

Zoning Board of Appeals Meeting Minutes

Village of Ballston Spa

Held on November 29, 2023

Present: Chairwoman Anna Stanko, Member James Jurcsak, Member John Luciani, Member Kevin McDonough, Member Kamran Parwana, Attorney Stefanie Bitter

Absent: None

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 October 25, 2023 Zoning Board of Appeals meeting. A motion was made by Member Luciani and seconded by Member Parwana to approve the minutes. The motion carried.

Chairwoman Stanko stated that the application we have before the Board tonight is New Business, but it is actually Old Business from 2018. She clarified that back in 2018, Members McDonough and Jurcsak along with herself were on the Board and are still currently on the Board today.

Old Business: None

New Business:

Request for an Area Variance application for:

Property SBL: 216.25-1-45 (57 Chapman Street) – Morgan and Julie Gazetos – Applicants wish to construct a garage which does not meet height requirements.

Chairwoman Stanko said that back on November 28, 2018 the applicant requested variances for height requirement, front yard setback, and side yard setbacks. At that point they had presented their SEQR form. At that time, everything was done and Member Stanko made a motion to address variances for the setbacks but not did not address the height. The motion was approved for a 6'4" variance on the Chapman

Street side, a 7'3" variance on the front yard on Heritage, and a 7' variance on the other side. The motion did not include the height variance, which was discussed in the minutes. At that time, 2 sketches were attached to the application. One was for 18' and the other one was for 22' in height. In the minutes, you will see different referrals to a 7' relief versus a 3' relief. It has been confirmed with the applicant that as shown on the new application that they are going for an 18' structure, which would only be a 3' variance. As a matter of procedure, since it has been 5 years, we asked the applicants to come back so the Board can review it make any amendments if we agree to give him that 3' of relief that had been discussed previously and they can move forward.

Morgan Gazetos stated that there will be no living space above the garage. It will be used for dry storage. He is requesting that the variance granted would be for a height of either 18' or 22' for the garage. Chairwoman Stanko told him he needs to tell the Board what he prefers. Mr. Gazetos said he prefers 22' in height. Chairwoman Stanko asked counsel if that would be an amendment if we did go with the 7' versus the 3' of relief because we had discussed both in the minutes. Attorney Bitter asked what was published. Chairwoman Stanko said just a height variance. Attorney Bitter said it is a new variance relative to just the height. Attorney Bitter noted that the ZBA previously declared this a Type 2 SEQR – no action required because it is an accessory structure.

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

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. Please refer to minutes dated 11/28/18, attached. There are no other alternatives for applicant to obtain the requested benefit for storage space above the garage that can fit the vehicles driven by applicant.

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: Variance is consistent with character of the neighborhood and had approval of all neighbors.

Whether the variance is substantial. The requested variance is not substantial for the following reasons: The variance is not substantial and is looking only to increase height by 7'.

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: No adverse physical or environmental effects on the neighborhood will occur with this variance.

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: The existing garage was on property when applicant purchased the property. The difficulty was not self-created.

Chairwoman Stanko opened Public Comment. Hearing none, she closed Public Comment.

Member McDonough said he remembers being at the meeting and the discussion. He is comfortable with the information he has.

Member Parwana asked whether it was the intention of the Board members to grant the variance and it was left off in error. Current members McDonough, Jurcsak, and Stanko are the members that were on the Board in 2018. They all stated that it was their recollection and that it must have been left off in error.

Member Luciani made a motion that the Village of Ballston Spa Zoning Board of Appeals approve a 7' relief of height variance for the accessory building at 57 Chapman Street. Member Jurcsak seconded the motion. The motion carried.

Meeting Adjourned:

A motion to adjourn was made by Member McDonough, seconded by Member Luciani. The motion carried. The meeting was adjourned at 7:15pm.

Respectively submitted,

Kathleen Barner
Building Department Clerk