

A public hearing was held by the Town Board of the Town of Ballston on Tuesday evening, April 11, 2017 at the Town Hall on Charlton Road, Ballston Spa, New York.

PRESENT	Timothy Szczepaniak	Supervisor
	John Antoski	Councilman
	William Goslin	Councilman
	Kelly Stewart	Councilwoman
	Chuck Curtiss	Councilman
	Carol Gumienny	Clerk
	James Walsh	Counsel

Supervisor Szczepaniak opened the public hearing at 6:35 p.m. The purpose of this public hearing was to offer the public an opportunity to give their comments to the Town Board about extending and expanding Burnt Hills Ballston Lake Water District to include Parcel #238.-1-39.12 Goode Street project.

The Town Clerk read the following legal ad (minus the "Schedule A" portion) for the public hearing.

NOTICE OF PUBLIC HEARING
COUNTY OF SARATOGA TOWN OF BALLSTON
April 11, 2017

ORDER FOR PUBLIC HEARING ON ESTABLISHMENT OF CONSOLIDATED WATER DISTRICT, EXT. 1 IN THE TOWN OF BALLSTON, COUNTY OF SARATOGA, STATE OF NEW YORK, PURSUANT TO ARTICLE 12 OF THE TOWN LAW OF THE STATE OF NEW YORK

WHEREAS, a map, plan and report have been prepared in such manner and in such detail, as is required by Article 12 of the Town Law of the State of New York and a petition pursuant to Article 12 of the Town Law of the State of New York, relating to the establishment of Consolidated Water District, Ext. 1, in the Town of Ballston, County of Saratoga, State of New York, have been filed in the Town Clerk's Office; and

WHEREAS, said map, plan and report was prepared by Environmental Design Partnership, LLP, competent engineers, duly licensed by the State of New York, showing boundaries of the proposed District Extension, a general plan of the District Extension and an analysis showing the costs thereof and method of operation; and

WHEREAS, said map, plan and report shows all facilities, including mains, together with the location and the general description of all public works required including lands and easements to be acquired including, but not limited to, a tapping fee, 1650 linear feet of 8-inch ductile iron pipe, 3 hydrants and all the necessary valves and fittings to serve the project; and

WHEREAS, the boundaries of the proposed District Extension are as described in Schedule "A" annexed hereto; and

WHEREAS, the maximum amount proposed to be expended for said improvements and/or acquisition of necessary lands is the sum of Two Hundred Thousand (\$200,000.00) Dollars; and

WHEREAS, approval of the New York State Comptroller is not required for the formation of Consolidated Water District, Ext. 1, inasmuch as debt will not be issued or assumed. Assessments for future infrastructure capital construction shall be on an ad valorem basis for all users; and

WHEREAS, said map, plan and report describing said improvements is on file in the Town Clerk's Office for public inspection; and

WHEREAS, the first year cost of debt repayment and full operation for typical properties within the District is \$0, and operation and maintenance charges for the first year are estimated at \$370.00. Hookup fees in the amount of \$2,000.00 shall be paid by the property owner.

NOW, it is hereby ORDERED, that the Town Board of the Town of Ballston, shall meet and hold a public hearing at the Town of Ballston Town Hall, 323 Charlton Road, Ballston Spa, New

York 12020, in said Town, on the 11th day of April, 2017, at 6:15 p.m., local time, to consider said petition and the map, plan and report and to hear all persons interested in the subject thereof as is required or authorized by law.

The foregoing was moved by Councilperson Goslin and seconded by Councilperson Stewart.

The adoption of the foregoing order was duly put to a vote, and upon roll call, the vote was as follows:

Timothy Szczepaniak, Supervisor	Aye
John Antoski	Aye
William Goslin	Aye
Chuck Curtiss	Aye
Kelly Stewart	Aye

Dated: March 28, 2017

SCHEDULE A

SURVEY DESCRIPTION EXTENSION OF TOWN OF BALLSTON CONSOLIDATED WATER DISTRICT LANDS OF THOMAS E. LOWE AND CHARLES T. LOWE SBL # 238.00-1-39.12 TOWN OF BALLSTON, NY EXTENSION OF TOWN OF BALLSTON CONSOLIDATED WATER DISTRICT THROUGH ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE in the Town of Ballston, County of Saratoga, State of New York lying along the easterly line of Goode Street, County Road No. 57 and identified as Proposed Lot #1 as shown on a map entitled "Property Survey and Minor Subdivision of lands of Thomas E. Lowe and Charles T. Lowe", dated July 17, 2013 as prepared by Northeast Land Survey & Land Development, P.C. and filed in the Saratoga County Clerk's Office on February 26, 2014 as Map No. M2014036 and being further bounded and described as follows: Beginning at the point of intersection of the easterly line of Goode Street with the common division line of lands now or formerly of Thomas J. Benuscak and Darcy A. Benuscak as conveyed in Instrument No. 2011024357 to the north and the parcel of land herein being described to the south; Thence from said Point of Beginning along said common division line the following two (2) courses and distances: 1) North 84 deg. 10 min. 55 sec. East, 245.79 feet to a point; 2) North 80 deg. 36 min. 20 sec. East, 94.65 feet to a point being the southeasterly corner of said lands of Benuscak; Thence along the common division line of Remaining lands of Thomas E. Lowe and Charles T. Lowe (Proposed Lot #2 - 63± acre parcel) to the east and north and the parcel of land herein being described to the west and south the following three (3) courses and distances: 1) South 05 deg. 58 min. 55 sec. East, 30.05 feet to a point; 2) North 82 deg. 26 min. 53 sec. East, 1,202.01 feet to a point; 3) North 81 deg. 45 min. 37 sec. East, 635.92 feet to a point in the westerly line of lands now or formerly of Sheri D. Cseh and Laszlo Cseh as conveyed in Instrument No. 2008024864; Thence along said westerly line, South 06 deg. 42 min. 58 sec. East, 646.80 feet to a point being the northeasterly corner of lands now or formerly of Carol R. Samson as conveyed in Book 1596 of Deeds at Page 791; Thence along the common division line of said lands of Samson and lands now or formerly of Diane B. Harper as conveyed in Book 1397 of Deeds at Page 274 to the south and the parcel of land herein being described to the north, South 77 deg. 00 min. 21 sec. West, 1,989.22 feet to a point in the easterly line of lands now or formerly of Robert J. Welch as conveyed in Book 1615 of Deeds at Page 456; Thence along the common division line of said lands of Welch and lands now or formerly of Raymond Smith as conveyed in Book 1756 of Deeds at Page 766 to the west and the parcel of land herein being described to the east, North 07 deg. 09 min. 35 sec. West, 200.00 feet to a point being the northeasterly corner of said lands of Smith; Thence along the common division line of said lands of Smith to the south and the parcel of land herein being described to the north, South 77 deg. 24 min. 25 sec. West, 194.30 feet to a point in the easterly line of Goode Street; Thence along said easterly line, North 07 deg. 05 min. 40 sec. West, 71.92 feet to the point of intersection of said easterly line with the common division line of lands now or formerly of Thomas M. Hussey and Mary Darlene Hussey as conveyed in Book 1021 of Deeds at Page 205 to the north and the parcel of land herein being described to the south; Thence along the common division line of said lands of Hussey to the north, west and south and the parcel of land herein being described to the south, east and north the following three (3) courses and distances: 1) North 77 deg. 29 min. 40 sec. East, 200.00 feet to a point; 2) North 07 deg. 05 min. 40 sec. West, 150.00 feet to a point; 3) South 77 deg. 29 min. 40 sec. West, 200.00 feet to a point in the easterly line of Goode Street;

Thence along said easterly line, North 07 deg. 12 min. 20 sec. West, 457.29 feet to the point or place of beginning of said Extension of Water District No. 2. The purpose of this description is to describe an Extension of the Town of Ballston Consolidated Water District and should not be used for the transfer of Real Property. Said parcel made subject to any and all enforceable covenants, conditions, easements and restrictions of record as they may appear. September 22, 2016

Carol Gumienny
Town Clerk

Supervisor Szczepaniak stated that the Board is here to listen. There will be no two-way dialog. Each person will have three minutes to speak.

Tom Lowe, of Goode Street, is the owner of the property. He states that this approved project conforms to all zoning. Why would you not give a resident a clean, safe and consistent supply of water and fire protection that is already there? His neighbors have no issues. All developments on Goode Street from Lakehill Road to Charlton Road have Town water. No requests for water have ever been denied in or out of the Ag District.

Polly Windels, of Middleline Road, is appalled that she is being asked to break laws so someone can make money. Some developers live out of town and want us to bend our rules. The Board is going against a request from the people. Everyone who is in favor of the project will make money. She pleads to the Board, don't vote to approve these.

Joan Pott, of Hop City Road, stated there are active farms around this project. Farmers can't afford to buy land because the developers drive up the price. The swamp behind Terry Morris has encroached a foot every year, killing apple trees at Knights. This is what happens when you put public water in clay soil.

Eileen Lofthouse, of Hop City Road, stated it is an open season for development once you put water in Town. She is not excited about development coming. This is an Ag District. Farming is developing and we need food. This change will permanently affect the Town. She asks the Board to please reconsider, she is truly concerned. So many are opposed.

Carl Thurnau, of Woodside Drive, stated there is existing litigation not yet determined. He can't understand why the Board is moving forward.

Kevin Draina, of Charlton Road, echoes what Ms. Pott stated. He felt an 8-inch water main was too large and may be intended for future development. He is a part time farmer. He would like to buy more land in Town, but can't afford it.

Bill Ryan Esq. representing Mr. Beneusak, discussed the project. He read the SEQRA findings pertaining to the agriculture resources. There are approximately 10,327 acres in the Ag District; this project represents a 0.16% decrease. The loss of agriculture land is not considered to have a significant adverse environmental impact.

Scott Draina, of Outlet Road, stated month after month he keeps saying the same thing, and nothing has changed. No one is arguing the project; it's changing the law allowing water into an Ag District. Homes don't bring money to the Town; it costs the Town money. We need to support the farmers and not take their land and resources away.

Frank Rossi, 1 Constitution Court, is hearing tonight that more development will be coming in if you allow this. If water connections are going to create all this development, then where is it? People deserve water. If there was an extreme desire to move to Goode Street the area would be flooded with people not just water.

Joan Pott, stated agriculture is the number one economic engine. If we took the Ag District area out of our Town, the Town would be bankrupt in 5-10 years. Public water will cause development. The law was written in 2004. It was not anticipated that the law would not stand.

Kent Chase, of Chase Lane, states who pays the fines if we lose the lawsuit? He feels it will be the residents.

Supervisor Szczepaniak closed the public hearing at 7:03 p.m.

Respectfully submitted,

Carol A. Gumienny
Town Clerk