

DRAFT
TOWN OF STILLWATER
ZONING BOARD OF APPEALS
February 18, 2014 @ 7:30 PM
STILLWATER TOWN HALL

Present: Chairman William Ritter
Donald D'Ambro
Richard Rourke

Also Present: Daryl Cutler, Attorney for the Town
Eric Rutland, Code Enforcement Officer
Lindsay Zepko, Town Planner
Deborah Osborn, Secretary

Absent: Paul Male, Acting Director, Building and Planning
Christine Kipling

Chairman Ritter called the meeting to order at 7:30 P.M.

Review and Approval of Minutes of Zoning Board of Appeals:

Chairman Ritter stated that the first order of business is the adoption of minutes from the November 25, 2013 meeting. Mr. D'Ambro made a motion to approve the meeting minutes as submitted, seconded by Mr. Rourke; motion carried 3-0.

Public Hearings/New Business:

Prior to proceeding to the scheduled public hearing, Chairman Ritter moved to appoint Donald D'Ambro as Alternate Chair to the Zoning Board of Appeals for 2014. Mr. D'Ambro was approved unanimously.

ZBA2014-1, Decrescente Distributing Best Avenue Parking Lot

Chairman Ritter introduced Frank Polumbo and Andy Lang and asked them to present their application before the Board for an area variance for the area coverage requirement, specific to the Best Avenue property. Mr. Polumbo with C.T. Male Associates, made a brief presentation on behalf of DeCrescente and advised that they had presented the information before the Planning Board on January 27, 2014, where it was determined that the area variance was needed because the proposed parking lot was over the 60% area coverage permitted. Mr. Polumbo discussed the proposed location of the 1.23 acre site and described it as a staging area for vehicles to enter the main Decrescente facility. Mr. Cutler asked for clarification regarding the primary purpose of the proposed area to assure that it would be a staging area only for the trucks and not a permanent parking lot. Mr. Polumbo stated that it would simply be a waiting area which will allow for the trucks to enter the building in a more organized fashion. Chairman Ritter asked if the exit would be on Best Avenue and Mr. Polumbo indicated that it would. Mr. D'Ambro asked if there would be any overnight parking. Mr. Polumbo stated that some could be expected but the trucks would be parked side by side. Mr. D'Ambro asked if there would be any employee parking and Mr. Polumbo advised that there would not; that this proposed lot would be strictly for staging. Mr. Rourke asked if this was a secured area and Mr. Polumbo indicated that it would be secured by fencing. The Board further discussed landscaping, green space, and drainage. Chairman Ritter asked if there were any further questions prior to opening the public portion of the public hearing. Being that there were none, he proceeded to open the public portion of the hearing at 7:47PM. There was no public comment and the public portion was closed. Mr. Ritter asked the Board members to proceed to the required resolution(s).

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2014 RESOLUTION NO. 1**

WHEREAS, DeCrescente Distributing, Co., has submitted an application to the Zoning Board of Appeals for an Area Variance regarding property located on Best Avenue, Stillwater, more fully identified as Tax Map Number 262.-01-9.14; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is an unlisted action and requires no further action or review by the Zoning Board of Appeals; and

WHEREAS, that the Zoning Board of Appeals reviewed the Short Environmental Assessment Form completed by the applicant; and

WHEREAS, that the Zoning Board of Appeals determined that the Zoning Board of Appeals is the lead agency in an uncoordinated review; and

WHEREAS, that the Zoning Board of Appeals completed part 2 of the Short Environmental Assessment Form and determined that there was either no or a small impact would occur in all of the 11 factors;

Now, therefore, be it

RESOLVED, that the Zoning Board of Appeals hereby determines that the proposed action by the applicant, DeCrescente Distributing, Co., is an unlisted action and that based on the information and analysis contained in the Short Environmental Assessment Form, and supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

A motion by Member D'Ambro, seconded by Member Rourke, to adopt Resolution No. 1 of 2014.

A roll call vote was taken on Resolution No. 1 of 2014 as follows:

Member Christine Kipling	Absent
Member Richard Rourke	Yes
Member Donald D'Ambro	Yes
Chairman William Ritter	Yes

Resolution No. 1 of 2014 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on February 18, 2014.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2014 RESOLUTION NO. 2**

WHEREAS, DeCrescente Distributing, Co., has submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to have a truck parking area on property located on Best Avenue, Stillwater, more fully identified as Tax Map Number 262.-01-9.14; and

WHEREAS, the Applicant is seeking a variance from the area coverage requirement contained in Stillwater Zoning Code §3.5(D); 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 February 18, 2014; 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 this is in an industrial district where there is already industrial development and truck activity;
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 other land is available, and the additional coverage area is necessary in order to allow trucks to navigate through the lot when other trucks are parked in the staging area;
3. The requested Area Variance is not substantial because it is only a 15% increase in the coverage;
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 proposed use does not involve manufacturing or production and is only parking and staging of trucks; and
5. The alleged difficulty is self-created, however, the modest increase in coverage for an area that is already industrial, and the need for the additional

coverage outweighs this factor; and be it further

RESOLVED, that the application of DeCrescente Distributing, Co., for an area variance to allow for a trucking parking area on property located on Best Avenue, more fully identified as Tax Map Number 262-01-9.14, is GRANTED.

A motion by Member D'Ambro, seconded by Member Rourke, to adopt Resolution No. 2 of 2014.

A roll call vote was taken on Resolution No. 2 of 2014 as follows:

Member Christine Kipling	Absent
Member Richard Rourke	Yes
Member Donald D'Ambro	Yes
Chairman William Ritter	Yes

Resolution No. 2 of 2014 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on February 18, 2014.

Other Discussion:

Chairman Ritter asked if the other Board members had any outstanding issues. There were none.

Adjournment:

A motion to adjourn was made by Mr. D'Ambro, seconded by Mr. Rourke, at approximately 8:10 P.M.

The next Zoning Board of Appeals Meeting will be March 10, 2014.