

Minutes
Village of Ballston Spa
Zoning Board Meeting

May 25, 2016

The meeting was called to order at 7:07 p.m. by Chairman Kevin McDonough

Members Present: Bruce Couture, Anna Stanko, Ron Henry and Paul Laskey Jr.

Attorney Present: Attorney Jim Fauci

Approval of Minutes

Tabled

Old Business:

There was none.

New Business:

Chairman McDonough read the legal notice for the application before the Board for a variance pertaining to 27 Hannum St., Ballston Spa, the residence of Danette Chillemi, to replace a front porch/deck within required front yard setback in an R1 zoned district.

Chairman McDonough stated that neighbors were alerted the matter would come before the Zoning Board of Appeals via written letters.

The request was denied by the Village Building Inspector due to the fact the proposed deck will have less than the required 25-foot front yard setback required by the village.

Chairman McDonough stated that in order for a variance to be granted, the applicant must pass a series of five tests to be gauged by the Board.

Applicant stated her husband had medical issues and it was difficult for emergency personnel to gain access to the home through the current front porch.

Ms. Chillemi said four or more of her neighbors on Hannum Street have structures such as this close to the road.

Applicant stated she wishes to build a porch 6-feet wide by the length of her house, or approximately 6-feet by 20-feet.

Chairman McDonough asked applicant what variance she is specifically looking for, would it be approximately 16 to 18-feet?

Member Stanko asked what is the right of way on Hannum Street.

Chairman McDonough asked if there had been a survey done on the property.

Mr. Dan Uber, applicant's father, said there had not been a survey done.

Chairman McDonough said if the Board granted the variance, applicant must be specific in the relief she needs because the approval would be structured in the framework of a motion. He said the right of way may extend into their property line.

Attorney Fauci asked a second time if there was a survey on the property.

Ms. Chillemi replied she has lived in the home for 11 years and never had it surveyed.

Mr. Dan Uber stated that 25 feet from the center of the road would be in the center of the living room.

Member Stanko said it is possible to look at a zoning map of Hannum Street and measure back 20 feet from the center.

Applicant said all the porches on neighboring houses are the same distance from the road as the porch she proposes.

Chairman McDonough restated that the Board needs to know from the applicant exactly what relief is requested.

Attorney Fauci said from the curb to the front porch the distance would be roughly 15 feet.

Ms. Chillemi stated there is no curb in front of her house.

Chairman McDonough said a lane in a highway is approximately 12 feet, but that Hannum is a very narrow street.

Chairman McDonough asked if applicant's porch extended 2 inches, would it be in line with adjacent properties?

Ms. Chillemi stated she had talked to her neighbors and neither one of them had a problem with the project.

Chairman McDonough asked if the deck will be covered.

Mr. Uber said it will not be.

Member Couture asked if there will be a railing.

Mr. Uber said the porch will be one inch off the ground.

Chairman McDonough asked if they had considered moving the entrance to the side of the house.

Applicant stated she won't remodel her house to accommodate the entry.

Chairman McDonough said one of the questions in the tests is, are there any other methods feasible, or any alternatives possible to facilitate this project.

Mr. Uber stated that cost-wise, there is no alternative.

Member Laskey stated to the applicant that the board was not trying to make the process difficult, but they need to know exactly what she is looking for as far as a variance. He said it would fall back on the board if the project does not line up on both sides.

Applicant asked whom she was addressing at the conference table. Chairman McDonough, members of the board, attorney Fauci, Deputy Village Clerk Scribner, and Village Clerk O'Connor introduced themselves.

Ms. Debbie Uber, applicant's mother, also introduced herself.

Chairman McDonough told applicant she has a relatively minor request, but the board needs the specifics because they cannot create problems. He said the board needs exact dimensions, and perhaps the Village DPW could help, or a surveyor. He said the members were all guessing on the right of way on the highway, it could be 40-feet or could be 30-feet.

Member Stanko said the information on the Hannum St. right of way would be available on a tax map which could be measured.

Attorney Fauci said property lines don't necessarily go into the street because of setback requirements.

Chairman McDonough stated applicant does not know where her property line ends.

Attorney Fauci said it could be the edge of the right of way, or it could differ.

Member Stanko said the edge of the right of way is always where properties start.

Chairman McDonough stated he recommended tabling the matter to give applicant an opportunity to make these findings and measurements.

Mr. Uber said he is planning a \$500 porch and isn't going to spend \$1,000 to have the property surveyed.

Chairman McDonough said the board can only tell applicant what she needs, they are not surveyors.

Attorney Fauci asked if applicant has her deed.

Ms. Chillemi replied she did not. She said she had turned in a sketch, but there was no sketch in the file.

Chairman McDonough stated the responsibility is on the applicant to provide specifics, and the matter would be tabled until the next meeting due to the fact that presently there was not enough information to proceed.

Chairman McDonough tabled the issue. There was no motion made.

Motion to adjourn made by Member Couture, seconded by Member Laskey.

Member Couture: yes

Member Stanko: yes

Member Henry: yes

Member Laskey: yes

Chairman McDonough: yes

Next meeting will be held Wednesday, June 29, 2016.

Respectfully Submitted,

Cari Scribner
Deputy Village Clerk