

# FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR THE TOWN OF BALLSTON DRAFT COMPREHENSIVE PLAN AND ZONING AND SUBDIVISION AMENDMENTS

Town of Ballston,  
Saratoga County,  
New York  
May 26, 2006

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DATE OF ACCEPTANCE BY LEAD AGENCY May 30, 2006

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**FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT**  
**Town of Ballston Comprehensive Plan and Zoning and Subdivision Amendments**

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## **Section 1 Introduction and Project Summary**

## Section 1 Introduction and Project Summary

### 1.1 DESCRIPTION OF THE FGEIS

This is a Final Generic Environmental Impact Statement (FGEIS) prepared pursuant to and as required by the provisions of the New York State Environmental Quality Review Act (SEQRA). The FGEIS provides responses to all substantive comments received on the Draft Generic Environmental Impact Statement (DGEIS) prepared for the proposed adoption of the Comprehensive Plan dated December 2005 and the proposed zoning and subdivision amendments, Type 1 Actions pursuant to SEQRA. The Town of Ballston Town Council directed the preparation of the DGEIS. The DGEIS is included in the FGEIS by reference.

### 1.2 PROJECT REVIEW HISTORY

Early in 2005, the Town embarked on the preparation of the Comprehensive Plan. The Final Draft Plan (DGEIS Appendix A – under separate cover) was forwarded to the Town Council in December of 2005, at which time, the Town Council directed Saratoga Associates to begin preparing amendments to the Town of Ballston Zoning Ordinance and Subdivision regulations. On December 27, 2005, the Town Council undertook the proposed action of the adoption of the Comprehensive Plan, a Type I Action under the State Environmental Quality Review Act (SEQR) (6 NYCRR Part 617) regulations and as the only involved agency declared itself Lead Agency for the purposes of conducting an environmental review of the Proposed Action in accordance with SEQRA. As part of the Lead Agency designation process, Part I of the Full Environmental Assessment Form (Full EAF) was prepared.

The Town Council conducted a public hearing on the proposed Comprehensive Plan on January 19, 2006. After consideration of the public comments and deliberation on the proposed Comprehensive Plan, the Town Council determined that additional study was warranted on certain recommendations contained in the proposed Comprehensive Plan in order to further the analysis of any potential environmental impacts and to provide a more complete environmental analysis.

The Town Council also determined that it would help the analysis of the recommendations contained in the Comprehensive Plan that pertain to amendments of the Town Zoning and Subdivision regulations if such proposed regulatory amendments are simultaneously subject to environmental analysis along with the proposed Comprehensive Plan.

The Town Council therefore authorized the preparation of a Generic Environmental Impact Statement (“GEIS”) for purposes of supplementing the EAF and proposed Comprehensive Plan where appropriate and particularly with respect to those recommendations set forth in section 5.1 of the proposed Comprehensive Plan (Immediate Actions to be initiated upon adoption of the Plan) as those recommendations pertain to the plans and zoning amendments for the Town’s northern Mixed Use Area and such other proposed zoning and subdivision amendments as deemed appropriate for

inclusion in the GEIS. Further, the Plan suggests that a GEIS be considered to evaluate the potential impacts associated with the build out of the northern Mixed-Use Zone as identified in the Plan. The DGEIS prepared and formally accepted by the Lead Agency on April 7, 2006. The Lead Agency began accepting comments on the DGEIS starting April 7, 2006. A public hearing was held on April 25, 2006 and the Lead Agency accepted written comments until May 10, 2005. Copies of the written comments received by the Lead Agency and transcripts from the public hearing are included as Appendix A and B respectively. Responses to these comments comprise Section 2.0 of this FGEIS.

1.3 SUMMARY OF PROPOSED ACTIONS - THE COMPREHENSIVE PLAN AND PROPOSED ZONING AND SUBDIVISION AMENDMENTS

The Final Draft of the Comprehensive Plan (hereinafter referred to as “the Plan”) was forwarded to the Town Council in December 2005 for their consideration. The Plan:

- > Identifies needs, assets and opportunities;
- > Is founded on a community-based process which includes input from residents, businesses, institutions, environmental interests and others;
- > Results in a coordinated vision for the future of Ballston;
- > Outlines actions to achieve the shared vision; and
- > Establishes a framework for community-wide efforts on plan implementation.

The Plan is a flexible document that is intended to evolve as the community’s needs and desires change over time. The Plan focuses on a wide range of issues affecting the community, and does not, however, examine project-specific issues. Rather, the Plan examines a broader set of Town-wide issues, provides recommendations to address such issues and outlines an implementation strategy to achieve success.

The Plan makes a series of recommendations, organized by the following topic areas:

- > Rural Areas
- > Mixed Use Centers
- > Hamlet Residential Areas
- > Residential Areas
- > Industrial Development Areas
- > Transportation Corridors
- > Ballston Lake Area
- > Agricultural Resources
- > Greenways and Open Space
- > Historic, Cultural and Recreational Resources
- > Gateways
- > Economic Development
- > Stormwater Management

- > Infrastructure
- > Additional Recommendations

This GEIS focused primarily on the Plan's recommendations regarding zoning and subdivision regulations and the specific draft amendments that have been developed pursuant to the Plan. Section 5.1 of the Plan "Immediate Actions" outlines the Plan's specific proposed amendments to the Town's Land Use Regulations.

The proposed amendments analyzed in the DGEIS are summarized as follows:

- > Zoning Map Revisions in Accordance with the Plan Recommendations Map
- > Modification of Allowable and Special Permit Uses in the Rural District. For each of the proposed Districts, Use Tables were developed. In addition, the Use Tables for the remaining Zoning Districts were also amended. In general, no new uses have been added to any district.
  - The major changes were focused on the level of Planning Board or Zoning Board review for each allowed use. As depicted on the proposed Use Tables, several uses were shifted from being permitted outright to allowed through either Site Plan or Special Use Permit review. These changes have been recommended to provide the Town with additional authority to review the compatibility of proposed projects with the surrounding uses and districts and to ensure that potential impacts are considered and necessary mitigation is provided.
- > Modify minor and major subdivisions definitions
- > Incorporate the use of conservation subdivision design in the Rural Districts
- > Create a new Residential District east of Ballston Lake as described in the Plan, and incorporated Traditional Neighborhood District (TND) consideration through a PUD process in the district
- > Establish a Ballston Lake District to provide special attention to the impact of development on the water quality of Ballston Lake
- > Establish Hamlet Residential Districts as described in the Plan
- > Update the Town's Site Plan requirements
- > Establish Mixed-Use District(s) as described in the Plan. The Plan noted that more than one Mixed-Use District may be necessary to accommodate variations in the specific mix of uses, the scale of buildings, and/or design features desired in these different areas of Town.

- > Establish design guidelines and/or performance standards for the Mixed Use Districts, the Hamlet Residential District, and for commercial establishments permitted on major thoroughfares in the Rural and Hamlet Residential Districts.

*Mixed Use and Business Highway Analysis*

In addition to establishing a mixed-use district, the Plan also recommended that a Strategic Plan for the Northern Mixed Use Area (as such areas is identified in the Plan and on the Draft Plan Recommendations Map). It was determined by the Town Council that in order to have a full understanding of the potential impacts of the existing zoning and proposed zoning regulations for the commercial areas of the Town, a GEIS be used to analyze not only the Northern Mixed-Use Area, but also the proposed Mixed Use Area South and the Business Highway District. The GEIS will compare the alternatives impacts on traffic, sewer, water, community character and other resources.

In addition to analyzing the potential positive and adverse impacts that may be associated with the adoption of the Comprehensive Plan and the zoning and subdivision regulations, it is also the intent of the Town for the northern Mixed-Use Area to:

- > Determine up front (as practical), the type and magnitude of investments that will be necessary to mitigate the potential adverse impacts of the proposed development; and
- > Identify (where practical) mitigation fees that would distribute these costs equitably between future developers of the area.

For the proposed Mixed Use and Business Highway Districts, a build-out analysis was completed that looked at the potential traffic, sewer, water and community character impacts under two alternative development scenarios. The methodology used in the Alternative 1 and 2 build-out analyses are provided in the DGEIS.

*Alternatives*

Pursuant to SEQR, the impacts between reasonable alternatives must be analyzed. This GEIS will consider the following:

1. Adopting the Comprehensive Plan vs. Not Adopting.
2. Adopting the Proposed Zoning Amendments vs. Not Adopting.

### *Approvals*

The adoption of the Comprehensive Plan and proposed zoning amendments will require coordination with Saratoga County, and because a traffic study will be incorporated, coordination with the NYSDOT and the Capital District Transportation Committee will occur for consistency reasons.

#### 1.4 Summary of the Impacts and Mitigation

##### *Adoption of the Comprehensive Plan*

With the exception of the proposed zoning and subdivision amendments, analyzed separately below, the adoption of the Plan by the Town Council as a Policy Document is not anticipated to result in any significant adverse impacts.

The mere adoption of the Plan does not infer that any particular amendment will be implemented. Instead, the Plan will serve as a guiding document for the Town for a variety of issues, including planning and zoning. The adoption of the Plan and ultimate implementation is expected to result in positive impacts on the Town of Ballston. With that said, the Town Council has introduced proposed subdivision and zoning amendments that follow the policies in the Plan and any potential impacts and mitigation are discussed below.

##### *Modification of Minor and Major Subdivisions definitions (Article II, § 104-6 (Definitions”) of Chapter 104 (“Subdivision of Land”).*

The proposed amendments to the terms “Major Subdivision” and “Minor Subdivision” are not anticipated to result in adverse impacts, as they are merely clarifications of existing practices. The proposed amendments will not change the Planning Boards existing authority to declare any minor subdivision as a major subdivision, and no reduction in the Planning Boards authority to review subdivision applications have been recommended.

##### *Amendment of Article IV (“General Design Requirements”) of Chapter (“Subdivision of Land”)*

Each of these proposed amendments are not anticipated to result in adverse impacts and are expected to result in positive impacts for the rural areas of the Town as well as the Ballston Lake Residential Area. No additional density for the involved Districts is proposed over current allowed density, with the exception of the TND in the Ballston Lake Residential District. Under these regulations up to 12 dwelling units per net acre could be allowed, with a maximum 15 percent increase in dwelling units if the project incorporates Affordable Housing Units (as that term is defined by U.S. HUD). Based upon the design requirements set forth in the TND regulations and the fact that any new development at this scale will require connection to municipal water and sanitary sewer services, adverse impacts associated with these proposed amendments are not anticipated. The Lake Hill Road Buffer, is a 500

feet buffer from the east side of Lake Hill Road that will preclude any TND development, for the purposes of protecting Ballston Lake from dense development.

Therefore, the adoption of these proposed zoning amendments are not anticipated to result in adverse impacts, and are expected to result in positive impacts with respect to environmental and community character resources.

*Incorporate the use of conservation subdivision design regulations in the Rural Districts (Article X (“Residential Cluster/Conservation Development”) of Chapter 104 (“Subdivision of Land”).*

The adoption and implementation of these proposed amendments will provide the ability for development of residential subdivisions to be flexible in design, lot size and layout, to preserve natural site features and provide for green space (with or without community recreational areas) in conjunction with residential development. It is intended that development under these regulations will result in less impact to natural features, reduced development area, road construction and impacts to storm drainage. The overall intent of the regulations is to maintain the prevalent rural character in the Rural District as identified in Section 3 of Comprehensive Plan by incorporating a subdivision design that conserves certain portions of the land that is to be developed which will add to or maintain the rural character.

Due to the poor soil conditions in the Rural Use District, compliance with these proposed amendments will not be required if existing municipal water and sanitary sewer service is not available. Furthermore, no privately owned or operated community water or sanitary sewer systems shall be allowed. Due to the conditions of soils and concerns about the availability of potable water in much of the Rural District, the Planning Board may require third party review of water supply and suitability of soils for placement of septic systems.

Therefore, the adoption of these proposed Conservation Subdivision amendments are not anticipated to result in adverse impacts, and are expected to result in positive impacts on the character of the Town’s rural area and environment.

*Establishment of Hamlet Residential Districts Article V (“Residential District Regulations”) of Chapter 137*

Based upon the design requirements set forth in the TND regulations and the fact that any new development at this scale will require connection to municipal water and sanitary sewer services, adverse impacts associated with these proposed amendments are not anticipated. Positive impacts with respect to protection and enhancement of community character are expected.

*Zoning Map Amendments and Associated Allowable Use Table Amendments*

Therefore, the adoption of these proposed Zoning Map and Allowable Use amendments are not anticipated to result in adverse impacts, and are expected to result in positive impacts by giving the Planning and Zoning Boards additional review authority for development. The map amendments consolidate similarly zoned districts and will actually result in the change of 80 acres of Industrial land to Mixed Use commercial land. Design standards and other regulatory measures for all commercial districts will provide protection against adverse impacts. Further information on these proposed amendments are provided below.

*Establish a Ballston Lake District to provide special attention to the impact of development on the water quality of Ballston Lake*

This proposed amendment is expected provide extra protection for the quality of Ballston Lake, and is therefore expected to result in positive impacts.

*Sewer and Water and Traffic Impacts*

Under either Alternative, improvements to sewer and water infrastructure will be required and significant improvements to the transportation system will be necessary to accommodate future growth.

Without these improvements, additional growth will be limited and potential adverse impacts may result if the necessary proposed mitigation measures are not implemented. The major inhibiting factor for the proposed mitigation measures is the availability of the associated costs and what funding opportunities can be utilized.

*Community Character Implications of Commercial Development*

*Potential Impact of Alternative 1 – Existing Zoning*

Such a build out of large-scale retail establishments would permanently alter the character of the Mixed Use Center North and South and the Business Highway Districts. In particular, the eastern portion of the Mixed Use Center North, currently zoned Commercial/Industrial if built out with large scale commercial development under the current regulations is more likely to result in significant adverse impacts on the surrounding residential development. The same issue applies to portions of the Business Highway Districts, currently zoned Commercial and immediately adjacent to rural and residential areas of the Town. In an effort to mitigate against this potential significant impact, design standards and size limitation for commercial development have been proposed under Alternative 2 as detailed in the DGEIS.

## **Section 2 Public Comments and Responses**

## Section 2 Public Comments and Responses

The GEIS is prepared to address substantive comments received during the DGEIS public comment period. Pursuant to the requirements of SEQR for reviewing and responding to public and agency comments in the FGEIS, substantive comments need to be answered while general objections and unsupported comments need no response. Comments do not need to be responded to individually or in order of receipt, and can be grouped by topic so that responses are not repetitive. Refer to FGEIS Appendix A and B for copies of the written comments and the public hearing transcripts respectively. The following is a summary of the comments received and responses to the substantive comments.

### 2.1 SUMMARY OF ALL COMMENTS

The public and agency comments received, both written and those provided at the public hearing have been organized by the following major topic areas.

#### 1. Specific comments on proposed amendments and DGEIS

##### a. Amendments should be less strict

- i. **Planning Board Comments:** Town of Ballston Planning Board: Specific edits and adjustments to the proposed zoning and subdivision amendments. Major rationale for the changes is to ensure that future commercial zoning is economically feasible. The Planning Board believes that the current proposed amendments related to commercial development is overly restrictive and that economic development will be severely limited.
- ii. **James Martin: 1 Comment.** Individual would like the proposed standards in Section 104-13 changed to guidelines to allow the applicant to discuss with the Planning Board what is appropriate on a project-by-project basis.

##### b. Amendments should more strict

- i. **David Schlitzer: 2 Comments.** Detailed comments on enhancing the proposed amendments, generally making them stricter.

##### c. Need additional regulations currently not proposed:

- i. **Yard Waste Burning: 1 Comment.** Individual would like the Town to consider regulations pertaining to the burning of yard waste if the lot in question is less than 10 acres in size.
- ii. **Preservation of Historic Character: 1 Comment.** Individual would like the Town to establish criteria for preserving the historic character of Ballston.

#### Response:

- > Specific edits to zoning and subdivision:
  - o The Town Council has considered the above-recommended changes to the proposed amendments for the purposes of providing for more flexibility during project review process. The changes to the proposed zoning amendments based upon the comment received are provide in FGEIS Appendix C.

- The Town Council is recommending the Design Standards in the commercial districts not be changed to Guidelines.

**d. Comments and Responses on the DGEIS and compliance with SEQR – 2 Letters.**

- i. Commenter: Chazen Engineering and Land Surveying Co., P.C.** on behalf of Widewaters, Inc. Dated May 10, 2006

**1. Title/Content of the DGEIS**

The DGEIS was commissioned to analyze the potential impacts of adopting the proposed Comprehensive Plan and proposed zoning and subdivision amendments and this is discussed in DGEIS Section 2.3.

Section 4.2 identifies that the proposed adoption of the comprehensive plan as a policy document is not anticipated to result in any significant adverse impacts. The potential impacts of the proposed zoning and subdivision amendments are analyzed separately in DGEIS Sections 4.2 through 4.7.

The infrastructure studies were conducted to determine if there would be any difference between the existing and proposed zoning regulations. The studies concluded there were no significant differences. The analyses were also conducted to begin to set the stage for developing strategies for the implementation of impact fees for traffic impacts as well as sewer and water services. The water and sewer upgrades discussed in the DGEIS are not part of the action but as indicated in the DGEIS, would be required for certain types of commercial and residential development to occur. The individual potential impacts associated with the construction of this infrastructure would be analyzed on a project-by-project basis.

**2. Action Not Clearly Defined in the DGEIS:**

As discussed above under No.1, DGEIS Section 2.3 clearly identifies the Actions being assessed in the DGEIS.

As stated above under No 1, the sewer and water infrastructure is not part of the Action, merely a requirement to allow future residential and some commercial development to occur. Without this supporting infrastructure, future development would be limited.

**3. Use of Term Study Area:**

The Study Area includes the Mixed Use North, South and Business Highway Districts for the purposes of analyzing the potential traffic impacts. A Study Area was also defined for the purposes of the water system analysis. The purpose of the DGEIS is clearly defined in DGEIS Section 2.3.

#### **4. Inadequate Discussion of Each Action Design Standards**

DGEIS Section 2.3 identifies the adoption of design guidelines and standards as an Action being considered. Furthermore, the implementation of design standards would also provide mitigation for potential community character impacts associated with unchecked commercial development, allowed under the current zoning regulations.

#### **5. Lack of Discussions of Alternatives**

The DGEIS has adequately addressed Alternatives.

#### **6. Lack of Discussion of Growth Inducing Impacts**

It was not the objective of the DGEIS to comprehensively evaluate the potential impacts of future development, particularly residential development. The DGEIS does state that each future project will need to undergo individual environmental reviews. SEQR Section 617.9(b)(iii) states that certain components, including Growth Inducing Impacts should be identified and discussed only if applicable and significant. The Lead Agency has decided that future environmental reviews would appropriately address future development. The purpose of the proposed zoning and subdivision amendments are to provide the Town with the tools necessary to review and guide future development in the Town and mitigate potential adverse community character impacts.

#### **7. Fiscal Impacts Not Discussed in DGEIS**

Pursuant to the requirements of SEQR, Generic Environmental Impact Statements can be flexible and broader than site specific EISs. It was determined by the Lead Agency that specific fiscal impacts of the proposed Actions would not be analyzed, nor is the Lead Agency required to under SEQR. Each proposed project would need to undergo their own environmental reviews and their positive or negative fiscal impacts would be

considered at that time. Further, the proposed zoning and subdivision amendments are not proposing uses that are not already allowed by the current regulations, including mixed uses.

In response to the comments made within the second paragraph under *Fiscal Impacts Not Discussed in DGEIS*: (A) The proposed Mixed Use Center North District includes a portion of Industrial and Commercial/Industrial Districts. These areas are proposed to be rezoned to the Mixed Use Center North District. Therefore, there is no overestimation of the amount of commercial and retail uses. (B) The proposed zoning regulations for the Mixed Use Center Districts and the Business Highway Districts will not allow any additional use with the exception of research and development uses. Certain uses would no longer be allowed such as automobile dealerships and single family residential in the Mixed Use Center Districts. (C) Residential development is currently allowed under the Town's existing zoning regulations and will continue to be allowed as multifamily and as part of a mixed use.

#### **8. Socio-Economic Impacts Not Discussed in DGEIS**

The existing zoning regulations allow residential development in the Commercial Zoning District proposed to be rezoned to Mixed Use Center North. The Existing Commercial/Industrial District also allows senior living facilities, a residential use. Furthermore, residential development could be allowed under an approved Planned Unit Development (PUD) project in any zoning district in the Town. The DGEIS did not intend nor could it accurately analyze the potential impacts of all residential development in any one district. Future environmental reviews would analyze these potential impacts on a case-by-case basis, as discussed in the DGEIS.

#### **9. Other Completeness Issues**

The Notice of Completion provided as part of the DGEIS included the address of the lead agency and the date by which comments must be submitted. The DEIS does provide a list of the Appendices in the table of contents. The Executive Summary and the DGEIS clearly state the Actions, the Action's purpose, public needs and benefits. As previously stated, the DGEIS is a flexible document, and analyzed the potential impacts it was required to consider the proposed Actions.

### **10. Proposed Action Not Consistent with Stated Goals of Comprehensive Plan**

The DGEIS reiterates the Comprehensive Plan's Vision and Goals. It was not the objective to detail and specifically analyze each recommendation in the Comprehensive Plan. The DGEIS specifically stated which items it would analyze for immediate implementation and those recommendations, which are being considered as Policies. DGEIS Section 2.3 states the following: "This GEIS will primarily focus on the Plan's recommendations regarding zoning and subdivision regulations and the specific draft amendments that have been developed pursuant to the Plan. Section 5.1 of the Plan "Immediate Actions" outlines the Plan's specific proposed amendments to the Town's Land Use Regulations." The Implementation Plan for the Comprehensive Plan clearly lays out how the Town will implement the recommendations.

Regarding the comment pertaining to the DGEIS lack of attention paid to areas zoned for residential/rural and agricultural uses, the proposed zoning and subdivision amendments are being offered as a tool for the Town to use during the review of certain residential projects. Recommended amendments such as the Conservation Subdivision Regulations, Rural Design Guidelines, Subdivision Guidelines and the Traditional Neighborhood Design regulations will provide the Town with tools they currently lack to strongly encourage or require residential development to evolve appropriately and efficiently. These tools will help the Town protect the community and rural character. Furthermore, the proposed zoning amendments are not allowing for densities that could be possible under an approved PUD. What is being provided are the tools the Town needs to review these projects more thoroughly with the Town's community and rural character in mind. Each project will undergo their own separate regulatory reviews.

### **11. Lack of Analysis Regarding Residential Densities**

As stated in DGEIS Section 4.4, the proposed zoning amendments would only allow a marginal increase in residential over what is currently allowed by right. These increases would only be allowed in the Ballston Lake and Hamlet Residential Districts and only through a TND process. DGEIS Section 4.3 states the following:

*"A series of amendments to this chapter are proposed including:*

- > *the adoption of Subdivision Design Requirements for all subdivisions regardless of their location;*
- > *Rural Development Standards for subdivisions in the Rural Zoning Districts;*
- > *Adoption of Traditional Neighborhood Design (“TND”) Standards for development in the Ballston Lake Residential Area.*

*Potential Impact: Not Adverse Impact Anticipated. Positive Impact Expected.*

Each of these proposed amendments are not anticipated to result in adverse impacts and are expected to result in positive impacts for the rural areas of the Town as well as the Ballston Lake Residential Area. No additional density for the involved Districts is proposed over current allowed density, with the exception of the TND in the Ballston Lake Residential District. Under these regulations up to 12 dwelling units per net acre could be allowed, with a maximum 15 percent increase in dwelling units if the project incorporates Affordable Housing Units (as that term is defined by U.S. HUD). Based upon the design requirements set forth in the TND regulations and the fact that any new development at this scale will require connection to municipal water and sanitary sewer services, adverse impacts associated with these proposed amendments are not anticipated. Further, the majority of the Ballston Lake Residential District is located in the proposed Ballston Lake Overlay District which provides additional requirements for development. The Lake Hill Road Buffer, is a 500 feet buffer from the east side of Lake Hill Road that will preclude any TND development, for the purposes of protecting Ballston Lake from dense development.

Therefore, the adoption of these proposed zoning amendments are not anticipated to result in adverse impacts, and are expected to result in positive impacts with respect to environmental and community character resources.”

Upon review of the DGEIS and associated amendments, it is evident that the main intent of the proposed subdivision amendments is to “control” the expected residential growth to protect the Town’s community character and agricultural resources.

## **12. Proposed Sewer and Water Expansions Not Aligned with Comprehensive Plan Goals.**

Upon reading the DGEIS, it is evident that the expansion of water and/or sewer are not Actions being considered. Water and sewer studies were

completed for two reasons: 1) To assist in determining what infrastructure improvements would be required as the Town builds out under both existing and proposed zoning, and 2) to begin to lay the groundwork for establishing mitigation fees to assist in equitably distributing infrastructure costs. The DGEIS neither encourages or discourages the installation of this infrastructure. Rather, it states that as the Town continues to build out, certain improvements would be required to allow the growth and to mitigate certain adverse impacts. As previously stated, all future development in the Town and any associated infrastructure improvements would require individual regulatory reviews.

**13. Comprehensive Plan Calls for Strategic Plan for the Mixed Use Areas:**

The DGEIS and associated analyses including the Economic Study was commissioned for this purpose and has identified the appropriate limits for all commercial development in the Mixed Use Center and Business Highway Districts.

**14. Analysis of Retail Opportunities Not Documented:**

Refer to DGEIS Appendix D for requested information.

**15. No Documentation of Success of Mixed Use Retail Development in Northeast:**

The DGEIS was not commissioned to determine the success of existing mixed-use retail developments. The Comprehensive Plan encourages the use of mixed-uses in the Town. The existing zoning regulations already allow for mixed-use development. The Economic Study was commissioned to analyze the types of commercial development that could occur in the Town of Ballston based upon a market analyses. It determined that any size development could succeed based upon the local and regional spending power. The Town is not required to do a fiscal impact analysis of proposed regulations. The proposed zoning regulations will allow any project to be proposed and approvals applied for. If the identified thresholds are proposed to be exceeded, the applicant has the ability to apply for a PUD and justify the project's compatibility.

**16. Inappropriate Comparison with Mixed Use Development in Clarendon, Virginia:**

The Comprehensive Plan does not suggest that the specific mixed-use development depicted in two photographs on page 15 would work in the Town of Ballston. The photographs were provided as a visual reference of mixed-use development. The text in the Comprehensive Plan does not reference this project.

**17. Discussion of the Village Sized Grocery Store in Town of Richfield Springs, NY:**

The Comprehensive Plan provided this example only to demonstrate how regional chain stores build smaller sized grocery stores. The Comprehensive Plan does not imply that this specific sized store would be successful in the Town of Ballston or that it would comply with design standards.

**18. DGEIS Recommendations Ignores Market Analysis:**

The Economic Development Study determined that most retailers would be supported by the market conditions. The DGEIS concluded that in order to protect community character, certain size limits should be instituted for commercial development.

**19. Lack of Nexus between Commercial Footprint Limits and Protection of Community Character**

Refer to DGEIS Section 4.8.4 for clarification.

**20. Downtown City of Saratoga Spring not Compliant with Design Standards**

The City of Saratoga Springs was not used to derive the design standards for the Town of Ballston. Saratoga Springs has different market conditions than the Town of Ballston and is not an appropriate model for comparison.

**21. Discontinuity Between Proposed Mixed Use North Zone and Village:**

The intent of the Mixed Use Center North is not to encourage pedestrian traffic to and from the Village. Refer to DGEIS Appendix B, Section 1 of the

Design Standards for a detailed discussion of the design standards purpose and how the Town is to implement them if adopted.

**22. DGEIS Does Not Identify Community Character Implications of Commercial Development as Currently Zoned:**

DGEIS Section 4.8.4 clearly discusses what adverse community character impacts could result under the current zoning regulations. The traffic and sewer and water infrastructure improvements that will be necessary would also be necessary under the existing zoning regulations as well.

**23. Build Out Analysis**

The build-out analysis was conducted to contrast worst-case scenarios under existing and proposed zoning regulations for the proposed Mixed Use Centers and Business Highway Districts.

**24. Errors in Buildout Analysis**

DGEIS Section 2.4 discusses the methodology.

**25. Buildout Analysis Does Not Consider Existing Conditions**

Wetlands and other areas identified as hydric soils were discounted from the build-out analysis.

**26. Traffic Analysis Does Not Support Conclusions:**

Significant traffic improvements would be necessary under both the existing and proposed zoning regulations.

**27. Mitigation Fees**

This study is intended to set the groundwork for mitigation fees, particularly for traffic mitigation.

**28. Mixed Use Design Standards Do Not Take Into Account On-Site Environmental Conditions:**

Refer to DGEIS Appendix B, Section 1 of the Design Standards for a detailed discussion of the design standards Purpose and how the Town is to implement them if adopted.

**29. Mixed Use Design Standards Do Not Recognize Existing Lot Configurations:**

Refer to DGEIS Appendix B, Section 1 of the Design Standards for a detailed discussion of the design standards Purpose and how the Town is to implement them if adopted.

**30. Mixed Use Design Standards Do Not Assign Responsibility for Laying Out Roadways:**

Refer to DGEIS Appendix B, Section 1 of the Design Standards for a detailed discussion of the design standards Purpose and how the Town is to implement them if adopted.

**31. Mixed Use Design Standards Do Not Provide for Management of Stormwater:**

Refer to DGEIS Appendix B, Section 1 of the Design Standards for a detailed discussion of the design standards Purpose and how the Town is to implement them if adopted.

**32. Mixed Use Design Standards Do Not Provide for Alternative Means of Meeting the Goals and Objectives of the Town:**

Refer to DGEIS Appendix B, Section 1 of the Design Standards for a detailed discussion of the design standards Purpose and how the Town is to implement them if adopted.

**33. Site Lighting Standards Have Visual Impacts:**

If implemented correctly, pedestrian-scaled lighting standards would result in positive, not adverse impacts.

**34. Requirements for 30 foot wide Pedestrian Walkway Every 300 Feet:**

Refer to Comment No. 20 above for response.

**35. Requirements for Doors Every 75 feet on Each Side of a Buildings:**

The proposed standards do not require this on each side of a building. Refer to DGEIS Appendix B, Section 1 of the Design Standards for a detailed

discussion of the design standards Purpose and how the Town is to implement them if adopted.

**36. Layout Requirements with Parking in Rear Conflicts with Loading/Shipping/Receiving Activities:**

Refer to DGEIS Appendix B, Section 1 of the Design Standards for a detailed discussion of the design standards Purpose and how the Town is to implement them if adopted.

**37. Mixed Use Design Standards Should be Clear and Fair:**

Refer to DGEIS Appendix B, Section 1 of the Design Standards for a detailed discussion of the design standards Purpose and how the Town is to implement them if adopted.

ii. **Commenter: Stockli Greene and Slevin, LLP.** On behalf of Wal-Mart.

**1. General Comments of DGEIS Compliance with SEQR:**

It is the opinion of the Town of Ballston Town Council and their consultants that the DGEIS satisfies the relevant obligations under SEQR.

**2. Failure to have public scoping:**

Pursuant to NYCRR §617.8, scoping is not required.

**3. Additional alternatives should have been considered:**

SEQR requires the analysis of reasonable alternatives. For the purposes of the Comprehensive Plan and the proposed zoning amendments, reasonable alternatives were sufficiently examined.

**4. DGEIS relies upon the Proposed Comprehensive Plan**

The inventory of the Proposed Comprehensive Plan is being used for “existing conditions” section of the DGEIS. Both the NYSDEC and the NYSDOS encourages communities to prepare and adopt comprehensive plans that also act as Generic Environmental Impact Statements.

**5. Comments regarding the credibility of the public survey have not been considered:**

Said comments have been received, incorporated into the public record for SEQR and have been addressed in this FGEIS.

**6. Petition against proposed zoning filed by business property owners have not been considered:**

Petitions submitted during the DGEIS public comment period have been accepted and have been forwarded to the Town Board for their consideration pursuant to the requirements of Town Law Section 265(1).

**7. The Document fails to show what has changed in the Town since the zoning was reviewed and preserved in 2003 other than the applications of Wal-Mart and Widewaters:**

Comment noted.

**8. The DGEIS fails to address the Study prepared by Camoin Associates for the Village of Ballston, which concluded that large retail was not harmful to the Village but new small retail with ample parking would be harmful.**

The DGEIS does not imply that large-scale retailers would harm the Village of Ballston Spa. Upon reading the Village's market study, no conclusion was found that supports the claim that new small retail with ample parking would be harmful to the Village.

**9. Failure of DGEIS to provide an economic analysis of the impacts on schools and municipal services as required in the RFP:**

The RFP for the economic development study and the zoning and subdivision updates does not refer to an analysis of impacts on schools. The DGEIS does evaluate potential impacts on water and sewer services under existing and proposed amendments. The DGEIS also acknowledges that all future projects will need to undergo their own separate environmental reviews.

**10. DGEIS conclusion about the size of existing facilities is not supported by the facts:**

This comment is in reference to the Curtis Lumber facility, which is located in the Town's Industrial District. The DGEIS was not evaluating nor considering changes to regulations in the Industrial Districts. Further, the proposed zoning does not encourage a significantly greater square footage of development. The build out analysis considered hypothetical worst-case scenarios to model impacts. The DGEIS is not advocating a full build out of the Town.

**11. The DGEIS analysis is improperly segmented as it fails to evaluate all the proposed zoning changes and related impacts:**

The Town utilized a Generic Environmental Impact Statement to evaluate the proposed zoning against the existing zoning. Future site-specific projects will undergo their own regulatory reviews. It was not the goal of the DGEIS to consider each and every future site-specific project. DGEIS Section 2 clearly defines the Actions being evaluated.

**12. Mixed Use Development Concept proposed in three other nearby communities by Saratoga Associates:**

Just like the Town of Ballston, each community chooses and is responsible for implementing the recommendations of their comprehensive plans and any subsequent land use regulations.

**13. Certain analyses included in the DGEIS, namely those pertaining to traffic and utilities, conflict with the previously prepared analyses and studies.**

The traffic and utility analyses were performed to evaluate the current and proposed zoning amendments. Previous studies had different methodologies and were commissioned for different purposes.

**14. Traffic and utility studies demonstrate that the proposed zoning will have a greater adverse impact than the existing zoning:**

The DGEIS acknowledges that both the existing and proposed land use amendments will require significant upgrades in traffic and sewer and water infrastructure to meet future growth demands.

**15. Call for the rejection of the DGEIS or the preparation of a Supplemental GEIS:**

The DGEIS was prepared pursuant to the requirements of SEQR.

**16. Transportation Impact Study in DGEIS:**

The traffic study was commissioned as part of a planning exercise to model the potential impacts of full build out of the commercial districts. The traffic study succeeded in identifying the potential impacts and the need for mitigation.

**17. Water and Sewer Impact Studies:**

The water and sewer studies were commissioned as part of a planning exercise to model the potential impacts of full build out of the commercial districts. The studies succeeded in identifying the potential impacts and the need for mitigation.

**18. Draft Comprehensive Plan Town of Ballston**

**Section 1: Flawed Survey:**

The public survey conducted as part of the comprehensive planning process was only one of several tools the Comprehensive Plan Advisory Committee (CPAC) used to identify the public's position and preferred recommendations on numerous issues. Additional tools used during the process included an Issues Identification Workshop held in April 2005 which was attended by over 140 people and a Visioning Workshop held in May 2005 that was attended by approximately 125 people. In addition, CPAC was established by the Town Council and consisted of a healthy cross-section of residents involved in community activities. Furthermore, all CPAC meetings were open to the public and a portion of each meeting allowed for public comment. The Plan recommendations and subsequent zoning and subdivision amendments are a product of an open and transparent public process, and not the result of the public survey alone.

**Section 2: Justification of Size Limits and Design Standards:**

The recommended design standards and size limitations are not arbitrary and are supported by documentation. Further, the Town Council has decided to allow for a relief mechanism to review projects that exceed the proposed size limitations.

**Section 3**

The Comprehensive Plan sets for the framework for continued growth in the Town of Ballston. The recommendations are based on input from the community, CPAC and the Town Council. Not every recommendation needs to be implemented. The document is and will remain a flexible document that should be revised from time to time. The specific recommendations related to the Mixed Use districts are intended to ensure that future development occurs in a form that is consistent with the Vision and Goals of the Proposed Comprehensive Plan. Each applicant will need to determine how their project could conform to the proposed regulations. If the project cannot be altered to conform, the applicants will have the ability to justify why relief should be granted through the PUD process.

**19. New Zoning and Design Guidelines**

Refer to DGEIS Appendix B, Section 1 of the Design Standards for a detailed discussion of the design standards Purpose and how the Town is to implement them if adopted. Specifically, the Design Standards, if adopted, need to be logically implemented consistent with the purpose and intent of the regulations and the Vision and Goals of the Proposed Comprehensive Plan.

**20. Conclusion: Requests that both the Comprehensive Plan and Zoning Ordinance be rejected.**

Comment noted.

**2. In favor of large-scale commercial development: 102 Comments received.**

- > The majority of the comments identified support for Wal-Mart.
- > Many comments identified disapproval of the proposed size limitations and disapproval of the additional amendments pertaining to commercial development.
- > Rationale provided included:
  - o Need for jobs

- Economic development
  - Relief from rising real property taxes
  - Developers could assist with needed infrastructure improvements
  - Private property rights
  - Need for local grocery stores
  - Overburden of Town staff to implement and enforce new zoning regulations
- > One comment identified the need for less housing in the town and more commercial, industrial and office development on Routes 50 and 67.

**Response:**

- > In order to achieve a balance between development and the preservation of community character and quality of life, the Town Council has considered adjustments to the current proposed zoning to provide greater flexibility for the Town Board and Planning Board to review a wider variety of commercial projects. Specific major adjustments are discussed in FGEIS Section 3.0

3. **Form Letter Against Proposed Zoning Amendments: 110 letters received.** Support for existing (2003) zoning because it is consistent with the community character and is protective of property values and property owner's rights.

4. **Petitions against proposed Mixed Use Center Districts: 117 dated October 5, 2005. 91 dated September 14, 2005**

**Response:**

- > Comment Noted. For Town Council consideration.

5. **Protest Petition by owners of land located within the proposed Northern Mixed Use District:** This petition was provided pursuant to Town Law Section 265(1). Pursuant to this section, if the petition is signed by owners of twenty percent of the area of land included in the proposed amendment, a vote of three-fourths of the members of the Town Board would be required to approve the proposed amendments.

**Response:**

- > These petitions have been forwarded to the Town Council for their consideration.

6. **In favor of commercial development and less regulations for economic and real property benefits: 2 comments.** Comments focused on the need for commercial development to off-site real property taxes and to assist with infrastructure and park improvements

**Response:**

- > Comment Noted. For Town Council consideration.

7. **In favor of size restrictions based on property size: 1 Comment.** Comment focused on the need to appropriately limit the size of commercial development provided it is done based on the size of the property and not the store. Rationale is that a commercial node should be provided for all shopping needs to cut down on travel and inefficient use of space.

**Response:**

- > Comment Noted. For Town Council consideration.

8. **In favor of a size cap of 90,000 sf or less: 99 Comments.**

- > The majority of the comments identified quality of life, community character, aesthetic, and stormwater impacts for reasons why they are in favor of a size limitation.
- > Many felt the 90,000 sf cap is too large and that there should be more than a 30 ft. minimum distance between each building.
- > Others would like to see a 90,000 sf cap on total square footage per parcel.
- > Some would like to see the Town ensure a healthy mix of office, retail and residential in the mixed used districts to ensure that a true mixed use district evolves.

**Response:**

- > In order to achieve a balance between development and the preservation of community character and quality of life, the Town Council could consider adjustments to the current proposed zoning to enhance certain requirements for commercial development while at the same time provide flexibility for the Town Board and Planning Board to review a wider variety of commercial projects.

9. **Traffic Impacts: 7 Comments.**

- a. Concern over the impact on private property by proposed roundabouts at Brookline and Route 67 and proposed improvements to Courthouse Hill.

**Response:**

- > These specific improvements may be necessary even without additional development in the northern end of the Ballston. Roundabouts and the alternative lane widening with signal timing adjustments may both result in impacts to private property.
- b. One comment from Creighton Manning Engineering dated May 5, 2006 regarding the Traffic Impact Analysis performed by Greeman Pedersen, Inc. Main conclusion of the comment was that the traffic analysis demonstrates that there is no difference between the existing and proposed zoning in terms of traffic impacts.

**Response:**

- > The Traffic Study and DGEIS acknowledged that there are no significant differences in traffic generation between the existing and proposed zoning regulations.

**c. The Route 67 Traffic Impact Analysis. Comment from the Capital District Transportation Council (CDTC).**

- i. The GEIS confirms that rezoning does not significantly reduce traffic generation from that which would occur under current zoning.
- ii. The full build out scenario under either zoning scenario is acknowledged to be unlikely to occur.
- iii. Costs and details of transportation system mitigation actions shown in the GEIS are representative of scale only. They do not represent a transportation plan that reflects full consideration of community compatibility, modal options or financial feasibility.
- iv. The availability of state or federal (through CDTC's TIP) funding to assist with large-scale highway expansions and modifications will be scarce for the foreseeable future. Feasible actions must be scaled at a level appropriate to developers' impacts and plausibility of modest levels of state or federal funding. CDTC and NYSDOT retain policies that assign the responsibility of mitigating local development traffic impacts to the developers or property owners.
- v. The transportation plan developed in the Rt. 67 Linkage Study represents actions that are feasible and appropriately scaled, and consistent with CDTC and NYSDOT policy. (The availability of state or federal funds to participate with pieces of the Linkage Study recommendations is still tight and uncertain, but at least plausible.)
- vi. Following the Town of Colonie's successful GEIS model, the town could adopt the proposed zoning; develop mitigation plans that address realistic growth expectations (including the Rt. 67 Linkage Study recommendations); establish a mitigation process to help fund the implementation of these plans; and continually monitor the pace of development with the intention of reviewing, revising and extending the mitigation plans over time.
- vii. The NY 67 Linkage Study recommendations should be embraced by the Town in the Statement of Findings as the intended transportation plan for that part of the Town. The statement of findings could also commit to the crafting of a comparable plan for areas not covered by the Linkage Study.

**Response:**

- > The Town Council will adopt the Route 67 Study as the intended transportation plan for the Route 67 and Route 50 areas of the Mixed Use Center North District.
- > The Statement of Findings will strongly encourage future applicants to contribute towards making the improvements identified in the Route 67 Plan as part of their development proposals.

- > During Site Plan, Special Use Permit and PUD review processes, the Town will refer applicants to the Route 67 Plan as a guide for necessary transportation improvements beyond their front-door improvements.
- > The Town will actively pursue establishing traffic mitigation fees for each commercial district in the Town.

**10. Survey: 3 Comments:**

- > The sampling method is flawed.
- > The survey response rate of 35% is not representative of the community.
- > The survey results do not represent the views of the entire Town.
- > The survey was disproportionately sent to northern areas and too few, only 8%, went to business owners in that area.

**Response:**

- > The public survey conducted as part of the comprehensive planning process was only one of several tools the Comprehensive Plan Advisory Committee (CPAC) used to identify the public's position and preferred recommendations on numerous issues. Additional tools used during the process included an Issues Identification Workshop held in April 2005 which was attended by over 140 people and a Visioning Workshop held in May 2005 that was attended by approximately 125 people. In addition, CPAC was established by the Town Council and consisted of a healthy cross-section of residents involved in community activities. Furthermore, all CPAC meetings were open to the public and a portion of each meeting allowed for public comment. The Plan recommendations and subsequent zoning and subdivision amendments are a product of an open and transparent public process, and not the result of the public survey alone.

**11. 18 comments for a Wal-Mart store with no rationale provided.**

**Response:**

- > Comment Noted

**12. 9 comments against a Size Cap with no rationale provided.**

**Response:**

- > Comment Noted

**13. 4 comments not in favor of Wal-Mart with no rationale provided.**

**Response:**

> Comment Noted

**14. 14 comments received without a name or date.**

**Response:**

> Comment Noted

**Section 3 Adjustments to the Proposed Zoning and  
Subdivision Amendments**

## Section 3 Adjustments to the Proposed Zoning and Subdivision Amendments

### 3.1 ADJUSTMENTS TO THE PROPOSED ZONING AND SUBDIVISION AMENDMENTS BASED ON PUBLIC COMMENTS

Based upon the comments received on the DGEIS for the Proposed Comprehensive Plan and zoning and subdivision amendments, the Town Council has decided to make some adjustments to the proposed land use regulations released as part of the DGEIS. The majority of the edits are minor in nature, and are either corrections or are necessary to clarify the proposed regulations and ease implementation. Additional adjustments have been to ensure residential development in the rural areas is not overly restrictive.

Other adjustments, such as adjustments to the review procedures for the Mixed Use and Business Highway Districts are recommended to provide multiple options for applicants to navigate through the Town's improved land use regulations, ensure there is sufficient alternative review processes for various applications and to provide the Town Board with the authority to review larger scaled commercial projects.

Finally, the proposed Ballston Lake Overlay and the proposed Town-Wide Stormwater Regulations have been temporarily removed to provide additional time for the Town to evaluate the proposed regulations ramifications on the Town's resources and to ensure the regulations do not unfairly burden landowners.

The proposed adjustments to the zoning and subdivision amendments are provided in FGEIS Appendix C.

*The major proposed changes are as follows:*

1. §104-13 Rural Development Standards.

Recommended to be changed to Guidelines.

2. § 104-14. Traditional Neighborhood Design ("TND") Standards.

Clarified that TND would only be allowed with the use of municipal sewer and water services.

3. Article X ("Residential Cluster/Conservation Development") of Chapter 104 ("Subdivision of Land").

Adjustments made to clarify that property being developed which does not have access to municipal water and sewer services would not be required to comply with this section and would not be required to demonstrate why compliance is not necessary.

4. § 138-9.3. Review Requirements for Uses with Building Size Thresholds.

Adjustments proposed included allowing proposed projects that exceed the size thresholds to be applied for through a Planned Unit Development procedure with the Town Board. Additional adjustments include the encouragement of public benefits during the site plan, special use permit and PUD processes.

5. § 138-10.3. Design Standards - Conservation and Rural Design.

Proposed to change to *Guidelines* to ensure residential development in the rural areas of the Town is not overly restrictive.

6. § 138-12.4. Review Requirements Maximum for Uses with Building Size Thresholds.

Adjustments proposed included allowing proposed projects that exceed the size thresholds to be applied for through a Planned Unit Development procedure with the Town Board. Additional adjustments include the encouragement of public benefits during the site plan, special use permit and PUD processes.

7. Proposed Article XA Ballston Lake Overlay District.

Proposed to be temporarily removed from the land use amendments to provide additional time for the Town to evaluate the proposed regulations ramifications on the Town's resources and to ensure the regulations do not unfairly burden landowners.

8. Proposed Chapter 91 Stormwater Management and Erosion and Sediment Control Regulations.

Proposed to be temporarily removed from the land use amendments to provide additional time for the Town to evaluate the proposed regulations ramifications on the Town's resources and to ensure the regulations do not unfairly burden landowners.

9. Planned Unit Development Regulations.

Adjustments proposed to allow residential PUDs on lots of five (5) acres or more, and commercial PUDs on lots of three (3) acres or more. Additional adjustments are recommended that encourage the use of public benefits during the PUD processes

## **Appendices**

**Appendix A Written Public Comments**

## **Appendix B Public Hearing Transcripts**

**Appendix C Proposed Zoning and Subdivision  
Amendments**