

**MEETING OF THE ZONING BOARD OF APPEALS
OF THE TOWN OF GLENVILLE
THE GLENVILLE MUNICIPAL CENTER
18 GLENRIDGE ROAD, GLENVILLE, NY 12302
Monday November 23, 2020**

PRESENT: Chairman: David Hennel; Juliano Febo, Beth Kissinger, Dick Schlansker, Brian Peterson

ABSENT:

ALSO ATTENDING: Code Enforcement: Jim Pangburn; Stenographer: Jen Vullo

ALSO ATTENDING VIRTUALLY: Attorney: Courtney Heinel; Building Department: Cathy Visco; Kevin Cozzolino

Chairman Hennel called the meeting to order 7:02 pm.

MOTION: To accept the October 2020 minutes as amended.

MOVED BY: Chairman Hennel

SECONDED: B. Kissinger

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

NOES: 0

ABSENT: 0

ABSTAIN: 0

MOTION CARRIED

MOTION: To accept the November 2020 Agenda minutes as amended.

MOVED BY: Chairman Hennel

SECONDED: J. Febo

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

NOES: 0

ABSENT: 0

ABSTAIN: 0

MOTION CARRIED

PUBLIC HEARING

Application of Trustco Bank 286 Saratoga Road, Glenville NY 12302 for the proposed installation of a new digital, (LED), sign by AJ Signs, 842 Saratoga Road, Burnt Hills 12027. The proposed new digital sign will be replacing an existing sign currently located at the business. 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 parcel # 22.7-6-5.11

In accordance with the Codes of Glenville, the following sign variances are being requested:

270-133 I. Signs (5) Minimum performance criteria. The following performance standards shall apply to signs in the Town Center Overlay District: **(h) Setbacks.** Monument signs shall have a minimum setback of 10 feet from the right-of-way line and 10 feet from the side property line and shall be located in a manner that does not interfere with required minimum sight distance at driveways or intersections.

270-133 I. Signs (4) Prohibited Signs. The following signs shall be prohibited in the Town Center Overlay District: **(a) Moving signs.**

270-133 I. Signs (5) Minimum performance criteria. The following performance standards shall apply to signs in the Town Center Overlay District. **(c) Size.** Monument signs, as permitted in Subsection I of this section, shall have a maximum area of 50 square feet per sign face for the primary sign and 24 square feet per sign face for any secondary signs. Double faced signs are permitted. For all other signs, the size standards in Article IX for the underlying zoning district shall apply.

This application was tabled from the August, September and October meetings.

Chairman Hennel explained that since a site plan was not provided, they were removed from the agenda. J. Pangburn stated that since they were removed from the agenda, they must re-apply and pay a new application fee to proceed any further. He spoke with AJ Signs, who explained that Trustco had no intention of submitting a site plan. A discussion was had about whether ZBA needs to take any official action on this application. C. Heinel asked if they were notified that they were removed from the agenda? J. Pangburn said yes, he notified AJ Signs, who is representing Trustco. C. Heinel confirmed a public notice was sent out that they were on the agenda, but since they were told they would be removed and thus were not in attendance, there is no need to vote on the application. Chairman Hennel confirmed that there was not a need to formally table the application again (as they had been removed from the agenda), however, if they are on the agenda next month, ZBA will vote.

Application of Kevin Cozzolino, 3 Ralmar Drive, Glenville, NY 12302 for the proposed placement of an 8 ft x 10 ft shed, this property is a corner lot, this property is located within the Suburban Residential Zoning District. It is identified on the tax map as parcel# 16.13-4-15
In accordance with the Codes of Glenville, the following variances are being requested:

270-9 (c) Location – No permitted accessory structure shall be located in any front yard.

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

Sent to 56 neighboring property owners with no responses. This was not referred to the County.

Pictures were included with the application.

Chairman Hennel asked the applicant if he had any comment to share with the Board. K. Cozzolino was on the call. He explained that he would like to paint the exterior to match the existing dwelling (maybe a green or brown). He would also like to line the side facing Ralmar Dr. with pine trees or some other shrub to obscure the shed from the road.

Chairman Hennel explained that on the application, the criteria asking if it is a self-created difficulty, actually should be answered yes. He explained that the zoning codes that are in effect now were the same ones in effect last September when the applicant purchased the property. Therefore, it is a self-created issue, not one created by the changing of zoning regulations. The applicant agreed.

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. B. Peterson asked if the applicant would consider placing the shed in the horseshoe area where the driveway is? He looked at the drop off area behind the driveway and feels the shed would fit nicely on the flat area that is closer to the garage. K. Cozzolino said they had talked about that location, but thought it was still considered the front yard, and still contained a little bit of a pitch that would need to be leveled.

J. Pangburn asked how far away from the garage the shed would be? He explained it must be a minimum of 10' from the primary structure.

Chairman Hennel asked if they would place the shed inside or outside the fence? K. Cozzolino was thinking it would be placed on the outside of the fence.

D. Schlansker stated that if the site plan is accurate, the fence is 15' from the house. That should be enough room for the shed.

Chairman Hennel stated that while the new suggested location would still be considered a front yard, he feels the shed is less intrusive there than where the application is proposing it to be. He asked about the distance from the curb of the driveway to the edge of the pavement? K. Cozzolino stated that from the garage to the driveway, where the mailbox is, is just over 75'. He knows the 50' distance to the fallen tree is accurate. He would be willing to move it closer to the house.

Chairman Hennel noted that the site plan shows 75' from the garage to the road, 40' driveway, and 35' from the edge of the road to the edge of the curve in the driveway. Therefore, it is

impossible to have 50' from the road to the shed. K. Cozzolino explained that he put approximate measurements on the site plan. It is easily 50' distance to the fallen tree.

J. Febo asked for clarification of where the applicant is measuring 75'? K. Cozzolino stated from the southwest corner of the house to the end of the driveway. J. Febo stated that the math on the site plan adds up to 110' not 75'. K. Cozzolino said the 40' measurement for the driveway is probably too large a measurement. He is confident in the 50' measurement as he used the fallen tree as a landmark. The 12' measurement between the shed and the driveway is probably too large a distance also. Chairman Hennel stated that 50' from the road plus 8' shed plus 12' equals 70', and the applicant is saying 75' all the way to the road. The math doesn't add up correctly.

B. Peterson stated that when he visited the property, he noticed three cars parked side by side. If they are each approximately 7' in width that's 21'. So, he agrees the 40' measurement is not correct.

Chairman Hennel questioned the exterior of the proposed shed. Will it be made of wood? Painted? K. Cozzolino explained Home Depot had a kind of wood product called LP that you paint.

D. Schlansker asked the applicant if he was willing to change the application to put the shed on the edge of the driveway, thus only encroaching into the yard 12'? K. Cozzolino stated that if the line is drawn from the garage, then that is too much of a pitch. He explained that the northwest corner is a little more level, but the eastern edge starts to drop off.

Chairman Hennel asked about moving the shed behind the porch in the backyard. K. Cozzolino stated there is only 8' there. He thought about it over by the gas meter, but learned it has to be 10' from that.

B. Peterson noted that the 15' measurement is from the edge of the garage to where the property starts to drop off. K. Cozzolino also noted the pine trees off the porch.

Chairman Hennel asked about placing it on the corner of the driveway, not behind the split rail fence, but in front of it? K. Cozzolino stated that they currently use that area for vehicles, but would consider it. D. Schlansker noted they wouldn't make the setback requirement there. Chairman Hennel is trying to make it less visible from the road.

J. Febo suggested that in the northwest corner of the fence it would be more hidden by trees.

Chairman Hennel explained the Board can vote on the application as is, table it, or the applicant can offer an alternative location. K. Cozzolino asked if the Board was suggesting the far northeast corner? Chairman Hennel stated he suggested that location, while J. Febo suggested the far northwest corner. K. Cozzolino said he would be very amenable to placing it as close to the fence as possible. He needs to stay away from where it starts to slope. He would prefer to place in on the wooded side.

B. Peterson asked if the applicant places the shed toward the center of the driveway, close to the fence, how do we determine how much he has to build up the property behind the shed to keep it up? Chairman Hennel stated it would be up to the applicant about building up the slope or pushing it back. It must be 10' from the primary building. J. Pangburn confirmed this. K. Cozzolino stated his intention is to have almost no space between the driveway and the shed. He would prefer to not alter the fence and place the shed on the west side of it if possible.

Chairman Hennel explained that the applicant is allowed to choose what the Board votes on, but he only gets one vote. K. Cozzolino suggested tabling the application so he can take more accurate measurements. Chairman Hennel suggested the applicant stake out the area of the proposed shed for Board members to see when they stop by.

MOTION TO TABLE:

Moved by: Chairman Hennel

Seconded by: B. Kissinger

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

NOES: 0

ABSENT: 0

MOTION TABLED

MOTION: To adjourn the November 23, 2020 meeting of the Town of Glenville Zoning Board of Appeals.

Moved by: Chairman Hennel

Seconded by: B. Peterson

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

NOES: 0

ABSENT: 0

MOTION APPROVED

Next agenda meeting: December 21, 2020

Next meeting: December 28, 2020

Submitted by,

Stenographer

Date

ZBA Chairman

Date

Town Clerk

Date

FINAL