

Town of Clifton Park Zoning Board of Appeals

One Town Hall Plaza
Clifton Park, New York 12065
(518) 371-6054
FAX (518) 371-1136



Zoning Board of Appeals

July 21st, 2020

Present: Chairman Michael Dudick, Jerry Cifor, John Klimes, Lisa McCoy

Absent: Mario Fantini, Christopher Lemire, Randy Gifford, Yifeing Yang (alternate)

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.

Mr. Myers stated that Mr. Gifford has been appointed as a full time member and that Dr. Yifeing Yang has been appointed as the alternate.

Roll call was taken.

Old Business:

None

New Business:

*An application from **Robert Linge** requests a variance from Section A217-82A which requires a 25' rear setback. Applicant is proposing to construct a deck on the rear of the house which would result in a 13' rear setback, 12' variance required. Property is located at 38B Huntwood Drive, Clifton Park, NY 12065. (Permit #81252)*

Applicant:

The applicant was not present at the meeting. Mr. Myers reached out to applicant via phone, and applicant stated he was out of town and could not return for the meeting.

Mr. Dudick stated that the application should be postponed until the applicant can attend either virtually, phone, or in person. Mr. Weiner, legal counsel, agreed that if the applicant is not available to attend the meeting that it should be postponed to give both parties a chance to validate the request and decisions.

Mr. Myers stated he would follow up with the applicant and let him know the application has been postponed.

New Business:

*An application from **Nicole Blume** requests a variance from Section 208-12A. Accessory structure front yard setback (corner lot with two fronts) 80' required, 50' proposed, 30' variance required. Property is located at 29 Fairway Lane, Rexford, NY 12148 (Permit #81255)*

Applicant:

Ms. Blume stated that she lives on a corner lot and her yard is not large. She stated that she would like to put in a hot tub for her family but to allow for the proper setbacks she would be too close to her septic. Ms. Blume stated that the best location for the hot tub would be closest to the corner of the home away from street view. Ms. Blume stated there is at all fence in place already

for privacy, and would hide the hot tub if approved. She stated that they have spoken to both neighbors and they are ok with the modification.

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 asked if the hot tub would be put on a cement slab. Ms. Blume stated it would not be on cement but on crusher run, and it would be located close to the home so it can be utilized in the winter months as well. Ms. Blume stated that they Have a raised bed septic so putting the hot tub in a different location would be difficult.

Mr. Myers stated that this is a typical corner home problem, and the raised septic is a concern on the other side of the property. Mr. Myers stated he does not see a problem with this application and stated no further SEQR action is required as it is a Type II action.

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.

Mr. Cifor moved, second by Ms. McCoy, to approve the 30' sf variance for an accessory structure. The property is located at 29 Fairway Lane, Rexford, NY 12148.

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: 4

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 June 16th, 2020 meeting. All who were present at the June 16th, 2020 meeting voted in favor and the meeting minutes were approved.

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 7:35p.m.

The next scheduled ZBA meeting will be held on August 18th, 2020.

Respectfully submitted,

Paula Cooper

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Secretary, Zoning Board of Appeals