

Village of Ballston Spa

66 FRONT STREET

Ballston Spa, NY 12020

518-885-5711

April 14, 2025

To: Mayor Frank Rossi
66 Front Street
Ballston Spa, NY

Re: Application for a telecommunication tower located at 30 John Street, Ballston Spa, NY 12020.

Tax ID: 203.64-1-7

Dear Mayor Rossi,

Please be advised that we are referring your application for the telecommunication tower at 30 John Street to the Zoning Board of Appeals for the following reason:

Application is out of compliance with Village of Ballston Spa Code 205.26 (B) Height Exceptions
Any such proposed structure exceeding 100 feet in height, including receiving antennas and/or transmission towers, shall be permitted only by special permit under Section 207.72 issued by the Zoning Board of Appeals.

We have received the completed ZBA paperwork and will forward it the ZBA for their review.

Sincerely,



Dave LaFountain
Code Enforcement Officer
Phone: (518)288-4006
Email: buildinginspector@ballstonspa.gov
Cc: Anna Stanko, Rory O'Connor

VILLAGE OF BALLSTON SPA
BUILDING DEPARTMENT
APPLICATION for BUILDING PERMIT

DATE APPLICATION MADE: 4/9/25
PERMIT NUMBER: _____
ISSUED: _____
EXPIRES: _____

ALL CONSTRUCTION TO BE IN COMPLIANCE WITH "NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE" AND "VILLAGE OF BALLSTON SPA ZONING ORDINANCE"

1. GENERAL INFORMATION

PDD/ Subdivision Name: _____

Tax Map No: 203.64-1-7

Historic District: ☐ Yes ☐ No

Ownership: ☐ Private ☐ Public

2. APPLICANT

Name Village of Ballston Spa Position Mayor Frank Rossi Email mavor@ballstonspa.gov

Address 66 Front St City Ballston Spa State NY Zip Code 12020

Telephone 518-885-5711 Ext. _____

3. PROPERTY OWNER

Name Same Position _____ Email _____

Address _____ City _____ State _____ Zip Code _____

Telephone _____ Ext. _____ Liability Carrier: _____ Policy # _____

4. PROPOSED CONSTRUCTION LOCATION

Street Number 30 Street Name: John Street

Apt. Number: _____ Zoning District: _____

5. USE

Existing Use Water Tank Proposed Use Telecommunication Tower

6. TYPE OF WORK

☐ New ☐ Addition ☐ Change of Tenant ☐ Other _____

Brief Description of proposed work: AT&T, Verizon, and T-Mobile relocating their antennas from the existing water tank to new proposed 180' monopole owned by the Village of Ballston Spa. Carriers existing ground equipment to remain

SETBACKS (in feet)
FRONT _____
BACK _____
LEFT SIDE _____
RIGHT SIDE _____

7. PROPOSED BUILDING

Height 180' Actual Stories _____ Total Size: _____ square feet Style Monopole Structure

Type of Frame Steel Type of Foundation Concrete Number of Rooms (excl. bathrooms) _____ Number of Bathrooms _____

Number of Bedrooms _____ Primary Heat System _____ Type of Fuel _____ Number of Fireplaces _____ Number of Wood Stoves _____

Sprinklers ☐ Yes ☐ No Central Air Conditioning ☐ Yes ☐ No Garage: ☐ Attached - No. of Cars _____ ☐ Detached - No. of Cars _____

8. ARCHITECT / ENGINEER

Name Airesmith Engineering Position _____ Organization _____

Address 318 West Avenue City Saratoga Springs State NY Zip Code 12866

Telephone 518-306-1711 Ext. _____ Professional License No. _____ State _____

9. CONTRACTOR

Name TBD Position _____ Organization _____

Address _____ City _____ State _____ Zip Code _____

Telephone _____ Ext. _____ Liability Carrier _____ Policy No. _____

10. NAMES, ADDRESSES AND TELEPHONE NUMBERS OF ALL SUBCONTRACTORS:

11. COST AND FEES

Estimated Project Cost \$ 300,000 Building Permit Fee \$ _____

12. PROVIDED WITH THIS APPLICATION

☐ Two (2) Complete Sets of Plans ☐ Plot Plan ☐ Energy Audit ☐ Materials List ☐ Electrical Layout ☐ Plumbing Layout

13. AFFIDAVIT

I swear to the best of my knowledge and belief the statements contained in this application, together with the plans and specifications submitted, are a true and complete statement of all proposed work to be done on the described premises and that all provisions of the BUILDING CODE, the ZONING ORDINANCE, and all other laws pertaining to the proposed work shall be complied with, whether specified or not, and that such work is authorized by the owner.

Signature [Signature] DATE 4/9/2025
(Owner or Owner's Agent)

BELOW THIS LINE TO BE COMPLETED BY THE BUILDING DEPARTMENT

ACTION ON APPLICATION

Permit Granted Date: _____ Signed _____

Permit Denied Date: Referred to ZBA APR 14 2025 Signed _____

Reason for Denial: _____

Variance/ Special Permit Granted By: _____ Date: _____

Certificate of Occupancy Granted By: _____ Date: _____

Certificate of Compliance Granted By: _____ Date: _____

Village of Ballston Spa
Zoning Board of Appeals
66 Front Street
Ballston Spa, NY 12020
518-885-5711

APPEAL to the ZONING BOARD OF APPEALS for an INTERPRETATION, USE VARIANCE, and / or VARIANCE EXTENSION

APPLICATION REQUIREMENTS:

1. **Eligibility:** To apply for relief from the Village's Zoning Ordinance, an applicant must be the property owner(s) or lessee or have an option to lease or purchase the property in question. The Zoning Board of Appeals (ZBA) shall not accept any application for appeal that includes a parcel which has a written violation from the Building Inspector that is not the subject of the application.
2. **Complete Submissions:** Applicants are encouraged to work with Village staff to ensure a complete application. The ZBA will only consider completed applications that contain one (1) original and one (1) digital of the following:

- ☒ Completed application pages 1 and 8, the pages relating to the requested relief (p. 2 for interpretation or extension, pp. 3-5 for use variance, pp. 6-7 for area variance) and any additional supporting materials/ documentation.
- ☒ Completed SEQR Environmental Assessment Form – short or long form as required by action. Found on New York State Department of Environmental Conservation site at: www.dec.ny.gov/seqrform
- ☒ Detailed "to scale" drawings of the proposed project – folded and no larger than 24" x 36". Identify all existing and proposed structures, lot boundaries and dimensions, and the relationship of structures to the lot dimensions. Also, include any natural or manmade features that might affect your property (e.g., drains, ponds, easements, etc.).

3. **Application Fee (Non-refundable):** Make checks payable: "Village of Ballston Spa". Fees are cumulative and required for each request below.

- ☐ Interpretation: \$500.00
 - ☐ Use Variance: \$200.00
 - ☐ Area Variance: \$100.00 *Residential use/property*; \$300.00 *Non-residential use/ property*
 - ☐ Extensions: \$150.00
- Village project - Fee assumed waived

Check Village website: www.villageofballstonspa.org for application meeting dates.

VILLAGE OF BALLSTON SPA

66 Front St
Ballston Spa, NY 12020
Ph: (518)885-5711

APPLICATION FOR:
APPEAL TO THE ZONING BOARD FOR AN
INTERPRETATION, USE VARIANCE, AREA VARIANCE AND/OR VARIANCE EXTENSION

	<u>APPLICANT(S)</u>	<u>OWNER(S) (if not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name	Mayor Frank Rossi		Karla Buettner, Esq
Address	66 Front Street		PO Box 2168
	Ballston Spa NY 12020		Glens Falls, NY 12801
Phone	518-885-5711		(518) 832-6451
Email	mayor@ballstonspa.gov		(518) 832-6451

*An applicant must be the property owner, lessee, or one with an option to lease or purchase the property in question.

Applicant's interest in the premises: ☒ Owner ☐ Lessee ☐ Under option to lease or purchase

PROPERTY INFORMATION

1. Property Address/Location: 30 Johns Street Tax Parcel No: 203.64-1-7
2. Date acquired by current owner: Unk
3. Zoning District when purchased: Unk
4. Present use of property: Water Storage And Cellular Communications
5. Current Zoning District: R-1: Residential
6. Has a previous ZBA application/appeal been filed for this property?
 - a. Yes (when? _____, for what? _____)
 - b. ☒ No
7. Is property located within (check all that apply):
 - ☐ Historic District
 - ☐ Architectural Review District
 - ☐ within 500' of a State Park, city boundary, or county/state highway?

8. Brief description of proposed action:

Install a new cellular support structure to allow removal of communications equipment from the water storage tank and resolve issues of incompatibility with water system operation while improving cellular service and retaining lease revenue from carriers.

9. Is there a written violation for this parcel that is not the subject of this application? ___ Yes ☐ No

10. Has the work, use or occupancy to which this appeal relates already begun? ___ Yes ☐ No

11. Identify the type of appeal you are requesting (*check all that apply*):

ZBA Special Permit for structure exceeding 100' - § 205-26.B Height exception

___ INTERPRETATION (page 2)

___ VARIANCE EXTENSION (page 3)

___ USE VARIANCE (pages 3-6)

___ AREA VARIANCE (pages 6-8)

FEES: Make checks payable to the "VILLAGE OF BALLSTON SPA". Fees are cumulative and required for each request below:

___ Interpretation	\$500
___ Use variance	\$200
___ Area variance	
- Residential use/property:	\$100
- Non-residential use/property:	\$300
___ Extensions:	\$150

INTERPRETATION – PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Identify the section(s) of the Zoning Ordinance for which you are seeking an interpretation:

Section(s) N/A - Seeking special permit under § 205-26.B Height exception

2. How do you request that this section be interpreted?

Request approval and issuance of a special permit under § 205-26.B Height. Proposed height is the minimum needed to provide signal coverage from the existing site for all communications carriers. The existing tank is about 100' with only one carrier above the treeline. The new structure will allow all carriers signal coverage above the treeline.

The Village has no practicable alternative to monopole construction since carrier equipment conflicts with continued operation of the water tank.

3. If interpretation is denied, do you wish to request alternative zoning relief? ___ Yes ___ No

4. If the answer to #3 is "yes", what alternative do you request? ___ Use Variance ___ Area Variance

EXTENSION OF A VARIANCE-PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

1. Date original variance was granted: _____

2. Type of variance granted? _____ Use _____ Area

3. Date original variance expired: _____

4. Explain why the extension is necessary. Why wasn't the original timeframe sufficient:

When requesting an extension of time for an existing variance, the applicant must prove that the circumstances upon which the original variance was granted have not changed. Specifically demonstrate that there have been no significant changes on the site, in the neighborhood, or within the circumstances upon which the original variance was granted:

USE VARIANCE-PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

A use variance is requested to permit the following: _____

For the Zoning Board to grant a request for a use variance, an applicant must prove that the zoning regulations create an unnecessary hardship in relation to that property. In seeking a use variance, New York State law requires an applicant to prove all four of the following "tests".

1. That the applicant cannot realize a reasonable financial return on initial investment for any currently permitted use on the property. "Dollars & cents" proof must be submitted as evidence. The property in question cannot yield a reasonable return for the following reasons:

A. Submit the following financial evidence relating to this property (attach additional evidence as needed):

1. Date of purchase: _____ Purchase amount: \$ _____

2. Indicate dates and costs of any improvements made to property after purchase:

<u>Date</u>	<u>Improvement</u>	<u>Cost</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. Annual maintenance expense: \$ _____

4. Annual taxes: \$ _____

5. Annual income generated from property: \$ _____

6. City assessed value: \$ _____

7. Appraised Value: \$ _____ Appraiser: _____ Date: _____

Appraisal Assumptions: _____

B. Has property been listed for sale with the Multiple Listing Service (MLS)?

____ Yes If "yes", for how long?

____ No

1. Original listing date(s): _____ Original listing price: \$ _____

If listing price was reduced, describe when and to what extent:

2. Has the property been advertised in the newspapers or other publications? ____ Yes ____ No

If yes, describe frequency and name of publications:

3. Has the property had a "For Sale" sign posted on it? ____ Yes ____ No

If yes, list dates when sign was posted:

4. How many times has the property been shown and with what results?

2. That the financial hardship relating to this property is unique and does not apply to a substantial portion of the neighborhood. Difficulties shared with numerous other properties in the same neighborhood or district would not satisfy this requirement. This previously identified financial hardship is unique for the following reasons:

3. That the variance, if granted, will not alter the essential character of the neighborhood. Changes that will alter the character of a neighborhood or district would be at odds with the purpose of the Zoning Ordinance. The requested variance will not alter the character of the neighborhood for the following reasons:

4. That the alleged hardship has not been self-created. An applicant (whether the property owner or one acting on behalf of the property owner) cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property knowing (or was in a position to know) the conditions for which the applicant is seeking relief. The hardship has not been self-created for the following reasons:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

AREA VARIANCE-PLEASE ANSWER THE FOLLOWING (add additional information as necessary):

The applicant requests relief from the following Zoning Ordinance article(s) _____

[illegible]

Other:

Revised 8/2024

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

2. Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

4. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

DISCLOSURE

Does any Village of Ballston Spa officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? ____ No ____ Yes If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

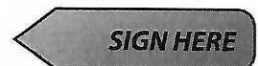
APPLICANT CERTIFICATION

I/We, the property owner(s), or purchaser(s)/lessee(s) under contract, of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature(s) attached hereto, I/we certify that the information provided within this application and accompanying documentation is, to the best of my/our knowledge, true and accurate. I/We further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/we hereby authorize the members of the Zoning Board of Appeals and designated Village of Ballston Spa staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this appeal.

 Date: 3/24/2025 (Signed as Mayor of Village of Ballston Spa)
(applicant signature)



____ Date: _____
(applicant signature)

If applicant is not the currently the owner of the property, the current owner must also sign.

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Village of Ballston Spa			
Name of Action or Project: Monopole Tower Install & Water Tank Decom			
Project Location (describe, and attach a location map): 30 John Street, Ballston Spa, NY 12020			
Brief Description of Proposed Action: New installation of Village owned monopole tower on village property next to water tank. AT&T to decom and remove their existing equipment from water tank. AT&T to install new equipment on new tower and route new ice bridge from existing equipment pad to new tower.			
Name of Applicant or Sponsor: Mayor Frank Rossi		Telephone: 518-885-5711	
		E-Mail: mayor @ballstonspa.gov	
Address: 66 Front Street			
City/PO: Ballston spa		State: NY	Zip Code: 12020
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO ☐
			YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO ☒
			YES ☐
3. a. Total acreage of the site of the proposed action?		0.72 acres	
b. Total acreage to be physically disturbed?		0.25 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☒	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☒
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:			
Meets - N/A	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☒	☐	
Site is an unmanned, uninhabitable telecommunications compound. Potable water is not required.			
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☒	☐	
Site is an unmanned, uninhabitable telecommunications compound. Wastewater utilities are not required.			
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☒ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☒	☐
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☒	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Frank S. Rossi, Jr. (Mayor)</u> Date: <u>7/9/2025</u>		
Signature: <u>[Signature]</u> Title: <u>Mayor</u>		