

TOWN OF CAROGA – OFFICE OF CODE ENFORCEMENT

MUNICIPAL OFFICE BUILDING, 1840 STATE HIGHWAY 10, P.O. BOX 328, CAROGA, NY 12032

Telephone: (518) 835-4211 Ext. 104 Fax: (518) 835-2709 Email: codes@caroga.town

DENIAL NOTICE

Date: October 11, 2021

To: Town of Caroga: Zoning Board of Appeals

Subject: Northern, Pine Cove, LLC
300 County Highway 111
Caroga Lake, NY 12032

Mailing Address: David Falvo
PO Box 310
Caroga Lake, NY 12032

SBL#: 68.5-2-2

Zoned: LFB

APA Zone: Hamlet

The Property Owner would like to build a 40' X 60' Garage with a 10' X 28' lean to attached on one side.

Note: You may find it helpful to read over the definitions on page three of this notice.

Article 4, Subsection III: Use Table; a Garage is a Right in Zone LFB.

However, the definition of a Garage states an enclosed accessory structure, is owned by the occupants of the principal building. In this particular case, there is not a principal building located on this property. Another important factor to note, is the definition of Principal Building, clearly states, as it is written last to surpass all ten portions; An accessory structure does not constitute a principal building.

The following section of our Zoning Ordinance explains what other documents are required when submitting a permit application. None of this documentation was submitted for review.

Article 10, Subsection III: Application for Zoning/Building Permit:

- A. Any person, firm or corporation owning property seeking a Zoning/Building Permit under this Ordinance shall file an application with the Code Enforcement Officer. The Application shall be on a form provided by the Code Enforcement Officer.
- B. Each applicant shall, at a minimum, contain the following information:
 1. A surveyed plot plan prepared by a New York State licensed land surveyor, showing the actual shape, dimensions, radii, angles and area of the lot which, a use is proposed, on which a building is proposed to be constructed, or if an existing building, of the lot on which it is situated as well as the size and location of all proposed new and existing buildings and accessory structures on the lot. The dimensions, in feet, of all sides of the lot shall be provided.
 2. The section, block, lot number (SBL) and acreage of the lot.
 3. The exact dimensions, height and location on the lot, in feet, of the proposed building or buildings or alternation of an existing building, and the location and dimensions on the lot, in feet, of other existing buildings and accessory structures, if any on the same lot.
 4. The location, nature and dimensions, in feet, of all yards, access driveways, off-street parking, planting and screening.
 5. The exact dimension, in feet, of the minimum distance between all sides of the subject building and all property lines and other existing buildings on the same lot.
 6. The existing and intended use of all buildings, existing or proposed, the use of land and the number of dwelling units the building is designed to accommodate.

7. Such topographic or other information with regard to the building, the lot or neighboring lots as may be necessary to determine that the proposed construction will conform to the provisions of this Ordinance.
8. For projects involving an onsite water source and/or onsite wastewater disposal systems, a plan, prepared by a NYS licensed professional engineer demonstrating that all NYS Department of Health (DOH) required setbacks from all existing water sources and onsite wastewater disposal systems shall be met.
9. For projects involving the conversion of an existing seasonal structure to a year-round use, a Plan, prepared by a licensed professional engineer, for an onsite wastewater disposal or other system to properly handle all wastewater to be generated by the year-round use.
 10. If the proposed project shall involve the physical alteration of land:
 - a. Submit a grading plan showing existing and proposed grade.
 - b. Submit a Stormwater Pollution Prevention Plan to the Code Enforcement Officer if the physical alteration of land shall be less than one (1) acre as determined by the Code Enforcement Officer.
 - c. Obtain a Stormwater Permit from NYSDEC if the proposed project shall involve the physical alteration of more than one (1) acre of land as determined by the Code Enforcement Officer.
11. The Application Fee.
12. Such other information as requested by the Code Enforcement Officer.

At this point you may also want to submit a jurisdictional inquiry form to the Adirondack Park Agency. As your land surveyor may need information that only they can provide, should you have wetlands located on your property.

If a variance is granted by the Zoning Board of Appeals, The Adirondack Park Agency will then have 30 days to review and respond to the site plan. Lastly, the Code Enforcement Officer will make final recommendations regarding the issuance of a building permit.

Sincerely,

Jennifer Blowers
Town of Caroga Code Enforcement

Accessory Structure:

Any structure or a portion of a main structure customarily incidental and subordinate to a principal land use or development, and that customarily accompanies or is associated with such principal land use or development, including a guest cottage not for rent or hire that is incidental or subordinate to and associated with a single-family dwelling. Any structure greater than 100 square feet in size and used for storage is considered an Accessory Structure.”

Garage, Residential:

An enclosed accessory structure or portion of a main structure used primarily for the storage of one or more motor vehicles, owned by the occupants of the principal building, provided that no business, occupation, or service is conducted therein.

Principal Building

- A principal building may be any one of the following:
- (1) A single-family dwelling constitutes one principal building;
 - (2) A mobile home constitutes one principal building;
 - (3) A tourist cabin or similar structure for rent or hire involving three hundred square feet or more of floor space constitutes one principal building;
 - (4) Each dwelling unit of a multiple family dwelling constitutes one principal building;
 - (5) Each motel unit, hotel unit or similar tourist accommodation unit which is attached to a similar unit by a party wall, each accommodation unit of a tourist home or similar structure, and each tourist cabin or similar structure for rent or hire involving less than three hundred feet of floor space, constitutes one-tenth of a principal building.
 - (6) Each commercial use structure and each industrial use structure in excess of three hundred square feet constitutes one principal building except that for a commercial use structure which involves the retail sale or rental or distribution of goods, services or commodities, each eleven thousand square feet of floor space, or portion thereof, of such commercial use structures constitutes one principal building;
 - (7) All agricultural use structures and single-family dwellings or mobile homes occupied by a farmer of land in agricultural use, his employees engaged in such use and members of their respective immediate families, will together constitute and count as a single principal building;
 - (8) Up to four community housing dwelling units which qualify pursuant to §802-17(a) of the APA Act and are located on a contiguous parcel meeting the overall intensity guidelines constitute one principal building;
 - (9) Any other structure which exceeds twelve hundred fifty feet of floor space constitutes one principal building;
 - (10) A structure containing a commercial use which is also used as a single-family dwelling constitutes one principal building
- An accessory structure does not constitute a principal building.