

**TOWN OF GUILDERLAND
ZONING BOARD OF APPEALS
JANUARY 5, 2011**

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

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

Chairman Barber thanked Stephen Parker for his service to the Zoning Board of Appeals during the past year.

Chairman Barber welcomed Janet Thayer back as the Counsel for the Zoning Board of Appeals and Sharon Cupoli and James Sumner were reappointed to the Board.

NEW CASES:

MATTER OF CHRISTOPHER GOCKLEY - 3010 LYDIUS 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 **III & V** of the Zoning Law on the following proposition:

Variance Request No. 4255

Request of **Christopher Gockley** for a Variance of the regulations under the Zoning Law to permit: **the construction of a 18' x 20' open carport addition to the front of an existing two-car detached garage. A 35' front setback is required; 15'+/- is proposed, a 20'+/- variance is requested.**

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

For property owned by: **Christopher and Sarah Gockley**
Situated as follows: **3010 E. Lydius Street Schenectady, NY 12303**

Tax Map # 15.14-4-24 respectively Zoned: R15

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the 5th of January, 2011 at the Guilderland Town Hall beginning at 7:30pm.

Dated: December 27, 2010"

The file consists of the mailing list to 34 neighboring property owners, the Town's required forms for an area variance, the Town Planners comments, a site plan, a narrative provided by the applicant and some photographs showing the proposed carport.

The Town Planner had the following comments: "The owner would like to construct a carport that would require an area variance to encroach into their front yard setback. This is a pie shaped corner lot with an existing garage facing East Lydius Street. No planning objections.

Chris Gockley, applicant, presented the case.

Chairman Barber stated that this was a pie-shaped lot and currently the garage is on the East Lydius Street side and they are looking to put the carport in front of the garage.

Mr. Gockley stated that was correct.

Chairman Barber asked Mr. Gockley if any of his neighbors had any concerns regarding the proposed carport.

Mr. Gockley stated that he had not heard anything or spoken to any of his neighbors.

Chairman Barber stated that it seemed very straightforward and the application is very complete.

Chairman Barber asked if any of the Board members had any questions for the applicant.

There were none.

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. 4255

Request of Christopher Gockley for a Variance of the regulations under the Zoning Law to permit: **the construction of a 18' x 20' open carport addition to the front of an existing two-car detached garage. A 35' front setback is required; 15'+/- is proposed, a 20'+/- variance is requested.**

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

For property owned by: Christopher and Sarah Gockley
Situated as follows: 3010 E. Lydius Street Schenectady, NY 12303
Tax Map # 15.14-4-24 respectively 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 spoke 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 lot is an irregular pie-shaped lot and a corner lot which creates two front yard setbacks. It is located at a fairly busy intersection of Lydius and Carman Road. The carport has been designed so that it will compliment the existing garage.

The proposed location of the carport will not have any impact upon sight line at the intersection.

Therefore, for these reasons there does not appear to be any negative impact upon neighboring properties or the character of the neighborhood through the granting of this variance.

In granting this application, 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 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 ALBANY MANAGEMENT – 2568 WESTERN 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:

"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. 4254

Request of **Karen Laberge** for a Special Use Permit under the Zoning Law to permit: **the construction of a 22' x 29' addition to an existing maintenance shop for an apartment complex.**

Per Articles **III & V** Sections **280-15 and 280-52**

For property owned by: **Carpenter Village, LLC**

Situated as follows: **2568 Western Avenue Altamont, NY 12009**

Tax Map # **39.11-3-23** respectively Zoned: **MR**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **5th of January, 2011** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **December 27, 2010**"

The file consists of the mailing list to 19 neighboring property owners, the Town's required forms for a Special Use Permit, a brief narrative, a Short Environmental Assessment Form for an Unlisted Action under SEQRA, a drawing of the proposed addition, Albany County Planning Board's recommendation of 12-16-10, the Town Planners comments, the Town Planning Board's site plan review of 12-8-10, a survey of the property which shows the location of the existing maintenance shed and where the addition is going to be on the property.

Albany County Planning Board's recommendation of 12-16-10 was to defer to local consideration.

The Town Planner had the following comments: "The applicant is requesting site plan approval to construct an addition to their existing maintenance shop. No planning objections."

The Town Planning Board's site plan review of 12-8-10 was to recommend without any suggestions or conditions.

John Defilippo, Property Manager for Carpenter Village Apartments, presented the case.

Chairman Barber stated that the maintenance shed is pretty far back as he recalls.

Mr. Defilippo stated that it is towards the back of the property from Rt. 20.

Chairman Barber asked how long the maintenance shed had been there.

Mr. Defilippo replied that it was there before they took over; it was part of a garage for the house that was next door. Carpenter Village bought the house next door and when they demolished the house, they turned the existing garage into the maintenance shed.

Mr. Defilippo stated that they would like to expand the shed because they need more storage space.

Chairman Barber asked if there were any questions or comments from the residents or Board members. 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 a special use permit to allow the expansion of an existing maintenance shed would have a significant negative impact upon the environment. This review consisted of the comments provided to us by the Albany County Planning Board, the Town Planning Board and the Town Planner. Based upon our review of the application and our conducting of the public hearing I would move that a negative declaration should be issued." Motion seconded by Sue Macri. Vote 7 – 0.

Chairman Barber made a motion for approval of:

Special Use Permit Request No. 4254

Request of **Karen Laberge** for a Special Use Permit under the Zoning Law to permit: **the construction of a 22' x 29' addition to an existing maintenance shop for an apartment complex.**

Per Articles **III & V** Sections **280-15 and 280-52**

For property owned by: **Carpenter Village, LLC**

Situated as follows: **2568 Western Avenue Altamont, NY 12009**

Tax Map # **39.11-3-23** respectively Zoned: **MR**

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

A public hearing was duly noticed and held this evening. No residents spoke 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 determination was to defer to local consideration.

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

The Board further finds that the existing maintenance shed and this expansion is located towards the back of the complex and is largely shielded from view. The maintenance shed has existed on site for over 20 years and the expansion does not appear to have any negative impact upon neighboring properties.

The hours of operation and deliveries as set forth in the application are the same as the use of the existing maintenance shed.

Therefore, I move that the granting of this Special Use Permit 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 terms of the proposed location of the expansion to the maintenance shed.

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.

OTHER:

The Board approved the minutes of 5-5-2010 and 5-19-2010. Vote 7 – 0.

The meeting adjourned at 7:50pm.

SIGNS:

The Board approved a face change for Safelite Autoglass at 1981 Western Avenue. Vote 6 – 0.

The Board approved a 47.33 sf face change for Escape Smoke Shop at 1204 Western Avenue. Vote 6 – 0.

The Board approved a temporary banner for two days at Drue Sanders. Vote 6 – 0.

