

Zoning Board of Appeals
September 27, 2016
Regular Meeting Continuation

Present:

Maurice McCormick, Chairman
Kate Provencher
Danny Ramirez
Michael LaMountain
John Huber

Kelly Best, Secretary
Mr. Novitsky, Applicant
Stewart Linendoll, ZBA member

Absent: Dean Whalen, Board Liaison; Glenn Hebert, Building and Zoning Enforcement

Chairman McCormick opened the meeting at 7 pm by stating this is a continuance of the Public Hearing for Mr. Novitsky.

The Board reviewed the detailed plans distributed by Mr. Novitsky which were requested by the Board at the previous meeting held on September 13, 2016.

The Board determined the front porch and garage are in compliance with the Village Code as far as the setbacks.

The Board determined that the applicant needs a 6.6 foot variance for the attached garage for the side set back.

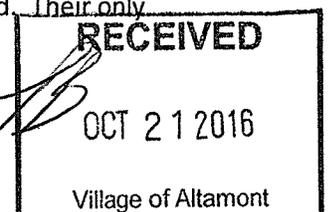
Mr. Novitsky stated that the other structures were not on the plan. The plans were given to him when he bought the home. He stated that the addition and the deck off the addition were added later.

The Board discuss rain runoff. It was determined that Mr. Novitsky's home and that of his neighbors slope down into a swale.

Mr. Novitsky stated that no lighting from the new garage addition will shine onto the neighbor's property.

The Board stated that they did not agree with the determination made by the Village Building and Zoning Officer in relation to the applicate not needing a 1 foot variance in the front yard setback for the front porch. The Board felt it should be determined by the property line and not the edge of the road which is what the Village Building and Zoning Officer used. The Board felt they had to abide by his determination. The Board also stated that width of the steps should have been also considered.

The Chairman read the Albany County Planning Board recommendations into the record. Their only recommendation was to refer the matter back to this board for local consideration.



The Chairman inquired about any correspondence received either in person, by mail or email or by telephone. There was no correspondence.

The Board reviewed the SEQRA. The Board determined that # 5 on page 2 should be changed to answer No to both questions. Also on page 1 # 4, the form was changed by inserting "Altamont Zoning Board of Appeals" and changing the answer to yes.

Board member Provencher made a motion to declare a determination of a negative declaration for the SEQR assessment. Chairman McCormick seconded the motion. All in favor.

Board member Provencher made a motion to grant Mr. Novitsky of 42 Whipple Way a 2.5 foot variance in the front yard setback for the porch including steps, a 1 foot variance in the in yard setback for the garage and a 6.6 foot variance in the side yard for the garage as per the drawings provided that include all structures and the following findings: The Board has determined there will be no environmental impact after review of SEQRA, Albany County Planning Board has deferred decision to the Zoning Board of Appeals, Mr. Novitsky will build a swale to divert the water away from his and his neighbors home, there will be not undesirable change in the character of the neighborhood, there is no other way to achieve the goal of adding a garage or porch, that the construction will not have an adverse effect on the neighborhood, and although it is self-created in nature, this is not a major factor in granting the variances. Board member Ramirez seconded the motion. Board member Ramirez – in favor, Board member LaMountain – in favor, Board Member Hukey – if favor, Board member Provencher – in favor, Chairman McCormick – not in favor.

Board member Provencher made a motion to close the public hearing. Chairman McCormick seconded the motion. All in favor.

Board member Ramirez reported that he needs a 2011 copy of Zoning Ordinance.

Chairman Ramirez made a motion to adjourn the meeting. Chairman McCormick seconded the motion. All in favor.

Respectfully Submitted

Kelly Best