

ZONING BOARD OF APPEALS

October 2, 2012

Present: Michael Dudick, Chairman, Mario Fantini, Randy Gifford, Chris Lemire,
Doug Amy Standaert, Doug Strother

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

Absent: Michael Bloss, Jennifer Vucetic

Mr. Dudick called the meeting at 7:05 p.m.

Mr. Dudick informed the applicants that this is a 7-member board with one alternate. In order to receive approval for an application, they must receive at least 4 yea votes, regardless of the number of board members present. Tonight there are two members absent, and the alternate member, Mario Fantini, has been designated to sit for Mrs. Vucetic, making six sitting members. He informed applicants have a choice to defer if they want to see if all seats are filled at the next meeting, but added there is no guarantee. Applicants indicated they wish to continue.

PLEDGE OF ALLEGIANCE

OLD BUSINESS:

NEW BUSINESS:

The secretary read the legal notice as it appeared in the *Daily Gazette* on September 27, 2012.

- 1) An application from **Denise Bagramian** for a variance from Section 208-12A for accessory building. 80' required from front property line on corner lot. Setback

proposed = 55'. Variance required = 25'. Owner has confirmation that wetlands no longer exist as shown on original plot plan.

Property is located at One Towline Road, Clifton Park, NY 12065 (Permit #80887)

The application was presented by Denise Bagramian, owner of the property at One Towline Road.

She stated they wish to build a garage on the property. She explained there is a fence on one side and wetlands (which are now dry) on the other and they want to put the garage in between. She added that if they put it anywhere else, it would be in sight of the neighbor's family room, which they would rather not do. She said the neighbors like to have a view of the trees.

Mr. Gifford said it looks like a large garage and asked if it will have an upstairs or office. Mrs. Bagramian answered that it will have a small loft area, sort of a "mancafe."

Mr. Dudick asked if there could be a residence up there. She answered "no" and it won't even be finished and will be for storage.

Mr. Strother asked if Moe Road is considered the front.

Mrs. Bagramian answered that Towline is the front, but that it is a corner lot that has two fronts.

Mr. Strother summarized that Moe Rd is the front as well. He asked the size of the lot and was told it is 1 ½ acres.

Mr. Dudick asked for public comments. There were none.

Mr. Myers stated he had an initial concern about the wetlands, but he has a letter from the DEC confirming it is no longer wetlands. He said he has no issue with the application and understands why she wants to place it where she does.

Mr. Peller asked Mr. Myers "what is an Alaskan slab". Mr. Myers explained it is a thickened edge slab that is used quite often for accessory buildings when it is not attached to the house. He added that it prevents having to go down four feet for the frost.

Mr. Peller asked if he is ok with that and Mr. Myers said he is. He explained the shape further to clarify it for Mr. Dudick. He said they would work out the details.

Mr. Lemire asked where the garage doors would face. Mrs. Bagramian told him they would face Moe Road.

Mr. Lemire asked if there would be a driveway and asked where is the curb cut. Mrs. Bagramian answered there is no driveway and no curb cut. She said it is not an every day type of building, just for her husband's motorcycle.

Mr. Dudick asked if this could be considered to be a big shed and Mr. Myers said it is.

Mr. Dudick made the motion to close the public hearing. Mr. Strother seconded the motion. All approved. Public hearing closed.

Mr. Lemire speculated that if it weren't for Moe being a second front, they wouldn't be here and it would be considered to be a "side". Mr. Myers said that is correct.

Mr. Dudick clarified it is a double front setback that they have seen it countless times because of it being a corner lot.

Mr. Strother said considering the size of the lot and the fact that she is giving relief and concern for her neighbor puts it in a very favorable light.

Mrs. Bagramian added they also have a very large fence heightwise.

Mrs. Standaert made the motion to approve the application. Mr. Gifford seconded the motion.

Yeas: Lemire, Standaert, Strother, Dudick, Gifford, Fantini Noes: none
Application approved as submitted.

The secretary read the legal notice as it appeared in the *Daily Gazette* on September 27, 2012.

- 2) An application from Susan Fowler for variance from Section 208-12A for accessory building on corner lot. Setback required = 80'. 20' available, variance required = 60'. No variance required for building height as property is in a CR zone. Property is located at 25 Garnsey Road, Rexford, NY 12148 (Permit #80888)**

The application was presented by Dan Fowler, son of Susan Fowler, resident of the property at 25 Garnsey. He stated there is no other spot they can put the building because of setback requirements and where the septic system is placed.

Mr. Dudick asked if it is a corner lot and was told it is.

Mr. Peller asked Mrs. Fowler to sign a form authorizing Dan Fowler to speak on her behalf, and she did so. Mrs. Fowler remained at the podium.

Mr. Lemire asked what is the right of way. Mr. Myers explained the right of way and the property line are the same thing.

Mr. Lemire asked why it could not be moved further over to the right. Mr. Fowler said it would be too close to the septic mound. He explained they had to be able to get in to the septic system from the Garnsey Road side.

Mr. Dudick asked Mr. Myers if there was a better place to put it. Mr. Myers answered that he did not want it to cause any interference with the septic system. He said he doesn't have an issue with where it will go.

Mrs. Fowler said there is a pool, and the reason why they did not want to move it back is they would have to take out the trees.

Mr. Myers made a print of the property to clarify.

Mr. Strother asked what is across the street and was told a neighbor, and a row of pine trees.

Mr. Lemire asked what is to the right of the house and asked if they could put the garage there. Mr. Fowler said it is the front of the pool, and there is no driveway there. Mrs. Fowler added that there are power lines there.

Mr. Dudick asked which direction would the doors face. Mr. Fowler answered they will face Garnsey Road. He added they are not going to put in a driveway and will drive across the lawn, as it is only another 30 feet from where the driveway ends.

Mr. Dudick asked if they could do that and Mr. Myers said they could. Mrs. Fowler asked if there is a problem if they put gravel in there. Mr. Dudick said they could do that.

Mr. Strother said he was concerned at first because of the size of the variance, but given the constraints he understands.

Mr. Lemire asked how much space, if you take the corner of the garage and parallel to Garnsey Road, is there, between the house and line. He was told it is 13 feet.

Mr. Lemire asked why they couldn't move it (and pointed to a location on the map). Mrs. Fowler said they have to be able to get the truck around the back of the house to get to the septic system and you can't drive over it.

Mr. Dudick stated it doesn't seem out of character for the situation at hand, and because it is a corner lot.

Mr. Dudick made the motion to close the public hearing. Mr. Strother seconded the motion. All approved. The public hearing is closed.

Mr. Dudick made the motion to approve the application. Mr. Gifford seconded the motion.

Ayes: Fantini, Gifford, Dudick, Strother, Standaert, Lemire Noes: none
Application approved as submitted.

Mr. Dudick made the motion to accept the minutes of the August 21, 2012 meeting and was seconded by Mrs. Standaert. Members who were present at that meeting unanimously approved the minutes.

Mr. Dudick made the motion to accept the minutes of the September 18, 2012 meeting. Mr. Gifford seconded the motion. All who were present at that meeting unanimously approved.

Mr. Gifford made the motion to adjourn the meeting. Mr. Lemire seconded the motion. All approved. Meeting adjourned at 7:40 pm.

The next meeting is October 16, 2012.

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