

**MEETING OF THE ZONING BOARD OF APPEALS
OF THE TOWN OF GLENVILLE
THE GLENVILLE MUNICIPAL CENTER
18 GLENRIDGE ROAD, GLENVILLE, NY 12302
Monday June 26, 2017**

PRESENT: Interim Chairman: Margaret Huff, Vice Chairman: Joseph Vullo, Dick Schlansker, Jeff Stuhr, Board Liason: David Hennel

ABSENT:

ALSO ATTENDING: Attorney: Michael Cuevas, Code Enforcement: Terri Petricca; Stenographer: Jen Vullo

Interim Chairman Huff called the meeting to order at 7:01 P.M. She stated what appeared on the agenda for this evening.

MOTION: To accept the June agenda.

MOVED BY: J. Vullo

SECONDED: D. Schlansker

AYES: 4 (Vullo, Huff, Schlansker, Stuhr)

NOES: 0

ABSENT: 0

ABSTAIN: 0

MOTION: To accept the May 2017 minutes as amended.

MOVED BY: J. Vullo

SECONDED: J. Stuhr

AYES: 4 (Vullo, Huff, Schlansker, Stuhr)

NOES: 0

ABSENT: 0

ABSTAIN: 0

MOTION CARRIED

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PUBLIC HEARING

Application of Karen Peper, 2 Berchman Drive, Ballston Lake, NY 12019 for an Area Variance to allow for a 6' high white vinyl stockade fence to be located in the front yard. The property is located on the corner of Berchman Dr and Clifford Dr and has 2

front yards. This fence is already in place. The property is located in the Suburban Residential Zoning District and is identified on tax map 9.19-1-17.

In accordance with the Codes of the Town of Glenville 270-52, C, 2: Fences on residential properties will not exceed four feet in height in the front yard, including along side lot lines to the front of the front plane of the dwelling. Therefore, the applicant is seeking total relief from this section of the code.

J. Vullo read the application and review factors for the variance requests into the record.

Sent to 61 neighboring property owners. This was not referred to the County.

Letters Received (in favor):

1. Eric & Susan Brennan 9 Clifford Dr
2. Thomas & Kathleen Bradley 7 Clifford Dr
3. William Nielson 11 Clifford Dr
4. Jackie Preddice 15 Clifford Dr
5. Jay Phillips 1 Berchman Dr
6. Glen Jones 9 Berchman Dr
7. Kevin & Corinna Schinnerer 4 Berchman Dr

Interim Chairman Huff asked the applicant if she had any comment to share with the Board. K. Peper presented photographs and drawings to the Board. She stated that she hired a company to install the fence and thought it was all legal. Its purpose is to provide safety for people and property. She also noted that the fence company appears to no longer be in business.

Interim Chairman Huff asked for comments from the community either in favor or opposed to the variance application. No response.

Interim Chairman Huff solicited questions from the Board members. D. Schlansker asked if any of the letters received are from the homeowners of the property to the rear of hers. K. Peper responded that she did speak to them and let them know the fence was being installed. They did not appear to have any issues with this. None of the letters received are from that homeowner.

MOTION:

The applicant having applied for an area variance after having been denied a building permit to erect or construct a 6' high white vinyl stockade fence in the front yard of a corner lot, at 2 Berchman Drive, Ballston Lake, NY

The applicant having applied for an area variance in accordance with the Codes of the Town of Glenville

Because the proposed use of the property would be in violation of such restriction or setback requirement; and

The Board having considered the application, after a full and complete public hearing, 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 the variance results in any undesirable changes in character of the neighborhood or community, or a detriment to nearby properties. Finding of fact:

No, the fence is heavily shaded/concealed by trees and foliage that runs along Clifford Drive. All or mostly all of adjacent neighbors have no objection to the fence. Additionally, where the fence is located, it does not interfere with visibility from either road.

2. Whether the benefit sought by the applicant can be achieved by some other means than an area variance. Finding of fact:

No, the homeowner seeks the safety, security and privacy for the property.

3. Whether the requested area variance is substantial. Finding of fact:

Yes, a 4' fence is the permitted fence height in a front yard. The Clifford Road front yard is approximately 150' along the road.

4. Whether the area variance will have an adverse impact on the physical or environmental condition of the neighborhood or community. Finding of fact:

No, it is adequately screened.

5. Whether the alleged difficulty is self imposed which is relevant to consider, but does not alone preclude the granting of the variance. Finding of fact:

Yes, homeowner sought a level of security requiring a greater height than 4'.

Condition: Maintain tree/shrub screening (these may be in the town ROW)

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

MOTION:

Moved by: Interim Chairman Huff

Seconded by: J. Vullo

AYES: 4 (Huff, Vullo, Schlansker, Stuhr)

NOES: 0

ABSENT: 0

MOTION APPROVED

Application of Christopher Solomini, 973 Sacandaga Road, Glenville, NY 12302 for an Area Variance to allow for a 12' x 20' tent-style accessory structure to be located in the front yard. This structure is already in place. The property is located in a Rural Residential/Agricultural Zoning District and is identified on tax map 8.-1-15.

In accordance with the Codes of the Town of Glenville 270-9, C: No permitted accessory structure shall be located in any front yard. Therefore the applicant is seeking total relief from this section of the code.

J. Vullo read the application and review factors for the variance request into the record.

Sent to 18 neighboring property owners with no responses. This was referred to the County. It was received back from the County on 6/26/17 and deferred for local consideration.

Interim Chairman Huff asked the applicant if he had any comment to share with the Board. Attorney Christopher Shambo was representing the homeowner. He stated that when the property was purchased it already contained two tents. One tent they brought up to code, since it was movable and could be relocated behind the plane of the front of the house. The other they were not able to.

Interim Chairman Huff asked for comments from the community either in favor or opposed to the variance application. No response.

Interim Chairman Huff solicited questions from the Board members. J. Vullo noted that considering the expense of moving it, along with the process of weathering, if the variance is granted the canopy must be maintained. C. Shambo agreed.

Interim Chairman Huff asked what is being stored under the tent and noted that it can be used for storage only. C. Shambo did not know the exact contents but agreed it would be used only for storage.

D. Schlansker inquired if they ever applied for a building permit for tent #1. T. Petricca responded that 'yes' a building permit was granted for tent #1. Her office has not received a call for inspection for tent #2 yet.

Interim Chairman Huff questioned the footage on Sacandaga Road. There was a discrepancy between the deed and the drawings submitted on the application. C. Shambo confirmed the deed is correct at 231 feet.

MOTION:

The applicant having applied for an area variance after having been denied a building permit to erect or construct a 12' x 20' tent style accessory structure in the front yard, at 973 Sacandaga Road, in the town of Glenville and

The applicant having applied for an area variance in accordance with the Codes of the Town of Glenville section 270-9 C

Because the proposed use of the property would be in violation of such restriction or set back requirement; and

The Board having considered the application, after a full and complete public hearing, 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 the variance results in any undesirable changes in character of the neighborhood or community, or a detriment to nearby properties. Finding of fact:

No, the existing tent style accessory structure is almost completely obscured from sight by surrounding trees and shrubs

2. Whether the benefit sought by the applicant can be achieved by some other means than an area variance. Finding of fact:

No, not without incurring substantial cost, as the structure was already in place prior to the current owners purchase of the property

3. Whether the requested area variance is substantial. Finding of fact:

Yes, entire structure is in the front yard

4. Whether the area variance will have an adverse impact on the physical or environmental condition of the neighborhood or community. Finding of fact:

No, the structure is almost completely obscured by surrounding foliage. The parcel is located in a rural setting and the lot size is more than adequate to permit structure use and location

5. Whether the alleged difficulty is self imposed which is relevant to consider, but does not alone preclude the granting of the variance. Finding of fact:

No, the original structure was set up by previous owner. The parcel was bought without knowledge of no authorization by applicant

Conditions: Foliage screening to be maintained, tent material to be maintained, used for storage only, not for construction or commercial use

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

MOTION:

Moved by: Interim Chairman Huff

Seconded by: J. Vullo

AYES: 4 (Huff, Vullo, Schlansker, Stuhr)

NOES: 0

ABSENT: 0

MOTION APPROVED

PRESENTATION:

Bohler Engineering wishes to present the proposed ±17,825 s/f retail business building (Aldi Grocery Store) project located at 303 Saratoga Road (corner of Sheffield and Saratoga Rd). The applicant will be applying for several area variances after preliminary site plan approval has been granted by the PZC.

Interim Chairman Huff announced that this is a presentation only, not a public hearing, and that there would be no questions from the audience. At the time of the public hearing, town members could voice their questions and concerns.

Robert Osterhoudt, from Bohler Engineering, started the presentation showing diagrams from 2007 and 2017 illustrating the location of the proposed Aldi. He confirmed it is located in the general business district with the town center overlay. Recently the one piece of residential property on the parcel was rezoned as general business district with the town center overlay as well. Access to the site will be from Sheffield Road and Route 50. There is a stockade privacy fence along most of the back of the property along with some shrubs. It is a unique shape of property so all angles are being addressed with regards to the surrounding neighbors and businesses. Landscaping and greenspace will be installed along Route 50 and Sheffield Dr. There is an already

established traffic light, so that will be the main entrance, with a second 'in/out' further down Route 50. All commercial access will take place on Route 50 only. After examining different positions for the building on the site, it was determined that moving the building further back on the site, it acts as a buffer for the residential neighbors to the noise, traffic, lighting, etc. Aldi is a tenant on this site. The area to the left is open for further development.

J. Vullo asked where deliveries will be made. R. Osterhoudt explained that there will be a recessed truck ramp with a retaining wall. Deliveries will be made during off hours (after 9:30 pm), and trucks are turned off while unloading. They do recycle materials- they are kept in the building and loaded onto the trucks after deliveries are made. He emphasized that trucks will be located well behind the retaining wall (4' retaining wall + 4' privacy fence on top = 8' total). Dumpsters will be located there also.

Interim Chairman Huff asked how they are addressing the greenspace on the site pad not yet developed. R. Osterhoudt explained that they are requesting a variance for the Aldi property only as a standalone project, so upon future development of the additional parcel, variances do not have to be adjusted.

J. Vullo inquired about future shared parking when the pad site is developed. R. Osterhoudt said there would be no shared parking or greenspace.

Interim Chairman Huff noted that by separating it, you are restricting what can go in there, due to limited parking.

J. Stuhr asked if any consideration was given to moving the truck entrance to the other side of the building away from the residential side, and what are you doing to protect the residents. R. Osterhoudt noted that the town does not allow a truck loading/unloading entrance to be visible from the main entrance. He also emphasized that existing fences and new plantings will act as a barrier.

J. Vullo questioned the location of the electrical/utilities. R. Osterhoudt explained that they would be located on the rooftop, with a transformer to the left of the building. Foliage screening would be installed on the south side of the transformer, but they are seeking relief from screening on the front side.

D. Schlansker asked about the lighting package. That will be provided in the final application.

Other items to note:

Variances are being sought for relief from setback requirements at various locations on the property.

On the northwest corner of the building, a sidewalk will be installed within the setback but next to the building for evacuation purposes

Town codes require the min/max parking spaces to be 90-119. Aldi is requesting 82.

Town codes require that the loading/unloading dock not be visible from the street. Additional plantings will go in on the Route 50 periphery to help mitigate this.

The Board had several questions regarding the parcel to the left of the Aldi lot. Although it is rezoned, it is still considered Residential Use until the house is bought and demolished. The Board is concerned about granting variances for parking or landscaping that impact that lot when it is not officially owned by the landlord as of yet.

Parking lot landscaping will take place on the periphery. The town requires 1 landscaped island per 10 spaces. With 82 spaces they would require 9 islands. Aldi is only providing 2.

A fence with stone piers will be installed along Route 50

Snow removal will go on the extra parcel until that is developed, at which time it would have to be trucked off site.

MOTION: To adjourn the June 26, 2017 meeting of the Town of Glenville Zoning Board of Appeals.

Moved by: J. Vullo

Seconded by: J. Stuhr

AYES: 4 (Huff, Schlansker, Vullo, Stuhr)

NOES:

ABSENT:

MOTION CARRIED

Next meeting: July 24, 2017

Submitted by,

Jennifer Vullo

Jennifer Vullo
Stenographer

FINAL AS OF 08/28/17