

ZONING BOARD OF APPEALS

VILLAGE OF BALLSTON SPA

July 26, 2017

Members Present: Acting Chairman Paul Laskey, Anna Stanko, Bruce Couture, James Jurscak.

Members Absent: Chairman McDonough, Attorney Fauci

Acting Chairman Laskey called the meeting to order at 7:02 pm.

Motion made by Member Stanko, seconded by Member Couture to accept the minutes of the previous meeting.

Acting Chairman Laskey-yes

Member Stanko-yes

Member Couture-yes

Member Jurscak-abstained

Old Business:

Acting Chairman Laskey asked if anyone was present regarding the 12 South Street application which was previously tabled at the request of the applicant.

There was no one present.

Acting Chairman Laskey read the legal ad pertaining to the application of Frank and Mary Colby and the property located at 9 Liberty Street.

Mary Colby stated that their house has only 1 bedroom and 1 bathroom, both upstairs, and the laundry room is in the basement. The Colby's would like to build an addition onto the front first floor of the house, thus enabling them to remain in their home in the future.

The proposed 21' x 18' room would be a bedroom, bathroom and laundry room.

Frank Colby presented a picture of their flooded back yard and stated that because of the flooding, they are unable to put the addition on the rear of the house.

Acting Chairman Laskey asked that the picture of the backyard be entered as Exhibit A.

Acting Chairman Laskey inquired about setbacks.

Member Stanko noted that the right of way is 30'.

Building Inspector Lloyd stated that the house is only 2' from the side yard setback; the zoning laws that are in effect today did not exist when the house was built.

Acting Chairman Laskey asked that the property rendering be entered as Exhibit B.

Motion made by Member Couture, seconded by Member Stanko that the Village of Ballston Spa Zoning Board of Appeals hereby grants a front yard setback relief not to exceed 22' for the purpose of constructing an addition to the property located at 9 Liberty Street, as shown on Exhibit B.

Ayes All

Acting Chairman Laskey read the legal ad pertaining to the application of Peter and Shannon Hansen and the property located at 26 Hyde Blvd.

Ms. Hansen explained that the property was purchased with the outbuilding, utilized as a veterinary clinic for several decades, being a rental. The tenants then moved their veterinary practice to a new location.

Member Couture asked if the existing building could be renovated.

Mr. Hansen answered that it would not be feasible due to the structural walls and the cost.

Member Couture asked if it was 2 separate properties.

Mr. Hansen stated it is one property; each building has its own water and electrical meter.

Acting Chairman Laskey read aloud the 5 State mandated "tests" for an area variance approval.

Ms. Hansen noted that 6 neighbors wrote letters in favor of the project and stated that the neighborhood has many apartments and offices.

Mr. Hansen stated the building will be 1 story.

Acting Chairman Laskey asked Member Stanko if subdividing would be an option.

Member Stanko answered no.

Ms. Hansen noted that an addition would not be feasible due to the house having 5 levels.

Acting Chairman Laskey stated that the applicants have been very diligent and that it is clear that this hardship was not self-created.

Member Stanko noted they have to pass the use variance tests also, and stated that the applicants have proven that they purchased the property with the intention of having the rental, but it did not work out.

Ms. Hansen stated that the new proposed building would not be a rental unit; it will be a home for her mother.

Member Jurscak asked if the building would be on the same footprint as the one that is there now.

Ms. Hansen answered yes.

Acting Chairman Laskey stated it should be addressed as protocol and asked if there was a sidewalk between the house and the road.

Mr. Colby answered no.

Member Stanko thanked Mr. Colby for his service to the Country.

Member Stanko stated that the neighbor to the north is over the property line and that several are on the line or on the right of way.

Acting Chairman Laskey asked what the standard right of way is.

Building Inspector Lloyd noted there is not one specific standard, it varies.

Member Jurscak asked if the front of the house would still be 8' from the street.

Member Couture clarified that the front door of the house is 3' from the street, the proposed addition will be 8' from the street.

Acting Chairman Laskey opened the meeting to the public at 7:18pm.

Mayor Romano stated that that due to flooding, there really is no option but to put the addition onto the front of the house.

Member Stanko noted the property is in a flood zone.

Acting Chairman Laskey closed the meeting to the public at 7:22pm.

Motion made by Member Couture, seconded by Member Stanko that the Village of Ballston Spa Zoning Board of Appeals declare themselves lead agency for the property located at 9 Liberty Street for purposes of SEQR.

Ayes All

Motion made by Member Couture, seconded by Member Stanko that the Village of Ballston Spa Zoning Board of Appeals determined that there are no negative findings for the proposed property addition at 9 Liberty Street.

Ayes All

Motion made by Member Couture, seconded by Member Stanko that the Village of Ballston Spa Zoning Board of Appeals hereby grants a side yard setback relief not to exceed 13' for the purpose of constructing an addition to the property located at 9 Liberty Street.

Ayes All

Acting Chairman Laskey opened the meeting to the public at 7:50pm.

David Beals, 40 Chapman Street feels this would be an improvement and noted that this is a unique piece of property.

Member Couture asked if the proposed building would be used as a garage also.

Ms. Hansen answered no, there will be a 20'x20' storage space.

Mr. Hansen that it will be used for storage only.

Mayor Romano stated he thinks the proposed building will be a vast improvement and that he fully supports the project.

Liz Kormos, 89 Hyde Blvd. stated she agrees.

Acting Chairman Laskey closed the meeting to the public at 7:53pm.

Member Stanko asked how high the building would be.

Acting Chairman Laskey noted the application says 20'.

Member Couture asked if the address is 26 Hyde Blvd. or 36 Columbia Avenue.

Ms. Hansen stated the deed says 26 Hyde Blvd.

Acting Chairman Laskey asked if there would be any benefit to moving the building a couple of feet.

Ms. Hansen answered no.

Member Stanko asked Building Inspector Lloyd how the Board can know what kind of relief to grant if property dimensions have not been provided.

Building Inspector Lloyd stated that they should have a survey of the property done.

Member Stanko expressed concern about making a decision on the application without knowing if the neighbor's property would be encroached.

Acting Chairman Laskey stated that before the application moves forward, a survey needs to be done.

Member Couture noted that the Board can't make motions until the property dimensions are known.

Member Stanko stated she would check to see if a survey for the property had ever been filed with the County and she would let them know.

Mr. Hansen asked that their application be tabled until the next meeting on August 30, 2017.

Mayor Romano spoke about the Angelica building, noting that the corporation filed for bankruptcy and the site is currently for sale, listed at \$799,000. It was a tannery from 1887-1960, was vacant for several

years and then was utilized as a laundry facility from 1970-2015. In 2015, it was discovered there were several structures that posed a safety hazard and were condemned.

The NYS DEC proceeded with interim remedial measures on the site. The main building, which is 80,000 square feet, will stay in place. The rest of the structures were demolished, decontaminated and taken off site under asbestos codes of the NYS Dept. of Labor Industry Codes. The back of the site will be capped.

The site has been zoned industrial since 1996; if zoning is not changed, the building could potentially be used for a garden greenhouse, truck terminal, or cold storage.

Mayor Romano noted that extending the CBD (Central Business District) would be a positive use of the land. It would make development more attractive in the CBD. The Mayor continued, stating that there are underutilized places and rezoning as CBD would promote future growth and retail opportunities, increase the tax base, and improve the character of the Village.

Mayor Romano asked the Board for their thoughts.

Member Couture stated he likes the idea of more retail space and commented on the tax revenue that was lost when the EOC bought the building on Bath Street. Member Couture feels the building would be perfect for retail on the bottom and residential units on top.

Acting Chairman Laskey noted he likes the idea; the Village needs stimulus.

The Acting Chairman stated his concern about lack of parking in the CBD.

Mayor Romano noted that parking will be addressed in phase 2; he is speaking with some property owners about the possibility of utilizing their private properties for parking. Additionally, it is possible that off hours parking could be accommodated behind Angelica.

The Mayor feels if you are willing to walk, you can find parking.

Member Stanko noted that is not always true.

Member Jurscak agreed with Member Stanko.

Member Couture asked if all the structures were down.

Mayor Romano said yes, except for the smokestack.

Member Stanko suggested that a committee be formed to address parking.

Mayor Romano stated the Village is at, or near, full build out.

Ms. Hansen would love to see a movie theater in the Village.

Mayor Romano noted that he has worked with people previously to try and reopen the old theater on Front Street, but it is not going to happen at that location.

All of the Board members noted they feel rezoning the Angelica property to CBD is a good idea.

Acting Chairman Laskey stated he feels it is a phenomenal idea and thanked Mayor Romano for coming to the meeting.

Motion made by Member Couture, seconded by Member Jurscak to adjourn the meeting at 8:25pm.

Ayes All

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Teri L. O'Connor". The script is cursive and fluid.

Teri L. O'Connor

Village Clerk