

Town of Clifton Park Zoning Board of Appeals

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Zoning Board of Appeals

July 18th, 2023

Present: Chairman Michael Dudick, John Klimes, Scott Styles, Chad Gregory, Juliano Febo, Jensen Tate, (alternate)

Absent: Christopher Lemire, Lisa McCoy

Also Present: Scott Reese, Zoning Administrator
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 in the absence of Ms. McCoy, Ms. Tate would be a voting member tonight.

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 the 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 of 6 votes need to be in favor of the application tonight.

New Business:

*An application from **Bryan Herman** requests an area variance from Chapter 208-12. No accessory building shall be placed closer to a rear and side property than 5 feet in an R-1 District. The proposed rear and side property line setback is 2 feet for the proposed shed. The variance requested is 3 feet from both the 5 feet rear and side property line setbacks. The property is located at 2A Easton Drive, Clifton Park, NY.*

Applicant:

Bryan Herman, property owner, stated that there was a previous shed in this location. He stated that the previous shed was 144 sf and he would like to put a new 12'x16' shed where the previous one was but due to obstructions such as vegetation, he would like to move it over more to preserve the plantings.

Public:

No public comment.

Mr. Dudick moved, second by Klimes to close the public hearing at 7:13 p.m.

Board:

Mr. Reese stated that the Saratoga County Planning Board did not review the application. Mr. Reese stated this is a Type II action and that no further SEQRA is needed. He stated that the neighbors were notified and he has not heard from any of them.

Mr. Dudick asked if there are any runoff concerns with the building closer to the property line. Mr. Reese stated that this is a low spot to start and that the applicant already has under drains. Mr. Herman stated that all drains funnel away from the rear property to the front of his property. Mr. Reese stated that the applicant could put in gutters on the shed if there are any problems with the neighbor. Mr. Herman stated that there were no drainage problems before the rear property was developed and that he could tie in gutters to the drainage if it was needed.

Mr., Febo asked what type of shed the applicant is proposing. Mr. Herman stated that it is a barn style shed about 9' tall.

Mr. Gregory asked which way the shed would face. Mr. Herman stated it would face the same direction as the old shed did.

Ms. Tate stated that her fiancé owns the property to the rear of this one and states she has no problem with the application.

Mr. Dudick asked if there was a problem with runoff if the applicant would resolve. Mr. Herman stated that he has no problem adding to the under drains if needed. Mr. Dudick stated that he does not see this as a big deal.

Mr. Klimes moved, second by Mr. Styles, to approve the variance as requested. The property is located at 2A Easton Drive, Clifton Park, NY.

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

The Secretary called the Vote:

Ayes: 6

Noes: 0

New Business:

*An application from **Christopher O'Hara** requests an area variance from Chapter 208-12. No accessory building shall be placed closer to a front property line than 80 feet or closer to a side-street line than a distance equal to ½ of the width of the lot at the front building line up to a distance which need not exceed 75 feet. The proposed side-street line setback is 40 feet for the proposed shed. The variance requested is 35 feet from the 75 feet side-street line setback. The property is located at 1 Stoney Heights Court, Clifton Park, NY.*

Applicant:

Christopher O'Hara, owner, thanked the Board for serving the Town. He stated that he is on a corner lot on Grooms Road and that half of his lot is his driveway and home. He stated that he would like to put in an 11'x16' shed. He showed all in attendance photos of his yard where he would like to put the shed. He stated that the shed would have screening from the existing mature trees on his property and that he is having it built to match the home.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Klimes to close the public hearing at 7:23 p.m.

Board:

Mr. Febo stated that he feels that sheds in front yards could be troublesome so he would be ok with the application if the applicant agrees to keep screening on Grooms Road. Mr. O'Hara stated that he would be willing to accept the condition.

Mr. Gregory asked why the applicant cannot put the shed in his rear yard. Mr. O'Hara stated that there is no room inside the fence due to the pool. He stated that a gate will be installed so that it is accessible from the side of the property the shed is proposed.

Mr. Dudick stated that the variance goes with the property and not the owner so if a condition is made this needs to be kept up in the future.

Mr. Reese stated that the Saratoga County Planning Board will not review the application. He stated that this is a Type II action and no further SEQRA is required and that mailings have been sent out.

Mr. Dudick stated that there does not appear to be drainage issues here and that this is a corner lot so the Board sees this as unique,

Mr. Febo moved, second by Mr. Klimes, to approve the variance with conditions. The property is located at 1 Stoney Heights Court, Clifton Park, NY.

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

Conditions:

1. Maintain screening on Grooms Road equal to or greater than the shed at all times.

The Secretary called the Vote:

Ayes: 6

Noes: 0

New Business:

An application from Christopher Lewis requests an area variance from Chapter 208-12. No accessory building shall be placed closer to a front property line than 80 feet or closer to a side-street line than a distance equal to ½ of the width of the lot at the front building line up to a distance which need not exceed 75 feet. The proposed front property line setback is 37 feet for the proposed detached garage. The variance requested is 43 feet from the 80 feet front property line setback. The property is located at 20 Rustic Bridge Road, Clifton Park, NY.

Applicant:

Christopher Lewis, owner, stated that he has lived in Clifton Park his entire life. He stated that he would like to put in a detached garage to the left of his home 37' from the edge of his property. Mr. Lewis stated that he cannot move the home further back due to the septic, propane, and solar panels on the property. He stated that he does have room to move it back but he is hesitant to move it too close to the septic. Mr. Lewis stated that he will not be removing grass for this project and that the garage would help screen the railroad tracks from the home.

Public:

No public comment.

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

Board:

Mr. Reese asked how big the structure would be. Mr. Lewis stated it would be 720 sf, 20'x30' and be on the back half of the house. Mr. Reese stated that the well is required to be a minimum of 100' away from the septic and that is why they are placed where they are. He stated that this is a Type II action and that no further SEQRA is needed and that the Saratoga County Planning

Board will not review this application. Mr. Reese stated that he has had some neighbor inquiry but they all seemed to be ok with the application.

Mr. Klimes asked if the applicant would flip the garage if the leech field was found to be closer than expected. Mr. Lewis stated that he would.

Mr. Febo asked what type of building the applicant is looking to put up. Mr. Lewis stated that it would be a standard Curtis Lumber one with modifications to have the shingles and siding match the home. He stated gutters would be installed.

Mr. Klimes moved, second by Mr. Febo, to approve the variance as requested. The property is located at 20 Rustic Bridge Road, Clifton Park, NY.

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

The Secretary called the Vote:

Ayes: 6

Noes: 0

New Business:

An application from Clifford Westrick requests an area variance from Chapter 208-12. No accessory building shall be placed closer to a front property line than 80 feet or closer to a side-street line than a distance equal to 1/2 of the width of the lot at the front building line up to a distance which need not exceed 75 feet. The proposed front property line setback is 72 feet for the proposed detached garage. The variance requested is 8 feet from the 8 feet front property line setback. The property is located at 6 Chestnut Lane, Clifton Park, NY.

Applicant:

Clifford Westrick, owner, stated that he is looking to install a detached garage 18'x22' on the right side of his home. He stated that 72' being requested would put the garage lined up with the rear of his home and maintain the existing driveway. Mr. Westrick stated that if he pushed the garage back further it would encroach on his neighbor.

Public:

No public comment.

Mr. Dudick moved, second by Mr. Klimes to close the public hearing at 7:49 p.m.

Board:

Mr. Dudick stated that he thinks that the placement looks like a good spot and lining the garage up with the rear of the house looks good as well. Mr. Dudick asked if there were windows being proposed on both sides of the building. Mr. Westrick stated there will be windows.

Mr. Reese stated that he received calls from neighbors interested in the application but they all seemed fine with it. Mr. Reese stated that the Saratoga County Planning Boards will not review the application and that this is a Type II SEQRA so no further review is necessary.

Mr. Febo asked if the area was being used for items now. Mr. Westrick stated that the area is being used currently.

Mr. Dudick stated that he feels the application is reasonable and in a good location.

Mr. Klimes moved, second by Mr. Febo, to approve the variance as requested. The property is located at 6 Chestnut Lane, Clifton Park, NY.

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

The Secretary called the Vote:

Ayes: 6

Noes: 0

Old Business:

None

The chairman made a motion to approve the minutes from the June 6th, 2023 meeting. All who were present at the June 6th, 2023 meeting voted in favor and the meeting minutes were approved.

The chairman made a motion to approve the minutes from the June 20th, 2023 meeting. All who were present at the June 20th, 2023 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 7:53 p.m.

The next scheduled ZBA meeting will be held on August 15th, 2023.

Respectfully submitted,

Paula Cooper

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Secretary, Zoning Board of Appeals