

Town of Clifton Park Zoning Board of Appeals

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Zoning Board of Appeals

May 3rd, 2022

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

Absent: Randy Gifford, Scott Styles (alternate)

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

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 7 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 of 6 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 applicants 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 Manuel A. Santos, Jr. requests variance from Section 208-11 which requires a 40,000 sf minimum lot size for parcels. Parcel is 33,105 sf, 6,895 sf variance is required. Existing septic system was inspected and deemed compliant by an engineer for the parcel. Property is located at 977 Main Street, Clifton Park, NY 12065 (Permit #81323).

Applicant:

Manuel Santos – owner – Mr. Santos stated that he was here tonight with his wife and stated that they are asking for a variance because the property has septic and is on a 33,000 sf lot. He stated that the minimum lot size for septic is 40,000 sf. He stated that he lives in the area and is bringing this 2 Family home up to code. Mr. Santos stated that he has gotten a special use variance for this property as well in January of 2022. Mr. Santos stated that the septic is an existing condition and that he had an engineer look at the existing septic and it was deemed viable. Mr. Santos stated that the 2 family home is being redone and the bathrooms are decreasing from 3 to 2 and they are not requesting any other changes to the system.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Fantini to close the public hearing at 7:10 p.m.

Board:

Mr. Dudick asked where the sewer line ends on the road. Mr. Myers stated that it ends at The Main Street Grill and that most new sewer lines are put in around new development. Mr. Santos stated that all of the residents on Main Street have septic.

Mr. Myers stated that this application is a Type II action and no further SEQRA is needed. Mr. Myers stated that this home was never properly approved but the owner is working on it and getting the necessary permits. Mr. Myers stated that the applicant was approved for a special use permit and that the septic is old, but the engineer said it was ok.

Mr. Cifor moved, second by Mr. Fantini, to approve the variance as requested. The property is located at 977 Main Street, Clifton Park, NY 12065.

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

The Secretary called the Vote:

Ayes: 6

Noes: 0

New Business:

An application from Scott & Teresita Beaudoin requests variance from Section 208-11A. property is a keyhole and front property line is line parallel to Miller Road. 80' to front property line for accessory structure (pool) required, 10' setback requested, 70' variance required. Property is located at 467 Miller Road, Clifton Park, NY 12065 (Permit #81324).

Applicant:

Teresita and Scott Beaudoin – Owners – Ms. Beaudoin stated that they are here tonight due to the size of their property and their neighbors' proximity to them. Ms. Beaudoin stated that neighbors were notified of the meeting tonight, their application,. And the possible temporary noise that would take place via certified mail. Ms. Beaudoin showed that mailings were sent. Mr. Beaudoin stated that they would like to put in a pool behind the home. He stated that to the rear of the location is vacant property. He stated that if they put the pool in the location that would not need this than they would be close to another property. Mr. Beaudoin stated that he feels that if this home was not on a keyhole lot this would not be an issue.

Public:

No public comment.

Mr. Dudick moved, second by Ms. McCoy to close the public hearing at 7:18 p.m.

Board:

Mr. Fantini asked if the pool would have a fence around it. Mr. Beaudoin stated it would and has to by law.

Mr. Myers stated that this is a Type II action and that no further SEQRA is required. Mr. Myers stated that this lot is a long and narrow keyhole lot with the home askew. MR. Myers stated that this is 80' from Miller Road and there is a full line of trees between where they would like the pool and the neighbors. Mr. Myers stated that this application makes sense and he has no concerns with this application.

Mr. Lemire asked if the setback was a side setback if the variance would still be required. Mr. Beaudoin stated that this is needed because this is a keyhole lot.

Mr. Klimes moved, second by Mr. Lemire, to approve the variance as requested. The property is located at 467 Miller Road, Clifton Park, NY 12065.

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

The Secretary called the Vote:

Ayes: 6

Noes: 0

New Business:

*An application from **Carl Geloso** requests a variance from Section 208-12A which requires 80' front setback for accessory structures, 10' proposed, 80' variance required. Property is located at 58 Gloucester Street, Clifton Park, NY 12065 (Permit #81325).*

Applicant:

Carl and Sally Geloso – Owners – Mr. Geloso stated that they are here tonight for a setback variance to put a larger shed on their property than what was there. He stated that the old shed was 8'x10' and they would like the new shed to be 12'x20'. Mr. Geloso stated that there is an 80' setback required and he has that setback on 3 sides of his property so the previous shed was small enough but the bigger one will not be. Mr. Geloso stated that he would like the shed to be in his back yard so he is asking for 10' setback and the neighbors have been informed about this new shed and they are ok with it. He stated that if the shed were to be within the required setbacks it would be in the middle of his yard and fill would have to be brought in to accommodate this as well. He stated that he has submitted plans of what the she would look like to the Town.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Cifor to close the public hearing at 7:29 p.m.

Board:

Mr. Lemire asked if the old shed was in place when the road was built. Mr. Geloso stated that the road is an access for another home and not the roadway. Mr. Geloso stated that his home is 54' from the center line of Gloucester Road.

Mr. Myers stated that this is a Type II action and that no further SEQR is required. Mr. Myer stated that there was a paper street put in when a subdivision was created. Mr. Myers stated that

the property does drop off behind the current shed and since there are no other houses around he does not foresee a problem with the variance.

Mr. Klimes moved, second by Mr. Lemire, to approve the variance as requested. The property is located at 58 Gloucester Street, Clifton Park, NY 12065.

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

The Secretary called the Vote:

Ayes: 6

Noes: 0

New Business:

An application from Amy Hegener requests a variance from Section 208-12A – accessory structure front setback. 80’ required, 60’ proposed, 20’ variance required. Property is located at 7 Lincoln Ave, Clifton Park, NY 12065 (Permit #81326).

Applicant:

Amy Hegener – owner – Ms. Hegener stated that she originally needed a 20’ variance but now that the pool size has changed from 24’ to 21’ the variance needed has been lessened. She stated that her property has a small rear yard with wood behind it and her side yards are larger. Ms. Hegener stated that the pool would be on the side yard in a fenced in area and that the 2 neighbors that would be affected by this have been notified and are ok with the proposal.

Public:

No public comment.

Mr. Dudick moved, second by Ms. McCoy to close the public hearing at 7:39 p.m.

Board:

Mr. Klimes asked if there is proof of notification for the neighbors. Ms. Hegener stated there is and presented it to the Board.

Mr. Dudick asked if the 20’ would not be needed. Ms. Hegener stated that they had 80’ from the road but needed more from the property line. Mr. Myers stated that the measurement goes from the property line but suggested that they keep the 20’ variance as this is what the application is for and they can always use less.

Mr. Lemire asked what side of the home the pool would be on. Ms. Hegener stated it would be on the right side of the home if you were looking at it from the street. Mr. Lemire asked why the

pool could not go to the left of the home. Ms. Hegener stated that it is wooded on that side and the ground is not level which would increase the cost of the pool.

Mr. Myers stated that this is a Type II action and that no further SEQR is required. Mr. Myers stated that the rear of the home is heavily wooded and the home is fairly close to the property line to the rear so he does not see a problem with this variance.

Mr. Dudick stated that he does not see any issues with this application and stated that he feels it should not impact the neighborhood.

Mr. Klimes moved, second by Mr. Lemire, to approve the variance as requested. The property is located at 7 Lincoln Ave, Clifton Park, NY 12065.

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

The Secretary called the Vote:

Ayes: 6

Noes: 0

New Business:

An application from Margret E. Voss requests variance from Section 208-11 in the R-1 zone, side yard setback, 10' required, 5' proposed, 5' variance required. Variance is a result of proposal to add attached carport to side of house. Property is located at 46 Canterbury Road, Clifton Park, NY 12065(Permit #81327).

Applicant:

Chris Voss – Owner – Mr. Voss stated that they would like an open car port on the side of their home with the area paved. He stated that the area is partially paved now. Mr. Voss stated that there is a 10' setback required and they are looking for a 5' variance and the property is wooded on that side.

Public:

Mr. Dudick moved, second by Mr. Cifor to close the public hearing at 7:43 p.m.

Board:

Mr. Myers stated that this is a Type II action and that no further SEQR is needed. Mr. Myers stated that the home takes up a majority of the lot width. Mr. Myers stated that they plan to have this attached to the home so the home setbacks apply, but he does not have any concerns with this application.

Mr. Lemire asked if this is a corner lot. Mr. Voss stated no but it is a circle. Mr. Lemire asked if the neighbor's home was set back. Mr. Voss stated it is.

Mr. Dudick stated that he does not see concerns with this application.

Mr. Cifor moved, second by Mr. Dudick, to approve the variance as requested. The property is located at 46 Canterbury Road, Clifton Park, NY 12065.

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

The Secretary called the Vote:

Ayes: 6

Noes: 0

The chairman made a motion to approve the minutes from the March 15th, 2022 meeting. All who were present at the March 15th, 2022 meeting voted in favor and the meeting minutes were approved.

The chairman made a motion to approve the minutes from the April 19th, 2022 meeting. All who were present at the April 19th, 2022 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 7:49 p.m.

The next scheduled ZBA meeting will be held on May 17th, 2022.

Respectfully submitted,

Paula Cooper

Paula Cooper

Secretary, Zoning Board of Appeals