

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, March 17, 2021 at 7:00 PM**. Pursuant to Governor Cuomo's Executive Order 220.1 issued on March 12, 2020 suspending the Open Meetings Law, this meeting will be held electronically and will not be open for the public to attend in person. The link to view this meeting online at 7 PM is: <https://stream.meet.google.com/stream/2e41c3b7-f262-4c68-adeb-2b613de36aec>.

If you wish to express an opinion at this meeting on any of the proposed changes, you may do so by emailing lrobertson@niskayuna.org or calling 518-386-4530 to set up a virtual login to the meeting. If you cannot attend via virtual software, you may set forth your approval or objection in a letter which will be made part of the permanent record.

The Board will consider the following:

1. Appeal by Marija and Smbat Amirbekian for a variance from Section 220-18 B (3) (b) and Section 220-13 Schedule I-B of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 49 Dublin Drive, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a 16' x 33' pool partially within the rear yard setback. 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 pool, at 510 square feet, is a major accessory structure. Section 220-13 Schedule I-B establishes a rear setback minimum of twenty five (25) feet. As proposed, the pool will be located 12' 6" from the rear property line. Therefore, a 12' 6" rear yard setback variance is required.
2. Appeal by Joan Thompson and Michael Goldstoft for a variance from Section 220-18 B (2) of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 1358 Hawthorn Road Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct an in ground pool which exceeds the number of allowable accessory structures on the property. Section 220-18 B (2) states that "there shall not be more than three accessory structures on a lot." There are currently three (3) accessory structures on the property: one shed, one hot tub, and one fence. As proposed, the pool represents a fourth accessory structure; therefore, a variance for one (1) additional accessory structure is required.
3. Appeal by Kevin Jordan for a variance from Section 220-18 B (3) (b) and Section 220-13 Schedule I-B of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 10 Flower Hill Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a 16' x 40' pool partially within the side yard setback. 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 pool, at 640 square feet, is a major accessory structure. Section 220-13 Schedule I-B establishes a side setback minimum of twenty (20) feet. As proposed, the pool will be located five (5) feet from the side property line. Therefore; a fifteen (15) foot side yard setback variance is required.
4. Appeal by Frank Barbera for a variance from Section 220-4 and Section 220-13, Schedule I-C of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 201 Park Ridge Drive Niskayuna, New York, located in the R-2: Medium Density Residential Zoning District, to construct a single family home 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: Banker Avenue and Park Ridge Drive. Section 220-13, Schedule I-C requires a thirty (30) foot minimum front yard

setback. As proposed, the house would be located 26.5' from the front property line along Banker Avenue; therefore, a 3.5' front yard setback variance is required.

5. Appeal by Julie Burkholder for a variance from Section 220-16 E (2), Section 220-53 B and Section 220-13, Schedule I-C of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 1410 Valencia Road Niskayuna, New York, located in the R-2: Medium Density Residential Zoning District, to construct a front porch addition (9' x 28.5') partially within the front and side yard setbacks. Section 220-16 E (2) states that if seventy (70) percent or more of the lots on the same side of the street within 500 feet of this lot have buildings on prior to July 1, 1971, then, the front setback will be the average setback of those lots. As applied, the average front yard setback along Valencia Road is thirty-four (34) feet. As proposed, the front addition extends to approximately twenty-six (26) feet from the front property line; therefore, an eight (8) foot front yard setback variance is required. Section 220-53 B allows an addition to a nonconforming structure that brings it no nearer to a side line than the existing structure or one-half the required distance for the zoning district, whichever is greater. Section 220-13, Schedule I-C requires a side yard setback of fifteen (15) feet. Since the existing house is only 6' 8" from the side line, 7' 6" becomes the minimum required side yard setback. As proposed the front addition will be seven (7) feet from the side line; therefore, a six (6) inch side yard setback variance is required.

NEXT MEETING: April 21, 2021 at 7 PM
Location TBD

**TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309
Meeting Minutes
February 24, 2021**

Members Present:

Fred Goodman, Chairman
Keith Frary (for cases)
Kamran Baig (for minutes)
Nicolas Ltaif
Katrina Pacheco
Patrick Antonikowski
Richard Greene
John Hoke

Also Present:

Laura Robertson, Town Planner
Alaina Finan, Acting Town Attorney

Due to the Covid-19 virus and the quarantine, the meeting was conducted virtually via Google Meets software.

A. Roll Call

Ms. McGuinness and Mr. Daly were absent/excused.

B. Minutes

The minutes from the January meeting were reviewed.

Mr. Baig placed a motion to accept the January minutes. Mr. Hoke seconded the motion. The January minutes were approved by a vote of 5-0 with 2 abstentions.

Mr. Baig	Aye
Mr. Ltaif	Aye
Ms. Pacheco	Abstain
Mr. Antonikowski	Abstain
Mr. Greene	Aye
Ms. Hoke	Aye
Chairman Goodman	Aye

C. Cases

- Appeal by Robin Gagnon, agent for JDog Junk Removal**, for a variance from Section 220-18 A(3) of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 398 Anthony Street, Niskayuna, New York, located in the I-G General Industrial Zoning District, to construct a carport that exceeds the maximum height for accessory structures. Section 220-18 A (3) states: "Unless otherwise specified, accessory structures shall not exceed fifteen (15) feet in height". The site plan indicates a peak height of the car port of 21' 6". Therefore, an area variance of 6' 6" is necessary for the height of the accessory structure.

Robin Gagnon of JDog Removals was present. She noted there was no way to modify the plan. The structure is intended for their work vehicles which are 10' tall so the walls must be 14' tall. The structure needs a peak of 21' 6" to satisfy wind and snow construction criteria. They needed a structure to store their vehicles and storage bins protected from the elements. The structure will be green to match the trees that surround the property. Since they have moved in, people have been trespassing on the property using their trucks as dumpsters.

Mr. Greene asked the cost difference between an enclosed building versus this structure. Mr. Gagnon stated he did investigate that and estimated the cost would have been at minimum 25% higher. He also believed the structure would be taller in size to accommodate construction requirements.

Chairman Goodman placed a motion to grant the variance. He noted there were no other options available that would achieve the benefit. He noted the project was reviewed by the Planning Board and they approved the plans. He noted the height is a result of safety requirements. He noted the structure would not be a detriment to the neighborhood but would enclose all the trucks into one space. The project would not cause any adverse environmental effects and he also noted the need was not self-created due to the snow and wind loading requirements.

Upon voting, the variance was granted 7-0.

Mr. Ltaif Aye
Mr. Ltaif voted to grant the motion for the reasons stated.

Mr. Antonikowski Aye
Mr. Antonikowski voted to grant the motion for the reasons stated.

82 Mr. Greene Aye
83 Mr. Greene voted to grant the motion for the reasons stated.

84 Mr. Hoke Aye
85 Mr. Hoke voted to grant the motion for the reasons stated.

86 Chairman Goodman Aye
87 Chairman Goodman voted to grant the motion for all the reasons stated.

88 2. **Appeal by Dennis Ryan** for a variance from Section 220-18 B (2), Section 220-25 A. (4) and Section
89 220-25 B (1) (a) of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at
90 2421 Rosendale Road, Niskayuna, New York, located in the R-1: Low Density Residential Zoning
91 District, to maintain a six (6) foot fence that exceeds the number of allowable accessory structures on
92 the property, exceeds the height limit in the side yard, and does not comply with the ornamental side
93 of the fence facing away from the lot. Section 220-18 B (2) states that “there shall not be more than
94 three accessory structures on a lot”. There are currently three (3) accessory structures on the
95 property: a garage, a pool and a pool deck. As constructed, the fence is a fourth accessory structure;
96 therefore, a variance to maintain one (1) additional accessory structure is required. Fence: Section
97 220-25 A. (4) requires the ornamental side of any fence, if there is an ornamental side, to face away
98 from the lot on which it is located. As constructed, the ornamental side of the fence faces toward the
99 lot on which it is located; therefore, a variance is required. Fence: Section 220-25 B (1) (a) permits
100 the maximum height for fences located in the front and side yards, to be four (4) feet. As constructed,
101 a six (6) foot high fence is located in the side yard; therefore, a two (2) foot fence height variance is
102 required.

103 6 notices were sent out. Two responses were received. Daniel Bradt, 2436 Rosendale Road, was in favor
104 with the project. Peter and Nancy Cornell, 2432 Rosendale Road, were also in favor of the project.

105 Dennis Ryan was present by telephone. He noted the fence starts 95’ from Rosendale Road and sits in line
106 with his house. He noted that the fence can only be seen when driving north because of trees and shrubs
107 blocking it. Next to his property is a farm. The fence will provide privacy from the farm workers
108 watching him enjoy his yard and pool. There also are a lot of wild animals roaming the farm. The fence
109 will block them from wandering onto his land. The fence was installed to block the field and there are no
110 neighbors who are seeing the non-ornamental side. He plans to further obscure the fence by installing a
111 row of evergreens, but they will take time to plant and grow.

112 Chairman Goodman asked how the extra 2’ of fence height keeps the dust and animals away from the
113 property. Mr. Ryan noted that 20’ beyond the fence on the farmland, the land slopes down. When a wind
114 kicks up you can see the dust rising into the air. The fence is mostly for privacy until shrubs can grow big
115 enough to create a barrier. Workers on the farm have a clear view to his above ground pool and deck.
116 Chairman Goodman asked if there were more trees on the property when it was initially purchased. Mr.
117 Ryan said there were. He did remove some trees but they had recently fallen or were in poor condition.

118 Mr. Ltaif asked if this property was in front of the Zoning Board in the past. Ms. Robertson stated the
119 previous owner wanted a subdivision that would have created 2 keyhole lots adjacent to this parcel. She
120 noted the ZBA denied the variance.

121 Mr. Ltaif asked if there was fencing in the front yard. Mr. Ryan stated that he removed it and replaced it
122 with shrubs. Ms. Robertson presented pictures that the applicant supplied to the office earlier today. Mr.
123 Ltaif asked if the fence is parallel to the house. Mr. Ryan concurred it is parallel to the side of the house.
124 The fence runs along the property line and he is not connecting it to the house. Mr. Ryan stated he plans
125 to use trees and shrubs to create a natural barrier.

126 Mr. Greene asked for an estimated timeline to plant the evergreens. Mr. Ryan guessed it would take 2
127 growing seasons.

128 Mr. Frary asked to confirm whether the pool and pool deck are considered one structure. Mr. Ryan stated
129 they cannot be connected so they are 2 separate structures. Ms. Robertson confirmed they are treated by
130 code as 2 separate structures.

131 Mr. Frary asked to confirm the good side of the fence is facing in because there is no neighbor to see the
132 good side. Mr. Ryan confirmed that the fence is facing a farm field and not a residential lot.

133 Mr. Frary asked what the length of the fence was. Mr. Ryan stated the fence starts at the front corner and
134 extends back around 80' which is a little farther than the back corner of the house.

135 Mr. Goodman asked if the fencing along the side of the house could be reduced in size. Mr. Ryan noted
136 there are about 3 sections of fence that would be affected. He noted that behind one of those fence
137 sections were propane tanks for the pool heater. The propane tanks are 5' tall so they would stick up
138 above a 4' fence.

139 Chairman Goodman asked if there was anyone from the public who wished to speak. Hearing none, he
140 asked the Board for a motion.

141 Mr. Frary placed a motion to grant the variance as written. He felt the homeowner was working on well
142 thought out improvements to the property. He noted the ornamental side of the fence not facing out was
143 not an issue because the property borders vacant land with an easement and then a farm. It is shielded by
144 trees. It is reasonable to allow the good side to face the only residents that will be looking at it. As for the
145 number of accessory structures, he noted the pool and deck are essentially one structure so adding the
146 fence is not really adding an extra structure. He noted the owner gave good reasons and explanations for
147 the 6' fence. Privacy from the farm was the biggest reason and appropriate considering the unique
148 location. Mr. Frary noted there were no environmental issues, and the owner was adding shrubs and other
149 plantings to reduce the view of the fence. He noted the fence would not change the character of the
150 neighborhood. He stated the alterations made to the property have been improving the property compared
151 to how it was maintained in the past.

152 Mr. Ltaif seconded the motion. He noted that the fence will run parallel to the house and not connect to
153 the house.

154 Upon voting, the variance was granted 7-0.

155 Mr. Frary Aye
156 Mr. Frary voted to grant the motion for the reasons stated.

157 Mr. Ltaif Aye
158 Mr. Ltaif voted to grant the motion for the reasons stated.

159 Ms. Pacheco Aye
160 Ms. Pacheco voted to grant the motion for the reasons stated.

161 Mr. Antonikowski Aye
162 Mr. Antonikowski voted to grant the motion for the reasons stated.

163 Mr. Greene Aye
164 Mr. Greene voted to grant the motion for the reasons stated.

165 Mr. Hoke Aye
166 Mr. Hoke voted to grant the motion for the reasons stated.

167 Chairman Goodman Aye
168 Chairman Goodman voted to grant the motion for the reasons stated.

169 3. **Appeal by Dina and Dean Maloney** for a variance from Section 220-4, Section 220-18 A (2),
170 Section 220-18 B (3) (b) and Section 220-13, Schedule I-C of the Zoning Ordinance of the Town of
171 Niskayuna as it applies to the property at 56 Brendan Lane, Niskayuna, New York, located in the R-1:
172 Low Density Residential Zoning District (Brendan Estates was approved for use of R-2: Medium
173 Density Residential Zoning District setbacks), to construct a 12' x 18' shed in the front yard and
174 partially within a front and rear yard setback. Section 220-4 states for corner lots "Each street line
175 shall be considered a front lot line." The property fronts on two (2) streets; Brendan Lane and Hamlin
176 Lane. Section 220-18 A (2) states: "Except otherwise specified in this chapter, accessory structures
177 are not permitted in the front yard of any lot." As proposed, the shed is located in the front yard along
178 Hamlin Lane. Therefore, the location of the shed in the front yard requires a variance. Section 220-18
179 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall
180 be the same as applies to the principal building." As defined, major accessory structures are
181 "detached accessory buildings or other structures in excess of 120 square feet." The shed, at 216
182 square feet, is a major accessory structure. Section 220-13, Schedule I-C establishes the minimum
183 front yard setback at thirty (30) feet and the minimum rear yard setback at twenty (20) feet. As
184 proposed, the shed has a twenty-one (21) foot front yard setback, along Hamlin Lane and a ten (10)
185 foot rear yard setback; therefore, both a nine (9) foot front yard setback variance and a ten (10) foot
186 rear yard setback variance are required.

187 8 notices were sent out. One response was received. Donald Sheuer, 53 Brendan Lane, was in favor of the
188 project.

189 Chairman Goodman asked what the paved stub street leads to. Ms. Robertson noted the land it leads to is
190 privately owned but not developed. Mr. Hoke asked if this undeveloped land is adjacent to the bird
191 sanctuary. Mr. Frary asked if Hamlin Lane is the only access to the private land. Ms. Robertson stated that
192 there is frontage to the parcel along Consaul Road. Hamlin Lane is the only alternate access though. Ms.
193 Robertson shared a map of the area pointing out Hamlin Lane, the privately owned undeveloped parcel
194 and the bird sanctuary.

195 Dean Maloney was present. He noted he wanted storage of his ride-on mower, snow blower and outside
196 lawn equipment so his cars can park in the garage. He noted that many neighbors have sheds. He wanted
197 to size the shed so there was extra room for future needs. His property abuts a paper street which leads to
198 undeveloped land. The proposed shed location is tucked away into trees. He noted he received 3 other
199 verbal comments from neighbors who are in favor of their proposal.

200 Chairman Goodman asked if he considered moving it to the other side of the house. Mr. Maloney stated
201 he did but that location would be closer to a neighbor. The proposed location keeps the shed the furthest
202 away from both neighbors without placing it in the center of his rear yard.

203 Mr. Frary asked the house location on the connected neighbor's property. Ms. Robertson showed the
204 submitted survey and a satellite image of the properties. He noted that the neighbor would see the shed
205 whichever location it is placed. Mr. Maloney noted that the proposed location is easier to access. He also
206 noted there are some elevation issues in the left corner so he would have to add gravel to level the shed.

207 Mr. Frary asked how far from the back of the house will the shed be located. Mr. Maloney stated he did
208 not measure it but estimated 20'. Mr. Frary noted that the Board's goal is to reduce the variance needed.

209 Chairman Goodman asked if there was an object in the back left corner in the past. Mr. Maloney stated
210 that there was a jungle gym set there when he moved in but he removed it.

211 Ms. Pacheco asked if the shed can be moved 9' south so the setback along Hamlin Lane can be
212 maintained. Mr. Maloney stated that there is a large grass right-of-way so it is quite set back from the
213 roadway. Ms. Pacheco stated the goal is to reduce the variance. Mr. Maloney stated he understood and
214 could move it back.

215 Mr. Ltaif asked for clarification on the reference to a gate. Mr. Maloney stated there is a 4' fence along
216 Hamlin Lane with an 8' gate. The proposed shed location is within the fenced area and the gate is halfway
217 between the shed and the garage.

218 Mr. Ltaif asked if the applicant is willing to amend his request. Mr. Maloney stated he would prefer to
219 keep the location as proposed. He has a vision for use of his rear yard and this location is the best location
220 for use of his yard now and into the future.

221 Chairman Goodman asked if there was anyone from the public who wished to speak. Hearing none, he
222 asked the Board for a motion.

223 Chairman Goodman placed a motion to grant the rear yard setback but deny the request for the shed to be
224 in the front yard and deny the 9' front yard setback allowance. He noted that there is a potential for the
225 stub road to become a through street in the future. He noted allowing the shed to be in the rear yard
226 setback would not create an undesirable change to the character of the neighborhood and it would not
227 create an undesirable environmental effect. He noted it is preferable to have one large shed in the rear
228 yard setback than see 2 smaller sheds on the lot. He noted the need was self-created but that does not
229 disallow the rear yard setback variance.

230 Ms. Robertson asked Chairman Goodman to clarify that his motion as to deny both the front yard
231 variance requests. Chairman Goodman stated that the motion is to grant the rear yard setback variance and
232 deny both the front yard variance requests. Chairman Goodman noted the shed must stay in the side or
233 rear yard and it must stay behind the corner of the house adjacent to Hamlin Lane.

234 Mr. Frary seconded the motion for the reasons stated. He noted that the Board has proposed reasonable
235 alternatives that reduce the variances requested. The reduced rear yard setback is reasonable because of
236 the wooded area on the property. The applicant will need to find an alternate location in his rear yard to
237 locate the shed.

238 With a vote of 7-0, the Board granted a ten (10) foot rear yard setback variance, denied a variance to
239 locate the shed in the front yard, and denied a nine (9) foot front yard setback variance.

240 Mr. Frary Aye
241 Mr. Frary voted to grant the motion for the reasons stated.

242 Mr. Ltaif Aye
243 Mr. Ltaif voted to grant the motion for the reasons stated.

244 Ms. Pacheco Aye
245 Ms. Pacheco voted to grant the motion for the reasons stated.

246 Mr. Antonikowski Aye
247 Mr. Antonikowski voted to grant the motion for the reasons stated.

248 Mr. Greene Aye
249 Mr. Greene voted to grant the motion for the reasons stated.

250 Mr. Hoke Aye
251 Mr. Hoke voted to grant the motion for the reasons stated.

252 Chairman Goodman Aye
253 Chairman Goodman voted to grant the motion for the reasons stated.

254 4. **Appeal by Jennifer Lippmann** for a variance from Section 220-18 B (3) (c) of the Zoning
255 Ordinance of the Town of Niskayuna as it applies to the property at 2023 Arkona Court, Niskayuna,
256 New York, located in the R-2: Medium Density Residential Zoning District, to convert an existing
257 shed into a coop partially within a side yard setback. Section 220-18 B (3) (c) states “Minor accessory
258 structures are not permitted closer than five feet to the side or rear lot lines” As defined, minor
259 accessory structures are “detached accessory buildings or other structures 120 square feet or less in
260 area.” The coop, at 54 square feet, is a minor accessory structure. As constructed it is located four
261 (4) feet from the side lot line; therefore a one (1) foot side yard setback variance is required.

262 17 notices were sent out. Two responses were received. The neighbors at 2021 Arkona Ct and 2033
263 Arkona Ct were in favor of the project.

264 Chairman Goodman noted that the denial references a chicken coop but the issue the Board is deciding on
265 is the location of the existing shed structure being too close to the property line.

266 Jennifer Lippmann was present. She noted that she purchased the property 11 years ago and the shed
267 existed on the property. Now that chickens are allowed in Town, she wanted to convert a portion of the
268 shed into a Chicken coop. She spoke to the previous owner and they thought the shed was less than a foot
269 too close to the property line.

270 Mr. Ltaif asked where the coop would be located. Ms. Lippman stated that the coop portion of the shed
271 would be located closest to the fence.

272 Mr. Frary asked to confirm the shed would not be moved. Ms. Lippman agreed that she is requesting that
273 the shed could stay where it is. Ms. Lippman noted that she didn't realize the shed was not located
274 properly until she applied for having chickens on her property.

275 Chairman Goodman asked if there was anyone from the public who wished to speak. Hearing none, he
276 asked the Board for a motion.

277 Mr. Ltaif placed a motion to grant the variance as written. He noted the structure has resided in its current
278 location for many years. He noted the applicant is using the existing structure and not changing anything
279 on her property. The request is not substantial. He noted there are not physical or environmental effects to
280 the neighborhood. He noted the situation was not self-created since the shed was installed by a previous
281 owner.

282 Ms. Pacheco seconded the motion.

283 Upon voting, the variance was granted 7-0.

284 Mr. Frary Aye
285 Mr. Frary voted to grant the motion for the reasons stated. He noted that if the owner didn't want chickens
286 on her property, the Board would not even be hearing this case.

- 287 Mr. Ltaif Aye
288 Mr. Ltaif voted to grant the motion for the reasons stated.
- 289 Ms. Pacheco Aye
290 Ms. Pacheco voted to grant the motion for the reasons stated.
- 291 Mr. Antonikowski Aye
292 Mr. Antonikowski voted to grant the motion for the reasons stated.
- 293 Mr. Greene Aye
294 Mr. Greene voted to grant the motion for the reasons stated. He also noted that if the chicken were not
295 added, the Board would not have known about the issue.
- 296 Mr. Hoke Aye
297 Mr. Hoke voted to grant the motion for the reasons stated.
- 298 Chairman Goodman Aye
299 Chairman Goodman voted to grant the motion for the reasons stated.
- 300 5. **Appeal by Matthew Wall** for a variance from Section 220-18 B (2) of the Zoning Ordinance of the
301 Town of Niskayuna as it applies to the property at 2473 Rosendale Road, Niskayuna, New York,
302 located in the R-1: Low Density Residential Zoning District, to construct a chicken coop which
303 exceeds the number of allowable accessory structures on the property. Section 220-18 B (2) states
304 that “there shall not be more than three accessory structures on a lot”. There are currently five (5)
305 accessory structures on the property: 2 garages, a woodshed, a smoke house, and a corn crib. As
306 proposed, the coop represents a sixth accessory structure; therefore, a variance for three (3) additional
307 accessory structures is required.
- 308 8 notices were sent out. One response was received. Willard and Margaret Reynolds, 2475 Rosendale
309 Road, stated they would prefer the Wall’s use an existing structure on their property to house the
310 chickens.
- 311 Matt Wall and Mika Hoffman were present. They noted the property is an old farm dating back to 1850.
312 They noted the front “garage” is actually a carriage house which is shorter than a garage. The woodshed
313 is cobbled together over the years and is now storing artifacts found on the property. The corn crib has
314 slatted sides and cannot be modified to be predator proof. He noted they have done a lot of work to clean
315 up the property. Previous owners did not throw much out. The smokehouse has creosote built up on the
316 inside and does not allow ventilation. He noted he would prefer to use existing structures, but nothing
317 meets the needs of a chicken coop: size, ventilation, predator protection. They tried to locate the chicken
318 coop so it is not in view of the neighbor’s property.
- 319 Chairman Goodman asked if the existing structures are grandfathered onto the property. Ms. Robertson
320 confirmed they were. She noted the variance was written incorrectly. The variance should have only
321 asked for one additional accessory structure as the others are pre-existing and allowed. Chairman
322 Goodman asked if the owner knew the dates these structures were added to the property. Mr. Wall stated
323 he believed all the structures were added to the property prior to 1880.
- 324 Chairman Goodman asked if there were any historic preservation reasons to not convert existing
325 structures. Mr. Wall stated they did purchase the property with the plan to preserve it. They were able to
326 find historical records dating these buildings and the construction techniques of the time are apparent.
- 327 Mr. Frary asked if any of these historical structures are used. Mr. Wall stated he uses the corn crib to store
328 summer equipment. Farm artifacts they found on the property are being stored in the woodshed. Mr. Frary

Chairman Goodman asked if there was anyone from the public who wished to speak. Hearing none, he asked the Board for a motion.

Mr. Ltaif seconded the motion.

Mr. Frary Aye
Mr. Frary voted to grant the motion for the reasons stated.

Mr. Ltaif Aye
Mr. Ltaif voted to grant the motion for the reasons stated.

Ms. Pacheco Aye
Ms. Pacheco voted to grant the motion for the reasons stated.

Mr. Antonikowski Aye
Mr. Antonikowski voted to grant the motion for the reasons stated.

Mr. Greene Aye
Mr. Greene voted to grant the motion for the reasons stated. He noted it would be a shame to knock down historic buildings and wouldn't serve any purpose.

Mr. Hoke Aye
Mr. Hoke voted to grant the motion for the reasons stated.

Chairman Goodman Aye
Chairman Goodman voted to grant the motion for the reasons stated. He noted the applicant is trying to preserve structures that have been a part of Town for a century and a half and are grandfathered into the property. There is no other way for the applicants to achieve their goal.

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409 Mr. Ltaif Aye
410 Mr. Ltaif voted to grant the motion for the reasons stated.

411 Ms. Pacheco Aye
412 Ms. Pacheco voted to grant the motion for the reasons stated.

413 Mr. Antonikowski Aye
414 Mr. Antonikowski voted to grant the motion for the reasons stated.

415 Mr. Greene Aye
416 Mr. Greene voted to grant the motion for the reasons stated.

417 Mr. Hoke Aye
418 Mr. Hoke voted to grant the motion for the reasons stated.

419 Chairman Goodman Aye
420 Chairman Goodman voted to grant the motion for the reasons stated.

421 7. **Appeal by Peter Lion** for a variance from Section 220-18 B (2) Section 220-53 A., Section 220-53
422 B. and Section 220-13, Schedule I-C of the Zoning Ordinance of the Town of Niskayuna as it applies
423 to the property at 2006 Grand Boulevard, Niskayuna, New York, located in the R-2: Medium Density
424 Residential Zoning District, to construct a two story addition that exceeds the 10% increase in usable
425 floor area of a nonconforming building and is partially within the side setback. Section 220-53 A.
426 states that “a nonconforming building may be structurally altered as long as cumulative alterations do
427 not add more than 10% to the usable floor area of said building or structure as it existed on July 1,
428 1971, and when a valid zoning and building permit has been obtained. Such alteration shall not tend
429 to increase any inherent nuisance, nor shall such alterations violate any provisions of this chapter
430 regarding yards, lot area or lot coverage for the district in which it is situated or increase any existing
431 violation of such provision.” The existing usable floor area of your building is 3140 square feet;
432 hence allowing a maximum alteration of 314 square feet or 10% alteration. As proposed, the addition
433 is 480 square feet or a 15% alteration; therefore, a 166 square foot or a 5% variance from Section
434 220-53 A. is required. Section 220-53 B. allows an addition to a nonconforming structure that brings
435 it no nearer to a side line than the existing structure or one-half (1/2) the required distance for the
436 zoning district, whichever is greater. Section 220-13, Schedule I-C requires a side yard setback of
437 fifteen (15) feet. Since the existing house is only 4.85 feet from the side line, 7.5 feet becomes the
438 minimum required side setback. As proposed the addition will be seven (7) feet from the side line;
439 therefore, a .5 foot side yard setback variance is required.

440 13 notices were sent out. One response was received. The LaMalfa family at 1315 Dean Street was in
441 favor of the project.

442 Peter Lion was present. He stated he has a young family and loves his neighborhood. He considered
443 purchasing a larger house in the same neighborhood. He has not found a new house within their budget.
444 He considered moving the addition to the center of the house, but the look of that option was not
445 desirable. He noted he is using the footprint of the current covered porch and was able to increase the
446 distance from the side property line. He noted that the portion that brings the project above the 10%
447 increase is a single floor mudroom. For a young family, a mudroom is an important feature. Simply put,
448 the family needs an additional room and bathroom to accommodate their family.

449 Mr. Ltaif asked if any additional space can be dropped from the plan. Mr. Lion noted the mudroom is 5' x
450 12' which is the smallest size it can be and still be useful. The space is their primary entrance door and is
451 needed for gear especially during the winter months. Mr. Lion stated the current house has one full bath

452 and a half bath. He wanted a second full bathroom to accommodate the needs of his family of 4. The
453 resale value of the home with the added bath is immeasurable.

454 Mr. Ltaif asked if they could increase the side yard setback more. Mr. Lion stated they increased it 1'
455 more away from the property line compared to the existing covered porch. If they increase it any more, it
456 would affect the solar panels on the roof.

457 Chairman Goodman asked if there was anyone from the public who wished to speak. Hearing none, he
458 asked the Board for a motion.

459 Mr. Ltaif placed a motion to grant the variance as written. He noted the applicant tried other alternatives.
460 The project is substantial, but the design is just enough for the current and future needs of the family.
461 There are not environmental effects. He noted that the applicant reduced the side setback variance from
462 the existing covered porch.

463 Mr. Hoke seconded the motion.

464 Upon voting, the variance was granted 7-0.

465 Mr. Frary Aye
466 Mr. Frary voted to grant the motion for the reasons stated.

467 Mr. Ltaif Aye
468 Mr. Ltaif voted to grant the motion for the reasons stated.

469 Ms. Pacheco Aye
470 Ms. Pacheco voted to grant the motion for the reasons stated.

471 Mr. Antonikowski Aye
472 Mr. Antonikowski voted to grant the motion for the reasons stated.

473 Mr. Greene Aye
474 Mr. Greene voted to grant the motion for the reasons stated.

475 Mr. Hoke Aye
476 Mr. Hoke voted to grant the motion for the reasons stated.

477 Chairman Goodman Aye
478 Chairman Goodman voted to grant the motion for the reasons stated.

479 Chairman Goodman asked if there was any other business before the Board. Hearing none he asked for a
480 motion to adjourn. Chairman Goodman made a motion to adjourn. Mr. Frary seconded the motion and all
481 the Board approved. The meeting ended at 9:18 p.m.

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

March 5, 2021

TO WHOM IT MAY CONCERN:

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

DATE: March 17, 2021

TIME: 7:00 P.M.

PLACE: Pursuant to Governor Cuomo's Executive Order 220.1 issued on March 12, 2020 suspending the Open Meetings Law, this meeting will be held electronically and will not be open for the public to attend in person. Logins will be provided upon request.

AT THIS TIME THE BOARD WILL CONSIDER THE REQUEST OF:

Appeal by Marija and Smbat Amirbekian for a variance from Section 220-18 B (3) (b) and Section 220-13 Schedule I-B of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 49 Dublin Drive, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a 16' x 33' pool partially within the rear yard setback.

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 pool, at 510 square feet, is a major accessory structure. Section 220-13 Schedule I-B establishes a rear setback minimum of twenty five (25) feet. As proposed, the pool will be located 12' 6" from the rear property line. Therefore, a 12' 6" rear yard setback variance is required.

IF YOU WISH TO EXPRESS AN OPINION REGARDING THE PROPOSED CHANGE, YOU MAY DO SO BY EMAILING lrbertson@niskayuna.org, OR CALL 518-386-4530, TO SET UP A VIRTUAL LOGIN TO THE MEETING. IF YOU CANNOT ATTEND VIA VIRTUAL SOFTWARE, 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: Marija & Smbat Amirbekian

RE: Property at 49 Dublin Drive, Niskayuna, NY 12309

Section _____ Block _____ Lot _____

I, Marija & Smbat Amirbekian, the (owners) (agent of the owner) of the property located at 49 Dublin Drive, Niskayuna, NY 12309 in the Town of Niskayuna, New York, hereby petition the Zoning Board of Appeals to review the decision of the Zoning Enforcement Officer on the above-referenced application and to grant a variance from Section(s) of the Zoning Ordinance in order to permit the proposed construction shown on the accompanying drawings.

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

CHECKLIST OF REQUIRED ITEMS

- ☒ Fifteen (15) copies of plot plans (1)
- ☐ Two (2) copies of construction plans, if applicable
- ☒ Appeal fee (see application procedures for details)
- ☒ Appeal statement (see application procedures for details)
- ☐ Short Environmental Assessment Form, Project Information, as applicable for use
- variance ☐ Additional information as specified by the Zoning Enforcement Officer

Signature of Agent: _____ Date 2-8-21

Signature of Owner (if different from Agent) Marija Amirbekian

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.

We are asking for a variance granting permission to decrease only the rear set back by half for the placement of an inground pool. We have decreased the size of the pool we originally wanted by approximately 30%. Any smaller would not suit the needs of our family. There is no option to purchase land given the location of our property. All other locations in the backyard were explored and none permitted sufficient sun exposure or safe access from the patio. Placing the pool within the rear set back requirement would encroach on the current patio and is too close to HVAC system as well as home foundation.

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

We do not feel that granting this variance would produce any undesirable effects to our community or nearby properties. There are no neighbors to the rear of our property. The side set back will be adhered to and there will be minimal visibility to either neighbor. There are numerous homes with pools in our neighborhood. We feel that our pool will only add to the friendliness and close knit feel of our community.

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

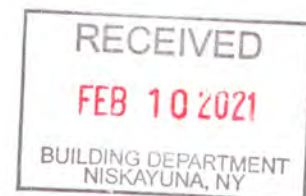
We are asking for a variance granting permission to decrease only the rear set back by half. All other zoning requirements will be met.

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:

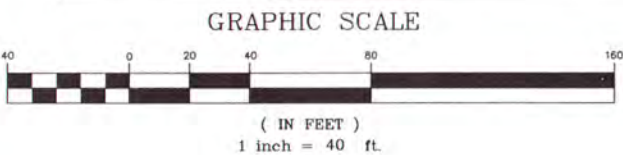
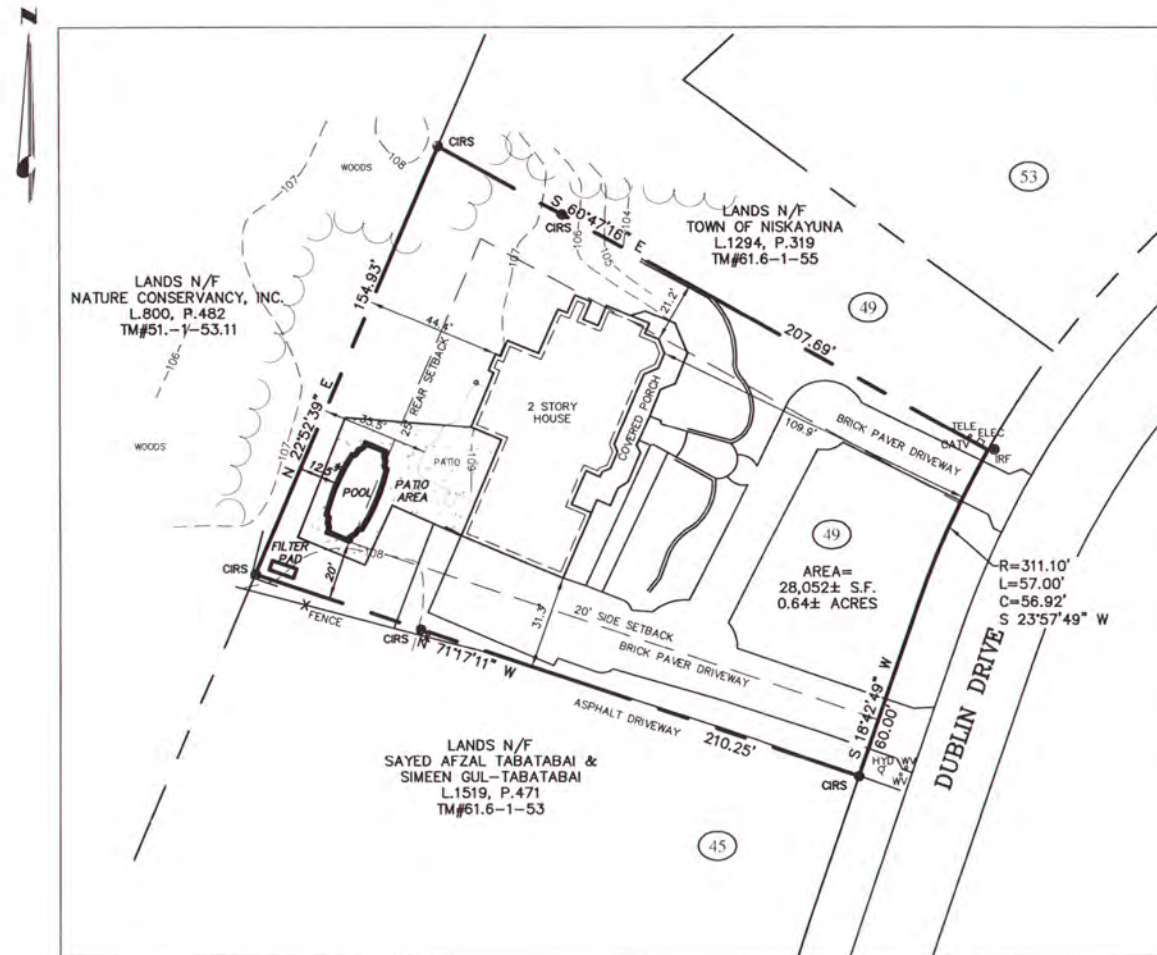
Granting of the variance will not require any additional change to the current landscape on our property or the neighborhood. There will be no adverse physical or environmental effects on our neighborhood or district.

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

This difficulty was not self-created. Unfortunately the house location on our property is set at the back end, leaving a very small backyard compared to the front yard.



RECEIVED
 NOV 10 2020
 BUILDING DEPARTMENT
 NISKAYUNA, NY



SURVEYORS NOTES:

1. PREPARED BY ABD ENGINEERS, LLP, FROM A FIELD SURVEY COMPLETED ON JUNE 22, 2020.
2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN UP TO DATE ABSTRACT OF TITLE OR TITLE REPORT AND IS SUBJECT TO ANY STATEMENT OF FACT THAT SUCH ABSTRACT OF TITLE OR TITLE REPORT MAY REVEAL NO SEARCH OF THE PUBLIC RECORD WAS MADE FOR EASEMENTS, COVENANTS, AND/OR RESTRICTIONS SPECIFICALLY AFFECTING THIS PARCEL.
3. UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS ARE SHOWN FROM FIELD LOCATIONS (IF POSSIBLE) AND OTHERS ARE SHOWN FROM RECORD DATA. THEIR EXACT LOCATION MAY BE DIFFERENT FROM THAT SHOWN AND OTHER HIDDEN UNDERGROUND IMPROVEMENTS MAY EXIST. NO CERTIFICATION IS MADE TO THE ACCURACIES OF UNDERGROUND LOCATIONS. CALL DIG SAFE NEW YORK BY DIALING 811 PRIOR TO ANY EXCAVATING, BLASTING, DRILLING, OR DRIVING.
4. ANY ELEVATIONS SHOWN HEREON ARE BASED ON AN ASSIGNED LOCAL DATUM.
5. CORNER MARKERS HAVE NOT BEEN SET UNLESS OTHERWISE INDICATED HEREON.

MAP REFERENCE:

"AVON CRESTNORTH, SECTION 2", PREPARED BY C.T. MALE ASSOCIATES, P.C., DATED MAY 21, 1986 AND FILED IN THE SCHENECTADY COUNTY CLERKS OFFICE ON JANUARY 21, 1991 AS MAP 1 10-11.

ALTERNATION OF THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL ENGINEER IN ALBANY.		POOL LAYOUT SMBAT & MARIJA AMIRBEKIAN	
TOWN OF NISKAYUNA		COUNTY OF SCHENECTADY	
STATE OF NEW YORK		ENGINEERS, LLP	
411 Union Street		Schuylkill, PA 17801	
913-377-0113 Fax: 913-377-1119		www.abdeng.com	
DATE:	AUGUST 24, 2020	SCALE:	1" = 40'
DWG.	BS45A-1	SHEET	1 OF 1



Thomas J. Cannizzo
Building Inspector

TOWN OF NISKAYUNA BUILDING DEPARTMENT

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

Kenneth P. Hassett
Building Inspector

Building and Zoning Permit Denial

Address: 49 Dublin Drive

Application Date: 11/10/20

Marija Amirbekian
49 Dublin Drive
Niskayuna, NY 12309

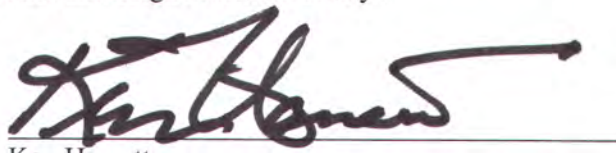
Dear Ms. Amirbekian;

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 an 16' x 33' pool on the property noted above has been denied by reason of Section 220-18 B (3) (b) 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 220-18 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 pool, at 510 square feet, is a major accessory structure. Section 220-13 Schedule I-B establishes a side setback minimum of twenty (20) feet and a rear setback minimum of twenty five (25) feet. As proposed, the pool will be located twelve (12'6") feet six inches from the rear property line. Therefore, a twelve foot six inch (12'6") rear yard setback variance is required.

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

11.24.2020
Date


Ken Hassett
Zoning Enforcement Officer

to Eng 11/12

Application # B20-625



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 IS HEREBY MADE to the Town of Niskayuna Building Department for 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 49 Dublin Drive, Niskayuna NY 12309

DESCRIBE WORK APPLIED FOR Inground Pool 15x34 F/g

ESTIMATED VALUE OF ALL WORK (labor and materials):

TOTAL \$ 40,000

Please submit three sets of plans with this application.

APPLICANT Marija Amirbekian DAY PHONE 917-664-5933

CHECK ONE: ☐ CONTRACTOR

☒ HOMEOWNER

☐ OTHER (explain) _____

ADDRESS 49 Dublin Drive,

CITY Niskayuna

STATE NY

ZIP 12309

EMAIL ADDRESS Marija.Amirbekian@gmail.com

CONTRACTOR Glimmerglass Swim Spas & Pools DAY PHONE 877-993-7727

ADDRESS 55 Willett Street

CITY Fort Plain

STATE NY

ZIP 13339

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 Marija Amirbekian DAY PHONE 917-664-5933

ADDRESS (if different than above) Same

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 _____, _____

Marija Amirbekian
Signature of Applicant

Marija Amirbekian
Printed Name

11/10/2020
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 _____

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 _____

SWIMMING POOL SUPPLEMENT TO PERMIT APPLICATION

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

Address of property 49 Dublin Drive, Niskayuna NY 12309

a. Size of swimming pool 15' X 34'

b. Type of swimming pool above-ground _____ ht _____ soft wall _____ ht _____
 rigid wall _____ ht _____ inground X

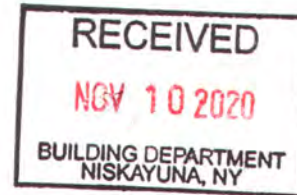
c. Distance to property lines:

Side 1 20'

Side 2 100.93'

Rear 12.5'

Other _____



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

Fence yes ☐ no ☒ height _____

Shed yes ☐ no ☒ size _____

Other yes ☐ no ☒ size _____

e. Type of fence enclosure (if applicable) _____

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

Applicants Signature: *Marija Kuli* Date: 11/9/2020

(For office use only)

Area of lot _____

Maximum accessory structure coverage allowed _____

Total accessory structure coverage actual _____

Maximum lot coverage allowed _____

Total lot coverage actual _____

RECEIVED

FEB 10 2021

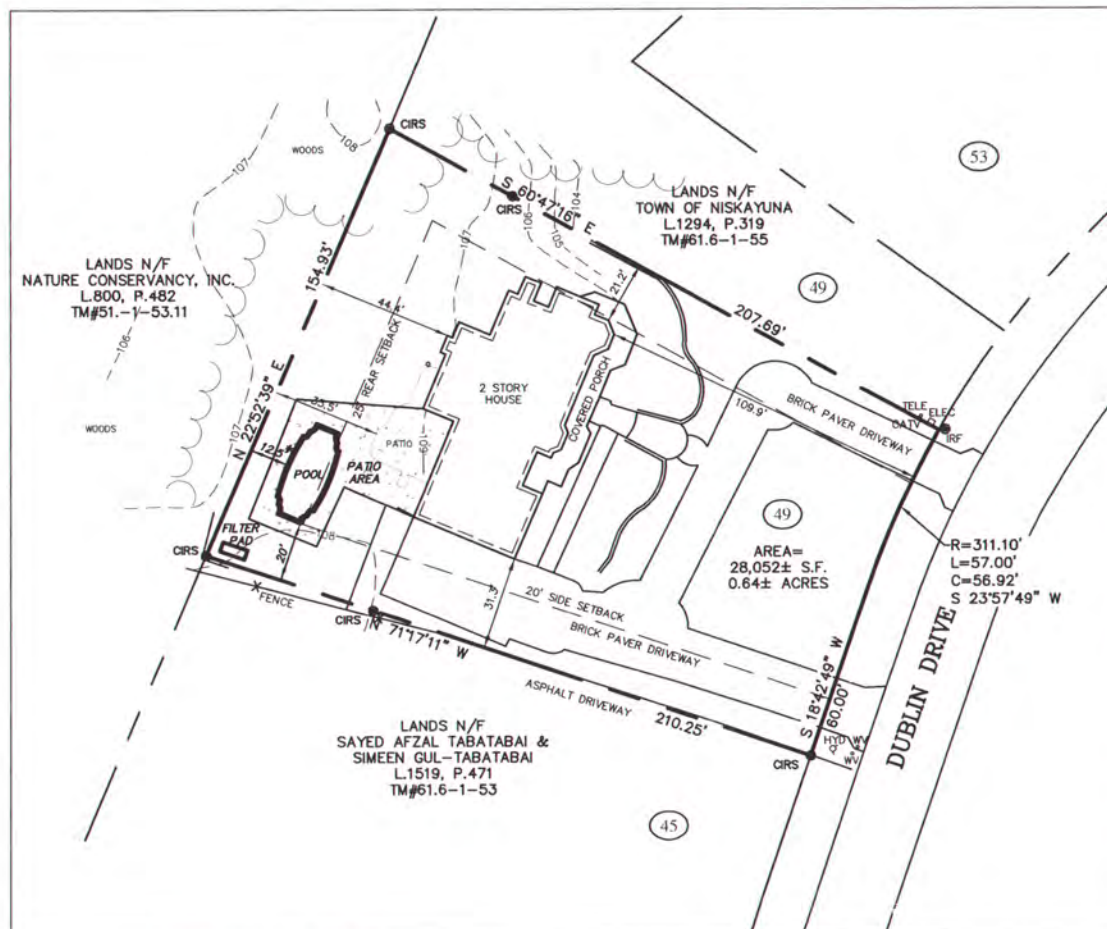
BUILDING DEPARTMENT
NISKAYUNA, NY

SURVEYORS NOTES:

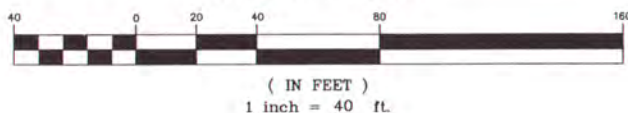
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2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN UP TO DATE ABSTRACT OF TITLE OR TITLE REPORT AND IS SUBJECT TO ANY STATEMENT OF FACT THAT SUCH ABSTRACT OF TITLE OR TITLE REPORT MAY REVEAL NO SEARCH OF THE PUBLIC RECORD WAS MADE FOR EASEMENTS, COVENANTS, AND/OR RESTRICTIONS SPECIFICALLY AFFECTING THIS PARCEL.
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GRAPHIC SCALE



<p>ALTERNATE OF THE DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL ENGINEER IS ILLEGAL.</p> <p>PROGRESS PRINT 10/15/2020</p> <p>LAND & PALLERSON, P.C. 4115 FORTUNE RD. SUITE 200</p>		<p>POOL LAYOUT</p> <p>SMBAT & MARIJA AMIRBEKIAN</p> <p>49 DUBLIN DRIVE</p> <p>TOWN OF NISKAYUNA COUNTY OF SCHENECTADY</p> <p>STATE OF NEW YORK</p> <p>ABD ENGINEERS, LLP 4115 FORTUNE RD. SUITE 200 SCHENECTADY, NY 12305 518-377-0111 Fax 518-377-0112 www.abdeng.com</p>	
DATE:	AUGUST 31, 2020	SCALE:	1" = 40'
SHEET:	1	OF:	1

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

March 5, 2021

TO WHOM IT MAY CONCERN:

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

DATE: March 17, 2021

TIME: 7:00 P.M.

PLACE: Pursuant to Governor Cuomo's Executive Order 220.1 issued on March 12, 2020 suspending the Open Meetings Law, this meeting will be held electronically and will not be open for the public to attend in person. Logins will be provided upon request.

AT THIS TIME THE BOARD WILL CONSIDER THE REQUEST OF:

Appeal by Joan Thompson and Michael Goldstoff for a variance from Section 220-18 B (2) of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 1358 Hawthorn Road Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct an in ground pool which exceeds the number of allowable accessory structures on the property.

Section 220-18 B (2) states that "there shall not be more than three accessory structures on a lot." There are currently three (3) accessory structures on the property: one shed, one hot tub, and one fence. As proposed, the pool represents a fourth accessory structure; therefore, a variance for one (1) additional accessory structure is required.

IF YOU WISH TO EXPRESS AN OPINION REGARDING THE PROPOSED CHANGE, YOU MAY DO SO BY EMAILING lrobertson@niskayuna.org, OR CALL 518-386-4530, TO SET UP A VIRTUAL LOGIN TO THE MEETING. IF YOU CANNOT ATTEND VIA VIRTUAL SOFTWARE, 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: Michael Goldstiff + Joan Thompson

RE: Property at 1358 Hawthorn Road
Section 50.8 Block 1 Lot 58

I, Michael Goldstiff, the (owner) (agent of the owner) of the property located at 1358 Hawthorn Road in the Town of Niskayuna, New York, hereby petition the Zoning Board of Appeals to review the decision of the Zoning Enforcement Officer on the above-referenced application and to grant a variance from Section(s) of the Zoning Ordinance in order to permit the proposed construction shown on the accompanying drawings.

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

CHECKLIST OF REQUIRED ITEMS

☒ Fifteen (15) copies of plot plans

n/a Two (2) copies 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: [Signature] Date 2/9/21

Signature of Owner (if different from Agent) _____

Telephone Number: 518-577-0983

February 10, 2021

To the Zoning Board, Town of Niskayuna



In regard to our application for a variance requesting a fourth accessory structure (a 14 by 30 foot in-ground pool) to our property 1358 Hawthorn Road. We already have a pre-existing 4-foot fence around the perimeter of the backyard, a 7 by 7-foot hot tub, and an 8 by 8-foot shed.

1. The benefit cannot be achieved by other means. We desire to keep the three existing accessory structures (in fact the fence is required, and the shed is necessary for maintenance of the yard). There is no design alternative and purchasing land would not make the variance unnecessary. The in-ground pool will include all proper/necessary safety alarms to ensure the health, safety and welfare of our family and the neighborhood.

2. The variance will not produce an undesirable change in the character of the neighborhood. The in-ground pool will not be visible from the front yard; only three properties have any view of our backyard and two of those are blocked by trees or existing vegetation.

We have contacted the three neighbors with a possible view of the yard. The neighbor with the best view (the least vegetation – 1354 Hawthorn Road) wishes us the best of luck. The neighbor with a much smaller possible view at 1357 Rosehill congratulated us on the project. We are waiting to hear back from the neighbor at 1353 Rosehill.

3. The variance is not substantial. This is a modest size pool set in the middle of our backyard. Two of the existing accessory structures are necessary either by law or for maintenance of the yard. It is our desire to have both the hot tub and the pool. The hot tub is used during the cooler months mainly, the pool only in the summer.

4. The variance will have no adverse physical or environmental effects on the neighborhood or district. The pool will be salt water which will reduce the chemical impact on the environment.

5. The variance request was not self-created. The limitation to three accessory structures necessitated the variance request.

1358 Hawthorn Road -
Goldstoffs

RECEIVED
FEB 10 2021
BUILDING DEPARTMENT
NISKAYUNA, NY

existing 4' fence
(around back yard)

32'

25'

29'

existing 4' fence
(around back yard)

32'

Perennial Garden

(16')

7' by 7'
hot tub
(existing)

8' by 8'
shed
(existing)

Existing Deck

Steps

Patio

Walkway

Residence



GSL
Landscaping & Nursery, LLC

This conceptual drawing is the Intellectual
Property of GSL Landscaping & Nursery,
LLC. Full and partial Landscape Designs are
available for purchase.

Backyard Landscaping	
with	7.9.20
Goldstoffs Residence	
1358 Hawthorn	
Niskayuna, NY	
Notes	



Thomas J. Cannizzo
Building Inspector

TOWN OF NISKAYUNA BUILDING DEPARTMENT

One Niskayuna Circle
Niskayuna, New York 12309-4381
(518) 386-4522
FAX: (518) 386-4592
building@niskayuna.org

Kenneth P. Hassett
Building Inspector

Building and Zoning Permit Denial

Address: 1358 Hawthorn Road

Application Date: 1/14/21

Mr. Michael Goldstoff
1358 Hawthorn Road
Niskayuna, NY 12309

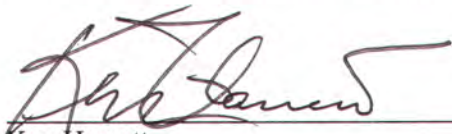
Dear Sir:

You are hereby notified, as required by Section 220-67 F of the Zoning Ordinance of the Town of Niskayuna, that your application to construct an in ground pool at the property noted above has been denied by reason of Section 220-18 B (2) of the Town of Niskayuna Zoning Ordinance. The property is located in the R-1: Low Density Residential Zoning District.

Section 220-18 B (2) states that "there shall not be more than three accessory structures on a lot". There are currently three (3) accessory structures on the property: one shed, one hot tub, and one fence. As proposed, the pool represents a fourth accessory structure; therefore, a variance for one (1) additional accessory structure 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.

1-22-21
Date


Ken Hassett
Zoning Enforcement Officer

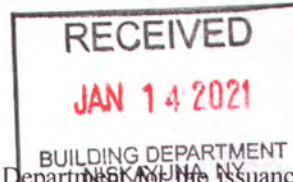
to Eng 1/25

Application # B21-030



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 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 1358 Hawthorn Road, Niskayuna

DESCRIBE WORK APPLIED FOR in ground swimming pool

ESTIMATED VALUE OF ALL WORK (labor and materials): TOTAL \$ 50,000

Please submit three sets of plans with this application.

APPLICANT Michael Goldstoff **DAY PHONE** 518-577-0983

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

ADDRESS 1358 Hawthorn Road

CITY Niskayuna **STATE** NY **ZIP** 12309

EMAIL ADDRESS mgolds@nycap.rr.com

CONTRACTOR Concord Pools **DAY PHONE** 518-783-8976

ADDRESS 156 Sparrowbush Road

CITY Latham **STATE** NY **ZIP** 12110

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** _____


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 10 day of January, 2021


Signature of Applicant

MICHAEL GOLDSTORF
Printed Name

10 January 2021
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 _____

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 _____

SWIMMING POOL SUPPLEMENT TO PERMIT APPLICATION

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

Address of property 1358 Hawthorn Road

a. Size of swimming pool 14 by 30 feet

b. Type of swimming pool above-ground _____ ht _____ soft wall _____ ht _____
 rigid wall _____ ht _____ inground XX

c. Distance to property lines:

Side 1 32 feet
Side 2 29 feet
Rear 25 feet
Other _____



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

Fence yes ☒ no ☐ height 4 feet
Shed yes ☒ no ☐ size 8 by 8 feet
Other yes ☒ no ☐ size 7 by 7 foot hot tub

e. Type of fence enclosure (if applicable) _____

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

Applicants Signature: _____

Date: 10 January 2021

(For office use only)

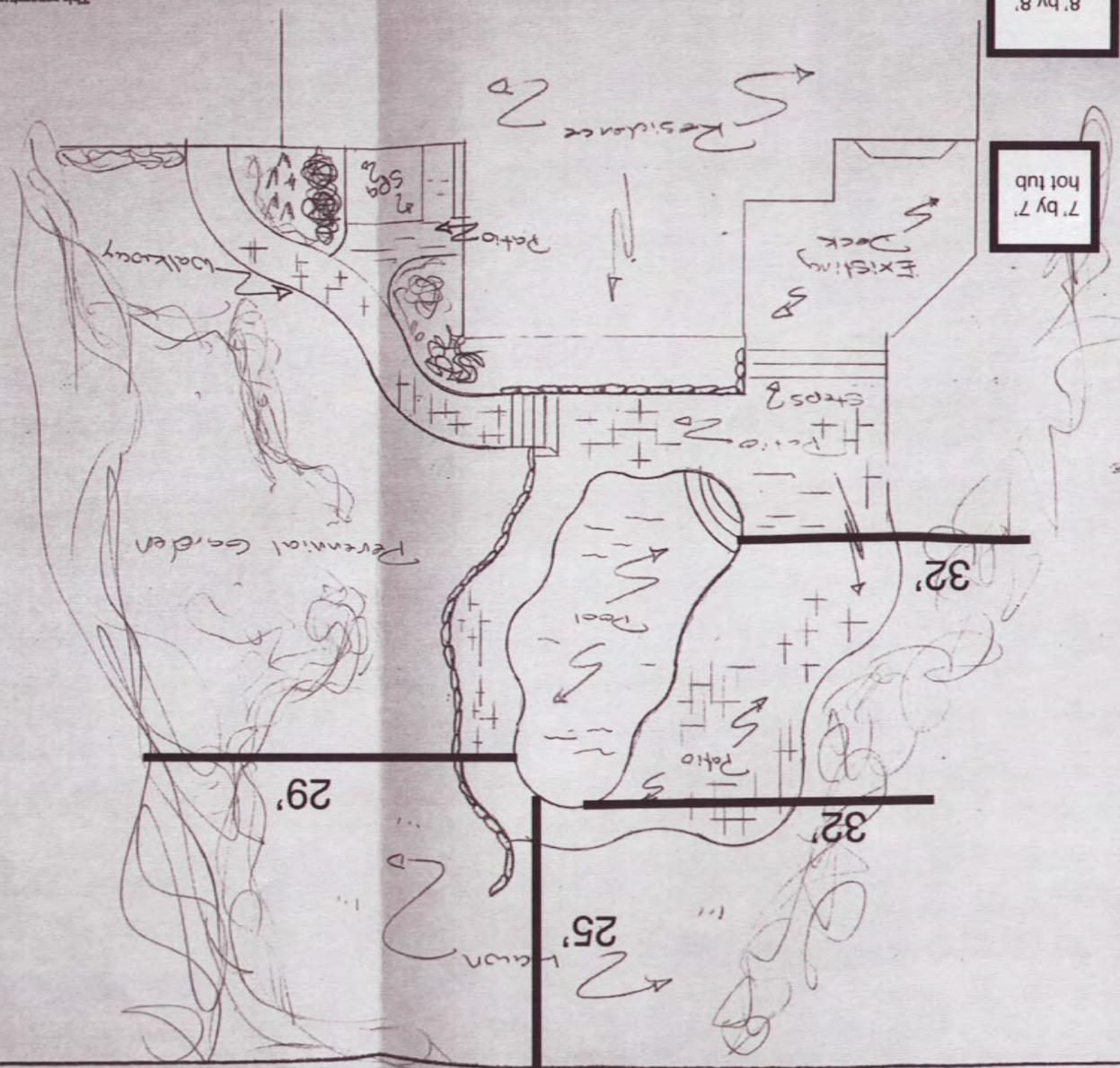
Area of lot _____

Maximum accessory structure coverage allowed _____

Total accessory structure coverage actual _____

Maximum lot coverage allowed _____

Total lot coverage actual _____

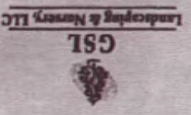


shed
8' by 8'

hot tub
7' by 7'

This conceptual drawing is the Intellectual Property of GSL Landscaping & Nursery, LLC. Full and partial Landscaping Designs are available for purchase.

Backyard Landscaping
Niskayuna, NY
1538 Niskayuna Blvd
Cold Spring, NY
7-9-20
Plot to scale



RECEIVED
JAN 14 2021
BUILDING DEPARTMENT
NISKAYUNA, NY

1358 Hawthorn Road -
Goldstoft

RECEIVED
FEB 10 2021
BUILDING DEPARTMENT
NISKAYUNA, NY

existing 4' fence
(around back yard)

25'

29'

existing 4' fence
(around back yard)

32'

32'

Perennial Garden

(16')

7' by 7'
hot tub
(existing)

8' by 8'
shed
(existing)

Existing
Deck

Steps

Patio

Walkway

Residence

20


GSL
Landscaping & Nursery, LLC

This conceptual drawing is the Intellectual
Property of GSL Landscaping & Nursery,
LLC. Full and partial Landscape Designs are
available for purchase.

Backyard Landscaping	
Not to scale	7.9.20
Goldstoft Residence	
1358 Hawthorn	
Niskayuna, NY	
Notes	

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

March 5, 2021

TO WHOM IT MAY CONCERN:

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

DATE: March 17, 2021

TIME: 7:00 P.M.

PLACE: Pursuant to Governor Cuomo's Executive Order 220.1 issued on March 12, 2020 suspending the Open Meetings Law, this meeting will be held electronically and will not be open for the public to attend in person. Logins will be provided upon request.

AT THIS TIME THE BOARD WILL CONSIDER THE REQUEST OF:

Appeal by Kevin Jordan for a variance from Section 220-18 B (3) (b) and Section 220-13 Schedule I-B of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 10 Flower Hill Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a 16' x 40' pool partially within the side yard setback.

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 pool, at 640 square feet, is a major accessory structure. Section 220-13 Schedule I-B establishes a side setback minimum of twenty (20) feet. As proposed, the pool will be located five (5) feet from the side property line. Therefore; a fifteen (15) foot side yard setback variance is required.

IF YOU WISH TO EXPRESS AN OPINION REGARDING THE PROPOSED CHANGE, YOU MAY DO SO BY EMAILING lrobertson@niskayuna.org, OR CALL 518-386-4530, TO SET UP A VIRTUAL LOGIN TO THE MEETING. IF YOU CANNOT ATTEND VIA VIRTUAL SOFTWARE, 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: Kevin and Lisa Jordan

RE: Property at 10 Flower Hill

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

I, Kevin Jordan, the (owner) (agent of the owner) of the property located at 10 Flower Hill in the Town of Niskayuna, New York, hereby petition the Zoning Board of Appeals to review the decision of the Zoning Enforcement Officer on the above-referenced application and to grant a variance from Section(s) of the Zoning Ordinance in order to permit the proposed construction shown on the accompanying drawings.

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

CHECKLIST OF REQUIRED ITEMS

☒ Fifteen (15) copies of plot plans

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

☒ Appeal fee (see application procedures for details)

☒ Appeal statement (see application procedures for details)

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: Kevin Jordan Date 2/16/21

Signature of Owner (if different from Agent) _____

Telephone Number: (518) 605-8865



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.

Due to the existing soil conditions, it is important to keep the pool as far uphill on the lot as possible. This was recommended by the Geotechnical Engineer and Civil Engineer. Different size pools have been considered and a smaller pool than originally wanted has been chosen. No other land is available to purchase in order to avoid the variance.

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:

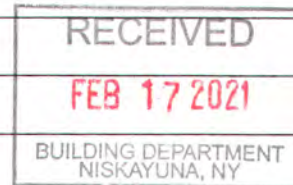
The requested variance does not produce an undesirable change to the neighborhood or the adjoining neighbor most effected. There is plenty of space between the proposed pool and the neighbor's backyard. Additionally, the proposed pool will be well landscaped to help buffer from the neighbor. The pool will not be visible from the street.

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

The variance is somewhat substantial but necessary to install the pool in the existing, virgin ground rather than the infill down the hill that was placed when the home was constructed. A full Civil Engineering Plan will be designed upon approval of the requested variance.

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:

This variance will not have any adverse effect on drainage or any environmental effects on the neighborhood. A drainage swale will be installed and the pool patio areas will be controlled to reduce stormwater runoff.



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

This difficulty is not self-created as when the home was purchased, the backyard already had a slope to it. Several dollars were spent to maintain the slope. Due to the slope, the pool will be in a safer location in the proposed spot on the lot, which is within the side setback. It will not impact the neighbor or be seen from the road.

PARTNERS
THOMAS C. ANDRESS, P.E.
JOSEPH J. BIANCHINI, P.E.
LUIGI A. PALLESCHI, P.E.



ENGINEERS, LLP

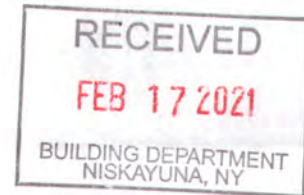
411 Union Street
Schenectady, NY 12305
518-377-0315 Fax 518-377-0379
www.abdeng.com

DEDICATED
RESPONSIVE
PROFESSIONAL

February 16, 2021

Re: 10 Flower Hill Court
Pool Plan
Town of Niskayuna
Project # 5322A

Kevin Jordan
Home Owner
10 Flower Hill Court
Niskayuna, NY 12309



Dear Kevin,

As requested, below are my responses to the five questions of the Zoning Board of Appeals Application for your pool plan. Please feel free to attach this to your application documents and let me know when the ZBA meeting will be.

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

Due to the existing soil conditions, it is important to keep the pool as far up hill on the lot as possible. This was recommended by the Geotechnical Engineer and Civil Engineer. Different size pools have been considered and a smaller pool than originally wanted has been chosen. No other land is available to purchase in order to avoid the variance.

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 requested variance does not produce an undesirable change to the neighborhood or the adjoining neighbor most effected. There is plenty of space between the proposed pool and the neighbor's backyard. Additionally, the proposed pool will be well landscaped to help buffer from the neighbor. The pool will not be visible from the street.

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

The variance is somewhat substantial but necessary to install the pool in the existing, virgin ground than in fill.

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:*

Granting the variance will not have any effect on drainage or any environmental effects on the neighborhood. A drainage swale can be installed and the pool patio areas can be controlled to reduce stormwater runoff.

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

This difficulty is not self-created as when the home was purchases, the backyard already had a slope to it. Several dollars were spent to maintain the slope. Due to the slope, the pool will be in a safer location on the lot and, unfortunately, needs to be within the side set back. It will not impact the neighbor or be seen from the road.

Should you have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,

ABD ENGINEERS, LLP.



Luigi A. Palleschi, P.E.

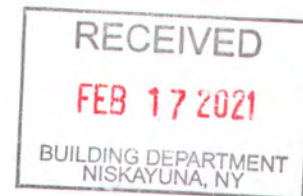
Partner

LAP:clv

encl.

cc:

5322A-02162021



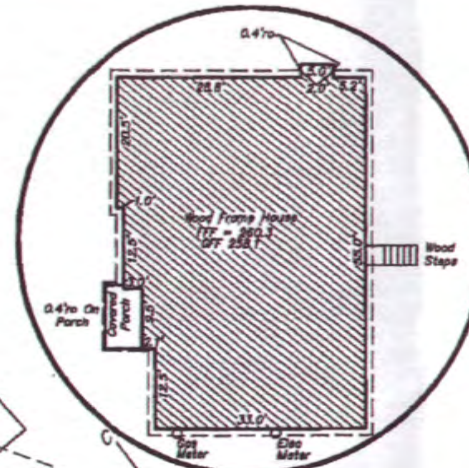
MAP REFERENCE:

MAP ENTITLED "FLOWER HILL RESIDENTIAL SUBDIVISION OVERALL DEVELOPMENT GRADING AND EROSION CONTROL PLAN", LAST REVISED JUNE 14, 2006 AND PREPARED BY CHAZEN ENGINEERING AND LAND SURVEYING.

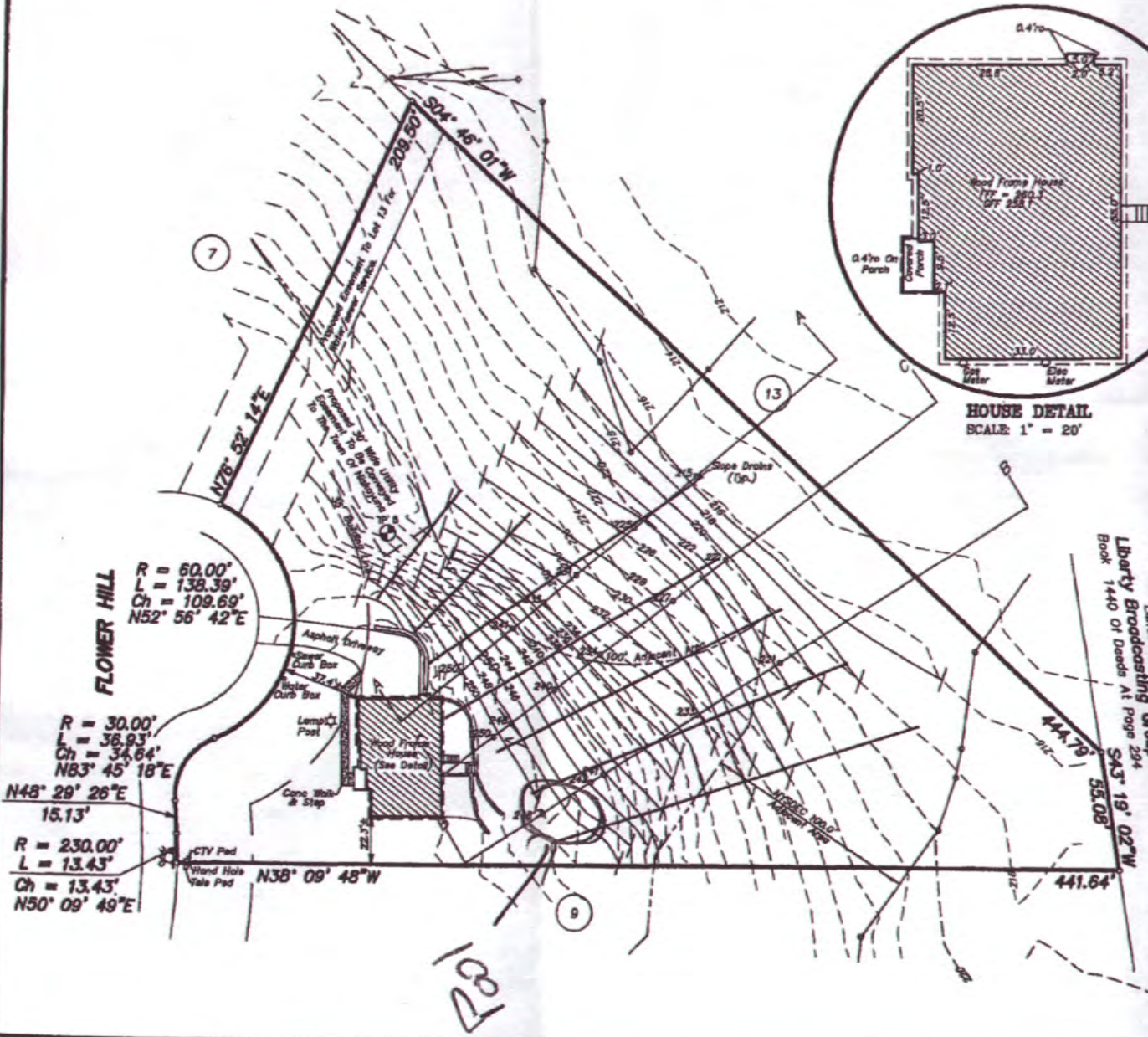
RECEIVED

FEB 17 2021

BUILDING DEPARTMENT
NISKAYUNA, NY



HOUSE DETAIL
SCALE: 1" = 20'



Grading Updated - 8/28/15
Grading Updated - 8/17/15
Grading Updated - 8/8/15
Grading Updated - 4/8/15
Grading Updated - 10/31/14
Grading Updated - 8/12/14
Final Grading - 11/14/11
Foundation Location - 8/2/11
Proposed House Location Revised - 7/15/11
Proposed House Location Revised - 7/7/11

DUANE J. RAHIDEAU, P.L.S. No. 49,755

**FINAL GRADING PLAN
LOT 8 FLOWER HILL
10 FLOWER HILL COURT
FLOWER HILL RESIDENTIAL SUBDIVISION**

TOWN OF NISKAYUNA	SCHENECTADY COUNTY, NEW YORK
SCALE: 1" = 50'	DATE: JUNE 28, 2011
TELEPHONE NO.: (518) 383-0834	MAP NO.: 09 - 11 - 87A

Gilbert VanGuilder
Land Surveyor, PLLC
Professional Land Surveyors
988 Route 148, Clifton Park, New York 12065
gvglandsurveyors.com

Pool & Landscape Design
MTHX
1110 21.12.20
Turdin Residence
To knower Hill
Wiscasset, ME
Notes



Thomas J. Cannizzo
Building Inspector

TOWN OF NISKAYUNA BUILDING DEPARTMENT

One Niskayuna Circle
Niskayuna, New York 12309-4381
(518) 386-4522
FAX: (518) 386-4592
building@niskayuna.org

Kenneth P. Hassett
Building Inspector

Building and Zoning Permit Denial

Address: 10 Flower Hill Court

Application Date: 1/4/21

Kevin Jordan
10 Flower Hill Court
Niskayuna, NY 12309

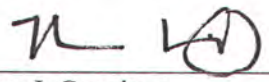
Dear Sir:

You are hereby notified, as required by Section 220-67 F of the Zoning Ordinance of the Town of Niskayuna, that your application to construct an 16' x 40' pool on the property noted above has been denied by reason of Section 220-18 B (3) (b) 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 220-18 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 pool, at 640 square feet, is a major accessory structure. Section 220-13 Schedule I-B establishes a side setback minimum of twenty (20) feet. As proposed, the pool will be located 5' from the side property line. Therefore; a 15' side yard setback variance is required.

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

1/7/21
Date


Thomas J. Cannizzo
Zoning Enforcement Officer

How far 7BA

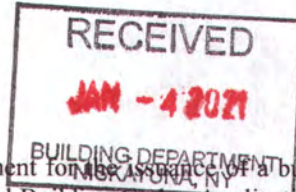
Application # B21-011



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 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 10 Flower Hill, Niskayuna, NY, 12309

DESCRIBE WORK APPLIED FOR Swimming Pool with attached Spill-over Spa, Including Grading Work, Patio, and Fence

ESTIMATED VALUE OF ALL WORK (labor and materials): TOTAL \$ 150,000

Please submit three sets of plans with this application.

APPLICANT Kevin Jordan DAY PHONE 518-605-8865

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

ADDRESS 10 Flower Hill

CITY Niskayuna **STATE** NY **ZIP** 12309

EMAIL ADDRESS kjordan234@gmail.com

CONTRACTOR GSL Landscaping & Nursery / Concord DAY PHONE Concord: 518-783-8976
GSL: 518-506-1943

CONTRACTOR ADDRESS PO Box 604, 4820 Duaneburg Rd

CITY Duaneburg **STATE** NY **ZIP** 12056
Concord: 156 Sparrowhawk Rd, Latham, NY 12110

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 Kevin and Lisa Jordan DAY PHONE 518-605-8865

ADDRESS (if different than above) _____

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

PLEASE SIGN Page 2

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

Sworn to me on this 29 day of December, 2020

Signature of Applicant

Printed Name Karin Jordan

12/29/2020

Date

(FOR OFFICE USE ONLY BELOW)

BUILDING SITE ADDRESS 10 FURBER HILL COURT

KNOWN EASEMENTS: X WATER X SEWER X DRAINAGE X OTHER WETLAND BUFFER + WETLANDS

PERMIT FEE DUE \$ (75)0 BASED ON 0

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 _____

SWIMMING POOL SUPPLEMENT TO PERMIT APPLICATION

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

Address of property 10 Flower Hill, Niskayuna, NY, 12309

a. Size of swimming pool 16' x 40' w/ attached spill-over spa

b. Type of swimming pool above-ground ht soft wall ht
rigid wall ht inground ✓

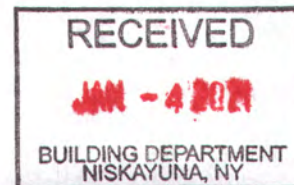
c. Distance to property lines:

Side 1 ~ 5'

Side 2 ~ 90'

Rear ~ 80'

Other



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

Fence yes ☒ no ☐ height 42"
Shed yes ☒ no ☐ size 8' x 12' (96 sq ft)
Other yes ☐ no ☐ size

e. Type of fence enclosure (if applicable) Aluminum

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

Applicants Signature: Kevin Jank Date: 12/29/20

(For office use only)

Area of lot > 18000 X

Maximum accessory structure coverage allowed 2250 sq ft

Total accessory structure coverage actual 1108 X 2

Maximum lot coverage allowed 2250 sq ft

Total lot coverage actual 2250 sq ft

Handwritten calculations:

$$\begin{array}{r} 40 \\ 22 \\ \hline 92 \\ 92 \\ \hline 184 \end{array}$$

$$\begin{array}{r} 40 \\ 16 \\ \hline 240 \\ 400 \\ \hline 640 \end{array}$$

$$10/2 \times 96 = 1108 X$$

Pool + shed shed

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

March 5, 2021

TO WHOM IT MAY CONCERN:

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

DATE: March 17, 2021

TIME: 7:00 P.M.

PLACE: Pursuant to Governor Cuomo's Executive Order 220.1 issued on March 12, 2020 suspending the Open Meetings Law, this meeting will be held electronically and will not be open for the public to attend in person. Logins will be provided upon request.

AT THIS TIME THE BOARD WILL CONSIDER THE REQUEST OF:

Appeal by Frank Barbera for a variance from Section 220-4 and Section 220-13, Schedule I-C of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 201 Park Ridge Drive Niskayuna, New York, located in the R-2: Medium Density Residential Zoning District, to construct a single family home 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: Banker Avenue and Park Ridge Drive.

Section 220-13, Schedule I-C requires a thirty (30) foot minimum front yard setback. As proposed, the house would be located 26.5' from the front property line along Banker Avenue; therefore, a 3.5' front yard setback variance is required.

IF YOU WISH TO EXPRESS AN OPINION REGARDING THE PROPOSED CHANGE, YOU MAY DO SO BY EMAILING lrobertson@niskayuna.org, OR CALL 518-386-4530, TO SET UP A VIRTUAL LOGIN TO THE MEETING. IF YOU CANNOT ATTEND VIA VIRTUAL SOFTWARE, 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: BARBERA HOMES & DEVELOPMENT, INC.

RE: Property at 201 PARK RIDGE DRIVE

Section 31 Block 13-4 Lot 1

I, Frank Barbera, the (owner) (agent of the owner) of the property located at 201 Park Ridge Drive in the Town of Niskayuna, New York, hereby petition the Zoning Board of Appeals to review the decision of the Zoning Enforcement Officer on the above-referenced application and to grant a variance from Section(s) of the Zoning Ordinance in order to permit the proposed construction shown on the accompanying drawings.

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

CHECKLIST OF REQUIRED ITEMS



Fifteen (15) copies of plot plans



Two (2) copies of construction plans, if applicable



Appeal fee (see application procedures for details)



Appeal statement (see application procedures for details)

N/A

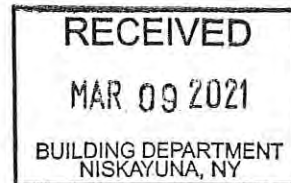
Short Environmental Assessment Form, Project Information, as applicable for use variance

 Additional information as specified by the Zoning Enforcement Officer

Signature of Agent: Frank Barbera Date _____

Signature of Owner (if different from Agent) _____

Telephone Number: 518.690.0777 X 304



Digitally signed by Frank Barbera
DN: cn=Frank Barbera, o=Barbera Homes
email=frank@barberahomes.com
Reason: I am the author of this document
Location:
Date: 2021.02.18 13:54:05-05

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.

As the Developer/Builder of the Park Ridge community I was aware of the front yard set-back limitations of the corner parcel, 201 Park Ridge Drive. I have plans that will conform to the front-yard set-back however, I have not had any interested Buyers for the pre-designated plans on this lot since we opened in 2017. Presently, I have a contract for our most popular plan on this lot, contingent on a variance. The purchaser, who is a current town resident and Niskayuna Police Officer, is aware of the need for the variance. The alternatives that have been explored are reducing the width of this plan to conform however, the revised plan proved impractical and would negatively impact the use and value of the home.

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 granting of a variance will not have any impact on the adjacent neighbor or the overall community because it is a corner lot. The front- yard setback for lot 2/205 Park Ridge will not be changed by this request. In addition, there is not a house on the Banker Avenue side where the variance is necessary. Furthermore, the set back variance will have no visual or aesthetic impact, on the community.

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

The variance being requested is minimal. As shown on the proposed plot plan this lot has a radius that follows the contour of Banker Avenue. The approved setback is 30' and our request is for a variance of 42" or 3'-6" at the deepest point and for practical purposes I am requesting 48" or 4' overall.

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:

It is my professional opinion and the opinion of the site engineer, Roger Keating of Chazen Engineering, that this request will not create any hardships for the community, town of Niskayuna, or Schenectady County. It will not impact the grading and drainage patterns and, it will have no impact on Stormwater or, require a modification to the SWPPP.

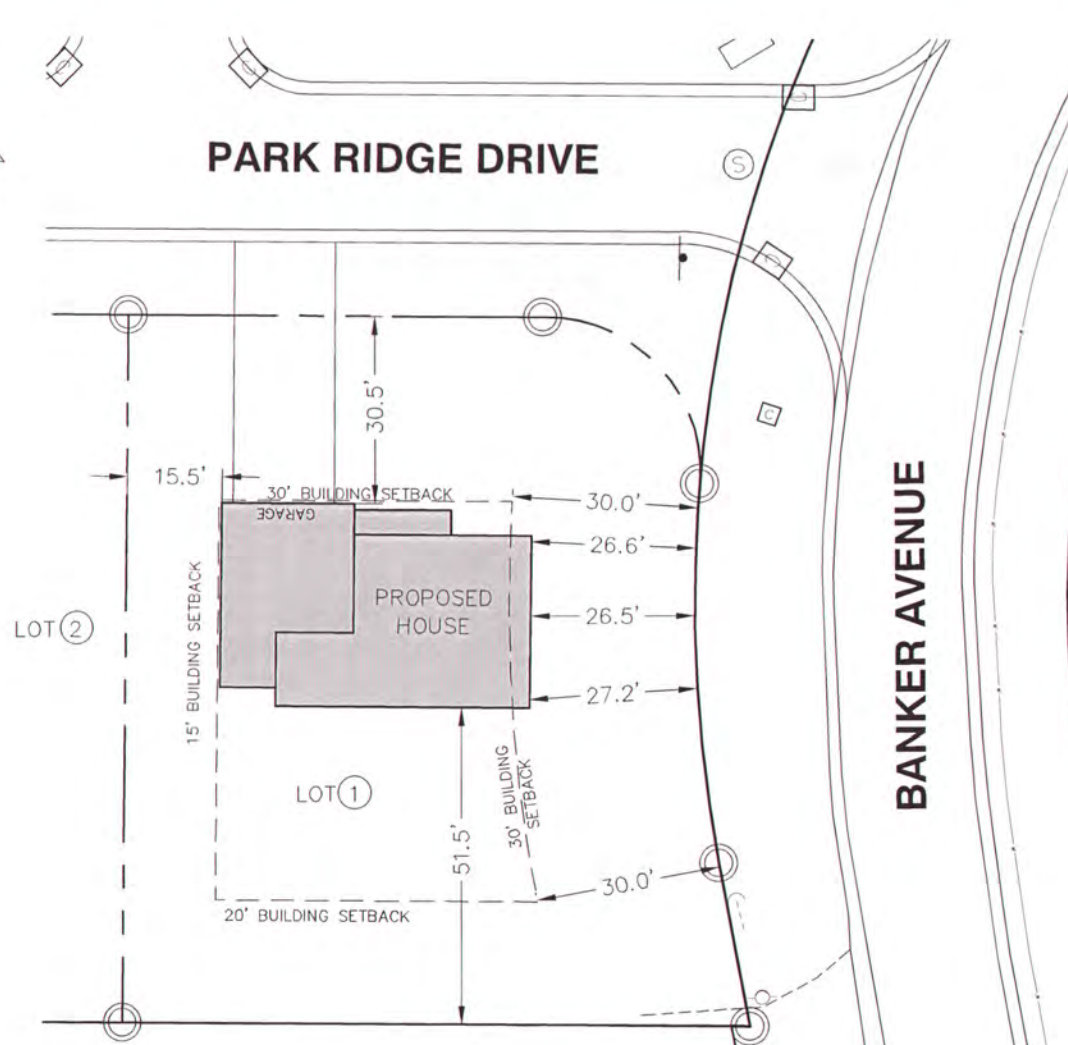
5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance.) Explain whether the alleged difficulty was or was not self-created:

The "alleged difficulty" was not self-created because I was aware of the front-yard setback and offered provisional plans. That said, the setback has been proven detrimental to marketing the property because of this limitation. I am pleased that a member of the Niskayuna Community and an Officer with the Niskayuna Police Department has placed his families trust in Barbera Homes and the town of Niskayuna to consider this variance request.

201 PARK RIDGE DRIVE | ZONING VARIANCE REQUEST

1. As the Developer/Builder of the Park Ridge community I was aware of the front yard set-back limitations of the corner parcel, 201 Park Ridge Drive. I have plans that will conform to the front-yard set-back however, I have not had any interested Buyers for the pre-designated plans on this lot since we opened in 2017. Presently, I have a contract for our most popular plan on this lot, contingent on a variance. The purchaser, who is a current town resident and Niskayuna Police Officer, is aware of the need for the variance. The alternatives that have been explored are reducing the width of this plan to conform however, the revised plan proved impractical and would negatively impact the use and value of the home.
2. The granting of a variance will not have any impact on the adjacent neighbor or the overall community because it is a corner lot. The front- yard setback for lot 2/205 Park Ridge will not be changed by this request. In addition, there is not a house on the Banker Avenue side where the variance is necessary. Furthermore, the set back variance will have no visual or aesthetic impact, on the community.
3. The variance being requested is minimal. As shown on the proposed plot plan this lot has a radius that follows the contour of Banker Avenue. The approved setback is 30' and our request is for a variance of 42" or 3'-6" at the deepest point and for practical purposes I am requesting 48" or 4' overall.
4. It is my professional opinion and the opinion of the site engineer, Roger Keating of Chazen Engineering, that this request will not create any hardships for the community, town of Niskayuna, or Schenectady County. It will not impact the grading and drainage patterns and, it will have no impact on Stormwater or, require a modification to the SWPPP.
5. The "alleged difficulty" was not self-created because I was aware of the front-yard setback and offered provisional plans. That said, the setback has been proven detrimental to marketing the property because of this limitation. I am pleased that a member of the Niskayuna Community and an Officer with the Niskayuna Police Department has placed his families trust in Barbera Homes and the town of Niskayuna to consider this variance request.

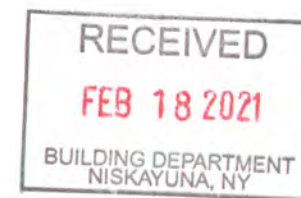
FAB/fab



MAP REFERENCE:

1. "AMENDED ENLARGED PLAN, AQUEDUCT ROAD SUBDIVISION, TOWN OF NISKAYUNA, SCHENECTADY COUNTY, NEW YORK", AS PREPARED BY CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., P.C, DATED 08/26/11, LAST REVISED 02/28/13 AND FILED IN THE SCHENECTADY COUNTY CLERKS OFFICE.

2. "PARK RIDGE SUBDIVISION, A SUBDIVISION OF 2600 AQUEDUCT ROAD AND 84, 86 & 86 BANKER AVENUE (TMP 31-1-74.32, 31-1-84, 31-1-85 & 31-1-86) CREATING LOTS 1-27, PARK RIDGE SUBDIVISION, TOWN OF NISKAYUNA, SCHENECTADY COUNTY, NEW YORK", AS PREPARED BY THE CHAZEN COMPANIES, DATED 01/24/2017.



CONCEPT PLAN - FOR TOWN REVIEW

CHAZEN ENGINEERING, LAND SURVEYING
& LANDSCAPE ARCHITECTURE CO., D.P.C.

Office Locations:

Dutchess County Office:
21 Fox Street
Poughkeepsie, New York 12601
Phone: (845) 454-3980

Capital District Office:
547 River Street
Troy, New York 12180
Phone: (518) 273-0055

North Country Office:
375 Bay Road
Queensbury, New York 12804
Phone: (518) 812-0513

PARK RIDGE ESTATES CONCEPT BUILDING LAYOUT LOT 1

201 PARK RIDGE DRIVE
TOWN OF NISKAYUNA, SCHENECTADY COUNTY, NEW YORK

designed REK	checked BGW
date 2/5/21	scale 1"=30'
project no. 31319.00	
sheet no. LT1	

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT, OR ANY PORTION THEREOF, WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT, APPLICATION AND SITUATION FOR WHICH IT WAS INTENDED. ANY MODIFICATION OF THIS DRAWING OR DOCUMENT, OR ANY USE FOR ANY PROJECT, APPLICATION OR SITUATION OTHER THAN THAT FOR WHICH IT WAS INTENDED, WILL BE AT USER'S SOLE RISK AND WITHOUT LIABILITY TO CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THIS DRAWING OR DOCUMENT IN ANY WAY, UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED DESIGN PROFESSIONAL (PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT). IF THIS DRAWING OR DOCUMENT IS ALTERED, THE ALTERING DESIGN PROFESSIONAL SHALL AFFIX TO THE DRAWING OR DOCUMENT HIS OR HER SEAL, THE NOTATION "ALTERED BY" FOLLOWED BY HIS OR HER SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.



Thomas J. Cannizzo
Building Inspector

TOWN OF NISKAYUNA BUILDING DEPARTMENT

One Niskayuna Circle
Niskayuna, New York 12309-4381
(518) 386-4522
FAX: (518) 386-4592
building@niskayuna.org

Kenneth P. Hassett
Building Inspector

Building and Zoning Permit Denial

Address: 201 Park Ridge Drive

Application Date: 2/11/21

Mr. Frank Barbera
C/O Barbera Homes
9 Avis Drive
Latham, NY 12110

Dear Sir:

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 single family home on the property noted above has been denied by reason of Section 220-4 and Section 220-13, Schedule I-C of the Zoning Ordinance. The property is located in the R-2: Medium Density Residential Zoning District.

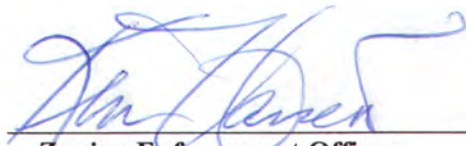
Section 220-4 states for corner lots "Each street line shall be considered a front lot line." The property fronts on two (2) streets: Banker Avenue and Park Ridge Drive.

Section 220-13, Schedule I-C requires a thirty (30) foot minimum front yard setback. As proposed, the house would be located 26.5' from the front property line along Banker Avenue; therefore, a 3.5' 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.

2/11/21

Date


Zoning Enforcement Officer

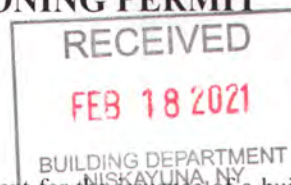


TOWN OF NISKAYUNA

APPLICATION FOR BUILDING AND ZONING PERMIT

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

Application # B21-066



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 201 Park Ridge Drive, Niskayuna, NY 12309

DESCRIBE WORK APPLIED FOR Single Family 4 Bedroom, 2.5 Bath, 2 Car Garage

ESTIMATED VALUE OF ALL WORK (labor and materials):

TOTAL \$ 181,907.00

Please submit three sets of plans with this application.

APPLICANT Barbera Homes & Development, Inc.

DAY PHONE 518-690-0777

CHECK ONE:



CONTRACTOR



HOMEOWNER



OTHER (explain)

ADDRESS 9 Avis Drive

CITY Latham

STATE NY

ZIP 12110

EMAIL ADDRESS fbarbera@barberahomes.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 Barbera Homes & Development, Inc.

DAY PHONE _____

ADDRESS (if different than above) SAME

CITY _____

STATE _____

ZIP _____

PLEASE SIGN Page 2

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

Sworn to me on this _____ day of _____, _____

Frank Barbera

Signature of Applicant

Frank Barbera

Printed Name _____

2/15/2021

Notary Public, State of New York

Date _____

(FOR OFFICE USE ONLY BELOW)

BUILDING SITE ADDRESS 201 Park Ridge Drive, Niskayuna, NY 12309

KNOWN EASEMENTS: WATER SEWER DRAINAGE OTHER

PERMIT FEE DUE \$ _____ BASED ON _____

COMMENTS _____

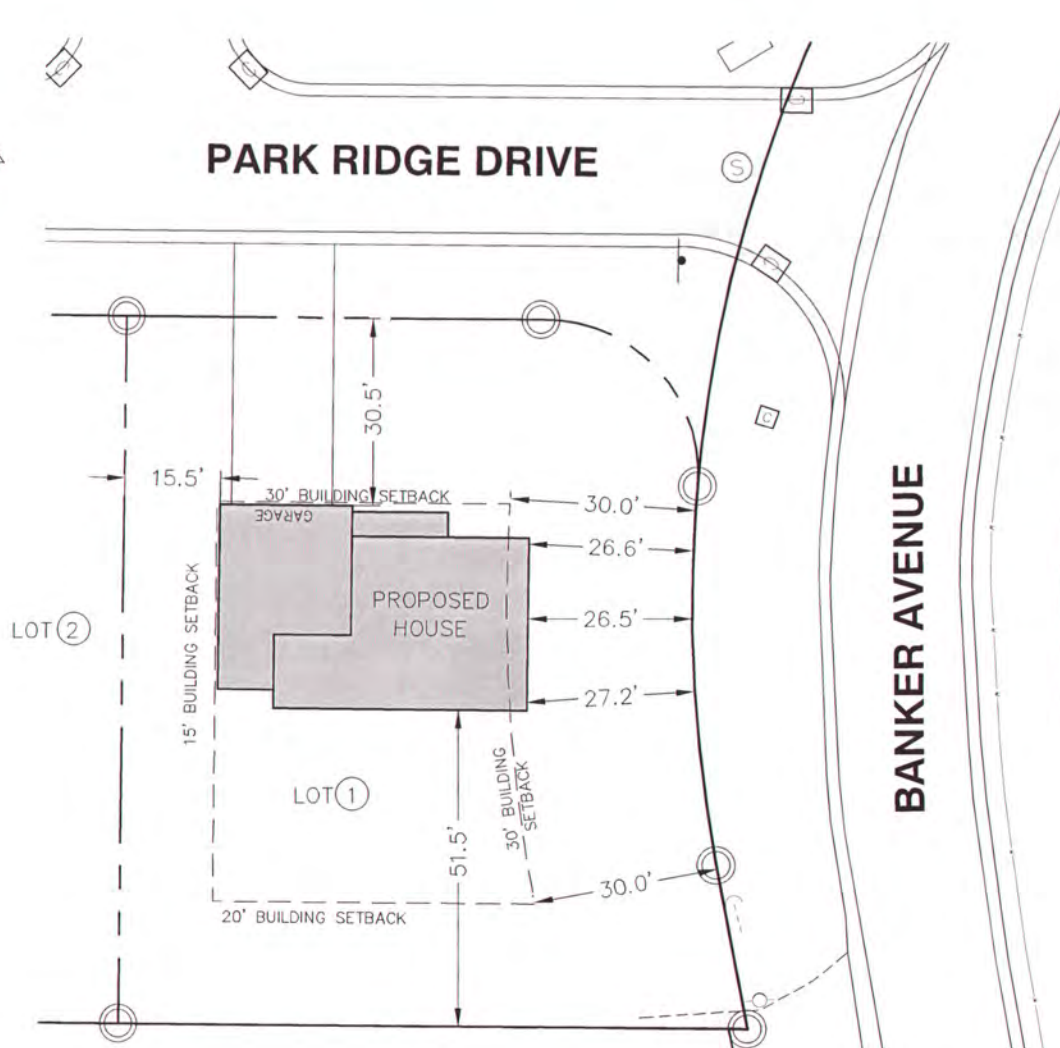
ZONING DISTRICT _____ SECTION-BLOCK-LOT _____

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)

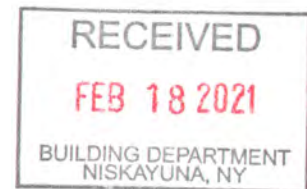
APPROVED BY _____

DATE _____



MAP REFERENCE:

1. "AMENDED ENLARGED PLAN, AQUEDUCT ROAD SUBDIVISION, TOWN OF NISKAYUNA, SCHENECTADY COUNTY, NEW YORK", AS PREPARED BY CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., P.C, DATED 08/26/11, LAST REVISED 02/28/13 AND FILED IN THE SCHENECTADY COUNTY CLERKS OFFICE.
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CONCEPT PLAN - FOR TOWN REVIEW

CHAZEN ENGINEERING, LAND SURVEYING
& LANDSCAPE ARCHITECTURE CO., D.P.C.

Office Locations:

Dutchess County Office:
21 Fox Street
Poughkeepsie, New York 12601
Phone: (845) 454-3980

Capital District Office:
547 River Street
Troy, New York 12180
Phone: (518) 273-0055

North Country Office:
375 Bay Road
Queensbury, New York 12804
Phone: (518) 812-0513

PARK RIDGE ESTATES

CONCEPT BUILDING LAYOUT LOT 1

201 PARK RIDGE DRIVE

TOWN OF NISKAYUNA, SCHENECTADY COUNTY, NEW YORK

designed REK	checked BGW
date 2/5/21	scale 1"=30'
project no. 31319.00	
sheet no. LT1	

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

March 5, 2021

TO WHOM IT MAY CONCERN:

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

DATE: March 17, 2021

TIME: 7:00 P.M.

PLACE: Pursuant to Governor Cuomo's Executive Order 220.1 issued on March 12, 2020 suspending the Open Meetings Law, this meeting will be held electronically and will not be open for the public to attend in person. Logins will be provided upon request.

AT THIS TIME THE BOARD WILL CONSIDER THE REQUEST OF:

Appeal by Julie Burkholder for a variance from Section 220-16 E (2), Section 220-53 B and Section 220-13, Schedule I-C of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 1410 Valencia Road Niskayuna, New York, located in the R-2: Medium Density Residential Zoning District, to construct a front porch addition (9' x 28.5') partially within the front and side yard setbacks.

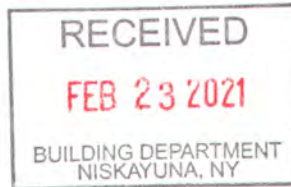
Section 220-16 E (2) states that if seventy (70) percent or more of the lots on the same side of the street within 500 feet of this lot have buildings on prior to July 1, 1971, then, the front setback will be the average setback of those lots. As applied, the average front yard setback along Valencia Road is thirty-four (34) feet. As proposed, the front addition extends to approximately twenty-six (26) feet from the front property line; therefore, an eight (8) foot front yard setback variance is required.

Section 220-53 B allows an addition to a nonconforming structure that brings it no nearer to a side line than the existing structure or one-half the required distance for the zoning district, whichever is greater. Section 220-13, Schedule I-C requires a side yard setback of fifteen (15) feet. Since the existing house is only 6' 8" from the side line, 7' 6" becomes the minimum required side yard setback. As proposed the front addition will be seven (7) feet from the side line; therefore, a six (6) inch side yard setback variance is required.

IF YOU WISH TO EXPRESS AN OPINION REGARDING THE PROPOSED CHANGE, YOU MAY DO SO BY EMAILING lrobertson@niskayuna.org, OR CALL 518-386-4530, TO SET UP A VIRTUAL LOGIN TO THE MEETING. IF YOU CANNOT ATTEND VIA VIRTUAL SOFTWARE, 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: Julie Burgholder

RE: Property at 1410 Valencia Rd. Niskayuna NY 12309

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

I, Julie Burgholder, the (owner) (agent of the owner) of the property located at 1410 Valencia Rd. Niskayuna in the Town of Niskayuna, New York, hereby petition the Zoning Board of Appeals to review the decision of the Zoning Enforcement Officer on the above-referenced application and to grant a variance from Section(s) of the Zoning Ordinance in order to permit the proposed construction shown on the accompanying drawings.

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

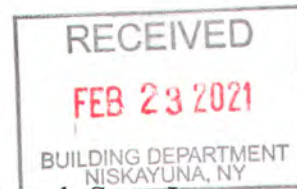
CHECKLIST OF REQUIRED ITEMS

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

Signature of Agent: Julie H Burgholder Date 2/22/21

Signature of Owner (if different from Agent) _____

Telephone Number: 619-818-5280



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.

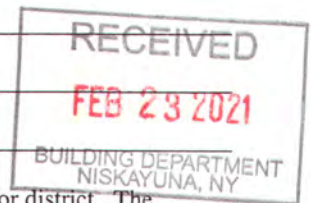
The only way for us to add a front porch to our house is to have this variance granted. We already had such a variance granted at the June 19, 2019 board meeting. We didn't realize that variance would expire. (See attached letter filed with the town)

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

- we are requesting a variance in the front that goes no further toward the road than another house a few doors down.
- our design is keeping in line with the current character of our house and the neighborhood as a whole.
- when we applied for the variance the first time in 2019 we got signatures from all of our neighbors expressing support for the project. See attached.

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

The variance is not substantial. We will not go further toward the road than another house a few doors down. The porch will be fully open, so will not affect any sight lines for anyone. It will add curb appeal and character to the house, as well as function.



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:

Our goal is to add character and function to the house while keeping in line with the style of the home and neighborhood. We are not removing any large trees or affecting views for anyone else.

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 difficulty was not self-created. The set back rules are often problematic for homes in Old Niskayuna that are often somewhat close together and close to the road.

RECEIVED
FEB 23 2021
BUILDING DEPARTMENT
NISKAYUNA, NY

LANDS R/T OF T.E. & P.M. WALLACE
(1923, d 500)

LANDS R/T OF D.L. & J.A. KATZBERG
(1959, d 173)

ERIA ROAD

lot 129
lot 127

lot 130

lot 131

lot 132

lot 133

N 77° 47' 12" W
190.2'

RECEIVED

FEB 23 2021

BUILDING DEPARTMENT
NISKAYUNA, NY

LOT 134

2 STORY
FRAME
HOUSE
STREET NO.
1410

lot 135

LANDS R/T OF J.A. & S.A. BRADDOCK
(1991, d 459)

S 77° 47' 12" E
186.05'

SURVEY OF PREMISES KNOWN AS
STREET NO. 1410 VALENCIA ROAD

NISKAYUNA

COUNTY OF

SCHENECTADY

STATE OF NEW YORK

PL 347638

SCALE
1" = 20'

Boydwood D.
Kosch P.L.C.
Land Surveyor

2177 TROY ROAD

SCHENECTADY, N.Y.
12306

DATE:
3/30/87

20' BUILDING
LINE

Street

N 12° 12' 48" E
50'



Thomas J. Cannizzo
Building Inspector

TOWN OF NISKAYUNA BUILDING DEPARTMENT

One Niskayuna Circle
Niskayuna, New York 12309-4381
(518) 386-4522
FAX: (518) 386-4592
building@niskayuna.org

Kenneth P. Hassett
Building Inspector

August 30, 2019

Julie & Steve Burkholder
1410 Valencia Rd
Niskayuna, NY 12309



RE: 1410 Valencia Road – Front Porch and Addition

Dear Homeowner,

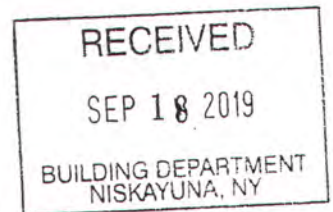
On May 15, 2019 you made an application to the Zoning Board of Appeals with regard to a denial you received for a front porch, addition, and carport.

On June 19, 2019 you were granted a variance for a portion of your project. I am writing to inform you that according to Town Code Section A235-10 (D) variances shall expire 90 days from approval unless a building permit has been issued. Our office has not received complete plans to review in order to process a building permit.

At this time your variance will expire on September 19, 2019 if we do not receive complete building plans to review. Feel free to contact our office, 518-386-4522, if you have any questions.

Sincerely,

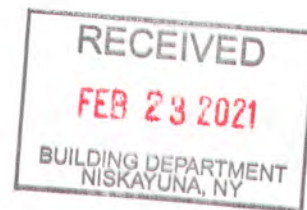
Linda Sciocchetti



9/18/19 I came into the building department to explain that 90 days was not sufficient time to obtain building plans. I got two bids from contractors ^{shortly} after the variance was granted but the cost was too high. We have modified / simplified our design but am still waiting for bids from new contractors. Due to their busy schedules it's taking a long time and work could likely not be

Completed until Spring of 2020. I anticipate finalizing design plans during the winter when the contractors aren't as busy and hope to get plans done then. I am hoping to not have to go in front of the board again, or if I do, then to have it free of charge, as I paid for the initial denial request, and the delay in timing past 90 days is due to seasonal barriers and contractors getting back to me in a timely manner.

Julie Buckholz



10/15/19

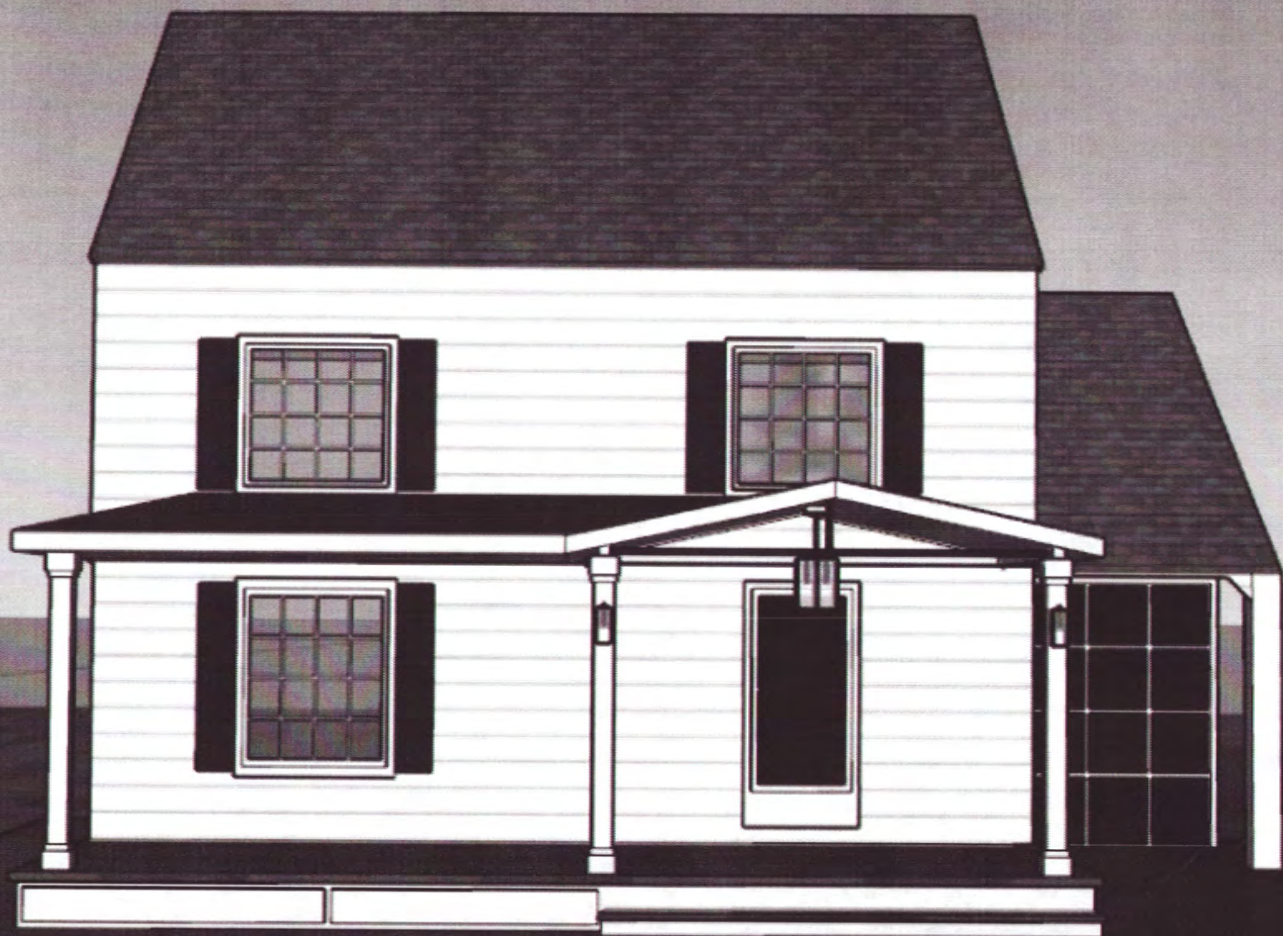
* signed support from neighbors.

To the Niskayuna Town Board,

We have reviewed the proposed projects to be completed by Steve + Julie Buschholder at 1410 Valencia Rd. and are in support of such projects (mudroom / front porch addition, extension of garage and carport).

<u>Name</u>	<u>Signature</u>	<u>Address</u>
Nicole + Greg Johnson	Nicole A Johnson	1431 Valencia
Margaret Sufro	Margaret Sufro	1431 Valencia
Ginny + Christopher Rust	Ginny Rust	1411 Valencia
Dave + Sarah Ciesinski	Dave Ciesinski	1413 Valencia Rd.
Kevin + Abby Zelenik	Kevin Zelenik	1422 Valencia Rd.
Heather + Nick Matthews	Heather Matthews	1425 Valencia
Dan + Elizabeth Gleason	P. Elizabeth Gleason	1406 Valencia





RECEIVED
FEB 23 2021
BUILDING DEPARTMENT
NISKAYUNA, NY



Thomas J. Cannizzo
Building Inspector

TOWN OF NISKAYUNA BUILDING DEPARTMENT

One Niskayuna Circle
Niskayuna, New York 12309-4381
(518) 386-4522
FAX: (518) 386-4592
building@niskayuna.org

Kenneth P. Hassett
Building Inspector

Building and Zoning Permit Denial

Address: 1410 Valencia Road

Application Date: 2/11/21

Julie Burkholder
1410 Valencia Road
Niskayuna, N.Y. 12309

Dear Madam:

You are hereby notified, as required by Section 220-67 F of the Zoning Ordinance of the Town of Niskayuna, that to construct a front addition (9' x 28.5' front porch) on the property noted above has been denied by reason of Section 220-16 E (2), Section 220-53 B and Section 220-13, Schedule I-C of the Zoning Ordinance. The property is located in the R-2: Medium Density Residential Zoning District.

Section 220-16 E (2) states that if seventy (70%) percent or more of the lots on the same side of the street within 500 feet of this lot have buildings on prior to July 1, 1971, then, the front setback will be the average setback of those lots. As applied, the average front yard setback along Valencia Road is 34'. As proposed, the front addition extends to approximately twenty-six (26) feet from the front property line; therefore, an eight (8) foot front yard setback variance is required.

Section 220-53 B allows an addition to a nonconforming structure that brings it no nearer to a side line than the existing structure or one-half (1/2) the required distance for the zoning district, whichever is greater. Section 220-13, Schedule I-C requires a side yard setback of fifteen (15) feet. Since the existing house is only six feet eight inches (6' 8") from the side line, 7.5 feet becomes the minimum required side setback. As proposed the front addition will be seven feet (7') from the side line; therefore, a .5 foot side yard setback variance is required.

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

2/16/21
Date

Zoning Enforcement Officer

15th
12g 3rd floor
main

Hpro fa 7BA

Application # B21-079



**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
FEB 11 2021
BUILDING DEPARTMENT

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 1410 Valencia Rd. Niskayuna, NY 12309
DESCRIBE WORK APPLIED FOR front porch

ESTIMATED VALUE OF ALL WORK (labor and materials): TOTAL \$ 15,000

Please submit three sets of plans with this application.

APPLICANT Julie Burkholder DAY PHONE 619-818-5280

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

ADDRESS 1410 Valencia Rd.
CITY Niskayuna STATE Ny ZIP 12309
EMAIL ADDRESS jubieltur@yahoo.com

CONTRACTOR unknown, likely LaMatta Construction DAY PHONE _____
ADDRESS NIS
CITY Niskayuna 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 same as applicant DAY PHONE _____
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 _____, _____

Julie H Burkholder
Signature of Applicant

Julie H Burkholder
Printed Name

2/9/21
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 _____

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 _____

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 1410 Valencia Rd. Niskayuna NY 12309
- a. Size and depth of footing 3 techno posts
- b. Type of footing forms (i.e. cardboard tubes) techno posts w/ triple 2x10 beam on posts
- c. Size and spacing of posts 6x6 posts spacing approx.
- d. Type of lumber Pressure treated lumber
- e. Size of beams 2x8
- f. Size and spacing of joists 2x10 joists 16" on center spacing sitting on beam
- g. Is the deck off a cantilever? Yes No
- If Yes, how will joists be supported? Sit on beam
- h. Type of floor boards likely Trex decking
- i. Height of deck off ground 18"
- j. Height and design of guardrail none
- k. Size of deck 9' x 28' 1/2'

Distance to property lines:

- Side 1 7'
- Side 2 15'
- Rear _____
- Other _____



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"					
		"					
	1x4						
2 x 8 @	24" o.c.		1-2 x 6	1010#	840#	721#	630#
	16" o.c.	12' 5"	2-2 x 6	2020#	1680#	1442#	1260#
	12" o.c.	13' 6"	3-2 x 6	3030#	2520#	2163#	1890#
			1x8	1754#	1458#	1246#	1095#
				2508#	2916#	2492#	2190#
2 x 10 @	24" o.c.	12' 7"			1374#	3738#	3285#
	16" o.c.	15' 5"	1-2 x 10			2037#	1783#
	12" o.c.	17' 3"	2-2 x 10	5111#			3566#
2 x 12 @	24" o.c.	14' 7"	3-2 x 10	8568#			
	16" o.c.	17' 10"	1-2 x 12	4224#	3512#		
	12" o.c.	20' 7"	2-2 x 12	8448#	7024#	6020#	
			3-2 x 12	12672#	10536#	9030#	7911#

Refer to the new 2015 International Building Codes

Applicants Signature: _____ Date: _____

VALERIA ROAD

LANDS N/F OF
G.D. STROESSEL
(971, d1029)
lot 130

LANDS N/F OF T.E. & P.H. WALLACE
(1089, d 900)
lot 131

LANDS N/F OF D.L. & J.A. REIFORD
(859, d 173)
lot 132

lot 133

N 77° 47' 12" W

190.2'

lot 129
lot 127

S 70° 26' 25" W
50.17'

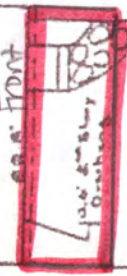
RECEIVED
FEB 11 2021
BUILDING DEPARTMENT
NISKAYUNA, NY

LOT 134

Setback
10.0'

2 STORY
FRAME
HOUSE

STREET NO.
1410



186.05'

S 77° 47' 12" E

lot 135

LANDS N/F OF J.A. & S.A. BRAIDWOOD
(991, d 459)

TITLE: SURVEY OF PREMISES KNOWN AS STREET NO. 1410 VALENCIA ROAD			DATE: 3/30/87	
TOWN, CITY, VILLAGE OF: NISKAYUNA		COUNTY OF: SCHENECTADY		2177 TROY ROAD SCHENECTADY, N.Y. 12308
STATE OF NEW YORK		PL33474193	SCALE: 1" = 20'	

Raymond A. Koch P.L.C.
Land Surveyor

20' BUILDING
LINE

Street

115.1' (H.T.S.)
N 120° 12' 48" E
50'