

**TOWN OF GUILDERLAND
ZONING BOARD OF APPEALS
OCTOBER 17, 2012**

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

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

Chairman Barber stated that it had been determined that the case of Antonio Civitelli of 3218 East Lydius Street did not need a variance.

NEW CASES:

SHAY FRANCE – 916 S. PINE HILL DRIVE

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. 4354

Request of **Shay France** for a Variance of the regulations/Special Use Permit under the Zoning Law to permit: **the use of 768sf of space in a single-family home as an in-law apartment. A variance is requested to permit the in-law apartment area to exceed 750sf.**

Per Articles **III & V** Sections **280-14 & 280-51 & 52** respectively

For property owned by **Shay France**

Situated as follows: **916 S. Pine Hill Drive Schenectady, NY 12303**

Tax Map # **27.15-2-22** Zoned: **R15**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the 17th of October, 2012 at the Guilderland Town Hall beginning at 7:30pm.

Dated: October 9, 2012"

The file consists of the mailing list to 68 neighboring property owners, the Town's required forms for a special use permit and area variance for an in-law apartment, the Town Planners comments, a sketch of the in-law apartment within the existing home and a narrative provided by the applicant.

The Town Planner had the following comments: "The applicant is seeking a special use permit for a preexisting in-law apartment. The site contains a driveway adequate for parking several cars. No planning objections contingent on the applicant meeting the other requirements for an accessory apartment."

Shay France, applicant presented the case.

Chairman Barber stated that the case seemed very straightforward. The size of the in-law apartment is only 18sf over the permitted 750sf.

Ms. France stated that her mother is living in the apartment.

Chairman Barber stated that there is plenty of parking on site.

The applicant stated that this apartment was in the house when they purchased it and now need a legal document for refinancing purposes.

Chairman Barber stated that they would need a deed indicating that there is an in-law apartment in the home.

Chairman Barber stated that there would be an annual inspection.

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.

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 variance to allow an in-law apartment at property located at 916 S. Pine Hill Drive would have a negative impact upon the environment. Based upon the comments provided to us by the Town Planner, the review of the application and the conducting of the public hearing this evening, I would move that a negative declaration should be issued." Motion seconded by Sharon Cupoli. Vote 5 – 0.

Chairman Barber made a motion for approval of:

Special Use Permit/Variance Request No. 4354

Request of **Shay France** for a Variance of the regulations/Special Use Permit under the Zoning Law to permit: **the use of 768sf of space in a single-family home as an in-law apartment. A variance is requested to permit the in-law apartment area to exceed 750sf.**

Per Articles **III & V** Sections **280-14 & 280-51 & 52** respectively

For property owned by **Shay France**

Situated as follows: **916 S. Pine Hill Drive Schenectady, NY 12303**

Tax Map # **27.15-2-22** 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.

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

The Board adopted a negative declaration under SEQRA by a unanimous decision.

The property meets all the conditions for an in-law apartment except that at 768sf it exceeds the maximum allowed by 18sf.

The in-law apartment will be occupied by a relative, the mother of one of the property owners.

The apartment is attached to the main dwelling unit and has adequate off street parking and an entrance in common with the main dwelling.

The 18sf area variance is not substantial and this slight increase in the size of the apartment will not increase the occupancy or use of the property and will not negatively impact neighboring properties.

The in law apartment will not cause an undesirable change in the character of this residential neighborhood.

For these reasons, the Board finds that both the area variance and special use permit should be granted.

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

Adherence to the plans as submitted with the application.

Compliance with the requirements for an in-law apartment including the following:

Filing of the required deed with the Albany County Clerk and submittal to the Building Department, an annual inspection confirming compliance with the in-law apartment requirements, and if the requirements are not met at some point in the future, the kitchen related improvements shall be removed.

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

Motion seconded by Sharon Cupoli. Vote 5 – 0.

MATTER OF MARK SCHAFER – WESTERN TURNPIKE

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:

Special Use Permit Request No. 4356

Request of **Mark Schafer** for a Special Use Permit under the Zoning Law to permit: **the construction of a two-family dwelling on an approved 4.5 acre parcel of land.**

Per Articles **III & V** Sections **280-24.1 & 280-52** respectively

For property owned by **Mark Schafer**

Situated as follows: **State Route 158 Altamont, NY 12009**

Tax Map # **26.00-1-22** Zoned: **RA3**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **17th of October, 2012** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **October 9, 2012**"

The file consists of the mailing list to 19 neighboring property owners, the Town's required forms for a special use permit along with a Short Environmental Assessment Form, the Town Planners comments, a plot plan and a brief narrative provided by the applicant.

The Town Planner had the following comments: "The applicant has requested a special use permit to construct a two family dwelling on this 4.5 acre parcel. The parcel was recently subdivided and all site conditions have been approved by the Planning Board. No planning objections."

Mark Schafer, applicant, presented the case. Mr. Schafer stated that this house would be an ADA compliant house. Mr. Schafer stated that there would be a caregiver living in one section of the house also.

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. Motion seconded by Sharon Cupoli. Vote 5 – 0.

Chairman Barber made a motion of non-significance in this Unlisted Action:
"This Board has conducted a careful review of the application by Mark Schafer for a special use permit to construct a two-family dwelling on a 4.5acre parcel in this RA3 zone. Our review consisted of the conducting of this public hearing tonight, the comments provided to the Board by the Town Planner, and the fact that the Planning Board has already granted subdivision approval for this two-lot subdivision and also meets all of the site conditions. I therefore move that a negative declaration under SEQRA be issued." Motion seconded by Sharon Cupoli. Vote 5 – 0.

Chairman Barber made a motion for approval of:

Special Use Permit Request No. 4356

Request of **Mark Schafer** for a Special Use Permit under the Zoning Law to permit: **the construction of a two-family dwelling on an approved 4.5 acre parcel of land.**

Per Articles **III & V** Sections **280-24.1 & 280-52** respectively

For property owned by **Mark Schafer**

Situated as follows: **State Route 158 Altamont, NY 12009**

Tax Map # **26.00-1-22** Zoned: **RA3**

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 the Board adopted a negative declaration by a unanimous vote.

The Town Planner had no objections to this request.

A two-family dwelling is listed as a special use in a RA3 district and the only requirement is that the parcel be at least 4.5 acres, which this lot is.

The Planning Board recently granted a two-lot subdivision called Lexington Fields. All site conditions were previously approved by the Planning Board.

For these reasons, the special use permit should be granted.

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

Adherence to the plans as submitted with the application.

Compliance with any other setback requirements set forth in the Zoning Code.

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

Motion seconded by Sharon Cupoli. Vote 5 – 0.

The Board reviewed and approved the landscaping, lighting and erosion control plans for Ricky Ramsey at 4773 Western Avenue for the storage facilities. Vote 5 – 0.

The Board approved a one-year extension for SUP #22-11 for Angelo Serafini at 1949-1969 Western Avenue. Vote 5 – 0.

SIGNS:

The Board accepted the sign variance request withdrawal by Vital Sign at 71 Fuller Road. Vote 5 – 0.

The Board approved a sign permit for 71 Fuller Road for the Railroad Avenue Center. Vote 5 – 0.

The Board approved a temporary banner for Michelle Hall at Carman Plaza for 30 days only. Vote 5 – 0.

The Board approved a sign face replacement for the Psychic Gallery at 1859 Western Avenue. Vote 5 – 0.

The Board approved a sign for Jean Paul Salon at Stuyvesant Plaza. Vote 4 - 0. (Barber recused)

The meeting adjourned at 8:00pm.

