



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

**1. § 270 Attachment 1: Table of Dimensional Regulations.**

*Minimum Lot Width in a Professional Residential Zoning District: 140ft*

The applicant proposes a subdivision which creates this parcel with 49.5ft of minimum lot width. Therefore, a variance of 90.5ft is requested.

**2. § 270 Attachment 1: Table of Dimensional Regulations.**

*Minimum Lot Size in a Professional Residential Zoning District: 30,000sqft*

The applicant proposes a subdivision which creates this parcel with 11,266sqft in area. Therefore, a variance of 28,734sqft is requested.

Brian Peterson read the submitted applications and the review factors for the variance requests into the record. Note: the two applications are identical in their answers to the review criteria.

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 variances(s).

Answer: No, all preexisting for decades.

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

Answer: No, not that we can determine

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

Answer: Somewhat...to present day standards, but reasonable to the standards of decades ago.

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

Answer: No.

5. Whether there has been any self-created difficulty

Answer: No.

The application was signed by Charles Fogg, the property owner, on November 5, 2023. Notice of the applications was mailed to 61 property owners within 500 feet of the affected property by the Town. This was a County referral. The County deferred to local consideration and had an advisory note requesting that utility and access easements be provided on subdivision plats.

No letters were received for or against the application.

Chairman Hennel asked if the applicant, Charles Fogg (503 Saratoga Road) would like to add anything to his application

C. Fogg replied that his application already explained his reasoning. He added that he planned on having reciprocal easements for the driveway and for utilities between the two proposed parcels.

D. Hennel asked if those easements had been written yet.

C. Fogg replied that he planned to have them written after receiving variances and other approvals.

D. Hennel asked if the Zoning Board of Appeals should impose those as conditions of approval.

Nick Chiavini added that it is important to remember the applications would be returning to the Planning Board if the variances are approved. His opinion was that it might be cleaner to recommend those items as conditions to be imposed by the Planning Board rather than attaching them to the variance.

Colleen Pierson, legal counsel for both the Planning Board and Zoning Board, shared that those items were already discussed by Planning Board and they had already agreed to impose those conditions during Planning Approval.

D. Hennel shared that he would like to add a recommendation to require easements as a condition of approval by the Planning Board if variances were granted.

#### **D. Hennel opened the public hearing.**

D. Hennel asked if anyone wished to speak for or against either application.

No one wished to speak.

D. Hennel asked if anyone on the Zoning Board had questions or comments.

Brian Peterson asked the applicant if the goal of this subdivision was to sell the property.

C. Fogg answered yes.

B. Peterson read a description of the application from the Staff Review provided by the Planning Dept to confirm the details:

*The applicant would like to subdivide this single nonconforming parcel into two non-conforming parcels. The applicant will also be combining a thin parcel to the north of the property with this lot. The primary parcel currently contains 2 homes and at least 2 accessory structures. The frontage width is ~60ft (140ft required) and the applicant is seeking to split this into two parcels. In this application, he is seeking to create a parcel with 10.77ft of frontage.*

C. Fogg replied that this is all correct.

N. Chiavini asked to confirm that the sliver (SBL: 15.8-5-33.2) was a part of the existing 503 Saratoga Road parcel (SBL: 15.8-5-34). He explained that the two parcels are drawn as a single parcel on C. Fogg's application. He pointed out that the area and frontage calculations in the application appeared to be based on the assumption that those two parcels were combined.

C. Fogg replied that he owns the sliver and it was deeded to him in the early 2000s.

137 C. Pierson asked if the deed exchange was informal or if it was officially filed, to his  
138 knowledge.

139 C. Fogg replied that two attorneys were involved and he believed the deed transfer was  
140 recorded and made official.

141 C. Pierson explained that he can own both the sliver and the primary parcel, but they  
142 can still be separate parcels.

143 There was a discussion about whether to table the application and whether Charles  
144 Fogg could prove he owned the sliver at tonight's meeting.

145 N. Chiavini stated that, according to the Schenectady County Tax Map, both parcels  
146 were in C. Fogg's name, so he did not believe that would be an issue.

147 D. Hennel asked if proving ownership could be a condition of approval.

148 C. Pierson replied that she did not believe that to be necessary and that the Planning  
149 Board could address that if needed.

150 C. Pierson asked if procedurally the applicant would need a lot line adjustment prior to  
151 subdivision.

152 J. Pangburn replied that he would ask the Town Assessor tomorrow for any input.

153 C. Fogg insisted that the sliver is not its own parcel and is part of the primary parcel.

154 J. Pangburn replied that the Schenectady County Tax Map shows them as two  
155 separate parcels.

156 N. Chiavini stated that ImageMate, another County Property Inventory Software, also  
157 shows that these were two separate parcels.

158 A discussion occurred about the existing configuration of the parcels and the  
159 ownership of them.

160 C. Pierson said regardless of the configuration, all the sources available showed that C.  
161 Fogg owned the land. She stated that this would certainly have been an easier  
162 application to understand if C. Fogg ensured all parcels were combined prior to  
163 applying for the subdivision and subsequent variances.

164 N. Chiavini asked C. Pierson if the Zoning Board had to worry about procedures leading  
165 up to the subdivision, or if that would fall under the purview of the Planning Board  
166 and Department. He asked to confirm that the Zoning Board was simply reviewing  
167 the final configuration. He stated that while C. Fogg might need to submit for a lot  
168 line adjustment, he did not believe it should hold up the Zoning Board and the area  
169 variance applications.

170 C. Pierson explained that C. Fogg would not be able to proceed with any variances  
171 granted tonight if the sliver was not combined with the primary parcel since the  
172 variances would be for less relief than needed if the parcels were separate. She  
173 stated she believed he would need to take care of that before formally filing for a  
174 subdivision. C. Pierson further explained that if there were a real issue with  
175 ownership that the subdivision would not make it through the Planning Board. She  
176 reminded everyone that approving the variances does not make the subdivision  
177 happen immediately and that C. Fogg still had to return to the Planning Board.

178 D. Hennel asked if anyone had any further questions about the application.

179 Dick Schlansker shared that he had an issue with the buildings that were to be split  
180 between two lots by the subdivision. He expressed concern about how taxes would  
181 be calculated, how sales would be made, and how this configuration would work.

182 B. Peterson specified to C. Fogg that D. Schlankser was referring to the infill shed and  
183 garage. He asked about the feasibility of removing these buildings.

184 C. Fogg answered that they were quality buildings and served real utility to the  
185 property. He explained that is where machines related to the maintenance of the  
186 property were stored as well as several automobiles. He concluded by saying he had  
187 no intention of removing the buildings.

188 C. Beers asked specifically about the garage.

189 C. Fogg replied that the garage will be deeded to 503 Saratoga Road, the parcel  
190 proposed to be closest to Route 50.

191 There was a discussion concerning the feasibility of selling parcels that have  
192 structures intruding into other lots.

193 C. Pierson stated that the issue was a valid concern, but ultimately was outside the  
194 scope of the Zoning Board of Appeals. She concluded that this issue would be better  
195 left to the seller and buyer of the property.

196 B. Peterson asked if it would still be easier to resolve the issue now and make the  
197 parcels more conforming.

198 C. Pierson replied that she would not recommend the Zoning Board of Appeals become  
199 involved in the issue.

200 D. Hennel added that the issue of structures intruding into neighboring properties  
201 currently exists in the present configuration. He stated that the variance would not  
202 make that particular situation any worse than it was currently.

203 C. Pierson shared that the Planning Board believed that, by allowing this subdivision,  
204 the area would become more conforming due to the fact that each parcel would  
205 have one primary structure rather than two.

206 D. Hennel agreed and asked if C. Pierson recommended making a condition of  
207 approval that only two tax parcels could result from this subdivision. Thereby  
208 forcing the sliver parcel issue to be resolved.

209 C. Pierson replied that would be better suited to be addressed by the Planning Board  
210 and Department. She reminded everyone that she would be at the Planning Board  
211 meeting and would ensure the subdivision is done correctly.

212 D. Hennel recounted the recommendations to the Planning Board that were being  
213 proposed. He recalled that written easements were one recommendation and two  
214 parcels were another and asked if there were others he was forgetting.

215 C. Pierson explained that these were considerations already made by the Planning  
216 Board and that she did not see a need for any of those items as recommendations.  
217 She concluded that if the Zoning Board of Appeals felt more comfortable making  
218 recommendations, then it would not hurt either.

219 There was a discussion about the sliver parcel and how best to ensure it was included  
220 as part of the subdivision

221 B. Peterson asked if they should recommend any action on the sheds intruding into  
222 other parcels.

223 D. Hennel replied that C. Pierson recommended they not address that issue.

224 C. Pierson added that any conditions imposed by the Zoning Board of Appeals must be  
225 directly related to addressing an externality brought about by granting the variance.  
226 She reiterated that the Zoning Board of Appeals should not impose conditions  
227 unrelated to the variance being reviewed.

- 228 D. Schlankser shared that he was having a hard time deciding whether to approve this  
229 variance because, while the existing parcel was non-conforming in many ways,  
230 approving the subdivision would make the area non-conforming in numerous other  
231 ways.
- 232 C. Pierson replied that the subdivision would make the property more conforming  
233 because one primary structure would be on each parcel.
- 234 D. Schlankser stated that, while that was true, dimensionally these two parcels  
235 would be more non-conforming than the original especially when setbacks,  
236 minimum lot widths, and lot sizes are considered
- 237 C. Pierson answered that the Planning Board was also having similar thoughts about  
238 the application.
- 239 D. Hennel replied that this subdivision creates a flag lot which is explicitly not allowed  
240 in Town.
- 241 C. Fogg added that the property was non-conforming in many ways, but has always  
242 been like that. He explained that the configuration and buildings looked messy from  
243 the top-down view, but on the ground, everything looked clean and that he took care  
244 of his property.
- 245 D. Schlankser asked if there were any conditions that could be imposed to improve the  
246 lot and make it less non-conforming. He suggested reconfiguring the lots or moving  
247 sheds and garages in order to address the intrusion into other parcels by existing  
248 structures.
- 249 C. Pierson answered that it would be best to not address issues unrelated to the  
250 variance at hand.
- 251 There was a conversation about whether the side setbacks were being made more  
252 nonconforming if the variance were to be granted.
- 253 D. Hennel asked if anyone else wished to speak for or against the motion.  
254 No one wished to speak.
- 255 **D. Hennel closed the public hearing.**
- 256

---

257 B. Peterson made the following motion.

258 **MOTION:**

259 The applicant, Charles Fogg, having applied for an area variance for the  
260 proposed parcel 503 Saratoga Road with regards to the Codes of the  
261 Town of Glenville Sections § 270 Attachment 1: Table of Dimensional  
262 Regulations Minimum Lot Width in Professional Residential Zoning  
263 District, because the proposal would be in violation of the dimensional  
264 zoning regulations of the Town; and the Zoning Board of Appeals having  
265 considered the application, after a full and complete public hearing held  
266 on January 29, 2024; and after having considered the benefit to the  
267 applicant as weighed against any detriment to the health, safety, and  
268 welfare of the community in particular,

- 269
- 270 1. Whether an undesirable change will be produced in the character of  
271 the neighborhood or a detriment to nearby properties will be created  
272 by the granting of the area variance.
- 273

Finding of fact: This may benefit the Town as well as make the properties more useful considering separate ownership.

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

Finding of fact: No, the only alternative would be to tear down all the existing buildings which would impose undue financial hardship on the applicant.

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

Finding of Fact: Yes, 129ft is more than what the Town permits. Although this is a driveway for a residence and not a commercial business frontage.

4. Whether the area variance will have an adverse impact on the physical or environmental conditions of the neighborhood or community

Finding of Fact: No, there would be no physical or environmental changes.

5. Whether there has been any self-created difficulty

Finding of Fact: All applications are self-created to an extent. This particular one is trying to deal with preexisting conditions whereas the application may have been reasonable at the time it was created.

Now, therefore be it resolved that this area variance application for 129.23ft of Minimum Lot Width in the Professional Residential Zone be granted with the following recommendations to the Planning Board of Glenville:

1. The proper easements for driveways and utilities be provided in writing.
2. Ensure the sliver parcel north of property (SBL: 15.8-5-33.2) is combined with the existing 503 Saratoga Road parcel (SBL: 15.8-5-34) prior to subdivision.

**MOVED BY:** B. Peterson

**SECONDED BY:** D. Hennel

**AYES:** 5 (Hennel, Schlansker, Peterson, Suydam, Beers)

**NOES:** 0

**ABSENT:** 0

**MOTION APPROVED**

320  
321  
322 B. Peterson made the following motion.

323 **MOTION:**

324 The applicant, Charles Fogg, having applied for an area variance for the  
325 proposed parcel 505 Saratoga Road with regards to the Codes of the  
326 Town of Glenville Sections § 270 Attachment 1: Table of Dimensional  
327 Regulations Minimum Lot Width in Professional Residential Zoning  
328 District, because the proposal would be in violation of the dimensional  
329 zoning regulations of the Town; and the Zoning Board of Appeals having  
330 considered the application, after a full and complete public hearing held  
331 on January 29, 2024; and after having considered the benefit to the  
332 applicant as weighed against any detriment to the health, safety, and  
333 welfare of the community in particular,

- 334  
335 1. Whether an undesirable change will be produced in the character of  
336 the neighborhood or a detriment to nearby properties will be created  
337 by the granting of the area variance.

338  
339 Finding of fact: This may benefit the Town as well as make the  
340 properties more useful considering separate ownership.

- 341  
342 2. Whether the applicant can achieve their goals via a reasonable  
343 alternative which does not involve the necessity of the area variance.

344  
345 Finding of fact: No, the only alternative would be to tear down all the  
346 existing buildings which would impose undue financial hardship on  
347 the applicant.

- 348  
349 3. Whether the requested area variance is substantial as compared to  
350 the lawful dimensions allowed by zoning code

351  
352 Finding of Fact: Yes, 129ft is more than what the Town permits.  
353 Although this is a driveway for a residence and not a commercial  
354 business frontage.

- 355  
356 4. Whether the area variance will have an adverse impact on the physical  
357 or environmental conditions of the neighborhood or community

358  
359 Finding of Fact: No, there would be no physical or environmental  
360 changes.

- 361  
362 5. Whether there has been any self-created difficulty  
363



Finding of Fact: All applications are self-created to an extent. This particular one is trying to deal with preexisting conditions whereas the application may have been reasonable at the time it was created.

Now, therefore be it resolved that this area variance application for 90.5ft of Minimum Lot Width in the Professional Residential Zone be granted with the following recommendations to the Planning Board of Glenville:

1. The proper easements for driveways and utilities be provided in writing.
2. Ensure the sliver parcel north of property (SBL: 15.8-5-33.2) is combined with the existing 503 Saratoga Road parcel (SBL: 15.8-5-34) prior to subdivision.

**MOVED BY:** B. Peterson

**SECONDED BY:** D. Hennel

**AYES:** 5 (Hennel, Schlansker, Peterson, Suydam, Beers)

**NOES:** 0

**ABSENT:** 0

---

**MOTION APPROVED**

---

B. Peterson made the following motion.

**MOTION:**

The applicant, Charles Fogg, having applied for an area variance for the proposed parcel 505 Saratoga Road with regards to the Codes of the Town of Glenville Sections § 270 Attachment 1: Table of Dimensional Regulations Minimum Lot Size in Professional Residential Zoning District, 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 January 29, 2024; and after having considered the benefit to the applicant as weighed against any detriment to the health, safety, and welfare of the 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.

Finding of fact: This may benefit the Town as well as make the properties more useful considering separate ownership.

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

Finding of fact: No, the only alternative would be to tear down all the existing buildings which would impose undue financial hardship on the applicant.

- 410  
411 3. Whether the requested area variance is substantial as compared to  
412 the lawful dimensions allowed by zoning code  
413

414 Finding of Fact: Yes, 129ft is more than what the Town permits.  
415 Although this is a driveway for a residence and not a commercial  
416 business frontage.  
417

- 418 4. Whether the area variance will have an adverse impact on the physical  
419 or environmental conditions of the neighborhood or community  
420

421 Finding of Fact: No, there would be no physical or environmental  
422 changes.  
423

- 424 5. Whether there has been any self-created difficulty  
425

426 Finding of Fact: All applications are self-created to an extent. This  
427 particular one is trying to deal with preexisting conditions whereas the  
428 application may have been reasonable at the time it was created.  
429

430 Now, therefore be it resolved that this area variance application for  
431 28,734sqft of Minimum Lot Size in the Professional Residential Zone  
432 be granted with the following recommendations to the Planning Board  
433 of Glenville:

- 434 1. The proper easements for driveways and utilities be provided in  
435 writing.  
436 2. Ensure the sliver parcel north of property (SBL: 15.8-5-33.2)  
437 is combined with the existing 503 Saratoga Road parcel  
438 (SBL: 15.8-5-34) prior to subdivision.  
439

440 **MOVED BY:** B. Peterson  
441 **SECONDED BY:** D. Hennel  
442 **AYES:** 5 (Hennel, Schlansker, Peterson, Suydam, Beers)  
443 **NOES:** 0  
444 **ABSENT:** 0  
445

#### **MOTION APPROVED**

---

#### **MOTION:**

446  
447  
448 To adjourn the January 29th, 2023 meeting of the Town of Glenville Zoning Board of  
449 Appeals at 8:00 pm  
450

451 **MOVED BY:** D. Hennel  
452 **SECONDED BY:** B. Suydam  
453 **AYES:** 5 (Hennel, Schlansker, Peterson, Suydam, Beers)  
454 **NOES:** 0  
455 **ABSENT:** 0

456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467

**MOTION APPROVED**

---

Next scheduled agenda meeting: February 12<sup>th</sup>, 2024

Next scheduled meeting: February 26<sup>th</sup>, 2024.

\_\_\_\_\_  
Nicholas Chiavini, Stenographer

\_\_\_\_\_  
Date

\_\_\_\_\_  
ZBA Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

DRAFT