

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
October 13, 2020 @ 6:30 PM
STILLWATER TOWN HALL**

Present: Chairman Donald D'Ambro
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: Christine Kipling, Member
Charles Dyer, Alternate Member (Due to Covid-19)
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. Scrom made a motion to approve the minutes of the August 10, 2019 meeting, seconded Mr. Rourke. A roll call vote was taken. The motion passed unanimously.

ZB2020-02 LeFever Area Variance, 1 Aft Court

Chairman D'Ambro recognized Mr. Mark LeFever who will be presenting the project this evening. Mr. LeFever stated that he owns the property at 1 Aft Court which is 0.08-acres located on the east side of NYS Route 9P and is in the RRD Zoning District. Mr. LeFever stated that he and his wife would like to permanently move to 1 Aft Court. Mr. LeFever stated that the dwelling is 950 sq. ft and he would like to build an addition to live comfortably. Mr. LeFever stated that he is proposing a master bedroom and a small bedroom on the side/back of the dwelling. Mr. LeFever stated that he has spoken to his neighbors on Aft Court and they do not object to the project.

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

Daniel Reilly 526 NYS Route 9P

Mr. Reilly stated that the lot is too small according to the Zoning Code for any additional build out to be added to the dwelling. Mr. Reilly stated that he objects to this project and any granting of an Area Variance.

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

Chairman D'Ambro asked if there is a driveway from NYS Route 9P to the property. Mr.

LeFever stated that the driveway from NYS Route 9P is next to the stone retaining wall.

Chairman D'Ambro asked who owns the stone retaining wall which is along the driveway. Mr.

LeFever stated that Ms. Karen Smith owns the stone retaining wall. Chairman D'Ambro asked about the total lot coverage of the property. Mr. Male stated that there is not enough information on the map to calculate the total lot coverage. Mr. Male stated that the total lot coverage that is allowed is 40%. Chairman D'Ambro asked Mr. Male if the square footage of the lot is missing from the plans. Mr. Trainor stated that is correct. Mr. Trainor stated that Mr. Male's comment letter dated September 23, 2020 reflects that the application needs to be amended to show the maximum lot coverage and specify what variances are being requested.

Mr. Scrom asked about the width of the driveway. Mr. LeFever stated that the width of the driveway is about 20 ft. Mr. LeFever stated that the driveway is owned by Ms. Karen Smith. Mr. LeFever stated that all the residents that live on Aft Court have an easement to use the driveway. Mr. Scrom asked if Mr. LeFever has been before the Zoning Board in the past. Chairman D'Ambro stated that is correct. Mr. LeFever stated that he was before the Zoning Board for an Area Variance to add a deck that encroached on the front yard setback. Mr. Male stated that the Area Variance that was granted was for a deck in October 16, 2016 for relief of the front yard setback. Mr. Scrom asked what prompted the need for additional space of the dwelling. Mr. LeFever stated that he and his wife would like to move to this residence but, need more room to live comfortably and not just spend the summer and other days periodically throughout the year.

Mr. Urbanski stated that Mr. LeFever is asking for a reduction of the zoning side yard setback by almost 75%. Mr. Urbanski asked if that is correct. Chairman D'Ambro stated that is correct. Mr. Urbanski asked Mr. LeFever if he has considered putting a foundation under the dwelling. Mr. Urbanski stated that would allow you to build upward with the addition. Mr. LeFever stated that he had checked into putting a foundation under the dwelling but it is not financially feasible to do.

Mr. Rourke asked what are the dimensions of the proposed addition. Mr. LeFever stated that the dimensions of the addition were put on the map. Mr. Rourke stated that the plans indicate that the master bedroom is shown on the south side of the dwelling and the other bedroom is shown at the back of the dwelling. Mr. LeFever stated that is correct.

Mr. Rourke made a motion to table the LeFever Area Variance until the next scheduled Zoning Board meeting seconded by Mr. Scrom. A roll call vote was taken.

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

Chairman D'Ambro stated that the applicant will be scheduled for the next Zoning Board meeting.

ZBA2020-03 Grayson Mobile Home Park Conceptual Area Variance, 96 County Route 76

Chairman D'Ambro asked Mr. Trainor to update the Zoning Board on Mr. Grayson's Mobile Home Park. Mr. Trainor stated that the project before the Board this evening does not have a completed application that has been received by the Building, Planning and Development Department. Mr. Trainor stated that the applicant is before the Zoning Board to get an understanding of what he would have to do to bring the mobile home park into compliance. Mr. Trainor stated that the Zoning Board generally has jurisdiction to grant or deny an Area Variance based on a completed application. Mr. Trainor stated in his opinion the Zoning Board does not have the authority to issue advisory opinions. Mr. Trainor stated that because there is not an application before the Board that the members should not indicate how they would vote on a future Area Variance application. Mr. Trainor stated that the Board can give the applicant guidance to what you would like to have for review on a future application.

Chairman D'Ambro stated that the public hearing for this project has been cancelled for lack of a completed application.

Mr. Urbanski asked if the Board Members can ask questions of what the proposed project would look like in the future. Mr. Trainor stated that the Board Members can ask questions regarding the project. Mr. Urbanski asked if the Board could hear the concerns of the residents even though the public hearing has been cancelled since they are in attendance this evening. Mr. Trainor stated that Chairman D'Ambro could entertain their comments under a public comment period and the comments would become part of the minutes. Mr. Trainor stated that tonight's comments would not become part the official public hearing record for this application. Mr. Trainor stated that the public comment period is a good way to capture comments from the residents which becomes part the Board's record. Ms. Lindsay Buck stated that she agrees with Mr. Urbanski that the public may have information that the Board is not aware of regarding Still Meadow Mobile Home Park.

Mr. Scrom asked when there is a public hearing for this applicant the Board can enter this evenings comments into the public hearing portion of the meeting. Mr. Trainor stated that as a

Board you could adopt the comments as part of the record. Mr. Scrom asked if this mobile home park is near Saratoga Hills Mobile Home Park. Mr. Grayson stated that is correct.

Mr. Male stated that the Building, Planning and Development Department have been trying to get Mr. Grayson to correct a number of issues with the mobile home park regarding removal of debris, issues with providing potable water and issues with the mobile homes deemed uninhabitable. Mr. Male stated that there are a number of issues that have not been resolved that go back before I started to work for the Town of Stillwater in 2014.

Mr. Brandon Myers, Town of Stillwater Code Enforcement Officer, stated that Mr. Grayson does not have an Operating Permit to operate the mobile home park and has not had an Operating Permit since the zoning was changed in 2014. Mr. Myers referred to the Zoning Code Chapter 134 Section 11 and Chapter 210 Section 142 which was the basis of the appearance tickets issued. Mr. Myers stated that Mr. Grayson was issued an appearance ticket in September and has appeared in the Stillwater Town Court for the violations that were issued. Mr. Urbanski asked Mr. Myers if the applicant was made aware of the zoning changes for the mobile home parks. Mr. Myers stated that Mr. Grayson was made aware of the zoning changes in 2014.

Chairman D'Ambro stated that owner /applicant needs to reduce the total number of Area Variances that are required to operate under the permitting process. Chairman D'Ambro asked Mr. Grayson if he is prepared to give the Board information on the plan layout for the mobile home park.

Chairman D'Ambro recognized Mr. Larry Grayson who is the owner of Still Meadow Mobile Home Park. Mr. Grayson stated that he will be presenting the project this evening along with Mr. Alden Gaudreau. Mr. Grayson stated that the mobile home park was built in the 1960's. Mr. Grayson stated that the mobile homes that are in the park are older homes and that the mobile home park has fallen into disarray. Mr. Grayson stated that he has been trying to get a connection to the public water to service the mobile home park since 2014. Mr. Grayson stated that the Building Inspector who started to write the violations on the mobile home park had left the position. Mr. Grayson stated that it was not his intention to let the mobile home park fall into disarray. Mr. Grayson stated that he has removed three mobile homes, most of the debris from the mobile home park and installed a new water meter pit. Mr. Grayson stated that the water meter should have been in last week. Mr. Grayson stated that he was notified by Mr. Harris, Town of Stillwater Highway Superintendent, that the water meter was not delivered and the installation is now delayed. Mr. Grayson stated that the residents that live in the mobile home park have no other place to live and that they pay between \$300.00 and \$400.00 a month rent. Mr. Grayson stated that he upgraded the electrical a few years ago, newer mobile homes will be brought into the park, and that the mobile homes will be placed on concrete pads. Mr. Grayson stated that Mr. Male and Mr. Myers are trying to help him bring the mobile home park into compliance. Mr. Gaudreau stated that he was contacted by Mr. Grayson to review some changes to the mobile home park and to bring the park into compliance with the Town of Stillwater. Mr. Gaudreau stated that he worked with Mr. Grayson and Mr. Grayson's surveyor to rearrange the mobile homes in the park. Mr. Gaudreau stated that they had an informal meeting with the Building, Planning and Development Department and submitted a plan for the mobile home park. Mr. Gaudreau stated that the mobile home park is 1.88-acres and currently there are 9 lots

on the property which would need various Area Variances for each lot. Mr. Gaudreau stated that Mr. Grayson would need 48 Area Variances and they have reduced the number to 10 Area Variances that are needed for the mobile home park. Mr. Gaudreau stated that they reduced the number of Area Variances by reducing the number of lots from 9 down to 7 lots. Mr. Gaudreau stated that the lot sizes are 75 x 100 which allows for the proper length and width. Mr. Gaudreau stated that the 10 Area Variances that are needed are for frontage, side-yard setbacks and rear-yard setbacks. Mr. Gaudreau stated that there would be new pads and newer mobile homes which would bring the mobile home park closer into compliance with the Town of Stillwater Zoning Ordinance.

Public Input:

Carol Slocum 106 County Route 76

Ms. Slocum stated that the mobile home park was originally owned by her grandmother and was built about 1965. Ms. Slocum stated that 4 or 5 of the mobile homes do not have residents living in the mobile home. Ms. Slocum stated that her concerns are regarding the leach field, which is located at the rear of the mobile home park and adjacent to her property. Ms. Slocum stated that no one on County Route 76 has public water or public sewer. Mr. Grayson stated that he replaced the leach field in 2003. Mr. Grayson stated that it was designed by Mr. Berger and installed by Mr. Lucarelli.

Claude Gauthier 97 County Route 76

Mr. Gauthier stated that he is glad to see that the mobile home park is being cleaned up. Mr. Gauthier thanked the Building, Planning and Development Department for helping Mr. Grayson bring the mobile home park into compliance.

Richard Griffiths 95 County Route 76

Mr. Griffiths stated that he bought this property in 1995 and has concerns with the quality of life. Mr. Griffiths stated that his quality of life has decreased because of the activities in the mobile home park. Mr. Griffiths stated that even if Mr. Grayson spends the money to upgrade the mobile home park the neighborhood is still greatly impacted by the mobile home park and the people who live there.

Mr. Male stated that if any of the residents want to connect to the public water service they can contact through the Village of Stillwater. Mr. Male stated that the goal of the Building, Planning and Development Department is to improve the mobile home park and address the concerns of the Zoning Board and the public. Mr. Male stated that Building, Planning and Development Department want to see Mr. Grayson move forward with improvements that he has stated he is going to do.

Chairman D'Ambro stated that the Board will wait until the Building, Planning and Development Department has all the documentation before another meeting is scheduled.

Motion to adjourn made by Mr. Scrom, seconded by Mr. Rourke at approximately 7:26 pm.