

**Stillwater Zoning Board of Appeals
July 27, 2009
Stillwater Town Hall**

Present: Chairman James R. Ferris; Donald D'Ambro; Alec Mackay; Joseph Urbanski; William Ritter

Also Present: Paul Cummings, Planner for the Town; Daryl Cutler, Attorney for the Town; Sue Cunningham, Secretary for the Zoning Board of Appeals

Chairman Ferris called the meeting to order.

Adoption of Minutes:

April 27, 2009: Motion by W. Ritter and seconded by J. Urbanski to adopt the minutes of the April 27, 2009 of the Zoning Board of Appeals Meeting. **Motion carried** (2 Abstain-D. D'Ambro & Mackay)

June 29, 2009: Motion by J.Urbanski and seconded by A. Mackay to adopt the minutes of the June 29, 2009 Zoning Board of Appeals Meeting. **Motion carried** (1 Abstain- Ritter)

New Business

Budget: Chairman Ferris commented on a budget request from the Budget officer for the ZBA to fill out next year's budget form. After a brief discussion the one thing the ZBA would request is that the ZBA & Planning Board be equal in pay scale for attending meeting. It was also discussed that some Members of the ZBA do not take pay for what they believe should be a service to the Town.

Zoning Changes: The Zoning Board of appeals held a lengthy discussion on zoning changes that deal with non-conforming use. There were several revisions of the language the ZBA discussed. The consensus of the ZBA was to continue the discussion on the language of the revision(s) after the scheduled public hearing.

8:00 PM Public Hearing

Dollar General

Area Variance

ZB2009-56

SBL# 262.1.-4.112

Chairman Ferris called the Public Hearing to order.

Peter May of Handley Sign Co. represented the applicant Dollar General in requesting an area variance. Mr. May stated that Dollar General has opened a new store in the Price Chopper Plaza. They are requesting to put up a sign on the store façade that is over the square footage called for in the Town Ordinance. The letters are two feet tall for a total of 56 square feet. The reason for requesting this size is for visibility from the street.

With no public input Chairman Ferris declared the Public Hearing closed at 8:05 PM.

The Zoning Board members discussed the requested variance in respect to size of the letters, coloring, specific language in the original application, distance from the building to the street, if the original project was done as a PDD, and what the anchor store allows.

The consensus of the Zoning Board was to table action pending further research until additional information regarding the initial approval process could be provided. The ZBA wanted to see if the project was approved as a PDD, were there any past variances granted, and what was approved by the Planning Board if it underwent Site Plan Review.

Motion by A. Mackey and seconded by W. Ritter to table the application before them until further research is done. **Motion carried unanimously.**

A. Mackay requested the applicant bring two schematics of the entire building one showing signage and one without signage.

New Business Con't.

Zoning Changes: The Zoning Board members continued their discussion on amendments to the zoning ordinance and the language they were comfortable using in regard to Use & Area Regulations and Non-Conforming Uses, Structures & Lots.

The consensus of the ZBA was to recommend that the Article be amended to allow an owner, with an existing structure on existing lot of record be allowed to construct an addition and/or accessory building so long as said structure met all area requirement except the 300 ft requirement and said lot met all set back requirements. The ZBA requested that all nonconforming vacant lots of record and/or proposed structures still come before the Board for a variance.

Filing Cabinet: The Zoning Board authorized R. Abbey to purchase a filing cabinet with the cost to be expended from the ZBA contractual.

Old Business

ABC: D. D'Ambro questioned the status of ABC Recycling.

Attorney Cutler stated that ABC was before the Planning Board and received a Special use permit, which had certain conditions & requirements. One of the requirements was having a locked gate and obtaining a letter from neighboring business that they would also keep the gate locked. The neighboring business was reluctant issuing a letter but they eventually wrote a letter stating that their practice is when the business is closed to continue to lock the gate but not assume any liability in regard to ABC. At this point they still can't operate their business but because they need to put a gate in that will block pedestrians.

Further discussion was held on their Special Use Plan; readdress Site Plan Approval, whether they will need a bond, easements and action taken by the ZBA.

Saratoga Hills: R. Abbey, Building Inspector/Code Enforcement officer questioned if any of the ZBA members had any history knowledge of Saratoga Hills previously known as Hillside Colony.

Attorney Cutler stated that the question is what is the true plan of the Park, what is the actual map and where are the actual lots?

Chairman Ferris gave a brief history of the build out of Hillside Mobile Home Park.

Discussion was held on the size of the trailers and lot sizes.

Attorney Cutler suggested they go into executive session to discuss litigation issues.

Motion by A. Mackey and seconded by W. Ritter to adjourn into executive session for discussions related to litigation issues. **Motion carried unanimously.**

Motion by A. Mackey and seconded by J. Urbanski to resume the regular business meeting of the ZBA. **Motion carried unanimously.**

Note: It was noted that the next ZBA meeting will be held at the Stillwater Community Center due to construction in the Town Board/Court Room.

Motion by W. Ritter and seconded by J. Urbanski to adjourn the ZBA meeting at 10:00 PM.
Motion carried.

Respectfully submitted by

Sue Cunningham
Secretary to the Zoning Board of Appeals