

Town of Clifton Park
Clifton Park, New York



ZONING BOARD OF APPEALS
June 4, 2019
7:00 PM

Present: Chairman Dudick, John Klimes, Mario Fantini, Lisa McCoy, , Jerry Cifor, David Donohue, alternate. Mr. Lemire arrived at 7:08pm

Absent: Michael Bloss

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

The meeting was called to order at 7:03 pm.

PLEDGE OF ALLEGIANCE

Mr. Dudick noted that Mr. Donohue would be a voting member in the absence of Mr. Lemire. Mr. Dudick reminded applicants that 4 out of 6 members would need to vote "aye" in order to pass any variance.

OLD BUSINESS:

None

NEW BUSINESS:

- 1) An application from **Rebecca Gleason** requests an area variance from Section 208-12A-Accessory structure setback, 80' required. Application states structure is 10' from property line. Building scales at 6' +/- from line. Variance requested= 75' to ensure compliance. Property is located at 21 Robinson Street, Rexford, NY 12148. (Permit #81214)

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

Applicant:

Rebecca Gleason, property owner stated that she had been at the house since 2002. Ms. Gleason said that they were requesting to be able to build a garage on the lot. Ms. Gleason indicated on a site plan, the location at the end of the existing driveway where they would like to place the 24x24 garage. The applicant provided photographs of the area and the adjacent property to show existing conditions. Ms. Gleason stated that a stream on the lot limited the potential location of the garage.

Mr. Myers stated that it was a Type II action pursuant to SEQR and no further action would be required. Mr. Myers then added that the applicants had commenced building the garage without a permit, and that they have since been told that they would need to get a variance in addition to a permit to comply. The applicant stated that she had misinterpreted the code, then she hired a contractor to draw up plans, and thought the contractor had applied for a building permit. The applicant has since severed relations with the initial contractor and a private lawsuit is pending. Ms. Gleason would not comment on the pending lawsuit but stated that they would like to proceed with the project as it has been started.

There being no further comment, Mr. Dudick made a motion, seconded by Mr. Cifor to close the public hearing at 7:15pm. All in favor, none opposed.

Mr. Lemire stated that he would be comfortable voting on this project since he had arrived just as it was being introduced. Mr. Donohue was then re-designated as a voting in Mr. Bloss' absence. Mr. Dudick then announced that 4 out of 7 affirmative votes were needed for approval.

Board Discussion:

Board members appeared comfortable with the presentation and did not have any more questions.

Mr. Cifor moved, seconded by Mr. Klimes, to approve the application for an area variance as submitted.

Mr. Cifor stated that the area variance would not create 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 he felt they were substantial, but not disqualifying on its own; nor would it 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: Chairman Dudick, John Klimes, Mario Fantini, Lisa McCoy, Chris Lemire, Jerry Cifor, David Donohue, alternate

Noes: None

The motion was unanimously passed.

Mr. Myers noted that a revised plan for the 1573 Crescent Road Project was in packets

they just received for the next meeting, Mr. Myers has added that the County and Planning Board have reviewed it and will be seen in July. The Boni Project will be on the agenda in June. Lois New from Stony View Farms has requested that she would like to come to the meeting in August and has requested an extension of the 62 day period. Board members indicated that they found that reasonable and acceptable due to summer schedules.

M.r Dudick moved to accept the minutes of 5/21/2019

Ayes: Chairman Dudick, John Klimes, Mario Fantini, Lisa McCoy, Chris Lemire, David Donohue, alternate

Noes: None

Abstained: Jerry

The motion was passed.

Mr. Dudick moved, seconded by Mr. Fantini to adjourn the meeting at 7:22pm

Respectfully submitted,



Meg Springli