

Minutes

Village of Ballston Spa

Zoning Board Meeting

March 29, 2017

The meeting was called to order at 7:02 p.m. by Chairman Kevin McDonough

Members Present: Bruce Couture

Alternate Member Present: Ed Fernau

Village Attorney Present: Jim Fauci

Approval of Minutes of previous meeting on February 22, 2017

Motion to accept made by Member Couture, seconded by Alternate Member Fernau

On the motion:

Member Couture: yes

Alternate Member Fernau: yes

Chairman McDonough: yes

Old Business:

The single item on the agenda was the application of Linnaea DiNallo, 45 East Grove St., for a variance to construct a 2-story garage at her residence. The application was denied by the building inspector because the proposed garage would have less than the required 12-foot side yard setback and would exceed the maximum height of 15-feet.

This item was tabled in December 2016 and February 2017 by the Zoning Board of Appeals.

Steve Rutkey, engineer for the project, outlined the project for the board. He said they are requesting a 10-foot variance, and that the two-story garage would be 24-feet tall at the peak. Rutkey said the house is on a 50-foot wide property and the garage is proposed to be on the easterly side, lining up with the driveway.

Rutkey presented to the board an aerial photograph of Grove, Eastern and Chapman showing buildings of similar size on home lots. He pointed out that DiNallo's property was the only one without an additional building.

Chairman McDonough asked about the proposed location of the garage, and whether it could be moved toward the middle of the yard.

Rutkey said putting the structure in the middle would be removing part of the backyard and making it pavement.

Chairman McDonough asked if there are overhangs on the roof.

Rutkey replied there would be a 16-inch overhang but they could make it flush.

Alternate Member Fernau asked about runoff control.

Rutkey said there would be gutters on the roof piped to DiNallo's property.

Chairman McDonough stated he was still concerned about the overhang. He asked how high the house is at the location.

Rutkey said the house would be taller than the garage, stating the house is 34-feet tall.

Chairman McDonough asked what the proposed use would be for the garage.

Rutkey stated it would be used for parking and storage. The home is an older one, he said, with a wet cellar. The second floor of the proposed building would be for office space. There would also be a ½ bathroom on the first floor.

Chairman McDonough asked what kind of work would be done in the office of the proposed garage.

DiNallo stated she owns a local business and needs space to take care of the business paperwork.

Chairman asked if the garage would be used for storage or as an office.

DiNallo said most of her work would be done in her house, but all documents would be in the garage and there would also be general storage in the structure.

Chairman McDonough asked DiNallo if she would be seeing clients in the building's second floor.

Rutkey said DiNallo owns the Iron Roost and customers would be there, not at the proposed garage.

Chairman McDonough asked DiNallo if it would be strictly storage in the space, if there would be business conducted or any meetings with vendors.

DiNallo said there would not be.

Chairman asked if there would be a stove in the proposed building.

DiNallo said there would not be.

Chairman McDonough asked whether DiNallo would be doing any side business in the building, such as tax returns for other people.

DiNallo said she would not be.

Alternate Member Fernau said he was concerned about runoff from the roof. He said if the existing house has a wet basement, how would the water be taken care of? Would it require a dry well?

Rutkey responded the runoff would be collected in gutters, and tests had not been done to see if a dry well was needed. He stated DiNallo's yard has 30-feet of lawn with a garden, and that water rolls off toward the back of the lot.

Alternate Member Fernau replied that no other structures on other properties looked like they would be affected.

Rutkey stated he could show plans for the gutters as part of the building permit.

DiNallo said the house is cobblestone and water comes through the walls, and also the property is concave, causing water to pool.

Alternate Member Fernau asked about the exterior lighting.

DiNallo replied it would likely be outdoor motion sensor lights.

Member Couture asked if there would be a large outdoor spotlight.

Rutkey said there would not be.

Chairman asked why the applicant could not take up a larger footprint rather than building a two-story structure.

Rutkey responded it was for architectural purposes, with the pitch the same as the house, and it would be useful space on the second floor. He continued that a one-level structure would take up more of the yard, and that there would be more foundation costs. Rutkey said the first floor would be for the car and storage of items such as rakes, and DiNallo needs a separate floor for paperwork storage. He said a one-story structure would be out of character for the neighborhood and they had designed a scheme that would fit in.

Chairman McDonough stated the parcel had unique physical conditions. He said the Zoning Board is charged with granting the minimum variance that's reasonable, and a 10-foot variance is significant.

Rutkey said he believed the project passed the 5 tests necessary for the Board.

Chairman asked what if the neighbors to DiNallo decided to build, it would be very close this proposed garage.

Rutkey responded the neighbor already has a building on the far side of the property, so the proximity would not affect the neighbors. He stated he would not represent an applicant that would intrude on a neighbor.

Member Couture said DiNallo's neighbors were notified and none of them were present at the meeting.

Chairman McDonough said the requested variance was substantial and some of the two-story structures were erected prior to the formation of zoning boards, but now the board must adhere to all zoning regulations. He stated the board makes decisions that impact the entire village, and that other applicants could ask for the same variance. The Chairman said he likes the proposed building and that it would enhance the village but he was not sure about the height. He said a 2-foot side yard setback is also a concern and they could instead build within zoning requirements.

DiNallo replied that future owners will want a yard for children and nice aesthetics, and if the building was pushed to the center of the property it would compromise space, change the flow of the property and make it less desirable.

Chairman McDonough stated the Zoning Board is charged with applying the regulations and granting the minimum variances.

Alternate Member Fernau asked whether the building needed to line up with the driveway.

Rutkey said the proposed plan was the best overall solution to retain the backyard.

Attorney Fauci asked if the building could be rotated closer to the house.

Chairman McDonough opened the meeting to the public at 7:50 p.m. There were no members of the public present. The Chairman closed the public comment portion of the meeting at 7:51 p.m.

The Chairman asked if there were any further questions from board members.

Member Couture made the following motion:

“The Village of Ballston Spa Zoning Board of Appeals shall be the lead agency in regard to proposed construction at 45 Grove Street for SEQR purposes.”

Motion by Member Couture, seconded by Alternate Member Fernau.

On the motion:

Member Couture: yes

Alternate Member Fernau: yes

Chairman McDonough: yes

Motion made by Member Couture:

“The Village of Ballston Spa Zoning Board of Appeals has made a determination there are no negative findings on environmental impact for the proposed construction at 45 Grove Street.”

Motion made by Member Couture, seconded by Alternate Member Fernau.

On the motion:

Member Couture: yes

Alternate Member Fernau: yes

Chairman McDonough: yes

Motion made by Member Couture:

“The Village of Ballston Spa Zoning Board of Appeals does hereby grant a side yard setback relief of 10-feet and accessory building height relief of 9-feet for purposes of building a garage at 45 Grove St., Ballston Spa.”

On the motion:

Member Couture: yes

Alternate Member Fernau: yes

Chairman McDonough: no

Chairman McDonough announced the motion did not carry.

Chairman McDonough stated the date of the next ZBA meeting will be the last Wednesday of April, which is April 26, 2017.

Motion to adjourn the meeting made by Member Couture, seconded by Chairman McDonough.

On the motion:

Member Couture: yes

Alternate Member Fernau: yes

Chairman McDonough: yes

Meeting adjourned at 7:58 p.m.

Respectfully Submitted,

Cari Scribner
Deputy Village Clerk