

Town of Clifton Park Zoning Board of Appeals

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Zoning Board of Appeals

May 5th, 2021

Present: Chairman Michael Dudick, Jerry Cifor, Christopher Lemire, Mario Fantini, John Klimes, YiFengWang (alternate)

Absent: Lisa McCoy, Randy Gifford

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

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

All stood for the Pledge of Allegiance. Roll call was taken. Mr. Dudick stated that in the absence of Ms. McCoy, Mr. Wang would be a voting member for the meeting tonight.

The chairman made a motion to approve the minutes from the April 20, 2021 meeting. All who were present at the April 20, 2021 meeting voted in favor and the meeting minutes were approved. Mr. Lemire abstained.

Mr. Dudick told the applicant that per Town Code that the applicant would need 4 out of 6 of the Board members to vote in favor of the application to pass. He let the applicant know that there are 6 voting members of the Board here tonight, so that 4 members need to vote in favor tonight to grant the variances. He asked the applicant 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 4 votes.

The applicant stated they would like to continue tonight knowing 4 out of the 6 votes need to be in favor of the application tonight.

Old Business:

None

New Business:

*An application from **Beth Hales** requests a variance from Section 208-12A accessory structure setback requirements for installation of an in ground pool. Property is a corner lot which requires 80' setback from Nadler Road and Woods Way. Proposed 50' from Nadler Road, 30' variance required. Proposed 70' from Woods Way, 10' variance required. Property is located at 2 Woods Way, Clifton Park, NY 12065. (Permit #81282)*

Applicant:

Beth Hales – owner – Ms. Hales stated that she is applying for a permit for a pool for her corner lot home. She stated that there are healthy trees behind her home and she would like to keep them instead of having them removed for the pool. Ms. Hales stated that she would like to put her pool closer to the corner of the property but would need variances to do so. She stated that the property would have a white vinyl fence around it for privacy and safety. Ms. Hales stated that she asked for a variance for Woods Way before she realized the setback did not account for the property off the road that the town owned. She stated if she needs to remove the trees she would but the variance for Nadler Road would still be needed.

Mr. Myers stated that the variance for Nadler would cover both setbacks.

Mr. Dudick moved to close the public hearing. Mr. Cifor seconds the motion. The public hearing was closed.

Board:

Mr. Myers stated that this is a Type II SEQR and no further action is required and he does not have a problem with this application. Mr. Dudick asked Mr. Myers if the applicant moves the pool if the one setback variance would be acceptable. Mr. Myers stated that the 30' variance

would take care of both setbacks she needs and that he does not feel the placement of the pool needs to be adjusted because of this.

Mr. Dudick stated that this is a common problem with corner lots.

Mr. Cifor moved, second by Mr. Fantini, to approve a setback variance. The property is located at 2 Woods Way, Clifton Park, NY 12065.

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

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 7:15 p.m.

The next scheduled ZBA meeting will be held on May 18th, 2021.

Respectfully submitted,

Paula Cooper

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Secretary, Zoning Board of Appeals