

Clifton Park Zoning Board of Appeals Meeting Minutes

April 1, 2003

Present: Dale Kelley, Chairman, Michael Dudick,
Skye Heritage, Sandra Pace, Dale Gleason
Gil Kortz

Absent: Donna Lawton

Also Present: Don Clemens, Director Building & Development
Louis Renzi, ZBA Counsel

Mr. Kelley called the meeting to order at 7:03 P.M.

NEW BUSINESS

1. An application from Paul Tidmarsh requesting an area variance from Section 208-11 from the required 10 ft. side yard setback - proposed setback = 8 ft. - variance requested = 2 ft.. The property is located at 22 Huntwood Drive, Clifton Park. Permit #80427.

The secretary read the legal notice as it appeared in the Daily Gazette on March 27, 2003.

Paul Tidmarsh presented this application. He noted a correction to the application as read. The proposed setback will be 6 ft., not 8 ft. as requested on the application therefore the variance will be for 4 ft.. He presented a letter in support of this application from his neighbor, the Warings.

Mr. Clemens noted that the applicant presented two options - one for a 12 ft. building and one for a 14 ft. building that was overlooked at the time of application, therefore the difference of two feet. He noted the application had already been noticed in the newspaper.

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Mr. Renzi inquired about the location of the neighbors to the proposed building. Mr. Tidmarsh stated there is Town owned land between his parcel and the Warings. Mr. Renzi noted that there is no legal issue if the application is amended.

Mr. Tidmarsh noted that the contractor advised him to get the variance prior to doing a plan. He would like to put on a two car addition instead of a one car, therefore requiring the 4 ft. variance.

Mr. Tidmarsh noted that the house sits 21 ft. from the property line and he would like to add a two car garage to the existing one car garage to provide additional storage.

Mrs. Pace inquired about the location of the new addition in reference to the existing garage. Mr. Tidmarsh stated it will be in front of and to the side of the existing structure.

There was no public comment, Mr. Kelley made a motion to close the public hearing, Mrs. Gleason seconded, approval unanimous.

Mr. Clemens stated he has no problems with this request. It has no significant impact on the neighborhood.

Mr. Kortz made a motion to approve this application as amended, for a 4 ft. side yard setback variance. Mrs. Gleason seconded.

Ayes: Gleason, Pace, Kelley, Heritage, Dudick, Kortz. Noes: None.

2. An application from Gordon P. Nicholson, RLA, representing Peter J. Belmonte, requesting an area variance from Section 208-38C from the required 80 ft. side yard setback from Old Route 146 - proposed setback = 18 ft. - variance requested = 62 ft., an area variance from Section 208-38D from the required 20 ft. side yard setback from Old Route 146 - proposed setback = 10 ft. - variance requested = 10 ft.; an area variance from the 30 ft. front yard setback from Old Route 146 for parking - proposed setback = 7 ft. - variance requested = 23 ft.; an area variance from the required 80 ft. front yard setback from Old Plank Road - proposed setback = 5 ft. - variance requested = 75 ft.; and an area variance from Section 208-38D from the required 20 ft. side yard setback from Old Plank Road - proposed setback = 10 ft. - variance requested = 10 ft.. The property is located at 37 & 39 Old Route 146, Clifton Park. Permit #80428.

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The secretary read the legal notice as it appeared in the Daily Gazette on March 27, 2003.

Mr. Kelley explained that an approval for variances was granted for this site in November 2002, but the Planning Board requested these new variances.

Gordon Nicholson presented this application. He gave a brief history of the site. He noted that he had talked with the Historic Preservation Commission and they originally indicated that there was no designation for this site. The building was not usable so he went to the Planning Board and they had no special recommendations for the site therefore he appeared before the ZBA for the required variances to tear down the old building and put up a new one. After the variances were approved he went back to the Planning Board and discovered that the Historic Preservation Commission indicated that the existing building cannot be torn down. The building is in many old photos of the Town. He met with the Historic Preservation Commission and agreed to keep the front portion of the building and add a new office building. They will update the front of the building and renovate it and use it for office space. A compromise was reached and the Planning Board agreed but now a new set of variances are needed.

Mr. Clemens noted that he does not have any objections to the variances being requested. They have no effect on the neighborhood. The benefits to be gained outweigh any detriment that the variance may have.

Mr. Kelley asked what detriments and inquired about the changes that may affect the original variances granted.

Mr. Nicholson responded that the new set of variances bring the corners of the existing building into compliance.

Mr. Dudick asked why the variances are different for the old building. Mr. Nicholson stated they will bring the site into compliance with existing zoning.

Mr. Kelley asked how this will effect the new building. Mr. Nicholson stated they reduced the size and moved it back from the original site. Parking was going to be behind the new building but will now be between the two buildings. The compromise makes sense.

Mrs. Gleason inquired if the building is currently vacant. Mr. Clemens noted it has been vacant for approximately one year.

There was no public comment, Mr. Kelley made a motion to close the public hearing, Mrs. Pace seconded, approval unanimous.

Mr. Kortz inquired if this application violates the rules of returning for variances. Mr. Clemens responded only if the original request was turned down, then it would have to be a substantial change in the request.

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Mr. Kelley noted that this is a compromise between the Historic Preservation Commission, the Planning Board, and the applicant.

Mr. Dudick inquired about the number of parking places. Mr. Nicholson responded there is one space per 300 sq. ft. as required.

Mrs. Pace made a motion to approve this request as submitted. Mrs. Heritage seconded. Ayes: Kelley, Heritage, Kortz, Pace, Dudick, Gleason. Noes: None.

3. An application from Excelsior Credit Union, requesting an area variance from Section 208-46A from the minimum lot size of 43,560 sq. ft. - actual lot size = 41,509 sq. ft. - variance requested = 2,051 sq. ft., and an area variance from Section 208-46C from the required 20 ft. side yard setback for parking - proposed setback = 7 ft. - variance requested = 13 ft.. The property is located at 386 Clifton Park Center Road, Clifton Park. Permit #80426.

The secretary read the legal notice as it appeared in the Daily Gazette on March 27, 2003.

Tom Davis, ABD Engineering, presented this application. He indicated that this is an existing parcel of land that has haphazard parking. He indicated that the lot originally met the size requirements, but do to the takings for I-87 it reduced the lot size. The parking variance is for a travel lane for the drive-up window. The building meets all setback requirements, all parking spaces are in compliance and there will be 53% green space instead of the 40% required.

Mr. Clemens noted that the variance for parking is appropriate instead of moving the building forward. This is a very busy area and this will be quite an improvement to the property.

There was no public comment, Mr. Kortz made a motion to close the public hearing, Mr. Dudick seconded, approval unanimous.

Mr. Kelley stated that he has no problem with this request. It is a busy commercial area and this will upgrade the current site. He also noted that the drive thru window is needed for the applicant to be competitive.

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Mr. Kortz made a motion to approve this application as submitted. Mrs. Gleason seconded. Ayes: Heritage, Kortz, Kelley, Pace, Dudick, Gleason. Noes: None.

Mrs. Pace made a motion to approve the minutes of March 4, 2003, Mrs. Heritage seconded. Ayes: Kelley, Pace, Heritage, Gleason, Dudick. Noes: None. Abstained: Kortz.

Mr. Kelley asked the Board members to review the Comprehensive Plan and encouraged them to make any suggestions and/or comments. All comments must be in by the meeting of May 6th.

Mr. Renzi suggested all comments be made to Dale Kelley and stated he would consolidate them and forward to the Town Board.

Mr. Dudick made a motion to adjourn the meeting at 7:40 PM, Mrs. Pace seconded, approval unanimous.

Respectfully Submitted,

Judy Lamb
Secretary

cc: Town Clerk, Zoning Board Members, Louis Renzi, Counsel, Don Clemens, Department of Building and Development, Planning Board, ECC Members