

VILLAGE OF ALTAMONT
ZONING BOARD OF APPEALS
REGULAR MEETING
Tuesday, August 8, 2017

Present:

Maurice McCormick, Chairman
Michael LaMountain
John Huber
Danny Ramirez
Michelle Ganance

Kelly Best, Secretary
Dean Whalen, Board Liaison
Glenn Hebert, Zoning Administrator
Gregory and Lisa Peck, Applicant
Bradley Grant, Neighbor

Absent: Kate Provencher

Chairman McCormick called the meeting to order at 7:02 pm.

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 15 of the Zoning Law on the following proposition: Request of Gregory and Lisa Peck for a 13 foot rear yard setback variance under the Zoning Law to per an addition of a 3 season sun room pursuant to Article 355 Section 15 for property owned by Gregory and Lisa Peck situated at 108 Sand Street, Altamont, NY 12009, Tax Map Number 37.18-4-39, zoned residential 10. Plans open for public inspection at the Village Offices during normal business hours. Said hearing will take place on Tuesday, August 8, 2017 at the Altamont Village Hall beginning at 7:00 pm. Dated July 21, 2017.

Mr. and Mrs. Peck stated that they are removing the current back porch. They stated the flooring of the porch was not level, and the roof needed to be replaced. They would like to build a new porch. It would be the same width but they would like to extend the length a total of 18 feet. They would like to make the new porch a 3 season sun room. They stated that the Fassett family property surrounds their property on one side and across the back. They would like to sit out on porch which will provides some privacy. The other neighbor has large arborvitaes planted along the side yard. They are asking for a variance of 13 feet to build the porch. There are no national grid or power lines buried in the area they wish to construct the porch. They stated that the exterior will match the existing house. There would be a motion light on the driveway side of the house.

The Board determined the lot size was 90' x 99' for a total of 8910 sq. ft. The size of the house was not listed on the plot plan submitted. It was determined that the driveway was blacktopped and there is a two car garage estimated to be 24' x 26' making it 624 sq. ft. It was also determined that an addition was added to the house and that is approximately a total of 311 sq. ft. The Board reviewed how much of the property could be built on under the Village Code. 624 sq. ft. garage + 311 sq. ft. addition + 200 sq. ft. shed + 1300 sq. ft. footprint of house + the square footage of the driveway = approximately 2711 total current use. It was determined that at least 2000 square feet to play with.

Chairman McCormick asked if there were any comments or concerns from the public.

Bradley Grant, 107 Sand Street, stated that the concept was great, that it is a nice project. His concerns related to the storm water to the right of the Peck's residence. He stated that the Village should have put in a catch basin in the right of way where there is a low spot. The Board stated that this was not something the Board had jurisdiction over and that Mr. Grant should address these issues with the Department of Public Works.

The Pecks stated that the new porch would have 3 windows facing Grand Street, 1 window and a sliding door on driveway side, and 2 windows on the other side. Mr. Peck is trying to salvage some of the siding from the current porch. It was determined that there would be 35' to the rear property line if the proposed porch is built.

The Board stated that a number of neighbor notifications went out to residents on Sand and Grand Streets. The Board received at note for the Fassetts. The Fassetts stated that they are neighbors of the Pecks, that their property surrounds the Pecks on two sides. They stated that they are in favor of the proposed project.

The Board inquired if the Pecks would put rain gutters on the porch. The Pecks stated yes.

Chairman McCormick made a motion to close the public hearing at 7:24 pm. Board member Huber seconded the motion. All in favor.

The Board reviewed the five factors they must consider when reviewing a variance application. It was determined that by granting the variance, the building of the porch would not create an undesirable change to the neighborhood. That the benefit sought could not be achieved in some other manner because of the small lot. That the requested amount of variance can be considered substantial but the proposed project is still 30 feet from the rear yard line, which this Board considered the size of the lot and the allowable amount which can be built on it, and the comments from the neighbors mitigates the issue of being substantial. The Board found that the proposed project would not create an adverse effect of impact on the physical or environmental conditions in the neighborhood. And finally, although this is a self-created issue, it doesn't mean the Board can't approve the variance.

Chairman McCormick made a motion to grant the request for a 13 foot variance to Mr. and Mrs. Peck, 108 Sand Street, with the following findings: The current porch has to be removed, that the siding of the proposed project will match the existing structure, that by granting the variance, the total buildable area of the lot is within the allowable size under the Village Code, that there has been no opposition from the neighbors and the neighbors that are directly impacted informed that Board that they were in favor of the project and the new porch would increase the value of the house. Board member Huber seconded the motion. All in favor.

Chairman McCormick informed the Peck's that the variance has been granted and they have 1 year to use it or they would have to come back to this Board to get it approved again.

The Board also informed the Pecks that the lot is approximately 8900 sq. ft. in total. The applicant can measure to verify. The Pecks were informed that they can't use more than 50% and the remainder must be green space. After this variance and the building of the 3 season room, they may only have 1500 sq. ft. to add a pool or shed.

Chairman McCormick made a motion to adjourn the meeting at 7:50 pm. Board member Ramirez seconded the motion. All in favor.

Respectfully Submitted,

Kelly Best