



## TOWN OF BALLSTON ZONING BOARD OF APPEALS MEETING

July 5, 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](http://www.townofballstonny.org)

### ATTENDEES:

Annetta Dunham, Chairwoman  
Patrick Whitton, Vice Chairman  
Tim Long, Board Member  
Steve Merchant, Board Member  
Dan Mertzlufft, Board Member  
Justin Zampella, Alternate Board Member  
Bill Keniry, Attorney  
Kerri Mains, Zoning Board Secretary

### ABSENT:

Jeff Stickles, Code Enforcement Official

### 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. Long made a motion to approve the June 7, 2023 meeting minutes. Mr. Whitton seconded the motion. All in favor. **CARRIED.**

### OLD BUSINESS

#### **149 Goode Street Area Variances (ZBA 2023-010)**

SBL 248.-1-51.1

Application for two area variances for lot width and flag lot frontage for multiple lot line adjustments on five properties under the same ownership. Public Hearing scheduled.

**Ms. Stephanie Ferradino** of Ferradino Firm, PLLC and **Dr. Matt Duemler**, property owner.

Mr. Whitton stated that the applicant is seeking two variances: one is for the allowance of a flag lot in the Hamlet Residential zoning district as they are not permitted; the second is for 45 feet of relief for flag lot frontage as 60 feet are required and the applicant's proposal is for 15 feet. He asked if that is correct.

Dr. Duemler answered affirmatively.

Public Hearing open at 6:32 pm.



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No one wished to speak.

Mrs. Dunham asked for a brief overview of the application.

Ms. Ferradino stated that they are seeking two variances. She showed the lot line adjustment plans to the Board and explained that they are asking for variance relief in order to move the pole of the existing flag lot from Goode Street to Orchard Terrace. This is a paper change only as there will be no change to ingress or egress. The circumstances will not change within the neighborhood; they are asking for a reconfiguration so that usable property will not be bisected by a very long driveway.

Mrs. Dunham stated that the SEQR declaration for this application is Type 2, exempt from review.

**MOTION:** Mr. Long made a motion to close the Public Hearing at 6:35 pm. Mr. Zampella seconded the motion. All in favor. **CARRIED.**

Mr. Whitton polled the Board for questions.

Mr. Merchant stated that he is okay with the change to the flag lot. His concern is with the lot line adjustments for the one-acre lots.

Ms. Ferradino stated that that is not before this Board, the Planning Board would vote on that issue; that's the next step if the variances are granted.

Mr. Merchant asked if approving the flag lot opens the gates for those one-acre lots for houses.

Ms. Ferradino stated that they are preexisting nonconforming lots; they're already approved building lots.

Mr. Whitton stated that he thinks Mr. Merchant is referring to the lots on Goode Street currently being used as a field, not the lots on Orchard Terrace.

Dr. Duemler stated that there will be no change to that field. There are no one-acre lots being put in; it will remain open space and the property will be attached to the veterinarian hospital property. The reason they bought the land around the vet hospital was so that no one else could build and they would have space. The field will not be developed for houses.

Mr. Merchant stated that his concern was that the existing homeowners wouldn't want houses in their backyards.

Dr. Duemler agreed and stated that the only reason they are adding property to the Orchard Terrace lots is that the Town asked them not to split the property at 145 Goode Street when making other changes. It also makes the Orchard Terrace lots conform to current zoning; the property will still be a horse field.

Mr. Whitton stated that Ms. Ferradino previously mentioned a willingness to add a deed restriction so the flag lot cannot be used as a driveway.

Ms. Ferradino answered affirmatively.



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Mr. Whitton asked Mr. Keniry if that would be appropriate.

Mr. Keniry answered affirmatively.

Ms. Ferradino stated that if it is made a condition of the approval, a deed restriction would not be necessary as it would show up in the Town's files if someone applied for a permit.

Mr. Whitton polled the Board for questions; there were none.

**MOTION:** Mr. Whitton made a motion for two variances for 149 Goode Street:

1. Area variance to approve a flag lot within the Hamlet Residential zoning district.
2. Area variance for flag lot frontage: 60 feet are required; 15 feet are proposed: relief is 45 feet with the condition that the flag lot access to Orchard Terrace not be used as a driveway; the primary driveway is still Laur Lin Dee Lane.

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

The applicants thanked the Board.

### **1 Marlyn Drive Area Variance (ZBA 2023-011)**

SBL 248.14-1-4

Application for a side yard setback area variance for the installation of a shed. Public Hearing scheduled.

**Mr. Stan Rusinovich** and **Ms. Mary Rusinovich**, property owners.

Mr. Whitton stated that the applicants are seeking a side yard setback area variance; the requirement is 20 feet and the proposal is 8 feet, for relief of 12 feet. He asked if this is correct.

The applicants answered affirmatively.

Public Hearing open 6:41 pm.

No one wished to speak.

A letter was received regarding the project:

To whom it may concern,

My husband, Lukas, and I live at 309 Goode Street, which is a property that lines up with 1 Marlyn Drive.

We'd like to state that we are ok with the construction of a shed on the property of 1 Marlyn Dr.

Thank you,  
Sara Smida



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**MOTION:** Mr. Whitton made a motion to close the Public Hearing at 6:42 pm. Mrs. Dunham seconded the motion. All in favor. **CARRIED.**

Mrs. Dunham stated that the SEQR declaration for this application is Type 2, exempt from review.

Mr. Whitton polled the Board for questions; there were none.

**MOTION:** Mr. Whitton made a motion that 1 Marlyn Drive receive a variance for the construction of a shed:

1. Area variance for side yard setback: 20 feet are required; 8 feet are proposed; relief is 12 feet.

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

The applicants thanked the Board.

**NEW BUSINESS**

No new business.

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

Meeting was adjourned at 6:44 pm.

Respectfully submitted,

*Kerri Mains*

Kerri Mains  
Zoning Board Secretary