

**TOWN OF GUILDERLAND  
ZONING BOARD OF APPEALS  
SEPTEMBER 3, 2014**

Members Present: Peter Barber, Chairman  
Sharon Cupoli  
Mike Marcantonio  
Thomas Remmert  
Sindi Saita  
Janet Thayer, Counsel  
Jacob Crawford, Alternate

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

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**NEW CASES:**

**SAL SPECIALE – 411 RT. 146**

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. 4479**

Request of **Salvadore W Speciale** for a Variance of the regulations under the Zoning Law to permit: **an accessory structure to exceed a height limitation of 15’ and be placed within the required 5ft setback from the rear property line.**

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

For property owned by **Salvadore W Speciale**

Situated as follows: **411 Route 146 Altamont, NY 12009**

Tax Map # **38.20-2-9** Zoned: **R15**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **3<sup>rd</sup> of September, 2014** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **August 7, 2014**”

The file consists of the mailing list to 17 neighboring property owners, the Town’s required forms for an area variance along with a brief narrative, a survey of the property

showing the proposed location of the detached garage, elevation plans for the garage and the Town Planner's comments.

The Town Planner had the following comments: "The applicant has requested area variances to construct a detached garage that will exceed the maximum 15' height and encroach into the rear setback. The adjacent owner to the rear is the Town Highway garage and I have no objection to the height or rear setback variance. However, there is a single family house to the west. Any additional setback that could be given along this property line would help mitigate the potential visual and shadow impact of the additional height of the garage.

Sal Speciale, applicant, presented the case.

Chairman Barber asked if there was any reason that he could not encroach into the rear setback.

Mr. Speciale replied that there is a bilco door on the same side that the garage door is going to be built so he wanted a sufficient amount of space to get to the back yard. Mr. Speciale stated that a 30' garage is pretty important; he has a boat and a trailer.

Chairman Barber asked again if there is any reason that the garage could not be 5' off of the property line.

Mr. Speciale stated that it could be 5' off of the property line but that would bring the garage closer to the house. Mr. Speciale stated that if he brings the garage forward, it would kind of box him in at the house.

Chairman Barber asked about all of the "stuff" around the property.

Mr. Speciale stated that he had five loads of crushed stone delivered; one load was to support the pad in the back, another load is for the driveway, one load is for a sidewalk grade, etc.

Chairman Barber stated that there is a concern that a business is being run out of the house.

Mr. Speciale replied that he does own a business; he rents locations in Colonie and also has a location in Saratoga that he runs his business out of.

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

John O'Mara of 416 Rt. 146 stated that he felt that the applicant was not building the garage for his own residential use. Mr. O'Mara stated that Mr. Speaiale has been advertising that address as a remodeling business and feels that he will be using the garage for his business and for an office. Mr. O'Mara had concerns regarding the 12'

garage doors being installed. Mr. O'Mara asked why there were variances being granted in residential neighborhoods.

Louise Adams of 414 Rt. 146 also had concerns that Mr. Speciale would be running a business out of his home. Ms. Adams stated that Mr. Speciale had numerous pieces of equipment behind his house; multiple loads of crushed stone have been brought onto his property.

Mr. Speciale replied that he had done a lot of advertising regarding his business but he is not running it out of his home. Mr. Speciale stated that the garage would be for storage and the doors would be 10', not 12'. Mr. Speciale stated that he has diverted all of the water on site back to the gully where it should go.

Mike Marcantonio asked if there would be a second level on the garage.

Mr. Speciale replied that he would be, there would be a room upstairs approximately 30' long but would be making it very attractive to match the house.

Chairman Barber made a motion to close the public hearing. Motion seconded by Sharon Cupoli. Vote 5 – 0.

Chairman Barber stated that he would like to have the applicant meet with Jackie Siudy to determine if he could minimize the variances.

Chairman Barber made a motion to adjourn this case for decision only until September 17, 2014. Motion seconded by Sharon Cupoli. Vote 5 – 0.

### **MATTER OF JEFFREY HALE – 6751 FULLER STATION ROAD**

Tom Rimmert 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. 4482**

Request of **Jeffery Hale** for a Variance of the regulations under the Zoning Law to permit: **the placement of a garage in a side yard.**

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

For property owned by **Jeffery & Dianna Hale**

Situated as follows: **6751 Fuller Station Road Schenectady, NY 12303**

Tax Map # **27.00-1-49.3** Zoned: **R40**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the 3<sup>rd</sup> of September, 2014 at the Guilderland Town Hall beginning at 7:30pm.

Dated: August 27, 2014”

The file consists of the mailing list to 28 neighboring property owners, the Town’s required forms for an area variance, a brief narrative, a plot plan and the Town Planner’s comments.

The Town Planner had the following comments: “The applicant has applied for an area variance to place a detached garage that will encroach into the side yard. This placement is in response to a conservation easement that the Town has to protect the wetland area in the rear of the property. No planning objection.”

Jeffery Hale, applicant, presented the case.

Chairman Barber stated that it appears that the garage will be further back in the side yard but just outside the conservation easement.

Mr. Hale replied stated that he is trying to comply with everything; he only has 10’ to work with between his house and the garage. Mr. Hale stated that when the subdivision was developed, they must have asked for some type of variance for driveways. Mr. Hale stated that the conservation area is pretty much  $\frac{3}{4}$  of his property.

Chairman Barber stated that the garage seems very nicely done and it really is the only place for it.

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 for approval of:

**Variance Request No. 4482**

Request of **Jeffery Hale** for a Variance of the regulations under the Zoning Law to permit: **the placement of a garage in a side yard.**

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

For property owned by **Jeffery & Dianna Hale**

Situated as follows: **6751 Fuller Station Road Schenectady, NY 12303**

Tax Map # **27.00-1-49.3** Zoned: **R40**

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 Town Planner had no objection to the granting of this request.

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

The proposed location will allow the placement of the garage outside a conservation easement intended to protect the federal wetlands. The proposed location is also in a rear part of the side yard, is attractively designed and its placement will not negatively impact neighboring properties.

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

Adherence to the plans submitted with the application.

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

Motion seconded by Sharon Cupoli. Vote 5 – 0.

#### **MATTER OF KIRA SHANK – 2511 WESTERN AVENUE**

Jacob Crawford 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. 4475**

Request of **Kira Shank** for a Variance of the regulations under the Zoning Law to permit: **the installation of a sign within the required 20ft setback from the right of way.**

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

For property owned by **James Scaccia**

Situated as follows: **2511 Western Avenue Altamont, NY 12009**

Tax Map # **39.12-1-1** Zoned: **LB**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **3<sup>rd</sup> of September, 2014** at the Guilderland Town Hall beginning at 7:30pm.

Dated: July 25, 2014”

The file consists of the mailing list to 18 neighboring property owners, the Town’s required forms for an area variance, the Town Planner’s comments, and photographs of the site.

The Town Planner had the following comments: “The applicant has requested an area variance to place a business sign within the required 20’ of the right-of-way. I do not see any site restrictions that would force this variance and all effort should be made to keep visual clutter out of the Rt. 20 right-of-way.”

Kira Shank, applicant, presented the case.

Chairman Barber asked if this property was the subject of a sign request not too long ago.

Ms. Shank replied yes.

Chairman Barber asked why that did not work; it was well off of the road and was not going to be in the setback.

Ms. Shank replied that you would not have even been able to see the sign from the road and the concern now is that customers are unable to locate the property and are stopping in the middle of the road. Ms. Shank stated that they are looking at something that people would be able to see coming down the road and there would be no safety issues pulling out of the property.

Chairman Barber asked where in the setback the sign would be located; what the distance would be.

Chairman Barber asked Jackie Siudy how much the variance would be.

Jackie Siudy stated that it would be at least 5’ in order to comply with the 20’ setback; they did have to be on the opposite side of the sidewalk at the entranceway. So it is the width of the sidewalk and maybe another foot. Jackie stated that it would be between a 5’ and 10’ setback.

Chairman Barber asked how many signs actually were within the setback in that area.

Jackie Siudy replied that the bowling alley has a building mounted sign; the sign across the street at Pizza Gram is probably the only sign in the area in the right-of-way.

Ms. Shank stated that there are a few other places in the area that have signs in the right-of-way.

Chairman Barber stated that the Board does need to be somewhat consistent.

Chairman Barber asked how extensive the variance was that the applicant was requesting. Chairman Barber stated that every time you put a sign that close to Rt. 20 there could be sight distance problems.

Ms. Shank replied that it is really not on the front lawn, it is more in the landscaping.

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 stated that he would like to make certain that they are not interfering with ingress and egress in terms of sight distance. Chairman Barber also stated that he would like to make sure that DOT does not have any concerns about this setback.

Tom Remmert asked if they could make the sign any smaller.

Ms. Shank replied that was a possibility, they would check with the sign company.

Chairman Barber made a motion to continue the hearing for two weeks for decision only. Motion seconded by Sharon Cupoli. Vote 5 – 0.

#### **MATTER OF AJ SIGN (PIZZERIA UNO) – CROSSGATES MALL**

Sindi Saita 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. 4480**

Request of **AJ Signs** for a Variance of the regulations under the Zoning Law to permit: **a total of 94sf of signage for Pizzeria Uno where 50sf is permitted.**

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

For property owned by **Crossgates Mall General Co.**

Situated as follows: **1 Crossgates Mall Road Albany, NY 12203**

Tax Map # **52.01-1-4.1** Zoned: **GB**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **3<sup>rd</sup> of September, 2014** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **August 8, 2014**”

The file consists of the mailing list to 17 neighboring property owners, the Town's required forms for an area variance for this sign, a narrative, and a depiction of the new Pizzeria Uno sign.

Tom Wheeler of AJ Sign Company presented the case. Mr. Wheeler stated that the sign is actually 77.6sf, not 94sf.

Chairman Barber asked if they were new signs.

Mr. Wheeler replied that the existing channel letters came down, the façade was redone and new channel letters went up which were 30sf.

Chairman Barber asked if there were two sets of signs or one.

Mr. Wheeler replied that there were two sets.

Chairman Barber stated that the smaller sign would go on the more forward part.

Mr. Wheeler replied that is the part that is not done yet; the oval which is 47.6sf would go on the projecting pillar that was built. The channel letters are up and done. Mr. Wheeler stated that in the rendering there is a red band with some lettering on it, they have eliminated that to minimize the variance.

Jackie Siudy stated that the oval is measured by drawing a square around it, so that might account for the difference in square footage.

Mr. Wheeler stated that the sign proposed for the projected pillar would get much greater visibility.

Chairman Barber stated that the proposed sign is much nicer looking than the old sign and it faces a large parking lot and Washington Avenue and nobody can see it unless you are in the parking lot.

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 for approval of:

**Variance Request No. 4480**

Request of **AJ Signs** for a Variance of the regulations under the Zoning Law to permit: **a total of 77.6sf of signage for Pizzeria Uno where 50sf is permitted.**

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

For property owned by **Crossgates Mall General Co.**



Situated as follows: **1 Crossgates Mall Road Albany, NY 12203**  
Tax Map # **52.01-1-4.1** Zoned: **GB**

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.

This Board back in 1994 granted a variance for signs at Crossgates Mall. The Board reserved the right in that approval to review each sign application.

In prior decisions the Board has noted that building mounted signs are well off the ring road of the mall and for the most part are not visible from nearby properties. This sign in particular will face a large parking lot and Washington Avenue Ext. and will not be visible from any adjacent property.

The sign is also located on a recessed part of the mall and therefore any visibility is further reduced. Given these unique circumstances the Board finds that the granting of this request will not impact neighboring property owners and will not cause an undesirable change in the character of this commercial area.

For these reasons, I move that the Board **grant** the variance request with the following conditions:

Adherence to the plans as submitted.

The red band sign is not included in the approval.

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

Motion seconded by Sharon Cupoli. Vote 5 – 0.

**MATTER OF MICHAEL EARLY (RITE AID) – 2025 WESTERN AVENUE**

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

**Variance Request No. 4476**

Request of **Michael H. Early** for a Variance of the regulations under the Zoning Law to permit: **the addition of a monument sign. Variances are requested for the following: 1) to permit a total of three signs, two are permitted and 2) to permit a total of 92sf of signage, 50sf is permitted.**

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

For property owned by **Western Corners Realty LLC**  
Situated as follows: **2025 Western Avenue Albany, NY 12203**  
Tax Map # **51.07-1-2.2** Zoned: **LB**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **3<sup>rd</sup> of September, 2014** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **July 31, 2014**"

The file consists of the mailing list to 47 neighboring property owners, the Town's required forms for an area variance for both the number of signs and the total square footage of signage, pictures of the proposed monument sign, a narrative and plans of the proposed location of the sign.

Michael Early and Eric Lerner of Schuyler Companies presented the request. Mr. Early stated that the building has been there quite some time but the problem is that when you are driving in both directions, you cannot see the driveway and it has been impacting the business. Mr. Early stated that they are proposing a small and tasteful sign that people can see from the road.

Mr. Early stated that the landscaping is also mature and blocks the building. Mr. Early stated that they would be in the setbacks required.

Chairman Barber asked if the building mounted sign would be changed at some point to match the proposed blue monument sign.

Mr. Early stated that the signs themselves are red and the building signs are not changing.

Chairman Barber asked how far they were outside the setback.

Mr. Early stated they would be right past the setback.

Chairman Barber asked how long their frontage was.

Mr. Early replied that there was a lot there and even though they have a reciprocal easement agreement with the strip center, the people that access it are mainly accessing it for the Rite Aid. Mr. Early stated that there is not even a sign on Rt. 155.

Chairman Barber asked the applicant if the Board was to grant the third sign would they be forced to grant a third sign for Walgreens.

Mr. Lerner stated that the Walgreens sign is actually replacing the sign that is there now.

Chairman Barber stated that he does believe that monument signs do serve a purpose and this is also very close to a busy intersection.

Chairman Barber stated that the sign does not appear to cause any sight distance issues.

Tom Remmert asked if 2025 could also be put on the sign.

Mr. Early replied "absolutely".

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 for approval of:

**Variance Request No. 4476**

Request of **Michael H. Early** for a Variance of the regulations under the Zoning Law to permit: **the addition of a monument sign. Variances are requested for the following: 1) to permit a total of three signs, two are permitted and 2) to permit a total of 92sf of signage, 50sf is permitted.**

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

For property owned by **Western Corners Realty LLC**

Situated as follows: **2025 Western Avenue Albany, NY 12203**

Tax Map # **51.07-1-2.2** 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 application involves a third sign consisting of a monument sign for the Rite Aid Drugstore, a business which is located a short distance from the intersection of Rt. 20 and Rt. 155.

At present, there are two building mounted signs measuring 50sf. This application requests a 42sf monument sign; 21sf per side, on Rt. 20. The property is unique in that it is a large lot with over 340' of frontage on Rt. 20 with a building that is well set off the road.

The property is located a short distance from a very busy commercial intersection.

An appropriate placed monument sign near the entrance from Rt. 20 would assist customers and locate the current driveway and provide adequate notice of the entrance and avoid unnecessary braking of cars on Rt. 20.

For these reasons, the Board finds that the granting of this request will not impact neighboring properties and will not cause an undesirable impact upon the character of the neighborhood and this variance should be granted.

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

Adherence to the plans as submitted with the addition that the street # be placed on the sign.

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

Motion seconded by Sharon Cupoli. Vote 5 – 0.

**MATTER OF MICHAEL EARLY (WALGREENS) – 2061 WESTERN AVE.**

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

**Variance Request No. 4477**

Request of Michael H. Early for a Variance of the regulations under the Zoning Law to permit: **the installation of a monument sign. Variances are requested for the following: 1) to permit a total of three signs, two are permitted and 2) to permit a total of 82sf of signage, 50sf is permitted.**

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

For property owned by 155 & 20 of Albany LP

Situated as follows: 2061 Western Avenue Guilderland, NY 12084

Tax Map # 51.02-1-8 Zoned: LB

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the 3<sup>rd</sup> of September, 2014 at the Guilderland Town Hall beginning at 7:30pm.

Dated: July 31, 2014”

The file consists of the mailing list to 44 neighboring property owners, the Town’s required forms for an area variance for the proposed new sign to replace the existing Welcome to the Hamlet of Guilderland sign, a brief narrative in support of the application along with some plot plans that show the location of the sign and an application for a sign permit.

Michael Early and Eric Larner of Schuyler Companies presented the case.

Chairman Barber stated that there are already three signs on this property.

Mr. Early stated that he was not part of the previous variance for signage on the inside of the glass. Mr. Early stated he was here as a property owner and stated that when they made the store not 24 hours they took down all the neon lights as well as the 24hr sign.

Mr. Early stated that the building has been there for a number of years and you cannot really see the signage from various spots. Mr. Early stated that he realizes how sensitive the Hamlet Association is.

Mr. Early stated that what they thought would help increase traffic here is the style of sign greeting everyone and letting everyone know that it is Walgreens. The sign would also be moved closer to the road to help with business.

Chairman Barber asked if the Hamlet Association had come up with this sign.

Mr. Early stated that he personally was not involved in that but he does believe that the Hamlet Association was a major part of this.

Chairman Barber asked if they had considered having ground lighting for the sign instead of it being internally lit.

Mr. Early said they would.

Mr. Larner stated that the sign companies that he worked with did not even know that the current hamlet sign existed.

Chairman Barber also suggested cutting back on the landscaping to make the sign more visible.

Mr. Early replied that even if the landscaping got trimmed more, you would still have a hard time seeing the sign.

Sharon Cupoli stated that at the time when they were doing all the designs, the Hamlet wanted to have something there that said welcome. The Hamlet also had a lot of input on building design, lighting, etc.

Tom Remmert asked if the west side of the sign which is seen by the eastbound traffic should say Welcome to the Hamlet of Westmere and leaving the Hamlet of Guilderland.

Chairman Barber stated that he would like to get comments from the Hamlet Association regarding the sign in terms of the style and the lighting.

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

Chairman Barber made a motion to keep the public hearing open and adjourn this matter to October 1, 2014. Motion seconded by Sharon Cupoli. Vote 5 – 0.

#### **MATTER OF T-MOBILE – EXECUTIVE PARK DR. REAR**

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:

#### **Special Use Permit Request No. 4473**

Request of **T-Mobile** for a Special Use Permit under the Zoning Law to permit: **the collocation of telecommunication antennas and an equipment cabinet on the roof of an existing high rise building.**

Per Articles **IV & V** Sections **280-37 & 280-52** respectively

For property owned by the **Stuyvesant Plaza Inc**

Situated as follows: **Executive Park Drive Albany NY 12203**

Tax Map # **52.04-2-1** Zoned: **LB**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **3<sup>rd</sup> of September, 2014** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **July 17, 2014**”

The file consists of the mailing list to 61 neighboring property owners, the Town’s required forms for a telecommunications installation along with a special use permit application, existing and proposed location of antennas on Executive Park Tower, coverage maps, emissions report and structural analysis.

Tim Richman of T-Mobile presented the case.

Chairman Barber asked if the proposal was for three sets of three antennas.

Mr. Richman replied yes; it is nine total, three different sectors – one will be on the penthouse, and the other 6 will be divided up on the screening walls on the opposite sides.

Chairman Barber asked if this was T-Mobiles first installation at this location.

Mr. Richman replied that it was and actually they are utilizing when AT&T merged with Cingular, they were both on this rooftop and they left the platform and most of their equipment up there.

Chairman Barber stated that our Town Code encourages collocations.

Chairman Barber had a concern regarding the structural and would like to have someone sign off on it.

Chairman Barber asked if he knew what other carriers were on the building.

Mr. Richman stated all of them; there are about four left after all of the mergers. T-Mobile will be the last, Sprint is there, Verizon is there and AT&T.

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 to appoint Ken Johnson of Delaware Engineering as TDE to determine that the installation is not going to impact the structural integrity of the building and to schedule this matter for decision only for September 17<sup>th</sup>. Motion seconded by Sharon Cupoli. Vote 5 – 0.

### **MATTER OF PINE BUSH SENIOR LIVING LLC – KARNER ROAD**

Jacob Crawford 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. 4478**

Request of **Pine Bush Senior Living, LLC** for a Variance of the regulations under the Zoning Law to permit: **the construction of a senior living facility beyond the intersection of a 12° angle of repose.**

Per Articles IV & V Sections 280-29 & 280-51 respectively

For property owned by Martin & Arlene Kehoe  
Situated as follows: New Karner Road Guilderland, NY 12084  
Tax Map # 40.00-2-18 Zoned: BNRP

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the 3<sup>rd</sup> of September, 2014 at the Guilderland Town Hall beginning at 7:30pm.

Dated: August 1, 2014”

The file consists of the mailing list to 75 neighboring property owners, the Town’s required forms for a variance from the setback from the angle of repose, a brief narrative, the Town Planner’s comments, purchase and sale agreement of the property, a report by Dente Engineering dated June 17, 2014 and some plans by Hershberg & Hershberg.

The Town Planner had the following comments: “The applicant has applied for an area variance for the possible construction of a senior living facility that would encroach on the angle of repose. At this point there seems to be some discrepancy on the location of the angle of repose line. The applicant should provide an accurate, engineered delineation and the Town Designated Engineer should review and confirm it before the Zoning Board can consider how great a variance is being requested.”

Daniel Hershberg of Hershberg & Hershberg, Tim Cassidy of Pine Bush Senior Living, LLC, John Keller Jr., of Keller Construction, Edward Gravelle of Dente Engineering and Tom Puchner, Attorney.

Mr. Hershberg gave a brief overview of the plans that were submitted.

Tim Cassidy of Pine Bush Senior Living stated that there would be Independent Living which is a three story building, Memory Care which will have two one-story wings, and a three story assisted living wing. Mr. Cassidy spoke about the services provided throughout the facility.

Mr. Cassidy stated that subject to approvals, they would donate some land in the rear or a permanent easement to the Pine Bush which is about 75% of the total land.

Ed Gravelle of Dente Engineering stated that the angle of repose is that you take the elevation at the toe of the slope and the elevation at the top of the slope and you divide it by the horizontal distance between the two. The angle of repose is the actual angle that is formed between the slope and the horizontal line. Mr. Gravelle stated that whenever you see a slope that is steeper than the 12° angle of repose it is a danger zone.

Mr. Hershberg stated that they could provide for the TDE’s review the slope lines.



Chairman Barber asked Mr. Hershberg if there was any structure that falls within the angle of repose line.

Mr. Hershberg replied that they do not propose to have any structures fall within the angle of repose but they do propose to have roadways and driveways in that area.

Chairman Barber stated that if you do a 30' setback from the angle of repose then you start clipping into some buildings.

Mr. Hershberg stated that was correct, they do need a variance in order to violate the 30' setback.

Chairman Barber stated that they would like to see where that line is also.

Chairman Barber asked about the infiltration basin on Rt. 155.

Mr. Gravelle of Dente Engineering replied that you do not want to introduce additional water into a slope because it can lessen the stability of the slope so it is moved away from the slope.

Chairman Barber made a motion to keep the public hearing open, to appoint Ken Johnson of Delaware Engineering as the TDE on the angle of repose stability questions, and to adjourn the matter to October 1, 2014. Motion seconded by Sharon Cupoli. Vote 5 – 0.

**SIGNS:**

The Board approved a sign for PilSung Taekwondo at 10 Karner Road conditioned upon the oriental lettering is not offensive.. Vote 5 – 0.

The meeting adjourned at 8:50pm.