

TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309

The Zoning Board of Appeals of the Town of Niskayuna will conduct a regular meeting on WEDNESDAY, July 19, 2023 at 7:00 P.M. in the Town Board Meeting Room, Town Hall, One Niskayuna Circle, Niskayuna, New York to consider the following:

1. Appeal by Gary Horton for a variance from Section 220-18 (B) (3) (b) and Schedule I-B of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 2383 Troy Schenectady Road, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to maintain a shed partially within the rear setback after a proposed lot line adjustment with 2386 Algonquin Road. Section 220-4 defines major accessory structures as detached accessory buildings or other structures in excess of 120 square feet. Section 220-18 (B) (3) (b) states the required yard dimensions for any major accessory structure shall be the same as applies to the principal building. Schedule I-B states that the minimum rear yard dimension in the R-1 Zoning district is 25 feet. As proposed, the lot line adjustment will result in a pre-existing shed, greater than 120 square feet in area, to be located 5.1 feet from the new rear lot line. Therefore, a 19.9 foot rear yard setback variance is required.
2. Appeal by Joseph Weber and Emily Gordon for a variance from Section 220-4 and Section 220-25 B (1) (a) of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 701 Bobby Court, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to maintain a six (6) foot fence in the front yard along Lishakill Road which exceeds the height limit allowed in the front yard. Section 220-4 states for corner lots “each street line shall be considered a front line.” The property is a corner lot and as defined, has front yards along Lishakill Road and Bobby Court. Section 220-25 B (1) (a) permits the maximum height for fences located in the front and side yards, to be four (4) feet. On December 18, 1991, The Zoning Board of Appeals granted a one (1) foot height variance to allow a five (5) foot high fence in this location. As constructed, a six (6) foot high fence is located in the front yard, along Lishakill Road; therefore, an additional one (1) foot fence height variance is required.
3. Appeal by Jennifer Barnes for a variance from Section 220-13, Schedule I-B of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 5 Rembrandt Drive, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a 14’ x 30’ in ground swimming pool partially within the rear setback. Accessory Structures: Section 220-18 B (3) (b) states that “the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building”. A major accessory structure is defined as “detached accessory buildings or other structures in excess of 120 square feet.” The pool, at 420 square feet, is a major accessory structure. Section 220-13, Schedule I-B requires a twenty-five (25) foot rear yard setback. As proposed, the pool would be located thirteen (13) feet from the rear property line. Therefore, a twelve (12) foot rear yard setback variance is required.
4. Appeal by Nicholas and Terressa Mannix for a variance from Section 220-4, Section 220-18 A (2), Section 220-18 B (3) (b), Section 220-15 (D), and Section 220-13 Schedule I-B of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 1230 Ruffner Road, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to maintain a 10' x 14' shed in the front yard and partially within the front and side yard setback. Section 220-4 states for corner lots “each street line shall be considered a front line.” The property is a corner lot and as defined, has front yards along Ruffner Road and Mountainview Avenue. Front Yard: Section 220-18 A (2) states that accessory structures are not permitted in the front yard of any lot. As constructed, the shed is located between the house and Mountainview Avenue in what constitutes a front yard; therefore, a variance from this section is required. Section 220-18 B (3) (b) states that “the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building.” As defined, major accessory structures are “detached accessory buildings or other structures in excess of 120 square feet.” The shed, at 140 square

feet, is a major accessory structure. Section 220-15 (D) Corner lots states front yard minimums shall be required of both yards facing a street on a corner lot. Side yard minimums shall be required of the remaining two yards for properties located in the R-1 and R-2 Zoning Districts. Section 220-13 Schedule I-B establishes a side setback minimum of twenty (20) feet and the front setback minimum of thirty-five (35) feet. As constructed, the shed is placed nineteen (19) feet from the side property line and twenty-nine (29) feet from the front property line, therefore a one (1) foot side yard variance and a six (6) foot front yard variance are required.

5. Appeal by Silvia and Paul Romeo for a variance from Section 220-13, Schedule I-B of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 2331 Algonquin Road, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a 12' x 18' shed partially within the side and rear yard setbacks. Accessory Structures: Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building". A major accessory structure is defined as "detached accessory buildings or other structures in excess of 120 square feet". The shed, at 216 square feet, is a major accessory structure. Section 220-13, Schedule I-B requires a twenty (20) foot minimum side yard setback, and a twenty-five (25) foot rear yard setback. As proposed, the shed would be located five (5) feet from the side property line and ten (10) feet from the rear property line. Therefore, a fifteen (15) foot side yard setback variance and a fifteen (15) foot rear yard setback variance are required.
6. Appeal by David Feldman for a variance from Section 220-18 A (2) and Section 220-13, Schedule I-B of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 2510 Rosendale Road, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a 12' x 16' shed in the front yard and partially within the side yard setback. Accessory Structures: Section 220-18 A (2) states that "accessory structures are not permitted in the front yard of any lot". As proposed, the shed will be located in a front yard; therefore, a variance from this section is required. Accessory Structures: Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building." A major accessory structure is defined as "detached accessory buildings or other structures in excess of 120 square feet." The shed, at 192 square feet, is a major accessory structure. Section 220-13, Schedule I-B requires a twenty (20) foot minimum side yard setback. As proposed, the shed would be located ten (10) feet from the side property line. Therefore, a ten (10) foot side yard setback variance is required.

NEXT MEETING: August 16, 2023 at 7 PM

TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309
Meeting Minutes
May 17, 2023

Members Present: Keith Frary, Chairperson
John Hoke
Nicolas Ltaif
Erik Dollman
Vincent Daly
Richard Greene
Patrick Antonikowski
Also Present: Laura Robertson, Town Planner
Alaina Finan, Town Attorney

A. Roll Call

All members were present.

B. Minutes

The minutes from the April meeting were presented. Mr. Ltaif placed a motion to accept the minutes as written. Mr. Daly seconded the motion.

Upon voting, the April minutes were approved 6-0, with one abstention.

Mr. Hoke	Aye
Mr. Ltaif	Aye
Mr. Dollman	Abstain
Mr. Daly	Aye
Mr. Greene	Aye
Mr. Antonikowski	Aye
Chairperson Frary	Aye

Chairperson Frary reminded the audience that when they wish to address the Board they need to speak into the microphone because the Town is hosting a hybrid meeting and the participants who are connected over the computer can only hear what is spoken into the microphone. He informed the attendees that when they present their case to the Board, they need to state their name and address for the record. He also noted the Board will be asking them a variety of questions. He noted the Board members reviewed the case packets and possibly visited the property. He noted the Board uses questions to determine the need for variance and how the applicant mitigated the need for the variance.

C. Cases

1. Appeal by Ronald Walsh for a variance from Section 220-4 and Section 220-25 B (1) (a) of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 2100 Alexis Avenue, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to maintain a six (6) foot high fence which exceeds the height limit in the side yard. Section 220-4 states for corner lots "Each street line shall be considered a front lot line." The property fronts on two (2) streets: Balltown Road and

42 Alexis Avenue. Section 220-25 B (1) (a) permits the maximum height for fences located in the front
43 and side yards, to be four (4) feet. As constructed, a six (6) foot high fence is located in the side yard.
44 Therefore, a two (2) foot fence height variance is required.

45 Eleven (11) notices were mailed. Zero (0) responses were received.

46 Ronald Walsh, owner, was present. Mr. Walsh noted that he started his fencing project 2 years ago when
47 he received a variance along Balltown Road. Due to Covid and supply chain issues, the fence is still being
48 installed. He noted the rear of his house does not line up with the neighboring house's footprint. He
49 presented pictures to show why he installed it as he did.

50 Ms. Robertson presented a summary of the 2019 variance case.

51 Chairperson Frary asked if the applicant discussed the alteration with the Building Department prior to
52 installation. Mr. Walsh stated he did not but wanted to match the neighbor's fence line.

53 Chairperson Frary asked why the fence is needed. Mr. Walsh stated he had a couple of dogs and a son with
54 ADHD. Chairperson Frary asked if the applicant can achieve the benefit by having the fence at the back
55 corner of the house. Mr. Walsh stated he could but aesthetically it looks better where it is installed.

56 Mr. Hoke commented that he is confused why the case is back before the Board. Ms. Robertson stated that
57 the applicant withdrew his application to install this portion of the fence at 6 feet during the 2019 Zoning
58 Board meeting, therefore the Board did not render a decision on this piece. Ms. Finan noted that the
59 applicant was presented with multiple options for compliance by the Town Planner. He ultimately chose to
60 request a variance from the ZBA for this portion of fence.

61 Mr. Ltaif asked how far the fence is located from the rear of the home. Mr. Walsh stated it was about 12
62 feet. Mr. Ltaif asked how wide the fence section is. Mr. Walsh stated it was 18 feet. Mr. Ltaif asked if there
63 is a door to the outside on that interior portion of the home. Mr. Walsh stated there was no door. He noted
64 the neighbor's fence comes off the back corner of their home, which is not in line with the back corner of
65 his home.

66 Chairperson Frary asked if there was anyone in the audience who wished to speak. Hearing none, he asked
67 if anyone on the Board would like to make a motion.

68 Mr. Daly made a motion to grant the variance. He stated he did not this the owner installed the fence in this
69 location maliciously and was trying to make the properties look good. He noted there are no environmental
70 effects.

71 Mr. Dollman seconded the motion.

72 Upon voting, the motion was failed 1-6. The motion did not move forward.

73 Mr. Hoke Nay

74 Mr. Hoke voted against the motion. He noted the Board frequently reviews 6-foot fences. He noted the
75 applicant was before the Board and identified viable alternatives to achieve the requested benefit. He noted
76 he agreed the fence looks good but that is not a main aspect of the Board's review. He noted there will be
77 no environmental effects. He noted the request is substantial.

78 Mr. Ltaif Nay

79 Mr. Ltaif voted against the motion. He noted allowing the fence as installed would set a poor precedence.

80 Mr. Dollman Nay

81 Mr. Dollman voted against the motion. He noted he didn't believe the project would create an undesirable

- 82 change in the character of the neighborhood but he did believe the request was substantial. He noted there
83 would be no negative environmental conditions but the issue was self-created.
- 84 Mr. Daly Aye
85 Mr. Daly voted for the motion for the reasons stated.
- 86 Mr. Greene Nay
87 Mr. Greene voted against the motion for the reasons stated by Mr. Hoke.
- 88 Mr. Antonikowski Nay
89 Mr. Antonikowski voted against the motion for the reasons stated by other members of the Board. He noted
90 that there was an agreement with the applicant in 2019 not to install a six-foot fence in this location and the
91 applicant proceed in contradiction to what was decided.
- 92 Chairperson Frary Nay
93 Chairperson Frary voted against the motion.
- 94 Chairperson Frary stated the motion failed and asked for another motion. Chairperson Frary placed a motion
95 to deny the variance request. He noted Mr. Hoke stated clearly why the variance should be denied. He noted
96 that the 2019 case clearly discussed the issue and it was decided not to install a six foot fence in this location.
- 97 Mr. Hoke seconded the motion.
- 98 Upon voting, the motion to deny was granted 6-1. The variance was denied.
- 99 Mr. Hoke Aye
100 Mr. Hoke voted for the motion.
- 101 Mr. Ltaif Aye
102 Mr. Ltaif voted for the motion.
- 103 Mr. Dollman Aye
104 Mr. Dollman voted for the motion.
- 105 Mr. Daly Nay
106 Mr. Daly voted against the motion.
- 107 Mr. Greene Aye
108 Mr. Greene voted for the motion.
- 109 Mr. Antonikowski Aye
110 Mr. Antonikowski voted for the motion.
- 111 Chairperson Frary Aye
112 Chairperson Frary voted for the motion.
- 113 Chairperson Frary thanked the applicant for attending and called the next case.
- 114 2. Appeal by Benjamin Twait for a variance from Section 220-25 B (1) (a) of the Zoning Ordinance of
115 the Town of Niskayuna as it applies to the property at 2041 Morrow Avenue, Niskayuna, New York,
116 located in the R-2: Medium Density Residential Zoning District, to construct a six (6) foot fence which
117 exceeds the height limit in the side yard. Section 220-25 B (1) (a) permits the maximum height for
118 fences located in the front and side yards, to be four (4) feet. As proposed, a six (6) foot high fence
119 will be located in the side yard; therefore, a two (2) foot fence height variance is required.

120 Seven (7) notices were sent out. Zero (0) responses were received.

121 Benjamin Twait, owner, was present. He noted he wished to replace an existing 6' fence in its current
122 location. The fence was installed when he moved in 2 years ago. He noted that it is located to end where
123 his neighbor's 6' Fence ends, which is off the front corner of their home.

124 Chairperson Frary asked if the Building Department office has any information on the neighbor's fence.
125 Ms. Robertson stated she did send the Inspector out to check on the neighbor's six foot fence but he looked
126 at the wrong house and therefore needs to return for a second inspection. Preliminarily though, there did
127 not appear to be a valid permit for the neighbors six-foot fence.

128 Mr. Ltaif asked if the fence was discussed when the house was purchased. Mr. Twait stated they did not
129 discuss it. He noted the previous owners only lived in the house for a short period of time.

130 Mr. Hoke asked if the applicant did a survey of the property. Mr. Twait stated he did not. Mr. Hoke asked
131 if he was certain the fence was his. Mr. Twait stated the unfinished side was facing his house so he assumed
132 the fence was his. He noted that he had spoken with the neighbor and they both agreed the fence belonged
133 to 2041 Morrow Avenue (his property). Mr. Hoke noted the applicant's fence location request is based on
134 the neighbor's fence as installed. He asked if the project would change if it was discovered the neighbor's
135 fence had to be corrected.

136 Chairperson Frary asked if the applicant had a survey showing property boundaries and asked if he could
137 confirm the fence was on his property. Samantha and Brooks Twait, owner and son, came forward and
138 confirmed that the previous owner and realtor confirmed the fence was theirs. The Board reminded the
139 applicant that a 4-foot fence could be installed without the need of a variance.

140 Mr. Hoke suggested the case be tabled until the applicant could confirm the fence was his and the Building
141 Department could determine if the neighbor's fence was installed with or without a permit. Mr. Twait
142 explained that his rear yard will be enclosed with a 4-foot fence at the end of the driveway and a 6-foot
143 fence around the rear of the property.

144 Mr. Dollman placed a motion to table the discussion until the June meeting. Mr. Daly seconded the motion.

145 Upon voting, the case was tabled by the Board with a vote 7-0.

146 Mr. Hoke	Aye
147 Mr. Ltaif	Aye
148 Mr. Dollman	Aye
149 Mr. Daly	Aye
150 Mr. Greene	Aye
151 Mr. Antonikowski	Aye
152 Chairperson Frary	Aye

153 Chairperson Frary stated this case would return to the Board in June and requested the applicant work on
154 bringing back some additional information.

155 3. Appeal by Aaron and Maree Sacks for a variance from Section 220-13, Schedule I-B of the Zoning
156 Ordinance of the Town of Niskayuna as it applies to the property at 4315 Buckingham Drive,
157 Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a 12'
158 x 22' garage addition partially within the side yard setback. Section 220-13, Schedule I-B requires a
159 twenty (20) foot minimum side yard setback. As proposed, the addition would be located nine (9) feet,
160 at the closest point, from the side property line; therefore, an eleven (11) foot side yard setback variance
161 is required.

162 12 notices were sent out. Zero responses were received.

163 Aaron Sacks, owner, was present. He noted that he and his wife now work from home. He stated they
164 wanted to reconfigure their space to add a home office. The plan was to add a new garage space and convert
165 the old garage space into a mudroom and office space. He noted that he spoke with neighbors and he has
166 received their support for the project.

167 Chairperson Frary asked how the addition will fit into the aesthetics of the existing home. Mr. Sacks stated
168 they plan to redo the siding on the entire home after the addition is put on so they match seamlessly. The
169 house currently has yellow 1070's vinyl siding and could use the update.

170 Mr. Greene asked what portion of the neighbor's is nearest the proposed addition. Mr. Sacks stated the
171 neighbor's garage is on the far side of the house. He stated it was probably the kid's bedrooms that were on
172 the near side of the house closest to the addition. Mr. Greene asked what the roofing material would be for
173 the addition. Mr. Sacks stated it would be the same as the house-shingles.

174 Chairperson Frary asked if the driveway would need to be expanded. Mr. Sacks stated it would need to be
175 extended. He noted he might use gravel. Chairperson Frary asked if the driveway would need a variance.
176 Ms. Robertson stated the code and noted the driveway cannot exceed 33 feet or 30% of the frontage,
177 whichever is less. Mr. Sacks stated that wouldn't be a problem.

178 Mr. Greene asked what neighbors across the street would see the addition and where they on the list of
179 neighbors who stated they were in favor of the project. Mr. Sacks noted the neighbor who would see it best
180 and noted they signed their agreement with the project.

181 Mr. Antonikowski asked if they explored other options. Mr. Sacks stated they considered building above
182 the garage and connecting the office space to the master bedroom. The cost was too much for them. They
183 also considered upgrading the basement but those improvements were also very costly. Mr. Sacks noted
184 that he walked his block and saw many houses that were close to the property line on one side, similar to
185 what he is proposing.

186 Chairperson Frary asked if there was anyone in the audience who wished to speak. Hearing none, he asked
187 if anyone on the Board would like to make a motion.

188 Mr. Greene placed a motion to grant the variance. He noted the applicant explored alternatives and they
189 were not economically feasible or they were not appropriate for the existing structure. He noted the request
190 is substantial however it does not create an adverse effect to the neighborhood. He noted the property is pie
191 shaped which limits what can be done without a variance. He noted there are no environmental effects
192 created. Lastly, he noted the project is self-created but noted it was not determinative.

193 Mr. Daly seconded the motion for the reasons stated.

194 Upon voting, the motion was granted 7-0. The variance was granted.

195 Mr. Hoke Aye
196 Mr. Hoke voted for the motion for the reasons stated.

197 Mr. Ltaif Aye
198 Mr. Ltaif voted for the motion for the reasons stated.

199 Mr. Dollman Aye
200 Mr. Dollman voted for the motion for the reasons stated.

- 201 Mr. Daly Aye
202 Mr. Daly voted for the motion for the reasons stated.
- 203 Mr. Greene Aye
204 Mr. Greene voted for the motion.
- 205 Mr. Antonikowski Aye
206 Mr. Antonikowski voted for the motion.
- 207 Chairperson Frary Aye
208 Chairperson Frary voted for the motion.
- 209 Chairperson Frary noted to the applicant the variance was granted and asked Ms. Sciocchetti to read the
210 next case.
- 211 4. Appeal by Sterling Home Solutions, agent, for a variance from Section 220-13, Schedule I-B of the
212 Zoning Ordinance of the Town of Niskayuna as it applies to the property at 80 Oakmont Street,
213 Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a 14'
214 1.5" x 13' 6" sunroom addition, in conjunction with the existing deck partially within the rear yard
215 setback. Section 220-13, Schedule I-B requires a twenty-five (25) foot minimum rear yard setback. As
216 existing and proposed the deck and sunroom addition would be located 18' 8" from the rear property
217 line at its closest point; therefore, a 6' 4" rear yard setback variance is required. The deck as constructed
218 is less.
- 219 10 notices were sent out. Zero responses were received.
- 220 Rick Rainbow, Sterling Home Solutions (contractor), was present. He noted the homeowner wanted a
221 sunroom added so she could enjoy her rear yard without dealing with bugs and other nuisances. She
222 currently had a deck which, when built, was thought to be within the allowable setback but the recent survey
223 showed that it was constructed partially within the setback. He noted there is no rear neighbor - the land is
224 owned by the Town and is a forest.
- 225 Chairperson Frary asked if any trees needed to be removed for this project. Mr. Rainbow stated no, that the
226 yard is clear of trees until you get to the Town land which is forest. He noted the tree line is approximately
227 15 feet past what he has now learned to be the property line.
- 228 Mr. Greene asked what the adjacent neighbor would see with this addition. Mr. Rainbow noted there would
229 be minimal change to the neighbors view. Right now the neighbor sees the existing deck, after construction
230 it would be the side of the sunroom. Mr. Greene asked how close the neighbors are to each other. Ms.
231 Robertson estimated the side of the sunroom would be about 12 feet to the shared property line. Mr. Greene
232 asked if Mr. Rainbow had spoken to the direct neighbor. Mr. Rainbow stated he had not personally but he
233 believes the homeowner has.
- 234 Chairperson Frary asked if there was anyone in the audience who wished to speak. Hearing none, he asked
235 if anyone on the Board would like to make a motion.
- 236 Mr. Ltaif placed a motion to grant the variance. He noted there were no feasible alternatives to building a
237 sunroom. He stated the request was substantial but there were no neighbors to the rear to be affected. There
238 are no environmental concerns. No neighbors wrote notes of concerns about the change in the character of
239 the neighborhood.
- 240 Chairperson Frary seconded the motion.

241 Upon voting, the motion was granted 7-0. The variance was granted.

242 Mr. Hoke Aye

243 Mr. Hoke voted for the motion.

244 Mr. Ltaif Aye

245 Mr. Ltaif voted for the motion.

246 Mr. Dollman Aye

247 Mr. Dollman voted for the motion.

248 Mr. Daly Aye

249 Mr. Daly voted for the motion.

250 Mr. Greene Aye

251 Mr. Greene voted for the motion for the reasons stated.

252 Mr. Antonikowski Aye

253 Mr. Antonikowski voted for the motion.

254 Chairperson Frary Aye

255 Chairperson Frary voted for the motion for the reasons stated.

256 Chairperson Frary called the next case.

257 5. Appeal by Erik Kohler, for a variance from Section 220-4 and Section 220-13 Schedule I-B of the
258 Zoning Ordinance of the Town of Niskayuna as it applies to the property at 2225 Rosendale Road,
259 Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a new
260 single-family home partially within the front yard setback on Rosemont Avenue (paper street). Section
261 220-4 states for corner lots "each street line shall be considered a front line." The property is a corner
262 lot and as defined, has front yards along Rosendale Road and Rosemont Avenue (paper street). Section
263 220-15 (D) Corner lots states front yard minimums shall be required of both yards facing a street on a
264 corner lot. Side yard minimums shall be required of the remaining two yards for properties located in
265 the R-1 and R-2 Zoning Districts. Section 220-13 Schedule I-B establishes a front yard setback
266 minimum of thirty-five (35) feet. As proposed, the house is twenty-four (24) feet from the front property
267 line along Rosemont Avenue; therefore, an eleven (11) foot front yard setback variance is required.

268 16 notices were sent out. One response was received. Ana Barreto, 1123 Rosehill Blvd, called the Building
269 Department and stated she was not in favor of granting the variance. She objected to the clearing that had
270 already occurred for the home.

271 Perri and Zachery Schellenger, owners, were present. Perri noted that they purchased the land contingent
272 on approval of the building permit. They submitted an application in January and an updated survey in
273 February. They picked up the permit in February and closed on the property. In March they met with Ms.
274 Robertson to discuss the status of the paper street and whether or not it could be used for their driveway.
275 The house plans that were approved assumed it was not a paper street and therefore showed a side setback
276 rather than a front yard setback. The contractor started clearing the land to prepare to dig the foundation. In
277 April, Ms. Robertson called to rescind the permit, stating it was a paper street and the setbacks for the
278 proposed home were not compliant with code. Ms. Schellenger noted by that time, a number of items to
279 build the house were already ordered because of the lead time it took to receive them.

280 Chairperson Frary asked why the permit was rescinded. Ms. Robertson noted that Rosemont Street was not
281 owned by the Town and the Building Inspector mistakenly assumed it was no longer a paper street. After

meeting with the Schellengers and investigating their request, she realized the property was still considered to be a paper street and the permit that was issued did not comply with the Zoning Code. Therefore it had to be rescinded. She noted the applicant had requested to allow their driveway to be located on the privately owned paper street. It was an investigation into this request that discovered the additional information and prompted rescinding the permit. She noted the Economic Development Committee also considered the applicants request to use the paper street for their driveway and directed her to complete the full research on the paper street.

Chairperson Frary stated his frustration with the Building Department that the permit was rescinded.

Chairperson Frary asked what has been completed on the property. Ms. Schellenger stated the land was cleared, and trusses, beams and windows were ordered for the approved home.

Mr. Hoke noted that the applicant had asked the Planning Department for a determination that Rosemont Avenue was a paper street or an unimproved right-of-way.

Melissa Cherubino, attorney for the applicant, asked for an interpretation as to whether or not this property is actually a corner lot. She stated the portion of Rosemont Avenue in question is privately owned. The deed lists it as a right-of-way. Based on the Town's determination, she stated the question as to whether this lot is a corner lot should be affirmed by the Board.

Chairperson Frary asked if the applicant's interests could be harmed based on the determination of the status of the paper street. Ms. Finan noted that the Town has been reviewing the status of a number of paper streets for different reasons and looking through the case law that governs them, but this paper street, Rosemont Avenue, has the added complication that it is not owned by the Town.

Mr. Hoke noted the Town's definition of "frontage" references existing or proposed street right-of-way. It does not differentiate actual street, paper street or street right-of-way. He noted this property meets the definition of a corner lot and felt that question could be closed out by the Board. Ms. Cherubino agreed.

Ms. Schellenger noted she had images of the proposed house. She noted the nearest home on the side of the home that needs a variance is 200 feet away. She didn't think the neighbor's realized a paper street exists there but considered the whole area undeveloped land. Ms. Cherubino noted she had images available to the Board that show many of the other houses in the area do not appear to meet the front yard setbacks required by code. She produced images of the land before development and demonstrated that she believes the proposed changes will improve the area.

Ms. Robertson noted that her research into the paper street showed the Town had looked into abandoning the entirety of Rosemont Ave but after deliberation chose only to abandon a northern portion of Rosemont Ave. The portion in question for this property is still a paper street or street right-of-way which requires a front yard setback to the home in question. She noted that the lower portion of Rosemont Ave was kept as a paper street because of the land locked properties that abut it.

Chairperson Frary asked what would change if the variance were not granted. Ms. Schellenger noted that they could not build the house they proposed. A new floor plan would need to be developed. Mr. Ltaif asked if the house can be moved to meet the setback. Ms. Schellenger noted that the paper street runs the length of the property so they cannot move the house around enough to meet the "front yard" setback. The only change that would comply with code would be a total redesign of the house. Mr. Hoke asked to confirm that there were no reasonable alternatives considering the items are pre-ordered and the cost for engineering and design has already been spent. Ms. Schellenger agreed.

Chairperson Frary asked if there was anyone in the audience who wished to speak.

324 Kevin Holmes, 2236 Berkley Avenue, noted that he lives on the corner of Berkely Ave and Rosemont Ave.
325 He gave a brief history of the land owners and the lots that have been put up for sale. He stated his concern
326 is whether the paper street would be used to locate the driveway for the new house, and if that would mean
327 in the future it could be used for more development.

328 Ms. Finan noted the driveway is proposed to be located on the property of 2225 Rosendale Road and not
329 on the paper street.

330 Erik Kohler, builder, presented additional images to the Board showing the proposed construction of the
331 home.

332 Chairperson Frary asked if there was anyone else in the audience who wished to speak. Hearing none, he
333 asked if anyone on the Board would like to make a motion.

334 Mr. Hoke noted that the applicant has agreed with the Board on their determination that the Rosemont Ave
335 right of way constitutes a frontage that was not taken into consideration when the proposed plans were
336 approved, so the question now is whether or not to allow a variance for the required front-yard setback to
337 Rosemont Ave.

338 Mr. Dollman placed a motion to grant the variance. He noted there were no feasible alternatives. He noted
339 the design will fit in nicely with the existing neighborhood so there will be no change in character. He stated
340 the request was substantial as any 11 foot setback would be considered. He stated there are no environmental
341 concerns and in this particular case, he feels the hardship was not created by the applicant.

342 Mr. Hoke seconded the motion for all the reasons stated. He also agreed that on some level this application
343 is not self-created, which is unusual in the many cases this Board reviews.

344 Upon voting, the motion was granted 6-1. The variance was granted.

345 Mr. Hoke Aye

346 Mr. Hoke voted for the motion.

347 Mr. Ltaif Nay

348 Mr. Ltaif voted against the motion. He noted that he did not want to set precedent for any other vacant
349 properties on that road to be built too close to the property line.

350 Mr. Dollman Aye

351 Mr. Dollman voted for the motion for the reasons stated.

352 Mr. Daly Aye

353 Mr. Daly voted for the motion for the reasons stated.

354 Mr. Greene Aye

355 Mr. Greene voted for the motion for the reasons stated.

356 Mr. Antonikowski Aye

357 Mr. Antonikowski voted for the motion for the reasons stated.

358 Chairperson Frary Aye

359 Chairperson Frary voted for the motion for all the reasons stated.

360 Chairperson Frary asked if there was any business the Board wished to talk about. He noted that he is
361 moving out of Niskayuna and therefore needs to step down from the Board. He thanked all the other

362 members for their service to the residents of Niskayuna. Mr. Ltaif thanked Chairperson Frary for his many
363 years of service.

364 Ms. Robertson noted that the June meeting date has been changed to June 14th due to the potential for early
365 voting in Town Hall.

366 Mr. Greene made a motion to adjourn. Mr. Daly seconded the motion. All the Board approved the motion.
367 The meeting was adjourned at 9:30 p.m.

DRAFT

TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309
Meeting Minutes
June 14, 2023

Members Present: John Hoke, Chairperson
Nicolas Ltaif
Katrina Pacheco
Erik Dollman
Richard Greene
William Stein
Also Present: Laura Robertson, Town Planner
Robert Hess, Town Attorney

A. Roll Call

Patrick Antonikowski and Vincent Daly were absent/excused.

Chairperson Hoke explained to the audience that there are only 6 members of the Board present tonight. Should an applicant decide to proceed with hearing their case, they will need 4 out of 6 votes in their favor rather than 4 out of 7 votes to receive an approved variance. Chairperson Hoke stated that each applicant will be given the choice to move forward with their case tonight or table the discussion until the next meeting when there is a seven-member Board (which they are entitled to).

B. Minutes

No minutes were presented.

C. Cases

1. Appeal by Benjamin Twait for a variance from Section 220-25 B (1) (a) of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 2041 Morrow Avenue, Niskayuna, New York, located in the R-2: Medium Density Residential Zoning District, to construct a six (6) foot fence which exceeds the height limit in the side yard. Section 220-25 B (1) (a) permits the maximum height for fences located in the front and side yards, to be four (4) feet. As proposed, a six (6) foot high fence will be located in the side yard; therefore, a two (2) foot fence height variance is required.

Sixteen (16) notices were mailed. Zero (0) responses were received. This notification was carried over from the May meeting in which the Board decided to adjourn the case until June so they could have more information from the applicant and Building Department.

Benjamin Twait, owner, was present. He stated he wished to continue with the existing six-member Board.

Mr. Twait stated he did not intend to get anyone in trouble, but apparently his neighbor's fence was installed without a permit and has been denied by the Building Department. He asked how the Board decision's will be affected by his neighbor's case and denial. Chairperson Hoke stated it is up to his neighbor whether they will appeal the denial for the fence and come to the Zoning Board or whether they will bring their fence into compliance. He stated it is good for the Board to understand the facts on the adjacent property.

- 79 Mr. Greene Aye
80 Mr. Greene voted yes on the motion for the reasons stated. He noted there will be no undesirable change in
81 the neighborhood.
- 82 Mr. Stein Aye
83 Mr. Stein voted yes on the motion. He noted there will be no detrimental effect to the neighborhood. He
84 noted the situation is not self-created. He stated there are other options.
- 85 Chairperson Hoke Nay
86 Chairperson Hoke voted to deny the motion. He noted there are other feasible means to achieve the same
87 benefit. He noted that any six (6) foot fence in a side yard is an undesirable change in the neighborhood.
88 He noted the request is substantial. He noted there are no environmental effects.
- 89 2. Appeal by John and Karen Splendido for a variance from Section 220-25 B (1) (a) of the Zoning
90 Ordinance of the Town of Niskayuna as it applies to the property at 930 St Davids Lane, Niskayuna,
91 New York, located in the R-1: Low Density Residential Zoning District, to construct a five (5) foot
92 high fence which exceeds the height limit in the front and side yard. Section 220-25 B (1) (a) permits
93 the maximum height for fences located in the front and side yards, to be four (4) feet. As proposed, a
94 five (5) foot high fence is located in the front yard, along St. David's Lane, and the side yard; therefore,
95 a one (1) foot fence height variance is required.
- 96 Eleven (11) notices were sent out. Zero (0) responses were received.
- 97 John Splendido, owner, was present. He noted he was choosing to present his case to the 6-member Board.
- 98 Mr. Splendido stated he has lived in Town since 2005 and owned this home since 2013. He noted the parcel
99 is quite unique and the house does not face the street but rather the side yard. He noted he wishes to install
100 the fence in his rear yard, which the Town designates as the side yard. His property is a deep lot and the
101 house is in the far back. He noted he tried not to locate the fence in the front yard but there are a couple of
102 large trees that needed to be avoided so a small portion of the fence needs to come forward into the front
103 yard. The fence would be located 108 feet from St. Davids Lane. He stated that this exact fence would be
104 allowed in the exact same spot along the property line if the neighbors were to install it because the area is
105 considered their rear yard. He chose an open style fence to mitigate the impact of the request. He chose a
106 five (5) foot height since that should be all he needs to keep his dogs enclosed instead of the foot.
- 107 Chairperson Hoke asked the Planner to confirm the sections of fence that need a variance. Ms. Robertson
108 showed the map and annotated the fence sections that need a variance onscreen. Chairperson Hoke asked
109 about whether or not the neighbors could install this as a six foot fence. Ms. Robertson noted that 913
110 Morgan Ave is the neighbor and the location in question is in their rear yard. A six (6) foot fence would be
111 allowed in that location at 913 Morgan Ave.
- 112 Mr. Greene asked if the applicant spoke to the neighbors. Mr. Splendido stated he did not. Mr. Greene asked
113 about the grade of the land. Mr. Splendido noted that his property is the high point of the area and the
114 neighbors would be looking up to his property.
- 115 Ms. Pacheco asked if the parcel was originally larger. Mr. Splendido stated he did not know. Ms. Pacheco
116 asked if there is a reason the applicant can't install the fence behind the trees. Mr. Splendido stated if he
117 moved it to the other side of the trees, the fence would block access to an existing patio. He noted he moved
118 the fence forward to avoid damaging the roots of the established trees.
- 119 Mr. Stein asked how far the garage was located from the rear property line. Mr. Splendido stated the land
120 drops off quickly and there is about 4-6 feet to the property line. The land is not useful as a rear yard.

121 Mr. Ltaif asked if the fence will be seen from St. Davids Lane. Mr. Splendido stated it will not be visible
122 unless you stopped and stared at his property. Mr. Ltaif asked about the grade where the fence will be
123 located. Mr. Splendido stated it is rolling topography. The fence will follow the contours of the land and it
124 will be see-through.

125 Chairperson Hoke asked if there are other fences on St Davids Lane that were 5 or 6 feet high. Mr. Splendido
126 stated there were other properties with 6-foot fences and produced pictures. Chairperson Hoke asked if a
127 variance can be granted with a condition of the fence type. Mr. Hess stated the Board can grant the variance
128 with a condition but cautioned these types of conditions are often difficult to enforce over time.

129 Chairperson Hoke asked if there was anyone in the audience who wished to speak. Hearing none, he asked
130 if anyone on the Board would like to make a motion.

131 Mr. Stein placed a motion to grant the variance. He noted there are no alternatives based on the location of
132 the house on the property, the location of the trees, and the grade of the property. He noted the request is
133 not substantial. He noted there will be not be and adverse change in character in the neighborhood because
134 this property is quite unique and the fence will be difficult to see.

135 Mr. Ltaif seconded the motion but asked that a condition by placed on the variance requiring the 5 foot
136 fence to be see-through.

137 Mr. Hess asked the applicant if he wanted to comment on the amendment. Mr. Splendido stated he did not
138 object in any way.

139 Mr. Ltaif placed a motion to amend the variance to add a condition that the fence would be a metal see-
140 through five (5) foot fence. Mr. Dollman seconded the motion to amend.

141 Upon voting, the motion was amended by a vote 6-0.

142 Mr. Ltaif	Aye
143 Ms. Pacheco	Aye
144 Mr. Dollman	Aye
145 Mr. Greene	Aye
146 Mr. Stein	Aye
147 Chairperson Hoke	Aye

148 Chairperson Hoke asked if their was any further discussion. Hearing none, Mr. Stein's amended motion
149 was still on the floor. Mr. Ltaif seconded the motion. Chairperson Hoke called for the vote.

150 Upon voting, the amended motion was granted 6-0. The amended variance was granted.

151 Mr. Ltaif	Aye
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152 Mr. Ltaif voted yes on the motion.

153 Ms. Pacheco	Aye
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154 Ms. Pacheco voted yes on the motion for the reasons stated.

155 Mr. Dollman	Aye
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156 Mr. Dollman voted yes on the motion for the reasons stated.

157 Mr. Greene	Aye
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158 Mr. Greene voted yes on the motion for the reasons stated. He noted there were not comments in opposition
159 of the project. Mr. Greene noted he visited the site and stated you have to look hard to the far back corner
160 of the lot to see anything on this property.

161 Mr. Stein Aye
162 Mr. Stein voted yes on the motion for all the reasons stated.

163 Chairperson Hoke Aye
164 Chairperson Hoke voted yes on the motion. He noted that all requests for non-conforming fencing create
165 an undesirable change in the neighborhood and he noted he considers this request substantial. However, he
166 felt this was balanced out by the very unique layout of the property and the owners attempts to mitigate the
167 impacts of the variance, therefore he was voting in the affirmative.

168 3. Appeal by Todd Birmingham for a variance from Section 220-4, Section 220-13, Schedule I-B and
169 Section 220-15 D of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at
170 2260 Pinehaven Drive, Niskayuna, New York, located in the R-1: Low Density Residential Zoning
171 District, to construct a 12' x 14' deck partially within the rear yard setback. Section 220-4 defines a
172 corner lot as a lot at the intersection of two streets. The property is a corner lot at the intersection of
173 Pinehaven Drive and Fernwood Drive. Also, "Each street line shall be considered a front lot line. The
174 interior lot line most nearly parallel to the rear of the principal structure shall be deemed to be the rear
175 lot line. The other interior lot line shall be deemed to be the side line and the rear and side yard
176 requirements shall be calculated accordingly. Section 220-13, Schedule I-B requires a twenty (20) foot
177 minimum side yard setback. Section 220-15 D states for corner lots, "front yard minimums shall be
178 required of both yards facing a street on a corner lot. Side yard minimums shall be required of the
179 remaining two yards for properties located in the R-1 and R-2 Zoning Districts." As proposed, the deck
180 would be located fifteen (15) feet from the property line; therefore, a five (5) foot setback variance is
181 required.

182 Nine (9) notices were sent out. Zero responses were received.

183 Todd Birmingham, owner, was present. He noted he was choosing to continue with the six (6) member
184 Board.

185 Mr. Birmingham stated he has been in the home since 2001. He noted he does not have a traditional back
186 yard and the house is only twenty-seven (27) feet from the neighboring property. Currently there is a patio
187 in the proposed location. He noted he has a corner lot and the driveway is off of Fernwood Drive. The view
188 of the deck would be blocked to the neighbors by existing shrubs. Mr. Birmingham stated that the rear of
189 the house has an existing solarium behind the garage.

190 Chairperson Hoke asked if he spoke to the neighbors. Mr. Birmingham stated he did and the neighbor most
191 affected did not have an issue with the deck.

192 Mr. Greene asked what materials would be used. Mr. Birmingham stated they would use Trex decking
193 materials. Mr. Greene asked if there were plans for added lighting on the deck. Mr. Birmingham stated he
194 would not add lighting. Mr. Greene asked if there were other decks in the neighborhood. Mr. Birmingham
195 stated that there were.

196 Mr. Stein asked if the deck could be moved to a different location to lessen the need for a variance. Mr.
197 Birmingham stated he could not move it any further away from the lot line because of overhead wires.

198 Chairperson Hoke asked if there was anyone in the audience who wished to speak. Hearing none, he asked
199 if anyone on the Board would like to make a motion.

200 Mr. Dollman placed a motion to grant the variance. He noted there are no feasible alternatives because of
201 the power lines. He stated the request is substantial but the overhead power lines limit the owners options.
202 He noted there will not be a change in the character of the neighborhood since other yards have decks. He

203 stated there will be no environmental effects. He stated the situation is self-created but this criterion is not
204 determinative.

205 Mr. Greene seconded the motion for the reasons stated.

206 Upon voting, the motion was granted 6-0. The variance was granted.

207 Mr. Ltaif Aye

208 Mr. Ltaif voted for the motion for the reasons stated.

209 Ms. Pacheco Aye

210 Ms. Pacheco voted for the motion for the reasons stated.

211 Mr. Dollman Aye

212 Mr. Dollman voted for the motion for the reasons stated.

213 Mr. Greene Aye

214 Mr. Greene voted to grant the motion for the reasons stated.

215 Mr. Stein Aye

216 Mr. Stein voted to grant the motion for the reasons stated.

217 Chairperson Hoke Aye

218 Chairperson Hoke voted to grant the motion for all the reasons stated.

219 Chairperson Hoke thanked the applicant for their time and called the next case.

220 4. Appeal by Don and Molly Anthony for a variance from Section 220-18 B (3) (b) and Section 220-13
221 Schedule I-B of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 918
222 Birchwood Lane, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District,
223 to construct an addition to an existing shed partially within the side and rear yard setbacks. Section 220-
224 18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall
225 be the same as applies to the principal building." As defined, major accessory structures are "detached
226 accessory buildings or other structures in excess of 120 square feet." The shed, with the proposed
227 addition, will measure 258 square feet, and is a major accessory structure. Section 220-13 Schedule I-
228 B establishes a side setback minimum of twenty (20) feet and rear setback minimum is twenty-five (25)
229 feet. As proposed, the shed will be located seven (7) feet from the side property line and ten (10) feet
230 from the rear property line. Therefore; a thirteen (13) foot side yard setback variance and a fifteen (15)
231 foot rear setback variance are required.

232 Nine (9) notices were sent out. One (1) response was received. Brad Spooner, 921 Birchwood Lane, stated
233 he was in favor of the variance.

234 Don and Molly Anthony, owners, were present. They noted they wished to proceed with the six-member
235 Board.

236 Mr. Anthony noted the existing shed had been on the property before they bought the house and they have
237 owned the house for 25 years. They wished to expand the shed by adding to the front. He noted that as he
238 has aged he has needed to upgrade his snow removal equipment and other tools. The new equipment he
239 needs is larger and does not fit in the existing garage. He noted, for example, that he previously had a wheel
240 barrel stored behind the shed. Now he needs to use a wagon which should be stored inside the shed. He
241 noted the neighbors most affected by the change already have a line of trees blocking the view. Other

242 neighbors also have trees blocking most of the view. Ms. Anthony noted she has an email from another
243 neighbor in favor of the project.

244 Chairperson Hoke wished to confirm that the existing structure is not moving but they are proposing to
245 expand it in size toward Birchwood Lane. Mr. Anthony agreed.

246 Mr. Greene asked what the shed front would look like. Ms. Anthony stated the contractor plans to replicate
247 the existing shed front. The color would remain the same and the roofing material would match as close as
248 possible.

249 Ms. Pacheco asked if they considered expanding the garage instead of the shed. Mr. Anthony stated he
250 could not expand the garage to the side because of the setback to the side yard. They also could not expand
251 it towards the back because there is already a small room attached to the back with a chimney and there is
252 an existing tree which would also block this option. Ms. Anthony provided additional photos to the Board.

253 Ms. Pacheco asked where the water would run off from the shed addition. Mr. Anthony stated the area is
254 pretty flat with sandy soil so water drains nicely and does not pool or get directed to neighboring properties.

255 Mr. Stein asked if the applicant can repurpose the space behind the garage. Mr. Anthony answered the back
256 room is currently being utilized pretty thoroughly and the only access to the space is a door in the garage
257 that is too narrow for the type of equipment that the shed addition is intended for.

258 Chairperson Hoke asked if there was anyone in the audience who wished to speak. Hearing none, he asked
259 if anyone on the Board would like to make a motion.

260 Chairperson Hoke placed a motion to grant the variances. He noted the benefit cannot be achieved with an
261 alternative plan. He noted the project will allow the homeowners to age in place. He noted that the project
262 is carefully designed to reduce any undesirable change in the neighborhood. He stated the request is
263 substantial but felt there are no negative environmental effects. He noted the request is self-created but
264 because the request will allow the property owners to continue to live in the home as their needs change,
265 he felt the balance favored the granting of a variance.

266 Mr. Ltaif seconded the motion.

267 Upon voting, the motion was granted 6-0. The variances were granted.

268 Mr. Ltaif Aye
269 Mr. Ltaif voted for the motion for the reasons stated.

270 Ms. Pacheco Aye
271 Ms. Pacheco voted for the motion for the reasons stated. She noted alternatives may not have been as
272 desirable to the character of the neighborhood.

273 Mr. Dollman Aye
274 Mr. Dollman voted for the motion for the reasons stated.

275 Mr. Greene Aye
276 Mr. Greene voted for the motion for the reasons stated.

277 Mr. Stein Aye
278 Mr. Stein voted for the motion for the reasons stated.

279 Chairperson Hoke Aye
280 Chairperson Hoke voted for the motion for the reasons stated.

5. Appeal by Steven and Katie McCutcheon for a variance from Section 220-53 B and Section 220-13, Schedule I-C of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 1461 Clifton Park Road, Niskayuna, New York, located in the R-2: Medium Density Residential Zoning District, to construct an addition partially within the side yard setback. Section 220-53 B allows an addition to a nonconforming residential structure which brings the addition into a nonconforming side or rear yard no nearer to a side or rear property line than the existing structure and no nearer than half the distance specified in a particular residential zoning district. Section 220-13, Schedule I-C requires a side yard setback of fifteen (15) feet. The existing house is 6' 6" from the side line; therefore, 7' 6" becomes the minimum required side setback. As proposed, the addition will be 6' 6" from the side property line; therefore, a one (1) foot side yard setback variance is required.

16 notices were sent out. One response was received. Jon and Liz Bridge, 1457 Clifton Park Road, were in favor of the project.

Katie and Steve McCutcheon, owners, were present. They noted they wished to continue with the six-member Board.

Mr. McCutcheon stated they wished to add a twelve (12) foot addition to the rear of the home. He noted they can not move to the right because of a driveway and they already reduced the size of the addition by a foot because of existing power lines. He noted the house currently has a porch in the rear which will be removed and replaced by the addition. The addition will provide additional interior space for a growing family. He noted that the office should have received an email with additional pictures and another letter from a neighbor.

Chairperson Hoke asked if they considered reducing the addition or changing its footprint to comply with Code. Mr. McCutcheon stated they have limited rear yard space and do not want to add more backwards. Chairperson Hoke and Mr. McCutcheon discussed which neighbors commented on the project and where they lived in relationship to the application.

Ms. Robertson stated she did receive the comment from the neighbor. Chairperson Hoke asked her to read it into the record. The letter was read. It was from William Chapman and Jeri Heller of 1465 Clifton Park Road also noted they had no objection to the variance request. Ms. Robertson displayed the additional pictures.

Chairperson Hoke asked if the applicant heard from any neighbor that had an issue with the addition. Mr. McCutcheon stated he did not.

Ms. Pacheco asked where the rainfall from the addition would go. Mr. McCutcheon stated that the existing deck has a roof so the run-off should be similar to what is currently happening. Tyler Conklin, Capital Building, Co., LLC, stated their will be a full foundation. He noted sand will be used for backfill and a foundation drain will be installed to alleviate any drainage issues.

Mr. Stein asked how far the main house is from the side yard. Mr. McCutcheon stated the addition will be the same distance as the house is from the side property line, six and a half feet.

Chairperson Hoke asked if there was anyone in the audience who wished to speak. Hearing none, he asked if anyone on the Board would like to make a motion.

Mr. Stein placed a motion to grant the variance. He noted there were no feasible alternatives available for the homeowner to achieve the benefit they were seeking. He noted that neighbors had no issues with the project. He stated that the addition will be no closer than the existing house and it is replacing a covered patio. He didn't feel the request was substantial. He noted there should be no environmental effects.

323 Mr. Dollman seconded the motion.

324 Mr. Ltaif asked for clarity on the nonconforming side yard situation. Ms. Robertson stated that the house
325 was built before the Zoning Code. The house currently sits 6.5 feet from the property line. The Zoning Code
326 states that additions/alterations can not bring structures closer than the existing house or half the allowable
327 setback, whichever is greater. In this case, half the existing setback (15 feet) is 7.5 feet, which is greater
328 than the existing structure setback (6.5 feet), therefore any addition to the home is supposed to be 7.5 feet
329 from the side property line. Ms. Robertson stated the applicant is asking for it to be 6.5 feet, in line with the
330 house, but still requiring a 1 foot variance. Mr. Ltaif thanked Ms. Robertson for the explanation.

331 Upon voting, the motion was granted 6-0. The variance was granted.

332 Mr. Ltaif Aye

333 Mr. Ltaif voted for the motion for the reasons stated.

334 Ms. Pacheco Aye

335 Ms. Pacheco voted for the motion for the reasons stated.

336 Mr. Dollman Aye

337 Mr. Dollman voted for the motion for the reasons stated.

338 Mr. Greene Aye

339 Mr. Greene voted for the motion for the reasons stated.

340 Mr. Stein Aye

341 Mr. Stein voted for the motion for the reasons stated.

342 Chairperson Hoke Aye

343 Chairperson Hoke voted for the motion for all the reasons stated.

344 Chairperson Hoke asked if there was any business the Board wished to discuss. Hearing none, he asked for
345 a motion to adjourn.

346 Ms. Pacheco placed a motion to adjourn. Mr. Ltaif seconded the motion. All were in favor. The meeting
347 was adjourned at 8:40 p.m.

**TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309
(518) 386-4530**

July 7, 2023

TO WHOM IT MAY CONCERN:

A regular meeting of the Zoning Board of Appeals will be held on:

DATE: July 19, 2023

TIME: 7:00 P.M.

PLACE: Town Hall, One Niskayuna Circle, Niskayuna, New York

AT THIS TIME THE BOARD WILL CONSIDER THE REQUEST OF:

Appeal by Gary Horton for a variance from Section 220-18 (B) (3) (b) and Schedule I-B of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 2383 Troy Schenectady Road, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to maintain a shed partially within the rear setback after a lot line adjustment with 2386 Algonquin Road.

Section 220-4 Definitions states: Accessory Structures, Major – Detached accessory buildings or other structures in excess of 120 square feet in area. Section 220-18 (B) (3) (b) states: the required yard dimensions for any major accessory structure shall be the same as applies to the principal building. Schedule I-B R-1 District states: the minimum yard dimensions for single-family dwellings are Front = 35 feet, Side = 20 feet, Rear = 25 feet.

As proposed, the lot line adjustment will result in a pre-existing shed, greater than 120 sq. ft. in area, to be located 5.1 feet from the new rear lot line. Therefore, a 19.9 foot rear setback variance is required.

A copy of the permit application and appeal is available for inspection at the Niskayuna Building Department in the Niskayuna Town Office Building and will be available at the public hearing. A copy of the agenda packet for the above referenced meeting date, which will include information for this variance request, will be available online after 5pm the Friday before the meeting at <https://www.niskayuna.org/node/1606/agenda/2023>.

IF YOU WISH TO EXPRESS AN OPINION REGARDING THE PROPOSED CHANGE, YOU MAY DO SO AT THE ABOVE-MENTIONED TIME AND PLACE. IF YOU CANNOT BE PRESENT, YOU MAY REQUEST A VIRTUAL LOGIN TO THE MEETING BY EMAILING LRobertson@Niskayuna.org OR CALLING 518-386-4530 OR YOU MAY SET FORTH YOUR APPROVAL OR OBJECTION IN A LETTER WHICH WILL BE MADE PART OF THE PERMANENT RECORD.

ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS
Application and Procedures For A Variance

Case No.	_____
Date Rece'd BA	_____
Date Hearing	_____
Date Action	_____
Ref. P.B.	Date _____
Ref. County	Date _____
RECEIVED	
JUN 21 2023	
Building Department Town of Niskayuna	

TO: ZONING BOARD OF APPEALS

FROM: _____

Gary Horton

RE: Property at _____

2383 Tracy Rd

Section *51.17* Block *01* Lot *07*

I, _____

Gary Horton

, the (owner) (agent of the

owner) of the property located at *2383 Tracy Rd*
in the Town of Niskayuna, New York, hereby petition the Zoning Board of Appeals to review the
decision of the Zoning Enforcement Officer on the above-referenced application and to grant a
variance from Section(s) of the Zoning Ordinance in order to permit the proposed construction shown
on the accompanying drawings.

I, also certify that I have provided the items listed below as required documents in my application for a
variance before the Zoning Board of Appeals. I further acknowledge that omission of any of these
items may result in delay in the Board's hearing of my application.

CHECKLIST OF REQUIRED ITEMS

- _____ Fifteen (15) copies of plot plans
- _____ Two (2) copies of construction plans, if applicable
- _____ Appeal fee (see application procedures for details)
- _____ Appeal statement (see application procedures for details)
- _____ Short Environmental Assessment Form, Project Information, as applicable for use variance
- _____ Additional information as specified by the Zoning Enforcement Officer

Signature of Agent: _____ Date _____

Signature of Owner (if different from Agent) *X [Signature]*

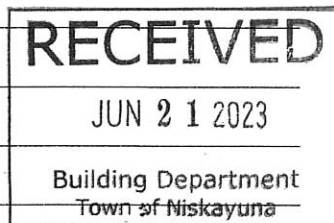
Telephone Number: _____

USE VARIANCE - Before the ZBA can grant a use variance, State Law requires that, the applicant must demonstrate “unnecessary hardship”. Mere inconvenience and the fact that the land in question could be put to a more profitable use are insufficient reasons for granting a use variance. To prove unnecessary hardship, the applicant shall demonstrate to the ZBA that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.

- (b) The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.

3. Whether the variance is substantial. The requested variance is **not substantial** for the following reasons:



4. Whether the variance will have **adverse physical or environmental effects on the neighborhood** or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance.) Explain whether the alleged difficulty was or was not self-created:

RECEIVED

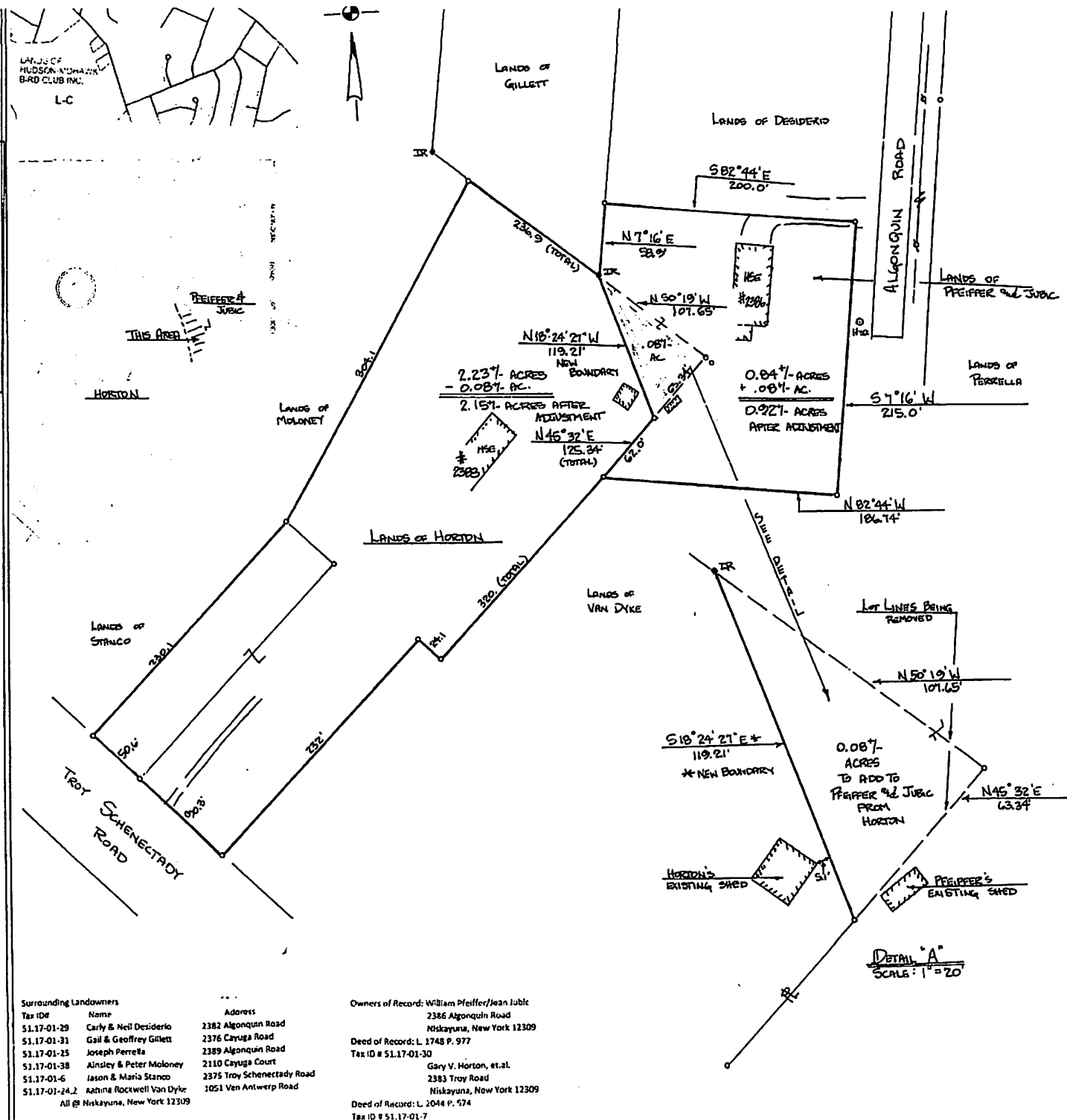
JUN 21 2023

**Building Department
Troy, New Brunswick**

ZBA application for Pfeiffer and Horton

1. The requested lot-line adjustment will substantially conform the lot designated as 2386 Algonquin with the desired shape of a residential lot and will not substantially disturb the nature of conformity of the lot designated as 2383 Troy Road due to the size of each lot and the location of the residence of each lot. The owners discussed alternatives to the requested adjustment including transfer of ownership of the Horton shed and relocation of the Horton shed. Both of these options were not desired by either party due to the impractical nature of relocation and the desire of Horton to retain a shed. The current lot-line is approximately 30 feet from the corner of the Pfeiffer residence due to the unique shape of the existing lot. The requested adjustment would increase that distance for approximately 60 feet providing an additional buffer between the residences. The Horton residence would remain not less than 100 feet away from any property lines. The Horton shed would be approximately 5 feet away from the requested property line. The Horton shed is not accessible to Pfeiffer due to the wooded nature of each lot and both property owners desire to retain the wooded nature of their respective lots.
2. The requested lot-line adjusted will not impact any other properties as the impacted area is not visible to any other land owners. In addition, the impacted area is wooded and is desired by both landowners as a buffer between their residences. In short, the purpose of the request is to maintain the character of each lot and the neighborhood.
3. The requested variance is not substantial due to the modest area of the adjustment. Also, as noted above, the purpose of the request is to maintain the nature of each lot as it has existed since each party has owned their respective residence.
4. See above.
5. The need for an adjustment was created in 1950s when the map of the subdivision was approved by the town thereby creating an abnormal shape of the lot located at 2386 Algonquin Road.

**Building Department
Town of Niskayuna**



ZONED: R-1





Laura Robertson <lrobertson@niskayuna.org>

[EXTERNAL] Re: [EXTERNAL] supplement to application

William Pfeiffer <wpfeiffer@albanyelderlaw.com>

Thu, Jun 29, 2023 at 12:31 PM

To: Clark Henry <chenry2@niskayuna.org>, Laura Robertson <lrobertson@niskayuna.org>, Patrick McPartlon <pmcpartlon@kingswaycommunity.com>

Cc: jean jubic <jean@albanyelderlaw.com>, Cindi Elliott <ckelandsurveyor@aol.com>

Hi Clark,

Gary's property is 2383 Troy Schenectady Road

I have attached 4 pictures taken from Gary's yard.

1. back of Gary's shed. you can see that access from my yard is not practical.
2. front of Gary's shed. you can see it is not practical to move.
3. view of Gary's house taken from standing in front of shed. They are not close.
4. view of my house taken from the front of Gary's shed. You can see the value of the buffer.

I will send pictures from my yard separately,

thanks,

Bill

William D. Pfeiffer, Esq.

20 Corporate Woods Blvd.

Albany, New York 12211

518.407.0347 phone

518.730.0377 fax

CIRCULAR 230 Disclosure: To ensure compliance with requirements imposed by the IRS, please be aware that any U.S. federal tax advice contained in this communication (including any attachments or enclosures) is not intended or written to be used and cannot be used for the purpose of (i) avoiding penalties that may be imposed under the Internal Revenue Code or (ii) promoting, marketing or recommending to any other person any transaction or matter addressed herein.

The contents of this message and any attachments are confidential and may contain privileged information. If you have received this communication in error, we regret any inconvenience and ask that you notify the sender and delete this message and any attachments.

From: Clark Henry <chenry2@niskayuna.org>

Sent: Thursday, June 29, 2023 11:40 AM

To: William Pfeiffer <wpfeiffer@albanyelderlaw.com>; Laura Robertson <lrobertson@niskayuna.org>; Patrick McPartlon <pmcpartlon@kingswaycommunity.com>

Cc: jean jubic <jean@albanyelderlaw.com>; Cindi Elliott <ckelandsurveyor@aol.com>

Subject: RE: [EXTERNAL] supplement to application

Bill,











Laura Robertson <lrobertson@niskayuna.org>

[EXTERNAL] Re: [EXTERNAL] supplement to application

William Pfeiffer <wpfeiffer@albanyelderlaw.com>

Thu, Jun 29, 2023 at 12:58 PM

To: Clark Henry <chenry2@niskayuna.org>, Laura Robertson <lrobertson@niskayuna.org>, Patrick McPartlon <pmcpartlon@kingswaycommunity.com>

Cc: jean jubic <jean@albanyelderlaw.com>, Cindi Elliott <ckelandsurveyor@aol.com>

Hi Clark,

William's property is 2386 Algonquin Road

These pictures were taken from my yard.

1. view of bird bath (current pin) and corner of my back porch. please note how close they are so that proposal will increase by sixty feet.
2. view of bird bath and house from Algonquin. My shed is to left of bird bath behind lilac bush.
3. view of bird bath with current property line just to left of tall pine.
4. view of my shed with new property line being to the left of the shed by white chairs. also note that Gary's shed is behind growth and to the left of my shed.

thanks,

Bill

William D. Pfeiffer, Esq.

20 Corporate Woods Blvd.

Albany, New York 12211

518.407.0347 phone

518.730.0377 fax

CIRCULAR 230 Disclosure: To ensure compliance with requirements imposed by the IRS, please be aware that any U.S. federal tax advice contained in this communication (including any attachments or enclosures) is not intended or written to be used and cannot be used for the purpose of (i) avoiding penalties that may be imposed under the Internal Revenue Code or (ii) promoting, marketing or recommending to any other person any transaction or matter addressed herein.

The contents of this message and any attachments are confidential and may contain privileged information. If you have received this communication in error, we regret any inconvenience and ask that you notify the sender and delete this message and any attachments.

From: Clark Henry <chenry2@niskayuna.org>

Sent: Thursday, June 29, 2023 11:40 AM

To: William Pfeiffer <wpfeiffer@albanyelderlaw.com>; Laura Robertson <lrobertson@niskayuna.org>; Patrick McPartlon <pmcpartlon@kingswaycommunity.com>

Cc: jean jubic <jean@albanyelderlaw.com>; Cindi Elliott <ckelandsurveyor@aol.com>

Subject: RE: [EXTERNAL] supplement to application

Bill,











Thomas J. Cannizzo
Building Inspector

TOWN OF NISKAYUNA BUILDING DEPARTMENT

One Niskayuna Circle
Niskayuna, New York 12309-4381
(518) 386-4522
FAX: (518) 386-4592

Kenneth P. Hassett
Building Inspector

BUILDING AND ZONING PERMIT DENIAL

Address: 2386 Algonquin Rd. / 2383 Troy Rd.
Niskayuna, NY

Application Date: 1/25/23

William Pfeiffer
2386 Algonquin Rd.
Niskayuna, NY 12309

Gary Horton
2383 Troy Rd.
Niskayuna, NY

Dear Mr. Pfeiffer and Mr. Horton:

You are hereby notified, as required by Section 220-67 F of the Zoning Ordinance of the Town of Niskayuna, that the Application for Site Plan Approval for a lot line adjustment with 2386 Algonquin Rd. and 2383 Troy Rd. has been denied by reason of failure to comply with the provisions of Section 220-18 (B) (3) (b) and Schedule I-B, R-1 District, of the Niskayuna zoning code. The property is located in the R-1 Low Density Residential Zoning District.

Section 220-4 Definitions states: Accessory Structures, Major – Detached accessory buildings or other structures in excess of 120 square feet in area. Section 220-18 (B) (3) (b) states: the required yard dimensions for any major accessory structure shall be the same as applies to the principal building. Schedule I-B R-1 District states: the minimum yard dimensions for single-family dwellings are Front = 35 feet, Side = 20 feet, Rear = 25 feet.

As proposed, the lot line adjustment shown in the site plan drawing will result in a pre-existing shed on the property at 2383 Troy Rd. that is greater than 120 sq. ft. in area located 5.1 feet from the rear lot line. Therefore, a 19.9 foot rear setback area variance is required. Under the provisions of Section 220-69 the Zoning Ordinance of the Town of Niskayuna you may appeal this decision to the Zoning Board of Appeals and the undersigned within 60 days.

Laura Robertson, Deputy Code Enforcement Officer

6/14/23

Date

APPLICATION FOR LOT LINE ADJUSTMENTS

PROPERTY INFORMATION

Physical Address(es): 2386 Algonquin Rd. _____

Section-Block-Lot(s): 51.17-01-30 _____

Number of Lots Involved: 2 _____ Current Zoning(s): _____

Approx Acreage: 0.08 _____

Additional Information: the proposed adjustment will not impact character of neighborhood.

OWNER(S) OF RECORD (Attach additional sheets if necessary)

SECTIONBLOCKLOT: 51.17-01-30 _____

Name: William Pfeiffer _____ Name: Jean Jubic _____

Address: 2386 Algonquin Rd _____ Address: same _____

City/State: Niskayuna, NY _____ Zip: 12309 _____ City/State: _____ Zip: _____

Phone: 518-424-1677 _____ Phone: _____

E-Mail: bill@albanyelderlaw.com _____ E-Mail: _____

SECTIONBLOCKLOT: 51.17-01-7 _____

Name: Gary Horton _____ Name: _____

Address: 2383 Troy Road _____ Address: _____

City/State: Niskayuna, NY _____ Zip: 12309 _____ City/State: _____ Zip: _____

Phone: 518-370-8710 _____ Phone: _____

E-Mail: _____ E-Mail: _____

SURVEYOR OR ENGINEER

Company: _____

Name: Cynthia Elliott _____

Address: _____

City/State: _____ Zip: _____

Phone: 518-992-5927 _____

E-Mail: ckelandssurveyor@aol.com _____

Surveyor or engineer must have a current professional license with the State of New York.

LICENSE #: _____

APPLICATION FOR LOT LINE ADJUSTMENTS

SUPPLEMENTARY INFORMATION (Attach separate sheet if necessary)

1. What is the purpose of this adjustment? to conform lot line to location of existing residences and external structures so that an appropriate buffer will be maintained for both owners, no structure will be relocated and no landscaping will be changed. The existing Horton shed will be approx. five feet from new line and the existing Pfeiffer shed will remain approx. five feet from an unchanged line. The value of either property should not change in a substantial amount. _

2. What is the proposed timeline for adjustment completion? 2023 _____

3. Is any part of the proposed adjustment within the regulated floodplain as designated by the Federal Insurance Rate Maps (FIRMs) adopted by the Town of Niskayuna on December 1983? 0 Yes 0 NO. If yes, explain what area is in the floodplain and how this is being accounted for in the adjustment process. no _____

4. Is there additional information which may aid in the processing of this application. (e.g., proposed variances, zoning change requests, building permit applications, etc.)? ZBA variance will be required for location of existing Horton shed which is impractical to move. _____

5. Are there any potential adverse environmental impacts that could be triggered by this lot line adjustment? Include any impacts to wetlands, surface water, groundwater, flooding, plants and animals, aesthetics, Historic sites, open space, recreation, transportation, noise, odor, light, geological features, etc. (Attach separate pages as necessary). no _____

**NOTARIZED OWNER'S ACKNOWLEDGMENT/
AUTHORIZATION FOR LOT LINE ADJUSTMENT**

SECTION-BLOCK-LOT: _____

PHYSICAL ADDRESS: _____

2383 Troy Rd

ACKNOWLEDGMENTS

1. I am aware of and consent to the filing of this application.
2. I confirm that the information provided in this application is true and correct to the best of my knowledge and I assume all responsibility for the truth and validity of this application and all associated exhibits and documents submitted.
3. I agree to allow representatives of the Town of Niskayuna to go on or about the subject property for inspection purposes in connection with this application.
4. I confirm that I have uncontested legal ownership of the subject property, without any outstanding rights, reservations or encumbrances which could nullify the intended development and use of this lot line adjustment (if there is a loan or mortgage on the affected property, it is my responsibility to inform the appropriate party of the property changes and secure their consent).
5. If the owner is a corporation, partnership, limited liability company (LLC), governmental agency or other entity, I confirm that I am authorized to act on behalf of the corporation, partnership, LLC, governmental agency or other entity in processing this application.
6. I acknowledge that any potential or existing separate lots, land titles, partitions, previously subdivided lots or other such land units will be consolidated with this lot line adjustment and upon final approval only the newly created lot(s) will be recognized.

The undersigned hereby swears that the information provided on this application is true, correct and accurate.

Sworn to me on this _____ day of _____, _____


Signature of Applicant

GARY S HORTON
Printed Name

6/11/23
Date

Notary Public, State of New York

**NOTARIZED OWNER'S ACKNOWLEDGMENT /
AUTHORIZATION FOR LOT LINE ADJUSTMENT**

SECTION-BLOCK-LOT: _____

PHYSICAL ADDRESS: _____

2386 Algonquin

ACKNOWLEDGMENTS

1. I am aware of and consent to the filing of this application.
2. I confirm that the information provided in this application is true and correct to the best of my knowledge and I assume all responsibility for the truth and validity of this application and all associated exhibits and documents submitted.
3. I agree to allow representatives of the Town of Niskayuna to go on or about the subject property for inspection purposes in connection with this application.
4. I confirm that I have uncontested legal ownership of the subject property, without any outstanding rights, reservations or encumbrances which could nullify the intended development and use of this lot line adjustment (if there is a loan or mortgage on the affected property, it is my responsibility to inform the appropriate party of the property changes and secure their consent).
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The undersigned hereby swears that the information provided on this application is true, correct and accurate.

Sworn to me on this _____ day of _____

Signature of Applicant

Printed Name

Date

Notary Public, State of New York

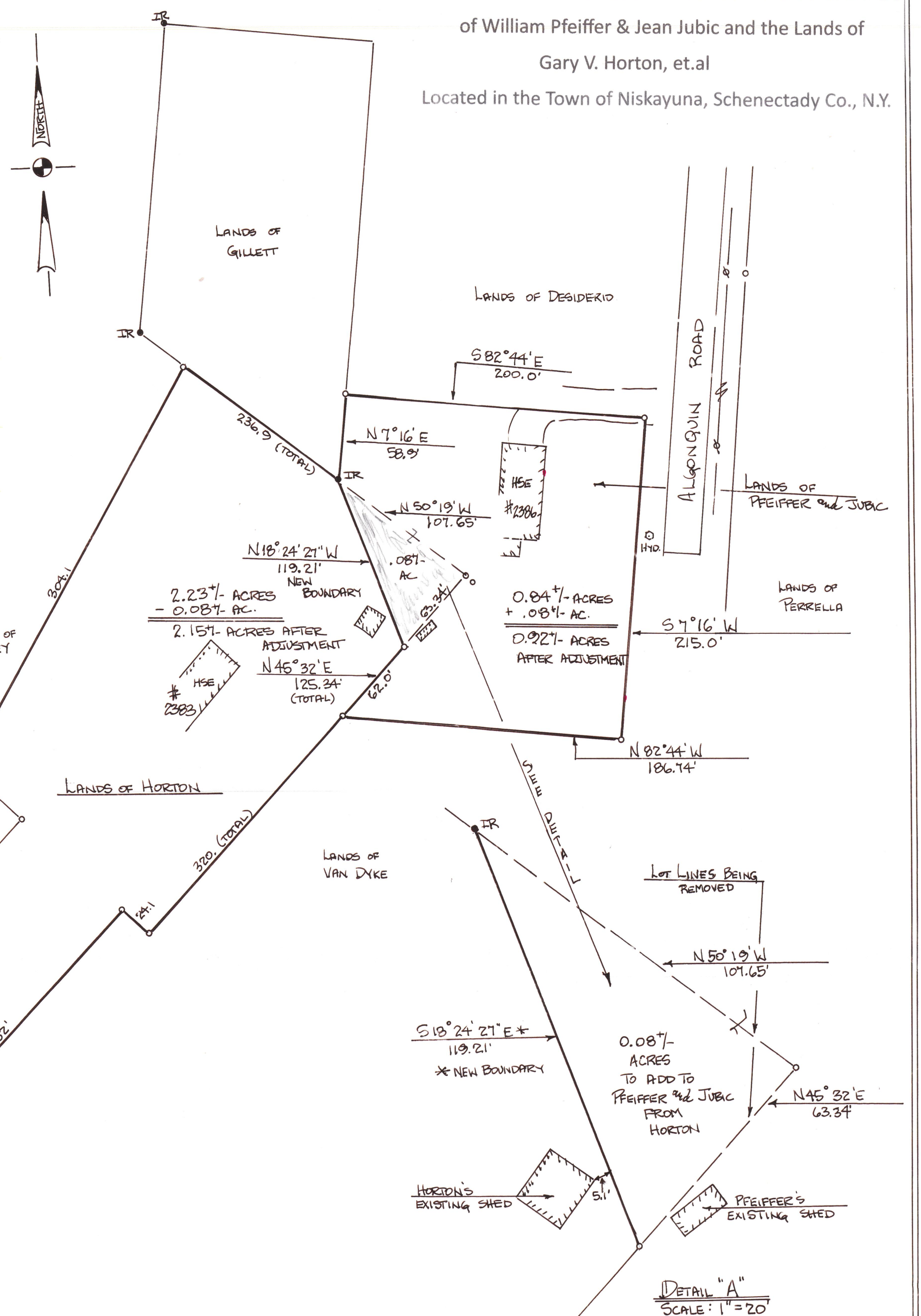
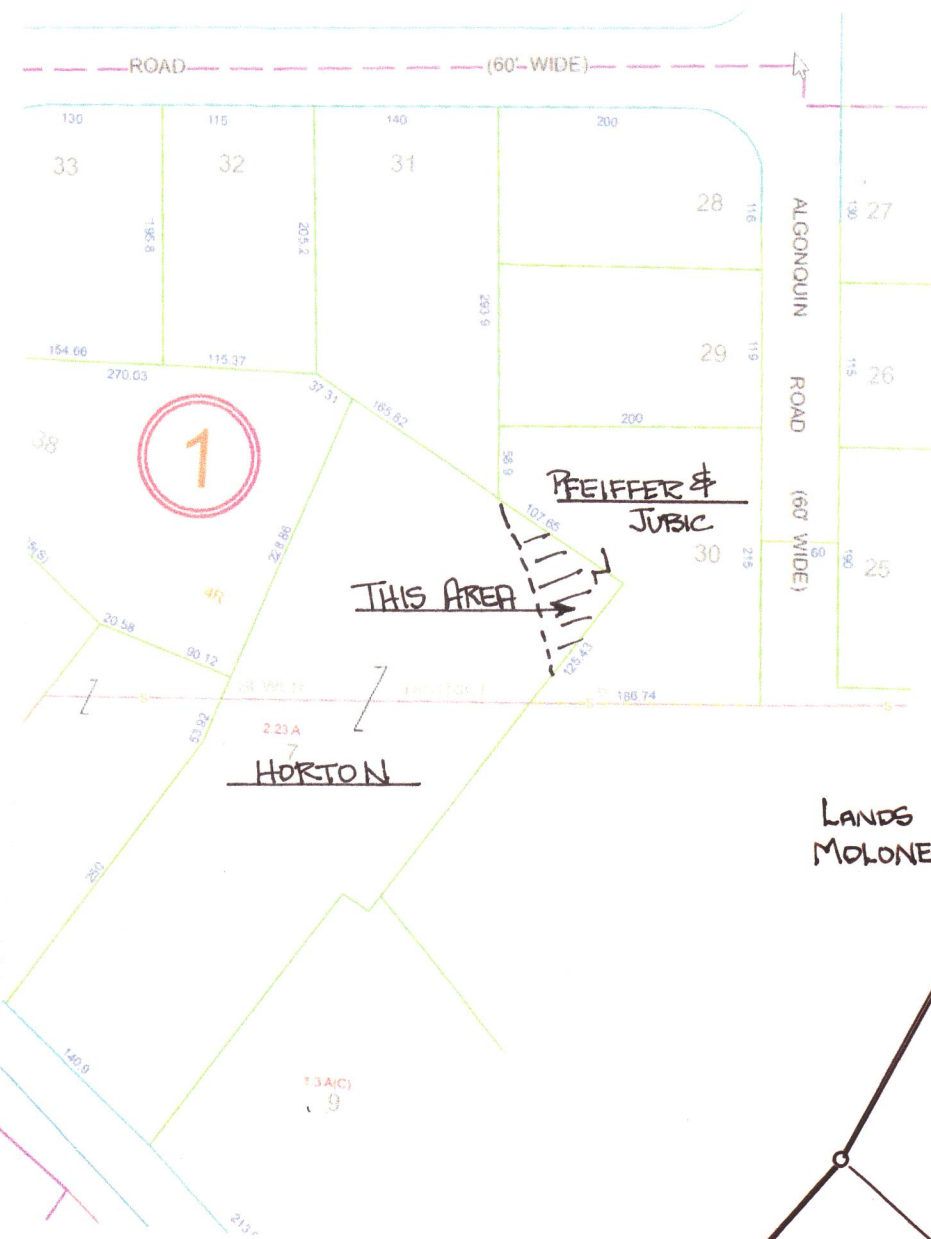
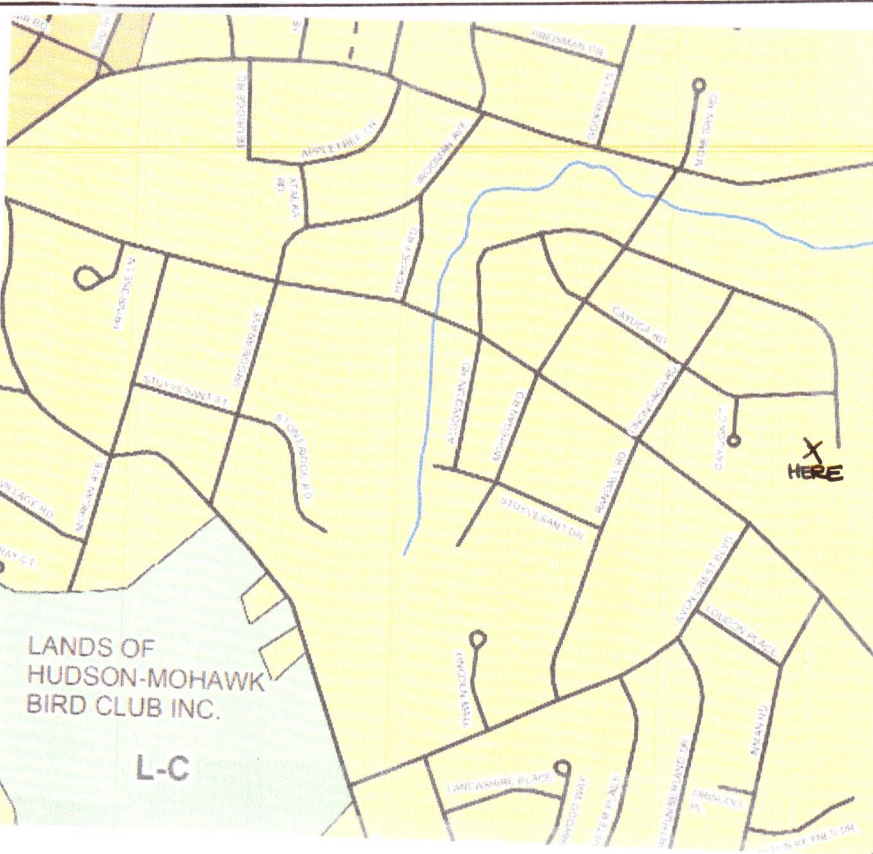
Each property owner is required to sign.
Attach additional sheets if necessary

PROPOSED LOT LINE ADJUSTMENT BETWEEN THE LANDS

of William Pfeiffer & Jean Jubic and the Lands of

Gary V. Horton, et.al

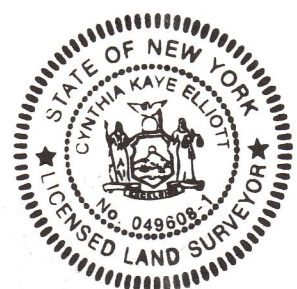
Located in the Town of Niskayuna, Schenectady Co., N.Y.



Tax ID#	Name	Address
51.17-01-29	Carly & Neil Desiderio	2382 Algonquin Road
51.17-01-31	Gail & Geoffrey Gillett	2376 Cayuga Road
51.17-01-25	Joseph Perrella	2389 Algonquin Road
51.17-01-38	Ainsley & Peter Moloney	2110 Cayuga Court
51.17-01-6	Jason & Maria Stanco	2375 Troy Schenectady Road
51.17-01-24.2	Kahina Rockwell Van Dyke	1051 Van Antwerp Road
All @ Niskayuna, New York 12309		

Owners of Record: William Pfeiffer/Jean Jubic	2386 Algonquin Road
	Niskayuna, New York 12309
Deed of Record: L. 1748 P. 977	
Tax ID # 51.17-01-30	
Gary V. Horton, et.al.	2383 Troy Road
	Niskayuna, New York 12309
Deed of Record: L. 2044 P. 574	
Tax ID # 51.17-01-7	

ZONED: R-1



Date: May 22, 2023
 Scale: 1"=50'
 P.O. Box 220 Feura Bush, New York 12067
 (518) 992-5927

Surveyed by Cynthia K. Elliott
 N.Y.P.L.S.#49608
 Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2 of the N.Y.State Education Law. Only copies from the original of this survey marked with an original of the land surveyor's embossed seal shall be considered to be valid copies.

**TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309
(518) 386-4530**

July 7, 2023

TO WHOM IT MAY CONCERN:

A regular meeting of the Zoning Board of Appeals will be held on:

DATE: July 19, 2023

TIME: 7:00 P.M.

PLACE: Town Hall, One Niskayuna Circle, Niskayuna, New York

AT THIS TIME THE BOARD WILL CONSIDER THE REQUEST OF:

Appeal by Joseph Weber and Emily Gordon for a variance from Section 220-4 and Section 220-25 B (1) (a) of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 701 Bobby Court, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to maintain a six (6) foot fence in the front yard along Lishakill Road which exceeds the height limit allowed in the front yard.

Section 220-4 states for corner lots “each street line shall be considered a front line.” The property is a corner lot and as defined, has front yards along Lishakill Road and Bobby Court.

Section 220-25 B (1) (a) permits the maximum height for fences located in the front and side yards, to be four (4) feet. On December 18, 1991, The Zoning Board of Appeals granted a one (1) foot height variance to allow a five (5) foot high fence in this location. As constructed, a six (6) foot high fence is located in the front yard, along Lishakill Road; therefore, an additional one (1) foot fence height variance is required.

A copy of the permit application and appeal is available for inspection at the Niskayuna Building Department in the Niskayuna Town Office Building and will be available at the public hearing. A copy of the agenda packet for the above referenced meeting date, which will include information for this variance request, will be available online after 5pm the Friday before the meeting at <https://www.niskayuna.org/node/1606/agenda/2023>.

IF YOU WISH TO EXPRESS AN OPINION REGARDING THE PROPOSED CHANGE, YOU MAY DO SO AT THE ABOVE-MENTIONED TIME AND PLACE. IF YOU CANNOT BE PRESENT, YOU MAY REQUEST A VIRTUAL LOGIN TO THE MEETING BY EMAILING LRobertson@Niskayuna.org OR CALLING 518-386-4530 OR YOU MAY SET FORTH YOUR APPROVAL OR OBJECTION IN A LETTER WHICH WILL BE MADE PART OF THE PERMANENT RECORD.

ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS
Application and Procedures For A Variance

Case No.	_____
Date Rece'd BA	_____
Date Hearing	_____
Date Action	_____
Ref.P.B.	_____ Date _____
Ref. County	_____ Date _____

TO: ZONING BOARD OF APPEALS

FROM: Joseph Weber & Emily Gordon

Received

JUN - 7 2023

Niskayuna Building Dept.

RE: Property at 701 Bobby Ct. Niskayuna, NY 12309

I, Joseph Weber, the (owner) (agent of the owner) of the property located at 701 Bobby Ct.

in the Town of Niskayuna, New York, hereby petition the Zoning Board of Appeals to review the decision of the Zoning Enforcement Officer on the above-referenced application and to grant a variance from Section(s) of the Zoning Ordinance in order to permit the proposed construction shown on the accompanying drawings.

I, also certify that I have provided the items listed below as required documents in my application for a variance before the Zoning Board of Appeals. I further acknowledge that omission of any of these items may result in delay in the Board's hearing of my application.

CHECKLIST OF REQUIRED ITEMS

- ☒ One (1) copy of plot plans
- ☐ One (1) copy of construction plans, if applicable
- ☒ Appeal fee (see application procedures for details)
- ☒ Appeal statement (see application procedures for details)
- ☐ Short Environmental Assessment Form, Project Information, as applicable for use variance
- ☐ Additional information as specified by the Zoning Enforcement Officer

Signature of Agent: Joseph Weber Date _____

Signature of Owner (if different from Agent) [Signature]

Telephone Number: 518-423-3532

Email Address: Webers@nycap.rr.com

Received

JUN -7 2023

Niskayuna Building Dept.

For an area variance: Before an area variance can be granted, State Law requires that the ZBA take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

See Appendix 1 photos attached

2. Whether the granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

See Appendix 1 photos attached

Received

JUN -7 2023

Niskayuna Building Dept.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

See Appendix & photos attached

4. Whether the variance will have adverse physical or environmental effects on the neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

See Appendix & photos attached

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance.) Explain whether the alleged difficulty was or was not self-created:

See Appendix & photos attached

Received

JUN - 7 2023

Niskayuna Building Dept.

Appendix

To the Niskayuna Zoning Board

My name is Joseph Weber. I have lived at 718 Bobby Ct. for 33 years. In 2020 my daughter Emily and her husband purchased the home at 701 Bobby Ct in Niskayuna. As a housewarming present, I purchased a new fence for them to replace the existing severely deteriorated and unsightly wooden fence.

Response to questions 1-5 for an area variance

The benefit sought is two fold. First, the existing fence represented a blight on the landscape. Second and more important to me is the security of my young daughter and son-in-law. 701 is the corner house on Bobby Ct. and Lisha Kill Rd. Over the course of the last few years as the area has developed and a smoke shop has opened a few hundred yards south along Lisha Kill Rd, there has been a significant increase in foot traffic along Lisha Kill Rd. Without appearing to be prejudiced, there are now some unsavory appearing pedestrians walking along the road. Additionally, the next neighborhood south of Bobby Ct. is the Jones Rd subdivision. The cul-de-sac on Bobby Ct abuts the park associated with that subdivision and the neighborhood has seen an uptick in pedestrians entering our neighborhood from the park as well as periodic vandalism to vehicles.

1. The only alternative I can think of would to have removed the old fence and not replaced it.
2. Granting of the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

- The existing fence was a significant eyesore in the neighborhood
- The new fence is beautiful and enhances the character of the neighborhood (Photos attached).

3. The variance is not substantial. I inquired and was advised by the seller that they had a permit for the fence. I mistakenly assumed that replacing an existing fence in the same exact location was allowed. The Town, in rejecting my application for a permit advised me the existing permit had already had a variance allowing only a 5 foot high fence along Lisha Kill Rd. This section was replaced by a 6 foot section, an insignificant variance.

Received

JUN - 7 2023

Niskayuna Building Dept.

4. The variance will have no adverse physical impact on the neighborhood. The new fence is beautiful and is only 1 foot higher than the pre-existing fence.
5. The alleged difficulty was self-created by me. I was ignorant to the requirement that a new permit was required. The new fence was very expensive and I am hopeful I will not have to spend more money to rectify this situation. I respectfully request the Board grant this variance.

ALL DIMENSIONS ARE THE SAME AS SHOWN ON A MAP ENTITLED "MAP OF BOBBY COURT TOWN OF NISKAYUNA COUNTY OF SCHENECTADY, DATED 12/8/83 MADE BY DAVID C. ELLIOTT, L.S. AND FILED IN THE SCHENECTADY COUNTY CLERK'S OFFICE ON 6/3/85 AS MAP No. 192 IN DRAWER No. 62"

Received

JUN - 7 2023

Niskayuna Building Dept.

SEP 11 1991

LOT 1

LOT 3

LOT 2

18,716 ± SQ. FT.

STREET No 701

CATV & NYT BOXES

GAS METER

0.7' OVERHANG 2nd FLOOR

GRAVEL DRIVEWAY

BOBBY COURT
60' R.O.W.

RECEIVED

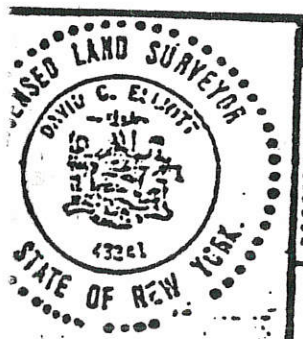
NOV 8 1988

BUILDING DEPT.
TOWN OF NISKAYUNA

LISHA KILL ROAD

CERTIFIED TO:

WILLIAM T. STROHECKER
P. ELIZABETH STROHECKER
FIRST NORTHERN MORTGAGE
CORPORATION; ITS SUCCESSORS
AND/OR ASSIGNS
MONROE ABSTRACT AND TITLE CORP



RECORD OF WORK	DATE		MAP OF LOT 2 BOBBY COURT	
			TOWN OF	COUNTY OF
	12/03/85	FINAL SURVEY	NISKAYUNA	SCHENECTADY
	9/5/86	FOUNDATION LOCATED F.B. T-37	SCALE	DATE
			1" = 30'	7 / 26 / 85
DAVID C. ELLIOTT			DAVID C. ELLIOTT LAND SURVEYOR STAR PLAZA WEST, ROUTES 155 & 20 GUILDERLAND, NEW YORK 12084	

Received

JUN -7 2023

Niskayuna Building Dept.



Received

JUN - 7 2023

Niskayuna Building Dept.





Thomas J. Cannizzo
Building Inspector

TOWN OF NISKAYUNA BUILDING DEPARTMENT

One Niskayuna Circle
Niskayuna, New York 12309-4381
(518) 386-4522
FAX: (518) 386-4556
building@niskayuna.org

Kenneth P. Hassett
Building Inspector

Building and Zoning Permit Denial

Address: 701 Bobby Ct.

Application Date: 4/24/23

Emily Gordon
701 Bobby Ct.
Schenectady, New York 12304

Dear Emily:

You are hereby notified, as required by Section 220-67 F of the Zoning Ordinance of the Town of Niskayuna, that your application to maintain a six (6) foot fence on the property noted above has been denied by reason of Section 220-25 A (4) and Section 220-25 B (1) (a) of the Zoning Ordinance. The property is located in the R-1: Low Density Residential Zoning District.

Section 220-4 States for corner lots "each street line shall be considered a front line." The property is a corner lot and as defined, has front yards along Lishakill Road and Bobby Court.

Section 220-25 B (1) (a) permits the maximum height for fences located in the front and side yards, to be four (4) feet. On December 18, 1991, The Zoning Board of Appeals granted a one (1) foot height variance to allow a five (5) foot high fence in this location. As constructed, a six (6) foot high fence is located in the front yard, along Lishakill Road; therefore, an additional one (1) foot fence height variance is required.

Under the provisions of Section 220-69 of the Zoning Ordinance of the Town of Niskayuna you may appeal this decision to the Zoning Board of Appeals and the undersigned within 60 days.

4.28.23
Date


Ken Hassett
Zoning Enforcement Officer

Application # B23-196**TOWN OF NISKAYUNA****APPLICATION FOR BUILDING AND ZONING PERMIT**

One Niskayuna Circle
 Niskayuna, New York 12309
 Phone: 518-386-4522 Fax: 518-386-4592
 Email: building@niskayuna.org

Received

APR 24 2023

APPLICATION IS HEREBY MADE to the Town of Niskayuna Building Department for the issuance of a building and zoning permit pursuant to Town Code and the New York State Uniform Fire Prevention and Building Code. Application is hereby made for the construction of new buildings and accessory structures, additions and alterations to all buildings and structures, signage installation, drainage, excavation, fill and grading work, and replacement, removal and demolition projects, as herein described. The Applicant or Owner agrees to comply with all applicable laws, ordinances, regulations and all conditions expressed on this application which are part of these requirements, and will also allow or arrange for inspectors to enter the premises for inspections.

BUILDING SITE ADDRESS 701 Bobby Ct.
DESCRIBE WORK APPLIED FOR Remove existing wood fence & replace with Vinyl fence

ESTIMATED VALUE OF ALL WORK (labor and materials):

TOTAL \$ 20,000**Please submit three sets of plans with this application.****APPLICANT** Emily Gordon

Father - Joe Weber
DAY PHONE 518-423-3532

CHECK ONE: ☐ CONTRACTOR
☒ HOMEOWNER
☐ OTHER (explain) _____

ADDRESS 701 Bobby Ct.
CITY Niskayuna, NY **STATE** NY **ZIP** 12309
EMAIL ADDRESS _____

CONTRACTOR _____ **DAY PHONE** _____
ADDRESS _____
CITY _____ **STATE** _____ **ZIP** _____

Note: Proof of insurance is required. Please review our **Insurance Requirements** document to ensure contractors and homeowners have filed all appropriate documents with the Building Department.

PROPERTY OWNER Emily & Michael Gordon Father
DAY PHONE 423-3532
ADDRESS (if different than above) _____
CITY _____ **STATE** _____ **ZIP** _____

PLEASE SIGN Page 2

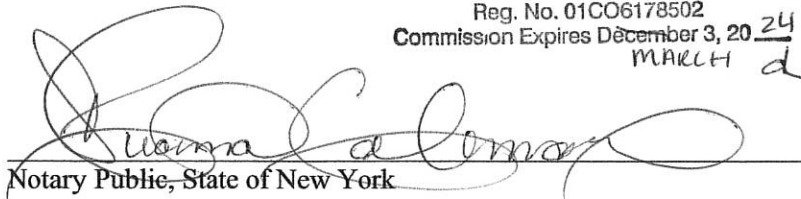
The applicant has reviewed and fully understands the requirements and conditions listed on this application. Article II, Section 75.5B of the Code of the Town of Niskayuna requires that where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

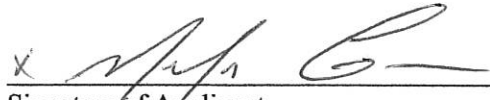
Applicants who are the owners of the property DO NOT need to have this application notarized.

The undersigned hereby swears that the information provided on this application is true, correct and accurate.

Sworn to me on this 26TH day of April, 2023

DEANNA COLEMAN
Notary Public, State of New York
Qualified in Rensselaer County
Reg. No. 01CO6178502
Commission Expires December 3, 2024
MAR 11 d


Notary Public, State of New York

x 
Signature of Applicant

x Michael R. Gordon
Printed Name

x 4/20/23
Date

(FOR OFFICE USE ONLY BELOW)

BUILDING SITE ADDRESS _____

KNOWN EASEMENTS: _____ WATER _____ SEWER _____ DRAINAGE _____ OTHER _____

PERMIT FEE DUE \$ _____ BASED ON _____

COMMENTS _____

ZONING DISTRICT _____ SECTION-BLOCK-LOT _____

REQUIRED INSPECTIONS:

- _____ 1. FOOTING FORMS AND REINFORCING PRIOR TO POURING OF CONCRETE
- _____ 2. FOUNDATION LOCATION PROVIDED AND STONE DRIVEWAY BASE INSTALLED PRIOR TO FOUNDATION INSPECTION
- _____ 3. FOUNDATION WALL AND DRAIN TILE INCLUDING LATERAL PRIOR TO BACKFILLING
- _____ 4. FIREPLACE INSPECTION AT BOX AND AT HALF STACK
- _____ 5. ROUGH PLUMBING
- _____ 6. ROUGH ELECTRICAL
- _____ 7. ROUGH FRAMING INSPECTION INCLUDING TRUSS CERTIFICATES AND ROUGH GRADING ESTABLISHED
- _____ 8. INSULATION INCLUDING PROPER VENTILATION
- _____ 9. FINAL PLUMBING
- _____ 10. FINAL ELECTRICAL
- _____ 11. FINAL BUILDING INSPECTION
- _____ 12. FINAL GRADING AND SOIL EROSION CONTROL
- _____ 13. (ADDITIONAL INSPECTIONS) _____

APPROVED BY _____

DATE _____

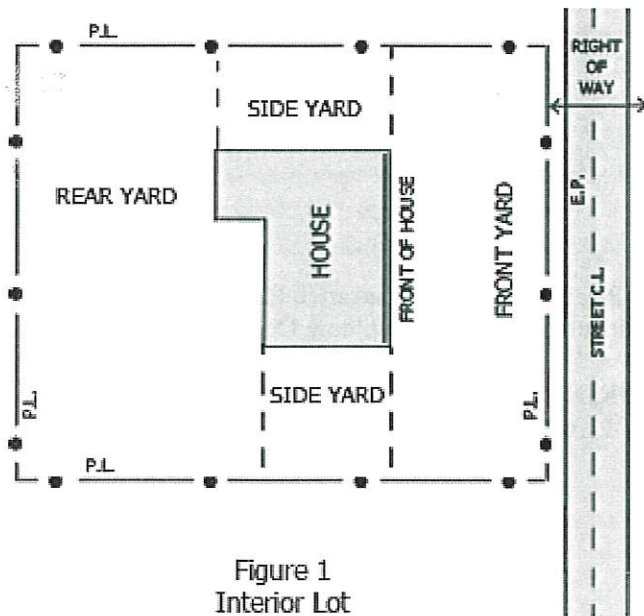


Figure 1
Interior Lot

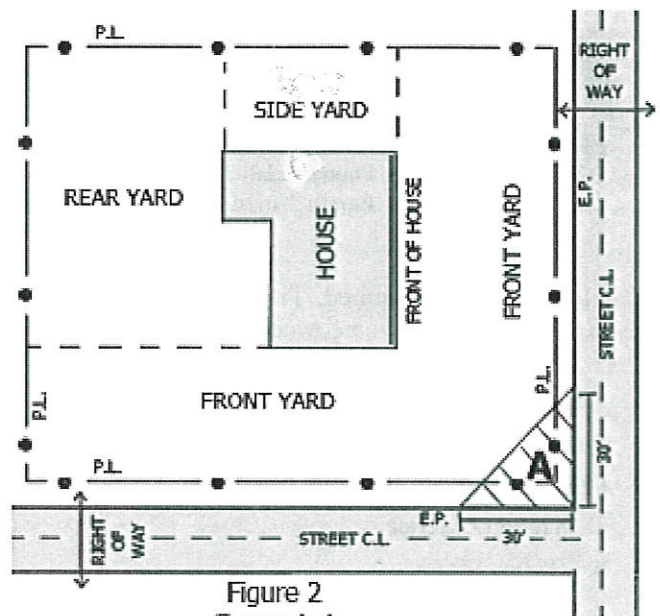


Figure 2
Corner Lot

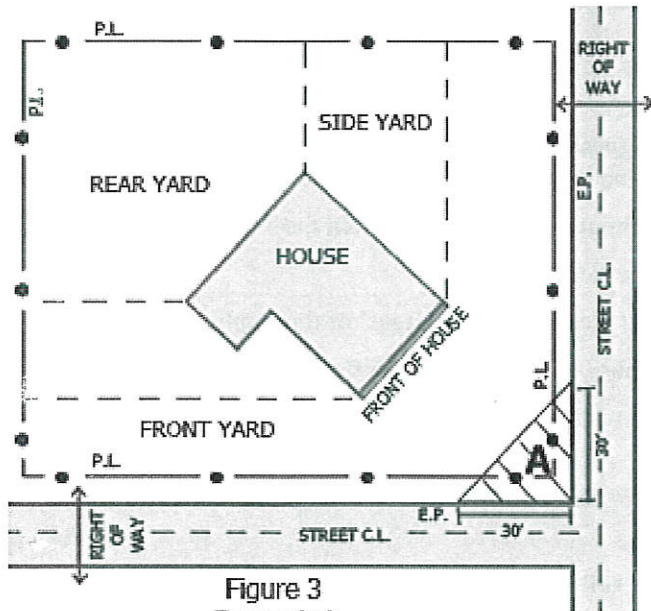


Figure 3
Corner Lot

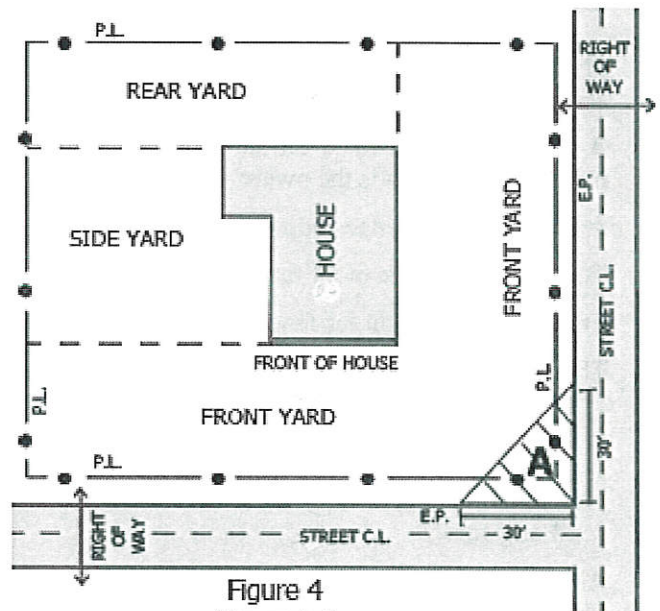


Figure 4
Corner Lot

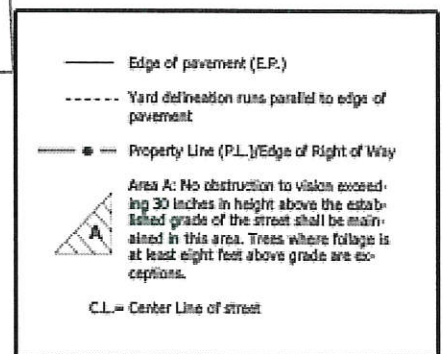
Received
APR 24 2023
Niskayuna Building Dept.

Property Address 701 Bobby Ct

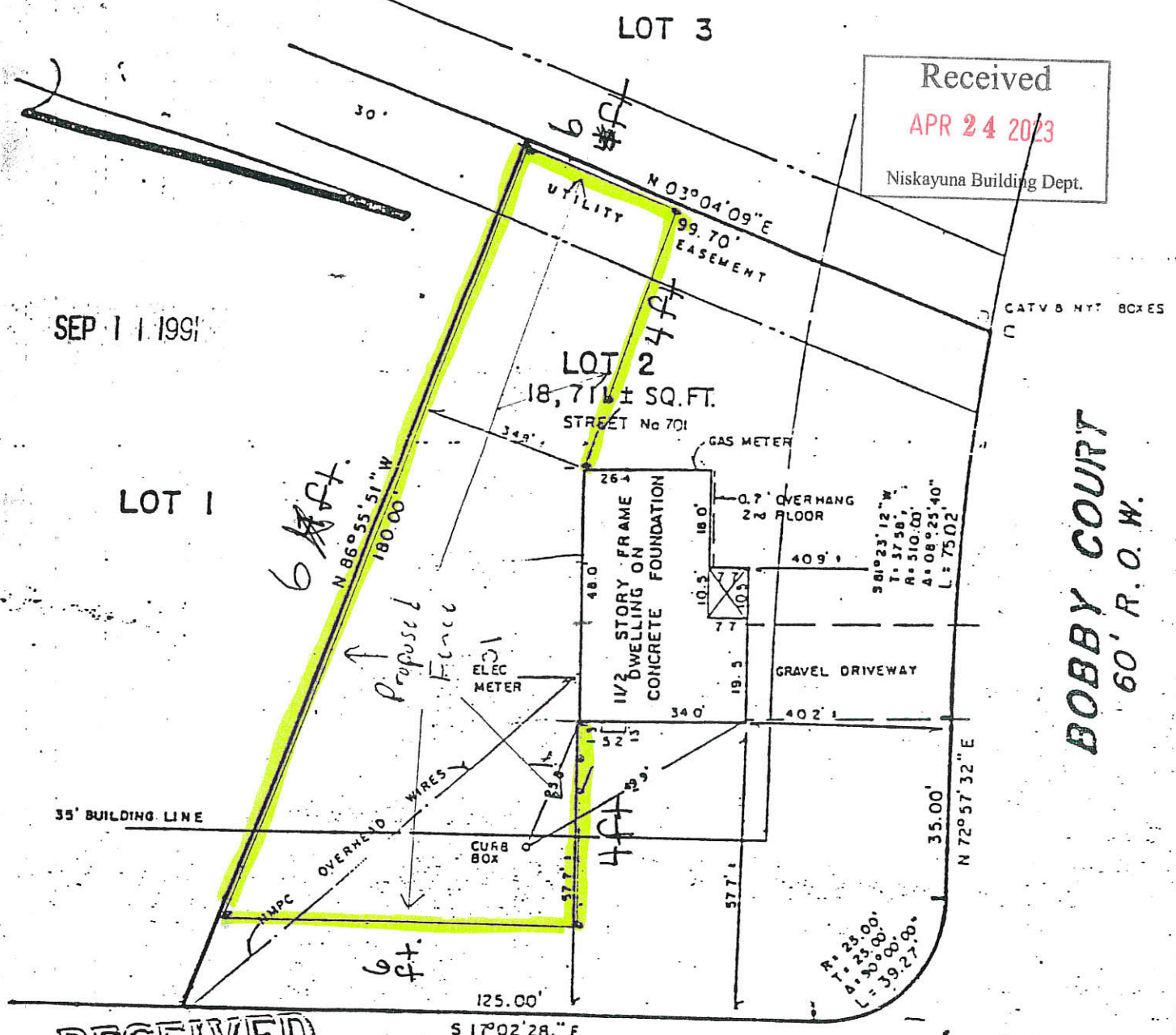
Are there any other accessory structures on the Property?

Fence	<input checked="" type="radio"/> yes	<input type="radio"/> no	height _____
Shed	<input checked="" type="radio"/> yes	<input type="radio"/> no	size _____
Swimming Pool	<input type="radio"/> yes	<input checked="" type="radio"/> no	size _____
Other	<input type="radio"/> yes	<input checked="" type="radio"/> no	size _____

Signature: Joseph Weber



L.L. LINES AND DIMENSIONS ARE THE SAME AS SHOWN ON A MAP ENTITLED "MAP OF BOBBY COURT" TOWN OF NISKAYUNA, COUNTY OF SCHENECTADY, DATED 12/8/83 MADE BY DAVID C. ELLIOTT, L.S. AND FILED IN THE SCHENECTADY COUNTY CLERK'S OFFICE ON 6/3/85 AS MAP No. 192 IN DRAWER No. 61



Received
APR 24 2023
Niskayuna Building Dept.

BOBBY COURT
60' R.O.W.

RECEIVED
NOV 8 1988

BUILDING DEPT.
TOWN OF NISKAYUNA

LISHA KILL ROAD

CERTIFIED TO:
WILLIAM T. STROHECKER
P. ELIZABETH STROHECKER
FIRST NORTHERN MORTGAGE
CORPORATION; ITS SUCCESSORS
AND/OR ASSIGNS
HONROE ABSTRACT AND TITLE CORP



RECORD OF WORK		DATE	
12/03/85	FINAL SURVEY		
9/3/86	FOUNDATION LOCATED F.B. T-37		
DAVID C. ELLIOTT		4	

MAP OF LOT 2 BOBBY COURT			
TOWN OF NISKAYUNA		COUNTY OF SCHENECTADY	
SCALE 1" = 30'		DATE 7 / 26 / 85	
DAVID C. ELLIOTT LAND SURVEYOR STAR PLAZA WEST, ROUTES 155 & 20 GUILDERLAND, NEW YORK 12084			

ZONING BOARD OF APPEALS

Town of Niskayuna

1335 BALLTOWN RD.
SCHENECTADY, N. Y. 12309
(518) 377-8931

Town of Niskayuna
~~Allen T. Wagner~~
Town Clerk

DEC 23 1991

FILED

December 23, 1991

Thomas Cannizzo
Building Inspector
Town of Niskayuna
1335 Balltown Road
Niskayuna, New York 12309

RE: Mr. & Mrs. Antonino Camuglia, 701 Bobby Court

Dear Mr. Cannizzo:

The appeal of Mr. & Mrs. Antonino Camuglia, 701 Bobby Court for a variance from Article II, Section 220-4 and Section 220-25.B.1.(a) of the Zoning Ordinance of the Town of Niskayuna to permit the construction of a six (6) foot high fence on a corner lot was heard by the Board at its regular meeting held on December 18, 1991. The property is zoned R-1: Low Density Residential. Section 220-25.B.1.(a) states, "The maximum height for fences in a rear yard shall not exceed six (6) feet. For fences located in the front yard and side yard, the maximum height shall be four (4) feet." Also, Article II, Section 220-4 definition of corner lot; states in part: "Each street line shall be considered a front lot line. The interior lot line most nearly parallel to the rear of the principal structure shall be deemed to be the rear lot line." As proposed there is a six (6) foot high fence in the front yard. Therefore, a two (2) foot height variance is required.

The applicant amended her application for a six foot high fence in a front yard to a five foot high fence reducing the required variance from two feet to one foot.


It was the decision of the Board to grant the variance as amended.

Yours truly,

William Barczak/km.

William Barczak,
Chairman

cc: Town Clerk
Bldg. Dept.


A. Camuglia

ZONING COORDINATION REFERRAL

For Use By SCDEDP

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

Received _____

Case No. _____

Returned _____

FROM: Legislative Body
Zoning Board of Appeals
Planning Board

Municipality: _____

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225

(fax) 382-5539

ACTION: Zoning Code/Law Amendment
Zoning Map Amendment
Subdivision Review
Site Plan Review

Special Permit
Use Variance
Area Variance
Other (specify) _____

PUBLIC HEARING OR MEETING DATE: _____

SUBJECT:

REQUIRED

ENCLOSURES:

1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:

the boundary of any city, village or town;
the boundary of any existing or proposed County or State park or other recreation area;
the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: _____ Title: _____

Address: _____

E-mail: _____ Phone: _____



Date: _____

Signature

**TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309
(518) 386-4530**

July 7, 2023

TO WHOM IT MAY CONCERN:

A regular meeting of the Zoning Board of Appeals will be held on:

DATE: July 19, 2023

TIME: 7:00 P.M.

PLACE: Town Hall, One Niskayuna Circle, Niskayuna, New York

AT THIS TIME THE BOARD WILL CONSIDER THE REQUEST OF:

Appeal by Jennifer Barnes for a variance from Section 220-13, Schedule I-B of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 5 Rembrandt Drive, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a 14' x 30' in ground swimming pool partially within the rear setback.

Accessory Structures: Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building". A major accessory structure is defined as "detached accessory buildings or other structures in excess of 120 square feet". The pool, at 420 square feet, is a major accessory structure.

Section 220-13, Schedule I-B requires a twenty-five (25) foot rear yard setback. As proposed, the pool would be located thirteen (13) feet from the rear property line. Therefore, a twelve (12) foot rear yard setback variance is required.

A copy of the permit application and appeal is available for inspection at the Niskayuna Building Department in the Niskayuna Town Office Building and will be available at the public hearing. A copy of the agenda packet for the above referenced meeting date, which will include information for this variance request, will be available online after 5pm the Friday before the meeting at <https://www.niskayuna.org/node/1606/agenda/2023>.

IF YOU WISH TO EXPRESS AN OPINION REGARDING THE PROPOSED CHANGE, YOU MAY DO SO AT THE ABOVE-MENTIONED TIME AND PLACE. IF YOU CANNOT BE PRESENT, YOU MAY REQUEST A VIRTUAL LOGIN TO THE MEETING BY EMAILING LRobertson@Niskayuna.org OR CALLING 518-386-4530 OR YOU MAY SET FORTH YOUR APPROVAL OR OBJECTION IN A LETTER WHICH WILL BE MADE PART OF THE PERMANENT RECORD.

ZONING BOARD OF APPEALS

Received

JUN - 8 2023

Niskayuna Building Dept.

ZONING BOARD OF APPEALS
Application and Procedures For A Variance

Case No. _____
Date Rece'd BA _____
Date Hearing _____
Date Action _____
Ref. P.B. _____ Date _____
Ref. County _____ Date _____

TO: ZONING BOARD OF APPEALS

FROM: Jennifer Barnes

RE: Property at 5 Rembrandt Drive Schenectady 12309

I, Jennifer Barnes, the (owner) (agent of the owner) of the property located at 5 Rembrandt Drive in the Town of Niskayuna, New York, hereby petition the Zoning Board of Appeals to review the decision of the Zoning Enforcement Officer on the above-referenced application and to grant a variance from Section(s) of the Zoning Ordinance in order to permit the proposed construction shown on the accompanying drawings.

I, also certify that I have provided the items listed below as required documents in my application for a variance before the Zoning Board of Appeals. I further acknowledge that omission of any of these items may result in delay in the Board's hearing of my application.

CHECKLIST OF REQUIRED ITEMS

☒ One (1) copy of plot plans

☐ One (1) copy of construction plans, if applicable

☒ Appeal fee (see application procedures for details)

☒ Appeal statement (see application procedures for details)

☐ Short Environmental Assessment Form, Project Information, as applicable for use variance

☐ Additional information as specified by the Zoning Enforcement Officer

Signature of Agent: _____ Date _____

Signature of Owner (if different from Agent) Jennifer Barnes

Telephone Number: 518-641-8286

Email Address: jbarnes5760@gmail.com

Received

JUN - 8 2023

Niskayuna Building Dept.

For an area variance: Before an area variance can be granted, State Law requires that the ZBA take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

Our backyard backs a creek which is owned by the house behind us on River Road. There is no space behind the house to give 25 feet clearance nor is there enough space on the side which also would not look nice. Honestly attempting to purchase land behind us would be out of our budget if the owner was even willing to sell. An above ground probably would meet zoning requirements but would not be as attractive.

2. Whether the granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

Granting this variance would not change the neighborhood. There are 6 houses on this culdesac, two already have pools. Our neighbors to the right have their view of the pool obscured by their shrubbery the neighbor to the left have their own pool. The pool would be behind the house limiting how much it will be seen from the road.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons: Niskayuna Building Dept.

This variance is not substantial because there are already two other homes with in ground pools on this culdesac. The pool would be in the back of the home and only 1 neighbor would really have an unobstructed view of the pool and they have one already.

4. Whether the variance will have adverse physical or environmental effects on the neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

We do not believe this variance will have any adverse physical or environmental effects on the neighborhood judging mostly on the fact there are already pools in the neighborhood. I did reach out to ABD Engineers as advised by Concord Pools for an assessment hopefully to be completed before the variance meeting.

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance.) Explain whether the alleged difficulty was or was not self-created:

This difficulty was self created because we did not research building codes before purchasing this home. Neither the home inspector nor real estate agent indicated there may not be enough space for an inground pool when purchasing the home despite stating this was a major reason for us ~~moving~~ purchasing the property.

Pool 14x30
13ft from rear
W/in zoning { 20+ from side (L)
20+ from side (R)
TRESSES 13ft requirements CREEK

Lot No. 5
AS SHOWN ON MAP OF
"RIVERCREST"
B.C.T. MALL ASSOC.
PORE. JUNE 15, 1987

PROPOSED
HOUSE &
GARAGE

REMBRANDT DRIVE

File No. July 17, 1990

SURVEY of LANDS for:

NO. 5
REMBRANDT DRIVE
TOWN OF NISKAYUNA

O. J. MEYER
4 VLY ROAD
ALBANY, N.Y. 12205

P.L.S. LIC. NO. 30202

RECEIVED
JUL 16 1990
BUILDING DEPARTMENT
TOWN OF NISKAYUNA

RECEIVED
JUN - 8 2023
Niskayuna Building Dept.



Received
JUN 18 2023
Niskayuna Building Dept.



Thomas J. Cannizzo
Building Inspector

TOWN OF NISKAYUNA
BUILDING DEPARTMENT

One Niskayuna Circle
Niskayuna, New York 12309-4381
(518) 386-4522
FAX: (518) 386-4556
building@niskayuna.org

Received

JUN - 8 2023

Niskayuna Building Dept.

Kenneth P. Hassett
Building Inspector

Building and Zoning Permit Denial

Address: 5 Rembrandt Drive

Application Date: 6/2/2023

Jennifer Barnes
5 Rembrandt Drive
Niskayuna, N. Y. 12309

Dear Ms. Barnes;

You are hereby notified, as required by Section 220-67F of the Zoning Ordinance of the Town of Niskayuna that your application for to construct a 14' x 30' in ground swimming pool on the property noted above has been denied by reason of Section 220-13, Schedule I-B of the Zoning Ordinance. The property is located in the R-1: Low Density Residential Zoning District.

Accessory Structures: Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building". A major accessory structure is defined as "detached accessory buildings or other structures in excess of 120 square feet". Your pool, at 420 square feet, is a major accessory structure.

Section 220-13, Schedule I-B requires a twenty-five (25) foot rear yard setback. As proposed, the pool would be located thirteen (13) feet from the rear property line. Therefore, a twelve (12) foot rear yard setback variance is required.

Under the provisions of Section 220-69 of the Zoning Ordinance of the Town of Niskayuna you may appeal this decision to the Zoning Board of Appeals and the undersigned within 60 days.

6/5/23

Date

Thomas J. Cannizzo
Zoning Enforcement Officer



TOWN OF NISKAYUNA
APPLICATION FOR BUILDING AND ZONING PERMIT

One Niskayuna Circle
Niskayuna, New York 12309
Phone: 518-386-4522 Fax: 518-386-4556
Email: building@niskayuna.org

Application # B23-298

Received

JUN - 2 2023

APPLICATION IS HEREBY MADE to the Town of Niskayuna Building Department for the issuance of a building and zoning permit pursuant to Town Code, the NYS Uniform Code, and the NYStretch Energy Code. Application is hereby made for the construction of new buildings and accessory structures, additions and alterations to all buildings and structures, signage installation, drainage, excavation, fill and grading work, and replacement, removal and demolition projects, as herein described. The Applicant or Owner agrees to comply with all applicable laws, ordinances, regulations and all conditions expressed on this application which are part of these requirements, and will also allow or arrange for inspectors to enter the premises for inspections.

BUILDING SITE ADDRESS 5 Rembrandt Drive

DESCRIBE WORK APPLIED FOR swimming pool

ESTIMATED VALUE OF ALL WORK (labor and materials): TOTAL \$?

Please submit three copies of the plans with this application.

APPLICANT Jennifer Barnes **DAY PHONE** 518-641-8286

CHECK ONE: ☐ **CONTRACTOR**
☒ **HOMEOWNER**
☐ **OTHER (explain)** _____

ADDRESS 5 Rembrandt Drive

CITY Schenectady **STATE** NY **ZIP** 12309

EMAIL ADDRESS jbarnes5760@gmail.com

CONTRACTOR Concord Pools **DAY PHONE** 518 556 6481

ADDRESS Latham

CITY Latham **STATE** NY **ZIP** _____

Note: Proof of insurance is required. Please review our **Insurance Requirements** document to ensure contractors and homeowners have filed all appropriate documents with the Building Department.

PROPERTY OWNER Jennifer Barnes **DAY PHONE** 518-641-8286

ADDRESS (if different than above) _____

CITY _____ **STATE** _____ **ZIP** _____

EMAIL ADDRESS jbarnes5760@gmail.com

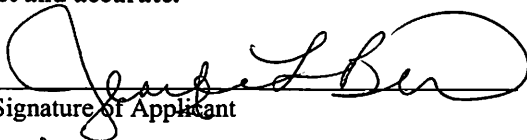
PLEASE SIGN Page 2

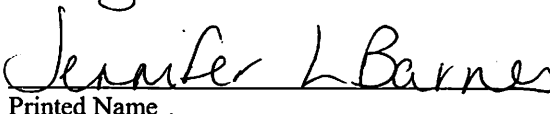
Section 75-5 B of the Code of the Town of Niskayuna requires that where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

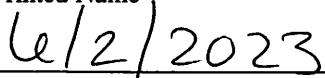
Applicants who are the owners of the property DO NOT need to have this application notarized. Non-owner applicant's notarized signature affirms adherence to the Code.

The applicant has reviewed and fully understands the requirements and conditions of this application. The undersigned hereby swears that the information provided on this application is true, correct and accurate.

Sworn to me on this _____ day of _____, _____


Signature of Applicant


Printed Name


Date

Notary Public, State of New York

(FOR OFFICE USE ONLY BELOW)

BUILDING SITE ADDRESS _____

KNOWN EASEMENTS: _____ WATER _____ SEWER _____ DRAINAGE _____ OTHER

PERMIT FEE DUE \$ _____ BASED ON _____

COMMENTS _____

REQUIRED INSPECTIONS:

- _____ 1. INITIAL SOIL EROSION CONTROL
- _____ 2. FOOTING FORMS AND REINFORCING PRIOR TO POURING OF CONCRETE
- _____ 3. FOUNDATION LOCATION PROVIDED AND STONE DRIVEWAY BASE INSTALLED PRIOR TO FOUNDATION INSPECTION
- _____ 4. FOUNDATION WALL AND DRAIN TILE INCLUDING LATERAL PRIOR TO BACKFILLING
- _____ 5. FIREPLACE INSPECTION AT BOX AND AT HALF STACK
- _____ 6. ROUGH PLUMBING
- _____ 7. ROUGH ELECTRICAL
- _____ 8. ROUGH FRAMING INSPECTION INCLUDING TRUSS CERTIFICATES AND ROUGH GRADING ESTABLISHED
- _____ 9. INSULATION INCLUDING PROPER VENTILATION
- _____ 10. FINAL PLUMBING
- _____ 11. FINAL ELECTRICAL
- _____ 12. FINAL BUILDING INSPECTION
- _____ 13. FINAL GRADING
- _____ 14. FINAL STABILIZATION (SEC)
- _____ 15. (ADDITIONAL INSPECTIONS) _____

APPROVED BY _____

DATE _____

SWIMMING POOL SUPPLEMENT TO PERMIT APPLICATION

Plans and all of the following information are required with swimming pool permit applications.

Address of property 5 Rembrandt Drive Niskayuna NY 12309a. Size of swimming pool 14 x 30b. Type of swimming pool above-ground _____ ht _____ soft wall _____ ht _____
rigid wall _____ ht _____ inground X fiberglass

c. Distance to property lines:

Side 1 22'Side 2 22'Rear 13Other ~~from house~~ 23 - top from house
17 - bottom from house**Received****JUN - 2 2023**

Niskayuna Building Dept.

d. Are there any other accessory structures on the property?

Fence yes ☐ no ☒ height _____Shed yes ☐ no ☒ size _____Other yes ☐ no ☒ size _____

e. Type of fence enclosure (if applicable) _____

Zoning District	maximum total coverage of accessory structures	side & rear setback if 120 sq. ft. or less	side setback	rear setback	side setback to a street
R-R	NA	5 feet	35 feet	40 feet	no closer than side of house
R-1	2,250 sq. ft. or less if lot is less than 18,000 sq. ft.	5 feet	20 feet	25 feet	no closer than side of house
R-2, R-3 or R-P	1,350 sq. ft. or less if lot is less than 9,000 sq. ft.	5 feet	15 feet	20 feet	no closer than side of house

Applicants Signature: *Joseph L. Bane* Date: 6/1/2023

(For office use only)

Area of lot _____

Maximum accessory structure coverage allowed _____

Total accessory structure coverage actual _____

Maximum lot coverage allowed _____

Total lot coverage actual _____

Pool 14x30
13ft from rear
W/in zoning { 20+ from side (L)
20+ from side (R)
TRESSES 13ft requirements CREEK

Lot No. 5
AS SHOWN ON MAP OF
"RIVERCREST"
B.C.T. HOME ASSOC.
P.O.R. JUNE 15, 1987

PROPOSED
HOUSE &
GARAGE

REMBRANDT DRIVE

File No. July 17, 1990

SURVEY of LANDS for:

NO. 5
REMBRANDT DRIVE
TOWN OF NISKAYUNA

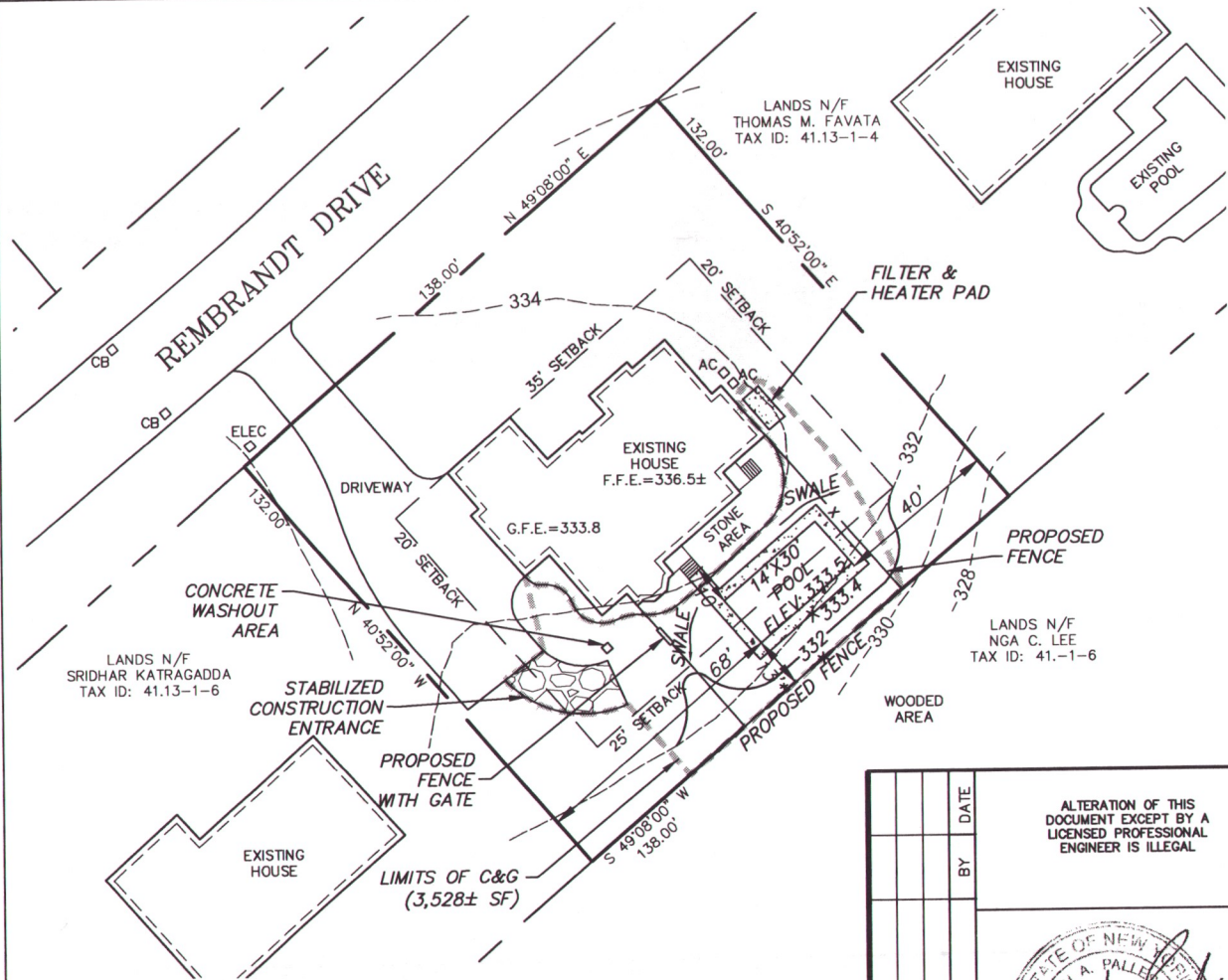
O. J. MEYER
4 VLY ROAD
ALBANY, N.Y. 12205

P.L.S. LIC. NO. 30202

RECEIVED
JUL 16 1990
BUILDING DEPARTMENT
TOWN OF NISKAYUNA

RECEIVED
JUN - 8 2023
Niskayuna Building Dept.

Jennifer Barnes
5 Rembrandt Drive
Pool Proposal



NOTES:

1. BASE MAPPING TAKEN FROM THE MAP REFERENCE & SCHENECTADY COUNTY GIS MAPPING.
2. THE PLANS SHOW SOME KNOWN SUBSURFACE STRUCTURES, ABOVE- GROUND STRUCTURES AND/OR UTILITIES BELIEVED TO EXIST IN THE WORKING AREA, EXACT LOCATION OF WHICH MAY VARY FROM THE LOCATIONS INDICATED. IN PARTICULAR, THE CONTRACTOR IS WARNED THAT THE EXACT OR EVEN APPROXIMATE LOCATION OF SUCH PIPE LINES, SUBSURFACE STRUCTURES AND/OR UTILITIES IN THE AREA MAY BE SHOWN OR MAY NOT BE SHOWN, AND IT SHALL BE HIS RESPONSIBILITY TO PROCEED WITH GREAT CARE IN EXECUTING ANY WORK. 48 HOURS BEFORE YOU DIG, DRILL OR BLAST, CALL U.F.P.O. 1-800-982-7982.
3. CONCRETE WASHOUT AREA TO BE OFFSITE.
4. ALL FINAL GRADES SHALL NOT EXCEED 1V:3H SLOPES.
5. ALL DISTURBED AREAS TO BE TOPSOIL AND SEEDED.
6. ALL FENCING SHALL COMPLY WITH TOWN OF NISKAYUNA CODE

MAP REFERENCES:

1. "SURVEY OF LANDS FOR: NO. 5 REMBRANDT DRIVE TOWN OF NISKAYUNA", PREPARED BY O.J. MEYERS, P.L.S., AND DATED JULY 17, 1990.

ZONING: R-1 (LOW DENSITY RESIDENTIAL)

SETBACKS:

FRONT: 35'

SIDE: 20'

REAR: 25'

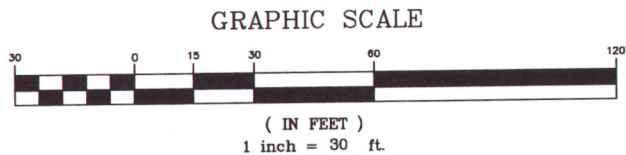
*VARIANCE REQUIRED

Received

JUL 13 2023

Niskayuna Building Dept.

TAX MAP ID: 41.13-1-5



NO.	REVISION	BY	DATE

ALTERATION OF THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL ENGINEER IS ILLEGAL

LUIGI A. PALLESCHI, P.E.
N.Y.S. LICENSE NO. 94676

POOL PLOT PLAN
5 REMBRANDT DRIVE

TOWN OF NISKAYUNA

COUNTY OF SCHENECTADY

STATE OF NEW YORK

ABD ENGINEERS SURVEYORS
411 Union Street Schenectady, N.Y. 12305
518-377-0315 Fax 518-377-0379
www.abdeng.com

DATE:

JULY 6, 2023

SCALE:

1" = 30'

DWG.

5656A-POOL1

SHEET OF

1 1



Rembrandt Dr

Rembrandt L

138'

35'

34.7'

132'

35'

132'

22'

49'

13'

138'

14x30'

Received
JUN 14 2023
Niskayuna Building Dept.



Viking Pools
"Hall of Fame"



concordpools.com

156 Sparrowbush Road • Latham, NY 12110
518-783-8976



Received

JUN - 8 2023

Niskayuna Building Dept.

Named to

"The Top 3 Builders in America"
Pool & Spa Magazine

FIBERGLASS SWIMMING POOL INSTALLATION CONTRACT

Owner(s) JENNIFER BARNES Phone _____ (Cell) (518) 641-8286
Property Title Holder

Address 5 REMBRANT DRIVE Email J.BARNES5760@gmail.com
Actual Pool Location

Town NISKAYUNA, NY Zip 12309 Associate M MINOCUE Date 6/7/23

All prices herein are based on normal access and excavating conditions. *All Stone purchase, placement, pipe and pump rental for dewatering and stabilization of non apparent ground conditions is \$1,495.00 for the initial load and \$750 thereafter. This payment is in addition to the contract price payable with the excavation payment. Please read this contract carefully to eliminate any misunderstanding. Thank you.

Approximate commencement of installation AUG 2023 +-

Approximate substantial completion AUG/SEPT 2023 +-

Time is NOT of the essence and weather and ground condition delays are common and expected. One day of rain will result in a minimum of 1 to 2 days of drying time delay.

POOL SPECIFICATIONS

SIZE W 14 ± L 30 ± APPROXIMATE DEPTH 6

SHAPE OLYMPIA 14 STEP LOCATION _____ TYPE _____

☐ Non Diving (No diving or diving board allowed.) See Safety Package Provided

POOL OPTIONS

1. POOL HEATING ☐ No ☒ Yes Type MAKE HANDY READY

2. POOL LIGHTING ☐ No ☒ Yes Type _____

3. SAFETY COVER ☐ No ☒ Yes Color _____

All Safety Cover prices based upon 3' unobstructed concrete deck. Any variations will result in additional cost for custom fabrication or alterations. IE: Waterfall, Rocks

Agreed

OTHER LADDER, STEP RAIL, POOL MARK, TEST KIT, VACUUM EQUIPMENT W/ A POOL DEMONSTRATION

Special Notes

Shell Color:

OCEAN BLUE G2
5080 GLASS MESH FILTER
SKIMMER W/ LOW END
SUCTION & (3) RETURNS
1/2" 40 SALT SYSTEM
TARP W/ LOCK COVER W/
WATERBAGS
INCLUDES UP TO (4) LOADS
OF BACKFILL MATERIAL &
1.5 LOADS OF WATER
CONTINGENT ON PERMIT
APPROVAL

Three foot concrete deck is ☒ Included ☐ Not Included Please note: Cantilever Broom Finish is standard

- * This does not include extra fill, extra materials, grading, concrete pumping or machine time needed to conform with customer's extra decking requests, settling of ground around pool site or other requirements. Any prep work for additional concrete decking @ \$1.50 a sq.ft. excluding materials. Cracking, shifting and discoloration of concrete is expected and not warranted in any manner, for any timeframe whatsoever.
- * Concrete coloring and finish may vary and not warranted.

AGREED - For purposes of the period of performance, the parties fully agree that "time is not" of the essence, and several factors such as weather, ground conditions on site, or equipment availability may apply. See Addendum A, Installation Check List.

WORK AND PAYMENT SCHEDULE

PAYMENT: You agree to pay Foshee & Sons LLC d/b/a Concord Pools & Spas ("Concord Pools") for the performance of the work and furnishing of material under this contract, the sum payable as described in the Schedule of Progress Payments listed below. These payments are due on day of rendering. This schedule describes the value of the work to be performed and the payments that you will pay to Concord Pools in installments as listed below. This amount does not include any additional work requests (A.W.R.'s) of materials described within the terms of this contract.

**TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309
(518) 386-4530**

July 7, 2023

TO WHOM IT MAY CONCERN:

A regular meeting of the Zoning Board of Appeals will be held on:

DATE: July 19, 2023

TIME: 7:00 P.M.

PLACE: Town Hall, One Niskayuna Circle, Niskayuna, New York

AT THIS TIME THE BOARD WILL CONSIDER THE REQUEST OF:

Appeal by Nicholas and Terressa Mannix for a variance from Section 220-4, Section 220-18 A (2), Section 220-18 B (3) (b), Section 220-15 (D), and Section 220-13 Schedule I-B of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 1230 Ruffner Road, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to maintain a 10' x 14' shed in the front yard and partially within the front and side yard setback.

Section 220-4 states for corner lots “each street line shall be considered a front line.” The property is a corner lot and as defined, has front yards along Ruffner Road and Mountainview Avenue.

Front Yard: Section 220-18 A (2) states that accessory structures are not permitted in the front yard of any lot. The Zoning Ordinance defines front yard as a yard situated between the main building and the front line of the lot and extending the full width of the lot. As constructed, the shed is located between the house and Mountainview Avenue in what constitutes a front yard; therefore, a variance from this section is required.

Section 220-18 B (3) (b) states that “the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building.” As defined, major accessory structures are “detached accessory buildings or other structures in excess of 120 square feet.” The shed, at 140 square feet, is a major accessory structure.

Section 220-15 (D) Corner lots states front yard minimums shall be required of both yards facing a street on a corner lot. Side yard minimums shall be required of the remaining two yards for properties located in the R-1 and R-2 Zoning Districts. Section 220-13 Schedule I-B establishes a side setback minimum of twenty (20) feet and the front setback minimum of thirty-five (35) feet. As constructed, the shed is placed nineteen (19) feet from the side property line and twenty-nine (29) feet from the front property line, therefore a one (1) foot side yard variance and a six (6) foot front yard variance are required.

A copy of the permit application and appeal is available for inspection at the Niskayuna Building Department in the Niskayuna Town Office Building and will be available at the public hearing. A copy of the agenda packet for the above referenced meeting date, which will include information for this variance request, will be available online after 5pm the Friday before the meeting at <https://www.niskayuna.org/node/1606/agenda/2023>.

IF YOU WISH TO EXPRESS AN OPINION REGARDING THE PROPOSED CHANGE, YOU MAY DO SO AT THE ABOVE-MENTIONED TIME AND PLACE. IF YOU CANNOT BE PRESENT, YOU MAY REQUEST A VIRTUAL LOGIN TO THE MEETING BY EMAILING LRobertson@Niskayuna.org OR CALLING 518-386-4530 OR YOU MAY SET FORTH YOUR APPROVAL OR OBJECTION IN A LETTER WHICH WILL BE MADE PART OF THE PERMANENT RECORD.

ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS

Application and Procedures For A Variance

Case No. _____	
Date Rece'd BA _____	
Date Hearing _____	
Date Action _____	
Ref. P.B. _____	Date _____
Ref. County _____	Date _____

TO: ZONING BOARD OF APPEALS

FROM: Nicholas and Terressa Mannix

RE: Property at 1230 Ruffner Rd

Received

JUN - 9 2023

Niskayuna Building Dept.

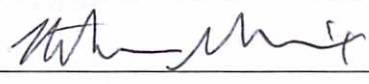
I, Terressa Mannix, Nicholas Mannix, the (owner) (agent of the owner) of the property located at 1230 Ruffner Rd in the Town of Niskayuna, New York, hereby petition the Zoning Board of Appeals to review the decision of the Zoning Enforcement Officer on the above-referenced application and to grant a variance from Section(s) of the Zoning Ordinance in order to permit the proposed construction shown on the accompanying drawings.

I, also certify that I have provided the items listed below as required documents in my application for a variance before the Zoning Board of Appeals. I further acknowledge that omission of any of these items may result in delay in the Board's hearing of my application.

CHECKLIST OF REQUIRED ITEMS

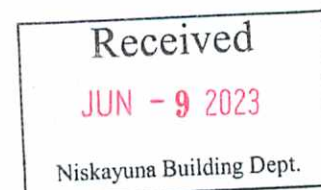
- ☒ One (1) copy of plot plans
- N/A One (1) copy of construction plans, if applicable
- ☒ Appeal fee (see application procedures for details)
- ☒ Appeal statement (see application procedures for details)
- N/A Short Environmental Assessment Form, Project Information, as applicable for use variance
- N/A Additional information as specified by the Zoning Enforcement Officer

Signature of Agent: _____ Date 6/7/2023 | 2:12 PM EDT

Signature of Owner (if different from Agent) DocuSigned by:
Terressa Mannix
02538F8C8FD6472... 

Telephone Number: 254-299-7313

Email Address: tmannix@kw.com



For an area variance: Before an area variance can be granted, State Law requires that the ZBA take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

The 14x10 shed in question was placed in this area of the property as it is the only level area of the yard. The only alternative that has been explored is moving the structure. This would require extreme measures to remove trees, level the land, and consider drainage around the structure to not create a hardship for the neighbor next door in terms of water being diverted toward their property. This has not been recommended by the companies we contacted. This includes the company that built and delivered the structure.

2. Whether the granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

The shed is consistent with the other sheds in the neighborhood. It was constructed and delivered by Mohawk Valley Sheds. They were referred to us by a neighbor who purchased the same size structure from them about a month prior to us. Other sheds in the area are of similar character and size and can be seen from the road in other yards on the street. I have even seen one on the street that is almost in the front yard.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

The variance needed is not substantial. The variance needed is only 1 foot from the rear of the property & 6 feet from the set back.

Received

JUN - 9 2023

Niskayuna Building Dept.

4. Whether the variance will have adverse physical or environmental effects on the neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

we don't believe the variance will have any adverse effects on the physical or environmental aspects of the neighborhood. It is consistent with other similar structures. We minimally altered the property to place is in order to reduce any environmental impact. No wildlife has been displaced and we did not have to alter the drainage on the property to divert any water from the area of the yard.

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance.) Explain whether the alleged difficulty was or was not self-created:

The alleged difficulty could be considered self-created in a way in the sense that we did not fully investigate the parameters in which placing the shed would be allowed by the town. We took the advice of a neighbor. We now recognize we should have looked into the town rules for a better understanding. We have investigated steps to move the shed but both quotes we received did not recommend moving it because it will cause more harm to the structure and the yard. The cost to move is more than the cost of the structure.

Ruffner Rd

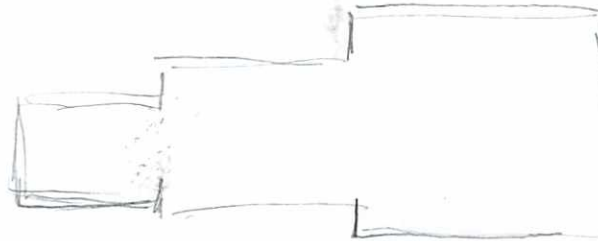
Received

JUN - 9 2023

Niskayuna Building Dept.

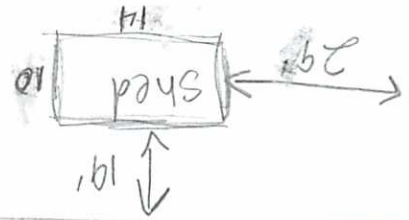
Mountain View

167'



182'

181



146'



Thomas J. Cannizzo
Building Inspector

TOWN OF NISKAYUNA BUILDING DEPARTMENT

One Niskayuna Circle
Niskayuna, New York 12309-4381
(518) 386-4522
FAX: (518) 386-4556
building@niskayuna.org

Kenneth P. Hassett
Building Inspector

Building and Zoning Permit Denial

Address: 1230 Ruffner Road

Application Date: 04/26/23

Nick Mannix
1230 Ruffner Rd.
Niskayuna, NY 12309

Dear Mr. Mannix:

You are hereby notified, as required by Section 220-67 F of the Zoning Ordinance of the Town of Niskayuna, that your application to maintain a 10' x 14' shed on the property noted above has been denied by reason of Section 220-4, Section 220-18 A (2), Section 220-18 B (3) (b), Section 220-15 (D), and Section 220-13 Schedule I-B of the Town of Niskayuna Zoning Ordinance. The property is located in the R-1: Low Density Residential Zoning District.

Section 220-4 states for corner lots "each street line shall be considered a front line." The property is a corner lot and as defined, has front yards along Ruffner Road and Mountainview Avenue.

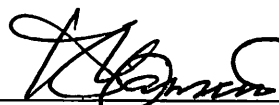
Front Yard: Section 220-18 A (2) states that accessory structures are not permitted in the front yard of any lot. The Zoning Ordinance defines front yard as a yard situated between the main building and the front line of the lot and extending the full width of the lot. As constructed, the shed is located between the house and Mountainview Avenue in what constitutes a front yard; therefore, a variance from this section is required.

Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building." As defined, major accessory structures are "detached accessory buildings or other structures in excess of 120 square feet." The shed, at 140 square feet, is a major accessory structure.

Section 220-15 (D) Corner lots states front yard minimums shall be required of both yards facing a street on a corner lot. Side yard minimums shall be required of the remaining two yards for properties located in the R-1 and R-2 Zoning Districts. **Section 220-13 Schedule I-B** establishes a side setback minimum of twenty (20) feet and the front setback minimum of thirty-five (35) feet. As constructed, the shed is placed nineteen (19) feet from the side property line and twenty-nine (29) feet from the front property line, therefore a one (1) foot side yard variance and a six (6) foot front yard variance are required.

Under the provisions of Section 220-69 of the Zoning Ordinance of the Town of Niskayuna you may appeal this decision to the Zoning Board of Appeals and the undersigned.

5.5.23
Date


Ken Hassett
Zoning Enforcement Officer



TOWN OF NISKAYUNA APPLICATION FOR BUILDING AND ZONING PERMIT

One Niskayuna Circle
Niskayuna, New York 12309
Phone: 518-386-4522 Fax: 518-386-4556
Email: building@niskayuna.org

Received

APR 26 2023

APPLICATION IS HEREBY MADE to the Town of Niskayuna Building Department for the issuance of a building and zoning permit pursuant to Town Code, the NYS Uniform Code, and the NYStretch Energy Code. Application is hereby made for the construction of new buildings and accessory structures, additions and alterations to all buildings and structures, signage installation, drainage, excavation, fill and grading work, and replacement, removal and demolition projects, as herein described. The Applicant or Owner agrees to comply with all applicable laws, ordinances, regulations and all conditions expressed on this application which are part of these requirements, and will also allow or arrange for inspectors to enter the premises for inspections.

BUILDING SITE ADDRESS 1230 Ruffner Rd

DESCRIBE WORK APPLIED FOR _____

Garden Shed w/ Crusher run base

ESTIMATED VALUE OF ALL WORK (labor and materials): TOTAL \$ 7500

Please submit three copies of the plans with this application.

APPLICANT Nicholas Mannix DAY PHONE 716-680-2786

CHECK ONE: _____ CONTRACTOR
☒ HOMEOWNER
 _____ OTHER (explain) _____

ADDRESS 1230 Ruffner

CITY Niskayuna STATE NY ZIP 12309

EMAIL ADDRESS nmannix@gmail.com

CONTRACTOR _____ DAY PHONE _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

Note: Proof of insurance is required. Please review our **Insurance Requirements** document to ensure contractors and homeowners have filed all appropriate documents with the Building Department.

PROPERTY OWNER _____ DAY PHONE _____

ADDRESS (if different than above) _____

CITY _____ STATE _____ ZIP _____

EMAIL ADDRESS _____

PLEASE SIGN Page 2

Section 75-5 B of the Code of the Town of Niskayuna requires that where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

Applicants who are the owners of the property DO NOT need to have this application notarized. Non-owner applicant's notarized signature affirms adherence to the Code.

The applicant has reviewed and fully understands the requirements and conditions of this application. The undersigned hereby swears that the information provided on this application is true, correct and accurate.

Sworn to me on this 26th day of April, 2023

Michael D. H. H. H.

NOTARY PUBLIC
STATE OF NEW YORK
REG. No. 01MC6098353
Qualified in Schenectady County
My commission expires 9/8/2024

[Signature]

Notary Public, State of New York

[Signature]

Signature of Applicant

Nicholas Mannix

Printed Name

4/26/23

Date

(FOR OFFICE USE ONLY BELOW)

BUILDING SITE ADDRESS _____

KNOWN EASEMENTS: _____ WATER _____ SEWER _____ DRAINAGE _____ OTHER

PERMIT FEE DUE \$ _____ BASED ON _____

COMMENTS _____

REQUIRED INSPECTIONS:

- ____ 1. INITIAL SOIL EROSION CONTROL
- ____ 2. FOOTING FORMS AND REINFORCING PRIOR TO POURING OF CONCRETE
- ____ 3. FOUNDATION LOCATION PROVIDED AND STONE DRIVEWAY BASE INSTALLED PRIOR TO FOUNDATION INSPECTION
- ____ 4. FOUNDATION WALL AND DRAIN TILE INCLUDING LATERAL PRIOR TO BACKFILLING
- ____ 5. FIREPLACE INSPECTION AT BOX AND AT HALF STACK
- ____ 6. ROUGH PLUMBING
- ____ 7. ROUGH ELECTRICAL
- ____ 8. ROUGH FRAMING INSPECTION INCLUDING TRUSS CERTIFICATES AND ROUGH GRADING ESTABLISHED
- ____ 9. INSULATION INCLUDING PROPER VENTILATION
- ____ 10. FINAL PLUMBING
- ____ 11. FINAL ELECTRICAL
- ____ 12. FINAL BUILDING INSPECTION
- ____ 13. FINAL GRADING
- ____ 14. FINAL STABILIZATION (SEC)
- ____ 15. (ADDITIONAL INSPECTIONS) _____

APPROVED BY _____

DATE _____

ACCESSORY STRUCTURE SUPPLEMENT TO PERMIT APPLICATION

Plans (three sets) and all of the following information are required with accessory structure permit applications.

a. Address of property 1230 Ruffner Rd Niskayuna NY 12309

b. Size of accessory structure 10 x 14 Shed

c. Distance to property lines:

Side 1 45 ft to Road

Side 2 Well over 20 ft, I think probably 140 ft.

Rear 28 ft

Other N/A

Received

APR 26 2023

Niskayuna Building Dept.

d. Are there any other accessory structures on the property?

Fence yes ☐ no ☒ height

Shed yes ☐ no ☒ size

Swimming pool yes ☐ no ☒ size

Other yes ☐ no ☒ size

e. Height of accessory structure 10 ft

f. Type of foundation for structure (if any) gravel

Zoning District	maximum total coverage of accessory structures	side & rear setback if 120 sq. ft. or less	side setback	rear setback	setback to a street
R-R	NA	5 feet	35 feet	40 feet	no closer than wall of house
R-1	2,250 sq. ft. or less if lot is less than 18,000 sq. ft.	5 feet	20 feet	25 feet	no closer than wall of house
R-2, R-3 or R-P	1,350 sq. ft. or less if lot is less than 9,000 sq. ft.	5 feet	15 feet	20 feet	no closer than wall of house

Applicant's Signature: [Signature]

Date: 4/24/23

(For office use only)

Area of lot

Maximum accessory structure coverage allowed

Total accessory structure coverage actual

Maximum lot coverage allowed

Total lot coverage actual

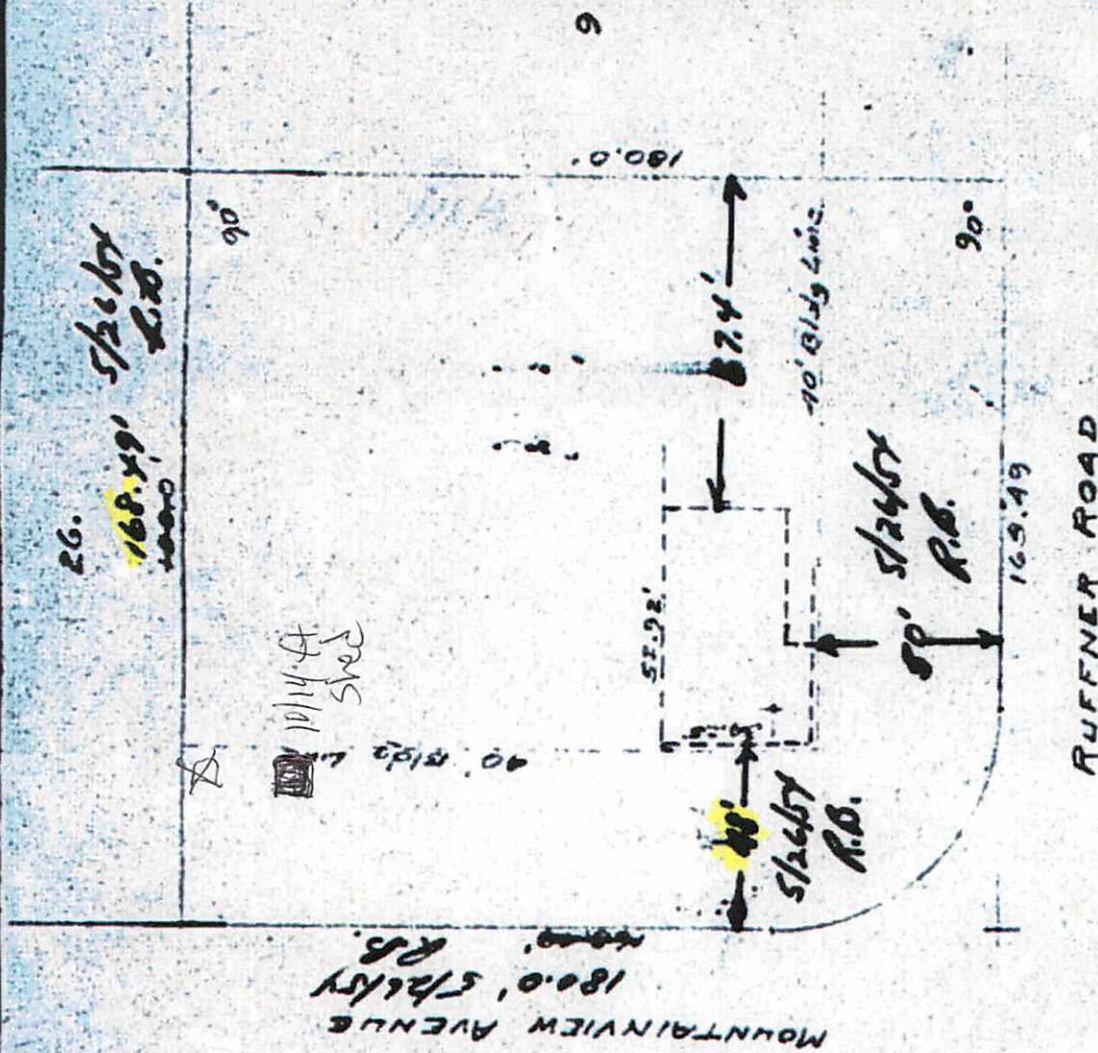
Received

APR 26 2023

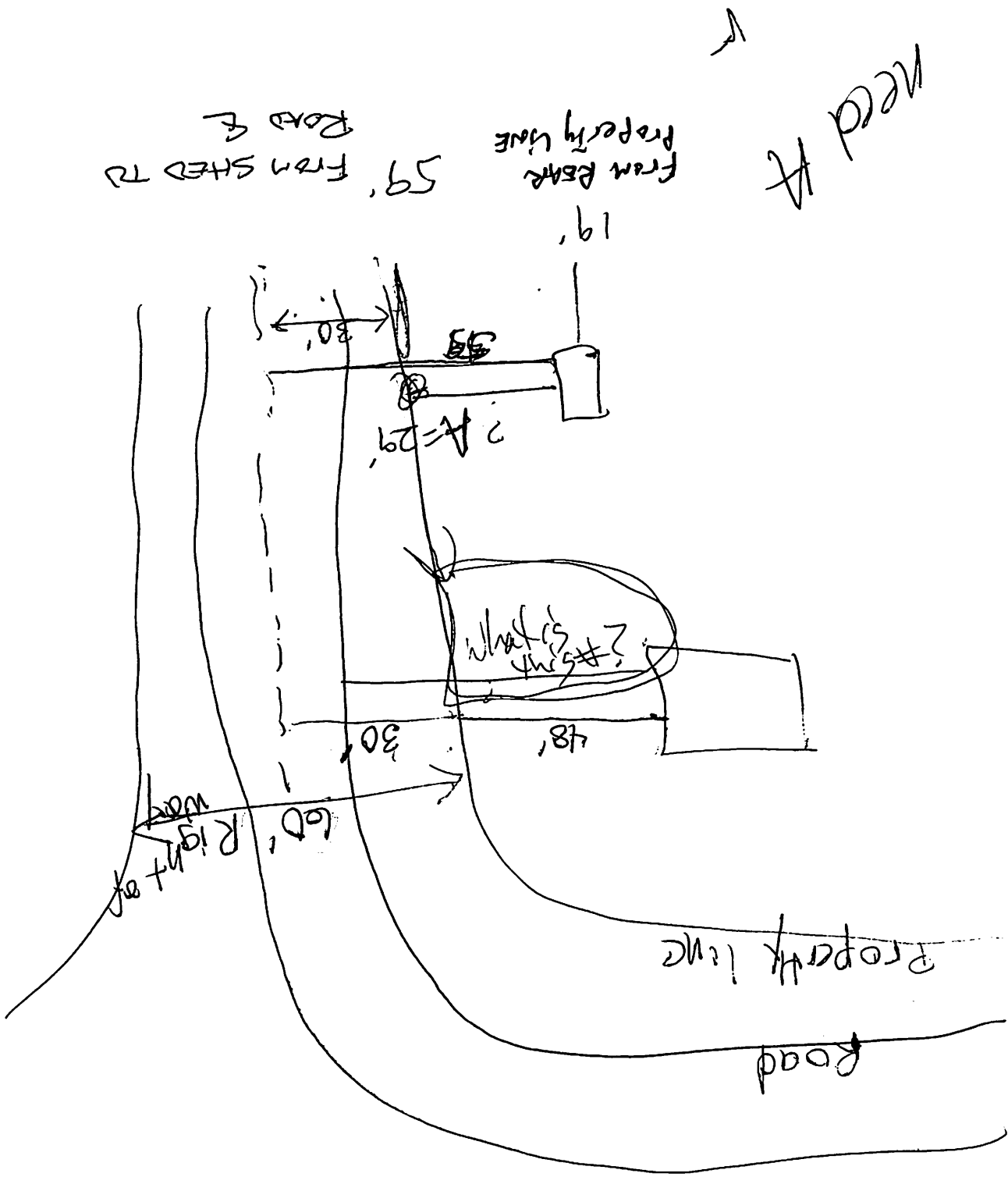
Niskayuna Building Dept.

Lot 10, Map No 2
HAWTHORNE HILL
Niskayuna, Schenectady Co., N.Y.
Scale: 1"=40' May 29, 1954.
C. T. Mable Associates
Kenneth J. Mable, L.S. 25004.

Proposed Building Location.



1230 Ruston Rd
Wild Manix





**TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309
(518) 386-4530**

July 7, 2023

TO WHOM IT MAY CONCERN:

A regular meeting of the Zoning Board of Appeals will be held on:

DATE: July 19, 2023

TIME: 7:00 P.M.

PLACE: Town Hall, One Niskayuna Circle, Niskayuna, New York

AT THIS TIME THE BOARD WILL CONSIDER THE REQUEST OF:

Appeal by Silvia and Paul Romeo for a variance from Section 220-13, Schedule I-B of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 2331 Algonquin Road, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a 12' x 18' shed partially within the side and rear yard setbacks.

Accessory Structures: Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building". A major accessory structure is defined as "detached accessory buildings or other structures in excess of 120 square feet". The shed, at 216 square feet, is a major accessory structure.

Section 220-13, Schedule I-B requires a twenty (20) foot minimum side yard setback, and a twenty-five (25) foot rear yard setback. As proposed, the shed would be located five (5) feet from the side property line and ten (10) feet from the rear property line. Therefore, a fifteen (15) foot side yard setback variance and a fifteen (15) foot rear yard setback variance are required.

A copy of the permit application and appeal is available for inspection at the Niskayuna Building Department in the Niskayuna Town Office Building and will be available at the public hearing. A copy of the agenda packet for the above referenced meeting date, which will include information for this variance request, will be available online after 5pm the Friday before the meeting at <https://www.niskayuna.org/node/1606/agenda/2023>.

IF YOU WISH TO EXPRESS AN OPINION REGARDING THE PROPOSED CHANGE, YOU MAY DO SO AT THE ABOVE-MENTIONED TIME AND PLACE. IF YOU CANNOT BE PRESENT, YOU MAY REQUEST A VIRTUAL LOGIN TO THE MEETING BY EMAILING LRobertson@Niskayuna.org OR CALLING 518-386-4530 OR YOU MAY SET FORTH YOUR APPROVAL OR OBJECTION IN A LETTER WHICH WILL BE MADE PART OF THE PERMANENT RECORD.

ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS
Application and Procedures For A Variance

Case No.	_____
Date Rece'd BA	_____
Date Hearing	_____
Date Action	_____
Ref.P.B.	_____ Date _____
Ref. County	_____ Date _____

Received

JUN 13 2023

Niskayuna Building Dept.

TO: ZONING BOARD OF APPEALS

FROM: Silvia and Paul Romeo

RE: Property at 2331 Algonquin Rd, Niskayuna NY 12309

Section _____ **Block** _____ **Lot** _____

I, Silvia and Paul Romeo, the (owner) (agent of the owner) of the property located at 2331 Algonquin Rd. in the Town of Niskayuna, New York, hereby petition the Zoning Board of Appeals to review the decision of the Zoning Enforcement Officer on the above-referenced application and to grant a variance from Section(s) of the Zoning Ordinance in order to permit the proposed construction shown on the accompanying drawings.

I, also certify that I have provided the items listed below as required documents in my application for a variance before the Zoning Board of Appeals. I further acknowledge that omission of any of these items may result in delay in the Board's hearing of my application.

CHECKLIST OF REQUIRED ITEMS

_____ Fifteen (15) copies of plot plans

_____ Two (2) copies of construction plans, if applicable

_____ Appeal fee (see application procedures for details)

_____ Appeal statement (see application procedures for details)

_____ Short Environmental Assessment Form, Project Information, as applicable for use variance

_____ Additional information as specified by the Zoning Enforcement Officer

Signature of Agent: _____ Date 6/12/2023

Signature of Owner (if different from Agent) Silvia Romeo

Telephone Number: 518-859-2686

Received

JUN 13 2023

Niskayuna Building Dept.

For an area variance: Before an area variance can be granted, State Law requires that the ZBA take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

The benefit to the applicant is that the structure will improve the property value. Granting the variance will allow the shed to be placed in an area where it has no detriment to health, safety and welfare of the neighbors and more valuable to the applicant because the shed will be in the side rear corner of the lot and still allow for full use of the backyard for soccer, volleyball, social function, etc. In addition the neighbors on each side have been contacted and okay with the requested location for the shed. The neighbors to the rear back will not be able to see the shed because of the landscape slope and trees

2. Whether the granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

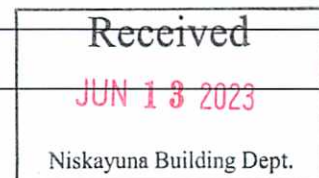
Granting the variance will allow the shed to be placed in the rear back corner of the lot and reduce the visibility of the shed from neighboring properties. The shed will have a positive impact on the property value of the house and subsequently the neighboring properties. The shed is not visible to the neighbors to the rear of the property

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

The variance is not substantial for the reasons: the variance will allow the shed to be moved into back corner of the lot where it is less visible, less significant to the neighbors on the side of the property. The neighbors to the rear will not be able to see the variance due to the woods in between the neighbors house and the proposed location of the shed

4. Whether the variance will have adverse physical or environmental effects on the neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

The variance will have no environmental or physical impact on the neighborhood or district. The shed will be placed on block, no digging, no trees will be removed, no changes will occur to the property if we put the shed in the location allowed by the variance



5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance.) Explain whether the alleged difficulty was or was not self-created:

The issue was at best partially self-created as we have a small court in the back yard that limits where we can place the shed. We also have multiple trees that limit where we can place the shed. Placing the shed in the location requested by the variance maintains the integrity and functionality of the back yard (for social gatherings with neighbors, kids playing etc. improves the value of the property and subsequently the neighborhood.

Short Environmental Assessment Form

Part 1 - Project Information

Received
JUN 13 2023

Niskayuna Building Dept.

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map): 2331 Algonquin Rd, Niskayuna NY 12309			
Brief Description of Proposed Action: Add a shed at the rear corner lot.			
Name of Applicant or Sponsor: Silvia and Paul Romeo		Telephone: 518-854-2686	
		E-Mail: silviaalbormo2@yahoo.com	
Address: 2331 Algonquin Rd, Niskayuna NY 1			
City/PO: Niskayuna		State: NY	Zip Code: 12309
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO YES
If Yes, list agency(s) name and permit or approval:			<input checked="" type="checkbox"/> <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.5	acres
b. Total acreage to be physically disturbed?		0	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.5	acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

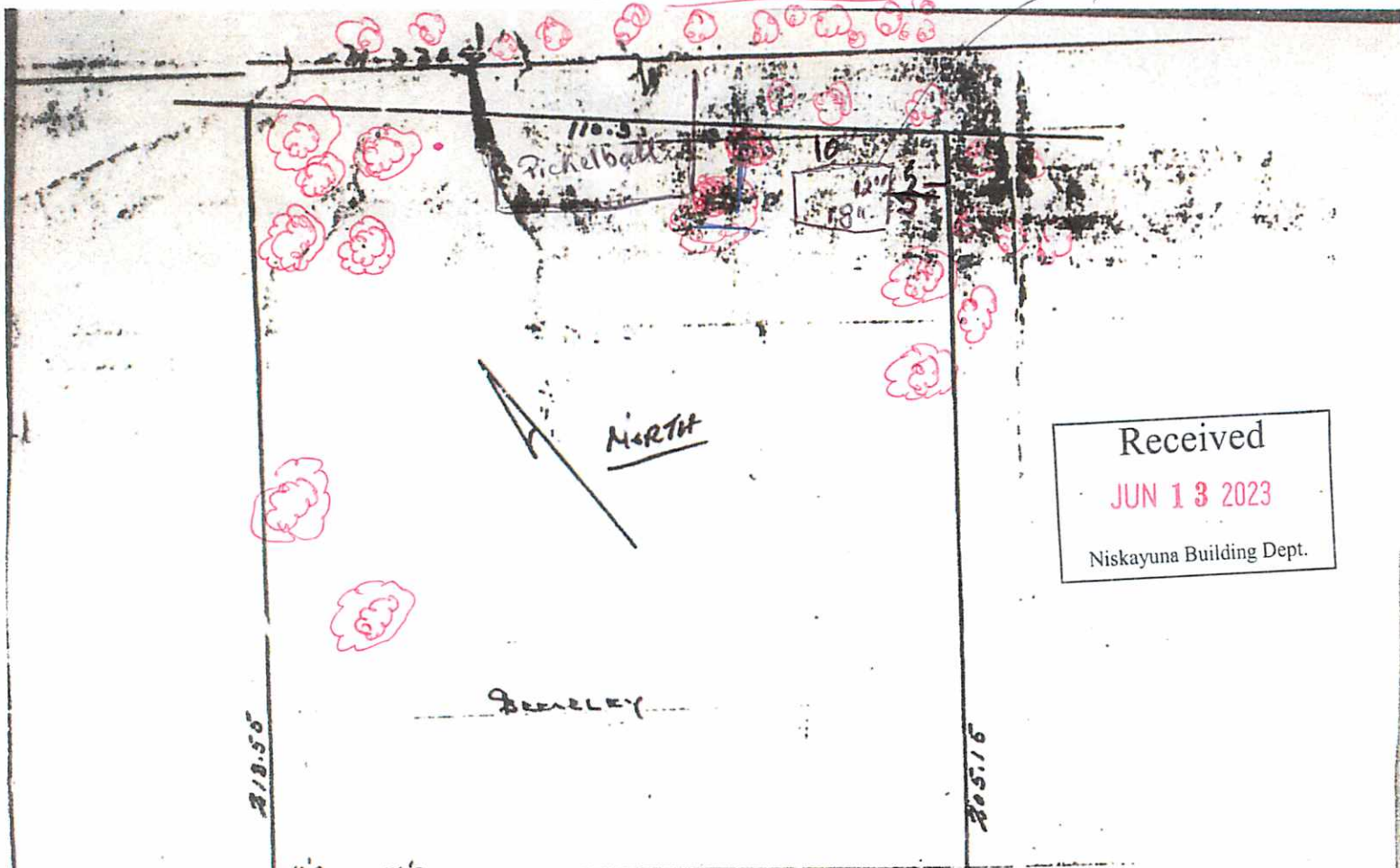
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: <u>It is trees around the area</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water:			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment:			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Silvia and Paul Romeo</u> Date: <u>6/12/23</u> Signature: <u>[Signature]</u> Title: <u>Property Owners</u>		

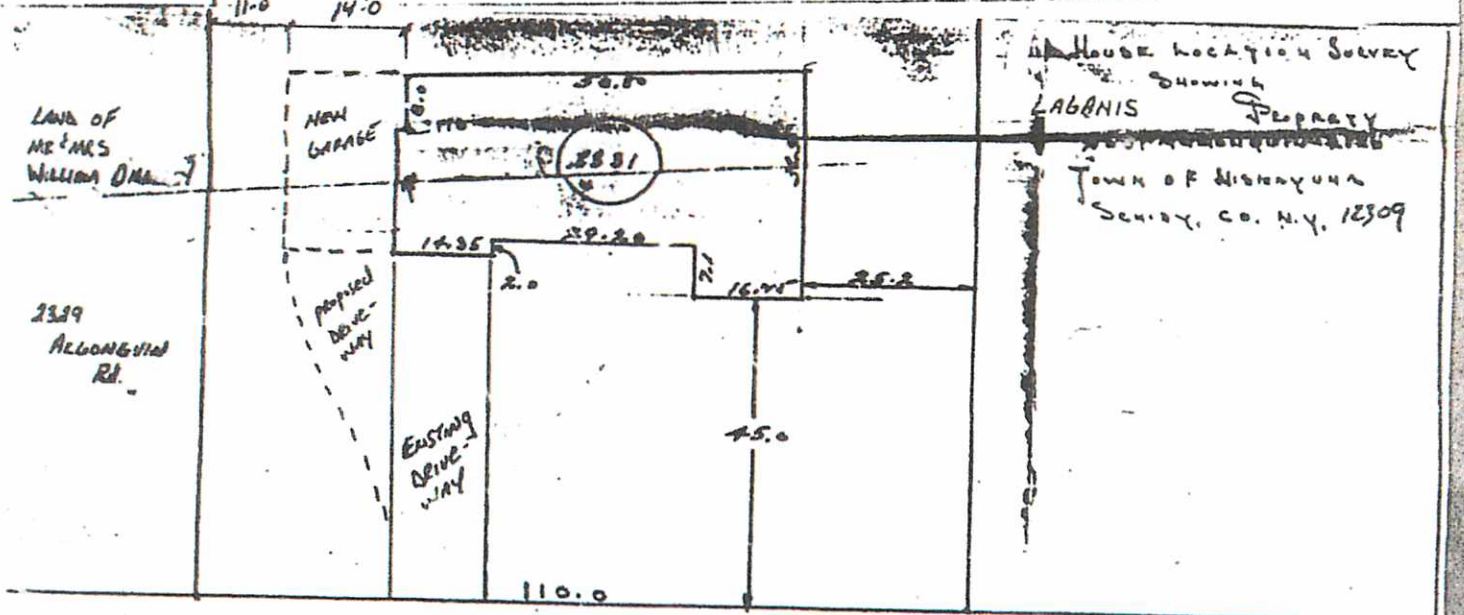
trees.

Creek

10"
12" 18" 5"



Received
JUN 13 2023
Niskayuna Building Dept.



ALGONQUIN Road

Sch. 1" = 20.0' Aug. 1, 1968
Edward F. Houston
R. H. G. W. H. H.
2.0. 28819



Thomas J. Cannizzo
Building Inspector

TOWN OF NISKAYUNA BUILDING DEPARTMENT

One Niskayuna Circle
Niskayuna, New York 12309-4381
(518) 386-4522
FAX: (518) 386-4556
building@niskayuna.org

Kenneth P. Hassett
Building Inspector

Building and Zoning Permit Denial

Address: 2331 Algonquin Rd.

Application Date: 5/30/2023

Paul Romeo
2331 Algonquin Rd.
Niskayuna, N. Y. 12309

Dear Mr. Romeo;


You are hereby notified, as required by Section 220-67F of the Zoning Ordinance of the Town of Niskayuna that your application for to construct a 12' x 18' shed on the property noted above has been denied by reason of Section 220-13, Schedule I-B of the Zoning Ordinance. The property is located in the R-1: Low Density Residential Zoning District.

Accessory Structures: Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building". A major accessory structure is defined as "detached accessory buildings or other structures in excess of 120 square feet". Your shed, at 216 square feet, is a major accessory structure.

Section 220-13, Schedule I-B requires a twenty (20) foot minimum side yard setback, and a twenty-five (25) foot rear yard setback. As proposed, the shed would be located five (5) feet from the side property line and ten (10) feet from the rear property line. Therefore, a fifteen (15) foot side yard setback variance and a fifteen (15) foot rear yard setback variance are required.

Under the provisions of Section 220-69 of the Zoning Ordinance of the Town of Niskayuna you may appeal this decision to the Zoning Board of Appeals and the undersigned within 60 days.

5.30.23
Date


Ken Hassett
Zoning Enforcement Officer



TOWN OF NISKAYUNA APPLICATION FOR BUILDING AND ZONING PERMIT

One Niskayuna Circle
Niskayuna, New York 12309
Phone: 518-386-4522 Fax: 518-386-4556
Email: building@niskayuna.org

Received

MAY 18 2023

APPLICATION IS HEREBY MADE to the Town of Niskayuna Building Department for the issuance of a building and zoning permit pursuant to Town Code, the NYS Uniform Code, and the NYStretch Energy Code. Application is hereby made for the construction of new buildings and accessory structures, additions and alterations to all buildings and structures, signage installation, drainage, excavation, fill and grading work, and replacement, removal and demolition projects, as herein described. The Applicant or Owner agrees to comply with all applicable laws, ordinances, regulations and all conditions expressed on this application which are part of these requirements, and will also allow or arrange for inspectors to enter the premises for inspections.

BUILDING SITE ADDRESS 2331 ALGONQUIN Rd. NISKAYUNA NY 12309

DESCRIBE WORK APPLIED FOR PLACING SHED WOOD HOUSE 12x18 (216 sq ft)

ESTIMATED VALUE OF ALL WORK (labor and materials):

TOTAL \$ 9068⁰⁰

Please submit three copies of the plans with this application.

APPLICANT PAUL ROMERO DAY PHONE 518-859 2686

CHECK ONE: ☐ CONTRACTOR

☒ HOMEOWNER

☒ OTHER (explain) Friends and family

ADDRESS 2331 ALGONQUIN Rd.

CITY NISKAYUNA STATE NY ZIP 12309

EMAIL ADDRESS silviaalbornoz@yahoo.com

CONTRACTOR CLASSIC SHED & PATIO DAY PHONE 518 869 7474

ADDRESS 1997 Central Avenue

CITY COLONIE STATE NY ZIP 12205

Note: Proof of insurance is required. Please review our **Insurance Requirements** document to ensure contractors and homeowners have filed all appropriate documents with the Building Department.

PROPERTY OWNER PAUL ROMERO DAY PHONE 518 859 2686

ADDRESS (if different than above) 2331 ALGONQUIN Rd. NISKAYUNA NY 12309

CITY NISKAYUNA STATE NY ZIP 12309

EMAIL ADDRESS silviaalbornoz@yahoo.com

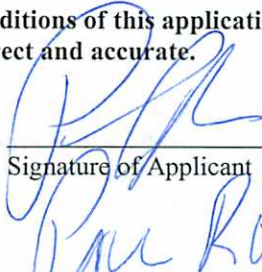
PLEASE SIGN Page 2

Section 75-5 B of the Code of the Town of Niskayuna requires that where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

Applicants who are the owners of the property DO NOT need to have this application notarized. Non-owner applicant's notarized signature affirms adherence to the Code.

The applicant has reviewed and fully understands the requirements and conditions of this application. The undersigned hereby swears that the information provided on this application is true, correct and accurate.

Sworn to me on this 18th day of May, 2023


Signature of Applicant

Printed Name

18th May, 2023
Date

Notary Public, State of New York

(FOR OFFICE USE ONLY BELOW)

BUILDING SITE ADDRESS _____

KNOWN EASEMENTS: _____ WATER _____ SEWER _____ DRAINAGE _____ OTHER

PERMIT FEE DUE \$ _____ BASED ON _____

COMMENTS _____

REQUIRED INSPECTIONS:

- _____ 1. INITIAL SOIL EROSION CONTROL
- _____ 2. FOOTING FORMS AND REINFORCING PRIOR TO POURING OF CONCRETE
- _____ 3. FOUNDATION LOCATION PROVIDED AND STONE DRIVEWAY BASE INSTALLED PRIOR TO FOUNDATION INSPECTION
- _____ 4. FOUNDATION WALL AND DRAIN TILE INCLUDING LATERAL PRIOR TO BACKFILLING
- _____ 5. FIREPLACE INSPECTION AT BOX AND AT HALF STACK
- _____ 6. ROUGH PLUMBING
- _____ 7. ROUGH ELECTRICAL
- _____ 8. ROUGH FRAMING INSPECTION INCLUDING TRUSS CERTIFICATES AND ROUGH GRADING ESTABLISHED
- _____ 9. INSULATION INCLUDING PROPER VENTILATION
- _____ 10. FINAL PLUMBING
- _____ 11. FINAL ELECTRICAL
- _____ 12. FINAL BUILDING INSPECTION
- _____ 13. FINAL GRADING
- _____ 14. FINAL STABILIZATION (SEC)
- _____ 15. (ADDITIONAL INSPECTIONS) _____

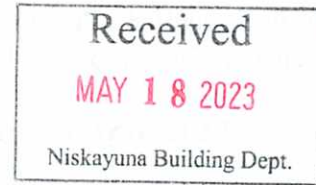
APPROVED BY _____

DATE _____

ACCESSORY STRUCTURE SUPPLEMENT TO PERMIT APPLICATION

Plans (three sets) and all of the following information are required with accessory structure permit applications.

- a. Address of property 2331 ALGONQUIN Rd. NISKAYUNA NY 12309
- b. Size of accessory structure 12x18 SHED.
- c. Distance to property lines:
- Side 1 22 Ft 5 Ft
- Side 2 _____
- Rear 27 Ft 10 Ft
- Other _____
- d. Are there any other accessory structures on the property?
- Fence yes _____ no ☒ height _____
- Shed yes _____ no ☒ size _____
- Swimming pool yes _____ no ☒ size _____
- Other yes _____ no ☒ size _____
- e. Height of accessory structure Approximately 10 Ft (standard shed)
- f. Type of foundation for structure (if any) Wood



Zoning District	maximum total coverage of accessory structures	side & rear setback if 120 sq. ft. or less	side setback	rear setback	setback to a street
R-R	NA	5 feet	35 feet	40 feet	no closer than wall of house
R-1	2,250 sq. ft. or less if lot is less than 18,000 sq. ft.	5 feet	20 feet	25 feet	no closer than wall of house
R-2, R-3 or R-P	1,350 sq. ft. or less if lot is less than 9,000 sq. ft.	5 feet	15 feet	20 feet	no closer than wall of house

Applicant's Signature: [Signature]

Date: 5/18/23

(For office use only)

Area of lot _____

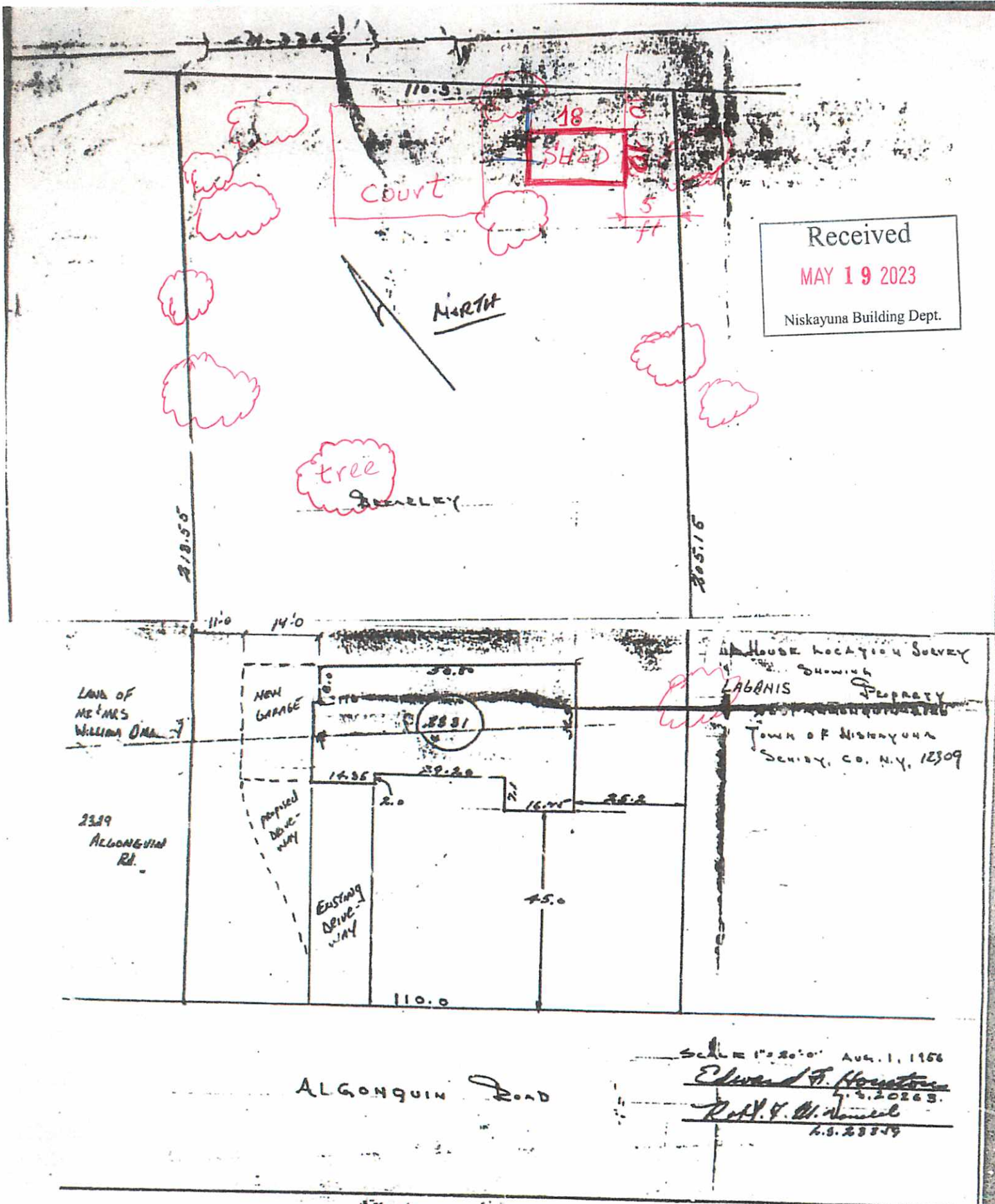
Maximum accessory structure coverage allowed _____

Total accessory structure coverage actual _____

Maximum lot coverage allowed _____

Total lot coverage actual _____

SHEB UBICATION PROPOSAL



**TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309
(518) 386-4530**

July 7, 2023

TO WHOM IT MAY CONCERN:

A regular meeting of the Zoning Board of Appeals will be held on:

DATE: July 19, 2023

TIME: 7:00 P.M.

PLACE: Town Hall, One Niskayuna Circle, Niskayuna, New York

AT THIS TIME THE BOARD WILL CONSIDER THE REQUEST OF:

Appeal by David Feldman for a variance from Section 220-18 A (2) and Section 220-13, Schedule I-B of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 2510 Rosendale Road, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a 12' x 16' shed in the front yard and partially within the side yard setback.

Accessory Structures: Section 220-18 A (2) states that "accessory structures are not permitted in the front yard of any lot". As proposed, the shed will be located in a front yard; therefore, a variance from this section is required.

Accessory Structures: Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building." A major accessory structure is defined as "detached accessory buildings or other structures in excess of 120 square feet." The shed, at 192 square feet, is a major accessory structure.

Section 220-13, Schedule I-B requires a twenty (20) foot minimum side yard setback. As proposed, the shed would be located ten (10) feet from the side property line. Therefore, a ten (10) foot side yard setback variance is required.

A copy of the permit application and appeal is available for inspection at the Niskayuna Building Department in the Niskayuna Town Office Building and will be available at the public hearing. A copy of the agenda packet for the above referenced meeting date, which will include information for this variance request, will be available online after 5pm the Friday before the meeting at <https://www.niskayuna.org/node/1606/agenda/2023>.

IF YOU WISH TO EXPRESS AN OPINION REGARDING THE PROPOSED CHANGE, YOU MAY DO SO AT THE ABOVE-MENTIONED TIME AND PLACE. IF YOU CANNOT BE PRESENT, YOU MAY REQUEST A VIRTUAL LOGIN TO THE MEETING BY EMAILING LRobertson@Niskayuna.org OR CALLING 518-386-4530 OR YOU MAY SET FORTH YOUR APPROVAL OR OBJECTION IN A LETTER WHICH WILL BE MADE PART OF THE PERMANENT RECORD.

ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS
Application and Procedures For A Variance

Case No.	_____
Date Rece'd BA	_____
Date Hearing	_____
Date Action	_____
Ref. P.B.	Date _____
Ref. County	Date _____

Received
JUN 15 2023
Niskayuna Building Dept.

TO: ZONING BOARD OF APPEALS

FROM: David Feldman

RE: Property at 2510 Rosendale Rd., Niskayuna, NY 12309

I, David Feldman, the (owner) (agent of the owner) of the property located at 2510 Rosendale Rd., Niskayuna, NY 12309 in the Town of Niskayuna, New York, hereby petition the Zoning Board of Appeals to review the decision of the Zoning Enforcement Officer on the above-referenced application and to grant a variance from Section(s) of the Zoning Ordinance in order to permit the proposed construction shown on the accompanying drawings.

I, also certify that I have provided the items listed below as required documents in my application for a variance before the Zoning Board of Appeals. I further acknowledge that omission of any of these items may result in delay in the Board's hearing of my application.

CHECKLIST OF REQUIRED ITEMS

- ☒ One (1) copy of plot plans
- ☒ One (1) copy of construction plans, if applicable
- ☒ Appeal fee (see application procedures for details) \$100
- ☒ Appeal statement (see application procedures for details)
- N/A Short Environmental Assessment Form, Project Information, as applicable for use variance
- N/A Additional information as specified by the Zoning Enforcement Officer

Signature of Agent: David Feldman Date 6/15/22

Signature of Owner (if different from Agent) _____

Telephone Number: 518 - 810 - 9525

Email Address: subola87@gmail.com

Received

JUN 15 2023

Niskayuna Building Dept.

For an area variance: Before an area variance can be granted, State Law requires that the ZBA take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

- Currently we are using our garage for all of our storage needs and are looking to add the shed to use instead.

- The area that we want to use for the shed is the only useable spot on the property to place it, as most of our land is sloped.

2. Whether the granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

- We are set far enough back from the road and have tree coverage on 3 of the 4 sides of the shed, so it wouldn't be visible from the road.

- There are trees still between the shed and the neighboring property and we would be willing to place more if needed.

Revised 5/16/06

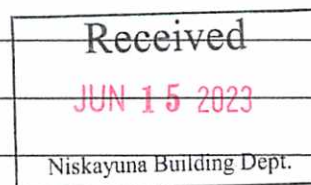
- When designing the shed, we took into consideration the appearance of the property as a whole.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

- We are set back far enough from the road, that the shed won't be visible for those driving by. The front most point of the house is set back 97 ft. from the road.
- Additionally, we have trees on 3 of the 4 sides of where the shed will go, including the side next to our property line.

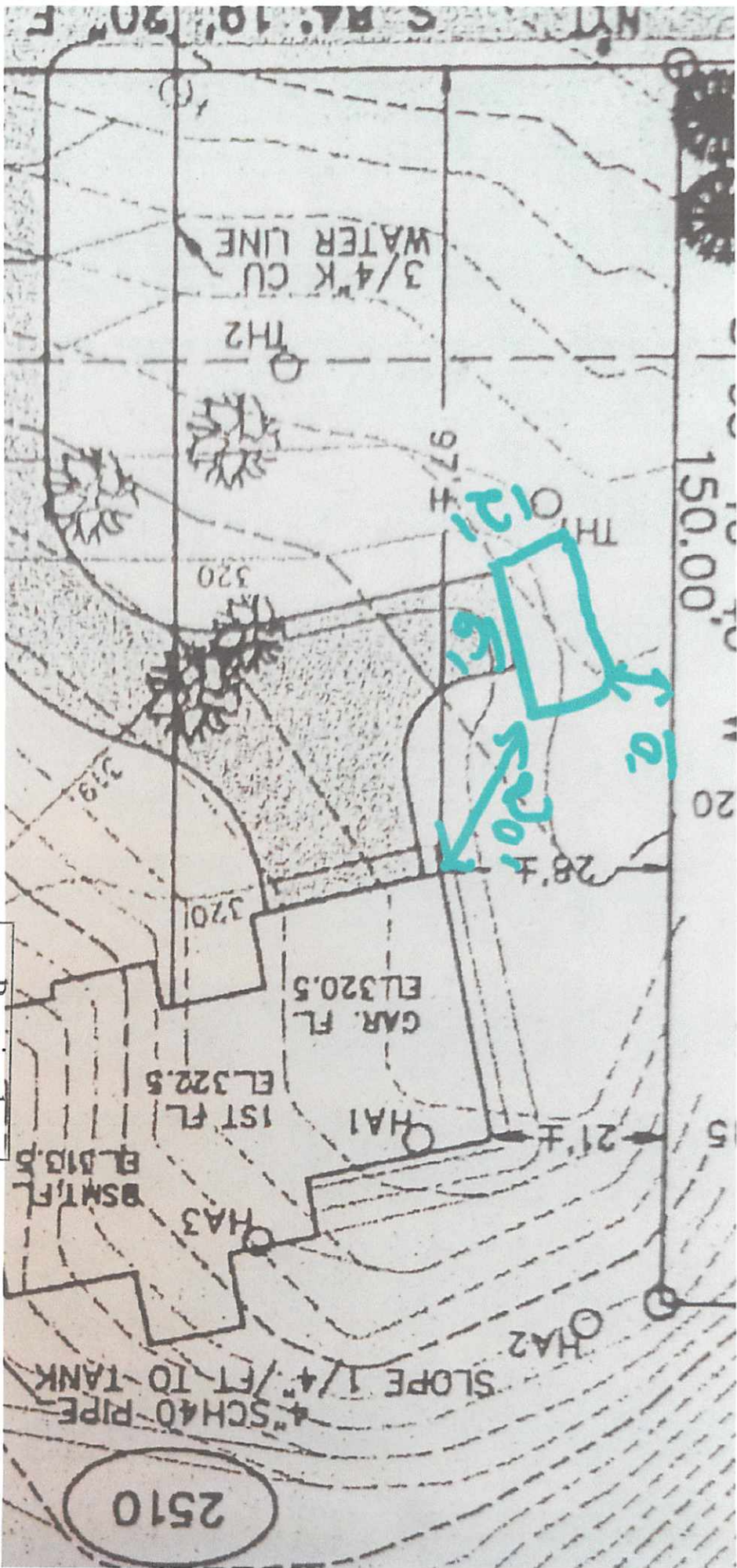
4. Whether the variance will have adverse physical or environmental effects on the neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

Nothing is being moved or taken down to place the shed.



5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance.) Explain whether the alleged difficulty was or was not self-created:

- The need for the shed was self-created by the amount of equipment needed to maintain the property.
- The area that we are requesting to place the shed was chosen by default due to the nature of our property.



Received
JUN 15 2023
Niskayuna Building Dept.



Received

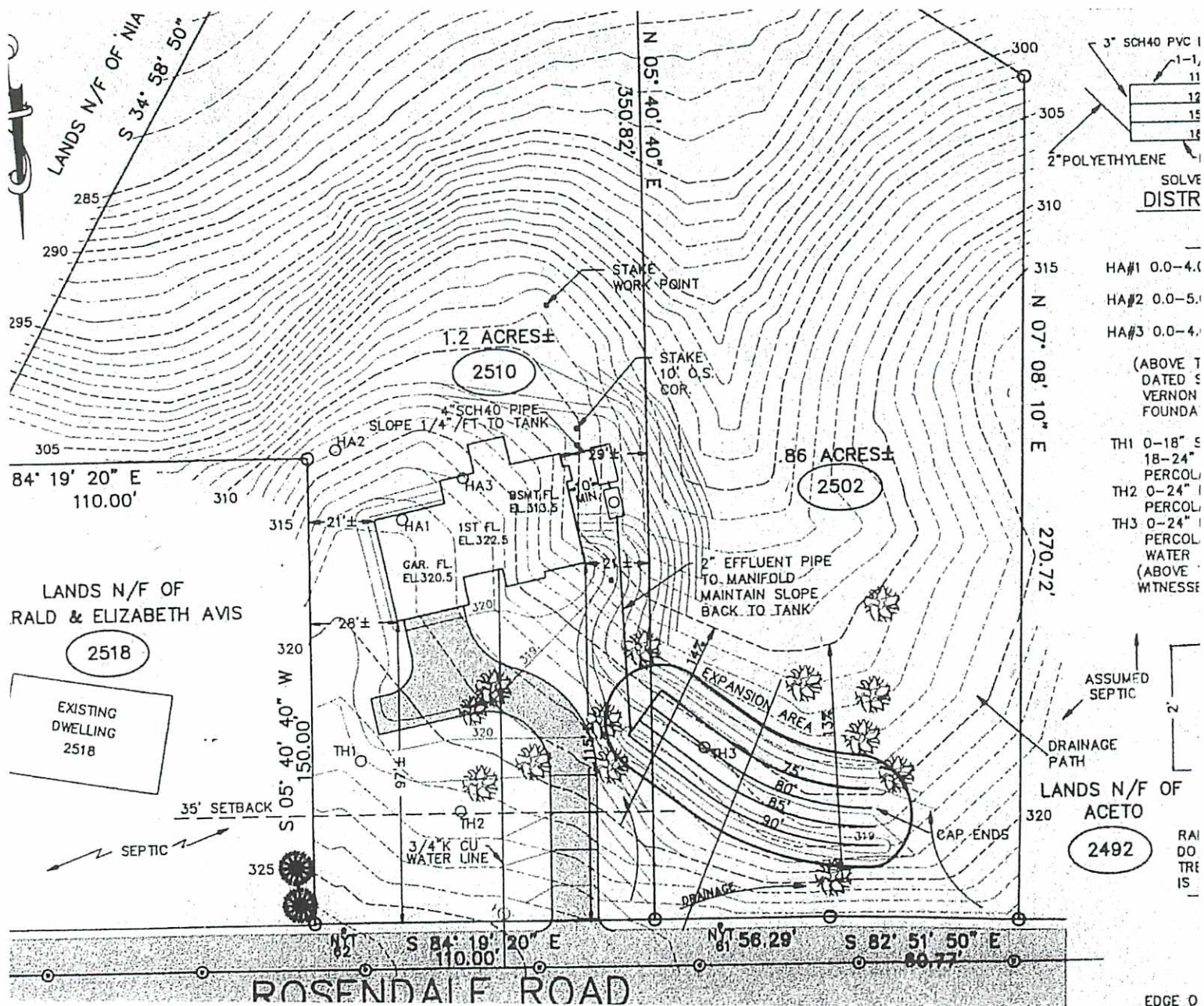
Niskayuna Building Dept.

Received

JUN 15 2023

Niskayuna Building Dept.





Received
JUN 15 2023
Niskayuna Building Dept.



Thomas J. Cannizzo
Building Inspector

TOWN OF NISKAYUNA BUILDING DEPARTMENT

One Niskayuna Circle
Niskayuna, New York 12309-4381
(518) 386-4522
FAX: (518) 386-4556
building@niskayuna.org

Kenneth P. Hassett
Building Inspector

Building and Zoning Permit Denial

Address: 2510 Rosendale Rd.

Application Dates: 6/13/23

David Feldman
2510 Rosendale Rd.
Niskayuna, NY 12309

Dear Sir;

You are hereby notified, as required by Section 220-67 F of the Zoning Ordinance of the Town of Niskayuna, that your application to build a 12' x 16' shed on the property noted above has been denied by reasons of Section 220-18 A. (2) and Section 220-13, Schedule I-B of the Zoning Ordinance. The property is located in the R-1: Low Density Residential Zoning District.

Accessory Structures- Section 220-18 A. (2) states that "accessory structures are not permitted in the front yard of any lot". As proposed, the shed will be located in a front yard; therefore, a variance from this section is required.

Accessory Structures: Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building". A major accessory structure is defined as "detached accessory buildings or other structures in excess of 120 square feet". The shed, at 192 square feet, is a major accessory structure.

Section 220-13, Schedule I-B requires a twenty (20) foot minimum side yard setback. As proposed, the shed would be located ten (10) feet from the side property line. Therefore, a ten (10) foot side yard setback variance is required.

Under the provisions of Section 220-69 of the Zoning Ordinance of the Town of Niskayuna you may appeal this decision to the Zoning Board of Appeals and the undersigned within 60 days.

6/14/23

Date



Zoning Enforcement Officer



Had For 7BA

TOWN OF NISKAYUNA APPLICATION FOR BUILDING AND ZONING PERMIT

One Niskayuna Circle
Niskayuna, New York 12309
Phone: 518-386-4522 Fax: 518-386-4556
Email: building@niskayuna.org

Application # B23-324

Received

JUN 13 2023

Niskayuna Building Dept.

APPLICATION IS HEREBY MADE to the Town of Niskayuna Building Department for the issuance of a building and zoning permit pursuant to Town Code, the NYS Uniform Code, and the NYStretch Energy Code. Application is hereby made for the construction of new buildings and accessory structures, additions and alterations to all buildings and structures, signage installation, drainage, excavation, fill and grading work, and replacement, removal and demolition projects, as herein described. The Applicant or Owner agrees to comply with all applicable laws, ordinances, regulations and all conditions expressed on this application which are part of these requirements, and will also allow or arrange for inspectors to enter the premises for inspections.

BUILDING SITE ADDRESS 2510 Rosendale Road

DESCRIBE WORK APPLIED FOR Shed

ESTIMATED VALUE OF ALL WORK (labor and materials):

TOTAL \$ 8,500

Please submit three copies of the plans with this application.

APPLICANT David Feldman

DAY PHONE 518 810 9525

CHECK ONE: ☐ CONTRACTOR

☒ HOMEOWNER

☐ OTHER (explain) _____

ADDRESS 2510 Rosendale Road

CITY Niskayuna

STATE NY

ZIP 12309

EMAIL ADDRESS Subola87@gmail.com

CONTRACTOR _____

DAY PHONE _____

ADDRESS _____

CITY _____

STATE _____

ZIP _____

Note: Proof of insurance is required. Please review our **Insurance Requirements** document to ensure contractors and homeowners have filed all appropriate documents with the Building Department.

PROPERTY OWNER David Feldman

DAY PHONE 518 810 9525

ADDRESS (if different than above) _____

CITY _____

STATE _____

ZIP _____

EMAIL ADDRESS _____

PLEASE SIGN Page 2

Section 75-5 B of the Code of the Town of Niskayuna requires that where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

Applicants who are the owners of the property DO NOT need to have this application notarized. Non-owner applicant's notarized signature affirms adherence to the Code.

The applicant has reviewed and fully understands the requirements and conditions of this application. The undersigned hereby swears that the information provided on this application is true, correct and accurate.

Sworn to me on this _____ day of _____, _____

David Feldman

Signature of Applicant

David Feldman

Printed Name

6/13/23

Date

Notary Public, State of New York

(FOR OFFICE USE ONLY BELOW)

BUILDING SITE ADDRESS _____

KNOWN EASEMENTS: _____ WATER _____ SEWER _____ DRAINAGE _____ OTHER _____

PERMIT FEE DUE \$ _____ BASED ON _____

COMMENTS _____

REQUIRED INSPECTIONS:

1. INITIAL SOIL EROSION CONTROL
2. FOOTING FORMS AND REINFORCING PRIOR TO POURING OF CONCRETE
3. FOUNDATION LOCATION PROVIDED AND STONE DRIVEWAY BASE INSTALLED PRIOR TO FOUNDATION INSPECTION
4. FOUNDATION WALL AND DRAIN TILE INCLUDING LATERAL PRIOR TO BACKFILLING
5. FIREPLACE INSPECTION AT BOX AND AT HALF STACK
6. ROUGH PLUMBING
7. ROUGH ELECTRICAL
8. ROUGH FRAMING INSPECTION INCLUDING TRUSS CERTIFICATES AND ROUGH GRADING ESTABLISHED
9. INSULATION INCLUDING PROPER VENTILATION
10. FINAL PLUMBING
11. FINAL ELECTRICAL
12. FINAL BUILDING INSPECTION
13. FINAL GRADING
14. FINAL STABILIZATION (SEC)
15. (ADDITIONAL INSPECTIONS) _____

APPROVED BY _____

DATE _____

ACCESSORY STRUCTURE SUPPLEMENT TO PERMIT APPLICATION

Plans (three sets) and all of the following information are required with accessory structure permit applications.

a. Address of property 2510 Rosendale Rd

b. Size of accessory structure 12' x 16'

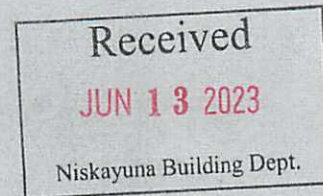
c. Distance to property lines:

Side 1 10'

Side 2 90'

Rear 250'

Other 70' - from front



d. Are there any other accessory structures on the property?

Fence yes no height _____

Shed yes no size _____

Swimming Pool yes no size _____

Other yes no size _____

e. Height of accessory structure 12'

f. Type of foundation for structure (if any) None

Zoning District	maximum total coverage of accessory structures	side & rear setback if 120 sq. ft. or less	side setback	rear setback	setback to a street
R-R	NA	5 feet	35 feet	40 feet	no closer than wall of house
R-1	2,250 sq. ft. or less if lot is less than 18,000 sq. ft.	5 feet	20 feet	25 feet	no closer than wall of house
R-2, R-3 or R-P	1,350 sq. ft. or less if lot is less than 9,000 sq. ft.	5 feet	15 feet	20 feet	no closer than wall of house

Applicant's Signature: David Jeldra Date: 6/13/23

(For office use only)

Area of lot _____

Maximum accessory structure coverage allowed _____

Total accessory structure coverage actual _____

Maximum lot coverage allowed _____

Total lot coverage actual _____

BSMT, FL
EL 313.5

HA1

1ST FL
EL 322.5

GAR. FL.
EL 320,5

Received

JUN 13 2023

Niskayuna Building Dept.

 $28' \pm$

370

359

320

TH.

41
10

TH2

150.00'

Quality Construction

Vents: two screened in all buildings

Roof Trusses: 2x4s spaced every 16"

Roof sheathing: 1/2" plywood

Shingles: 25 year guarantee

Hardware: galvanized nails and hardware throughout

Windows: grid or jalousie style with screens

Lockable door handle

Doors: Cross braced for extra strength with 3 heavy duty 6" hinges hung on double wall studs with header

Floor Covering: 5/8" pressure treated plywood

Floor Joist: pressure treated 2x4s spaced every 16"

Doublestudded corners

Wall Studs: 2x4s spaced every 16"
Your choice of 3 exterior sidings
■ (See below)

Runners: pressure treated 4x4s and up to 70 patio blocks (for leveling) keeps shed off the ground to prevent wood damage



All sheds have 100% pressure treated floors



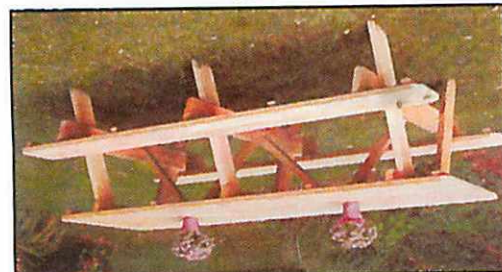
All Deluxe (8/12 roof) sheds include one

We can exactly match the color of your home in: ■ Maintenance Free Vinyl Siding (over 1/2" plywood) - with Aluminum Soffit ■ Red Cedar - 1" x 6" Tongue & Groove ■ Duratemp Texture 1-11 - Exterior Grade 5/8" Doug Fir

Adirondack Chairs

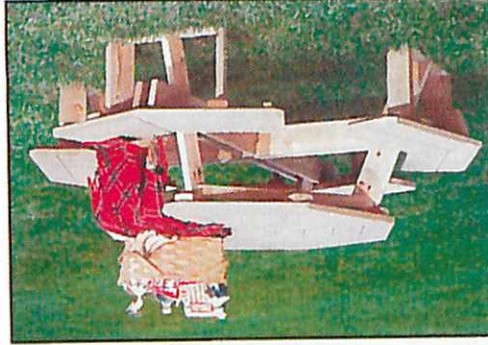


8' Traditional Picnic Table



Lawn Furniture

5' Octagon Picnic Table with attached Seats



A full color lawn furniture brochure is available.
We carry a complete line of high quality outdoor furniture. Only upper grades of lumber are used, dried and resurfaced with edges rounded for comfort, safety and ease of maintenance.



Classic Sheds & Gazebos
Central Avenue
Tonie, NY 12205

Received
JUN 15 2023
Niskayuna Building Dept

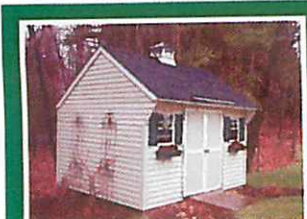
Built Locally

- 100% Pressure Treated Floors
- 25 Year Guarantee
- Customized to Your Needs

CLASSIC SHEDS & Gazebos
869-7474

Since 19

- Free On Site Consultation
- Free Delivery Within 50 Miles
- Free Take Down and Removal of Old Metal Sheds



Storage Sheds • Gazebos • Children's Playhouses • Picnic Tables • Adirondack Furniture • Rose Arbors • Porch Swings

SCALE: 1" = 1'	DATE: March
SHEET: 1	

CL M&E ASSOCIATES, P.C.
- 4 1993
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2510 Rosendale Rd.

LEADER N/S OF
NINETEEN MONARCH POWER CORP.

LANDS N/P OF
GERALD + ELIZABETH ANIS

ROSENDALE ROAD

Laserfiche records