

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

**Monday October 25, 2021**

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

**ABSENT:**

**ALSO ATTENDING:** Attorney: Courtney Heinel; Code Enforcement: Arnold Briscoe;  
Stenographer: Jen Vullo

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

**MOTION:** To accept the September 2021 minutes as amended.

**MOVED BY:** Chairman Hennel

**SECONDED:** B. Peterson

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

**NOES:** 0

**ABSENT:** 0

**ABSTAIN:** 0

**MOTION CARRIED**

**PUBLIC HEARING**

**Application of Robert Mazur, 6 Baldwin Road, Glenville, NY 12302,** for the installation of a 140 sq ft shed, in the front yard. This shed has been installed without a building permit. This property is located in the Suburban Residential Zoning District. It is identified on the tax map as parcel # 22.17-2-3.2

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

**270-9C Location** – No permitted accessory use or building shall be located in any front yard. A variance to allow the shed to remain in the front yard is requested.

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

**Included with application: drawing**

Sent to 7 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. None

**Chairman Hennel opened the public hearing:**

Chairman Hennel asked for comments from the community either in favor of or opposed to the variance application. None

Chairman Hennel solicited questions from the Board members. He noted that he drove out to the property and saw the placement of the shed. He then asked the applicant why it wasn't placed behind the pad? R. Mazur explained that he didn't know he needed a permit. He picked the safest spot and had someone clear the space. He felt he couldn't put it behind the pad due to the possibility of someone backing into it.

B. Peterson asked if the applicant could put the shed at the top of the driveway near the turn-around, toward the left, on the paved area, facing the garage? R. Mazur replied that if he turned it 90 degrees it would be too close to the neighbors and he would probably need another variance. Chairman Hennel explained that a side yard variance can be easier to achieve than a front yard variance, strictly because it's less visible. R. Mazur explained that they just moved in 4 months ago. The shed is not permanently affixed and he didn't know he needed a permit. C. Heinel explained that it doesn't matter if it is permanently affixed or not, you still need a permit. Chairman Hennel noted that residents should always check with town officials before building or installing anything.

B. Peterson explained to the applicant that the Board can vote on the application as is, the application can be amended, or it can be tabled until next month to look into other placement options. R. Mazur commented that if he was still in a wheelchair, he would need to build a ramp in the front of his house for safety. He doesn't see how putting a shed in the safest spot for him is any different. He feels disabled people should have other considerations.

J. Febo noted that the Board does understand his position. They are trying to find a good solution to keep the character of the neighborhood, while still accommodating the applicant.

Chairman Hennel explained that if the Board grants the variance, it stays with the property, so future owners would keep that variance also. He drove to the property and thinks there are other viable alternatives. R. Mazur stated that he thought they could just grant a variance for a disabled person. C. Heinel stated that she is not aware of that per zoning code, however, it is possible to consider unique circumstances for each application.

J. Febo asked if the applicant is putting an asphalt path to the shed? R. Mazur replied no, he has crushed stone there now. J. Febo asked about how far it is from the shed to the driveway? R. Mazur replied less than 10'.

Chairman Hennel asked the applicant if he wanted to go back and check on alternate locations? Otherwise, the Board can vote on the application as is. R. Mazur inquired if the Board votes no, he has to move it anyway? Chairman Hennel replied yes.

J. Febo asked if the tree to the left of the driveway is still there? R. Mazur replied that the tree was removed. J. Febo asked if the applicant could push the shed back a little bit more? R. Mazur answered, "so you want me to push it back 13'?" J Febo stated yes if possible.

B. Peterson explained that if you look down the road from a side view, we try to keep all the houses lined up, with no sheds or other structures in the front yards. R. Mazur stated that he would need to have the shed picked up, the crushed stone moved, and then the shed set back down in the new location. This is not an easy process.

B. Peterson asked the Town if the applicant withdrew the application and voluntarily moved the shed, how long does he have to do this? A. Briscoe stated 90 days. Chairman Hennel stated that if he moves it back there might not be a need for a variance. If you table the application, you could come back and amend the application, and if you need a side yard variance you could ask for it without paying again. C. Heinel explained to the applicant that he can table the application and come back next month to either vote, amend, or withdraw the application. R. Mazur asked what time frame he has to work with. C. Heinel explained that he would work with the building department so they can see active progress. Additional violations would not be an issue as long as they see active progress. R. Mazur asked if the Board votes no, how long does he have to move the shed? C. Heinel stated it would be a shorter time frame. You would be expected to immediately remedy the violation. If he didn't move it, the violation would escalate to a court summons. They would expect him to work quickly to meet Town code. He also cannot reapply for another variance for the same thing.

A. Briscoe stated that it is the applicant's choice if he wants to table it, but A. Briscoe or J. Pangburn would be willing to meet him at his property to discuss possible options available. This may eliminate the violation all together. R. Mazur asked if he tables the application, does he have to move the shed now? A. Briscoe replied no. C. Heinel explained that tabling the application gives him 30 days to understand his options.

**Applicant has requested to table the application.**

**Chairman Hennel left the public hearing open:**

**MOTION TO TABLE APPLICATION:**

**Moved by:** Chairman Hennel

**Seconded by:** J. Febo

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

**NOES: 0**

**ABSENT: 0**

**MOTION TABLED**

**Application of Stephen MacDonald, 115 Maple Avenue, Glenville, NY 12302**, for an area variance for a proposed subdivision that would result in a non-conforming lot. This property is located in the Suburban Residential Zoning District. It is identified on the tax map as parcel# 23.-2-19.2

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

**270-15E – Attachment 1 - Dimensional Regulations – Minimum Lot Depth**

The suburban residential zoning district requires a minimum lot depth of 150LF. The applicant is proposing a lot with a depth of 120lf and therefore is requesting a variance of 30LF.

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

**Included with application:**

A letter from PZC recommending approval to ZBA

Sent to 44 neighboring property owners with no responses. This was referred to the County. They recommended approval with an advisory note that the County Highway Department will need to approve driveway access and the County Environmental Health Department will need to approve the septic/sewer system.

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

S. MacDonald asked for clarification of sewer/water approvals. C. Heinel noted that sewer and water are already run to the property. Chairman Hennel noted that the existing home on the one lot has septic. On the new lot, the owner would be required to connect to the sewer.

**Chairman Hennel opened the public hearing:**

Chairman Hennel asked for comments from the community either in favor of or opposed to the variance application. None

Chairman Hennel solicited questions from the Board members.

B. Peterson asked if the Board votes tonight and the applicant decides to build a house in the future, can he get another variance for a setback if needed, or is it only one vote per property?

C. Heinel explained no, this variance request is completely different than one he would be making at the time of building. This is just an application for the lot depth size, not one to build a home.

Chairman Hennel noted that it is the applicant's choice right now, as a subdivision, where the property line is going. He is inclined to include a condition that the Board would grant the subdivision if the applicant agrees to conform to all setback requirements when he builds. S. MacDonald stated he has no current plans to build, but asked what the setback requirements are. A. Briscoe reviewed these with the applicant. Chairman Hennel confirmed this will be a

single family dwelling? S. MacDonald explained there are no final decisions yet. He is using a survey that was done prior to him purchasing the house. His intention is to hold on to the variance so he could build in the future. Chairman Hennel stated he would like to condition the variance on a single family dwelling. S. McDonald said he had no problem with that from a personal perspective, but asked what if he sold the property? Would they be restricted to what they are agreeing to tonight? C. Heinel replied yes, and explained that in that zoning district there are not a lot of other uses allowed. S. McDonald asked if they can expand the PDD next to it? C. Heinel answered no. S. McDonald stated that a single family structure is the most logical to build there.

**Chairman Hennel closed the public hearing:**

**MOTION:**

The applicant having applied for an area variance after having been denied a building permit to subdivide the parcel at 115 Maple Ave. 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) **270-15E – Attachment 1 - Dimensional Regulations – Minimum Lot Depth** The suburban residential zoning district requires a minimum lot depth of 150LF. The applicant is proposing a lot with a depth of 120lf and therefore is requesting a variance of 30LF.

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 October 25, 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 proposed subdivision results in standard width lot which is consistent with other nearby properties. Minimum lot depth due to shape of the lot and is not visible from the 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, with desire to subdivide the minimum lot depth on the northern edge of the lot does not allow for required lot depth.
3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code. Finding of fact:  
No, while 30LF requested is a variance of 20% of the required distance, the rear lot line is angular and southern lot line exceeds required depth. The average depth exceeds the minimum 150.
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, proposed subdivision will not have adverse impact on environment.

5. Whether there has been any self-created difficulty. Finding of fact:  
Yes, situation is self-created.

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

**Conditions: Use to comply with zoning classification for lot - single family dwelling to be built within required setback requirements for front, rear, and side setbacks at time of building.**

Applicant agreed to the conditions.

**MOTION:**

**Moved by:** Chairman Hennel

**Seconded by:** J. Febo

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

**NOES: 0**

**ABSENT: 0**

**MOTION APPROVED**

Note: D. Schlansker stated the survey shows a side yard setback of 15', but the information on a document says 20'. The Town and applicant confirm it is a 15' setback.

**MOTION:** To adjourn the October 25, 2021 meeting of the Town of Glenville Zoning Board of Appeals.

**Moved by:** Chairman Hennel

**Seconded by:** J. Febo

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

**NOES: 0**

**ABSENT: 0**

**MOTION APPROVED**

Next agenda meeting: November 15, 2021

Next meeting: November 22, 2021

Submitted by,

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Stenographer

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ZBA Chairman

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Town Clerk

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Date

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Date

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Date

FINAL