

Zoning Board of Appeals Meeting Minutes

Village of Ballston Spa

Held on July 27, 2022

Present: Member Kevin McDonough, Member James Jurcsak, Member Kamran Parwana, Alternate Member Gary Dale, Alternate Member Mary Bush, Village Attorney Stefanie Bitter

Absent: Chairwoman Anna Stanko, Member John Luciani

Member Kevin McDonough acted as Chairman in the absence of Chairwoman Stanko. The meeting was called to order at 7:01 pm.

The meeting began with the Pledge of Allegiance.

Approval of Minutes:

Acting Chairman McDonough requested approval of the minutes from June 29, 2022 Zoning Board of Appeals meeting. He stated that there is one note he would like to make. On page 2, 3rd line down, the measurement of .58" should be revised to say .58'. Member Dale stated that in the motion on page 3, the word shed should be revised to say carport. A motion was made by Member Jurcsak and seconded by Member Parwana, to approve the minutes as amended. The motion carried.

Old Business:

None

New Business:

Area variance application for:

Property SBL: 216.22-1-15 (14 Meadow Lane) John Moseman – Construction of 20' x 24' garage – does not meet the side setback requirements.

Applicant Moseman stated that he would like to put up a garage. He had previously provided Notification of Neighbors Certificates of Mailings to the Building Inspector Clerk. He stated that none of his neighbors had any negative comments or issues with the proposed garage. Acting Chairman McDonough asked if he had a survey of the property. Mr. Moseman replied no. He noted that it is a 75' x 100' lot. Mr. Moseman

stated that the proposed garage would be 6'6" from his property line. Acting Chairman McDonough stated that Mr. Moseman would need a 5'6" variance and asked him what he would like to use the garage for. Mr. Moseman stated that the garage would be used to park his car and to store his mower and snowblower. Acting Chairman McDonough asked if the concrete slab was there when he purchased the house. Mr. Moseman stated that he had the slab poured 12 years ago. At that time, he did not get a permit to pour the slab. Member Dale asked if the setback should be measured from the building or the overhang. Acting Chairman McDonough stated that the variance should be measured from where the overhang lies. Member Dale stated the maximum building coverage usually is 20%. Mr. Moseman stated the house is approximately 910 square feet. Acting Chairman McDonough asked if the Board was in agreement that this request fits in the required bulk code. The Board responded yes. Building Inspector LaFountain stated that the applicant needs a minimum of 30% landscape left. Attorney Bitter stated the applicant has 80% left.

Acting Chairman McDonough stated that he would like to remind the Board of the tests for an area variance that the applicant must meet in order for the Zoning Board of Appeals to grant a variance.

- Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

Mr. Moseman stated that many of the homes in the development have garages. Acting Chairman McDonough stated he conducted an informal survey and drove around the area of Meadow Lane from the applicant's property south to the first corner and almost every property had a garage 6' - 8' from their property line.

- Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored.

Acting Chairman McDonough asked if the he considered putting the garage in the back of the house. Mr. Moseman answered no and stated that the pad is already in place.

- Whether the variance is substantial.

Acting Chairman McDonough stated that the application falls within the acceptable bulk requirements of lots in the area.

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

Acting Chairman McDonough asked how the applicant plans to contain rainwater runoff or snow melt onto his neighbor's property. Mr. Moseman stated that the runoff is pitched to the street and that he will put stone on the ground on the back and sides of the garage.

- Whether the alleged hardship has not been self-created (although this does not necessarily preclude the granting of an area variance).

Acting Chairman McDonough stated it was self-created.

Acting Chairman McDonough asked the Board if they had any comments. Member Dale asked if the applicant could make it smaller and move it behind the house. Mr. Moseman said this is the best place to locate it to request the smallest variance needed. Attorney Bitter noted that moving it would make it difficult to get into.

Acting Chairman McDonough asked for a motion to designate the Village of Ballston Spa Zoning Board of Appeals as lead agency for SEQR on this application. Member Dale made the motion to designate the Village of Ballston Spa Zoning Board of Appeals as lead agency for SEQR on this application. Member Jurcsak seconded the motion. The motion carried.

Acting Chairman McDonough asked for a motion to declare this project a Type 2 SEQR action. Member Dale made a motion to declare this a Type 2 action under SEQR regulations. The motion was seconded by Member Parwana. The motion carried.

Acting Chairman McDonough opened the floor for Public Comment:

Hearing no responses from the public, the Public Comment portion of this meeting is closed.

Acting Chairman McDonough asked if the Board has an opinion whether or not a survey is needed. Member Dale said it is his biggest concern. He noted that without a survey, we do not know where the property line is. Member Parwana asked when the fence was put in place. Mr. Moseman stated that his neighbor put the fence up in either 1957 or 1958. He also stated that he has lived in this house since 2000.

Building Inspector LaFountain asked the Board that if the variance is granted, it be made contingent upon a licensed professional staking out the eaves location of the structure to be in compliance with the granted variance.

Acting Chairman McDonough asked the Board if anyone had comments regarding not needing a survey. There were no comments from the Board. Member Dale stated that

he feels a survey would be best to be sure the structure will not be on the neighbor's property.

Attorney Bitter stated that the Board can grant a conditional variance and if the survey shows it is 5'6" from the property line, it meets the requirements of the variance.

Mr. Moseman asked what happens if the surveyor has any questions. Building Inspector LaFountain stated that the surveyor can call him.

Acting Chairman McDonough stated that it seems we have consensus on this matter. Member Dale made a motion that the Village of Ballston Spa Zoning Board of Appeals approve a variance for property located at 14 Meadow Lane for the construction of a garage with a side yard setback relief of 5'6" along the north property line as measured from the proposed garage eaves and that it be contingent upon a licensed professional surveyor to survey the lot and certify the approved setback as measured from the proposed eave line. Attorney Bitter stated she calculated the relief as 5'9", not 5'6". After a discussion, it was determined that the relief should be stated as 5'9", not 5'6". Building Inspector LaFountain stated he thinks that on the last sentence it needs to say certifying that it is within the granted variance.

Acting Chairman McDonough submitted a drawing that was provided by Mr. Moseman that will be here and after referred to as Exhibit A.

Alternate Member Dale asked that the motion be read back to make sure it is correct with the changes noted. The Building Inspector Clerk read it back as follows: Alternate Member Dale made a motion that the Village of Ballston Spa Zoning Board of Appeals approve a variance for property located at 14 Meadow Lane for the construction of a garage with a side yard setback relief of 5'9" along the north property line as measured from the proposed garage eaves and that it be contingent upon a licensed professional surveyor to survey the lot and certify that it is within the granted variance as measured from the eave line.

Alternate Member Bush seconded the motion. The motion carried.

Other Business:

Building Inspector LaFountain stated that Jim Whittredge is proposing a subdivision of his property on Fairground Avenue for a family member. Information will be coming to this Board regarding his request for a variance.

Meeting Adjourned:

A motion to adjourn was made by Alternate Member Dale, seconded by Member Jurcsak. The motion carried. The meeting was adjourned at 7:46pm.

Respectively submitted,

Kathleen Barner
Building Department Clerk

Exhibit A MOSEMAN
2BA

7/27/22 GPM

JUN 13 2022

[Signature]

