

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

The Zoning Board of Appeals of the Town of Niskayuna will conduct a regular meeting on WEDNESDAY, August 18, 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 Louis Benaquisto for a variance from of Section 220-53 B and Section 220-13, Schedule I-C of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 2221 Eastern Parkway, Niskayuna, New York, located in the R-2: Medium Density Residential Zoning District, to maintain a 320 square foot deck nearer to the property line than the existing structure and partially within the side yard setback. Section 220-53 B allows an addition to a nonconforming residential structure which brings the addition into a nonconforming side or rear yard no nearer to a side or rear property line than the existing structure and no nearer than $\frac{1}{2}$ the distance specified in a particular residential zoning district. Section 220-13, Schedule I-C requires a side yard setback of fifteen (15) feet. The existing house is seven feet six inches (7' 6") from the side line; therefore, seven feet six inches (7' 6") becomes the minimum required side setback. As constructed, the deck is four foot six inch (4' 6") nearer to a side property line than the existing structure and has a three (3) foot side yard setback; therefore, both a variance for it being four feet six inches (4' 6") nearer to a side property line than the existing structure and a four foot six inch (4' 6") side yard setback variance are required.
2. Appeal by Mickey Persaud for a variance from of Section 220-19 H. (2) of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 213 Park Ridge Drive, Niskayuna, New York, located in the R-2: Medium Density Residential Zoning District, to maintain a driveway exceeding the 33% lot width allowed by Code. Section 220-19 H. (2) states "Driveways in residential front yards. Driveways shall be permitted in the front yards of lots used for residential purposes to serve as access points to the lot by vehicular traffic. Each lot shall have at least one but not more than two points of access (driveways). A single driveway width between the building line and the street line of residential lots shall not exceed 33 feet wide or 33% of the actual front yard width as measured at the building setback line, whichever is less; and no part of the municipal right-of-way shall be paved in excess of this requirement." The lot has 81 feet of frontage at the setback line, therefore a driveway width of 26.73 is allowed. As constructed, the driveway width is 30.5 feet, which exceeds 33% of the lot width by 3.77 feet; therefore, a 3.77 foot driveway width variance is required between the building line and street line and within the municipal right-of-way.

NEXT MEETING: September 22, 2021 at 7 PM

**TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309
Meeting Minutes
July 21, 2021**

Members Present:

Maureen McGuinness, Chairperson
Keith Frary
Nicolas Ltaif
Katrina Pacheco
Vince Daly
Richard Greene
John Hoke
Kamran Baig

Also Present:

Laura Robertson, Town Planner
Alana Finan, Acting Town Attorney

A. Roll Call

Erik Dollman, and was absent/excused.

B. Minutes

The minutes from the May meeting were reviewed.

Mr. Ltaif placed a motion to accept the May minutes. Mr. Frary seconded the motion. The May minutes were approved due to a vote of 6-0 with 1 abstention.

Mr. Frary	Aye
Mr. Ltaif	Aye
Mr. Daly	Aye
Ms. Pacheco	Abstain
Mr. Greene	Aye
Mr. Hoke	Aye
Chairperson McGuinness	Aye

The minutes from the June meeting were reviewed.

Ms. Pacheco placed a motion to accept the June minutes. Mr. Ltaif seconded the motion.

Mr. Frary	Abstain
Mr. Ltaif	Aye
Mr. Daly	Aye
Mr. Greene	Aye
Mr. Hoke	Abstain
Ms. Pacheco	Aye
Chairperson McGuinness	Aye

Mr. Ltaif recused himself from the first case and Chairperson McGuinness asked for an alternate member of the Zoning Board, Mr. Kamran Baig, to take a seat for the first case.

C. Cases

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 maintain an 8' x 36' carport attached to the existing garage and construct a 16' x 28' garage addition partially within a side yard setback. Section 220-18 B (3) (b) stated 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, including the existing unpermitted carport and the proposed garage addition, is a major accessory structure. Section 220-16 B (1) stated 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 built, the carport has an average side setback of 12 feet and as proposed, the addition would have an average side setback of 20 feet; therefore; both, an 88 foot average side yard setback variance for the carport and an 80 foot average side setback variance for the addition are required.

8 notices were mailed. Zero responses were received.

Chairperson McGuinness asked Ms. Robertson if there was anything the Board should know. Ms. Robertson stated this case was tabled at the last meeting because the Board asked the Building Department to clarify what structures were there and if a carport had been added without a permit. The denial was updated for the existing carport that was added without a permit and re-noticed to the neighbor as it was closer to the lot line than originally shown. The case at the last meeting was for one variance for 80 feet, but the carport is now 8 feet closer to the lot line, therefore it is only 12 feet from the lot line total. There are now 2 variances, one for the proposed addition for an 80 foot variance and the second is an 88 foot variance request for the carport.

Finally, staff is requested a third variance be included in the review, as the proposed addition also needs to be 100 feet to the northern lot line and is only 80 feet, therefore a 20 foot side yard setback variance to the northern lot line needs to be included. In summary, the southern lot line needs an 80 foot variance for the addition and an 88 foot variance for the carport, and the northern lot line needs a 20 foot variance for the addition.

Michael Cassella of 3477 Rosendale Road approached the podium. He said the carport was put up around 27 years ago, he was told no permit was needed because it was an open structure. He said no one will see it from the road and it is behind an existing structure. Mr. Hoke asked Mr. Cassella to explain the location of the carport. Mr. Cassella explained it is to the right of his garage. Mr. Cassella said there will be no trees removed, no grading to be done and no one's view will be blocked. He is positive that the addition will not negatively affect anyone. Mr. Hoke asked about the building to the right of the garage, Mr. Cassella confirmed it was his neighbor's on the other side of the waterway. The neighbor is concerned about erosion. Mr. Cassella explained the erosion, but said it is not his fault because the stream conveys a lot of water. Mr. Hoke asked if Mr. Cassella had work done on the stream and created a possible violation. Mr. Cassella said there was a large storm that caused damage, and he got all the permits to do the work to repair the stream channel. Chairperson McGuinness asked Mr. Cassella to state what he is looking for and ways he is trying to mitigate needing a variance.

92 Mr. Baig asked about the garage's square footage because it is quite large. Mr. Cassella said he has a
93 work bench, metal working tools and hobby stuff. Mr. Frary asked who said "no permit was needed" for
94 the carport. Mr. Cassella said it was 27 years ago and he does not remember, but he believes it was
95 someone in the building department. Mr. Frary asked if he told the person that he was putting cars under
96 the shed roof, Mr. Cassella does not remember.

100 Mr. Hoke asked about the addition and the character of the neighborhood. Mr. Cassella said that his
101 neighbor has a 6 car garage. Mr. Hoke asked if it is a comparatively sized building to what Mr. Cassella is
102 asking for. Mr. Cassella said yes. Ms. Pacheco asked about the rain runoff from the existing garage and
103 carport. Mr. Cassella answered without the carport, the runoff would fall next to the garage. He said the
104 water shed goes onto the lawn and then there is still five feet to the stream. Mr. Baig asked Mr. Cassella if
105 he has considered other locations for his belongings, Mr. Cassella said he wants to keep it on his property.
106 Ms. Pacheco asked if he has considered the left side of the garage as the location. Mr. Cassella said that is
107 the location of the septic system / leach field. Mr. Greene requested to submit a sketch and have it be part
108 of the record.

112 Mr. Hoke made a motion to grant all needed variances. Mr. Hoke said feasible alternatives were
113 considered, and none were found due to the location of the leech field and age of the other structures. He
114 felt the addition matched the character of the neighborhood. He acknowledged it is a substantial request
115 and a self-created need. Mr. Hoke stated in his balance of the area variance factors, though it is a close
116 balance, he moves to approve all three of the variances. Mr. Daly seconded the motion. Chairperson
117 McGuinness asked for a roll call.

126 Mr. Baig Aye
127 Mr. Baig agreed with Mr. Hoke, and understands Mr. Frary's comments. He stated he does note that the
128 carport has been there for a long time without complaint and the addition is not too visible from the road.
129 He did not feel the addition will not be detrimental to the neighborhood and voted yes for the variances.

130 Ms. Pacheco Nay
131 Ms. Pacheco stated she appreciates what has been stated by her fellow Board members. She stated she is
132 deferring to the lack of precedence for granting variances to carports on this motion and is voting no.

133 Mr. Daly Aye
134 Mr. Daly said he is voting yes for the reasons stated.
135

136 Mr. Greene Aye
137 Mr. Greene said the property is unique, and the expansion will not negatively impact the neighborhood.
138 The neighbor's garage is also big. He is troubled by the carport but acknowledges that it has existed for
139 27 years.

140 Chairperson McGuinness Aye
141 Chairperson McGuinness said it is a unique property and a unique part of town, which makes it very
142 difficult to conform to the existing zoning. She stated it is this difficulty that weighs heavily in the way in
143 which she is voting, and voted yes.

144 The 3 variances were granted by a vote of 4-2.

145 **Appeal by Tanya Seifridsberger** for a variance from Section 220-18 B (2), Section 220-18 B (3) (b) and
146 Section 220-13 Schedule I-C of the Zoning Ordinance of the Town of Niskayuna as it applies to the
147 property at 2316 Niskayuna Drive, Niskayuna, New York, located in the R-2: Medium Density
148 Residential Zoning District, to construct a 15' diameter above ground pool exceeding the number of
149 allowable accessory structures and partially within the side yard setback. Section 220-18 B (2) stated that
150 "there shall not be more than three accessory structures on a lot." As proposed, there will have four (4)
151 accessory structures on the property: a garage, a shed, a fence, and the pool. Therefore, a variance for one
152 (1) accessory structure is required. Section 220-18 B (3) (b) stated that "the required side and rear yard
153 dimensions for major accessory structures shall be the same as applies to the principal building." As
154 defined, major accessory structures are "detached accessory buildings or other structures in excess of 120
155 square feet." The pool, at 177 square feet, is a major accessory structure. Section 220-13 Schedule I-C
156 establishes a side setback minimum of fifteen (15) feet. As proposed, the pool will be located four (4)
157 feet from the side property line. Therefore, an eleven (11) foot side yard setback variance is required.

158 13 notices were sent out. Zero responses were received.

159 Tanya Seifridsberger of 2316 Niskayuna Drive requested to put up a 15 foot pool. She asked if she could
160 amend her request and move the pool closer to the garage, allowing for a 12 foot distance from her fence
161 with her neighbor.

162 Ms. Robertson said an applicant can verbally amend their request, but right now the pool is shown at 3
163 feet away from the garage. Ms. Seifridsberger would like the pool basically right against the garage is
164 possible to be at a greater distance from her neighbor.

165 Ms. Pacheco said there is about 19 feet to be used to create a distance between the fence and the garage.
166 Ms. Seifridsberger confirmed the measurement.

167 Mr. Ltaif asked what is in the affected neighbor's yard. Ms. Seifridsberger said nothing really, just a tree.
168 Mr. Ltaif further asked about the garage and the fence, which is around the whole yard. She confirmed
169 that if the pool is against the garage, she would not be able to go completely around the pool.

170 Mr. Frary asked Ms. Seifridsberger to say what changes she would like to make to her application. She
171 stated she now wants the pool to be about 12 feet from the side yard. Ms. Robertson said that if the garage
172 is on the lot line she thinks there should be at least 3 feet between the garage and pool, leaving 13.5 feet.

173 Members of the Board and Ms. Robertson discuss the dimensions of the lot and the measurements
174 provided. They concluded Ms. Seifridsberger only needs a 1.5 feet variance, but should do 3 feet to be
175 safe.

176 Mr. Hoke confirmed that the current accessory structures on the property are a garage, gazebo, a fence, a
177 pool, and a shed, and the shed is being removed as part of this application. The gazebo is removable so it
178 does not count as an accessory structure. Therefore Ms. Seifridsberger will not need a variance for
179 additional structures.

180 Chairperson McGuinness asked if there was anyone from the audience that would like to comment.

181 Mr. John Hewitt of 2324 Niskayuna Drive, stated he is concerned about the pool being 4 feet from the
182 property line. New information shows that it will be 12 feet from the property line. He requested that it be
183 as far from the property line as possible.

184 There is further discussion of the dimensions between Mr. Ltaif and Ms. Seifridsberger. Mr. Ltaif said it
185 seems like there is 26 feet between the garage and the property line. Mr. Hewitt stated he would rather the
186 pool be 12 feet away but 9 feet is also fine.

187 Mr. Greene asked that the record reflect the photos submitted from the neighbor.

188 Mr. Ltaif motioned to grant the variance as amended because the application considered many different
189 options. He stated it will be a 9 foot variance to the side lot line. It will not cause any undesirable change,
190 and the neighbor that would be affected most is okay with it. It is a substantial variance request but also a
191 small pool. The difficulty is self-created, but there is no other option to get this pool on the property.

192 Ms. Pacheco asked about clarification for the size of the variance in the motion, as she thinks it should be
193 a 6 foot variance. Ms. Robertson confirmed this. Mr. Ltaif clarified his motion to approve the variance for
194 only 6 feet. Ms. Pacheco seconded the motion.

195 Mr. Frary Aye
196 Mr. Frary voted yes for all the reasons stated.

197 Mr. Ltaif Aye

198 Ms. Pacheco Aye

199 Mr. Daly Aye
200 Mr. Daly voted yes for all the reasons stated.

201 Mr. Greene Aye
202 Mr. Greene voted yes and said it was the neighbor's agreement that tipped the decision for him.

203 Mr. Hoke Aye
204 Mr. Hoke voted yes for all the reasons stated.

205 Chairperson McGuinness Aye
206 Chairperson McGuinness voted yes for all the reasons stated.

207 The motion passed unanimously. Chairperson McGuinness thanked the applicant and called the next case.

208 **Appeal by Jessica and Todd Krokowski** for a variance from Section 220-18 B (2) of the Zoning
209 Ordinance of the Town of Niskayuna as it applies to the property at 1725 Van Antwerp Road, Niskayuna,
210 New York, located in the R-1: Low Density Residential Zoning District, to construct an 18' x 36' in

211 ground pool exceeding the number of allowable accessory structures. Section 220-18 B (2) stated that
212 “there shall not be more than three accessory structures on a lot.” As proposed, there would be four (4)
213 accessory structures on the property: a shed (existing), a fence (permitted), a hot tub (permitted), and the
214 pool. Therefore, a variance for one (1) accessory structure is required.

215 11 notices were sent out. Zero responses were received.

216 The applicant was not present. Mr. Ltaif said that the applicants are asking for a pool for which they
217 would need a fence. Mr. Hoke points out the land is one plus acres, and therefore sizeable. The applicant
218 has taken the time to get a landscape architect, and it seems all the accessory structures related to the
219 property are customary. Ms. Pacheco said with the pool they are not asking for an additional shed. Mr.
220 Greene noted he would like to state for the record that he wished the applicant was present. The Board
221 discussed tabling the case.

222 Mr. Greene made a motion to table the case until the applicant could be present. Ms. Finan said that a
223 motion to table cannot be made simply because the applicant is not present. If a member has a legitimate
224 question that is not answered in the written application and that need to be answered before voting to
225 grant or deny, then a motion to table is appropriate. Mr. Greene stated after reading the written application
226 that he would withdraw his motion to table.

227 Mr. Daly made a motion to table the issue. The motion was not seconded.

228 Mr. Hoke made a motion to approve the variance for a fourth accessory structure. He said the applicant is
229 seeking a pool, the pool would require a fence, and the hot tub and shed are related to the property given
230 its size and give the application includes a landscaped property. There will be no detrimental effect to the
231 neighborhood. He does find the variance itself to be substantial. It is a self-created situation which will
232 not have adverse physical or environmental effects.

233 Mr. Ltaif seconds the motion and added that there were similar scenarios this year that were reviewed and
234 approved by the Board.

235 The motion passed 6-1 with no abstentions.

236 Mr. Frary Aye
237 Mr. Frary votes yes for the reasons stated.

238 Mr. Ltaif Aye
239 Mr. Ltaif votes yes for the reasons stated.

240 Ms. Pacheco Aye
241 Ms. Pacheco votes yes for the reasons stated.

242 Mr. Daly Nay

243 Mr. Greene Aye
244 Mr. Greene votes yes for the reasons stated.

245 Mr. Hoke Aye

246 Chairperson McGuinness Aye

Chairperson McGuinness stated the variance was granted and called the next case.

Appeal by Craig Serafini for a variance from Schedule I-E Part 2 C-H District Schedule of Supplementary Regulations of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 3410 State Street, Niskayuna, New York, located in the C-H Commercial Highway Zoning District, to construct an addition to an existing building partially within the front and side yard setback and not meeting the required off-street parking spaces.

Specifically, the application was denied based upon the following requirements of the Zoning Ordinance:

1. Minimum Yard Dimension (setback). Schedule I-E Part 2 C-H District, Schedule of Supplementary Regulations, Town of Niskayuna includes listings of the Permitted Uses and Minimum Yard Dimensions (front, side, rear). As mentioned above, 3410 State Street includes two principal uses (retail / automotive sales). The minimum yard dimension (setback) requirements for the automotive sales use are greater (more restrictive) so they are used in this denial. The minimum yard dimensions (setbacks) for automotive sales and service establishments are listed as Front = 50 ft., Side = 25 ft., and Rear = 40 ft. Town records show the following area variances have been previously granted for the property: front yard setback to State Street of 50 ft., front yard setback to Albany Street of 10 ft., side yard setback to western property line of 15 ft. The site plan indicates the proposed addition comes within 2.7 ft. of the ROW with Albany Street. Therefore, an area variance of 37.3 ft. ($40 - 2.7 = 37.3$) is necessary for the Front setback of the building including the addition to Albany Street. The site plan also indicates the side of the proposed addition comes within 8.9 ft. of the western property line. Town records show that an area variance for side setback of the existing building to the western property line of 15 ft. exists. Therefore, an area variance of an additional 1.1 ft. or 16.1 ft. total ($25 - 8.9 = 16.1$) is necessary for the Side setback of the building addition to the western property line.

2. Minimum Required Off-Street Parking Spaces. Schedule I-E Part 2 C-H District, Schedule of Supplementary Regulations, Town of Niskayuna lists the number of parking spaces required for retail and automotive principal uses as a function of gross floor area and retail selling area, respectively. The minimum required off street parking spaces for general business and nonmedical professional offices is 1 space for each 225 square feet of gross floor area. The site plan indicates 2,250 sq. ft. (857 sq. ft. existing + 1,393 sq. ft. proposed addition) of gross floor area for general business use. Therefore 10 parking spaces are required ($2,250/225=10$) for the general business use. The site plan indicates 248 sq. ft. of retail selling area is used for the automotive sales use. Schedule I-E Part 2 indicates that 1 parking space is required for each 75 sq. ft. of retail selling area. Therefore 4 parking spaces ($248/75=3.3=4$) are required for the automotive use or 14 spaces total ($10 + 4$). The site plan drawing indicates that 14 parking spaces are available however 2 of the spaces are labeled "Automotive Display". Therefore, a variance of 2 parking spaces for general business use is required.

15 notices were sent out. 1 verbal response was received.

Ms. Robertson stated the Building Department received a call from a neighbor in opposition to the variances who lives directly across from the property on Albany St. Schenectady County deferred to local consideration, but noted that the building and grounds should be updated to look nicer. The Planning Board agreed that the area variances and parking variances will not conflict with the Town's comprehensive plan. As for suitability of use they voted 7-0 in favor of the area variances and 6-1 in favor of the parking space variances. The one nay vote said the two parking spaces took away from the what was required by code. The Planning Board's recommendation was for the ZBA to approve both types of variances. They support the area variances as the property is unique and as proposed the additions will be an improvement. The building is pre-existing, and the variances will let a long-standing Niskayuna

291 business remain in town. For the parking variances, the member who voted against it said the removal of
292 the parking spaces made parking inadequate for the automotive use.

293 Mr. Craig Serafini of 3410 State Street joined the meeting virtually, as well as his project engineer Matt
294 Hoffman. He stated there are not many choices to minimize the variances required. He even looked at
295 moving into the parking lot. The option to move out of Niskayuna was not desirable.

296 Mr. Greene asked about distance between the back of the building and the closest house across the street.
297 Mr. Serafini stated he has not measured that. He said the neighbor behind him supports the idea. He said
298 that due to the nature of the business the storage needs to be secure. Mr. Hoke asked if the new addition
299 would hold firearms, Mr. Serafini said yes.

300 Mr. Frary had concerns about vagrants. Mr. Serafini confirmed the pod is being removed. He stated that
301 previously, box trucks were used but needles and other items were found in the parking lot. Adding the
302 pods to the property with lighting and cameras removed those issues. The addition should replace the pod,
303 and give them a solid structure and further secure the property. Mr. Serafini confirmed the camera and
304 lighting will be maintained.

305 Mr. Frary asked if the reduced parking is an issue. Mr. Serafini said only during the height of COVID has
306 parking been tight and he does not see it happening again. The area for the addition has never been used
307 for customer parking. He does car sales as a hobby and took the business over from his cousin. The
308 addition is added in that space. Mr. Serafini said no parking is lost.

309 Mr. Hoffman noted the curb cut entrance to Albany Street would be closed off and that would add two
310 parking spaces. Mr. Serafini stated the entrances to the building are from the parking lot side. Currently,
311 access to Albany Street is blocked off to inhibit through traffic. Mr. Hoke asked about the number of
312 vehicles displayed at a time. Mr. Serafini stated that there will be at most two spaces, and that trailers are
313 not part of his business model and he does not have cars dropped off via trailer in response to Mr. Hoke's
314 questions. Mr. Hoke asked about the old box trucks and their removal. Mr. Serafini said they are gone.

315 Ms. Pacheco asked about fencing and lighting to protect the area along the Albany St side and questioned
316 the chain link fence. Mr. Serafini stated no decision has been made on whether the fence will stay or go.
317 He feels the fence should be removed and landscaping should be done.

318 Chairperson McGuinness asked Ms. Robertson if the project had been referred to the Architectural
319 Review Board. Ms. Robertson stated it had gone once and needs more work on that end. The Planning
320 Board halted their review until the ZBA took action. Once the ZBA has rendered their decision the project
321 is sent back to the Planning Board. The Chairperson asked if there were any specific complaints from the
322 neighbor made to Ms. Robertson. Ms. Robertson replied that one person called but did not state any
323 specific objections.

324 Mr. Frary asked the planner to reiterate the variances needed. She noted there were two area variances
325 required and one parking variance.

326 Chairperson McGuinness asked if there was anyone in the audience that had a comment. Hearing none,
327 she asked if anyone on the Board had a motion.

328 Mr. Frary placed a motion to grant all the variances requested. He noted that the applicant has been before
329 the Zoning Board multiple times. He was happy the owner is working to remove the temporary solution,
330 the storage pod, and replacing it with a permanent addition. The property is unique and sits between two
331 busy streets that have high traffic and occupancy. The owner has taken these situations into account and
332 made practical decisions for his business. Mr. Frary noted there were no options available to achieve the
333 benefit needed except to move off the property. He noted the addition would create no negative impacts.

334 He felt the addition and the necessary landscape modifications will improve the neighborhood. He noted
335 that removing the access to Albany Street is an improvement. The business owner confirmed that the loss
336 of two parking spaces would not affect the business. The POD being removed will improve the
337 neighborhood. A permanent addition will create a safer business.

338 Mr. Daly seconded the motion.

339 The motion was granted by a vote of 7-0.

340 Mr. Frary Aye

341 Mr. Ltaif Aye

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

343 Mr. Daly Aye

344 Mr. Daly voted to grant the motion for the reasons stated.

345 Mr. Greene Aye

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

347 Mr. Hoke Aye

348 Ms. Pacheco Aye

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

350 Chairperson McGuinness Aye

351 Chairperson McGuinness voted to grant the motion for the reasons stated.

352 Chairperson McGuinness asked if there was any other business. Hearing none she asked for a motion to
353 adjourn. Mr. Daly made a motion to adjourn. Mr. Hoke seconded the motion and all the Board approved.
354 The meeting ended at 9:06 p.m.

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

August 6, 2021

TO WHOM IT MAY CONCERN:

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

DATE: August 18, 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 Louis Benaquisto for a variance from of Section 220-53 B and Section 220-13, Schedule I-C of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 2221 Eastern Parkway, Niskayuna, New York, located in the R-2: Medium Density Residential Zoning District, to maintain a 320 square foot deck nearer to the property line than the existing structure and partially within the side yard setback.

Section 220-53 B allows an addition to a nonconforming residential structure which brings the addition into a nonconforming side or rear yard no nearer to a side or rear property line than the existing structure and no nearer than $\frac{1}{2}$ the distance specified in a particular residential zoning district. Section 220-13, Schedule I-C requires a side yard setback of fifteen (15) feet. The existing house is seven feet six inches (7' 6") from the side line; therefore, seven feet six inches (7' 6") becomes the minimum required side setback. As constructed, the deck is four foot six inch (4' 6") nearer to a side property line than the existing structure and has a three (3) foot side yard setback; therefore, both a variance for it being four feet six inches (4' 6") nearer to a side property line than the existing structure and a four foot six inch (4' 6") side 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

RECEIVED

JUL 12 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: Louis Benagusto

RE: Property at 2221 Eastern Pkwy Niskayuna N.Y. 12309

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

I, Louis Benagusto, the (owner) (agent of the owner) of the property located at 2221 Eastern Pkwy 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) "Town of Niskayuna"

_____ Appeal statement (see application procedures for details)

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

NA Additional information as specified by the Zoning Enforcement Officer

Signature of Agent: [Signature] Date: 7/12/2021

Signature of Owner (if different from Agent) _____

Telephone Number: (518) 428-1663

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:

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

The current deck replaced an existing structure.
There really was no other alternative than to replace the original deck.

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 detriment to any nearby properties.
There is a privacy fence around the entire property beautifying and protecting the property. The old structure was replaced with new safer and more attractive materials.

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

There was already a deck in place. There was no previous complaints or issues with any neighbors or other properties. I replaced the old structure with a new one. None of the structure interferes with any of the surrounding properties.

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 was an already existing structure prior to this one which never had a complaint made on it. The new structure (deck) can't be seen from the road or neighboring yards due to it being fenced in. It is not obstructive in any way to other properties.

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

The difficulty wasn't self-created. I was replacing an existing structure. I would never do anything to harm or disrupt any neighbors or their property. I have a very good rapport with my neighbors.

NOTE:
ALL INFORMATION IS BASED OFF OF
SCHENECTADY COUNTY TAX MAP AND GIS



EASTERN PKWY

EXISTING DRIVEWAY

EXISTING HOUSE
(2221 EASTERN
PKWY)

APN: 50.1-3-25

EXISTING POOL

NEW 32' x 26' POOL
DECK

MAINTAIN 3' FROM PROPERTY LINE

EXISTING PROPERTY
LINE (TYP)

EXISTING ADJOINING
PROPERTY LINE (TYP)

PLOT PLAN
SCALE: 1"=20'

RECEIVED
MAR 29 2021
BUILDING DEPARTMENT
NISKAYUNA, NY

NOLAN ENGINEERING PLLC

RICHARD E. NOLAN, P.E., LICENSE # 083929
NEW YORK STATE LICENSED PROFESSIONAL ENGINEER
333 KINGSLEY ROAD • BURNT HILLS, NY 12027 • (518) 280-3100
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ENGINEER HAS BEEN APPLIED.

RECORD OF WORK:	
DATE:	DESCRIPTION:
3/26/21	DECK DESIGN

JOE VITALE
LOU BENAQUESTO
2221 EASTERN PARK WAY
NISKAYUNA, NY 12309
PIN# 2113-JOE

START DATE:



DATE:	3/26/21
FILE:	
PAGE CONTENT:	PLOT PLAN
DRAFTER: J.D.V	ENGINEER: NOLAN
PAPER SIZE: B (11"x17")	SCALE: AS NOTED
SHEET:	P-01



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: 2221 Eastern Parkway

Application Date: 3/29/21

Lou Benaquisto
2221 Eastern Parkway
Niskayuna, N.Y. 12309

Dear Sir:

You are hereby notified, as required by Section 220-67 F of the Zoning Ordinance of the Town of Niskayuna, that to maintain a 320 square foot deck on the property noted above has been denied by reason of Section 220-53 B and Section 220-13, Schedule I-C of the Zoning Ordinance. The property is located in the R-2: Medium Density Residential Zoning District.

Section 220-53 B allows an addition to a nonconforming residential structure which brings the addition into a nonconforming side or rear yard no nearer to a side or rear property line than the existing structure and no nearer than $\frac{1}{2}$ the distance specified in a particular residential zoning district. Section 220-13, Schedule I-C requires a side yard setback of fifteen feet (15'). The existing house is seven feet six inches (7'6") from the side line; therefore, seven feet six inches (7'6") becomes the minimum required side setback. As constructed, the deck is four foot six inch 4'6" nearer to a side property line than the existing structure and has a three foot (3') side yard setback; therefore, both a variance for it being 4'6" nearer to a side property line than the existing structure and a four foot six inch (4'6") 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.

7/9/21

Date

A handwritten signature in black ink, appearing to be "N. H." or similar, written over a horizontal line.

Zoning Enforcement Officer



H20 for 7BA

Application # B21-160

TOWN OF NISKAYUNA

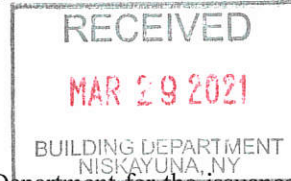
APPLICATION FOR BUILDING AND ZONING PERMIT

One Niskayuna Circle

Niskayuna, New York 12309

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

Email: building@niskayuna.org



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

BUILDING SITE ADDRESS 2221 Eastern Parkway, Niskayuna NY, 12309

DESCRIBE WORK APPLIED FOR Replace existing pool deck

ESTIMATED VALUE OF ALL WORK (labor and materials): TOTAL \$ 27,000.00

Please submit three sets of plans with this application.

APPLICANT Excellent exterior & deck Company, Inc. DAY PHONE (518) 466-4011

CHECK ONE: ☒ CONTRACTOR

☐ HOMEOWNER

☐ OTHER (explain) _____

ADDRESS 481 Miller Road

CITY Clifton Park

STATE NY

ZIP 12065

EMAIL ADDRESS freshjoev@yahoo.com

CONTRACTOR Excellent Exterior & deck Company, Inc

DAY PHONE _____

ADDRESS 481 Miller Road

CITY Clifton Park

STATE NY

ZIP 12065

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

PROPERTY OWNER Lou Benaquisto DAY PHONE (518) 428-2021

ADDRESS (if different than above) same

CITY _____

STATE _____

ZIP _____

PLEASE SIGN Page 2

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

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

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

Sworn to me on this _____ day of _____, _____

Signature of Applicant

Printed Name

Date

Notary Public, State of New York

(FOR OFFICE USE ONLY BELOW)

BUILDING SITE ADDRESS _____

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

PERMIT FEE DUE \$ _____ BASED ON _____

COMMENTS _____

ZONING DISTRICT _____ SECTION-BLOCK-LOT _____

REQUIRED INSPECTIONS:

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

APPROVED BY _____

DATE _____

DECK SUPPLEMENT TO PERMIT APPLICATION

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

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

Address of property 2221 Eastern Parkway, Niskayuna, NY, 12303



a. Size and depth of footing Helical Pile foundation.

b. Type of footing forms (i.e. cardboard tubes) NA

c. Size and spacing of posts 6X6 see plans for additional info.

d. Type of lumber Ground contact rated pressure treated lumber.

e. Size of beams 3- 2x10

f. Size and spacing of joists 2x8@12OC

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

If Yes, how will joists be supported? _____

h. Type of floor boards Trex decking

i. Height of deck off ground ~40"

j. Height and design of guardrail 36"

k. Size of deck ~320 Square feet.

Distance to property lines:

Side 1 no change

Side 2 no change

Rear 12' from the back of the home

Other _____

Guidelines for allowable spans:

Flr	Allowable spans	Beams	Allowable loads per span (in pounds)			
2	8' 1"		5 ft.	6 ft.	7 ft.	8 ft.
	"	1-2 x 6	1010#	840#	721#	630#
		2-2 x 6	2020#	1680#	1442#	1260#
		3-2 x 6	3030#	2520#	2163#	1890#
		4-2 x 6	4040#	3360#	2884#	2520#
		5-2 x 6	5050#	4200#	3605#	3150#
2 x 8 @	24" o.c.					
	16" o.c.					
	12" o.c.					
2 x 10 @	24" o.c.					
	16" o.c.					
	12" o.c.					
2 x 12 @	24" o.c.					
	16" o.c.					
	12" o.c.					

Refer to the new 2020 International Building Codes

Applicants Signature: _____

Date: _____

3-29-2021

DESIGN LOADS:

SNOW.....	50 PSF
STAIRS.....	40 PSF
HANDRAILS.....	200 LBS (ANY POINT/DIRECTION)
DECKS.....	40 PSF (LIVE) 12 PSF (DEAD)
WIND SPEED.....	115 MPH

GENERAL NOTES:

1. ALL WORK IS TO COMPLY WITH 2020 NYS RESIDENTIAL BUILDING CODE.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF THE BUILDING DURING CONSTRUCTION AND SHALL PROVIDE ADEQUATE SHORING AND BRACING DURING CONSTRUCTION AND COMPLY WITH ALL APPLICABLE SAFETY REGULATIONS.
3. DIMENSIONS AND NOTES THAT INCLUDE THE WORDS "TYPICAL" REFER TO ALL SIMILAR DETAILS UNLESS OTHERWISE STATED.

BUILDING CODES USED:

THESE DRAWINGS ARE IN ACCORDANCE WITH THE 2020 NYS RESIDENTIAL BUILDING CODE.

NAILING SCHEDULE (AS APPLICABLE): FOR OTHER OPTIONS SEE R602.3(1)

TOP PLATE TO STUD (END NAIL).....	2-16D COMMON
STUD TO SOLE PLATE (END NAIL).....	2-16D COMMON
STUD TO SOLE PLATE (TOE NAIL).....	4-8D COMMON OR 3-16D BOX
DOUBLE TOP PLATES.....	10D BOX @ 12" O.C.
DOUBLE TOP PLATE LAP SPLICE.....	8-16D COMMON
TOP PLATE LAPS (INTERSECTION).....	3-10D BOX
SOLE PLATE TO JOISTS OR BLOCKING.....	16D COMMON@ 16" O.C.
CEILING JOISTS TO TOP PLATE (TOE NAIL).....	3-8D COMMON
CEILING JOISTS OVER PARTITION.....	4-10D BOX
CEILING JOISTS TO PARALLEL RAFTER.....	PER R802.5.1(9)
RAFTER TO TOP PLATE (TOE NAIL).....	3-16D BOX
1 x BRACE TO STUD / PLATE.....	2-8D COMMON
JOISTS TO SILL PLATE (TOE NAIL).....	3-8D COMMON
RAFTER TO RIDGE, HIP OR VALLEY (TOE NAIL)....	4-16D COMMON
RAFTER TO RIDGE, HIP OR VALLEY (END NAIL)....	3-16D BOX
RAFTER-TIES TO RAFTER.....	4-10D BOX
SUB FLOOR TO FLOOR JOISTS.....	8D COMMON @ 6" O.C EDGE @ 12" O.C.FIELD
WALL SHEATHING TO STUD.....	8D COMMON @ 6" O.C. EDGE @ 12" O.C. FIELD
ROOF SHEATHING TO RAFTER / TRUSS.....	8D COMMON @ 6" O.C. EDGE @ 12" O.C.FIELD

DECK

CLIENT: JOE VITALE
JOB NAME : BENAQUESTO
2221 EASTERN PARK WAY
NISKAYUNA, NY 12309

INDEX

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G-02	NOTES
P-01	PLOT PLAN
A-01	FOUNDATION PLAN VIEW
A-02	DECK PLAN VIEW
A-03	DETAILS

FRAMING NOTES (AS APPLICABLE)

1. STRUCTURAL FRAMING MEMBERS SHALL BE SPF #2 OR BETTER UNLESS OTHERWISE STATED.
2. FLOOR SHEATHING SHALL BE GLUED AND NAILED TO FLOOR JOISTS ACCORDING TO NAILING SCHEDULE. ROOF AND WALL SHEATHING SHALL BE NAILED ACCORDING TO NAILING SCHEDULE.
3. SILL PLATES SHALL BE PRESSURE TREATED WOOD OR WOOD OF NATURAL RESISTANCE TO DECAY.
4. FRAMING MEMBERS SHALL NOT BE CUT OR NOTCHED IN EXCESS TO:
BEARING WALL MEMBERS: RESIDENTIAL CODE OF NYS FIG R602.6(1).
NON BEARING WALLS: RESIDENTIAL CODE OF NYS FIG R602.6(2)
FLOOR MEMBERS: RESIDENTIAL CODE OF NYS FIG R502.8
5. PROVIDE SOLID BLOCKING FOR FLOOR JOISTS UNDER ALL INTERMEDIATE BEARING WALLS AND AT ENDS BY FULL DEPTH BLOCKING, PROVIDE BLOCKING EVERY 8' MAX. OF FLOOR JOIST SPAN.
6. PROVIDE WOOD TRUSSES ABLE TO SUSTAIN THE STATED DESIGN LOADS. TRUSS MANUFACTURER SHALL BE RESPONSIBLE FOR TRUSS DESIGN.
7. ENGINEERED WOOD PRODUCTS TO BE INSTALLED PER MANUFACTURERS SPECIFICATIONS.
8. ALL WOOD INCLUDING POSTS LOCATED NEARER THAN 18" (12" FOR GIRDERS) TO EARTH OR LOCATED ON CONCRETE PLACED ON EARTH SHALL BE PRESSURE TREATED OR WOOD OF NATURAL RESISTANCE TO DECAY.
9. UNLESS OTHERWISE STATED, HEADER SPANS 48" OR GREATER HAVE TWO TRIMMERS ON EACH SIDE.

STATE OF NEW YORK

REGISTERED PROFESSIONAL ENGINEER

083929

DATE: 3/26/21

DESCRIPTION: DECK DESIGN

BY: JDV

RECORD OF WORK:

DATE:	3/26/21	DESCRIPTION:	DECK DESIGN	BY:	JDV

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RECORD OF WORK:	DATE:	3/26/21	DESCRIPTION:	DECK DESIGN	BY:	JDV

JOE VITALE

LOU BENAQUESTO

2221 EASTERN PARK WAY

NISKAYUNA, NY 12309

PN# 2113-JOE

START DATE:



DATE:	3/26/21
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DRAFTER:	ENGINEER:
J.D.V	NOLAN
PAPER SIZE:	SCALE:
B (11"x17")	AS NOTED
SHEET:	G-1



STAIR NOTES:

R311.7.1: WIDTH: STAIRWAYS SHALL NOT BE LESS THAN 36" IN CLEAR WIDTH AT ALL POINTS ABOVE THE PERMITTED HANDRAIL HEIGHT AND BELOW THE REQUIRED HEADROOM HEIGHT. HANDRAILS SHALL NOT PROJECT MORE THAN 4.5" ON EITHER SIDE OF THE STAIRWAY AND THE MINIMUM CLEAR WIDTH OF THE STAIRWAY AT AND BELOW THE HANDRAIL HEIGHT, INCLUDING TREADS AND LANDINGS, SHALL NOT BE LESS THAN 31.5" WHERE A HANDRAIL IS INSTALLED ON ONE SIDE AND 27" WHERE HANDRAILS ARE PROVIDED ON BOTH SIDES.

EXCEPTION: THE WIDTH OF SPIRAL STAIRWAYS SHALL BE IN ACCORDANCE WITH SECTION R311.7.10.1

R311.7.2: HEADROOM: THE MINIMUM HEADROOM IN ALL PARTS OF THE STAIRWAY SHALL NOT BE LESS THAN 6'-8" MEASURED VERTICALLY FROM THE SLOPED PLANE ADJOINING THE TREAD NOSING OR FROM THE FLOOR SURFACE OF THE LANDING OR PLATFORM.

R311.7.5.1: THE MAXIMUM RISER HEIGHT SHALL BE 8 $\frac{1}{4}$ ". THE GREATEST RISER HEIGHT WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN $\frac{3}{8}$ ". OPEN RISERS ARE PERMITTED PROVIDED THAT THE OPENINGS LOCATED MORE THAN 30" AS MEASURED VERTICALLY TO THE FLOOR OR GRADE BELOW DO NOT PERMIT THE PASSAGE OF A 4" DIAMETER SPHERE.

EXCEPTION 1: THE OPENING BETWEEN ADJACENT TREADS IS NOT LIMITED ON SPIRAL STAIRWAYS.

EXCEPTION 2: THE RISER HEIGHT OF SPIRAL STAIRWAYS SHALL BE IN ACCORDANCE WITH R311.7.10.1

R311.7.5.2: THE MINIMUM TREAD DEPTH SHALL BE 9". THE GREATEST TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN $\frac{3}{8}$ ".

R311.7.5.2.1: WINDER TREADS: WINDER TREADS SHALL HAVE A TREAD DEPTH OF NOT LESS THAN 10" MEASURED BETWEEN THE VERTICAL PLANES OF THE FOREMOST PROJECTION OF ADJACENT TREADS AT THE INTERSECTIONS WITH THE WALKLINE. WINDER TREADS SHALL HAVE A TREAD DEPTH OF NOT LESS THAN 6" AT ANY POINT WITHIN THE CLEAR WIDTH OF THE STAIR. THE LARGEST TREAD DEPTH AT THE WALKLINE SHALL NOT EXCEED THE SMALLEST BY MORE THAN $\frac{3}{8}$ ".

R311.7.5.3: NOSING: THE RADIUS OF CURVATURE AT THE NOSING SHALL BE NO GREATER THAN $\frac{9}{16}$ ". A NOSING NOT LESS THAN $\frac{3}{4}$ " BUT NOT MORE THAN $1\frac{1}{4}$ " SHALL BE PROVIDED ON STAIRWAYS WITH SOLID RISERS. THE GREATEST NOSING PROJECTION SHALL NOT EXCEED THE SMALLEST BY MORE THAN $\frac{3}{8}$ ". BEVELING OF NOSING SHALL NOT EXCEED $\frac{1}{2}$ ".

EXCEPTION: A NOSING IS NOT REQUIRED WHERE THE TREAD DEPTH IS A MINIMUM OF 11".

STAIR NOTES CONTD.

R311.7.6: LANDINGS: THERE SHALL BE A FLOOR OR LANDING AT THE TOP AND BOTTOM OF EACH STAIRWAY.

EXCEPTION: A FLOOR OR LANDING IS NOT REQUIRED AT THE TOP OF AN INTERIOR FLIGHT OF STAIRS, INCLUDING STAIRS IN AN ENCLOSED GARAGE, PROVIDED A DOOR DOES NOT SWING OVER THE STAIRS.

EXCEPTION (R11.3.2): A TOP LANDING IS NOT REQUIRED WHERE A STAIRWAY OF NOT MORE THAN TWO RISERS IS LOCATED ON THE EXTERIOR SIDE OF A DOOR, PROVIDED THAT THE DOOR DOES NOT SWING OVER THE STAIRWAY, FOR OTHER THAN THE REQUIRED EGRESS DOOR.

THE WIDTH OF EACH LANDING SHALL NOT BE LESS THAN THE WIDTH OF THE STAIRWAY SERVED. EVERY LANDING SHALL HAVE A MINIMUM DIMENSION OF 36 INCHES MEASURED IN THE DIRECTION OF TRAVEL.

R311.7.8: HANDRAILS: HANDRAILS SHALL BE PROVIDED ON AT LEAST ONE SIDE OF EACH CONTINUOUS RUN OF TREADS OR FLIGHT OF STAIRS. HAVING 4 OR MORE RISERS.

R311.7.8.1: HEIGHT: HANDRAIL HEIGHT, MEASURED VERTICALLY FROM THE SLOPED PLANE ADJOINING THE TREAD NOSING, OR FINISHED SURFACE OF RAMP SLOPE, SHALL BE NOT LESS THAN 34 INCHES AND NOT MORE THAN 38 INCHES.

R311.7.8.2: CONTINUITY: HANDRAILS FOR STAIRWAYS SHALL BE CONTINUOUS FOR THE FULL LENGTH OF THE FLIGHT, FROM A POINT DIRECTLY ABOVE THE TOP RISER OF THE FLIGHT TO A POINT DIRECTLY ABOVE THE LOWEST RISER OF THE FLIGHT. HANDRAIL ENDS SHALL BE RETURNED OR SHALL TERMINATE IN NEWEL POSTS OR SAFETY TERMINALS. HANDRAILS ADJACENT TO A WALL SHALL HAVE A SPACE OF NOT LESS THAN $1\frac{1}{2}$ " BETWEEN THE WALL AND THE HANDRAILS.

R311.7.8.3: GRIP SIZE: REQUIRED HANDRAILS SHALL BE OF TYPE 1 OR TYPE 2 AS SPECIFIED IN THE 2015 IRC, OR OF EQUIVALENT GRASPABILITY.

R311.7.9: ILLUMINATION: ALL STAIRS SHALL BE PROVIDED WITH ILLUMINATION IN ACCORDANCE WITH SECTION R303.7.

R311.7.10.1: SPIRAL STAIRWAYS: SPIRAL STAIRWAYS ARE PERMITTED, PROVIDED THAT THE CLEAR WIDTH AT AND BELOW THE HANDRAIL IS NOT LESS THAN 26" AND THE WALKLINE RADIUS IS NOT GREATER THAN $24\frac{1}{2}$ ". EACH TREAD SHALL HAVE A DEPTH OF NOT LESS THAN $6\frac{3}{4}$ " AT THE WALKLINE. ALL TREADS SHALL BE IDENTICAL, AND THE RISE SHALL BE NOT MORE THAN $9\frac{1}{2}$ ". HEADROOM SHALL BE NOT LESS THAN 6'-6".

GUARDS:

312.1.1; WHERE REQUIRED: GUARDS SHALL BE LOCATED ALONG OPEN SIDED WALKING SURFACES, INCLUDING STAIRS, RAMPS AND LANDINGS, THAT ARE LOCATED MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW.

R312.1.2: HEIGHT: REQUIRED GUARDS AT OPEN-SIDED WALKING SURFACES, INCLUDING STAIRS, PORCHES, BALCONIES OR LANDINGS, SHALL BE NOT LESS THAN 36" IN HEIGHT.

EXCEPTIONS:

1: GUARDS ON THE OPEN SIDES OF STAIRS SHALL HAVE A HEIGHT NOT LESS THAN 34".

2. WHERE THE TOP OF THE GUARD SERVES AS A HANDRAIL ON THE OPEN SIDES OF STAIRS, THE TOP OF THE GUARD SHALL BE NOT LESS THAN 34" AND NOT MORE THAN 38" IN HEIGHT.

R312.1.3: OPENING LIMITATIONS: REQUIRED GUARDS SHALL NOT HAVE OPENINGS FROM THE WALKING SURFACE TO THE REQUIRED GUARD HEIGHT THAT ALLOW PASSAGE OF A SPHERE 4" IN DIAMETER.

EXCEPTIONS:

1: THE TRIANGULAR OPENINGS AT THE OPEN SIDE OF STAIRS FORMED BY THE RISER, TREAD AND BOTTOM RAIL OF A GUARD SHALL NOT ALLOW THE PASSAGE OF A SPHERE 6" IN DIAMETER.

2: GUARDS ON THE OPEN SIDE OF STAIRS SHALL NOT HAVE OPENINGS THAT ALLOW PASSAGE OF A SPHERE $4\frac{3}{8}$ " IN DIAMETER.



NOLAN ENGINEERING PLLC

RICHARD E. NOLAN, P.E. LICENSE # 083929

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DATE:	DESCRIPTION:	JDV					
3/26/21	DECK DESIGN						

JOE VITALE

LOU BENAQUESTO

2221 EASTERN PARK WAY

NISKAYUNA, NY 12509

PN# 2113-JOE

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EXISTING DRIVEWAY

EXISTING HOUSE
(2221 EASTERN
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EXISTING ADJOINING
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PLOT PLAN
SCALE: 1"=20'

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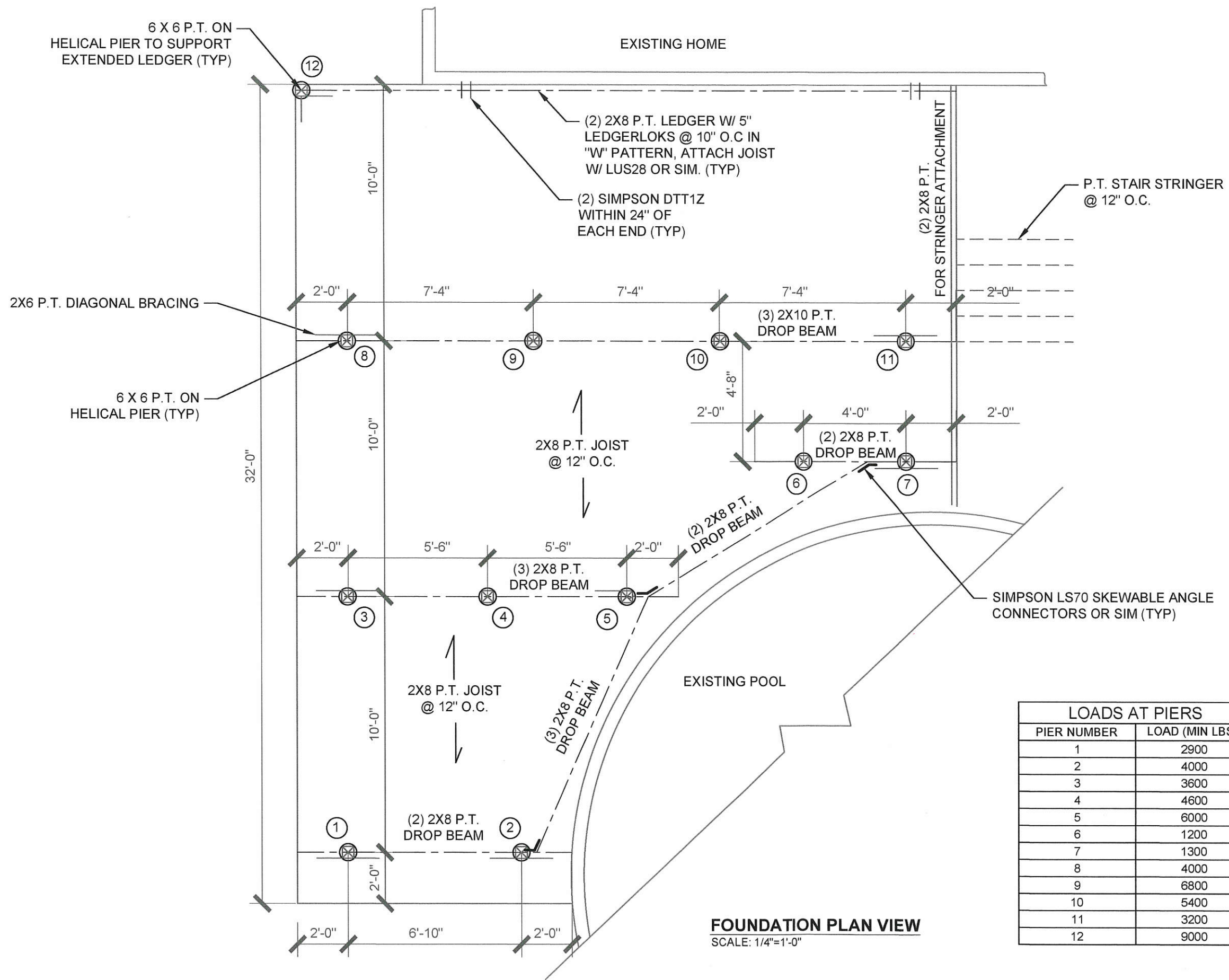
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PIN# 2113-JOE

START DATE:

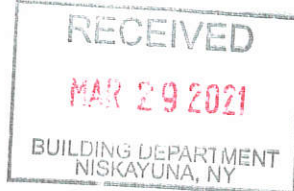


DATE:	3/26/21
FILE:	
PAGE CONTENT:	PLOT PLAN
DRAFTER: J.D.V	ENGINEER: NOLAN
PAPER SIZE: B (11"x17")	SCALE: AS NOTED
SHEET:	P-01



FOUNDATION PLAN VIEW
SCALE: 1/4"=1'-0"

LOADS AT PIERS	
PIER NUMBER	LOAD (MIN LBS.)
1	2900
2	4000
3	3600
4	4600
5	6000
6	1200
7	1300
8	4000
9	6800
10	5400
11	3200
12	9000



NOLAN ENGINEERING PLLC
RICHARD E. NOLAN, P.E. - LICENSE # 083929
NEW YORK STATE LICENSED PROFESSIONAL ENGINEER
333 KINGSLEY ROAD • BURNETT HILLS, NY 12027 • (518) 280-3190
WEBSITE: WWW.NOLANENGINEERING.COM • EMAIL: ADMIN@NOLANENGINEERING.COM

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REPORTS TO WHICH THE SEAL OF PROFESSIONAL
ENGINEER HAS BEEN APPLIED.

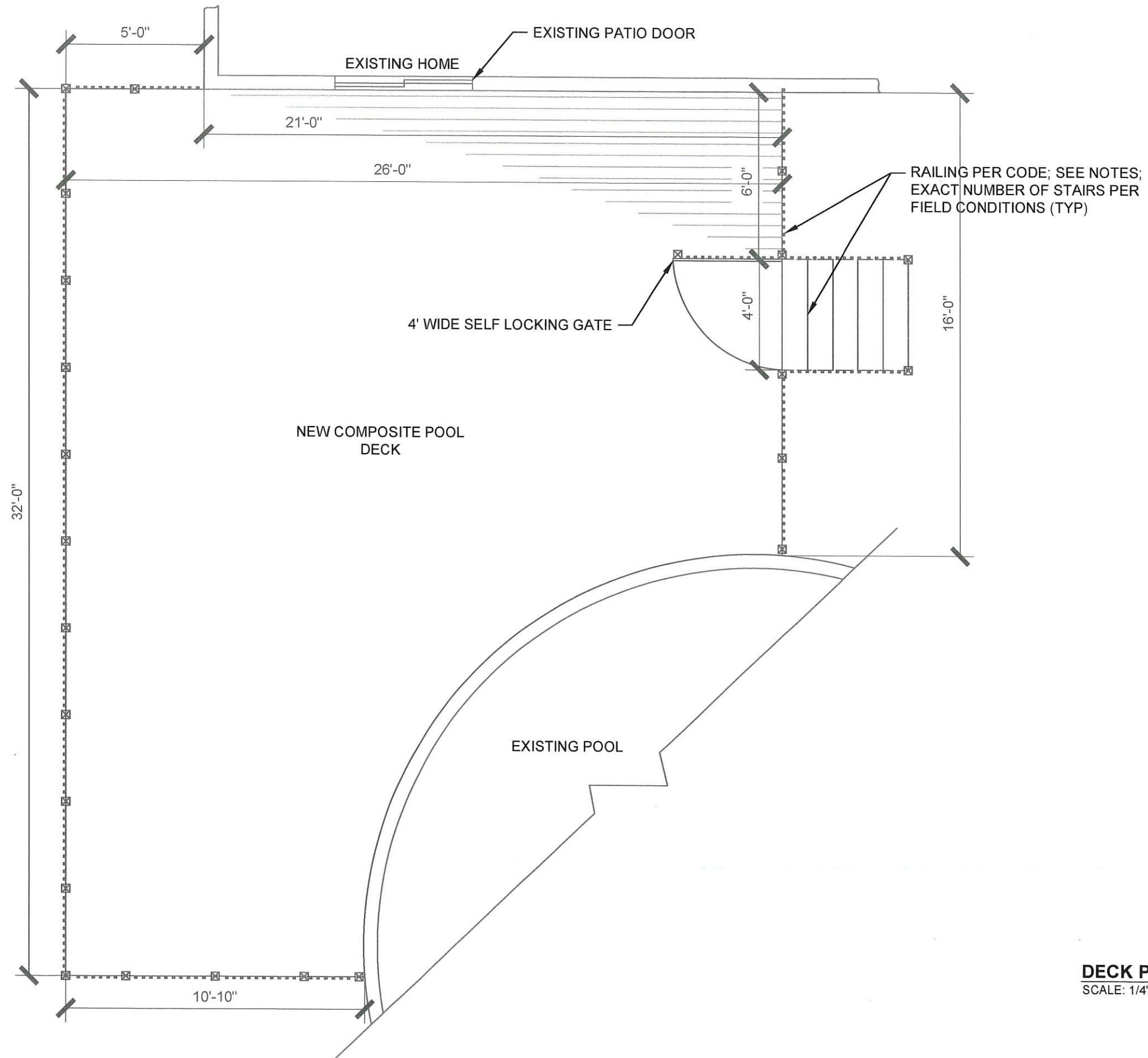
RECORD OF WORK:	
DATE:	DESCRIPTION:
3/26/21	DECK DESIGN

JOE VITALE
LOU BENAQUESTO
2221 EASTERN PARK WAY
NISKAYUNA, NY 12309
PN# 2113-JOE

START DATE:



DATE:	3/26/21
FILE:	
PAGE CONTENT:	SUPPORT PIER PLAN VIEW
DRAFTER:	ENGINEER:
J.D.V	NOLAN
PAPER SIZE:	SCALE:
B (11"x17")	AS NOTED
SHEET:	A-01



DECK PLAN VIEW
SCALE: 1/4"=1'-0"



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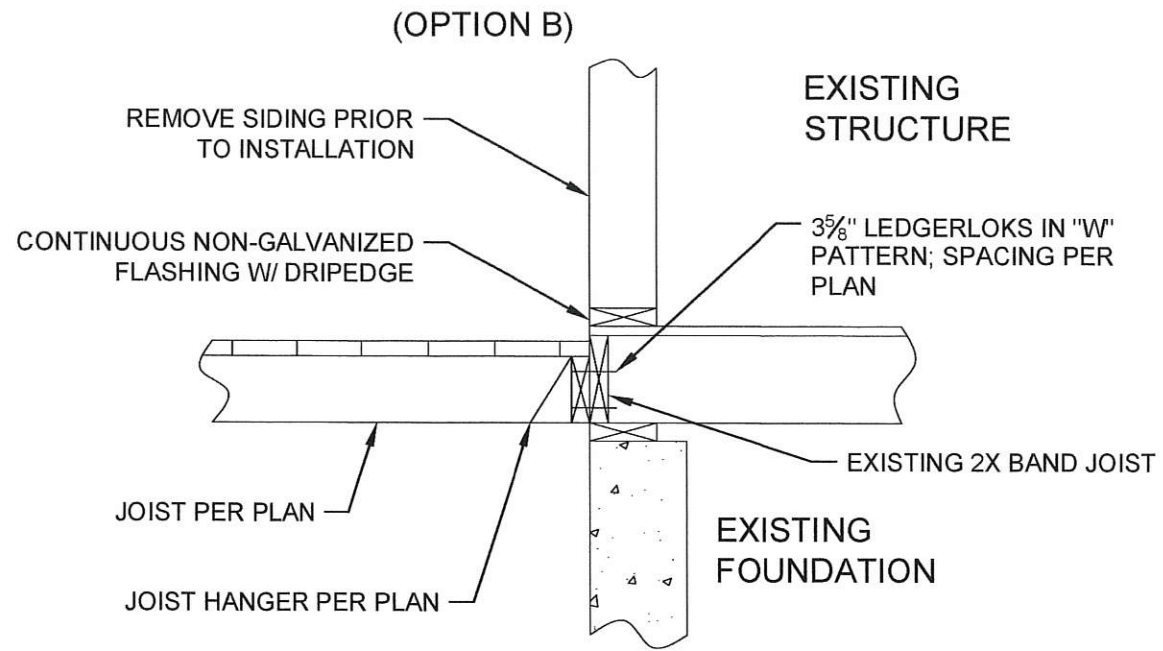
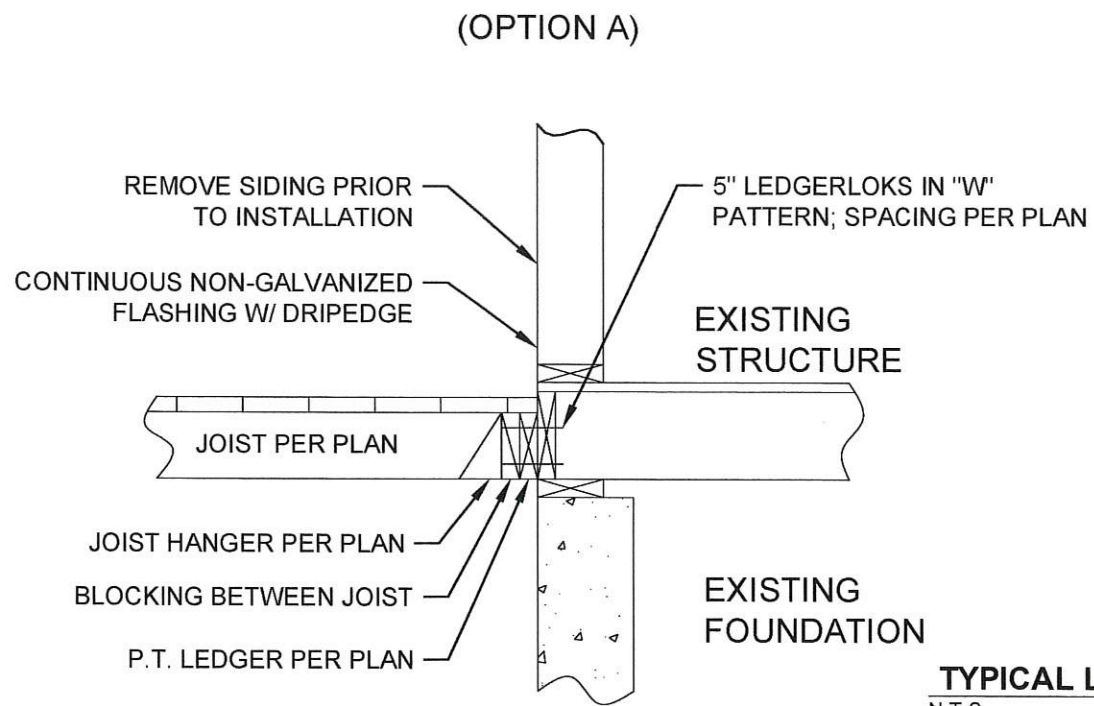
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DATE:	DESCRIPTION:
3/26/21	DECK DESIGN

JOE VITALE
LOU BENAQUESTO
2221 EASTERN PARK WAY
NISKAYUNA, NY 12509
PN# 2113-JOE

START DATE:

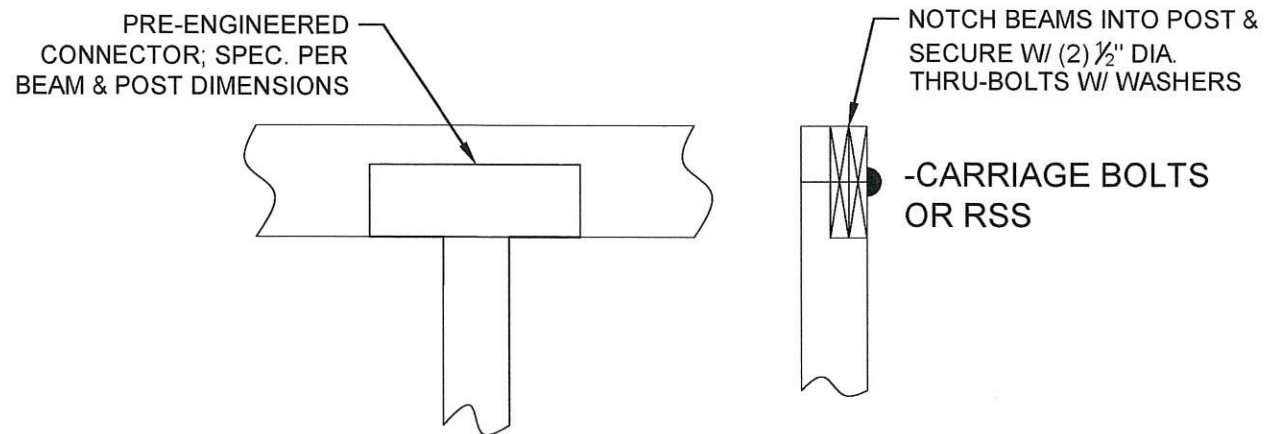


DATE:	3/26/21
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PAGE CONTENT:	DECK PLAN VIEW
DRAFTER:	ENGINEER:
J.D.V.	NOLAN
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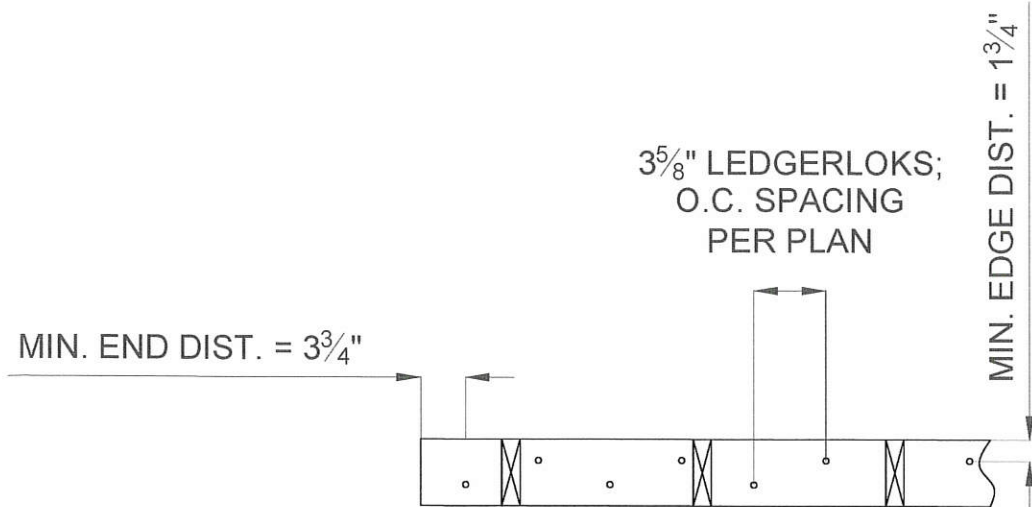


TYPICAL LEDGER DETAIL
N.T.S

REMOVE SIDING PRIOR
TO INSTALLATION



TYPICAL POST/BEAM CONNECTIONS
N.T.S



TYPICAL LEDGER FASTENING PATTERN
N.T.S

NOLAN ENGINEERING PLLC
REGISTERED PROFESSIONAL ENGINEER
RICHARD E. NOLAN, P.E. LICENSE # 083929
NEW YORK STATE
333 KINGSLEY ROAD - BURNT HILLS, NY 12027-1519 (516) 280-3190
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RECORD OF WORK:		BY:	
DATE:	DESCRIPTION:	JDV	
3/26/21	DECK DESIGN		

JOE VITALE
LOU BENAQUESTO
2221 EASTERN PARK WAY
NISKAYUNA, NY 12309
PN# 2113-JOE

START DATE:



DATE:	3/26/21
FILE:	
PAGE CONTENT:	DECK DETAILS
DRAFTER:	ENGINEER:
J.D.V	NOLAN
PAPER SIZE:	SCALE:
B (11"x17")	AS NOTED
SHEET:	A-03

RECEIVED
MAR 29 2021
BUILDING DEPARTMENT
NISKAYUNA, NY

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

August 6, 2021

TO WHOM IT MAY CONCERN:

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

DATE: August 18, 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 Mickey Persaud for a variance from of Section 220-19 H. (2) of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 213 Park Ridge Drive, Niskayuna, New York, located in the R-2: Medium Density Residential Zoning District, to maintain a driveway exceeding the 33% lot width allowed by Code.

Section 220-19 H. (2) states "Driveways in residential front yards. Driveways shall be permitted in the front yards of lots used for residential purposes to serve as access points to the lot by vehicular traffic. Each lot shall have at least one but not more than two points of access (driveways). A single driveway width between the building line and the street line of residential lots shall not exceed 33 feet wide or 33% of the actual front yard width as measured at the building setback line, whichever is less; and no part of the municipal right-of-way shall be paved in excess of this requirement." The lot has 81 feet of frontage at the setback line, therefore a driveway width of 26.73 is allowed. As constructed, the driveway width is 30.5, which exceeds 33% of the lot width by 3.77 feet; therefore, a 3.77 foot driveway width variance is required between the building line and street line and within the municipal right-of-way.

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

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JUL 23 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: Mickey Persaud

RE: Property at 213 Park Ridge Dr Niskayuna NY, 12309
Section _____ Block _____ Lot 4

I, Mickey Persaud, the (owner) (agent of the owner) of the property located at 213 Park Ridge Dr in the Town of Niskayuna, New York, hereby petition the Zoning Board of Appeals to review the decision of the Zoning Enforcement Officer on the above-referenced application and to grant a variance from Section(s) of the Zoning Ordinance in order to permit the proposed construction shown on the accompanying drawings.

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

CHECKLIST OF REQUIRED ITEMS

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

Signature of Agent: _____ Date _____

Signature of Owner (if different from Agent) M. Persaud 7/23/21

Telephone Number: (518) 379-7975 or (518) 982-7785

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JUL 23 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.

My Driveway is said to be too wide.
32 1/2 ft

It is now a three car wide 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:

- My neighbor have 15ft of land (grass) and I have at least 3ft of grass from my property line to the Asphalt.

- The front yard looks cleaner and also help with cars not parking on the street when there is a family function or other functions.

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

- I don't think it's too wide because there is more than enough dirt/grass between my neighbor and I.
- The grade of my lawn didn't change
- My lawn is still lower than my neighbors lawn and most of their water drainage comes onto my lawn but there is still enough grass/dirt there for proper drainage.

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

- The grade of my lawn didn't change and the height didn't change as well
- My entire lawn is sitting on a hill and my neighbor (where the asphalt is) have roughly 18-19 ft of lawn (grass/dirt).
- The water that's draining from my driveway drains the same as everyone else

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

It ~~was~~ was an option given to us that we could do it because there is no sidewalk located and it won't change the grading on the lawn.

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JUL 23 2021

Building Department
Town of Niskayuna

- LOT 111111.
 $81' \times .93 = 21.73'$
MAX

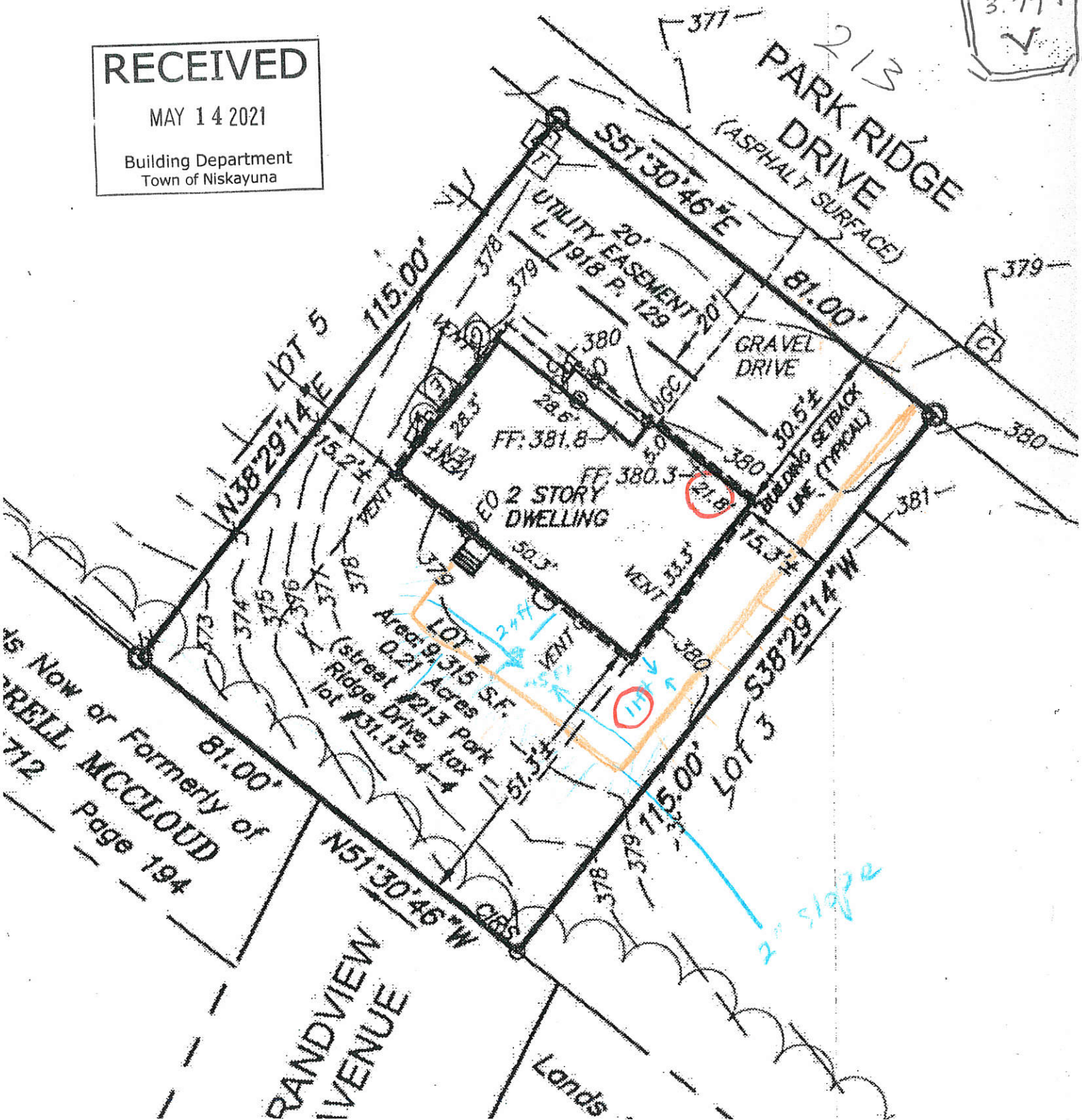
21.8

$\frac{21.8}{22.8} = 0.956$

(30')

3.77'
 ✓

RECEIVED
 MAY 14 2021
 Building Department
 Town of Niskayuna



Now or Formerly of
 BRELL MCCLOUD
 Page 194

RANDVIEW
 AVENUE

Lands



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: 213 Park Ridge Drive

Application Date: 5/14/21

Mickey Persaud
213 Park Ridge 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 driveway on the property noted above has been denied by reason of Section 220-H. (2) of the Town of Niskayuna Zoning Ordinance. The property is located in the R-2: Medium Density Residential Zoning District.

Section 220-H. (2) states Driveways in residential front yards. Driveways shall be permitted in the front yards of lots used for residential purposes to serve as access points to the lot by vehicular traffic. Each lot shall have at least one but not more than two points of access (driveways). A single driveway width between the building line and the street line of residential lots shall not exceed 33 feet wide or 33% of the actual front yard width as measured at the building setback line, whichever is less; and no part of the municipal right-of-way shall be paved in excess of this requirement. As constructed, the driveway width exceeds 33% of the lot width, by 3.77 feet; therefore, a 3.77 foot driveway width 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.

5/20/21

Date

A handwritten signature in black ink, appearing to be "TJ Cannizzo", written over a horizontal line.

Thomas J. Cannizzo
Zoning Enforcement Officer

- How For 76A -

Application # 321-354



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

MAY 14 2021

APPLICATION IS HEREBY MADE to the Town of Niskayuna Building Department for the assistance 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 213 Park Ridge Dr

DESCRIBE WORK APPLIED FOR Paving

ESTIMATED VALUE OF ALL WORK (labor and materials):

TOTAL \$ 11,900.00

Please submit three sets of plans with this application.

APPLICANT Mickey L Persaud DAY PHONE 518-379-7975

CHECK ONE: ☐ CONTRACTOR

☒ HOMEOWNER

☐ OTHER (explain) _____

ADDRESS 213 Park Same

CITY _____ STATE _____ ZIP _____

EMAIL ADDRESS Lpersaud57@gmail.com

CONTRACTOR Harbour Roads DAY PHONE 518-266-0690

ADDRESS PO BOX 4087

CITY Albany STATE NY ZIP 12204

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 Mickey Persaud 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

Mickey Persaud
Printed Name

05/14/21
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 _____

- LOT 111111.
 $81' \times .93 = 21.73'$
MAX

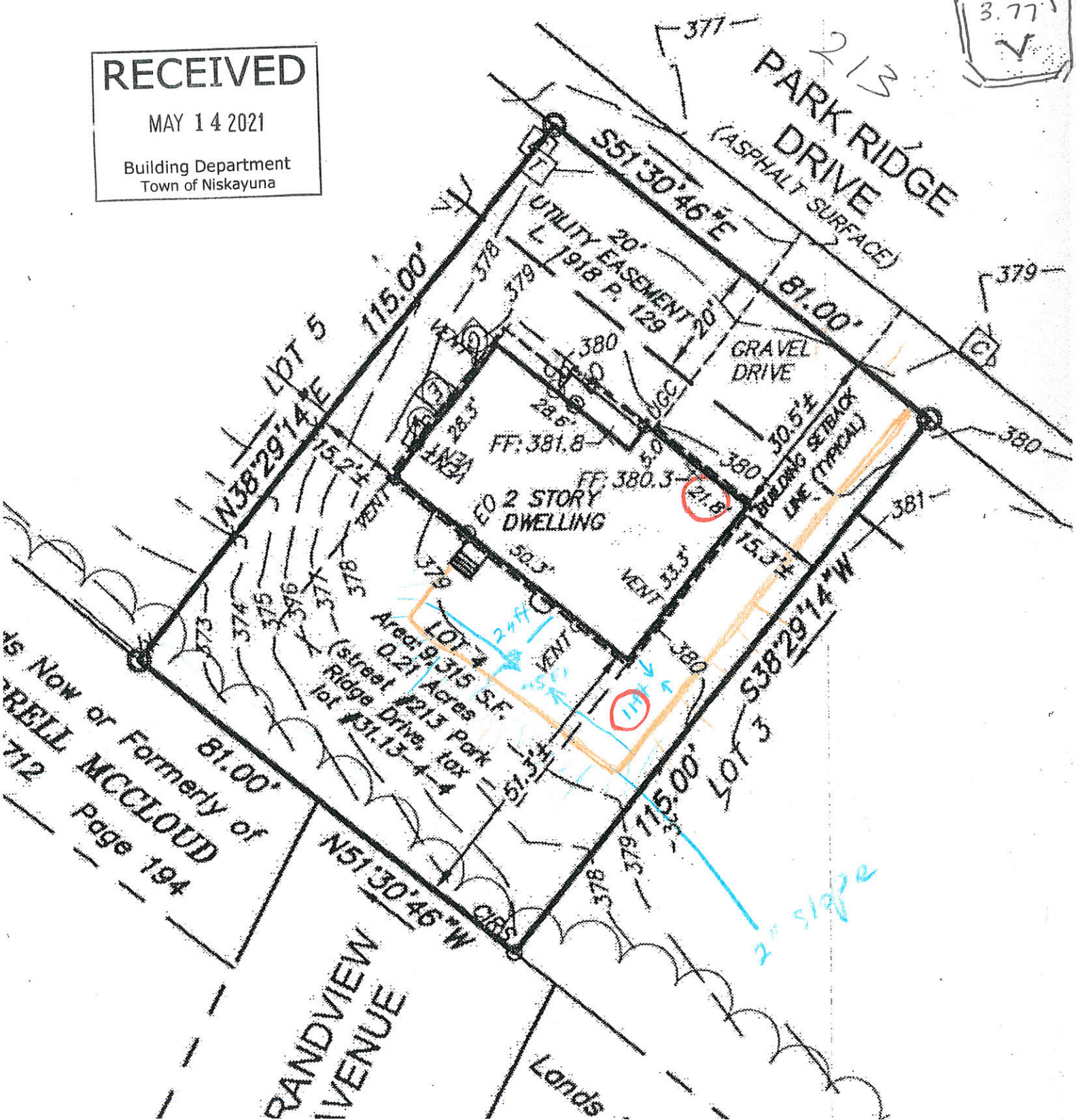
21.8

$\frac{21.8}{22.8} = 0.956$

(30)

3.77
 ✓

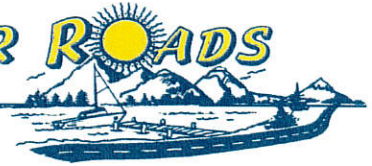
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 MAY 14 2021
 Building Department
 Town of Niskayuna



Now or Formerly of
 BRELL MCCLOUD
 Page 194

RANDVIEW
 AVENUE

Lands



Date: 5/10/21
Submitted to: Mr. Mickey Lakeram Persaud
Job: **213 Park Ridge Drive Niskayuna, NY 12309**
Phone: 518-379-7975

Page 1 of 1

We hereby submit specifications and estimates for:

New Driveway Addition

876 (± SF)

- Dig out 73' x 12' area along existing stone driveway 10" to 12" in depth. Removed material to be placed in backyard.
- Install subbase stabilization fabric.
- Install 8" NYSDOT approved Item #4 crush stone to new area.
- Fine grade subbase to a true and level course.
- Apply 2.5" to a 2" compacted thickness of NYSDOT approved Type #7 Top.
- Each operation compressed with 1 ton, 3 ton, 12 ton vibratory rollers, and vibratory plate tampers..

Investment..... \$ 5,500.00

Patio Area

1,080 (± SF)

- Dig out 45 x 24' area behind house 6" in depth. Removed material to be placed in backyard.
- Install subbase stabilization fabric.
- Install 6" NYSDOT approved Item #4 crush stone to new area.
- Fine grade subbase to a true and level course.
- Apply 2.5" to a 2" compacted thickness of NYSDOT approved Type #7 Top.
- Each operation compressed with 1 ton, 3 ton, 12 ton vibratory rollers, and vibratory plate tampers..

Investment..... \$ 6,400.00

Total Investment..... \$ 11,900.00

We propose hereby to furnish material and labor – complete in accordance with the above specifications and sum(s).

PAYMENT TERMS: Due in full upon completion.

TAX STATUS: Capital Improvement Tax Status with form.

Terms & Conditions: Price based on \$546.00/Liquid Asphalt Ton of 64-22 Asphalt Cement. Final payment will be subject to asphalt price escalation in accordance with NYSDOT asphalt price adjustment formulas. Price based on one (1) mobilization during normal paving season (April 15 – October 15). When placing asphalt outside the seasonal limitations and temperature requirements, quality waiver forms will be required. Kal-Harbour, Inc. will not be responsible for positive drainage of area when slopes are less than 2%. The following is excluded from the above listed price: cold weather conditions, maintenance of traffic, survey layout, saw cutting, prime coat, herbicide, adjacent asphalt cleaning or repairs, topsoil, seeding, testing, bonds, permits, fees and any work not specified above. Any unforeseen material encounter while digging the owner will be notified immediately, such as any debris (1) one cubic yard or larger has not been figured in this quote should such an encounter occur additional charges will be applied for the additional material that will be needed to fill such a void along with the additional time and labor. General contractor or owner shall supply water for rollers. Should legal action become necessary for the collection of an account, customer shall, in addition to service charges, bear all collection costs, including attorney's fees. This proposal may be withdrawn is not accepted within 15 days.

Scott Sacci

5/10/21

Signature

Date

Acceptance of Proposal – The above process, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Signature

Print Name

Date