



Town of Ballston Special Meeting
May 31, 2011

A special meeting of the Town Board of the Town of Ballston was held Tuesday evening, May 31, 2011 at the Town Hall on Charlton Road. Members present were Supervisor Patricia Southworth, Councilwoman Mary Beth Hynes, Councilman Jeremy Knight, Councilman Timothy Szczepaniak, and Councilwoman Kimberly Ireland. Also present were Town Attorney Murry Brower and Town Clerk Muriel Swatling.

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

A motion was made by Jeremy Knight and seconded by Timothy Szczepaniak that General Fund bills #185 through #235 totaling \$27,045.38; Highway Fund bills #174 through #222 totaling \$50,979.02; Water District bills #31 through #48 totaling \$14,631.18; Park District No. 1 bills #7 through #9 totaling \$273.00 and Gravel Pit bills #3 through #15 totaling \$15,279.16 be paid. Roll Call: Ayes – all; Noes – none. Carried.

Discussion was held regarding the proposed Rossi Planned Unit Development.

Richard Kinney asked who is moving into the building? The applicant has to show how it fits into the mixed use center. Mr. Kinney then read the intent of the mixed use district. He has not heard how it will fit and won't impact small business. Where has the turn around come from?

David Schlitzer read part of his letter which has been filed in the Rossi file. He feels that this project will have a detrimental effect to the Town character according to the Comprehensive Plan. He also feels the traffic congestion will be a problem.

Arnold Palmer feels that some residents want a pristine development. He does not like the idea of a pristine project. He stated you will get tax base from a big box store. That would provide additional income for the Town.

Robert Gessner said that the Comprehensive Plan was developed not to allow big box stores. We should consider which way the Town should go. Do we want to become an Exit 15?

Richard Carusone feels the property could be developed to allow a mix.

Carlton Pott said that Mr. Rossi is applying for a Planned Unit Development which is a change in zoning. It is in and of itself. What you have is unique.

Joan Pott stated that the Town Board unanimously forwarded the Rossi Planned Unit Development to the Planning Board for further review. The Rossi project met the Planning Board criteria. She would like to understand what happened since it came back to the Town Board.

George Seymour said the Town is begging for a supermarket in that area of the Town. He is in favor of the project. It will provide more revenue, additional services, and more jobs.

Jennifer David wants to see the project developed to benefit everyone. She was shocked at the present proposal. Things didn't match the Comprehensive Plan as far as traffic and the impact on the residents. I want to believe the developer but what control do we have?



Attorney James Craig (the developer's attorney) said that generally people are in favor. It is bringing water and sewer. The developer will build a connector road. You are talking about the potential for 500 jobs; taxes; sales taxes; mortgage taxes; these are all benefits to the Town. There was a lengthy report regarding the traffic. The timing has been an issue. We have been working with the IDA and the Town since October 2010. You have had this information. The Planning Board had to respond in 60 days. I feel the Town Board should show due diligence and vote on this project in a timely manner.

Supervisor Southworth said that the Town Board has the vote on the final legislation.

Councilwoman Ireland asked to go over the changes to make sure everyone has the same wording.

The Town Board reviewed the changes.

11-89: A motion was made by Jeremy Knight and seconded by Timothy Szczepaniak to declare the Town Board the Lead Agency in the SEQRA process for the Rossi Commercial/Business Planned Unit Development District. Roll Call: Ayes – all; Noes – none. Carried.

11-90: A motion was made by Jeremy Knight and seconded by Timothy Szczepaniak to declare a type 1 Negative Declaration for the SEQRA process for the Rossi Commercial/Business Planned Unit Development District. Roll Call: Councilwoman Hynes – aye; Councilman Knight – aye; Councilman Szczepaniak – aye; Councilwoman Ireland – aye; Supervisor Southworth – aye. Carried.

11-91: A motion was made by Timothy Szczepaniak and seconded by Kimberly Ireland to approve the Rossi Commercial/Business Planned Unit Development (Local Law No. 3 of 2011) with changes agreed to during this meeting.

Councilman Szczepaniak stated that he is not anti-business. He feels this project is in a great location. He commended the Planning Board for this work. It is time to move forward. We need to plan for the next process of the GEIS. This is a perfect opportunity for jobs and increased tax revenue. We support the need for a grocery store. Let's put together a resolution for a grocery store. A lot of work has been put forth for this project.

Councilwoman Ireland said we all received e-mails. The reality is that actions will not make everyone happy. Our Town is missing a GEIS. The Rossis would have been better served if the GEIS had been completed. We are at a different crossroads than five years ago. We had a preference for a cap of 90,000 square feet. Keep the visions and concerns of the neighbors as you move forward.

Councilman Knight feels the tax base, sales tax revenue and jobs will be a benefit to the Town.

Councilwoman Hynes thanked everyone for being civil tonight. She is glad to see that. Collectively we didn't want to look like every other town. She said she is absolutely in favor of business and tax base. She is not in favor of so much retail. She also feels the legislation is too open ended. She understands with eyes wide open what it could bring. It could bring a 137,000 sq. ft. business. Councilwoman Hynes hopes that the project will have a scale that will fit with the area especially the Village. We don't have a tenant identified. We don't know if it will be one store or an anchor store and other smaller stores. She is glad for the additional benefits. Councilwoman Hynes would like to put this item



on the agenda for a vote at next weeks Town Board meeting. The purpose of this is not to fight development but to point out the risks involved.

Supervisor Southworth stated that the Planning Board did a very good job. It appears to be the consensus of the majority. Supervisor Southworth said she had called Mr. Rossi looking for concessions. In regard to the traffic, if the traffic engineer wants something a particular way, the applicant shall do it. The traffic engineer is to look out for the Town. These issues will again be looked at when each building comes back before the Planning Board. The Town needs more revenues. The project is also bringing jobs to Saratoga County residents. When asking businesses if they are willing to come to this site, the question is asked if the site has zoning approval. We need at least 100,000 sq. ft. to attract more business.

Roll Call: Councilwoman Hynes – no, for the reasons stated above; Councilman Knight – aye; Councilman Szczepaniak – aye; Councilwoman Ireland – aye; Supervisor Southworth – aye; Carried.

Building Inspector Thomas Johnson, issued a stop work order to Carlton (Chip) Ellms regarding a deck they are building on a two story barn located on their property. Mr. Johnson explained that a building permit is required unless the building is used directly and solely for agricultural purposes

Mr. Ellms and his son, Garth, were present at tonight's meeting to try to resolve this issue. Mr. Ellms is trying to make a go of the farm without cows. He is growing Christmas trees, pumpkins, etc. as a hobby. He is going to host a tasting event on June 18, 2011. This will be his third event and they haven't had any issues with the previous ones. Mr. Johnson told Mr. Ellms that the Town has a Mass Gathering Permit which he may have to apply for. Mr. Ellms has looked at the Mass Gathering Permit requirements and he feels it should be done away with.

Councilwoman Ireland asked Garth Ellms what notification they have to give regarding safety issues. Mr. Ellms replied that they have to have permission from the New York State Liquor Authority which is very tough to deal with. They also notify the EMT's. There are police on the premises the day of the event. They take out additional insurance. There are shuttles from Saratoga and Clifton Park to transport people to the event. If you find you can't drive, you can leave your car and pick it up at a later time. The purpose of the event is to market products; it is direct marketing.

Carlton Ellms informed the Town Board that the deck on the barn is strictly agricultural.

Supervisor Southworth pointed out to Mr. Ellms that if there are people on the second floor, there are different requirements.

Councilwoman Ireland thanked the Ellms for the information and being responsible.

Chip Ellms said that it is really positive marketing.

Attorney Brower stated that the event comes under the Mass Gathering Law and would they please apply for the Mass Gathering Permit.

Garth Ellms replied that they are exempt and do not need a permit.



Attorney Brower responded that he feels differently.

Supervisor Southworth said that there is lack of enforcement of the Mass Gathering Law.

Councilman Knight said that this Law went into effect in the '90's and possibly the Town Board should reevaluate the Mass Gathering Law

Councilwoman Hynes said it is up to the Town Board to enforce the Mass Gathering Law. Lots of times we don't know about the events until after the event has been held.

Councilwoman Ireland stated that the Law is not applied evenly. It can be modified event by event. A suggestion would be to accept a copy of the application with the State Liquor Authority in place of the Mass Gathering. The need for the Bond be waived. Other organizations have not been made to do this.

The Town of Ballston has received a request from the Saratoga County Sewer Commission to include all of the Town of Ballston in the Sewer District. The Sewer Commission would like to see the whole County included in the Sewer District.

Richard Doyle, a member of the Sewer Commission, stated that it would make it more equal if the potential for sewers is open to the whole County. The Town paid a per diem charge from 1977 through 1995. There is no more per diem charge. There would be no extra charge to include all of the Town of Ballston in the Sewer District.

Supervisor Southworth asked what if part of the Town was not included in the Sewer District. Mr. Doyle replied that there is open enrollment. Mr. Doyle also explained that zoning is in place. There is no way to get a pipe line without spending millions of dollars. There is no disadvantage for not signing up.

Supervisor Southworth said if sewers were available to the whole town, there could be problems with development

Joan Pott said she is concerned with development. Keep the farmland.

Richard Doyle said the northeast quadrant is not in the Sewer District.

Arnold Palmer asked what is his advantage to being in the Sewer District.

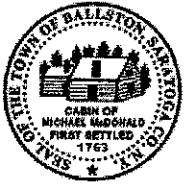
Richard Doyle replied there is no advantage other than sewer haulers may charge a lesser rate.

Richard Carusone said the Boards still have jurisdiction.

Carlton Pott asked if there would be a change in assessment.

Richard Doyle replied there would be no change in assessment.

Discussion was held regarding the potential closing of the railroad crossings on White's Beach Road, Saunders Road, and Connolly Road. Councilwoman Ireland said that the Town doesn't want to take the road (s) until we (the Town) have money to do so.



Supervisor Southworth said there is going to be a meeting with the railroad on June 8th and a meeting with Judge Rybak on June 18th. The Judge feels that everyone should contribute something.

Richard Carusone said he hadn't given it much thought.

Councilwoman Ireland said that not everyone sees eye to eye. The information has to be put out there. This is not going to happen overnight.

Mr. Carusone stated that if the parties won't come up with something, the Judge will come up with a solution.

A motion was made by Timothy Szczepaniak and seconded by Kimberly Ireland to adjourn the meeting. Carried.

Respectfully submitted,

Muriel K. Swatling

Town Clerk