

Town of Ballston
Zoning Board of Appeals

**TOWN OF BALLSTON
ZONING BOARD OF APPEALS**

Regular Monthly Meeting: July 13, 2016

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

Absent: Ellen Brown

Chairman Lesniak called the June 13, 2016 meeting at 7:30 p.m. and Mr. Russell led the Pledge of Allegiance.

Chairman Lesniak asked for corrections to the June 1, 2016 minutes.

Page 2, 5th paragraph strike "down" change to "owned", page 3 3rd paragraph strike "discussion" change to "discussion", strike Mr." change to "Mrs.", page 4 5th paragraph strike question (2) strike "NO" change to "YES", question (4) strike "NO" change to "YES"

MOTION: Ms. Kane made a motion to accept the June 1, 2016 minutes as amended. Mr. Merchant seconded the motion. All board members voted in favor. **CARRIED.**

NEW BUSINESS:

Daniel Roos
6 Parkwood Drive, Burnt Hills, NY 12027
Area Variance pursuant to §138-8.1 to allow a 16' x 23' garage.

Chairman Lesniak read the applicant's narrative;

We are interested in building a garage structure on our property to provide extra storage space for equipment, snow blower, lawnmower, bikes and vehicles. We currently have four vehicles

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and will add one more vehicle, once our teenage daughter gets her license in the future. Our house was built in the early 60's, and a two-car garage is rather small and will not accommodate larger vehicles such as our truck. This is a result in most of our vehicles being stored in the driveway and requires frequent shuffling and relocating. An addition of a detached garage will allow us to store the larger less used vehicles away and out of site and provide storage space so that we can clear out our main garage for additional vehicles. This will reduce the number of vehicles on our driveway from four down to two and will improve the overall look and appearance of the property. This structure will be constructed in accordance with all local codes and will fit the character of the neighborhood. All required setbacks, front side and rear will be maintained in accordance with the local code.

Mr. Roos stated over the time from the original application, have changed the design – it's similar to what's on the plan – proposed moving the door facing front and adding an entry door with a porch on it, which makes it look like a cottage in the woods.

Chairman Lesniak stated a friend of his was quite surprised of a 16' x 23' proposed garage – it's not a typical standard size garage – typical standard size is 16' x 24'. Mr. Roos stated the proposed garage will be 16' x 24' now; 23' was to stay within the grading of the land to best minimize grading.

Mr. Long stated he cannot determine from the picture provided, which is the long dimension and short dimension. Mr. Roos stated the long dimension goes into the yard and the short dimension faces the street. Mr. Long stated the porch like appearance with the window and the doorway (personal entrance) will face the street. Mr. Roos stated it will face the street on their side of the yard. Mr. Long stated the vehicle entrance for the garage will face the street north. Mr. Merchant stated it will face east. Mr. Long asked what will be on the long side of the dimension. Mr. Roos stated nothing on the long side.

Mr. Merchant asked if there will be storage overhead. Mr. Roos stated no, nothing planned. Mr. Merchant asked if there will be living quarters. Mr. Roos stated no. Mr. Lesniak asked if there will be commercial business. Mr. Roos stated no. Mr. Long asked the driveway be continued. Mr. Roos stated not at this time due to the side entry garage and the bigger cars cannot get in there due to the turning angle and red rock gravel was added to the end of the driveway and will just continue. Mr. Roos stated a slab is proposed for the garage.

Mr. Russell asked the location of the septic system. Mr. Roos stated the leach field is located in the front of the house. Mr. Russell asked if there is well on the property. Mr. Roos stated no, the house is served by municipal water.

Chairman Lesniak opened the public hearing at 7:43 p.m.

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William Petronis stated he bought land in back of the applicant's property and originally planned on constructing a moth-in-law apartment and unfortunately both of our mothers passed away. Back in 1964, the Sack Brothers did the majority of the construction and cut few trees; most trees on his property are hardwood. The setbacks are in order and wanted to thank the couple in front of the board for improving their property and also thank the board.

Chairman Lesniak closed the public hearing at 7:47 p.m.

Mr. Russell asked if applicant is planning on any type of business. Mr. Roos stated no. Mr. Russell asked if there are plans for an apartment. Mr. Roos stated no. Mr. Russell asked if the proposed garage will have power. Mr. Roos stated eventually plans on running power to the garage.

Mr. Merchant read through the five criteria for 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 method, feasible for the applicant to pursue, other than an area variance; NO, no property.

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; and 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. C) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, satiety and welfare of the community. YES, construction of a 16' x 24' garage.

MOTION: Ms. Bell motioned to declare this a **Type II action** under the SEQR process therefore exempt from further review.

MOTION: Ms. Bell made a motion at 6 Parkwood Drive for the construction of a 16' x 24' garage for a variance pursuant to §138-8.1 for a lot area variance – 13,000 square feet a lot width variance of 30' for the construction of a garage – conditions – no living quarters, no

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hazardous materials storage; for personal use. Ms. Kane seconded the motion and all present voted in favor. **CARRIED.**

Donna Marshall
379 Hop City Road, Ballston Spa, NY 12020
Area Variance pursuant to §138-10.1 to allow a 14' x 24' garage.

Chairman Lesniak stated that maybe the applicant has looked into it and 14' x 24' is not a normal size garage – 16' x 24' is a normal size for a garage.

Mr. Mertzlufft asked if this proposed garage will be used for a commercial business. Ms. Marshall stated no. Mr. Mertzlufft asked if the applicant will be running power to the proposed garage. Ms. Marshall stated that eventually run power to the garage. Mr. Mertzlufft asked if the proposed garage will be used for a residence. Ms. Marshall stated no. Mr. Mertzlufft asked if hazardous materials will be stored in the proposed garage. Ms. Marshall stated no. Chairman Lesniak stated for storage only – no business.

Ms. Bell asked where are the trees in relation to where you (the applicant) would like to place this garage. Mr. Johnson stated the large trees are south of the proposed garage.

Mr. Long asked the location of the well and septic system. Ms. Marshall stated the septic is located behind the proposed garage and the well is located to the west.

Chairman Lesniak asked why you (the applicant) need a front yard setback – 39' from the road and not the 60' required. Ms. Marshall stated she did not want to go back to far because it would interfere with the septic system. Mr. Long asked if the applicant could go bigger than 39'. Mr. Johnson stated it would not be safe and wanted to stay as far away from the septic system.

Chairman Lesniak asked why the board did not receive comment from Saratoga County Planning Board. Mr. Johnson stated it's an area variance exemption – a list is forwarded to the County for area variance exemptions.

Mr. Merchant asked if the applicant is going to pour a slab for the proposed garage. Ms. Marshall stated yes.

Ms. Bell asked if the applicant is planning a turn-around. Ms. Marshall stated her driveway is a semi-circle and can go in and out of Randall Road and Hop City Road.

Chairman Lesniak opened the public hearing at 7:58 p.m.

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No one wished to speak.

Chairman Lesniak closed the public hearing at 7:59 p.m.

Mr. Mertzlufft read through the five criteria for 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 method, feasible for the applicant to pursue, other than an area variance; NO, due to the septic system location.

3) Whether the requested area variance is substantial; YES, area variance.

4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood of district; and 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. C) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, satiety and welfare of the community. YES.

MOTION: Ms. Bell motioned to declare this a Type II action under the SEQR process therefore exempt from further review.

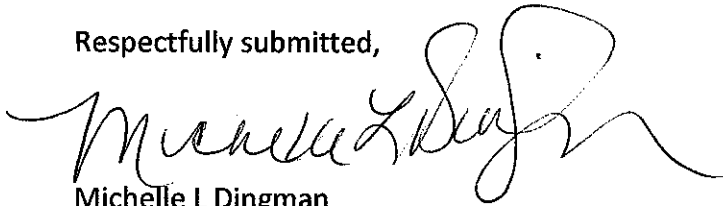
MOTION: Ms. Bell made a motion for granting of the following variances at 379 Hop City Road for the construction of a 16' x 24' garage pursuant to §138-10.1 – 45,488 square foot area variance, 40' lot width variance and a 21' front yard setback for the construction of a 16' x 24' garage with the conditions that there is no business, no living quarters and no hazardous materials storage; personal use for cars and vehicles. Mr. Russell seconded the motion and all present voted in favor. **CARRIED.**

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MOTION: Ms. Kane made a motion to adjourn. Ms. Bell seconded the motion and all present voted in favor. **CARRIED.**

Meeting adjourned at 8:02 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michelle L Dingman". The signature is fluid and cursive, with a large loop at the end.

Michelle L Dingman
Zoning Board of Appeals Secretary