

A regular meeting was held by the Town Board of the Town of Ballston on Tuesday evening, August 27, 2013 at the Town Hall on Charlton Road.

PRESENT: Patricia Southworth ----- Supervisor
 Mary Beth Hynes ----- Councilwoman
 Timothy Szczepaniak ----- Councilman
 William Goslin ----- Councilman
 Kelly Stewart ----- Councilwoman
 Carol Shemo ----- Clerk
 Murry Brower ----- Counsel

Supervisor Southworth called the meeting to order at 7:35 p.m. and the Pledge of Allegiance was recited. She announced that there would not be a vote on the changes to the Industrial Zoning at this meeting. The Zoning Board of Appeals was not provided with the notice on these changes in time to give their input. There will be a Public Hearing scheduled in September.

RESOLUTION 13-229
AUDIT OF CLAIMS

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

General Fund	No. 339 - 388	\$49,292.98
Highway Fund	No. 350 - 385	233,845.31
Gravel Pit Fund	No. 23 - 29	5,643.68
Park Fund	No. 23 - 28	2,302.77
Library	No. 327 - 367	12,512.35
Water Fund District 2 (SW)	No. 91 - 101	2,145.64
Blue Barnes Rd Dist. No.2 Ext# 13 (BBR)	No. 68 - 78	56.40
Brookline Rd Rte 67 No.2 Ext#12 (BRW)	No. 72 - 81	117.95
Goode St Dist. No.2 Ext#14 (GSW)	No. 68 - 77	78.63
Paradowski Rd Water Dist. No. 5 (RW)	No. 33 - 34	21.31
Route 50 Water No.2 Ext#7 (RTW)	No. 67 - 76	461.13
Scotchbush Water Dist. No.6 ((WW)	No. 34	5.88
Silver Ln Water Dist. No 6 Ext#1 (WX)	No. 33 - 34	10.65
Chapel Hill Water Dist. No. 2 Ext # 18 (CH)	No. 67 - 76	137.91
Brooks Heritage Dist. No.2 Ext #21 (RL)	No. 56 - 65	30.31
Stonebridge Enclave No.2 Ext #19	No. 47 - 56	19.66
Trust & Agency	No. 28	6,787.91

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.
 Nays 0

SUPERVISOR'S REPORT

Supervisor Southworth reported the following:

- The Town was notified by the NYS Department of Taxation and Finance that the Town's equalization rate is 9.80.
- Outlet Road will be closed for bridge repair beginning September 3, 2013.
- Residents need to reapply to the State for the Star Exemption. There is a link on the Assessor's page on the Town website concerning this information.
- Vet Help will sponsor a 5K race on September 29, 2013 at the Saratoga State Park at 9a.m., walkers are welcome.
- The Supervisor and Water Superintendent Whalen worked on the Route 50 Water Report for the USDA. The report, due every three years, was passed and the time to file the next report was extended to six years. A single audit is required for that district and a RFP will need to be written.

COUNCIL MEMBERS REPORTS

Councilman Goslin reported the following:

- The Board discussed ways to honor Town volunteers at a previous meeting and the Board should continue to think about ways to show our appreciation.
- He suggests the Board include money in the budget to update the Comprehensive Plan. He proposes to set aside \$50,000 for the next three years, but the Board can work through how to fund this project.
- Councilmen Goslin and Szczepaniak met with members of the Library to address budget issues. The budget shortfall needs to be addressed; it resolves around the increase in the minimum wage and the use of the fund balance to balance last year's budget.
- Concerning health benefits, he would like to adopt a high deductible plan to offset the increase in health costs. The Board should discuss this with employees and keep them informed.
Supervisor Southworth will ask the broker to come to the salary workshop to discuss this plan with employees. She asked Councilman Szczepaniak to speak with the labor attorney concerning this item.
- He said the Board needs to take over the role for financial oversight as was outlined in the CAP report sent to the NYS Comptroller. The Board needs to review the plan to see where we are with implementing the changes.

PRESENTATION ON KATZ ROUTE 50 PUDD

Jason Dell, engineer with Lansing Engineering, represented Mr. Katz concerning the Katz Route 50 PUDD. This is his second presentation on Mr. Katz's PUDD. He addressed the items the Board outlined at the Town Board Meeting on June 11, 2013. There will be a total of 121 apartment units, 62 single family units, an increase of 12,000 square feet of retail commercial building and a reduction in the number of parking stalls with shared parking with retail and residential units. The density was reduced and the single family homes were spread out by extending the road to the west.

The sewer line will be extended and there will be a substantial upgrade to the pump station. There will be 41 acres of property that will be conserved including wooded and open field areas as well as wetlands.

Councilwoman Stewart asked Mr. Dell how the parcel is zoned and how many miles of road will be built.

Mr. Dell answered 60 acres are zoned rural and 30 acres are in the Business Highway. There will be about 1.2 miles of roadway built to Town specifications and will be conveyed to the Town.

Councilwoman Hynes asked the proposed square footage of the residential homes.

Mr. Dell stated that the homes are 1700 – 1900 sq. ft.

Councilman Szczepaniak asked what part of the project will begin first.

Mr. Katz answered the apartments will be built first.

Supervisor Southworth polled the Board to see if the concept for this PUDD should be sent to the Planning Board.

Councilman Goslin stated he is not happy with the density of the single family homes. This is a rural property and this proposal shows 5-6 houses per acre. This would be similar to a TND design. He realizes that the number of homes is to offset the cost of the sewer line. He likes the location and the commercial unit is fine.

Councilwoman Stewart feels there are too many apartment buildings. Since this is in the Business Highway 1 Zone, she would like to see more commercial development. She said there are too many apartment buildings being constructed and this puts a burden on the school district and traffic. The area along Route 50 is the commercial corridor. We need to

increase the commercial tax base so we can afford the schools, sewers and public protection. She does not have a problem with the high density with the single family homes, since this is a personal choice of the home buyer.

Councilwoman Hynes stated in the last 8 years there have been many PUDD requests. The Town is zoned a particular way for a reason. When the Town completed the Comprehensive Plan, they updated the zoning and had a lot of input from the public. The public wants to keep the rural feeling of the Town with a commercial corridor along Route 50. A Planned Unit Development District is an exception to the zoning and creates its own legislation. The proposal should be so compelling to warrant new legislation to allow it. How do all these apartments benefit the Town? She is more interested in expanding the Business Highway for commercial than having dense housing in a rural area.

Councilman Szczepaniak is in favor of this project. Mr. Katz just needs direction from the Board. The Town Board needs to do their due diligence and give a clear picture of what they want to see with this project. The extension of the sewer line is great attribute of this project. The Board has asked for increase retail. How much retail is enough for this project?

Supervisor Southworth stated that other properties will benefit with the upgrade to the pump station. The sewer line brings big advantages. Mr. Katz did what the Board asked him at the last presentation. He reduced the number of single family units and parking stalls and increased the commercial. She understands the Board's concern about the density of the residential verses commercial but it is a balancing act. She would rather see the development here than out in the rural community.

Deputy Supervisor Merchant voiced his concern about the increased development with the number of apartments and houses being built.

Mr. Adams asked about the wetlands and the preserved trails on this property.

Ms. Meyers asked about the steps taken not to pollute the wetlands.

Ms. Windels asked about the water runoff into the wetlands and their plans to deal with unusual storms we have experienced.

Supervisor Southworth reviewed the PUDD process and explained that the Stormwater Management issues and other requirements will be addressed by the Planning Board, if the Board approves the concept and votes to forward the PUDD to the Planning Board.

PRIVILEGE OF THE FLOOR

Mr. Adams said with all the development in the Town, the sewer system is already overloaded. The Town cannot afford residential development and the number of apartments for this is a major expense to the sewer line.

Supervisor Southworth reported that the Saratoga County Sewer Commission voted to allow upgrades to the sewer at Brookline.

Ms. Merriam thanked the Town Clerk's Office for their excellent service.

Ms. Windels stated there was an attack by a rabid raccoon on an animal and there was no information available for the owner on how to get help with this problem. Since we live in a rural community, she would like this information posted on the Town website.

Supervisor Southworth said no one in the Town is trained to deal with rabid animals but we can give information and referral for State DEC.

Mr. Van Vorst said there were several statements from the Town Board this evening concerning the need for retail and commercial business in our community. Some time ago the Town had an applicant that met our zoning, with minor exceptions. A great deal of energy and effort was made to prevent them from coming to our Town. Then another

application that violated our zoning was presented and a great deal of effort was made in allowing them to come to our Town. This instability has a negative effect on any business that wanted to come to the Town of Ballston. He knows of a business that decided not to come here, since they do not want to invest time and money in establishing a business where the rules change in the middle of the game. The Board should use their effort to develop some stability.

Councilwoman Hynes said that the Board examines the merits of each application. An applicant that brings a PUDD proposal is asking for an exceptional remedy from the Board. There are no guarantees. If the application looks good and appealing and meets the needs of the community, the Board will be receptive; if not, it will not be receptive. Unlike the Planning Board there are no rules to follow; the applicant is asking for changes to the zoning and to create new legislation. During the workshops on the Comprehensive Plan, she received a strong signal from the people in the community that they want to maintain the rural character of the Town and to allow some amenities for its people. This is the philosophy that guides her decisions.

Supervisor Southworth said during the recent turmoil she knows an applicant walked away since the Town Board was not clear about our vision.

OLD BUSINESS

Since many residents at the meeting were concerned with the Lake Road Water District, it was the first item to be discussed under old business. The Town Assessor calculated the cost of the district if the expense is spread across District No.2., without its extensions. The cost would be 9¢ per \$1,000 of assessment.

Mr. Solosky, a resident of this proposed district, said the people hired CT Male to conduct the study and the total cost was \$1500 and that the whole district would benefit from the loop.

Mr. Monaco said that he has a hydrogen sulfide problem with his water and has run out of water three times in the last four years. Under the cost option based on assessment, the Comptroller's office will not allow the extension to be created because it will be three times the allowable ceiling.

Ms. Monroe asked the Board if they read the report submitted by CT Male.

Mr. Rosamino said the residents of this proposed district spent the money for this study. They are frustrated with this situation with the increased traffic from Stonebridge Development and having the water so close to them. The Board needs to approve this district and have the loop that will benefit all users of the water district.

Councilman Goslin said he is aware that the residents need water but the method of payment for this water district goes against every precedent and water district in this Town. The Goode Street Water District requires \$9100 from each member of that district. Everyone in the Town who does not have water will be before the Board asking for a water district with the same rate. The Water Department has had a major expense with the water tower painting and the water rate has not been increased, so the residents of Lake Road would have to pay something into the district.

Ms. Alling asked about the Water District Consolidation and if the Lake Road Water could be included.

Supervisor Southworth explained that the plan for consolidation was to help segregate the expenses for maintenance and operation in one area and the debt in another. Also in the past, all expenses were taken out of the main water district, Water District No. 2, and now are taken out of the proper extension. This is a more equitable system but increased the bookkeeping procedures. Water Consolidation would simplify this bookkeeping process. Also extensions after 2008 didn't get added into existing systems so the new homes are not paying for the debt of an existing water district but are benefitting by their connection.

Councilwoman Hynes understand that the residents need the water. The question is how to pay for it. What is the rationale to make this water district an exception to the way the districts are handled? There would have to be an extraordinary benefit to the district as a whole in order to deviate from the precedent that we have established in the Town. The Scotch Bush Road Water District is a similar situation to the Lake Road Water and they would need to be added at the same time with the same method of payment.

Councilman Szczepaniak said the Board needs to do its due diligence and work out a plan to help these residents.

Supervisor Southworth said the Board would look at possible alternative ways to fund this district.

Discussion continued on old business:

1. 14 Lakehill Road

Town Attorney Brower said that Mr. Neuzil was located and has legal representation. There will be a court conference date on September 9, 2013.

Supervisor Southworth thanked Mr. Merriam for his assistance with the resolution to this problem.

2. Estate of Frank Schizdick and Anchor Diamond Park –

The Town Clerk read the letter from Mr. Lawrence P. Grasso, Trustee of Anchor Diamond Trust, to Hon. Richard A. Kupferman concerning the purchase of land for Anchor Diamond Park.

Supervisor Southworth asked for direction from the Board concerning this letter and asked the Board to help complete the questionnaire for the Environmental Survey needed by CT Male.

Attorney Brower responded that in his letter Mr. Grasso is proposing a different interpretation of the Schizdick will. It is not the interpretation of the will by the current Surrogate Court Judge, nor the interpretation of the past Surrogate Court Judge, the Attorney General and the Town Attorney. The court interpretation of the will is for the trustee to purchase the property and the Town to select the property. We have been working under that understanding for the last five years. This is a suggestion that we change the process by Mr. Grasso. Mr. Brower would not have asked the Board to pay for the environmental survey if the process had changed. We need to continue with the environmental study and if there are no problems, we proceed with the purchase of the Lang property. If there are problems, the Town does not purchase the property.

Councilman Goslin was appalled by Mr. Grasso's letter. The Board started working on the process of selecting a piece of property over two years ago. The selection involved evaluating three parcels. Now Mr. Grasso offers a different property, one that was not offered as a parcel from the beginning, as the parcel of choice. He said there are people working against the wishes of this Board and what they decided to do for the land purchase.

Councilman Szczepaniak said this letter negates all the hard work the Parks and Recreation Committee has done over the past three years.

Councilwoman Hynes asked who proposed this other property to the Trustee. Mr. Russell, the Chairman of the Parks and Recreation Committee, be given a copy of Mr. Grasso's letter.

The Board completed the questionnaire for the Environmental Survey.

3. Sewer Study –

Councilman Goslin reported that the next meeting of the Clear Water Initiative Committee will meet Monday, September 23rd at 7 p.m.

4. Hawkwood Proposal – no update

5. Bike Path Extension – no update

6. Water District Consolidation – no update

7. White Beach Road

The necessary paperwork has been filed and this item has been completed

8. Connolly Road – in litigation

9. Industrial Zoning Legislation – reschedule the Public Hearing

10. Security Cameras for the Town Hall

The cost of security cameras is in the range of \$10,000 - \$12,000 and it is being considered for the 2014 Town Budget. This item has been completed.

11. Bridgewater Apartments

The property owner of Bridgewater Apartments has requested a water connection and the property owner is preparing the necessary paperwork. These completed documents will be forwarded to the Board

12. Lake Road Water District – see above

13. Route 50 Turn Lane

The necessary paperwork has been received at the NYSDOT. The preconstruction meeting is scheduled for September 3, 2013

14. Water Disconnection Fees

Councilwoman Stewart provided information to the Board for their review to be discussed at a future Town Board meeting.

15. Oliver Property

RESOLUTION 13-230

DECLARE THE OLIVER PROPERTY ON ROUTE 50, TAX MAP SECTION 239.-1-6-1, UNSAFE AND ORDER ITS REPAIR

Motion by: Councilwoman Hynes

Seconded by: Councilwoman Stewart

WHEREAS, the Building Inspector of the Town of Ballston, New York (the "Town") has reported to the Town Board that he has determined that real property of William T. Oliver who is the owner of public record, which real property is located at Rt. 50, Town Of Ballston, New York, is designated by property transaction/tax map identification number Tax Map Section 239.-1.6-1., is not in compliance with Town Law Chapter 52, BUILDINGS, UNSAFE of the Code of the Town of Ballston and the New York State Property and Maintenance Code, 19 NYCRR 1226 as incorporated in the Town Code under Chapter 52 and that he has prepared a written report and dated June 7, 2013 and has presented evidence of the unsafe condition of the structure located at Rt. 50, Tax Map Section 239.-1.6-1 as described in Town Code § 52-1.

WHEREAS, it is the determination of the Town of Ballston that the property is not safe as described in the reports of the Building Inspector, Thomas Johnson, it is hereby,

RESOLVED that the Town Board finds the property to be unsafe and dangerous under § 52-2 of the Code of the Town of Ballston and hereby authorizes and instructs the Town Code Enforcement Officer to serve upon William T. Oliver, in accordance with local law § 52-3 notice as described in §52-3 and §52-4 informing William T. Oliver to begin repairs within thirty days and that said repairs be completed within 60 days of said notice having been given and it is hereby,

RESOLVED that if the repairs are not completed within the time set forth in the Code of the Town of Ballston § 52-3, the Board authorizes the Code Enforcement Officer and or the Building Inspector to pursue the remedies described in § 52-3, to retain engineers for the proper prosecution of said local law and to obtain: an order and/or judgment

compelling compliance with the said Property Maintenance Ordinance and/or permitting the Town to bring said real property into compliance, charging the cost to the owner(s), and making any unpaid costs a lien against the property as provided by said Property Maintenance Ordinance; and to costs, expenses and attorneys fees incurred in the action and making the same a lien against the property as provided by said Property Maintenance Ordinance; (3) any other fine, penalty or relief provided by §52-8 of the Code of the Town of Ballston and the Laws of the State of New York, in the event the illegal conditions set forth in the annexed Notice are not repaired.

Town Board Supervisor Patricia A. Southworth,

Board Members, William Goslin, Timothy Szczepaniak, Kelly Stewart and Mary Beth Hynes

Town Attorney — Murry Brower

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.
Nays 0

16. Labor Negotiations – Meeting is scheduled for Friday, August 30, 2013.
17. Morningdale Court Water District Extension – see resolution below
18. Proposed Zoning Change to allow Micro-distilleries in Business Highway Zoned Areas – will be discussed at the next Town Board Meeting
19. Noise Ordinance
Councilwoman Stewart will research permitted uses and include farm machinery and equipment under the Right to Farm Law.
20. LED Signs – no update

NEW BUSINESS FOR CONSIDERATION AND ACTION:

RESOLUTION 13-231

APPROVE THE TRANSFER OF \$189.87 FROM THE HISTORIAN CONTRACTUAL ACCOUNT, 75104.01 TO BALLSTON 225TH CELEBRATION ACCOUNT, 75504.01.055.23 TO BALANCE THESE ACCOUNTS IN THE BUDGET.

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to approve the transfer of \$189.87 from the Historian Contractual Account, 75104.01 to Ballston 225th Celebration Account, 75504.01.055.23 to balance these accounts in the budget.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.
Nays 0

RESOLUTION 13-232

SET A PUBLIC HEARING FOR THE CHANGES TO THE INDUSTRIAL ZONING LEGISLATION FOR TUESDAY, SEPTEMBER 24, 2013 AT 7:00 P.M.

A motion was made by Councilman Goslin and seconded by Councilwoman Hynes to set a Public Hearing for the changes to the Industrial Zoning Legislation for Tuesday, September 24, 2013 at 7:00 p.m.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.
Nays 0

RESOLUTION 13-233

SET THE BID OPENING FOR BURNT HILLS-BALLSTON LAKE WATER DISTRICT NO.2 EXT#24, MORNINGDALE COURT WATER DISTRICT, FOR THURSDAY, SEPTEMBER 19, 2013 AT 2:00 P.M.

A motion was made by Councilman Goslin and seconded by Councilwoman Hynes to set a Bid Opening for the_Burnt Hills-Ballston Lake Water District No.2 Ext #24, Morningdale Court Water District, for Thursday, September 19, 2013 at 2:00 p.m.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

RESOLUTION 13-234

NAME THE TOWN BOARD LEAD AGENCY FOR LOCAL LAW NO. 2 OF 2013, CONCERNING CHANGES TO THE BEACON HILL PLANNED UNIT DEVELOPMENT DISTRICT

A motion was made by Councilwoman Hynes and seconded by Councilwoman Stewart to name the Town Board Lead Agency for Local Law No. 2 of 2013 concerning changes to the Beacon Hill Planned Unit Development District.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

RESOLUTION 13-235

ESTABLISH A TYPE 2 UNLISTED SEQRA DECLARATION FOR LOCAL LAW NO.2 OF 2013 CONCERNING CHANGES TO THE BEACON HILL PLANNED UNIT DEVELOPMENT DISTRICT.

A motion was made by Supervisor Southworth and seconded by Councilwoman Hynes to establish a Type 2 Unlisted SEQRA Declaration for Local Law No. 2 of 2013 concerning changes to the Beacon Hill Planned Unit Development District.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman Szczepaniak, Councilman Goslin and Councilwoman Stewart.

Nays 0

RESOLUTION 12-236

APPROVE LOCAL LAW NO. 2 OF 2013 CONCERNING AMENDMENTS TO THE BEACON HILL PLANNED UNIT DEVELOPMENT DISTRICT.

A motion was made by Councilwoman Stewart and seconded by Councilwoman Hynes to approve Local Law No.2 of 2013 concerning the proposed amendment that would change Section 5 B to add to the list of allowable uses within Area B of Beacon Hill of the current local law.

Local Law No. 2 of 2013 Beacon Hill PUDD Amendments

The proposed amendment would change Section 5 B to add to the list of allowable uses within Area B of Beacon Hill of the current local law. New information and new numbering is underlined.

Section 5.

B. Allowable uses within Area B of Beacon Hill shall include the following:

(1)Offices: business, professional, medical, governmental, financial, banks.

(2)Business signs for businesses that are located within Beacon Hill.

(3)Public utility structures.

(4)Residential Living communities

(5)1.51 A fifty-two-unit residential condominium which shall consist of 13 four-unit buildings, all such units containing attached garages and a parking space in front of each garage. [Amended 12-6-2005 by L.L. No. 7-2005; 8-7-2012 by L.L. No. 3-2012] (was number 4)

(6) Day-care facilities.

(7) Church.

(8)Restaurant.

(9)Retail sales.

(10)Existing billboard signs only.

(11)Mixed Use Building: This shall include mixing any use within Section 5B with residential dwelling units.

ADOPTED: Ayes 5 Supervisor Southworth, Councilwoman Hynes, Councilman
Szczepaniak, Councilman Goslin and Councilwoman Stewart.
Nays 0

DISCUSSION AND POSSIBLE VOTE:

Request by the property owner to donate property at 16 Commerce Drive to the Town of Ballston.

Mr. Harold Schultz proposes to donate his property at 16 Commerce Drive, SBL 228.-2-48.1, to the Town of Ballston. The lot consists of approximately 5.76+/- acres. He proposes donating this property provided that it is never sold and its use is restricted to passive recreation. The donation is contingent on a transfer date of no later than December 31, 2013, as well as existing stormwater limitations. The transfer of title will act as a buffer from neighboring residential uses.

Councilwoman Hynes asked Mr. Schultz if the Town Board could walk this property.

Mr. Schultz said the Town Board could walk the property and provided a map of the site plan to the Town Clerk to help them locate the parcel.

Supervisor Southworth provided the Board with a copy of the tax bill, assessment information and a map of the property. She said the Board will take a look at the property before discussion of this property donation at a Town Board meeting.

Councilwoman Hynes made a motion and Councilman Szczepaniak seconded the motion to adjourn the meeting.

Respectfully submitted,

Carol R. Shemo
Town Clerk