

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
July 13, 2015 @ 7:00 PM
STILLWATER TOWN HALL**

Present: Chairman William Ritter
Christine Kipling
Richard Rourke

Also Present: Daryl Cutler, Attorney for the Town
Paul Male, Acting Director, Building, Planning and Development
Lindsay Zepko, Town Planner
Sheila Silic, Secretary

Absent: Vice Chairman Donald D'Ambro

Chairman Ritter called the meeting to order at 7:00 P.M.

Review and Approval of Minutes of Zoning Board of Appeals:

Mr. Rourke made a motion to approve the minutes with minor changes from the May 11, 2015 meeting. Ms. Kipling seconded. The approval of the minutes passed unanimously.

Public Hearings/New Business:

ZBA2015-5, Lucente Area Variance, 38 Gronczniak Rd

Chairman Ritter inquired if there was anyone present to represent the Lucente Area Variance. Chairman Ritter asked for a motion to table the Lucente Area Variance due to no representation present. Ms. Kipling made a motion to table the Lucente Area Variance until the August 10, 2015 Zoning Board meeting.

ZBA2015-6, LeClaire Area Variance, 58 Blizzard Rd

Chairman Ritter recognized Mr. Christopher Meyer, Land Surveyor, who is representing Mr. John LeClaire. Mr. Meyer stated that Mr. LeClaire has owned this

property for twelve years and would like to construct a single family dwelling but, due to the way the property was subdivided in 1992 it does not meet the 300 ft. lot width at the building line. Mr. Meyer stated this why we are asking for Area Variance of 158.1 ft., 141.9 ft. less than the lot width requirement at the building line of 300 ft. due to the narrowness of the lot.

Chairman Ritter proceeded to open the public hearing and asked if anyone wished to provide public comment. There was no public comment and Chairman Ritter proceeded to close the public hearing.

Ms. Kipling asked if the area variance included the 50 ft. frontage and 25 ft. side setbacks. Ms. Zepko stated that it was only for the lot width at the building line.

Mr. Cutler stated that the following needed to be changed on SEQRA, #5-A should be Yes, #12-B should be Well and Septic, #15 should be No, all changes were initialed by Mr. LeClaire.

Mr. Ritter asked if anyone had any additional concerns or questions and hearing none he asked to move to discussion of SEQRA.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2015 RESOLUTION NO. 4**

WHEREAS, John LeClaire has submitted an application to the Zoning Board of Appeals for an Area Variance regarding property located Lot 14 Blizzard Road, Stillwater, more fully identified as Tax Map Number 232-1-44.114; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is a Type II action and requires no further action or review by the Zoning Board of Appeals;

WHEREAS, the Planning Board reviewed each of the 11 factors contained in Part 2 of the EAF and determined that the proposed action will have no, or only a small, environmental impact;

Now, therefore, be it

RESOLVED, that the Zoning Board of Appeals hereby determines that the proposed action by the applicant, John LeClaire, is a Type II action and requires no further action or review by the Zoning Board of Appeals.

A motion by Member Rourke seconded by Member Kipling, to adopt Resolution No.4 of 2015.

A roll call vote was taken on Resolution No. 4 of 2015 as follows:

Member Christine Kipling	YES
Member Richard Rourke	YES
Vice Chair Donald D'Ambro	ABSENT
Chairman William Ritter	YES

Resolution No. 4 of 2015 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted July 13, 2015.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2015 RESOLUTION NO. 5**

WHEREAS, John LeClaire has submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to build a house on property located at Lot 14 Blizzard Road, Stillwater, more fully identified as Tax Map Number 232-1-44.114; and

WHEREAS, the Applicant is seeking an Area Variance for the lot width to 158.1 feet requirement contained in Stillwater Zoning Code §3.5(D); and

WHEREAS, pursuant to §14.2(D) of the Stillwater Zoning Law, the Town properly and timely published a notice for public hearing conducted on July 13, 2015; and

WHEREAS, the Zoning Board of Appeals has duly considered the application and the elements necessary to consider the granting of an Area Variance by taking into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant;

Now, therefore, be it

RESOLVED, that the Stillwater Zoning Board of Appeals hereby makes the following findings:

1. An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of the Area Variance because the applicant has established that properties in this area have the same or similar lot widths;
2. The benefit sought by the applicant cannot be achieved by some method, feasible to the applicant to pursue, other than an Area Variance because the applicant has established that no other land is available and other lots on either side are already non-conforming and have no extra land;

3. The requested Area Variance is not substantial because lot width 158.1 feet, and of similar width of the surrounding lots;
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district as mentioned in the SEQRA conclusion; and
5. The alleged difficulty was not self-created because the property width preceded zoning; and be it further

RESOLVED, that the application of John LeClaire for an area variance of the Lot width to 158.1 feet on property located at Lot 14 Blizzard Road, Stillwater, more fully identified as Tax Map Number 232-1-44.114, is GRANTED.

A motion by Member Rourke, seconded by Member Kipling, to adopt Resolution No. 5 of 2015.

A roll call vote was taken on Resolution No. 5 of 2015 as follows:

Member Christine Kipling	YES
Member Richard Rourke	YES
Vice Chair Donald D'Ambro	ABSENT
Chairman William Ritter	YES

Resolution No. 5 of 2015 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on July 13, 2015.

Other Discussion:

Cedar Bluff PDD, Rescission and Underlying Zoning To Resort Residential

Ms. Zepko stated that the Stillwater Town Board is reviewing the Cedar Bluff PDD and establish all three lots in the Resort Residential Zone. Mr. Cutler stated that the Town Board essentially is asking the Zoning Board for a referral to review and that the land within the development would be in the Resort Residential neighborhood. Chairman Ritter asked the Board if there were concerns or questions and after a short discussion, Chairman Ritter and the Board agreed to refer the Cedar Bluff PDD to the Town Board.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2015 RESOLUTION NO. 6**

WHEREAS, the Stillwater Town Board is considering whether to pass legislation establishing that the Cedar Bluff PDD legislation is rescinded and that the land within the development is established as all within the Resort Residential neighborhood;

WHEREAS, the Zoning Board of Appeals is familiar with the issues that have arisen over the years due to the uncertainty of the PDD status;

WHEREAS, the Zoning Board of Appeals has previously concluded that the PDD is a failed PDD, but no formal action by the Town Board has been taken to rescind the PDD legislation;

WHEREAS, the Town policy favors having all lots within the same neighborhood within the same zone;

WHEREAS, the proposed action would resolve any legal uncertainty regarding the zoning of the lots within the development;

WHEREAS, if lots 3, 5 and 7 were combined, they still would not be a conforming lot under the LDR zoning, but that conforming lot(s) could be created under Resort Residential zoning;

Now, therefore, be it

RESOLVED, that the Stillwater Zoning Board of Appeals supports the proposed legislation and recommends its passage by the Town Board;

A motion by Member Rourke, seconded by Member Kipling, to adopt Resolution No. 6 of 2015.

A roll call vote was taken on Resolution No. 6 of 2015 as follows:

Member Christine Kipling	YES
Member Richard Rourke	YES
Vice Chair Donald D'Ambro	ABSENT
Chairman William Ritter	YES

Resolution No. 6 of 2015 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on July 13, 2015.

A motion to adjourn was made by Mr. Rourke, seconded by Ms. Kipling, at approximately 7:25 P.M.

**The next Zoning Board of Appeals Meeting will be held
August 10, 2015**