

Zoning Board of Appeals
Public Hearing
April 23, 2015

Convened: 7:00 PM

Board Members Present: Eleanor Rosenthal
Edward Komara
Mary Cabral
Wade Davis

Board Members Absent: Bill Vitek

A public hearing of the Village of Potsdam Zoning Board of Appeals was held on Thursday April 23, 2015 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 Courier Observer. He then proceeded to read the Legal Notice.

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

Use Variance Application #2015-3-30.1, submitted by John Swedick regarding 80 Elm Street .

Building Inspector's Report:

Gregory Thompson, code Enforcement Officer, introduced the application stating the applicant is seeking to change the recorded use of his property from an Owner Occupied + 2 Unit Rental to a 2 Family Dwelling.

Applicant:

John Swedick, 205 West Fourth Avenue, Johnstown, NY, stated his plan was to reduce the current Multi-family Dwelling to a 2 Family Dwelling. This move would relieve an ongoing parking problem and decrease the amount of student traffic in and out of the residents. The property is no longer needed by Mr. Swedick as his son has now graduated and he would hope that this change would make the property marketable and alleviate the current problems with this property.

Questioning of Speaker By Board Members:

Eleanor Rosenthal inquired as to when the property was bought and how long had Mr. Swedick owned the property.

John Swedick replied that he had bought the property from a Mr. Patell and had owned it now for 4 years. In that time he states he has invested a lot of money in the property in order to improve it.

Fred Hanss inquired as to whether the property was on the market.

John Swedick replied that yes in fact it is currently for sale.

Those In Favor: NONE

Those In Opposition: NONE

Public Comment: NONE

Communication: County Planning Board Review

Voting Requirements: Read by Wade Davis, Chairman

Adjournment: 7:11

**Zoning Board of Appeals
Regular Meeting
April 23, 2015**

A regular meeting of the Village of Potsdam Zoning Board of Appeals was held on Thursday April 23, 2015 in the Civic Center Board Room, Park Street, Potsdam, New York.

The meeting was called to order at 7:12 and roll call was taken:

Members Present: Eleanor Rosenthal
Mary Cabral
Edward Komara
Wade Davis
Member Absent: Bill Vitek

Approval of Minutes: NONE

Communications:

County Planning Board Review returned for local action, with reminder that the applicant must meet the requirements all 4 legal tests, and also that no documentation had been submitted to that office in reference to said tests.

Public Comment: NONE

Old Business: NONE

New Business:

Use Variance Application #2015-3-30.1 submitted by John Swedick regarding 80 Elm Street

Fred Hanss reminded the board that Mr. Swedick must in fact meet the requirements of all 4 legal tests and to this point he has not done so.

Eleanor Rosenthal inquired as to whether all 4 had to be met?

Wade Davis replied that in fact yes, all 4 had to be passed in order for the variance to be granted.

Wade Davis read all 4 of the required legal tests for a Use Variance and at that time inquired as to whether or not Mr. Swedick desired to proceed further with this matter.

Fred Hanss further clarified that Mr. Swedick must show an inability to gain a return on investment for all acceptable used within the R-1 zone.

Mr. Swedick, due to the travel distance and time requested that we continue on with the meeting and that he would do his best to answer to the 4 legal tests. He explained his inability to market the property

in any other way at this time due to its current status as an Owner Occupied + 2 Unit Rental. The request is to down size no to expand, this variance would, as stated, alleviate all problems now facing this property in regard to local zoning.

At 7:30 Wade Davis, Chairman, suspended the meeting for five minutes to give Mr. Swedick time to evaluate his options.

At 7:35 Wade Davis, Chairman, reconvened the meeting.

Again, Mr. Swedick explained his inability to be at the next meeting and that he would like to continue on at this time.

Test #1 was read by Wade Davis

- The applicant cannot realize a seasonable return, provided that lack of return is substantial, as demonstrated by competent financial evidence.

John Swedick stated that the house being what it is, is not sellable under local zoning requirements. He had tried to get a variance in the past to enlarge his parking, thus meeting a zoning requirement but that was turned down.

Wade Davis inquired as to whether Mr. Swedick had any financial documentation to defend his point.

Mr. Swedick had nothing to provide the Board at this time.

Wade Davis, Chairman, at that point requested to table the request for a Use Variance, for 80 Elm Street, in defense of the applicant. This is due to the fact that Mr. Swedick was not prepared to provide information sufficient for the Board to make a fair and accurate decision.

Motion Made by Eleanor Rosenthal to table Application #2015-3-30.1

Motion Seconded by Edward Komara

All In Favor – No Opposition – Application is Tabled

Motion to Adjourn – Edward Komara

Motion Seconded – Eleanor Rosenthal

All In Favor – No Opposition – Meeting Adjourned At 7:46