



**TOWN OF BALLSTON
ZONING BOARD**
323 Charlton Rd
Ballston Spa, NY 12020
Phone: 518-490-2715
building@townofballstonny.org

January 5, 2022
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**ZONING BOARD OF APPEALS
MEETING MINUTES
January 5, 2022
Zoom Only
7:30 pm**

ATTENDEES: Michael Lesniak, Chairperson
Steve Merchant, Vice-Chairperson
Annetta Dunham, Board Member
Joanne Hull, Board Member
Robin Kane, Board Member
Tim Long, Board Member
Dan Mertzluft, Board Member
Samuel Dorsey, 1st Alternate
Patrick Whitton, 2nd Alternate
Bill Keniry, Attorney
Jeffrey Stickle, Building Inspector

Call To Order

Meeting was opened at 7:34 pm.

Pledge Of Allegiance was led by Chairman Lesniak.

Approval Of Previous Minutes

Mr. Long stated that he had a correction on page 5, 10th paragraph. Mr. Long stated that the following sentence *"Mr. Long stated that he sees the neighbor's driveway through the trees and asked if the applicant planned on using to drive lawn equipment, mower or car into the shed."* should have "the neighbor's driveway" added after "planned on using..."

MOTION: Mr. Merchant made a motion to approve the minutes of the December 1, 2021 meeting with corrections as noted. Ms. Dunham seconded the motion. All in favor.

CARRIED.

Chairman Lesniak stated that only one case is to be heard tonight, 1 Stewart Ct. The other case was cancelled because it was really a Town issue, and they were granted relief from the moratorium that they were seeking.

OLD BUSINESS

1. **1 Stewart Ct Area Variances (Ref # ZBA 2021-012)**
SBL 248.-1-90
Revised application for rear yard setback variances for a new shed



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Chris Snyder, property owner, presented the application.

Chairman Lesniak stated that the applicant is looking for a rear yard variance of 20' and 40' is required.

Chairman Lesniak read the narrative:

“need new shed because old one is old and in need of disrepair. Added storage for outdoor/pool furniture, lawn mower, etc., etc.”

Chairman Lesniak stated that the applicant modified the application so no sideyard variance is needed and reduced the variance request from 30' to 20'.

Mr. Snyder stated that he was trying to adapt to the setback requirements, so his side yard setback is within the requirement and has pushed the rear setback variance to 20' and it is the bare minimum that he could do.

Mr. Long asked if there was a well that needs to be avoided.

Mr. Snyder stated that there is no well there. The original subdivision map shows the well, but that is incorrect. The well is in the front yard about 20' from Stewart Ct. The well is capped, and he is on public water now.

Ms. Hull asked if there is the drainage pipe there.

Mr. Snyder stated that there was a low-lying area and a drainpipe is there.

Ms. Dunham asked if the drainpipe ran underneath the neighbor's driveway.

Mr. Snyder stated that the drainpipe does run there, but even if he was in the 40' setback he will not be in front of it, but he would rather be a good distance from it.

Ms. Hull asked the applicant to state for the record what is behind the shed and asked if the row of trees is on his property or on the neighbor's property and if the neighbor has animals or if it is empty.

Mr. Snyder stated that directly behind the shed, there is probably 10 to 15 feet of vacant area, and then his pine trees that that are probably 30' tall and beyond that is his neighbor's side lot.

Ms. Hull asked if the new shed would interfere with anything.

Mr. Snyder stated that he will “not have any interference whatsoever.”



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Ms. Hull asked if it was correct that the shed can't be seen from the neighbor's property because of the 20' trees.

Mr. Snyder stated that the trees would shield about 90% but with foliage may be able to peek through it.

Mr. Merchant asked what the size of proposed shed as it is not on the paperwork.

Ms. Dunham stated that she had 24' x 34' written down from the last meeting.

Mr. Snyder stated that was correct.

There was a brief discussion about whether the neighbor who was on the Zoom conference could speak to the application however Chairman Lesniak stated that the public cannot speak at this meeting as a Public Hearing was not scheduled.

Mr. Keniry stated that the Board could consider classification of the application as a Type II action in the SEQR process and therefore exempt from review and it is at the discretion of the board whether to schedule a public hearing.

Mr. Mertzlufft stated that at the last meeting he had asked Mr. Snyder if he had ordered the shed and he had said yes.

Mr. Snyder stated that he has made a deposit for the shed.

Mr. Mertzlufft asked if Mr. Snyder was at risk for the escalation of the price of the shed going forward.

Mr. Snyder stated that he received an email a couple of weeks ago that the price of materials is going up and his bill was going to be adjusted.

Mr. Mertzlufft stated that his recollection is that the applicant was going to have a site survey and the applicant has not provided the survey. Mr. Mertzlufft stated they can set the public hearing for next month.

Mr. Merchant stated that as he mentioned at the last meeting, Item #5 on the Short Environmental Assessment form,

4. Check all land uses that occur on, are adjoining or near the proposed action:
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (Specify):
<input type="checkbox"/> Parkland



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“Agriculture” needs to be checked off as well as “Rural” as there is a farm across the street and there is a horse farm on the South side.

Chairman Lesniak asked if the members agreed, and they said yes.

Chairman Lesniak stated that this is a Type II action, and no further review is necessary and SEQR is complete.

Chairman Lesniak stated that a site plan was required.

Mr. Snyder stated that he was not aware of any site plan.

Mr. Mertzlufft stated that it was not a site plan, but that a boundary line survey was requested.

Mr. Snyder stated that he has his survey lines in the ground mapped out already.

MOTION: Mr. Merchant made a motion to set a public hearing for 1 Stewart Court for the installation of a 24’ X 34’ shed on for February 2, 2022, at 7:35 pm. Ms. Kane seconded the motion. All in favor. **CARRIED.**

NEW BUSINESS

No new business

MOTION: Chairman Lesniak made a motion to adjourn the meeting. Ms. Kane seconded the motion. All in favor. **CARRIED.**

Meeting ended at 7:59 pm

Respectfully submitted,

Nisha Merchant

Nisha Merchant
Zoning Board of Appeals Secretary