

**AGENDA MEETING OF THE ZONING BOARD OF APPEALS  
OF THE TOWN OF GLENVILLE  
THE GLENVILLE MUNICIPAL CENTER  
18 GLENRIDGE ROAD, GLENVILLE, NY 12302  
Tuesday February 16, 2021**

**PRESENT:** Chairman Hennel, Dick Schlansker, Brian Peterson, Raphael Smith

**PRESENT VIRTUALLY:** Juliano Febo

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

**ALSO ATTENDING VIRTUALLY:** Melissa Cherubino; Attorney: Courtney Heinel; Stenographer: Jen Vullo; Mike Burns, Lynn Walkuski

**Chairman Hennel called the meeting to order at 6:10 pm.** He announced the addition of new Board member Barry Suydam and alternate Board member Raphael Smith. Barry Suydam was not present on the call. He reviewed ZBA procedures for new members.

It was noted that due to COVID no members of the public will be allowed in Town Hall. Board members may use their discretion to attend in person or virtually.

**Application of Lauren & Jeffrey Thomas, 9 Drott Drive, Glenville, NY 12302** for the proposed placement of a 12'x24' above ground swimming pool in the rear yard. This property is located within the Suburban Residential Zoning District. It is identified on the tax map as parcel # 16.9-1-16

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

**270-9 (e) Above Ground Pool** – All swimming pools and their associated equipment must be located at least 10 feet from all property lines. The applicant is proposing an 8-foot setback from the property line. A variance of 2 feet from the side property line is being requested

Chairman Hennel described the variance being requested.

B. Peterson inquired about the Town ruling regarding fencing around pools, and the height requirement to not require a fence. J. Pangburn stated that state law requires a 4' high fence around pools unless the pool is 48" in height.

Chairman Hennel asked if any letters had been received from neighbors regarding the variance. J. Febo noted that one letter in favor of the variance had been received from the neighbor most impacted. He also noted that a shed and a doghouse appear on google satellite view, and appear to be located where the pool would go. Chairman Hennel asked if the shed has been moved. It was unclear at this time. The applicant will be questioned at the meeting. J. Febo also mentioned that there are a lot of trees in the yard.

Chairman Hennel would like to question the applicant about placement of the pool equipment. He noted the setback variance is for the pool, not the equipment (motor/pump). He also would like to ask about planting and maintaining vegetative screening around the pool to block the view from the road.

**Application of Debra Anderson, 2 Stephen Road, Glenville, NY 12302**, for the proposed placement of a 18ft diameter above ground swimming pool in the rear yard, this property is located within the Suburban Residential Zoning District. It is identified on the tax map as parcel #16.5-2-9

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

**270-9 (e) Above Ground Pool** – All swimming pools and their associated equipment must be located at least 10 feet from all property lines. The applicant is proposing a 7-foot setback from the property line. A variance of 3 feet from the rear property line is being requested.

Chairman Hennel described the variance request. He noted that although the applicant claims it is not self-created it actually is. The Town codes were in place when the owner purchased the property. Therefore, it is a self-created circumstance.

Chairman Hennel noted that if the owner was willing to swap the pool and the shed, she might not need the variance. He inquired how close the house is to the property line. Using google maps, J. Febo estimated it to be about 85' from the pool. He noted a line of shrubs currently between the properties. Depending on whose property they fall on, we could condition the variance on maintaining the shrubs.

D. Schlansker asked if the jog was created due to the location of the house? J. Pangburn noted the house has been there since the early 80's.

**Application of N.E. & D.A. Dean, 2 Cypress Drive, Glenville, NY 12302**, for the proposed expansion of their existing first floor living space, storage, relocating an existing 2 car garage and adding a second-floor master suite. It is identified on the tax map as parcel # 22.7-2-26

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

**270 Attachment 1 - Side yard Setback** – The suburban residential zoning district requires a minimum side setback of a 15 ft from the property line. The applicant is proposing a 12 ft setback and is requesting a variance of 3 ft.

**270 Attachment 1 - Front yard setback** – The suburban residential zoning district requires a minimum front setback of a 30 ft from the property line. The applicant is proposing a 20 ft setback and is requesting a variance of 10 ft.

Chairman Hennel reviewed the variances requested.

D. Schlansker and J. Febo questioned if the drawings are showing the 'before' or 'after' renderings. Chairman Hennel noted that he would like to see a street level view of what exists and what's proposed. D. Schlansker noted an existing survey. J. Febo stated that the measurements on the drawing appear to be by code, so he surmises it is current, as the structure sits now. J. Pangburn handed out new plans to Board members present.

Chairman Hennel asked if the driveway will be relocated?

J. Febo asked if the applicant is finishing the current garage and then adding a new one?

Chairman Hennel asked if they are adding an entry porch?

B. Peterson inquired about the basketball court? Chairman Hennel asked if they are adding a paved basketball court? J. Febo stated it is not showing on google maps. The drawings show

that it will be located in the center of an existing fence. J. Pangburn informed the applicant that a basketball court is not permitted and needed to remove it from the plans. He explained that it is considered an accessory structure, and because of its location in relation to Daphne Drive it would be considered a front yard, and therefore not allowed. He stated there is a new drawing without the basketball court.

B. Peterson if the master bedroom is to be located above the garage? Chairman Hennel stated that there will be a second floor master suite.

Chairman Hennel also noted that the property is located on a point, thus creating a situation of almost having 3 front yards.

B. Peterson asked about the back deck. Are they exceeding what is allowed for accessory structures? J. Pangburn stated they are not exceeding what is allowed.

Chairman Hennel asked if the inground pool counts as an accessory structure, and if so, are we sure they are not over what's allowed? J. Pangburn stated that it does count as an accessory structure, and no they are not over what's allowed.

**Application of AJ Signs on behalf of Gordon Heeps, 233 Saratoga Road, Glenville, NY 12302, for Additional signage of the south facing façade of Well Now Urgent Care. This property is located in the Community Business District. It is identified on the tax map as parcel # 22.11-3-17.11**

**In accordance with the Codes of Glenville, the following variance is requested:  
270-69.1(3)C Signs for which permits are required; number; regulations, Placement and number:**

A business located on a parcel of property shall be granted a permit for two signs: one freestanding, double-faced sign and one sign attached to a building (wall sign or permitted roof sign) or two signs attached to a building. The applicant is requesting a variance for an additional sign on the south facing façade for a total of three signs on this parcel. A variance of one additional sign is requested.

Chairman Hennel asked if the Town has renderings of the East facing sign? J. Pangburn stated that as you drive north on Saratoga Rd. this is the sign you would see. Chairman Hennel confirmed that the north facing side will not have any signage? J. Pangburn said that is correct. Signage will consist of a monument sign, an east facing sign, and a south facing sign.

J. Febo noted the last page of the application lists the signs existing and requested.

Chairman Hennel confirmed that sign A = south facing sign and is slightly smaller (22 in.), sign B = sign facing Target (24 in.), monument sign = for drivers traveling north and south. He requested a rendering of sign B from the applicant. He also referenced the new Town codes for signs recently passed.

**Application of MAG Land Development, 7 Southside Drive, Suite 200, Clifton Park, NY 12065, for 231 Saratoga Road, Glenville, NY 12302 to build a 2,300-sf food service restaurant with drive-through. This property is located within the General Business Zoning District. It is identified on the tax map as parcel# 22.11-3-18**

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

**270-273B (1) Parking Space dimensions:** The minimum required size for a parking space is 10'x20'. The applicant is proposing a 9.5'x18' parking space. A variance of .5'x2' is requested.

**270-273B (2) Drive width requirement:** The permitted width for a drive aisle is 24ft. The applicant is proposing 27.7ft. A variance of 3.7 ft is requested.

**270-273C (2) Front parking setback:** The minimum setback for front parking is 25ft. The applicant is proposing a setback of 10ft. A variance of 15ft is requested.

**270-273B (2) Front Drive aisle:** The permitted width for a one-way front drive aisle is 10ft. The applicant is one-way proposing a width of 12ft. A variance of 2ft is requested.

**270-273C (2) Side Parking setback:** The minimum side setback for parking is 10ft. The applicant is proposing a setback of 6.6ft. A variance of 3.4ft is requested.

**270 attachment 2:2 minimum number of parking spaces:** A minimum of 8 parking spaces are required with a maximum of 10 allowed. The applicant is proposing 27 parking spaces. A variance of 17 spaces is requested.

J. Pangburn stated that renderings are not available. He has been back and forth with the applicant trying to obtain them.

Chairman Hennel explained that they are asking for parking variances. He is most concerned about the 7 parking spaces along the road and questioned adding greenspace there.

B. Peterson asked if a County Referral was required? J. Pangburn replied yes.

J. Febo requested a drawing of the traffic pattern. He expressed concern regarding the curbcut that it will share with Well Now at the light. Chairman Hennel noted the southern curbcut appears to be an exit only/right turn only one. J. Pangburn confirmed the entrance will only be at the light. J. Febo compared the traffic flow to that of Bank of America across the street.

Chairman Hennel asked J. Pangburn if PZC had commented on the parking spaces closest to the road? C. Heinel stated that she believed PZC did comment on this. Chairman Hennel asked if it was number of spaces or location of spaces? C. Heinel believed it was both. She would check PZC minutes. M. Burns stated that PZC issued a detailed recommendation regarding the area variances for this project. L. Walkuski explained that the recommendation was sent to J. Pangburn and A. Briscoe and will be forwarded to Board members. Chairman Hennel asked if the 7 spots in question were addressed? L. Walkuski said they were not. M. Burns explained that PZC overall approved the variances as presented. J. Febo asked if the 4 parking spots near the entrance/exit were considered? M. Burns stated that ZBA will consider the Well Now and Chipotle parking as one. The Town's code was recently amended in terms of on site parking/shared parking. The most recent site plan should have a note on it with easements for approval of shared parking/shared access/maintenance agreement. He questioned why they need those potentially dangerous 4 spots when they are already over the maximum allowed. He stated that the parking ratio far exceeds what is allowed by code. J. Febo noted that there is only one exit for shared parking. Chairman Hennel asked if the 4 spots were considered in the 27 spots calculated? M. Burns stated he believes the 4 spots were considered as already approved for the Well Now proposal. J. Febo asked if the 4 spots were already approved? M. Burns said they were approved for a different location, closer to the western property line. He explained the Town knew when they were approved about this business located at 231 Saratoga Rd. They knew the applicant would be coming in with a proposal to change this to allow both properties access to the traffic signal. He doesn't think it should be a problem to extend the green median there. J. Febo questioned if ZBA can vote on those 4 spaces if they have already been approved previously. M. Burns stated that those 4 spaces can be counted as shared spaces for Chipotle according to the arrangement. Chairman Hennel asked if there is a

shared parking plan already approved? M. Burns stated that it's already on the plan the Board has now. He noted that it still has to go through preliminary site plan approval/review. The engineers of the project insisted on getting variances approved before initial site plan approval. PZC will negotiate the shared parking and site plan approval based on the variances approved by ZBA.

Chairman Hennel notified J. Pangburn that they need the applicant to explain the math on the number of parking spaces. ZBA is calculating parking spaces requested to be 31, without the 4 in question. He reiterated that he doesn't like the location of the 7 included in the front yard setback.

J. Febo stated once more that we don't know if the shared spaces are already approved.

C. Heinel explained the applicant needs the variances so they can exceed the parking limits. There will be easements that will deal with the shared spaces between the two properties. This is Chipotle's variance requests not Well Now.

D. Schlansker noted that the application doesn't match the agenda for calculated variances #2 and #5. J. Pangburn stated that an updated application has been received. The agenda calculations are correct.

D. Schlansker also questioned the calculation of the side/rear parking setbacks. He noted there is a 35' front maximum building setback, but the building is further back than 35'. M. Burns explained that that was amended recently. The zoning was recently changed to general business district for this parcel and the one for Well Now. The minimum and maximum setbacks no longer exist. C. Heinel noted the Town Board did approve that.

B. Peterson asked if we have to worry about cross foot traffic? Chairman Hennel said he didn't think so. He suggested they may use that for employee parking. He emphasized that he would like to see a rendering of the building.

It was noted that there might be an additional variance request for the rear setback. This was not technically published yet, but might be before the official meeting.

Other note: Chairman Hennel noted that D. Schlansker will be the new Vice Chair. B. Peterson will read the application requests into the record.

**MOTION:** To adjourn the February 16, 2021 Agenda meeting of the Town of Glenville Zoning Board of Appeals.

Submitted by,

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Stenographer

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Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

FINAL