



TOWN OF BALLSTON ZONING BOARD OF APPEALS MEETING

October 4, 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
Justin Zampella, Board Member
Matt Vaverchak, Code Enforcement Official
Andrew Clark, Attorney
Kerri Mains, Zoning Board Secretary

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. Whitton made a motion to approve the September 6, 2023 minutes. Mr. Mertzlufft seconded the motion. **CARRIED.**

OLD BUSINESS

267 Eastline Road Area Variance (ZBA 2023-012)

SBL 239.16-2-75

Application for a front yard accessory structure area variance for the construction of a garage. Public Hearing scheduled.

Mr. Dustin Bruhns, property owner.

Mr. Bruhns stated that the reason for the variance is that the proposed structure would be located in front of the primary residence. It would meet all other setback requirements.

Public Hearing open at 6:33 pm.

No one wished to speak.

Mr. Whitton read aloud an email that was received regarding the project:

As resident and owner of 268 Eastline Road, I have no objections whatsoever to the construction of a residential garage at 267 Eastline Road. Sincerely, Meg. R. Mitchell



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Mr. Bruhns stated that Ms. Mitchell's property is across from his; her home is slightly to the south.

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

Mr. Clark read the area variance criteria aloud for the Board to consider.

There was a discussion regarding planting trees to mask the garage from the road as a condition of approval. Mr. Whitton asked if Mr. Bruhns would be opposed to that. Mr. Bruhns stated that he would not be opposed. There are new trees planted that will start to hide it in the near future; he is not sure what is allowed because of the wetlands. It was determined that the east side of the garage would be most visible to the road and does not have wetlands, so plantings should be placed there. Mr. Bruhns stated that there is natural growth there; he could plant trees or evergreens. The property next to the driveway will be allowed to grow. The north and east sides of the proposed garage have wetlands that will grow as well.

MOTION: Mr. Whitton made a motion that the 267 Eastline Road area variance application for a front yard accessory structure for the construction of a garage be granted contingent that the owner install natural screening on the east side of the structure between it and the road. Mrs. Dunham seconded the motion. Mr. Mertzlufft was not in favor. All other members were in favor. **CARRIED.**

Mr. Bruhns asked what is required; if four or five willows would be acceptable.

The Board members answered affirmatively.

Mr. Bruhns thanked the Board.

NEW BUSINESS

178 Westside Drive Area Variance (ZBA 2023-013)

249.17-1-1.1

Application for a rear yard setback area variance for the construction of a hobby shop/garage.

Mr. Steve DiPalma, property owner.

Mr. DiPalma stated that he is proposing a hobby shop/garage of 40 feet by 30 feet. He may reconsider the size. There is no space in the house for a shop and with the sewers coming in, the space would be available to add a garage. It will not be a typical garage and will have character as it will sit next to his house; after the garage is done, he will redo the house so they will tie together.

There was a discussion regarding the size of the garage. Mr. Whitton stated that disturbing an area of 1000 SF or more in the waterfront district triggers the Planning Board process. If Mr. DiPalma reduces the size of the garage below 1000 SF, this could be avoided. It was determined that reducing the size may also eliminate the need for an area variance, depending upon where the garage would be placed. This could potentially avoid both



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the Planning Board and Zoning Board processes. Mr. Vaverchak explained that the building plane and building envelope are preestablished; if the proposed structure could stay within those parameters the need for a variance may be eliminated. Mr. Clark explained that the Building Department interprets the Code and determines if an applicant requires a variance; even if the Board disagrees with the Building Department, that is the determination. A reduction in the garage size and placement was discussed; setbacks were clarified.

There was a discussion regarding the procedure moving forward as the applicant may or may not reduce the size of the garage.

There was a discussion regarding lot coverage. Mr. Clark stated that keeping the current size will trigger a Planning Board review. The Town Designated Engineer will calculate the lot coverage which could require an additional variance if it is over the allowed percentage. Mr. Whitton stated that the lot coverage has no bearing on the proposal before the Board today but continuing on this path would cause that number to be calculated. Mr. Clark stated that that number is determined by the Planning Board. Mr. DiPalma stated that he is not sure of the exact acreage of his property. Mr. Vaverchak stated that if Mr. DiPalma goes before the Planning Board, he would need a stamped, signed plot plan by a licensed surveyor indicating lot size and coverage. The Town Designated Engineer would recalculate and check for discrepancies. Mr. Zampella stated that Mr. DiPalma has some options; he could remove the shed on the property to reduce the lot coverage. Mr. Whitton stated that the licensed survey submitted indicates the lot area; lot coverage would be needed.

There was a discussion regarding scheduling a public hearing. Mr. Whitton stated that Mr. DiPalma could make changes to not need a variance, a public hearing could be scheduled with the project as proposed, or he could make some adjustments. The Board members explained what would be required to avoid needing a variance. Mr. Whitton suggested scheduling the public hearing; Mr. DiPalma would have two weeks to make changes before the submission deadline and it could be removed from the agenda if needed. Mr. DiPalma stated that he would like to schedule the hearing. Mr. Vaverchak explained the submission deadline and process for moving forward with a building permit if a variance is not required.

MOTION: Mr. Whitton made a motion to schedule a Public Hearing for November 1, 2023 at 6:30 pm. Mr. Zampella seconded the motion. All in favor. **CARRIED.**

Mr. DiPalma thanked the Board.

Zoning Board of Appeals Application Discussion

Discussion of minor changes to the Zoning Board of Appeals application.

Mrs. Dunham stated that, as the Chairperson of the Board, she could have approved the changes but wanted to discuss them with the Board.

The Board members all stated that the changes were an improvement.



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Mr. Vaverchak stated that if the Board would like anything else changed, they may bring their proposed changes to the attention of the Building Department.

MOTION: Mr. Whitton made a motion to approve the proposed changes to the Zoning Board of Appeals application. Mr. Merchant seconded the motion. All in favor. **CARRIED.**

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

Meeting was adjourned at 7:08 pm.

Respectfully submitted,

Kerri Mains

Kerri Mains
Zoning Board Secretary