

Town of Clifton Park

One Town Hall Plaza
Clifton Park, New York 12065
(518) 371-6651
Fax: (518) 383-2668

Zoning Board of Appeals



APPROVED

10-17-17

ZONING BOARD OF APPEALS September 5, 2017

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

Absent: None.

Also Present: Neil Weiner, Esq., ZBA Counsel
Steve Myers, Director, Building and Zoning

The Meeting was called to order at 7:02 p.m. by Chairman Dudick. Mr. Dudick announced that since all members were present, Alternate John Klimes would not be a voting member this evening.

PLEDGE OF ALLEGIANCE
ROLL CALL

OLD BUSINESS

NONE

NEW BUSINESS

The secretary read the legal notice as it appeared in The Gazette on August 31, 2017:

1. Application from AJ Signs for an area variance from Chapter 171, Table I which allows 1 sign of 32 SF per tenant. Leased area is divided into 2 businesses. Variance required for second sign of 32 SF. Property is located at 1747 Route 9, Clifton Park, NY 12065. (Permit #81134).

Tom Wheeler of AJ Signs presented the application. He explained there is already a sign box on the outside of the building and although the leased area is a single space, there are two separate business operating inside. One business is A&A Education Center and the other is A&A Beauty. The sign would be for A&A Education Center.

Mr. Weiner inquired as to whether there had been a prior tenant with their own sign at this location and Mr. Wheeler confirmed this is a new building and there had not been a prior tenant.

Mr. Myers explained that the building was built for six individual tenants and that the owner had requested early on to put the sign boxes up. He added that although there are two entrances, they did not build a dividing wall between the two spaces and because of the amount of square footage being occupied, he could not give them a second sign. Upon inquiry from Mr. Dudick, he also confirmed that one business is strictly for education and the other business is for sale of product. He added that the Building Code refers to them as “B” and “M” businesses and therefore, it is actually a mixed use.

Upon inquiry from Mr. Bloss, Mr. Myers confirmed that if there was a wall down the middle of the leased area, the applicant would not need a variance because each tenant is entitled to one 32 SF sign. He added that this is a Type II action and therefore no further SEQRA review by the Board is required.

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

Mr. Bloss made a motion to approve the application. Mr. Fantini seconded.

Mr. Bloss stated that he does not believe an undesirable change would be produced in the character of the neighborhood by the granting of the area variance; that he does not believe that the benefit sought by the applicant can be achieved by any other method feasible for the applicant to pursue because the sign box is already in place; that the requested variance is not substantial because if there was a wall down the middle of the leased area, no variance would be required; that he does not believe the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood and that because they had not built a wall down the middle of the leased area, the alleged difficulty is self-created, which does not overwhelm the other factors.

Mr. Weiner stated, to put it another way, the second sign is actually permitted under the Town Code, but for the owner having remodeled the interior by removing a dividing wall.

The secretary called the Vote:

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

Noes: None.

Application approved.

The secretary read the legal notice as it appeared in The Gazette on August 31, 2017:

2. **Application from Paul R. Staines for an area variance from Section 208-12 which requires an 80' front setback from the property line for accessory structures (garage). 55' available, 25' variance required. Property is located at 126 Eastside Drive, Ballston Lake, NY 12019. (Permit #81137).**

The property owner, Paul R. Staines presented the application. He explained that because of the layout of the land and the existing wetlands as shown on the map included with his application, the proposed garage location is on the highest ground, adjacent to his existing driveway. He added that the space between the proposed garage site and the front of the property although substantial, has a 6' decline hidden behind a big berm. He explained that because his property is located on one of the private dirt roads off Eastside Drive, he is farther off the blacktop and to change the proposed location would put it closer to the wetlands footprint and farther away from his driveway.

He advised that there was a camp in the proposed garage footprint years ago, which had been removed prior to his ownership. He concluded by stating that with the sewer project coming, he plans to combine Street #126, which entails 3 smaller pieces that were combined years ago, with his residence in order to make one big piece of property.

Mr. Lemire inquired why the proposed garage is considered an accessory structure if it is going to be the only structure on the lot.

Mr. Myers advised that because it is not a habitable space, it is considered an accessory structure. He added that because the applicant's property doesn't go all the way to Eastside Drive it was determined the variance was required and that this is a Type II action and therefore, no further SEQRA review by the Board is required.

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

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

Mr. Dudick stated that in no way shape or form would the granting of the proposed variance create an undesirable change to the character of the neighborhood or detriment to nearby properties; that the benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue due to the topography of the lot; that the requested variance is not substantial; that the proposed variance will not have any impact on the physical or environmental conditions of the neighborhood; and that although the alleged difficulty is self-created by the fact that all variances are self-created, he believes the applicant is limited by the topography, and he doesn't not see that as being a significant issue.

The secretary called the Vote:

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

Noes: None.

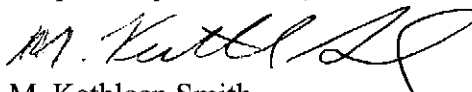
Application approved.

Chairman Dudick made a motion to approve the minutes from the August 15, 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 7:25 p.m.

It was announced that the meeting scheduled for September 19, 2017 has been cancelled as no new applications have been received and as such, the next meeting will be held on October 3, 2017.

Respectfully submitted,


M. Kathleen Smith
Secretary, Zoning Board of Appeals

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