

ZONING BOARD OF APPEALS

PUBLIC HEARING

May 22, 2014

CONVENED: 7:02 p.m.

BOARD MEMBERS PRESENT: Eleanor Rosenthal
Edward Komara
Mary Cabral

BOARD MEMBERS ABSENT: Wade Davis
Bill Vitek (alternate)

A public hearing of the Village of Potsdam Zoning Board of Appeals was held on Thursday May 22, 2014 in the Civic Center Board Room, Park Street, Potsdam, New York.

Edward Komara, Acting Chairman, stated that the Public Notice of this hearing was published in the May 16, 2014 edition of the Courier Observer. He then proceeded to read the Legal Notice.

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

Area Variance Application #2014-5-2.1 submitted by Steve Bond for 6 Harrington Court.

BUILDING INSPECTOR'S REPORT: Gregory Thompson, Code Enforcement Officer, introduced the application stating the applicant is seeking an area variance to install a pool on the side yard of the residence which is prohibited per Village Code.

APPLICANT AND/OR APPLICANT'S AGENT: Donna and Gina Norell were present to discuss the application. Donna and Gina are renters at 6 Harrington Court owned by Steve Bond. Donna explained that her daughter lives with her along with her son and Gina's son who are nine and twelve. Norell stated she called the C.E.O. and inquired about setting up the pool. She has talked to the neighbors about their safety concerns and stated she will adhere to all the safety regulations. Donna stated she is home all the time and Daughter goes to college. Donna also described the type of pool that will be erected which is made out of PVC pipes with a liner; the pool will be taken down out of season. Norell added she has a cover for the top of the pool and will be purchasing an alarm for the pool.

THOSE IN SUPPORT OF THE APPLICATION: None

THOSE IN OPPOSITION OF THE APPLICATION: None

PUBLIC COMMENT: None

COMMUNICATIONS: A letter from Steve Bond, owner of the property, was received with the application giving the Norell's permission to install the pool if the variance is granted.

QUESTIONING OF SPEAKERS BY BOARD MEMBERS: None

VOTE REQUIREMENTS: Komara read the vote requirements.

The Public Hearing ended at 7:16 p.m.

ZONING BOARD OF APPEALS

REGULAR MEETING

May 22, 2014

A Regular Meeting of the Village of Potsdam Zoning Board of Appeals was held on Thursday, May 22, 2014 in the Civic Center Board Room, Park Street, Potsdam, New York.

The meeting was called to order at 7:16 p.m. and roll call taken:

MEMBERS PRESENT: Eleanor Rosenthal
Edward Komara
Mary Cabral

MEMBERS ABSENT: Wade Davis
Bill Vitek (alternate)

APPROVAL OF MINUTES: Minutes of the May 8, 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

Remaining sets of minutes on the agenda were tabled due to lack of appropriate quorum.

COMMUNICATION: St. Lawrence County's 239-m review regarding application #2014-5-2.1 stated it was returned for local action as it had no countywide significance.

PUBLIC COMMENT: None

OLD BUSINESS: None

NEW BUSINESS: Area Variance Application #2014-5-2.1 submitted by Steve Bond for 6 Harrington Court.

Rosenthal questioned them calling the pool temporary. Norell stated the pool will be taken down after the season and put back up the following summer. Norell added that if they were to move the pool would be taken down. Norell continued stating they live on a cul-de-sac and so there is not a lot of traffic; they have purchased a cover for the top of the pool and will be purchasing a wave alarm which, when the pool is not being used, will sound an alert if waves are detected in the pool. Norell stated they do not want anything to happen to their sons or other children in the area. Norell added they will have a ladder that's not attached and will be removed and stored in the garage every night; also there is a fence around the neighbor's yard that will deter those wanderers.

Rosenthal asked Thompson if they meet all other safety regulations; Thompson responded yes. Cabral asked about all other space regulations; Thompson responded they meet all other setback requirements with side lot placement.

The Board members did not have anything further to discuss and so reviewed the five considerations of an area variance (§180-33 (C) (3) (b) [1]-[5]).

Consideration #1 – Undesirable Change: All Board members stated there would be no undesirable change; Rosenthal stated she didn't think a pool was an attractive feature for the property but wouldn't sway her vote.

Consideration #2 – Alternative to Variance: All Board members stated there is no alternative.

Consideration #3 – Substantial Request: All Board members felt it was a substantial request.

Consideration #4 – Adverse Effect: All Board members stated the proposed variance would not have an adverse effect. Cabral stated when the pool is taken down there will be quite a bit of water emptied out to the lawn but it would not be a lasting effect.

Consideration #5 – Self-Created: All Board members believed that the request is self-created.

There were no further comments.

MOTION MADE by Eleanor Rosenthal to classify Area Variance Application #2014-5-2.1 as Type II under SEQRA.

MOTION SECONDED by Mary Cabral.

ROLL CALL VOTE:	Eleanor Rosenthal	-	Aye
	Mary Cabral	-	Aye
	Edward Komara	-	Aye

MOTION CARRIED

MOTION MADE by Eleanor Rosenthal to approve Area Variance Application #2014-5-2.1 as submitted.

MOTION SECONDED by Mary Cabral.

ROLL CALL VOTE:	Eleanor Rosenthal	-	Aye
	Mary Cabral	-	Aye
	Edward Komara	-	Aye

MOTION CARRIED

OTHER BUSINESS: Hanss informed and invited the Zoning Board members to the June 5, 2014 Planning Board meeting as Jason Photenhauer from the St. Lawrence County Planning Office will be giving a presentation on Zone Based Planning.

MOTION WAS MADE by Mary Cabral to adjourn.

MOTION SECONDED by Eleanor Rosenthal.

The meeting adjourned at 7:31 p.m.