



**TOWN OF BALLSTON ZONING BOARD OF APPEALS**  
**Regular Monthly Meeting: August 4, 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  
Richard Kinney  
Fred Rogner  
Jan VanDeCarr  
John Antoski, 1<sup>st</sup> Alternate  
Patrick Maher, 2<sup>nd</sup> Alternate

Chairman Lesniak called the meeting at 7:30 pm and Mr. Lesniak led the Pledge of Allegiance.

Mr. Lesniak reviewed the agenda for this evening.

**OLD BUSINESS:**

**Drew Hamelink, 122 Westside Drive, Ballston Lake, NY 12019 to review previously approved area variance pursuant to section 138-11.1.**

As per the June 2, 2010 meeting minutes of the Zoning Board of Appeals, the front set back variance granted to 122 Westside Dr. was for 36 feet. Variances are granted to the property line.

The right of way width for Westside Dr. is 50 feet, placing the front property line 25 feet from the center line of the road. The centerline-to-edge-of-pavement of the road is 11 feet. The new structure is situated 35 feet from the center line of the road which means the structure is actually 10 feet [ $11 + 24 = 35$ ;  $35 - 25 = 10$ ] from the front property line, rather than the 24 feet as indicated in the May 12, 2010 variance application.

In light of the above, the front set back variance request should be for 50 feet [ $60 - 10 = 50$ ] rather than 36 feet.

Public hearing opened at 7:40 pm.

No one wished to speak.

Public hearing closed at 7:41 pm.



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

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

**MOTION:** M. Bell made a motion, pursuant to section 138-11.1, to amend the front setback variance of 50 feet for 122 Westside Drive for the construction of 24' x 36' garage. R. Kinney seconded the motion and all present voted in favor. **CARRIED.**

**NEW BUSINESS:**

Jon and Nancy Miles, 26 Lakehill Rd., Special Use Permit, 138-8, custody of poultry.

Miles stated that poultry are guinea hens kept for tick control.

Discussion included the following:

- Number of poultry
- Roosters vs. hens
- Other animals on property
- Occupancy of property
- Complaints from neighbors

**MOTION:** F. Rogner made a motion to table application pending:

- Receipt, from Miles, of letters from neighbors for or against custody of poultry in subject property.
- Miles to provide, from Cornell Cooperative Extension, more definitive description of type of poultry.

R. Kinney seconded the motion and all present voted in favor. **CARRIED.**

**George Gray, Jr., 39 Midline Road, for an Area Variance pursuant to Chapter 138-8.1, for the construction of two storage structures at 39 Midline Rd.**

Discussion included the following:

- Size of structures
- Items to be stored in structures
- Curb cuts
- Location on property
- Disposition of existing shed

Public hearing opened at 8:20 pm.



No one wished to speak.

Public hearing closed at 8:21 pm.

The five criteria of an Area Variance were reviewed.

- 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.
- 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.
- 3) Whether the requested area variance is substantial
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood of district.
- 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.

All items above were determined to have a negative impact.

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

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

**MOTION:** F. Rogner made a motion, pursuant to Section 138-8.1, to approve a lot width variance for the property located at 39 Midline Rd. for the construction of one maximum 288 square foot storage shed and one maximum 1600 square foot storage shed on the property located at 39 Midline Rd. with the following stipulations:

- No business to be conducted on property
- No living space
- All required setbacks will be adhered to
- No storage of hazardous materials
- Curb cut to be issued from Town Highway Department for Buell Ave entrance
- Existing shed to be demolished within three (3) months of completion of new shed

P. Maher seconded the motion and all present voted in favor. **CARRIED.**



**William Coes, 7 Beechwood Drive, Area Variance pursuant to Section 138-8.1, for new front porch.**

Eve of proposed porch will be 30 feet back from front property line, thereby requiring a 30 foot variance.

Public hearing opened at 8:45 pm.

Nancy Miles, 9 Beechwood Dr. is in favor of the application.

Public hearing closed at 8:50 pm.

The five criteria of an Area Variance were reviewed.

- 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.
- 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.
- 3) Whether the requested area variance is substantial
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood of district.
- 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.

All items above were determined to have a negative impact.

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

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

**MOTION:** M. Bell made a motion, pursuant to Section 138-8.1, to approve a 30 foot front set back variance for the property located at 7 Beechwood Dr. for the construction of porch. P. Maher seconded the motion and all present voted in favor. **CARRIED.**

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

Meeting adjourned at 9:10 pm

Respectfully submitted,

Thomas Johnson