

Town of Ballston
Zoning Board of Appeals

**TOWN OF BALLSTON
ZONING BOARD OF APPEALS**

Regular Monthly Meeting: January 7, 2015

ATTENDEES: Michael Lesniak, Chairman
Marilyn Bell, Vice Chair
Ellen Brown
Robin Kane
Daniel Russell
Stephen Merchant, 1st Alternate
Daniel Mertzluft, 2nd Alternate
Peter Reilly, Attorney
Thomas Johnson, Building Inspector
Members of the General Public

Chairman Lesniak called January 7, 2015 meeting at 7:30 p.m. and Chairman Lesniak led the Pledge of Allegiance. The Chairman asked for corrections to the December 3, 2014 minutes.

Chairman Lesniak stated a report was forward to the Town Board for Abele Woods Planned Unit Development District pursuant to § 138-96, code of the Town of Ballston from the December 3, 2014 meeting.

MOTION: Ms. Kane made a motion to accept the December 3, 2014 submitted. Ms. Brown seconded the motion. All board members voted in favor. **CARRIED.**

NEW BUSINESS:

Elizabeth L. Warden & Greg and Susan Groh, 40 Lake Road & 8 Zani Lane; 249.-2-60 & 61 (Relief 280A – Residential subdivision 1-lot) Duane Rabideau with Gilbert VanGuilder Land Surveyor, PLLC and Sam LeVake.

Chairman Lesniak read the applicant's narrative. "The applicant, Elizabeth L. Warden, is requesting Section 280A relief (no building permits will be issued unless the street or highway giving access to the structure has been placed on an official map or plan). The proposed subdivision has access on Zani Lane, a private 22' right of way. All area requirements in the Ballston Lake Waterfront district will be met. The smallest lot size will be 80,000± sq. ft. Lots "A" and "B" will include the existing homes and improvements and Lot "C" will be a new single family home with a private well and septic system designed by a N.Y.S. Professional Engineer."

Town of Ballston
Zoning Board of Appeals

Mr. Rabideau stated the proposal is reconfiguring Lots "A" and "B" to create Lot "C" to have frontage on Zani Lane – existing Lot "B" will also have frontage on Zani Lane.

Mr. Merchant asked how the roads will be maintained for access of emergency services. Mr. Rabideau stated there is a Homeowners Association (HOA).

Mr. Rabideau distributed a streetscape view of the proposal to the board.

Mr. Russell read question 12 b. of the short EAF – "Is the proposed action located in an archeological sensitive area? – The applicant checked "YES". Mr. Rabideau said, "If anyone has done a project near this site, which someone probably has around the lake, would have to get some kind of permission from ACOE and the NYSDEC are required to do an archeological study."

Mr. Russell stated the applicant will not require an application or an evaluation. Mr. Rabideau said that was correct, if the applicant required a permit from the NYSDEC or ACOE, it would be subject to a cursory review.

Mr. Russell asked how that is documented that is not required. Mr. Rabideau stated the applicant is not disturbing any wetlands and are not required to get a permit.

Mr. Russell asked if the wetlands on the area going to be affected and if the applicant has communicated with ACOE and NYSDEC of the proposed action and subdivision. Mr. Rabideau said "We evaluated the land and there are no wetlands in the area" - determined there are no wetlands and will not be affected by this subdivision.

Mr. Russell stated the plan shows designated water well and asked was it existing or proposed. Mr. Rabideau stated existing.

A further discussion was held on setbacks.

Mr. Johnson stated if the well is down slope its 200' and 100' cross slope.

A further discussion was held on setbacks. Mr. Rabideau stated the proposed well is 84' west of the property line.

Mr. Reilly said these are all legitimate questions, but are getting somewhat off field of what issues are in front of this board – it's simply the roadway for firematic purposes ingress/egress safety. Mr. Reilly reiterated they are very valid issues, but the Planning Board will have to go through this also.

Town of Ballston
Zoning Board of Appeals

Chairman Lesniak stated that the property is located in the 100 year floodplain and assumed that all the other properties are classified as such. Mr. Johnson said, "Some are and some are not" that would be indicated on the floodplain map. Mr. Johnson asked Mr. Rabideau if this property was located in the floodplain. Mr. Rabideau replied no. Chairman Lesniak stated the EAF stated that the property was located in the floodplain.

Chairman Lesniak opened the public hearing at 7:50 p.m.

Chairman Lesniak closed the public hearing at 7:51 p.m.

No one wished to speak.

MOTION: Ms. Bell made a motion that the Town of Ballston Zoning Board of Appeals be the Lead Agency for the SEQR review process for 280A request for the new proposed lot subdivision at 40 Lake Road and 8 Zani Lane for the subdivision of one new lot. Ms. Kane seconded the motion and all present voted in favor. **CARRIED.**

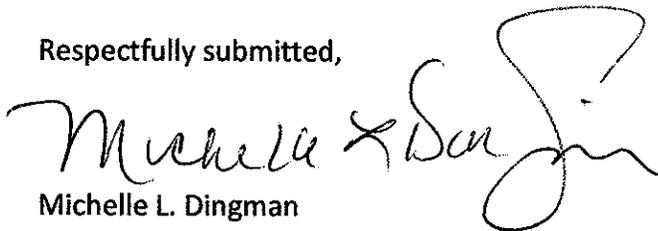
MOTION: Ms. Bell made a motion and declares this an unlisted action under the SEQR process therefore will declare this a Negative Declaration under the SEQR process. Ms. Kane seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Ms. Bell made a motion that the request for the residential subdivision of one new lot for the properties currently owned by Warden and Groh at 40 Lake Road and 8 Zani Lane be approved for 280A. Mr. Russell seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Ms. Kane moved to adjourn. Mr. Russell seconded the motion and all present voted in favor. **CARRIED.**

Meeting adjourned at 7:53 p. m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michelle L. Dingman".

Michelle L. Dingman
Zoning Board Secretary