

Zoning Board of Appeals May 16, 2019 Draft Minutes

Members of the Zoning Board of Appeals in attendance by roll call were:

Chairperson Douglas Purcell — absent
Vice-Chairperson Kenneth Coirin — here
Frank Malagisi — here
Kathleen Ellerby — here
John Byrnes — here

Members of the public in attendance: Mark Ford, Christopher Maddalone, Lucia Maddalone, Eugene Mierzwa.

Vice-Chairperson Kenneth Coirin opened the public hearing at 7:30pm.

Vice-Chairperson Kenneth Coirin asked if there were any corrections or additions to the minutes of the January 30, 2019 meeting. There were none. He then asked if there was motion to waive the reading and accept the minutes as published.

Frank Malagisi moved to waive the reading of the minutes from the January 30, 2019 Zoning Board of Appeals meetings and accept them as published. Kathy Ellerby seconded the motion. All were in favor.

Application Number #Z2019-01

Owner Caroga Historical Museum, PO Box 434, Caroga Lake NY 12032, of the property located at 144 County Highway 111 in the Town of Caroga and identified as parcel **SBL#68.-1-6.2**, for a variance to the Town of Caroga Zoning Ordinance. The proposed sign would be in violation of:

[Article 5, Section I, subsection H, paragraph 13](#). The proposed sign is more than 200 feet away.

There was no correspondence.

Mark Ford said the Caroga Historical Museum and Association wants to put a couple signs on the Sherman's property to show the hours and what is available at the museum. They feel this would be a very positive thing for the town. With more pedestrian traffic at Sherman's this will alert more people to the museum being up there. One of the exhibits is about Sherman's. They feel the whole thing would be a positive for the town.

Vice-Chairperson Kenneth Coirin closed the public portion at 7:35 PM.

John Byrnes asked where the two signs would go.

Mark Ford said one would be close to the carousel on the bumper cars pavilion side. The second one would be attached to the information booth.

Frank Malagisi asked if they are portable signs.

Mark Ford said there is a base. Part of one of the signs will be in the ground. There is metal attached to the base in the ground.

Kathy Ellerby asked if they would it be high enough, so nobody would plow into it.

Mark Ford wasn't sure.

Frank Malagisi asked if maintenance will all be performed by the museum.

Mark Ford said, yes.

Frank Malagisi asked what happens if we sell Sherman's.

Mark Ford said it would be up to whoever buys the property.

Vice-Chairperson Kenneth Coirin: In making its determination, on an area variance application the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. There's five criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. All board members said No.
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. All board members said No.
3. Whether the requested area variance is substantial. All board members said No.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. All board members said No.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance. All board members said No.

Vice-Chairperson Kenneth Coirin entertained a motion.

Frank Malagisi moved to grant the variance.

Kathleen Ellerby seconded the motion.

Vice-Chairperson Kenneth Coirin said a yes vote will grant the variance and a no vote will deny it.

Roll call vote:

Vice-Chairperson Kenneth Coirin: Yes.

Frank Malagisi: Yes.

Kathleen Ellerby: Yes.

John Byrnes: Yes.

Vice-Chairperson Kenneth Coirin said the application was approved.

Application Number #Z2019-02

Owners Christopher & Lucia Maddalone, 525 Union Street Schenectady NY 12305, of the property located at 108 Montayne Lane Caroga Lake NY 12032 and identified as parcel **SBL#83.9-2-25**, for a variance to the Town of Caroga Zoning Ordinance. The proposed structure would be in violation of:

Article 9, Section VI, paragraphs [A](#) and [B](#). The proposed replacement structure exceeds lot coverage requirements by 94 square feet. Total lot coverage allowed is 1,010 square feet with 0.33% increased coverage. The proposed replacement structure is 24 by 46 feet for a total of 1,104 square feet.

[Article 4, Section IV](#). The proposed structure does not meet the front yard setback requirement of 16.5 feet: The proposed setback is 14.7 feet. The proposed structure does not meet one of the side yard setback requirements of 13.2 feet: The proposed setback is 13 feet. The proposed structure also does not meet the shoreline setback of 75 feet. The proposed structure would be within 52 feet of the mean high water line.

Owner Desires to: build a single family dwelling, after already having demolished the existing structure. The setback and lot coverage are at issue.

Christopher Maddalone reviewed his plans. He is proposing to build the house one foot farther back from the shoreline than the original structure. He combined this proposed building lot and the new raised bed septic back in March or April. He is working on an easement for his third lot to use the septic system but is holding off pending APA not reversing a favorable decision tonight. He reduced roof covering.

There was no correspondence.

Eugene Mierzwa, the next door neighbor, said he was in support.

Closed public at 7:45 PM.

Vice-Chairperson Kenneth Coirin reviewed the objections stated in the APA reversal communication. He asked the applicant what the footprint now increases to.

Christopher Maddalone said 304 square feet. The original home was 800 square feet. He proposes a 6 foot by 24 foot lakeside porch. He widened the house by 4 feet by 40 feet. The sum is the 304 square feet. He reminded the Board that he was pushing the home back from the shoreline by one foot relative to the original structure.

Vice-Chairperson Kenneth Coirin said the APA was concerned about an increase in height by an unknown amount.

Christopher Maddalone did not know the exact original height of the demolished home: He estimates it was 22 feet. He said his new structure would be 28 or 29 foot. He said the elevations were in his application packet. He said there is a proposed second story on the porch.

The elevation drawing he submitted did not appear to give the vertical dimensions.

Vice-Chairperson Kenneth Coirin said that's what we need (elevation drawing).

Vice-Chairperson Kenneth Coirin said the APA was unclear as to whether the porch on the shore side would include a second story. The applicant said yes, and the plan the Board did not receive would show that.

Vice-Chairperson Kenneth Coirin asked if there was a roof over the second story shore-side porch. The

applicant confirmed there was no roof.

Applicant promised to get an elevation drawing with dimensions to the Board.

Vice-Chairperson Kenneth Coirin again reminded the applicant of the need for that dimensional elevation drawing.

Vice-Chairperson Kenneth Coirin read from the APA communication regarding vegetative planting, color restrictions, and other restrictions that might mitigate the impact to the neighborhood or have an adverse effect.

Applicant said there were no plantings previously.

Vice-Chairperson Kenneth Coirin read from the APA communication as to absence of discussion as to whether the benefits sought by the applicant could be achieved without a variance.

Vice-Chairperson Kenneth Coirin read from the APA communication as the absence of discussion as to the minimum variance necessary.

Vice-Chairperson Kenneth Coirin partially filled in the SEAF: two story single family dwelling.

Vice-Chairperson Kenneth Coirin proceeded through the questions.

Vice-Chairperson Kenneth Coirin: Permit form any other government agency Yes, APA.

Vice-Chairperson Kenneth Coirin asked the total acreage and other questions.

Vice-Chairperson Kenneth Coirin declared it Rural.

Vice-Chairperson Kenneth Coirin declared it Residential.

Vice-Chairperson Kenneth Coirin declared it a permitted use.

Vice-Chairperson Kenneth Coirin declared it consistent with Comprehensive Plan.

Vice-Chairperson Kenneth Coirin declared it consistent with existing built or natural landscape.

Vice-Chairperson Kenneth Coirin declared it not in a critical environmental area.

Vice-Chairperson Kenneth Coirin declare it would not substantially increase traffic.

Vice-Chairperson Kenneth Coirin declared that there was no public transportation service at or near the site.

Vice-Chairperson Kenneth Coirin declared that there were no pedestrian or bicycle routes on or near the site.

The applicant claimed that the plan meets or exceeds the state energy code requirements.

Vice-Chairperson Kenneth Coirin declared that the plan meets or exceeds the state energy code requirements.

Vice-Chairperson Kenneth Coirin declared that the plan will connect to a private well.

Vice-Chairperson Kenneth Coirin declared that it will not connect to existing waste water utilities.

Vice-Chairperson Kenneth Coirin declared it not in or near anything subject to the National Register of Historic Places.

Vice-Chairperson Kenneth Coirin declared it not eligible to be listed on the state register of Historic Places.

Vice-Chairperson Kenneth Coirin declared it not in or near an area designated as a sensitive archaeological site.

Vice-Chairperson Kenneth Coirin declared it is near a regulated water body.

Vice-Chairperson Kenneth Coirin declared it would not encroach into any existing water body.

Vice-Chairperson Kenneth Coirin declared it a shoreline, rural, and not a habitat for an endangered species.

Vice-Chairperson Kenneth Coirin declared it was within a hundred year flood plain.

Vice-Chairperson Kenneth Coirin declared it would not create storm water discharge.

Vice-Chairperson Kenneth Coirin declared it would not result in the impoundment of water or other liquids.

Vice-Chairperson Kenneth Coirin declared it was not at or near a closed solid waste facility.

Vice-Chairperson Kenneth Coirin declared it was not subject to remediation of hazardous waste.

Vice-Chairperson Kenneth Coirin declared said in making its determination, on an area variance application the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. All board members said No.
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. All board members said No.
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Vice-Chairperson Kenneth Coirin said he would entertain a motion.

Frank Malagisi moved to approve provided they show proof of height and provide a completed SEAF.

John Byrnes seconded the motion.

Vice-Chairperson Kenneth Coirin declared said we have a motion to approve the variance contingent on the conditions Frank Malagisi stipulated. A “yes” vote will grant the variance. A “no” vote will deny it.

Roll call vote:

Kenneth Coirin: Yes.

Frank Malagisi: Yes.

Kathleen Ellerby: Yes.

John Byrnes: Yes.

Frank Malagisi moved to adjourn.

Kathleen Ellerby seconded the motion.

The meeting adjourned at 8:07 pm.

Respectfully submitted
James McMartin Long
Town of Caroga Deputy Supervisor,
acting as Zoning Board of Appeals Clerk
and Zoning Board of Appeals Secretary