

**Town of Ballston  
Zoning Board of Appeals**

**Regular Monthly Meeting: April 4, 2012**

ATTENDEES: Michael Lesniak, Chairman  
Marilyn Bell, Vice Chairman  
Ellen Brown  
Robin Kane  
Richard Kinney  
Fred Rogner  
John Antoski, 1<sup>st</sup> Alternate  
Patrick Maher, 2<sup>nd</sup> Alternate

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 December 7, 2011 minutes. There were none.

Mr. Lesniak reviewed the agenda for this evening.

**OLD BUSINESS:**

**No Old Business**

**NEW BUSINESS:**

**Susan Robbiano, 201 Kingsley Road for a Special Use Permit pursuant to section 138-6C to construct an addition to an existing dwelling.**

Mr. Lesniak read the narrative and said that the applicant needs a Special Use Permit due to the fact that, as of the zoning change of 2006, single family dwellings are no longer a permitted use in the Mixed Use South District, rendering existing single family dwellings a non conforming use. A special use permit is required to expand a non conforming use.

Mr. Kinney asked about the structure in back. Ms. Robbiano replied that it is a duplex on a separate lot.

No one wished to speak

Public hearing opened at 7:35 pm

Public hearing opened at 7:36 pm

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Mr. Rogner reviewed the four criteria of a Special Use Permit:

- 1) The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of the adjacent districts.
- 2) The location and size of the use, the nature and intensity of the operation involved or conducted in connection therewith, its site layout, and its relation to streets giving access to which shall be of such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood.
- 3) The location and height of buildings, the location, nature and height of walls and fences, and that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.
- 4) The public convenience and welfare will be substantially served and appropriate use of neighboring property will not be substantially or permanently injured, subject to appropriate conditions and safeguards as determined necessary to promote the public health, safety and welfare.

It was determined by the Board that the four criteria of a Special Use Permit were met.

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

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

**MOTION:** Mr. Rogner made a motion to adjourn. Mr. Kinney seconded the motion. **CARRIED.**

Meeting was adjourned at 7:50pm.

Respectfully submitted,

