

**Town of Ballston**  
**Farmland Preservation and Protection Committee**  
**February 16, 2021; 7:00pm**

**Attendance:** Chairman, Scott Draina; Committee members Stephen Merchant, Kevin Draina, Joan Pott, Town Board Liaison Charles Curtiss, Eric Connolly, Residents Peter Solberg and Ruth Osterlitz

**A. Supervisor Connolly shared his information/understanding from meeting with Clifton Park John Scavo, Town Planner. Took Jeff Stickels and Wayne Howe with him. Input and discussion with them regarding TDR. Discussion clarified the program for Supervisor Connolly.**

- 1. Needs help comprising Sending and Receiving Areas**
- 2. Comprise list of folks interested  
(Considering weekly Zoom meetings with topics of interest to town)**
- 3. CP max density 1 unit/3 acres; why is ours 2 acres**
- 4. Town Board and Committee decides which parcels to TDR**
- 5. Petition Open Space County Fund for \$50,000 which will fund frontload the bank (doesn't want to use term 'bank'. Maybe TDR 'Fund').**
- 6. PDI = Preservation Density Incentive**
- 7. Appraisals with Assessor to establish a base price/acre.**
- 8. Wetlands don't necessarily need TDR because they are already protected**
- 9. The only thing owner of land relinquishes is right to develop.**
- 10. Town pays for appraisal to establish value**
- 11. Residents have opportunity to prioritize properties for preservation**
- 12. Zoning will be dramatically improved after moratorium**
- 13. Town Attorney or Saratoga Plan work out conservation easement.**
- 14. Landowner doesn't get a check until Developer gets final approval for PDI's for his development.**
- 15. Town Board not Planning Board must approve PDI's.**
- 16. Joan Pott commented that FPP Committee wanted to maintain Sanctity of TDR so we used Saratoga Plan to be "bank".**
- 17. Firm up receiving areas and identify developable lots**
  - a. zoning will read "water and sewer" for increased density**
  - b. nobody wants to see open space turn to homes; but we are under huge pressure (Chip Plant, etc.) So, we can't just shut town down. We need to decide where to develop.**
  - c. West of Middle Line Road. NYS said Route 50. Between Rt50 and Garrison's, Pustolka's, Poppolizio's, etc.  
Have to have receiving areas or won't work.**
  - d. base densities; right now we have 2 acre minimum BUT PUDD's have changed it. CP is 3 acres to get more density is \$30,000 per unit**
  - e. mixed use hasn't worked in Ballston. Eye sore.**
  - f. Developers need to understand we are targeting growth and preserving rural district. One doesn't like TDR!!**

- g. Questions: Allow cluster subdivisions; cul de sacs; force or recommend connections**
- h. Skaarland Dr. example of poor planning**
- i. Farm Buffers – critically important**
  - 1. Peter Solberg says CP has 100' and Ag and residential split the difference**
  - 2. I (Joan Pott) disagree with that. When a developer buys and proposes development, I believe HE should bear the weight/cost of the buffer.**
  - 3. Peter says someone on CP board and Farm Bureau said the buffer should be a shared expense. I still disagree. We agreed to continue discussion at a later date.**
  - 4. If we down zone receiving to 2 Acre minimum, a 10 Acre parcel developer buys 5 PDI at \$5,000 for \$40,000. (Peter asked about getting rid of density bonus in Conservation Subdivision. Eric will chat with Nan. Density Incentive is new term)**
  - 5. Eric asked John Salvo “Why do we need a Town Planner?”**
  - 6. John says they are the overseer of the Comp Plan. Instead of re-doing Comp Plan, have it as “living document”. Make changes periodically. Chuck likes that. Eric says then you don't need to hire engineering firm. Scott Draina commented that Comp Plan is a big deal and should remain a big deal. Minor changes don't get residents' input. After a few years significant change has been made without input.**
  - 7. Peter suggests .... Unclear in tape....**
  - 8. Tidbit of zoning can be improved – footing for a building can go in anywhere. CP has 3' minimum above water table**
  - 9. Eric says he is excited! Joan asked how is this different?**
  - 10. Eric says Receiving Areas did not need sewer and water. If you put homes on ¼ lots, is that our town? Density TND was never insisted on by Planning Board. Eric is considering downzoning to 5 acre minimum. Discussion followed about the economics of it. Eric says a 2 acre minimum doesn't sound like we're seriously interested in preserving the rural district.**
  - 11. Eric says “If you develop rubric, why are we having this discussion?” Peter referenced a development on Middle Line Road as example of what we don't want.**
  - 12. Joan asked “Have you read Nan's TDR composed with FPP Committee? Eric said Nan's still on retainer, and he's happy to meet with her. Now, Eric understands how this works better than he did. Joan said, it was going to PB rather than TB, was because PB has more fluent municipal attorney and PB was supposed to be attending Zoning and Planning Conferences. TB doesn't have as much education in planning. Peter says Neither TB or PB know how to put an easement together. Whereas, Saratoga Plan and American Land Trust do know.**

13. Steve Merchant says Bill Keniry is doing an awesome job.

14. Eric wishes PB elected instead of appointed.

And, 7 year terms.

#### **B. Agri-Tourism Definition**

1. Need a clearer definition and supplemental detail
2. Site Ag&Mkts explanation. The “team” feels supplemental regulations need to be spelled out in detail.
  - a. Eric gave examples: food sales vs. wineries and breweries.  
Wineries & Breweries rules are more friendly
  - b. Our definition is not detailed enough

#### **C. Solar Discussion**

1. Eric says there’s a lot of support for solar but also a lot of concern. If we don’t put anything in our zoning, NYS will tell us where to put them.
2. Eric believes we could designate areas where solar could be tucked away And limit number of acres.
3. Joan Pott interjected humor about “global warming” and solar/wind power because of Texas deep freeze, no power. Peter says solar is the future. Joan says tech will catch up after she dies.
4. Scott wants to hear input. Chuck gets calls or mail weekly from companies looking for land. He’s all for green energy – we can’t go on ‘as is’ forever. Tech is coming along, but recycling for solar and wind is unresolved. Global warming is happening. Hasn’t seen a good assessment from meteorology, etc. Watches it on the farm. He believes we have created it. Solar installations will offset it. Doesn’t want it on prime farmland, but better than houses. 30 yr leases. Believes it has to go in rural district. Joan offered the old dump. Scott said NO! How about pontoons on the Lake? Peter said a cap of acres makes sense and he also thinks two large rather than a bunch of small. He also wrestled with adjacent property value being degraded due to nextdoor solar. So, we need to limit visual impairment. Keep it out of viewscape. But, not fair to put a “junk yard” next to existing properties. Peter suggests looking at junkyard zoning for ideas. Chuck thinks they need to be tucked away. Maybe create a district for them; i.e., a services district. Lasher Road has an example from National Grid. Place for panels, transformers, etc. Look at areas in town where it could be worked in. Solar panels can’t go under National Grid towers and lines. Think of, look for non-productive land that could be used for solar. Peter has curve ball.. Grid has cap of 25 kw for residential and 2Mgw for farm. Chuck could have a 2Mgw array on his farm. 2Mgw is 8acres covered not including setbacks. 110% is used on farm. Peter says it can go anywhere on farm. Net-metered. Commercial Solar Installation is different. No Ag exemption. Scott doesn’t even think King’s Ransom Farm would use 2 Mgw. Marijuana farm with indoor growth could require 2Mgw. So, should we regulate commercial solar the way we regulate residential? Steve says he has a list 12 farmers that would rent Ag land not being used now. Scott says FPP Comm. needs to address Solar. Is this a valid preservation method? What is its impact?

#### **D. Back to Agri-Tourism**

- 1. Chuck wants to hear thoughts.**
- 2. Steve says look closely at state recommendations.**
- 3. Needs to be done soon.**
- 4. Scott said NYS definition is also slightly vague, although they do offer a narrative of their vision of agritourism.**
- 5. AgriTourism is not the primary business. It is a support – value added. This concept has been lost in our Town.**
- 6. Peter says Ag&Mkts has good ratios. So, you show the Assessor schedule F from income tax or a check of receipts. But, how does town audit farm's ratios? Is that done by the County? Scott asked, "How is it enforced?" Peter suggests 'guiding principles' and then 'secondary use'. So, Scott says Agri-Tourism wasn't originally meant to be a big profit maker. It was meant to draw the public to the farm to buy the farm's product. Now, it has become a greater revenue source than the farm product.**
- 7. Steve asked about mass gathering law changed by former board. It is now 2,000.**
- 8. Chuck wondered if it could be channeled through Assessor's office and will be auditable. Scott offers "we submit schedule F. I make enough money that Ag Exemption is insignificant to me and I don't want you to know what I'm making so I won't submit to audit. Peter says Agri-Tourism is not an allowable use because it's commercial and it won't be issued a permit for mass gathering? If we draw mass gathering down to 100 cars. In order to exceed it, you have to get permit. Peter says we would need someone to do the evaluation of Schedule F. to tell the difference between "Hobby Farm", Farm, or Farms with store front presence as opposed to farm stand is Commercial Business. So, Peter says you would submit a form that differentiates between income from farm product vs. income from venues/activities/etc. Scott asked "A Town of Ballston Farm that designates." Joan suggests we run it past legal to be sure we don't get an Article 78 leveled on us. What about B&B, rental of farm houses, a farm that has nothing it's selling but it is a restaurant.**
- 9. Chuck says let's wrap up for tonight. Meet on March 16<sup>th</sup> at 7:00. And let's keep thinking and communicating. Good discussion, need solution.**

**E. Meeting adjourned at 9:00pm.**

**Respectfully submitted,**

**Joan M. Pott**