

DRAFT  
**TOWN OF STILLWATER**  
**ZONING BOARD OF APPEALS**  
**October 22, 2012 @ 7:30 PM**  
**STILLWATER TOWN HALL**

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

**Also Present:** Daryl Cutler (DC), Attorney for the Town; Richard Butler (RB), Director Building, Planning & Zoning.

**Absent:** Christine Kipling (CK) Paul Cummings (PC) from The Chazen Companies; (RA) Ray Abbey, Code Enforcement Officer.

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

**Adoption of Minutes:**

-First order of business was the approval of the minutes of September 24th, 2012. Several revisions were proposed by (WR) including the correction of the spelling of the supervisor's last name, page 5 3<sup>rd</sup> paragraph, the word "different" should be substituted for "difference" prior to the word "location". Page 6 #3 2<sup>nd</sup> line "35" should be 20', Page 7 under Misc. "WR" should be stated not "WK". Seconded by DD. All approved.

**OLD BUSINESS**

-None

-(JF) Chairperson stated that the Board has 2 Agenda Items for discussion and action for this meeting.

**AGENDA ITEMS**

**DeCrescente Distributing**

Request for Interpretation

Building demolition, Warehouse and cooler Expansion

211 N. Main Street

Rts 4,32 & 67

-Frank Polumbo spoke, at times, on behalf of the Applicant.

(JF) expressed serious concerns over the lack of documentation from the original Variance Application back in December of 2007. Meeting Minutes of December 10, 2007 were

unavailable for this meeting. The original application included did not list all of the tax ID numbers. The resolution excluded one of the lots in Stillwater. The current Application to the ZBA has the correct SBL numbers as confirmed by Frank Polumbo.

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2012 RESOLUTION NO. 29**

WHEREAS, DeCrescente Distributing has submitted an application to the Zoning Board of Appeals seeking an *interpretation* in order to modify the building on property located at 211 North Main Street, Stillwater, New York, more fully identified as Tax Map Numbers 262.00-1-4.111, 262.00-1-4.121, 262.1-4.14, and 262.38-1-7; and

WHEREAS, the Applicant is seeking an interpretation of the variance granted by the Zoning Board of Appeals on December 10, 2007; and

WHEREAS, the Zoning Board of Appeals has duly considered the application and the elements necessary to consider the interpretation of the variance granted on December 10, 2007; and

Now, therefore, be it

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

1. That the variance granted on December 10, 2007 included lots (A) 262.00-1-4.111, (B) 262.00-1-4.121, (C) 262.1-4.14, and (D) 262.38-1-7, and that all such lots were considered when the variance allowing a coverage ratio of 90.4% was granted on December 10, 2007.

A motion by Member Ritter, seconded by Member D'Ambro, to adopt Resolution No. 29 of 2012.

A roll call vote was taken on Resolution No. 29 of 2012 as follows:

Member Christine Kipling	Absent
Member William Ritter	Yes
Member Donald D'Ambro	Yes
Member Richard Rourke	Yes
Chairperson James R. Ferris	Yes

Resolution No. 29 of 2012 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on October 22, 2012.

**Gretzer Time Extension Request**

1430 Hudson Ave

SBL#233.-1-33

ZB2011-01

-The ZBA Resolution #5 of 2011 previously granted to allow demolition and construction of a new home passed on March 28, 2011 has expired. No work has progressed. The Extension cannot be granted according to Zoning Ordinance Section 15.8. The Applicant needs to submit a new application, After receipt of a complete application, the Zoning Board can reconsider the variance request.

**NEW BUSINESS**

-There were no new potential violations reported at this meeting.

-The David Wolf property violations on Cty Rd 76 are stayed, since an application has been received.

-(RB) mentioned the Town is researching potential ways and means to enact legislation enabling non-conforming businesses throughout the Town to have legal status.

-The Board requested a site inspection of the Sadlemire Property, to verify that the new garage storm drainage system is indeed being installed.

-The Board requested to see the revised and proposed Zoning Map as amended by the Chazen Companies.

**BUILDING AND PLANNING TOPICS**

-(RB) presented that there were approx. 30 permits in various stages of review and issuance by the Department

-(RB) Stated that the Zoning Sub-Committee will be meeting soon. He specifically stated that the Rt 67 West Zoning District provisions are not presently included in the present zoning ordinance .

▬A motion to go into executive session was made by (DD), 2<sup>nd</sup> by (WR). The purpose was to discuss personnel. A motion to go back into regular session was made by (DD ), seconded by (RR ) at approximately 8:40PM

**Misc.:**

-Motion to adjourn was made by (RR) seconded by (WR) at approximately 8:40PM.

Next Meeting: November 26, 2012