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## Town of Clifton Park Zoning Board of Appeals

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## Zoning Board of Appeals

May 18<sup>th</sup>, 2021

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

**Absent:** Jerry Cifor, Lisa McCoy, YiFeng Wang (alternate)

**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 told the applicant 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 applicant 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 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 at least 4 votes.

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

**Old Business:**

None

**New Business:**

*An application from Matt Stillitano requests a variance from Section 208-12A which requires setback from front property line. House is located on a corner lot with two fronts. Applicant requests to place pool 59' from property line on Redwood Drive side of house. 21' variance required. Property is located at 23 Boyack Road, Clifton Park, NY 12065. (Permit #81283)*

**Applicant:**

Mr. Matt Stillitano stated that he is the property owner and that he would like the Board to consider his application for a variance for him to install a pool. He stated that he had provided the Board with pictures for them to see that he has no back lawn to go any further back to comply with the code. He stated that with a corner lot he has two fronts which make this a difficult scenario. Mr. Stillitano stated that he hope the Board considers approving the application and that he has moved the pool back as far from Redwood Drive that he could and from the right of way that he could.

**Public:**

No public comments.

There being no public comments, Mr., Dudick moved, second by Mr. Fantini to close the public hearing at 7:05 p.m.

**Board:**

Mr. Lemire asked what picture that was presented to the Board shows where the pool would be installed. Mr. Stillitano stated that the picture that was in color shows where he would like to put the pool.

Mr. Dudick asked if the tree in the picture would be removed. Mr. Stillitano stated it would be removed and is a small crabapple tree.

Mr. Steve Myers stated that this is a Type II action and the no further SEQR would be required. Mr. Myers stated that the applicant's original placement was closer but the applicant was willing to work with him to minimize the variance.

Mr. Dudick stated that the Board sees a lot of applicants who have corner lots and run into setback problems. Mr. Dudick stated he is in full support of the application know the applicant worked to minimize it.

Mr. Lemire moved, second by Mr. Fantini, to approve a 21' setback variance. The property is located at 23 Boyack Road, Clifton Park, NY 12065.

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

The Secretary called the Vote:

**Ayes: 5**

**Noes: 0**

The chairman made a motion to approve the minutes from the May 4<sup>th</sup>, 2021 meeting. All in attendance who were present at the May 4<sup>th</sup>, 2021 meeting voted in favor and the meeting minutes were approved. Mr. Gifford abstained from voting.

Mr. Dudick, Chairman, made a motion to adjourn the meeting, \_\_\_\_\_ second, all voted in favor and approval was unanimous. The meeting was adjourned at 7:10 p.m.

The next scheduled ZBA meeting will be held on June 1<sup>st</sup>, 2021.

Respectfully submitted,

*Paula Cooper*

Paula Cooper

Secretary, Zoning Board of Appeals