

**VILLAGE OF SCOTIA
ZONING BOARD OF APPEALS
MEETING MINUTES
AUGUST 24, 2015 - 7:00 P.M.**

ATTENDANCE: Emily Kohout, Bradley Coryer, Terry Jackson, Eric Buskirk, Thomas Tiberio, Adrienne Levinthal, Building Inspector Luis Aguero, Attorney Lydia Marola and Catherine Busher.

Absent: Harold Bryant, Village Board Liaison John Lockwood

VOTING MEMBERS tonight will be Emily Kohout, Bradley Coryer, Terry Jackson, Eric Buskirk, Thomas Tiberio. Chairwoman Kohout said we will use the alphabetic last names of the alternates to pick the voting member for the alternate. Next meeting we will have Adrienne Levinthal vote and tonight Eric Buskirk will vote.

MOTION: There was an amended motion to the August 25, 2014 meeting to the training section and Chairwoman Kohout made a motion and Terry Jackson seconded to accept the Minutes of the meeting as submitted.

Motion: Emily Kohout **Seconded:** Terry Jackson

Ayes: Emily Kohout, Terry Jackson, Bradley Coryer, Thomas Tiberio, Eric Buskirk

Nays: None **Abstentions:** None

Motion Carries.

CASE #1: THOMAS A. GIFFORD & NANCY A. GIFFORD - 203 LINCOLN STREET - SCOTIA, NY 12302

Thomas A. Gifford & Nancy A. Gifford of 203 Lincoln Street, Scotia, NY 12302 are interested in replacing an existing garage with a slightly larger structure. This application requires Zoning Board of Appeals approval in accordance with Village Code Section 250-16. (C); because a garage is an accessory building and accessory buildings shall observe front and side yard requirements but on the rear half of the lot may be placed not less than five feet from a lot line. Due to the above referenced this requires an area variance.

Chairwoman Emily Kohout read the area variance rules and regulations that have to be considered in the granting of an area variance which include:

-whether an undesirable change would be produced in the character of the neighborhood

-whether the benefit sought by applicant can be achieved by a feasible alternative to the variance

-whether the requested variance is substantial

-whether the variance has an adverse impact on the physical or environmental conditions in the neighborhood

-whether the alleged difficulty was self-created

These rules and regulations have to be evaluated as a whole by the members of the Zoning Board.

The applicant, Thomas A. Gifford was in attendance and stated that the garage needs replacing because it is in very poor condition. His neighbor's garage from 205 Lincoln Street is right on the property line. The applicant is interested in extending the back of the garage for more space and creating a higher structure with a second floor for storage. The foot print is almost the same but does have a cupola on it.

Tom Gifford clarified that the new garage footprint would be two feet from the property line. This is slightly different from the outline shown in the submitted site plan.

Tom Gifford stated that there is very little garden space behind the existing garage, that it is difficult to maintain, and that one of the reasons he is interested in building a bigger garage is to minimize the amount of property that is difficult to maintain.

There was a lengthy discussion about side yard and general property setback requirements of the New York State Building Code. The State's rules and/or laws are different than municipalities' laws. Also, per Village Code the height of an accessory building should be a 15 foot maximum. A height variance would be required for the proposed structure but the height variance was not posted; therefore the ZBA cannot make a motion tonight concerning the height of the structure. Some clarification on this is necessary.

A neighbor, Jeanine Deyette of 205 Lincoln Street shares a driveway with 203 Lincoln Street and questioned if during the construction process would she be able to use her driveway. She was told that she will be able to use her driveway while the work is being done. The construction can be staged in the backyard and the edge of the driveway will be the same.

Tom Gifford was concerned that if the proposed garage is not approved tonight then he will not be able to get the work done until the spring.

Chairwoman Emily Kohout proposed to come back again to review the height, side setback and rear setback. It was noted that the site plan should indicate the proposed setback dimensions.

The public hearing portion of the meeting closed at 7:20 p.m. and deliberations began.

Scotia Police Department and Scotia Fire Department did not comment on the application. SEQRA is not required for this application.

MOTION: Chairwoman Emily Kohout made the following motion. I move that the application submitted by Thomas A. Gifford & Nancy A. Gifford for an area variance at 203 Lincoln Street be tabled until next month or a date to be determined pending more information and review on the height, side setback and rear setback of the proposed garage.

Motion: Emily Kohout **Seconded:** Terry Jackson

Ayes: Emily Kohout, Terry Jackson, Bradley Coryer, Thomas Tiberio, Eric Buskirk

Nays: None **Abstentions:** None

Motion Granted.

Motion: There was a motion to adjourn the meeting at 7:30 p.m.

Motion: Emily Kohout **Seconded:** Bradley Coryer

Ayes: Emily Kohout, Bradley Coryer, Terry Jackson, Eric Buskirk, Thomas Tiberio

Nays: None **Abstentions:** None **Motion Carries.**

OPEN DISCUSSION:

Building Inspector Luis Agüero stated that for New York State Code the requirements are

five feet for side yard and rear setbacks and three feet for the Village Code requirements. There are also issues concerning setbacks vs. fire ratings of walls. Luis Aguero stated that the height of the proposed garage is 23 feet and the requirements for the Village Code is not over 15 feet. After a lengthy discussion, it was noted that more information is needed on the setbacks and heights as they relate to the State vs. Village Code. It would not be in the ZBA's jurisdiction to grant a setback variance that does not comply with the State Code. In general, applicants should put more dimensional information on their site plans. ZBA Clerk will also include more specific information in notice letters. Chairwoman Kohout asked for Luis Aguero to email all the members and the applicants the State Code property setback information.

TRAINING STATUS REPORT:

Current Training Hours		
	Chairwoman Kohout	0
	Terry Jackson	4
	Bradley Coryer	6.5
	Harold Bryant	1
	Tom Tiberio	1
	Adrienne Levinthal	1
	Eric Buskirk	5

Respectfully submitted, *Catherine Busher, Zoning Board of Appeals Clerk*
September 2, 2015 File Date