

**MEETING OF THE ZONING BOARD OF APPEALS
OF THE TOWN OF GLENVILLE
THE GLENVILLE MUNICIPAL CENTER
18 GLENRIDGE ROAD, GLENVILLE, NY 12302
Monday March 27, 2017**

PRESENT: Interim Chairman: Margaret Huff, Vice Chairman: Joseph Vullo, Dick Schlansker,

ABSENT: Sid Ramotar

ALSO ATTENDING: Attorneys: Michael Cuevas, Jay Plumley; Code Enforcement: Terri Petricca; Stenographer: Jen Vullo, Board Liason: David Hennel

Interim Chairman Huff called the meeting to order at 7:03 P.M.

MOTION: To accept the February 2017 minutes as amended.

MOVED BY: J. Vullo

SECONDED: D. Schlansker

AYES: 3 (Vullo, Huff, Schlansker)

NOES: 0

ABSENT: 1 (Ramotar)

ABSTAIN:

MOTION CARRIED

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PUBLIC HEARING

Application of John & Arlene Brown, 27 Glen Terrace, Glenville, NY 12302 for an **Area Variance** that will allow for the construction of a new 13' x 22' addition to the existing attached garage. The addition would have a setback from the northerly side lot line of 10' 6". The property is located in the Suburban Residential Zoning District and is identified on tax map 22.7-1-25.

In accordance with the Codes of the Town of Glenville 270, Attachment 1 the minimum side yard setback in the SR zoning district shall be 15'. Therefore the applicant is requesting a variance of 4'6".

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

Sent to 63 neighboring property owners with no responses. This was not referred to the County.

Interim Chairman Huff asked the applicant if he had any comment to share with the Board. No

Interim Chairman Huff asked for comments from the community either in favor or opposed to the variance application. John Rack, who resides behind the applicant asked if it would be a two-story structure. Andrew Kohout, architect, replied no, it would be the same ranch style as currently exists. He explained that the new addition would match and align with the existing garage. He added that currently there is a window on the side of the garage and the new structure will as well.

Interim Chairman Huff solicited questions from the Board members. D. Schlansker asked for clarification on the appearance of the new structure. A. Kohout explained that everything will blend in with the existing structure, siding, soffit, fascia, roof, etc. D. Schlansker inquired about extending the existing pavement, the existing wooden fence, and additional lighting. A. Kohout answered that the pavement would be extended and repaired, the wooden fence will be coming down, and he was unsure about additional lighting.

T. Petricca asked if there was any landscaping that would prevent backyard access for septic repairs. A. Kohout replied no.

J. Vullo asked for clarification again on the fence. A. Kohout responded that the wooden fence would be removed but the chain link fence may be the neighbors.

Interim Chairman Huff verified that there would be two doors on the garage. A. Kohout replied yes.

D. Schlansker noted that he felt the new structure would fit in nicely with the neighborhood.

MOTION:

The applicant having applied for an area variance after having been denied a building permit to erect or construct a proposed addition of one garage bay to match and align with existing single car garage. The proposed 13' width of addition would encroach 4'6" into 15' side yard setback requirement, at 27 Glen Terrace in the Town of Glenville, New York; and

The applicant having applied for an area variance in accordance with the Codes of the Town of Glenville 270, Attachment 1 the minimum side yard setback in the Suburban Residential zoning district shall be 15'. Therefore the applicant is requesting a variance of 4'6", and

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, similar additions exist on the street and throughout the neighborhood including the residence directly to the south. The new addition will match and align with the existing garage.
2. Whether the benefit sought by the applicant can be achieved by some other means than an area variance. Finding of fact: Yes it was reviewed by homeowners to reframe existing structure to accommodate need to store two automobiles. This would require reframing of existing space and would still leave a confined area
3. Whether the requested area variance is substantial. Finding of fact: No the request is for a 4'6" variance and would leave 10'6" from the property line
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, similar additions exist on the street and throughout the neighborhood including the residence directly to the south. The new addition will match and align with the existing garage.
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, owner purchased house with one car garage and realized they wanted an additional garage bay

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

MOTION:

Moved by: J. Vullo

Seconded by: D. Schlansker

AYES: 3 (Huff, Vullo, Schlansker)

NOES: 0

ABSENT: 1 (Ramotar)

MOTION APPROVED

Application of Daniel Maggs, Freeman's Bridge Wine & Liquor, 100 Freeman's Bridge Road, Glenville, NY 12302 for a Sign Variance that would allow for 14 s/f of

additional signage to be added to the existing ground sign. This additional signage is already in place. The property is located in the General Business Zoning District and is identified on tax map 30.15-1-12.1.

In accordance with the Codes of the Town of Glenville 270-134,C,(6)(b)(6) – Monument signs shall have a maximum area of 65 s/f per sign face. The existing ground sign is 65 s/f which is the maximum size allowed. The 2 additions to the sign total 14 s/f bringing the overall size of the sign face to 79 s/f. Therefore the applicant is seeking a variance of 14 s/f of signage.

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

Sent to 25 neighboring property owners with one response. This was referred to the County. It was sent out on 3/13/17 and is not back yet. There cannot be a vote until 30 days has passed.

Letters received:

1. Frank P. to ZBA 3/27/17 opposed to variance

Interim Chairman Huff asked the applicant if he had any comment to share with the Board. D. Maggs based his new sign on an old permit. He admits he should have obtained a new permit, but based on his calculations he thought he was still within the parameters to add a new piece to the existing sign because he was still within the total s/f allowed on his property. He was trying to maximize retail traffic.

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. She asked what the limitation is on a monument sign and has he exceeded it? T. Petricca responded that 65 s/f is allowed on one ground sign, wall signs are calculated differently, and yes he has exceeded it.

D. Hennel commented that the applicant had previously approached the town about moving his business closer to the railroad tracks. He asked if the sign is moving when you relocate. D. Maggs replied no, they are staying put.

J. Vullo noted that not all of the application had been filled out. He asked if there was a hardship? D. Maggs responded that he wouldn't call it a 'hardship' but instead he reiterated that he was just trying to maximize business.

Interim Chairman Huff asked if the hardship was self-created? D. Maggs didn't seem to know, however, when M. Huff explained why she felt it was, he then agreed.

J. Vullo noted that the letter of complaint opposing the sign expressed concern over the gaudiness of the sign. D. Maggs stated that was a matter of opinion, and he did not feel that way. He noted that only the people coming south see the sign, not those going north. J. Vullo explained that it is important to consider the impact your sign has on town regulations, and to think about verbage on the sign.

D. Schlansker stated that he has a hard time granting sign variances, unless safety is at stake. He feels signs that fit our town regulations could accomplish the same thing.

T. Petricca stated town codes as follows:

150 s/f of total signage allowed on site

One 65 s/f ground sign allowed

1 s/f per linear foot of frontage of building allowed not to exceed 150 s/f

There are limits to the number of times a business can advertise its name on a site to two times

J. Vullo stated that since ZBA cannot vote tonight, he would recommend the applicant complete the application before voting at the next meeting.

Interim Chairman Huff stated that the visual impact needs to be addressed, as well as the impact on traffic.

The applicant requested that the application be tabled under a review by the county is complete.

MOTION:

Now, therefore be it resolved that this application for a sign variance be tabled until further notice.

MOTION:

Moved by: M. Huff

Seconded by: J. Vullo

AYES: 3 (Huff, Vullo, Schlansker)

NOES: 0

ABSENT: 1 (Ramotar)

MOTION TABLED

Request of Wieslaw Naumowicz, 2866 P-Rynex Corners Road, Pattersonville, NY 12137, for a rehearing of a previously approved area variance regarding vacant property on Maura Lane. Property is zoned Rural Residential and Agricultural and is identified on tax map 21.02-2-9.14 (lands formerly of Angelia Allen).

The minimum setback in the RRA district is 75'. The ZBA granted a variance to allow a 65' front setback on 7/24/2006. The applicant is seeking to modify the variance to allow for a 57' front setback. A unanimous vote in favor of all ZBA members present is required to schedule a rehearing.

Letters received:

1. Wieslaw Naumowicz to ZBA

Interim Chairman Huff asked the applicant if he had any comment to share with the Board. W. Naumowicz explained that when he bought the property there was already a variance granted. However, at that time nobody knew what kind of home would be built there. The point of the variance was to make sure it was a buildable lot. Now he knows what he wants to build and he needs more room.

MOTION:

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

MOTION:

Moved by: J. Vullo

Seconded by: D. Schlansker

AYES: 3 (Huff, Vullo, Schlansker)

NOES: 0

ABSENT: 1 (Ramotar)

MOTION UNANIMOUSLY APPROVED

MOTION: To adjourn the March 27, 2017 meeting of the Town of Glenville Zoning Board of Appeals.

Moved by: J. Vullo

Seconded by: D. Schlansker

AYES: 3 (Huff, Schlansker, Vullo)

NOES: 0

ABSENT: Ramotar

MOTION CARRIED

Next meeting: April 24, 2017

Submitted by,

Jennifer Vullo

Jennifer Vullo
Stenographer

FINAL AS OF 4/24/17