

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
December 8, 2014 @ 7:30 PM  
STILLWATER TOWN HALL**

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

**Also Present:** Daryl Cutler, Attorney for the Town  
Paul Male, Acting Director, Building and Planning  
Lindsay Zepko, Town Planner  
Sheila Silic, Secretary

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

**Review and Approval of Minutes of Zoning Board of Appeals:**

A motion was made by Mr. D'Ambro and seconded by Mr. Rourke to table the October 14, 2014 minutes as they lack the legal language to be deemed complete until the next meeting on January 12, 2015.

**Public Hearings/New Business:**

**ZB2014-44 Urbanski Area Variance, 166 Gronczniak Rd**

Mr. Urbanski, of Saratoga Custom Homes submitted two letters from adjoining property owners to Chairman Ritter. Mr. Urbanski stated he is seeking an Area Variance from the 300ft. at the building line regulation. Mr. Urbanski stated that the lots meet all the other criteria but the 300ft. lot width at the building line in this particular area, one lot needs 37ft. and the other lot needs 20ft. Mr. Urbanski stated that the parcel will be subdivided at a later date with a single family dwelling on each lot. Mr. Urbanski stated that the back of the property has a steep grade and that setting the homes further back is economically restrictive. Mr. Urbanski stated that they have spoken to the adjoining land owners and have submitted letters that they are not interested in selling any property at this time. Mr. Urbanski stated that they are not disturbing the wetlands as the proposed homes are at least 1,000 ft. away from the wetlands.

Mr. Rourke asked about the properties on the opposite side of Gronczniak Rd, if the lots on the map were to scale. Mr. Urbanski stated that the surveyor did the maps and believes that they are to scale.

Chairman Ritter proceeded to open the public hearing and asked if anyone wished to provide public comment. There was no public comment and Chairman Ritter proceeded to close the public hearing.

Chairman Ritter asked if anyone had any additional concerns or questions and hearing none he asked to move to discussion of the SEQRA.

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2014 RESOLUTION NO. 23**

WHEREAS, Joseph Urbanski has submitted an application to the Zoning Board of Appeals for an Area/Use Variance regarding property located on 166 Gronczniak Road, more fully identified as Tax Map Number 220.00-1-12.1; 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;

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, Joseph Urbanski, 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 Kipling, to adopt Resolution No. 23 of 2014.

A roll call vote was taken on Resolution No. 23 of 2014 as follows:

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

Resolution No. 23 of 2014 was adopted at a meeting of the Zoning Board of Appeals of the

Town of Stillwater duly conducted on December 8, 2014

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2014 RESOLUTION NO. 24**

WHEREAS, Joseph Urbanski submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to subdivide the property located at 166 Gronczniak Road, Stillwater, more fully identified as Tax Map Number 220.00-1-12.1; and

WHEREAS, the Applicant is seeking a variance from the building line 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 conducted on December 8, 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 for single family dwellings similar to the other lots in the area;
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 at this time and although the lot could be designed to avoid an area variance, it is not economically feasible and would create undesirably shaped lots;
3. The requested Area Variance is not substantial because it is only 20' and 37' variance from the 300' building line requirement;
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 lots can be subdivided without a variance, but this shape for the lots has less impact on the environment; and

5. The alleged difficulty was self-created, but the need outweighs this factor; and be it further

RESOLVED, that the application of Joseph Urbanski for a variance of the building lot requirement to allow for a subdivision on property located at 166 Gronzcnia Road, Stillwater, more fully identified as Tax Map Number 220.00-1-12.1, is GRANTED.

A motion by Member Rourke, seconded by Member D’Ambro, to adopt Resolution No. 24 of 2014.

A roll call vote was taken on Resolution No. 24 of 2014 as follows:

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

Resolution No. 24 of 2014 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on December 8, 2014.

**ZB2014-45 Zoella Area Variance, 61 Wrights Loop**

Mrs. Zoella stated that they would like to put a garage on the south side of the house as their septic system is located on the north side of the house. Mrs. Zoella stated that the roof of the garage would be the same as the house roof so it is aesthetically pleasing to the neighbors.

Mr. Rourke asked about the well and it being located in the garage. Mr. Zoella stated that they are having a plate put over the well for access purposes. Mr. Rourke asked if it was a submersible well pump. Mr. Zoella stated that the pump is located in the basement of the house.

Chairman Ritter asked about servicing the waterline from the garage to the house if it fails. Mr. Zoella stated that there is a 4ft. clearance between the house and the garage to access the pipe through the well pit and by digging down to the existing pipe.

Mr. D’Ambo asked Mr. Male if there are any regulations in the building code that requires putting a sleeve over the existing pipes. Mr. Male stated that there are not any regulations that pertain to putting sleeves over the pipes.

Chairman Ritter proceeded to open the public hearing and asked if anyone wished to provide public comment. There was no public comment and Chairman Ritter proceeded to close the public hearing.

Chairman Ritter stated to Mr. and Mrs. Zoella that if the well has to be re-drilled in the future they would have to move it a 100 ft. from the septic system as it does not currently comply with the code regarding the required separation from the septic tank.

Chairman Ritter asked if anyone had any additional concerns or questions. Pertaining to the Short Environmental Assessment Form, Mr. Cutler asked about questions #1B, #5, and #15 and Chairman Ritter asked about questions #10, #11. The Board made the corrections to these questions and had the applicant initial the changes. Chairman Ritter asked to move to discussion of the SEQRA.

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2014 RESOLUTION NO. 25**

WHEREAS, Joseph and Diane Zeolla have submitted an application to the Zoning Board of Appeals for an Area/Use Variance regarding property located on 61 Wrights Loop, more fully identified as Tax Map Number 221.-1-10; 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, Joseph and Diane Zeolla, 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. 25 of 2014.

A roll call vote was taken on Resolution No. 25 of 2014 as follows:

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

Resolution No. 25 of 2014 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on December 8, 2014

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
2014 RESOLUTION NO. 26**

WHEREAS, Joseph and Diane Zeolla have submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to construct a garage on property located at 61 Wrights Loop, Stillwater, more fully identified as Tax Map Number 221.-1-10; and

WHEREAS, the Applicant is seeking an area variance of the side set back 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 conducted on December 8, 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 are similar sized lots in 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 no other land is available;
3. The requested Area Variance is not substantial because it is only a 3.4' side set back variance;
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because other lots in the area have garages; and
5. The alleged difficulty was not self-created because there is already a house on the lot and the applicant is only seeking to have a garage built; and be it further

RESOLVED, that the application of Joseph and Diane Zeolla for an area variance to allow for the construction of a garage on property located at 61 Weights Lane, Stillwater, more fully identified as Tax Map Number 221.-1-10, is GRANTED.

A motion by Member Kipling, seconded by Member D'Ambro, to adopt Resolution No. 26 of 2014.

A roll call vote was taken on Resolution No. 26 of 2014 as follows:

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

Resolution No. 26 of 2014 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on December 8, 2014.

**Other Discussion:**

Chairman Ritter asked the Board Members if they had any concerns pertaining to the ZBA 2015 Meeting Dates and hearing none, Chairman Ritter asked for a motion to approve.

A motion was made by Mr. Rourke and seconded by Ms. Kipling, all-aye

Ms. Zepko asked the Board to move the ZBA meeting time from 7:30 p.m. up to 7:00 p.m. so that there is some consistency with all the Boards and also within the Building and Planning Department.

Chairman Ritter asked the Board Members if there are any concerns pertaining to the time change. Mr. Rourke stated that he likes getting out a half hour earlier. Ms. Kipling stated that she is fine with moving up the time to 7:30. Mr. D'Ambro stated that he will go along with the times at this point and time.

Mr. D'Ambro asked about the list of accessory structures including the number allowed on a property and the size of the structure. Mr. Male stated that he would like comments from the Board on the list. Mr. Male stated that there are no definitions on accessory buildings to guide the department. Mr. Rourke asked if the definitions would be defined by the different zone locations of the properties. Mr. Male and Ms. Zepko stated that they would most likely be defined by the zones. Mr. D'Ambro stated that the accessory list needs to have more discussions before any action is taken.

**Adjournment:**

A motion to adjourn was made by Mr. Rourke, seconded by Ms. Kipling, at approximately 8:30 P.M. **The next Zoning Board of Appeals Meeting will be held January 12, 2015**