



TOWN OF BALLSTON ZONING BOARD OF APPEALS MEETING MINUTES

November 1, 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, Alternate Board Member
Jeff Stickles, 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 October 4, 2023 meeting minutes. Mr. Merchant seconded the motion. **CARRIED.**

OLD BUSINESS

No old business.

NEW BUSINESS

502 Marcia Lane Area Variance (ZBA 2023-014)

SBL 216.-1-17

Application for a side yard setback variance associated with the northern property boundary, for the addition of a single-story wood-frame conditioned living space, enclosed screened porch, and deck extension to an existing single-family residence, and installation of new septic components. A side yard variance associated with the southern property boundary was granted on December 6, 1995.

Mr. Timothy Wade of Verdant Architecture, PLLC and **Ms. Laura Eadon**, property owner.

Mr. Wade stated that he represents Ms. Eadon at 502 Marcia Lane. He provided a copy of a survey to the Board. He stated that the fence, outbuildings, sandbox and swing set that are currently on the neighbor's property will be relocated and brought within the property line as part of the project; these were existing



TOWN OF BALLSTON ZONING BOARD OF APPEALS MEETING MINUTES

November 1, 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

conditions when Ms. Eadon purchased the property. There is an existing deed restriction that prevents any structure being built within 15 feet of the property line. There is an existing carport that is too close to the property line; it will be demolished to conform with the deed. Ms. Eadon would like to construct an addition for an aging in place suite for her mother, as well as a deck extension and a screened porch. The existing septic tank will be under the addition; a new tank and dosing chamber will be located appropriately and connected to the existing system, which will be expanded to be in compliance for the addition of another bedroom. Mr. Wade stated that the parcel is .61 acres; he calculated the lot coverage at 19-20%.

There were some questions regarding animals. Mr. Wade confirmed that the new plan will include a chicken run and Ms. Eadon stated that the goats will roam in the fenced back yard.

Mr. Merchant asked about a permit and variance for the carport. Mr. Wade stated that the owners at the time didn't get a permit. Mr. Stickles stated that the variance shouldn't have been granted due to the deed restriction. Mr. Wade stated that he agrees with Mr. Stickles; they want to bring everything into conformance. In the future maybe they will seek a lot line adjustment with the neighbor. Mr. Stickles stated that getting approval for a lot line adjustment would be a problem as it would make a small nonconforming lot even smaller.

Mrs. Dunham stated that the Board received two letters from neighbors, in favor of the project.

MOTION: Mr. Whitton made a motion to declare the project at 502 Marcia Lane a Type 2 Action under SEQR, exempt from review. Mr. Merchant seconded the motion. All in favor. **CARRIED.**

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

The applicants thanked the Board.

145 Goode Street Area Variance (ZBA 2023-015)

SBL 248.17-3-4

Application for an area variance to extend a nonconforming use to allow for the expansion of the Burnt Hills Veterinary Hospital.

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

Ms. Ferradino stated that the Burnt Hills Veterinary Hospital, located at 145 Goode Street, is in the Hamlet Residential zoning district. They are seeking a variance for the expansion of a nonconforming use. The veterinarian practice predates the zoning as it has been in existence for 73 years. They are seeking an expansion of the facility which requires a variance per Town Code. They do not intend to add more veterinarians or seek new clients; they want to stay competitive with the market by adding what clients want from veterinarian practices, including Fear Free services. The current building is not large enough as diagnostic needs and services for pets have increased over the years. An expansion will help meet community needs for veterinary



TOWN OF BALLSTON ZONING BOARD OF APPEALS MEETING MINUTES

November 1, 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

services. Ms. Ferradino addressed each of the area variance criteria with respect to the project and stated that they are happy to answer any questions.

There was a discussion regarding the size of the addition and the additional parking. Dr. Duemler stated that they are still working on the plan, but the addition will be a maximum of 5,300 SF. Mrs. Dunham asked if the plan includes the addition plus the additional parking. Ms. Ferradino stated that the additional parking will be along the side of the building; much of the addition will be in the back with a smaller portion in front. Mr. Zampella asked how the size of the expansion was determined. Dr. Duemler stated that it is based on the daily needs of the practice, including the need for additional surgical suites and exam rooms, and creating a more efficient flow. The architect specializes in veterinary buildings; they are trying to make it more efficient. The parking on the side of the building will provide privacy for the side entrance to the comfort euthanasia room. They have also added a room for nursing mothers and separate areas for dogs and cats. There were questions regarding the entrance and access to the additional parking. Dr. Duemler stated that the circular entrance is not changing, and he does not anticipate changes to the curb cut.

MOTION: Mr. Whitton made a motion to declare the project at 145 Goode Street an Unlisted Action under SEQR and the Town of Ballston Zoning Board of Appeals as Lead Agency. Mr. Merchant seconded the motion. All in favor. **CARRIED.**

MOTION: Mr. Whitton made a motion to schedule a Public Hearing for December 6, 2023 at 6:35 pm. Mrs. Dunham seconded the motion. All in favor. **CARRIED.**

Ms. Ferradino asked if the project will be referred to the County Planning Board.

Mr. Whitton answered affirmatively.

The applicants thanked the Board.

401 Goode Street Area Variances (ZBA 2023-016)

238.-1-54

Application for a side yard setback area variance associated with the northern property boundary, and a front yard accessory structure area variance, for the installation of a ground mounted solar array.

Mr. Nick Losito of Albany Solar Solutions.

Mr. Losito stated that he is here on behalf of Mr. Brian Cooper, property owner. The property is mostly front yard and there is not enough roof area for the customer's power needs. The size of the ground array is based on 110% of Mr. Cooper's annual power usage; it will offset his usage. 40 panels are proposed. He will supply the height measurement that is missing from the drawing. If necessary, adjustments can be made to keep the array under the 12-foot maximum height.

There was a discussion regarding trees. Mr. Losito stated that three trees next to the pond will be removed; none between this property and the neighbors. Those three trees are where the solar system will sit. Mr. Long asked



TOWN OF BALLSTON ZONING BOARD OF APPEALS MEETING MINUTES

November 1, 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

how tall the trees are that would shield the view of the array from Goode Street. Mr. Losito will find out and provide that information. Mr. Long stated that the plan doesn't show the trees between this property and the neighbors.

Mr. Zampella asked if they have spoken with the neighbors.

Mr. Losito stated that he doesn't know but will get that information.

There was a discussion regarding the panels. Mr. Mertzlufft stated that the narrative says there are 45 panels. Mr. Losito stated that there are 40 panels; eight rows of five panels. He will confirm the height. The panels are fixed; they do not tilt.

Mrs. Dunham stated that there is a lot of missing or incorrect information.

Mr. Losito stated that they will submit revised information.

Mr. Mertzlufft asked when, if approved, the array would be installed.

Mr. Losito stated that if the building permits are granted, they can begin construction within two weeks.

There was a discussion regarding the justification for the variance. Mr. Whitton asked what the hardship is that warrants this variance; why it can't be a smaller array to offset energy costs in a location that conforms to code. The installation of solar panels is a choice. Mr. Losito stated that Mr. Cooper wants to offset his usage to have no energy bill. The array size was chosen to generate 110% of Mr. Cooper's usage to account for the natural degradation of the solar panels. Mr. Mertzlufft asked if the economics would work if it were 50% smaller. Mr. Losito stated that it wouldn't be worth it.

There was a discussion regarding placement of the panels. Mr. Long suggested installing half of the panels on the roof and half as a ground mounted array. Mr. Losito stated that there would be issues with roof pitch and eventual roof replacement. Mr. Cooper has chosen a ground mounted system and, given his property, he doesn't have anywhere else to put it. Splitting the system changes the economics, production, etc. Mr. Whitton stated that those answers are valid, but variances can't be granted to everyone who wants to put solar in their front yard. Mr. Losito stated that he is just here to present the facts to try to give the customer what he wants. This is the optimal route; if this is not possible, they will have to redesign the project. Mr. Whitton stated that the Board will have to be convinced that this is the only way to go; if there are other options then this isn't a hardship. Mr. Losito stated that the only other option would be to split the array which would cost more. Mr. Whitton stated that not every property is suitable for solar. The back of the proposed array will be visible to the neighbor from their front windows. Mr. Losito stated that they will see trees. Mr. Whitton stated that trees are not permanent; the array will be there long term. This must be considered. Mr. Mertzlufft stated that solar regulations have evolved and so has the technology. If the variance is granted, others may want one too. The project must be viable from the Board's standpoint. Mrs. Dunham stated that the Board asks applicants to contact their adjoining homeowners about projects; they will want to see support letters from them ahead of time. Mr. Mertzlufft stated that the Board tries to give as small a variance as possible, given the criteria they must



TOWN OF BALLSTON ZONING BOARD OF APPEALS MEETING MINUTES

November 1, 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

consider. Mr. Losito stated that everyone is on the same page. This was the just the most economical design; if there's an issue with it they may have to redesign it and propose it to Mr. Cooper.

There was a discussion regarding contacting the neighbors. The Board members suggested doing so. Mr. Losito will find out if Mr. Cooper has done so. Mr. Clark stated that the notice of public hearing is separate from reaching out ahead of time; it's just a neighborly thing that the Board likes to see. Several Board members suggested reaching out in case there is resistance.

Mr. Clark stated that the parties are a bit far apart. There is missing information and the Board wants to see if there are different options that might result in less of a variance. He suggested that Mr. Losito look at options and then come back to the Board with their plan.

Mr. Losito apologized for the discrepancies and stated that he will submit revised information.

Mr. Zampella suggested discussing a reduction of the 110% with Mr. Cooper.

Mr. Long stated that if considering splitting the array between the roof and the ground, there is room behind the house for a smaller array if some trees are removed. Options must be considered.

Mr. Losito stated that economics may be the deal breaker. He will discuss options with Mr. Cooper.

MOTION: Mrs. Dunham made a motion to table the application for 401 Goode Street Area Variances until the December 6, 2023 meeting. Mr. Whitton seconded the motion. All in favor. **CARRIED.**

Mr. Losito thanked the Board.

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

Meeting was adjourned at 7:27 pm.

Respectfully submitted,

Kerri Mains

Kerri Mains
Zoning Board Secretary