

Zoning Board of Appeals August 22, 2019 Draft Minutes

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

Chair Douglas Purcell — here
Kenneth Coirin — here
Frank Malagisi — here
Kathleen Ellerby — here
John Byrnes — here

Members of the public in attendance: Arthur Wadsworth, Shannon Wadsworth, Mary Harvey.

Chair Douglas Purcell opened the public hearing at 6:30pm.

Chair Douglas Purcell asked if there were any corrections or additions to the minutes of the May 16, 2019 meeting. He reminded the board that he wasn't there, so he could not comment on them. There were none. He then asked for a motion to waive the reading and accept the minutes as published.

Motion: Kenneth Coirin moved to waive the reading and accept the minutes as published for the May 16, 2019 meeting. Frank Malagisi seconded the motion. All were in favor except Douglas Purcell abstained.

Application Number #Z2019-03

Owner Arthur Wadsworth, PO Box 108, Caroga Lake NY 12032, of the property located at 185 South Shore Road, East Caroga Lake and identified as parcel **SBL#83.4-1-17.5**, zoning district **LF-2.5**, for a variance to the Town of Caroga [Zoning Ordinance](#).

The property owner built a 24 foot by 25 foot deck on the rear of his house without a Building Permit. Code Enforcement told the property owner to obtain a permit and to include a site plan with measurements. During the calculation/review process, it was observed that the deck exceeds his property coverage allowance. Site inspection also revealed a 10 foot by 12 foot shed. The deck and the shed exceed his property coverage by 132 square feet. The property owner agreed to relocate the shed to a place that all setbacks could be met.

Article 4: District Regulations, [Section IV: Dimensional Standards](#) stipulates that a maximum of 10% property coverage is allowed without an approval from the Zoning Board of Appeals. If the variance is granted, building plans would need to be reviewed and a determination would be made about whether to issue a building permit.

Arthur Wadsworth said that's pretty much correct. He said he neglected to get a building permit. The shed has been there for six years. It is not permanent. The shed is on skids. It is 10 foot by 12 foot. He put the deck on to cover a wet yard. He made it 24 foot by 25 foot. He built a retaining wall two years ago. He built the deck out to the retaining wall.

Mary Harvey of 199 South Shore Road East Caroga Lake said she had no comments.

The secretary said there was no correspondence.

Chair Douglas Purcell closed the public section at 6:36 PM and initiated the closed session.

Chair Douglas Purcell asked if the drawing of the shed is supposed to represent the relocation or the current location.

Arthur Wadsworth said it is the proposed location.

Chair Douglas Purcell asked if there were any questions from the board. There were none.

Chair Douglas Purcell said: The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

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”, with Chair Douglas Purcell adding the caveat that the applicant might not have gone over if he had obtained the building permit first.
3. Whether the requested area variance is substantial: Chair Douglas Purcell calculated 11% and all board members agreed “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 “Yes”.

Chair Douglas Purcell asked for a motion.

Motion: Kenneth Coirin moved to approve the application. Kathy Ellerby seconded the motion.

Chair Douglas Purcell asked the person making the motion and the person seconding the motion to allow the Chair to amend the motion to include a recommendation to the Code Enforcement Officer to impose a fine as he feels fit for the two violations in accordance with [Article 10, Section VIII, subsection A](#) of the current Zoning Ordinance. Kenneth Coirin and Kathy Ellerby agreed. The amendment was accepted.

Chair Douglas Purcell said we have a motion. A “yes” vote will approve the variance. A “no” vote will deny it.

Roll call vote:

Kenneth Coirin: Yes.

Frank Malagisi: Yes.

Kathleen Ellerby: Yes.

John Byrnes: Yes.

Chair Douglas Purcell: Yes.

The motion to approve carried.

Chair Douglas Purcell said variance applications are subject to the Adirondack Park Agency review pursuant to [Article 27, § 808\(3\)](#) of the Adirondack Park Agency Act. When outside an APA Hamlet land area use, they have 30 days after receipt of our decision in writing and after receiving all required materials to review and issue a reversal or take no action on the application. Then, the Code Enforcement Officer will contact you regarding the decision.

Chair Douglas Purcell noted there were potentially two more variance applications pending and he asked that board members keep the in mind September 19 and September 26 at 7:00 pm as tentative Zoning Board of Appeals meeting dates.

Chair Douglas Purcell asked for a motion to adjourn.

Motion: Frank Malagisi moved to adjourn. John Byrnes seconded the motion. All were in favor.

The meeting adjourned at 6:45 pm.

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