

State of New York
County of Fulton
Town of Caroga

Minutes of a Zoning Board of Appeals held April 20, 2022 at the municipal building located at 1840 State Highway #10 at 6:00 pm with the following persons in attendance by roll call.

Present:

Kathy Ellerby

Frank Malagisi

Chairman: Tony Russitano

Kenneth Coirin

John Byrnes

Jennifer Blowers and Howard Dutcher were in attendance.

Meeting minutes from December 30 meeting were posted online and there are no corrections. Motion to approve made by Boardmember Malagisi, seconded by Boardmember Ellerby. All in favor

Part 1 open to the public. One application is before the board, Z2022-01, Dutcher application. Chairman Russitano explained the rules of the meeting to those present. During the open session the board will hear from the applicant, in the closed session the board will hear from the public and read any correspondence.

Mr. Dutcher explained that he wants to build a garage on a separate parcel that he owns. He indicated that he is in the hamlet and as such he believes that he has a right to have a garage. Mr. Dutcher questioned the vagueness of the code definition of an accessory structure and if the parcels indeed need to be combined. He questioned if other structures had been built and had to follow the same restrictions. He also informed the board that his property isn't vacant property but has 4 other accessory structures on it.

Code Enforcement Officer Jennifer Blowers noted that the property in question filed to combine the parcels on 10-28-21. The lot that the garage is on was combined with the parcel that the house is on to comply with town regulations.

Chairman Russitano asked Jennifer if that since the Dutcher's live in the hamlet isn't a garage a right? There was a discussion regarding principal and accessory structures. Mr. Dutcher indicated that he does not want to combine his parcels for the future building needs of his children, or if he wants to subdivide his land and sell off a portion of his land. There was a discussion on whether or not a commercial building would be allowed in the hamlet. It was indicated that there would be additional requirements for a commercial use building. There was further discussion regarding the definition of an accessory structure, principal building and the rights within the hamlet.

Boardmember Malagisi asked if there was any correspondence. A letter from Mr. Conyne, a neighbor whose lot borders 2 sides of Mr. Dutcher was distributed to the board and read.

Boardmember Coirin pointed out that the denial notice, that Mr. Dutcher received, indicated that a survey was going to be required to move the application forward. Mr. Dutcher did not have a current survey commissioned.

Boardmember Byrnes asked if Mr. Dutcher had considered doing a lot line amendment, to move the line in order to put the garage on the same parcel with the dwelling. No additional properties would be made etc.

Mr. Dutcher is not amenable to a lot line amendment unless his application is denied.

Boardmember Malagisi made a motion to table the application until further research can be done, seconded by Boardmember Coirin.

All in favor to table the application

Motion made by Boardmember Byrnes to refund zoning application fee if Mr. Dutcher decides to do a lot line amendment. Seconded by Chairman Russitano. All in favor

Chairman Russitano made a motion to set the 3rd Wednesday of every month at 7 pm for ZBA meetings. Seconded by Boardmember Byrnes. All in favor.

Boardmember Coirin made a motion to adjourn the meeting at 7:05 pm, seconded by Boardmember Byrnes. All in favor.

Submitted by Laura Nealon, ZBA Clerk