

Clifton Park Zoning Board of Appeals Meeting Minutes

September 17, 2002

Present: Dale Kelley, Chairman, Michael Dudick,
Sandra Pace, Gil Kortz, Dale Gleason,
Helmut Gerstenberger, Donna Lawton

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

Mr. Kelley called the meeting to order at 7:30 PM and welcomed new Board member Donna Lawton who has served on the ECC for five years.

NEW BUSINESS

1. An application from Anthony C. & Lee B. Vilardi, requesting an area variance from Section 208-11 from the required 100,000 sq. ft. minimum building lot size in a R-3 zone - actual lot size = 43,000 sq. ft. - variance requested = 57,000 sq. ft.. The property is located at 157 Ashdown Road, Clifton Park. Permit #80396.

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

Tom Andress, ABD Engineering & Surveyors, presented this application. He stated he represented the Vilardi's when they first came before the Planning Board in 1993. The zoning was RR and they subdivided the parcel and did not proceed due to personal problems. They received approval from the Planning Board in January 1997 and the property has been on the market since that time. They have recently had an opportunity for someone to purchase the land contingent on a building permit being issued. The zoning is now

R-3 and needs 100,000 sq. ft. for a building lot, therefore this lot does not meet the minimum requirements. The frontage and setbacks can be met. There has been extensive work completed to make sure that septic and well can fit on the lot.

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Mr. Clemens stated that he does not have any objections to this request but asked that any variance granted be conditioned on the applicant meeting all requirements that were put on the original subdivision approval.

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

Mr. Kortz inquired if there is an existing house on the larger lot. Mr. Andress stated there is not, due to personal problems the applicant was unable to build. The subdivision was approved in 1993. The applicant was unable to meet some of the requirements the Town

had until 1997 and then the plan was stamped and filed.

Mr. Kortz asked when the requirements changed. Mr. Clemens confirmed it was November 1997. Mr. Address stated the map was filed in January 1997.

Mr. Kortz noted that in January 1997 this parcel was still in compliance with the zoning law.

Mrs. Pace inquired about the requirements of a flag lot.

Mr. Address noted that this is a keyhole lot and meets all requirements of setback.

Mr. Kortz noted that the request is substantial but not self-created and does not seem to have any adverse impact on the neighborhood.

Mrs. Gleason made a motion to approve this request with the condition that all requirements of the original subdivision be met. Mrs. Pace seconded. Ayes: Pace, Gleason, Lawton, Kortz, Dudick, Gerstenberger, Kelley. Noes: None.

Mr. Dudick made a motion to adjourn into Executive Session at 7:40 PM, Mr. Gerstenberger seconded, approval unanimous. Mrs. Pace made a motion to return to the regular meeting at 8:13 PM, Mr. Kortz seconded, approval unanimous.

Mrs. Gleason made a motion to approve the minutes of September 3, 2002, Mr. Dudick seconded. Ayes: Kelley, Kortz, Dudick, Gerstenberger, Pace, Gleason. Noes: None. Abstained: Lawton.

There was no further business to conduct. Mr. Gerstenberger made a motion to adjourn the meeting at 8:17 PM, Mr. Dudick seconded, approval unanimous.

Respectfully Submitted,

Judy Lamb
Secretary

cc: Town Supervisor, Town Board Members, Town Clerk, Zoning Board Members, Oscar Schreiber, Counsel, Don Clemens, Department of Building and Development, Planning Board, ECC Members