

Clifton Park Zoning Board of Appeals Meeting Minutes
December 7, 2004

Present: Dale Kelley, Michael Dudick, Scott Hughes,
Jessica McCarthy, Gilbert Kortz, Robert Ritter
(arrived at 7:32 PM)

Absent: Dale Gleason

Also Present: Don Clemens, Building & Development
Louis Renzi, ZBA Counsel

Mr. Kelley called the meeting to order at 7:08 PM. He noted that the current terms of two Board members will be expiring 12/31/04. He also reminded and strongly encouraged all Board members to attend the Saratoga County Planning Board's educational training session to be held at the Saratoga County facilities on January 27, 2005.

NEW BUSINESS

1. An amended application from Saxton Sign Corp., representing Panara Bread, requesting an area variance from Section 208-71 from the maximum wall sign of 32 sq. ft. - proposed wall sign = 41 sq. ft. - variance requested = 9 sq. ft. (north elevation), an area variance for a second wall sign of 41 sq. ft. (east elevation), and a height variance of 2 ft. to allow for a wall sign 22 ft. in height on the front of the building. The property is located at 22 Maxwell Road, Clifton Park. Permit #80518 (amended).

The secretary read the legal notice as it appeared in the Daily Gazette on December 2, 2004.

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Pat Boni, Saxton Sign, presented this application. He explained that this application was amended to include the height variance that was omitted from the original request.

Mr. Clemens noted that the signs are similar in height and size to those granted to the adjoining business in this building. They are within 1-2 sq. ft. of what was granted to Ruby Tuesday. He stated the building department has no objections to this request.

Mr. Renzi asked if a compromise was in the offering. Mr. Kelley referred to the minutes of the previous meeting and noted that size was discussed but there is no mention of any changes being made to the size of the signs. He also stated that this request does not appear to be unreasonable.

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

Mr. Dudick made a motion to approve this application as submitted. Mr. Hughes seconded. Ayes: Kelley, Dudick, Kortz, Hughes, McCarthy. Noes: None.

2. An application from Peter & Anne Drysdale, requesting an area variance from Section 208-11 from the required 100,000 sq. ft. minimum lot size in an R-3 zone - actual lot size = 58,370 sq. ft. - variance requested = 41,630 sq. ft.. The property is located at 625 MacElroy Road, Jonesville. Permit #80525.

The secretary read the legal notice as it appeared in the Daily Gazette on December 2, 2004.

Mr. Drysdale presented this application. He explained that this is a second home that they own and would like to make this their primary residence. He noted that the property is unusable in its present condition. He explained that it has seriously deteriorated and they would like to tear it down and construct a new residence using the existing foundation.

He stated they
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would like to expand upon it and improve the existing property. It is much less expensive to re-utilize this existing property in a reconstruction/rehab project but it is an undersize lot under the existing zoning, therefore they are requesting the area variance.

Mr. Drysdale noted that there is not a significant impact on the surrounding neighborhood, it will be an enhancement to the existing neighborhood, there will be a slight increase in the square footage of the existing residence but it will be an upgraded enhancement. He also noted that the property is surrounded on three sides by fairly large easements used for utilities and private roads so there will not be an encroachment on any neighbor's property.

Mr. Kelley asked if there is an agreement for the driveway to come out on an easement.

Mr. Drysdale stated that there is an existing driveway that comes out to the easement that has always been there. He stated he has no plans to change that.

Mr. Clemens explained that there is no way for the applicant to obtain additional land. He noted that because they are going to tear down the existing building they are required to ask for the variance. He stated that he has no objections to this request.

Mr. Kelley noted that this is a reasonable request and does not appear to have any negative impact on the neighborhood.

Mr. Renzi asked the applicant to provide the sizes of the existing and proposed residence.

Mr. Drysdale responded that the existing residence is approximately 1,800 sq. ft. and the proposed residence will be approximately 2,500-2,600 sq. ft.. He noted that the size of the addition is 32' x 24'.

Mr. Dudick asked when the applicant purchased the property.
Mr. Drysdale responded 1985.

Mr. Renzi noted that it pre-dates the current zoning code.

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Mr. Clemens noted that only 40,000 sq. ft. was required for a building lot in 1985 in this zone.

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

Mr. Kortz made a motion to approve this variance as requested. Ms. McCarthy seconded. Ayes: Kelley, Dudick, Kortz, McCarthy, Hughes. Noes: None.

3. An application from Edward Schwarzer, requesting an area variance from Section 208-11 from the required minimum lot width of 200 ft. at the building line - proposed width = 158 ft. - variance requested = 42 ft.. The property is located at 1716 Crescent Road, Clifton Park. Permit #80526.

The secretary read the legal notice as it appeared in the Daily Gazette on December 2, 2004.

Gil VanGuilder presented this application. He explained that the applicant would like to create a 1.21 acre lot out of a 6 3/4 acre lot that he owns. He explained that the applicant would like to convey the rear lot to his grandson to construct a single family residence.

Mr. VanGuilder noted that the applicant has approximately 198 ft. of road frontage overall, 40 ft. is required for the keyhole lot. He stated that this property is in the R-1 zone which requires 40,000 sq. ft. of area. He noted that the applicant wanted to create a lot that exceeded the R-1 requirements around his single family home. Since there is only 198 ft. of frontage and 40 ft. is required for the keyhole lot it left him with 158 ft. of width at the building line, thus creating the need for the variance.

Mr. VanGuilder explained that the configuration of the overall parcel is much larger than required for a single family home. He also noted that the creation of the rear lot will not create any additional curb cuts because the current driveway is a horseshoe shape and the easterly portion will be used for accessing the rear lot. The easement along his property

will be retained by
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Mr. Schwarzer for access to his property.

He also noted that one of the reasons the Town Board put the 200 ft. width requirement was to keep the number of curb cuts on the busier roads to a minimum. He stated that this proposal does not add any new driveways to this road. He also explained that he has been before the Planning Board for conceptual review and they did not appear to have any problems with this plan.

Mr. VanGuilder is also representing Andrew Jerome who is the applicant for the rear parcel and indicated that he would like to present that application at this time.

4. An application from Andrew Jerome, requesting an area variance from Section 208-11 from the required minimum lot width of 200 ft. at the building line - proposed width = 195 ft. - variance requested = 5 ft.. The property is located at 1716 Crescent Road, Clifton Park. Permit #80527.

The secretary read the legal notice as it appeared in the Daily Gazette on December 2, 2004.

Mr. VanGuilder continued, the required width at the building line is 200 ft., the total width of the lot at that point is only 195 ft. wide. There is no additional land to be obtained.

Mr. Clemens stated that he has no objections to this application and recommended that the Board approve both applications as submitted.

Mr. Renzi asked if each lot will be independent. Mr. VanGuilder responded yes, each lot will have all utilities necessary and meet all the setback requirements. He stated that the easement will be retained by Mr. Schwarzer for continuous access to his property along the driveway. He stated that he believes that this is the best solution and will work not only for the applicants but for unrelated parties in the future.

Ms. McCarthy asked if the lot is already subdivided.

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Mr. VanGuilder responded no, they are seeking subdivision approval from the Planning Board, but they need to obtain the variances first.

Mr. Dudick asked if the property as it currently exists needs a variance.

Mr. VanGuilder explained that Mr. Schwarzers current lot meets all zoning requirements except for the 200 ft. width at the building line, there is only 195 ft. of width. At another location in the R-1 zone only 100 ft. is required, but because this property is on a “special” road the 200 ft. width is required, and because they would like to create a second lot the variance is needed. He also noted that the impact of this project is very low.

Mr. VanGuilder explained that he looked at other alternatives but they were not feasible.

There was no public comment. Mr. Ritter made a motion to close the public hearing, Ms. McCarthy seconded, approval unanimous.

Mr. Dudick made a motion to approve both applications as submitted. Mr. Kortz seconded. Ayes: Kortz, McCarthy, Dudick, Kelley, Hughes. Noes: None. Abstained: Ritter.

5. An application from M. J. Rekucki, requesting a Use variance from Section 208-77 to allow the construction of a self-storage facility in a B-3 zone. The property is located at Ushers Road, NYS Route 9, and Wood Road, Clifton Park. Permit #80524.

The secretary read the legal notice as it appeared in the Daily Gazette on December 2, 2004.

Tom Andress, ABD Engineers & Surveyors, presented this application. He also introduced Mark Rekucki. He explained that this is the same type of indoor storage facility that is currently on Route 9 in Clifton Park. He reviewed some of the concerns for the previous location and presented photographs of the site.

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Mr. Andress explained that Mr. Rekucki purchased the storage facility on Ushers Road adjacent to this property and has greatly improved that site. He noted that in 1995 the zoning had changed from Industrial to B-3 for this parcel.

Mr. Andress stated that this will be an indoor self-storage building and the ordinance really does not address this type of facility because it was not around at the time of the zoning change.

Mr. Andress noted that the Use variance is to build one two story, 40,000 sq. ft. building only, not for the remainder of the parcel. The building will look like an office building. It will be lit only when someone enters the facility. There is limited access and only certain hours of operation.

He presented a letter from a real estate agent showing the problems with selling this property for an allowable zoned use. He explained that Mr. Rekucki purchased the property approximately two years ago because of his concern for the possible high

intensity use of this site, i.e. gas station. He also noted that the volume of traffic at this site does not warrant a restaurant use. He explained that this area does not have the volume and demand to support most B-3 uses.

He stated that Mr. Rekucki would like to develop the land and is proposing to develop it with his own money. The other storage facility is full and he believes there is a demand for inside self-storage. He also noted that the front portion of this land can be developed with a 6,000-8,000 sq. ft. building and they are willing to restrict uses if the Board grants this Use variance. These would be allowable uses in this zone but he is willing to restrict the uses, no car wash, convenience store, or drive-thru type restaurant.

Mr. Kortz asked what type of building they think would be marketable for this site. Mr. Rekucki responded an office type of building would be his preference.

Mr. Kortz asked how large the parcel is that the restrictions would be on. Mr. Address stated the parcel is 3½ acres and the restrictions would be on the total parcel.

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Mr. Address reviewed the problems with the site and possible allowed uses.

Mr. Rekucki noted that there is not enough traffic to attract strictly office uses but a combination of the storage and office use is viable.

Mr. Kelley expressed his concern for future variance requests for this site.

Mr. Address explained that all setbacks can be met for an 8,000 sq. ft. office building.

Ms. McCarthy asked why the total project can not be addressed at this time. Mr. Address explained that a variance is only needed for the storage portion of the project. The remainder will be for an allowed use and would only need to be approved by the Planning Board.

Mr. Rekucki stated that his intent is to put office space on that portion of the site and that is why he is willing to have exclusions put on the approval. He stated that he plans to have his office on the site and possibly have some rental office space to help offset some of the expense.

Mr. Address noted that the restrictions would run with the land even if the zoning changed in the future.

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

Mr. Clemens noted that this type of storage facility was never thought about years ago when the zoning law was written. He explained that this would be a low impact use surrounded by other light industrial uses. He believes this is a compatible use.

Mr. Dudick noted his concern if the property is sold in the future.

Mr. Renzi explained that the variance is for an indoor storage facility only. He explained that this variance is for a

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different use on the lot that is not included in the definition of B-3.

Mr. Renzi asked if there were any elevations to show what the site would look like from the highway. Mr. Address stated that the center elevation would be pretty close except for the canopy.

Mr. Renzi asked if this is exactly like the existing building on Route 9. Mr. Address responded the roof line may change.

Mr. Renzi stated that the lot is currently wooded. Mr. Address responded that there are secondary woods along the edge and he feels sure the Planning Board will address the landscaping issue.

Mr. Renzi questioned how a building of that size will not stand out on that lot. Mr. Rekucki responded that the property has a grade drop and the self storage area will be down. He explained that the first floor elevation will be on the same elevation as the existing self-storage units. He explained that it will not be towering over the site.

Mr. Renzi inquired about the entrances into the property and asked if DOT has looked into the issue. Mr. Address responded that the Town is looking into it.

Mr. Rekucki explained that the entrance into the existing self-storage is only from Ushers Road, there is no entrance from Wood Road and he anticipates the same for this site.

Mr. Kelley read the Saratoga County Planning Board's recommendation and concerns for this project. He noted that their concerns are mainly Planning Board issues.

Mr. Renzi asked the applicant if he understood the applicant to say that smaller office buildings in front would not work.

Mr. Rekucki responded that there is not a need for smaller buildings to be built on this site.

There was discussion on the feasibility of additional office buildings being put on the site.

Mr. Ritter made a motion to approve the Use variance for an indoor self-storage facility with the elimination of three B-3 uses; a car wash, convenience store, and a restaurant with a drive-thru.

There was no second for this motion.

Mr. Kortz asked if the Use variance is granted can they build an outdoor type storage facility. Mr. Clemens stated that the Use variance is for a 40,000 sq. ft., two story, indoor, self-storage facility only.

Mr. Renzi explained that there are photographs in the package that indicate the facility that will be built.

Mr. Kortz made a motion to approve the Use variance for an indoor self-storage facility in the B-3 zone in conformance with the enclosed photograph submitted with the application with the condition that the remainder of the property be limited to only general office space development. Ms. McCarthy seconded. Ayes: Dudick, Kelley, Kortz, McCarthy, Hughes, Ritter. Noes: None.

Mr. Dudick made a motion to approve the minutes of November 16, 2004, Mr. Kortz seconded. Ayes: Kelley, Dudick, Kortz, McCarthy, Ritter. Abstained: Hughes.

Mr. Hughes made a motion to adjourn the meeting at 8:29 PM, Mr. Dudick seconded.

Respectfully Submitted,

Judy Lamb
Secretary

cc: Town Clerk, Zoning Board Members, Louis Renzi, Counsel,
Don Clemens, Department of Building and Development, Planning Board, ECC,
Assessor