

## Town of Clifton Park Zoning Board of Appeals

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CLIFTON PARK  
TOWN CLERK

## Zoning Board of Appeals

April 6<sup>th</sup>, 2021

**Present:** Chairman Michael Dudick, Christopher Lemire, Randy Gifford, Mario Fantini,  
John Klimes, Lisa McCoy

**Absent:** Jerry Cifor

**Also Present:** Steve Myers, Director, Building and Zoning  
Paula Cooper, Secretary

The meeting was called to order at 7:00 p.m.

All stood for the Pledge of Allegiance. Roll call was taken.

Mr. Dudick told the applicants that per Town Code that the applicant would need 4 out of 6 of the Board members to vote in favor of the application to pass. He let the applicant know that there are 6 voting members of the Board here tonight, so that 4 members need to vote in favor tonight to grant the variances. He asked the applicants if they would like to come back at a later date or if they would like to proceed knowing the Board tonight needs to vote in favor of the application with 4 votes.

The applicants stated they would like to continue tonight knowing 4 votes out of 6 needs to be in favor of the application tonight.

**Old Business:**

None

**New Business:**

*An application from EDP Office Park, LLC requests a variance for a proposed expansion of building with a three bay garage with office space above. Lot size increased to 38,332 sf. Parking setbacks, Section 208-35D.2. – 25' required. Variance required for addition: 1. West 11' proposed, 13' variance required. 2. Rear 14' proposed 11' variance required. Building coverage – Section 208-33B 1. 4800sf maximum allowed, 6500 sf proposed, 1700 sf variance required. 2. 12% of lot coverage allowed, 16.96 proposed, 4.96 variance required. Property is located at 898 Route 146, Clifton Park, NY 12065. (Permit #81276)*

**Applicant:**

Joe Dannible – EDP – Mr. Dannible stated that he is here tonight to represent The Ferguson Group LLC as well as EDP. Mr. Dannible stated that tonight they are asking for a lot line adjustment of 10,000 square feet of land to be sold to The Ferguson Group from EDP. Mr. Dannible stated this is so that Ferguson Group can build a 3 bay garage as well as office space above the garage. Mr. Dannible stated that The Ferguson Group has been in Clifton Park for many years and that the owner is a Clifton Park native. He stated that the business has been successful in this location and that the owner would like to keep it here. Mr. Dannible stated that The Ferguson Group is trying to be proactive to decrease variances needed by purchasing property from EDP. Mr. Dannible showed to everyone in attendance a map of the property and stated that the plan is to eliminate the shared curb cut which is currently going onto Route 146 and create a new one for the single business. Mr. Dannible stated that the existing lot line and driveway are owned by 900 Route 146 and that this lot line adjustment would allow for The Ferguson Group to have parking on their own land and on the property of the business. Mr. Dannible stated that NYSDOT has already approved this curb cut change. Mr. Dannible outlined the criteria needed to grant the variances and their impact on the community and The Ferguson Group.

**Board:**

Mr. Fantini asked that applicant what the current lot coverage is for the parcel. Mr. Dannible stated that it is about 11% lot coverage and 12% is allowed.

Mr. Lemire asked if the application was for The Ferguson Group, the advertisement is for EDP and they are in front of them now asking for the variances, who is the applicant. Mr. Dannible

stated that this is a joint application since there is a lot line adjustment being proposed with the variances and that the lot line adjustment is dependent on if the variances are granted or not.

Mr. Weiner asked if the lot line adjustment was conditioned on the variances. Mr. Dannible responded yes. Mr. Weiner stated that if the applicant is having someone else represent them there is usually documentation for that given to the Board. Mr. Dannible stated that there is written documentation for EDP to represent themselves as well as The Ferguson Group.

Mr. Lemire questioned that only 898 Route 146 needed a variance and that that property owner needs to apply. Mr. Dannible stated that the owner of 898 has given authorization for EDP to represent them and that the documentation has been provided to the Town.

Mr. Myers showed the documentation to the Chairman and Mr. Weiner. Mr. Myers stated that the Planning Board will not approve a project for The Ferguson Group without the necessary variances granted.

Mr. Dudick stated that if the variances are granted the lot line adjustment would then occur. Mr. Dannible and Mr. Myers both confirmed. Mr. Dudick stated that the lot line adjustment can be a condition of approval. Mr. Dannible stated that these can a condition.

Mr. Lemire stated EDP still owns the property and has not already been sold to The Ferguson Group. He asked for clarification on the property map that stated Travis J Mitchell as the owner. Mr. Dannible stated that the lands of Travis are also apart of EDP and a portion of this is what will be given to The Ferguson Group. Mr. Lemire stated that if this is first variance is approved The Ferguson Group would still need a second variance as the lot coverage will be above 12%. Mr. Lemire asked if variance would then be needed for EDP. Mr. Dannible stated that he has spoken to Mr. Myers and that after the land is turned over to The Ferguson Group, EDP would be slightly below the lot size development. Mr. Dannible stated that the development is 12% and that EDP would be 12.5%.

Mr. Myers stated that the second variance is for 12.66% of coverage due to land adjustments there is a need for a parking setback for EDP as well. Mr. Myers stated that the county stated that the parking setback is so small, 0.66%, it can be reflected on this variance for The Ferguson Group, and so this is what Mr. Myers did.

Mr. Weiner stated that this is another variance and that it should have been advertised. Mr. Myers stated that it did not need to be as it is minor. Mr. Weiner stated that he is not familiar with this section of the code. Mr. Myers stated that there was an application but the County did not feel it was necessary. Mr. Weiner stated that this parcel would need a new variance one the land is transferred and feels that this needs to be a separate application.

Mr. Dudick asked for a short recess to have Council, Chairman, and the Director of Building and Zoning to talk over what should be done moving forward.

After returning from recess, Mr. Dudick stated that it was decided that EDP should turn in their own application. Mr. Myers stated that he can turn it into the County the following morning and that both applications can be heard on at the next meeting, April 20<sup>th</sup>, 2021. Mr. Weiner stated he would like the publication to reflect this application From The Ferguson Group and the variance second variance application to reflect EDP as the applicant.

Mr. Dannible asked if the application for 898 Route 146 can move forward. Mr. Dudick stated that the application would not be approved without approving the other but he can move forward conceptually and the next meeting review for approval. Mr. Dudick stated that he is impressed with this application so far.

Mr. Fantini stated he appreciates the applicant trying to decrease the variances by purchasing land.

Mr. Lemire stated that the variance for the setback is for 13 feet and 11 feet is proposed. He asked for verification whether the setback is 24 or 25 feet. Mr. Lemire asked if the garage is doubling the footprint of the business, Mr. Dannible stated it would be about half. Mr. Lemire asked Mr. Dannible if the doors for the garage would be facing the roadway or the rear of the property. Mr. Dannible stated it has not been confirmed yet but they would probably be facing to the rear. Mr. Lemire asked if all previous vacancies would still be in place. Mr. Dannible stated that they would be.

#### **New Business:**

*An application from Paul Vellano requests a variance from Section 208-12A which requires an 80' front yard setback for accessory structures from the front property line. Parcel is a corner lot which has two fronts. Applicant proposes to install a pool at 42' from the property line on Kendra Drive. 38' variance required. Property is located at 19 Quince Court, Clifton Park, NY 12065 (Permit #81279)*

#### **Applicant:**

Paul Vellano- owner – Mr. Vellano stated that he is on a corner lot and his home is centered on the lot. Mr. Vellano stated that the proposed pool has been approved by the HOA and no neighbors have any issues. He is looking for a variance tonight for a pool.

#### **Board:**

Mr. Lemire asked if Kendra Drive was a dead end road. Mr. Vellano stated it used to be but it is now a cul-de-sac. Mr. Lemire asked if there are other homes behind theirs now. Mr. Vellano stated they do have a rear neighbor who is aware of the intentions to put in a pool and that they are fine with it.

Mr. Myers stated that this is a Type II action and there is no further SEQR required.

Mr. Dudick moved, second by Mr. Fantini to close the public hearing.

Mr. Dudick stated this is a common problem with corner lots and this does not seem to be a problem.

Mr. Dudick moved, second by Mr. Fantini, to approve a 38' setback variance. The property is located at 19 Quince Court, Clifton Park, NY.

Mr. Dudick read the Area Variance Criteria, Mr. Dudick answered in favor to all 5 criteria.

The Secretary called the Vote:

**Ayes: 6**

**Noes: 0**

**Discussion:**

None

The chairman made a motion to approve the minutes from the March 2<sup>nd</sup>, 2021 meeting. All who were present at the March 2<sup>nd</sup>, 2021 meeting voted in favor and the meeting minutes were approved.

Mr. Dudick, Chairman, made a motion to adjourn the meeting, all voted in favor and approval was unanimous. The meeting was adjourned at 7:59 p.m.

The next scheduled ZBA meeting will be held on April 20<sup>th</sup>, 2021.

Respectfully submitted,

*Paula Cooper*

Paula Cooper

Secretary, Zoning Board of Appeals