**MEETING OF THE ZONING BOARD OF APPEALS**

**OF THE TOWN OF GLENVILLE**

**THE GLENVILLE MUNICIPAL CENTER**

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

**Monday October 26, 2020**

**PRESENT:** Chairman: David Hennel; Juliano Febo, Beth Kissinger, Dick Schlansker, Brian Peterson

**ABSENT:**

**ALSO ATTENDING:** Code Enforcement: Jim Pangburn; Stenographer: Jen Vullo

**ALSO ATTENDING VIRTUALLY:** Attorney: Courtney Heinel

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

**MOTION:** To accept the September 2020 minutes as amended.

**MOVED BY:** Chairman Hennel

**SECONDED:** B. Kissinger

**AYES: 4** (Hennel, Febo, Kissinger, Schlansker)

**NOES: 0**

**ABSENT: 0**

**ABSTAIN: 1** (Peterson)

 **MOTION CARRIED**

**MOTION:** To accept the October 2020 Agenda minutes as amended.

**MOVED BY:** Chairman Hennel

**SECONDED:** J. Febo

**AYES: 5** (Hennel, Febo, Kissinger, Schlansker. Peterson)

**NOES: 0**

**ABSENT: 0**

**ABSTAIN: 0**

 **MOTION CARRIED**

**PUBLIC HEARING**

**Application of Trustco Bank 286 Saratoga Road, Glenville NY 12302** for the proposed installation of a new digital, (LED), sign by AJ Signs, 842 Saratoga Road, Burnt Hills 12027. The proposed new digital sign will be replacing an existing sign currently located at the business. The property is located within the General Business Zoning District as well as the Town Center Overlay District. It is identified on the tax map as parcel # 22.7-6-5.11

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

 **270-133 I. Signs (5) Minimum performance criteria.** The following performance standards shall apply to signs in the Town Center Overlay District: **(h)** Setbacks. Monument signs shall have a minimum setback of 10 feet from the right-of-way line and 10 feet from the side property line and shall be located in a manner that does not interfere with required minimum sight distance at driveways or intersections.

 **270-133 I. Signs (4) Prohibited Signs.** The following signs shall be prohibited in the Town Center Overlay District: **(a)** Moving signs.

 **270-133 I. Signs (5) Minimum performance criteria.** The following performance standards shall apply to signs in the Town Center Overlay District. **(c)** Size. Monument signs, as permitted in Subsection I of this section, shall have a maximum area of 50 square feet per sign face for the primary sign and 24 square feet per sign face for any secondary signs. Double faced signs are permitted. For all other signs, the size standards in Article IX for the underlying zoning district shall apply.

This application was tabled from the August and September meetings. It was deferred to local consideration by the County. Trustco offered a different sign option from the LED sign originally proposed to the Board. This would change it to a monument sign which included a clock and temperature. It would be located in the same location as the old sign. J. Pangburn noted that the original sign is technically too close to the road according to Town codes. If they were changing less than 25% of the sign it could stay in its current location. However, since they are replacing the sign, they have to comply with Town standards. Chairman Hennel feels a monument sign is more in keeping with what is currently required in the area. However, if it is too close to the road it might cause a site line issue. If granted, a condition needs to be specific that only time and temperature can be changing on the sign. The Board has questions regarding exact location of sign and possible alternative locations.

A representative from Trustco was not in attendance live or virtually.

**MOTION TO TABLE APPLICATION:**

**Moved by:**  B. Kissinger

**Seconded by:**  J. Febo

**AYES: 5** (Hennel, Kissinger, Schlansker, Febo, Peterson)

**NOES:**  **0**

 **ABSENT: 0**

 **MOTION TABLED**

B. Kissinger asked if a new County Referral would be needed? J. Pangburn said a County Referral is not needed for signs.

**Application of Marc and Jennifer Flanagan, 16 Evergreen Blvd, Glenville, New York 12302** for the proposed installation of a 6 ft fence to extend into the front yard of the parcel extending 24 ft. forward toward Hadel Road and running 96 feet along the Hadel Road side of the parcel. This is a corner property and is located within the Suburban Residential Zoning District and is identified on the tax map as parcel # 22.10-1-22.

In accordance with the Codes of Glenville, the following area 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 alongside lot lines to the front of the front plane of the dwelling. Applicant is proposing to install a new six-foot-high fence on the Hadel Road side of the front yard. The applicant is seeking a variance in height of 2 feet for the fencing running approximately 144 feet. ***\*amended application below***

A motion was made at the September 2020 meeting to deny the application. This failed to pass. A motion must now be made to approve the application in order for it to proceed further.

The application has been amended so the fence will be located closer to the tree line and further from the road. It will also be a solid, vinyl fence with a lattice top.

**Letters Received:**

Jennifer Ringhoff – 14 Evergreen Blvd. – no opposition

Chairman Hennel asked the applicant if he had any comment to share with the Board. M. Flanagan provided additional pictures, brought the fence closer to the trees (by 4’) and further from the Road, as the Board requested, and changed the fence type to solid vinyl with a lattice top.

**Chairman Hennel opened the public hearing:**

Chairman Hennel asked for comments from the community either in favor or opposed to the variance application. none

Chairman Hennel solicited questions from the Board members. J. Febo noted that we now have exact measurements of 25’ from the edge of Hadel Road to the fence.

Chairman Hennel acknowledged the revised application, and confirmed that the applicant now wished the fence to be 20’ off the plane of the house instead of 24’. He asked if there was any chance the applicant could go to 8’? M. Flanagan replied that he would prefer the 20’ measurement. He feels anything closer to the house would interfere with the septic system, play area, and trees. Chairman Hennel expressed that he would still prefer it be closer to the house.

J. Febo asked if any consideration had been given to a shorter fence on the Hadel Road side? M. Flanagan explained that he had found a 5’ tall fence at Lowes (4’ solid w/ 1’ lattice). He would consider installing this, but only for the section of fence requiring a variance. He found another property with this fence to compare size.

Chairman Hennel asked the applicant if he was amending his application again? M. Flanagan replied yes, he would like a 5’ fence running along Hadel, transitioning to a 6’ fence where a variance is not needed.

J. Febo confirmed that the applicant is requesting a 1’ variance? M. Flanagan replied yes.

B. Kissinger suggested a possible condition would be a 4’ solid white vinyl with a 1’ lattice top, thus 5’ in total height. This way it can’t be changed later to a solid 5’ fence.

**Chairman Hennel closed the public hearing:**

**MOTION:**

The applicant having applied for an area variance after having been denied a building permit to erect or construct a 6ft fence in the front yard at 16 Evergreen Blvd 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) 270-52 C (2) 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 5ft high fence in the Hadel Road side of the front yard. The applicant is seeking a variance in height of 1ft for the fencing running approximately 144 feet.

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 October 26, 2020, 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. Finding of fact: No. The fence is set approximately 25ft from the edge of the pavement on Hadel Road and does not impede on visual aesthetics or sightlines. Also, in consideration of the Town Code, the applicant has proposed using a 5ft fence with 1ft of “see-through”/lattice fencing at the top, to allow light to pass through and make the fence appear shorter, and virtually closer to the 4ft. fence allowed by the Town of Glenville in a front yard.
2. Whether the applicant can achieve their goals via a reasonable alternative which does not involve the necessity of an area variance. Finding of fact: Yes. The applicant could install a 4ft high fence, however, in consideration of their dog and making sure that it will not escape the fence, a taller fence is required.
3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code. Finding of fact: No. Although a fence in a front yard typically impedes on the aesthetics and safety of a neighborhood (visual distractions), this fence will be situated far enough from the road that will not have a drastic impact on passing traffic or neighbors’ sightlines.
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. The applicant has stated that the brush in their backyard will be cleaned up (if not already) for the installation of the fence. This fence will also add to the safety of the home for the applicant, children and dog.
5. Whether there has been any self-created difficulty. Finding of fact: Yes. The choice to build a 6ft fence is self-created and due to other factors that were self-created i.e dog.

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

Conditions:

1. 5ft. in total — white vinyl fence with a 1ft. lattice structure on the top side shall be used.

2. No large gates shall be situated on the side running parallel to Hadel Road.

3. The fence shall be maintained and kept clean.

The applicant asked if a gate was allowed on the section of fence coming out from the house toward Hadel. J. Febo explained that he didn’t want it on the section running parallel to Hadel.

**MOTION:**

**Moved by:** J. Febo

**Seconded by:**  D. Schlansker

**AYES: 3** (Schlansker, Febo, Peterson)

**NOES:** 2 (Hennel, Kissinger)

 **ABSENT: 0**

**Reasons for denial (criteria not met):** Hennel: Criteria 2,3,4,5 failed; Kissinger: Criteria 2 failed

 **MOTION APPROVED**

**Application of Amy Mahl, 32 St. Stephen’s Lane E, Glenville, New York 12302** for a proposed installation of a new shed in the front yard on a corner lot. The property is located within the Suburban Residential Zoning District and is identified on the tax map as parcel #22.7-3-4.

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. The proposed location of the new shed will extend 8 feet forward of the front plane of the dwelling along Daphne Drive. The applicant is requesting a variance of 8 feet.

B. Kissinger read the application and review factors for the variance requests into the record.

Sent to 58 neighboring property owners with 2 responses. This was not referred to the County.

**E-mails Received:**

Rocco & Jan Montesano – 17 Glen Terrace – in favor

Stella DeWitt – 2 Compton Place - opposed

Chairman Hennel asked the applicant if she had any comment to share with the Board. Amy Mahl was present and would like to make an amendment to her application for the size of the shed. She originally asked for an 8x10’ shed, but after several attempts to get that, she realized she would have to get one off a lot, and the most common size is 10x12’. Chairman Hennel asked if the extra size would need a larger variance or extend further into her yard? A. Mahl is requesting the same variance and stated the extra size would extend into her yard.

**Chairman Hennel opened the public hearing:**

Chairman Hennel asked for comments from the community either in favor or opposed to the variance application. none

Chairman Hennel solicited questions from the Board members. He asked if there was a reasonable alternative, like moving the vegetable garden and placing the shed there? A. Mahl explained that moving it to the vegetable garden area would actually be more visually obstructive to the neighbors, as it would be more visible to them there. She also noted that there is a significant slope to the land around the vegetable garden (approximately 10’ slope). If she put the shed there, it would actually be more visible. Chairman Hennel asked if she plans to keep and maintain the fence? A. Mahl replied yes.

B. Peterson asked if the height of the shed would change with the increased size? A. Mahl replied no, the height of the shed will not change. She has no need for a shed larger than 10x12’.

J. Febo noted that the variance request is for 8’. If approved, as long as the 8’ variance is kept, could she install a larger shed? Chairman Hennel explained that they would condition the approval for UP TO the size requested. A. Mahl acknowledged that the shed needs to be 3’ from Daphne Drive and 5’ from the neighbors. Chairman Hennel clarified with the applicant that approval would be UP TO 10x12’ size and 3’ from Daphne Drive. Applicant responded yes.

**Chairman Hennel closed the public hearing:**

**MOTION:**

The applicant having applied for an area variance after having been denied a building permit to erect or construct a 10ft by 12ft shed at 32 St Stephens Ln E 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) 270-9 C Location — No permitted accessory use or building shall be located in any front yard. The proposed location of the new shed will extend 8ft forward of the front plane of the dwelling along Daphne Drive. The applicant is requesting a variance of 8ft.

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 October 26, 2020, 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. Finding of fact: No. The shed will be covered by two trees that are situated in front of the fence that shields the shed from the road. There is also a hill leading up to the fence line, adding further to the shielding of the fence.
2. Whether the applicant can achieve their goals via a reasonable alternative which does not involve the necessity of an area variance. Finding of fact: Yes. The applicant could move the shed further than 8ft. However, to preserve the current layout of the backyard, this variance would be required.
3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code. Finding of fact: No. Although the shed is being placed in the front yard, it is hidden by trees, a fence, and a hill leading up to the fence. An 8ft variance is small in relative terms to the allowable dimensions of the code.
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. The applicant has stated that the shed is going to be a new build and will be maintained accordingly.
5. Whether there has been any self-created difficulty. Finding of fact: Yes. The choice to build a shed and maintain the current layout of a yard is self-created.

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

Conditions:

1. No lighting shall be pointed in the direction of neighboring properties.

2. Aesthetics of the shed shall compliment the home in material, color and design.

3. Foliage and fence on Daphne Road side of property shall be kept and maintained.

4. Shed shall be placed no closer to the fence than 3ft. on the Daphne Road side.

5. Shed shall not exceed the size of 10ft x 12ft.

**MOTION:**

**Moved by:** J. Febo

**Seconded by:**  B. Peterson

**AYES: 4** (Hennel, Kissinger, Febo, Peterson)

**NOES:** 1 (Schlansker)

 **ABSENT: 0**

**Reasons for denial (criteria not met):** Schlansker: Criteria 2,5 failed

 **MOTION APPROVED**

Amy Mahl expressed to the Board that she hopes that regular reviews are done regarding the fees charged to applicants applying for a variance. She would like full participation from people from economic diversity within the community to be able to participate. She thinks everyone should follow the correct process but is concerned that those residents who can’t afford the fees would try to circumvent the process. J. Pangburn agreed to pass along her concerns to Town Board members. He also noted that many fees are incurred by the Town to process these applications, including personnel, mailings, notifications, County Referrals, etc. that are covered by the fees charged. D. Schlansker also noted that some items, like professional surveys, are often not required by the Town in an effort to save the applicant additional fees. Chairman Hennel noted that ZBA is here to consider approvals for unique circumstances. If residents adhere to all Town codes, then variances and application fees are not needed.

**Application of Frank and Tricia Emmer, 211 Sacandaga Road, Glenville, New York 12302** for the proposed construction of a single-family residence at Mc Michael Drive. The vacant property is located within the Suburban Residential Zoning District and is identified on the tax map as parcel#38.7-1.18.

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

**Town Code 270-** **Attachment 1-** The minimum side setback from the property line is required to be 15 feet. The applicant is proposing to construct the residence with a 10 foot setback from the side property line and therefore is requesting a variance of 5 feet.

B. Kissinger read the application and review factors for the variance requests into the record.

Sent to 23 neighboring property owners with 1 response. This was not referred to the County.

**Letters Received:**

F. Emmer to Jerry Riggi to provide consent to variance – signed by both

Chairman Hennel asked the applicant if he had any comment to share with the Board. Nothing further to add.

**Chairman Hennel opened the public hearing:**

Chairman Hennel asked for comments from the community either in favor or opposed to the variance application. none

Chairman Hennel solicited questions from the Board members. He mentioned Sanders Ave Paper Street – it has the potential to expand, but currently it is not. He confirmed with the applicant the structure would be a single-family, 3 bedroom home, with no in-law apartment? F. Emmer replied correct.

B. Peterson asked if lot 11 is the one referred to as the cemetery lot? F. Emmer replied yes, there is 1 gravestone in the center of the lot. B. Peterson asked if that could eventually be turned into a residential lot? J. Pangburn was unclear of the exact procedure to do that. J. Febo noted they would have to abide by setbacks if they did. B. Kissinger re-iterated that the owner of lot 11 (J. Riggi) gave consent for the variance.

D. Schlansker inquired about turning the house so the quantity of the house in the variance would be less. F. Emmer feels that nothing would be gained by doing that. He also stated that all other houses on the road are parallel to the road. D. Schlansker asked why the applicant chose the northeast side of the lot for the variance? F. Emmer stated he was discouraged from changing the setback on the Paper St. side. He knew the owner of the lot on the other side and approached him for permission. He felt this would be less impact for the Town if he moved the house toward the north side. D. Schlansker asked who discouraged him from changing the setback on the Paper St. side? F. Emmer could not recall.

Chairman Hennel asked if the 30’ site radius has to be maintained? J. Pangburn replied yes, or a variance would be needed. D. Schlansker stated that he personally felt there would be less impact on the Paper St. side. It was noted that the owner approached the Town to purchase Paper St., but they declined. D. Schlansker asked if the applicant designed the house and then realized that the setback requirements had changed and a variance was needed? F. Emmer replied yes.

D. Schlansker suggested a possible condition to granting approval would be no HVAC or exterior lighting on the north side. F. Emmer agreed to this.

**Chairman Hennel closed the public hearing:**

**MOTION:**

The applicant having applied for an area variance after having been denied a building permit to erect or construct a single-family residence at 10 McMichael Drive, Tax Map #38.7-1.18 in a suburban residential zoning district 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, minimum side yard setback, 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 Monday, October 26, 2020, 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. Finding of fact: No, the 5’ request will not change the character of the neighborhood.
2. Whether the applicant can achieve their goals via a reasonable alternative which does not involve the necessity of an area variance. Finding of fact: Yes, the applicant can design a building which has a smaller width, but the applicant has already designed the home and additional cost is substantial.
3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code. Finding of fact: No, the 5’ variance on the side yard setback on the northeast property line is needed due to the 30’ required front yard setback from the Paper street Sanders Avenue, a street that does not currently exist.
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, the neighbors have smaller setback requirements than the applicant. He is actually exceeding what the current buildings in the neighborhood do have.
5. Whether there has been any self-created difficulty. Finding of fact: Yes, but a minor request.

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

Conditions: No HVAC equipment or exterior lighting on the northeast side of the building.

**MOTION:**

**Moved by:** D. Schlansker

**Seconded by:**  B. Kissinger

**AYES: 4** (Hennel, Schlansker, Kissinger, Febo)

**NOES:** **1** (Peterson)

 **ABSENT: 0**

 **MOTION APPROVED**

**Application of Brian Van Vranken, 251 Sterling Road, Pattersonville, New York 12137** for the purpose of operating a new family type restaurant, “Maxons” at 507 Saratoga Road in the existing building previously occupied by the former restaurant, “The Bayou”. The parcel is currently zoned Community Business and is listed on the tax map as parcel #15.8-5-33.1

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

**270-18 Community Business, C.** Uses permitted by conditional use permit which also require site plan review:

1. Restaurants, cafes and other eating establishments, excluding fast-food restaurants.

B. Kissinger read the application and review factors for the variance requests into the record.

Sent to 66 neighboring property owners with no responses. This was referred to the County. The County responded with approval and an advisory – removing additional parking spaces on the north side of the entrance given the proximity to Saratoga Rd.

Chairman Hennel asked the applicant if he had any comment to share with the Board. B. Van Vranken was in attendance but had nothing further to add.

An email from PZC was read into the record. It recommended approval with the following conditions: 1. The applicant is to protect the septic system, located on the western portion of the parcel, from vehicular traffic, dumpster location, and/or snow storage. 2. The applicant needs to make sure the SPDES permit is updated and in conformance with NYS DEC regulations. 3. The applicant will meet with the property owner on the south side to determine the condition of the fence and complete any repairs that may be required. 4. The applicant will obtain a sign permit as necessary, making sure the sign is not located in the right-of-way. 5. Live music will be limited to inside and a permit will be required for outdoor music on a limited basis. 6. A lighting plan will be pursued by the applicant to prevent possible lighting spillage onto adjacent residential properties. 7. The applicant will look at the front parking spaces immediately adjacent to Saratoga Road and modify taking into consideration the county referral comments.

**Chairman Hennel opened the public hearing:**

Chairman Hennel asked for comments from the community either in favor or opposed to the variance application. none

Chairman Hennel solicited questions from the Board members. He noted again that outdoor entertainment has been an issue in the past with certain establishments. The CUP would be approval for indoor entertainment only, outdoor entertainment would require a permit from the Town.

J. Febo asked if there are any plans for tent use due to COVID, now or next summer? B. Van Vranken stated that he doesn’t anticipate using a tent, but acknowledges that we can’t predict the circumstances of next summer. He agreed to approach the Town for approval if that was ever needed. There are currently no plans for a tent.

D. Schlansker asked if the CUP is just for this owner and this use? J. Pangburn stated that as long as one year doesn’t pass without use, the CUP would stay with the property. Chairman clarified that it is because the establishment was closed for more than 1 year, a new CUP is needed for this site.

J. Febo inquired about the parking spaces closest to Route 50. B. Van Vranken stated that they will adjust the 2 spots closest to Route 50. He also noted they are reworking the traffic flow to a one-way route to help with deliveries as well as customers.

**Chairman Hennel closed the public hearing:**

**MOTION:**

Whereas, the applicant having applied for a conditional use permit for property located in the Town of Glenville at **507 Saratoga Road** and as identified as tax map parcel **#15.8-5-33.1** and the property is zoned **Community Business**

And whereas, the applicant wants to use the property for a **Family type restaurant to be known as “Maxon’s Restaurant and Grill” at the location formerly known as the Bayou Restaurant,** a use allowed in the district by issuance of a conditional use permit, and whereas, the Planning and Zoning Commission of the Town of Glenville has reviewed the application and has recommended that this board **approve** the application, and whereas the Planning and Zoning Commission have forwarded a number of conditions to be attached to this permit:

And, whereas a public hearing was held on **October 26, 2020** to consider this application.

Now therefore be it resolved that this application be **approved** for the following reasons:

The Zoning Board of Appeals finds:

1. The establishment/operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare of the community.

***Finding of fact: Applicants plans to open a family style restaurant at the location should not endanger the community***

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

***Finding of fact: Applicant has made significant improvements to the building and is re-opening as a restaurant on the property. Applicant is aware of condition that granting of this permit only allows for inside entertainment, to lessen the impact on any nearby residential properties.***

3. The conditional use will not hinder the normal and orderly development and improvement of surrounding properties.

***Finding of fact: Proposed use is consistent with current and former types of uses within this corridor along NY State Route 50***

4. The proposal does provide adequate utilities, access roads, drainage, and other necessary facilities to serve the conditional use.

***Finding of fact: Applicant has already completed improvements to the building and grounds, and is taking necessary steps to ensure sufficient sanitary systems for the business.***

5. The proposal does provide adequate measures for ingress and egress to the site, in such a manner as to minimize traffic congestion in the public streets.

***Finding of fact: Based on plans submitted, the access to / from site remains similar to prior access for similar use as restaurant***

6. The conditional use does, in all other respects, conform to the applicable rules, regulations, and ordinances of the Town, as well as the Town of Glenville Comprehensive Plan.

***Finding of fact: Application and information provided by applicant is consistent with the ordinances of the Town and the Town of Glenville Comprehensive Plan.***

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. The applicant is to protect the septic system, located on the western portion of the parcel, from vehicular traffic, dumpster location, and/or snow storage.

2. The applicant needs to make sure the SPDES permit is updated and in conformance with NYS DEC regulations.

3. The applicant will meet with the property owner on the south side to determine the condition of the fence and complete any repairs that may be required.

4. The applicant will obtain a sign permit as necessary, making sure the sign is not located in the right-of-way.

5. Live music will be limited to inside and a permit will be required for outdoor music on a limited basis.

6. A lighting plan will be pursued by the applicant to prevent possible lighting spillage onto adjacent residential properties.

7. The applicant will look at the front parking spaces immediately adjacent to Saratoga Road and modify taking into consideration the county referral comments.

**MOTION:**

**Moved by:** Chairman Hennel

**Seconded by:**  B. Kissinger

**AYES: 5** (Hennel, Schlansker, Kissinger, Febo, Peterson)

**NOES:** **0**

 **ABSENT: 0**

 **MOTION APPROVED**

**Note:** The Board has requested all work sessions (agenda meetings) to be held at 6:00 pm instead of 7:00 pm going forward.

**MOTION:** To adjourn the October 26, 2020 meeting of the Town of Glenville Zoning Board of Appeals.

**Moved by:** Chairman Hennel

**Seconded by:** B. Kissinger

**AYES: 5** (Hennel, Schlansker, Febo, Kissinger, Peterson)

**NOES:** **0**

 **ABSENT: 0**

 **MOTION APPROVED**

Next agenda meeting: November 16, 2020

Next meeting: November 23, 2020

Submitted by,

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Stenographer Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

ZBA Chairman Date

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Town Clerk Date