

**TOWN OF GUILDERLAND
ZONING BOARD OF APPEALS
JULY 20, 2011**

Members Present: Peter Barber, Chairman
Sharon Cupoli
Susan Macri
Allen Maikels
Mike Marcantonio
Tom Remmert
James Sumner
Janet Thayer, Counsel

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

CONTINUED CASES:

SAXTON SIGN – 8 NEW KARNER ROAD

Chairman Barber stated that is an update on this continued case regarding the 1st National Bank of Scotia signage.

Don Cropsy stated that he did find the two original sign permits that were issued to 1st National Bank of Scotia, one for the freestanding sign and the 2nd one was for a 48sf sign. Don stated that back in the mid 1960s when the permits were issued, they did not specify too clearly of what the signage was for so he assumes that the one was the building mounted sign on the eastern façade and the other one clearly mentioned the freestanding sign. Don stated that they also located the approval for the subject sign tonight "1st" which has been installed on the south side of the building. Don stated that during that approval it was represented that sign would replace the sign on the eastern side of the building, but that is not what happened, it replaced another sign that we were not aware was existing. Don stated that he had written a letter to the bank asking them if they could locate any of their approvals that they might have.

Bob Dedrick of 1st National Bank presented the case. Mr. Dedrick stated that they were unable to locate any approvals from the 1960s but he did find a picture showing the signage on the building.

Don Cropsey stated that two or three years ago the bank did modify their ATM and drive thru and when that went in, the signs around the ATM were installed as well. Don stated that it was a band sign around the top of the ATM roof structure.

There was discussion regarding the existing signage and the sizes of the signs.

Don Cropsey stated that he had talked to Stacey of Saxton Sign last year about the look of the sign and asked her if they could relocate it. Don stated that she came back with a different rendering which showed it on the front, which was how it was presented to the Board at the time.

Chairman Barber stated that if it had been presented another way, it would have triggered a variance.

Don stated that was correct, but the way it was presented showed a reduction in signage.

Mr. Dedrick stated that they never intended to submit the sign application the way that Saxton Sign submitted it. Mr. Dedrick stated that they did a bunch of the branches at the same time so he does not know why this happened. Mr. Dedrick was hoping to maintain the signs and modernize the front one.

Chairman Barber asked Mr. Dedrick if Don Cropsey had given him a copy of the building permits that he had located.

Mr. Dedrick replied that he had not received them.

Chairman Barber stated that the reason why the Board is spending so much time is because if the Board grants a variance in terms of number and square footage, it sets a precedent and becomes very difficult to say no to other applications.

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

Chairman Barber stated that the case would be continued in two weeks for decision only.

Jim Sumner asked why the bank feels that they need signage on three sides of the building.

Mr. Dedrick replied that it has visibility from the corner and they have spent a lot of time and money creating the new logo. Mr. Dedrick stated that the signage was mainly on two sides.

NEW CASES:

MATTER OF GURPREET SIDHU – 28 MCKOWN 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 **III & V** of the Zoning Law on the following proposition:

Special Use Permit Request No. 4288

Request of **Gurpreet Sidhu** for a Special Use Permit under the Zoning Law to permit: **the use of 542sf of space in an existing single-family home as an in-law apartment.**

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

For property owned by: **Sukhwinder Singh**

Situated as follows: **28 McKown Road Albany, NY 12203**

Tax Map # **63.00-2-2.3** Zoned: **RO30**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **20th of July, 2011** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **July 11, 2011**"

The file consists of the mailing list to 42 neighboring property owners, the Town's required forms for a Special Use Permit for an in-law apartment, a Short Environmental Assessment Form for this Unlisted Action, a brief narrative, the Town Planner's comments, the Town Planning Board's site plan review, a plot plan and some diagrams of the proposed construction of the in-law apartment.

The Town Planner had the following comments: "The applicant has requested a special use permit for an in-law apartment. This property is over 5 acres and the house is set back from the road. There is ample parking. No planning objections contingent on the applicant meeting the other requirements of an in-law apartment."

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

Gupreet Sidhu, applicant, presented the case.

Chairman Barber asked if she lived at the property.

Ms. Sidhu replied that her husband works out of town and sometimes she is out of town also. Ms. Sidhu stated that she has family who come in while she is not here and they will stay in the in-law apartment.

Chairman Barber asked who would be living in the in-law apartment.

Ms. Sidhu replied that it is her husband's family, her mother in law.

Chairman Barber asked Don if it met all of the other requirements.

Don Cropsey replied that it meets the size requirements and it does have access in common with the main dwelling unit.

Chairman Barber stated that it 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 had conducted a careful review of this application to determine whether the granting of a special use permit for an in-law apartment at 28 McKown Road would have a significant negative impact upon the environment. I move that a negative declaration be issued meaning there will be no impact based upon the fact that the applicant has met all the requirements for an in-law apartment. It is a 5 acre parcel and will not have any impact upon neighboring property owners." Motion seconded by Sharon Cupoli. Vote 7 – 0.

Chairman Barber made a motion for approval of:

Special Use Permit Request No. 4288

Request of **Gurpreet Sidhu** for a Special Use Permit under the Zoning Law to permit: **the use of 542sf of space in an existing single-family home as an in-law apartment.**

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

For property owned by: **Sukhwinder Singh**

Situated as follows: **28 McKown Road Albany, NY 12203**

Tax Map # **63.00-2-2.3** Zoned: **RO30**

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.

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

The Town Planning Board recommended approval.

The Town Planner had no objections to the request.

The Board further finds that the applicant has met the following requirements for an in-law apartment: it is going to be occupied by a related individual, it falls within the size limitation of an in-law apartment, there is more than adequate space on the property for two cars in the driveway and also the apartment and the main house have an entrance in common with each other. For these reasons, the application should be granted.

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

Adherence to the plans as submitted.

Compliance with the code requirements including filing the appropriate deed with the County Clerks Office and supplying a copy for the zoning file.

Removal of any kitchen related equipment if the in law apartment ceases.

Any inspection or certification requirements will be done on a yearly basis.

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 Sharon Cupoli. Vote 7 – 0.

MATTER OF KRISTEN MAJKUT – 29 DRESDEN 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. 4289

Request of **Kristen Majkut** for a Variance of the regulations under the Zoning Law to permit: **the installation of a 6' high privacy fence in a required front yard along Fletcher Road on this corner lot.**

Per Articles IV & V Sections 280-27 and 280-51 respectively

For property owned by: **Robert and Kristen Majkut**

Situated as follows: **29 Dresden Ct. Albany, NY 12203**

Tax Map # **51.12-1-13** Zoned: **R15**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the 20th of July, 2011 at the Guilderland Town Hall beginning at 7:30pm.

Dated: July 11, 2011"

The file consists of the mailing list to 46 neighboring property owners, the Town's required forms for an area variance, the Town Planners comments, a narrative and the proposed location of the privacy fence along Fletcher Road.

The Town Planner had the following comments: The applicant has requested an area variance to construct a fence in the front yard of her corner lot. The location will not impede sight distance at the intersection and it is proposed to be screened. No planning objections."

Kristen Majkut, applicant, presented the case.

Chairman Barber asked how tall the fence was going to be.

Don Cropsey replied that he thinks that the posts are six foot tall and the fence might be a bit shorter.

Chairman Barber stated that it appears that the fence is only going to be on a part of Fletcher Road.

Chairman Barber asked about landscaping.

Don Cropsey replied that he believed that there was some arborvitae and the fence is going behind them.

Mr. Majkut stated that was correct.

Chairman Barber stated that the only reason the applicant was here is because she has two front yards.

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 Al Maikels. Vote 7 – 0.

Chairman Barber made a motion for approval of:

Variance Request No. 4289

Request of **Kristen Majkut** for a Variance of the regulations under the Zoning Law to permit: **the installation of a 6' high privacy fence in a required front yard along Fletcher Road on this corner lot.**

Per Articles **IV & V** Sections **280-27 and 280-51** respectively

For property owned by: **Robert and Kristen Majkut**
Situated as follows: **29 Dresden Ct. Albany, NY 12203**
Tax Map # **51.12-1-13** 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.

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

The Town Planner had no objections to this request.

The Board further finds that this is a corner lot with two front yards and two front yard setbacks. The Board generally allows applicants in this situation to consider one of the yards to be a rear yard as long as two conditions are generally met: 1) there will not be any impacts on the intersection, and 2) there will not be any impacts upon neighboring property owners.

The fence will be placed behind a line of arborvitae that will further screen the impact of the fence.

For these reasons, I move that the Board grant the variance.

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

Adherence to the plans as submitted with the application.

Continue to maintain the appropriate landscaping to screen the stockade fence.

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

Motion seconded by Sharon Cupoli. Vote 7 – 0.

MATTER OF LORETTA SALUZZO COX – 6332 FRENCHS HOLLOW ROAD

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

Variance Request No. 4287

Request of **Loretta Salluzzo-Cox** for a Variance of the regulations under the Zoning Law to permit: **the construction of a 30' x 50' single-story four car garage in a front yard.**

Per Articles **III, IV & V** Sections **280-24.1, 280-34 and 280-51** respectively

For property owned by: **Loretta Salluzzo-Cox**

Situated as follows: **6332 French's Hollow Road Altamont, NY 12009**

Tax Map # **39.00-2-55.11** Zoned: **AGR**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **20th of July, 2011** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **July 11, 2011**"

The file consists of the mailing list to 17 neighboring property owners, the Town's required forms for an area variance, the Town Planners comments, elevation plans for the proposed construction, a narrative, and a plot plan that shows the location of the garage on the property.

The Town Planner had the following comments: "The applicant has applied for an area variance to construct a four-car garage in a front yard. The garage will be adjacent to an existing circular driveway and approximately 70 feet to a neighboring property line. No planning objections."

Loretta Salluzzo-Cox, applicant, presented the case.

Chairman Barber stated that there was another application for this property recently.

Don Cropsey stated that this property is an existing two-family dwelling and the owners came in for a special use permit for an in-law apartment which was granted.

Chairman Barber asked Don Cropsey about the location of the garage.

Don Cropsey replied that he had met with the owner on the property and it appears that it will be a bit further back than depicted on the plot plan.

Chairman Barber stated that it looks attractively designed. Chairman Barber asked if they had talked to any of their neighbors regarding the application.

Ms. Salluzzo-Cox replied that the only neighbor that it would affect and they did not have any problem with the location of the garage.

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. 4287

Request of **Loretta Salluzzo-Cox** for a Variance of the regulations under the Zoning Law to permit: **the construction of a 30' x 50' single-story four car garage in a front yard.**

Per Articles **III, IV & V** Sections **280-24.1, 280-34 and 280-51** respectively

For property owned by: **Loretta Salluzzo-Cox**

Situated as follows: **6332 French's Hollow Road Altamont, NY 12009**

Tax Map # **39.00-2-55.11** Zoned: **AGR**

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

A public hearing was duly noticed and held this evening. There were no comments received this evening although there was a comment in the file that the most affected neighbor did not have a problem with the location of the garage.

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

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

The Board further finds that the location of the proposed garage will be a substantial distance from any neighboring property line.

The applicant has worked with Don Cropsey in terms of pushing the garage further back on the property which further reduces any impacts on neighbors.

Both this property and the neighboring properties are largely landscaped and therefore most of the proposed structure will be shielded from view.

Therefore, I would move that the applicant has satisfied the requirements for an area variance.

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

Adherence to the plans as submitted.

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

The applicant shall work with Don Cropsey to determine exactly where the garage will be located on the property.

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

Motion seconded by Sharon Cupoli. Vote 7 – 0.

MATTER OF GAIL JUNJULAS – 400-500 ECHO LANE

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. 4290

Request of **Gail Junjulas** for a Variance of the regulations under the Zoning Law to permit: **the placement of a 12' x 24' storage shed in a front yard on this keyhole parcel of land.**

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

For property owned by: **Gail Junjulas**

Situated as follows: **400-500 Echo Lane Albany, NY 12203**

Tax Map # **51.04-1-2.1** Zoned: **RO40**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **20th of July, 2011** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **July 12, 2011**"

The file consists of the mailing list to 24 neighboring property owners, the Town's required forms for an area variance, a narrative, a plot plan for the proposed shed and the Town Planners comments.

The Town Planner had the following comments: "The applicant is requesting an area variance to place a shed in a required front yard. No planning objections."

Gail Junjulas, applicant, presented the case.

Chairman Barber asked how many properties are on Echo Lane.

Ms. Junjulas replied that there are three houses on Echo Lane.

Chairman Barber stated that Ms. Junjulas owned two of the three properties.

Ms. Junjulas stated that was correct, and she also owned the roadway going in, so she is responsible for plowing it.

Chairman Barber stated that when you are dealing with private lanes, it can get confusing as to where the front yard of a property is when you are so far off the public road.

Chairman Barber stated that there is also another structure that is already there next to where the shed will be placed.

Ms. Junjulas stated that many years ago there was a house trailer there and an addition got built onto it, and the addition is still standing.

Chairman Barber stated that the shed is needed for a tractor for plowing purposes.

Chairman Barber asked if that was the best location for access to the shed.

Ms. Junjulas stated that if you were to take a big farm tractor out to plow snow, you need to have access to the road so you don't have to plow across the lawn.

Chairman Barber stated that it is so far back and so remote that nobody would even know that it is there.

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. 4290

Request of **Gail Junjulas** for a Variance of the regulations under the Zoning Law to permit: **the placement of a 12' x 24' storage shed in a front yard on this keyhole parcel of land.**

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

For property owned by: **Gail Junjulas**

Situated as follows: **400-500 Echo Lane Albany, NY 12203**

Tax Map # **51.04-1-2.1** Zoned: **RO40**

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 this request.

The Board further finds that this is a large keyhole lot that is located off a private road.

The proposed location of the shed will be largely, if not completely not visible by any neighboring property owners.

The applicant owns the property at 600 Echo Lane and the property is quite remote and this will not have any impacts upon neighboring property owners.

Therefore, I move that the requirements for a variance have been met.

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

Adherence to the plans as submitted.

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.

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

Motion seconded by Sharon Cupoli. Vote 7 – 0.

MATTER OF GAIL JUNJULAS – 600 ECHO LANE

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. 4291

Request of **Gail Junjulas** for a Variance of the regulations under the Zoning Law to permit: **an enclosed chain link covered dog yard in a side yard.**

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

For property owned by: **Gail Junjulas**

Situated as follows: **600 Echo Lane Albany, NY 12203**

Tax Map # **51.04-1-2.2** Zoned: **RO40**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **20th of July, 2011** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **July 12, 2011**"

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 site plan showing the location of the proposed of the dog yard, a narrative and some photographs of the property.

The Town Planner had the following comments: "The applicant is requesting an area variance to install a chain link fence in a required side yard. No planning objections."

Gail Junjulas, applicant, presented the case.

Chairman Barber stated that she wanted to have access to a covered area for her dog.

Ms. Junjulas stated that was correct.

Chairman Barber stated it was chain link and covered.

Ms. Junjulas stated that she would have access from her door, and she usually uses a scooter to go back and forth.

Chairman Barber stated that this property was very isolated.

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. 4291

Request of **Gail Junjulas** for a Variance of the regulations under the Zoning Law to permit: **an enclosed chain link partially covered dog yard in a side yard.**

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

For property owned by: **Gail Junjulas**

Situated as follows: **600 Echo Lane Albany, NY 12203**

Tax Map # **51.04-1-2.2** Zoned: **RO40**

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.

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

The Town Planner had no objections to the request.

The Board further finds that it is a large lot along Echo Lane and has no discernable impact upon any neighbors.

The applicant has met the requirements for an area variance.

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

Adherence to the plans as submitted.

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.

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

Motion seconded by Jim Sumner. Vote 7 – 0.

SIGNS:

The Board approved a temporary banner for **Grace Baptist Church**. Vote 7 – 0.

The Board approved a 26.2sf sign for **Sorelle Gallery at Stuyvesant Plaza**. Vote 7 – 0.

The Board approved sign for **Sarris Chiropractic at 2558 Western Ave**. Vote 7 – 0.

The Board approved a temporary banner for **Capital Northeast Martial Arts at 1811 Western Avenue** for one two-week period only. Vote 6 – 1. (Barber in the negative)

The Board approved a temporary sign for Clothing Drop Off at **Lynnwood Reformed Church** until the monument sign is installed. Vote 7 – 0.

The ZBA meeting on 8-17-11 will be cancelled.

The meeting adjourned at 8:40pm.

