

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
March 28, 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:** Daryl Cutler (DC), Attorney for the Town; Paul Cummings (PC) from Chazen Engineering; Ray Abbey (RA), Building/Codes Inspector and Ed Kinowski, Temporary Secretary for the Zoning Board.

**Absent:** None

(CH) called the meeting to order.

**Adoption of Minutes:** Motion by (DD) and seconded by (WR) to adopt the January 24, 2011 minutes. Motion carried unanimously.

**Agenda Items:**

a. **Public Hearing (7:35 pm):** Gary Grentzer, ZB2011-01, SBL #233.-1-33. – Area Variance

(CH) asked Mr. Grentzer to explain his Area Variance request. After presentation, the board recognized Mr. Dave Cox of 1438 Hudson Ave, who stated he was in favor of the project. Then the Board recognized Mr. Deljaco of 1424 Hudson Ave, who stated he was in favor of the project. The hearing was closed at 7:41.

**Discussion, motions and resolutions follow:**

(CK) asked if variance concerned a flood zone area. Mr. Abbey stated no. (PC) indicated Flood Plain maps were available for review during the planning Board. (RR) asked if this residence is a business and Mr. Grentzer stated, “Yes”. (CH) stated this is an allowed use being in a business zone.

(CH) stated need to review SEQRA. (DD) review indicated a need to change the form to indicate this is an expansion of the dwelling. Therefore change page 3 and Part IIIB as recommended. (PC) outlined Flood Plain requirements to applicant with need to contact FEMA to make any Flood Plain changes.

(DD) proposed a motion to approve a Type 11 action with no further action required; seconded by (WR).

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2011 RESOLUTION NO. 4**

WHEREAS, Gary W. Grentzer has submitted an application to the Zoning Board of Appeals for an Area Variance to demolish an existing single family home and construct a new home on the existing foot print on property located at 1430 Hudson Avenue in the Town of Stillwater, more fully identified as Tax Map Number 233-1-33; 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 W. Grentzer, is a Type II action and requires no further action or review by the Zoning Board of Appeals.

A motion by Member D'Ambro, seconded by Member Ritter, to adopt Resolution No. 4 of 2011.

A roll call vote was taken on Resolution No. 4 as follows:

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

Resolution No. 4 of 2011 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on March 28, 2011.

(WR) proposed a motion to approval area variance as outlined below in Resoultion No. 5. Motion seconded by (CK).

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2011 RESOLUTION NO. 5**

WHEREAS, Gary W. Grentzer has submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to demolish an existing single family home and construct a new home on the existing foot print on property located at 1430 Hudson

Avenue in the Town of Stillwater, more fully identified as Tax Map Number 233-1-33;  
and

WHEREAS, the Applicant is seeking an Area Variance from the prohibition of expansion of the pre-existing residence in the General Business Zone (B-2) 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 March 28, 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 Applicant is taking down a camp that has a failing foundation to construct a new residence;
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 this is not an issue that can be corrected by purchasing more land;
3. The requested Area Variance is not substantial because this property is surrounded by other residences even though they are in a business district;
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 district is all residences already; and
5. The alleged difficulty was not self-created 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 already has a residence that was in existence prior to the zoning of the property as within the Business District; and be it further

RESOLVED, that the application of Gary W. Grentzer for an Area Variance to permit construction of a new residence on property located at 1430 Hudson Avenue in the Town of Stillwater, more fully identified as Tax Map Number 233-1-33, is GRANTED.

A motion by Member Ritter, seconded by Member Kipling, to adopt Resolution No. 5 of 2011.

A roll call vote was taken on Resolution No. 5 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

Resolution No. 5 of 2011 was granted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on March 28, 2011.

#### **Old Business**

(DD) raised the issue of derelict structures on George Thompson Rd. Mr. Abbey indicated a letter was sent to the owner in late summer/fall. However, no further action was taken due to onset of winter. (DD) asked if this issue could be pushed along. Mr. Abbey indicated yes and indicated a follow-up letter could be sent. (DD) suggested further discussion be entertained next month. Council woman Whitman stated she addressed this issue with Mr. Abbey a while ago and asked if there was leverage to be applied. (DC) offered suggested ways to approach the issue. (EK) indicated this matter and others like it are being worked and letters will now state consequences.

(DC) addressed the Bill Board Issue. Stated compliance needs with current laws. Owners thought they were exempt. (DC) drafted a letter to send to owners and Mr. Abbey is researching violations. The letters will be sent to owners to insure they are aware compliance issues prior to December of this year.

#### **New Business**

(CH) asked for new business items. (EK) addressed the board concerning the re-zoning of Route 67 and explained all issues to date. (CH) asked for time line. (EK) identified 21 April for Public Hearing and asked to pass any concerns to (EK) before or on 21 April.

**Adjournment:** Motion by (RR) and seconded (WR) to adjourn the meeting at 8:47 PM. Motion carried unanimously.

Respectfully submitted by  
Ed Kinowski  
Temporary Secretary for ZBA