

A Town Board Agenda Meeting was held by the Town Board of the Town of Ballston on Tuesday evening, March 29, 2022, via Zoom video conferencing.

PRESENT:	Eric Connolly	Supervisor
	Kelly Jasinski	Councilwoman
	Chuck Curtiss	Councilman
	Michael Carota	Councilman
	Rob Fendrick	Councilman
	Jodi Hollowood	Deputy Town Clerk
	Debra Kaelin	Town Attorney

Supervisor Connolly called the meeting to order at 6:30 p.m. and the Pledge of Allegiance was recited.

OLD BUSINESS

Ballston Lake Sewer Project Update

Ed Hernandez, engineer for the project, reported that the project continues to move well and continues to be on schedule for completion this summer and fall. The project remains \$1.35 million dollars under budget. The work on the new pumpstation across the street from Carney's is about 90 percent complete. Within the next couple of weeks, they will be doing the jack and bore of the 20' steel casing under the railroad. Upon review of the two payment applications that are on the agenda for this evening, it is the recommendation of the Sewer committee that approval for payment be issued to both Contractor # 1 and Contractor # 5. Supervisor Connolly asked for an update on how we were doing with the easement for the Ballston Lake Fire Department Memorial Park. Mr. Hernandez said that they have been working with National Grid since January. There has been back and forth with questions from National Grid and then revisions being submitted. He did receive an email from National Grid this morning asking for additional survey information on the plans. The Sewer committee is working to put that together and hopes to get that to them in the next couple of days. National Grid is happy with the plan in general and they do not have an issue with what is being proposed to be put on Ballston Lake Fire Department Memorial Park facility. National Grid just wants to work out a few details with distances to existing utilities. Mr. Hernandez hopes to have the license agreement very soon. Supervisor Connolly stated that the Town is working on the dates for acceptance of the sewer assistance applications, the documentation that will be needed, and the last date for filing. He also indicated that the railroad that will be dug under for the sewer project happens to be in rough shape. The railroad company was not responsive to phone calls that were made so with the help of Assemblywoman Walsh, the railroad has agreed to make a temporary repair and then a permanent repair soon after. Mr. Hernandez stated that sewer connection of the east side of the lake should be turned over to the County and put into operation sometime this summer. The west side will be late fall to early spring 2023. He is hopeful that the west side will occur before the later date indicated.

Comp Plan, Zoning, and Final Generic Environmental Impact Statement (FGEIS) Update

Jackie Hakes from MJ Engineering gave an update on where we are in the process. She stated that the Draft Generic Environmental Impact Statement was accepted by the Board back on January 11th and then a Public Hearing was set on that document for February 8th. The public written comment period on the DGEIS was kept open through February 18th. From there MJ Engineering, along with the Town's help, prepared the Final Generic Environmental Impact Statement. In this document is documentation from the public comments and then the responses to those public comments, the Draft Generic Environmental Impact Statement with all its appendices, the Draft Comp Plan, and the proposed Zoning amendments. The FGEIS also includes any modifications to the DGEIS in the form of an Errata section. The FGEIS appendices include, among other things, the updated proposed zoning amendments that reflects input from the current Board as well as public comment. The action before the Board tonight is to accept the FGEIS and what that would do would be to trigger a no less than 10-day public comment period on the FGEIS. This is an important next step. Should the Board accept the FGEIS this evening the next and ultimately final step in the SEQRA process that the Town has been working toward is a Findings Statement. A SEQRA Findings Statement which would identify and summarize the impacts identified in the DGEIS and the FGEIS as well as the mitigation measures to address them. The Board's next step would be to adopt that Findings Statement. That would leave the final steps of the overall process and that is to consider adopting

the Town's Comprehensive Plan. Once that is adopted, the last and final step would be adopting the proposed zoning amendments. The Town is nearing the end of this long journey with the Comp plan, proposed Zoning, and GEIS. Supervisor Connolly followed up by saying that things are lining up for us to come out of Moratorium at our last meeting in April. The Town probably could have come out a little sooner but there were just a few details that we wanted to take care of to make sure the Building Department is really prepared and ready to go to come out of Moratorium and make sure that everyone has the information they need for the new parts of our zoning. The Board has heard from Ms. Hakes regarding the Planning Board report to the Town Board, and, on behalf of the Town Board, he wanted to thank Chairman Van Vorst, Attorney Keniry and the Planning Board members for taking the time to review the proposed zoning amendments and comments to the Town Board. The report has been reviewed and is made part of our public record. We appreciate the Planning Board's hard work and commitment to the Town of Ballston. This has been a long-convoluted process but a necessary process. Supervisor Connolly is excited to come out of moratorium for everyone who has been waiting for this time to come. It is really going to set the Town up for success for the next 10 to 15 years with what is being put into place.

Grants Update

Supervisor Connolly reported that we should be hearing from the State soon on whether or not the Town was awarded the grant that was submitted to connect the Veteran's Bike trail to the Zim Smith Trail. The grant would cover the engineering fees as well as the construction costs. In addition, Assemblywoman Walsh helped the Town secure a grant to study the traffic at the corner of Route 67 and Route 50.

Parks & Rec Committee Report

Councilman Fendrick reported that the committee is actively looking for new members. Anyone interested in helping out would be greatly appreciated. There will be a presentation given at the April 12th board meeting for the installation of a gaga ball court in Jenkins Park. The committee is considering a couple of different options to get the fishing pier up and running as well as options for kayak launching. They are currently working with a sign company for the Parks & Rec Committee to label some of their areas. These signs had been budgeted for last year, but the money needed was not enough. The committee will be requesting additional funds. Anchor Diamond Park has some hemlock trees that have infestation. Chris from the Cornell Cooperative Extension gave a detailed presentation to the committee. It included what trees had been treated in 2018 as well as data on how well the trees have taken to the treatments and which trees need to be treated. The best optimal time to treat those trees are in the fall. The committee will look into possible grant funding and how to get those trees treated. Supervisor Connolly stated that Building Inspector Jeff Stickles and Assistant Building Inspector Wayne Howe went over to the Ballston Lake Fire Department Memorial Park to assess the current condition of what used to be the kitchen and the storage shed. They thought that there might be a possibility of repairing the shed, but it has been determined that both structures cannot be saved. Should the Board move forward, the Highway Department will demo the buildings and then back charge to the Parkland Deposits Fund. For safety as well as rental purposes this needs to happen. Michael Gaige will be walking some more parcels. This will include a 4-acre lot off Stonebridge Drive, a 12 ½ acre lot off Stonewall Ave. and a 45-to-55-acre parcel on the usable side of the train tracks on Dominic Drive. The Town is still waiting to hear back on a feasibility study for the second leg of the bike path extension. This would head in a northwesterly fashion and instead of going under the railroad tracks toward Curtis Lumber Industrial Park it would head toward the left of there, behind the Beacon Hill development, over Brookline Rd, over Route 50 and connect with the middle school and high school trails. This feasibility study is being done by MJ Engineering and they are getting close to sharing this information with the Town Board. An unofficial maintenance committee has been formed which consists of Supervisor Connolly, Joe Whalen, and William Gorman. They have been meeting to discuss things that need to be done. Superintendent Whalen added that Councilman Curtiss has sat in on these meetings as well. They have looked at high maintenance items such as plumbing and other things such as routine maintenance. Items included are the HVAC, the Community Room, and the possibility of updating the lighting to LED. In June or July of last year, the Town was looking into getting more energy efficient by updating the windows and doors in the old section of Town Hall. These have not been replaced since they were put in in 1976. There is a process in place with maintenance at Town Hall, not just what needs to be done now but looking into the future as well.

RFP for Doors and Window

This was part of the maintenance discussion. We are still waiting on the final numbers from MJ Engineering.

NEW BUSINESS

Bids for Carpenters Acres Sewer Project

Kathryn Serra of C.T. Male reported that bids for the project were opened on March 15th. There were 11 bids submitted. She was excited to see that much interest in the project. She provided the Town with the results as well as the tabulation of the four lowest bidders. The bids were reviewed for accuracy and conformance of bid requirements. The low bidder was Tom Kubricky Company, Inc. (TKC). Their qualifications were reviewed, and they were deemed acceptable to do the work. TKC's amount was \$528,147.00. The amount allocated for construction was about \$575,000 so this bid does fall within the amount that the Town has allocated for the project. Supervisor Connolly stated that it was determined by our finance office that ARPA funds will be able to be used toward sewer hookup assistance for this project as well as Ballston Lake. Applicants must fall within 3 times the poverty level to qualify. More information on this will be posted on the website and Facebook.

Water Training Conference

Water Superintendent Joe Whalen has two Highway employees who are interested in getting their water certification. He has 13 employees in the Highway Department and currently only seven of them are NYS certified with the Board of Health. He recommends the Town Board approve sending them to school in Morrisville. He appreciates any of his employees stepping up to become certified. Water is a major revenue for the Town and anyone wishing to go for training he would just assume send them.

Mowing for Jenkins Park and Ballston Lake Fire Department Memorial Park (BLFDMP)

Quotes were received by the two vendors who currently provide services to the Town for both Jenkins Park and BLFDMP. Both vendors submitted quotes. One was Bryerwood Tree and Lawn Service. This company has been maintaining Jenkins Park for quite a few years now. The other is Hometown who currently does the BLFDMP and maintains the sidewalks at Town Hall in the winter. Hometown was cheaper for both by \$25. Both for weekly mowing at Jenkins Park, the baseball fields, trimming of the entire property every three weeks, and mowing the larger baseball field, as well as BLFDMP based on the prior contract which included mowing every other week. The Board needs to consider which one of these quotes they want to go with. Hopefully this can be voted on at the April 12th meeting.

Flag Day Parade

Supervisor Connolly stated that Rick Reynolds and his committee are hard at work moving forward with the parade. COVID numbers continue to remain low and should not have any impact on the parade this year.

Radar Speed Sign Displays

Supervisor Connolly spoke about the tragic accident that took a resident's life and hospitalized his wife. The Town is looking at overall safety. Farming activities are going to pick up. The Board is looking into installing solar radar speed signs. He is hopeful that this will make people aware of the speed limit and get them to slow down, reducing the possibility for further accidents. Highway Superintendent Joe Whalen sent out bids from other contracts on these signs. There are currently two signs that are battery powered. They need to have the batteries changed out weekly, sometimes more frequently than five days, sometimes three when it is cold out. He wanted to make the Board aware of the difference. Superintendent Whalen sees these signs as suggested speed limit signs, they flash your speed, and you hope that the motorist slows down. They tend to work only for a few days until drivers begin to realize they aren't taking their picture and not being issued a ticket. Speeding is an enforcement issue and until people are handed paper and fined, they will continue to do what they do daily and that is to rush to work and rush home from work or wherever they may be going. The Town is well over 10,000 people based on the most recent Census. Where do we go with this? Do we spend the kind of money for patrol? He sees over ten sites in Town where you could place these signs. Will they work? Are they going to cure the problem? He feels that something more needs to be done rather than wasting \$3,500 apiece on these signs. Councilman Curtiss feels that this is a genuine safety issue.

Everyone has a right to be on the road whether they are pushing a stroller, riding a horse, walking, or running. Speed is a dangerous situation for everyone. He thinks the signs would just be a waste of taxpayer money without having the enforcement behind it. He put a phone call in to Charlton Supervisor Grasso to find out what the costs are with having a constable in their Town. He believes that not many people speed through the Village on Charlton Road. That is due to the fact that tickets are being issued. Would they be willing to subcontract out and have this patrol on at least our rural roads? He is still waiting to hear back. He is planning to make a follow-up phone call. He agrees with Superintendent Whalen and the only thing that is going to cure this is fines. We need to write tickets, we need enforcement. You almost never see cars pulled over west of Route 50. We need to take some action. He plans to have cost numbers for the next Board meeting. Councilwoman Jasinski thinks it boils down to do we care enough about our residents to do something proactive to make it so that people who are speeding will get ticketed. She is totally on board with having enforcement. Councilman Fendrick added that he has one of these signs on his road and lives very close to the Burnt Hills – Ballston Lake High School. When school gets out in the afternoon, the students feel they need to see who can get the highest speed score. Sometimes he has noticed that the sign doesn't work for weeks at a time. He agrees with the need for tickets to be issued. Supervisor Connolly appreciates Councilman Curtiss making the phone call and looking into maybe a different option than the speed signs. He also is in favor of enforcement. As this is a budgetary issue, we are really talking about 2023. We would need to do research on the cost to have enforcement. Superintendent Whalen suggests reaching out to Sheriff Zurlo as well as the State Police. Reaching out to all three will give us the info that we will need when it comes time for working on the budget.

Building Department Personnel

Nisha Merchant's resignation is on the agenda tonight. Supervisor Connolly feels she was a fabulous hire and helped the Building Department establish some really good procedures and protocols on how to handle a very busy department. She is looking for a new challenge and has taken a position with the County. The Town has started looking at eligible people from the civil service list to fill her position as Senior clerk. This may prove to be a challenge as the list is over two years old. The Town will try to fill this vacancy as quickly as possible. In addition, the Town is looking to hire a part time clerk to act as the Planning and Zoning Board secretary. The part time clerk will sit in on the intake meeting, attend the Planning and Zoning Board meetings and prepare each of the boards' meeting minutes. The Senior clerk will no longer have this responsibility as one of their duties.

Walkway Fishing Pier

Supervisor Connolly reported that the damage to the pier came about quickly, and the Town needed to shut it down due to safety issues. We have sought proposals on two different items. One is for the demolition of the old pier consisting of the pressure treated part as well as the walkway. The new piece that was put in last year is a floating dock which is made of all vinyl and aluminum. The second proposal will be going out to replace the whole thing with more durable things like the vinyl and aluminum. The new pier will be wider for easier access for people launching kayaks. We are looking at estimated costs of \$200,000. This will not create any new expense to the taxpayer as there is no Town tax. This purchase will come from our Parkland Deposit Fund. Councilwoman Jasinski wondered if ARPA funds could be used for this as it is a public walkway? Comptroller David Urkevich stated that this is certainly a valid item to be paid for through ARPA funds. Supervisor Connolly questioned whether he would be in favor of this. The Town already has a number of projects identified and we are trying to leave a big chunk of change for water infrastructure improvements. We want to be able to complete the loop at Route 67 and Route 50; to improve resiliency of our water infrastructure and then do an additional creation of the loop over by Ballston Lake. Superintendent Whalen also believes that the ARPA funds should be used for infrastructure improvement and equipment. Councilman Curtiss questioned the maintenance that will be required on the new fishing pier? Will it need to be taken out of the lake in the fall? We need to come up with a maintenance plan. Supervisor Connolly stated that he spoke with the owner of Adirondack Docks and there will be little to no maintenance needed and minimal risk for damage to occur to the new system.

Highway Equipment Purchase

Superintendent Whalen stated that the John Deere Track Loader he is looking for Town Board approval on is not only a Highway Department purchase but a multi department purchase. He looked at what his department currently takes care of and what they are going to start taking care of. Within the next year he sees having to take care of trails and walkways if a parkland district

is created. This piece of equipment will be an additional help to caring for the retention ponds; some of them having steep slopes which require many hours of man powered weed whacking. This will also help with any maintenance on any additional extension of sidewalks. This piece of equipment and its extensions will be utilized in more than just Highway. In addition to this John Deere, he looked at Cat and Bobcat. He felt that this one was the best fit for the garage. This item is on the State OGS contract list therefore there is no need to go out to bid. The purchase of this item will be put on for consideration at the April 12th meeting. This purchase will come from the use of the ARPA funds.

Privilege of the floor ONLY on items for consideration and action this evening.

No one wished to speak.

NEW BUSINESS FOR CONSIDERATION AND ACTION THIS EVENING

RESOLUTION 22-85

APPROVE THE MONTHLY BILLS FOR MARCH 2022.

A motion was made by Councilwoman Jasinski and seconded by Councilman Fendrick. The bills were approved for payment as set forth in the abstract dated March 29, 2022.

General Fund	No. 126-189	\$101,620.26
Highway Fund	No. 134-184	74,889.96
Capital Projects	No. 3-6	9,914.31
Morningdale Court Water Ext. 24	No. 19-25	6,454.57
Library Fund	No. 23	95.00
Paradowski Road Water Ext. 5	No. 19-24	18.31
Jenkins Park Fund	No. 10-12	588.86
Consolidated Water District	No. 63-90	31,291.07
Trust and Agency	No. 21-32	21,707.15
Total:		246,579.49

A motion was made by Councilwoman Jasinski and seconded by Councilman Fendrick.
 ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,
 Councilwoman Jasinski and Supervisor Connolly
 Nays 0

RESOLUTION 22-86

APPROVE PAYMENT TO TRINITY CONSTRUCTION UNDER CONTRACT #1 FOR THE BALLSTON LAKE SEWER DISTRICT IN THE AMOUNT OF \$71,297.50 FOR WORK COMPLETED.

A motion was made by Councilman Carota and seconded by Councilwoman Jasinski.
 ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,
 Councilwoman Jasinski and Supervisor Connolly
 Nays 0

RESOLUTION 22-87

APPROVE PAYMENT TO SPRING ELECTRIC UNDER CONTRACT #5 FOR THE BALLSTON LAKE SEWER DISTRICT IN THE AMOUNT OF \$13,499.50 FOR WORK COMPLETED.

A motion was made by Councilwoman Jasinski and seconded by Councilman Fendrick.
 ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick,
 Councilwoman Jasinski and Supervisor Connolly
 Nays 0

RESOLUTION 22-88

ACCEPT THE FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (FGEIS) AND AUTHORIZE THE TOWN CLERK TO CAUSE A NOTICE OF COMPLETION TO INTERESTED AGENCIES WHICH SHALL INITIATE A 10-DAY REVIEW

PERIOD FROM THE FILING OF THE NOTICE OF COMPLETION.

A motion was made by Councilwoman Jasinski and seconded by Councilman Fendrick.

WHEREAS, the Town Board of the Town of Ballston has considered the proposed Town of Ballston Comprehensive Plan and Zoning Amendments; and

WHEREAS, adoption of the Comprehensive Plan Update and Zoning amendments is a Type 1 action pursuant to the State Environmental Quality Review Act (SEQRA), 6 NYCRR 917.4(b)(1), and

WHEREAS, on August 10, 2021 the Town Board initiated the required coordinated review with involved agencies to declare and serve as lead agency under State Environmental Quality Review Act (SEQRA); and

WHEREAS, pursuant to SEQRA, Town Board has prepared and completed Parts 1 and 2 of the Full Environmental Assessment Form (FEAF); and the Board has duly reviewed the FEAF and has considered the criteria contained in 6 NYCRR §617.7(c) to determine whether the proposed action will have a significant impact on the environment; and

WHEREAS, on October 12, 2021 the Town Board declared itself lead agency for the purposes of SEQR and determined that the adoption of the proposed Comprehensive Plan and Zoning amendments may have a potential significant adverse impact on the environment and issued a Positive Declaration requiring the preparation of a Generic Environmental Impact Statement (GEIS); and

WHEREAS, per 6 NYCRR 617.8, a SEQR scoping is intended to focus the GEIS on potentially significant adverse impacts and eliminate consideration of those impacts that are not significant and that scoping must include an opportunity for public comment; and

WHEREAS, the Town Board set a written public comment period for the purpose of SEQR scoping from November 9, 2021 through November 30, 2021 and held a public scoping session on November 30, 2021 via the Zoom conferencing platform. Written comments could be submitted to the Town Clerk at Town Hall 323 Charlton Road, Ballston Spa, New York 12020 or by email to cgumienny@townofballstonny.org and the SEQR scoping document was made available to the public on the Town website (<https://www.townofballstonny.org/>), the project website (<https://www.envisionballston.com/>) and hard copies available at Town Hall and the Town of Ballston Community Library; and

WHEREAS, after consideration of public comments received, the Town Board adopted by resolution the final Scoping Document on December 14, 2021; and

WHEREAS, based upon the Final Scoping Document adopted by the Town Board on December 14, 2021, the Town Board caused the preparation of the Draft Generic Environmental Impact Statement (“DGEIS”) by its consultants, MJ Engineering, providing for review and comment of the DGEIS by Town Board members, leading to a completed DGEIS document ready for public review; and

WHEREAS, on January 11, 2022 the Town Board accepted the DGEIS as complete and, prepared with respect to the above SEQRA Action adequate for purposes of commencing public review; and

WHEREAS, on February 8, 2022 the Town Board held a public hearing on the DGEIS via Zoom conferencing platform and extended the written public comment period through February 18, 2022; and

WHEREAS, a Final Generic Environmental Impact Statement (FGEIS) was prepared, and the draft FGEIS contained the comments that were received during the public hearing and the written public comment periods on the DGEIS, as well as responses to those comments, and all additional studies that were undertaken to respond to those comments; and,

WHEREAS, the Town Board members both individually and collectively have carefully reviewed and thoroughly considered the Final Generic Environmental Impact Statement (FGEIS) including, its summary of comments, responses to comments and additional studies.

by directional drill. Work will be performed on Moonlight Drive, Robert Drive, Reita Street, Cindy Lane, and Anthony Place.

WHEREAS, the bids being returnable to the Town Clerk's Office by March 15, 2022, at 2 o'clock pm., to be publicly opened and read at that same time and date; and

WHEREAS, Tom Kubricky Company, Inc. submitted a bid for construction of the Carpenter's Acres Sewer District Low Pressure Sanitary Sewer Project at the time and place in the amount of \$528,147.00; and

WHEREAS, the project engineer, CT Male Associates Engineering, Surveying, Architecture, Landscape Architecture & Geology, DPC reviewed the specifications of the construction contract bid and compared the same to the bidding specifications, along with comparing it to other bidders on the construction contract and finds the same in compliance therewith and recommended Tom Kubricky Company, Inc., being the lowest responsible bidder for construction of the project.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the General Municipal Law, Section 103 and the Town of Ballston Code Chapter 30, the Town Supervisor of the Town is hereby authorized to enter into a contract with Tom Kubricky Company, Inc., for construction of the Carpenter's Acres Sewer District Low Pressure Sanitary Sewer Project in the Town of Ballston, pursuant to the bidding specifications for a maximum cost of \$528,147.00. Payments shall be in accordance with the contract and approved by this Board.

Dated: March 29, 2022

Roll Call Vote:

Councilperson Carota	Aye
Councilperson Curtiss	Aye
Councilperson Jasinski	Aye
Councilperson Fendrick	Aye
Supervisor Connolly	Aye

RESOLUTION 22-95

APPROVE THE PARKS AND REC COMMITTEE TO PURCHASE 150' OF GEO TEXTILE MATS FOR A TRAIL IN ANCHOR DIAMOND PARK FOR AN AMOUNT NOT TO EXCEED \$999.00. MONIES WILL BE TAKEN FROM THE PARKLAND DEPOSIT FUND TO BE REIMBURSED FROM THE ANCHOR DIAMOND TRUST WHEN AVAILABLE.

A motion was made by Councilman Fendrick and seconded by Councilman Carota.

Discussion: Councilman Curtiss asked what are these? Councilman Fendrick stated that these are geo textile mats that go on the ground in an area that is not very marshy but very muddy. Often these areas are on either side of the bog bridges. They lay on the ground to prevent the spread of mud on the bog bridges as well as the trails. They will be looking to purchase more in the future. This is just a trial run. Councilman Carota thinks they are a great idea. They are water permeable, great for the environment and it will only help mitigate the issues with mud.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick
Councilwoman Jasinski and Supervisor Connolly

Nays 0

RESOLUTION 22-96

APPROVE THE PARKS AND REC COMMITTEE TO SPEND AN AMOUNT NOT TO EXCEED \$3,500.00 FOR THE PURCHASE OF LUMBER AND MATERIALS TO BUILD, CONSTRUCT AND REPLACE APPROXIMATELY TEN (10) BOG BRIDGES OVER THE COURSE OF THE SPRING AND SUMMER 2022 AT ANCHOR DIAMOND PARK. MONIES WILL BE TAKEN FROM THE PARKLAND DEPOSIT FUND TO BE REIMBURSED FROM THE ANCHOR DIAMOND TRUST WHEN AVAILABLE. THE COMMITTEE WILL COMPLY WITH THE PROCUREMENT POLICIES SET FORTH IN CHAPTER 30 OF OUR TOWN CODE.

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

Discussion: Councilman Curtiss thinks this is a bargain given the price of lumber. Councilman

Fendrick stated that the bog bridges shake out to be about \$350 a piece just for the lumber. They have volunteers who will be constructing, transporting, and installing them. They are trying to be as resourceful as possible.

ADOPTED Ayes 5 Councilman Curtiss, Councilman Carota, Councilman Fendrick
Councilwoman Jasinski and Supervisor Connolly
Nays 0

A motion was made by Councilman Curtiss and seconded by Councilman Fendrick to enter into Executive Session.

A motion was made by Councilman Carota and seconded by Councilman Fendrick to return to regular session.

RESOLUTION 22-97

DENY THE VARRIANCE APPLICATION SUBMITTED BY JAMES WATSON OF EP LAND SERVICES, LLC ON BEHALF OF GEORGE HUBSCHMITT, OWNER OF CORE TECH INDUSTRIAL CORPORATION, PURSUANT TO SECTION 7 OF TOWN LAW #5 OF 2020, ESTABLISHING A MORATORIUM ON CERTAIN DEVELOPMENT IN THE TOWN OF BALLSTON, FOR PROPERTY LOCATED AT 2A MCCREA HILL ROAD.

A motion was made by Councilwoman Jasinski and seconded by Councilman Curtiss.

DECISION

IN THE MATTER OF George Hubschmitt's application, as the owner of Core Tech Industrial, to the Ballston Town Board to consider a variance, pursuant to Section 7 of Local Law #5 of 2020, Establishing a Moratorium on Certain Development in the Town of Ballston, as requested by the applicant, James Watson, on behalf of George Hubschmitt, owner of Core Tech Industrial Corporation, for property located at 2A McCREA HILL ROAD, Ballston Spa, NY (Tax ID Parcel # 288.-3-59.1) Town of Ballston, New York 12020

The Applicant, James Watson of EP Land Services, LLP, on behalf of George Hubschmitt, owner of Core Tech Industrial Corporation, filed an application with the Town Clerk for the Town of Ballston on or about February 10, 2022, requesting the Ballston Town Board consider a variance, pursuant to Section 7 of Local Law #5 of 2020, Establishing a Moratorium on Certain Development in the Town of Ballston, for property located at 2A McCrea Hill Road, Ballston Spa, NY (Tax ID Parcel # 288.-3-59.1).

The Town of Ballston Town Board, by resolution, scheduled a public hearing for March 8, 2022, at 6:15 pm. The Town Clerk provided at least five days' notice of the hearing date pursuant to the provisions of Local Law #5 of 2020.

On March 8, 2022, the Town of Ballston Town Board held a public hearing starting at 6:15 pm via zoom conferencing platform only.

The Applicant, George Hubschmitt, and his engineer, James Watson of EP Land Services, LLP, appeared at the hearing. A neighbor to the north of the property, Fred Jansen, also spoke at the Public Hearing. Each addressed the Town Board and answered questions from Town Board members.

The Town Board received the application for a variance waiver from EP Land Services, LLP which included a sketch of two proposals for the property.

The Town Board accepts this document as part of the Public Hearing. Other than the applicant, his engineer, and Mr. Jansen, no members of the public spoke at the public hearing and no written comments were received by the Board. The Town Supervisor closed the public hearing at the conclusion of the hearing on March 8, 2022.

The Town Board finds the following facts:

The property, 2A McCrea Hill Road, is located within the Corporate Technology Park, a Planned Unit Development District (PUDD) in the Town of Ballston.

In August 2019, the Planning Board for the Town of Ballston approved a site plan and construction for a 30,000 square foot building on this property.

Applicant performed no work on this site plan, nor did he apply for a building permit from the Town.

More than two years have elapsed since approval by the Town of Ballston Planning Board.

Applicant is proposing a new site plan that includes two buildings on the property each in excess of 5,000 square feet.

Applicant has manufacturing orders and contracts that require use of a new manufacturing facility in 4th quarter of 2022 into 1st quarter of 2023. The applicant did not provide details, financial or otherwise, to the Board.

Demand is up for Applicant's business as the country comes out of Covid restrictions. No facts were presented for how a delay of four (4) to six (6) weeks would affect the Applicant.

Whether Applicant chooses to revert to his 2019 site plan for a 30,000 square foot building or the newer proposal of two (2) smaller buildings totaling in excess of 5,000 square feet each, the site plan is subject to a review by the Town of Ballston Planning Board pursuant to Sections 7 and 10 of the Corporate Technology Park PUDD language and Section 138-145 (F)(5) Site Plan Review Ordinance of the Town of Ballston Code.

Before addressing the criteria set forth in Section 7 of Local Law #5 of 2020 which provides authority to the Town Board to vary or modify an application subject to the moratorium, the Town Board finds that the moratorium statute enacted by the Town on September 8, 2020, and its extensions apply to the application before it as well as Applicant's 2019 approved site plan. The current proposal before this Board requires a site plan approval for *a commercial or industrial development greater than 5,000 square feet*.

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

1. Based upon the facts submitted, a strict interpretation of Local Law #5, the Moratorium ***does not*** impose practical difficulties upon the Applicant.
2. Nor has the Applicant demonstrated any facts showing ***extraordinary*** hardship under the statute.

Since the Town Board has determined the Applicant has not met the criteria of granting a Variance from Local Law #5 of 2020, it cannot consider any additional factors of its Local Law.

This Board notes that this decision, as with all other variance decisions previously made, is fact and case specific to this Applicant.

The Town Board commends the Applicant for proposing a modified project that addresses the goals of green energy and lessens visual impacts to the community; goals the Town hopes to achieve as it comes out of its moratorium with adoption of a targeted Comprehensive Plan and zoning amendments. The Town anticipates it will reach its goal of concluding the moratorium by April 30, 2022.

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

Dated: March 29, 2022

By: The Town of Ballston Town Board

Roll Call Vote:

Councilperson Carota	Aye
Councilperson Curtiss	Aye
Councilperson Fendrick	Aye
Councilperson Jasinski	Aye
Supervisor Connolly	Aye

Privilege of the Floor on any topic

No one wished to speak.

A motion was made by Councilman Carota and seconded by Councilman Fendrick to adjourn the meeting. All were in favor. The meeting adjourned at 9:17 p.m.

Respectfully submitted,

Jodi T. Hollowood
Deputy Town Clerk