

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS**

**Draft MEETING NOTES**

**April 25, 2011 @ 7:30PM  
STILLWATER TOWN HALL**

**Present:** Chairperson James R. Ferris (CH), Donald D'Ambro (DD), William Ritter (WR), Richard Rourke (RR) and Christine Kipling (CK)

**Also Present:** Jim Trainor (JT), Attorney for the Town; Paul Cummings (PC), engineer from Chazen Engineering; Ed Kinowski (EK) Town Supervisor; Richard Butler Temporary Secretary for the Zoning Board.

**Absent:** N/A

(CH) called the meeting to order at 7:30PM.

**Adoption of Minutes:** Motion by (WR) and seconded by (DD) to adopt the March 28<sup>th</sup> minutes .

**Agenda Items:**

- A. **(CH) opened public hearing for Jean Varley at 7:35PM,**  
ZB2011-01, SBL #231.-1-3.2. Area Variance for front set back for a pre-existing non-conforming structure ( a large pole barn near the front property line).

Ms Varley was referred to the ZBA from the PB.

Ms Varley spoke on her behalf. Barn is 80+ years old in good condition. It was originally used as an agricultural barn, but at present, it is not.

Public hearing was closed since no one from the audience was present to speak aye or nay.

Discussion: (DD) asked if barn was in present location at time of zoning initiation.

Answer yes by (CH).

House sits on 8 acre lot. Full 13 acres is the subject to this variance. Application was changed to address acreage of subject parcel to 13.

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2011 RESOLUTION NO. 6**

WHEREAS, Jean Varley has submitted an application to the Zoning Board of Appeals for an Area Variance for a Lot Line Adjustment between two existing parcels regarding property located at 32 Yunch Road in the Town of Stillwater, more fully identified as Tax Map Numbers 231.-1-3.2 and 231.-1-3.12; 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, Jean Varley, is a Type II action and requires no further action or review by the Zoning Board of Appeals.

A motion by Member Ritter, seconded by Member D'Ambro, to adopt Resolution No. 6 of 2011.

A roll call vote was taken on Resolution No. 6 as follows:

Member Donald D'Ambro	Yes
Member Christine Kipling	Yes
Member William Ritter	Yes
Member Richard Rourke	Yes
Chairperson James R. Ferris	Yes

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2011 RESOLUTION NO. 7**

WHEREAS, Jean Varley has submitted an application to the Zoning Board of Appeals seeking an Area Variance for a Lot Line Adjustment between two existing parcels regarding property located at 32 Yunch Road in the Town of Stillwater, more fully identified as Tax Map Numbers 231.-1-3.2 and 231.-1-3.12; and

WHEREAS, the Applicant is seeking an Area Variance from the setback requirement contained in 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 April 25, 2011; 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 be created by the granting of the Area Variance because the location of the barn and the setback won't change the character of 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 it is only a variance for setback with no other land available;
3. The requested Area Variance is not substantial because Applicant has quite a bit of land, the remainder of which is in compliance;
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 is a pre-existing condition and will not alter the area; and
5. The alleged difficulty was self-created, but existed at the time that the Applicant purchased the property, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the Area Variance, because the lot has been in existence for 80 years, before the Zoning Code was enacted in the Town of Stillwater; and be it further

RESOLVED, that the application of Jean Varley for an Area Variance for a Lot Line Adjustment between two existing parcels regarding property located at 32 Yunch Road in the Town of Stillwater, more fully identified as Tax Map Numbers 231.-1-3.2 and 231.-1-3.12, is GRANTED.

A motion by Member Ritter, seconded by Member Rourke, to adopt Resolution No. 7 of 2011.

A roll call vote was taken on Resolution No. 7 of 2011 as follows:

Member Donald D'Ambro	Yes
Member Christine Kipling	Yes
Member William Ritter	Yes
Member Richard Rourke	Yes
Chairperson James R. Ferris	Yes

Applicant referred back to PB.

**B. (CH) opened Public Hearing Mike Vanderwerker, ZB2011-01, SBL #253.57-1-9 at 7:55pm:** Area Variance to expand on a pre-existing nonconforming lot. . Request to erect a 4 stall garage.

No one choose to speak aye or nay.

Board comments:

(CH) Side lot has small garage. Lot is not vacant. Small garage was moved close to a property line, and applicant did not obtain a variance to relocate small existing garage.

(CH) Concerned about size of garage and its size in relation to the house.

There was considerable discussion regarding the future development of the area and of this parcel in relationship to its current zoning.

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2011 RESOLUTION NO. 8**

WHEREAS, Mike Vandewerker has submitted an application to the Zoning Board of Appeals for an Area Variance to expand on a preexisting nonconforming lot on property located at 410 Hudson Avenue in the Town of Stillwater, more fully identified as Tax Map Number 253.57-1-9; 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, Mike Vandewerker, is a Type II action and requires no further action or review by the Zoning Board of Appeals.

A motion by Member Ritter, seconded by Member D'Ambro, to adopt Resolution No. 8 of 2011.

A roll call vote was taken on Resolution No. 8 as follows:

Member Donald D'Ambro	Yes
Member Christine Kipling	Yes
Member William Ritter	Yes
Member Richard Rourke	Yes
Chairperson James R. Ferris	Yes

Discussion :

(WR) opined that the size of the garage was less of a concern for him, especially since the width as viewed from the street is quite normal compared to its larger depth dimension.

(DD) asked if applicant had a curb cut permit since the lot fronts on a State highway. Applicant stated that existing driveway will be re-used.

(JT) Mentioned that existing garage/shed should be removed.

(RR) Would rather see contents stored in a garage than loose on site.

(CH) Owners purchased property after the initiation of current zoning.

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2011 RESOLUTION NO. 9**

WHEREAS, Mike Vandewerker has submitted an application to the Zoning Board of Appeals seeking an Area Variance to expand on a preexisting nonconforming lot on property located at 410 Hudson Avenue in the Town of Stillwater, more fully identified as Tax Map Number 253.57-1-9; and

WHEREAS, the Applicant is seeking an Area Variance from the nonconforming use requirement contained in 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 April 25, 2011; 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 be created by the granting of the Area Variance because the neighborhood is primarily residential with garages;
7. The benefit sought by the applicant cannot be achieved by some method, feasible to the applicant to pursue, other than an Area Variance as the Applicant is looking to expand on a preexisting nonconforming lot but is not allowed because it is zoned General Business District (B-2), not a residential zone;

8. The requested Area Variance is not substantial because the surrounding properties are residential;
9. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because there are currently both residential and business; and
10. The alleged difficulty was not self-created due to a change in zoning, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the Area Variance; and be it further

RESOLVED, that the application of Mike Vanderwerker for an Area Variance to expand on a preexisting nonconforming lot on property located at 410 Hudson Avenue in the Town of Stillwater, more fully identified as Tax Map Number 253.57-1-9, is GRANTED with the condition that the old garage is removed.

A motion by Member Ritter, seconded by Member Kipling, to adopt Resolution No. 9 of 2011.

A roll call vote was taken on Resolution No. 9 of 2011 as follows:

Member Donald D'Ambro	No
Member Christine Kipling	Yes
Member William Ritter	Yes
Member Richard Rourke	Yes
Chairperson James R. Ferris	No

Resolution No. 9 of 2011 was granted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on April 25, 2011.

### **Old Business**

(EK) mentioned RT 67 Overlay Zone status as a result of the Town Public Hearing of April 21<sup>st</sup>. Comprehensive Plan Amendment was passed unanimously. West end Rt 67 potential amendment mentioned.

Discussion of ZBA interpretation methodology, relative to what would be allowed according to present zoning in the area of the Sweeny Farm.

(EK) mentioned that via input from potential developers, the eastern part of the proposed Business Park north and east of Sawmill Hill Road may be most amenable to residential development because of parcel topography, existing housing and dimension.

Discussion of non-conforming businesses along Cty Rt 76.

### **New Business**

None

**Report from Building Planning and Development**

Handout of statistics of the Department was distributed by (RB)  
Future reports will be distributed via e-mail.

**Adjournment:** Motion by (RR) and seconded () to adjourn the meeting at 9:15 PM+/-.  
Motion carried unanimously.

Respectfully submitted by  
Richard R. Butler  
Temporary Secretary for ZBA