

ZONING BOARD OF APPEALS

Regular Meeting

December 20, 2011

Maurice McCormick, Chairman
Stuart Linendoll, Board member
Danny Ramirez, Board member
Kate Provencher, Board member

Michael Moore, Village Attorney
Kelly Best, Secretary
Jeff Perlee, Applicant
Mr. Perlee, Sr.
3 Students

Chairman McCormick opened the meeting at 7:30 pm. Chairman McCormick stated that the 1st item on the agenda is the continuation of the variance request of Mr. Perlee.

Mr. Perlee provided the Board with new drawings of the proposed addition which were done by Stephen Walrath. Mr. Perlee is now asking for a variance of 10'11" in a rear yard setback. He relocated usable square footage back into the existing structure. He acknowledged he would still need a special use permit for the accessory apartment from the Planning Board. Mr. Perlee realized that with the new drawing, the project would not extend into the side yard as much as he thought it would.

After reviewing the plans, the Board determined that Mr. Perlee is now only requesting a 10'11" variance. Mr. Perlee stated that the garage entrance would be accessed from the original driveway. The new plans reduce the garage to a one car garage. He stated that from the road, the garage doors would not be visible, only garage windows. Mr. Perlee stated that the new gable would mimic the existing gable.

Chairman McCormick commented that the new drawings showed a substantial reduction in the variance requested.

The Board asked if Mr. Perlee still planned on using the addition as an accessory apartment in the future. Mr. Perlee stated he did. Mr. Moore advised Mr. Perlee that he would have to apply to the Planning Board for a Special Use Permit for the accessory apartment.

Mr. Perlee stated that the design elements would blend the new addition to the older structure including the gables. It was established that the shed location is accurately depicted on the new drawings. The Board asked Mr. Perlee if he had reviewed the new drawings with the neighbor. Mr. Perlee stated he has not. Chairman McCormick stated he had spoken with Mr. Perlee's neighbor and they did not express any concerns. They would like to see the tree saved if possible. Mr. Perlee stated the review and the input from the Board at the November meeting provided useful information in redesigning the addition. The Board was glad to hear that Mr. Perlee used their input to redesign the addition.

Mr. Moore stated that the request is Type 2 action under the required SEQRA.

Board member Provencher made a motion to grant Mr. Perlee a variance of 10'11" in the rear yard setback to build an attached garage on an existing structure as depicted in the drawing presented and received by the Zoning Board on December 20, 2011 done by Stephen Walrath. The Board has found that the applicant has shown a

need for a covered egress and additional habitable space, the building will not produce an undesirable change, the applicant has minimized the bulk of the building, there are other homes in the neighborhood with garages within the required setbacks, the applicant has made changes in order to achieve his goal with the minimal variance request possible, the addition will not have any physical or environmental effects on the neighborhood and the project is to be constructed as depicted in the drawing which was received on December 20, 2011 except as it may be modified by the Planning Board when the applicant applies for a Special Use Permit for the accessory apartment. Chairman McCormick seconded the motion. All in favor.

Mr. Moore reviewed area and use variances with the board. He also stated that the board was required to consider each of the 5 factors as outlined in the Zoning Law when reviewing a variance request. He advised the Board that it is up to the Board the amount of weight each factor is given and it can change depending on the individual requests that come before the Board. For example, Mr. Moore stated that in most cases factor # 2 the Board will find that the proposal cannot be achieved in any other way. Another example can be found in # 5, Mr. Moore stated that in most cases where people request an area variance, the situation is self created but should not be always given a lot of weight. Mr. Moore stated that the Board should also note if there are any mitigating factors when considering variances. Examples include odd shape lots and the placement of the home.

Board member Ramirez made a motion to approve the minutes of November 2011 as revised and corrected on December 20, 2011. (page 1 – 3rd paragraph, 2nd line from end of paragraph – “as long as he owned the trailer”: page 2, 9th paragraph, 4th line – “and in regards....”; page 3, 9th paragraph, “Board member Ramirez”. Chairman McCormick seconded the motion. All in favor.

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

Chairman McCormick made a motion to adjourn the meeting at 8:37 pm. Board member Provencher seconded the motion. All in favor.

Respectfully Submitted,

Kelly Best
Secretary