



## TOWN OF POESTENKILL

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### Zoning Board of Appeals

#### ZONING BOARD OF APPEALS

April 13, 2021 Minutes

Poestenkill Fire Hall

(not approved at time of distribution)

Attendees:

Frank Burzesi, Chairman  
Paul Jamison  
Nicole Heckelman  
Kevin McGrath  
Tim Hoffay  
Susan Kalafut, Alternate

Chairman Burzesi called the meeting to order at 7:08 pm with the Pledge of Allegiance.

Public Hearing:

Ronald Levesque

Area Variance- Setbacks

124.-10-2

1539 Spring Ave Ext

Chairman Burzesi read the public notice for Mr. Levesque. Mr. Levesque explained his project that he is requesting area variance. Discussion was had about which setback numbers should be used with the shape of the property. The consensus of the board was for the side setback numbers to be used. Discussion continued about the requirements for open space requirement and max lot coverage requirement. ZBA member, Paul Jamison, asked about access to the back part of the building and the space to get a driveway in. Mr. Levesque stated the driveway would be minimally used and for trucks, cars, motorcycles and ATVs and the use would be more for storage than anything else. A town resident asked about the driveway and accessibility for emergency vehicles. Discussion had about the closeness to the road and making it so emergency vehicles could access it. Mr. Levesque stated that the Building Inspector is aware of the complete plans and his only concern is the setback.

With no other comments or questions, a motion to close the public hearing was made by ZBA member Kevin McGrath and seconded by Paul Jamison.

Motion made by Chairman Burzesi to approve the requested variance as amended to allow an area variance to allow an addition, with a side setback of nine feet, where the minimum side setback is twenty five feet; a rear setback of nine feet, where the minimum setback is fifty feet; a front setback of twenty five feet, where the minimum set back is fifty feet and a maximum building coverage of twenty percent, where ten percent is required by code, seconded by ZBA member Nicole Heckelman.

All voting members completed the Area Variance Findings and Decision form for this application.

After considering all of the mandatory area variance factors, **Board Member McGrath** voted to **approve** the variance giving the following reasons for this decision:

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No
- 3) *Whether the requested variance is substantial.* – Yes
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes

After considering all of the mandatory area variance factors, **Board Member Jamison** voted to **approve** the variance giving the following reasons for this decision:

- 1) *Whether an undesirable change would be produced in the character of the or detrimental to nearby properties.* – Other properties are not especially close. Concern is that it looks like a commercial structure rather than a residential one.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – This seems like a reasonable way to achieve the benefit of adding storage space.
- 3) *Whether the requested variance is substantial.* – Yes it is very substantial, double the building coverage limit and 75% of the side setback requirement
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No apparent environmental impact.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes, the difficulty is self created.

After considering all of the mandatory area variance factors, **Chairman Burzesi** voted to **approve** the variance giving the following reasons for this decision:

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, revitalizing property should make it better.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No, applicant tried to get lot line adjustment.
- 3) *Whether the requested variance is substantial.* – Yes variance is substantial
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No project should not have adverse effects.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes but applicant tried to resolve via lot line.

After considering all of the mandatory area variance factors, **Member Heckelman** voted to **approve** the variance giving the following reasons for this decision:

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, Mr. Levesque wants to improve property.

- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No, the land has a distinctive shape and he must work within those boundaries.
- 3) *Whether the requested variance is substantial.* – Yes, substantial due to code
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No he is trying to improve appearance of the property and land.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes it is self created due to the shape of the property.

After considering all of the mandatory area variance factors, **Board Member Hoffay** voted to **approve** the variance giving the following reasons for this decision:

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, property should be enhanced.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No limited lot size
- 3) *Whether the requested variance is substantial.* – Yes, given the limited lot size.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No, I see no adverse impact
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes by proposing to enlarge the existing structure.

Chairman Burzesi polled the members for their responses. Variances approved by a vote of five (5) ayes, zero (0) nays and zero (0) abstentions.

*Resolution: Area Variance granted.*

Thomas Capparella

Area Variance- Setbacks

124.-10-2

1539 Spring Ave Ext

A preliminary discussion about the application for area variance by Mr. Capparella at 53 Abbott Drive was held between the board and the application who is seeking to build a detached garage close to the property line.

*Resolution: Public Hearing scheduled for May 11<sup>th</sup> at 7pm conditional on obtaining a building permit denial from the CEO. Motion made by Member Jamison, seconded by Heckelman and carried 5-0.*

Organizational:

Meeting minutes were approved after the amendment of the spelling of Nicole's last name to Heckelman. Motion made by Member Jamison, seconded by Member McGrath and carried by 5-0.

Member Heckelman asked about the online courses and if they were set up like they were in previous year. Other members were going to check to see if they had anything.

There being no further business, a motion to adjourn the meeting was made by Member Jamison, seconded by Member Heckelman and was approved by five (5) ayes, zero (0) nays and zero (0) abstentions. The meeting was adjourned at 8:30 pm.

Respectfully submitted,

Tiffany Buker, ZBA Clerk