

Town of Ballston
Zoning Board of Appeals

**TOWN OF BALLSTON
ZONING BOARD OF APPEALS**

Regular Monthly Meeting: September 3, 2014

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

Vice -Chair Bell called the September 3, 2014 meeting at 7:30pm and Vice-Chair Bell led the Pledge of Allegiance. The Vice -Chair asked for corrections to the August 6, 2014 minutes.

Minor grammatical changes

MOTION: Mr. Russell made a motion to accept the August 6, 2014 minutes as amended. Ms. Brown seconded the motion. All board members voted in favor – Ms. Kane and Vice-Chair abstained (were not present at August 4m 2014 meeting) **CARRIED.**

NEW BUSINESS:

William Bashant, Jr., Lake Road, Ballston Lake, NY 12019; 239.-2-25.111 (Review variance granted June 5, 2013)

Vice-Chair Bell read the applicant's narrative;

"One year ago, we requested a setback variance for the placing of a boat shed on our property on Lake Road We hope that you have reviewed the final location of the shed and found that, as planned, it is screened significantly from both the lake and the road, keeping a low impact on the lake and neighborhood. One of the conditions for placing the shed on this vacant lot was that we have a building permit for a home within one year. While we have made significant

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progress toward the requirements of a building permit, we do not yet have an approved septic/sewer design. The soils in this site have proved to be more challenging than initially expected for a septic system design.

At this time, we are initiating design of a low pressure sewer alternative that would connect to the sewer system on Kingsbridge Court. This sewer alternative will require crossing some wetlands, so I expect that there will be some additional permitting needed to be completed.

As another alternative, we are monitoring the Town's progress on installation of sewer around the lake, and would participate in that project if the timeline progresses successfully.

We would request a one year extension of this building permit deadline to complete this sewer design work."

Mr. Bashant have had discussion with a design engineer regarding a low pressure sewer system – it will work and has a preliminary design setup – this parcel would have to become part of the sewer district and additional requests that need to take place.

Mr. Bashant has preliminary site plans and having challenges with the soil conditions at the site.

Ms. Brown said the applicant did a very good job screening the shed from the lake.

Ms. Kane asked if a year is enough time. Mr. Bashant said, "We would like it to be."

A further discussion as held on the town installing a potential sewer system. Mr. Johnson said, "He did not foresee a sewer system going in there in the very near future – by the time the town does the engineering study, it seems like a long way down the road."

The applicant would have to coordinate connecting into the sewer system through Kingsbridge Court through the Saratoga County Sewer District.

Vice-Chair Bell opened the public hearing at 7:36 p.m.

Vice-Chair Bell closed the public hearing at 7:38 p.m.

No one wished to speak.

Mr. Rogner read the five criteria for an area variance:

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- 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 NO
- 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 NO

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

MOTION: Ms. Brown motioned to declare this a **Type II action** under the SEQR process therefore exempt from further review. Ms. Kane seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Ms. Kane made a motion to grant a one year extension (September 3, 2014 to September 3, 2015) at Lake Road to Bashant with the same stipulations of the previous approval (an accessory building without a residential house – while the plans for the house are being prepared). Mr. VanDeCarr seconded the motion and all present voted in favor. **CARRIED.**

Jeff & Marcia Ewing, 11 Parkwood Drive, Burnt Hills, NY 12027; 248.15-1-8 (Area Variance – lot width) construct a 14' x 20'

Vice-Chair Bell read the applicant's narrative – "The variance for a 14' x 20' shed is enable us to put two cars in our garage. Our house was built in the 1960's and lacks in storage space. The shed will serve as a year round storage facility for our lawn & garden tools, snow-blower (4'-4' x 1"-10"), riding lawn mower (7' -1" x 1' x10"), push lawn mower, and family recreation items (e.g., bikes, kids toys).

The proposed shed will meet all set back requirements. The proposed location is an area of our yard under a canopy of large trees and surrounded by large shrubs and we suspect it will be

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almost completely hidden from view from neighbors and the road. Please also note that although the location is wooded, the proposed location and size of the shed will still not require removal of any trees.

We are not the first in our neighborhood to have large sheds; there are at least two other locations with similar size structures.

We appreciate your consideration of this variance and our efforts to enhance our home.”

Mr. VanDeCarr asked if any business will be conducted out of the proposed shed or business operations. Ms. Ewing replied, no strictly storage.

A building permit will be required for the proposed shed.

Vice- Chair Bell opened the public hearing at 7:47 p.m.

Bill Petronis, 4 Wendy Lane said his property abuts the said property and is favor of the proposed shed.

Vice- Chair Bell closed the public hearing at 7:48 p.m.

Mr. Russell 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 NO.
- 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 NO.

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MOTION: Mr. Russell 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.**

MOTION: Ms. Brown motioned to declare this a **Type II action** under the SEQR process therefore exempt from further review. Mr. VanDeCarr seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Rogner moved to grant an area variance - lot width variance of 29'- at 11 Parkwood Drive pursuant to §138-8.1 for the construction of a 14' x 20' storage shed. No business to be conducted out of shed or no living arrangement in the shed. Mr. VanDeCarr seconded the motion and all present voted in favor. **CARRIED.**

Charles & Arlene Martindale, 44 Forest Road, Burnt Hills, NY 12027; 248.18-1-59 (Area Variance – side setback) construct two 20' x 21' sheds.

Vice -Chair Bell stated the applicant owns lots 248.18-1-59 and 248.18-1-11. The two new structures are proposed to be placed on what is currently 248.18-1-11. The applicant has been advised and has agreed to combine 248.18-1-59 and 248.18-1-11 into one lot in order to create a zoning compliant parcel. The newly created parcel would have the necessary lot area and lot width. Only the side setback variance would be required.

The applicants are requesting to remove the existing 12' x 20' plastic structure and replace with two metal carports.

The applicants respectfully request a 5' side yard setback variance.

Mr. Mertzlufft asked the height of the existing plastic shelter versus the metal carports. Mr. Martindale said the plastic structure is 10' and the metal carport is 12'.

Mr. VanDeCarr asked the distance (side yard) of the existing plastic structures. Mr. Martindale said 2'.

Vice-Chair Bell opened the public hearing at 7:57 p.m.

Vice-Chair Bell closed the public hearing at 7:58 p.m.

No one wished to speak.

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

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- 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 NO.
- 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 NO.

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

MOTION: Ms. Brown motioned to declare this a **Type II action** under the SEQR process therefore exempt from further review. Mr. VanDeCarr seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Rogner moved to grant a 5' setback at 44 Forest Road pursuant to §138-8.1 for the construction of two 20' x 21' metal carports and all of the existing fabric sheds will be torn down. Mr. Russell seconded the motion and all present voted in favor. **CARRIED.**

Lenore & Woodley Bowler, 25 Conifer Drive, Burnt Hills, NY 12027; 257.5-2-37 (Area Variance – front setback) Construct 8' 14' covered porch.

The applicants are requesting the replacement of a 5' x 6' concrete front porch with an 8' x 14' covered porch with two steps.

The applicant's said this will improve the appearance of their house and alleviate the safety concern with ice forming on the steps.

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Mr. Russell asked about utilities that may run along the front of the house. Mr. Bowler said a waterline 15' to 20' south. Mr. Russell asked if the town requires further restrictions to be within a distance of a water main. Mr. Johnson said no, the restriction is to the front property line – the hydrant would be in the town ROW.

Mr. Rogner has how much farther are proposed steps than the existing. Mr. Bowler replied 4' to 5'.

Vice- Chair Bell opened the public hearing at 8:04 p.m.

Vice- Chair Bell closed the public hearing at 8:05 p.m.

No one wished to speak.

Mr. Russell read through 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 NO.
- 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 – applicant proposing to replace existing porch.

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

MOTION: Mr. Russell motioned to declare this a Type II action under the SEQR process therefore exempt from further review. Ms. Kane seconded the motion and all present voted in favor. **CARRIED.**

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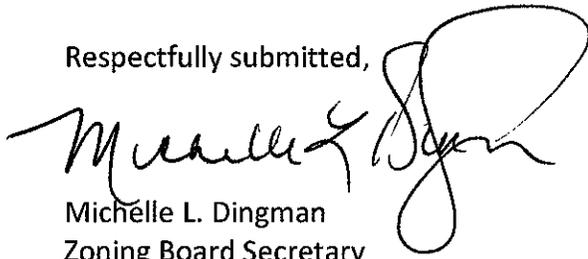
MOTION: Mr. Russell made a motion to grant a front setback variance of 28.3' for the property at 25 Conifer Drive for the addition of a 8' x 14' covered porch pursuant to §138.8.1 to replace existing concrete stairs. Ms. Kane seconded the motion and all present voted in favor.

CARRIED.

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

Meeting adjourned at 8:12 p. m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michelle L. Dingman". The signature is written in a cursive style with a large, looping flourish at the end.

Michelle L. Dingman
Zoning Board Secretary