

Town of Clifton Park Zoning Board of Appeals

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Zoning Board of Appeals

April 21, 2020

Present: Chairman Michael Dudick, Jerry Cifor, David Donohue, John Klimes,
Christopher Lemire, Randy Gifford (alternate)

Absent: Mario Fantini, Lisa McCoy

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

COVID-19 Note: Executive Order No. 202.1 suspends Article 7 of the Public Officers Law (also known as the Open Meetings Law), to the extent necessary to permit any public body to meet and take such actions authorized by law without allowing the public to be physically present at the meeting. The order also authorizes public bodies to meet remotely by conference call or similar service. For the Public Hearing Agenda Items during these unprecedented conditions, the Zoning Board will provide the public reasonable and meaningful opportunities to submit comments via online videoconferencing technology during the meeting and in writing via email or mailed written comments.

The meeting was called to order at 7:03 p.m.

Roll call was taken. Mr. Dudick stated that in the absence of Mr. Fantini, Mr. Gifford will be sitting in as a voting member.

Mr. Dudick, Chairman, stated that there are six voting members in attendance tonight. For an application to be approved there must be 4 out of 6 votes in favor. If an applicant wants to wait for another meeting in hopes for more Board members they can do so.

Old Business:

None

New Business:

An application from Ranagan, Sean requests a variance from Section 208-12A, Accessory Structure Setback. Property is zoned PUD with underlying R-1 zoning. Setback from side property line required =5', 3.43' available at closest point, 1.57' variance required. Property located at 18 Hazaltine Lane, Clifton Park, NY 12065. (Permit #81243)

Mr. Dudick asked if there was anyone from the public that would like to speak. There being no public comments Mr. Dudick called to close the public hearing Mr. Gifford second. The motion was unanimously carried. The public hearing was closed.

Applicant:

Sean Ranagan – Mr. Ranagan stated that he has had a shed structure in his back yard for 6 years now. It is a large structure and cannot be moved, but he has taken care of the structure over the years. Mr. Ranagan stated that the shed and placement has been previously approved by the town and he had obtained a permit. He has added onto the shed over time. At this time Mr. Ranagan stated he has been made aware that the structure is not in compliance, even though the town has previously granted permits. He is looking for the variance to make his shed and placement legal.

Board:

Mr. Dudick asked Mr. Ranagan to show to the meeting a picture of the back yard of a neighbor from the view point from the rear of Mr. Ranagan's shed with the shed to the left of the frame. Mr. Dudick the held up a picture that Mr. Ranagan identified as his shed in his yard. Mr. Dudick stated that he had the opportunity to walk Mr. Ranagan's property and stated that the property and the shed was well taken care of and the shed is in good condition.

Mr. Donohue asked about a picture of the rear of the shed showing a post placement in the rear of the shed. Mr. Donohue asked who the fence belonged to. Mr. Ranagan stated the chain link fence belonged to the neighbor, but the wooden post belonged to him. Mr. Ranagan stated that

since the picture was taken he realized that the post was not on his property and was moved away from the property line.

Mr. Dudick asked the applicant if some bushes could be put in to buffer the view from the neighbor's property to the shed. Mr. Ranagan stated that the neighbor will not speak to him, he was not aware of the problem with the shed until the town notified him. Mr. Ranagan stated that he would just like to try to obtain the variance.

Mr. Dudick asked Mr. Myers to comment on the application. Mr. Myers stated that this is a Type II action and no further SEQRA review is needed. Mr. Myers stated that he sent a letter to the Board explaining the history of the shed as well as an aerial picture that indicated where Mr. Ranagan's shed is and the neighboring properties. Mr. Myers stated that when the shed was originally approved it was believed to be in compliance with the setback requirement. A complaint from the neighbor was submitted and upon investigation it was found that it was 1.57' over the allotted setback. Mr. Myers stated that the complaint was sent to the Board for review. The neighbor in the letter stated that he felt that a shed of this size should not be allowed in the neighborhood, but Mr. Myers stated that there is no town law restricting shed sizes. Mr. Myers stated that he does not see a problem with the Board granting this variance.

Mr. Weiner asked if a copy of the letter submitted by the neighbor went to the applicant. Mr. Ranagan stated that he received no letter or contact from his neighbor. Mr. Myers stated that the neighbor has come into his office and stated that he feels there shouldn't be sheds of Mr. Ranagan's size in the neighborhood.

Mr. Lemire asked about public comments on the meeting. Mr. Scavo stated that everyone coming in is automatically muted but he can unmute them if they want to speak. Mr. Scavo stated that anyone in the meeting currently is able to speak. Mr. Dudick asked again if there was anyone from the public would like to speak. There was no one from the public that came forward.

Mr. Dudick stated the variance is for a 1.57' variance for a shed that has been in place for 6 years.

Mr. Dudick moved, second by Mr. Cifor, to approve the 1.5e' setback variance for an existing shed located at 18 Hazeltine Lane, Clifton Park, NY 12065.

Mr. Weiner read for Mr. Dudick the Area Variance Criteria, Mr. Dudick answered in favor to all 5 criteria.

The Secretary called the Vote:

Ayes: 6 - Mr. Dudick, Mr. Donohue, Mr. Klimes, Mr. Gifford, Mr. Lemire, Mr. Cifor

Noes: 0

The motions to grant variance required for this project have been approved.

New Business:

An application from Marc Carota requests a variance to construct a single-family home in the B-3 zone. Per Section 208-38A, all buildings intended for residential use shall comply with the space and bulk requirements of Residential District R-1, Section 208-11. Variances required:

- 1. 208-11, 20,000 SF required, 17,860 SF available, 2140 SF variance required. (This also exceeds allowed density per acre of 2.17 units per acre. At 17860 SF density is 2.44 units per acre.)*
- 2. 208-11, 200' width at building line required, 136' proposed, 64' variance required*
- 3. 208-98, 130' front setback from road centerline required, 83'+/- proposed, 47' variance required.*
- 4. 208-11, 80' front setback from property line required, 31.5' proposed, 48.5' variance required.*
- 5. 208-11, 25' rear setback required, 9' proposed, 16' variance required.*

Property is located at 311 Vischer Ferry Road, Rexford, NY 12148 (Permit #81246)

Applicant:

Joe Dannible - EDP – representing applicant, Mark Carota - Mr. Dannible stated that the property is located at 311 Vischer Ferry Road, and was a Vischer Ferry Fire Department Station before being purchased by the applicant's father which then Mr. Carota inherited. Mr. Dannible is here tonight asking for variances needed to modify the property. Mr. Dannible stated that the applicant would like to clean up the property. Mr. Dannible presented a map of the area identifying the Stewarts' Shop at the intersection, Cobourg Village, and the location of the old fire house. 130' of frontage on the property with 100' of it being asphalt, the current building has the garage doors facing the road front which was ideal for the fire house but does not fit in the residential area. Mr. Dannible stated that the property itself does not allow for improvement without variances. Mr. Dannible proposed a single family home with four garages attached, in which the applicant would use for storage of his personal vehicles. Mr. Dannible stated the plan is to rotate of the garage doors, to have them face to the north, a façade look facing the south, minimize the asphalt with a common residential driveway of 25', have a residential canopy on the road frontage, and a sidewalk connection to the multiuse path on Vischer Ferry Road. Mr. Dannible said there would be a single family home in the front of the property with the garage being towards the rear of the structure. Mr. Dannible stated that the structure will become a "man cave" like area for the applicant to work on and store his personal cars. Mr. Dannible stated that they would also be moving the new building away from the rear boundary to make the setback closer to 9' as it is 8.5' now. He stated that with this proposal the impervious surfaces would be decreased by approximately 4,500sq/ft. and that the green space would be increased 3%.

Board:

Mr. Weiner asked for clarification on the map shown to the Board as the property lines seem to identify the old fire house to go into rear property. Mr. Dannible stated that this is an error on the mapping and that the site plan proposal identifies correctly the boundaries, Mr. Myers agreed with Mr. Dannible.

Mr. Cifor asked if the applicant would be fixing up the cars and then selling them. He also asked if this would be a business or a home. Mr. Dannible stated that this would be a home with 4 garages for personal use with the applicant's personal cars; he would not be repairing cars in this home. Mr. Carota's business would remain off site. Mr. Dannible stated that car collector generally restore cars and sell them to get more cars to restore, this is a hobby, not for business, but Mr. Dannible stated he cannot promise no cars will be sold that are housed here.

Mr. Lemire asked how many bays are being proposed; Mr. Dannible stated a 4 bay garage. Mr. Lemire asked what type of canopy would be on the front of the building. Mr. Dannible stated that the canopy is a generic term, and that it would be an overhang for a front porch for the home. Mr. Lemire then asked what the yellow area identified on the map represents, Mr. Dannible stated that the yellow area indicates the location of the existing fire house which will be torn down to build the proposed home with garages.

Mr. Weiner stated that he feels there should be a condition for the canopy to be as shown and the decrease in asphalt/concrete will occur. Mr. Dannible stated he is willing to make these conditions but cannot agree the layout will remain the same.

Mr. Lemire asked Mr. Myers if this was to be a commercial garage it would not be acceptable in a B3 zone. Mr. Myers stated it would not be allowable in a B3 zone, but as a residential home with a 4 bay garage is within the zoning code and that this seems to be a good fit for what would be acceptable in the zone and his understanding is this is for car storage only. Mr. Lemire asked if someone would have to live there to be considered a single family home. Mr. Myers stated that it would be classified as a single family home but the home does not need to have anyone living there or the applicant can choose to rent out the home as well if he chooses.

Mr. Myers stated he feels that the conditions are not necessary because the applicant needs to follow the proposal as the approval for the variances are based on this; if it is not followed Mr. Myers will not issue the building permit.

Mr. Weiner asked if it is permitted for the applicant to work on cars here. Mr. Myers stated it is permitted for him to work on his personal cars as any other individual would in their home but it is not allowed for him to repair cars as a business.

Mr. Donohue stated that he likes the plan that is presented as it will look good from Vischer Ferry Road. Mr. Donohue stated he has concerns for the residential homes that are in back of the property. Mr. Myers stated that there is an L shaped property between this application and the homes to the rear. Mr. Myers also stated that there has been an approval for a single story commercial building on that property between the fire house and the homes.

Mr. Lemire asked about density issues. Mr. Myers stated that if the density per square footage is granted per the variances then the density is approved.

Mr. Cifor asked if renovating cars in a B3 zone is acceptable. Mr. Myers stated if it is a personal car with personal use and personal work on his vehicles. His understanding is this is for personal storage and not for overhauls.

Mr. Weiner asked if there would be painting on the property. Mr. Dannible stated there will be no spray booths on the property and the applicant has no intent on doing any work on cars to

repair them commercially. Mr. Carota stated he collects classic and antique cars, and that this is a hobby. He stated that this is for him to hang out on the weekends and he would be washing them, waxing them, and changing tires. Mr. Carota said that there will be no mechanics on the site and no painting, he is just using this as storage and showing area for him. He stated that he does not know his father's intent with the property.

Mr. Dudick asked if a single family home or any structure could be built on this property without a variance. Mr. Myers stated that without variances this land is not buildable, the old fire house may predate codes. (After the meeting it was found that the parcel existed prior to 1967 and the fire station was built in 1975)Mr. Dudick asked if there was anyone from the public that would like to speak. There being no public comments Mr. Dudick called to close the public hearing Mr. Gifford second. The motion was unanimously carried. The public hearing was closed.

Mr. Dudick moved, second by Mr. Donohue, to approve the 5 variances need for the construction of a single family home with 4 garage bays. Located at 311 Vischer Ferry Road, Rexford, NY 12148

Mr. Weiner read for Mr. Dudick the Area Variance Criteria, Mr. Dudick answered in favor to all 5 criteria.

The Secretary called the Vote:

Ayes: 4 – Mr. Dudick, Mr. Donohue, Mr. Klimes, Mr. Gifford

Noes: 2 – Mr. Lemire, Mr. Cifor

Conditions:

Application approved contingent upon acceptance and approval of the applicant keeping within substantial compliance of the conceptual site plan presented to the Board and to be monitored by Mr. Myers.

The motions to grant variance required for this project have been approved.

Discussion:

There being no applications for the May 5th, 2020 meeting Mr. Myers stated the next meeting will be held on May 19th, 2020 if applications for this date are received.

Mr. Dudick, Chairman, made a motion to adjourn the meeting, Mr. Cifor second, all voted in favor and approval was unanimous. The meeting was adjourned at 8:10p.m.

The next scheduled ZBA meeting will be held on May 19th, 2020.

Respectfully submitted,

Paula Cooper

Paula Cooper

Secretary, Zoning Board of Appeals
