

APPEAL NO: _____

DATE: 12/2/2021

TO THE ZONING BOARD OF APPEALS, VILLAGE OF MENANDS, NEW YORK:

Daniel R. Hershberg, P.E. & L.S Agent for the Applicant

for **Daughter of Charities Ministries of St. Vincent DePaul (Applicant)**

HEREBY APPEALS to the Zoning Board of Appeals for review of a **(decision)** of the Building Inspector made on November 22, 2021, which **(denied)** an application for **(building permit) for the construction of Independent Living, Assisted Living & Memory Enhancement Units in multi family buildings.**

at **98 Menand Road** (Structure Use) **multi family buildings**
(Location of Property)

1. Name and address of owners of the Property:

Daughter of Charities Ministries of St. Vincent DePaul
4330 Olive Street, St. Louis, MO 63108

2. Names and address of adjoining owners: (included owners directly across the street)

a) **See Attached List**

b)

c)

d)

e)

f)

3. ZONING DISTRICT (R-1, R-2. etc.) **R-1 Residential**

4. A LAYOUT PLAN OR PLOT PLAN IS: (~~on file~~) **(attached hereto)**

5. PORTION OF ZONING LAW INVOLVED (cite by article and section numbers; do not quote provisions):

For the Use Variance: Chapter 169 Schedule "A" does not list in an "R" zone the uses in the proposed development as a "Principal Use Permitted by Right" or a "Use Permitted by Special Permit"

For the Area Variance: Chapter 169 Attachment 2, Schedule B, Dimensional Table in the "R" zone the maximum Building Height is 35 feet and maximum number of stories is 2 ½. The primary building height is 79 feet and exceeds 2 ½ stories

6. APPEAL IS MADE FOR:

_____ Interpretation of the Zoning Law or Map

 X Variance (Use Variance, Area Variances)

_____ Other

7. REASON FOR APPEAL (Complete only the part which relates to type of appeal checked above. Describe intended use and state grounds upon which it is claimed to relief sought should be granted. Attached extra sheets if necessary.):

See attached narrative

- a) INTERPRETATION requested is:

Not applicable

- b) VARIANCE requested is:

To allow construction of Independent Living, Assisted Living & Memory Enhancement Units in multi family buildings (Use Variance).

To allow the construction of a primary building with a height is 79 feet and which also exceeds 2 ½ stories (Area Variance)

- c) OTHER:

Not applicable

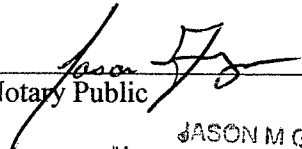
Please review Zoning Law and Map (obtainable from Village Clerk-Treasurer, Municipal Building, 250 Broadway, Menands, NY 12204) before submitting this application. The Zoning Board of Appeals must give public notice of and hold a public hearing on the application.

STATE OF NEW YORK
COUNTY OF ALBANY

Daniel R. Hershberg, P.E. & L.S Agent for the Applicant, being duly sworn says: I have read the foregoing appeal and papers attached. The statements and representations made therein are true to the best of my knowledge and belief.


Signature of Applicant or Agent

Sworn to before me this 2nd day of December, 2021


Notary Public

JASON M GINGRAS
Notary Public - State of New York
No. 01G18395005
Qualified in Albany
My Commission Exp. 03/03/2024

List of Adjoining Owners

Tax Map ID #	Address	Owner's names	Owner's mailing address
55.05-1-1	121 Menand Road	Albany Cemetery Association	121 Menand Road Menands, NY 12204
55.05-1-30	97 Woods Lane	Vaughn Lynn Dunning & Libby Post	97 Woods Lane Menands, NY 12204
55.05-1-32.2	109 Menand Road	Michael & Alberta Carlin	4 Club Way Hartsdale, NY 10530
55.05-1-33.1	117 Menand Road	Michelle N. Joyner	117 Menand Road, Menands, NY 12204
55.05-1-33.2	119 Menand Road	John & Diane Kinnicutt	119 Menand Road, Menands, NY 12204
55.05-3-1	275 Van Rensselaer Boulevard	George W. Smith	275 Van Rensselaer Boulevard Menands, NY 12204
55.05-3-2	279 Van Rensselaer Boulevard	Jodi Habbinger	279 Van Rensselaer Boulevard Menands, NY 12204
55.05-3-7	96 Menand Road	Village of Menands	280 Broadway Menands, NY 12204
55.05-4-1	4 Sage Estate	Gurinder & Alka Wadha	4 Sage Estates, Menands, NY 12204
55.05-4-5	3 Sage Estates	George Mathai Kolath	3 Sage Estates, Menands, NY 12204
55.05-4 6	2 Sage Estates	Yoram & Ruth Beer	2 Sage Estates, Menands, NY 12204
55.05-4-7	1 Sage Estates	Walid & Lis Massarweh Living Trust	1 Sage Estates, Menands, NY 12204
55.09-1-3	275 Van Rensselaer Boulevard	Village of Menands	280 Broadway Menands, NY 12204

NARRATIVE REGARDING REASON FOR APPEAL

With regard to the request for a use variance, which would allow construction of Independent Living, Assisted Living & Memory Enhancement Units in multi-family buildings the following reasons are provided:

- **The Daughters of Charity have occupied at this site with buildings which have provided housing for sisters since the first building was acquired in 1971.**
 - **The purpose is to provide for a continuum of care for Daughters of Charity and for members of the community. The need is that the Daughters of Charity are aging and do not have facilities which could provide for their needs.**
 - **There is a lack of independent living facilities which could serve needs of the sisters in the Village of Menands**
 - **There is a lack of assisted living facilities which could serve needs of the aging sisters in the Village of Menands**
 - **There is a lack of memory enhancement facilities which could serve needs of the aging sisters in the Village of Menands**
 - **Developing the site in accordance with the permitted uses in the R Zone presents a practical hardship for the Daughters of Charity,**
 - **Without the granting of this use variance, sisters who have made the Village of Menands their home would have to relocate to distant facilities.**
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With regard to the request for an area variance, which would allow construction of a building with a building height of 79 feet and which exceeds 2½ stories where the maximum permitted building height is 35 feet and maximum number of stories is 2½ in the R Zone, the following reasons are provided:

- **In order to provide circulation, common areas and residential units in a layout which would make them easily acceptable for residents, a building exceeding 2½ stories and 35 feet must be utilized.**
- **A portion of the principal building will be 4 stories plus and underground garage, support area and mechanical space.**
- **The principal building extends into a hillside which reduce the visual impact of the building higher than the permitted height.**
- **In order to get a density of units in the independent living, assisted living and memory enhancement units given the site constraints a building exceeding 2½ stories and 35 feet must be utilized.**