



**Town of Ballston Zoning Board of Appeals
February 6, 2008**

The following are the minutes of the Town of Ballston Zoning Board of Appeals hearing held on Wednesday, February 6, 2008.

ATTENDEES: Marilyn, Bell, Vice Chairman Peter Reilly, Deputy Town Attorney
Ellen Brown Thomas Johnson, Building Inspector
Michael Groves
Robin Kane Members of the General Public
Fred Rogner
Richard Wood

Vice Chairman Bell called the meeting at 7:30pm and led the Pledge of Allegiance. The Vice Chairman asked for corrections to the minutes. They are as follows:

Page 2) 3rd para; add "to" after referring, strike "the" before phrase, add "barn" after pole, strike "d" in structured, remove "," in office space.

MOTION: Ms. Kane made a motion to accept the December 5, 2007 minutes as amended. Mr. Groves seconded the motion and all present voted in favor. **CARRIED.**

Ms. Bell reviewed the agenda for this evening.

NEW BUSINESS:

Richard Merchant, 410 Charlton Road for a use variance pursuant to section 138-73. Mr. & Mrs. Merchant were present to present their case to the Board. The applicant's are before the Board for a six month extension for a temporary certificate of occupancy to maintain a mobile home on their property while in need of more time to construct their single family residence.

Ms. Bell asked if six months will be sufficient. Mr. Merchant was hoping for two years.

Ms. Kane asked what was left to be completed. Mr. Merchant said that the inside is a shell, but is airtight and the insulation will need to be completed. Mr. Merchant said that prices are still be negotiated on the heating system.

Ms. Brown asked if the work is all under contract. Mr. Merchant replied no, the residence where we were living at the time was sold and decided to purchase the adjoining property and any remaining funds were for the mobile home, wiring and the septic system.



Mr. Reilly said that this application was advertised as a use variance, but this is an extension to section 138-73 for placement of a mobile home which shall be permitted upon issuance of a temporary certificate of occupancy. Mr. Reilly said that this application does not apply to the use variance criteria.

A discussion was held on a time frame for Mr. Merchant regarding the extension of his application.

Mr. Merchant replied that it will take time for his business to get up and running and six months might not be enough time to accomplish what needs to be done.

Mr. Groves asked the applicant to provide the Board with a sufficient time frame to finish the project.

Ms. Brown asked the applicant if they have enough money to finish the project. Mr. Merchant replied that when the adjoining property was purchased for green space, it set them back financially.

Ms. Bell asked when the house would be considered 100 percent move in condition. Mr. Johnson said that a temporary certificate of occupancy is issued when an electrical inspection is completed, stairs, railings, the structure is enclosed and the siding is installed.

Mr. Rogner asked the applicants how much progress they have made on their home. Mr. Merchant said reasonable progress. Mr. Merchant said that they are still pricing heating systems, but the cost has set them back financially.

Mr. Rogner asked the applicants if the house would be complete in six months. Mr. Merchant replied no, but would need more time. Mr. Rogner asked how much time. Mr. Merchant said 18 months. Mr. Rogner asked if 12 months would be a sufficient amount of time to finish the house. Mr. Merchant said it should be.

Mr. Rogner said that after visiting the site, it looked like the house was 90 percent completed. Mr. Merchant said that it was only 60 percent complete and were still shopping for a heating system.

Ms. Bell said that the Saratoga County Planning Board replied that there was not a significant county wide impact.

Ms. Bell opened the public hearing 7:45pm

Ms. Bell closed the public hearing 7:46pm

No one wished to speak.

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

Mr. Wood reiterated if 12 seems was going to be a sufficient enough time to complete the house.



MOTION: Mr. Groves made a motion to approve an extension to 138-73 for a temporary certificate of occupancy for the placement of a mobile home at 410 Charlton Road for a period of 12 months retro active to January 1, 2008 with the termination date of December 31, 2008. Mr. Rogner suggested

making it effective February 6, 2008. Mr. Groves changed the termination dates to February 6, 2008 to February 6, 2009. Mr. Rogner seconded the motion and all present voted in favor. **CARRIED.**

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

Meeting adjourned at 7:55pm.

Respectfully submitted,

Michelle L. Dingman