

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

THE GLENVILLE MUNICIPAL CENTER

18 GLENRIDGE ROAD, GLENVILLE, NY 12302

Monday April 20, 2020

PRESENT : Chairman: David Hennel; Melissa Cherubino

PRESENT VIRTUALLY: Juliano Febo, Beth Kissinger, Brian Peterson, Dick Schlansker;
Alternate: Joe Vullo

ALSO ATTENDING VIRTUALLY: Supervisor: Chris Koetzle; Code Enforcement: Arnold Briscoe;
Stenographer: Jen Vullo; Attorney: Courtney Heinel; Jamie Easton (MJ Engineering); Dave Ahl;
Mike Ginley; Jim Gillespie; Tom Owens; Mike Burns

Chairman Hennel noted that minutes for the agenda meeting will be formally adopted at the next Board meeting.

Application of Janine Fox, 18 Haviland Drive, Glenville, NY 12302, for an Area Variance in regard of installing a 5 foot fence in the front yard. The parcel is a corner lot and identified on the tax map as parcel # 29.8-2-5, and is located within Suburban Residential District.

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

270 – 52 Fences C (2) Residential Uses. Fences on residential properties will not exceed four feet in height in the front of the front plane of the dwelling. The Applicant proposes to install a fence with a height of five feet, forward of the front plane of the dwelling, along the Laury Lane side of the parcel. The Applicant therefore requests a variance of one foot of height.

Chairman Hennel noted that dimensions for the project were requested at the last agenda meeting. A. Briscoe noted that he received new copies of documents with dimensions from the applicant.

B. Kissinger inquired about the photo on the last page, noting a significant space from the bottom of the fence to the ground. Is it so the top of the fence is even, and if so, will it keep animals in/out? B. Peterson offered that he thinks it's a generic picture of the fence, and not her actual fence and yard. B. Kissinger would like the material of the fence questioned at the next meeting. Chairman Hennel and A. Briscoe agree that it looks like a generic picture.

Chairman Hennel pointed out that the fence is encroaching into the front yard 26', 20' from Laury Lane. The applicant is asking for more than half the distance into the front yard. He noted the property has two front yards. Haviland front yard is not an issue.

Arnie Briscoe informed the Board that he received an unsigned letter from a neighbor that will be submitted.

B. Peterson noted that the back yard fence is 118' long, and wondered who will maintain the hedges?

Chairman Hennel acknowledged that maintaining the fence and hedges should be a requirement.

Application of Nicole Constantino, 307 Alexander Avenue, Glenville, NY 12302 for an Area Variance in regard to the installation of an inground swimming pool in the rear yard. This parcel is identified on the tax map as parcel# 29.19-3-15.1, and is located within Suburban Residential District.

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

270 – 9 (G) (4) Accessory Uses and Structures. The combined footprint of all accessory structures may not exceed 75% of the footprint of the dwelling. The Applicant proposes to install an inground swimming pool. The Applicant therefore requests a variance of 367 sq ft of usable accessory structure footage.

Arnie Briscoe noted that the applicant submitted a permit to install an inground pool but exceeds the total s/f of allowable accessory structures.

Chairman Hennel asked if they are removing the deck? A. Briscoe responded yes.

Chairman Hennel asked if there was a County Referral? A. Briscoe responded no.

B. Kissinger asked if there are any other inground pools within 4-5 houses of the applicant. A. Briscoe was unsure at this time.

Application of Stewart's Shops Corp., P.O. Box 435, Saratoga Springs, NY 12866, for a Use Variance in regard to the construction of a new convenience shop, located at 571 Sacandaga Road, Glenville, NY 12302, and are identified on the tax map as parcels # 21.3-2-2.1 & 21.3-2-1. The Applicant intends to combine a vacant parcel with their current parcel and create one parcel. Both properties are located in the Suburban Residential Zoning District.

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

270-15 SR Suburban Residential District. As per the listed uses in this section of the Town Code, a convenience store is not an allowable use. The Applicant intends to demolish the existing structure and reconstruct a new approximate 3,750 sq. ft convenience store and fuel filling station.

Chairman Hennel noted that the vote on this application was out of sequence in January as we needed to review SEQR first. As a result, we are hearing this application again. The criteria for SEQR was reviewed at the last agenda meeting. He asked if any letters for or against were submitted? A. Briscoe replied that as of now no letters had been received.

C. Heinel asked if anyone had any questions for her on this application or regarding SEQR? None

J. Gillespie would like to thank everyone for the opportunity and he looks forward to the next meeting.

Application of William and Donna Purdy, 233 Saratoga Road, Glenville, NY 12302, for two Area Variances to construct a medical office building, identified as tax parcel # 22.11-3-17.11, located at 233 Saratoga Road, Glenville, NY 12302, in the CB-Community Business zone.

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

270-73 Parking Setbacks. The Zoning Code requires 25 parking spaces located 40' from the residential neighbor along the rear property line; the applicant is proposing 30 parking spaces at a 13' setback. Therefore, the applicant seeks a variance for 5 parking spaces and a 27' rear setback variance for the parking lot.

Arnie Briscoe noted that they had received the County Referral. They recommended to modify/conditionally approve per NYSDOT approval. The referral was sent in from the Planning Department but was marked for the variance too.

Application of Thomas Owens, 201, 202, 203 & 204 Amsterdam Road, Glenville, NY 12302, for an Area Variance in regard to

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

270 – 1:2 Lot 1 – Maximum Building Coverage 30%, 49% Proposed

270 – 1:2 Lot 2 – Maximum Building Coverage 30%, 68.4% Proposed

The Applicant therefore requests a variance of 19% for Lot 1, and a variance of 38.4% for Lot 2.

Dan Hershberg, representing the applicant, explained that 201 Amsterdam Road houses a marijuana production facility. The mortgage is held by a federal bank and they are not allowed to hold any interest or assets in any type of marijuana business. They need to break this out of their existing mortgage and mortgage with another bank. Currently the connectors between the buildings have been removed so the only variances needed involve lot coverage.

Chairman Hennel noted that by removing the connectors the lot coverage was diminished by a small margin. He asked if there were any changes to the dimensions to 201 Amsterdam Road? D. Hershberg replied that there were no changes to dimensions.

B. Peterson inquired about criteria #5 on the application. Isn't saying it's self-created incriminating? Chairman Hennel clarified that for an area variance, as long as the majority of the criteria are met, you can vote yes. With a use variance you cannot vote for it unless all criteria have been met. C. Heinel reviewed rules regarding a 'use' vs. an 'area' variance. With a 'use' variance all criteria must be met.

Application of Capitaland Realty, LLC, 37 Saratoga Road, Glenville, NY 12302, for a Use Variance in regard to operation of a used vehicle dealership, identified as tax parcel # 22.15-2-45.2, located at 141 Saratoga Road, Glenville, NY 12302, located in Community Business Zoning District.

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

270-18 CB Community Business. As per the listed uses in this section of the Town Code, the sale of "used vehicles only" is not an allowable use in this zoning district. The Applicant is seeking a request to utilize the property as a used vehicle only sales location.

C. Heinel noted the vast difference between an applicant who had put dollar amounts into the application against one who has not.

Chairman Hennel asked if any new information had been received? M. Cherubino stated that nothing new had been received, but that the applicant is requesting copies of public meeting minutes.

J. Febo asked if the County Referral was sent on 3/6/20? Chairman Hennel noted that if it had, the 30 days have passed so the Board can vote.

Arnie Briscoe noted that the County Referral was returned and it was recommended that it be deferred to local consideration.

M. Cherubino explained that at next week's meeting, people can present during the webcast if needed.

Chairman Hennel clarified if any work Stewarts already did needed a permit? A. Briscoe replied no.

Chairman Hennel noted that Mike Burns explained for work within the DOT right of way, sidewalk utility connections, lighting and commercial driveway, potential signal timing change is what the DOT was involved in.

MOTION: To adjourn the April 20, 2020 AGENDA meeting of the Town of Glenville Zoning Board of Appeals.

Moved by: Chairman Hennel

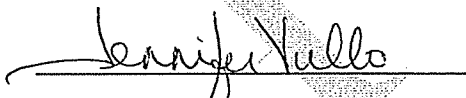
Seconded by: J. Febo

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

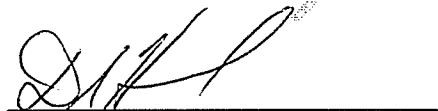
NOES: 0

MOTION APPROVED

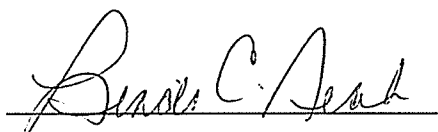
Submitted by,


Stenographer

4/27/20
Date


ZBA Chairman

4/27/2020
Date


Town Clerk

5/7/2020
Date

APPROVED
Town of Glenville
Zoning Board of Appeals


Chairperson

4/27/2020
Approval Date