

Town of Ballston

Local Law No. 4 of the year 2016

A local law to remove the density bonus in the Ballston Lake Residential District for the Town of Ballston.

Be it enacted by the town board of the Town of Ballston as follows:

Section I. Title: A local law to remove the density bonus in the Ballston Lake Residential District Town of Ballston.

Section II. Authority: This local law is adopted pursuant to Municipal Home Rule Law, § 10[1][ii][a][1] that grants to local governments the authority to enact local laws.

Section III. Provisions: This local law shall remove Section 138-21.2.3 of the Town of Ballston Code. The Town Board of Ballston is concerned about the increase in residential development within the Town of Ballston. The Density Bonus could allow for a much higher density to development being sited within the Town of Ballston that the Town Board feels is appropriate in consideration with Comprehensive Plan for the Town of Ballston. The TND's that have been approved since the beginning of the program have not addressed the "TND" aspects of development as envisioned by the Town. Specifically the mixed use provision have been missing in the proposals put forward.

Section IV. Provisions: The Town Code of the Town of Ballston Section 138-21.2.3 is hereby removed in its entirety as follows:

~~"Section 138-21.2.3 Density bonuses for TND design.~~

~~Density bonuses may be applied by the Planning Board set forth in § 104-14 of Chapter 104 (Subdivision of Land) of the Town Code, if, in the Planning Board's discretion, such density bonuses are necessary to encourage, facilitate and/or offset additional development costs incurred by the impositions of the TND design standards; will not adversely effect adjacent properties, the surrounding neighborhood and the objective in creating traditional style neighborhoods; and adequate infrastructure is available or to be made available in order to support the increased densities."~~

Section V. Inconsistency: All other local laws and ordinances of the Town of Ballston that are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

Section VI. Savings Clause: If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or

invalid, such judgment shall not affect, impair or invalidate the remainder, thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section VII. Effective Date: This local law shall take effect immediately upon filing.