

**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, May 18, 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 Bellamy Construction, 6684 Amsterdam Road, Scotia, New York, 12302, for a variance from **Section 220-13 Schedule I-C** of the Zoning Ordinance of the Town of Niskayuna for the construction of a 24' X 24' (576 square feet) garage on the property located at **1403 Keyes Avenue**. The property is located in the R-2: Medium Density Residential Zoning District. **Accessory Structures:** Section 220-18 B (3)(b) stated 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 garage, at 576 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 5.3' from the side property line. Therefore, a 9.7' side yard setback variance is required.

2. The appeal of Timothy Putorti (agent), Albany Diocesan Cemeteries, 48 Cemetery Avenue, Menands, New York 12204, for a variance from Section 220-18 B (2) of the Zoning Ordinance of the Town of Niskayuna for the construction of a 12' octagon gazebo on the property located at **2501 Troy Road**. The property is located in the R-1: Low Density Residential Zoning District. **Accessory Structures-**Section 220-18 B (2) states that "There shall not be more than three accessory structures on a lot." As proposed, multiple accessory structures already exist on the property. The new 12' octagon gazebo will count as one (1) additional accessory structure; therefore, a variance from this section is required.

3. The appeal of Mark Miller, 67 Walnut Street, Saratoga Springs, New York, for a variance from Section 220-13, Schedule I-B of the Zoning Ordinance of the Town of Niskayuna for the application for a 2 lot minor subdivision at **4035 Consaul Road**. The property is located in the R-1: Low Density Residential Zoning District. Section 220-13, Schedule I-B states that "the minimum lot depth is 125 feet for single family homes." The subdivision plan shows the eastern most lot line for the proposed lot # 2 to be 110.80 feet. Therefore, a variance of 14.2 feet is required for the minimum lot depth.

4. The appeal of Kyle Vielkind (agent), 1271 Baker Avenue, Schenectady, 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 garage addition on the property at **2126 McClellan Street**. 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 six point three (6.3') feet from the side property line at its closest point; therefore, an eight point seven (8.7') foot side yard setback variance is required.

5. The appeal of David Fusco, 4017B State Street, Schenectady, New York, for a variance from Section 220-17(A) of the Zoning Ordinance of the Town of Niskayuna for the construction of a 36,570 square foot apartment building located at **2340 Nott Street East**. The property is located in the R-3: High Density Residential Zoning District. Section 220-17(A) states that “[no] building or structure shall exceed a height of 35 feet above the average finished grade adjoining the building unless otherwise specified in this chapter.” As proposed, the building height will be thirty six point four (36.4) feet in height; therefore, a one point four (1.4) foot height variance is required.

6. The appeal of Ms. Joan Heffler, 2335 Cayuga Road, Niskayuna, New York, for the reversal of the determination, dated March 8, 2016, stating that a home occupation exists at the property indicated above. The property is located in the R-1: Low Density Residential District. Section 220-69(D)(1) of the Zoning Ordinance of the Town of Niskayuna states that “[t]he Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the Zoning Enforcement Officer and to that end shall have all the powers of the Zoning Enforcement Officer from whose order, requirement or decision the appeal is taken.” Section 220-29 of the Zoning Ordinance of the Town of Niskayuna regulates Home Occupation uses. Section 220-29(A) provides that “[a] ‘home occupation’ is an occupation of profession which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and which is carried on by a member of the family residing in said dwelling unit.”

7. The appeal of Rebecca and Michael Holmes, 1380 Van Antwerp Road, Niskayuna, New York 12309, for variances from Section 220-13, Schedule I-C of the Zoning Ordinance of the Town of Niskayuna for the construction of a 1,092 square foot single family home to be located at **1379 Van Antwerp Road**. The property is located in the R-3: High Density Residential zoning district. Section 220-13, Schedule I-C states that “the minimum lot area in the R-3: High Density Residential zoning district is 9,000 square feet.” As proposed the lot is 7,229 square feet. Therefore, a variance of 1,771 square feet is required. Section 220-13, Schedule I-C states that “the minimum rear yard setback in the R-3: High Density Residential zoning district is 20 feet.” As proposed, the house would be located 7 feet from the rear property line. Therefore, a variance of 13 feet is required.

8. The appeal of Michael Roman, 1004 Woodfield Drive, Niskayuna, New York, for a variance from Section 220-13 Schedule I-B of the Zoning Ordinance of the Town of Niskayuna for the installation of a 14' X 16' (224 square feet) shed 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 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 shed, at 224 square feet, is a major accessory structure. **Section 220-13 Schedule I-B** establishes the rear setback requirement as 25'. As proposed, the shed would be located 10' from the rear property line. Therefore, a 15' rear yard setback variance is required.