

VILLAGE OF ALTAMONT
ZONING BOARD OF APPEALS
REGULAR MEETING
Tuesday, December 12, 2017

Present:

Maurice McCormick, Chairman
Michael LaMountain
John Huber
Danny Ramirez
Kate Provencher

Kelly Best, Secretary
Dean Whalen, Board Liaison
Mr. McNeany, Applicant

Absent: Michelle Ganance

Chairman McCormick called the meeting to order at 7:03 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 Attachment 2 lot development requirements of the Zoning Law on the following proposition: Request of Michael and Teresa McNeany for a 2 foot side yard setback area variance under the Zoning Law to put an addition onto the rear of the house situated at 104 Severson Avenue, Altamont, NY 12009, Tax Map Number 48.06-1-11, zoned residential 10. Plans open for public inspection at the Village Offices during normal business hours. Said hearing will take place on Tuesday, December 12, 2017 at the Altamont Village Hall beginning at 7:00 pm. Dated November 22, 2017.

Chairman McCormick reviewed the list of neighbor notifications, noted that no other members of the public were present and asked if there were any comments, either written or verbal submitted to the Village Offices. The Secretary stated that there were not.

The applicant was asked about the dirt road. He stated that it went to a house that had burnt down many decades ago. The property on which the dirt road is located belongs to Andrea Kelsey.

The applicant stated that the variance was requested because the existing house was only 8 feet from the property line and the wanted the addition to line up with the existing house. The addition would extend linearly along the side of the house. The addition is 2 story and will include a kitchen, spare room, loft and master bedroom with a gabled dormer.

The applicant stated that Capital Land Builders (Brian Peek) will be building the addition. He was highly recommended.

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

Board member Provencher inquired on the length of the addition. The applicant stated it is approximately 15'4".

Board member Huber asked there would be any outdoor lighting. The applicant stated there would be one by each entrance. One on the back and one on the side. They would be in the form of sconce lighting. The board pointed out that the lighting was depicted on the submitted materials. The board determined that the lighting would not infringe on the neighbors.

The board complimented the applicant on the complete and well documented application packet.

Board member Ramirez inquired about the drainage. He was concerned about the large roof surface and runoff from the rains. The applicant stated that he would be installing gutters along the roof line and the gutters would drain into his side yard.

Chairman McCormick made a motion to close the public hearing. Board member Ramirez 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 mitigate 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.

The Board reviewed the factors outlined in the Village Code relating to area variances. They determined it would not create an undesirable impact on the neighborhood, it was keeping in character with other homes within the area, that the expansion could be done in a different way but that does not mean the board can't approve the variance, that the expansion will follow the linear line of the existing home, the board did not see this as a large variance, that no adverse effects such as rain runoff would be created due to the use of gutters. The board did find it was a self-created issue but again this does not deter the board from granting the variance. The board stated that it would be aesthetically pleasing because it continues along the same lines of the existing house. The board determined that the house is currently approximately 700 feet length and with the addition it will increase to approximately 1200 feet in length.

The Board reviewed the SEQR. Chairman McCormick made a motion that the request constituted an unlisted action and therefore made a negative determination. Board member LaMountain seconded the motion. All in favor.

Board member Provencher made a motion to grant the 2 foot side yard variance to Mr. and Mrs. McNeany at 104 Severson Avenue to construct an addition on their existing home after conducting a public hearing and with the following findings: Noted that 8 neighbors were notified and there was no communications or objections submitted, the granting of the variance would not create an undesirable change in the neighborhood, the plans presented keep within the character of the neighborhood, the expansion could be achieved in other ways but it is not out of character for the neighborhood, the variance requested is not substantial, by granting the variance it will not create an adverse effect on the neighborhood and although it is a self-created hardship, this is not enough to deny the variance request. Chairman McCormick seconded the motion. All in favor.

Chairman McCormick informed Mr. McNeany 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.

There was some discussion regarding switching village lights to warmer lights. Dean Whalen stated that the Village Board was already looking into accomplishing the switching of street lights.

Board member Provencher was concerned about all the issues discussed at the May meeting that have not been addressed. These are listed on the second page and include the canopy over Stewart's gas pumps, the fence on the corner of Whipple and Sanford, the fence on the corner of Schoharie Plank and Main, and the cleanup of the lot at 127 Main Street. The Secretary was asked to pull the special use permits and minutes for each one and give to the new Zoning Administrator. The board asked to have him review and report on any action taken at the February 2018 ZBA meeting.

Board member Provencher made a motion to approve the minutes from May 9, 2017. Board member Ramirez seconded the motion. All in favor.

Board member Provencher made a motion to approve the minutes from May 25, 2017. Board member Ramirez seconded the motion. All in favor.

Board member Ramirez made a motion to approve the minutes from July 6, 2017. Board member LaMountain seconded the motion. Board member Huber – in favor, Board member LaMountain – in favor, Board member Provencher – abstain, Board member Ramirez – in favor, and Chairman McCormick – in favor.

Board member Provencher made a motion to adjourn the meeting at 8:05 pm. Board member Huber seconded the motion. All in favor.

Respectfully Submitted,

Kelly Best