

**Zoning Board of Appeals
City of Amsterdam
City Hall
61 Church Street
Amsterdam, NY 12010**

Vincent Fiorillo, Chairman
7 DeGraff Street
Amsterdam, NY 12010

Doug Landon, Esq., Co-Chairman
3 Market Street
Amsterdam, New York 12010

Pam Swart
6 Wilkes Ave
Amsterdam, New York 2010

Lorraine DelCostello
21 Romeyn Avenue
Amsterdam, NY 12010

David Nyle Nelson
28 Henrietta Blvd
Amsterdam, NY 12010

Christopher Carpenter
5 Catherine St
Amsterdam, NY 12010

April 25, 2023

Dear Zoning Board Members:

This is to advise you that a Zoning Board of Appeals meeting has been scheduled as follows:

DATE: Thursday, May 4, 2023

TIME: 6:15 PM

PLACE: City Hall, Common Council Chambers, 61 Church Street, Amsterdam, NY 12010

The following applicants will be appearing that evening:

1. **231 Church Street – 23-14Z** – Eric Lais for an area variance for a fence exceeding 4ft in height within 50 ft of street.

OLD BUSINESS:

1. **399 W. Main St & 52 Carmichael St – 23-10Z** – Mohawk Valley Development for an area variance to be able to build that can't meet the required setbacks.
2. **399 W. Main St & 52 Carmichael St – 23-11Z**- Mohawk Valley Development for an area for not being able to meet the required number of off-street parking spaces.

Note: Please plan on attending this meeting; however, if you are unable to attend this meeting, please notify Robin Waldron at 518-841-4319.

cc: Stefanie Lenkowicz, City Clerk
Michael Cinquanti, Mayor
Tony Casale, Corporation Counsel
Michael Clark, City Engineer
Gina Dabiere-Gibbs, Community & Economic Dev.
Engineering Department
Joseph Szyjkowski, Housing Inspector
Grant Egelston, Housing Inspector
Common Council Members
Planning Board Members
Applicant(s)



CITY OF AMSTERDAM
 ZONING BOARD OF APPEALS
 AMSTERDAM CITY HALL
 61 CHURCH STREET
 AMSTERDAM, NEW YORK 12010
 PHONE (518)841-4319 FAX (518)841-4310

Office Use Only:
 Application # 23-147
 Date Received 4/18/23

AREA VARIANCE APPLICATION

All fields must be printed clearly or typed.

APPEAL CONCERNS PROPERTY AT THE FOLLOWING ADDRESS:

231 Church St. S/B/L: 56.5-3-20
Number Street

APPLICANT NAME*: Eric Lars

*Applicant must be either the owner of the property to be developed or used, or be a party with a purchase agreement for the property. A copy of the purchase agreement must be attached.

Address: 231 Church St. Amsterdam NY 12010
Number Street City State Zip
 Phone No. (518)334-6483 Fax _____ Email Justus12010@gmail.com

Date the applicant acquired the property: _____
Month Day Year

Which Zoning District is the project located within?

- Low Density Neighborhood
- Medium Density Neighborhood
- Medical Residential Neighborhood
- Downtown Core
- Employment District
- Commercial Corridor
- Light Industrial District

- Is the property located within the Form-Based Code overlay zone? Yes No
- Is the property located within the Greenway Corridor Overlay zone? Yes No
- Is the property located within the Gateway Overlay zone? Yes No
- Is the property located within 500 feet of the Montgomery County referral buffer zone? Yes No
- Is the property located within 500 feet of a State or County highway? Yes No

The applicant's appeal from a decision of the Zoning Enforcement Officer concerns the following:

- Denial of an Application for a Building Permit*
- Denial of and Application for a Certificate of Occupancy*

**A copy of the denied Application must be included with this application.*

For Internal Use Only
 Description of the denied activity: Fence exceeding 4ft in height within 50ft of street
 Denial was made based on the following section(s) of the Zoning Code: 250-41 A
 Zoning Officer: Egelston Date of Decision 4.11.23
Printed

PROVIDE A BRIEF DESCRIPTION OF THE AREA VARIANCE REQUESTED:

I would like to extend my existing 6' fence on the side of my house out another 24' towards church st to gain more private space in my back yard. Due to the neighbor installing cameras our back yard is no longer private and I have two small granddaughters that tend to play in the water undressed and would like a place that they arent being recorded.

REVIEW CRITERIA

An area variance is a variance granted by the ZBA that allows a structure to be built and/or renovated despite the fact that certain square footage, distance or dimensional requirements of the zoning ordinance would not be met. Examples of such requirements are minimum lot size requirements, minimum lot width requirements, minimum lot coverage requirements, maximum lot coverage requirements, front, side and/or rear yard setback requirements, maximum building height and minimum gross floor area. An area variance may be granted upon a showing of the following practical difficulties.

The Zoning Board of Appeals must grant the *minimum* variance that it deems necessary and adequate. The board does not need to grant an applicant everything he/she asked for. Rather, the board is required to grant only the approval that is absolutely necessary to afford relief.

Please complete this form with as much detail as you can provide to the Zoning Board of Appeals. If you should require more space to write, please include any additional attachments and documents to this application.

1. **Character of Neighborhood.** If the area variance is granted, will it cause a change in the neighborhood that is out of place from other neighboring properties?

There are other homes in the immediate area with eight foot fences one directly across the street on Crane St.

2. **Other Alternatives.** Is there another feasible way you can achieve the same goal or project without needing an area variance?

Due to cameras being pointed into my back yard this would be the only private space not visible to cameras.

3. **Substantial.** How much of a deviation from the stated regulation is this variance? This can be discussed both numerically and in terms of change of character from the neighborhood.

the fence will be thirteen feet from the street.

4. **Physical or Environmental Conditions.** Will there be any impacts to the environment caused by the granting of the area variance? Any impacts to drainage, traffic, noise, odor, etc.?

None

5. **Not self-created.** Describe if the alleged difficulty was self-created (did you cause the need for the variance). This response shall be considered by the Board of Appeals but shall not necessarily preclude the granting of the variance:

Neighbors installed cameras directed in my back & side yards,

6. **Benefit to Applicant.** Describe how the requested variance would benefit you and your project.

it would give my family and grandkids a private place to be in the yard. I ~~am~~ go would like to also extend my front garden around the house and in front of the new fencing with shrubbery.

OTHER INFORMATION TO BE PROVIDED WITH APPLICATION:

- A detailed site plan. All Site Plans must be drawn to scale and signed and shall include the following information:
 - Front, side and rear property lines with lengths indicated
 - The location of the existing & proposed structure(s) and distances to property lines
 - Easements
 - Driveways and sidewalks
 - Any abutting roads and the names of such roads
 - North arrow and scale
 - Distance of structures on most affected abutting property from common property line
- Any other materials, such as landscape plans, elevations, specifications, details, etc. which would further clarify the application.
- Photos of existing conditions to support your request.
- Aerial view (Google Earth or similar) with the subject property highlighted
- Letter of permission from the land owner if the applicant is not the land owner.
- A copy of the Denied Building Permit application




<u>Fee Schedule</u>	
Residential.....	<input type="checkbox"/> \$40
Commercial.....	<input type="checkbox"/> \$50

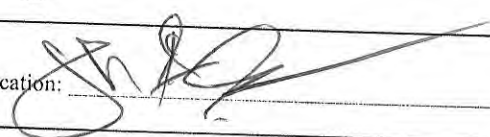
A check payable to the City of Amsterdam must accompany this application.

Submission Deadline

The Zoning Board of Appeals meets the first Thursday of each month. Dates may vary due to holidays. Complete applications must be received 15 days prior to the next scheduled meeting to be included on the agenda.

We must receive the original, completed application packet + 9 copies.

Applicant Signature:  Date 4-15-23

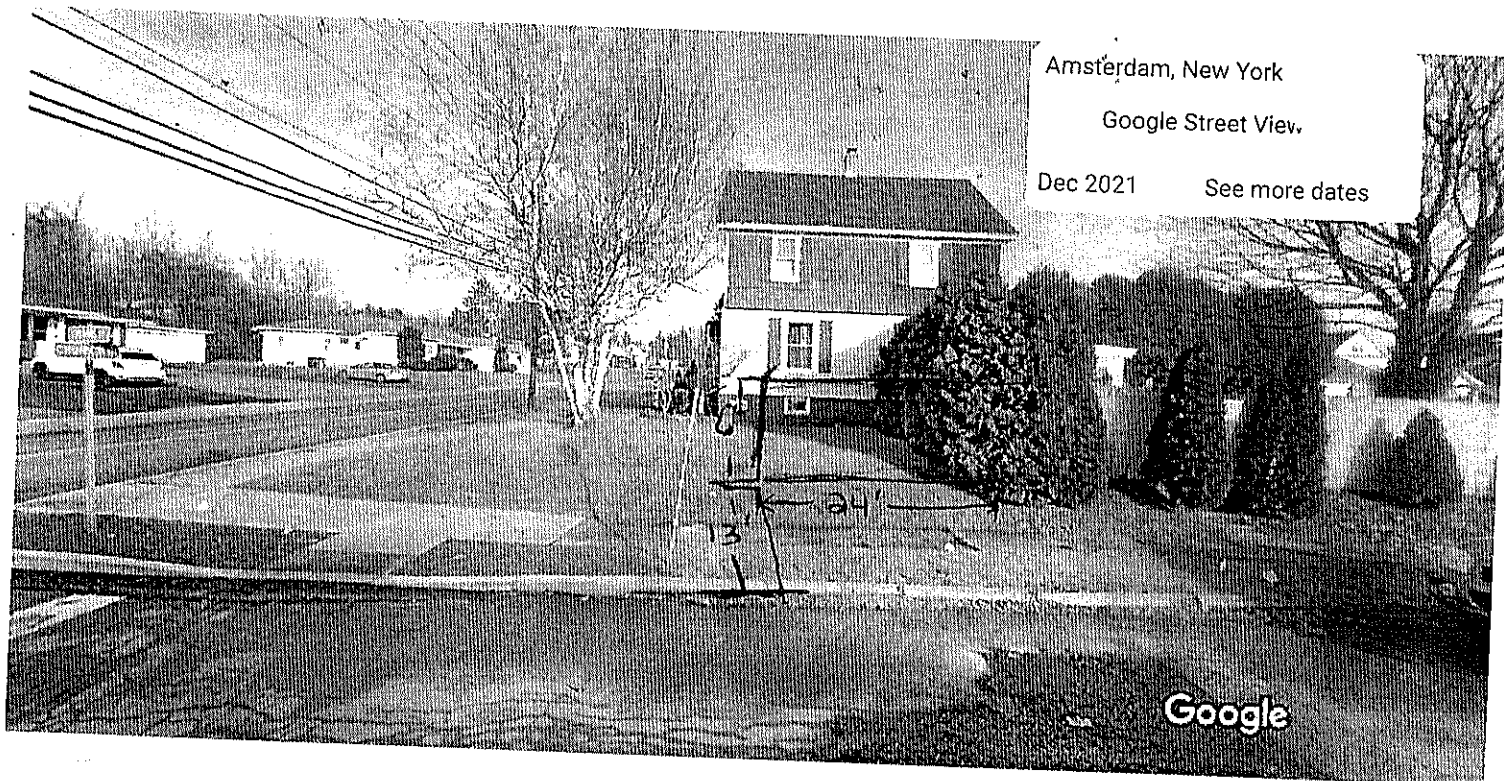
Building/Zoning official receiving application:  Date 4/18/23

We are currently looking to extend our 6 foot fence another 24 foot on the side of our home (Crane st side) towards Church S.T. We are wanting to do this to give our family a private area outdoors, where our family can gather and our grandchildren can play privately. When we purchased the home, we didn't realize that the neighbors were going to put up several surveillance cameras recording all of our property including our back, side and front yard. This area we are looking to fence in is the only usable area that is out of the range of their cameras.

With doing this we also plan to replace the current fencing with new (dog eared) fencing, and to continue the landscaping along the side of the house to the front of the fence. There are other homes in our neighborhood with 6' fencing, one being directly across the street on Crane st.

- Our plans are to go out another 24' and across to the house 24', creating an enclosed side yard.
- The fence will continue along with the current fence which is 13' away from the edge of the Crane street.
- Pictures attached

Google Maps 1 Crane St

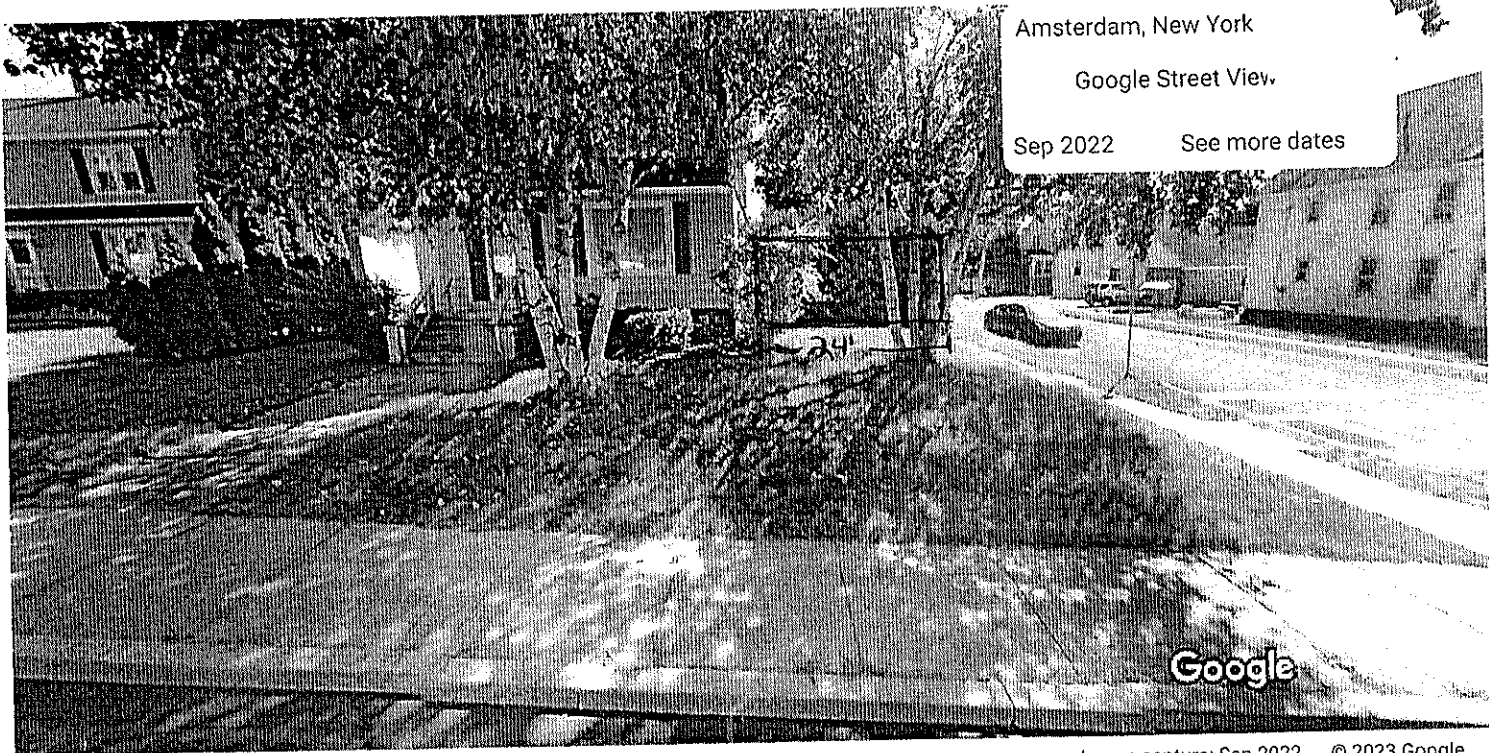


Amsterdam, New York
 Google Street View
 Dec 2021 See more dates

4/15/23, 12:20 PM

Image capture: Dec 2021 © 2023 Google

Google Maps 231 NY-67



Amsterdam, New York
 Google Street View
 Sep 2022 See more dates

Image capture: Sep 2022 © 2023 Google



SITE LOCATION MAP
 SCALE: 1" = 2,000'

52 CARMICHAEL STREET
SITE STATISTICS:

EXISTING ZONING	CC COMMERCIAL CORRIDOR
PARCEL AREA	.46 ACRES
PROPOSED LAND USE	COMMERCIAL BUSINESS AND APARTMENTS
PROPOSED BUILDING AREA	44,000± SF
PROPOSED BUILDING COVERAGE	60% (MAX 60% REQUIRED)
PROPOSED PARKING	80 SPACES** (80 OFF-SITE AT ST MARY'S)
BUILDING HEIGHT	52 FEET
PROPOSED GREENSPACE	5,900 SF (30%)
MINIMUM BUILDING SETBACKS	REQUIRED PROPOSED
FRONT YARD	10 FT 3 FT**
REAR YARD	20 FT 26 FT
SIDE YARD	10 FT 10 FT
WATER SERVICE	CITY OF AMSTERDAM
SANITARY SERVICE	CITY OF AMSTERDAM
STORMWATER	ON-SITE STORMWATER MANAGEMENT

** VARIANCE REQUIRED FROM AMSTERDAM ZONING BOARD OF APPEALS

399 WEST MAIN STREET
SITE STATISTICS:

EXISTING ZONING	CC COMMERCIAL CORRIDOR
PARCEL AREA	1.05 ACRES
PROPOSED LAND USE	COMMERCIAL BUSINESS AND APARTMENTS
PROPOSED BUILDING AREA	78,000± SF
PROPOSED BUILDING COVERAGE	52% (MAX 60% REQUIRED)
PROPOSED PARKING	165 SPACES** (120 OFF-SITE AT ST MARY'S)
BUILDING HEIGHT	52 FEET
PROPOSED GREENSPACE	6,500 SF (14%)
MINIMUM BUILDING SETBACKS	REQUIRED PROPOSED
FRONT YARD	10 FT 2 FT**
REAR YARD	20 FT N/A
SIDE YARD	10 FT 10 FT
WATER SERVICE	CITY OF AMSTERDAM
SANITARY SERVICE	CITY OF AMSTERDAM
STORMWATER	ON-SITE STORMWATER MANAGEMENT

** VARIANCE REQUIRED FROM AMSTERDAM ZONING BOARD OF APPEALS



MIN. FRONT YARD SETBACK VARIANCE PROPOSED FROM 10 FEET TO 3 FEET

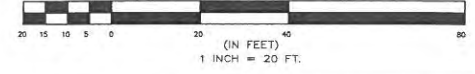
MIN. FRONT YARD SETBACK VARIANCE PROPOSED FROM 10 FEET TO 3 FEET

MIN. FRONT YARD SETBACK VARIANCE PROPOSED FROM 10 FEET TO 2 FEET

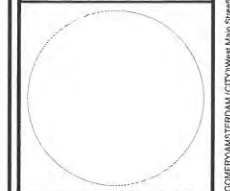
VARIANCE TABLE

ZONING REGULATION	REQUIRED	PROPOSED	VARIANCE REQUESTED
FRONT YARD BUILDING SETBACK (52 CARMICHAEL)	10 FT	3 FT	7 FT
FRONT YARD BUILDING SETBACK (399 WEST MAIN)	10 FT	2 FT	8 FT
MINIMUM PARKING SPACES (52 CARMICHAEL)	100	80	20
MINIMUM PARKING SPACES (399 WEST MAIN)	185	165	20

GRAPHIC SCALE



REVISION	DATE	BY



SCALE: 1"=20'

SHEET TITLE:
SITE PLAN

SHEET:
 1 of 1