

## DRAFT ZONING BOARD OF APPEALS

Regular Meeting

May 14, 2013

Maurice McCormick, Chairman  
Kate Provencher, Board member  
Danny Ramirez, Board member  
John Huber, Board member

Kelly Best, Secretary  
Michael LaMountain, Alternate

Chairman McCormick opened the meeting at 7:00 pm.

Chairman McCormick read the legal notice for Amanda Scalzo for a variance of the regulations under the Zoning Law to permit on a corner lot, the installation of a 4 foot high privacy fence in part of the front yard, a 3 foot is permitted, a 1 foot variance is requested. Also the installation of a 5 foot high privacy fence in another part of the front yard. 3 foot height is permitted, a 2 foot variance is requested pursuant to Article IV Section 355-24 for property owned by Amanda M. Scalzo for property situated at 119 Lark Street, Altamont, NY 12009 TMN 37.18-7-33. The property is zoned R10. The plans were available for public inspection at the Village Office.

The Board asked Ms. Scalzo to review her request and reasons for request. Ms. Scalzo explained that she lives on a corner lot and feels she has no privacy. She has just installed a pool and a deck. She states that there is a lot of people walking along Fairview Avenue with their dogs and children. She stated she has a young daughter and a large 135 lb. dog. She stated that she did not want the child or dog to wander out of the yard. She also stated that the dog barks at people walking along Fairview. She stated that there is also a lot of vehicle traffic. Ms. Scalzo pointed out that when there is events at the fair, that there is people camping directly across the street and during fair week the carnival group also camps there.

Chairman McCormick reviewed the conditions for granting a variance.

A majority of the Board stated that they had done a site visit.

The Board discussed the site visit. The Board asked that the secretary ask the Town of Guilderland Building Inspector to verify the setbacks on the pool and the placement of the six foot fence. They were concerned that the pool was closer to Ms. Short's property and the six foot fence exceeds the allowable placement. They asked that the secretary get the verification in writing and forward to members of this Board and also the Planning Board prior to the Public Hearing on Monday, May 20, 2013 regarding the request for a 3 foot fence in a front yard with a Special Use Permit.

The Board asked if Ms. Scalzo if she was considering a solid or picket fence and if it would be wood or vinyl.

The Board reviewed the Village Zoning Laws in relation to corner lots. The Board discussed whether the request would be considered substantial and how that would impact the conditions for granting a variance on which the Board needs to consider when reviewing the request.

Chairman McCormick read the note left by Ms. Short which stated that she had no issues with the installation of the fencing.

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Mr. Newmann, 114 Lark Street, stated that he felt the installation of the fence would diminish sight line view for drivers using Fairview and Lark Street.

The secretary reported that 24 neighbor notifications were sent and the list of those notified is part of the official office records.

The Board discussed that they would have like to have received a more detail plot plan with exact measurements from the applicant. The Board acknowledged that they could have requested this prior to setting the Public Hearing. The Board stated that they would have wanted definite numbers on right of way setbacks and either written or verbal input from AFD Chief Robert White regarding the fire hydrant. The Board stated that this information should be obtained prior to the Planning Board meeting for their Public Hearing. The Board suggested the applicant prepare and submit a detail plot plan to the Planning Board and that the secretary follow up with obtaining the information from the Public Works Department and the Altamont Fire Department Chief.

Board member Huber made a motion to close the Public Hearing. Chairman McCormick seconded the motion. Board member Ramirez – in favor, Board member Provencher – not in favor, Board member Huber – in favor, Chairman McCormick – in favor.

Chairman McCormick reviewed the comments from Mr. Moore, Village Attorney. He stated that this request is an Unlisted Action Type II under SEQRA and no environmental review is required. Mr. Moore reviewed the considerations the Board has to review for all variance requests and that the Board should review actions taken by the Board in other such requests.

The Chairman asked if the Board wanted more information from the applicant before proceeding with the review of the conditions outlined when considering a variance. The Board as a group felt that they did not and proceeded with the review.

Chairman McCormick made a motion to deny the request of Amanda Scalzo for a variance of 1 foot for the installation of a 4 foot high privacy fence in part of her front yard along Lark Street and deny the request for a variance of 2 feet for the installation of a 5 foot high privacy fence in part of her front yard along Fairview Avenue. The Board has reviewed the conditions for granting a variance as outlined in Section 7-712-b of the NYS Village Law with the following findings:

The Board found that Ms. Scalzo could achieve the same goals by other means such as landscaping. The Board felt that the request was substantial in the amount of the variance requested. The Board concluded that by granting the variance it would have an adverse effect on the neighborhood in terms of visual impact and create an undesirable change. The Board found that although all variances are in fact self-created, that fact is not given much weight in determining whether to deny or grant this variance. The requested variances are denied because the Board found that they do not meet the conditions in Section 7-712-b of the NYS Village Law.

Board member seconded the motion. All in favor.

The Board instructed the secretary to follow up on the following and notify both the Zoning Board and the Planning Board of the results prior to the Planning Board meeting:

Input from the AFD Chief Robert White regarding fencing around the fire hydrant.

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Exact footage in right of way from the center of the road from the Superintendent of Public Works  
And verification of pool placement regarding 5 foot setback and 6 foot fence placement from Town of Guilderland.  
The Board also suggested that the applicant provide the Planning Board with a plot plan with all measurements marked clearly.

The Board discussed the contract with Guilderland in regards to the Zoning Board and overall code enforcement.  
The Board also asked the secretary to follow up on the conditions of the variance request granted to Stewarts Shops in relation to screening the top of the canopy from view as motorist descend Route 156.

Chairman McCormick made a motion to adjourn the meeting at 8:25. Board member Ramirez seconded the motion. All present in favor.

Respectfully Submitted,

Kelly Best  
Secretary