

**TOWN OF GUILDERLAND  
ZONING BOARD OF APPEALS  
NOVEMBER 4, 2009**

Members Present: Peter Barber, Chairman  
Sharon Cupoli  
Susan Macri  
Mike Marcantonio  
Allen Maikels  
Tom Remmert  
James Sumner  
Charles Cahill, Alternate  
Robert Feller, Counsel

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Chairman Barber opened the meeting and pointed out the emergency exits in the event they were needed.

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**MATTER OF MATTHEW CARMICHAEL – 490 RT. 146**

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, IV & V** of the Zoning Law on the following proposition:

**Special Use Permit Request No. 4171**

Request of **Matthew Carmichael** for an amendment to Special Use Permit #4-97 under the Zoning Law to permit: **the expansion of an existing nonconforming three family home by adding a two story, 1350+/-sf addition (42%). Said addition will be used to increase living area of the owner occupied dwelling unit and to expand the area of a previously approved customary home occupation.**

Per Articles **III, IV & V** Sections **280-14, 280-31 & 280-52** respectively

For property owned by: **Matthew Carmichael**

Situated as follows: **490 Rt. 146 Guilderland Center, NY 12085**

Tax Map # **38.20-1-36** Zoned: **R15**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **4<sup>th</sup> of November, 2009** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **October 27, 2009**"

The file consists of the mailing list to 33 neighboring property owners, the Town's required forms for an area variance, a brief narrative, depictions of the improvements, a flood map, the Town Planners comments and a copy of a special use permit for a customary home occupation granted by the ZBA back in 1997.

The Town Planner had the following comments: "The applicant has requested a variance to expand a nonconforming use by adding additional living space to the rear of the building. No planning objections."

Matthew Carmichael, applicant, presented the case. Mr. Carmichael gave a brief overview of the expansion. Mr. Carmichael stated that he has a special use permit to run his customary home occupation out of his home; he has been in the home approximately 15 years. Mr. Carmichael stated that the building is about 200 years old and would like to add to his living space; not expand his business. Mr. Carmichael stated that he would like to put new siding on the whole house and bring the plumbing and electrical up to code.

Chairman Barber stated that this house is three units and he would not be adding more units.

Mr. Carmichael stated that he would just be expanding the owner occupied unit and it would be to the back of the building.

Chairman Barber asked about the garage.

Tony D'Adamo, architect for the project, stated that the garage is down already.

Chairman Barber asked if they had spoken to any of the neighbors regarding the proposal.

Mr. Carmichael stated that his one neighbor thanked him for taking the garage down.

Chairman Barber stated that the applicant is making improvements that make the building in more compliance with the building code.

Chairman Barber 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 7 – 0.

Chairman Barber made a motion of non-significance in this Unlisted Action: "This Board has conducted a review of this application to determine whether the granting of a special use permit to expand this existing nonconforming three-family home would cause a negative impact upon the environment. This review consisted of the comments provided to us by the Town Planner and the review of the application this evening. Based upon that review, I move that a negative declaration under SEQRA should be issued. Motion seconded by Sharon Cupoli." Vote 7 – 0.

Chairman Barber made a motion for approval of:

**Special Use Permit Request No. 4171**

Request of **Matthew Carmichael** for an amendment to Special Use Permit #4-97 under the Zoning Law to permit: **the expansion of an existing nonconforming three-family home by adding a two story, 1350+/-sf addition (42%). Said addition will be used to increase living area of the owner occupied dwelling unit and to expand the area of a previously approved customary home occupation.**

Per Articles **III, IV & V** Sections **280-14, 280-31 & 280-52** respectively

For property owned by: **Matthew Carmichael**

Situated as follows: **490 Rt. 146 Guilderland Center, NY 12085**

Tax Map # **38.20-1-36** Zoned: **R15**

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

A public hearing was duly noticed and held this evening. Two residents nodded in affirmance at the public hearing.

This is an Unlisted Action under SEQRA and this Board adopted a negative declaration by a unanimous decision.

The Town Planner had no objections to the special use permit request.

The Board further finds that this is an old building approximately 200 years old. This was a preexisting nonconforming use converted to a residential use. The proposal does not increase the number of units which will remain at three.

The proposal will allow an increase in the owner occupied dwelling and a previously approved customary home occupation. It will also improve the appearance of the structure by improving the façade and the windows and will bring the property into greater conformance with the NYS Building Code.

The proposed addition is at the rear of the property which is shielded by trees and will not be a detriment to nearby properties.

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

Adherence to the plans as submitted.

Hours of construction shall be limited to the following: Monday – Friday from 8am to 5pm, Saturday from 9am to 5pm and no construction allowed on Sunday.

The Zoning Administrative Office is hereby authorized to issue the permits necessary to implement this decision.

If this special use permit is not exercised with one year of date of issuance, it is hereby declared to be null and void and revoked in its entirety.

Motion seconded by Sharon Cupoli. Vote 7 – 0.

**MATTER OF RICKY AND KIM RAMSEY – 2703 CURRY ROAD**

Sue Macri 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. 4172**

Request of **Kim and Ricky Ramsey** for a Variance of the regulations/Special Use Permit under the Zoning Law to permit: **the construction of a self-storage facility consisting of 2 two-story buildings, one 50' x 240' containing 24000sf and one 65' x 125' containing 16241sf on a 1.6 acre parcel of land. Variances are requested for the following: 1) front yard: 50' required, 25' proposed, 25' requested and 2) rear yard – 50' required, 10' proposed, 40' requested.**

Per Articles **III & V** Sections **280-23 and 280-51 & 52** respectively

For property owned by: **Kim and Ricky Ramsey**

Situated as follows: **2703 Curry Road Schenectady, NY 12303**

Tax Map # **15.00-2-1** Zoned: **IN**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **4<sup>th</sup> of November, 2009** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **October 27, 2009"**

The file consists of the mailing list to 3 neighboring property owners, the Town's required forms for this special use permit/variance, a Short Environmental Assessment Form for this Unlisted Action, a narrative, Albany County Planning Board's notification, the Town Planners comments, the Town Planning Board's site plan review, a letter dated 10/27/09 from the Town of Rotterdam Public Works stating that the Town of Rotterdam was in receipt of the application and stated they were in support of the project and had no concerns with the development and some photographs of the site.

Albany County Planning Board's notification was to modify local approval to include:

1. A Notice of Intent filed with the NYSDEC affirming that a Stormwater Pollution Prevention Plan has been prepared is being implemented or submission of a Stormwater Pollution Prevention Plan that is consistent with the requirements included in the NYSDEC SPDES General Permit for Stormwater Discharges (GP-

- 0-08-001, April, 2008) for construction activities that disturb more than one acre of land.
2. Review by NYSDOT for drainage, due to regrading and dry well locations on property along Rt. 890.
  3. Notification should be given to the adjacent Town of Rotterdam.

The Town Planner had the following comments: "The applicant is requesting a special use permit to construct two, climate controlled, self-storage building on the site. The site is wedged between Curry Road and the NYS thruway and I890 ramps. The access to the buildings will be controlled through the existing Liedke Moving and Storage company entrance on Curry Road. An emergency entrance is also provided through Old Curry Road. A SWPPP should be submitted. No planning objections."

The Town Planning Board's site plan review of 10-28-09 was to recommend without any suggestions or conditions.

Joe Bianchine of ABD Engineers and Surveyors presented the case. Mr. Bianchine stated that they are located in the Town of Rotterdam on Curry Road but the Town line goes through the middle of the site. Mr. Bianchine described the site located within NYSDOT boundaries with frontage on Curry Road. The applicants are looking to install two buildings for self-storage. There will be emergency access off Old Curry Road. Drainage will be controlled on-site. There will be no water or sewer. The exterior lights will be downcast. There will be some landscaping added to the site. Mr. Bianchine stated that they are looking for variances from front yard setback and rear yard setback.

Chairman Barber asked if the is property was rezoned by the Town Board.

Mr. Bianchine replied that it was rezoned by the Town Board to Industrial specifically for this project, however it was not a conditional rezone. Mr. Bianchine stated that there are no neighbors that will be affected by this proposed self-storage facility.

Chairman Barber asked if the current owners owned this property when I890 was built.

Rick Ramsey stated that they have owned the property for a little over a year.

Sharon Cupoli asked if there would be any offices located in the facility.

Mr. Ramsey replied the office would be located at the main building at Liedke Moving.

Mr. Bianchine stated that they are not proposing any fencing around the facility at this point.

Chairman Barber asked about the septic system.

Mr. Bianchine replied that there is an existing septic system which will be removed.

Mr. Ramsey stated that there is existing natural gas which would be used for the storage units.

Chairman Barber asked Don Cropsey if there are any code requirements for this facility.

Don Cropsey replied that he does not believe that a sprinkler system would be required under the Building Code. Don stated that if this facility were within the Guilderland Water District a sprinkler system would be required.

Tom Remmert asked if it was going to be wood frame construction.

Mr. Bianchine replied that they would be steel and metal buildings.

Tom Remmert had concerns as a firefighter and stated that if there were any way they could do this without the interior corridors, it would be better.

Mr. Ramsey stated that it would not be feasible and there is a fire hydrant within 500' to 1000' of the property.

Tom Remmert stated that he would strongly suggest a sprinkler system in these buildings.

Mr. Ramsey replied that they have already reduced the building because of the expense of the sprinkler system. Mr. Ramsey stated that there are firewalls, steel doors, steel steps, etc.

Tom Remmert recommended that the fire district involved take a look at the application.

Don Cropsey asked if the Ft. Hunter Fire Department wanted a sprinkler system, would that be a requirement of approval?

Chairman Barber replied that the applicant talk to the fire department and just listen to their ideas. Chairman Barber stated that the Zoning Board couldn't be telling the applicant to install a sprinkler system.

Don Cropsey asked about installation of standpipes in the stairwells that would provide additional fire protection for the building.

Mr. Ramsey stated that all of his buildings have fire protection systems and monitored police protection as well as video systems.

There was discussion regarding the hours of operation.

Chairman Barber asked if there were any questions or comments regarding the application. There were none. Chairman Barber made a motion to close the public hearing. Motion seconded by Sharon Cupoli. Vote 7 – 0.

Chairman Barber made a motion of non-significance in this Unlisted Action:  
"This Board has conducted a careful review of this application by Kim and Ricky Ramsey for a self storage facility for property located at 2703 Curry Road to determine whether the granting of this special use permit/variance would cause a significant negative impact upon the environment. This review consisted of the comments provided to us by Albany County Planning Board, the Town Planning Board, the Town Planner, the Town of Rotterdam and the conducting of this public hearing and review of the application including the SEQRA form completed by the applicant. Based upon this review, I move that a negative declaration under SEQRA should be issued." Motion seconded by Sharon Cupoli. Vote 7 – 0.

Chairman Barber made a motion for approval of:

**Special Use Permit/Variance Request No. 4172**

Request of **Kim and Ricky Ramsey** for a Variance of the regulations/Special Use Permit under the Zoning Law to permit: **the construction of a self-storage facility consisting of 2 two-story buildings, one 50' x 240' containing 24000sf and one 65' x 125' containing 16241sf on a 1.6 acre parcel of land. Variances are requested for the following: 1) front yard: 50' required, 25' proposed, 25' requested and 2) rear yard – 50' required, 10' proposed, 40' requested.**

Per Articles **III & V** Sections **280-23 and 280-51 & 52** respectively

For property owned by: **Kim and Ricky Ramsey**

Situated as follows: **2703 Curry Road Schenectady, NY 12303**

Tax Map # **15.00-2-1** Zoned: **IN**

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.

This is an Unlisted Action under SEQRA. This Board adopted a negative declaration by a unanimous vote.

The Albany County Planning Board's notification of 10-15-09 was to require a SWPPP, DOT review of drainage regarding nearby properties and notification to the Town of Rotterdam.

The Town Planning Board's site plan review of 10-28-09 was to recommend without any suggestions or conditions.

The Town Planner had no planning objections.

The Board further notes that the Town of Rotterdam Planning Commission supports the project.

The Board further finds that the Guilderland Town Board rezoned this property to Industrial.

The property is a pie shaped lot with frontage on Old Curry Road which is a dead end as a result of the construction of I890 and has resulted in a very large right-of-way along that road. Neighboring properties are primarily lands of the State of New York for purposes of the Thruway interchange.

The Board notes that while the variances are large, they are significantly offset by the generous right-of-way and also by the unlikely impact upon any neighbors because so much land nearby is owned by the State.

The project also calls for the elimination of a septic system on the facility.

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

Adherence to the plans as submitted by the applicant.

As required by the Albany County Planning Board, submission of a SWPPP to Rodger Stone, Stormwater Management Officer, for his review and approval prior to the issuance of the building permit or construction on the site.

DOT review of any drainage as required by Albany County Planning Board.

Downcast lighting shall be installed to avoid any light spillage onto adjacent roadways.

Hours of operation shall be from 7am to 9pm.

The applicant shall discuss this application with the Ft. Hunter Fire Department with regard to any suggestions regarding fire safety. The Building Department has final review of compliance of the application with both the NYS Building Code and the Fire Code.

The Zoning Administrative Office is hereby authorized to issue the permits necessary to implement this decision.

If this Special Use Permit/Variance is not exercised within one year of date of issuance, it is hereby declared to be null and void and revoked in its entirety.

Motion seconded by Sharon Cupoli. Vote 7 – 0.

The meeting adjourned at 8:35pm.



