



Mr. Lewis said he spoke with Mark Kennedy of DOT earlier in the day. Mr. Lesniak said he spoke with George Hodges.

Mr. Lewis discussed internal circulation of this particular site and felt this would not have any undesirable change to the character of the neighborhood.

Mr. Lewis does not feel this variance is substantial because there is only 4% of the entire frontage to be affected with a 2.6sq. ft. area and feels there is certainly no adverse physical environmental impacts.

Mr. Lewis said this situation was created by making an effort to benefit the public by adding a light signal for a pedestrian crosswalk.

Mr. Lewis asked for feedback from the Board members.

Mr. Lesniak said there are traffic issues at that site and feels when you are the site "you take your life in your own hands." Mr. Lesniak said even after taking the gas pumps out of the Burnt Hills location it still gets too congested. Mr. Lesniak asked why Stewart's Shops especially located on a corner lot, have not taken more substantial space to make it more desirable and less hazardous to maneuver around internally. Mr. Lewis said that the neighbors did not respond to a proposal to purchase their property.

Mr. Lewis asked Mark Kennedy of DOT if there is a round-about proposed for that area. Mr. Kennedy said that Ballston did a linkage study that suggests there should be a round-about. Mr. Lewis asked if DOT is proposing a round-about. Mr. Kennedy replied no; there are no plans and no designs.

Mr. Lesniak said that is contrary to what he heard. Mr. Lewis said lets find out what is going on.

Ms. Kane said that she was if favor of the original application and is still in favor.

Ms. Bell said this is a different application and the zoning has changed.

Mr. Groves agrees that the round-about is a Planning Board issue and agrees that the variance is at best minimal and very minor. Mr. Groves would like to hear something definitive from DOT.

Ms. Brown said based on the current application, does not see a problem, but would like to hear more from DOT.

Mr. VanDeCarr has no comment at this time; agrees with the Chairman.

Mr. Lesniak said the Saratoga County Planning Board comment has stated No Significant County Wide or Inter Community Impact. Mr. Lesniak said the Board questioned why Saratoga County Planning Board comments did not bring up the round-about. Mr. Lewis said he recused himself from the Stewart's application due to his affiliation with that Board.

A discussion was held on the direction of the existing pump location to the proposed location.



MOTION: Ms. Kane made a motion to table the application. Mr. Groves seconded the motion and all present voted in favor. **CARRIED.**

Ed Hernandez, 67 Lundy Lane, Ballston Lake, NY 12019 for an area variance pursuant to section {138-12.1} to construct a detached garage. Mr. Lensiak said that applicant is before the Board for an area variance for the

construction of a detached garage. The proposed garage will match the architecture of the existing home and will not detract from the neighborhood or adjacent properties. The proposed garage will provide inside storage for vehicles and trailers to be maintained inside to improve the appearance of the lot. The proposed area of the garage is located opposite the street and is well away from the lakeshore line.

Mr. Rogner asked if the small storage shed will remain. Mr. Hernandez replied yes and it can be relocated.

Mr. Rogner asked if business will be conducted out of the proposed garage. Mr. Hernandez replied no.

Mr. Rogner asked if there is any proposed living quarters. Mr. Hernandez replied no.

Mr. VanDeCarr said that it is a fair sized garage and wanted to know how many vehicles is the applicant contemplating. Mr. Hernandez replied three. Mr. VanDeCarr said the proposal mentioned to allow vehicles and trailers currently on the lot to be moved inside. Mr. VanDeCarr asked where the vehicles and trailers are located now. Mr. Hernandez said there are two boat trailers and a snowmobile trailer being stored in the same area of the proposed garage.

Mr. Hernandez asked if the application is approved, could a smaller garage be built without having to come back to the Board. Mr. Lesniak said once the area variance is granted and all the setbacks are met, there would be no problem.

Ms. Kane asked if the proposed garage will be built in line with the neighbors. Mr. Hernandez replied yes so the neighbors could maintain their privacy behind their homes.

Mr. Lesniak opened the public hearing at 8:08pm

Mr. Lesniak closed the public hearing at 8:09pm

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. Hernandez replied no because it is very common to have detached garaged.

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. Mr. Hernandez replied no because there is no other property to be purchased.

3) Whether the requested area variance is substantial. Mr. Hernandez 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. Hernandez said no because the proposed shed cannot be seen from the lake.

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. Hernandez said no because it met former zoning.

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

MOTION: Mr. Rogner made a motion to grant a lot area variance of 39,489sq. ft. pursuant to section {138-12.1} of the zoning law for 67 Lundy Lane for the construction of a 24' x 38' detached garage with the following stipulations: There will be no business shall be conducted out of the garage and that there will be no living quarters in the garage. Mr. Groves seconded the motion and all present voted in favor. **CARRIED.**

Mr. Lesniak wanted to address the shed which is in violation of the current zoning. Mr. Rogner asked Mr. Reilly if the shed needs to be addressed at this time. Mr. Reilly replied no, but would be at the Boards discretion.

Mr. Groves said that it appears that there is a possibility that the shed is too close to the road and may want to move it before Mr. Rohrmeier sees the shed and issues a citation.

Debbie Hudson, 819 Route 50, Burnt Hills, NY 12027 for a Special Use Permit for a home occupation pursuant to section {138-9} to operate a hair salon. Mr. Lesniak said the proposal will consist of converting an existing garage into a hair salon with two work stations. The hours of operation will be between 9:00am to 8:00pm four days a week and will be employing one assistant. The existing driveway is equipped with a turn around. Mr. Lesniak read a letter from Michael Brewster, owner of the house and Gil's Garage giving Ms. Hudson permission to operate her business (Debbie's Hair Design's) from the house she presently rents from Mr. Brewster.

Mr. Lesniak asked the applicant if there was anything to add to the application. Ms. Hudson forwarded a letter from Mr. Brewster to the Board giving Ms. Hudson permission to park vehicles in the lot of Gil's Garage.

Mr. Lesniak read the definition of a Home Occupation.

An accessory use of a service character which is clearly secondary to the use of the dwelling unit and its premises for residential living purposes of the person(s) carrying on such activity; and is conducted entirely within a dwelling unit; or is conducted entirely within an accessory structure to the dwelling unit on the same premises; and is solely carried on by a member or members of the family residing in the dwelling unit; and employs no more than one paid assistant who does not reside on the premises; and does not involve the keeping of stock in trade or the consignment, purchase and resale of goods, wares or merchandise in a volume or manner that adversely affects the character of the district; and does not display any exterior sign (except as permitted in Article XI, Signs); and does not result in the storage or display of materials in any open space outside the structure in which the home occupation takes place or variation from the



residential character of the principal building on the premises; and does not produce any offensive noise, vibration, smoke, dust, odors, heat or glare; and parking provides for adequate off-street parking for any customer.

In particular a "home occupation" may include the professional office of a physician, accountant, dentist, lawyer, management consultant or other professional persons, including violin, piano, other individual musical instrument or voice instruction, arts or craft instruction limited to a single pupil at a time, who offers skilled services to clients, and the occupation of dressmaker, milliner or seamstress shall also be deemed to be a "home occupation," including low-impact businesses such as computer work, consulting and trade persons who work out of their home and can meet the other criteria set forth herein and shall be allowed on special permit.

Dancing instruction in groups, band instruction in groups, tearooms, tourist homes, convalescent homes, funeral homes, stores, trades or businesses of any kind herein excepted shall not be deemed to be "home occupations."

Mr. Rogner asked Ms. Hudson where she and her assistant will park. Ms. Hudson said that Mr. Brewster has given her permission to park next door. Mr. Rogner asked Ms. Hudson if she will be walking from the parking lot to the site. Ms. Hudson replied yes. Mr. Rogner asked when it snows. Ms. Hudson said a sidewalk is going to be installed.

Mr. Rogner has concerns about the parking and backing out onto Route 50. Mr. Rogner said that one of the requirements for a special use permit is "it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood."

Ms. Hudson distributed photos of the proposed site showing present conditions for parking and indicated that the whole driveway will be paved for parking.

Mr. VanDeCarr asked Ms. Hudson if the area around the parked truck will also be paved. Ms. Hudson said that the whole area will be paved.

Ms. Hudson said no one will have to back out onto Route 50 after paving is completed.

Mr. Rogner asked if additional lighting will be installed due to the salon being open after dark. Ms. Hudson said that additional lighting will be added.

Mr. VanDeCarr asked Ms. Hudson if she currently resides at that location. Ms. Hudson replied yes.

Ms. Bell asked if there is intent to ever increase the staff. Ms. Hudson replied no.

Ms. Bell asked about signage. Ms. Hudson said that she presently has a sign.

Mr. Johnson said the Town of Ballston zoning states a home occupation can be located in a detached structure, but the State building code does not allow that; the code requires the home occupation be entirely within the dwelling. It requires that the home occupation occupy no more than 15% of the square footage.

Mr. Lesniak opened the public hearing 8:28pm

Mr. Lensiak closed the public hearing 8:29pm



No one wished to speak.

Mr. Rogner read 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. Hudson 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. Hudson 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. Hudson 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. Hudson replied yes.

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

Mr. Lesniak read through Part II of the EAF and answered "no" to questions A and B.

MOTION: Mr. 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: Ms. Bell made a motion for a Special Use Permit under section {138-9} of the Town Zoning Law for a Home Occupation in the Mixed Use Center South to allow for the use of a conversion of an existing attached garage into a Home Occupation Hair Salon. 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 adjourned at 8:35pm

Respectfully submitted,

Michelle L. Dingman