

March 15, 2005

ZONING BOARD OF APPEALS

Present: Dale Kelley, Chairman, Michael Dudick,
Joel Koval, Jessica McCarthy, Dale Gleason,
Gil Kortz

Absent: Robert Ritter

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

Mr. Kelley called the meeting to order at 7:05 PM. He welcomed two students that were observing in the audience. He gave them a brief overview of the duties of the ZBA and invited them to ask questions.

NEW BUSINESS

1. An application from Anthony Crocetto, requesting an area variance from Section 208-11 from the required 100,000 sq. ft. minimum lot size in an R-3 zone – actual = 40,053 sq. ft. – variance requested = 59,947 sq. ft.. The property is located at 184 Ashdown Road, Ballston Lake. Permit #80536.
2. An application from Anthony Crocetto, requesting an area variance from Section 208-11 from the required 100,000 sq. ft. minimum lot size in an R-3 zone – actual = 41,767 sq. ft. – variance requested = 58,233 sq. ft.. The property is located at 6 Old Schaubert Road, Ballston Lake. Permit #80537.

The secretary read the legal notice as it appeared in the Daily Gazette on March 10, 2005.

Rod Niedziejko presented this application. He explained that the applicant would like to build a house for his mother on one
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lot and a house for he and his family on the other lot. He stated that he made a purchase offer on the lots believing that they were approved building lots.

Mr. Kelley explained that the two lots do not meet the current zoning laws and that no other property can be purchased to make them conforming lots.

Mr. Clemens noted that this was an approved subdivision filed with the county in 1988 and the owner has been paying taxes for two separate lots since that time. He explained that because they have been held in the same ownership legally they would have to be combined, but this would cause quite a financial hardship on the current owner because he believed them to be two separate lots and has been paying taxes for two separate lots.

He noted that combining the lots would not be a benefit because of their configuration. He stated that these lots are consistent in size with other lots in the area and if approved, this variance would not have an adverse effect on the neighborhood. He stated that he has no objections to this request.

Mr. Kelley asked if there was water and sewer on these lots. Mr. Clemens responded no, they would have to have wells and septic.

Mr. Kortz noted that the application states that there are approved wells and septic on the lots already.

Mr. Niedziejko responded that there is an approved well on one lot and both lots have had test pits dug and have had a perk test completed and have passed. He noted that they had thought about combining the lots but even if combined there is no place to put a house that would look like the rest of the neighborhood. It would not serve the purpose.

Mr. Dudick asked for clarification on the location of the two lots referred to in the application. Mr. Niedziejko outlined the two lots.

Mr. Dudick noted that the two lots surround a third piece of property and asked who owns it.

Mr. Crocetto reviewed the owners of the adjoining property and
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explained that there is a garage and a barn on that property owned by Scott Folmsbee who lives across the street.

Mr. Clemens explained that Mr. Folmsbee lives on the other side of Old Schaubert Road and that the barn is approximately 100 years old. He noted that the garage is probably 40-50 years old and belonged to Ashdown and was used for their home heating oil business.

Mr. Renzi asked for the sizes of the homes to be built.

Mr. Niedziejko stated one would be 2,300 sq. ft. the second will be slightly smaller and will fit in with the existing neighborhood.

Mr. Dudick asked if the current owner would be allowed to build a house on each lot because they were approved in the 1980's. Mr. Clemens responded no because they own both lots, under the current zoning law they would still have to apply for a variance or they would have to combine them to make one conforming lot or a less non-conforming lot. He noted that even if they were combined they would not make a conforming lot.

Mr. Dudick asked for the rationale in making this zoning change for lots in this area. Mr. Clemens stated that primarily the Town is trying to keep the density down in that area of town and also because there is not any water or sewer.

Mr. Koval asked if the lots were sold as two separate building lots. Mr. Crocetto responded yes and he believed they were two separate buildable lots.

Mr. Clemens stated that they had issued a building permit for lot 2 before the zoning changed but they never built on the lot and the permit ran out.

Mrs. Gleason noted that the configuration of the lots and that they front on two different roads is a consideration for why they would think they are two buildable lots.

Mr. Dudick inquired about any attempts to purchase the corner property where the garage is located.

Mr. Crocetto responded that it is not for sale and even so would not make these conforming lots.

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

Mr. Koval made a motion to approve the variance request for Permit #80536 as submitted. Mrs. Gleason seconded. Ayes: Kelley, Dudick, Gleason, Koval, McCarthy, Kortz. Noes: None.

Mr. Dudick made a motion to approve the variance request for Permit #80537 as submitted. Ms. McCarthy seconded. Ayes: McCarthy, Kortz, Koval, Gleason, Dudick, Kelley. Noes: None.

Mr. Kelley made a motion to approve the minutes of March 1, 2005 as submitted. Mr. Koval seconded. Ayes: Kelley, Gleason, Koval, Dudick, McCarthy. Noes: None. Abstained: Kortz.

Mr. Kelley adjourned the meeting into executive session at 7:20 PM, the public meeting reconvened at 7:53 PM.

Mr. Dudick made a motion to adjourn the meeting at 7:54 PM, Mrs. Gleason 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