TOWN OF GUILDERLAND ZONING BOARD OF APPEALS JANUARY 6, 2010

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

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

<u>CONTINUED CASES:</u> <u>MATTER OF GREGORY SWICK – 219 BELL COURT</u> Sue Macri read the legal notice:

Variance Request No. 4177

Request of <u>Gregory Swick</u> for a Variance of the regulations under the Zoning Law to permit: <u>the construction of a 40' x 33' single story master bedroom/sunroom addition</u> in a required side yard. A 35' side yard setback is required pursuant to subdivision approvals; a 32'+/- setback is proposed, a 3'+/- variance is requested.

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

For property owned by: <u>Gregory and Stephanie Swick</u> Situated as follows: <u>219 Bell Ct. Schenectady, NY 12303</u> Tax Map # <u>40.05-2-41</u> Zoned: <u>R40</u>

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the <u>2nd of December, 2009</u> at the Guilderland Town Hall beginning at 7:30pm.

Dated: November 23, 2009"

The file consists of the mailing list to 29 neighboring property owners, the Town's required forms for an area variance, the Town Planners comments, a plot plan by ABD Engineers and Surveyors that shows both the framed house and the proposed addition.

The Town Planner had the following comments: "The applicant has requested a variance to allow for the construction of a residential addition that will encroach 3' into a side yard. No planning objections."

Gregory Swick, applicant, presented the case.

Chairman Barber stated that this appears to be an expansion for a sunroom and a master bedroom.

Mr. Swick stated that was correct.

Chairman Barber stated that this is a 35' setback, not a 50' setback because 35' was granted by the Board years ago as part of the subdivision.

Chairman Barber stated that the side of the yard where the addition is going there is a utility easement also.

Mr. Swick stated that was correct.

Chairman Barber stated that it seemed very straightforward.

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 Sue Macri. Vote 7 - 0.

Chairman Barber made a motion for approval of:

Variance Request No. 4177

Request of <u>Gregory Swick</u> for a Variance of the regulations under the Zoning Law to permit: <u>the construction of a 40' x 33' single story master bedroom/sunroom addition</u> in a required side yard. A 35' side yard setback is required pursuant to subdivision approvals; a 32'+/- setback is proposed, a 3'+/- variance is requested.

Per Articles <u>III & V</u> Sections <u>280-14 and 280-51</u> respectively

For property owned by: <u>Gregory and Stephanie Swick</u> Situated as follows: <u>219 Bell Ct. Schenectady, NY 12303</u> Tax Map # <u>40.05-2-41</u> Zoned: <u>R40</u>

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

The Board further finds that this is a rather large lot and years ago this Board granted a side yard setback variance to allow 35' where in the past 50' would have been required.

The variance is relatively modest at three feet.

The side of the property where the addition is going to be located is on the side where there is a utility easement which provided a substantial distance between the adjoining property.

Therefore, I find that the granting of this variance will not have a negative impact upon the neighborhood and this variance should be granted.

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

Adherence to the plans as submitted by the applicant.

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

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 CHRIST'S CHURCH – 4 CHARLES BLVD.

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 $\underline{III \& V}$ of the Zoning Law on the following proposition:

Special Use Permit Request No. 4178

Request of <u>Christ's Church</u> for a Special Use Permit under the Zoning Law to permit: <u>the expansion of an existing 10,500sf church by using a 22,400sf warehouse building.</u> <u>All site characteristics have been previously reviewed and approved by the Board.</u>

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

For property owned by: <u>Latham Four Partnership</u> Situated as follows: <u>4 Charles Blvd. Guilderland, NY 12084</u> Tax Map # <u>40.00-2-16</u> Zoned: <u>IND</u> Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **<u>2nd of December, 2009</u>** at the Guilderland Town Hall beginning at 7:30pm.

Dated: November 23, 2009"

The file consists of the mailing list to 6 neighboring property owners, the Town's required forms for this special use permit, a Short Environmental Assessment Form for this Unlisted Action, Albany County Planning Board's recommendation, the Town Planners comments, the Town Planning Board's site plan review, an amendment for the lease agreement between the church and Latham Four Partnership and a brief narrative provided by the pastor of the church.

Albany County Planning Board's recommendation was to notify the City of Albany of the proposal, which was done on 10-26-09, and the Town should determine if adequate parking exists.

The Town Planner had the following comments: "The applicant is seeking to amend their special use permit for the expansion of their church within the confines of an existing industrial building in Charles Park. Besides from building code concerns that need to be addressed, the only planning issue would be parking. And although the file does not contain a parking plan, the demand for parking on Sundays would be at a minimum for the other industrial uses at the park. No planning objections."

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

Brian Rutherford presented the case.

Chairman Barber stated that the church has been there for quite some time.

Mr. Rutherford stated since 1997.

Chairman Barber asked if there would be any other activities during the weekdays.

Mr. Rutherford replied there are some but they are much smaller in scope than Sunday.

Chairman Barber stated that a church is a permitted use in an industrial zone with a special use permit.

Chairman Barber asked the applicant if he thought that they had adequate parking.

Mr. Rutherford replied that they did; most of the park is vacant on Sundays.

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.

Chairman Barber made a motion of non-significance in this Unlisted Action:

"This Board has conducted a careful review of this application under SEQRA to determine whether the granting of the amended special use permit would have a significant impact upon the environment. This review consisted of the public hearing conducted this evening, the review of the application, and the comments provided to us by the Albany County Planning Board, the Town Planning Board and the Town Planner. Based upon that collective record, I move that a negative declaration under SEQRA be issued." Motion seconded by Sharon Cupoli. Vote 7 - 0.

Chairman Barber made a motion for approval of:

Special Use Permit Request No. 4178

Request of <u>Christ's Church</u> for a Special Use Permit under the Zoning Law to permit: the expansion of an existing 10,500sf church by using a 22,400sf warehouse building. All site characteristics have been previously reviewed and approved by the Board.

Per Articles <u>III & V</u> Sections <u>280-23 and 280-52</u> respectively

For property owned by: Latham Four Partnership Situated as follows: <u>4 Charles Blvd.</u> Guilderland, NY 12084 Tax Map # <u>40.00-2-16</u> Zoned: <u>IND</u>

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, the Board adopted a negative declaration by a unanimous vote.

Albany County Planning Board's notification was to notify the City of Albany, which was done and also determine the adequacy of the parking.

The Town Planning Board recommended without any conditions or suggestions.

The Town Planner had no planning objections.

The Board notes that the church uses leased space within a light industrial zone and is a permitted use within this zone.

The Board, back in 1997 granted a special use permit which allowed for a 285-seat church with 107 parking spaces. The church has expanded their space since the summer of 2005. There have been no complaints regarding traffic or parking issues and since it is

located in an industrial zone the granting of this special use permit will not have any negative impacts upon the neighborhood.

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

Adherence to the plans as submitted.

Review and approval by the fire department.

Continued adherence with the special use permit 3-97 except as amended by this decision.

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

If this amended special use permit 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.

NEW CASES:

MATTER OF GARY AND ERIN GOVEL – 203 SUNDEW DRIVE

Tom Remmert 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. 4180

Request of <u>Gary and Erin Govel</u> for a Variance of the regulations under the Zoning Law to permit: <u>the installation of an inground swimming pool in a required side vard on a corner lot.</u>

Per Articles <u>IV & V</u> Sections <u>280-34 and 280-51</u> respectively

For property owned by: <u>Erin and Gary Govel</u> Situated as follows: <u>203 Sundew Drive</u> <u>Schenectady, NY 12303</u> Tax Map # <u>15.14-5-41</u> Zoned: <u>R15</u>

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the <u> 6^{th} of January, 2010</u> at the Guilderland Town Hall beginning at 7:30pm.

Dated: December 22, 2009"

The file consists of the mailing list to 37 neighboring property owners, the Town's required forms for an area variance, the Town Planners comments, a letter from the

property owners at 303 Partridgeberry Court indicating that they support the variance application, a letter from the neighbors at 3094 E. Lydius Street indicating their support for the application, a narrative provided by the property owners, a contract with Concord Pools and a depiction of the property showing the proposed location of the pool.

The Town Planner had the following comments: "The applicant is seeking an area variance to install a swimming pool in the side yard of a corner lot. Because of the orientation of the house on the lot the side yard is the only place the pool could reasonably be located and it is adjacent to the rear yard of the adjoining neighbor. No planning objections."

Erin and Gary Govel, applicants, presented the case.

Chairman Barber stated that this case seemed self-explanatory. Chairman Barber asked about the fence depicted on the plan.

Mr. Govel replied that currently is a fence from the corner of the house to the Partridgeberry line then along the back the house and along the East Lydius Street property line.

Chairman Barber stated that this was a corner lot, which has two front yards and two front yard setbacks.

Chairmen Barber asked about the letters from the neighbors and if they were adjacent neighbors.

Mr. Govel replied that they are the two neighbors that border the pool.

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. 4180

Request of **Gary and Erin Govel** for a Variance of the regulations under the Zoning Law to permit: **the installation of an inground swimming pool in a required side vard on a corner lot.**

Per Articles <u>IV & V</u> Sections <u>280-34 and 280-51</u> respectively

For property owned by: <u>Erin and Gary Govel</u> Situated as follows: <u>203 Sundew Drive</u> <u>Schenectady, NY 12303</u> Tax Map # <u>15.14-5-41</u> Zoned: <u>R15</u> The Board makes the following findings of fact:

A public hearing was duly noticed and held this evening. Two residents provided written comments in support of the application.

This is a Type II Action under SEQRA, no SEQRA review is required.

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

The Board further finds that this is a corner lot. The proposed pool is placed well behind an existing fence and will not have any impacts upon any neighboring property owners.

Given the placement of the house, there does not appear any other reasonable alternative for the placement of the pool. Therefore, the Board finds that the proposed location will not have a negative impact upon neighboring properties or the neighborhood.

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

Adherence to the plans as submitted.

As required by Town Code, maintenance of an appropriate privacy fence to screen the pool from view.

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 RICHARD KINLEY – 124 BRANDON TERRACE

Al Maikels 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 $\underline{III \& V}$ of the Zoning Law on the following proposition:

Variance Request No. 4181

Request of <u>Richard P. Kinley</u> for a Variance of the regulations under the Zoning Law to permit: <u>the construction of a covered front porch in a required front yard. A 35'</u> <u>front yard setback is required; 33' is proposed, a 2' variance is requested.</u>

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

For property owned by: <u>Richard P. Kinley</u> Situated as follows: <u>124 Brandon Terrace</u> Albany, NY 12203

Tax Map # <u>51.16-1-35</u> Zoned: <u>**R15**</u>

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the <u> 6^{th} of January, 2010</u> at the Guilderland Town Hall beginning at 7:30pm.

Dated: December 22, 2009"

The file consists of the mailing list to 25 neighboring property owners, the Town's required forms for an area variance, the Town Planners comments, a project narrative, some depictions of the existing front entrance area and a proposed front porch/door covering.

The Town Planner had the following comments: "The applicant is seeking an area variance to construct a porch that will encroach 2' into the required front yard. No planning objections."

Richard Kinley, applicant, presented the case. Mr. Kinley stated that they would like the covering on the front porch for safety issues as well as maintenance.

Chairman Barber stated he was surprised that there was not a cover there.

Don Cropsey stated that Mr. Kinley's house is the only house on Brandon Terrace that does not have a cover or a recessed doorway.

Sharon Cupoli asked how high above the door it would go.

Mr. Kinley replied that it would just be above the doorway; it will fit in between the door and the window up above.

Chairman Barber asked what color it would be.

Mr. Kinley replied it would be white with a rubberized roof.

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. 4181

Request of <u>Richard P. Kinley</u> for a Variance of the regulations under the Zoning Law to permit: <u>the construction of a covered front porch in a required front yard. A 35'</u> <u>front yard setback is required; 33' is proposed, a 2' variance is requested.</u>

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

For property owned by: <u>Richard P. Kinley</u> Situated as follows: <u>124 Brandon Terrace</u> Albany, NY 12203 Tax Map # <u>51.16-1-35</u> Zoned: <u>R15</u>

The Board finds 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 planning objections.

The Board further finds that the request is to allow a covering on an existing porch which will provide cover from rain, snow, etc. and would help in the maintenance of the entryway.

Based upon the designs that were submitted, it also appears that the front porch and the door covering are attractively designed and will match what is a very attractive house.

The two foot variance is not substantial and will not have any impact upon the neighborhood as it appears that almost all of the other houses have a similar type of covering over their front porch.

Therefore I move that the application should be granted.

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

Adherence to the plans as submitted.

The Zoning Administrative Office is hereby authorized to issue the permits necessary to implement the 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 GREG AND DEBBIE PEDA – 226 BELL COURT

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

Variance Request No. 4183

Request of <u>Gregory and Debbie Peda</u> for a Variance of the regulations under the Zoning Law to permit: <u>a 10' high chain link fence around an existing tennis court.</u>

Per Articles <u>IV & V</u> Sections <u>280-27 and 280-51</u> respectively

For property owned by: <u>Gregory Peda</u> Situated as follows: <u>226 Bell Court</u> <u>Schenectady, NY 12303</u> Tax Map # <u>40.05-2-22</u> Zoned: <u>R40</u>

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the <u> 6^{th} of January, 2010</u> at the Guilderland Town Hall beginning at 7:30pm.

Dated: December 22, 2009"

The file consists of the mailing list to 24 neighboring property owners, the Town's required forms for an area variance, the Town Planners comments, a plot plan of the existing house and existing tennis court and the proposed location of the fence on the ends of the tennis court, a letter from a neighboring property owner indicating concerns with the height of the fence and concerns regarding the existing light situation, a 2nd letter voicing their objections to the request and photos of the fence.

The Town Planner had the following comments: "The applicant has requested an area variance to allow a 10' high fence around their tennis court. The location of the court is well separated from the adjoining neighbor and is mostly screened by existing vegetation. No planning objections."

Debbie and Gregory Peda, applicants, presented the case.

Chairman Barber asked if the fence was 10' all the way around the tennis court.

Mrs. Peda stated it was 10' only on the two ends and approximately 5' on the one side.

Chairman Barber asked how many light posts there were.

Mr. Peda stated that there were six light posts.

Chairman Barber asked what the height of the light posts were.

Mr. Peda stated that they were about 23' tall.

Chairman Barber asked Don Cropsey what the restrictions were on light poles.

Don Cropsey stated that there were no restrictions as far as the height goes, the height is generally dictated by the Board.

Chairman Barber asked about there were concerns regarding the lights, how would you measure if the light was impacting the neighbors.

Don Cropsey replied that they would use a light meter at the property line. The Code states that glare shall not extend beyond the property line.

Chairman Barber asked how you enforce no glare.

Don Cropsey stated that you can mitigate the glare with a shield on the light fixture itself.

Chairman Barber stated that the light posts do not require a variance so that really is not the issue before the Board; it is the height of the fence.

Don Cropsey stated that the fence is a black vinyl chain link fence and is not very discernable. Don stated that it is probably the most camouflaged fence that you could put up there in terms of blending into the background. Don stated that it is also landscaped on the Suzanne Court side.

Mr. Peda stated that you cannot see the fence from Suzanne Court.

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

Brett Carter of 6998 Suzanne Lane, back yard neighbor of the Pedas, stated that he had no objection to the 10' high fence but would like to see more landscaping to conceal the fence.

Chairman Barber made a motion to close the public hearing. Motion seconded by Sue Macri. Vote 7-0.

Chairman Barber made a motion for approval of:

Variance Request No. 4183

Request of <u>Gregory and Debbie Peda</u> for a Variance of the regulations under the Zoning Law to permit: <u>a 10' high chain link fence around an existing tennis court.</u>

Per Articles <u>IV & V</u> Sections <u>280-27 and 280-51</u> respectively

For property owned by: <u>Gregory Peda</u> Situated as follows: <u>226 Bell Court</u> <u>Schenectady, NY 12303</u> Tax Map # 40.05-2-22 Zoned: R40

The Board makes the following findings of fact:

A public hearing was duly noticed and held this evening. Two residents submitted written concerns regarding the application and one resident reiterated some concerns regarding the variance.

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 notes that the black vinyl fence with substantial amount of vegetation nearby does not appear to be visible for the most part. However, there were concerns raised so Mr. Cropsey will review to see if any additional landscaping may be needed.

The Town Code sets forth some requirements to make sure that the lighting does not have negative impacts on neighbors, which is an issue that Rodger Stone will look at.

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

Adherence to the plans as submitted.

The applicant shall work with the Building Department and Zoning Enforcement Officer on looking at the lighting issue and making any appropriate adjustments so that the Code requirements are met.

The current vegetation/landscaping shall be maintained to provide the appropriate screening.

The Zoning Administrator will review the existing vegetation/landscaping to determine if any additional landscaping is required.

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 C. MICHAEL COEHLO – 4039 RYAN PLACE

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 $\underline{III \& V}$ of the Zoning Law on the following proposition:

Special Use Permit Request No. 4182

Request of <u>C. Michael Coelho</u> for a Special Use Permit under the Zoning Law to permit: the operation of a publishing business as a customary home occupation.

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

For property owned by: <u>C. Michael Coelho</u>

Situated as follows: <u>4039 Ryan Place</u> Schenectady, NY 12303 Tax Map # <u>28.15-2-8</u> Zoned: <u>R40</u>

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the <u> 6^{th} of January, 2010</u> at the Guilderland Town Hall beginning at 7:30pm.

Dated: December 22, 2009"

The file consists of the mailing list to 20 neighboring property owners, the Town's required forms for a special use permit for a customary home occupation, a Short Environmental Assessment Form for this Unlisted Action, a letter from Rodger Stone, a narrative from the applicant, a depiction of the property, the Town Planning Board's site plan review and the Town Planners comments.

The Town Planning Board's site plan review was to recommend without any suggestions or conditions.

The Town Planner had the following comments: "The applicant has requested a special use permit for a customary home occupation. The business entails the applicant going to different businesses selling advertising space for a local coupon magazine. Ad copy is designed and then sent to a publisher. Coupon magazines are then sent out directly from the post office. All work is done electronically or over the phone. No planning objections."

Michael Coehlo, applicant, presented the case. Mr. Coehlo gave a brief description of the business.

Chairman Barber asked how many employees he had.

Mr. Coehlo stated it was his partner and himself and then one person who is a subcontractor who designs the ads who resides in Florida, everything with him is done electronically or by telephone.

Chairman Barber asked what type of deliveries he received and how often.

Mr. Coehlo stated that the magazines are published by the printer and delivered directly to the post office and mailed to the residents. Mr. Coehlo stated that he has sample copies mailed to his home.

Chairman Barber asked if any customers come to his home.

Mr. Coehlo stated that no customers come there.

Chairman Barber stated that this seems very straightforward.

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 careful review of this application to determine whether the granting of this special use permit for a customary home occupation would have a significant impact on the neighborhood. This review consisted of the public hearing and comments provided by the applicant, the Town Planners comments and the Town Planning Board's site plan review. Based upon this collective review, the Board moves 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: <u>Special Use Permit Request No. 4182</u> Request of <u>C. Michael Coelho</u> for a Special Use Permit under the Zoning Law to permit: <u>the operation of a publishing business as a customary home occupation.</u>

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

For property owned by: <u>C. Michael Coelho</u>

Situated as follows: <u>4039 Ryan Place</u> Schenectady, NY 12303 Tax Map # <u>28.15-2-8</u> Zoned: <u>R40</u>

The Board makes the following findings of fact:

A public hearing was duly noticed and held this evening and two letters were received in favor of the application.

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

The Town Planning Board recommended with no comments or suggestions.

The Town Planner had no objections.

The Board further finds that the Board has granted similar requests for these types of businesses in the past. Nearly all of the applicant's work is conducted outside the home and whatever type of work is done within the home is by phone and e-mails, not client visits.

There are no activities or traffic that would not be reasonably expected in a residential neighborhood.

The application meets the Town's definition requirements for a customary home occupation.

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

Continued compliance with the customary home occupation requirements.

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

If this Special Use Permit 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 Sue Macri. Vote 7 - 0.

The Board approved the minutes of September 16, 2009.

SIGNS:

The Board approved a 24sf temporary banner for the Cone Zone at 2028 Western Avenue for 30 days. Vote 7 - 0.

The Board approved a 21sf name change to Bamboo Chinese Restaurant at 3770 Carman Road. Vote 7-0.

The Board approved a 41sf replacement building mounted sign for Jos. Banks at Stuyvesant Plaza. Vote 7 - 0.

The Board approved 2 signs, 98sf each for Forever 21 at Crossgates Mall. Vote 7 - 0.

The Board approved a temporary banner for the Design Center at 2390 Western Avenue for 30 days only. Vote 7 - 0.

The Board approved a 90.36sf replacement sign from Mobil to SUNOCO at 2585 Western Avenue.

The meeting adjourned at 8:45pm.

ZBA MINUTES