

Town of Ballston
Zoning Board of Appeals

**TOWN OF BALLSTON
ZONING BOARD OF APPEALS**

Regular Monthly Meeting: December 2, 2015

ATTENDEES: Michael Lesniak, Chairman
Marilyn Bell, Vice Chair
Ellen Brown
Robin Kane
Stephen Merchant
Timothy Long, 1st Alternate
Thomas Johnson, Building Inspector
Members of the General Public

Chairman Lesniak called the December 2, 2015 meeting at 7:30 p.m. and Chairman Lesniak led the Pledge of Allegiance.

Chairman Lesniak asked for corrections to the October 7, 2015 minutes.

MOTION: Ms. Kane made a motion to accept the October 7, 2015 minutes as submitted. Mr. Brown seconded the motion and all present voted in favor, but Mr. Russell who rescued himself as he was not present at said meeting. **CARRIED.**

NEW BUSINESS:

Salvatore R. Carusone, 263 Scotchbush Road, Burnt Hills, NY 12019; 247.-4-3.11 (Area Variance pursuant to §138-10.1 (lot area) to allow a new 24' x 24' garage on the property.

Salvatore Carusone was present.

The applicant resides at 263 Scotchbush Road and wants to put up a 24' x 24' garage.

Chairman Lesniak read the applicant's narrative.

"To Whom It May Concern – as owners of 263 Scotchbush Road in Burnt Hills we are filing a request for a variance to construct a 24' x 24' garage on our property. We have been advised that our lot is not compliant for such a request due to current zoning rules. Our current residence does not occupy a garage. The site will be located at the south end of the existing highway based on the current property lines – this would be located 80' from the road. The

Town of Ballston
Zoning Board of Appeals

garage plan is to be built upon an Alaskan Slab 19' from the current entrance of our house. We appreciate your concern."

Chairman Lesniak stated that it is not possible to get any land acquisition. Mr. Carusone stated correct.

Ms. Bell asked what an Alaskan Slab is. Mr. Carusone stated that is what we were told what was required for this area. Mr. Johnson stated it not necessarily required, but a less expensive way to do a foundation – NYS Building Code states that if the structure is less than 600 sq. ft. an Alaskan Slab can be used.

Chairman Lesniak stated when the town's zoning changed in 2006 from 40,000 sq. ft. and present zoning requires 80,000 sq. ft. – the applicant is requesting a 23,808 sq. ft. area variance.

Ms. Kane said, "So if his home is only 45' off the driveway, wouldn't he need a setback for that also." Mr. Johnson stated the home is already there. Chairman Lesniak stated it's preexisting.

Mr. Merchant stated the placement is really good and will be the same size as the garage that was taken down.

Ms. Kane asked do you have any business that you would use this garage for. Mr. Carusone stated no strictly for cars and lawnmowers. Ms. Kane stated no living quarters. Mr. Carusone stated no.

Chairman Lesniak opened the public hearing at 7:35 p.m.

No one wished to speak.

Chairman Lesniak closed the public hearing at 7:36 p.m.

Mr. Merchant went through the five criteria of an area variance.

- 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. No.
- 2) Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than an area variance. No.

Town of Ballston
Zoning Board of Appeals

- 3) Whether the requested area variance is substantial. Yes.
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood of district. No.
- 5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance. Yes.

MOTION: Ms. Bell made a motion that the Zoning Board of Appeals be the Lead Agent for the SEQRA review process. Ms. Kane seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Ms. Bell stated that this is a **Type II Action** and is exempt from any further review.

MOTION: Mr. Merchant made a motion for the variance at 263 Scotchbush Road for an area variance of 23,808 sq. ft. pursuant to §138-10.1 to the Town Zoning Law with the stipulations of no business or no living quarters. Mr. Russell seconded the motion and all present voted in favor. **CARRIED.**

Consideration of proposed amendment to CHAPTER 104 (12) (E) of Town Code ("SUBDIVISION OF LAND") relative to Flag Lots.

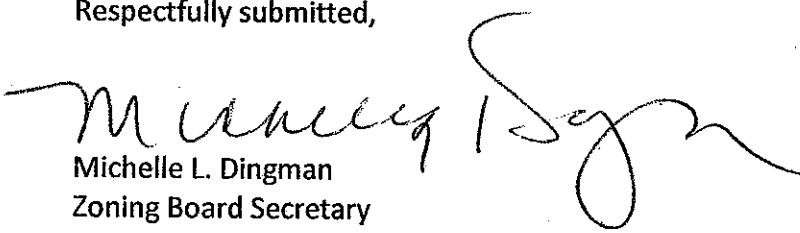
Chairman Lesniak read the consideration of the proposed amendment to CHAPTER 104 (12) (E) (see attached)

Chairman Lesniak stated he was going to write a short note to the town board saying "The Zoning Board of Appeals (ZBA) has reviewed the flag lot amendment and recommends Town Board approval.

MOTION: Ms. Kane made a motion to adjourn. Ms. Bell seconded the motion. **CARRIED.**

Meeting adjourned at 7:46 p.m.

Respectfully submitted,


Michelle L. Dingman
Zoning Board Secretary