

## ZONING BOARD OF APPEALS

February 5, 2008

Present: Michael Dudick, Chairman, Gilbert Kortz, Christopher Lemire,  
Jessica McCarthy, Eric Ophardt

Absent: Dale Gleason, Robert Ritter

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

Mr. Dudick called the meeting to order at 7:08 PM.

### **NEW BUSINESS**

1. An application from **CP Clifton LLC**, requesting a variance from Section 208.50.6 from the required 400 ft. lot width at the building line for a group of establishments – actual width = 375 ft. – variance requested = 25 ft. The property is located at 1740 US Route 9, Clifton Park. Permit #80688

The secretary read the legal notice as it appeared in the Daily Gazette on January 31, 2008.

Troy Wojciekofsky, Fuss & O'Neill, presented this application. He introduced Steve Harrison, Senior Engineer, Fuss & O'Neill, and Tony Audi, representing the applicant. He explained that the project will contain a 5,200 sq. ft. restaurant and a 96 room hotel on a 5.2 acre parcel on the west side of Route 9 adjacent to a seafood restaurant and bordered on the west by the Northway. They are requesting an area variance because the project is considered a group of establishments on the integrated site plan and it requires a width of 400 Ft. at the building line. He explained that the lot width decreases as it goes towards Route 9. The proposed uses for the site are complimentary and fit nicely on the site with the exception of the one variance.

He explained that the project is currently before the Planning Board for approval and the site plan presented is the result of several meetings with them. It is the concept that will be used at the Planning Board level. This plan is the result of working with planning to minimize the impacts to wetlands on the property and to maximize separations with a stream that runs along the side of the property.

Mr. Dudick asked if they are working with the Planning Board on issues regarding the wetlands and water retention systems. Mr. Wojciekofsky replied yes.

Ms. McCarthy asked the distance of the parking from the adjacent property. Mr. Wojciekofsky noted that they meet the setback required by the zoning. Mr. Harrison measured the distance and stated it is 20 ft.

Mr. Kortz asked if they are in concept or preliminary review with the Planning Board. Mr. Wojciekofsky explained that they are in conceptual review.

Mr. Kortz asked if efforts are being made to protect the wetlands. Mr. Wojciekofsky explained that there are Federal wetlands in the center of the parcel and there are also wetlands along the Northway and a stream runs along the south side of the property.

Mr. Lemire asked if the variance is necessitated by the restaurant only. Mr. Wojciekofsky responded correct. The 400 ft. width is met for the hotel.

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

Mr. Myers noted his concern with the elimination of the storm water retention area and suggested that they consider bio-retention that will be environmentally friendly. He also assumes that they will have to obtain a disturbance permit for the wetlands. Mr. Wojciekofsky stated yes.

Mr. Myers explained that the process will be watched closely. From a zoning standpoint it is a cut and dry project.

Mr. Dudick made a motion to approve this application as requested. Ms. McCarthy seconded. Ayes: Lemire, McCarthy, Dudick, Ophardt, Kortz. Noes: None.

Mr. Dudick announced that there will not be a meeting on February 19, 2008.

Mr. Dudick made a motion to approve the minutes of January 8, 2008, Mr. Ophardt seconded, approval unanimous.

Mr. Dudick made a motion to adjourn the meeting at 7:22 PM, Mr. Lemire seconded, approval unanimous.

Respectfully Submitted,

Judy Lamb  
Secretary

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