





Ms. Warden said the portable structure is not currently working well.

Ms. Kane asked the size of the tractor. Ms. Warden said it is a Kubota not a farm tractor.

Ms. Kane feels a 400sq. ft. shed is a garage.

Ms. Warden said the shed will be used to store a lawnmower, woodchopper. The lawnmower is it is presently being stored.

Mr. Groves asked how far the shed would be from the proposed house.

Ms. Warden said the building site (house location) has not been determined; water has to be located on the property.

Mr. VanDeCarr asked if an investigation has been begun locating water on the property.

Ms. Warden replied no.

Mr. Northrup asked how long Mr. Warden has owned the property. Ms. Warden said since 1988.

Mr. Northrup asked how long Mr. Warden has owned the tractor. Ms. Warden said two or three years.

Mr. Northrup asked the closest cross street to Mr. Warden's home address. Ms. Warden said Vischer Ferry Road.

Mr. Northrup asked why the tractor could not be stored at his residence. Ms. Warden said because of the 15-minute travel time from his residence; would rather keep the tractor at her residence.

Mr. Reilly said an accessory use by definition has to be in conjunction with a principal dwelling. Mr. Reilly said the concern is someone could live in this type of structure, conduct business, or could have just lots that have lots with garages and shed with no houses on them. Mr. Reilly said the ordinance is clear that you need a principal dwelling in order to construct a shed or garage.

Mr. Lesniak polled the Board.

Mr. Rogner said the ordinance is clearly written and does feel there is any room for interpretation.

Ms. Kane is in agreement and feels it is not allowed.

Mr. Northrup is in agreement.

Mr. VanDeCarr concurs with the Boards comments.

Mr. Groves is in agreement.

Ms. Bell is in agreement.

Mr. Lesniak is also in agreement.



Ms. Warden asked what would need to do in order to build the shed.

Mr. Lesniak recommended writing a letter to the Building Inspector stating that he plans to build a home in a specific period and store materials in the shed.

**Matthew and Jennifer Tripp, 34 Skaarland Drive, Burnt Hills, N 12027 for an area variance pursuant to section 138-8.1.**

Matthew and Jennifer Tripp were present for the construction of an 8' x 20' porch with steps towards garage to eliminate a large walkway.

Ms. Bell asked if there is depth in the back.

Mr. Tripp said they would like a porch to enjoy the front of their property.

Mr. Lesniak opened the public hearing at 8:17pm

Mr. Lesniak closed the public hearing at 8:18pm

No one wished to speak

Mr. Northrup asked why 20ft.

Mr. Tripp said to keep it symmetrical with the rest of the house and have a walkway to the garage.

Ms. Bell 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. Tripp replied no.

- 2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Mr. Tripp replied no.

- 3) Whether the requested area variance is substantial.

Mr. Tripp 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. Tripp 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. Tripp replied no.

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

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

**MOTION:** Ms. Bell made a motion for the residents at 34 Skaarland Drive for an 8' x 20' front porch to be constructed on the property pursuant to 138-8.1 with a 26' front yard set back variance. Mr. Groves seconded the motion and all present voted in favor. **CARRIED.**

**Gregory Adams, 78 Westside Drive, Ballston Lake, NY 12019 for 280A Relief and an area variance pursuant to section 138-11.1.** Greg Adams was present for 280A relief and an area variance for the construction of a 528sq. ft. detached garage. Mr. Adams said the original garage has been taken down and will be maintaining the same footprint with a proposed 25ft setback off the road.

Mr. Rogner asked if Mr. Adams spoke to the neighbors about the proposal. Mr. Adams said he spoke to the adjoining property owners.

Mr. Rogner asked if there would be living quarters in the proposed garage. Mr. Adams replied no.

Mr. Rogner asked if business would be conducted out of the garage. Mr. Adams said no; this property will be rented and will be stipulated in the lease that there will be no business conducted or operated out of the garage.

Mr. Lesniak read an email from Mr. Simpson "We have no objection to the proposed variance to construct a new garage at 78 Westside Drive on the property owned by Greg Adams. Please submit this document into the records at the public hearing schedule for August 5, 2009."

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. Adams replied no.

- 2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Mr. Adams replied no.



3) Whether the requested area variance is substantial.

Mr. Adams 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. Adams 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. Groves replied no.

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

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

Mr. Lesniak opened the public hearing at 8:25pm

Mr. Lensiak closed the public hearing at 8:26pm

No one wished to speak.

Ms. Bell asked Mr. Adams how the road will be maintained throughout the year. Mr. Adams said it is a communal association with individual homeowners that plow.

Ms. Bell made a motion that the 280A variance will be granted for the property located at 78 Westside Drive. Ms. Kane seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. Groves moved that the following variances be granted for the property located at 78 Westside Drive pursuant to section 138-11.1 that a 65, 625sq. ft. area variance, 102ft. lot width, and a 35ft. setback variance granted for the construction of a 22ft. x 24ft. garage. No storage of hazardous materials, no business use, or living quarters in the structure. Mr. Rogner seconded the motion and all present voted in favor. **CARRIED.**

**Burnt Hills Nursery School, 116 Kingsley Road, Burnt Hills, NY 12027 for a special use permit pursuant to section 138-6C and 138-8 and an area variance pursuant to section 138-8.1.** Maureen Fulgeri and Dan Sullivan were present on behalf of the Burnt Hills Nursery School.

Mr. Lesniak said the applicants are proposing to construct a new 10ft x 16ft. front porch.

Mr. Lesniak asked how this compares to the existing porch.

Mr. Sullivan said the existing porch is 13' x 6' x 8' x 6'.



Ms. Bell asked the location of the steps. Mr. Sullivan said they are located on the side so it would not encroach any farther to the front.

Ms. Bell asked if there is an additional overhang on the roof. Mr. Sullivan said there would be a 6" overhang.

Mr. Northrup asked if the current porch poses a safety hazard. Mr. Sullivan said the foundation around it deteriorating.

Mr. Lesniak said the Saratoga County Planning Board made a determination and their decision is No Significant County Wide or Inner Community Impact.

Ms. Kane asked if children needed a parent present when leaving the school. Mr. Sullivan replied yes.

Mr. Lesniak opened the public hearing at 8:40pm

Mr. Lesniak closed the public hearing at 8:41pm

No one wished to speak.

Mr. Rogner 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. Sullivan replied no.

- 2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. Mr. Sullivan replied no.

- 3) Whether the requested area variance is substantial. Mr. Sullivan replied no.

- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood of district. Mr. Sullivan 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. Sullivan replied yes.

**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. Groves seconded the motion all present voted in favor. **CARRIED.**



**MOTION:** Mr. Rogner moves to grant an area variance at 116 Kingsley Road pursuant to section 138-8.1 for the construction of a new 10ft x 16ft front porch that will replace the old porch the following area variance will be required a front setback variance of 25ft. Mr. Groves seconded the motion and all present voted in favor. **CARRIED.**

**MOTION:** Mr. Rogner moves to grant a special use permit under section 138-6C and 138-8 for the increased dimensions of the front porch for this existing nonconforming use. Ms. Bell seconded the motion and all present voted in favor. **CARRIED.**

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

Meeting adjourned at 8:45pm.

Respectfully submitted,

Michelle L. Dingman