

**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, December 14, 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 Ray Sign (agent), 28 Colonial Avenue, Schenectady, New York, for variances from **Section 220-22 A. (8) and Section 220-22 A (11)** of the Zoning Ordinance of the Town of Niskayuna for the placement of three (3) free-standing “lease” signs at the address located at **402-442 Balltown Road (Mohawk Commons)**. The property is located in the C-S: Shopping Center Commercial Zoning District. **Section 220-22 A. (8)** allows for one (1) sign advertising the sale, lease or construction of or on the premises. As proposed, there will be three (3) signs. Therefore, a variance for two (2) additional signs is required. **Section 220-22 A (11)** states, "...signs, other than an official traffic sign, shall not be erected within the right-of-way lines of any street or between the street line and building line." As proposed the signs will be located between the street and building lines. Therefore a variance for the signs being located between the street and building lines is required.

2. The appeal of Gregory Gifford, 875 Pearse Road, 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 25' X 60' (1500 square feet) pond on the property located at **865 Pearse Road**. 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 side and rear 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 pond, at 1500 square feet is a major accessory structure. **Section 220-13 Schedule I-B** establishes the rear setback requirement as 25'. As constructed, the pond is located 8’6” from the rear property line. Therefore, a 16’6” rear yard setback variance is required.

3. The appeal of Ballston Mourningkill Associates (Agent), 464 Maple Avenue, Saratoga Springs, New York, for a variance from Section 220-22 (A) (10) (a) [2] of the Zoning Ordinance of the Town of Niskayuna for the installation of one (1) subdivision sign at **1453 Hillside Avenue**. The property is located in the R-3: High Density Residential Zoning District. **Section 220-22 (A) (10) (a) [2]** states: A sign for a nonresidential use shall not exceed twenty square feet in area or eight feet in height above the average grade at its location. As proposed, the subdivision sign is 36 square feet. Therefore, a 16 square foot variance from this section is required for the sign.

4. The appeal of Ballston Mourningkill Associates (agent), 464 Maple Lane, Saratoga Springs, New York 12866, for a variance from Section 220-18 A. (2) of the Zoning Ordinance of the Town of Niskayuna for the construction of two (2) 7.5'X7.5' gazebos on the property located at 1453 Hillside Avenue. The property is located in the R-3 High Density Residential Zoning District. 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 gazebos will be in a front yard; therefore, variances for both gazebos are required.