable parameters. Mr. Schultz stated as long as it was reviewable in the future because the board has the commitment from the applicant. Mr. Schultz stated there is a defined capacity of this plant which cannot be exceeded. Mr. Schultz stated the applicant has identified the normal hours of operation and the town will have control to prohibit it. Mr. Fischer stated to set the hours of operation unless you (the applicant) get a special permit 30 days in advance of each given project when requesting those extra hours. Mr. Schultz stated this is a market demand business and what is what the document in front of the board says. Chairman Doyle stated there is no definition (it states five days).

Mr. Schultz asked the board if they would prefer that the normal hours will be from 6:00 am to 9:00 p.m. Chairman Doyle stated he does not think anyone wants those hours.

Mr. VanVorst stated this is described as a portable batch plant and does that mean there is very minimal time to set up if you (the applicant) get approval. Mr. Schultz stated it comes in and sets on the ground and truly is mobile. If it takes very little time to erect, it would take very little time to move it and could it disappear overnight. Mr. Schultz stated no, that is certainly not the intent. The smaller capacity asphalt plants are typically mobile and the higher capacity plants are permanent structures. Mr. VanVorst stated that once this portable plant is started then it becomes permanent. Chairman Doyle asked if it will be taxable. Mr. Schultz said it's not going to move in and out and just happens to be a portable plant. Mr. VanVorst asked if the other "legs" off of that road will be paved. Mr. Schultz stated he does not remember the details of the paving plan; whatever is set forth on the site plan is what will be paved. Mr. VanVorst asked who will enforce the 10mph speed limit. Mr. Schultz stated that signs can be put up and as far as company trucks go, we (the applicant) can control that and will encourage third parties and if there are repeat violators will not allow them back in.

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Chairman Doyle asked if the asphalt going to be portable and was not sure where the drum dryer was located for the project. Mr. Schultz explained the layout for the project. Chairman Doyle said, "You can have fires in these tanks and want to make sure that this is identified so the fire department knows what's going on." Chairman Doyle said, "He thought your picture was inappropriate, which shows an asphalt plant out in the middle of a desert with no communities around it." Mr. Schultz stated the intent of the picture was to identify the plant. Chairman Doyle said, "This is where it belongs more typically." Mr. Schultz stated he will agree they belong there, but also belong in communities because everybody needs the product and uses the product and the physical property of the property does not allow it to be transported for more than 50 miles – the community benefits – ask your building department what they think about whether they would prefer to have an asphalt plant here or have to travel and expend an additional cost at taxpayer expense to obtain the material – so they do belong here.

Mr. Munsey stated that he wanted to remind the Planning Board that this FEIS will be a product of the Planning Board. What has been provided to thus far is an applicant prepared suggested draft of the FDEIS. The final document needs final approval (in terms of hours of operation, in terms of conditions apply to the Code Enforcement Officer) is subject to the Planning Board approval and consultation with the applicant, but ultimately is the Planning Board's final decision to arrive at – what makes sense from a mitigation standpoint for this project that meets the criteria of meeting the impact of the impacts that have been mitigated. There were a couple of mitigation measures that were proposed as well in addition to the applicant's presentation and focused on the portable drum mix plant.

- Plantings along the southern edge of the property in their concept site plans.
- All trucks were proposed to have covered tarps.
- Supplemental balloon study has been incorporated into the FDEIS.
- Advanced signage system for the Zim Smith Trail which would involve a passive detector installed next to the trail to alert signage so the trucks were aware of the people being on the trail.
- Complaint protocol process – Planning Board to finalize the details.
- Paving – length of the access road.
- Broadband back-up alert alarm
- The FDEIS is the board's document in the final analysis and get to write what the final protocols are going to be – what you (the board) what the applicant to live by and subject to the board's approval.

Ms. Matias asked how many employees now that the type of asphalt plant has been changed – prior it was four. Mr. Schultz stated it will remain the same.

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Chairman Doyle stated that the applicant feels that all these criteria and discussion with NYSDEC (dust) and not having specifics for this particular case – if the other one was acceptable, consequently they are all acceptable. Ms. Serra asked if the Chairman Doyle is referring to all the previous studies that were done (traffic, noise, and air emissions) by saying that, the previous studies are for the larger plant that this smaller plant would therefore fall under those previous studies. Chairman Doyle stated that is what he is referring to. Mr. DiPasquale stated it makes sense to have information that is applicable to the plant. Ms. Matias stated even the numbers are going to be lower, show it to us. Mr. Cwalinski stated to give us (the board) data to back up their statements. Mr. Schultz stated to do that in an incredible scientific manner would require a new noise study and there is not a rational to do that. Mr. Cwalinski stated he is not asking for a new noise study, but how much noise does the new plant generate. Mr. Cwalinski said, “You mean manufactures don’t have that data.” Chairman Doyle said, “Isn’t that to your advantage to show the public that your numbers were within the specifications, but now it’s lower.” Chairman Doyle stated there are people sitting in the audience would know about what their air content is and how many tons per year are being put out there.” Mr. DiPasquale stated it’s hard to believe whoever manufactures this plant that you can’t get the decibels. Mr. Schultz said, “If what the board is requesting does not require redoing these studies...going back to the noise...our requirement is to demonstrate and comply with the town noise ordinance is equivalent to mitigating to the maximum extent practical. We (the applicant) have already shown that with a larger capacity noisier plant so it is only logical that a smaller quieter plant also would meet that requirement. Mr. Dipasquale said, “Show the data that would show us (the board) a quitter plant.” Mr. Shultz said, “If I give you cut sheets from the manufacturer that say this is this.” Mr. DiPasquale stated yes. Mr. Fischer stated you (the applicant) have cut the traffic capacity by 15% from 240 to 200 and would assume there would be 15% less truck traffic and should also be presented to the board. Ms. Matias said, “When running a traffic study, is there a way to account for weather conditions (rain and snow). Ms. Serra stated no it’s strictly trips generated from the project added to the current trips on the road.

Chairman Doyle stated the board will work with our engineers to finalize this document. Chairman Doyle asked the applicant to work in parallel action to do what you (the applicant) would agree to and give the board the specific numbers for this particular plant. Mr. Schultz asked if the applicant could work with Mr. Munsey. Chairman Doyle stated sure and would think your (the applicant’s) engineer should work with him (Mr. Munsey).

Application tabled.

**Brooks Heritage, LLC – Abele Woods; 249.-3-22, 23, 25 & 33 (Major Subdivision – 143 Lots – Concept)** Jason Dell, PE, Lansing Engineering was present on behalf of the applicant.



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Mr. Lansing stated the goal this evening is to request that the board schedule a public hearing for next month and grant conceptual approval this evening.

The project site is located between Benedict Road and Eastline Road encompassing four parcels for a total of 96 acres. Since the last meeting the project has been reduced consisting of 123 single-family lots, 22 twin townhomes and 60 multi-family apartment units.

The project proposes two access points – one on Benedict Road and Eastline Road. Sidewalks, street lighting, community center and park areas are proposed. Water will be provided to the project through the municipal system and sewer provided through the Saratoga County Sewer District and stormwater will be managed onsite in accordance with all town and state regulations.

Since the last meeting the applicant has met with C. T. Male and Mr. Whalen, Highway Superintendent to go through the various issues that were raised that were raised and worked through grading, stormwater and retaining walls. The end result was the removal of six lots located in the central wetland area; the removal of those lots allowed the lots to be spread out and pull the grading back into the ROW a little bit more. The elimination of the retaining walls that went off onto the private property – the only retaining walls for the roadways are now proposed only within the ROW. There is significant regarding of the site to eliminate the majority of the need for the gutter systems to pull all the water to the front of the lots; nine lots on the project that could not be pull the grades to the front and propose a gutter system on those lots.

A comment letter was received on September 25, 2015 from C. T. Male with three additional comments which were minor and technical in nature.

Mr. Dell requested the board schedule a public hearing and grant conceptual approval for the project.

Mr. DiPasquale asked the total number of lots. Mr. Dell stated 123 single-family, 22 twin townhomes, one lot for the apartment area and an additional lot for the community center totaling 147.

A Further discussion was held on retaining walls.

Mr. Maher introduced the granting of conceptual approval of preliminary layout and scheduling public hearing for the Abele Woods Subdivision. Mr. DiPasquale seconded.

Chairman Doyle read the resolution.

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**TOWN OF BALLSTON PLANNING BOARD**

**RESOLUTION GRANTING CONCEPT  
APPROVAL, CONCEPTUAL APPROVAL OF  
PRELIMINARY LAYOUT AND SCHEDULING  
PUBLIC HEARING FOR THE  
ABELE WOODS PUDD SUBDIVISION**

**SEPTEMBER 30, 2015**

Introduced by: *Pat Maher*

Seconded by: *Jim Egan*

The Town of Ballston Planning Board ("Planning Board") hereby makes the following resolution:

**WHEREAS**, on July 13, 2013, in accordance with Town Code §104-9.1, the applicant, Heritage Development Holdings, LLC (the "Applicant") submitted a subdivision application, conceptual layout plan and narrative, seeking subdivision approval of the Abele Woods residential subdivision, located along Benedict Road and ~~Longkill~~ *EASTLINE* Road in the Town of Ballston; and *DL 9/3/15*

**WHEREAS**, the overall project area for the development includes approximately 96.16-acres and is comprised of four (4) parcels (tax map numbers 249.-3-22, 249-3-23, 249-3-33, and 249-3-25) (the "Site"); and

**WHEREAS**, as originally proposed, the project concept plan provided for 270 residential units with 165 proposed lots (89 single family, 74 townhome, 1 apartment lot (107 units), 1 lot community center), and related infrastructure improvements to support the project ("Original Concept Plan"); and

**WHEREAS**, on July 31, 2013, at a regular meeting of the Planning Board, the Planning Board considered the Original Concept Plan and issued a positive recommendation to the Town Board in support of the necessary PUDD rezoning for the Site;

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**WHEREAS**, from January 2014 through July 2014, the Planning Board acted as SEQRA lead agency to examine whether the proposed action may have the potential for any significant adverse environmental impact; and

**WHEREAS**, during this detailed and thorough environmental review process, the number of units in the proposed subdivision decreased from 270 to 211 units (a 21.1% reduction); and 164 proposed lots (136 single family, 26 townhomes, 1 apartment lot, 1 community center lot).

**WHEREAS**, based on the Revised Layout Plan, on July 30, 2014 the Planning Board, following a detailed and thorough environmental review, issued a negative declaration of environmental significance and the negative declaration was duly filed and published in accordance with SEQRA; and

**WHEREAS**, by Local Law #4 of 2014, on December 9, 2014, the Town Board rezoned the property to the Abele Woods Planned Development District ("Abele Woods PUDD"); and

**WHEREAS**, following the rezoning of the property to the Abele Woods PUDD, in February, 2015 the Applicant submitted detailed subdivision layout plans to the Planning Board in accordance with the Town's subdivision regulations; and

**WHEREAS**, the Planning Board retained services of C.T. Male Associates to assist and provide advice to the Planning Board in the continued review of the subdivision application and C.T. Male issued detailed comment letters dated March 20, 2015, May 11, 2015, June 18, 2015 and July 24, 2015; and

**WHEREAS**, the Applicant's engineer, Lansing Engineering, provided detailed and comprehensive responsive analysis to each of the C.T. Male comment letters and provided updated subdivision layout plans to the Planning Board in support of the application; and

**WHEREAS**, the Applicant has also made several presentations to the Planning Board explaining the proposed refinements to the subdivision plans on March 25, 2015, June 24, 2015, August 26, 2015 and September 30, 2015; and

**WHEREAS**, as a result of this open and deliberative process, the Applicant has made additional refinements to the layout shown on the Revised Plan, including, among other things, the elimination of certain retaining walls within the subdivision, and a further reduction by six lots within the subdivision, for a total of 147 lots with proposed single-family residences (123), townhouses (22 units, 22 lots) and apartments (60 units) and a community center and associated infrastructure to support the uses; and

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**WHEREAS**, the Planning Board has considered the Revised Plan and the revisions to the proposed layout of the subdivision, together with the criteria set forth in the Town's Subdivision Regulations (Chapter 104); and

**WHEREAS**, the Planning Board consistent with the Subdivision Regulations and New York State subdivision law, desires to conduct a public hearing on the Abele Woods PUDD subdivision plans; and

**WHEREAS**, the Planning Board and each of its individual members carefully examined and given due consideration to all of the documents in the record and comments and responses received to date.

**NOW, THEREFORE, BE IT RESOLVED:** on motion of member Pat Maku, seconded by member Jim Fischer, and after due deliberation, that:

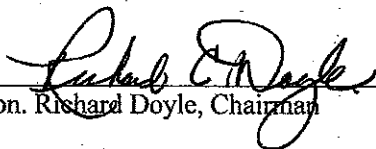
1. Pursuant to Town Subdivision Regulation §104-9.1(C)(1), the Planning Board approves the concept subdivision plan.
2. Pursuant to Town Subdivision Regulation 104-9.1 (D), the Planning Board grants conceptual approval of the preliminary layout.
3. In accordance with the General Municipal Law §239-n and Town Law §283-a, a full statement of proposed action shall be referred to the Saratoga County Planning Board for a recommendation.
4. The Planning Board shall conduct a public hearing to consider the Abele Woods PUDD subdivision at its October 28, 2015 meeting at 7:30 P.M. and directs the Clerk to provide notice of same as required by law.
5. The Clerk shall also provide written mailed notice in accordance with Town Law §283-a of such application to the owners of land identified by the Applicant in the agricultural data statement.

Dated: September 30, 2015

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	Yes	No	Abstain
Richard Doyle, Chairman	X		
Jeffrey Cwalinski, Vice-Chairman	X		
James DiPasquale, Member	X		
Patrick Maher, Member	X		
Audeliz Matias, Member	X		
Lee Ramsey, Member	absent		
John Van Vorst, Member	X		
Jim - FISCHER.	X		

  
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Hon. Richard Doyle, Chairman

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Application tabled.

**Kelly Farms, Eastline Road, Ballston Lake, NY 12019; 239.-2-7.1 (Mixed Use Traditional Neighborhood Development –Concept).** Scott Lansing, PE, Lansing Engineering, Geoff Booth and Jeffrey Knox were present.

Mr. Lansing stated the ultimate goal is to review the project and to request the board's conceptual approval of the project.

The parcel consists of 26.55 acres and zoned Ballston-Lake Residential; unconstrained lands equated to approximately 18.09 acres and under the zoning are permitted up-to 283 units. Mr. Lansing stated the applicant feels are proposing something much less than that and looked at the allowable uses and tried to position as such that Eastline Road being the main roadway transitioning the intensity of the uses going into the project back to the Kelly Farms mixed-use project. The first is residential uses located on the western portion of the project. First the 72 multi-family units located in the southern portion with two different unit types that are demarked with different color codes on the buildings (darker 4-unit/lighter8-unit). The 27 town house units are located to the north in nine different buildings (purple/blue shades). Commercial uses (44,000 sq. ft.) located on the eastern portion located in four different building – each building approximately 11,000 sq. ft. and footprint (5,500 sq. ft.) two-story buildings. Proposed in the northeast corner of the project is approximately three acres of active passive park land. Sidewalk systems going throughout the project – all residential units are connected to a sidewalk system and connecting to the active passive park land as well as the commercial/retail space. Within the active passive park land have grass areas and proposing gazebo, benches and picnic tables.

The project to be serviced by public water, sanitary sewer and storm water to be managed on site.

Town roadways are proposed for both the townhouses and the multi-family units on the southern side would be constructed to town standards and be proposed for dedication to the town.

On August 11, 2015 the applicant provided an analysis of §104-14 on how this project compares to the TND standards submitted with the plan and updated document's for the project. A request from Mr. Johnson, Building Inspector for an interpretation, that this project did meet the standards and is indeed a TND. On August 25, 2015 Mr. Johnson did provide a letter outlining that he did feel the project substantially complied with the regulations of the TND design.

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Mr. Lansing reiterated the applicant would request the board to grant conceptual approval for the project.

Mr. DiPasquale asked if the multi-family units apartments or condominiums. Mr. Lansing stated the applicants are still in the process of determining. Mr. DiPasquale asked if apartments are proposed, will the town still own the roads. Ms. Serra stated yes, developers choose whether they turn the roads over to the town and as long as it's designed to town standards, the town does not object.

Ms. Serra stated the last comment letter that C. T. Male issued in April 2015 was the only comment letter. The first comment pertained to zoning compliance. That was addressed with the letter dated August 25, 2015 from Mr. Johnson. The second comment was relative to SEQRA compliance. Essentially the information that has been provided is not enough information at this time for the board to make any decisions related to SEQRA. Ms. Serra would caution the board on making any decisions related to SEQRA and would caution the board making a conceptual approval at this time until more substantial information is provided. An example of more information that needs to be provided is completion of the full EAF. The applicant and board needs to remember that the board can and should be asking that all impact should be tied to the original subdivision; cannot reopen the previous SEQRA records for the Kelly Farms subdivision, but things such as traffic, wetland impacts, stormwater and need to look at this TND as holistically with the subdivision. The previous project was approved recently and is on the two estate lots that were approved for that project. Ms. Serra said, "If you assumed there are 130 or so homes for the original subdivision had "X" amount of traffic trips generated, it was determined that there was no impact on the local road networks – we can't piece meal and say every project that comes down the line should be treated separately. It's the same applicant and same piece of land so any traffic studies would need to include the original subdivision and traffic generated form this project."

Mr. Lansing stated as far as the project the Kelly Farm residential subdivision that was proposed to this board and approved approximately one year ago and was a separate and distinct project; this project was not anticipated during the approvals of that project.

Mr. Lansing stated there is an application submitted for this project and an EAF, which has been submitted consistently with all the applications submitted. The applicant understands there are additional studies that do need to be made on the project and would like to advance from conceptual to the preliminary final stages of the project and prepare additional studies. Mr. Lansing stated the Code Enforcement Officer has determined this is a TND and provide the applicant conceptual approval to move into preliminary engineering and provide additional studies. The applicant has prepared cursory storm water analysis. The applicant is not proposing any wetland impacts on the project as proposed. Ms. Serra stated other than the previously permitted wetland impacts for the road as part of the original subdivision.

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Chairman Doyle said, "He was surprised when he did not see any additional information only having the information from April 15, 2015." Mr. Lansing stated he absolutely submitted a revised EAF, revised narrative, revised item by item of the code analysis with the revised submission and revised plan.

Ms. Serra said, "The board probably should now that it has been determined that it meets zoning, designate themselves lead agent in the SEQRA process and start the 30-day process."

Chairman Doyle asked Ms. Serra's recommendation. Ms. Serra asked whether or not to grant conceptual approval? Ms. Serra stated she does not give formal recommendations like that, but you know that there has not been enough information that has not been provided by the applicant."

Mr. Reilly stated the board could voice certainly something that was objectionable.

Mr. DiPasquale stated there was a submittal in July 2015 and it was withdrawn. Mr. DiPasquale asked, "Do we have all the up-to-date information of what is currently being proposed. Mr. Lansing stated yes, everything was submitted on August 11, 2015 – revised plan, revised narrative, revised EAF and revised item by item analysis of the code. There was significant items missing from the submission and asked what items the board would like on a conceptual level the board would need and recognize there are preliminary final engineering items that need to be addressed.

Chairman Doyle asked if any of the board members received the information from August 11, 2015. Ms. Serra stated that it was provided this month – updated EAF, updated narrative and the concept plan. Ms. Serra stated it was information to substantiate all the statements made in the EAF. Ms. Serra is concerned about the prior SEQRA record pertaining to traffic and wetlands impacts. Ms. Serra stated the applicant to look at the additional traffic and make a statement regarding the wetland holistically because there is a permit for wetland fill on Kelly Farms Road that shows up on the applicants plan. Mr. Lansing stated the wetlands are a permitted impact as part of the proposed project – there are no additional proposed wetland impacts other than what are already permitted.

Chairman Doyle stated he does not think the board wants to hold up the project and somehow missed the information from August 11, 2015 and could not find it and would appreciate the applicant putting it together and come before the board next month to give the board members a chance to review and give C. T. Male a chance to review and move forward from there. Ms. Serra asked Chairman Doyle if he is referring to the applicant updating the concept plan. Chairman Doyle stated yes. Ms. Serra asked if all the board members have the August 11, 2015 plan. Mr. DiPasquale stated that he was not sure. Ms. Serra stated she has it.



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Chairman Doyle said if you have it, we should have it. Ms. Serra stated it might have been given to the board in August for the August meeting. Mr. DiPasquale stated Mr. Cwalinski's is dated July 28, 2015. Mr. Maher asked the applicant was on the August agenda. Mr. DiPasquale said, "You pulled it right." Mr. Lansing stated that we did not pull it, but asked to be put on the August agenda, but were deferred because the board wanted Mr. Johnson to make an interpretation. Mr. Johnson said, "It was cancelled, but material was sent out in the packages." Chairman Doyle said, "He must have thrown it away." Mr. Cwalinski said, "He did not have it because he keeps everything." Ms. Serra stated regardless at least to start the 30-day coordinated review. Ms. Serra stated that a board member to designate the Planning Board as Lead Agency "Type 1 Action" and start the 30-day coordinated review."

Mr. Booth stated in the past, the board does not necessarily issue a formal concept, but they say...this looks good and proceed to preliminary and before spending significant money on the design proposed only to come back to the board and the board saying "o.k. you did your traffic study and other stuff, but now we want you to change it."

Mr. Reilly stated that Mr. Johnson referred to it that it was going to be on the agenda; however Mr. Johnson had not had sufficient time to make his determination as to the compliance with the TND legislation – we pulled it from the agenda and the application did go out for the August meeting. Mr. Reilly stated without a SEQRA determination is there anything objectionable at this point and has been in front of the board for a while and to help the applicant move along at this point.

Chairman Doyle asked if the board has any concerns for the concept as proposed.

Mr. Cwalinski stated that the applicant said each residential unit is connected to a sidewalk...are you telling me that there are sidewalks on both sides of the street. Mr. Lansing stated yes. Mr. Booth stated that was change that was made at your (Mr. Cwalinski) request.

Mr. DiPasquale is comfortable with the overall concept.

Mr. Maher stated he has no high level issues with the concept and certainly an improvement in previous submissions.

Chairman Doyle asked the applicant to submit us (the board) paper copies.

Chairman Doyle said a conceptual approval can be granted if the board agrees – noting we are missing some paper, which we will review between now and the next meeting.

Mr. VanVorst said, "I don't think we can officially approve the concept until we have done SEQRA." Chairman Doyle stated that we agree with the concept. Mr. Reilly asked the board if

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they have any objections to the proposal at this time. Chairman Doyle stated no and agrees with the concept. Chairman Doyle agrees with Mr. VanVorst and that was also a concern of his.

Mr. Booth said it does make sense to resubmit that information as the information is being updated and resubmitted.

**MOTION:** Mr. Maher motioned to name The Town of Ballston Planning Board the Lead Agency in the SEQR process and is a Type 1 Action and letters to be sent to the involved agencies. Mr. Cwalinski seconded the motion and all present voted in favor. **CARRIED.**

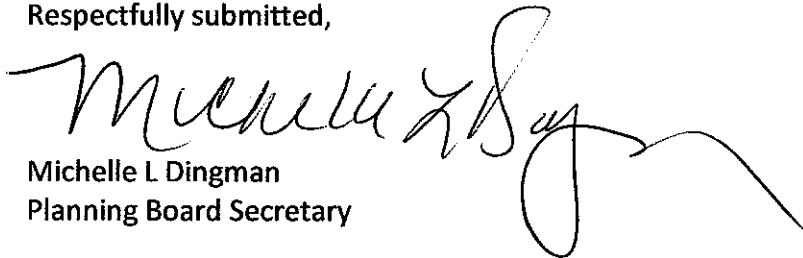
**MOTION:** Mr. Cwalinski made a motion for a coordinated review of a Type 1 Action. Ms. Matias seconded the motion and all present voted in favor. **CARRIED.**

Ms. Serra requested the applicant forward her an electronic copy (pdf) of the concept plan and EAF.

**MOTION:** Mr. Cwalinski made a motion to adjourn. Mr. Maher seconded the motion and All Board members voted in favor. **CARRIED.**

Meeting adjourned at 9:10 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michelle L. Dingman", with a long, sweeping flourish extending to the right.

Michelle L Dingman  
Planning Board Secretary