

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
May10, 2021 @ 6:00 PM
STILLWATER TOWN HALL**

Present: Chairman Donald D'Ambro
Christine Kipling, Member
Timothy Scrom, Member
Joseph Urbanski, Member

Also Present: James Trainor, Attorney for the Town
Paul Male, Town Engineer

Sheila Silic, Secretary

Absent: Richard Rourke, Member
Charles Dyer, Alternate Member
Lindsay Buck, Town Planner
Ellen Vamocka, Town Councilwoman

Chairman D'Ambro called the meeting to order at 6:00 P.M.

Review and Approval of Minutes of Zoning Board of Appeals:

Mr. Scrom made a motion to approve the minutes of the November 9, 2020 meeting, seconded by Mr. Urbanski. A roll call vote was taken. The motion passed unanimously.

ZBA2021-01 Peculis Area Variance, 25 Grace Moore Road

Chairman D'Ambro recognized Mr. Scott Lansing of Lansing Engineering who is representing Mr. P.J. Peculis. Mr. Lansing stated that Mr. Peculis is also present this evening. Mr. Lansing stated that the property is located at 25 Grace Moore Road in the LDR Zoning District and is 3.54-acres. Mr. Lansing stated that proposed garage will replace an existing non-conforming garage on the property. Mr. Lansing stated that the applicant is proposing to demolish the existing garage that is in disrepair and construct a 2,500 +/- Sq. Ft. garage. Mr. Lansing stated that the existing and proposed garage is located in the front yard and does not meet the Town of Stillwater Zoning Code Section 211-51-B. Mr. Lansing stated that the applicant is requesting an Area Variance.

Mr. Scrom asked if the owner acquired the property with the existing garage. Mr. Peculis stated that garage was on the property when he purchased the parcel. Mr. Scrom asked if there are wetlands on the property. Mr. Male stated that the garage will not impact the wetlands. Mr. Scrom asked if the garage will be used for commercial or personal storage. Mr. Peculis stated that the garage will be for personal use and a hair salon with one chair for his wife.

Mr. Urbanski asked Mr. Male if the Planning Department was aware of the hair salon as it is not a permitted use in the LDR Zoning District. Mr. Male stated that a hair salon would be a Home Occupation application which needs to be reviewed by the Planning Board.

Chairman D'Ambro asked if anyone else wished to make public comment and hearing none he closed the public hearing.

Chairman D'Ambro asked if anyone on the Board had any additional concerns or questions and hearing none he asked to move to discuss SEQRA.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2021 RESOLUTION NO. 1**

WHEREAS, PJ Peculis has submitted an application to the Zoning Board of Appeals for an Area Variance regarding property located on 25 Grace Moore Road, more fully identified as Tax Map Number 230.1-70; 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, PJ Peculis, is a Type II action and requires no further action or review by the Zoning Board of Appeals.

A motion by Member Tim Scrom, seconded by Member Joe Urbanski, to adopt Resolution No. 1 of 2021.

A roll call vote was taken on Resolution No. 1 of 2021 as follows:

Chairperson D'Ambro	Yes
Member Christine Kipling	Yes
Member Richard Rourke	Absent
Member Timothy Scrom	Yes

Member Joe Urbanski	Yes
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Resolution No.1 of 2021 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on May 10, 2021.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2021 RESOLUTION NO. 2**

WHEREAS, PJ Peculis has submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to replace the garage and demolish the existing one on property located at 25 Grace Moore Road, Stillwater, more fully identified as Tax Map Number 231.-1-70; and

WHEREAS, the Applicant is seeking an area variance for the 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 May 10, 2021; and

WHEREAS, the Zoning Board of Appeals had 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 new garage is within the vicinity of the currently existing garage that is in disrepair. Further, the new garage will not be able to be seen from the roadway due to the existing woods and a 9' high berm between the roadway and the proposed garage. The new garage will leave a vegetative buffer of approximately 370' between the proposed garage and Grace Moore Road;
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 proposed garage cannot be placed on the side of the house or to the rear of the house due to special restrictions to construct the garage along the side of the

existing house and pool. Access to the rear of the lot is also severely limited by the existing house and pool. Additionally, the existing grade behind the house would make it impractical to build a garage requiring a large amount of fill and possible retaining walls;

3. The requested Area Variance is not substantial because the existing nonconforming garage is being replaced. The existing garage is in a state of disrepair and is in need of replacement;
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because there will be a 370' of vegetative buffer from the proposed garage to Grace Moore Road; and
5. The alleged difficulty was not self-created because the condition of the existing garage and the site constraints of the parcel; and be it further

RESOLVED, that the application of PJ Peculis for an area variances to allow for a garage to be constructed on property located at 25 Grace Moore Road, more fully identified as Tax Map Number 231.-1-70 is GRANTED conditioned upon the applicant satisfying the comments contained in the Engineering Review Letter by Paul Male, PE dated May 3, 2021.

A motion by Member Joe Urbanski seconded by Member Tim Scrom to adopt Resolution No. 2 of 2021.

A roll call vote was taken on Resolution No.2 of 2020 as follows:

Chair Donald D'Ambro	Yes
Member Richard Rourke	Absent
Member Timothy Scrom	Yes
Member Joe Urbanski	Yes
Member Christine Kipling	Yes

Resolution No. 2 of 2021 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on May 10, 2021.

ZBA 2020-03 Grayson Mobile Home Park (Still Meadows MHP) Area Variance Time Extension 96 County Route 76

Chairman D'Ambro recognized Mr. Stephen Dean, P.E., P.C. Engineer Consultant who will be representing Mr. Lawrence Grayson who is the owner of Still Meadows Mobile Home Park. Mr. Dean stated that Mr. Grayson is also present this evening. Mr. Dean stated that the applicant was last before the Zoning Board of Appeals on November 9, 2020. Mr. Dean stated that the applicant is seeking an extension for the 12 Area Variances that were granted at the November 9, 2020 ZBA meeting contingent on five criteria that were requested by the Zoning Board of Appeals. Mr. Dean stated that those five criteria have been fulfilled. Mr. Dean stated that the septic system has been inspected by an engineer and was certified to adequately support the

project. Mr. Dean stated that Mr. Grayson has submitted a Site Plan application and has attended one meeting. Mr. Dean stated that Mr. Grayson has submitted an operating permit and building permit. Mr. Dean stated that he has been working with Mr. Male to address his comment letters dated November 4, 2020 and March 9, 2021 which are mostly Site Plan related.

Chairman D'Ambro asked if anyone else wished to make public comment and hearing none he closed the public hearing.

Mr. Urbanski asked what the reason is for requesting the extension. Mr. Dean stated that Mr. Grayson has to work on the eviction notices to the residents of the mobile home park. Mr. Dean stated that with the Covid restrictions it has made the process extremely hard to evict residents. Mr. Dean stated that applicant has made an effort to clean up areas of the mobile home park. Mr. Urbanski asked Mr. Male if the Town of Stillwater Building and Planning Department is satisfied with progress that has been made since the applicant was before the Zoning Board of Appeals in November. Mr. Male stated that the Building and Planning Department is satisfied with progress that Mr. Grayson has made thus far.

Mr. Male stated that Mr. Dean and Mr. Grayson have submitted three drawings that are Site Plan related issues regarding berms and site distance. Mr. Male stated that the public hearing for Mr. Grayson's project is scheduled for the Planning Board meeting in May.

Ms. Kipling asked Mr. Male if a six-month timeline is feasible for an extension of the Area Variances. Mr. Male stated that Covid restrictions are working against Mr. Grayson evicting the tenants.

Mr. Trainor asked Mr. Grayson how many eviction notices would have to be issued. Mr. Grayson stated that there are four eviction notices that have to be issued.

Chairman D'Ambro asked Mr. Grayson how many mobile homes are in the park. Mr. Grayson stated that there are five mobile homes in the park. Mr. Grayson stated that he owns four of the mobile homes and one mobile home is owner occupied.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2021 RESOLUTION NO. 3**

WHEREAS, Grayson Properties, LLC ("Grayson") applied for and received 12 variances for its mobile home park at 96 County Route 76 (Tax Map 243.00-1-26.2) on November 9, 2020 via Zoning Board of Appeals Resolution No. 4 of 2020; and

WHEREAS, the 12 variances were set to expire on May 10, 2021 unless Grayson satisfied 5 conditions stated in Resolution No. 4 of 2020; and

WHEREAS, Grayson has requested an extension of the expiration date for the 12

variances.

Now, therefore, be it

RESOLVED, that the Stillwater Zoning Board of Appeals finds that Grayson Properties, LLC has satisfied the portions of the 5 conditions listed in the Stillwater Zoning Board of Appeals Resolution No. 4 of 2020 that have not been delayed by the COVID-19 pandemic; and be it further;

RESOLVED, that the Stillwater Zoning Board of Appeals hereby extends the expiration date of the 12 variances granted in Stillwater Zoning Board of Appeals Resolution No. 4 of 2020 to November 1, 2021.

A motion by Member Christine Kipling seconded by Member Joe Urbanski to adopt Resolution No. 3 of 2021.

A roll call vote was taken on Resolution No.2 of 2020 as follows:

Chair Donald D'Ambro	Yes
Member Richard Rourke	Absent
Member Timothy Scrom	Yes
Member Joe Urbanski	Yes
Member Christine Kipling	Yes
Member Charles Dyer	Absent

Resolution No. 3 of 2021 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on May 10, 2021.

Motion to adjourn made by Mr. Scrom, seconded by Ms. Kipling at approximately 6:30 pm.