

**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, July 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 Debra and Andrew Bachert, 1369 Rosehill Boulevard, Niskayuna, New York, for a variance from Section 220-25 B (1)(a) of the Zoning Ordinance of the Town of Niskayuna for the application to maintain a six foot high section of fence on the property noted above. The property is located in the Low Density Residential Zoning District. **Fence: Section 220-25 B (1) (a)** permits the maximum height for fences located in the front and side yards to be (4') feet. As constructed, a six foot (6') high fence is located in the side yard; therefore, a two foot (2') fence height variance is required.

2. The appeal of Matthew Catlin, 1169 Palmer Avenue, Niskayuna, New York, for variances from **Section 220-13 Schedule I-C** of the Zoning Ordinance of the Town of Niskayuna for the installation of a 20' X 20' (400 square feet) shed on the property noted above. The property is located in the R-2: Medium Density Residential Zoning District. **Accessory Structures: Section 220-18 B (3) (b)** states that "the required side and rear yard dimensions for 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 proposed shed, at 400 square feet, is a major accessory structure. **Section 220-13 Schedule I-C** establishes the side setback requirement as 15' and the rear setback requirement as 20'. As proposed, the shed would be located 10' from the side property line and 10' from the rear property line. Therefore, both a 5' side yard setback variance and a 10' rear yard setback variance are required.

3. The appeal of Choudarey Aslam, 1260 Van Antwerp Road, Niskayuna, New York, for variances from **Section 220-53 B.** and **Section 220-13, Schedule I-C** of the Zoning Ordinance of the Town of Niskayuna for the construction of a 9' X 21' addition on the property noted above. The property is located in the R-2: Medium Density Residential Zoning District. **Section 220-25 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-C** requires a side yard setback of fifteen (15) feet. Since the existing house is only 2.8' from the side line at its closest, 7.5 feet becomes the minimum required side setback. As proposed the addition will be 2.5' from the side line; therefore, both a variance for the addition being nearer to a side line than the existing structure and a 5' side yard setback variance are required.

4. The appeal of Kent Molino, 1759 Union Street, Niskayuna, New York, for a variance from **Section 220-22(10)(a)[4]** of the Zoning Ordinance of the Town of Niskayuna for the application for a free standing monument sign on the property noted above. **Section 220-22(10)(a)[4]** states that “Freestanding signs shall have a minimum setback of 10 feet from the right-of-way line and ten feet from the side property line. They shall be located in a manner that does not interfere with required minimum sight distance at driveways or intersections.” As proposed, the sign is located on the property line. Therefore, a variance of 10 feet is required from the right-of-way.

5. The appeal of Chris LaPorta, 1493 Myron Street, Niskayuna, New York, for a variance from **Section 220-13, Schedule I-C** of the Zoning Ordinance of the Town of Niskayuna for the construction of a 20’ X 20’ addition on the property noted above. The property is located in the R-2: Medium Density Residential Zoning District. **Section 220-13, Schedule I-C** requires a fifteen (15) foot minimum side yard setback. As proposed the addition would be located 2’8” from the side property line at its closest point; therefore, a 12’4” side yard setback variance is required.