

**Approved**

**ZONING BOARD OF APPEALS**

November 15, 2011

- Present: Michael Dudick, Chairman, Michael Bloss, Randy Gifford, Chris Lemire, Eric Prescott, JenniferVucetic
- Also Present: Joel Peller, Esq., ZBA Counsel  
Steve Myers, Director, Building & Zoning
- Absent: Deborah Ferro, Douglas Strother

Mr. Dudick called the meeting at 7:10 p.m.

**PLEDGE OF ALLEGIANCE**

Mr. Dudick explained that there are 6 members present and 4 yes votes are needed for approval of an application. He informed that the applicant could postpone and wait until there are 7 members present, if he wished. The applicant, Ed Grennon, stated he wished to proceed.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

The secretary read the legal notice as it appeared in the *Daily Gazette* on November 10, 2011.

**An application from Edward Grennon for a variance from 208-12A for accessory building (garage) setback. 80' required from front property line, applicant requests 10'; 70 foot variance required. Property is a keyhole lot in PDD with normal residential requirements (208-12A) applicable. Property is located at 6 Mountain Way, Clifton Park, NY 12065 (Permit #80841)**

The application was presented by the owner of the property, Ed Grennon. He stated he wished to build a garage for boats, lawmowers, etc. He informed it is a keyhole lot. The house is 250 feet off the street, but the back drops off and this is the only practical place they can put the accessory building. He asked if it is an accessory building, why 80 foot setback is required, rather than 50 foot.

Mr. Myers stated that code requires 80' from the front property line, not from the road.

Mr. Peller asked for clarification of the survey, lot 1.

Mr. Grennon stated it would be extremely difficult to put the building anywhere else on the lot.

Mr. Dudick asked why the proposed garage cannot be any closer to the house.

Mr. Grennon said it could be closer but he still needs access to the back yard.

Mr. Dudick said they are looking at how close it is to the neighbor's property and asked if there is a way to move it closer to the home. Mr. Grennon responded it would be hard to get in and out.

Mr. Lemire asked if there is a garage on the house and how big is it. Mr. Grennon answered that it is a two car garage. Mr. Lemire asked if there is a restriction as to the number of garages and was told there isn't. Mr. Myers asked how many doors the existing garage has, and was told there are three.

Mr. Dudick said that looking at the adjacent property owners, there is no Ralph listed (the neighbor Mr. Grennon mentioned as living next door). Mr. Grennon stated he could have missed him as he took the names off the survey. He added that Ralph doesn't have a problem with his building.

Mr. Dudick asked if he could build to connect with the turn around. Mr. Grennon answered that this is where the utilities are, and where the land and grade drops off and explained the topographics.

Mr. Peller commented that the lot is 8 acres and asked if there are other possibilities for the lot.

Mr. Myers stated there is little that can be done with the land because of the contours and the mobile home would not take to contours.

Mr. Lemire asked if there is going to be a height issue with the garage.

Mr. Myers said that is a possibility but he didn't know how high it is as they don't have plans.

Mr. Peller asked if the garage will be one story and Mr. Grennon answered it is.

Mr. Dudick stated that the garage will be ten feet off the property line and asked if he could move it closer to the house and make the variance 60 feet. Mr. Grennon answered that if he saw the house he would see it would be very close when the car was parked in the driveway.

Mr. Peller asked how many feet between the house and garage and Mr. Grennon answered that is about ten feet.

Mr. Bloss asked where the motor home is stored now. Mr. Grennon told him it would be the back of the building and the pine trees block the view of it.

Mr. Dudick asked how long he has owned the property. The answer was ten years. Mr. Dudick asked if the trees were ten years old, and Mr. Grennon said they were, that he had been establishing screening for the neighbors.

Mr. Dudick said this is a unique application and Mr. Lemire added that it is because there are eight acres.

Mr. Myers informed that there are severe restrictions on the property. He said there is a protected trout stream. Mr Grennon added that it is an LT Zone and wetlands. Mr. Myers said he can't do much with the property.

Mr. Dudick stated that this is a different application because it is eight acres, but that he understands that there are water issues and setback issues and topography issues. He said if it weren't for that, he would have a greater issue with the application.

Mr. Dudick said that with all the information that has been presented, he is making a motion to approve the application as submitted. Mr. Gifford seconded.

Mr. Dudick announced the public meeting and asked for comments. There were none. Mr. Dudick declared the public meeting closed. Seconded by Mr. Prescott.

Mr. Myers asked if the variance is granted will it cover any additional variances, such as height restrictions of 15 feet.

Mr. Peller stated he would have to come back for that. He added that if there is another variance, it has to be noticed in the paper first.

Mr. Dudick asked Mr. Grennon if he knows the height of the garage.  
Mr. Grennon said he does not but has plans that are being stamped now.

Mr. Dudick said he might want to nail down the height of the building before the board makes a decision on the variance. He stated that if he doesn't know what it is, he would have to come back for another variance or be restricted in height. He advised Mr. Grennon that this is not an ideal time to have the board decide and suggested that, since he is not going to build very soon, it would be best for him to return for the December 6 meeting when he will have the plans.

Mr. Grennon agreed.

Mr. Dudick stated he is re-opening the public hearing and withdrawing his motion to approve the application. Mr. Gifford withdrew his second of the motion.

Mr. Peller stated that Mr. Myers will handle the application changes if there are any when Mr. Grennon submits plans. The secretary will handle legal notice in the newspaper. Mr. Grennon will return on December 6 after the plans are submitted.

Mr Dudick made the motion to approve the minutes of the October 18, 2011 meeting, seconded by Mr. Bloss. Minutes were unanimously approved by members who were present at that meeting.

The next meeting is December 6, 2011.

Mr. Dudick made a motion to adjourn the meeting at 7:30 pm. Seconded by Mr. Gifford. 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