

Town of Caroga
P.O. Box 328
1840 State Highway #10
Caroga Lake NY, 12032
(518) 835-4211 Fax # (518) 835-4037
carogate@nycap.ny.us

Zoning Board of Appeals

Date: September 28, 2018

Hearing Notice

A public hearing before the Zoning Board of Appeals of the Town of Caroga will be held on **Tuesday October 23, 2018** at 7:00 p.m. at the Town of Caroga Municipal Building to consider the following application:

Application Number #Z2018-11

Owner: Christopher & Lucia Maddalone 525 Union Street Schenectady NY 12305

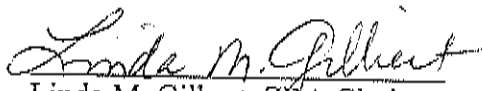
of the property located at: 108 Montayne Lane Caroga Lake NY 12032

and identified as parcel # **83.9-2-25**

for a variance to the Town of Caroga Zoning Ordinance which is in violation of Article 4 Sections 4.050 and 4.101 of said code.

Owner Desires to: demolish existing structure and build a single family dwelling. The lakefront setback and lot coverage are at issue.

The above application is open to inspection at the office of the Town Clerk, Town of Caroga Municipal Building 1840 State Highway #10 Caroga Lake NY 12032. Persons wishing to appear at such hearing may do so in person or by attorney or other representative. Communications in writing in relation thereto may be filed with the Board at such hearing.


Linda M. Gilbert, ZBA Clerk

~~Zoning~~
~~PLANNING BOARD~~
TOWN OF CAROGA, NY

~~Application for Planning Board Review~~

Appeal No: _____
Date: 9.12.2018

To the Planning Board, Caroga Lake _____, New York.

I (we) Christopher & Lucia Maddalone of 525 Union Street Schenectady NY 12305 HEREBY APPEAL TO THE PLANNING BOARD FROM THE DECISION OF THE CODE ENFORCEMENT OFFICER ON APPLICATION FOR BUILDING PERMIT No: _____, Dated: 9.12.2018,

WHEREBY THE CODE ENFORCEMENT OFFICER DID:

- GRANT
- DENY TO Christopher & Lucia Maddalone
(Name of Applicant to Permit)
OF 525 Union Street Schenectady NY 12305
(Street and Number) (Municipality) (State)
- A PERMIT FOR USE
- A PERMIT FOR OCCUPANCY
- A CERTIFICATE FOR CONTINUATION OF A NONCONFORMING USE
- REVIEW OF DECISION OF CODE ENFORCEMENT OFFICER

1. LOCATION OF PROPERTY 108 Montanye Lane Caroga Lake NY 12032
(Street and Number) (Zoning District)
2. PROVISIONS(S) OF THE ZONING ORDINANCE (LOCAL LAW) APPEALED. Article _____, subsection _____, paragraph _____. Indicate the article, subsection and paragraph of the Zoning Ordinance appealed, by number. Do not quote the ordinance.
3. TYPE OF APPEAL. Appeal is made herewith for:
 - An interpretation of the zoning ordinance or zoning map
 - A variance to the zoning ordinance
4. PREVIOUS APPEAL. A previous appeal () has (x) has not been made with respect to this decision of the building inspector or with respect to the property. Such appeal(s) was (were) in the form of () a requested interpretation () a request for a variance and was (were) made in:
 - Appeal No. _____, dated: _____, 20____
 - Appeal No. _____, dated: _____, 20____
 - Appeal No. _____, dated: _____, 20____
 - Appeal No. _____, dated: _____, 20____

5. REASON FOR APPEAL (complete relevant blank. Use extra sheet if necessary).
- A. INTERPRETATION OF THE ZONING ORDINANCE OR DECISION OF CODE ENFORCEMENT OFFICER IS REQUESTED because:

PLEASE SEE ATTACHED

- B. A VARIANCE TO THE ZONING ORDINANCE IS REQUESTED for these reasons:

1. STRICT APPLICATION of the ordinance would produce UNDUE HARDSHIP because:

The hardship would be fall upon our family, as if the variance was denied we would have to keep the home a the size it currently is which would hinder the growth of our family and the overall enjoyment of the lake and its community as the home is just to small for our size family to use comfortably & is the main reason why we have not used the home more.

2. The variance would observe the spirit of the ordinance and would NOT CHANGE THE CHARACTER OF THE DISTRICT because:

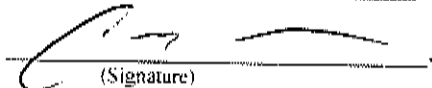
we are only asking to increase the home size by 4' wider then it currently is or for a total of 160 sqft. Also in the proposal of moving the home to a more natural fit on the lot would actually increase the look to the neighborhood. Not to mention that we have removed an eye sore of a home on the rear lot & added more Trees and greenery to the area.

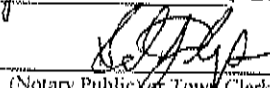
STATE OF NEW YORK)
COUNTY OF Schenectady)

ss:

SAMUEL THOMPSON
Commissioner of Deeds
Qualified in Schenectady County
Commission Expires Nov. 7, 2018

Sworn to me this 19th day of September, 2018


(Signature)


(Notary Public) or Town Clerk

TOWN OF CAROGA

OFFICE OF CODE ENFORCEMENT

MUNICIPAL OFFICE BUILDING
1840 STHWY 10, P.O. BOX 328
CAROGA LAKE, NY 12032
Telephone: (518) 835-4211 ext. 25
Email: carogacodes@nycap.rr.com

DENIAL NOTICE

Date: September 12, 2018

To: Town of Caroga Zoning Board of Appeals (ZBA)

Subject: Maddalone, Christopher
108 Montayne Lane
Caroga Lake, NY 12032

Mailing Address: 525 Union Street
Schenectady, NY 12305

SBL#: 83.9-2-25

Zoned: LF- 2.5 – Lakefront 2.5 Acre

The property owner proposes to build a single family dwelling that replaces a demolished single family non-conforming structure.

Section 4.050 of the Zoning Ordinance lists the uses permitted by right, the uses permitted by site plan review and dimensional requirements for each zoning district established by section 4.101 of this ordinance. LF- 2.5 zoning districts have a building setback of 75 feet from the shoreline, 20 feet from the rear and side lines of the property, and 10% lot coverage. The structure and porches would cover 960 square feet and the property allows only 579 square feet. A variance for the lakefront setback and the lot coverage would be required prior to review of any building plans which would include review by the Adirondack Park Agency (APA). If the rear of the structure is less than 20 feet from the rear property line, the review would also include a decision about the rear setback. If the variance is granted by the ZBA, and the APA, building plans would then be reviewed and a determination would be made about whether to issue a building permit.

Sincerely,



John Duesler
Code Enforcement Officer
Town of Caroga

Town of Caroga Building Permit Application

Owner Information:

Name: CHRIS MADDALONE
Address: 525 UNION ST
City, State, Zip Code: SCHENECTADY NY 12305
Telephone: 518 346 8600 222
518 376-6990

Contractor Information:

Name: MADDALONE & ASSOCIATES
Address: 525 UNION ST
City, State, Zip Code: Schenectady NY 12305
Telephone: 518 346 8600 222
Insurance Information: ERIE INSURANCE

Location of Property:

Address (911#): 108 MONTAQUE LA CAROGA LAKE
SBL #: 83.9-2.25
Lot Size: 5789 sq

Description of Project:

BUILD NEW 24x40 2 STORY HOME ON SAME FOOT PRINT
AS P22 PLAN.

Drawings Attached

Estimated Value of Project: 80,000 -

Code Enforcement Office will fill in information below.

Permit Type _____

Denied / Approved _____

Permit Fee _____

Entered in IPS _____

Issue C of C _____

Date of Approval _____

Paid by Cash or Check # _____

Closed/Completed in IPS _____

Issue C of O _____

This Narrative is intended to detail the reasons for our request of a variance at 108 Montanye Ln

History:

My wife Lucia and I purchased the home back in 2005 when our 3 children were very small. The home was a great fit for our family and now simply is just too small as the children have all grown and want to use the home more often. In addition we recently purchased the home at 105 Montanye Lane applied for a demo permit and took the home down, and currently is a vacant lot.

Some quick facts with regards to 105 Montanye

- Home had a foot print of 18x52 or a total of 936sqft and covered 32% of the lot
- The lot size has a total of 2912sqft - Survey attached
- Our intent is to leave this lot green & install a new Septic system which will service the new proposed home.

Some quick facts regarding the subject property at 108 Montanye Lane:

- Home has a current foot print of 20x40 or 800sqft or 14% of the lot
- The lot covers a total of 5789 sqft
- The home currently is 51' set back from the Lake Front * 45' w/ 6' REAR PORCH + steps
- The home currently has a 2.7' set back from the northwest corner
- The home currently has an 11. South west corner set back
- The home currently has a 15.9 south east corner set back
- The home currently has a 21.7' rear property line set back

Proposal:

We would like to remove the existing 20x40 800 sqft -2 story structure & build a new 2 story home that would be 24'x40' or a total of 960sqft.

Therefore we are requesting a variance for the additional 4'x40' or 160sqft above the current structure

In addition we propose to move the home and center it on the lot so that the home would have more conforming setback, see below.

Under the proposal we would have the following Setbacks

- West side lot set back would be 13' which does conform with LF-1 Requirements
- East side lot set back would be 13' which does conform with LF-1 Requirements LF 2.5

NOTE: We understand that the current setbacks for side lots with General Exemptions would be 10'

- Front lake side set back would remain at the current 51'
- Which does not conform to the LF-1 Requirements although the LF1 requirements are based on a frontage of 100' on the water which our lot frontage is 50', therefore does it conform?
- Rear Lot set back would remain at the current 21.7' which does conform with LF-1 Requirements

Handwritten calculation:

$$\begin{array}{r} 1136 \\ - 870 \\ \hline 266 \end{array}$$

Alternative Option:

If we were to combine the 2 lots of 108 & 105 Montanye Ln; we would have a total of 8721 combined sqft

o Facts:

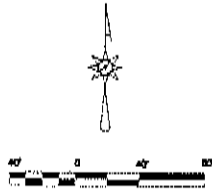
- 108 Montanye currently covers 14% of its lot by footprint (800sqft / 5789sqft)
- 105 Montanye Currently covers 32% of its lot by footprint (936 /2912sqft)
- Or a total foot print coverage of 20% of the building totals between the 2 lots of 8721sqft

Handwritten calculation:

$$\begin{array}{r} 579 = 108 \\ + 291 = 105 \\ \hline 870 \end{array}$$

- In our request of adding 160sqft to our existing foot print we would be going from 800sqft to 960sqft
- With the combination of 108 & 105 Montanye Ln, the site would have a total sqft of 8721sqft
- With the removal of 105 Montanye from the footprint and adding the requested 160sqft to the new building, we would only cover 11% of the combined 8721 lot sqft and therefore reducing the overall Covered foot print by 9%

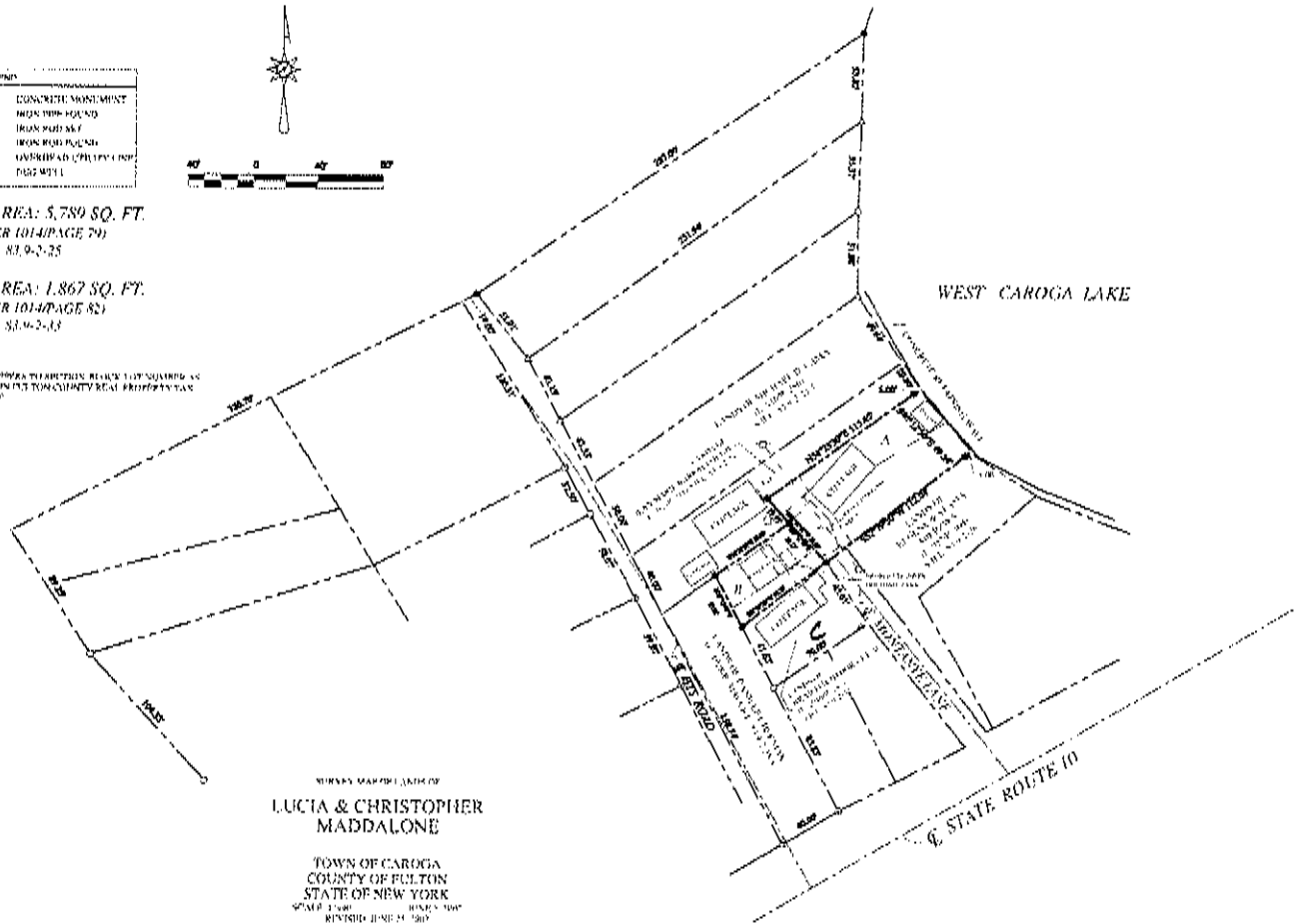
| LEGEND | |
|--------|------------------------|
| △ | CONCRETE MONUMENT |
| ○ | IRON PIPE FOUND |
| ⊙ | IRON ROD MARK |
| ⊗ | IRON ROD FOUND |
| ⊕ | OVERHEAD (PHILIP) LINE |
| □ | DEEP WELL |



A: AREA: 5,789 SQ. FT.
 (LJBR 1014 PAGE 79)
 S.R.L. 83.9-2-25

B: AREA: 1,867 SQ. FT.
 (LJBR 1014 PAGE 82)
 S.R.L. 83.9-2-13

S.R.L. 83.9-2-13 & 25 ARE SUBJECT TO ANY REVISIONS TO THE PROPERTY TAX MAPS OF THE TOWN OF CAROGA.



WORKS MAP OF LAND OF
**LUCIA & CHRISTOPHER
 MADDALONE**
 TOWN OF CAROGA
 COUNTY OF FULTON
 STATE OF NEW YORK
 SCALE: 1" = 40'
 REVISION: JUNE 21, 2010

THIS COPY FROM THE ORIGINAL OF THIS SURVEY WITH AN
 OPINION OF THE LAND SURVEYOR'S SEAL SHALL BE
 CONSIDERED TO BE VALID FOR ALL PURPOSES.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAY
 BEAR THE LAND SURVEYOR'S SEAL AS A VIOLATION
 OF SECTION 2401 OF THE NEW YORK PROFESSIONAL LAW.

| | |
|------------------------------------|---|
| J. CHRISTOPHER FOSS P.L.S. 5080 | FERGUSON & FOSS PROFESSIONAL LAND SURVEYORS 224 NORTH CAROLINA STREET, SUITE 201 CAROGA, NEW YORK 13813 |
|------------------------------------|---|

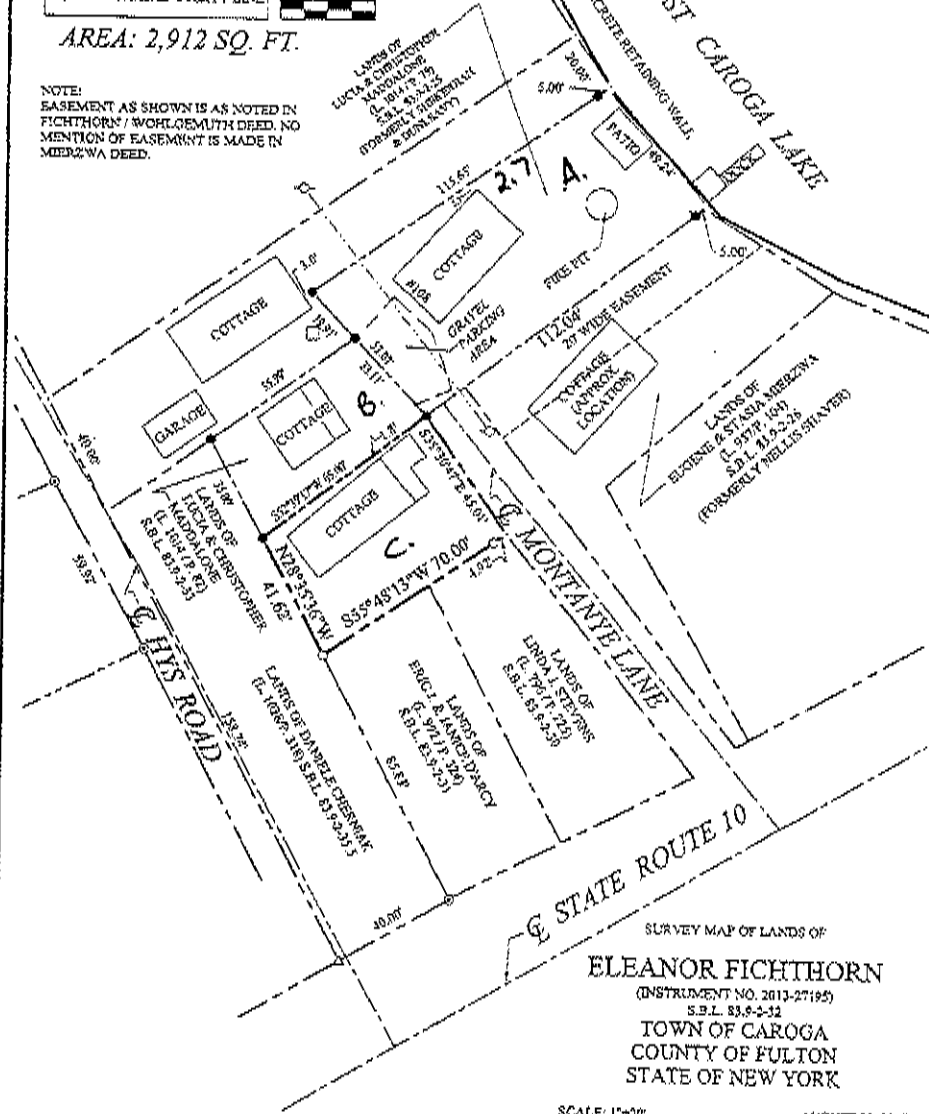
| LEGEND | |
|--------|-----------------------|
| △ | CONCRETE MONUMENT |
| ○ | IRON PIPE FOUND |
| ● | ANGLE IRON FOUND |
| ● | IRON ROD SET |
| ○ | OVERHEAD UTILITY LINE |



MAP REFERENCE:
 "SURVEY MAP OF LANDS OF LUCIA &
 CHRISTOPHER MADDALONE"
 DATED: JUNE 25, 2007
 BY: FERGUSON & FOSS PROFESSIONAL
 LAND SURVEYORS, P.C.

AREA: 2,912 SQ. FT.

NOTE:
 EASEMENT AS SHOWN IS AS NOTED IN
 FICHTHORN / WOHLGEMUTH DEED, NO
 MENTION OF EASEMENT IS MADE IN
 MIERZWA DEED.



SURVEY MAP OF LANDS OF
ELEANOR FICHTHORN
 (INSTRUMENT NO. 2013-27195)
 S.B.L. 83,8-2-32
 TOWN OF CAROGA
 COUNTY OF FULTON
 STATE OF NEW YORK

SCALE: 1"=30'
 AUGUST 30, 2017
 REVISED: SEPTEMBER 12, 2017

S.B.L. REFERS TO SECTION-BLOCK-LOT
 NUMBER AS FOUND IN FULTON COUNTY
 REAL PROPERTY TAX SERVICE

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY
 WITH AN ORIGINAL OF THE LAND SURVEYOR'S SEAL
 SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

UNAUTHORIZED ALTERATION OR ADDITION TO A
 SURVEY MAP BEARING A LICENSED LAND
 SURVEYOR'S SEAL IS A VIOLATION OF SECTION
 7209-3 OF THE NEW YORK STATE EDUCATION LAW.



FERGUSON & FOSS
 PROFESSIONAL LAND SURVEYORS
 P.O. BOX 356-JONESTOWN, NY 12093 518-763-9997
 email: crivello@fergusonandfoss.com

J. CHRISTOPHER FOSS
 P.L.S. #59064

CURRENT CONDITIONS

108 MONTANYE
107 MONTANYE
LAKE

