

An agenda meeting was held by the Town Board of the Town of Ballston on Tuesday evening, November 29, 2016 at the Town Hall on 323 Charlton Road, Ballston Spa, New York.

PRESENT: Tim Szczepaniak Supervisor  
Bill Goslin Councilman  
John Antoski Councilman  
Kelly Stewart Councilwoman  
Chuck Curtiss Councilman  
James Walsh Counsel  
Carol Gumienny Clerk

Supervisor Szczepaniak called the meeting to order at 6:42 p.m.

### **RESOLUTION 16-218**

#### **AUDIT OF CLAIMS**

A motion was made by Councilwoman Stewart and seconded by Councilman Curtiss to approve the payment of the bills on the November Abstract. The bills were approved for payment as follows:

General Fund	No. 549- 622	\$124,842.68
Highway Fund	No. 486- 539	96,621.49
Gravel Pit Fund	No. 53- 59	1,295.52
Park Fund	No. 41 - 45	2,454.91
Library	No. 353 - 410	57,144.66
Water Fund District 2 (SW)	No. 145 - 156	19,988.10
Paradowski Road Water #5	No. 56 - 58	191.54
Scotchbush Water Dist. No.6 (WW)	No. 54 - 56	384.07
Silver Ln Water Dist. No.6 Ext#1 (WX)	No. 54 - 56	191.54
Morningdale Court No.2	No. 106 -114	208.06
Trust and Agency	No. 60- 78	32,425.49
Fire Protection #1	No. 1	72,355.51
Ambulance District	No. 1	79,209.75

ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss  
Nays 0

Councilwoman Stewart made a request to the Board to have a rotation for signing the bills at the end of the month.

### **HIGHWAY REPORT**

Superintendent Joe Whalen reported a complete monthly report is on file in the Town Clerk's office. He highlighted a few items: Hawkwood property tasks are completed, Reita Park playground work completed, attended various meetings and a training class on underground fuel storage tanks, and treated roads with salt brine prior to the inclement weather expected on Thanksgiving.

### **STORMWATER MANAGEMENT**

Stormwater Manager Kim Kotkoskie stated DEC gave an extension to December 23<sup>rd</sup> to review the MS4. She reviewed the draft and will have 48 comments for DEC which is 91 action items for the Town. If approved in December, the soil disturbance permit will begin in January, with fees collected. Two stormwater maintenance agreements were given to developers looking for comments, but nothing significant yet.

### **BUILDING DEPARTMENT**

Building Inspector Tom Johnson reported all is running smoothly in the department.

### **LIBRARY REPORT**

- Library Director Karen DeAngelo stated the library is in the process for the state municipal grant for the roof; however, there are now four leaks in the roof.
- The tree lighting ceremony will be next Tuesday at 6:30 p.m. with Santa and caroling.

## **FARMLAND PROTECTION PLAN COMMITTEE**

Chairwoman Joan Pott stated the Committee had two meetings. The October meeting had a presentation from the BH-BLBPA. A good discussion was held and an exchange of ideas. The November meeting was a visit from an area developer and area landscaper sharing concerns and ideas as well as the Committee. Both meetings were positive.

## **PARKS AND REC COMMITTEE**

Councilwoman Stewart, liaison for the Committee, stated a lot of Eagle Scout projects are going on in Anchor Diamond Park. She again thanked the highway department for all their work done there. The trails are continuing to be cleared.

## **BALLSTON LAKE SEWER COMMITTEE**

Councilman Goslin, liaison for the Committee, stated the sewer committee interviewed three bidders for the Ballston Lake sewer project. He has a recommendation but would like to discuss it with the Board in Executive Session.

Councilman Goslin requests that the Carpenter's Acre sewer project be placed on the agenda for the January agenda meeting. Ed Hernandez of Adirondack Mountain Engineering will present.

## **TOWN COUNSEL**

James Walsh Esq. reports the money from the trust for Anchor Diamond Park should be transferred to the Town in the next month or two. He will also address updates on lawsuits in Executive Session.

## **EMERGENCY MANAGEMENT COMMITTEE**

Dennis Pokrzywka, member of the Committee, thanked the Board for supporting the Committee on their proposed budget. He and Herb Jackson will attend a seminar on crude rail hazmat. The Town needs an on-site visit to evaluate the Community Room for capability and capacity to be a registered shelter in the event of a disaster. This needs to be done at the library as well. The Committee is a good, strong group of committed members.

## **PRESENTATION**

Ethan Greenberg, a representative from Cornerstone, presented three proposals to the Board on the phone system at Town Hall. The Board will review. Councilman Goslin would like to sit down with a senior engineer from the company to discuss other needs in depth. It is a work in progress.

## **NEW BUSINESS**

**Tank riser painting.** Kathryn Serra, of C.T. Male, spoke that the Burnt Hills water tank exterior was recoated in 2011; however, the 100 ft. riser was deteriorating and its interior needs to be repainted. The cost at that time was too much. There is money available in the 2017 budget now to perform this work. C.T. Male is proposing to perform engineering and construction services related to painting the riser. It is recommended that the work be bid on in January to get the best possible prices. The process will take approximately three weeks to complete. The Board will review the proposal and take action at the December 13<sup>th</sup> Board meeting.

## **OLD BUSINESS**

**Community Room.** Councilman Antoski gave increases previously and wanted to know what the rest of the Board thought. Councilman Goslin doesn't feel we should raise the rates for the residents of the Town. Councilwoman Stewart echoed what Councilman Goslin stated. After some discussion, it was decided to have an increase of the cleaning deposit fee and not raise the Town resident rates. Supervisor Szczepaniak stated we have discussed this numerous times and will add a resolution to the December meeting.

**Building Department Fee Schedule.** Building Inspector Tom Johnson stated he will have this to present at the Town Board meeting on the 13<sup>th</sup> of December. The plan is to put this in effect the first of the year.

## **NEW BUSINESS FOR CONSIDERATION AND ACTION FOR TONIGHT:**

### **RESOLUTION 16-219**

**APPROVE NAMING THE TOWN BOARD AS LEAD AGENCY AND DECLARING A TYPE II NEGATIVE SEQRA ACTION FOR THE EXPANSION AND EXTENSION OF BURNT HILLS BALLSTON LAKE WATER DISTRICT #2 TO INCLUDE 10 WHITE BEACH ROAD (TAX MAP ID# 249.-4-5).**

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart.  
ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman  
Antoski, Councilwoman Stewart and Councilman Curtiss  
Nays 0

#### **RESOLUTION 16-220**

#### **APPROVE EXPANDING AND EXTENDING BURNT HILLS-BALLSTON LAKE WATER DISTRICT #2 TO INCLUDE 10 WHITE BEACH ROAD (TAX MAP ID# 249.-4-5).**

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart.  
ADOPTED Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman  
Antoski, Councilwoman Stewart and Councilman Curtiss  
Nays 0

#### **PRESENTATION BY NAN STOLZENBURG ON PROPOSED ZONING CHANGES**

The following is a summary of the recommended zoning changes presented by Nan Stolzenburg and Don Meltz.

### **Summary of Recommended Zoning Changes**

#### **A. Hamlet Residential**

1. Add requirement for sidewalks and that new streets be grid pattern, not cul-de-sac.
2. Allow for increased density as per plan - Increase density to 2-4 units per acre.
3. Concentrate sewer expansion in this district. With sewer, the watershed overlay restriction on density should be removed, and other stormwater and water quality standards should be emphasized.
4. Allow senior citizen housing as per plan.
5. Add design/performance standards and density limitations for multi-family dwellings to ensure consistency in scale and intensity of use in Hamlet.
6. Rework lot size dimensions to reflect hamlet style setbacks, road frontages and build-to line including increasing the maximum lot coverage (in a hamlet this should be higher than 30%). Analysis of existing lots in hamlet should help define what these dimensions should be to promote consistency of new to existing.
7. Remove option for a PUDD.
8. Allow TND as optional design, not mandatory. Or remove TND as a design tool and update zoning to incorporate the TND design elements instead.
9. Offer TDR bonus for use for developments located in receiving areas in Hamlet.

#### **B. Mixed Use North and South**

1. Add requirement for sidewalks and that new streets be grid pattern, not cul-de-sac.
2. Add allowance for single family homes with a stated density.
3. Rework lot size dimensions to reflect more hamlet style setbacks, road frontages and build-to line including increasing the maximum lot coverage (in a hamlet this should be higher than 30% - at least outside of the watershed overlay area).
4. Require public pocket parks for residential developments as per the plan.
5. Ensure design standards apply to residential developments – not just commercial uses.
6. Review those design standards and make sure they are going to yield the design expected in a hamlet/mixed use development area. Ensure they are viewed as ‘shall’ instead of ‘guideline’.
7. Remove unlimited density allowance and place upper limit on density for residential uses.
8. Remove option for a PUDD.
9. Concentrate sewer expansion here.
10. Place limits on building size footprint as per plan, for commercial buildings. However, offer a size bonus when TDR is used. Update the TDR draft law to accommodate commercial uses.

11. Keep buildings at a 2-story height.
12. Add in additional access management and traffic calming techniques.
13. See concept map for recommended changes to district boundaries.

**C. Rural**

1. Add definitions related to agriculture and additional ag-related uses.
2. Add building size limitation on commercial structures to ensure consistency with plan for small scale uses.
3. Ensure that rural design guidelines apply to non-residential uses for this district.
4. Remove the 1 dwelling per 1-acre allowance, and keep density as recommended in the plan at 1 dwelling per 2 acres throughout the Rural District.
5. All major subdivisions should be designed as conservation subdivision and not tied to provision of public water and sewer. Allow for use of community wastewater and well water if conditions on parcel are suitable. If conditions on site do not support that capacity, a density yield plan can determine the number of houses the parcel can support.
6. Consider use of average lot size to offer more flexibility to landowners in design and siting.
7. Consider calculating density based on NET acreage (this is currently used in the conservation subdivision technique) where environmentally constrained lands are reduced or removed from calculation of acres and density. This will fine tune density to better fit with the actual capacity of the land.
8. Add in a buffer requirement for all classified streams (A-C streams as per NYS DEC) and wetlands. (This should be for all areas in Town, not just rural district). Update TDR draft law to include these buffers as a critical design element.
9. Offer a density bonus only through use of TDR on those parcels designated as receiving areas.
10. Remove option for PUDD.

**D. Ballston Lake Waterfront**

1. Add in stream and wetland buffer requirement for all classified streams and wetlands.
2. Change maximum lot coverage from 30% to 15% or 20% to reduce impervious surfaces.
3. If sewer is built, then density would go to 1-acre minimum lot size around lake as per current zoning. Discuss if this meets other character, environment, and recreational goals, or if density should remain at 2 acres even with the sewer.
4. Remove PUDD option.

**E. Business Highway 1 and Business Highway 2**

1. Add in additional access management and traffic control tools.
2. Remove BH2 district and make those lands part of Rural District. Keep the BH1 District, and expand it as shown on the concept map.
3. Add in residential design guidelines for BH1 to ensure that subdivisions or uses other than single family homes meet other design goals of the town.
4. Specify a density for residential uses to prevent over-development of residential uses in the BH1.
5. Place building size restrictions on commercial buildings. However, offer a bonus to increase the building size only when TDR is used. Update the TDR draft law to accommodate commercial uses in this manner.
6. Update road standards to emphasize desire for grid, connected roads.
7. Remove PUDD option.

**F. Ballston Lake Residential**

1. Go back to density established in Plan at 1 dwelling per 2 acres. Remove the 1 dwelling per 1-acre allowance. Reasonable bonuses to be offered only in receiving areas and where TDR is used. Allow for average lot size, and use NET ACREAGE to calculate density.
2. Remove TND requirement. Instead, require use of conservation subdivision for all major subdivisions with a 50% open space requirement. Over time, work to link the

- preserved open spaces with trails. Develop an open space map (as called for in the Plan) to guide where these open spaces should be so that over time, a green infrastructure for the town is preserved. Conservation subdivision should also be required for any parcel being developed with TDR credits.
3. Remove PUDD as an allowable technique.
  4. Remove requirement for a special use permit for animal agriculture that is also located in the NYS Ag District. Establish setbacks and other conditions to protect water quality and nuisances when new animal agriculture comes via incorporation of the NYS modified site plan review process.
  5. In the BL Watershed Overlay, reduce maximum building coverage from 30% to 15% or 20%.

**G. Ballston Lake Watershed Overlay**

1. Update watershed protection requirements based on Ballston Lake Improvement Association and Watershed Management Plan group input (received as part of this process) and other enhancements.
2. Lower maximum building coverage from 30% to 15% or 20%.
3. Where sewers exist, remove 1 dwelling per 1-acre requirement and concentrate on other watershed protection measures as lot size becomes less important.

**H. Other**

1. Change the draft TDR law: update map to show changes in receiving and sending areas, recognition of streams and wetlands to be buffered from development, adding of receiving areas in commercial areas (Mixed Use North and South and BH1 to offer size bonus for commercial uses. This bonus goes hand in hand with the recommended building size limitation so that the Town benefits from the small development the plan seeks, but allows for larger commercial buildings when TDR is used). Offer some density bonuses only via TDR program so that all commercial and residential growth can work to protect farmland and open spaces.
2. Require use of conservation subdivision design in Ballston Lake Residential receiving areas.
3. See other handout for details on changes needed to improve Conservation Subdivision.
4. See other handout for details on PUDD. Remove as an allowable technique in all locations.
5. Update Special Use Permit process for agriculture in zoning to be consistent with NYS Town Law 274-b (no special use permit should be required – use a modified site plan review process as outlined by NYS Ag and Markets).
6. Ensure that site plan review and special use processes take place simultaneously so as not to delay the permitting process unnecessarily.
7. For discussion - Consider if the current system where PB does some reviews and ZBA does others works. This needs discussion. Determine if it makes sense to have ZBA do some things and PB to do others. The most efficient way is to have ZBA do variances, appeals, and interpretations and the Planning Board to do subdivision, site plan and special use permits. Zoning changes should also find ways to be efficient and business friendly. Splitting up the review process as you have it now is not usually considered a business-friendly model. To be discussed.
8. Add Ag District boundary to zoning map for information purposes or on another accessible map so that it can be effectively used in review process.
9. Add text to allow only single family homes on slopes > 15%.
10. Add in to ensure all procedures include the required referrals and SEQR processes.
11. Add in a requirement for use of Ag Data statement for all development in the Rural and Ballston Lake Residential districts as per NYS AML 25-aa (wherever there are NYS Certified Ag Districts). Consider also adding requirement for use of an ‘Ag Disclosure Notice’ to be included in approved plats and plans for projects located in a NYS Ag District. This is currently a requirement of NYS AML 25-aa for all real estate agents, but can be included as a local requirement. This is a notice to alert buyers that the land they are buying/developing is in an agricultural area.

12. Update all definitions – there are many that are missing. The ones related to agriculture especially need work. All uses that require a special use permit should be defined, at the least.
13. Consider addressing regulations for solar and wind facilities, digital signs, PODs Air B&B's, and other new technologies/uses.

Supervisor Szczepaniak thanked everyone who was involved. We, as a Board, need to be proactive. A lot of grey areas will be clarified for making decisions in the future and easier to understand especially for the Planning and Zoning Boards. He also gives a lot of credit to these Boards and encourages anyone to send any feedback about the presentation this evening to the Board in a timely manner so we can move forward.

Councilman Curtiss stated it was a great overview with a lot of research and time put into these zoning recommendations. He was very impressed. Councilwoman Stewart suggests setting a timeframe to receive written comments. It was decided this deadline would be by December 13<sup>th</sup>. A time line of the process needs to be decided soon; therefore, this will be a continued discussion at upcoming meetings. Supervisor thanked Nan and Don for their presentation this evening.

**RESOLUTION 16-221**

**ENTER INTO EXECUTIVE SESSION TO DISCUSS A PENDING LITIGATION AND BID FOR SEWER PROJECT.**

Councilman Goslin made a motion and seconded by Councilwoman Stewart.

Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski,  
Councilwoman Stewart and Councilman Curtiss

Nays 0

**RESOLUTION 16-222**

**RETURN TO REGULAR SESSION**

A motion was made by Councilwoman Stewart and seconded by Councilman Antoski.

Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski,  
Councilwoman Stewart and Councilman Curtiss

Nays 0

No action was taken by the Town Board concerning the items discussed in Executive Session.

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to adjourn the meeting. The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Carol A. Gumienny  
Town Clerk