

**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, August 17, 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 Claudia Ovitt, 912 Birchwood Lane, Niskayuna, New York, 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 for the application to maintain a 28' diameter (615 square feet) above ground pool on the property noted above. The property is located in the R-1: Low Density Residential Zoning District. **Accessory Structures: Section 220-18 B (3)(b)** states that "the required yard dimensions for major accessory structures shall be the same as applies to the principal building". A major accessory structure is defined as "detached accessory buildings or other structures in excess of 120 square feet". The pool, at 254 square feet is a major accessory structure. **Section 220-13, Schedule I-B** establishes the side setback requirement as 20'. As constructed, the pool is located 10.83' from the side property line. Therefore, a 9.17' side yard setback is required.

2. The appeal of Amanda and Louis Cutter, 1445 Balltown Road, Niskayuna, New York, for a variance from **Section 220-16C** of the Zoning Ordinance of the Town of Niskayuna for the application for winter storage of an RV in the driveway on the property noted above. The property is located in the R-2: Medium Density Residential Zoning District. **Yard Regulations: Section 220-16 C** states; Seasonal storage of house coaches, campers or trailers, boats (not to exceed 30 feet), car trailers, snowmobiles and snowmobile trailers is permissible. The storage of house coaches, campers or trailer, boats or car trailers of any kind is not permitted in the front yard of any residential lot between November 1 and March 31, whether or not on a driveway. The storage of snowmobiles and snowmobile trailers is not permitted in the front yard of any residential lot between April 1 and October 31, whether or not on a driveway.

3. The appeal of Albert Barcomb, 1926 Pawtucket Avenue, Niskayuna, New York, for variances from **Section 220-4, Section 220-18 A. (2); Section 220-18 B (3)(b)** and **Section 220-13 Schedule I-C** of the Zoning Ordinance of the Town of Niskayuna for the installation of a 1,248 square foot in-ground pool and apron on the property noted above. The property is located in the R-2: Medium Residential Zoning District. **Section 220-4** defines a front yard as a yard situated between the main building and the front lot line. **Section 220-18 A. (2)** states "except as otherwise specified in this chapter, accessory structures are not permitted in the front yard of any lot". As proposed, the pool is in a front yard; therefore, a variance from this section is required. **Section 220-18 B (3) (b)** states "the required yard dimensions for major accessory structures shall be the same as applies to the principal building". A major accessory structure is defined as "detached accessory buildings or other structures in excess of 120 square feet". The pool and apron at 1,248 square feet, is a major accessory structure. **Section 220-13 Schedule I-C** establishes the rear setback requirement as twenty feet (20'). As proposed, the pool is located 17.2' from the rear property line. Therefore, a 2.8' rear yard setback variance is required.

4. The appeal of Jennifer Howard (agent), the Stewarts Shops Corp, P.O. Box 435, Saratoga, Springs, New York 12866, for a variance from **Section 220-53 B** and **Section 220-13, Schedule I-D** of the Zoning Ordinance of the Town of Niskayuna for the application to install a 7'9" X 15'5" exterior freezer for the property located at **566 Balltown Road**. The property is located in the C-N: Neighborhood Commercial Zoning District. **Section 220-53 B** allows an addition to a nonconforming structure that brings it no nearer to a side line than the existing structure or one-half (1/2) the required distance for the zoning district, whichever is greater. **Section 220-13, Schedule I-D** requires a rear yard setback of twenty feet (20'). Since the existing building is only three feet (3') from the rear line, ten feet (10') becomes the minimum required side setback. As proposed the addition will be six feet (6') from the rear line; therefore a four foot (4') side yard setback variance is required.

5. The appeal of Bellamy Construction (agent), 6084 Amsterdam Road, Scotia, New York 12302, for a variance from **Section 220-16 E (2)** of the Zoning Ordinance of the Town of Niskayuna for the construction of a garage addition on the property located at **2113 Dean Street**. **Front Yard Setback: Section 220-16 E (2)** states that if seventy percent (70%) or more of the lots on the same side of the street within five hundred feet (500') of this lot have buildings on prior to July 1, 1971, then, the front setback will be the average setback of those lots. As applied, the average front yard setback along Barclay Place is 36'. As proposed, the new addition would extend to approximately fifteen point nine feet (15.9') from the front property line. Therefore, a twenty point one foot (20.1') front yard setback variance is required.