

**Town of Stillwater
Zoning Board of Appeals Meeting
June 23, 2008 7:30 p.m.
Stillwater Town Hall**

Present: James Ferris, Chairman
Donald D'Ambro
Alec Mackey
William Ritter
Joseph Urbanski

Also Present: Daryl S. Cutler, Esq., Attorney for the Town
Ray Abbey, Building Inspector / Code Enforcement Officer

Absent: Sheila Silic, ZBA Secretary
Paul Cummings, Planner for the Town

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

Adoption of Minutes

Motion by Alec Mackay and second by William Ritter to adopt the Minutes of the May 27, 2008 Zoning Board of Appeals meeting.

Minutes were reviewed and discussion was held.

A vote was taken, Donald D'Ambro abstained. Motion carried 4-0-1.

Minutes of the May 27, 2008 meeting were **adopted**.

New Business

A. Mackey inquired of R. Abbey as to the status of several structures within the Town that were in extreme disrepair.

J. Urbanski asked R. Abbey and Board about concerns regarding a property on Route 423 that appears to be in complete disrepair.

Chairman Ferris asked R. Abbey about property on Colonial Hill in complete disrepair.

D. D'Ambro asked R. Abbey about a garage on Route 423 that appears unsafe due to a substantial list.

J. Urbanski asked R. Abbey about the status of the possibility of R. Abbey getting an Assistant Building Inspector.

Public Hearing 7: 40 p.m.

Purpose: Mary Palmieri / Area Variance (253.00-1-33 and 253.00-1-32.2)
108 Brickyard Road

Mike Roth, a representative for Mary Palmieri, presented information regarding the purpose of the request for an Area Variance to allow a Lot Line Adjustment. Mike Roth stated that the lot line adjustment was to allow for additional land to be added to the parcel of property that Mary Palmieri currently owns. The current parcel of property contains a non-conforming structure that pre-existed zoning.

Public Input:

Dorothy Dennis, Brickyard Road, questioned why she was sent the notice of the public hearing. Chairman Ferris explained the purpose of the notice.

Dorothy Dennis questioned what she could do regarding a boundary line issue she had with the property between herself and the Applicant, Mary Palmieri.

Chairman Ferris explained that the Zoning Board of Appeals did not have jurisdiction over this issue and recommended that she seek the advice of an attorney to resolve this boundary line issue with her neighbor.

Dorothy Dennis stated that she had heard 4 houses were being built on Brickyard Road in close proximity to her residence. She stated she opposed that construction.

Chairman Ferris advised her that she could check with the Building Department about applications for building permits and again advised her that she may wish to seek the advice of an attorney regarding this issue.

Mary Palmieri asked what the problem was with her buying the land she seeks to add to her current lot.

Chairman Ferris informed her that she has a substandard lot and needs to get approval to make changes to that lot.

Mary Palmieri asked what she should do next regarding procedural steps. Chairman Ferris informed her that if the Zoning Board of Appeals granted her Area Variance, she would need to get approval from the Planning Board.

Public Hearing was Closed

RESOLUTION NO. 21
SEQRA - Mary Palmieri
Area Variance (253.00-1-33 and 253.00-1-32.2)
Motion by Joseph Urbanski
Seconded by William Ritter

To approve the SEQRA as a Type II Action with no further action or review required by the Zoning Board of Appeals.

Motion was carried unanimously 5-0-0.

(Copy attached and made part of the Minutes)

RESOLUTION NO. 22
Area Variance - Mary Palmieri
(253.00-1-33 and 253.00-1-32.2)
Motion by Alec Mackey
Seconded by Joseph Urbanski

To approve the Application of Mary Palmieri for an Area Variance to permit a Lot Line Adjustment combining part of Lot 253.00-1-32.2 with Lot 253.00-1-33 with the condition that the Applicant file with the County Clerk and the Town a deed merging the property.

Alec Mackey stated the basis for the motion being that:

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 it is actually improving the lot size making it less non-conforming;
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 Applicant is adding acreage to the non-conforming lot;
3. The requested Area Variance is substantial because the non-conforming lot violates lot size, lot width, and setback requirements, but the requested variances actually improve the lot size and make it less non-conforming;
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 Applicant has already been using the lot for a substantial period of time by permission of the owner prior to her purchase of the property; 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 non-conforming structure pre-existed the zoning requirements.

Motion carried unanimously on a 5-0-0 vote

There being no further business, Alec Mackey made a motion to adjourn, which was seconded by Joe Urbanski.

Meeting adjourned 8:20 P.M.

Respectfully Submitted,

Sheila Silic, ZBA Secretary

