



Town of Ballston Town Board Special Meeting
May 11, 2011

A special meeting of the Town Board of the Town of Ballston was held Wednesday evening, May 11, 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.

The purpose of this special meeting was discussion and /or action on the Rossi PUD.

Supervisor Southworth called the meeting to order at 6:30 p.m. and the Pledge of Allegiance was recited.

The first item was Privilege of the Floor.

Richard Kinney stated that he is in favor of commercial development. He feels there have been significant changes in the PUD and the process should be started to address these changes.

Donna Carignan and Jean Hodgins were present to voice their concerns regarding noise, pollution and traffic.

Joan Eddy, Planning Board member, said she felt there had not been major changes to the PUD. The Planning Board did their due diligence. She is not sure that is a fair statement that due diligence had not been done. C. T. Male and the traffic engineers told them to move forward. Each tenant will be given a review during Site Plan. There were no Town Board liaisons at the Planning Board meetings. This proposed project will provide jobs for local people.

Bob Ogle feels this is a very good project. It will bring in businesses. The developer is putting in water and sewer. The developer is really trying to make a good place for commercial development.

Planning Board member Jeffrey Cwalinski stated that during the review by the Planning Board, they had received letter from the Groskis and Zepkos with concerns regarding this project. As the review progressed, these concerns were addressed. Mr. Cwalinski feels that this is an excellent project for mixed use development. It does not place a burden on the taxpayers.

Bruce Hogan stated that this is a great project. It has a great level of retail. There is good professional office space. They plan to keep the traffic in control. This will bring in jobs. Where else can you put other commercial development. Look in both directions on Route 50. There really isn't a place to put commercial development. At some point you have to make a decision; you can't please everyone. You have to take a leap of faith with Mr. Rossi.

Planning Board Chairman, Richard Doyle, said that the Planning Board did its due diligence. We chased down every item that was brought before the Board. The drawings and wordage have to agree. Mr. Rossi cannot come in with a different concept under this PUD.

David Stern said that one of his main concerns is traffic. There are multiple entrances into this project. There is not the option of widening the roads. Please look at this carefully. Please try to follow the guidelines of the Comprehensive Plan and make sure that what can be controlled is controlled. Also, Mr. Stern would like to see the project interspersed with trails and open space.



Richard Voehringer stated that this project has been reviewed and massaged. Mr. Voehringer feels it is a benefit for the Town. This is not a political game. Please put politics aside. Mr. Rossi has a good plan. If you don't pass this commercial project, you'll have many houses. Please pass this PUD.

The privilege of the floor has now been closed.

Supervisor Southworth reviewed the Planned Unit Development process. The PUD project is presented to the Town Board. The Town Board then decides if it the PUD is a fit for the Town. If the Town Board feels it is not a fit, then they do not have to forward it to the Planning Board for review.

The Town Board had a discussion regarding the square footage for the size of the buildings. The Comprehensive Plan limits the size of a footprint for 90,000 sq. ft. Mr. Rossi is looking for a building of 137,000 sq. ft. of flex space.

Councilwoman Hynes wants to limit the size to 90,000 sq. ft. as she doesn't want to see a big box store.

Councilman Szczepaniak says he is open for discussion.

Councilwoman Ireland said that she is in sync with the Comprehensive Plan. No individual store is more than 90,000 sq. ft.

Councilman Knight feels that the Planning Board has gone through the proposal forward and backward. He doesn't want to tie the applicants' hands too much.

Councilwoman Hynes said that the legislation and wordage go together. Why can't wordage be included in the PUD to reflect an anchor store and other small businesses. Is there some language that can be added to the legislation to make sure no big box stores go in?

Frank Rossi asked why are you pushing us out the door? Why are you trying to stop this? Are you against business?

Councilwoman Hynes said she is in favor of flex office, light industrial, warehousing, etc. She said the sketch does not match up with the language. Can language be added? Ms. Hynes said she does not want to be rushed in making a decision.

Supervisor Southworth said this PUD has been in the works for 18 months. This decision is not being rushed. It was before the Town Board. It has been before the Planning Board, and then it came back before the Town Board.

Tom Savino asked Councilwoman Hynes what is her idea of a big box? There are big box, medium box, and small box stores. Mr. Savino said his idea of a big box store is 200,000 sq. ft. He said that box stores go from 40,000 sq. ft. to 200,000 sq. ft. This plan has been circulated for months. This is not brand new. As a matter of fact, the square footage in the original plan was larger that it is now. They reduced the square footage from the original plan.



Supervisor Southworth read from the Comprehensive Plan and the Town Code. These plans show that the Town is to create community character by handling the entrances to an area and creating a commercial and social core. It's about compromise and balance. Big box says no.

Councilwoman Hynes stated that the anchor store can be 90,000 sq. ft. It can be a lot of different things. Ms. Hynes then asked if wording can be included to specify a grocery store at the larger square footage?

Attorney James Craig replied that tying the regulations to one type of store is arbitrary and capricious and is against the law.

Councilwoman Hynes said if we can't do it that way, I guess we can't. The sketch is not matching the language.

Councilwoman Ireland stated that we need to be shovel ready. It is a little bit of the unknown. This piece of land has such a value to this corridor. We have to take it on blind faith. We want to make sure that we are making the right decision.

Tom Savino replied that we are just as apprehensive as you.

Councilman Szczepaniak asked if there is any other language that we can put in so it doesn't limit the usage. I support economic development and commercial development. I think we can work through this. I think we can get past the finish line. I think we need to vote on the whole project. What would happen if a Home Depot came in. It could impact Curtis Lumber.

Councilwoman Ireland said in reality, maybe not a grocery store.

Tom Savino said maybe a grocery store would come. Sometimes, it may help to bring a store here to protect their other stores. Please define what you mean by grocery store?

Supervisor Southworth asked if this is zoned for this use? We are going to talk this to death.

Mr. Savino asked what big box are you afraid of?

Councilwoman Hynes said that 90,000 sq. ft. is the size that was agreed on.

Supervisor Southworth said that this proposal brings commercial balance with a variety of uses. An anchor store is to make the smaller store work with concentration on types and variety to encourage economic development. It shows that it is economically viable to co-locate. This helps the light industrial portion to work. If we miss an opportunity to get an anchor store, the project will not succeed.

Attorney Craig said if you deny this project, you will have done an injustice to the Rossi project. Take a straw vote. Mr. Rossi has invested close to one million dollars. If the straw vote does not pass, please table. Give them an opportunity to regroup. We won't have approval for something I think you all like.



Richard Doyle said he went through the square footage. Go research the numbers. Saratoga Associates used numbers. Numbers don't mean anything. The Home Depot on Watt Street is 200,000 sq. ft. The Home Depot at Exit 15 is in the Mall; it is not a big box. He said he had to go through logic. Square footage is nothing. It's how it is located.

Councilwoman Hynes said the parking area has 465 customer spaces. That would say that the 137,000 sq. ft. is a single big box tenant. Is that what the community wants? That is not what is being proposed by the applicant.

The Town Board discussed the possible public benefit to be gained from this project. It was pointed out that the benefit from McCrea Hill Road was that the Town was given land on which to locate its water tower.

Councilwoman Ireland stated that some residents nearby would like access to the sewer line. Also, the connector road in the project is in the shape of a horseshoe. The Monaco property will someday probably have something located on it. Maybe a possible benefit would be money toward the connector road.

Councilwoman Hynes said that possibly the applicant could pay for the remainder of the GEIS as part of the PUD process.

Supervisor Southworth said that the sewer line would be a good possibility for hooking up homes.

Paul Olund said there is a possibility of running the line to hook up homes.

Supervisor Southworth asked where the most northern hook up is.

Richard Doyle responded that it is 100 feet north of Brookline Road.

Paul Olund said that the line would have the capacity to add more hook ups.

Supervisor Southworth asked about the stub road.

Tom Savino replied that the dedicated easement goes with the land.

Mr. Savino said that the trunk line for the sewer would be a public benefit. He also said that there would be connections to be able to hook in on Route 50.

Supervisor Southworth asked if bringing a water connection to Zepko Lane would be a public benefit?

Councilwoman Ireland said we're kicking around – ideas?

Councilwoman Hynes said a donation of land, even though it's not on the site, would be a benefit for everyone.

Tom Savino said that the water line and sewer line would terminate at the end of the "u" of the connector road.

Supervisor Southworth said that there is no impact on recreation from a commercial development. We need to spur the economic development needed for a commercial center on the north side of town.

Councilwoman Hynes stated that the Department of Transportation would like a connection on Route 67.



Supervisor Southworth said the problem with the Monaco property is the financial obligation.

Councilwoman Hynes asked what kind of money do the Monaco's need?

Supervisor Southworth said that the Monaco's would have major benefits from the connector road.

Tom Savino said that the Monaco's would bring the road into the cul-de-sac. The Bank would have to help with their share but said no, they would not help. A tenant could offer to kick in money for the road. It is not a dead issue.

Councilwoman Hynes asked about the discussion with the Bank about the connector road.

Richard Doyle replied that the desire was to have the Bank on the sewer instead. He did not go into detail.

Planning Board member Joan Eddy said that the Bank was difficult to work with. The Bank would not budge.

Councilwoman Ireland said that her husband works for the Bank. The Bank was classified as residential. Eventually, it may happen. Are we comfortable with the public benefits?

Councilman Knight said to supply water to Zepko Lane plus a hydrant.

Councilwoman Ireland asked if that was a possibility?

Councilwoman Hynes asked the amount to complete the GEIS? The reply was \$150,000.

Paul Olund asked how much farther for the water hook up?

Supervisor Southworth asked about the public benefit? What does the Board feel?

Tom Savino stated that they have provided way more infrastructure – it is out of balance. It is an upside down level; part of the public benefit is to bring the infrastructure to Route 50.

A motion was made by Kimberly Ireland and seconded by Mary Beth Hynes to table the public benefit issue. Roll Call: Councilwoman Hynes – aye; Councilman Knight – aye; Councilman Szczepaniak – aye; Councilwoman Ireland – aye; Supervisor Southworth – no. Carried.

Councilwoman Hynes would like to have the Town Engineer present at the next meeting.

Councilwoman Hynes stated she knows this intersection (Route 67 and Route 50) is tough.

11-87: A motion was made by Kimberly Ireland and seconded by Timothy Szczepaniak to go into Executive Session to discuss a personnel matter. Roll Call: Ayes – all; Noes – none. Carried.

11-88: A motion was made by Mary Beth Hynes and seconded by Kimberly Ireland to move out of Executive Session and reopen the Regular Meeting. Roll Call: Ayes – all; Noes – none. Carried.



The Town Clerk pointed out a typographical error in Resolution 11-50. This resolution should be amended to read as follows:

11-50: A motion was made by Mary Beth Hynes and seconded by Timothy Szczepaniak to amend Resolution 11-40 allowing Cynthia Amrhein and spouse to have medical coverage with the Town paying 62.5% and the Amrheins paying 37.5%. Roll Call: Ayes – all; Noes – none. Carried.

Motion to adjourn.

Respectfully submitted,

Muriel K. Swatling

Town Clerk