

**VILLAGE OF SCOTIA
ZONING BOARD OF APPEALS
MEETING MINUTES
JANUARY 30, 2017
7:00 P.M.**

ATTENDANCE: Jeffrey Parry, Dinemayer Silva, Susan Duchnycz, Thomas Neals, Lydia Marola, Board Liaison Tom Tiberio and Catherine Busher.

Excused: Heather Gray

Absent: Kenneth George, Bonnie Belfance

Voting members for tonight's meeting are Jeffrey Parry, Dinemayer Silva, Susan Duchnycz and Thomas Neals.

The Board introduced themselves.

MOTION: There was a September 26, 2016 meeting and Jeffrey Parry made a motion to accept the Minutes of the meeting as submitted. There weren't enough members that were at the September 26, 2016 meeting to vote on the motion tonight and the motion had to be tabled.

AYES: Jeffrey Parry, Dinemayer Silva, Susan Duchnycz, Thomas Neals

NAYS: None

MOTION CARRIED.

CASE #1: JOHN C. GARROW – 213 THIRD STREET - SCOTIA, NY 12302

The applicant, John C. Garrow is interested in building an enclosed front porch on his property at 213 Third Street, Scotia, NY 12302. This application requires Zoning Board of Appeal's approval because initially it exceeds the original 7' x 20' foot print and insufficient information in order to determine compliance with the whole code. This application falls under the Village Code Section:

250-53. (A). 1. An enclosed porch having a solid foundation and capable of being enclosed and heated for year round habitation shall be considered a part of the building for the determination of yard areas and lot coverage.

2. An open porch may project into a required front yard or one side yard a distinct not exceeding six feet. An open porch is one which has three open sides buy may have screen cloth protection or temporary interchangeable screens and transparent windows.

(B). Building projections. Such architectural features as cornices, eaves and bay windows may extend into any required area but to a distance not exceeding two feet. Open, metal fire escapes may exceed into a rear year or into a side yard a distance not exceeding four and one-half (4 ½) feet.

The applicant, John Garrow was in attendance and showed the Board a petition signed by some of his neighbors who agreed of the work he is doing on his property. The petition was added to the applicant's file.

Chairman Jeffrey Parry stated the 5 criteria for area variances:

In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such

determination the board shall also consider:

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;
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;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The 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.

The building inspector has concerns with this application which includes the building structure of the porch/enclosure being up to code. The applicant said that all the building inspector's concerns have been addressed.

The applicant did not apply for a building permit and was issued a stop order. The applicant did not think he needed a permit but has since received one. The applicant will not be living in the house. One of the board members asked about the size of the sonic-tubes and was told they are 10 inches. It was noted that the foundation is very substantial and the beams for the external walls are 2' x 6'.

It was also noted that when looking down the street from the pictures the house's protrusion was a little daunting. But when looking on the street at it; it was less daunting. Attorney Marola stated that even if the Board approves the application the building inspector will also have to review the plans before a certificate of occupancy is granted.

Chairman Parry asked if there were any other questions.

The neighbors are happy that an improvement is being done to the house. After the addition is finished, Mr. Garrow is interested in vinyl siding the house, putting a dormer in and installing new windows. Mr. Garrow is hoping the project will be completed in September 2017.

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

The Board would be interested in the applicant providing more information to them before they can vote on it.

The Board discussed the porch/enclosure being out of character with the neighborhood and Chairman Parry said he doesn't think it is. There is an alternative solution for installing an addition/porch because the applicant can build a porch that is similar to what was there before without increasing the footage. The addition/porch is substantial and would change the character of the neighborhood. It does not have any environmental impact on the

neighborhood because there will not be any increase in storm water run-off. It was self-created but the previous porch was in very poor condition and needed to be fixed.

Scotia Police Department and Scotia Fire Department did not have any concerns with this application. SEQRA is not required for this application.

Deliberations ended at 7:35 p.m.

After a short discussion, the following motion was made.

MOTION: Chairman Jeffrey Parry made a motion to accept the application for John Garrow to install an addition/porch at 213 Third Street, Scotia, NY 12302.

AYES: Jeffrey Parry **NAYS:** Thomas Neals, Dinemayer Silva, Susan Duchnycz

EXPLANATION OF MOTION: Village Attorney Lydia Marola explained to the Board that the motion can be withdrawn due to misunderstanding the content and having a lack of information on the application. It does not have to be denied. If it is denied, the applicant would have to reapply and that would cause a monetary hardship on him. The Board voted unanimously in favor of withdrawing the motion.

MOTION: Thomas Neals made a motion and it was seconded by Susan Duchnycz to table this application due to misunderstanding the content and having a lack of information on the application.

MOTION: Thomas Neals **SECONDED:** Susan Duchnycz

AYES: Thomas Neals, Dinemayer Silva, Susan Duchnycz, Jeffrey Parry

NAYS: None

MOTION GRANTED.

Training Status Report:

Current Training Hours:

Heather Gray	2.5
Kenneth George	1.5
Jeffrey Parry	1.5
Bonnie Belfance	1.5
Dinemayer Silva	2.5
Susan Duchnycz	3.5
Thomas Neals	0

MOTION: There was a motion to adjourn the meeting at 7:45 p.m.

MOTION: Jeffrey Parry **SECONDED:** Thomas Neals

AYES: Jeffrey Parry, Dinemayer Silva, Susan Duchnycz, Thomas Neals

NAYS: None

MOTION CARRIES.

Respectfully submitted, *Catherine Busher, Zoning Board of Appeals Clerk*
February 3, 2017 File Date