

Town of Clifton Park

One Town Hall Plaza
Clifton Park, New York 12065
(518) 371-6651
Fax: (518) 383-2668

Zoning Board of Appeals



ZONING BOARD OF APPEALS MINUTES September 4, 2018

Present: Chairman Dudick, Lisa McCoy, David Donohue, Jerry Cifor, Mario Fantini, John Klimes, Michael Bloss,

Absent: Chris Lemire

Also Present: Neil Weiner, Esq., ZBA Counsel
Steve Myers, Director, Building and Zoning
Meg Springli, Secretary

The meeting was called to order at: 7:01 pm

PLEDGE OF ALLEGIANCE
ROLL CALL

Chairman Dudick noted that Mr. Donohue would be a voting member in the absence of Mr. Lemire. The chairman explained that they were a 7 member board with the alternate. An application needs 4 ayes to be approved.

I. OLD BUSINESS:

NONE

II. NEW BUSINESS

- 1) An application from **Thomas J. Aitchison** for an area variance from Section 208-12A, accessory buildings to install pre-fabricated shed at 30' from property line. 80' required, 50' variance needed. Property is located at 7 Camp Road, Rexford, NY 12148 (Permit #81182)

The secretary read the notice as it was published in the Daily Gazette.

Applicant/Consultant

John Aitchison, Owner/applicant stated that a shed that was located on his property since the late 1960's was demolished, and that he would like to install a pre-fabricated shed that is 8 feet larger in the place of the old shed for storage of lawn care and snow care removal equipment. Discussion ensued about the "paper street" to the rear of the property.

Mr. Myers stated the application was a Type II action and no further review pursuant to SEQR was required. The chief zoning officer stated that he spoke with the applicant about the location of the shed and that he felt there was no issue with the application.

There being no further comment, Mr. Dudick moved, seconded by Mr. Bloss, to close the public hearing at 7:09 pm. The motion was unanimously carried.

Mr. Dudick stated that he felt this would not have any impact to neighbors as the nearest neighbor was some distance away.

Mr. Cifor moved, seconded by Mr. Klimes, to approve the area variance as written. Mr. Cifor stated that the variance would not create an undesirable change, adding that it may be a net improvement with a newer shed; there was no other reasonable method of achieving the result; the request was substantial but no impact therefore not a problem; nor would it create an adverse effect. Mr. Cifor also noted that he felt the hardship was self-created but not preclusive.

Chairman Dudick, Lisa McCoy, David Donohue, Jerry Cifor, Mario Fantini, John Klimes, Michael Bloss

Noes: None

Motion Approved

- 1) An application from **451 Clifton Park Center Rd., LLC** for an area variance from Section 208-22-1 TC-2A which allows a maximum of three stories. Applicant requests a four story building. Property is located at 451 Clifton Park Center Road, Clifton Park, NY 12065. (Permit #81183)

Mr. Lemire arrived and will be a voting member for the remainder of the evening instead of Mr. Donohue.

The secretary read the notice as it was published in the Daily Gazette.

Applicant/Consultant

Peter Murray represented the applicant, owner of the property. The applicant had already received approval for a 3-story building with a parking garage on the ground floor after working with the Technical Advisory Committee to the Planning Board. Since then the applicant has requested that the garage be eliminated to allow for a 4 story residential use building. The square footage of the footprint was originally approved at 24,235 sf and the current proposal has a footprint of 13,724 sf. Next, Mr. Murray enumerated the criteria for approval of an area variance and explained that the proposal would not create an undesirable change since the neighboring properties were the Bentley, a 4-story housing, a now vacant lot owned by Windsor Development Group undergoing Planning Board review for an apartment building, and Hollandale Apartments located across the street. Mr. Murray then stated that he felt this was the most reasonable method of achieving the result because the footprint of the building would have to be increased to achieve 39 units, as allowed by Code, which would have a greater impact on

the environment. Next he added that he felt the request not substantial relative to the original Planning application with the ground level garage; nor would it create an adverse effect, with a smaller footprint more of the environment is preserved. Mr. Murray then noted that he felt the hardship was self-created but that the applicant has been working with the TAC regarding these modifications. Mr. Myers noted that both applications met the requirements for parking according to Town Code.

Mr. Dudick noted that he had received a letter from the Director of Planning regarding the TAC review of the planning application. Mr. Dudick read the letter into the record. Mr. Fantini asked if a 3-story building would still require variances. Mr. Murray replied that it would not but since it would be a larger footprint it would have a greater impact on the wetlands and greenspace since the surface parking lot would also be larger and none of the spaces would be under the structure.

Discussion ensued about the configuration of the apartments and Mr. Dudick asked if 4-story buildings had been approved in the Town Center already. Mr. Myers said that the Building Department always considered it a 4-story building since the original plan was only partially underground, the parking garage did count as a story according to the Zoning Law. Mr. Myers then added that the application proposed the first floor at ground level with 3 more residential stories above it. The Chief Zoning Officer then noted that there were 2 other variances granted for apartment buildings in Town Center, and each of them did have retail on the first level, but this building would be at the same height level.

Mr. Myers stated the application was an unlisted action and no coordinated review pursuant to SEQR was required, but the ZBA should be Lead Agency for this action. The chief zoning officer stated that would need to be voted upon.

Chairman Dudick, Lisa McCoy, David Donohue, Jerry Cifor, Mario Fantini, John Klimes, Michael Bloss

There being no further comment, Mr. Dudick made a motion, seconded by Mr. Cifor, to close the public hearing at 7:43 pm.

Mr. Dudick moved, seconded by Mr. Bloss to establish the Zoning Board as Lead Agency and issue a negative declaration pursuant to SEQR.

Ayes: Chairman Dudick, Lisa McCoy, Chris Lemire, Jerry Cifor, Mario Fantini, John Klimes, Michael Bloss

Noes: None

The motion was unanimously carried.

Mr. Dudick moved, seconded by Mr. Fantini, to approve the area variance as written. The chairman stated that the variance would not create undesirable change, precedence had been set in area; there were other reasonable methods of achieving the result, but this seems to be the better alternative; the request was not substantial; nor would it create an adverse effect.

The chairman also noted that he felt the hardship was self-created but reasonable.

Ayes: Chairman Dudick, Lisa McCoy, Chris Lemire, Jerry Cifor, Mario Fantini, John Klimes, Michael Bloss

Noes: None

Motion Approved

Minutes

July 17, 2018

Mr. Dudick moved to approve the minutes of July 17, 2018 as a quorum of those present at the meeting was present.

This included: Chairman Dudick, Lisa McCoy, Mario Fantini, John Klimes, Chris Lemire, and Michael Bloss. Abstention: Cifor, Donohue

All in favor. None opposed. Minutes approved.

Mr. Dudick moved approve the minutes of August 21, 2018 as written.

Those present included: Chairman Dudick, David Donohue, John Klimes, Chris Lemire

All in favor. None opposed. Minutes approved.

Mr. Myers stated that there were no applications for the September 18, 2018, so the next meeting will be October 2, 2018.

Mr. Dudick moved, seconded by Mr. Bloss to adjourn the meeting at 7:50pm.

All in Favor. None opposed.

Respectfully submitted,

Meg Spryke