

Town of Constantia Board of Appeals - October 13, 2009, 7 PM - approved

Public Hearing (continued) - Adele Cutrone
Public Hearing - Martine & Richard Murphy

ATTENDANCE

Board Members Present: Chairman Ken Macari, Mike Doran, Terry Champney, and Thomas Moran.
In attendance: Town Atty. Warren Bader, Chuck Gilkey, Paul Slazik, Adele Cutrone, Joe Cutrone, Ron Maserati, and one other

OPENING

Chairman Ken Macari opened the meeting at 7 pm with the pledge of allegiance.

PUBLIC HEARING - opened at 7:02 pm
Richard & Martine Murphy, 25 Willard Drive, Bernhards Bay

The purpose of the variance request is to put up a garage.

Richard Murphy stated that putting the garage farther back from the road would cost more because of the expense of the driveway which is planned to be cement. It would also put the garage closer to the creek. The garage is going to be used for storage. Willard Drive is a town road that dead ends. The property owner is aware of the potential problem with snow removal. Richard Murphy asked his neighbors their opinion on the garage. There were no objections because the house next door and the garage across the street from the Murphy's are closer to the road.

Checklist:

1. The requested variance will not create an undesirable change in the character of the neighborhood or detriment to nearby properties. Similar structures exist nearby.
2. The benefits sought by the applicant cannot be achieved by some other feasible method because of the proximity of the stream.
3. The variance request is substantial. It is for a 35' variance.
4. The proposed variance will not have an adverse effect or impact on the physical and environmental conditions of the neighborhood. The board took the proximity of the stream into consideration.
5. The alleged difficulty was not self created.

There were no other comments from the Board or the public.

The public hearing was closed at 7:18 pm.

MOTION: Terry Champney made a motion to grant a 35' variance, seconded by Mike Doran. Vote as follows Tom Moran, yes; Terry Champney, yes; Mike Doran, yes; and Ken Macari, yes; motion carried unanimously.

PUBLIC HEARING (reconvened) - Adele Cutrone, 1081 State Rte. 49, Constantia
the public hearing was opened at 7:26 pm

The request is for a side yard variance for 11' instead of the required 15' for the purpose of putting on an addition.

A map drawing from the propane supplier was presented along with the original survey. The map shows the gas line on the Cutrone property with the possibility that a buried 2" part may be on the neighbor's property. The gas line regulator is on the house in the front of the property.

Checklist:

1. The requested variance will create an undesirable change in the character of the neighborhood or detriment to nearby properties in that the addition has an unnecessary "jog", unless reduced to align with the plane of the existing chimney.
2. The benefits sought by the applicant cannot be achieved by some other feasible method because of the layout of the existing home.
3. The requested variance is substantial in that the request is well over 50%.
4. The proposed variance will not have an adverse effect or impact on the physical and environmental conditions of the neighborhood because it is similar to the existing portion of the house.
5. The alleged difficulty was self-created because it is the owner's discretion to add on.

It was discussed and agreed that the addition would be in plane with the chimney and not have a jog in it, for the sake of appearance.

There were no other comments from the Board or the public.

The public hearing was closed at 8:12 pm.

MOTION: Terry Champney made a motion to grant an approximate 4'8" set back from the required 15', on the northwest corner of the addition, not to exceed the existing plane line of the chimney. This is a 10'4" set back variance request. The motion was seconded by Tom Moran. Vote as follows Tom Moran, yes; Terry Champney, yes; Mike Doran, yes; and Ken Macari, yes; motion carried unanimously.

REGULAR MEETING

MINUTES

MOTION: Terry Champney made a motion to accept the Sept. 29, 2009 minutes as read by Ken Macari, with one change. The motion was seconded by Mike Doran. Vote as follows: Tom Moran, yes; Terry Champney, yes; Mike Doran, yes; and Ken Macari, yes; motion carried unanimously.

MOTION to adjourn

At 8:25 pm Tom Moran made a motion to adjourn the meeting, seconded by Terry Champney. Vote as follows: Tom Moran, yes; Mike Doran, yes; Terry Champney, yes; and Ken Macari, yes; motion carried unanimously.

Respectfully submitted, Kay Foster, secretary to the Board of Appeals.