

A public hearing was held by the Town Board of the Town of Ballston on Tuesday evening, May 13, 2014 at the Town Hall on Charlton Road, Ballston Spa.

PRESENT: Timothy Szczepaniak ----- Deputy Supervisor  
William Goslin ----- Councilman  
Kelly Stewart ----- Councilwoman  
John Antoski ----- Councilman  
James Walsh ----- Town Attorney  
Carol Gumienny ----- Deputy Town Clerk

ABSENT: Patrick Ziegler ----- Supervisor  
Carol Shemo ----- Town Clerk

Deputy Supervisor Szczepaniak opened the public hearing at 7:15 p.m.

The Deputy Town Clerk read the legal ad for the public hearing.

Notice of Public Hearing Relating to Proposed changes to Article VIII Industrial District  
Zoning Regulations in The Town of Ballston

TOWN OF BALLSTON  
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Ballston on May 13, 2014 at 7:15 pm at Town Hall 323 Charlton Road, Ballston Spa, New York regarding the adoption of proposed changes to the Zoning Law of the Town of Ballston. The changes affect the definition of manufacturing by deleting light and heavy manufacturing from the current definitions and by replacing the definitions of each with definitions for “light industrial” and “heavy industrial” at §138-3, and by making the regulations consistent with those definitions by amending the following sections, § 138-13, § 138-31.1, § 138-13.1.1, § 138-13.1.2, § 138-14, § 138-15 (E), § 138-17, § 138-18 (C), §138-21 (A), (B) and the permitted and not permitted use tables at the end of the zoning regulation for the Industrial District.

PLEASE TAKE FURTHER NOTICE that the environmental significance of said proposed local law will be reviewed by the Town Board of the Town of Ballston incident to and as a part of said public hearing. Copies of said proposed amendments to The Industrial District Zoning Regulations are available for review at the Town Clerk’s office, located at 323 Charlton Road, Ballston Spa, NY 12020 during regular business hours and on the Town web site, townofballstonny.org

By order of the Town Board of the Town of Ballston dated April 8th, 2014.

Carol Shemo,  
Town of Ballston Town Clerk  
PO Box 67, Burnt Hills, NY 12027

Deputy Supervisor Szczepaniak asked for public comment on the proposed changes to the Zoning law.

Town resident Renee Janack-Cook spoke to the Board and expressed whatever the Boards have to do to keep Dolomite out, do it. Keep the area safe for our families, it is bad for the environment and this matter needs to be paid attention to by the Board.

Liz Kormos complimented the Board for listening to the citizens of Ballston and urge the Board to stop and take a look at all the development coming to the northern end of Town including industrial and big box companies.

Town resident Kyle Dieterle is a current junk yard owner and asked how this zoning change will affect him as a business owner. Town Attorney Jim Walsh replied Mr. Dieterle will not be affected.

Town Attorney James Walsh also clarified the purposed of the Public Hearing. This is not a Walmart issue. Currently the industrial zoned area in the part of Town noted in the public hearing notice is open for all industrial zoning so anything that will fit under the industrial uses would be allowed under our zoning. The Board is proposing this Local Law instead of having it open to all industrial uses; it will narrow down the uses that can go in the industrial area to "light industrial".

Ms. Relyea is 110% percent against big box stores coming into area.

Town resident David Stern asked if the zoning adjustment is part of the Comprehensive Plan? Councilman Goslin responded that the current zoning has conflicts with the existing Town law and clarity needs to be in place. Mr. Stern wanted to make sure as we go forward with the Comprehensive Plan, we look at the things that can environmentally affect our town and work through SEQRA and a GEIS.

Town resident Ben Baskin is in favor of changing the zoning. He feels it is important for all development that wants to come into the Town. The Board is the advocate for the people of Ballston. He also liked the idea of a GEIS.

The Deputy Town Clerk read a letter from the Town of Ballston Zoning Board of Appeals (ZBA) chairman, Mike Lesniak regarding the zoning change. It states the ZBA has reviewed and is in agreement with the amendments but recommends the first amendment be changed as follows: "prohibit the manufacturing of petroleum" to be changed to "prohibit the storage of petroleum or other flammable liquids over 10,000 gallons." The ZBA agrees these amendments will eliminate internal inconsistencies in the allowable uses in the Light Industrial Zone. This will allow the Town Council to redo the SEQRA process for the original amendment, which changed the zone from "Industrial" to "Light Industrial". The second letter from NYDEC concurs with the recommendation of the Town of Ballston Town Board as SEQRA Lead Agency for this project. These letters are on file in the Town Clerk's office.

Adam Schultz from Couch White, LLP of Albany on behalf of Dolomite stated the following: In 2013 the Town engaged in spot zoning and the target is attached to Dolomite. The law passed in 2013 was illegal and directed at the company. In two weeks a judge will issue an opinion saying this. The company will be free to seek recovery from the Town in the amount \$1 million dollars plus damages. What should the Town do in response? The Town seeks proposing law which has defects in it. Current law seeks to make all uses in the Curtis Industrial Park non-conformant. Couch White is asking the Town again to please reconsider. Dolomite will give their full cooperation and will address any relevant matters. The Town Board is being asked not to pass this law; if the Board does it will only make it harder on the Town.

Deputy Supervisor Szczepaniak commented that because the Industrial Zoning Amendments were established as a Type 1 Action under SEQRA, the Town Board did a coordinated review for Lead Agency. The Town sent letters to Saratoga County Planning Board, NYS DEC, US Army Corps of Engineers, NYS DOT, Saratoga County DPW, Town of Ballston Planning and Zoning Boards, The 30 day waiting period is over and we have received correspondence from NYS DEC and the Town of Ballston Zoning Board.

The Town is waiting to hear from the Saratoga County Planning Board on this issue; therefore, the public hearing will remain open and reconvene on May 27<sup>th</sup>, 2014 at 7:15 pm.

Respectfully submitted,

Carol A. Gumienny  
Deputy Town Clerk

