

## DRAFT ZONING BOARD OF APPEALS

Regular Meeting

June 10, 2014

Maurice McCormick, Chairman	Kelly Best, Secretary
Kate Provencher, Board member	Stewart Linendoll, ZBA member
Danny Ramirez, Board member	Mr. and Mrs. Dube
John Huber, Board member	Mr. Steve Walrath, Dube representative
Michael LaMountain, Alt. Board member	Mr. Bill Quay
	Dean Whalen

Chairman McCormick opened the meeting at 7:00 pm.

Chairman McCormick read the legal notice for the request of Todd Dube for a variance of the regulations under the Zoning Law to permit a reduced lot areas and one reduced lot width for two proposed parcels of land. The lot areas will be less than 17,000 sf where 20,000 sf is required and one lot will have a building width of 99.45 ft where 100 ft is required pursuant to Article III Section 355-7 for property owned by Todd Dube located on 183 Maple Ave, Altamont, NY 12009 TMN 37.14-1-3 and Zoned R20. Plans were open for public inspection at the village offices during regular business hours. The public hearing is scheduled for today, June 10, 2014.

Steve Walrath, land surveyor and applicant representative, reviewed the proposal to subdivide the property into two lots. The property was at one time two lots, during the time that Mountainview Subdivision (Sunset Drive) approximately 1961.

The applicant stated the lot labeled 2 has the house on it.

Steve Walrath stated again that at one time the property was two separate lots. The current property deed list 3 separate parcels. Each parcel is described in measurement on the deed. The third lot is a 5 ft strip of land.

The applicant stated that he has owned the land for approximately seven years.

The board reviewed their role is to determine whether to grant a variance which would allow the applicant to subdivide the two lots which would both be under the required 20,000 sf per lot under the Village Zoning Code. Also the board would need to consider if a variance could also be granted for the building width.

Bill Quay, 5 Sunset Drive, stated that he had no objection.

Mr. Dube provided measurements for lot sizes for other properties in the general area.

Chairman McCormick reviewed the neighbor notifications. 11 notifications were mailed; the board reviewed a letter from Steve Parker, 186 Maple Ave who had no objection. There was no other communications from the public.

The Board reviewed and determined that majority of lots in the neighborhood are generally under 20,000 sf.

June 10, 2014

Page 2

Mr. Dube stated that he plans to sell the home and the lot separately. He stated that he already had someone interested in the lot.

Steve Walrath provided the setback lines of a proposed home and stated that it would be in line with the neighboring home.

It was established that Maple Avenue is a county road. The board inquired where the placement of a driveway on the vacant lot would be placed. Dean Whale informed the board that the Planning Board would establish that with the applicant when the applicant applies for the actual subdivision. The board inquired about the cemetery located on Snyder's land. Steve Walrath stated that he has been unable to determine who if anyone is buried there and that the only reference to the cemetery is that the land be reserved. There is no stone or memorial.

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

The board determined that if they were to grant the lot area variance lot 1 would be one of the biggest in the neighborhood. Lot 1 would be 17,500 sf and Lot 2 would be 17329 sf. The board then discussed the lot width. Zoning code requires lot width of 100 ft; the vacant lot is only 99.5 ft. The board felt this was not substantial and would be in line with all the other homes in the neighborhood.

The board reviewed the area variance conditions and determined the following 1) by getting variances it would not create an undesirable change in the neighborhood, 2) the subdivision could not be obtained by some other means as not to be undersized lots, 3) the request is not substantial and is consistent with the neighborhood, 4) by allowing the undersized lots, there would be no adverse impact on the environment, and 5) Although it is considered self created, that is not the major factor in whether or not the board considers granting the variance.

The board asked the size of the shed, if it were permanent and if he obtained a building permit for the shed. Mr. Dube stated that it is a 12 ft by 16 ft shed, it is permanent and he did not get a building permit. The Board stated Mr. Dube needs to get a building permit for the shed and discussed making it part of the condition on granting the variance.

Board member Ramirez made the motion that whereas the board determines the following findings that by granting the request of Mr. Dube, it will not create an undesirable change in the neighborhood, the request could not be achieved by other means, the request is not substantial, there will be no adverse impact on the environment, and although it may be self created it does not prevent the board from granting the requested variances. The granting of the variances is pending upon Mr. Dube obtaining a building permit for the shed. The Board will grant the variance to permit reduced lot areas - one reduce lot width of 17,329 sf and the second lot with a reduce lot width of 17,500 sf. Also the board will grant a variance for the one lot to have a building width of 99.45 ft where a 100 ft would be required. Board member LaMountain seconded the motion. All in favor.

The board informed the applicant that he must now apply for a minor subdivision with the Planning Board.

June 10, 2014

Page 3

Dean Whalen asked this board if they have heard anything relating to the Bush minor subdivision request. He was informed to speak with Chairman Greene or the village attorney Michael Moore.

Dean Whalen discussed the annexation of the Bozenkill Road development and what it meant to the Zoning Board of Appeals. He stated that it was a 10 lot development and zoned R3. It was discussed that the Village Code at this time does not have an R3 zone and its specifics.

Chairman McCormick made a motion to approve the May 2013 minutes. Board member Ramirez seconded the motion. All in favor.

The board suggested meeting a couple of times a year at least even if there is no business just to review.

Board reviewed the following: Fence on Lark St, Fence on Whipple Way and the canopy at Stewarts.

Board member Provencher made a motion to adjourn the meeting at 8:55. Board member Ramirez seconded the motion. All present in favor.

Respectfully Submitted,

Kelly Best  
Secretary