

**MEETING OF THE ZONING BOARD OF APPEALS  
OF THE TOWN OF GLENVILLE  
THE GLENVILLE MUNICIPAL CENTER  
18 GLENRIDGE ROAD, GLENVILLE, NY 12302  
Monday December 19, 2016**

**PRESENT:** Tim Gaffney, Joseph Vullo, Sid Ramotar, Patricia Pietrusza, Margaret Huff

**ABSENT:** David Hennel

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

Joe Vullo called the meeting to order at 7:01 P.M.

**MOTION:** To accept the November 2016 minutes as amended.

**MOVED BY:** T. Gaffney

**SECONDED:** P. Pietrusza

**AYES: 4** (Gaffney, Vullo, Ramotar, Pietrusza)

**NOES: 0**

**ABSENT: 1** (Chairman Hennel)

**ABSTAIN: 1** (Huff)

**MOTION CARRIED**

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**PUBLIC HEARING**

**Application of Richard and Jillian Dodson, 2768 Waters Road, Amsterdam, NY 12010** for an **Area Variance** that would allow a 16' x 34' inground swimming pool to remain in the front yard. Said property is located in the Rural Residential and Agricultural Zoning District and identified on tax map 7.-1-6. This application for a variance was tabled from the November 2016 meeting.

P. Pietrusza read the application and review factors for the variance requests into the record.

Sent to 8 neighboring property owners with no responses. This was not referred to the County.

J. Vullo asked the applicant if he had any comment to share with the Board. No further comment.

J. Vullo asked for comments from the community either in favor or opposed to the variance application. No response

J. Vullo solicited questions from the Board members. S. Ramotar asked when the homeowner started building the pool and when it was completed. The homeowner responded that it was completed this past summer. It was his understanding that the people who installed the pool acquired the proper permits. He learned after completion of the project that a permit was not obtained.

P. Pietrusza asked what the size of the lot is and how far back is the pool from the edge of the lot. The homeowner responded that the property is approximately 8 acres and the pool is roughly 300 yards from the property line.

M. Huff asked if the diagram drawn was accurate. The homeowner said yes, but that he was unaware that his lot was considered a corner lot due to the bend in the road. He understood that a corner lot was located at the intersection of two roads, which his does not.

J. Vullo clarified that there are indeed two front yards on Mr. Dodson's lot. The response was yes.

T. Gaffney asked the Code Enforcer is there is any follow-up or inspection of the premises done when a permit is requested to verify that the measurements are correct. T. Petricca explained that there is no pre-inspection. The permit is granted based on the plans submitted. In this case the permit was obtained after installation of the pool was complete.

**MOTION:**

Whereas the applicant having applied for an area variance after having been denied a building permit to allow a 16' x 34' inground swimming pool to remain in the front yard at 2768 Waters Road, in the Town of Amsterdam, NY; and

Whereas the applicant having applied for an area variance with regard to prohibiting of pools in front yards because the construction of swimming pools in front yards is in violation of the Codes of the Town of Glenville.

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, this large parcel (over 8 acres in size) is located in a rural agricultural zoning district in the Town of Glenville. The lot is unusual in that the road wraps around the three sides of the property. It is not the standard lot where two roads intersect

with one another. The pool sits back a distance of 300 yards from the road and will be shielded by trees and vegetation.

2. Whether the benefit sought by the applicant can be achieved by some other means than an area variance. Finding of fact: No, the applicant states they were not aware their property was considered a corner lot with two front yards, so they are requesting a variance on their already installed pool.
3. Whether the requested area variance is substantial. Finding of fact: Yes in that the zoning laws prohibit installation of a pool in the front yard.
4. Whether the area variance will have an adverse impact on the physical or environmental condition of the neighborhood or community. Finding of fact: It is not felt this variance will negatively affect the neighborhood. There are other properties on this rural road with accessory structures, barns, storage buildings in the front yard.
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, it is self-imposed but should not be a factor in the granting of this variance.

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

**MOTION:** To approve the applicant's area variance request that would allow a 16' x 34' inground swimming pool to remain in the front yard.

**Moved by:** J. Vullo

**Seconded by:** T. Gaffney

**AYES:** 5 (Gaffney, Ramotar, Vullo, Pietrusza, Huff)

**NOES:** 0

**ABSENT:** 1 (Chairman Hennel)

**MOTION CARRIED**

**Application of Henry Hedden, 506 Walton Place, Glenville, NY 12302 for 3 area variances** that will allow for the construction of a new 32' x 48' (1,536 s/f) detached garage with mean height of 18' 1 3/4" (overall height of 22'3").

This application for a variance was tabled from the November 2016 meeting. Additional information was submitted regarding the height measurements.

P. Pietrusza clarified the application and review factors for the variance.

Sent to 71 neighboring property owners and received no responses. It was not referred to the County.

J. Vullo asked the applicant if he had any comment to share with the Board. Marlene Hedden wished to clarify the application and noted that their contractor was present to answer any questions. Currently a carport exists. The original plan was to move it back and add additional structures. The contractor developed plans to put everything under one roofline with a colored steel roof. Pictures of examples of what it would look like were submitted.

J. Vullo inquired if there were ACTUAL pictures of the proposed structure. The contractor, Christopher Fancher, Integrity Contractor, 162 Argusville Road, Sharon Springs, NY replied no. The plans submitted were to show the size and scale of the building. However, they were somewhat incomplete with regards to windows and siding. Pictures with possible exterior siding choices, as well as cupola, and porch options were presented. He also explained that he can make the siding look less industrial due to the neighborhood setting.

J. Vullo asked for comments from the community either in favor or opposed to the variance application.

**In Favor:**

Mark Rahn, 513 Beacon St., Scotia: His house looks right into the Hedden's backyard. He sees no reason not to allow this structure to be built. He has intense interest in his neighborhood and town and feels that in time the structure will blend in nicely with its surroundings.

Helen Porter, 508 Walton Place: She lives next door to the Heddens. She feels the structure would be beneficial to the neighborhood so the large truck could be parked inside.

Robert Kennerd, 512 Walton Place: He lives two houses away. He feels the Heddens need this structure to house tools and his truck and sees no reason not to grant the variance. He feels it will not be an eyesore.

Jeff Paolozzi, 617 Elliott Street: He is in full support of the Heddens building this structure. He feels anything is better than the current carport and that it will be good for Mr. Hedden's truck and business.

Marlene Hedden wished to clarify that the mobile tool truck will be stored inside, along with motorcycles, dirt bikes, an antique car, tools, etc. and that the shed portion would be used for her gardening tools. She also expressed that they don't want to see neighborhood issues develop over this. Their motive really was to improve the residence.

Henry Hedden wished to clarify that the business is NOT being run out of his home. It is a place where his truck is parked, but is not a warehouse. Everything for the business is stored on the truck. It is a mobile business.

**Opposed:**

Regina Solarek, 1007 Pleasantview: She just feels the structure is too big.

Thomas Urbanski, 1005 Pleasantview: He feels the structure is too big for this neighborhood. He submitted a signed petition by several neighbors who are opposed to building this structure. He also mentioned that the homeowner does receive deliveries at this address.

Neighbors in favor of building the structure asked to see the signatures of those opposed. The Board allowed this.

Marlene Hedden asked that it be noted that some neighbors who were approached to sign the petition were incorrectly informed that a warehouse or skyscraper was being built.

J. Vullo solicited questions from the Board members. M. Huff explained that it is difficult to understand where on the property the structure will be located based on the pictures submitted.

M. Hedden clarified that the driveway is located on the property and will remain so, just extend back to the new structure. They have not petitioned the town for more property.

J. Vullo clarified that it was mentioned an RV would be parked there. M. Hedden said they do not currently own an RV and have no immediate plans for one.

S. Ramotar asked the homeowner to state the name and location of his business. H. Hedden stated the name as H & H Cornwall Tools out of New Jersey.

M. Huff asked if the business is registered in New York state. H. Hedden stated that yes it is, on Walton Place.

J. Vullo stated that it is difficult to approve this variance based on the current diagrams submitted. There are no site plans, and the diagrams submitted don't match the photos. The screen porch is not shown correctly on the plans. The Board would like a site plan, showing distances from other properties, as well as accurate dimensions.

C. Fancher (builder) stated there are currently no updated plans from the ones originally given to the Code Enforcer. He was told by the CE that a site plan was not needed. However, he needed to apply for all three variances. He does not usually build projects in Glenville, but is willing to submit whatever is needed to help the Heddens get the structure they want.

T. Petricca stated that she requested accurate renderings of new plans, but none were received.

C. Fancher was able to produce newer plans than those originally submitted. He did explain that the screen porch portion of the structure was incorrectly illustrated on the plans and verified where that would go. He volunteered to get engineered plans if that was needed. The Board felt that was not necessary.

M. Cuevas explained that if the Board is still unclear, they should request additional information before voting. The Board can request a site plan showing the total picture

and what percentage of the property would be taken up by the structure, as well as distances from neighboring properties.

S. Ramotar explained that he felt the Board needed to see an overhead view, a basic site plan, showing relation of the structure to neighboring properties.

J. Vullo added that the Board would like the site plan to include the location of the driveway, any slope of the land, and proper measurements.

J. Vullo addressed the variance pertaining to the height of the structure and asked if there was any leniency on the height requested. C. Fancher stated that the height could be reduced by up to one foot, but that would add an additional cost to the project, due to the size of the garage door needed, and would be a tight fit for the truck.

The applicant requested that the application be tabled until additional information is obtained.

**MOTION:**

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

**Moved by:** P. Pietrusza

**Seconded by:** M. Huff

**AYES:** 5 (Gaffney, Ramotar, Pietrusza, Vullo, Huff)

**NOES:** 0

**ABSENT:** 1 (Chairman Hennel)

**MOTION TABLED**

**Application of Benderson Development Company, LLC** 570 Delaware Avenue, Buffalo, NY 14202 for a **Sign Variance** at the **Hannaford Plaza, 262 Saratoga Road, Glenville, NY 12302**. Proposed modifications to the existing 20' 4" high pole sign at the Saratoga Road entrance include the addition of a plaza tenant identification box, increasing the size of the sign to 138.98 s/f. In addition, a new 14' high 75 s/f monument sign identifying plaza tenants is proposed for the Glenridge Road entrance. Said property is located in the General Business Zoning District and also the Town Center Overlay District and is identified on tax map 22.-1-1.21.

**In accordance** with the Codes of the Town of Glenville:

**270-133, I, 4, e:** Pole/pylon signs are prohibited in the Town Center Overlay District. The applicant wishes to alter the existing pole sign on Saratoga Road with the addition of tenant identification boxes. Therefore the sign is considered new and shall be required to conform to all the provisions of the code (per 270-72, B). The applicant is seeking total relief from 270-133, I, 4, e. This would also include the pole sign to be 138.98 s/f in size and 20' 4" in height.

**270-133, I, 5, b:** Height: Monument signs shall be no greater than eight feet in height above finished grade.

**270-133, I, 5, c:** Size: a maximum of 24 s/f is permitted for any secondary sign allowed on the property. The secondary monument sign is proposed to be 75 s/f in size. Therefore, a variance of 51 s/f is requested for the secondary sign along Glenridge Road.

**270-70, C, 4:** Clearance: A clearance of not less than 10 feet will be maintained. The pole sign at Saratoga Road has a proposed clearance of 8'. Therefore a 2' reduction of required clearance per this section of the code is requested.

The applicant requested a postponement for the request of a sign variance until the January 2017 meeting.

**MOTION:**

Now, therefore, be it resolved that this application for a sign variance be postponed until January 2017.

**Moved by:** P. Pietrusza

**Seconded by:** M. Huff

**AYES: 5** (Gaffney, Ramotar, Pietrusza, Vullo, Huff)

**NOES: 0**

**ABSENT: 1** (Chairman Hennel)

**MOTION TABLED**

**MOTION:** To adjourn the December 2016 meeting of the Town of Glenville Zoning Board of Appeals.

**Moved by:** P. Pietrusza

**Seconded by:** Margaret Huff

**AYES: 5** (Gaffney, Ramotar, Pietrusza, Vullo, Huff)

**NOES: 0**

**ABSENT: 1** (Chairman Hennel)

**MOTION CARRIED**

Next meeting: January 23, 2017

Submitted by,

Jennifer Vullo

Jennifer Vullo  
Stenographer