



Town of Ballston Zoning Board of Appeals Meeting
April 7, 2010

The following are the minutes of the Town of Ballston Zoning Board of Appeals hearing held on Wednesday, April 7, 2010.

ATTENDEES: Michael Lesniak, Chairman Peter Reilly, Deputy Town Attorney
Marilyn Bell, Vice Chairman Thomas Johnson, Building Inspector
Ellen Brown
Robin Kane Members of the General Public
Fred Rogner
Jan VanDeCarr
Richard Kinney

Mr. Lesniak reviewed the agenda for this evening.

Mr. Lesniak announced that Richard Kinney is now a full time Zoning Board member and Timothy Northrup has resigned his position on the Zoning Board and has accepted a position as an alternate on the Planning Board. John Antoski and Patrick Maher have accepted alternate positions on the Zoning Board

MOTION: Ms. Kane made a motion to accept the March 3, 2010 minutes as written. Ms. Brown seconded the motion and all present voted in favor except Ms. Bell who abstained. **CARRIED.**

NEW BUSINESS:

Joseph Ambrose, Round Lake Road, Ballston Lake, NY 12019 for a special use permit. Joseph & Kelley Ambrose were present to request a special use permit for custody of four horses in the Ballston Lake Residential District.

Mr. Lesniak read the applicant's narrative, which states, "I would like to purchase the property to build a single-residence with an in-ground pool, horse barn and install fencing for grazing areas for horses. I currently only own one standard bred horse that currently races at the Saratoga harness track so initially she would be a part-time resident at the property until her race career is over. So initially, I would only have one or two horses on the property part-time. When I have permanent horse residents or anytime there became significant accumulations, I would have the manure removed from the property as often as necessary depending on the number of horse on the property.

I would like to build a horse barn behind the single-family residence no closer than 130 feet from Round Lake Road. The barn would contain no more than four horse stalls. This would equate to approximately one horse per 1.5 acres at maximum capacity. I anticipate keeping the grain in a covered plastic container and buying hay and storing it in a separate room in the barn. There would be 1 or 2 smaller fenced in areas near the barn with a larger paddock areas in



the back in the future. I would only construct a fence that is aesthetically pleasing; probably a fence with wood posts and rails that were wood or flex-fencing for horses.

I understand that I shall not conduct commercial boarding, selling or breeding on the property and have no desire to.”

Mr. Ambrose said, “The main purpose is to move and give the horse and future horses a home because we feel the land is appropriate for up-to four horses.”

Mr. Lesniak asked the applicants if they race their horse. Mr. Ambrose said they are not drivers, but their horse races at the harness track.

Mr. Kinney said what experience you have harboring horses on your property. Mr. Ambrose said he has owned his horse for two years and visits the track on the weekends and when not racing, the horse is stabled at a professional farm and at his father’s friend’s house.

Mr. Lesniak stated this property is located in the Ballston Lake Residential District.

Mr. Kinney asked if a practice track will be built on the property.

Mr. Ambrose replied no.

Mr. Kinney asked the location of the proposed home in proximity to the location of the horses.

Mr. Ambrose handed out a sketch of the proposed layout of the property.

Mr. Lesniak read the Saratoga County Planning Board comments. “The town should make sure that manure will be properly stored on site and removed on a regular basis to insure water quality of neighboring properties.”

Mr. Johnson said the setbacks in the Ballston Lake Residential District; side yard 12’, rear yard 15’.

Mr. VanDeCarr said it appears lot #1 has a home constructed on it and asked if there are homes constructed on the abutting properties next to lot #2. Mr. Ambrose said yes, I have spoken to Mr. Lambert, owner of the property next door.

Mr. Ambrose indicated there are also houses located across the street.

Further discussions were held on surrounding properties.

Mr. Ambrose said Mr. Lambert was not opposed to having horses next door.

Ms. Bell asked if the house will be constructed prior to the barn. Mr. Ambrose said the house will be constructed first, but not until his current residence is sold and then continue with the barn and adjoining paddocks.

Mr. Rogner spoke to both abutting neighbors and they said the property is very wet for horses and are concerned about manure removal.



Mr. Ambrose said soil description from the County indicated 80% “Claverack” which was ideally suited for pasture.

Mr. Rogner asked what will be done with the manure. Mr. Ambrose said he spoke with a company indicating manure removal once a month for four horses.

Mr. Rogner asked if the well will be close to the manure pile. Mr. Ambrose stated no drilling will be started, until the application for special use permit, is approved.

Mr. Lesniak had stated in the past, once a month manure removal has been stipulated on prior special use permits.

Mr. Rogner asked if the applicant proposes barbed wire. Mr. Ambrose replied no.

Mr. Rogner asked why four horses. Mr. Ambrose said he presently has one horse and when she stops racing, proposes to get another horse.

Mr. Rogner stated if the Board sets a limitation of two horses now, and more in the future, asked the applicant to return to Board and consider two more horses, and at that time, look at the property, question the neighbors to see how everything is going.

Mr. Ambrose said this is a very big financial commitment only guaranteeing two horses; it would not be financially prudent to make that move.

Mr. Johnson asked, of Mr. Rogner, “How you would enforce that.”

Ms. Bell asked, “Why is 4 the magic number”. Mr. Ambrose said this land is appropriate for four horses.

Mr. Kinney asked if the applicant has spoken to any of the other neighbors. Mr. Ambrose said he focused on that side of the road where the property is located.

Mr. Lesniak opened the public hearing at 7:57pm

Frieda Garrison, horse owner, and a board member of the Saratoga County Farm Bureau feels the applicants have a good plan and with proper management, four horses can easily be kept on six acres. There are services out there that they can utilize; manure service, and resources that they can tap into and are more than happy to help them with their endeavor. Ms. Garrison said this is a good thing for the town because it keeps our open space in use and is an agriculture venture.

Jennifer Conte of Saratoga County Cooperative Extension said Ag and Market’s recommends 1 acre per horse and if the applicant’s need help with soil and water testing, Cornell will be happy to assist.

Caryann Sculley Palmer is here this evening to understand the process of a special use permit, is in support of the proposed plan, and is willing to help.

Mr. Lesniak closed the public hearing at 8:01pm



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. Ambrose replied yes, it will not be detrimental.

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. Ambrose replied yes.

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. Ambrose replied yes.

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. Ambrose replied yes.

MOTION: Ms. Bell motioned to name The Town of Ballston Zoning Board of Appeals the Lead Agency in the SEQR process. Mr. Rogner 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 based on the information given by the applicant and the Board's review of pertinent information it would appropriate to declare this a Negative Declaration under the SEQR process Mr. Rogner seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Kinney made the motion to approve the application for special use permit as submitted by Mr. Ambrose at 272 Round Lake Road (Lot 2) with the following conditions:

1. A limit to four (4) horses kept on the property at any one time.
2. Comply with the set back requirements of the neighboring properties.
3. Properly store the grain to ensure that it is protected from other animals.
4. No training facility on the property.
5. No commercial boarding.
6. No barbed wire.
7. The issue of the manure that is the result of harboring horses is properly addressed in a way that is consistent with recommended practice.
8. Any construction on the property is consistent with the application explanation would include construction of a home no closer than 130' from the road, a single-family residence to be built and occupied prior to the boarding of horses.

Ms. Bell seconded the motion, Mr. Rogner voted in favor, Ms. Kane voted in favor, Ms. Brown voted in favor, Mr. VanDeCarr voted no, due to the rural activity in one of the few remaining residential areas and keeping with the plan and in his judgment needs to remain more residential. Mr. Kinney voted in favor because it will ensure that there is a



level of open space that remains of what has been eventually approved for a potential TND development of which it self is geared towards acceleration and protection of open space, Ms. Bell voted in favor, and Mr. Lesniak voted in favor.

CARRIED.

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

Meeting adjourned at 8:25pm

Respectfully submitted,

Michelle L. Dingman