

ZONING BOARD OF APPEALS

February 3, 2015

Present: Michael Dudick, Chairman (7:35), Denise Bagramian, Michael Bloss, Jerry Cifor, Randy Gifford, Chris Lemire, Mario Fantini

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

Absent: Jennifer Vucetic

Mr. Dudick, Chairman, was delayed. Mr. Lemire, standing in for Mr. Dudick, called the meeting at 7:10 p.m.

PLEDGE OF ALLEGIANCE

Mr. Lemire informed the applicants this is a seven member board with one alternate. Tonight one member is absent and the chairman is delayed. Mr. Fantini, alternate, will sit in for Jennifer Vucetic. To receive approval, an application must receive 4 yeas regardless of the number of members present. There are six voting members present tonight so the applicant must receive four out of six votes for approval. Applicants have the option to defer if they wish.

OLD BUSINESS

The secretary read the legal notice as it appeared in the Daily Gazette on January 27, 2015

An application from Jerry Zheng for variances for proposed subdivision. Lapp Road requires special setbacks and lot widths per Section 208-11C 1)Section 208-98, 200' minimum lot width required. Proposed= 192.16', 102.01', 100.01' and 105.82' 2) Section 208-86B requires 50' minimum setback for main building. Lot C setbacks proposed=45' and 34'; maximum 15' variance required. Property is located at 246 Lapp Road, Clifton Park (Permit#81006)

The continuation of the application was presented by Duane Rabideau, VanGuilder & Associates, representing Jerry Zheng. He explained this application is for variances for a four lot subdivision on Lapp Road. In order to move forward they need relief from Section 208-11 which requires 200' lot widths. He listed the lot sizes as 192.16', 102.01', 100.01' and 105.82' and asserted the lots meet all the other requirements for the R1 zone. He stated his understanding of the creation of the 200' lot minimum on Lapp Road is in the 1970's the road was a major corridor to points North and the town wanted to limit the number of houses. He explained that since then, Exit 8A was built, taking much of the traffic off Lapp Road, which he described as now being a collector road. He explained the application had been tabled at the last meeting due to a technicality in the legal notice.

Mr. Lemire asked if Mr. Zheng was going to reside on Lot A. Mr. Rabideau responded Mr. Zheng owns the land but resides elsewhere.

Mr. Lemire questioned when the land was purchased and was told it was 2011. Mr. Rabideau explained the history of the lot saying prior to Mr. Zheng, another person had proposed dividing the parcel into five lots, and another proposal was made for six lots. Mr. Rabideau commented those proposals did not fit into the character of the neighborhood and this layout for four lots fits. He asserted he has spoken to John Scavo and the Planning Board Chairman, who both like this plan.

Mr. Gifford asked if there are other duplexes in this area. Mr. Rabideau answered he thinks so but does not know where they are. He referred to the plan, showing the location of the current home on the lot and the proposed single family home. He explained the duplex will utilize the existing driveway and it is back in the wooded area and would not be seen if you did not know where it is. He asserted the only curb cut to be added will be for the single family home. He further explained the Town owns the lands behind the proposed duplex and some of the area is "forever wild" and the duplex will be fairly well hidden. He referred to the arial photo informing the rear of the area is parklands and a wooded buffer, promising to keep the clearing around the house to a minimum.

Mr. Lemire questioned if Mr. Zheng had purchased the land with the intention of building.

Mr. Rabideau responded in the affirmative. He said Mr. Zheng came up with the five home plan in 2013, then came up with the six lot proposal, repeating it was the general consensus that those plans did not fit the character of the neighborhood as this one does.

Mr. Myers weighed in, informing that the application originally had other setbacks, but they had reoriented the houses so they are no longer needed. He advised the Board that the duplex has to go to Planning for approval. He commented there have been a couple versions (under the same owner) but this one has the least impact on the neighborhood. He could not recall if there are other duplexes in the neighborhood, speculating there may be some on Lincoln. He opined the way this is oriented it will have minimal impact. The area in the back was designated wetlands which is why it is under Town ownership, although he does not know if, over the years, they are still wetlands.

Mr. Peller asked Mr. Myers if he liked this plan better than the others. Mr. Myers responded “absolutely” and explained the other plans had undersized lots and would have required variances.

Mr. Lemire reminded the property has 500’ of frontage and suggested they could have two lots of 200’ and one lot of 100’ that would need a variance, commenting they want four lots. Mr. Rabideau explained they have to work around the existing home without impacting the wetlands. He said they are trying to balance the lots to fit the buildable areas. Mr. Lemire suggested they could stay out of the wetlands with three lots explaining how he would do it. Mr. Rabideau said they could get three lots and one variance but they are trying to get four lots, which he asserted are larger than some of the neighboring lots.

Mr. Lemire asked for public comments. There were none. Mr. Gifford made the motion to close the public hearing, seconded by Mr. Bloss. All agreed. Public hearing closed.

Mr. Fantini asked Mr. Myers if there are typical lot widths in this area. Mr. Myers responded that most houses along this road do not have 200’ frontage, adding that was a regulation that was put in place after the fact. He said frontages are between 100-150’ and the proposed lots are 4-5 times larger than are required for R1. He opined it is a good piece of property and Mr. Zheng is just trying to make something of it, adding it is a much better proposal than any other they have seen to date. He informed that it is also good because he is going to extend the sewer.

Mr. Lemire asked Mr. Rabideau if the applicant would be agreeable to having a contingency that the shared driveway and the existing driveway would be the only two curb cuts. Mr. Rabideau agreed there would be no problem.

Mr. Gifford made the motion to approve the application with the contingency there would be only one new driveway for lot D. Mr. Cifor seconded the motion.

Ayes: Fantini, Bloss, Cifor, Lemire, Gifford, Bloss Noes: none
Application approved with contingency.

NEW BUSINESS

The secretary read the legal notice as it appeared in the Daily Gazette on January 27, 2015

An application from Joe Lajeunesse for a variance from Section 208-12A which requires 80’ setback from property line for accessory structure. Corner lot with proposed setbacks of 50’ & 19’. Maximum variance required = 61’. Property is located at 13 Sweetbrier Drive, Ballston Lake, NY 12019 (Permit#81008)

The application was presented by Mr. Joe Lajeunesse, owner along with wife, Pam, of the property at 13 Sweetbrier. He referred to the map, explaining that most of the footage does not meet what they need. He said the house sits in the middle of the lot, and they would like to build a garage facing the existing garage. He pointed out the location of the garage is where the camper is currently parked. Explaining the back yard is short and the basement is at ground level, he asserted this is the only feasible place to put the garage to house his truck and camper.

He said the driveway is flat, and this is the only flat part of his property. Mr. Lajeunesse explained this is only the start of the project as he did not want to sink money into an architect or builder, or permit until such time as he knew the garage variances would be approved.

Mrs. Bagramian asked if he is looking for the maximum variance and then will decide on the building.

Mr. Lajeunesse explained the biggest they will build is what his drawing shows and money will decide the actual size. He didn't want to get a variance and then have to come back if they wanted something larger. He said he understands that anything over 600 sq. ft. would need cross walls. He informed a full size pickup truck will not fit in his present garage and he wants to put his vehicles out of the weather.

Mr. Peller asked if the garage would be heated and if it would be on a slab.

Mr. Lajeunesse responded it would be on a slab, but not heated as it is only for storage. He said he doesn't anticipate the garage will be higher than the house and that he had checked with the neighbors to make sure they would not have a problem with it. He asserted they do not have issue with it.

Mr. Peller asked if the garage will match the home and was told it will with windows and shutters of the same color. Mr. Lajeunesse informed they had gone solar (after checking for approval of the neighbors) and the garage roof will be the same color as the house roof but not attached to it.

Mr. Lemire asked what address is behind the house. Mr. Lajeunesse answered it is #11, but explained there is a hill so the neighbors will only see part of the garage as there is also an island with trees that will block their view. He invited two neighbors over to his house and showed them the plans, and he went to the other neighbors and explained it to them.

Mr. Lemire queried whether the neighbor at #12 Sweetbriar had been informed and was told he had discussed it with the Nash's.

Mr. Myers stated he does not have a problem with what he is doing, explaining it is a corner lot and has restrictions but if it were not a corner lot, he would not have had to come to the Board. He said Mr. Lajeunesse doesn't have a lot of choice and he (Mr. Myers) does not think it will impact the neighborhood.

Mr. Lemire asked if he still would need the variance in the front. Mr. Myers responded that is correct, because he is on the corner. He explained the maximum is on the side, only because it is a corner lot so it has two fronts.

Mr. Lajeunesse informed they live on Sweetbriar but their driveway is on Arbor View Dr. He explained to Mr. Gifford exactly where the garage would be located and assured the color of the garage would match the house.

Mrs. Bagramian asked if the garage would have windows. Mr. Lajeunesse responded he doesn't have the plans yet, but he thinks windows would make it fit with the house. He informed the garage doors would be 12' high because he can't get the truck in the garage otherwise, saying the truck doesn't fit in the current garage. He said he would have to go deeper if he doesn't have a double garage. He informed the camper is 12' where the bed is, but it is 22' overall.

Mr. Lemire reiterated that the plan is to have the garage doors facing the house, not toward the street. Mr. Lajeunesse said that is correct they would be facing the garage doors on the house.

Mr. Gifford asked if he would have enough room to back into the garage. Mr. Lajeunesse responded "with a little work". He informed he just bought both vehicles in October, is retiring and they would like to visit grandchildren. He said they want to keep the vehicles indoors and when they are gone, no one will know if they are home or not.

Mr. Myers referring, to the discussion about doors facing Sweetbriar, asked if that is going to be made a contingency. Mr. Lemire answered they do not want to see another curb cut on Sweetbriar.

Mr. Myers said if it were him, he would want a door on Sweetbriar where he could drive right in and pull though. Mr. Lajeunesse stated he had thought about that but decided it would make the process more difficult.

Mr. Myers informed if they put the restriction on it, he won't be able to do it, but if they don't put the restriction on and he decides to do it, he could request it. He advised he didn't want him to limit his options.

Mr. Gifford commented that if he does that, he would have a curb cut on Sweetbriar. Mrs. Bagramian noted he would also be buying more doors.

Mr. Gifford opined that the drive-thru would look funny and Mr. Lemire expressed concern as to how the neighbors would feel about a drive-thru. Mr. Myers commented the neighbors are looking at the garage doors now.

Mr. Lemire stated his big concern is if the neighbors would be ok with seeing a drive-thru on the other street.

Mr. Lajeunesse informed that his neighbor across the street actually wanted him to do that. Mr. Myers repeated the neighbors are looking at garage doors now so he does not think it is a big deal for the new garage. He explained he just wanted to know if the Board was going to put specifics on it.

Mr. Lemire summarized there is a 54' lawn with a hill and apple trees and he would assume Mr. Nash might not want to see an unobstructed view of the garage. Mr. Gifford asked if he will cut down any trees and was told no trees would be cut down, that his driveway is on Arbor View.

Mr. Gifford made the motion to approve the application with the contingency that there are no doors facing Sweetbriar Drive. Mr. Cifor seconded the motion.

Mrs. Bagramian again questioned if there will be windows. Mr. Lajeunesse said he would have windows, repeating he doesn't have an architect yet until he knows if he can get the project approved. He asserted he makes his property presentable since they moved in 2002 and the garage would fit in.

Mr. Lemire reminded there is a motion and asked Mr. Lajeunesse if he is ok with the contingency. He responded he is.

Mr. Lemire closed the public hearing as there was no one in the audience.

Ayes: Bloss, Gifford, Lemire, Cifor, Bagramian, Fantini Noes: none

Application approved with contingency there are no doors on the garage facing Sweetbriar.

Mr. Lemire made the motion to approve the minutes for the January 6, 2015 meeting, seconded by Mr. Gifford. All approved with Mr. Fantini abstaining as he had not been present at that meeting. Mr. Dudick also in the room voted for approval.

The next meeting is February 17, 2015.

Mr. Cifor made the motion to adjourn. The motion was seconded by Mr. Gifford. The meeting was adjourned at 7:50 pm.

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