

Zoning Board of Appeals

Village of Ballston Spa

March 31, 2021

Via Zoom

Present: Chairwoman Stanko, Member Bernadette VanDeinse, Member Paul Laskey, Member Kevin McDonough.

Also present: Applicant Michelle Larkin, Alternate Member Gary Dale and 1 member of the public.

Absent: Attorney Stephanie Ferradino

Chairwoman Stanko called the meeting to order at 7:02pm.

Building Inspector secretary Bardino read the legal ad.

Member VanDeinse advised she did not receive the minutes from the last ZBA meeting. Therefore, minutes could not be approved.

Secretary Bardino agreed to email minutes from previous ZBA meeting to Member VanDeinse.

Alternate member Gary Dale introduced himself.

Chairwoman Stanko provided background on the application, stated applicant Rebuilding Together/Michelle Larkin is proposing to paint a 56 sq ft mural on the north side of the building at 132 Milton Ave, Ballston Spa, NY.

Applicant held up a photo of the proposed mural, stated the mural will go on the side of the building facing the parking lot. The photo was difficult to see.

Applicant stated the permit was denied because it fell under the definition of a billboard, which is prohibited.

Applicant stated the proposed mural is pretty, is not super big, would add to the character to the building, and would not go above the line of the first floor.

Chairwoman Stanko stated the application was referred to the Saratoga County Planning Board and they found that the proposed mural would have no negative impact on the area. Chairwoman Stanko stated she could not find anything in the Village Code that addressed murals.

Member Laskey described the quality of the side of the brick building, part of the side is painted gray.

Applicant advised the muralist is a young artist and agreed to come back for any needed touch ups. The sign on the front of the building has brought in a lot of people, some looking for home repairs.

Chairwoman Stanko advised that Attorney Ferradino advised we could look at this proposed mural as an area variance versus a use variance.

Member Laskey expressed concern about going in this direction with murals on exterior building walls.

Applicant offered that Burlington, VT is known for its murals.

Member Laskey stated Burlington has murals due to a graffiti problem and is concerned about setting a precedent if the proposed mural is approved. Member Laskey wants to protect the Village.

Chairwoman Stanko stated we do not want anyone putting up a distasteful mural.

Applicant asked for ZBA's concern with their proposed mural.

Chairman Stanko stated the proposed mural is tasteful and she likes it but we must follow the Village Code and protect the Village. The ZBA must be careful about opening a can of worms.

Member VanDeinse asked about the Rickett's mural.

Chairwoman Stanko advised the mural on Rickett's was to cover graffiti.

Member Laskey stated the mural has some components that represent Rebuilding Together, so there is an advertising component.

Applicant asked how Rebuilding Together could alter the mural to make it more presentable.

Alternate member Dale asked what the purpose of the mural is.

Applicant stated the parking lot next to Rebuilding Together is not pretty and the mural will be attractive and will draw people's eyes to the building. Rebuilding Together owns the building.

Alternate member Dale agreed with the above and stated the mural looks nice. Alternate member Dale asked how the Village manages paintings on sides of buildings and would this set a precedent if approved. Alternate member Dale stated if application is granted, how will the Village handle potential future mural applications.

Chairwoman Stanko stated the Village is looking to update the Village zoning and the parking lot next to Rebuilding Together is owned by the Village. The Village could sell it in the future.

Applicant expressed Rebuilding Together is doing their part and they are looking for second location in the Village.

Member McDonough stated he likes the mural idea, many areas in the Northeast have murals. Warrensburg has a mural depicting historical events but it does not advertise. Member McDonough said he encourages murals for historical purposes and stated it would be a wonderful addition. Member McDonough expressed he is not convinced that the proposed mural supports Rebuilding Together's success.

Applicant asked if the ZBA would be more open to mural about the Village.

Member VanDeinse offered that Saratoga Springs has murals but none that are for a particular business. Albany also has many murals.

Member Laskey asked if Rebuilding Together took out the business component, would ZBA grant the variance.

Chairwoman Stanko went over the criteria for granting area variances.

Member Laskey asked if ZBA is approaching this application as an area variance.

Chairwoman Stanko confirmed the application is looking at this as an area variance.

Applicant communicated Rebuilding Together is considering making other renovations to the building, adding 2 lights. Applicant has not considered other mural options.

Member McDonough stated Rebuilding Together's new sign achieved its goal, other businesses also have exterior walls.

Member Laskey stated the proposed mural would not produce an undesirable effect on the Village.

Chairwoman Stanko asked if the difficulty was self-created. There was no response.

Member of the public, Liz Kormos 89 Hyde Blvd, suggested the ZBA ask Attorney Ferradino what the law says regarding the wall facing the parking lot. Does the wall belong to the Village? Member voiced that we have an Arts Council that could review the proposed mural.

Member Laskey advised there is no difference between the ZBA and the Arts Council.

Ms. Kormos asked if the wall is under the public realm and that an advertisement is different than a piece of art.

Applicant stated they purposely designed the mural to go below the first floor of the Rebuilding Together building.

Member Laskey stated, no, the sign is too large.

Chairwoman Stanko advised Village Code dictates it must be no more than 16 square feet in area, a billboard is anything over 50 square feet.

Chairwoman Stanko closed public comment.

Applicant asked if they keep within the 16 square feet and mural says Rebuilding for the Good, can they move forward?

Member Laskey advised we are not leading applicant in any direction.

Chairwoman Stanko stated applicant can withdraw the application or go thru the criteria and take a vote.

Applicant requested a vote.

Member VanDeinse motioned the applicants request that the ZBA of the Village of Ballston Spa grant an area variance at 132 Milton Avenue, as shown in Exhibit A (the picture of the proposed mural), to paint a 56 square foot mural.

Member McDonough stated that sounds good.

Member Laskey seconded the motion.

A vote was taken.

Member Laskey voted no.

Alternate member Dale voted no.

Member McDonough voted no.

Member VanDeinse voted no.

Chairwoman Stanko voted no.

Chairman Stanko stated the application is denied. This is uncharted territory. The applicant can resubmit an application to the Village Building Inspector for a 16 square foot (or less) mural if they choose.

Motion made by Member Laskey, seconded by Member VanDeinse that the meeting be adjourned at 8:15pm.

Ayes All

Respectfully submitted,

Denise Bardino
Secretary