

# Town of Clifton Park

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## Zoning Board of Appeals



## ZONING BOARD OF APPEALS MINUTES October 2, 2018

**Present:** Chairman Dudick, Lisa McCoy, Jerry Cifor, Mario Fantini, John Klimes, Michael Bloss, Chris Lemire, David Donohue, alternate

**Absent:** None

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

The meeting was called to order at: 7:01 pm.

PLEDGE OF ALLEGIANCE  
ROLL CALL

Chairman Dudick noted that the full board was present.

### **I. OLD BUSINESS:**

NONE

### **II. NEW BUSINESS**

#### **NEW BUSINESS**

- 1) An application from **DCG Development Company** for area variances to further subdivide an existing parcel.

#### **Parcel #1:**

- 1) Section 208-35C: Per Section 208-98 180' minimum lot width required at the building line, 111.68' proposed, 69' variance required.
- 2) Section 208-35D(2): A variance was granted for the side setback of the 6300 Sf building in 2007. 6' was granted. It appears the building is actually located at 0.7' from property line. 25' is required, 19' variance was granted. An additional variance of 5.5' is required.

- 3) Section 208-35D(2): 25' Parking setback required, 18' proposed, 7' variance required.
- 4) Section 208-35D(3): 50% green space required, 48% proposed, 2% variance required.
- 5) Section 208-35D(1): 70' building front setback required, new lot line reduces front setback to 11.55' for 4800 SF building on Parcel #1. 59' variance required.

Parcel #2:

- 1) Section 208-35D(2): 25' building side setback required (east side), 13.15' proposed, 12' variance required.
- 2) Section 208-35D(2): 25' parking setback required, 0' proposed (west side and rear), 25' variance required. (2 variances)
- 3) 3) Section 208-35D(2): 25' building rear setback required, 20' proposed, 5' variance required.
- 4) Section 208-35C: 40,000 SF lot size required, 11,987 SF proposed, 28,013 SF variance required.
- 5) Section 208-35C: Per Section 208-98 180' minimum lot width required at building line, 120' proposed, 60' variance required.

Property is located at 943 Rt 146, Clifton Park, NY 12065. (Permit #81185)

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

Applicant/Consultant

Joe Dannible of Environmental Design Partnership, representative for the applicant, DCG Development Co. reviewed the history of the lot. Mr. Dannible explained that variances were granted in 2007 to develop the parcel as it currently exists. The consultant explained that the owner desired to subdivide the property so that the smaller original structure, a residential unit which could be sold to a sole proprietor, which would be located on an individual tax parcel. Next Mr. Dannible examined the criteria for granting area variances.

Mr. Cifor asked if the previous variances had been included in the calculations for the land. Mr. Myers explained that they were included and some of the new variances were incremental. Mr. Lemire asked if the lines were drawn differently, would it reduce the number of variances needed. Mr. Dannible then showed a configuration which reduced the number of variances for what is called Parcel 2. Parcel 1 would be merged into parcel 943 to the east, which is owned by the same owner. Board members asked Mr. Dannible to review the changes in the variances. Mr. Lemire observed that none of the variances would change the existing character of the area, it would only change the property lines on the map.

Chairman Dudick stated that he felt the second option with a larger lot for 943 would be more useful to future owners of that lot.

Discussion ensued.

Mr. Myers explained that he had discussed the proposal with the Planning Director and he had indicated that he found the variance acceptable as proposed. When asked which one was preferred, Mr. Dannible explained that the first alternative was preferred as it lent the most flexibility to the current owner.

Mr. Dudick stated that he felt it was a coin toss, but then suggested that he would lean to the applicant's preference.

There being no further comment, Mr. Cifor made a motion, seconded by Mr. Fantini , to close the public hearing at 7:39 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.

Mr. Fantini moved, seconded by Mr. Klimes, to approve the area variances as modified in Option #2 with the Parcel 2 moving the proposed easterly boundary 60' to the east, and conditioned upon the merger of the lot Parcel 1 with 939 Route 146, and cross access easements for all parcels.

The board member stated that the variance would not create undesirable change, as the buildings are all there. Then he stated that there were other reasonable methods of achieving the result as was already demonstrated but that this amended plan required fewer variances and he felt that it was the responsibility of the Zoning Board of Appeals to minimize the amount of variances where possible. Then he stated that he felt the request was not substantial; nor would it create an adverse effect on the environment. The board member also noted that he felt the hardship was self-created but the application was reasonable.

Ayes: Chairman Dudick, Lisa McCoy, Chris Lemire, Jerry Cifor, Mario Fantini, John Klimes, Michael Bloss

Noes: None

Motion Approved with conditions

### **Minutes**

Mr. Dudick moved to approve the minutes of September 4, 2018. All members were present. All in favor. None opposed. Minutes approved.

Mr. Dudick moved, seconded by Mr. Fantini to adjourn the meeting at 8:55pm. All in Favor. None opposed.

Respectfully Submitted,

