

# STATE ENVIRONMENTAL QUALITY REVIEW ACT FINDINGS STATEMENT

## Town of Ballston Comprehensive Plan Update and Zoning Amendments

### Lead Agency: Town of Ballston Town Board

Adoption Date: April 12, 2022

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Pursuant to the State Environmental Quality Review Act (“SEQRA”), Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617, the Town of Ballston (the “Town Board”) as the SEQRA Lead Agency makes the following findings.

#### 1.0 INTRODUCTION

**Name of Action:** Town of Ballston Comprehensive Plan Update and Zoning Amendments

**Description of Action:** The Town of Ballston has initiated an update to its 2005 Comprehensive Plan to reflect the current needs, opportunities, and vision for the community. The Town has experienced significant residential growth in recent years and in response it seeks to update the Plan and zoning to strike a balance that supports development while maintaining and enhancing residential areas, agricultural resources, natural resources, and rural character.

**Project Location:** Town of Ballston, NY

**Date Final Generic Environmental Impact Statement Accepted:** March 29, 2022

#### 2.0 DESCRIPTION OF THE PROPOSED ACTION

##### 2.1 Project Description

The Town of Ballston has updated its Comprehensive Plan to better consider the current needs, opportunities, and ultimate vision for the community set forth in the vision statement; “The Town of Ballston aspires to preserve its working agricultural lands, natural resources, and high-quality life as it continues to accommodate residential and commercial growth in targeted areas of the community. The Town seeks to maintain the small town and rural character that are the roots of the Ballston community, while continuing to manage growth and embrace new approaches to clean energy, land conservation and community connections leading to a bright future for multiple generations.” A Comprehensive Plan establishes the framework for the future of the community. In the 15 years since the preparation of the Town’s last Comprehensive Plan, the Town has experienced a great many changes, including but not limited to significant growth as well as changes to the built environment. These changes do not currently reflect the goals and vision of the community. Therefore, the Town is updating its Planning and zoning to reflect the vision set forth a land use policy to achieve and support that vision.

## **2.2 Purpose and Need**

The Town of Ballston's attractive location in the Capital Region, and within one of the fastest growing counties in New York State according to the 2020 Census, has created additional residential and commercial development pressure. In response to the population growth and development increase the Town has decided to update its Comprehensive Plan and Zoning Ordinance. These Actions are a direct and timely answer to the call from residents and stakeholders who have expressed concern with the recent growth related to a change in community character, loss of open space and farmland, increased traffic, and demand on public infrastructure.

## **2.3 Project History**

### **Comprehensive Plan Procedural Process**

- The Draft Comprehensive Plan was made available for public review on August 30, 2021.
- The draft Comprehensive Plan was available for public review on [www.EnvisionBallston.com](http://www.EnvisionBallston.com) and hard copies were available at Town Hall and the Library. The public was also engaged in the process through two separate community surveys, mobile vision workshops, the virtual focus group meetings, an in person public hearing was held on May 25, 2021, as well as on September 14, 2021. The Town Board held an in-person public hearing at Town Hall and continued the public hearing to a virtual platform on September 15, 2021.
- The Town Board referred the draft Comprehensive Plan to the Saratoga County Planning Board on September 3, 2021, per General Municipal Law §239-m and received a decision to Approve with comments on October 28, 2021.
- Written and verbal comments received through the project website, comment boxes at the library, Town Hall, as well as via email through the Ballston Town Clerk, were considered by the Town Board and edits to the proposed Comprehensive Plan were made accordingly.

### **Zoning Amendment Procedural Process**

- The Town Board also initiated the preparation of Zoning Amendments to ensure the zoning is consistent with the draft Comprehensive Plan per Town Law §272-a.
- A Zoning Work Group consisting of Town Building Department staff, representatives from the Town Board and the Town's project consultants held regular meetings to prepare the Zoning Amendments.
- The consulting team at MJ prepared a zoning checklist identifying changes needed to be consistent with Draft Comprehensive Plan. The Town Board considered the Zoning Amendments at its November 9, 2021, Town Board meeting where a public presentation of proposed zoning changes was provided by the MJ Consultant team.
- The Town Board held a public hearing for the amendments on November 30, 2021 (Resolutions 21-290 and 21-291) and continued the written public comment period through December 3, 2021.
- Written and verbal comments received through the project website, comment boxes at the library, Town Hall, as well as via email through the Ballston Town Clerk, were considered by the Town Board through December 3, 2021; and proposed modifications or edits were

provided for Town Board consideration and edits to the proposed Zoning Amendments were made accordingly.

### **SEQRA Process**

- In July 2020, the Town Board undertook a targeted update to its 2005 Comprehensive Plan to address the needs of this growing community. This effort included public visioning, a community profile of existing conditions with mapping, numerous in-person and virtual public engagement activities, stakeholder meetings, an online community survey (hard copies available upon request), a student survey, a dedicated project website ([www.EnvisionBallston.com](http://www.EnvisionBallston.com)) and monthly Town Board updates.
- The SEQRA Action is the adoption of the Comprehensive Plan update and Zoning Amendments. This Action is considered a Type 1 Action per 6 NYCRR Part 617.4(b)(1) which requires coordinated review. On August 10, 2021, the Town Board initiated coordinated review and declared its intent to be lead agency for the purposes of SEQRA. Notices were provided to all interested and involved agencies per SEQR regulations and included a Full Environmental Assessment Form (FEAF) Part 1. The Town Board is the appropriate entity to serve as lead agency as it will be responsible for the adoption of the 2021 Comprehensive Plan and Zoning Ordinance Update. No other involved agency objected to the Town Board serving as lead agency.
- Following the required timeframe for coordinated review, the Town Board declared lead agency for SEQRA, reviewed FEAF Parts 1, 2, 3 and issued a Positive Declaration on October 12, 2021. This procedural step formally initiated the preparation of the Generic Environmental Impact Statement (GEIS).
- A Draft Scoping document was also reviewed by the Town Board on November 9, 2021. As required under SEQR 617.9 the public was given an opportunity to comment on the Draft Scope. The Draft Scope was made available on the Town website and project website and public comments will be received by the Town through November 30, 2021. Correspondence was received from one individual. Comments raised during this period were evaluated as to the nature of the information and the importance and relevance of the information related to potential significant impacts. The draft scoping document was adopted on December 14, 2021 by the Town Board (Resolution 21-327).
- The Town Board deemed this DGEIS document complete for public review on January 11, 2022.
- The FGEIS document was accepted on March 29, 2022.

### **3.0 FINDINGS CONCERNING RELEVANT ENVIRONMENTAL IMPACTS**

The following topic areas were evaluated:

- Traffic and Transportation
- Sewer

- Water
- Land Use and Zoning
- Growth and Character of the Community

### **3.1 Traffic and Transportation**

A. The existing conditions are set forth in the DGEIS pages 16 to 22.

#### ***Potential Impacts***

- B. Traffic growth on roadways within the Town of Ballston is a function of the anticipated land development, environmental activity, and changes in demographics.
- Table 3.7 and Table 3.8 in the DGEIS demonstrate growth potential.

#### ***Mitigation***

- C. The mitigation measures needed to accommodate the future No-Build growth are summarized below:
- Intersection 1 – NY Route 50 / Lake Hill Road (CR 339) is a traffic signal controlled intersection. Improvements include optimized signal timing and phasing adjustments, increased storage for the northbound left-turn lane, and construction of a new westbound left-turn lane.
  - Intersection 3 – NY Route 50 / NY Route 146A is a three-leg intersection with stop control on the westbound NY Route 146A approach. Improvements include installation of a westbound left turn lane.
  - Intersection 11 – NY Route 67 / Brookline Road is a three-leg intersection with stop control on the westbound NY Route 146A approach. Improvements include installation of a westbound left turn lane.
  - Intersection 12 – NY Route 67 / Eastline Road is a traffic signal controlled intersection. Improvements include reconstruction of the intersection into a two-lane roundabout.
  - Intersection 13 – NY Route 50 / NY Route 67 / Ballston Avenue is a traffic signal controlled intersection. Improvements include increased left-turn lane storage on the eastbound and westbound approaches and the construction of a right turn lane on the northbound approach.
  - Intersection 14 – NY Route 67 / Middleline Road is a traffic signal controlled intersection. Improvements include optimized signal timing and phasing adjustments and installation of a left-turn lane on the westbound approach.
- D. The following is noted regarding the intersections that operate with LOS E or F conditions and longer delays under the No-Build conditions where mitigation is not identified:
- Intersection 2 – NY Route 146A / Lake Hill Rd (CR 339) is a three-leg intersection with stop control on the westbound driveway approach. The driveway has limited volume consisting of one to two vehicles during the PM peak hour with LOS F at 50.7 seconds of delay. This delay is considered acceptable, and the longer delays are limited to a single peak hour; therefore, no mitigation recommended.

- Intersection 3 – NY Route 50 / NY Route 146A is a three-leg intersection with stop control on the westbound NY Route 146A approach. The westbound NY Route 146A left-turn lane has low volume and operates at LOS F and 63.2 seconds of delay during the PM peak hour. This delay is considered acceptable, and the longer delays are limited to a single peak hour; therefore, no mitigation recommended.
- Intersection 11 – NY Route 67/Brookline Rd (CR 60) is a three-leg intersection with stop control on the eastbound Brookline Road approach. The eastbound Brookline Road left-turn lane has low volume and operates at LOS F and over 50 seconds of delay during the PM peak hour and LOS E and 39.8 seconds of delay during the Saturday peak hour. This delay is considered acceptable, and the longer delays are limited to a single peak hour; therefore, no mitigation recommended.

E. The additional mitigation measures identified to accommodate the full buildout traffic volumes are summarized below.

- Intersection 1 – NY Route 50 / Lake Hill Road (CR 339) – Replace the existing traffic signal, add eastbound left and right-turn lanes, increase northbound left turn storage and add through lane, add westbound right-turn lane, add southbound through lane.
- Intersection 2 – NY Route 146A / Lake Hill Road (CR 339) / Residential Driveway – Install a three-color traffic signal, add eastbound right-turn lane, add northbound left-turn lane.
- Intersection 3 – NY Route 50 / NY Route 146A – Construct a two-lane roundabout.
- Intersection 6 – NY Route 50 / Middleline Road (CR 59) – Construct a two-lane roundabout at the intersection of Whites Beach Road with NY Route 50.
- Intersection 7 – Outlet Road / Lake Road – Install a new traffic signal and add southbound right-turn lane.
- Intersection 8 – Eastline Road (CR 82) / Lake Road – Install new traffic signal.
- Intersection 9 – Middleline Road (CR 59) / Brookline Road (CR 60) – Install new traffic signal, add westbound right-turn lane, add southbound left-turn lane.
- Intersection 10 – NY Route 50 / Brookline Road (CR 60) / Mourningkill Drive – Replace traffic signal, add northbound left-turn lane, add northbound through lane, add westbound left-turn lane, add southbound through lane.
- Intersection 11 – NY Route 67 / Brookline Road (CR 60) – Construct a two-lane roundabout.
- Intersection 12 – NY Route 67 / Eastline Road (CR 82) – Add northbound right slip lane to roundabout.
- Intersection 13 – NY Route 50 / NY Route 67 / Ballston Avenue – Increase NY Route 50 left-turn lane storage, increase NY Route 67 right turn lane storage, add NY Routes 50/67 left-turn lane.
- Intersection 14 – NY Route 67 / Middleline Road (CR 59) – Add eastbound right and left-turn lanes, add westbound left-turn lane.

F. It is noted that due to the increase in traffic volumes associated with the full buildout, even with the improvements identified above, the following intersections will still operate at LOS E/F conditions:

- Intersection 1 – NY Route 50 / Lake Hill Road (CR 339) – The overall intersection operates at LOS D and E during the PM and Saturday peak hours with lane groups operating at LOS E or F.

Given the proximity to local properties, improvements are not feasible without major reconstruction and relocation of property owners. These operations will likely be restricted to the peak hours.

- Intersection 11 – NY Route 67 / Brookline Road (CR 60) – The eastbound Brookline Road right-turn is anticipated to operate at LOS E during the PM peak hour. This condition is likely to be restricted to the PM peak hour of operation and any improvements would impact the vehicular traffic along NY Route 67 without providing substantial decrease in delay.
- Intersection 12 – NY Route 67 / Eastline Road (CR 82) – The southbound Eastline Road and eastbound NY Route 67 approach is anticipated to operate at LOS E during the PM peak hour. Given the proximity to local properties, improvements are not feasible without major reconstruction and relocation of property owners. This condition is likely to be restricted to the peak hours of operation.
- Intersection 13 – NY Route 50 / NY Route 67 / Ballston Avenue – The eastbound NY Route 50 shared right-through lane is anticipated to operate at LOS E during the PM peak hour respectively. Given the proximity to local properties, improvements are not feasible without major reconstruction and relocation of property owners. This condition is likely to be restricted to the peak hours of operation.

- G. Roadway improvement costs have been developed for the mitigation measures identified above. Mitigation measures were identified for the No-Build and Build conditions. The No-Build with improvements identified would be required without the expanded development expected in the Town. The difference between the No-Build and Build improvements can be attributable to the proposed development and the costs included reflect this difference in mitigation measures. The estimated cost for these intersections is summarized in Table 1 below.

Many of the identified mitigation measures require coordination with the New York State Department of Transportation, Saratoga County, and neighboring municipalities. The intersections on the Town line will require coordination and joint construction projects when improvements are implemented.

**TABLE 1 – IMPROVEMENT MITIGATION COSTS**

No.	Description	Improvements	No-Build Cost <sup>1</sup>	Build Cost <sup>1</sup>	Cost Difference <sup>1</sup>	Right-of-Way Required
1	NY Route 50 / Lake Hill Road (CR 339)	Replace Traffic Signal EB Left & Right Turn Lanes WB Right Turn Lane SB Thru Lane	\$1,395,000	\$3,016,000	\$1,621,000	Yes
2	NY Route 146A / Lake Hill Road (CR 339) / Residential Driveway	Install Traffic Signal EB Right Turn Lane NB Left Turn Lane	\$0	\$1,629,000	\$1,629,000	Yes
3	NY Route 50 / NY Route 146A	2-Lane Roundabout	\$357,000	\$2,829,000	\$2,472,000	Yes
6	NY Route 50 / Middleline Road (CR 59)	2-Lane Roundabout	\$0	\$3,468,000	\$3,468,000	Yes
7	Outlet Road / Lake Road	Install Traffic Signal SB Right Turn Lane	\$0	\$1,044,000	\$1,044,000	Yes
8	Eastline Road (CR 82) / Lake Road	Install Traffic Signal	\$0	\$683,000	\$683,000	No
9	Middleline Road (CR 59) / Brookline Road (CR 60)	Install Traffic Signal WB Right Turn Lane SB Left Turn Lane	\$0	\$812,000	\$812,000	Yes
10	NY Route 50 / Brookline Road (CR 60) / Mourningkill Drive	Replace Traffic Signal NB Left and Thru Turn Lanes WB Left Turn Lane SB Thru Lane	\$0	\$3,603,000	\$3,603,000	Yes
11	NY Route 67 / Brookline Road (CR 60)	2-Lane Roundabout	\$516,000	\$2,995,000	\$2,479,000	Yes
12	NY Route 67 / Eastline Road (CR 82)	NB Slip Lane added to Roundabout	\$4,108,000	\$4,127,000	\$19,000	Yes
13	NY Route 50 / NY Route 67 / Ballston Avenue	Increase NY 50 & 67 turn lane storage Second Left Turn lane on NY 50/67	\$1,780,000	\$2,299,000	\$519,000	Yes
14	NY Route 67 / Middleline Road (CR 59)	EB right and left turn lanes WB left turn lane	\$604,000	\$2,225,000	\$1,621,000	Yes
<b>Total</b>					\$19,970,000	
<b>Assumed Local Share of Mitigation Costs (20%)</b>					\$3,994,000	
<b>Number of Trips</b>					5,088	
<b>Mitigation Cost per Trip</b>					\$784.98	
<b>Mitigation Cost per Trip Rounded<sup>3</sup></b>					<b>\$785.00</b>	

**Notes:**

<sup>1</sup> Design and Construction Inspection costs are included. Costs are in 2022 dollars.

<sup>2</sup> Right-of-Way costs for the acquisition process and FEE acquisitions are included in the estimate. Assumptions for the need for ROW are based on Tax Map accuracy.

<sup>3</sup> An industry standard inflation rate for construction costs should be added per year at a rate of 3%. Intersections 4 and 5 are not included. No improvements identified at these locations.

**The Town Board finds that any potential impacts related to “Transportation” will be minimized and mitigated as set forth above and through the mitigation fees.**

### **3.2 Sewer**

- A. The existing conditions are set forth in the DGEIS pages 33 to 35.

#### ***Potential Impacts***

- B. In the case of sewer, under existing zoning, the maximum daily wastewater flows are estimated to increase by an additional 3,360,000± MGD. This decreases to approximately 1,400,000 GPD under proposed zoning. Under Proposed zoning with incentives, the increase in maximum wastewater flows is estimated at 1,800,000 MGD.

#### ***Mitigation***

- C. In order to address any negative potential impacts, and to improve overall quality of service with regards to this updated Comprehensive Plan and Zoning Ordinance, this document and Appendix D of the DGEIS offer proposed mitigation measures.
- D. To provide sewer service for future development under each alternative scenario, new sewer mains would be required in subareas B, C, and E. No new sewer lines will be required in subarea C as they are currently being installed with the Ballston Lake Sewer District project. Together with the new mains, three new pump stations would be required to convey the wastewater to the existing interconnections with the SCSD interceptor main. One will be located in subarea C on NYS route 50 near the intersection with White beach road, the second on Sweet Road, approximately 500 feet due east from Lake Road, and the third on Outlet Road adjacent to the north end of Ballston Lake. It is important to note that the required system improvements are identical under all three zoning alternatives.

**The Town Board finds that the proposed action will not significantly impact “Sewer” and that any potential impacts will be minimized and mitigated as set forth above.**

### **3.3 Water**

- A. The existing conditions are set forth in the DGEIS pages 36 to 38.

#### ***Potential Impacts***

- B. One of the potential impacts is the overall strain of the capital costs between the recommended improvements for the buildout scenarios. This also depends on the amount of additional storage needed. The booster pump and water main improvements remain the same for each buildout scenario. Under Buildout Scenario 1, or existing zoning, approximately 2 million gallons of additional storage are needed and would be provided through two (2) 1.0-MG water storage tanks. The storage need decreases under Buildout Scenario 2 and 3 or proposed zoning and proposed zoning with incentives (respectively), due to the decrease in proposed units and density in the DGEIS. Approximately 800,000 of additional storage would be needed for Buildout Scenario

2 and 3 and would be provided by two (2) 400,000-gallon tanks. The full water report included in the DGEIS outlines the improvements that apply to the different buildout scenarios and the associated capital costs.

- C. If the Town does not improve its water systems by making upgrades, as previous stated – the existing zoning regulations place the greatest impact on the existing water system – and therefore is not the most efficient or effective use of a critical resource.

**Mitigation**

- D. The pumping capacities of both of the Town’s pump stations will need to be increased to meet the anticipated flow requirements and improvements within the distribution system will also be required to support and service future residential subdivisions and commercial developments.
- E. As discussed in detail in DGEIS Appendix C, to assist the Town with recouping expenses associated with infrastructure improvements to support buildout under the provided scenarios, an assessment of mitigation fees is proposed in Table 2. It should be noted that mitigation fees for Buildout Scenario 3 (proposed zoning with incentives) have not been calculated as participation in the incentive program under this scenario will be optional by the proposed developer. As such, the Town will need to re-evaluate any associated mitigation fees as buildout progresses.

**Table 2 - MITIGATION FEE SUMMARY**

<b>Buildout 1</b>	<b>Existing Zoning</b>				
Total Dwelling Units	4,907	1,349,425	gallons		(275 gpd x Units)
Non-Residential Area (SF)	5,572,690	557,269	gallons		(0.1 gpd/sf x SF)
Total Projected Water Usage		1,906,694	gallons		
Capital Cost - Residential Share	71%	\$19,692,594			
Capital Cost - Non-Residential Share	29%	\$8,132,406			
<b>Residential Cost per EDU</b>		<b>\$4,013.16</b>	<b>\$/EDU</b>		
<b>Non-Residential Cost per SF</b>		<b>\$1.46</b>	<b>\$/SF</b>		
<b>Buildout 2</b>	<b>Proposed Zoning</b>				
Total Dwelling Units	1,454	399,850	gallons		(275 gpd x Units)
Non-Residential Area (SF)	3,918,917	391,892	gallons		(0.1 gpd/sf x SF)
Total Projected Water Usage		791,742	gallons		
Capital Cost - Residential Share	51%	\$11,507,013			
Capital Cost - Non-Residential Share	49%	\$11,277,987			
Total Residential Cost per EDU		\$7,914.04	\$/EDU		
<b>*Residential Cost per EDU</b>		<b>\$4,748</b>	<b>\$/EDU</b>		
<b>*Non-Residential Cost per SF</b>		<b>\$2.88</b>	<b>\$/SF</b>		

*\*Represents Applicant Mitigation Cost*

**The Town Board finds that any potential impacts related to “Water” will be minimized and mitigated as set forth above and through the mitigation fees.**

### **3.4 Land Use and Zoning**

- A. The existing conditions are set forth in the DGEIS pages 43 to 49.

#### ***Potential Impacts***

##### **Existing Zoning**

- B. During the comprehensive planning update process, it became clear the community has concerns related to the impacts of growth on the rural community character, the transportation network, public infrastructure (sewer and water) and the overall quality of life within the Town. Those concerns were expressed through numerous public engagement activities.
- C. While the vision identified by the community through the comprehensive plan update process was relatively unchanged from the prior Comprehensive Plan vision, it is evident that the growth patterns over the past fifteen years do not align with the vision. The Town's planning consultant conducted a Farm and Rural Audit of Current Town Zoning, which was an evaluation of the existing zoning to determine the farm-friendliness of the code and the policies in place to support the rural character of the Town. This was necessary to more clearly understand what was driving the growth within the community and the type of growth the Town was experiencing. This also assisted the Town to better understand what needed to be changed to better meet the community vision. This audit is included in Appendix A of the DGEIS.

##### **Proposed Zoning**

- D. To effectively manage the growth of the Town of Ballston and encourage responsible development to protect rural character, limit high density residential growth, focus commercial growth, and protect historic hamlets, the proposed zoning limits growth in the rural areas of the community and focuses growth in areas more appropriate for development.
- E. Targeting growth can also serve to enhance the Town tax base by promoting a concentrated mixed of uses or additional commercial activity to increase tax revenue. This is important to support Town services and the school districts. It will be important for the Town to ensure appropriate sewer and water infrastructure exist in the areas identified for target growth to allow that growth to occur in those locations and keep the rural areas rural. Also, in targeting growth, recreational amenities should be considered as well as connections to those amenities.
- F. There are highlights of the major proposed zoning amendment to address the issues and concerns raised through the comprehensive planning process listed on pages 51 – 56 in the DGEIS.

## ***Mitigation***

### **Existing Zoning**

- G. The most effective proposed mitigation for the existing zoning, is to adopt the proposed zoning. Throughout the Comprehensive Plan update process, the community expressed through surveys, mobile workshops, and virtual public meetings concerns related to the current land use and zoning policies and the resulting impacts on community character, infrastructure and quality of life. The proposed zoning is expected to manage growth and protect the rural and community character the Town of Ballston enjoys in a more appropriate way.

### **Proposed Zoning**

- H. The proposed mitigation for the anticipated impacts of the proposed zoning is identified in the following sections of the DGEIS:
- Section 3.1.3 Traffic and Transportation Proposed Mitigation Measures
  - Section 3.2.3 Sewer Proposed Mitigation Measures
  - Section 3.3.3 Water Proposed Mitigation Measures
- I. The impacts of continued growth are anticipated to be mitigated through the proposed PDR program, which is intended to collect PDR fees to build funds to conserve farmland and open space within the Town.

**The Town Board finds that the proposed action will not significantly impact “Land Use and Zoning” and that any potential negative impacts will be minimized and mitigated as set forth above.**

## **3.5 Growth and Character of the Community**

- A. The existing conditions are set forth in the DGEIS pages 59 - 62.

### ***Potential Impacts***

- B. Without effective and meaningful land use tools to direct growth to targeted areas of the Town and protect important undeveloped lands, the rural character that has served as the roots of the Ballston community for so long could be lost. With continued residential development pressure in the Town, there is a concern about the impact on the character of the rural area and impact on working farm operations. However, a lack of sewer and water infrastructure will most likely limit intense development.
- C. However, the current mix of policies and land use regulations have not always worked together well and have not been effective in adequately managing current development pressures. Additionally, some existing zoning tools, such as the PUDD which can be a useful tool for creative development approaches, have instead allowed higher density growth to occur in a manner that has changed the landscape of the Town and does not meet the vision of the community.

## ***Mitigation***

- D. The proposed Zoning Amendments are anticipated to mitigate impacts of growth and maintain community character within the Town. The proposed zoning is intended to preserve working agricultural lands, natural resources, and a high-quality life as the Town continues to accommodate residential and commercial growth in targeted areas of the community, and to maintain the small town and rural character that are the roots of the Ballston community.
- E. The proposed zoning is also intended to embrace new approaches to clean energy, land conservation and community connections leading to a bright future for multiple generations. The amendments are anticipated to maintain the existing rural and community character by focusing on key areas for growth while limiting growth in the rural areas.
- F. Topic specific mitigation measures related to growth in the Town are identified in Section 3.1 – Traffic and Transportation, Section 3.2 – Sewer, and Section 3.3 - Water of the DGEIS.

**The Town Board finds that the proposed action will not significantly impact “Growth and Character of the Community” and that any potential impacts will be minimized and mitigated as set forth above.**

## **4.0 UNAVOIDABLE ADVERSE IMPACTS**

Adverse impacts that have been identified that cannot be minimized, avoided, or mitigated include the following:

- The conversion of vacant land to developed land
- Removal of existing vegetation as a result of development that may occur
- Increase in impervious surfaces
- Increase population
- Additional need for public services (including extension or expansion of municipal water, sewer and stormwater infrastructure)

## **5.0 ALTERNATIVES**

- A. Three alternatives are evaluated within this DGEIS: no Action (existing zoning); proposed zoning, proposed zoning with incentives. A buildout analysis was prepared for each alternative. A buildout analysis can explore the impact of development on things such as but not limited to tax base, traffic, and infrastructure.

### **5.1 No Action**

- B. This “no Action” scenario includes no change to the existing zoning. Under existing zoning, unmanaged growth will continue to undermine the existing and desired rural character of the town.

## 5.2 Proposed Zoning

C. This section discusses the proposed zoning alternative as summarized in Section 3.4 and found in Appendix E in the DGEIS.

## 5.3 Proposed Zoning with Incentives

D. The proposed Zoning Amendments include incentive zoning, which offers rights to a developer in exchange for public benefits to the community. A density bonus and other incentive zoning policies incur no direct cost for the local government.

## 6.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

While adoption of the proposed Comprehensive Plan and Zoning Amendments will not directly result in approval of any specific future development, it will impact what development can occur, where it can occur, and the density of which it can occur. Any future development must comply with all local, state, and federal regulations set forth. Land development under existing zoning and under potential amended zoning will result in the removal of vegetation and the development of currently vacant and/or redevelopment of underutilized land. Once constructed, the development of vacant lands cannot be reversed and would be unavailable for future uses. The future development is, from a practical perspective, an irreversible and irretrievable commitment of resources (however, any future development could conceivably be demolished, and the land reclaimed for alternative uses or returned to a natural state).

Future development within the Town is not anticipated to occur simultaneously. Various types of construction materials and building supplies will be committed to future development. The use of these materials will represent a long-term commitment of these resources, which will not be available for other projects. Although some of these materials (e.g., steel, glass) could be recovered and recycled if future development were demolished, the use of these materials from a practical perspective represents an irreversible and irretrievable commitment of resources. At this time, such resources are considered to be readily available and should not present a burden upon scarce materials or resources.

## 7.0 GROWTH INDUCED ASPECTS

In the face of significant population growth, the community concern about a loss of character is also growing. The Actions herein are intended to work together to protect the rural area while creating opportunities for landowners to realize their property investment and opportunities for new development to occur in specific areas to meet the residential and tax revenue generation needs of a growing community.

The proposed Zoning Amendments will enable the town to continue growing responsibly. That growth will be in a sustainable, managed fashion that reacts to the community's needs and protects its rural, and agricultural character as well as the environmental resources. The amendments also consider recreation as it is existing currently and offer that adding in requirement for payment of a Town Parks and Recreation

Fee as part of the special use approval process, with Fee to be established by Town Board. This would ensure community expectations are met when and if development occurs.

Targeting growth to the areas listed above can also serve to enhance the Town tax base by promoting a concentrated mixed of uses or additional commercial activity to increase tax revenue. This is important to support Town services and the school districts. It will be important for the Town to ensure appropriate sewer and water infrastructure exist in the areas identified for target growth to allow that growth to occur in those locations and keep the rural areas rural. Also, in targeting growth, recreational amenities should be considered as well as connections to those amenities.

## **8.0 EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES**

Participation in the NYS Department of Environmental Conservation / New York State Energy Research and Development Authority (NYSERDA) Clean Energy Communities Program has been shared as a recently identified priority for the Town. The Ballston Clean Energy Committee (formed in January 2020) is responsible for leading the implementation, and there is excellent residential support for this program. This Clean Energy Committee, in coordination with the Town Board, has made significant progress toward these efforts. For example, an electric vehicle charging station has recently been installed at Town Hall, and the Town is making provisions for the purchase of an EV truck for municipal use. Additionally, the Town has recently adopted a progressive local solar use legislation amendment (§138-115), which is proposed to be integrated into the Zoning Amendments.

In the same vein, the residents called for more robust regulation in place to protect the local climate. In response the Town put forward the Green Energy Initiative in the proposed Zoning Amendments. This program is established to incentivize application of energy efficient development practices in the Town of Ballston. The Town has determined that suitable community benefits are best provided through a fee payment to be used solely for the purchase of properties or of development rights to protect agricultural and open space lands or through provision of green energy initiatives to increase climate resiliency. Applicants desiring to use density or square footage bonuses shall pay all fees associated with the Agricultural and Open Space Protection Purchase of Development Rights (PDR) Program as established by the Town in their fee schedule prior to any preliminary subdivision, site Plan or special use permit approval by the Planning Board.

All PDR fees paid shall be deposited into a PDR fund to be established and used by the Town Board exclusively for the specific community benefits authorized by the Town Board in their Agricultural and Open Space Protection Purchase of Development Rights (PDR) Program and Green Energy Incentive Program. This uniquely progressive strategy will encourage in smart growth for the Town as a whole.

**9.0 CERTIFICATION**

**Certification to Approve/Fund/Undertake:**

Having considered the draft and final Environmental Impact Statement and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable.

Town of Ballston Town Board

**Name of Agency**



**Signature of Responsible Official**  
Eric Connolly



**Name/Title of Responsible Official**  
Town of Ballston Supervisor

**Address of Agency:** Town of Ballston Town Board  
323 Charlton Road  
Ballston Spa, New York 12020

- Cc:** Town of Ballston Planning Board  
Town of Ballston  
Saratoga County Dept. of Public Works  
Saratoga County Dept. of Environmental Health  
Saratoga County Planning Dept.  
New York State Dept. of Environmental Conservation  
New York State Dept. of Transportation  
New York State Office of Parks, Recreation and Historic Preservation  
New York State Thruway Authority  
United States Army Corp of Engineers