

State of New York
County of Fulton
Town of Caroga

Minutes of a meeting held by the Zoning Board of Appeals on May 18, 2022 at the municipal building located at 1840 State Highway #10 at 7:00 pm with the following persons in attendance by roll call.

Present:

Kathy Ellerby

Frank Malagisi

Chairman: Tony Russitano

Kenneth Coirin

John Byrnes

Jennifer Blowers (Code Enforcement), 1 member of the public, Lynne Delesky, Timothy Eldred and Daniel and Kim MacIvor were in attendance.

Meeting minutes from the April 20, 2022 meeting were posted online with one correction - remove Mike Voght as he was listed incorrectly as being a member of the zoning board.

Motion to approve made by Boardmember Ellerby, seconded by Boardmember Coirin.

All in favor

John Byrnes said that Howard Dutcher left him a message and he indicated that he would not be here since there was not enough time for the neighbors to be notified.

Chairman Russitano made a motion to extend the time for mailing of notices to buffer parcels for applications be extended to 10 days. Seconded by Kenneth Coirin. All in favor

Chairman Russitano polled the board members concerning how they wanted to receive their packets. They indicated that they would prefer to have them mailed. It was asked that the applications be mailed in the future.

The meeting went into Open session.

Timothy Eldred, application Z2022-02, presented a drawing of his proposed boathouse to the board. He would like to be able to build a simple, unheated storage garage for his boat. There is correspondence in the application from his neighbor indicating that he has permission to use the building. Since Mr. Eldred's lot is so small he is requesting relief from the setback requirements.

A member of the public, who identified herself as Mary Harvey, asked whether or not this would complicate the process in the event of selling the property. John Byrnes indicated that if the house sold it would be sold as is. The member of the public asked for clarifications of setbacks. No further comment from the public.

Closed session began with Timothy Eldred's application. Chairman Russitano asked if there were 2 different owners that would be involved since one of the properties is up for foreclosure. Eldred has a deed for 10x20 of a shared 20x20 shared parcel since the only way to access his property is by boat. The parcel that is up for auction does not involve the stage shed that Mr. Eldred intends to use. Boardmember Malagisi asked if a tree was going to need to be removed from the lot; the tree will need to be removed. Chairman Russitano asked if he was within the setbacks from the dirt road, which is not a town road. The road in question is a private road jointly owned by the lot owners. Chairman Malagisi questioned if the property on the other side of the tree is owned by Fielding. Boardmember Byrnes spoke to Fielding who indicated that he has no problems with the tree removal or with the storage shed as long as Mr. Eldred doesn't encroach onto the dirt road. Mr. Eldred indicated that he spoke to the other neighbors when he pulled his application last year and everyone was clear with it.

John Byrnes confirmed that these parcels aren't developable. Boardmember Coirin indicated that these lots are part of the principle structure since it's on the same deed as the principle structure. So this would not be an accessory structure. It was clarified that Mr. Eldred is asking for an area variance, not a use variance. No further questions or comments from the board.

Chairman Russitano read the criteria for the application.

Benefit achieved through other means available - no

Undesirable change in character of neighborhood or detriment to nearby properties - no

Is request substantial - only in that he will be building on his property line - will not be able to meet the setback requirements

Adverse Environmental or physical effect - no

Is alleged difficulty self created - no

Cover sheet on application needs to be changed from looking for an accessory structure to an area variance.

Motion made by John Byrnes to pass an area variance for Mr. Eldred, seconded by Kenneth Coirin. Roll call - all in favor. Motion carried. Mr. Eldred was informed that his application still needed to be submitted to the APA and he would be informed once they made a decision.

Open session for Daniel Maclvor's application, Z2022-03.

Mr. Maclvor explained that he converted his seasonal camp to his primary residence. He would like to expand his current structure by raising the roof to gain storage space. He will be under the 35 foot rule established by the Town of Caroga. He would like to add a mudroom also. There will be no addition to the footprint but the bulk of the house will be increased. There will be no changes to the setbacks.

Mary Harvey wanted to know why she received a buffer parcel mailing because she didn't know where the house was located. The process for notification was explained. No other comments from the audience. Closed session started.

Boardmember Coirin had a question - drawing DP1 indicates that there is a 35'10" marker, but on PE1 that shows the grade it's at 34'4" so the foundation is at grade level. The base of the building itself is at 35'10" but the grade level is at 34'4", so the foundation is sunk into the earth. Jennifer Blowers indicated that Mr. MacIvor already submitted the drawing to the APA on May 10th since the APA is running behind.

Chairman Russitano asked for some clarification on the bulk review.

Boardmember Ellerby wanted to know if he has gone to the Planning Board for bulk review. Mr. MacIvor indicated that Anthony Fancher said that he doesn't need to go to the planning board for bulk review. Jennifer Blowers indicated that there were no limitations on the bulk and doesn't need to go to the Planning Board.

Boardmember Byrnes asked if he planned to add bedrooms, bathrooms etc. There won't be any additions so there is no need to increase the size of the septic.

No more discussion. Criteria for area variance read by Chairman Russitano:

Benefit achieved through other means available - no

Undesirable change in character of neighborhood or detriment to nearby properties - no

Is request substantial - only in that he will be building on his property line - will not be able to meet the setback requirements

Adverse Environmental or physical effect - no

Is alleged difficulty self created - no

Motion made to approve application Z2022-03 by boardmember Coirin seconded by boardmember Ellerby. Boardmember Malagisi added the stipulation that the APA confirms that the building will not be over the 35' mark and approves the application. All in favor. Motion carried.

It was indicated that Howard Dutcher has hired a surveyor and may be doing a lot line amendment.

Motion made by boardmember Byrnes to table the Dutcher Application until further notice on 5/18. Seconded by Kenneth Coirin. All in favor.

Jennifer Blowers confirmed that the board meets on the third Wednesday of the month now. Yes, as long as there is an application before the board.

Motion made to adjourn the meeting by boardmember Coirin, seconded by boardmember Byrnes. Meeting adjourned at 7:48.

Submitted by Laura Nealon, ZBA Clerk