

Town of Clifton Park
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ZONING BOARD OF APPEALS
MINUTES
August 21, 2018

Present: Chairman Dudick, David Donohue, John Klimes, and Chris Lemire,

Absent: Lisa McCoy, Mario Fantini, Michael Bloss, 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
ROLL CALL

Chairman Dudick noted that Mr. Donohue would be a voting member in the absence of Ms. McCoy. The chairman explained that they were a 7 member board but only 4 voting members were present, therefore a unanimous vote would be needed to approve an application. Next, the chairman added that any applicant preferring to wait until there were more members present may postpone their review to another night. No one chose to reschedule.

I. OLD BUSINESS:

NONE

II. NEW BUSINESS

An application from **L & H Construction** for an area variance from Section 208-11 for a front setback due to the addition of an enclosed porch proposal. Front setback requirement is 40' not 50'. Porch construction will extend beyond building line 3'. 3' variance required. Property is located at 17 Nottingham Way South, Clifton Park, NY 12065 (Permit#81180)

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

Derek Loomis, property owner of 17 Nottingham Way South, stated that the proposed porch being added to his home would have a small triangular corner that would cross the setback lane. Mr. Loomis added that the existing roof line above the front entry door was being extended to create a wrap-around porch.

Mr. Myers stated the application was a Type II action and no further review pursuant to SEQR was required. The chief zoning officer stated that Sherwood Forest was designed with 40' setback lines and that this was a corner lot with 2 front setbacks. Mr. Myers said that he felt this was a minor request.

There being no further comment, Mr. Dudick made a motion, seconded by Mr. Lemire, to close the public hearing at 7:10 pm. The motion was unanimously carried.

Mr. Lemire moved, seconded by Mr. Klimes, to approve the area variance as written. The chairman stated that the variance would not create undesirable change; there was no other reasonable method of achieving the result since the porch was an addition to an existing house; the request not substantial; nor create an adverse effect. The chairman also noted that he felt the hardship was self-created but not preclusive.

Ayes: Donohue, Klimes, Lemire, Dudick

Noes: None

Motion Approved

An application from **Donna Langley-Peck** for an area variance from Section 208-12A. Property is corner of Robinson St. and Camp Rd. 80' setback required, 60' proposed, 20' variance required. Property is located at 19 Camp Road, Rexford, NY 12148. (Permit #81181)

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

Donna Langley-Peck spoke on her own behalf. She explained that the map included with the application showed the proposed shed on her property. Mrs. Langley-Peck stated that she lived on a corner lot with two front setbacks and the location chosen was optimal since it was already clear and they would not have to remove trees.

Mr. Myers stated the application was a Type II action and no further review pursuant to SEQR was required. Mr. Myers said that he felt this was a minor request and there were no issues with it.

There being no further comment, Mr. Dudick moved, seconded by Mr. Lemire to close the public hearing at 7:15pm. The motion was unanimously approved.

Board members appeared generally favorable to the application.

Mr. Klimes moved, seconded by Mr. Lemire, to approve the area variance as written. Mr. Klimes stated that the variance would not create undesirable change; there were other reasonable methods of achieving the result, but the proposal appeared to be the best site; the

request not substantial; nor would it create an adverse effect. The board member also noted that he felt the hardship was self-created but not preclusive.

Ayes: Donohue, Klimes, Lemire, Dudick

Noes: None

Motion Approved

An application from **AJ Signs** for an area variance to place a second wall sign on the building at 37sf. Wall sign area limit is 60 sf, one wall sign currently in place at 37 sf. 23 sf allowed total. $37 \times 2 = 74 - 60 = 14$ sf variance required. Property is located at 390 Clifton Park Center Rd., Clifton Park, NY 12065 (Permit #81179)

The Secretary read the public hearing notice as it was published in the Daily Gazette.

Tom Wheeler with AJ Sign Co. stated that his client, Caliber Collision, would like to place an sign on the building at 390 Clifton Park Center Road identical to the existing one on the back that faces the Northway. Mr. Wheeler added that the business also has a monument sign in front.

Mr. Myers explained that it was a Type II action, and no further SEQR action was required. He spoke to the Planning Director and explained that the Saratoga County Planning Board met last week and has had a chance to review the application, but that the Zoning Board did not have their response yet. Mr. Myers added that the ZBA should be able to approve the application conditioned upon County determination.

Discussion ensued. Mr. Lemire noted that the application date should be updated on the SEQR Appendix B to 2018.

There being no further comments, Mr. Dudick moved, seconded by Mr. Lemire to close the public hearing at 7:30 pm.

Mr. Dudick moved, seconded by Mr. Klimes, to approve the area variance conditioned upon there being no objection by the County. The chairman stated that the variance would not create undesirable change; there were other reasonable methods of achieving the result but negligible; the request was not substantial; nor would it create an adverse effect. The chairman also noted that he felt the hardship was self-created but negligible.

Ayes: Donohue, Klimes, Lemire, Dudick

Noes: None

Motion Approved

[Note: Mr. Myers did confirm the sign had been reviewed and approved by County Planning on 8-16-18, prior to the meeting. He has since received their written approval.]

It was noted that the minutes of July 17, 2018 would await approval until a quorum of those present at the meeting was present at a future meeting. This would include: Chairman Dudick, Lisa McCoy, Mario Fantini, John Klimes, Chris Lemire, and Michael Bloss.

Chairman Dudick moved, seconded by Mr. Lemire to adjourn the meeting at 7:34pm.
All in Favor. None opposed.

Respectfully Submitted,