**MEETING OF THE ZONING BOARD OF APPEALS**

**OF THE TOWN OF GLENVILLE**

**THE GLENVILLE MUNICIPAL CENTER**

**18 GLENRIDGE ROAD, GLENVILLE, NY 12302**

**Monday, July 25, 2022**

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

**ABSENT:** Chairman: David Hennel

**ALSO ATTENDING:** Deputy Building Inspector: James Pangburn; Stenographer: Kristen Bode; Town Planner: Thaddeus Kolankowski, Jr., P.L.A., LEED AP (Barton & Loguidice)

**ALSO ATTENDING VIRTUALLY:** Attorney: Courtney Heinel

**Chairman** **Schlansker called the meeting to order at 7:00 pm.**

**MOTION:** To accept the June 27, 2022 minutes. The minutes were approved unanimously.

**MOVED BY:** Brian Peterson

**SECONDED:** Juliano Febo

**AYES:** **4** (Schlansker, Febo, Peterson, Suydam)

**NOES: 0**

**ABSENT: 1** David Hennel

**ABSTAIN: 0**

**MOTION CARRIED**

**PUBLIC HEARING**

**1) Application of Scotia Industrial Park Inc, 220 Harborside Dr, Schenectady NY 12305, for Parcel 605 in the Glenville Business and Technology Park 2165 Amsterdam Rd, Glenville, NY 12302,** for the construction of a 85,000 sf warehouse. This property is located in the Research and Technology Zoning District. It is identified on the map as parcel# 29.00-3-16.31

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

**270 Attachment 1 – Lot coverage:** lot coverage shall not exceed 30% in the research and development zoning district. The applicant is proposing a lot coverage of 44%. A variance of 14% is requested.

**270 Attachment 2 – Off street Parking Standards:** A warehouse requires 1 parking space per 600 gross floor area. The proposed 85,000 sf structure would require 142 spaces. The applicant proposing 41 spaces (33 tractor trailer spaces and 8 vehicle spaces). A variance of 101 spaces is requested.

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

The notice of this application was mailed to 8 property owners located within 500 feet on July 19, 2022. This was not referred to the County. The application was signed by the property owner on June 2, 2022.

D. Schlansker asked if the applicant wanted to add anything to the application.

Dave Ahl (Galesi Group) mentioned it is an 85,000 square foot building. There is no tenant identified yet. They have a pretty good idea it may be Adirondack Beverage, no lease signed but based on they need space. The site is 4.46 acres, part of a larger 12.3 acre parcel that we have that encompasses buildings 603, 604 and the site formally known as 605. Building that was there years ago that we took down. Functionally obsolete. It’s a World War II structure. Want to build a new building in its place. This was a 120,000 square foot building; we want to put 85,000 square feet back in its place, modern warehouse space. Built 3 other buildings recently in the park, 100% occupied. Adirondack Beverage in building 302 is 100,000 square feet; CTDI has 150,000 square feet building and CTDI also in a 98,000 square foot building. These buildings were built in 1941, 1942. They’re full and doing their job but do not have a lot of life left in them. They would like to put the land to purpose. 85,000 square feet was there before as opposed to 120,000 square feet would leave room for tractor trailer parking. First is the lot coverage – 30% is the requirement, we’re at 44%. Not a major consideration.

**Chairman Schlansker opened the public hearing:**

Chairman Schlansker asked if anyone wishes to speak in favor of or opposed to the variance application. No comments were made. Chairman Schlansker then asked for questions from the Board members.

B. Peterson asked if the application is granted, do they understand that off street parking doesn’t come as a “yes, you can park there” because spaces are being limited. We can’t approve that; we are only dealing with the parcel.

D. Ahl understood.

D. Schlansker asked if not knowing who the potential user is, was historical data from the company used to determine 8 spots based on a warehouse this size normally required?

D. Ahl stated that’s about all it takes. It’s going to be a warehouse that’s mostly pallet in, pallet out. There isn’t going to be any order selection. Some of these warehouses like an Amazon warehouse, have real small parcels, that’s not the case. We don’t see that in most of our warehouses. It’s a few forklift drivers in there, from an economical development standpoint, it’s not real glamours because it’s not a ton of jobs but it fills the need. So, we think that is pretty reflective based on other buildings, what the need is going to be.

D. Schlansker stated also if it’s an ancillary building to a company within the park, your parking needs would also be less since the majority of them would probably be at the main building.

D. Ahl agreed.

D. Schlansker stated normally we know who the user of the building is going to be so it allows us to feel more comfortable with taking a vote to make a determination of such.

D. Schlansker asked J. Pangburn in this case we are voting on 8 spaces based upon an on empty building knowing it’s just for warehousing.

J. Pangburn replied yes.

D. Schlansker stated a lot of times we vote on something that’s for a specific user knowing that in the future, if the use changes, they would have to come back in if they needed variances in the future. As long as the building continues to be used for warehousing. D. Schlansker asked if they were to start manufacturing in this building, would it then effect our boards decision?

J. Pangburn stated it would need a site plan review if it was that drastic of a change in warehousing and manufacturing. It would have to go through the site plan process and that would be determined then what they need for parking.

D. Schlansker stated he wanted the board to be comfortable with the project and what they were voting on.

J. Febo added that a fair condition would be only having it used as a warehouse.

J. Febo asked if this parcel is part of a larger parcel.

D. Ahl stated yes, it is.

J. Febo asked if it was subdivided recently.

D. Ahl stated no it wasn’t. We just noticed recently that the tax parcel, we’ve been paying taxes on about 6 acres more. So, we are trying to figure that out, but we took the dimensions. We measured it. It’s 12.38 acres. It’s on the tax maps as 18 acres. It was an Army Navy Depot back in the day and was subdivided. We own some, other people own some and it’s a complicated place.

D. Schlansker stated with the size of the building and with the building that are currently on sites of this size, I personally feel that the building is looked at in a positive way because a smaller building is being put in than what was there and being conscious of it get’s very tight over there.

B. Peterson stated also adding green space.

D. Schlansker added that they’re showing some landscaping, which is unique in that park.

D. Ahl stated that it’s in their best interest to improve the appearance and functionality. That is the goal.

D. Schlansker commented he hopes if each space is not adequate once there is a tenant, it does appear there are some other areas on the site that parking could possibly be added.

D. Ahl stated if it turns out that a tenant needs more parking or it’s a different use, we will come back to make sure the board is comfortable with it.

D. Schlansker asked if anyone from the board has any additional comments or questions.

J. Febo asked if they have looked at using permeable pavement surface for parking lots.

D. Ahl stated yes. If they have the land, they try and go for an infiltration base but it’s more expensive. The margins on these types of buildings, it’s not like its high-end commercial space or apartments where you can make up for in the rent. There is always the delicate balance between being cost conscious and that’s too expensive.

**Chairman Schlansker closed the public hearing.**

**MOTION:**

The applicant, Scotia Industrial Park, having applied for an area variance after having been denied a building permit to erect or construct an 85,000 square foot building at 220 Harborside Drive in Town of Glenville, New York.

The applicant having applied for an area variance with regard to the Codes of the Town of Glenville, Sections 270 Attachments 1 and 2 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 July 25, 2022, 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 building structure, loading dock and parking areas are typical of the industrial park.

1. 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, an alternative to build a smaller warehouse, just to facilitate the allotted parking spaces permitted, would be counterproductive to building the larger warehouse proposed.

1. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code.

Finding of fact: Regarding the lot coverage, 14% is not substantial based upon the unique circumstances of the building lot because it is in a warehouse district.

Regarding the parking spaces, while the numbers of spaces not being provided for may seem substantial, again the uniqueness of the circumstances justifies the limited amount of parking spaces. For example, a warehouse may not need as many parking spaces that a manufacturing facility may require. Warehouse parking may end up dictating the type of tenant that moves into the building. While off-street parking is offered, a granting of this application does not supersede any of the laws or codes regarding the off-street parking requirements or regulations.

1. 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 green space shown, will only add to a bit of a natural look to the surrounding building. The county has been asking for increased greenspace for commercial construction and this is a step in the right direction.

1. Whether there has been any self-created difficulty.

Finding of fact: Yes, almost every new construction event is self-created, but it should not preclude the applicant from going forward with their proposal because of the type of the type of construction proposed is equal to the neighborhood it will be located in.

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

**MOTION:**

**270 Attachment 1 – Lot coverage**

**MOVED BY:** Brian Peterson

**SECONDED BY:** Barry Suydam

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

**NOES: 0**

**ABSENT:** David Hennel

**MOTION APPROVED**

**MOTION:**

**270 Attachment 2 – Off street Parking Standards**

**MOVED BY:** Brian Peterson

**SECONDED BY:** Barry Suydam

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

**NOES: 0**

**ABSENT:** David Hennel

**CONDITION:** Warehouse use only.

**MOTION APPROVED**

**Application of JGC Delaware Ave LLC, 199 Delaware Ave, Delmar, NY 12054, for Alplaus Ave, Alplaus, NY 12008,** The applicant has amended their application is now seeking an area variance to construct a single-family home with a 5ft setback from the east property line. It is identified on the map as parcel# 23.18-3- 71.

Continuation from June 27, 2022, meeting. The project and the public hearing was left open per the applicants request to make a modification and represent the project again.

**Letters Received**: 1 – Mary Jo Downey and Gordon Neufeld, 15 First Street, Alplaus, NY

--A letter from Mary Jo Downey and Gordon Neufeld, dated July 25, 2022:

To: Town of Glenville Zoning Board of Appeals

Subject: Opposition to proposed variance regarding 270 Attachment (2) side setback of property on Alplaus Avenue

1. We object to the proposed variance which would narrow the setback for a single-family home from 15 feet to only 5 feet because it is already compromised to add a building to property which faces onto an unsafe corner.
2. We object to the proposed variance for the property of Alplaus Avenue because other variances which have been allowed in the past have not improved the character of the neighborhood and are not in keeping with the neighborhood, which consists of smaller single-family dwellings.

If you wish to contact us for further information, please speak to Mary Jo Downey or Gordon Neufeld at 15 First Street, Alplaus, New York 12008. Our telephone number is 518-399-3743.

Mary Jo Downey

 Gordon Neufeld

D. Schlansker stated this is not being read in except the additional letter the Town received. This was sent to the County for the June 27, 2022, meeting and asked J. Pangburn if the County referred to public comment.

J. Pangburn stated for town and local consideration.

D. Schlansker asked if there was anyone from the applicant that could describe to the town and the board the proposed changes and answer any questions.

John Hitchcock from ABD engineers spoke. The measure of the house last time was half in the Town of Glenville and half in the Town of Clifton Park on both parcels owned by the applicant. We learned according to tax law; we can’t do that. Per discussions with the board, we did a five-foot set back from the Town of Clifton Park line. The Town of Clifton Park parcel has a five-foot set back already, leaving a ten-foot separation. Nothing will ever be built over there, as far as another house. Maybe a shed or something. We feel the set back request isn’t that significant because it’s an overall parcel and it’s just the town line dividing it. Listening to the letter being read, I understand the concern with the location on that curve on what the site distance is. There is no issues with that, regardless if this variance request is granted or denied, the house is still allowed on this lot. I don’t think the variance effects that at all. We are here tonight looking for approval.

**Chairman Schlansker opened the public hearing:**

Chairman Schlansker asked if anyone wishes to speak in favor of or opposed to the variance application. No comments were made. Chairman Schlansker then asked for questions from the Board members.

B. Suydam asked if there was a picture and design of the new house.

J. Hitchcock showed picture. The picture shown was for if the house were to be set between parcels. This is the style they want to do. They wanted to make sure they could do it before they got into design.

B. Suydam asked as far as the design, it will not go over that [the setback].

J. Hitchcock responded they will keep it within that five feet.

B. Peterson asked if the property near the top right of the outline with the blue metal building by the turn is part of this property or a neighbor.

J. Hitchcock responded I think it’s a pump station.

B. Peterson stated it look like a garage.

J. Hitchcock stated this is the pump station that rests the boundary of our parcel. I think it might be Saratoga County sewage pump station. It is not part of our property.

B. Peterson stated it’s a pretty good size building. It might be 20 x 30.

J. Febo asked if this has been deeded together.

J. Hitchcock responded the paperwork is all filled out and ready to be filed. They will not file until they have approval. If this was denied, the house can’t go on the Town of Clifton Park lot, then we’d have to go through Town of Clifton Park. I wanted to hold off if it’s denied in one, I didn’t want to lose that opportunity.

J. Febo concern is if this were to be approved, concerned about the parcels not being deeded together and splitting them at some point and building another structure within five feet of this one. Asked if there was a way to condition that.

J. Hitchcock stated last meeting the board was going to make a condition it can’t be subdivided in the future, and we agreed on that and we’re still okay with that.

D. Schlansker asked J. Pangburn if the Town has any comments regarding the letter received about the road and is there any Town concern about that being a dangerous corner and adding an additional driveway.

J. Pangburn stated they would have to go through the County to get a permit for the driveway and they’re going to take into consideration the curve in the road and site distances and find the safest location for the driveway. As far as the character of the neighborhood, as long as it complies with all the zoning requirements as far as lot coverage, height, etc. the Town wouldn’t press it.

D. Schlansker wanted to clarify they are only discussing approving the variance that is being requested from us and we have no jurisdiction and we’re not approving a driveway or any jurisdiction of such. That’s being handled by another group or board.

J. Pangburn stated yes, that’s a county road, so it would be up to them.

D. Schlansker stated when we reference the letter received about the danger of that driveway, that’s not being considered tonight for this board. Only the consideration of the five-foot set back.

**Chairman Schlansker 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 single-family home with 5’ setback to the east property line at 71 Alplaus Ave, Tax Parcel No. 23.18-3-71 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 Attachment (2) Side setback: The minimum side setback for a single-family home is 15ft. The applicant is proposing a setback of 5 ft. A variance of 10ft is requested.

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 July 25, 2022, 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. Although this variance request is unique, there would be no change in character of the neighborhood or detriment created to nearby properties seeing that this neighborhood and neighboring properties already sit in separate Towns/Counties, however, not split.

1. 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. If the applicant were to build a smaller structure they would not need an area variance or set back, however, being that this is going to be one continuous parcel by deed, this variance is not significant and is reasonable.

1. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code.

Finding of fact: No. As previously stated, this structure is to be built on one continuous parcel and will not be 5’ from the neighboring property, it is the same property.

1. Whether the area variance will have an adverse impact on the physical or environmental conditions of the neighborhood or community.

Finding of fact: No. Neighboring properties within the community already sit in separate Towns/Counties.

1. Whether there has been any self-created difficulty.

Finding of fact: Yes. The applicant does have a reasonable alternative that would not necessitate a variance.

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

**MOTION:**

**MOVED BY:** Juliano Febo

**SECONDED BY:** Brian Peterson

**AYES: 4** (Schlansker, Febo, Peterson, Suydam)

**NOES:** **0**

**ABSENT:** David Hennel

**CONDITION: This lot shall not be subdivided at any future point.**

**MOTION APPROVED**

**MOTION:** To adjourn the July 25, 2022 meeting of the Town of Glenville Zoning Board of Appeals at 7:45 p.m.

**Moved by:** Chairman Schlansker

**Seconded by:** Juliano Febo

**AYES: 4** (Schlansker, Febo, Peterson, Suydam)

**NOES: 0**

**ABSENT:** David Hennel

 **MOTION APPROVED**

Next agenda meeting: August 15, 2022

Next meeting: August 22, 2022

Submitted by,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ September 22, 2022

Kristen Bode, Stenographer Date

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ZBA Chairman Date

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Town Clerk Date