

ZONING BOARD OF APPEALS

March 17, 2015

Present: Michael Dudick, Chairman, Denise Bagramian, Michael Bloss, Jerry Cifor,
Randy Gifford, Chris Lemire, Mario Fantini (7:05)

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

Absent: Jennifer Vucetic

Mr. Dudick called the meeting at 7:01 p.m.

PLEDGE OF ALLEGIANCE

Mr. Dudick informed the applicants this is a seven member board with one alternate. Tonight six members are present, plus the alternate. To receive approval, an application one must receive 4 yea votes 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.

OLD BUSINESS

NEW BUSINESS

The secretary read the legal notice as it appeared in the Daily Gazette on March 12, 2015

An application from Daniel Farnan, PE. Maser Consulting P.A. for a variance from Section 208-86B which requires 50' setback from all property lines for house on keyhole lot. Addition proposed requires 9' variance from front line and 11' variance from side line. Property is located at 610 Grooms Road, Clifton Park, NY 12065 (Permit#81012)

The application was presented by Daniel Farnan, engineer for the project, representing Mr. & Mrs. Pat Maniban, 610 Grooms Road. Mr. Farnan confirmed he has written permission to represent the applicant.

Mr. Farnan explained they need a variance from Section 208-86B which requires a 50' setback from property lines. The applicant wishes to construct a 700 sq. ft. one story addition on the northeast side of the existing home which is on a keyhole lot. He presented a copy of the building plans which had not been previously available.

Mr. Farnan detailed the two part need for variance informing they first needed permission from the Town of Colonie which requires a 200 foot setback from the Colonie Stoney Creek Watershed. He presented a letter (February 2, 2015) from the Town of Colonie granting permission for the addition. The second part is the need for setback variances from both the side and front as the proposed plan requires an 11' variance on the side and a 9' variance on the front. He promised that all existing landscaping will remain and there is no residence to the east side of the property where the addition will be located. He said there is a steep dropoff on that side.

Mr. Dudick asked Mr. Myers if Colonie has jurisdiction on this. Mr. Myers answered they do not and they have the letter from Colonie for the record.

Mr. Lemire questioned whether Mr. Myers had any problem with the application and Mr. Myers responded he has no problem.

Mr. Dudick read the letter from Colonie, aloud, which indicated they do not have an issue with the addition. The letter is signed by John Frazier Jr. who states they are ok with the addition because the home has public sewer and water.

Mr. Dudick questioned Mr. Farnan as to whether there might be any other area he could put the addition which would not require a variance.

Mr. Farnan informed the only other area where it could possibly be built is behind the house but there is already a patio and other hardscape features which they did not want to demolish.

Mr. Gifford commented he had driven by the home and asked if the addition will be on the far end of the house, commenting you can't see the house from the road. Mr. Farnan agreed it is on the far side.

Mr. Dudick made the motion to close the public hearing as there was no one else in the room. The motion was seconded by Mr. Bloss. All approved. Public hearing closed.

Mr. Myers informed the only concern had been the ECC mapping of the area which shows a wetland buffer overlapping the house. He stated the house met the 200 foot setback buffer so he has no issue with the application.

Mr. Dudick asked for more information about the wetland map. Mr. Myers explained the ECC map indicated a 100 foot buffer. Mr. Dudick questioned whether the boundary had changed.

Mr. Myers responded it has not changed 100 feet, but the boundaries do change periodically. He indicated this is not a problem.

Mr. Lemire questioned if the applicant needed a variance when they installed the pool. Mr. Myers explained they did not because they only needed 5' setback for the pool and the 50' setback requirement is only for the main house. He added they got permission from Colonie for the pool.

Mr. Dudick stated he has no problem with the application and it is well within the setback building envelope. He asked if there were any issues with the neighbors. Mr. Farnan said not to his knowledge. Mr. Dudick asked Mr. Myers there is a requirement to get anything from the neighbors. Mr. Myers said there is not.

Mr. Lemire thanked Mr. Farnan for submitting the Colonie letter which helps with the decision. Mr. Gifford asked if they have a shared drive and was told they do.

Mr. Gifford made the motion to approve the application as submitted. Mr. Cifor seconded the motion.

Ayes: Bloss, Gifford, Dudick, Cifor, Bagramian, Lemire Noes: none
Application approved as submitted.

Mr. Dudick made the motion to approve the minutes for the March 3, 2015 meeting, seconded by Mr. Cifor. All approved with Mr. Lemire and Mr. Cifor abstaining as they had not been present at that meeting.

The next meeting is April 7, 2015.

Mr. Dudick made the motion to adjourn. The motion was seconded by Mr. Cifor. The meeting was adjourned at 8:14 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