

Zoning Board of Appeals

Village of Ballston Spa

October 27, 2021

Village of Ballston Spa – Municipal Offices

Present: Chairwoman Anna Stanko, Member Bernadette VanDeinse, Member James Jurcsak, Member Kevin McDonough, Member John Luciani, Alternate Member Paul Laskey, Village Attorney Stephanie Ferradino.

Also present: Applicant Stephen Rutkey, Building Inspector LaFountain.

Absent:

Chairwoman Stanko called the meeting to order at 7:00 pm.

Meeting began with the Pledge of Allegiance.

Approval of Minutes:

Chairwoman Stanko requested approval of the minutes from September 29, 2021 Zoning Board of Appeals meeting. Motion made by Member VanDeinse and Seconded by Member Jurcsak. Motion carried.

Old Business:

None

New Business:

Area variance application for:

Property SBL: 216.33-2-8 (74 Pleasant Street – Stephen Rutkey) For an accessory structure that does not meet required setbacks in an R-1 zone.

Building Department Clerk Gailor read the Legal Ad Notice.

Chairwoman Stanko provided background information on denial on the application for an area variance, accessory building does not comply with 205-25A - not meeting the setback requirement for the R-1 District which is: Rear yard of 5 feet and 12 feet from any side lot.

Chairwoman Stanko asked the Applicant Rutkey to approach the Board.

Applicant Rutkey reviewed the reason/overview of project: basically, looking accomplish storage as there is no garage and a very low ceiling in the cellar. Through the years in maintaining his home, trying to be very sensitive to the architecture that is throughout the Village, and maintaining the structure to fit in with this in mind. Looking to build the shed to store all outside items (snowblower, bikes, outdoor furniture for winter), and a small area for exercise equipment. The structure will match as close as possible to the exterior of the house.

Alternate Member Laskey asked if the side yard setback was the only variance that the applicant was requesting. Chairwoman Stanko replied, yes.

Chairwoman Stanko read through the five questions that the Applicant must prove in seeking a use variance:

- Whether the benefit sought by the applicant can be achieved by other feasible means.
Applicant Rutkey stated that by putting it into the backyard it would be too far from the driveway and looking to have things closer to the house. The backyard is also an area that holds water, and the soil is very impervious. Alternate Member Laskey asked Applicant Rutkey that he could really locate this in another part of the property, but that he is choosing to request this variance for a better/ more reasonable location. Applicant replied, yes.
- Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.
Applicant Rutkey stated that it would be wood frame, wood sided and shingles that match the house. Appearance and scale will fit right in with the house. Very few neighbors will notice it, much less object to it. Took in consideration of the peak to flow better with lot line and house – turned the peak to run north to south.

Member McDonough asked if it was going to be a stick frame or trusses. Applicant replied, yes. He also asked what the overhang would be, and Applicant replied 12" and then was asked if this was reflected in the submitted drawing? Applicant Rutkey replied, yes it is. Alternate Member Laskey asked for a clarification of the overhang – 12" and then he stated that the variance would need to be increased to reflect the relief as 4 inches. Member McDonough asked if runoff was considered for this plan. Applicant Rutkey stated that it was, and due to the heavily rooted, impervious soil that was also why he considered the location. House does not have gutters and he wishes to keep it that way, and also, he will not be placing gutters on the shed.

Chairwoman Stanko asked what was located on the side of the property, just outside of the fence? Applicant Rutkey stated that it is just a lawn, the neighbor had a shed there and removed it the year before.

- Whether the variance is substantial.

Applicant Rutkey looked at the definition of 'substantial' to figure out if there is an impact. With the size of the shed (~230 square feet) then he did not feel that it was substantial. Alternate Member Laskey asked what impact the bulk area? Building Inspector replied 17 percent – as shown on the plans.

- Whether the variance will have adverse physical or environmental effects on neighborhood or district.

Applicant Rutkey emphasized that the building is not large enough to put a car into it, even if he decided to sell his home then the structure would not be large enough for this to happen. Other than minimal lights, there won't be anything, including noise, to bother neighbors or surrounding area.

Member Laskey asked if he was running power to the building? Yes, currently there is an underground conduit running to the fence for power outside and he plans on connecting into that for the shed. Member Laskey asked, and there will be no plumbing? Correct, there will be no plumbing. Applicant Rutkey also mentioned that no trees will be removed for this construction.

Member McDonough asked if there would be any exterior lighting on the building? Yes, at the very most there might be a low-lit motion light placed by the shed door that would face toward his house. Member McDonough asked if he read in the information, that the total height would be fifteen (15) feet. Applicant replied, no – thirteen (13) and a half feet.

- Whether the alleged hardship has not been self-created.

Due to the lack of storage in the house, there isn't any other way to meet this need.

Chairwoman Stanko reviewed that all neighbors have been notified and there are no one responded.. Applicant stated, correct.

Applicant submitted the Environmental Assessment Short Form, and this is a type II SEQR application; therefore, no further action is necessary.

Chairwoman Stanko stated for the record that she reached out to the Saratoga County Planning Board as this parcel is within 500 feet of the Village line and found out that in 1988 that there is a referral waiver agreement for residential properties. Because of this

agreement, certain residential properties do not need to go before the Saratoga County Planning Board.

Chairwoman Stanko asked if there are any further questions, comments from the Board Members? Not at the moment but deferred to open questions to the public.

Chairwoman Stanko opened the floor to the public. Trustee Kormos replied not really.

Chairwoman Stanko asked if any other questions or concerns from the Board for the applicant?

Member Laskey complimented the applicant on the quality of the packet that was provided to the board.

Member McDonough mentioned historically many of the buildings are within the 5-foot setback and at one time this was the permitted setback of a building.

Member McDonough made a motion for the Zoning Board of Appeals of the Village of Ballston Spa to grant a eight (8) foot relief variance for a side yard setback for pertaining to the property at 74 Pleasant Street in the Village of Ballston Spa in order to erect a storage shed.

Motion was seconded by Member Luciani.

Chairwoman Stanko asked if there are any questions? None being. All approved. Motion carried. Variance has been granted to Applicant Rutkey.

Other Business:

Chairwoman Stanko brought before the Board the following, when a property is in the Historic District, the Historic Commission has to review that property. She then spoke about an instance of a sign for the Christ Episcopal Church on the corner. Chairwoman Stanko had sent the information to Chairman Cromie for his committee to review back in September, knowing that they had a fifteen-day period to review, but it was not looked at until recently. The Chair of the Historical Commission replied to Chairwoman Stanko that the Zoning Board of Appeals would have to review the application to grant the variance, and then send it on to the Historical Commission for their review for recommendation.

Attorney Ferradino said that is wrong, as they are supposed to weigh in on what the application is for – and if the Board granted the variance, and later they denied it; it is just not the way it is supposed to work. Chairwoman Stanko then asked, does the Commission have any legislative powers? Isn't the Commissions role strictly,

recommendations? Member McDonough answered, yes it is strictly recommendations only. He added that it makes perfect sense for an applicant to go to the Historic District Commission first before going before the Zoning Board of Appeals. Chairwoman Stanko was going to respond to Chairman Cromie regarding the information shared at the meeting tonight as well as asking for the Historic Commissions recommendation on the sign.

For the future, if applicant applies for a variance in the Historical District, then the Building Inspector will forward it to the Historic Commission and the Chair of the Zoning Board of Appeals at the same time. If it is missed that it is in the Historic District and the Chair of the Zoning Board of Appeals sees that it is within the Historic District, the Chair will then forward to the Historic Commission. In either case, the Commission will be given 15 days to act on request so that the applicant will know in a timely manner.

Next meeting will be December 1, 2021 due to the Thanksgiving holiday and pending a response from the Historic Commission.

Chairwoman Stanko also mentioned that it was the last meeting for the Village Attorney Ferradino and thanked her for her assistance with the Board.

Meeting Adjourned:

Motion Member McDonough. Seconded by Member Jurcsak. All approved. Motion carried. 7:30 p.m.

Respectively submitted,

Laurel Gailor
Building Department Clerk