

ZONING BOARD OF APPEALS

February 20, 2007

Present: Michael Dudick, Chairman, Jessica McCarthy, Christopher Lemire,
Eric Ophardt, Robert Ritter (arrived 7:10 PM)

Absent: Dale Gleason, Gil Kortz, Joel Koval

Also Present: Joel Peller, ZBA Counsel
Steve Myers, Director, Building & Zoning

Mr. Dudick called the meeting to order at 7:01 PM.

NEW BUSINESS

- 1. An application from Francis T. Spataro, Jr., requesting an area variance from Section 208-11 from the required 25 ft. rear yard setback for a sunroom addition – proposed setback = 15 ft. - variance requested = 10 ft. The property is located at 26 Bluff Road, Rexford. Permit #80633**

The secretary read the legal notice as it appeared in the Daily Gazette on February 15, 2007

Frank Spataro Jr., presented this application. He explained that they have lived here for approximately a year and a half and they would like to add a sunroom to the rear of the house. He noted that it is a fairly small house; about 1,000 sq. ft., and they would like to have extra room. He stated that there is a 25 ft. setback and after the boundary line there is about 15-18 ft. of additional land before the cliff in front of the river. He referred to a photograph submitted with the application and noted that he does not feel the sunroom would create a problem. He referred to the closest side and explained it would be 10 ft. 3 in. to the property line but there would be approximately 28 ft. before the river.

Mr. Koval referred to the photograph and asked if the land beyond his property line where a structure is located is being leased from the state. Mr. Spataro responded no, the previous owners had a permit from the Erie Canal and had all the proper paperwork to build it.

Mr. Dudick asked what the structure is beyond the property line. Mr. Spataro stated it is a wooden deck and a standing gazebo in the summer.

Mr. Koval noted that there would be no affect on the neighbors because the house is set way back on the lot which is the reason for the need for this variance.

Mr. Myers stated that he has no problems with this request, there is a garage out by the road and also noted that the house is setback way back on the lot.

Mr. Myers questioned the legal notice as read; it stated a request for a 10 ft. setback variance when it should actually be a 15 ft. setback variance. After discussion with counsel it was confirmed that there was an error in the legal notice and this application would have to be re-noticed.

Mr. Dudick explained that this application would have to be adjourned to the next meeting to allow for a correction to be made to the legal notice. Mr. Spataro agreed to return on March 6, 2007.

Mr. Lemire asked if the deck would remain. Mr. Spataro responded yes.

Mr. Lemire asked if there are any concerns or permits needed for being that close to the river. Mr. Myers responded that the Canal Corp. owns a varying amount along the river but as long as he is within the limits of his property he does not believe there is any problem.

Mr. Spataro also explained that most of the houses along the river have rooms off the back, etc.

Mr. Koval explained that sometimes you have to lease the land from the state to have a structure on the land. Mr. Spataro explained that he has all the papers from when he purchased the house and there is nothing about leasing the land only the permits to actually build the deck.

2. **An application from Barbara McCune, requesting an area variance from Section 208-11 from the required 100 ft. width at the building line – Lot 1 = 96 ft. – variance requested = 4 ft., and Lot 2 = 98 ft. – variance requested = 2 ft. The property is located at the east side of Bruno Road, 300 ft. north of Rte. 146, Clifton Park. Permit #80634**

The secretary read the legal notice as it appeared in the Daily Gazette on February 15, 2007

Bob Whitwell from Gilbert VanGuilder, Land Surveyor, presented this application. He explained that they meet all the setback requirements except for the width at the building line because they want to keep the houses toward the front of the lots so as to not disturb the vegetation in the back.

Mr. Ophardt asked if the setback is measured from the property line or the road. Mr. Whitwell responded from the property line. The offset is for the right-of-way owned by the Town.

Mr. Ophardt asked why they could not move the houses back a few more feet. Mr. Whitwell explained that the lots are fine as far as setback goes it's just the width of the lots that require the variances.

Mr. Dudick stated for the record that this property is being represented by Realty USA and Mr. Koval works for Realty USA but has nothing to do with neither this property nor the control of Realty USA and after discussion with counsel it has been determined that it is not necessary for him to recuse himself from hearing this application.

Mr. Myers explained that the variances are needed due to the width at the building line that is required to be 100 ft. and neither lot meets that requirement. He noted that the setbacks are all in compliance. He stated that they felt this is the easiest solution to the problem.

Mr. Kortz asked if the configuration is the same as the tax maps. Mr. Myers explained that they are configured differently right now because they are all owned by the same person. They wanted to equally divide the land. He stated that he has no problem with this request.

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

Mr. Dudick made a motion to approve this application as submitted, Mr. Ophardt seconded. Ayes: Dudick, Gleason, Kortz, Koval, Lemire, Ophardt, Ritter. Noes: None.

- 3. An application from John & Jennifer Staines, requesting an area variance from Section 208-11 from the required 50 ft. front yard setback for a corner lot – proposed setback from Patroon Place = 47.9 ft. – variance requested = 2.1 ft.; proposed setback from Settlers Lane = 28.1 ft. – variance requested = 21.9 ft. The property is located at 21 Patroon Place, Ballston Lake. Permit #80637**

The secretary read the legal notice as it appeared in the Daily Gazette on February 15, 2007

Tom Andress, ABD Engineers & Surveyors, presented this application. He submitted for the record letters from the neighbors stating that they have no opposition to this request. He explained that the house is located in Dutch Meadows on the corner of Patroon Place and Settlers Lane and is a corner lot just under one-half acre. The house was purchased last May and the

owners would like to add a one car garage with a master suite and bath. He also noted that they would like to add a front porch that would require a small variance of 2.1 ft. He also explained that there are five other houses in the neighborhood that have had similar additions, two or three were corner lots.

Mr. Andress referred to the drawings submitted with the application and explained the changes that would be made.

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

Mr. Myers stated that he has no problems with this request.

Mr. Ophardt inquired as to the age of the house and if there would be other upgrades made to the house itself. Mr. Staines responded the house was built in 1975 and they would be replacing windows and re-siding to the house.

Mrs. Gleason made a motion to approve this application as submitted. Mr. Ritter seconded. Ayes: Dudick, Gleason, Kortz, Koval, Lemire, Ophardt, Ritter. Noes: None.

Mr. Dudick noted that counsel's name should be changed on the pending minutes. The secretary apologized for the error and stated that it has been corrected.

Mr. Ritter made a motion to approve the minutes of February 6, 2007. Mr. Ophardt seconded. Ayes: Dudick, Lemire, Ophardt, Ritter, Noes: None. Abstained: Gleason, Kortz, Koval.

There was discussion on revising the submittal dates for applications for the meetings. It was agreed to revise the schedule by backing up the submittal dates by one week. A new schedule will be prepared and distributed by the secretary.

Mr. Ritter made a motion to adjourn the meeting at 7:31 PM, Mrs. Gleason seconded, approval unanimous.

Respectfully Submitted,

Judy Lamb
Secretary

Cc: Town Clerk, Zoning Board Members, Joel Peller, Counsel, Steve Myers, Department of Building and Development, Planning Board, ECC, Assessor, Highway Superintendent