

VILLAGE OF ALTAMONT
ZONING BOARD OF APPEALS
REGULAR MEETING
Thursday, July 6, 2017

Present:

Maurice McCormick, Chairman
Michael LaMountain
John Huber
Kate Provencher
Michelle Ganance, Alternate

Kelly Best, Secretary
Dean Whalen, Board Liaison
Glenn Hebert, Zoning Administrator
James Sullivan, Applicant – 161 Main St

Chairman McCormick called the meeting to order at 7:00 pm. Chairman McCormick introduced the new alternate Michelle Ganance.

Chairman McCormick read the following legal notice: Notice is hereby given that the Zoning Board of Appeals of the Village of Altamont, New York, will hold a public hearing pursuant to Article 355 Section 31 of the Zoning Law on the following proposition: Request of James and Mya Sullivan for a 9 foot height variance under the Zoning Law to permit an accessory structure height is 15 feet maximum, applicant wants to go 24 feet in height. The existing structure was 30 feet in height for property situated at 161 Main Street, Altamont, NY 12009, Tax Map Number 37.18-7-2, zoned residential 10. Plans open for public inspection at the Village Offices during normal business hours. Said hearing will take place on Thursday, July 6, 2017 at the Altamont Village Hall beginning at 7:00 pm. Dated June 15, 2017.

Mr. Sullivan stated he needed the height because he planned to install solar panels. He stated that the larger panels would be facing the back of the property. The height is based on allowing the maximum amount of energy gathered by the solar panels. He also stated that the height and pitch of the roof allowed for a second floor to be used for additional storage. He stated that he did not have a usable attic or basement that is suitable for storage. The Board acknowledged the Village has a lot of ground water.

The Board acknowledged that 16 neighbor notifications were sent. One email was sent in favor of the board granting the variance. This was from Simon Litten of 163 Main Street. It was determined that he is the next door neighbor – 163 Main Street. There was no other communications or comments from the public.

Mr. Sullivan stated he was requesting the height variance because of wanting to install solar panels. He stated that the old building was 30 feet high and this one would be lower. He stated his neighbor's garage is still 30 feet high.

Mr. Sullivan stated he is moving the building away from the property line and would be changing the pitch which should cure the run-off issue. He stated the garage doors would be facing north.

Mr. Sullivan was asked if he would need to install gutters. He stated that it would depend on grading that will be done. Mr. Sullivan stated that the new building is moved further away from neighbors building and the pitch will be changed to go to the back of the property instead of the side so this may help with a lot of the rain runoff. He stated that the building will have white vinyl siding, the garage doors would be black and the standard residential size of 9 feet by 7 feet. He said he would use decorative lighting, and there would be some windows just for decoration. The reason for the request to add the height is for the installation of solar panels and to add some storage. He stated he would not use the top floor for anything else but storage.

Mr. Sullivan stated that the overhang ended up actually only be a foot into the side yard setback and the Board agreed that they already discussed this overhang issue at the last meeting and determined at that time that no variance was needed for

the overhang. Mr. Sullivan stated that the new proposed garage replaces an unsafe structure, allows for installation of solar panels and a place for storage.

The Board determined that the 9 foot variance would bring the building to a height less than the original buildings height.

It was determined that the applicant's house has a flat roof so the pitch and direction of the pitch would not be something that the board would require to match the house.

The Board inquired about the lighting that would be installed. Mr. Sullivan stated that he planned on 2 or 3 lights above the garage doors. The Board discussed the fact that the garage is located in the rear of the property and would not be really seen from the road.

Chairman McCormick made a motion to close the public hearing at 7:18 pm. Board member Huber seconded the motion. All in favor.

The Board reviewed the five factors they must consider when reviewing a variance application. They felt that by building a garage at this height, it would not create an undesirable change to the neighborhood, it would enhance the nearby properties, that the neighbors have been notified twice regarding this project and only one neighbor responded both times in a positive manner. It was determined that the applicant can build a new garage but to achieve to goal of installing and benefitting from solar panels the applicant needs to build at a certain height and the applicant will gain the needed storage since basement is unusable. The Board determined when considering if the requested variance was substantial that the new height is less than original building, that is a decrease from the original height and the new height will be not as high as other buildings in the neighborhood. The Board stated that the proposed building does not create an adverse effect in the neighborhood, they determined it would create a positive effect with the installation of the solar panels. The Board discussed whether the situation was self-created and it was determined that it was but not enough to deny the variance.

Board member Provencher made a motion to approve the application request of Mr. Sullivan to build a 24 foot high garage with a variance of 9 feet in height. The building will be of similar siding as the house, the building will meet the allowable standards relating to lighting and garage height. That the front façade of the garage will match the front façade of the house. By granting variance, the applicant will be able gain the benefits of solar energy. That the building will create a positive change in the neighborhood and keeps in the character of the neighborhood. By installing solar panels, the applicant is keeping within the concept plan created by the village. That by granting the variance, there is no adverse effect on the neighborhood. That although the construction of the new building is a self-created hardship, the benefits out way the fact that it is self-created. Chairman McCormick seconded the motion. All in favor.

Chairman McCormick informed the applicant that he has one year to act on the variance granted. The applicant stated that he was picking up the building permit this evening from the Building Inspector right after the meeting. The Board verified with Mr. Hebert that the applicant was not charged the application fee for the height variance that was heard tonight as per the Board's discussion last month. Mr. Hebert stated that he did not charge Mr. Sullivan.

The Board then discussed whether Mr. Hebert had addressed the issues discussed at the last meeting. The secretary informed the board that due to the understaffing of the office, the secretary did not pull the minutes for the properties which are not abiding by the conditions of old variances and special use permits and put them on Mr. Hebert's desk. The board reviewed which properties they had concerns about. These included the fence on the corner lot on Kushaqua and Bozenkill, bushes required along Mr. Haines fence, landscaping along fence on Schoharie and Main, the canopy covering on Stewart's gas canopy, and the status of the corner lot on Thatcher and Main Street. The secretary informed the board that the minutes are available on line and that information is also available in the main file cabinets which Mr. Hebert has access to. The secretary will pull the minutes first thing in the morning.

Chairman McCormick made a motion to adjourn the meeting at 8:02 pm. Board member Huber seconded the motion. All in favor.

Respectfully Submitted,

Kelly Best