

TOWN OF STILLWATER  
ZONING BOARD OF APPEALS

MARCH 24, 2008

Town of Stillwater  
Zoning Board Meeting  
March 24, 2008

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

Also Present: Ray Abbey-Building Department, James P. Trainor ESQ.-Attorney for the Town, Michael Welti-Town Engineer

Excused: Vice-Chairman Alec Mackey

Chairman Ferris called the meeting to order at 7:30 P.M. The first order of business was to review the minutes of 2/25/08 A motion was in order.

**MOTION** to table  
Minutes of 2/25/08  
Made by J. Urbanski  
seconded by W. Ritter  
**MOTION CARRIED 3-0**

**PUBLIC HEARING 7:40 P.M.**  
Michael McBride  
27 Brickyard Road  
Mechanicville, NY 12118  
**Area Variance**  
**(ZB2008-23 253.-2-35.1)**

Mr. McBride would be representing himself before the Board for an Area

Variance. Mr. McBride informed the Board that he would be acquiring property from Mr. Donavon that is directly behind his residence this will add to the acreage of his property. Mr. McBride informed the Board that his current residence lacks the frontage that is needed to meet the zoning code. Mr. McBride informed the Board that if the Area Variance is approved he can then go back to Planning for a Lot Line Adjustment.

Chairman Ferris opened the hearing to the public at 7:40 P.M., hearing none the public Hearing was closed at 7:45 P.M.

There was brief discussion on the following: The house has been there for more than 50 years, it sits 15 feet off the road, the required front set back is 35 feet in that district, the parcel that is behind his residence is Mr. Donavons lot, the Lot Line Adjustment is off Mr. Donavons lot.

There was a request to go over SEQRA and Mike Welti requested that they change #8 to no because it doesn't conform to zoning. Mr. McBride initialed and dated the change.

**MOTION** on SEQRA  
as it is amended  
Made by D. D'Ambro,  
seconded by J. Urbanski  
**MOTION CARRIED 4-0**

Chairman Ferris-Yes  
Vice-Chairman Mackey-Excused  
Donald D'Ambro-Yes  
Joseph Urbanski-Yes  
William Ritter-Yes

Motion to approve the Area Variance as follows: An undesirable change will not be produced, the character of the neighborhood or a detriment to nearby properties will not be created by granting the Area Variance. The benefit sought by the applicant can not be achieved by any other method. The Area Variance is substantial but of a positive nature, by virtual increase of the overall lot size. The proposed Variance will not have an adverse impact on the physical or environmental conditions in the neighborhood, the alleged difficulty was not self-created.

**MOTION** to approve  
the Area Variance  
Made by D.D'Ambro,  
seconded by J. Urbanski  
**MOTION CARRIED 4-0-1**

Chairman Ferris-Yes  
Vice-Chairman Mackey-Excused  
Donald D'Ambro-Yes  
Joseph Urbanski-Yes  
William Ritter-Yes

Attorney Trainor informed Chairman Ferris that he had received a phone call from Mr. Boldt's attorney stating that he would be late. But, expected to arrive at 8:00 or 8:15 this evening.

**PUBLIC HEARING**  
Joshua Boldt  
726 West River Road  
Gansevoort, NY 12831  
**AREA VARIANCE**  
**(ZB2006-05 242.-1-86)**

Mr. Boldt is being represented by his attorney, Mr. Shriver for an Area Variance. The property lacks the required road frontage and does not conform to the zoning code . Mr. Boldt passed out new maps and also a driveway map. Attorney Shriver informed the Board that Mr. Boldt bought this property which will be used for his personal residence, his business will not be going on this property. Mr. Shriver stated that Mr. Holt had engineered the plans for the driveway, storm water drainage, culvert installation, driveway stabilization. Mr. Boldt stated that he has spoken to the Fire Chief and also to Fire Marshall on the proposed driveway. Mr. Shriver stated that he believes there will not be any problems with emergency vehicles having egress or ingress into the driveway.

Chairman Ferris opened the public hearing at 8:15 P.M. Chairman Ferris stated he has two letters of communication from two residence from Meehan Road. The floor is opened to anyone who has concerns or comments.

Maureen Mehan  
94 Meehan Road  
Mechanicville, NY 12118

The zoning code states that a driveway going into a parcel has to be 50 feet in width that is the requirement in the Town of Stillwater for the right of way for two cars to pass. The driveway that Mr. Boldt is presenting is 16 feet in width, that will allow one vehicle in or out at a time. She also stated that at the last public hearing John Mehan stated that he would not be willing to sell any of his land to Mr. Boldt. She stated that every 800 feet there is a required pull off for emergency vehicles, this driveway does not have the width for those required pull offs as stated in Article 12.12 of the Zoning Code. She feels that would be detrimental to the surrounding properties. She feels this application should be denied.

Chairman Ferris inquired if there was any one else who would like to speak at this time, hearing none the public hearing was closed at 8:45 P.M.

There was a brief discussion on the following: If the driveway is 1,800 feet in length would there have to be two emergency pull offs, is there 50 feet of road frontage, the driveway is 16 feet in width and narrows to 12 feet in width in certain spots, the parcel is not a conforming lot, the Board inquired of Maureen Mehan if they could receive a copy of the information she had this evening, could the culvert support the weight of a emergency vehicle, can the board request that conditions are attached to the approval if they choose to.

Motion to approve with conditions: Maintain 16 foot width of the driveway, have the driveway system reviewed by the Town Engineer and that it meets all the requirements of approval of caring emergency vehicles, investigate the consideration of a turn around and also the turn around at the top within 100 feet of the house.

An undesirable change will not be produced in the character of the neighborhood or detrimental to nearby properties will not be created by granting of the Area Variance because of the distance from other houses in the area and the distance from the main road,

The benefit sought by the applicant can not be achieved by some method, feasible to the applicant to pursue, other than an Area Variance, because limited road frontage and the in ability to get land from other land owners,

The requested Area Variance is substantial because the request is for a 16 foot frontage and the requirement is 50 foot of frontage, there are not any alternatives and this is not acceptable,

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because, there is significant area on the property to keep the house away from the wetlands,

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 this is a pre-existing condition.

**Motion** to approve  
with conditions  
Made by W. Ritter, seconded  
by J. Urbanski

Chairman Ferris: No  
Donald D'Ambro: No  
Joseph Urbanski: Yes  
William Ritter: Yes

**MOTION FAILS**  
**2-0**

There was a motion made to deny the application before the Board of Appeals,

An undesirable change will be produced and the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance because we have consistently heard from many people in writing and in public concerns from neighbors about the effect of the driveway and the lack of frontage that this approval would present,

The benefit sought by the applicant can not be achieved by some method, feasible to the applicant to pursue, other than an Area Variance, because there is no land available, Mr. Meehan stated he is not willing to sell additional land.

The requested Area Variance is substantial because a 50 foot frontage is required and the applicant has approximately 16 feet this certainly by all typical definitions is substantial,

The proposed variance might have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because we do not have an engineers opinion regarding the system of water flow that the culverts of the proposed highway road system,

The alleged difficulty was 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 applicant did not try to find out about the requirements before purchasing the property,

**Motion to Deny**  
the Area Variance  
Made by Chairman Ferris,  
seconded by D. D'Ambro

Chairman Ferris: Yes

Donald D'Ambro: Yes

Joseph Urbanski: Abstained

William Ritter: No

**MOTION FAILED**  
**2-1**

New Business: The secretary to Zoning informed the Board that Charles Schumer will be at Luther Forest Tech Campus at 10:00 A.M. on March 25<sup>th</sup> if any Board member is interested in attending the meeting.

Michael Welti informed the Board that he leaving the Chazen Companies and that his last meeting as Town Engineer for the Zoning Board is March 24<sup>th</sup>.

James Trainor informed the Board that his partner Daryl Cutler will be taking his position as the attorney for Zoning Board and Planning Board meetings.

No Old Business:

**Motion** to Adjourn  
Made by J. Urbanski,  
seconded by W. Ritter  
**MOTION CARRIED**

4-0

Meeting adjourned 9:00 P.M.

Respectfully Submitted,

*Sheila Silic*

Sheila Silic

