

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
SPECIAL MEETING
JUNE 24, 2019 @ 7:00 PM
STILLWATER TOWN HALL**

Present: Chairman Donald D’Ambro
Joseph Urbanski, Member
Vice Chairman Richard Rourke
Christine Kipling, Member
Timothy Scrom, Member
Charles Dyer, Alternate Member

Also Present: James Trainor, Attorney for the Town
Paul Male, Town Engineer
Lindsay Buck, Town Planning
Ellen Vamocka, Town Councilwoman
Sheila Silic, Secretary

Chairman D’Ambro called the meeting to order at 5:30 P.M.

Review and Approval of Minutes of Zoning Board of Appeals:

Mr. Scrom made a motion to approve the minutes from the October 9, 2018 meeting, seconded by Mr. Rourke. Mr. Scrom made a motion to approve the minutes from the June 10, 2019 meeting, seconded by Mr. Rourke. A roll call vote was taken. The motion passed unanimously.

Chairman Donald D’Ambro	Yes
Member Joseph Urbanski	Yes
Member Richard Rourke	Yes
Member Timothy Scrom	Yes
Member Christine Kipling	Yes

Mr. Scrom made a motion to appoint Mr. Richard Rourke as the Vice Chairman of the Zoning Board of Appeals, seconded by Ms. Kipling. A roll call vote was taken 4-1. The motion passed unanimously.

Chairman Donald D’Ambro	Yes
Member Joseph Urbanski	Yes
Member Richard Rourke	Abstained
Member Timothy Scrom	Yes
Member Christine Kipling	Yes

Mr. Rourke accepted the appointment of Vice Chairman of the Zoning Board of Appeals.

ZBA2019-03 Dry Creek Builders Area Variance, 460 County Route 76

Chairman D'Ambro recognized Ms. Ashley Villa who is the applicant and President of Dry Creek Builders. Ms. Villa stated that she is under contract to purchase the property contingent on the approval of the Area Variance. Ms. Villa stated that property is located on the north side of County Route 76 which is in the LDR Zoning District. Ms. Villa stated that the property has public water and on-site septic. Ms. Villa stated that she is seeking the Area Variance to reduce the minimum lot width from 250 ft. to 201.76 ft. which is 19.3%. Ms. Villa stated that the property meets all the other zoning requirements.

Chairman D'Ambro made a motion to remove the public hearing from the table, seconded by Mr. Scrom. Chairman D'Ambro asked if anyone wished to make public comment and hearing none he closed the public hearing.

Mr. Scrom asked if this project is for one structure on the property. Ms. Villa stated that is correct. Mr. Scrom asked if there will be any disturbance to the wetlands. Ms. Villa stated that there is no disturbance to the wetlands.

Chairman D'Ambro asked for clarification regarding one structure as being the same as a one family dwelling unit. Ms. Villa stated that is correct.

Chairman D'Ambro asked if anyone on the Board had any additional concerns or questions and hearing none he asked to move to discuss SEQRA.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2019 RESOLUTION NO. 1**

WHEREAS, Dry Creek Building & Development, LLC has submitted an application to the Zoning Board of Appeals for an Area Variance regarding property located on 460 County Route 76, more fully identified as Tax Map Number 231.-1-22; 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, Dry Creek Building & Development, LLC, is a Type II action and requires no further action or review by the Zoning Board of Appeals.

A motion by Vice Chairman Rourke, seconded by Member Urbanski, to adopt Resolution No. 1 of 2019.

A roll call vote was taken on Resolution No. 1 of 2019 as follows:

Chair Donald D'Ambro	YES
Member Christine Kipling	YES
Vice Chairman Richard Rourke	YES
Member Timothy Scrom	YES
Member Joe Urbanski	YES

Resolution No. 1 of 2019 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on June 24, 2019.

**TOWN OF STILLWATER
ZONING BOARD OF APPEALS
2019 RESOLUTION NO. 2**

WHEREAS, Dry Creek Building & Development, LLC has submitted an application to the Zoning Board of Appeals seeking an Area Variance in order to decrease the minimum frontage allowable from 250 feet to 201.76 feet on property located at 460 County Route 76, Stillwater, more fully identified as Tax Map Number 231.-1-22; and

WHEREAS, the Applicant is seeking an area variance for the frontage/lot width requirement contained Stillwater Town Code Chapter 210, Attachment 2, Table 2, Dimensional Schedule; and

WHEREAS, pursuant to §210-118 and §210-125 of the Stillwater Town Code, the Town properly and timely published a notice for public hearing conducted on June 10, 2019 and June 24, 2019; 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 frontage will be similar to others in the neighborhood;

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 property owners are willing to sell additional frontage to the applicant;
3. The requested Area Variance is not substantial because it is a 19.3% (48 ft) deviation from the required frontage;
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 decreased frontage is comparable with and will blend in with other properties in the neighborhood;
5. The alleged difficulty was not self-created because it is a pre-existing non-conforming lot; and be it further

RESOLVED, that the application of Dry Creek Building & Development, LLC for an area variance to allow for a decreased frontage of 201.76 feet on property located at 460 County Route 76, Stillwater, more fully identified as Tax Map Number 231.-1-22 is GRANTED conditioned upon the applicant satisfying the comments contained in the Engineering Review Letter by Paul Male, PE dated June 3, 2019.

A motion by Vice Chairman Rourke seconded by Member Urbanski, to adopt Resolution No. 2 of 2019.

A roll call vote was taken on Resolution No. 2 of 2019 as follows:

Chair Donald D'Ambro	YES
Vice Chairman Richard Rourke	YES
Member Timothy Scrom	YES
Member Joe Urbanski	YES
Member Christine Kipling	YES

Resolution No. 2 of 2019 was adopted at a meeting of the Zoning Board of Appeals of the Town of Stillwater duly conducted on June 24, 2019.

Motion to adjourn made by Ms. Kipling, seconded by Mr. Scrom at approximately 5:45 pm.