

## **Zoning Board of Appeals Meeting Minutes**

### **Village of Ballston Spa**

**Held on July 30, 2025**

**Present:** Chairwoman Anna Stanko, Members James Jurcsak, John Luciani, Kevin McDonough, Alternate Member Donna Martin, Attorney Stefanie Bitter

**Absent:** Kamran Parwana

Chairwoman Stanko called the meeting to order at 6:00 pm.

### **Pledge of Allegiance**

### **Approval of Minutes:**

Chairwoman Stanko asked for a motion to approve the minutes from the May 15, 2025 Zoning Board of Appeals meeting. A motion was made by Member McDonough and seconded by Member Jurcsak to approve the minutes. The motion carried.

**Old Business:** None

### **New Business:**

Namra Khan – 12 Church Avenue (Tax ID: 216.40-3-6) – Curious Minds Childcare LLC- Applicant is requesting an interpretation of a variance to operate a daycare business in the R1 District, which is not allowed.

Chairwoman Stanko stated that it is her opinion that this would be an extension of the use variance and area variance that were granted in 2014. A use variance runs with the land. She stated that counsel agrees with her. This is for the exact same church and the exact same use. She said that the daycare that was there was closed in October 2024 per Father Roy. She believes the number of children will be less than the 62 that were there previously. The applicant stated that they are expected to have less children there because OCFS guidelines have changed. Chairwoman Stanko asked if anything is changing – the building, the outside, the playground, is everything there going to stay the same as it is? A question regarding the sign was brought up. The sign that was there was illegal. The current zoning in an R1 allows for an 8 square foot sign maximum. If you plan on having a larger sign, we would have to refer it to the Planning Board, where they would either approve or deny that. The applicant asked if they could

have a 16 square foot temporary sign. The Building Department had sent them an email stating that they could have one 16 square foot temporary sign, up for 30 days only. The applicant stated they received that email. Chairwoman Stanko said they can put up the temporary sign now, and then apply for a variance for the permanent sign in September.

Chairwoman Stanko stated that in connection with the previous variance, we had information from the church that they had an easement with the County for parking. The information she has states that the easement ended in 2024. She suggested the applicant touch base with Father Roy and have him get a copy of that because she assumes they will need parking.

Building Inspector Dave LaFountain stated that Village Code 205.18 Signs permitted in the Historic District – states signs in the Historic District are subject to all existing sign regulations. An application for a permit with applicable drawings submitted to the Building Inspector is subject to review by the Historic District Commission. Chairwoman Stanko stated that she already spoke with John Cromie who said if there are no changes to the building, they don't care.

The applicant questioned the parking with the County. Chairwoman Stanko told him to verify with Father Roy that they still have a lease with the County for parking. The Church paid \$1200 a year for parking at the County and that ended in 2024. A part of the ZBA approval in 2014 included that there was parking there.

Chairwoman Stanko asked if they still plan on having the same entrances and exits as the last day care. The applicant replied yes. Entrance on 67 and exit on 50.

Chairwoman Stanko and Attorney Bitter asked what protocols do you have to comply with in order for the State to approve your facility. The applicant stated that they are getting the fence extended at the front and adding cameras outside. They are going to hire competent supervision for the children. The staff will be trained in the importance of the safety of children. Chairwoman Stanko stated they should talk to the Building Inspector to see if any permits are required to extend the fence.

Member McDonough asked if they have any other daycare centers. The applicant answered they have one in Guilderland for 2 years and they want to expand into new areas.

Alternate Member Martin stated that in 2014 they had a limit of 60 children. What determines the limit number – is it based on the space? The applicant stated that OCFS will come and do their own calculation after looking at the room. It will be less children per the new guidelines. OCFS requires more space per child in the new guidelines. The applicant has to wait for OCFS to come back to tell them what the new limit will be upon their inspection and measurement. It is possible that it will be somewhere around 48 children based on the applicant's estimate. Alternate Member

Martin asked when they plan on opening. The applicant replied they hope to be open by mid-September.

Member McDonough asked how they are going to attract new clients. The applicant replied their marketing will include Facebook, signs, apps, word of mouth, website, and reaching out to schools.

Chairwoman Stanko stated that if they are planning on applying for a sign variance, get that paperwork into the Building Department on Monday. She has to get it submitted to the County by August 7 for their meeting on August 21. She also suggested that they talk to the Building Inspector about the fence. The applicant said they would do that. The applicant said that since the fence is on the Church's property, should they be asking the Church to work on extending the fence. Chairwoman Stanko replied that since the Church is the property owner, they should reach out to the Building Department regarding the fence.

Member McDonough made a motion that the Village of Ballston Spa Zoning Board of Appeals find that the application for a daycare center licensed by New York State at 12 Church Avenue, Ballston Spa, is a continuation of a use variance previously granted in 2014. Chairwoman Stanko seconded the motion. The motion carried 5-0.

Chairwoman Stanko welcomed them to the community. The applicant thanked everyone for their time.

In another matter, Chairwoman Stanko stated that regarding the Tannery Commons project, the Planning Board did not have any objections to the Special Use Permit. They are waiting for more information for the SEQR. It is moving along well. They pulled out from tonight because they wanted to do more work on the comments that were made by the public. Their attorney said that none of the comments received were opposed to the Special Use Permit for multi family. As they work through what they need to, we will meet in August.

### **Meeting Adjourned:**

A motion to adjourn was made by Member McDonough, seconded by Member Luciani. The motion carried. The meeting was adjourned at 6:35pm.

Respectively submitted,

Kathleen Barner  
Building Department Clerk