

Clifton Park Zoning Board of Appeals Meeting Minutes

February 3, 2004

Present: Dale Kelley, Michael Dudick, Dale Gleason,
Gil Kortz, Donna Lawton, Jessica McCarthy,
Robert Ritter

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

Mr. Kelley called the meeting to order at 7:07 PM. He reminded the Board members of an upcoming educational opportunity sponsored by Saratoga County Planning and the Department of State. He encouraged attendance by all Board members, especially the two new members. He also mentioned two web sites that are of interest, one the Department of State www.dos.state.ny.us, and the other is the New York State Planning Federation for on line training, www.nys.pf.org. He encouraged the members to avail themselves of the opportunities that are available.

NEW BUSINESS

1. An application from Genesis Homes, requesting an area variance from the approved front yard setback of 66.3 ft. per subdivision approval - actual setback = 61.4 ft. - variance requested = 4.9 ft., and an area variance from Section 208-11 from the minimum lot width at the building line of 150 ft. - actual = 149.2 ft. - variance requested = .8 ft.. The property is located at 445 Moe Road, Clifton Park. Permit #80478.

The secretary read the legal notice as it appeared in the Daily Gazette on January 29, 2004.

Gil VanGuilder, Surveyor, presented this application. He explained that this is a two lot subdivision approved in December 2002. It had unusual front yard setback lines. The property is slightly deficient overall on its width so they adjusted some lot lines with the Planning Board's approval, therefore on lot 2 the front building line was moved back. Genesis Homes thought it was the typical setback situation. They staked out the house

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themselves and had the foundation put it. When foundation was actually located it was approximately 4.9 feet in front of the building line. It is a covered porch area that encroaches over the front building line. The width at the building line for lots in this area, because there is no public sewer available, has to be 150 feet. The width was 150 feet at the approved building line, but across the front of the home as it is constructed the width at the building line is 149.2 feet or approximately 10 inches short of the requirement. The variances are needed to bring the house into compliance with the zoning laws.

Mr. Van Guilder noted that this house actually sits back further than any of the other homes on Moe Road, so it will not be a situation where it will be closer to the street than the average home. He explained that it was just a simple error on the builders part.

Mr. Clemens stated that he does not have any objections to the variances being granted and also noted that the other houses on the street are setback about 50 ft. so this house will still be setback further than any other house. He believes it was just an honest mistake and was not intentional. He also noted that the foundation is already in and it would be extremely expensive to move it.

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

Mr. Kelley noted that this is a reasonable request, it was a simple misunderstanding.

Ms. McCarthy asked if there would be an encroachment on the house next to it. Mr. VanGuilder explained no, the width of the lot decreases as you get closer to Moe Road.

Mr. Ritter made a motion to approve the variances as requested. Mr. Kortz seconded. Ayes: Gleason, Lawton, Ritter, Kelley, Dudick, McCarthy, Kortz. Noes: None.

Mr. Ritter made a motion to approve the minutes of January 6, 2004, Mr. Kelley seconded. Ayes: Lawton, Dudick, McCarthy, Ritter, Kortz. Noes: None. Abstained: Gleason, Kelley.

Mr. Kelley and Mrs. Gleason noted that they will not be available for the next meeting, February 17, 2004. Mrs. Gleason and Mrs. Lawton noted that they will not be available for the meeting of March 2, 2004.

Mr. Kelley announced that Mr. Dudick will run the meeting of February 17th in his absence.

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Mr. Dudick made a motion to adjourn the meeting at 7:20 PM, Mr. Ritter seconded, approval unanimous.

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