

**TOWN OF GUILDERLAND
ZONING BOARD OF APPEALS
SEPTEMBER 2, 2015**

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

NEW CASES:

MATTER OF AARON RATHBURN – 2270 W. OLD STATE 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. 4543

Request of **Aaron Rathburn** for a Variance of the regulations under the Zoning Law to permit: **the placement of a storage building in a side/front yard.**

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

For property owned by **Aaron Rathburn**

Situated as follows: **2270 W. Old State Road Altamont, NY 12009**

Tax Map #**26.00-1-38** Zoned: **RA3**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **2nd of September, 2015** at the Guilderland Town Hall beginning at 7:30pm.

Dated: August 19, 2015”

The file consists of the mailing list to 20 neighboring property owners, the Town’s required forms for an area variance for a shed, a brief narrative, the Town Planner’s comments, and photographs of the location of the property at the location of the intersection of Rt. 158 and Old State Road.

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

Aaron Rathburn, applicant, presented the case.

Chairman Barber asked the applicant how old his house was.

Mr. Rathburn stated that the original structure was built in 1904. Mr. Rathburn stated that it has been completely remodeled.

Chairman Barber stated that what the Board typically does is to allow the applicant to treat one of the yards as a side yard. Chairman Barber stated that he had no problems or questions regarding the application.

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

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

Chairman Barber made a motion for approval of

Variance Request No. 4543

Request of **Aaron Rathburn** for a Variance of the regulations under the Zoning Law to permit: **the placement of a storage building in a side/front yard.**

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

For property owned by **Aaron Rathburn**

Situated as follows: **2270 W. Old State Road Altamont, NY 12009**

Tax Map #**26.00-1-38** Zoned: **RA3**

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

A public hearing was duly noticed and held this evening. No comments were provided tonight at the public hearing.

The Town Planner had no objections to the placement of the storage shed.

This property is located on a corner lot at the intersection of Rt. 158 and West Old State Road. A corner lot has two front yards which imposes two restrictions on substantial portions of the property. In this situation, the Board allows the property owner to treat one of the front yards as a side yard if two factors are shown: 1) that this will not cause any impacts on the intersection and 2) will not impact neighboring properties.

The proposed structure will not negatively impact the intersection of Rt. 158 and West Old State Road and the proposed variance will not negatively impact neighboring property owners or cause an undesirable change in the character of the neighborhood.

The proposed structure is barn style and attractively designed.

There are large trees and ground cover which will screen the barn from neighboring properties.

This barn's placement at the proposed location is more distant from the neighboring house than if it were placed in the back yard.

The proposed location does not require any variances from the side yard setback.

For these reasons, I would move that the Board grant the application for an area variance.

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

Adherence to the plans as submitted.

The Building/Zoning Inspector is hereby authorized to issue the permits necessary to implement this decision.

Motion seconded by Sharon Cupoli. Vote 5 – 0.

MATTER OF ROBERT GAYNE – 6 STILLWOOD DRIVE

Jake 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. 4545

Request of **Robert F. Gayne** for a Variance of the regulations under the Zoning Law to permit: **the placement of a prefabricated shed in a front yard.**

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

For property owned by **Robert & Joyce Gayne**

Situated as follows: **6 Stillwood Drive Altamont, NY 12009**

Tax Map # **24.00-1-18.7** Zoned: **RA5**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **2nd of September, 2015** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **August 26, 2015**”

The file consists of the mailing list to 13 neighboring property owners, the Town's required forms for an area variance, a project narrative provided by the applicant, a depiction of the shed on the property, a plot plan showing the proposed location of the shed and the Town Planner's comments.

The Town Planner had the following comments: "The applicant has requested an area variance for a shed in the required front yard. Although I have no planning objections to this location, I also don't see any reason it could not be placed within the required 50' setback."

Robert Gayne, applicant, presented the case.

Chairman Barber stated that this was a very rural area. Chairman Barber stated that it is quite distant and is consistent with the agricultural nature.

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. 4545

Request of **Robert F. Gayne** for a Variance of the regulations under the Zoning Law to permit: **the placement of a prefabricated shed in a front yard.**

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

For property owned by **Robert & Joyce Gayne**
Situated as follows: **6 Stillwood Drive Altamont, NY 12009**
Tax Map # **24.00-1-18.7** Zoned: **RA5**

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

A public hearing was duly noticed and held this evening. No comments were received at the public hearing.

This is a Type II Action under SEQRA, not requiring SEQRA review.

The proposed accessory structure is a shed on a 2.1 acre rural parcel located on Stillwood Drive. Like many homes in this area, the house does not follow traditional suburban setting and actually sits diagonally on the lot.

Although located in the front yard, the shed is located well off of the road and will blend with the rural surroundings.

Other locations for the shed are unavailable because of existing septic tank and leachfield.

The sheds location and size fits well with the rural character of the neighborhood in this rural agricultural district.

Given these unique circumstances, the Board finds that the granting of this variance will not have a negative impact on the character of the neighborhood and is not detrimental to nearby properties.

For these reasons, the Board grants the request with the following condition:

Adherence to the plans as submitted with the application.

The Building/Zoning Inspector is hereby authorized to issue the permits necessary to implement this decision.

Motion seconded by Sharon Cupoli. Vote 5 – 0.

MATTER OF CHRISTINA ONDERDONK – 51-55 HANLEY DRIVE

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

Special Use Permit/Variance Request No. 4544

Request of **Christina Onderdonk** for a Special Use Permit under the Zoning Law to permit: **the construction of a single family dwelling with an in-law apartment.**

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

For property owned by **Truman Onderdonk**

Situated as follows: **51-55 Hanley Lane Albany, NY 12203**

Tax Map # **63.00-1-16.1** Zoned: **RO40**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **2nd of September, 2015** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **August 26, 2015**”

The file consists of the mailing list to 46 neighboring property owners, the Town’s required forms for a special use permit for an in-law apartment, a Short Environmental Assessment Form for this Unlisted Action under SEQRA, a site plan review by the Town

Planning Board, the Town Planners comments, a copy of a conditional sales agreement, a project narrative, and a depiction of the property along with a site plan.

The Town Planning Board's site plan review was to **recommend** with no suggestions or comments.

The Town Planner had the following comments: "The applicant has requested a special use permit to have an in-law apartment in the new house they are constructing. The existing house which is presently assessed as a three family building will be demolished. There will be ample parking on site and all other conditions of the accessory apartment law should be met. No planning objections."

Christina Onderdonk, applicant, presented the case.

Chairman Barber asked who the relative would be that would be living in the in-law apartment.

Ms. Onderdonk replied that it would be her father. Ms. Onderdonk stated that her father is the current owner of the property; it was subdivided into two one acre parcels and next week she will be purchasing the one parcel.

Chairman Barber stated that the in-law apartment was less than 750sf and there was plenty of parking.

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 this application to determine whether the granting of a special use permit would have a significant impact upon the environment. This review consisted of the comments provided by the Town Planner, the Town Planning Board, also the conducting of the public hearing this evening and the review of the application. Based upon that collective review, I 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/Variance Request No. 4544

Request of **Christina Onderdonk** for a Special Use Permit under the Zoning Law to permit: **the construction of a single family dwelling with an in-law apartment.**

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

For property owned by **Truman Onderdonk**

Situated as follows: **51-55 Hanley Lane Albany, NY 12203**
Tax Map # **63.00-1-16.1** Zoned: **RO40**

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 Board adopted a negative declaration under SEQRA by a unanimous vote.

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

The property has recently received subdivision approval from the Town Planning Board.

The Town Planning Board recommended approval.

The proposed in-law apartment at 51 Hanley Drive meets all the requirements for an in-law apartment. The apartment will be less than 750sf, it will be occupied by the property owner's relative, it will be part of the main dwelling and have an entrance in common with the main dwelling, and there is ample parking on site.

For these reasons, I recommend that the Board ***approve*** the requested special use permit request with the following conditions:

Adherence to the plans as submitted with the application.

The applicant shall file a deed with a covenant indicating that the apartment is owner occupied and the apartment is occupied by a person related to the owner. The deed shall be filed with the Albany County Clerk's office and proof of filing shall be submitted to the Building Department.

The special use permit shall be renewed by the applicant on an annual basis until such time as the use shall cease.

Upon cessation of the special use permit, all kitchen related improvements in the apartment shall be removed.

The Zoning/Building Inspector is hereby authorized to issue the permits necessary to implement this decision.

Motion seconded by Sharon Cupoli. Vote 5 – 0.

The Board approved the minutes of July 1, 2015 and August 5, 2015. Vote 5 – 0.

SIGNS:

The Board approved a sign for **Cricket Wireless at 2080 Western Ave.** Vote 5 – 0.

The Board approved a sign for **State Farm at 1820 Western Avenue** conditioned upon adding 911 address. Vote 5 – 0.

The Board approved a sign for **State Farm at 2021 Western Avenue.** Vote 5 – 0.

The Board approved a sign for **Marshall Price, DDS** at 3734 Western Ave. Vote 5 – 0.

The Board approved a temporary sign for **Albany Pine Bush Preserve Commission** for wildlife restoration. Vote 5 – 0.

The Board discussed an electronic sign for the **Guilderland Public Library** and continued the request to give Counsel a chance to review the request.

Meeting adjourned at 8:05pm.