

**TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309-4381**

The Zoning Board of Appeals of the Town of Niskayuna will conduct a regular meeting on WEDNESDAY, April 20, 2016 at 7:00 P.M. in the Town Board Meeting Room, Town Hall, One Niskayuna Circle, Niskayuna, New York to consider the following:

- 1. The appeal of Capital Signs & Graphics, Inc., 18 Railroad Avenue, Albany, New York,** for the installation of a free standing monument sign on the property located at **1752 Union Street**. The property is located in the C-N: Neighborhood Commercial Zoning District. **Permitted Signs:** As stated in Section 220-13, Schedule I-D “For all uses: For sites of five acres or more, one freestanding monument (ground) sign per driveway, up to a maximum of three signs, is permitted. They shall be setback a minimum of 10 feet from the right-of-way line and side property line...” As proposed, the sign is for a property less than five acres and is placed 4’ from the front right-of-way line. Therefore, variances from this section are required.

- 2. The appeal of Anthony Helstowski, 1200 Van Antwerp Road, Niskayuna, New York,** for a variance from Section 220-18 B (3)(b) and Section 220-13 Schedule I-C of the Zoning Ordinance of the Town of Niskayuna for the application to maintain a 10’ X 17’ (170 square feet) portable shelter on the property noted above. The property is located in the R-2: Medium Density Residential Zoning District. **Accessory Structure:** Section 220-18B (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, a major accessory structure is “detached accessory buildings or other structures in excess of 120 square feet”. The shelter, at 170 square feet, is a major accessory structure. **Section 220-13, Schedule I-C** establishes the side setback requirement as fifteen feet (15’). As built, the shelter is located three feet (3’) from the side property line. Therefore; a twelve foot (12’) side yard setback variance is required.

- 3. The appeal of Barbara Griffin, 3501 Rosendale Road, Niskayuna, New York,** for a variance from Section 220-18 B (1) of the Zoning Ordinance of the Town of Niskayuna for the application to maintain a 1,980 square foot garage on the property noted above. The property is located in the R-2: Medium Density Residential Zoning District. **Accessory Structures-** 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 1,350 square feet. As constructed, the garage is 1,980 square feet; therefore, a 630 square foot accessory structure area of coverage variance is required.

4. The appeal of Tracey Farrar, 2352 Rosendale Road, Niskayuna, New York, for a variance from Section 220-15B (1)(a) and Section 220-4 of the Zoning Ordinance of the Town of Niskayuna for the construction of a six foot fence on the property noted above. The property is located in the R-1: Low Density Residential Zoning District and is a corner lot. Section 220-25 B (1)(a) permits the maximum height for fences located in the front and side yards to be four feet (4'). Section 220-4 defines a corner lot as a lot at the intersection of two street lines. Each street line shall be considered a front lot line. Hence, the yards between the main house and both Rosendale Road and Mohegan Road are considered front yards. As proposed, a six foot (6') high fence would be located in the front and side yard along Mohegan Road; therefore, a two foot (2') fence height variance is required.