

An agenda meeting was held by the Town Board of the Town of Ballston on Tuesday evening, September 30, 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 called the meeting to order at 7:35 p.m. and the Pledge of Allegiance was recited.

RESOLUTION 14-161

AUDIT OF CLAIMS

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

General Fund	No. 399 - 452	\$43,929.66
Highway Fund	No. 365 - 410	37,631.89
Gravel Pit Fund	No. 46 - 50	2,393.92
Park Fund	No. 25 - 30	2,593.65
Library	No 306 - 345	17,115.22
Water Fund District 2 (SW)	No. 76 - 86	9,091.33
Blue Barnes Rd Dist. No.2 Ext# 13 (BBR)	No. 67 - 77	167.39
Brookline Rd Rte. 67 No.2 Ext#12 (BRW)	No. 68 - 78	1,004.23
Goode St Dist. No.2 Ext#14 (GSW)	No. 68 - 78	669.47
Paradowski Rd Water Dist. No. 5 (RW)	No. 27 - 30	40.20
Route 50 Water No.2 Ext#7 (RTW)	No. 68 - 78	3,809.30
Scotchbush Water Dist. No.6 ((WW)	No. 27 - 30	80.40
Silver Ln Water Dist. No 6 Ext#1 (WX)	No. 27 - 30	40.20
Chapel Hill Water Dist. No. 2 Ext # 18 (CH)	No. 68 - 78	1,171.60
Brooks Heritage Dist. No.2 Ext #21 (RL)	No. 69 - 79	334.75
Stonebridge Enclave No.2 Ext #19	No. 68 - 78	167.38
Morningdale Court No. 2 Ext#24	No. 67 - 77	167.38
Trust & Agency	No. -----	0.00
ADOPTED: Ayes	5	Supervisor Ziegler, Councilman Szczepaniak, Councilman Goslin, Councilwoman Stewart and Councilman Antoski
Nays	0	

PRESENTATION ON ROAD CONSTRUCTION STANDARDS

Town Engineer Katherine Serra of C.T. Male gave an update on the current road conditions in the Town. She met with Highway Superintendent Joseph Whalen to discuss the deterioration of newly paved areas in Chapel Hill, Stonebridge and Mourningkill Subdivisions. These roads show the impact of large construction vehicles and high groundwater. She has researched the road construction standards in other towns and noted many follow the new standards used by the NYS Department of Transportation. The pavement would be 4” with a 6” DOT sub-base and 12” of gravel beneath the sub-base. In addition, the Town needs to address catch basin standards and plant trees 5’ from the paved lane to make it easier to maintain. The road construction standards need to be changed in the Town Code to improve the roads so they are stronger and last longer. Ms. Serra said the Town Board should address the interior Route 50 Water Tank riser pipe as outlined in the Water District Master Plan.

Supervisor Ziegler asked about the Water District Consolidation. We received a draft report but information needed to be added and revisions need to be made.

PRESENTATION OF THE 2015 TENTATIVE BUDGET TO THE TOWN BOARD

According to the provisions of the law, the Town Clerk presented the 2015 Tentative Budget to the Town Board.

SUPERVISOR'S REPORT

Supervisor Ziegler reported the following:

- Sales tax has increased by 5 -7% but the mortgage tax is less than projected.
- He said the auditors are working on the 2012 audit. He thanked Councilman Goslin for doing a great job on the 2012 reconstruction of the Town's finances.
- He met with Smart Growth Ballston to discuss their opposition to the construction of a Walmart store. Supervisor Ziegler stated that we need to bring in an expert to review the overall zoning and the Comprehensive Plan.
- The attorney, representing the residents on Connolly Road, is working on the reciprocal easements giving the residents of Connolly Road access over Powers Lane to Outlet Road.

COUNCIL MEMBERS' REPORTS:

Councilman Goslin reported that the Sewer Committee and the Ballston Lake Improvement Association are getting the petitions signed to show interest in the formation of a sewer district. Two informational meetings were held at the Ballston Lake Firehouse on September 17 at 10:00 a.m. and 7:00 p.m. Both sessions were well attended. Councilman Goslin has worked with the Clifton Park Town Board to create an intermunicipal agreement for the formation of a sewer district. Clifton Park will follow the Town of Ballston's lead.

Councilwoman Stewart reported the following:

- The Parks and Recreation Committee is ready to resume their meetings and help with the Hawkwood Park. This committee is looking for a new chairperson and new members.
- There will be a speaker at the October meeting from the not-for-profit Saratoga Park Committee.

Councilman Szczepaniak has received many calls from residents concerning the survey on Walmart that was mailed to Town residents. We need to let the residents know that this was not a Town document. He asked for this acknowledgment to be added to the website.

PRIVILEGE OF THE FLOOR

Adam Schultz, Attorney with Couch White, LLP representing Dolomite, stated that Dolomite Products is opposed to the passage of proposed Local Law #2 of 2014.

Mr. Meyers is concerned about the Abele Woods Development that is built on lands designated as wetlands. He stated a Full Environmental Impact Statement should be completed for this project. The traffic study that was completed does not address the design of the Raylinski Road intersection and the developments that have been added since that time. The increased numbers of cars, school buses and tractor trailers have made it a dangerous area that will result in accidents. Also, he said that Leah Court does not drain properly and ice collects at the end of the road. The Town needs to raise the road so that the properties can drain to the sewer.

Mr. Rubin stated the asphalt plant is not the kind of neighbor that we need in the Town of Ballston. He has corporate issues with Oldcastle and its subsidiaries. He gave the example of the Shelly Asphalt Co in Ohio. This company was charged with burning toxic substances and degrading the air quality.

Mr. Murray asked the Town Board to vote yes for Local Law No. 2 of 2014. The Board's decision will impact the quality of life for the residents. The Light Industrial District follows the Comprehensive Plan and the Master Plan for the Town of Ballston. It will only create 4 new jobs and will not generate sales tax and income for the Town.

Mr. Brooks, developer of Abele Woods, said he is using the new DOT Road Standards in his Timber Creek Development. He stated that after an exhausted review process of the Abele Woods Development, the Planning Board gave a Negative SEQRA Declaration. The traffic consultant updated the study for 2014. Mr. Brooks met with the County concerning the alignment of Eastline Road and road from the development. Abele Woods has been reviewed by DEC, Army Corps of Engineers, environmental specialists. The Saratoga County Planning Board gave a positive review back to the Town. After this extensive review the Planning Board as Lead Agency gave a Negative Declaration for Abele Woods.

Ms. Anapolis asked why is Dolomite looking to come into the Town when we do not want them?

Mr. Mullen stated that this is the most important Town Board this Town has ever had for you are dealing with so many dangerous issues. Please make your decisions based on the value you place on the citizens of this Town.

NEW BUSINESS FOR CONSIDRATION AND ACTION:

RESOLUTION 14-162

ACCEPT THE 2015 TENTATIVE BUDGET AS FILED WITH THE TOWN CLERK ON SEPTEMBER 30, 2014.

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to accept the 2015 Tentative Budget as filed with the Town Clerk on September 30, 2014.

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

Town Attorney James Walsh reported that the Town Board is considering changes to the Industrial District Zoning with the proposed Local Law 2 of 2014. In April, the Town Board classified Local Law 2 of 2014 as a Type 1 SEQRA Action and completed a coordinated review to name itself Lead Agency. The only response was from DEC and they agreed the Town Board should be Lead Agency.

RESOLUTION 14-163

NAME THE TOWN BOARD AS LEAD AGENCY FOR THE PROPOSED LOCAL LAW 2 OF 2014 CONCERNING AMENDMENTS TO THE INDUSTRIAL DISTRICT ZONING.

A motion was made by Councilman Szczepaniak and seconded by Councilman Antoski to name the Town Board as Lead Agency for the proposed Local Law No. 2 of 2014 concerning the amendments to the Industrial District Zoning.

Roll Call:

Supervisor Ziegler	YES
Councilman Szczepaniak	YES
Councilman Goslin	YES
Councilwoman Stewart	YES
Councilman Antoski	YES

ADOPTED.

Town Attorney James Walsh stated the Full Environmental Assessment Form has been completed on the proposed Local Law 2 of 2014, the Industrial Zoning Amendments and it has been reviewed by the Town Board since the last agenda meeting. He completed Part 1 in April 2014. Part 2 and Part 3 have been completed with the addition of supplemental information for Parts 2 and 3 Full Environmental Assessment Form (EAF). Mr. Walsh reviewed Part 2, the Identification of Potential Project Impacts.

Impact on Land

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. **NO**

Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves) **NO**

Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). **NO**

Impact on groundwater

The proposed action may result in new or additional use of groundwater, or may have the potential to introduce contaminants to ground water or an aquifer. **NO**

Impact on Flooding

The proposed action may result in development on lands subject to flooding. **NO**

Impacts on Air

The proposed action may include a state regulated air emission source. **NO**

Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. **NO**

Impact on Agriculture Resources

The proposed action may impact agricultural resources. **NO**

Impact on Aesthetic Resources

The land uses of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. **NO**

Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. **NO**

Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. **NO**

Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environment area (CEA) **NO**

Impact on Transportation

The proposed action may result in a change to existing transportation systems. **NO**

Impact on Energy

The proposed action may cause an increase in the use of any form of energy. **NO**

Impact on Noise, Odor and Light

The proposed action may have an increase in noise, odors, or outdoor lighting. **NO**

Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. **NO**

Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. **NO**

Consistency with Community Character

The proposed project is inconsistent with the existing community character. **NO**

Town Attorney Walsh stated that in summary “ The proposed action in the Town of Ballston is an amendment to the Industrial Zoning area comprising approximately 700 acres. The proposed action by itself will not result in any projects being built or any changes to the physical environment, and accordingly will not have any adverse environmental impact, as identified in the Part 2 Full EAF. Rather, the proposed action will serve to limit future projects within the Industrial Zoning to those projects that meet the definition of a light industrial activity and specifically prohibit projects that the Town Board believes that are more heavy industrial in nature. The net future effect of the proposed action will be future implementation of projects in the Industrial Zone that have less of an impact on the environment than are presently allowable by the existing Industrial Zoning. Industrial land uses that have air emissions (more than the simple combustion of oil or natural gas for heat or steam generation), noise impacts, generate dust by outside operations, and having other noxious impacts are being specifically excluded from the Industrial Zoning.”

RESOLUTION 14-164

ESTABLISH A NEGATIVE SEQRA DECLARATION FOR PROPOSED LOCAL LAW 2 OF 2014 CONCERNING AMENDMENTS TO THE INDUSTRIAL DISTRICT ZONING.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to establish a Negative SEQRA Declaration for the proposed Local Law No. 2 of 2014 concerning the amendments to the Industrial District Zoning.

Roll Call:

Supervisor Ziegler	YES
Councilman Szczepaniak	YES
Councilman Goslin	YES
Councilwoman Stewart	YES
Councilman Antoski	YES

ADOPTED.

Town Attorney Walsh said the Town Board held a Public Hearing on proposed Local Law 2 of 2014 after notification of publication was given. The public had the opportunity to be heard and comment was received from the Saratoga County Planning Board and the Zoning Board of Appeals.

RESOLUTION 14-165

APPROVE PROPOSED LOCAL LAW 2 OF 2014 CONCERNING AMENDMENTS TO THE INDUSTRIAL DISTRICT ZONING.

A motion was made by Councilman Goslin and seconded by Councilman Antoski to approve for the proposed Local Law No. 2 of 2014 concerning the amendments to the Industrial District Zoning.

Local Law No. 2 of 2014

A local law amending Chapter 138-3 and Article VIII of Chapter 138, Industrial District Regulations: §§ 138-13 to 138-21 by adding to or changing parts of Chapters 138-3, 138-13, 138-13.1, 138-13.1.1, 138-14, 138-15 (E), (H), 138-17, 138-18 (B), (C), 138-21 (A),(B) and by adding a new section 138-13.1.2 and by adding to the permitted uses table and the prohibited use table for said Article and by adding notes at the end of each use table.

Be it enacted by the Town Board of the Board of Ballston as follows:

§ 138-3. Definitions; word usage.

A. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

B. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY

The term applies to a use, building or other structure customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

AGRICULTURE

See "customary agricultural uses."

ALTERATION

As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or enlargement, whether by extending on a site or by increasing in height, or the moving from one location or position to another.

ALTERATION, STRUCTURAL

Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

AREA, BUILDING

The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

AREA, LOT

The total area within the property lines, excluding external streets.

ASSEMBLY HALL

A building or a part of a building whose principal use is the assembly of 50 or more people for such uses as lodges, clubs, banquet rooms, etc. Community services are excluded from this category.

AUTOMOBILE WRECKING YARD

The use of any area or portion of any lot or plot, whether inside or outside a building for the temporary storage of automobiles awaiting dismantling or the dismantled parts of automobiles or the dismantling, cutting, demolition and burning of automobiles.

BASEMENT

A story partly underground.

BILLBOARD

A sign that is maintained by a business which contracts to advertise for other businesses.

BOARDINGHOUSE

A private dwelling in which at least four but not more than 10 sleeping rooms are offered for rent and table board may be furnished to roomers and in which no transients are accommodated. A rooming house or furnished room shall be deemed a boardinghouse.

BUILDING

Any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or chattel.

BUILDING, HEIGHT OF

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deckline of mansard roofs and to a mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINES

The line from the front of the building to the nearest front line of the lot. Side and rear building lines shall be determined in a comparative manner.

BUILDING, PRINCIPAL

A building in which is conducted the main or principal use of the lot on which said building is situated.

CAMP and CAMP PARK

Any area of land or water on which are located two or more cabins, tents, trailers, camp cars, shelters, houseboats or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes and wherein no such accommodation is occupied more than four months of the year.

CELLAR

See "basement."

COMPREHENSIVE PLAN

The Town of Ballston Comprehensive Plan, dated December 2005 and adopted by the Town Board on June 12, 2006.

CONDOMINIUM

Housing consisting of a complex of dwelling units in which each unit is individually owned and the sale of which is regulated under Article 9-B of the Real Property Law of the State of New York.

COVERAGE

That percentage of the plot or lot area covered by building area, including accessory buildings and structures.

CUSTOMARY AGRICULTURAL USES

Ordinarily, the raising of crops, livestock or poultry, fruit or fur-bearing animals; where interpretation is required to determine whether a particular activity constitutes a customary agricultural use, the Zoning Board of Appeals shall consider whether said type of activity is traditional in the Town of Ballston and is recognized as an agricultural pursuit by a government agency or by an agricultural bureau.

DRIVE-THROUGH SERVICE

A business where a customer is permitted or encouraged, either by the design of physical facilities or by service and/or packaging procedures, to conduct business, or the providing and/or sale of goods and services, in the off-street parking area accessory to the business, while seated in a motor vehicle. Drive-through services are ancillary to the principal use and are typically associated with banks and fast-food restaurants.

DUMP

A lot or piece of land used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose of garbage, sewage, trash or solid or liquid waste of any kind.

DWELLING

A building designed or used principally as the living quarters for one or more families. The term "dwelling," "one-family dwelling," "multiple dwelling," "two-family dwelling" or "dwelling group" shall not be deemed to include motel, automobile court, rooming house or tourist home.

DWELLING, ONE-FAMILY

A detached building containing one dwelling unit.

DWELLING, TWO-FAMILY

A detached building containing two dwelling units.

DWELLING, MULTIPLE

See "multiple dwelling."

DWELLING UNIT

A room or group of rooms providing complete housekeeping facilities for one family and occupied by a single-family unit, plus not more than three lodgers.

EXTENSION or EXPANSION

An increase in land or floor area occupied by a use or time devoted to use or scope of a use.

FAMILY

One or more persons related by blood, marriage or adoption, living and cooking together, exclusive of household servants; a number of persons living together as a single housekeeping unit, although not related by blood, marriage or adoption shall be deemed to constitute a family unit. A fraternity club or boardinghouse shall not be considered a family.

FARM

See customary agricultural uses.

FILLING STATION

Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or servicing such motor vehicles.

FRONTAGE (also ROAD FRONTAGE and/or STREET FRONTAGE)

The distance along which a lot adjoins a road or street at the right-of-way line. A road or street which provides frontage may be a state, county or Town road or a private road or street that has been approved by the Planning Board as part of a subdivision plat.

GARAGE, PRIVATE

An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises.

GARAGE, PUBLIC

Any garage other than a private garage available to the public, operated for gain and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

INDUSTRIAL, HEAVY

Heavy industrial consists of assembling, fabrication and processing, bulk handling, storage, warehousing and trucking. These activities are likely to generate significant levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, radiation, radioactivity, poisons, pesticides, herbicides, or other hazardous materials, fire or explosion hazards, or other undesirable conditions. These activities generally do generate excessive noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation and other nuisance characteristics.

Heavy Industrial manufacturing is considered not capable of control of external effects of the manufacturing process.

HOME OCCUPATION

(1) An accessory use of a service character which is clearly secondary to the use of the dwelling unit and its premises for residential living purposes of the person(s) carrying on such activity; and is conducted entirely within a dwelling unit; or is conducted entirely within an accessory structure to the dwelling unit on the same premises; and is solely carried on by a member or members of the family residing in the dwelling unit; and employs no more than one paid assistant who does not reside on the premises; and does not involve the keeping of stock in trade or the consignment, purchase and resale of goods, wares or merchandise in a volume or manner that adversely affects the character of the district; and does not display any exterior sign (except as permitted in Article XI, Signs); and does not result in the storage or display of materials in any open space outside the structure in which the home occupation takes place or variation from the residential character of the principal building on the premises; and does not produce any offensive noise, vibration, smoke, dust, odors, heat or glare; and parking provides for adequate off-street parking for any customer.

(2) In particular a "home occupation" may include the professional office of a physician, accountant, dentist, lawyer, management consultant or other professional persons, including violin, piano, other individual musical instrument or voice instruction, arts or craft instruction limited to a single pupil at a time, who offers skilled services to clients, and the occupation of dressmaker, milliner or seamstress shall also be deemed to be a "home occupation," including low-impact businesses such as computer work, consulting and trade persons who work out of their home and can meet the other criteria set forth herein and shall be allowed on special permit.

(3) Dancing instruction in groups, band instruction in groups, tearooms, tourist homes, convalescent homes, funeral homes, stores, trades or businesses of any kind herein excepted shall not be deemed to be "home occupations."

HOTEL

A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building.

HOUSE TRAILER

See "mobile dwelling."

JUNKYARD

(1) Any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old or secondhand motor vehicles or vehicles no longer in condition for legal use on the public highways are held, whether for the purpose of resale of used parts there from; for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise; for the disposing of the same or for any other purpose. Such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles, which taken together equal in bulk two or more such vehicles; provided, however, that the term "junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

(2) Such term shall also not be construed to mean an establishment having facilities for and engaged in the business of the repair of damaged and/or temporarily disabled motor vehicles unless two or more of said vehicles are individually so kept on said premises for a consecutive period of more than 14 days. Nor shall said term be construed to mean any place where said vehicles are enclosed in a building which when closed completely removes said vehicles from public view.

(3) This definition shall not apply to vehicles actively in use at agricultural and industrial work sites.

INDUSTRIAL, LIGHT

Is a zoning classification to permit light manufacturing, processing, assembly and fabrication facilities, wholesale warehouses and storage facilities, equipment maintenance and research and development. This district is primarily for selective industries whose activities do not adversely impact the environment or quality of life of the residents of the Town or create an impact which is injurious to the public health, safety or general welfare of the residents or property owners of the Town of Ballston. Accordingly, due to the potential adverse and/or harmful impact of heavy industrial uses, such uses are explicitly excluded from this district.

LINE, STREET

The dividing line between the street and the lot.

LODGING HOUSE

See "boardinghouse."

LOT

A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use and the customary accessories or open spaces belonging to the same.

LOT, CORNER

A lot which has an interior angle of less than 135° at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135°.

LOT, DEPTH OF

A mean horizontal distance between the front and rear lot lines.

LOT, WIDTH OF

The mean width measured at right angles to its depth.

LOT LINES

Any line dividing one lot from another.

LOT FRONTAGE

A lot line which is coincident with a street line.

MANUFACTURING

Any process whereby the nature, size or shape of articles or raw materials is changed or where articles are assembled or packaged.

MEAN HIGH-WATER MARK

The average annual high water level.

MIXED USE

Where more than one use occupies a structure, site or parcel, and may include a variety and mixture of nonresidential uses and/or residential uses.

MOBILE DWELLING

A vehicle which is used or designed to be used for living or sleeping purposes and which is customarily standing on wheels or rigid supports, whether propelled by its own power or power of another vehicle to which it is attached.

MOTEL

A building or group of buildings, whether attached or detached, containing for hire individual living and sleeping accommodations, each of which is considered a unit, each of which is provided with a separate exterior entrance and a parking space and is offered for rental and use principally by motor vehicle travelers. The term "motel" includes but is not limited to every type of similar establishment known variously as an "auto court," "motor hotel," "motor court," "motor inn," "motor lodge," "tourist court," "tourist cabins" or "roadside hotel."

MOTOR VEHICLE

Any vehicle propelled or drawn by power other than muscular power, originally intended for use on public highways.

MULTIPLE DWELLING

Any building that contains or is proposed to contain more than two dwelling units for rent.

NONCONFORMING USE

A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

OPEN SPACE

An unoccupied space open to the sky on the same lot with the building.

OWNER

The title holder of record of real property, or if he or she be deceased, then his or her estate.

PARCEL

Any tract or piece of land that is described in a deed of conveyance recorded in the Saratoga County Clerk's office and for which a Tax Map parcel identification number has been assigned.

PARKING SPACE

The area required for parking one automobile, which in this chapter is held to be an area nine feet wide and 20 feet long, not including passageways. Each parking area shall have direct open passageways to public roadways at all times.

RESTAURANT

Any establishment, however designated, at which food is sold for consumption on the premises to patrons seated within an enclosed building, elsewhere on the premises, or via a drive-through service.

SERVICE (or SERVICE ESTABLISHMENT)

Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

SHORELINE

That line at which land adjoins the water of lakes at the mean high-water mark.

SIGN

A message-bearing board, wall or other display, mounted, freestanding or portable, used to identify or advertise a business, organization, function or community development.

SIGN, DISPLAY AREA

The area contained within the largest regular geometric figure surrounding all letters, figures, symbols, displays or other illustrations which are printed, painted, stamped, cut, raised or attached to the surface of any building or other structure. When letters, symbols, etc., are attached to a sign board, the sign display area shall include such backing.

SIGN, TEMPORARY

A sign not permanently affixed to a structure or the ground.

SITE

The total area to be used for development of a project, including but not limited to buildings, parking areas, stormwater detention or drainage areas and other project features. A site may encompass an entire parcel or a portion of a parcel.

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STRUCTURE

A combination of materials to form a construction that is safe and stable, and includes among other things stadiums, platforms, radio towers, sheds, storage bins, signs, satellite dishes, solar panels and pole-framed canvas or plastic-sided storage sheds.

SWIMMING POOL

Any artificial pool or structure intended for bathing or swimming purposes made of concrete, masonry, metal or other impervious materials having a depth in excess of 18 inches and located within 600 feet of a residence, home or dwelling other than the one associated with the pool.

THEATER, OUTDOOR

An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical production on a paid admission basis to patrons seated in automobiles or on outdoor seats.

TOURIST CABINS

See "motel."

TOURIST HOME

A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

TRADITIONAL NEIGHBORHOOD DESIGN or TND

A set of design standards applied to subdivisions and developments in the Hamlet and Ballston Lake Residential Districts for the purpose of promoting pedestrian friendly and compact residential neighborhoods.

TRAILER

See "mobile dwelling."

TRAILER PARK (MOBILE HOME PARK)

A land or floor area occupied or designed for occupancy by two or more trailers in use for living purposes.

TRAILER SITE

A unit of land or floor area within a trailer park for occupation by an individual trailer.

UNFINISHED BUILDING

A structure shall be deemed unfinished if it does not have a permanent roof, completely enclosed outside walls with the finished materials installed, all glazing in place, permanent heating system with masonry chimney ready for operation, permanent electric service and sewage installed.

USE

This term is employed in referring to the purpose for which any buildings, other structures or land may be arranged, designed, intended, maintained or occupied; any occupation, business activity or operation conducted (or intended to be conducted) in a building or other structure or on land. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use or use requiring a special use permit.

USED CAR LOT

Any place outside a building where two or more used motor vehicles in operating condition are offered for sale or are displayed.

Article VIII.

Light Industrial District Regulations

§ 138-13. Uses permitted

All uses permitted, specifically not permitted and all uses requiring a special permit are listed on the Uses, Area, Frontage and Setback Requirements for the Light Industrial District Table located at the end of this chapter.

§ 138-13.1. Area requirements.

All area requirements for each use are so indicated on the Uses, Area, Frontage and Setback Requirements for the Light Industrial District Table located at the end of this chapter.

§ 138-13.1.1. Purpose and intent.

The Light Industrial District is that portion of the Town which has been utilized by, and set aside for, uses that involve production, light manufacturing, processing, assembly, wholesale warehouses, storage facilities, equipment maintenance, distribution or fabrication (activities) facilities and research and development and is an area where pedestrians are few and where uses are set back far from the frontage roads with natural buffering. This district is addressed in the Comprehensive Plan at Section 3.5 where it is noted that the district should also allow for a mixture of uses compatible with industrial uses especially in the gateway areas of this district.

This district is primarily for selective industries whose activities do not adversely impact the environment or quality of life of the residents of the Town or create an impact which is injurious to the public health, safety or general welfare of the residents or property owners of the Town of Ballston.

§138-13.1.2 Existing Uses

Upon the amendment of this section to change from Industrial to Light Industrial existing heavy industrial uses and facilities shall be designated as “preexisting non-conforming”. Non-conforming facilities or uses will be prohibited from expanding operations except upon application to the Town Planning Board and upon granting by said board of a special use permit.

§ 138-13.2. Adult-oriented businesses or adult use businesses.

Adult-oriented businesses (also referred to as “adult use businesses”) are authorized in the Industrial District of the Town of Ballston as a permitted use and shall be regulated and governed by

§ 138-13.2 of the Zoning Ordinance of the Town of Ballston.

A. Legislative intent and findings of fact.

(1) Background. The Town Board of the Town of Ballston has become aware of serious and substantial interests in the establishment of adult-oriented businesses in the Town of Ballston and has noted an increase in the number of neighboring communities enacting legislation seeking to regulate the establishment of adult-oriented businesses. Concern over the potential adverse secondary effects associated with adult-oriented businesses led the Town Board of the Town of Ballston to enact a ninety-day moratorium, effective February 5, 1999, which ninety-day moratorium was subsequently extended through April 1, 2000. During the moratorium period, the Town Board, along with Robert M. Penna, PhD., has caused an "Adult Use Study: Town of Ballston, New York," to be prepared to assess the probable adverse secondary impacts on the Town of Ballston which would result from the unregulated opening and establishment of adult-oriented businesses within the town.

(2) Findings. Based upon a comprehensive study of the adverse secondary impacts of adult use establishments as documented in accordance with the ruling of the United States Supreme Court in the matter of the City of Renton v. Playtime Theaters, Inc. 475 U.S. 41 (1986) and commissioned by the Town Board of the Town of Ballston, the Town of Ballston finds that:

(a) There are adverse secondary impacts associated with the establishment and operation of adult-oriented businesses within a community.

(b) Among these adverse secondary impacts are a deterioration in the local quality of life, an adverse effect upon economic viability, an imposition, whether intentional or unintentional, of exposure to adult-oriented expression undesired by neighbors, pedestrians and passersby, an increase in traffic, noise, litter and nuisance, criminal and illicit sexual behavior, a threat to the health and safety of children and young adults and an undermining of the established sense of community.

(c) These adverse secondary impacts of the establishment and operation of adult-oriented businesses are a threat to the general health, safety and economic viability of the community.

(d) The unregulated establishment and operation of adult-oriented businesses would lead to the widespread imposition of adverse secondary impacts upon the residents, businesses, economic viability, property values and quality of life of the town and would therefore be detrimental to the general health, safety and economic viability of the community.

(e) The United States Constitution, and the Constitution and laws of the State of New York grant to the Town of Ballston the powers, especially police powers, to enact reasonable legislation and measures to regulate the location and operation of adult-oriented businesses, hereinafter defined, in order to protect the general health, safety and economic viability of the community.

(3) Statement of intent.

(a) It is the express intent of the Town of Ballston in adopting this section to:

[1] Ameliorate, mitigate, reduce or prevent the widespread and unregulated imposition of the adverse secondary impacts of adult-oriented businesses upon the residents, businesses, economic viability, property values, quality of life and general health, safety and welfare of the community.

[2] Protect the right of free expression, guaranteed by the United States Constitution and the New York State Constitution, as may be expressed and presented in the form of goods and services offered by adult-oriented businesses.

(b) It is not the intent of the Town of Ballston in adopting this section to:

[1] Deny any person the right of free expression, guaranteed by the United States Constitution and the New York State Constitution, as may be expressed and presented in the form of goods and services offered by adult-oriented businesses.

[2] Impose upon any person any additional limitations or restrictions upon the right of free expression, guaranteed by the United States Constitution and the New York State Constitution, as may be expressed and presented in the form of goods and services offered by adult-oriented businesses, beyond those granted to the town under the United States Constitution, the New York State Constitution and the laws of the State of New York regarding the time, place and manner of that free expression. These constitutionally protected rights are understood to include the right to sell, distribute and exhibit the legal goods and services offered by adult-oriented businesses.

[3] Impose upon any person any additional limitations or restrictions upon the right to obtain, view or partake of any communications guaranteed by the United States Constitution and the New York State Constitution, as may be expressed and presented in the form of goods and services offered by adult-oriented businesses, beyond those granted to the town under the United States Constitution, the New York State Constitution and the laws of the State of New York regarding the time, place and manner of that free expression; or

[4] To estimate, decide, determine, resolve, consider, conclude, judge or qualify in any manner or fashion the quality or value of the content, nature, message, form, format, appearance, substance or presentation of the free expression guaranteed by the United States Constitution and the New York State Constitution, as may be expressed and presented in the form of goods and services offered by adult-oriented businesses.

(4) Aware that, according to numerous decisions by both federal courts and courts of the State of New York, the regulation of the location of adult businesses must be based upon a finding of the adverse secondary impact of these businesses upon the community and must be directed solely toward the mitigation of these impacts, not be directed toward any form of speech or expression, be no broader than necessary and must provide alternative locations within the town for adult use businesses, the Town of Ballston hereby adopts the following amendment to its Town Zoning Law.

B. Definitions.

(1) For the purpose of this section, an adult-oriented business or adult use business shall be defined as any business which:

(a) Is the use of land, structures or location for an "adult entertainment business" or as an "adult physical contact establishment" as herein defined; and

(b) Is any use of land, structure or location which, by the provisions of the Penal Law, is required to restrict the access thereto by minors; and

(c) Is an establishment, location, building or structure which features topless dancers, nude dancers or strippers, male or female; and

(d) Is a location, building or structure used for presenting, lending or selling motion-picture films, videocassettes, cable television or any other such visual media, or used for presenting, lending or selling books, magazines, publications, photographs or any other written materials

distinguished or characterized by an emphasis on matter depicting, describing or relating to "specific sexual activities" or "specific anatomical areas" as defined below.

(2) Adult use businesses. Adult use businesses, including adult book stores, adult video stores, adult motion-picture theaters, adult mini-motion-picture theaters, adult cabarets and adult drive-in theaters shall be defined as follows:

ADULT BOOK STORE

An establishment having a substantial or significant portion of its stock-in-trade books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specific sexual activities or specific anatomical areas as defined below.

ADULT VIDEO STORE

An establishment having as a substantial or significant portion of its stock-in-trade video films, videocassettes or other films for sale or rental which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specific sexual activities or specific anatomical areas as defined below.

ADULT MOTION-PICTURE THEATER

A building with a capacity of 50 persons or more used for presenting material distinguished or characterized by its emphasis on matter depicting, describing or relating to specific sexual activities or specific anatomical areas, as defined below, for the observation of patrons therein.

ADULT MINI-MOTION-PICTURE THEATER

An enclosed building with a capacity of less than 50 person used for presenting material distinguished or characterized by its emphasis on matter depicting, describing or relating to specific sexual activities or specific anatomical areas, as defined below, for the observation of patrons therein.

ADULT CABARET

An establishment which features live go-go dancers, exotic dancers, strippers, male or female, male or female impersonators or similar entertainers whose performances are characterized by partial or full nudity.

ADULT DRIVE-IN THEATER

A drive-in theater utilized for the presentation of materials distinguished or characterized by their emphasis on matter depicting, describing or relating to specific sexual activities or specific anatomical areas, as defined below, for the observation of patrons therein.

ADULT PHYSICAL CONTACT ESTABLISHMENT

Any establishment which offers or purports to offer massage or other physical contact to patrons of either gender by employees or staff of either gender. Medical offices, offices of persons licensed or authorized under the Education Law to practice massage therapy, offices of persons licensed or otherwise authorized by the Education Law as a physical therapist or physical therapist assistant and electrolysis, karate, judo and dance studios are not to be considered adult physical contact establishments under this section.

ADULT MOTEL

A motel which is not open to the public generally, but excludes minors by reason of age, or which makes available to its patrons in their rooms closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which, if presented in a public movie theater, would not be open to the public generally, but would exclude any minor by reason of age, and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions or offers a sleeping room for rent for a period of time that is less than 10 hours.

ADULT PEEP SHOW

A theater which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure for which a fee is charged and which is not open to the public generally, but excludes any minor by reason of age.

(3) SPECIFIED SEXUAL ACTIVITIES:

(a) Human genitals in a state of sexual stimulation or arousal; or acts of human masturbation, sexual intercourse or sodomy; or

(b) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast.

(4) SPECIFIED ANATOMICAL AREAS:

(a) Less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola; or

(b) Human male genitals in a discernable turgid state, even if completely or opaquely covered.

C. Location of adult-oriented business or adult use business within Industrial District.

(1) Adult-oriented businesses or adult use businesses are permitted within the Industrial District, provided that no adult use be allowed within 300 feet of any of the Industrial District's boundary lines with an adjoining zoning district nor within 1,000 feet of the property line of any residential use or a zoning district that permits residential use.

(2) Adult-oriented businesses or adult use businesses shall not be allowed within 1,000 feet of the property line of a church or other house of worship, playground, park, school, day-care center, senior center, cemetery or structure, including fire stations and meeting halls or structures used as a community center, nor within 500 feet of a commercial or business zone.

(3) Adult-oriented businesses shall not be permitted to locate less than 500 feet from another such use, and not more than one adult-oriented business shall be permitted to locate within a single building or single lot.

(4) Adult-oriented businesses shall not exceed, in total, 2,500 square feet of floor area and cellar space not used for enclosed storage or mechanical equipment.

(5) Adult-oriented businesses shall be required to comply with all other development standards and requirements of the laws of the Town of Ballston, including, but not limited to, district lot and bulk regulations, parking requirements, signage, facade and screening regulations.

(6) Adult-oriented businesses shall not be permitted within any building where a portion of the floor area of the building is in residential use, including nonconforming residential uses, a school, house of worship, public or private recreational facility, community center or other public facility, motel or hotel.

(7) Adult-oriented businesses shall not be permitted to provide live entertainment on the premises which involves nude dancing that is lewd, indecent or grossly sexual in nature. This shall not be construed to include conduct of being nude that constitutes a part of a bona fide live communication, demonstration or performance by a person wherein such nudity is expressive conduct incidental to, and necessary for, the conveyance or communication of a genuine message or public expression and is not a guise or pretense utilized to exploit nudity, nor shall it include conduct that is protected by the United States or New York State Constitution.

(8) Any adult-oriented business that seeks to provide booths or areas, either for the viewing of motion pictures or live performances, shall meet the following requirements:

(a) Any and all such booths, cubicles, studios, studies and rooms for the private viewing of adult motion pictures and/or live performances or areas shall be open to public view from the common areas of the establishment. There shall not be any doors, curtains, blinds or other structures or devices that shall impede observation of the entire area of such private viewing areas from the common area of the establishment.

(b) Such private viewing areas shall be well lighted and readily accessible at all times and shall continuously be open to view.

(c) Lighting throughout an adult establishment shall be sufficient to illuminate every place to which patrons are permitted access.

(9) The exterior appearance of any building containing an adult-oriented business shall be consistent with the character of surrounding structures and shall not detract from the appearance of the neighborhood.

(10) Adult-oriented businesses shall conform with all existing applicable sign regulations in addition to the following specific requirements:

- (a) Signs which are illuminated in neon or which contain flashing lights shall be prohibited.
 - (b) Exterior signs, displays or other advertisements which contain nude, semi-nude or provocative pictures shall be prohibited.
 - (c) Interior signs, displays, posters or other advertisements which contain nude, semi-nude or provocative pictures shall be located a minimum of four feet from any window or door and shall not be visible from the exterior of the establishment.
 - (d) Permanent and/or temporary window and door signs shall not occupy more than 20% of each window or door.
- (11) Special use permits granted to adult-oriented businesses shall be nontransferable and shall be subject to renewal by the Zoning Board of Appeals on an annual basis. Property owners within 1,000 feet of the location of a proposed adult-oriented business shall be notified in writing of the day, time and location of the public hearing.

§ 138-14. Environmental regulations.

The following restrictions shall also be subject to applicable New York State and/or federal regulations that apply to the Light Industrial District[s]. No facility will be allowed that shall:

- A. Cause the emission of excessive smoke, fumes, gas, dust or other atmospheric pollutant beyond the boundaries of the user's lot; and, for the purpose of this subsection, smoke shall be deemed excessive when its shade or appearance is darker than Number 2 on Ringelmann's scale for grading density of smoke.
- B. Cause noise audible beyond the boundaries of the user's lot.
- C. Discharge any waste material into any sanitary disposal system or sewage system, except as permitted by the public health authorities of the municipality controlling such sewerage system and as permitted by the Town of Ballston with respect to any town-owned or -operated sewerage system.
- D. Store or stock any waste material on the premises of the user, other than that used in day-to-day operations.
- E. Cause any adverse effect on town water sources, including groundwater supplies and Ballston Lake.
- F. Protection of water sources and water quality shall be given the highest priority by the Zoning Board of Appeals or Planning Board in considering the regulations of this article and any site plan review.
- G. Create an adverse effect on the environment, as defined by New York State Environmental Quality Review Act and its supplemental regulations. Specific attention shall be given by the Zoning Board of Appeals and Planning Board to wetland areas located in the boundaries of the industrial district, and all New York State regulations regarding the protection of such wetland areas shall be strictly complied with by all industrial district owners or developers.
- H. Violate any of the provisions of Article XII, Activity Standards for Annoying and Injurious Substances, Conditions and Operations, of this chapter.

§ 138-15. Facility and site requirements.

- A. All users shall attractively landscape the unoccupied or unused portions of the premises with lawn, trees, shrubs or other plant material with due consideration to the natural growth and the nature and condition of the terrain.
- B. There shall be a minimum lot size of 40,000 square feet or six times the total square footage (outside dimensions) of the building or buildings on the site, whichever is greater.

C. All building setbacks shall be a minimum of 100 feet from the front property line on all state or county roadways. All other building setbacks shall be 50 feet from the front property line for lots fronting on any municipal or private interior roads located within this Industrial Zone. All rear and side yard depths shall be not less than 30 feet from the property lines, except for residential buffer zones as required in Subsection E of this section. No structures or uses associated with the principal use of the property (i.e., parking) shall be permitted within the required yard areas.

D. Off-street parking regulations shall be governed by Article XV, Off-Street Parking and Loading.

E. Where a Light industrial facility or use adjoins an existing residential property boundary line, a buffer strip along the property boundary of at least 100 feet in depth and landscaping shall be provided. A one-hundred-foot buffer strip must also be provided along the boundary line of any residential district. Where outside storage of materials will take place, nothing will be stored such that if it fell over, or off where it is stored, it could land on the real or personal property of other persons or entities.

F. All users shall comply with such additional conditions and requirements as may be required by the Planning Board, including Planning Board regulations concerning maximum height of structures, security fencing and other such site requirements necessary to meet any of the standards hereinafter set forth.

G. The Zoning Board of Appeals may waive any of the requirements contained in the article where it finds that such requirements will impose an undue or unreasonable hardship or inconvenience and where such waiver will not adversely affect the surrounding area.

H. Access to the Light Industrial Zone shall be by Route 50, Route 67 and Underpass Road only.

§ 138-16. Water and sewer requirements.

A. Buildings shall be provided with potable water, if required by regulations of the New York State Department of Health; municipal water supply to be used if accessible. If municipal water is not accessible, the use of individual wells will be permitted upon approval of the Planning Board. When individual wells are used as a water supply, the applicant shall provide information as to the water requirements, and the production rate of the well will be required to meet the demands in accordance with the New York State Department of Health regulations.

B. Sewage disposal shall be in accordance with the contents of Chapter 73, Health and Sanitation, § 73-2.

§ 138-17. Construction standards.

All construction within the Light Industrial Zone shall conform to the applicable standards of the New York State Uniform Fire Prevention and Building Code. All building plans and site plans for construction within the Light Industrial Zone shall be approved by a New York State licensed design professional, as such professional is defined by § 7208 of the New York State Education Law.

§ 138-18. Permit requirements and administration.

A. Construction shall begin within one year from final approval and issuance of all required permits. The developer or his or her successors and assigns shall be solely and exclusively responsible for obtaining any permits required to commence development of the land as authorized by this chapter.

B. Nothing in this chapter shall be construed to satisfy the obligations of any person to obtain any governmental approval or permit from any governmental agency other than the Town of Ballston for activities proposed with the Light Industrial Zone.

C. Administration. This section shall be administered in accordance with the provisions set forth in Article XXII, Administration and Enforcement, of this chapter, and the provisions of such law

relating to building permits, certificates of occupancy, interpretations, variances, special permits and violations shall apply to all uses and proposed uses within the Light Industrial Zone unless noted otherwise in this article. This chapter shall also be administered in accordance with the provisions of Chapter 91, Site Plan Review, of the Code of the Town of Ballston. Construction within the Light Industrial Zone shall be subject to review and approval by the Town of Ballston Planning Board according to the standards and criteria established in the Town of Ballston site plan review procedures.

§ 138-19. Developer to provide roads and utilities.

The access roads and all water, sewage and stormwater control facilities shall be installed at no cost or expense to the town. Roads to be dedicated to the Town of Ballston will be built in accordance with town highway specifications.

§ 138-20. Use and change of use.

Any use of any of the land or buildings in the district shall be approved by the Planning Board of the Town of Ballston or its agent. Any change in use must comply with the regulations established by this article. "Change in use" shall include any use of the land or buildings for any purpose other than that for which approval has previously been given.

§ 138-21. Signs.

A. Light Industrial District sign regulations shall include those regulations established in Article XI, Signs, of this chapter, and any additional regulations described herein. Any inconsistency between the regulations of Article XI, Signs, and this section shall be governed by this section.

B. Each Light Industrial District site containing up to 10 acres of land shall be allowed one identification sign of no more than 40 square feet for purposes of site and business location. Within each such designated industrial site of up to 10 acres, there shall be no restriction on the number of signs used for business identification. Sign placement and the total number of signs shall be regulated and approved by the Planning Board during site plan review. It is the intention of this section to allow a sufficient number of business identification signs to be placed within such a designated industrial site, in order to provide adequate directional and building location information. The size, shape, height aboveground, quality of lettering and other such details shall comply with Article XI, Signs, of this chapter and such other requirements as may be imposed by the Town of Ballston Planning Board during the site plan review process.

TABLE OF USES, AREA, FRONTAGE AND SETBACK REQUIREMENT
LIGHT INDUSTRIAL DISTRICT

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Frontage Street (Feet)	Maximum Building Coverage	Maximum Building Height	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
Agriculture without animals									
Metal fabrication		PB	40,000	100	40%	40	50	30	30
Laundry and dry cleaning plants		PB	40,000	100	40%	40	50	30	30
Research and development		PB	40,000	100	40%	40	50	30	30
Light Manufacture		PB	40,000	100	40%	40	50	30	30
Automobile Parts		PB	40,000	100	40%	40	50	30	30
Aerospace systems		PB	40,000	100	40%	40	50	30	30
Electrical Components and appliances		PB	40,000	100	40%	40	50	30	30
Electronics		PB	40,000	100	40%	40	50	30	30
Microelectronics		PB	40,000	100	40%	40	50	30	30
Manufacture of metal and HDPE plastic drainage		PB	40,000	100	40%	40	50	30	30

products									
Water treatment and distribution systems	PB		40,000	100	40%	40	50	30	30
Automation Systems (robotics)	PB		40,000	100	40%	40	50	30	30
Data automation and communications	PB		40,000	100	40%	40	50	30	30
Information processing	PB		40,000	100	40%	40	50	30	30
Medical systems	PB		40,000	100	40%	40	50	30	30
Video systems	PB		40,000	100	40%	40	50	30	30
Environmental control	PB		40,000	100	40%	40	50	30	30
Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Frontage Street (Feet)	Maximum Building Coverage	Maximum Building Height	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
Warehousing and distribution centers less than 20,000 Sq Ft.	PB		40,000	100	40%	40	50	30	30
Wood products processing	PB		40,000	100	40%	40	50	30	30
Office buildings and support services for above industries	PB		40,000	100	40%	40	50	30	30
Printing, lithographing or publishing	PB		40,000	100	40%	40	50	30	30
Packaging industry	PB		40,000	100	40%	40	50	30	30
Broadcast studio	PB		40,000	100	40%	40	50	30	30
Public utility station	PB		40,000	100	40%	40	50	30	30
Textile industry	PB		40,000	100	40%	40	50	30	30
Food products preparation	PB		40,000	100	40%	40	50	30	30
Machine Tool and machinery parts manufacturing	PB		40,000	100	40%	40	50	30	30
Stone or monument works	PB		40,000	100	40%	40	50	30	30
Cold storage plant	PB		40,000	100	40%	40	50	30	30
Telephone exchange	PB		40,000	100	40%	40	50	30	30
Transportation services accessory and local except truck terminals	PB		40,000	100	40%	40	50	30	30

Automobile and truck rental facilities	PB	40,000	100	40%	40	50	30	30
Animal care facilities	PB	40,000	100	40%	40	50	30	30
Emergency ambulance facilities	PB	40,000	100	40%	40	50	30	30
Research laboratories	PB	40,000	100	40%	40	50	30	30
Accessory retail	PB	40,000	100	40%	40	50	30	30
Equipment maintenance.	PB	40,000	100	40%	40	50	30	30
	PB	40,000	100	40%	40	50	30	30
	PB	40,000	100	40%	40	50	30	30
	PB	40,000	100	40%	40	50	30	30
	PB	40,000	100	40%	40	50	30	30
	PB	40,000	100	40%	40	50	30	30
	PB	40,000	100	40%	40	50	30	30
	PB	40,000	100	40%	40	50	30	30
	PB	40,000	100	40%	40	50	30	30
	PB	40,000	100	40%	40	50	30	30
	PB	40,000	100	40%	40	50	30	30
	PB	40,000	100	40%	40	50	30	30

Permitted use	Special Use Permit	Review Board	Minimum Lot Area (Square Feet)	Minimum Frontage Street (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
	Agriculture with animals	ZBA							
	Warehousing and distribution centers more than 20,000 Square Feet	PB	40,000	100	40%	40	50	30	30
	Fuel, gasoline, oil storage tanks	PB	40,000	100	40%	40	50	30	30
	Energy Systems	PB	40,000	100	40%	40	50	30	30
	Truck terminals	PB	40,000	100	40%	40	50	30	30
	Storage and repair of heavy equipment	PB	40,000	100	40%	40	50	30	30
	Retail	PB	40,000	100	40%	40	50	30	30
	Adult-oriented businesses	PB	40,000	100	40%	40	50	30	30
	Distilling operations (farm)	PB	40,000	100	40%	40	50	30	30

All new uses and structures (new and additions) require site plan review by the Planning Board
Any uses not listed are not permitted.
New flag lots permitted in Rural District only.

Key: PB: Planning Board
ZBA: Zoning Board of Appeals
TB: Town Board

TABLE OF PROHIBITED USES IN LIGHT INDUSTRIAL DISTRICT

Prohibited Uses ¹

Asphalt plant
Manufacture or storage of fireworks, explosives or abrasives
Manufacture of fertilizer or glue, but not organic fertilizer or organic glue
Manufacture of Dye or rubber and non farm alcohol
Storage or manufacturing of petroleum or other flammable liquids over 10,000 gallons
Manufacture of Corrosive acid or alkali
Manufacture or storage of Toxic Chemicals referenced in 15 USC § 1261
Manufacture of ammonia
Manufacture of chloride
Manufacture of bleaching powder
Manufacture of boilers
Manufacture of large steel tanks
Manufacture of large steel vessels
Manufacture of brick or tile
Manufacture of glutinous derivatives
Manufacture of lampblack
Manufacture of lime cement
Manufacture of plaster of paris
Manufacture of oil cloth
Manufacture of linoleum
Manufacture of paint, varnish and turpentine
Manufacture of printing ink
Manufacture of pyroxoline plastic or things made of said substance
Manufacture of soap
Manufacture of starch
Manufacture of glucose
Manufacture of dextrine products
Manufacture of sulfurous products
Manufacture of Manufacture of nitric acid
Manufacture of hydrochloric acid
Manufacture of Tar or tar products
Manufacture of carcinogenic dyes
Assaying any metal except gold or silver
A crematory
Distillation of coal, wood bones, or tar
Rendering of fats, tallow, grease or lard
Rendering of any organic material, including offal
Rendering of any dead animals
Rendering of refuse
An iron, steel, brass or copper foundry
Structural steel fabrication where a drop hammer is used
Refining of petroleum
Tanning, storage or curing of rawhides or skins
Packing, curing or processing of raw fish or raw fish products
Smelting of metals
Motor Vehicle, snowmobile or other motorized vehicle race tracks or operations
Auto wrecking yard or scrap metal storage outside
Stone or gravel crushing
Power generation plants

(1) This list of prohibited uses is to be used as a guide

and may not be all inclusive.

Roll Call:

Supervisor Ziegler	YES
Councilman Szczepaniak	YES
Councilman Goslin	YES
Councilwoman Stewart	YES
Councilman Antoski	YES

ADOPTED.

Councilman Goslin stated that this change in the Zoning Law is designed to give the Planning Board and the Zoning Board the ability to determine which industries are appropriate for our industrial zones. Currently, the term manufacturing is too broad and provides little help to determine applicable zoning use. The zoning change removes the broad term manufacturing with light industry. This law prohibits expansion of non-conforming industrial uses. This change reduces the impact of heavy industry on our environment of sensitive wetlands. The Town's Comprehensive Plan supports light industrial development and does not support heavy industrial development. The Capital District, for example, has historically been an economy reliant on heavy manufacturing industries and is currently witnessing a shift to lighter high-tech industries. Educational Institutions in the Region are providing necessary educational and research services for this changing economy. Our Comprehensive Plan has predicted the shift to lighter high tech industries. It is clear the Comprehensive Plan supports light industry for our community and mentions repeatedly the mixture of commercial development and residential development that is in place already. I believe we needed to vote and pass this legislation this evening which is a vote not to continue to allow any heavy industrial use in our Town and to give our planning and zoning boards the ability to determine which industries are appropriate for our industrial areas. It is a vote to protect the sensitive Town of Ballston environment from the impact heavy industry could have on our residents.

Councilman Szczepaniak said the Town Board has listened and has been dealing with these changes for several months. The change is from heavy industrial to light industrial zoning. It is in keeping with the rural character of the Town and in support of our residents.

RESOLUTION 14-166

AUTHORIZE THE BOND ANTICIPATION RENEWAL NOTE IN THE AMOUNT OF \$121,507 AT INTEREST RATE OF .85% PER ANNUM, DATED OCTOBER 10, 2014 WITH THE BALLSTON SPA NATIONAL BANK FOR THE BONDING OF THE BURNT HILLS-BALLSTON LAKE WATER DISTRICT NO. 2 EXTENSION # 24, MORNINGDALE COURT WATER DISTRICT. THE TOWN BOARD DELEGATES TO THE TOWN SUPERVISOR THE AUTHORITY TO DETERMINE ALL THE TERMS AND CONDITIONS OF THE BOND ANTICIPATION RENEWAL NOTE AND ANY FUTURE BOND ANTICIPATION NOTES ISSUED FOR THIS PURPOSE.

A motion made by Councilman Szczepaniak and seconded by Councilwoman Stewart to authorize the Bond Anticipation Renewal Note in the amount of \$121,507 at an interest rate of .85% per annum dated October 10, 2014 with the Ballston Spa National Bank for the bonding of the Burnt Hills-Ballston Lake Water District No. 2 Extension #24, Morningdale Court Water District. The Town Board delegates to the Town Supervisor the authority to determine all the terms and conditions of the Bond Anticipation Renewal Note and any future Bond Anticipation Notes issued for this purpose.

Roll Call:

Supervisor Ziegler	YES
Councilman Szczepaniak	YES
Councilman Goslin	YES
Councilwoman Stewart	YES
Councilman Antoski	YES

ADOPTED.

A motion was made by Councilman Goslin and seconded by Councilman Antoski to adjourn the meeting. The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Carol R. Shemo