

A Public Hearing was held by the Town Board of the Town of Ballston on Tuesday evening, January 11, 2022, at 6:15 p.m. via Zoom conferencing.

PRESENT:	Eric Connolly	Supervisor
	Kelly Jasinski	Councilwoman
	Michael Carota	Councilman
	Rob Fendrick	Councilman
	Carol Gumienny	Town Clerk
	Debra Kaelin	Town Attorney
ABSENT:	Chuck Curtiss	Councilman

The Supervisor opened the Public Hearing at 6:15 and the following public hearing notice was read by the Town Clerk:

**TOWN OF BALLSTON NOTICE
OF A PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Ballston, County of Saratoga, State of New York, will hold a Public Hearing on January 11, 2022 at 6:15 p.m. via Zoom conferencing to consider a variance request submitted by Charles Gottlieb, Esq. of Whiteman, Osterman & Hanna, LLP Attorneys at Law, on behalf of the applicant, Cornerstone Veterinary Service, PC, pursuant to Section 7 of Town Law #5 of 2020, Establishing a Moratorium on Certain Development in the Town of Ballston, for a 4,999 sq. ft. veterinary hospital at 841-843 Route 50.

The Zoom link is <https://us06web.zoom.us/j/87182643143> or call 1-646-558-8656; Webinar ID# 871 8264 3143. Documentation for the request is available for review in the Town Clerk's office during business hours and on the Town website www.townofballstonny.org.

All interested persons will be given an opportunity to be heard via Zoom or by directing written comments prior to January 11, 2022, in writing, to the Town Board, 323 Charlton Road, Ballston Spa, NY 12020 or by email to: cgumienny@townofballstonny.org.

By Order of the
Town Board
Town of Ballston
Dated: Dec. 14, 2021
Carol Gumienny
Town Clerk

Rob Stout, Esq. of Whiteman, Osterman & Hanna, LLP, spoke on behalf of Charles Gottlieb, Esq. who could not be present. Dr. Alan Knott of Cornerstone Vet in Clifton Park and Scott Lansing of Lansing Engineering were also in attendance to speak on the project.

Mr. Stout reviewed the key points made in their October 7, 2021 application to the Board and most recently January 10, 2022. He stated that this project is a proposed 4,999 sq. ft. veterinary clinic without boarding. Since the first request for a variance from the moratorium was filed in October, he was able to review the proposed draft Comprehensive Plan and draft zoning changes and noted that the Plan encourages commercial development in the Burnt Hills Hamlet. The application details that the moratorium has resulted in practical difficulties or extraordinary hardships to his client beginning with that there's an acute need for these types of services in this area, particularly the specialty veterinary services. There is one vet in the Burnt Hills area that is not accepting new patients, which is a huge increase in the need for these types of services, given the increase in pet ownership that was only exacerbated during the pandemic. His client is currently in negotiations to bring in veterinary specialists such as surgeons and radiologists. Currently, there is a very tight market for these types of specialists that are a half an hour away with a three to six month waiting period and prolonged coverage by the moratorium would only hinder those negotiations to bring in specialists because that market is so tight for their services. Another impediment to his client is that there has been continual contract extensions and costs associated with the due diligence of the project. The variance will not adversely affect the health, safety, or welfare of the citizens of the Town or conflicts with the purpose of the moratorium because the contemplated changes seem to be consistent with his client's use. As far as the potential for any impacts, Lansing Engineering has prepared a detailed Environmental Assessment Form reviewing for the potential of any impacts related to land, parking, traffic, water, and sewer. The traffic would not impact the levels of service at any intersection.

Councilman Curtiss entered the Public Hearing at 6:22 p.m.

Scott Lansing, of Lansing Engineering, elaborated more on the project stating that the property is approximately 8.1 acres on Route 50. The proposed project is a one-story building with 29 parking spaces. Everything that is being proposed meets the setback requirements. Regarding traffic, the daily volume on Route 50 is approximately 13,200 trips. The daily traffic from the proposed site would be approximately 108 trips. When this is compared with the 13,200 trips along Route 50, it is less than 1% of traffic generated from the site. Public water is available along Route 50 and an individual wastewater treatment system would be installed. Dr. Knott, of Burnt Hills, stated that he is looking to establish veterinary care in his Town. It is a service that is needed in the area.

Supervisor Connolly stated that this project is subject to the moratorium because it is the way that the Board and attorneys interpret the law. The moratorium applies to the total disturbance not just the square footage. He asked Dr. Knott "What are the investments made in this property to date, over and above what you would normally invest in development of a veterinary hospital and what makes these investments different or extraordinary?" Dr. Knott replied that the cost is tenfold from what he's experienced in the veterinary industry. Supervisor Connolly asked if he could elaborate on the cost of the tenfold. Dr. Knott stated that in comparison to the Clifton Park office the cost of getting to this point is engineering fees, attorney fees, soil tests and the costs of getting in front of the Town Board to ask for a variance. He is approaching \$50,000. Mr. Stout stated that there is an inability to secure the necessary specialists to work at the facility. Given the uncertainty of the moratorium, this directly impacts the ability to bring the necessary staff on board. He also stated that the law reads to prove "practical difficulties or extraordinary hardship".

The Supervisor stated that he would love to see a vet clinic in this location, but the Board needs to look at this variance in a very specific manner. The increased costs sound like they have been because of the moratorium; this is something you wanted to do and could have waited for the moratorium to end.

Dr. Knott stated that as far as the increased hardship, vet medicine currently is in a fragile spot getting team members in place. There is an economic aspect, but it also has an emotional and mental toll. He stated that the biggest challenge now is that not only is he on hold, but a lot of other people's lives are on hold and that creates a hardship where they want to obviously join a community to work but it's a challenge.

Mr. Stout stated that the scope of the moratorium includes the disturbance in the 5,000 sq. ft.; at the time of the contract signing, that was not their perspective that the square footage also included the disturbed area; therefore, the contract was signed relying on that the moratorium did not apply to them.

The Supervisor asked how does waiting until the moratorium expires cause difficulties? Dr. Knott stated that the staffing issues and to secure a vet contractor for the construction. There are only three firms that specialize in construction that are vet exclusive. He needs the green light to give them to be placed on a schedule. The longer this waits the further down the list the project goes.

Councilwoman Jasinski asked Dr. Knott if 4,999 sq. ft is adequate? She also asked if he had to wait until the moratorium is over, would the size of the building increase to better fit the needs of the community? Dr. Knott stated an expansion could be revisited; however, the current proposed size is to get it operational. The project would not have boarding like the Clifton Park vet location. This is a specialty hospital. Ms. Jasinski stated that the practical difficulties is specialty staffing and no time frame to construct the building. Dr. Knott replied that out of the three construction companies in the U.S. that are vet exclusive, only one can get him on a schedule. Councilwoman Jasinski asked if funds would be lost? Dr. Knott stated that all funds would be lost, and ultimately, he would have to look elsewhere for a location. He will also lose the ability of the vet construction company as well as the potential to lose the right to purchase the property, to the extent that the contract has already been extended several times and relying on those extensions to maintain the right to purchase the property at a certain point, that will go away as well. The extension is up in February, and it is very difficult to obtain signatures over and over, as a group of 15 people own the land.

Councilman Fendrick asked how many full and part time positions would be available. Dr. Knott stated approximately 50 people to start. The Supervisor stated while employment is of interest, he reminded the Board to focus on practical difficulties or extraordinary hardship.

Councilwoman Jasinski asked if Dr. Knott could send the contract as evidence of practical difficulty. Mr. Stout said he can extract information for the Board and send it to them.

No other Board members had questions.

The Supervisor closed the public hearing at 6:50 p.m. and stated that the Board has 30 days to decide.

Respectfully submitted,

Carol A. Gumienny
Town Clerk