

An agenda meeting was held by the Town Board of the Town of Ballston on Tuesday evening, January 28, 2014 at the Town Hall on Charlton Road, Ballston Spa.

PRESENT: Patrick Ziegler ----- Supervisor  
 Timothy Szczepaniak ----- Councilman  
 William Goslin ----- Councilman  
 Kelly Stewart ----- Councilwoman  
 John Antoski ----- Councilman  
 Carol Shemo ----- Clerk  
 Murry Brower ----- Counsel

Supervisor Ziegler called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

**RESOLUTION 14-016**  
**AUDIT OF CLAIMS**

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

General Fund	No. 1 - 43	\$21,231.47
Highway Fund	No. 1 - 20	38,548.09
Gravel Pit Fund	No. -----	-----
Park Fund	No. -----	-----
Library	No. 1 - 22	7,996.30
Water Fund District 2 (SW)	No. 1 - 7	1,070.73
Blue Barnes Rd Dist. No.2 Ext# 13 (BBR)	No. 1 - 7	19.49
Brookline Rd Rte 67 No.2 Ext#12 (BRW)	No. 1 - 7	116.89
Goode St Dist. No.2 Ext#14 (GSW)	No. 1 - 7	77.93
Paradowski Rd Water Dist. No. 5 (RW)	No. 1	.24
Route 50 Water No.2 Ext#7 (RTW)	No. 1 - 7	447.84
Scotchbush Water Dist. No.6 ((WW)	No. 1	.48
Silver Ln Water Dist. No 6 Ext#1 (WX)	No. 1	.24
Chapel Hill Water Dist. No. 2 Ext # 18 (CH)	No. 1 - 7	136.38
Brooks Heritage Dist. No.2 Ext #21 (RL)	No. 1 - 7	38.96
Stonebridge Enclave No.2 Ext #19	No. 1 - 7	19.49
Trust & Agency	See General Fund #30	452.60
ADOPTED: Ayes 5	Supervisor Ziegler, Councilman Szczepaniak, Councilman Goslin, Councilwoman Stewart and Councilman Antoski	
Nays 0		

**SUPERVISOR'S REPORT**

**Supervisor Ziegler** reported that we are in the process of renovating the Meeting Room; the ceiling was in need of repair and the walls needed painting. He thanked the Highway Department for their hard work and for cleaning up before the meeting. Supervisor Ziegler thanked Mr. Simpson for his comment on the list of old business; the list is again on the front of the agenda. He thanked Mr. Merchant for bringing the Board's attention to the problem with reporting rabid animals. According to DEC Officer Huggins, the individual should call 911 and emergency services will send the closest police office to dispatch the rabid animal. They do not test animals for rabies unless the animal has bitten a person or another animal. This information is available on the Town website.

**COUNCIL MEMBERS' REPORT**

**Councilman Szczepaniak** received a call from Jim Waite of the Charlton Snowmobile Club. After acquisition of the Hawkwood property, the snowmobile club would like to utilize the trail through that property.

**Councilwoman Stewart** replied that she will be checking with our insurance agent, Mr. Spataro, on the liability issues of the park. There is a long list of topics that will be discussed in advance of the park purchase.

## **PRIVILEGE OF THE FLOOR:**

*Ms. Windels* was pleased that the job description for Town Attorney included municipal experience. She noted that the Town Attorney will represent the Supervisor and the Town Board. She would like the Town Attorney to represent the residents and avoid costly lawsuits.

Supervisor Ziegler said, in his view, the Town Attorney gives counsel to the Town Board so we can represent you and not that they are protecting our interest as opposed to yours.

*Mr. Van De Carr*, resident of Beacon Hill and a member of the Zoning Board of Appeals, said he submitted a report concerning this development. The current zoning code is for 137,000 square feet of enclosed building space. The residents of the community were relying on that figure when they purchased their homes. Any increase is inconsistent with the representations made to the residents and would change the character of the neighborhood. This neighborhood is oriented for families with young children and seniors. The expansion of commercial activity is not consistent with character of this neighborhood. The proposal increases the size of the commercial property by almost 100,000 square feet, the size of 4 Hannaford grocery stores. If this increase in size is for enclosed parking, we have to have specific language to address this in the amendment. Underground parking facilities are notorious for criminal activity and a magnet for vagrants. Potential road improvements are part of this proposal. Residents in the area have wanted road improvements for some time and are concerned about the turn lane issue. Rental buildings are part of this development and there are no rentals in the area. These rentals are inconsistent with the intention of the neighborhood.

*Mr. Igoe* is a resident of Beacon Hill and seconds his neighbor's opinion. He would like to determine the size of the building that might be there. He also has concerns about the safety of an underground parking garage. He asked the Town to take a close look at how this proposal will impact the neighborhood.

Mr. Booth, the developer of the Beacon Hill property, said they are looking at constructing a medical arts building and general office space. The first floor will have commercial, as a bank, and the second floor will have corporate or executive rentals; all are permitted uses in this area.

Supervisor Ziegler reported that Town Attorney Brower and Councilwoman Stewart did their diligence and it was determined that a second public hearing will be necessary considering the change in the language. The Board will be setting the public hearing for February 11<sup>th</sup> meeting to consider this amendment.

Attorney Brower stated that this proposal will go before the Planning Board for site plan review for a new business. It is at this time that the traffic, noise and lighting will be considered and a public hearing will be held.

## **OLD BUSINESS:**

### 1. 14 Lakehill Road

There will be a February 6<sup>th</sup> conference and the court and the defendant will resolve the matter.

### 2. Sewer Study

Councilman Goslin reported that the committee has a number of activities that they are working on.

- At the Monday meeting, Mr. Doyle gave an update on the engineering study and that is progressing well.
- The draft narrative will be ready soon and it is the story of the sewer issue, in particular with the lake.
- They are looking at the impact of not having sewers along the Route 50 Corridor and are reaching out to the business community. This would, in turn, help with the relief of school taxes for residents.

- For the February agenda, they would ask the Board to consider hiring Sue Lombardi to look at sewer options, provide a study of our resources and to coordinate grant writing at a cost of \$700 - \$800.
  - Also on this agenda, they will ask the Board to consider a mailing of the information on septic systems at a cost of \$1,000 - \$2,000. This brochure and letter will introduce the committee to the residents and discuss where the committee is going with the sewer study.
3. Hawkwood Proposal  
Attorney Brower said we are waiting on the trustees of the Schizdick Estate and the Hawkwood property as they negotiate the acquisition.
  4. Bike Path Extension  
Town Attorney reported that the bike path extension is being held up by the Connolly Road litigation. Although this proposed extension is not near the area of Connolly Road and Kathryn Serra of CT Male has mailed maps and full descriptions of the proposed area to show that these are two separate issues. Supervisor Ziegler added, that according to the judicial decision, the Connolly Road situation will be resolved 180 days from November 15<sup>th</sup>.
  5. Water District Consolidation  
Supervisor Ziegler said that the water district consolidation will have to wait until the audit for 2012 for the USDA is completed since the Town could be subject to potential sanctions.
  6. Proposed Lake Road Water District  
Supervisor Ziegler will have a meeting on the January 29<sup>th</sup> on this water district.
  7. Town Audit  
Councilman Goslin had a meeting with the auditors and they have agreed in principal how to move forward. They are addressing the water funds and have some proposals on simplifying them. There will be a report to the Board. Also at the next agenda, the increase in water rates needs to be addressed.
  8. Timber Creek Preserve Phase IV  
Supervisor Ziegler said that the Planning Board has proposed to name itself Lead Agency and we are waiting the 30 days necessary as part of the coordinated review.
  9. BH-BL School Crossing Improvements  
Saratoga County Commissioner of Public Works Keith Manz said that road improvements will be done at spring roadwork time. Councilwoman Stewart asked if the Town can request more than road stripping. Highway Superintendent Whalen said that lighting for the school zone would involve the cost of the lights, electrician services and approval from National Grid. Mr. Whalen suggested that the school board and the Town combine their efforts and apply for funding for this project. Councilman Antoski added that the school district looked into solar lighting but there were some issues. Mr. Whalen said he would talk to Commissioner Manz.

**NEW BUSINESS FOR CONSIDERATION AND ACTION:**

The Town Board accepted John Antoski's resignation from the Zoning Board of Appeals. According to the Town Code, the Alternate Member of the Zoning Board of Appeals should be appointed to complete the unexpired term of the board member.

**RESOLUTION 14-017**

**APPOINT PATRICK MAHER TO THE ZONING BOARD OF APPEALS**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to approve the appointment of Patrick Maher to the Zoning Board of Appeals to complete the unexpired term of John Antoski commencing January 28, 2014 and ending December 31, 2017.

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

According to the Town Code, Alternate Members of the Planning Board and Zoning Board of Appeals should be appointed by the Town Board to serve a term of one year. The following resolution establishes a term for the current Planning Board Alternate.

**RESOLUTION 14-018**

**REAPPOINT AUDELIZ MATIAS TO THE FIRST ALTERNATE POSITION ON THE PLANNING BOARD.**

A motion was made by Councilman Goslin and seconded by Councilman Antoski to approve the reappointment of Audeliz Matias to the First Alternate position on the Planning Board for a term commencing January 28, 2014 and ending at the Organizational Meeting in 2015.

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

**RESOLUTION 14-019**

**APPOINT PETER CONNORS TO THE FIRST ALTERNATE POSITION ON THE ZONING BOARD OF APPEALS.**

A motion was made by Councilman Goslin and seconded by Councilman Antoski to approve the appointment of Peter Connors to the First Alternate position on the Zoning Board of Appeals commencing January 28, 2014 and ending at the organizational meeting in 2015.

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

Discussion was held concerning the SEQRA Declaration for the Farmland Protection Plan. The Town Board tabled Resolution 13-328 establishing a SEQRA Declaration at the December 10, 2014 Town Board Meeting. Supervisor Ziegler said Élan Planning and Design is helping the Town Board with the SEQRA process. He said there is no negative effect on the environment so a Negative Declaration can be considered. The Town Board brought Resolution 13-328 back to the table and the following resolution was passed.

**RESOLUTION 14-20**

**ESTABLISH A NEGATIVE SEQRA DECLARATION FOR THE FARMLAND PROTECTION PLAN.**

A motion was made by Councilwoman Stewart and seconded by Councilman Szczepaniak to establish a Negative SEQRA Declaration for the Farmland Protection Plan.

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

