

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
September 23, 2013 @ 7:30 PM
STILLWATER TOWN HALL**

Present: Chairman James R. Ferris
William Ritter
Richard Rourke
Christine Kipling

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: Vice Chairman Donald D'Ambro

Chairman Ferris called the meeting to order at 7:30 P.M.

Review and Approval of Minutes of Zoning Board of Appeals:

Chairman Ferris stated that the first order of business is the adoption of minutes from the June 24, 2013 meeting. Mr. Ritter made a motion to approve the meeting minutes, seconded by Mrs. Kipling; motion carried unanimously.

New Business:

ZBA2013-23 Area Variance, 2 Grace Moore Road, Alec Mackay

Chairman Ferris acknowledged Mr. Alec Mackay and briefly summarized what Mr. Mackay was seeking from the Board in terms of a variance. Chairman Ferris discussed that Mr. Mackay understands that a Public Hearing is required and that he was expecting the hearing to be scheduled for this meeting. Scheduling a Special Meeting for the hearing was discussed but Mr. Mackay stated that the next regular meeting date, October 28th, would be fine. Chairman Ferris stated that the public hearing will be scheduled for October 28th at 7:30 P.M.

Mr. Cutler proceeded to explain Mr. Mackay's request for an Area Variance and summarized the history of the variance that had been previously granted in 2008, but has since expired. Mr. Mackay discussed what transpired since the initial granting of the variance. Mr. Mackay described the parcel in question as being located on the east corner of Grace Moore Road and County Road 76. He stated that in 2008, he and his daughter came before the Board to seek an Area Variance to construct a duplex. The variance was needed because the parcel is 1.6 acres and

2 acres per unit are is required. He said that even though the Area Variance was granted, the duplex was not constructed due to a number of factors, but, primarily, the downturn in the economy, which resulted in their decision not move forward on the project. Mr. Mackay advised that the mobile home on the property had been demolished and removed right away. Mr. Mackay stated that placement of the proposed duplex will conform to all setback requirements.

Mr. Cummings stated that the application for the Area Variance, as per his review, looked fine. Chairman Ferris asked if anyone had any recommendations for corrections or amendments and there were none. Chairman Ferris stated that he did not recall any public opposition in 2008.

A discussion was held regarding the confusion which resulted from a letter sent to Mr. Peter Buck dated June 12, 2012 from the town Code Enforcement Officer, Ray Abbey, specific to this parcel. The letter indicated that the parcel of land should require no future variances from the Zoning Board of Appeals as long as certain criteria were adhered to. Specifically, the construction needed to be located within the previous footprint and that the buildings face County Route 76. Chairman Ferris asked Mr. Mackay to state what his understanding of this letter was. Mr. Mackay stated that Mr. Buck was trying to sell the property at that time but that he understood he would have to come back to the Board, knowing that the previously granted variance had expired. It was concluded that the fact remains that the variance has expired. Mr. Mackay again acknowledged he understood the need for a public hearing.

Review/Comment from Building & Planning:

Chairman Ferris asked Mr. Abbey if there were any updates he wanted to share with the Board. Mr. Abbey stated that he had nothing formally prepared in terms of a report and that the previous Director of Planning had been completing the monthly updates. Chairman Ferris stated that it would be helpful to have a monthly Building Permit Report available for future meetings. Mr. Abbey advised that there were 137 Building Permits issued for the year to date and that the respective construction was in various stages.

Chairman Ferris acknowledged that the Planning Department has been in a constant state of flux. He introduced the new Secretary of the Board, Deborah Osborn, and advised that a new Acting Director of Planning, Paul Male, had been hired, and that he would be bringing engineering experience to the position.

Zoning Sub-Committee Update:

Chairman Ferris stated that the committee is reviewing mobile home regulations and that Mr. Male is providing excellent insight regarding moving forward with ordinance updates. Mr. Cummings stated that they are in the process of mapping all mobile homes. Chairman Ferris added that the former Hillside Mobile Home Park (Saratoga Hills) has been sold again and expressed concern that there would be a significant impact on the school system, etc., dependent upon what the new owner has planned for the park. Mr. Cutler stated that TRG was going to continue to manage the park.

Other Discussion:

Chairman Ferris asked the Board members if there was anything outstanding to discuss prior to adjournment. A lengthy discussion was held regarding the process that applicants are subject to when requesting to come before the Board. Mr. Cutler asked if there could be a process set up within the Building Department to assure that applications are reviewed for accuracy, completeness and timeliness, that all associated fees are paid and that public hearings are published in an appropriate and timely manner. Ms. Zepko reviewed that process that she had followed specific to this application and acknowledged communication concerns with the applicant due to his availability to answer necessary questions relative to the history of this parcel. Chairman Ferris reviewed his understanding of what had occurred and the Board discussed the confusion generated by the 2012 letter signed by Mr. Abbey. Chairman Ferris stated that regardless, it was more than one year beyond the issuance of the variance, as well as this letter. Again, Mr. Mackay acknowledged that he would need to re-apply for the variance and that it would be subject to the public hearing process.

Mrs. Kipling suggested possible adjustments to the timeframe required for submission of "complete" applications. She also added that applicants be made aware, in writing, that they would need to be available to answer any questions once they submit their application and if they weren't, they could be subject to delays. Mr. Abbey stated that applicants may not see or read this if it was a part of the actual application. Mr. Cummings stated that this could be provided separately from the application. Chairman Ferris acknowledged that anything that could help with the process should be tried. Mr. Cummings asked if it would be possible to schedule a meeting with all applicants to assure that the application was complete. Ms. Zepko stated that she would love to do this and that it would be very helpful. Chairman Ferris asked if the Board would like to make a recommendation that a meeting be set up at the point of application submission. A discussion was held regarding who the Board would be making this recommendation to. It was decided that Mr. Male, the Acting Planning Director, should help to facilitate this decision. Chairman Ferris cautioned that applicants still be able to drop off applications, regardless of their availability for a meeting. He stated that all employees would need to be educated of the need to apprise applicants that their paperwork would not be deemed complete until a meeting is scheduled with Ms. Zepko. Chairman Ferris summarized that a recommendation from this Board should be made to Mr. Male regarding the receipt of applications, and asked for a motion. Mr. Ritter made a motion to request that Mr. Male review the application submission and review process, including the scheduling of a face-to-face cursory review with him or Ms. Zepko; Mrs. Kipling seconded the motion, with all in favor.

Chairman Ferris asked if there were any other outstanding issues or concerns and there were none.

Adjournment:

A motion to adjourn was made by Mr. Rourke, seconded by Mr. Ritter, at approximately 8:45 P.M.

The next Zoning Board of Appeals Meeting will be October 28, 2013.