

DRAFT
TOWN OF STILLWATER
ZONING BOARD OF APPEALS
March 10, 2014 @ 7:30 PM
STILLWATER TOWN HALL

Present: Chairman William Ritter
Christine Kipling
Donald D'Ambro
Richard Rourke

Also Present: Jim Trainor, Attorney for the Town
Paul Cummings, Engineer for the Town
Lindsay Zepko, Town Planner
Deborah Osborn, Secretary

Absent: Paul Male, Acting Director, Building and Planning

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 February 18, 2014 meeting. Mr. D'Ambro made a motion to approve the meeting minutes as submitted, seconded by Mr. Rourke; motion carried 4-0.

Public Hearings/New Business:

ZBA2014-29, Joanne Parker, Area Variance, 3 Riverside Court

Chairman Ritter introduced Aaron Frank of Frank Engineering who presented details of the application before the Board for an area variance on behalf of Joanne Parker, who wishes to have a three bedroom, single family home built on the currently vacant property. Mr. Frank described the property as requiring a variance for the 300 foot lot width requirement.

Chairman Ritter opened the public portion of the hearing at 7:33PM. There was no public comment and the public portion was closed. Mr. Ritter asked the Board members if there were any questions or concerns that needed to be discussed prior to proceeding to the required resolution(s). Mr. Cummings initiated a discussion regarding the uniqueness of the property with regard to its positioning at the end of a cul de sac. He stated that the need for a variance depended on how the lot width is interpreted, based on the architectural front of the house. Mr. D'Ambro asked if the entrance road to the cul de sac is deeded to the town. Mr. Frank indicated that it was and that there are currently four homes on the cul de sac. After thorough discussion of the uniqueness of this property, Mr. D'Ambro stated that he did not feel a variance was required and Ms. Zepko concurred. Further discussion included the proposed septic system (with three laterals) which would meet DOH initially. Mr. Cummings that a motion could be in order to consider an interpretation.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2014 RESOLUTION NO. 3**

WHEREAS, Joanne Parker has submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to build a residence on property located at 3 Riverside Court, more fully identified as Tax Map Number 244-1-13; and

WHEREAS, the Applicant is seeking an area variance regarding the lot width requirement contained 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 to be conducted on March 10, 2014; and

WHEREAS, the Zoning Board of Appeals has duly considered the application and, with the applicant's consent, has also considered the application as also requesting a zoning interpretation, whereby no variance would be needed;

Now, therefore, be it

RESOLVED, that the Stillwater Zoning Board of Appeals hereby exercises its discretion to consider the application as being one for a zoning interpretation; and be it further

RESOLVED, that because the subject property is located on a cul-de-sac, the "front" of the house is going to be considered the "side", so no variance from the lot width requirement is necessary.

A motion by Member Rourke, seconded by Member Kipling to adopt Resolution No. 3 of 2014.

A roll call vote was taken on Resolution No. 3 of 2014 as follows:

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

Resolution No. 3 of 2014 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on March 10, 2014.

ZBA2014-28, Peter Buck, Area Variance, 434 County Route 76

Chairman Ritter acknowledged Peter Buck and Edward Sossner, who presented the details of the application for two area variances before the Board on behalf of Mr. Buck. Mr. Sossner stated that Mr. Buck wants to build a single family residence on a parcel requiring width and lot size variances. He further described this lot as a part of a 1980's sub-division, of which all of the lots were previously conforming. Mr. Buck stated that he has approached his neighbors to attempt to purchase additional property, but was unsuccessful. Mr. Sossner stated that the variances would not be substantial and that surrounding lots with homes were of similar size.

Chairman Ritter opened the public portion of the Public Hearing at 7:54 PM. Mr. Richard Dantz who stated that he lived across the street from the proposed home at 427 County Route 76, stated that he had no problem with Mr. Buck's proposal and was in favor of it. There was no further public comment and Chairman Ritter closed the public portion of the hearing at 7:55PM. Chairman Ritter asked the Board if they had any questions or concerns prior to proceeding to the required resolutions. There were none. Mr. Ritter indicated that

there were changes needed on the SEQRA form to indicate that the lot was two acres and not three, and that question #4 had nothing checked. Mr. Buck made these changes as needed and Chairman Ritter asked for a motion on the SEQRA, as amended.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2014 RESOLUTION NO. 4**

WHEREAS, Peter Buck has submitted an application to the Zoning Board of Appeals for an Area Variance regarding property located at 434 County Route 76, more fully identified as Tax Map Number 231.00-1-61.13; 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;

WHEREAS, the Planning Board reviewed each of the 11 factors contained in Part 2 of the EAF and determined that the proposed action will have no, or only a small, environmental impact;

Now, therefore, be it

RESOLVED, that the Zoning Board of Appeals hereby determines that the proposed action by the applicant, Peter Buck, 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 Rourke, to adopt Resolution No. 4 of 2014.

A roll call vote was taken on Resolution No. 4 of 2014 as follows:

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

Resolution No. 4 of 2014 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on March 10, 2014.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS**

2014 RESOLUTION NO. 5

WHEREAS, Peter Buck has submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to build residences on property located at 434 County Route 76, Stillwater, more fully identified as Tax Map Number 231.00-1-61.13; and

WHEREAS, the Applicant is seeking an area variance for lot width and lot size requirements contained 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 to conducted on March 10, 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 there is no additional land available, as attested to by the letters of William Sanchez and Jean Lescault placed on the record;
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 are no other methods available;
3. The requested Area Variance is not substantial because it is consistent with others in the neighborhood;
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because it remains residential; and
5. The alleged difficulty was self-created, but it was previously conforming before the change in the zoning law; and be it further

RESOLVED, that the application of Peter Buck for an area variance to allow for lot width, lot size, and the 175 foot frontage is GRANTED; and be it further

RESOLVED, that no variance is granted from the applicant's need to comply with the set-back requirements otherwise required.

A motion by Member D'Ambro, seconded by Member Kipling, to adopt Resolution No. 5 of 2014.

A roll call vote was taken on Resolution No. 5 of 2014 as follows:

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

Resolution No. 5 of 2014 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on March 10, 2014.

Other Discussion:

Chairman Ritter asked if the other Board members had any outstanding issues. There was discussion regarding the Cedar Bluff development and the current status of the PDD legislation.

There was also a discussion regarding the Pledge of Allegiance and it will be placed back on the agenda for future meetings.

Adjournment:

A motion to adjourn was made by Mr. Rourke, seconded by Mrs. Kipling, at approximately 8:40 P.M.

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