

RESPONSES TO COMMENTS at November 28, 2017 Public Hearing

Katz PUDD Project

1. Project is not consistent with the Comprehensive Plan

It should be noted that the front portion of the Project Property is currently zoned to permit the uses proposed under the PDD application. Consequently, that portion of the Project is entirely consistent with the current zoning and the Comprehensive Plan. Furthermore, the Town of Ballston Comprehensive Plan sets forth the following goals and objectives, (among others):

- > Promote commercial and industrial growth in specific centers.
- > Improve mobility in the Town. This includes investments in needed highway infrastructure, improved access to public transportation, and enhancements to the safety and attractiveness of non-motorized modes of travel such as bicycling and walking.

- > Provide a business friendly environment that is supportive of local and regional businesses and helps assure the provision of quality employment and a diverse economic base in the community.
- > Strive for a balanced tax base. As the community continues to grow, the cost of providing services (such as schools, recreation, etc.) for new residential development will grow as well. From a fiscal perspective, new residential growth rarely pays for itself in property taxes. Therefore it is important to ensure that the community maintains a balance of residential development, commercial development, and open space.
- > Provide opportunities and incentives for the development of a variety of housing options to meet the changing needs of the community.

The Project as proposed, includes a mix of residential and commercial uses along the Route 50 corridor, generally consistent with the underlying zoning and the desire to concentrate such uses to this corridor. The Project would provide pedestrian access throughout the site, including new walking trails for use by the residents of the PUDD and the Town in general. Moreover, the Project would afford a diversity of development, enhancing employment opportunities and the tax base for the Town of Ballston, through the inclusion of commercial uses and the variety of housing options within the Project, satisfying those stated goals of the Comprehensive Plan.

2. Wetlands on site should be protected

The on-site wetlands shall be subject to deed restrictions insuring that the wetlands and surrounding area will be protected from disturbance now and in the future. The wetlands and surrounding area are specifically proposed to be left undeveloped to provide this protection but also to serve as a buffer for adjacent properties, as well as preserving open space for the residents of the PUDD and the Town in general. Additionally, existing wetlands on-site will be protected during construction through the implementation of a project specific Stormwater Pollution Prevention Plan (SWPPP) and permanent stormwater management practices will be designed in compliance with the New York State Department of Environmental Conservation (NYSDEC) Stormwater Management Design Manual to mitigate and treat stormwater runoff.

3. Route 50 is not a mixed use corridor

Development along the Route 50 corridor includes currently a variety of commercial and residential uses through its entire length. The uses proposed are consistent with the existing conditions, including those in the immediate vicinity such as the Beacon Hill Project and the adjacent commercial development.

4. Proposed single family lots on western side of site should be removed

Residential uses are contemplated in the underlying zoning. The proposed homes have been clustered to insure open space can be preserved on the site as discussed above. Significant open space is proposed to be preserved within the PUDD, resulting in multiple benefits such as buffering of neighbors, conservation of the wetlands and adjacent areas and green space for the immediate residents and community at large.

5. Some may believe the additional of the sewer line proposed is a public benefit

It is believed that the installation of the sewer line proposed would be a public benefit, addressing existing wastewater disposal issues.

6. Project should be in a TDR Zone

The Town is still reviewing the use of TDR zones and the Project is being proposed under the existing Zoning code provisions. The concepts of TDR zones have not been adopted by the Town and remain subject to discussion on a Town wide basis.

7. Mixed Use building is not viable

Mixed Use is the Town designated approach preferred for PUDD projects and the proposal provides a balanced Project between the diverse uses outlined.

8. The land is too wet to support proposed development

Extensive Soils analysis has been completed and has been considered in the development of the Project plans. The analysis confirms that the Project may be developed as proposed without adverse impacts.

9. A couple of years ago my basement flooded, I live next to the Project

Development of the site has not commenced during Project review. Some nominal grading has occurred on the site, but that has not had any effect on this neighbor's property for several reasons. Based on existing topography, only a small portion of the project parcel drains in the general direction of this neighbor's property.. The nominal grading that was previously performed would not appreciably increase runoff from the project parcel. Additionally, the Lands N/F of Kim Lucas is located between the project parcel and this neighbor's land. Based on publicly available mapping, a federally regulated wetland is located on the Lands N/F Kim Lucas, which acts to intercept any runoff from the project parcel before it would impact this neighbor's property. Based

upon the attached aerial map, the neighbor's property boundary is over 400 feet from the Project property boundary, with this intervening wetlands included in that area. Further, upon completion of the project, stormwater management practices will be constructed in compliance with all local, State, and Federal requirements to mitigate post-construction stormwater runoff to at or below the existing conditions.

10. Three story building may create insurance rating issues

Only one 3-story building is proposed as part of this Project. As indicated by the Speaker, it is not certain what, if any effect, the addition of one more 3 story building would have on insurance ratings. (According to the Speaker – there are currently three 3-story buildings in the applicable Fire District and insurance ratings would not potentially be affected until there were five 3-story buildings requiring potential fire protection.) The building will be constructed in accordance with all applicable building and fire code requirements and will be fully sprinklered.

Furthermore, Insurance rating is a much more complicated calculation than just counting the number of floors of commercial buildings. The rating is based upon multiple factors, including the type of frame, whether jointed masonry is used, the nature of exterior and interior building materials, fire ratings of interior walls, nature of occupancy, nature of fire protection included within the structure (such as the use of sprinklers), exposure to natural hazards, overall size of structure, just to name a few variables. The Buildings contemplated for the Project will comply with all applicable building and fire code requirements. In fact, ISO does not determine a needed fire flow for buildings rated and coded by ISO as protected by an automatic sprinkler system meeting applicable National Fire Protection Association standards, which will be the case with this Project.

11. Hunters on the Katz property are coming over onto my adjacent property to hunt without my permission

Hunting by third parties is not permitted by the property owner currently. It is expected that any unauthorized hunting that may occur, would be entirely discontinued with the development of the Project on the property. The Property owner may wish to post his own property in the interim. It should be noted that the speaker's property is located over 400 feet from the boundary of the Project property.

12. PDD's are not favored by the outside planning consultant

See Response 6 above.

13. Should wait until the Ag & Markets litigation has been resolved

There is no reason to wait until there is final resolution in the pending litigation to proceed with review of the Project. The litigation is proceeding in due course and the

review of the Project should proceed in parallel. If adjustments are needed to the Project proposal as a result of the outcome of the litigation, those adjustments will be made.

14. Does not comply with the Comprehensive Plan or the Farmland Protection Plan

See Response 1 above. The Comprehensive Plan and Farmland Protection Plan are to be read in a manner to be consistent with the Zoning Ordinance of the Town. The Town Board conducted a thorough review of the Project in light of the Comprehensive Plan and Farmland Protection Plan, including a careful evaluation of the potential impacts of the Project on agricultural operations. Having found no adverse impacts from the Project, and acknowledging that the subject property has not been used for agricultural purposes since prior to 1950's, the Town Board found the Project to be in compliance with existing land use plans for the Town.

15. Traffic from the Project is a concern

Traffic impacts generated by the proposed Katz PUDD have been extensively studied since the project was first submitted to the Town in 2013. The applicant has submitted traffic studies as required for the Town's review of the PUDD application. The studies performed have included analysis of the existing traffic conditions, trip generation from the proposed development, capacity analysis of the existing roads, site distance evaluations, and intersection level of service studies for existing intersections north and south of the project as well as the new roads proposed for access to the project. The submitted traffic studies have been reviewed by the Town and third-party consultants for evaluation of the methodologies and conclusions presented in them. The traffic studies indicated that the impacts of the traffic generated by the proposed PUDD will be minor and additional traffic mitigation measures are not necessary. Acceptance by the Town of the traffic study conclusions was confirmed by the Planning Board's positive recommendation and referral of the PUDD application to the Town Board for final approval.

16. 2005 Traffic Study showed many failing intersections in the vicinity

See Response 15 above. The traffic study performed for the 2005 (Draft)/2006 (Final) Comprehensive Plan update contemplates impacts to existing road infrastructure based on two zoning scenarios under half (2011) and full (2016) buildout conditions. The 2006 traffic study specifically states that the intersection analysis and recommended improvements are "extremely conservative" and are based on the "very unlikely scenario of 100% build-out by 2016". The report further states that specific development projects were not considered and that the needed improvements to address these very unlikely scenarios are generated by large development areas and "go well beyond those for which adjacent property owners can be expected to pay".

As discussed in Response 15, a Traffic Impact Study was prepared for this specific project in 2015. The study utilized actual turning movement counts collected in 2014 with a 0.5% increase in volume (as recommended in the NYSDOT 2012 Traffic Volume Report) to represent existing conditions at the time of the 2015 report. The report also applied the 0.5% volume increase to the 2015 traffic volumes to analyze 2018 design year traffic volumes. In addition to the 0.5% annual increase, the 2018 traffic conditions included trips associated with other specific projects proposed at the time. As such, the data presented in the 2015 Traffic Impact Study prepared for this project more accurately reflects actual and anticipated traffic conditions and impacts to the Level of Service at the two intersections north (Route 50/Brookline Road) and south (Route 50/Charlton Road) of the project than what was considered in the 2006 study. The 2015 Traffic Impact Study stated that no mitigation was recommended for either the Route 50/Brookline Road or the Route 50/Charlton Road intersections.