

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
July 14, 2014 @ 7:30 PM
STILLWATER TOWN HALL**

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

Also Present: Daryl Cutler, Attorney for the Town
Paul Male, Acting Director of Building, Planning and Development
Deborah Osborn, Secretary

Absent: Lindsay Zepko, Town Planner
Eric Rutland, Code Enforcement Officer/Building Inspector

Chairman Ritter called the meeting to order at 7:30 P.M. and led everyone in the Pledge to the Flag.

Approval of Minutes:

June 9, 2014: Mr. D'Ambro made a motion to approve the minutes; Mrs. Kipling seconded the motion and the minutes were approved, 4-0.

Public Hearings/New Business:

ZBA2014-32, Everything Pets, Sign Area Variance, 1 Price Chopper Plaza

Chairman Ritter recognized Mr. Tim Prescott who presented plans on behalf of Everything Pets to install a new wall mounted sign on the face of the storefront in the Price Chopper Plaza. He stated that the proposed sign requires an Area Variance because it is larger than what current zoning requires. He added that the sign would be 47 square feet and internally lit. He said that he does not believe that the sign would look out of place in the plaza. He stated that the setback of the store is greater than 100 feet from the adjacent street. Chairman Ritter inquired about the type of lighting that would be used. Mr. Prescott stated that it would be LED encapsulated, and not the whole sign.

Chairman Ritter asked if there were any other questions for Mr. Prescott prior to opening the of the public hearing. There were none and Chairman Ritter proceeded to open the hearing to public comment. Chairman Ritter asked if anyone from the public wished to provide comment. There was no public comment and Chairman Ritter closed the Public Hearing. Chairman Ritter asked the Board if they had any further questions for the applicant. There was discussion regarding the portion of the sign that would actually be illuminated. Mr. Prescott clarified that the lit portion would be 40 square feet or possibly less. Mr. D'Ambro asked if the sign would be flashing and Mr. Prescott stated that the lighting would be constant. Mr. Cutler stated that the application should be amended to reflect the actual size of the sign as Mr. Male stated that it appeared the sign size had been slightly revised from that noted in the application. Mr. Prescott made this revision. A discussion regarding the purpose of the sign concluded that it was to attract more customers to the store. Chairman Ritter asked if there were any additional questions or concerns regarding the proposal and being that there were none, he asked for someone to move on the SEQRA.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2014 RESOLUTION NO. 11**

WHEREAS, Everything Pets has submitted an application to the Zoning Board of Appeals for an Area/Use Variance regarding property located at 1 Price Chopper Plaza, more fully identified as Tax Map Number 262-1-4.112; 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, Everything Pets, 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. 11 of 2014.

A roll call vote was taken on Resolution No. 11 of 2014 as follows:

Member Christine Kipling	Yes
--------------------------	-----

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

Resolution No. 11 of 2014 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on July 14, 2014.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2014 RESOLUTION NO. 12**

WHEREAS, Everything Pets has submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to place a sign on property located at 1 Price Chopper Plaza, Stillwater, more fully identified as Tax Map Number 262.-1-4.112; and

WHEREAS, the Applicant is seeking an area variance for the signage size 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 July 14, 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 the other signs in the area are that large or larger;
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 distance the sign is from the road creates the need for a larger sign;
3. The requested Area Variance is substantial because it is two times the size – 47 square feet, but that size is necessary due to the distance the sign is from the road; 200' or more;

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 size of the sign in that setting is no larger than the other business' signs; and
5. The alleged difficulty was self-created, but the sign of that size is needed to be seen; and be it further

RESOLVED, that the application of Everything Pets for an area variance in order to place a sign on property located at 1 Price Chopper Plaza, Stillwater, more fully identified as Tax Map Number 262.-1-4.112, is GRANTED.

A motion by Member D'Ambro, seconded by Member Rourke, to adopt Resolution No. 12 of 2014.

A roll call vote was taken on Resolution No. 12 of 2014 as follows:

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

Resolution No. 12 of 2014 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on July 14, 2014.

ZBA2014-35, Area Variance, 7 and 9 Walnut Street

Chairman Ritter recognized Mr. William Perry who presented his proposal to sub-divide a 24,462 square foot lot on Walnut Street into two smaller 12,231SF lots. He stated that an Area Variance is needed because the minimum lot width requirement is currently 100 feet and both lots would be 80 feet as proposed. Chairman Ritter asked if the Board had any questions for Mr. Perry prior to opening the Public Hearing to public comment. There were none and Chairman opened the hearing to public comment.

- Mr. Thomas Carner of 163 Hudson Avenue expressed concern for the proposal, stating that he believed there would be increased noise due to an additional residence built if the lot is sub-divided. He stated that there would be less green space and that he enjoyed the quiet in the neighborhood. He added that he felt there would be additional traffic, and possibly, an impact on drainage, etc.
- Ms. Anne Marie Crumb, 6 Walnut Street, expressed concern for the size of the one way road. Chairman Ritter asked for clarification that the street was two way and she acknowledged that it was.

- Mr. Brad Williams (address is unknown) stated that he had no concerns for the proposed sub-division.

Chairman Ritter asked if there was anyone else who wished to provide comment on the proposal. There was no further comment and Chairman Ritter closed the Public Hearing. Chairman Ritter asked the Board if they had any additional questions or concerns. Mr. Cutler stated that the lots could possibly be re-configured. Chairman Ritter asked Mr. Perry if he had considered a different configuration of the lots. He stated that he had but he felt the proposed configuration fit best into the neighborhood. Chairman Ritter stated that from looking at the map and the overall neighborhood, flag lots don't fit. Chairman Ritter asked if there were any additional questions or concerns regarding the proposal and being that there were none, he asked for someone to move on the SEQRA.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2014 RESOLUTION NO. 13**

WHEREAS, William Perry, Jr., has submitted an application to the Zoning Board of Appeals for an Area/Use Variance regarding property located at 7 and 9 Walnut Street, Mechanicville, more fully identified as Tax Map Number 253.18-3-17.22; 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, William Perry, Jr., 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. 13 of 2014.

A roll call vote was taken on Resolution No. 13 of 2014 as follows:

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

Chairman William Ritter	Yes
-------------------------	-----

Resolution No. 13 of 2014 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on July 14, 2014.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2014 RESOLUTION NO. 14**

WHEREAS, William Perry, Jr., submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to subdivide the lot into two lots on property located at 7 and 9 Walnut Street, Mechanicville, more fully identified as Tax Map Number 253.18-3-17.22; and

WHEREAS, the Applicant is seeking a variance for the lot width requirement at the building line 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 July 14, 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;

WHEREAS, the Zoning Board of Appeals considered the comments and objections raised at the public hearing regarding traffic, noise, the number of people living on the street, and the removal of trees and green space. The Board examined the distance the traffic would travel from the lots to the main road. The Board considered the fact that the applicant could place a much larger house or a duplex on the existing lot, which could create just as much traffic, noise, and number of residents. The Board noted that any or all of the trees can be removed with or without a variance and that such was not a factor in this application. The Board further noted that the applicant might be able to subdivide the land without a variance by creating one of the lots as a flag lot, which the Board believed is less desirable in this neighborhood and setting; and

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 most of the houses in the area are single family homes; the lots created are still larger in size than the minimum allowable lot size;

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 and although the lot might be divided without a variance, it would create a flag lot which is less desirable;
3. The requested Area Variance is not substantial because the variance is a reduction of 20% of lot width at the building line, but the lots created are 20% larger than the minimum allowable size;
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 proposed project is to build a single family home, such as are already located in the area; and
5. The alleged difficulty was not self-created because the existing lot is more than twice the size of an allowable lot and the proposed lots are larger than the minimum allowable size, just narrower at the building line than required; and be it further

RESOLVED, that the application of William Perry, Jr., for an area variance to allow for a subdivision of the lot into two lots on property located at 7 and 9 Walnut Street, Mechanicville, more fully identified as Tax Map Number 253.18-3-17.22, is GRANTED.

A motion by Member D'Ambro, seconded by Member Rourke, to adopt Resolution No. 14 of 2014.

A roll call vote was taken on Resolution No. 14 of 2014 as follows:

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

Resolution No. 14 of 2014 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on July 14, 2014.

Other Discussion:

Chairman Ritter asked if the other Board members had any outstanding issues. Mr. D'Ambro inquired as to whether Mr. Rutland had made any progress on a compliance issue with a mobile home on County Route 76. Mr. Male indicated that meetings have been held with all of the mobile home parks and that progress was being made, including with this particular park.

Mr. Male described what has been done to date. Chairman Ritter asked if there was any other outstanding issues or concerns and there were none.

Adjournment:

A motion to adjourn was made by Mr. Rourke, seconded by Mr. D'Ambro, at 8:25 P.M.

The next Zoning Board of Appeals Meeting will be August 11, 2014.

Formatted: Left