

**Town of Ballston
Zoning Board of Appeals**

**TOWN OF BALLSTON
ZONING BOARD**

Regular Monthly Meeting:

ATTENDEES: Michael Lesniak, Chairman
Marilyn Bell, Vice Chairman
Ellen Brown
Robin Kane
Fred Rogner
Jan VanDeCarr
John Antoski
Patrick Maher, 1st 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 June 2013 minutes. They were as follows:

Chairman Lesniak stated that on page 2 “applied” should replace “pulled” in Mr. Maher’s motion to approve Mr. Bashant variance.

MOTION: Ms. Kane motioned to approve the minutes from the June 2013 meeting. Ms. Brown seconded the motion Mr. VanDeCarr & Mr. Rogner abstained due to absence from the meeting all other voted in favor. **CARRIED**

Mr. Lesniak reviewed the agenda for this evening.

NEW BUSINESS:

**Rodney Begin - Public Hearing Scheduled
2A Townley Dr.
Variance 138-8.1 Front setback for swimming pool**

Mr. Begin came before the Board on his own behalf.

Chairman Lesniak asked if he had spoken to his neighbors regarding this matter. Mr. Begin said no, my only neighbor is in the rear and the pool will be on the side

Ms. Bell asked if the design is accurate, because it looks like you only need a 1 foot variance. Mr. Begin said yes the drawing is accurate.

Ms. Kane asked where the electrical came into the house. Mr. Begin stated that it did not come in on the pool side.

Chairman Lesniak opened the public hearing at 7:45 no one spoke, the hearing was closed at 7:46

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Ms. Bell asked if the fence around the pool will be right at the concrete. Mr. Begin said no, it will be about 6 inches from the concrete.

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

MOTION: Ms. Bell 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: Ms. Bell 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: Ms. Kane made a motion to approve Mr. Begin's area variance of 1 foot. Mr. Van De Carr seconded the motion and all present voted in favor. **CARRIED.**

**Mark Grabb - *Public Hearing Scheduled*
26 Long Creek Dr.
Special Use Permit 138-8 Custody of chickens**

Mr. Grabb came before the Board on his own behalf.

Mr. Rogner asked Mr. Grabb if he spoke to his neighbors regarding this matter. Mr. Grabb said yes, and they are all supportive of them having four chickens.

Ms. Kane asked if the fence would be changed. Mr. Grabb said they are going to run a fish line along the lower portion of the existing picket fence.

Ms. Brown asked if the gate was self closing. Yes

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Mr. Antoski asked if any of the neighbors have dogs. Yes

Mr. Van De Carr asked how they were planning to handle the odor and noise. Mr. Grabb said they were planning to only have hens and choose a less vocal breed. The coops will have vinyl flooring that will be swept and wiped down at least once a week, more if needed.

Ms. Bell asked if they were planning to raise chickens from chicks. Mr. Grabb said yes they were planning to raise them from chicks.

Mr. Van De Carr asked how many eggs 4 hens would produce. Mr. Grabb said 1 to 2 dozen a week. Mr. Van De Carr then asked if they planned on selling the eggs. Mr. Grabb said no

Ms. Bell asked what size coop is planned. Mr. Grabb said they are planning a 16 sq ft extension on the existing shed.

Chairman Lesniak opened the public hearing at 8:08

Ann Pierce of 11 Lake Rd asked about the deed restrictions and the HOA in the area. Mr. Peter Reilly Attorney for the Zoning board stated that this Board is not authorized to enforce the deed restrictions or the HOA rules.

Paul Simpson of Westside Dr commented on the previous issues in the Seeley Estates regarding solar panels.

The Public Hearing closed at 8:12

Ms. Brown read 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. NO
- 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. NO
- 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. NO

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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. NO

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

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

MOTION: Ms. Bell made a motion to grant Mr. Grabb's special use permit to have chickens on his property at 26 Long Creek Dr. with the following stipulations:
No roosters, no selling of the eggs, indoor storage of the chicken feed, weekly cleaning of the coops and must reapply for the SUP in two years. Mr. Van De Carr seconded the motion, Mr. Antoski voted no and all present voted in favor. **CARRIED.**

**Cynthia Thomas-Turgeon - *Public Hearing Scheduled*
13 Van Vorst Dr.
Special Use Permit 138-8 Custody of chickens**

Ms. Thomas Turgeon spoke to the Board on her own behalf regarding her special use permit.

Mr. Van De Carr asked if she had spoken to her neighbors. Ms. Thomas-Turgeon said she had and all were supportive.

Ms. Bell asked if they planned for heat in the coop for the winter. Ms. Thomas-Turgeon said they were planning a solar system with a battery backup.

Chairman Lesniak Stated that the chicken feed needs to be stored in the house and also asked the dimensions of the fenced in area for the chickens. Ms. Thomas-Turgeon said the feed will be stored in the house and the fenced in area is 8ftx4ftx4ft high

Chairman Lesniak opened the public hearing at 8:33

A neighbor from Conifer Dr to the rear of the property asked where in the backyard is the coop going to be. Chairman Lesniak said the yard is 480ft deep and the coop is planned about half way back in the yard.

The hearing closed at 8:35

Mr. Rogner read the four criteria of a **Special Use Permit**

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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. NO

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. NO

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. NO

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. NO

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

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

MOTION: Mr. Rogner made a motion to grant Ms. Thomas-Turgeon's special use permit to have chickens on the property at 13 Van Vorst Dr. with the following stipulations: Hens only, a maximum of four hens, no selling of the eggs, must have a coop, regular disposal of waste, indoor storage of the chicken feed, Ms. Bell seconded the motion, Mr. Antoski and Ms. Brown voted no, all others present voted in favor. **CARRIED.**

Doug & Christine Owen - *Public Hearing Scheduled*
36 Main St.
Variance 138-9.1 New 28 x 36 garage

Mr. Owen spoke to the Board regarding his request for variance to be able to build a new detached garage.

Mr. Rogner asked if there would be a business operated out of the garage and would anyone be living in the garage. Mr. Owen said no business would operate out of the garage and no one would be living in the garage.

Chairman Lesniak opened the public hearing at 8:48 on one spoke, the public hearing closed at 8:49

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Ms. Bell asked if the driveway would be off of 146A. Yes
Ms. Bell asked do you have enough turn around room. Yes

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

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

MOTION: Ms. Bell made a motion to grant Mr. Owen's variance to build a detached 28'x36' detached garage with the stipulation, no commercial or residential use of the garage. Mr. Rogner seconded the motion and all present voted in favor. **CARRIED.**

Consideration of proposed changes to Industrial District Zoning Regulations pursuant to, Section 138-96 Code of the Town of Ballston.

The Zoning Board of Appeals reviewed the proposed amendments to Chapter 138 of the Town Code as it pertains to the Industrial District.

Ms. Brown indicated that there were numerous grammar errors including but not limited to punctuation.

Ms. Bell feels the Board is being reactive as opposed to being proactive.

Mr. Rogner feels that there needs to be a place in the Town for Heavy Industrial.

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Mr. Van De Carr wants to make sure that any pending applications would not be considered pre-existing nonconforming use.

Chairman Lesniak will draft a letter to The Town of Ballston Town Board conveying the Zoning Boards comments on the proposed amendment.

MOTION: Mr. Antoski made a motion to adjourn. Mr. VanDeCarr seconded the motion.
CARRIED.

Meeting was adjourned at 9:45pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Debora Bradt". The signature is written in black ink and is positioned above the printed name and title.

Debora Bradt
Zoning Board of Appeals Secretary