

ZONING BOARD OF APPEALS

October 4, 2011

Present: Michael Dudick, Chairman, Michael Bloss, Randy Gifford, Chris Lemire,
Eric Prescott, Douglas Strother, Jennifer Vucetic

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

Absent: Deborah Ferro

Mr. Dudick called the meeting at 7:10 p.m. He announced that all members of the board are present.

PLEDGE OF ALLEGIANCE

OLD BUSINESS:

None

The secretary read the legal notice as it appeared in the *Daily Gazette* on September 29, 2011.

NEW BUSINESS:

An application from Boni Builders, Inc for an area variance from Section 208-11 requiring 100 foot lot width at front of building line, 70 feet available, 30 foot variance required. Applicant wishes to build a single family residence. Property is located at 5 West Sky Lane, Clifton Park, NY 12065. (Permit # 80839)

Mr. Larry Boni, property owner, presented the application. He informed that he has a parcel he wants to build on. It is 70' wide with the house being 30 feet. The lot is 22,00 square feet total. He stated that he has spoken with Rick Kukuk (Traffic Department) regarding putting a culvert in the front for run-off. It would be covered. He submitted a letter from Mr. Kukuk for the record.

Mr. Dudick announced that there is no one present in the audience and then made the motion to close the public hearing. Mr. Strother seconded. All agreed. Public hearing closed.

Mr. Dudick asked the board for questions.

Mr. Bloss asked about the drainage ditch. There will be a culvert and it will be covered.

Mr. Bloss asked Mr. Boni if he is required to notify his neighbors of the pending project. Mr. Dudick clarified that this is an area variance and notification is made through posting on town bulletin boards, town website and legal notice in the Schenectady Gazette. He further explained that a use variance requires written notice to neighbors within 500 feet.

Mr. Myers stated that the board can require notification of neighbors but in this case, he doesn't see a problem with the application.

Mr. Dudick asked if the curb cut was discussed with Planning. Mr. Myers answered that Highway was responsible.

Mr. Myers stated he had discussed the project with Mr. Boni and suggested that the curb cut should be on West Sky Road rather than Moe Road. He added that there was a ditch there already. He said the project meets the minimum area required and several lots in the area are not much bigger.

Mr. Dudick asked if there was anything about the curb cut that is the responsibility of the Zoning Board of Appeals, and Mr. Myers said "no", there was nothing for the ZBA to consider.

Mr. Strother asked how far on either side the house will be from other houses. Mr. Boni stated it is about 50-70 feet on one side and 50-100 feet on the other.

Mr. Dudick asked if he was asking for a side setback and Mr. Boni said he was not as it meets code.

Mr. Lemire stated this was a well presented application and made the motion to approve it with the stipulation that the entrance will not be on Moe Road. Mr. Myers stated that the applicant had already agreed to that. Ms. Vucetic seconded the motion.

Mr. Dudick informed a yea vote means approval of the submitted application for 30' variance for lot width with the stipulation that the entrance not be located on Moe Road.

Yeas: Bloss, Vucetic, Gifford, Dudick, Strother, Prescott, Lemire Noes: none

Application approved with stipulation entrance is not on Moe Road.

Mr. Dudick made the motion to approve the minutes of September 6, 2011. All present at that meeting approved. Minutes approved.

The next meeting is October 18, 2011.

Mr. Dudick made a motion to adjourn the meeting at 7:20 pm. Mr. Gifford seconded. Approval unanimous.

Respectfully Submitted,

Susan White
Secretary

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