

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
November 16, 2015 @ 6:30 PM
STILLWATER TOWN HALL**

Present: Chairman William Ritter
Vice Chairman Donald D'Ambro (arrived late)
Christine Kipling
Richard Rourke
Timothy Scrom
Joseph Urbanski

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

Chairman Ritter called the meeting to order at 6:30 P.M.

A motion was made by Mr. Urbanski to remove the application from the table, seconded by Mr. Scrom, motion passed unanimously.

ZBA2015-10, Arvin Hart Fire Station, 147 George Thompson Road

Chairman Ritter recognized Mr. Joseph Lanaro of The Chazen Companies, who is representing the Town of Stillwater. Mr. Lanaro stated that the Town of Stillwater is requesting an area variance for lot size, frontage, side and rear setbacks. Mr. Lanaro stated that this is the taking of land by eminent domain for the water tank.

Mr. Lanaro stated that it is an elevated storage tank which holds 750,000 gallons and has an add on alternative of 1,000,000 gallons. The height of the tank is 108ft. It is a gravity fed tank by a 12 inch water main. The tank will use a chlorination pump system. Mr. Lanaro stated that the adjacent property is 400 ft. to 430 ft. from the water tank to the house and the pool. Mr. Lanaro stated that the construction of the water tank will go out to bid in December and January with bids due in late February to the middle of March. Mr. Lanaro stated that this is a steel water tank with fabricated panels. Mr. Lanaro stated that there is no cellular equipment being mounted on

the water tank and a Special Use Permit would be required for a wireless carrier to relocate cellular equipment onto the water tank. Mr. Lanaro requested that the Board approve the area variance application.

Mr. Cutler asked what the lot acreage is for the water tank compared to the lot acreage of the fire district. Mr. Lanaro stated that he believes this is compliant when served with municipal water. Mr. Male stated that the water tank lot is short in area consisting of 0.49 acres. Ms. Zepko stated that the fire department lot is 1.58 and with public water it is compliant with zoning.

Chairman Ritter asked if anyone had any additional concerns or questions and hearing none he asked to move to discuss SEQRA.

TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2015 RESOLUTION NO. 15

WHEREAS, Stillwater Fire District #1 has submitted an application to the Zoning Board of Appeals for an Area Variance regarding property located on 147 George Thompson Road, more fully identified as Tax Map Number 242.00-2-28; 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;

Now, therefore, be it

RESOLVED, that the Zoning Board of Appeals hereby determines that the proposed action by the applicant, Stillwater Fire District #1, is consistent with the prior SEQRA findings of the Town Board in 2013 Resolution No. 69..

A motion by Member D'Ambro, seconded by Member Urbanski, to adopt Resolution No. 15 of 2015.

A roll call vote was taken on Resolution No. 15 of 2015 as follows:

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

Resolution No. 15 of 2015 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on November 16, 2015.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2015 RESOLUTION NO. 16**

WHEREAS, Stillwater Fire District #1 has submitted an application to the Zoning Board of Appeals seeking an Area Variance in order for subdivision on property located at 147 George Thompson Road, Stillwater, more fully identified as Tax Map Number 242.00-2-28; and

WHEREAS, the Applicant is seeking an Area Variance requirement contained 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 November 9, 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;

WHEREAS, the proposed parent lot which contains the Fire House satisfies the lot size with municipal water and only needs a variance for setback, the new lot shall be Town owned and will be used for public benefit, exempting it from zoning;

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 location of the Water Tower is set back from the road and right next to another municipal facility, the Fire House. It is not surrounded by houses, and does not require the taking of residential landowners' property;
2. The requested Area Variance is not substantial because the Tower needs to be at as high a location as is feasible. The surrounding land owner will not sell additional land;
3. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because the lot size is so small, but the reason for the small lot size is to avoid taking land from the neighboring property;
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because it is a water tower placed next to a firehouse, which already exists and as small

an area as possible is being disturbed; and

5. The alleged difficulty was not self-created because the municipal water line requires a Water Tower. The location is dictated by elevation. This is the best area and the Town is seeking to avoid taking land from residents; and be it further

RESOLVED, that the application of Stillwater Fire District #1 for an Area Variance to allow for an Area Variance to allow for subdivision on property located at 147 George Thompson Road, more fully identified as Tax Map Number 242.00-2-28, is GRANTED.

A motion by Member Rourke, seconded by Member D'Ambro, to adopt Resolution No. 16 of 2015.

A roll call vote was taken on Resolution No. 16 of 2015 as follows:

Member Christine Kipling	YES
Member Richard Rourke	YES
Member Joe Urbanski	YES
Vice Chairman Donald D'Ambro	YES
Chairman William Ritter	YES

Resolution No. 16 of 2015 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on November 16, 2015.

A motion to adjourn was made by Mr. Rourke, seconded by Mr. Urbanski, at approximately 7pm.