

**MEETING OF THE ZONING BOARD OF APPEALS
OF THE TOWN OF GLENVILLE
THE GLENVILLE MUNICIPAL CENTER
18 GLENRIDGE ROAD, GLENVILLE, NY 12302
Monday April 23, 2018**

PRESENT: Chairman: David Hennel, Vice Chairman: Joseph Vullo, Dick Schlansker, Jeff Stuhr, Bruce Wurz

ABSENT:

ALSO ATTENDING: Code Enforcement: Terri Petricca; Attorney: Michael Cuevas; Stenographer: Jen Vullo

Chairman Hennel called the meeting to order at 7:00 P.M.

MOTION: To accept the March 2018 minutes as amended.

MOVED BY: Chairman Hennel

SECONDED: Bruce Wurz

AYES: 5 (Hennel, Vullo, Schlansker, Stuhr, Wurz)

NOES: 0

ABSENT: 0

ABSTAIN: 0

MOTION CARRIED

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PUBLIC HEARING

Application of Donald Bikowicz, who resides at 614 Swaggertown Road, Glenville, NY 12302 for an **Area Variance** that will allow for a 40.1' x 60.1' (2408 s/f ±) metal barn at **653 Swaggertown Road** (intersection of Swaggertown Rd and Bolt Rd) to be used for storage of agricultural equipment associated with a working farm located on the same property. This structure has already been built and is located 250.2' from Bolt Road and 195.3' from Swaggertown Road. The property is located in a Rural Residential and Agricultural Zoning District and is identified on tax map 15.-1-16.1.

The applicant is seeking a variance from the Codes of the Town of Glenville:

270-9, C: No permitted accessory structure shall be permitted in any front yard. The structure is located entirely within the front yard. Therefore, the applicant is seeking total relief from this section of the code.

Application of Donald Bikowicz, who resides at 614 Swaggertown Road, Glenville, NY 12302 for an **Area Variance** that will allow for a 960 s/f roadside produce stand at

653 Swaggertown Road (intersection of Swaggertown Rd and Bold Rd) to be used as a public building for the sale and display of agricultural products. This structure has already been built and is located 49.6' from Swaggertown Road in front of the previously existing barn and garage. The property is located in a Rural Residential and Agricultural Zoning District and is identified on tax map 15.-1-16.1.

The applicant is seeking a variance from the Codes of the Town of Glenville:

270-58, C, 3: No such stand shall have a footprint in excess of 600 s/f. The applicant states in his application that the stand is 960 s/f in size. Therefore, the applicant is seeking a variance of 360 s/f.

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

Sent to 19 neighboring property owners with no responses. This was referred to the County on April 10th. Since the application has not been received back from the County and they must be given 30 days to review it, the Board will be unable to vote on this application tonight.

Letters received:

T. Petricca noted that Steve Feeney, from the County, verbally recommended approval of the variances, but that she had not received anything in writing. She later checked and provided an email from him that recommended approval.

Chairman Hennel noted that the applicant did have building permits, but that variances were needed as well.

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

Chairman Hennel asked for comments from the community either in favor or opposed to the variance application. No responses.

Chairman Hennel solicited questions from the Board members. B. Wurz noted that on the plot plan there is a shed currently located there, will it stay? The applicant replied yes, there is an honor system in place for customers to buy produce at the old shed after hours. The new structure will be an addition to the current stand.

Chairman Hennel noted that the materials used on the new structure were a good match to those of the existing buildings, including the logo. He also noted that it appears the farm stand is the same distance off the road as the house, something the Board takes into consideration.

After some discussion about whether the Board can accept Steve Feeney's verbal approval of the application, and the repercussions if the ZBA approves the variances and then the County comes back with a written denial, it was decided that waiting one more month would not impact the applicant opening the farm stand on time. As such,

the applicant requests tabling the application until further review by the County is received.

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

MOTION:

Moved by: Chairman Hennel

Seconded by: D. Schlansker

AYES: 5 (Hennel, Vullo, Schlansker, Stuhr, Wurz)

NOES: 0

ABSENT: 0

MOTION TABLED

Application of the Animal Protective Foundation, 53 Maple Ave. Glenville, NY 12302 for a **Conditional Use Permit** that will allow for a 372 s/f addition to the existing facility in order to expand the housing and treatment area for cats. The property is zoned General Business and is identified on tax map 30.-1-4.
The applicant is seeking a Conditional Use Permit as required by the Codes of the Town of Glenville:

270-126: Any expansion or alteration of a conditional use, whether it be the expansion or reconfiguration of the principal building, parking lot, driveways, accessory buildings, etc. is subject to the review procedures outline in this article (Conditional Use Permits)

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

Sent to 5 neighboring property owners with no responses. This was not referred to the County.

Included with the application:
List of chemicals used on the sight

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

Deb Baillet, director of APF

Tom Andress, Engineer

T. Andress showed the Board the plan approved back in 2012, noting that stage 2 was never completed due to financial reasons. The new area proposed falls completely within that previously approved area.

Chairman Hennel asked if there is any infringement on neighboring properties? T. Andress replied no, the addition does not even go into the parking lot.

D. Baillet noted that this addition will help the facility better care for cats and find them homes quicker.

Chairman Hennel asked for comments from the community either in favor or opposed to the variance application. No responses.

Chairman Hennel solicited questions from the Board members. D. Schlansker noted that the building department will have to address fire areas and fire walls now that they are infilling, but that architecturally it will look even better. T. Andress noted that the existing window in the back will now be changed to a fire exit door. D. Baillet stated that there is a fire safety plan.

MOTION:

Whereas, the applicant having applied for a conditional use permit for property located in the Town of Glenville at 53 Maple Avenue, for the Animal Protective Foundation, and the property is zoned General Business

and Whereas, the applicant wants to use the property for it's current use as an animal shelter, a use allowed in the district by issuance of a conditional use permit, and whereas, the Planning and Zoning Commission of the Town of Glenville has reviewed the application and has recommended that this board approve the application, and Whereas the Planning and Zoning Commission of the Town of Glenville has recommended the following conditions be attached to this permit:

Whereas a public hearing was held on April 23, 2018 to consider the application.

Now, therefore be it resolved that this be approved for the following reasons:

The Board of Appeals finds:

- A. The establishment, maintenance or operation of the use will not be detrimental to or endanger the public health, safety, morals, convenience or general welfare. Fact for this:

The business is currently established for this use and this small addition to the facility will not negatively impact the use of the property.

- B. The use will not negatively impact the use and enjoyment of other property in the vicinity for purposes already permitted, nor substantially diminish or impair property values in the neighborhood. Fact for this:

The infill addition of the existing connector link for use as a feline care center will architecturally enhance the facility as shown in the building rendering provided.

- C. Establishment of the use will not impede the normal and orderly development and improvement of surrounding property. Fact for this:

As already discussed information.

- D. Adequate utilities, access roads, drainage and other necessary facilities have been or will be provided. Fact for this:

The use of existing utilities and drainage will be designed in to this addition.

- E. Adequate measures are in place to provide entry and exit designed to minimize traffic congestion on the public streets. Fact for this:

This will not increase traffic and the existing parking and public access is adequate for the facility.

- F. The conditional use shall, in all other respects, conform to applicable rules, regulations and ordinances of the Town of Glenville and be consistent with the comprehensive and general development plan of the Town of Glenville. Fact for this:

The APF currently provides a valuable service to Glenville and the surrounding area and this addition and renovation will only enhance the services provided.

Conditions: none

Now, therefore be it resolved that this application for a conditional use permit be granted.

J. Vullo noted that this is an amendment to an existing CUP and that all future changes must go through this same process.

MOTION:

Moved by: D. Schlansker

Seconded by: J. Vullo

AYES: 5 (Hennel, Vullo, Schlansker, Stuhr, Wurz)

NOES: 0

ABSENT: 0

MOTION APPROVED

Request for rehearing:

Capitaland Realty is seeking to modify the previously approved Conditional Use Permits from 2014 and 2017. The applicant was to consolidate the GMC and Subaru properties. The parcels were never consolidated and the applicant is now requesting to keep the parcels separate and to adjust the property line between the two lots (buildings) to negate the need for area variances.

Chairman Hennel noted this is just a request to rehear.

Engineer, Tom Andress, noted that for financial reasons they don't want to mortgage both sights together, so they are asking for two parcels instead of one. He noted that additional parking was added after the 2017 application.

Chairman Hennel noted that none of the landscaping previously approved had been done. PZC will approve the lot line adjustment based on approval from ZBA of the conditional use.

MOTION:
(to rehear)

Moved by: Chairman Hennel

Seconded by: J. Stuhr

AYES: 5 (Hennel, Vullo, Schlansker, Stuhr, Wurz)

NOES: 0

ABSENT: 0

MOTION APPROVED TO REHEAR

MOTION: To adjourn the April 23, 2018 meeting of the Town of Glenville Zoning Board of Appeals.

Moved by: Chairman Hennel

Seconded by: J. Vullo

AYES: 5 (Hennel, Vullo, Schlansker, Stuhr, Wurz)

NOES: 0

ABSENT: 0

MOTION APPROVED

Next agenda meeting: May 14, 2018

Next meeting: May 21, 2018

Submitted by,

Jennifer Vullo

Jennifer Vullo
Stenographer

FINAL AS OF 5/21/18