

## **Clifton Park Zoning Board of Appeals Meeting Minutes**

**April 2, 2002**

Present: Dale Kelley, Chairman, Michael Dudick,  
Helmut Gerstenberger, Sandra Pace, Gil Kortz, Susan McGranahan, Dale Gleason

Also Present: Don Clemens, Director Building & Development  
Oscar Schreiber, ZBA Counsel

Mr. Kelley called the meeting to order at 7:30 PM.

### **NEW BUSINESS**

1. An application from Ruth English, requesting a Use Variance from Section 208-64C(25) for residential use in a Light Industrial zone. The property is located at English Road, Round Lake. Permit #80363.

The secretary read the legal notice as it appeared in the Daily Gazette on March 29, 2002.

Janice Witecki presented this application. She stated this is an 11.6 acre parcel with 874 feet of frontage on English Road that is zoned residential. The lot is split by a sewer line and is zoned Light industrial on the rear portion. The only access to that portion of land would be from Route 9, but there is no frontage on Route 9. There are wetlands all along Route 9. They are requesting a change to residential zoning because they have a potential buyer for residential use.

Mr. Clemens stated he has no objections to this request, but cautioned that there are substantial parcels in the area zoned Light Industrial and any potential buyer should be made aware of that fact.

Mr. Dudick inquired why a variance is necessary to do lighter development. Mr. Schreiber responded it is a less intensive use but it is still a use change therefore a variance is required.

There was no public comment. Mrs. McGranahan made a motion to close the public hearing, Mr. Gerstenberger seconded, approval unanimous.

Mr. Clemens noted that there is a substantial portion of this parcel in the LC zone and it could not be crossed to use as Light Industrial.

Mrs. Pace made a motion to approve this application for a Use Variance as requested. Mr. Dudick seconded. Ayes: Kortz, Dudick, Gerstenberger, Kelley, Pace, McGranahan, Gleason. Noes: None.

2. An application from Richard E. Casali, requesting an area variance from Section 208-

11 from the required 50 ft. front yard setback - proposed setback = 40 ft. - variance requested = 10 ft.. The property is located at 10 Patroon Place, Ballston Lake. Permit #80364.

The secretary read the legal notice as it appeared in the Daily Gazette on March 29, 2002.

Richard Casali presented this application. He explained that he would like to expand his home to care for elderly in-laws. He would like to enlarge to add a small living room and bedroom. They are unable to go out the back due to the shape of the lot. This would be a two room single level add on.

Mr. Clemens noted there would be no significant impact on the area and stated that he does not have any objections to this request.

There was no public comment. Mr. Gerstenberger made a motion to close the public hearing, Mrs. McGranahan seconded, approval unanimous.

Mr. Kortz made a motion to approve this variance of 10 ft. to allow for a 40 ft. front yard setback. Mrs. Gleason seconded. Ayes: Kelley, Kortz, Dudick, Pace, McGranahan, Gleason, Gerstenberger. Noes: None.

3. An application from Great American Awning, requesting an area variance from Section 179-37D(2) from the 50 ft. rear yard setback in a cluster subdivision - proposed setback =47 ft. - variance requested = 3 ft. The property is located at 17 Heather Drive, Clifton Park. Permit #80365.

The secretary read the legal notice as it appeared in the Daily Gazette on March 29, 2002.

Scott Bowersox, Great American Awning, presented this application. He stated the homeowner would like to add a room and deck to the back of the dwelling. The addition would be approximately 13' x 14'. Only the rear right corner of the addition protrudes into the setback.

Mr. Clemens noted this is a minor encumbrance and has no significant impact, it keeps with the intent of the setback.

There was no public comment. Mr. Dudick made a motion to close the public hearing, Mrs. Pace seconded, approval unanimous.

Mr. Gerstenberger made a motion to approve this request for a 3 ft. variance for a rear yard setback of 47 ft. Mrs. Gleason seconded. Ayes: McGranahan, Pace, Kelley, Gleason, Dudick, Gerstenberger, Kortz. Noes: None.

4. An application from Rostislav K. Benes, requesting an area variance from Section 208-11 from the required 100,000 sq. ft. minimum lot area in a R-3 zone - actual lot size = 43,600 sq. ft. - variance requested = 56,400 sq. ft. The property is located northwesterly

of Ashdown Road between Blue Barnes Road & Rte. 146 (Lot 1). Permit #80366.

5. An application from Rostislav K. Benes, requesting an area variance from Section 208-11 from the required 100,000 sq. ft. minimum lot area in a R-3 zone - actual lot size = 44,854 sq. ft. - variance requested = 55,146 sq. ft. The property is located northwesterly of Ashdown Road between Blue Barnes Road & Rte. 146 (Lot 2). Permit #80367.

Mr. Benes presented both applications. He stated he purchased both lots in August 1981, they were approved as building lots by the Planning Board on June 8, 1981. He gave some background information on the site noting that this area was formerly a farm owned by Sorenson who sold a two acre parcel to Montorio who in turn sold it to Mr. Benes. Mr. Benes then subdivided the parcel into two one acre parcels. Since he purchased the land the zoning regulations have changed. He will meet all setback requirements. He noted there is enough room on each lot for a large house with septic and well. There would be no adverse impact to the neighborhood.

Mr. Clemens noted the need for the variance is due to the Town, in February 1997, changed the square footage for lot size in a R-3 zone from one acre to 100,000 sq. ft.. These lots existed prior to that date and since they were under single ownership the law states that two non-conforming lots would need to be combined to form one conforming lot.

There was no public comment. Mrs. McGranahan made a motion to close the public hearing, Mrs. Pace seconded, approval unanimous.

Mr. Kortz noted that this is a substantial request, but the other criteria outweigh that fact.

Mr. Kortz made a motion to approve a variance of 56,400 sq. ft. to allow for a lot size of 43,600 sq. ft. in a R-3 zone for Lot 1, Permit #80366. Mr. Gerstenberger seconded. Ayes: Kortz, Dudick, Gerstenberger, Kelley, McGranahan, Pace, Gleason. Noes: None.

Mr. Kortz made a motion to approve a variance of 55,146 sq. ft. to allow for a lot size of 44,854 sq. ft. in a R-3 zone for Lot 2, Permit #80367. Mr. Gerstenberger seconded. Ayes: Gleason, Kelley, Pace, McGranahan, Dudick, Gerstenberger, Kortz. Noes: None.

Mrs. Pace made a motion to approve the minutes of March 19, 2002, Mr. Dudick seconded. Ayes: Kortz, Dudick, Gerstenberger, Pace, Kelley, McGranahan. Noes: None. Abstained: Gleason.

Mrs. McGranahan made a motion to adjourn the meeting at 8:00 PM, Mrs. Pace seconded, approval unanimous.

Respectfully Submitted,

Judy Lamb  
Secretary

