

Minutes
Zoning Board of Appeals
Village of Ballston Spa

February 23, 1994

The meeting was called to order at 7:35 p.m. by Chairman Kevin McDonough.

All members were present with the exception of Bob Griffin.

Ed made a motion that the minutes with the words "subject to the property" being removed from the motion.

It was seconded by Peter.

All were in favor.

Kevin noted that the Grand Union application, represented by John Cromie has been tabled at the last meeting. Due to the fact that no one was present it was tabled until next meet. He also noted that the Rosamino application had been tabled and no one was present to represent them either. That was also tabled until next meeting.

Kevin informed the applicants that the Zoning Board of Appeals is a five-man board and they are eligible to have a hearing by the full board. You will need a vote of 3 of the 4 members present. If you like you may continue or table until we have the full board present.

First applicant was Kirkland Westbrook, requesting to extend a business use at 95 Front St. and not provide off-street parking.

Kevin asked if the board could adjourn for advice from legal counsel.

(Board adjourned at 7:43

Reconvened at 7:48.

Kevin noted that family members had worked for Mr. Westbrook in the past and asked him if he would like to have him withdraw from the hearing, due to a conflict of interest.

David noted that if he did that would make the board only have 3 members present..

Mr. Westbrook asked Kevin to stay.

Kevin noted the property is in the CBD the difficulty would be denied use of the building for office space or small business because of ample parking. Applied to the building inspector and was denied.

Mr. Westbrook stated he was given a permit for the reconstruction with restrictions. There was a catering business, birthright along with the dentist office and insurance company, with no off street parking. He noted that the business needed to be renovated and the apartment was in need of repair. The cost was over \$30,000. He needed a permit and was told he couldn't put an office in back because of parking.

Peter questioned if he had an office at home. Was he fixing up the office for himself. Was he enlarging it.

(Mr. Westbrook stated he lives at 109 Front Street. He bought 95 Front Street. It has an insurance company and a dentist office in front. They have been there a long time. The office in the back has been used periodically. Wants to use it as a shop.

Peter noted that before Dr. McCanty and Norm Brown was there and Mary Guy was upstairs.

Mr. Westbrook stated that Birthright and the catering business was in the back where he wants to put the shop.

Kevin asked how much off street parking was on the lot.

Mr. Westbrook stated 5 spaces.

Kevin asked if it was enclosed as a garage.

Mr. Westbrook stated that the Village Property is there. He has right of way to the back parking lot.

Ed noted he has 5 parking spaces. He has one partment and four offices for a total of 5.

Mr. Westbrook noted he owns the two adjacent properties and has created extra parking on those lots.

George questioned the number of parking spaces there.

Mr. Westbrook stated 3 on his property, 5 for 99.

George questioned his house.

Mr. Westbrook stated he has three units and three parking spaces.

George questioned how many units were at 99.

Mr. Westbrook stated three.

Peter noted the insurance business clients park at the curb, they could park in the back if they wanted to.

Mr. Westbrook stated they would have to park in the back parking lot.

Peter noted that they could park at the curb like other businesses.

David questioned if the office he was creating was an office before.

Mr. Westbrook stated yes.

David asked how long ago.

Mr. Westbrook stated 10 or 15 years.

David could not understand why he was not exempt from off street parking.

Ed noted that it appears there is sufficient parking for the employees. Is the question of parking for the customers. It appears to be adequate 5 parking spaces ofr 5 units.

George noted he has 3 units with five parking spaces down street.

Ed questioned if the parking at 99 was garages or open.

Mr. Westbrook stated they were open.

Peter questioned using the parking spaces in the front of the building.

David noted he was asking for a variance rather than overturning the decision of the building inspector.

Ed questioned if he had put a restriction on it that says you can do that, you just can't use it.

David stated he felt he was asking you to override the building inspector.

Mr. Westbrook stated he was asking for a variance not to override the building inspector.

Ed noted that the board could overturn the decision of the building inspector.

George noted that he has more parking than anyother retail establishment downtown.

Peter questioned if the parking encroached on your backyard. Was it within 3'.

Mr. Westbrook stated yes.

Kevin asked if entrance to the bays was at the rear lot line. He asked when it was built.

Mr. Westbrook stated 1826.

Kevin asked when the garage was constructed.

Mr. Westbrook stated it was two cars in 1850-80, other three stables were added in the 1900's.

Kevin stated it was prior to the ordinance.

Mr. Westbrook stated it has been there.

Kevin stated that he felt the parking was adequate.

The board had no more questions.

Ed made a motion that the Zoning Board of Appeals of the Village of Ballston Spa overrule the determination of the Building Inspector in regard to off street parking for the 2 new offices at 95 Front Street.

Peter seconded the motion.

All were in favor.

Hearing was closed at 8:15 p.m.

Next hearing was called to order at 8:16 p.m.

Application of Kenneth Yates, 240 Milton Avenue wishes to operate a full-service auto repair shop in an R2 area.

Kevin noted that the application of 240 Milton Avenue had been referred to the county planning board but, he does not have their decision.

Leigh McGonchle represented the decision of the County Planning Board.

Kevin noted that the storage of vehicles in the rear while transmission/motors are repaired Was a car repair shop for years. There is adequate parking in the rear, and it has the appearance of an auto repair shop and they plan to repair the building to improve it.

The decision from the county, it was returned for a local decision, they should screen for out door storage and signage should be addressed.

McConchie's explained the storage of the vehicles and what space was available. They also explained access.

Added due this mean -
Peter noted that Kenneth Yates bought the lot behind the building that is next to the accountant. There had been a buffer of shrubs that has been taken down. They can see there now, before they couldn't see the cars before. *(all R-2)*

Ed stated he couldn't remember anything other than the sign a year ago. Peter has stated it has been there forever.

Mr. McConchie stated they were told they don't need anything, he had permission.

David asked if they used the driveway before.

Mr. McConchie stated the driveway had been chained. There will be a barrier so they can't cut through Mevec's driveway.

Kevin asked if there was a residence at 240 Milton Ave.

Mr. McConchie stated no.

Kevin asked if they had frontage on Ford Street.

Mr. McConchie stated they have an entrance way to Ford Street.

Kevin asked if they had enough room for 10 to 12 cars. What was the squarefootage.

George questioned the frontage.

Mr. McConchie stated about 40'

George stated it should be about 50', could they put a garage on the back lot.

Kevin noted that parking for 10 to 12 cars may be high. Need a plot plan. 300' and still meet sideyards. Your parking may not be accurate, can't tell without a plot plan. He noted they needed the square footage.

Ed stated it appears the one of the concerns is screening. The ordinance does not require screening for off street loading areas if it is waived by the adjacent property owners.

Peter questioned the fact that Mr. Yates bought the back lot for storage of vehicles, what were they willing to do for the neighbors for screening.

Mr. McConchie stated they would do what they have to do to satisfy the requirements.

Kevin opened the meeting to the public, there was no input from the public.

Peter noted that the word garage means maintenance, they have not changed the business.

Kevin noted that he could not see that they are doing anything different, maybe repair work if the problem. What it is designed for. He asked if the board agreed that the business has been in existence.

Peter made a motion which he withdrew and then made a motion that the Zoning Board of Appeals overrule the building inspectors decision and find that the proposed full service auto repair station is within the definitions of previous usages.

It was seconded by George.

All were in favor.

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The meeting was adjourned at 8:50 p.m.

Respectfully Submitted,

Patricia Bowers
Secretary
Zoning Board of Appeals