

DRAFT  
**TOWN OF STILLWATER**  
**ZONING BOARD OF APPEALS**  
**December 17, 2012 @ 7:30 PM**  
**STILLWATER TOWN HALL**

**Present:** Chairperson James R. Ferris (JF), Donald D'Ambro (DD), William Ritter (WR), Richard Rourke (RR) Christine Kipling (CK)

**Also Present:** Daryl Cutler (DC), Attorney for the Town; Director Building, Planning & Zoning, Paul Cummings (PC) from The Chazen Companies; (RA) Ray Abbey, Code Enforcement Officer.

**Absent:** Richard Butler (RB) Director Building Planning and Development

(JF) Chairperson, called the meeting to order at 7:30PM.

**Adoption of Minutes:**

-The Chairman stated that the first order of business normally would be the adoption of minutes, provided, however, the minutes from the November 26, 2012 ZBA meeting were not yet completed.

**OLD BUSINESS**

-None

**NEW BUSINESS:** None

**Review/Comment from Building & Planning:** No report from Building & Planning

- No report from subcommittee except that they did meet this month.
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- (JF) Chairperson stated that the Board has one agenda item for discussion and action for this meeting.

**AGENDA ITEMS**

**Linda Ronda**

Request for Area Variance  
Construction of a residence  
Bancroft Street  
S/B/L: 261.36-1-22

-Frederick J. Metzger, Jr., spoke on behalf of the Applicant.

(JF) opened the public hearing portion of the meeting at 7:35 p.m.

Paul Momile, 17 Bancroft Street, asked about the set-back distances for the proposed residence and the dimensions for the proposed house. Frederick J. Meteger, Jr., provided the proposed set-back distance and the dimensions of the proposed house. Paul Momile stated he was satisfied with the answers.

The Chairman called for any other public comments, no further requests were made, and the Chairman closed the public comment portion of the hearing at 7:45 p.m.

The Chairman asked if there were any questions from the Board. (DC) asked when the lot was created.

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2012 RESOLUTION NO. 34**

WHEREAS, Linda Ronda has submitted an application to the Zoning Board of Appeals for an Area Variance regarding property located on Bancroft Street, more fully identified as Tax Map Number 261.36-1-22; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is an Unlisted 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, Linda Ronda, is an Unlisted action and requires no further action or review by the Zoning Board of Appeals.

A motion by Member Ritter, seconded by Member D'Ambro, to adopt Resolution No. 34 of 2012.

A roll call vote was taken on Resolution No. 34 of 2012 as follows:

Member Christine Kipling	Yes
Member William Ritter	Yes
Member Donald D'Ambro	Yes
Member Richard Rourke	Yes
Chairman James Ferris	Yes

Resolution No. 34 of 2012 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on December 17, 2012.

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2012 RESOLUTION NO. 35**

WHEREAS, Linda Ronda has submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to construct a residence on property located at Bancroft Street, Stillwater, more fully identified as Tax Map Number 261.36-1-22; and

WHEREAS, the Applicant is seeking an area variance from the lot size, lot width, and front set back requirements contained Stillwater Zoning Code §3; 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 December 17, 2012; 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 is asking for relief that is consistent with neighboring lots and the proposed residence would be further from the road than the other lots in the area;
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 this is a pre-existing small lot. The lot would be unusable if no variance was granted, and no other land is available;
3. The requested Area Variance is not substantial because in area because an acre is required and this is only 0.2278th acre area, but it is consistent with the neighborhood;
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 in keeping with the neighborhood; and

5. The alleged difficulty was not self-created because this small lot is pre-existing; and be it further

RESOLVED, that the application of Linda Ronda for an area variance to allow for the construction of a residence on property located at Bancroft Street, Stillwater, more fully identified as Tax Map Number 261.36-1-22, is GRANTED.

A motion by Member Ritter, seconded by Member D'Ambro, to adopt Resolution No. 35 of 2012.

A roll call vote was taken on Resolution No. 35 of 2012 as follows:

Member Christine Kipling	Yes
Member William Ritter	Yes
Member Donald D'Ambro	Yes
Member Richard Rourke	Yes
Chairman James Ferris	Yes

Resolution No. 35 of 2012 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on December 17, 2012.

**Misc.:**

No other business being before the ZBA, a motion to adjourn was made by (RR), seconded by (CK), at approximately 8 p.m.

Next meeting: January 28, 2013