

**MEETING OF THE ZONING BOARD OF APPEALS  
OF THE TOWN OF GLENVILLE  
THE GLENVILLE MUNICIPAL CENTER  
18 GLENRIDGE ROAD, GLENVILLE, NY 12302  
Monday August 28, 2017**

**PRESENT:** Interim Chairman: Margaret Huff, Vice Chairman: Joseph Vullo, Dick Schlansker, Jeff Stuhr, Bruce Wurz, Board Liason: David Hennel

**ABSENT:**

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

Interim Chairman Huff called the meeting to order at 7:00 P.M. She stated what appeared on the agenda for this evening.

**MOTION:** To accept the June 2017 minutes as amended.

**MOVED BY:** J. Vullo  
**SECONDED:** J. Stuhr

**AYES:** 4 (Vullo, Huff, Schlansker, Stuhr)  
**NOES:** 0  
**ABSENT:** 0  
**ABSTAIN:** 1 B. Wurz

**MOTION CARRIED**  
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**PUBLIC HEARING**

**APPLICATION OF 53 FREEMANS BR. RD. LLC, PET LODGE, MATT SAMES,** 19 Blue Jay Way, Rexford, NY 12148 for 2 Area Variances that will allow for a new outdoor doggie daycare yard situated between the building and Sarnowski Drive. The outdoor kennel will be 98'8" x 12' 6" and run along the length of the building and extend to the front lot line of Sarnowski Drive. The property is located in a General Business Zoning District and is identified on tax map. 30.19-1-5.1.

In accordance with the Codes of the Town of Glenville the following variances are being sought.

- 1) **270-56, C, (2):** All veterinary clinics, animal training facilities, animal hospitals, and kennels with enclosed exercise pens or kennels shall be located no closer than 50 feet to any adjoining property line.

The applicant proposes a 0' setback from Sarnowski Drive,

**Variance request:** Total relief from this section of the code is requested.

- 2) **270-56, A:** General, (1) Adequate landscaping and/or fencing shall be provided to create a visual, sound and odor buffer between such facility and adjacent properties.

An adequate buffer is not provided

**Variance request:** Total relief from this section of the ordinance is requested.

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

Sent to 26 neighboring property owners with two responses. This was referred to the County on August 16. Since it has not been returned from the County and we have to give them 30 days the Board will be unable to vote on this application tonight.

Letters received:

1. Michelle Simmonds, Trustco Bank, opposes the application. She believes the current business is not screened properly.
2. Gianda Pard – in favor of the application

Interim Chairman Huff asked the applicant if he had any comment to share with the Board. She also noted that an application for the expansion of the conditional use permit should have been submitted to the Planning Board. The applicant stated that he has owned the business since 2008, and since then has lost 50% of his retail product sales to big box stores. As such, he is looking to increase the doggie daycare side of the business to enable him to keep his current staff and make up for lost revenue elsewhere. The applicant noted that he is willing to eliminate the second variance and install a hard fence with a wind screen (slats) to block it visually from the neighbors. He submitted a letter from a neighbor who states she is happy with the business. He looked into expanding the business in the backyard, but found it not feasible with respect to the location of dumpsters, garbage removal, and deliveries. M. Huff asked what the ROW is there. M. Cuevas commented that the Highway Superintendent measured the area and has no objection to the fence.

Interim Chairman Huff asked for comments from the community either in favor or opposed to the variance application. Henry Sarnowski, 56 Freeman's Bridge Road, spoke opposed to the application. He feels the current business is not screened properly, the chain link fence is subpar, is concerned with snow removal, and the northern side of the property could be improved.

Interim Chairman Huff solicited questions from the Board members. J. Stuhr asked what the visual impact plan is. The applicant stated he would install a hard fence.

D. Schlansker inquired if the arborvitaes would be left intact in the front. The applicant stated he is willing to do the fence and/or arborvitaes for screening.

Interim Chairman Huff asked if any sound testing had been done. The applicant replied 'no' but that he feels it is pretty quiet.

J. Stuhr asked if there was any concern with the traffic impacting the dogs. The applicant replied no.

Interim Chairman Huff commented that if a variance is granted the applicant would have to assume responsibility for snow removal so as not to impose on traffic. The applicant stated that they use a service for that.

T. Petricca stated that any revisions to the application will need two weeks notice for the ZBA.

Interim Chairman Huff stated again that the application would be tabled until a review from the County is complete.

**APPLICATION OF MONOLITH SOLAR**, 444 Washington St., Rensselaer, NY for a Use Variance which will allow for the property to be used for the commercial installation/construction of roof mounted PV solar system for the sale of energy to off-site locations. The site location is 736 Saratoga Road, Glenville, NY 12302. The property is located in the Community Business Zoning District and identified on tax map 10.17-6-2.121 (owned by L & R Development Corp.)

This is a use not currently accommodated by the Town of Glenville Zoning Ordinance.

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

Sent to 28 neighboring property owners with no responses. This was referred to the County on August 2. Since it has not been returned from the County and we have to give them 30 days the Board will be unable to vote on this application tonight.

Interim Chairman Huff asked the applicant if he had any comment to share with the Board. Andrew Petersen, Monolith Solar, submitted photos of other similar projects completed. The two systems to be installed have now been proposed to be in the Town of Glenville instead of one in the Town of Ballston as was previously submitted.

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

Interim Chairman Huff solicited questions from the Board members. D. Schlansker affirmed that all inverters and junction boxes would be located in the rear of the buildings. A. Petersen replied yes, and explained that extra power generated by the panels goes back into the grid: 15%-20% used by the owner, 80%-85% goes back into the grid to credit other businesses.

J. Vullo asked if this changes the use of the property. M. Cuevas explained that we do not currently have a Town code for this. This would be considered a separate use not an accessory use. J. Vullo asked if changing Town codes in the future would supersede a ZBA decision tonight. M. Cuevas stated that ZBA could make a decision based on what is in place now and that the applicant would be grandfathered in, regardless of any future changes to the Code.

Interim Chairman Huff stated that there is a problem with the fact that Monolith does not own the land in question and there is another owner of this land. A. Petersen explained that it doesn't make sense for the owner to install solar panels just for his own small needs, so this helps the owner with the financial impact of installing a system, as well as other businesses getting power. M. Huff stated that the ZBA would like a letter from the owner explaining his position and needs. She also emphasized again the ZBA can't vote on this matter until it is returned from the County. A. Petersen asked if a vote could be granted contingent on the County response. M. Huff said 'no' we have to wait the 30 days.

D. Schlansker asked if the owner (Ramsey) will buy the system and own it. A. Petersen answered no.

B. Wurz asked if the panels were flat. A. Petersen replied 'yes', they are 3-4 inches above the roof. B. Wurz inquired that if Monolith is leasing roof space, who takes care of the system if the company goes bankrupt. A. Petersen explained there is a 20 year contract and that monies are withheld for removal if necessary.

Interim Chairman Huff clarified that the PZC requested visual renderings of the project (supplied), that the Town Board adopt specific zoning laws to accommodate these types of applications, ownership clarification, and the Town of Ballston stance on their portion of the project.

M Cuevas emphasized that documentation from the owner is necessary to show that financial evidence of hardship can be presented.

A. Petersen stated that they are not dealing with the Town of Ballston anymore. He also mentioned that the state says Monolith has to be under substantial construction by 9/15. He requested a special meeting of the ZBA for an earlier vote or a partial permit to get started. Interim Chairman Huff responded that a letter could be sent explaining the delay, but that ZBA would not be holding a private vote. By state law we have to give the County 30 days to respond before a vote can be made. As such, the Board is tabling the application pending submission of required documentation requested by the Board. The applicant did not appear to object to this.

**APPLICATION OF ALDI INC**, 295 Rye Street, South Windsor, CT 06074 for 11 Area Variances associated with the development of property located at 303 Saratoga Road, Glenville, NY 12302. The project includes the construction of a new 17,825 s/f retail store with associated site improvements including parking, lighting, trash facilities, etc. The project calls for the combination of two parcels into one. The site is identified on tax map 22.7-2-11.11 (owned by TJ Development of Glenville) and 22.7-2-14 (owned by Tammy Kilmartin) . Both parcels are located in the General Business Zoning District and are also in the Town Center Overlay District.

In accordance with the Codes of the Town of Glenville the following 11 variances are being sought:

- 1) **270-7, I: Screening of Utilities:** utilities shall be screened from public ROW and from residentially zoned or developed properties via vegetation and/or solid fencing.

There is no screening shown for the transformer located 0' from the residentially zoned and developed and occupied property of Kilmartin on Sheffield Place.

**Variance request:** Relief from this section would be required for the transformer not screened from view from the public ROW.

- 2) **270-7, M: Transitional Yard Requirements:** Where the side or rear lot line of a property in which a commercial use is proposed abuts a property that is either already used for residential or park use, or is zoned for residential or park use, a minimum thirty-foot-wide buffer is to be maintained between the developed portion of the commercial site and the abutting side or rear property line. This buffer is to remain free of buildings, structures, parking, roadways, dumpsters, etc. Further, the Planning and Zoning Commission and/or the Zoning Board of Appeals may require landscaping, fencing, berming, and other forms of screening within this buffer area.

The side and rear lot lines adjoin residentially zoned and/or developed properties. It should be noted the property identified as 22.7-2-14 (Kilmartin) on Sheffield

developed and used as a single family dwelling however it is zoned GB. The remaining adjoining properties are zoned SR.

**Variations requested:**

- The building is located 26' from the rear line. Variance of 4' required
- A sidewalk is located 20.5' from the rear line. Variance of 9.5' required
- The building is located 26.5' from the side line. Variance of 3.5' required
- The retaining wall is located 23.1' from the side line. Variance of 6.9' required
- A transformer is located 0' from the side line. Variance of 30' is required

- 3) **270-Attachment 1: Dimensional Regulations:** The minimum rear yard setback is 40'.

The plan shows the rear setback of the building as 26' at its closets point.

**Variance request:** 14' variance is required.

- 4) **270-73, C, (4): Location of parking area & spaces:** A parking lot may not be located any closer than 40 feet to the property line of a single or two family dwelling.

The parking area and spaces are located approximately 7' at its closest point to the lot line of the Kilmartin property zoned SR and used as a single family dwelling. The measurement is estimated to the curbing.

**Variance request:** Estimated 33' at the closest point to the curb.

- 5) **270-73, C, (4): Location of parking area & spaces:** Only green space and vegetation will be permitted within the 25' strip/setback between the parking lot and street ROW.

The parking lot aisle is located at 8.5' from the front property line.

**Variance request:** Relief of 16.5' for required green space

- 6) **270-73, A, (2): Minimum/Maximum parking spaces: Per Schedule A (1 per 200s/f)**

82 parking spaces shown. Min for 17,825 s/f grocery store is 90 spaces.

**Variance request:** Reduction of 8 spaces.

- 7) **270-74, B, 2: Off street loading location:** Loading spaces may not face or be visible from street.

Loading dock/space(s) will be visible from the street.

**Variance request:** Total relief is requested

- 8) **270-74, D, (1): Off street loading - access:** Each loading space shall be designed by means of a driveway(s) to a public street in a manner which is consistent with pedestrian safety and will least interfere with adjacent traffic movements and interior circulation.

Loading space/area shown in a way that it is very likely the delivery trucks will travel through the parking lot and back out of the loading area into the parking area. This path takes the truck through the parking lot along the front of the store where pedestrians will be entering and exiting the store.

**Variance request:** Total relief is requested.

- 9) **270-141, C, (1): Landscape areas in parking lots: Periphery** All parking lots shall be landscaped around the periphery of the lot to buffer the visual impact of the parking lot on adjacent properties and streets.

Landscaping appears to be missing along the adjacent, residentially developed and occupied property of Kilmartin on Sheffield.

**Variance request:** Along the western and northern lot lines of Kilmartin.

- 10) **270-141, C, (2): Landscape areas in parking lots: Landscape Islands:** Not less than 1 island for every 10 parking spaces is required. Landscape islands must be in compliance with 270-141, E.

The plans shows 2 landscape islands.

**Variance request:** 7 islands.

A minimum of 9 required based on 82 parking spaces. 2 are provided.

- 11) **270-141, B, (1): Minimum landscape area:** Area of property to be retained as greenspace is 35%

The applicant states 32.4 % will be retained.

**Variance request:** 2.6%

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

Sent to 59 neighboring property owners with no responses. This was referred to the County. It was received back on 7/31/2017 and deferred for local consideration, but they weighed in on the ROW.

Letters received:

1. 7/5 and 08/14-emails received from Jessica and Matt Bullett, 7 Sheffield Road, opposed
2. 7/7 and 8/11-emails received from William and Deborah Capron, 2 Bigwood Road, Glenville, opposed, pictures submitted of the Colonie site and items not enforced

Interim Chairman Huff asked the applicant if he had any comment to share with the Board. Rob Osterhoudt, Bohler Engineering, presented some updates:

- Received preliminary sight plan approval from PZC
- Right In/Right Out driveway has been removed per NYS DOT, only 1 access point now
- Additional landscaping and fencing buffer along residential lots
- Moved stormwater runoff to north end of site
- Created a berm with an arborvitae hedgerow in back corner
- Brand new 8' solid PVC privacy fence to replace old fence in existing location (3'-5' inside property line on south and west)
- Utilities are readily available to the site
- Decorative metal fencing along Route 50 with stone piers
- Truck circulation remains same even without RI/RO driveway
- Loading dock wall revised to 3 ½-4' above grade plus a 4' PVC privacy fence above that

R. Osterhoudt also mentioned that they looked into the possibility of moving the loading dock to the northern side, but ran into an issue with the power lines coming in from the back of the lot as well as the visibility from the access point issue. He also addressed that there is a no idling policy for trucks during loading and unloading. Recyclables are loaded onto the trucks after deliveries are unloaded. In reference to the Colonie site, that is a larger parcel due to a full-service restaurant on site. It is also a landlord controlled site in regards to landscaping, whereas the Glenville site is controlled by Aldi for landscaping.

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

Interim Chairman Huff solicited questions from the Board members. She asked R. Osterhoudt to explain variance #4. He explained that even though the adjacent lot on

the property has been rezoned, it still has a residential use and therefore requires a variance. He also explained that even though the plan including both parcels exceeds the greenspace requirement, it is 2 ½ % under the requirement of 35% for greenspace when only the Aldi's leased parcel is considered; they want a variance to protect them from having to return in the event of future development of the smaller site. M. Huff also asked to confirm that variance #5 was referring to the area along Route 50. That was confirmed.

J. Vullo asked if the berm along the back was raised. R. Osterhoudt replied yes, about 4 feet. J. Vullo also asked how many trucks make deliveries per night, and how frequent is garbage picked up. R. Osterhoudt answered 1 delivery truck per night and garbage is picked up approximately 2 times per week. J. Vullo also questioned if anything changes if that house is not removed. R. Osterhoudt explained that removal of the garage is part of the plan, but they don't have any control over the house and it is not needed as far as the Aldi project is concerned. J. Vullo stated that as far as truck circulation, the plan is to take out the garage and trees, but there is no plan to offer a buffer from the house should it stay. R. Osterhoudt explained that there is a contract now to buy the house. If the contract goes through they are not concerned with the buffer because it will be a commercial lot. J. Vullo noted that once the other lot is developed with additional parking spaces, how will the trucks enter. R. Osterhoudt confirmed on the plans the special lane marked for trucks to use when entering the loading dock that will not interfere with parking or the other lot.

Interim Chairman Huff confirmed that whoever develops the other parcel will need to deal with greenspace issues again. That was also confirmed.

D. Schlansker asked why deliveries were made at night. The Aldi's representative explained it has to do with delivering perishable items within a certain time frame.

Interim Chairman Huff asked what the store hours are. The Aldi's representative stated:  
Mon-Sat 9:00 am – 8:00 pm  
Sun 10:00 am – 7:00 pm  
Deliveries after closing

J. Stuhr inquired about the orientation of the building in regards to neighbor's concerns about noise. Does solid PVC fencing help with sound as opposed to a stockade fence? R. Osterhoudt explained this was discussed with PZC. They felt that the berm plus the evergreen vegetation plus the fence was a substantial effort in regards to a buffer.

R. Osterhoudt noted that if you look at the 2007 pictures, the old store and parking were located right up against the neighbors to the rear. Aldi's has offered a buffer between the building and the neighbors. They have also used high quality brick on the back of the building for the neighbor's view, instead of cinderblock which doesn't look as nice.

Interim Chairman Huff asked about the lighting plan and air conditioning units. R. Osterhoudt explained that lighting will be focused in the parking lot and one in the loading dock. Air conditioning units are located on the roof.

J. Stuhr inquired about the possibility of a gate on the loading dock. R. Osterhoudt explained that they are looking into this.

J. Vullo asked why there is no vegetation in front of the transformer. R. Osterhoudt pointed out that there is parking on the future development site that juts in there.

B. Wurz asked how utilities come on to the site. R. Osterhoudt stated that it comes off of Sheffield Drive.

**MOTION: (VARIANCE #1)**

The applicant having applied for an area variance after having been denied a building permit to erect or construct a transformer screening at 303 Saratoga Road in the Town of Glenville, New York and

The applicant having applied for an area variance in accordance with the Code of the Town of Glenville

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, given the parcel lot it would not result in any undesirable changes

2. Whether the benefit sought by the applicant can be achieved by some other means than an area variance. Finding of fact:

No, National Grid determines the location of the transformer

3. Whether the requested area variance is substantial. Finding of fact:

Yes, it is complete relief of the requirement in the Code.

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, it is set far enough away from public areas.

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:

No, it is not self-imposed due to National Grid's requirements.

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

**MOTION:**

**Moved by:** J. Vullo

**Seconded by:** J. Stuhr

**AYES:** 5 (Interim Chairman Huff, Vullo, Schlansker, Stuhr, Wurz)

**NOES:** 0

**ABSENT:** 0

**Conditions:** No conditions

**MOTION APPROVED**

**MOTION: (VARIANCE #6)**

The applicant having applied for an area variance after having been denied a building permit to erect or construct a parking area for customers at 303 Saratoga Road in the Town of Glenville, New York and

The applicant having applied for an area variance in accordance with the Code of the Town of Glenville

Because the proposed use of the property would be in violation of such restriction or set back 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, given the applicant's assurances that 82 parking spaces is ample and that the eight fewer spaces is a minimum amount

2. Whether the benefit sought by the applicant can be achieved by some other means than an area variance. Finding of fact:

No, every attempt has been made to maximize space

3. Whether the requested area variance is substantial. Finding of fact:

No, eight fewer spots is not considered substantial

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, it is a minimal difference in space

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:

No, this is the only solution given the space involved

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

**MOTION:**

**Moved by:** Interim Chairman Huff

**Seconded by:** J. Vullo

**AYES: 5** (Interim Chairman Huff, Vullo, Schlansker, Stuhr, Wurz)

**NOES: 0**

**ABSENT: 0**

**Conditions:** No conditions

**MOTION APPROVED**

**MOTION: (VARIANCE #7)**

The applicant having applied for an area variance after having been denied a building permit to erect or construct an off street loading location at 303 Saratoga Road in the Town of Glenville, New York and

The applicant having applied for an area variance in accordance with the Code of the Town of Glenville

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, it is a highly commercial area with trucks coming in and out all the time.

2. Whether the benefit sought by the applicant can be achieved by some other means than an area variance. Finding of fact:

No, due to the restrictions of the parcel this is the only location for a loading area.

3. Whether the requested area variance is substantial. Finding of fact:

Yes, since they are asking for full relief from the code.

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, the applicant has done everything possible to minimize visibility.

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, this is the only option given the restrictions on the size of the parcel

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

**MOTION:**

**Moved by:** Interim Chairman Huff

**Seconded by:** J. Vullo

**AYES:** 5 (Interim Chairman Huff, Vullo, Schlansker, Stuhr, Wurz)

**NOES:** 0

**ABSENT:** 0

**Conditions:** Four foot wall plus four foot PVC fence (total 8') on loading dock to be installed and maintained.

### **MOTION APPROVED**

#### **MOTION: (VARIANCE #8)**

The applicant having applied for an area variance after having been denied a building permit to erect or construct an off street loading access at 303 Saratoga Road in the Town of Glenville, New York and

The applicant having applied for an area variance in accordance with the Code of the Town of Glenville

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, it is a highly commercial area with trucks coming in and out all the time

2. Whether the benefit sought by the applicant can be achieved by some other means than an area variance. Finding of fact:

No, due to the restrictions of the parcel there is no other alternative.

3. Whether the requested area variance is substantial. Finding of fact:

Yes, since they are asking for full relief from the code.

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, while there is some adverse impact, the applicant has done everything possible to minimize visibility by constructing a retaining wall with fence.

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, this is the only option given the restrictions on the size of the parcel.

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

**MOTION:**

**Moved by:** Interim Chairman Huff

**Seconded by:** J. Vullo

**AYES:** 5 (Interim Chairman Huff, Vullo, Schlansker, Stuhr, Wurz)

**NOES:** 0

**ABSENT:** 0

**Conditions:** Four foot wall plus four foot PVC fence (total 8') on loading dock to be installed and maintained.

**MOTION APPROVED**

**MOTION: (VARIANCES #2 and #3)**

The applicant having applied for an area variance after having been denied a building permit to erect or construct transitional yard requirements and dimensional regulations at 303 Saratoga Road in the Town of Glenville, New York and

The applicant having applied for an area variance in accordance with the Code of the Town of Glenville

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 variances results in any undesirable changes in character of the neighborhood or community, or a detriment to nearby properties. Finding of fact:

No, with the buffering provided, along with the new fence and the building itself acting as a buffer, the undesirable changes are minimal.

2. Whether the benefit sought by the applicant can be achieved by some other means than an area variance. Finding of fact:

No, after considering of the design and other factors like drainage, etc. this is the proper location for the building.

3. Whether the requested area variance is substantial. Finding of fact:

Yes, considering some of the variances are large differences from the code.

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, other adjustments made for construction will reduce any adverse impact.

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:

No, given the town requirements for the placement of the building, this is the best possible place.

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

**MOTION:**

**Moved by:** J. Vullo

**Seconded by:** J. Stuhr

**AYES:** 5 (Interim Chairman Huff, Vullo, Schlansker, Stuhr, Wurz)

**NOES:** 0

**ABSENT:** 0

**Conditions:** The side and rear fence must be installed and maintained.  
Berm must be extended and maintained along with foliage.

**MOTION APPROVED**

**MOTION: (VARIANCES #4 and #5)**

The applicant having applied for an area variance after having been denied a building permit to erect or construct a location of parking area and spaces at 303 Saratoga Road 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

Because the proposed use of the property would be in violation of such restriction or set back 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 variances results in any undesirable changes in character of the neighborhood or community, or a detriment to nearby properties. Finding of fact:

No.

2. Whether the benefit sought by the applicant can be achieved by some other means than an area variance. Finding of fact:

No, after discussing the site plan these variances conform to these limitations.

3. Whether the requested area variance is substantial. Finding of fact:

Yes, these are sizable distances.

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, it shouldn't impact the neighborhood.

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:

No, given the footprint of the building this would be required.

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

**MOTION:**

**Moved by:** J. Vullo

**Seconded by:** B. Wurz

**AYES: 5** (Interim Chairman Huff, Vullo, Schlansker, Stuhr, Wurz)

**NOES: 0**

**ABSENT: 0**

**Conditions:** For variance #5: Decorative fencing must be installed and maintained along Route 50.

**MOTION APPROVED**

**MOTION: (VARIANCES #9 and #10)**

The applicant having applied for an area variance after having been denied a building permit to erect or construct landscape areas in parking lots for both periphery and islands at 303 Saratoga Road in the Town of Glenville, New York and

The applicant having applied for an area variance in accordance with the Code of the Town of Glenville

Because the proposed use of the property would be in violation of such restriction or set back 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 variances results in any undesirable changes in character of the neighborhood or community, or a detriment to nearby properties. Finding of fact:

No, the configuration of the parcel is limiting due to the future development of the smaller parcel on the southern side. Also, having the extra 7 islands would create more havoc given the limited space available and the proposed layout of the parcel.

2. Whether the benefit sought by the applicant can be achieved by some other means than an area variance. Finding of fact:

No, given the limitations of the size of the parcel there is little else that could be done.

3. Whether the requested area variance is substantial. Finding of fact:

Yes, they are asking for complete relief in one area and a reduction of islands from 9 to 2 in the other.

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, it shouldn't impact the neighborhood.

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:

No.

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

**MOTION:**

**Moved by:** Interim Chairman Huff

**Seconded by:** J. Vullo

**AYES: 5** (Interim Chairman Huff, Vullo, Schlansker, Stuhr, Wurz)

**NOES: 0**

**ABSENT: 0**

**Conditions: none**

**MOTION APPROVED**

**MOTION: (VARIANCE #11)**

The applicant having applied for an area variance after having been denied a building permit to erect or construct a minimum landscape area at 303 Saratoga Road in the Town of Glenville, New York and

The applicant having applied for an area variance in accordance with the Code of the Town of Glenville

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 variances results in any undesirable changes in character of the neighborhood or community, or a detriment to nearby properties. Finding of fact:

No, the applicant has maximized the utilization of any greenspace it has to capacity, and the variance is for a minimal amount.

2. Whether the benefit sought by the applicant can be achieved by some other means than an area variance. Finding of fact:

No, given the limitations of the size of the parcel there is little else that could be done.

3. Whether the requested area variance is substantial. Finding of fact:

No, 2.6% is minimal.

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, it shouldn't impact the neighborhood.

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:

No, maximum thought has gone into the development of this parcel.

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

**MOTION:**

**Moved by:** Interim Chairman Huff

**Seconded by:** J. Vullo

**AYES: 5** (Interim Chairman Huff, Vullo, Schlansker, Stuhr, Wurz)

**NOES: 0**

**ABSENT: 0**

**Conditions:** Landscaped areas to be maintained.

**MOTION APPROVED**

**MOTION:** To adjourn the August 28, 2017 meeting of the Town of Glenville Zoning Board of Appeals.

**Moved by:** J. Vullo

**Seconded by:** M. Huff

**MOTION CARRIED**

Next meeting: September 25, 2017

Submitted by,

Jennifer Vullo

Jennifer Vullo  
Stenographer

FINAL AS OF 9/24/17