

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, August 16, 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 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.
2. Appeal by Amy McGill for a variance from Section 220-30 B (2) of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 413 Stanford Avenue, Niskayuna, New York, located in the R-2: Medium Density Residential Zoning District, to maintain a portable storage unit longer than allowed by Code. Section 220-30 B (2) states "Permits will be granted for thirty-day periods. The first 30 days are free, but an applicant must submit a building permit application. For the second thirty-day period, the \$25 permit fee is required. At the expiration of the second thirty-day period, applicants may seek one renewal for an additional 30 days at a cost of \$25." As applied, the portable storage unit is not eligible for any further permit renewals. Therefore, a variance from this section is required.
3. Appeal by Ellen and Stanley Strauss 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 2509 Peters Lane, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a 16' x 20' deck partially within the side and rear yard setbacks. Section 220-13, Schedule I-B requires a twenty (20) foot minimum side yard setback and a twenty-five (25) foot minimum rear yard setback. As proposed, the deck would be located seventeen (17) feet, at the closest point, from the side property line and twenty-one (21) feet from the rear property line. Therefore, both a three (3) foot side yard setback variance and a four (4) foot rear yard setback variance are required.
4. Appeal by Andrew Burns for a variance from Section 220-4, 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 2251 Van Antwerp Road, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to replace a shed which is located in the front yard and partially within the front yard setback. Section 220-4 states for corner lots "Each street line shall be considered a front lot line." The property fronts on two (2) streets: Van Antwerp Road and Crimson Oak Court. Section 220-18 A (2) states: "Except otherwise specified in this chapter, accessory structures are not permitted in the front yard of any lot." As proposed, the shed will be located in the front yard along Crimson Oak Court. Therefore, the location of the shed, in the front yard, requires a variance. Section 220-13, Schedule I-B requires a thirty-five (35) foot minimum front yard setback. As proposed the shed would be eighteen (18) feet from the front property line along Crimson Oak Court; therefore, a seventeen (17) foot front yard setback variance is required.

NEXT MEETING: September 20, 2023 at 7 PM

TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309
Meeting Minutes
July 19, 2023

Members Present: John Hoke, Chairperson
Erik Dollman
Katrina Pacheco
Vincent Daly
Richard Greene
Joey Gentile
Also Present: Laura Robertson, Town Planner
Alaina Finan, Town Attorney

A. Roll Call

Nicolas Ltaif and Patrick Antonikowski 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

The minutes from the May 17th meeting were presented. Mr. Daly placed a motion to approve them as written. Mr. Greene seconded the motion.

The Board approved the minutes 4-0 with 2 abstentions.

Mr. Dollman	Aye
Ms. Pacheco	Abstain
Mr. Daly	Aye
Mr. Greene	Aye
Mr. Gentile	Abstain
Chairperson Hoke	Aye

The minutes from the June 14th meeting were presented. Ms. Pacheco placed a motion to approve them as written. Mr. Dollman seconded the motion.

The Board approved the minutes 4-0 with 2 abstentions.

Mr. Dollman	Aye
Ms. Pacheco	Aye
Mr. Daly	Abstain
Mr. Greene	Aye
Mr. Gentile	Abstain
Chairperson Hoke	Aye

C. Cases

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.

Nine (9) notices were mailed. Zero (0) responses were received. There was a Planning Board Referral recommending the variance be granted to protect the wooded buffer and because the adjustment would make one lot more closer to a regularly shaped lot, which is supported by the Comprehensive Plan.

William Pfeiffer, 2386 Algonquin Road, and Gary Horton, 2383 Troy Schenectady Road were present. Mr. Pfeiffer explained that his home was built in the 1950s. Mr. Horton's home was built about 240 years ago. The current shared lot line is thirty (30) feet from the Algonquin (Pfeiffer) home. Mr. Horton offered Mr. Pfeiffer the opportunity to increase the buffer to his property line. The portion of land has always been wooded and his plan is to keep it that way.

Ms. Pacheco asked how old the shed was that would require the variance. Mr. Horton stated that the shed existed in 1999 when he moved in, beyond that he is not sure. He stated neither owner plans to use the land in question and he understands why Mr. Pfeiffer wants more of a buffer to his home. Ms. Pacheco asked how the land is graded. Mr. Horton noted his land slopes to the back corner of his lot. Mr. Pfeiffer noted the properties drain to a stream which drains to the Lishakill. He stated the properties are already graded to accommodate drainage and that will not change.

Mr. Greene asked if the shed could be seen if you were to stand on Troy Schenectady Road. Mr. Pfeiffer stated it could not. Mr. Greene asked if the shed can be seen if you were to stand on Algonquin Road. Mr. Pfeiffer stated it could not. Mr. Greene asked in winter with the leaves down can the shed be seen. Mr. Pfeiffer stated you could not see it, even in winter, from either street. He noted you can see the houses better in winter.

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

Geoffrey Gillett, 2376 Cayuga Road, stated he had concerns about the large dead trees in the area of the lot line adjustment. He was concerned about the dead tree falling on his land. Mr. Hoke asked how the variance and the lot line adjustment would affect the dead tree. Mr. Gillett stated the ownership and responsibility of the dead trees would change. Mr. Hoke noted that concern is not within a criterion for the Zoning Board to consider and the Board could not instruct the homeowners on how to handle a civil matter. Mr. Hoke stated that Mr. Gillett's concerns are noted for the record and the owners of the property are present so they are hearing his concerns about the tree.

Joseph Perrella, 2389 Algonquin Road, stated he is a neighbor and cannot see the shed and he is in favor of the Board granting the variance.

Jason Stanco, 2375 Troy Schenectady Road, noted he is also a neighbor, he cannot see the shed, and he was also in favor of the project.

- 83 Chairperson Hoke asked if there was anyone else in the audience who wished to speak. Hearing none, he
84 asked if anyone on the Board would like to make a motion.
- 85 Ms. Pacheco made a motion to grant the variance. She noted the benefit cannot be achieved by other means.
86 She noted there is no change in character since the shed has shrubs obscuring the view from the street and
87 neighboring properties. She noted the request is substantial but considering what the applicants are
88 attempting to achieve it is acceptable. She noted there are no environmental effects created by the request.
89 She noted the request is not self-created based on the age of the original property boundaries.
- 90 Mr. Daly seconded the motion for all the reasons stated.
- 91 Upon voting, the motion was granted 6-0. The variance was granted.
- 92 Mr. Dollman Aye
93 Mr. Dollman voted to grant the motion for the reasons stated. He noted he believed the request is substantial
94 but on balance it is acceptable.
- 95 Ms. Pacheco Aye
96 Ms. Pacheco voted to grant the motion.
- 97 Mr. Daly Aye
98 Mr. Daly voted to grant the motion.
- 99 Mr. Greene Aye
100 Mr. Greene voted to grant the motion for the reasons stated. He noted these are unique property
101 configurations, the shed is not visible to nearby streets or properties, and the neighbors are in favor of the
102 change.
- 103 Mr. Gentile Aye
104 Mr. Stein voted to grant the motion for the reasons stated.
- 105 Chairperson Hoke Aye
106 Chairperson Hoke voted to grant the motion for the reasons stated.
- 107 2. Appeal by Joseph Weber and Emily Gordon for a variance from Section 220-4 and Section 220-25 B
108 (1) (a) of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 701 Bobby
109 Court, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to maintain
110 a six (6) foot fence in the front yard along Lishakill Road which exceeds the height limit allowed in the
111 front yard. Section 220-4 states for corner lots "each street line shall be considered a front line." The
112 property is a corner lot and as defined, has front yards along Lishakill Road and Bobby Court. Section
113 220-25 B (1) (a) permits the maximum height for fences located in the front and side yards, to be four
114 (4) feet. On December 18, 1991, The Zoning Board of Appeals granted a one (1) foot height variance
115 to allow a five (5) foot high fence in this location. As constructed, a six (6) foot high fence is located
116 in the front yard, along Lishakill Road; therefore, an additional one (1) foot fence height variance is
117 required.
- 118 Eight (8) notices were sent out. Zero (0) responses were received. A County Referral deferred to local
119 consideration.
- 120 Joseph Weber, father of the applicant and resident of 718 Bobby Court, was present. He noted that when
121 his daughter purchased the house, he wanted to help them replace the existing rotted fence. He contracted
122 with an installer, Northeast Fence, to do the job. He noted he knew the previous owner had received a

123 permit for the fence installation but didn't realize he needed one to replace the fence in the same location.
124 He did not realize the Lishakill side of the property was considered front yard.

125 Chairperson Hoke asked if the contractor warned him about the fence height issues. Mr. Weber stated they
126 did not. Chairperson Hoke asked why he felt a six (6) foot fence is needed. Mr. Weber replied that the
127 owners of the property are young and he was concerned with their privacy and safety. He noted that the
128 neighborhood has changed. He noted that a Colonie Town park exists behind the Bobby Court cul-de-sac
129 and young kids cut through properties doing damage. He also noted that a small market down the street
130 sells smoke paraphernalia. He stated that there has been an increase in foot traffic up and down Lishakill
131 Rd due to the smoke shop. Chairperson Hoke asked for clarification of the fence heights. Chairperson Hoke
132 asked if other neighbors on the street are affected by the increase in pedestrians. Mr. Weber agreed that
133 they were. Mr. Weber noted he was surprised that someone called the office about the fence considering
134 what the fence looked like before it was replaced.

135 Mr. Dollman asked the applicant to remind the Board of the timeline of the project. Mr. Weber stated he
136 hired a contractor to replace the fence, they installed it, the Building Department received a complaint, he
137 filed an application, the application was denied, and he is now in front of the Board.

138 Mr. Gentile asked if the fence has an ornamental side. Mr. Weber stated that both sides of the fence are the
139 same.

140 Mr. Greene asked where the smoke shop was. Mr. Weber stated the shop was in Colonie. Mr. Greene asked
141 if he investigated the cost of a five (5) foot fence. Mr. Weber stated he did not. Mr. Greene asked if he could
142 estimate the value. Mr. Weber stated the original installation cost \$20,000. He noted he estimated the
143 portion to be replaced would be about \$3,000.

144 Mr. Daly asked to confirm no permit was requested previous to any work being done. Mr. Weber agreed.
145 Mr. Daly asked if he called the Town to learn what rules the Town had for fencing. Mr. Weber stated the
146 original fence had a permit so he assumed the replacement was covered under the original permit.

147 Ms. Robertson noted that the variance requested covers the fence section along Lishakill Road and some
148 fence sections on the property line until the back corner of the house, so Mr. Weber understood how many
149 panels would need to be replaced.

150 Mr. Weber updated his estimate to \$5000.

151 Ms. Pacheco asked if the contract from the installer made a note to provide a code compliant fence. Mr.
152 Weber was not sure.

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

155 Chairperson Hoke asked if the applicant wishes to move forward with a six (6) member Board. Mr. Weber
156 stated he wished to continue.

157 Mr. Dollman placed a motion to grant the variance. He noted the benefit could not be achieved without a
158 significant financial hardship. He noted the Board typically holds residents to the Code for fencing but
159 there already is an existing variance for five (5) foot fencing. He noted the request is substantial. He noted
160 there are no environmental effects. He noted the issue is self-created.

161 Mr. Gentile seconded the motion.

162 Upon voting, the motion failed by a vote 1-5.

163 Mr. Dollman Aye
164 Mr. Dollman voted Aye on the motion.

165 Ms. Pacheco Nay
166 Ms. Pacheco voted against the motion. She noted that alternatives exist. She stated that a five (5) foot fence
167 height variance already exists and the additional one (1) foot request is substantial.

168 Mr. Daly Nay
169 Mr. Daly voted against the motion for the reasons stated.

170 Mr. Greene Nay
171 Mr. Greene voted against the motion. He noted that the applicant has an alternative with the benefit of the
172 original 5-foot fence height variance. He noted that he visited the neighborhood and saw no other fences in
173 the area that needed a variance. He believed the existing fence does change the character of the
174 neighborhood.

175 Mr. Gentile Nay
176 Mr. Gentile voted against the motion.

177 Chairperson Hoke Nay
178 Chairperson Hoke voted against the motion.

179 Ms. Finan stated that the motion failed and a new motion is needed.

180 Mr. Dollman placed a motion to deny the variance for the reasons stated by the other members of the Board.
181 Ms. Pacheco seconded the motion.

182 Upon voting the motion was granted by a vote of 5-1. The variance was denied.

183 Mr. Dollman Nay
184 Mr. Dollman voted against the motion for the reasons stated.

185 Ms. Pacheco Aye
186 Ms. Pacheco voted yes on the motion for the reasons stated.

187 Mr. Daly Aye
188 Mr. Daly voted yes on the motion for the reasons stated.

189 Mr. Greene Aye
190 Mr. Greene voted yes on the motion.

191 Mr. Gentile Aye
192 Mr. Gentile voted yes on the motion.

193 Chairperson Hoke Aye
194 Chairperson Hoke voted yes on the motion to deny. He noted the applicant has alternate means to achieve
195 a benefit by using the variance allowed in the past. He noted that a six (6) foot fence along a major
196 thoroughfare will change the character of the neighborhood. He noted the request is substantial. He noted
197 there should be not environmental effects. Lastly, he noted that the applicant may not have created this
198 hardship himself but upon balancing the criterion he would vote to deny the variance.

199 Mr. Hoke stated the variance was denied and thanked the applicant for their time. He called the next case.

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.

Seven (7) notices were sent out. One (1) response was received. Ms. Robertson received comments at the Building Department counter from 2452 River Road expressing concerns about setbacks and lot line locations, over-clearing of trees, and drainage issues associated with the variance request.

Jennifer Barnes, owner, was present. She noted she recently purchased the house and wanted a pool. A pool contractor came out and helped her locate it on the lot. She noted the only people who will see the pool are the neighbors who also have a pool. She noted that the neighbor on the other side has no windows on her side of the house. She noted that there are only trees behind her home, no other homes. She intends to add trees and shrubs to hide the pool.

Chairperson Hoke asked if she had spoken to the neighbors and asked if they had comments. Ms. Barnes noted she has not met the neighbors. The only ones she has spoken to are the neighbors next to her with the pool. She commented that they have no issue with her pool and warned her that the neighbor to the rear may have an issue. She noted that she did not have a clear idea about where her rear yard was until the pool company came to discuss location options with her. She stated trees were cleared about five (5) feet past her property line before she bought the property and she assumed her land was the cleared land. She noted she did not take down the trees.

Chairperson Hoke asked if the neighbor needed a variance. Ms. Robertson checked the records and noted the neighbors were able to install their pool within the proper setbacks. She noted their house is not located as far back from the road as the home at 5 Rembrandt Drive.

Chairperson Hoke asked if the pool can be moved closer to the house or somewhere else on the property. Ms. Barnes stated the pool company will not place it closer to the house and thirteen (13) feet is the narrowest pool she was interested in. She noted other locations would also need a variance. She commented that moving it away from the back of the house would also make it more visible from the street. She also noted she purchased a package deal from her contractor and there were no smaller options.

Mr. Greene asked if the neighbor across the street has a pool. Ms. Barnes agreed that they did. Mr. Greene asked if the neighbor to her left, looking at her house, has a pool. Ms. Barnes stated that they also have a pool. Mr. Greene noted that if she receives the variance, she will not be the only pool in the neighborhood. Mr. Greene asked if the pool can be moved to the right or left. Ms. Barnes noted it could be shifted right or left but the alternate location would not change the need for a rear setback variance.

Chairperson Hoke asked if they plan to add a shed to the property and if additional variances will be needed. Ms. Barnes stated that they may want one in the future but do not have the money to install one now.

Ms. Pacheco asked what kind of fencing was planned for the pool. Ms. Barnes stated that her husband is planning to install a fence around the pool, not the entire yard. She noted that they are considering a wrought iron fence. Ms. Pacheco suggested alternate locations for locating the pool. Ms. Barnes noted that moving it too far into the side yard may require a variance for the side setback, and noted it would then be visible

244 from the street. She also commented that it would not be easily accessible from the back patio door. Ms.
245 Pacheco noted the Board strives to reduce the variance requested. Ms. Barnes noted that alternate locations
246 would not reduce the variance needed and would not have easy access to the house.

247 Mr. Gentile asked if the neighboring properties are all low density residential. Ms. Robertson stated that
248 they were. She noted the adjacent property to the rear is a large parcel. She could not predict if the lot could
249 be subdivided in the future.

250 Chairperson Hoke asked if the applicant would like to proceed with a six (6) member Board. Ms. Barnes
251 stated that she wished to proceed.

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

254 Mr. Greene placed a motion to grant the variance. He noted that alternatives were considered but it was
255 determined that the proposed location best fit the homeowners needs. He noted that the benefit could not
256 be achieved by an alternate means. He noted that there is no change in the character of the neighborhood
257 because other homes have pools. He noted the request is substantial but the property is small and the house
258 takes up a large footprint leaving little room in the rear yard. He noted the area around the home is wooded.
259 He noted there should be no environmental effects. He noted that the issue is self-created but that is not
260 determinative.

261 Mr. Gentile seconded the motion.

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

263 Mr. Dollman Aye
264 Mr. Dollman voted for the motion for the reasons stated.

265 Ms. Pacheco Aye
266 Ms. Pacheco voted for the motion. She noted the benefit could be achieved by an alternate location but the
267 access and location would not be as desirable. She noted the issue is not self-created because of the location
268 of the house so far back on the property.

269 Mr. Daly Aye
270 Mr. Daly voted for the motion for the reasons stated.

271 Mr. Greene Aye
272 Mr. Greene voted to grant the motion.

273 Mr. Gentile Aye
274 Mr. Stein voted to grant the motion for the reasons stated.

275 Chairperson Hoke Aye
276 Chairperson Hoke voted to grant the motion for all the reasons stated.

277 4. Appeal by Nicholas and Terressa Mannix for a variance from Section 220-4, Section 220-18 A (2),
278 Section 220-18 B (3) (b), Section 220-15 (D), and Section 220-13 Schedule I-B of the Zoning
279 Ordinance of the Town of Niskayuna as it applies to the property at 1230 Ruffner Road, Niskayuna,
280 New York, located in the R-1: Low Density Residential Zoning District, to maintain a 10' x 14' shed in
281 the front yard and partially within the front and side yard setback. Section 220-4 states for corner lots
282 "each street line shall be considered a front line." The property is a corner lot and as defined, has front
283 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.

Eight (8) notices were sent out. Five (5) responses were received. Ruth Gilbert, 2159 Mountainview Ave, wrote that she was opposed to the variance, noting the shed is an eye sore. Louisa Lombardo and James Dillon, 1242 Ruffner Road, wrote that they believed the shed should be located where it complies with Town Code to maintain the integrity and character of the neighborhood. Catherine Clemente, 1232 Ruffner Road, noted she had no opposition to the variance requested. Mike Mason, 2144 Mountainview Ave, wrote that he opposed the variance as the adjacent homeowner. He noted that based on his house and the applicant’s house, the shed is located far into the front yard and is substantially closer to the road than all other structures around it. Charles and Joanna Horowitz, 1223 Ruffner Rd, wrote that they had no objection to the shed.

Mr. Greene recused himself from this case.

Chairperson Hoke asked the applicants if they wished to continue with a five (5) member Board. Nicholas and Terressa Mannix, owners, were present. They stated they wished to table the case until the August meeting in order to have a seven member Board hear their case. Chairperson Hoke thanked the applicant and the audience members for attending and stated this case would be heard at the August 16th Zoning Board meeting. He called the next case.

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.

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

Before proceeding to the case, Chairperson Hoke paused the meeting for a 5 minutes break.

Following the break, Chairperson Hoke asked the applicants if they wished to continue with a six (6) member Board. Paul and Silvia Romeo, owners, stated they wished to continue.

Mr. Romeo noted that his rear yard has many large trees and a playing court. He noted the family uses the space for football and soccer. He stated that locating the shed to comply with code would place the shed in

the area where the family actively uses the backyard space to play. The proposed location is actually away from the view of the neighbors. He noted he has spoken to the neighbors and they are in favor of the location. Ms. Romeo noted that they have already contracted for the shed and are told it is built and ready to be placed. She noted the house recently sustained fire damage and they need the shed to hold their possessions and construction material while they rebuild. Mr. Romeo noted that they are storing their possessions in front of the house and this shed will allow them to move their belongings to the new shed as soon as they can. They noted they don't want to continue to store stuff in the front of their home where it is in full view of all their neighbors.

Chairperson Hoke asked if existing trees are limiting the location of the shed. Mr. Romeo agreed that they were. Chairperson Hoke asked if any of the neighbors have expressed issues with the proposed location. Mr. Romeo stated that no one has expressed any issues to him. He stated the rear neighbor will not see the shed due to the trees and the ravine behind the house.

Ms. Pacheco asked the intended use of the shed. Mr. Romeo stated they will store family items recovered from the fire, equipment for construction, and lawn maintenance equipment. Ms. Pacheco asked what the shed would look like. Mr. Romeo stated it will have siding and a shingle roof. The style is similar to the neighbor's shed. Ms. Pacheco asked where the rain off the roof will go. Mr. Romeo noted that his yard is relatively flat and has sandy soil so the water should not affect the neighbors.

Mr. Greene asked if the storage POD will be removed when the shed is delivered. Mr. Romeo agreed that it would be removed. Mr. Greene asked if sports equipment will also be stored in the shed. Mr. Romeo stated yet. Mr. Greene asked what types of trees are in the yard and asked what the tree ages were. Mr. Romeo stated they are mostly deciduous and lose their leaves in the fall and they are all quite large. Mr. Greene asked the height of the shed. Mr. Romeo stated it is about eight (8) feet tall. Mr. Greene asked if the shed would have lights. Mr. Romeo stated he did not plan on installing electricity at this time. Mr. Greene asked what the shed will be installed on. Mr. Romeo stated it would not be a slab. He noted they will probably use cinder blocks. Mr. Greene asked how deep the ravine was into their backyard. Mr. Romeo stated that the ravine is about 50 yards past his property line.

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.

Ms. Pacheco placed a motion to grant the variances. She noted that the property has mature trees that limit the placement of the shed on the property. She noted it does not change the character of the neighborhood because there are other sheds that already exist in the area. She noted the request is substantial but she does not consider that determinative in this case. She stated she didn't believe the shed would cause any negative environmental effects. She stated the project was self-created but noted the house fire was the factor leading up to needing the shed.

Mr. Daly seconded the motion.

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

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

Ms. Pacheco Aye
Ms. Pacheco voted for the motion.

Mr. Daly Aye
Mr. Daly voted for the motion.

- 370 Mr. Greene Aye
371 Mr. Greene voted for the motion. He stated that he appreciated their effort to save the trees and noted no
372 neighbors stated an objection to the project.
- 373 Mr. Gentile Aye
374 Mr. Gentile voted for the motion for the reasons stated and for reasons specific to the unique configuration
375 of this lot.
- 376 Chairperson Hoke Aye
377 Chairperson Hoke voted for the motion for all the reasons stated, for the reasons specific to this lot and for
378 the hardship of the fire that the homeowners are enduring.
- 379 Chairperson Hoke stated the variance was granted and called for the next case.
- 380 6. Appeal by David Feldman for a variance from Section 220-18 A (2) and Section 220-13, Schedule I-B
381 of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 2510 Rosendale
382 Road, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct
383 a 12' x 16' shed in the front yard and partially within the side yard setback. Accessory Structures:
384 Section 220-18 A (2) states that "accessory structures are not permitted in the front yard of any lot". As
385 proposed, the shed will be located in a front yard; therefore, a variance from this section is required.
386 Accessory Structures: Section 220-18 B (3) (b) states that "the required side and rear yard dimensions
387 for major accessory structures shall be the same as applies to the principal building." A major accessory
388 structure is defined as "detached accessory buildings or other structures in excess of 120 square feet."
389 The shed, at 192 square feet, is a major accessory structure. Section 220-13, Schedule I-B requires a
390 twenty (20) foot minimum side yard setback. As proposed, the shed would be located ten (10) feet
391 from the side property line. Therefore, a ten (10) foot side yard setback variance is required.
- 392 Eight (8) notices were sent out. Zero responses were received.
- 393 Chairperson Hoke asked the applicants if they wished to continue with a six (6) member Board. David
394 Feldman, owner, stated he wished to continue. Mr. Feldman was attending via the Google Meet virtual
395 connection.
- 396 Mr. Feldman stated that his rear yard is densely wooded. He noted that on the side and rear of his home he
397 only has about fifteen (15) feet of lawn before it drops down sharply on a steep slope to a lower level of his
398 property. He noted he owns a neighboring lot, 2502 Rosendale Road, but doesn't believe he can install the
399 shed on it.
- 400 Chairperson Hoke asked if the property most affected, 2518 Rosendale Road, had any comments on the
401 shed. Mr. Feldman stated they do not speak to the neighbor because they are rarely around. He noted he
402 has the land marked and no one has come over to comment.
- 403 Mr. Greene noted he did a site visit and wondered if there are any sheds in front yards nearby. Mr. Feldman
404 stated he did the same and did not notice any. Mr. Greene asked what the shed will be used for. Mr. Feldman
405 stated their home is a distance off of Rosendale Road. He noted the shed location would line up with the
406 neighbor's side and rear yard. He noted that he plans to move yard maintenance equipment from the garage
407 to the proposed shed. Mr. Greene asked what the neighbors will see. Mr. Feldman stated it is a vinyl sided
408 structure that matches the house coloring and is partially hidden by trees and shrubs. Mr. Greene asked if
409 the applicants considered a smaller shed. Mr. Feldman stated that he measured the equipment he planned
410 to store in the shed and added a little space to maneuver around and came up with the size chosen.
- 411 Chairperson Hoke asked if the proposed shed can be seen from the road. Mr. Feldman stated there is a line
412 of shrubs and trees that will block the view from the Road. Chairperson Hoke asked what items will be

413 stored in the shed. Mr. Feldman stated a log splitter, a riding mower, a push mower, a snow blower and a
414 leaf blower. Chairperson Hoke asked if access to the driveway was needed to effectively maneuver the
415 equipment in and out of the shed. Mr. Feldman agreed he needed access to the driveway. Mr. Hoke noted
416 that access to the driveway would further limit alternate locations on the property. Mr. Feldman agreed.

417 Ms. Pacheco asked how far the shed would be from the road. Mr. Feldman calculated it would be about 61
418 feet from the property line and longer if you estimate the distance from the pavement of Rosendale Road.
419 Ms. Pacheco noted that the applicant stated there were trees in the front yard to block the view. She asked
420 if there were any plans to remove the trees. Mr. Feldman stated there were definitely no plans to remove
421 trees. Ms. Pacheco asked what the relative grading is from the street to the house. Mr. Feldman stated the
422 street is the high point and the house is at a lower grade. He noted the shed is proposed to be installed on
423 concrete blocks so the shed and the house may be at the same level.

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

426 Mr. Gentile placed a motion to grant the variance. He noted that based on the property's unique geometry
427 and topography this may be the only available location for a shed. The shed will blend into the house. He
428 noted the reason for the code is the keep accessory structures out of the view of neighbor's front yards. In
429 this case, the shed will be located in the side yard relative to the neighbor's house, which is about 45 feet
430 away from the structure.

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

432 Ms. Finan asked for clarification that the motion was to grant both variances. Mr. Gentile agreed he was
433 motioning to grant both variances.

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

435 Mr. Dollman Aye

436 Mr. Dollman voted for the motion for the reasons stated. He noted the request is substantial.

437 Ms. Pacheco Aye

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

439 Mr. Daly Aye

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

441 Mr. Greene Aye

442 Mr. Greene voted for the motion. He noted that this was a tough decision for him but the uniqueness of the
443 parcel with its tight elevation gradients does not allow the applicant many options for installing a shed and
444 achieving the benefit he is seeking. He stated generally the Board does not accept sheds in the front yard
445 but the applicant clearly stated reasons why this particular shed in this particular location would not change
446 the character of the neighborhood. He does not think you would notice it from Rosendale Road if you were
447 driving the speed limit. He said this a rare vote for him, but given the specific circumstances he is voting
448 yes to approve.

449 Mr. Gentile Aye

450 Mr. Gentile voted for the motion.

451 Chairperson Hoke Aye

452 Chairperson Hoke voted yes for the motion. He reiterated the discussions by Mr. Gentile and Mr. Greene
453 concerning the uniqueness of this property by stating that there are no other feasible locations to achieve

454 the goal of storing some fairly heavy equipment in a location that will be useful to using it. He noted it is a
455 heavily wooded lot that necessitates maintenance equipment and limits the placement of the shed. He said
456 given the size of this lot as well as the distance of it to Rosendale Road and the shrubs which block some
457 of the view, it shouldn't change the character of the neighborhood. He noted the request is substantial
458 because of the need to have the shed in the front yard. He noted there are not adverse physical or
459 environmental effects. He noted the proposed location does not cause the need to remove trees, which would
460 cause an environment effect if the shed was put in a heavily wooded location. He noted that most
461 applications before the Board are self-created but in this particular case, given the uniqueness of the
462 property, this is not a strong factor with this particular application. He voted yes on the motion.

463 Chairperson Hoke stated the variance had been granted 6-0. The applicants thanked the Board.

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

466 Ms. Pacheco placed a motion to adjourn. Mr. Daly seconded the motion. All were in favor. The meeting
467 was adjourned at 9:15 p.m.

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

August 4, 2023

TO WHOM IT MAY CONCERN:

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

DATE: August 16, 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

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

July 21, 2023

Nicholas and Terressa Mannix
1230 Ruffner Rd
Niskayuna, NY 12309

Dear Mr. and Ms. Mannix,

At its regularly scheduled meeting held on July 19, 2023, the Zoning Board of Appeals ("the Board") reviewed the following case:

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.

It was the decision of the Board to adjourn this case until the next meeting of the Board to be held on August 16, 2022 at 7:00 p.m.

The Board based its decision on the findings of fact set forth in the applicant's appeal and the discussion between the applicant (or the applicant's representative) and the Board members during the meeting. You can view a video of the meeting at <https://www.youtube.com/watch?v=EittbXSx51I&list=PLfof9Ej2RfcNoJbueLoRmi35Si39n5hVl&index=35>.

Sincerely,

John Hoke / LMS

John Hoke
Chairperson

cc: Town Clerk, Building Department, ZBA File

Linda Sciocchetti

From: Laura Robertson <lrobertson@niskayuna.org> on behalf of Laura Robertson
Sent: Tuesday, July 11, 2023 10:10 AM
To: Linda Sciocchetti
Subject: FW: [EXTERNAL] Variance appeal, 1230 Ruffner Road

From: johanna horowitz <johanna.horowitz@gmail.com>
Sent: Monday, July 10, 2023 7:48 PM
To: Laura Robertson <lrobertson@niskayuna.org>
Subject: [EXTERNAL] Variance appeal, 1230 Ruffner Road

We wish to express an opinion regarding a zoning change requested by Nicholas and Terressa Mannix, allowing a shed to be built in their front yard.

We live at 1223 Ruffner Road. We have no objections to the shed.

Respectfully,

Charles and Johanna Horowitz

Laura Robertson

From: Suzanne Mason <suzyas726@gmail.com> on behalf of Suzanne Mason
Sent: Monday, July 17, 2023 11:38 PM
To: Laura Robertson; Suzanne Mason; Mike Mason
Subject: [EXTERNAL] Request of variance by Mr. and Mrs. Mannix (as outlined in from Zoning Board of Appeals, letter dated July 7, 2023)

Hi Laura,

I received notification from the town that my next door neighbors, Nick and Tessa Mannix of 1230 Ruffner Rd. have requested a variance for a shed that has been placed in one of their front yards. Since they live on a corner lot, they have two front yards. The front yard in question is that facing Mountain View, where the setback of the homes, including theirs is 70'. The letter compared the setback of the shed to the minimum (35') required setback of the main building, which is incorrect. It should be compared to the actual (70') setback of the main building. This 70' setback lines up with the other homes on Mountain View Ave. The upshot of this situation is that the information in the letter confuses readers who aren't familiar with the situation. I am familiar with it because the shed is next to my house. The setback of the shed is 29' and my home has a 70' setback, lining up with the Mannix's home. If you do the math, you'll find that the back of the shed sits 27' in front of my house. The letter erroneously states that the shed is 6' out of compliance, when in actuality it's 41'.

I'm not asking you to adjudicate the situation, but I do ask to correct the information in the letter so that the members of the Zoning Board of Appeals are given the actual information.

Sincerely,

Mike Mason

2144 Mountain View Ave.

518-366-1870

518-370-4878

P.S.

I'm using my wife's email, since I'm having trouble with mine today. She will share your response.

MHM

Sent from my iPad

Laura Robertson

From: Contact form at Town of Niskayuna NY <cmsmailer@civicplus.com> on behalf of
Contact form at Town of Niskayuna NY
Sent: Tuesday, July 18, 2023 3:12 PM
To: lrobertson
Subject: [EXTERNAL] [Town of Niskayuna NY] Appeal by Nicholas and Terressa Mannix (Sent by
Catherine Clemente , caclem222@gmail.com)

Hello lrobertson,

Catherine Clemente (caclem222@gmail.com) has sent you a message via your contact form
(<https://www.niskayuna.org/user/96/contact>) at Town of Niskayuna NY.

If you don't want to receive such e-mails, you can change your settings at <https://www.niskayuna.org/user/96/edit>.

Message:

Laura,

This letter is to state I have no opposition to the variance sought by my neighbors, Nicholas and Terressa Mannix. I find Section 229-4 can be restrictive, tho that may be its purpose. The shed in question is attractive and well made. I have no objections to its current placement.

Catherine Clemente
1232 Ruffner Road
Niskayuna, NY. 12309

[EXTERNAL] 1230 Ruffner Road application for a zoning variance

External Trash



Louisa Lombardo <lombardol621@gma... Tue, Jul 18, 9:09 PM (16 hours ago)

to me

- We acknowledge that the applicants meant no harm or deliberate intent to violate the zoning codes.
- We also believe that it is important to stay in compliance with town codes in order to maintain the integrity and character of neighborhoods.
- We hope that a satisfactory resolution can be achieved.

Louisa Lombardo

James Dillon

1242 Ruffner Road

Reply

Forward

Laura Robertson

From: Ruth <ruthhal1@aol.com> on behalf of Ruth
Sent: Wednesday, July 19, 2023 9:22 AM
To: Lrobertson@Niskayuna.org
Subject: [EXTERNAL] Shed on 1230 Ruffner Road

Dear Members of the Zoning Board of Appeals,

I vehemently oppose the placement of the shed on 1230 Ruffner Road. It's an eye sore and non compliant..I drive by there everyday and know that it doesn't belong it that area of the property.

Best,
Ruth Gilbert
2159 Mountainview
Ave. I

Laura Robertson

From: Stephanie Feuker <stephanie.pennacchia@gmail.com> on behalf of Stephanie Feuker
Sent: Friday, July 28, 2023 10:44 AM
To: lrobertson@niskayuna.org
Subject: [EXTERNAL] Letter in Support of Shed Placement for 1230 Ruffner Road

To Whom It May Concern:

I am writing a letter in support of a shed placement for The Mannix family residing at 1230 Ruffner Road. My family lives at 2098 Lynnwood Drive, approximately two blocks from the Mannix family. I often run and walk around the neighborhood for exercise, and we drive past 1230 Ruffner Road on a daily basis. I'm stating all of this to attest to the fact that I see this shed every day at some point from multiple angles or vantage points.

My husband and I saw this shed when it was first put up, and my husband remarked how much he liked it and how well it blended in with the neighborhood aesthetics and the property itself. He went so far as to say we should ask where they got their shed, so that we would have someone to contact when we need to replace ours. It's a beautiful shed, and it makes their property and lot look more attractive, thus bringing up the neighborhood. It does not look like it's too close to the road at all, and it certainly is not an eyesore looking at it from any direction. In fact, when approaching the shed from the back, (if walking up Mountainview toward Ruffner Road), it's not even noticeable because there are massive evergreen trees directly behind it.

Therefore, as a resident of the lovely neighborhood, I just wanted to send a letter of support for this shed placement. Thank you for your time.

Sincerely,

Stephanie Feuker
2098 Lynnwood Drive
Schenectady, NY 12309

**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.

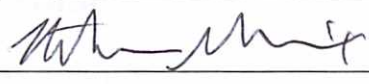
I, Terressa Mannix, Nicholas Mannix, the (owner) (agent of the owner) of the property located at 1230 Ruffner Rd in the Town of Niskayuna, New York, hereby petition the Zoning Board of Appeals to review the decision of the Zoning Enforcement Officer on the above-referenced application and to grant a 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

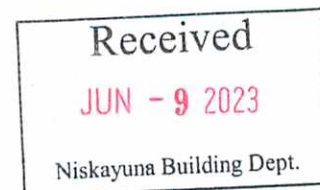
- ☒ One (1) copy of plot plans
- N/A One (1) copy of construction plans, if applicable
- ☒ Appeal fee (see application procedures for details)
- ☒ Appeal statement (see application procedures for details)
- N/A Short Environmental Assessment Form, Project Information, as applicable for use variance
-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

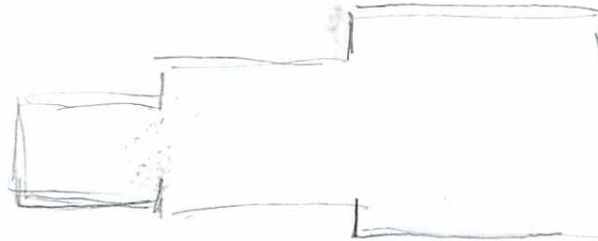
Received

JUN - 9 2023

Niskayuna Building Dept.

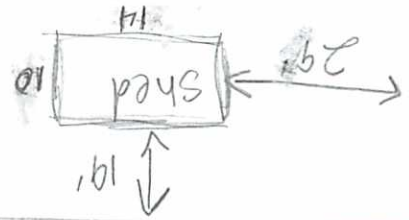
Mountain View

167'



182'

181



146'

1230 Ruffner Rd Variance Request

Photo Supplements

Shed as currently placed



Views of the shed from Ruffner



View of the shed from Mountainview



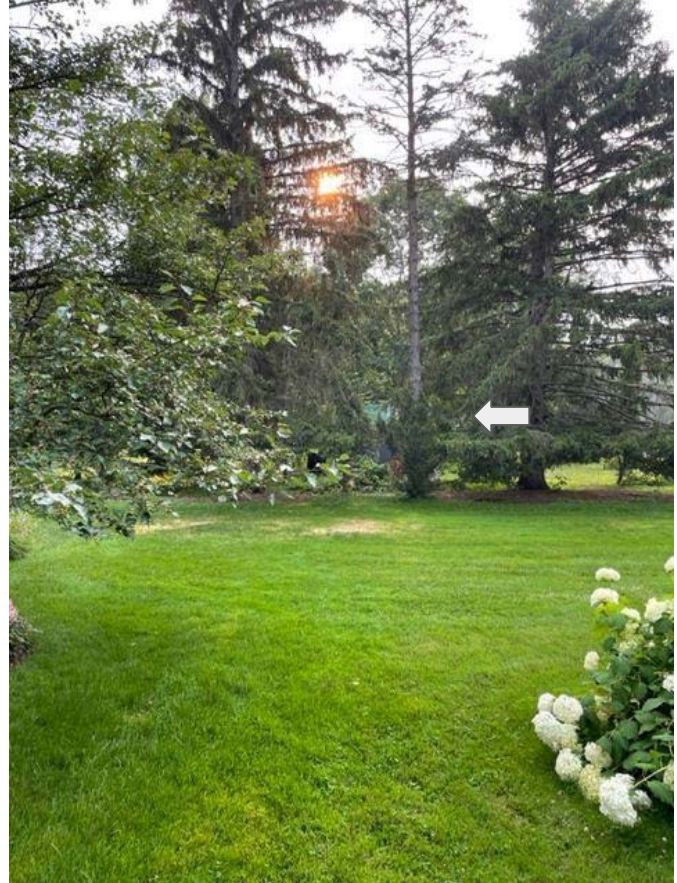
View of the shed from Mountainview



View of the shed from Hawthorne and Mountainview intersection



View of the shed from Mountainview neighbor's front porch and driveway



Slope of our yard on the other side of the shed



Examples of other sheds visible in the neighborhood



Example of a shed in a front yard





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.

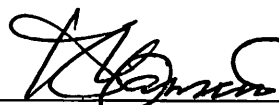
Front Yard: Section 220-18 A (2) states that accessory structures are not permitted in the front yard of any lot. The Zoning Ordinance defines front yard as a yard situated between the main building and the front line of the lot and extending the full width of the lot. As constructed, the shed is located 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

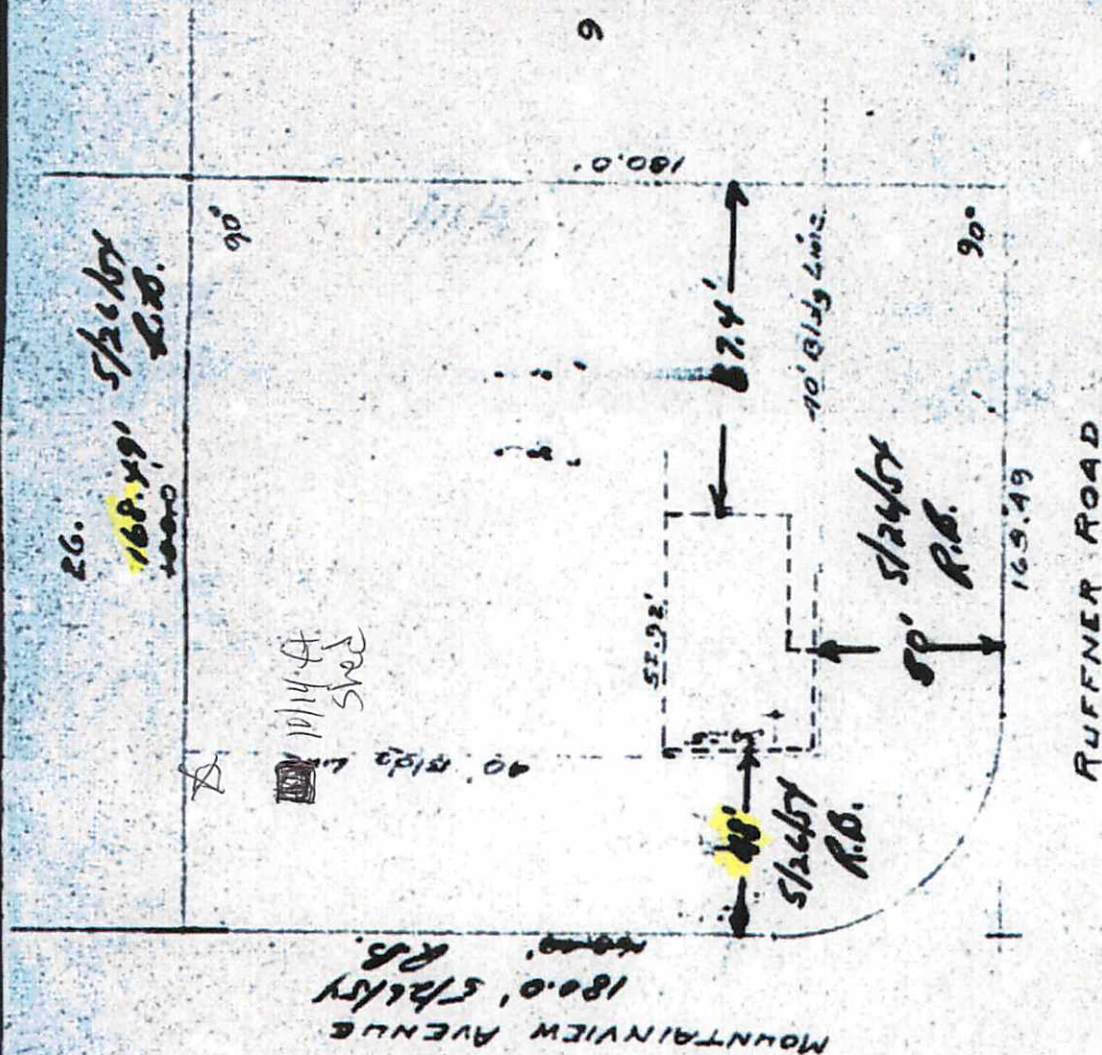
Total lot coverage actual

APR 26 2023

Niskayuna Building Dept.

Lot 10, Map No 2
HAWTHORNE HILL
Nisayuna, Schenectady Co, N.Y.
Scale: 1"=40' May 29, 1950.
C. T. Maule Associates
Kenneth J. Maule, L.S. 25004

Proposed Building Location.





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

August 4, 2023

TO WHOM IT MAY CONCERN:

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

DATE: August 16, 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 Amy McGill for a variance from Section 220-30 B (2) of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 413 Stanford Avenue, Niskayuna, New York, located in the R-2: Medium Density Residential Zoning District, to maintain a portable storage unit longer than allowed by Code.

Section 220-30 B (2) states "Permits will be granted for thirty-day periods. The first 30 days are free, but an applicant must submit a building permit application. For the second thirty-day period, the \$25 permit fee is required. At the expiration of the second thirty-day period, applicants may seek one renewal for an additional 30 days at a cost of \$25." As applied, the portable storage unit is not eligible for any further permit renewals. Therefore, a variance from this section 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 26 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: Amy McGill

RE: Property at 413 Stanford Ave

I, Amy McGill, the (owner) (~~agent of the owner~~) of the property located at 413 Stanford Ave 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)

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

☒ Additional information as specified by the Zoning Enforcement Officer

Signature of Agent: Amy McGill Date 6/24/23

Signature of Owner (if different from Agent) _____

Telephone Number: 518-393-1503

Email Address: amy804@earthlink.net

Received

JUN 26 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.

Alternatives to storing kitchen cabinets in an on-site storage unit are impractical for the following reasons:

A. There is no storage space in the house.

B. The garage is not weather-tight or rodent proof.

C. Storage off premises would be a major inconvenience during construction.

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 need for the storage unit is temporary (2 6 months).

The unit is painted a neutral gray color and presents a neat and clean appearance. The unit is visible to only three neighbors. The nearest neighbor's view is blocked by vegetation. The neighbor directly across the street has a view of the narrow end of the unit, which is partly concealed by my car. The premises are on a dead-end street.

Received

JUN 26 2023

Niskayuna Building Dept.

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

It is of a temporary nature and does not involve a permanent change to the character of the neighborhood. The visual impact to the premises is minor.

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 presence of the storage unit does not create any hazard to the environment.

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:

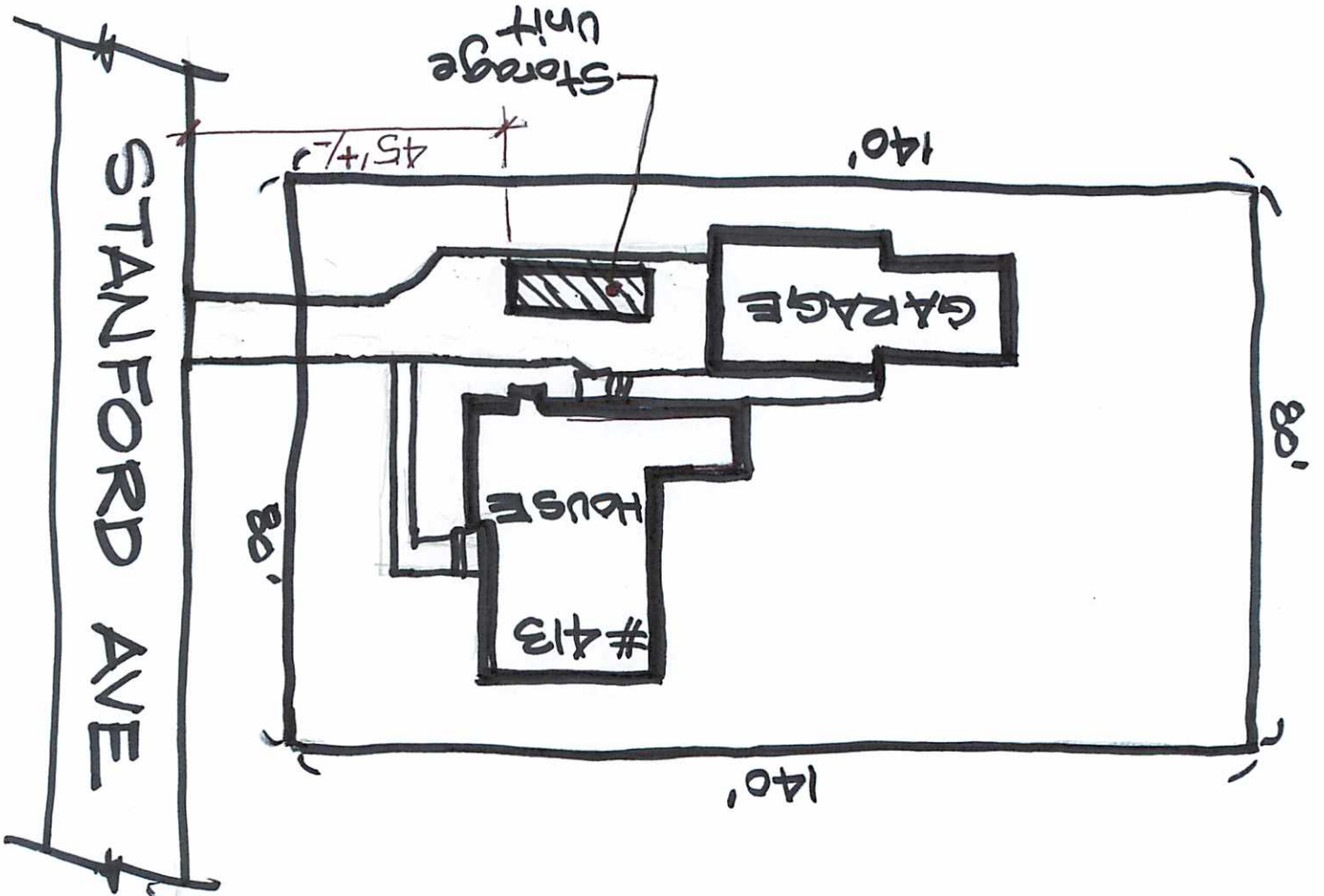
The storage unit remaining on the premises longer than the maximum 90 days is due to: The impossibility of closely coordinating the unit's delivery date with the cabinets' delivery date. Supply chain issues with the cabinet manufacturer led to a delivery date that was repeatedly extended from August '22 to mid November '22. The storage unit was delivered on 9/28/22 in anticipation of imminent delivery of the cabinets. However, the cabinets did not arrive until 11/14/22 (6 1/2 weeks later), consuming half of the 90 day period. The delivery delay also led to being dropped from our contractor's schedule. We have been unable to find a replacement to do the job in a timely manner.

Received
JUN 26 2023
Niskayuna Building Dept.



JUN 26 2023

Received





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: 413 Stanford Ave.

APPLICATION DATE:

Amy McGill
413 Stanford Ave.
Schenectady, NY 12304

Dear Madam;

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 portable storage unit on the property noted above has been denied by reason of Section 220-30 B (2). The property is located in the R-2: Medium Density Residential Zoning District.

Section 220-30 B (2) states "Permits will be granted for thirty-day periods. The first 30 days are free, but an applicant must submit a building permit application. For the second thirty-day period, the \$25 permit fee is required. At the expiration of the second thirty-day period, applicants may seek one renewal for an additional 30 days at a cost of \$25." As applied, the portable storage unit is not eligible for any further permit renewals. Therefore a variance from this section 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 within 60 days.

4-26-23

Date

A handwritten signature in black ink, appearing to read "Ken Hassett", written over a horizontal line.

Ken Hassett
Building Inspector
Code 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 # B22-624

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 413 Stanford Ave

DESCRIBE WORK APPLIED FOR renewal of Storage Unit permit

ESTIMATED VALUE OF ALL WORK (labor and materials):

TOTAL \$

Please submit three copies of the plans with this application.

APPLICANT Amy McGill DAY PHONE 518-393-1503

CHECK ONE: 0 CONTRACTOR

✓ HOMEOWNER

OTHER (explain)

ADDRESS 413 Stanford Ave

CITY Schenectady

STATE NYZIP 12304

EMAIL ADDRESS amy804@earthlink.net

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 Amy McGill DAY PHONE 518-393-1503

ADDRESS (if different than above)

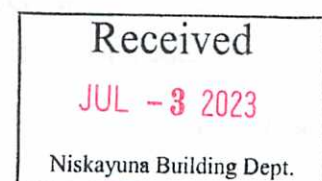
CITY _____

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 _____, _____



Amy McGill
Signature of Applicant

Amy McGill
Printed Name

6/29/23
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 _____

Subject: [EXTERNAL] 413 Stanford Ave storage unit permit #B22-624
From: "Amy McGill" <amy804@earthlink.net>
Sent: 3/20/2023 12:44:02 PM
To: "Town of Niskayuna Bldg Dept" <building@niskayuna.org>;

This is a request to extend our permit for the Verdi storage unit to remain in our driveway. We took a break over the holidays and cold weather, and expect to resume work on our projects shortly. The storage unit is being used as "swing space" to hold furniture and items while rooms are being refurbished. We are doing most of the work ourselves as contractors are not always available to fit our schedule. We hope to finish around the beginning of September of this year, if not sooner. We appreciate your patience in this matter and are happy to pay the monthly permit fee as required.

Sincerely,

Amy and William McGill
413 Stanford Ave
Schenectady, NY 12304
518-393-1503

TOWN OF NISKAYUNA

One Niskayuna Circle, Niskayuna, New York 12309
518-386-4522 Fax 518-386-4592

PORTABLE STORAGE AND BULK WASTE PERMIT

Permit No.: B22-624

Issue Date: 03/17/2023

Tax Parcel #: 60.18-2-15

Fees: \$25.00

Location: 413 Stanford Ave

Cost of Work: \$0.00

Contact type	Full name	Address 1	City	State	Zip
Owner	William McGill	413 Stanford Ave	Schenectady	NY	12304

Comments: Storage Pod in Driveway / RENEWAL/ 2nd RENEWAL

Fee type	Amount
POD/Bulk Waste Renewal	25.00

CONDITIONS:

- Permits expire ONE MONTH from initial permit Issue Date. **4/13/23**
- Two permit renewals at \$25 each are allowed.
- Portable storage units and temporary bulk waste containers are prohibited from being placed in streets or the front yard of a property. Portable storage units and temporary bulk waste containers kept in the driveway of the property must be at the furthest accessible point from the street without blocking entrances or exits of any pedestrian doors or accessory structures. All locations must be paved off-street surfaces. The applicant must obtain preapproval of the location by the Town of Niskayuna Building Inspectors in the following situations:
 - If the property does not have a driveway.
 - If the location of the unit in the driveway is in front yard of the property.
 - If the property is a corner lot.
- Only one portable storage unit and one temporary bulk waste container may be placed at any residential property at one time.
- The Final inspection confirms the unit is removed.

Approved By: Ken Hassett */LMS*

Date: 3/17/23



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

Application # B22-624

Received

MAR 13 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 413 Stanford Avenue, Schenectady, NY 12304

DESCRIBE WORK APPLIED FOR Storage unit placed in driveway

ESTIMATED VALUE OF ALL WORK (labor and materials): _____

TOTAL \$ _____

Please submit three sets of plans with this application.

APPLICANT William and Amy McGill

DAY PHONE (518) 393-1503

CHECK ONE:



CONTRACTOR



HOMEOWNER



OTHER (explain) _____

ADDRESS 413 Stanford Avenue

CITY Schenectady

STATE NY

ZIP 12304

EMAIL ADDRESS amy804@earthlink.net

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 William and Amy McGill

DAY PHONE (518) 393-1503

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 _____ day of _____, _____

Amy Wilsey-McGill
Signature of Applicant

William and Amy McGill

Printed Name

3/10/23
Date

Notary Public, State of New York

(FOR OFFICE USE ONLY BELOW)

BUILDING SITE ADDRESS 413 Stanford Avenue, Schenectady, NY 12304

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
- X 11. FINAL BUILDING INSPECTION
- _____ 12. FINAL GRADING AND SOIL EROSION CONTROL
- _____ 13. (ADDITIONAL INSPECTIONS) _____

APPROVED BY _____

[Signature]

DATE

3/15/23

TOWN OF NISKAYUNA

One Niskayuna Circle, Niskayuna, New York 12309
518-386-4522 Fax 518-386-4592

2.13.23

STILL THERE

PORTABLE STORAGE AND BULK WASTE PERMIT

Permit No.: B22-624

Issue Date: 11/21/2022

Tax Parcel #: 60.18-2-15

Fees: \$25.00

Location: 413 Stanford Ave

Cost of Work: \$0.00

Contact type	Full name	Address 1	City	State	Zip
Owner	William McGill	413 Stanford Ave	Schenectady	NY	12304

Comments: Storage Pod in Driveway / RENEWAL

Fee type	Amount
POD/Bulk Waste Renewal	25.00

CONDITIONS:

1. Permits expire ONE MONTH from initial permit Issue Date.
2. Two permit renewals at \$25 each are allowed. 12/1/22
3. Portable storage units and temporary bulk waste containers are prohibited from being placed in streets or the front yard of a property. Portable storage units and temporary bulk waste containers kept in the driveway of the property must be at the furthest accessible point from the street without blocking entrances or exits of any pedestrian doors or accessory structures. All locations must be paved off-street surfaces. The applicant must obtain preapproval of the location by the Town of Niskayuna Building Inspectors in the following situations:
 - a. If the property does not have a driveway.
 - b. If the location of the unit in the driveway is in front yard of the property.
 - c. If the property is a corner lot.
4. Only one portable storage unit and one temporary bulk waste container may be placed at any residential property at one time.
5. The Final inspection confirms the unit is removed.

Approved By: Ken Hassett / LMS

Date: 11/21/22



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

Application # B22-624

Renewal

Received

NOV 21 2022

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 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 413 Stanford Ave, Schenectady, NY 12304

DESCRIBE WORK APPLIED FOR POD/storage in driveway

ESTIMATED VALUE OF ALL WORK (labor and materials):

TOTAL \$ N/A

Please submit three sets of plans with this application.

APPLICANT William McGill & Amy Wildey-McGill DAY PHONE 518-393-1503

CHECK ONE: ☐ CONTRACTOR

☒ HOMEOWNER

☐ OTHER (explain) _____

ADDRESS 413 Stanford Ave

CITY Schenectady

STATE NY

ZIP 12304

EMAIL ADDRESS amy804@earthlink.net

CONTRACTOR N/A

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 William McGill & Amy Wildey-McGill DAY PHONE 518-393-1503

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 _____ day of _____, _____

Amy Wildey-McGill
Signature of Applicant

Amy Wildey-McGill
Printed Name

11/16/22
Date

Notary Public, State of New York

(FOR OFFICE USE ONLY BELOW)

BUILDING SITE ADDRESS _____

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

PERMIT FEE DUE \$ 212 BASED ON 11/16/22

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 K. Hansen

DATE 11.21.22

TOWN OF NISKAYUNA

One Niskayuna Circle, Niskayuna, New York 12309
518-386-4522 Fax 518-386-4592

PORTABLE STORAGE AND BULK WASTE PERMIT

Permit No.: B22-624

Issue Date: 10/07/2022

Tax Parcel #: 60.18-2-15

Fees: \$.00

Location: 413 Stanford Ave

Cost of Work: \$0.00

Contact type	Full name	Address 1	City	State	Zip
Owner	William McGill	413 Stanford Ave	Schenectady	NY	12304

Comments: Storage Pod in Driveway - *STILL THERE*

Fee type	Amount
POD/Bulk Waste	.00

CONDITIONS:

1. Permits expire ONE MONTH from initial permit Issue Date.
2. Two permit renewals at \$25 each are allowed.
3. Portable storage units and temporary bulk waste containers are prohibited from being placed in streets or the front yard of a property. Portable storage units and temporary bulk waste containers kept in the driveway of the property must be at the furthest accessible point from the street without blocking entrances or exits of any pedestrian doors or accessory structures. All locations must be paved off-street surfaces. The applicant must obtain preapproval of the location by the Town of Niskayuna Building Inspectors in the following situations:
 - a. If the property does not have a driveway.
 - b. If the location of the unit in the driveway is in front yard of the property.
 - c. If the property is a corner lot.
4. Only one portable storage unit and one temporary bulk waste container may be placed at any residential property at one time.
5. The Final inspection confirms the unit is removed.

Approved By: Ken Hassett / KMS

Date: 10/7/22



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

Application # B22-624

Received

OCT - 4 2022

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 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 413 Stanford Ave, Schenectady, NY 12304

DESCRIBE WORK APPLIED FOR Storage pod (located in driveway)

ESTIMATED VALUE OF ALL WORK (labor and materials):

TOTAL \$ 0.00

Please submit three sets of plans with this application.

APPLICANT Amy Wildey-McGill **DAY PHONE** (518) 393-1503

CHECK ONE: ☐ **CONTRACTOR**

☒ **HOMEOWNER**

☐ **OTHER (explain)** _____

ADDRESS 413 Stanford Ave

CITY Schenectady

STATE NY

ZIP 12304

EMAIL ADDRESS amy804@earthlink.net

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 Amy Wildey-McGill **DAY PHONE** (518) 393-1503

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 _____ day of _____, _____

AWM

Signature of Applicant

Amy Wildey-McGill

Printed Name

10/4/2022

Date

Notary Public, State of New York

(FOR OFFICE USE ONLY BELOW)

BUILDING SITE ADDRESS 413 Stanford Ave, Schenectady, NY 12304

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 [Signature]

DATE 10/4/22

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

August 4, 2023

TO WHOM IT MAY CONCERN:

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

DATE: August 16, 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 Ellen and Stanley Strauss 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 2509 Peters Lane, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a 16' x 20' deck partially within the side and rear yard setbacks.

Section 220-13, Schedule I-B requires a twenty (20) foot minimum side yard setback and a twenty-five (25) foot minimum rear yard setback. As proposed, the deck would be located seventeen (17) feet, at the closest point, from the side property line and twenty-one (21) feet from the rear property line. Therefore, both a three (3) foot side yard setback variance and a four (4) 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 _____

TO: ZONING BOARD OF APPEALS

FROM: Stanley H. Strauss & Ellen L. Strauss

RE: Property at 2509 PETERS LANE, NISKAYUNA, NY 12309

I, Stanley H. Strauss, the (owner) (agent of the owner) of the property located at 2509 Peters Lane 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 *(submitted by contractor, Gary LaGuesse)*
- ☒ 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 _____

Signature of Owner (if different from Agent) Stanley H. Strauss 7/8/2023

Telephone Number: 518-466-1955

Email Address: strauss.stan@gmail.com

Received
JUL 10 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.

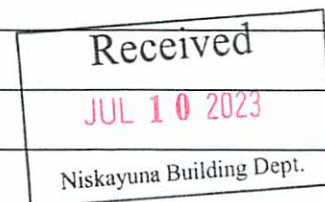
To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

- 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 attached document for all 5 statements

- 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:

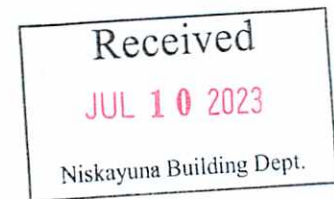
3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:



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:

Appeal Statement
To
Niskayuna Zoning Board of Appeals



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.*

Houses on Peters Lane are considerably set back from the road on their lots. This makes it difficult to add any addition or deck. Our current deck was constructed about 34 years ago and is on the smaller size at 10½ ft x 15 ft. When we built it, we had a family of five and an attached screened porch that together would accommodate our family. Now, our family including our children, their spouses, and grandchildren is 11 people strong, and we could not have all of them on the same size replacement deck. Our current deck is barely large enough for a grill, table, limited outdoor furniture, and one visiting couple. Additionally, our former screened porch was previously taken down and replaced with an enclosed family sun room. Our request is to build a 16 ft x 20 ft trex deck that would allow us to have our entire family present or up to a total of 4 couples for meals and socializing. We believe the benefit this would provide cannot be achieved by any other means, and that is why we are seeking a variance. (See enclosed photos.)

- 2) *Whether the granting of the variance will provide 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 location of our proposed larger replacement deck would not adversely affect our neighbors on Peters Lane or the two homes behind us on Whamer Lane. The additional 5½ feet width on the Peters Lane side would face our neighbor's back yard - not their house - and would still be a considerable distance from it. The average side variance necessary would be approximately 1.5 ft. The additional 5 feet length behind our house is toward a group of fir and oak trees and is also a considerable distance from our neighbors' homes. The new deck would only be approximately 1½ feet further in length

from the bottom of our current five stairs, which would be replaced by two stairs on the width side of the deck, parallel to the side of our house. The rear variance required would be approximately 4 ft. Further, our neighbors on Peters Lane (Meschino family), and on Whamer Lane (Friedson and Lasher families) have told us they have no problem with us constructing a deck of this size. The neighborhood character will not be affected since we will use the proposed deck as we have used our current deck. (See enclosed photos and drawing.)

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

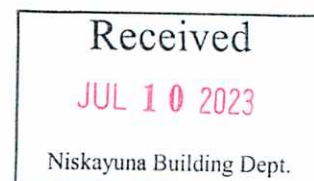
Increasing our proposed deck size by 5½ ft (width) and 5 ft (length) would provide us a comfortable deck size that we would fully utilize. We would not want an even bigger deck since we don't have large get-togethers at our home. We believe this variance request is not substantial.

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

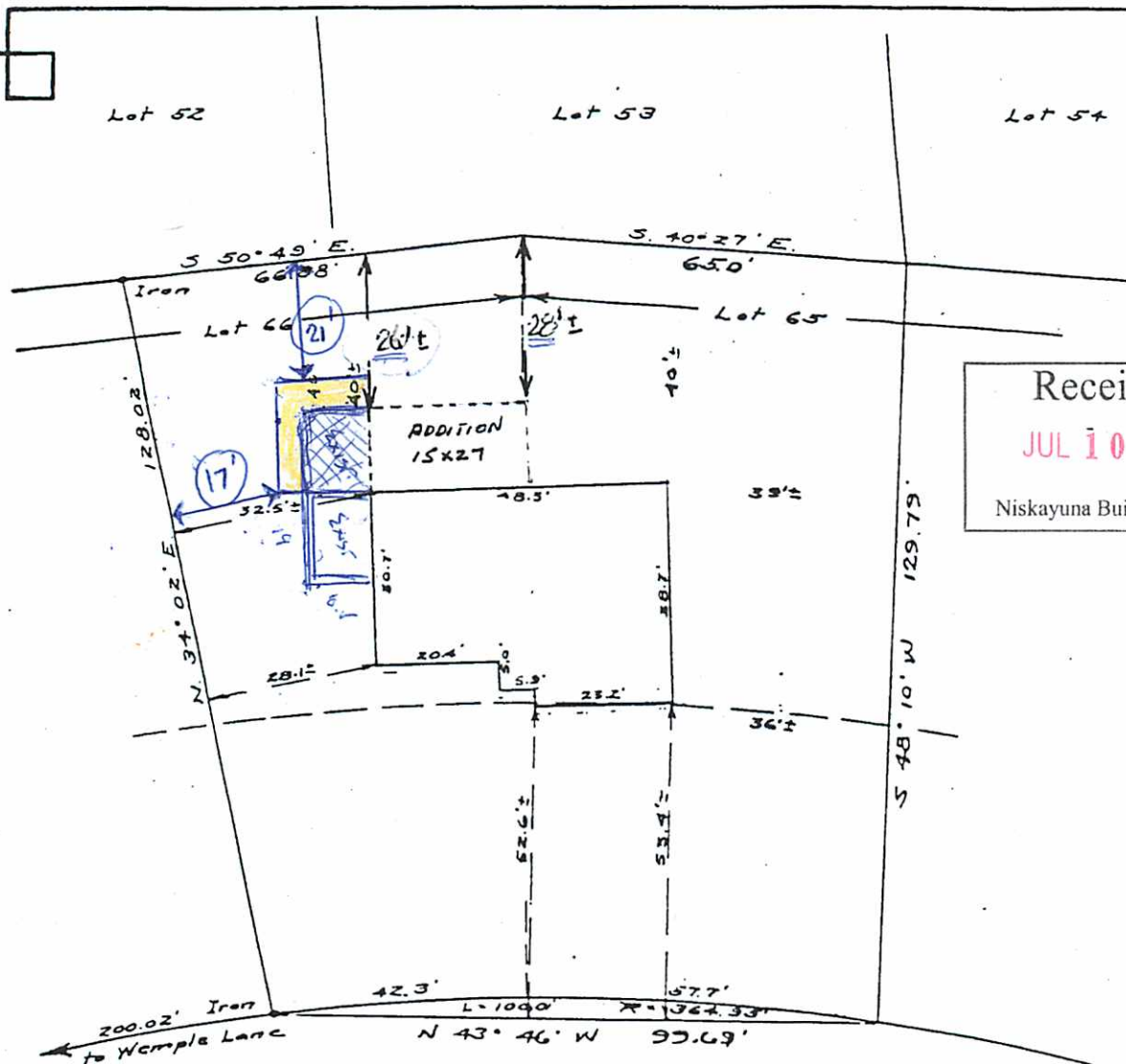
Building this proposed larger deck would not require removal of any trees or shrubs on our property, and only minimal removal of the existing groundcover near our deck. We do not believe it would not have any adverse effects on our neighborhood. (See enclosed photos.)

- 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.*

Our increased family size and community of friends, as well as the age of our current deck has necessitated that we construct a new, larger deck. It would not be prudent, or safe, for us to continue using our current deck or to replace it with a deck of the same size. We did not self-create this difficulty – it developed over time with the growth of our family and circle of friends, as well as the wear and tear on our current deck.



511105



Received
JUL 10 2023
Niskayuna Building Dept.

PETERS LANE

RECEIVED
NOV 3 1989
BUILDING DEPARTMENT
TOWN OF NISKAYUNA

Portions of Lots Nos. 65 & 66

WOOD-CREST

Town of Niskayuna, Schenectady Co., N.Y.

Scale: 1" = 30'

August 4, 1956

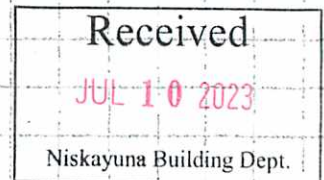
C.T. Male Associates

Charles T. Male, Jr. L.S. 20890

This plot plan list
in 10-5-56

Mr. Limb that we had it on on file

Proposed building location for Heron Hill - August 9, 1956 - C.T.M. &
Building Location September 10, 1956 - K.J.M.

$$1/4'' = 5'$$


$$\sin 8.25^\circ = \frac{x}{20} \quad x \approx 2.9'$$

A diagram of a square with side length $28.1'$. The diagonal is labeled $32.5'$. A line segment of length $4.4'$ is drawn from the top-right corner to the diagonal, and a line segment of length $30.7'$ is drawn from the bottom-right corner to the diagonal. The angle between these two segments is labeled X' .

$$28.1 + 4.4 = 32.5$$



Side of our house plant hanger on right shows location of proposed deck.



View of side of house, plant hanger on left show location of proposed deck.



Current Deck



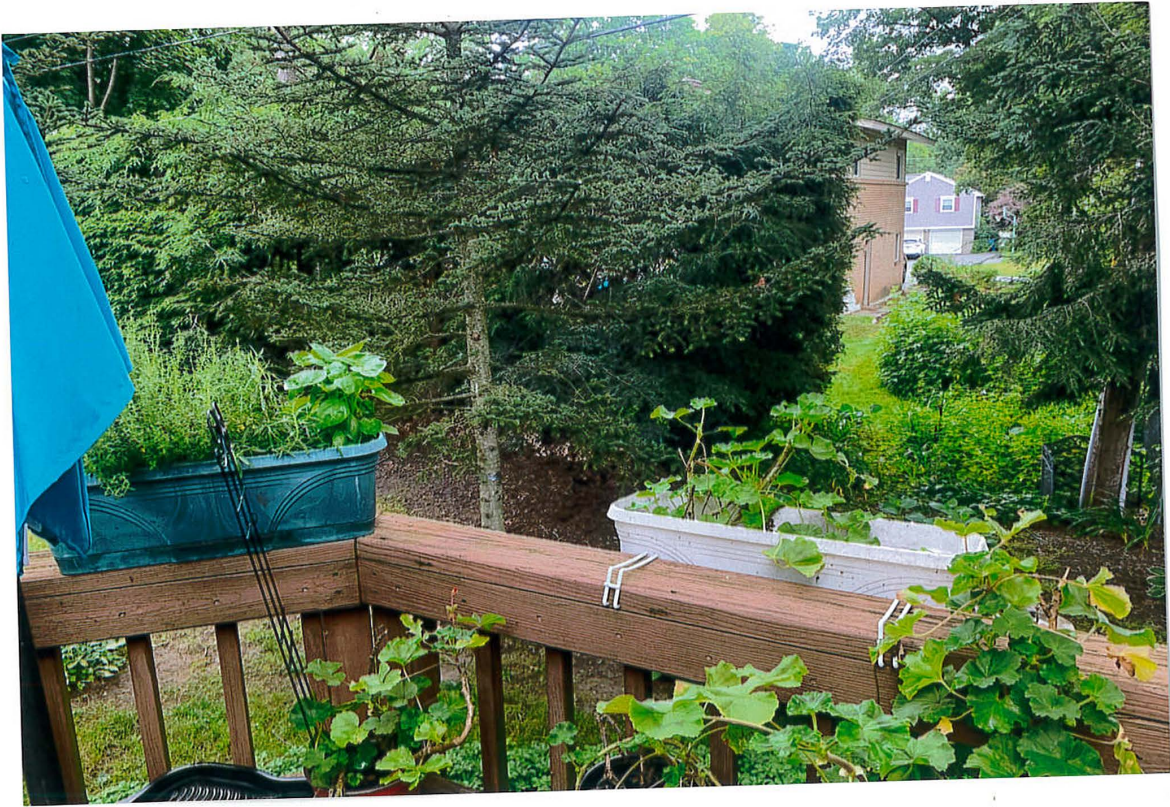
Rear of deck, plant hanger shows location of proposed deck.



View from current deck looking to rear.



Current deck.



View from current deck looking to rear.



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: 2509 Peter's Lane

Application Date: 7/5/23

Crescent Remodeling (agent)
145 Fonda Road
Waterford, N. Y. 12188

Dear Sirs:

You are hereby notified, as required by Section 220-67F of the Zoning Ordinance of the Town of Niskayuna; that your application for construction of a 16' x 20' deck 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.

Section 220-13, Schedule I-B requires a twenty (20) foot minimum side yard setback and a twenty-five (25) foot minimum rear yard setback. As proposed, the deck would be located seventeen (17) feet, at the closest point, from the side property line and twenty-one (21) foot rear yard setback; therefore, both, a three (3) foot side yard setback variance and a four (4) 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.

7/6/23

Date



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 # 823-374

Received

JUL -5 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 2509 Peters lane Niskayuna N.Y 12309
DESCRIBE WORK APPLIED FOR 16 x 20 Deck. replacing smaller deck

ESTIMATED VALUE OF ALL WORK (labor and materials):

TOTAL \$ 18,000.00

Please submit three copies of the plans with this application.

APPLICANT Gary Laguesse Crescent Kennedy **DAY PHONE** 518-858-4018

CHECK ONE: ☒ **CONTRACTOR**

☐ **HOMEOWNER**

☐ **OTHER (explain)** _____

ADDRESS 145 Fonda Rd

CITY Watertown

STATE N.Y.

ZIP 12188

EMAIL ADDRESS glaguesse@nycap.rail.com

CONTRACTOR Same

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 Stan & Ellen Strouss

DAY PHONE 518 466-1955

ADDRESS (if different than above) SPMC

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 7th day of July, 2023

MICHELE M. MARTINELLI
Notary Public, State of New York
Qualified in Schenectady County
No. 01MA6263898
My Commission Expires 06/11/2024


Notary Public, State of New York


Signature of Applicant

Gary Lagasse
Printed Name

7-5-2023
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 _____

DECK SUPPLEMENT TO PERMIT APPLICATION

While not all inclusive, the previous comments should be used as a general guide to code compliance. Complete and accurate information will expedite the plan review process.

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

Address of property 2509 Peters lane, Niskayuna, NY, 12309

a. Size and depth of footing Techno Post, Metal

b. Type of footing forms (i.e. cardboard tubes) N/A

c. Size and spacing of posts N/A 4" x 4" Post, 6' Spacing

d. Type of lumber Treated Frame & Trex Decking

e. Size of beams 2 - 2" x 10"

f. Size and spacing of joists 16" OC

g. Is the deck off a cantilever? Yes ☒ No ☐

If Yes, how will joists be supported? N/A

h. Type of floor boards Trex

i. Height of deck off ground 20"

j. Height and design of guardrail 36" High, Standard Vinyl Rail

k. Size of deck 16' x 20'

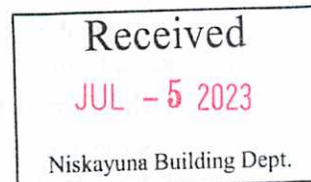
Distance to property lines:

Side 1 17'

Side 2 50' +

Rear 21'

Other N/A



Guidelines for allowable spans:

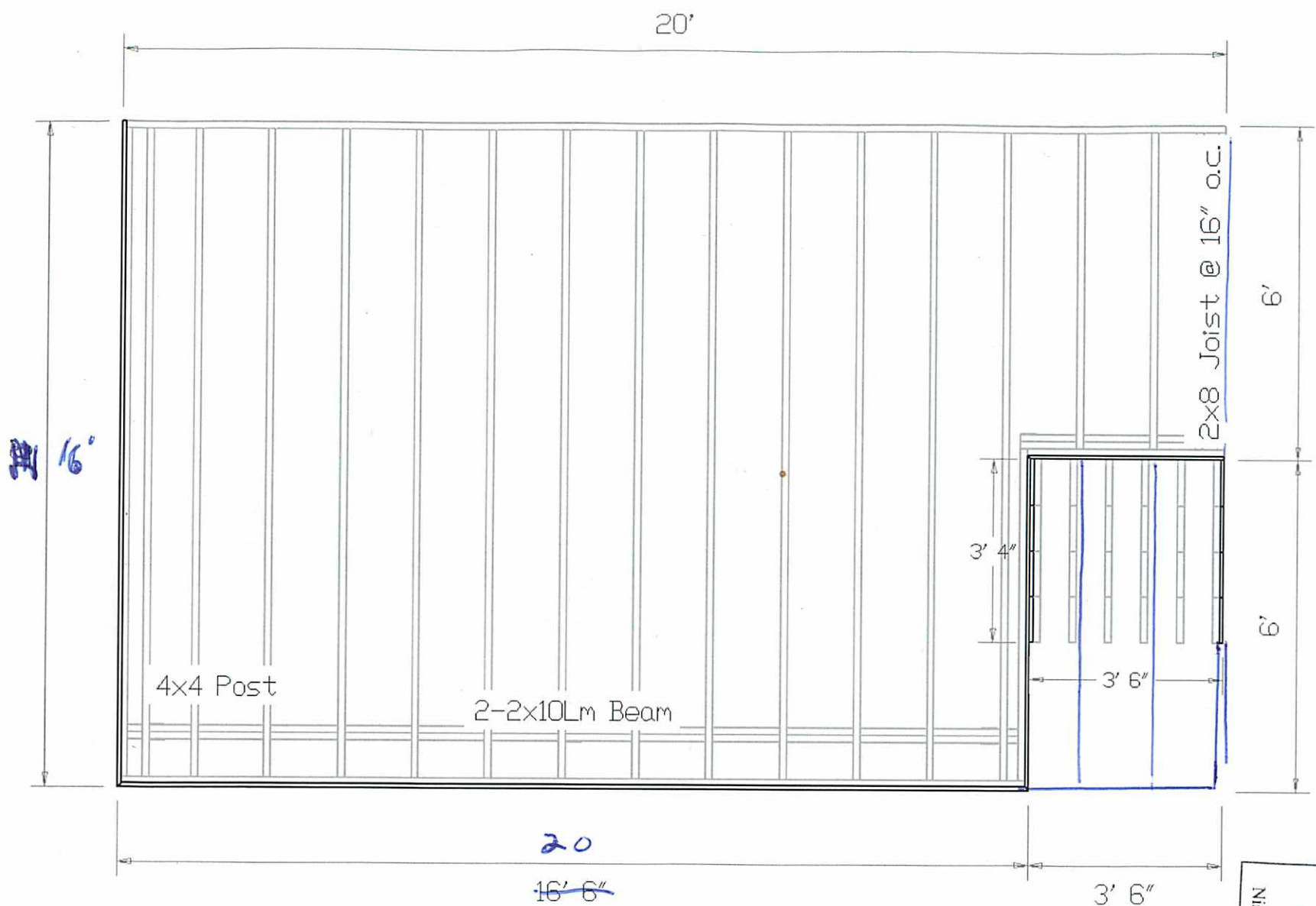
Flr	Allowable spans		Beams	Allowable loads per span (in pounds)			
				5 ft.	6 ft.	7 ft.	8 ft.
2	8' 1"	"	1-2 x 6	1010#	840#	721#	630#
			2-2 x 6	2020#	1680#	1442#	1260#
			3-2 x 6	3030#	2520#	2163#	1890#
1 1/2			1-2 x 8	1754#	1458#	1246#	1095#
			2-2 x 8	3508#	2916#	2492#	2190#
			3-2 x 8		4374#	3738#	3285#
2 x 8 @ 24" o.c.	12' 5"		1-2 x 10			2037#	1783#
	12" o.c.	13' 6"	2-2 x 10	5114#			3566#
2 x 10 @ 24" o.c.	12' 7"		3-2 x 10	8568#			
	16" o.c.	15' 5"	1-2 x 12	4224#	3512#		
	12" o.c.	17' 3"	2-2 x 12	8448#	7024#	6020#	
2 x 12 @ 24" o.c.	14' 7"		3-2 x 12	12672#	10536#	9030#	7911#
	16" o.c.	17' 10"					
	12" o.c.	20' 7"					

Refer to the new 2020 International Building Codes

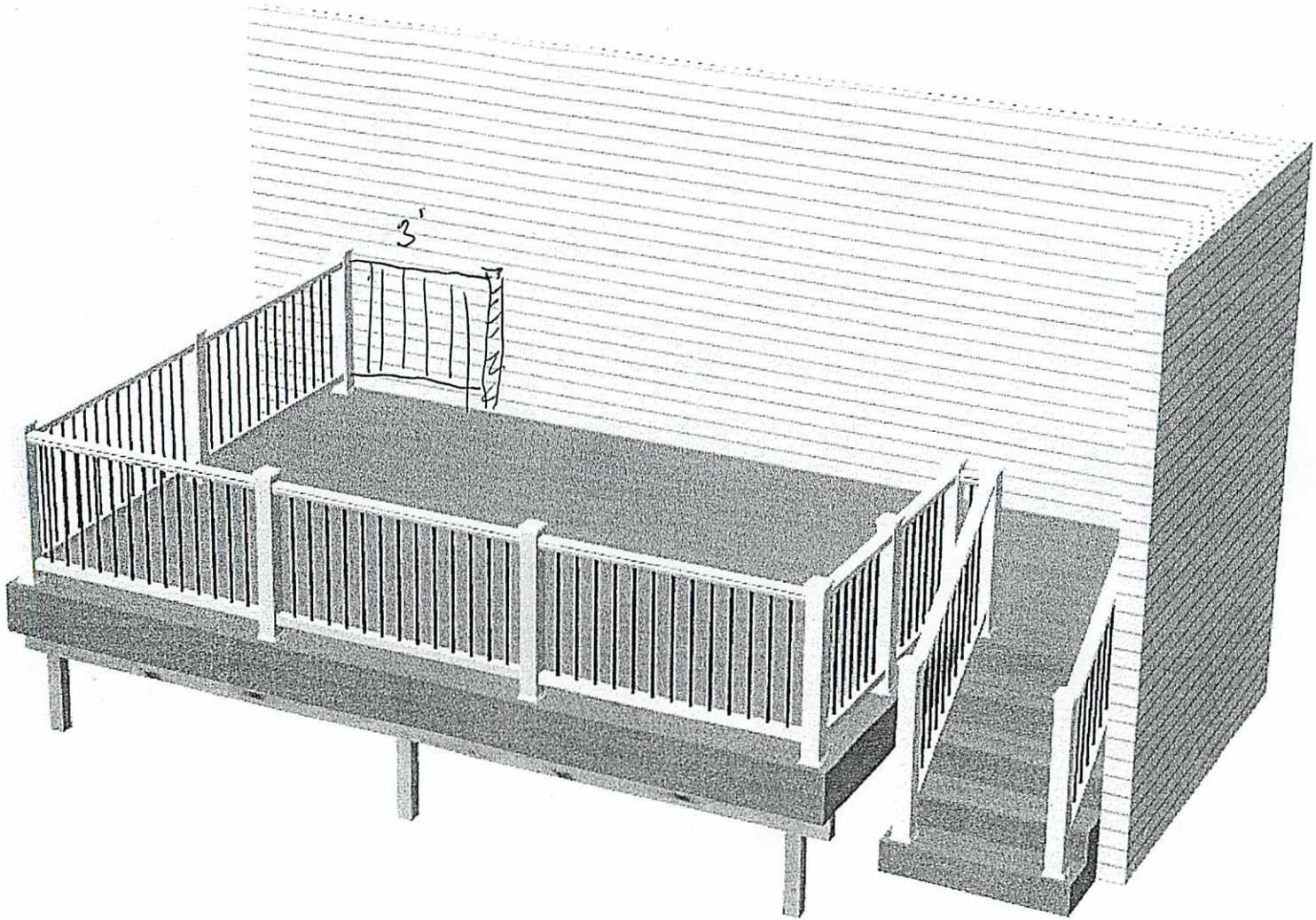
Applicants Signature: [Signature]

Date: 5 JUL 23

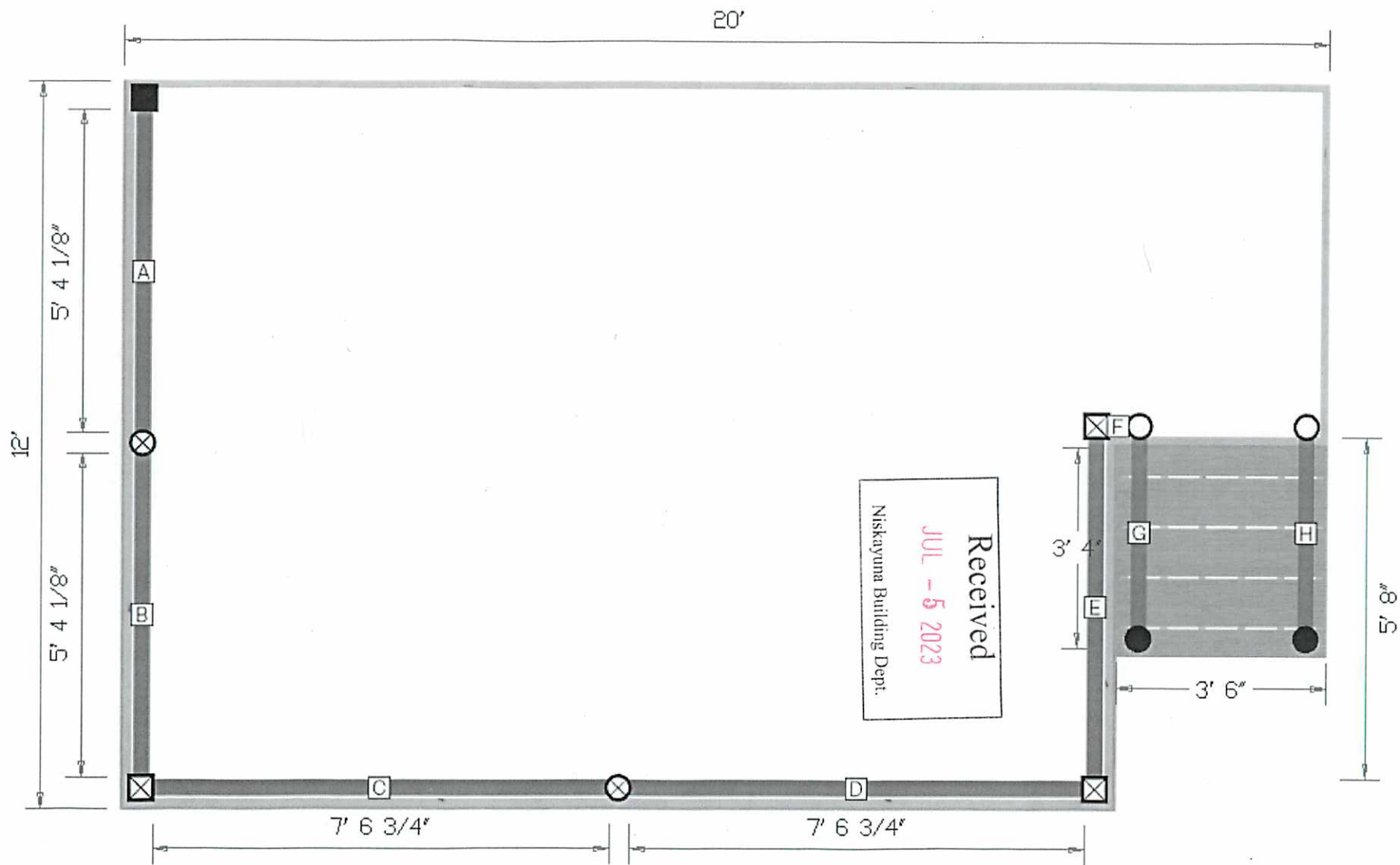
20



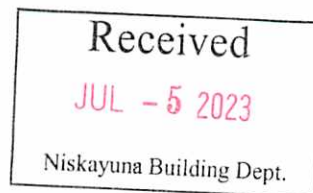
Received
JUL - 5 2023
Niskayuna Building Dept.



Received
JUL - 5 2023
Niskayuna Building Dept.



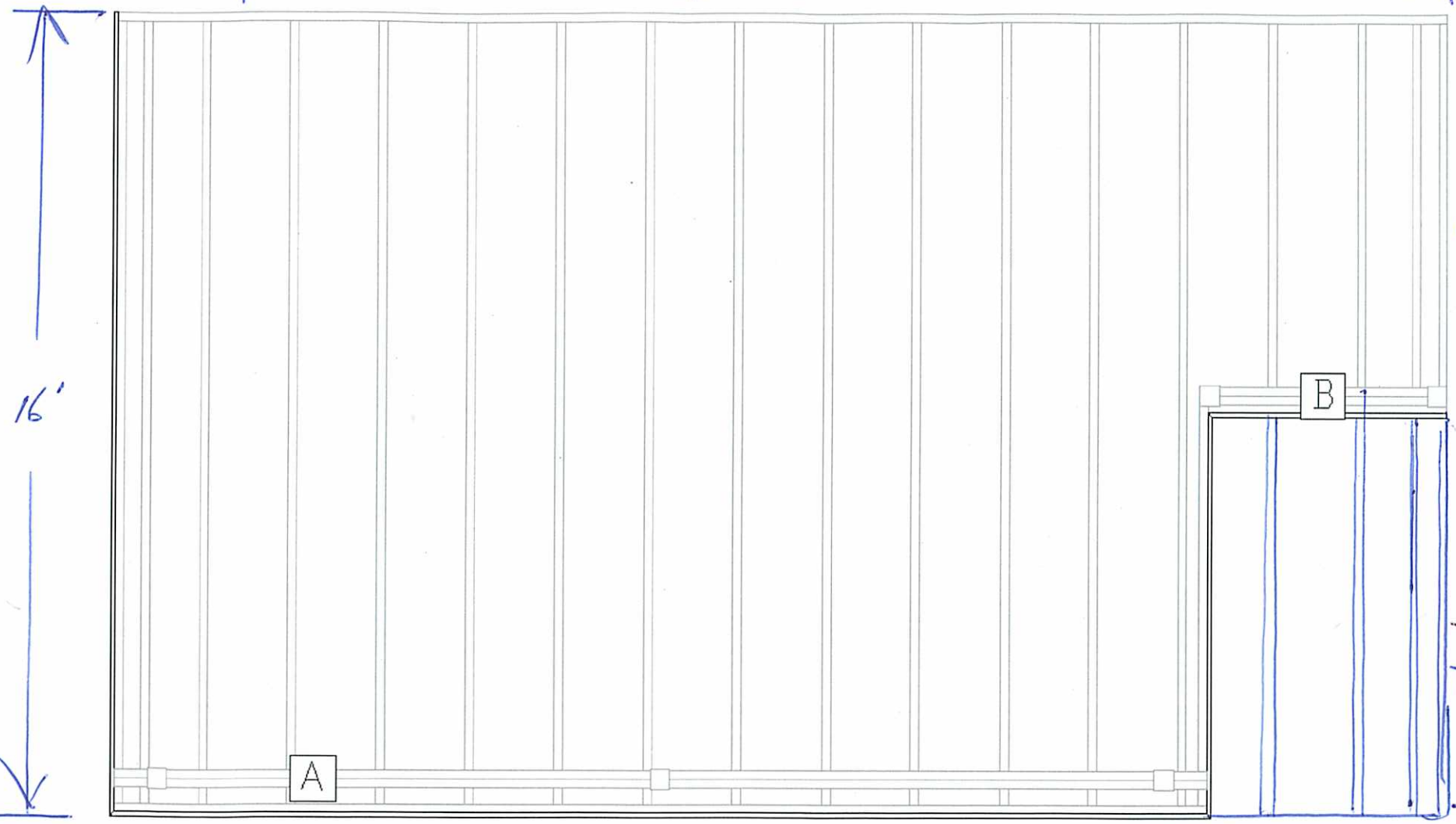
Joists	2x8 16"	Deflection	74 PSF	
		Bending	91 PSF	
		Shear	98 PSF	
		Compression	170 PSF	74 PSF
Beams	2-2x10Lm	Deflection	187 PSF	
		Bending	102 PSF	
		Shear	89 PSF	
		Compression	316 PSF	89 PSF
Posts	4x4	Stability	455 PSF	
		Bearing	419 PSF	419 PSF
		Total load		74 PSF
		Dead load		10 PSF
		Live load		64 PSF
Stringers 2x12		Deflection	938 PSF	
		Bending	789 PSF	
		Shear	560 PSF	
		Compression	2164 PSF	
		Total load		560 PSF
		Dead load		10 PSF
		Live load		550 PSF



15.6

House

→



16'

House

B

A

20'

Received
JUL -5 2023
Niskayuna Building Dept.

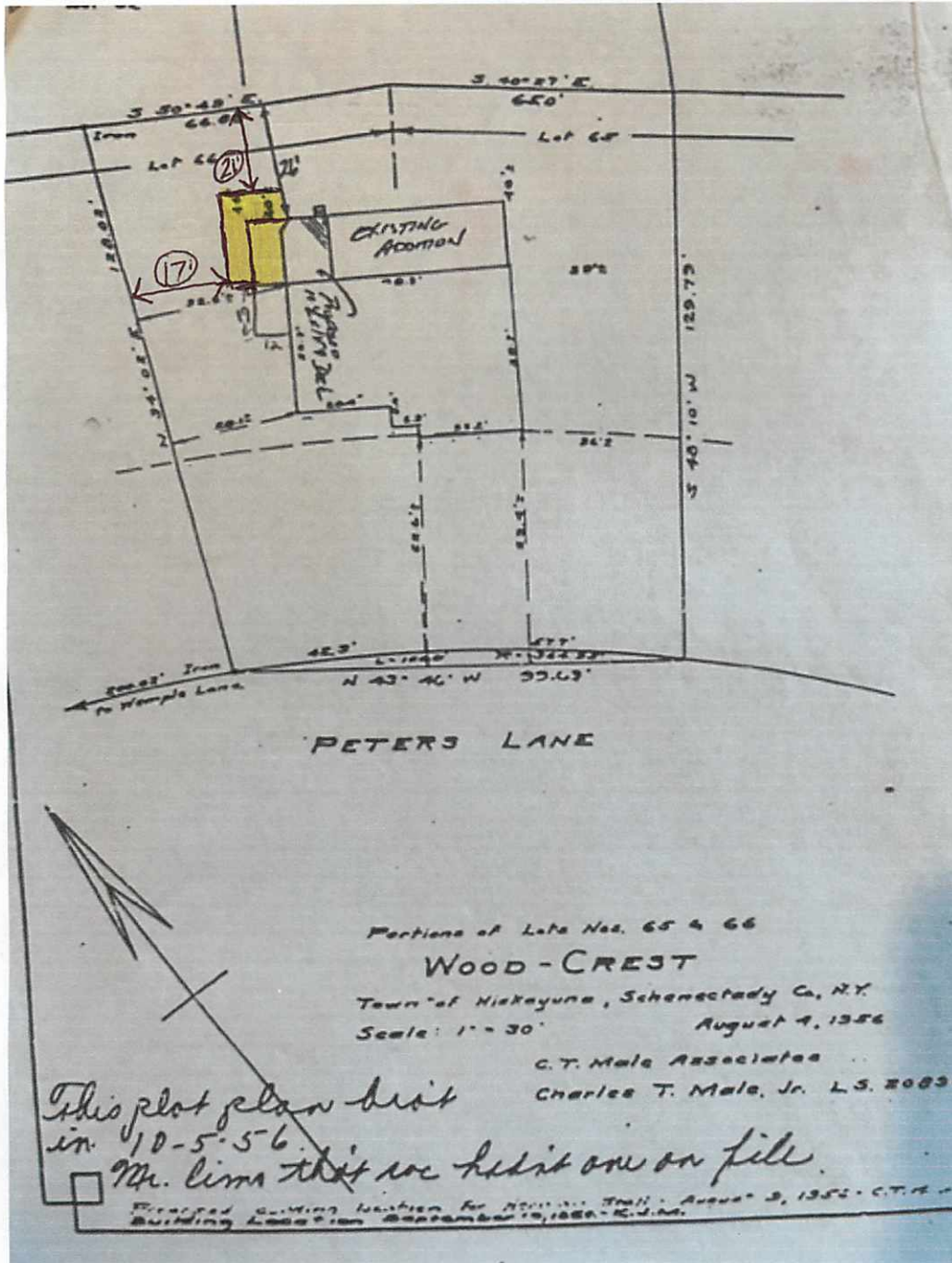
From: Ellen Strauss straelle@gmail.com
Subject: House
Date: June 2, 2023 at 4:06 PM
To: Ellen Strauss straelle@gmail.com

Received

JUL -5 2023

Niskayuna Building Dept.

ES



Warm regards,
Ellen

Sent from my iPhone

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

August 4, 2023

TO WHOM IT MAY CONCERN:

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

DATE: August 16, 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 Andrew Burns for a variance from Section 220-4, 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 2251 Van Antwerp Road, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to replace a shed which is located in the front yard and partially within the front yard setback.

Section 220-4 states for corner lots "Each street line shall be considered a front lot line." The property fronts on two (2) streets: Van Antwerp Road and Crimson Oak Court.

Section 220-18 A (2) states: "Except otherwise specified in this chapter, accessory structures are not permitted in the front yard of any lot." As proposed, the shed will be located in the front yard along Crimson Oak Court. Therefore, the location of the shed, in the front yard, requires a variance.

Section 220-13, Schedule I-B requires a thirty-five (35) foot minimum front yard setback. As proposed the shed would be eighteen (18) feet from the front property line along Crimson Oak Court; therefore, a seventeen (17) foot front 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 _____

TO: ZONING BOARD OF APPEALS

FROM: ANDREW BURNS

RE: Property at 2251 Van Antwerp Rd

I, ANDREW BURNS, the (owner) (agent of the owner) of the property located at 2251 VAN ANTWERP 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
- _____ 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 7/14/23

Signature of Owner (if different from Agent) ANDREW BURNS

Telephone Number: _____

Email Address: _____

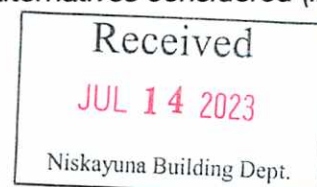
Zoning Board Appeal - 2251 Van Antwerp Road - Accessory Structure Zoning Variance Appeal Statement

This statement is in support of a request for a zoning variance at 2251 Van Antwerp Road to replace a shed which was extant on the property upon our purchase of the property in 2010. This shed also predated the construction of Crimson Oak Court (early 1990s). During the planning and construction of Crimson Oak Court, the location of the shed (18 feet from the road) was not identified as being out of compliance with local zoning ordinances, and the shed remained, without a variance to current times. We now seek to replace the shed with a new, pre-fabricated shed to replace the original sheet metal shed, which had over the decades become dilapidated. The location offers an existing flat and level graded area with good drainage, open space without existing tree cover. Several other locations were considered as described below and found to be non-ideal. The proposed location would cause minimal change to the local environment and neighborhood, with limited visibility of the shed from the roadside, and replacement of any plants displaced during delivery of the shed.

- 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.



Google Maps Aerial view of the lot at 2251 Van Antwerp Road showing the main home, adjacent streets as well as the existing shed location and three alternatives considered (image circa summer 2022)



Several alternative locations have been considered for the shed in the yard:

- First (A, above), the southwest corner of the yard (situated under a large willow tree (bottom left of image above)) offers a relatively flat and accessible area of the yard. This area unfortunately does not drain well and remains muddy well into the spring of each year making accessing the shed and moving things in and out of it difficult. Furthermore, the willow tree has a history of shedding large branches over each winter (5-6" diameter, >10' length) which could damage the shed were it sited under the willow.
- Second (B, above), we considered siting the along the western property line (with appropriate setback). There is currently a stand of spruce trees occupying most of the northwestern corner, which precludes siting the shed under them (without significant alteration to the trees).
- Third (C, above), were the shed simply moved in from its incumbent location by the appropriate setback, the shed would be situated in the middle of the main grassy portion of the yard, splitting up the yard and precluding other uses of that space.

2) Whether 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:

Upon purchase of the property at 2251 Van Antwerp Road in 2010, a shed was in place in the backyard of the property, with a setback of 18 feet from Crimson Oak Court. Though we do not know the exact provenance of the shed, based on the condition of the shed (sheet metal with wood reinforcements added by previous homeowners), and the fact that it was purchased from the Montgomery Ward mail order catalog company (now defunct), we believe it to have been added to the property sometime not long after the house was moved to this site in the 1960s, likely long before Crimson Oak Court was added to the neighborhood in the early 1990s.



View of the property at 2251 Van Antwerp Road from the southwest corner of the yard showing the original shed siting (photo circa December 2010)

- The proposed shed is a standard, prefabricated structure painted in the same color scheme as the house on the property to minimize any visual incongruity.
- The property adjacent to ours across Crimson Oak Court (2255 Van Antwerp Road) faces onto Van Antwerp Road (as does our property) and has a line of conifer trees obscuring any view of our property from their side yard or windows (see Google StreetView photo below).



Google StreetView Image facing down Crimson Oak Court between 2251 Van Antwerp Road (left side) and 2255 Van Antwerp Road (right side) showing the vegetation on both sides obscuring the view to and from both yards (Image taken circa October 2022)

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

The zoning variance itself is numerically substantial, with the proposed shed location roughly half the distance from the street (18 feet) relative to the statutory minimum setback of 35 feet, but as this location has been occupied by a shed since before the road was added to the neighborhood (early 1990s) without any issues, replacing the existing shed with a new, similar shed should not pose a significant alteration to the neighborhood environment.

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 replacement of the previous shed with a new shed in the same location is not expected to pose any significant environmental effects as no new construction, changes in grade or excavation that could affect e.g., runoff or water table are planned.
- Additionally, any plants that are displaced during the installation will be replaced with either the same species or other plants of similar growth habit that are already on the property so that the view from the street and our yard will be similarly obscured (upon plant maturity).
- The proposed shed replaces a dilapidated shed of indeterminate age with significant rust damage and structural issues with a new, modern shed with significantly more "curb appeal" and a consistent color scheme with the main house.

The condition of the shed deteriorated over the past few years (rust damage, falling branches and animal infestation) leading to the need for its replacement. The incumbent location of the shed allows the shed to be unobtrusive in the heavily treed yard, on level and dry ground with minimum visibility from Crimson Oak Court with appropriate landscaping (see e.g., Google StreetView photo below).

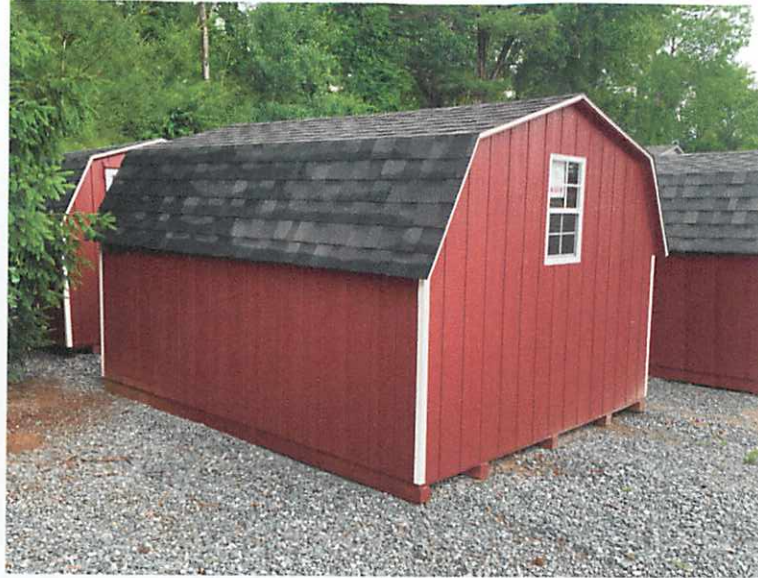


Google StreetView image of the shed seen from Crimson Oak Court showing the view of the shed from the street - the white panel in the image above is the top of the north wall of the shed (image circa October 2022)

- The proposed shed would be sited at the same location as the previous shed, with minimal change to the appearance from the street.
- Greenery and plants displaced during the installation process will be replaced to obscure the shed from view from the street (and provide privacy for the backyard).

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-inflicted.

The need for this variance was not self inflicted. The shed location was determined decades ago by previous owners when there was no road adjacent to the property. At the time that Crimson Oak Court was added to the neighborhood, the location of this shed was not noted as being out of compliance with Schedule I-B (hence the lack of an existing variance) and the shed remained on this location for ~30 years after Crimson Oak Ct. was added. As noted above, this is an ideal location for a shed on this property (existing grading, sufficient drainage, limited risk of tree branches falling on it) which is why we seek to continue using this location as it has been used without issue for decades.



<https://www.gardentimeinc.com/sheds/duratem-milton-2310118/>

Shed Footprint: 10' x 12'
Shed Height: 8' 6" from base to roof peak
Shed Roof: Asphalt Shingles
Shed Siding: Red Duratemp Siding
Shed Door: 2-door 5' opening

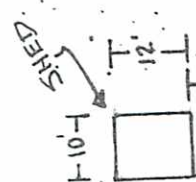
Received

JUL 14 2023

Niskayuna Building Dept.

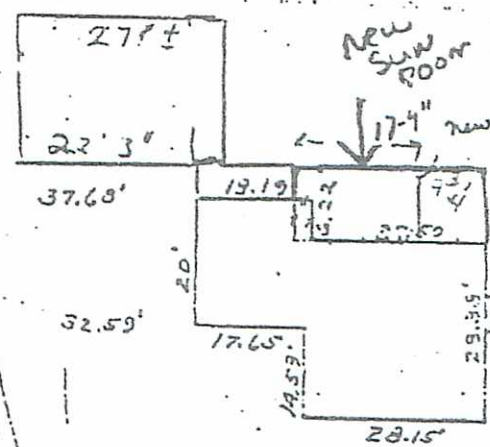
NOV 12 1997

0.469 ± A



NEW
SUN
ROOM

17'-4" new addition



← Crimson Oak Count →

S. 5° 14' W.

VAN ANTWERP ROAD

Building Location for
B. A. WELLS
Niskayuna, Schenectady Co., N.Y.
Scale: 1" = 30' 200.00 ± ft
C.T. Mills Associates
Charles T. Mills, P.E. 1975

F.C. F. 100.0



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: 2251 Van Antwerp Road

Application Date: 6/23/23

Andrew Burns
2251 Van Antwerp Road
Niskayuna, New York 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 construct a shed, on the property noted above has been denied by reason of Section 220-4, 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.


Section 220-4 states for corner lots "Each street line shall be considered a front lot line." The property fronts on two (2) streets: Van Antwerp Road and Crimson Oak Court.

Section 220-18 A (2) states: "Except otherwise specified in this chapter, accessory structures are not permitted in the front yard of any lot. As proposed, the shed will be located in the front yard along Crimson Oak Court. Therefore, the location of the shed, in the front yard, requires a variance.

Section 220-13, Schedule I-B requires a thirty-five (35) foot minimum front yard setback. As proposed the shed would be eighteen (18) feet from the front property line along Crimson Oak Court; therefore, a seventeen (17) foot front 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.

6/27/23
Date



Zoning Enforcement Officer

How far 3BA

Application # 623-344



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

JUN 23 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 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 2251 Van Antwerp Road

DESCRIBE WORK APPLIED FOR Installation of pre-built shed on the site of shed installed by previous owners.

ESTIMATED VALUE OF ALL WORK (labor and materials): TOTAL \$ 5,134.00

Please submit three sets of plans with this application.

APPLICANT Andrew Burns DAY PHONE (607) 227-9767

CHECK ONE: ☐ CONTRACTOR

☒ HOMEOWNER

☐ OTHER (explain) _____

ADDRESS 2251 Van Antwerp Road

CITY Niskayuna

STATE NY

ZIP 12309

EMAIL ADDRESS doogburns@gmail.com

CONTRACTOR Garden Time Inc. DAY PHONE (518) 793-8555

ADDRESS 1467 Route 9

CITY Clifton Park

STATE NY

ZIP 12065

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 Andrew Burns DAY PHONE (607) 227-9767

ADDRESS (if different than above) _____

CITY _____

STATE _____

ZIP _____

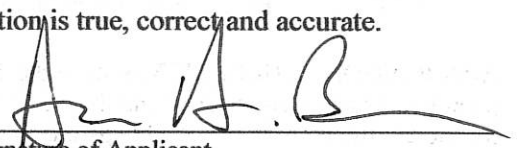
PLEASE SIGN Page 2

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 _____ day of _____, _____


Signature of Applicant

Andrew Burns

Printed Name

6/23/23

Notary Public, State of New York

Date

(FOR OFFICE USE ONLY BELOW)

BUILDING SITE ADDRESS 2251 Van Antwerp Road

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 _____

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 2251 Van Antwerp Road

b. Size of accessory structure 120sq ft (10' x 12' Shed) - plywood + studwall interior, shingle roof, siding

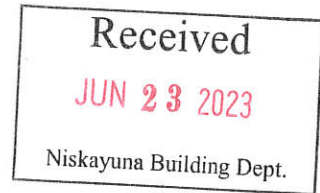
c. Distance to property lines:

Side 1 64' to NW Corner

Side 2 ~~126' to NE Corner~~ 100' to South Property Line

~~Front~~ Rear 18' to side road (Crimson Oak Ct.)

Other 37.5' to NW corner of house



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 8'6" to peak of roof

f. Type of foundation for structure (if any) Prefab set on 5" of crushed stone

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: 6/23/23

(For office use only)

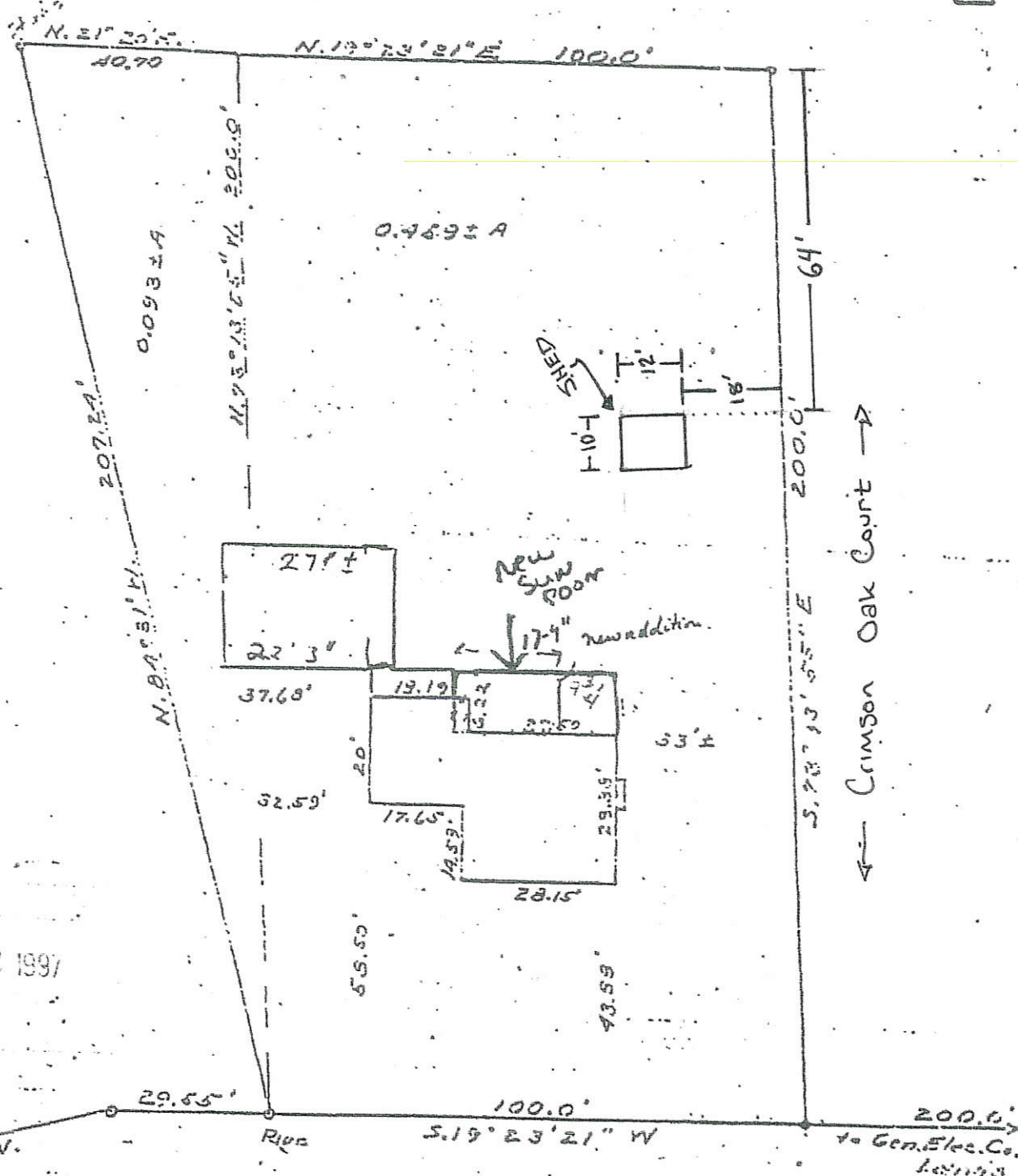
Area of lot _____

Maximum accessory structure coverage allowed _____

Total accessory structure coverage actual _____

Maximum lot coverage allowed _____

Total lot coverage actual _____



NOV 12 1997

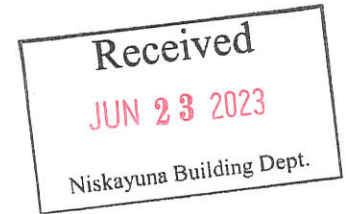
VAN ANTWERP ROAD

Gen. Elec. Co. 12/1/93

Received
JUN 23 2023
Niskayuna Building Dept.

Building Location for
B. A. WELLS
Niskayuna, Schenectady Co., N.Y.
Site: 1" = 30' 200.0' x 100.0'
C.T. Mink Associates
Charles T. Mink, P.E. 1913

F.C. Higgins 10/2/21



<https://www.gardentimeinc.com/sheds/duratem-milton-2310118/>

Shed Footprint: 10' x 12'
Shed Height: 8' 6" from base to roof peak
Shed Roof: Asphalt Shingles
Shed Siding: Red Duratemp Siding
Shed Door: 2-door 5' opening