

**Town of Ballston
Zoning Board of Appeals**

**TOWN OF BALLSTON
ZONING BOARD**

Regular Monthly Meeting: March 6, 2013

ATTENDEES: Michael Lesniak, Chairman
Marilyn Bell, Vice Chairman
Ellen Brown
Robin Kane
Richard Kinney
Fred Rogner
John Antoski, 1st Alternate
Patrick Maher, 2nd 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 November 2012 minutes. They were as follows: Page 2 add 1.8 ft front set back to Ms. Bell's motion to approve Mr. Brook's request. Page 3 add 25' setback for construction of a detached garage to Mr. Rogner's motion to approve Mr. Krupski's request. Page 4 add lot width 37.9' front set back of 35.6' side yard setback of 2.9' to Mr. Van De Carr's motion to approve the Bublak's request.

MOTION: Ms Bell motion to accept the November 2012 minutes. Mr. Kinney seconded the motion and all present voted in favor. **CARRIED.**

The chairman asked for corrections to the February 2013 minutes. No corrections were requested.

MOTION: Ms Kane motion to accept the February 2013 minutes. Mr. Maher seconded the motion and all present voted in favor. **CARRIED.**

Mr. Lesniak reviewed the agenda for this evening.

NEW BUSINESS:

Clifford Samson - Public Hearing Scheduled

563 Goode St. SBL # 238.-1-13 Variance pursuant to 138-10.1 (front set back) for a [24' x 52'] plastic covered high tunnel for growing crops

Mr. Lesniak read the narrative supplied with the application.

Mr. Lesniak asked about the system plans regarding water and electricity. He feels the structure is closer than 30 feet to the property line. It was sequentially determined the structure is actually 16 feet from the property line, thereby requiring a 44 foot variance.

Ms. Brown asked if Mr. Samson was open to changing the location. Mr. Samson said he needs to leave it where it is due to the requirements set down by NRCS.

Ms. Bell asked if the length of the structure could be shortened. Mr. Samson replied not easily.

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Mr. Lesniak asked about the effect of shortening the structure as regards the plastic covering. He commented it is close to the road and asked if the doors are on either end. Mr. Samson replied the plastic is cut to fit.

Mr. Maher asked if the time frame for the structure contract with USDA was four years. Mr. Samson's response was "YES"

Ms. Brown asked if Mr. Samson was planning more structures. Mr. Samson replied not at this time. He is waiting to see how this one turns out.

Mr. Rogner questioned as to whether a decision could be made without a more accurate measurement. Mr. Samson stated he wished to erect the structure this month.

Ms. Kane asked who owns the property to the north. Mr. Samson said he owns the field and rents it to a neighbor for hay cropping

Mr. Rogner commented about the structure potentially blocking the sight for cars entering and exiting driveway. He asked about the proximity of the trees.

Ms. Bell questioned as to whether the snowplow would throw snow on the structure. Mr. Samson replied no.

Mr. Lesniak asked if Mr. Samson could crop areas north and west. Mr. Samson replied the land there is not level.

Mr. Kinney said from what he is hearing, the present location is the right spot for it.

Mr. Maher asked about the height. Mr. Samson said 12 feet.

Ms. Bell asked about the life span of the plastic. Mr. Samson said four years.

Mr. Lesniak asked about placing the structure there now and possibly moving it later. Mr. Samson stated "not likely, as stated before this is the flattest area on his property"

Ms. Brown had a concern about setting a precedent.

Ms. Bell questioned as to whether there would be any animals or living quarters. Mr. Samson replied no.

Mr. Kinney questioned the need for electricity. Mr. Samson said there is a small fan to keep the structure inflated.

Mr. Lesniak questioned as to whether the structure could be erected in the fall instead of the spring. Mr. Samson replied the structure needs to be erected in the spring, as stated in the contract with NRCS

Ms. Bell asked if the tractor is used in the structure. Mr. Samson replied yes.

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Mr. Rogner feels the proposed structure is too close to the road. Mr. Kinney said he does not see a problem with the present location.

Mr. Lesniak read the Saratoga County Planning Board comment letter; which stated no significant impact.

Mr. Reilly said the Board could consider a time limit on the variance; such as four years

Public hearing opened at 8:16 pm No one spoke public hearing closed at 8:17 pm

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

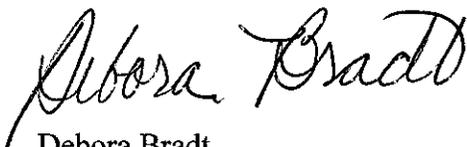
MOTION: Ms. Bell motioned to declare this a Type II action under SEQR and therefore exempt from review. Mr. Kinney seconded the motion all present voted in favor. **CARRIED.**

MOTION: Ms. Bell made a motion to grant a 44 foot front setback variance pursuant to 138-10.1 for a [24' x 52'] plastic covered high tunnel for growing crops for a period not to exceed four years. Mr. Maher seconded the motion all present voted in favor. **CARRIED.**

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

Meeting was adjourned at 8:30.

Respectfully submitted,



Debora Bradt
Zoning Board Secretary