

**TOWN OF BALLSTON
ZONING BOARD MEETING**

July 6, 2022 7:30 pm

Town Hall Meeting Room
323 Charlton Road
Ballston Spa, NY 12020

ATTENDEES:

Mike Lesniak, Chairman
Steve Merchant, Vice Chairman
Joanne Hull, Board Member
Dan Mertzlufft, Board Member
Samuel Dorsey, 1st Alternate
Patrick Whitton, 2nd Alternate
Bill Keniry, Attorney
Matt Vaverchak, Code Enforcement Official

ABSENT:

Annetta Dunham, Board Member
Robin Kane, Board Member
Tim Long, Board Member
Jeff Stickles, Code Enforcement Official

Call to Order

The meeting was called to order at 7:27 pm.

Pledge of Allegiance was led by Chairman Lesniak.

Approval of Previous Minutes

MOTION: Mr. Merchant made a motion to approve the June 1, 2022 meeting minutes as drafted. Mr. Whitton seconded the motion. Chairman Lesniak and Mr. Dorsey abstained. All others voted in favor. **CARRIED.**

OLD BUSINESS

74 Connolly Road Area Variance (ZBA 2022-005)

SBL 239.14-1-9

Application for a side yard variance for replacement of a shed. Public Hearing Scheduled.

Presenter: **Ms. Kathy DiCaprio**, property owner.

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Chairman Lesniak stated that Mrs. DiCaprio of 74 Connolly Road would like to put a 12 foot by 20 foot shed on her property and needs a variance for a side yard setback; the required setback is 12 feet and she has zero. If she puts it in the same footprint as the original shed, she would not need a variance.

Chairman Lesniak read the narrative from Ms. DiCaprio's application:

Applicant requests a rear (Chairman Lesniak stated that it should be a side yard) setback variance for a 12-foot by 20-foot prebuilt shed. Currently there is 18-foot by 15-foot pre-existing shed which was built in 1950 and is in very poor condition which is affecting the aesthetics of the neighborhood. The existing shed is 270 square feet. The replacement shed will be 240 square feet.

As you can see by the survey, this is my only area of grass. Currently, the only door opens toward the house and is not wide enough to get our tractor in and out. The new shed would have door access toward the road to be able to get mower, snowblower and other large equipment in and out without ruining the only lawn area I have which must be fixed every year. The replacement of the shed would greatly improve and enhance the aesthetics of the neighborhood.

Chairman Lesniak asked if there is anything Ms. DiCaprio would like to add.

Ms. DiCaprio stated that she may change the size to 12 feet by 18 feet.

Chairman Lesniak asked Ms. DiCaprio what her intention is now.

Ms. DiCaprio stated that she has 27 feet towards the back and would like to move the shed back to be more out of sight, toward the rock wall, and leave it on the property line but doesn't know if that is possible.

Chairman Lesniak stated that he understands there is some difficulty with the neighbor; you may want a bit of a buffer so you can get around the shed without encroaching on the neighbor's property. By changing the shed to 12 feet by 18 feet you can still have it no closer than the existing shed.

Mr. Merchant stated that, as discussed at the last meeting, it may be better to give yourself some relief to avoid issues.

Ms. DiCaprio stated that she doesn't want another area to maintain, maybe she could put stone there instead of lawn.

Mr. Merchant stated that stone would be easy to do; she should give herself some relief to avoid headaches with the neighbor.

Chairman Lesniak stated that he was absent last month but heard that a three-foot setback was proposed, in basically the same spot.

Ms. DiCaprio stated that if she must have the three feet there it's not pushed back and is the same as what she has; she would install stone so there would be no maintenance.

Chairman Lesniak stated that Ms. DiCaprio would need a nine-foot variance and asked if she was agreeable to that.

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Ms. DiCaprio answered affirmatively.

Chairman Lesniak stated that there will be a Public Hearing tonight and polled the Board for comments.

Ms. Hull stated that she agrees that there should be a three-foot buffer for run-off on the neighbor's property, as well as access for shed installation and maintenance.

Public Hearing opened at 7:37.

No members of the public were present, except for the next Zoning Board applicant. He had no comment.

Chairman Lesniak stated that he will close the Public Hearing.

Mr. Merchant read the criteria for an area variance for the Board members to consider:

- [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;
- [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;
- [3] Whether the requested area variance is substantial;
- [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- [5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

MOTION: Mr. Merchant made a motion for 74 Connolly Road for the installation of a 12-foot by 18-foot shed with a side yard setback of nine feet. This is a Type II SEQR Action. Mr. Dorsey seconded the motion. All in favor. **CARRIED.**

Ms. DiCaprio thanked the Board.

NEW BUSINESS

1 Saunders Road Area Variance (ZBA 2022-006)

SBL 238.-2-27.1

Application for a front yard variance for placement of a new shed.

Presenter: **Mr. Paul Higgins**, property owner.

Chairman Lesniak read the narrative from Mr. Higgins' application:

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We are looking to build a 16-foot by 24-foot shed in our backyard at 1 Saunders Road, Ballston Lake, NY, 12019. We are looking to build this size of a shed due to the lack of not having a garage and we are storing a lot of our goods outside putting them at risk to be either vandalized or stolen. We are looking to build this 16-foot by 24-foot shed 65 feet from the back line of our property, 42 feet from Wakeman Road, and 75 feet from Saunders Road.

Chairman Lesniak stated that, based on the discussion at the agenda meeting, Mr. Higgins does not need a variance unless he has something else to add. He asked Mr. Vaverchak to explain.

Mr. Vaverchak stated that originally, we thought your property was in the Rural zoning district. At one time it was, with the associated setback requirements, but the zoning law has changed, along with the setback requirements. The property is now in the Rural Highway Transition district which has a 35-foot minimum front yard setback with a 70-foot maximum setback.

Mr. Higgins stated that he thought the requirements were 100 feet off Saunders and Wakeman Roads and 60 feet from the neighbor behind his property.

Chairman Lesniak asked if Board members agreed; all agreed. He stated that the applicant should receive a refund of the Zoning Board application fee.

Mr. Vaverchak agreed.

Mr. Higgins asked if his project was ready to go; Chairman Lesniak answered affirmatively and stated that he would need the building permit.

Mr. Keniry stated that the new zoning went into effect at the end of April; the applicant's property is in a different zone on some of the maps that are still available. Mr. Vaverchak did some detective work and discovered the change.

Mr. Higgins stated that he thought it had changed to 100 feet.

Mr. Vaverchak stated that the applicant could stop by the Building Department for a permit application.

Mr. Higgins thanked the Board.

MOTION: Mr. Merchant made a motion to adjourn the meeting. Mr. Mertzlufft seconded the motion. All in favor. **CARRIED.**

Meeting was adjourned at 7:44 pm.

Respectfully submitted,

Kerri Mains

Kerri Mains
Zoning Board Secretary