

ZONING BOARD OF APPEALS

PUBLIC HEARING

January 15, 2015

CONVENED: 7:00 p.m.

BOARD MEMBERS PRESENT: Eleanor Rosenthal
Edward Komara
Mary Cabral
Wade Davis

BOARD MEMBERS ABSENT: Bill Vitek (alternate)

A public hearing of the Village of Potsdam Zoning Board of Appeals was held on Thursday January 15, 2015 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 January 9, 2015 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 #2014-11-18.1 submitted by John Heinemann for 32-32 ½ Maple Street.

BUILDING INSPECTOR'S REPORT: Gregory Thompson, Code Enforcement Officer, introduced the application stated the applicant is seeking to enlarge a pre-existing nonconformity subject to Section 180-22 C (2). The applicant is seeking a variance to enlarge the number of tenants/beds and not enlarge the number of needed parking spaces as required by Village Code. Currently there is room for 17 vehicles and Village Code would require an increase in overall parking availability to 27.

APPLICANT AND/OR APPLICANT'S AGENT: Ben Foote, apartment manager, and Brooks Washburn, architect were present to discuss the application. Brooks Washburn discussed why he doesn't feel the proposed project is increasing the non-conformity. Washburn stated the applicant wants to add five bedrooms and five parking spaces – this doesn't increase the non-conformity. Washburn added that if the applicant needs more parking in the future then they have land to add more parking. Washburn gave his opinion on the five considerations of a variance request that the Board needs to review. In conclusion Washburn feels there are no negative aspects to the project or for the variance being sought, doesn't believe there is any alternative then to ask for a variance, and doesn't believe the request is self-created.

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 7:16 p.m.

ZONING BOARD OF APPEALS

REGULAR MEETING

January 15, 2015

A Regular Meeting of the Village of Potsdam Zoning Board of Appeals was held on Thursday, January 15, 2015 in the Civic Center Board Room, Park Street, Potsdam, New York.

The meeting was called to order at 7:17 p.m. and roll call taken:

MEMBERS PRESENT: Eleanor Rosenthal
Mary Cabral
Edward Komara
Wade Davis

MEMBERS ABSENT: Bill Vitek (alternate)

APPROVAL OF MINUTES: Minutes of the October 23, 2014 Public Hearing and Regular Meeting.

MOTION MADE by Eleanor Rosenthal to approve minutes as written.

MOTION SECONDED by Mary Cabral.

ROSENTHAL, CABRAL, DAVIS IN FAVOR – NONE OPPOSED – KOMARA ABSTAINED
- MOTION CARRIED

COMMUNICATION: None

PUBLIC COMMENT: None

OLD BUSINESS: None

NEW BUSINESS: Area Variance Application #2014-11-18.1 submitted by John Heinemann for 32-32 ½ Maple Street.

The Board reviewed the St. Lawrence County 239-m review comments regarding the site plan application that is also pending contingent on this variance request. The Board asked about lighting and the paving of the parking areas but was reminded that these issues would be discussed and reviewed at the time of site plan review.

Thompson explained the reasoning behind the variance request and how the proposed project cannot be considered by itself on that property; the whole property and existing structures need to be considered. The parking is currently a legal non-conformity since it is lacking in the number of parking spaces that are required – it was existing before parking requirements that are now in effect. Any additional parking added, without fixing this non-conformity would be considered

enlarging the existing non-conformity; this cannot happen without approval hence the variance request.

Fred Hanss stated that the Planning Board discussed with the applicant the practice of “banking” property area for future parking if needed. Hanss stated with large commercial properties such as Kinney Drugs on Maple Street the Planning Board has allowed them to install less than what was required for parking but leave enough land for future parking spaces if a need arises – or as he calls “banking” the required spaces.

Rosenthal stated her concern is if they grant this variance and a need for more parking arises in the future what grounds does the Village have to stand on to enforce adding additional parking spaces?

Davis asked Washburn about a comment he made in the public hearing regarding future construction plans. Washburn stated there is no master plan for this parcel. The applicant has the extra land and wants to capitalize on it by making more apartments; beyond that Washburn does not know. Davis says he understands at the present moment the renters at this location are grad students and don’t have a need for cars. But, Davis stated, what happens in the future when a different clientele are renting these units? Davis stated that things change and since the variance goes with the land he is hesitant to allow the lack of parking spaces beyond what it there now.

Washburn stated he is still confused as to why this issue had to come before the Zoning Board; they are constructing five bedrooms and adding five parking spaces.

Thompson again explained that because they are constructing the new building on the same property then you have to look at the whole property.

Davis stated he is hesitant on the whole “banking” of spaces concept. Davis gave an example of CPH putting in parking that was supposed to be permeable spaces (pavers interspersed with grass) and now it is all paved over.

The subject of subdividing the area that the applicant wants to construct the new apartments was questioned but Thompson stated they couldn’t subdivide and meet the minimum lot size for a conforming lot.

Consideration #1. Undesirable Change: All members agreed there would be no undesirable change.

Consideration #2. Achieved by Other Method: All members stated there was no other method.

Consideration #3. Substantial Variance Requested: Komara and Rosenthal stated they didn’t feel it was substantial. Cabral stated the conformity was substantial but not the request. Davis felt the request is substantial and that it would be setting precedence if approved.

Consideration #4. Adverse Effect or Impact: All members agreed there would be no adverse effect or impact.

Consideration #5. Self-Created: All members agreed that the request was self-created initiated by the building project.

No further discussion continued.

MOTION MADE by Eleanor Rosenthal to classify Area Variance Application #2014-11-18.1 as a Type II under SEQRA.

MOTION SECONDED by Mary Cabral.

ALL IN FAVOR – NONE OPPOSED – MOTION CARRIED

MOTION MADE by Edward Komara to approve Area Variance Application #2014-11-18.1 as submitted.

MOTION SECONDED by Eleanor Rosenthal.

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

MOTION DENIED – APPLICATION NOT APPROVED

OTHER BUSINESS: Approval of the 2015 Zoning Board of Appeals meeting schedule.

MOTION MADE by Mary Cabral to approval the schedule.

MOTION SECONDED by Eleanor Rosenthal.

ALL IN FAVOR – NONE OPPOSED – MOTION CARRIED

MOTION WAS MADE by Eleanor Rosenthal to adjourn.

MOTION SECONDED by Mary Cabral.

The meeting adjourned at 7:47 p.m.