

ZBA Board Meeting Minutes
Village of Ballston Spa
Held on September 25, 2019

The meeting was called to order at 7:02 by Alternate Ed Fernau.

Chairman absent: Kevin McDonough

Members present: Anna Stanko, James Jurcsak, John Luciani

Alternate present: Bernadette VanDeinse

Members absent: Paul Laskey

Board members went over the previous meeting's minutes. Member Stanko motioned for approval, Member Jurcsak seconds the motion. Minutes were approved by all.

New Business:

Member Fernau was standing in as chairman in Chairman McDonough's absence.

The matter before the board was an application for a use variance by David Avenarius. Although Mr Avenarius met with the board several months ago, Member Fernau proposed to consider the request as new business because so much time had lapsed. The board agreed.

Chairman McDonough read the legal notice.

A building permit application for storage units had been submitted previously by Mr Avenarius and was denied by the code enforcement officer. The reason for denial was due to prohibited use in a R1 zoning district according to schedule A of the Village code. The lot also has less than the required 80' frontage.

Mr Avenarius is present for the meeting. His attorney, Paul Kelly, is also present and is going to speak on behalf of Mr Avenarius.

Mr Kelly states that putting storage units on the said property is the issue at hand. He speaks about the specific parcel and its unique shape and size; it is a very narrow lot and not much can be done with it. Although the lot is in a mostly residential area, there is a train track going through the area which changes things. Mr Kelly explains that due to the shape of the lot, it would be difficult to place a house on it because of the setbacks required. He believes a low-profile storage facility would act as a buffer between the commercial (train tracks) and residential area. He states there will be a fence to help drown out any sound and there would be security installed as well.

Mr Kelly announces that there has been a letter submitted to him by the residents of this neighborhood. The board announces they have not seen the letter and asks for copies. Once copies are made and the board has a chance to read it, the meeting continues.

One of the concerns from the neighbors is the increase of traffic and having large trucks coming through the neighborhood. Mr Kelly doesn't believe there would be a lot of commercial type vehicles or large trucks coming into this storage facility. He believes it would be mostly homeowners. He also points out again that although the property is currently labeled as residential, the lot doesn't really fit into the residential profile, as it would be difficult to place a house on it. He explains that the property was purchased ten years ago by Mr Avenarius, and he wasn't sure what to do with the property once he bought it. Because of the popularity and current need for storage units, Mr Avenarius thought it would be a good option for this property. He does not believe it would hurt the other surrounding properties.

Mr Kelly welcomes questions from the board members in reference to the neighbor's letter of concern.

Member VanDeinse would like to know more about the proposed storage units. How big are they, what is the overall size? They see no information on the proposed buildings. Also, has anyone done a traffic study?

Member Luciani asks how many storage units would there be?

Mr Kelly states there would be approximately 30-35 units and shows the members where they are laid out on the sketch.

Mr Avenarius informs them the proposed building would be approximately 15' deep and 350' long. This is within the 20% of used building space allowed per the Village code. There would be dawn to dusk access, and it would be targeted for smaller vehicles. However, there could possibly be some larger trucks as well. He expects very little traffic, just a few vehicles per day.

Attorney Ferradino asks if a traffic study has been done? Mr Kelly states there has not.

Member Stanko asks Mr Avenarius how he believes this issue at hand is not self-created; he purchased an odd shaped piece of land with no plan on how to use it. Mr Avenarius replied that it was an inexpensive sale and he just saw an opportunity and bought it with no real plans.

Member Stanko mentions a letter dated 6/21/19 from the County Planning Board showing they had requested a few items from Mr Avenarius for this meeting. She doesn't see those items included in this meeting. The map he brought with him is not a complete survey. It is missing offsets, setbacks and the proposed building placement.

Mr Kelly and Mr Avenarius state this map shows some of those items, and they were under the impression it was a true survey with everything the County had requested. Mr Kelly states they will speak with the surveyor and discuss with him the specific needs.

Member Fernau points out the board needs to be presented a survey showing all proposed buildings, setbacks, and true dimensions.

Member Luciani states that the County also had requested that Mr Avenarius show a survey with a proposed house on the lot as an option. Mr Kelly and Mr Avenarius explain they didn't do that because it had nothing to do with their use variance request.

Member Stanko states again that a traffic study needs to be done. She is concerned for the neighbors, believes there could be heavy traffic due to the storage facility. She also asks if the property has ever been put up for sale?

Mr Avenarius replies he tried to sell it for sale by owner a few years ago.

The members state the list of things required before next month's meeting.

1. Solid number of proposed units.
2. A complete survey with everything originally requested from the County Planning Board.
3. Traffic survey.
4. Any information on his prior for sale by owner listing.
5. How much money in total Mr Avenarius has spent on the property.
6. Train usage.

Member Luciani asks about drainage. The board members were expecting something from DPW Supervisor Jeff Gawrys but nothing had been received.

Member Luciani asks if there are any railroad setbacks to be concerned with? He believes the surveyor should be able to find out and place that information on the survey.

Member Fernau opened the discussion to the public at 7:37.

Resident Jane Beton of 156 McLean St lives in a property adjacent to Mr Avenarius'. She states that they live in a nice, quiet neighborhood with not a lot of traffic on a dead-end road. Kids ride their bikes and play in their yards. She is worried about the additional traffic, large trucks, noise and light pollution. The proposed storage facility will change the atmosphere of the neighborhood. The train isn't active, and only runs once or twice a year. She also informs the board that drainage is always a problem in the neighborhood. There are a couple properties on the street that currently flood when there is heavy rain. She is concerned with how adding more roofs will affect the drainage.

Resident Crystal Helmer of 111 McLean St states that this is a completely residential neighborhood with a lot of children. She is concerned with having strangers coming into the neighborhood and the safety of the children. She believes this proposal would affect property values as well.

Resident Suzanne Edwards of 111 McLean St points out that no one can control what types of vehicles would be using the storage facility. There is already a three-way intersection with a one way stop and it is a dangerous intersection. Adding many additional vehicles is only going to make it worse. She bought her house because it was in a quiet neighborhood. She also points out that there are disabled people who live on their road and is concerned for their safety as well.

Resident Troy Helmer of 111 McLean St mentions that the garbage truck can't even get down their street without issues.

Resident Taylor Beton of 156 McLean St agrees with the previous statement and adds that the road they live on is very narrow, and two cars can't pass each other at the same time.

Member Fernau closes the public portion of this meeting at 7:50.

There are no more questions from the board.

Mr Kelly thanks the board for taking the time to allow him to speak. He apologizes for lacking some of the information previously requested. He assures them he will gather everything they need and what the county had requested as well.

Attorney Ferradino and the board discuss when they would like to receive the information. If Mr Avenarius wants to be included in the meeting next month, they will need all information within 2 weeks to give them time to review it.

Member Fernau asks if there is any new business to discuss. There is not.

The next meeting is scheduled for October 30, 2019 at 7 pm.

Member Stanko motions to adjourn, Member Luciani seconds the motion. All ayes.

The meeting is adjourned at 7:55.

Respectfully submitted,

Shari Kanarek

Secretary