

**TOWN OF BALLSTON
ZONING BOARD OF APPEALS**

Regular Monthly Meeting: January 4, 2017

Present: Marilyn Bell, Vice Chair
Stephen Merchant
Dan Mertzlufft
Daniel Russell
Tim Long, 1st Alternate
Kim Kotkoskie, Planning/Zoning Coordinator
Peter Reilly, Esq.
Members of the General Public

ABSENT: Michael Lesniak, Chairman
Ellen Brown
Robin Kane

Vice-Chair Bell called January 4, 2017 meeting at 7:30 p.m. and led the Pledge of Allegiance.

Vice-Chair stated we are joined tonight with Kim Kotkoskie the new Planning and Zoning Coordinator.

Vice-Chair Bell stated Chairman Lesniak is off this month.

Vice Chair Bell stated the board is short two board members because their terms expired in December and have not been re-appointed. The applicant needs the super majority, which is five out of seven votes normally; four out of the five votes tonight are need tonight.

Vice-Chair Bell asked for corrections to December 7, 2016 minutes.

Page 3, 4th paragraph strike 56, 40 sf. change to "26,940 sf. Page 4 10th paragraph strike (CARRIED), strike (or) change to "the environmental review concluded"

MOTION: Mr. Long made a motion to approve the December 7, 2016 minutes as amended. Mr. Merchant Vice-Chair Bell asked for corrections to December 7, 2016 minutes.

Page 3, 4th paragraph strike 56, 40 sf. change to "26,940 sf. Page 4 10th paragraph strike (CARRIED), strike (or) change to "the environmental review concluded"

MOTION: Mr. Long made a motion to approve the December 7, 2016 minutes as amended. Mr. Merchant seconded the motion and all present voted in favor. **CARRIED.**

NEW BUSINESS:

Michael Grabo
106 Scotchbush Road
pursuant to §138-8.1 side yard setback, to allow for 13' x 34' carport on south side.

Mr. Grabo presented.

Vice-Chair Bell read the applicant's narrative: "I am looking to build a carport approximately 13 feet by 34 feet on the south side of house. Carport will be wood construction supported by 6x6 posts build over existing driveway. Roof will match the house and have similar texture. Carport will be trimmed to match existing house. Carport will be mainly used for vehicle parking."

Mr. Grabo had no further comments.

Mr. Merchant asked if the 9' is from the tip of the roofline. Mr. Grabo stated it's from the end of the eave; 10' from the post and 9' from the eave.

Mr. Long asked if the roofline will follow the direction of the house or go the other way. Mr. Grabo stated the peak runs east and west and the pitch of the carport will run to the south.

Mr. Mertzluft asked about the chain link fence on the south side of the property. Mr. Grabo stated he is not the owner of the fence.

Mr. Long asked if the neighbor is in favor the proposed carport. Mr. Grabo stated he did not speak to the neighbor.

A further discussion was held on the pitch of the roof.

Mr. Mertzluft asked if some of the walls of the proposed carport will be open. Mr. Grabo stated it's all going to be open.

Vice-Chair Bell noted the public hearing was noticed, but there are no public present at the meeting.

Mr. Merchant went 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.
- 3) Whether the requested area variance is substantial. No.
- 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 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. No.

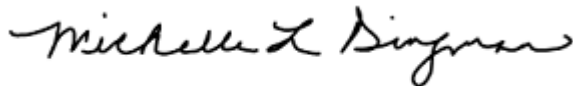
MOTION: Mr. Merchant noted that this is a **Type II action** under the SEQRA process therefore exempt from further review.

MOTION: Mr. Merchant made a motion to approve the 3' side yard setback variance for 106 Scotchbush Road pursuant to §138-8.1 of the Town's Zoning Law for the construction of a 13' x 34' carport.

MOTION: Ms. Long made a motion to adjourn. Mr. Russell 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