

**TOWN OF STILLWATER  
ZONING BOARD OF APPEALS  
March 14, 2016 @ 7:00 PM  
STILLWATER TOWN HALL**

**Present:** Chairman William Ritter  
Donald D'Ambro  
Joseph Urbanski  
Richard Rourke  
Timothy Scrom  
Christine Kipling

**Also Present:** James Trainor, Attorney for the Town  
Eric Rutland, Building Inspector/Code Enforcement  
Sheila Silic, Secretary

**Absent:** Daryl Cutler, Attorney for the Town  
Paul Male, Acting Director, Building, Planning and Development  
Lindsay Zepko, Town Planner

Chairman Ritter called the meeting to order at 7:00 P.M.

**Review and Approval of Minutes of Zoning Board of Appeals:**

Mr. Urbanski made a motion to approve the minutes from the February 8, 2016 meeting, seconded by Ms. Kipling, Mr. D'Ambro abstained. The motion passed unanimously.

**Election of Vice-Chairman**

Chairman Ritter asked for nominations for Vice-Chairman. Mr. Rourke nominated Mr. D'Ambro as Vice-Chairman, seconded by Mr. Scrom. Mr. D'Ambro's nomination passed unanimously.

**Public Hearings/New Business:**

**ZBA2016-01, LeFever Area Variance, 1 Aft Court**

Chairman Ritter recognized Mr. and Mrs. Mark LeFever who presented the project before the Board. Mr. Lefever stated that he and his wife bought this property in December as a second home and it will be their retirement home in the future. Mr. LeFever stated that he spoke to Mr. Rutland and it was determined from the survey map that an Area Variance would be needed to put a deck on the house. Mr. LeFever stated that the deck does not meet the required setback.

Chairman Ritter proceeded to open the public hearing and asked if anyone wished to provide public comment.

**Karl Hardcastle, 520 NYS Route 9P**

Mr. Hardcastle stated that the house at 1 Aft Court has been improved from what it used to look like. Mr. Hardcastle stated that Mr. LeFever should be able to put a deck on his house. Mr. Hardcastle stated that he has no problems with this project.

Chairman Ritter proceeded to close the public hearing as there were no further public comments.

Chairman Ritter asked Mr. Rutland what the right of way is for NYS Route 9P. Mr. Rutland stated that he does not know the actual width of the State Right of Way.

Mr. Urbanski asked Mr. Rutland if he has Ms. Zepko's review letter dated March 10, 2015. Mr. Rutland stated that he has the review letter. Mr. Urbanski asked about question #1, referring to the survey. The surveyor is using the edge of the pavement as the mark of demarcation. Using this, the applicant would need only 3.3 ft. Mr. Urbanski asked Mr. Rutland if this is correct. Mr. Rutland stated that would be correct.

Mr. Trainor asked if the 20 ft. is from the edge of the pavement or the right of way, which is the requirement. Mr. Trainor stated that he looked up the definition in the Zoning Code but it is not clear. Mr. Rutland asked which section the definition is under. Mr. Urbanski stated that it is under Attachment 1:1 Residential Resort District.

Mr. Rutland stated that he would research the definition and see how it applies to the Residential Resort District. Mr. Trainor asked if the deck will be flush with the property. Mr. LeFever stated that it wouldn't be flush with the property. Mr. Trainor asked if the property owner behind him has a problem with the deck. Mr. LeFever stated that Mr. Post owns the property behind him and has no problem with the project. Mr. LeFever stated that no one on Aft Court has a problem with him building a deck. Mr. Trainor asked if the .4388-acres is the entire parcel. Mr. LeFever stated that is the entire acreage of his property. Mr. Trainor asked if the deck will extend out onto the sloped hill side and if so, what types of soils are on hill. Mr. LeFever stated that the deck would extend out 2 or 3ft. from the flat part of the property and the construction of the hill side is sand and tree roots. Mr. Trainor asked about the amount of frontage to his property. Mr. LeFever stated that he has 53.8 ft. of frontage.

Mr. Urbanski asked the applicant about question #4, referring to the encroachment of the fence. Mr. Urbanski asked the applicant if he owns the fence. Mr. Lefever stated that the prior owner did not indicate the fence was on their property when he purchased it. Mr. Urbanski stated that the survey is not showing the required setbacks on the map.

Mr. D'Ambro stated that the surveyor can refresh the map showing the required setbacks.

Chairman Ritter stated that following information is required, standard notes need to be put on the survey map, a letter from DOT stating what the right of way in front of Mr. Lefever's residence, and

that all setbacks and measurements be added to the map. Mr. Trainor had questions regarding the EAF Form referring to questions #2, Pg.2 question #5, 1 part B and question #16.

Mr. D'Ambro made a motion to table the application until further information is received, seconded by Mr. Urbanski.

A motion to adjourn was made by Ms. Kipling, seconded by Mr. Rourke, at approximately 8:00 P.M.

**The next Zoning Board of Appeals Meeting will be held on April 11, 2016**