

**TOWN OF GUILDERLAND
ZONING BOARD OF APPEALS
NOVEMBER 5, 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.

Chairman Barber stated that the case of Denise Ritz of 3149 Lydius Street has been adjourned.

CONTINUED CASES:

MATTER OF SANDELL MFG. – 310 WAYTO ROAD

Ken Johnson of Delaware Engineering stated that at this point Sandell Mfg. is unsure what they will be doing with the existing building and they will need to come back before the Board for further discussion when its use has been determined. Mr. Johnson stated that Sandell will remove the existing water tower within 6 months of the issuance of the Certificate of Occupancy. Mr. Johnson stated that the traffic study has been submitted and reviewed by TR Johnson Engineering.

Mr. Johnson stated his comments would be to get a letter from the Albany County Department of Health review of the existing tile field, provide Ft. Hunter Fire Department with architectural and site improvement drawings as the project progresses, and provide a water district extension. Mr. Johnson also stated that in order to meet the current zoning requirements, the banked parking should be 40 spaces, the actual drawing shows 30. The applicant should also provide a letter from the NYS Department of Health for the review of the water system extension, internal cross connections and backflow prevention and in general clean up the site.

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 this special use permit to allow the construction of a 56,000sf warehouse/manufacturing facility previously approved with Special Use Permit #17-06

would have a significant impact upon the environment. Based upon our collective review including comments provided by the Town Planning Board, the Town Planner and the TDE, I would move that a negative declaration under SEQRA should issue.” Motion seconded by Tom Remmert. Vote 5 – 0.

Chairman Barber made a motion for approval of:
Special Use Permit Request No. 4444

Request of **Sandell Manufacturing Co. Inc.** for a Special Use Permit under the Zoning Law to permit: **the construction of a new 56,000sf warehouse/manufacturing facility previously approved with Special Use Permit 17-06.**

Per Articles **III & V** Sections **280-23 & 280-52** respectively

For property owned by **SJM Realty LLC**
Sited as follows: **310 Wayto Road Schenectady, NY 12303**
Tax Map # **15.00-2-3** Zoned: **Ind**

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

A number of public hearings were conducted over the course of this application and we have received some comments from the neighbors regarding the appearance of the property and also the existence of an abandoned water tower on the property.

To assist the Board in their review Ken Johnson of Delaware Engineering was appointed as TDE to perform technical analysis and engineering analysis for various aspects of the application and the Board has received periodic written updates from Delaware Engineering regarding this matter.

Delaware Engineering, with the assistance of TR Johnson Engineering reviewed the traffic analysis provided by the applicants and found that it was properly prepared and that no improvements are required.

This is an Industrial Zone and therefore the proposed use as manufacturing/warehouse facility is appropriate. Ken Johnson has indicated that this application only applies to this building and any use or changes in use of the existing buildings will also require further Board review.

Based upon these findings, I would move that a Special Use Permit should be granted as proposed with the following conditions:

Albany Department of Health review of the existing tile field.

Fort Hunter Fire Department review of the application.

Removal of the existing water tower within six months of the issuance of a Certificate of Occupancy.

NYSDOH review of the water system extension and associated system.

The site plan shall be amended to reflect the 40 banked parking spaces and also a general clean up of the site.

Any other conditions that are set forth in the TDE's letter and reports.

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 RONALD HORICK – 57 MONROE 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 IV & V of the Zoning Law on the following proposition:

Variance Request No. 4494

Request of **Ronald Horick** for a Variance of the regulations under the Zoning Law to permit: **the placement of a 10' x 12' storage shed in a side yard.**

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

For property owned by **Ronald Horick**

Situated as follows: **57 Monroe Avenue Albany, NY 12203**

Tax Map # **63.12-2-45** Zoned: **R10**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **5th of November, 2014** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **October 27, 2014**”

The file consists of the mailing list to 44 neighboring property owners, the Town's required forms for an area variance, a brief narrative, a depiction of the proposed shed, and the Town Planners comments.

The Town Planner had the following comments: “The applicant is requesting an area variance to place a shed in the required side yard. No planning objections.”

Ronald Horick, applicant, presented the case.

Chairman Barber stated that it appears that the applicant has a pretty wide yard.

Mr. Horick stated that was correct.

Chairman Barber asked if any neighbors have asked questions regarding the shed.

Mr. Horick replied that they had not.

Chairman Barber stated that it seems like a very quiet neighborhood and it looks like a very nice shed.

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. 4494

Request of **Ronald Horick** for a Variance of the regulations under the Zoning Law to permit: **the placement of a 10' x 12' storage shed in a side yard.**

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

For property owned by **Ronald Horick**

Situated as follows: **57 Monroe Avenue Albany, NY 12203**

Tax Map # **63.12-2-45** Zoned: **R10**

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 proposed 10' x 12' shed will be located in the side yard of this very wide lot.

The shed will be located well off the adjacent property line and does not require a setback variance.

The granting of this variance will not have an adverse effect or impact on the physical conditions in the neighborhood.

This area appears to have a number of variances associated with it. The lots are various sizes and the placement of houses is somewhat irregular.

This variance is not substantial and will not alter the character of the neighborhood and is not detrimental to nearby properties.

For these reasons, I move that the variance should be *granted*.

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 Tom Remmert. Vote 5 – 0.

SIGNS:

The Board approved a sign for Mill Hollow at 5060 Western Turnpike. Vote 5 – 0.

The Board approved a sign for the Café Court at Crossgates Mall. Vote 5 – 0.

The Board approved temporary banners for Stuyvesant Plaza consistent with the time frame set forth last year. Vote 5 – 0.

The Board approved a sign for Quiltbug at 3637 Carman Road. Vote 5 – 0.

MINUTES

The Board approved the minutes of 10-1-14. Vote 5 – 0.

The meeting adjourned at 7:50pm.