

ZONING BOARD

VILLAGE OF BALLSTON SPA

January 29, 2014

Members Present: Chairman McDonough, Mrs. Anna Stanko, Mr. Ron Henry, Mr. Bruce Couture

Members Absent: Mr. Gregg Thomas

Alternate Member Present: Mr. Ed Fernau

Chairman McDonough called the meeting to order at 7:35pm.

Where "Chairman Lake" was inadvertently inserted to be changed to "Chairman McDonough" in the minutes of the previous meeting.

Motion made by Alternate Member Fernau, seconded by Member Henry to accept the amended minutes of the December 18, 2013 meeting.

Ayes All

Chairman McDonough stated that there are two items on the agenda this evening, applications of the Masonic Lodge and The Christ Episcopal Church.

Chairman McDonough asked that a map of adjoining property contour lines for 25 Hyde Blvd. be entered as Exhibit 5.

Chairman McDonough read section 205.72 regarding the application of the Masonic Lodge and noted that he is troubled by the fact that the previous Masonic Lodge fell into disrepair.

Charles Escher, representative for the Masons stated that the size of the previous building made repairs costly and difficult to perform. The proposed new location is smaller and more up to date. It is a more adequate space.

Chairman McDonough noted that it is of great importance for the Village that the neighborhood maintains its character and asked if the lodge would be opposed to a recurring renewal of a special permit.

Mr. Escher replied he would ask, he thinks that would be ok.

Attorney John Cromie, representing the lodge noted that a recurring renewal would likely be ok. Mr. Cromie stated that he feels a five year renewal would be appropriate considering the time and money the lodge would be putting into the building.

Member Couture asked if there would be any weekday functions.

Mr. Escher answered no and noted that meetings are held twice per month September through June.

Chairman McDonough asked if the only other functions would be the spouse's dinner and the scout lunch.

Mr. Escher answered yes, besides one district meeting, that would be it.

Mr. Escher noted that it is possible that the lodge would allow senior citizens or Alcoholics Anonymous to meet there for a presentation once a year. A garage sale could be held also.

Mr. Escher stated that the Royal Arch Masons, a subset of the lodge would meet on the weeks opposite of their meetings.

Attorney Cromie noted that the lodge would not rent to businesses.

Chairman McDonough asked about the possibility of events such as showers.

Mr. Escher answered that a lodge member could hold a shower or similar event there.

Mr. Escher stated that alcohol is not allowed on the premises by anyone.

Chairman McDonough opened the meeting to the public.

Bill McPherson of 20 Hyde Blvd. stated he opposes the proposed use and thinks that the building should revert back to a residence. Mr. McPherson noted that if this application is approved, he feels a renewal time of one or two years would be sufficient.

Mr. McPherson noted that off street parking may be sufficient if the building usage is limited to small groups.

Tony Mariani, a resident of 36 Hyde Blvd. stated he feels that the maintenance question was not answered and questioned how the building would be maintained if membership is dwindling as stated.

Cecile Picard of 62 Hyde Blvd. stated she is concerned that a large parking lot could make it easier for a larger business on the property.

Janice Cutbush, 103 Columbia Avenue stated she feels the same as Mr. McPherson and Ms. Picard and she concerned about the potential of the lodge being rented to other groups, as her family, who had no lodge connection, was able to rent the former lodge property on 3 separate occasions. Ms. Cutbush noted that when they rented the lodge, there were no rules set forth by the lodge. Ms. Cutbush stated that she feels the lodge would change the character of the neighborhood and that it would affect the property values.

Lorraine McPherson, also of 20 Hyde Blvd. stated she is concerned about lighting and asked if additional parking would be necessary.

Chairman McDonough noted that the applicants must complete a site plan review with the Village Planning Board regarding parking.

Current owner of the property, Frank Townley stated that traffic has been increasing and the Masons would not make a difference in the amount of traffic on the street. Mr. Townley continued, noting that he has performed maintenance on the building himself for 35 years and that it would be very costly to transform the building into a residential home.

Chairman McDonough closed the meeting to the public.

Chairman McDonough stated that the Masonic Lodge is seeking a special use permit for an R1 zoned property. It is this Board's charge to make sure that the use is kept in harmony with the neighborhood.

Chairman McDonough asked Mr. Escher to clarify the lodge's intentions regarding renting to a third party.

Mr. Escher stated that the lodge would not rent to third parties with the exception of the upstairs apartment, which is a legal preexisting use.

Mr. Escher agreed that if a parking lot were put in, and the neighbors wanted, the lodge would install a privacy screen with shrubs or trees. No flood lights will be used, only ground lights.

Chairman McDonough stated that he thinks it has been determined that the existing parking is sufficient, there would be no third party rentals and if a parking lot is put in, screening will be installed.

Chairman McDonough asked if a two year renewal would be acceptable.

Mr. Escher answered yes.

Member Stanko asked what the review process would entail.

Chairman McDonough said it would be the same as this process. The public and the building inspector would be included.

Attorney Fauci stated the purpose is to ensure there are no violations; after the initial renewal the time period could be extended.

Member Stanko noted that someone else could purchase the property and not maintain it.

Chairman McDonough stated that the neighbors are being appeased.

Attorney Fauci stated it is in an R1 zone.

Alternate Member Fernau stated he is in agreement with the application as long as the current parking lot remains unchanged except for the removal of the island. Pursuant to Exhibit 4 there are nine existing parking spaces.



Motion made by Alternate Member Fernau, seconded by Member Henry that The Zoning Board of Appeals of the Village of Ballston Spa, NY hereby grants a Special Permit to the Fraternal Building Association of Ballston Spa, Inc. to allow a fraternal lodge to operate at 25 Hyde Blvd., Ballston Spa, NY in an R1 residential district.

This permit is issued under Section 205-72 Special Permits of the Village Zoning Ordinance and in conformance with Schedule A-Schedule of Uses by Zoning District for a period of two years with the following conditions:

The premises are to be used solely for the business and ritualistic Masonic activities of the Fraternal Building Association of Ballston Spa, Inc.

Gatherings other than those specified above shall be limited to members, their families and other invited guests.

Onsite parking areas shall remain as they exist as of the date of this Special Permit. Any extension or relocation of parking areas must be approved by this Board.

Exterior lighting for safety and security purposes shall be consistent with that of a residence in an R1 zone.

The use of the existing 2<sup>nd</sup> floor residential apartment that is a legal non-conforming use shall be continued.

Ayes All

Chairman McDonough stated that the Christ Episcopal Church has applied for a special permit to operate a nursery school and read the letter stating the advisory opinion and parking review of the Village of Ballston Spa Planning Board.

The Saratoga County Planning Board found no negative impact.

Chairman McDonough noted he is trying to identify the intended use; at the June 26, 2013 meeting the Church's proposed use was referred to as a "nursery school". Since then it has been referred to as a "day care center".

Attorney for the applicants, James Craig stated that they never said "Nursery School", that was the term used by the Board.

Chairman McDonough stated that it is called differently on the Zoning Board application than it is on the Planning Board application.

Father Derek Roy noted he is confused; they have always wanted a day care, but Building Inspector Randy Lloyd said a special permit was needed and that's what we've been working towards.

Chairman McDonough asked what the proposed use is.

Father Roy stated it is for a day care center, but there is no clear definition in the zoning book.

Father Roy stated that the Church has been coached by Mr. Lloyd and Chairman McDonough to work towards a special permit.

Attorney Fauci stated he thinks they asked for both a special use permit and a variance.

Chairman McDonough noted they can apply for only one, and that the applicant should answer.

Attorney Fauci stated that the applicant needs to be specific.

Attorney Craig stated that the applicants were obviously misled. The applicants are applying for a use variance; your definition is vague. The definitions in the zoning book are antiquated and are going to trip this up.

Chairman McDonough noted he agrees and it is difficult to shoe horn this application into a special use permit.

Chairman McDonough asked if there would be kids under the age of two.

Father Roy answered yes.

Chairman McDonough stated that it would be considered as a day care center according to the zoning book.

Dennis Crimi noted that they have been working to move forward with this application for the past seven months. The Planning Board has been very helpful.

Mr. Crimi feels that a day care center would be very valuable for the community and help is needed from this Board regarding definitions.

Chairman McDonough stated he recommends the Church seek legal counsel, it is not up to this Board to decide how you should proceed with this application; you seem willing to take the path of least resistance and are unable to commit.

Attorney Craig stated that a New York State licensed day care center cares for children from six weeks of age to five years of age.

Mr. Lloyd stated a nursery school is inclusive of a day care center.

Chairman McDonough read page 205-20 of the zoning book stating that the proposed use does not meet the definition of a nursery school and asked if the Board agrees.

Alternate Member Fernau stated as it is written, he agrees.

Attorney Craig noted that it was likely written in the 80's and there is now day care crisis in New York State due to more families with two working parents.

Attorney Craig stated the County indicated they have no desire to change the parking agreement and that he understands the risk the Church is taking; the daycare center would cease to operate on a use variance if the parking were lost.

Attorney Craig read the letter from Saratoga County Attorney Steve Dorsey confirming the five year lease and stated that it is renewable in five year terms.

Chairman McDonough opened the meeting to the public.

Lorraine McPherson, a parishioner of the Church stated she hopes the application is approved.

Janice Beard, a member of the Vestry stated she is in favor of the project.

Cathy Rooney of 91 Church Avenue feels it is a win/win situation.

Eve Lansing, also a member of the Vestry stated that she is also in favor.

Dan Rabideau stated he agrees.

Chairman McDonough closed the meeting to the public.

Chairman McDonough entered a small scale layout as Exhibit A.

Mr. Crimi stated that safety precautions for the children include finger print access, a crossing guard and a safety officer and noted that the parking lot will be entered from Route 67 and exited from Route 50.

Member Stanko expressed concern about the safety of entering and exiting the lot and asked what the drop off and pick up hours would be.

Mr. Crimi stated that the times would be staggered so that traffic would not be overwhelming.

Member Stanko asked how many children there would be.

Mr. Crimi answered 62, which is the New York State cap.

Member Stanko noted that a left hand turn from West High Street would be a huge problem during the 5:00pm hour.

Chairman McDonough noted that the applicants must still appear before the Village Planning Board for site plan review.

Chairman McDonough and the Board agreed that the hardship is not self created and is unique.

Chairman McDonough stated that the only issue he has is the applicant proving that a reasonable return would be difficult and requested financial documents.

Father Roy presented the Church's 2014 budget documenting a \$30,000.00 loss.

Motion made by Member Couture, seconded by Member Henry that The Village of Ballston Spa Zoning Board of Appeals hereby declares itself lead agency for the SEQR regarding the application of the Christ Episcopal Church.

Ayes All

Motion made by Member Henry, seconded by Member Couture that The Village of Ballston Spa Zoning Board of Appeals hereby grants the area variance to the property located at 15 West High Street to maximum lot coverage of 37.9 %.

Ayes All

Motion made by Alternate Member Fernau, seconded by Member Couture that The Zoning Board of Appeals of the Village of Ballston Spa, NY hereby finds the SEQR application as presented finds no negative impact.

Ayes All

Motion made by Alternate Member Fernau, seconded by Member Couture that The Village of Ballston Spa Zoning Board of Appeals hereby grants a use variance to Christ Episcopal Church for the rectory building located at 15 West High Street to operate a Day Care Center licensed by New York State.

Ayes All

Chairman McDonough stated that the next meeting will be the last Wednesday in February.

Motion made by Alternate Member Fernau, seconded by Member Couture that the meeting be adjourned at 10:40pm.

Ayes All

Respectfully Submitted,



Teri L. O'Connor  
Village Clerk