

Town of Clifton Park Zoning Board of Appeals

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Zoning Board of Appeals

August 17th, 2021

Present: Chairman Michael Dudick, Christopher Lemire, Mario Fantini, John Klimes, Lisa McCoy

Absent: Jerry Cifor, Randy Gifford, YiFeng Wang (alternate)

Also Present: Steve Myers, Director, Building and Zoning
Paula Cooper, Secretary
T. McCarthy, Attorney

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

Due to unforeseen circumstances at Town Hall the meeting was relocated to the upstairs conference room at Town Hall

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 7 of the Board members to vote in favor of the application to pass. He let the applicant know that there are 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 4 votes.

The applicants stated they would like to continue tonight knowing 4 votes are needed to be in favor of the application tonight.

Old Business:

An application from D,K & S Enterprises, Inc requests a variance from Section 208-38H which requires a 100' buffer when abutting a residential zone. Property is bordered on three sides by R-1 zone. Proposed new building setbacks 30' north, 70' variance required and 40' west, 60' variance required. Property is located at 871 Main Street, Clifton Park, NY 12065 (Permit #81289)

Applicant:

Mr. Dudick stated that this applicant has been before the Board previously and the application was approved with the stipulation that notices to the neighbors were sent the proper public notice. Since then it was found that the notices were not sent out and thus the applicant is back for another approval for the same application and Mr. Myers has gotten proof of notifications.

Mr. John Hitchcock was in attendance representing the application.

Public:

No public comment.

There being no public comment Mr. Dudick moved, second by Mr. Klimes to close the public hearing at 7:14 p.m.

Board:

Mr. Dudick asked the Board if anyone would like to ask questions or if they would like the applicant to go over the application.

Mr. Lemire stated that he was not in attendance at the meeting when this was previously approved but since he has reviewed the application and the meeting minutes and is comfortable voting tonight.

Mr. Dudick stated that he feels that this application seems reasonable and the tent on the property has been up for years and was compliant with code. He stated that if there were issues with this he believes that it would have been brought to the Town by now.

Mr. Klimes moved, second by Mr. Mr. Dudick, to approve the variance as requested. The property is located at 871 Main Street, Clifton Park, NY 12065.

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

Conditions:

1. Outdoor lighting must be downward mounting and must be off by 10 p.m.

The Secretary called the Vote:

Ayes: 5

Noes: 0

New Business:

An application from Frederick J. Metzger, Jr., P.L.S. requests a variance from Section 208-12A which requires an 80' front setback from property lines for an accessory structure. 53' proposed, 27' variance required. Note: Main building front setback required is 30' not 50' as shown from Sugar Hill Road (CR Zone). Property is located at 160 Sugar Hill Road, Rexford, NY 12148 (Permit #81296)

Applicant:

Mr. Metzger stated that he is here on behalf of Mr. and Mrs. Barnett. He stated that the lot is a corner lot and therefore has 2 fronts. Mr. Metzger stated that they are looking to have an 80' barn built on the corner of their property which is also a high spot on the property as well. He stated that there is septic and geothermal on the property as well and that the applicant will be using the pole barn as a garage. Mr. Metzger stated that if the barn would have to be moved to another portion of the property then fill would have to be brought in. Mr. Metzger stated that the position that they have the proposal in is optimal for these reasons as well as the proximity to the home. He stated that notices have been sent out and a letter from a neighbor was received stating that they have no concerns with this application.

Public:

No public comment.

There being no public comment Mr. Dudick moved, second by Mr. Fantini to close the public hearing at 7:29 p.m.

Board:

Ms. McCoy asked if the barn would be used as a garage as it is large. Mr. Metzger stated that it would be used for cars as well as lawn equipment and tractor. He stated that they would like it larger to avoid having to crowd or add on later. Mr. Barnett stated that he shrunk the garage size hoping he will still have room for what he has. Mr. Barnett stated that he has what Mr. Metzger stated as well as four wheelers, boat, snow mobiles, and they are all residential equipment not used for commercial.

Mr. Lemire asked if the applicant has an existing garage. Mr. Metzger stated there is not existing garage. Mr. Lemire asked who lives across from their property. Ms. Barnett stated it is the Smith's. Mr. Barnett stated that they only sent notices to adjacent properties as per law, and they had no objection. Mr. Myers stated that adjacent does not mean across the street. Mr. Lemire asked if the shed would stay or be removed for the barn. Mr. Barnett stated that shed would stay and the barn would go next to it.

Mr. Myers stated that this is a large lot with a unique layout and it sits on a hill. Mr. Myers stated that if the building would be attached to the home it would not need a variance but the applicant would like to keep it separate. He stated that he does not see any concerns with the application and that it is a Type II action and no further SEQR is required.

Mr. Dudick asked if there would be a connector walk. Mr. Barnett stated there would not be one only a sidewalk. He stated that if there was a connector or if it were attached to the home there would need to be a foundation poured. Mr. Dudick stated that this is a rural area and that the applicant has 3.5 acres of land. He stated that the location and size of the proposal seems reasonable.

Mr. Klimes moved, second by Mr. Lemire, to approve the variance as requested. The property is located at 160 Sugar Hill Road, Rexford, NY 12148.

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

The Secretary called the Vote:

Ayes: 5

Noes: 0

New Business:

An application from Charles & Megan DeRusso requests a variance from Section 208-12A which requires an 80' front setback from the property line. Estimated 15' proposed, 65' variance required. Property is located at 2 Thyme Circle, Rexford, NY 12148 (Permit #81299)

Applicant:

Ms. DeRusso stated that they are asking for the variance so that they can install a 16'x32' pool in their back yard. She stated that there is an existing 6' privacy fence that would remain as well. Ms. DeRusso stated that the property has 2 fronts and that the pool would go on the northwest portion of the yard as the northeast portion is damp and has 3 existing large maple trees. She stated that they have spoken to neighbors and none of them have issues with the pool. Mr. DeRusso stated that the trees on the lot provide privacy for them as well as the neighbors and provides 95% of the shade in the yards so he would like to keep them.

Public:

No public comment.

There being no public comment Mr. Dudick moved, second by Mr. Klimes to close the public hearing at 7:41 p.m.

Board:

Mr. Dudick asked if the trees would be overhanging the pool. Mr. DeRusso stated that they will not be.

Mr. Lemire asked if by putting the pool closer to the neighbor it would benefit the neighbor as well. Mrs. DeRusso stated that the pool would be closer to the neighbors' front yard and they prefer to utilize their time in the rear of their home. Mr. Lemire stated that he likes that the fence would provide privacy from the 2 frontages and if there were not 2 fronts to the home the applicant would not be here.

Mr. Dudick asked if fence location would impact safety. Mr. Myers stated that it would not.

Mr. Myers stated that he went to the property and stated that the fence is 3' inside the property line and the pool would be 15' in and the fence would meet the law for pool enclosure requirement but this will be verified with the pool permit. He stated that the pool would be in front of the building line but the lot is small and he has no issues with this. Mr. Myers stated that this is a Type II action and no further SEQR is required.

Mr. Dudick stated that there seems to be a lot of plant life in this yard and the fence. He stated that corner lots tend to have this problem as there are two fronts and sees no problems with this application.

Mr. Dudick moved, second by Mr. Lemire, to approve the variance as requested. The property is located at 2 Thyme Circle, Rexford, NY 12148.

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

The Secretary called the Vote:

Ayes: 5

Noes: 0

New Business:

An application from Maragratt & Quan Dobbs requests variance from Section 208-12A, accessory structure front setback, 80' required, 10' proposed, 70' variance required. Property is located at 636 Rt.146A, Clifton Park, NY 12065(Permit #81300)

Applicant:

Mr. Quan Dobbs stated that he lives on a keyhole lot on a private road. He stated that the side of his home is considered his front lawn and the neighbor in front of him has a wooded area in the rear and there is a grade difference that retains water. Mr. Dobbs stated that he would like to put in a pool with a patio as his family does a lot of entertaining and he puts up tents occasionally as well so the area that the pool could go into without a variance would not accommodate this. Mr. Dobbs stated that the neighbor to the side of him has the same set up that he is looking for and that the pool would not be visible from Route 146A. He stated that the neighbor, Ms. Lee is excited about them getting a pool and that they have no concerns.

Public:

No public comment.

There being no public comment Mr. Dudick moved, second by Mr. Lemire to close the public hearing at 7:52p.m.

Board:

Mr. Lemire asked why the pool cannot go closer to the west side of the property. Mr. Dobbs stated that the area is not level and the grading is promoting runoff. He stated that there are currently problems with the runoff and a French drainage system is going to be installed to help with this as there may be some foundation damage.

Mr. Dudick asked how long Mr. Dobbs have been living in the home. Mr. Dobbs stated that they have been there less than a year.

Mr. Myers stated that this is a Type II action and no further SEQR is required. He stated that this is a keyhole lot and since the side yard is considered the front the applicant needs to ask for a variance. He stated that if his home faced the road this would not be an issue. He stated that due to water issues on the other side of the property and there being no road visibility he sees no problem with this application.

Mr. Dudick asked what rip-wrap was on the map. Mr. Myers stated it is stone fill large or small. Mr. Myers stated it is used to hold the end of the driveway.

Mr. Fantini state that this is a keyhole lot and understands the unique circumstances.

Mr. Dudick moved, second by Mr. Fantini, to approve the variance as requested. The property is located at 636 Rt.146A, Clifton Park, NY 12065.

Mr. Dudick read the Area Variance Criteria, Mr. Dudick 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 July 20th, 2021, 2021 meeting. All who were present at the July 20th, 2021 meeting voted in favor and the meeting minutes were approved.

Mr. Dudick, Chairman, made a motion to adjourn the meeting, Mr. Lemire second, all voted in favor and approval was unanimous. The meeting was adjourned at 7:57 p.m.

The next scheduled ZBA meeting will be held on September 7th, 2021.

Respectfully submitted,

Paula Cooper

Paula Cooper

Secretary, Zoning Board of Appeals