

## Clifton Park Zoning Board of Appeals Meeting Minutes

September 21, 2004

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

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

Mr. Kelley called the meeting to order at 7:02 PM. He stated that this will be Donna Lawton's last meeting and expressed his appreciation of her efforts, participation, and commitment to the community for her service on the ECC and ZBA and wished her the best for the future in California.

### NEW BUSINESS

1. An application from Fred Halley, Jr., requesting an area variance from Section 208-12 from the required 80 ft. front yard setback for an accessory building in an R-1 zone - proposed setback = 25 ft. - variance requested = 55 ft.. The property is located at 127 Southbury Road, Clifton Park. Permit #80515.

The secretary read the legal notice as it appeared in the Daily Gazette on September 16, 2004.

Mr. Halley presented this application. He referred to a map showing the lot surrounded by three roads. He explained that he would like to replace a metal shed (10' x 6') with a larger, 12' x 16', building to house all of their outdoor equipment, etc..

Mr. Clemens noted that this is another corner lot that has streets on three sides and there really is no where to meet setbacks on this lot. He stated that he has no objections to this request.

Ms. McCarthy stated the shed will be behind bushes, she asked if the bushes are removed would the shed become an eyesore or obstruct the view of any corner?

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Mr. Halley responded that it would not obstruct any views but he is also certain that he would replace the bushes if anything happened to them.

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

Mr. Kortz inquired about the shed being shown in the pool area. Mr. Halley stated that the pool and deck have already been removed. He also noted that the metal shed shown

on the plan will be removed as soon as the new one is built.

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

2. An application from James Trauring & Erika Riebel, requesting an area variance from Section 208-12 from the required 13 ft. side yard setback for an accessory structure 23 ft. in height - proposed setback = 8 ft. - variance requested = 5 ft.. The property is located 6 Castlegate Road, Ballston Lake. Permit #80516.

The secretary read the legal notice as it appeared in the Daily Gazette on September 16, 2004.

James Trauring presented this application. He explained that when he purchased the house he inquired about building a garage and was told he could and to submit the plans and apply for a building permit. He purchased a package that included the plans and a crew to construct the project. He submitted the plans to the building department and received a permit. The foundation was placed but the builder did not show up for quite some time. When the contractor started to build he suggested building a 4 ft. knee wall on the second story which would create a lot more storage space upstairs at little additional cost. He asked if he would have to amend the permit application. The contractor said no because the footprint and structure will be the same. But the additional height created the problem, it increased the setback requirements.

Mr. Trauring presented pictures showing the finished structure. He explained that he has over \$30,000 invested in the structure. He also noted that there are no adverse effects on the neighborhood and explained that he has received approval from his neighborhood association on the finished project.

Mr. Clemens explained that the increase in height changes the setback requirement. According to the zoning code every foot over 15 feet increase the setback requirement by one foot therefore

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creating the need for this variance.

Mr. Kelley asked what the reasoning is for this increase.

Mr. Clemens responded he believes it is just due to the effects it could have on the neighboring property.

Mr. Trauring stated that he talked to local contractors and they feel it is due to a possible runoff problem on the adjoining property. He noted that there have been no problems in this case.

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

Ritter seconded, approval unanimous.

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

Mr. Kortz made a motion to approve the minutes of  
September 7, 2004, Mr. Dudick seconded. Ayes: Kelley, Dudick, Lawton, Kortz,  
McCarthy. Abstained: Gleason, Ritter.

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

Respectfully Submitted,

Judy Lamb  
Secretary