

Minutes

Village of Ballston Spa

Zoning Board Meeting

April 24, 2019

The meeting was called to order at 7:00 p.m. by Chairman McDonough

Members Present: Anna Stanko, Paul Laskey, James Jurcsak, John Luciani

Chairman Present: Kevin McDonough

Approval of Minutes of previous meeting held on November 28, 2018

Motion to accept made by Member Stanko, seconded by Member Laskey

On the motion:

Member Jurcsak: yes

Member Laskey: yes

Member Stanko: yes

Chairman McDonough: yes

Member Luciani: yes

Old Business:

There was none.

New Business:

The matter before the board was an application by Ron Murphy, High Rock Property Management, to build a single-family home at 54 East Grove Street. Application was denied by building inspector because the proposed structure would not meet the required front and side yard setbacks per Schedule B.

The application was reviewed by the Saratoga County Planning Board, which determined there would be no significant countywide or intercommunity impact. The county also stated applicant should determine if the proposed side yard setbacks of 3.4 feet and 3.5 feet were adequate to access the rear yard of the proposed structure without encroaching on neighboring parcels. They also said there would need to be appropriate neighboring dwellings.

Member Stanko disclosed her husband Dave Stanko had done work with Murphy in the past, but did not have any work involved with the proposed project or have any financial interest in it.

Chairman McDonough took a short recess at 7:07 to talk to Member Stanko. They returned at 7:09.

Chairman McDonough asked applicant to approach the table and outline the proposed project. Murphy said the lot is challenging because it narrows toward the rear, and the houses are packed in on top of each other. The construction plan will be a long narrow structure, therefore the current foundation was not usable. Murphy said the new house would upgrade what's currently at the site and help improve the neighborhood.

Chairman McDonough reviewed the 5 tests NYS legislation requires applicants to pass in order to be issued an area variance.

Murphy said it was difficult to find a structure that had any resale value and usability, which created a financial hardship and the foundation was not viable in its current state.

Chairman McDonough entered a map of the proposed structure as Exhibit A. He asked applicant if he had a survey. Murphy indicated it was currently underway.

Chairman McDonough asked how close the proposed structure would be to neighbors. Murphy said 10 feet.

Member Laskey asked if there would be fencing. Applicant said there would be fencing on both sides.

Member Stanko said there was about 13 feet between the proposed structure and the house to the south. However part of the current structure, specifically the porch, was 2 feet across the property line to the south. Murphy said the property lines had been adjusted years ago due to an encroachment. Member Laskey asked if the issue had been resolved. Member Stanko said because it was years ago, it was not Murphy's issue to deal with.

Chairman McDonough said the proposed structure decreases the encroachment on the south side yard so it would be less than in its current state.

A color Google Maps photo of the current structure at 54 East Grove St. was entered as Exhibit 2.

Member Laskey asked why the existing foundation was unusable. Murphy said the concrete was not put down properly and was unsafe.

Chairman McDonough stated an area variance of 8.5 feet on both the northern and southern sides would bring the front yard setback in line with other houses on the street. Applicant replied this also allows for one car to utilize street parking.

Chairman McDonough said 10 foot relief may be needed in the front of the property, or it might be less than what zoning laws require.

Reviewing the 5 tests, McDonough said the current structure was undesirable to the character of the neighborhood. Was there any other way the new structure could be done? He stressed the ZBA wanted to grant the minimum variance possible.

Applicant responded the proposed house could be moved closer to the road but then it would be right on the road and aesthetically, it made no sense.

Chairman McDonough stated that with 3.4 and 3.5 feet between the proposed home and neighboring properties, when it came to fire protection, was this adequate for the safety of fire responders to access the rear of the building? Murphy said in an emergency, responders could take down the fence in the rear since it's not a

permanent structure. The Chairman told the board a recent fire damaged one of his properties, but with good access to the structure, 80 percent of the building was saved.

Chairman McDonough said this was a substantial variance compared to other projects presented to the ZBA.

Member Luciani said the nature of the area called for proposed structure to be close to neighbors on both sides. Member Stanko added after debris was removed from the site it would be an improvement. Neighbors had called the building inspector many times about the junk in the yard.

Chairman addressed the test of whether there would be an adverse environmental impact. He said it would clean up the property to tear down the condemned structure. He asked applicant how long he had owned the property. Murphy replied he did not as of yet and if the application for a variance did not go through, he would not buy it.

Murphy said the lot was 4,735 square feet and the typical lot would be 5,000 or 50 x 100. He told the board the project would be swapping out a new structure for an unsafe one.

Chairman McDonough opened the meeting to public comment at 7:35 p.m.

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Resident Liz Kormos said she would like to see a footprint of the current house without a garage to check the parameters of setbacks and sidelines. She stated a 3.4 foot access to the rear would not be accessible for fire departments.

Public hearing was closed by Chairman at 7:38.

Chairman McDonough asked applicant if he had a survey to share with the board. Murphy said one had been ordered for a title search but was not yet on hand.

Member Laskey said the board would need to see the actual survey to show how the current structure and the fence sits on the property.

Chairman McDonough stated emergency crews may need access in the back area and there's not much room especially with trees back there. He asked applicant if there was any other feasible plan to grant a minimum variance because 3.4 and 3.5-feet made him very concerned about emergency crews and also other fire departments respond as well.

Chairman McDonough asked applicant what are the current setbacks vs the proposal to go back further. Murphy said the lot narrows the further back it goes due to the shape of the lot. A better option might be to pull forward closer to road.

Member Stanko asked if Mr. Murphy decided to tear down and build in the same footprint, would the matter be in front of the ZBA? Chairman McDonough indicated with 50 percent damage to a building, it would not be grandfathered in. Building Inspector Randy Lloyd agreed.

Motion to declare the ZBA lead agency for the SEQR process made by Chairman McDonough.
Seconded by Member Laskey.

On the motion:

Member Juresak: yes

Member Laskey: yes

Member Stanko: yes

Chairman McDonough: yes

Member Luciani: yes

Motion made by Chairman McDonough that the SEQR proposal is not subject to review under 205.63.
Seconded by Member Stanko.

On the motion:

Member Jurcsak: yes

Member Laskey: yes

Member Stanko: yes

Chairman McDonough: yes

Member Luciani: yes

Building Inspector Randy Lloyd said he had been in the current structure which has been vacant since last summer. He said the roof leaks, the foundation is bad and there are 6-foot ceilings upstairs.

Applicant suggested the matter be tabled to provide time for a map and survey to be done.

Chairman McDonough said at the request of applicant, the matter be tabled to the May meeting.

Trustee Kormos introduced herself as the new Commissioner of Planning and Zoning. She stated the ZBA agenda should be posed on the website, as well as the minutes once they are approved. It only needs to be a simple agenda. Trustee Kormos said they are considering bringing back a zoning committee to ascertain where zoning laws need to be tweaked.

There was a brief discussion about training sessions. Trustee Kormos said the new Village Attorney Stephanie Ferradino is also an excellent resource.

Next meeting set for May 29, 2019.

Motion to adjourn made by Member Stanko, seconded by Member Jurczak..

On the motion:

Member Jurcsak: yes

Member Laskey: yes

Member Stanko: yes

Chairman McDonough: yes

Member Luciani

Meeting adjourned at 8:00 p.m.

Respectfully Submitted,

Cari Scribner
Deputy Village Clerk

