

April 19, 2005

ZONING BOARD OF APPEALS

Present: Dale Gleason, Acting Chairman, Michael Dudick,
Jessica McCarthy, Gil Kortz

Absent: Dale Kelley, Joel Koval, Robert Ritter

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

Mrs. Gleason called the meeting to order at 7:34 PM. She informed the applicant present that there are only four Board members in attendance this evening and it will take a positive vote of all those present to pass any item on the agenda. She gave them the option of adjourning their public hearing until the Board meets again. There was only one applicant present, Americo DiCocco, and he responded that he would like to proceed with his application this evening.

NEW BUSINESS

1. An application from Americo DiCocco, requesting an area variance from Section 208-11 from the required 100,000 sq. ft. minimum lot size in an R-3 zone – actual = 91,202 sq. ft. – variance requested = 8,798 sq. ft.. The property is located at 56 Ashdown Road, Ballston Lake. Permit #80545.

The secretary read the legal notice as it appeared in the Daily Gazette on April 14, 2005.

Gil VanGuilder, Land Surveyor, presented this application. He introduced Mr. & Mrs. DiCocco. He explained that the applicant purchased this property in 1992 that consisted of 3.7 acres of land. They recently purchased a 40 ft. strip of land that was the access strip to land on the other side of the Boston and Maine Railroad. He noted that this strip of land is no longer

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necessary for access to the other property.

He continued, the property is in an R-3 zone that requires 100,000 sq. ft. of land due to the need for wells and septic.

Mr. VanGuilder explained that they created a keyhole lot that is 100,000 sq. ft. in area and the second lot of 91,000+ sq. ft. is the current location of the DiCocco's home. The lot already has a well and septic on it. He noted that the land is fairly level and usable.

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

Mr. Clemens stated that this is a fairly minor variance request and is in keeping with the intent of the law. There already is an existing house on the lot and there will be no change in character to the neighborhood. He stated that he has no objections to this request.

Mr. Kortz asked if the land was purchased prior to or after the changing of the zoning law.

Mr. Clemens responded that the 100,000 sq. ft. requirement went into effect in 1996, therefore it was purchased prior to the zoning change.

Mr. Kortz asked about access to the rear lot. Mr. VanGuilder responded it would be over the 40 ft. strip that was recently purchased.

Mr. Kortz asked why they want to subdivide the land. Mr. DiCocco responded that they want to build a residence for his 80-year-old father-in-law.

Mr. Renzi asked if there was any other way to gain access to the keyhole lot. Mr. VanGuilder responded no, there is not adequate frontage to create two frontage lots that would require 150 ft. each.

Mr. Renzi asked about access onto Ashdown Road. Mr. VanGuilder responded that the existing house has access and they will be adding an additional curb cut subject to the Saratoga County
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Department of Public Works review.

Mr. Renzi asked if he had any indication that it would be approved. Mr. VanGuilder responded he believes it will because the site distance at this location is very good. He also noted that they will be going to the Planning Board and if there is an issue the town engineers could possibly change the access and have them use the existing driveway.

Mr. Renzi asked if the second curb cut is not allowed then they would have to grant an easement. Mr. VanGuilder agreed.

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

A quorum was not present to approve the minutes of April 5, 2005.

Mr. Kortz made a motion to adjourn the meeting at 7:45 PM, Mr. Dudick 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