

Town of Clifton Park Zoning Board of Appeals

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CLIFTON PARK
TOWN CLERK

Zoning Board of Appeals

April 20th, 2021

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

Absent: Christopher Lemire

Also Present: Steve Myers, Director, Building and Zoning
Paula Cooper, Secretary

The meeting was called to order at 7:00 p.m.

Mr. Cifor will be leading the meeting tonight until the arrival of Mr. Dudick.

All stood for the Pledge of Allegiance. Roll call was taken.

Mr. Cifor told the applicants that per Town Code that the applicant would need 4 out of 5 of the Board members to vote in favor of the application to pass. He let the applicants know that there are only 5 voting members of the Board here tonight, so that 4 members need to vote in favor tonight to grant the variances. He asked the applicants if they would like to come back at a later date or if they would like to proceed knowing the Board tonight needs to vote in favor of the application with all 4 votes.

The applicants stated they would like to continue tonight knowing 4 votes need to be in favor of the applications tonight.

Old Business:

An application from Ferguson Group LLC, requests a variance for a proposed expansion of building with a three bay garage with office space above. Lot size increased to 38,332 sf. Parking setbacks, Section 208-35D.2. – 25' required. Variance required for addition: 1. West 11' proposed, 13' variance required. 2. Rear 14' proposed 11' variance required. Building coverage – Section 208-33B 1. 4800sf maximum allowed, 6500 sf proposed, 1700 sf variance required. 2. 12% of lot coverage allowed, 16.96 proposed, 4.96 variance required. Property is located at 898 Route 146, Clifton Park, NY 12065. (Permit #81276)

An application from EDP Office Park, LLC requests two variances as a result of a lot line adjustment to 898 Route 146. 1) Section 208-33B: 12% lot coverage allowed, 12.66% proposed, 0.66% variance required. 2) Section 208-35D(2), 25' side setback to parking required, 13' proposed, 12' variance required.

Applicant:

Joe Dannible – EDP – Mr. Dannible stated that he has owner authorization for both of the first 2 applications. Mr. Dannible stated that the first 2 applications go hand in hand and he would like to present both applications at once. Mr. Dannible stated that Ferguson Group has owned and operated 898 Route 146 for many years and is a resident of Clifton Park. Mr. Dannible stated that the land is currently constrained and small in size. He stated that the lot line adjustment would enable them to be able to build a 3 bay garage for storage and office space for the business to expand instead of looking for another location to expand the business. Mr. Dannible stated that the lot line adjustment would help with the variances required for this project. Mr. Dannible stated that by giving the approximate 10,000 square feet to Ferguson, EDP would need variances for an existing parking lot as well as lot coverage for improvements to the rear of the property. He stated that 12% coverage is allowed and they are going up to 12.66% which is not a large variance. Mr. Dannible stated that the applicants looked at the criteria for the variances and stated that the applications meet the standards for them. Mr. Dannible stated that the site plan review would still need to go through the proper channels if the variances are granted and that most of the Board members had comments from the prior meeting has been addressed and appropriate notices have given to necessary parties.

Public:

No public comment.

There being no public comment Mr. Cifor moved, second by Mr. Gifford to close the public hearing.

Board:

No Board comment.

Mr. Dudick arrived at 7:10 pm. Mr. Dudick stated that he has reviewed the application and feels comfortable being a voting member for this application. Mr. Weiner stated he is comfortable with Mr. Dudick being a voting member as he was in attendance at the last meeting when the application was also discussed. With the arrival of Mr. Dudick, there are now 6 voting members tonight.

Mr. Myers stated that both properties are a Type II action and that no further SEQR is required. Mr. Myers stated that he has received letters from the County stating there are no County wide or intercommunity impacts. He stated that he feels that the variances for EDP Office Park LLC are minor and that he does not foresee any issues with the project. Mr. Myers stated that the Town Planning Board also seems to be on board with the project but the applicant needs the variances from the Zoning Board to move forward.

Mr. Weiner stated that the vote being taken tonight would approve variances for both EDP Office Park LLC and Ferguson Group LLC.

Mr. Klimes moved, second by Mr. Gifford, to approve the variances for EDP Office Park LLC and Ferguson Group LLC for the permit #81276. The properties are located at 898 Route 146, Clifton Park, NY 12065.

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

The Secretary called the Vote:

Ayes: 6

Noes: 0

New Business:

An application from Manilath Bouasay-Renzi requests a variance from Section 208-12A which requires 80' front setback from property line. Applicant requests 63' setback, 17' variance required. Property is located at 28 Sandpiper Lane, Rexford, NY 12148. (Permit #81280)

Applicant:

Manilath Bouasay-Renzi – homeowner – Ms. Bouasay-Renzi stated that she is here tonight asking for the variance due to the shape of her property being rectangular shaped with a small back yard with larger side yards. She stated that her property is just under an acre and that they are looking to put in a fiberglass pool approximately 16x35 feet with a 4 foot skirt around it. She stated that with this it would leave only 5 feet between the property line and this. She showed to the Board a map that indicates with a blue mark that indicated an old wetland delineation. Ms. Bouasay-Renzi stated that her husband did reach out to the Army Core of Engineers and a letter is provided that this situation can be mitigated with exemptions. She stated that if the pool is put

per code then it impacts the flow of the wetland area and cause backups. She stated that she would like to have the pool closer to the property line to avoid the conflict. Ms. Bouasay-Renzi went over the 5 criteria for the variance to justify the request. Mr. Dudick asked the applicant if the blue area had visible water or was marshy land.

Michael Renzi – homeowner - Mr. Renzi stated that when the property was first purchased a swale was formed between properties to the rear and the land had the water running across the lot so after storms 6-8” of water would form due to clay in the ground but the water would settle. He stated they contacted the town as well as the Army Core and a land bridge was created. He stated that the Army Core did not see it as a wetland. Mr. Rnzi stated that cloth was put aroiund a slotted pie and surrounded by rock down about 2-3’ so the water would percolate to the area and run through the pipe to dry up the area. He stated that where the pool would go according to code the pipe would have to be removed and create a water issue for neighbors. He stated that if the pool could be moved it would not impact the pipe and there would be no need for the retaining wall.

Public:

No public comment

There being no public comment Mr. Dudick moved, second by Mr. Fantini to close the public hearing.

Board:

Mr. Fantini asked the applicant why the pool cannot be rotated 90 degrees so it sits 35x16’. Mr. Renzi stated that there is a 12.5’ easement they could not build around and adding the 4’ skirt would extend that. Mr. Myers stated that the pool is required to be 10 feet away from the homes foundation to alleviate pressure off of it.

Mr. Klimes asked if there would be a deck or patio with the pool. Mr. Renzi stated that a deck is on the back of the house and it is about 16’ off of the home and about 3 feet shy of the pipe. Mr. Klimes asked if the intent is to keep it as far away from the pipe as possible. Mr. Renzi stated this was true.

Mr. Myers stated that this is a Type II action and no further SEQR is required. Mr. Myer stated that he feels that the applicant should stay away from the pipe and follow what the Army Core has approved. He stated that he has no issues with the presentation and that the homeowners are doing a good job on trying to preserve what is there.

Mr. Cifor moved, second by Mr. Fantini, to approve a front setback variance. The property is located at 28 Sandpiper Lane, Rexford, NY 12148.

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

The Secretary called the Vote:

Ayes: 6

Noes: 0

New Business:

An application from Lisa Swanson proposes to put 8' addition onto rear of house and rebuild deck onto addition. Proposal would put corner of the deck within 10'+/- of property line. Section 208-11 requires 25' rear setback, 15' variance required. Property is located at 10 Madison Way, Clifton Park, NY 12065. (Permit #81281)

Applicant:

Lisa Swanson – homeowner – Ms. Swanson stated that she has attached a plot plan with the construction of a kitchen, family room, and mud room expansion. She stated that this would go back 8 feet and take down the current deck and build a new one slightly smaller than the original. She stated that the home is on the rear setback line so the variance would be needed for this and that her property is pie shaped and she has a pool that is contained within a fence and the rear of the property is treed and faces the Oaks community. She stated that she would like to grow within this home and have it accommodate the needs of her family. She stated that that she would like the deck to go around the side of the home slightly to be able to see the pool for safety. Ms. Swanson went through the 5 criteria and explained how this variance meets them.

Public:

No public comment.

There being no public comment Mr. Dudick moved, second by Mr. Fantini to close the public hearing.

Board:

Mr. Klimes asked if the deck would be taken down and how deep it is. Ms. Swanson stated that the deck now is 12'x28' and hangs 8' off the right side of the home. She stated the new deck would hag about 2 feet to accommodate the pool view for safety.

Mr. Myers stated that this is a Type II action and no further SEQR is required. Mr. Myers stated that this is a unique piece of property in its shape. He stated that that because the deck would be attached to the house it sets off the setback requirement. He stated that because there is nothing behind the property but open space for The Oaks HOA he does not see a problem with the application.

Mr. Dudick stated that this seems reasonable due to the shape of the property.

Mr. Klimes moved, second by Mr. Dudick, to approve a rear setback variance. The property is located at 10 Madison Way, Clifton Park, NY 12065.

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

The Secretary called the Vote:

Ayes: 6

Noes: 0

The chairman made a motion to approve the minutes from the April 6th, 2021 meeting. All who were present at the April 6th, 2021 meeting voted in favor and the meeting minutes were approved.

Mr. Dudick, Chairman, made a motion to adjourn the meeting, Mr. Klimes second, all voted in favor and approval was unanimous. The meeting was adjourned at 7:46 p.m.

The next scheduled ZBA meeting will be held on May 4th, 2021.

Respectfully submitted,

Paula Cooper

Paula Cooper

Secretary, Zoning Board of Appeals