

**TOWN OF GUILDERLAND
ZONING BOARD OF APPEALS
OCTOBER 19, 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.

NEW CASES:

CHRIS SACCOCIO – 821 MEADOWDALE ROAD

Sharon Cuypoli 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/Variance Request No. 4305

Request of **Chris Saccocio** for Variance of the regulations/Special Use Permit under the Zoning Law to permit: **the use of approximately 1200sf of space on the lower level of an existing single-family home as an in-law apartment. A variance is requested to allow an increased apartment size from 850sf to 1200sf.**

Per Articles **III & V** Sections **280-27 and 280-51 & 52** respectively

For property owned by **Chris Saccocio**

Situated as follows: **821 Meadowdale Road Altamont, NY 12009**

Tax Map # **60.00-2-1.12** Zoned: **RA3**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the 19th of October, 2011 at the Guilderland Town Hall beginning at 7:30pm.

Dated: October 12, 2011"

The file consists of the mailing list to 14 neighboring property owners, the Town's required forms for a Special Use Permit and variance for the size of the in-law apartment, a Short Environmental Assessment Form for this Unlisted Action, a narrative, a depiction of the dwelling, a site plan review by the Town Planning Board and the Town Planners comments.

The site plan review of the Town Planning Board recommended without any suggestions or conditions.

The Town Planner had the following comments: "The applicant has applied for a special use permit for an existing in law apartment and an area variance to expand the apartment from 850 to 1200sf. The house is well set back from the roadway and has more than ample parking. No planning objections contingent on the applicant conforming to all of the other requirements of an in-law apartment."

Chris Saccocio, applicant, presented the case.

Chairman Barber stated that it is his understanding that his father in law and mother in law would be occupying the apartment.

Mr. Saccocio stated that was correct.

Chairman Barber asked how large the house was overall.

Mr. Saccocio replied that it was 4600sf.

Chairman Barber stated that they met all of the requirements except the size. Chairman Barber stated that the size of the apartment is compatible with the size of the house.

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 an in-law apartment at 821 Meadowdale Road would have a substantial impact upon the environment. This review consisted of the comments provided by the Town Planner, the Town Planning Board, the conducting of the public hearing this evening, and the review of the application. Based upon this collective record, I move that a negative declaration should be issued." Motion seconded by Sharon Cupoli.

Vote 7 – 0.

Chairman Barber made a motion for approval of:

Special Use Permit/Variance Request No. 4305

Request of **Chris Saccocio** for Variance of the regulations/Special Use Permit under the Zoning Law to permit: **the use of approximately 1200sf of space on the lower level of an existing single-family home as an in-law apartment. A variance is requested to allow an increased apartment size from 850sf to 1200sf.**

Per Articles **III & V** Sections **280-27 and 280-51 & 52** respectively

For property owned by **Chris Saccocio**

Situated as follows: **821 Meadowdale Road Altamont, NY 12009**

Tax Map # **60.00-2-1.12** Zoned: **RA3**

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 this Board adopted a negative declaration by a unanimous vote.

The Town Planning Board approved the application with no suggestions or conditions.

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

The Board further finds that the application meets all of the requirements for an in-law apartment except for size and that it is currently occupied by a relative. There is ample parking in the driveway and there is an entrance in common with the home. The only requirement that is not met is the size of the in law apartment which requires the variance. The Zoning Code places a maximum size of 750sf which again is applicable regardless of the size of the home and the location of the home. Here we have a rather large home located in a rural location and it does not appear that the in law apartment would be the dominant use of the property. Given the size of the home, the location of the apartment in the basement, the location of the home itself and the large lot it does not appear that the granting of this request would have any impact upon neighboring property owners and will not have any impact upon the rural character of the neighborhood.

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

Adherence to the site plan that was submitted with the application.

Adherence to the requirements for an in-law apartment.

If the in-law apartment requirements are not met, removal of the kitchen related equipment is required.

There shall be an annual inspection by the Building Department.

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

If this special use permit and variance is not exercised within one year of date of approval, it is hereby declared to be null and void and revoked in its entirety.

Motion seconded by Sharon Cupoli. Vote 7 – 0.