

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
September 12, 2011 @ 7:30 PM  
STILLWATER TOWN HALL**

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

**Absent:** N/A

**Also Present:** Daryl Cutler(DC), Attorney for the Town; Paul Cummings (PC) from the Chazen Companies; Richard Butler (RB)Director of Building Planning and Development; and Ray Abbey (RA) Building/Code Inspector

-There were several attendees relating to the applicants present.

-(JF) Chair-person, called the meeting to order at 7:30 PM.

**Adoption of Minutes:**

-Motion to accept meeting with revisions made by (WR), seconded by (RR). Motion passed unanimously.

**Agenda Items:**

-Chairperson (JF) stated that three Public Hearings are scheduled for this evening.

**1. Public Hearing (7:35) : Ms. Tammy Hildebrandt & James Major**

**7 Blizzard Road; SBL#: 232.-1-34.1**

**Extension of a Non-Conforming Use**

-Chairperson (JF) opened the Public Hearing

-Ms Hildenbrandt spoke on her behalf. She has a 1975 mobile home with additions in disrepair that she wishes to replace with a modular home..

-David Richardson, 1 Blizzard Rd., (next door neighbor) stated the Applicants have worked hard and thinks that having them put a new home up with raising a son would be great for the community and it would be good to get rid of their leaking existing dwelling.

-Naomi Scott, 216 Lake Rd. stated this is a fantastic idea for them to put a new home up. She was in favor.

-Tammy Nyland , 8 Blizzard (directly across street) States she thinks it would be great as well.

-(JF) closed the public portion of the hearing.

-Board Members held a discussion on the matter.

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2011 RESOLUTION NO. 18**

WHEREAS, James Major and Tammy Hildenbrandt have submitted an application to the Zoning Board of Appeals for an extension of a non-conforming use regarding property located at 7 Blizzard Road in the Town of Stillwater, more fully identified as Tax Map Number 232.-1-34.1; 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 Applicants, James Major and Tammy Hildenbrandt, 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. 18 of 2011.

A roll call vote was taken on Resolution No. 18 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. 18 of 2011 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on September 12, 2011.

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2011 RESOLUTION NO. 19**

WHEREAS, James Major and Tammy Hildenbrandt have submitted an application to the Zoning Board of Appeals seeking an extension of a non-conforming use in order to construct a modular home on property located at 7 Blizzard Road in the Town of Stillwater, more fully identified as Tax Map Number 232.-1-34.1.

WHEREAS, the Applicants are seeking an Area Variance from Non-Conforming Use requirements contained in Stillwater Zoning Code §3; 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 September 12, 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 Applicants 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 the new home that will replace the existing 1976 mobile home will add to 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 because there is no other property available;
3. The requested Area Variance is not substantial because the lot is currently there already with an existing mobile home;
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because a new modular home will replace the existing 1976 mobile home; and
5. 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 because the zoning changes occurred after the existing mobile home was in place; and be it further

RESOLVED, that the application of James Major and Tammy Hildenbrandt for an Area Variance in order to expand a non-conforming use and construct a modular home on property located at 7 Blizzard Road in the Town of Stillwater, more fully identified as Tax Map Number 232.-1-34.1, is GRANTED.

A motion by Member Ritter, seconded by Member D'Ambro, to adopt Resolution No. 19 of 2011.

A roll call vote was taken on Resolution No. 19 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. 19 of 2011 was granted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on September 12, 2011.

**2: Public Hearing: Antoinette Wickes**

**216 County Route 75; 252-1-4.11**

**Area Variance**

-Chris Wickes (Applicant's son spoke for applicant)

-(JF) Stated that the Applicant has property that fronts on two roads and is in the process of applying to the Planning Board for a lot line adjustment. In order to proceed with the Lot Line Adjustment, a setback variance must first be granted for the old farm house frontage on McDermott Road.

-Chris Wickes stated that the current house does not meet all setback requirements and it was built in 1790.

-Chairperson Ferris opened the public speaking portion of the hearing.

-Lavivian Semago; residing at 189 county rd 75 (about half mile away) spoke and asked a few questions about the future use of the property.

-Chris Wickes' sister spoke to clarify that her grandfather passed away and the estate was left to her mother Antoinette (the Applicant). She mentioned that no one is anticipated to come in to build anything on the property. It is their wish to keep the property in the family. The sister is planning on purchasing the house.

-With no one else asking to speak the public input portion was closed.

-The Board held a discussion on the proposed area variance and offered the following resolutions:

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2011 RESOLUTION NO. 20**

WHEREAS, Antoinette Wickes has submitted an application to the Zoning Board of Appeals for an Area Variance regarding property located at 216 County Route 75 in the Town of Stillwater, more fully identified as Tax Map Number 252-1-4.11; 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, Ann Wickes, 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. 20 of 2011.

A roll call vote was taken on Resolution No. 20 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. 20 of 2011 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on September 12, 2011.

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2011 RESOLUTION NO. 21**

WHEREAS, Antoinette Wickes has submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to make a lot line adjustment on property located at 216 County Route 75 in the Town of Stillwater, more fully identified as Tax Map Number 252-1-4.11; and

WHEREAS, the Applicant is seeking an Area Variance from set back requirements contained in Stillwater Zoning Code §3; 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 September 12, 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 not be created by the granting of the Area Variance because the house has been there since approximately 1790;
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 house cannot be moved;
3. The requested Area Variance is not substantial because the house has been there and is not changing the location of any improvements;
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 physical conditions will not change and no additions or changes to the improvements will occur; and
5. 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 because the house was in existence long before the zoning was enacted; and be it further

RESOLVED, that the application of Antionette Wickes for an Area Variance in order to a lot line adjustment on property located at 216 County Route 75 in the Town of Stillwater, more fully identified as Tax Map Number 262-1-4.11, is GRANTED.

A motion by Member D'Ambro, seconded by Member Kipling, to adopt Resolution No. 21 of 2011.

A roll call vote was taken on Resolution No. 21 of 2011 as follows:

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

Resolution No. 21 of 2011 was granted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on September 12, 2011.

**3. Public Hearing (8:15PM) - Michael Sadlemire  
406 County Route 75; 231.-2-26  
Area Variance to construct a garage**

-Michael Sadlemire spoke on his own behalf. He would like to build a detached garage adjacent to his house on the north side and is asking for a variance since he reputedly can only locate it in one location due to potential interference with a septic tank and a leach field.

-Chairperson Ferris opened the Public Hearing Portion.

-Ken Petronis, residing at 8 Burrello Court (a neighbor), stated that he had no problem with the intended project and its location.

-Sandy Akin, residing at 402 County Route 75, stated she had no problem with the Project.

-Mark Akin, residing at 402 County Route 75 (husband of Sandy), had no problem either.

-(JF) closed the public speaking section of the hearing

-Board members held a discussion regarding project dimensions, location, and water and snow issues with neighbors.

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2011 RESOLUTION NO. 22**

WHEREAS, Michael A. Sadlemire has submitted an application to the Zoning Board of Appeals for an Area Variance regarding property located at 406 County Route 75 in the Town of Stillwater, more fully identified as Tax Map Number 231.-2-26; 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, Michael A. Sadlemire, 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. 22 of 2011.

A roll call vote was taken on Resolution No. 22 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. 22 of 2011 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on September 12, 2011.

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2011 RESOLUTION NO. 23**

WHEREAS, Michael A. Sadlemire has submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to construct a garage on property located at 406 County Route 75 in the Town of Stillwater, more fully identified as Tax Map Number 231.-2-26.

WHEREAS, the Applicant is seeking an Area Variance from the set back requirements contained in Stillwater Zoning Code §3; 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 September 12, 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 not be created by the granting of the Area Variance because most houses in the neighborhood have garages;
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 no additional property is available;
3. The requested Area Variance is not substantial because applicant is simply seeking to construct a garage;
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because most houses in the neighborhood have a garage; and

5. 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 because this is a pre-existing non-conforming lot; and be it further

RESOLVED, that the application of Michael A. Sadlemire for an Area Variance in order to construct a garage on property located at 406 CountyRoute 75 in the Town of Stillwater, more fully identified as Tax Map Number 231.-2-26, is GRANTED.

A motion by Member Rourke, seconded by Member D'Ambro, to adopt Resolution No. 23 of 2011.

A roll call vote was taken on Resolution No. 23 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. 23 of 2011 was granted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on September 12, 2011.

**Old Business**

-None

**NEW BUSINESS**

-(RB) & (RA), mentioned that the Department of Building Planning and Development continues to be busy. The Department presently has approximately 10 applications for building permits in process, a few of which may require variances before the Board in the near future.

Motion to adjourn made by (WR), seconded by (RR) at approximately 9(PM)