

**TOWN OF BALLSTON  
ZONING BOARD OF APPEALS**

**Regular Monthly Meeting July 5, 2017**

Present: Michael Lesniak, Chairman  
Ellen Brown  
Stephen Merchant  
Dan Mertzlufft  
Daniel Russell  
Tim Long, 1<sup>st</sup> Alternate  
Brian Theriault, Building Inspector  
Peter Reilly, Esq.  
Members of the General Public

ABSENT: Robin Kane

Chairman Lesniak called July 5, 2017 meeting at 7:30 p.m. and Mr. Long led the Pledge of Allegiance.

Chairman Lesniak asked for the corrections to the April 5, 2017 minutes.

**MOTION:** Mr. Merchant made a motion to accept the April 5, 2017 minutes as written. Ms. Brown seconded the motion; Ms. Bell abstained, was not present at the April 5, 2017 meeting. **CARRIED.**

**OLD BUSINESS:**

**Mark Katz**

**291 Scotchbush Road; 237.-1-25**

**Area Variance pursuant to §138-10.1 lot size variance to allow a new home and well.**

Chairman Lesniak stated the Towns' people questioned the fact the parcel contained an old home that has asbestos siding and it's going to be demolished. Unfortunately when Mr. Katz tried to take it down, took down the parts (that have been told) that had nothing to do with the asbestos, but the neighborhood got quite upset and a lot of people got involved; including myself, Jeff Cwalinski, Planning Board Chairman who contacted Peter Reilly, Esq. and the Brian Theriault, Building Inspector. Chairman Lesniak stated there is no question that the neighbors had a question on it, but it did not relate to any of us only the Building Inspector and Mr. Katz who did get a demolition permit. Chairman Lesniak stated

the Board had a stipulation in the minutes for asbestos controls and how to dispose of. Chairman Lesniak stated the Board had a lengthy talk in the agenda meeting and should not be addressing that. Chairman Lesniak stated there was talk of Site Plan Review, which came up in the body of the minutes and it turns out, a Site Plan Review is not required.

Mr. Reilly stated in this district, a single-family home does not require Site Plan Review; Site Plan Review required in the Ballston Lake Overlay District (BLOD).

Mr. Katz stated that Chairman Lesniak came to the site a couple times and a couple people in the audience have driven by about 15 times. Mr. Katz feels he is being harassed and is just trying to do a job with a demolition permit. Mr. Katz provided Chairman Lesniak with a copy of the demolition permit and copies of statements from County Waste.

Mr. Katz said, "Now I am the bad guy, now NYSDOL and NYSDEC and was issued a building permit by the Town."

Mr. Katz said, "It's going to cost \$20,000.00 to address that house to do it right."

Chairman Lesniak stated he got involved because neighbors were calling him.

Mr. Merchant stated he made on phone call to Brian Theriault, Building Inspector.

Chairman Lesniak returned the copies of the Demolition Permit and copies of receipts from County Waste.

Mr. Reilly stated once the applicant received a variance from the ZBA, you are able to build on that lot.

Chairman Lesniak just wanted closure on this matter.

Mr. Katz thanked the Board.

**NEW BUSINESS:**

**George Nigriny**

**14 Hickory Grove Lane; 249.-3-2-13**

**Area Variance pursuant to §138-11.1 lot size & width variance**

**280A Relief to allow a new home, well and septic system.**

David Nigriny and Jennifer Musella and Trevor Flynn, Architect presented.

Chairman Lesniak stated the proposal is located at 14 Hickory Grove Lane. The applicants are proposing to demolish the existing home and construct a new residence.

Chairman Lesniak read the applicant's narrative. "The applicant proposes demolishing exiting structure and building a new "an improved" dwelling."

Chairman Lesniak asked the type of home proposed for the project.

Mr. Nigriny stated essentially a one-family home.

Mr. Flynn stated the applicant is proposing to build a single-family dwelling with an in-law apartment.

#### 280A Relief

Mr. Merchant asked who takes care of the snow removal. Mr. Nigriny stated Jim McGuire who gets paid by the Hickory Grove Association to remove snow.

A further discussion was held on the number of units on Hickory Grove Lane.

Mr. Nigriny stated there are approximately 15 units.

Chairman Lesniak stated that 280 Relief is for emergency vehicle access on a private road.

Mr. Reilly stated there is no need for a public hearing on 280A Relief, but could open the public hearing if the Board feels it's necessary.

Chairman Lesniak stated there will be no public hearing on 280A Relief.

Ms. Bell asked if Mr. McGuire does any other maintenance on the actual pot holes.

Mr. Nigriny stated Mr. Maynard and Mr. McGuire maintain the pot hole maintenance.

Ms. Brown asked the age of the house.

Mr. Nigriny stated he would guess it was built in the 1950's.

**MOTION:** Ms. Bell motioned to declare this an **Unlisted Action** under the SEQR process therefore declare this a Negative Declaration under the SEQR process. Mr. Russell seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Ms. Bell made a motion that zoning 280A access be granted for the property at 14 Hickory Grove Lane. Mr. Russell seconded the motion and all present voted in favor. **CARRIED.**

**Area Variance**

Chairman Lesniak stated the applicant is proposing an area variance of 55,422 square feet and a 75' lot width variance.

Mr. Flynn asked the Board to verify the lot area. Mr. Flynn thought the lot area for the Ballston Lake Waterfront District was 40,000 square feet.

Chairman Lesniak stated the existing lot is 24,578 square feet. Mr. Flynn stated that is correct, but the zoning stated 40,000 square feet.

Chairman Lesniak stated the zoning on the Ballston Lake Waterfront District is 80,000 square feet, which was changed in 2006; prior to 2006, it was 40,000 square feet.

Mr. Reilly asked if the parcel has municipal water and sanitary sewer.

Mr. Flynn stated no, it's private.

Mr. Reilly stated the lot area requirement is 40,000 square feet in this Zoning District with municipal water and sanitary sewer.

Mr. Flynn said thank you.

Mr. Reilly asked if the applicant owns any additional land that adjoins this property.

Mr. Nigriny stated no.

Ms. Bell asked if there is a potential if more property could be purchased.

Mr. Nigriny stated he did not think so; neighbors on either side own their property and across the street are owned by the Mr. Spade and Mr. Maynard.

Mr. Reilly asked if the lots that surround the parcel are not the same size.

Mr. Nigriny stated his parcel is larger than several of the lots.

Mr. Russell asked if any business will be run out of the residence.

Mr. Nigriny stated no.

Chairman Lesniak stated the applicant is proposing a single-family residence with an in-law apartment.

Chairman Lesniak opened the public hearing at 7:57 p.m.

No one wished to speak.

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

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. Ms. Bell stated she did not think so. Ms. Bell stated she did not believe so. The Board concurred 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. The Board concurred no, there is no land.

3) Whether the requested area variance is substantial. The Board concurred no.

4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board concurred 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. The Board concurred yes, it was self-created.

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

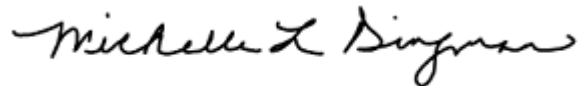
**MOTION:** Mr. Merchant made a motion for David Nigriny 14 Hickory Grove Lane pursuant to §138-11.1 for the removal of the existing dwelling and an area variance of 55,422 square feet and a 75' lot width variance for the construction of a single-family home. Ms. Bell seconded the motion and all present voted in favor. **CARRIED.**

Page 6 of 6  
Town of Ballston  
Zoning Board of Appeals  
July 5, 2017

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

Meeting adjourned at 8:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Michelle L Dingman". The signature is written in a cursive, flowing style.

Michelle L Dingman  
Zoning Board of Appeals Secretary