

**TOWN OF GUILDERLAND
ZONING BOARD OF APPEALS
NOVEMBER 18, 2009**

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

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

MATTER OF TRADITIONAL BUILDERS – 2004 WEST OLD STATE ROAD

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

Variance Request No. 4175

Request of **Steve Reutter of Traditional Builders** for a Variance of the regulations under the Zoning Law to permit: **the placement of a detached garage in a front yard.**

Per Articles **IV & V** Sections **280-34 and 280-51** respectively

For property owned by: **Joseph Lucarelli**

Situated as follows: **2004 W. Old State Rd. Altamont, NY 12009**

Tax Map # **14.00-1-6.1** Zoned: **RA3**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **18th of November, 2009** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **November 9, 2009"**

The file consists of the mailing list to 11 neighboring property owners, the Town's required forms for an area variance, a map that depicts the location of the property and the proposed location of the garage, elevation drawings of the proposed structure, the Town Planner's comments and a narrative provided by Traditional Builders.

The Town Planner had the following comments: "The applicant has applied for an area variance to construct a garage in the required front yard. No planning objections."

Steve Reutter of Traditional Builders presented the case. Mr. Reutter gave a brief overview of the proposal. Mr. Reutter stated that he would like to put a detached garage in the front yard. Mr. Reutter stated he was asking for the variance because the house had to be put on an angle due to the location of the septic system. If the garage were put behind the front corner it would cause a problem due to a swale for stormwater runoff; it would block it.

Chairman Barber stated that it appears that the garage is almost 400' off of Old State Road.

Mr. Reutter stated that you couldn't see the house or the garage from Old State Road.

Chairman Barber asked about any of the neighbors.

Mr. Reutter replied that trees cover the lot so the neighbors would not be able to see it.

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 for approval of:

Variance Request No. 4175

Request of **Steve Reutter of Traditional Builders** for a Variance of the regulations under the Zoning Law to permit: **the placement of a detached garage in a front yard.**

Per Articles **IV & V** Sections **280-34 and 280-51** respectively

For property owned by: **Joseph Lucarelli**

Situated as follows: **2004 W. Old State Rd. Altamont, NY 12009**

Tax Map # **14.00-1-6.1** Zoned: **RA3**

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 a Type II Action under SEQRA, not requiring SEQRA review.
The Town Planner had no objections to the granting of this request.

The Board further finds that the property is located on the west end of town in a rural part of town consisting of a large tract of land of approximately 20 acres.

In similar situations, variances have been granted in the past given the size of the lot and the fact that there will not be any impacts upon neighboring properties. The closest property on one side is over 200' away and the closest property on the other side is approximately 500' away. The proposed garage is more than 400' off of Old State Road and is heavily wooded and it does not appear that either the house or the garage will be visible from either the property lines or from the road. While the garage is placed slightly in front of the house it will not be visible from the street. It does appear that there are other site limitations such as septic, etc. that will prevent the garage in different locations.

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

Adherence to the plans and application as submitted by the applicant.

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

If this 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.

MATTER OF VELI HYSENLLARI – 49 FLIEGEL AVENUE

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:

Variance Request No. 4173

Request of **Veli Hysenllari** for a Variance of the regulations under the Zoning Law to permit: **a reduced width at the building line and a reduced area for two lots within a pending two-lot subdivision. Variances are requested for the following: 1) a 100' width at the building line is required; 50' is proposed, 50' variance is requested and 2) a minimum lot size of 15,000sf is required, 6250sf is proposed, 8750sf variance is requested**

Per Articles **III & V** Sections **280-14 and 280-51** respectively

For property owned by: **Veli Hysenllari**

Situated as follows: **49 Fliegel Avenue Albany, NY 12203**

Tax Map # **63.11-1-38.1** Zoned: **R15**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **18th of November, 2009** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **November 9, 2009**"

The file consists of the mailing list to 32 neighboring property owners, the Town's required forms for an area variance, the Town Planner's comments, a copy of a deed by which Alida Hysenllari has acquired the property and the proposed minor subdivision map prepared by OJ Meyer & Son.

The Town Planner had the following comments: "The applicant is seeking variances in order to subdivide a lot on Fliegel Avenue. There is currently a vacant house on the property which the applicant will demolish. The lots shown as #13 and #15 on the map would each be 50' x 125' which would require significant variances from the R15 zoning regulations. However, the majority of lots in this area are similar in size so they would be in character with the surrounding neighborhood. The applicant has received concept approval from the Planning Board. No planning objections."

Alida Hysenllari, owner of 49 Fliegel Avenue, presented the case. Ms. Hysenllari stated that she would like to subdivide 49 Fliegel Avenue into two lots. Ms. Hysenllari stated that the current house is in very bad shape and they would like to demolish it.

Chairman Barber asked if they had concept approval from the Planning Board.

Ms. Hysenllari stated that they did have concept approval.

Chairman Barber stated that most of the lots around them are 50' x 100' also.

There was discussion regarding the existing lot sizes in the area.

Sharon Cupoli asked what size house they were planning on building.

Ms. Hysenllari replied that she was looking at a house that was 30' x 32', but could make it smaller.

Chairman Barber asked if they would be building the house within the allowed building envelope.

Ms. Hysenllari replied that they would be building within the building envelope and would not need any variances for setbacks.

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

Claude St. John of 53 Fliegel Avenue had concerns regarding runoff from 49 Fliegel Avenue onto his property and the fact that the new house to be built on 49 Fliegel Avenue would block his morning sun.

Carl Sevino of 22 Henry Street had concerns regarding the size of the lots and the drainage problems on the property.

Don Cropsey stated that the lots could be graded to convey the water toward the street; right now the majority of the lots in the neighborhood drain to the street. Don stated that through the development process of the new homes, the creation of swales could be developed and create a conveyance towards the street.

Don Cropsey stated that in most cases the Planning Board will require that the developer provide a grading plan that demonstrates that the water won't create a problem for the adjoining property owners.

Dave Oshier stated that he would be working with Veli Hysenllari building the homes on the site. Mr. Oshier stated that the drainage would be addressed before the house even gets started.

Chairman Barber made a motion to close the public hearing. Motion seconded by Sharon Cupoli. Vote 7 – 0.

Chairman Barber made a motion for approval of:

Variance Request No. 4173

Request of **Veli Hysenllari** for a Variance of the regulations under the Zoning Law to permit: **a reduced width at the building line and a reduced area for two lots within a pending two-lot subdivision. Variances are requested for the following: 1) a 100' width at the building line is required; 50' is proposed, 50' variance is requested and 2) a minimum lot size of 15,000sf is required, 6250sf is proposed, 8750sf variance is requested**

Per Articles **III & V** Sections **280-14 and 280-51** respectively

For property owned by: **Veli Hysenllari**

Situated as follows: **49 Fliegel Avenue Albany, NY 12203**

Tax Map # **63.11-1-38.1** Zoned: **R15**

The Board makes the following findings of fact:

A public hearing was duly noticed and two residents expressed their opinions regarding the application.

This is a Type II Action under SEQRA, not requiring SEQRA review.

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

The Board further finds that the applicant has received concept approval for a subdivision of this 100' x 125' lot into two lots.

The existing home on one of the lots will be demolished and while the variance is substantial it appears that the size of the new lots both in terms of the building line and the square footage is the same as a substantial number of lots in the area.

Therefore the variance will not have an adverse impact upon the neighborhood and will not create an undesirable change in the character of the neighborhood.

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

Adherence to the plans as submitted by the applicant.

This is contingent upon final approval of the subdivision by the Town Planning Board.

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

If this variance is not exercised within one year of the granting of the subdivision, it is hereby declared to be null and void and revoked in its entirety.

Motion seconded by Sharon Cupoli. Vote 7 – 0.

The case of Joseph Mazzone for 3275 Old Carman Road was postponed until 12/2/09.

SIGNS:

The Board approved 2 signs for Clancy Real Estate at 1977 Western Avenue and to have Don Cropsey review the landscaping around the monument sign to make sure it is appropriate. Vote 7 – 0.

The Board approved a sign for Fine Line Tint Shop at 1436 Western Avenue with the provision that Don Cropsey verifies the size of the storefront. Vote 7 – 0.

The Board approved a 16sf sign for Cafeteria at Star Plaza. Vote 7 – 0.

The meeting adjourned at 8:19pm.

