

**TOWN OF GUILDERLAND
ZONING BOARD OF APPEALS
JANUARY 20, 2016**

Members Present: Thomas Remmert, Chairman
Jacob Crawford
Sharon Cupoli
Sindi Saita
Gustavo Santos
Laura Barry, Alternate

Absent: Janet Thayer, Counsel

Chairman Remmert welcomed new members Gustavo Santos and Laura Barry to the Zoning Board and thanked Peter Barber and Mike Marcantonio for their years of service.

NEW CASES:

MATTER OF PETER STANISH – 2563 WESTERN AVENUE

Sharon Cupoli read the legal notice:

“Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles **III & V** of the Zoning Law on the following proposition:

Amend Special Use Permit #19-88, Request No. 4559

Request of **Peter Stanish** for an amendment to Special Use Permit #19-88 under the Zoning Law to: **delete condition (i) which states that “no change in the use for which this Special Use Permit was granted shall be made without approval of the Zoning Board of Appeals”.**

Per Articles **III & V** Sections **280-20 & 280-52** respectively

For property owned by **Peter Stanish & Kusum Vohra**
Situated as follows: **2563 Western Avenue Schenectady, NY 12303**
Tax Map # **39.11-2-21** Zoned: **LB**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **20th of January, 2016** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **January 8, 2016**”

The file consists of the mailing list to 45 neighboring property owners, the Town's required forms for this Amended Special Use Permit along with a Short Environmental Assessment Form under SEQRA, the Town Planner's comments, the Town Planning Board's site plan review, Albany County Planning Board's notification, the previous special use permit approval #19-88, a narrative provided by the applicant and a schematic diagram of the plaza.

The Town Planner had the following comments: "The applicant has requested that the condition of this special use permit be amended to eliminate the need for every change of tenant to go through the special use permit process. Park Plaza has operated as a strip mall for years without any problems in regard to access or parking. There has never been any additional conditions placed on any new tenant and I don't foresee any that would be needed. No objection to this change."

The Town Planning Board recommended approval with no conditions or suggestions.

Albany County Planning Board's notification of 11-19-15 was to defer to local consideration.

Peter Stanish, applicant, presented the case. Mr. Stanish stated that he would like to make it easier for new tenants to come into the plaza and for them to rent out the space. Mr. Stanish stated that they have already some improvements to the plaza and will continue to make improvements to the property.

Chairman Remmert stated that the Board has done this for some other strip malls in Town and the new proposed Zoning Code would eliminate this requirement but that code has not gone into effect yet.

Chairman Remmert asked if there were any questions or comments from the residents. There were none. Chairman Barber made a motion to close the public hearing. Motion seconded by Sharon Cupoli. Vote 5 – 0.

Chairman Remmert made a motion of non-significance in this Unlisted Action: "This Board has conducted a careful review of the application to determine whether the granting of the amendment of this special use permit for a shopping plaza would have a significant negative impact upon the environment. In conducting this review, this Board has considered comments provided to us by the applicant, neighboring property owners, the Town Planner, the Town Planning Board, and our review of the application. Based upon this collective record, I move that a negative declaration be issued." Motion seconded by Sharon Cupoli. Vote 5 – 0.

Chairman Barber made a motion for approval of:

Amend Special Use Permit #19-88, Request No. 4559

Request of **Peter Stanish** for an amendment to Special Use Permit #19-88 under the Zoning Law to: **delete condition (i) which states that "no change in the use for which**

this Special Use Permit was granted shall be made without approval of the Zoning Board of Appeals”.

Per Articles **III & V** Sections **280-20 & 280-52** respectively

For property owned by **Peter Stanish & Kusum Vohra**
Situated as follows: **2563 Western Avenue Altamont, NY 12009**
Tax Map # **39.11-2-21** Zoned: **LB**

In rendering this decision, the Board makes the following findings of fact:

A public hearing was duly noticed and held this evening. No residents provided either written or oral comments regarding the application.

The Board adopted a negative declaration under SEQRA by a unanimous vote.

The Town Planner had no planning objections to the granting of this request.

The applicant is agreeable to working with the Zoning Department on a plan for improvements to the site.

Based on these findings, I move that the Board **grant** the amendment to the Special Use Permit with the following conditions:

The property owner will work with the Zoning Department on a plan for improvements to the property.

Except as amended by this decision, all other provisions of prior special use permits shall remain in effect.

Adherence to the plan and application as submitted and all representations made here tonight to the Board.

The Building/Zoning Inspector is hereby authorized to issue the permits necessary to implement this decision.

Motion seconded by Sharon Cupoli. Vote 5 – 0.

MATTER OF ALLEN PACKARD – 633 VIA PONDEROSA

Jake Crawford read the legal notice:

“Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to **Articles III & V** of the Zoning Law on the following proposition:

Special Use Permit/Variance Request No. 4562

Request of **Allen Packard** for a Special Use Permit/Variance under the Zoning Law to permit: **the conversion of 1025sf of existing space into an in-law apartment.**

Per Articles **III & V** Sections **280-14 & 280-52** respectively

For property owned by **Larry VanNostrand**

Situated as follows: **633 Via Ponderosa Schenectady, NY 12303**

Tax Map # **27.15-2-17** Zoned: **R15**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **20th of January, 2016** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **December 22, 2015**”

The file consists of the mailing list to 29 neighboring property owners, the Town’s required forms for a special use permit for an in-law apartment, a Short Environmental Assessment Form under SEQRA, the Town Planner’s comments, the Town Planning Board’s site plan review, a narrative and a diagram of the proposed construction.

The Town Planner had the following comments: “The applicant is requesting a special use permit for an in-law apartment. The living space will be totally included within the existing structure and there is ample parking in the driveway. No planning objections.”

The Town Planning Board recommended approval with no conditions or suggestions.

Al Packard, applicant, presented the case. Mr. Packard stated that there is an existing family room in the basement and they would like to convert the garage to a bedroom and bath.

Chairman Remmert asked if there would be any enlargement of the structure.

Mr. Packard replied that there would not be any enlargement, the footprint remains the same.

Jake Crawford asked what the front of the house would look like.

Mr. Packard replied that the garage door would be replaced and some windows would be put in and will match the rest of the house.

Chairman Remmert asked about the parking.

Mr. Packard replied that the driveway is quite large and would be sufficient for parking.

Chairman Remmert asked if there were any questions or comments from the residents.

There were none. Chairman Remmert made a motion to close the public hearing. Motion seconded by Sharon Cupoli. Vote 5 – 0.

Chairman Remmert made a motion of non-significance in this Unlisted Action: “This Board has conducted a careful review of this application to determine whether the granting of the special use permit for an in-law apartment would have a significant negative impact upon the environment. In conducting this review, this Board has considered comments provided to us by the applicant, neighboring property owners, the Town Planner, the Town Planning Board, and our review of the application. Based upon this collective record, I move that a negative declaration be issued.” Motion seconded by Sharon Cupoli. Vote 5 – 0.

Chairman Remmert made a motion for approval of:

Special Use Permit/Variance Request No. 4562

Request of **Allen Packard** for a Special Use Permit/Variance under the Zoning Law to permit: **the conversion of 1025sf of existing space into an in-law apartment.**

Per Articles **III & V** Sections **280-14 & 280-52** respectively

For property owned by **Larry VanNostrand**

Situated as follows: **633 Via Ponderosa Schenectady, NY 12303**

Tax Map # **27.15-2-17** Zoned: **R15**

In rendering this decision, the Board makes the following findings of fact:

A public hearing was duly noticed and held this evening. No residents provided either written or oral comments regarding the application.

The Board adopted a negative declaration under SEQRA by a unanimous vote.

The Town Planner had no objection to the granting of this request.

The Town Planning Board recommended approval.

The proposed apartment meets all Zoning Code conditions for an in-law apartment except its size exceeds the maximum allowed square footage. The apartment meets the other requirements because it will be occupied by relatives of the owner, it is part of the main dwelling, has adequate off street parking, and has an entrance in common with the main dwelling.

For these reasons, the Board finds that the area variance should be granted.

In ***granting*** this application, the Board imposes the following conditions:

Adherence to the plans as submitted and the representations contained in the application.

Compliance with the requirements of an in-law apartment including filing the required deed with the County Clerk and submitting proof of filing with the Building Department, an annual inspection confirming compliance, and, if the requirements for the in-law apartment are not met, removal of kitchen related improvements in the apartment.

The Building/Zoning Inspector is hereby authorized to issue the permits necessary to implement this decision.

Motion seconded by Sharon Cupoli. Vote 5 – 0.

MATTER OF ARMAND QUADRINI – 6203 JOHNSTON ROAD

Sindi Saita read the legal notice:

“Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles **III & V** of the Zoning Law on the following proposition:

Variance Request No. 4561

Request of **Armand Quadrini** for a Variance under the Zoning Law to permit: **a 29x44 addition to an existing maintenance building that is within the 100ft side yard setback and construction of a driveway that will encroach into a 50ft buffer setback for a MR zone at the Oxford Heights Apartment Complex.**

Per Articles **III & V** Sections **280-15 & 280-51** respectively

For property owned by **Oxford Heights LLC**

Situated as follows: **6203 Johnston Road Albany, NY 12203**

Tax Map # **52.03-1-13** Zoned: **MR**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **20th of January, 2016** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **December 8, 2015**”

The file consists of the mailing list to 48 neighboring property owners, the Town’s required forms for a variance, the Town Planner’s comments and a plot plan and drawing of the proposed exterior of the building.

The Town Planner had the following comments: “The applicant is requesting area variances to construct an addition to an existing maintenance building. The addition is shown on lands that have not been legally subdivided from the original 6.2 acre parcel. Originally the applicant agreed to donate 6.2 acres of land on the north side of the project to the Town for parkland, as part of the green space/density calculations for the proposed 20 unit building to Oxford Heights. The ZBA then apparently approved a plan with only a 5.72 acre donation.

The application should not be entertained and no building permits or any other Town permissions should be granted until such time as the 6.2 acre parcel is legally subdivided and the 5.7 acre parcel is legally deeded to the Town.”

Armand Quadrini, applicant, presented the case. Mr. Quadrini stated that they are doing a lot of renovations to apartments and they are looking to build an addition to their maintenance building to accommodate appliances, cabinets, etc. so they are not visible from the driveway. They are asking for a variance for a wedge of paving that will encroach on the forever green area.

Mr. Quadrini stated that he thinks that they handed in all of the paperwork to the Town for the area that is being donated to the Town.

Chairman Remmert asked the size of the current building and the size of the addition.

Mr. Quadrini replied that the addition is a four stall garage and they are a little longer to accommodate a snow plow; two would be for storage and two would be for vehicles.

Jake Crawford asked what they would use the garage for after the apartments are upgraded and the appliances are no longer stored there.

Mr. Quadrini replied that they have three snow plows, golf carts, lawn mowers, etc. that would be stored in there.

Jake Crawford asked where the vehicles are currently stored.

Mr. Quadrini replied that some of them are outside under a tarp and some are in existing garages.

Chairman Remmert asked how big the addition was in relation to the current garage.

Mr. Quadrini replied that the addition would add about 25% to the current garage.

Chairman Remmert stated that this area is not visible to any of the other buildings or surrounding houses.

Jake Crawford asked about the change from 6.2 acres to 5.72 acres for the land donation.

Mr. Quadrini replied that they had forgotten about it.

Chairman Remmert stated that they really are not encroaching onto the 5.72 acres; the pavement will encroach into the buffer zone.

Chairman Remmert asked if there were any questions or comments from the residents. There were none. Chairman Barber made a motion to close the public hearing. Motion seconded by Sharon Cupoli. Vote 5 – 0.

Chairman Remmert stated that the only issue that needs to be resolved is the deeding of the land to the Town. Chairman Remmert stated that he would like to have Counsel Thayer work with Jan Weston, Mr. Quadrini and Jackie Coons regarding the deeding of the land and paperwork needed.

Chairman Remmert asked if the subdivision still needed to be completed.

Jackie Coons replied that Jan Weston stated that in order to accommodate the new parcel, there would possibly have to be a subdivision or a lot line adjustment to create the separate parcel.

Chairman Remmert made a motion to continue this case to give the property owner an opportunity to work with Counsel Thayer and Jan Weston to address the issues on the land donation to the Town and the related subdivision. Motion seconded by Sharon Cupoli. Vote 5 – 0.

MINUTES:

The Board approved the minutes of 11-18-15. Vote 4 – 0.

The Board approved the minutes of 12-2-15 with a minor change. Vote 4 – 0.

SIGNS:

The Board approved a sign face change at **1440 Western Avenue** for St. Peters Health Partners and maintains the existing landscaping. Vote 5 – 0.

The Board approved a sign face change at **1444 Western Avenue** for Prime Care Physicians with the addition of the street # and maintains the existing landscaping. Vote 5 – 0.

The Board approved a 28sfsign at **1704 Western Avenue** for Orangetheory FITNESS. Vote 5 – 0.

The Board approved a temporary banner at **1704 Western Avenue** for Berkshire Bank for 14 days only. Vote 5 – 0.

The Board approved signs for Guilderland Fire Department's annual rose sale. Vote 5 – 0.

The meeting adjourned at 8:15pm.

