

**Town of Clifton Park**  
Clifton Park, New York 12065 (518)371-6651  
Fax: (518) 383-2668



**ZONING BOARD OF APPEALS**  
**AGENDA**  
**February 5, 2019**  
**7:00 PM**

**Present:** Chairman Dudick, John Klimes, Michael Bloss, Mario Fantini, David Donohue, alternate

**Absent:** Lisa McCoy, Jerry Cifor, 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: 00 pm.

**PLEDGE OF ALLEGIANCE**

Chairman Dudick noted that Mr. Donohue would be a voting member in the absence of Ms. McCoy. Mr. Dudick then stated that 5 out of 7 voting members were present, and that all applications would require at least 4 out of 5 affirmative votes to pass.

**NEW BUSINESS:**

- 1) An application from **S.J.R. Enterprise** requests an area variance from Section 179-37D(2) to add an attached garage to current residence with a 0' setback to the property line. Setback requirements established by the site plan is 10'. The adjacent property is owned by the homeowner's association. Property is located at 1 Ebony Oaks, Clifton Park, NY 12065 (Permit #81200)

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

**Consultant:**

Bob Vale, SJR Enterprise, Project manager for owner Scott Grissell, stated that he was asked to design and build a garage for the applicant. Mr. Vale said that the homeowner discussed the addition with the HOA, and initially received written permission to build over the property line, however the current

application was redesigned to build up to the property line. The consultant added that the neighbors have been approached and they stated that they did not object to the plan to add one more bay to the existing garage. Discussion ensued regarding negotiations with the HOA.

There being no further comment, Chairman Dudick made a motion, seconded by: Mr. Fantini to close the public hearing at 7:17 pm.  
All in favor, none opposed.

Mr. Myers noted that the application was a Type II action pursuant to SEQR and no further action was required. The chief zoning officer stated that he had discussed the proposal with the applicant to clarify the differences between New York State building code and Town zoning. Mr. Myers added that the building code required 1 hour fire rating of everything within the 5' of the property line. Then he noted that the applicant will be required to have the property line set, and the foundation location to be verified by a professional.

Mr. Dudick recommended that he thought the applicant might consider pulling the garage forward in order to allow more distance between the property line and the building.

Mr. Myers stated that originally the setbacks for this subdivision are in Ch. 179 of Town Code which was set by the Planning Board, adding that once the subdivision was filed, any variances would need to be done through the Zoning Board of Appeals

Chairman Dudick moved, seconded by Fantini to approve the area variance as requested.

Mr. Dudick stated that the variance would not create undesirable change, and there would be no detriment to nearby properties. Then he stated that there were no other reasonable methods of achieving the result, that he felt the request was the best option for this project; nor would it create an adverse effect on the environment. The board member also noted that he felt the hardship was self-created but that it was not preclusive.

Roll Call: Donohue, Bloss, Klimes, Fantini, Dudick  
Ayes: 5  
Noes: 0  
Motion Approved

Mr. Dudick moved, seconded by Mr. Fantini to approve the minutes January 15, 2019. The motion was unanimously approved.

Chairman Dudick moved to adjourn, seconded by Mr. Bloss at 7:26pm.

Respectfully Submitted,

  
Meg Springli