

Village of Voorheesville  
Zoning Board of Appeals Public Hearing  
Village Hall, 29 Voorheesville Avenue  
September 5, 2024

Approved  
12/10/24

**Present:** Chairman Jim Giglio, Board Members, Michael O’Leary, Mark Wight and alternate Judy Strauss **Building Inspector/Code Enforcement Officer** Steve Mason, **Attorney** Emma Renzi and **Deputy Clerk Treasurer** Francine Rychcik

**Others:** Applicant Brian Rubin, Brett Hotaling, Douglas McCordy and **Trustee** Sarita Winchell

**Absent:** Nicholas Duncan and Krystina Smith

*On the agenda:*

*Public Hearing:*

- 1. Area Variance application for 7 feet of relief from the 20-foot side yard setback to construct an attached garage at 11 Circle Drive.*

Chairman Giglio opened the meeting at 6:59 pm.

Minutes

The Board reviewed the minutes from the June 6, 2024 meeting. Upon a motion from Board Member O’Leary, with a second from Alternate Board Member Strauss, the Board unanimously approved the minutes from the June 6, 2024 meeting.

Public Hearing

Chairman Giglio opened the Public Hearing at 7:00 pm for the area variance for 11 Circle Drive. He asked the applicant to provide a brief description of the variance request.

The Applicant Mr. Rubin explained that he currently lives in Guilderland and would like to purchase the property at 11 Circle Dive, contingent on the approval of the variance. He would like to add a 24x18 foot single-car attached garage to the home. The garage would be in line with the existing roof line and 13 feet of space would remain between the garage and the property line.

Chairman Giglio thanked the applicant.

There being no public comment Board Member O’Leary made a motion, with a second from Board Member Wight to close the Public Hearing at 7:05 pm for the application for an area variance for 11 Circle Drive. The motion passed unanimously.

Board Discussion

Board Member O’Leary inquired if any complaints about the addition were received from neighbors. Building Inspector Mason indicated he has not received any complaints. It was noted that other properties in the Scoth Pine area have similar size structures.

Attorney Reilly noted that the application is considered Type 2 under SEQRA and would have no negative environmental impact.

**Board Member Wight** made a motion with a second from **Board Member O’Leary** to classify the application as Type 2 under SEQRA with no significant environmental impact.

**Chairman Giglio** reviewed the 5 Balancing Questions for the property located at 11 Circle Drive with the Board, noting that neighboring properties have similar additions (see attached).

	J Giglio	M OLeary	M Wight	J Strauss
1.	No	No	No	No
2.	No	No	No	No
3.	No	No	No	No
4.	No	No	No	No
5.	Yes	Yes	Yes	No

**After additional discussion on each of the balancing questions, Board Member Wight, with a second from Board O’Leary made a motion to approve the area variance for 7 feet of relief from the 20-foot side yard setback to construct an attached garage at 11 Circle Drive. The vote was Chairman Giglio – Yes, Board Member Wight – Yes and Alternate Member Strauss – Yes.**

**Board Member Duncan- Absent, Board Member Smith – Absent. The motion passed unanimously.**

**At 7:10 PM Board Member Wight made the motion that the meeting be adjourned with a second by Board Member O’Leary. All agreed; motion passed.**

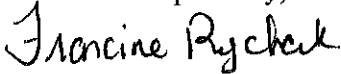
**Attachments**

- Part 1 of Short Environmental Assessment Form - Applicant
- Area Variance Findings & Decision – 5 Balancing Questions
- Albany County Map

**Schedule of Upcoming Meetings and Events**

Date	Day	Time	Event
TBD			

Submitted Respectfully,



Francine Rychcik,  
Deputy Clerk Treasurer

Date: 12/16, 2024

## 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.

<b>Part 1 – Project and Sponsor Information</b>			
<b>GARAGE ADDITION</b>			
Name of Action or Project: <b>11 CIRCLE DR, Voorheesville</b>			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action: <b>WANT TO BUILD 18' x 24' GARAGE TO EXISTING HOUSE</b>			
Name of Applicant or Sponsor: <b>BRIAN RUBIN</b>		Telephone:	
		E-Mail:	
Address: <b>215 CONCORD HILL DR</b>			
City/PO: <b>ALTAMONT GUTTENBERG NY</b>		State: <b>NY</b>	Zip Code: <b>12009</b>
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 checked="" type="checkbox"/>	YES <input 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?		_____ <b>35</b> _____ acres	
b. Total acreage to be physically disturbed?		_____ _____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ <b>35</b> _____ acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?  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?			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	





SEQRA DETERMINATION

The Conservation Advisory Council has reviewed the proposed Variance and issued advisory recommendations concerning potential environmental impacts: Yes \_\_\_\_\_ No \_\_\_\_\_

The ZBA has classified the action under SEQRA, reviewed and/or completed any necessary assessment form(s) or impact statement(s), conducted necessary reviews and, if required, rendered a determination of environmental significance or non-significance: Yes \_\_\_\_\_ No \_\_\_\_\_

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above factors, finds that:

[ ] The Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is Denied.

[ ] The Benefit to the Applicant DOES Outweigh the Detriment to the Neighborhood or Community.

Reasons \_\_\_\_\_  
\_\_\_\_\_

The ZBA further finds that a variance of \_\_\_\_\_ from Section \_\_\_\_\_ of the Zoning Codes is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

\_\_\_\_\_  
\_\_\_\_\_

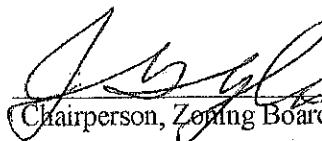
CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: \_\_\_\_\_  
\_\_\_\_\_

Adverse impact to be minimized: \_\_\_\_\_  
\_\_\_\_\_

Condition No. 2: \_\_\_\_\_  
\_\_\_\_\_

Adverse impact to be minimized: \_\_\_\_\_  
\_\_\_\_\_

  
Chairperson, Zoning Board of Appeals

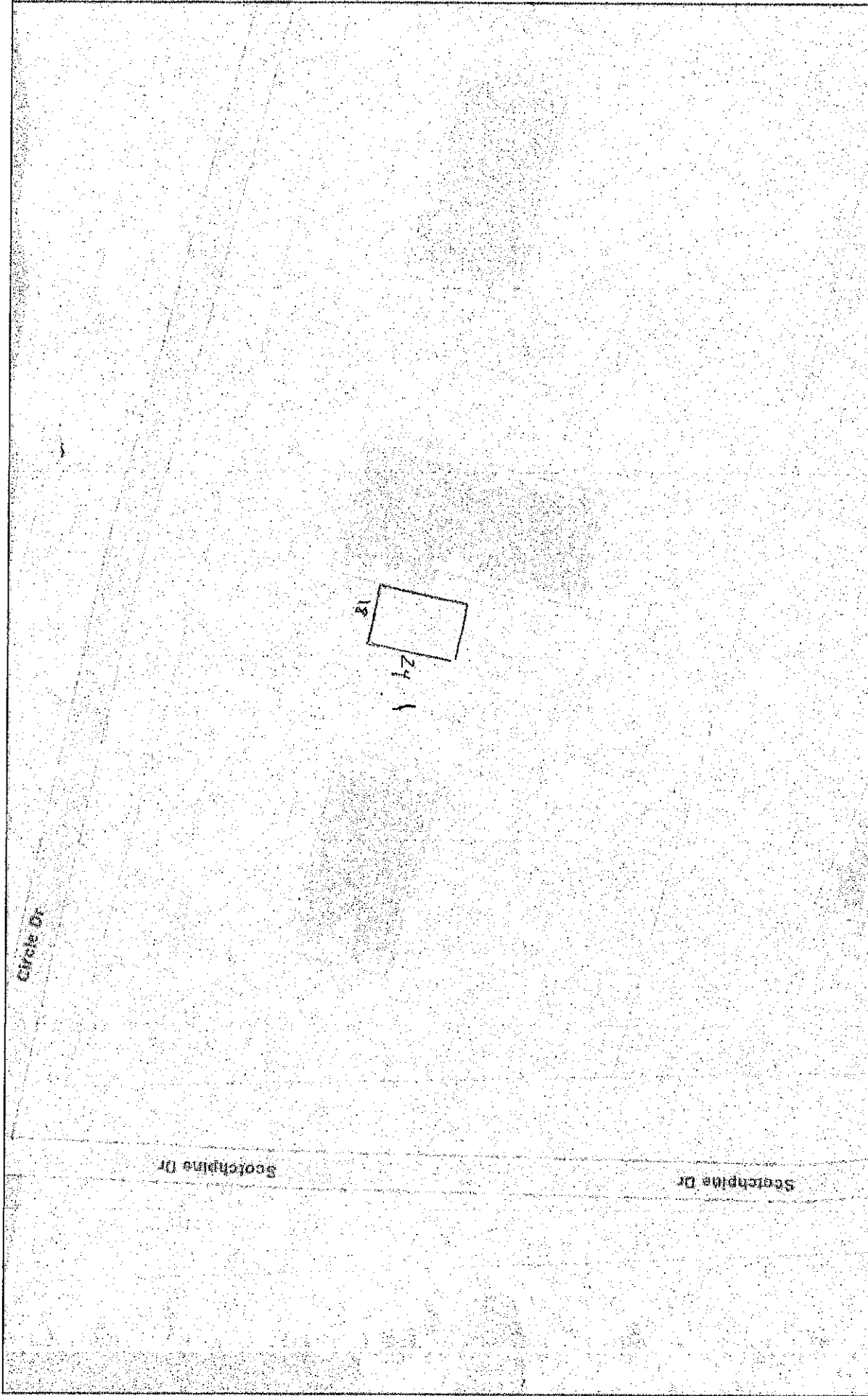
9/12/24  
Date

## RECORD OF VOTE

	<b>MEMBER NAME</b>		<b>AYE</b>	<b>NAY</b>
Chair	<u>Jim Giglio</u>		<u>X</u>	<u>          </u>
Member	<u>Michael O'Leary</u>		<u>X</u>	<u>          </u>
Member	<u>Mark Wight</u>		<u>X</u>	<u>          </u>
Member	<u>Nick Duncan</u>	Absent	<u>          </u>	<u>          </u>
Member	<u>Krystina Smith</u>	Absent	<u>          </u>	<u>          </u>
Member (Alt.)	Judy Strauss		<u>X</u>	<u>          </u>



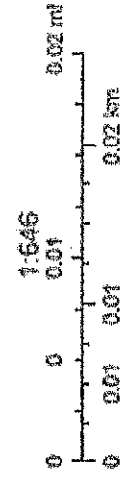
# Albany County Map



8/20/2024, 11:21:21 AM



Tax Parcels - 2023



Full Community Maps Corporation, 200 South Street, Newark, DE  
Toll-free 800-368-6868, www.fullcommunity.com



# Attendance Sheet

Committee ZBA  
Meeting Date: 9-5-24

Please clearly print name

1 DOUGLAS McCORDY

2 Brian Rubin

3 Brett Herbst

4 \_\_\_\_\_

5 \_\_\_\_\_

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