

**TOWN OF GUILDERLAND
ZONING BOARD OF APPEALS
MAY 2, 2012**

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

Members Absent: Sharon Cupoli

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

NEW CASES:

KATHLEEN TIRPAK – 48 NORTHGATE DRIVE

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

Variance Request No. 4325

Request of **Kathleen Tirpak** for a Variance of the regulations under the Zoning Law to permit: **the construction of a 6' x 22' single-story living room addition in a required front yard. A 35' front yard setback is required; 32' is proposed, a 3' variance is requested.**

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

For property owned by **Kathleen Tirpak**

Situated as follows: **48 Northgate Drive Albany, NY 12203**

Tax Map # **51.08-5-39** Zoned: **R15**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **2nd of May, 2012** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **April 14, 2012**"

The file consists of the mailing list to 33 neighboring property owners, the Town's required forms for an area variance, a project narrative, the Town Planners comments, and a description of the proposed addition along with some diagrams and elevation drawings of the project.

The Town Planner had the following comments: "The applicant is requesting an area variance for an addition that will encroach 3' into the front yard. No planning objections.

Kathleen Tirpak, applicant, presented the case.

Chairman Barber asked if any of her neighbors had any concerns regarding the variance request.

Ms. Tirpak stated that they had one neighbor speak to them about it, but he did not have any problems with it.

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. Seconded by Tom Remmert. Vote 5 – 0. (Cupoli absent, Ventresca-Cohen alternate)

Chairman Barber made a motion for approval of:

Variance Request No. 4325

Request of **Kathleen Tirpak** for a Variance of the regulations under the Zoning Law to permit: **the construction of a 6' x 22' single-story living room addition in a required front yard. A 35' front yard setback is required; 32' is proposed, a 3' variance is requested.**

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

For property owned by **Kathleen Tirpak**

Situated as follows: **48 Northgate Drive Albany, NY 12203**

Tax Map # **51.08-5-39** Zoned: **R15**

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 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 finds that the proposed variance of 3' will not cause an undesirable change in the character of the neighborhood or be detrimental to nearby properties.

The variance will allow for a living room addition and this 3' variance is not substantial.

For these reasons, the Board finds that the area variance should be granted.

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

Adherence to the plans as submitted and the representations set forth in the application.

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

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

MATTER OF SUSAN HAMMERLE – 7 PALMA BLVD.

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. 4326

Request of **Susan Hammerle** for a Variance of the regulations under the Zoning Law to permit: **the construction of a 6' x 7' covered front porch in a required front yard on an existing undersized lot. A 25' front setback is required; 20' is proposed, a 5' variance is requested.**

Per Articles **IV & V** Sections **280-31 & 280-51** respectively

For property owned by **Susan Hammerle**

Situated as follows: **7 Palma Blvd. Albany, NY 12203**

Tax Map # **52.09-6-49** Zoned: **R15**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **2nd of May, 2012** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **April 14, 2012**"

The file consists of the mailing list to 50 neighboring property owners, the Town's required forms for an area variance, the Town Planners comments, a narrative in support of the application, depictions of the proposed construction,

The Town Planner had the following comments: "The applicant has applied for an area variance to construct a covered porch that will encroach 5' into the required front yard. No planning objections."

Susan Hammerle, applicant, presented the case.

Chairman Barber stated that they are replacing an old concrete porch with a new covered porch.

Ms. Hammerle stated that was correct.

Chairman Barber asked if her neighbors had any concerns.

Ms. Hammerle stated that no one has confronted her about the proposed porch.

Chairman Barber stated that this was 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 Tom Remmert. Vote 5 – 0. (Cupoli absent, Ventresca-Cohen alternate)

Chairman Barber made a motion for approval of:

Variance Request No. 4326

Request of **Susan Hammerle** for a Variance of the regulations under the Zoning Law to permit: **the construction of a 6' x 7' covered front porch in a required front yard on an existing undersized lot. A 25' front setback is required; 20' is proposed, a 5' variance is requested.**

Per Articles **IV & V** Sections **280-31 & 280-51** respectively

For property owned by **Susan Hammerle**

Situated as follows: **7 Palma Blvd. Albany, NY 12203**

Tax Map # **52.09-6-49** 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 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 finds that the proposed variance will not cause any undesirable impact upon the character of the neighborhood.

The variance will allow the applicant to replace an old concrete front stoop with a small porch with an attractively designed covering. The proposed porch will also improve the appearance of the property.

The Board further finds that the variance is not substantial and replaces an existing concrete stoop.

For these reasons, the Board finds that the variance should be granted.

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

Adherence to the plans as submitted as well as the representations contained in the application.

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

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

MATTER OF PREMIER HAIR LOUNGE – 2573 WESTERN AVENUE

Janet Thayer 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. 4328

Request of **Gabrielle DeFrancesco & Dana Galusha** for a Special Use Permit under the Zoning Law to permit: **the conversion of an existing florist shop on the first floor of an existing two-story building to a hair salon. Site characteristics have been previously reviewed and approved by the Board.**

Per Articles **III & V** Sections **280-20 & 280-52** respectively

For property owned by **Capital Overhead Doors LLC**

Situated as follows: **2573 Western Avenue Altamont, NY 12009**

Tax Map # **39.11-1-14** Zoned: **LB**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **2nd of May, 2012** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **April 14, 2012**"

The file consists of the mailing list to 38 neighboring property owners, the required forms for a special use permit, a Short Environmental Assessment form for this Unlisted Action, a letter from the landlord indicating that they are consenting to the leasing of the property, Albany County Planning Board's notification, the Town Planning Board's site

plan review, the Town Planner comments, a prior special use permit, a depiction of the property and a letter from the adjacent owner of What's Happening Productions.

Albany County Planning Board's notification of April 19, 2012 was to defer to local consideration.

The Town Planning Board recommended approval with no conditions or suggestions.

The Town Planner had the following comments: "The applicant has requested a special use permit to occupy the former Classical Florist building to use as a hair salon. The building appears to share ingress with Kandy Craft and an exit with What's Happening Productions. I have the following comments:

- proof of legal shared access with the adjacent businesses should be submitted.
- The applicant is proposing to have 6 stations. Five parking spaces are shown for employees, although one space is totally blocked in. Eight spaces are shown for customers. If there is any overlap of appointments, the parking may not be sufficient.

No exterior changes are proposed to the building or the site. No planning objection if the applicant can explain how the parking will function."

Dana Galusha and Gabrielle De Francesco, applicants, presented the case.

Chairman Barber asked Don Cropsey if they needed a parking variance.

Don Cropsey replied that they did not need a variance for the parking.

Chairman Barber stated that the Town Planner did have concerns regarding the number or parking spaces.

The applicants stated that they feel comfortable with the amount of parking . As of right now, there will only be four employees.

Chairman Barber asked if all of their clients are by appointment.

The applicants stated that was correct.

Chairman Barber stated that there was an office on the second floor.

Jim Sumner asked how many people worked on the second floor.

Don Cropsey replied that there is only one, the landlord.

Tom Remmert asked about the storage area in the rear of the building.

The applicants stated that it was a storage room near the back door was but there will nothing blocking the back door.

Chairman Barber discussed the hours of operation.

The Board discussed the shared access agreement.

Chairman Barber asked if there were any questions or comments from the residents. Chairman Barber made a motion to close the public hearing. Motion seconded by Tom Remmert. Vote 5 – 0. (Cupoli absent, Ventresca-Cohen alternate)

Chairman Barber made a motion of non-significance in this Unlisted Action:
"This Board has conducted a review of this application to determine whether the granting of a special use permit for a hair salon would have a negative impact upon the environment. Based upon our collective review which consisted of the comments provided by the Town Planner, the Town Planning Board and the Albany County Planning Board and the conducting of the public hearing this evening, I move that a negative declaration under SEQRA be issued." Motion seconded by Tom Remmert. Vote 5 – 0. (Cupoli absent, Ventresca-Cohen alternate)

Chairman Barber made a motion for approval of:

Special Use Permit Request No. 4328

Request of **Gabrielle DeFrancesco & Dana Galusha** for a Special Use Permit under the Zoning Law to permit: **the conversion of an existing florist shop on the first floor of an existing two-story building to a hair salon. Site characteristics have been previously reviewed and approved by the Board.**

Per Articles **III & V** Sections **280-20 & 280-52** respectively

For property owned by **Capital Overhead Doors LLC**
Sited as follows: **2573 Western Avenue Altamont, NY 12009**
Tax Map # **39.11-1-14** Zoned: **LB**

The Board makes the following findings of fact:

A public hearing was duly noticed and held this evening. One neighboring resident provided written comments regarding the application.

The Board adopted a negative declaration for this Unlisted Action.

The Town Planner had no objections condition upon examination of the parking needs.

Albany County Planning Board deferred to local consideration.

The Town Planning Board recommended approval without any suggestions or conditions.

The proposed use is an allowed use in this district.

There are 13 parking spaces available which appear adequate for the proposed use, which is done by appointment only. No parking variance is required under the Code.

The proposed use is a low intensity use and appears to be appropriate for this site.

Access onto Rt. 20 will not be changed and site conditions are otherwise preexisting.

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

Adherence to the plans as submitted and representations made by the applicants in their application.

The hours of operation shall be Monday – Friday from 10am to 8pm and on Saturday from 9am to 3pm.

Applicant shall provide proof of shared access of the driveway that accesses the rear parking lot.

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 Tom Remmert. Vote 5 – 0. (Cupoli absent, Ventresca-Cohen alternate)

MATTER OF RAY SIGN – 1645 WESTERN AVENUE

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. 4327

Request of **Ray Sign, Inc.** for a Variance of the regulations under the Zoning Law to permit: **the placement of a freestanding sign structure within a 20' required setback. Proposed sign is 48sf in area and 12' high.**

Per Articles **IV & V** Sections **280-26 & 280-51** respectively

For property owned by **Wendys VTNY LLC**

Situated as follows: **1645 Western Avenue Albany, NY 12203**

Tax Map # **52.14-1-12** Zoned: **LB**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the 2nd of May, 2012 at the Guilderland Town Hall beginning at 7:30pm.

Dated: April 14, 2012"

The file consists of the mailing list to 31 neighboring property owners, the Town's required forms for an area variance, a depiction of the new sign with the new support, Albany County Planning Board's notification and a depiction of the property showing where the pole and sign is proposed.

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

Russ Hazen of Ray Sign presented the application. Mr. Hazen stated that there is an existing pole that has been there for probably 25 years, all the electric is there, the concrete footings are in place. Russ stated that each side of the current sign is 21sf and they are looking to make the sign 24sf each side for a total of 48sf. Russ stated that the variance is for the location of the sign.

Chairman Barber asked what type of lighting the sign would have.

Russ Hazen replied that the lighting would be internal, it is existing.

There was discussion regarding current signage.

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 Tom Remmert. Vote 5 – 0. (Cupoli absent, Ventresca-Cohen alternate)

Chairman Barber made a motion for approval of:

Variance Request No. 4327

Request of Ray Sign, Inc. for a Variance of the regulations under the Zoning Law to permit: the placement of a freestanding sign structure within a 20' required setback. Proposed sign is 48sf in area and 12' high.

Per Articles IV & V Sections 280-26 & 280-51 respectively

For property owned by Wendys VTNY LLC

Situated as follows: 1645 Western Avenue Albany, NY 12203

Tax Map # 52.14-1-12 Zoned: LB

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 sign will be located where a preexisting sign post had been located for a prior business. The sign location has existed at that location for an extended period of time. There does not appear to be any concerns regarding sight distance and exit is right turn only.

For these reasons, the Board finds that the granting of the variance will allow the placement of the new sign with the new post at the proposed location, which is preexisting from the old sign, and will not have a negative impact on the neighborhood and will not impact sight distance on Rt. 20.

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

Adherence to the plans as submitted with the application.

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

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

SIGNS:

The Board approved a 12sf sign for Best Cleaners at New Karner Road. 5 - 0

The meeting adjourned at 8:10pm.

