

## Clifton Park Zoning Board of Appeals Meeting Minutes

October 7, 2003

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

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

Mr. Kelley called the meeting to order at 7:00 P.M. He mentioned the success of the Town's Hazardous Waste Recycling Day and thanked those Board members that volunteered for this worthwhile project.

### NEW BUSINESS

1. An application from Claudette Proctor, requesting an area variance from Section 208-46B from the required 80 ft. front yard setback - proposed setback = 60 ft. - variance requested = 20 ft.. The property is located at 101 Sitterly Road, Clifton Park. Permit #80459.

The secretary read the legal notice as it appeared in the Daily Gazette on October 2, 2003.

Mr. Proctor presented this application. He stated the variance is needed because of the topography of the lot. There is a bank in the rear of the property and if he were to move the garage back he would have to cut into the bank and a retaining wall would be necessary and very expensive. The proposed location is set further back than the original garage.

Mr. Clemens noted that he supports this request, it will be an improvement to the property.

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

Mr. Kelley noted that this variance has no negative impact on the neighborhood.

Ms. Heritage made a motion to approve this variance as requested. Mrs. Lawton seconded. Ayes: Gleason, Lawton, Pace, Kelley, Dudick, Heritage, Kortz. Noes: None.

2. An application from Belmonte Builders, requesting an area variance from Chapter 208 of the Town Code from the required 30 ft. setback from the side property line for a building in the B-4A zone - proposed setback = 10 ft. from northern property line - variance requested = 20 ft.; and an area variance from the southern property line for side

yard setback for parking - required setback = 20 ft. - proposed setback = 12 ft. - variance requested = 8 ft.. The property is located at 1743 Route 9, Clifton Park. Permit #80460.

The secretary read the legal notice as it appeared in the Daily Gazette on October 2, 2003.

Gavin Vuillaume, Environmental Design Partnership, presented this application. He noted that this project was presented in August to the Planning Board. This variance is being requested to improve an existing facility on Route 9. There is an existing group of buildings with parking between the buildings. The A-frame building that currently sits within the 80 ft. front setback will be removed and replaced with a building located behind the front setback and connected to the existing building with parking in the front and towards the rear. The existing parking currently is within the side yard setback requiring a variance and with the new zoning variances are needed for the side yard setbacks.

Mr. Kelley noted that the rear of the property is fairly steep.

Mr. Vuillaume confirmed that it is not a usable area, it was an old sand pit area.

Mr. Clemens noted that he has no objections to this request. He stated the Planning Board is also agreeable to this proposal. It also incorporates the new zoning.

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

Mr. Kortz asked about the adjoining property to the south.

Mr. Vuillaume responded it is another office building.

Mr. Kortz made a motion to approve this variance as requested. Ms. Heritage seconded. Ayes: Kortz, Dudick, Kelley, Heritage, Pace, Lawton, Gleason. Noes: None.

3. An application from Marshall Sign Corp. for DCG Development, requesting an area variance from Chapter 171 (Sign Law) for 6 directory signs - allowed = 1 directory sign per complex - variance requested = 5 directory signs. The property is located at 939 Route 146, Clifton Park. Permit #80461.

The secretary read the legal notice as it appeared in the Daily Gazette on October 2, 2003.

Rick Marshall, Marshall Sign Corp., presented this application.

He presented photographs for the Board's review of a similar sign at another location. He stated there would be one directional sign per building to identify the tenants. This will help to eliminate confusion and potential traffic backups. He also noted that the signs will blend with the buildings and the panels for the tenants will be interchangeable.

Mr. Kelley asked what would happen if there were only one tenant for a building. Mr. Marshall stated he would use the same size sign because if that tenant left the building most likely would be subdivided.

Mr. Kortz asked about placement of the signs. Mr. Marshall stated the signs will be freestanding. Due to the columns on the buildings wall signs are not practicable.

Mr. Kelley noted that this is a reasonable request and will aid in the public being able to locate a particular tenant without a lot of difficulty.

Mr. Clemens noted that he supports this request, the alternative would be to have a massive sign with all the tenants listed which could be confusing.

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

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

4. An application from Derrick Byrd, requesting an area variance from Section 208-12 from the required 80 ft. front yard setback and 5 ft. side yard setback for an accessory building in an R-1 zone - proposed front yard setback = 73 ft. - variance requested = 7 ft.; proposed side yard setback = 1 ft. - variance requested = 4 ft.. The property is located at 25 Noord Lane, Ballston Lake. Permit #80462.

The secretary read the legal notice as it appeared in the Daily Gazette on October 2, 2003.

Mr. Byrd presented this application. He stated he would like to build a 10' x 16' storage shed that is easily accessible to the front driveway. It will be professionally done and match the existing residence. The problem is there is an existing fence at the back yard line and he would like to adjoin the shed to it, which only allows for a 73 ft. setback and also he would like it near the side of the lot creating the need for the side yard setback. He noted this is the most desirable location because he does not have to knock down a 6 ft. fence and disturb a flower garden. It also is more aesthetically pleasing.

Mr. Byrd stated that he has spoken to his neighbors and they have no objections. He also noted that a letter was sent to the ZBA in support from the Brobston's, the closest affected neighbor.

Mr. Clemens stated he has no objections to this request.

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

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

5. An application from J.P.M. Fire Renovation, requesting an area variance from Section 208-11 from the required 50 ft. front yard setback in an R-3 zone - proposed setback = 17

ft. - variance requested = 33 ft.. The property is located at 8 Bradt Road, Rexford. Permit #80463.

The secretary read the legal notice as it appeared in the Daily Gazette on October 2, 2003.

Jeff Morgan, J. P. Morgan Construction Corp., presented this application. He stated they would like to add a three car garage and breezeway to an existing house. The existing building is approximately 100 years old and has a setback of 17 ft.. He is looking for a setback variance for the garage itself. He noted that this is an existing old farm house and there really aren't any neighbors that would be affected.

Mr. Clemens noted that the ground drops away quickly as you go away from the building so if they tried to move the garage back any further they would need to bring in a lot of fill. He has no objections to this request.

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

Mrs. Gleason asked if this site would continue as a single family residence. Mr. Morgan responded yes and it always will be.

Mrs. Gleason noted that this is a large variance request and she has concerns for the neighbors on Bradt Road.

Mr. Kortz stated that the existing house must have even a more substantial variance than this request. Mr. Morgan noted that the house was there before the road was there.

Mr. Dudick asked about the plans for the existing garage.

Mr. Morgan noted it will stay as it is. It is an old block garage and the owner parks a car in there.

Mr. Dudick asked if since they are adding a new garage are there any plans to remove the old garage? Mr. Ducharme, owner, stated that he has not thought about it.

Mr. Clemens noted it is quite a distance from the house.

Mr. Morgan stated it is about an acre away.

Mr. Kelley noted that they own approximately five acres and asked if the rest of the property is usable. Mr. Clemens responded that it drops off towards the west and he is not sure if there are wetlands on the property.

Mr. Kortz made a motion to approve the variance as submitted.

Mrs. Lawton seconded. Ayes: Dudick, Heritage, Kortz, Kelley, Lawton, Pace, Gleason.

Noes: None.

Mrs. Gleason made a motion to approve the minutes of September 2, 2003, Mr. Kelley seconded, approval unanimous.

Mr. Dudick made a motion to adjourn the meeting at 7:32 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