



Town of Ballston
Zoning Board of Appeals Meeting
October 7, 2009

The following are the minutes of the Town of Ballston Zoning Board of Appeals hearing held on Wednesday, October 7, 2009.

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
Timothy Northrup, 1st Alternate
Richard Kinney, 2nd Alternate

Chairman Lesniak called the meeting at 7:30pm and Mr. VanDeCarr led the Pledge of Allegiance. Mr. Lesniak asked for corrections to the September 2, 2009 minutes. They were as follows:
Page 1) 8th para; strike "138", 11th para; add "can", Page 2) 16th para; strike "no" change to "not",
Page 5) 12th para strike "Ms.", 15th para; strike. "Mr. Reilly said there has been no evidence significant toward a legal nature will be granted or have any detriment on the neighbors as far as land rights, conditions of the property." Change to "Mr. Reilly said there has been no evidence to any nearby properties significant toward a legal nature will be granted or have any detriment o the neighbors as far as land rights, conditions of the property.", Page 6) 1st para; add "other", Page 9) 3rd para; change "Terrance" to "Terrace".

MOTION: Ms. Kane made a motion to accept the September 2, 2009 minutes as amended. Mr. VanDeCarr seconded the motion and all present voted in favor. **CARRIED.**

Mr. Lesniak reviewed the agenda for this evening.

NEW BUSINESS:

Cecily Callahan-Spaulding, 6 Phillips Street, Ballston Lake, NY 12019 for an area variance pursuant to section 138-8.1.

Ms. Callahan-Spaulding was proposing to construct a 12' x 18' carport that requires a 3.6ft. side yard setback at the above said address.

Ms. Callahan-Spaulding informed the Board of the increase to 20ft. from the original 18ft. proposed.

Ms. Bell said the Board is charged with granting the least amount of variance and asked the applicant if she has tried to purchase any additional property to avoid the need for a variance. Ms. Callahan-Spaulding replied no.



Ms. Bell asked if a gutter would be installed on the carport. Ms. Callahan-Spaulding replied yes.

Mr. Lesniak said a 2.6ft.variance is being proposed from the original 3.6ft.

Mr. Lesniak opened the public hearing at 7:38pm

Mr. Lesniak closed the public hearing at 7:39pm

No one wished to speak.

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. Ms. Callahan-Spaulding 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. Ms. Callahan-Spaulding replied no.
- 3) Whether the requested area variance is substantial. Ms. Callahan-Spaulding 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. Ms. Callahan-Spaulding 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. Ms. Callahan-Spaulding replied no.

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

MOTION: Mr. Rogner 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.**

Ms. Bell made a motion to grant a variance at 6 Phillips Street pursuant to section 138-8.1 for the construction of a 20' x 12' carport and granting a 3' side yard setback variance with the condition that a gutter be installed on the carport. Mr. Rogner seconded the motion and all present voted in favor. **CARRIED.**

Stacy Brendese, 3 Silver Springs Drive, Ballston Spa, NY 12020 for an area variance pursuant to section 138-10.1. Mr. & Mrs. Brendese were present to request an area variance of 22,500sq. ft. and a 3ft. lot width variance for the construction of a 12' x 18' shed for the above said address.

Mr. Rogner asked would there be living quarters in the proposed shed. Mr. Brendese replied no.



Mr. Rogner asked would the applicant be conducting business out of the proposed shed. Mr. Brendese replied no. Mr. Brendese said the shed would be for personal storage.

Mr. Lesniak opened the public hearing at 7:48pm

Mr. Lesniak closed the public hearing at 7:49pm

No one wished to speak.

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

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

MOTION: Mr. Rogner moved to grant an area variance at 3 Silver Springs Drive pursuant to section 138-10.1 for the construction of a 12' x 18' storage shed the following variances are required; a lot area variance of 22,500sq.ft. and a lot width variance of 3ft. with the following stipulations: no living quarters in the shed and no business shall be conducted out of the shed. Ms. Kane seconded the motion and all present voted in favor. **CARRIED.**

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

CARRIED.

Meeting adjourned at 7:53pm

Respectfully submitted,

Michelle L. Dingman