

**Town of Ballston  
Zoning Board of Appeals**

**TOWN OF BALLSTON  
ZONING BOARD**

**Regular Monthly Meeting: April 3, 2013**

ATTENDEES: Michael Lesniak, Chairman  
Marilyn Bell, Vice Chairman  
Richard Kinney  
Fred Rogner  
Jan VanDeCarr  
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 March 3, 2013 minutes. No corrections were necessary.

**MOTION:** Ms. Bell motioned to accept the minutes of the March 3, 2013 meeting. Mr. Maher seconded the motion Mr. Van De Carr abstained all others present voted in favor. **CARRIED**

Mr. Lesniak reviewed the agenda for this evening.

**NEW BUSINESS:**

**Richard Doriguzzi - *Public Hearing Scheduled***

**65 Lake Rd. SBL #249.-2-10**

**Variance pursuant to 138-21.2 (Lot area and Lot width) for a 24' x 30' garage**

Mr. Doriguzzi explained the slab the current garage is on is cracked and crumbling making the garage tip in the back. The new garage would allow for more storage.

Chairman Lesniak asked Mr. Doriguzzi had considered asking the neighbor to sell him enough land to allow him to put up the larger garage. Mr. Doriguzzi said he did consider that option but felt coming to the board for a variance was a better solution.

Mr. Van De Carr asked who owns the property to the southeast. Mr. Doriguzzi stated that his Uncle owned the land being used as a hay field. Mr. Doriguzzi felt the land was better used as a hay field than as part of property for the area requirement for his garage.

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Mr. Kinney asked if the old garage would be torn down. Mr. Doriguzzi said yes.

Mr. Maher asked about the roof pitch. Mr. Doriguzzi said the pitch will be 8 on 12.

Ms. Bell asked if the garage would be 2 stories. Mr. Doriguzzi said no, just an attic for additional storage.

Ms. Bell asked if any part of the garage would be used for living space. Mr. Doriguzzi said no.

Chairman Lesniak opened the public hearing at 7:37 no one spoke, the hearing was closed at 7:38

Mr. Van De Carr 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**

Chairman Lesniak asked for a motion for lead agency.

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

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

**MOTION:** Mr. Rogner motioned to grant the variance pursuant to 138-21.2 to allow a 24'x30' garage at 65 Lake Rd., replacing the existing 20'x20' garage; granting a lot area variance of 9944 square feet and a lot width variance of 25' with the stipulation that it not be used as a residence. Ms. Bell seconded the motion all present voted in favor. **CARRIED.**

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MOTION: Ms. Bell made a motion to adjourn. Mr. Kinney seconded the motion all present voted in favor. Meeting was adjourned at 7:45.

Respectfully submitted,

Debora Bradt