



Mr. Lesniak said, "We should focus on the shed."

Ms. Kane asked if the shed is one or two story. Mr. Congiu said one story.

Ms. Kane asked, "If there would upstairs storage." Mr. Congiu said no.

Mr. Kane asked, "If this is like a one stall garage." Mr. Congiu said the shed is not even that big.

Ms. Kane asked, "The pitch line of the roof." Mr. Congiu said the shed would have a gable roof.

Mr. Lesniak said this proposal is for a 9'x 12' shed and if it the special use permit were not required, the applicant would not even be before the Zoning Board; the shed is less than 120sq. ft.

Mr. VanDeCarr asked if any portion of the lot is fenced. Mr. Congiu said the lot is all fenced except for the very front.

Mr. Kinney asked if there is a commercial use. Mr. Lesniak said there is no commercial use.

Mr. Groves asked what type of construction. Mr. Congiu replied wood. Mr. Groves asked what type of floor. Mr. Congiu said there is an existing cement platform.

Mr. Lesniak opened the public hearing at 7:42pm

Dave Paffenbach, 200 Kingsley Road has no problem with the shed and feels Ms. Vincent is being unduly discriminated. Mr. Paffenbach said other neighbors had built structures and there was no notification.

Mr. Johnson said a complaint was brought to his attention regarding the shed being built.

Mr. Northrup said the applicant is not being discriminated, but is following the rules of the Town.

Mr. Paffenbach asked, "How do we know that everything is being done properly." Mr. Johnson said the

Building Department received a complaint about a shed being constructed. The Building Department investigated and determined there was a shed being constructed and determined that a variance was needed.

Mr. Paffenbach asked about the addition to the property to the north and felt the applicant is being singled out. Mr. Johnson said if the Building Department had noticed or been informed that an addition was constructed it would have been investigated. Mr. Johnson said if you would like to make a complaint, we would look into it.

Mike St. Jacques, 29 LongCreek Drive said the shed was built over Thanksgiving weekend and is 1ft. off the property line.



Mr. St. Jacques said there is a 15ft. minimum setback from the rear property line.

Mr. St. Jacques said if shed was the only structure on the property, it would be fine, but there are other structures.

Mr. Lesniak said this application is just for the shed, if you want to make a complaint about the other items, it would not be to the Zoning Board.

Mr. Lesniak said Long Creek Drive is located in the Hamlet Residential District and the rear setback is 15ft. in that district. The applicant however, is located in the Mixed Use Center South District, the rear setback is zero, and the applicant is 5ft. off the property line.

Karen Tyler, 29 Long Creek Drive said, "initially the Chairman stated that the shed had to be off further and the applicant had only a certain number of feet and needed to go more to be within the rules."

Mr. Lesniak said he would address that in the variance portion of the application.

Mr. VanDeCarr asked the applicant if the properties on either side have a shed or something similar.

Mr. Congiu said that everyone in the area have sheds, garages, and barns.

Mr. Lesniak closed the public hearing at 7:55pm

Mr. Rogner went through the four criteria of a special use permit.

1) The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of the adjacent districts. Mr. Congiu replied yes.

2) The location and size of the use, the nature and intensity of the operation involved or conducted in connection therewith, its site layout, and its relation to streets giving access to which shall be of such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. Mr. Congiu replied no.

3) The location and height of buildings, the location, nature and height of walls and fences, and that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof. Mr. Congiu replied no.

4) The public convenience and welfare will be substantially served and appropriate use of neighboring property will not be substantially or permanently injured, subject to appropriate conditions and safeguards as determined necessary to promote the public health, safety and welfare. Mr. Congiu replied no.



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

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

MOTION: Mr. Groves granted a special use permit for the construction of a 9' x 12' storage shed at 204 Kingsley Road pursuant to section 138-6C for a special use permit for the expansion of a non-conforming use. Ms. Bell seconded the motion and all present voted in favor. **CARRIED.**

Mr. Lesniak said the applicant is proposing a 180ft. setback from the road and in this district; the front setback is 15ft.

Ms. Bell asked if the shed could be built 15ft from the front property line. Mr. Congiu said it would not be possible because of the driveway location and the septic system being located on the south side.

Mr. Lensiak said the Saratoga Count Planning Board's comment was No Significant County Wide or Inter Community Impact.

Mr. Lesniak opened the public hearing at 8:00pm

Karen Tyler said the Vincent property backs up to their property and many structures are visible from their home, which includes a garage, deck, and now the shed, which is very close to the fence. Ms. Tyler said, "It seems that it should be back away from the line similar to the rules that they followed (15ft. or more away from the property line)." Ms. Tyler would request the shed be moved 15ft. or farther away from the property line.

Mr. Lesniak stated the Tyler residence is located in the Hamlet-Residential District and the rear setback is 15ft. and the Mixed Use Center South District, the rear setback is zero feet.

Mr. St. Jacques said the criteria states it cannot be a major detriment to the neighborhood and since the property line is shared, would assume that the properties are in the same neighborhood.

Mr. St. Jacques said if there are multiple structures on the lot, it becomes a negative detriment to the neighborhood.

Mr. Lesniak said this application is strictly about the shed.

Mr. Lesniak asked the applicant if he had a problem moving the shed, and if so, what the problem would be to move the shed from the back property line.

Mr. Congiu said he does not want to move she shed because it was constructed on an existing cement platform and built smaller.



Dave Paffenbach, 200 Kingsley Road has no problem with the shed.

Mr. Groves said, "We are talking about the district where the property is located, not the adjacent district."

Ms. Tyler said, "This shed still impacts the backyard of our property."

Mr. Lesniak said a shed is allowed with a special use permit in this district. Mr. Lesniak said everyone has sheds.

Ms. Tyler asks, "Is it not a detriment and does it not take away from the property?" Mr. Lesniak said he does not know how the shed should take away from your property.

Mr. Lesniak said this Board agrees that it is not a detriment to your home as far as your property value.

Mr. Reilly said, "It is a 9' x 12' shed and understand the location and the Board made a judgment on the special use permit that it does not have an impact on your property."

Mr. Lesniak closed the public hearing at 8:10pm

Mr. Groves went through 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. Mr. Congiu replied 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. Mr. Congiu replied no.
- 3) Whether the requested area variance is substantial. Mr. Congiu replied yes.
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood of district. Mr. Congiu replied 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. Mr. Congiu replied yes.

Mr. Kinney asked if the applicant spoke to the neighbors about prior construction of the shed. Mr. Congiu said he spoke to the neighbors.

Mr. Kinney asked Mr. Reilly for clarification "whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties" whether that is applicable into the Mixed Use properties or does it cross zoning lines. Mr. Reilly said it would cross zoning lines.



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

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

MOTION: Ms. Bell made a motion to grant a variance pursuant to section 138-9.1 for 204 Kingsley Road be granted for a 180ft. from the front building line which results in a 165ft. variance for the constriction of a 9' x 12' storage shed. Mr. Groves seconded the motion and all present voted in favor. **CARRIED.**

Mr. Lesniak said, "This zoning change puts the Board in an awkward position and Mr. Johnson did the right thing by referring the applicant to the ZBA."

MOTION: Ms. Kane made a motion to adjourn. Mr. Groves seconded the motion.

CARRIED.

Meeting adjourned at 8:17pm.

Respectfully submitted,

Michelle L. Dingman