

Town of Clifton Park

Clifton Park, New York



ZONING BOARD OF APPEALS

05-21-2019

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

Absent: 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: 7:05 pm.

PLEDGE OF ALLEGIANCE

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

OLD BUSINESS:

1) An application from **Dave Scripser** requests an area variance to allow a single-family home to be Constructed on an existing lot in the HM zone. There are no listed requirements for lot size with septic systems in the HM zone so the requirement in 208-11 is referenced. 40,000 sf required, 21,000 sf Available, 19,000 sf variance required. Property is located at 38 Glenridge Road, Rexford, NY 12148. (Permit #81209)

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

Dave Scripser, 19 Canterbury Road, the owner of the property at 38 Glenridge Rd. stated that the property now has public water so they are requesting the area variance to allow the lot to be buildable.

Mr. Myers stated that it was a Type II action pursuant to SEQR and no further action required. Mr. Myers then added that as long as engineered septic system was approved, he had no issue

with the variance.

There being no further comment, Mr. Dudick made a motion, seconded by Mr. Fantini to close the public hearing at 7:11pm. All in favor, none opposed.

Board: Mr. Lemire asked if there was sewer available in the area, and Mr. Scriptor stated that it did not extend to this property.

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

Mr. Klimes 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 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 that it was insignificant.

Roll Call:

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

Noes: None

The motion was unanimously passed.

NEW BUSINESS:

2) An application from **Stormy View Stables, LLC** requests an area variance from Section 208-12A- Accessory building-required setback= 80', 1. Requested= 2', 78' variance required. 2. 29' setback requested, 51' variance required. Previous setback variance granted to 2003 for main structure, these proposed structures are accessory buildings are classified as Occupancy Group "U"-Ag buildings. Property is located at 427 Schaubert Road, Clifton Park, NY 12065. (Permit#81210)

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

Mr. Dudick noted that he had a letter from Jeffrey Williams of Saratoga County Planning Board stating that they recommend disapproving the variances as requested based on public safety, and future right of way impacts.

Applicant:

Duane Rabideau with VanGuilder and Associates, representing the Stormy View Stables, described the proposed locations of new buildings for Stormy View Stables. Lois New at 85 Mann Blvd. Halfmoon, explained that she has run the farm since 2009 when her family purchased the farm. Ms. New added that she has been a resident in the area for over 30 years. Ms. New explained that the new buildings would be for storage of hay and equipment, replacing existing buildings in a new configuration and larger footprint but she felt the character of the property would remain the same. Next, Ms. New provided signed petitions and endorsements

from her neighbors in support of the proposal.

Board members asked about clarification of the acreage of the property and the site plan with buildings on it. Ms. New acknowledged that some existing structures would be replaced with the newer construction and that a demolition permit has been obtained. Mr. Dudick asked why the location of the proposed buildings could not be changed on the property. Ms. New stated that a paddock area was located in the area he indicated and that other areas of the property had limited seasonal access. Ms. New also stated that she also has to keep the stallions separated from the mares and the geldings. Discussion ensued regarding alternative placement of the new barns on the entire property.

Public Comment

Ronald Hoenzsch, 26 Hubbs Road, resident asked if there were changes to access from Hubbs Road on the eastern side of the property, the “so-called tail”.

Nina Mumby, 428 Schaubert Road, a resident directly across the road from the property spoke in opposition to the proposal for the following reasons:

- Submitted a letter for the file
- Submitted photos showing her view now and what she believed her proposed view would be once the new building was erected.
- The property was too small for the current use and
- This density would change the character of the neighborhood
- Imposes on her ability to use her property

Ralph Savage, neighbor at 450 Schaubert Road spoke in opposition to the project for the following reasons:

- Drainage runoff during storm events
- Open space
- Safety for pedestrians and bicyclists
- Provided written comment for record

Julie Varley, 447 Schaubert Road, adjacent neighbor, spoke in favor of improvements made since Stormy View Stables has obtained the property.

- Safe and new fencing
- Well-kept grounds

The applicant responded to concerns:

- No changes planned for the tail access section
- Submitted picture of the proposed buildings
- Increasing storage by 40% +/-

Lois New, owner of the Stormy View Stables, explained that the building could be shortened, and they would agree to consider other changes as needed.

Mr. Klimes suggested using a drive-through and reducing the building footprint and to get closer

to the variance setback from the road granted in 2003. Mr. Klimes also questioned how to handle stormwater runoff.

Mr. Dudick asked why the applicant needed to replace so many buildings with one large one instead of replacing with similar sized multiple buildings.

Mr. Myers stated that this is a Type II action pursuant to SEQRA, and no further action was required. Mr. Myers stated that at least 5 affirmative votes were needed to pass. The Chief Zoning Officer also stated that site plan approval is still needed from the Planning Board and stormwater will be looked at during Planning Board review, if the project moves ahead. Then, he stated that pre-existing, non-conforming buildings would be grandfathered in if they were repaired and maintained the same footprint. Mr. Myers noted that the goal was to make it closer to conforming to the code.

The applicant requested that the application be tabled at this point, and the chairman advised them that they must submit for re-review within 62-days. The public hearing remains open.

At this point, the ZBA took a 10-minute recess

3) An application from **Michael Scott, Trustee/Fisher Revocable Trust** requests two area variances from Section 208-98-The new lot is proposed to be 186.7' wide, 13.3' variance required (variance #1). The house on the new lot is 95.6' from the road centerline, 4.4' variance required (variance #2). Property is located at 1573 Crescent Road, Clifton Park, NY 12065. (Permit 81211)

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

Mr. Dudick summarized a letter from the Saratoga County Planning Department that issued a letter to request additional information relative to the larger subdivision.

Duane Rabideau, representative from VanGuilder and Associates stated that the first variance was no longer needed and was therefore withdrawn. The remaining proposed variance for 4.4' to reduce the setback from the center line of the road on the pre-existing structure was still requested. Mr. Rabideau explained that the area is part of a larger project but that the applicant needed to subdivide this section off in order to secure financing for the first stage being proposed.

Mr. Myers stated that this was a Type II action, and no further action is required, but he recommended that the whole subdivision be reviewed.

Discussion ensued about the criteria for an area variance and whether the whole subdivision needs to be considered or simply the smaller parcel being requested.

There being no further comment, Mr. Dudick made a motion, seconded by Mr. Lemire to close the public hearing at 9:23 pm. All in favor, none opposed.

Mr. Myers asked if the applicant would agree to table the application until the consultant has had a chance to speak with the Directors of Planning and Building & Development. And Mr. Rabideau agreed to meet within 62 days.

4) An application from **Ryan Boni** requests an area variance to subdivide 1 parcel of land into 2 lots and build a duplex on each lot. Another connected parcel will be donated to the town. The subdivision of Parcel #1 requires 2 variances: 1) Lot#1 of subdivided parcel requires 6 acres of unconstrained land, 1 acre available, 5 acre variance required. 2) Lot #2 of subdivided parcel also requires 6 acres of unconstrained land, 3.57 acres available, 2.43 acre variance required. Property is located at Route 146A, Clifton Park, NY 12065. (Permit #81213)

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

It was noted that the public notice did not include all the variances required for Lot #1, and therefore will need to be re-noticed and placed as first item on a future agenda.

Mr. Dudick moved to approve the minutes of May 7, 2019. The motion was unanimously approved.

Mr. Fantini moved, seconded by Mr. Klime to adjourn at 9:32 pm

Respectfully Submitted,



Meg Springli