

Planning Board Meeting Minutes

Village of Ballston Spa

Held on June 22, 2022

The meeting was called to order at 6:00pm by Chairman O'Connor

Chairman present: Rory O'Connor

Members present: John Battenfield, Scott Burlingame, Peter Martin, Mike McNamara

Also present: Karla Buettner, Village Attorney

Pledge of Allegiance

Chairman O'Connor requested a motion to approve the minutes of the May 11, 2022 meeting. A motion was made by Member Burlingame, seconded by Member Martin, to approve the minutes of the May 11, 2022 meeting. Member McNamara abstained. The motion was approved.

Chairman O'Connor stated this is an informational discussion meeting, not a public hearing and not a debate, on the proposed PDD legislation. The Planning Board would like to give the public the opportunity to read it and ask questions. The Planning Board would like to explain to everyone what the legislation is and what a PDD is. He introduced Karla Buettner, who is sitting in place of Stefanie Bitter as Village PB Attorney.

Chairman O'Connor opened the floor to the general public for comments or questions.

Bob Cavanaugh, 20 Crestline Drive, questions why we are adding more administrative steps than we need. There are existing Boards to handle things now, and they seem to be working fine.

Paul Farnan stated that as this is written, the PDD covers the entire village. Usually only certain properties are included. He added the new PDD is terribly written. They should go back to the original one. All residential properties in the Village would be subject to anything they want by developers under this proposed legislation.

Kerry Kervins, 17 McMaster Street, asked what exists now to prevent this from happening. Chairman O'Connor stated that the Village Board has the power to pass this Legislation, regardless of the PB vote. He also noted nothing new has been built in Ballston Spa in fifty years, as has been stated by the Board of Trustees. He pointed out

that the Village has been protected by the Planning Board, the Zoning Board of Appeals, the current Zoning laws, and the Mayors for all those years. We care and know what we are doing. The existing code does work, even though it has flaws.

Jeff Clark, 22 Columbia Avenue, stated that he thinks this is driven by a small political faction, and is irrelevant to what is already going on now. He stated that he feels this is a silly effort.

Anna Stanko, 32 Kent Street, stated that she doesn't think we need a PDD for Angelica, and certainly not the entire Village. We have capable Boards and attorneys, and they have the best thoughts of the Village in mind. She gave examples of how the Boards handled many requests in the past. Many developers will not want to abide by this new PDD and will take their projects elsewhere.

Chairman O'Connor interrupted Public Comment and introduced Karla Buettner. She explained that a PUD is a Planned Unit Development and that a PDD is a Planned Development District from a legal prospective. A PUD is a type of zoning that incorporates mixed uses. A PDD is what it is called on the map. She wanted to clarify that the Village Board always has the final say/vote. It is the law.

Chairman O'Connor stated that in the normal scenario of a PDD, it is the developer's responsibility to do all of the work with the Planning and Zoning Boards before it gets presented to the Village legislative body to vote on. By the time it goes to them to vote on, it has already been vetted thoroughly by the Boards that have been appointed by the Mayor, and voted by the Board. This new PDD legislation changes that authority. It puts the risk on the legislative body. He stated that he has written and verbal input from developers, all indicating negative opinions on the proposed legislation. They stated that if it goes through, they will no longer be interested in any development plans in the Village of Ballston Spa.

Rebecca Shepherd, 95 Union Avenue, asked what are the differences in what we have and what is proposed. Member Martin stated that the one that was presented in the past was simple and easy for developers to work with. The new legislation has too many rules and regulations. The original one was only for commercial properties. The new one is for all of the Village. Chairman O'Connor stated that they follow the Code in Chapter 205 Zoning. Chapter 205.74 Amendments outlines procedural steps that need to be followed. The Planning Board reacts to those and makes a recommendation. The Village Board of Trustees can do what they want in their vote.

Jeff Clark, Co-owner of WPTR Radio station, stated he would like to help get word out to the public on this issue. Chairman O'Connor thanked him. Member Martin agreed that this is a good idea.

Christine Fitzpatrick, 31 Chapman Street, spoke in support of the new legislation. She spoke about the history of the original PDD legislation. She stated that the original needed more specifics and that the final say went to the Board of Trustees. She feels

the current Zoning is inadequate and that the Comprehensive Plan must be done first. She thinks more guidelines are needed.

Member McNamara stated that the Planning Board will be involved under the proposed PDD.

Chairman O'Connor stated that the Planning Board's function tonight is to follow Chapter 205.74 of the Village Zoning Code regarding the amendment by the Village Board of Trustees. He read the criteria which the law requires of them to operate.

Under Chapter 205 Zoning, Article 1 General Provisions, Item 205.2 Purpose states: "The zoning law and zoning districts established herein, set forth and as outlined upon the Zoning Map, are made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, flood, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, parks and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Village of Ballston Spa."

Item 205.74 states the Planning Board is charged with reacting to a piece of legislation that is sent to them by the Board of Trustees within 30 days of receiving notice. After this meeting, a report showing our recommendations, will be sent to the Board of Trustees. It also states that "the Planning Board shall favorably recommend adoption of an amendment of change in this chapter or in a district boundary only if: (1) Such change does not conflict with the general purposes, goals and intent of this chapter. (2) Such change is consistent with the Comprehensive Plan of the Village of Ballston Spa. (3) Such change is in compliance with the State Environmental Quality Review process (SEQR), where applicable. The Village Board shall identify the type of action in accordance with SEQR regulations, and the time limitation otherwise applicable to the amendment process shall be extended until a determination of no significance has been made or until a draft environmental impact statement is completed." These are the legal parameters as to which we must operate.

Chairman O'Connor read correspondence from Ron Murphy stating that he has concerns regarding this new proposal and feels developers will be discouraged from coming to Ballston Spa. Karin Welsh sent an email voicing support of the PDD as an interim measure. Chairman O'Connor also stated that he got a call from Spencer Tacy

who is not in favor of the PDD. He feels it will raise costs too high for him to go forward with his plans for development in the Village of Ballston Spa.

Jim Beaudoin, owner of the former Angelica parcel on Bath Street, stated that he feels this will over encumber developers. We should not overcomplicate the process. It will be very expensive and scare developers away.

Chairman O'Connor asked to poll the Planning Board members to get their opinion on this piece of proposed legislation. After everyone has expressed their opinions, he will call for a vote.

Member Battenfield – is not in favor of the proposed legislation. The original PDD along with what Chairman O'Connor read, enables the Planning Board and the Village to handle the items listed in this lengthy report.

Member Burlingame – stated that the new PDD is a requirement for buildings over 15,000 feet and is too onerous for the Village. Current zoning covers this adequately. He feels the temporary bridge status is a problem for developers. They may decide to wait until the new zoning is adopted and see what happens then.

Member Martin – stated he feels that this new PDD will discourage any developer from coming into the Village. Scrap it, do something less. Property taxes will skyrocket if this passes. We need builders to come in to give us a bigger tax base. The Historic District will also be impacted. I vote no as written.

Member McNamara – stated that the problem is that the new PDD is mandatory for projects that meets the size stated in here. Due process will be gone under the new PDD. The new PDD is more expensive than going under zoning. He states he cannot support it. This option will stop developers from coming. It is not good for the general health of the Village.

Chairman O'Connor – stated that the big question is why do we need this? We have been successful in the past. The Zoning Board and Planning Board have handled these issues in the past. Future development is needed to build tax revenue. He would like to see the Board of Trustees and the Planning Board and Zoning Board form a committee and work together to come up with better ideas.

Chairman O'Connor asked to vote on this legislation. Member Battenfield made a motion to make an unfavorable recommendation to the Board of Trustees. Member Martin seconded the motion. All in favor - yes. The motion carried.

A motion to adjourn at 7:35pm was made by Member Battenfield and seconded by Member McNamara. The motion carried.

Respectfully submitted,

Kathleen Barner

Building Department Clerk