

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
October 10, 2017 @ 7:00 PM
STILLWATER TOWN HALL**

Present: Chairman Donald D'Ambro
Joseph Urbanski, Member
Richard Rourke, Member
Christine Kipling, Member
Timothy Scrom, Member

Also Present: Daryl Cutler, Attorney for the Town
Lindsay Zepko, Director of Building and Planning
Sheila Silic, Secretary

Absent: Ellen Vamocka, Town Councilwoman
Paul Male, Town Engineer
Dale Smith, Alternate Member

Chairman D'Ambro called the meeting to order at 7:00 P.M.

Review and Approval of Minutes of Zoning Board of Appeals:

Mr. Scrom made a motion to approve the minutes from the August 14, 2017 meeting, seconded by Ms. Kipling.

ZBA2017-04, DeGrasse Area Variance, 107 Jack Halloran Road

Chairman D'Ambro inquired if there was anyone present to represent the DeGrasse Area Variance. Chairman D'Ambro asked for a motion to deny the application for the DeGrasse Area Variance due to no representation present for three consecutive meetings. Mr. Scrom made a motion to deny the application for the DeGrasse Area Variance seconded by Mr. Urbanski. A roll call vote was taken.

Chairman Donald D'Ambro	Yes
Member Christine Kipling	Yes
Member Richard Rourke	Yes
Member Timothy Scrom	Yes
Member Joseph Urbanski	Yes

ZBA2017-06, Callahan Area Variance, County Route 76

Chairperson D'Ambro recognized Attorney Andrea DiDomenico who is representing Mr. and Mrs. Michael Callahan. Ms. DiDomenico stated that the Applicant is seeking an Area Variance for this parcel located on County route 76. Ms. DiDomenico stated that the Town of Stillwater made an amendment to the Zoning Ordinance in 2011 that requires any property that does not meet the current zoning requirements needs to obtain the required appropriate variances. Ms. DiDomenico stated the property is lacking 41 ft. to meet the required road frontage. Ms. DiDomenico stated that the Applicant purchased the property in 1987 and the property meant all the zoning requirements at that time. Ms. DiDomenico stated

that the applicant went before the appropriate Board which granted the subdivision approval and the subdivision map was filed with the Saratoga County Clerk's Office. Ms. DiDomenico stated that it was discovered through the listing of the property for sale that it is now a substandard due to the 2011 zoning change.

Chairman D'Ambro proceeded to open the public hearing and asked if anyone wished to provide public comment and hearing none he asked for a motion to close the public hearing. Mr. Scrom made a motion to close the public hearing seconded by Mr. Rourke. A roll call vote was taken.

Chairman Donald D'Ambro	Yes
Member Christine Kipling	Yes
Member Richard Rourke	Yes
Member Timothy Scrom	Yes
Member Joseph Urbanski	Yes

Chairman D'Ambro asked Ms. DiDomenico if public water is available to this parcel. Ms. DiDemnico stated that public water is available and that the purchaser would have to make application to the Town of Stillwater.

MS. Zepko stated that the Area Variance is for lot width and not for road frontage. Ms. Zepko stated that in Mr. Male's comment letter dated August 23, 2017 the following items should be corrected, Item #9 – yes, Item # 13A – no, Item#14 –suburban and Item #15 – yes.

Chairman D'ambro asked if anyone on the Board had any additional concerns or questions and hearing none he asked to move to discuss SEQRA.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2017 RESOLUTION NO. 9**

WHEREAS, Priscilla Callahan has submitted an application to the Zoning Board of Appeals for an Area Variance regarding property located on County Route 76, more fully identified as Tax Map Number 232.-1-22.4; 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;

WHEREAS, the Planning Board reviewed each of the 11 factors contained in Part 2 of the EAF and determined that the proposed action will have no, or only a small, environmental impact;

Now, therefore, be it

RESOLVED, that the Zoning Board of Appeals hereby determines that the proposed

action by the applicant, Priscilla Callahan, is a Type II action and requires no further action or review by the Zoning Board of Appeals.

A motion by Member Rourke, seconded by Member Scrom, to adopt Resolution No. 9 of 2017.

A roll call vote was taken on Resolution No. 9 of 2017 as follows:

Chair Donald D'Ambro	Yes
Member Christine Kipling	Yes
Member Richard Rourke	Yes
Member Timothy Scrom	Yes
Member Joseph Urbanski	Yes

Resolution No. 9 of 2017 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on October 10, 2017.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2017 RESOLUTION NO. 10**

WHEREAS, Priscilla Callahan has submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to install a driveway on property located at County Route 76, Stillwater, more fully identified as Tax Map Number 232.-1-22.4; and

WHEREAS, the Applicant is seeking an area variance for the lot width requirement contained Stillwater Zoning Code §3.5(D); 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 October 10, 2017, 2017; 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 this was an approved lot for residential

development prior to the Town's zoning change, so developing the lot was already a planned outcome for the neighborhood;

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 neighboring property on one side has no extra land, and the other adjoining property has a driveway that prevents selling land to the applicant;
3. The requested Area Variance is not substantial because it is an issue of 40' short of lot width, and it is a fairly large lot;
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because this was already a lot that was planned for residential development before the change in zoning; and
5. The alleged difficulty was not self-created because the applicant purchased the property as a conforming lot, but the zoning law changed; and be it further

RESOLVED, that the application of Priscilla Callahan for an area variance to allow for a driveway to be installed on property located at County Route 76, more fully identified as Tax Map Number 232.-1-22.4 is GRANTED conditioned upon the applicant satisfying the comments contained in the Engineering Review Letter by Paul Male, PE dated August 23, 2017.

A motion by Member Scrom seconded by Member Urbanski to adopt Resolution No. 10 of 2017.

A roll call vote was taken on Resolution No. 10 of 2017 as follows:

Chair Donald D'Ambro	Yes
Member Christine Kipling	Yes
Member Richard Rourke	Yes
Member Timothy Scrom	Yes
Member Joseph Urbanski	Yes

Resolution No. 10 of 2017 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on October 10, 2017.

ZBA2017-07, Goodway Area Variance, 2 Creek Bend

Chairman D'Ambro recognized Ms. Lindsey Halse of Kesselman Solar who is representing Ms. Laura Goodway and Mr. Richard Gerardi. Ms. Halse stated that Applicant is planning to install a ground mounted solar system which is located in the front yard and meets all the setbacks but, the placement of the solar system does not meet the Zoning Code. Ms. Halse stated that Town of Stillwater Zoning Ordinance changed in June 2017 and the placement design of the ground mount solar system was done

prior to the zoning changes. Ms. Halse stated that the Applicant is seeking an Area Variance for an accessory structure in the front of the property.

Chairman D'Ambro proceeded to open the public hearing and asked if anyone wished to provide public comment and hearing none he asked for a motion to close the public hearing. Mr. Scrom made a motion to close the public hearing seconded by Mr. Urbanski. A roll call vote was taken.

Chairman Donald D'Ambro	Yes
Member Christine Kipling	Yes
Member Richard Rourke	Yes
Member Timothy Scrom	Yes
Member Joseph Urbanski	Yes

Chairman D'Ambro stated that the Board lacks a proper survey for this project and because of that fact the Board cannot act on the project.

Ms. Zepko stated that the surveyor who did the original survey called the Planning Department with concerns about the survey map being presented to the Board with any amendments added to it. Ms. Halse stated that she spoke to the surveyor who did the original survey and have since spoken to a surveyor that does work for Kesselman Solar for an estimate. Mr. Halse stated that she has not received the estimate as of yet.

Mr. Scrom asked about the impact on the view shed to the National Park. Ms. Zepko stated that this would not impact the Nation Park. Mr. Scrom asked about the impact the project would have on water shed overlay as it seems close to the canal. Ms. Zepko stated that there is nothing in the Zoning Ordinance that restricts this use.

Chairman D'Ambro asked for a motion to table the Goodway Area Variance due to the lack of a updated survey map. Mr. Scrom made a motion to table the Goodway Area Variance until the next scheduled Zoning Board meeting seconded by Mr. Urbanski. A roll call vote was taken.

Chairman Donald D'Ambro	Yes
Member Christine Kipling	Yes
Member Richard Rourke	Yes
Member Timothy Scrom	Yes
Member Joseph Urbanski	Yes

Motion to adjourn: made by Mr. Scrom, seconded by Ms. Kipling motion passed at approximately 7:33 PM.