

**MEETING OF THE ZONING BOARD OF APPEALS
OF THE TOWN OF GLENVILLE
THE GLENVILLE MUNICIPAL CENTER
18 GLENRIDGE ROAD, GLENVILLE, NY 12302
Monday August 26, 2019**

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

ABSENT: Bruce Wurz; Attorney: Mike Cuevas

ALSO ATTENDING: Building Department: Jim Pangburn; Stenographer: Jen Vullo;

Chairman Hennel called the meeting to order at 7:01 P.M.

MOTION: To accept the July 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 Domenico Vecchiarelli, 817 Riverside Avenue, Glenville NY 12302 for an Area Variance associated with the proposed construction of a 13 ft by 26 ft attached open carport which will be attached to the existing garage on the side. The property is located within the Suburban Residential zoning district and is identified on tax map ID # 38.7-3-18

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

270-1 Attachment 1: The minimum side set back from the property line to the structure is 15 feet. A relief of 7 feet is being sought.

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

Sent to 57 neighboring property owners with one response. This was not referred to the County.

Letters Received:

Christine Martin, 811 Riverside Ave, in favor of application

Included with application:

Pictures

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

David Broomhall, representing applicant, had nothing to add.

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 noted his concern regarding the water runoff onto the neighbor's property. D. Broomhall responded that this was discussed with the neighbor, and as the pictures show, the runoff is captured into a "V" in the property and then transferred to the back of the lot.

J. Febo asked what the width of the blacktop is currently in the proposed location. D. Broomhall said they will be approximately a foot over the current blacktop, which is roughly 12 feet. He also noted they may extend the blacktop to the poles in the future. J. Febo also questioned future plans relative to the poles that will be installed and the blacktop. D. Broomhall said the plans right now call for solid poles, although techno poles might be a better option, but either way they will be installed in the hillside and elevated.

Chairman Hennel asked if they have considered gutters on the side with the neighbor to direct water runoff. D. Broomhall responded that they have thought of gutters and could add them. Chairman Hennel also inquired if a two car garage was considered. D. Broomhall said that was a much too expensive option. He asked if a downspout into a drainage pipe into the ground is OK? The Board replied yes, but it needs to be included in the building plans. Chairman Hennel asked if the carport will be the same height as the porch? D. Broomhall said the carport will connect above the window and reach the peak above the porch.

J. Febo noted that there is currently an exterior light on the side of the garage. Is it staying? D. Broomhall replied yes. J. Febo explained that no new additional lights would be permitted to be directed at the neighbor's property. He also inquired about the roof materials and color, as well as the post color. D. Broomhall explained the roof will be charcoal gray, metal. They are planning to use pressure treated wood for the posts.

B. Kissinger asked how much snow load the roof can hold. J. Pangburn explained it has to be able to hold 50 lbs.

Chairman Hennel closed the public hearing:

MOTION:

The applicant having applied for an area variance after having been denied a building permit to erect or construct a 13'x16' carport at 817 Riverside Avenue 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: The minimum side setback from the property line to the structure is 15 feet. A relief of 7 feet is being sought.

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 August 26, 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, it adds aesthetically to the current property (with matching build of the pre-existing structure) and creates a wider footprint of the property, adding to the overall character of the neighborhood.
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 could expand onto the garage, however in building an addition of such nature, more costs would be incurred; and in regards to the applicants need for such carport, this is the size needed to accomplish their goals.
3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code. Finding of fact: Yes, 7' is a large variance in nature. However, the adjacent neighbor at 811 Riverside Avenue has reviewed the plans and wrote to the Town to say "(they) do not have any issue with the structure being within the variance of (their) property line."
4. Whether the area variance will have an adverse impact on the physical or environmental conditions of the neighborhood or community. Finding of fact: Yes, if the carport is built, there is the risk of water draining directly onto the adjacent property and pooling; However, this could be mitigated with a water drainage system.
5. Whether there has been any self-created difficulty. Finding of fact: Yes, the choice to build a carport to avoid weather conditions is self-created.

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

Conditions:

1. The carport will never be enclosed.

2. No exterior lighting will point in the direction of adjacent properties.
3. A water drainage system will be installed to direct drainage away from the neighboring property.
4. The carport will match the materials and current aesthetics of the pre-existing garage and home (charcoal gray in color).

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 Daryl and Cindy Pechtel, 346 Wolf Hollow Road, Glenville NY 12302 for an Area Variance associated with the proposed construction of a 28 ft by 42 ft detached garage. The property is located in the Rural Residential/Agricultural Zoning District and is identified on tax map ID # 12.1-2-13.1

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

270-9 C: Location. No permitted accessory use or building shall be located in any front yard. The applicant states that the proposed building will be located in the front yard of the property.

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

Sent to 28 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.

Daryl Pechtel submitted 3 pictures.

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 noted that this is a large building and emphasized that it can only be used for storage and personal items, not for business purposes. D. Pechtel confirmed it is not for a business, just personal storage.

J. Febo asked if there will be electricity in the garage? D. Pechtel replied yes. J. Febo also asked if any sort of lift would be installed? D. Pechtel responded no.

Chairman Hennel inquired about the materials to be used for the structure. D. Pechtel said the siding and roof will match the house.

D. Schlansker asked to confirm that based on the map all garage doors will face away from Wolf Hollow Road. D. Pechtel confirmed this.

J. Febo asked if the applicant will pave the lot leading up to the garage? D. Pechtel replied yes.

D. Schlansker noted that this is the second structure on the site and asked the building department if the accessory structure rule applies. J. Pangburn explained that in the Rural/Residential zoning district it's a 20% lot coverage rule for accessory structures.

Chairman Hennel closed the public hearing:

MOTION:

The applicant having applied for an area variance after having been denied a building permit to erect or construct a 28'x42' detached garage located at 346 Wolf Hollow Road 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 270-9 C 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 August 26, 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 applicant owns an 8.1 acres property which is heavily treed. The proposed structure will be located in the front yard but will be over 200 l/f from Wolf Hollow Road.

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, although the parcel is large there are two limiting factors which control the location of the proposed structure, the location of the existing septic system and the location of the embankment which surrounds the house in the rear of the property.

3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code. Finding of fact:
No, considering all the above facts.

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 proposed building will not have a negative impact on the applicant's property or the community.

5. Whether there has been any self-created difficulty. Finding of fact:
Yes, the applicant could not build the garage but this would not allow the indoor storage of cars and equipment, which will actually make the character of the property better long term.

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

Conditions:

- 1) The roofing and siding materials will match the existing house in color and style.
- 2) None of the overhead doors will face Wolf Hollow Road
- 3) The proposed garage will only be for storage of personal property and equipment, not for business use.

MOTION:

Moved by: D. Schlansker

Seconded by: B. Kissinger

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

NOES: 0

ABSENT: 1 (Wurz)

MOTION APPROVED

Application of Benderson Development Co LLC, 570 Delaware Avenue, Buffalo NY 14202 in regards to the property located at 262 Saratoga Road, Glenville NY 12302 for a Conditional Use Permit associated with the proposed occupation of a portion of the building that formally housed Hallmark with a new Starbucks Restaurant. Another portion of the space is proposed to be occupied by Chase Bank. The property is located within the General Business zoning district as well as the Town Center Overlay District. It is identified on the tax map as ID #22.00-1-1.2

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

270-19 (D) GB General Business District: Uses permitted by conditional use permit which also require site plan review: (1) Restaurant, food services, taverns and nightclubs.

The proposed Starbucks Restaurant will require conditional use permit approval.

Application of Benderson Development Co LLC, 570 Delaware Avenue, Buffalo NY 14202 in regards to the property located at 262 Saratoga Road, Glenville NY 12302 for an Area Variance associated with the proposed occupation of the building that formally housed Hallmark

with a new Starbucks Restaurant and Chase Bank. The property is located within the General Business zoning district and the Town Center overlay zoning district. They are identified on the tax map as ID #22.00-1-1.2, 22.-1-1.1, 22.7-6-2.

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

270-73-A.2: Minimum parking spaces required as per 270-2 Schedule A for specific uses require a minimum of 407 parking spaces for uses on the property. The applicant is proposing a total of 400 parking spaces therefore requesting a reduction of 7 parking spaces.

Chairman Hennel asked if the applicant would like the entire application/report read into the record. James Boglioli, representing Benderson Development, declined the need for that, as long as it is noted that the letters on behalf of the applications be submitted into the record. Donald Zee, attorney for Trustco Bank, requested only the letter for the area variance be read into the record.

B. Kissinger read the requested portion of the application into the record.

This was referred to the County. They recommended the application defer to local consideration, no significant County-wide or inter-County impact, but suggested a vehicle turning template for both the Starbucks and ATM drive-through lanes be provided, as well as a parking table for Chase Bank and Starbucks. Also, handicapped spaces should be identified. A lighting plan and an elevation drawing should be included.

Included with application:

Shared parking study dated 6/11/2019

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

J. Boglioli:

- He first explained the diagram showing the proposed Starbucks, drive-through, parking spaces, Chase bank with drive-up ATM
- He acknowledged they are still 7 parking spaces short of the Town requirement, however, a parking study was done during peak hours where it was determined that 291 spaces were needed. They are proposing 400 spaces, which is 109 above what the study said they needed.
- The proposal doesn't have an undesirable change in character of the community, but instead benefits the community by providing a drive-up ATM
- This request for a variance is not substantial as the 7 spaces make up less than 2% of what is required.
- It does not have an adverse impact on the community or environment
- It is self-created, but does not have any harm or negative impact
- No change in the current vehicular pattern, as most of the parking lot is not busy during morning hours
- Noted: CUP – no negative impact and PZC recommended granting these variances
- Addressed County concerns, pointing out traffic study, width of turning lanes, and handicapped spaces

Chairman Hennel opened the public hearing:

Chairman Hennel asked for comments from the community either in favor or opposed to the variance application. Donald Zee, attorney for Trustco Bank, speaking opposed to the application, had the following concerns:

- Noted on application 3 tax id numbers but only 1 address. He investigated and concurred there are 3 pieces of property in question (5 Glenridge Rd, 268 Saratoga Rd, and 262 Saratoga Rd.). Is the application for 1 parcel or 3?
- In regards to the Engineer's report: To determine parking, did the calculation only include the Applebee's and Hannaford plaza building? There is no mention of the 5 Glenridge Rd parcel. It also includes indoor seating for Five Guys and Starbucks in the calculation, but is that all the seating that is proposed? What about including patio seating in the calculation? There is no layout of proposed outdoor seating.
- Traffic analysis: currently the parking spaces for Applebee's are used in the calculation, but they are an independent parcel that could be sold at a future time and the parking spaces will not be allowed to be used.
- The engineer's report and the site plan don't match up in regards to the sizes of the buildings (ex. Applebee's 6400s/f on site plan vs 5430s/f on engineer's report).
- Feels application is incomplete
- Suggests a reasonable alternative is to convert some greenspace to additional parking
- The proposed drive-through for Starbucks won't be able to handle a backup of cars, thus posing a traffic hazard for pedestrians
- The proposed patio for Starbucks: where will pedestrians walk through? Will barriers be installed? Will pedestrians be forced to walk through turning lanes?
- ATM concern: not located next to the bank. If service issue, customer will have to park their car and walk inside for assistance, thus disrupting traffic flow and possible hazard for pedestrians.
- No recycling or outdoor waste receptacles on site plan. Where will pedestrians walk to these?
- Site plan doesn't break down restaurants in regards to how they are used in the calculations

J. Boglioli responded:

- Benderson owns 3 properties: Valvoline, Hannaford plaza building, Applebee's. The Applebee's is an independent lot and if it gets sold it has no impact on parking. Although there is shared parking between them, the parking study did not include Valvoline
- The patio is to be located at the end of Starbucks
- Regarding the Starbucks drive-through: pedestrian access to the building is the same as it is now with the current Hallmark
- ATM Service: a call button is featured on the ATM for service issues, so no need to park and go into bank

- Seating used for the parking space calculation was based on indoor seats, as outdoor seating is temporary/seasonal
- Pointed to trash and recycling bins on diagram

Melissa Cherubino, Town of Glenville Community Development Director, asked what direction cars will go for the ATM? J. Boglioli demonstrated on the diagram. She asked if it is set up for pedestrian use? He replied it is only for vehicle drive-through, not pedestrian.

T. Bodden asked if the ATM has a roof? J. Boglioli explained it has an overhang.

M. Cherubino asked why they couldn't use 2 vacant occupant spaces that already exist for the Starbucks or Chase Bank? J. Boglioli said they are too large and cannot accommodate the proper drive-through.

D. Zee noted that he is waiting to speak at the September PZC public hearing regarding his concerns.

B. Kissinger asked where deliveries are made to the Starbucks? J. Boglioli replied that no deliveries will be made off the back of the building, only on the front and side, typically during off hours, early morning before Starbucks opens to the public.

M. Cherubino asked if the current Hallmark is moving or closing? J. Boglioli answered that it is moving to the left of Peter Harris, as shown on map. Peter Harris is downsizing. M. Cherubino asked if there is a plan for other vacancies? J. Boglioli replied not yet.

D. Schlansker addressed the handicapped spaces. J. Boglioli said they will use the already existing spaces. J. Pangburn explained that handicapped spaces are based on the total spaces in the lot, not on what's convenient (9 total for whole plaza). M. Cherubino expressed that they should be more convenient. J. Boglioli said there are not plans to add new ones but they will work with PZC.

D. Zee again raised his concern that the outdoor seating at Starbucks is at the end of the sidewalk, so pedestrians would have to leave the sidewalk and walk into traffic to get to Hannaford. J. Boglioli stated that is how it is now with Hallmark, this is not a change. D. Zee said he feels Starbucks will generate more pedestrian traffic than Hallmark, thus raising the safety issue again.

D. Zee noted that pedestrian safety should be a top priority. He also noted that waste receptacles for outside customers should be near where customers will sit. J. Boglioli replied that trash cans will be placed on the patio.

M. Cherubino explained that appearance is part of our Town codes. J. Boglioli emphasized that no harm to community by not having the 7 extra parking spaces.

Chairman Hennel solicited questions from the Board members. B. Kissinger noted that residences are directly across the street and could be impacted by early morning deliveries. J. Boglioli explained that there may be only 1 truck a week making deliveries. B. Kissinger inquired about the armored trucks in front of the bank and their impact on traffic flow. J. Boglioli replied there is ample room to get around an armored truck, especially since it's only there a short time (est. 15 mins)

J. Febo inquired about the condition of the lane in front of the current Hallmark. J. Boglioli explained the regrading of the lane to fix the current drop in the catch basin, as well as regrading around the ATM site.

T. Bodden asked about the operating hours of the Starbucks and Five Guys. J. Boglioli said he believes they are typically 5am-10pm for Starbucks, and 11am-10pm for Five Guys. The two businesses offset each other's busy times, with Starbucks in the morning and Five Guys later in the day. T. Bodden noted that Hannaford closes off the south side entrance after certain hours. Now with other businesses staying open longer, is that a concern for pedestrians walking into Hannaford? J. Boglioli explained that pedestrians can still use the sidewalk in front of Five Guys. They would be willing to install crosswalks if PZC prefers. There is no change in the access as it currently exists.

Chairman Hennel proposed the idea of putting in a sidewalk between two rows of parking, like Target did. J. Boglioli said they would work with PZC on that. Chairman Hennel also asked what the maximum number of cars stacked in the drive-through is? J. Boglioli replied 10.

B. Kissinger asked where the order window is for the Starbucks? J. Boglioli said there is no order window, it is a call box and showed its location on the diagram.

D. Schlansker noted that the use density is all at one end of the plaza and could become congested for customers. The parking behind Berkshire Bank is considered in the total number of spaces but is really useless for customers. He would also like to see a snow removal plan so as not to negatively impact parking and traffic flow. J. Boglioli said they are working with PZC on this.

J. Febo noted that the variance is for 7 spaces but feels they will need more going forward due to drive-through traffic. "You're adding a business which will bring more pedestrians and traffic." J. Boglioli explained that adding spaces in the back of the plaza that are unusable only takes away green space and doesn't help parking. The parking study demonstrates that they will have more than enough parking spaces, even if it is below Town code. J. Febo emphasized that the parking study is based on the businesses that are there now, not on the potential for increased pedestrians and traffic with the new businesses. J. Boglioli explained they added spaces based on Town Code and seat numbers in the new businesses. J. Febo pointed out that Applebee's is already deficient in parking, and now we are losing parking and adding new businesses. J. Boglioli explained that Applebee's with the rest of the plaza are not deficient.

Chairman Hennel noted there are vacant buildings in the back of the plaza. Is their square footage still used in the calculation? J. Boglioli replied yes.

M. Cherubino asked if adding an ATM isn't just attracting more traffic? J. Boglioli explained that typically the traffic already in the shopping plaza is what will use the ATM. She also questioned if the site is 'destination use' or 'convenience'? J. Boglioli explained there are different types of traffic coming to this site.

Chairman Hennel inquired about the addition to the existing building. J. Boglioli said it is for the Starbucks.

T. Bodden noted that the seven parking spaces lost are where the ATM and garbage collection is, closest to the Starbucks.

D. Zee stated that he is concerned the s/f on the report is different than on the site plan. He also noted that the reason the required number drops from 410 to 407 is because they knocked down the shed behind the Five Guys so the s/f was less.

J. Febo asked if the parking on the side is for Valvoline or Five Guys? J. Boglioli replied it is for Valvoline.

D. Schlansker noted that he feels the ATM drive-through is safer for pedestrians than one inside a bank, where customers have to park and get out of their cars and walk inside. He feels the ATM is positive for pedestrian safety.

J. Febo noted the pilings outside Five Guys. J. Boglioli said they are working with PZC on the same ones outside Starbucks.

Chairman Hennel noted as a condition that if this variance is granted, the Board encourages that you don't come back for sign variances as well.

Chairman Hennel closed the public hearing:

MOTION:

Whereas, the applicant having applied for a conditional use permit for property located in the Town of Glenville at 262 *Saratoga Road* at tax map id 22.00-1-1.2, and the property is zoned *General Business* and Whereas, the applicant wants to use the property for a *Starbucks restaurant*, a use allowed in the General Business 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 the application, *and*

Whereas the Planning and Zoning Commission of the Town of Glenville has recommended the following conditions be attached to this permit:

And,

Whereas a public hearing was held on *August 26, 2019* to consider the application.

Now, therefore be it resolved that this be approved for the following reasons: The Board of Appeals finds:

A. 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: The proposed location is within an established shopping plaza that includes other restaurant / fast food service and will be located in a portion of an existing free standing building that is being renovated to include the 2,005 s/f Starbucks restaurant

B. The use will not be injurious to the use and enjoyment of other property in the vicinity for purposes already permitted, nor substantially diminish or impair property values in the neighborhood. Fact for this:

The PZC board is currently reviewing the site plan to ensure proper traffic flow and access and has recommended the project to ZBA board. Proposed restaurant is consistent with other nearby businesses within the shopping plaza and area. As a condition of the approval of this variance, the ZBA requests that PZC board give special attention to traffic flow design as part of their final approval process

C. Establishment of the use *will not* impede the normal and orderly development and

improvement of surrounding property. Fact for this:

We find proposed use will NOT impede development of surrounding property. Proposed use is consistent with area businesses.

D. Adequate utilities, access roads, drainage and other necessary facilities have been provided or will be provided. Fact for this:

Adequate utilities, roads, drainage and facilities are already in place for existing plaza and will not be adversely impacted with this new business and will actually be improved with the re-grading of the parking lot.

E. Adequate measures have been or will be taken to provide entry and exit designed to minimize traffic congestion on the public streets. Fact for this:

We find adequate measures have been – as well as are being finalized with PZC to ensure proper access and traffic flow to site. Applicant has submitted parking evaluation that proposes sufficient parking via shared parking model will be available within the 7 space area variance.

F. 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:

We find the proposed use to be consistent with the master plan for the Town of Glenville and is consistent as well for the Town Center overlay district.

The following conditions and or restrictions for the conditional use are deemed necessary to secure compliance with the standards and requirements of the ordinance:

Conditions:

1. Recommend that PZC continue evaluation on traffic flow to ensure site plan provides sufficient access
2. Encourage applicant that by choosing site within Town Center that minimal (or any) sign variances to accompany the development of the restaurant.
3. PZC to review safety measures and appropriate sidewalk if patio area to be included in final site plan.
4. PZC to consider appropriate measures stipulating in final site plan to encourage recycling and proper waste removal.
5. PZC to address delivery times as part of site plan review
6. Recommend snow removal plan is included in final site plan to PZC

Now, therefore be it resolved that his application for a conditional use permit be granted.

MOTION:

Moved by: Chairman Hennel

Seconded by: J. Febo

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

NOES: 1 (Kissinger)

ABSENT: 1 (Wurz)

D. Schlansker re-affirmed that this motion is for this site only (2005 s/f Starbucks)? Chairman Hennel replied yes.

MOTION APPROVED

MOTION:

The applicant having applied for an area variance after having been denied a building permit related to not meeting the minimum number of parking spaces for uses on the property at 262 Saratoga Road, Glenville, NY and the plaza exists on tax map parcels 22.00-1-1.2, 22.-1-1.1, and 22.7-6-2 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 270-2 Schedule A: where the minimum number of parking spaces for uses on the property requires 407 spaces; the applicant has proposed a total of 400 parking spaces and therefore is requesting a variance (reduction) of 7 parking spaces, 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 August 26, 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. Particular hardship/difficulty to the petitioner if the variance request is denied. Finding of fact:
Based on the existing plaza design for the 3 noted parcels, applicant has submitted a parking study which focuses on uses of shared parking for different uses. Proposed bank and restaurant as well as redevelopment of other tenant space specify need for 407 spaces. Applicant unable to proceed with proposed uses without this variance.
2. Magnitude of the variance being sought. Finding of fact:
Variance for 7 parking spaces is for less than 2% of the required number of spaces for entire plaza.
3. Visual impacts to the immediate neighborhood if the variance is granted. Finding of fact:
Variances are for redevelopment of existing retail plaza that covers three different tax parcels. Minimal impact to external neighbors, as plans are for within existing parcel. No changes to overall ingress or egress to Shopping Plaza. Applicant has submitted a parking study that presents over 100 spaces currently available within parcel at peak times.
4. If the hardship/difficulty has been any self-created. Finding of fact
Hardship is self-created based on the uses proposed as well as the guidelines for minimum number of spaces, but alone should not preclude the granting of the variance.

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

Conditions:

- 1) ZBA recommends to PZC that based on positioning of number of new businesses at southern end of plaza, that a thorough review of parking plans and traffic flow are considered during final site plan approval.
- 2) Applicant agrees to repair grading of catch basin in front of existing Hallmark location.

J. Febo expressed concern they will come back for more spaces later.

J. Pangburn explained that if the square footage or use of a building changes, they would have to come back before ZBA. The Pizza Hut building s/f was used in the calculation for total parking spaces required.

MOTION:

Moved by: Chairman Hennel

Seconded by: D. Schlansker

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

NOES: 0

ABSENT: 1 (Wurz)

MOTION APPROVED

MOTION: To adjourn the August 26, 2019 meeting of the Town of Glenville Zoning Board of Appeals.

Moved by: Chairman Hennel

Seconded by: D. Schlansker

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

NOES: 0

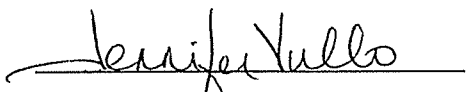
ABSENT: 1 (Wurz)

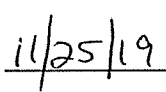
MOTION APPROVED

Next agenda meeting: September 16, 2019

Next meeting: September 23, 2019

Submitted by,


Stenographer


Date

DKP

ZBA Chairman

11/25/2019

Date

Shirley C. Smith

Town Clerk

11/26/2019

Date

FINAL

APPROVED
Town of Glenville
Zoning Board of Appeals
Chairperson : AKB
Approval Date: 11/27/2019

