

**VILLAGE OF SCOTIA
ZONING BOARD OF APPEALS
MEETING MINUTES
AUGUST 22, 2016 - 7:00 P.M.**

ATTENDANCE: Terry Jackson, Tom Tiberio, Bonnie Belfance, Jeff Parry, Heather Gray, Ken George, Building Inspector Luis Aguero, Village Attorney Lydia Marola, Board Liaison Joseph Rizzo and Catherine Busher.

Absent: Dinemayer Silva

Voting members for tonight's meeting are Terry Jackson, Heather Gray, Tom Tiberio, Jeff Parry and Bonnie Belfance

CASE #1: JAMES HALE – 402 MOHAWK AVENUE – SCOTIA, NEW YORK 12302

James Hale, the applicant of 402 Mohawk Avenue, Scotia, New York 12302 is interested in building a carport on the property. All sides of the carport will be open. He would place the structure well into the only yard on his property. A setback of 2' from the rear/side yard and a setback of 2' from the west/side yard is requested by the applicant. This application requires Zoning Board of Appeal's approval in accordance with Village Code Section 250-12. (C). Yards required. It is in an SR-5 District and each lot shall have front, side and rear yards as follows: the minimum dimensions for a front yard depth is 20', side yard width for each side is 8' and rear yard depth is 25'.

Also, Village Code Section 250-13. (C). Accessory Buildings shall observe front and side yard requirements but on the rear half of the lot may be placed not less than four feet from the lot line. In addition to the above, SEQRA approval in the short form for "Lead Agency" is required.

Chairman Terry Jackson briefly explained 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 applicant James Hale introduced himself and said he doesn't live in the house. It was in

foreclosure and he bought it. He has since remodeled the entire property. The property did have a carport but it was taken down in approximately 2006. The neighbors are happy with the repairs to the home. The carport roof will be pitched and shingled with T1-11. The runoff will land on the existing driveway near the retaining wall. Mr. Hale will gable the ends of the gutters.

Adjacent neighbors were notified of the proposed carport and Mr. & Mrs. Daniel Magruder responded very positively with a letter to the Board. Chairman Jackson read the letter. Zoning Board Member Tom Tiberio stated the New York State Code is for a setback of 3 feet from the back and side yards. If the carport is ever enclosed to build a garage, it could be a hazard for fire protection.

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

The Scotia Police Department, Scotia Fire Department and Schenectady County Department of Economic Development and Planning did not comment on the application.

The Board discussed restricting the variance to permit a 3' setback on the side of the Holmes Street neighbor and maintaining the required Village setback of 4' on the Mohawk Avenue side. The Board had no other questions or concerns.

SEQRA is required for this application and was determined by the Board to have a nonsignificant declaration or impact to this application.

Deliberations ended at 7:35 p.m. and a motion was made.

MOTION: Zoning Board Member Tom Tiberio made the following motion and Member Heather Gray seconded that the area variance for the applicant, James Hale of 402 Mohawk Avenue, NY 12302 to build a carport on his property be granted. However, there should be a stipulation that the area variance allow for a minimum setback of 3' on the North Holmes Street side and to maintain the required Village 4' setback on the Mohawk Avenue side. There is no undesirable change in the character of the neighborhood. This would be the only way to cover the vehicles. It is a 25% reduction in the required setback and is substantial. It does not significantly affect the environment or neighborhood because there are many carports in the Village of Scotia. It is self-created but again it is the only way to cover the vehicles and the only other feasible way would be to move the carport into the small house lot.

Motion: Tom Tiberio **Seconded:** Heather Gray
Ayes: Terry Jackson, Tom Tiberio, Heather Gray, Jeff Parry
Abstentions: Bonnie Belfance **Motion Granted.**

Zoning Board Chairman Terry Jackson and Member Tom Tiberio approved the Minutes from the October 26, 2015 meeting.

Training Status Report:

Current Training Hours:	Chairman Terry Jackson	2.0
	Heather Gray	2.5

Tom Tiberio	0.5
Ken George	1.5
Jeff Parry	1.5
Bonnie Belfance	1.5
Dinemayer Silva	2.5

Motion: There was a motion to adjourn the meeting at 7:35 p.m.

Motion: Heather Gray **Seconded:** Bonnie Belfance

Ayes: Heather Gray, Bonnie Belfance, Terry Jackson, Tom Tiberio, Jeff Parry

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

Respectfully submitted, *Catherine Busher, Zoning Board of Appeals Clerk*
August 25, 2016 File Date