

**MEETING OF THE ZONING BOARD OF APPEALS
OF THE TOWN OF GLENVILLE
THE GLENVILLE MUNICIPAL CENTER
18 GLENRIDGE ROAD, GLENVILLE, NY 12302
Monday February 26, 2018**

PRESENT: Chairman: David Hennel, Vice Chairman: Joseph Vullo, Dick Schlansker, Jeff Stuhr, Bruce Wurz

ABSENT: Board Liason: Gina Wierzbowski

ALSO ATTENDING: Code Enforcement: Terri Petricca; Attorney: Michael Cuevas; Stenographer: Jen Vullo

Chairman Hennel called the meeting to order at 7:00 P.M.

MOTION: To accept the January 2018 minutes as amended.

MOVED BY: J. Vullo

SECONDED: J. Stuhr

AYES: 4 (Hennel, Vullo, Schlansker, Stuhr)

NOES: 0

ABSENT: 0

ABSTAIN: 1 (Wurz)

MOTION CARRIED

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PUBLIC HEARING

Application of John Reiner, 990 Gower Road, Glenville, NY 12302 for two area variances that will allow for the construction of a new 54' x 80' (4,320 s/f) detached accessory building for the storage of personal items and equipment. Said property is located in the Rural Residential Zoning District and is identified on tax map: 13.00-2-30.111

The applicant is seeking variances from the Codes of the Town of Glenville as follows:

- 1) 270-9,D: Height – No accessory building or structure shall exceed 15' in height in any residential zoning district. The building has a 20' 6" mean height. Therefore, the applicant is seeking a variance of 5'6" from this section of the code.
- 2) 270-9,F(2): Maximum size – No accessory building or structure shall exceed 1,200 s/f in the RRA Zoning District. The building is 4,320 s/f. Therefore, the applicant is seeking a variance of 3,120 s/f from this section of the code.

J. Vullo read the application and review factors for the variance requests into the record.

Sent to 9 neighboring property owners with no responses. This was not referred to the County.

Included with the application:
Pictures of house and lot

Chairman Hennel asked the applicant if he had any comment to share with the Board. John Reiner noted that he was verbally amending his application to include both variances.

Chairman Hennel asked for comments from the community either in favor or opposed to the variance application. Gene Polak, 1120 Gower Road, stated he is not in favor or opposed to the application but had a couple questions: 1- Will it be operated as any type of business? 2- When will construction begin, and how long will it go on?

J. Reiner explained that it will never be operated as a business, it is for personal use only, such as absorbing his father's belongings, and storing equipment and vehicles. He also stated that he will be building the structure himself. He plans to start in the spring and finish no later than next spring.

Chairman Hennel solicited questions from the Board members. J. Stuhr inquired that if the variances are not granted, would he proceed with a smaller structure? J. Reiner explained that he would proceed but would have to store items outside, which he feels would be an eyesore. He would also have to use different materials (steel) to accommodate a smaller structure, which would not have a residential look. J. Stuhr asked if the materials would match the existing house. J. Reiner stated that they would.

MOTION:

The applicant having applied for an area variance after having been denied a building permit to erect or construct a new 54' x 80' detached accessory building at 990 Gower Road in the Town of Glenville, New York; and

The applicant having applied for an area variance in accordance with the code of the Town of Glenville,

because the proposed use of the property would be in violation of such restriction or setback requirement; and

The Board having considered the application, after a full and complete public hearing, 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 the variance results in any undesirable changes in character of the neighborhood or community, or a detriment to nearby properties. Finding of fact:

No, the proposed garage is approximately 700' off the road on a densely wooded lot

2. Whether the benefit sought by the applicant can be achieved by some other means than an area variance. Finding of fact:

Yes, there can be a smaller garage built but as stated would limit the use of the structure

3. Whether the requested area variance is substantial. Finding of fact:

Yes, this is a large structure and is a substantial variance request but consideration can be made given lot privacy

4. Whether the area variance will have an adverse impact on the physical or environmental condition of the neighborhood or community. Finding of fact:

No, the structure is 700' off the road in a densely wooded area and not visible by neighbors

5. Whether the alleged difficulty is self-imposed which is relevant to consider, but does not alone preclude the granting of the variance. Finding of fact:

Yes, but given the parcel privacy and no impact of neighbors, this does not preclude granting the variance

Conditions: Storage for personal use only, not for business use.

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

MOTION (VARIANCE 1):

(Height)

Moved by: J. Vullo

Seconded by: J. Stuhr

AYES: 5 (Hennel, Vullo, Schlansker, Stuhr, Wurz)

NOES: 0

ABSENT: 0

MOTION (VARIANCE 2):

(Maximum Size)

Moved by: J. Vullo

Seconded by: J. Stuhr

AYES: 5 (Hennel, Vullo, Schlansker, Stuhr, Wurz)

NOES: 0
ABSENT: 0

MOTION APPROVED

Application of Thrive Chiropractic, 353 Saratoga Road, Glenville, NY 12302 for two sign variances that will allow for the placement of a new 8' high, 8.75 s/f monument sign 5' from the front and side property lines. Said property is located in the Professional Residential Zoning District and is identified on tax map 15.19-3-10.

The applicant is seeking variances from the Codes of the Town of Glenville as follows:

- 1) 270-69, B(1) – Maximum of 15 s/f of total sign display area is permitted. Said sign may be a wall sign, monument/ground sign or combination of both. The property has an existing 10 s/f wall sign. This additional monument sign would bring the total square footage of all signs to 18.75 s/f. Therefore, the applicant is seeking a variance of 3.85 s/f from this section of the code.
- 2) 270-69, B(2) – One ground sign is permitted and must be located a minimum of 20 feet from all property lines. The applicant is proposing 5' setbacks from the front line along NYS Rt.50 and the northern side lot line. Therefore, he is seeking a variance of 15' from the front and 15' from the side lot line.

J. Vullo read the application and review factors for the variance requests into the record.

Sent to 63 neighboring property owners with no responses. This was referred to the County on February 12, 2018. Chairman Hennel noted that the application was sent to the County and had not been received back yet. By law, the County must be given 30 days to review, so the Board will be unable to vote on this application tonight.

Chairman Hennel asked the applicant if he had any comment to share with the Board.
Bridget Shoemaker, AJ sign company
Amy Donovan, Thrive Chiropractic

B. Shoemaker noted that there was a sign on the lot that had been knocked down on two occasions, they are now proposing a new sign in a different location. They want to move it from the center of the limited parking lot to the edge of the property line. The neighbor does have a row of foliage there now, so the new sign would not be seen from their front porch.

Chairman Hennel asked for comments from the community either in favor or opposed to the variance application.

Peter Molanda, 22 Woodruff Dr., feels the neighborhood has a residential feel and moving the sign forward will change the character of the neighborhood. He feels it will also set a precedent for other businesses to appeal moving their signs closer to Route 50. He inquired if the sign will be lighted? B. Shoemaker replied no the sign will not be lit. She also explained that they understand the feel of the neighborhood and that's why they went with a carved look on the sign instead of an industrial look. There is a 3'

clearance under the sign to allow for a clear visual north on Route 50. If it was set back any more than proposed, cars coming from the north would not be able to see the sign.

Chairman Hennel solicited questions from the Board members. He asked the applicant to show the location of the old sign on the diagram submitted.

D. Schlansker asked if they would consider a reduction in size of the sign. B. Shoemaker explained that the size of the monument sign proposed is actually within town codes, however when you add the existing sign already on the building, it puts the square footage over for total signage. A. Donovan explained she would be willing to take down the existing sign on the building if they could have a bigger sign by the road, thus reducing the total sign display area.

J. Vullo asked if there was any other location to consider for the sign. B. Shoemaker replied no, not without impacting parking spaces or entering and exiting the lot.

B. Wurz inquired that if the variance is approved would you be willing to maintain a buffer between the sign and the neighbor on the northern side? B. Shoemaker explained that the neighbor owns the arborvitaes there. She also stated that there would be minimal excavation to install the new sign.

Chairman Hennel stated that the old sign was 5' from the road and confirmed that the new one would be 5' as well. He asked if they understood that with the location on a state road there is a risk of snow removal damage. A. Donovan acknowledged this risk and still wishes to locate the sign there.

D. Schlansker asked that if the sign on the building is removed, should a new application be filed? T. Petricca stated that they could remove that piece of the application. If they are changing any signage on the building, the Town should assess if it falls within town code.

MOTION:

The applicant agreed to table the application until further review from the County is received.

MOTION:

Moved by: Chairman Hennel

Seconded by: J. Vullo

AYES: 5 (Hennel, Vullo, Schlansker, Stuhr, Wurz)

NOES: 0

ABSENT: 0

MOTION TABLED

Application of John & LuAnn Schermerhorn, 2043 Amsterdam Road, Glenville, NY 12302 for an Area Variance that will allow for the placement of a 4' 8" high fencing in the front yard. This fence has already been installed. Said property is located in a Suburban Residential Zoning District and is identified on tax map 29.00-4-3.

The applicants are seeking a variance from the Codes of the Town of Glenville as follows:

- 1) 270-52,C,(2) – Fences on residential properties will not exceed four feet in height in the front yard, including along the side lot lines to the front of the front plane of the dwelling. Therefore, the applicants are seeking an 8" variance from this section of the code.

Application of John & LuAnn Schermerhorn, 2043 Amsterdam Road, Glenville, NY 12302 for an Area Variance that will allow for the placement of 46' x 10' dog kennel and run in the front yard. These structures are already in place. Said property is located in a Suburban Residential Zoning District and is identified on tax map 29.00-4-3.

The applicants are seeking a variance from the Codes of the Town of Glenville as follows:

- 1) 270-9, C – No permitted accessory structures shall be located in any front yard. Dog houses and similar structures for pets are a listed permitted accessory structure. Therefore, the applicants are seeking total relief from this section of the code.

J. Vullo read the application and review factors for the variance requests into the record.

Sent to 10 neighboring property owners with one response. This was referred to the County. Chairman Hennel noted that the application was sent to the County and had not been received back yet. By law, the County must be given 30 days to review, so the Board will be unable to vote on this application tonight.

Letters received:

1. Douglas Mace, 2091 Amsterdam Road, in favor of fence

Chairman Hennel asked the applicant if he had any comment to share with the Board. The applicant presented new measurements of 5'9" for the fence, along with a blueprint to supplement the application.

Chairman Hennel asked if the dog fence is the same 5'9" height? L. Schermerhorn stated that they have no backyard, eventually they will lose everything down the embankment, trying to do everything to stabilize it, dog fence is 6'. It has pavers underneath and a tarp to keep it enclosed for protection from the elements. It was noted that code enforcement measured the fence at 5'6".

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. Vullo asked what the distance from the end of the dog run to the back of the house is? The applicant stated about 28 feet. J. Vullo also inquired about moving the dog run and if something other than tarps could be used as a roofing material. The applicant stated that if they move the dog run back it would be too close to the unstable embankment. She feels it looks nice and the 10'x10' storage unit is insulated for the dogs in the winter. J. Vullo questioned why they did not apply for permits ahead of time, and if anything is cemented into the ground. The applicant explained they didn't know they needed permits. The structure has been there for a couple years but is not cemented in.

Chairman Hennel stated that he would like to take another look at the structure and the tarps before the next meeting. He stated that the measurements on the application were not even close to the actual size. He is also concerned with how close to the road it is.

J. Vullo asked if we know how close to the property line the fence can be according to code. Would they consider lowering the fence to 4 feet. T. Petricca stated that the fence can be on the property line if it's 4'. The front yard is from the front plane of the house forward.

Chairman Hennel asked if they would consider moving the fence back. The applicant stated that they could move it back but that it has to be 6' or the dogs will jump over it.

J. Vullo stated that a tarp has not usually been approved in the past as a shelter material and to please consider a more permanent material.

B. Wurz expressed that he is also concerned with the setback from the road.

MOTION:

The applicant agreed to table the application until further review from the County is received.

MOTION:

Moved by: Chairman Hennel

Seconded by: J. Vullo

AYES: 5 (Hennel, Vullo, Schlansker, Stuhr, Wurz)

NOES: 0

ABSENT: 0

MOTION TABLED

MOTION: To adjourn the February 26, 2018 meeting of the Town of Glenville Zoning Board of Appeals.

Moved by: Chairman Hennel
Seconded by: J. Stuhr

AYES: 5 (Hennel, Vullo, Schlansker, Stuhr, Wurz)
NOES: 0
ABSENT: 0

MOTION APPROVED

Next meeting: March 26, 2018

Submitted by,

Jennifer Vullo

Jennifer Vullo
Stenographer