



Town of Ballston  
Zoning Board of Appeals Meeting  
November 4, 2009

The following are the minutes of the Town of Ballston Zoning Board of Appeals hearing held on Wednesday, November 4, 2009.

ATTENDEES: Michael Lesniak, Chairman Peter Reilly, Deputy Town Attorney  
Marilyn Bell, Vice Chairman Thomas Johnson, Building Inspector  
Ellen Brown  
Michael Groves Members of the General Public  
Robin Kane  
Fred Rogner  
Jan VanDeCarr  
Timothy Northrup, 1<sup>st</sup> Alternate  
Richard Kinney, 2<sup>nd</sup> Alternate

Chairman Lesniak called the November 4, 2009 meeting at 7:30pm and Mr. Rogner led the Pledge of Allegiance.

**MOTION:** Ms. Kane made a motion to accept the October 7, 2009 minutes as written. Mr. VanDeCarr seconded the motion and all present voted in favor except for Mr. Groves who abstained. **CARRIED.**

Mr. Lesniak reviewed the agenda for this evening.

**NEW BUSINESS:**

**Daniel Dudley, 19 Mourningkill Drive, Ballston Spa, NY 12020 for an area variance pursuant to section 138-10.1.** Mr. Lesniak said the applicant is before the Board for an area variance and a lot width variance to remove an 18' x 18' barn and replace with a 24' x 28' two-story garage.

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

Mr. Rogner asked would the applicant be conducting business out of the proposed garage. Mr. Dudley replied no.

Mr. Rogner asked about the removal of the 18' x 18' barn. Mr. Dudley said the barn will be taken down.

Ms. Bell said the Board is charged with granting the least amount of variance and asked the applicant if he has tried to purchase any additional property. Mr. Dudley replied no.



Mr. Lesniak asked the applicant if the garage would be for personal storage. Mr. Dudley replied yes.

Mr. Lesniak opened the public hearing at 7:40pm.

John VanVorst, 17 Mourningkill Drive fully supports this proposal and is impressed with the work completed on the lot, existing house, and is confident the garage will be very acceptable.

Mr. Lesniak agrees the garage would be an improvement.

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

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. Dudley 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. Dudley replied no.
- 3) Whether the requested area variance is substantial. Mr. Dudley 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. Dudley 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. Dudley 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 a Type II action under SEQR and therefore exempt from review. Mr. Groves seconded the motion all present voted in favor. **CARRIED.**

**MOTION:** Mr. Groves made a motion to grant an area variance pursuant to section 138-10.1 for 19 Mourningkill Drive, of 9,420sq. ft., a lot width variance of 36ft. for the construction of a 24' x 28' two-story garage with the following stipulations; no living quarters, no business to be performed out of the garage, for personal storage only, and subject to removal of existing 18' x 18' two-story barn. Mr. Rogner seconded the motion and all present voted in favor. **CARRIED.**

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

Meeting adjourned at 7:48pm

Respectfully submitted,

Michelle L. Dingman