

ZONING BOARD OF APPEALS

PUBLIC HEARING

October 23, 2014

CONVENED: 7:00 p.m.

BOARD MEMBERS PRESENT: Eleanor Rosenthal
Mary Cabral
Wade Davis

BOARD MEMBERS ABSENT: Edward Komara
Bill Vitek (alternate)

A public hearing of the Village of Potsdam Zoning Board of Appeals was held on Thursday October 23, 2014 in the Civic Center Board Room, Park Street, Potsdam, New York.

Davis, Chairman, stated that the Public Notice of this hearing was published in the October 17, 2014 edition of the Courier Observer. He then proceeded to read the Legal Notice.

Davis then explained the procedure to be followed for the meeting.

Area Variance Application #2014-25-9.1 submitted by John Swedick for 80 Elm Street.

BUILDING INSPECTOR'S REPORT: Gregory Thompson, Code Enforcement Officer, introduced the application stating the applicant would like to enlarge the existing nonconforming driveway that preexists at 40' X 22'. The applicant seeks an area variance of an additional 15 feet.

APPLICANT AND/OR APPLICANT'S AGENT: Jenny Vieths, Norwood, real estate agent who sold applicant the property, was in attendance to represent to applicant.

Vieths stated that the applicant is seeking to enlarge the driveway to allow parking for three cars parked side by side perpendicular to the existing driveway. Vieths stated in her opinion, the enlargement and future paving of this area would help the resale value of this property and would aesthetically improve that area that abuts the road and will make the street more appealing. Vieths also feels it will give the homeowner that lives next to this property on Grant Street a better view of the road. Vieths added that the additional three spaces will take care of congestion on the road and improve the look of the property.

Eleanor Rosenthal asked if this whole building is rental. Vieths stated the applicant does not live there and that all three units are rented to Clarkson students.

THOSE IN SUPPORT OF THE APPLICATION: None.

THOSE IN OPPOSITION OF THE APPLICATION: Mary Morgan, 28 Grant Street, stated she does not agree with the request of the variance and feels that parking is already satisfactory for four cars. There is a two car garage on the premises that can be utilized. Morgan stated she believe to allow for the widening of this driveway sets a precedence for other landlords in the area to cover their lots with parking areas. Morgan feels this allowance would endanger the residential property owners and maybe pushing the area towards commercial use. Morgan explained where her property is in relation to the driveway.

Ann Johnson, 30 Grant Street, stated there have been three houses sold in the immediate vicinity and they fell into the hands of absentee landlords and this seems to be the trend. Johnson stated she doesn't want to see more cars; already they have been parking on the lawn.

Debra Gordon, 27 Grant Street, stated she lives across the street and she herself rents properties in the Village. Gordon stated Morgan has been a citizen of the community for years and has done nothing but add value to the community by keeping up her property, raising her kids there, and paying taxes. Gordon talked about Morgan's outstanding character and believes it would be a dishonor to Morgan to grant the applicant his variance.

Vieths stated she didn't think it was the applicant's intent to dishonor or disrespect his neighbor by requesting the variance; he just wants to clean up the property.

PUBLIC COMMENT: None

COMMUNICATIONS: None

Area Variance Application #2014-3-10 submitted by Erica and Todd Kaiser for 15 Cherry Street.

BUILDING INSPECTOR'S REPORT: Gregory Thompson, Code Enforcement Officer, introduced the application stating the applicant would like to place a storage shed closer that the required side yard setback of 15 feet. Since the shed is greater than 120 square feet it needs to adhere to the setback. The applicant is seeking an eight foot variance.

APPLICANT AND/OR APPLICANT'S AGENT: Todd Kaiser stated his purpose for a shed and that he has a wet basement and therefore stores many items in totes in a spare bedroom. Kaiser stated the property is narrow and prefers to preserve the depth of the lot. Kaiser does not feel there would be an adverse effect from the placement of the shed and stated he also submitted with his application a letter from his neighbor at 17 Cherry Street who was not opposed to the variance. Kaiser stated they just need storage room and since his family is growing it's becoming more of a need.

THOSE IN SUPPORT OF THE APPLICATION: None

THOSE IN OPPOSITION OF THE APPLICATION: None

PUBLIC COMMENT: None

COMMUNICATIONS: None

QUESTIONING OF SPEAKERS BY BOARD MEMBERS: None

VOTE REQUIREMENTS: Davis read the vote requirements.

The Public Hearing ended at 7:27 p.m.

ZONING BOARD OF APPEALS

REGULAR MEETING

October 23, 2014

A Regular Meeting of the Village of Potsdam Zoning Board of Appeals was held on Thursday, October 23, 2014 in the Civic Center Board Room, Park Street, Potsdam, New York.

The meeting was called to order at 7:27 p.m. and roll call taken:

MEMBERS PRESENT: Eleanor Rosenthal
Mary Cabral
Wade Davis

MEMBERS ABSENT: Edward Komara
Bill Vitek (alternate)

APPROVAL OF MINUTES: Minutes of the October 9, 2014 Public Hearing and Regular Meeting.

MOTION MADE by Mary Cabral to approve minutes as written.

MOTION SECONDED by Eleanor Rosenthal.

ALL IN FAVOR – NONE OPPOSED – MOTION CARRIED

COMMUNICATION: Letter from Jared Carey, submitted in favor of the Kaiser application. St. Lawrence County review regarding the Swedick application.

PUBLIC COMMENT: Jenny Vieths wanted to speak again to the comments made by others in the public hearing. Vieths stated that in the applicants' defense, he has spent a lot of money to rehabilitate the property. Vieths stated her real estate company has sold another property next to Swedick's and that is being cleaned up. Vieths stated that if he's allowed to enlarge his driveway it will improve the look of the property. She believes that the request was not made out of disrespect for Ms. Morgan but that the area in question is a mess and this proposal will clean it up. Vieths stated in regards to students, it's a college town and everyone has to deal with student rentals. Vieths added that if the Board denies his request she will advise him to appeal the decision.

Ann Johnson, 30 Grant Street, stated her issue is not about respect it is with additional car fumes. Johnson stated she doesn't appreciate living next to so many cars; as it is now sometimes she has to leave her windows closed so that fumes aren't lofting through her home.

Deb Gordon, 27 Grant Street, stated from business perspective, as a neighbor, she is aware of property values and how they are deciphered and in her opinion the proposed will not increase

the value of the neighbor's property. Gordon stated she knows and has talked with the applicant and he is a very nice guy but this should be a win-win situation and it is not.

Kathleen William, Morgan's daughter, stated the applicant is very respectful and has spoken to her mother about the variance. William stated that her mother does have an opinion and she has the right to express that opinion.

OLD BUSINESS: Area Variance Application #2014-25-9.1 submitted by John Swedick for 80 Elm Street.

Davis and Rosenthal both stated to the public that their decision is based on the review of the considerations as outlined in the Code and not on popularity or disrespect for anyone. The Board started their review with the five considerations of an area variance.

Consideration #1. Undesirable Change: Cabral stated yes, there would be an undesirable change; there is already a very large driveway and this would encourage additional cars to be parked on the property. Rosenthal stated she agreed with Cabral and added that the driveway is already 2 feet wider than what is allowed. Davis agreed with both Cabral and Rosenthal.

Consideration #2. Achieved by Other Method: Rosenthal stated there is already a two car garage plus a driveway which should be ample parking; additional parking would be superfluous. Cabral stated she also believe there is adequate parking off the street for tenants of this property so if parking seems to be a problem it's not because there isn't enough spaces to park. Davis agreed with both Rosenthal and Cabral.

Consideration #3. Substantial Variance Requested: All Board members believed the request was substantial.

Consideration #4. Adverse Effect or Impact: Rosenthal stated she does believe it will have an adverse effect because there will be more cars. Cabral stated she assumed the variance would stay within lot coverage limits and her main concern is with more asphalt. Cabral stated yes, there would be an adverse effect with more cars and traffic. Davis agreed with both Rosenthal and Cabral.

Consideration #5. Self-Created: Rosenthal stated she was not sure how to comment on whether this is self-created. Cabral and Davis both stated they felt it was self-created.

There were no further comments or questions.

MOTION MADE by Eleanor Rosenthal to classify Area Variance Application #2014-25-9.1 as a Type II under SEQRA.

MOTION SECONDED by Mary Cabral.

ALL IN FAVOR – NONE OPPOSED – MOTION CARRIED

MOTION MADE by Eleanor Rosenthal to approve Area Variance Application #2014-25-9.1 as submitted.

MOTION SECONDED by Mary Cabral.

NONE IN FAVOR – ALL OPPOSED – MOTION DENIED

NEW BUSINESS: Area Variance Application #2014-3-10 submitted by Erica and Todd Kaiser for 15 Cherry Street.

Consideration #1. Undesirable Change: Cabral stated no, she does not believe there would be an undesirable change. Rosenthal stated there would be a little change but not major. Davis stated he struggled with this consideration. Davis wondered why the applicant couldn't move the shed to the back of the lot and over so no variance is required. Kaiser stated because of the area in which he lives, and foot traffic from people cutting through his property to the main road, he is worried about vandalism. Davis asked how wide the lot is and Kaiser stated 73 feet. Davis asked if the shed was already in place and Kaiser stated no. Cabral stated to Kaiser that the shed wouldn't be in the middle of his lot if he were to move the shed another 8 feet from the property line. Kaiser then explained the property in a little more detail stating there is a beautiful old Maple tree in the middle of the property that he doesn't wish to cut down to make room for a storage shed. (Kaiser brought another sketch and showed the Board.) Davis concluded by stating he doesn't think one shed will alter the community but if everyone started doing the same thing then yes, it would produce an undesirable change.

Consideration #2. Achieved by Other Method: Rosenthal stated this consideration comes back to the placement of the shed. Kaiser stated that as a Village taxpayer, and not being able to afford to build a garage, this is a way to gain extra needed space.

Davis asked Greg Thompson about the shed and its size. Thompson stated a shed 120 sq. ft. or less can be placed within 5 feet of the property line but because this structure is over that square footage, it is now considered an accessory structure and has to adhere to those regulations.

Cabral stated she doesn't feel it can be achieved by any other method. Davis commented that this granting may open the door for the future of similar requests.

Consideration #3. Substantial Variance Requested: All Board members believed the request was substantial.

Consideration #4. Adverse Effect or Impact: All Board members felt that there would be no adverse effect or impact with the granting of this variance.

Consideration #5. Self-Created: All Board members felt this request is self-created but would not factor in to their final decision.

MOTION MADE by Eleanor Rosenthal to classify Area Variance Application #2014-3-10 as a Type II under SEQRA.

MOTION SECONDED by Mary Cabral.

ALL IN FAVOR – NONE OPPOSED – MOTION CARRIED

MOTION MADE by Eleanor Rosenthal to approve Area Variance Application #2014-3-10 as submitted.

MOTION SECONDED by Mary Cabral.

ROLL CALL VOTE:	Eleanor Rosenthal	-	aye
	Mary Cabral	-	aye
	Wade Davis	-	nay

MOTION FAILED - APPLICATION DENIED

OTHER BUSINESS: Rosenthal asked about a garage they reviewed earlier in the year for 19 Cherry Street that was turned down and said she noticed there was a garage built. Thompson stated the applicant repositioned the garage so that it fell within regulations and didn't need a variance. Thompson and the Board briefly discussed the driveway issue with that application as a recap.

MOTION WAS MADE by Mary Cabral to adjourn.

MOTION SECONDED by Eleanor Rosenthal.

The meeting adjourned at 7:55 p.m.