

# Town of Clifton Park

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## Zoning Board of Appeals



APPROVED

4-4-17

## ZONING BOARD OF APPEALS February 21, 2017

**Present:** Chairman Dudick, Jerry Cifor, Lisa McCoy, Randy Gifford, Michael Bloss and Terrance Cosgrove.

Mario Fantini arrived at 7:05 p.m.

**Absent:** Chris Lemire.

**Also Present:** Tom McCarthy, Esq., Town Attorney  
Steve Myers, Director, Building and Zoning

The Meeting was called to order at 7:03 p.m. by Chairman Dudick. He welcomed Terry Cosgrove, the newly appointed Alternate ZBA Member to the Board and designated that he would sit in for Mr. Lemire.

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 February 16, 2017:*

1. Application from Bernard E. Rucinski and Cindy Koney to subdivide 6.21 acres in an R-1 Zone into 3 separate lots; Lot #532 to be 2.61 acres; Lot #534 to be 1.86 acres and Lot #536 to be 1.74 acres. 4 area variances required from 1) Section 208-11 for Lot #534 which requires a 50' front setback from the property line. 43' available; 7' variance required; 2) Section 208-98 for Lot #534 which requires 100' from the centerline of Grooms Road (a special road); 76.1' available; 24' variance required; 3) Section 208-12 for Lot #536 (a corner lot with 2 fronts) which requires an 80' setback from the property lines of both Moe and Grooms Roads; 33' from property line along Moe Road available; 47' variance required and 56' from property line along Grooms Road available; 24' variance required; and 4) Section 208-98 for Lot #536 which requires 100' setback from the centerline of Grooms Road; 87' available; 13' variance required. Property is located at 534 Grooms Road, Clifton Park, NY 12065. (Permit #81118).

Duane Rabideau from VanGuilder and Associates presented the application. He advised that he was under the impression the applicants only needed 3 variances, but indicated they would take the 4 described. He explained that the parcel is located at the southeast corner of Grooms and Moe Roads and that relief is requested from the 100' setback requirement from the centerline of the road for both the existing house on Lot 534, which is 76.1' from the centerline of Grooms Road and for the farm stand on Lot 536, which is 87.8' from the centerline of Grooms Road. He added that they also need relief from the 80' front yard setback requirement from Moe Road for the farm stand, which is 33.8' feet from the road.

Upon inquiry from Mr. Cifor and Mr. Dudick he confirmed that the new proposed house meets the setback requirements; that the existing house does not; that the applicants created lots for the new house, the existing house and a large lot containing the farm stand; and that although the lot with the farm stand is large enough to put a house on, it will remain vacant as the applicants are not currently planning to build at this time.

Upon inquiry from Mrs. McCoy he confirmed the new proposed single family house is to be located on Lot 532.

Mr. Bloss mentioned that the farm stand had been redone a couple of years ago and questioned why it was not brought into conformance at that time.

Mr. Myers advised that the applicants came to him seeking to continue the non-conforming use of the farm stand and to improve the location of the stand with regards to safety and setback from the road. We didn't see any need to bring it into setback compliance at that time. He also confirmed that it would be allowable to have a house along with the farm stand on the lot if they decided to build in the future.

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

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

*The secretary called the Vote:*

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

Noes: None.

Mr. Dudick stated that 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 variances; that the benefit sought by the applicants could not be achieved by any other method feasible for the applicants to pursue and that the requested variances were not substantial. In addition, he does not believe the proposed variances would have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district and he does not believe the alleged difficulty was self-created.

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

**Application Approved.**

2. **Application from Ray Sign, Inc. for an area variance for a second wall sign of 19SF. First sign = 40SF. 40SF total allowed per variance #80627. 19SF variance required. (2nd sign allowed if within allowable area). Property is located at 309 Clifton Park Center Road, Clifton Park, NY 12065. (Permit #81120).**

No one appeared to present the application.

**Application tabled until the March 21, 2017 meeting.**

*The secretary read the legal notice as it appeared in The Gazette on February 16, 2017:*

3. **Application from Mark and Courtney Habiniak for an area variance for a detached garage on a keyhole lot in an R-1 Zone, from Section 208-12 which requires an 80' front setback for an accessory structure. 35' available, 45' variance required. Property is located at 768 Carlton Road, Clifton Park, NY 12065. (Permit #81121)**

Mark and Courtney Habiniak presented the application. They explained that they are seeking approval for a garage which is proposed to be located at the end of their driveway, 35' from the existing property line of 766 Carlton Road, behind the swimming pool. They advised that if they met the required 80' front setback, the garage would be in the leach field of their septic system. Upon inquiry from Mr. Cosgrove, the applicants clarified that their house is behind 766 Carlton Road and that the proposed garage is to be located behind that house and the garage for that house. They also confirmed that they had spoken to one neighbor who had no problem with the proposal and that the required notices had been mailed out.

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

Mr. Myers advised that the key hole lot makes this a unique case and that he does not see any real issue with the proposal. He added that this is Type II action and no further SEQRA review by the Board is required.

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

Mr. Cifor stated that he does 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 applicants could not be achieved by any other method feasible for the applicants to pursue due to the location of the leach field for the septic system, and that although the requested variance is relatively substantial, that is only a consideration. He further stated 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 was self-created, that is only a consideration which does not preclude the granting the variance.

*The secretary called the Vote:*

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

Noes: None.

**Application approved.**

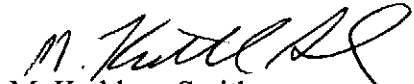
Chairman Dudick made a motion to approve the minutes from the February 7, 2017. Mr. Dudick, Mr. Cifor, Mrs. McCoy, Mr. Gifford, Mr. Fantini and Mr. Bloss, who were present at that meeting, all voted in favor and the minutes were approved.

It was determined that no new applications have been received and as such, the Zoning Board of Appeals meeting scheduled for March 7, 2017 has now been  **canceled** .

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

**The next scheduled meeting is March 21, 2017.**

Respectfully submitted,



M. Kathleen Smith  
Secretary, Zoning Board of Appeals

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