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October 7, 2021

Carol A. Gumienny
Town Clerk
Town of Ballston
323 Charlton Road
Ballston Spa, New York 12020

**VIA EMAIL
AND USPS**

Re: Transitional Services Assoc. - OASAS Community Residence – 994 Route 67, Ballston

Dear Ms. Gumienny,

Please allow this letter to serve as our formal written request to be placed on the Town of Ballston Town Board agenda for approval of a variance from Local Law No. 5 of 2020 (“Local Law”), operative as of July 17, 2020 and referred to as the “moratorium”, to exempt RISE Housing and Support Service’s (the “Applicant”) OASAS Community Residence expansion proposed to be located at 994 Route 67, Ballston, New York (the “Project”) from the moratorium legislation. Please allow the remainder of this letter to assist in demonstrating support for the Town Board’s approval of such request.

The Local Law authorizes the Town Board to grant a variance from the application of the moratorium upon a determination that its strict application would impose “practical difficulties” or “extraordinary hardships” upon the applicant and that the granting of such variance would not “adversely affect the health, safety or welfare of the citizens of the Town or conflict with the general purposes and intent” of the Local Law. The Local Law provides further guidance on determining practical difficulties or extraordinary hardships by expressly considering “whether the applicant has sustained any serious loss as a result of prior expenditures made in reliance on the zoning law or previously issued permits.” We believe the circumstances surrounding the Project are ripe for approval by the Town Board for an exemption in this matter.

Practical Difficulties and Extraordinary Hardships

While the Local Law created a moratorium on projects “for which application was not received on or before January 2, 2020”, we first note that the Project application to the Town, dated April 1, 2019, was submitted on June 3, 2019 and Conceptual Site Plan approval pursuant to § 138-142 of the Town Zoning Ordinance was granted by the Town Planning Board in 2019. This is important in that, since conceptual approval, the Applicant has relied on such approval to continue to develop the details of the Project for the last two years. Based on such reliance, the

Applicant retained engineers, architects and attorneys to continue with the preparation of , numerous iterations of site plans, renderings, empirical operational data, together with correspondence and cooperation from several state and local agencies, with a resulting cost to the Applicant of approximately \$57,000.00 and innumerable hours of Applicant time. The only reason the Project is even subject to the terms of the Local Law and not exempt because it was before the Town land use boards before the Local Law enactment is that the Applicant attempted to further mitigate any environmental and community impacts of the proposed structure by making slight modifications to the conceptually approved Project. The capital expenditures by Applicant represent a serious loss resulting from the reliance on the Town land use board approval and zoning law in effect. The expenditures made by the Applicant and the timing of the application alone constitutes the practical difficulty necessary for exemption from the moratorium.

In addition, the nature of a not-for-profit project necessarily relies on time sensitive, yet arduous, financial grant and award opportunities. The opportunity to be approved for financing for mental health and substance abuse services often have restricted application periods and limited funds available per year. Unlike for-profit development opportunities, under which finances can be sought and secured under any timeframe, a small delay in funding approval can result in a year or more delay, or even abandonment, of commencement of a nonprofit project. This extraordinary hardship is particularly felt by not-for-profit organizations, and specifically for projects which involve mental health and substance abuse due to the limited financial resources available.

Lastly, as more fully detailed below, we also believe that the demand for mental health and substance abuse services is immediate. Data suggests that within the population of the Town substance abuse has increased and mental health has deteriorated in the recent years due to a variety of factors, most notably the COVID-19 pandemic. As of August 2021, Saratoga County had already had more overdose deaths than in the entirety of 2020. Any delay in providing these needed services is an injustice to the community and the practical difficulties and extraordinary hardships demonstrated by the Applicant will act to frustrate or even defeat the feasibility of this Project if not permitted to continue with approvals at this juncture.

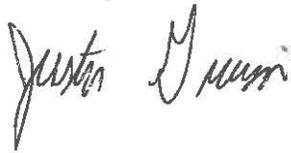
Impact on Health, Safety and Welfare of Citizens

Again, we first note that the Project is not proposed by a profit driven corporation but a not-for-profit agency which has treated and provided mental illness and substance abuse services to this particular community for 43 years. The Applicant's literal Mission Statement is "to help people living with mental health, substance use, and other life challenges to remain safe and healthy in the community through housing and supportive services." Its mission is the same as the moratorium. In fact, RISE is the only residential substance use treatment program in Saratoga Count. There are over 180 people on the county-wide list of homeless individuals seeking housing and support; 70% of those individuals identify having a substance use disorder. At any given time, there are 20+ people on the waitlist for our substance use treatment program and this current Project would increase the program availability by an additional 20 beds from

the current 16 beds, more than doubling the available resources to the community. In short, the Town's failure to approve this exemption request would be contradictory to protecting the health, safety or welfare of the citizens of the Town.

It is for the forgoing reasons that we believe this Project involves the precise circumstances contemplated during the drafting of the Local Law where a variance is appropriate. Should you have any questions in this regard, please feel free to let us know. Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin M. Grassi". The signature is written in a cursive, slightly slanted style.

Justin M. Grassi

cc: RISE Housing and Support Services, Inc.
Carol Gumienny, Town Clerk
Jeffrey Stickles, Town Code Enforcement Official