

**Town of Ballston
Zoning Board of Appeals**

**TOWN OF BALLSTON
ZONING BOARD**

Regular Monthly Meeting: May 1, 2013

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

Vice Chairman Marilyn Bell called the meeting to order at 7:30pm and Ms. Bell led the Pledge of Allegiance. The chairman asked for corrections to the April 3, 2013 minutes. They were as follows: Motion to grant Mr. Doriguzzi variance should state no resident or business is allowed in garage.

MOTION: Mr. Van De Carr made motion to approve minutes March 2013 seconded the motion Ms. Brown abstained as she was not present at the meeting, all present voted in favor. **CARRIED.**

Ms. Bell reviewed the agenda for this evening.

NEW BUSINESS:

Storti, David & Groski, Kathryn- Public Hearing Scheduled

1200 Rt. 50 SBL #239.-1-12

Special Use Permit / 138-6C / Change pre existing non conforming sign

Ms. Groski & Mr. Storti spoke to the board. They explained that there have been many requests from area businesses to advertise on the sign. They are planning to allow three advertisers at a time. The sign structure would not change; the advertisers will be on removable slats.

Mr. Van De Carr asked if they were the owners of the property where the sign is. Yes

Mr. Antoski asked if the sign would be lit, and if so would it be flashing in any way. No flashing lights. Soft blue light is planned.

Ms. Kane asked what the agreement between the sign owners and Good Times Restaurant was. There has not been a contract for many years enhance they have not been compensated in the same amount of time.

Ms. Kane asked who would be advertising. Emerich Sales, Mangino, Saratoga County Fair (during the fair) Haunted Hay Ride (month of October), Elms are just a few.

**Town of Ballston
Zoning Board of Appeals**

Mr. Rogner asked if the max number was three. Yes

Public hearing opened at 7:35 no one spoke, hearing closed at 7:36

Mr. Rogner 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
- 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. Van De Carr 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: Mr. Van De Carr motioned to declare this an unlisted action under the SEQR process and therefore will declare this a Negative Declaration under the SEQR process. Mr. Kinney seconded the motion and all present voted in favor. **CARRIED**

MOTION: Mr. Rogner motioned to approve Special Use Permit pursuant to section 138-6c of the zoning law, specifically up to 3 separate businesses may now be displayed on the existing sign structure. Mr. Van De Carr seconded the motion; Ms. Brown voted nay believing that the original sign was granted for the sole purpose of giving direction to the Good Times Restaurant. All others voted in favor. **CARRIED.**

**Stone, Julia - Public Hearing Scheduled
315 Kingsley Rd. SBL # 257.10-2-57
Special Use Permit / 138-6C / Residential addition**

Ms. Stone, Mr. Stone And there architect spoke to the board. They want build a sunroom on the back of the home

Mr. Kinney asked what the time line is for the project from start to finish. It should take about a month.

**Town of Ballston
Zoning Board of Appeals**

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

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

MOTION: Ms. Kane motioned to grant Special Use Permit pursuant to section 138-6c zoning law for the construction of a 13.5' x 14' sunroom on her nonconforming. Mr. Van De Carr seconded the motion and all others voted in favor. **CARRIED.**

Townley, Harold- *Public Hearing Scheduled*
21 Midline Rd. SBL # 257.12-1-10
Special Use Permit / 138-6C / Variance 138-8.1
Addition to existing Funeral Parlor

Mr. Townley spoke to the board. He is consolidating the business in Ballston with the one in Ballston Spa, and selling the building at 21 Midline Rd.

Ms. Brown asked if any trees would be removed for the addition to the back of the building. NO

**Town of Ballston
Zoning Board of Appeals**

Mr. Kinney asked if new materials would be used. NO

Mr. Van De Carr asked what the infrastructure would be in the addition. Mr. Townley explained that embalming fluid is heavier than air. An exhaust fan will need to be installed just off the floor.

Ms. Bell asked if any trees would need to be removed for the handicap ramp at the entrance. No

Ms. Brown asked how wide the ramp will be. It will be 36" wide to adhere to state code.

Mr. Rogner 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

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

Public hearing opened at 7:57 no one spoke, hearing closed at 7:58

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

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

**Town of Ballston
Zoning Board of Appeals**

- 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. NO

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

MOTION: Mr. Rogner motioned to grant Special Use Permit pursuant to section 138-6c zoning law for the construction of a ramp deck and addition to the embalming room to existing funeral parlor at 21 Midline Rd. Ms. Kane seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Rogner motioned to grant a front yard setback variance pursuant to section 138-8.1 zoning law of 27' to 21 Midline for the construction of a handicap ramp. Mr. Kinney seconded the motion and all present voted in favor. **CARRIED.**

Walbroehl, Donald- *Public Hearing Scheduled*
49 Goode St. SBL # 257.9-1-25
Variance 138-8.1 / New garage

Mr. Walbroehl spoke to the board.

Mr. Kinney asked what the garage would be used for. Strictly storage.

Mr. Kinney asked about blacktop. It will go straight back to the garage from the existing black top.

Mr. Kinney asked about the access to the garage. Single access from the front of the property.

Mr. Antoski asked Mr. Walbroehl if he was planning to build the garage himself. No, it will be contracted.

Mr. Antoski asked what type of siding was planned. White vinyl siding to match house will be used.

Public hearing was opened at 8:09 no one spoke; hearing was closed at 8:10

**Town of Ballston
Zoning Board of Appeals**

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. NO

MOTION: Ms. Kane 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. Kane 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 a 50' lot width variance pursuant to section 138-8.1 of the zoning law for the construction of a 24' X 36' detached garage. The following stipulation: No living space or business operates out of garage and the old shed be removed. Mr. Antoski seconded the motion and all present voted in favor. **CARRIED.**

MOTION: Mr. Kinney made a motion to adjourn. Mr. Van De Carr seconded the motion. **CARRIED.**

Meeting was adjourned at 8:15pm.

Respectfully submitted,



Debora Bradt,
Zoning Board Secretary