

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, June 30, 2021 at 7:00 P.M. in the Town Board Meeting Room, Town Hall, One Niskayuna Circle, Niskayuna, New York to consider the following:

1. Appeal by Jeffrey Schoonmaker 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 857 Harris Drive, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to maintain a 12' x 20' shed partially within the side and 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." Your shed, at 240 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 constructed, the shed is located two foot six inches (2' 6") from the side property line and five feet (5') from the rear property line. Therefore; both, a seventeen foot six inch (17' 6") side yard setback variance and a twenty foot (20') rear yard setback variance are required.
2. Appeal by Susan Wright and William O'Hara for a variance from Section 220-18 A (2), 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 2432 River Road, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a 12' x 30' garage/shed in the front yard and partially within the side yard setback. Section 220-18 A (2) states: "Except otherwise specified in this chapter, accessory structures are not permitted in the front yard of any lot." As proposed the garage/shed will be located in a front yard, therefore a variance from this section of the Town of Niskayuna Zoning Ordinance is required. Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building." As defined, major accessory structures are "detached accessory buildings or other structures in excess of 120 square feet." The garage/shed, at 360 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 garage/shed is located five (5) feet from the side property line. Therefore; a fifteen (15) foot side yard setback variance is required.
3. Appeal by Michael Mansion, Esq., agent, for a variance from Section 220-18 A (3), Section 220-18 B (1) and 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 29 Dublin Drive, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a 40' x 60' garage exceeding the height limit for accessory structures, exceeding the lot coverage, and partially within the side and rear yard setback. Section 220-18 A (3) states: "Unless otherwise specified, accessory structures shall not exceed fifteen (15) feet in height." As proposed, the garage would have a height of twenty three (23) feet; therefore, an eight (8) foot building height variance is required. Section 220-18 B (1) states that "the total area of coverage by accessory structures shall not exceed 50% of the allowed area of coverage of the minimum permitted lot size in the R-1, R-2, or R-3 Districts or actual lot size, whichever is smaller." As applied, the allowed area of coverage is based on the minimum lot size and is 2,250 square feet. As proposed the garage will be 2,400 square feet. Therefore, a variance is required for an additional 150 square feet of accessory structure coverage. 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 garage, at 2,400 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 garage is located five (5) feet from the side property line and ten (10) feet from the rear property line. Therefore; both, a fifteen (15) foot side yard setback variance and a fifteen (15) foot rear yard setback variance are required.
4. Appeal by Joshua Richards for a variance from Section 220-4, Section 220-18 A (2), Section 220-15 D, Section 220-18 B (3) (b) and Section 220-13, Schedule I-C of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 206 Greylock Avenue, Niskayuna, New York, located in the R-2: Medium Density Residential Zoning District, to construct a 12' x 12' shed in the front yard and partially with a front and rear 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;

Greylock Avenue and Becker Street. Section 220-18 A (2) states: "Except otherwise specified in this chapter, accessory structures are not permitted in the front yard of any lot." As proposed, the shed will be located in the front yard along Greylock Avenue. Therefore, the location of the shed, in the front yard, requires a variance. Section 220-15 D states "Corner lots. Front yard minimums shall be required of both yards facing a street on a corner lot. Side yard minimums shall be required of the remaining two yards for properties located in the R-1 and R-2 Zoning Districts." Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building." As defined, major accessory structures are "detached accessory buildings or other structures in excess of 120 square feet." The shed, at 144 square feet, is a major accessory structure. Section 220-13 Schedule I-C establishes a front yard minimum setback of thirty (30) feet and a side yard minimum setback of fifteen (15) feet. As proposed, the shed will be located five (5) feet from the front property line along Greylock Avenue and the shed will be located five (5) feet from the rear property line. Therefore; both, a twenty five (25) foot front yard setback variance and a ten (10) foot rear yard setback variance for the shed are required.

5. Appeal by Michael Cassella for a variance from Section 220-18 B (3) (b), Section 220-16 B (1) and Section 220-13, Schedule I-G of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 3477 Rosendale Road, Niskayuna, New York, located in the L-C: Land Conservation Zoning District, to construct a 16' x 28' garage addition partially within a 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 garage along with the proposed addition is a major accessory structure. Section 220-16 B (1) states that where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular, the side yard may be varied. In such case, the average width of the side yard shall not be less than the otherwise required width; provided however, that such side yard shall not be narrower at any one point than 1/2 the otherwise required minimum width. Section 220-13, Schedule I-G requires a minimum side yard setback of one hundred (100) feet. As proposed, the addition would have an average side setback of twenty (20) feet; therefore, an average side setback variance of eighty (80) feet is required.

NEXT MEETING: July 21, 2021 at 7 PM

**TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309
Meeting Minutes
May 19, 2021**

Members Present:

Fred Goodman, Chairman
Keith Frary
Nicolas Ltaif
Maureen McGuinness
Erik Dollman
Richard Greene
John Hoke

Also Present:

Laura Robertson, Town Planner
Alana 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

Mr. Daly was absent/excused.

B. Minutes

The minutes from the April meeting were reviewed.

Mr. Ltaif placed a motion to accept the April minutes. Ms. McGuinness seconded the motion. The April minutes were approved by a vote of 5-0 with 2 abstentions.

Mr. Frary	Aye
Mr. Ltaif	Aye
Ms. McGuinness	Abstain
Mr. Dollman	Abstain
Mr. Greene	Aye
Ms. Hoke	Aye
Chairman Goodman	Aye

C. Cases

1. Appeal by Philip and Jennifer Reed for a variance from Section 220-25 B (1) (a) of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 500 Ferris Road Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a six (6) foot fence in the front yard. The property is a corner lot and as defined has front yards along Ferris Road and Consaul Road. Section 220-25 B (1) (a) permits the maximum height for fences located in the front and side yards, to be four (4) feet. As proposed, a six (6) foot high fence will be located in the front yard, on Consaul Road. Therefore, a two (2) foot fence height variance is required.

11 notices were mailed. Zero responses were received. We received a County referral which deferred to local consideration.

Ms. Reed shared her screen to show some images of her property. Mr. Dollman asked who originally told her the fence would comply with Town code. Ms. Reed stated the contractor from Lowes who came out to measure her yard. Chairman Goodman asked what the fence height would be that runs parallel to Consaul Road. Ms. Reed stated it would be 4 feet high. There will be one transition piece (4' to 6') that will run perpendicular to Consaul Road.

Mr. Frary reviewed a survey map presented with the application and asked to confirm fence heights and locations. Ms. Reed confirmed his question. She noted they want to enclose their rear yard because of their young child. Mr. Frary asked about the location and orientation to the neighbor's house. Ms. Reed stated the house will be close to the 6' fence and the neighbor's house faces Consaul Road.

Mr. Ltaif asked how they will access the back yard. Ms. Reed stated the gate will be between the house and the garage. Mr. Ltaif asked what height that will be. Ms. Reed stated it would depend on the variance. She is requesting to have a 6 foot fence height between the house and the detached garage. They plan to have a walk through gate and a wide gate for allowing access to equipment.

Mr. Frary asked what type of fencing will be installed. Ms. Reed stated it would be the same as already exists on the property.

Mr. Dollman placed a motion to grant the variance. He noted the benefit cannot be achieved by an alternate means. He state there will be not environmental effect on the neighborhood and no change in character of the neighborhood. The request is substantial and self-created. The Board generally does not like 6-foot fences but the property is unique and it is intended for the protection or young children in a very busy section of Town.

Upon voting, the variance was granted 7-0.

Mr. Frary voted to grant the motion for the reasons stated. He noted that the Board traditionally does not grant 6' fences in front yards but this property is unique. He noted that Consaul Road is a busy road. He noted that the homeowner made adjustments to their plan when they first learned about the Code for fences. They reduced the height of the section of fencing that runs parallel to Consaul Road to mitigate the amount of the variance needed.

- 82 Mr. Ltaif Aye
83 Mr. Ltaif voted to grant the motion for the reasons stated. He noted the applicants explored alternate
84 options.
- 85 Ms. McGuinness Aye
86 Ms. McGuinness voted to grant the motion for the reasons stated.
- 87 Mr. Dollman Aye
88 Mr. Dollman voted to grant the motion for the reasons stated.
- 89 Mr. Greene Aye
90 Mr. Greene voted to grant the motion for the reasons stated.
- 91 Mr. Hoke Aye
92 Mr. Hoke voted to grant the motion for the reasons stated.
- 93 Chairman Goodman Aye
94 Chairman Goodman voted to grant the motion for all the reasons stated. He noted that the applicant
95 reduced the height of the fence that runs parallel to Consaul Road to conform with Town Code. Site lines
96 along the roads will not be affected by the proposed fence.
- 97 2. Appeal by Andrew Winn for a variance from Section 220-18 B (2) of the Zoning Ordinance of the
98 Town of Niskayuna as it applies to the property at 5 Brendan Lane Niskayuna, New York, located in
99 the R-1: Low Density Residential Zoning District, to construct a shed which exceeds the number of
100 allowable accessory structures on the property. Section 220-18 B (2) states that “there shall not be
101 more than three accessory structures on a lot.” As proposed, there will be four (4) accessory
102 structures on the property: one existing pool, one existing gazebo, an existing fence and the new shed.
103 Therefore, a variance for one (1) accessory structure is required.
- 104 10 notices were sent out. Zero responses were received.
- 105 Andrew and Kristin Winn were present. They noted they moved in a couple of years ago. The pool, fence
106 and gazebo existed and they have enjoyed using them over the years. They want to move items out of the
107 garage so they can move the cars back in. They hope to get a shed to store yard maintenance supplies,
108 pool equipment and kid’s toys.
- 109 Mr. Ltaif asked about the shed design. Mr. Winn stated that the shed will match other sheds found in the
110 neighborhood. He noted it would be located in the back corner of the lot near arborvitae shrubs. He noted
111 that a previous owner had a shed but the next owner removed it. The shed will be about 8’ tall.
- 112 Mr. Ltaif asked what will be stored in it. Mr. Winn stated he will store the mower and snow blower, pool
113 chemicals, pool vacuum, and kid’s toys.
- 114 Mr. Frary asked Ms. Robertson if the location meets Code. Ms. Robertson confirmed the shed is 120 sq ft
115 so it only needs to be 5’ from the property lines.
- 116 Mr. Greene asked whether the car will get moved into the garage. Mr. Winn confirmed that is what they
117 hope to do.
- 118 Chairman Goodman asked if there was anyone from the public who wished to speak. Jessica Smith, 9
119 Brendan Lane, stated that she had no issues with the variance. Mr. Frary asked where she lived in
120 comparison with the applicant. Ms. Smith noted that she lived two houses to the left and she can see into
121 the Winn’s rear yard.

122 Chairman Goodman asked if there was anyone else. Hearing none, he asked the Board for a motion.

123 Mr. Ltaif placed a motion to grant the variance for four accessory structures. He noted there are no
124 environmental effects and no change in the character to the neighborhood. He stated the neighbors had no
125 objection. The need for the variance was self-created but the residents moved into a home that already had
126 3 accessory structures and no alternatives are available.

127 Mr. Frary seconded the motion.

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

129 Mr. Frary Aye

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

131 Mr. Ltaif Aye

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

133 Ms. McGuinness Aye

134 Ms. McGuinness voted to grant the motion for the reasons stated.

135 Mr. Dollman Aye

136 Mr. Dollman voted to grant the motion for the reasons stated.

137 Mr. Greene Aye

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

139 Mr. Hoke Aye

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

141 Chairman Goodman Aye

142 Chairman Goodman voted to grant the motion for the reasons stated. He noted pools require a fence and
143 the need for additional accessory structures in this situation is frequently allowed by the Zoning Board.

144 3. Appeal by Ryan and Rachel Wade for a variance from Section 220-18 B (3) (b) and Section 220-13
145 Schedule I-B of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 1354
146 Rosehill Boulevard Niskayuna, New York, located in the R-1: Low Density Residential Zoning
147 District, to construct a shed which is located partially within the side and rear yard setbacks. Section
148 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures
149 shall be the same as applies to the principal building." As defined, major accessory structures are
150 "detached accessory buildings or other structures in excess of 120 square feet." The shed, at 192
151 square feet, is a major accessory structure. Section 220-13 Schedule I-B, establishes a side setback
152 minimum of twenty (20) feet and a rear setback minimum of twenty five (25) feet. As proposed, the
153 shed will be located ten (10) feet from the side property line and twelve (12) feet from the rear
154 property line. Therefore; both, a ten (10) foot side yard setback variance and a thirteen (13) foot rear
155 yard setback variance are required.

156 10 notices were sent out. One response was received. James Gleason, 1349 Rosehill Boulevard,
157 responded and noted he supported the request for the variances.

158 Ryan and Rachel Wade were present. Mr. Wade noted that they have lived in Niskayuna for 12 years.
159 They moved to this property for the large flat backyard. They have started to accumulate kids toys and
160 property maintenance equipment. The garage is just large enough to fit their 2 cars only. They currently
161 park in the driveway so the toys and other items are stored in the garage.

171 Mr. Greene asked where the neighbor who wrote in lived. Mr. Wade stated he lived across the street and
172 over one house to the left.

179 Mr. Ltaif asked if other neighbors in the area had a shed. Mr. Wade stated a direct neighbor had a shed
180 but it is smaller than he is proposing. Mr. Ltaif asked what plans he had for the rear yard. Mr. Wade stated
181 he has hired a landscaper to plant some additional shrubs for privacy that will also block the view of the
182 shed. Mr. Ltaif asked if there were any other structures in the rear yard. Mr. Wade stated there were none.
183 The location of the shed will leave a large open space for future additions to the rear yard. Also, the kids
184 play sports and the open area is a great space to practice.

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

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

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

200 Ms. McGuinness Aye
201 Ms. McGuinness voted to grant the motion for the reasons stated. She complimented the Wade's on the
202 design of the shed.

- 203 Mr. Dollman Aye
204 Mr. Dollman voted to grant the motion for the reasons stated.
- 205 Mr. Greene Aye
206 Mr. Greene voted to grant the motion for the reasons stated. He also liked the design of the shed.
- 207 Mr. Hoke Aye
208 Mr. Hoke voted to grant the motion for the reasons stated.
- 209 Chairman Goodman Aye
210 Chairman Goodman voted to grant the motion for the reasons stated. He noted that the applicant could
211 have installed 2 sheds to fit all their needs. Technically, the 2 sheds could be located 5' from the property
212 lines. He noted it is preferable to have one larger shed than 2 smaller sheds.
- 213 4. Appeal by Laura Robertson for a variance from Section 220-18 A (2) of the Zoning Ordinance of the
214 Town of Niskayuna as it applies to the property at 67 East Street Niskayuna, New York, located in
215 the R-R: Rural Residential Zoning District, to construct an above ground pool which will be located
216 in the front yard. The property is a corner lot, as defined by Section 220-4 and has frontages on
217 Williams Street, Middle Street and East Street. Section 220-18 A (2) states: "Except otherwise
218 specified in this chapter, accessory structures are not permitted in the front yard of any lot. As
219 proposed, the pool is located in the front yard along Williams Street and Middle Street. Therefore,
220 the location of the pool in these front yards requires a variance.
- 221 13 notices were sent out. 1 response was received. Richard Flanders, 52 East Street, wrote a note to the
222 office and stated he was in favor of the Board granting the variance.
- 223 Chairman Goodman noted that the applicant signed the ethics letter to discloser she was a Town
224 Employee and it was included in the zoning packet.
- 225 Amanda Armao, the applicant's sister from Latham, represented Ms. Robertson. She noted that 67 East
226 Street is surrounded by 3 streets so most of her property is considered a front yard. Woods and wetlands
227 buffer the proposed pool location from the streets that surround her property. The side property is a wet
228 area of the lawn and not easily visible from the house. The septic system is in the only area considered a
229 rear yard. Directly behind the house is shaded by large trees and not a good location for a pool. This
230 location is also most visible from the deck and home. The pool is proposed to be above ground with a
231 removable ladder.
- 232 Mr. Dollman asked if you can see the pool from East Street. Ms. Armao stated there is a thick shrub
233 buffer that prevents viewing. She stated you have to be in the driveway to see into the yard.
- 234 Ms. McGuinness noted that she drove by the property and agreed that there is a substantial buffer
235 blocking the view of the pool. Ms. McGuinness asked what size pool was being installed. Ms. Armao
236 stated that the request was for an 18' pool but her sister found a 16' pool that she also liked.
- 237 Mr. Ltaif asked if there were any setback issues. Ms. Armao stated there were none. The variance is only
238 needed for locating the pool in the front yard. Mr. Ltaif wished to confirm why the pool could not be
239 located in the rear yard. Ms. Armao stated that the rear yard is small and shaded. She also noted that the
240 rear yard area is closest to the neighboring houses. Lastly the rear yard is where the bedrooms are located
241 so the line of site for safety concerns is limited. Mr. Ltaif asked about the side yard. Ms. Armao stated
242 that side yard has the septic system, is a wet area of the property and is not level. Mr. Ltaif asked about
243 the side of the house with the deck. Ms. Armao stated that space is considered a front yard but it is the
244 optimal location for the pool. It is sunny and visible from the living spaces of the house.

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

247 Mr. Ltaif placed a motion to grant the variance as written. He noted that the backyard is small and shady.
248 He noted the proposed location by the deck allows the applicant to monitor the pool more easily from the
249 deck or the living space of the house. The proposed location is barely visible from any of the roads
250 surrounding the property. He noted there is no undesirable change to the neighborhood and the location
251 does not cause any environmental effects. The request is substantial but the location does not look like a
252 front yard because of the trees and the unique layout of the property. Mr. Ltaif checked with the Town
253 about unique properties similar to Ms. Robertson. He discovered similar variances were granted. He noted
254 the request was not substantial; the pool chosen is a small one. He noted the request is self-created. He
255 noted drainage would not be an issue. All runoff would be contained on the applicant's property.

256 Ms. McGuinness seconded the motion and noted the property is extremely unique and the pool location is
257 not easily visible from the road.

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

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

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

263 Ms. McGuinness Aye
264 Ms. McGuinness voted to grant the motion for the reasons stated.

265 Mr. Dollman Aye
266 Mr. Dollman voted to grant the motion for the reasons stated.

267 Mr. Greene Aye
268 Mr. Greene voted to grant the motion for the reasons stated. He noted the parcel's configuration is very
269 unique. Due to the inherent conditions of the property, the chosen location is the best option for the
270 applicant.

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

273 Chairman Goodman Aye
274 Chairman Goodman voted to grant the motion for the reasons stated. He noted the property is unique and
275 in a unique neighborhood.

276 With the final case completed, Ms. Robertson rejoined the meeting and wanted to invite the Board to a
277 small party to wish Chairman Goodman a happy retirement. She noted she would send an email to the
278 Board with the date and time.

279 Chairman Goodman stated it was an honor to serve the Town and community. It was his pleasure to give
280 back to his community. The members of the Board thanked him for his years of service.

281 Chairman Goodman asked if there was any other business. Hearing none he asked for a motion to
282 adjourn. Ms. McGuinness made a motion to adjourn. Mr. Ltaif seconded the motion and all the Board
283 approved. The meeting ended at 8:15 p.m.

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

June 17, 2021

TO WHOM IT MAY CONCERN:

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

DATE: June 30, 2021

TIME: 7:00 P.M.

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

AT THIS TIME THE BOARD WILL CONSIDER THE REQUEST OF:

Appeal by Jeffrey Schoonmaker 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 857 Harris Drive, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to maintain a 12' x 20' shed partially within the side and 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." Your shed, at 240 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 constructed, the shed is located two foot six inches (2' 6") from the side property line and five feet (5') from the rear property line. Therefore; both, a seventeen foot six inch (17' 6") side yard setback variance and a twenty foot (20') rear yard setback variance are required.

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

ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS
Application and Procedures For A Variance

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

RECEIVED

APR 22 2021

Building Department
Town of Niskayuna

TO: ZONING BOARD OF APPEALS

FROM: Jeffrey Schornmayer

RE: Property at 857 Harris Drive, Schenectady NY 12309

Section _____ Block _____ Lot _____

I, Jeffrey Schornmayer, the (owner) (agent of the owner) of the property located at 857 Harris Drive, Schenectady 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 *Per Linda Sciacchetti they can use the 1 copy/image that came in with the application*
- N/A 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: [Signature] Date 4/22/2021

Signature of Owner (if different from Agent) _____

Telephone Number: 518-421-0894

RECEIVED

APR 22 2021

Building Department
Town of Niskayuna

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.

A smaller shed (10x12) or less would not have been able to fit all of the items that needed to go in the shed. If we went 20ft off the property line it would have the shed in the middle of the backyard where the kids play. This would cause a safety concern for the kids.

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:

This is a beautiful brand new vinyl shed in the back corner of a private backyard. It should not impact neighbors or the neighborhood.

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

I am requesting the ability to place my new shed at different measurements than allowed by current rules. The shed is 12x20 and according to the rules it is required to be 20ft off the property line. This would put the shed in the middle of my backyard which takes up the playing area for my 3 and 5 year old kids.

RECEIVED

APR 22 2021

Building Department
Town of Niskayuna

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 an adverse physical or environmental effect to the neighborhood or district as the variance is requesting placement of a shed in a private backyard.

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

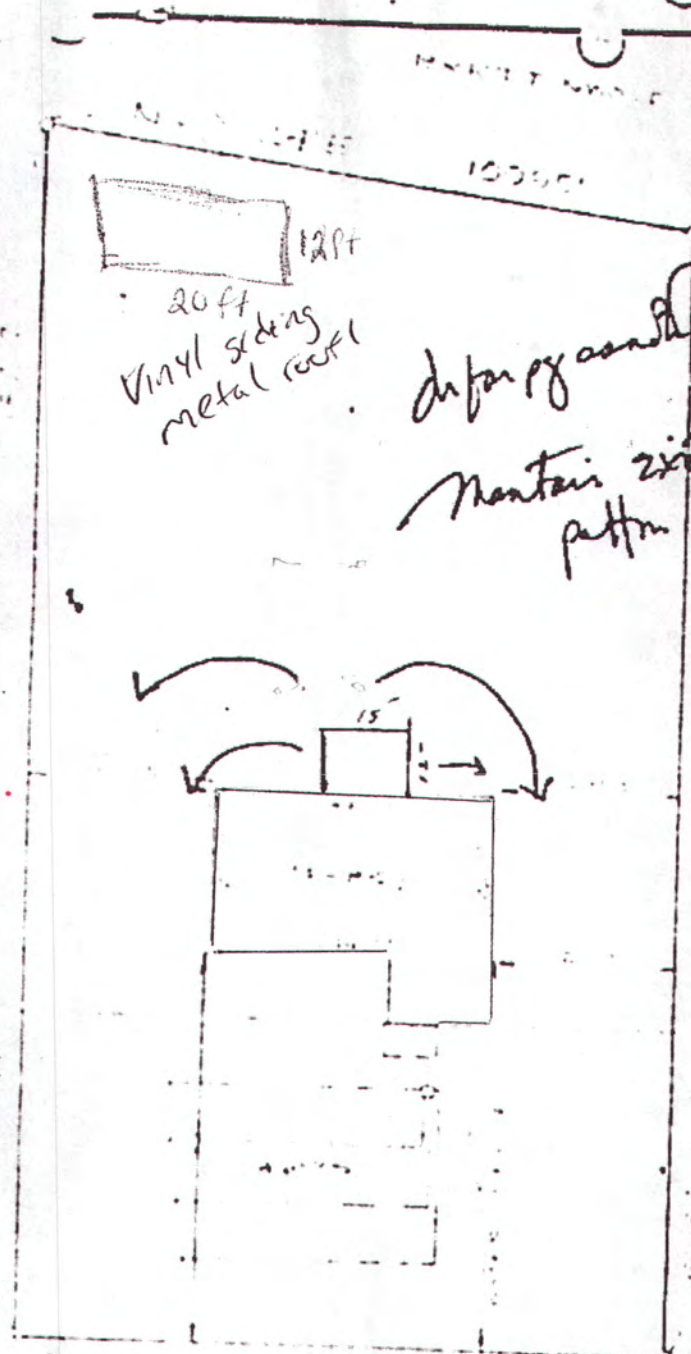
This difficulty was partially self created. I wanted to put a shed in my backyard to hold the kids toys, lawn/yard equipment, outside patio furniture, and our bikes and kayaks as previously we kept everything in the garage. The best possible spot for flat land, safety of my kids, and functionality is in the back left corner of the property rather than in the middle of the backyard (which it would be if it was 20ft off each side of the property line).

RECEIVED
MAR 10 2021
BUILDING DEPARTMENT
NISKAYUNA, NY

loc 9

①

10-20



defor by asmt 8/15/96
Mountain existing drainage
pattern on site (unindicated)

11-84753

AUG - 9 1996

857

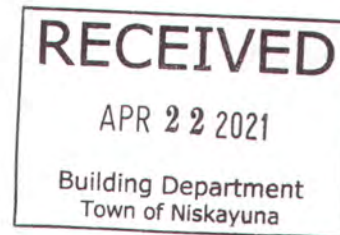
DATE	DESCRIPTION	BY

PROJECT NO. 11-84753	
SCALE: 1" = 10'	COUNTY: ALBANY, N.Y.
DATE: 8/15/96	
C. T. MALE ASSOCIATES 3010 TROY ROAD SCHENECTADY, NEW YORK	
MAP BY: <i>[Signature]</i>	LIC. NO. 11-84753

David R and Laura G Ockerman
853 Harris Drive
Niskayuna NY 12309

Niskayuna Town Zoning Board
Niskayuna NY 12309

March 18, 2021



Dear Zoning Board Members,

We are the homeowners at 853 Harris Drive, Niskayuna 12309. We are writing this letter in support of our neighbors, Jeff and Alyssa Schoonmaker at 857 Harris Drive. The Schoonmakers placed a new garden shed in the SW corner of their property, in the back corner of the lot next to our fence. We understand this is outside of the regular zoning for such a structure, but it does not impede on our property and we have no issues with its placement. Jeff and Alyssa are great neighbors, communicated with us when they purchased the shed, and informed us when it was being installed.

Please consider this letter as our support to allow the structure to remain where it is currently located.

Please use the information below if you need to contact us with any questions.

Thank you,

A handwritten signature in blue ink, appearing to read "David Reid Ockerman".

David Reid Ockerman
reidockerman@icloud.com
518-618-7472

A handwritten signature in blue ink, appearing to read "Laura G Ockerman".

Laura G Ockerman
Deeskid622@gmail.com
518-961-1978



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: 857 Harris Drive

Application Date: 3/10/21

Jeff Schoonmaker
857 Harris Drive
Niskayuna, NY 12309

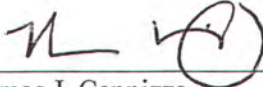
Dear Sir:

You are hereby notified, as required by Section 220-67 F of the Zoning Ordinance of the Town of Niskayuna, that your application to maintain a 12' x 20' shed 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." Your shed, at 240 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 constructed, the shed is located two foot six inches (2' 6") from the side property line and five feet (5') from the rear property line. Therefore; both, a seventeen foot six inch (17' 6") side yard setback variance and a twenty foot (20') rear yard setback variance are required.

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

3/11/21
Date


Thomas J. Cannizzo
Zoning Enforcement Officer



TOWN OF NISKAYUNA
APPLICATION FOR BUILDING AND ZONING PERMIT

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

Application # B21-103

RECEIVED

MAR 10 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 851 Harris Drive Schenectady NY 12309

DESCRIBE WORK APPLIED FOR Put in crotch stone foundation and a shed

ESTIMATED VALUE OF ALL WORK (labor and materials): TOTAL \$ 8000

Please submit three sets of plans with this application.

APPLICANT Jeff Schanmaker DAY PHONE 518-421-0894

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

ADDRESS 851 Harris Drive

CITY Schenectady STATE NY ZIP 12309

EMAIL ADDRESS _____

CONTRACTOR _____ DAY PHONE _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

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

PROPERTY OWNER Jeff Schanmaker DAY PHONE 518-421-0894

ADDRESS (if different than above) _____

CITY _____ STATE _____ ZIP _____

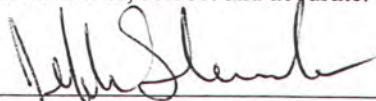
PLEASE SIGN Page 2

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

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

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

Sworn to me on this _____ day of _____, _____


Signature of Applicant

Printed Name _____

Notary Public, State of New York _____

Date 3/4/2021

(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 _____

ACCESSORY STRUCTURE SUPPLEMENT TO PERMIT APPLICATION

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

a. Address of property 857 Harris Drive Schenectady NY 12309

b. Size of accessory structure 12x20

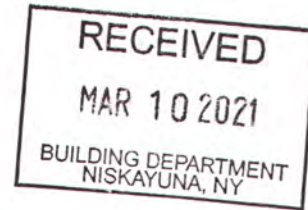
c. Distance to property lines:

Side 1 30 inches

Side 2 60 ft

Rear 60 inches

Other _____



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

Fence yes _____ no _____ height _____

Shed yes _____ no _____ size _____

Swimming pool yes _____ no _____ size _____

Other yes X no _____ size 16x16

e. Height of accessory structure 12 ft

f. Type of foundation for structure (if any) Crusher Rock/stone

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

Applicant's Signature: [Signature] Date: 3/4/2021

(For office use only)

Area of lot _____

Maximum accessory structure coverage allowed _____

Total accessory structure coverage actual _____

Maximum lot coverage allowed _____

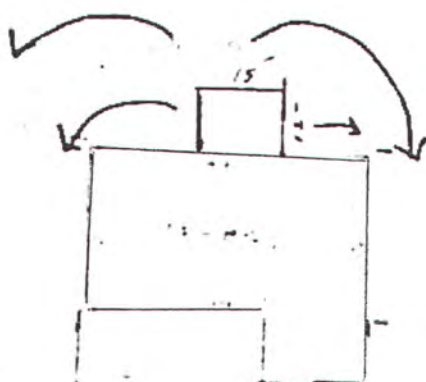
Total lot coverage actual _____

RECEIVED
MAR 10 2021
BUILDING DEPARTMENT
NISKAYUNA, NY

11-84753

20 ft
vinyl siding
metal roof

deficiency corrected 8/15/96
Maintain existing drainage pattern on site (as indicated)



AUG - 9 1996

857

DATE	DESCRIPTION

COUNTY: ... N.Y.	
SCALE:	DATE:
C. T. MALE ASSOCIATES 3010 TROY ROAD SCHENECTADY, NEW YORK	
DRAWN BY: <i>[Signature]</i>	LIC. NO: ...

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

June 17, 2021

TO WHOM IT MAY CONCERN:

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

DATE: June 30, 2021

TIME: 7:00 P.M.

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

AT THIS TIME THE BOARD WILL CONSIDER THE REQUEST OF:

Appeal by Susan Wright and William O'Hara for a variance from Section 220-18 A (2), 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 2432 River Road, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a 12' x 30' garage/shed in the front yard and partially within the side yard setback.

Section 220-18 A (2) states: "Except otherwise specified in this chapter, accessory structures are not permitted in the front yard of any lot." As proposed the garage/shed will be located in a front yard, therefore a variance from this section of the Town of Niskayuna Zoning Ordinance is required.

Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building." As defined, major accessory structures are "detached accessory buildings or other structures in excess of 120 square feet." The garage/shed, at 360 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 garage/shed is 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 AT THE ABOVE-MENTIONED TIME AND PLACE. IF YOU CANNOT BE PRESENT, YOU MAY REQUEST A VIRTUAL LOGIN TO THE MEETING BY EMAILING LRobertson@Niskayuna.org OR CALLING 518-386-4530 OR YOU MAY SET FORTH YOUR APPROVAL OR OBJECTION IN A LETTER WHICH WILL BE MADE PART OF THE PERMANENT RECORD.

ZONING BOARD OF APPEALS



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: 2432 River Road

Application Date: 3/24/21

William and Susan Ohara Wright
2432 River Road
Niskayuna, NY 12309

Dear Sir and Madam:

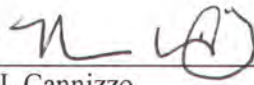
You are hereby notified, as required by Section 220-67 F of the Zoning Ordinance of the Town of Niskayuna, that your application to construct a 12' x 30' garage/shed on the property noted above has been denied by reason of Section 220-18 A (2), Section 220-18 B (3) (b) and Section 220-13 Schedule I-B, of the Town of Niskayuna Zoning Ordinance. The property is located in the R-1: Low Density Residential Zoning District.

Section 220-18 A (2) states: "Except otherwise specified in this chapter, accessory structures are not permitted in the front yard of any lot. As proposed the garage/shed will be located in a front yard, therefore a variance from this section of the Town of Niskayuna Zoning Ordinance is required.

Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building." As defined, major accessory structures are "detached accessory buildings or other structures in excess of 120 square feet." The garage/shed, at 360 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 garage/shed is located five (5) feet from a side property line and is located one (1) foot from another side property line. Therefore; both, a fifteen (15) foot side yard setback variance and a nineteen (19) foot side yard setback variance are required.

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

6/25/21
Date

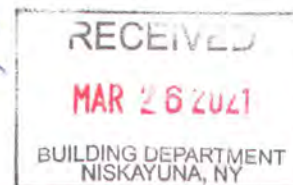

Thomas J. Cannizzo
Zoning Enforcement Officer

UPDATED DENIAL TO SECOND SIDE YARD (1 FT) PAGE 2 OF 3

ACCESSORY STRUCTURE SUPPLEMENT TO PERMIT APPLICATION

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

- a. Address of property 2432 RIVER Rd
- b. Size of accessory structure 12x30
- c. Distance to property lines:
- Side 1 7.400' 5'
- Side 2 20' 1' per conversation
- Rear 400' 5' w/ homeowner
- Other Front - 45'
- d. Are there any other accessory structures on the property?
- Fence yes ☐ no ☒ height _____
- Shed yes ☐ no ☒ size _____
- Swimming Pool yes ☐ no ☒ size _____
- Other yes ☐ no ☒ size _____
- e. Height of accessory structure 9 feet
- f. Type of foundation for structure (if any) Garage / shed built offsite, crusher run / gravel second garage we purchased



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

Applicant's Signature: [Signature] Date: 3/24/2021

(For office use only)

Area of lot _____

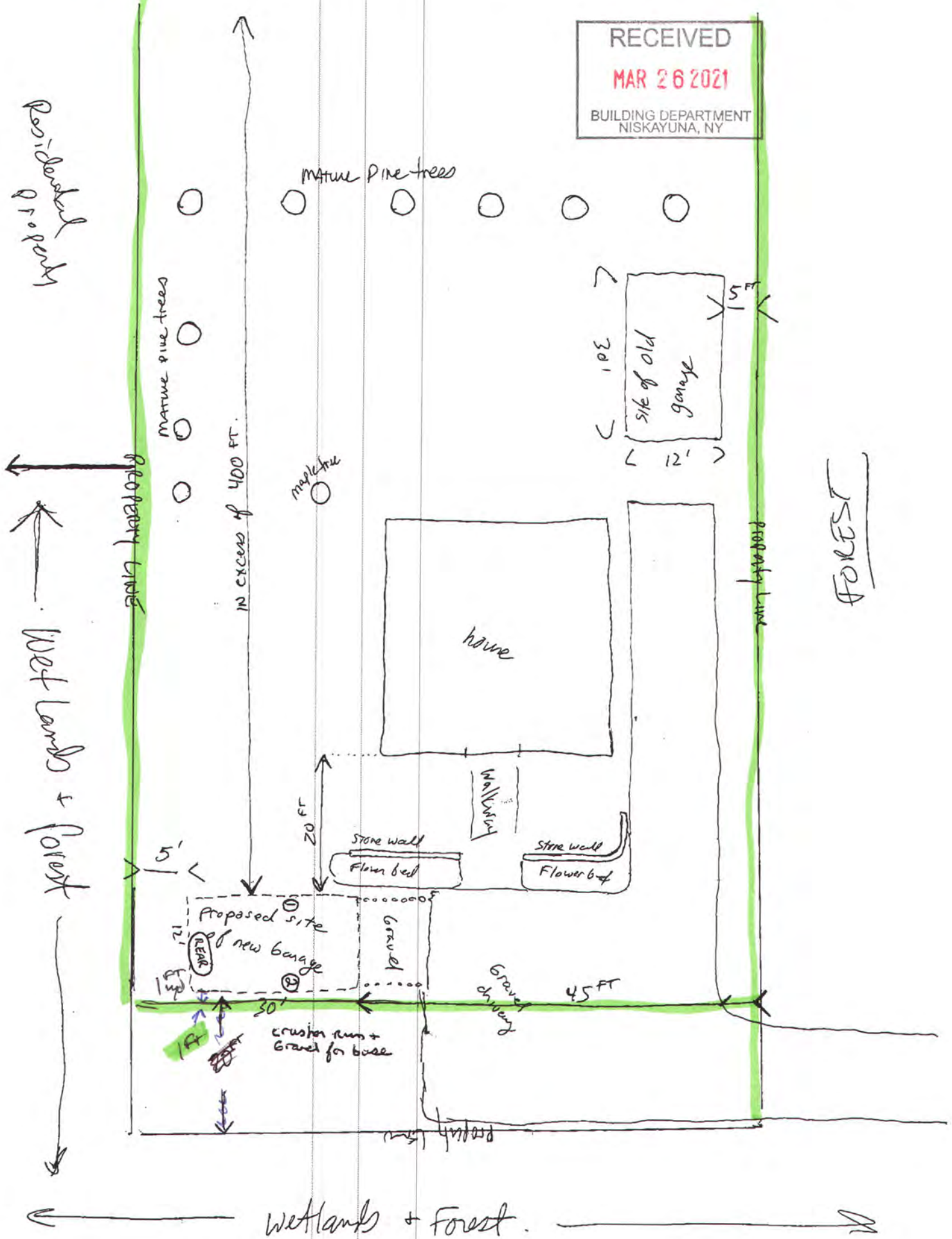
Maximum accessory structure coverage allowed _____

Total accessory structure coverage actual _____

Maximum lot coverage allowed _____

Total lot coverage actual _____

UPDATED DENIAL TO SECOND SIDE YARD (1 FT) PAGE 3 OF 3



RECEIVED

MAY - 7 2021

Building Department
Town of Niskayuna

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: Susan Wright + William O'Hara

RE: Property at 2432 River Rd Niskayuna

Section _____ Block _____ Lot _____

I, Susan Wright / William O'Hara, the (owner) (agent of the owner) of the property located at 2432 River 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

- me
____ 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: Susan Wright Date 5/7/21

Signature of Owner (if different from Agent) _____

Telephone Number: _____

RECEIVED

MAY - 7 2021

Building Department
Town of Niskayuna

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 have explored other alternatives to moving the garage. One would be the removal of the 9 mature Pine trees, Quoted as 2K per tree. (The first tree in 2018 came from George Nebiles Property) We also explored keeping the garage in same spot and gambling that another tree does not fall. Another alternative would of been moving garage next to house on North side but that would end ingress/egress of backyard.

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:

There is no home nearby that can actually see the proposed site with exception of 4069 Windsor Dr. We have spoken with them & enclosed is an Email from them stating that it is no problem.

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

We feel the area of where garage will go would not be substantial to the community.

RECEIVED

MAY - 7 2021

Building Department
Town of Niskayuna

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 property is off a secondary rd Hemitt Drive. We are surrounded by woods with exception of 4069 Windsor & they are fine in new location.

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:

We are surrounded by woods, the main trees are the tall mature pine trees in the backyard that have dropped branches from 2016 - present. Due to heavy wind storms.

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

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

It would cost 2K per tree to make the
current location safe, borders on property line
where there is a forest.

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

Our property is land locked, off of Hemitt Dr
off of River Rd. Forest around 3/4 of our property,
It is a unique parcel, tucked away in the woods.

- (c) The requested use variance, if granted, will not alter the essential character of the neighborhood.

Our property is unique, Land locked by 3/4 forest and 7069 Windsor, Wet lands. Our property cannot be seen by any road, Windsor a River

- (d) The alleged hardship has not been self-created.

During windstorms, tree branches fall & land on our property. These branches are 2+ feet in diameter. They are also huge mature Pine trees, 9 of them. Most are 3-4 feet in diameter

4069 Windsor Dr

Adult
Pine trees



adult pine
trees



adult
pine tree



Site of
previous
garage

12 x 30

Split rail
Fence

Small
Trees
+
thick
brush



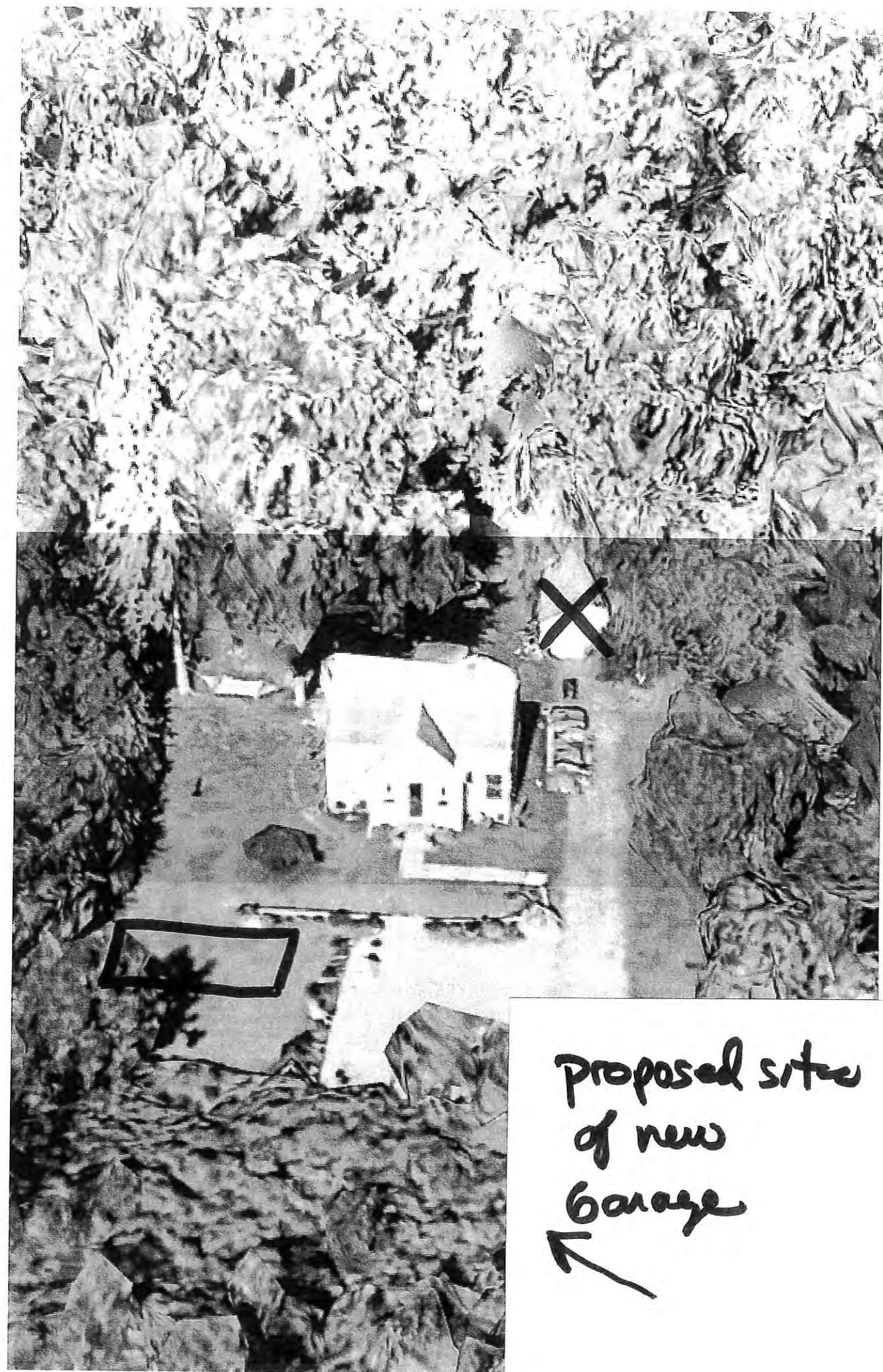
House

Gravel
driveway

12 x 30
Site of
proposed garage

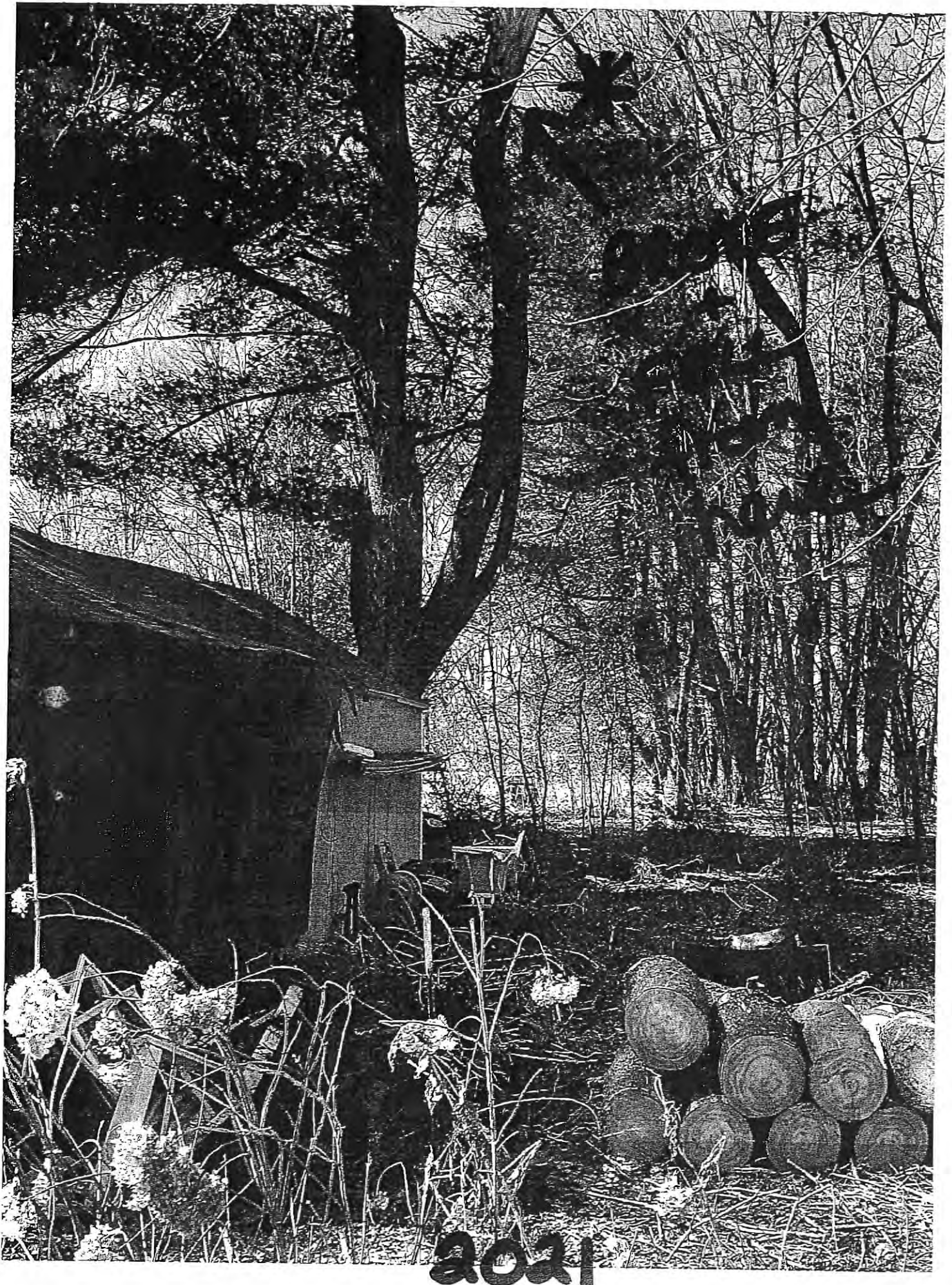
Gravel
Driveway



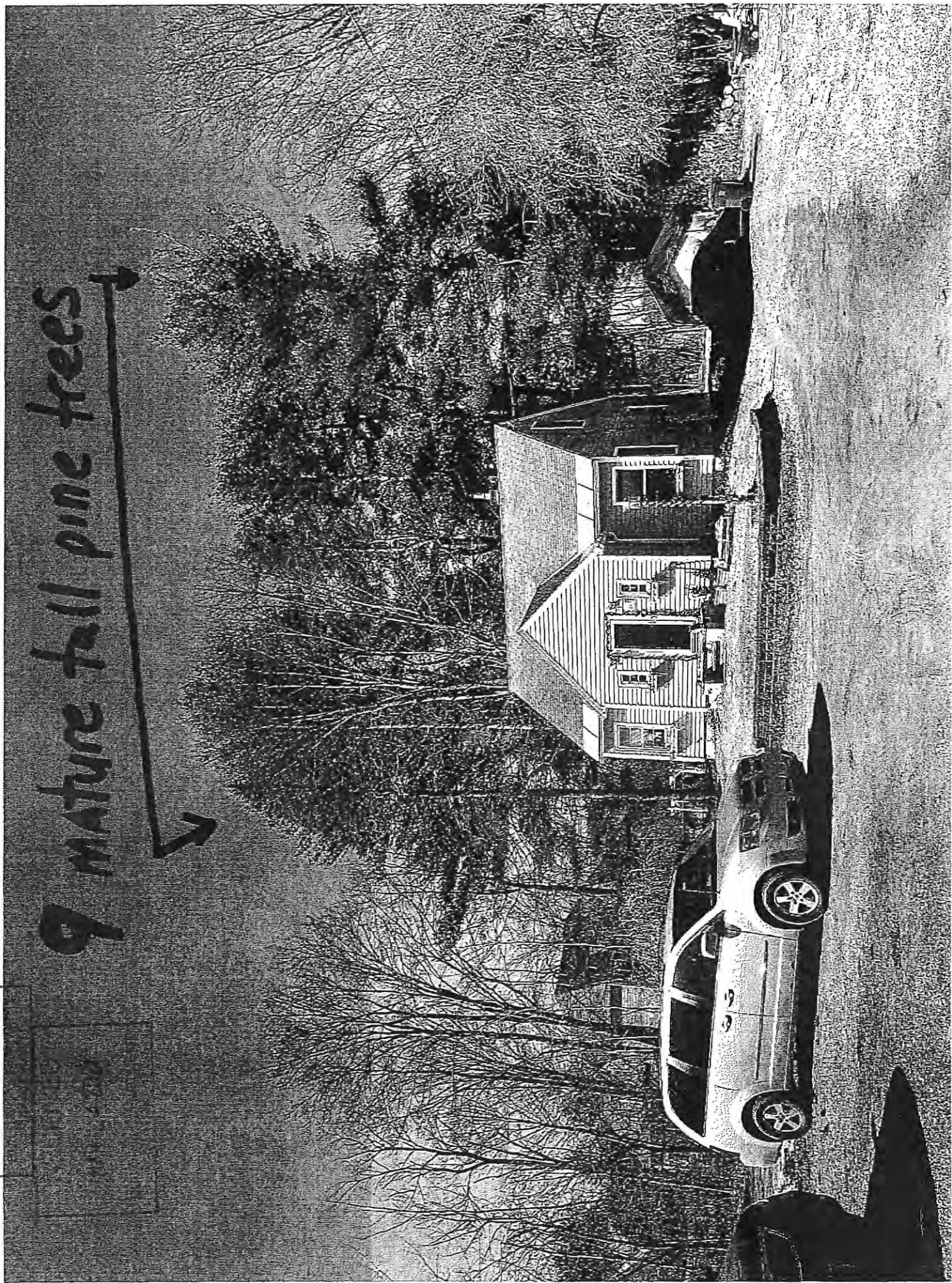


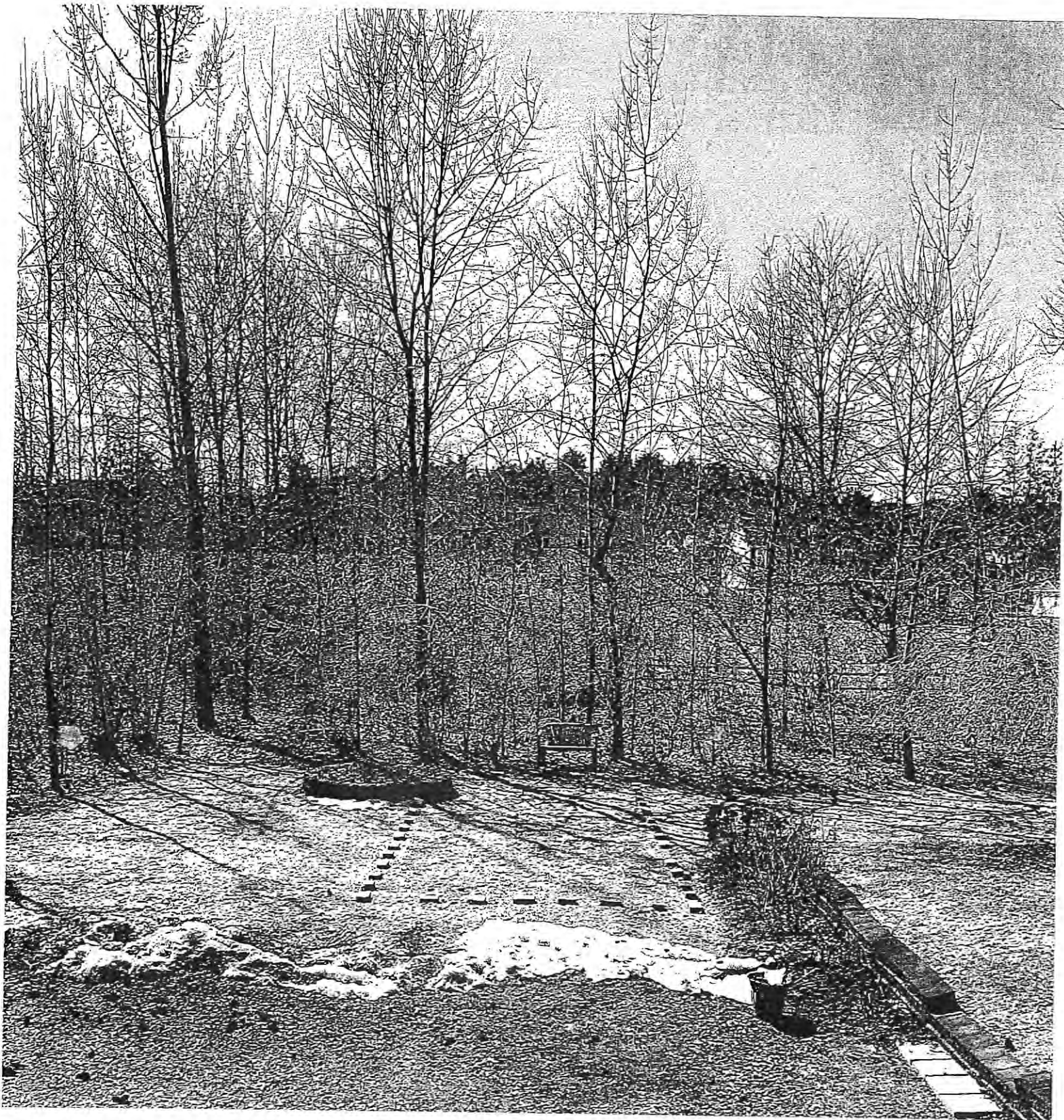
proposed site
of new
garage



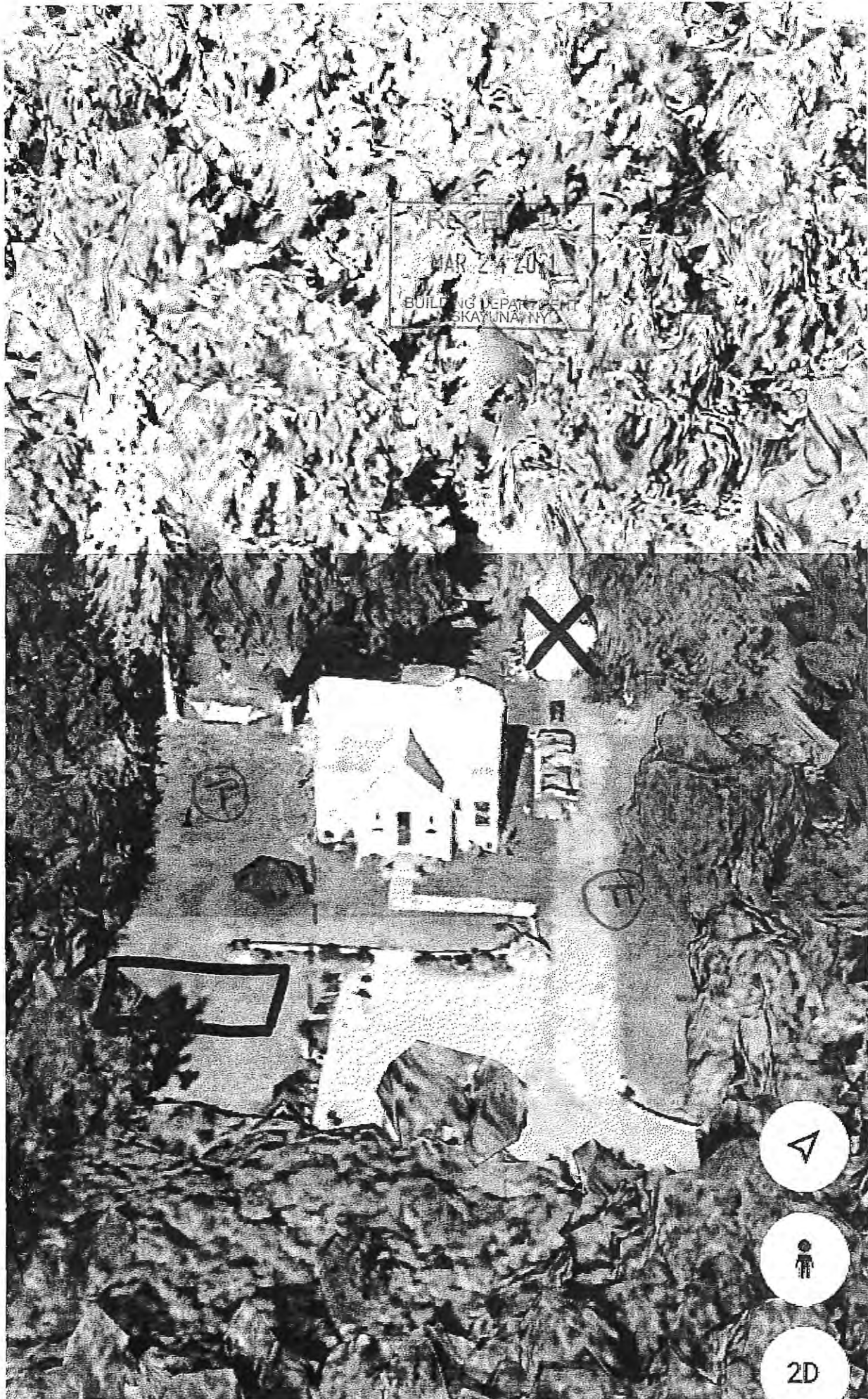


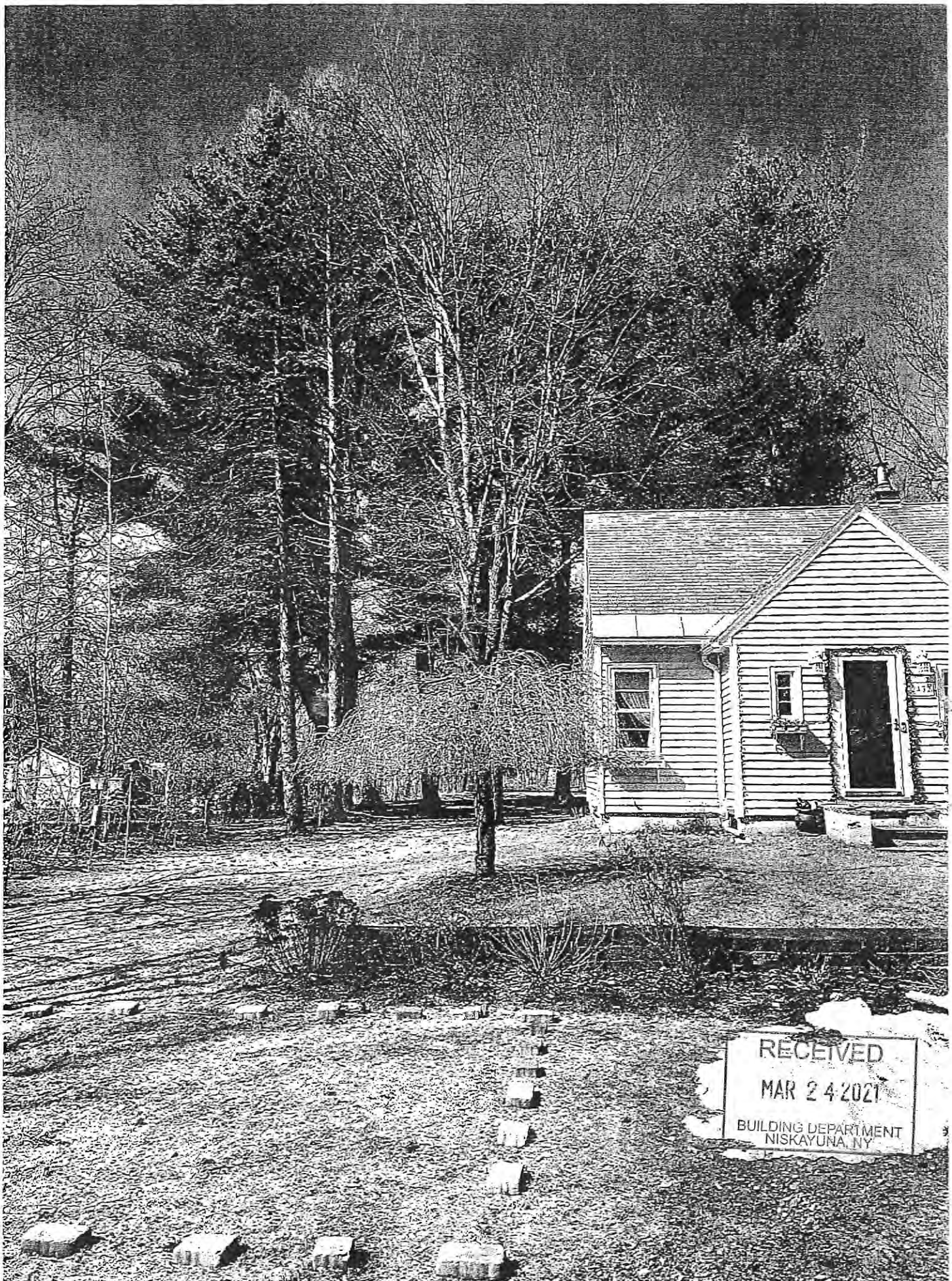
RECEIVED
MAR 24 2021

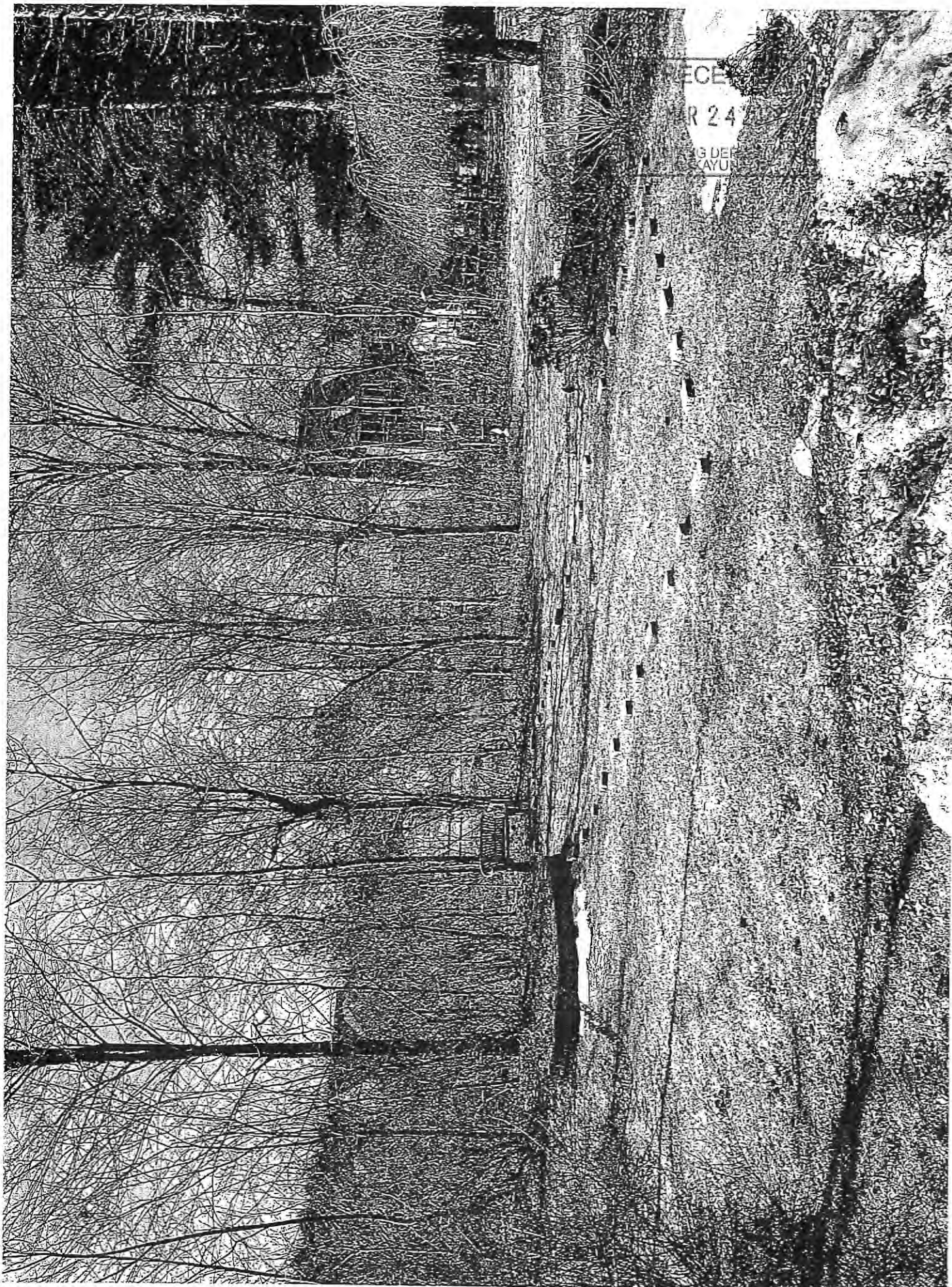


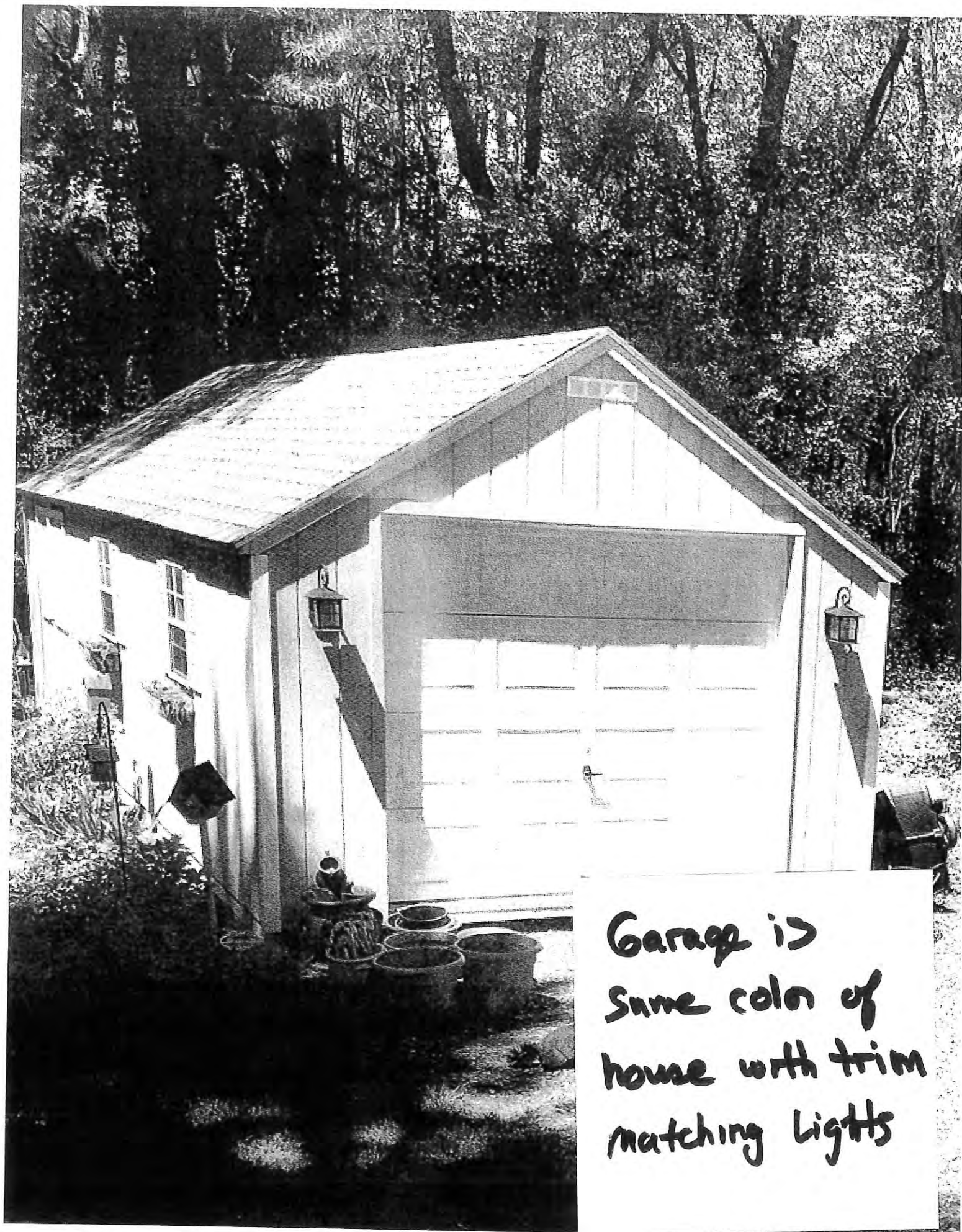


RECEIVED
MAR 24 2021
BUILDING DEPARTMENT
NISKAYUNA, NY









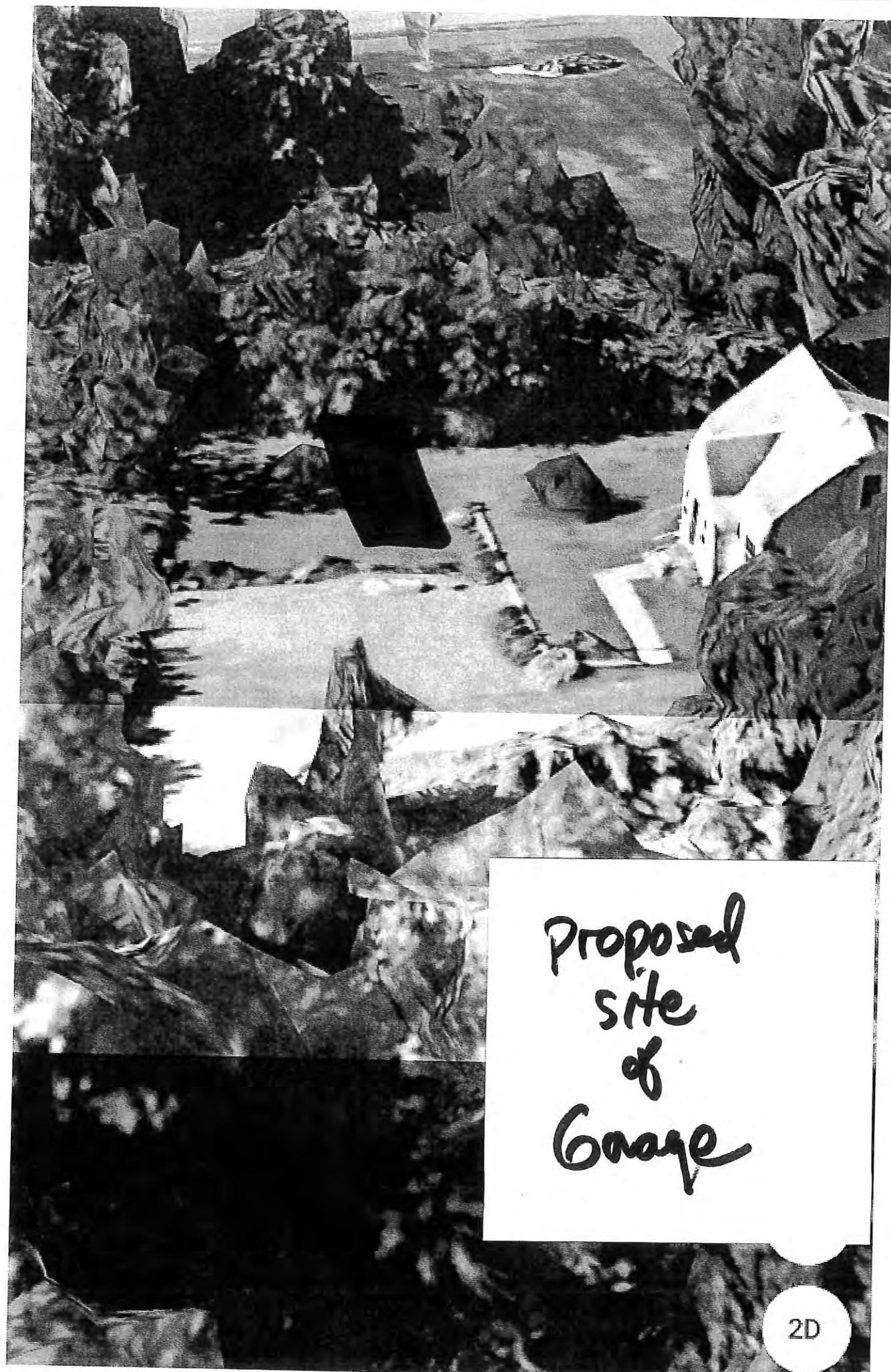
Garage is
Same color of
house with trim
matching lights

Google Maps



RECEIVED
MAR 24 2021
BUILDING DEPARTMENT
NISKAYUNA, NY

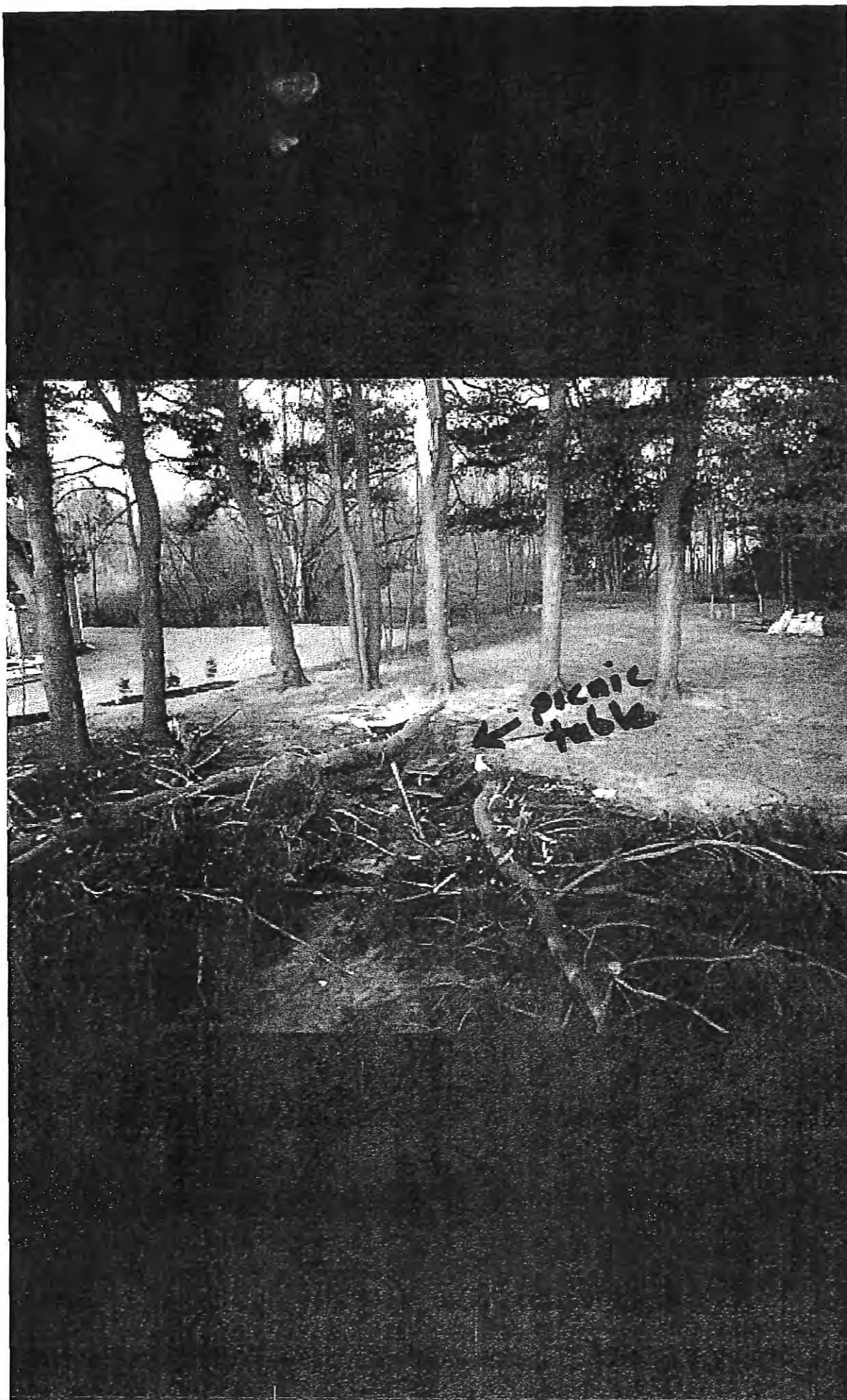
Map data ©2021, Map data ©2021 20 ft



Proposed
site
of
Garage

1st Garage 2018





RECEIVED
MAR 24 2021
FIRE DEPARTMENT

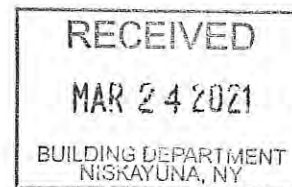
2016

William Ohara / Susan Wright

March 24th 2021

2432 River Rd

Niskayuna, NY



Good day, we are writing this letter in hopes that the transition of getting a replacement garage and having it moved to the new location will run smoothly.

As you well know, A tree came down and damaged our 1st garage in the winter of 2018. We removed it and bought a garage to replace the one damaged by the tree. It was a very smooth process, and all went well. We were a bit wary about the 9 tall mature pine trees that are in the close vicinity since they have dropped numerous branches over the years. Some of these branches were in excess of 36 inches in diameter and 30-40 feet in length. I have enclosed a photocopy of a photograph we took after some came down in 2015.

Going forward, during the windstorm we had the first week of March, another "branch" came down and destroyed our second garage. It was deemed a total loss from our insurance company. See photos.

We contacted the same company we used for the 2nd garage and are putting the order in for the same size structure as before., with only 1 difference. That difference would be it in a different location. This location is nowhere near any tall mature pine trees that would again threaten the structure in the event of another windstorm. The new location seen in the photos would be on the Southeast section of the property. We feel this is the safest spot for the garage, next to the driveway for easy ingress/egress. The color and styling of the garage matches the façade of our house, right down to the lighting.

After speaking with the company that will be making the garage, I was informed that once the security deposit is made, we have 3-4 weeks before completion. We would begin site planning as soon as possible pending the outcome of this permit. We are concerned about our belongings and expensive equipment that is stored in the damaged garage and would hope that this permit would be approved so we can begin the transition.

Thank you for your time and hope to hear from you soon.

*Susan Wright
Wright*

Xuefeng Zhang & Yi Lei

4069 Windsor Dr

Niskayuna, NY 12309

William Ohara & Susan Wright

2431 River Road

Niskayuna, NY 12309

May 5, 2021

I am writing to confirm that the new location of your garage does not bother or upset us.

Please let me know if you have any further question.

Best,

A handwritten signature in black ink, appearing to be 'Xuefeng & Yi', written in a cursive style.

Xuefeng & Yi



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: 2432 River Road

Application Date: 3/24/21

William and Susan Ohara Wright
2432 River Road
Niskayuna, NY 12309

Dear Sir and Madam:

You are hereby notified, as required by Section 220-67 F of the Zoning Ordinance of the Town of Niskayuna, that your application to construct a 12' x 30' garage/shed on the property noted above has been denied by reason of Section 220-18 A (2), 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 A (2) states: "Except otherwise specified in this chapter, accessory structures are not permitted in the front yard of any lot. As proposed the garage/shed will be located in a front yard, therefore a variance from this section of the Town of Niskayuna Zoning Ordinance is required.

Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building." As defined, major accessory structures are "detached accessory buildings or other structures in excess of 120 square feet." The garage/shed, at 360 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 garage/shed is located five (5) feet from the side property line. Therefore; a fifteen (15) 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.

4/6/21

Date



Thomas J. Cannizzo
Zoning Enforcement Officer

Handwritten: HADFA 7/24

Application # B21-144



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

MAR 24 2021

BUILDING DEPARTMENT
NISKAYUNA, NY

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 2432 RIVER RD

DESCRIBE WORK APPLIED FOR REPLACE DAMAGED GARAGE/SHED WITH
ANOTHER SAME SIZED BUT DIFFERENT LOCATION

ESTIMATED VALUE OF ALL WORK (labor and materials): TOTAL \$ 11,007.80

Please submit three sets of plans with this application.

APPLICANT WILLIAM + SUSAN ORANK WRIGHT DAY PHONE 518 807 4520

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

ADDRESS 2432 River Rd

CITY Niskayuna STATE NY ZIP 12309

EMAIL ADDRESS MRNURSESKIguy@yahoo.com

CONTRACTOR _____ DAY PHONE _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

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

PROPERTY OWNER Susan Wright DAY PHONE 518 380 3539

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 _____, _____

Susan Wright
Signature of Applicant

Susan Wright
Printed Name

Notary Public, State of New York

3/23/2021
Date

(FOR OFFICE USE ONLY BELOW)

BUILDING SITE ADDRESS _____

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

PERMIT FEE DUE \$ _____ BASED ON _____

COMMENTS _____

ZONING DISTRICT _____ SECTION-BLOCK-LOT _____

REQUIRED INSPECTIONS:

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

APPROVED BY _____

DATE _____

ACCESSORY STRUCTURE SUPPLEMENT TO PERMIT APPLICATION

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

- a. Address of property 2432 RIVER Rd
- b. Size of accessory structure 12x30

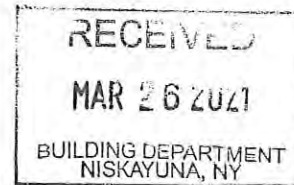
- c. Distance to property lines:

Side 1 7400' 5'

Side 2 20'

Rear 5'

Other Front - 45'



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

Fence yes ☐ no ☒ height _____

Shed yes ☐ no ☒ size _____

Swimming Pool yes ☐ no ☒ size _____

Other yes ☐ no ☒ size _____

- e. Height of accessory structure 9 feet
- f. Type of foundation for structure (if any) Garage / shed built offsite, crusher run / gravel second garage we purchased

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

Applicant's Signature: [Signature] Date: 3/24/2021

(For office use only)

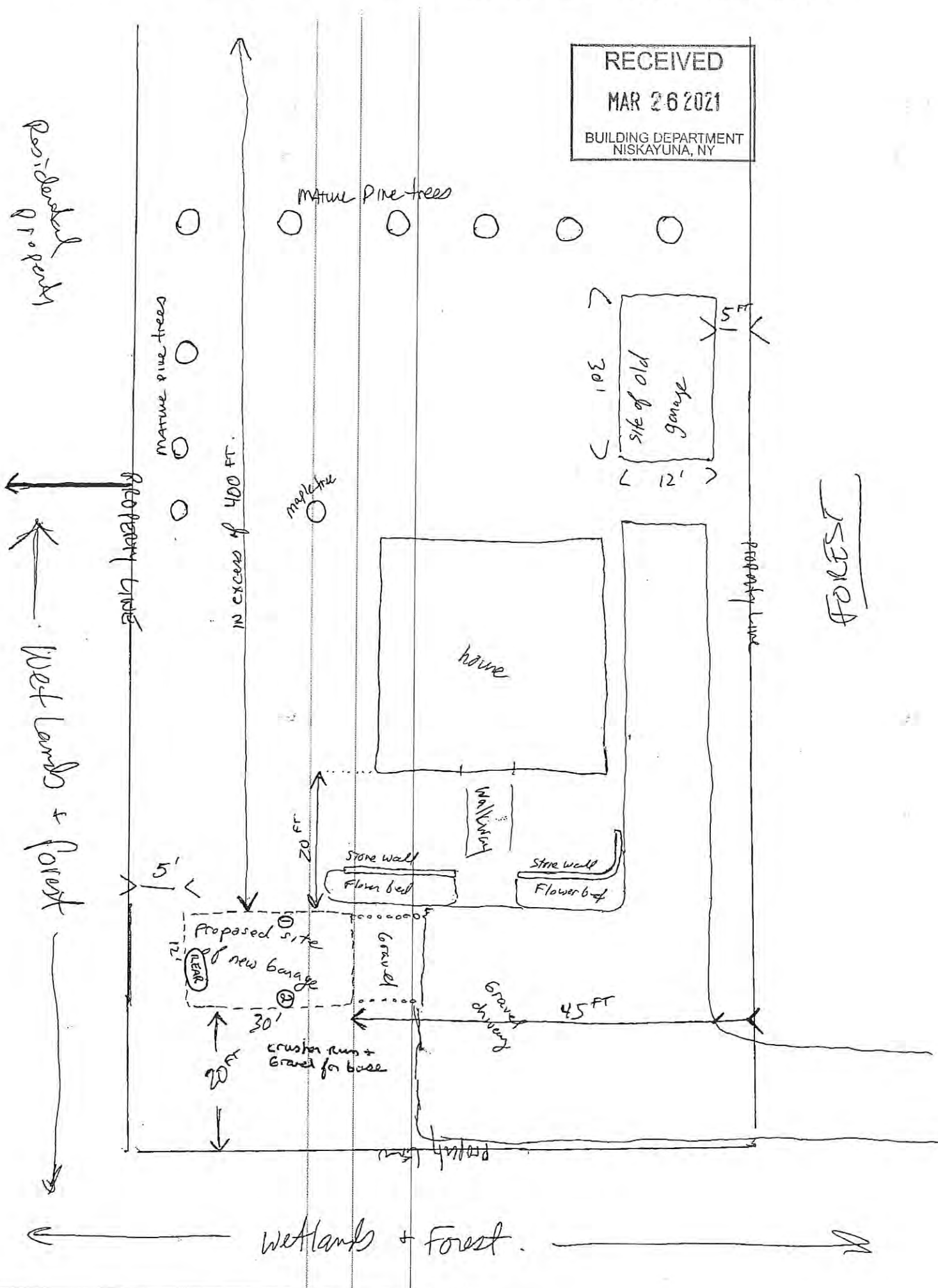
Area of lot _____

Maximum accessory structure coverage allowed _____

Total accessory structure coverage actual _____

Maximum lot coverage allowed _____

Total lot coverage actual _____



CLASSIC SHEDS & Gazebos

1997 Central Avenue
Colonie, NY 12205
(518) 869-7474
Thomas Ensellin - Owner

Creative Playthings

HOME APPOINTMENT:

NAME: William O'Hara	DATE: 3/16/21
ADDRESS: 2432 River Rd Niskayuna NY 12309	DELV DATE:
COUNTY:	PHONE (H):
ORDER DOUBLE CHECKED BY: Init	PHONE (W):
INIT	CELL: 807-4520
KIT: YES / NO	
CALLED IN:	REFERRED BY:
STOPPED IN:	
TALKED TO:	
HOUSE VISITED BY:	

NOTE: Additional \$95.00 WIDE LOAD FEE For Sheds That Are 12' Wide

marrupstslcage@yahoo.com

Quote to Replace 12x30 A-FRAME shed

12x30 A-frame 8/12 Drip Edge shed	9340
6 Double Doors	1200
8x7 Garage Door White Steel	645

RECEIVED

MAR 26 2021

BUILDING DEPARTMENT
NISKAYUNA, NYCost to Remove and Dispose of
Damaged 12x30 shed 2800

NOTE: All Sheds Come Standard with 100% PRESSURE TREATED FLOORS, DIAMOND PLATE THRESHOLDS & GABLE VENTS

SIDING: A-Frame	SHUTTER: white	FLOWER BOX:	
DOOR: 11	Drip Edge: white	VENT: 2 - white	
DOOR TRIM: white	WINDOWS: Lg white (6x8)	CUPOLA:	SUBTOTAL 12785
CORNER TRIM: white	SOFFIT: 548	W/VANE:	TAX 0.8% 1022.80
J CHANNEL:	SHINGLES: Power wing	WDA:	TOTAL 13807.80

Down Loaded 60 ft	Placed? No / Yes # SHTS	Ext. Sheds Moved	Level Ground? Yes (Very Important) No	DEPOSIT
Metal / Wood / No / Yes To Be Taken Down	Metal / Wood / No / Yes To Be Taken Down	Metal / Wood / No / Yes To Be Taken Down	Metal / Wood / No / Yes To Be Taken Down	CR #
Metal / Wood / No / Yes To Be Taken Down	Metal / Wood / No / Yes To Be Taken Down	Metal / Wood / No / Yes To Be Taken Down	Metal / Wood / No / Yes To Be Taken Down	CCF
Metal / Wood / No / Yes To Be Taken Down	Metal / Wood / No / Yes To Be Taken Down	Metal / Wood / No / Yes To Be Taken Down	Metal / Wood / No / Yes To Be Taken Down	DATE
Metal / Wood / No / Yes To Be Taken Down	Metal / Wood / No / Yes To Be Taken Down	Metal / Wood / No / Yes To Be Taken Down	Metal / Wood / No / Yes To Be Taken Down	INIT
				BALANCE DUE
				BALANCE PAID
				CR #
				CCF
				DATE
				INIT
				BALANCE

Until Final Payment is Cleared by Classic Sheds, the Storage Shed, Gazebo, Or Playset Remains The Property Of Classic Sheds. In The Event Of Default Of Payment, The Customer Specifically Authorizes Classic Sheds And Its Agents To Enter His/Her Premises To Remove Said Storage Shed, Gazebo Or Playset Without Being Guilty Of Trespass.

Please Sign

Date

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

June 17, 2021

TO WHOM IT MAY CONCERN:

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

DATE: June 30, 2021

TIME: 7:00 P.M.

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

AT THIS TIME THE BOARD WILL CONSIDER THE REQUEST OF:

Appeal by Michael Mansion, Esq., agent, for a variance from Section 220-18 A (3), Section 220-18 B (1) and 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 29 Dublin Drive, Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to construct a 40' x 60' garage exceeding the height limit for accessory structures, exceeding the lot coverage, and partially within the side and rear yard setback.

Section 220-18 A (3) states: "Unless otherwise specified, accessory structures shall not exceed fifteen (15) feet in height." As proposed, the garage would have a height of twenty three (23) feet; therefore, an eight (8) foot building height variance is required.

Section 220-18 B (1) states that "the total area of coverage by accessory structures shall not exceed 50% of the allowed area of coverage of the minimum permitted lot size in the R-1, R-2, or R-3 Districts or actual lot size, whichever is smaller." As applied, the allowed area of coverage is based on the minimum lot size and is 2,250 square feet. As proposed the garage will be 2,400 square feet. Therefore, a variance is required for an additional 150 square feet of accessory structure coverage.

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 garage, at 2,400 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 garage is located five (5) feet from the side property line and ten (10) feet from the rear property line. Therefore; both, a fifteen (15) foot side yard setback variance and a fifteen (15) foot rear yard setback variance are required.

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

ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS
Application and Procedures For A Variance

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

TO: ZONING BOARD OF APPEALS

FROM: SATNARINE PREMNAUTH

RE: Property at 29 Dublin Drive

Section 61.6 **Block** 1 **Lot** 49.1

RECEIVED

MAY 13 2021

Building Department
Town of Niskayuna

I, Michael P. MANSION, Esq., the (owner) (agent of the owner) of the property located at 29 Dublin 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

X Fifteen (15) copies of plot plans

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

X Appeal fee (see application procedures for details)

X 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: Michael P. Mansion Date 05/13/2021

Signature of Owner (if different from Agent) Satnarine Premnauth

Telephone Number: 518-857-7580

1. **Question: 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, attempt to purchase land, etc.) and with they are not feasible.**

Answer: The applicant is a self-employed home remodeler and landlord. He owns several multi-unit parcels in Schenectady County. The garage is necessary for the storage of his work related materials, equipment and work trucks. From time to time, the applicant must tend to one of his parcels on very short notice, such as weekends, off-hours or the middle of the night. On those occasions, he must be able to quickly respond. No repairs on equipment or vehicles will be conducted on-site. No construction will be conducted on-site.

2. **Question: 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 crate a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:**

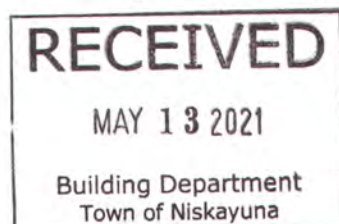
Answer: In order to maintain the aesthetics of the surrounding lots, the applicant shall to plant arborvitae trees along the nearby property line. As noted on the plot plan, the area where the applicant proposes to place the garage sits below the highest grade on the parcel. The applicant's residence sits at that highest elevation point. From there, the site drops from the highest point, 280 feet above grade, down to 270 feet. In addition, the applicant's rear lot line abuts lands belonging to the Most Holy Redeemer Cemetery. The roof line of the proposed garage will be about the only thing visible from the street.

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

Answer: The proposed variance is not substantial. According to the Town's assessment roll, 29 Dublin Drive is a one (1) acre parcel, with 101.42 feet of frontage and 346.74 feet front to rear

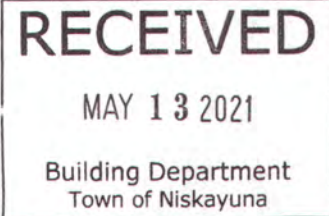
4. **Question: Whether the variance will have adverse physical or environmental effects on the neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:**

Answer: The applicant is seeking permission to install a two car garage built on a concrete slab foundation. No environmental impact would result from the construction. The garage would sit below grade. There will be no maintenance of the equipment or vehicles on site or in the proposed garage, only storage. There would be no discharge of used motor vehicle fluids, or the like which could create a groundwater contamination issue.



5. **Question: 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.**

Answer: The alleged difficulty was not self-created. The applicant is attempting to proactively remediate any neighbor's concerns by placing all of his work related tools, equipment and vehicles in the proposed garage instead of having those items left in the driveway, visible to the neighbors. That would have a much greater negative impact on the neighborhood.



STATE OF NEW YORK
COUNTY - Schenectady
TOWN - Niskayuna
SWIS - 422400

2 0 2 1 T E N T A T I V E A S S E S S M E N T R O L L
T A X A B L E SECTION OF THE ROLL - 1
PROPERTY LOCATION SEQUENCE
UNIFORM PERCENT OF VALUE IS 096.00

PAGE 535
VALUATION DATE-JUL 01, 2020
TAXABLE STATUS DATE-MAR 01, 2021

TAX MAP PARCEL NUMBER	PROPERTY LOCATION & CLASS	ASSESSMENT	EXEMPTION CODE	COUNTY	TOWN	SCHOOL
CURRENT OWNERS NAME	SCHOOL DISTRICT	LAND	TAX DESCRIPTION	TAXABLE VALUE		
CURRENT OWNERS ADDRESS	PARCEL SIZE/GRID COORD	TOTAL	SPECIAL DISTRICTS			ACCOUNT NO.
***** 61.6-1-48 *****						
61.6-1-48	25 Dublin Dr	HOMESTEAD PARCEL				
Ward Michael G	210 1 Family Res		STAR B 41854	0	0	30,000
Ward Sonya C	Niskayuna Centr 422401	52,800	COUNTY TAXABLE VALUE	420,000		
25 Dublin Dr	FRNT 106.00 DPTH 212.00	420,000	TOWN TAXABLE VALUE	420,000		
Niskayuna, NY 12309	ACRES 0.62 BANK 500		SCHOOL TAXABLE VALUE	390,000		
	EAST-0665722 NRTH-1440332		FI200 Fire District 2	420,000 TO		
	DEED BOOK 1740 PG-800		PK900 Park District 9	1.00 SU		
	FULL MARKET VALUE	437,500	420,000 TO	.00 UN		
			S600A Sewer Dist 6-00	106.00 FR		
			1.00 SU	.00 UN		
			W100A Water Dist 100a	106.00 FR		
			1.00 SU	.00 UN		
***** 61.6-1-18 *****						
61.6-1-18	26 Dublin Dr	HOMESTEAD PARCEL				03334
Daversa-Russo Alyssa	210 1 Family Res		COUNTY TAXABLE VALUE	445,000		
Russo Anthony	Niskayuna Centr 422401	53,000	TOWN TAXABLE VALUE	445,000		
26 Dublin Dr	FRNT 145.97 DPTH 214.34	445,000	SCHOOL TAXABLE VALUE	445,000		
Niskayuna, NY 12309	ACRES 0.63		FI200 Fire District 2	445,000 TO		
	EAST-0665967 NRTH-1440459		PK900 Park District 9	1.00 SU		
	DEED BOOK 1803 PG-133		445,000 TO	.00 UN		
	FULL MARKET VALUE	463,500	S600A Sewer Dist 6-00	145.97 FR		
			1.00 SU	.00 UN		
			W100A Water Dist 100a	145.97 FR		
			1.00 SU	.00 UN		
***** 61.6-1-49.1 *****						
61.6-1-49.1	29 Dublin Dr	HOMESTEAD PARCEL				04366
Premnauth Satnarine	210 1 Family Res		COUNTY TAXABLE VALUE	575,000		
29 Dublin Dr	Niskayuna Centr 422401	63,300	TOWN TAXABLE VALUE	575,000		
Niskayuna, NY 12309	FRNT 101.42 DPTH 346.74	575,000	SCHOOL TAXABLE VALUE	575,000		
	ACRES 1.00		FI200 Fire District 2	575,000 TO		
	EAST-0665595 NRTH-1440409		PK900 Park District 9	1.00 SU		
	DEED BOOK 2045 PG-957		575,000 TO	.00 UN		
	FULL MARKET VALUE	599,000	S600A Sewer Dist 6-00	101.42 FR		
			1.00 SU	.00 UN		
			W100A Water Dist 100a	101.42 FR		
			1.00 SU	.00 UN		

RECEIVED
MAY 13 2021
Building Department
Town of Niskayuna



RECEIVED

MAY 13 2021

Building Department
Town of Niskayuna



RECEIVED
MAY 13 2021
Building Department
Town of Niskayuna

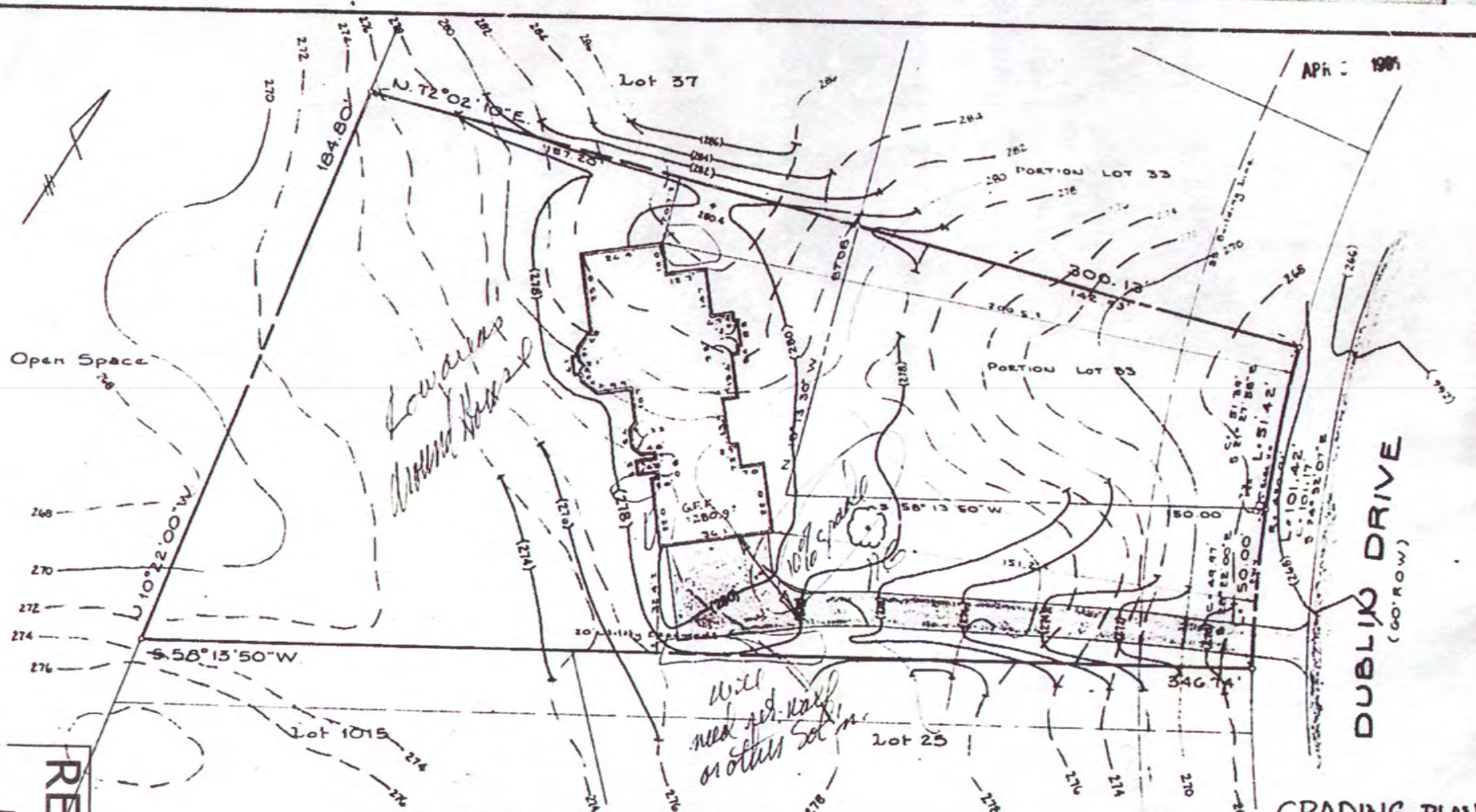


RECEIVED

MAY 13 2021

Building Department
Town of Niskayuna

APR 1987



GRADING PLAN

LOT 29 + A PORTION OF LOT 33 - DUBLIN DRIVE
Avon Crest North
Section 1

TOWN OF NISKAYUNA COUNTY OF SCHEWECTADY, N.Y.

C. T. MALE ASSOCIATES, P.C.

50 Century Hill Drive, P.O. Box 727, Latham, NY 12110

(518) 785-0976

Engineering Surveying Architecture Landscape Architecture
Laboratory Services Computer Services



DATE	RECORD OF WORK	Drawn	Check	Appr.
6-14-90	PROPOSED BLDG. LOC.	J.P.	W.P.R.	W.P.R.
12-20-90	FOUNDATION LOCATION	J.P.	W.P.R.	W.P.R.
3-28-91	FINAL GRADING	GEH		

Drafter: J.R.G. Checker: W.P.R. Appr. by: C.J.D.

© 1987
C.T. MALE ASSOCIATES, P.C.

DATE: NOV. 10, 1987

SCALE: 1"=50' PROJ. NO. 87.0215 SHEET 1 OF 1 DWG. NO. 87.562

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

RECEIVED

MAY 13 2021

Building Department
Town of Niskayuna



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: 29 Dublin Drive

Application Date: 4/23/21

Satnarine Premnauth
29 Dublin Drive
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 a 40' x 60' garage on the property noted above has been denied by reason of Section 220-18 A (3), Section 220-18 B (1) and 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.

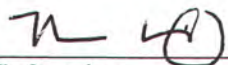
Section 220-18 A (3) states: "Unless otherwise specified, accessory structures shall not exceed fifteen (15) feet in height." As proposed, the garage would have a height of twenty three (23) feet; therefore, an eight (8) foot building height variance is required.

Section 220-18 B (1) states that "the total area of coverage by accessory structures shall not exceed 50% of the allowed area of coverage of the minimum permitted lot size in the R-1, R-2, or R-3 Districts or actual lot size, whichever is smaller". As applied, the allowed area of coverage is based on the minimum lot size and is 2250 square feet. As proposed the garage will be 2400 square feet. Therefore, a variance is required for an additional 150 square feet of accessory structure coverage.

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." Your garage, at 2400 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 garage is located five feet (5') from the side property line and ten feet (10') from the rear property line. Therefore; both, a fifteen foot (15') side yard setback variance and a fifteen foot (15') rear yard setback variance are required.

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

5/4/21
Date


Thomas J. Cannizzo
Zoning Enforcement Officer



TOWN OF NISKAYUNA

APPLICATION FOR BUILDING AND ZONING PERMIT

One Niskayuna Circle

Niskayuna, New York 12309

Phone: 518-386-4522 Fax: 518-386-4592

Email: building@niskayuna.org

Application # B21-263

RECEIVED

APR 23 2021

BUILDING DEPARTMENT
NISKAYUNA, NY

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 29 DUBLIN DR NISKAYUNA N.Y. 12309
DESCRIBE WORK APPLIED FOR GARAGE

ESTIMATED VALUE OF ALL WORK (labor and materials):

TOTAL \$ 25000.00

Please submit three sets of plans with this application.

APPLICANT SATNARINE PREMNAUTH DAY PHONE 518-857-7580

CHECK ONE: ☐ CONTRACTOR

☒ HOMEOWNER

☐ OTHER (explain) _____

ADDRESS 29 DUBLIN DR

CITY NISKAYUNA

STATE N.Y.

ZIP 12309

EMAIL ADDRESS Prem@kkchomes.com

CONTRACTOR _____

DAY PHONE _____

ADDRESS _____

CITY _____

STATE _____

ZIP _____

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

PROPERTY OWNER SATNARINE PREMNAUTH DAY PHONE (518) 857-7580

ADDRESS (if different than above) _____

CITY _____

STATE _____

ZIP _____

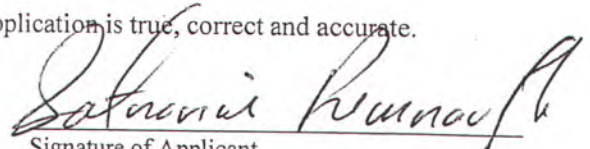
PLEASE SIGN Page 2

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

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

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

Sworn to me on this _____ day of _____, _____


Signature of Applicant

STEFANIE PREMNAUTH
Printed Name

4-23-21
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 _____

ACCESSORY STRUCTURE SUPPLEMENT TO PERMIT APPLICATION

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

a. Address of property 29 Dublin DR Niskayuna NY 12309

b. Size of accessory structure 40' x 60' = 2400 sq ft 150' V

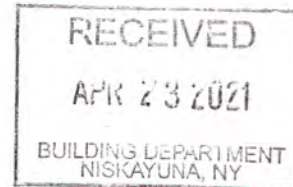
c. Distance to property lines:

Side 1 5' V

Side 2 10' V

Rear 10' V

Other _____



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

Fence yes _____ no X height _____

Shed yes _____ no X size _____

Swimming pool yes _____ no X size _____

Other yes _____ no X size _____

e. Height of accessory structure 23' V

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

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

Applicant's Signature: Saturnine Rumbolt Date: 4-23-21

(For office use only)

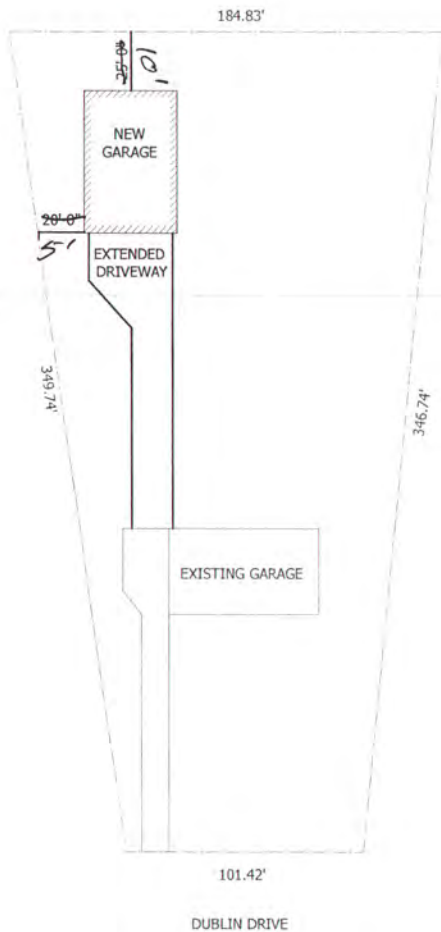
Area of lot 301 sq ft

Maximum accessory structure coverage allowed 2250 sq ft

Total accessory structure coverage actual 2400 sq ft - V

Maximum lot coverage allowed 11-11

Total lot coverage actual 11-11



DRAWING SET INDEX

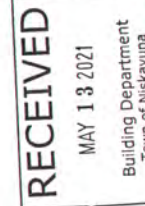
NO.	SHEET NAME
T100	COVER SHEET AND NOTES
A100	FOUNDATION PLAN
A101	FLOOR PLAN
A102	ROOF TRUSS PLAN
A103	ELEVATION
A104	ELEVATION
A105	ELEVATION
A106	WALL SECTION

SCOPE OF WORK

1. NEW 2,400 S.F. GARAGE IN REAR OF EXISTING PROPERTY

CONSTRUCTION NOTES:

1. HE INTENT OF THE DRAWINGS IT TO PRODUCE THE INTENDED RESULTS UNDER RECOGNIZED STANDARDS, EVEN IF NOT SHOWN, BUT REASONABLY INFERABLE THEREFROM. THE CONTRACTOR SHALL CHECK ALL DRAWINGS FURNISHED TO HIM/HER IMMEDIATELY UPON THEIR RECEIPT AND SHALL PROMPTLY NOTIFY THE DESIGNERS OF ANY DISCREPANCIES. LARGER SCALE DRAWINGS WILL TAKE PRECEDENCE OVER SMALLER SCALE DRAWINGS, AND DETAILS TAKE PRECEDENT OVER ALL. THE CONTRACTOR SHALL COMPARE ALL DRAWINGS AND VERIFY THE DETAILS BEFORE LAYING OUT THE WORK AND SHALL BE RESPONSIBLE FOR ANY ERRORS WHICH MIGHT HAVE BEEN AVOIDED THEREBY.
2. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE IBC OF NEW YORK STATE 2020 AND LOCAL BUILDING CODES.
3. CONTRACTORS ARE TO NOTIFY ARCHITECT IMMEDIATELY IF ANY DISCREPANCIES OCCUR BEFORE PROCEEDING WITH THE RELATED WORK.
4. ALL WORK SHALL BE PERFORMED IN A MANNER THAT PROTECTS BUILDING OCCUPANTS, VISITORS AND THEIR POSSESSIONS. THE CONTRACTOR SHALL PROVIDE ADEQUATE VENTILATION DURING ALL WORK EMITTING FUMES AND ODORS SO AS NOT TO AFFECT ANY PERSON IN THE WORK AREA AND BUILDING IN GENERAL.
5. ALL CONCRETE IS 3000# FIBER-REINFORCED, UNLESS OTHERWISE NOTED.
6. ALL FASTENERS IN CONTACT WITH TREATED WOOD SHALL BE STAINLESS STEEL.
7. ALL WOOD IN CONTACT WITH CONCRETE OR EXPOSED TO THE WEATHER SHALL BE TREATED WOOD.
8. ALL SITE INFORMATION WAS GIVEN BY OWNER. OWNER IS RESPONSIBLE FOR BUILDING LOCATION. OWNER HAS BEEN ADVISED TO CONSULT A SURVEYOR FOR LOCATION OF ADDITIONS.
9. ALL FLOOR JOISTS AND ROOF RAFTERS TO BE SECURED WITH SIMPSON HANGERS.



CAPITAL ARCHITECTURE
13 HAMILTON STREET
COHOES, NY 12047
253 1442 CELL
capitalarchitecture@yahoo.com
THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION AND
CONSTRUCTION OF THIS PROJECT
WILL BE UNDER MY OBSERVATION.



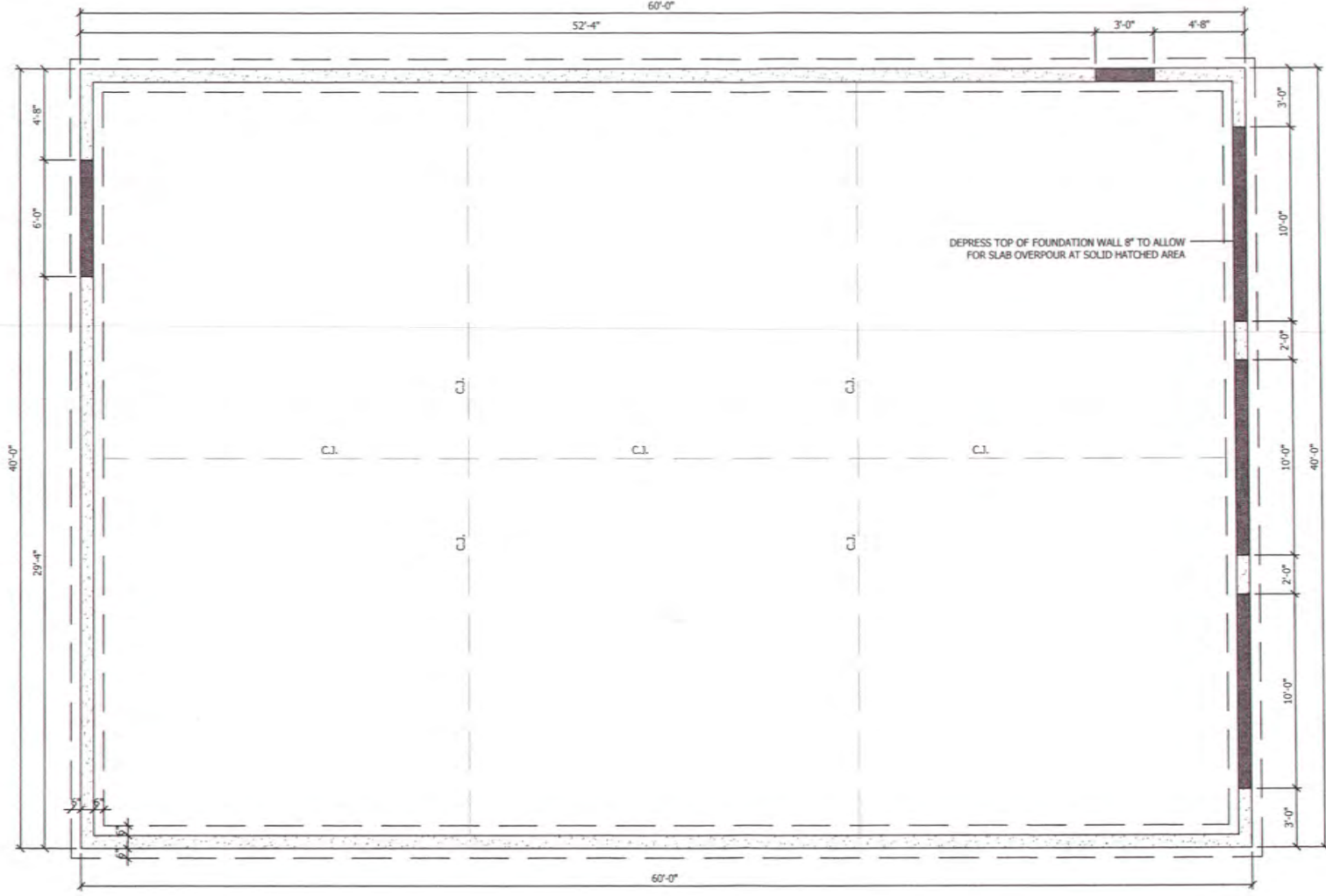
GARAGE

29 DUBLIN DRIVE
NISKAYUNA, NY

TITLE SHEET

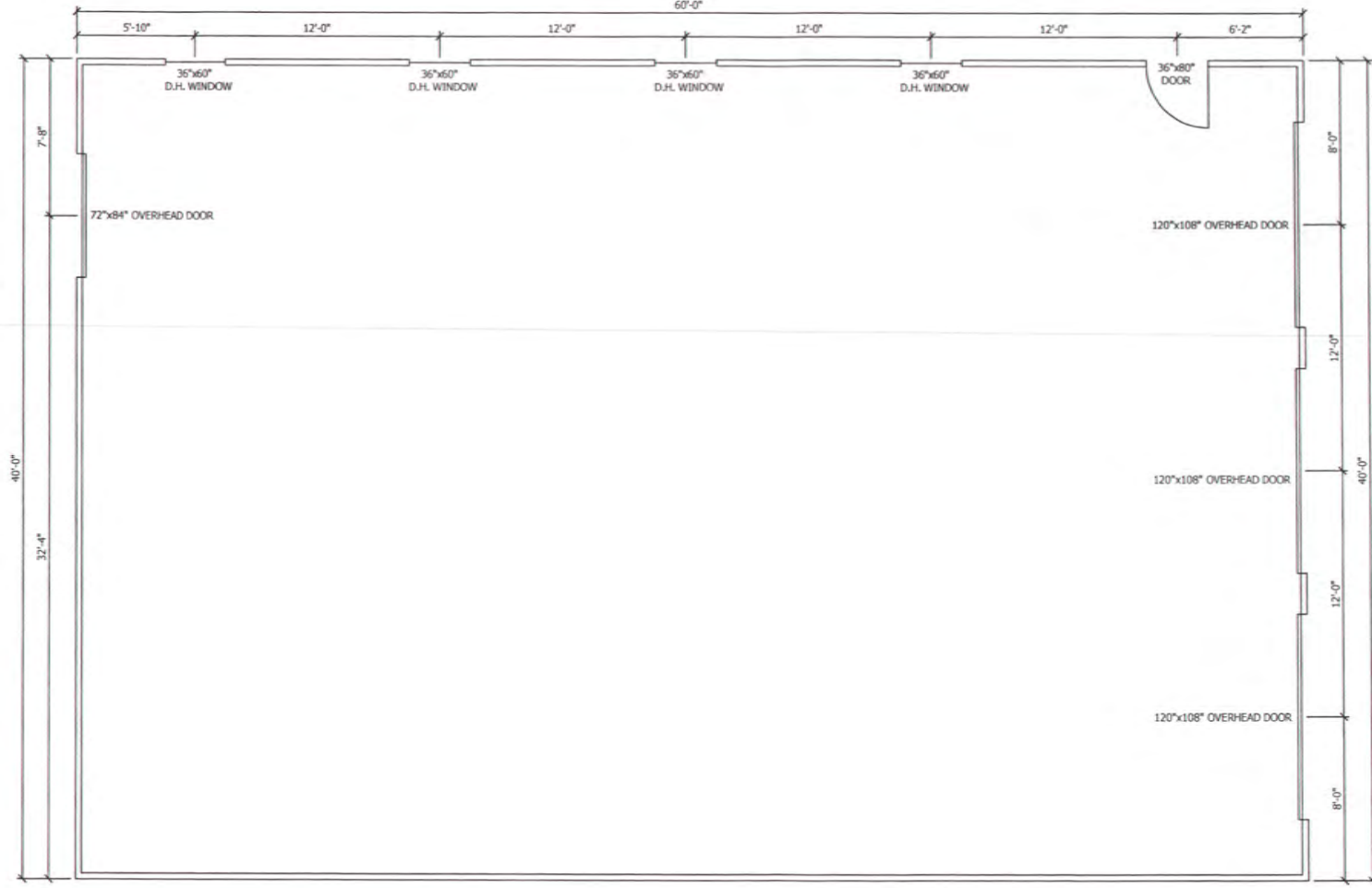
DATE: 1 APRIL 2021


SHEET #: T100



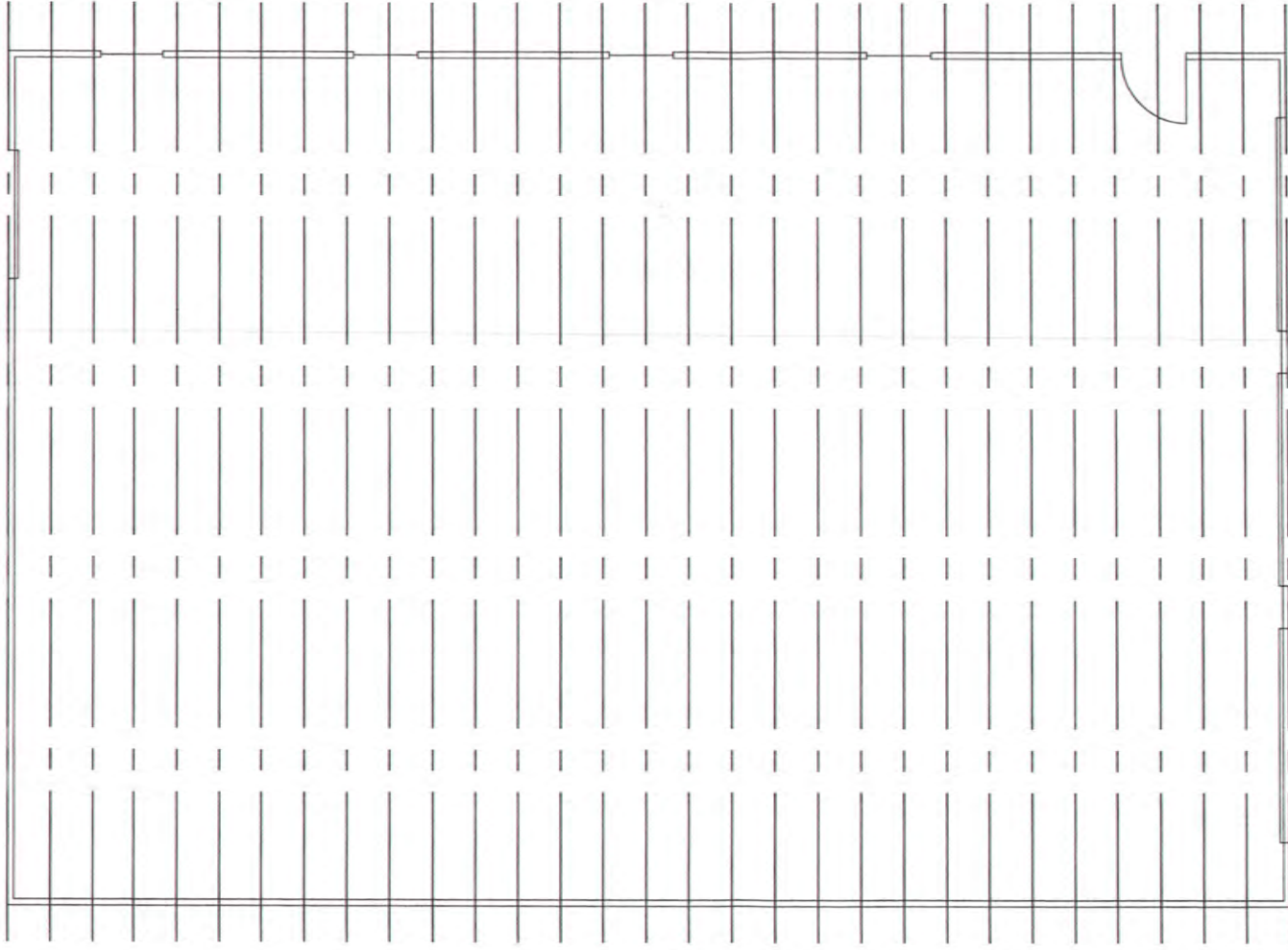
DATE: 1 APRIL 2021	GARAGE	<p>CAPITAL ARCHITECTURE 13 HAMILTON STREET COHOES, NY 12047 253 1442 CELL capitalarchitecture@yahoo.com</p> <p>THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION.</p>
SHEET #: A100	29 DUBLIN DRIVE NISKAYUNA, NY	
	FOUNDATION PLAN	





DATE: 1 APRIL 2021		GARAGE			CAPITAL ARCHITECTURE 13 HAMILTON STREET COHOES, NY 12047 253 1442 CELL capitalarchitecture@yahoo.com <small>THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION.</small>
SHEET #: A101		29 DUBLIN DRIVE NISKAYUNA, NY			
		FLOOR PLAN			

(2) 2x8 LINTEL



DATE: 1 APRIL 2021

SHEET #: **A102**

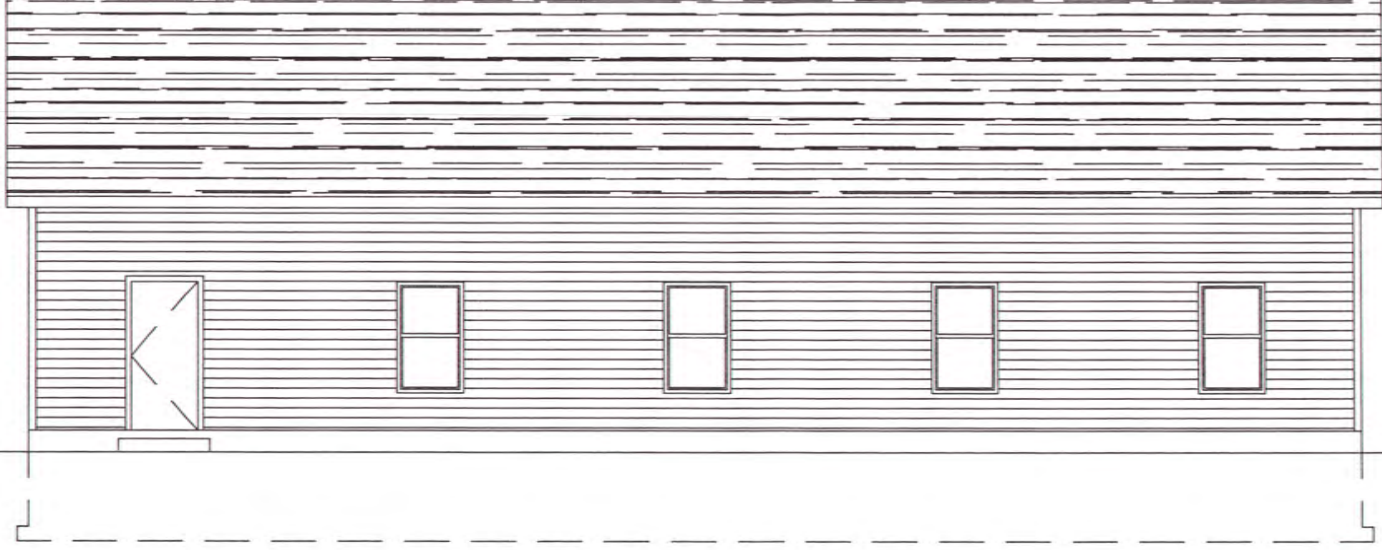
GARAGE

29 DUBLIN DRIVE
NISKAYUNA, NY

ROOF TRUSS LAYOUT



CAPITAL ARCHITECTURE
13 HAMILTON STREET
COHOES, NY 12047
253 1442 CELL
capitalarchitecture@yahoo.com
THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION AND
CONSTRUCTION OF THIS PROJECT
WILL BE UNDER MY OBSERVATION



DATE: 1 APRIL 2021

SHEET #:
A103

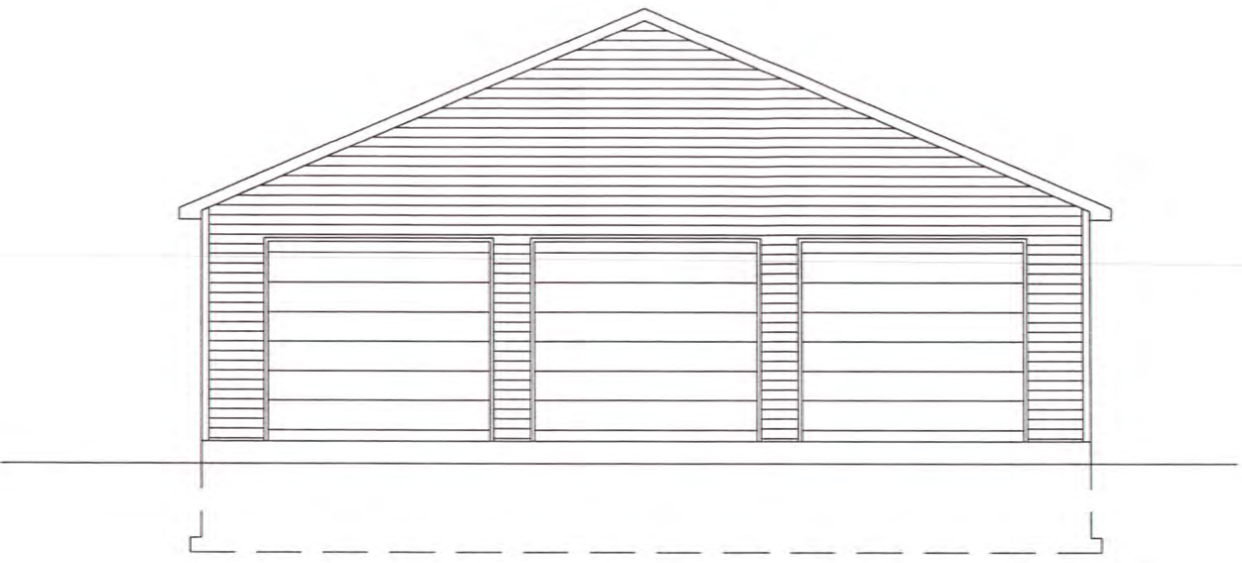
GARAGE


29 DUBLIN DRIVE
NISKAYUNA, NY

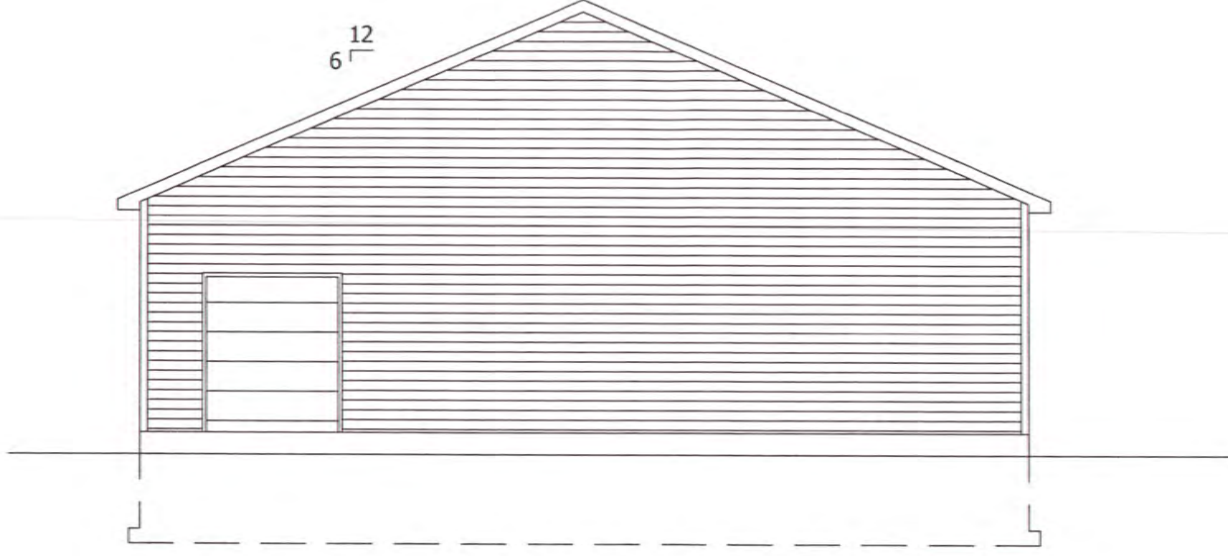
ELEVATION



CAPITAL ARCHITECTURE
13 HAMILTON STREET
COHOES, NY 12047
253 1442 CELL
capitalarchitecture@yahoo.com
THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION AND
CONSTRUCTION OF THIS PROJECT
WILL BE UNDER MY OBSERVATION.



DATE : 1 APRIL 2021		GARAGE			CAPITAL ARCHITECTURE 13 HAMILTON STREET COHOES, NY 12047 253 1442 CELL capitalarchitecture@yahoo.com THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION.
SHEET #: <					



DATE: 1 APRIL 2021

SHEET #: **A105**

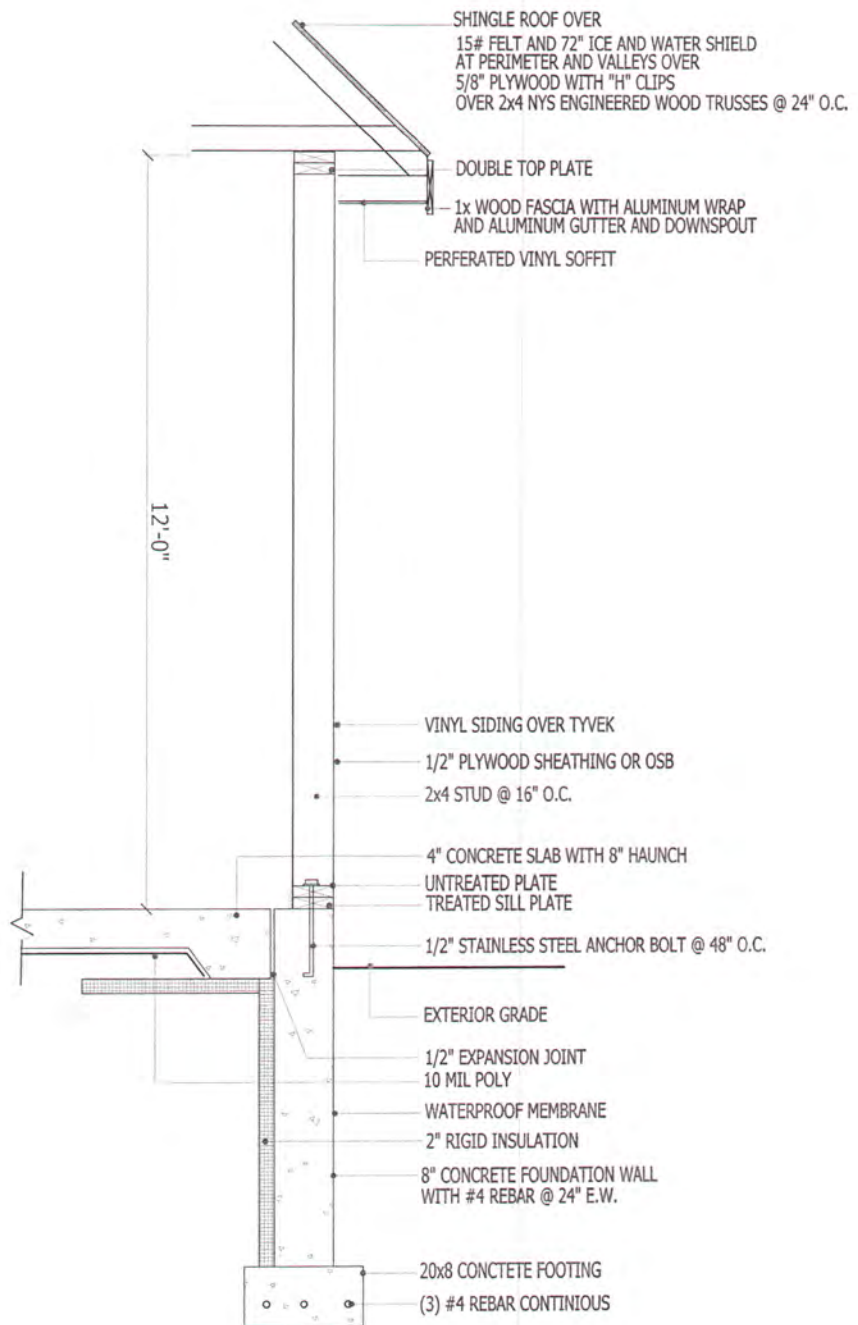
GARAGE

29 DUBLIN DRIVE
NISKAYUNA, NY

ELEVATION



CAPITAL ARCHITECTURE
13 HAMILTON STREET
COHOES, NY 12047
253 1442 CELL
capitalarchitecture@yahoo.com
THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION AND
CONSTRUCTION OF THIS PROJECT
WILL BE UNDER MY OBSERVATION



DATE: 1 APRIL 2021

GARAGE

SHEET#:

A106

29 DUBLIN DRIVE
NISKAYUNA, NY

WALL SECTION



CAPITAL ARCHITECTURE
13 HAMILTON STREET
COHOES, NY 12047
253 1442 CELL
capitalarchitecture@yahoo.com

THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION AND
CONSTRUCTION OF THIS PROJECT
WILL BE UNDER MY OBSERVATION.

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

June 17, 2021

TO WHOM IT MAY CONCERN:

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

DATE: June 30, 2021

TIME: 7:00 P.M.

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

AT THIS TIME THE BOARD WILL CONSIDER THE REQUEST OF:

Appeal by Joshua Richards for a variance from Section 220-4, Section 220-18 A (2), Section 220-15 D, Section 220-18 B (3) (b) and Section 220-13, Schedule I-C of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 206 Greylock Avenue, Niskayuna, New York, located in the R-2: Medium Density Residential Zoning District, to construct a 12' x 12' shed in the front yard and partially with a front and rear 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; Greylock Avenue and Becker Street. Section 220-18 A (2) states: "Except otherwise specified in this chapter, accessory structures are not permitted in the front yard of any lot." As proposed, the shed will be located in the front yard along Greylock Avenue. Therefore, the location of the shed, in the front yard, requires a variance.

Section 220-15 D states "Corner lots. Front yard minimums shall be required of both yards facing a street on a corner lot. Side yard minimums shall be required of the remaining two yards for properties located in the R-1 and R-2 Zoning Districts."

Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building." As defined, major accessory structures are "detached accessory buildings or other structures in excess of 120 square feet." The shed, at 144 square feet, is a major accessory structure. Section 220-13 Schedule I-C establishes a front yard minimum setback of thirty (30) feet and a side yard minimum setback of fifteen (15) feet. As proposed, the shed will be located five (5) feet from the front property line along Greylock Avenue and the shed will be located five (5) feet from the rear property line. Therefore; both, a twenty five (25) foot front yard setback variance and a ten (10) foot rear yard setback variance for the shed are required.

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

ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS
Application and Procedures For A Variance

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

TO: ZONING BOARD OF APPEALS

FROM: _____

RE: Property at _____

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

RECEIVED

MAY 14 2021

**Building Department
Town of Niskayuna**

I, JOSHUA RICHARDS, the (owner) (agent of the owner) of the property located at 206 GREYLOCK AVE in the Town of Niskayuna, New York, hereby petition the Zoning Board of Appeals to review the decision of the Zoning Enforcement Officer on the above-referenced application and to grant a variance from Section(s) of the Zoning Ordinance in order to permit the proposed construction shown on the accompanying drawings.

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

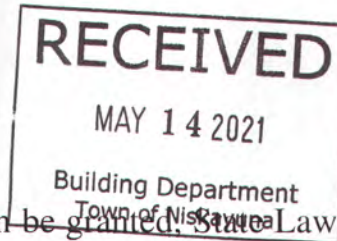
CHECKLIST OF REQUIRED ITEMS

- _____ 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: [Signature] Date 5/14/21

Signature of Owner (if different from Agent) _____

Telephone Number: 518-925-0452



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 HAVE DECIDED THAT IF SHED WERE TO BE
PLACED IN THE "BACK YARD" IT WOULD BE TO CLOSE
TO NEIGHBORS NEW SHED WOULD ALSO BE TO
FAR FROM GARAGE + DRIVEWAY.

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

THE SHED WOULD BE PLACED BY A PAPER ROAD
AND A VACANT LOT IS BEHIND OUR PROPERTY.

RECEIVED

MAY 14 2021

Building Department
Town of Niskayuna

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

OUR HOUSE IS ON A CORNER LOT.

ADJOINING LOT IS VACANT.

BOTH LAND OWNERS MY PROPERTY BORDERS HAVE
NO ISSUE WITH MY PROPOSED SHED LOCATION.

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:

NO TREES WILL BE REMOVED. NO NEIGHBORS WILL BE
AFFECTED WITH SHED LOCATION.

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:

WAS SELF CREATED. WE WANT IT EASILY ACCESSIBLE.

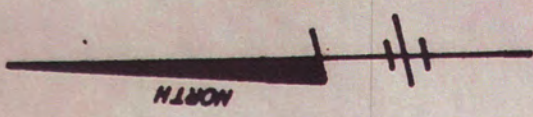
AS WELL AS THE NEED FOR SUBSTANTIAL STORAGE.

RECEIVED

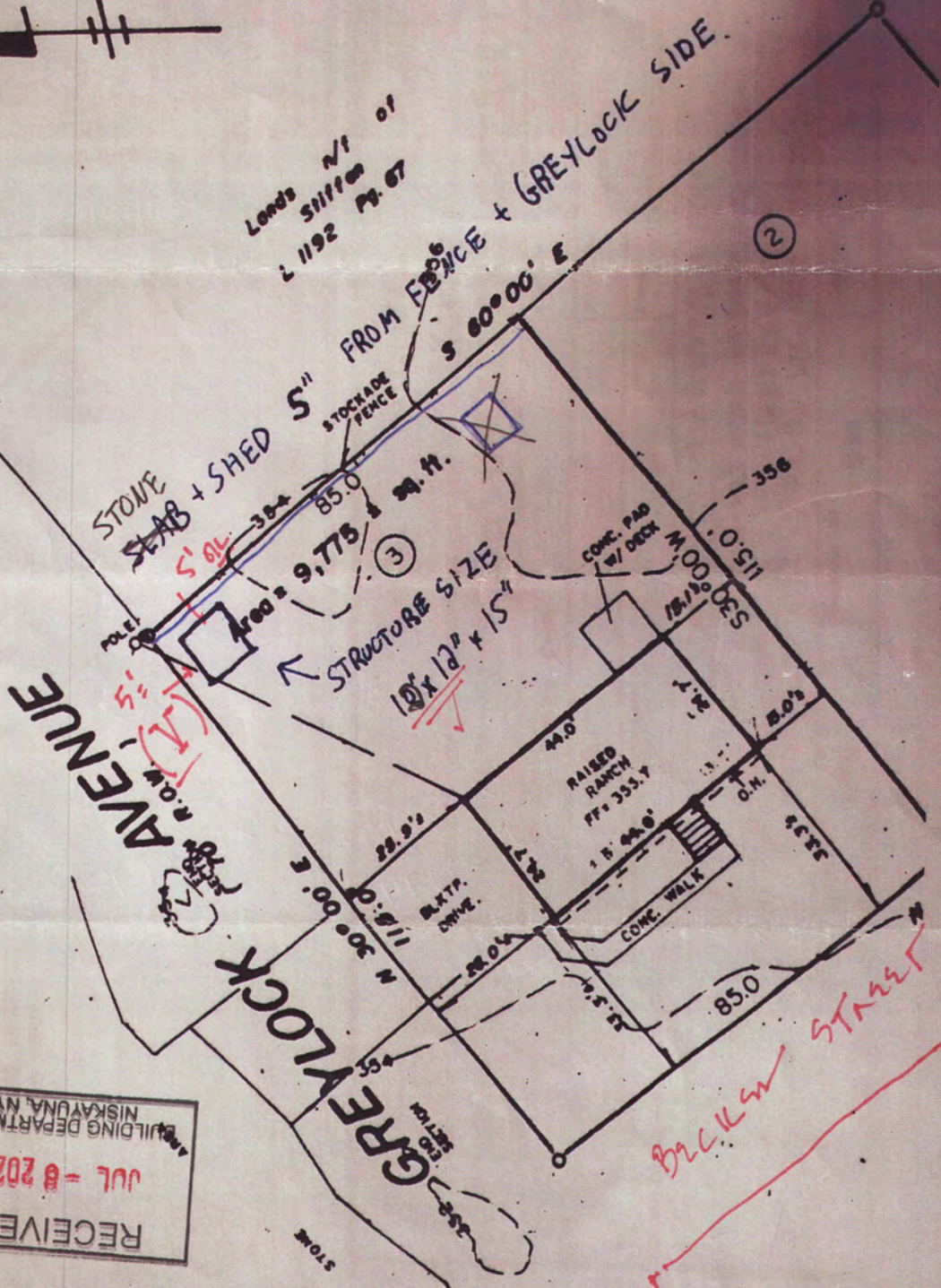
MAY - 5 2021

Building Department
Town of Niskayuna

RECEIVED
JUN 26 2007
BUILDING DEPARTMENT
NISKAYUNA, NY



Lands N/1
51172m of
L 1192 Pg. 67



RECEIVED
JUL - 8 2020
BUILDING DEPARTMENT
NISKAYUNA, NY

Lots as shown on a map entitled
"SUBDIVISION OF LANDS FOR
CHRIS DELUCIA", Town of Niskayuna,
Schenectady County, N.Y., made by C.J. Meyer
and dated June 22, 1999.



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: 206 Greylock Avenue

Application Date: 5/5/21

Joshua Richards
206 Greylock Avenue
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 12' x 12' (144 square feet) shed on the property noted above has been denied by reason of Section 220-4, Section 220-18 A (2), Section 220-15 D, Section 220-18 B (3) (b) and Section 220-13, Schedule I-C of the Town of Niskayuna Zoning Ordinance. The property is a corner lot, 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; Greylock Avenue and Becker Street.

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

Section 220-15 D states "Corner lots. Front yard minimums shall be required of both yards facing a street on a corner lot. Side yard minimums shall be required of the remaining two yards for properties located in the R-1 and R-2 Zoning Districts."

Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building." As defined, major accessory structures are "detached accessory buildings or other structures in excess of 120 square feet." The shed, at 144 square feet, is a major accessory structure. Section 220-13 Schedule I-C establishes a front yard minimum setback of thirty (30) feet and a side yard minimum setback of fifteen (15) feet. As proposed, the shed will be located five (5) feet from the front property line along Greylock Avenue and the shed will be located five (5) feet from the rear property line. Therefore; both, a twenty five (25) foot front yard setback variance and a ten (10) foot rear yard setback variance for the shed are required.

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

5/7/21

Date

Thomas J. Cannizzo - Zoning Enforcement Officer



TOWN OF NISKAYUNA

APPLICATION FOR BUILDING AND ZONING PERMIT

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

Application # 621-308

RECEIVED

MAY - 5 2021

Building Department
Town of Niskayuna

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 206 GREYLOCK AVE

DESCRIBE WORK APPLIED FOR CRUSHED STONE + BUILDING OF A NEW
12x12x15 SHED

ESTIMATED VALUE OF ALL WORK (labor and materials): TOTAL \$ 1500

Please submit three sets of plans with this application.

APPLICANT JOSHUA M. RICHARDS DAY PHONE 518-925-0452

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

ADDRESS 206 GREYLOCK AVE

CITY SCHENECTADY STATE N.Y. ZIP 12304

EMAIL ADDRESS JRICH81007 @ YAHOO.COM

CONTRACTOR _____ DAY PHONE _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

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

PROPERTY OWNER _____ DAY PHONE _____

ADDRESS (if different than above) _____

CITY _____ STATE _____ ZIP _____

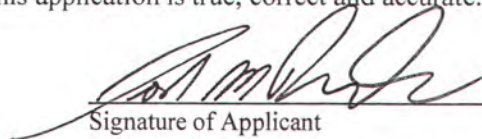
PLEASE SIGN Page 2

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

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

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

Sworn to me on this _____ day of _____, _____


Signature of Applicant

JOSHUA M. RICHARDS
Printed Name

4/30/21
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 _____

ACCESSORY STRUCTURE SUPPLEMENT TO PERMIT APPLICATION

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

a. Address of property 206 GREYLOCK AVE

b. Size of accessory structure 12x12

c. Distance to property lines:

Side 1 (5) FEET / V

Side 2 _____

Rear (5) FEET / V

Other _____

RECEIVED

MAY - 5 2021

Building Department
Town of Niskayuna

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

Fence yes ☒ no ☐ height 8 FT

Shed yes ☐ no ☒ size _____

Swimming Pool yes ☐ no ☒ size _____

Other yes ☐ no ☒ size _____

e. Height of accessory structure (5)

f. Type of foundation for structure (if any) CRUSHED STONE

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

Applicant's Signature: _____

Date: 4/30/21

(For office use only)

Area of lot 9775

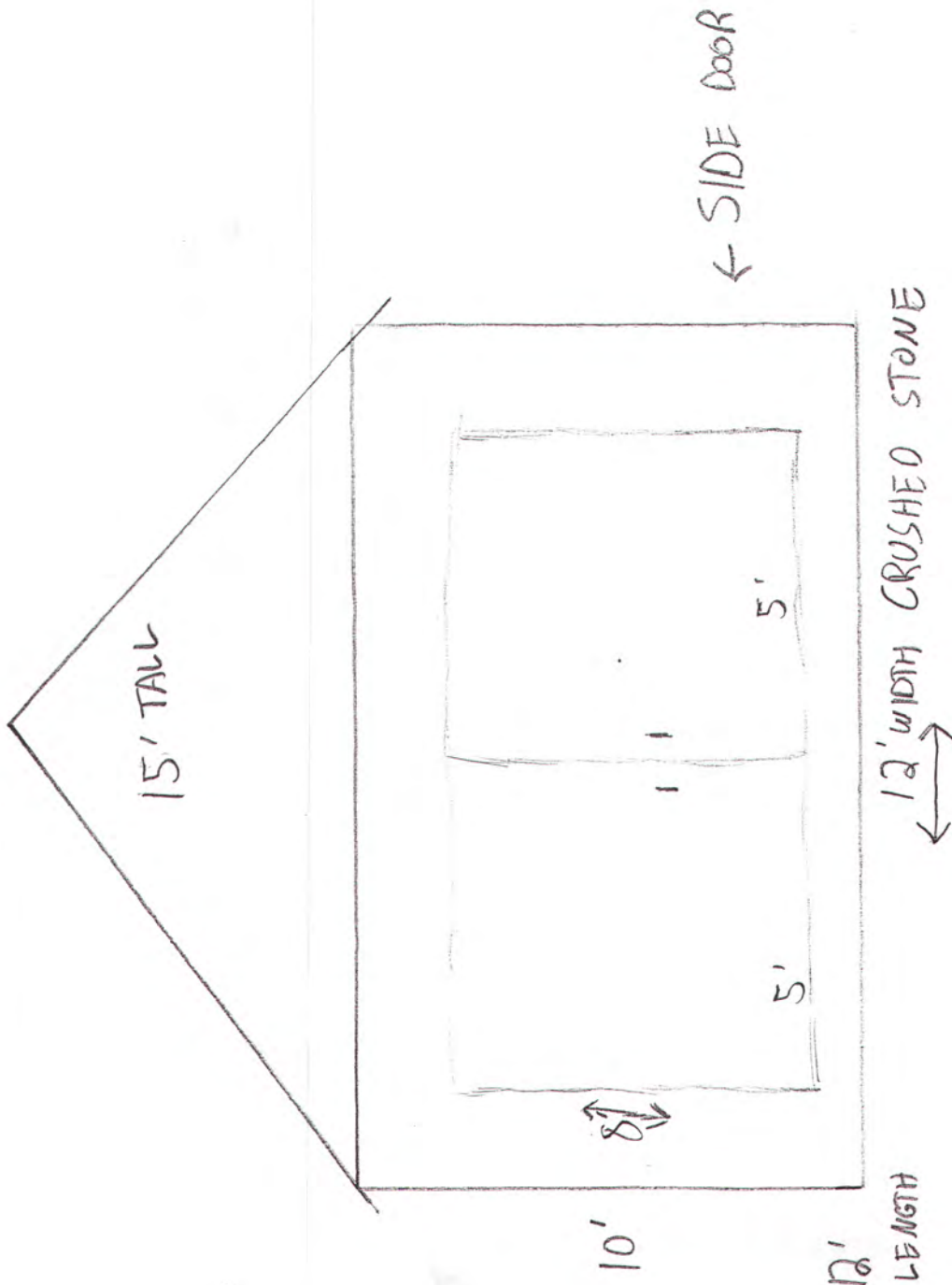
Maximum accessory structure coverage allowed 1350

Total accessory structure coverage actual 144

Maximum lot coverage allowed NA

Total lot coverage actual NA

12x12x15



RECEIVED

MAY - 5 2021

Building Department
Town of Niskayuna

OVER

GRASSY LOT

← FENCE →

5' ↓

← 12' →

15' HIGH

5' ↓

← 12' →

CRUSHED STONE UNDER




RECEIVED
MAY - 5 2021
Building Department
Town of Niskayuna

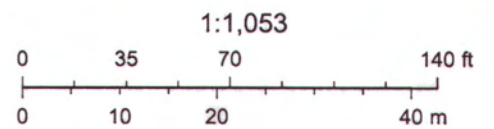
BACK OF HOUSE
↓

206 Greylock Ave



June 22, 2021

-  Override 1
-  Override 1
-  Parcels



New York State, Maxar, Microsoft

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

June 17, 2021

TO WHOM IT MAY CONCERN:

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

DATE: June 30, 2021

TIME: 7:00 P.M.

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

AT THIS TIME THE BOARD WILL CONSIDER THE REQUEST OF:

Appeal by Michael Cassella for a variance from Section 220-18 B (3) (b), Section 220-16 B (1) and Section 220-13, Schedule I-G of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 3477 Rosendale Road, Niskayuna, New York, located in the L-C: Land Conservation Zoning District, to construct a 16' x 28' garage addition partially within a 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 garage along with the proposed addition is a major accessory structure.

Section 220-16 B (1) states that where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular, the side yard may be varied. In such case, the average width of the side yard shall not be less than the otherwise required width; provided however, that such side yard shall not be narrower at any one point than 1/2 the otherwise required minimum width.

Section 220-13, Schedule I-G requires a minimum side yard setback of one hundred (100) feet. As proposed, the addition would have an average side setback of twenty (20) feet; therefore, an average side setback variance of eighty (80) feet is required.

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

ZONING BOARD OF APPEALS

MVC 3477 @ Gmail - Com

ZONING BOARD OF APPEALS
Application and Procedures For A Variance

RECEIVED

MAY 17 2021

Building Department
Town of Niskayuna

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

TO: ZONING BOARD OF APPEALS

FROM:

Michael Cassella

RE: Property at

3477 Rosendale Rd

Section

62.3

Block

1

Lot

6

I,

Michael Cassella

the owner

(agent of the

owner) of the property located at 3477 Rosendale Rd in the Town of Niskayuna, New York, hereby petition the Zoning Board of Appeals to review the decision of the Zoning Enforcement Officer on the above-referenced application and to grant a variance from Section(s) of the Zoning Ordinance in order to permit the proposed construction shown on the accompanying drawings.

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

CHECKLIST OF REQUIRED ITEMS

____ Fifteen (15) copies of plot plans

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

____ Appeal fee (see application procedures for details)

____ Appeal statement (see application procedures for details)

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

____ Additional information as specified by the Zoning Enforcement Officer

Signature of Agent:

Date

5/14/21

Signature of Owner (if different from Agent)

Michael Cassella

Telephone Number:

518 - 786 - 8047

RECEIVED

MAY 17 2021

Building Department
Town of Niskayuna

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.

I have lived here 30 Years. I have no desire to move. I think an addition to my garage would be the most economic + convenient

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:

After 30 Years of constant improvements to my Home + property this project will further compliment my property as well as the neighboring properties

The addition shall be a continuation of the existing building. (same dimensions and height - color - roofing ect)

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

There are already 2 "out" buildings
each within 100' of my project.

Both buildings are larger than my
proposed project after completion

Current building = 1008 Square Feet
Proposed addition = 448 Square Feet
= 1456 Total Square Feet

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:

There should be no negative effect
whatsoever. I keep my property neat
& clean at all times. I respect noise ordinance

There are no trees to be removed
Any necessary grading will be minimal

RECEIVED

MAY 17 2021

Building Department
Town of Niskayuna

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 is not a difficulty.

As I am moving towards retirement
I anticipate restoring my Corvette (67)
in my garage along with other handy
projects that I enjoy

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

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

This is a simple addition to an existing garage. Money is not a concern here so "lack of return" is not an issue.

In the long run this project will have a positive effect on the value of my property thus affecting other nearby properties in a positive way.

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

The entire neighborhood is quite unique overall.

Expanding my garage should compliment other nearby buildings + properties

- (c) The requested use variance, if granted, will not alter the essential character of the neighborhood.

No it won't
There are currently 2 buildings
within 100' of my project which
are each larger than mine after
addition.

If anything my project will complement
the character of the neighborhood.

- (d) The alleged hardship has not been self-created.

No. I enjoy working on my cars
as a hobby. After 30 years I have
"out grown" my space and desire
to add about 40% of space



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

Address: 3477 Rosendale Road

Application Date: 4/29/21

Michael Cassella
3477 Rosendale Road
Niskayuna, New York 12309

Dear Sir:

You are hereby notified, as required by Section 220-67 F of the Zoning Ordinance of the Town of Niskayuna, your application for construction of a 16' x 28' addition on the property noted above has been denied by reason of Section 220-18 B (3) (b), Section 220-16 B (1) and Section 220-13, Schedule I-G of the Zoning Ordinance. The property is located in the L-C: Land Conservation 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." Your garage along with the proposed addition is a major accessory structure.

Section 220-16 B (1) states that where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular, the side yard may be varied. In such case, the average width of the side yard shall not be less than the otherwise required width; provided however, that such side yard shall not be narrower at any one point than 1/2 the otherwise required minimum width.

Section 220-13, Schedule I-G requires a minimum side yard setback of 100 feet. As proposed, the addition would have an average side setback of 20 feet; therefore, an average side setback variance of 80 feet 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.

5/12/21

Date

Zoning Enforcement Officer

420 for 384

Application # B21-288



TOWN OF NISKAYUNA

APPLICATION FOR BUILDING AND ZONING PERMIT

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

RECEIVED

APR 29 2021

Building Department
Town of Niskayuna

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 3477 Rosendale Rd
DESCRIBE WORK APPLIED FOR Addition to existing garage

ESTIMATED VALUE OF ALL WORK (labor and materials): TOTAL \$ 6500⁰⁰

Please submit three sets of plans with this application.

APPLICANT Michael Cassella DAY PHONE 786-8047

CHECK ONE: ☐ CONTRACTOR
☒ HOMEOWNER

☐ OTHER (explain) _____

ADDRESS 3477 Rosendale Rd

CITY _____ STATE _____ ZIP _____

EMAIL ADDRESS _____

CONTRACTOR Self 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 Michael Cassella DAY PHONE 786-8047

ADDRESS (if different than above) _____

CITY _____ STATE _____ ZIP _____

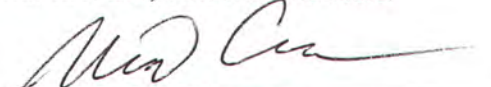
PLEASE SIGN Page 2

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

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

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

Sworn to me on this _____ day of _____, _____


Signature of Applicant

Michael Cassella
Printed Name

4/29/21
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 _____

ACCESSORY STRUCTURE SUPPLEMENT TO PERMIT APPLICATION

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

a. Address of property 3477 Rosendale Rd

b. Size of accessory structure Current 36x28 (Addition to be 16x28)

c. Distance to property lines:

Side 1 21

Side 2 80

Rear 100

Other _____

RECEIVED

APR 29 2021

Building Department
Town of Niskayuna

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

Fence yes x no _____ height 6'

Shed yes _____ no _____ size _____

Swimming pool yes x no _____ size 20 x 40

Other yes _____ no _____ size _____

e. Height of accessory structure 15'

f. Type of foundation for structure (if any) Stone tube - pole barn construction

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

Applicant's Signature: _____

Date: 4/24/21

(For office use only)

Area of lot _____

Maximum accessory structure coverage allowed _____

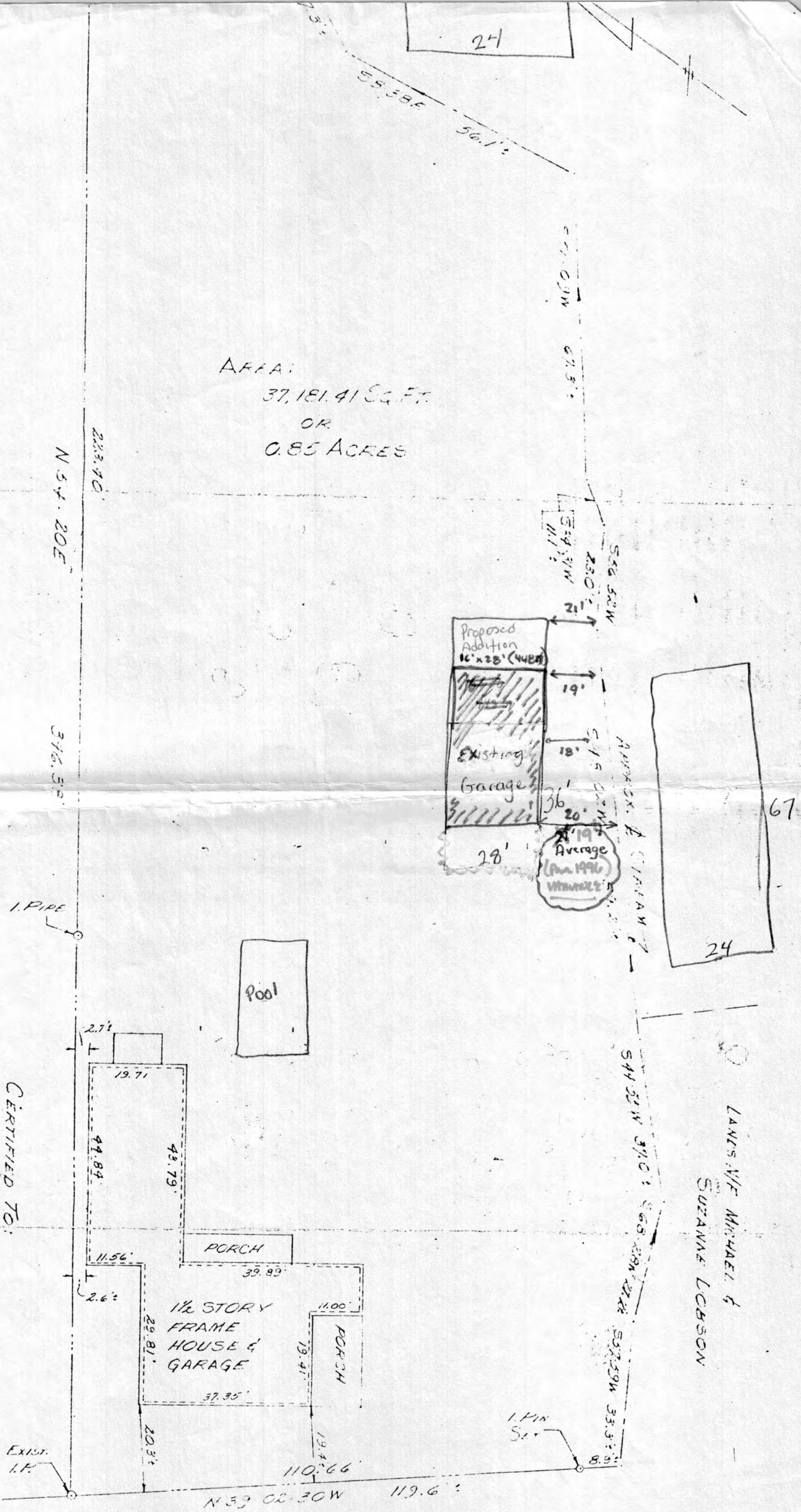
Total accessory structure coverage actual _____

Maximum lot coverage allowed _____

Total lot coverage actual _____

LANDS N/E CHARLES & BLANCHE HINGSBURY

AREA:
37,181.41 SQ. FT.
OR
0.85 ACRES



CERTIFIED TO:

WILLIAM J. MAGILL JR.

LANDS N/E MICHAEL &
SUZANNE LOBSON

RECEIVED

MAY 17 2021

Building Department
Town of Niskayuna

