

DRAFT ZONING BOARD OF APPEALS

Regular Meeting

March 27, 2012

Maurice McCormick, Chairman	Michael Moore, Village Attorney
John Huber, Board member	Kelly Best, Secretary
Danny Ramirez, Board member	Dean Whalen, Village Liaison
Kate Provencher, Board member	Scott Hopkins, Applicant
Ernie Cupernall, Board member	Steve Walrath, Representing Gladys Short Gladys Short and friend Geoff Brown Judith Wines, Applicant

Chairman McCormick opened the meeting at 7:30 pm. Chairman McCormick made a motion to change the time of the Zoning Board from 7:30 pm to 7:00 pm and the regular meeting night from the 4th Tuesday of each month to the 2nd Tuesday of each month. The changes would start in April 2012. Board member Ramirez – In Favor, Board member Cupernall – Against, Board member Huber – In Favor, Board member Provencher – Against, Chairman McCormick – In Favor. Motion passed.

Chairman McCormick read the legal notice pertaining to the request of Scott Hopkins for a variance of the regulations of the Zoning Law to permit a previously approved carport, located within a 5' required yard, to be sided with vinyl siding. An additional encroachment into required setback of 3" is requested per article per article IV Section 355-31A for property owned by Scott Hopkins. The property is located at 111 Fairview Avenue in Altamont, TMN 37.18-7-31 and Zoned R10. Plans were open to the public prior to the meeting.

Mr. Hopkins brought in a piece of siding attached to a couple of pieces of 2" x 4" to demonstrate. It was determined that about 18 feet of the side of the garage does not meet the setback as required by code. Mr. Hopkins had previously been granted a variance for the garage.

Mr. Walrath, representing Ms. Short of 109 Fairview Avenue, stated that he had an issue with the sketch attached to the application. He stated that he had drawn the sketch for Ms. Short and his work was paid for by Ms. Short and Mr. Hopkins was not authorized to use the sketch. Mr. Walrath requested that the board table the request of Mr. Hopkins and have the applicant obtain his own sketch.

Mr. Walrath presented the Board with a letter from Ms. Short. The letter was dated 3/16/12 and attached was a copy of a letter also written by Ms. Short dated 10/12/11. (See attached). Chairman McCormick read the letter into the minutes. Chairman McCormick asked if Ms. Short wanted to add anything.

Mr. Walrath stated that at the 10/25/11 public hearing for the original variance the Board asked Mr. Hopkins if he planned on adding siding in the future. The Board referred to the minutes of 10/25/2011. Mr. Hopkins stated that at that meeting he was informed that he only applied for a 3 inch variance and was told if he wanted to add siding he would need to reapply since it would increase the variance needed. Mr. Hopkins states that they are completing the building as funds become available.

Mr. Walrath stated that the drawing should not be considered and was given to applicant by a town employee without Mr. Walrath authorization. Chairman McCormick pointed out that that the same drawing was used at the previous variance request application and that the plans for that request were available to the public. Chairman McCormick stated that Mr. Walrath did not object to the use of the drawing at that time. Mr. Walrath stated that he was unaware that the drawing was used in the previous application.

Mr. Moore stated that in his opinion, this request amounts to an amendment of the original request heard in October 2011 and that since this is the same drawing accepted at that public hearing, the Board can choose to accept it for this public hearing.

The Board discussed several ways in which Mr. Hopkins could install vinyl siding which could minimize the variance requested. The Board felt the building would look better with the siding.

Mr. Walrath asked if the siding could be installed with the supports and backing recessed between the poles. His concern with the siding has to do with the fact that the west side of the building is built at an elevated level and there is a steep incline along the side of the building running into Ms. Short's yard. He states the grade is at least 2 to 2.5 feet and is concerned where the water will runoff. Also he expressed concern relating to the snow buildup alongside that side of the building. At this time, there is no swale to collect runoff water. Mr. Hopkins stated that he planned to install gutters which would help with some of the run off. Mr. Hopkins agreed that there may be other methods to enclosing the building but feel that it would not look as nice.

Mr. McCormick made a motion to close the public hearing. Board member Provencher seconded. All in favor.

The Board discussed the installation of gutters as being a condition of variance if granted. Board discussed allowing applicant to recess the 2" x 4" in between the 6" x 6" poles and that the sheathing and siding would be flush to the 6" x 6" poles minimizing the variance to 1 inch. Mr. Hopkins stated that he would have to wrap the header, fascia and soffit if he had to side the building the way the board discussed.

Mr. Walrath stated that the snow buildup would create more runoff onto Ms. Short's property. Mr. Hopkins stated that both his and Ms. Short's property slope toward the creek behind their properties.

Board member Provencher made a motion to amend the variance granted in October 2011 by granting an additional 1" for the addition of siding with the following findings: that it would not be an undesirable change but a desirable change making the building more attractive, that the 1" is the minimum variance needed to achieve the goals of the applicant, that an 1' variance along the side of the building for approximately 18 feet will not create an adverse effect, that the hardship was self created and that the concerns of the public were taken into consideration. A condition of the granting of this variance it that gutters are to be installed on the building all along the side of the property which bounds Ms. Shorts property. The action has been found to be a Type 2 Unlisted Action under the SEQRA. Chairman McCormick seconded the motion. All in favor.

Chairman McCormick informed Mr. Hopkins that he has 1 year to obtain the necessary permits and start the project.

The Board took a break for approximately 10 minutes.

Chairman McCormick read the legal notice for the request of Judith Wines of the Altamont Free Library for a variance of the regulations under the Zoning Law to permit the installation of a 25 sf freestanding business identification sign (12.5 sf per side) on a parcel with 36' of road frontage within 100' of an existing business identification sign. Variances are requested to permit sign area to exceed 6 sf and to permit its location within 100" of existing signage per Article IV Section 355-23E(1)(e) for property owned by Altamont Free Library situated at 179-181 Main Street, Altamont, NY 12009 TMN 37.18-6-1 and zoned CBD. Plans were open for public inspection and the public hearing is scheduled for tonight at 7:30 pm.

Information was received from Mr. Cropsey that the proposed signage placement is actually 101 feet and therefore only a variance relating to the size of the sign is requested.

Ms. Wines stated that the inspiration for the sign was the sign for the Park House located across the street on Main Street. It was determined that the request was for a variance of 19 sf. Ms. Wines stated that this will be the only identification sign for the library. The library will be keeping the "Altamont Train Station" and the "Altamont Sign" which are attached to the building already. It was determined that the sign will be perpendicular to the road and at least 5' from the sidewalk. There will be a ground mounted light. The post for the sign is approximately 4 feet. The entire length from post to post is approximately 6 feet. The lamp will match all the others within the village. Sign will be spot lit from below. The sign will be maroon and white and constructed of wood.

There were no comments from the public. It was determined to be a Type 2 Unlisted action under SEQRA.

Chairman McCormick made a motion to close the public hearing. Board member Provencher seconded the motion. All in favor.

The Board reviewed whether there would be an impact on drivers, that their vision would be hampered.

Board member Ramirez made a motion to grant the variance requested for the installation of a sign measuring approximately 5' in length and an overall height of 4' 8" with the following findings: will not create an undesirable change in the character of the neighborhood, the benefit sought by the applicant can be achieved without any type of intrusions or hazard, the variance is not substantial, that the variance will not cause adverse effect or impact the environmental conditions in the neighborhood or the district, that it will be an improvement for a landmark status visibility project and that it is not a self created difficulty thus granting the 19 sf variance. The board also finds that this is a Type 2 Unlisted action under the SEQRA. The ground lighting of the sign will be in compliance with the Village code. Chairman McCormick seconded the motion. All in favor.

Chairman McCormick made a motion to adjourn the meeting at 9:20 pm. Board member Ramirez seconded the motion. All in favor.

Respectfully Submitted,

Kelly Best
Secretary