

A public hearing was held by the Town Board of the Town of Ballston on Tuesday evening, February 11, 2014 at the Town Hall on Charlton Road, Ballston Spa.

PRESENT: Patrick Ziegler ----- Supervisor
Timothy Szczepaniak ----- Councilman
William Goslin ----- Councilman
Kelly Stewart ----- Councilwoman
John Antoski ----- Councilman
Carol Shemo ----- Clerk
James Walsh ----- Counsel

Supervisor Ziegler opened the public hearing at 7:08 p.m.

The Town Clerk read the following legal ad for the public hearing.

Notice of Public Hearing for Adoption of Local Law No.1 of 2014

PLEASE TAKE NOTICE that by order of The Town Board of the Town of Ballston at a regular meeting of said board held on January 28, 2014, a public hearing will be held by the Town Board of the Town of Ballston on February 11, 2014 at 7:00 pm at Town Hall regarding the adoption of Local Law No.1 of the Town of Ballston for the year 2014 which would amend by local law a Planned Unit Development (PUDD) in the Town of Ballston, known as the **BEACON HILL PLANNED UNIT DEVELOPMENT DISTRICT** adopted on December 3, 2002 by Local Law. No. 4-2002 and amended by Local Law on December 6, 2005 by Local Law No. 7-2005, and amended on August 23, 2012 by Local Law No. 3-2012.

The proposed amendment would change Section 4 (B) (3). Area B so created shall consist of four (4) commercial lots with the maximum combined allowable building area not to exceed 230,000 square feet of enclosed building space.

PLEASE TAKE FURTHER NOTICE that the environmental significance of said proposed Local Law will be reviewed by the Town Board of the Town of Ballston incident to and as a part of said public hearing. Copies of said proposed Local Law and the documentation submitted by the developer in support of the local law amending the Beacon Hill PUDD are available for review at the Town Clerk's office located at 323 Charlton Road, Ballston Spa, NY 12020.

By order of the Town Board of the Town of Ballston, dated January 28, 2014

The Town Clerk read a letter from Chuck and Elinor Guess in opposition to the proposed increase in square footage allowed in future commercial development in the area. When they purchased their home, the commercial lots were zoned to allow up to 137,000 combined square feet. Construction of establishments larger than this would not be inconsistent with the nature and character of Beacon Hill. It will have a detrimental effect; it will cause a decrease in property values and a change in the aesthetics of the neighborhood. Changing the zoning at this time would be misleading and bordering on dishonest.

The following people spoke at the public hearing:

Mr. Walton of Hampton Lake encouraged the Board to endorse the proposal. He said high school taxes and lack of commercial property make it burdensome for the taxpayer. This commercial property will pay taxes but does not send anyone to school and this helps the taxpayer.

Ms. Madelone, a resident of the Beacon Hill Development, is opposed to the zoning change. She asked what are they going to do for safety reasons on Route 50. There will be a lot more traffic through the development and she is concerned for the children's safety.

Mr. Fisher of Beacon Hill stated that there will be multiple problems with this change. He pointed out that there are traffic problems in the area since there is no turn lane. There

are a lot of walkers, bike riders and children in the area and with the increased traffic comes the potential for accidents. He pays high taxes and he should be able to live in a nice neighborhood. He is opposed to the change.

Ms. Hart stated that she moved into the area specifically for the Burnt Hills School District. She lives in a wonderful residential area and completely opposes this change. With apartments and transient renters and the underground parking garage, the neighborhood will be changed. The 55mph speed limit and the distracting billboards cause traffic problems when turning into the development. The infrastructure has to change.

Mr. Knox, Principal with New York Development Group, stated the subdivision was developed in 2002 and the commercial development was always part of this proposal. Their business is growing and they are looking to build their office here. The PUD language is for 137,000 square feet of footprint of enclosed space. He and Geoff Booth spoke with Building Inspector Tom Johnson and the Attorney for Planning and Zoning Peter Reilly concerning the development of this commercial space and the allowable use for this area. They added a berm to buffer the commercial and residential areas. Since people do not like to see large parking areas, they went with underground parking and this would allow more green space and better Stormwater management. The underground garages would have parking permits and they are considering garage doors to restrict entrance to the area.

Councilman Goslin asked Mr. Knox if he has a model of this proposed area.

Mr. Knox answered that the proposal was submitted with vacant land to be developed commercially with allowable uses.

Supervisor Ziegler asked Mr. Knox about the apartments.

Mr. Knox replied that there would be high-end corporate apartments. The buildings would have a mixture of uses as bank, day care, and the building would be flexible space.

Mr. Poremba said he has the closest house to this proposal. He does not understand the notification process from the Town. He said more people would be at the meeting to speak out against the changes if they knew about the proposal. He said the residents were promised by the developer a stone orifice at the entrance to the development and a verbal promise of a walking path that would lead to the Town path. They did not get either. He said once the game starts playing, you can't change the rules and that is what they are doing. He is concerned about his property values going down due to increased traffic, lights from the billboards and the possibility of increased crime in the area.

Ms. Fisher said she has real traffic concerns about this proposal. She walks on Kasey Pass and this would be the access to the commercial area. She had no idea it would be like this when she bought her property.

Mr. Van De Carr stated the Town Board has an obligation to fidelity to the law. The 137,000 square feet of buildable space is a very specific number and was well thought out in the design of this development. They are not objecting to the permitted uses but to the scale. The developers should stay with the original intention of the neighborhood. There is a safety of children issue with the parking garage and the apartments are not consistent with the neighborhood.

Councilwoman Stewart asked Mr. Knox if the underground parking was not included in the allowable buildable space, would you still built what you want to build.

Mr. Know answered that we would be able to build what we want at this time. He is asking for an increase in building space with a cap of 230,000 square feet.

Mr. Ranous of Sherman Way said he lives in a wonderful neighborhood. The developers should live with what we agreed to in the contract. The developers should uphold the original agreement and commitment and not put the neighborhood at risk. There are serious traffic concerns in the area made worse by the billboards.

Mr. Giamalis moved into the area in August. He chose the area because it was a development with children and in the Burnt Hills School District. There are traffic issues on Route 50 and to increase more commercial traffic is a detriment to the neighborhood.

Mr. Northrup said that he has asked the Town if he can change the forever wild line on his property. He could not since these are the rules in his deed. He has to adhere to the plans and the developers should have to adhere to their original agreement. He has asked the Town to address the speeding problem on Route 50 by asking for a lower speed limit on Route 50 and to ask for a no passing area. This has not been done.

Mr. Igoe asked how much more buildable space would there be under this proposal.

Mr. Knox replied that after the condos the total space was 60,000 square feet – 70,000 square feet. He stated that the 137,000 square feet was in error for the maximum building area on the original plans.

The public hearing was closed at 8:05 p.m.

Respectfully submitted,

Carol R. Shemo
Town Clerk