

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
September 27, 2010                      7:30PM  
STILLWATER TOWN HALL**

**Present:** Chairman James R. Ferris, Donald D'Ambro, Alec Mackay, William Ritter and Richard Rourke

**Also Present:** Daryl Cutler, Attorney for the Town; Paul Cummings, Planner for the Town; Ray Abbey, Building/Codes Inspector and Jessica Valcik, Secretary for the Zoning Board

**Absent:** None

Chairman Ferris called the meeting to order.

**Adoption of Minutes:** **Motion** by W. Ritter and seconded by D D'Ambro to adopt the August 23, 2010 minutes with changes. **Motion carried unanimously.**

**Old Business**

None

**New Business**

None

**Elizabeth Bliss- Public Hearing- 7:35pm**

**Area Variance**

**ZB2010-79**

SBL# 242.-1-9.112

Elizabeth Bliss spoke on her behalf. She is looking for an Area Variance to be able to construct a covered walkway to connect the house to the garage.

Chairman Ferris opened the Public Hearing portion.

Stan Hatalsky of 45 Meehan Rd. commented that he was in support of the Applicant's project.

Kim Mirarchi of 68 Meehan Rd. commented that she has seen the property and is in support of the project.

Jean Reynolds of 75 Meehan Rd. commented that she is in support of the project.

Eric Gower of 74 Meehan Rd. commented that he is in support of the project and the upgrades will only benefit the area.

With no one else to speak, the Public Hearing portion was closed.

The Board held a brief discussion on the proposed addition and offered the following resolution:

**Resolution # 26**

**(SEQRA- Approved)**

**Motion** by W. Ritter and seconded by A. Mackay to adopt Resolution # 26 as follows:

WHEREAS, Elizabeth Bliss has submitted an application to the Zoning Board of Appeals for an Area Variance regarding property located at 62 Meehan Road in the Town of Stillwater, more fully identified as Tax Map Number 242.-1-9.112; 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, Elizabeth Bliss, is a Type II action and requires no further action or review by the Zoning Board of Appeals.

A roll call vote was taken on Resolution No. 26 as follows:

Member Donald D'Ambro	Yes
Member William Ritter	Yes
Member Alec Mackay	Yes
Member Richard Rourke	Yes
Chairman James R. Ferris	Yes

Resolution No. 26 of 2010 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on September 27, 2010.

**Motion carried unanimously.**

**Resolution # 27**

**(Area Variance- Granted)**

**Motion** by A. Mackay and seconded by D. D'Ambro to adopt Resolution # 27 as follows:

WHEREAS, Elizabeth Bliss has submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to construct a covered porch / walkway between the existing single family residence and detached garage on property located at 62 Meehan Road in the Town of Stillwater, more fully identified as Tax Map Number 242.-1-9.112; and

WHEREAS, the Applicant is seeking an Area Variance lot width requirement contained Stillwater Zoning Code §3.5; 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 September 27, 2010; 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 construction simply involves connecting the existing house and garage;
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 the house is already in place and cannot be moved;
3. The requested Area Variance is somewhat substantial but the benefits of the project outweigh the negative impact;
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because the applicant is simply adding a porch to an existing house and garage; and
5. The alleged difficulty was not self-created because changes in zoning have caused the property to be non-conforming; and be it further

RESOLVED, that the application of Elizabeth Bliss for an Area Variance to allow for construction of a covered porch / walkway joining an existing single family residence and detached garage on property located at 62 Meehan Road in the Town of Stillwater, more fully identified as Tax Map Number 242.-1-9.112, is GRANTED.

A roll call vote was taken on Resolution No. 27 of 2010 as follows:

Member Donald D'Ambro	Yes
Member William Ritter	Yes
Member Alec Mackay	Yes
Member Richard Rourke	Yes
Chairman James R. Ferris	Yes

Resolution No. 27 of 2010 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on September 27, 2010.

**Motion carried unanimously.**

### **Old Business**

The Board held a discussion on the Rt. 9P Zoning Determination. They received new revised information regarding the existing conditions and were in favor of the Memorandum of Determination.

### **Paul Bull- Public Hearing- 7:55pm**

#### **Use Variance**

#### **ZB2010-80**

SBL # 231.-2-58.22

Before the Applicant spoke, an issue was raised on the mailing notifications. The Board held a discussion on what to do with the Hearing. The Board decided to hold the Public Hearing and leave it open until the next meeting, when the notifications are corrected.

**Motion** by A. Mackay and seconded by D D'Ambro to hold the Public Hearing until next Month's meeting, leaving it open. **Motion carried unanimously.**

Paul Bull spoke on his behalf. He is looking to open a vehicle repair shop on his property located at 386 County Rt. 76 or SBL # 231.-2-58.22 due to health issues.

Chairman Ferris opened the Public Hearing portion.

John Anderson of 380 County Rt. 76 commented and had concern with what would happen in the future with the Variance if the property sold.

With no one else to speak, the Public Hearing portion was tabled until next month October 25, 2010 at 7:35pm.

**Motion** by W. Ritter and seconded by R. Rourke to table the Application and Public Hearing until October 25, 2010. **Motion carried unanimously.**

### **Gary Cadieux- Public Hearing- 8:15**

#### **Area Variance**

#### **ZB2010-81**

SBL # 253.41-1-3

Gary Cadieux spoke on behalf of his application. He is looking to tear down his old house and build a new one on the same property. His plan is to reduce the square footage of the house on the ground by approximately 100 feet.

Chairman Ferris opened the Public Hearing portion.

Bob Carson of 20 Railroad Ave commented that he is in support of the project and thinks it will improve the Town as well.

Frank LaTorre of 25 Railroad Ave commented on concerns of when the construction will take place, how it will affect the neighbors and when the times of construction will take place.

With no one else to speak, the Public Hearing portion was closed.

The Board held a discussion on the project and offered the following resolutions:

#### **Resolution # 28**

**(SEQRA- Approved)**

**Motion** by A. Mackay and seconded by D. D'Ambro to adopt Resolution # 28 as follows:

WHEREAS, Gary Cadieux has submitted an application to the Zoning Board of Appeals for an Area Variance regarding property located at 23 Railroad Avenue in the Town of Stillwater, more fully identified as Tax Map Number 253.41-1-3; 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, Gary Cadieux, is a Type II action and requires no further action or review by the Zoning Board of Appeals.

A roll call vote was taken on Resolution No. 28 as follows:

Member Donald D'Ambro	Yes
Member William Ritter	Yes
Member Alec Mackay	Yes
Member Richard Rourke	Yes
Chairman James R. Ferris	Yes

Resolution No. 28 of 2010 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on September 27, 2010.

**Motion carried unanimously.**

**Resolution # 29**

**(Area Variance- Granted)**

**Motion** by W. Ritter and seconded by R. Rourke to adopt Resolution # 29 as follows:

WHEREAS, Gary Cadieux has submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to remove an existing single family residence and construct a new colonial style home in approximately the same location on property located at 23 Railroad Avenue in the Town of Stillwater, more fully identified as Tax Map Number 253.41-1-3; and

WHEREAS, the Applicant is seeking an Area Variance lot width requirement contained Stillwater Zoning Code §3.5; 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 September 27, 2010; 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:

6. 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 replacement structure will be an improvement over the existing building;
7. The benefit sought by the applicant cannot be achieved by some method, feasible to the applicant to pursue, other than an Area Variance because no additional property is available;
8. The requested Area Variance is substantial, however, it improves the existing non-conformity;
9. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because the new building is an improvement over existing property; and
10. The alleged difficulty was not self-created because the existing structure pre-exists zoning; and be it further

RESOLVED, that the application of Gary Cadieux for an Area Variance to allow for the removal of the existing single family structure and construction of a new colonial style home in approximately the same location on property located at 23 Railroad Avenue in the Town of Stillwater, more fully identified as Tax Map Number 253.41-1-3, is GRANTED.

A roll call vote was taken on Resolution No. 29 of 2010 as follows:

Member Donald D'Ambro	Yes
Member William Ritter	Yes
Member Alec Mackay	Yes
Member Richard Rourke	Yes
Chairman James R. Ferris	Yes

Resolution No. 29 of 2010 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on September 27, 2010.

**Motion carried unanimously.**

**Greg Knapp- Public Hearing- 8:35pm**  
**Area Variance**  
**ZB2010-82**  
SBL # 242.-1-51.2

Joe Zecca spoke on behalf of the Applicant. The Applicant is looking to put an addition of an in-law apartment onto his single family home.

Chairman Ferris opened the Public Hearing.

Randy Epstein of 10 Elmore Robinson Rd commented in support of the project and said that the property is always nice and cared for.

Mike Powers of 8 Elmore Robinson Rd commented that the property is impeccable and supports the project.

With no one else to speak, the Public Hearing was closed.

The Board held a discussion and offered the following resolutions:

**Resolution # 30** **(SEQRA- Approved)**

**Motion** by A. Mackay and seconded by R. Rourke to adopt Resolution # 30 as follows:

WHEREAS, Gary A. Knapp has submitted an application to the Zoning Board of Appeals for an Area Variance regarding property located at 17 Elmore Robinson Road in the Town of Stillwater, more fully identified as Tax Map Number 242.-1-51.2; 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, Greg A. Knapp, is a Type II action and requires no further action or review by the Zoning Board of Appeals.

A roll call vote was taken on Resolution No. 30 as follows:

Member Donald D'Ambro	Yes
Member William Ritter	Yes
Member Alec Mackay	Yes
Member Richard Rourke	Yes
Chairman James R. Ferris	Yes

Resolution No. 30 of 2010 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on September 27, 2010.

**Motion carried unanimously.**

**Resolution # 31****(Area Variance- Granted)****Motion** by A. Mackay and seconded by W. Ritter to adopt Resolution # 31 as follows:

WHEREAS, Greg A. Knapp has submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to construct an addition to an existing single family residence on property located at 17 Elmore Robinson Road in the Town of Stillwater, more fully identified as Tax Map Number 242.3-1-51.2; and

WHEREAS, the Applicant is seeking an Area Variance lot width requirement contained Stillwater Zoning Code §3.5; 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 September 27, 2010; 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:

11. 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 simply looking to construct an addition to the existing single family residence;
12. The benefit sought by the applicant cannot be achieved by some method, feasible to the applicant to pursue, other than an Area Variance because no additional property is available;
13. The requested Area Variance is not substantial because the discrepancy causing the non-conformity is only .04 of an acre;
14. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because Applicant is only looking to construct an addition to an existing single family home; and
15. The alleged difficulty was not self-created because the land was purchased for the road causing the lot to be non-conforming; and be it further



RESOLVED, that the application of Greg A. Knapp for an Area Variance to allow for construction of an addition to the existing single family structure on property located at 17 Elmore Robinson Road in the Town of Stillwater, more fully identified as Tax Map Number 242.-1-51.2, is GRANTED.

A roll call vote was taken on Resolution No. 31 of 2010 as follows:

Member Donald D'Ambro	Yes
Member William Ritter	Yes
Member Alec Mackay	Yes
Member Richard Rourke	Yes
Chairman James R. Ferris	Yes

Resolution No. 31 of 2010 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on September 27, 2010.

**Motion carried unanimously.**

**Motion** by A. Mackay and seconded by R. Rourke to adjourn the meeting at 9:05pm.

**Motion carried unanimously.**

Respectfully submitted by

Jessica Valcik  
Secretary for ZBA