

An agenda meeting was held by the Town Board of the Town of Ballston on Tuesday evening, November 24, 2015 at the Town Hall on Charlton Road, Ballston Spa, New York.

PRESENT: Patrick Ziegler ----- Supervisor  
 Timothy Szczepaniak ----- Councilman  
 William Goslin ----- Councilman  
 Kelly Stewart ----- Councilwoman  
 John Antoski ----- Councilman  
 Carol Gumienny ----- Deputy Town Clerk  
 James Walsh ----- Counsel  
 Absent: Carol Shemo Town Clerk

Supervisor Ziegler called the meeting to order at 6:35 p.m.

**RESOLUTION 15-183**

**AUDIT OF CLAIMS**

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

General Fund	No. 504 - 553	\$30,578.41
Highway Fund	No. 468- 515	38,595.94
Gravel Pit Fund	No. 32 - 35	1,402.01
Park Fund	No. 31 - 36	4,371.55
Library	No. 386 – 421	27,386.53
Water Fund District 2 (SW)	No. 132 – 144	5,973.51
Blue Barnes Rd Dist. No.2 Ext# 13 (BBR)	No. 99 - 110	111.29
Brookline Rd Rte. 67 No.2 Ext#12 (BRW)	No. 100 - 111	707.77
Goode St Dist. No.2 Ext#14 (GSW)	No. 111 - 123	557.57
Paradowski Rd Water Dist. No.5 (RW)	No. 41 - 42	2.07
Route 50 Water No.2 Ext#7 (RTW)	No. 100 - 111	2,557.14
Scotchbush Water Dist. No.6 (WW)	No. 41 – 42	4.19
Silver Ln Water Dist. No.6 Ext#1 (WX)	No. 39 - 40	2.07
Chapel Hill Water Dist. No.2 Ext # 18 (CH)	No. 101 - 112	778.91
Brooks Heritage Dist. No.2 Ext #21 (RL)	No. 99 - 98	2,969.31
Stonebridge Enclave No.2 Ext #19	No. 99 - 110	150.81
Morningdale Court No.2 Ext#24	No. 100 – 111	111.29
Mourningkill No.2 Ext#22	No. 94 - 104	40.16
Trust and Agency	No. 54	3,534.88

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

**COMMITTEE AND DEPARTMENT REPORTS**

**LIBRARY REPORT**

Library Director Karen DeAngelo reported the following:

- Construction at the library is moving along, the renovations should be complete by the second week in February.
- The heating rooftop unit is in need of repair very soon. There is grant money coming but not until July. She is working with Town Attorney Walsh on a solution due to the fact it is such a large expense and would normally have to go out to bid; however, under state contract emergency procurement policy this may qualify as an emergency. The second rooftop will need to be replaced soon too; it would be more cost effective to do them at the same time. Counsel will let Karen know the best way to proceed.
- Eighth graders volunteered at the library as part of Community Day.
- There will be an Eagle Scout Ceremony for Jacob LaPell at the Town Hall on Saturday.

**COUNCIL MEMBERS REPORTS: There were no reports this evening.**

**Attorney Walsh** reports that he has closeout easement language for the Hawkwood Property and a closing should be the first week in December. He also has a bill for transcription services for a deposition on a lawsuit.

**LED/BILLBOARD DISCUSSION:**

Supervisor Ziegler stated he would like to see LED and digital billboards removed and not allowed in the Town. Councilwoman Stewart has information from the National Traffic Safety Board for the Board to review. Councilman Goslin agrees with Supervisor Ziegler. These types of signs do not belong in our Town; they do not fit with the rural character. Supervisor Ziegler would like to have a compromise and move forward preventing any further bill boards or LED signs in the Town. Councilman Szczepaniak would like to review the information given by Councilwoman Stewart. Attorney Walsh would like to look at Town Law; he believes LED is not allowed now. Supervisor Ziegler would like to add this to the agenda for the December 8<sup>th</sup> meeting to consider prohibiting all LED or digital lighting for billboards in the Town of Ballston.

Councilman Goslin received a quote from Town Engineer, Kathryn Serra, on getting water around the lake and would like to add this to agenda for approval at the December 8<sup>th</sup> meeting.

**RESOLUTION 15-184**  
**APPROVE NAMING THE TOWN BOARD AS LEAD AGENCY FOR LOCAL LAW 4 OF 2015, CHANGES TO THE TOWN CODE CHAPTER 104 (SUBDIVISION OF LAND) RELATIVE TO FLAG LOTS.**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to name the Town Board as Lead Agency for Local Law 4 of 2015.

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

**RESOLUTION 15-185**  
**APPROVE CLASSIFYING LOCAL LAW 4 OF 2015 AS AN UNLISTED SEQRA ACTION.**

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to classify Local Law 4 of 2015 as an Unlisted SEQRA Action.

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

**RESOLUTION 15-186**  
**APPROVE SETTING A PUBLIC HEARING FOR DECEMBER 8<sup>TH</sup>, AT 6 P.M. FOR LOCAL LAW 4 OF 2015.**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to set a public hearing for December 8<sup>th</sup> at 6 p.m. for Local Law 4 of 2015.

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

**RESOLUTION 15-187**  
**APPROVE NAMING THE TOWN BOARD AS LEAD AGENCY FOR LOCAL LAW 5 OF 2015, ZONING.**

A motion was made by Councilwoman Stewart and seconded by Councilman Szczepaniak approve naming the Town Board as Lead Agency for Local Law 5 of 2015, Zoning.

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

**RESOLUTION 15-188**  
**APPROVE CLASSIFYING LOCAL LAW 5 OF 2015 AS AN UNLISTED SEQRA ACTION.**

A motion was made by Councilwoman Stewart and seconded by Councilman Szczepaniak approve classifying Local Law 5 of 2015 as an Unlisted SEQRA Action.

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

**RESOLUTION 15-189**

**APPROVE SETTING A PUBLIC HEARING ON DECEMBER 8<sup>TH</sup> AT 6:10 P.M. LOCAL LAW 5 OF 2015.**

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to approve setting a public hearing on December 8<sup>th</sup> at 6:10 p.m. for Local Law 5 of 2015 (Zoning).

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

Supervisor Ziegler introduced our speaker from Community Planning & Environmental Associates, Nan Stolzenberg. She discusses issues with zoning as it is written now.

**Traditional Neighborhood Design (TND).** TNDs were created to allow new developments in the character of traditional hamlets and villages; the purpose allows denser new development that emulates old patterns. Zoning requirements in the Ballston Lake Residential District should have optional density bonus done as an incentive. TND is a design. It is a certain kind of development. Currently, there is no standard TND zoning language based on desires of the community. TNDs are not in zoning. Don't ask for it. Almost all TNDs have mixed use/low scale uses that benefit the community. There are issues with the clarity of the language. The process can be complicated - clearly lay out the rules. Standards need to be updated. The language can be corrected.

**Planned Unit Development (PUD).** A PUD is a large parcel designed all at once. The purpose is to rezone the land to residential, commercial and industrial development zones, in conformance with provisions and standards which ensure compatibility among all the land uses. Some PUDs have specifics. It is a "zone as you go" process. It is not standard-driven, but process driven. Nan recommends a Town Board discretionary option. This encourages approval of a PUD coupled with improvements to parks and recreation facilities or improvement to the Route 67 corridor (as outline in the Route 67 Corridor Study). There are guidelines missing and can easily be fixed to clarify the language.

**Conservation subdivision** is a more directed version of a PUD, it's specified to meet the design. The purpose is for residential subdivisions to be flexible in design, lot size and layout, to preserve natural site features and provide for green space in conjunction with residential development. Conservation subdivision can be voluntarily applied or the Planning Board may require it. It is allowed only where municipal water and sewer is in place. It is both a process and design standards. There are issues: uses yield plan and lists low percentage of the land that must be preserved as open space. The whole concept is to preserve open space land (usually 50 %). Ours is now 20%. There is contradiction that needs to be corrected.

**Conservation easement** is an agreement. Properties come with a bundle of rights (water, development etc.) These can be separated. Conservation easement is when the rights to develop are given away. It is a tool used to preserve land and could be used in conservation subdivision, TND and TDRs. The landowner continues to own and use the land except for development of that land. This is voluntary. This section requires clarity.

**Density Bonus** is new. It allows adjusting the density of district -to get something in return. They are incentives and don't have to be given. State law establishes the process for giving a density bonus.

**Transfer of Development Rights.** This allows the transfer of development of rights from one parcel to another, includes a TDR Bank to activate transfer between sending and receiving area. It is a process that is done at the same time as subdivision approval. Part of problem is density development. You have high density but no amenities. Bonuses need to be applied in the correct way. Town of Ballston has the right conditions to make all these changes work. Nan also recommends getting rid of PUDs. They are too vague and not good for the Town or developers. Write what is clear.

Councilman Goslin would like to see a working session with Nan in January to work on these zoning issues and give the Town direction with a plan for the Town. Supervisor Ziegler would be happy to be the chairperson for this committee. Councilman Szczepaniak agreed with Councilman Goslin.

Joan Pott, Chairperson for the Farmland Protection Committee spoke to the Board about considering a moratorium to give time to make sure things are in place and correctly done. Councilman Goslin states a moratorium pushes quick development and challenges are created. He feels we can fix as we go. Councilwoman Stewart agreed.

Nan states if the working committee (zoning) gets clear direction from the Board, it does not take a lot to draft language. Supervisor Ziegler states this will be on the agenda for the December meeting. He thanked Nan for all her comments and suggestions.

A motion was made by Councilwoman Stewart and seconded by Councilman Antoski to adjourn the meeting. The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Carol A. Gumienny  
Deputy Town Clerk