

TOWN OF BALLSTON ZONING BOARD OF APPEALS MEETING MINUTES

April 6, 2022

Town Hall - 323 Charlton Road 7:30 pm

ATTENDEES: Michael Lesniak, Chairperson

Steve Merchant, Vice-Chairperson

Joanne Hull, Board Member

Robin Kane, Board Member

Tim Long, Board Member

Dan Mertzluft, Board Member

Patrick Whitton, 2nd Alternate

Debra Kaelin, Attorney

Jeff Stuckles, Building Inspector

Call To Order Meeting was called to order at 7:36 pm.

Pledge Of Allegiance was led by Chairman Lesniak.

Approval Of Previous Minutes MOTION: Steve Merchant made a motion to approve the March 2, 2022, meeting minutes as drafted. Patrick Whitton seconded the motion. All others voted in favor. CARRIED

OLD BUSINESS

96 Lake Road, Boathouse ZBA 2022-003

Brian Cooper, homeowner, presented his request for a variance of 11 feet to construct his boat house he stated 35 feet is per the Chapter 54 Docks, Moorings, Boathouses and Marinas chapter of the Town of Ballston building code. Mr. Cooper stated that his current deck is at the high-water mark for a reference point. He currently must remove his deck and boatlift manually and wants to eliminate having to remove it by installing a permanent boathouse with boat lift. It will be built with Techno Metal Posts as a foundation along with steel I beams for the first floor. All other materials will be pressure treated lumber. Both the Department of Environmental Conservation and the Army Core of Engineers stated that they did not have jurisdiction in this project. Mr. Cooper supplied a supplemental information letter that is attached to this month's application.

Joanne Hull stated when you add the gang plank, stairs and all areas of the dock including the lift it totals 558 sq feet. All the code states the proposed shape is not allowed by the ordinance – it is an H. Also, a dock is defined as any structure over the water.

Mr. Cooper stated that the Town Board of Ballston is currently considering a new dock ordinance.

Debra Kaelin, Esq stated that no new ordinance has been approved by the Town of Ballston as of April 6, 2002.

Dan Mertzlufft indicated that Mr. Cooper could use his current 41 ft. dock adding the boat lift and roof at the end of his dock as his current one is configured.

Joanne Hull indicated that 3 panels of dock equal 32 ft. with the gang plank being 16 ft. would be a total of 48 ft.

Mr. Cooper stated 16 ft gangplank and 30 ft. dock would be 46 ft in length. And could we still move forward with his application.

Joanne Hull stated that we need to address the shape as his current drawing shows an H shape which is not allowed.

Mike Lesniak stated that the gang plank counts, and we need to have concrete number as to what you need to be able to set a public meeting.

Jeff Stickles stated that he thought that all area counted had to be over navigable water and will investigate that for our next meeting.

Dan Mertzlufft asked why he needed the U shape to house the lift, if it had Techno Posts they would support the roof and the lift without needing decking around that boat.

Mr. Cooper stated he wanted to be able to get all around his boat to clean off the weeds and muck.

Patrick Whitten stated that Techno posts do all the supporting so no deck I needed.

Tim Long asked that applicant to make sure when he supplies us with his updated information to include the roof and overhang if applicable.

Dan Mertzlufft stated that we are required to follow the laws and regulations and by Mr. Cooper changing from the H shape to a straight dock with the lift attached to the front side it lessens the amount of variance that he would need.

Mr. Cooper stated that he could get an engineer design and provide it to us.

Mr. Stickles stated that it had to be for 2 variances length and area square feet. He also will confirm the navigable water as counting towards the deck/boathouse area.

Patrick Whitten stated that the DEC can give permissions for walkways if it is wetlands and since they stated they had no jurisdiction the gang plank would need to be considered part of the boat house.

Chairman Lesniak polled the board to see if we felt we had all the information needed to schedule the public hearing:

Steve Merchant – Yes

Tim Long – Yes and we could leave the public hearing open if more is required in May.

Dan Mertzlufft – Yes

Joanne Hull – Yes, we will need to see the new drawings with area.

Patrick Whitton – Yes

Jeff Stickles stated that he will speak with Bill Kierney, Esq. and verify if the roof counts as part of the square footage.

Mike Lesniak stated that we would hold off on a public hearing until all the info is in.

Steve Merchant made a motion to table Mr. Cooper's appeal and Joann Hull Seconded the motion,
All members present voted yes to table till May meeting.

The Spinney at Ballston Lake LLC request for interpretation and variance 138-131G(3)(b)

Chairman Mike Lesniak summarized the Spinney group request for 20 acres coverage and the interpretation of coverage area, and possible variance of covered area. Mike Lesniak also stated that SEQR was not determined by the Town of Ballston Planning Board so we can not move forward until that is completed.

Morgan Ruthmann stated that SEQR was not required for an interpretation and if the interpretation was approved then he would not need the variance as stated. The Town Board is currently modifying the Solar Law but has not voted on the changes, one that would be the area between the panels would not be considered in measuring the area perimeter and this project would then just need the variance for the system area coverage.

Mike Lesniak stated that we must consider this request under the existing law and not a proposed change.

Public hearing was opened at 8:42

Paul Simpson spoke of not having a determination on the amending of the current law we can not go forward at this point.

Mike Lesniak stated the current law states 20% coverage in the watershed area or if it is being changed to not include impervious area.

Debra Kaelin, ESQ stated that our building inspector determined the square area interpretation as one whole unit. She recommended that we keep the public hearing open and see if the Town Board would vote on the changes prior to the next meeting in May.

Morgan Ruthmann questioned if SEQR is part of the process of interpretation and it was bad for the applicant not to be able to go forward.

Tim Long stated that SEQR is part of the process, and we should wait until the Planning Board makes the determination.

Steve Merchant asked is the applicant proposed screening from the neighboring properties and Mr. Ruthmann stated it was included in his submittal to the Planning Board on 4/27/22.

Mike Lesniak hoped the aesthetics are improved and the Planning Board will work with the applicant on screening as that is part of the Planning Board review.

Public Hearing to remain open.

Active Solar Randall Road (CSI) – Jason Dell and Paul Kruger presented.

Chairman Lesniak stated the applicant was here for a variance from the Utility Right of Way. He also stated that SEQR had not been determined by the Planning Board so we could not move forward with the request.

Steve Merchant stated that we should schedule a public hearing.

Town Attorney Debra Kaelin agreed with Mr. Merchant and stated the SEQR had been filed and asked if the Planning Board has made the determination to be lead agency.

Jason Dell, applicant stated the Planning Board did not take lead agency at their last meeting on this case.

Steve Merchant asked if screening had been presented to the Planning Board and Jason Dell confirmed that it was, and the height of the panels would only be 8 feet so they would not be sticking out.

Mike Lesniak stated that he has a lot of concern over buffering and screening. Mike Lesniak asked for a motion to schedule a public hearing on 5/4/2022 at 7:30 PM.

Steve Merchant made the motion, and it was seconded by Tim Long.

Motion to close Zoning Board Meeting was made by Steve Merchant and 2nd by Patrick Whitton at 9:00PM.

Respectively submitted by Robin Kane, Zoning Board Member.