

Town of Clifton Park Zoning Board of Appeals

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Zoning Board of Appeals

June 16th, 2020

Present: Chairman Michael Dudick, Jerry Cifor, Mario Fantini, John Klimes, Christopher Lemire, Lisa McCoy

Absent: Randy Gifford

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 7:00 p.m.

Roll call was taken.

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 **Robert & Kathleen Kelly** requests to expand a preexisting non-conforming residence in the CR zone by the addition of a mud room and attached garage. Being the lot will be made more non-conforming due to the addition a variance for the lot size is required. Lot size required in the CR zone is 40,000 sf without public water or sewer. 7,080 sf available, 32,920 sf variance required. Property is located at 99 East Side Drive, Ballston Lake, NY 12019. (Permit #81250)*

Applicant:

Robert Kelly – Mr. Kelly stated that he and his wife have lived in the home for 41 years. The home has no garage and they would like one to be able to stay in their home. Mr. Kelly stated that due to his time served in Vietnam, and underlying medical conditions, snow removal has become troublesome and the advantage of a protected vehicle in the winter months are needed. He also stated that the variance he is asking for has been planned out and that he has spoken to his neighbors and they are in agreement with the construction of a garage.

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. Cifor second. The motion was unanimously carried. The public hearing was closed.

Board:

Mr. Cifor thanked Mr. Kelly for his service. Mr. Cifor asked if the three neighbors impacted are ok with the potential construction of the mudroom and garage. Mr. Kelly stated that the neighbors are ok with the proposal and he has papers signed by them accepting the change.

Mr. Myers this is a Type II action and no further SEQR review is required. He stated that there is currently a fenced in deck area where the garage is proposed to go. This would not be infringing on the setbacks any more than they already are and the mudroom would connect the garage to

the home. Mr. Myers stated he has no concerns to change what is currently there now to the garage.

Mr. Weiner asked if the home pre-exists the zoning codes. Mr. Myers stated the home does.

Mr., Dudick stated that he believes all the homes in the area are from the 1920/30's. Mrs. Kelly stated that her home is from 1920 and was a three season home that was transformed to a year round home. Mr. Dudick stated it seems as if the footprint of the home will not be expanded but rather just enclosing an area of the footprint. Mrs. Kelly agreed.

Mr. Cifor moved, second by Mr. Fantini, to approve the 32,920 sf variance for a garage and mud room located at 99 East Side Drive, Ballston Lake, NY 12019.

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

The Secretary called the Vote:

Ayes: 6 - Mr. Dudick, Mr. Cifor, Mr. Fantini, Mr. Klimes, Mr. Lemire, Ms. McCoy

Noes: 0

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

New Business:

An application from Nicholas Dziamba requests a variance from Section 208-12A. Accessory structure front setback, 80' required, 39' +/- available, 41' variance required. Property is zoned PUD with underlying R-1 zone. Property is located at 44 Glenbrook Court, Clifton Park, NY 12065. (Permit #81251)

Applicant:

Nicholas Dziambia – Mr. Dziambia stated that the application for a variance is for a car port to be put on the property next to the existing home. The car port is to be the same distance from the road to look more esthetic from the front. It would be 50 feet from the roadside, if it is put back further it would be in the back yard and difficult to utilize.

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. Cifor second. The motion was unanimously carried. The public hearing was closed.

Board:

Mr. Lemire asked if the property a duplex. Mr. Dzambia stated it is a town house, with 2 connecting properties. Mr. Lemire asked if it was the left or right side of the property. Mr. Dzambia stated it is the left side, and both sides are privately owned with the right side being rented out by the owner. Mr. Lemire asked if there is a paper street to the left of 44 Glenbrook Drive. Mr. Myers stated that that paper road is null and void, and that the side setback that is required is being met. Mr. Lemire asked if it was a car port. Mr. Dzambia stated that it would be a 2 car carport and it would be a metal structure, making it more permanent. Mr. Lemire asked if there would be a second driveway for this carport. Mr. Dzambia stated that there would be a second driveway connecting to the existing one. Mr. Lemire asked about the enclosure of the carport. Mr. Dzambia stated the whole structure would be steel, the home is vinyl siding. Mr. Lemire asked if the house setback is within code, Mr. Myers stated that that it may have a reduced setback due to the PUD, but the accessory structure would need the variance. Mr. Lemire asked if the brush and trees would be removed for this structure. Mr. Dzambia stated 3 trees and brush would need to be removed, and more if the structure needs to be moved back.

Mr. Dudick asked if the drawings are to scale. Mr. Dzambia stated it is not to scale; the carport would be 30x31 foot carport. Mr. Dudick asked if the front of the structure would match up with the front of the home. Mr. Dzambia stated it would.

Mr. Myers stated it is a Type II action with no further SEQR required. Mr. Myers stated he has no issues with it but due to size the building codes would need to be addressed if the variance is granted tonight.

Mr. Cifor asked what the relation Mr. Dziambia has to the owner, Amanda Walsh. Mr. Dzambia stated that they are to be married. Mr. Cifor congratulated them.

Mr. Dudick moved, second by Mr. Cifor, to approve the 41 foot variance needed for an accessory structure located at 44 Glenbrook Court, Clifton Park, NY 12065

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

The Secretary called the Vote:

Ayes: 6 - Mr. Dudick, Mr. Cifor, Mr. Fantini, Mr. Klimes, Mr. Lemire, Ms. McCoy

Noes: 0

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

The chairman made a motion to approve the minutes from the April 24th, 2020 meeting. All who were present at the April 24th, 2020 meeting voted in favor and the meeting minutes were approved. Ms. McCoy and Mr. Fantini abstained.

Mr. Dudick, Chairman, made a motion to adjourn the meeting, Mr. Fantini second, all voted in favor and approval was unanimous. The meeting was adjourned at 7:51 p.m.

The next scheduled ZBA meeting will be held on July, 21, 2020.

Respectfully submitted,

Paula Cooper

Paula Cooper

Secretary, Zoning Board of Appeals