



**Town of Ballston Zoning Board of Appeals
May 7, 2008**

The following are the minutes of the Town of Ballston Zoning Board of Appeals hearing held on Wednesday, May 7, 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
Jan Van De Carr, Alternate

Vice Chairman Bell called the May 7, 2008 meeting to order at 7:30pm and Ms. Bell led the Pledge of Allegiance.

The Vice Chairman asked for corrections to the April 2, 2008 minutes. They were as follows:

Page 3) 6th para; change Ms. to "Mr.", Page 4) change in to "it"

MOTION: Ms. Kane made a motion to accept the April 2, 2008 minutes as amended. Mr. Wood seconded the motion.
CARRIED.

Ms. Bell reviewed the agenda for this evening.

NEW BUSINESS:

Debra Drake, 139 Lake Road, Ballston Lake, NY 12019 for a Special Use Permit pursuant to section {138-11} and an Area Variance pursuant to section {138-11.1}.

Ms. Drake indicated that she has a small home website business and many of the websites are out of state. Ms. Drake said that parking will not be an issue and no sign will be required.

Ms. Kane asked why the house was built on the property line. Ms. Drake said that the home is 250 years old. Ms. Drake said that block and tackle was discovered when renovating and assumed that deliveries and receiving must have been what the home was used for at that time.

Mr. Van De Carr said the application mentioned that there was a previous variance for a special use permit. Ms. Drake said that it was for horses.



Mr. Van De Carr asked if the home business will require an addition to the home. Ms. Drake said the business is operated out of one room.

Ms. Bell opened the public hearing 7:40pm

Ms. Bell closed the public hearing 7:41pm.

No one wished to speak.

Mr. Groves went through 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. Ms. Drake replied yes.

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. Ms. Drake replied yes.

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. Ms. Drake replied yes.

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. Ms. Bell replied yes.

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. Ms. Kane seconded the motion all present voted in favor. **CARRIED.**

MOTION: Mr. Groves made a motion to grant a Special Use Permit be granted for the operation of a web design business under section {138-11} for 139 Lake Road and per the applicant there is no sign needed for this and there will be very little if any customer traffic involved. Ms. Kane seconded the motion. **CARRIED.**

Ms. Bell addressed the 60ft. required front yard setback

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. Ms. Drake 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. Ms. Drake replied no.

3) Whether the requested area variance is substantial. Ms. Drake 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. Ms. Drake 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. Drake replied no.

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. Ms. Kane seconded the motion all present voted in favor. **CARRIED.**

MOTION: Mr. Rogner made a motion to grant a 60ft. front yard setback at 139 Lake Road pursuant to section 138-11.1 of the zoning law. Mr. Groves seconded the motion and all present voted in favor. **CARRIED.**

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

CARRIED.

Meeting was adjourned at 7:50pm.

Respectfully submitted,

Michelle L. Dingman