

Minutes

Village of Ballston Spa

Zoning Board Meeting

September 28, 2016

The meeting was called to order at 7:05 p.m. by Chairman Kevin McDonough

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

Alternate Member Present: Ed Fernau

Approval of Minutes of previous meeting

Motion to accept made by Member Laskey, seconded by Member Stanko

On the motion:

Member Couture: yes

Member Stanko: yes

Alternate Member Fernau: yes

Member Laskey: yes

Chairman McDonough: yes

Old Business:

There was none.

New Business:

Chairman McDonough read the legal notice for the application before the Board for a variance pertaining to property located at 26 Center Street, Ballston Spa, owned by Thomas Hemans.

Specifically, applicant requests a variance to construct a garage in an R-1 zoned district within the required side yard setback. The building permit was denied by the building inspector due to the fact that the proposed 5' side yard setback is less than the required 12' setback required by Schedule B of Village Code.

Chairman McDonough read the applicant's appeal to the Zoning Board, which stated the home was built 115 to 120 years ago before zoning laws were instated, and that Hemans needs a two-car garage with extra storage. The application states if the variance is not granted and the project has to be scaled back to a one-car garage, it will not be worth the investment. Also, there are several homes near the property line on the street without the 12' required setback, thus the garage would not be out of character for the neighborhood.

Mr. Hemans stated he has been looking at various plans and the one he chose has a second floor room for storage and would be attached to the house by a staircase.

Chairman McDonough replied that there is a maximum height of 15-feet for an accessory building.

Member Laskey asked if the matter should be tabled while applicant pursues another plan.

Member Stanko said there may be other stipulations for the building project, such as how far apart the home and the garage need to be.

Chairman McDonough replied that there are NYS building codes, but there are no such restrictions from the Zoning Board.

Alternate Member Fernau asked Hemans if he considered changing the roofline.

Mr. Hemans said the storage space on the second floor was one of the reasons they need the garage.

Chairman McDonough told Mr. Hemans to put a new plan together and submit to the Village's Building Inspector, and that the Zoning Board does not negotiate with the applicant. Chairman McDonough said the board needs precise drawings with boundary lines and how much relief is required, and that if he plans to attach the structure to the house, that is a different matter.

Mr. Hemans said the original plan was to attach the proposed garage to the house, but keeping it separate means there will be no second floor storage area, and that would not help him. He said the house does not have any storage space.

Chairman McDonough said if Mr. Hemans was going to change his plans, the matter should be tabled until Mr. Hemans goes back to discuss with Building Inspector Randy Lloyd. He told Mr. Hemans he may not need to appear before the Zoning Board because the relief requirements could differ.

Chairman McDonough told applicant what he is describing is more substantial than a two-car garage.

Mr. Hemans said his only concern was the proximity to the neighbor.

Chairman McDonough stated if the structure was added to the house, there would be no height restrictions.

At the request of the applicant, the matter was tabled until the next meeting, October 26, 2016.

The second order of business was the application of Jennifer O'Connor for a variance pertaining to property at 155 Church Street, Ballston Spa, to establish a children's thrift store in an accessory building in an R-1 zoned district.

The building application was denied by Building Inspector Randy Lloyd, as written on the application, that the proposed dwelling unit in the accessory structure would exceed the allowable number of units in an R-1 Residential District.

Chairman McDonough noted there was a discrepancy between the reason the proposal was denied and the relief requested by the applicant. He stated the project should be submitted to the Saratoga County Planning Board.

Ms. O'Connor said this was not accurate, and that she had met with Mayor Romano and Village Attorney Fauci who suggested the building be used commercially.

Chairman McDonough asked for the exact address of the building. Ms. O'Connor said the accessory building is at 155 Church Avenue.

Ms. O'Connor said there is a garage out back and a building out front, which is where she hopes to open the store. She said she has a collection of clothing from her three daughters and could make a modest living with a thrift shop.

Chairman McDonough asked applicant if there is a proposed dwelling there.

Ms. O'Connor replied there is not. She stated she has had calls from people wanting to open a business such as a barber shop or pet store. She said it makes more sense to use it commercially, as it was not built to be a home. O'Connor described the interior as being one large room.

Chairman McDonough told Ms. O'Connor she needs to flesh out exactly what's intended for the structure. She also needs to be prepared with documented financial evidence that she can receive no return on her investment, as well as the other five tests, and address all these components at the next meeting.

Chairman McDonough stated the application needs to go before the Saratoga County Planning Board and a determination must be made by the Village's Building Inspector. He recommended Ms. O'Connor fill out a building permit and submit to Randy Lloyd, who may deny her application for a thrift store.

Ms. O'Connor asked if her application would be considered at the October Zoning Board meeting. Chairman McDonough replied they will see how long it takes the County to review her application, but that the ZBA will get her paperwork there in a timely manner.

Member Laskey commented the building is a very unique structure.

Ms. O'Connor said it represents a conundrum as far as usage.

The matter was tabled by request of Chairman McDonough.

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

Member Couture: yes

Member Stanko: yes

Member Henry: yes

Member Laskey: yes

Finn

Chairman McDonough: yes

Meeting adjourned at 7:30 p.m.

Next meeting will be held Wednesday, October 26, 2016.

Respectfully Submitted,

Cari Scribner
Cari Scribner
Deputy Village Clerk