

**Ballston Spa
Comprehensive Master Plan Steering Committee
Social Considerations II
September 15, 2022**

Present in Person: Scott Burlingame, Bob Bush, John Cromie, Mathew Ercoline, Jared Iacolucci, Karen Martell, Jackie Pelliccia, and John Behan.

Present on Zoom: Carrie Chapman, Monique Cohen, and Marilyn Stephenson.

Excused: Nafeesa Koslik, Peter Martin, Ellen Mottola.

Observers in Person: Judy Esposito, Liz Kormos, Bernadette VanDeinse-Perez, Frank Rossi, Jr., Joey Yovino-Young, and Jonelle Bardmess.

Observers on Zoom: Gina Rossi.

Meeting was called to order by Karen Martell at 7:04. Jared Iacolucci moved that the minutes of the last meeting, July 21, be approved; Jackie Pelliccia seconded, passed. Karen turned the meeting over to Scott Burlingame to lead the discussion of how our prior discussions will lead to decisions relating to land use.

Scott noted the topic of zoning is huge and that its basic function is to segregate out uses that are incompatible and to protect the character of the community. The format will be a discussion of various themes.

The first topic is how to handle "Misfits, Opportunities, and Unmentionables." These are the larger properties that seem to be on everyone's mind. The next topics will be "Existing Non-conforming Stuff;" "Historic Districts and Old Stuff;" "Parks, Streams, and the Great Outdoors;" "Home Businesses and Couch Surfers;" and "Accessory Dwellings and Buildings."

The Angelica/tannery property at 6.25 acres is one of the largest parcels by CBD. The former Maplewood Manor is 16 acres in R-1. Rickets is 1.25 acres in the commercial zone. Then there are the unmentionables, should decisions take the uses out of the village: county buildings in R1 and R-2; the fairgrounds (27 acres and a 9-acre parking lot in R-1, or even the Malta Avenue school and recreation field in R-1 (4 acres in the village and 3 acres in

the Town of Milton). It is also possible for a developer to create a sizable parcel by buying adjoining lots. Any one of these parcels could change the complexion of the village and should be kept in mind when discussing land use.

It was noted not long ago about 60% of the village is non-conforming. Whether the percentage is accurate, the observation underscores a general lack of compliance with existing zoning. It is unclear if the existing condition is due to lax enforcement or is intentional. People may be reticent and avoid approaching the government, and their best intentions lead to deterioration. Others are bold enough to do what they wish with property and ignore the village.

New York State guidelines indicate zoning is to function to eventually eliminate non-conforming uses to produce a zone of compatible functions.

It was noted that the history of noncompliance helps give the village its *je ne sais qua* and quaintness, so it may not be considered a bad thing. It was noted that the village has evolved over generations and different uses have been accepted. For instance, lower Bath Street area works with its single families, multiple families, warehouse, factory and school. It provides a diverse, active neighborhood that is interesting to live in and a very different opportunity than the more uniform and quieter neighborhoods. In the area around the school it is understood that parking can be a problem and there are two and three family homes, but it is an enjoyable neighborhood in which to live.

There is a question if the variety of uses in a neighborhood has been accepted because people liked it or they accepted it because they couldn't do anything about it. Living on Church Ave. near a group home and duplexes on a busy state road is a place where people choose to live. Zoning out some of the uses may not be the answer.

It seems a characteristic of the village, which gives it its positive identity, is its mixture of uses, whether mixed use residential or mixing commercial with residential, as on Bath Street. Land use regulations should be designed to protect the variety the village has to offer. At the same time regulations cannot be so lax as to allow national chains to come in, raze buildings, and replace the village's retail image. From what the committee has heard from people, the village should try to find a way that stops that type of development without requiring the public to rise up and oppose such plans.

Under current zoning, because a building's use was changed without a variance, it is sitting derelict and unsalable because it will cost so much to revert to a one family. Also, due to the law's space requirements, just to build a garage can take six variances and two months to define what an alley is. By trying to avoid mixed uses or setting up space requirements that are not realistic for many village lots, the process discourages people from engaging with it and encourages property owners to ignore it. If the law is ignored and structures built or uses changed in a reasonable fashion, generally nobody complains and there is no enforcement.

Presently, it is almost impossible to build an accessory structure in the village without needing a variance. If we like the mix of uses, then the Zoning Board needs some guidance and regulations that can actually be enforced. When it comes time to write the code, the village has to be looked at carefully. The zoning law needs to be cleaned up and modernized. The visioning session made it clear people like a mixed-use concept and consider it part of the village's character. The code should be reviewed with present-day sets of eyes. The extensive provisions regarding mobile home parks might be outdated.

The problem of communication is also in play. Residents don't necessarily know where to turn to for information or that there is a reason to seek information when they make changes to their property. As a result, there are many instances where people find themselves asking for forgiveness after the fact. As part of zoning revision, communication and education must be addressed. Whether it be brochures, public meetings, or whatever, if the effort to communicate is not carried out, the village will repeat the past.

The neighborhoods of Colonial Hills, Kelly Square, and Forest Park do not share the variety of uses other parts of the village do. Protecting their homogeneous nature provides village residents with other choices of lifestyle not available in other parts of the community.

Concerns surrounding protection of our charm and historic buildings have arisen throughout the committee's discussions and the historic district's importance has been stressed. A question is the district working and having the desired effect? Does it correlate with the historic nature of the village? Is the current process a burden rather than a resource? What should the goals be for the village as a whole.

Currently, the Historic District Commission receives a referral from the building inspector when there is an application for a building permit. The jurisdiction of the commission is limited to what can be seen from the street. The members prefer to hold their meetings on site with the owner and discuss the options with the owner. Usually, the commission votes on its decision right there and produces a written decision, which is expected to be followed by the owner and enforced by the building inspector, which does not occur with uniformity. The commission has yet to determine how guidelines are to be used and is working with Saratoga Springs', which are well laid out and informative.

In the not distant past, the commission acted without procedure, provided the owner with little guidance, and so unprepared to depend on the owner to supply the paper for its decision so the building permit could proceed. That experience left the impression that the historic district law was ambiguous and may have needed an overhaul.

It was clarified that the commission only reviews facades and does not comment on use. That is the role of the Zoning Board. The commission has met with property owners prior to permit applications. For instance, the owners of the vacant parcel on Ballston and High Streets recently met with the commission and it was suggested, because the West High Street portion of the district is a collection of various styles, the buildings be representative of early 21st century architecture.

There is concern about historic or important structures that are outside the historic district. It was felt there should be at least guidelines for when buildings are changed or property developed to require new structures to blend in and be compatible with the buildings in the village, but not require excessive uniformity nor dictate design elements.

It was noted that the visioning meeting, as in meetings of the committee in the past, Cumberland Farms is looked upon as inappropriate for the center of Ballston Spa. It is an example of what not to do. The people participating in the Zoom portion of the visioning session want to see the historic nature and atmosphere of the village retained. The public has indicated that is why they come to our village. That is why they spend their money. It is very important that guidelines be established for the historic district, which can inform building owners throughout the village.

Another topic that came up in the visioning session was how the parks, streams and green spaces give the village its uniqueness. Does it make sense to have industrial zones along the Kayaderosseras? Perhaps a linear park can be established along the creek connecting the business area at the Blue Mill Bridge to the north end of the village. Opportunities along the creeks have yet to be studied. A conservation overlay area encompassing flood plain along the creeks could be placed in the zoning law.

There seems to be a demand to allow home businesses, accessory units, and Airbnbs in residential zones. Past practice seems to be that businesses which have a traffic flow may go to the zoning board, but if business can be conducted without inconvenience to neighbors, owners would not bother going to the zoning board because they would probably be denied.

It seems most Airbnb issues result from when owners are not present and relate to noise. Guidelines for their use can be developed; perhaps special permits should be required. Perhaps owners should be required to be on site. However, it is not fair to put everyone through a process when the use is abused by a few. If the major complaint is noise then it is not an Airbnb problem, but one of enforcing the village's noise ordinance. Noise also comes from long-term rental units. It is not an exclusive Airbnb problem. A multifamily house in R-1 is not necessarily the problem, it is tenants should be quieter. There should be a way to make owners of Airbnbs and multifamilies responsible for conduct of their tenants.

A common theme seems to be to promote responsibility for property and its use which is tied into promoting home ownership over absentee ownership. A partial solution might be to require the occupant of the primary residential unit (if there is one) to be responsible for complying with the zoning, conduct, and maintenance codes. This would address the situation where the residence is owned by an LLC or Trust and the member or trustee lives elsewhere. But primarily, it would discourage people from renting a principle unit, making such homes with accessory units unattractive to investors.

Airbnbs can be a positive thing for the village by providing housing for people who want to visit here and by making it less likely that a motel may want to establish itself in the village, resulting in teardowns. However, an abundance of Airbnbs can have a negative effect by taking away units which would be rented by residents on limited budgets. It is very likely that long-term rental units will be turned into Airbnbs because current landlord

tenant laws have made long-term rentals unaffordable for the small landowner.

The question of what degree of regulation is optimal so as not to be burdensome but able to protect Ballston Spa's image will be held off to the next meeting. It will be led by John Behan. John noted he was impressed with the attendance at the visioning meeting and the thoughts which came out of it. At the next meeting he will lead us to organize what exists, to document it, and how to protect it from what could be well-meaning but threatening actions.

Karen announced the next meeting to complete the discussion on land use will be on Thursday, October 6. The last scheduled meeting of the committee will be Tuesday [not Thursday] October 18, 7 PM, at which time the committee will look back at its past meetings and separate what is feasible to accomplish from what is not.