

Zoning Board of Appeals December 30, 2021 Draft Minutes

Quick links to applications within these minutes:

- [Z2021-09 Burton](#)
- [Z2021-11 Jubar](#)

Chair Douglas Purcell opened the public hearing at 7:00pm.

Members of the public in attendance: Code Enforcement Officer Jennifer DeRocker-Blowers, Timothy Burton, Helen Jubar, Jeff Holland, Tony Russitano, Tor Shekerjian, Lynne Delesky, John Delesky.

Chair Douglas Purcell stated for the ease in publishing the minutes for tonight's meeting and in accordance with legislation signed by Governor Hochul, this session is being recorded. He then asked for a roll call.

John Byrnes: Present (arrived after the meeting got underway).

Chair Douglas Purcell: Present.

Kenneth Coirin: Present.

Frank Malagisi: Absent.

Kathleen Ellerby: Present.

Quorum was established.

Chair Douglas Purcell said the meeting minutes of November 30, 2021 were published to the web. He asked if the other Board members had any changes or correction to the minutes from that meeting.

All Board members said no.

Motion: Chair Douglas Purcell said hearing none, he moved to waive the reading of those minutes and approve the minutes as published. He asked for a second.

Kathleen Ellerby seconded the motion.

All were in favor and none were opposed.

Chair Douglas Purcell said there were two applications before the Board tonight. He said this meeting would be a two part hearing: a public session and a closed session. He said that during the open session the Board would first hear from the applicant. He said the Board would then hear any comments from the public and any correspondence. He reminded those attending to please all comments to the Board. He said that during the open session the board will refrain from asking questions as these will be addressed during the closed session. He said once all parties have had an opportunity to speak, the Board would go into closed session. He said the applications would be heard and reviewed in the order received.

Chair Douglas Purcell said that at this time the Board would reopen application [Z2021-09](#) by Timothy Burton for the property located at 120 County Highway 111, [SBL#68.-1-3.2](#). He said the property owner proposes to build a 432 square foot [Hunting and Fishing Cabin](#). He said the proposed location of the structure is in a portion of the property zoned as Caroga Hamlet. He said a [Hunting and Fishing Cabin](#) is not a use by right in the Caroga Hamlet zone. He said the action on this application was tabled back in November pending a § 239-m review by the Fulton County Planning Board. He said that during the Fulton County Planning Board meeting of December 21, 2021, the Fulton County

Planning Board reviewed the application and determined that there was no regional implication that could result as a result of the proposal and decided to send no recommendation concerning this [Use Variance](#) application. He asked the applicant if he had anything further that he would like to present in making the case for granting this [Use Variance](#).

Timothy Burton said he had an estimate done by a professional excavator to build a road to move the proposed area to put the cabin in a more western portion of the property. He said he [submitted an estimate for that](#).

Chair Douglas Purcell agreed and said the Board accepted that during the November 30, 2021 meeting and used that information, along with the survey from the four posts, as the final piece of information to declare the application complete.

Timothy Burton said he wanted to make sure the Board had that and take it into consideration and also he knew there was some question on the survey of the land and where his borders were. He said he spoke with Sole Assessor Leigh Anne Loucks and they looked at the deed and in the deed, it describes a pole that was previously set by the Caroga Lumber Company before his father had bought the parcel. He said he found the pole and it borders the access road into his property. He said that where he proposes to put his cabin is clearly on his property.

Chair Douglas Purcell said that was the diagram the applicant provided.

Timothy Burton agreed. He said those were the two items he wanted to present. He said the cabin would enhance the property.

Chair Douglas Purcell asked audience who would like to offer any comments.

No persons asked to speak.

Chair Douglas Purcell asked Clerk if there was any correspondence.

Clerk said there was no correspondence.

Chair Douglas Purcell closed the open session for [Z2021-09](#) and commenced the closed session.

Closed open session at 7:09 pm.

Chair Douglas Purcell asked Kenneth Coirin and Kathleen Ellerby if they had any questions or comments.

Both Kenneth Coirin and Kathleen Ellerby said they had nothing further.

Chair Douglas Purcell said that at the end of the November 17, 2021 meeting the Board got into a discussion about how the applicant got into this position [of having to ask for a [Use Variance](#)]. He said he would like to return to those circumstances and more specifically, the conversation that transpired between Code Enforcement and the applicant with regard to removal of the original trailer that was being used as a [Hunting and Fishing Cabin](#). He asked the applicant “at that time, was it made clear what the purpose was in removing the trailer?”

Timothy Burton said he just wanted to replace it because it was in a dilapidated condition and he wanted to put the cabin in there.

John Byrnes arrived at this point.

Chair Douglas Purcell sought reconfirmation of what the conversation was with the Code Enforcement Officer. He asked if the applicant “went to him [Code Enforcement Officer Anthony Fancher] and said I’ve got this trailer and I want to remove and I’m looking to replace it” and the applicant got the advice that if the applicant demolished it, the applicant was going to need a demolition permit but if the applicant had it pulled out the applicant did not need a permit.

Timothy Burton agreed.

Chair Douglas Purcell, again seeking reconfirmation, “but it was clear to Code Enforcement at that time that you intended to replace the trailer with another [Hunting and Fishing Cabin](#)?”

Timothy Burton said he believe so. He said he had talked about it with the Code Enforcement Officer and that was what his intention was.

Chair Douglas Purcell reviewed for the benefit of John Byrnes what had transpired thus far in this ZBA meeting. He said that the applicant was not lead to believe by Code Enforcement there would be any ramifications by taking the trailer out and that is the bottom line. He asked John Byrnes if he had anything more he wanted to ask the applicant.

John Byrnes said no.

Chair Douglas Purcell said he had at least one other concern he wanted to discuss with the Board. He said that the documentation that the applicant has provided does a sufficient job of detailing the added expense of locating his proposed structure in a portion of the property which is zoned for a use by [Site Plan Review](#), however there is no financial evidence provided to indicate that

the applicant could not realize a reasonable return if, for example, a [Single-Family Dwelling](#) were to be built on the property instead. He said his concern, in accepting the applicant's submission materials as financial justification, is that it would be setting a precedent that, in his opinion, would be inconsistent with the [Town of Caroga Comprehensive Plan](#) and the spirit of the [Town of Caroga Zoning Ordinance](#). He said that by that, he interpreted the Zoning Ordinance to indicate that the Town of Caroga will permit [Hunting and Fishing Cabins](#) being raised in those zoning districts in the Town of Caroga that are less populated or more open. He said that if one looks at the [Use Table](#), these types of structures are allowed only by [Site Plan Review](#) and zoning districts with a minimum of 8.5 acres as a minimum lot size. He said he could think of – personally – a property owner on his own road where the neighbor would love to place a [Hunting and Fishing Cabins](#) in place of the camp that they have demolished, but they can't because it is not permitted by [Use Table](#). He said he is therefore very worried that if the ZBA were to go forward with this application and approve this [Use Variance](#), that the ZBA would be setting a horrible precedent. He said that was his opinion just stated for the record.

Chair Douglas Purcell asked if any Board member had any other concerns.

Kathleen Ellerby asked about whether the applicant would still be able to go to the town to get a permit to put a camper there for extended period of time – certain amount of time per year.

Chair Douglas Purcell answered saying 28 days of use during the course of a year. He said to Code Enforcement Officer Jennifer DeRocker-Blowers: Correct?

Code Enforcement Officer Jennifer DeRocker-Blowers agreed, saying 28 days in a calendar year.

Kathleen Ellerby asked the applicant if that was something the applicant could deal with.

Timothy Burton said that unfortunately he already had the cabin built but not delivered.

Chair Douglas Purcell said to the applicant it [the cabin] is just waiting to be placed [on the parcel], right?

Timothy Burton said yes. He said he honestly never thought he would run into this, because the trailer that was there for over 50 years was a hunting and fishing trailer.

Chair Douglas Purcell said he understood. Addressing the Board, he said that for their information the other alternative the applicant has would be to petition the Caroga Town Board to have his area rezoned to Residential 8.5 [R-8.5 acre Caroga zoning district] and perhaps do that all along that property, so that instead of being 500 feet from the road, if the Town of Caroga went to the 330 foot mark, for all the rest of the properties along there. He said that then at least the applicant would have property where it would be approved by [Site Plan Review](#). He said he did not want to make it sound like it was something that was easy to do, but it is an option that is available to him. He asked John Byrnes and Kenneth Coirin if they had anything else.

Neither John Byrnes or Kenneth Coirin had anything further.

Chair Douglas Purcell said that in reviewing the Short Environmental Assessment Form [SEAF], a SEQR [State Environmental Quality Review] determination for this application does not fall into a Type 2 action as it is a construction involving a

change in zoning or [Use Variance](#). He said that it is therefore necessary for the ZBA to complete the Part 2 of the Short Environmental Assessment Form for an impact statement, which he had printed out before arriving at the meeting so the Board could go over it. He read from SEAF Part 2 instructions:

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

Chair Douglas Purcell reminded the Board that the choices for each question were either “No, or small impact may occur” or “Moderate to large impact may occur”. He said his opinion was small impact because it is a [Use Variance](#).

All Board members agreed.

2. Will the proposed action result in a change in the use or intensity of use of land?

Chair Douglas Purcell and the Board all said no.

3. Will the proposed action impair the character or quality of the existing community?

All Board members said no.

Chair Douglas Purcell agreed.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

All Board members said no.

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

All Board members said no.

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

All Board members said no.

7. Will the proposed action impact existing:
a. public / private water supplies?

All Board members said no.

b. public / private wastewater treatment utilities?

All Board members said no.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

All Board members said no.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

All Board members said no.

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

All Board members said no.

Chair Douglas Purcell said that was one of the points the applicant made when the applicant referred to the trees planted by his father.

11. Will the proposed action create a hazard to environmental resources or human health?

All Board members said no.

Chair Douglas Purcell said that there were no questions answered in Part 2 that were “Moderate to large impact” so the Board members therefore “have determine that based on the information and analysis above and any supporting documentation that the proposed action will not result in any significant or adverse environmental impacts.”

Chair Douglas Purcell said he would fill out the form online, print it, sign it, and [send it](#) to Clerk.

Clerk thanked Chair Douglas Purcell.

Chair Douglas Purcell said that with the negative declaration on the environmental impact, the Board could now review the criteria for granting a [Use Variance](#). He read the [criteria from the Zoning Ordinance](#):

A use variance is an authorization by the ZBA that allows a specified use in a zoning district where such specified use is not allowed.

No use variance shall be granted by the ZBA without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship.

In order to prove such unnecessary hardship, the applicant shall demonstrate to the ZBA that for each and every permitted use under the zoning regulations for the particular district where the property is located:

That applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

Chair Douglas Purcell said that the estimate for the road was \$28,500.

Kenneth Coirin said that if the applicant get the new Hunting and Fishing Cabin in without getting the road, it would cost the applicant at least \$28,500, therefore he thought the applicant had demonstrated some financial hardship.

Kathleen Ellerby agreed.

John Byrnes agreed.

Chair Douglas Purcell said he had already stated his opinion and he doesn't agree, but that was OK.

That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

Chair Douglas Purcell said that if you look at those properties, the applicant's property is unique in that most of the rest of the surrounding properties have a larger portion that is in the R-8.5 Caroga zoning district. He said that the applicant's parcel is basically a 230-foot by 230-foot parcel carved out of a bigger parcel.

Kenneth Coirin said so it is unique.

Chair Douglas Purcell said it was definitely unique.

John Byrnes and Kathleen Ellerby agreed.

That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

Chair Douglas Purcell said it would not.

All Board members agreed.

That the alleged hardship has not been self-created.

Kenneth Coirin said he agreed with that simply because the applicant was not advised by Code Enforcement Officer [Anthony Fancher] of what the ramifications were going to be when the applicant pulled the trailer out. He said he thought the applicant acted in good faith.

John Byrnes asked if Code Enforcement Officer [Anthony Fancher] did not tell the applicant?

Chair Douglas Purcell agreed. He said everything he heard from the applicant is that the applicant told Code Enforcement Officer [Anthony Fancher] that the applicant wanted to take the trailer out because the applicant wanted to put a new one in. He said that in all fairness, even when it came to the Town's other Code Enforcement Officer, she asked for help in how to determine whether or not it was allowed.

The Board all agreed.

Chair Douglas Purcell said those are the questions.

The ZBA, when granting a use variance, shall grant the minimum variance it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Chair Douglas Purcell asked for a motion.

[Kenneth Coirin's motion below reflects the subsequent amendment offered by Chair Douglas Purcell]

Motion: Kenneth Coirin moved whereas due to the circumstances by which the applicant found himself in this situation without getting proper advice from Code Enforcement of the ramifications associated with removal of the structure, which was not approved for use in that Zone, that the ZBA grants the [Use Variance](#) for [Z2021-09](#) subject to a [Site Plan Review](#) by the Planning Board.

Chair Douglas Purcell asked to put a couple amendments. [See above.]

Kenneth Coirin agreed.

Chair Douglas Purcell proposed amendments. [see above]

Chair Douglas Purcell said the reason for the stipulation of a [Site Plan Review](#) by the Planning Board that is, from the Use Table, all Hunting and Fishing Cabins require a [Site Plan Review](#) by the Planning Board prior to a Building Permit being issued.

Kenneth Coirin agreed to Chair Douglas Purcell's amendments. Those amendments are incorporated above.

Kathleen Ellerby seconded the original motion as amended by Chair Douglas Purcell.

Chair Douglas Purcell said that a Yes vote means that the ZBA grants the [Use Variance](#) with the stipulations and a No vote means the ZBA denies the application.

Roll call vote:

Chair Douglas Purcell: No, on the basis of the fact of financial information and fear of the precedent even with the stipulations he put on Kenneth Coirin's original motion.

Kenneth Coirin: yes.

Kathleen Ellerby: yes.

John Byrnes: yes.

Chair Douglas Purcell said the applicant was in luck for two reasons: because it is in the APA Hamlet land use area classification, the application does not need to go before the Adirondack Park Agency for further review, however the applicant will need to apply for a [Site Plan Review](#) by the Caroga Planning Board in order to proceed and if the Planning Board approves the Site Plan, the applicant will be able to submit plans for a Building Permit. He said much of what the applicant has already provided is what is needed for a [Site Plan Review](#) and the Fulton County Planning Board § 239-m review has already been done, and the SEQR determination has been done. He then wished the applicant good luck. He said it was a great project. He said he hopes the Planning Board approves the [Site Plan Review](#), but he still had to vote no.

Closed session ended at 7:24 pm and opened public session for [Z2021-11](#).

Chair Douglas Purcell opened application [Z2021-11](#) by Helen and Craig Jubar for the property located at 278 South Shore Road East Caroga Lake, and identified as [SBL#83.18-3-5.5](#). He said there are two structures involved with this application. He said the property owner proposes demolishing the existing 1,245 square foot three season camp, deck and stairs and rebuilding a 1,548 square

foot single family dwelling, deck and stairs. He said both the existing structure and proposed structure are within the 75 foot shoreline setback. He said the applicant is seeking relief for shoreline setback. He said additionally, there is an increase in the bulk within the shoreline setback and the proposed structure is 7 foot 4 inches within the allowed 13 foot 4 inches side yard setback. He said the property owner proposes to replace a 224 square foot accessory structure with a 480 sq ft garage and this proposed structure is 7 foot 4 inches within the allowed 13 foot 4 inches side yard setback. He said that at this time, he would ask the applicant to present the application and justification for the proposed project.

Helen Jubar said they have an old camp built in 1940s-1950s. She said it was a one-season camp. They are looking forward to looking to having real heat and insulation. She said they would like to build basically on the same footprint. She said regarding the house: replacing the camp but current has a bump-out. She would like to make it into a rectangle, take that and it straight down the side, adding two feet there, all the way down to the front, eliminating the bump-out, and a walkway to come up on a porch, since the proposed camp is raised. She said there will be a basement foundation. She said they would raise the level of the back yard. She said they would grade or wall. She reiterated that it would be straight down the side, so it would be a rectangle. She said that they would remove the steps from the lake side, put them on the side, and not protrude in front of the camp. She said it would be slightly less close to the lake, by removal of the steps to the side. She said there would be higher steps because raising the camp. She said currently they have a front exit and a back exit. She said the roadside, the main living floor, at 77 feet from the lake, adding an entrance from the porch, which would also need steps. She said they would like to enter in a different place –

higher level – and have access to both doors by having decking running along the side. She said that finally, have a garage to house one of the automobiles, to be closer to the house, the other garage is across the road and up a hill. She is proposing to build a garage, remove the current storage shed, add that footage on to the garage, so boat storage closer than across the street. She said this all leaves the applicant with less than 10% coverage. She said it will be a more sturdy and robust structure than the existing structure.

Chair Douglas Purcell asked if any audience member wanted to speak.

Tor Shekerjian said the Jubars are already neighbors and he would love to have them year around.

Jeff Holland voiced his support.

Tony Russitano said we both support the project.

Chair Douglas Purcell asked if there was any correspondence.

Clerk said only the aforementioned letter.

Chair closed the open session at 7:38 pm and went into close session.

Chair Douglas Purcell said that the applicant did not mention two stories.

Helen said there would be a basement that would protrude a fair amount above the ground – at least half – and above that a normal first level, a vaulted ceiling, and a storage space. She said it would be going from one full story to full story with basement and

vaulted ceiling with part used for storage. She said it would be like a loft.

Kenneth Coirin asked the height of the new building to the grade.

Helen Jubar said plan is to keep it below 35 feet. She said they would do whatever grading is necessary to keep it below 35 feet.

Kenneth Coirin asked if they were not going any closer to the lake.

Helen Jubar said less close to the lake.

Kathleen Ellerby said 35.5 feet from the lake and was 24 feet, where the steps are. She asked if the actual garage height is 18 feet or 20 feet.

Helen Jubar said it would be 20 feet high.

Kathleen Ellerby asked where the pole barn was going to be.

Helen Jubar said directly across the street.

John Byrnes asked if that was why they purchase the parcel across the street.

Helen said originally had across the street, the most would be a nice big parking area but they had vehicles, RV, and wood shop.

John Byrnes asked about the creek.

Jeff Holland said runoff diagonally through his property.

Helen Jubar comes under the road through her land and under the driveway.

John Byrnes said flowing more than usual.

Helen Jubar said proposed garage is where the parking is.

John Byrnes asked if it was on top of the culvert.

Helen Jubar said no, would be set back from the culvert.

Chair Douglas Purcell said it would be in front of where the septic is. He said he did not see it interfering. He addressed Kathleen Ellerby about the three floors. He said a question is whether basement is included in “bulk”. He said there are occasions where only the living space is taken into account. He mentioned a recent guest cottage application. He tried to get a determination from the Caroga Planning Board and they referred him to the Fulton County Planning Board, which he decided not to do because the only reason Caroga has “bulk” in the Zoning Ordinance is the Adirondack Park Agency. He wrote Adirondack Park Agency for the definition of “bulk”. He said the APA sent what the APA uses for any increase within the shoreline setback. He said the APA sent part of the APA manual: “Appendix A: expansion for an existing single family dwelling within the shoreline setback”. He asked if there would be an additional bedroom upstairs. He restated the question to ask if the applicant was adding any bedrooms.

Helen Jubar said no, three bedrooms still.

Chair Douglas Purcell said he found while reading that if the number of bedrooms increased, a report from a NYS licensed engineer for the wastewater treatment system would be required. He said that from what he is hearing, he feels that the Board thinks the application is complete.

Board members said yes.

Chair Douglas Purcell said the proposed structure was expanding but not going closer to the water. He said the area being added was going away from the lake. He said one of the things the APA mentions is going up more than two feet in height, which the applicant is planning to do since they are adding a second story. He asked if any Board member had any additional questions.

No Board member had any further questions.

Chair Douglas Purcell said in reviewing the Short Environmental Assessment form, a SEQR determination does not fall into a Type II action, 617.5(c)(9) as it is not less than 4,000 square feet of gross floor area. He said it is therefore necessary to complete the Part 2 of the Short Environmental Assessment form for and impact statement. He reminded the Board that they were answering the questions in Part 2 based on the information that the applicant provided in Part 1.

Chair Douglas Purcell reminded the Board that the choices for each question were either “No, or small impact may occur” or “Moderate to large impact may occur”.

He read from SEAF Part 2 instructions:

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

All Board members said no.

2. Will the proposed action result in a change in the use or intensity of use of land?

All Board members said no.

3. Will the proposed action impair the character or quality of the existing community?

All Board members said no.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

All Board members said no.

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

All Board members said no.

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

All Board members said no.

7. Will the proposed action impact existing:
a. public / private water supplies?

All Board members said no.

b. public / private wastewater treatment utilities?

All Board members said no.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

All Board members said no.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

All Board members said no.

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

All Board members said no.

11. Will the proposed action create a hazard to environmental resources or human health?

All Board members said no.

Chair Douglas Purcell said that there were no questions answered in Part 2 that were “Moderate to large impact” so the Board members therefore “have determine that based on the information and analysis above and any supporting documentation that the proposed action will not result in any significant or adverse environmental impacts.”

Chair Douglas Purcell said with a negative declaration of the impact, we can now review the criteria for the granting of an Area Variance.

Chair Douglas Purcell said there being no additional questions or comments and with a no significant adverse determination by the Zoning Board of Appeals during the SEQR review, the Board will review the criteria for an area variance. He read from the [Zoning Ordinance Article 11, § II\(3\)\(a\)\(2\)\(ii\)](#).

In making its determination, on an area variance application the ZBA 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 ZBA 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;

All Board members said no.

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;

All Board members said no.

Chair Douglas Purcell said that knowing where the septic lines are there really weren't many places short of going way up on top of the hill or across the road and that defeats the purpose of having lakefront property.

3. Whether the requested area variance is substantial;

All Board members said no except the Chair said no.

Chair Douglas Purcell said yes, only because several variance are being requested: shoreline setback which is not as close but within 35 feet of the shoreline; half of the side yard setback; and probably increasing the bulk maybe 75%. He said the applicant was asking for three variances in total which makes it substantial in his mind, but he noted the applicant was not going closer to the shoreline, not going closer to the side, and it is completely understandable why when the applicant is going from one-season to year-around that the applicant wants more space, so the increase in bulk make sense for what the applicant wants to do.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

All Board members said no.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.

All Board members said no.

Chair Douglas Purcell quoted from the Zoning Ordinance.

The ZBA, 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.

Chair Douglas Purcell said he would entertain a motion.

Motion: Chair Douglas Purcell moved to grant Z2021-11 with the following contingencies: before the permit for the garage be issued that the accessory structure is removed.

Kenneth Coirin seconded.

Chair Douglas Purcell said a Yes vote says the variance is granted with the stipulations stated and a No vote denies the application.

Roll call vote:

Kenneth Coirin: yes.

Kathleen Ellerby: yes.

John Byrnes: yes.

Chair Douglas Purcell: he said he'd been so involved with the project that he wanted the whole Board to vote before him, but yes.

Chair Douglas Purcell said that the Zoning Board of Appeals (ZBA) variance once granted will be referred by the ZBA to the Adirondack Park Agency (APA). He said the APA has 30 days after it receives a complete referral to reverse the granting of the variance. He said if the variance is not reversed by the APA, Code Enforcement will notify the applicant at which time the building plans would be reviewed and a determination made about whether to issue a building permit. He stressed that it has to be a complete application, but the APA may come back and ask some additional things.

Chair Douglas Purcell offered congratulations and good luck to the applicant.

Motion: Kenneth Coirin moved a resolution thanking Chairman Douglas Purcell for his years of service. He said he was very impressed with how he has handled this position.

[The motion was met with vigorous applause by both Board members and the audience.]

Chair Douglas Purcell gave his thanks.

Motion: Kathleen Ellerby moved to adjourn. Kenneth Coirin seconded the motion. All were in favor of adjourning. None were opposed.

The meeting adjourned at 8:01 pm.