

Town of Clifton Park Zoning Board of Appeals

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Zoning Board of Appeals

December 5th, 2023

Present: Chairman Michael Dudick, Christopher Lemire, Lisa McCoy, Juliano Febo, Mark Brockbank, (alternate)

Absent: John Klimes, Scott Styles, Chad Gregory

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 that Mr. Brockbank would be standing as a voting member for Mr. Klimes.

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

Old Business:

*An application from **Gina Olivencia** requests an area variance from Chapter 208-12. No accessory building shall be 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 shed street property line setback is 32 feet for the proposed shed. The variance requested is 43 feet from the 75 foot side street property line setback. The property is located at 26 Sandpiper Lane, Clifton Park, NY.*

Applicant:

Lewis Olivencia stated that he is here tonight with his wife and applicant Gina Olivencia. He stated that they are proposing a shed that would match the home and be 10'x18' and would like it placed next to the driveway. He stated that the property is unique as it is a corner lot, and that the placement is no different than any other home in the area. Mr. Olivencia stated that the setback is met from Chickadee Lane and no other homes are on the cul-de-sac they live on so there would be minimal traffic on the road and more walkers than vehicles. He stated that he has a small rear yard to work with and the opposite side of his home he would like to keep available for a possible future pool. He stated that the rear yard does see some water pooling sometimes. He stated that he would like to have the shed on the left side of the home to also keep it available to the driveway and the front and rear yards. He stated that he removed 10 trees along his property line on Chickadee and that he would like to use the shed for storage as things are currently in his garage and he would like to park his cars there. Mr. Olivencia stated that along the side of the home there is a fence and 3 shrubs that he would like to remain as they help keep privacy to the rear. He stated that he would keep the shed as close to the home as possible to help with screening and showed pictures of his property. Mr. Olivencia stated that the shed would be about 17'-18' off the corner of his home and it would be closer to his home than any other shed in the neighborhood. He stated that if he has to put the shed behind the home he would have to remove landscaping and the fence and go to the other side of the yard for access to the front.

Public:

No public comment.

Mr. Dudick moved, second by Ms. McCoy to close the public hearing at 8:02 p.m.

Board:

Mr. Dudick asked if the lot was not a corner, would the applicant need a variance. Mr. Reese stated yes.

Mr. Lemire asked how far it was from the fence to the rear of the home. Mr. Olivencia stated it was about 20 feet. Mr. Lemire suggested to the applicant putting the shed behind the home and facing it towards the driveway like the garage. Mr. Olivencia stated it would then block the side door to the garage.

Mr. Febo stated that he agrees that this was mentioned at the last meeting and that the applicant could also look at pushing it back 5' to give more back yard space. Ms. Olivencia stated that she

wanted the shed accessible from the fence. Mr. Olivencia stated that he still wanted to utilize the back yard for his family. Mr. Febo stated that corner lots should still be looked at with setbacks in mind.

Mr. Reese stated that the Town has talked about changing corner lot requirements but there is nothing official nor is it on an agenda.

Mr. Dudick asked if this was not a corner lot, would the placement of the shed be an issue. Mr. Reese stated that if this was not a corner lot there would be no issue. Mr. Dudick told the applicant that the Board is trying to help the applicant lessen the variance and if they were willing to move the shrubs to the other side of the fence and move the shed 5-10' away from Chickadee they may be willing to grant the variance. Ms. Olivencia stated that they could do this.

Mr. Febo showed a sketch that he had done on his computer to the applicant and the Board where the shed is inside of the fence and stated that the chain-link fence can just be pulled back and reattached after installation of the shed.

Mr. Lemire suggested putting the shed on the other side of the house next to the neighbor on Sandpiper. Mr. Olivencia stated that he didn't want to do this due to a future pool possibly going there. Ms. Olivencia stated that they wanted to utilize that side of the yard for other things. Mr. Olivencia stated that the land slopes and floods in the corner behind the home as well which would be a problem for the shed.

Mr. Dudick stated that the Board is trying to help the applicant with the corner lot problem and trying to minimize the variance as well as this would help with approvals. Mr. Dudick stated that the applicant could move the shed closest to the outside of the fence as possible.

Mr. Lemire stated that the doors to the shed and the doors to the garage would be facing the same way and that he feels that the shed would be best placed behind the home.

Mr. Dudick stated that the applicant can put the shrubs behind the fence or the shrubs between the shed and it is up to the homeowner. He stated that this would give a 5' reduction in the variance and put the shed against the fence. The applicants agree to moving the shed against the fence and moving the shrubbery to help buffer the shed.

Mr. Dudick moved, second by Mr. Febo, to approve the variance as modified from 43' to 38'. The property is located at 26 Sandpiper Lane.

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

Conditions:

1. Front yard landscaping to be maintained on the corner of Sandpiper and Chickadee.
2. Install screening on the Chickadee side of the shed which is equal to or greater than the height of the structure.

The Secretary called the Vote:

Ayes: 4

Noes: 1; Mr. Lemire

New Business:

None

The chairman made a motion to approve the minutes from the November 21, 2023 meeting. All who were present at the November 21, 2023 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 8:08 p.m.

The next scheduled ZBA meeting will be held on January 2, 2023.

Respectfully submitted,

Paula Cooper

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Secretary, Zoning Board of Appeals