

1                                   **MEETING OF THE ZONING BOARD OF APPEALS**  
2                                   **OF THE TOWN OF GLENVILLE**  
3                                   **THE GLENVILLE MUNICIPAL CENTER**  
4                                   **18 GLENRIDGE ROAD, GLENVILLE, NY 12302**  
5                                   **April 22<sup>nd</sup> , 2024**  
6

7 **PRESENT:** Chairman David Hennel, Dick Schlansker, Brian Peterson, Charles Beers,  
8 and Andrew Mushaw (Alternate)

9 **ABSENT:** Barry Suydam.

10 **ALSO ATTENDING:** Planning Department / Stenographer: Nicholas Chiavini | Planning  
11 Department: Anthony Tozzi | Legal Counsel: Colleen Pierson, Esq. | Steven Radloff  
12 (Alternate) | Building Department: James Pangburn, Nayeem Abzal |

13 **Chairman Hennel called the meeting to order at 7:00 pm.**

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14                                   **MOTION:**

15 To accept the March 25<sup>th</sup>, 2024 minutes.

16                   **MOVED BY:** David Hennel

17                   **SECONDED:** Charles Beers

18                   **AYES:** 4 (Hennel, Schlansker, Beers, Peterson)

19                   **NOES:** 0

20                   **ABSTAIN:** 0

21                   **ABSENT:** 1 (Suydam)

22                                   **MOTION APPROVED**

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23  
24                                   **PUBLIC HEARING**

- 25       **1. Application of Dr. Karamdeep Singh, 170 Saratoga Road, Glenville NY 12302,** for  
26       a rehearing on the construction of 9 additional parking spaces within 10ft of the  
27       Right of Way. This property is located within the Professional Residential  
28       District and is identified on the Schenectady County Tax Map as Parcel # 22.15-  
29       3-21.

30  
31       **In accordance with the Codes of Glenville, the following variances are requested**  
32       **for 139 Freemans Bridge Road:**

33                   **1. § 270-73C(2): Off-Street Parking.**

34                   *All parking lots will be located no closer than 25 feet to any street right-*  
35                   *of-way, nor closer than 10 feet to the rear or side property lines.*

36                   The applicant's site plan proposes 9 parking spots within 10' of the  
37                   Lincoln Drive Right of Way. Therefore, a variance of 15' is requested.  
38

- 39 C. Pierson explained that the application was a rehearing of a previous application  
40 made in August of 2020 and that the Zoning Board of Appeals needed to make a  
41 unanimous motion to rehear the application before considering the area variance.  
42 She further explained that the Board Members would need to vote based upon  
43 whether they believed the situation had changed or the proposal was substantially  
44 different than the August 2020 application that was previously denied.  
45 D. Hennel asked if the applicant would like to present their application.

Dave Kimmer from ABD Engineering wished to address the board on behalf of the applicant.

D. Kimmer explained that the site plan for Glenville Smiles was approved in 2020 and provided 19 parking spots for the site. The use of the property, as detailed in the approved site plan, showed 5 examination rooms in one half of the building while the other was shown as general office because the applicant had not yet found a tenant. Since site plan approval, the number of examination rooms to 6 on the applicant's side of the building while the other half of the building had been occupied by another dental practice with 4 examination rooms. D. Kimmer summarized that the site was now home to 10 examination rooms.

D. Kimmer argued that, according to the Town's parking minimums, the site now required the additional spaces proposed in the area variance. He further described the issues arising from the insufficient parking such as patients parking along Lincoln Drive and creating congestion in the area. He concluded that there was nowhere else for parking to expand and that the addition of the 9 spaces would solve the problems experienced by both the applicant and the neighborhood.

C. Pierson reminded D. Kimmer and the Board that the Zoning Board needed to limit their review to whether the application before them was substantially different, or if circumstances had changed, from the original application.

C. Pierson asked D. Kimmer to explain how the application before the board was different from the area variance application that was denied in 2020. She stated that it appeared to ask for the same area variance.

D. Kimmer argued that, while the relief the applicant seeking was identical between applications, the site today was much different than in 2020 because the proposed second building on the original application had never been built.

D. Hennel recalled that the Zoning Board had previously reviewed an area variance application with two buildings, but that the application was later amended to remove the second building and the Board had denied that application as well.

C. Pierson asked D. Kimmer to demonstrate the differences between what had been requested previously and what was being requested currently.

D. Kimmer replied that the area variance last time was for parking 10' from the Lincoln Drive Right-of-Way.

C. Pierson asked what was being requested tonight.

D. Kimmer replied that the area variance was for parking 10' from the Lincoln Drive Right of Way, but that it would be a mischaracterization to call the applications identical.

C. Pierson deferred to the Board's judgement and stated that it was their job to decide if the application before them was substantially different than the one they denied in 2020.

D. Kimmer argued that the questions to the 5-criteria on the area variance application were different than in 2020.

C. Pierson reiterated that it was for the Zoning Board to decide and that it would have to be unanimous approval to rehear the application.

D. Schlankser stated that the site was previously approved without the additional parking, so he did not see the additional spaces as being crucial to the operation of the business.

- 92 D. Kimmer answered that, while the applicant had previously been approved for 19  
93 spots, the lack of adequate parking was now presenting a quality of life and safety  
94 issue for the neighborhood and that the applicant was seeking to be neighborly and  
95 resolve the overflow parking issue.  
96 C. Beers asked if parking had been an issue when the building only housed one dental  
97 practice.  
98 D. Kimmer replied that he was not sure.  
99 D. Hennel asked if the applicant had applied for a site plan amendment to increase the  
100 number of examination rooms from 5 to 10.  
101 D. Kimmer stated that the change did not need a site plan amendment and had been  
102 handled with just a building permit.  
103  
104 D. Hennel made the following motion.

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**MOTION:**

The applicant at 170 Saratoga Rd, Glenville NY (Tax ID # 22.15-3-21)  
having requested the rehearing of an area variance for 15' of relief from  
the 25' setback from Street Right-of-Way. In regards to the application  
that was previously actioned in August of 2020, a motion be made to  
rehear this application pursuant to New York State Town Law  
§ 267-A-12.

**MOVED BY:** D. Hennel

**SECONDED BY:** D. Schlankser

**AYES:** 1 (Schlankser)

**NOES:** 4 (Peterson, Beers, Mushaw, Hennel)

**ABSTAIN:** 0

**ABSENT:** 1 (Suydam)

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**MOTION DENIED**

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**PUBLIC HEARING**

- 2. Application of, Hindes Properties, LLC, 38 Rosemere Road, Ballston Lake, NY 12019, for Plush Hair Salon, 765 Saratoga Road, Glenville, NY 12302.** The applicant is requesting a Conditional Use Permit to establish a Yoga Studio (Indoor Recreation Facility) in the rear of the salon. This property is located in the Community Business zoning district. It is identified on the map as parcel #10.13-1-14.411

In accordance with the Codes of Glenville, the following is being requested: A Conditional Use Permit in order to establish an Indoor Recreation Facility in the Community Business District.

**1. § 270-18 C: Uses Permitted by Conditional Use Permit which also Require Site Plan Review.**

*(1) Indoor recreation facilities.*

136 --- The application was tabled at the previous meeting and public hearing left open ---  
137 ---Application read into record at previous meeting, copied for ease in minutes ---  
138 Brian Peterson read the submitted applications and the review factors for the variance  
139 requests into the record.

- 140 1. The establishment, maintenance, or operation of the Conditional Use will not be  
141 detrimental or endanger the public health, safety, morals, or the general welfare  
142 of the community.

143  
144 Answer: The establishment, maintenance, health, safety will not be detrimental  
145 or endanger the public. The addition of yoga classes will be a healthy option for  
146 residents of Glenville that are now traveling outside our community for those  
147 classes.

- 148  
149 2. The Conditional Use will not compromise the use and enjoyment of other  
150 property in the immediate vicinity, nor substantially diminish and impair  
151 property values within the neighborhood.

152  
153 Answer: The Conditional Use will not the [sic] use and enjoyment of other  
154 property in the vicinity. It will also enhance the value of neighboring properties  
155 because of keeping our residents in our neighborhood to enjoy healthy options  
156 of exercise and meditation.

- 157  
158 3. The establishment of the Conditional Use will not impede the normal and orderly  
159 development and improvement of surrounding properties.

160  
161 Answer: The establishment of a Yoga Studio will not impede the normal and  
162 orderly development or improvement of surrounding properties. It will enhance  
163 surrounding properties by keeping our residents here, which now they will go to  
164 surrounding businesses and partake in what they offer as well.

- 165  
166 4. Adequate utilities, access roads, drainage, and any other necessary facilities  
167 have been or will be provided to serve the Conditional Use.

168  
169 Answer: Adequate utilities, access roads, and driveways are already provided.  
170 Nothing additional is needed although we will be putting additional stone on  
171 side of the building to open up parking in the back of the building in the event  
172 there is a need for space for salon employees during the overlap of yoga/salon  
173 employer coming and goings.

- 174  
175 5. Adequate measures have been or will be taken to provide ingress or egress to  
176 the site in such a manner as to minimize traffic congestion in the public streets.

177  
178 Answer: Adequate measures have been taken to provide ingress and egress  
179 around site to minimize traffic congestion. The studio will be opened off hours  
180 from the Hair Salon. 5-9AM, 7-10PM whereas the salon hours are 9AM-7PM.

- 182 6. The Conditional Use shall, in all other respects, conform to the applicable rules,  
183 regulations, and ordinances of the Town, and be consistent with the Town of  
184 Glenville Comprehensive Plan  
185

186 Answer: The Conditional Use conforms to the community business zoning and  
187 will abide by all rules and regulations in the Town of Glenville.  
188

189 The application was signed by Mark Hides, the property owner, on January 22, 2024.  
190 Notice of the applications was mailed to 13 property owners within 500 feet of the  
191 affected property by the Town. This was a County referral. The County deferred to  
192 local consideration and had an advisory note that notice must be given to the  
193 Ballston Town Clerk pursuant to General Municipal Law Section 239-nn.  
194

195 *--- The application was tabled at the previous meeting and public hearing left open ---*  
196 *---Application read into record at previous meeting, copied for ease in minutes ---*  
197

198 No letters were received for or against the application.

199 D. Hennel asked if the applicant, Mark Hides (38 Rosemere Road, Ballston Lake) had  
200 any responses to the Zoning Board's questions from last month's meeting.

201 M. Hides read the following attachment from the updated application:

- 202 1. The Salon's Hours of Operation are as follows:

203 Monday: Closed

204 Tuesday: 9AM-7PM

205 Wednesday: 9AM-7PM

206 Thursday: 9AM-7PM

207 Friday: 9AM-5PM

208 Saturday: 9AM-4PM

209 Sunday: Closed

- 210 2. There are 8 chairs at the salon, but only 5 stylists are scheduled at a time. There are 8 chairs  
211 because there are 8 stylists, many part time, and each has their own booth  
212 3. Chemicals used in salon are locked in cabinets and not accessible to anyone except the stylists.  
213 These chemicals include bleach and dye for hair. The MSDS sheets are kept at the front desk as  
214 per Department of State Requirements  
215 4. The side and rear of the building are shown as paved in updated plans  
216 5. The Salon is 1,740sqft and the Yoga Studio is 1,030sqft inclusive of the office  
217 6. A letter was obtained from the East Glenville Fire Chief stating there is adequate fire access to  
218 safely service side and rear of building.

219 C. Beers asked about the size of the apartment on-site.

220 M. Hides replied that the apartment was approximately 900sqft.

221 D. Hennel asked if there was any overlap between salon and yoga hours.

222 M. Hides stated there was now a 15-minute gap between the salon and yoga studio  
223 hours.

224 D. Hennel asked J. Pangburn if the parking minimums would be based on the number  
225 of chairs regardless of how many stylists are working at one time.

226 J. Pangburn affirmed the statement.

227 D. Hennel reminded the Board that the finer details of the updated site plan would be  
228 reviewed by the Planning Board should the Zoning Board grant the Conditional Use  
229 Permit.

- 230 D. Hennel asked if anyone wished to speak in favor of or opposed to the Conditional  
231 Use Permit.
- 232 B. Peterson asked C. Pierson if the Board could question the Fire Chief's letter because  
233 the angled parking to the south side of the building appeared to severely limit the  
234 accessibility of the driveway. He concluded by asking if that was something the  
235 Planning Board could address.
- 236 C. Pierson replied that was something she would make sure the Planning Board took a  
237 critical look at.

- 238 B. Peterson read the following letter from the East Glenville Fire Chief into the record:

239 *To whom it may concern,*

240 *The owner of 765 Saratoga Road contacted the East Glenville Fire Department*  
241 *inquiring about access to the rear of the building. I assessed the property and found*  
242 *there is adequate space in the rear of the structure to gain access with a fire engine.*  
243 *If there are any other questions or concerns, please feel free to contact me.*

244 *-Nicholas Abel*

245 **D. Hennel Closed the Public Hearing.**

- 246
- 247 C. Beers made the following motion.

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248 **MOTION:**

249 Whereas applicant Mark Hindes, having applied for a conditional use permit for the  
250 operation of an Indoor Recreation Facility at 765 Saratoga Road, a use allowed by  
251 Conditional Use Permit in Community Business. Whereas the Planning Commission  
252 has reviewing the application and has recommended the Zoning Board approve the  
253 application, and whereas the Zoning Board has recommended approval of the  
254 application for the following reasons.

- 255 1. The establishment, maintenance, operation, or expansion of the conditional use  
256 will not be detrimental to or endanger public health, safety, or the general  
257 welfare of the community.

258

259 Finding of Fact: The general use of the yoga studio will not have any detrimental  
260 effects. The vehicle parking when paved will comply with local regulations and  
261 will not create excess dust.

- 262
- 263 2. The conditional use will not compromise the use and enjoyment of other  
264 property in the immediate vicinity, nor substantially diminish and impair  
265 property values within the neighborhood.

266

267 Finding of Fact: There is no proof of a detrimental effect to the neighboring  
268 properties.

- 269
- 270 3. The establishment of the conditional use will not hinder the normal and orderly  
271 development and improvement of surrounding properties.

272

273 Finding of Fact: The paved parking will not interfere with neighboring properties.

- 275 4. Adequate utilities, access roads, drainage and any other necessary facilities  
276 have been or will be provided to serve the conditional use.  
277

278 Finding of Fact: There is no proposed change to utilities and no external  
279 changes to the structure as currently used. The impact of proper parking is  
280 unable to be determined at this time.  
281

- 282 5. Adequate measures have been or will be taken to provide ingress and egress to  
283 the site in such a manner as to minimize traffic congestion in the public streets.  
284

285 Finding of Fact: The applicant has proposed paved parking for employees and  
286 patrons at the two businesses at this location. The proposed plan meets the  
287 dust-free requirements within the Town of Glenville.  
288

- 289 6. The conditional use shall, in all other respects, conform to the applicable rules,  
290 regulations, and ordinances of the Town, and be consistent with the Town of  
291 Glenville Comprehensive Plan.  
292

293 Finding of Fact: The current plan, with paved parking, is in compliance with local  
294 regulations.  
295

296 Hereby grant the conditional use permit subject to the following conditions:  
297

- 298 1. The approval of any variance is granted by the Board in accordance  
299 with and subject to those facts shown on the plans and application  
300 submitted, and if applicable, as amended at or prior to this hearing, as  
301 hereinabove recited or set forth.  
302
- 303 2. Any foregoing variance will lapse if any contemplated construction of  
304 the project for which the variance is granted is not substantially  
305 implemented within one year of the date of filing of this decision or  
306 that of any other board of the Town of Glenville granting any required  
307 final approval to such project, whichever is later, but in any event  
308 within two years of the filing of this decision. Merely obtaining a  
309 Building Permit or a Certificate of Occupancy does not constitute  
310 substantial implementation for the purposes hereof.  
311

312 **MOVED BY:** C. Beers

313 **SECONDED BY:** D. Schlankser

314 **AYES:** 5 (Hennel, Schlansker, Peterson, Beers, Mushaw)

315 **NOES:** 0

316 **ABSTAIN:** 0

317 **ABSENT:** 1 (Suydam)

318 **MOTION APPROVED**  
319

**PUBLIC HEARING**

**Application of, Luco Associates, LLC, 2505 Whamer Lane, Niskayuna, NY 12309 at 27 Airport Road, Glenville, NY 12302, for a Conditional Use Permit to establish a 0.86 acre fenced contractor yard for Mid-State Industries, LLC. This property is located in the Research Development Technology District. It is identified on the map as parcel# 30.-1-44**

In accordance with the Codes of Glenville, the following is being requested: A Conditional Use Permit in order to establish a Contractor's Yard in the Research Development Technology District.

**§ 270-20C Uses Permitted by Conditional Use Permit which also Require Site Plan Review.**

*(4) Contractors' offices, shops and yards.*

*--- The application was tabled at the previous meeting and public hearing left open ---  
---Application read into record at previous meeting, copied for ease in minutes ---*

Brian Peterson read the submitted applications and the review factors for the variance requests into the record.

1. The establishment, maintenance, or operation of the Conditional Use will not be detrimental or endanger the public health, safety, morals, or the general welfare of the community.

Answer: *The proposed use will not be detrimental or endanger the public health, safety, morals, or general welfare of the community. The proposed use is located in the Airport Business Park and is similar to existing uses within the park such as office/warehouse/contractor yards. The proposed use will not manufacture any of the materials that are used to conduct their business of commercial roofing. Materials used to conduct their business of commercial roofing will be stored on site in their original packaging awaiting transport to remove job sites for use at those locations. The applicant does not anticipate any emissions, odors, or discharged that would harm the community.*

2. The Conditional Use will not compromise the use and enjoyment of other property in the immediate vicinity, nor substantially diminish and impair property values within the neighborhood.

Answer: *The proposed use will not compromise the use and enjoyment of other property in the immediate vicinity, not substantially diminish and impair property values within the neighborhood. The proposed use is similar to existing uses in the Airport Business Park. The proposed use is located adjacent to a similar property where there is a mix of office space, warehousing, and contractor yards. The proposed building architecture will be developed to complement surrounding properties.*



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3. The establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding properties.

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Answer: *The establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding properties. The proposed use is located at the terminus of Airport Road with no other vacant properties surrounding it for future development. The proposed use will not encroach on surrounding properties or create any obstacles to future improvement to surrounding properties.*

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4. Adequate utilities, access roads, drainage, and any other necessary facilities have been or will be provided to serve the Conditional Use.

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Answer: *Adequate utilities, access roads, drainage, and any other necessary facilities have been or will be provided to serve the proposed use. Adequate access is provided through the business park with the proposed use located at the terminus of Airport Road. The proposed project will connect to municipal sewer and water that is located adjacent to the property. The applicant understands the installed utilities were designed for full build out of the business park and does not anticipate any issues with available capacity. Storm water infrastructure will be designed to provide a zero net increase of peak runoff rates from pre-development to post-development conditions up to the 100yr design storm.*

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5. Adequate measures have been or will be taken to provide ingress or egress to the site in such a manner as to minimize traffic congestion in the public streets.

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Answer: *Adequate measures have been or will be taken to provide ingress and egress to the site in such a manner as to minimize traffic congestion in the public streets. Adequate access is provided through the business park with the proposed use located at the terminus of Airport Road. The proposed use will not have direct access to Route 50, but will access the site from Route 50 at existing signalized intersections.*

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6. The Conditional Use shall, in all other respects, conform to the applicable rules, regulations, and ordinances of the Town, and be consistent with the Town of Glenville Comprehensive Plan

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Answer: *The Conditional Use is consistent with the Town of Glenville Comprehensive Plan. The proposed use is similar to existing uses within the Airport Business Park of which most are commercial in nature. The project site is constricted on the south side of the parcel by an existing overhead electrical service easement to National Grid creating the need for a building, parking, and contractor yard setback variance from the Airport Road ROW. The proposed use will request a third driveway entrance to allow better vehicle flow through the*

*parking area and contractor yard. The proposed use will meet all other applicable rules, regulations, and ordinances of the Town.*

The application was signed by the property owner, on February 12, 2024. Notice of the applications was mailed to 17 property owners within 500 feet of the affected property by the Town. This was a County referral. The County recommended approval and had an advisory note that the proposed Norway Maple is an invasive species and should be replaced with a native deciduous tree.

--LETTERS RECEIVED--

Letter 1:

*Zoning Board of Appeals,*

*We are disappointed not to have the opportunity to speak at this meeting. Tom and I have many concerns with this project – we reside at #38 Saratoga Rd also own #36 for 24 years!*

*We have a financial interest in our property – prior to us Hollenbeck family lives here for 60+ years – While we do understand this is a commercially zoned area there are many residential homes adjacent to this property – We do hope you will give us the opportunity to voice our concerns with this project: Noise, Lights, Deliveries, Trucks Idling, just a few.*

*Once this is approved we have no recourse. Also this is the first we are hearing of this. When land was being cleared no one in the Town knew what was going on – Seems like it's a Metroplex deal without conversation!*

*Lastly, food for thought – This property on Airport Road would make a GREAT entrance/exit for the current residential properties that will eventually turn into full commercial. Route 50 growing another egress would be beneficial. Hope to hear from you!*

Thank you,  
Maureen Culver

--LETTERS RECEIVED--

--- The application was tabled at the previous meeting and public hearing left open ---  
 ---Application read into record at previous meeting, copied for ease in minutes ---

D. Hennel asked if the applicant wished to add any new details or address any questions posed from the previous meeting.

Clay Slaughter, LSI Development Group, was present to represent Mid-State Industries as the Design-Building Contractor.

C. Slaughter described how the rear setback had been increased from 6ft to 35ft and demonstrated with a diagram that the rear setback was as large as it could be while still allowing truck turn-around. He further demonstrated the limitations the National Grid Easement at the rear of the property had on the design.

457 C. Slaughter described how they had been forced to reduce their initial design of a  
458 5,000sqft office space and a 17,000sqft warehouse due to National Grid Easement  
459 requirements. He stated that the change set off a chain reaction of design changes  
460 that necessitated many of the requested variances.

461 C. Slaughter explained that the building side setback variance was necessary due to  
462 the existing Pump Station located between the project site and Route 50. He further  
463 explained that the existing ROW buffer would minimize the visual impact of the side  
464 setback variance.

465 C. Slaughter argued the front setback parking variance was necessary due to the  
466 National Grid easement cutting through the property. He stated there was no room  
467 for adjusting the setback because the building followed the easement boundary, so it  
468 could be moved no further back than shown.

469 C. Slaughter stated that the front contractor yard setback variance was counting the  
470 parking spaces along Airport Road as contractor yard space. He argued that the  
471 parking spaces and drive lane should not be counted as part of the contractor's yard  
472 setback since the use was parking and not storage of materials.

473 C. Slaughter stated that the contractor's yard side setback variance would have little  
474 visual impact due to the elevation increasing, resulting in a hill, on the side of the  
475 contractor's yard.

476 C. Slaughter added that, in addition to the natural topography creating a natural buffer,  
477 they have added landscaping and privacy fencing along the entire perimeter of the  
478 contractor's yard.

479 C. Slaughter recalled that the rear contractor's yard setback was where the biggest  
480 changes could be seen in the iteration of the plans presented at the meeting.

481 C. Slaughter described the need for 3 entrance/exit driveways rather than 2 for truck  
482 turnaround. He stated the alternative would require trucks to back out of the site and  
483 would cause more traffic issues and noise for the surrounding area.

484 D. Hennel shared his approval of the increased rear setback along with the addition of  
485 landscaping and privacy slats.

486 D. Hennel asked if anyone wished to speak in favor of or opposed to the motion.

487 Maureen Culver, 38 Saratoga Road, expressed appreciation to the applicant for  
488 minimizing the visual impact on the rear of the property with the increased setback  
489 and addition of landscaping.

490 M. Culver reiterated her desire that yard hours should be limited to 7AM-3PM and have  
491 no work performed during nights or weekends. She added that care should be taken  
492 to ensure lighting would not be seen off-site. Without these considerations, M. Culver  
493 stated that her family's quality of life would be degraded.

494 D. Hennel replied that hours could be a condition of approval and then asked the  
495 applicant to clarify the office's hours of operation and the hours of operation for truck  
496 traffic.

497 C. Slaughter stated that the lighting would be entirely contained on-site as  
498 demonstrated in the lighting plan submitted to the Planning Board. He stated that  
499 lights would not be on at night.

500 C. Slaughter stated that the office's hours of operation would be 7AM-5:30PM and  
501 truck traffic would be 7AM-3:30PM.

502 C. Beers expressed support for making those hours of operation a condition of  
503 approval.  
504 D. Hennel agreed to make the hours of operation a condition of approval.  
505 C. Beers asked if the Zoning Board could make a condition that lighting not spill onto  
506 neighboring properties.  
507 C. Pierson and J. Pangburn stated that there were standards for lighting in Town Code  
508 and that the Planning Board would ensure lighting met Town requirements.  
509 D. Schlankser suggested moving the entrance/exit driveways to the east because  
510 trucks could enter at the western entrance of the property and exit to the east,  
511 eliminating the need for trucks to turn around.  
512 C. Slaughter replied that this would mix office traffic with truck traffic and would create  
513 an issue with security between the contractor's yard and the offices. He concluded  
514 by stating that the truck would still need to turn around to unload even with that  
515 configuration.  
516 D. Schlankser thanked C. Slaughter for the clarification.  
517 D. Schlankser asked if the entire site would only be used by Mid-State Industries.  
518 C. Slaughter stated that was correct.  
519 D. Schlankser asked C. Pierson if the Zoning Board could condition that no contractor  
520 materials could be stored in the parking spaces within the contractor's yard along  
521 Airport Road.  
522 C. Pierson replied that the Zoning Board could condition that requirement.  
523 D. Schlankser stated that he thought C. Slaughter made a good point regarding the  
524 parking spaces not being part of the contractor's yard. He concluded by saying that if  
525 the front 50ft was used exclusively for parking the visual impact of the contractor's  
526 yard along Airport Road would be minimal.  
527 C. Slaughter stated that was the intended use of the parking spaces. He had no issue  
528 with the condition.  
529 C. Beers asked what the applicant would be comfortable with in regard to limitations  
530 for lighting and hours of operation to accommodate those living nearby.  
531 Mike Lucey, Mid-State Industries, replied that lighting hours were not imperative and  
532 that was willing to work with the Zoning Board.  
533 C. Beers asked what hours M. Lucey would like for lighting since he would like it  
534 conditioned.  
535 M. Lucey answered that 9PM was reasonable.  
536 C. Beers replied that he was fine with the lighting being shut off at 9PM.  
537 C. Pierson added that lighting hours would be best addressed during Site Plan Review  
538 by the Planning Board.  
539 B. Peterson asked if the applicant could face the lights inwards on the site so light  
540 would not bother neighbors.  
541 C. Slaughter stated that was what was being proposed and described the location and  
542 angle of the lighting fixtures on the plans.  
543 D. Hennel agreed that lighting would best be addressed during the site plan review  
544 process.

545  
546 **D. Hennel closed the public hearing.**  
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548  
549 D. Hennel made the following motion.

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550 **MOTION:**

551  
552 Whereas, the applicant having applied for a conditional use permit for property located  
553 in the Town of Glenville at 27 Airport Road, tax map id # 30.-1-44 , and the property is  
554 zoned Research / Development / Technology and Whereas, the applicant wants to use  
555 the property for a contractor's yard , a use allowed in the Research / Development /  
556 Technology district by issuance of a conditional use permit, and whereas, the Planning  
557 and Zoning Commission of the Town of Glenville has reviewed the application and has  
558 recommended that this board approve/deny the application, and

559  
560 Whereas the Planning and Zoning Commission of the Town of Glenville has  
561 recommended the following conditions be attached to this permit:

562 And ,

563  
564  
565 Whereas a public hearing was held on March 25, 2024 to consider the application.

566  
567 Now, therefore be it resolved that this be approved for the following reasons: The  
568 Board of Appeals finds:

- 569  
570 1. The establishment, maintenance or operation of the use will not be detrimental  
571 to or endanger the public health, safety, morals, convenience or general welfare.

572  
573 Finding of Fact: No, applicant has amended their original application related to  
574 side yard setback requirements within the zone, has positioned  
575 the 'contractor yard' portion of the parcel with outdoor storage  
576 away from residential properties across Route 50 and will be  
577 installing solid fencing around outdoor storage. With these  
578 accommodations, we find this proposed use to not be a  
579 detrimental use at this site.

- 580  
581 2. The use will not be injurious to the use and enjoyment of other property in the  
582 vicinity for purposes already permitted, nor substantially diminish or impair  
583 property values in the neighborhood.

584  
585 Finding of Fact: No, applicant has amended their original application related to  
586 side yard setback requirements within the zone, has positioned  
587 the 'contractor yard' portion of the parcel with outdoor storage  
588 away from residential properties across Route 50 and will be  
589 installing solid fencing around outdoor storage. With these  
590 accommodations, we find this proposed use to not be a  
591 detrimental use at this site. Applicant has amended application  
592 to lessen magnitude of setback variance for outdoor storage  
593 and has confirmed that hours of operation will be limited to

7:30am to 5:00 pm EST on Monday thru Friday with no weekend or evening operations.

3. Establishment of the use will not impede the normal and orderly development and improvement of surrounding property

Finding of Fact: Access to property is limited to Airport Road for ingress and egress and requires traffic thru industrial area and signaled intersections. Limiting hours of operation and modify design to more closely align with setback requirements minimizes impact of surrounding properties.

4. Adequate utilities, access roads, drainage and other necessary facilities have/have not been provided or will/will not be provided

Finding of Fact: Applicant will leverage existing roads within zone and ingress / egress will leverage Airport Road with no direct access to Route 50 from property. Submitted plans address needs for utilities and drainage.

5. Adequate measures have/have not been or will/will not be taken to provide entry and exit designed to minimize traffic congestion on the public streets.

Finding of Fact: Applicant will be accessing property via Airport Road and signaled intersections which will minimize congestion on Route 50.

6. The conditional use shall, in all other respects, conform to applicable rules, regulations and ordinances of the Town of Glenville and be consistent with the comprehensive and general development plan of the Town of Glenville.

Finding of Fact: We find the proposed use to be consistent with the master plan for the Town of Glenville.

The following conditions and or restrictions for the conditional use are deemed necessary to secure compliance with the standards and requirements of the ordinance:

1. Hours of Operation will be limited to 7AM-5:30PM Monday through Friday with no weekend or nighttime operation
2. Truck Traffic will not occur on-site outside the hours of 7AM-3:30PM Monday through Friday.
3. Any foregoing variance will lapse if any contemplated construction of the project for which the variance is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board

of the Town of Glenville granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit or a Certificate of Occupancy does not constitute "substantial implementation for the purposes hereof.

4. The approval of any variance is granted by the Board in accordance with and subject to those facts shown on the plans and application submitted, and if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.

**MOVED BY:** D. Hennel  
**SECONDED BY:** D. Schlansker  
**AYES:** 5 (Hennel, Schlansker, Peterson, Beers, Mushaw)  
**NOES:** 0  
**ABSTAIN:** 0  
**ABSENT:** 1 (Suydam)

**MOTION APPROVED**

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**PUBLIC HEARING**

**Application of, Luco Associates, LLC, 2505 Whamer Lane, Niskayuna, NY 12309 at 27 Airport Road, Glenville, NY 12302, for 6 Area Variances to establish a 0.86 acre fenced contractor yard for Mid-State Industries, LLC. This property is located in the Research Development Technology District. It is identified on the map as parcel# 30.-1-44**

In accordance with the Codes of Glenville, the following are being requested:

**1. § 270 Attachment 1: Table of Dimensional Regulations (Side Setback)**

*Minimum Side Setback in RDT Zoning District: 50ft*

The applicant's site plan proposes a side setback of 18ft, therefore a variance of 32ft is requested.

**2. § 270-73C(2): Off-Street Parking (Front Setback)**

*All parking lots will be located no closer than 25 feet to any street right-of-way, nor closer than 10 feet to the rear or side property lines.*

The applicant's site plan proposes a parking lot located 6ft from the right-of-way, therefore a variance of 19ft is requested.

**3. § 270-73D(1): Off-Street Parking (Number of Entrances/Exits)**

*No more than two combination entrance and exit driveways will be permitted. The width of the driveway, measured at the throat (the point where the turning*

radii end and the parallel driveway boundaries begin), will not exceed 35 feet in width.

The applicant's site plan proposes three combination driveways, therefore a variance of 1 additional combination driveway is requested.

**4. § 270-53.1B(1): Contractor's Yards (Front Setback)**

*Outdoor storage areas and the walls or fences that confine these areas must comply with the front, rear and side yard setbacks that are prescribed for the principal use.*

The applicant's site plan proposes a contractor's yard within the RDT Zone which requires a 50ft front setback and the applicant is proposing a 5ft setback. Therefore, a variance of 45ft is requested.

**5. § 270-53.1B(1): Contractor's Yards (Side Setback)**

*Outdoor storage areas and the walls or fences that confine these areas must comply with the front, rear and side yard setbacks that are prescribed for the principal use.*

The applicant's site plan proposes a contractor's yard within the RDT Zone which requires a 50ft side setback and the applicant is proposing a 12ft setback. Therefore, a variance of 38ft is requested.

**6. § 270-53.1B(1): Contractor's Yards (Rear Setback)**

*Outdoor storage areas and the walls or fences that confine these areas must comply with the front, rear and side yard setbacks that are prescribed for the principal use.*

The applicant's site plan proposes a contractor's yard within the RDT Zone which requires a 50ft rear setback and the applicant is proposing a 35ft setback. Therefore, a variance of 15ft is requested.

The application was signed by the property owner, on April 1, 2024. Notice of the applications was mailed to 17 property owners within 500 feet of the affected property by the Town. This was a County referral. The County recommended approval and had an advisory note that the proposed Norway Maple is an invasive species and should be replaced with a native deciduous tree.

Brian Peterson read the submitted applications and the review factors for the variance requests into the record.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance(s)



*Answer: The proposed project is similar to existing properties within the Airport Business Park. The side yard setback encroachment is at the west end of the parcel adjacent to the existing sanitary sewer pump station. No detriment to the station is anticipated. The project site is constricted on the south side of the parcel by an existing overhead electrical service and easement to National Grid, pushing the building to the front setback. The parking and access aisle are in the remaining space between the R.O.W. and the proposed building. The R.O.W. width of Airport Road is 60 feet. The edge of the parking stalls is located nearly 25 feet from the edge of road, allowing for the planting of shade trees and round level evergreen and deciduous landscaping trees and shrubs along the frontage. The third entrance off Airport Road allows for better parking area and contractor yard vehicle flow. With the project at the terminus of Airport Road, the addition of the third entrance should not impact other properties within the business park. The contractor yard encroaches on the front, side, and rear yard setbacks. The contractor yard is sized to accommodate the applicant's equipment and parking needs. The required setbacks leave a contractor yard size and shape that would create a cramped and congested area for employees to work in.*

2. Whether the applicant can achieve their goals via a reasonable alternative which does not involve the necessity of an area variance.

*Answer: For the applicant to achieve an office, warehouse, and contractor yard space that would fit their business needs, the existing on-site power lines would need to be relocated to the south property line or to the Airport Road R.O.W. The requested front parking setback will still be required due to the lot shape, but the requested variance would decrease. The third entrance off Airport Road could be eliminated but flow through the parking area would not be as efficient. The relocation of the power line would not improve the contractor yard encroachment, meeting the required setbacks would result in a yard size and shape that would create a cramped and congested area for employees to work in. The relocation of the power lines was discussed with National Grid and determined to be cost prohibitive to the project budget.*

3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code.

*Answer: The requested building side yard setback variance request is more than half of the required setback but is adjacent to an existing sanitary sewer pump station. The building will have the appearance of meeting the required setback from the Airport Road and Route 50 Right of Way. The requested parking front setback is substantial. The 60-foot R.O.W. width of Airport Road and the constriction created by the existing power lines and easement forces the proposed parking area to encroach on the required setback. The proposed parking access aisle is along the face of the building with no more space to shift the areas away from Airport Road. The requested contractor yard front and side setbacks are substantial. The requested contractor yard rear setback is a*

774 moderate request. The required setbacks leave a contractor yard size and shape  
775 that would create a cramped and congested area for employees to work in and  
776 not meet the applicant's business needs.  
777

- 778 4. Whether the area variance(s) will have an adverse effect or impact on the  
779 physical or environmental conditions in the neighborhood or district.  
780

781 Answer: The applicant does not believe that the requested variances will create  
782 an adverse effect or impact on the surrounding properties. The proposed project  
783 is similar to existing properties within the Airport Business Park. Locating the  
784 proposed building, and parking area along the north side of the site (and  
785 encroaching on the required setbacks) creates a substantial buffer for the  
786 existing properties to the south. The R.O.W. width of Airport Road is 60 feet and  
787 should provide the appearance similar to other properties throughout the  
788 business park.  
789

- 790 5. Whether there has been any self-created difficulty.  
791

792 Answer: The project site is constricted on the south side of the parcel by an  
793 existing overhead electrical service and easement to National Grid, pushing the  
794 building to the front setback. The parking and access aisle are in the remaining  
795 space between the R.O.W. and the proposed building. This also influences the  
796 location of the contractor yard. The relocation of the power lines was discussed  
797 with National Grid and determined to be cost prohibitive to the project budget.  
798 The existing parcel, acquired from Schenectady County, is a non-conforming lot  
799 with respect to lot depth. Zoning requires a lot in the RDT zone to be 200 feet  
800 deep, this existing parcel has a depth of 169 feet. The building and contractor  
801 yard buildable area for this narrow lot restricts building and contractor yard  
802 depth, which would not meet the applicant's business needs. The required  
803 greenspace is 35%, the provided greenspace is more than 43%, the project scale  
804 meets the intent of the code.  
805

806 **D. Hennel opened the public hearing.**  
807

808 D. Hennel asked if anyone wished to speak in favor of or opposed to the motion.  
809

810 No one wished to speak.  
811

812 **D. Hennel closed the public hearing.**  
813

814 D. Hennel made the following motion.  
815

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815 **MOTION:**

816 The applicant having applied for an area variance after having been denied a building  
817 permit for a proposed development which includes a 4,800sqft office space, 12,000sqft

warehouse, and a 0.86 acre contractors yard at 27 Airport Road, Glenville, NY, 12302 and as identified on tax map as #30.-1-44 in the Town of Glenville, New York; and

The applicant having applied for an area variance with regard to the Codes of the town of Glenville Section(s) § 270 Attachment 1: Table of Dimensional Regulations (Side Setback). The minimum side setback for a primary structure in the Research / Development / Technology Zoning District being 50ft. The applicant has requested relief of 32ft allowing a structure to be placed 18ft from the side property line.

Because the proposal would be in violation of the dimensional zoning regulations of the Town; and the Zoning Board of Appeals having considered the application, after a full and complete public hearing held on April 22, 2024 at 7PM, and after having considered the benefit to the applicant as weighed against any detriment to the health, safety, and welfare of the neighborhood or community; in particular,

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance(s).

Finding of fact: No, building and parking lot design is consistent with other nearby properties and should not have an undesirable impact on neighborhood.

2. Whether the applicant can achieve their goals via a reasonable alternative which does not involve the necessity of an area variance(s).

Finding of fact: Yes, there are alternatives available related to building placement, parking and exits.

3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code.

Finding of fact: Yes, the requested variance is substantial based on required distance with some mitigating factors due to length of road frontage and proximity to town utility structures.

4. Whether the area variance(s) will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Finding of fact: No, we find this variance will result in minimal impact to the neighborhood.

5. Whether there has been any self-created difficulty.

Finding of fact: Yes, the situation is self-created.

The following conditions are imposed for the purpose of minimizing any adverse impact on the neighborhood or community:

1. Applicant must include privacy screening on the entirety of fenced area around contractor yard and must install and maintain vegetative screening as indicated on plans in the 'rear setback' area.
2. Hours of Operation will be limited to 7AM-5:30PM Monday through Friday with no weekend or nighttime operation
3. Truck Traffic will not occur on-site outside the hours of 7AM-3:30PM Monday through Friday.
4. Material storage will not be allowed within the front setback (50') of the property.
5. The approval of any variance is granted by the Board in accordance with and subject to those facts shown on the plans and application submitted, and if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
6. Any foregoing variance will lapse if any contemplated construction of the project for which the variance is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Glenville granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit or a Certificate of Occupancy does not constitute "substantial implementation for the purposes hereof.

Now, therefore be it resolved that this application for an area variance be granted.

<b>MOVED BY:</b>	D. Hennel
<b>SECONDED BY:</b>	D. Schlansker
<b>AYES:</b>	5 (Hennel, Schlansker, Peterson, Beers, Mushaw)
<b>NOES:</b>	0
<b>ABSTAIN:</b>	0
<b>ABSENT:</b>	1 (Suydam)

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**MOTION APPROVED**

---

D. Hennel made the following motion.

---

**MOTION**

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The applicant having applied for an area variance after having been denied a building permit for a proposed development which includes a 4,800sqft office space, 12,000sqft warehouse, and a 0.86 acre contractors yard at 27 Airport Road, Glenville, NY, 12302 and as identified on tax map as #30.-1-44 in the Town of Glenville, New York; and

The applicant having applied for an area variance with regard to the Codes of the town of Glenville Section(s) § 270-73C(2): Off-Street Parking (Front Setback). The minimum front setback for a parking lot from a street right-of-way is 25ft. The applicant has

requested relief of 19ft to allow a parking lot to be placed 6ft from the Airport Road right-of-way.

Because the proposal would be in violation of the dimensional zoning regulations of the Town; and the Zoning Board of Appeals having considered the application, after a full and complete public hearing held on April 22, 2024 at 7PM, and after having considered the benefit to the applicant as weighed against any detriment to the health, safety, and welfare of the neighborhood or community; in particular,

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance(s).

Finding of fact: No, building and parking lot design is consistent with other nearby properties and should not have an undesirable impact on neighborhood.

2. Whether the applicant can achieve their goals via a reasonable alternative which does not involve the necessity of an area variance(s).

Finding of fact: Yes, there are alternatives available related to building placement, parking and exits.

3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code.

Finding of fact: Yes, the requested variance is substantial based on required distance with some mitigating factors due to length of road frontage and proximity to town utility structures.

4. Whether the area variance(s) will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Finding of fact: No, we find this variance will result in minimal impact to the neighborhood.

5. Whether there has been any self-created difficulty.

Finding of fact: Yes, the situation is self-created.

The following conditions are imposed for the purpose of minimizing any adverse impact on the neighborhood or community:

1. Applicant must include privacy screening on the entirety of fenced area around contractor yard and must install and maintain vegetative screening as indicated on plans in the 'rear setback' area.

2. Hours of Operation will be limited to 7AM-5:30PM Monday through Friday with no weekend or nighttime operation
3. Truck Traffic will not occur on-site outside the hours of 7AM-3:30PM Monday through Friday.
4. Material storage will not be allowed within the front setback (50') of the property.
5. The approval of any variance is granted by the Board in accordance with and subject to those facts shown on the plans and application submitted, and if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
6. Any foregoing variance will lapse if any contemplated construction of the project for which the variance is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Glenville granting any required final approval to such project,

Now, therefore be it resolved that this application for an area variance be granted

**MOVED BY:** D. Hennel  
**SECONDED BY:** D. Schlansker  
**AYES:** 5 (Hennel, Schlansker, Peterson, Beers, Mushaw)  
**NOES:** 0  
**ABSTAIN:** 0  
**ABSENT:** 1 (Suydam)

**MOTION APPROVED**

---

D. Hennel made the following motion.

---

**MOTION**

The applicant having applied for an area variance after having been denied a building permit for a proposed development which includes a 4,800sqft office space, 12,000sqft warehouse, and a 0.86 acre contractors yard at 27 Airport Road, Glenville, NY, 12302 and as identified on tax map as #30.-1-44 in the Town of Glenville, New York; and

The applicant having applied for an area variance with regard to the Codes of the town of Glenville Section(s) § 270-73D(1): Off-Street Parking (Number of Entrances/Exits). The maximum number of combination entrance and exit driveways permitted shall be no more than 2. The applicant has requested relief of 1 additional combination entrance/exit driveway to allow a total of 3 combination entrance/exit driveways.

Because the proposal would be in violation of the dimensional zoning regulations of the Town; and the Zoning Board of Appeals having considered the application, after a full and complete public hearing held on April 22, 2024 at 7PM, and after having considered the benefit to the applicant as weighed against any detriment to the health, safety, and welfare of the neighborhood or community; in particular,

- 997  
998 1. Whether an undesirable change will be produced in the character of the  
999 neighborhood or a detriment to nearby properties will be created by the granting  
1000 of the area variance(s).

1001  
1002 Finding of fact: No, building and parking lot design is consistent with other  
1003 nearby properties and should not have an undesirable impact on  
1004 neighborhood.

- 1005  
1006 2. Whether the applicant can achieve their goals via a reasonable alternative which  
1007 does not involve the necessity of an area variance(s).

1008  
1009 Finding of fact: Yes, there are alternatives available related to building  
1010 placement, parking and exits.

- 1011  
1012 3. Whether the requested area variance is substantial as compared to the lawful  
1013 dimensions allowed by zoning code.

1014  
1015 Finding of fact: Yes, the requested variance is substantial based on required  
1016 distance with some mitigating factors due to length of road  
1017 frontage and proximity to town utility structures.

- 1018  
1019 4. Whether the area variance(s) will have an adverse effect or impact on the  
1020 physical or environmental conditions in the neighborhood or district.

1021  
1022 Finding of fact: No, we find this variance will result in minimal impact to the  
1023 neighborhood.

- 1024 5. Whether there has been any self-created difficulty.

1025  
1026 Finding of fact: Yes, the situation is self-created.

1027  
1028 The following conditions are imposed for the purpose of minimizing any adverse  
1029 impact on the neighborhood or community:

- 1030  
1031 1. Applicant must include privacy screening on the entirety of fenced area  
1032 around contractor yard and must install and maintain vegetative screening as  
1033 indicated on plans in the 'rear setback' area.  
1034 2. Hours of Operation will be limited to 7AM-5:30PM Monday through Friday  
1035 with no weekend or nighttime operation  
1036 3. Truck Traffic will not occur on-site outside the hours of 7AM-3:30PM Monday  
1037 through Friday.  
1038 4. Material storage will not be allowed within the front setback (50') of the  
1039 property.  
1040 5. The approval of any variance is granted by the Board in accordance with and  
1041 subject to those facts shown on the plans and application submitted, and if

applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.

6. Any foregoing variance will lapse if any contemplated construction of the project for which the variance is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Glenville granting any required final approval to such project,

Now, therefore be it resolved that this application for an area variance be granted.

**MOVED BY:** D. Hennel  
**SECONDED BY:** D. Schlansker  
**AYES:** 5 (Hennel, Schlansker, Peterson, Beers, Mushaw)  
**NOES:** 0  
**ABSTAIN:** 0  
**ABSENT:** 1 (Suydam)

**MOTION APPROVED**

---

D. Hennel made the following motion.

---

**MOTION**

The applicant having applied for an area variance after having been denied a building permit for a proposed development which includes a 4,800sqft office space, 12,000sqft warehouse, and a 0.86 acre contractors yard at 27 Airport Road, Glenville, NY, 12302 and as identified on tax map as #30.-1-44 in the Town of Glenville, New York; and

The applicant having applied for an area variance with regard to the Codes of the town of Glenville Section(s) § 270-53.1B(1): Contractor's Yards (Front Setback). Outdoor storage areas and the walls or fences that confine these areas must comply with the setbacks prescribed for principal uses within their respective zone. The applicant has requested relief of 45ft in order to construct a contractor's yard 5ft from the front property line where 50ft is required.

Because the proposal would be in violation of the dimensional zoning regulations of the Town; and the Zoning Board of Appeals having considered the application, after a full and complete public hearing held on April 22, 2024 at 7PM, and after having considered the benefit to the applicant as weighed against any detriment to the health, safety, and welfare of the neighborhood or community; in particular,

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance(s).

Finding of fact: No, based on location in RDT Zone and amount of greenspace adjacent to Airport Road, magnitude of requested variance will not cause an undesirable change.



- 1087  
1088 2. Whether the applicant can achieve their goals via a reasonable alternative which  
1089 does not involve the necessity of an area variance(s).  
1090

1091 Finding of fact: Yes, applicant could limit the size and location of outdoor  
1092 storage to meet setback requirements, but doing so would limit  
1093 the usable space.  
1094

- 1095 3. Whether the requested area variance is substantial as compared to the lawful  
1096 dimensions allowed by zoning code.  
1097

1098 Finding of fact: Yes, applicant is requesting significant setback variances, but  
1099 potentially won't be seen as substantial when incorporating  
1100 neighboring greenspace.  
1101

- 1102 4. Whether the area variance(s) will have an adverse effect or impact on the  
1103 physical or environmental conditions in the neighborhood or district.  
1104

1105 Finding of fact: No, with revised plans and addition of vegetative screening,  
1106 applicant confirming hours of operation; as well as ensuring  
1107 that lighting is directed onto parcel, we do not feel that the  
1108 revised plans will have a negative impact.  
1109

- 1110 5. Whether there has been any self-created difficulty.  
1111

1112 Finding of fact: Yes, the situation is self-created.  
1113

1114 The following conditions are imposed for the purpose of minimizing any adverse  
1115 impact on the neighborhood or community:  
1116

- 1117 1. Applicant must include privacy screening on the entirety of fenced area  
1118 around contractor yard and must install and maintain vegetative screening as  
1119 indicated on plans in the 'rear setback' area.  
1120 2. Hours of Operation will be limited to 7AM-5:30PM Monday through Friday  
1121 with no weekend or nighttime operation  
1122 3. Truck Traffic will not occur on-site outside the hours of 7AM-3:30PM Monday  
1123 through Friday.  
1124 4. Material storage will not be allowed within the front setback (50') of the  
1125 property.  
1126 5. The approval of any variance is granted by the Board in accordance with and  
1127 subject to those facts shown on the plans and application submitted, and if  
1128 applicable, as amended at or prior to this hearing, as hereinabove recited or  
1129 set forth.  
1130 6. Any foregoing variance will lapse if any contemplated construction of the  
1131 project for which the variance is granted is not substantially implemented

within one year of the date of filing of this decision or that of any other board of the Town of Glenville granting any required final approval to such project,

Now, therefore be it resolved that this application for an area variance be granted.

**MOVED BY:** D. Hennel  
**SECONDED BY:** D. Schlansker  
**AYES:** 5 (Hennel, Schlansker, Peterson, Beers, Mushaw)  
**NOES:** 0  
**ABSTAIN:** 0  
**ABSENT:** 1 (Suydam)

---

**MOTION APPROVED**

---

D. Hennel made the following motion.

---

**MOTION**

---

The applicant having applied for an area variance after having been denied a building permit for a proposed development which includes a 4,800sqft office space, 12,000sqft warehouse, and a 0.86 acre contractors yard at 27 Airport Road, Glenville, NY, 12302 and as identified on tax map as #30.-1-44 in the Town of Glenville, New York; and

The applicant having applied for an area variance with regard to the Codes of the town of Glenville Section(s) § 270-53.1B(1): Contractor's Yards (Side Setback). Outdoor storage areas and the walls or fences that confine these areas must comply with the setbacks prescribed for principal uses within their respective zone. The applicant has requested relief of 38ft in order to construct a contractor's yard 12ft from the side property line where 50ft is required.

Because the proposal would be in violation of the dimensional zoning regulations of the Town; and the Zoning Board of Appeals having considered the application, after a full and complete public hearing held on April 22, 2024 at 7PM, and after having considered the benefit to the applicant as weighed against any detriment to the health, safety, and welfare of the neighborhood or community; in particular,

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance(s).

Finding of fact: No, based on location in RDT Zone and amount of greenspace adjacent to Airport Road, magnitude of requested variance will not cause an undesirable change.

2. Whether the applicant can achieve their goals via a reasonable alternative which does not involve the necessity of an area variance(s).

1177  
1178 Finding of fact: Yes, applicant could limit the size and location of outdoor  
1179 storage to meet setback requirements, but doing so would limit  
1180 the usable space.

- 1181  
1182 3. Whether the requested area variance is substantial as compared to the lawful  
1183 dimensions allowed by zoning code.

1184  
1185 Finding of fact: Yes, applicant is requesting significant setback variances, but  
1186 potentially won't be seen as substantial when incorporating  
1187 neighboring greenspace.

- 1188  
1189 4. Whether the area variance(s) will have an adverse effect or impact on the  
1190 physical or environmental conditions in the neighborhood or district.

1191  
1192 Finding of fact: No, with revised plans and addition of vegetative screening,  
1193 applicant confirming hours of operation; as well as ensuring  
1194 that lighting is directed onto parcel, we do not feel that the  
1195 revised plans will have a negative impact.

- 1196  
1197 5. Whether there has been any self-created difficulty.

1198  
1199 Finding of fact: Yes, the situation is self-created.

1200  
1201 The following conditions are imposed for the purpose of minimizing any adverse  
1202 impact on the neighborhood or community:

- 1203  
1204 1. Applicant must include privacy screening on the entirety of fenced area  
1205 around contractor yard and must install and maintain vegetative screening as  
1206 indicated on plans in the 'rear setback' area.  
1207 2. Hours of Operation will be limited to 7AM-5:30PM Monday through Friday  
1208 with no weekend or nighttime operation  
1209 3. Truck Traffic will not occur on-site outside the hours of 7AM-3:30PM Monday  
1210 through Friday.  
1211 4. Material storage will not be allowed within the front setback (50') of the  
1212 property.  
1213 5. The approval of any variance is granted by the Board in accordance with and  
1214 subject to those facts shown on the plans and application submitted, and if  
1215 applicable, as amended at or prior to this hearing, as hereinabove recited or  
1216 set forth.  
1217 6. Any foregoing variance will lapse if any contemplated construction of the  
1218 project for which the variance is granted is not substantially implemented  
1219 within one year of the date of filing of this decision or that of any other board  
1220 of the Town of Glenville granting any required final approval to such project,  
1221

Now, therefore be it resolved that this application for an area variance be granted.

**MOVED BY:** D. Hennel  
**SECONDED BY:** D. Schlansker  
**AYES:** 5 (Hennel, Schlansker, Peterson, Beers, Mushaw)  
**NOES:** 0  
**ABSTAIN:** 0  
**ABSENT:** 1 (Suydam)

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**MOTION APPROVED**

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D. Hennel made the following motion.

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**MOTION**

The applicant having applied for an area variance after having been denied a building permit for a proposed development which includes a 4,800sqft office space, 12,000sqft warehouse, and a 0.86 acre contractors yard at 27 Airport Road, Glenville, NY, 12302 and as identified on tax map as #30.-1-44 in the Town of Glenville, New York; and

The applicant having applied for an area variance with regard to the Codes of the town of Glenville Section(s) § 270-53.1B(1): Contractor's Yards (Rear Setback). Outdoor storage areas and the walls or fences that confine these areas must comply with the setbacks prescribed for principal uses within their respective zone. The applicant has requested relief of 15ft in order to construct a contractor's yard 35ft from the rear property line where 50ft is required.

Because the proposal would be in violation of the dimensional zoning regulations of the Town; and the Zoning Board of Appeals having considered the application, after a full and complete public hearing held on April 22, 2024 at 7PM, and after having considered the benefit to the applicant as weighed against any detriment to the health, safety, and welfare of the neighborhood or community; in particular,

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance(s).

Finding of fact: No, revised plans to install and maintain vegetative buffer and screening will minimize negative impact.

2. Whether the applicant can achieve their goals via a reasonable alternative which does not involve the necessity of an area variance(s).

Finding of fact: Yes, applicant could limit the size and location of outdoor storage to meet setback requirements, but doing so would limit the usable space.

- 1267  
1268 3. Whether the requested area variance is substantial as compared to the lawful  
1269 dimensions allowed by zoning code.

1270  
1271 Finding of fact: No, with revised plans and vegetative buffer, the rear setback is  
1272 not viewed as substantial.

- 1273  
1274 4. Whether the area variance(s) will have an adverse effect or impact on the  
1275 physical or environmental conditions in the neighborhood or district.

1276  
1277 Finding of fact: No, with revised plans and addition of vegetative screening,  
1278 applicant confirming hours of operation; as well as ensuring  
1279 that lighting is directed onto parcel, we do not feel that the  
1280 revised plans will have a negative impact.

- 1281  
1282 5. Whether there has been any self-created difficulty.

1283  
1284 Finding of fact: Yes, the situation is self-created.  
1285

1286 The following conditions are imposed for the purpose of minimizing any adverse  
1287 impact on the neighborhood or community:  
1288

- 1289 1. Applicant must include privacy screening on the entirety of fenced area  
1290 around contractor yard and must install and maintain vegetative screening as  
1291 indicated on plans in the 'rear setback' area.  
1292 2. Hours of Operation will be limited to 7AM-5:30PM Monday through Friday  
1293 with no weekend or nighttime operation  
1294 3. Truck Traffic will not occur on-site outside the hours of 7AM-3:30PM Monday  
1295 through Friday.  
1296 4. Material storage will not be allowed within the front setback (50') of the  
1297 property.  
1298 5. The approval of any variance is granted by the Board in accordance with and  
1299 subject to those facts shown on the plans and application submitted, and if  
1300 applicable, as amended at or prior to this hearing, as hereinabove recited or  
1301 set forth.  
1302 6. Any foregoing variance will lapse if any contemplated construction of the  
1303 project for which the variance is granted is not substantially implemented  
1304 within one year of the date of filing of this decision or that of any other board  
1305 of the Town of Glenville granting any required final approval to such project,  
1306

1307 Now, therefore be it resolved that this application for an area variance be granted.  
1308

1309 **MOVED BY:** D. Hennel

1310 **SECONDED BY:** D. Schlansker

1311 **AYES:** 5 (Hennel, Schlansker, Peterson, Beers, Mushaw)

1312 NOES: 0  
1313 ABSTAIN: 0  
1314 ABSENT: 1 (Suydam)

1315  
1316 **MOTION APPROVED**

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1317  
1318 **MOTION:**

1319 To adjourn the March 25th, 2024 meeting of the Town of Glenville Zoning Board of  
1320 Appeals at 8:45 pm

1321  
1322 **MOVED BY:** D. Hennel  
1323 **SECONDED BY:** B. Peterson  
1324 **AYES:** 4 (Hennel, Schlansker, Peterson, Beers, Mushaw)  
1325 **NOES:** 0  
1326 **ABSTAIN** 0  
1327 **ABSENT:** 1 (Suydam)

1328 **MOTION APPROVED**

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1339 Next scheduled agenda meeting: May 20<sup>th</sup>, 2024  
1340 Next scheduled meeting: June 3<sup>rd</sup>, 2024

1341  
1342 \_\_\_\_\_  
1343 Nicholas Chiavini, Stenographer \_\_\_\_\_ Date

1344  
1345 \_\_\_\_\_  
1346 ZBA Chairman \_\_\_\_\_ Date

1347  
1348 \_\_\_\_\_  
1349 Town Clerk \_\_\_\_\_ Date