

ZONING BOARD OF APPEALS

April 3, 2012

Present: Michael Dudick, Chairman, Michael Bloss, Amy Standaert, Douglas Strother (7:25), Jennifer Vucetic

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

Absent: Randy Gifford, Chris Lemire, Eric Prescott,

Mr. Dudick called the meeting at 7:18p.m.

PLEDGE OF ALLEGIANCE

OLD BUSINESS:

None

NEW BUSINESS:

The secretary read the legal notice as it appeared in the *Daily Gazette* on March 29, 2012.

1) An application from Richard Hughes for variance from Section 2018-11 to build carport. Ten foot (10') side yard setback required, eight feet (8') proposed; variance required = two feet (2').

Property is located at 19 Lace Lane, Clifton Park, NY 12065 (Permit #80857)

The application was presented by Richard Hughes, owner of the property.

Mr. Dudick informed this is a 7 member board and in order to have an application approved it must receive 4 yeas votes, regardless of the number of members present. He continued that there

were currently three members present with one on the way. Three members were absent and Amy Standaert, alternate, is designated to sit for Christopher Lemire, making four voting members present. He informed Mr. Hughes, that he had the option of re-scheduling or giving his presentation to the four members present or waiting until Mr. Strother, the fifth member arrived. Mr. Hughes stated he wished to continue.

Mr. Hughes explained that he wished to build a garage and there is little room on his property so he needs a variance of two feet side setback. He stated he has spoken with his neighbor who told him he is ok with this.

Mr. Strother, fifth board member, arrived at 7:25. He stated he was prepared to hear the application and was familiar with it.

Mr. Bloss asked if this was a second garage and Mr. Hughes stated it is not, there is room for only one car. He said he is tired of shoveling snow off his car in the winter.

Mr. Dudick announced a public hearing and asked for comments. There were none. Mr. Dudick made the motion to close the public hearing, seconded by Mr. Bloss. All approved. Public hearing closed.

Mr. Myers stated he has no problem with the application.

Mr. Dudick said he thinks that two feet variance is not a major issue and is a reasonable request. He suggested having a little slope for water drainage. Mr. Hughes agreed.

Mr. Dudick made the motion to approve the application as submitted. Seconded by Ms. Vucetic. Due his late arrival, Mr. Dudick asked Mr. Strother if he was comfortable voting on the application and he answered that he was.

Ayes: Standaert, Strother, Dudick, Vucetic, Bloss Noes: none

Application approved for two foot side setback variance.

The secretary read the legal notice as it appeared in the *Daily Gazette* on March 29, 2012.

2) An application from Derek Loomis for variance from Section 208-12 to build gazebo; Five foot (5') setback required for accessory structure, 2.5' proposed, variance required = 2.5'.

Property is located at 17 Nottingham Way S. Clifton Park, NY 12065 (Permit #80858)

The application was presented by Mr. Derek Loomis, resident at 17 Nottingham Way. Mr. Loomis informed that he wishes to build a gazebo using the existing lattice fence as one of the four walls of the gazebo. He plans to use climbing vines, roses, clematis, etc to make it attractive for the neighbors. He stated he had talked to the neighbors on the side of the fence and another neighbor (he is on a corner lot). He said he has little space and due to setbacks is limited in where he can put the building and he also has a retaining wall. He said he described what he wants to do to his neighbors and they are ok with it.

Mr. Bloss asked how much higher the gazebo will be than the existing fence. Mr. Loomis responded that it will have a roof on it so it will add another three feet, making it about 11 feet high.

Mr. Dudick asked if it could be closer to the retaining wall. Mr. Loomis said part of his request is so he does not have to use more materials. He said he would have only a 2 foot gap between the fence and the gazebo and it would be awkward. He would like to be able to use the fence.

Mr. Dudick asked if the gazebo would be up against the fence. Mr. Loomis said it would and use the fence as one of the walls so he doesn't have to build another wall. Mr. Dudick stated he could see that a 2 foot gap wouldn't be much usable space. Mr. Loomis said the retaining wall makes it difficult to get near it.

Mr. Dudick announced the public hearing and asked for comments. There were none. Mr. Dudick made the motion to close the public hearing. Seconded by Mr. Strother. All approved. Public hearing closed.

Mr. Myers stated he is fine with the application. Mr. Strother added that it is in the optimal position to protect the front view for the neighbor. Ms. Vucetic added it does not create an obstruction for the neighbor.

Mr. Dudick asked Mr. Myers why they were not asking for 3 feet instead of 2 ½ feet. Mr. Myers stated that is the number Mr. Loomis provided. He added that if it is off a little they can work it out.

Ms. Vucetic made the motion to approve the application as submitted. Mr. Strother seconded.

Ayes: Bloss, Vucetic, Dudick, Strother, Standaert Noes: none

Application approved as submitted.

The secretary read the legal notice as it appeared in the *Daily Gazette* on March 29, 2012.

- 1) **An application from Firehouse Road Associates II, LLC for variances for restaurant in B-4 zone. Variances requested:**
 - 1) **From 208-46C, side parking setback required = 20', available = 10', variance required = 10'**
 - 2) **From 208-48, landscape buffer required = 15', available = Lot 3 = 10'N, 5'E; Lot 5= 5'N, 10'E; variance required = 10'**

Property is located at 3-5 Northside Drive, Clifton Park, NY 12065 (Permit #80859)

Mr. Gavin Vuillaume, Environmental Design, Landscape Architect representing the applicant, Firehouse Road Associates, presented the application. The applicant requests several variances in relation to a 2 lot subdivision on Northside Drive. They went before the Planning Board in

order to separate the vacant parcel. The applicant has been pursuing a tenant for the building for several years and recently a restaurant indicated it would like to occupy the building. The agreement is that they would purchase the building rather than lease, so this is a good time to subdivide and put the building on its own lot.

He informed that the Planning Board is comfortable with the arrangement but there are variances required based on the fact they are trying to follow the existing lease line along Chili's. He described the other property line, which is part of the common access easement along Northside Drive for all three buildings. They want to keep the same line and they might need a small variance to provide additional parking.

He continued that the restaurant owner would look to expand the back to 50 or 60 parking spaces. He added that they might need a few extra feet for the pavement to be sure they have enough room. Mr. Dudick asked if this is in addition to what they are asking, and Mr. Vuillaume said yes, on top of it. He said there is plenty of greenspace required.

Mr. Peller asked him to explain the Chili's ground lease. Mr. Vuillaume said it is for part of the lot.

Mr. Dudick asked Mr. Myers if they grant to separate lot (3) if greenspace is an issue. Mr. Myers said they had gone over that, and it isn't a problem, and there is a stormwater area at the entrance. Mr. Vuillaume said there will be some additional easements required for common access.

Mr. Peller asked if Lot 5 included the common area, and was told it will. Mr. Peller asked about Lot 3 if it is to be squared off and sold, will they have access and was told yes.

Mr. Dudick questioned if there was an issue to the amount of frontage. Mr. Vuillaume said there is no variance needed and the lot frontage is acceptable based on the building line which has the necessary width.

Ms. Vucetic asked about the island. Mr. Vuillaume said it was a leftover from part of a drive through and it will be removed and additional greenery added.

Mr. Strother queried about whether there is enough greenspace. Mr. Vuillaume said it was 39% on Lot 3 and 41% on Lot 5.

Mr. Bloss commented there are a lot of parking spots for a small building. Mr. Strother said it is a shared area. Mr. Vuillaume said Chili's parking lot is often full.

Mr. Dudick announced this is a public hearing and asked for comments. There was no audience. Mr. Dudick made the motion to close the public hearing, seconded by Ms. Vucetic. All approved. Public hearing closed.

Mr. Myers stated these are small variances. He added that 50-55 parking spaces are required. Mr. Bloss repeated the plan shows 60-67 planned. Mr. Myers said they may end up scaling it back once it is closer to approval.

Mr. Peller asked if the easement is part of planning. Mr. Myers said that it will be done with the Planning Board.

Mr. Bloss made the motion to approve the application as submitted. Mr. Strother seconded.

Mr. Bloss asked about the additional feet requested. Mr. Vuillaume said just to be sure they would like an extra two feet. Mr. Dudick asked Mr. Myers if this would be a problem, and was told probably not.

Mr. Dudick said they would leave it to his disgression. Mr. Vuillaume said if it is a radical change he would come back to the Zoning Board . Mr. Myers said that is reasonable.

Ayes: Standaert, Vucetic, Strother, Dudick, Bloss Noes: none

Application approved as submitted.

Mr Dudick made the motion to approve the minutes of the March 20, 2012 . Seconded by Mr. Strother. Minutes approved, with Ms. Vucetic abstaining, as she was not at that meeting.

The next meeting is April 17, 2012.

Mr. Dudick made a motion to adjourn the meeting and was seconded by Ms. Vucetic. Approval unanimous. Meeting adjourned at 7:57pm.

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