

Town of Clifton Park Zoning Board of Appeals

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Zoning Board of Appeals

August 18th, 2020

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

Absent: Wifeing 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.

Roll call was taken.

Old 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)*

Mr. Myers stated that the applicant is not yet in the meeting but he does have in writing that the review for this variance applicant can take place without the applicant. Mr. Dudick stated that they will push the application to be heard second and hopefully the applicant will be able to attend.

The applicant was in attendance for the meeting by the second hearing.

There are 7 voting members in attendance for this hearing.

Applicant:

Mr. Linge stated that he would like to build a deck off the rear of the home. He stated that behind the home there are no other structures and the land is vacant. Mr. Linge stated that he wants to keep the deck looking as nice as possible.

Board:

Mr. Myers stated that this application is a Type II Action and no other SEQR is required. Mr. Myers stated that the lots in this area are a little smaller than most, but he does not see a problem with this.

Mr. Gifford stated he stated that this should be approved and that the lot behind him is vacant and has trees so he does not see a problem with this application.

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. Gifford moved, second by Mr. Klimes, to approve the 12' variance for a residential deck. The property is located at 38B Huntwood Drive, Clifton Park, NY 12065.

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: 7

Noes: 0

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

New Business:

An application from Anthony Massaroni requests a variance from R1 zoning for lot and size and lot width. Section 208-98 requires 200' lot width (special road) Minimum width proposed = 153', 47' variance required. Section 208-10B(9)(a){7} and 208-11 requires 20,000sf per dwelling or in the case of a two family dwelling 40,000 sf per lot. Lot #132 proposes 36,095 sf, 3,905 sf variance required. Lot #134 proposes 30,000sf, 9,995 sf variance required. Property is located at 132 & 134 Lapp Road, Clifton Park, NY 12065 (Permit #81256)

There are 5 voting members in attendance for this hearing

Applicant:

Mr. Massaroni stated he was the owner of the properties of 132 and 134 Lapp Road. The previous plans for the parcels previously were approved to have 2 businesses on the site. Mr. Massaroni stated that as the new owner he would like to put up one duplex on each property and needs a variance in order to do this. Mr. Massaroni stated that the change is due to cost and ability to build and rent out the commercial space and he has just purchased the property today. He stated that he intends to live in one of the duplexes and rent the others to help with his cost of living. Mr. Massaroni stated that in the past he is aware the neighbors are not in favor of businesses in that area. He stated that less disturbance will be made as there will be no parking lots associated with this, just driveways.

Board:

Mr. Myers stated that this is a Type II SEQR and that no further action is needed. Mr. Myers stated that he has had a few concerns from residents from Easton Drive. He has let them know that drainage issues are to be sent to the Town Planning Board if the variances are granted tonight. Mr. Myers stated that going back to residential from a commercial use is less intrusive. Mr. Myers stated that he feels that a duplex would be a good location as there are businesses across the street.

Mr. Dudick asked if the variances would still be needed if the plans went from a two family to a single family home. Mr. Myers stated that a variance for the lot width would still be needed. Mr. Dudick stated that he feels that a duplex would be a nice transition from commercial to residential as that is in the area.

Mr. Gifford stated that he would like to see one driveway for the two duplexes as the roadway is a busy one. Mr. Myers stated that it was mentioned with the Planning Board but it has not been fully discussed as of yet.

Mr. Weiner asked why there are two properties on one application and if this is allowed. Mr. Myers stated that it is the same applicant for both properties and they are adjacent to each other. Mr. Myers stated that the original lay out of the site could have been one lot that was split into two.

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. Dudick moved, second by Mr. Gifford, to approve the 47' sf variance and the 3,905 sf for a proposed 2 family home. The properties are located at 132 & 134 Lapp Road, Clifton Park, NY 12065.

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

The Secretary called the Vote:

Ayes: 5 Ms. McCoy and Mr. Lemire abstain as they arrived in the middle of the hearing.

Noes: 0

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

New Business:

*An application from **Greg Amyot** requests a variance from Section 208-12A which requires 80' setback from front property line, 8' available, 72' variance required. Property is the corner lot at Dyer Drive and Mac Elroy Road. Property is located at 1 Dyer Drive, Clifton Park, NY 12065. (Permit #81257)*

There are 7 voting members in attendance for this hearing

Applicant:

Mr. Amyot stated that he and his wife have lived in the home since 2010, they have a garden on the south side and a fire place with a walkway currently on grade. Mr. Stated he would like to put an in ground kidney shaped pool but with it being a corner lot with 2 frontages he is looking for a variance as his lot is not 92' feet total. He also stated that he has an abandoned septic under the fire place.

Board:

Mr. Lemire asked if the yard was currently fenced in. Mr. Amyot stated that the entire rear yard is fenced in. Mr. Lemire asked if 8 ft. is the distance from the property line or the fence. Mr. Amyot stated that it is 8 feet from the fence. Mr. Myers stated this is acceptable.

Mr. Myers stated that this is a Type II Action and that no further SEQR action is required. The application is a tight lot on the corner with conflicts on his property. Mr. Myers stated that the yard is fenced in with a privacy fence and he does not have any problems with the application.

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. Klimes moved, second by Mr. Cifor, to approve the 72' variance. The property is located at Dyer Drive, Clifton Park, NY 12065.

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

The Secretary called the Vote:

Ayes: 7

Noes: 0

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

Mr. Weiner stated that this meeting will be his last as he has accepted an appointment with Saratoga County that prohibits him from serving on the ZBA.

The chairman made a motion to approve the minutes from the July 21st, 2020 meeting. All who were present at the July 21st, 2020 meeting voted in favor and the meeting minutes were approved.

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 7:45 p.m.

The next scheduled ZBA meeting will be held on September 1st, 2020.

Respectfully submitted,

Paula Cooper

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Secretary, Zoning Board of Appeals