

ZONING BOARD MEETING
APRIL 28, 2008
7:30 PM

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

Also Present: Ray Abbey-Building Department, Daryl Cutler-Attorney For The Town, Christopher Round-Town Engineer

7:30 P.M. Chairman Ferris called the meeting to order. The Board reviewed the February and March minutes and made appropriate corrections. Chairman Ferris requested a motion to approve the amended minutes of 2/25/08 and 3/24/08.

MOTION to approve the amended minutes of the
February 25, 2008 Zoning Board of
Appeals Meeting. Made by J. Urbanski,
seconded by D. D'Ambro
MOTION CARRIED 4-0

MOTION to approve the amended minutes of the
March 24, 2008 Zoning Board of
Appeals Meeting. Made by D. D'Ambro
seconded by W. Ritter
MOTION CARRIED 4-0-1

**Jason Ermalowicz-Minor Subdivision
529 County Rte. 75
Mechanicville, NY 12118
Area Variance (ZB2008-27 220.-1-66)**

Attorney Andrea DiDomenico will be representing Mr. and Mrs. Ermalowicz before the Board this evening. Mr. and Mrs. Ermalowicz would like to subdivide their property, while maintaining 4.34 acres for their residence. They will convey 2 acres to their son Justin and 2.79 acres to their son Jason. Mr. Ermalowicz will be removing the mobile home from the property. Attorney DiDomenico stated that the lots they are seeking to create are the same as the surrounding neighborhood. The parcels will each have their own well and a septic system. Attorney DiDomenico stated that four of

neighbors have submitted in writing that they have no objections to the subdivision of the Ermalowicz property. Mr. and Mrs. Ermalowicz are unable to acquire property from their neighbors to the north and to the south of them.

Chairman Ferris opened the hearing to the public at 7:40 P.M. for questions or concerns.

Neik Captein
101 Rte. 423
Mechanicville, NY 12118

Neik Captein stated he would be representing his parents and they have no objections with the subdivision. He further stated that the proposed lots are quite regular if you walk around the neighborhood.

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 7:45 P.M.

There was a brief discussion on the following: The location of the septic systems and the wells, side setbacks are 20 feet, it is currently one lot, can the lots be done in a different way so they wouldn't need an Area Variance, if lot #1 became a flag lot they would need an easement for that lot, is the topography reasonably suitable for building that far back.

There was a motion to review SEQRA, Chairman Ferris stated #8 needs to be changed to 300 feet at the building line. Jason Ermalowicz initialed and dated the change to SEQRA.

MOTION to approve SEQRA
Type II Action
no further action necessary
Made by J. Urbanski, seconded
by D. D'Ambro
MOTION CARRIED 5-0

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

The question posed to the applicant by Mr. Urbanski was if they would like to table the application for a month so, they could review the design of the plans? Attorney DiDomenico stated that tabling the application isn't feasible because it would be the same plans coming back before the Board. However if the Board denies the Area Variance the applicant is requesting then this will force them to go back and look at another plan in order to meet the zoning requirements.

Motion to deny the request for the Area Variance as follows:

An undesirable change will not be produced to the character of the neighborhood or detriment to nearby properties will be created by granting of the Area Variance because the proposed change would be consistent with the character of the existing surrounding properties;

The benefit sought by the applicant can be achieved by some method, feasible to the applicant to pursue, other than Area Variance, because the existing parcel consist of approximately nine acres, which can be subdivided in a method which would provide sufficient minimum lot width and not violate any setback requirements;

The requested Area Variance is substantial because of both for lots 1 and 3 due to the insufficient width of lot at the building line and substantial form lot 1 due to setback violations;

The proposed variance will not have an adverse impact on the physical or environmental conditions in the neighborhood or district;

The alleged difficulty was not self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not preclude the granting of the Area Variance;

Motion to Deny
the Area Variance
Made by J. Urbanski,
seconded by D. D'Ambro

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

MOTION CARRIES
4-0-1

Brigadier Estates, LLC to Mary Palimeri
Possible Illegal Subdivision
108 Brickyard Road
Mechanicville, NY 12118
Area Variance (ZB2008-27 253.-1-33 & 253.-1-32.22)

A brief discussion took place on why this application is before the Zoning Board. The Town engineer stated that this was subdivision that was not filed with the County Clerks Office, so it was sent back to the Planning Board and they are looking for an interpretation and the Code Enforcement officer sent a denial letter to the applicant. Chairman Ferris inquired if there is anyone present from Brigadier Estates or if Mrs. Palimeri was present this evening.

The Board chose to table this item due to the lack of the following, public hearing, legal notice, no participants present, and lack of information. The minutes should show the Board will leave this to a future time if any one wishes to come back before the Board so, they are not taking that opportunity away from the applicant.

Kathleen and Carl Grove - Lot Line Adjustment
736 Rte. 9P
Saratoga Springs, NY 12866
Area Variance (ZB2008-25 206.17-1-2, 206.17-1-13, 206.17-1-8.22)

Rich Anderson will be representing Mr. and Mrs. Groves before the Board this evening. Mr. Anderson stated that back in 1994 this property had a subdivision approved creating 2 parcels of land. Mr. Anderson stated that they would like to take 20 feet from the parcel on the lake and add it to the parcel in the back and the rest of the lake parcel would go with the parcel in the front.

Chairman Ferris opened the hearing to the public for any one with questions or concerns at 8:00 P.M.

Thomas Amato
2 Leeward Lane
Saratoga Springs, NY 12866

Mr. Amato stated that he opposes the Area Variance because the beach property is very small and making it smaller will only lead to people spilling over on to other beach property and will cause a conflict with those property owners. Mr. Amato also stated that he doesn't feel a nonconforming lot should be made more nonconforming.

Joan Verdile
7 Whitman Court
Troy, NY 12180

Mrs. Verdile stated she owns property at 730 Route 9P and her brother lives next door to Mr. and Mrs. Grove but could not make the Zoning Board meeting this evening. Mrs Verdile stated that a number of years ago this property tried to be subdivided but did not have the proper lot size, this was before Mr. and Mrs. Grove bought the property.

Mrs. Verdile stated she would like her brother to have an opportunity to voice his opinion on the variance before this gets approved. Mrs. Verdile feels this will add more depth and density to the area that is already small.

Carl Grove
736 Rte.9P
Saratoga Springs, NY 12866

Mr. Grove stated that he has spoke to Mrs. Verdile's brother on Saturday and he has no objections to the Area Variance. Mrs. Verdile was unaware that Mr. and Mrs. Grove spoke to her brother.

Keith Brookins
738 Rte. 9P
Saratoga Springs, NY 12866

Mr. Brookins stated that he lives on the north side of Mr. and Mrs. Grove and the road that goes between them is a natural barrier to any extra activity that is going on. The properties all have beach rights or deeded rights. Mr. Brookins stated he doesn't feel that it creates a hardship to them and has no objections.

Kathleen Grove
736 Rte. 9P
Saratoga Springs, NY 12866

Mrs. Grove stated the 50 feet of property has the right to put one dock as she understands it, if they slide the line over to their property then they are only adding the one dock. They allowing the property behind them access to one dock as well, so they aren't increasing the density because of docks.

Chairman Ferris inquired if there was any one else would like to speak, hearing none the public hearing was closed at 8:10 P.M.

There was a brief discussion on the following: Lot Line Adjustment, what purpose does the 700 feet have, the property in the back will now have lake frontage, this is not a build able lot, now there are just 2 lots.

Motion to approve SEQRA
Type II action, no further
action necessary. Made By
J. Urbanski, seconded by
W. Ritter

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

MOTION CARRIED 5-0

There was a motion to approve the Area Variance:

An undesirable change will not be produced in the neighborhood or a detriment to nearby properties will not be created by granting of the Area Variance because no additional building or improvement will be added;

The benefit sought by the applicant can not be achieved by some other method, feasible to the applicant to pursue, other than an Area Variance, because the subdivision of the lot could be changed slightly, but not substantially enough to satisfy the minimum lot size requirements;

The requested Area Variance is not substantial because the parcel is already substandard, and is not a building lot;

The proposed variance will not be adverse effect or impact on the physical or environmental conditions in the neighborhood or district because there is no real change;

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 it was an already non-conforming use;

MOTION to approve
Area Variance. Made by
A. Mackey, seconded by
J. Urbanski.

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

MOTION CARRIED 5-0

Old Business: Mr. Boldt would like to have his Area Variance reconsidered for the next ZBA meeting.

MOTION to reconsider
Area Variance of Mr. Boldt
Made by A. Mackey, seconded
by D. D'Ambro
MOTION CARRIED 5-0

There was a Motion to deny the Area Variance:

An undesirable change will be produced and the character of the neighborhood or a detriment to nearby properties will be created by granting of the Area Variance because adjacent narrowness of the proposed frontage would impact adjacent properties in order to utilize the driveway in both directions, if necessary, and such property is used by others in the community for recreational off-road activities;

The benefit sought by the applicant may not be able to be achieved by some method, feasible to the applicant to pursue, other than an Area Variance, because on one hand, the adjacent landowner has expressed an unwillingness to let the applicant buy or utilize any of his property to meet his frontage requirement and that the applicant has provided no evidence that an actual offer has been made and rejected or that he cannot feasibly obtain access to his property by some other means, such as through other property;

The requested Area Variance is substantial because the required frontage is 50 feet and the applicant is proposing only 16.5 feet of frontage, or less than one-third of what is required;

No engineer's report was provided to address the concerns that the proposed variance might have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because the flow of water and run off from the applicant's narrow frontage, without enough width to put in a drainage system or culvert,

if necessary, will impact the adjacent properties, and the applicant has not provided a practical solution to mitigate the impact;

The alleged difficulty is 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 although the transfer documents for his property were dated February 13, 2006, the deed was not in fact recorded until July 16, 2006, demonstrating that the applicant knew he did not have the required road frontage before he owned the property, resulting in his variance application on March 15, 2006, four months before he actually owned the property;

MOTION to deny
the Area Variance
Made by A. Mackey,
seconded by D. D'Ambro
MOTION CARRIED 3-2

Chairman Ferris-Yes
Donald D'ambro-Yes
Alec Mackey-Yes
Joseph Urbanski-No
William Ritter-No

New Business: Chairman Ferris stated he received correspondence on the Robinson Knolls Subdivision.

Mr. Urbanski excused himself from the discussion that took place on the following: Mechanicville Reservoir, past developments that have been approved, does it conform to zoning, will it need for a variance, does it need to come before the ZBA for an interpretation.

New Business: There was no new business

MOTION to adjourn
the 4/28/08 Zoning Board
of Appeals meeting.
Made by A. Mackey, seconded
by W. Ritter
MOTION CARRIED 5-0

Meeting adjourned at 9:30 P.M.

Respectfully Submitted,

Sheila Silic

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