

Town of Ballston
Zoning Board of Appeals

**TOWN OF BALLSTON
ZONING BOARD OF APPEALS**

Regular Monthly Meeting: August 3, 2016

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

Absent: Chairman Lesniak
Ellen Brown

Vice Chair Bell called the August 3, 2016 meeting at 7:30 p.m. and led the Pledge of Allegiance.

Vice Chair Bell asked for corrections to the July 13, 2016 minutes.

Page (1) add "Dan Russell", Page 3, strike "moth" add "mother"

MOTION: Mr. Russell made a motion to accept the July 13, 2016 minutes as amended. Mr. Merchant seconded the motion and all present voted in favor. **CARRIED.**

Carlton Stephens

27 Mann Road, Ballston Spa, NY 12020; 215.-1-37

Area variance/front setback pursuant to §138-10.1 for the construction of a 24' x 30' garage.

Vice Chair Bell read the applicants full narrative.

Application for site and setback variance for a two car garage. The garage is needed to store personal vehicles, motorcycle, lawn tractor, two lawn mowers, snow blower, various garden hand tools and a work area. The attached drawing and other locations such as the right side of the house isn't feasible due to the leach field and septic system.

Town of Ballston
Zoning Board of Appeals

Mr. Stephens stated the original design was on the right side of the property, but cannot due to the location of the septic tank and location of the leach field.

Mr. Merchant asked if there will be storage of any hazardous materials or any overhead storage. Mr. Stephens stated no. Mr. Merchant asked if there will be business conducted out of the garage. Mr. Stephens stated no.

Mr. Long asked if the proposed garage will be used for living space. Mr. Stephens stated no, but will have power to the proposed garage and no water or insulation.

The proposed driveway is accessible off the existing driveway and two windows are proposed on the north side of the proposed garage.

Mr. Stephens stated one side of the proposed garage is for a truck, workbench, garden tools, motor cycle, tractor, two lawn mowers, snow blower and ice fishing stuff.

Vice Chair Bell opened the public hearing at 7:38 p.m.

No one wished to speak.

Vice Chair Bell closed the public hearing at 7:39 p.m.

Mr. Merchant read the 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.
- 3) Whether the requested area variance is substantial; Yes, area variance of 22,501 square feet.
- 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. C) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem

Town of Ballston
Zoning Board of Appeals

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.

Ms. Bell asked if it's possible to move the garage back ten feet so you would be within at least one of the two variances. Mr. Stephens stated then he would be up against the house and tight to the roof line.

The trees on the north boundary line will not be removed and there are flowers that will have to be removed; it would be much nicer to put the garage on the side of the leach field location, but cannot.

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

MOTION: Mr. Merchant made a motion to approve the area variances for Charlton Stephens at 27 Mann Road for an area variance pursuant to §138-10.1 – area variance of 22,501 square feet, front yard setback variance of 11' for the construction of a 24'x30'garage. Stipulations – No hazardous materials, no living quarters and no business. Ms. Bell asked is the 50' to the roof overhang of the garage – building itself. Mr. Johnson stated it's actually to the overhang and need to one foot to the variance.

Ms. Bell stated we (the board) are short a member tonight on the board and will require a majority of a full board with four affirmative votes; so before we (the board) take our vote, you (the applicant) have the option of postponing from this month to next month where we (the board) should have a full board.

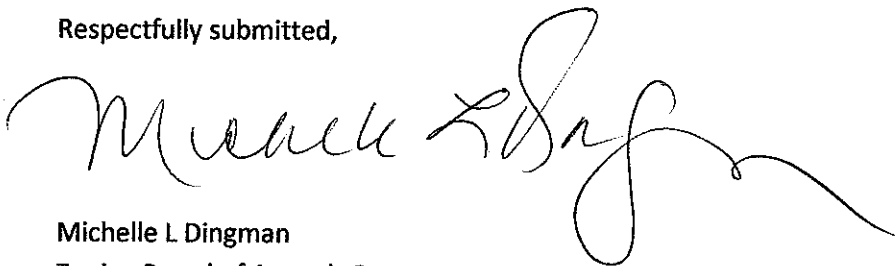
Mr. Stephens stated he (the applicant) would like to proceed.

Mr. Russell seconded the motion and all present voted in favor. **CARRIED.**

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

Meeting adjourned at 7:45 p.m.

Respectfully submitted,



Michelle L Dingman
Zoning Board of Appeals Secretary