

**Town of Ballston
Zoning Board of Appeals**

**TOWN OF BALLSTON
ZONING BOARD**

Regular Monthly Meeting: February 5, 2014

ATTENDEES: Marilyn Bell, Vice Chairman
Ellen Brown
Robin Kane
Patrick Maher
Fred Rogner
Jan VanDeCarr

Peter Reilly, Deputy Town Attorney
Thomas Johnson, Building Inspector

Members of the General Public

Vice Chairman Bell called the meeting at 7:30pm and Ms. Bell led the Pledge of Allegiance. The Chairman asked for corrections to the January 8, 2014 minutes. No corrections were supplied

MOTION: Mr. Maher motioned to accept the January 8, 2014 minutes as written. Mr. VanDeCarr **seconded** the motion and all present voted in favor. **CARRIED.**

Ms. Bell reviewed the agenda for this evening.

OLD BUSINESS:

NEW BUSINESS:

**Traditional Builders - Public Hearing Scheduled
Beacon Hill PUDD –
Area Variance Appendix C (3) (B) (1)**

Duane Rabideau with Van Guilder explained the need for the area variance is due to the fact that the set back was measured from the building's foundation but should have been measured from the overhang. Mr. Rabideau assured the Board that this error will not happen in the future.

Ms. Bell asked for comments from the Board. Mr. Maher stated that the building is already under construction. Mr. VanDeCarr thanked Duane for his candor regarding the error.

Ms. Bell opened the public hearing at 7:39 no one spoke; the hearing was closed at 7:40

Ms. Brown read 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

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- 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
- 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. YES

MOTION: Mr. VanDeCarr motioned to name The Town of Ballston Zoning Board of Appeals the Lead Agency in the SEQR process. Ms. Kane seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. VanDeCarr motioned to declare this a Type II Action under SEQR and therefore exempt from review. Mr. Maher seconded the motion all present voted in favor. **CARRIED.**

MOTION: Mr. Maher motioned to approve the 2.1 foot area variance appendix C (3) (B) (1) as requested. Mr. VanDeCarr seconded the motion all present voted in favor. **CARRIED.**

**Dame, Chris - Public Hearing Scheduled
120 Oak St – SBL 216.42-2-7.2
Area Variance 138-10.1**

Mr. Chris Dame spoke to the Board regarding his request for an area variance for a garage at the address.

Mr. VanDeCarr asked about the alley. It appears to be a paper road and the neighbor's property line is 40' from it. Ms. Brown asked if any of the utility lines or poles needed to be moved. Mr. Dame said no. Mr. Rogner asked about the shed. Mr. Dame said that the shed will be removed. Mr. Rogner also stated that neither a residence nor a business would be permitted in the garage. It was also stated that the driveway be wide enough to allow for a turn around so as to not have to back out onto Oak St.

Ms. Bell opened the public hearing at 7:53 no one spoke; the hearing was closed at 7:54.

Mr. Rogner read 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

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- 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. NO

MOTION: Mr. VanDeCarr motioned to name The Town of Ballston Zoning Board of Appeals the Lead Agency in the SEQR process. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Rogner motioned to declare this a Type II Action under SEQR and therefore exempt from review. Ms. Brown seconded the motion all present voted in favor. **CARRIED.**

MOTION: Mr. Rogner motioned to approve the area variance 138-10.1 as it won't be detrimental and with the stipulations that it won't be used as a residence and that no business will be conducted from the garage. Mr. Maher seconded the motion all present voted in favor. **CARRIED.**

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

Meeting was adjourned at 8:15.

Respectfully submitted,



Debora Bradt
Zoning Board Secretary