

Town of Ballston
Zoning Board of Appeals

TOWN OF BALLSTON
ZONING BOARD

Regular Monthly Meeting: June 5, 2013

ATTENDEES: Michael Lesniak, Chairman
Marilyn Bell, Vice Chairman
Ellen Brown
Robin Kane
Patrick Maher, 1st Alternate

Peter Reilly, Deputy Town Attorney
Thomas Johnson, Building Inspector
Members of the General Public

Chairman Lesniak called the meeting to order at 7:30pm and Mr. Lesniak led the Pledge of Allegiance. The chairman asked for corrections to the May 1, 2013 minutes. They were as follows: No corrections were submitted

MOTION: Ms. Brown made motion to approve the minutes for the May 2013 meeting Ms. Kane seconded the motion all present voted in favor. **CARRIED.**

Mr. Lesniak reviewed the agenda for this evening.

NEW BUSINESS:

William Bashant, Jr. - Public Hearing Scheduled
Lake Rd. SBL #239.-2-25.111
Variance 138-11.1 / Construct new 12 x 20 shed

Chairman Lesniak read the narrative from the application the Bashant's submitted. Chairman Lesniak pointed out that an accessory building is not permitted on a property that does not have a dwelling on it. Therefore if the variance is granted one of the stipulations will be that a dwelling is built within one calendar year from when the variance was granted. Also the Army Corp. of Engineers must be consulted. Mr. Bashant said that they plan to build a camp on the property within a year, and they already have consulted with the Corps. The Corps wants them to use helicoils instead of gravel. Mr. Reilly, Zoning Board of Appeals attorney, asked Mr. Bashant to have his contact at the Corps to confirm the information.

Mr. & Mrs. Bashant presented their request to the board members. The presentation included pictures of the shore line from the lake side and shore side. The requested area will impact the natural vegetation the least and will be hide the shed from view of anyone going on the lake the best.

Chairman Lesniak opened the public hearing at 7:58 no one spoke, the hearing closed at 7:59.

Chairman asked if the board members had any other questions.

Ms. Bell asked if the shed would have any electricity. Mr. Bashant said no.

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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. 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, it could be on the other side of the road.

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.**

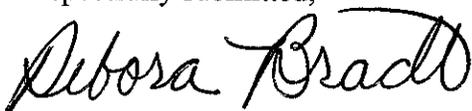
MOTION: Ms. Bell motioned to declare this a **TYPE II** action under the SEQR process and therefore exempt from further review. Mr. Maher seconded the motion and all present voted in favor. **CARRIED**

MOTION: Mr. Maher motioned to grant an area variance of 12.2 ft to Mr. Bashant, Lake Rd pursuant to section 138-11.1 of the zoning code for the construct of a new 12 x 20 boat shed. With the following stipulations: A building permit for a dwelling on the property is pulled within one year and the dwelling is completed within 18 months. Mr. Bashant's Army Corps. of Engineers contact confirms with Mr. Reilly the information provided by the Bashant's is correct. And no living space or business shall exist in the shed. Ms. Kane seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Maher made a motion to adjourn. Ms. Bell seconded the motion and all present voted in favor. **CARRIED.**

Meeting was adjourned at 8:10 pm.

Respectfully submitted,



Debora Bradt,
Zoning Board Secretary