

Town of Clifton Park Zoning Board of Appeals

One Town Hall Plaza
Clifton Park, New York 12065
(518) 371-6054
FAX (518) 371-1136



RECEIVED
SEP 07 2022
CLIFTON PARK
TOWN CLERK

Zoning Board of Appeals

July 19th, 2022

Present: Chairman Michael Dudick, Jerry Cifor, Mario Fantini, John Klimes, Scott Styles
(alternate)

Absent: Randy Gifford, Lisa McCoy, Christopher Lemire

Also Present: Steve Myers, Director, Building and Zoning
Wade Schoenborn, Fire Marshall
Paula Cooper, Secretary
Neil Weiner Esq., 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 stated that in the absence of Mr. Gifford, Mr. Styles would be a voting member.

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 of the 5 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 out of 5 votes need to be in favor of the application tonight.

Old Business:

None

New Business:

An application from Martin Ortiz requests a variance from 208-12A which requires 80' setback from front property line. (corner lot, has two fronts, Casablanca & Santa Lucia). Per applicant pool to be located at 65' from property line, 15' variance required. Property is located at 20 Casablanca Court, Clifton Park, NY 12065 (permit #81331).

Applicant:

Martin Ortiz – owner – Mr. Ortiz stated that he has been at the home for 5 years and to have a pool is his goal. He stated that some trees would be removed and a privacy fence would be installed. He stated that 2 neighbors have been notified and stated that they are both in favor of the application.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Klimes to close the public hearing at 7:07 p.m.

Board:

Mr. Cifor asked if there is a full privacy fence there now. Mr. Ortiz stated that there is not it is only partially done until the pool can get installed.

Mr. Schoenborn stated that this is a Type II action and that no further SEQR is required. He stated that he has no objections for this application.

Mr. Dudick stated that this common for corner lots and he has no concerns with the application as it is unique for corner lots.

Mr. Cifor moved, second by Mr. Klimes, to approve the variance as requested. The property is located at 20 Casablanca Court, 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: 5

Noes: 0

New Business:

An application from Kurt Steffen requests a variance from Section 208-12A accessory structures. 80' required, 57' available, 23' variance required. Property is located at 1 Blue Spruce Lane, Ballston Lake, NY 12019 (Permit #81332)

Applicant:

Christine Steffen – owner – Ms. Steffen stated that she is looking to install a hot tub on her patio area. She stated that the home is located on a cul-de-sac so the variance is needed due to her location on the road.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Klimes to close the public hearing at 7:16 p.m.

Board:

Mr. Dudick asked if this is a corner lot. Ms. Steffen stated it is.

Mr. Klimes asked why the applicant cannot put the hot tub in another location. Ms. Steffen stated that the rear of the property is narrow and where they intend to put it would be screened by trees as well as a fence.

Mr. Schoenborn stated that there is no law for fencing around a hot tub but it does need to be lacked. Ms. Steffen stated that it would be locked and that they intend to have a fence around it due to having young children.

Mr. Dudick asked if the Board feels the need to make the fencing a requirement as they are intending to put one up anyway. Mr. Fantini stated that he would like it to be a condition. Ms. Steffen stated that there will be a larger fence on the property and then a fence in the left corner for the hot tub to be enclosed.

Mr. Schoenborn stated that this is a Type II action and that no further SEQR is required. He stated that he has no objections to the application.

Mr. Dudick stated that he would be comfortable without a condition and that the applicant is already following NYS law. Mr. Weiner stated that the law does not require one and the Board can vote on whether to make it a condition. Mr. Weiner stated that the variance also runs with the

land so if the condition is made any future owner would have to maintain the fencing if made a condition.

Ms. Cooper called the vote for making a condition to fence in the hot tub area. 4 votes for no and 2 vote for aye.

Mr. Klimes moved, second by Mr. Cifor, to approve the variance as requested. The property is located at 1 Blue Spruce Lane, Ballston Lake, NY 12019.

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

The Secretary called the Vote:

Ayes: 4

Noes: 1 – Mr. Fantini

New Business:

An application from Nicole Pickering requests a variance from Section 208-12A which requires 80' front setback from property line. Applicant is proposing the pool location to be 5' +/- from the property line (fence installed currently is on property line). Variance required is 75'. Property is located at 48 Balsam Way, Clifton Park, NY 12065 (Permit #81333).

Applicant:

Nicole Pickering – owner – Ms. Pickering stated that she has lived at this location for 5 years. She stated that there is a patio across the back corner of her home. She stated that she would like to put in a pool near the location but needs the variance due to her lot being a corner lot. She stated that neighbors have been notified and they are ok with the pool placement proposal. Ms. Pickering stated that she already has a privacy fence in place that she will be keeping. She stated that the patio is in the building line.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Klimes to close the public hearing at 7:26 p.m.

Board:

Mr. Schoenborn stated that this is a type II action and no further SEQR is required. He stated that this is the only place that the pool can be installed in the yard unless it was in the middle which would not be ideal.

Mr. Dudick stated that this is typical problems for corner lots, as they have more than one front setback. He stated that he has no concerns with this application and that he sees it often.

Mr. Klimes moved, second by Mr. Dudick, to approve the variance as requested. The property is located at 48 Balsam 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: 5

Noes: 0

New Business:

An application from Amy Battuello requires two variances from Section 208-12A which requires 80' front setback and a 5' side setback for an accessory structure in an R-1 zone. 1. 80' required, 66' available, 14' variance required. 2. 5' required, 1.5' available, 3.5' variance required. Property is located at 29 Coventry Drive, Clifton Park, NY 12065 (Permit #81334)

Applicant:

Amy Battuello – owner - Ms. Battuello stated that she lives on a corner lot and is looking to put a pre-made Amish barn/garage on her property. She stated that she bought the home with a pre-existing pool and fence that cannot be moved. She stated that there is gravel currently where the garage will fit.

Public:

Mr. Dudick moved, second by Mr. Klimes to close the public hearing at 7:35 p.m.

Board:

Mr. Fantini asked if the garage would match the home. Ms. Battuello stated that it would.

Mr. Myers stated that this is a Type II action and that no further SEQR is required. Mr. Myers stated that he went out to the location today and that the garage is already in place. He stated that there is no other place for the garage to go and that he has no issues with the application other than the garage is already there.

Ms. Battuello stated that there was an error in delivery and that she thought it would be delivered on July 24, but it was delivered on June 24 while she was on vacation. She stated that she was still planning on getting a variance for the garage.

Mr. Fantini moved, second by Mr. Styles, to approve the variance as requested. The property is located at 29 Coventry Drive, Clifton Park, NY 12065.

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

The Secretary called the Vote:

Ayes: 5

Noes: 0

New Business:

An application from Stephen Livsey requests variance from Section 208-12A accessory structures. 80' front setback, 60' available, 20' variance required. Property is located at 7 Montgomery Way, Clifton Park, NY 12065 (Permit #81335).

Applicant:

Stephen Livsey – owner – Mr. Livsey stated that he does not need a pool but his kids do. He stated that he is in the primary stages of getting one and would like a radiant pool which would be ½ in ground and ½ above. He stated it would be fenced in. He stated that he has spoken to his neighbor and that they have no concerns with it. Mr. Livsey stated that he moved into the home 2 years ago.

Public:

Mr. Dudick moved, second by Mr. Klimes to close the public hearing at 7:42 p.m.

Board:

Mr. Fantini asked why the pool cannot be pushed back. Mr. Livsey stated that there is an easement to the west with large oak trees and roots going into the yard so he didn't want to cause damage to the tree. He stated that the tree also helps with the slope of the yard. Ms. Heidi Livsey (owner) stated that the rear of the yard is soggy so they are trying to think of some drainage solutions to be able to push the pool back.

Mr. Schoenborn stated that this is a Type II action and that no further SEQR is required. He stated that he has no concerns with the application.

Mr. Dudick stated that he feels that this is not a significant request and not a bad location for the pool.

Mr. Cifor moved, second by Mr. Dudick, to approve the variance as requested. The property is located at 7 Montgomery 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: 5

Noes: 0

The chairman made a motion to approve the minutes from the June 7th, 2022 meeting. All who were present at the June 7th, 2022 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 August 16th, 2022.

Respectfully submitted,

Paula Cooper

Paula Cooper

Secretary, Zoning Board of Appeals