

**Town of Ballston
Zoning Board of Appeals**

**TOWN OF BALLSTON
ZONING BOARD**

Regular Monthly Meeting: October 1, 2014

ATTENDEES: Michael Lesniak, Chairman
Marilyn Bell, Vice Chairman
Ellen Brown
Robin Kane
Stephen Merchant
Fred Rogner
Daniel Mertzlufft
Peter Reilly, Deputy Town Attorney
Thomas Johnson, Building Inspector
Members of the General Public

Chairman Lesniak called the meeting at 7:30pm and Mr. Lesniak led the Pledge of Allegiance. The chairman asked for corrections to the September 3, 2014 minutes. They were as follows:

Mr. Rogner & Ms. Bell turned in grammar corrections for the September minutes.

Robin Kane motioned to accept the September 3, 2014 minutes, Steve Merchant seconded the motion. Michael Lesniak abstained all others voted in favor.

Chairman Lesniak reviewed the agenda for this evening.

NEW BUSINESS:

Carrie Fisher - Public Hearing Scheduled
1032 Rt. 50 SBL #239.-1-29

Area Variances (Front & Side setback) construct a new single family dwelling

Ms. Fisher and Duane Rabideau addressed the board regarding Ms. Fisher's request for front & side setbacks. Chairman Lesniak asked Ms. Fisher if she had spoken to her neighbors regarding the new home. Ms. Fisher stated that both her neighbors are supportive of the proposed new home at the 1032 Rt. 50. It was asked why the 60' set back was not being adhered to. Mr. Rabideau explained that if the home were to be placed to adhere to the 60' set back the Fisher home would be well behind the existing home and would for one thing look into the back of the homes and would also not be in line with the other homes in that area. Ms. Fisher plans to use the existing septic tank. The attached garage has dual doors (overhead doors on the front and back). This to allow access to the rear of the property. Ms. Kane thought that it was too large of a home for the lot and would rather see the new home adhere to the 60' setback.

Chairman Lesniak opened the public hearing at 7:50, Public hearing closed at 7:53
Neighbors at 1030 1034 and 1036 all spoke in support of Ms. Fisher's new home.

**Town of Ballston
Zoning Board of Appeals**

Ms. Bell read the five criteria of 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. 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. NO
- 3) Whether the requested area variance is substantial. YES
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood of district. 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. NO

Motion – Mr. Rogner motioned to declare this a Type II action under SEQR and therefore exempt from review.

Motion- Ms. Bell motioned to grant Ms. Fisher's area variances (front & side setback) to allow the construction of a new single family dwelling at 1032 Rt. 50. Mr. Mertzlufft seconded the motion, Ms. Kane & Ms. Brown both opposed, all others approved. Motion Carried.

Briarwood Brooks - Public Hearing Scheduled
23 Independence Circle SBL #228.13-3-13
Area Variance (Front setback) Single family dwelling

Mr. Brooks addressed the board and explained that the architect on the project is new. Mr. Brooks stated that he has a conversation with them and can assure the board that it will never happen again.

Chairman Lesniak opened the public hearing at 8:05 no one chose to comment, the hearing was closed at 8:06

Ms. Brown read the five criteria of 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. 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. NO

**Town of Ballston
Zoning Board of Appeals**

- 3) Whether the requested area variance is substantial. NO
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood of district. 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. YES

Motion – Ms. Brown motioned to declare this a Type II action under SEQR and therefore exempt from review.

Motion – Mr. Rogner motioned to grant Mr. Brooks area variance (front setback) at 23 Independence Circle. Ms. Kane seconded the motion. Chairman Lesniak opposed, all others approved. Motion Carried.

Douglas Sullivan - Public Hearing Scheduled
29 Sherman Ways SBL #228.14-1-37
Variance 89-4 B (3) Solar panels roof clearance

After a lengthy debate the board voted to table the application till further research could be done regarding the need for a 3' setback on the roof peak to allow fire fighter access.

MOTION: Ms. Kane made a motion to adjourn. Mr. Merchant Seconded the motion.
CARRIED.

Meeting was adjourned at 9:15pm.

Respectfully submitted,



Debora Bradt