

**Zoning Board of Appeals
Meeting Minutes
June 25, 2007**

Present: Edward Morano, John Heath, George Cleveland, Barney Natoli,
Kathleen Campbell

Absent: Judie Wright, Jeff Uhlig

Staff: Amy Donnison, Jason Lawrence

Also Present: Ald. T. Bresina, Shane Lawrence

* Alternates with voting power are noted in **bold**.

I. Call to Order

The meeting was called to order at 7:00 PM by Vice-Chairman Morano. He stated that the Board is made up of volunteers to enforce the regulations put in place by the Common Council, and that they have up to 62 days to make a decision on the request before them. The decision that will be made is based solely on the information presented to them during the hearing process. The hearing is for a request for an Area Variance for Peter & Michelle Reilly of 22 Coomes Street to permit an existing garage to be removed and replaced with a larger structure on the south side of the property approximately one foot from the property line.

II. Public Hearing: Peter & Michelle Reilly:

The public hearing was opened at 7:02 PM. The following exhibits were entered into evidence:

1. Application from Peter & Michelle Reilly.
2. Community Development report dated June 8, 2007.
3. Drawings of plans and photographs of property layout.
4. 239 Review submission form.
5. Copy of tax map of property.
6. No Correspondence received in support or in opposition of proposal.
7. No phone calls received in support or opposition of this proposal.
8. Public hearing notice (mailed to all properties within 500 feet of the applicant).

A. Donnison read the Community Development reports and noted that no response had been received from the Chenango County 239 Review Committee.

Mr. Shane Lawrence, owner of Alpine Construction and the contractor for the proposed garage at 22 Coomes Street stated that the property owners were out of town and he is in attendance to answer any questions in regards to this request. Mr. Lawrence stated that as you can see from the photos the existing garage is in poor condition and is amazed that a good storm has not toppled it. The existing garage is one to one and a half feet from the property line and they would like to construct the new one on the same footprint only make it larger to accommodate 2 vehicles as well as have some area for storage. The neighbors garage is also very close to the property line. B. Natoli inquired if any part of the new garage would be any closer to the property line than the existing one is now. Mr. Lawrence stated no. J. Heath asked if this was going to be a completely new structure or an add on to the existing. Mr. Lawrence stated the old one would be demolished and replaced with a new structure. K. Campbell inquired as to any conversations with the neighbors regarding this proposal. Mr. Lawrence stated that they have spoken with the neighbors on either side and they were both fine with the proposed location. J. Heath inquired if there was any possibility of the garage moving behind the house more to come closer to meeting the setback requirements. Mr. Lawrence stated that as you can see from the photos the paved driveway is right next to the house and cannot be moved any closer to it than it is, so if the garage is moved further from the property line you would not be able to drive into the garage and the lot is very narrow and would take up the entire middle of the backyard. The backyard also drops approximately 18 feet to the river and that drop starts approximately 6 feet behind where the rear to the new structure would be. To locate the garage far enough back on the property and meet the setbacks would be a large increase in costs which the homeowner is not able to do at this time. E. Morano inquired as to why such a large structure is necessary. Mr. Lawrence stated that the average 2 car garage is 24 X 24 and the rest of the area is for storage purposes. E. Morano noted the presence of Ald. T. Bresina and inquired if he had any questions or comment sin regard to this request. Ald. T. Bresina stated that he was only present as an observer.

There being no further questions or comments, the public hearing was closed at 7:16pm on a motion made by E. Morano, seconded by K. Campbell. Ayes all, carried.

III. **Findings and Determinations: 22 Coomes Street:**

1. Request for an Area Variance to construct 26 X 36 detached garage approximately one foot from the south property line in a R-1 zone.
2. Existing garage, which measures 21'9" X 21', is approximately one foot from the south property line
3. The new garage would be located at the end of an existing blacktopped driveway
4. There are several lots in the neighborhood with similar characteristics, deep yet narrow lots.

5. No support nor opposition received for this proposal
6. Contractor present stated there has been verbal support from immediate neighbors
7. Per photos, old garage is in very poor condition.
8. There has been no response from the Chenango County 230 Review Committee.
9. This proposal would be an improvement to the property and neighborhood.
10. The new structure would follow the same building line as existing structure.
11. There is sufficient setback in the rear of the property.
12. Property has 7% lot coverage.
13. Character of the neighborhood is primarily single family residences.
14. View to backyard would be totally blocked from house if garage located anywhere else on property.
15. Area Variance Considerations:
 - a) an undesirable change in the character of the neighborhood would not be created due to this addition;
 - b) the benefit sought by the applicant may be achieved through another method, however it would be at a greater expense;
 - c) request is not substantial;
 - d) no adverse effect or impact on the neighborhood or district would be created;
 - e) the difficulty was self created.

Motion made by B. Natoli to approve the Area Variance request to construct a 26' X 36' garage after the demolition of the existing garage with a setback of 12" to 18" from south property line as requested. Seconded by K. Campbell.

Discussion:

K. Campbell was glad to see an improvement made to the neighborhood. B. Natoli agreed and stated that the new structure would not encroach on the property line any further than the dilapidated existing one is. G. Cleveland inquired if it was known if this was a one story or two story garage. A. Donnison stated it will be a one story and we have already received the proposed structure plans and materials list. S. Sutton inquired as to why there is a 10' setback requirement for a R-1 zone and not so in others. A. Donnison stated that each zone has different setback requirements and that one of the reasons for them was to maintain the dominant character of that neighborhood. R-1 is primarily one and two family homes and that setback gives them a little more breathing room as well as provide for emergency personnel vehicles to gain easy access if needed.

Motion Approved: 6 ayes; 0 nays.

Ayes – E. Morano, K. Campbell, B. Natoli, G. Cleveland, J. Heath, S Sutton

Nays – None

IV. Approval of minutes:

The minutes of May 29, 2007 were approved on a motion made by K. Campbell, seconded by J. Heath. Ayes All. Carried.

V. Adjournment:

There being no further discussion, the meeting was adjourned at 7:35pm on a motion made by G. Cleveland, seconded by S. Sutton. Ayes All. Carried.