

## Zoning Code Update Comments

### **Received 4/1/25**

1. What is the intent behind Kelley Park and the Tedisco Trail both being zoned residential? Can a separate green space or park zone be created for these areas?
2. The historic overlay should be retained. It is in keeping with preserving the overall character of the Village and the comprehensive plan.
3. Regarding PDDs, there is no apparent limit on density requirements for a PDD. In order to preserve the character of where a PDD is located, density requirements for the underlying zone should be noted as a requirement, correct?
4. It is stated that lighting and street trees are required, but without any density requirements (ex. one light or tree required every X number of feet). There are areas of the village that are poorly lit that this may help with via Site Plan Applications. Additionally, what trees are permitted? There are areas within the village where street trees have overgrown their space. Other municipalities maintain an acceptable tree list with requirements around height, depending on whether the tree is under a power line.
5. Sidewalks are not explicitly mentioned anywhere, although the comprehensive plan and comments solicited over the years indicate that walkability is high on many people's lists. There are significant areas of town lacking accessibility. How does the code hope to hold site plan applicants accountable for including sidewalks in their plans (either reconstructing disturbed sidewalks or creating new sidewalks to bridge between existing walks?)

### **Received 4/2/25**

The new zoning code lacks designated GREEN Space.

Kelly Park and the surrounding area (pool, walking paths along the river, dog park etc), should not be coded any sort of residential and in my opinion it is currently incorrectly coded as residential. Likewise the Jim Tedisco trail and Wiswall park should also be green space. The Village should additionally be looking for another NEW location to add to green space.

Finally, the soccer fields on Hyde are blank, that is school property, yet the actual school appears to be coded as re-zoned, shouldn't that also be blank?

### **Received 4/2/25**

I've been looking through the new zoning map and plan drafts at this link

- <https://www.ballstonspa.gov/home/news/proposed-zoning-code-0>

I've also been trying to compare it with the previous zoning map at this link - chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.ballstonspa.gov/sites/g/files/vyhlf6186f/uploads/village\_of\_ballston\_spa\_zoning\_map\_0.pdf

1. Initially, the first thing I noticed is that the historic overlay portion of the map has been totally removed from the new draft map. Why has it been removed? What does that mean for the village moving forward? What impacts or modifications will result from this change?
2. Is there a document that shows **ALL** of the proposed changes in a **clearly highlighted manner**, so as to provide transparency to residents and stakeholders in a timely manner? As well as clearly explain the difference and how it will impact the community?
3. I heard Trustee Bernadette VanDeinse-Perez mention there would be a google form for the public to make comments, where is the link to that?

I'd like to comment that the historic preservation of this village was a huge draw for me and my husband when buying a house in this area just a few years ago. It would be a shame to remove the current zoning laws that would protect the history of this special village. The communication from the government, Mayor and village trustees feels extremely limited, as if they are gatekeeping and withholding crucial information and motives as well as not providing clarity and transparency to the public and key stakeholders. As a village resident, I'm disappointed and hope that the public can get the information and transparency we deserve on April 3rd.

### **Received 4/3/25**

I have been a resident of the Village since 2014 and before that I was lived in Milton since 94. I was reviewing the draft of the Zoning Code and its attached Map. I see that neighborhood that I am in will be rezoned from an R1 to R1-B which is listed as on single family dwellings. My house and most of the house on the surrounding streets are all multi-family homes up to 3-4 units. How will this impact my residence and my neighbors? Did the consultant not review what is existing in these areas before making the recommendations? I will not able to attend in person and saw there may be zoom link option but I could not find it on the site, can you please provide.

**Received 4/3/25**

The map lacks green space, and the ability to walk and bike isn't a priority. Kids should be able to go outside and be safe, and as long as there aren't areas to walk and bike, they simply won't be able to.

**Received 4/3/25**

Have a concern about the proposed change in zoning involving the properties on Middlebrook Ave and South St. that are being changed from Commercial zone to Residential.

- 1- WHY??
- 2- What advantage does this change provide to the property owners affected by the proposed changes?
- 3- Why was there no consideration given to getting input from the property owners, all Longtime residents, as to whether or not they were OK with the proposed changes?

It is, after all, our property that we have owned for WAY longer than this committee has existed. By limiting our ability to use our property for commercial purposes, as we have had the ability to do since the property was purchased, the limited group of people are devaluing our properties considerably with no compensation or consideration from Our preferences.

**Received 4/3/25**

I find it hard to follow this draft or to understand the maps because of the small size. The collection of Village members' comments and questions at the initial meeting by Chris Kuschel, the Zoning Consultant with Fisher Associates, was to lead to the presentation of their findings and recommendation to the Village and to the Zoning Board Committee. Since that committee was unilaterally disbanded by its chairman, with the approval of the Mayor, it is even more important that the views of the Village of Ballston Spa community be represented. I presume tonight's hearing will be a discussion of those findings.

One thing that jumped out at me was the ADULT District, which was detailed later as sexually oriented in various arenas. I hadn't realized the Village of Ballston Spa would consider such places suitable for our community. I, for one, think this whole section should be removed from the draft.

I also would question any PUDD being considered. That was used to bypass public sentiment in the second Walmart application. We did end up with a grocery store the size fitting the Village which has been an asset to our community. It was the work of the comprehensive plan that gave the framework for that. That should still be our guideline.

I have other concerns which I suspect may be shared by other Village members. I hope they will be addressed by tonight's presentation. After this meeting, I will be able to speak more knowledgeably and will share my views in future writing.

#### **Received 4/4/25**

East Grove St. : it is extremely troubling to see that the proposal is to change to an R2 zone for multi family housing? They seems rather ridiculous given the size of the street and the lots and the cliff into Kelly Park. Also why would Kelly Park not be zoned as green space? Why R2? It is basically wetland which should always remain a park.

#### **Received 4/5/25**

I was at the meeting on 4/3 and am very frustrated with a couple of major issues discussed as described below:

1) During the presentation and question time period on the 4/3 public hearing it was repeatedly stated by the consultant from Fisher that requests being brought up repeatedly from the village residents were "not typical" of other zoning codes. Why do we need to follow what is "typical"? I would like to think we are a unique village with unique assets and residents. If we as the residents would like to protect our assets and shield from unwanted development why can't we have that written into our zoning code? It is our code for our village, not a typical document to be copy and pasted across municipalities. The items that I would like to see customized to our village, and from the public hearing I believe many are in agreement with me, are public green and recreation spaces, PDD's and Residential Cluster Developments, and sidewalks or other items in the right of way. The representative from Fisher stated that he believed any "parks" are protected by NYS, but that doesn't prohibit us from additionally protecting them in case something at the state level changes. We also have public green spaces right now not technically classified as parks such as the soccer fields on Malta Ave and the Jim Tedisco Trail. The Saratoga County Fairgrounds would be another that is not a park nor is it public but would be a major neighborhood change if residences were built there. There is no reason that a small village with most neighborhoods long ago established and developed needs to include PPD's and RCD's in

the zoning code. Especially with the lack of density requirements these could drastically affect old neighborhoods with established zoning. Lack of accessible sidewalks has been a major topic for years without movement. This is a great opportunity to realize the comprehensive plan goals met by requiring sidewalks on new structures in specific zoning areas, particularly Downtown and Downtown Transitional. The proposed code includes landscaping requirements on the Highway Zone, why can't we expand to right of way requirements to other zone types? I don't want our Zoning Code to follow "typical" just to ease the burden on the consulting firm, I would like a Zoning Code that reflects the Village and its resident's priorities.

2.) It is completely irresponsible of the Village Board and Mayor to propose adopting the proposed code this summer without the inclusion of the most controversial items, namely the historic district, PPD's and RCD's, and short term rentals. This is a blatant attempt to pass a half-written code and allow development of major parcels like the Tannery without any defined parameters for the Zoning Board to review. The Mayor promised that these will be completed after and submitted by addendum but even if that was true that leaves a time period in which there will be a legal zoning code without these measures in place. It also allows them to quietly submit less stringent amendments without as much public scrutiny. Exactly what a developer is looking for and what the village residents are opposed to. A village over 200 years old should not have the Historic District zoning boundary and requirements in limbo. Passing this code without a complete document would be at best gross negligence of duty.

### **Received 4/7/25**

Confusing process - I found it very difficult to understand what changes were made to the code that would impact our street. Will the village be posting something that makes this more clear to residents?

- Residential lot sizes decreased - I do not support the residential lot size decreases. I am unsure how these benefit the village and it would make subdivisions of properties more lucrative. For streets like Hyde Blvd with bigger lot sizes I can only see this hurting the villages character. My neighbor's property could be bought, house torn down, and three houses put up in it's place, or even a newly defined "Cluster development" could be built in its place
- Decreased setbacks - I do NOT agree with the setbacks being reduced from 25ft to 10ft for residential areas with larger front yards like Hyde Blvd. One of the beauties

of streets like this is the deeper setbacks. It would look ridiculous to have a new build go up and be placed 10ft from the sidewalk

- Saratoga Ave, Ralph St, and East Grove changed to R2 - I do not agree with these areas being changed to R2. Each of these areas is within sections of our village where we already have a lot of problems with traffic and congestion, I do not understand why we would introduce measures that would only make it worse.
- Sidewalks - I think there should be some type of requirement to fix or maintain sidewalks. I personally think these should be the village's responsibility, but clearly, the majority of homeowners are not going to fix them on their own. If there is anything that can be done via code that would be great - maybe for new builds or new businesses coming in?
- Protection of green spaces - I was hoping the new code might identify new spaces for green spaces and assumed it would help protect parks in some way, but it does not seem to.

#### **Received 4/8/25**

I have reviewed the Zoning Code and have concerns with the proposed setbacks as well as lot size reduction. I really don't see the purpose of this, other than to encourage development and increase population density within the village. This would also add much more traffic to an already too busy downtown. I would like this issue publicly addressed; it feels like it keeps getting brushed off and things like, "We'll look into it."

Our neighborhood is special because of the nice openness of the lots and the amount of trees and green lawn space; if developers are able to put up multiple homes on these larger lots (and have them right up to the road almost, all of that character will be lost.

It feels like a lot of the changes are trying to be snuck in under the radar without transparency. If there was nothing nefarious going on, the village would have no problem being 100% transparent and allowing the residents to see the whole process step by step.

#### **Received 4/8/25**

A review of ZAC's published minutes indicates the question of delineating open space in the zoning code was discussed briefly on January 16, 2025. It appears some members of the committee wanted open space to be noted and the consultant was not sure the zoning code is the right way to do that, but would be happy to include it if the village wants to

include it. In the minutes of the Comprehensive Plan Steering Committee of October 15, 2022, a conservation overlay district was suggested for the new zoning law.

Zoning has little to do with open space. If it is open, there are no concerns about set-back, buildings, or use. In a similar manner, many educational and recreational uses do not easily fit into a zoning context. These areas are like negative space on an artist's canvas. They exist, help define other use districts but are not conducive to being regulated through zoning.

If they are included in a zoning district, then the presumption is they are subject to the use requirements of that district, leading people to insist on following a law which may be inappropriate. Rather, it would be less confusing to establish a district for recreation, education, and open space and exempt those properties from most zoning restrictions.

The zone could include lands of Saratoga County History Center (including Foote's Pond), to the Iron Spring Park, to the Tedesco Trail, the Saratoga County Agricultural Society, and to the Kayaderosseras Creek downstream to the Swimming Pool and Kelly Parks. It could also include the village portion of the School's Recreation Field and the railroad bed west to Milton Ave, including the Pine Street Parking Lot and Ballston Area Community Center. Another portion of this zone would be the Village Cemetery.

Regulations could provide that any non-governmental structures would have to further the not-for-profit's purpose, comply with the NYS Building and Fire Codes, and follow the side and rear yard setbacks of the adjoining district. Governmental bodies would be exempt from the code. Private owners that are not not-for-profit would have to follow the rules and regulations of the more restrictive adjoining district. Because special benefits are often given to not-for-profits, I do not believe there is a legal problem by treating them differently than other entities.

### **Received 4/9/25**

Perhaps the most enigmatic portion of the proposed zoning code is the section creating a Downtown Transition District. What appears in the proposed code is not based on the Comprehensive Master Plan or discussions of the Zoning Advisory Committee. It is actually contrary to the Master Plan, and no discussion of a transition district appears in published minutes of the ZAC. (Not all meetings had minutes and Google Drive communications are not open to the public.) At the January 18, 2024 ZAC meeting, as part of Fisher's introduction to ZAC, the committee was assured by the consultant "Fisher will approach with meaningful engagement backed by village plans and analysis incorporated into a top quality zoning code."

Being sourced outside of the Comp. Plan, ZAC, or Fisher, this rendition of a Downtown Transition District lacks credibility and should be set aside. In addition, it is likely to result in tear-downs in the Historic District and devalue surrounding residential properties.

Rather, the proposed code should follow the suggestions of the Comprehensive Master Plan, which stated as follows on pages 20 & 21 of the document:

These areas were described as chances to allow residential uses to have home businesses and create a transition between commercial and residential areas. Properties in transition zones are suitable for low-level commercial/business uses and will have to be treated on an individual basis. For instance, one can do much more on a wide well-traveled street like Bath than on Ford Street. It is important that activities related to these home businesses should be properly managed to ensure there is very little impact on neighboring residences. . . Design review should be included in the zone to ensure appropriate consideration to the existing neighborhood context is followed. . . Two possible transition zones between the Central Business District (CBD) and purely residential areas could be the Bath Street area and lower Malta Ave., which could offer home-oriented business.”

This suggestion arose primarily from the Comp. Plan Steering Committee’s desire to make the Downtown experience more varied and enjoyable for visitors, create walking loops for shoppers seeking places of interest around downtown without diluting the value of downtown retail rental space. The home businesses are envisioned to be mainly low-keyed, family-operated enterprises probably open only on weekends, with other low impact businesses. As an added benefit, the area around Bath Street is in the flood plain, and the transition zone would provide supplemental income for payment of flood insurance.

The proposed zoning law states the transition zone is a buffer between vibrant downtown and quieter residential areas. Most of the proposed zone is not adjacent to the “vibrant downtown” and includes the quieter residential area west of the railroad bed. Further, it proposes building guidelines of lot area minimums (10,000 sq. ft.- residential & 4,000 sq. ft. non-residential) and height (3 stories), which encourage new construction and teardowns.

The area around Bath Street and lower Malta Ave. is essentially built out and buildings should be preserved as they are. A major exception is the former tannery complex, but it is in the Downtown Zone in the proposal. One can argue it should be in the Downtown Transition Zone. In that case, form-based regulations may suffice, requiring anything built on that site to continue the form of surrounding properties.

As contemplated in the Master Plan, the Transition Zone does not support professional or commercial businesses, unless they are home-based. The proposed zoning law encourages



replacing homes with businesses, making housing more unaffordable. The Comp. Plan keeps existing housing and makes it more affordable.

Everything relating to a Downtown Transition Zone in the proposed code should be deep-sixed and totally rewritten, after obtaining public input.

### **Received 4/10/25**

Questions about zoning code:

1. Can you explain why each zone is chosen where it is? This is particularly important for the DT and R2 zones.
2. It doesn't make sense to see different zoning across the street from each other - why aren't the boundaries drawn behind the parcels instead of causing homes on the same streets to have different zoning?
3. Paved area setbacks - do we have these for the driveway?
4. 50' rear setback seems like a lot for some parcels - is this number correct?
5. Why is Mohican Hill a separate zone? What makes it different from any other apartment complex (or even just senior living apartments) - it is not the only one in the village, it should not be special. Its zoning code reads like a development plan, which is not the same as code, and it should be subject to the same zoning code as any other apartment complex. Just because it was there before doesn't mean it can't change.
6. The building height measurement on page 7 (mean height between eaves) is different from the image on page 24 (shows to the point of the roof). Which is it?
7. I don't understand the downtown transition zone. What is its purpose (since it mostly includes residential homes on W High and Milton Ave), but nowhere else in the village (such as Bath St., which is what is shown in the comprehensive plan). This zone in particular is concerning where it is next to residential zones since it allows a lot of different types of development.
8. I don't want to see a PDD changing the zoning in an R1 residential area to anything other than a residential type zone. I'd like to see the code specify that.
9. I don't understand why you need a special permit for a single family home in the downtown transition zone - especially when there are already a number of single family homes in that zone.

10. Page 61 Use Standards for Accessory uses - C1a - things like garages, sheds etc are subject to dimensional and lot standards. But not all of these standards are listed. You detail the standards for pools, but not for sheds or gazebos. Even in the pool section it just says applicable yard setbacks. What does that mean? Is it the same as for the main building, meaning I can't have a shed within 50 ft of my rear property line? This is not clear. And if it has the same setbacks as the main house, does this mean accessory buildings can be as tall as the main house?
11. It was said in the board meetings that PDD and ADUs were not going to be included and decided on later. Yet they are included in this document. Is this the code relevant or do you plan to change it before this is approved (and then if it's not relevant, why is it here?)

### **Received 4/10/25**

The Comprehensive Master Plan discusses compact residential land use on page 36 of the plan passed by the Village Board. "The Compact Residential land use area is primarily intended to replace and support development of the unique former nursing home use at the Maplewood Manor property. This character area would be re-imagined as a denser single-family neighborhood with options for small lot detached homes, townhomes, cottage homes and similar compact, efficient layouts organized around useable green space such as a central 'village green'."

This description is the closest the Master Plan gets to cluster zoning. As far as the Plan is concerned, the use is appropriate for unused property, represented by Maplewood Manor. It was not recommended for any other portion of the village.

Minutes of the ZAC lack mention of cluster developments, except for one sentence in the January 16, 2025 minutes. "Cluster development is also included [in the code draft] and Chris would like to see questions/comments on these as well."

Somehow cluster developments appear in the proposed zoning code. They are not limited to an undeveloped area of the village. They can be placed anywhere a developer can come up with a parcel larger than .68 acre (Section 4.8B) A developer need not find vacant land. There is no prohibition against teardowns. There is no provision like an application for a cluster development is not permitted within five years after the last structure had been removed from the property.

As the proposed code is written, the definition of a dwelling also includes a mobile home. Mobile home parks may be prohibited, but for the first time since 1966, mobile homes

will be permitted by this proposed code. Small cluster developments and mobile homes are made for each other. Even if mobile homes are modified out of the code, the image of a group of small homes among any of our existing neighborhoods is unsettling.

The Master Plan has multiple references to the importance of the village's historic character. The Plan's three-paragraph vision statement emphasizes this observation twice, ending, "By improving its infrastructure, enhancing its diverse and affordable housing stock and preserving its many historic community assets, Ballston Spa will continue to set itself apart as a unique and valuable destination- **'We've really got a gem here.'**" Punctuating our neighborhoods with cluster developments will destroy the village's historical context, threatening the community's main economic driver.

Simply, cluster developments do not belong in Ballston Spa. Even the State of New York agrees. NY Village Law Section 7-738 allows villages to permit cluster developments. However, it states, "The purpose of a cluster development shall be to enable and encourage flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of open lands." "Preserve the natural and scenic qualities of open lands," doesn't apply to Ballston Spa, whose scenic open lands are along creek beds.

Section 4.8 Residential Cluster Development should be deleted in its entirety.

### **Received 4/21/25**

Parks should be zoned appropriately, not as R2.

Rezoning the R1 homes on Ralph Street, Grove Street, and Saratoga Avenue, which have frontage on the waterfront also puts the park and waterfront at risk.

The definition of fence should exclude plantings.

The approximately 46 parcels of Village owned land should be delineated.

The term "Nonconforming Bulk should be clarified. Does it mean that all existing structural work that conforms to the existing code will not be subject to the new code? Grandfathering?

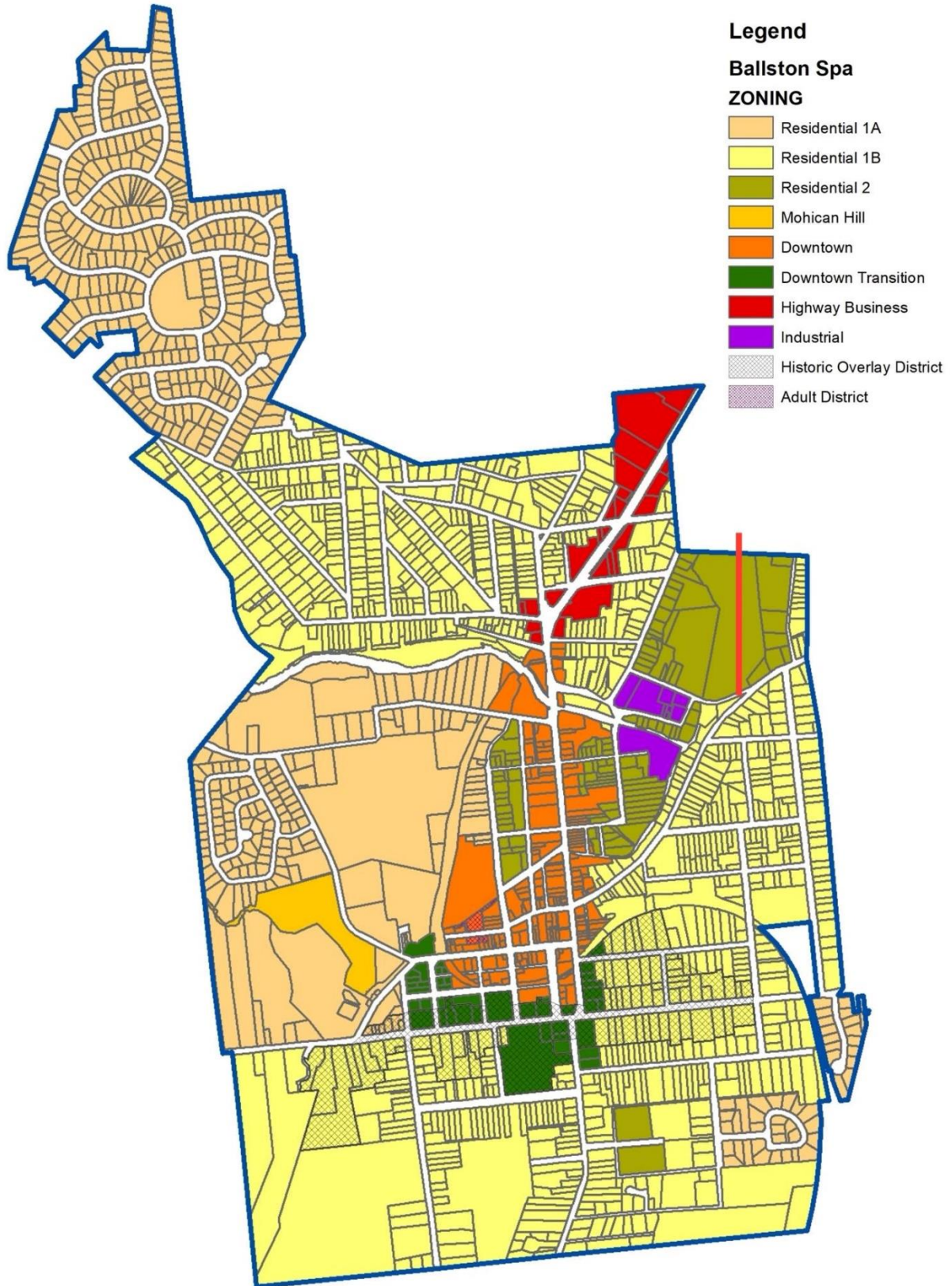
I hope that animated message signs will not be permitted in the new code except for firehouses and law enforcement. They do not align with the character of our historic village.

I have compared the old map with the new map, but I would request that an overlay be made available. Please include it in your list of PDFs accessible on the village website.

Finally, I believe that **proceeding with this until all topics have been fully discussed is not prudent.** We have a current code, and we should not adopt a new one until all property uses have been clarified.

**Received 4/13/25**

As a resident of Malta Ave on the corner of East Grove St., I'm concerned that my sides of the two streets will be rezoned R2. I think there needs to be appreciation for the hill behind Kelly park and the boundary line for any rezone. I can't imagine anyone on East Grove would be happy with multi family housing anywhere on the street given it is already busy and a dead end road. As we have no multi family currently, this should be changed and the boundary moved behind the residential lots. Image below with recommendation.



**Received 4/14/25**

Unless I missed it, there is nothing in the 150+ page Zoning Code Draft PDF that outlines what the changes from the previous code are, why they were made, and what the results will be of the changes. Without that information, it is impossible for a layperson to read the draft and understand what it means. I would think that this would be the minimum that should be provided to best inform the residents. If there is such a document that outlines the changes, why they were made, and what they mean to residents of those districts, where can it be found?

**Received 4/14/25**

Ballston Spa's current zoning law, like those of most municipalities, does not address the issue of what happens if the Planning Board fails to make a timely decision when a special permit application comes before it. Nor does the present law explain what happens if the Zoning Board of Appeals fails to make a timely decision on a variance request.

The proposed code gives each board a pass in both cases and penalizes the applicant. Dealing with Special Permits, Section 11.7D3b) states, "The failure of the [Planning] Board to act within 62 days shall be deemed a denial of the application."

In the section on procedures approved by Zoning Board of Appeals, Section 11.9C3, of the proposed code states: "Within 62 days following the close of the public hearing, the Zoning Board of Appeals shall render a decision on the appeal in the manner and form specified in Section 10.6. Such decision may reverse, affirm, or modify in whole or in part, the actin appealed. The failure of the Board to act within 62 days shall be deemed a denial of the appeal."

It must also be kept in mind that chairs of both boards are given the power to call meetings. (NYS Village Law Sections 7-718.10 and 7-712.10) In the wrong hands, this gives tremendous power to the individuals serving as chairs. If an applicant dared to take an unpopular position in the past, punishment could come in a purposeful delay. To seek fairness, the applicant would be forced to spend money and time to take an Article 78 in the NY Supreme Court. That would be added punishment.

Furthermore, the applicant would be denied a record on which to appeal or the knowledge of what factors were responsible for the denial so a more appropriate application could be submitted in the future.

Actually, this "pocket veto" is not permitted by NYS Village Law. Section 7-725-B6, which deals with special permits, is definite in its language, "The authorized board shall

decide upon the application within sixty-two days after the hearing.” It does allow for extensions on agreement of both parties.

The same applies with decisions of the Zoning Board of Appeals. NYS Village Law Section 7-712-A8 (Board of Appeals Procedure) is similar to 7-725-B6: “ Time of Decision, The board of appeals shall decide on the appeal within sixty-two days after the conduct of said hearing.” There is also a provision for mutual extension.

Section 11.6 of the proposed code gives the Planning Board authority to issue Certificates of Nonconformity. This power has no specific parallel in state law. That section carries the same offending language, “The failure of the Planning Board to act within 45 days of a contemplated application shall be deemed a denial.”

In the proposed code’s general provisions dealing with Review Authorities the effect of a pocket veto by the Planning Board is explained:

9.3 Planning Board, K. Failure to Act In any case where this Code provides that failure of the Planning Board to act within a fixed period shall be deemed a denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Planning Board rendered on the day following the expiration of such fixed period. Such a decision may be appealed in the same manner as any other decision

Section 9.4G4 carries the same language for the Zoning Board of Appeals, except it adds a phrase at the end, “but, on such appeal, shall be entitled to no presumption of correctness.” The Planning Board’s pocket vetoes are presumed correct; not Zoning’s.

When it comes to applications to amend the Zoning Law, Zoning Map or the Comprehensive Plan, the pocket veto disappears. In the draft code, proposed amendments are referred to the Planning Board. Section 11.1C2 requires the Planning Board to conduct an Informational Meeting (not a public hearing) and, 62 days thereafter, to make a recommendation to the Board of Trustees. However, if it fails to make a timely recommendation, failure is deemed an approval. This switch can make what should be a transparent process more opaque.

None of the above issues are discussed in the minutes of the ZAC. Presumably, the consultant has many samples of zoning administration provisions which conform with state law. It would be interesting to know how unique these pocket vetoes are.

**Received 4/15/25**

The proposed zoning code includes 14 pages of sign regulations. It provides detailed directions and restrictions for all kinds of signs, including awning, canopy, blade, light-pole banner, banner, wall, animated, digital, monument, balloon, feather, flag, reader-board, projected, push, bandit, snipe, vehicle, A-frame, temporary construction, parking lot, real estate, window, building-mounted, and drive-through signs.

To implement the proposed sign law it will help to understand plane geometry, fractions, and simple math. People who set up businesses don't have the time to digest all the information contained in the proposed code. Instead, they can be expected to do what they want and let someone else take the time to read the code. The village doesn't have the money to hire sufficient staff to enforce this complex sign code. That will lead to selective enforcement, usually based on a complaint by a violator's antagonist. This is not conducive to a "Village of Friends."

Because it is a "nuts and bolts" subject and not a "Big Picture" item, signage was not a subject of the Comprehensive Master Plan Committee. The ZAC did discuss it during its November 21, 2024 meeting.

It was aptly noted by a member, "that the code can only do so much with signs. Without effective enforcement, the code language on signs doesn't ultimately matter." ZAC members were also concerned about whether murals were included in the definition of billboard; code language needed to be cleaned up i.e. deleting hotel signs; limiting signs to 1/3 of a window is not consistent with practice; and identifying three options for governing digital signs.

The minutes further indicated sign size could be dependent on setback and size of building; limiting CBD businesses to one sign is not enforced; and sandwich board signs are a "hot topic." The ZAC wanted more information from the consultant for sandwich board and flag signs. No decisions were made by ZAC members.

January 16, 2025 minutes stated Article 8 [signage] was completely overhauled based on the feedback from ZAC. The consultant warned because signage can be fraught with potential 1st Amendment issues, the village should follow existing precedent like that included in the draft. In other words, Article 8 was taken off the shelf whether it applies to Ballston Spa or not. One has to really stretch the imagination to tie a code regulating size, position, and form of signage to one's First Amendment right to communicate on a sign,

On the other hand, the proposed sign law prohibits political and event signs. (Section 8.5J) Nor are signs allowed along village streets. (Section B.2B2) Denying candidates the opportunity to publicize along streets or having temporary signs only benefits incumbents. Community organizations cannot publicize their chicken barbeques and other fund raisers.



Forget advertising for a lost cat. The model sign ordinance plugged into Article 8 will not benefit Ballston Spa.

Somewhat symbolic is the drawing in the proposed code of a building-mounted, standard wall sign for the French Bakery & Café. These drawings are meant to illustrate verbiage describing signage. The code states wall signs must be mounted below the second floor of multi-story buildings. The drawing depicts the sign's top 2/3 over the first story!

The solution to the weaknesses of Article 8 is to sit down with village building and business owners and redevelop parameters for a sign ordinance. Not only will it produce a more workable document, but one which doesn't insult business owners by trying to run their businesses for them.

### **Received 4/18/25**

Why would those properties above (east) of Kelly Park including the west side of Grove St be changed from single family to multiple family homes? More than 85% of the residences are currently single family. I would think that improved and extended sidewalks would add more value to the properties than changing to multiple family residences. Who is identified as benefiting from any such changes. I would suspect only someone specific to making money for those changes, not the current residence owners. The purpose and reasoning behind the changes are very suspicious.

### **Received 4/20/25**

After attending the public review presentation for the Village of Ballston Spa proposed zoning code earlier this month and reviewing the 2022 Comprehensive Plan, I have some feedback on the draft zoning code. My comments are divided into two types:

1. Comments that apply broadly to the draft zoning code (i.e., impact multiple articles), and
2. Focused comments largely constrained to one article within the draft code. These are provided with the article reference.

### **1. Broad Observations of the Draft Zoning Code**

I am very concerned that the approach taken in this draft of rewriting the zoning to "align with our current state," will NOT provide us the aspired historic preservation that was outlined in the 2022 Comprehensive Plan. The 2022 Plan highlighted a striking similarity in goals from the prior 1993 Plan. It also states that the goals from '93 did not come to fruition—suggesting a different approach is needed.

The first step of the new zoning code should be to address the priority issues highlighted in the 2022 Plan to ensure the vision of the 2022 Plan is actualized. Preservation of the historic character was one of these priority goals. The historic character in the Village is a valuable asset and the zoning code is a critical tool for protecting it. Below are my thoughts on how the draft can ensure realization of the historic character goal.

- District Boundaries. One comment made in the public comment period was to move the district boundaries from the center of the road to the rear of properties (Article 3.2.B. District Boundaries). This recommended change to the draft code is a good idea. This change to the draft will create a more seamless transition to both those traveling through the Village as well as those in the respective properties.
- Historic District. As mentioned in the public comment session, the historic district was omitted from the zoning code with the intent of adding it at a later time once some revisions had been made. I am not in support of this approach as it removes a protection for one of our most valuable assets. It's unclear why the current historic zoning code can't be implemented as an overlay district in the current draft plan. The future revisions could always be made at a later date. Incorporating the existing code and leveraging the "evergreen" nature of this new draft code seems to be the approach being used for the Mohican District, why not do the same with the historic district—a critical area of preservation as per the stated goals of the 2022 Comprehensive Plan.
- Waivers/Variances. An important element in preserving the continuity of historic character throughout the Village is demonstrating a burden of proof for a hardship when obtaining an approval for deviating from the established zoning code. This approval should be vested in the Zoning board rather than the Planning board. The approvals for deviations should apply to all elements of the zoning code (building dimensions, setbacks, uses, etc).
- Design Standards. The details for design standards across all of the districts are rather lax. Granularity in this area, like that found in the Village Historic District Design Guidelines, will aid all parties involved in the process and help preserve the historic character and ensure new construction reinforces this asset.

- PDD. These should be only be considered as an overlay to existing zoning codes rather than a greenfield approach to zoning. If not, there is a risk the developer may not adhere to the vision outlined in the 2022 Plan.

The draft code includes some reclassifications that are at odds with the 2022 Comprehensive Plan.

- R-1 to DT. Several parcels at the southern end of the Village have been reclassified from Residential (R-1) to Downtown Transition (DT).
  - McLean to E. High St. East of Rt.50. These three properties are currently zoned R-1. Two of the three parcels are used for residential. The third parcel has two commercial businesses. These businesses are non-conforming under the current R-1 classification and would also be non-conforming under the proposed Downtown Transition zoning. In addition the two residences would be non-conforming under the DT classification creating three non-conforming uses instead of just one. As a resident in this area, I would advocate for retaining the current R-1 designation (proposed R-1B) and enabling the non-conforming use to continue without further expansion via a special (use) permit. Standardizing non-conformities will lead to more of them.
  - McMaster to W. High St. West of Rt. 50. All of the parcels in this area are currently zoned R-1. The proposed zoning has nearly all parcels in the block being reclassified as DT with the largest block by area being the County Seat. Given the proximity of this area to adjacent residential properties, a better use would be R-1B to blend with the surrounding area. A couple of parcels on Rt.50 would be non-conforming but could continue current their current services under a special (use) permit as previously described.
  - Transition Zones. The Comprehensive Plan specifically highlights two areas as “transition zones”— lower Malta Ave. and the residential section of Bath as these lead into the Central Business District (Downtown district in the draft Zoning code). As previously noted, removing the district dividing line from the center of the road highlights the lack of harmony between R-1B (South side of West High) and the proposed DT on the North side. This area on the North side of West High should remain R-2.

The lack of a green/open space district in the zoning code is very troubling. The zoning code should explicitly protect these spaces. The recommendation that green space allocations can be incorporated into the individual districts is necessary but insufficient. Residents need these existing spaces protected: Brookside, Jim Tedisco Fitness Trail, Village Pool, Fairgrounds, Kelley Park, Iron Spring Park, Wiswall Park, Veterans Park, and Colonial Hills Park.

In addition to preserving existing spaces, an overlay district should be considered for expanding these areas to meet the goals of the 2022 Comprehensive Plan. Notably, a thoughtful connection of the different green spaces such as a Village-wide trail system which includes a creekside greenway trail. This is the kind of change and protection our village residents asked for in the current 2022 Comprehensive Plan. Zoning should be written to direct growth in this way.

Village residents highlighted a desire for an improved connection between the residential areas and the downtown via sidewalks and other pedestrian amenities. It is unreasonable to expect residents to walk on the shoulder of a road. The existing draft code does not address this need, but the new zoning code should capture this element of the 2022 Comprehensive Plan.

## **2. Focused Comments Related to the Draft Zoning Code**

- Article 4. The lot drawings should be shown to scale. The general schematic for each of the districts lacks some of the important elements that provide historic character. Much better renditions of these spaces were provided in the Comprehensive Plan. Consider using schematics that capture all elements for a district.
- Article 4.3.B. The table for the Downtown District should capture the number of stories.
- Article 4.1.A. The R-1A and R-1B consist of many different types and scale of housing. A single standard across all of these (e.g., 36 foot height) will be met with mixed success. Another approach is to consider the scale of local homes in defining the standard. This could be accomplished through an overlay or context-based zoning code.
- Article 5.3.C.2.f. It's unclear how "short-term rental" is defined. Should this be any rental?

- Article 4.3.B. There does not appear to be a provision to limit the size of buildings in the downtown district (Table 2). There does not appear to be a story limit to the buildings—only a height cap of 60 feet.
- Article 4.3.B (Table 3). This section states its okay to have reflective roof surfaces if they are intended to radiate solar energy away from the building. The rationale is unclear for how this glare (light reflection) is allowable but light reflection from a solar panel is prohibited (Article 5.5.C.3.d).
- Article 4.4.B (Table 4). The downtown transition serves to buffer the residential zone from the downtown zone. As shown and described, these districts are residential units that have been converted to a low-intensity commercial use or a residence that has a low intensity commercial use. Given this, it's unclear why the height standards in the DT are higher than those in the residential district.
- Article 4.5.B (Table 5). There should be a maximum building square footage in this area. The standard should consider how future (re-)development in this area will occur.
- Article 4.5.C.6. The minimum standard for planting evergreen trees (6 feet) should be raised to 10 feet.
- Article 4.6.B (Table 6). There should be a maximum building square footage for the Industrial district.
- Article 4.6.C.1. In addition to new construction, this standard should apply to modifications, expansions, or other changes to existing structures in the Industrial district.
- Article 4.6.C (Table 7). It is unclear how landscaping can be effectively used to buffer a 50 foot high building from adjacent properties with only a 15-foot setback. Perhaps, the setback should be increased, or the building height capped to match adjacent properties.
- Article 4.8.F. These cluster developments should borrow on the local character of the neighborhood (R-1A/R-1B) and be considered as an overlay to one of the residential districts.
- Article 5.1.A. This section outlines the purpose for the Use Standards is to restrict specific uses to minimize impacts on surrounding properties. It was surprising that hours of operation or days of the week were not included in the

list. This would be especially relevant to the districts which neighbor residential (or transition) areas.

- Article 5.3.B.2 (Light Industrial). If an Industrial district abuts a residential district, the maximum allowable noise from man-made devices shall not exceed 5dB over ambient sound as measured at the property line. (Copied from Wind Turbine Operation, Article 5.3.C.g)i.) This should be applied to other sections with nondescript noise reduction verbiage. Additionally, all work should be done within an enclosed principal building on the premises.
- Article 5.3.B.3.d.i (Vehicle Body Work). Shrubs should be required to minimize the appearance of fences/walls unless the fences are deemed as adding to the historic character of the area. Similar requirements should be in place for Vehicle Repair (Article 5.3.B.5.d.i)
- Article 5.5.C.3. I applaud the specificity in removing solar energy systems that are no longer in use. This clarity should be provided to other areas of the code (e.g., abandoned buildings).
- Article 5.5.C.6. I applaud the clarity offered around home occupations. This level of specificity should be considered for other uses.
- Article 6.5.F. The storage, generation, or use of radioactive waste should be prohibited.

In short, strong Zoning codes and enforcement are needed for us to retain the historic character, green space, and improve walk ability within the Village. These are the priority items outlined in the 2022 Comprehensive Plan that the Village adopted after extensive public comments and workshops. During the 2022 Comprehensive Plan development, we residents were told that the Comprehensive Plan was a broad picture of our shared goals and needs for our village. We were told that the zoning is written to provide the detail that ensures the Comprehensive Plan is followed. The draft zoning should be revised in the areas I have specified above so that it better aligns with our Comprehensive Plan to protect our Village for the future.

**Received 4/20/25**

Things I thought when thinking about zoning

I appreciate everyone's hard work on this to date.

Specific comments are below. Feel free to take what you would like and leave the other ramblings behind.

## 2.2 – Definitions

- Building Height – The definition of building height along with the building height tables, particularly in residential districts would result in taller buildings than currently allowed. Is this intentional?
- Home Occupation – should definition include an expected number of visitors or car traffic per day?
- Mobile Home – add definition?
- Recreational Vehicle – these are defined, but where are they regulated?
- Setback – clarify definition to what part of building. Assuming this is to the eave / overhang / balcony? Awning signs seem to play by different rules?
- Sign, Flashing – references ‘electronic message signs’ but this is not defined anywhere. It may not matter since they’re all not allowed...

## 3 – Zoning Districts and Zoning Map

- Consider extending Downtown Transition area south on Church Ave to Village boundary on both sides of street. Many of these are multi-family currently and this area feels less residential as it is along busy Route 50. I would advocate that this area is nearly the definition of a downtown transition zone, particularly coming from the more business / commercial zone in Ballston to the south. These homes could be a mix of single family residential, multi-family residential, and converted residences to business use. The Comprehensive Plan states that in the DT zone the building ‘form’ is of primary importance. This zone should still look and feel like residential buildings. If the ‘form’ of this area is maintained then it will limit uses by default.
- Consider creating a Downtown Transition zone from Route 50 to Malta Ave School along Malta Ave. Include the Village parking lot and BACC. Many of these are already multi-family homes. Others could be converted to professional office use. This area is ripe for redevelopment and would be a nice transition to the downtown. It would also allow conversion of Malta Ave School should the district ever consolidate campuses in the future.
- Kelley Park and Village pool area should be R-1, not R-2.
- Add a district for parks and recreation. Tie this into the intent of the Comprehensive Plan and the idea of an extended greenway / trail connection.

## 4 – District Standards

#### 4.1 – Residential

- Dimension G in the schematic shows building height differently than the definition. This should be clarified. The definition would allow a taller building height than currently allowed.
- Maintain current rear-yard setback of 25-feet.
- What is the rationale for the 4,000 sq. ft. lot in R-1B? This feels small. It feels like the number should attempt to make a certain percentage of existing lots conforming that may not currently conform. 80? Maybe, 90% Something closer to 6,000 feels more like the right number
- Non-residential uses in R1-A and R1-B are only allowed by Special Permit. Why would we allow increased height and stories? Shouldn't these look and feel like the surrounding residential uses?
- How are accessory buildings dealt with? If they meet the same standards, then would this allow a 36' tall detached garage? Is that the intent? In R1-B, I could see the setbacks for a detached garage being less than the sideyard setback of the primary structure. What about a shed, or an accessory building below a certain square footage? In R1-A, larger setbacks to accessory structures feel correct. In R1-B, I think they should have a different consideration.
- Somehow sidewalks and curbs should be incorporated into all districts. Show them in the graphic and reference them. This is an important aspect of the Village which has been neglected.

#### 4.3 – Downtown

- Much of downtown development is potentially infill development between adjacent existing buildings. Some provisions should be provided in the height standards, or perhaps in Façade Review, to have infill development match or blend with surrounding buildings. They should generally be approximately the same height, with approximately the same first floor height as the surrounding buildings. A short single story infill would look out of place between an existing 3-story building just as much as a new taller building would look out of place between existing single story structures. Is there a way to capture this? What about on sloping streets due to the topography of the Village.
- Design Standards – use consistent language. Sometimes called design standards, sometimes called development standards.

#### 4.4 – Downtown Transition



- See comments in Section 3 regarding expanding this district. If done correctly, professional office use would have little impact on the existing neighborhoods.
- I think form should be the priority here over function. Maintaining the existing ‘form’ of these areas would naturally limit the functions. Think Lake Ave in Saratoga heading to the east out of the city... a mix of professional, residential, recreation, school uses... feels a lot like route 50....
- The Lot Standards of this district are odd. Why is the lot size so different than R1-B or R-2? If we follow the form over function logic, should the size be same for either residential or non-residential use?

#### 4.5 – Highway Business

- Development and site planning in this area has been neglected, but it is critical as pointed out in the Comprehensive Plan as this is the gateway to the Village for many. I like the landscape requirements and the ideas presented for this district. Consider a maximum building setback as well as a minimum? Encourage landscaping and greenspace in the front of the building with parking in the rear.
- I think because of the importance of this district, it should get a design, or development, or whatever you’re calling it, standards table similar to the other districts.
- Street trees, sidewalks and curbs should be mandatory. Suggest all graphics show sidewalks along the street.

#### 4.6 – Industrial

- Allow flexibility of uses in this district. Think of a conversion of 101 Ford to a brewery with outdoor seating... sitting outside in the sun... listening to the creek.... Or an indoor farmer’s market. More of an expansion of some downtown uses in this area would be appropriate. We are beyond the days of industry needing to be located by waterways and this could be nicely utilized space adjacent to the creeks and Kelley Park. Ties into the comprehensive plan – the creeks and natural areas of the Village help set it apart and are currently underutilized.

#### 4.7 – PDD

- PDD's are important to be included in the revised zoning code to allow a developer the opportunity to present a project for consideration to the Village. A PDD is not a guarantee of a project's acceptance. Allowing a developer greater flexibility in developing sites like Maplewood could be beneficial for the Village. There is a balance between a project which is in the best interest of the Village and is economically viable for the developer. If allowed, developers can help find this balance. Not all developers are evil. Allow them some creativity in proposing how they would develop a site. They might propose something great.
- Part of the submission requirements should include a statement indicating how the proposed project conforms with the comprehensive plan.
- At the very least, some framework or path forward for PDD's should be agreed upon before adopting the zoning code

#### 4.8 – Residential Cluster Development

- 30,000 sq. ft. minimum lot size seems small for this to be a viable option. That size lot feels more like a two lot subdivision...
- There is ambiguity between sections D and E. Section D states single family structures and duplexes are only allowed by Special Permit. Section E indicates two-family dwellings are permitted. Not sure how these differ from duplexes...
- Section D.2a – how does this jive with the current sub-division regulations?
- General – use consistent language. The terms Pocket Neighborhood and Residential Cluster are being used. Pick one.
- F.3a – Is a minimum common open space required for any size development? Again, 3,000 sq. ft. common space on a 30,000 sq. ft. minimum lot doesn't feel all that reasonable. How does this play with the current subdivision code? Why would someone choose this option rather than a subdivision for a relatively small lot?
- In general, I think this is a great option for larger lots and could see this working well as part of a redevelopment of Maplewood or some of the county building sites should they ever move. This seems like a nice way to add a little more density while staying away from larger apartment buildings.

#### 5 – Use Standards

- Verify all use categories have definitions
- Verify uses listed match with descriptions from article 4. For example, Downtown district use table allows multi-family residential on the first floor with a special

permit. Article 4 indicates first floor retail / business use in this district. If a special permit is what is needed, then it should be clear in article 4 as well.

- I would study the Downtown Transition zone in more detail. Again, if the concept is that these are converted residential, I'm not sure how automobile sales, commercial parking garages, nursing homes, etc. are viable uses. A parking garage in a converted residence would be quite interesting. I advocate for expanding this district and limiting the form / use. Are parking garages something the Village would entertain in any location?

### 5.3 – Use Standards

- A2a – again, this seems to contradict the use table which states residential is allowed by special permit
- A.3 – use consistent language. 'Residential' vs. 'Downtown' Transition. Residential uses on the ground floor are stated as a use here, but says a SP is required in table
- B5c – should fence requirement be a maximum of 60% open space rather than minimum?
- C.3 – Solar Energy Systems - I am all for roof mounted solar or incorporating solar into parking lots. I'm confused about ground mounted solar and how it fits within the Village. Are ground mounted systems subject to the same setbacks as buildings? Do they count against the bulk area requirements? In essence, could someone take a vacant residential lot and fill it with ground mounted solar? Or essentially fill their entire backyard? I like solar... I think this needs some further thought.
- C5.5 – Wind Energy Conversion System – I'm a huge fan of Mother Earth. I like green energy. I don't get this whole section.... Are we allowing wind turbines in residential districts and throughout the Village? Is there even a viable technology analogous to solar out there right now for a homeowner. What am I missing? We're writing a zoning code that is intended to be a living document. If something like this becomes a reality can we write the code then?
- D Adult District – Are signs for this district addressed anywhere? Or are they held to the same standards as the overlain district?

### Article 6 – General Site Development Standards

- 6.2A – exterior lighting seems like it should apply to residential cluster developments as well.

- 6.4B – roof mounted equipment – Does this apply to roof mounted solar as well?

## Article 8 – Signs

- I've been trying to think of ways to help with the useability of this section. It feels cumbersome. Color code the margin based on what district each type of sign could be placed? I dunno... but I need to read this section 7 more times before I will fully understand it
- 8.7 A5 – graphic shows a banner (I think...) above the first floor and states it may not extend above first floor. Use of 'first floor' language is confusing. Or the graphic is. Or they both are.
- Language throughout this section has not been tailored to the districts elsewhere in the code. Use of terms like 'commercial and mixed use districts' have ambiguity. Is this D, DT, HB, and I? If so, let's just say that....
- In general, the signs allowed are more in number and larger than current code. Is this intentional?
- If you have a 'wall sign – painted' but not a 'wall sign – standard' why are you only allowed half the size? How is a painted wall sign's square footage calculated? Just the size of the lettering, or do we draw a big circle around it like in the picture. Why does this whole section need to be so confusing?
- Drive through signs are permitting in any district, but drive-throughs are only allowed in HB or I. If I get a use variance for my drive-through in D, should I be able to get a drive-through sign as well?
- This entire section could really use some tailoring to the Village with more concise verbiage that matches verbiage used in the remainder of the document.

## Article 9 – Review Authorities

- 9.4 A.4 – change the word Planning to Zoning
- 9.6 – Historic Commission – similar to PDD's, I think at least some framework or concepts to how this will move forward need to be agreed upon prior to the adoption of this code. It would be a shame to have come so far with the new zoning code only to have the existing historic district be stuck in as a 'placeholder' that remains a 'placeholder' for the next 10 years because we can't find any consensus. Is the current code language providing the desired effect? How does the current code protect the 'historic nature,' 'historic charm,' and 'je ne sais quoi' of the Village most

villagers deem as important? How can the Historic Commission become more of a resource?

#### Article 10 – General Procedures

- Useability – historically many folks coming before the Planning Board have never appeared before a Planning Board before, or maybe only a few times. Many are smaller developers or first time applicants. Anything we can do to increase the useability of these next articles would greatly help. Maybe a flow chart of sorts outlining the process at the beginning of this section?
- 10.3 B – here’s an example of the above.... ‘Application shall be considered complete if it is submitted in the required form, includes all mandatory information, blah blah blah’..... where do I have to go to find this? What is the mandatory form? What is all the mandatory information? Refer to relevant sections if they’re in this code
- What’s an Official Map?
- 10.4 C – subdivisions have their own code section. Has this section been looked at as part of this process?

#### Article 11 – Zoning Applications

- 11.3 G – Appeals to administrative adjustments have a 60-day timeframe. How are decisions made by administrative adjustment publicized to start this clock? The public may not be aware of an administrative adjustment decision.
- 11.4 D.1 – what defines a residential development? A two lot subdivision?
- 11.4 D.4 – 20,000 sq. ft. threshold feels big for the Village. I assume other thresholds might kick in as well, but what is rational behind 20,000 sq. ft.
- 11.4 D.5 – Does this include a single family home on a lot greater than an acre?
- 11.4 D.6 – there’s a random “this” hanging around
- 11.4 D.10 – unless deemed dangerous or otherwise unsafe by the Building Official? What about Historic Overlay?
- 11.4 F 2.f Consultants – change “Town” to “Village”
- 11.4 F 2.g Religious or Non-Profit – does this imply a decision regarding signs as well?
- 11.5 A – use of term ‘business districts’ could be ambiguous. Why can’t we just list the districts where this would apply? Or maybe it’s the whole Village...

- 11.5 B – why not include DT, and HB, and I for exterior façade renovation? I would argue that DT and HB are equally important to D for this.
- 11.5 B – refers to design criteria. Where is ‘said criteria’? It seems this will need to be ready to roll out at the same time as the zoning code
- 11.5 C – needs to include Historic Commission and where their role fits within this process
- 11.6 C.2 – refers to an application for certificate of nonconformity. Has this application been produced? This will also need to be ready to go when zoning code is adopted.
- 11.7 A – For what cases is the Zoning Board the special permit granting authority? Should this be defined in this section?
- 11.7 B – careful review .... ‘against fixed standards’. Where do I find these standards?

#### Article 12 – Nonconformities

- I’m having some difficulty squaring this section with the reporting requirements of 11.6. When do you report, and when are you allowed for continuance under 12.2 A?
- 12.2 D.2 – does this imply that you could never seek a use variance for this parcel if it reverted after seven days?
- 12.2 E.4 – Is this an automatic denial by the planning board? Again, I’m a bit confused about how 11.6 plays with 12.2

#### Article 13 - Enforcement

- 13.1 B.3 – is the owner expected to cover the costs of this if found in violation? Should that be stated?

#### Appendix

- Understanding this was a copy / paste, but it refers to appendices and schedules which are not part of proposed code. Somehow needs some massaging.
- I’m tired. I don’t know why anyone would have read this far.....

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I have a number of concerns with the zoning code and truly hope time can be spent reconciling the community needs with the code. I am sad to see it is out of the ZAC's hands as I think further discussion and input from a diverse group of community members is still needed before consultant and legal review.

Historic preservations: I agree that a historic zone is not critical (should have broader coverage than it currently does), but the zoning should have historic preservation goals. Each zone should have detailed descriptions of the desired design standards, and define criteria for the classification of historic (year range or other reasonable method). I would really like to see this included in the code, this is easier for developers and homeowners to have one go to document that explains what can be built in any lot/area.

Green spaces: While separate protections may be possible for some of the parks, the zoning should call out park spaces as greenspace/recreation. Areas such as the Kelly Park, Wiswall Park, Tedesco Trail, and most critically the fairgrounds should be zoned as they are intended to be used. Again, the zoning should be the go to guide on desired land use. We do not want to lose these spaces as they are critical to our community, and we should do everything we can at the Village level to maintain them. Also while it was suggested that it is rare to have these park protections in the zoning code, most of the municipalities in the county seem to be including greenspace in their codes.

Downtown Transition: This could be a good thing if used to define mixed use home shop type business, but as it is written it is dangerously general. Additionally the areas covered do not seem to match with the goals defined in the master plan as they do not enhance the walkable character of the core downtown area. If not more tightly defined this area should be removed, and its location needs to be reconsidered.

ADU: These seem to be the exact kind of thing that should be in the zoning code, so I am not sure why it would be anywhere else. If the state comes up with laws regarding ADUs then at that point those laws can be enforced over our own. We shouldn't wait on outside forces to decide how we govern our village. Additionally this seems to be an issue that a lot of the village is looking for clarity on one way or another with the most fervor, so pushing out the ADU decision to hasten the zoning code launch seems backwards to what I have heard from residents.

General: Everything should be much more detailed and refined. As it is currently written, people are debating what could be built in locations (can a chain restaurant go in the transition zone, etc.); this should be very clear to any reader. When in doubt the code

should be overly verbose in its requirements, it's better to have a complex code, than many complex interpretations of the code.

PDD: This is a major issue that should really be well defined and it's very upsetting that the public feedback events occurred without any idea as to what the final PDD section will look like. Using PDDs has the ability to completely undermine the zoning plan as a whole so if they will be allowed they must be well defined. In the end the code should be very specific on the limitations of the applications of a PDD, as well as clearly defining objectives that should be satisfied in order to authorize one. It would be good to see a clear outline of qualifications that parallels the comprehensive plan objectives that would be used in the PDD application consideration. If you look at a lot of the neighboring communities, most of their "regrettable" changes to the community feel have been made under PDD development so if they will be allowed we need to guarantee they will bring positive changes to the community.

More specific zones: Breaking the zoning into more neighborhood specific zones would allow for tighter control on development suited to the existing structures. Trying to make a general residential zone that offers to make all neighborhoods compliant is impossible without being enormously general. Additionally separating the residential district allows more control over specifying sidewalk needs, curbing, lighting, trees/plants and other comprehensive plan goals without forcing things in areas where this would be inappropriate.

Hopefully we get something in the end that helps us advance the comprehensive plan goals!