

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
August 10, 2020 @ 6:30 PM
STILLWATER TOWN HALL**

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

Also Present: James Trainor, Attorney for the Town (via phone)
Paul Male, Town Engineer
Lindsay Buck, Town Planner
Sheila Silic, Secretary

Absent: Charles Dyer, Alternate Member
Ellen Vamocka, Town Councilwoman

Chairman D'Ambro called the meeting to order at 6:30 P.M.

Review and Approval of Minutes of Zoning Board of Appeals:

Mr. Rourke made a motion to approve the minutes of the June 24, 2019 meeting, seconded Mr. Scrom. A roll call vote. was taken. The motion passed unanimously.

ZBA2020-01 Santandera Area Variance, 678 NYS Route 9P

Chairman D'Ambro recognized Mr. James Vianna of James Vianna Land Survey, who will be representing Ms. Dindra Santandera this evening. Mr. Vianna stated that the property is located on the east side of NYS Route 9P in the RRD Zoning District and consists of 0.79-acres. Mr. Vianna stated that Ms. Santandera would like to subdivide the parcel into two-lots. Mr. Vianna stated that Lot 1 would retain the existing residence and Ms. Santandera would like to build a single-family dwelling on Lot 2 which is currently vacant. Mr. Vianna stated that both dwellings will be serviced by public water and public sewer. Mr. Vianna stated that Lot 1 will need three Area Variances 1) Proposed Lot Size from 21,750 Sq. Ft. down to 7,919 Sq. Ft.; a difference of 64% 2) Lot Width from 75 Ft. down to 66.70 Ft.; a difference of 8.3 Ft. and 3) Front Yard Set Back from 20 Ft. down to 1.6 ft; a difference of 18.4 Ft. Lot 2, which is a flag lot, will need one Area Variance for Road Frontage from 50 Ft. down to 25 Ft. Mr. Vianna stated that Lot 2 will

have a Lot Width of 138 Ft, which exceeds the zoning requirement by 63 Ft. Mr. Vianna stated that Ms. Santandera has received a letter from her neighbor who is in favor of the project.

Chairman D'Ambro proceeded to open the public hearing and asked if anyone wished to provide public comment.

Christopher Rotondo 674 NYS Route 9P

Mr. Rotondo stated that he has resided at 674 NYS Route 9P for 21 years. Mr. Rotondo stated that NYS Route 9P has seen an increase of single-family dwelling being built. Mr. Rotondo stated his concerns with the drainage issues, lake access, traffic and the lots do not conform with the Zoning Ordinance. Mr. Rotondo stated that more information is needed before a decision can be made.

Colleen Glynn-Piscitella 680 NYS Route 9P

Ms. Piscitella asked if the driveway would be going through where the three-season room is located or if it would be a shared driveway. Mr. D'Ambro stated that two residents can not share a driveway. Mr. Male stated that shared driveways have been approved with other projects. Mr. Vianna stated that they could remove the driveway to the south side of the property and make a common driveway on the north side of the property. Ms. Piscitella stated that she would like the driveway to stay on the south side of the property so it does not impact her property. Ms. Piscitella asked if the new single-family dwelling will impact her property. Mr. Vianna stated that the project will have to go before the Town of Stillwater Planning Board for a Minor Subdivision. Ms. Piscitella asked if the new single-family dwelling on Lot 2 will have lake access. Mr. Vianna stated that if Ms. Santandera owns the property she would have access to Saratoga Lake. Ms. Piscitella stated that she was not aware that Saratoga County Sewer District was going to put a sewer box in the front of her property. Mr. Male stated that she should check her deed Ms. Piscitella asked what the distance from her property to the new single-family dwelling that is proposed to be built would be. Mr. D'Ambro stated that would be a question for the Planning Board and not the Zoning Board of Appeals. Ms. Piscitella asked what are the procedures for an Area Variance to be approved. Ms. Lindsay Buck stated there are five test questions on the application that need to be addressed. Ms. Piscitella stated that she would like to build on her property in the future.

Carol Dooley 744 NYS Route 9P

Ms. Dooley stated that she would like to address Ms. Piscitella's comment regarding Saratoga County Sewer District #1. Ms. Dooley stated that Saratoga County Sewer District #1 has had a right-of-way since 1983 that runs along NYS Route 9P. Ms. Dooley stated that these small lots along NYS Route 9P should not have Area Variances granted as they are too small to be built on. Ms. Dooley stated that there are quite a few residents with lake access that share that one parcel.

Linda Belinsky 687 NYS Route 9P

Ms. Belinsky stated that water from sump pumps flow along NYS Route 9P and now there will be an increase in water that flows along NYS Route 9P with this new Single-family dwelling. Ms. Belinsky stated her concerns with the drainage issues, traffic and fire access.

Michael LaFren 14 Lakepointe Way

Mr. LaFren stated that the application should be denied as the applicant is requesting to make a conforming lot into two non-conforming lots.

Chairman D'Ambro asked if anyone else wished to make public comment and hearing none he closed the public hearing.

Mr. Rourke asked if the property line for Lot 1 could be moved to the north and east of Lot 2. Mr. Vianna stated that the property line for Lot 1 could be moved more into Lot 2. Mr. Rourke stated that Lot 1 would gain more property by moving the property line. Mr. Rourke asked if Ms. Santandera could purchase property from the neighbor to the south. Mr. Vianna stated that parcel is not for sale. Mr. Rourke asked which way the single-family dwelling would face. Mr. Vianna stated that he believes that the new dwelling would face towards Saratoga Lake. Mr. Rourke asked about the elevation of the property. Mr. Vianna stated that the elevation is not that high, about 12 Ft. Mr. Rourke asked about drainage from the hill in the rear portion of the property. Mr. Vianna stated that they would probably do a French drain or have an engineer review the drainage.

Mr. Scrom asked about the width of the driveway and if fire apparatus would be able to get to Lot 2. Mr. Vianna stated that the width of the driveway is the standard 12 Ft. and the width of the driveway could be widened. Mr. Scrom asked about the 46 sites that were mentioned and how many are recently built. Mr. Vianna stated that he would have to review the paperwork. Mr. Scrom stated that most are camps that were there before zoning. Mr. Vianna stated that there are 1 and 2 family dwellings and five camps out of the 46 sites listed. Mr. Scrom asked if the single-family dwelling that is currently on Lot 1 is livable. Mr. Vianna stated that the dwelling is livable and the inside has been renovated. Mr. Vianna stated that is Ms. Santandera's current residence. Mr. Scrom asked how long has Ms. Santandera owned this property. Mr. Vianna stated that she has owned the property since 2003. Mr. Scrom asked if there is any liability to the Town of Stillwater if two non-conforming lots were approved. Mr. Trainor stated the Town of Stillwater Zoning Ordinance does not allow for non-conforming lots to be created.

Chairman D'Ambro asked Mr. Scrom what the turn radius of a standard fire truck and/or ladder truck. Mr. Scrom stated that he was not sure but believes it would be about 40 Ft. to 50 Ft. for the turn radius.

Mr. Male stated that most lots on NYS Route 9P are small non-conforming lots that are pre-existing prior to zoning.

Mr. Urbanski stated that the minimum site distance is 300 Ft. per Town Code. Mr. Urbanski asked about the line of sight with the location of the driveway and the speed limit. Mr. Vianna stated that the best line of sight would be the northern driveway. Mr. Vianna stated that he was not sure what the speed limit is for NYS Route 9P. Mr. Male stated that the speed limit is 35 mph. Mr. Vianna stated that NYS Department of Transportation would have to approve the curb cut for the driveway.

TOWN OF STILLWATER ZONING BOARD OF APPEALS

2020 RESOLUTION NO. 1

WHEREAS, Drinda Santandera has submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to subdivide property located at 678 NYS Route 9P, Stillwater, more fully identified as Tax Map Number 219.5-1-7; and

WHEREAS, the Applicant is seeking multiple area variances from the requirements contained in Stillwater Town Code Chapter 210; and

WHEREAS, pursuant to the Stillwater Town Code, the Town properly and timely published a notice of public hearing conducted on August 10, 2020; 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 be produced in the character of the neighborhood and a detriment to nearby properties will be created by the granting of the Area Variance because one conforming lot will be subdivided into two non-conforming lots;
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 there is not enough acreage to subdivide into two lots;
3. The requested Area Variance is substantial because it requests a 64% reduction in required bulk area for Lot 1, a 40% reduction of the lot width requirement for Lot 1, and a 50% reduction of Lot 2's required lot width;
4. The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because two residences would exist on an area only big enough for 1 residence; and
5. The alleged difficulty was self-created because applicant is creating the need for the variance by proposing to subdivide 1 conforming lot into 2 non-conforming lots; and be it further

RESOLVED, that the application of Drinda Santandera for multiple area variances to allow for a subdivision on property located at 678 NYS Route 9P, more fully identified as Tax Map

Number 219.5-1-7 is DENIED.

A motion by Member Urbanski seconded by Member Scrom, to adopt Resolution No. 1 of 2020.

A roll call vote was taken on Resolution No. 1 of 2020 as follows:

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

Resolution No. 1 of 2020 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on August 10, 2020.

Motion to adjourn made by Mr. Urbanski, seconded by Mr. Scrom at approximately 7:59 pm.