

**Town of Ballston
Zoning Board of Appeals**

**TOWN OF BALLSTON
ZONING BOARD**

Regular Monthly Meeting: October 2, 2013

ATTENDEES: Michael Lesniak, Chairman
Marilyn Bell, Vice Chairman
Ellen Brown
Robin Kane
Richard Kinney
Fred Rogner
Jan VanDeCarr
John Antoski, 1st Alternate
Patrick Maher, 2nd Alternate

Peter Reilly, Deputy Town Attorney
Thomas Johnson, Building Inspector

Members of the General Public

Chairman Lesniak called the meeting at 7:30pm and Mr. Lesniak led the Pledge of Allegiance. The chairman asked for corrections to the September 4, 2013 minutes. They were as follows:

The motion to grant Mr. Grabb's special use permit should state four chickens. All answers to the Special Use Permit criteria should state "No impact".

MOTION: Ms. Bell made a motion to approve the minute from the September 4, 2013 with the aforementioned corrections. Ms. Kane seconded the motion all present voted in favor. **CARRIED.**

Mr. Lesniak reviewed the agenda for this evening.

NEW BUSINESS:

Joel Prescott - Public Hearing Scheduled
140 Westside Dr. SBL #249.17-1-27
Variance 138-11.1 / New single family dwelling

Mr. Prescott spoke to the board on his own behalf. Ms. Kane asked about the septic placement in regards to the neighboring property's wells. Mr. Johnson stated there is public water in that area therefore the only stipulation is that the septic system has to be 100ft from the lake. Ms. Brown asked Mr. Prescott if he was planning to remove any tree from the lot. Mr. Prescott said no trees were going to be removed. Ms. Bell asked about the plans for the existing dock. Mr. Prescott explained that the existing dock was therefore it would have to remain as is. Ms. Bell asked if the new residence would be built in the same foot print as the previous residence. Mr. Prescott said yes. Ms. Brown asked about the shed. Mr. Prescott stated he really wanted a 400 sq ft garage of some type to store lawn mower and snow blower type of equipment. Ms. Brown stated that she had spoken to the neighbors. The response was in favor of allowing Mr. Prescott to building on the lot.

Chairman Lesniak opened the public hearing at 7:47 no one chose to speak, the hearing closed at 7:48.

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

MOTION: Ms. Kane 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: Ms. Bell made a motion to approve Mr. Prescott's area variance of 19,000 sq ft and a 27ft lot width variance. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

Chairman Lesniak read the attached letter from Mr. Mike Smith. Chairman Lesniak stated that while the Zoning Board does not necessarily disagree with Mr. Smith's statements the Town of Ballston Town Board would be the board to address

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

Meeting was adjourned at 8 pm.

Respectfully submitted,



Debora Bradt
Zoning Board Secretary