



**TOWN OF BALLSTON ZONING BOARD**  
**Regular Monthly Meeting:**  
**July 7, 2010**

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

Chairman Lesniak called the July 7, 2010 meeting at 7:30pm and Mr. Antoski led the Pledge of Allegiance. The chairman asked for corrections to the June 2, 2010 minutes. They were as follows:

Page 6 - 3<sup>rd</sup> Motion starting with "Ms Bell made a motion .....pursuant to section 138-30 for the erection of a 4' x 4' x 4'. Delete the last number 4'.

**MOTION:** Ms. Kane made a motion to accept the June 2, 2010 as corrected. Ms. Brown seconded the motion.

**CARRIED.** Mr. Van DeCarr abstained from voting since he wasn't at the previous meeting.

Mr. Lesniak reviewed the agenda for this evening.

**OLD BUSINESS:**

Correction to the April 7, 2010 meeting:

**Joseph Ambrose, 272 Round Lake Road, Ballston Lake, NY 12019 for a special use permit for 4 horses.**

Item 8 in the motion read "Any construction on the property is consistent with the application explanation would include construction of a home no closer than 130' from the road, a single-family residence to be built and occupied prior to the boarding of horses."

Mr. Ambrose sent correspondence stating that the motion made reference to the construction of a home no closer than 130' from the road. The correct statement should read, construction of a barn no closer than 130'

Ms. Bell also stated that Mr. Ambrose was the person who noticed the discrepancy.

Ms. Bell made a motion to correct item 8 of the motion to change home to barn. Mr. Kinney seconded the motion.

**CARRIED.**



**NEW BUSINESS:**

**Vincent Parent – 125 Brookline Road, Ballston Spa, NY 12020 – Area Variance to section 138-10.1**

The applicant was granted approval of a special use permit by the Planning Board for the operation of small lawn and garden repair shop.

The applicant is requesting an area variance of 35,133'. The garage that is to house the operation is approximately 900 Sq. Ft.

Mr. Lesniak has a concern with providing a turn-around for customers so that they don't have to back out onto Brookline Rd. Mr. Parent stated that there is a turn-around along with sufficient area in the back yard to permit turning of vehicles so that they can pull out onto Brookline Rd. rather than backing out.

Mr. Kinney asked what kind of equipment is waiting to be picked up and where it would be kept. Mr. Parent stated that equipment is small and would be stored to the rear of the building and put inside in the evening for security reason.

Ms. Brown asked how used oil was to be disposed of. Mr. Parent stated that he has two garages that take the used oil for which they will use it for heating purposes or have another company dispose of the oil. The quantity is about five gallons.

Mr. VanDeCarr asked the applicant if he had an existing operation already and Mr. Parent said yes.

Ms. Bell asked the applicant if he had contacted any of his surrounding neighbors about purchasing additional land. Mr. Parent said he had contacted them and that there is no additional land available.

MR. Lesniak noted that the Saratoga County Planning Board noted that there is no significant impact.

MR. Lesniak opened the public hearing at 7:42 PM

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

Ms. Bell read the five criteria items for an area variance for the board and found that there were no issues concerning issuing an area variance.

**MOTION:**

Ms. Bell motioned to name the Town of Ballston Zoning Board of Appeals as the Lead Agency in the SEQR process. Ms. Kane seconded the motion. **CARRIED**

Ms. Bell motioned to declare this as Unlisted and exempt from further views Declaration under the SEQR process. Ms. Kane seconded the motion. **CARRIED**

Ms. Bell motioned to amend her previous motion and to declare this an Unlisted and a Negative Declaration under the SEQR process. Ms. Kane seconded the motion. **CARRIED**



Ms. Bell motioned to grant an area variance of 35,133 Sq. Ft. pursuant to section 138-10.1 for the operation of special use permit granted by the town planning board. Ms. Kane seconded the

motioned. Motion – **CARRIED**

**Kristine Futschy – 281 Lake Road, Ballston Lake, NY 12019 – Special use permit to allow two (2) horses**

Applicant proposes to construct a 2 stall barn 100' south of the well centered on the property. Currently the applicant owns one quarter horse which is gelded which is boarded and in the future might want to purchase a second horse. The paddock would be a 100' x 200' area with three board treated fencing around it. Manure would be removed as often as necessary approximately once per month and hay would be stored in the barn and grain if needed would be stored in the garage in metal containers. There would be no commercial boarding, selling or breeding of horses. Ms. Futschy also spoke to the Army Corp of Engineers (Mr. Sherwood) regarding the wetlands on the south east portion of the property and the intended use would not violate any restrictions.

Mr. Lesniak asked the applicant if she had spoken to the surrounding neighbors concerning the proposal. Ms. Futschy stated that she has spoken to the five neighbors and everyone is supportive of it. Mr. Futschy stated that she has a letter from Pasquale & Veina Monaco of 267 Lake Road and they have no objections to the request. A copy of that letter was presented to the board for the record.

Ms. Futschy stated that one neighbor was concerned about hunting in the area and Ms. Futschy was fine with the hunting as long as shooting was 500 ft. away from the barn and not shooting in the direction of the barn and that she was called before the shooting began.

Ms. Brown asked if there was municipal water to the property and the applicant stated that she has a well.

Mr. Antoski asked what the size of the barn would be and Ms. Futschy replied that it would be 24'x30'

Ms. Bell stated that the horses would be 100' from the well and did Ms. Futschy know if her neighbors were on a well or have municipal water. The response was that the surrounding neighbors are on wells too and the distance is more than 100'.

Mr. Kinney asked about the storage of feed and manure. The applicant indicated that a neighbor would pick-up the manure and that the storage of hay would be in the barn and the grain would be in the existing garage.

Mr. Lesniak for the record that there is sufficient area and set backs meet zoning.

Mr. VanDeCarr asked that if the letter of support from the Monaco's; where they were located and the applicant indicated that they were located behind her property. The person to left is the person concerned about the hunting and there is another person to the right and all are in support of the proposal.

Ms. Bell asked if the paddock/pasture of 100'x 200' was a normal size and would there be any future desire to extend further back. The applicant indicated that perhaps in the future she would like to create a sand arena.

Mr. Lesniak opened the public hearing at 7:58 PM

Ms. Lisa Rosamino of 280 Lake Road spoke and stated that she has no objection to the proposal.



Mr. Lesniak closed the public hearing at 8:00 PM

Ms. Kane read the four criteria items of section 138-94 pertaining to the issuing of a special use permit to the board and there were no issues.

**MOTION:**

Ms. Bell motioned to name the Town of Ballston Zoning Board of Appeals as the Lead Agency in the SEQR process. Ms. Kane seconded the motion. **CARRIED**

Ms. Bell motioned to declare this as Unlisted and a negative declaration be made under the SEQR process. Ms. Kane seconded the motion. **CARRIED**

Ms. Bell motioned to approve a special use permit for 281 Lake Road, Ballston Lake for horse barn for custody up to two horses which would be gelding for personal use, no commercial breeding or boarding and would adhere to the Federal wetland restrictions and the removal of manure will be as needed and no less frequent than once a month, feed hay would be stored inside of the barn, grain if needed would be stored in metal containers in the garage, fencing will be three board treated lumber and no barbed wire and no commercial activity. Mr. Kinney seconded the motion.

Mr. VanDeCarr – opposed the motion stating that he would like the residential areas to remain residential, all others voted in favor. **CARRIED.**

**Kelly Nilsson – 1153 Route 50, Ballston Spa, NY 12020 – Special use permit for the custody of (3) sheep and (4) Silkie hens**

Mr. Lesniak read the detailed description of the proposed application for the record.

Ms. Nilsson stated that she has spoken to Ms. Julie Duchesne and she has no objection to the proposal.

Mr. Lesniak read into the record a letter from Ms. Duchesne stating that she has no objection.

Mr. Kinney asked where the fenced area was going to be. Ms. Nilsson described where it would be.

Ms. Brown asked what type fence was being proposed. Ms. Nilsson stated that it would be a standard goat 4x4 wire link about 3-4 ft. high.

Mr. VanDeCarr noted that this application was in the business highway 2 zoning district and that the general sizes of these sheep are about 24” in height. The applicant agreed with that statement.

Mr. Lesniak read into the record a letter from the Saratoga County Planning Board stating that they have no significant county wide or inter-community impact.

Ms. Bell stated that the applicant might want to provide for a temporary fencing within the general area and the applicant has already been thinking about this as well. Mr. Lesniak questioned about the location of the hens in the same enclosure. The applicant responded by stating that they would be within the same enclosure but will be coped on the back side of the structure but will be allowed to free range only when the applicants are home.



Mr. Lesniak opened the public hearing at 8:29 PM

Mr. Lesniak closed the public hearing at 8:30 PM

Ms. Kane read the four criteria items of section 138-94 pertaining to the issuing of a special use permit to the board and there were no issues.

**MOTION:**

Ms. Bell motioned to name the Town of Ballston Zoning Board of Appeals as the Lead Agency in the SEQR process. Ms. Kane seconded the motion. **CARRIED**

Ms. Bell motioned to declare this as Unlisted and a negative declaration be made under the SEQR process. Ms. Kane seconded the motion. **CARRIED**

Ms. Bell made a motion to grant a special use permit for property located at 1153 Route 50 pursuant to town zoning law section 138-12 for up to 3 sheep and up to 4 hens and a fence be provided to keep everything contained, feed be properly stored in storage containers within the shed, no breeding or boarding and that it be for personal use only and the manure for the chickens will be composted and the sheep will be of Old English Baby doll type and that they be wethered males or females and no roosters. Ms. Kane seconded the motion. **CARRIED**

**Cortland Pollock – 82 Westside Drive, Ballston Lake, NY 12019 – Relief to section 138-11.1 and 280-A for the construction of a 24' x 36' garage**

Mr. Lesniak read into the record the detailed description of the proposal.

Mr. Pollack indicated that the proposed garage is shown on the drawing as the drip line and the existing garage shows the footprint. The drip line is approximately one foot off of the property line.

Mr. Lesniak indicated that the board will do this in two steps; process the 280-A relief and after address the various variances itself.

Ms. Bell asked Mr. Pollack to describe how the association road off of Westside Drive is maintained. Mr. Pollack indicated that Mr. Simpson does the snowplowing and that he does the summer duties like bringing in stone and the like. Mr. Pollack indicated that the road is in the best condition in over 30 years and is accessible for emergency vehicles.

Mr. Lesniak opened the public hearing at 8:40 PM

Mr. Lesniak closed the public hearing at 8:41 PM

**MOTION:**

Ms. Bell motioned to name the Town of Ballston Zoning Board of Appeals as the Lead Agency in the SEQR process for both the 280-A and the area variances. Ms. Kane seconded the motion. **CARRIED**



Ms. Bell motioned for the 280-A relief to declare this as Unlisted and a negative declaration be made under the SEQR process and the area variance be a TYPE II and therefore is exempt from further review. Ms. Kane seconded the motion. **CARRIED**

Ms. Kane made a motion to grant 280-A relief for the property at 82 Westside Drive. Ms. Bell seconded the motion. **CARRIED**

Ms. Bell noted that the proposal is for a 24'x 36' garage that replaces an existing 15'x21' garage and would the applicant consider something smaller and why does it need to be so large. Mr. Pollack responded that he currently has no place for storage etc. and wants to leave sufficient room between the house and the proposed garage so that he can get a vehicle to other areas. The relocation will allow the west wind to come along the north side of the house and will help dry things out and protect the south side of the house as well.+

Ms. Bell asked where the entrance to the garage will be. Mr. Pollack responded that it will be from the north side. Basically, regarding the association road, you would be pulling straight into the existing garage and now you will be making a curve turn into the proposed garage. The existing would go to lawn and drainage areas.

Ms. Bell asked if snow removal will be a problem with this new proposal. The reply was that it wouldn't be. Mr. Simpson described how snow removal is done.

Ms. Bell asked if there was nay possibility of purchasing any additional property and the response was no.

Mr. VanDeCarr asked for an explanation of the 3' off of the private road as showed on the submitted sketches. Mr. Pollack responded by showing Mr. VanDeCarr where the garage and distances were taken to.

Mr. Lesniak asked the applicant if he really needed something this big. The board is supposed to grant the minimum variances and that it seems to be overpowering. The applicant responded that he absolutely needs this size. Mr. Lesniak wasn't questioning the width but was questioning the length of the structure and was trying to minimize the amount of the variance that needs to be granted.

Ms. Brown noted that by taking down the existing garage and the construction of the new one will allow for a breeze across the property and wondered how that would affect the neighboring properties. The response was that that wouldn't.

Ms. Brown asked about if there would be any visual impact to the surrounding properties. The response from Mr. Pollack was that he didn't think it would have any affect if anything it would be an improvement.

Ms. Brown asked if this was going to be a one floor. The response was yes but would like to put attic trusses for storage. Mr. Pollack stated that he had been in conversation with Mr. Simpson regarding the pitch of the roof so that it doesn't become overpowering to him.

Ms. Brown asked if there was anyone in the area has a garage the size that is being proposed. Mr. Pollack indicated that there is one at the end of the road.

Ms. Brown asked the applicant how many acres he owned. The response was approximately 1/3 of an acre.



Mr. VanDeCarr asked the square footage of the existing home. The response was just a little over 2,200 square feet. Mr. Pollack indicated that was for a two story structure and the existing garage is 844 square feet.

Mr. Lesniak opened the public hearing at 9:05 PM

Mr. Simpson of 80 Westside Drive doesn't have any real concern with the proposal but did have a concern with the height of the structure. Further discussion continued and Mr. Simpson indicated that he was acceptable to latest height being proposed. Mr. Pollack would like to try and match the house pitch as much as possible.

Mr. Lesniak closed the public hearing at 9:14 PM

Ms. Kane read the five criteria items for area variances. It was noted that the area variance was substantial and that it is a self created. However, the board found that there were no issues that would prevent processing of these area variances.

**MOTION:**

Ms. Bell made a motion for 82 Westside Drive for the construction a 24' x 36' garage pursuant to town law section 138-11.1 with the following variances:

1. Area variance of 63, 447 sq. ft.
2. Lot width variance of 90 ft.
3. Front yard setback variance of 57 ft.
4. Side yard setback variance of 9 ft.

The garage is to be used for personal storage and not to have residence or business or store hazardous material and the existing 15' x 21' garage be removed and the roof pitch not exceed 8/12. Mr. Kinney seconded the motion.

Ms. Brown opposed the motion and thinks it's significant as it relates to area width front and side setbacks, all others were in favor. **CARRIED**

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

Meeting was adjourned at 9:20 PM.

Respectfully submitted,

Les W. Bonesteel Jr.