

# Town of Clifton Park

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## Zoning Board of Appeals



APPROVED  
2-7-17

## ZONING BOARD OF APPEALS January 3, 2017

**Present:** Chairman Dudick, Chris Lemire, Jerry Cifor, Lisa McCoy, Randy Gifford, Michael Bloss and Mario Fantini.

**Absent:** None

**Also Present:** Louis Renzi, Esq., Town Attorney  
Steve Myers, Director, Building and Zoning

The Meeting was called to order at 7:07 p.m. by Acting Chairman, Michael Bloss.

PLEDGE OF ALLEGIANCE  
ROLL CALL

### OLD BUSINESS

Mr. Myers advised the Board that at the request of the applicant's attorney, the application of Satin Beak LLC was postponed.

### NEW BUSINESS

*The secretary read the legal notice as it appeared in The Gazette on December 29, 2016:*

1. **Application from Allen Packard for an area variance from Section 208-11 which requires a 10' side setback in an R-1 Zone. 5.3' proposed; 4.7' variance required for a garage addition. Property is located at 44A Wheeler Drive, Clifton Park, NY 12065. (Permit #81117)**

Allen Packard presented the application on behalf of the property owners, Patrick and Bonnie Marshall and explained they are requesting a side setback variance for a garage addition to be placed on the existing paved driveway at the end of the house. It was confirmed that the required notifications had been sent to the surrounding neighbors.

Marianne J. Bono and her husband, who reside at 44 Wheeler Drive next door to the applicant, were present and explained that they as long as the granting of the applicant's variance did not affect the variance they had previously obtained for a garage, they were in support of the application. She added that they have not yet built their garage.

Mr. Myers stated that this is a Type II action and therefore, no further SEQRA review by the Board is required. He confirmed that Mr. and Mrs. Bono had in fact obtained the exact same variance for a garage in 2014 and that when built, their garage and the applicant's garage will be 10' apart.

Acting Chairman Bloss made a motion to close the Public Hearing. Mr. Gifford seconded. All voted in favor and the Public Hearing was closed.

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

Mr. Cifor stated he did not believe an undesirable change would be produced in the character of the neighborhood or detriment to nearby properties created by the granting of the area variance; that the benefit sought by the applicant could not be achieved by any other method feasible for the applicant to pursue and that the requested variance was substantial. He added that he did 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 was self-created, that was only a consideration which does not preclude the granting the variance.

Chairman Dudick arrived at 7:15 p.m. and upon inquiry from Acting Chairman Bloss, advised he would abstain from voting on the application.

*The secretary called the Vote:*

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

Noes: None.

**Application approved.**

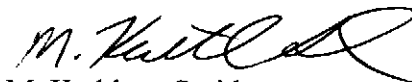
Chairman Dudick made a motion to approve the minutes from the November 15, 2016 meeting. Mr. Dudick, Mr. Lemire, Mr. Cifor, Mrs. McCoy and Mr. Gifford, who were present at that meeting, all voted in favor and the minutes were approved.

Mr. Dudick made a motion to approve the minutes from the December 6, 2016 meeting. Mr. Dudick, Mr. Gifford, Mr. Bloss and Mr. Fantini, who were present at that meeting, all voted in favor and the minutes were approved.

Mr. Dudick reminded the Board of the upcoming Planning Saratoga County Planning and Zoning Conference scheduled for January 25, 2017 and that the annual Ethics Forms and Oaths of Office were required to be completed and returned to the Town Clerk's Office.

**Mr. Gifford made a motion to adjourn the meeting. The motion was seconded by Mr. Cifor. Approval was unanimous. The meeting was adjourned at 7:21 p.m. The next meeting is February 7, 2017.**

Respectfully submitted,



M. Kathleen Smith

Secretary, Zoning Board of Appeals

Cc: Town Clerk, Town Board, Zoning Board Members  
Tom McCarthy, Esq., Louis Renzi, Esq.  
Steve Meyers, Department of Building and Development  
Town Assessor, Town Highway Department