

Town of Clifton Park

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ZONING BOARD OF APPEALS

February 19, 2019

7:00 PM

Present: Chairman Dudick, John Klimes, Michael Bloss, Mario Fantini, Chris Lemire,
David Donohue, alternate

Absent: Lisa McCoy, Jerry Cifor

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

The meeting was called to order at: 7:02 pm.

PLEDGE OF ALLEGIANCE

OLD BUSINESS: - None

NEW BUSINESS:

- 1) An application from **Mark Hines** requests an area variance from Section 208-16D(1)(a)[3] which requires a minimum of five acres of property in a CR zone to have livestock. Five acres (217,800 sf) – 37,461 sf available = 180,339 sf variance required. Property is located at 189 Sugar Hill Road, Rexford, NY 12148 (Permit #81202)

The secretary read the notice as it was published in the Daily Gazette.

Mark and Megan Hines, residents of 189 Sugar Hill Road and applicants, explained that they were hoping to raise some chickens, but they know that the zoning requires 5 acres. The applicants stated that they live in an agricultural part of town, but since they have less an acre of land, they are requesting a variance to allow them to have some chickens and coops on their

property. Mr. Hines noted that his neighbors have voiced that they have no objection to their having hens.

Mr. Klimes asked if the chickens would be free range or fenced. Mr. Hines responded that they would have a 50-60 sf coop and mobile pen that would be relocated around the yard. Mr. Hines stated that they would like to house up to 12 chickens in the enclosure. Mr. Fantini asked if the applicant would be willing to have that limitation placed on the approval. Mr. Hines stated that the house was built in 1956 and they have lived there for 2 ½ years and they would like to “farm” their property and raise chickens/eggs for the family’s consumption. Mr. Dudick asked if the applicant had considered purchasing more property from the adjacent owners. Mr. Hines said that he had not. Discussion ensued about the options for obtaining farm fresh eggs.

There being no further comment, Chairman Dudick made a motion, seconded by Mr. Fantini, to close the public hearing at 7:32 pm.

All in favor, none opposed.

Mr. Myers noted that the application was a Type II action pursuant to SEQR and no further action was required. The chief zoning officer stated that there were other houses in close proximity and that the use is an allowed use in this zone if the applicant has the proper acreage.

Mr. Dudick noted that it was a rural area of town, and suggested that the applicant might need to consider an arrangement to increase their acreage to get to the 5 acres needed. The chairman added that he felt proximity to the neighbors was too close.

Mr. Hines noted that 3 people have applied for variances for livestock in the past 18 years, and only one application was approved on a property that was 4+ acres. One of the properties (Acres at Coon’s House Balsam Way) was denied due to pre-existing deed restrictions and proximity to a multi-use trail. Another one 2.+/- acre property was denied due to proximity to a cart path for the golf course. Mr. Hines stated that they do not have a multi-use trail nor a cart path, and that the area is already farmed and livestock odors are present, therefore he added that this was a unique situation that would not be fit into the precedence that was set by the other denials. Mr. Hines added that he felt that the CR Zone should allow for residents to have some livestock on lots as small as ½ acre.

Alternate options discussed:

- Could an adjoining neighbor allow them to place the chicken coop on their property so that the variance was not necessary?

Mr. Myers explained that he felt that until the Town Board would change the Code, the Zoning Board was restricted to trying to analyze the requests based on each application’s circumstances and make determinations on a case-by-case basis.

The applicant chose to table his application until he had the opportunity to discuss options with neighbors and waived the 62-day period rule.

Laurie Ditmer, 44 Canterbury stated that she felt that poultry should be considered at a different density based on their small size vs. horses or cows on a 5-acre lot. Ms. Ditmer stated that she wanted to know how to have the Town Board change the code. Mr. Dudick noted that a letter could be written to the Town Board and then a person could follow-up during the public privilege period at a Town Board meeting. Mr. Dudick then explained that the Town Board establishes the Zoning Code and the ZBA is to grant reasonable relief to that Code.

Mr. Lemire stated that the ZBA always considers whether the request is substantial.

Mr. Fantini asked why this application was an area variance vs. a use variance which the earlier applications had been. Mr. Myers stated that discussion with the Town Attorney noted that the application was an allowed use in the CR zone, therefore, an area variance was the correct standard to apply in this case.

Mr. Dudick moved, seconded by Mr. Lemire to approve the minutes February 5, 2019. The motion was unanimously approved.

The meeting was adjourned at 8:00pm.

Respectfully Submitted,


Meg Springli