

**AGENDA MEETING OF THE ZONING BOARD OF APPEALS  
OF THE TOWN OF GLENVILLE**

**THE GLENVILLE MUNICIPAL CENTER**

**18 GLENRIDGE ROAD, GLENVILLE, NY 12302**

**Monday July 20, 2020**

**PRESENT:** Chairman: David Hennel; Brian Peterson

**PRESENT VIRTUALLY:** Juliano Febo, Beth Kissinger, Dick Schlansker

**ALSO ATTENDING:** Code Enforcement: Jim Pangburn

**ALSO ATTENDING VIRTUALLY:** Code Enforcement: Arnold Briscoe; Stenographer: Jen Vullo;  
Attorney: Courtney Heinel; Mike Burns, Melissa Cherubino, Raymond Collar

**Chairman Hennel called the meeting to order 7:05 pm.**

**Application of Jacob and Kathleen Heiner, 778 Washout Road, Glenville, NY 12302** for an Area Variance in regard to the construction of a 50ft x 60ft single story accessory structure to be used as a music studio, wood working shop, and storage building. This parcel is identified on the tax map as parcel# 13.-2-3, and is located within the Rural Agricultural Zoning District.

In accordance with the Codes of Glenville, the following area variances are being requested.

**270 – 9 F- Accessory Structures in the RA Zoning District:**

(2)All accessory structures 280 sq ft up to 1,200 sq ft in size must be located a minimum of 10 feet from side and rear property lines. Applicant is proposing to construct an accessory structure 3,000 sq ft in size. Maximum square footage of accessory structures allowed is 1200 sq ft. Applicant is seeking a variance of 1800 sq ft.

**270 – 9 D- Height.** No accessory building or structure shall exceed 15 feet in height in a Zoning district, unless the accessory structure is a roof mounted receive only antenna, or if the structure is used in association with a farm. Applicant is proposing to construct an accessory structure at the height of 24 feet 10 inches resulting in a mean height of 18 feet 10 inches. A variance of 3 feet 10 inches is being sought.

This application was tabled from the last meeting.

J. Pangburn stated they have no new information at this time. Chairman Hennel requested that J. Pangburn call the applicant to ask about changes to the application.

D. Schlansker reminded the Board that the application was previously tabled due to questions regarding the pitch of the structure, and the possibility of eliminating the height variance with a lower pitch.

**Application of Matthew T. Florell, 83 Skyway Drive, Glenville, NY 12302, for an Area Variance in regard to the installation of new six-foot-high wood fence, and is identified as tax parcel #22.18-2-32 and is located within the Suburban Residential zoning district. This application had been tabled from the meeting held on June 22 for additional information.**

In accordance with the Town Code of Glenville, the following variance is being requested.

**270- 52 C Residential uses.**

(2) Fences on residential properties will not exceed four feet in height in the front yard, including along side lot lines to the front of the front plane of the dwelling. Applicant is proposing to install a new six-foot-high wood fence in both the front yards and rear yard of the parcel. The property is a corner lot.

This application was tabled from the last meeting.

Chairman Hennel noted that a revised drawing was submitted. The fence on the Dover Pl. side has been lowered to 4', arborvitae have been added to the drawing. The center of the arborvitae back to the fence was showing as 8'. He questioned the 24' length from the garage to the area closest to the road, which includes the 8' swing gate. He asked if the neighbor at 83 Skyway Dr. had replied to the Town's letter of notification, since they would be the most impacted by this variance? It was noted that the fence would almost be in alignment with the porch. He also noted that ZBA rarely grants 6' front yard fences unless there are mitigating circumstances.

B. Peterson noted that the arborvitae could almost be part of the front yard fence, as they obscure the neighbor's lot.

Chairman Hennel inquired if the applicant can plant arborvitae in the ROW? J. Pangburn replied it would be at his own risk, as technically plantings are not allowed in ROW's.

C. Heinel stated that the motion for denial failed at the last meeting, which included a verbal amendment to the height of the fence on the Dover Pl. side of the property to be changed from 6' to 4'. A motion to approve would be necessary this time.

Chairman Hennel would like to discuss with the applicant whether he is willing to move the fence further back.

D. Schlansker felt it was worth noting that this is a unique property because he has literally no back yard. He has also already made a compromise.

**Application of Christopher Colin, 437 Vley Road, Glenville, NY 12302, for an Area Variance in regard to the proposed installation of a 24 ft round above ground pool in the front yard, and is identified as tax parcel #29.11-3-10 and is located within the Suburban Residential Zoning District.**

In accordance with the Town Code of Glenville, the following variance is being requested.

**270 – 54 A Private Swimming Pools- (2)-Swimming pools will not be permitted in front yards.**

It has been determined that the proposed location of the pool would be located in the front yard of the parcel.

Chairman Hennel explained the location of the property, with the front facing Vley Rd. and the property going back to Sacandaga Rd. He asked if anyone had visited the site yet and is there any evidence of a previous pool?

B. Peterson had visited. He noted a lot of dirt where a pool might have been. He guessed the pool might have been where the deck is now. J. Pangburn explained that if an old pool was permitted it can be replaced. However, the Town has no record of a pool there.

Chairman Hennel also emphasized that with no application for a fence, they can only install a 4' fence facing Sacandaga Rd, as it's in the front yard.

J. Febo emphasized that Board members need to drive by. He feels the drawing submitted is not proportionate and very deceiving. A visual inspection might give a clearer picture.

Chairman Hennel questioned the distance of 94' from the road to the garage. He asked J. Pangburn to reach out to the applicant for a confirmation of distances, such as garage to pool and pool to road, etc.

D. Schlansker asked if a fence currently exists, and if any letters have been received from neighbors in support of this application? B. Peterson stated that he noticed a chain link fence already exists on the 147 side. J. Pangburn noted that #435 is the closest neighbor to the proposed pool. He would check to see if anything else was received.

D. Schlansker also asked if the application needs County Referral because it's on a County Rd.? J. Pangburn and A. Briscoe confirmed that it is Residential so no County referral is needed.

**Application of Darren & Sharon LaBombard, 21 Paradowski Road, Glenville, NY 12302**, for an Area Variance in regard to the proposed installation of 26 feet of six-foot-high fencing, and is identified as tax parcel #16.5-1-3 and is located within the Suburban Residential zoning district. In accordance with the Codes of Glenville, the following area variance is being requested.

**270 – 52 C Residential Uses.** Fences on residential properties will not exceed four feet in height in the front yard, including alongside lot lines to the front of the front plane of the dwelling. Applicant is proposing to install a new six-foot-high wood fence in both the front yards and rear yard of the parcel. The property is a corner lot.

Chairman Hennel confirmed they are only looking for one section of fence to go straight across the front yard? J. Pangburn explained there is an existing chain link fence on the side. He also noted that the septic was replaced and they had to take out some of the arborvitaes.

Chairman Hennel suggested that a potential contingency could be to maintain vegetation along the road, and that IF the variance is granted it would only be for what is on the application, not other areas of the property.

B. Kissinger noted the plans show a future added driveway? J. Pangburn explained that it may be an older drawing, as the driveway is there.

J. Febo noted that the application states the fence will be handmade with plants inside and out. He expressed concern regarding maintaining this.

**Application of Dr. Karamdeep Singh, 7 Cinnamon Lane, Clifton Park, NY 12065, for an Area Variance in regard to proposed construction of a parking lot at 170 Saratoga Road, Glenville, NY 12302, 10' from the Right Of Way for redevelopment of a corner property, and is identified as tax parcel #22.15-3-21 and is located within the Professional Residential Zoning District.**

In accordance with the Codes of Glenville, the following area variance is being requested.

**270 – 73 C. Location of parking areas and spaces. (3)** All parking lots/areas associated with nonresidential uses and multifamily uses 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.

J. Pangburn noted this property has an open violation to clean up the site.

Chairman Hennel asked if they are keeping or removing access from Saratoga Rd.? J. Pangburn noted they are removing that entrance per DOT's request.

Chairman Hennel referenced page 3 of the application. If you look at the overlay of what's there now vs. what's proposed it appears, they want 2 buildings? M. Burns confirmed that is correct.

Chairman Hennel asked if they went to one building, would they need that many parking spots? J. Pangburn explained that if they downsized the buildings, they would need fewer spots. M. Burns stated the number of parking spots is a direct result of the amount of square footage that they are proposing for each of the 2 buildings. If they downsized the building, they could reduce the parking to within the setbacks required.

Chairman Hennel asked if there were any letters from neighbors. J. Pangburn stated letters will be distributed to Board members this week.

Chairman Hennel asked if the Town should calculate the size building allowable to maintain the parking spaces within the setback? J. Pangburn replied that their architect would be best suited for that, whether that means downsizing the buildings, or eliminating the second one, etc.

M. Burns stated that he doesn't recall the rationale behind needed the second building. Elements like demolition costs, building, and renovation costs would factor in. There were no figures shared with them.

Chairman Hennel noted that diagrams would help the Board to visualize the project. M. Burns confirmed that renderings were requested. The response was that they would be provided once approval is granted. He noted that ZBA needs to see them beforehand. Chairman Hennel officially requested renderings before they vote on a variance. M. Burns would forward that request on.

Chairman Hennel would also like to know what the purpose of the 10' space is. J. Pangburn surmised it's probably a required separation between buildings. Chairman Hennel also noted they are requesting 8400 s/f of office space on a much smaller space.

D. Schlansker noted on page 4 of the application that the back building is a residential unit, not a commercial building, with only 1 unit, which only requires 2 spaces. J. Pangburn said he thinks one floor is residential and one is commercial. Chairman Hennel noted it says mixed use on the drawing.

**Application of Robert Van Flue, 2042 Waters Road, Glenville, NY 12302**, for an Area Variance in regard to the proposed construction of a 30ft x 32ft accessory structure in the front yard. This parcel is identified on the tax map as parcel# 6.-2-12.2 and is located in the Rural Residential/Agricultural Zoning District.

In accordance with the Codes of Glenville, the following area variance is being requested.

**270 – 9 C. Location.** No permitted accessory use or building shall be located in any front yard.

Chairman Hennel noted this is a long, treed driveway. The garage will be 113' back from the road. There are letters of support from neighbors. A possible condition if the variance is granted would be that the siding and windows should match the main house. Also, that the new structure cannot be used as a business or residence. It would be for the storage of personal property only.

**Application of Dean Coirin, 555 Swaggertown Road, Glenville, NY 12302**, for an Area Variance in regard to the proposed installation of a 35 ft X 14.9 ft inground swimming pool with a 4 ft high fence in the front yard, on a corner property. This parcel is identified on the tax map as parcel# 15.3-1-22.22 and is located in the Suburban Residential Zoning District.

In accordance with the Codes of Glenville, the following area variance is being requested.

**270 – 9 C. Location.** No accessory structure shall be located in any front yard

Chairman Hennel noted this is a corner lot.

B. Peterson explained that it is sheltered well on Spring St. with abundant trees. He also noted that a 35' pool is quite long.

Chairman Hennel reviewed measured distances. It was noted there is 20' from the edge of the pool to the fence, 49' from the fence to the neighbor, thus the pool is 69' from the neighbor.

J. Febo noted the application states the proposed fence is solid, so will hide the pool. Chairman Hennel noted it is a 4' fence.

**Application of Raymond & Kathleen Collar, 14 Cedar Lane, Glenville, NY 12302**, for an Area Variance in regard to proposed construction of an addition on the back of the house, as well as a new front entryway vestibule and porch on the front of the house. This parcel is identified on the tax map as parcel# 15.20-4-45 and is located in the Suburban Residential Zoning District.

In accordance with the Codes of Glenville, the following Area Variances are being requested.

**270, Attachment 1:1** Minimum side setback required is 15 feet. Applicant is proposing a setback of 14 feet and requesting a variance of 1 foot.

**270, Attachment 1:1** Minimum front setback required is 30 feet. Applicant is proposing a 10 foot setback from the front property line and requesting a 20 ft variance for the front setback.

Mr. Collar was on the Webinar.

Chairman Hennel asked if the proposed addition is doubling the size of the house? Mr. Collar explained it is a 317 s/f addition to the south side, so not doubling the size. Chairman Hennel confirmed the addition is going to the right on the diagram. Mr. Collar replied yes to the south.

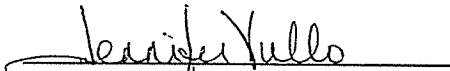
J. Pangburn explained the variance is for the left side of the drawing regarding the porch and front entrance.

D. Schlansker noted that the drawing submitted to the County looks different than the ones done by the architects. Mr. Collar explained the one submitted to the County was early in the process. The ones submitted by the architect are the current drawings. D. Schlansker asked if the architect had done exterior elevations yet? Mr. Collar replied they don't have any for the front vestibule and he would have to check on any for the back addition. D. Schlansker explained that it helps ZBA to make sure the addition goes with the current house.

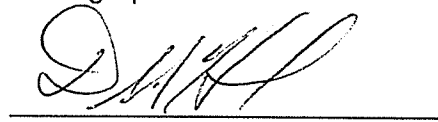
Chairman Hennel asked what neighbor (house number) is most impacted by this variance? Mr. Collar answered 16 Cedar Lane, Mr. and Mrs. Pausly.

Other note: D. Schlansker inquired if there is a limit on how many applications can be heard per meeting? M. Burns replied that it is being discussed what other municipalities are doing. Input from Board members is appreciated.

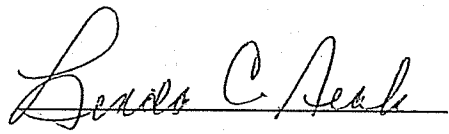
Submitted by,

  
Stenographer

7/27/20  
Date

  
ZBA Chairman

7/27/20  
Date

  
Town Clerk

7/28/2020  
Date