

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
November 25, 2013 @ 7:30 PM  
STILLWATER TOWN HALL**

**Present:** Vice Chairman Donald D'Ambro  
Christine Kipling  
William Ritter  
Richard Rourke

**Also Present:** Daryl Cutler, Attorney for the Town  
Paul Cummings, The Chazen Companies  
Ray Abbey, Code Enforcement Officer  
Lindsay Zepko, Town Planner  
Deborah Osborn, Secretary

**Absent:** Paul Male, Acting Director, Building and Planning

Vice Chairman D'Ambro called the meeting to order at 7:30 P.M.

**Review and Approval of Minutes of Zoning Board of Appeals:**

Vice Chairman D'Ambro stated that the first order of business is the adoption of minutes from the October 28, 2013 meeting. Mr. Ritter made a motion to approve the meeting minutes, with minor revisions, seconded by Mr. Rourke; Mrs. Kipling abstained, motion carried 3-0-1.

## **Public Hearings/New Business:**

### **ZBA2013-25, NYSEG Area Variance, Cold Springs Road, SBL#241.-1-3.11**

Vice Chairman D'Ambro introduced Ray Liuzzo of CT Male Associates. Mr. Liuzzo described the application he submitted on behalf of NYSEG for an Area Variance from the road frontage requirement, specific to the above listed property on Cold Springs Road. Specifically, Mr. Liuzzo stated that the property is located within the Luther Forest Technology Campus (LFTC PDD). NYSEG seeks to subdivide the 186.01 acre property, creating a 2.43 acre lot that has no direct road frontage on Cold Spring Road. He further explained that access to the town road would be achieved by an easement over the parent lot. Mr. Liuzzo stated that the electric substation is already in existence and that easements for the substation have previously been granted. Mr. Liuzzo presented photos to indicate the location of the parcel. Vice Chairman D'Ambro asked the Board members if they had any questions or concerns for Mr. Liuzzo relative to this proposal. Mr. D'Ambro commented that the right away is already in place. Mr. Rourke inquired about the overhead transmission lines. Mr. Liuzzo acknowledged that they were in place.

Mr. Cutler initiated a conversation relative to the need for a variance in this specific case. He described Town Law 280(a)(4) as granting the Town Board the authority to legislatively establish open development areas that have access to a road with an easement over another lot. He further advised that the Town Board created the LFTC PDD with language that has the specific intent of allowing non-residential properties within the PDD to not be subject to the road frontage requirement. He also stated that the Board's awareness of this language would allow for it to entertain the need for a variance, when the intent of the Town Board was to create lots where access is achieved by an easement.

Mr. Cummings advised that this language could be interpreted in a number of ways, and that it is unique to this area. Mr. Cutler stated that he feels Mr. Abbey was correct in referring it to the Zoning Board for interpretation. After further discussion, it was determined that the need for a variance in this specific instance is not required. Vice Chairman D'Ambro asked for the Board members to proceed to the required resolution.

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2013 RESOLUTION NO. 4**

WHEREAS, NYSEG has submitted an application to the Zoning Board of Appeals for an Area Variance regarding property located on Cold Springs Road, more fully identified as Tax Map Number 241.-1-3.11; and

WHEREAS, the parcel of property is within the Luther Forest Technology Campus (“LFTC PDD”), and the applicant is seeking a variance from the road frontage requirement contained in the local Zoning Law and Town Law §280(a), to allow the applicant to subdivide the property and create a lot that has no road frontage and has access to the Town Road by an easement over the parent lot;

Now, therefore, be it

RESOLVED, that Town Law §280(a)(4) grants the Town Board authority to establish open development areas to allow lots to be created that have access to a road, street, or highway with an easement over an adjacent lot. The Town Board created the LFTC PDD with language that specifically states that non-residential properties within the PDD are not subject to the road frontage requirement and that lots may have access to streets, roads, and highways by an easement. It is, therefore,

RESOLVED, that in the passage of the PDD, the Town exercised its authority granted in Town Law §280(a)(4), and created the PDD as an open development area within the meaning of that section of the Town Law. As such, no variance is required because the proposed action is permissible without the need for a variance.

A motion was made by Member Ritter, seconded by Member Rourke, to adopt Resolution No. 4 of 2013.

A roll call vote was taken on Resolution No. 4 of 2013 as follows:

Acting Chair, Donald D’Ambro	Yes
Member William Ritter	Yes
Member Christine Kipling	Yes
Member Richard Rourke	Yes

Resolution No. 4 of 2013 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on November 25, 2013.

### **Zoning Subcommittee Update:**

Vice Chairman D'Ambro asked if there were any updates regarding the Mobile Home Ordinance. Mr. Ritter presented a brief summary of the current status of the ordinance. Mr. Cutler stated that there was a meeting scheduled with Planning Board Chairman Bob Barshied to review and make any additional changes.

### **Other Discussion:**

#### **2014 Meeting Schedule:**

Vice Chairman D'Ambro recognized Ms. Zepko who presented a revised draft meeting schedule for 2014. She stated that the schedule has been presented to the Planning Board and was now seeking the support and approval of this Board. Ms. Zepko presented a thorough explanation why she feels these changes would be positive, both conceptually and organizationally. She explained that her rationale for these changes came through considerable thought as to how the scheduling of the County Planning Board meetings directly impact the actions of not only this Board, but the Planning Board. She stated that switching the Zoning Board meetings to the second Monday of the month and the Planning Board to the fourth Monday, would also allow for a two week separation in the meetings, adding that this would be very helpful. Mr. Cummings concurred that if certain applications need to be referred to the County, no action can be taken on them by this Board until they have completed their review and have provided their response. Vice Chairman D'Ambro asked the members if anyone had any concerns or issues with Ms. Zepko's proposed changes, indicating that he felt they were doable. Mr. Cutler advised that the Planning Board Chairman, Mr. Barshied, wanted this Board to know that, from his standpoint, approving the proposed changes were a request only.

No one had any opposition to the changes in the meeting schedule for 2014. Ms. Zepko thanked the Board for their consideration and cooperation.

### **Adjournment:**

A motion to adjourn was made by Mr. Rourke, seconded by Mrs. Kipling, at approximately 8:00 P.M.

**The next Zoning Board of Appeals Meeting will be December 16, 2013.**