



**ZONING BOARD OF APPEALS
MINUTES
February 4, 2020**

Present: Chairman Dudick arrived at 7:18pm, Jerry Cifor, Mario Fantini, Chris Lemire, Lisa McCoy, Randall Gifford, Alternate

Absent: David Donohue, John Klimes

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

The meeting was called to order at 7:00 pm.

PLEDGE OF ALLEGIANCE

Mr. Cifor acted as Chairman of the meeting in the absence of Mr. Dudick who was expected to run late. Mr. Cifor stated that there were 5 members in attendance at the meeting, so that 4 out of 5 members would need to vote "aye" in order to pass any variance. The chairman offered that any applicant that would prefer to wait until there were more members present, could be placed on the next agenda. Mr. Gifford was designated as a voting member in the absence of Mr. Donohue.

OLD BUSINESS:

- 1) An application from **Winfield Company, LLC** to combine parcel #271-4-11 (940 Route 146) and Parcel #271-4-10 (942 Route 146) into one parcel and construct seven new 4,800 sf buildings on the property. It is proposed to connect buildings #500, #600 and #700 by corridors. It is also proposed to connect buildings #800 and #900 with a corridor. Connecting the buildings requires them to be considered as one building. The combination of the three buildings results in a building of 14,400 sf. The two-building combination results in a building of 9,600 sf.

Variations required:

- 1) For the #500, #600 and #700 building combination, per Section 208-33B a 9,600sf variance is required.
- 2) for the #800 and #900 combination per Section 208-33B, a 4,800sf

variance is required.

3) Building #300 requires a front setback variance. Section 208-35D(I) requires 70' to the front property line, 40' available, 30' variance required.

Property is located at 940 & 942 Route 146, Clifton Park, NY 12065.
(Permit #81234)

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

Applicant's Representative:

Joe Dannible, Environmental Design Partnership, represented the owners of the Winfield Companies, Bast Hatfield the contractors, and the Sara Marie School and PlayCare owners who would like to occupy buildings on the property. Mr. Dannible gave a brief synopsis of the project, explaining that the setback variance requested was for a segment of the parcel that was in the rear yard of another property. Mr. Dannible stated that a childcare and school facility have been operating near this location and would like to expand and upgrade their facilities. Other than the front yard setback, the 7 buildings being proposed would meet code requirements. The connecting corridors are what makes them count as larger units per state code. Mr. Dannible presented minutes from the November 26, 2019 Planning Board meeting and read the conclusion into the record:

The six Planning Board Members and one alternate Planning Board Member present were in overall support of the new layout. Members also agreed that a trip generation report and limited traffic analysis should be completed if variances are granted. One of the members expressed support only for the variances associated with the school but felt they were less critical for the daycare to proceed forward at 4,800sq. ft.

Discussion ensued about the overall design and layout of the proposed school and daycare buildings, the elevations and their appearance from Route 146. Mr. Weiner asked if the applicant would be willing to accept a condition that the corridor be no more than the state minimum and the height of the corridor not to exceed the lowest part of the eaves. The plans and footprints have not changed, but the Planning Board has now reviewed the plan and the elevations and have been submitted.

Mr. Weiner asked if the applicant was willing to have a condition such that if the use of the buildings changed in the future, the corridors would be demolished. Mr. Dannible and Mr. Myers both appeared to agree that it could be a tough condition to enforce but that future tenants might choose to remove them if it made sense.

Mr. Myers then added that it was a Type II action with no further review required pursuant to SEQRA. He also stated that he did not feel the front setback variance was substantial given the layout of the buildings and the distance of that portion of the lot from Route 146. Mr. Myers also felt that the intent of the zoning and its appearance was met. He also felt it was unique because the state required it to be considered a larger unit although there is a separation, and the intensity of the use is not larger than the allowable square footage on the site.

There being no further comment from the public, Mr. Lemire offered a motion seconded by Mrs. McCoy, to close the public hearing at 7:34

Discussion ensued about the purposes of the corridors adjoining the buildings for the safety and ease of use as passages for children. Mr. Myers noted that a change of use of the buildings would require a building permit and possible further ZBA review at which time occupants could apply to keep or remove the corridors pending board approval.

It was noted that Mr. Dudick would be allowed as a voting member although he missed the recap of the previous meeting at the beginning of the presentation. Mr. Dudick stated that he had been present at the prior meeting and had received and studied the submittal, and felt prepared to vote.

Mr. Dudick moved, seconded by Mr. Cifor to approve the variances as requested with the following four conditions:

- 1) If the use of the buildings as childcare or school changes, the corridors are to be removed
- 2) The interior width shall not exceed 6 feet
- 3) The height of the corridors shall not be higher than the height of the lowest point of the roof of the adjoining building
- 4) The transparent material of the corridor should be as low to the ground as permissible by State Building Code

Mr. Dudick stated that the variance would not create an undesirable change, and that it would not be obtrusive to nearby properties. Then he stated that there were no other reasonable methods of achieving the result, and that he felt that the proposal was not substantial; he did not feel that it would create an adverse effect on the environment. The board member also noted that he felt the hardship was self-created, but not preclusive.

Roll Call

Ayes: Jerry Cifor, Lisa McCoy, Randall Gifford, Mr. Dudick

Noes: None Chris Lemire, Mr. Fantini

Application approved 4 out of 6

NEW BUSINESS:

- 1) ~~An application from **Bret and Joni Wade** requests a review of the zoning officer's determination that a commercial use is not allowed on the property. Property is located at 742 Waite Road, Clifton Park, NY 12065. (Permit #81236)~~
Pulled by applicant

Mr. Dudick resumed his position as Chairman at 8:03pm

- 2) An application from **Ray Sign** requesting a variance from Chapter 171, Table I,

for wall signs which allows 60 sf maximum spread between two signs. Variance #80861 was granted for two wall signs with a total area of 199 sf, a 139 sf variance. A third proposed sign was removed from the variance proposal. This variance requests two additional signs totaling 80 sf of additional variance. Both signs add "24/7 Emergent Care" to building.

Property is located at 103 Sitterly Road, Clifton Park, NY 12065.

(Permit #81237)

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

Applicant's Representative:

Russ Hazen, of Ray Sign, a representative for Ellis Medicine who is applying to request additional signage on the building and at the canopy stating "24/7 Emergent Care". The applicant felt that a hardship exists because the urgent care facility is open 24 hours a day yet that information is not visible to the public. Mr. Hazen stated that felt the signage needed to be proportionate to the building and its visibility from the highway. Board members discussed the existing signs.

Mr. Myers stated that Ellis Hospital had submitted an application for additional square footage of signs in the past which were denied.

There being no comment from the public, Mr. Dudick made a motion, seconded by Mr. Fantini to close the public hearing at 8:07pm. All in favor, none opposed.

Discussion ensued about whether this was significantly different than the previous variance that was granted, and whether staying within the existing allowable square footage for all signs (old & new) would require any additional variances. Mr. Hazen requested an adjournment to discuss the options with his client. Mr. Weiner noted that the applicant would have 62 days to return for review or the application would expire.

Mr. Dudick moved, to approve the minutes from 12/3/2019

Ayes: Dudick, Cifor, Lemire, McCoy

Noes: None

Abstain: Gifford, Fantini

Mr. Myers noted that the Wade application will be seen on March 3, 2020.

Mr. Dudick welcomed returning board member Randy Gifford as the alternate for 2020

Meeting Adjourned at 8:27pm

Respectfully Submitted,