

Town of Clifton Park
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**ZONING BOARD OF APPEALS
MINUTES
October 16, 2018**

Present: Chairman Dudick, Lisa McCoy, Jerry Cifor, Mario Fantini, John Klimes, Chris Lemire, David Donohue, alternate

Absent: Michael Bloss

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

The meeting was called to order at 7:05

PLEDGE OF ALLEGIANCE
ROLL CALL

Chairman Dudick noted that David Donohue was filling in for Michael Bloss who is absent.

I. OLD BUSINESS: NONE

II. NEW BUSINESS

1. An application from **Adrian F. Simulescu** for an area variance from Section 208-12A, accessory building to install a 24 x 26 shed/garage detached. 80' setback required, 5' proposed, 75' variance required. Property is located at 345 Vischer Ferry Rd, Clifton Park, NY 12065 (Permit #81188)

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

Applicant Adrian Simulescu purchased house with 1.63 acres. He would like to put up a shed in the backyard for storage but the lot is a keyhole lot that has wetland and setback and elevation

constraints. There are two other lots in front of his house. The shed will be 20' behind the neighbor's shed if he put the shed 5' from his property line and will be behind the neighbor's house and shed as well. Mr. Simulescu stated the shed will not be in front of the his house or visible from the street. He stated from his driveway which ends in front of his house he can bring in his car or lawn equipment into the building instead of trying to build behind the property with the constraints and blocked access. He stated he received permission from both of his neighbors.

Mr. Dudick asked Mr. Simulescu if he had those permissions from his neighbors in writing.

Mr. Simulescu stated that the neighbors signed the application. He then stated that one of his neighbors asked him to just not build the shed too close to her shed. He measured the distance which was 15' from the borderline to her shed plus another 5. Where the shed will be he won't have to cut any trees. He stated that he has pictures to see where the shed will be.

Mr. Lemire asked Mr. Simulescu if the shed in the picture is his neighbor's shed.

Mr. Simulescu stated yes.

Mr. Lemire asked where his shed is going to be in relation to his neighbor's shed.

Mr. Simulescu showed Mr. Lemire where his shed will be located as well as the house on the maps handed out to the board members.

Mr. Dudick asked for public comment.

Chris Albras from Clifton Park asked Mr. Simulescu if he was trying to move his shed.

Mr. Simulescu answered that he is building a new shed.

Mr. Myers stated to Mr. Albras that the town has requirements regarding setbacks for a shed and that with a variance he is asking for relief from what the law would allow.

Mr. Lemire stated to Mr. Albras that there is a property line and you have to be so many feet away from the property line.

Mr. Dudick then asked if there were any more questions.

Mr. Albras stated he did not he was just asking if Mr. Simulescu already had a shed and understands what Mr. Simulescu is trying to do.

Mr. Dudick made a motion to close the public hearing.

No questions or comments from the Board

Mr. Myers stated that the variance is Type II action, no further SEQR. He put into packets the as built plans of the house that show the wetlands are not close to where he wants to put the shed that was originally submitted. He also stated that he has been to the house and it has a significant amount of wetlands on the other side and back of the house is a retaining wall and after that the yard drops off significantly in the backyard not leaving a lot of room for a shed.

Mr. Dudick asked Mr. Myers about the stream near the shed.

Mr. Myers stated the limits that are shown on drawing is the limits where you can't build adjacent to the stream which really is not a stream it is a drainage easement for the town. He stated Mr. Simulescu wants to put the shed a good distance from that drainage easement. So it should not be an issue.

Mr. Lemire asked Mr. Simulescu why the shed can't be moved closer to the building line, so it's behind or to the side of the house, away from the neighbor's shed.

Mr. Simulescu directed Mr. Lemire to the map and pointed to the line on the map where there is a fence with a concrete retaining wall, that part of the lot is all forest. If he clears out that forest, the shed will be close to the stream.

Mr. Lemire asked Mr. Myers if the retaining wall as shown on the map goes all the way around.

Mr. Myers stated it goes from the back up to the wetland side of the house. When they built the house they brought in a significant amount of fill to build up the house because of the wetlands around it to bring up the foundation because of the ground water around it.

Mr. Dudick asked Mr. Myers if he had copies of the signatures of the applicant's neighbors.

Mr. Simulescu stated that everyone has copies in their application packets.

Mr. Lemire asks Mr. Simulescu to show him where that was on the application.

Mr. Simulescu stated that on the adjacent property owner line on the application is where his neighbors put their name.

Mr. Dudick stated that it helps if you have signatures of the people that were notified. He was not 100 percent clear of their signatures but he does know that they were notified of this application.

Mr. Dudick made a motion to close the public hearing. Seconded by Mr. Fantini. All in favor. None opposed.

Mr. Dudick asked Mr. Myers if he had a problem with this application.

Mr. Myers stated he did not.

Mr. Dudick stated he did not have a problem with the application. There are issues with grading and wetlands but being a keyhole lot, the front is behind another house.

Mr. Myers stated that the setback for the house are not the same for accessory structures. The 50' keyhole lot standard for the house does not apply to any accessory structure so that allows the applicant to do this.

Mr. Dudick agrees with Mr. Myers

Mr. Dudick stated that the variance would not create an undesirable change to the neighborhood. The applicant went over the aspect that with the excavation and clearing of trees, is not a desirable alternative so that he is fine with applicant's choice. It is substantial in terms of number of feet but fits in the terms of feet but also still fits within the issue of does not create an undesirable change so it is reasonable.

Mr. Dudick made a motion to approve the application as submitted. Seconded by Mr. Fantini
Ayes: Chairman Dudick, Mr. Lemire, Mr. Cifor, Ms. McCoy, Mr. Fantini, Mr. Klimes, Mr. Donohue

Ayes: 6

Noes: None

Minutes

Mr. Dudick moved to approve the minutes of October 2, 2018. All members were present.
All in favor. None opposed. Minutes approved.

Mr. Dudick moved, seconded by Mr. Fantini to adjourn the meeting at 7:30 pm.
All in Favor. None opposed.

Respectfully Submitted,

Cristi Shuhart