Town of Ballston
Zoning Board of Appeals

TOWN OF BALLSTON
ZONING BOARD OF APPEALS

Regular Monthly Meeting: August 6, 2014

ATTENDEES: Michael Lesniak, Chairman
Ellen Brown
Fred Rogner
Jan VanDeCarr
Daniel Russell
Stephen Merchant, 1st Alternate
Peter Reilly, Attorney
Thomas Johnson, Building Inspector
Members of the General Public

Chairman Lesniak called the August 6, 2014 meeting at 7:30pm and Ms. Kane led the Pledge of Allegiance. The chairman asked for corrections to the July 2, 2014 minutes.

OLD BUSINESS:

Dolomite Products, Inc - Interpretation of 4/2/14 letter from Peter Reilly, Deputy Town Attorney. Adam Schultz, Esq. with Couch White, LLP, Michelle Piasecki, Esq. were present on behalf of the applicant.

Chairman Doyle read the Resolution for the Dolomite interpretation;

WHEREAS, Dolomite Products Company, Inc. ("Dolomite") has applied to the Town of Ballston Zoning Board of Appeals ("ZBA") for an interpretation of the determination of the Town of Ballston Planning Board ("Planning Board") that the Planning Board's jurisdiction to process Dolomite's site plan application for the construction of a hot asphalt plant to be located in the Curtis Industrial Park ("CIP") ceased upon the enactment of Local Law 3-2013 by the Town of Ballston; and

WHEREAS, pursuant to such application, the ZBA has reviewed the following: (1) March 27, 2012 letter from Claudia K. Braymer, Esq. to Thomas Johnson, Town of Ballston Building Inspector ; (2) April 5, 2012 letter from Thomas Johnson to Claudia K. Braymer, Esq.; (3) March 24, 2014 letter from Adam J. Schultz, Esq. To Richard Doyle, Planning Board Chairman; and (4) April 2, 2014 from Peter E. Reilly, Esq. To Adam J. Schultz, Esq.; and

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WHEREAS, the ZBA has also reviewed the applicable provisions of the Zoning Ordinance of the Town of Ballston, as amended by Local Law 3-2013; and

WHEREAS, the ZBA heard and considered the testimony of Adam J. Schultz, Esq. at its July 2, 2014 meeting; and

WHEREAS, upon due consideration and deliberation by the ZBA, **NOW, THEREFORE**, be it

RESOLVED, that the ZBA makes the following findings:

1. The CIP is a single parcel consisting of several leasehold parcels containing businesses whose activities within the Industrial Zoning District were permitted uses, under the Town of Ballston Zoning Ordinance, at the time of their approval.

2. Although subdivision approval is not required for businesses seeking to locate within the CIP, the activities conducted by such businesses must be permitted uses under the Ordinance.

3.. Thomas Johnson's April 5, 2012 letter is consistent with the Ordinance as it was limited to the issue of whether subdivision approval was necessary for businesses seeking to locate within the CIP.

4. Local Law 3-2013, upon its filing with the NYS Secretary of State on October 24, 2013, terminated the Planning Board's jurisdiction to process Dolomite's application as such Local Law removed Dolomite's intended use as an allowed use in the Industrial Zoning District.

Motion by: Mr. Russell made a motion to the Zoning Board of Appeals to accept the resolution as submitted and read by Chairman Lesniak.

Seconded by: Mr. Merchant seconded the motion.

Vote as Follows:	Chairman Michael Lesniak	YES
	Ellen Brown	YES
	Fred Rogner	YES
	Jan D. VanDeCarr	Recuse
	Daniel Russell	YES
	Stephen Merchant	YES

Mr. Schultz asked if it's the Zoning Board of Appeals position that the businesses within the Curtis Industrial Park ("CIP") are not uses separate apart from the Curtis Industrial Park.

Mr. Reilly said, no it's the town's position that are uses are separate and apart and have to be

allowed uses within the Industrial Zoning District. Mr. Schultz said every business has to be a separate use. Mr. Reilly replied, yes.

Mr. Schultz asked, "The Curtis Industrial Park in and of itself is a use, but all the business within the Park are also uses." Mr. Reilly replied, yes.

Mr. Schultz asked for a copy of the resolution.

NEW BUSINESS: Lakeside Farms, 336 Schauber Road, Ballston Lake, NY 12019; SBL 249-127.1 (Area Variance – Add two new free standing signs) Tom Wheeler with A.J. Sign was present on behalf of the applicant.

Chairman Lesniak read the narrative (see attached)

Mr. Merchant asked, "If one of the old signs could be removed and install a new sign on the house."

A further discussion as held on existing signage.

Mr. Russell asked the total number of signs on the property and would request that an existing sign be taken down and replacing with a new sign at that location.

Chairman Lesniak said, with all the existing signs there is a way to reduce by two."

Chairman Lesniak said if this was a conforming use only two signs would be allowed.

Chairman Lesniak polled the board:

Mr. Rogner said he could not answer at this time.
Mr. Merchant agrees to the same number of signs.
Ms. Brown agrees to the same number of sign.
Mr. VanDeCarr said if you have the same number of signs, would not object in his view and reconfigure the existing number of signs.
Mr. Russell agrees to the same number of signs.
Chairman Lesniak agrees to the same number of signs.

The board reviewing the existing signage at said location.

Chairman Lesniak polled the board;

Mr. Rogner agrees to the same number of signs.

Mr. Merchant agrees to the same number of signs.
Ms. Brown said if it does not exceed the number of signs.
Mr. VanDeCarr agrees with the same number of signs.
Mr. Russell agrees with the same number of signs.
Chairman Lesniak agrees with the same number of signs.

Chairman Lesniak asked the applicant not to exceed 20sq. ft. Mr. Wheeler agreed.

Chairman Lesniak opened the public hearing at 8:00p.m.

Anne Pierce said the applicant is proposing signs that are keeping with their building and not a digital that that will be flashing every ten seconds and will be keeping with the character of the neighborhood.

Chairman Lesniak closed the public hearing at 8:01p.m.

Ms. Brown read the five criteria for an area variance:

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. The Board replied, NO.

2) Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than an area variance. The Board replied, YES.

3) Whether the requested area variance is substantial. The Board replied, NO.

4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood of district. The Board replied, NO.

5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance. The Board replied, YES.

MOTION: Mr. Rogner motioned to name The Town of Ballston Zoning Board of Appeals be the Lead Agency in the SEQR process. Ms. Brown seconded the motion and all present voted in favor. **CARRIED.**

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MOTION: Mr. Rogner motioned to declare this an **unlisted action** under the SEQR process therefore will declare this a Negative Declaration under the SEQR process. Ms. Brown seconded the motion and all present voted in favor. **CARRIED**.

MOTION: Mr. Rogner moved to grant an area variance at 336 Schauber Road pursuant to § 138-37 C to allow for the placement of two signs not to exceed 20 sf. Each sign to replace two existing signs (see attached) to advertise for the gift shop. Mr. Russell seconded the motion and all present voted in favor. **CARRIED.**

Chairman Lesniak asked for corrections to the July 2, 2014 minutes.

MOTION: M Russell made a motion to accept the June 4, 2014 minutes as amended. Mr. Brown seconded the motion and all present voted in favor except Mr. VanDeCarr recused himself was not in attendance at above said meeting. **CARRIED.**

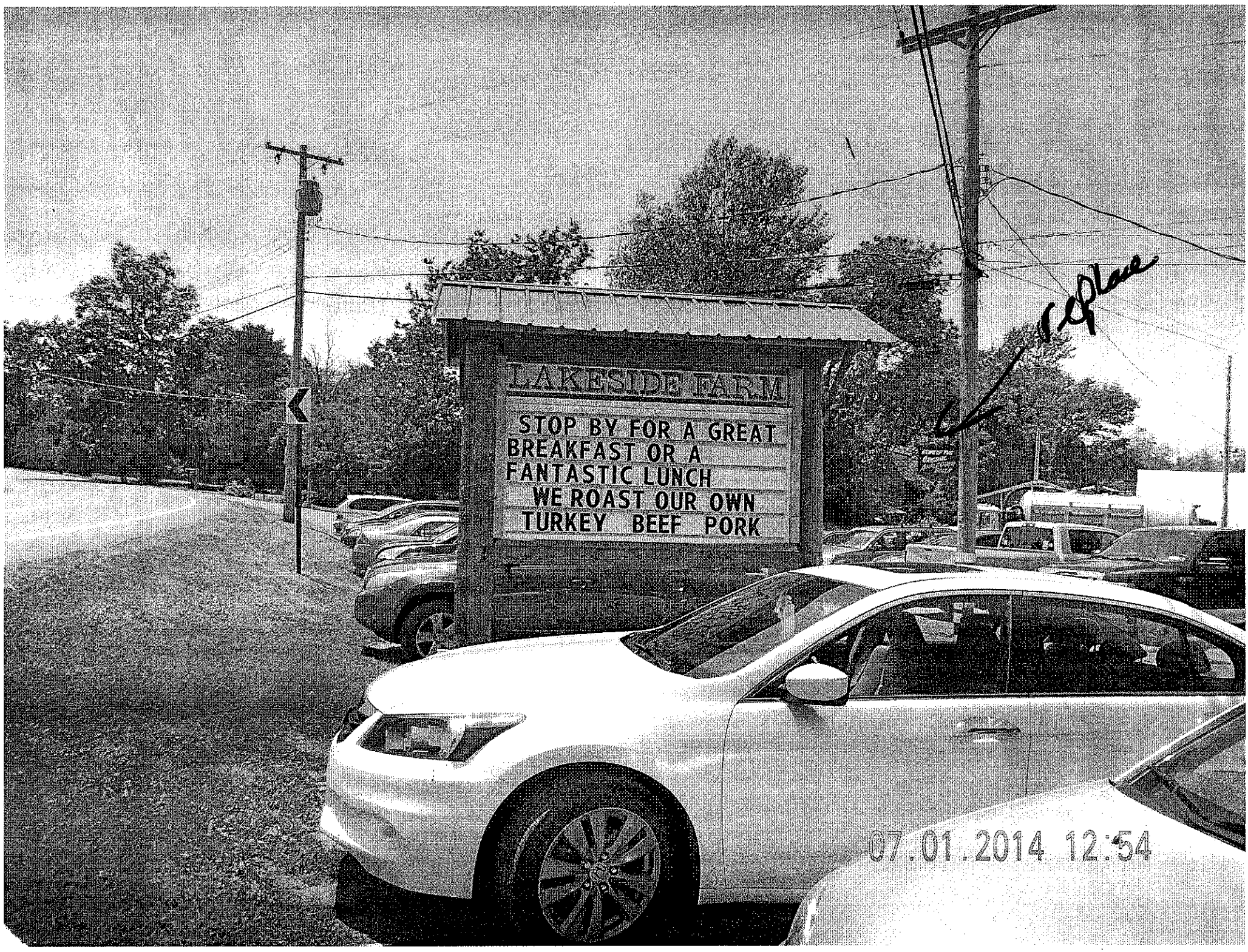
MOTION: Mr. Russell made a motion to adjourn. Ms. VanDeCarr seconded the motion and all present voted in favor. **CARRIED.**

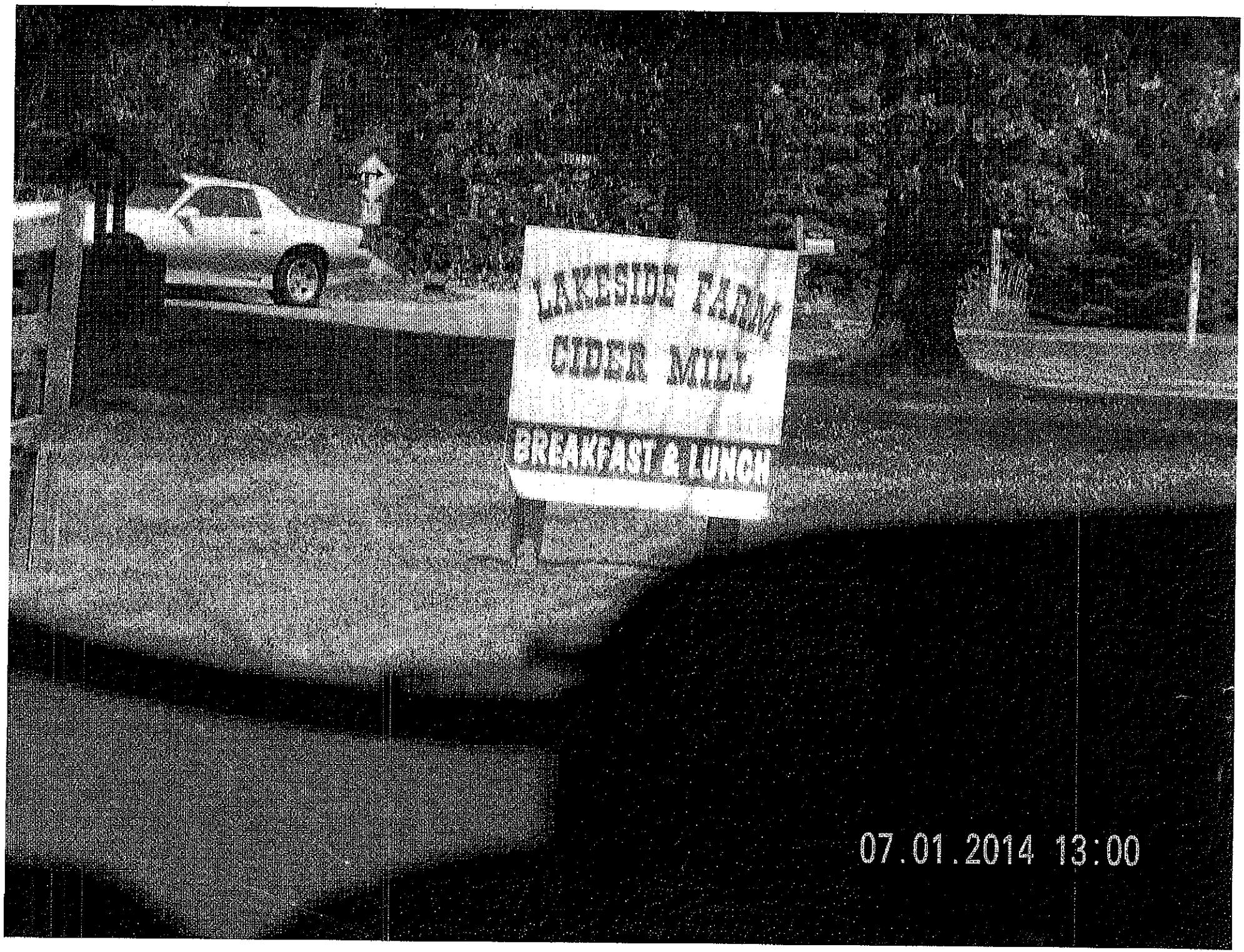
Meeting adjourned at 8:05 p. m.

Respectfully submitted,

Michelle L. Dingman
Zoning Board Secretary

Enclosures


LAKESIDE FARM
STOP BY FOR A GREAT
BREAKFAST OR A
FANTASTIC LUNCH
WE ROAST OUR OWN
TURKEY BEEF PORK
07.01.2014 12:54


LAKESIDE FARM
CIDER MILL
BREAKFAST & LUNCH
07.01.2014 13:00