

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS**

AUGUST 25, 2008

**Zoning Board of Appeals
August 25, 2008
7:30 P.M.**

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

Also Present: Ray Abbey-Building Department, Paul Cummings-Town Planner, Daryl Cutler-Attorney for the Town

Excused: Alec Mackey

Chairman Ferris called the August 25, 2008 meeting to order at 7:30 P.M.

The first order business was the approval of the minutes from July 28, 2008. There was a discussion on the minutes and the Board members made corrections to the minutes.

**Motion to approve the amended
minutes of the July 28, 2008
Zoning Board meeting
Made by W. Ritter, seconded by
D. D'Ambro**

There was a motion to remove the tabled motion of Todd Goldup from the table for review all in favor 4-0.

**Todd Goldup
117 Grace Moore Rd
Saratoga Springs, NY 12866
Area Variance
(2008-33 219.-1-104)**

Todd Goldup represented himself this evening before the Board. Mr. Goldup presented a letter to the Board members stating that he was unable to purchase property from either of his neighbors. Mr. Goldup stated that the surveyor looked at the map and took measurements of the existing features on the map. The existing wetlands that are located in the back of the property does not allow the proposed structure to be moved far enough away to satisfy the 100 foot buffer and still have room to put a septic and well a 100 feet away from each other. Mr. Goldup stated that because of the inability to purchase addition property, the location of the existing structure and the location of the wetlands the lots were designed as indicated on the maps.

52

There was a brief discussion on the following: Did you try to reconfigure the lots and a letter was submitted showing that he tried to purchase property.

There was a motion to approve the Area Variance with the following findings: An undesirable change will not be produced in the character of the neighborhood or a detriment to near by properties, and the property is consistent with the overall property in the area. The benefit sought by the applicant cannot be achieved by some other method feasible to the applicant to pursue because, he cannot purchase property from either of his neighbors, and due to the wetlands he cannot reconfigure the properties. The requested Area Variance is substantial however there is no other way to achieve it. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions on the neighborhood or district because, the property is consistent in size with other property in the area. The alleged difficulty is self created.

There was a brief discussion on the motion: Chairman Ferris stated that at the public hearing there were concerns of at least two neighbors who did not support the application that is before the Board, since the Engineer could not recreate something that was different and because of all the concerns that were mentioned in the motion Chairman Ferris cannot support the motion. Mr. Urbanski stated that by granting the variance the Board will be creating two nonconforming lots rather than one nonconforming lot because of existing issues and as a result Mr. Urbanski cannot support the motion. Mr. D'Ambro stated that the applicant does not have any other viable option other than what is before the Board and requested the Board members rethink their decision on the motion.

The motion to approve the Area Variance was withdrawn and a motion to table the Area Variance until the Zoning Board meeting.

**Motion to table
the Area Variance
Made by J. Urbanski
seconded by D.D'Ambro
MOTION CARRIES 4-0**

Donald D'Ambro	Yes
Alec Mackey	Absent
William Ritter	Yes
Joseph Urbanski	Yes
Chairman Ferris	Yes

Old Business: Mr. D'Ambro inquired of Mr. Abbey if his department has gotten any response from the letters that were sent to the property owners on George Thompson Rd, Route 423, Routes 4 & 32 and Colonial Rd. Mr. Abbey stated that the property owner on George Thompson Rd has contacted the building department and informed Mr. Abbey that he has removed the unregistered car, brush hogged the property and the owner is

53

addressing the other issues as well. Mr. Abbey stated that he met with the property owner on Routes 4 & 32; the owner stated that the garage is being used as a shed and is on a solid concrete slab, the owner also stated that they are going to remove the shed and replace it with a garage. The old house on Colonial Rd is being demolished; Mr. Abbey stated that he has spoken to the owner of the house on Route 423, the owner does not have the resources to demolish the building or do repairs at this time.

New Business: Mr. Abbey informed the Board that there is a pop-up camper on NYS Route 9P that is surrounded by over grown brush and this has been going on for over a year. Mr. Abbey stated that a letter was sent to the owner with no response, the owner was then served with an appearance ticket to Stillwater Town Court. Mr. Abbey stated that the owner of the Mobile Home Park on Route 4 & 32, Mechanicville, has been notified by certified letter to make all necessary repairs to the homes which are repairable and to remove those which are beyond repair. Mr. Abbey stated that a stop work order was issued to ABC Junkyard because there is no record of a Site plan Review. Mr. D'Ambro requested that Mr. Abbey investigate Route 67 west of the city line due to reports of junk in the yard. There was a discussion on the 2009 budget for the building Department and the Zoning Board of Appeals will offer a strong recommendation to the Town Board supporting the Building Department and their budget needs.

There was a motion to adjourn the August 25, 2008 Zoning Board meeting.

**Motion to adjourn
the 8/25/08 meeting
Made by J. Urbanski,
seconded by W. Ritter
MOTION CARRIES 4-0**

Meeting adjourned at 9:50 P.M.

Respectfully Submitted,

Sheila Silic

Sheila Silic