

**VILLAGE OF SCOTIA
ZONING BOARD OF APPEALS
MEETING MINUTES
JANUARY 28, 2008, 7:00 P.M.**

ATTENDANCE: Clifford Semerad, Gregg Zeman, Robert Moore, Robert Clark, Gregg Gibbons, Board Liaison Joseph Rizzo, Building Inspector Daniel Adams, Planning Board Chairman Robert Powell and Catherine Busher. Village Attorney Lydia Marola arrived at 7:15 p.m.
Absent: Timothy Keegan.

Chairman Clifford Semerad stated that the voting members for this meeting are Robert Clark, Gregg Zeman, Robert Moore, Gregg Gibbons and himself.

MOTION: Gregg Zeman made a motion to accept the Minutes of the October 22, 2007 Meeting as submitted.

MOTION: Gregg Zeman **Seconded:** Robert Clark

Ayes: Gregg Zeman, Robert Clark, Clifford Semerad, Robert Moore, Gregg Gibbons

Nays: None **Abstentions:** None

Motion Carries.

Clifford Semerad read the legal requirements the Zoning Board has to consider when issuing an area variance. In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

1. whether a substantial change will be produced in the character of the neighborhood or detriment to nearby properties will be created by the granting of the area variance;
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;
3. whether the requested area variance is substantial;
4. whether the variance have an adverse impact on the physical or environmental conditions in the neighborhood
5. whether in view of the manner in which the difficulty arose and considering all the above factors, the interests of justice will be served by allowing the variance; whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance. The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Chairman Semerad told the people in attendance to please address the Board with their comments or statements.

CASE #1: SCHENECTADY CHRISTIAN SCHOOL - #36-38 SACANDAGA ROAD, SCOTIA, NEW YORK 12302

The Schenectady Christian School is requesting area variances to allow a building expansion on the existing site to exceed the 35' height restriction to match the existing height of the existing building which is 43'9". The footprint of the new existing buildings will cover 35,212 square feet or 36.9% of the 2.19 acre site. This application requires area variances because it does not comply with Village Code Section 250-12.B – the lot coverage exceeds the 30% maximum; the building has a larger footprint than the last proposal. It also does not comply with Village Codes Sections 250-57.F. and 250-13.A. – the driveway is not 40' minimum from the intersecting street which is Root Avenue. (The parking lot and driveways have not changed from the last proposal but were overlooked at previous

meetings). Also, the fire escape grid work exceeds the 35' maximum height.

Mike Pigliavento, Chairman of the Building Committee at Schenectady Christian School and a board member and John Bishop, Head Master of Schenectady Christian School, were present at tonight's meeting. Mr. Pigliavento stated that they originally wanted to build a much larger building, a three story structure but when they put their costs together and went to the bank they could not get the financing for the larger structure so they scaled it down. They are interested in building a gymnasium and locker rooms. They will build more classrooms and offices to the existing building in the future as time and money permit.

Mr. Pigliavento stated the following changes in the building:

1. They are taking down the existing fire escape and building a new enclosed fire escape and that changes the height. The variance requested will allow a building expansion on the existing site to exceed the 35' height restrictions to match the existing height to the existing building which is 43'9". They have to do this because of the way the fire escape will be attached to the building.
2. Lot coverage will be 36.9% and not 36%.
3. They are requesting a 27' curb cut for the parking lot from the property line and the requirement is 40' from the property line so a variance of 13' has been requested. This is a correction in the setback request for 35' by the applicant in their area variance request letter that they submitted to the ZBA.

Mr. Pigliavento stated that if the driveway is moved to 40' they will lose 13' of the playground area.

Chairman Semerad asked the applicant if there were any driveway curb cuts on Second Street or Third Street and was told there aren't. Chairman Semerad told the applicant that they have to ask if there is another way of putting the parking lot in another area. The applicant stated there isn't another way to proceed because they are planning on building the parking lot on the far side of the lot away from the playground so that the children do not have to walk across the parking lot to get to the playground. They will be installing a fence around the playground. The dirt parking lots on site will be eliminated. There will be 46 parking spaces in the new parking lot according to the map.

Board Member Robert Moore stated that there are already driveways on Second Street and Third Street and adding driveways would not change the character of the neighborhood. Mr. Moore was concerned with the site distances on the corner of Root Avenue and Second Street. The applicants want to plant bushes in that area to block out the headlights from the parking lot onto Root Avenue. The applicants stated they will remove some of the bushes to allow for better site distance. The entrance to the parking lot is two way. Mr. Bishop stated that they still use St. Joseph's parking lot for some of the teachers and would like to continue this practice.

The applicant stated that they plow their own parking lot and then move the snow to another area off site and will continue this procedure.

The applicant stated that the fire escape will abut the existing building and will connect all three floors of the existing building. The height will be below the fence line.

The school will be installing new concrete sidewalks and there will not be any changes to the lighting of the parking area from the last proposal.

Construction will start in March of 2008. The school will barricade the playground for parking of construction vehicles and a lot of the construction will occur in the summer time when school is not in session. They believe that by September of 2008 the outside of the building will be complete and then they will finish the inside. The applicant stated that the footprint of the property is larger but the

square footage is less. An area variance was granted for 36% lot coverage at the August 28, 2006 Meeting and now they are requesting .9% lot coverage added to the 36%.

The public hearing portion of the meeting was closed at 7:20 p.m. and deliberations began.

Chairman Semerad read from the Minutes of the January 7, 2008 Planning Board Meeting. The Planning Board approved the revised site plan as presented contingent upon the Zoning Board of Appeals variance approval of the difference in lot coverage and the parking lot entrances/exits in close proximity to Root Avenue. Also, the Planning Board agreed that since there are no major changes to the site plan, the County's original approval will stand. Chairman Semerad read the referral from the Schenectady County Department of Economic Development and Planning that was sent to them for this meeting on January 11, 2008. They are as follows; on the area variance the County defers it to local consideration. However, the County stated that the Village may wish to give some consideration to requiring access for the parking lot from Root Avenue to eliminate the need for driveway variances. Chairman Semerad then read a memo from the Scotia Fire Department. Chief Kasko stated in the memo that as plans are developed they will have to address code compliance issues with the Building Inspector for size, access and exit criteria for fire protection. He stated that access to the playground for medical emergencies, as far as gate widths for stretchers, etc. will have to be addressed. He also stated that he would like to coordinate with the architect for the connection of the sprinkler system, fire alarm panel and any new requirements related to the renovation of the existing structure. A copy of this memo was given to the applicant. The Scotia Police Department did not respond to a request for comments and/or concerns.

SEQRA is not required for this application.

The public hearing portion of the meeting closed at 7:25 p.m. and after some discussion, the following motion was made.

MOTION: Robert Clark made the following motion. I make a motion to approve the area variances for the Schenectady Christian School at #36-38 Sacandaga Road, Scotia, NY 12302, for Sections: 250-12.B., which states lot coverage exceeds the 30% maximum and the building has a larger footprint than the last proposal, 250-57.F. which states the driveways are not 40' minimum from the intersecting street which is Root Avenue and 250-13. A., the fire escape grid work exceeds the 35' maximum height for the following reasons:

1. It does not produce a substantial change in the character of the neighborhood because the property operates as a school now and will not exceed previous maximum enrollment and with the added parking spaces it will reduce street congestion. Also, installation of the new fire escape will not exceed the current building height.
2. There is no other feasible alternative to the variance; the Board okayed the 36% lot coverage at the August 28, 2006 ZBA Meeting and the applicants are only requesting a .9% increase which is not significant; Also, the driveway is not 40' minimum from the intersecting street which is Root Avenue but the request is not significant.
3. The requested variance for lot coverage is not substantial; although the square footage of the variance is substantial, the percentage of lot coverage is not.
4. It does not have an adverse impact on the physical or environmental conditions in the neighborhood because Village public services will not be impacted because student population will not exceed past maximum enrollment, runoff will be contained on site and not affect neighboring properties and the building is approximately 250 feet away from Root Avenue which is a good distance away.
5. It is self-created because the school could hold games elsewhere but the benefits to the school are not outweighed by the request for a larger gymnasium. Also, if the driveway and parking lot issues were addressed at the previous meetings, they could have been handled at that time.

Motion: Robert Clark **Seconded:** Gregg Gibbons

Ayes: Robert Clark, Gregg Gibbons, Gregg Zeman, Clifford Semerad, Robert Moore

Nays: None **Abstentions:** None

Motion Granted.

Chairman Semerad read correspondence.

Training hours can be carried over from last year if the members received more than 4 hours of training which is required each calendar year. Board Member Gregg Zeman can carry over 2 hours of his training because he took 6 hours of training. Board Members Gregg Gibbons, Clifford Semerad, Robert Clark and Robert Moore have a half hour each of training hours carried over.

The Zoning Board Members received their laminated identification badges.

Motion: There was a motion to adjourn the meeting at 7:40 p.m.

Motion: Gregg Gibbons **Seconded:** Robert Clark

Ayes: Gregg Gibbons, Robert Clark, Clifford Semerad, Gregg Zeman, Robert Moore

Nays: None **Abstentions:** None

Motion Carries.

Respectfully submitted by,
Catherine Busher, Zoning Board of Appeals Clerk

Catherine Busher

February 1, 2008 File Date