

ZONING BOARD OF APPEALS

PUBLIC HEARING

July 24, 2014

CONVENED: 7:00 p.m.

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

BOARD MEMBERS ABSENT: Bill Vitek (alternate)

A public hearing of the Village of Potsdam Zoning Board of Appeals was held on Thursday July 24, 2014 in the Civic Center Board Room, Park Street, Potsdam, New York.

Davis explained that public comments on the three applications submitted by Blair Madore for 19 and 19 ½ Cherry Street were also received at a public hearing on June 26, 2014. Misprint of the correct public hearing date for the June 26, 2014 meeting required the Zoning Board to hold another public hearing regarding all three applications submitted by Madore.

Wade Davis, Chairman, stated that the Public Notice of this hearing was published in the July 18, 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 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 construct a new driveway to within three (3) feet of the property line. The setback required is three (3) feet. The applicant proposes to construct the driveway up to the property line and therefore a 3 foot variance is being requested.

APPLICANT AND/OR APPLICANT'S AGENT: Blair Madore explained ownership of both 19 and 19 ½ Cherry Street and his desire to build a garage at 19 Cherry Street and access it from his personal residence at 19 ½ Cherry Street.

THOSE IN SUPPORT OF THE APPLICATION: None

THOSE IN OPPOSITION OF THE APPLICATION: None

PUBLIC COMMENT: None

Area Variance Application #2014-6-17.2 submitted by Blair Madore for 19 Cherry Street.

BUILDING INSPECTOR'S REPORT: Gregory Thompson, Code Enforcement Officer, introduced the application stating the applicant is seeking an area variance to construct a new driveway to within three (3) feet of the property line. The setback required is three (3) feet. The applicant proposes to construct the driveway up to the property line and therefore a 3 foot variance is being requested.

APPLICANT AND/OR APPLICANT'S AGENT: Blair Madore explained ownership of both 19 and 19 ½ Cherry Street and his desire to build a garage at 19 Cherry Street. Madore stated the current driveway will extend to the new garage and also extend to the property line at 19 ½ Cherry Street.

THOSE IN SUPPORT OF THE APPLICATION: None

THOSE IN OPPOSITION OF THE APPLICATION: None

PUBLIC COMMENT: None

Area Variance Application #2014-6-17.3 submitted by Blair Madore for 19 Cherry Street.

BUILDING INSPECTOR'S REPORT: Gregory Thompson, Code Enforcement Officer, introduced the application stating the applicant is seeking an area variance to construct a new garage within the required setback of 15 feet. The applicant is seeking a variance of five (5) feet.

APPLICANT AND/OR APPLICANT'S AGENT: Blair Madore explained ownership of both 19 and 19 ½ Cherry Street. Madore desires to build a garage at his rental property at 19 Cherry Street.

THOSE IN SUPPORT OF THE APPLICATION: None

THOSE IN OPPOSITION OF THE APPLICATION: None

PUBLIC COMMENT: None

COMMUNICATIONS: A letter of support was received by Mitchell Despaw in favor of the whole project and was read into record.

QUESTIONING OF SPEAKERS BY BOARD MEMBERS: None

VOTE REQUIREMENTS: Davis read the vote requirements.

The Public Hearing ended at 7:10 p.m.

ZONING BOARD OF APPEALS

REGULAR MEETING

July 24, 2014

A Regular Meeting of the Village of Potsdam Zoning Board of Appeals was held on Thursday, July 24, 2014 in the Civic Center Board Room, Park Street, Potsdam, New York.

The meeting was called to order at 7:11 p.m. and roll call taken:

MEMBERS PRESENT: Eleanor Rosenthal
Edward Komara
Wade Davis
Mary Cabral

MEMBERS ABSENT: Bill Vitek (alternate)

APPROVAL OF MINUTES: Minutes of the July 10, 2014 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 were tabled due to lack of appropriate quorum.

COMMUNICATION: St. Lawrence County Planning Board 239-M Review was returned for local action. Staff did recommend the recording of an easement on 19 Cherry Street that provides the owners of 19 ½ Cherry Street with access to the garage. Staff also suggested considering an internal wall to separate the garage bays from one another.

Thompson stated the Village Attorney, Andrew Silver, noted the application for the garage does not meet the definition for accessory building in Village Code Section 180-4 which states an accessory building has to be on premise; in addition a private garage also requires it to be on premise. Silver also commented and believes it does not meet the five standards or considerations of an area variance. Silver added that the requests do not fit within the zone. Silver stated that allowing the requests could create a problem because the request of building a garage on another property does not meet the definition and it could create a situation where someone would have grounds for a complaint.

PUBLIC COMMENT: None

OLD BUSINESS: Area Variance Application #2014-6-17.1 submitted by Blair Madore for 19 ½ Cherry Street.

Consideration #1. Undesirable Change: All Board members agreed there would be undesirable effect.

Consideration #2. Achieved by Other Method: Cabral stated she believes there are other alternatives. Komara, Rosenthal and Davis all believed there were no alternatives.

Consideration #3. Substantial Variance Requested: All Board members believed the variance was not substantial.

Consideration #4. Adverse Effect or Impact: All Board members believed there would be no adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Consideration #5. Self-Created: All Board members believe the request was self-created.

Thompson reminded the Board members that a variance goes with the property.

MOTION MADE by Eleanor Rosenthal to classify Area Variance Application #2014-6-17.1 as a Type II under SEQRA.

MOTION SECONDED by Mary Cabral.

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

MOTION CARRIED

MOTION MADE by Eleanor Rosenthal to approve Area Variance Application #2014-6-17.1 as submitted.

MOTION SECONDED by Edward Komara.

Cabral commented that she was confused by the break-up of parts as the entire project should be looked at as a whole.

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

MOTION CARRIED – APPLICATION APPROVED

Area Variance Application #2014-6-17.2 submitted by Blair Madore for 19 Cherry Street.

Consideration #1. Undesirable Change: Komara stated this type of situation does exist in other equivalent areas in the Village thus he feels there will be no effect or undesirable change. Rosenthal stated she feels there will be a slight alteration due to the connection of the properties. Cabral believes the granting of the variance will change the character of the neighborhood and Davis agreed with Cabral.

Consideration #2. Achieved by Other Method: Cabral stated she believes there are other alternatives and Rosenthal agreed. Komara and Davis both stated they believe there are no alternatives.

Consideration #3. Substantial Variance Requested: All Board members believed the variance was not substantial.

Consideration #4. Adverse Effect or Impact: All Board members believed there would be no adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Consideration #5. Self-Created: All Board members believe the request was self-created.

MOTION MADE by Eleanor Rosenthal to classify Area Variance Application #2014-6-17.2 as a Type II under SEQRA.

MOTION SECONDED by Edward Komara.

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

MOTION CARRIED

MOTION MADE by Mary Cabral to approve Area Variance Application #2014-6-17.2 as submitted.

MOTION SECONDED by Eleanor Rosenthal.

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

MOTION DEFEATED – APPLICATION DENIED

Area Variance Application #2014-6-17.3 submitted by Blair Madore for Cherry Street.

Consideration #1. Undesirable Change: Rosenthal stated she does feel there would be an undesirable change. Komara, Cabral, and Davis stated they do not feel there would be an undesirable change or effect on the neighborhood.

Consideration #2. Achieved by Other Method: Komara stated due to the depth of the property the garage could be built on the owner's property (19 1/2 Cherry) therefore he does believe the applicant has alternatives. Cabral, Rosenthal, and Davis all agreed.

Consideration #3. Substantial Variance Requested: All Board members believed the variance was not substantial.

Consideration #4. Adverse Effect or Impact: All Board members believed there would be no adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Consideration #5. Self-Created: All Board members believe the request was self-created.

MOTION MADE by Eleanor Rosenthal to classify Area Variance Application #2014-6-17.3 as a Type II under SEQRA.

MOTION SECONDED by Mary Cabral.

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

MOTION CARRIED

MOTION MADE by Eleanor Rosenthal to approve Area Variance Application #2014-6-17.3 as submitted.

MOTION SECONDED by Mary Cabral.

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

MOTION DEFEATED – APPLICATION DENIED

OTHER BUSINESS: None

MOTION WAS MADE by Mary Cabral to adjourn.

MOTION SECONDED by Eleanor Rosenthal.

The meeting adjourned at 7:40 p.m.