



TOWN OF BALLSTON ZONING BOARD OF APPEALS MEETING

May 3, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

ATTENDEES:

Annetta Dunham, Chairwoman
Patrick Whitton, Vice Chairman
Tim Long, Board Member
Steve Merchant, Board Member
Dan Mertzlufft, Board Member
Jeff Stickles, Code Enforcement Official
Bill Keniry, Attorney
Kerri Mains, Zoning Board Secretary

ABSENT:

Justin Zampella, Alternate Board Member

Call to Order

The meeting was called to order at 6:30 pm and the Pledge of Allegiance was recited.

Approval of Previous Minutes

MOTION: Mr. Merchant made a motion to approve the April 5, 2023 meeting minutes. Mr. Whitton seconded the motion. All in favor. **CARRIED.**

Mrs. Dunham read through some of the Public Hearing Rules that are printed on the last page of the agenda; she asked the audience members to familiarize themselves with the rules if they wish to speak during a hearing.

OLD BUSINESS

Burnt Hills Fire District Signage Variances (ZBA 2023-004)

811 Route 50; SBL 257.10-1-92

Application for signage variances for sign square footage, height and an LED digital display. SEQR Unlisted Action, open. Public Hearing scheduled.

Mr. Tom Wheeler and Mr. Carl Wheeler of AJ Signs, and **Mr. Les Bonesteel and Mr. Greg Bradtke** of the Burnt Hills Fire District.

Mr. Tom Wheeler distributed a photo of the sign to the Board members.

Mr. Long asked if the sign is different than the one the Board has already seen.

Mr. Tom Wheeler stated that it's four inches shorter; they have eliminated the height variance and there are no other changes.



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Mr. Whitton asked Mr. Tom Wheeler to describe the project, as the public hearing can't be opened until 6:45 pm.

Mr. Tom Wheeler stated that they are changing the sign at the Burnt Hills Fire Department. The current sign is older with a readerboard that must be changed manually; the proposed sign is internally illuminated with a digital readerboard. There is a soft light on the letters at night. The digital display has an ambient light sensor so it auto-dims; during the day it will power up to 90-100% so it can be seen through the sun and at night it dims to 5-10%. Other signs that are very bright are typically cheaper without ambient light sensors. The objective is to be able to put community messages on the display and change it easily.

Mr. Long stated that at the last meeting it was established that the display could not change more often than every ten seconds. He asked if the American flag shown in the photo is waving.

Mr. Tom Wheeler stated that the flag is fixed; it's a still image with no animation. The ten second stipulation is very common.

Mr. Whitton asked if there is any failsafe on the LEDs as he has noticed another sign that has sections that flash as the LED fails; is this common with these displays or is it a byproduct of low quality.

Mr. Tom Wheeler stated that that is low quality. His company uses more expensive brands that have a five-year warranty and are made up of 12 by 12-inch modules. He has never seen one flash, usually when they go out the square goes dark. The brand they are using is Watchfire; several other local signs use that brand.

Mr. Mertzlufft asked if they took the height difference out of the base.

Mr. Tom Wheeler answered affirmatively and stated that they shortened the base.

Mr. Merchant stated that the County Planning Board referral response letter states that the project is in a commercial district where the sign isn't permitted. It's a unique situation with the zoning; there is no other choice than to seek a variance.

Mr. Tom Wheeler stated that digital signs are the wave of the future; it makes sense for a fire department, school, etc. to have one.

Mr. Merchant stated that it's a unique situation to work through due to the zoning.

Mr. Keniry stated that SEQR could be classified while the Board is waiting to open the public hearing.

Mr. Merchant stated that it is a Type 2 Action under SEQR and is exempt from review.

Mr. Whitton stated that the Board is waiting the remaining five minutes to open the public hearing.

Mr. Mertzlufft asked a procedural question: if the public hearing was opened before the stated time but remained open to meet the actual time it was scheduled, if that is permissible.

Mr. Keniry stated that there are a few problems with that. When the public is told that the hearing is open at a certain time, a member of the public may want to attend but may miss some of it if it is opened early. A better



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practice is to open it at the scheduled time so the public can hear the whole thing. All hearings could be set for 6:30 pm for agenda management purposes.

Mr. Merchant asked what the size of the lit sign face is.

Mr. Tom Wheeler stated that the digital area is 3 feet by 7 feet, so 21 SF.

Public Hearing open at 6:45 pm.

No one wished to speak.

Public Hearing closed at 6:46 pm.

Mr. Whitton read the five area variance criteria aloud for the Board to consider:

[1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (Board members stated no.)

[2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (Board members stated no.)

[3] Whether the requested area variance is substantial; (Board members stated no.)

[4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (Board members stated no.)

[5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance. (Board members stated yes.)

MOTION: Mr. Whitton made a motion to grant a variance for the Burnt Hills Fire District sign at 811 Route 50; the total area of the proposed sign is 49.72 SF; the requirement is 32 SF; the relief is 17.72 SF. Also granted is a variance in relation to Town Code section 138-85 so that the applicant may display an LED sign. Mr. Merchant seconded the motion. All in favor. **CARRIED.**

The Board members thanked the applicants for their service to the community.

The applicants thanked the Board.

336 Hop City Road Area Variance (ZBA 2023-005)

SBL 226.-1-22

Application for a side yard setback variance for the construction of a two-car garage with carport. SEQR Type 2 Action, exempt from review. Public Hearing scheduled.

Mr. Todd Knight, property owner.



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Mr. Knight stated that he is looking to build a two-car garage with a carport and needs a variance for a 10-foot side yard setback.

Mr. Whitton asked if there have been any changes to the application.

Mr. Knight stated that everything has stayed the same.

Mrs. Dunham stated that on the application, for questions 10 and 11, the indicated answers are no but the second part of each question requires an explanation if the answer is no; no explanations are provided. Question 10 asks: will the proposed action connect to an existing public/private water supply? Question 11 asks: will the proposed action connect to existing wastewater utilities?

Mr. Stickles stated that the applicant left them blank because there is no water or sewer hookup.

Public Hearing open at 6:51 pm.

No one wished to speak.

Public Hearing closed at 6:52 pm.

Mr. Whitton read the five area variance criteria aloud for the Board to consider:

[1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (Board members stated no.)

[2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (Board members stated no.)

[3] Whether the requested area variance is substantial; (Board members stated yes.)

[4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (Board members stated no.)

[5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance. (Board members stated yes.)

Mr. Whitton stated that the project is a Type 2 Action under SEQR and is exempt from review.

MOTION: Mr. Whitton made a motion to grant a side yard setback variance for 336 Hop City Road. The proposed setback is 10 feet and the relief is 40 feet, to build a garage. Mr. Merchant seconded the motion. All in favor. **CARRIED.**

Mr. Knight thanked the Board.



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974 Benedict Road Area Variance (ZBA 2023-006)

SBL 249.-3-69.2

Application for an area variance to allow a one-acre existing lot to be used as a building lot. SEQR Type 2 Action, exempt from review. Public Hearing scheduled.

Mr. Whitton stated that the requirement is two acres and the actual size is one acre; they are requesting one acre of relief.

Mr. Patrick Jarosz of Gilbert VanGuilder Land Surveyor, PLLC.

Mr. Jarosz stated that he is here on behalf of the property owner, who requests an area variance from the two-acre minimum lot size as required in bulk standards table 138-11.3 of the Town of Ballston zoning law. The variance requested is to allow a one-acre existing lot to be used as a building lot. This lot has been in existence since 2000 and substantially predates the current zoning law.

Public Hearing open at 6:55 pm.

No one wished to speak.

Public Hearing closed at 6:56 pm.

Mr. Whitton read the five area variance criteria aloud for the Board to consider:

[1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (Board members stated no.)

[2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (Board members stated no.)

[3] Whether the requested area variance is substantial; (Board members stated yes.)

[4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (Board members stated no.)

[5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance. (Board members stated no.)

MOTION: Mr. Whitton made a motion to grant an area variance for 974 Benedict Road for one acre, which is one acre of relief. Mrs. Dunham seconded the motion. All in favor. **CARRIED.**

Mr. Jarosz thanked the Board.



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220 Scotch Bush Road Area Variances (ZBA 2023-007)

SBL 248.-1-81.141

Application for two lot area variances and one lot width area variance for a minor subdivision for the construction of a home. SEQR Type 2 Action, exempt from review. Public Hearing scheduled.

Mr. Patrick Jarosz of Gilbert VanGuilder Land Surveyor, PLLC., and **Mr. William Clark**, son of the property owner.

Mr. Whitton stated that this is a subdivision request where lot A is proposed to be 4.12 acres and lot B is proposed to be 4.11 acres with a width that is substandard by 3.57 feet.

Mr. Jarosz stated that he is here on behalf of the Clark family, regarding a two-lot subdivision on 220 Scotch Bush Road. Both proposed lots are zoned rural and require area variances as they are less than the five-acre minimum requirement. Lot B will require a 3.57-foot front lot width variance from the 250-foot requirement. The owner proposes to split the 8.23-acre property in half for the construction of a home for her son. The family has a special needs daughter so this would be beneficial to them. Lot B is 4.11 acres with 246.43 feet of frontage, with the existing house which is to remain.

Mr. Whitton stated that the Board has received the revised map.

Public Hearing open at 7:00 pm.

Mr. Blase Iuliano of Scotch Bush Road stated that he lives across the street. He has been there for 40 years and has seen four generations of the Clark family. There would be no impact on him or his neighbors; he has never heard a complaint. The Clarks have always been a hardworking family; Mrs. Clark wants to keep her family there. Their family goes back 100 years and is the backbone of the community; they want to stay on their property. He is in favor of a variance.

Public Hearing closed at 7:01 pm.

Mr. Whitton read the five area variance criteria aloud for the Board to consider:

[1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (Board members stated no)

[2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (Board members stated no.)

[3] Whether the requested area variance is substantial; (Board members stated no)

[4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (Board members stated no.)



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[5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance. (Board members stated yes.)

MOTION: Mr. Whitton made a motion to grant the following variances for 220 Scotch Bush Road:

- Lot A: .88 acre of relief, for a 4.12-acre lot
- Lot B: .89 acre of relief, for a 4.11-acre lot
- Lot B: 3.57 feet of relief, so the lot width is 246.43 feet

Mr. Merchant seconded the motion. All in favor. **CARRIED.**

The applicants thanked the Board. Mr. Clark stated that he really appreciates it and thanked the Board for their time.

Splash Car Wash Law Interpretation (ZBA 2023-008)

Lot 4 of Eastline Road PUDD at Route 67 and Eastline Road; SBL 228.-4-1.3

Application for an interpretation of the law as applies to 5C of Eastline Commons PUDD and § 138-3 of the Zoning Law; as to whether a drive-through car wash and accessory vacuum stalls would be considered a “retail business with or without a drive-through window.” SEQR Type 2 Action, exempt from review. Public Hearing scheduled.

Mr. James Trainor and Ms. Diana DeSanto, Attorneys for the applicant.

Mr. Trainor stated that he represents Splash Car Wash and Mr. James Enzien. In response to some of the Board’s questions and comments from the last meeting, they submitted a supplemental letter with an example from New York State (NYS) of how they define car washes as a retail business. They are here for an interpretation of the definition of retail. In the Eastline Commons PUDD legislation retail businesses and drive-through businesses are allowed; they submit that they are both of those. Nowhere in the legislation does it state that car washes or automobile service businesses are not allowed. The only things listed as not allowed in that area of the PUDD are listed in section 5E and Splash Car Wash is not any of those businesses. NYS and some surrounding towns explicitly define car washes as retail businesses. As demonstrated with their submission, NYS defines car washes as retail businesses and collects sales tax. They researched the history of the adoption of the PUDD legislation and found no indication of intent to exclude car washes or automobile service businesses from this area of the PUDD. They spoke with the former owner of the property and the engineer who took the application through the PUDD process and neither indicated that there was intent to exclude car washes. Like the other allowable uses, they offer a retail product and a retail service, and they are a business. They feel that they fit the definition and ask that the Board interpret the legislation as including car washes as an allowable use in area C of the PUDD.



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Mr. Mertzlufft stated that he read the letter that was submitted. Regarding the NYS definition, just because NYS collects taxes, that is not a straight enough line for him because NYS taxes everything. The statement was made that garages could be service or mechanic garages. He thinks that garages means auto garage in the classic sense; not interpreted universally. The closing paragraph states “if not for the PUDD...”; that is the reason we are here; there’s no such thing as not for the reality of the situation. The PUDD was sold to the Town residents as being highly restrictive because of its concentration and density, among other things. He is not against car washes; he just doesn’t like them in this PUDD. The PUDD was never contemplated to have a business such as this. Regarding retail and service, when you go to CVS you walk out with a product. At a car wash, you don’t leave with a product; it’s a service not a retail product. He supports the Town of Ballston’s original interpretation that this is not a use that should be allowed in the PUDD. The Town should not allow PUDDs in Ballston again and there should be collective clarity on restricting anything outside of the residential aspect of that PUDD.

Mr. Long stated that the definition of a retail business, or the question of this project being a retail business or not, is not the question. The description of automobile service is more descriptive, restrictive, and is prohibited; it’s not a permitted use. Every motorcycle has wheels but not every wheeled vehicle is a motorcycle, therefore every automobile service is a retail business, but every retail business is not an automobile service. Automobile service is what’s prohibited specifically in the PUDD. The use is either allowed or prohibited; this is specifically prohibited.

Mr. Trainor stated that he submits that the question is whether this is a retail business because that’s what is allowed in the PUDD.

Mr. Mertzlufft stated that that’s just strictly an argument.

Mr. Trainor stated that before you leave CVS with that product, there’s a lot of service that goes into it. It’s no different than the car wash where they’re offering a service by rendering a product such as soap, chemicals, and water to the retail customer who sits in the drive-through like at a drive-through CVS or restaurant. He didn’t see anywhere in the PUDD where automobile service businesses are precluded. He thinks that the point Mr. Stickles made is that automobile service businesses are defined elsewhere in the zoning code, but it says nothing about them in the PUDD. He submits that an automobile service business, regardless of where it is located in the Town, is a retail business. Retail is defined at the state and local levels as a service or product that is rendered to a consumer; that is exactly what we have here.

Mr. Mertzlufft stated that without that broad of an interpretation, no commerce could ever happen. He rejects that argument. There are only two ways to make an argument: very broadly or very narrowly and the applicants have played both of those angles well. The PUDD was supposed to be restrictive; he believes that Mr. Stickles’ interpretation is correct.

Mr. Long stated that the use is either allowed because it’s mentioned or it’s not; if not mentioned it is not allowed.



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Mr. Trainor stated that section 5E of the PUDD legislation talks about uses that are not allowed; businesses that exhibit undue noise, lights and odors in excess of those typically associated with the uses identified.

Mr. Long stated that you can't argue the negative and say the positive is true; you can't say the negative is false and therefore the positive is true. That's not a legitimate argument. Because the PUDD doesn't allow specifically an automobile service doesn't mean that an automobile service is allowed because it's not prohibited; that's a false argument.

Mr. Trainor stated that if you take a common automobile service business such as a gas station, the service and products are rendered to a consumer; a classic definition of a retail business.

Mr. Mertzlufft stated as is all commerce; without suppliers and customers there's no commerce.

Mr. Whitton stated that the challenge for him is that when it lists the permitted uses, based on Mr. Trainor's definition, he feels like he should be able to put a junkyard there. He doesn't see the difference between what a car wash, a Jiffy Lube or a junkyard ends of being, based on Mr. Trainor's definition, because they all sell something to a consumer but are all automotive related. Elsewhere in Town, yes, he feels that the car wash would be permitted, but in this PUDD specifically it is not a permitted use; that's why we're here. To say that, because it's a retail business with or without a drive-through window, that's specifically applied to the PUDD, not state taxation law.

Mr. Long stated that Mr. Trainor is arguing that an adult bookstore is allowed because they pay taxes.

Mr. Trainor stated that he doesn't make that argument.

Mr. Long stated that it's the exact argument that he's making.

Mr. Mertzlufft read from the letter that Mr. Trainor submitted: "While the PUDD has its own zoning requirements, it is reasonable to conclude from the Zoning Map and Zoning Code that, if not for the PUDD, this area would likely be zoned for light industrial use." To Mr. Mertzlufft this is an affirmative statement that is acknowledging that the PUDD has its own requirements and allowed uses. The PUDD exists; it has rules and history and there's no way of getting around it. Mr. Trainor's own words in the letter acknowledge that it doesn't fit.

Mr. Merchant stated that, in area C of the PUDD, it's not allowed.

Mr. Trainor stated that that was used as a comparison.

Mr. Mertzlufft stated that he agrees that "if not for the PUDD" is a perfect comparison; they are trying to get the car wash into the PUDD.

Mr. Trainor stated that he submits that it is allowed as a retail business.

Mr. Long stated that not all retail businesses are allowed.

Public Hearing open at 7:22 pm.



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Mr. Dean Taylor of Continuum Commercial Realty stated that he has been working with the sellers and represented Mr. Schultz during the PUDD process. There is nothing that says that an auto-related use is not allowed in this PUDD. He spoke with Mr. Schultz, who stated that this PUDD did not exclude automobile related uses; it is not in any of the documentation; the engineer who worked on the project confirmed that conversation. The car wash is established as a drive-through retail use. The Board says it is automobile related and the applicants say it is not. Even if it is automobile related, where is that not allowed in the PUDD.

Mr. Long stated that if it is not specifically allowed, it is prohibited.

Mr. Taylor stated that it is specifically allowed with a drive-in retail business.

Mr. Long stated that not every retail business is allowed. You are not allowed to open an adult bookstore; there are no words in there that say an adult bookstore is prohibited, so don't use that argument.

Mr. Taylor stated that the argument is that it's a retail drive-in business with or without a drive-through window; you can say that it's automotive.

Mr. Long stated that it's an automobile service.

Mr. Taylor stated that he understands the adult bookstore, but this is not in any legislation.

Mrs. Dunham stated that Mr. Taylor's speaking time has expired.

Mr. Whitton stated that the Board must limit back and forth dialogue during the public hearing.

No one else wished to speak.

A letter was received from a Town resident. The first part of the letter addressed another project. The portion of the letter that refers to this project is included below:

In addition, I also wish to write in support of Officer Stickles' interpretation that a Car Wash is not a permitted use in the zoning area of Eastline Rd PUDD. Furthermore, I wish to voice my opposition to adding a car wash since there are plenty in the area and we do not need anymore. Allowing one would not be conducive to the Zoning Law intentions nor benefit the community. I urge rejection of this applicant's appeal.

Samuel A. Dorsey, CT (ASCP)
Timber Creek Preserve
Ballston Lake, NY 12019

Public Hearing closed at 7:25 pm.

Mr. Whitton read part of a letter from the Building Inspector to the Zoning Board of Appeals: "This proposed use would be considered an 'Automobile Service' which is referenced throughout other Zoning District



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language. However, Eastline Commons does not list ‘Automobile Services’ services as a permitted use”; Mr. Whitton stated that it was Mr. Stickles’ determination that it is not allowed and that’s why we’re here. As discussed, PUDDs have permitted uses; there is a list. The intent of the engineer who worked on the project is irrelevant once it’s turned over to the Town to manage. The Town’s interpretation is that an automotive service is not considered as a permitted use within this PUDD; the Board must decide.

Mr. Merchant stated that this is a Type 2 Action under SEQRA and is exempt from review.

The Board members and Mr. Keniry discussed how to phrase the motion.

Mr. Trainor stated that they are looking for an interpretation of this legislation that includes a car wash as an allowable use within this area; they submit that it squarely fits within C(3), a retail business with or without the drive-through window.

MOTION: Mr. Whitton made a motion that a car wash is a permitted use of Section 5C(3) of Eastline Commons PUDD. Mrs. Dunham seconded the motion. All Board members voted not in favor. **DENIED.**

Mr. Trainor thanked the Board.

NEW BUSINESS

Astro Chemical Area Variance (ZBA 2022-018)

3 Mill Road Extension; SBL 257.16-1-13

Application for a lot coverage area variance for the construction of a building addition. SEQRA Unlisted Action, open.

Mr. Gavin Vuillaume of Environmental Design Partnership, LLP and **Mr. Jay Arnold** of Astro Chemical Company, Inc.

Mr. Vuillaume stated that he is here with Mr. Arnold of Astro Chemical. They were here in February; an area variance was granted for building size. They then went to two Planning Board meetings; at the first they gave the Board a general feel for the project and just before the second they found out that they do not meet the lot coverage. Mr. Vuillaume referenced the plans and explained the project. When counting all the pavement and the building, they originally thought they would meet the coverage but were told they can’t use the part of their land that’s in the Town of Clifton Park as part of the calculation. They purchased additional land to add to the green space, but it is in the Town of Clifton Park as well. They do not meet the lot coverage; they are at 39% and are asking for a variance from the 30% maximum.

Mr. Arnold stated that the Planning Board determined that, because of the uniqueness of the lot being in two towns, that while the project would pass under coverage if the entire lot was considered, the portion in the Town



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of Ballston doesn't meet the threshold. The Planning Board could not consider the project and asked that they come to the Zoning Board to request a variance.

Mr. Whitton asked Mr. Keniry if a recommendation is needed from the Planning Board.

Mr. Keniry stated that it's not necessary as this is not a subdivision application.

Mr. Whitton stated that he doesn't see any issues with the application. He polled the Board for questions.

Mr. Mertzluft asked if the land in Clifton Park is owned by Astro Chemical.

Mr. Arnold answered affirmatively and stated that they pay two tax bills.

MOTION: Mr. Whitton made a motion to schedule a Public Hearing for June 7, 2023 at 6:30 pm. Mrs. Dunham seconded the motion. All in favor. **CARRIED.**

Mr. Keniry stated that he has prepared the SEQR form if the Board would like him to go through it.

Mr. Merchant asked if the project is an Unlisted Action under SEQR.

Mr. Keniry stated that that would be his recommendation if the Board is satisfied with that.

The Board members answered affirmatively.

Mr. Keniry presented Part 2 of the SEQRA Short Environmental Assessment Form and read the questions aloud for the Board to consider. He also offered the suggested answers for each question, which, for this project, were all "no, or small impact may occur."



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Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Mr. Keniry stated that if that meets with the approval of the Board, it would be appropriate to make a negative declaration of environmental significance.

MOTION: Mr. Whitton made a motion to make a Negative Declaration under SEQR for 3 Mill Road Extension. Mr. Merchant seconded the motion. All in favor. **CARRIED.**

The applicants thanked the Board.



**TOWN OF BALLSTON
ZONING BOARD OF APPEALS MEETING**

May 3, 2023 at 6:30 pm

Town Hall Meeting Room and Zoom Webinar for Viewing Only
323 Charlton Road, Ballston Spa, NY 12020

www.townofballstonny.org

MOTION: Mr. Merchant made a motion to adjourn the meeting. Mr. Whitton seconded the motion. All in favor. **CARRIED.**

Meeting was adjourned at 7:45 pm.

Respectfully submitted,

Kerri Mains

Kerri Mains
Zoning Board Secretary

DRAFT