

**TOWN OF BALLSTON  
ZONING BOARD MEETING**

June 1, 2022 7:30 pm

Town Hall Meeting Room  
323 Charlton Road  
Ballston Spa, NY 12020

**ATTENDEES:**

Steve Merchant, Vice Chairperson  
Annetta Dunham, Board Member  
Joanne Hull, Board Member  
Robin Kane, Board Member  
Tim Long, Board Member  
Dan Mertzlufft, Board Member  
Patrick Whitton, 2<sup>nd</sup> Alternate  
Jeff Stickles, Code Enforcement Official  
Bill Keniry, Attorney

**ABSENT:**

Mike Lesniak, Chairperson  
Samuel Dorsey, 1<sup>st</sup> Alternate

**Call to Order**

Meeting was called to order at 7:27 pm.

**Pledge of Allegiance** was led by Mr. Merchant.

**Approval of Previous Minutes**

**MOTION:** Ms. Hull made a motion to approve the minutes of the April 6, 2022 meeting as drafted. Ms. Dunham seconded the motion. All in favor. **CARRIED.**

**OLD BUSINESS**

There was no old business.

**NEW BUSINESS**

**74 Connolly Rd Area Variance (ZBA 2022-005)**

SBL 239.14-1-9

Application for a side yard variance for replacement of a shed.

Presenter: **Mrs. Kathy DiCaprio**, property owner.

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Mr. Merchant explained the process to Mrs. DiCaprio: The Zoning Board asks questions about the project, if she would like to proceed then a Public Hearing is scheduled for next month.

Mrs. DiCaprio submitted two letters from neighbors. (See attachments at the end of these minutes.)

Mr. Merchant asked if Mrs. DiCaprio had any thoughts regarding their previous discussion about the shed being six feet from the neighbor's fence.

Mrs. DiCaprio stated that the shed is in disarray and needs replacement. It has been on the property since 1950; all her neighbors moved in after the shed was in place. She is trying to improve the aesthetics of the neighborhood as well as make it easier to do things since her husband passed away. She wants a new, smaller shed, relocated to for easier access, including a large door and a man door. She wants more room for lawn, both to enjoy the lake and allow space for grandchildren to play; she would like the new shed to be where the existing shed is on the back side with her neighbor's driveway backing up to it. Her goal is more lawn space, if she moves the shed out six feet it has useless space behind it and defeats the extra lawn purpose.

Mr. Mertzlufft stated that he visited the property and understands the need to replace the shed; it is on the property line.

Mrs. DiCaprio stated that the shed is five or six inches off the property line.

Mr. Mertzlufft stated that the Board tries to give as small a variance as possible; it appears that Mrs. DiCaprio is requesting a 12-foot variance.

Mrs. DiCaprio stated that the drawing was created a few years ago, she was told it would require a six-foot variance.

Mr. Stickles stated that the rear setback requirement is 15 feet and the side yard setback requirement is 12 feet.

Mr. Whitton stated that the 12-foot variance on the application is correct.

Ms. Kane stated that she read that for accessory structures the requirement is a six-foot rear setback.

Mr. Keniry stated that Ms. Kane was correct, but that it is qualified for accessory structures less than 200 SF.

Mr. Mertzlufft stated that he is not suggesting a smaller shed; he noticed that the existing shed on the property line is 15 feet wide and the suggested new shed would be 12 feet wide. He asked if the new shed could be sited to give the neighbor a three-foot buffer and have the corner sit where the existing shed's corner sits; then it could be a nine-foot variance.

Mr. Whitton stated that it would be more than that; the existing shed is 18 feet wide as measured along the property line.

Mr. Merchant stated that another issue is the roof and snow sliding off it; also, three feet behind may be helpful for maintenance.

Mrs. DiCaprio stated that she hasn't worked on the existing shed in 45 years.

Mr. Mertzlufft stated that the neighbor's driveway needs room for snow removal; he asked if the shed could be moved over three feet from the property line so there is the same distance between the house front door and the shed as currently exists with the existing shed.

Mr. Long stated that you wouldn't want to trespass to do maintenance.

Mr. Mertzlufft stated that the variance stays with the property; if Mrs. DiCaprio were to move away the variance is a consideration in perpetuity.

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Mrs. DiCaprio stated that that is not what she wanted; she would now have three feet behind the shed that she must maintain.

Mr. Whitton asked if there is currently 26 feet behind the shed to maintain.

Mrs. DiCaprio stated that the 26 feet is to the rock wall.

Mr. Whitton stated that the 26-foot area to be maintained would be reduced; since the side of the shed from Mrs. DiCaprio's house to the neighbor is the short side, she won't lose yard space by siting it three feet off the property line.

Mrs. DiCaprio stated that then she won't gain lawn.

Mr. Mertzlufft stated that the three-foot gain is on the driveway side of the shed.

Mr. Whitton stated that she is not losing three feet because right now that three feet is existing building.

Mrs. DiCaprio stated that she is not gaining the three feet in lawn; she asked how many feet it must be from the property line.

Mr. Mertzlufft stated that he is not suggesting 12 feet from the fence.

Mr. Long stated that Mrs. DiCaprio would comply with zoning but would lose lawn space by pushing the shed 12 feet from the fence.

Mr. Merchant stated that the distance to the rock wall is not the issue.

Mrs. DiCaprio stated that she is trying to gain lawn.

Mr. Merchant stated that the shed would extend no further into the lawn than the existing shed.

Mrs. DiCaprio stated that she wanted to gain lawn.

Ms. Dunham stated that if the new shed is smaller but placed in the current footprint, at a 12-foot width instead of a 15-foot width, there would be a gain of three feet of lawn.

Mrs. DiCaprio asked what the rules are for building on the same footprint.

Mr. Stickles and several members stated that the project would be good to go with no need for a variance.

Mrs. DiCaprio stated that that is something to think about. She asked if she can change the location of the doors.

Several Board Members stated that she can have the doors wherever she would like.

Mrs. DiCaprio asked if a change in the roofline matters.

Mr. Stickles stated that the roofline doesn't matter if the roof is shingles, not metal, so the snow won't slide off.

Mrs. DiCaprio stated that she is re-siding the house; the shed will be the same as the house and the roof will be shingles.

Mr. Merchant stated that with a shingle roof there will be no issue with snow.

Mr. Long stated that the same footprint doesn't mean it has to be as big, if it stays within that footprint there is no variance required.

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Mr. Whitton stated that the shed company Mrs. DiCaprio was considering may have a drop and go shed that would fit.

Mr. Long stated that a 12 by 18-foot shed would fit in the existing footprint and still allow three feet on the back side.

Mrs. DiCaprio stated that she would need to think about it.

Mr. Whitton stated that the orientation of the doors can be however she wants for functionality.

Mrs. DiCaprio asked if the same footprint must stay in the same spot, could she move a 12 by 18-foot shed toward the rock wall.

Mr. Whitton stated that that would not be within the same footprint.

Mrs. DiCaprio's son stated that they will discuss the options and would like a Public Hearing to be scheduled, if it can be cancelled if a decision is made to stay within the same footprint.

Ms. Kane stated that if the decision is to stay within the same footprint, Mrs. DiCaprio can contact Mr. Stickles.

Mr. Mertzlufft stated that Mrs. DiCaprio also has the right to ask for a vote on what she originally wanted.

Mr. Merchant stated that this is a Type II Action under SEQR. He set a Public Hearing for July 6, 2022 at 7:35 pm to hear comments on the shed at 74 Connolly Road.

Ms. Kane and Mr. Mertzlufft explained that at the Public Hearing the public can speak for or against the project and then the Board votes, so Mrs. DiCaprio must decide on the project beforehand so the public will know what is to be discussed.

Mr. Merchant asked Mr. Keniry how the Public Hearing notice will be written since a decision has not yet been made.

Mr. Keniry stated that the published Public Hearing notice will indicate an area variance for the purpose of a shed. The application is available in the Building Department for public review.

Mrs. DiCaprio stated that she doesn't understand the 12 foot and three-foot discussion.

Ms. Kane stated that the existing shed is on the property line, and the new shed must be 12 feet off the property line.

Mr. Long stated that 12 feet is the requirement, but the Board might settle for three feet.

Mrs. DiCaprio confirmed that the Public Hearing is set for July 6<sup>th</sup> unless she cancels and thanked the Board.

**MOTION:** Ms. Kane made a motion to adjourn the meeting. Ms. Hull seconded the motion. All in favor. **CARRIED.**

Meeting was adjourned at 7:54 pm.

Respectfully submitted,

*Kerri Mains*

Kerri Mains  
Zoning Board Secretary

June 1, 2022

Town of Ballston Zoning Committee  
323 Charlton Rd.  
Ballston Spa, NY 12020

Dear Zoning Committee,

I am writing on behalf of Kathy DiCaprio, 74 Connolly Rd. Ballston Lake, NY.  
I have been a neighbor of Kathy and her late husband Rich for 7 years. Kathy & Rich have always been responsible & kind neighbors. Kathy and Rich have always gone above and beyond to help the road committee and any neighbor in need. With the tragic loss of her husband Rich, Kathy will need all the help she can get to maintain her property alone.

The current shed she owns is almost directly on the property line and has been for many years and will not allow her the access she needs for property maintenance equipment. Replacing the old dilapidated shed would be a great improvement to the existing one with no adverse effect on the neighboring properties.

Thank you for your time.

Sincerely,



Mike Palma  
92 Connolly Rd.  
Ballston Lake, NY

**Subject** DiCaprio Variance request 74 Connolly Rd  
**To:** [kldicaprio <kldicaprio@aol.com>]  
**From** mjm1876 <mjm1876@aol.com>  
**Date** Wed, Jun 1, 2022 at 2:30 PM

Good afternoon.

My name is Mark Maher, I reside at 76 Connolly Rd Ballston Lake, and I am an adjacent neighbor to the DiCaprio property at 74 Connolly Rd. I am writing in support of the DiCaprio request for a variance to remove an old dilapidated and unsafe shed from their property and to construct a new shed in the same general area as the old one. I understand the location of the old shed does not conform with current set-back policies, but the limited amount of yard between the house and the property line limit the amount of yard space available to the family should current standards have to be met. In my opinion replacing the old shed with a new one will only enhance the look and atmosphere of the neighborhood.

Thank you for your time

Mark Maher  
76 Connolly Rd  
518 573-0594

Sent from my iPhone