

ZONING BOARD OF APPEALS

April 1, 2008

Present: Michael Dudick, Chairman, Dale Gleason, Gilbert Kortz, Robert Ritter,
Christopher Lemire

Absent: Douglas Strother

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

Mr. Dudick called the meeting to order at 7:05 PM. He explained that there have been changes to the board since the last meeting. There have been two resignations – Eric Ophart, who has moved to the Planning Board, and Jessica McCarthy, who is the new Secretary. Additionally, Douglas Strother has been appointed to the Zoning Board of Appeals. Mr. Dudick welcomed everyone and wanted the audience to be aware of the changes.

Mr. Dudick advised that a representative of the second application on the agenda (an application from **Joseph H. & Sunday B. Verrillo**, requesting a Use Variance from Section 208-64 to allow for automotive sales in a Light Industrial zone, per Permit #80692) was here to request a postponement of the application because the applicant was not present.

Mr. Tony Ianello stated he is the attorney representing the Verrillos on this application, but that that applicant was unable to attend.

Mr. Dudick advised that the next meeting is scheduled for April 15, 2008. He explained that the application would need to be re-noticed in the Schenectady Gazette., that we would have to send another letter to the applicant advising of the new date, and advise the applicant to send letters to all parties within 500 feet of the application for the Use Variance. He asked for Mr. Peller's clarification on that matter, to which Mr. Peller agreed.

Mr. Peller asked Mr. Ianello to fax a letter of representation to the secretary. Mr. Ianello stated that he would.

NEW BUSINESS:

1. An application from **F. R. Foote Company, Inc.**, requesting an area variance from Section 208-35C from the required 40,000 sq. ft. minimum lot size – proposed = 27,773 sq. ft. – variance requested = 12,267 sq. ft.; a variance from Section 208-35C from the required min. lot width of 180 ft. actual lot width = 172.32 ft. – variance requested = 7.68 ft.; a variance from Section 208-35D2 from the required 25 ft. side yard setback for parking – east side actual setback = 23 ft. – var. requested = 2 ft. – west side setback = 0 – var. requested = 25 ft.; a var. from Section 208-35D2 from the required 25 ft. rear yard setback for parking – actual setback = 11 ft. – var. requested = 14 ft.; a var. from Section 208-35D(1) from the required 70 ft. front yard setback from the property line – actual = 38 ft. – var. requested = 42 ft.; a var. from Section 208-98 from the required 130 ft. setback from the centerline of Rt. 146 – actual = 85 ft. – var. requested = 45 ft. The property is located at 898 Route 146, Clifton Park. Permit #80691

The secretary read the legal notice as it appeared in the Daily Gazette on March 27, 2008.

Mr. Joe Dannible of Environmental Design presented this application on behalf of the applicant. He asked for verification of the variances requested, to which the secretary responded.

Mr. Dannible explained that the applicant would like to construct a 1,000 sq. ft. single story addition of the front of the building to increase office size. He stated that the variances requested, except for the front setback from Rt. 146, are preexisting. He explained that additions to the either side of the building would result in significant interior renovation which would be costly, and would include the cost of relocating utilities. Adding to the front of the building would result in minimal disruption of business.

Mr. Kortz asked about the rear of the building. Mr. Dannible explained that the rear of the building contains the parking lot and the existing septic system. If they added to the rear this would not have sufficient parking.

Mr. Dudick asked about relocating parking, to which Mr. Dannible explained he was not sure he would be able to find space for parking on the side of the building or coming into the front yard. Additionally, they would have to relocate the septic system.

Mr. Dudick asked about cost of the addition, and how much it would cost to add on to the east or west side of the building. Mr. Dannible did not know, but stated it would be costly with interior renovations and construction. They would have to construct other facilities in order to keep business running.

Mr. Dudick stated that no matter what construction they were going to do, there would be some disruption. Mr. Dannible agreed, but stated he believes there would be minor disruption adding to the front of the building. He explained that they would relocate the bathroom.

Mr. Dudick asked if they were going to get rid of the first floor bathroom. Mr. Dannible responded that they would remove it temporarily and then put it into the addition.

Mr. Kortz asked if they could continue operations while the addition was being built. Mr. Dannible responded that more disruption would occur if they added to the sides of the building.

Mr. Dudick asked how big the lot is, to which Mr. Dannible responded 27,733 sq. feet, which is a little more than ½ acre.

Mr. Kortz asked how large the building currently is. Mr. Dannible responded that the building is 2,500 sq. feet.

Mr. Dudick made a motion to close the public hearing. Ms. Gleason seconded. Approval unanimous.

Mr. Dudick asked for Mr. Myers' comments.

Mr. Myers stated the septic system could not be put in its current location if it were done today. He stated that the biggest issue in his opinion is that the proposed addition would be too close to Route 146, and that most of the buildings near this location are set further back.

Mr. Kortz discussed granting the minimum variance necessary and questioned why the addition was needed and why that size. Mr. Dannible responded that he feels a 1,000 sq. ft. addition is minimal. He stated that the addition is needed because the applicant's business is growing.

Mr. Dudick noted the unusual characteristic, and the fact of the shared entrance between the applicant's business and adjacent property owners. Mr. Dudick made reference to the building being a house at one point, and the changeover from residential. Mr. Dudick stated that he looked at the property and the current building appears to be in line with the buildings to the east and west of the building.

Mr. Dudick stated he would like to see some extenuating circumstances that would require an extension. He feels that expanding to the east or west of the building, while it may be expensive, is not cost-prohibitive, and that Mr. Dannible has not provided any financial documentation to support this application. Mr. Dudick stated he is not inclined to grant a variance which would cause this building to be located closer to Route 146, when there are other alternatives available. He understands why the applicant would not want to build over the parking lot or septic system, but that he could build to the east or west. Mr. Dannible explained that it would be 50 to 60% more expensive to add onto the sides, and there would be more of a disruption in business.

Mr. Lemire asked about the disruption. Mr. Dannible explained that the additional corridors in both directions which disrupts several offices, and described the entrance, exits and corridors on the map.

Mr. Kortz asked about the air conditioning unit, gas and utilities, and if they would have to be moved. Mr. Dannible advised that the chimney would have to be moved, gas would have to be relocated. Mr. Kortz mentioned that it appears more disruption would occur on the west side than on the east side of the building. He also stated that the addition would appear to be 31 feet closer to the road, to which Mr. Dannible agreed. Mr. Kortz suggested a compromise so that the structure would not be as close to the road.

There was discussion among Mr. Lemire, Mr. Kortz and Mr. Dudick regarding the shape of the building (chopping off the "L," swinging it around, wrapping around corner) but this part of the discussion is barely audible. Mr. Dannible explained that the architect has explored various

options for the building and this is the best option at this time.

Mr. Dudick asked if Mr. Dannible if he wanted to adjourn this meeting to speak to his client about what has been discussed. Mr. Dudick reminded Mr. Dannible that this Board is normally a seven-member board, that currently there is a vacancy making it a six-member board, and that there are only five (5) voting members present. Mr. Dannible stated that he would like to take the time to discuss the above with the applicant and architect and would also like to discuss alternatives to minimize the variances requested.

Mr. Dudick asked for figures regarding cost. Mr. Kortz stated he appreciates that the applicant's business is growing and that the board would like to find a way to accommodate that, but that we are looking to minimize variances.

Mr. Lemire asked about the nature of the business. Mr. Dannible replied that the business sells PVC parts to various businesses.

Mr. Dudick asked if loss of productivity could be eradicated by taking some temporary office space for sales. Mr. Dannible responded that this is possible. He will discuss this with his client.

Mr. Peller asked Mr. Dannible if they would be ready to come back on April 15th, to which Mr. Dannible replied he would.

Ms. Gleason stated that she is familiar with this non-conforming lot and that it would be good for the applicant's argument if he could eyeball it closer to the road, or have it coming around. Hopefully he can compromise and change it.

Mr. Ritter made reference to what Mr. Myers mentioned, namely, when reevaluating cost and options, if he could state what would be the cost to hook up to the sewer system, and whether it would be sufficient to go with the existing septic area. Mr. Dannible replied that this is an area they were looking at but that in order to connect they would have to install a grinder pump and connect to a force main which is a fairly substantial cost.

Mr. Dudick made a motion to approve the minutes of February 5, 2008. Mr. Lemire seconded. Approval unanimous.

Mr. Dudick made a motion to adjourn the meeting at 7:48 PM. Mr. Lemire seconded. Approval unanimous.

Respectfully Submitted,

Jess McCarthy
Secretary

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