



TOWN OF POESTENKILL

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Zoning Board of Appeals

ZONING BOARD OF APPEALS November 13, 2018 Minutes

Attendees:

Paul Jamison, Chairman
Kevin McGrath
Tim Hoffay
Michael Colello
Susan Kalafut
Nicole Heckelman, Alternate

Chairman Jamison opened the meeting at 7:30 pm with the Pledge of Allegiance.

Public Hearing:

<u>Charles Mero</u>	<u>Area Variance</u>
125.12-3-7	20 Davis Drive

Member McGrath rescued himself from this proceeding. Alternate Heckelman steps in. Secretary read the Public Hearing notice. Chairman Jamison asks Mr. Mero to please summarize his request. Chairman Jamison asks if there are any comments from the audience in favor or against this application. Daughter to neighbor Helen Moquin at 26 Davis Drives states her mother is in favor of this project. Having no further comments from the Public, Member Kalafut makes a motion to close the Public Comment portion and motion is seconded by Member Heckelman and is approved with a vote of five (5) ayes, zero (0) nays and zero (0) abstentions. Chairman Jamison made a motion for an area variance for 20 Davis Drive, to allow the construction of a detached garage in the Hamlet district, with side setback of four point five (4.5) feet, where the minimum side setback is ten (10) feet; a rear setback of six (6) feet where the minimum rear setback is ten (10) feet and a maximum building coverage of thirty-six (36) percent where thirty (30) percent is required by Code. Motion is seconded by Member Kalafut. 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 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.* ó No, other properties in neighborhood are close together and have garages.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* ó Yes, Smaller garage could be built on property.
- 3) *Whether the requested variance is substantial.* ó Yes, Building coverage is 36% where 30% is required.

- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* ó No, Other properties have garages on their properties.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* ó Yes, you may desire to have a garage on the property but not a necessity.

After considering all of the mandatory area variance factors, **Board Member Colello** voted to **disapprove** 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.* ó No, Similar property styles in the neighborhood.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* ó Yes, Build a smaller garage.
- 3) *Whether the requested variance is substantial.* ó Yes, 5.5 foot variance on side setback in additional to 4 feet in rear, and 36% building coverage where 30% is required is substantial.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* ó No, Other properties in neighborhood.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* ó Yes, Garage is desired, not a necessity.

After considering all of the mandatory area variance factors, **Chairman 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 neighborhood or detrimental to nearby properties.* ó No, this does add to the density in an already crowded (with buildings) neighborhood, but not excessively.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* ó No, In order to have a garage they need to put it on this small lot somewhere and this seems like the most reasonable spot.
- 3) *Whether the requested variance is substantial.* ó Yes, these are significant variances in all cases.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* ó No, There will be no impact on the environment.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* ó Yes, this is a desired, not required improvement.

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.* ó No, Several similar accessory buildings on Davis Dr., similar size..
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* ó No, Due to restrictive lot size limited in location of garage, 2 car.
- 3) *Whether the requested variance is substantial.* ó Yes, Percentage wise ó side 4-1/2ø 10ø rear 6ø 10ø 36%/30%.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* ó No, Standard 2 car garage unit.

- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* ó No, Again, limited lot size.

After considering all of the mandatory area variance factors, **Member Kalafut** 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.* ó No, Similar property styles in the neighborhood.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* ó Yes, Build a smaller garage.
- 3) *Whether the requested variance is substantial.* ó Yes, 5.5 feet variance on side setback in addition to 4 feet in the rear, and 36% of building coverage where 30% is required is substantial.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* ó No, other similar properties in the neighborhood.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* ó Yes, Garage is desired, not a necessity.

Chairman Jamison polled the members for their responses. Variances approved by a vote of four (4) ayes, one (1) nays and zero (0) abstention.

Resolution: Side setback/rear setback/building coverage Variances approved.

Minutes:

The minutes of the Board meeting on October 9, 2018 were reviewed. Corrections ó under Mero Public Hearing notice, change date from November 14 to November 13. A motion to accept the minutes with corrections was made by Member Hoffay, seconded by Member Kalafut, and approved by a vote of five (5) ayes, zero (0) nays and zero (0) abstention.

Old Business:

Clerk Kane advises the Board of the Planning Board's decision to issue a memo to Martin Gibbins on the presence of his horses as ña continuous, non-conforming use that is grandfathered in.ö Chairman Jamison makes a motion to cancel Gibbins Public Hearing scheduled for December 11, 2018, motion in seconded by Member Colello and approved by a vote of five (5) ayes, zero (0) nays and zero (0) abstention.

Chairman Jamison advises Board is time for reappointments to Board. Member McGrath makes a motion to reappoint Paul Jamison as Member and Nicole Heckelman as Alternate. Motion is seconded by Member Colello and approved by a vote of five (5) ayes, zero (0) nays and zero (0) abstention. Clerk Kane to forward memo to Town Board. There being no further business, a motion to adjourn the meeting was made by Member Colello, seconded by Member McGrath and approved by five (5) ayes, zero (0) nays and zero (0) abstentions. The meeting was adjourned at 8:20 pm.

Respectfully submitted,
Lynn E. Kane, Secretary