

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.