

**TOWN OF GUILDERLAND  
ZONING BOARD OF APPEALS  
MARCH 7, 2012**

Members Present: Peter Barber, Chairman  
Sharon Cupoli  
Mike Marcantonio  
Tom Remmert  
Nicole Ventresca-Cohen, Alternate  
Janet Thayer, Counsel

Members Absent: James Sumner

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

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**NEW CASES:**

**EDMUND MAKOWSKI – 8 DANVERS 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 **IV & V** of the Zoning Law on the following proposition:

**Variance Request No. 4317**

Request of **Edmund A. Makowski** for a Variance of the regulations under the Zoning Law to permit: **the placement of a 24' diameter above ground swimming pool in a front yard on a corner lot.**

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

For property owned by **Edmund A. Makowski**

Situated as follows: **8 Danvers Road Altamont, NY 12009**

Tax Map # **37.04-2-8** Zoned: **R15**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **7<sup>th</sup> of March, 2012** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **February 28, 2012"**

The file consists of the mailing list to 19 neighboring property owners, the Town's required forms for an area variance, a copy of the contract for the proposed above ground pool, depiction of the property showing the proposed location of the pool and a brief narrative from the applicant.

Don Cropsey stated that this property is within 1200' of the village boundary and Danvers Road is served by municipal water so this application has to go to the Altamont Referral Committee.

Edmund Makowski, applicant, presented the case.

Chairman Barber stated that the application seemed very straightforward.

Mr. Makowski stated that there is a garage in the corner of the property that was there when they bought the property and the leach field runs straight behind the house so the pool had to be moved closer to Danvers Road.

Chairman Barber stated that the only reason he is here is because he is on a corner lot with 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 Sharon Cupoli. Vote 5 – 0. (Sumner absent, Ventresca-Cohen alternate)

Chairman Barber made a motion for approval of:

**Variance Request No. 4317**

Request of **Edmund A. Makowski** for a Variance of the regulations under the Zoning Law to permit: **the placement of a 24' diameter above ground swimming pool in a front yard on a corner lot.**

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

For property owned by **Edmund A. Makowski**

Situated as follows: **8 Danvers Road Altamont, NY 12009**

Tax Map # **37.04-2-8** 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 property is located on a corner lot which has two front yards. In the past, this Board has allowed applicants to treat one of the yards differently than a front yard if two

requirements are met. One is that there is no concerns regarding sight distance along the intersection and that there is no impact upon neighboring properties. This is quite a distance off the road and alternative locations in the rear of the house are not useable because of the presence of a leach field and garage.

For the above noted reasons, I move that the variance should be granted.

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

Adherence to the plans that were submitted with the application.

Review and approval by the Village of Altamont Referral Board.

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

Motion seconded by Sharon Cupoli. Vote 5 – 0. (Sumner absent, Ventresca-Cohen alternate)

**MATTER OF WILLIAM WINE – 117 PHEASANT WALK**

Nicole Ventresca-Cohen 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. 4316**

Request of **William R. Wine** for a Variance of the regulations under the Zoning Law to permit: **the installation of 300+/-lf of 7'6" mesh fence to surround a portion of a single-family home rear yard.**

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

For property owned by **William Wine and Laurie Stedman**

Situated as follows: **117 Pheasant Walk Schenectady, NY 12303**

Tax Map # **27.14-3-9** Zoned: **R15**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **7<sup>th</sup> of March, 2012** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **February 28, 2012"**

The file consists of the mailing list to 17 neighboring property owners, the Town's required forms for an area variance, a brief narrative and a plot plan that shows the outline of where the fence will be placed.

William Wine, applicant, presented the case. Mr. Wine stated that he has lived there for 12 years and has had at least 5 cats during that time and has never had a problem until recently. Mr. Wine stated that one of his neighbors had complained about the cats going on their property so he is looking to put a mesh fence up to keep his cats on his property.

Chairman Barber stated that he had checked out the website and questioned if he could use the 6' high fence instead of the 7.5' fence.

Mr. Wine replied that he does not want to install a 6' fence because he felt that someone could walk right into the fence and possibly get hurt.

Chairman Barber asked Mr. Wine if any of his neighbors had asked him about this.

Mr. Wine replied that one of his neighbors had asked about it and he did explain to them about the cats.

Chairman Barber stated that it seems justified. 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 5 – 0. (Sumner absent, Ventresca-Cohen alternate)

Chairman Barber made a motion for approval of:

**Variance Request No. 4316**

Request of **William R. Wine** for a Variance of the regulations under the Zoning Law to permit: **the installation of 300+/-lf of 7'6" mesh fence to surround a portion of a single-family home rear yard.**

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

For property owned by **William Wine and Laurie Stedman**

Situated as follows: **117 Pheasant Walk Schenectady, NY 12303**

Tax Map # **27.14-3-9** 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 Board further finds that the purpose for the fence is to address the concerns of the applicant's cats defecating on neighboring properties. This solution is a 7.5' high mesh fence which is largely invisible and blends well into the surroundings. In back of the property are state wetlands and the proposed fence is well off of the property line.

The proposed height of the fence may be more advantageous as it lot slopes in and it is less likely that people would inadvertently bump into the fence.

This variance is unique and provides relief to the properties involved and for the reasons stated, I believe that this variance should be granted.

In **granting** this request, the following conditions should be met and adhered to:

Adherence to the plan as submitted in terms of location of fence.

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

Motion seconded by Sharon Cupoli. Vote 5 – 0. (Sumner absent, Ventresca-Cohen alternate)

**SIGNS:**

The Board approved a sign face replacement for Pizza Hut at 1771 Western Avenue. Vote 5 – 0.

The Board approved a sign face replacement for Nosh Delicatessen at 1645 Western Avenue. Vote 5 – 0.

The meeting adjourned at 7:54pm.