

**TOWN OF GUILDERLAND
ZONING BOARD OF APPEALS
JANUARY 20, 2010**

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

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

NEW CASES:

MATTER OF ALBERT DIACETIS – 33 E. PARKWOOD STREET

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. 4184

Request of **Michelle and Albert Diacetis** for a Variance of the regulations under the Zoning Law to permit: **the construction of an enclosed front porch and a master bedroom/bathroom/laundry to an existing single family dwelling in a required front and rear yard respectively on an existing undersized lot. A front yard variance of 6'+/- and a rear yard variance of 6'+/- are requested. A 25' front and rear yard setback is required.**

Per Articles **IV & V** Sections **280-31 and 280-51** respectively

For property owned by: **Michelle and Albert Diacetis**

Situated as follows: **33 E. Parkwood Street Albany, NY 12203**

Tax Map # **52.16-3-49** Zoned: **R10**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the 20th of January, 2010 at the Guilderland Town Hall beginning at 7:30pm.

Dated: January 13, 2010"

The file consists of the mailing list to 67 neighboring property owners, the Town's required forms for an area variance, the Town Planners comments, a narrative provided by the property owners and a survey of the property."

The Town Planner had the following comments: "The applicant has requested an area variance to construct a small front porch that will encroach into the required front yard and an addition that will encroach 4' into the required rear yard. No planning objections."

Michelle Diacetis, applicant, presented the case. Ms. Diacetis stated that she would like to only bump out 20' but their architects are trying to make it ADA accessible so it would require extra space for the turning radius.

Chairman Barber stated that it was not the entire addition on the front that requires a variance.

Don Cropsey stated that was correct, it was an open front porch with a roof over it; by adding the roof, it necessitates the need for the variance.

Sharon Cupoli stated that it was better to come before the Board now and have enough space than to wish they had done it and not have enough space.

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

Marian Hoyle of 22 Glenwood Street had concerns regarding the runoff from the house toward her house. Ms. Hoyle wondered how much the variance increased the roof area on the house.

Don Cropsey stated that there would be additional impervious area but the back yards are grass and do control the rate at which the water flows from the property. Don stated that the applicants may consider gutters to direct the water towards the front and the storm sewer.

Ms. Hoyle stated that would be nice, because she has a lake in her back yard.

Ms. Diacetis stated that would be totally agreeable with her, they do not have any gutters right now and they have a damp basement so new gutters would hopefully take care of that and the runoff issue.

Don Cropsey stated that during building plan review, he would have the applicant talk to Todd Gifford, Highway Superintendent, who maintains the storm sewer system in the street.

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. 4184

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Per Articles **IV & V** Sections **280-31 and 280-51** respectively

For property owned by: **Michelle and Albert Diacetis**
Situated as follows: **33 E. Parkwood Street Albany, NY 12203**
Tax Map # **52.16-3-49** Zoned: **R10**

The Board makes the following findings of fact:

A public hearing was duly noticed and held this evening. One resident expressed concerns regarding runoff onto the rear of the property.

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 due to health concerns stated in the application the existing house requires some modifications for ADA accessibility.

The majority of the rear yard addition is within the building setback therefore would not require a variance; it is only a small portion of the rear addition that requires a variance.

The front yard will provide a porch that is consistent with other properties in the neighborhood and will not have any negative impact upon the neighborhood.

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

Adherence to the plans as submitted in the application.

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

The applicant shall work with the Building Department and the Highway Department regarding the direction of runoff and stormwater management towards the front of the house and away from the rear of the property.

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.

The meeting adjourned at 7:45pm.