

**TOWN OF GUILDERLAND
ZONING BOARD OF APPEALS
FEBRUARY 18, 2015**

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

Chairman Barber stated that the case of Amin Dawoodani of 3605 Carman Road had been continued until March 4, 2015.

NEW CASES:

MATTER OF JASON RISKO – 19 VELINA 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 III & V** of the Zoning Law on the following proposition:

Variance Request No. 4509

Request of **Jason Risko** for a Variance of the regulations under the Zoning Law to permit: **the construction of a garage addition within the required front yard setback. A 35ft setback is required, 25ft is proposed.**

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

For property owned by **Jason Risko**

Situated as follows: **19 Velina Drive Albany, NY 12203**

Tax Map # **52.05-1-8** Zoned: **R15**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **18th of February, 2015** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **February 4, 2015**”

The file consists of the mailing list to 30 neighboring property owners, the Town’s required forms for an area variance, a letter from a neighbor in support of the application,

a narrative provided by the applicant, a schematic diagram of the proposed garage addition and the Town Planners comments.

The Town Planner had the following comments: “The applicant has requested an area variance to build a garage that will encroach into the front yard setback by 10’ but extend only 5’ from the existing house. No planning objections.”

Jason Risko, applicant, presented the case. Mr. Risko stated that the garage would only extend 3’ from the existing house.

Chairman Barber stated that there was plenty of room on the side and in the back. Chairman Barber asked if any of his neighbors had any concerns regarding the variance.

Mr. Risko stated that he had not heard anything.

Chairman Barber stated that it seems very straightforward and does not seem to have any impacts on neighbors.

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. 4509

Request of **Jason Risko** for a Variance of the regulations under the Zoning Law to permit: **the construction of a garage addition within the required front yard setback. A 35ft setback is required, 25ft is proposed.**

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

For property owned by **Jason Risko**

Situated as follows: **19 Velina Drive Albany, NY 12203**

Tax Map # **52.05-1-8** Zoned: **R15**

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

A public hearing was duly noticed and held this evening. One neighbor submitted a letter to the Board in support of the application.

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

The existing house already extends approximately 7’ into the front yard setback and the garage will only extend an additional 3’ into the front yard.

The Board finds that this will not cause any negative visual impacts.

The garage addition meets both the rear and side yard setbacks and would appear to be consistent with the design of the home.

Under these circumstances, the setbacks will not cause any undesirable change in 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 and applications submitted by the applicant.

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

Motion seconded by Sharon Cupoli. Vote 5 – 0.

MATTER OF SANDELL MANUFACTURING – 310 WAYTO 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 **III & V** of the Zoning Law on the following proposition:

Special Use Permit Request No. 4503

Request of **Sandell Manufacturing Co. Inc.** for a Special Use Permit under the Zoning Law to permit: **the construction of a 10,000sf addition to an existing warehouse/manufacturing facility.**

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

For property owned by **SJM Realty LLC**

Situated as follows: **310 Wayto Road Schenectady, NY 12303**

Tax Map # **15.00-2-3** Zoned: **Ind**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **18th of February, 2015** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **January 2, 2015**”

The file consists of the mailing list to 39 neighboring property owners, the Town’s required forms for a special use permit along with a Short Environmental Assessment Form under SEQRA, the Town Planners comments, the Town Planning Board’s site plan review, Albany County Planning Board’s notification, schematic diagrams, a narrative provided by Hershberg and Hershberg, a site plan which shows the proposed addition and a building previously approved by the Board.

The Town Planning Board recommended approval with no conditions or suggestions. The Town Planner had the following comments: “The applicant is requesting a special use permit for a 20,000sf addition to be used as warehousing and storage. (The 56,000sf building shown on the plan has already been approved but not yet built.) No new employees are anticipated, no new traffic generated and no variances are requested. The stormwater and septic plans will require review and approval. No planning objections.”

Albany County Planning Board’s notification of 1/15/15 was to modify local approval to include: 1) review by the Albany County Department of Health for any necessary permits for any water line extension and reuse of an existing subsurface sanitary sewer system.

Daniel Hershberg of Hershberg and Hershberg presented the case. Mr. Hershberg stated that Sandell Mfg. was acquired by Berkshire Hathaway and they determined that the 56,000sf building was not in their best interest. Saverio Minucci proposed to modify this building to give them enough storage for their facility. Mr. Hershberg stated that in increasing this storage capacity, it does not change the number of employees or the use of the site at all.

Mr. Hershberg stated that they do intend to build the water extension so that they can remove the tower. Mr. Hershberg stated that they do not intend to build this building until they get a tenant.

Mr. Hershberg stated that the stormwater management would be impacted because they are adding impervious area.

Chairman Barber asked about part of the building being removed.

Mr. Hershberg replied that the loading dock portion would be taken down to the foundation and then rebuild a loading dock there.

There was discussion regarding the water pressure and the sprinkler system.

Chairman Barber stated that this addition would be on the thruway side of the property.

Mr. Hershberg stated that was correct, it is only visible from the thruway.

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

William Delanoy of 2984 Nancy Lane stated that he was glad that they would be removing the water tower. Mr. Delanoy had concerns regarding the height of the building and possible increased traffic for a new tenant. Mr. Delanoy also had concerns regarding the mountains of debris on Wayto Road.

Chairman Barber made a motion to appoint Ken Johnson of Delaware Engineering as the TDE to review the water pressure, the stormwater management and recharge basin, and the septic and sewer. Motion seconded by Sharon Cupoli. Vote 5 – 0.

Chairman Barber made a motion to keep the public hearing open and to continue this matter to March 18, 2015. Motion seconded by Sharon Cupoli. Vote 5 – 0.

MINUTES: The Board approved the minutes of 11/19/14 and 12/3/14.

SIGNS:

The Board approved a 25sf sign for **Vaughn Vision at Carman Plaza**. Vote 5 – 0

The Board approved new signage for **Stewarts at Mill Hill Ct**. Vote 5 – 0.

The Board approved a 32.5sf internally illuminated sign for **The Hot Yoga Spot at Stuyvesant Plaza**. Vote 5 – 0.

The Board approved a temporary banner for two weeks for **Veronica’s at 105 Arcadia Avenue**. Vote 5 – 0.

The Board approved a building mounted and freestanding sign for **Bride & Gown at 1789 Western Avenue**.

The meeting adjourned at 8:00pm.