

RESOLUTION 21-336

APPROVE THE APPLICATION FOR A VARIANCE, PURSUANT TO SECTION 7 OF LOCAL LAW #5 OF 2020, ESTABLISHING A MORATORIUM ON CERTAIN DEVELOPMENT IN THE TOWN OF BALLSTON AS REQUESTED BY JUSTIN GRASSI, ESQ. OF JONES/ STEVES, LLP, ATTORNEYS AT LAW, ON BEHALF OF THE APPLICANT RISE HOUSING AND SUPPORT SERVICES, FOR A COMMUNITY RESIDENCE AT 994 ROUTE 67.

A motion was made by Councilwoman Stewart and seconded by Councilman Antoski.

DECISION

In the matter of the variance application submitted by Jones/Steves, LLP (Justin Grassi, Esq., of counsel) on behalf of the Applicant, RISE Housing and Supportive Services Inc., pursuant to Section 7 of Town Law #5 of 2020, Establishing a Moratorium on Certain Development in the Town of Ballston, for the construction of a new OASAS Community Residence building proposed to be located at 994 Route 67, Ballston Spa, New York 12020

Jones/Steves LLP (Justin Grassi, Esq., of counsel), on behalf of the Applicant, Rise Housing and Supportive Services, Inc., filed an application with the Town Clerk for the Town of Ballston on or about October 7, 2021, requesting the Ballston Town Board consider a variance, pursuant to Section 7 of Local Law #5 of 2020, Establishing a Moratorium on Certain Development in the Town of Ballston, for property located at 994 Route 67, Ballston Spa, New York 12020.

On November 9, 2021, the Town of Ballston Town Board scheduled a public hearing. The Town Clerk provided at least five days' notice of the hearing date pursuant to Local Law #5.

On November 30, 2021, the Town Board held a public hearing for the Town of Ballston starting at 6:15 pm via zoom conferencing platform only. All Members of the Town Board were present on the video conference as were members of the public.

Justin Grassi, Esq., of Jones/Steves, LLP, addressed the Town Board on behalf of the Applicant. Sybil Newell, Executive Director, of Rise Housing and Supportive Services, Inc., also spoke to the Town Board. Each answered questions from the Town Board.

The Applicant referenced its application which is part of the public record as well. Councilmember Jasinski asked Ms. Newell about the timing of certain grant funding essential to the project. Ms. Newell indicated she did not have the information but would submit that information to the Town Board. On December 15, 2021, the Town Board received an email from Ms. Newell consisting of a letter, minutes from a November 9, 2021 meeting, and a schedule for the project. Since this submission was in response to a Board member's request, it is part of the record. The Town Board received no other written or verbal comments on this application for a

variance. The Public Hearing closed on November 30, 2021.

The Applicant's request focused upon practical difficulties and extraordinary circumstances facing Rise Housing and Supportive Services and their project's goal to address the immediate need for residential drug treatment beds within Saratoga County. Ms. Newell emphasized the extraordinary circumstances caused by the COVID 19 pandemic and the effect upon the population her organization serves. She indicated there are no inpatient beds for drug treatment in Saratoga County. Substance abusers seeking an inpatient facility are forced to go out of County for treatment, distancing them from their support. Ms. Newell and Mr. Grassi pointed to the drug overdose and death statistics through August 2021 which exceed the total number for 2020.

The Applicant also pointed out to the Town Board the time sensitive nature and cycle of grant funding that is essential to the success of this project. The Applicant needs to meet certain construction goals for this project to meet the requirements of grants. Without grant funding the project cannot proceed forward.

Additionally, the Applicant explained to the Town Board that the original application for this project was filed in 2019 with an initial appearance before the Planning Board on June 26, 2019, with no further action. In 2021, the Town of Ballston Building Department deemed this application not subject to Local Law #5 of 2020 (the Moratorium); however, the Applicant indicated that economics of funding forced it to significantly modify its building footprint which caused the project to be subject to the moratorium.

Waiting, even five months, until the Town comes out of its moratorium further imposes both extraordinary circumstances and practical difficulties on this applicant, since the critical funding for such an essential service is time sensitive and could be lost. The project would be "shelved" if that occurs.

Based upon the criteria set forth in Section 7 of Local Law #5 of 2020, Establishing a Moratorium on Certain Development in the Town of Ballston, the Town Board finds the following:

1. That the strict application of Local Law # 5 imposes practical difficulties upon the Applicant as a result of the critical immediate need for inpatient drug treatment services within Saratoga County. Additionally, the critical time frames imposed by grant funding provides both a practical difficulty facing this applicant and an extraordinary circumstance. AND,
2. That the Applicant also demonstrated extraordinary circumstances as a result of the critical funding timelines, the increase in drug abuse and overdose cases, and the immediate need for an inpatient drug rehabilitation facility in Saratoga County. The modified application demonstrates the dependency of this project on funding. All facts taken together meet the standard of extraordinary circumstances.
3. Granting the Variance from Local Law #5 will not adversely affect the health, safety, or welfare of the citizens of the Town of Ballston, and will address an overwhelming need for the citizens of Ballston and the County of Saratoga; AND,

4. Granting the Variance from Local Law #5 does not significantly conflict with the general purpose and intent of Local Law #5.

This Board notes that this decision is fact specific to this Applicant, Rise Housing and Supportive Services, Inc.

Variance granted pursuant to Section 7 of Local Law #5 of 2020, Establishing a Moratorium on Certain Development in the Town of Ballston.

Dated: December 28, 2021

By: The Town of Ballston Town Board
Resolution #21-336

Roll Call Vote:

Councilperson Antoski	Aye
Councilperson Curtiss	Absent
Councilperson Jasinski	Aye
Councilperson Stewart	Aye
Supervisor Connolly	Aye