

**TOWN OF GUILDERLAND  
ZONING BOARD OF APPEALS  
DECEMBER 7, 2011**

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

Members Absent: Sue Macri

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

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Chairman Barber stated that the continued case of Stuyvesant Plaza has been adjourned until the next meeting on January 4, 2012.

**NEW CASES:**

**ANGELO SERAFINI – 1949 WESTERN AVENUE**

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/Variance Request No. 4310**

Request of **Angelo Serafini of PAAR, LLC** for a Variance of the regulations/Special Use Permit under the Zoning Law to permit: **the construction of a senior citizen apartment building containing 8 dwelling units. This proposal will entail the merging of a vacant 0.7 acre parcel with an existing 3.1 acre parcel containing an existing senior housing development. 7 parking spaces will be provided with 5 spaces banked. Variances are requested for the following: front yard setback – 35' required, 15' proposed, a 20' variance is requested; side yard setback – 15' required, 8' proposed, a 7' variance is requested.**

Per Articles **III & V** Sections **280-15 & 280-51 & 52** respectively

For property owned by **PAAR, LLC**

Situated as follows: **1949 – 1969 Western Avenue Albany, NY 12203**

Tax Map # 51.08-4-31 Zoned: MR

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

Dated: November 29, 2011"

The file consists of the mailing list to 34 neighboring properties, the Town's required forms for an area variance and a special use permit, a Short Environmental Assessment Form for this Unlisted Action, Albany County Planning Board's notification, the Town Planning Board's site plan review, the Town Planners comments, comments from the Westmere Fire Department, a submission from Thumpers Landscaping which includes a plant list and a site plan prepared by the applicant.

Albany County Planning Board's notification of 10-20-11 was to defer to local consideration.

The Town Planning Board's site plan review of 11-9-11 was to recommend with the following comments: Identify a logical internal site terminus for the sidewalk, identify location of dumpster to serve new building, and provide detailed landscaping plan.

The Town Planner had the following comments: "The applicant has applied for a special use permit to construct an additional 8 unit apartment building at the existing Serafini Village complex. The building is proposed to be located on the western side of the Route 20 entrance where a small vacant sliver of land will be annexed to the apartment property. I have the following comments:

- The two parcels that comprise the current development are approximately 6.6 acres with 92 units, or a density of about 14 units per acre. This was apparently within the zoning regulations at the time it was built. Adding the additional .7 acre parcel and 8 units will bring the density down marginally.
- The proposed building will have 8 units but only 7 parking spaces are proposed.
- There is an existing drainage pipe and easement that runs to the proposed building, with a note that this line will be removed. Some documentation from the Town should be submitted that they are giving up that easement.
- A proposed location for a dumpster should be shown.

I have no objection to the construction of an 8 unit apartment building on this site, with the annexing of the additional land. However, I do think that the plan should be designed to include more parking spaces to accommodate residents and guests."

Angelo Serafini, applicant, presented the case. Mr. Serafini stated that parking would be in front of the building but the rear of the building would actually be toward Western Avenue side. Mr. Serafini stated that they have submitted some banked parking spaces in case they are needed at a later date. Mr. Serafini discussed the planting of trees for

buffer. Mr. Serafini stated that they would be extending the sidewalk a bit at the request of the Planning Board.

Chairman Barber asked about the drainage easement.

Mr. Serafini stated that they have designed the project around the easement.

Chairman Barber asked about Ransom Road.

Mr. Serafini stated that they would like to construct two berm areas and plant some trees on top of the berm.

Chairman Barber asked about the chain on Ransom Road.

Mr. Serafini stated that the chain has been taken down for easier access for some of the residents.

Chairman Barber asked about the merging of the parcels.

Mr. Serafini replied that they will merge this parcel with the existing parcel to become one.

Chairman Barber stated that the variance from the front yard setback would still leave the building more than 100' off of Rt. 20.

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

Allen Benson of 2 Drawbridge Drive had concerns about the trees.

Chairman Barber replied that Mr. Serafini has made it a condition of approval that he must install the trees and if he does not the Board has the ability to revoke the Special Use Permit.

Mr. Serafini stated that the concerns from the Chief of the Westmere Fire Department would be discussed with Don Cropsey.

David Szary, Chief of Westmere Fire Department spoke of some of his concerns.

Chairman Barber made a motion to close the public hearing. Motion seconded by Sharon Cupoli. Vote 6 – 0. (Macri absent)

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 and Variances for the construction of an 8-unit senior citizen housing building at 1949 Western Avenue will have a significant 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 that collective review, I move that a negative declaration under SEQRA should be issued." Motion seconded by Sharon Cupoli. Vote 6 – 0. (Macri absent)

Chairman Barber made a motion for approval of:

**Special Use Permit/Variance Request No. 4310**

Request of **Angelo Serafini of PAAR, LLC** for a Variance of the regulations/Special Use Permit under the Zoning Law to permit: **the construction of a senior citizen apartment building containing 8 dwelling units. This proposal will entail the merging of a vacant 0.7 acre parcel with an existing 3.1 acre parcel containing an existing senior housing development. 7 parking spaces will be provided with 5 spaces banked. Variances are requested for the following: front yard setback – 35' required, 15' proposed, a 20' variance is requested; side yard setback – 15' required, 8' proposed, a 7' variance is requested.**

Per Articles **III & V** Sections **280-15 & 280-51 & 52** respectively

For property owned by **PAAR, LLC**

Situated as follows: **1949 – 1969 Western Avenue Albany, NY 12203**

Tax Map # **51.08-4-31** Zoned: **MR**

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

A public hearing was duly noticed and held this evening. Some comments were received this evening requesting a buffer for the Ransom Road properties.

This is an Unlisted Action under SEQRA and this Board adopted a negative declaration this evening by a vote of 6 – 0.

Albany County Planning Board had no objection to the request.

The site plan review by the Town Planning Board raised some questions regarding the location of the dumpster, the internal terminus of the sidewalk and a detailed landscaping plan.

The Town Planner had no planning objections but did raise some concerns regarding the adequacy of the parking.

Comments were received from the Westmere Fire Chief regarding some concerns they had regarding the proposal.

The Board further finds that for both of the variances the right of way at this location is quite substantial and that the new 8-unit senior housing facility will be more than 100' from the pavement of Rt. 20 and will be located at substantially the same distance as an existing building.

The building does span two parcels which will be merged as part of this application.

The side yard variances on the Hewitts Garden Center side will not be detrimental to that property owner.

There will be 7 parking spaces on site with an additional 5 spaces banked which will be made available if additional parking is deemed necessary.

For these reasons, I move that the request to amend the special use permit and to grant the two variances should be approved.

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 Sundays.

Confirmation from the town that they have agreed if necessary to the removal of the existing drainage pipe and easement.

Merging of the two parcels as mentioned in the application.

Approval of the final landscaping plan by Donald Cropsey.

Installation of the proposed landscaping and berm as proposed for a visual barrier with review by Don Cropsey.

The Westmere Fire Department Chief has agreed to meet with the applicant and Don Cropsey to review his concerns and to come to an understanding as to what is necessary for adequate and appropriate fire and safety protection.

Finalize the internal sidewalk and review by Donald Cropsey.

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 approval, it is hereby declared to be null and void and revoked in its entirety.

Motion seconded by Sharon Cupoli. Vote 6 – 0. (Macri absent)

**MATTER OF RAY SIGN - 1512 WESTERN AVENUE**

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

**Variance Request No. 4311**

Request of **Ray Sign, Inc.** for a Variance of the regulations under the Zoning Law to permit: **the addition of a pole mounted business identification sign. A variance is requested to allow total sign area of 40sf. 20sf is permitted (based on L.F. store front), a variance of 20sf is requested.**

Per Articles **IV & V** Sections **280-25 & 280-51** respectively

For property owned by **Hada Guilderland, LLC**

Situated as follows: **1512 Western Avenue Albany, NY 12203**

Tax Map # **52.19-2-2** Zoned: **LB**

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

Dated: **November 29, 2011"**

The file consists of the mailing list to 28 neighboring property owners, the Town's required forms for an area variance for a sign variance, Albany County Planning Board's notification, some depictions of the current Five Guys sign, and the proposed sign for Five Guys and TCBY Yogurt.

Albany County Planning Board's notification was to defer to local consideration.

Chairman Barber stated that the only reason the Board is hearing this case is because under the Code there is a limitation dealing with the linear footage of the store front.

Russ Hazen of Ray Sign presented the case. Mr. Hazen stated that the concerns are the setback of the building and it is difficult to see the signage.

Chairman Barber stated that it makes perfect sense to him; it is exactly the same size as the Five Guys sign.

There was discussion regarding the bright lights within the store.

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 6 – 0. (Macri absent)

Chairman Barber made a motion for approval of:

**Variance Request No. 4311**

Request of **Ray Sign, Inc.** for a Variance of the regulations under the Zoning Law to permit: **the addition of a pole mounted business identification sign. A variance is requested to allow total sign area of 40sf. 20sf is permitted (based on L.F. store front), a variance of 20sf is requested.**

Per Articles **IV & V** Sections **280-25 & 280-51** respectively

For property owned by **Hada Guilderland, LLC**  
Situated as follows: **1512 Western Avenue Albany, NY 12203**  
Tax Map # **52.19-2-2** Zoned: **LB**

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.

Albany County Planning Board deferred to local consideration.

The Board further finds that the proposed sign is for the recently approved TCBY business. The proposed sign will be sharing a pole with the previously approved Five Guys sign and is identical in size with said sign. The two signs are substantially similar and compliment each other and will not negatively impact the commercial nature of this neighborhood.

In **granting** this request, 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.

Motion seconded by Sharon Cupoli. Vote 6 – 1. (Macri absent, Sumner in the negative)

**SIGNS:**

The Board approved two signs (Gold's Gym & \$1 to \$5 Deals) for the Hamilton Square monument sign (individual tenants) condition on a variance not being required. Vote 6 – 0. (Macri absent)

The Board approved two signs for Andrea Lilly (The Ideal U). Vote 6 – 0. (Macri absent)

Chairman Barber thanked Sue Macri and Allen Maikels for their dedication and years of service to the Zoning Board of Appeals.

The meeting adjourned at 8:25pm.

