

ZONING BOARD OF APPEALS

PUBLIC HEARING

June 26, 2014

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 June 26, 2014 in the Civic Center Board Room, Park Street, Potsdam, New York.

Wade Davis, Chairman, stated that the Public Notice of this hearing was published in the June 20, 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 #2014-6-17.1 submitted by Blair and Margaret Madore for 19 ½ Cherry Street.

BUILDING INSPECTOR'S REPORT: Gregory Thompson, Code Enforcement Officer, introduced the application stating the applicant is seeking an area variance to extend and expand their existing driveway to the property line. A three foot variance is being sought.

APPLICANT AND/OR APPLICANT'S AGENT: Blair Madore, 19 ½ Cherry Street, stated that his wife Margaret and he own both properties at 19 and 19 ½ Cherry Street. Madore stated the variance would allow him to build his driveway up to and over the property line at 19 Cherry Street in order to access the proposed garage from his property at 19 ½ Cherry Street because very often the tenants at 19 Cherry Street are blocking their driveway and would prevent access to the proposed garage.

THOSE IN SUPPORT OF THE APPLICATION: None

THOSE IN OPPOSITION OF THE APPLICATION: None

PUBLIC COMMENT: None

BUILDING INSPECTOR'S REPORT: Gregory Thompson, Code Enforcement Officer, introduced the application stating the applicant is seeking an area variance to extend and expand

the existing driveway at 19 Cherry Street to the property line. A three foot variance is being sought.

APPLICANT AND/OR APPLICANT'S AGENT: Blair Madore, 19 ½ Cherry Street, stated the variance would allow him to build the rental property's driveway up to and over the property line at 19 Cherry Street in order to allow access to the proposed garage behind the existing structure from 19 ½ Cherry Street.

THOSE IN SUPPORT OF THE APPLICATION: None

THOSE IN OPPOSITION OF THE APPLICATION: None

PUBLIC COMMENT: None

BUILDING INSPECTOR'S REPORT: Gregory Thompson, Code Enforcement Officer, introduced the application stating the applicant is seeking an area variance to construct a garage at 19 Cherry Street to within the required setback area. A 5 foot variance is being sought.

APPLICANT AND/OR APPLICANT'S AGENT: Blair Madore, 19 ½ Cherry Street, stated the variance would allow him to build a garage in a spot that would request the smallest variance necessary. Madore added with the narrow lot size it is difficult to pick a location that would not require a variance. Madore continued stating he would like to build the garage on his adjacent property (19 Cherry) and be able to access it from his property at 19 ½ Cherry. The reason for the driveway variances is to access the proposed garage.

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

June 26, 2014

A Regular Meeting of the Village of Potsdam Zoning Board of Appeals was held on Thursday, June 26, 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
Wade Davis

MEMBERS ABSENT: Bill Vitek (alternate)

APPROVAL OF MINUTES: Minutes of the September 12, 2013 Public Hearing and Regular Meeting.

MOTION MADE by Eleanor Rosenthal to approve minutes as written.

MOTION SECONDED by Edward Komara.

ALL IN FAVOR – NONE OPPOSED – MOTION CARRIED

Minutes of the September 26, 2013 Public Hearing and Regular Meeting.

Tabled due to lack of appropriate quorum.

Minutes of the March 13, 2014 Public Hearing and Regular Meeting.

MOTION MADE by Edward Komara to approve minutes as written.

MOTION SECONDED by Mary Cabral.

ALL IN FAVOR – NONE OPPOSED – MOTION CARRIED

Minutes of the May 22, 2014 Public Hearing and Regular Meeting.

MOTION MADE by Eleanor Rosenthal approve minutes as written.

MOTION SECONDED by Mary Cabral.

ALL IN FAVOR – NONE OPPOSED – MOTION CARRIED

COMMUNICATION:

PUBLIC COMMENT: None

OLD BUSINESS: None

NEW BUSINESS: The three applications on the agenda were all from the same applicant for the same project. The Board felt it would be in their best interest to talk about them all at once although the applicants made it clear they wanted each application considered separately.

Eleanor Rosenthal stated she went by the property to look at the area and noticed storage shed at 19 Cherry; she wondered about the status of the shed. Margaret Madore stated it will be demolished; Blair Madore stated it is not a permanent structure. Rosenthal then stated the main consideration she is pondering is that at some point, if the rental property at 19 Cherry is sold, then the garage will no longer belong to the Madore's. Blair Madore stated that several people have brought this issue up to him and said frankly it's his problem when he goes to sell the property. Blair Madore stated the proposal is the least problematic considering other ideas he's had for the ultimate goal of a garage. If this project goes through as proposed, and if the rental property at 19 Cherry Street with the new garage is sold, then it would just be a matter of digging up asphalt to discontinue the access to the garage from 19 ½ Cherry Street. Cabral reiterated that the proposed garage at 19 Cherry Street is really for the applicants at 19 ½ Cherry Street.

Komara stated there are a few other properties in the Village that have this type of setup; contiguous shared driveways. Davis stated that his problem with the matter at hand is segmenting the different parts to this proposal.

Thompson stated Madore has been to the Codes Office a few times with two-three different proposals such as a lot line adjustment which cannot be done because it would create a non-conforming lot. Cabral asked Madore about building the garage on his own property. Blair Madore stated that the garage would destroy his back yard; and they would need a variance for the driveway regardless. Madore added to build the garage on his property would also destroy their garden that they enjoy. Madore believe the three applications are all separate issues.

The question was asked to the Code Enforcement Officer is the project fell within the lot coverage maximums. Thompson stated it did.

Rosenthal stated she has sympathy for their request but feels there may be a legal problem in the future if the properties are sold. Thompson stated he spoke with the Madore's and they agree that the garage goes with the property at 19 Cherry Street.

There was more discussion regarding the reasons why the Madore's weren't proposing to put the garage on their property at 19 ½ Cherry. Davis stated he has concern with the proposal in the zone they are in and the implication for the properties on that street. If approved it could set precedence; changing the character of the neighborhood if requested by other property owners in that zone, on that street.

Blair Madore stated he understood the concern that if someone else purchased both properties it could easily turn into a two property slum ghetto. Madore stated he can't promise that won't

happen. Komara stated this doesn't happen often but it could happen. Thompson stated the condition exists in the Village elsewhere but it is preexisting. One could argue that you're continuing nonconformity and could be setting precedence for this throughout the Village.

Davis stated and the Board members agreed that they would like some direction on the issue from the Village Attorney and the St. Lawrence County Planning Board. Blair Madore stated he doesn't have a problem waiting for the Board to get opinions on the issue; he'd rather have it done right than to hurry it along. Blair Madore added his wife really wants a garage and she'll get it somehow.

MOTION MADE by Mary Cabral to table all three applications (2014-6-17.1, 2014-6-17.2, 2014-6-17.3) until such time Staff can obtain an opinion from the St. Lawrence County Planning Board and the Village Attorney.

MOTION SECONDED by Edward Komara.

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

MOTION CARRIED

OTHER BUSINESS: None

MOTION WAS MADE by Wade Davis to adjourn.

MOTION SECONDED by Eleanor Rosenthal.

The meeting adjourned at 7:45 p.m.