

**MEETING OF THE ZONING BOARD OF APPEALS
OF THE TOWN OF GLENVILLE**

THE GLENVILLE MUNICIPAL CENTER

18 GLENRIDGE ROAD, GLENVILLE, NY 12302

Monday April 26, 2021

PRESENT: Chairman: David Hennel; Juliano Febo, Dick Schlansker, Brian Peterson, Barry Suydam

PRESENT VIRTUALLY:

ABSENT:

ALSO ATTENDING: Code Enforcement: Jim Pangburn; Stenographer: Jen Vullo; Applicant: Laurence Borwhat

ALSO ATTENDING VIRTUALLY: Attorney: Courtney Heinel; Mike Burns; Frank Plastini, Cristina Lubic; Daniel Ladd

Chairman Hennel called the meeting to order 7:00 pm.

MOTION: To accept the March 2021 minutes as amended.

MOVED BY: Chairman Hennel

SECONDED: J. Febo

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

NOES: 0

ABSENT: 0

ABSTAIN: 0

MOTION CARRIED

MOTION: To accept the April 2021 Agenda minutes as amended.

MOVED BY: Chairman Hennel

SECONDED: B. Peterson

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

NOES: 0

ABSENT: 0

ABSTAIN: 0

MOTION CARRIED

PUBLIC HEARING

Application of, Frank Plastini, 396 Waters Road, Glenville, NY 12302, for the permitting of a 750 square foot detached garage that encroaches past the front plane of the dwelling. This structure has already been constructed. This property located in the Rural Residential/Agricultural zoning district. It is identified on the tax map as parcel # 13.-1-24.3

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

270-9 C Location. No permitted accessory use or building shall be located in any front yard. The applicant has installed the garage so that it is partially located in the front yard. The applicant is seeking a variance to encroach 14 ft into the front yard.

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

Sent to 11 neighboring property owners with two responses. This was not referred to the County.

Letters Received:

Bob Nobles, 616 Waters Rd – in favor

William & Ann Gallop – 504 Waters Rd – in favor

Included with application: sketch

Chairman Hennel noted that the variance request is substantial (asking for total relief), and is self-created, as the home was purchased after any zoning changes were made concerning buildings in the front yard.

Chairman Hennel asked the applicant if he had any comment to share with the Board. F. Plastini commented that he was unsure what the 'self-created' question on the application meant. He otherwise 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. J. Febo wanted confirmation on the exact size of the garage. F. Plastini stated it is 25' x 30' x 10' (high walls). J. Febo noted that if the variance is approved, he would recommend a condition to limit the size of the garage. He stated that the Board is only voting on the front yard setback. He inquired if that meant the

applicant could move or expand the shed at a future time. J. Pangburn explained that it is a non-conforming structure, so the applicant could only expand maybe 10% in the future. J. Febo stated the he didn't want to see a larger footprint in the front yard at a future time.

B. Peterson visited the property previously. He noted that the submitted sketch doesn't show that you can't go further back with the septic or well location, because of a large drop-off. However, if you're facing the house and you look to the right, there is a flattened area that you could possibly put the garage. He noted that coming up the hill one notices the very large size of the garage, making the house look smaller. F. Plastini explained that when he moved into the house, the home inspector never tested the well flow. It turned out to be dry, and they had to have it hydro-fractured. In case of future well issues, he didn't want anything blocking that. He also noted that if the garage was down the hill, it would be substantially further into the front yard.

Chairman Hennel repeated D. Schlansker's previous question regarding if the 2 tanks for the septic system were travel grade? F. Plastini replied that they are travel grade, but can't be moved back. The tanks are oriented toward the back of the property. With the 30" anchors holding the building into the ground, they wouldn't be able to anchor in.

Chairman Hennel agreed that when traveling down the road, it is a huge structure. He also noted that no permit was obtained. If the variance were granted, would you consider installing vinyl siding over the shiny metal to match the house? F. Plastini agreed to this but would need at least 6 months to save the money for it. D. Schlansker asked the Chairman if he was recommending siding all 4 sides? Chairman Hennel said he would prefer at least the three sides that are visible. D. Schlansker explained that it is difficult to install vinyl on metal and is quite costly. J. Pangburn noted that vinyl siding is difficult to obtain right now. F. Plastini asked if a flat paint would be appropriate? Chairman Hennel was not in favor of flat paint but suggested the possibility of screening, perhaps arborvitaes along the south and north sides. F. Plastini agreed to this, to block the shiny metal. J. Pangburn asked the Board to specify the size and spacing requested. Chairman Hennel noted the applicant will plant no less than 4, 3' tall arborvitaes, spaced 3' apart per side.

B. Peterson asked the applicant how he determined the size of the structure? F. Plastini stated that he has 3 cars, a motorcycle, lawn mowers, and loves to tinker in the garage. B. Peterson confirmed that there was no permit for this? And it is the responsibility of the homeowner to get all permits? J. Pangburn replied yes to both of these questions.

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 750 s/f detached garage at 396 Waters 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(s) **270-9 C Location**. No permitted accessory use or building shall be located in any front yard. The applicant has installed the garage so that it is partially located in the 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 April 26, 2021, 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:
Yes, driving uphill on Water's Road and seeing a structure appear to stand taller than the house, and protrude further than it, does present a change in the character of a residential 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:
Yes, the lower section of the property has a nice section of level property, where the structure could be located. A variance may still be required due to the well head towards the rear of that area, but by placing the structure there, it would not appear as tall, or cumbersome as compared to the house.
3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code. Finding of fact:
Yes, as a small frontal area of property, this request is substantial.
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, there will not be any adverse impacts on the environmental conditions of the neighborhood.
5. Whether there has been any self-created difficulty. Finding of fact:
Yes, the choice of structure location is solely the homeowner's decision. Although the property does not allow for the current structure to extend much further towards the back of the property, due to a steep drop off of landscape, the option of locating the structure 'downhill', or even downsizing the actual structure, should have been explored. A proper building permit, or application, could have prevented this request.

B. Peterson noted that his intention was to write the motion to deny the application. However, if the Board should approve this application, a condition of planting no less than 4 arborvitaes, 3' tall each, spaced 3' apart per side would be included.

Note: Motion was written as a denial so a 'yes' vote = denial

Chairman Hennel explained that 3 'yes' votes would deny the application. If there are not 3, then another motion would have to be made in favor of the application to grant it.

MOTION:

Moved by: B. Peterson

Seconded by: Chairman Hennel

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

NOES: 1 (Suydam)

ABSENT: 0

MOTION DENIED

Reasons for vote:

Peterson: yes – reasons stated in motion

Febo: yes – criteria #5 it was self-created, other options could have been explored

Suydam: no – The structure is already there, feels the applicant agreeing to plant arborvitaes would be an effort to fix the issue

Schlansker: yes – criteria #2 the applicant could achieve his goals with other alternatives

Hennel: yes – feels the applicant's willingness to plant arborvitaes would diminish the impact on the neighborhood, but it is substantial and it is self-created.

Chairman Hennel advised the applicant to talk to the building department about moving the garage. If moved, can he apply for another variance? C. Heinel stated that yes, he can re-apply for a variance for a different location.

Application of, Daniel Ladd, 856 West Glenville Road, Glenville, NY 12302, for the proposed construction of a 2,024 sq ft detached garage, in the front yard. This property is in the Rural Residential/Agricultural zoning district. It is identified on the tax map as parcel# 4.-2-36.1

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

270-9 C Location. No permitted accessory use or building shall be located in any front yard. The applicant has proposed a location that is forward of the front plane of the dwelling. The applicant is seeking a variance to encroach 71ft 5 inches into the front yard.

270-9 F (2) A maximum of 1,200 square feet is allowed for residential accessory structures in the Rural Residential/ Agricultural zoning district. The applicant is seeking a variance of 824 square feet over the maximum allowed square footage.

270-D Height. No accessory building or structure shall exceed a mean height of 15 feet in a residential zoning district. The applicant is proposing a mean height of 18ft and is requesting a variance of 3ft over the maximum allowed.

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

Sent to 14 neighboring property owners with two responses. This was not referred to the County.

Letters Received:

Amanda Kuhn, 832 W. Glenville Road – in favor

Scott Senecal, 884 W. Glenville Road – in favor

Included with application:

Drawing, certificate of worker's compensation, survey of land

Chairman Hennel asked the applicant if he had any comment to share with the Board. Nothing to add at this time.

Chairman Hennel opened the public hearing:

Chairman Hennel asked for comments from the community either in favor or opposed to the variance application. Andrew Kuhn, 832 W. Glenville Road – in favor

Chairman Hennel solicited questions from the Board members. B. Peterson noted that he realizes one cannot see the proposed garage from the road, as it will be 800' from the road, but he thanked the applicant for going about this approval process the correct way.

Chairman Hennel asked if the existing garage would be removed before the construction of a new building? If the building was for personal items, not a business? It would not be converted to a separate dwelling at any point in time? D. Ladd replied yes, the old building would be removed first, yes, it is for personal items and not a business, and no, it would not be for a separate dwelling at any point in time.

B. Peterson clarified that the applicant will be using it as a home office/home occupation, but not anything that would be open to the public. J. Pangburn confirmed that a home occupation is permitted in that zoning district. Running a business from there would require registering it with the Town.

J. Febo asked what would classify finished space as a residence? J. Pangburn stated that it would have to support life, with a kitchen, bathroom, etc.

D. Schlansker would like the applicant to clarify the exact s/f, as the site plan exceeds the application dimensions. D. Ladd explained the site plan includes the lean too covered space in

the back. The actual interior s/f is what's on the application. J. Pangburn stated that was an oversight. It is correct on the application for the building permit. Chairman Hennel agreed to a friendly amendment to change the application to the correct s/f.

D. Schlansker inquired about the exterior of the structure. D. Ladd said it has been architected to match the style of the house, with white vinyl batten board siding (which matches the back of the house) and a gray metal roof. The house will be renovated to match the garage in both siding and roof at a later date. D. Schlansker asked the applicant if he is doing the work himself? D. Ladd had hired different contractors for different areas, but he will do the interior work.

B. Peterson noted that fill will be brought in. Are there wetlands? D. Ladd said there are no wetlands, but there is a stream behind them. It has been classified as a class C stream by DEC. B. Peterson asked if a bathroom is added, will it tie into the septic system for the house? D. Ladd stated he would hire a septic engineer for advice on that.

Chairman Hennel closed the public hearing:

D. Schlansker would like the applicant to know that the Board appreciates how well prepared and researched he was for this request.

MOTION:

The applicant having applied for an area variance after having been denied a building permit to erect or construct a **2,024-sf detached garage in the front yard. This property is in the Rural Residential/Agricultural zoning district and is identified on the tax map as parcel #4.2-36.1** 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 building shall be located in the front yard).

Section 270-9 F(2) Maximum of 1,200 sf allowed for accessory structures.

Section 270-D Height Accessory structures shall not exceed a mean height of 15ft.

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 **Monday April 26th, 2021 at 7pm**, 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's lot is 21.2 acres, the side yard setback is 33' and**

the front yard setback is 750'. All of which helps this structure fit into the site, not be seen from the road and the neighbors, without creating any adverse impact to the surrounding properties.

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. The structure could be moved to the rear of the lot, reduce the size and height. But again because of the lot configuration and size these alternatives need not be considered.**
3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code. Finding of fact: **No. The percentage of the increases for each of the requested variances is very small as they relate to the setbacks and overall size of the lot.**
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. Same responses as above.**
5. Whether there has been any self-created difficulty. Finding of fact: **Yes, but is not relevant.**

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

Conditions.

1. **The structure will be used for residential accessory structure use only.**
2. **The structure will be used as home occupation use only.**
3. **The color and exterior material types match or complement the existing house.**
4. **The existing garage is removed before construction of new garage or issuance of certificate of occupancy.**
5. **Total s/f of new structure is 2,024 sf.**

MOTION (location):

Moved by: D. Schlansker

Seconded by: J. Febo

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

NOES: 0

ABSENT: 0

Chairman Hennel noted he doesn't feel it met criteria #3 & #5, it is substantial and self-created.

MOTION APPROVED

MOTION (max s/f):

Moved by: D. Schlansker

Seconded by: J. Febo

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

NOES: 0

ABSENT: 0

Chairman Hennel noted he doesn't feel it met criteria #3 & #5, it is substantial and self-created.

MOTION APPROVED

MOTION (height):

Moved by: D. Schlansker

Seconded by: J. Febo

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

NOES: 0

ABSENT: 0

Chairman Hennel noted he doesn't feel it met criteria #5, it is self-created.

MOTION APPROVED

Application of, Cristina Lubic, 115 Spring Road, Glenville, New York 12302, for the proposed installation of a 216 square foot shed in the front yard. This property is in the Suburban Residential zoning district. It is identified on the tax map as parcel# 21.2-2-6

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

270-9 C Location. No permitted accessory use or building shall be located in any front yard. The parcel is a corner lot and has two front yards. The applicant is proposing the install a shed in the front yard located on Maura Lane and is requesting a variance of 41.9 feet to encroach into the front yard.

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

Sent to 22 neighboring property owners with no responses. This was not referred to the County.

Included with application: sketch

Chairman Hennel asked the applicant if he had any comment to share with the Board. Nothing to add at this time.

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 thanked the applicant for providing the colored stakes to show the proposed location. He noted that the applicant owns about 2 acres of property, and behind the pool is 30-35' of property. Could she place the shed there? C. Lubic stated they chose the location based on accessibility. To place it in the suggested location they would have to cut trees. The area is sloped and very wet. She noted a 75' slope behind there that is not sustainable for hard structures. B. Peterson suggested between the house and the pool. C. Lubic strongly feels that would not be aesthetically pleasing there. It was noted she is requesting a place that is 100' from Spring Rd and only 30' from Maura Rd. C. Lubic noted that the neighbors on Maura have a partial 6' fence. The location is inside the tree line. Chairman Hennel asked if she owns the tree line? C. Lubic stated that they take care of it, especially inside of it. Chairman Hennel noted that if trees come down, they should be replaced to minimize the view from Maura. He asked if she would be willing to plant shrubs on the Maura Rd side? C. Lubic responded she would plant them if that is the only way the Board will approve the variance. Chairman Hennel noted the canopy of the trees is large, but the shed would still be very visible.

J. Febo asked about the color of the shed? C. Lubic stated it is blue with white trim. J. Febo stated he feels 31.9' is a sufficient amount off the Road. Is she planning on accessing the shed from Maura? C. Lubic acknowledged there are doors on that side but doesn't plan to access it from that side. J. Febo asked if there were plans for a gravel driveway coming off of it? C. Lubic replied no.

D. Schlansker confirmed that approval of the variance would be specific for this application and style of the shed pictured.

Blake Lubic, husband, questioned that if you put the shed directly behind his house and drove down Maura, you will still see it through the trees. Why do we need shrubs at the proposed location? Chairman Hennel explained that it's about the closeness to the road. He stated the Board can vote without the applicant agreeing to install shrubs, it is up to them. C. Lubic said they would agree to put the shrubs in, out of concern the Board would deny the variance otherwise.

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 216 square foot shed at 115 Spring 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(s) 270-9 C Location — No permitted accessory use or building shall be located in any front yard. The parcel is a corner lot and has two front yards. The applicant is proposing the installation of a shed in the front yard located on Maura Lane and is requesting a variance of 41.9 feet to encroach in the 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 April 26, 2021, 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 shed will be covered by screening that is currently on the property and will adhere to all other building setback rules.
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. The applicant could move the shed to a different position on the parcel in the rear yard.
3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code. Finding of fact: No. Although the shed is being placed in the front yard, the property is 2 acres and screening provides sufficient coverage to which no impact to neighboring properties shall be created.
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 applicant has stated that the shed is going to be a new build and will be maintained accordingly. The applicant has also stated that the screening and greenery adjacent to the shed shall be maintained.
5. Whether there has been any self-created difficulty. Finding of fact: Yes. The choice to place a shed in the front yard and maintain the layout of a yard is self-created.

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

Conditions:

1. The applicant shall use the shed depicted in the submitted rendering at the proposed location.

2. The tree line on Maura Lane shall be kept and maintained, including replacement of trees if they are to come down.
3. Shrubbery shall be planted no more than 3ft. apart spanning the entire length of the Maura Lane facing side of the shed, at minimum 3ft in height.

MOTION:

Moved by: J. Febo

Seconded by: Chairman Hennel

AYES: 3 (Hennel, Schlansker, Febo)

NOES: 2 (Peterson, Suydam)

ABSENT: 0

Reasons for votes:

Peterson: no – he feels it changes the character of the neighborhood, it is too close to the road, too dark of a building, there are alternative locations, and it is self-created.

Suydam: no – he feels there are alternative locations

Hennel: yes – he does feel there are alternative locations, it is self-created, but the tree line and willingness to plant shrubs will reduce visibility of it

MOTION APPROVED

Application of, Laurence Borwhat, 9 St. Anthony Lane, Glenville, NY 12302, for the purpose of permitting an existing 360 sq ft shed that is located 5ft from the property line. This property located in the Suburban Residential zoning district. It is identified on the tax map as parcel# 22.8-2-62

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

270-9 G (1) All accessory structures 280 to 576 square feet must be located a minimum of 10 feet from all property lines. The shed was installed 5 feet from the property line and the applicant is requesting a variance of 5 feet.

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

Sent to 37 neighboring property owners with 6 responses. This was not referred to the County.

Letters Received:

Robert Dieterich – 47 Glenridge Rd – in favor

John Mahar & Jan Masse Mahar – 11 St. Anthony Lane – in favor

Robert D. Nicolella – 2 St. Jude Lane – in favor

Christopher Brion – 7 St. Anthony Lane – in favor

Mike Kenyon – 21 St. Anthony Lane – in favor

Tom Gentile – 10 St. Anthony Lane – opposed

J. Pangburn noted that mailers were sent out on 4/20/21. Mr. Gentile's address was listed to receive a mailer. Chairman Hennel also noted that information was also printed in the Gazette Newspaper and on the Town website.

Included with application:

drawing

Chairman Hennel asked the applicant if he had any comment to share with the Board. L. Borwhat stated that all the complaints file by his neighbor are lies. He previously approached the Town to see if there were any code violations. The only code violation he has received was due to a dump truck. That was remedied. He has made his driveway bigger due to having 2 kids and 4 cars. He noted the neighbor's driveway is the same as his. He installed a double gate for this lawnmower, just as his neighbor has. He replaced the shed that was there and was unaware that he needed to be 10' from the property line instead of 5' like his old shed. He is willing to show the Board pictures of what is currently in his shed if necessary. He has a trailer where he keeps his equipment. The only thing in his driveway are cars. He emphasized the numerous false accusations made by his neighbor.

C. Heinel asked the Board to please focus on the application and the variance request presented to them, not the other lawsuits and accusations in progress. Most of the allegations in the negative letter have nothing to do with the application at hand. Letters from neighbors regarding their feelings on the setbacks are worth considering.

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. Chairman Hennel mentioned that it is hard to see the shed from the road. He noted that the size and roof height would be stated if the variance is granted, so the applicant cannot build it higher in the future. The applicant accepts this.

B. Peterson asked if the cement foundation was part of the original shed or added to the new shed? L. Borwhat stated that old shed was just plywood. He added the cement to the new shed.

Chairman Hennel asked the applicant if he planned to maintain the 6' stockade fence? L. Borwhat replied yes.

J. Febo asked if the old shed was 5' from the property line? L. Borwhat explained that the property is angled, but was 5' at the closest point.

B. Suydam asked if the shed is just sitting on the concrete? L. Borwhat stated that he poured the cement after installing the shed, but there is some anchorage.

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 360 foot shed within 5 foot of side property line at 9 St. Anthony Lane, Glenville, NY and as identified on tax map #22.8-2-62 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 270

For Suburban Residential Zoning District, specifically 270-9 (G) 1 where all accessory structures 280-576 s/f must be located no closer than 10' from property line; where applicant is requesting variance of 5 feet 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 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(s). Finding of fact:

No, location of shed is screened from area neighbors by an existing 6' high privacy fence in the side/back yard area. Adjacent neighbors that would be most impacted by the location of shed have no objection to the location

2. Whether the applicant can achieve their goals via a reasonable alternative which does not involve the necessity of an area variance(s). Finding of fact:

No, structure is already located in rear yard with concrete floor. Effort to move the shed to comply with 10' setback would be significant.

3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code. Finding of fact

Yes, the variance is requesting relief from 50% of the necessary setback distance, but alone should not preclude granting of the variance.

4. Whether the area variance(s) will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Finding of fact:

No, the 6' privacy fence and location of shed in rear yard is not seen as having an adverse effect on the neighborhood. This is further mitigated by the condition being applied to this variance to required fence maintenance to continue screening of shed structure from neighbors.

5. Whether there has been any self-created difficulty. Finding of fact:
Yes, this situation is self created, but alone should not preclude granting of the variance

The following conditions are imposed for the purpose of minimizing any adverse impact on the neighborhood or community

Conditions:

1. Applicant agrees to maintain the 6' privacy fence to continue the screening to block view of shed from neighboring properties
2. Variance is specifically granted for current location of shed & dimensions of shed, including roof height which would otherwise be visible above fence line

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

MOTION:

Moved by: Chairman Hennel

Seconded by: J. Febo

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

NOES: 0

ABSENT: 0

Reason for vote: Febo: yes, he wished the applicant had applied for a building permit, but feels there is minimal impact and the neighbors support it.

MOTION APPROVED

MOTION: To adjourn the April 26, 2021 meeting of the Town of Glenville Zoning Board of Appeals.

Moved by: Chairman Hennel

Seconded by: B. Peterson

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

NOES: 0

ABSENT: 0

MOTION APPROVED

Next agenda meeting: May 17, 2021

Next meeting: May 24, 2021

Submitted by,

Stenographer

ZBA Chairman

Town Clerk

Date

Date

Date

FINAL