



46 Dave Kimmer from ABD Engineering wished to address the board on behalf of the  
47 applicant.

48 D. Kimmer explained that the site plan for Glenville Smiles was approved in 2020 and  
49 provided 19 parking spots for the site. The use of the property, as detailed in the  
50 approved site plan, showed 5 examination rooms in one half of the building while the  
51 other was shown as general office because the applicant had not yet found a tenant.  
52 Since site plan approval, the number of examination rooms to 6 on the applicant's  
53 side of the building while the other half of the building had been occupied by another  
54 dental practice with 4 examination rooms. D. Kimmer summarized that the site was  
55 now home to 10 examination rooms.

56 D. Kimmer argued that, according to the Town's parking minimums, the site now  
57 required the additional spaces proposed in the area variance. He further described  
58 the issues arising from the insufficient parking such as patients parking along  
59 Lincoln Drive and creating congestion in the area. He concluded that there was  
60 nowhere else for parking to expand and that the addition of the 9 spaces would  
61 solve the problems experienced by both the applicant and the neighborhood.

62 C. Pierson reminded D. Kimmer and the Board that the Zoning Board needed to limit  
63 their review to whether the application before them was substantially different, or if  
64 circumstances had changed, from the original application.

65 C. Pierson asked D. Kimmer to explain how the application before the board was  
66 different from the area variance application that was denied in 2020. She stated that  
67 it appeared to ask for the same area variance.

68 D. Kimmer argued that, while the relief the applicant seeking was identical between  
69 applications, the site today was much different than in 2020 because the proposed  
70 second building on the original application had never been built.

71 D. Hennel recalled that the Zoning Board had previously reviewed an area variance  
72 application with two buildings, but that the application was later amended to remove  
73 the second building and the Board had denied that application as well.

74 C. Pierson asked D. Kimmer to demonstrate the differences between what had been  
75 requested previously and what was being requested currently.

76 D. Kimmer replied that the area variance last time was for parking 10' from the Lincoln  
77 Drive Right-of-Way.

78 C. Pierson asked what was being requested tonight.

79 D. Kimmer replied that the area variance was for parking 10' from the Lincoln Drive  
80 Right of Way, but that it would be a mischaracterization to call the applications  
81 identical.

82 C. Pierson deferred to the Board's judgement and stated that it was their job to decide  
83 if the application before them was substantially different than the one they denied in  
84 2020.

85 D. Kimmer argued that the questions to the 5-criteria on the area variance application  
86 were different than in 2020.

87 C. Pierson reiterated that it was for the Zoning Board to decide and that it would have  
88 to be unanimous approval to rehear the application.

89 D. Schlankser stated that the site was previously approved without the additional  
90 parking, so he did not see the additional spaces as being crucial to the operation of  
91 the business.

- 92 D. Kimmer answered that, while the applicant had previously been approved for 19
- 93 spots, the lack of adequate parking was now presenting a quality of life and safety
- 94 issue for the neighborhood and that the applicant was seeking to be neighborly and
- 95 resolve the overflow parking issue.
- 96 C. Beers asked if parking had been an issue when the building only housed one dental
- 97 practice.
- 98 D. Kimmer replied that he was not sure.
- 99 D. Hennel asked if the applicant had applied for a site plan amendment to increase the
- 100 number of examination rooms from 5 to 10.
- 101 D. Kimmer stated that the change did not need a site plan amendment and had been
- 102 handled with just a building permit.
- 103
- 104 D. Hennel made the following motion.
- 105

**MOTION:**

The applicant at 170 Saratoga Rd, Glenville NY (Tax ID # 22.15-3-21) having requested the rehearing of an area variance for 15' of relief from the 25' setback from Street Right-of-Way. In regards to the application that was previously actioned in August of 2020, a motion be made to rehear this application pursuant to New York State Town Law § 267-A-12.

- 113 **MOVED BY:** D. Hennel
- 114 **SECONDED BY:** D. Schlankser
- 115 **AYES:** 1 (Schlankser)
- 116 **NOES:** 4 (Peterson, Beers, Mushaw, Hennel)
- 117 **ABSTAIN:** 0
- 118 **ABSENT:** 1 (Suydam)

**MOTION DENIED**

**PUBLIC HEARING**

**2. Application of, Hindes Properties, LLC, 38 Rosemere Road, Ballston Lake, NY 12019, for Plush Hair Salon, 765 Saratoga Road, Glenville, NY 12302.** The applicant is requesting a Conditional Use Permit to establish a Yoga Studio (Indoor Recreation Facility) in the rear of the salon. This property is located in the Community Business zoning district. It is identified on the map as parcel #10.13-1-14.411

In accordance with the Codes of Glenville, the following is being requested: A Conditional Use Permit in order to establish an Indoor Recreation Facility in the Community Business District.

**1. § 270-18 C: Uses Permitted by Conditional Use Permit which also Require Site Plan Review.**

- (1) *Indoor recreation facilities.*

136 --- The application was tabled at the previous meeting and public hearing left open ---  
137 ---Application read into record at previous meeting, copied for ease in minutes ---  
138 Brian Peterson read the submitted applications and the review factors for the variance  
139 requests into the record.

140 1. The establishment, maintenance, or operation of the Conditional Use will not be  
141 detrimental or endanger the public health, safety, morals, or the general welfare  
142 of the community.

143  
144 Answer: The establishment, maintenance, health, safety will not be detrimental  
145 or endanger the public. The addition of yoga classes will be a healthy option for  
146 residents of Glenville that are now traveling outside our community for those  
147 classes.

148  
149 2. The Conditional Use will not compromise the use and enjoyment of other  
150 property in the immediate vicinity, nor substantially diminish and impair  
151 property values within the neighborhood.

152  
153 Answer: The Conditional Use will not the [sic] use and enjoyment of other  
154 property in the vicinity. It will also enhance the value of neighboring properties  
155 because of keeping our residents in our neighborhood to enjoy healthy options  
156 of exercise and meditation.

157  
158 3. The establishment of the Conditional Use will not impede the normal and orderly  
159 development and improvement of surrounding properties.

160  
161 Answer: The establishment of a Yoga Studio will not impede the normal and  
162 orderly development or improvement of surrounding properties. It will enhance  
163 surrounding properties by keeping our residents here, which now they will go to  
164 surrounding businesses and partake in what they offer as well.

165  
166 4. Adequate utilities, access roads, drainage, and any other necessary facilities  
167 have been or will be provided to serve the Conditional Use.

168  
169 Answer: Adequate utilities, access roads, and driveways are already provided.  
170 Nothing additional is needed although we will be putting additional stone on  
171 side of the building to open up parking in the back of the building in the event  
172 there is a need for space for salon employees during the overlap of yoga/salon  
173 employer coming and goings.

174  
175 5. Adequate measures have been or will be taken to provide ingress or egress to  
176 the site in such a manner as to minimize traffic congestion in the public streets.

177  
178 Answer: Adequate measures have been taken to provide ingress and egress  
179 around site to minimize traffic congestion. The studio will be opened off hours  
180 from the Hair Salon. 5-9AM, 7-10PM whereas the salon hours are 9AM-7PM.

181

- 182 6. The Conditional Use shall, in all other respects, conform to the applicable rules,  
183 regulations, and ordinances of the Town, and be consistent with the Town of  
184 Glenville Comprehensive Plan  
185

186 Answer: The Conditional Use conforms to the community business zoning and  
187 will abide by all rules and regulations in the Town of Glenville.  
188

189 The application was signed by Mark Hides, the property owner, on January 22, 2024.  
190 Notice of the applications was mailed to 13 property owners within 500 feet of the  
191 affected property by the Town. This was a County referral. The County deferred to  
192 local consideration and had an advisory note that notice must be given to the  
193 Ballston Town Clerk pursuant to General Municipal Law Section 239-nn.  
194

195 --- *The application was tabled at the previous meeting and public hearing left open* ---  
196 --- *Application read into record at previous meeting, copied for ease in minutes* ---  
197

198 No letters were received for or against the application.

199 D. Hennel asked if the applicant, Mark Hides (38 Rosemere Road, Ballston Lake) had  
200 any responses to the Zoning Board's questions from last month's meeting.

201 M. Hides read the following attachment from the updated application:

- 202 1. *The Salon's Hours of Operation are as follows:*

203 *Monday: Closed*

204 *Tuesday: 9AM-7PM*

205 *Wednesday: 9AM-7PM*

206 *Thursday: 9AM-7PM*

207 *Friday: 9AM-5PM*

208 *Saturday: 9AM-4PM*

209 *Sunday: Closed*

- 210 2. *There are 8 chairs at the salon, but only 5 stylists are scheduled at a time. There are 8 chairs*  
211 *because there are 8 stylists, many part time, and each has their own booth*  
212 3. *Chemicals used in salon are locked in cabinets and not accessible to anyone except the stylists.*  
213 *These chemicals include bleach and dye for hair. The MSDS sheets are kept at the front desk as*  
214 *per Department of State Requirements*  
215 4. *The side and rear of the building are shown as paved in updated plans*  
216 5. *The Salon is 1,740sqft and the Yoga Studio is 1,030sqft inclusive of the office*  
217 6. *A letter was obtained from the East Glenville Fire Chief stating there is adequate fire access to*  
218 *safely service side and rear of building.*

219 C. Beers asked about the size of the apartment on-site.

220 M. Hides replied that the apartment was approximately 900sqft.

221 D. Hennel asked if there was any overlap between salon and yoga hours.

222 M. Hides stated there was now a 15-minute gap between the salon and yoga studio  
223 hours.

224 D. Hennel asked J. Pangburn if the parking minimums would be based on the number  
225 of chairs regardless of how many stylists are working at one time.

226 J. Pangburn affirmed the statement.

227 D. Hennel reminded the Board that the finer details of the updated site plan would be  
228 reviewed by the Planning Board should the Zoning Board grant the Conditional Use  
229 Permit.

- 230 D. Hennel asked if anyone wished to speak in favor of or opposed to the Conditional  
231 Use Permit.
- 232 B. Peterson asked C. Pierson if the Board could question the Fire Chief's letter because  
233 the angled parking to the south side of the building appeared to severely limit the  
234 accessibility of the driveway. He concluded by asking if that was something the  
235 Planning Board could address.
- 236 C. Pierson replied that was something she would make sure the Planning Board took a  
237 critical look at.

238 B. Peterson read the following letter from the East Glenville Fire Chief into the record:

239 *To whom it may concern,*  
240 *The owner of 765 Saratoga Road contacted the East Glenville Fire Department*  
241 *inquiring about access to the rear of the building. I assessed the property and found*  
242 *there is adequate space in the rear of the structure to gain access with a fire engine.*  
243 *If there are any other questions or concerns, please feel free to contact me.*  
244 *-Nicholas Abel*

245 **D. Hennel Closed the Public Hearing.**

246  
247 C. Beers made the following motion.

---

248 **MOTION:**

249 Whereas applicant Mark Hindes, having applied for a conditional use permit for the  
250 operation of an Indoor Recreation Facility at 765 Saratoga Road, a use allowed by  
251 Conditional Use Permit in Community Business. Whereas the Planning Commission  
252 has reviewing the application and has recommended the Zoning Board approve the  
253 application, and whereas the Zoning Board has recommended approval of the  
254 application for the following reasons.

- 255 1. The establishment, maintenance, operation, or expansion of the conditional use  
256 will not be detrimental to or endanger public health, safety, or the general  
257 welfare of the community.

258  
259 Finding of Fact: The general use of the yoga studio will not have any detrimental  
260 effects. The vehicle parking when paved will comply with local regulations and  
261 will not create excess dust.

- 262  
263 2. The conditional use will not compromise the use and enjoyment of other  
264 property in the immediate vicinity, nor substantially diminish and impair  
265 property values within the neighborhood.

266  
267 Finding of Fact: There is no proof of a detrimental effect to the neighboring  
268 properties.

- 269  
270 3. The establishment of the conditional use will not hinder the normal and orderly  
271 development and improvement of surrounding properties.

272  
273 Finding of Fact: The paved parking will not interfere with neighboring properties.

274

275 4. Adequate utilities, access roads, drainage and any other necessary facilities  
276 have been or will be provided to serve the conditional use.

277  
278 Finding of Fact: There is no proposed change to utilities and no external  
279 changes to the structure as currently used. The impact of proper parking is  
280 unable to be determined at this time.

281  
282 5. Adequate measures have been or will be taken to provide ingress and egress to  
283 the site in such a manner as to minimize traffic congestion in the public streets.

284  
285 Finding of Fact: The applicant has proposed paved parking for employees and  
286 patrons at the two businesses at this location. The proposed plan meets the  
287 dust-free requirements within the Town of Glenville.

288  
289 6. The conditional use shall, in all other respects, conform to the applicable rules,  
290 regulations, and ordinances of the Town, and be consistent with the Town of  
291 Glenville Comprehensive Plan.

292  
293 Finding of Fact: The current plan, with paved parking, is in compliance with local  
294 regulations.

295  
296 Hereby grant the conditional use permit subject to the following conditions:

297  
298 1. The approval of any variance is granted by the Board in accordance  
299 with and subject to those facts shown on the plans and application  
300 submitted, and if applicable, as amended at or prior to this hearing, as  
301 hereinabove recited or set forth.

302  
303 2. Any foregoing variance will lapse if any contemplated construction of  
304 the project for which the variance is granted is not substantially  
305 implemented within one year of the date of filing of this decision or  
306 that of any other board of the Town of Glenville granting any required  
307 final approval to such project, whichever is later, but in any event  
308 within two years of the filing of this decision. Merely obtaining a  
309 Building Permit or a Certificate of Occupancy does not constitute  
310 substantial implementation for the purposes hereof.

311  
312 **MOVED BY:** C. Beers  
313 **SECONDED BY:** D. Schlankser  
314 **AYES:** 5 (Hennel, Schlansker, Peterson, Beers, Mushaw)  
315 **NOES:** 0  
316 **ABSTAIN:** 0  
317 **ABSENT:** 1 (Suydam)

318 **MOTION APPROVED**

320 **PUBLIC HEARING**

321 **Application of, Luco Associates, LLC, 2505 Whamer Lane, Niskayuna, NY 12309**  
322 **at 27 Airport Road, Glenville, NY 12302, for a Conditional Use Permit to**  
323 **establish a 0.86 acre fenced contractor yard for Mid-State Industries, LLC. This**  
324 **property is located in the Research Development Technology District. It is**  
325 **identified on the map as parcel# 30.-1-44**

326  
327 In accordance with the Codes of Glenville, the following is being requested: A  
328 Conditional Use Permit in order to establish a Contractor's Yard in the Research  
329 Development Technology District.

330  
331 **§ 270-20C Uses Permitted by Conditional Use Permit which also Require Site**  
332 **Plan Review.**

333 (4) *Contractors' offices, shops and yards.*

334  
335 *--- The application was tabled at the previous meeting and public hearing left open ---*  
336 *---Application read into record at previous meeting, copied for ease in minutes ---*

337  
338 Brian Peterson read the submitted applications and the review factors for the variance  
339 requests into the record.

- 340  
341 1. The establishment, maintenance, or operation of the Conditional Use will not be  
342 detrimental or endanger the public health, safety, morals, or the general welfare  
343 of the community.

344  
345 Answer: *The proposed use will not be detrimental or endanger the public health,*  
346 *safety, morals, or general welfare of the community. The proposed use is*  
347 *located in the Airport Business Park and is similar to existing uses within the*  
348 *park such as office/warehouse/contractor yards. The proposed use will not*  
349 *manufacture any of the materials that are used to conduct their business of*  
350 *commercial roofing. Materials used to conduct their business of commercial*  
351 *roofing will be stored on site in their original packaging awaiting transport to*  
352 *remove job sites for use at those locations. The applicant does not anticipate*  
353 *any emissions, odors, or discharged that would harm the community.*

- 354  
355 2. The Conditional Use will not compromise the use and enjoyment of other  
356 property in the immediate vicinity, nor substantially diminish and impair  
357 property values within the neighborhood.

358  
359 Answer: *The proposed use will not compromise the use and enjoyment of other*  
360 *property in the immediate vicinity, not substantially diminish and impair*  
361 *property values within the neighborhood. The proposed use is similar to existing*  
362 *uses in the Airport Business Park. The proposed use is located adjacent to a*  
363 *similar property where there is a mix of office space, warehousing, and*  
364 *contractor yards. The proposed building architecture will be developed to*  
365 *complement surrounding properties.*

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3. The establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding properties.

*Answer: The establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding properties. The proposed use is located at the terminus of Airport Road with no other vacant properties surrounding it for future development. The proposed use will not encroach on surrounding properties or create any obstacles to future improvement to surrounding properties.*

4. Adequate utilities, access roads, drainage, and any other necessary facilities have been or will be provided to serve the Conditional Use.

*Answer: Adequate utilities, access roads, drainage, and any other necessary facilities have been or will be provided to serve the proposed use. Adequate access is provided through the business park with the proposed use located at the terminus of Airport Road. The proposed project will connect to municipal sewer and water that is located adjacent to the property. The applicant understands the installed utilities were designed for full build out of the business park and does not anticipate any issues with available capacity. Storm water infrastructure will be designed to provide a zero net increase of peak runoff rates from pre-development to post-development conditions up to the 100yr design storm.*

5. Adequate measures have been or will be taken to provide ingress or egress to the site in such a manner as to minimize traffic congestion in the public streets.

*Answer: Adequate measures have been or will be taken to provide ingress and egress to the site in such a manner as to minimize traffic congestion in the public streets. Adequate access is provided through the business park with the proposed use located at the terminus of Airport Road. The proposed use will not have direct access to Route 50, but will access the site from Route 50 at existing signalized intersections.*

6. The Conditional Use shall, in all other respects, conform to the applicable rules, regulations, and ordinances of the Town, and be consistent with the Town of Glenville Comprehensive Plan

*Answer: The Conditional Use is consistent with the Town of Glenville Comprehensive Plan. The proposed use is similar to existing uses within the Airport Business Park of which most are commercial in nature. The project site is constricted on the south side of the parcel by an existing overhead electrical service easement to National Grid creating the need for a building, parking, and contractor yard setback variance from the Airport Road ROW. The proposed use will request a third driveway entrance to allow better vehicle flow through the*

412 *parking area and contractor yard. The proposed use will meet all other*  
413 *applicable rules, regulations, and ordinances of the Town.*

414  
415 The application was signed by the property owner, on February 12, 2024. Notice of the  
416 applications was mailed to 17 property owners within 500 feet of the affected property  
417 by the Town. This was a County referral. The County recommended approval and had  
418 an advisory note that the proposed Norway Maple is an invasive species and should be  
419 replaced with a native deciduous tree.

420  
421 --LETTERS RECEIVED--

422 Letter 1:

423 *Zoning Board of Appeals,*

424 *We are disappointed not to have the opportunity to speak at this meeting. Tom*  
425 *and I have many concerns with this project – we reside at #38 Saratoga Rd*  
426 *also own #36 for 24 years!*

427  
428 *We have a financial interest in our property – prior to us Hollenbeck family*  
429 *lives here for 60+ years – While we do understand this is a commercially*  
430 *zoned area there are many residential homes adjacent to this property – We*  
431 *do hope you will give us the opportunity to voice our concerns with this*  
432 *project: Noise, Lights, Deliveries, Trucks Idling, just a few.*

433  
434 *Once this is approved we have no recourse. Also this is the first we are hearing*  
435 *of this. When land was being cleared no one in the Town knew what was going*  
436 *on – Seems like it's a Metroplex deal without conversation!*

437  
438 *Lastly, food for thought – This property on Airport Road would make a GREAT*  
439 *entrance/exit for the current residential properties that will eventually turn into*  
440 *full commercial. Route 50 growing another egress would be beneficial. Hope to*  
441 *hear from you!*

442 *Thank you,*  
443 *Maureen Culver*

444 --LETTERS RECEIVED--

445  
446 --- *The application was tabled at the previous meeting and public hearing left open ---*  
447 *---Application read into record at previous meeting, copied for ease in minutes ---*

448  
449 D. Hennel asked if the applicant wished to add any new details or address any  
450 questions posed from the previous meeting.

451 Clay Slaughter, LSI Development Group, was present to represent Mid-State Industries  
452 as the Design-Building Contractor.

453 C. Slaughter described how the rear setback had been increased from 6ft to 35ft and  
454 demonstrated with a diagram that the rear setback was as large as it could be while  
455 still allowing truck turn-around. He further demonstrated the limitations the National  
456 Grid Easement at the rear of the property had on the design.

457 C. Slaughter described how they had been forced to reduce their initial design of a  
458 5,000sqft office space and a 17,000sqft warehouse due to National Grid Easement  
459 requirements. He stated that the change set off a chain reaction of design changes  
460 that necessitated many of the requested variances.

461 C. Slaughter explained that the building side setback variance was necessary due to  
462 the existing Pump Station located between the project site and Route 50. He further  
463 explained that the existing ROW buffer would minimize the visual impact of the side  
464 setback variance.

465 C. Slaughter argued the front setback parking variance was necessary due to the  
466 National Grid easement cutting through the property. He stated there was no room  
467 for adjusting the setback because the building followed the easement boundary, so it  
468 could be moved no further back than shown.

469 C. Slaughter stated that the front contractor yard setback variance was counting the  
470 parking spaces along Airport Road as contractor yard space. He argued that the  
471 parking spaces and drive lane should not be counted as part of the contractor's yard  
472 setback since the use was parking and not storage of materials.

473 C. Slaughter stated that the contractor's yard side setback variance would have little  
474 visual impact due to the elevation increasing, resulting in a hill, on the side of the  
475 contractor's yard.

476 C. Slaughter added that, in addition to the natural topography creating a natural buffer,  
477 they have added landscaping and privacy fencing along the entire perimeter of the  
478 contractor's yard.

479 C. Slaughter recalled that the rear contractor's yard setback was where the biggest  
480 changes could be seen in the iteration of the plans presented at the meeting.

481 C. Slaughter described the need for 3 entrance/exit driveways rather than 2 for truck  
482 turnaround. He stated the alternative would require trucks to back out of the site and  
483 would cause more traffic issues and noise for the surrounding area.

484 D. Hennel shared his approval of the increased rear setback along with the addition of  
485 landscaping and privacy slats.

486 D. Hennel asked if anyone wished to speak in favor of or opposed to the motion.

487 Maureen Culver, 38 Saratoga Road, expressed appreciation to the applicant for  
488 minimizing the visual impact on the rear of the property with the increased setback  
489 and addition of landscaping.

490 M. Culver reiterated her desire that yard hours should be limited to 7AM-3PM and have  
491 no work performed during nights or weekends. She added that care should be taken  
492 to ensure lighting would not be seen off-site. Without these considerations, M. Culver  
493 stated that her family's quality of life would be degraded.

494 D. Hennel replied that hours could be a condition of approval and then asked the  
495 applicant to clarify the office's hours of operation and the hours of operation for truck  
496 traffic.

497 C. Slaughter stated that the lighting would be entirely contained on-site as  
498 demonstrated in the lighting plan submitted to the Planning Board. He stated that  
499 lights would not be on at night.

500 C. Slaughter stated that the office's hours of operation would be 7AM-5:30PM and  
501 truck traffic would be 7AM-3:30PM.

502 C. Beers expressed support for making those hours of operation a condition of  
503 approval.  
504 D. Hennel agreed to make the hours of operation a condition of approval.  
505 C. Beers asked if the Zoning Board could make a condition that lighting not spill onto  
506 neighboring properties.  
507 C. Pierson and J. Pangburn stated that there were standards for lighting in Town Code  
508 and that the Planning Board would ensure lighting met Town requirements.  
509 D. Schlankser suggested moving the entrance/exit driveways to the east because  
510 trucks could enter at the western entrance of the property and exit to the east,  
511 eliminating the need for trucks to turn around.  
512 C. Slaughter replied that this would mix office traffic with truck traffic and would create  
513 an issue with security between the contractor's yard and the offices. He concluded  
514 by stating that the truck would still need to turn around to unload even with that  
515 configuration.  
516 D. Schlankser thanked C. Slaughter for the clarification.  
517 D. Schlankser asked if the entire site would only be used by Mid-State Industries.  
518 C. Slaughter stated that was correct.  
519 D. Schlankser asked C. Pierson if the Zoning Board could condition that no contractor  
520 materials could be stored in the parking spaces within the contractor's yard along  
521 Airport Road.  
522 C. Pierson replied that the Zoning Board could condition that requirement.  
523 D. Schlankser stated that he thought C. Slaughter made a good point regarding the  
524 parking spaces not being part of the contractor's yard. He concluded by saying that if  
525 the front 50ft was used exclusively for parking the visual impact of the contractor's  
526 yard along Airport Road would be minimal.  
527 C. Slaughter stated that was the intended use of the parking spaces. He had no issue  
528 with the condition.  
529 C. Beers asked what the applicant would be comfortable with in regard to limitations  
530 for lighting and hours of operation to accommodate those living nearby.  
531 Mike Lucey, Mid-State Industries, replied that lighting hours were not imperative and  
532 that was willing to work with the Zoning Board.  
533 C. Beers asked what hours M. Lucey would like for lighting since he would like it  
534 conditioned.  
535 M. Lucey answered that 9PM was reasonable.  
536 C. Beers replied that he was fine with the lighting being shut off at 9PM.  
537 C. Pierson added that lighting hours would be best addressed during Site Plan Review  
538 by the Planning Board.  
539 B. Peterson asked if the applicant could face the lights inwards on the site so light  
540 would not bother neighbors.  
541 C. Slaughter stated that was what was being proposed and described the location and  
542 angle of the lighting fixtures on the plans.  
543 D. Hennel agreed that lighting would best be addressed during the site plan review  
544 process.

545  
546 **D. Hennel closed the public hearing.**  
547

548  
549 D. Hennel made the following motion.

---

550 **MOTION:**

551  
552 Whereas, the applicant having applied for a conditional use permit for property located  
553 in the Town of Glenville at 27 Airport Road, tax map id # 30.-1-44 , and the property is  
554 zoned Research / Development / Technology and Whereas, the applicant wants to use  
555 the property for a contractor's yard , a use allowed in the Research / Development /  
556 Technology district by issuance of a conditional use permit, and whereas, the Planning  
557 and Zoning Commission of the Town of Glenville has reviewed the application and has  
558 recommended that this board approve/deny the application, and

559  
560 Whereas the Planning and Zoning Commission of the Town of Glenville has  
561 recommended the following conditions be attached to this permit:

562 And ,

563  
564  
565 Whereas a public hearing was held on March 25, 2024 to consider the application.

566  
567 Now, therefore be it resolved that this be approved for the following reasons: The  
568 Board of Appeals finds:

- 569  
570 1. The establishment, maintenance or operation of the use will not be detrimental  
571 to or endanger the public health, safety, morals, convenience or general welfare.

572  
573 Finding of Fact: No, applicant has amended their original application related to  
574 side yard setback requirements within the zone, has positioned  
575 the 'contractor yard' portion of the parcel with outdoor storage  
576 away from residential properties across Route 50 and will be  
577 installing solid fencing around outdoor storage. With these  
578 accommodations, we find this proposed use to not be a  
579 detrimental use at this site.

- 580  
581 2. The use will not be injurious to the use and enjoyment of other property in the  
582 vicinity for purposes already permitted, nor substantially diminish or impair  
583 property values in the neighborhood.

584  
585 Finding of Fact: No, applicant has amended their original application related to  
586 side yard setback requirements within the zone, has positioned  
587 the 'contractor yard' portion of the parcel with outdoor storage  
588 away from residential properties across Route 50 and will be  
589 installing solid fencing around outdoor storage. With these  
590 accommodations, we find this proposed use to not be a  
591 detrimental use at this site. Applicant has amended application  
592 to lessen magnitude of setback variance for outdoor storage  
593 and has confirmed that hours of operation will be limited to

594 7:30am to 5:00 pm EST on Monday thru Friday with no weekend  
595 or evening operations.

596  
597 3. Establishment of the use will not impede the normal and orderly development  
598 and improvement of surrounding property

599  
600 Finding of Fact: Access to property is limited to Airport Road for ingress and  
601 egress and requires traffic thru industrial area and signaled  
602 intersections. Limiting hours of operation and modify design to  
603 more closely align with setback requirements minimizes impact  
604 of surrounding properties.

605  
606 4. Adequate utilities, access roads, drainage and other necessary facilities  
607 have/have not been provided or will/will not be provided

608  
609 Finding of Fact: Applicant will leverage existing roads within zone and ingress /  
610 egress will leverage Airport Road with no direct access to Route  
611 50 from property. Submitted plans address needs for utilities  
612 and drainage.

613  
614 5. Adequate measures have/have not been or will/will not be taken to provide  
615 entry and exit designed to minimize traffic congestion on the public streets.

616  
617 Finding of Fact: Applicant will be accessing property via Airport Road and  
618 signaled intersections which will minimize congestion on Route  
619 50.

620  
621 6. The conditional use shall, in all other respects, conform to applicable rules,  
622 regulations and ordinances of the Town of Glenville and be consistent with the  
623 comprehensive and general development plan of the Town of Glenville.

624  
625 Finding of Fact: We find the proposed use to be consistent with the master plan  
626 for the Town of Glenville.

627  
628 The following conditions and or restrictions for the conditional use are deemed  
629 necessary to secure compliance with the standards and requirements of the  
630 ordinance:

631 1. Hours of Operation will be limited to 7AM-5:30PM Monday through Friday  
632 with no weekend or nighttime operation

633  
634 2. Truck Traffic will not occur on-site outside the hours of 7AM-3:30PM  
635 Monday through Friday.

636  
637 3. Any foregoing variance will lapse if any contemplated construction of the  
638 project for which the variance is granted is not substantially implemented  
639 within one year of the date of filing of this decision or that of any other board

640 of the Town of Glenville granting any required final approval to such project,  
641 whichever is later, but in any event within two years of the filing of this  
642 decision. Merely obtaining a Building Permit or a Certificate of Occupancy  
643 does not constitute "substantial implementation for the purposes hereof.  
644

645 4. The approval of any variance is granted by the Board in accordance with and  
646 subject to those facts shown on the plans and application submitted, and if  
647 applicable, as amended at or prior to this hearing, as hereinabove recited or  
648 set forth.  
649

650  
651  
652  
653 **MOVED BY:** D. Hennel  
654 **SECONDED BY:** D. Schlansker  
655 **AYES:** 5 (Hennel, Schlansker, Peterson, Beers, Mushaw)  
656 **NOES:** 0  
657 **ABSTAIN:** 0  
658 **ABSENT:** 1 (Suydam)

**MOTION APPROVED**

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**PUBLIC HEARING**

661  
662 **Application of, Luco Associates, LLC, 2505 Whamer Lane, Niskayuna, NY 12309**  
663 **at 27 Airport Road, Glenville, NY 12302, for 6 Area Variances to establish a 0.86**  
664 **acre fenced contractor yard for Mid-State Industries, LLC. This property is**  
665 **located in the Research Development Technology District. It is identified on the**  
666 **map as parcel# 30.-1-44**  
667

668 In accordance with the Codes of Glenville, the following are being requested:  
669

- 670 **1. § 270 Attachment 1: Table of Dimensional Regulations (Side Setback)**  
671 *Minimum Side Setback in RDT Zoning District: 50ft*

672  
673 The applicant's site plan proposes a side setback of 18ft, therefore a variance of  
674 32ft is requested.  
675

- 676 **2. § 270-73C(2): Off-Street Parking (Front Setback)**  
677 *All parking lots will be located no closer than 25 feet to any street right-of-way,*  
678 *nor closer than 10 feet to the rear or side property lines.*

679 The applicant's site plan proposes a parking lot located 6ft from the right-of-  
680 way, therefore a variance of 19ft is requested.

- 681 **3. § 270-73D(1): Off-Street Parking (Number of Entrances/Exits)**  
682 *No more than two combination entrance and exit driveways will be permitted.*  
683 *The width of the driveway, measured at the throat (the point where the turning*

684 radii end and the parallel driveway boundaries begin), will not exceed 35 feet in  
685 width.

686  
687 The applicant's site plan proposes three combination driveways, therefore a  
688 variance of 1 additional combination driveway is requested.

689

690 **4. § 270-53.1B(1): Contractor's Yards (Front Setback)**

691 *Outdoor storage areas and the walls or fences that confine these areas must*  
692 *comply with the front, rear and side yard setbacks that are prescribed for the*  
693 *principal use.*

694

695 The applicant's site plan proposes a contractor's yard within the RDT Zone  
696 which requires a 50ft front setback and the applicant is proposing a 5ft setback.  
697 Therefore, a variance of 45ft is requested.

698

699 **5. § 270-53.1B(1): Contractor's Yards (Side Setback)**

700 *Outdoor storage areas and the walls or fences that confine these areas must*  
701 *comply with the front, rear and side yard setbacks that are prescribed for the*  
702 *principal use.*

703

704 The applicant's site plan proposes a contractor's yard within the RDT Zone  
705 which requires a 50ft side setback and the applicant is proposing a 12ft  
706 setback. Therefore, a variance of 38ft is requested.

707

708 **6. § 270-53.1B(1): Contractor's Yards (Rear Setback)**

709 *Outdoor storage areas and the walls or fences that confine these areas must*  
710 *comply with the front, rear and side yard setbacks that are prescribed for the*  
711 *principal use.*

712

713 The applicant's site plan proposes a contractor's yard within the RDT Zone  
714 which requires a 50ft rear setback and the applicant is proposing a 35ft setback.  
715 Therefore, a variance of 15ft is requested.

716

717 The application was signed by the property owner, on April 1, 2024. Notice of the  
718 applications was mailed to 17 property owners within 500 feet of the affected property  
719 by the Town. This was a County referral. The County recommended approval and had  
720 an advisory note that the proposed Norway Maple is an invasive species and should be  
721 replaced with a native deciduous tree.

722

723 Brian Peterson read the submitted applications and the review factors for the variance  
724 requests into the record.

- 725 1. Whether an undesirable change will be produced in the character of the  
726 neighborhood or a detriment to nearby properties will be created by the granting  
727 of the area variance(s)

728 Answer: *The proposed project is similar to existing properties within the Airport*  
729 *Business Park. The side yard setback encroachment is at the west end of the*  
730 *parcel adjacent to the existing sanitary sewer pump station. No detriment to the*  
731 *station is anticipated. The project site is constricted on the south side of the*  
732 *parcel by an existing overhead electrical service and easement to National Grid,*  
733 *pushing the building to the front setback. The parking and access aisle are in*  
734 *the remaining space between the R.O.W. and the proposed building. The R.O.W.*  
735 *width of Airport Road is 60 feet. The edge of the parking stalls is located nearly*  
736 *25 feet from the edge of road, allowing for the planting of shade trees and round*  
737 *level evergreen and deciduous landscaping trees and shrubs along the frontage.*  
738 *The third entrance off Airport Road allows for better parking area and contractor*  
739 *yard vehicle flow. With the project at the terminus of Airport Road, the addition*  
740 *of the third entrance should not impact other properties within the business*  
741 *park. The contractor yard encroaches on the front, side, and rear yard setbacks.*  
742 *The contractor yard is sized to accommodate the applicant's equipment and*  
743 *parking needs. The required setbacks leave a contractor yard size and shape*  
744 *that would create a cramped and congested area for employees to work in.*

745  
746 2. Whether the applicant can achieve their goals via a reasonable alternative which  
747 does not involve the necessity of an area variance.

748  
749 Answer: *For the applicant to achieve an office, warehouse, and contractor yard*  
750 *space that would fit their business needs, the existing on-site power lines would*  
751 *need to be relocated to the south property line or to the Airport Road R.O.W. The*  
752 *requested front parking setback will still be required due to the lot shape, but the*  
753 *requested variance would decrease. The third entrance off Airport Road could be*  
754 *eliminated but flow through the parking area would not be as efficient. The*  
755 *relocation of the power line would not improve the contractor yard*  
756 *encroachment, meeting the required setbacks would result in a yard size and*  
757 *shape that would create a cramped and congested area for employees to work*  
758 *in. The relocation of the power lines was discussed with National Grid and*  
759 *determined to be cost prohibitive to the project budget.*

760  
761 3. Whether the requested area variance is substantial as compared to the lawful  
762 dimensions allowed by zoning code.

763  
764 Answer: *The requested building side yard setback variance request is more than*  
765 *half of the required setback but is adjacent to an existing sanitary sewer pump*  
766 *station. The building will have the appearance of meeting the required setback*  
767 *from the Airport Road and Route 50 Right of Way. The requested parking front*  
768 *setback is substantial. The 60-foot R.O.W. width of Airport Road and the*  
769 *constriction created by the existing power lines and easement forces the*  
770 *proposed parking area to encroach on the required setback. The proposed*  
771 *parking access aisle is along the face of the building with no more space to shift*  
772 *the areas away from Airport Road. The requested contractor yard front and side*  
773 *setbacks are substantial. The requested contractor yard rear setback is a*

774 moderate request. The required setbacks leave a contractor yard size and shape  
775 that would create a cramped and congested area for employees to work in and  
776 not meet the applicant's business needs.

777

778 4. Whether the area variance(s) will have an adverse effect or impact on the  
779 physical or environmental conditions in the neighborhood or district.

780

781 Answer: The applicant does not believe that the requested variances will create  
782 an adverse effect or impact on the surrounding properties. The proposed project  
783 is similar to existing properties within the Airport Business Park. Locating the  
784 proposed building, and parking area along the north side of the site (and  
785 encroaching on the required setbacks) creates a substantial buffer for the  
786 existing properties to the south. The R.O.W. width of Airport Road is 60 feet and  
787 should provide the appearance similar to other properties throughout the  
788 business park.

789

790 5. Whether there has been any self-created difficulty.

791

792 Answer: The project site is constricted on the south side of the parcel by an  
793 existing overhead electrical service and easement to National Grid, pushing the  
794 building to the front setback. The parking and access aisle are in the remaining  
795 space between the R.O.W. and the proposed building. This also influences the  
796 location of the contractor yard. The relocation of the power lines was discussed  
797 with National Grid and determined to be cost prohibitive to the project budget.  
798 The existing parcel, acquired from Schenectady County, is a non-conforming lot  
799 with respect to lot depth. Zoning requires a lot in the RDT zone to be 200 feet  
800 deep, this existing parcel has a depth of 169 feet. The building and contractor  
801 yard buildable area for this narrow lot restricts building and contractor yard  
802 depth, which would not meet the applicant's business needs. The required  
803 greenspace is 35%, the provided greenspace is more than 43%, the project scale  
804 meets the intent of the code.

805

806 **D. Hennel opened the public hearing.**

807

808 D. Hennel asked if anyone wished to speak in favor of or opposed to the motion.

809

810 No one wished to speak.

811

812 **D. Hennel closed the public hearing.**

813

814 D. Hennel made the following motion.

815

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**MOTION:**

816 The applicant having applied for an area variance after having been denied a building  
817 permit for a proposed development which includes a 4,800sqft office space, 12,000sqft

818 warehouse, and a 0.86 acre contractors yard at 27 Airport Road, Glenville, NY, 12302  
819 and as identified on tax map as #30.-1-44 in the Town of Glenville, New York; and  
820

821 The applicant having applied for an area variance with regard to the Codes of the town  
822 of Glenville Section(s) § 270 Attachment 1: Table of Dimensional Regulations (Side  
823 Setback). The minimum side setback for a primary structure in the Research /  
824 Development / Technology Zoning District being 50ft. The applicant has requested  
825 relief of 32ft allowing a structure to be placed 18ft from the side property line.  
826

827 Because the proposal would be in violation of the dimensional zoning regulations of  
828 the Town; and the Zoning Board of Appeals having considered the application, after a  
829 full and complete public hearing held on April 22, 2024 at 7PM, and after having  
830 considered the benefit to the applicant as weighed against any detriment to the health,  
831 safety, and welfare of the neighborhood or community; in particular,  
832

833 1. Whether an undesirable change will be produced in the character of the  
834 neighborhood or a detriment to nearby properties will be created by the granting  
835 of the area variance(s).

836 Finding of fact: No, building and parking lot design is consistent with other  
837 nearby properties and should not have an undesirable impact on  
838 neighborhood.  
839

840 2. Whether the applicant can achieve their goals via a reasonable alternative which  
841 does not involve the necessity of an area variance(s).

842 Finding of fact: Yes, there are alternatives available related to building  
843 placement, parking and exits.  
844

845  
846 3. Whether the requested area variance is substantial as compared to the lawful  
847 dimensions allowed by zoning code.

848 Finding of fact: Yes, the requested variance is substantial based on required  
849 distance with some mitigating factors due to length of road  
850 frontage and proximity to town utility structures.  
851

852  
853 4. Whether the area variance(s) will have an adverse effect or impact on the  
854 physical or environmental conditions in the neighborhood or district.

855 Finding of fact: No, we find this variance will result in minimal impact to the  
856 neighborhood.  
857

858 5. Whether there has been any self-created difficulty.  
859

860 Finding of fact: Yes, the situation is self-created.  
861

862 The following conditions are imposed for the purpose of minimizing any adverse  
863 impact on the neighborhood or community:

- 864
- 865 1. Applicant must include privacy screening on the entirety of fenced area  
866 around contractor yard and must install and maintain vegetative screening as  
867 indicated on plans in the 'rear setback' area.
  - 868 2. Hours of Operation will be limited to 7AM-5:30PM Monday through Friday  
869 with no weekend or nighttime operation
  - 870 3. Truck Traffic will not occur on-site outside the hours of 7AM-3:30PM Monday  
871 through Friday.
  - 872 4. Material storage will not be allowed within the front setback (50') of the  
873 property.
  - 874 5. The approval of any variance is granted by the Board in accordance with and  
875 subject to those facts shown on the plans and application submitted, and if  
876 applicable, as amended at or prior to this hearing, as hereinabove recited or  
877 set forth.
  - 878 6. Any foregoing variance will lapse if any contemplated construction of the  
879 project for which the variance is granted is not substantially implemented  
880 within one year of the date of filing of this decision or that of any other board  
881 of the Town of Glenville granting any required final approval to such project,  
882 whichever is later, but in any event within two years of the filing of this  
883 decision. Merely obtaining a Building Permit or a Certificate of Occupancy  
884 does not constitute "substantial implementation for the purposes hereof.

885  
886 Now, therefore be it resolved that this application for an area variance be granted.

887  
888 **MOVED BY:** D. Hennel  
889 **SECONDED BY:** D. Schlansker  
890 **AYES:** 5 (Hennel, Schlansker, Peterson, Beers, Mushaw)  
891 **NOES:** 0  
892 **ABSTAIN:** 0  
893 **ABSENT:** 1 (Suydam)

894 **MOTION APPROVED**

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895  
896 D. Hennel made the following motion.

897  
898 **MOTION**

899 The applicant having applied for an area variance after having been denied a building  
900 permit for a proposed development which includes a 4,800sqft office space, 12,000sqft  
901 warehouse, and a 0.86 acre contractors yard at 27 Airport Road, Glenville, NY, 12302  
902 and as identified on tax map as #30.-1-44 in the Town of Glenville, New York; and

903  
904 The applicant having applied for an area variance with regard to the Codes of the town  
905 of Glenville Section(s) § 270-73C(2): Off-Street Parking (Front Setback). The minimum  
906 front setback for a parking lot from a street right-of-way is 25ft. The applicant has

907 requested relief of 19ft to allow a parking lot to be placed 6ft from the Airport Road  
908 right-of-way.

909  
910 Because the proposal would be in violation of the dimensional zoning regulations of  
911 the Town; and the Zoning Board of Appeals having considered the application, after a  
912 full and complete public hearing held on April 22, 2024 at 7PM, and after having  
913 considered the benefit to the applicant as weighed against any detriment to the health,  
914 safety, and welfare of the neighborhood or community; in particular,

915  
916 1. Whether an undesirable change will be produced in the character of the  
917 neighborhood or a detriment to nearby properties will be created by the granting  
918 of the area variance(s).

919  
920 Finding of fact: No, building and parking lot design is consistent with other  
921 nearby properties and should not have an undesirable impact on  
922 neighborhood.

923  
924 2. Whether the applicant can achieve their goals via a reasonable alternative which  
925 does not involve the necessity of an area variance(s).

926  
927 Finding of fact: Yes, there are alternatives available related to building  
928 placement, parking and exits.

929  
930 3. Whether the requested area variance is substantial as compared to the lawful  
931 dimensions allowed by zoning code.

932  
933 Finding of fact: Yes, the requested variance is substantial based on required  
934 distance with some mitigating factors due to length of road  
935 frontage and proximity to town utility structures.

936  
937 4. Whether the area variance(s) will have an adverse effect or impact on the  
938 physical or environmental conditions in the neighborhood or district.

939  
940 Finding of fact: No, we find this variance will result in minimal impact to the  
941 neighborhood.

942 5. Whether there has been any self-created difficulty.

943  
944 Finding of fact: Yes, the situation is self-created.

945  
946 The following conditions are imposed for the purpose of minimizing any adverse  
947 impact on the neighborhood or community:

948  
949 1. Applicant must include privacy screening on the entirety of fenced area  
950 around contractor yard and must install and maintain vegetative screening as  
951 indicated on plans in the 'rear setback' area.

- 952 2. Hours of Operation will be limited to 7AM-5:30PM Monday through Friday
- 953 with no weekend or nighttime operation
- 954 3. Truck Traffic will not occur on-site outside the hours of 7AM-3:30PM Monday
- 955 through Friday.
- 956 4. Material storage will not be allowed within the front setback (50') of the
- 957 property.
- 958 5. The approval of any variance is granted by the Board in accordance with and
- 959 subject to those facts shown on the plans and application submitted, and if
- 960 applicable, as amended at or prior to this hearing, as hereinabove recited or
- 961 set forth.
- 962 6. Any foregoing variance will lapse if any contemplated construction of the
- 963 project for which the variance is granted is not substantially implemented
- 964 within one year of the date of filing of this decision or that of any other board
- 965 of the Town of Glenville granting any required final approval to such project,
- 966

967 Now, therefore be it resolved that this application for an area variance be granted

968  
 969 **MOVED BY:** D. Hennel  
 970 **SECONDED BY:** D. Schlansker  
 971 **AYES:** 5 (Hennel, Schlansker, Peterson, Beers, Mushaw)  
 972 **NOES:** 0  
 973 **ABSTAIN:** 0  
 974 **ABSENT:** 1 (Suydam)

975 **MOTION APPROVED**

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976  
 977 D. Hennel made the following motion.

978  
 979 **MOTION**

980  
 981 The applicant having applied for an area variance after having been denied a building  
 982 permit for a proposed development which includes a 4,800sqft office space, 12,000sqft  
 983 warehouse, and a 0.86 acre contractors yard at 27 Airport Road, Glenville, NY, 12302  
 984 and as identified on tax map as #30.-1-44 in the Town of Glenville, New York; and  
 985

986 The applicant having applied for an area variance with regard to the Codes of the town  
 987 of Glenville Section(s) § 270-73D(1): Off-Street Parking (Number of Entrances/Exits).  
 988 The maximum number of combination entrance and exit driveways permitted shall be  
 989 no more than 2. The applicant has requested relief of 1 additional combination  
 990 entrance/exit driveway to allow a total of 3 combination entrance/exit driveways.  
 991

992 Because the proposal would be in violation of the dimensional zoning regulations of  
 993 the Town; and the Zoning Board of Appeals having considered the application, after a  
 994 full and complete public hearing held on April 22, 2024 at 7PM, and after having  
 995 considered the benefit to the applicant as weighed against any detriment to the health,  
 996 safety, and welfare of the neighborhood or community; in particular,

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1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance(s).

Finding of fact: No, building and parking lot design is consistent with other nearby properties and should not have an undesirable impact on neighborhood.

2. Whether the applicant can achieve their goals via a reasonable alternative which does not involve the necessity of an area variance(s).

Finding of fact: Yes, there are alternatives available related to building placement, parking and exits.

3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code.

Finding of fact: Yes, the requested variance is substantial based on required distance with some mitigating factors due to length of road frontage and proximity to town utility structures.

4. Whether the area variance(s) will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Finding of fact: No, we find this variance will result in minimal impact to the neighborhood.

5. Whether there has been any self-created difficulty.

Finding of fact: Yes, the situation is self-created.

The following conditions are imposed for the purpose of minimizing any adverse impact on the neighborhood or community:

1. Applicant must include privacy screening on the entirety of fenced area around contractor yard and must install and maintain vegetative screening as indicated on plans in the 'rear setback' area.
2. Hours of Operation will be limited to 7AM-5:30PM Monday through Friday with no weekend or nighttime operation
3. Truck Traffic will not occur on-site outside the hours of 7AM-3:30PM Monday through Friday.
4. Material storage will not be allowed within the front setback (50') of the property.
5. The approval of any variance is granted by the Board in accordance with and subject to those facts shown on the plans and application submitted, and if

1042 applicable, as amended at or prior to this hearing, as hereinabove recited or  
1043 set forth.  
1044 6. Any foregoing variance will lapse if any contemplated construction of the  
1045 project for which the variance is granted is not substantially implemented  
1046 within one year of the date of filing of this decision or that of any other board  
1047 of the Town of Glenville granting any required final approval to such project,  
1048

1049 Now, therefore be it resolved that this application for an area variance be granted.  
1050

1051 **MOVED BY:** D. Hennel  
1052 **SECONDED BY:** D. Schlansker  
1053 **AYES:** 5 (Hennel, Schlansker, Peterson, Beers, Mushaw)  
1054 **NOES:** 0  
1055 **ABSTAIN:** 0  
1056 **ABSENT:** 1 (Suydam)

1057 **MOTION APPROVED**

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1058  
1059 D. Hennel made the following motion.  
1060

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1061 **MOTION**

1062 The applicant having applied for an area variance after having been denied a building  
1063 permit for a proposed development which includes a 4,800sqft office space, 12,000sqft  
1064 warehouse, and a 0.86 acre contractors yard at 27 Airport Road, Glenville, NY, 12302  
1065 and as identified on tax map as #30.-1-44 in the Town of Glenville, New York; and  
1066

1067 The applicant having applied for an area variance with regard to the Codes of the town  
1068 of Glenville Section(s) § 270-53.1B(1): Contractor's Yards (Front Setback). Outdoor  
1069 storage areas and the walls or fences that confine these areas must comply with the  
1070 setbacks prescribed for principal uses within their respective zone. The applicant has  
1071 requested relief of 45ft in order to construct a contractor's yard 5ft from the front  
1072 property line where 50ft is required.  
1073

1074 Because the proposal would be in violation of the dimensional zoning regulations of  
1075 the Town; and the Zoning Board of Appeals having considered the application, after a  
1076 full and complete public hearing held on April 22, 2024 at 7PM, and after having  
1077 considered the benefit to the applicant as weighed against any detriment to the health,  
1078 safety, and welfare of the neighborhood or community; in particular,  
1079

- 1080 1. Whether an undesirable change will be produced in the character of the  
1081 neighborhood or a detriment to nearby properties will be created by the granting  
1082 of the area variance(s).  
1083

1084 Finding of fact: No, based on location in RDT Zone and amount of greenspace  
1085 adjacent to Airport Road, magnitude of requested variance will  
1086 not cause an undesirable change.

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2. Whether the applicant can achieve their goals via a reasonable alternative which does not involve the necessity of an area variance(s).

Finding of fact: Yes, applicant could limit the size and location of outdoor storage to meet setback requirements, but doing so would limit the usable space.

3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code.

Finding of fact: Yes, applicant is requesting significant setback variances, but potentially won't be seen as substantial when incorporating neighboring greenspace.

4. Whether the area variance(s) will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Finding of fact: No, with revised plans and addition of vegetative screening, applicant confirming hours of operation; as well as ensuring that lighting is directed onto parcel, we do not feel that the revised plans will have a negative impact.

5. Whether there has been any self-created difficulty.

Finding of fact: Yes, the situation is self-created.

The following conditions are imposed for the purpose of minimizing any adverse impact on the neighborhood or community:

1. Applicant must include privacy screening on the entirety of fenced area around contractor yard and must install and maintain vegetative screening as indicated on plans in the 'rear setback' area.
2. Hours of Operation will be limited to 7AM-5:30PM Monday through Friday with no weekend or nighttime operation
3. Truck Traffic will not occur on-site outside the hours of 7AM-3:30PM Monday through Friday.
4. Material storage will not be allowed within the front setback (50') of the property.
5. The approval of any variance is granted by the Board in accordance with and subject to those facts shown on the plans and application submitted, and if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
6. Any foregoing variance will lapse if any contemplated construction of the project for which the variance is granted is not substantially implemented

1132 within one year of the date of filing of this decision or that of any other board  
1133 of the Town of Glenville granting any required final approval to such project,  
1134

1135 Now, therefore be it resolved that this application for an area variance be granted.  
1136

1137 **MOVED BY:** D. Hennel  
1138 **SECONDED BY:** D. Schlansker  
1139 **AYES:** 5 (Hennel, Schlansker, Peterson, Beers, Mushaw)  
1140 **NOES:** 0  
1141 **ABSTAIN:** 0  
1142 **ABSENT:** 1 (Suydam)  
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1144 **MOTION APPROVED**

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1145  
1146 D. Hennel made the following motion.  
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1148 **MOTION**

1149 The applicant having applied for an area variance after having been denied a building  
1150 permit for a proposed development which includes a 4,800sqft office space, 12,000sqft  
1151 warehouse, and a 0.86 acre contractors yard at 27 Airport Road, Glenville, NY, 12302  
1152 and as identified on tax map as #30.-1-44 in the Town of Glenville, New York; and  
1153

1154 The applicant having applied for an area variance with regard to the Codes of the town  
1155 of Glenville Section(s) § 270-53.1B(1): Contractor's Yards (Side Setback).Outdoor  
1156 storage areas and the walls or fences that confine these areas must comply with the  
1157 setbacks prescribed for principal uses within their respective zone. The applicant has  
1158 requested relief of 38ft in order to construct a contractor's yard 12ft from the side  
1159 property line where 50ft is required.  
1160

1161 Because the proposal would be in violation of the dimensional zoning regulations of  
1162 the Town; and the Zoning Board of Appeals having considered the application, after a  
1163 full and complete public hearing held on April 22, 2024 at 7PM, and after having  
1164 considered the benefit to the applicant as weighed against any detriment to the health,  
1165 safety, and welfare of the neighborhood or community; in particular,  
1166

1167 1. Whether an undesirable change will be produced in the character of the  
1168 neighborhood or a detriment to nearby properties will be created by the granting  
1169 of the area variance(s).  
1170

1171 Finding of fact: No, based on location in RDT Zone and amount of greenspace  
1172 adjacent to Airport Road, magnitude of requested variance will  
1173 not cause an undesirable change.  
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1175 2. Whether the applicant can achieve their goals via a reasonable alternative which  
1176 does not involve the necessity of an area variance(s).

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Finding of fact: Yes, applicant could limit the size and location of outdoor storage to meet setback requirements, but doing so would limit the usable space.

3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code.

Finding of fact: Yes, applicant is requesting significant setback variances, but potentially won't be seen as substantial when incorporating neighboring greenspace.

4. Whether the area variance(s) will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Finding of fact: No, with revised plans and addition of vegetative screening, applicant confirming hours of operation; as well as ensuring that lighting is directed onto parcel, we do not feel that the revised plans will have a negative impact.

5. Whether there has been any self-created difficulty.

Finding of fact: Yes, the situation is self-created.

The following conditions are imposed for the purpose of minimizing any adverse impact on the neighborhood or community:

1. Applicant must include privacy screening on the entirety of fenced area around contractor yard and must install and maintain vegetative screening as indicated on plans in the 'rear setback' area.
2. Hours of Operation will be limited to 7AM-5:30PM Monday through Friday with no weekend or nighttime operation
3. Truck Traffic will not occur on-site outside the hours of 7AM-3:30PM Monday through Friday.
4. Material storage will not be allowed within the front setback (50') of the property.
5. The approval of any variance is granted by the Board in accordance with and subject to those facts shown on the plans and application submitted, and if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
6. Any foregoing variance will lapse if any contemplated construction of the project for which the variance is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Glenville granting any required final approval to such project,

1222 Now, therefore be it resolved that this application for an area variance be granted.

1223

1224 **MOVED BY:** D. Hennel

1225 **SECONDED BY:** D. Schlansker

1226 **AYES:** 5 (Hennel, Schlansker, Peterson, Beers, Mushaw)

1227 **NOES:** 0

1228 **ABSTAIN:** 0

1229 **ABSENT:** 1 (Suydam)

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1231 **MOTION APPROVED**

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1232

1233 D. Hennel made the following motion.

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1235 **MOTION**

1236 The applicant having applied for an area variance after having been denied a building  
1237 permit for a proposed development which includes a 4,800sqft office space, 12,000sqft  
1238 warehouse, and a 0.86 acre contractors yard at 27 Airport Road, Glenville, NY, 12302  
1239 and as identified on tax map as #30.-1-44 in the Town of Glenville, New York; and

1240

1241 The applicant having applied for an area variance with regard to the Codes of the town  
1242 of Glenville Section(s) § 270-53.1B(1): Contractor's Yards (Rear Setback). Outdoor  
1243 storage areas and the walls or fences that confine these areas must comply with the  
1244 setbacks prescribed for principal uses within their respective zone. The applicant has  
1245 requested relief of 15ft in order to construct a contractor's yard 35ft from the rear  
1246 property line where 50ft is required.

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1248 Because the proposal would be in violation of the dimensional zoning regulations of  
1249 the Town; and the Zoning Board of Appeals having considered the application, after a  
1250 full and complete public hearing held on April 22, 2024 at 7PM, and after having  
1251 considered the benefit to the applicant as weighed against any detriment to the health,  
1252 safety, and welfare of the neighborhood or community; in particular,

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1254 1. Whether an undesirable change will be produced in the character of the  
1255 neighborhood or a detriment to nearby properties will be created by the granting  
1256 of the area variance(s).

1257

1258 Finding of fact: No, revised plans to install and maintain vegetative buffer and  
1259 screening will minimize negative impact.

1260

1261 2. Whether the applicant can achieve their goals via a reasonable alternative which  
1262 does not involve the necessity of an area variance(s).

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1264 Finding of fact: Yes, applicant could limit the size and location of outdoor  
1265 storage to meet setback requirements, but doing so would limit  
1266 the usable space.

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3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code.

Finding of fact: No, with revised plans and vegetative buffer, the rear setback is not viewed as substantial.

4. Whether the area variance(s) will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Finding of fact: No, with revised plans and addition of vegetative screening, applicant confirming hours of operation; as well as ensuring that lighting is directed onto parcel, we do not feel that the revised plans will have a negative impact.

5. Whether there has been any self-created difficulty.

Finding of fact: Yes, the situation is self-created.

The following conditions are imposed for the purpose of minimizing any adverse impact on the neighborhood or community:

1. Applicant must include privacy screening on the entirety of fenced area around contractor yard and must install and maintain vegetative screening as indicated on plans in the 'rear setback' area.
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6. Any foregoing variance will lapse if any contemplated construction of the project for which the variance is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Glenville granting any required final approval to such project,

Now, therefore be it resolved that this application for an area variance be granted.

**MOVED BY:** D. Hennel  
**SECONDED BY:** D. Schlansker  
**AYES:** 5 (Hennel, Schlansker, Peterson, Beers, Mushaw)

1312 NOES: 0  
1313 ABSTAIN: 0  
1314 ABSENT: 1 (Suydam)

1316 MOTION APPROVED

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1318 MOTION:

1319 To adjourn the March 25th, 2024 meeting of the Town of Glenville Zoning Board of  
1320 Appeals at 8:45 pm

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1322 MOVED BY: D. Hennel  
1323 SECONDED BY: B. Peterson  
1324 AYES: 4 (Hennel, Schlansker, Peterson, Beers, Mushaw)  
1325 NOES: 0  
1326 ABSTAIN 0  
1327 ABSENT: 1 (Suydam)

1328 MOTION APPROVED

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1339 Next scheduled agenda meeting: May 20<sup>th</sup>, 2024

1340 Next scheduled meeting: June 3<sup>rd</sup>, 2024

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1343 Nicholas Chiavini, Stenographer Date

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1346 ZBA Chairman Date

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1349 Town Clerk Date