

**MEETING OF THE ZONING BOARD OF APPEALS
OF THE TOWN OF GLENVILLE
THE GLENVILLE MUNICIPAL CENTER
18 GLENRIDGE ROAD, GLENVILLE, NY 12302
Monday May 20, 2019**

PRESENT: Chairman: David Hennel; Dick Schlansker, Juliano Febo, Beth Kissinger,
Alternate: Tom Bodden

ABSENT: Bruce Wurz

ALSO ATTENDING: Building Department: Jim Pangburn; Stenographer: Jen Vullo;
Attorney: Mike Cuevas

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

MOTION: To accept the March 2019 minutes as amended.

MOVED BY: Chairman Hennel

SECONDED: B. Kissinger

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

NOES: 0

ABSENT: 1 (Wurz)

ABSTAIN: 1 (Bodden)

MOTION CARRIED

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PUBLIC HEARING

Application of Mark Jordan, 120 Lovers Lane North, Amsterdam NY, 12010 for an Area Variance that is proposed to allow construction of a new 35 foot by 22 foot wood deck at the above ground pool. The property is located in the Rural Residential/Agricultural zoning district and is identified as tax map number 1.-1-8.22 and is a corner lot.

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 applicant states that the deck is proposed to be located in the front yard of the parcel along Lovers Lane at the pool location as the parcel is a corner lot. An

area variance was granted on June 25, 2018 for a 30 foot round above ground swimming pool to be located in the front yard.

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

Sent to 8 neighboring property owners with no responses. This was not referred to the County.

Included with application:

Deed, Aerial Shots of property, New Drawing since original packet received

Chairman Hennel asked the applicant if he had any comment to share with the Board. No.

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 confirmed the location of the deck and asked if it will be any closer to Lovers Lane than the pool currently is? The applicant responded the deck will be further away. He asked if they would consider installing and maintaining some screening along the side of the pool and deck facing Lovers Lane? They agreed.

MOTION:

The applicant having applied for an area variance after having been denied a building permit to erect or construct a pool deck (Corner Lot) in the front yard at 120 Lovers Lane North 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) 270-9C (Location: No Permitted accessory use or building shall be located in any front yard) 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 May 20, 2019, 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 yard is well hidden by foliage and the deck would only be visible from the house/property itself, based on positioning proposed. It will not impede further in to the setback found in the codes of the Town of Glenville Section 270-9E.

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, you could access the pool via a ladder. But to access the pool in a safe and easy manner, a deck would be necessary.
3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code. Finding of fact:
No, the lot totals 4 acres and it can proportionally hold a structure this large even if it sits in the "front yard".
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, it will only add to the aesthetics of the property and the safe and easy use of a pool.
5. Whether there has been any self-created difficulty. Finding of fact:
Yes, the use of a ladder to access the pool is possible, however, to have easy and safe access, a deck is necessary.

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

Conditions: Screening is added and maintained to conceal the pool and all applicable equipment (ex. Pump) from Lovers Lane.

Chairman Hennel closed the public hearing:

MOTION:

Moved by: J. Febo

Seconded by: D. Schlansker

AYES: 5 (Hennel, Schlansker, Febo, Kissinger, Bodden)

NOES: 0

ABSENT: 1 (Wurz)

MOTION APPROVED

Application of Gwen McManaman, 8 Country Fair Lane, Glenville NY, 12302 for an Area Variance associated with the proposed construction of a new 16 foot by 20 foot

attached, first floor addition to the rear of the residence for the purpose of enclosing an “Endless Pool” exercise spa. The property is located in the Suburban Residential Zoning District and is identified on tax map number 15.3-2-31.

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

270-1 Attachment 1, Table of Dimensional Regulations: Minimum rear setback for a single family dwelling in the Suburban Residential zoning district from the rear property line is 35 feet. The proposed addition will be 28.3 feet from the rear property line. A variance is requested for 6.7 feet.

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

Sent to 47 neighboring property owners with no responses. This was not referred to the County.

Chairman Hennel asked the applicant if he had any comment to share with the Board. Brian McCormick was there representing the applicant, as stated in the application, and had no additional 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.

D. Schlansker inquired about the lot behind 8 Country Fair Lane, it appears wet, possibly not buildable. B. McCormick did not know anything about that lot. D. Schlansker referred to the survey: there is a 2’ overhang. The addition is proposed at 20 feet from the foundation, so it will also include this 2’ overhang? B. McCormick responded yes. D. Schlansker asked what the concrete pad on the south side is used for? B. McCormick replied it is for a condensing unit used for heating and cooling. D. Schlansker asked if any equipment required for the pool would be enclosed in the addition? B. McCormick confirmed this. D. Schlansker asked if the siding and roof will match the existing house? B. McCormick confirmed that is correct. D. Schlansker asked if this will be a fairly quiet unit in regards to the neighbors to the south? B. McCormick replied, yes, they have installed one before with no issues.

D. Schlansker asked the Building Department if the setback is determined by the roof eave or foundation? J. Pangburn stated it is determined by the foundation.

MOTION:

The applicant having applied for an area variance after having been denied a building permit to erect or construct a one-story single room 16 foot by 20 foot attached addition to the rear of the home located at 8 Country Fair Lane 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) 270-1 attachment 1, table of dimensional regulations; Minimum rear setback for a single, family dwelling in the suburban Residential zoning district from the rear property line is 35 feet. The proposed addition will be 28.3 feet from the rear property line. A variance is requested for 6.7 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 May 20, 2019, 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:
The property to the rear of this residence is heavily treed and wet, appears it could not support building a structure anywhere close to the rear of 8 Country Fair Lane's lot. The addition is in the rear of the home and will not extend any further into the side yard making the completed addition match well to the current home's architecture.
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:
The applicant is requesting the variance for the purposes of the installation of a "endless pool" exercise spa, which will be enclosed within the addition. Due to the pools length the addition needs to be the size requested to properly be installed.
3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code. Finding of fact:
No, the building and lot size can support the addition and not negatively impact the neighborhood.
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, as discussed above.

5. Whether there has been any self-created difficulty. Finding of fact:
Yes, the applicant could just not install the pool at all, but the impact of the variance does not outweigh the adverse impact to the neighborhood.

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

Conditions:

- 1) The exterior building materials must match the existing homes materials in type, style and color.
- 2) The addition does not include any exterior building mounted lighting on the south side, so as not to adversely impact the neighboring lot.

M. Cuevas noted that the eaves can only extend 3 feet according to Town codes, so please note to stay within that.

Chairman Hennel closed the public hearing:

MOTION:

Moved by: D. Schlansker

Seconded by: J. Febo

AYES: 5 (Hennel, Schlansker, Febo, Kissinger, Bodden)

NOES: 0

ABSENT: 1 (Wurz)

MOTION APPROVED

Application of Glen Esk Apartments, 635 New Loudon Road, Latham NY 12110 for a Sign Variance at 207 Sacandaga Road, Glenville NY 12302 in order to install a 12.75 foot high monument type sign near the entrance of the establishment. The property is located in the Mixed Use/Planned Development zoning district and is identified as tax map number 29.15-4-2.112.

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

270-70 B Monument/ground signs. (1) Will not be more than eight feet in height. A variance of 4.75 feet is being requested.

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

Sent to 33 neighboring property owners with no responses. This was not referred to the County.

Chairman Hennel asked the applicant if he had any comment to share with the Board. Tom Wheeler, AJ Signs, noted that a readable sign has a positive impact on traffic. They are including a 2' retaining wall, with an additional 1 foot of space under the sign. They have reduced the size of the letters to 5 inches, which is as small as they can go and still be readable.

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.

T. Bodden asked what the status of the existing sign is? T. Wheeler said he wasn't sure. J. Pangburn noted that it's on another parcel.

B. Kissinger confirmed the size of the lettering at 5 inches. T. Wheeler replied yes. She asked how far back from the sidewalk the sign will be. T. Wheeler stated about 15 feet. Chairman Hennel confirmed this would be 25 feet from the edge of the pavement? T. Wheeler replied yes as an estimate.

Chairman Hennel asked how many retail tenants are to occupy this building? T. Wheeler stated 4. Chairman Hennel inquired as to why such a large sign is needed for only 4 tenants? T. Wheeler said they want to accommodate all future needs.

D. Schlansker asked if T. Wheeler had discussed with the owner the fact that a previous sign was denied by ZBA? T. Wheeler said that it was discussed and as such tried to scale this current proposed sign down, including shrinking the logo on the top. He also noted that this is a different type of sign and a different location. D. Schlansker noted that if the masonry at the base of the sign was eliminated it would help to minimize the variance needed. He did note that he understands it does help with snow buildup. T. Wheeler stated it is necessary for snow, grass, plantings, etc. He noted it is not realistic for someone to go out and shovel out signs and noted most signs are raised at least 36 inches.

Chairman Hennel suggested the applicant might want to re-address the Planning Board. They are currently reviewing current codes. Even though right now they want a maximum of 8 feet for signs, they may be willing to change that if others factors need to be considered for this corridor.

T. Wheeler stated that you just can't shrink the font on the sign, it has to be proportional.

J. Febo asked what are the current town codes for the width of signs? Maybe you could go longer instead of taller. J. Pangburn stated that signs are based on total square footage. T. Wheeler does not feel that a wider sign is an option.

D. Schlansker stated that he feels a wider sign could impede traffic coming and going.

M. Cuevas noted that Planning and Zoning should have approved the location of the sign on the site plan. If not, this would be a revision and would need to go back to them. J. Pangburn noted that the original site plan is with PZC and should be clarified.

Chairman Hennel suggested that removing 2 panels might help, leaving each of the future tenants a smaller space.

J. Febo suggested that the advertising for Glen Esk could be shrunk down in size and leave the potential spaces for tenants as a larger size.

T. Wheeler explained that they feel they have already shrunk the Glen Esk space, and feel you should consider cars parked nearby that could block some of the sign. This is a retail sign, a directional aid, both for Glen Esk and tenants respectively.

D. Schlansker asked if this was the only signage on the lot, or will there be more on the building? T. Wheeler was unsure of this.

Discussion took place regarding whether to vote or table the application until further review from PZC. It was also considered if there should be a difference between residential and commercial signs.

M. Cuevas noted that there was originally a lot of discussion due to the mixed use of the lot, the types of businesses there, proximity to the school, etc.

Chairman Hennel recommended tabling this motion until further clarification from Planning and Zoning. The applicant agreed to this.

Chairman Hennel left the public hearing open for this application.

MOTION:

Moved by: Chairman Hennel

Seconded by: J. Febo

AYES: 5 (Hennel, Schlansker, Febo, Kissinger, Bodden)

NOES: 0

ABSENT: 1 (Wurz)

MOTION TABLED

Application of JAG 1, LLC Tim Barber, 175 3rd St Suite 320, Glens Falls NY 12801 for a Conditional Use Permit at 466 Ballston Road, Glenville NY 12302, Tax Map Number 30.10-2-14, that will allow for the expansion of an accessory use of the current business, Mohawk Honda Auto Sales, located at 175 Freemans Bridge Road, Glenville NY 12302, Tax Map Number 30.10-2-12.111 for the purpose of auto detailing, mechanical bays, and not for public use car wash expansion.

In accordance with the Codes of Glenville 270-D (2) Uses permitted by conditional use permit which also require site plan review- Automobile Dealerships.

THIS APPLICATION WAS REMOVED FROM THE AGENDA THIS EVENING.

MOTION: To adjourn the May 20, 2019 meeting of the Town of Glenville Zoning Board of Appeals.

Moved by: Chairman Hennel

Seconded by: J. Febo

AYES: 5 (Hennel, Schlansker, Febo, Kissinger, Bodden)

NOES: 0

ABSENT: 1 (Wurz)

MOTION APPROVED

Next agenda meeting: June 17, 2019

Next meeting: June 24, 2019

Submitted by,

Stenographer

Date

ZBA Chairman

Date

Town Clerk

Date

FINAL AS OF 06/24/19

FINAL