

Town of Clifton Park Zoning Board of Appeals

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Zoning Board of Appeals

November 19, 2024

Present: Chairman Michael Dudick, John Klimes, Scott Styles, Mark Brockbank
(alternate)

Absent: Lisa McCoy, Christopher Lemire, Juliano Febo

Also Present: Scott Reese, Director, 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 if Ms. McCoy, Mr. Brockbank 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 4 voting members of the Board here tonight, so that 4 of 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 at least 4 votes.

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

Old Business:

None

New Business:

An application from Sterling Home Solutions is requesting an area variance from Planned Development Districts – Article XVI Crescent Estates South chapter A217-98A. The townhouses will have a minimum rear yard of 25 feet. The proposed rear yard property setback line is 19 feet from the proposed dwelling addition. The variance requested is 6 feet from the 25 feet rear yard property line setback. The property is located at 28 Brenden Court, Clifton Park NY.

Applicant:

Rick Rainbow stated he was contracted to build a sunroom by the owner of the property. He stated everything has been submitted and it covers everything they want to do on the property.

Public:

No public comments.

Mr. Dudick moved, second by Mr. Klimes to close the public hearing at 7:14 p.m.

Board:

Mr. Dudick asked how long the applicant has lived at the property. Ms. Sandra Power stated she has lived at the residence for over 20 years.

Mr. Brockbank asked why the sun room cannot be 6' shorter. Ms. Power stated she is the middle unit of the townhomes and the yard maintenance is hard to do. She stated a neighbor has a similar sunroom. She stated going smaller does not make sense as she is looking for more living space and less lawn work. Mr. Rainbow stated that this project is also a challenge for the company as she is the middle unit and supplies would have to go through the home. Mr. Rainbow stated that sunrooms 12'x12' are small when the walls are out in and he feels that the customers need more room so they do rooms no smaller than 14'x14'.

Mr. Styles asked of the applicant were looking for the full 6' variance. Mr. Rainbow stated they are. Mr. Styles stated the property is angled so they shouldn't need 6' but rather 4'. Mr. Rainbow stated they want to be accurate so they are looking for 6' and the projection for the room would be 16'x16'.

Mr. Klimes stated he does not see an issue with this application and there is Town owned land to the rear of the property which would give plenty of buffer to the rear neighbors and helps to meet the space requirements. He stated this would add value to the property and not impact the

neighbors. Mr. Rainbow stated the foundation will be put in and not raised so the addition should not be seen through the fence line.

Mr. Dudick asked why the Town owns a narrow piece of property there. Mr. Reese stated he is unsure but there may be drainage or a path there.

Mr. Reese stated this is a Type II action and no further SEQR is required. He stated the Saratoga County Planning Board waived their review of the application and neighbors were notified. Mr. Reese stated the application was posted on November 8 and he has not received any inquiries.

Mr. Dudick stated he sees no concerns with the application.

Mr. Klimes moved, second by Mr. Dudick, to approve the variance as requested. The property is located at 28 Brenden Court, 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: 4

Noes: 0

Discussion:

Mr. Reese stated there is an application proposed for Grooms Road resident that was approved by the Board. He stated it was for a 57' setback. He stated the applicant submitted a document claiming the home next door to this application was 43' so the Board approved this variance since it kept in character. Mr. Reese stated when the building permit was submitted he looked at the homes and when he scaled it the existing neighbor was 60' from center of the road and not 43. He stated the ZBA had made their decision partially based on keeping with the character of the neighborhood. Mr. Reese stated he is drafting a let to the surveyor to let them know their error. He asked how the ZBA feels about the application being approved with an error on the plans.

Mr. Dudick stated he based his decision on the neighboring home and stated that as a group he thought they went back and forth on this.

Mr. Weiner stated this may be a materials mistake and he can check with the Town Attorney as to how they can move forward.

Mr. Reese stated the building permit is on hold for now as the grading plan needs to be submitted. He stated when he looks at the application the measurements were referenced as approximate. He found other documents for the parcel and did a measurement to find it being off by about 15'.

Mr. Dudick stated the surveyor needs to explain why he was 15' off.

Mr. Weiner stated this could be a calculation error and he would hate to think this was intentional or missed.

Mr. Reese pulled up another document for the Board to see and stated the second map shows that no survey had appeared to be done. He stated that 17' is substantial and asked the Board how they feel about the approval.

Mr. Dudick stated that he feels that this is substantial and would like the Board to review the application again with correct information.

Mr. Reese stated he would speak with the Town Attorney and see how this can come back to the ZBA.

Mr. Weiner stated the applicant should be notified so everything including ordering materials can be put on hold. He stated that the applicant may have to wait until January to have the application reheard since there is no meeting scheduled for December yet.

The chairman made a motion to approve the minutes from the October 15, 2024 meeting. All who were present at the October 15, 2024 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 7:35 p.m.

The next scheduled ZBA meeting will be held on December 3, 2024.

Respectfully submitted,

Paula Cooper

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Secretary, Zoning Board of Appeals