

Village of Altamont Zoning Board of Appeals
Regular Meeting
August 11, 2020

Danny Ramirez, Chairman
Kathryn Provencher, Member
Tresa Matulewicz, Member
Sal Tassone, Member
Laura Murphy, Alternate

Lance Moore, Building Inspector/Code Enforcer
Ginger Hannah, Secretary
Dean Whalen, Board Liaison
Absent: Jeff Moller, DPW Superintendent
Absent: Allyson Phillips, Village Attorney

Applicant: Vincent and Michelle Ganance

of Guests: 3

Chairman Ramirez opened the meeting at 7:00 p.m. on August 11, 2020 and welcomed everyone to hear a variance submitted by Vincent and Michelle Ganance for a garage addition. Meeting was held online using Zoom Video Communications due to the Coronavirus. He introduced himself as Danny Ramirez, Chairman of the Zoning Board; and asked Members of the Zoning Board to introduce themselves as follows: Tresa Matulewicz, Kate Provencher, Laura Murphy (Alternate), and Sal Tassone. He asked Secretary Ginger Hannah to do Roll Call and all Members of the Board answered. Also present: Dean Whalen, Board Liaison and Building Inspector/Code Enforcer: Lance Moore. Absent: Allyson Phillips, Village Attorney; Jeff Moller, DPW Superintendent.

While waiting for Board Member Tassone to connect, Mayor Dineen, who was handling the Zoom technical aspects of the meeting, announced we would be going back to in-person Board meetings starting in September as long as everything stays well within the County and there are no more restrictions. She believes that under the guidelines we have we can set up the room so everyone is socially distanced whether someone is on the Board or in the audience, and we have a lot of protocols in place.

Chairman Ramirez stated for the record that we don't have any minutes of the previous Zoning Board meetings because they haven't been completed by the stenographer, so we'll probably have to do that in September. He asked Secretary Hannah to take roll call. Present: Board Members Provencher, Matulewicz, Tassone, Alternate Murphy, Chairman Ramirez; Building Inspector, Lance Moore; and Dean Whalen, Board Liaison.

Chairman Ramirez read the Legal Notice to open the Public Hearing as follows: Public Notice of Hearing before the Zoning Board of Appeals. Notice is hereby given that the Zoning Board of the Village of Altamont, New York, will hold a public hearing pursuant to 355-5 of the Zoning Law on the following proposition: Area Variance for a Garage Addition. Request of Vincent Ganance Per Article 355-5 Situated as follows: 134 Schoharie Plank Road East, Tax Map # 37.19-1-16.1, Zoned: R-15. Plans open for public inspection at the Village Offices during normal business hours. Said hearing will take place on Tuesday, August 11, 2020 at 7:00 p.m. The meeting will be held remotely as part of the Village of Altamont's COVID-19 response plan and can be accessed by the public using the following Zoom link or dial in phone number: <https://us02web.zoom.us/j/81139662733>. Meeting ID: 811 3966 2733; Phone: 1-646-558-8656. A copy of the ZBA Agenda and related materials will be available in advance of the meeting on the Village website at www.altamontvillage.org.

Public Hearing:

Board Member Provencher stated: Danny since you have read the public meeting notice, I wanted to check in. I think that this is actually R-10, not R-15, my looking at the map.

Chairman Ramirez said: let me just double check on that because I made some notes. He noted that Board Member Provencher was correct, the house is zoned R-10, not R-15. That being said, before Ms. Ganance speaks, we have a letter here from a neighbor, Mr. and Mrs. William Cleveland, 132 Schoharie Plank Road East, Altamont, NY. He read the letter into the record as follows: To the Altamont Zoning Board. We are writing to voice our acceptance, and show support for any variances associated with an addition that our neighbors, Vincent and Michelle Ganance wish to add to their home at 134 Schoharie Plank Road East. Please do not hesitate to contact us if you should have any further questions or concerns. Sincerely, William Cleveland and Samantha Cleveland. This is a letter that was mailed to us and you should have in front of you. He then invited Vincent and Michelle Ganance to speak their peace.

Applicant Michelle Ganance stated: hello everyone, we're just asking to put a third car garage on our home. I gave everybody, in a Ziploc bag, a package of pictures. There's a picture of what the addition will look like on a yellow home. There is a picture of the side of our home; shows you the fence line. Also you'll see a map which shows the square footage of the lot and I have overhead pictures of the home also that I've submitted. There is a map from the builder that draws out the garage and the footage. Our plans are for this garage to exactly match the house, so it'll look like it's been there all along. I can answer any other questions unless there's something I'm forgetting.

Chairman Ramirez asked: The size of the variance that you're seeking?

Applicant Ganance said: Six feet, sir.

Chairman Ramirez asked: Does anybody have any questions?

Applicant Ganance stated: Danny, I also put a picture of - we keep trying to plant trees on our fence line and they keep dying. So there's new trees there again. So we're hoping that they grow.

Chairman Ramirez said: Is that between the fence line and the property line?

Applicant Ganance said: No, inside our yard because everything outside that fence line dies.

Chairman Ramirez said: Doing some homework, based on the total square footage, and also the house square footage, it doesn't exceed the 40% in that R-10 zone, even with the addition. Looking at, just to confirm on record, the height of this addition, I see the yellow picture, which shows that the garage on the yellow house shows that it won't be as high as the house. So I don't want it to assume (inaudible).

Applicant Ganance said: Definitely like that. Yes.

Chairman Ramirez asked: Do you have any idea how high that is?

Applicant Ganance stated: It's 14 feet on center.

Board Member Provencher asked: Could you tell us which drawing you're looking at with that, Michelle?

Applicant Ganance said: (indicating) Right here.

Board Member Provencher asked: Are these the architectural drawings that are required to be submitted with the request?

Applicant Ganance said: Lance told me that they were fine.

Board Member Tassone, connected by phone, said: I can't see you guys. So I'm having a hard time. I'm just looking where she says. It's the map with the pool and all that, right?

Board Member Provencher said: I was questioning which were the architectural drawings.

Chairman Ramirez said: Right now, Sal, we're looking at the drawing, not the plan section, but the elevation showing the building peak. Because there's nothing on here, Michelle. You're saying that from the ground level to this peak is 14 feet.

Applicant Ganance said: At the top of the map it says 2 x 10 rafters 14 feet on center, so it's 14 feet from the top of the garage to the floor.

Chairman Ramirez said: No, that's 14 inches on center. That's the construction space in between the rafters.

Applicant Ganance said: I'm trying to connect with my husband at the house.

Chairman Ramirez asked: Can he join us on the Zoom meeting?

Applicant Ganance said: He's at the house, trying to get the volume to work and it's not working because you can't hear him.

Deborah Hext said: Michelle, if it helps, he can come to my house. This is Deb.

Applicant Ganance said: Hey Danny, it is 14 feet.

Board Member Provencher said: And what is the length and width?

Applicant Ganance said: 24 feet long.

Chairman Ramirez said: Now can I stop you there, Michelle? I'm going by the drawing, and marking it out. It's 24 feet on the inside, not the exterior.

Applicant Ganance said: The exterior is going to be...

Chairman Ramirez said: See where these drawings have a little...

Applicant Ganance said: I know that the garage will be 14 feet wide.

Chairman Ramirez said: That we have, ok.

Applicant Ganance said: I believe, the last I knew, it was about a six inch wall on either side. You're talking an extra foot. So probably in total it's 25 feet.

Board Member Provencher asked: Is it possible to get an updated drawing that has all of that in one drawing?

Applicant Ganance said: Yes.

Board Member Provencher said: That would be great, thanks. Just so we have that with the record.

Chairman Ramirez said: Our record, yes. So we're looking at a structure of 14 feet, high, 25 feet deep front to back and 14 feet wide.

Applicant Ganance said: Yes, sir.

Chairman Ramirez said: Okay.

Board Member Tassone said: Michelle, I had a question for you - where the runoff of the water - your neighbors don't have a problem where the water - it's probably going to eventually run in their yard. Are you going to have a runoff?

Applicant Ganance said: We're going to have a runoff. It's not going to run in their yard.

Board Member Tassone said: Okay.

Board Member Provencher said: Thank you for that question. Are you talking about a runoff from the roof?

Board Member Tassone said: Yes, so it doesn't go in their neighbors' yard. And she's saying that she will have a runoff.

Applicant Ganance said: We have something in place to prevent that, and that will be on the conditions.

Board Member Provencher said: So you'll have something to divert that? I was looking at - these pictures were really helpful and I did also go by your house. So let me see, does this work if I hold this picture up so everybody sees what picture I'm looking at?

Board Member Tassone said: No, can't see that.

Board Member Provencher said: I'm sorry. Sal. I'm looking at one of the pictures of the side (inaudible).

Board Member Tassone said: I got you. Go ahead.

Board Member Provencher said: There's a slope there, and I also noticed that further down that's not visible is where, what do you call that Lance, is that a swale? And the pipe for the runoff water - I'm curious about how the driveway will work with that for your new addition.

Applicant Ganance said: The land will become level. We're going to bring soil in so the land will become level, and there won't be a slope obviously. That runoff under the driveway that we put in, I think our driveway is going to come off the current one and go into the side. I don't think it's going to be to the street. There shouldn't be that much runoff at all from that, plus we'll have a retaining wall there.

Board Member Provencher said: Can you say where the retaining wall will be?

Applicant Ganance said: When we build up that slant, there will be a retaining wall to reinforce the land.

Chairman Ramirez said: So let me see if I have this correct. At the property line or near it, you're going to build the property level pretty much with what it is so that water will not be going in that direction or to the swale?

Applicant Ganance said: That is correct. There is proper drainage. The neighbor's yard will not suffer.

Chairman Ramirez said: So are you talking dry wells? Where will the water run off?

Applicant Ganance said: Currently we have gutters that direct all the water from the roof to run off into our backyard, into a _____ (inaudible) area. We'll continue to do that.

Board Member Tassone said: Ok, I Gotcha.

Board Member Provencher said: So you're saying Michelle, that at the end of the driveway where there's that pipe for water to go underneath the driveway that that's a pipe that you put in?

Applicant Ganance said: Yes, Kate, when we expanded our driveway, we extended that pipe, because when we bought the house, it was a single starting driveway and then it widened, and we didn't want it _____ (inaudible), etc. So we put in backfill, put a very long, I don't know what you call that, a pipe with the driveway over it. So we put the bigger pipe in so that it would be much better for drainage with rain.

Board Member Provencher said: Yeah. Because that's a pretty wet area.

Applicant Ganance said: absolutely.

Chairman Ramirez said: So the drainage goes out toward the street and into the swale, the water runoff?

Board Member Tassone said: That goes right into the catch basin, I would imagine?

Board Member Provencher said: Which catch basin?

Applicant Ganance said: In the back of the _____(inaudible).

Chairman Ramirez said: So in other words, I don't want to beat this one to death, but the pitch of the roof from the front, that additional roof is going to drain out to the rear and back into wherever you have it disposing?

Applicant Ganance said: That is correct.

Chairman Ramirez said: Okay. We just don't want the neighbor to suffer consequences, like suddenly having puddles hang around for a week or two after a rain from the runoff.

Applicant Ganance said: That won't happen.

Board Member Provencher said: I'm sorry, Danny, because you just said you didn't want to beat a dead horse, but I just wanted to check - Lance, do you know if public works has anything to say about this? Because I know that that's a development that was more recent, and do they have any concerns about this?

Building Inspector Moore said: Yes, I talked to Jeff Moller and we went over and took a look, and Jeff doesn't have any problem with it, the way they're going to handle the outflow. The way they're going to terrace it and put the retaining wall in, they'll have drainage from that also. They will put the retaining wall with footing drains so that would carry the water to the catch basin.

Board Member Provencher said, so the drainage is going to go that way. Okay.

Chairman Ramirez said: Okay. Thank you. I'm not seeing a full print once again, Michelle. Is there an exterior door on this garage?

Applicant Ganance said: No, there will not be.

Chairman Ramirez said: Is there an exterior door on the side of the structure that you already have?

Applicant Ganance said: Yes, sir.

Chairman Ramirez said: Lance, you can beat me up on this one. You need a second exit, not relying on just the garage door on the rear garage.

Applicant Ganance said: I can put it there. The only reason we weren't Danny is because I was so afraid of somebody breaking into my house.

Chairman Ramirez said: Oh no. It can be out in the back of the house.

Building Inspector Moore said: You need a second egress.

Applicant Ganance said: That's why I selected not to have it, because currently we don't. I don't know why, but we don't.

Chairman Ramirez said: Is there an entrance into the house from the garage?

Applicant Ganance said: Yes.

Chairman Ramirez said: So depending on when the house was built, that was legal. In other words, you can get out of the garage by going into the house. But today the new codes, they want an egress out of the garage itself.

Applicant Ganance said: Well that's no problem, we'll put it right in the back.

Chairman Ramirez said: Okay. While we look at this, I don't want Lance to go over there and beat you up because you didn't put a door.

Applicant Ganance said: I'll put the door on the drawings when I specify, as Kate mentioned the building drawings, when I change them just to put them on the public record, I will put that on there too.

Board Member Provencher said: Thank you.

Chairman Ramirez said: Not to complicate your life when you have that exit put in, you'll need a light on the exterior.

Applicant Ganance said: Yes, there will be lights on the exterior, yes.

Chairman Ramirez said: Okay. Are you going to join the existing lights and put another one on that garage?

Applicant Ganance said: Yes, sir, to match the ones that are already there.

Chairman Ramirez said: Okay. I don't think there's a problem with light infiltration on any neighbors with a garage light like that, unless anybody else does.

Applicant Ganance said: A light you walk by and it comes on. There will be no floodlights, because motion lights are terrible in the neighborhood.

Chairman Ramirez said: Thank you. Any thoughts? Anybody else?

Board Member Provencher said: I just wanted to make sure that I understood where the garage is going to go. So right now where the pictures that show the chain link fence, that fence is two feet from your property line, is that correct?

Applicant Ganance said: The fence ends prior to the two feet to the property.

Board Member Provencher said: And then the new structure will be two feet in from the fence.

Applicant Ganance said: Yes.

Board Member Provencher said: Okay.

Chairman Ramirez said: Which if I understand it correctly, there's a 10 foot side setback for the records. They're building a 14 foot structure, which will go six feet into that setback, and that's the variance that they're requesting. Okay? Any other questions? Concerns?

Board Member Matulewicz said: I was wondering about the door too, because this one shows the door there. I was wondering if there was going to be a side door there. So Kate already addressed that.

Chairman Ramirez said: You can correct me if I'm wrong, Lance. If the existing two car garage has a door out to the backyard and you put an open doorway between the new garage and the old garage, that might be considered legal as the second egress from the new structure so that you don't necessarily have to put an extra rear door. Lance, would you chime in on that?

Building Inspector Moore said: Yes, second egress, most definitely, with a light outside. That's code. You don't want to have to go back into the house to get out of the garage.

Chairman Ramirez said: That's correct. Is there anything else you want to add, Michelle?

Applicant Ganance said: No, thank you.

Chairman Ramirez said: Is there anybody out there who wants to comment on this variance?

Building Inspector Moore said: I'd like to go down to item 3 - to add a third car garage - it's a third bay, not a new garage. It's a two bay now; it will be three bays. See where that's written right here? Variance to the Zoning Ordinance is requested for: to add a third car garage - should be a third bay, it's not a separate structure.

Chairman Ramirez said: Okay, not hearing anybody at this point, at this point I'll entertain a motion to close the public hearing.

Board Member Provencher said: I'll make a motion to close the public hearing. Seconded by Board Member Tassone. **Roll Call: All in favor.**

Chairman Ramirez said: Ladies and gents on the Board, what is your take on this? What is your outlook, concerns? We'll go one by one: Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. Any concerns on that?

Board Member Matulewicz said: I don't have any, no.

Board Member Tassone said: I'm okay with that.

Board Member Provencher said: No, I think that they've done a nice job of showing that structure that will fit in nicely with their house in the neighborhood.

Chairman Ramirez said: Number two: Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Chairman Ramirez said: I don't see any other way than putting this here, like, having a separate structure way out in the backyard left field or putting it any other place. Anyone want to chime in?

Board Member Matulewicz said: I agree. I think you're right.

Board Member Tassone said: I agree.

Board Member Provencher said: I agree with other people's comments.

Chairman Ramirez said: Number three, Whether the requested area variance is substantial.

Board Member Provencher said: I think it is substantial. I think that 60%, it is a substantial variance.

Chairman Ramirez said: Okay, anybody else? Let me chime in that bearing in on the setback at six feet again, I agree it is a substantial variance. Not that it would negate granting of the variance, but just on record that it is a substantial stepping into that side setback.

Board Member Provencher said: Yeah, and you know, and the other thing, Danny, is that I checked back over the last few years at some of the setbacks that we've given and they tend to be one or two feet. So six feet is a lot.

Chairman Ramirez said: It is a lot, yes. Number four: Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Board Member Matulewicz said: I think the applicant has addressed the water concerns so I don't see how else it could have an adverse impact. I mean, lighting doesn't seem to be a concern, the water runoff was addressed.

Board Member Tassone said: I'm fine with all that, with what Tresa said. I don't think, noise level, safety, welfare. Water issues - that was my only concern, and Michelle answered that. I think everything's good,

Board Member Provencher said: I was going to say the one thing I would add to that is I think that because the plan doesn't describe all of the things that have been discussed in terms of retaining wall and the drainage - that really has to be clearly spelled out. I don't know if it's in our motion or what, just so that it's very clear that that's what's being required to address that.

Board Member Matulewicz said: Would we require the drawings that the applicant submitted to show the retaining wall as well.

Chairman Ramirez said: Yes, pretty much anything that's going on the property itself that may have, you know, we didn't know about the retaining wall. I can see a foundation, but a retaining wall would be subsequent to that because they want to make the property level, dropping off right away, which would drop even sharper at the end of that addition of a garage. But right now, as you see, it does slope down. By putting up a garage, it's going to drop at a steeper angle, I guess, you know, the retaining wall is going to help achieve maintaining the property on the side.

Applicant Ganance said: Lance was aware of the retaining wall.

Chairman Ramirez said: But it's not on a drawing, which is what Kate is alluding to that condition of granting the variance that we have some architectural drawings with all the specified information, including the driveway itself, if it's going to be blacktop or gravel. Not that, you know, I'm sure it's going to match the other one, which we're looking at, is blacktop.

Applicant Ganance said: I just want to let you know that we, as we read the neighbor's letter into record, we did have in detailed discussions with them and they've seen our plans. So none of this is a surprise to them at all. So before they wrote that letter and agreed with us, we went through everything with them and how it's going to look, where it was going to drain, and the retaining wall.

Building Inspector Moore said: Danny, they're not going to get a permit until they submit all that to me.

Board Member Provencher said: Yeah, that is what I would ask for.

Building Inspector Moore said: They won't get a permit until I see all that.

Board Member Tassone said: Kate, I didn't hear you, can you please say that again?

Board Member Provencher said: I was saying that that's what I would want is that it's a condition that the building permit is not issued until a new drawing has been submitted to Mr. Moore that includes all the pieces that we have discussed. Lance, does that cover it?

Building Inspector Moore said: Correct. Sal, I'm not going to grant a permit until I see it all. And if anyone wants to stop by and look and comment, that's fine too.

Board Member Provencher said: So that would include the dimensions of the building, the retaining wall, the door, all of that stuff.

Building Inspector Moore said: You really want a landscaping type of layout.

Chairman Ramirez said: Number five. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but not necessarily preclude the granting of the area variance.

Board Member Matulewicz said: I always hate this question.

Board Member Provencher said: It's definitely self-created but again, that doesn't mean that we can't grant it.

Board Member Matulewicz said: It is self-created, I think, but yeah.

Board Member Provencher said: Can I just ask a question, Danny? So sorry. If Michelle is still there, just in terms of trying to minimize the amount of variance, was there any thought about decreasing the width of the building just a tad? I mean, that's the one piece that I would, that I do... it looks beautiful. The water issues are going to be addressed, but the 60% variance does weigh on me a tad bit. Was there any thought about not making the structure quite so wide?

Building Inspector Moore said: Kate there's two things there - Vince and I already discussed that. They want more depth than width. We've already talked about that. But you want to be able to get a vehicle into that garage, and get around it safely.

Board Member Provencher said: Are you saying that you talked about making it narrower and they're considering it, or you're saying that they did? I'm sorry, there's Michelle right there. Maybe she does know the answer.

Applicant Ganance said: The current garage we have, the whole point of this is, we need more space. If I decrease the width of that garage, I'm not going to fit much more than a car as it is.

Board Member Tassone said: If you get squeezed a little bit more, she's not going to fit anything in there. She won't get a car in there Kate if you squeeze it more, nope. Looking at this picture right here, if you squeeze it, they will not get a car in there, you're going to pinch it.

Chairman Ramirez said: The only one I see a problem with right now is number four, which we discussed. Good thoughts were brought about, and because of the lack of the information on the drawings, that the granting of the variance would be contingent on an approved plan and information

on the whole project. What the driveway is going to be covered with, the retaining wall, the height of the retaining wall and maybe approximately where it's going to be located. Receipt of a floor plan of the garage with the second egress as it may be, whether it be in the backyard or on the side. Anybody have any insight as to that, making that decision on this here?

Board Member Matulewicz said: I agree. I think with stipulating those things, needing those lines completed, everything in one page would be preferential I think, as much as possible. But otherwise, yeah.

Board Member Tassone said: Yeah. I agree too. I really, I really do. I think until you get some more on number four, I'm with you Danny.

Board Member Matulewicz said: I think it's a nice project. I think it's beautiful though.

Chairman Ramirez asked: Do we want to hold off on this until the next meeting, when we have the information that we can, you know, on public record be able to show cause on the decision?

Applicant Ganance said: Can I just tell you, I have been asking questions about this so I could be prepared and questions were not asked when I specifically asked what I needed for this meeting. I don't want to hold it off for another month. I will get professional drawings done by the end of the week or early next week if needed, but I was not guided properly on how this paperwork should have been submitted when I asked.

Board Member Provencher said: We could schedule a meeting in two weeks.

Board Member Tassone said: Yeah, I think two weeks is good.

Board Member Provencher said: That would give us time to get the drawings.

Board Member Tassone said: And then we can make a decision.

Building Inspector Moore asked: Danny, did you close the Public Hearing?

Chairman Ramirez said: Yes.

Building Inspector Moore suggested: Then why don't you defer the decision until we meet again in two weeks.

Chairman Ramirez asked if anyone had a conflict with the 25th. All were available. He said, I would like to entertain a motion to table this until a Special Meeting to be held on August 25th at 7:00 in the evening,

Board Member Provencher made the motion to table a decision on the variance until a Special Meeting on August 25, 2020 at 7:00 p.m. Board Member Murphy seconded. **Roll Call: All in favor.**

Chairman Ramirez said: We don't have any old business that I know of. Do we have any other business? As I mentioned earlier, the minutes of our previous meetings are not ready. So hopefully, Ginger, they may be ready in two weeks.

Secretary Hannah said: I will touch base with the transcriptionist again and see if we can have those for next week.

Chairman Ramirez said: That would be great to give us time to look them over because I know they were lengthy and then have them ready for the meeting if they're available. Any other concerns for anybody? Having none, I will entertain a motion to adjourn.

Board Member Matulewicz made the motion to adjourn, seconded by Board Member Tassone. **Roll Call: All in favor.** Meeting was adjourned at 8:00 p.m.

Respectfully Submitted:

A handwritten signature in cursive script that reads "Ginger Hannah". The signature is written in black ink and is positioned above the printed name.

Ginger Hannah

Secretary to the Zoning Board of Appeals