

Town of Clifton Park

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Zoning Board of Appeals



APPROVED

11-21-17

ZONING BOARD OF APPEALS October 17, 2017

Present: Chairman Dudick, Chris Lemire, Jerry Cifor, Lisa McCoy, Mario Fantini, John Klimes and Michael Bloss.

Absent: Terrance Cosgrove.

Also Present: Lou Renzi, Esq., ZBA Counsel
Steve Myers, Director, Building and Zoning

The Meeting was called to order at 7:09 p.m. by Chairman Dudick. Mr. Dudick announced that Alternate Member, John Klimes would be voting in place of Terrance Cosgrove.

PLEDGE OF ALLEGIANCE
ROLL CALL

OLD BUSINESS – N O N E

NEW BUSINESS

The secretary read the legal notice as it appeared in The Gazette on October 12, 2017:

1. **Application from Mark Van Alstyne for an area variance from Section 208-11 which requires a 50' setback for R-1 Zone. Applicant provided site plan showing 45' setback was used for this development. Proposed garage is to be 24' deep and current house is 58' from property line. 13' available; 24' requested and 11' variance required. Property is located at 20 Sylvan Court, Clifton Park, NY 12065. (Permit #81140).**

Mark Van Alstyne explained he has a raised ranch with an existing garage coming out onto the driveway, which he wants to extend for storage space with the addition of a 2-car garage having the same siding.

Mr. Myers explained that when this older subdivision was built, it had a 45' setback for the house instead of the currently required 50' setback. He added that the house sits 58' off the property line; the applicant wants to extend the garage beyond the 45' setback and therefore needs an 11' variance; and there are several others like this in the neighborhood.

Chairman Dudick opened the Public Hearing and asked for questions or comments. Being none, Mr. Lemire made a motion to close the Public Hearing. Mr. Cifor seconded. All voted in favor and the Public Hearing was closed.

Mr. Myers stated that this a Type II action and therefore no further SEQRA review is required.

Mr. Cifor made a motion to approve the application as submitted. Mr. Fantini seconded the motion.

Mr. Cifor stated that he does not believe an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties created by the granting of the area variance; that he does not believe the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance and that although the requested area variance is substantial, that is just one factor in making the determination. He added that the proposed variance would not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district and that although the alleged difficulty is technically self-created, that is only a consideration as well.

The secretary called the Vote:

Ayes: Mr. Lemire, Mr. Cifor, Mrs. McCoy, Mr. Dudick, Mr. Fantini, Mr. Klimes and Mr. Bloss.

Noes: None.

Application approved.

The secretary read the legal notice as it appeared in The Gazette on October 12, 2017:

- 2. Application from DeGraff Bloom Custom Builders for an area variance from Section 208-11 which requires a 50' setback in an R-1 Zone. 30' requested; 20' variance required for new home to be constructed. Property is located at 3 Dhara Court, Clifton Park, NY 12065. (Permit #81141)**

John Petrucco from Advanced Engineering & Surveying presented the application. He explained the reasoning for the request is to create a more even distribution between the front and rear yards of the proposed house because of the 50' Land Preservation Area in the rear of the lot. He added that by going with a 30' front setback, the house wouldn't be sitting so far behind the house to the north and advised it wouldn't have much of an impact visually with the house to the south.

Upon inquiry from Mr. Lemire, it was confirmed that the subject lot is Lot #3 on the map presented. Mr. Lemire inquired as to why the house could not be moved back 16.5 feet. Mr. Petrucco advised they could not do that because of the 50' Land Preservation Area in the rear of the lot which is required to be preserved.

Mr. Myers advised that when this subdivision was initially done, it was a very contentious area with the neighbors on all sides. He explained that a very strict 50' Land Preservation Area was put in as a result and the neighbors are very tough on ensuring what happens in that area. He added that due to several prior issues with neighbors regarding other houses being built, after speaking with Planning, it was agreed it would be better to move the house further away from the Land Preservation Area to avoid any potential issues.

Mr. Lemire expressed a concern that it appears the garage is going to be in the driveway of Lot 4. Mr. Myer's explained that the garages actually face each other on the 2 lots; that the neighbors had been notified in writing about the application and pointed out that no one was present in opposition to the application.

As no members of the public were present, Chairman Dudick made a motion to close the Public Hearing. Mr. Bloss seconded. All voted in favor and the Public Hearing was closed.

Mr. Myers stated that this is a Type II action and therefore no further SEQRA review is required.

Mr. Dudick made a motion to approve the application as submitted. Mr. Fantini seconded.

Mr. Dudick stated that he does not believe an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by the granting of the area variance because the proposed home is in character with the rest of the neighborhood; that although the applicant could move the proposed house on the lot, he does not believe the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; and that he does not believe the requested variance is substantial. He went on to state that he does not believe the proposed variance would have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district and that although the alleged difficulty is self-created by not locating the proposed home within the building envelope, because the applicant has chosen to move it forward as an accommodation, he feels the requested variance is reasonable.

The secretary called the Vote:

Ayes: Mr. Cifor, Mrs. McCoy, Mr. Dudick, Mr. Fantini, Mr. Klimes and Mr. Bloss.

Noes: Mr. Lemire.

Application approved.

Chairman Dudick made a motion to approve the minutes from the September 5, 2017 meeting. Mr. Dudick, Mr. Lemire, Mr. Cifor, Mrs. McCoy, Mr. Cosgrove, Mr. Fantini and Mr. Bloss, who were present at that meeting, all voted in favor and the meeting minutes were approved.

Mr. Dudick made a motion to adjourn the meeting. The motion was seconded by Mr. Fantini. Approval was unanimous. The meeting was adjourned at 7:30 p.m.

The next meeting will be held on November 21, 2017.

Respectfully submitted,



M. Kathleen Smith

Secretary, Zoning Board of Appeals

Cc: Town Clerk, Town Board, Zoning Board Members
Neil Weiner, Esq.; Lou Renzi, Esq.
Steve Myers, Department of Building and Development
Town Assessor, Town Highway Department