

Zoning Board of Appeals Meeting Minutes

Village of Ballston Spa

Held on January 31, 2024

Present: Chairwoman Anna Stanko, Member John Luciani, Member Kamran Parwana, Attorney Stefanie Bitter

Absent: Member James Jurcsak, Member Kevin McDonough

Chairwoman Stanko called the meeting to order at 7:00 pm.

The meeting began with the Pledge of Allegiance.

Approval of Minutes:

Chairwoman Stanko requested approval of the minutes from the November 29, 2023 Zoning Board of Appeals meeting. A motion was made by Member Parwana and seconded by Member Luciani to approve the minutes. The motion carried.

Old Business: None

New Business:

Request for an Area Variance application for:

Property SBL: 203.13-3-24 (1 West North Street) – James Walker – Applicant wishes to replace an accessory building which does not meet side yard setback requirements.

Chairwoman Stanko stated that the Zoning Board of Appeals is comprised of five members. Tonight, there are three members in attendance. Mr. Walker has the option to wait to present his variance application until the next meeting for the five members to be in attendance or to let his application be decided by the three members in attendance tonight. If he chooses the latter, the decision must be unanimous for the variance to be granted. Mr. Walker chose to have the three members in attendance decide on his application for a variance tonight.

Mr. Walker stated that he is reusing the existing slab from his previous shed. He needs a bigger and taller shed for cold storage of lumber and all his yard equipment. With this bigger shed he will be able to eliminate a plastic shed and clean up his yard.

Chairwoman Stanko declared this a Type 2 action – no SEQR required.

Chairwoman Stanko read the criteria questions and answers provided by the applicant.

Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored and why they are not feasible. Existing slab and 17 footings 12' diameter and 48" deep and physically would need to remove building and rebuild.

Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons: New shed construction cleaner look and reduce outside storage.

Whether the variance is substantial. The requested variance is not substantial for the following reasons: Previous shed in same location.

Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons. Replacing existing building.

Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created: It is self-created. I failed to get a building permit prior to starting the project.

Chairwoman Stanko asked if it is a bigger shed. Mr. Walker said yes. When the weather gets better, they will pour another slab to accommodate the increased size of the shed. Building Inspector Dave LaFountain asked how high the old shed was. Mr. Walker answered 10' high. The new shed is 14' and change high. Chairwoman Stanko asked if he had a survey. Mr. Walker answered no. Mr. Walker explained the fencing lines between his property and his neighbors. Mr. Walker said that his fence is 4 ½' inside the property line. He stated that the new shed is 16'x20'. Member Luciani stated that it looks like the truss structure is 16' plus 1' overhang. Building Inspector LaFountain said that the applicant needs a right-side variance only.

Chairwoman Stanko opened Public Comment.

Liz Kormos (89 Hyde Blvd.) – She said that the previous shed was not in compliance and there was no variance issued for it. Mr. Walker said that he has lived there for 29 years and the shed has always been there.

Sue Cinella (12 Dublin Drive) – She asked for clarification on height requirements. Chairwoman Stanko stated that 15' is acceptable, and he is only asking for a side yard variance. She stated that 12' side yard setback in an R1 is code. She stated that the maximum height of an accessory building is one story or 15', whichever is greater.

Chairwoman Stanko closed Public Comment.

Member Parwana asked if the applicant is OK on bulk. Mr. Walker stated that he is just under 14%. Chairwoman Stanko stated that that has already been dealt with and it is OK. Building Inspector LaFountain stated that the application was originally submitted without the bulk %, and it is now OK. Member Luciani stated that the applicant needs 7 ½' of relief because of the overhang on the south side, including the overhang.

Member Parwana made a motion that the property located at 1 West North Street be granted a 7 ½' side yard setback variance on the south side for construction of a shed. Member Luciani seconded the motion. The motion carried.

Meeting Adjourned:

A motion to adjourn was made by Member Parwana, seconded by Member Luciani. The motion carried. The meeting was adjourned at 7:25pm.

Respectively submitted,

Kathleen Barner
Building Department Clerk