

**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, October 19, 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 Heidi Ricks, 406 Fulton Street, Suite 513 Troy, New York, for a variance from Section 220-13, Schedule I-B of the Zoning Ordinance of the Town of Niskayuna for the application to permit a “stand-alone birth center or midwifery practice on the property located at 2391 Troy Road. Permitted Uses: Section 220-13, Schedule I-B does not permit a birthing center or midwifery practice in the R-1 Zoning District. Therefore a use variance is required.**

**2. The appeal of John J. Walter Jr., 57 Ralph Street, Niskayuna, New York, for variances from Section 220-18 A (3) , Section 220-18 B (3)(b) and Section 220- Schedule I-C of the Zoning Ordinance of the Town of Niskayuna for the construction of a 28’ X 32’ (896 square feet) garage on the property noted above. The property is located in the R-2: Medium Density Residential Zoning District. Section 220-18 A (3) states: “Unless otherwise specified, accessory structures shall not exceed 15 feet in height.” As proposed, the garage would have a height of 17 feet; therefore, a 2 foot building height variance 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, a major accessory structure is “detached accessory buildings or other structures in excess of 120 square feet”. The proposed garage at 896 square feet is a major accessory structure. Section 220-13 Schedule I-C establishes the side setback requirement as fifteen feet (15’). As proposed, the garage will be located 4’ from one side and 8’ from the other side property line. Therefore; both an 11’ and a 7’ side yard setback variance is required.**

**3. The appeal of Richard and Dorothy O’Connor, 23 Carrie Court, Niskayuna, New York, for variances from Section 220-13, Schedule I-B of the Zoning Ordinance of the Town of Niskayuna for the construction of a 10’ X 16’ deck on the property noted above. The property is located in the R-1: Low Density Residential Zoning District. Side Yard Setback: Section 220-13, Schedule I-B requires a twenty (20) foot minimum side yard setback and a twenty-five (25) foot rear yard setback. As proposed, the deck will be located zero feet (0’) from one of the side property lines and seventeen feet six inches (17’6”) from the rear property line. Therefore both a twenty foot (20’) side yard setback variance and a seven foot six inch (7’6”) rear yard setback variance are required.**

**4. The appeal of Pearl Ha and Jason Lenkowitz, 1015 Mohegan Road, Niskayuna, New York**, for a variance from **Section 220-13, Schedule I-B** of the Zoning Code of the Town of Niskayuna for the application for a 2 lot minor subdivision for the property noted above. The property is located in the R-1: Low Density Residential Zoning District. **Section 220-13, Schedule I-B** states that “the minimum yard dimensions for both side yard setbacks must be 40 feet.” As proposed, the sum of the two side yard setbacks for the existing home is 33.8 feet. Therefore, a 6.2 foot variance for the sum of both the side yard setbacks is required.

**5. The appeal of Sarah Lyon, (agent for Target), 428 Balltown Road, Niskayuna, New York**, for a variance from **Section 220-13 and Schedule I-F** of the Zoning Ordinance of the Town of Niskayuna for the application for the permanent placement of two (2) storage units located at the property noted above. The property is located in the C-S: Shopping Center Commercial Zoning District. **Minimum Yard Dimensions: Rear Yard. Section 220-13 and Schedule I-F** requires a rear yard setback of 150’. The site plan indicates a rear yard setback for the storage units ranging from 57’3” to 66’2”. A variance was granted on March 20, 2002 for a rear yard setback variance, allowing the “Target” building to be located 67’ from the rear property line. Therefore, an additional variance of up to 9’9” is necessary for the rear yard setback of the storage units.