



## TOWN OF BALLSTON ZONING BOARD

Regular Monthly Meeting: August 17, 2011

ATTENDEES: Michael Lesniak, Chairman Peter Reilly, Deputy Town Attorney  
Marilyn Bell, Vice Chairman Thomas Johnson, Building Inspector  
Ellen Brown  
Richard Kinney Members of the General Public  
Fred Rogner  
Patrick Maher, 2<sup>nd</sup> Alternate

Chairman Lesniak called the meeting at 7:30pm and led the Pledge of Allegiance. The chairman asked for corrections to the July 6, 2011 minutes. They were as follows:

Page 1) 6<sup>th</sup> para; add “and” after renewal

Page 3) Add “Mr. Lesniak opened public hearing at 7:43pm. Mr. Lesniak closed public hearing at 7:44pm.

Page 4) 8<sup>th</sup> para; strike perspective, add “prospective”, 9<sup>th</sup> para; strike of add “off”, 10<sup>th</sup> para; strike if add “is”, 11<sup>th</sup> para; strike perspective, add “prospective”

**MOTION:** Mr. Kinney made a motion to approve the minutes based on the changes submitted. Ms. Brown seconded the motion and all present voted in favor. **CARRIED.**

Mr. Lesniak read the applicant's narrative requesting an addition to an existing garage for storage, work space, and eliminate a storage unit.

### NEW BUSINESS:

**Sharon Vincent, 204 Kingsley Road, Burnt Hills, NY 12027 seeking a special use permit pursuant to section 138-6C to construct an addition to an existing garage.** Mr. Congiu was present on behalf of the applicant.

Mr. Lesniak said the Board was in receipt of the Saratoga County Planning Board's comments, which stated, “No Significant County Wide or Inter Community Impact” in the accordance with the Memorandum of Understanding between the Town of Ballston ZBA and SCPB.

Mr. Kinney requested letter of authorization from the applicant.

Mr. Congiu will comply with the request.



Ms. Bell asked if the shed would be removed. Mr. Congiu said the present storage unit is located as rental space on Route 50.

Will the proposed addition have living space? Mr. Congiu replied no.

Will the proposed addition store hazardous materials. Mr. Congiu replied.

Mr. Rogner asked the size of the proposed addition. Mr. Congiu said 19' x 20'

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

David Paffenbach, 200 Kingsley Road is in favor of the proposal and believes this is an improvement to the property.

Mr. Lesniak closed the public hearing at 7:43pm

Ms. Brown read 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.
- 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.
- 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.
- 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.

Lesniak determined the applicant meets above said criterion.

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

**MOTION:** Ms. Bell made a motion for the property at 204 Kingsley Road for the construction of approximately 19' x 20' addition to an existing garage under section 138-6C for granting a special use permit with the following stipulations; no living quarters, no hazardous material be stored, no construction or personal business. Approximately 19' x 20' subject to meeting all the setbacks. The applicant produces a letter of authorization from landowner. Mr. Kinney seconded the motion and all present voted in favor. **CARRIED.**



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

**CARRIED.**

Meeting adjourned at 7:52pm.

Respectfully submitted,

Michelle L. Dingman