

**MEETING OF THE ZONING BOARD OF APPEALS  
OF THE TOWN OF GLENVILLE  
THE GLENVILLE MUNICIPAL CENTER  
18 GLENRIDGE ROAD, GLENVILLE, NY 12302  
Monday June 24, 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 7:01 P.M.

**MOTION:** To accept the May 2019 minutes as amended.

**MOVED BY:** Chairman Hennel

**SECONDED:** B. Kissinger

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

**NOES:** 0

**ABSENT:** 1 (Wurz)

**ABSTAIN:** 0

**MOTION CARRIED**

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**PUBLIC HEARING**

**Application of Nathan Duell, 16 Cloverleaf Drive Ballston Lake NY 12019 for an Area Variance** associated with the proposed construction of an 11' 5" X 8' addition to the side of the existing residence. The property is located within the Suburban Residential Zoning District and is identified on tax map: 9.19-2-13.

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

**270 Attachment 1, Table of Dimensional Regulations:** Minimum side setback in the Suburban Residential zoning district is 15 feet. The proposed setback for the new addition is 13' 6", therefore a variance of 18" is requested.

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

Sent to 59 neighboring property owners with no responses. This was not referred to the County.

**Letters Received:**

Letter presented by applicant from Richard Stern, 14 Cloverleaf Drive, in favor of variance request.

Chairman Hennel asked the applicant if he had any comment to share with the Board. Presented letter.

**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. Schlankser how the side yard distances were determined and if a survey of the property was done. N. Duell replied there was no survey, but the calculations were obtained from Zillow.

Chairman Hennel confirmed that the letter presented was from the neighbor the applicant spoke with. N. Duell agreed.

Chairman Hennel asked if the AC unit will impede further into the setback. N. Duell explained the AC unit will be moved toward the front next to the chimney.

**MOTION:**

The applicant having applied for an area variance after having been denied a building permit to erect or construct an addition at 16 Cloverleaf Drive 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, Table of Dimensional Regulations: Minimum side setback in the Suburban Residential zoning district is 15 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 June 24, 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 addition only adds value and adds to the aesthetics of the property.
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: No. The need for the extra 18" is for handicap access around a kitchen table being put into the addition.
3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code. Finding of fact: No. Only a variance of 18" is being requested. Therefore, there is still a setback of 13.5' being maintained.
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 addition would only add to the character of the neighborhood.
5. Whether there has been any self-created difficulty. Finding of fact: Yes. The choice to build an addition is a self-created difficulty, however, the need for the variance and larger footprint is due to the need to make it handicap accessible.

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

Conditions:

1. Addition to match exterior of the current home.
2. No exterior lighting will be pointed in the direction of any neighboring property.
3. AC Unit will not be in setback area.

Chairman Hennel confirmed the distance should be 13'6" not 13'5".

**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**

**This variance request is a continuation from the May 20, 2019 meeting.**

**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.

Chairman Hennel asked the applicant if he had any comment to share with the Board. Bridget Shoemaker, AJ Signs, presented new pictures. The existing sign on the property is 12'5" and they are proposing a new sign at 12'6". She noted other signs in the area that are larger than current Town Codes, however, some of those are subject to the rules of the Village. She did some research based on the site plan approved. The owners are looking to rent to small businesses (deli, coffee shop, etc). The current proposal is a 10'6" sign with 2' for the base/landscaping.

**Chairman Hennel noted the public hearing on this application was left open from the previous meeting:**

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 also noted that PZC referred back to ZBA with no recommendations. He asked B. Shoemaker if its necessary to have letters that large. B. Shoemaker presented a visibility distance analysis which determines viewing distance based on size, location from drivers, etc., and feels this is the best size. Even though each panel is 15", most businesses have two lines of text, thus reducing letter size to 6-7", which has a maximum readability of 200'. Chairman Hennel suggested that by removing 2 panels you can make the letters bigger. B. Shoemaker spoke with the owner about the maximum number of possible tenants, which was stated at 4. She stated that the sign is designed with a country feel, mandatory white lettering, but could accommodate 4 tenants.

J. Febo acknowledged there is a difference between a business corridor and a residential corridor. He also emphasized that this is a 20 mph school zone so drivers have more time to read the sign.

D. Schlansker noted other examples of signs that meet Town code and still accommodate more than 4 tenants (across from Town Hall). He suggested splitting the panels or scaling back the size of lettering to come closer to meeting Town Codes. The Board does appreciate the snow issues.

B. Shoemaker stated she could probably reduce the top Glen Esk part of the sign and a small amount off the other panels (15" down to 12"), reducing the proposed size by about a 1'-1.5'.

D. Schlansker noted that he did not think the proposed sign location was a good spot regarding cars pulling in and out of the driveway. B. Shoemaker checked to see if the other side of the driveway could be used for the sign, but ultimately determined that was a different plot of land.

Chairman Hennel asked if the existing sign was being removed? B. Shoemaker said yes if the new sign is approved.

Chairman Hennel noted he is leaning toward removing two panels. He is not against the 4 panels, but is against the height of the proposed sign. B. Shoemaker explained they make their recommendations based on safety first, and design second. She would rather take out the 2' base/landscaping at the bottom than reduce the size of the sign.

J. Febo asked if they confirmed if there would be signage on the building? B. Shoemaker said she is only working on the monument sign. J. Febo proposed moving the Glen Esk part of the sign to the building, thus eliminating the top of the sign, and leaving the sign only for tenants. B. Shoemaker said the trend is keeping the property identification on the signs, giving you brand recognition.

D. Schlansker noted that they would be willing to compromise if the sign were closer to 10' in height (total height including base). B. Shoemaker asked if they could do 10'6", and she could close the gap between the top and bottom sections. The Board felt that was still too large.

T. Bodden proposed getting rid of the Glen Esk top portion, keep the 4 panels, and have Glen Esk use the top panel until the space is rented out. B. Shoemaker said she will definitely shrink the top portion, but still needs the 4 panels for tenants.

Chairman Hennel re-emphasized that AJ Signs needs to meet with Town officials about realistic sign size when evaluating Town Codes. The purpose of ZBA is to rule on something with extenuating circumstances, not personal preferences.

**Chairman Hennel closed the public hearing for this application.**

Chairman Hennel confirmed that the applicant is willing to amend the application to a total sign height of 10'6", not 10'. B. Shoemaker stated she preferred 10'6", but if that garners a 'no' vote, then she will have to agree to 10'.

D. Schlansker asked if ZBA can vote as presented or do new sign diagrams need to be presented. M. Cuevas replied that you can vote based on current submissions and set the height limit.

**MOTION:**

The applicant having applied for a sign variance after having been denied a building permit to erect or construct a sign at 207 Sacandaga Road in the Town of Glenville, New York; and the applicant having applied for a sign variance with regard to **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.

because the proposed sign would be in violation of such restriction, and the Board having considered the application, after a full and complete public hearing, and after having considered:

1. The particular hardship or difficulty to the petitioner if the variance is denied.  
Finding of fact:  
The applicant and or businesses will not be negatively impacted by a sign which meets the 8 foot height restriction, but a compromise of 10' from grade to the top of sign is proposed. The potential of four tenants within the building can economically share a sign of those dimensions.
2. The magnitude of the variance being sought  
Finding of fact:  
The 2' variance in height is a compromise to what was submitted. Although it still exceeds the Town requirements, it will be better.
3. The visual impacts to the immediate neighborhood if the variance is granted.  
Finding of fact:  
Even if the sign is constructed to meet the Town requirements at the location shown, I feel it is going to restrict visibility and the line of sight exiting the property. A larger sign would not increase this hazard, so let it be allowed.
4. If the hardship or difficulty has been self-created by the applicant.  
Finding of fact: yes

Now, therefore, be it resolved that this application for a sign variance be approved.

Conditions:

- 1) Remove existing Hardware Store sign as shown on submitted diagram before installation of new sign.
- 2) Agreed upon reduction of sign height to a total of 10' from grade to the top of sign (24" landscape base + 8' sign)

**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 JAG 1, LLC Tim Barber 175 Broad Street, Suite 320 Glens Falls NY 12801 for a Conditional Use Permit at 466 Ballston Road Glenville NY 12302 Tax Map: 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: 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.

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

Sent to 37 neighboring property owners with one response. This was referred to the County, it has exceeded 30 days so ZBA can vote.

**Included with application:**

Environmental Assessment

**Letters Received:**

Terri Petricca, concern with placement of building, noise issues near residential homes

Chairman Hennel asked the applicant if he had any comment to share with the Board.

Ed Esposito, Monarch Design Group, explained they are trading 1 building that was recently demolished for parking. The car wash is for Mohawk Honda use only. It is for limited use, not anticipating a lot of noise. The overhead doors only face the Mohawk Honda building, not the public access. Traffic faces inward and is therefore, kept onsite. Tim Barber, JAG, LLC, explained this was designed so the car wash was located on the Freeman's Bridge side, facing the Mohawk Honda showroom. They are not proposing body shop bays, but will be used for detailing/conditioning. It is not part of the collision center. Not a noisy operation. Designed to keep traffic internal within the facility. Ed, explained that it is designed to have everything on 1 site to detail and clean cars and hand the keys to customers. He believes buffers and landscaping are well done and adequate. Any trees on the site of the proposed building will be transplanted out to the buffer areas. He noted they met with J. Pangburn and Planning and Zoning to ensure exterior of building meets Town guidelines and to assess traffic patterns.

**Chairman Hennel opened the public hearing:**

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

Scott Hughes, 7 Windsor Drive, concerned neighbor, asked several questions:

How many bays? What type of dryer will be used? What is the lighting at night? Would the Town consider installing a flashing light to enter the property? T. Barber explained the diagram to S. Hughes, pointing out the 8 bays, including the detail bay, wet bay, photo bay. He stated the dryer is a typical high pressure dryer, and lighting at night is onsite only, decorative wall mounted lighting.

Chairman Hennel solicited questions from the Board members. T. Bodden asked about the access to Oliver's, can you still enter from Rt. 50? T. Barber said yes, it is two way access.

J. Febo asked who will be using the car wash? T. Barber explained it is mostly for technical use, before and after prepping the cars. Maybe 10% use by customers. He also explained the dryers are inset, meaning the doors shouldn't open until the dryers are off.

T. Bodden confirmed that only technicians can authorize use of the car wash? T. Barber said yes.

Chairman Hennel asked what the hours of operation are? T. Barber stated 7:30am-8:00pm M-F, 7:30am-5:00pm Sat, closed Sunday. Chairman Hennel stated he will allow 7:00am-8:00pm M-F, 7:00am-5:00pm Sat in the motion.

Chairman Hennel also addressed previous issues with landscaping and parking on the grass. T. Barber said they are using a new product that allows 4x4 squares of grass to



grow between them. It has helped with drainage and keeps the look of the natural grass, allows for temporary parking. He detailed other landscaping surrounding the property.

T. Bodden noted there is a very small setback with the buffer on the Oliver's side.

Chairman Hennel confirmed that everything is to be combined on 1 site, with ZERO cars parked on grass, excluding those areas specified on the site plan. T. Barber said yes.

Chairman Hennel noted a small white existing sign for the Collision center, which is now gone. He believes there was a variance for a third sign. You are combining parcels so no more signage is allowed or you have to come back for a variance. The applicants acknowledged this.

D. Schlansker noted that regarding architectural panels, he felt the nicer panel faces the business, while the metal panel faces the community, why? T. Barber explained that they have made improvements, and the nicer sign faces the showroom and keeps with the campus look.

### **MOTION:**

Whereas, the applicant having applied for a conditional use permit for property located in the Town of Glenville at 466 Ballston Road,  
and Whereas, the applicant wants to use the property for an expansion of an accessory use of the current business for the purpose of auto detailing, mechanical bays, and a not for public car wash facility, 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 with conditions the application, and

Whereas a public hearing was held by the Zoning Board of Appeals on June 24, 2019 to consider the application.

The Board of Appeals finds:

1. The establishment, maintenance or operation of the use will not be detrimental to or endanger the public health, safety, morals, convenience or general welfare. Fact for this:  
No, the expansion of the existing Honda dealership & planned expansion will not be detrimental.
2. The conditional use will not compromise the use and enjoyment of other property in the immediate vicinity, nor substantially diminish and impair property values within the neighborhood. Fact for this:

With the revised plans for smaller structure, recommendation from PZC, and confirmation that no use of facility outside of business hours of 7am-8pm Monday – Friday, 7am-5pm Saturdays will lessen the impact on neighbors.

3. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property. Fact for this:  
Expansion within a business corridor that has nearly fully developed the area, impact to nearby residential properties is lessened with screening and PZC requirements.
4. Adequate utilities, access roads, drainage and other necessary facilities will be provided. Fact for this:  
Application plans include necessary arrangements with nearby restaurant related to easements and access.
5. Adequate measures will be taken to provide entry and exit designed to minimize traffic congestion on the public streets. Fact for this:  
Revised plans include smaller structure with smaller car wash bay. Applicant will also maintain similar ingress and egress as prior bank site.
6. The conditional use shall, in all other respects, conform to applicable rules, regulations and ordinances of the Town of Glenville and be consistent with the comprehensive and general development plan of the Town of Glenville. Fact for this:  
Revised plan and incorporation of requirements from PZC are consistent with Town requirements.

**Now, therefore be it resolved** that this application for a conditional use permit be approved. The following conditions for approval are imposed for the purpose of minimizing any adverse impact on the neighborhood or community as follows, and have been discussed with and accepted by applicant.

Conditions:

- 1) Vegetative screening to be maintained as outlined in plans and required by PZC.
- 2) With the exclusion of specific areas shown on plans for grasscrete surface, the current restrictions for Honda dealership prohibiting parking vehicles on greenspace apply to this entire parcel.
- 3) Hours of operation are limited to those provided by the applicant 7am-8pm Monday-Friday, 7am-5pm Saturdays
- 4) Building lots to be combined to one physical parcel prior to issuance of building permit

**MOTION:**

**Moved by:** Chairman Hennel

**Seconded by:** B. Kissinger

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

**NOES: 0**

**ABSENT: 1** (Wurz)

**MOTION APPROVED**

**MOTION:** To adjourn the June 24, 2019 meeting of the Town of Glenville Zoning Board of Appeals.

**Moved by:** Chairman Hennel

**Seconded by:** B. Kissinger

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

**NOES: 0**

**ABSENT: 1** (Wurz)

**MOTION APPROVED**

Next agenda meeting: July 15, 2019

Next meeting: July 22, 2019

Submitted by,

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Stenographer

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

FINAL AS OF 07/22/19