

Zoning Board of Appeals
Village of Ballston Spa
January 26, 2022
Village of Ballston Spa – Village Office

Present: Chairwoman Anna Stanko, Member James Jurczak, Member John Luciani, Member Bernadette VanDeinse, Alternate Member Gary Dale, Village Attorney Stefanie Bitter

Also present: Applicant Daniel Vergine, Trustee Liz Kormos

Absent: Member Kevin McDonough

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 December 1, 2021 Zoning Board of Appeals meeting. Members stated they did not receive the 12/1/21 minutes. Chairwoman Stanko Motion requested those minutes be emailed to members for their review.

Old Business:

15 West High Street – SBL:216.40-3-4, Christ Episcopal Church sign

- Application was forwarded to the Planning Board. Our comments were forwarded to them as well as the Historic District questions.

New Business:

Area variance application for:

Property SBL: 203.63-2-30.2 73 West Street – Daniel Vergine) For a proposed accessory building that falls under Village Code: 205-15 (A,B,C) – Height, Location

Applicant Vergine provided Notification of Neighbors Certificates of Mailings. He stated that he would like to build a garage in the northeast corner of the property. He is

proposing the building be 3' off the back and 3' off the side and height will be 20' 5 7/8". He stated that Zoning is 12' off the side and 5' off the back and height is 15'. He will remove a shed. The driveway is on the right side. Height of the house is basically the same height as the proposed garage. His house lacks storage so the height is needed for storage. Mr. Vergine provided photos of neighboring lots with garages close to lot lines.

Chairwoman Stanko read through the five questions for criteria that the Applicant must prove in seeking a use variance, and asked members if they wished to ask questions as each question was asked or to wait until the end; the consensus was to ask questions as we go along.

- Whether the benefit sought by the applicant can be achieved by other feasible means.

Applicant believes this size would be needed and that this would be the best location for the garage.

- Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.

Applicant doesn't believe it will be. Many of the houses in his neighborhood have garages close to the property lines.

- Whether the variance is substantial.

Applicant asked for explanation of question. Chairwoman Stanko stated that he is asking for several variances, which is substantial. R1 allows a maximum bulk coverage of lot of 20%. Applicant is proposing 24%. She stated that applicant is asking for a side yard, variance, a height variance, a bulk coverage variance, and a backyard variance.

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

Chairwoman Stanko stated that she believes he has already addressed and answered this question.

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

Chairman Stanko asked when he purchased the house. Applicant answered it was a family- owned home which he purchased in September from his parents. He stated he needs more room for storage because the home does not have a basement and the existing shed is too small. The left side of the garage will be used for storage and the right side will be used for his car. Height is needed for storage of items. Chairman Stanko asked if the current home has a garage. Applicant stated the previous garage was converted into the house a long time ago and the garage door was removed. The garage has now become all living space. Applicant stated that the driveway on the right will be extended back at the same width, opening a little in front of the garage door. There will be power, but no plumbing. Chairwoman Stanko asked if applicant will be running a business out of the garage. Applicant stated he will not be running a business out of the garage. Applicant stated he has no problem moving the setback from 3' to 5'. The 15' distance from the principal building on the property was discussed. Chairwoman Stanko asked why the garage needs to be so large – 30' x 30'. Applicant stated his truck is large and this space is needed. The garage door will be 12'. Lighting on the garage will be on the back door and 2 sconces on the front. All lighting will be down lighting. Drainage was discussed. Chairwoman Stanko asked that the record indicates 1344 sq ft for the house. Discussed options on how to reduce size to eliminate need for variances. Applicant stated he needs the garage to be 30' x 30'.

Chairwoman Stanko opened the floor to the public.

Liz Kormos, 89 Hyde Boulevard, Ballston Spa. She is concerned that 3' isn't enough, with the rest being fine. She asked if fire truck access is good enough. Applicant stated yes. Discussion followed.

Chairwoman Stanko closed Public comment.

Chairwoman Stanko stated for the SEQRA review that after reviewing the facts and circumstances surrounding this application, it is deemed as a Type 2 action and is therefore exempt from SEQRA. A motion was made by Member Luciani as follows: The Ballston Spa Zoning Board of Appeals makes a motion to grant 3 area variances for the property located at 73 West Street, Ballston Spa, NY 12020 identified as property SBL 203.63-2-30.2 to build an accessory building at the rear of the property. These variances would include relief of 8' side yard set back on the northeast side of the property, relief of 5'6" height variance and a 4.3% relief of bulk usage. This is based on the applicant agreeing to move the structure 2' forward and 1' towards the southern property line from his original proposal eliminating the need for a rear yard setback. Chairwoman Stanko asked the Applicant if this is acceptable to him. The Applicant stated it is acceptable. The motion was seconded by Member Jursak. The motion carried.

Other Business:

There will be no meeting next month unless an application is received.

Meeting Adjourned:

Motion Member Luciani. Seconded by Alternate Member Dale. All approved. Motion carried. 7:55 p.m.

Respectively submitted,

Kathleen Barner
Building Department Clerk