

Town of Ballston  
Zoning Board of Appeals

TOWN OF BALLSTON  
ZONING BOARD

Regular Monthly Meeting: February 6, 2013

ATTENDEES: Ellen Brown Peter Reilly, Deputy Town Attorney  
Robin Kane Thomas Johnson, Building Inspector  
Richard Kinney  
Fred Rogner Members of the General Public  
Jan VanDeCarr  
John Antoski, 1<sup>st</sup> Alternate  
Patrick Maher, 2<sup>nd</sup> Alternate

Mr. Rogner called the meeting at 7:30pm and Mr. Rogner led the Pledge of Allegiance.

Mr. Rogner asked for corrections to the October 2012 minutes. They were as follows: Motion for Owens approval should read 10' ft side yard setback variance for the 55x28 addition.

Ms. Brown motioned to accept October 2012 minutes. Ms. Kane seconded all present voted in favor.  
**CARRIED.**

The approval of the November 2012 minutes was tabled till the next scheduled ZBA meeting.

Mr. Rogner reviewed the agenda for this evening.

**NEW BUSINESS:**

**Walter Katz III - Public Hearing Scheduled**  
**20 White Beach Rd. SBL #239.-1-21**  
**280A Relief - 2 lot Residential Subdivision**

Mr. & Mrs. Walter Katz spoke to the board. The Katz explained the reason for the 280A relief.

Mr. Kinney asked if all the 1993 ZBA motion requirements for the lot at 20 White Beach Rd are currently being met. Ms. Brown stated that all but one was not being met. The requirement to post signs at the edge of the pavement on either side of the driveway indicating the drop off and maintain the area was not currently being done. The Katz agreed to post signs and maintain the pavement as required by the 1993 ZBA motion.

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Public hearing opened at 7:45, no one spoke, the hearing closed at 7:46

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

**MOTION:** Ms. Brown motioned to approve the Katz application for 280A relief with the stipulation that all the requirements from 1993 ZBA decision be strictly adhered to. Mr. VanDeCarr seconded the motion all present voted in favor. **CARRIED.**

**Brooks Heritage, LLC- *Public Hearing Scheduled***  
**11 Sycamore St. SBL #249.44-1-18**  
**1.3 ft side yard setback variance for accessory structure**

Mr. Brooks addressed the board. The zero lot line state requirements for Town Homes at 11 Sycamore were met but the 5' setback Town requirement for accessory structures in Timbercreek Phase I was ignored. The town house at 11 Sycamore has a covered porch. The property has been sold but the buyers can not have a closing on the property without a CO. A CO cannot be issued for the structure as it stands, therefore until the ZBA approves the variance of 1.3 ft for the property. The buyers are staying in a rental.

Mr. VanDeCarr asked the status of 13 Sycamore which is the joining town home to 11 Sycamore. 13 Sycamore has also been sold but not closed. 13 Sycamore is in full compliance with all the setback requirements.

Public Hearing opened at 7:52 no one spoke, the hearing closed at 7:53

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 detriment to nearby properties will be created by the granting of the area variance. **NO.**

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- 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. **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, However Mr. VanDeCarr indicated that rational litigates the request.**

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

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

**MOTION:** Mr. VanDeCarr motioned to approve the 1.3 ft side yard setback variance for 11 Sycamore St. Timbercreek. Mr. Brooks has indicated that Heritage Custom Builders LLC will not need to come back to the ZBA for similar requests in the future. Mr. Maher seconded the motion all present voted in favor. **CARRIED.**

**MOTION:** Mr. VanDeCarr made a motion to adjourn. Mr. Maher Seconded the motion. **CARRIED.**

Meeting was adjourned at 8:10pm.

Respectfully submitted,



Debora Bradt