

**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, September 21, 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 Randy Brenner, 3300 Rosendale Road, Niskayuna, New York, for variances from **Section 220-18 A (2)** and **Section 220-18 B (1)** of the Zoning Ordinance of the Town of Niskayuna for the installation of a 12' X 16' shed on the property noted above. The property is located in the R-1: Low Density Residential Zoning District. **Section 220-18 A (2)** states that accessory structures are not permitted in the front yard of any lot. The shed is an accessory structure. The Zoning Ordinance defines front yard as a yard situated between the main building and the front line of the lot and extending the full width of the lot. As proposed, the shed is located between the main building line and Rosendale Road. Therefore, a variance from this section is required for each structure. **Section 220-18 B (1)** states that the total area of coverage by accessory structures shall not exceed 50% of the allowed area of coverage of the minimum permitted lot size in the R-1, R-2 or R-3 Districts or actual lot size, whichever is smaller. As applied, the allowable area of coverage is based on the minimum lot size for R-1 Zoning, or 2250 square feet. Area variances for this property were previously granted by the Zoning Board of Appeals on 12/14/11 and 12/19/12, allowing a total of 2671 square feet of lot coverage. As proposed, this shed brings the total area of coverage to 2743 square feet. Therefore a 72 square foot accessory structure area of coverage variance is required.

2. The appeal of Daniel Carlson, 2060 Grand Boulevard, Niskayuna, New York, for a variance from **Section 220-53B** and **Section 220-13, Schedule I-C** of the Zoning Ordinance of the Town of Niskayuna for the construction of a garage addition located at the property noted above. The property is located in the R-2: Medium Density Residential 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-C** requires a side yard setback of fifteen (15') feet. Since the existing house is only five (5') feet from the side line, seven point five (7.5') feet becomes the minimum required side setback. As proposed the garage addition will be five (5') feet from the sideline; therefore a two point five (2.5') foot side yard setback variance is required.

3. The appeal of Solar Liberty (agent), 6500 Sheridan Drive, Suite 120, Buffalo, 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 installation of a 23'4" X 16'8" (388 square feet) ground mounted solar array on the property located at **2513 Rosendale 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 solar array, at 338 square feet, is a major accessory structure. **Section 220-13, Schedule I-B** establishes the side setback requirement as twenty feet (20'). As proposed, the solar array would be located 7'1" from the side property line. Therefore a 12'11" side yard setback variance is required.

4. 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.