

An agenda meeting was held by the Town Board of the Town of Ballston on Tuesday evening, May 31, 2016 at the Town Hall on 323 Charlton Road, Ballston Spa, New York.

PRESENT:

Tim Szczepaniak	Supervisor
Bill Goslin	Councilman
John Antoski	Councilman
Kelly Stewart	Councilwoman
Chuck Curtiss	Councilman
James Walsh	Counsel
Carol Gumienny	Clerk

Supervisor Szczepaniak called the meeting to order at 6:30 p.m. and the pledge was recited. Tonight's meeting will not be a typical agenda meeting. We will begin with two presentations, conduct Town business, have a presentation on TDR, with a question and answer forum at the end of the meeting, as well as privilege of the floor on this topic.

PRESENTATIONS

DELAWARE ENGINEER

Mary Beth Bianconi, Project Manager, spoke about a water grant application they have submitted on behalf of the Town (at no cost) for up to 25% of the cost of the sewer project, which equates to \$2.5 million dollars. The deadline for this grant is June 20, 2016. We are in good shape meeting this deadline due to a lot of the same information needed has already been done from the low interest rate application. This grant works by building the entire project and deducting the amount of the grant off what is borrowed long term. Ms. Bianconi states she needs the Supervisor signature on the application to proceed.

Councilman Goslin makes a motion on Resolution 16-104.

RESOLUTION 16-104

AUTHORIZE SUPERVISOR SZCZEPANIAK TO SIGN THE WATER GRANT APPLICATION TO BE SUBMITTED BY DELAWARE ENGINEERING FOR THE BALLSTON LAKE SEWER PROJECT.

Councilman Antoski will second the motion.

ADOPTED.	Ayes	5	Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss
	Nays	0	

LA GROUP

Jim Martin briefly summarized the microenterprise grant program again. He and Mike Hale discussed this in depth at the February Agenda meeting. Mr. Martin noted that the deadline for this grant is July 29th. He met with the Farmland Protection Committee at their last meeting and went over the program and answered questions. The program is not a loan but a grant. It is open to all businesses. One requirement will be the business owner will need to go to training on managing a business. Councilman Curtiss asked does this apply only to startup businesses. Mr. Hale doesn't recall but will double check. Councilwoman Stewart asked about the training. The training can be done through Cornell Cooperative Extension, Economic Development Committee or Chamber of Commerce. Councilman Antoski asked if the grants are up to \$200,000. Mr. Hale stated they are usually \$200,000. Councilman Antoski asked if the grant would be lower, it was replied not likely.

RESOLUTION 16-105

APPROVE SPENDING \$5500 FOR AN APPLICATION FEE ADMINISTERED BY THE L.A. GROUP FOR A \$200,000 AGRICULTURE GRANT.

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

ADOPTED.	Ayes	3	Supervisor Szczepaniak, Councilman Goslin, and Councilwoman Stewart
	Nays	2	Councilman Antoski and Councilman Curtiss

RESOLUTION 16-106

AUDIT OF CLAIMS

A motion was made by Councilwoman Stewart and seconded by Councilman Goslin to approve the payment of the bills on the May Abstract. The bills were approved for payment as follows:

General Fund	No. 229 – 292	\$83,521.20
Highway Fund	No. 200 - 258	46,137.03
Gravel Pit Fund	No. 6 – 11	2943.33
Park Fund	No. 6 - 10	795.85
Library	No. 150 - 187	29,838.43
Water Fund District 2 (SW)	No. 67- 80	2901.70
Brookline Rd. Rte. 67 No. 2 Ext#12 (BRW)	-----	0.00
Paradowski Rd. Water Dist. No. 5 (RW)	No. 27 - 32	19.08
Scotch Bush Water Dist. No. 6 (WW)	No. 25 - 30	23.34
Silver Ln. Water Dist. No. 6 Ext#1 (WX)	No. 25 - 30	19.08
Morningdale Court No. 2 Ext#24	No. 51 - 60	25.71
Trust and Agency	No. 18- 22	16,956.25

ADOPTED: Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski, Councilwoman Stewart and Councilman Curtiss
 Nays 0

DEPARTMENT REPORTS

LIBRARY

Board of Trustee Tom Shaginaw, reported the following:

- Summer reading program will begin June 20th
- There will be a survey sent out to residents so the library can have a long range plan.

BUILDING DEPARTMENT

Tom Johnson, Building Inspector reports:

- A complete report for May is on file in the Town Clerk’s office.
- A work space is being created for new hire, Kim Kotkoskie.

BALLSTON LAKE IMPROVEMENT ASSOCIATION

Dr. Pierce reported:

- Due to the low lake level, there are weeds growing 20 feet off the fishing pier and need to be pulled. He feels the Town needs to maintain the pier.

Supervisor Szczepaniak wanted to let the Board know that our Town insurance is up for renewal in July and he is getting additional quotes. Our current insurance does a great job, however he feels the Town may be able to save some money. He met with Saratoga HR on a draft of the personnel policy. The Board will need to make some changes of the wording on some items.

DISCUSSION:

Fiber Optic Quote: Councilman Goslin states that there is a cable that runs from the server to the highway garage that is used for data backup. The current connection takes several days to back up. This cable is 500 feet from the server room to the highway garage at a cost of \$2750 including installation.

Community Room and Sound Systems: Councilman Antoski is looking for feedback on both items and will discuss at the June Town Board meeting.

Retiree Health Benefits: This item will be discussed along with possibly appointing a Budget Officer at the June 14th meeting in Executive Session.

NEW BUSINESS FOR CONSIDERATION AND ACTION:

RESOLUTION 16-107

APPROVE EXPANDING AND EXTENDING BURNT HILL-BALLSTON LAKE WATER DISTRICT #2 TO INCLUDE PARCEL 239.-00-1-1 (PROPOSED KATZ PUDD)

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart. Councilman Curtiss stated he had spoken to Bill Ryan, attorney for the water consolidation. Mr. Ryan reaffirmed to Councilman Curtiss that the restrictions stay in place with the water consolidation. Councilman Curtiss read a letter stating this from Mr. Ryan dated September 2015. Supervisor Szczepaniak stated he consulted with Counsel and we are doing everything legal. He looks at the word "limiting" laterals. It does not say "excludes". Counsel stated if the Town Board wants to change a prior resolution they can pass a new resolution to do so. Councilman Goslin feels it would be poor government if we did not allow Mr. Katz water since he was told to further develop the project. Councilman Antoski stated he understands the points however, two wrongs doesn't make a right. As it stands now the prior resolutions are what we should adhere to. Councilman Curtiss stated this contradicts our Comprehensive Plan. Councilman Antoski noted that the original intent to not allow lateral water connection contradicts the Comprehensive Plan of having an agriculture community.

Supervisor Szczepaniak asked the Town Clerk for a roll call on this resolution:

Councilman Goslin	YES
Councilman Antoski	NO
Councilwoman Stewart	YES
Councilman Curtiss	NO
Supervisor Szczepaniak	YES

MOTION PASSES 3-2

RESOLUTION 16-108

APPROVE EXPANDING AND EXTENDING BURNT HILL-BALLSTON LAKE WATER DISTRICT #2 TO INCLUDE PARCEL 238.-1-39.12 (FALCONER LANE SUBDIVISION OFF GOODE STREET)

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

Supervisor Szczepaniak asked the Town Clerk for a roll call on this resolution:

Councilman Goslin	YES
Councilman Antoski	NO
Councilwoman Stewart	YES
Councilman Curtiss	NO
Supervisor Szczepaniak	YES

MOTION PASSES 3-2

Councilwoman Stewart states this development will be built with or without water. It prevents residents coming to the Town Board years from now saying they have no water due to bad wells and need to hook up to Town water. Supervisor Szczepaniak stated from a safety point in case of a house fire this would be a benefit due to the closest hydrant is at Vienna Court. Councilman Curtiss feels we are heading in the wrong direction; again, it contradicts the Comprehensive Plan. Councilman Goslin states the Comprehensive Plan reflects zoning. The zoning allows this proposed development whether Town water is given or not. This is not the first development that has water on Goode Street.

RESOLUTION 16-109

ACCEPT THE RESIGNATION OF PLANNING BOARD ALTERNATE MEMBER KIM KOTKOSKIE.

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

ADOPTED: Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski
Councilwoman Stewart and Councilman Curtiss.
Nays 0

RESOLUTION 16-110

APPROVE THE ENDORSEMENT OF A CONSERVATION EASEMENT FOR THE SUBMISSION OF AN APPLICATION FROM SARATOGA PLAN, IN COOPERATION WITH SARATOGA COUNTY PLANNING DEPARTMENT, TO THE NYS DEPARTMENT OF AGRICULTURE AND MARKETS FOR FUNDING TO PURCHASE DEVELOPMENT RIGHTS ON WM. H. BUCKLEY FARM LLC PROPERTY.

A motion was made by Councilman Goslin and seconded by Councilman Curtiss.

ADOPTED: Ayes 5 Supervisor Szczepaniak, Councilman Goslin, Councilman Antoski
Councilwoman Stewart and Councilman Curtiss.

Maria Trabaka, of Saratoga PLAN, is submitting a grant application to NYS Agriculture & Markets, on behalf of Mark Sacco, owner of the Buckley Farm. The deadline is June 13th. This grant will be used to purchase an adjacent property to the north (62.7 acres) currently is owned by a developer. The easement will need the endorsement of the Town Board. Buckley Farm was rated #1 of the five farms in Saratoga County that want to submit this grant.

NAN STOLZENBURG AND DON MELTZ TDR PRESENTATION

Nan Stolzenburg has been working with the Farmland Protection Committee to help develop the Transfer of Development Rights Program (TDR) and explains the program. Every piece of land has a bundle of rights attached to it. For example: you have the right to develop your land; extract the minerals, cut timber, access your land and have water rights. Each one of these rights can be separated out. The TDR takes the bundle of rights to develop your land and removes development rights from the other land owner rights. These development rights can be sold, donated or transferred. The TDR allows the development rights to be moved to another area that can accept the development. These rights can be moved from one area called the “sending area” and are allowed to be placed in another area called the “receiving area”. The zoning establishes how many rights the property gets. No further development is allowed on that parcel. Sending areas are protected and the receiving area is developed. The TDR is a market driven planning tool. The market creates the ability for the TDR to be successful. A developer will pay for the development rights. Density incentives are offered to make it worthwhile for the developer to participate. The sending and receiving area are set in the maps. The farm community sees the TDR as an equitable way of preserving farmland. TDR allows land owners to get full value of their land and is consistent with the Comprehensive Plan. The TDR will be an update to zoning, therefore it is a local law. Steps that need to be taken are: Zoning Board of Appeals needs to review and submit comments; legal notice of public hearing published, have a public hearing, an environmental analysis required by New York State, Saratoga County Planning Board approval, approval by Board, and file with NYS.

Don Meltz reiterated what Nan stated. On the map there are 68 properties in the sending area with a total of 4330 acres west of Route 50. There are 83 parcels in the receiving district for a total of 2340 acres on the east side of Town. There is a limit of 2300 dwelling units that can be transferred from the sending district to the receiving district. The program ends when the limit is met.

Privilege of the Floor

Dr. Pierce stated the key item to look at is that the master plan calls for both “open space” and farmland protection. The “open space” portion has been left out. We need a network of open space. The receiving areas contain many streams leading to Ballston Lake which will create more problems for the lake. Conservation subdivisions need to be done to protect the lake and the watershed area.

Bill Bashant feels the TDR by design is one dimensional. It’s there to protect the farms. He owns 35 acres of the east side of the lake and likes the open space and doesn’t like the fact his land is only good for development. He wants to protect his open space but can’t with the proposed TDR. The sending areas are areas with commercial development. The sending area sends development rights to already high density developed areas. There are too many contradictions. The TDR as it stands is not integrated with all the other interests in this Town. A lot more discussion needs to be held.

Dick Carusone asks in the receiving area when are sewers planned? The developers tie into the county sewer district stated Councilwoman Stewart. What will keep the TDR from going by the wayside? It was answered the Comprehensive Plan and zoning are only as good by enforcing them. Zoning laws need good definitions, developers need to know rules. There needs to be clarification and updated zoning. Mr. Carusone suggests that professional people, who have experience with this, run this program.

Drew Hamlink read a letter on behalf of the Ballston Lake Improvement Association. At their meeting on May 3rd, the Board of Directors of the Ballston Lake Improvement Association voted unanimously to approve the resolution in strong opposition to the proposed TDR in its present

form and any other action that would allow for increased zoning density anywhere in the Ballston Lake watershed.

Supervisor Szczepaniak stated that the Board needs to give direction to update zoning. Nan stated it would be a six month process to get our zoning issues addressed. Nan feels the changes are straight forward.

Fred Iannon inquired about high density on the east side of Ballston Lake.

Eileen Lofthouse, a town resident for 30 years, stated she does not want our town to look like Clifton Park. Agriculture district residents have wells and that is how it should be in this district. She asks the Board to rethink what you want our town to look like in the future. She is dissatisfied at what she sees happening.

Gina Rossi-Marozzi asked numerous questions and Mr. Meltz answered. Have owners been asked if interested in this program? No, this is a voluntary program. If all people participate in the sending area 2300 units will go to the receiving area but there is no idea how many of these units are ready to go. It was replied this is long term project. Ms. Rossi feels all this hard work and effort is going into a program that may not work. It was answered there have been some land owners that have shown some interest. She asked: once you go into the program is there an out? No, it is permanent. Is it true where most of the programs take place that price per acre is less than the landowner dealing directly with the developer? It is market driven. The landowner gets to keep the land but not the right to develop it.

Collette Jasinski stated she feels the Board is divided. The zoning should be made a top priority. Be aggressive and get this done.

Councilman Goslin states he spearheaded taking the density bonus away from the eastside of the lake. It is a high density area. He does not want to give up the eastside of the lake to development pressure. He asks Nan to make a list of parcels in sending and receiving area. There are working dairy farms in the receiving area. How does this protect farms? We need to have a balance. He wants to preserve the whole Town with the exception of the Route 50 corridor. He feels this can be done with the tools of zoning. The eastside of the lake should be rural and not a major receiving district. The TDR goes against the Farmland Protection Plan to protect all farms in Town.

Councilwoman Stewart had many questions on the TDR and conservation easements that were answered by Nan and Dan.

Joan Pott, Chair of the Farmland Protection Committee, wanted to thank Nan and Don and noted that NYS stated that this was the best TDR program they had read so far. She stated that 34 years from today, the same farmland in production today will have to produce twice what it produces now. The FLPP asked for moratorium in 2015, we have been denied. We don't want to stop development; we want to have land development. In 1996, NYS did an independent study and advised no sewers or water should go west of Route 50 in the Town of Ballston. In 2005, this community worked together to make the 2006 Comprehensive Plan. The TDR map comes out of our Plan. Since January there have been requests by owners to be taken out of the agriculture district because they are next to development. On Route 50 there are 2000 units proposed. If we simply had the TDR in place we would be done. If those 2000 units are approved, it will all be over. She doesn't believe we're a divided town. We can't violate our own laws and ignore the Comprehensive Plan.

Supervisor Szczepaniak thanked Nan and Don for presenting tonight and answering questions on the TDR.

TENTATIVE AGENDA FOR TOWN BOARD MEETING June 14, 2016:

WM Schultz Construction Safety Recognition – Resolution 16-111

Jason Morris Recognition - Resolution 16-112

175th Anniversary of Saratoga County Fair Recognition – Resolution 16-113

Presentation Eagle Scout project – Christopher Kelch

1. Pledge of Allegiance
2. Correspondence
3. Reports
4. Financial Report for May 2016 Resolution 16-114
5. Supervisor's Report
6. Council Members' Reports

OLD BUSINESS:

RFP Carpenter's Acres Sewer – Bid results

FOR CONSIDERATION AND ACTION

16-115

Resolution

MOTION REQUIRED

Approve the installation of fiber optic cable from highway garage to main building at a cost of \$2750.

A motion was made by Councilman Goslin and seconded by Councilman Antoski to adjourn the meeting. The meeting was adjourned at 9:35 p.m.

Respectively submitted,

Carol A. Gumienny
Town Clerk