

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, October 29, 2013 at the Town Hall on Charlton Road.

PRESENT:	Patricia Southworth	-----	Supervisor
	Mary Beth Hynes	-----	Councilwoman
	Timothy Szczepaniak	-----	Councilman
	William Goslin	-----	Councilman
	Kelly Stewart	-----	Councilwoman
	Carol Shemo	-----	Clerk
	Murry Brower	-----	Counsel

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

Mr. Klein, the broker for the Town's health care, presented a proposal for the health care renewal and the MVP Gold renewal. The Town's health care expires December 1, 2013. The Board has decided to go with the High Deductible Plan with a health care reimbursement account. The MVP Gold renewal is the Town's Medicare Advantage Plan for retirees at a rate set by the Federal Government.

RESOLUTION 13-267

APPROVE THE HEALTH CARE RENEWAL PLAN

A motion was made by Councilwoman Stewart and seconded by Councilwoman Hynes to approve the High Deductible Health Care Renewal Plan beginning December 1, 2013.

ADOPTED: Ayes 4 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak and Councilwoman Stewart.

Nays 0

Abstain 1 Councilman Goslin

Councilman Goslin abstained from voting since he is a CDPHP employee.

RESOLUTION 13-268

ESTABLISH HEALTH CARE REIMBURSEMENT ACCOUNT TO BE ADMINISTERED BY CDPHP AND AUTHORIZE THE SUPERVISOR TO SET UP THE ACCOUNT AND TRANSFER FUNDS.

A motion was made by Councilwoman Stewart and seconded by Councilwoman Hynes to establish a Health Care Reimbursement Account to be administered by CDPHP and authorize the Supervisor to set up the account and transfer funds.

ADOPTED: Ayes 4 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak and Councilwoman Stewart.

Nays 0

Abstain 1 Councilman Goslin

Councilman Goslin abstained from voting since he is a CDPHP employee.

RESOLUTION 13-269

APPROVE THE TOWN'S MVP GOLD HEALTH CARE RENEWAL

A motion was made by Councilwoman Stewart and seconded by Councilwoman Hynes to approve the Town's MVP Gold Health Care renewal, our Medicare Advantage Plan, beginning January 1, 2014 at the rate of \$226.30 per subscriber as set by the Federal Government.

ADOPTED: Ayes 4 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak and Councilwoman Stewart.

Nays 0

Abstain 1 Councilman Goslin

Councilman Goslin abstained from voting since he is a CDPHP employee.

Sue Lombardi, owner and President of Community Development Resources, gave a presentation on the potential grant writing services for the Town of Ballston. Community Development Resources is a business that writes grants for municipalities, not for profits

and businesses. It is project based grant writing; the work is done on a project to project bases. She does the research and analyzes grants in order to pull together the necessary resources. Under the consolidated fund round, grant opportunities are available one time per year, so Towns need to look ahead and be ready to apply for the grants when they are available.

Councilman Goslin reported that a group from the Sewer Committee reached out to Ms. Lombardi when they were investigating how to fund the sewer project. Ms. Lombardi will take a project and give the Town an estimate and research the opportunities for this project for a small fee. The Town can look at applying for a grant without committing a large amount of the money. Councilman Goslin is looking forward to Ms. Lombardi helping the Town with its grant writing needs.

RESOLUTION 13-270
AUDIT OF CLAIMS

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

General Fund	No. 428 - 476	\$42,469.67
Highway Fund	No. 433 - 487	41,189.64
Gravel Pit Fund	No. 34- 37	3,047.22
Park Fund	No. 37 - 44	7,607.46
Library	No. 368 - 406	11,328.69
Water Fund District 2 (SW)	No. 112 - 125	69,100.93
Blue Barnes Rd Dist. No.2 Ext# 13 (BBR)	No. 88 - 99	1,237.71
Brookline Rd Rte 67 No.2 Ext#12 (BRW)	No. 91 - 102	7,297.04
Goode St Dist. No.2 Ext#14 (GSW)	No. 87 - 98	4,864.69
Paradowski Rd Water Dist. No. 5 (RW)	No. 42 - 46	43.07
Route 50 Water No.2 Ext#7 (RTW)	No. 86 - 97	29,166.58
Scotchbush Water Dist. No.6 ((WW)	No. 41 - 45	64.60
Silver Ln Water Dist. No 6 Ext#1 (WX)	No. 42 - 46	21.53
Chapel Hill Water Dist. No. 2 Ext # 18 (CH)	No. 86 - 97	8,513.21
Brooks Heritage Dist. No.2 Ext #21 (RL)	No. 75 - 86	1,237.71
Stonebridge Enclave No.2 Ext #19	No. 66 - 77	1,216.17
Trust & Agency	No. 33 - 35	28,359.70

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes,
 Councilman Szczepaniak, Councilman Goslin and
 Councilwoman Stewart.
 Nays 0

SUPERVISOR'S REPORT

Supervisor Southworth reported on the following:

- New design for the Town website. In addition to the new design, there is an updated sight search, improved navigation, new calendar, increased load speed and efficient editing for the staff. She asked for the residents' feedback on what they like or what should be changed about the new website.
- She received a list of questions for the Moody update that will be responded to by November 15th. Since this is budget season, working on the budget was her top priority. An audit needs to be completed for our USDA loan.

Councilman Goslin stressed the importance of this issue. The Town requires financing for any major project and we won't be able to borrow money without the Moody's rating.

- Supervisor Southworth stated that the Town of Ballston and the Town of Clifton Park held a joint sewer committee meeting on the potential sewer study. Sewers as a joint project would be beneficial a partnership.
- 5K run on November 9th will be for the Saratoga County Veterans.

COUNCIL MEMBERS' REPORTS

Councilman Szczepaniak stated that the Town Board needs to go into Executive Session for labor negotiations and for personnel history for Planning and Zoning minutes. He would like to resolve some issues he and a couple of Board Members are having with their Town email accounts.

Supervisor Southworth will set up a meeting with BAS to address the problems that outside email users are having with their emails.

Councilman Goslin introduced the new members of the Clear Water Initiative Committee: Suzanne Bishop, Jim DiPasquale, Arnold & Elle Azarow and Dave Pierce. He thanked the members for all their efforts and their commitment over the last six months to the sewer commission.

PRIVILEGE OF THE FLOOR

Mr. Pierce is the Ballston Lake Improvement Association Water Quality Chairman and is in favor of the purchase of the Hawkwood Property. Seven creeks enter into the Ballston Lake from this property and they severely impact the water quality of the Lake. The new water testing shows the phosphorus numbers down substantially and they are close to normal levels.

OLD BUSINESS

1. Proposed Lake Road Water District and a Discussion of the Failed Water Tests of the Saratoga County Water Authority.

Councilwoman Stewart appreciated the presentation by Kathryn Serra, Town engineer, concerning CT Male's report on the Lake Road Water Extension between Eastline Road and Stonebridge. She is still unsure of the value of closing the loop. She cannot assign a monetary value to closing the loop to all water users and she has difficulty with imposing a further financial burden on users of the Water District.

Councilman Goslin stated the value of closing the first step in the loop only helps water users if the Town uses the Saratoga County Water Authority as our water supplier. The Town is not purchasing water from the Saratoga County Water Authority at the present time.

Supervisor Southworth stated the Town has a water contract with Saratoga County Water Authority and we will need to resume purchasing water when the problem is corrected. The Town should not use the water from Saratoga County until we are satisfied with the testing results for a period of time. We should not be interested in a short term resolution. In the winter time there are no issues with our water, but in the Spring, the problems flare up.

Councilman Goslin said in early November a letter will be sent to all water users stating the Saratoga County Water didn't pass the water tests for disinfection byproducts and lead. As a result, the Town has stopped taking water from Saratoga County and now takes 100% of the water from Glenville. This happened two years ago. The Town has given the County two years to correct the water situation and the safety of the water is in question. This trial and error method of fixing the water at the expense of our water users isn't acceptable. He plans to address the County Board of Supervisors about this water problem and is asking the County for a letter stating the water is safe to drink before the Town considers taking water.

Councilwoman Hynes said, as the Town's representative on the Saratoga County Water Authority, she will continue to attend meetings to find out about the testing and attempts to correct the water problem. This is an ongoing issue. She has addressed the Town's concerns with the Chairman of the Saratoga County Water Authority and he is aware of the problem. She will report on any progress with correcting the water problem. The Town needs assurances; the Town has never sent

out notices before about the failed water testing before.

Mr. Solosky asked the Board about the financing of the proposed Lake Road Water District.

Mr. Rosamino asked the Board to have a public hearing to see if the water users would be willing to bear the cost of this district.

RESOLUTION 13-271

SET AN INFORMATION MEETING FOR THE PROPOSED LAKE ROAD WATER EXTENSION BETWEEN EASTLINE ROAD AND STONEBRIDGE AND THE PROPOSED SCOTCHBUSH ROAD WATER EXTENSION AND TO THE WATER USERS IN DISTRICT 2 AND ITS EXTENSIONS FOR NOVEMBER 14, 2013 AT 6:45 P.M.

A motion was made by Councilman Goslin and seconded by Councilwoman Hynes to set an information meeting for the proposed Lake Road Water Extension between Eastline Road and Stonebridge and the Scotchbush Road Water Extension and the water users in District 2 and its extensions for November 14, 2013 at 6:45 p.m.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes,
Councilman Szczepaniak, Councilman Goslin and
Councilwoman Stewart.

Nays 0

2. Timber Creek Preserve Phase IV PUDD

The Board reviewed the legislation. Supervisor Southworth is concerned with the comments on fertilization of the lawns in Timber Creek Preserve. We are trying to find ways to assist with the clearing of the lakes. Mr. Brooks said they would strike all references to fertilization of the lawns throughout the legislation.

Councilwoman Stewart noted that the watering of the lawns would be three times a week. What would happen if there are Town restrictions on watering? Mr. Brooks said that Town regulations would supercede any watering policy by the Homeowners Association.

Town Attorney Brower questioned why the watering is included in the deed restrictions.

Supervisor Southworth asked the Board members if they were satisfied with the wording of the \$100,000 to the Town. The Board Members agreed with this wording.

3. Estate of Frank Schizdick and Anchor Diamond Park

Attorney Brower asked the Board to schedule Executive Session for the November 12th Town Board Meeting to discuss litigation.

4. Hawkwood Proposal

Discussion is scheduled for November 12th Meeting.

5. Bridgewater Apartment Water Connection

The Town Board received a letter from the owner of Bridgewater Apartments requesting connection to the Water System via the Brookline Road Water Extension, Burnt Hills-Ballston Lake Water District 2 Ext #12. Mr. Travis was Mr. Wilder's representative at the meeting and he is looking for approval from the Board for the connection.

Supervisor Southworth said the Board has some questions on how we would make that happen since they originally opted out of the water extension.

Councilwoman Stewart said the question is simply what do we charge them to connect. They want one meter out by the road, but we can charge per building connection fee

Mr. Mitchell said the challenge is that the Board suggested a fee that included a retroactive debt service as if it were the Town's policy. He asked if this is the way it was done in the past, any time water has been extended to a property. Mr. Wilder just asked to be treated fairly.

Town Attorney Brower added that Mr. Wilder stated in his letter his request to be treated fairly so are we negotiating?

Councilman Goslin said this is an unique case. We have never had anyone opt out of being in an extension and then request to be connected to that system years later. The retroactive charge was \$131,000. Mr. Wilder suggests a fair connection fee for 200 apartments and 12 buildings; the Board is asking what is fair. The people in that water extension have been paying the debt service over the years. He suggested Mr. Mitchell discuss this further with Mr. Wilder and report back to the Town Board.

Supervisor Southworth stated that the developments such as Chapel Hill, Timber Creek and Stonebridge were not rolled into existing water extensions so they have never been paying into the debt service. The Town hopes to correct this with the proposed water consolidation process. Most of the additions to the water extension have been single family residences.

6. Oliver Property

The property owner is working on solving the problem with his property. The Town Board agreed to extend the time period for dealing with this unsafe structure.

7. LED Signs

Councilwoman Stewart reported that the Library is considering an LED Sign and she will send pictures of the sign to the Board.

Councilwoman Hynes asked about the billboards across from Beacon Hill.

Supervisor Southworth said she has received calls concerned these billboards and if they will be changed to LED Signs. She said the Planning Board did not approve any LED Signs since it did not fit with the rural character of the Town.

8. Stonebridge Lighting District

Supervisor Southworth asked the Town Attorney if a special district needs to be created for this lighting district and added in the Town Budget.

Town Attorney Brower stated the Stonebridge Lighting District should be part of the Homeowners Association as it is in Timber Creek. The Town can grant National Grid an easement for the installation and repair of the light poles in the Stonebridge PUDD. He will notify National Grid of our position and that should satisfy them.

RESOLUTION 13-272

GRANT NATIONAL GRID AN EASEMENT IN THE RIGHT-OF-WAY FOR THE INSTALLATION AND REPAIR OF THE LIGHT POLES IN STONEBRIDGE PUDD

A motion was made by Councilwoman Stewart and seconded by Councilwoman Hynes to grant National Grid an easement in the right-of-way for the installation and repair of the light poles in Stonebridge PUDD.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

NEW BUSINESS FOR CONSIDERATION AND ACTION:**RESOLUTION 13-273****AMEND RESOLUTION 13-257 BY CHANGING THE DATE OF THE PUBLIC HEARING FOR THE 2014 BUDGET FROM NOVEMBER 12, 2013 TO NOVEMBER 7, 2013 AT 7:00 P.M.**

A motion was made by Councilwoman Stewart and seconded by Councilwoman Hynes to amend Resolution 13-257 by changing the date of the Public Hearing for the 2014 Budget from November 12, 2013 to November 7, 2013 at 7:00 p.m.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

RESOLUTION 13-274**SET A PUBLIC HEARING FOR THE ESTABLISHMENT OF WATER DISTRICT NO. 2 Ext #25 FOR TIMBER CREEK PRESERVE PHASE III AND IV FOR NOVEMBER 26, 2013 AT 7:15 P.M.**

A motion was made by Councilwoman Hynes and seconded by Councilwoman Stewart to set a Public Hearing to establish Water District No. 2 Ext# 25 for Timber Creek Preserve Phase III and IV for November 26, 2013 at 7:15 p.m.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

After checking with the Historian and the School Districts, if the old voting machines are not wanted, they should be declared surplus junk and disposed of by the Town.

RESOLUTION 13-275**DECLARE OLD VOTING MACHINES AS SURPLUS JUNK AND ALLOW FOR THEIR DISPOSAL**

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to declare old voting machines as surplus junk and allow for their disposal.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

RESOLUTION 13-276**WAIVE THE WAITING PERIOD FOR THE LIQUOR LICENSE PERMIT FOR BALLSTON LAKE RESTAURANT MANAGEMENT GROUP INC., D/B/A CARNEY'S RESTAURANT.**

A motion was made by Councilwoman Hynes and seconded by Councilwoman Stewart to waive the waiting period for the Liquor License Permit for Ballston Lake Restaurant Management Group Inc., D/B/A Carney's Restaurant.

ADOPTED Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart

Nays 0

RESOLUTION 13-277**RELEASE A REQUEST FOR PROPOSALS FOR A SEWER STUDY**

A motion was made by Councilwoman Hynes and seconded by Councilman Goslin to release a Request For Proposals for a Sewer Study.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

RESOLUTION 13-278**SET A BID OPENING FOR THE SEWER STUDY RFP FOR DECEMBER 2, 2013****AT 4:00 P.M.**

A motion was made by Councilwoman Hynes and seconded by Councilman Goslin to set a bid opening for the Sewer Study RFP for December 2, 2013 at 4:00 p.m.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak,
Councilman Goslin and Councilwoman Stewart.

Nays 0

RESOLUTION 13-279**DECLARE THE TOWN BOARD LEAD AGENCY FOR LOCAL LAW NO. 4 OF 2013 TO ALLOW MICRO DISTILLERIES IN BUSINESS HIGHWAY DISTRICT 1 AND 2 IN THE TOWN OF BALLSTON.**

A motion was made by Councilwoman Hynes and seconded by Councilwoman Stewart to declare the Town Board as Lead Agency for Local Law No. 4 of 2013 to allow micro distilleries in Business Highway District 1 and 2 in the Town of Ballston.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak,
Councilman Goslin and Councilwoman Stewart.

Nays 0

RESOLUTION 13-280**ESTABLISH A TYPE 1 NEGATIVE SEQRA DECLARATION FOR LOCAL LAW NO. 4 OF 2013 TO ALLOW MICRO DISTILLERIES IN BUSINESS HIGHWAY DISTRICT 1 AND 2 IN THE TOWN OF BALLSTON.**

A motion was made by Councilwoman Hynes and seconded by Councilman Goslin to establish a Type 1 Negative SEQRA Declaration for Local Law No. 4 of 2013 to allow micro distilleries in Business Highway District 1 and 2 in the Town of Ballston.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak,
Councilman Goslin and Councilwoman Stewart.

Nays 0

RESOLUTION 13-281**APPROVE LOCAL LAW NO.4 OF 2013 TO ALLOW MICRODISTILLERIES IN BUSINESS HIGHWAY DISTRICT 1 AND 2 IN THE TOWN OF BALLSTON.**

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to approve Local Law No. 4 of 2013 to allow micro distilleries in Business Highway District 1 and 2 in the Town of Ballston.

Local Law No. 4 2013

A local law amending Chapter 138-12.4 by adding a new part Chapter 138 12.4 (c) and by amending the Business Highway One use table Chapter 138 Attachment 8 by adding distillery as a use and adds note number 4 to the tables.

Be it enacted by the Town Board of the Board of Ballston as follows:

Chapter 138-12.4 Review processes, is amended to add a new part**A. Business Highway 1****(3) For all Light Industrial projects:**

- (a) Where a proposed light industrial facility use adjoins an existing residential property boundary line, a buffer strip along the property boundary of at least 100 feet in depth and landscaping shall be provided. A one-hundred-foot buffer strip must also be provided so that if stored items fell over, or off where they are stored, it could not land on the real or personal property of other persons or entities.
- (b) All construction shall conform to the applicable standards of the New York State Uniform Fire Prevention and Building Code. All building plans and site plans for construction within the Industrial Zone shall be approved by a New York State licensed design professional, as such professional is defined by § 7208 of the New York State Education Law.

- (c) The following restrictions shall also be subject to applicable New York State and/or federal regulations that apply to The Light Industrial District. No facility will be allowed that shall:
- [1] Cause the emission of excessive smoke, fumes, gas, dust or other atmospheric pollutant beyond the boundaries of the user's lot; and, for the purpose of this subsection, smoke shall be deemed excessive when its shade or appearance is darker than Number 2 on Ringelmann's scale for grading density of smoke.
 - [2] Cause noise audible beyond the boundaries of the user's lot.
 - [3] Discharge any waste material into any sanitary disposal system or sewage system, except as permitted by the public health authorities of the municipality controlling such sewage system and as permitted by the Town of Ballston with respect to any town-owned or -operated sewage system.
 - [4] Store or stock any waste material on the premises of the user, other than that used in day-to-day operations.
 - [5] Cause any adverse effect on town water sources, including groundwater supplies and Ballston Lake.
 - [6] Protection of water sources and water quality shall be given the highest priority by the Zoning Board of Appeals or Planning Board in considering the regulations of this article and any site plan review.
 - [7] Create an adverse effect on the environment, as defined by New York State Environmental Quality Review Act and its supplemental regulations. Specific attention shall be given by the Zoning Board of Appeals and Planning Board to wetland areas located in the boundaries of the industrial district, and all New York State regulations regarding the protection of such wetland areas shall be strictly complied with by all industrial district owners or developers.
 - [8] Violate any of the provisions of Article XII Activity Standards for Annoying and Injurious Substances, Conditions and Operations, of this chapter.

Chapter 138.12.4 (B) Review processes, is amended to add a new part

(3) For all Light Industrial projects:

- (a) Where a proposed light industrial facility use adjoins an existing residential property boundary line, a buffer strip along the property boundary of at least 100 feet in depth and landscaping shall be provided. A one-hundred-foot buffer strip must also be provided take place, nothing will be stored such that if it fell over, or off where it is stored, it could land on the real or personal property of other persons or entities.
- (b) All construction shall conform to the applicable standards of the New York State Uniform Fire Prevention and Building Code. All building plans and site plans for construction within the Industrial Zone shall be approved by a New York State licensed design professional, as such professional is defined by § 7208 of the New York State Education Law.
- (c) The following restrictions shall also be subject to applicable New York State and/or federal regulations that apply to The Light Industrial District. No facility will be allowed that shall:
 - [1] Cause the emission of excessive smoke, fumes, gas, dust or other atmospheric pollutant beyond the boundaries of the user's lot; and, for the purpose of this subsection, smoke shall be deemed excessive when its shade or appearance is darker than Number 2 on Ringelmann's scale for grading density of smoke.
 - [2] Cause noise audible beyond the boundaries of the user's lot.
 - [3] Discharge any waste material into any sanitary disposal system or sewage system, except as permitted by the public health authorities of the municipality controlling such sewerage system and as permitted by the Town of Ballston with respect to any town-owned or -operated sewerage system.
 - [4] Store or stock any waste material on the premises of the user, other than that used in day-to-day operations.
 - [5] Cause any adverse effect on town water sources, including groundwater supplies and Ballston Lake.
 - [6] Protection of water sources and water quality shall be given the highest priority by the Zoning Board of Appeals or Planning Board in considering the regulations of this article and any site plan review.
 - [7] Create an adverse effect on the environment, as defined by New York State Environmental Quality Review Act and its supplemental regulations. Specific attention shall be given by the Zoning Board of Appeals and Planning Board to wetland areas located in the boundaries of the industrial district, and all New York State regulations regarding the protection of such wetland areas shall be strictly complied with by all industrial district owners or developers.
 - [8] Violate any of the provisions of Article XII, Activity Standards for Annoying and Injurious Substances, Conditions and Operations, of this chapter.

4. Light Industrial is a zoning classification that permits light manufacturing, processing, assembly and fabrication facilities, wholesale warehouses and storage facilities, equipment maintenance and research and development. Only selective industries whose activities do not adversely impact the environment or quality of life of the residents of the Town or create an impact which is injurious to the public health, safety or general welfare of the residents or property owners of the Town of Ballston shall be approved.
 Key: PB: Planning Board ZBA: Zoning Board of Appeals TB: Town Board

Chapter 138 Attachment 8
 Table of Uses, Area, Frontage and Setback Requirements
 Business Highway 1 District

Permitted Use	Special Use Permit	Structure Size (square feet)	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet) ³
One-family dwelling and accessory structures without water and sewer			40,000	175	30%	40	60	12 or 1/2 height	15 or height
One-family dwelling and accessory structures with water and sewer ¹			30,000	150	30%	40	60	12 or 1/2 height	15 or height
One-family dwelling and accessory structures with sewer and water			20,000	120	30%	40	60	12 or 1/2 height	15 or height
	Home occupation without water and sewer [ZBA]		40,000	175	30%	40	60	12 or 1/2 height	15 or height
	Home occupation with water or sewer [ZBA] ²		30,000	150	30%	40	60	12 or 1/2 height	15 or height
	Home occupation with water and sewer [ZBA]		20,000	120	30%	40	60	12 or 1/2 height	15 or height
Municipal buildings			Not required to conform to space regulations						
Agriculture without animals			Not required to conform to space regulations						
Agriculture, with animals [ZBA]			Not required to conform to space regulations						
Two-family dwellings			Site plan review-PB: 2 to 8 units; < 1 acre Special permit and site plan-PB: 8 to 64 units; 1 to 8 acres PUDD-TB: > 64 units; > 8 acres Refer to Article X.						
Multiple dwellings (three dwelling units or more)			Site plan review-PB: 0 to 20,000 square feet; < 1 acre Site plan review and special use permit-PB: 20,000 to 90,000 square feet; 1 to 8 acres; ≤ 300 linear feet (bld.) PUDD-TB: > 90,000 square feet; > 300 linear feet (bld.); > 8 acres Refer to Article X.						
Art gallery			See Chapter 138 and Design Standards.						
Clubs, lodges			See Chapter 138 and Design Standards.						
Bakery			See Chapter 138 and Design Standards.						
Drug store			See Chapter 138 and Design Standards.						
Offices			See Chapter 138 and Design Standards.						
Printing, publishing, photography, software			See Chapter 138 and Design Standards.						
Retail sales			See Chapter 138 and Design Standards.						
Millwork, cabinet making			See Chapter 138 and Design Standards.						
Personal service: barber, beauty salon			See Chapter 138 and Design Standards.						
Training and instructional classrooms			See Chapter 138 and Design Standards.						

Permitted Use	Special Use Permit	Structure Size (square feet)	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet) ³
	Nursing home								
	Senior living communities								
	Physical health establishment								
	Restaurant								
	School, private								
	Motel								
	Light manufacturing								
	Commercial greenhouse								
	Automobile sales, service								
	Recreation, indoor/outdoor								
	Mixed-used structures								
	Drive-in/drive-through								
	Convenience stores with gas sales								
	Convert existing residential use to permitted use	Site plan review and special use permit-PB: 0 to 90,000 square feet; < 8 acres; ≤ 300 linear feet (bld.)							
	Hospital								
	Self storage								
	Banks								
	Bed-and-breakfast								
	Beverage/recycling center								
	Community residence								
	Day-care facilities								
	Funeral home								
	Health-care facilities								
	Veterinary clinic without boarding								
	Museum								
	Research and development (flex-tech)								
	Community service and place of worship								
	Small distillery operations 4								

See Chapter 138 and Design Standards.

NOTES:

Any uses not listed are not permitted.

New flag lots permitted in the Rural District only.

1 In the Watershed Protection Overlay District, one-family dwelling and accessory structures with water or sewer shall have a minimum lot area of 40,000 square feet.

2 In the Watershed Protection Overlay District, home occupation with water or sewer shall have a minimum lot area of 40,000 square feet.

3 Rear setback for residential accessory structures ≤ 120 square feet is six feet.

4. Light Industrial is a zoning classification that permits light manufacturing, processing, assembly and fabrication facilities, wholesale warehouses and storage facilities, equipment maintenance and research and development. Only selective industries whose activities do not adversely impact the environment or quality of life of the residents of the Town or create an impact which is injurious to the public health, safety or general welfare of the residents or property owners of the Town of Ballston shall be approved.
 Key: PB: Planning Board ZBA: Zoning Board of Appeals TB: Town Board

ZONING

138 Attachment 9

Town of Ballston
 Table of Uses, Area, Frontage and Setback Requirements
 Business Highway 2 District
 [Added 6-12-2006 by L.L. No. 5-2006; amended 9-5-2006 by L.L. No. 6-2006; 2-3-2009 by L.L. No. 3-2009]

Permitted Use	Special Use Permit	Structure Size (square feet)	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet) ³
One-family dwelling and accessory structures without water and sewer			40,000	175	30%	40	60	12 or 1/2 height	15 or height
One-family dwelling and accessory structures with water or sewer			30,000	150	30%	40	60	12 or 1/2 height	15 or height
One-family dwelling and accessory structures with sewer and water			20,000	120	30%	40	60	12 or 1/2 height	15 or height
	Home occupation without water and sewer [ZBA]		40,000	175	30%	40	60	12 or 1/2 height	15 or height
	Home occupation with water or sewer [ZBA] ²		30,000	150	30%	40	60	12 or 1/2 height	15 or height
	Home occupation with water and sewer [ZBA]		20,000	120	30%	40	60	12 or 1/2 height	15 or height
Municipal buildings			Not required to conform to space regulations						
Agriculture without animals			Not required to conform to space regulations						
	Agriculture, with animals [ZBA]		Not required to conform to space regulations						
Two-family dwellings			Not required to conform to space regulations						
Multiple dwellings (three dwelling units or more)			Not required to conform to space regulations						
Art gallery			Not required to conform to space regulations						

See Chapter 138 and Design Standards.

Clubs, lodges	
Bakery	
Drug store	
Offices	
Printing, publishing, photography, software	
Retail sales	
Millwork, cabinet making	
Personal service: barber, beauty salon	
Training and instructional classrooms	

138 Attachment 9:1

BALLSTON CODE

Permitted Use	Special Use Permit	Structure Size (square feet)	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet) ³
	Nursing home								
	Senior living communities								
	Physical health establishment								
	Restaurant								
	School, private								
	Motel								
	Light manufacturing								
	Commercial greenhouse								
	Recreation, indoor/outdoor								
	Mixed-used structures								
	Drive-in/drive-through								
	Convenience stores with gas sales								
	Convert existing residential use to permitted use	Site plan review and special use permit-PB: 0 to 60,000 square feet; < 8 acres; ≤ 300 linear feet (bid.)							
	Hospital								
	Self storage								
	Banks								
	Bed-and-breakfast								
	Beverage/recycling center								
	Community residence								
	Day-care facilities								
	Funeral home								

See Chapter 138 and Design Standards.

	Health-care facilities
	Veterinary clinic without boarding
	Museum
	Research and development (flex-tech)
	Community service and place of worship
	<u>Micro distillery operations</u>

NOTES:

Any uses not listed are not permitted.

New flag lots permitted in the Rural District only.

- 1 In the Watershed Protection Overlay District, one-family dwelling and accessory structures with water or sewer shall have a minimum lot area of 40,000 square feet.
- 2 In the Watershed Protection Overlay District, home occupation with water or sewer shall have a minimum lot area of 40,000 square feet.
- 3 Rear setback for residential accessory structures ≤ 120 square feet is six feet.

4. **Light Industrial is a zoning classification that permits light manufacturing, processing, assembly and fabrication facilities, wholesale warehouses and storage facilities, equipment maintenance and research and development. Only selective industries whose activities do not adversely impact the environment or quality of life of the residents of the Town or create an impact which is injurious to the public health, safety or general welfare of the residents or property owners of the Town of Ballston shall be approved.**

Key: PB: Planning Board ZBA; Zoning Board of Appeals TB: Town Board

This Local Law becomes effective upon filing with the Secretary of State of the State of New York by the Town Clerk

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.
Nays 0

RESOLUTION 13-282
INSTRUCT THE HIGHWAY DEPARTMENT TO REMOVE THE GARBAGE FROM 174 EASTSIDE DRIVE AND CHARGE THE EXPENSES TO THE TAX BILL.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to instruct the Highway Department to remove the garbage from 174 Eastside Drive and charge the expenses to the tax bill.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.
Nays 0

DISCUSSION AND POSSIBLE VOTE:

1. 2014 BUDGET

Councilman Goslin has questions on the Town finances and asked the Supervisor what are the current fund balances for all funds in particular the water fund. The bookkeeper said the fund balances were incorrect for August and there appears to be a negative fund balance in the B Fund of \$400,000. The total cash is recorded as 2.4 million and the cash in all funds is recorded as 3.5 million. These numbers should be equal. He questioned the correctness of the annual reports that have been sent to the State.

Supervisor Southworth explained that the escrow money has not been transferred to Fund B and she has directed the Bookkeeper to do so. She said in the AUD of 2011 the funds were forced to match. There were clerical errors made and not corrected. She said the Bookkeeper needs to go back and track it all and this takes time.

Councilman Goslin said the Board needs to take the following approach so we will know the Town finances, the fund balances and to make progress on the changes as outlined in the Board's response to the State Comptroller's Office.

- The Town needs to hire an audit firm to look at the AUD and determine the financial condition from the 2013 AUD. This will show us where we need to spend some time and then we could get an audit done yearly. The Board will need to allocate additional funds to get us where we need to be.
- The Board reviewed the 2014 Budget Narrative and noted the changes to the Budget.
- Proposed major water accounting changes with the establishment of a Ballston Water Fund and the recommendation for a water rate increase of \$1.00 per thousand for inside water users and \$2.00 per thousand for outside users for the August water billing.
- Need long term solutions for the Library fund balance issues and work on salary issues.
- The Board will budget fairly conservatively. The Board will allocate funds for staffing and improvements when the Town finances are known and verified.

RESOLUTION 13-283
ENTER INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL HISTORY FOR PLANNING AND ZONING MINUTES AND CONTRACT NEGOTIATIONS PURSUANT TO ARTICLE 14 OF THE CIVIL SERVICE LAW FOR THE HIGHWAY DEPARTMENT.

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Hynes to enter into Executive Session to discuss personnel history for planning and Zoning minutes and contract negotiations pursuant to Article 14 of the Civil Service Law for the Highway Department.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

RESOLUTION 13-284

RETURN TO REGULAR SESSION.

A motion was made by Councilwoman Hynes and seconded by Councilwoman Stewart to return to Regular Session.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

No action was taken on the items discussed in Executive Session.

Councilwoman Hynes made a motion and Councilman Goslin seconded the motion to adjourn the meeting.

Respectfully submitted,



Carol R. Shemo
Town Clerk