



GUILDERLAND ZONING BOARD
ZONING BOARD OF APPEALS MEETING
P A C K E T
JULY 1, 2020
07:00 PM

A G E N D A
GUILDERLAND ZONING BOARD
ZONING BOARD OF APPEALS MEETING
JULY 1, 2020
07:00 PM

1. Chairman's Welcome

2. Continued Cases

1. 1602 Western Ave

DECISION ONLY

3. New Cases

1. 3 Nielsen Road

Garage Variance

A. Application

Application Materials

Attachment: [Aerial Site Plan](#)

Attachment: [Application](#)

Attachment: [Existing Conditions](#)

Attachment: [Narrative](#)

B. Town Notice

Legal Notice & Mailing List

Attachment: [Mailing List](#)
Attachment: [Legal Notice](#)

2. 3760 Western Turnpike Rear

Variance to develop a lot without access to a public street.

A. Application

Application Materials

Attachment: [Application](#)
Attachment: [Sale Contract](#)
Attachment: [Owner Authorization](#)
Attachment: [Narrative](#)
Attachment: [Aerial Map](#)
Attachment: [Proposed Site Plan](#)

B. Town Notice

Legal Notice & Mailing List

Attachment: [Mailing List](#)
Attachment: [Legal Notice](#)

C. Other Interested Agencies

Albany County Planning Board

Attachment: [Albany County Planning Board](#)

3. 18 Gipp Road

Privacy Fence Variance

A. Application

Application Materials

Attachment: [Aerial Image](#)

Attachment: [Application](#)

Attachment: [Plot Plan](#)

B. Town Notice

Legal Notice & Mailing List

Attachment: [Legal Notice](#)

Attachment: [Mailing List](#)

4. 40 Ivaloo Avenue

Shed Variance

A. Application

Application Materials

Attachment: [Application](#)

Attachment: [Narrative](#)

Attachment: [Plot Plan](#)

B. Town Notice

Legal Notice & Mailing List

Attachment: [Legal Notice](#)

Attachment: [Mailing List](#)

5. Western Turnpike

Special Use Permit for a landscaping facility

A. Application

Application Materials

Attachment: [Application](#)

Attachment: [Short EAF](#)

Attachment: [Narrative](#)

Attachment: [Site Plan](#)

B. Town Notice

Legal Notice & Mailing List

Attachment: [Legal Notice](#)

Attachment: [Mailing List](#)

C. Other Interested Agencies

Albany County Planning Board

Attachment: [Albany County Planning Board](#)

Attachment: [Town Planning Board](#)

4. Others

5. Minutes

6. Signs

1. Windingbrook Townhomes

Temporary Construction Sign

Attachment: [Windingbrook Townhomes](#)

2. Appoint TDE for Krumkill Solar

Appoint Delaware Engineering as Town Designated Engineer for

Krumkill Solar Project

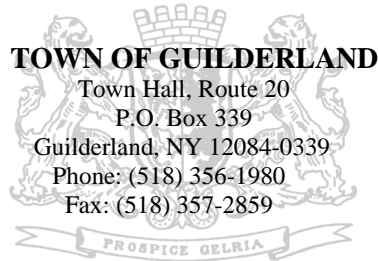
3. Guilderland Towing Landscape Update

Consider alternative to landscape requirements in Guilderland Towing

SUP

General Attachments

[- 07-1-20%20website](#)



PETER G. BARBER
SUPERVISOR

THOMAS REMMERT
CHAIRMAN
ZONING BOARD

ZONING BOARD

MEETING NOTICE

Wednesday, July 1, 2020

7:00 PM

1602 Western Avenue – Sign Variance – McDonald’s

- Decision only for the installation of more than two signs with a total area exceeding 50sf.

3 Nielsen Road – Garage Variance – Tim Backus

- Public hearing for the replacement of a garage in a required side yard setback.

3760 Western Turnpike – Variance to develop a lot without access to a public street – C. Possumato

- Public hearing for the construction of a dwelling on a lot without access to a public street.

18 Gipp Road – Privacy Fence Variance – Omawattie Jodharam

- Public hearing for the placement of a privacy fence in a front yard.

40 Ivaloo Avenue – Shed Variance – Kevin Bacomb

- Public hearing for the placement of a shed in a front yard.



Western Turnpike – Special Use Permit – Dan Nichols

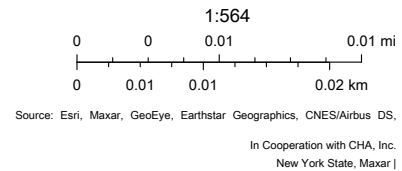
- Public hearing for the amendment of a special use permit to construct a cold storage building for a landscape facility.

Tim & Laura Backus 3 Nielsen Rd



6/16/2020, 5:00:06 PM

-  Municipal Boundaries
-  Tax Parcels (2019)



TOWN OF GUILDERLAND CHECKLIST FOR VARIANCE

RETURN TO:
ZONING ADMINISTRATOR
PO BOX 339
GUILDERLAND, NY 12084
(518) 356-1980

FEES:
COMMERCIAL - \$300
RESIDENTIAL - \$75
(payable at time of submittal to
Town of Guilderland)

APPLICANT INFORMATION:
Name: Tim and Laura Backus
Address: 3 Nielsen Road
Guilderland Center Zip: 12085
Daytime Phone #: 518-528-5269
Date: June 9, 2020

PROPERTY INFORMATION:
Owner: Tim and Laura Backus
Location: 3 Nielsen Road
Tax Map #: 38.20 3 19.000
Zoning: R15
Acreage: 70' X 135' (.22)

TO BE SUBMITTED:

- 1) 12 copies of application
- 2) Copy of conditional purchase contract or rental agreement if applicable
- 3) 12 copies of the project narrative containing the following: reasons which necessitate the need for a variance including a brief detailed description of the project
- 4) Architectural drawings of proposed project (if applicable)
- 5) 12 copies of survey or plot plan showing proposed project with:
 - side setback
 - front and rear setbacks
 - all existing buildings
 - location of proposed construction
 - total size of parcel
 - all topographic elevations necessary to show proposed variance

OTHER AGENCY APPROVALS OR RECOMMENDATIONS AS REQUIRED:

- 1) Town Water and Wastewater Management – 456-6474
- 2) Town Highway Department – 861-5108
- 3) NYS Department of Transportation – 765-2841
- 4) Albany County Health Department – 447-4631
- 5) Albany County Planning Board – 447-5660

APPLICATION AND APPEAL TO THE ZONING BOARD OF APPEALS FOR A VARIANCE, SPECIAL USE PERMIT OR AN INTERPRETATION OF THE ZONING ORDINANCE OR ZONING MAP.

**To Zoning Administrative Officer
Of the Town of Guilderland**

Date: _____

**To the Zoning Board of Appeals
Of the Town of Guilderland**

I, Timothy Backus of 3 Nielsen Road
hereby appeal from the decision of the Zoning Administration Officer on my
application for zoning permit and hereby apply to the Zoning Board of Appeals for:

- An interpretation of the Zoning Ordinance or Zoning Map
- A Special Use Permit under the Zoning Ordinance or Zoning Map
- A Variance to the Zoning Ordinance or Zoning Map

1. Location of property

Address: 3 Nielsen Road, Guilderland Center, 12085 Zoning: R15

2. Interpretation of the Zoning Ordinance is requested because:

3. Special Use Permit required for the following type of use:

* 4. Variance to the Zoning Ordinance is requested for: **Reconstruction of an existing original construction garage and existing sun room. Specifically, we need a variance from the set back restrictions.**

* **Applicant shall complete form outlining conditions from Section 267-b of New York State Town Law pertaining to area variances.**

The applicant hereby certifies that he is the owner of record of the above property or has been duly authorized in writing by the owner of record to make this application.

Signature of applicant

AREA VARIANCE CONDITIONS

The Zoning Board of Appeals will not consider any application for an area variance complete until the following application is completed in full and submitted to the Zoning Department. The Zoning Board of Appeals will evaluate the applicant's responses and determine whether the applicant has adequately met the conditions for an area variance. The applicant is encouraged to attach additional sheets if necessary to fully answer the questions. The following conditions for an area variance are from Section 267-b of the New York State Town Law.

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;

The garage in questions is over 50 years old and is a state of disrepair. It has unstable cinder block construction and an unpermitted addition, from the previous owner, is also in disrepair. Replacing this garage, with one that meets building code, would only help the neighborhood. In addition the properties at 4, 5, 6 and 9 Nielsen Road all have similar garage construction.

2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; Using the present set back restrictions would place the garage in the middle of our living room.

3) Whether the requested area variance is substantial; It would not appear to be substantial since the goal is to rebuild the garage and sun porch in approximately the same foot print as the existing structures.

4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and There would be no adverse effects, the plan is to rebuild the structures that have existed for over 30 years in the approximate same foot print. It would also match the houses on the street.

5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance: The difficulty is not self created. We have not started construction and are seeking the variance well in advance of the start date. Once again, it is an existing structure that is being rebuilt.









Timothy and Laura Backus
3 Nielsen Road – Box 291
Guilderland Center, NY 12085

Project Narrative Related to Zoning Variance:

We are proposing to build a new garage and sun porch to replace the existing non-conforming garage and sun porch.

The garage and sun porch both have water damage and structural issues and it would not be prudent to rebuild or rehabilitate any part of these structures.

We seek a variance for the side and rear set back restrictions due to the size of the lot and the fact that the buildings we are proposing to replace have been on the property (built by previous owners) for over 40 years.

To build a garage with an eight-foot side set back it would put the garage in the middle of our yard and that is not feasible. Also, the relief we are seeking conforms to the existing neighborhood structures. At least four other properties on Nielsen Road have similar garage locations.

Ideally, we would like to build the garage in line with existing fence line to help with maintenance between 3 Nielsen Road and 5 Nielsen Road. Presently, the garage ends approximately two feet from the fence line and there is a concrete pad that extends to the fence line. In order to maintain that area, I have to access to 5 Nielsen Road or the occupants of 5 Nielsen Road have to maintain the area that is technically part of our property. Extending the garage to the fence line would alleviate that need to maintain the area and provide a clear property line.

If that is not possible to extend to the fence line, we would like to rebuild the garage and sunporch in their existing footprint.

SWIS	PRINT KEY	NAME	ADDRESS	PAGE # 1
013089	38.20-1-17	Henry F Elario Jr	P.O. Box 313,Guilderland Center, NY 12085	
013089	38.20-1-18	Wells Fargo Bank NA	1600 S Douglass Rd Ste 200-A,Anaheim, CA 92806	
013089	38.20-1-19	Bruce Halsdorf Attn: Guilderland Ctr Auto	167 Main St,Guilderland Center, NY 12085	
013089	38.20-1-20	Bryant L Empie	P.O. Box 168,Guilderland Ctr, NY 12085	
013089	38.20-1-21	Scott Renzi	7 Walnut St,Albany, NY 12205	
013089	38.20-1-22	Jonathan Riemenschneider	460 Rt 146,Altamont, NY 12009	
013089	38.20-1-23	Troy Irby	462 Rt 146,Altamont, NY 12009	
013089	38.20-1-24	Tania R Tinley	464 Rt 146,Altamont, NY 12009	
013089	38.20-1-25	Thomas J OConnor	18 Tudor Rd,Albany, NY 12203	
013089	38.20-1-26.1	Lisa A Mancini	470 Rt 146,Altamont, NY 12009	
013089	38.20-1-26.2	Pierrette Virkler	P.O. Box 141,Altamont, NY 12009	
013089	38.20-1-27	Susan W Roy Weeks	P.O. Box 92,Guilderland Ctr, NY 12085	
013089	38.20-1-28	Guilderland Town of	P.O. Box 339,Guilderland, NY 12084-0339	
013089	38.20-3-1	James O Palumbo	P.O. Box 385,Guilderland Ctr, NY 12085-0385	
013089	38.20-3-2	Mary Ellen Johnson	P.O. Box 195,Guilderland Center, NY 12085	
013089	38.20-3-3	Laurie A Boehlke	6 Nielsen Rd,Altamont, NY 12009	
013089	38.20-3-4	Michael V Califano	8 Nielsen Rd,Altamont, NY 12009	
013089	38.20-3-5	Barbara Mrcela	10 Nielsen Rd,Guilderland Ctr, NY 12085	
013089	38.20-3-8	Heather S Brennan	14 Nielsen Rd,Altamont, NY 12009	
013089	38.20-3-9	Timothy Rivenberg	18 Nielsen Rd,Altamont, NY 12009	
013089	38.20-3-12	Anita B Collins	17 Nielsen Rd,Guilderland Center, NY 12085	
013089	38.20-3-13	Daniel Roberts	15 Nielsen Rd,Altamont, NY 12009	
013089	38.20-3-14	David J Dodge	P.O. Box 71,Guilderland Center, NY 12085	
013089	38.20-3-15	Jeffery S Beach	11 Nielsen Rd,Altamont, NY 12009	
013089	38.20-3-16	TAVJS LLC	115 Spyglass Ct,Albany, NY 12203	
013089	38.20-3-17	Stephanie B Plant	7 Nielsen Rd,Altamont, NY 12009	
013089	38.20-3-18	Tammy Brown	P.O. Box 241,Guilderland Center, NY 12085	
013089	38.20-3-19	Timothy P Backus	P.O. Box 291,Guilderland Ctr, NY 12085-0291	
013089	38.20-3-20	Alan R Southard	1 Nielsen Rd,Altamont, NY 12009	
013089	38.20-3-21	Kyle J Trestick	10 VanWormer Dr,Altamont, NY 12009	
013089	38.20-3-22	Linda A Dunn	P.O. Box 261,Guilderland Center, NY 12085	
013089	38.20-3-23	Richard Kronsberg	33 School Rd,Guilderland Center, NY 12085	
013089	38.20-3-24	Christian DePersis	31 School Rd,Altamont, NY 12009	
013089	38.20-3-25	Douglas L Efaw	P.O. Box 167,Guilderland Center, NY 12085	
013089	38.20-3-26	James E Richmond	P.O. Box 271,Guilderland Center, NY 12085-0271	
013089	38.20-3-27	Dean M Sim	25 School Rd,Guilderland Center, NY 12085	
013089	38.20-3-28	Marcia A Guettler	P.O. Box 301,Guilderland Center, NY 12085	
013089	50.00-1-1	Guilderland Center Fire Dist	P.O. Box 141,Guilderland Center, NY 12085	
013089	50.00-1-2.1	Guilderland Center Fire Dist	P.O. Box 141,Guilderland Center, NY 12085	
013089	50.00-1-2.2	Theresa Dodge	600 Rt 146,Altamont, NY 12009	

**TOWN OF GUILDERLAND
PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS**

Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles IV & V of the Zoning Law on the following proposition:

Variance Request No. 4799

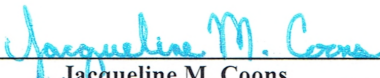
Request of Tim & Laura Backus for a Variance of the regulations under the Zoning Law to permit: the reconstruction of a garage in the required side yard setbacks on an undersized lot.

Per Articles IV & V Sections 280-24 & 280-51 respectively

For property owned by Tim & Laura Backus
Situated as follows: 3 Nielsen Road Guilderland Center, NY 12085
Tax Map # 38.20-3-19 Zoned: R15

Due to COVID-19 gathering restrictions, plans are only available for public inspection on the Town website at <https://www.townofguilderland.org/zoning-board-appeals> . Said hearing will take place on the 1st of July, 2020 at 7:00pm. Members of the public may listen and view the meeting live on Verizon channel 34 and Spectrum channel 1303, on the Town website, and may dial (518) 579-3721 to participate in the public comment period. For questions regarding the application, call the Building Department during regular business hours.

Dated: June 19, 2020


Jacqueline M. Coons
Chief Building & Zoning Inspector

TOWN OF GUILDERLAND CHECKLIST FOR VARIANCE

RETURN TO:
ZONING ADMINISTRATOR
PO BOX 339
GUILDERLAND, NY 12084
(518) 356-1980

FEES:
COMMERCIAL - \$300
RESIDENTIAL - \$75 #5072
(payable at time of submittal to
Town of Guilderland)

APPLICANT INFORMATION:

Name: Carina Passumato
Address: 257 COLE RD
Delanson, NY Zip: 12053
Daytime Phone #: 518-514-8513
Date: 5/12/20

PROPERTY INFORMATION:

Owner: (Leona Bishop) ATSLA, LLC
Location: 3760 Western Tpk Rear
Tax Map #: 2 parcels: 13.00-11-8 (Guilderland)
69-3-9 (Princeton)
Zoning: RA5
Acreage: 13.00-11-8 (35 acres)
69-3-9 (2.2 acres) **NOT INCLUDED**

TO BE SUBMITTED:

- 1) 12 copies of application ✓
- 2) Copy of conditional purchase contract or rental agreement if applicable ✓
- 3) 12 copies of the project narrative containing the following: reasons which necessitate the need for a variance including a brief detailed description of the project
- 4) Architectural drawings of proposed project (if applicable)
- 5) 12 copies of survey or plot plan showing proposed project with:
 - side setback
 - front and rear setbacks
 - all existing buildings
 - location of proposed construction
 - total size of parcel
 - all topographic elevations necessary to show proposed variance

OTHER AGENCY APPROVALS OR RECOMMENDATIONS AS REQUIRED:

- 1) Town Water and Wastewater Management – 456-6474
- 2) Town Highway Department – 861-5108
- 3) NYS Department of Transportation – 765-2841
- 4) Albany County Health Department – 447-4631
- 5) Albany County Planning Board – 447-5660

APPLICATION AND APPEAL TO THE ZONING BOARD OF APPEALS FOR A VARIANCE, SPECIAL USE PERMIT OR AN INTERPRETATION OF THE ZONING ORDINANCE OR ZONING MAP.

To Zoning Administrative Officer
Of the Town of Guilderland

Date: 5/12/20

To the Zoning Board of Appeals
Of the Town of Guilderland

I, Carina Possunato of 257 Cole Rd Delanson NY 12053
hereby appeal from the decision of the Zoning Administration Officer on my application
for zoning permit and hereby apply to the Zoning Board of Appeals for:

- An interpretation of the Zoning Ordinance or Zoning Map
- A Special Use Permit under the Zoning Ordinance or Zoning Map
- A Variance to the Zoning Ordinance or Zoning Map

1. Location of property Rear
Address: 3760 Western Tpk, Guilderland Zoning: RA 5

2. Interpretation of the Zoning Ordinance is requested because:

3. Special Use Permit required for the following type of use:

* 4. Variance to the Zoning Ordinance is requested for:
Variance is being requested to permit the construction of a residence on an existing lot without frontage on a public roadway.

* Applicant shall complete form outlining conditions from Section 267-b of New York State Town Law pertaining to area variances.

The applicant hereby certifies that he is the owner of record of the above property or has been duly authorized in writing by the owner of record to make this application.

Carina Possunato
Signature of applicant

AREA VARIANCE CONDITIONS

The Zoning Board of Appeals will not consider any application for an area variance complete until the following application is completed in full and submitted to the Zoning Department. The Zoning Board of Appeals will evaluate the applicant's responses and determine whether the applicant has adequately met the conditions for an area variance. The applicant is encouraged to attach additional sheets if necessary to fully answer the questions. The following conditions for an area variance are from Section 267-b of the New York State Town Law.

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;

No. The variance is needed to allow us to build a driveway to allow access to a residence to be constructed on parcel 13.00-1-8 in the Town of Guilderland.

2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

No. Parcel 13.00-1-8 is land-locked and we can't build on it without this variance.

3) Whether the requested area variance is substantial;

No. Variance is for the purpose of constructing a driveway only.

4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

No. Variance is for the purpose of constructing a driveway only. Note: We will provide a T-Turnaround in the driveway for emergency vehicles.

5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance;

No. Parcel 13.00-1-8 is land-locked and we need a variance in order to construct a residence on that property.

uthentisign ID: D4E6C02C-5F13-4027-9727-CAD5AB38F613



EASTERN NEW YORK REGIONAL MULTIPLE LISTING SERVICE, INC.
STANDARD FORM CONTRACT FOR PURCHASE AND SALE OF REAL ESTATE



THIS IS A LEGALLY BINDING CONTRACT. IF NOT FULLY UNDERSTOOD, WE RECOMMEND ALL PARTIES TO THE CONTRACT CONSULT AN ATTORNEY BEFORE SIGNING.

1. IDENTIFICATION OF PARTIES TO THE CONTRACT

A. SELLER — The Seller is ATSLA, LLC
residing at _____
(the word "Seller" refers to each and all parties who have an ownership interest in the property).

B. PURCHASER — The Purchaser is Carina Teresa Possumato
residing at 257 Cole Road, Delanson, NY 12053
(the word "Purchaser" refers to each and all of those who signed below as Purchaser).

2. PROPERTY TO BE SOLD

The property and improvements which the Seller is agreeing to sell and which the Purchaser is agreeing to purchase is known as _____ located in the city, village or town of Guilderland in Albany County, State of New York. This property includes all the Seller's rights and privileges, if any, to all land, water, streets and roads annexed to, and on all sides of the property. The lot size of the property is approximately 37 +/- acres.

3. ITEMS INCLUDED IN SALE

- | | | |
|--|---------------------------------|---------------------------------------|
| Awnings | Heating/Central Air | Storm & Screen Doors |
| Built-in Appliances & Cabinets | Lighting Fixtures & Paddle Fans | Storm Windows & Screens |
| Built-in Closet Systems | Plumbing Fixtures | Smoke & Carbon Monoxide Detectors |
| Drapery Rods & Curtain Rods | Pumps | Television Aerials & Satellite Dishes |
| Electric Garage Door Opener(s) & Remote(s) | Security & Alarm System(s) | Wall-to-Wall Carpeting, as placed |
| Fencing | Shades & Blinds | Water Filters & Treatment Systems |
| Fireplace Insert, Doors and/or Screen | Shrubs, Trees, Plants | |

The items listed above, if now in or on said premises, and owned by the Seller free from all liens and encumbrances, are included in the sale "as is", on the date of this offer, together with the following items: _____

4. ITEMS EXCLUDED FROM SALE

The following items are excluded from the sale _____

5. PURCHASE PRICE

The purchase price is _____ DOLLARS (\$ _____). The Purchaser shall pay the purchase price as follows:

- A. \$ _____ deposit with this contract and held pursuant to paragraph 16 herein
- B. \$ _____ additional deposit on _____
- C. \$ _____ in cash, certified check, bank draft or attorney escrow account check at closing
- D. \$ _____

6. MORTGAGE CONTINGENCY

A. This Agreement is contingent upon Purchaser obtaining approval of a Conventional, FHA or VA (if FHA or VA, see attached required addendum) or **Construction** mortgage loan of \$ _____ for a term of not more than 30 years at an initial fixed or adjustable nominal interest rate not to exceed _____ percent. Purchaser agrees to use diligent efforts to obtain said approval and shall apply for the mortgage loan within 5 business days after the Seller has accepted this contract.

Purchaser agrees to apply for such mortgage loan to at least one lending institution or licensed mortgage broker. Upon receipt of a written mortgage commitment or in the event Purchaser chooses to waive this mortgage contingency, Purchaser shall provide notice in writing to Canaan Realty of Purchaser's receipt of the mortgage commitment or of Purchaser's waiving of this contingency. Upon receipt of such notice this contingency shall be deemed waived or satisfied as the case may be. In the event notice as called for in the preceding sentence has not been received on or before May 7, 2020, then either Purchaser or Seller may **within five business days of such date** terminate, or the parties may mutually agree to extend, this contract by written notice to Canaan Realty. Upon receipt of termination notice from either party, and in the case of notice by the Purchaser, proof of Purchaser's inability to obtain said mortgage approval, this agreement shall be cancelled, null and void and all deposits made hereunder shall be returned to the Purchaser.

B. **Seller's Contribution:** At closing, as a credit toward prepaids, closing costs and/or points, Seller shall credit to Purchaser \$ _____ or _____ % of the Purchase Price or mortgage amount.

Page 1 of 4
1/1/2017

Purchaser's Initials CTP Seller's Initials CTB

Authentisign ID: D4E6C02C-5F13-4027-9727-CAD5AB38F613

7. MORTGAGE EXPENSE AND RECORDING FEES

The Mortgage Recording Tax imposed on the mortgagor, mortgage and deed recording fees, expenses of drawing papers and any other expenses to be incurred in connection with procuring a mortgage, shall be paid by the Purchaser.

8. OTHER TERMS (if any) Buyer to get approval by the town of Princetown on proposed building plans. Any survey will be obtained at the buyers sole cost.

9. TITLE AND SURVEY

A 40-year abstract of title, tax search and any continuations thereof, or a fee title insurance policy, shall be obtained at the expense of Purchaser or Seller. (If both boxes are checked, the option of whether an Abstract of Title or fee policy is provided shall be that of the party paying for same.) The Seller shall cooperate in providing any available survey, abstract of title or title insurance policy information, without cost to Purchaser. The Purchaser shall pay the cost of updating any such survey or the cost of a new survey.

10. CONDITIONS AFFECTING TITLE

The Seller shall convey and the Purchaser shall accept the property subject to all covenants, conditions, restrictions and easements of record and zoning and environmental protection laws so long as the property is not in violation thereof and any of the foregoing does not prevent the intended use of the property for the purpose of _____; also subject to any existing tenancies, any unpaid installments of street and other improvement assessments payable after the date of the transfer of title to the property, and any state of facts which an inspection and/or accurate survey may show, provided that nothing in this paragraph renders the title to the property unmarketable.

11. DEED

The property shall be transferred from Seller to Purchaser by means of a Warranty Deed, with Lien Covenant, or _____ deed, furnished by the Seller. The deed and real property transfer gains tax affidavit will be properly prepared and signed so that it will be accepted for recording by the County Clerk in the County in which the property is located. If the Seller is transferring the property as an executor, administrator, trustee, committee, or conservator, the deed usual to such cases shall be accepted.

12. NEW YORK STATE TRANSFER TAX, ADDITIONAL TAX AND MORTGAGE SATISFACTION

The Seller shall pay New York State Real Property Transfer Tax imposed by Section 1402 of the Tax Law and further agrees to pay the expenses of procuring and recording satisfactions of any existing mortgages. If applicable, the Purchaser shall pay the Additional Tax (a/k/a the "Mansion Tax" or "Luxury Tax") imposed by Section 1402-a of the Tax Law on transfers of \$1,000,000 or more.

13. TAX AND OTHER ADJUSTMENTS

The following, if any, shall be apportioned so that the Purchaser and Seller are assuming the expenses of the property and income from the property as of the date of transfer of title:

- a. Rents and security deposits. Seller shall assign to Purchaser all written leases and security deposits affecting the premises.
- b. Taxes, sewer, water, rents, and condominium or homeowner association fees
- c. Municipal assessment yearly installments except as set forth in item "10".
- d. Fuel, based upon fair market value at time of closing as confirmed by a certification provided by Seller's supplier.

14. RIGHT OF INSPECTION AND ACCESS

Purchaser and/or representative shall be given access to the property for any tests or inspections required by the terms of this contract upon reasonable notice to the Seller or a representative. Purchaser and/or a representative shall be given the right of inspection of the property, at a reasonable hour, within 48 hours prior to transfer of title.

15. TRANSFER OF TITLE/POSSESSION

The transfer of title to the property from Seller to Purchaser will take place at the office of the lender's attorney if the Purchaser obtains a mortgage loan from a lending institution. Otherwise, the closing will be at the office of the attorney for the Seller. The closing will be on or before May 29, 2020. Possession shall be granted upon transfer of title unless otherwise mutually agreed upon in writing signed by the parties. In compliance with regulation 175.23 of the NYS Department of State all real estate brokers involved in the sale are to be provided a copy of the final HUD-1 or closing statement at transfer of title.

16. DEPOSITS

It is agreed that any deposits by the Purchaser are to be deposited with the Listing Broker at Community Bank as part of the purchase price. If the Seller does not accept the Purchaser's offer, all deposits shall be returned to Purchaser. If the offer is accepted by the Seller, all deposits will be held in escrow by the Listing Broker and deposited into the Listing Broker's escrow account in the institution identified above, until the contingencies and terms have been met. The Purchaser will receive credit on the total amount of the deposit toward the purchase price. Broker shall then apply the total deposit to the brokerage fee. Any excess of deposit over and above the fee earned will go to the Seller. If the contingencies and terms contained herein cannot be resolved, or in the event of default by the Seller or the Purchaser, the deposits will be held by the Broker pending a resolution of the disposition of the deposits.

If the broker holding the deposit determines, in its sole discretion, that sufficient progress is not being made toward a resolution of the dispute that broker may commence an interpleader action and pay the deposit monies into Supreme court of the county where the property is located. The Broker's reasonable costs and expenses, including attorney's fees, shall be paid from the deposit upon the resolution of the interpleader action and the remaining net proceeds of the deposit shall be disbursed to the prevailing claimant. In the event the deposit is insufficient to cover the broker's entitlement, the non-prevailing party shall pay the remaining balance.

ETP

CB

Authentisign ID: D4E6C02C-5F13-4027-9727-CAD5AB38F613

17. TIME PERIOD OF OFFER

Purchaser and Seller understand and agree that, unless earlier withdrawn, this offer is good until _____ a.m. _____ p.m. _____, and if not accepted by the Seller prior to that time, then this offer becomes null and void.

CTP

18. REAL ESTATE BROKER AND COOPERATING BROKER COMPENSATION

A. REAL ESTATE BROKER: The Purchaser and Seller agree that _____ and _____ **Canaan Realty** brought about the sale, and Seller agrees to pay the brokerage commission as set forth in the listing agreement and Purchaser agrees to pay brokers' commission as set forth in the buyer's broker agreement, if applicable.

CB

B. COOPERATING BROKER COMPENSATION: The Cooperating Broker shall be paid _____ % of the purchase price or _____ no later than closing. The amount paid shall be credited to the Purchaser as part of the purchase price and to the Seller as part of the commission due the listing broker. The Cooperating Broker agrees to apply this amount against its commission under any agency agreement with Purchaser. Nothing herein shall be deemed to have altered the agency relationships disclosed.

19. ATTORNEY APPROVAL

This agreement is contingent upon Purchaser and Seller obtaining approval of this agreement by their attorney as to all matters, without limitation. This contingency shall be deemed waived unless Purchaser's or Seller's attorney on behalf of their client notifies _____ in writing, as called for in paragraph "23", of their disapproval of the agreement no later than _____. If Purchaser's or Seller's attorney so notifies, then this agreement shall be deemed cancelled, null and void, and all deposits shall be returned to the Purchaser.

20. CONDITION OF PREMISES

The buildings on the premises are sold "as is" without warranty as to condition, and the Purchaser agrees to take title to the buildings "as is" in their present condition subject to reasonable use, wear, tear and natural deterioration between the date hereof and the closing of title: except that in the case of any destruction within the meaning of the provisions of Section 5-1311 of the General Obligations Law of the State of New York entitled Uniform Vendor and Purchaser Risk Act," said section shall apply to this contract.

21. INSPECTIONS: This agreement is contingent upon all of the following provisions marked with the parties' initials. All those provisions marked with "NA" shall not apply.

Purchaser / Seller (Initial)

STRUCTURAL INSPECTION: A determination, by a New York State licensed home inspector, registered architect or licensed engineer, or a third party who is _____, or other qualified person, that the premises are free from any substantial structural, mechanical, electrical, plumbing, roof covering, water or sewer defects. The term substantial to refer to any individual repair which will reasonably cost over \$1500 to correct.

The following buildings or items on the premises are excluded from this inspection: _____

WOOD DESTROYING ORGANISMS (Pest, Termite Inspection): A determination by a Certified Exterminator or other qualified professional that the premises are free from infestation or damage by wood destroying organisms.

SEPTIC SYSTEM INSPECTION: A test of the septic system by a licensed professional engineer, licensed plumber, septic system contractor, County Health Department, or other qualified person indicating that the system is in working order.

WELL WATER FLOW AND/OR QUALITY TESTS: (1) A potability water quality test to meet the standards of the New York State Department of Health to be performed by a New York State approved laboratory, (2) any chemical, metal, inorganic, or other tests as the Purchaser may request, and (3) a flow test to be performed indicating a minimum flow of sufficient quantity to:

- (a) _____ obtain mortgage financing on subject property; and/or
- (b) _____ to produce _____ gallons per minute for _____ hours

RADON INSPECTION: The Purchaser may have the dwelling located on the property tested by a reputable service for the presence of radon gas. The Seller agrees to maintain a "closed house condition" during the test. "Closed-house condition" shall mean that the Seller shall keep the windows closed and minimize the number of times the exterior doors are opened and the time that they are left open. The Seller agrees to comply with all reasonable requirements of the testing service in connection with the test, provided such compliance shall be at no cost to the Seller. If the test reveals that the level of radon gas is four (4) picocuries per liter or higher, the presence of radon gas shall be deemed grounds for cancellation of the contract.

All tests and/or inspections contemplated pursuant to this paragraph "21" shall be completed on or before _____ and at Purchaser's expense, and shall be deemed waived unless Purchaser shall notify _____ pursuant to paragraph "23" of this agreement, no later than _____ of failure of any of these tests and/or inspections. If Purchaser so notifies, and further supplies written confirmation by a copy of the test results and/or inspection report(s), or letter(s) from inspector, then this entire agreement shall be deemed cancelled, null and void and all deposits made hereunder shall be returned to Purchaser or, at Purchaser's option, said cancellation may be deferred for a period of ten (10) days in order to provide the parties an opportunity to otherwise agree in writing.

CTP

CB

Authentisign ID: D4E6C02C-5F13-4027-9727-CAD5AB38F613

22. ADDENDA AND MANDATED FORMS: The following attached addenda are a part of this Agreement.

A. Aerial Image B. C.
D. E. F.

23. NOTICES

All notices contemplated by this agreement shall be in writing, delivered by (a) certified or registered mail, return, receipt requested, postmarked no later than the required date; (b) by telecopier/facsimile transmitted by such date; or (c) by personal delivery by such date.

24. ENTIRE AGREEMENT

This contract contains all agreements of the parties hereto. There are no promises, agreements, terms, conditions, warranties, representations or statements other than contained herein. This agreement shall apply to and bind the heirs, legal representatives, successors and assigns of the respective parties. It may not be changed orally. The parties agree that the venue for any issues concerning this contract shall be the county in which the property is located.

(If checked) SUBJECT TO ATTACHED COUNTER OFFER, DATED

Dated: Time
Authentisign
Carina J. Possumato 04/14/2020
Purchaser Carina Teresa Possumato

Dated: Time
Authentisign
Leona Bishop 04/14/2020
Seller ATSLA, LLC

Purchaser
Selling Broker

Seller
Listing Broker

The following is for informational purposes only: PLEASE COMPLETE

Attorney for Purchaser:

Attorney for Seller:

Name:
Phone: Fax:
Email Address:

Name:
Phone: Fax:
Email Address:

Selling Agent:

Listing Agent:

Name/Firm: Allen Olmsted Canaan Realty
Phone: 888.457.6261 Fax:
Email Address: samantha@newyorkland.forsale

Name/Firm:
Phone: Fax:
Email Address:

Property Tax Identification Number: 013000 010-15-0 City, Village, Town Guilderland

Mailing Address of Property To Be Sold: 3760 Western Ave

Page 4 of 4

1/1/2017



The following attachment is not a PDF, so a link to the native file format is being provided instead:

[Owner Authorization \(LINK\)](#)

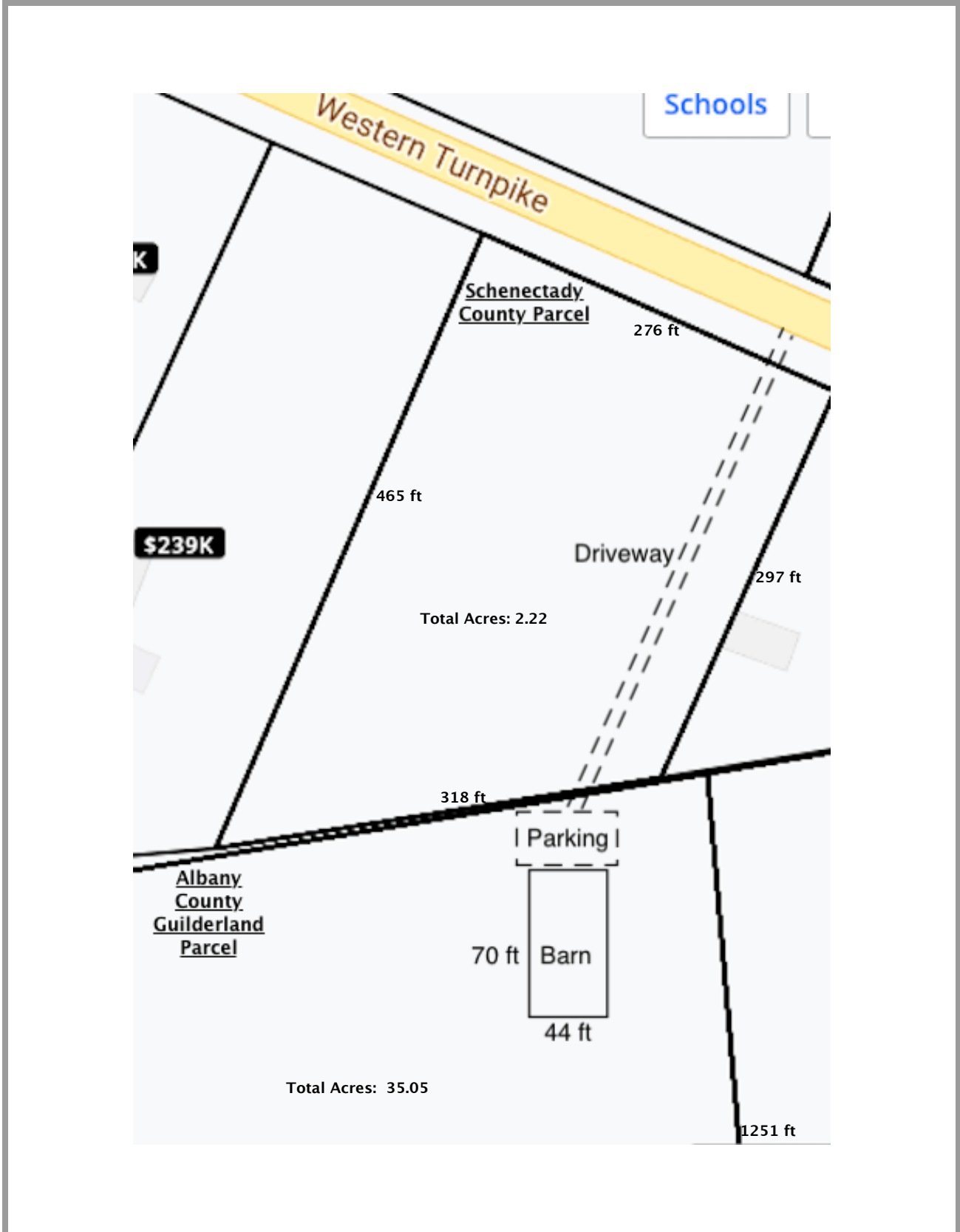
We are requesting a variance to permit the construction of a residence on an existing lot without frontage on a public roadway. We are interested in purchasing two parcels of land off Western Turnpike (parcel # 13.00-1-8 and 69.-3-9). Parcel 69.-3-9 is a 2.2 acre parcel in the town of Princetown, with 276 feet frontage on Western Turnpike. Parcel 13.00-1-8 is a 35 acre parcel in the town of Guilderland, which is adjacent to the Princetown parcel along the back of the property. The Guilderland parcel is zoned Rural Agricultural, 5 Acre (RA5).

We would like to construct a residence on the Guilderland parcel with living quarters above a garage area with horse stalls. We have several horses who stay outdoors mainly and have lean-to sheds for shelter, but we would use the stalls inside in the event of severe weather. We plan to build a future residence on the Princetown parcel, hopefully within the next 5 years, and convert the original building on the Guilderland parcel into a barn. An access road on the Princetown parcel for ingress/egress to the Guilderland parcel will be constructed to have access from Western Turnpike.

We considered the option of merging the parcels, however, given our plan to build a future residence on the Princetown parcel and convert the original building into a barn, we feel it would be more beneficial to hold the two parcels in ownership separately, should the variance be granted.

Thank you very much for taking the time to consider our request. Please let us know if you would like any additional information.





SWIS	PRINT KEY	NAME	ADDRESS	PAGE #
013089	13.00-1-6	John VanWormer	100 Deer Path Ln,Altamont, NY 12009	
013089	13.00-1-8	ATSLA LLC c/o Leona Bishop	1245 Viewmont Dr,Schenectady, NY 12309	
013089	13.00-1-10.1	Mark C VanWormer	1095 Shave Rd,Schenectady, NY 12303	
013089	13.00-1-10.2	Robert Ciembroniewicz	2680 Currybush Rd,Schenectady, NY 12306	
013089	13.00-1-10.3	Robert V VanWormer	3630 Western Tpke,Altamont, NY 12009	
013089	13.00-1-12.2	ATSLA LLC c/o Leona Bishop	1245 Viewmont Dr,Schenectady, NY 12309	
013089	13.00-1-9	ATSLA LLC c/o Leona Bishop	1245 Viewmont Dr,Schenectady, NY 12309	

**TOWN OF GUILDERLAND
PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS**

Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Chapter 280A of the New York State Town Law on the following proposition:

Variance Request No. 4800

Request of Carina Possumato for a Variance of the regulations under the Zoning Law to permit: the construction of a dwelling on an existing lot located without frontage on a public highway.

Per Chapter 280A of the New York State Town Law

For property owned by ATSLA LLC

Situated as follows: 3760 Western Turnpike Rear Altamont, NY 12009

Tax Map # 13.00-1-8

Zoned: RA5

Due to COVID-19 gathering restrictions, plans are only available for public inspection on the Town website at <https://www.townofguilderland.org/zoning-board-appeals> . Said hearing will take place on the 1st of July, 2020 at 7:00pm. Members of the public may listen and view the meeting live on Verizon channel 34 and Spectrum channel 1303, on the Town website, and may dial (518) 579-3721 to participate in the public comment period. For questions regarding the application, call the Building Department during regular business hours.

Dated: June 23, 2020



Jacqueline M. Coons
Chief Building & Zoning Inspector



**ALBANY COUNTY PLANNING BOARD
NOTIFICATION**

RECOMMENDATION DATE: June 18, 2020

Case #: **10-200603496**
Applicant: **3760 Western Tpke**
Project Location: 3760 Western Tpke
Tax Map Number: 13.00-1-8
Referring Agency: Town of Guilderland Zoning Board Of Appeals
Considerations: An area variance to allow construction of driveway on a parcel that currently doesn't have frontage on a public highway

ACPB Recommendation: Modify local approval to include:

1. Notification of the application should be sent to the Town of Princetown and Schenectady County, including all required notices pursuant to GML §239-nn.
2. A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties.
3. Review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity.

Advisory:

Laura Trivison, Senior Planner
Albany County Planning Board

NOTE:

- This recommendation is rendered in compliance with applicable requirements of Section 239 of New York State General Municipal Law. Final determination on this matter rests with the appropriate municipal body.
- A recommendation of "APPROVE" or "MODIFY LOCAL APPROVAL" should not be interpreted as a recommendation by this body that the referring agency approve the matter referred. Such recommendation does not indicate that this body has reviewed all local concerns; rather the referral has met certain countywide considerations. Evaluation of local criteria is the responsibility of the referring agency.
- General Municipal Law Section 239 requires that the local agency notify the county within thirty days of its final action. Please use the OFFICIAL NOTICE OF LOCAL ACTION form that is attached for this purpose.
- General Municipal Law Section 239 sets forth the procedural requirements for taking local action contrary to the County Planning Board's recommendation of objection or conditional approval.
- Albany County is required to submit a Municipal Separate Storm Sewer System Permit (MS4) (No. GP-0-10-002) Notice of Intent (NOI) to comply with the NYS DEC permit for the control of wastewater and stormwater discharges in accordance with the Clean Water Act. Construction Activity Permit No. GP-0-1-001 issued by NYSDEC is also required for activity with soil disturbances of one acre or more. The law is required by the Clean Water Act to control point source discharges to ground water as well as surface waters.

**449 New Salem Road, Voorheesville, NY 12186
TELEPHONE: (518) 655-7932 FAX: (518) 765-3459**

In compliance with Article 12-B, Section 239 of New York State General Municipal Law, this serves as official notification to the Albany County Planning Board of the action taken on the application described above.

LOCAL ACTION ON ACPB RECOMMENDATION:

- AGREED WITH COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE
- OVER-RULED COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE

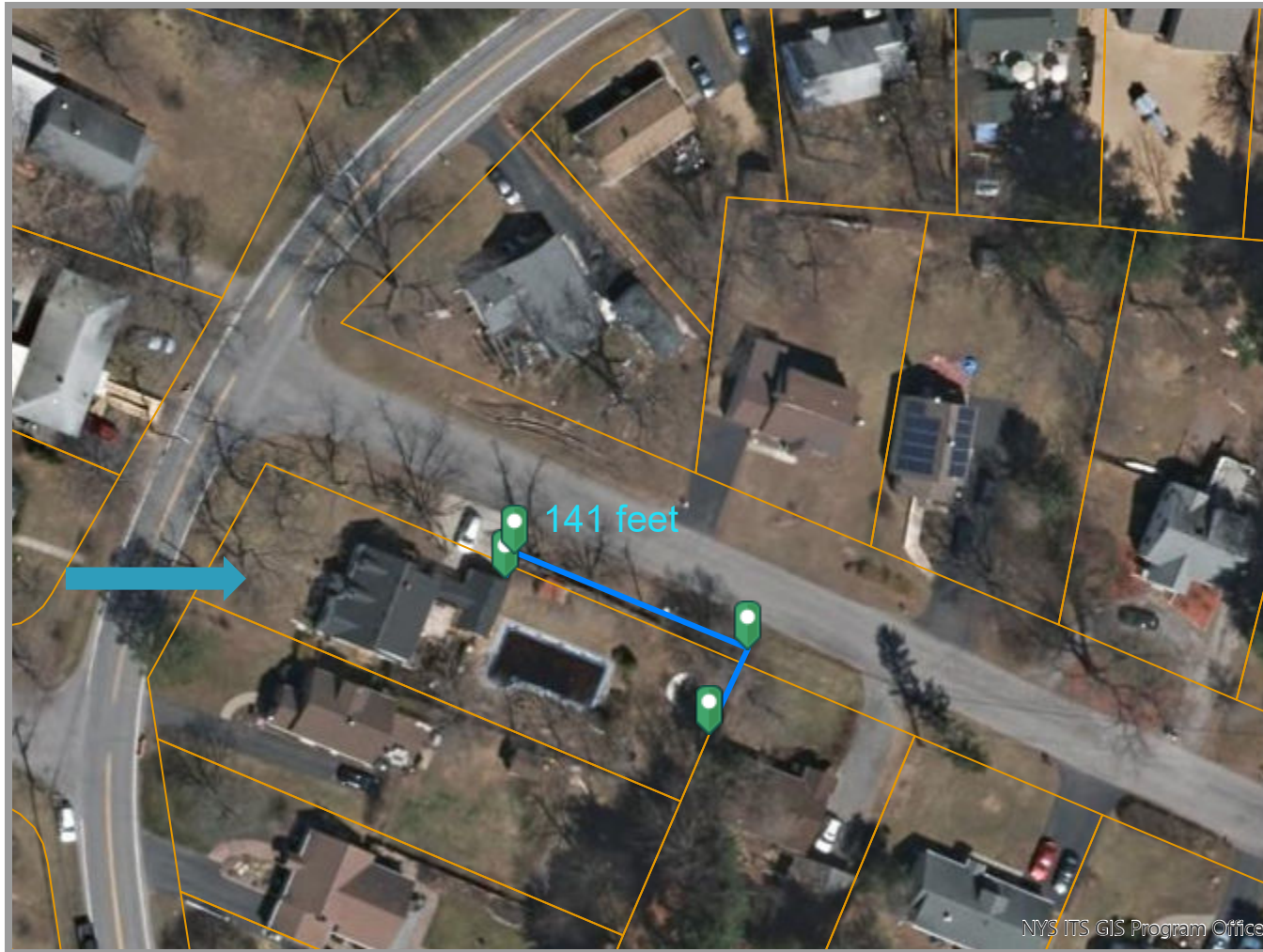
LOCAL DECISION ON PROJECT:

- PROJECT APPROVED
- PROJECT DISAPPROVED

VOTE RECORDED: _____ DATE OF LOCAL ACTION: _____

Set forth the reasons for any action contrary to the ACPB recommendations (use additional sheets if needed):

SIGNED: _____ TITLE: _____



6/25/2020

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TOWN OF GUILDERLAND CHECKLIST FOR VARIANCE

RETURN TO:
ZONING ADMINISTRATOR
PO BOX 339
GUILDERLAND, NY 12084
(518) 356-1980

FEEs:
COMMERCIAL - \$300
RESIDENTIAL - \$75
(payable at time of submittal to
Town of Guilderland)

APPLICANT INFORMATION:

Name: Onawattie Buchanan
Address: 18 Gipp Rd.
Zip: 12203
Daytime Phone #: 518-379-7713
Date: 5-22-2020

PROPERTY INFORMATION:

Owner: Same
Location: Same
Tax Map #: _____
Zoning: _____
Acreage: _____

TO BE SUBMITTED:

- 1) 12 copies of application
- 2) Copy of conditional purchase contract or rental agreement if applicable
- 3) 12 copies of the project narrative containing the following: reasons which necessitate the need for a variance including a brief detailed description of the project
- 4) Architectural drawings of proposed project (if applicable)
- 5) 12 copies of survey or plot plan showing proposed project with:
 - side setback
 - front and rear setbacks
 - all existing buildings
 - location of proposed construction
 - total size of parcel
 - all topographic elevations necessary to show proposed variance

OTHER AGENCY APPROVALS OR RECOMMENDATIONS AS REQUIRED:

- 1) Town Water and Wastewater Management – 456-6474
- 2) Town Highway Department – 861-5108
- 3) NYS Department of Transportation – 765-2841
- 4) Albany County Health Department – 447-4631
- 5) Albany County Planning Board – 447-5660

6/25/2020

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APPLICATION AND APPEAL TO THE ZONING BOARD OF APPEALS FOR A VARIANCE, SPECIAL USE PERMIT OR AN INTERPRETATION OF THE ZONING ORDINANCE OR ZONING MAP.

To Zoning Administrative Officer
Of the Town of Guilderland

Date: 5-22-2020

To the Zoning Board of Appeals
Of the Town of Guilderland

I, Omawattie J. J. of Guilderland, NY
hereby appeal from the decision of the Zoning Administration Officer on my application for zoning permit and hereby apply to the Zoning Board of Appeals for:

- An interpretation of the Zoning Ordinance or Zoning Map
- A Special Use Permit under the Zoning Ordinance or Zoning Map
- A Variance to the Zoning Ordinance or Zoning Map

1. Location of property

Address: 18 g. p. Road Zoning: _____

2. Interpretation of the Zoning Ordinance is requested because:

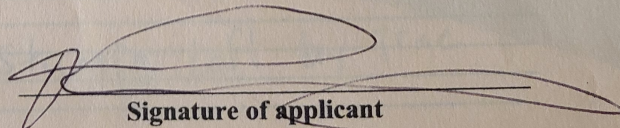
3. Special Use Permit required for the following type of use:

* 4. Variance to the Zoning Ordinance is requested for:

replace existing wood fence with vinyl fence

* Applicant shall complete form outlining conditions from Section 267-b of New York State Town Law pertaining to area variances.

The applicant hereby certifies that he is the owner of record of the above property or has been duly authorized in writing by the owner of record to make this application.


Signature of applicant

6/25/2020

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AREA VARIANCE CONDITIONS

The Zoning Board of Appeals will not consider any application for an area variance complete until the following application is completed in full and submitted to the Zoning Department. The Zoning Board of Appeals will evaluate the applicant's responses and determine whether the applicant has adequately met the conditions for an area variance. The applicant is encouraged to attach additional sheets if necessary to fully answer the questions. The following conditions for an area variance are from Section 267-b of the New York State Town Law.

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;

No

2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

No

3) Whether the requested area variance is substantial;

yes

4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

No

5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance:

No Fence Hd to be Removed for
Down to Remove Stumps Left by Tree
Removal

6/25/2020

20200619_080718.jpg

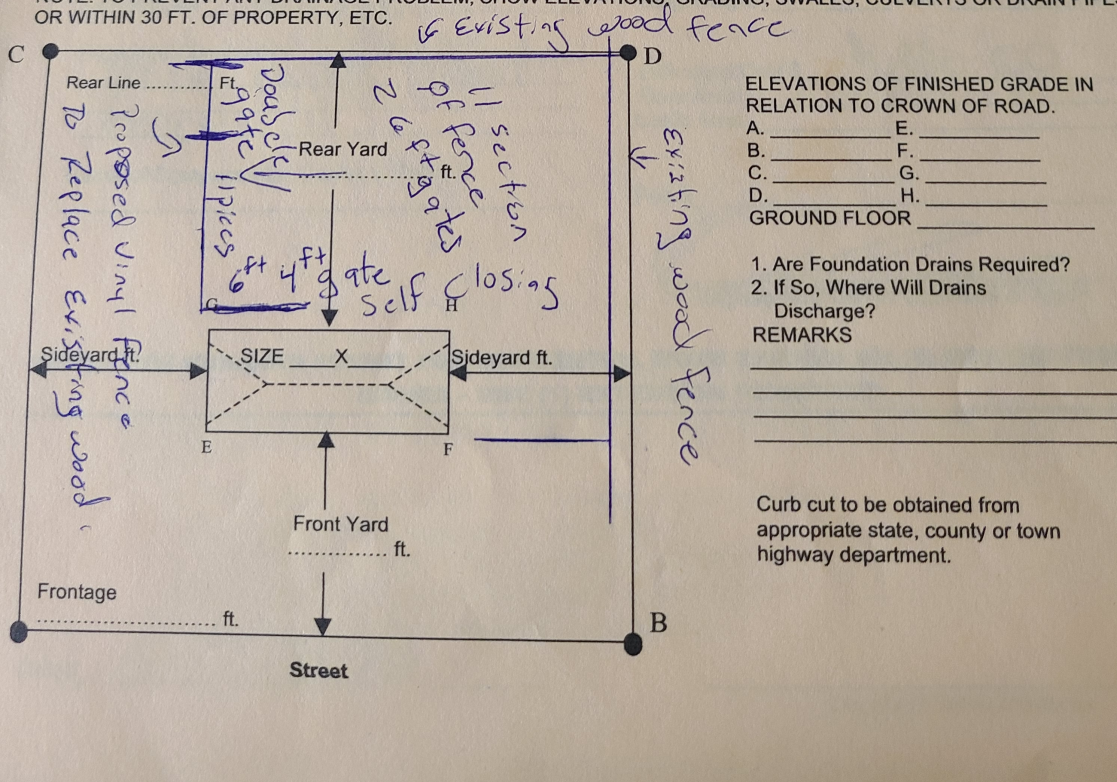
INSTRUCTIONS

1. This application must be completely filled in with ink and submitted in duplicate to the Building Department.
2. Plot plan showing location of lot and of buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
3. This application must be accompanied by two (three for commercial projects) complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the material and equipment to be used and installed and details of structural, mechanical, electrical and plumbing, heating installations.
4. Call the building department if a fee amount is needed before submitting the application.
5. Be sure NYS Workers Comp. & Liability Insurance information is up to date and on file at the Building Department. A waiver of liability is available on the Building Dept. website for applicants completing projects using their Homeowners Insurance.
6. The work covered by this application may not be commenced before the issuance of Building and Zoning Permit.
7. Upon approval of this application, the building department will issue a Building and Zoning Permit to the applicant together with approved, duplicate set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises available for inspection throughout the progress of the work.
8. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Department.
9. Costs for the work described in the Application for Building Permit include the cost of all of the construction, and other work done in connection therewith, exclusive of the cost of the land.
10. Any deviation from the approved plans subject to the same procedure established for the examination of the original plans. An additional permit fee may be charged predicated on the extent of the variation from the original plans.
11. A PERMIT AND CERTIFICATE OF APPROVAL MUST BE OBTAINED FROM A THRID PARTY ELECTRICAL INSPECTOR FOR ALL ELECTRICAL WORK. PERMIT MUST BE OBTAINED BEFORE STARTING ANY ELECTRICAL WORK.

PLOT DIAGRAM

Locate clearly and distinctly all buildings whether existing or proposed, and indicate all set back dimensions from property lines. Give lot and block numbers or description according to deed, and show all easements and street names and indicate whether **interior or corner lot**, or supply an approved plot plan showing all the above requirements.

NOTE: TO PREVENT ANY DRAINAGE PROBLEM, SHOW ELEVATIONS, GRADING, SWALES, CULVERTS OR DRAIN PIPES OR WITHIN 30 FT. OF PROPERTY, ETC.



TOWN OF GUILDERLAND
PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS

Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles IV & V of the Zoning Law on the following proposition:

Variance Request No. 4802


Request of Omwattie Jodharam for a Variance of the regulations under the Zoning Law to permit: the replacement of +/- 150lf 6ft high privacy fencing in a front yard.

Per Articles IV & V Sections 280-27 & 280-51 respectively

For property owned by Omwattie Jodharam
Situated as follows: 18 Gipp Road Albany, NY 12203
Tax Map #52.09-3-30 Zoned: R15

Due to COVID-19 gathering restrictions, plans are only available for public inspection on the Town website at <https://www.townofguilderland.org/zoning-board-appeals> . Said hearing will take place on the 1st of July, 2020 at 7:00pm. Members of the public may listen and view the meeting live on Verizon channel 34 and Spectrum channel 1303, on the Town website, and may dial (518) 579-3721 to participate in the public comment period.

Dated: June 25, 2020


Jacqueline M. Coons
Chief Building & Zoning Inspector

			PAGE # 1	
SWIS	PRINT KEY	NAME	ADDRESS	
013089	52.05-3-9.1	Melissa Zanella	21 Gipp Rd, Albany, NY	12203
013089	52.05-3-9.21	William F Horan	1 Turnpike Ln, Albany, NY	12203
013089	52.05-3-9.22	Frank P Randio	3 Turnpike Ln, Albany, NY	12203
013089	52.05-3-9.23	Sandra A Stevens	5 Turnpike Ln, Albany, NY	12203
013089	52.05-3-9.24	Stephen Wesoloski	7 Turnpike Ln, Albany, NY	12203
013089	52.09-1-6	Mary Louise Warner	15 Oxford Pl, Albany, NY	12203
013089	52.09-1-7	Sanford E Fader	11 Oxford Pl, Albany, NY	12203
013089	52.09-1-8	Judith A VanZandt	19 Emerick Ln, Albany, NY	12211
013089	52.09-1-9	Linda J Hitzmann c/o LMS Rental Homes	20 Park Ave Apt 10C, New York, NY	10016
013089	52.09-1-11	Patricia A Morales	3 Oxford Pl, Albany, NY	12203
013089	52.09-1-12	Stephen C Yakey	1 Oxford Pl, Albany, NY	12203
013089	52.09-1-13	Kay B Fox	17 Gipp Rd, Albany, NY	12203
013089	52.09-1-14	Kelly R Vellano	15 Gipp Rd, Albany, NY	12203
013089	52.09-2-1	David OHehir	14 York Rd, Albany, NY	12203
013089	52.09-2-2	Scott Pariseau	12 York Rd, Albany, NY	12203
013089	52.09-2-3	Thyra G Weber	10 York Rd, Albany, NY	12203
013089	52.09-2-4	Bassem Hosny Tawfik	8 York Rd, Albany, NY	12203
013089	52.09-2-6	David OHehir	14 York Rd, Albany, NY	12203
013089	52.09-2-7	Aaron M Rivenberg	6 Oxford Pl, Albany, NY	12203
013089	52.09-2-9	Alan Scott Ryan	2 Oxford Pl, Albany, NY	12203
013089	52.09-2-10	Tyler P Polito	13 Gipp Rd, Albany, NY	12203
013089	52.09-2-11	Linda J Hitzmann c/o LMS Rental Homes	20 Park Ave Apt 10C, New York, NY	10016
013089	52.09-2-12	Rachel W Manning	12 Pineview Ave, Delmar, NY	12054
013089	52.09-2-13	Drache LLC	463 Saratoga Rd, Scotia, NY	12302
013089	52.09-2-14	Richard C Mandigo	1 Kent Pl, Albany, NY	12203
013089	52.09-2-15	George E Laing	3 Kent Pl, Albany, NY	12203
013089	52.09-2-16	Erin A Murphy	5 Kent Pl, Albany, NY	12203
013089	52.09-2-17	Bi Fang Chen	7 Kent Pl, Albany, NY	12203
013089	52.09-2-18	Ellen M Dorato	9 Kent Pl, Albany, NY	12203
013089	52.09-2-24	Charles F Wolfe Jr	10 Kent Pl, Albany, NY	12203
013089	52.09-2-25	James J Senecal	8 Kent Pl, Albany, NY	12203
013089	52.09-2-26	Linda J Fischer	6 Kent Pl, Albany, NY	12203
013089	52.09-2-27	Thomas J Morrison	4 Kent Pl, Albany, NY	12203
013089	52.09-2-28	Douglas H Clum	186 E Schaghticoke Rd, Schaghticoke, NY	12154
013089	52.09-2-29	Jane Senecal Estate	8 Kent Pl, Albany, NY	12203
013089	52.09-2-30	Charles P Westervelt	1 Gipp Rd, Albany, NY	12203
013089	52.09-3-1	Ai He Wu	20 Gipp Rd, Albany, NY	12203
013089	52.09-3-2	Donald Lee Butler Jr	22 Gipp Rd, Albany, NY	12203
013089	52.09-3-3	Linda C Dalheim	67 Button Rd, Waterford, NY	12188
013089	52.09-3-4	Jill A Yerbury	26 Gipp Rd, Albany, NY	12203
013089	52.09-3-5	Kaytrin E Della Sala	217 Western Ave, Albany, NY	12203
013089	52.09-3-6	Maurice Odoni	30 Gipp Rd, Albany, NY	12203
013089	52.09-3-7	Jeffrey D Burkhart	32 Gipp Rd, Albany, NY	12203
013089	52.09-3-8	Christopher Gerard	34 Gipp Rd, Albany, NY	12203
013089	52.09-3-9	Blase A Regina	36 Gipp Rd, Albany, NY	12203
013089	52.09-3-22	Lois S Uhl	15 Willey St, Albany, NY	12203
013089	52.09-3-23	Dennis A Simmons	13 Willey St, Albany, NY	12203
013089	52.09-3-24	Patricia House	11 Willey St, Albany, NY	12203
013089	52.09-3-25	Dennis A Yusko Jr	9 Willey St, Albany, NY	12203
013089	52.09-3-26	Dennis A Yusko Jr	9 Willey St, Albany, NY	12203
013089	52.09-3-27	Stephanie Christiano	7 Willey St, Albany, NY	12203
013089	52.09-3-28	Patricia M Stott	3 Willey St, Albany, NY	12203
013089	52.09-3-29	Charles G Hammer	1 Willey St, Albany, NY	12203
013089	52.09-3-30	Omawattie D Jodharam	18 Gipp Rd, Albany, NY	12203
013089	52.09-3-31	Brendan Manning	16 Gipp Rd, Albany, NY	12203
013089	52.09-3-32	Michele L Questel	14 Gipp Rd, Albany, NY	12203
013089	52.09-3-33	Nancy Hayner	12 Gipp Rd, Albany, NY	12203
013089	52.09-3-34	James S Sweeney	10 Gipp Rd, Albany, NY	12203
013089	52.09-3-35	Laurie L Dimura	2 Willey St, Albany, NY	12203
013089	52.09-3-36	Franco J Fettuccia	4 Willey St, Albany, NY	12203
013089	52.09-3-37	Alonzo Cartwright	6 Willey St, Albany, NY	12203
013089	52.09-3-38	John S Hotaling Jr	8 Willey St, Albany, NY	12203
013089	52.09-3-39	Troy David Marshall	10 Willey St, Albany, NY	12203
013089	52.09-3-40	Alexandria Dickson	12 Willey St, Albany, NY	12203
013089	52.09-3-41	Jason Paiko	14 Willey St, Albany, NY	12203
013089	52.09-3-49	Hayat Ullah	9 Pine St, Albany, NY	12203
013089	52.09-3-51	Brittany Spencer	5 Pine St, Albany, NY	12203
013089	52.09-3-52	James A Neese	3 Pine St, Albany, NY	12203

SWIS	PRINT KEY	NAME	ADDRESS	PAGE # 2
013089	52.09-3-53	Mirosław Janczur	1 Pine St, Albany, NY	12203
013089	52.09-3-54	David S Smarro	9 Victor Dr, Albany, NY	12203
013089	52.09-3-55	Janis Ann Leonard	6 Gipp Rd, Albany, NY	12203
013089	52.09-3-56	Alfred J Willey	4 Gipp Rd, Albany, NY	12203
013089	52.09-3-58	Alfred J Willey	4 Gipp Rd, Albany, NY	12203

4803

**TOWN OF GUILDERLAND
CHECKLIST FOR VARIANCE**

RETURN TO:
ZONING ADMINISTRATOR
PO BOX 339
GUILDERLAND, NY 12084
(518) 356-1980

FEES:
COMMERCIAL - \$300
RESIDENTIAL - \$75
(payable at time of submittal to
Town of Guilderland)

APPLICANT INFORMATION:

Name: KEVIN BARCOMI
Address: 40 IVALOO AVE
ALBANY Zip: 12203
Daytime Phone #: 518-312-5330
Date: 06-22-2020

PROPERTY INFORMATION:

Owner: KEVIN+HEIDI BARCOMI
Location: 40 IVALOO AVE, ALBANY
Tax Map #: 63 12-1-36-22
Zoning: R10
Acreage: .14

TO BE SUBMITTED:

- 1) 12 copies of application
- 2) Copy of conditional purchase contract or rental agreement if applicable
- 3) 12 copies of the project narrative containing the following: reasons which necessitate the need for a variance including a brief detailed description of the project
- 4) Architectural drawings of proposed project (if applicable)
- 5) 12 copies of survey or plot plan showing proposed project with:
 - side setback
 - front and rear setbacks
 - all existing buildings
 - location of proposed construction
 - total size of parcel
 - all topographic elevations necessary to show proposed variance

OTHER AGENCY APPROVALS OR RECOMMENDATIONS AS REQUIRED:

- 1) Town Water and Wastewater Management – 456-6474
- 2) Town Highway Department – 861-5108
- 3) NYS Department of Transportation – 765-2841
- 4) Albany County Health Department – 447-4631
- 5) Albany County Planning Board – 447-5660

AREA VARIANCE CONDITIONS

The Zoning Board of Appeals will not consider any application for an area variance complete until the following application is completed in full and submitted to the Zoning Department. The Zoning Board of Appeals will evaluate the applicant's responses and determine whether the applicant has adequately met the conditions for an area variance. The applicant is encouraged to attach additional sheets if necessary to fully answer the questions. The following conditions for an area variance are from Section 267-b of the New York State Town Law.

- 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;

None noted. Front setback is adequate. The front of neighbor house is closer to road than the new shed will be. Structure is within style of the house & color matched

- 2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

REQUEST is for 8x12 Pre-fab shed. UNDER SIZED LOT FOR 40 IVALOO AVE, REQUIRES VARIANCE FOR PLACEMENT OF SHED.

Home is on the back property line, with no room for shed. Other places would require removal of established trees

- 3) Whether the requested area variance is substantial;

No it is not substantial. Setback for front building will be 3 feet from property line on side

- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

No impact. Shed will not have electricity or plumbing. Building will set 40+ feet away from front property line

- 5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance:

No. This is an undersized lot with no garage & no basement. This shed will improve aesthetics of neighborhood by providing closed storage.

APPLICATION AND APPEAL TO THE ZONING BOARD OF APPEALS FOR A VARIANCE, SPECIAL USE PERMIT OR AN INTERPRETATION OF THE ZONING ORDINANCE OR ZONING MAP.

**To Zoning Administrative Officer
Of the Town of Guilderland**

Date: 06.23.2020

**To the Zoning Board of Appeals
Of the Town of Guilderland**

I, HEIDI BARCOMB of 40 IVALOG AVE, ALBANY NY
hereby appeal from the decision of the Zoning Administration Officer on my application
for zoning permit and hereby apply to the Zoning Board of Appeals for:

- An interpretation of the Zoning Ordinance or Zoning Map
- A Special Use Permit under the Zoning Ordinance or Zoning Map
- A Variance to the Zoning Ordinance or Zoning Map

1. Location of property

Address: 40 IVALOG AVE, ALBANY Zoning: R-10

2. Interpretation of the Zoning Ordinance is requested because:

3. Special Use Permit required for the following type of use:

* 4. Variance to the Zoning Ordinance is requested for:

Shed in a front yard

*** Applicant shall complete form outlining conditions from Section 267-b of New York State Town Law pertaining to area variances.**

The applicant hereby certifies that he is the owner of record of the above property or has been duly authorized in writing by the owner of record to make this application.

Heidi B

Signature of applicant

6/24/2020

Town of Guilderland Mail - 40 Ivaloo Ave. Request for variance



Jacqueline Coons <coonsj@togny.org>

40 Ivaloo Ave. Request for variance

1 message

Heidi Barcomb <heidib309@yahoo.com>

Wed, Jun 24, 2020 at 8:27 AM

To: "coonsj@togny.org" <coonsj@togny.org>

Hello Jackie,

Thank you for taking the time to meet with me yesterday.

This email is to provide supporting documentation for our request for a building permit and variance for a proposed prefabbed shed at [40 Ivaloo Ave, Albany, NY 12203](#)

The lot of 40 Ivaloo Ave is 60'x100', with the house located only 4 feet from the back property line. Therefore, compliance with town requirement to place a shed at the back of the property is not an option. There is over 60 feet to the property line in the front of the house.

We are requesting a variance to place an 8x12 prefabbed, single story shed on the front side lawn. This will enable us to meet the minimum requirement of distance between road and structure. The placement of the structure will provide 5 feet from the neighboring property line of 14 Norfolk St.

[40 Ivaloo ave](#) does not have a garage or a basement, so the shed will provide much needed storage space. This will ultimately improve the aesthetics of the property and the neighborhood, as items currently stored in the open on the front porch will no longer be visible.

Proposed location of the structure is noted on the documents that have been submitted.

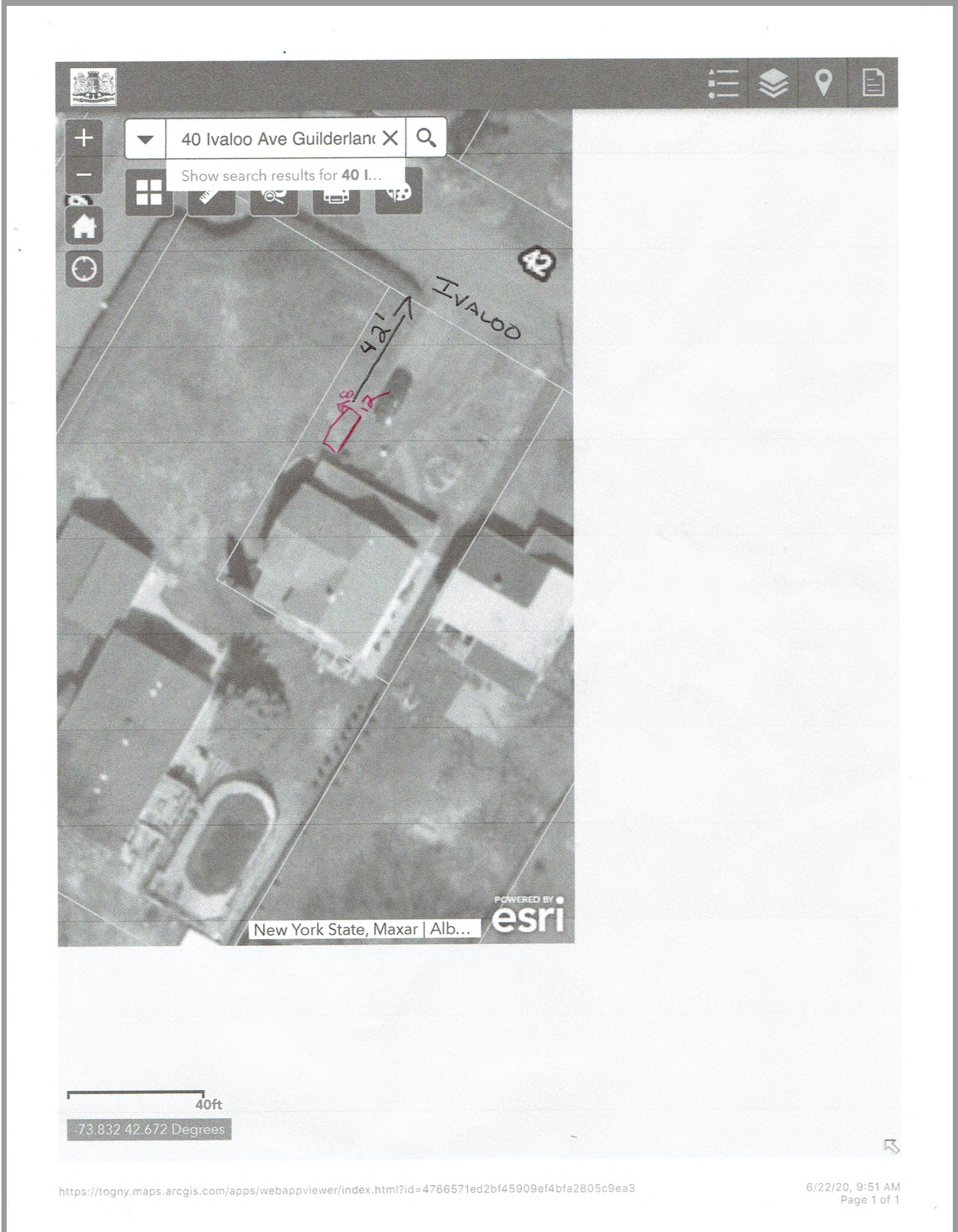
Thank you for your time and consideration.

Heidi and Kevin Barcomb

[40 Ivaloo Ave](#)
[Albany, NY 12203](#)

518.312.5330

<https://mail.google.com/mail/u/0?ik=2f27395271&view=pt&search=all&permthid=thread-f%3A1670383282163931985&simpl=msg-f%3A16703832821...> 1/1



**TOWN OF GUILDERLAND
PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS**

Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles IV & V of the Zoning Law on the following proposition:

Variance Request No. 4803

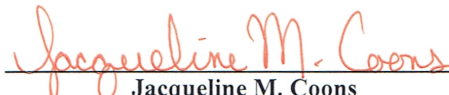
Request of Kevin Barcomb for a Variance of the regulations under the Zoning Law to permit: the installation of a shed in a front yard.

Per Articles IV & V Sections 280-24 and 280-51 respectively

For property owned by Heidi Barcomb & Kevin Barcomb
Situated as follows: 40 Ivaloo Avenue Albany, NY 12203
Tax Map # 63.12-1-36.22 Zoned: R10

Due to COVID-19 gathering restrictions, plans are only available for public inspection on the Town website at <https://www.townofguilderland.org/zoning-board-appeals> . Said hearing will take place on the 1st of July, 2020 at the Guilderland Town Hall beginning at 7:00pm. Members of the public may listen and view the meeting live on Verizon channel 34 and Spectrum channel 1303, on the Town website, and may dial (518) 579-3721 to participate in the public comment period.

Dated: June 25, 2020


Jacqueline M. Coons
Chief Building & Zoning Inspector

SWIS	PRINT KEY	NAME	ADDRESS	PAGE # 1
013089	63.08-5-18	Marilyn J James	385 Quay Rd,Altamont, NY 12009	
013089	63.08-5-19.1	Marilyn J James	37 Zoar Ave,Albany, NY 12203	
013089	63.08-5-19.2	William James Jr	31 Zoar Ave,Albany, NY 12203	
013089	63.08-5-20	Craig M Farrar	29 Zoar Ave,Albany, NY 12203	
013089	63.08-5-21	Joseph Blanchet	25 Zoar Ave,Albany, NY 12203	
013089	63.08-6-39	Brian Purcell Jr	627 Timberside Ct,Albany, NY 12203	
013089	63.08-6-40	Neil A Mitchell	629 Timberside Ct,Albany, NY 12203	
013089	63.08-6-42	John J Delehanty	633 Top Ridge Dr,Albany, NY 12203	
013089	63.08-6-43	David Sofer	635 Top Ridge Dr,Albany, NY 12203	
013089	63.08-6-44	Joann R Haas	637 Top Ridge Dr,Albany, NY 12203	
013089	63.12-1-3	Algernon Lawler	4 Norfolk St,Albany, NY 12203	
013089	63.12-1-4	Elizabeth James	30 Zoar Ave,Albany, NY 12203	
013089	63.12-1-5.1	William J Telovsky	26 Zoar Ave,Albany, NY 12203	
013089	63.12-1-5.2	Joseph R Micare	24 Zoar Ave,Albany, NY 12203	
013089	63.12-1-5.3	Jeanne C Reedy	33 Ivaloo Ave,Albany, NY 12203	
013089	63.12-1-6	Nancy E Bray	20 Zoar Ave,Albany, NY 12203	
013089	63.12-1-7	Patrick L Fagan	401 Whitehall Rd,Albany, NY 12208	
013089	63.12-1-25	Lisa M Borrello	23 North Bridge Dr,Albany, NY 12203	
013089	63.12-1-26	Michael J Szalkowski	27 Ivaloo Ave,Albany, NY 12203	
013089	63.12-1-27	Michael S Popson	41 Ivaloo Ave,Albany, NY 12203	
013089	63.12-1-28	Algernon S Lawler	4 Norfolk St,Albany, NY 12203	
013089	63.12-1-29	Ronnie Dederick	6 Norfolk St,Albany, NY 12203	
013089	63.12-1-30	Frank Finn	47 Ivaloo Ave,Albany, NY 12203	
013089	63.12-1-32	Barbara Yoksh	51 Ivaloo Ave,Albany, NY 12203	
013089	63.12-1-33	John B Kelsch	50 Ivaloo Ave,Albany, NY 12203	
013089	63.12-1-34	Patricia Seguin	9 Norfolk St,Albany, NY 12203	
013089	63.12-1-35	Dawn M Sullivan	11 Norfolk St,Albany, NY 12203	
013089	63.12-1-36.1	Kevin Cole	14 Norfolk St,Albany, NY 12203	
013089	63.12-1-36.22	Kevin W Barcomb	40 Ivaloo Ave,Albany, NY 12203	
013089	63.12-1-37.1	Eric R Call	38 Ivaloo Ave,Albany, NY 12203	
013089	63.12-1-37.2	Joannis Rambidis	36 Ivaloo Ave,Albany, NY 12203	
013089	63.12-1-38	Dawn Appleby-Quackenbush	999 Clarksville Rd S,Feura Bush, NY 12067	
013089	63.12-1-39	Dakota J Vincent	32 Ivaloo Ave,Albany, NY 12203	
013089	63.12-1-40.1	Jessica Bell	30 Ivaloo Ave,Albany, NY 12203	
013089	63.12-1-40.2	Francis A Kindlon	28 Ivaloo Ave,Albany, NY 12203	
013089	63.12-1-41	Chad A Alaimo	29 North Bridge Dr,Albany, NY 12203	
013089	63.12-1-43	Ramon Lahera	27 Inman Ave,Albany, NY 12203	
013089	63.12-1-44	Tania M Panthen	31-33 Inman Ave,Albany, NY 12203	
013089	63.12-1-45	Paul A Price Jr	35 Inman Ave,Albany, NY 12203	
013089	63.12-1-46	LaDonna K Moore	37 Inman Ave,Albany, NY 12203	
013089	63.12-1-47	Thomas Skelton	20 Lishakill Rd,Schenectady, NY 12303	
013089	63.12-2-1	Henry T Morrison III	17 Norfolk St,Albany, NY 12203	
013089	63.12-2-2	Debra L Picerno	19 Norfolk St,Albany, NY 12203	
013089	63.12-2-3	Panagiotis Moisidis	18 Norfolk St,Albany, NY 12203	
013089	63.12-2-6	Bradford Vreeland	32 Inman Ave,Albany, NY 12203	
013089	63.12-2-7	Ramon Lahera	27 Inman Ave,Albany, NY 12203	
013089	63.12-2-8	Robert L LaFave Jr.	28 Inman Ave,Albany, NY 12203	
013089	63.12-2-25	Jason Patrick Schmidt	23 Park Ave,Albany, NY 12203	
013089	63.12-2-26	Darrin D Rowlett Sr	27 Park Ave,Albany, NY 12203	
013089	63.12-2-27.1	Robert A Blanchet	29 Park Ave,Albany, NY 12203	
013089	63.12-2-27.2	Kenneth L Heim Sr	36 Inman Ave,Albany, NY 12203	
013089	63.12-2-28	Ma Olivia R Isidro	31 Park Ave,Albany, NY 12203	
013089	63.12-2-29	Donna L Bold	33 Park Ave,Albany, NY 12203	
013089	63.12-2-30	Jeanette M Blanchette	35 Park Ave,Albany, NY 12203	
013089	63.12-2-31	Gianfranco Santaniello	2 Harmony Hill Rd,Albany, NY 12203	
013089	63.12-2-32	Kelly A Hammond	1911 Clarksville Rd,Feura Bush, NY 12076	
013089	63.12-2-34.3	Edward Crotty	21 Norfolk St,Albany, NY 12203	
013089	63.12-2-35.1	Lucas Petruzzini	22 Norfolk St,Albany, NY 12203	
013089	63.12-2-35.2	Vincent J Masa	579 Grand Ave,Saratoga Springs, NY 12866	
013089	63.12-2-36	Marie McCarg	40 Park Ave,Albany, NY 12203	
013089	63.12-2-37	James V Link	36 Park Ave,Albany, NY 12203	
013089	63.12-2-38	Robert Rappleyea	34 Park Ave,Albany, NY 12203	
013089	63.12-2-39	Kenneth Kessler	12 Monroe Ave,Albany, NY 12203	
013089	63.12-2-40	Kenneth Kessler	12 Monroe Ave,Albany, NY 12203	

4798

**TOWN OF GUILDERLAND
CHECKLIST FOR SPECIAL USE PERMIT**

RETURN TO:
ZONING ADMINISTRATOR
PO BOX 339
GUILDERLAND, NY 12084
(518) 356-1980

FEES:
COMMERCIAL - \$300
RESIDENTIAL - \$75
(payable at time of submittal
to Town of Guilderland)

APPLICANT INFORMATION:
Name: Dan Nichols
Address: 4330 Weaver Rd
Altamont **Zip:** 12009
Daytime Phone #: 518-339-7908
Date: 5-17-20

PROPERTY INFORMATION:
Owner: Glenn Friedman
Location: Western Turnpike
Tax Map #: 13.00-1-16
Zoning: RA3
Acreage: 2.4

TO BE SUBMITTED:

1. 12 copies of application form ✓
2. 12 copies of SEQRA form ✓
3. Copy of conditional purchase contract or rental agreement if applicable
4. 12 copies of the project narrative containing the following: detailed description of the use, hours of operation, # of employees, type of deliveries, etc.
5. 12 copies of plat plan FOLDED which should include: side, front and rear setbacks, ✓
all existing buildings, location of proposed construction, total size of parcel, elevations, parking layout, lighting layout, sidewalks and monuments, street and curb cuts, sanitary system and water course, drainage system, delineated wetlands, planting and green area plans including fencing/buffer area boundaries.

OTHER AGENCY APPROVALS AS REQUIRED:

1. Town Water and Wastewater Management – 456-6474
2. Town Highway Department – 861-5108
3. NYS Department of Transportation – 765-2841
4. Albany County Health Department – 447-4631
5. Albany County Planning Board – 447-5660
6. NYS DEC Region IV – 357-2044
7. Pine Bush Commission – 464-6496

APPLICATION AND APPEAL TO THE ZONING BOARD OF APPEALS
FOR A VARIANCE, SPECIAL USE PERMIT OR AN INTERPRETATION
OF THE ZONING ORDINANCE OR ZONING MAP

To Zoning Administrative Officer
Of the Town of Guilderland

Date: 5-17-20

To the Zoning Board of Appeals
Of the Town of Guilderland

I, Dan Nichols of 4330 Weaver Rd. Attament
hereby appeal from the decision of the Zoning Administration Officer on my application for
zoning permit and hereby apply to the Zoning Board of Appeals for:

- An interpretation of the Zoning Ordinance or Zoning Map
- A Special Use Permit under the Zoning Ordinance or Zoning Map
- A Variance to the Zoning Ordinance or Zoning Map

1. Location of property
Address: Western Turnpike Zoning: RA3

2. Interpretation of the Zoning Ordinance is requested because:

N/A

3. Special Use Permit required for the following type of use:

Landscape Facility

* 4. Variance to the Zoning Ordinance is requested for:

N/A

*** Applicant shall complete form outlining conditions from Section 267-b of New York State Town Law pertaining to area variances.**

The applicant hereby certifies that he is the owner of record of the above property or has been duly authorized in writing by the owner of record to make this application.

Dan Nichols
Signature of applicant

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Dan Nichols			
Name of Action or Project: Special Use permit for Landscape Storage building			
Project Location (describe, and attach a location map): Western Turn Pkce TAX MAP NO 13.00-1-16			
Brief Description of Proposed Action: To Obtain a special use permit for construction of a landscape storage building			
Name of Applicant or Sponsor: Dan Nichols		Telephone: 518-339-7908	
		E-Mail: Dnlandscapeinc@yahoo.com	
Address: 4330 Weaver Rd. N			
City/PO: Altamont	State: NY	Zip Code: 12009	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		2.47 acres	
b. Total acreage to be physically disturbed?		.50 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.47 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

<p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	<p>NO</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>N/A</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	<p>NO YES</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>		
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</p> <p>If Yes, identify: _____</p>	<p>NO YES</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>		
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation services available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p>	<p>NO YES</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>		
<p>9. Does the proposed action meet or exceed the state energy code requirements?</p> <p>If the proposed action will exceed requirements, describe design features and technologies:</p> <p>_____</p> <p>_____</p>	<p>NO YES</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>		
<p>10. Will the proposed action connect to an existing public/private water supply?</p> <p>If No, describe method for providing potable water: <u>no water needed</u></p>	<p>NO YES</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>		
<p>11. Will the proposed action connect to existing wastewater utilities?</p> <p>If No, describe method for providing wastewater treatment: <u>none needed</u></p>	<p>NO YES</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>		
<p>12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?</p> <p>b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?</p>	<p>NO YES</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <input checked="" type="checkbox"/></p>		
<p>13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?</p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</p> <p>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> <p>_____</p> <p>_____</p>	<p>NO YES</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>		

per Dec mapper

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
 Shoreline Forest Agricultural/grasslands Early mid-successional
 Wetland Urban Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? NO YES

16. Is the project site located in the 100-year flood plan? NO YES

17. Will the proposed action create storm water discharge, either from point or non-point sources?
 If Yes, NO YES

 a. Will storm water discharges flow to adjacent properties? NO YES

 b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? NO YES

 If Yes, briefly describe:

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? NO YES
 If Yes, explain the purpose and size of the impoundment: _____

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? NO YES
 If Yes, describe: _____

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? NO YES
 If Yes, describe: _____

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Dan Nichols DAN Nichols Date: 5-17-20
 Signature: [Signature] Title: Applicant

PRINT FORM

5/20/2020

Town of Guilderland Mail - Special Use Permit Application



Jacqueline Coons

Special Use Permit Application

Dan Nichols
To: Jacqueline Coons

Tue, May 19, 2020 at 5:35 PM

Hi Jackie, Here is the following information you've requested, If you need anything else please let me know.

1. The property will be used for landscape equipment storage, such as lawn mowers hand tools and a small tractor. 3-5 employees will park there M-F 7am-5pm and leaving in company trucks for the day.
2. No deliveries will be made to the site.
3. No landscape materials are stored on site.
4. 3 small 1 ton dump trucks and 3 trailers will be stored on site on non working days and overnight only. All trucks leave site M-F 7am-5pm some Saturday's rarely.
5. No plumbing needed as there will be no water or waste water. And cold storage only.
6. There are 2 existing dot access points to the property but are currently overgrown with grass and brush from lack of maintenance.

I will pay the \$300 application fee tomorrow by phone.
Thanks so much for your help!

Dan @ DJN Inc.

On May 19, 2020, at 10:16 AM, Jacqueline Coons <coonsj@togny.org> wrote:

[Quoted text hidden]

<https://mail.google.com/mail/u/0/?ik=2f27395271&view=pt&search=all&permmsgid=msg-f%3A1667156266579760815&simpl=msg-f%3A16671562665...> 1/1

**TOWN OF GUILDERLAND
PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS**

Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles III & V of the Zoning Law on the following proposition:

Special Use Permit Request No. 4798

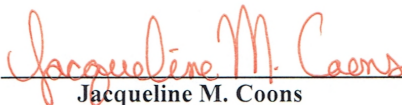
Request of Dan Nichols for a Special Use Permit under the Zoning Law to permit: the use of a +/-2 acre parcel of land as a landscape facility with a cold storage building.

Per Articles III & V Sections 280-11 & 280-52 respectively

For property owned by Glenn Friedman
Situated as follows: Western Turnpike Altamont, NY 12009
Tax Map # 13.00-1-16 Zoned: RA-3

Due to COVID-19 gathering restrictions, plans are only available for public inspection on the Town website at <https://www.townofguilderland.org/zoning-board-appeals>. Said hearing will take place on the 1st of July, 2020 at 7:00pm. Members of the public may listen and view the meeting live on Verizon channel 34 and Spectrum channel 1303, on the Town website, and may dial (518) 579-3721 to participate in the public comment period.

Dated: June 25, 2020


Jacqueline M. Coons
Chief Building & Zoning Inspector

<u>SWIS</u>	<u>PRINT KEY</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>PAGE # 1</u>
013089	13.00-1-16	Glenn Friedman Jr	470 Washington Ave,Albany, NY 12203	
013089	13.00-1-17	Jacob Shank	104 Main St,Altamont, NY 12009	
013089	13.00-1-12.4	Anthony Catalfamo	3755 Western Tpke,Altamont, NY 12009	



**ALBANY COUNTY PLANNING BOARD
NOTIFICATION**

RECOMMENDATION DATE: June 18, 2020

Case #: **10-200603497**
Applicant: **DJN Landscaping**
Project Location: 3760 Western Turnpike
Tax Map Number: 13.00-1-16
Referring Agency: Town of Guilderland Zoning Board of Appeals
Considerations: A special use permit to enable the construction of a cold storage building for landscaping equipment

ACPB Recommendation: Modify local approval to include:

1. Review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity.

Advisory:

1. While the property development will require a site plan review, the zoning board should not grant the special use permit without first consulting NYS DOT on the proposed design layout and curb cut changes.

Laura Trivison, Senior Planner
 Albany County Planning Board

NOTE:

- This recommendation is rendered in compliance with applicable requirements of Section 239 of New York State General Municipal Law. Final determination on this matter rests with the appropriate municipal body.
- A recommendation of "APPROVE" or "MODIFY LOCAL APPROVAL" should not be interpreted as a recommendation by this body that the referring agency approve the matter referred. Such recommendation does not indicate that this body has reviewed all local concerns; rather the referral has met certain countywide considerations. Evaluation of local criteria is the responsibility of the referring agency.
- General Municipal Law Section 239 requires that the local agency notify the county within thirty days of its final action. Please use the OFFICIAL NOTICE OF LOCAL ACTION form that is attached for this purpose.
- General Municipal Law Section 239 sets forth the procedural requirements for taking local action contrary to the County Planning Board's recommendation of objection or conditional approval.
- Albany County is required to submit a Municipal Separate Storm Sewer System Permit (MS4) (No. GP-0-10-002) Notice of Intent (NOI) to comply with the NYS DEC permit for the control of wastewater and stormwater discharges in accordance with the Clean Water Act. Construction Activity Permit No. GP-0-1-001 issued by NYSDEC is also required for activity with soil disturbances of one acre or more. The law is required by the Clean Water Act to control point source discharges to ground water as well as surface waters.

449 New Salem Road, Voorheesville, NY 12186
TELEPHONE: (518) 655-7932 FAX: (518) 765-3459

In compliance with Article 12-B, Section 239 of New York State General Municipal Law, this serves as official notification to the Albany County Planning Board of the action taken on the application described above.

LOCAL ACTION ON ACPB RECOMMENDATION:

- AGREED WITH COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE
- OVER-RULED COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE

LOCAL DECISION ON PROJECT:

- PROJECT APPROVED
- PROJECT DISAPPROVED

VOTE RECORDED: _____ DATE OF LOCAL ACTION: _____

Set forth the reasons for any action contrary to the ACPB recommendations (use additional sheets if needed):

SIGNED: _____ TITLE: _____

TOWN OF GUILDERLAND

Planning Department

Town Hall, Route 20
P.O. Box 339
Guilderland, NY 12084-0339
Phone: (518) 356-1980 x 1061
Fax: (518) 356-5514
Email: kovalchikk@togny.org



Peter G. Barber
Supervisor

Kenneth Kovalchik, AICP
Town Planner

MEMORANDUM

To: Thomas Remmert, Chairman
& Town Zoning Board

FROM: Kenneth Kovalchik, AICP, Town Planner

DATE: June 26, 2020

SUBJ: DJN Landscape, Inc. – Western Turnpike – Tax Map No. 13.00-1-16
Planning Board Site Plan Report to Zoning Board for a 2,880 square feet storage building on 2.6 acres in the Rural Agricultural (RA3) District.

Background

The applicant is proposing to construct a 2,880 square feet storage building for his landscaping business. Access to the parcel is provided by two existing driveways from Western Turnpike. The proposed building will be 48' x 60', with a 30' x 60' concrete apron in front of the building. A stone driveway and parking area will also be provided, with 6 parking spaces proposed.

The applicant indicates the building will be used to store landscaping equipment, such as lawn mowers, hand tools and small tractor. Three to five employees will park at the building each day, with normal working hours from 7AM to 5PM Monday thru Friday. No deliveries will be made to the site and no landscape materials are planned to be stored on the site. Three small dump trucks and three trailers will be stored on the site on non-working days and overnight only.

Planning Board Recommendations

The Planning Board reviewed the application at their June 24, 2020 meetings and provide the following recommendations to the Zoning Board on the site plan:

1. The applicant should indicate whether any building mounted and/or security lighting will be proposed.
2. The applicant should confirm with NYSDOT Region 1 that the existing driveways have been permitted.
3. The applicant should provide building elevations, which would include proposed building materials and height of the building. Elevations could be in the form of pictures of the building model that the manufacturer could provide.

cc: J. Coons

Visit the Town of Guilderland Website at <http://www.townofguilderland.org>

Town of Guilderland
PO Box 339
Guilderland, NY 12084
(518) 356-1980 - Phone
(518) 356-1990 - Fax



Application for Sign Permit

DATE: June 15, 2020

APPLICANT INFORMATION:

Name Emily Frany

Owner Rosetti Properties

Mailing Address 7A Century Hill Dr
Latham, New York 12110

Mailing Address 427 New Karner Rd
Albany, New York 12205

Daytime Phone # 518-925-5717 (cell)

Daytime Phone # 518-869-5587

Property Address The Preserve at Winding Brook, Winding Brook Drive, Guilderland, New York 12084

Please fill in the appropriate information:

SIGN: permanent free standing permanent bldg. mounted ^{X (24 Months)} temporary free standing ^{*} temporary bldg. mounted
* please indicate length of time requested

SIZE OF SIGN: 104" wide 72" high & 4" wide 72" high
5" size of letters/symbols
 one sided or two sided ESTIMATED COST \$2475
32 sf per side 64 total sf of signage FEE _____
6" total height of sign
0 total sf of other signs for property
64 total sf of all signs combined for business

** No more than 2 rectangles may be used to enclose and measure the area of a sign

ILLUMINATION: internal external (if external, where would lighting be placed)

U.L. label required on all illuminated signs. Wiring and other electrical details shall be shown on plans.

COLORED RENDERING SHALL INCLUDE THE FOLLOWING:

- dimensions on all items, including letters or symbols on signs
- colors shown to be exactly as actual sign
- materials used

*****NO CARDBOARD RENDERING WILL BE ACCEPTED*****

PLOT PLAN: One plot plan of the parcel on which the sign is to be placed shall also be submitted delineating property lines, street lines, building locations and dimensions and parking areas. Other signs shall be noted showing the exact location and size of said signs. Proposed sign shall be shown including dimensions of setbacks from property lines (20' front yard).

Where a parcel has more than one frontage, the primary frontage shall be designated on the plot plan.

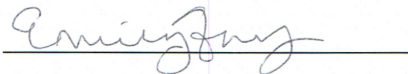
Plot plan should show where the proposed sign would be located and shall include the length of building if sign will be placed on façade.

Please fill out a Building Permit for each individual sign. Said Building Permit shall be accompanied with a non-refundable check for the Building Permit fee and the following:

1. Structural details, including foundation, vertical and horizontal supports, framing and fastening and joining methods and materials.
2. Statement prepared by a licensed NYS engineer indicating sign structure complies with Building Code of NYS.

*****ALL** plans shall bear signature, mailing address and daytime phone # of the owner, applicant or designer responsible for design of sign.

I have read, understood and have provided the information requested from the checklist provided. I hereby make application to the Zoning Board of Appeals, Town of Guilderland, to permit the placement of a sign as described throughout and in the provided.



FOR OFFICE USE ONLY

Reviewed by:

Date:

Check # and amount for building permit:

Scheduled for hearing on:

Approved: _____ Denied: _____

Sign permit # :



Application for Building and Zoning Permit

TOWN OF GUILDERLAND
Guilderland Town Hall
P.O. Box 339, Route 20
Guilderland, N.Y. 12084

Building Department
Ph: 356-1980
Fax: 356-1990
www.townofguilderland.org

Date: June 15, 2020

Permit No. _____

APPLICATION IS HEREBY MADE to the Building Department for the issuance of a Building Permit and Zoning Permit pursuant to the New York State Fire Prevention and Building Code for the construction of buildings, additions or alterations, or for removal or demolition, as herein described. The applicant or owner agrees to comply with all applicable laws, ordinances, regulations and all conditions expressed on the back of this application which are part of these requirements, and also will allow all inspectors to enter the premises for the required inspections.

NOTE - READ INSTRUCTIONS ON REVERSE SIDE

Applicant's Name Emily Frany
Address 7A Century Hill Drive
Latham, New York 12110
Phone 518-380-6000

Zoning District _____
Tax Map No. _____

Owner's Name Rosetti Properties
Address 427 New Karner Rd
Albany, New York 12205
Phone 518-889-5587

Lot Size _____ Area _____
Existing Building Size _____
New Building Size _____

Property Location of Proposed Construction
The Preserve at Winding Brook, Winding Brook Drive, Guilderland, New York 12084

NEW BUILDING YARDS: Zoning Set Backs:
Fill in plot diagram on back
Front Yard Depth _____ Feet
Right Side Yard Width _____ Feet
Left Side Yard Width _____ Feet
Rear Yard Depth _____ Feet
Bldg. Height _____ Feet _____ Stories

Existing Use _____

Describe: _____

Estimated Cost \$ _____
Floor Area _____
Cubic Area _____

Name of Compensation Carrier & Policy #
Wesco Insurance Company - Policy #WWC3432805

Fee \$ _____

Emily Frany
Signature of Owner, Applicant or Agent

NOTE: THIS BUILDING PERMIT FOR RESIDENTIAL WORK EXPIRES SIX (6) MONTHS FROM DATE ISSUED - ONE (1) EXTENSION PERMITTED

Dated _____, 20____

Deputy Building Inspector



The Preserve at Winding Brook Sign



Sign will be 104" wide by 72" tall. Printed sign is 48" high by 96" wide and is constructed of Printed Aluminum mounted to two (2) – eight foot (8') 4" x 4" wooden posts covered in a white vinyl sleeve and topped with a white vinyl cap.



