

Minutes
Zoning Board of Appeals
February 14, 2019

Board Members Present: Theresa Coughlin, Alan Hall, Sr., Mark Morey, William Oehler, Harold Moffitt

Others Present: Patti Corlew, Zoning Administrator

Meeting Commenced at 7:00 p.m.

Mr. Morey - This is the February 2019 meeting of the Town of Warrensburg Zoning Board of Appeals. Let the record reflect members present are Mr. Moffit, Ms. Coughlin, Mr. Hall and Mr. Oehler and myself. First order of business is the minutes of December 13, 2018. Anyone have any...?

Mr. Hall - I have no corrections on my part.

Mr. Morey - Mr. Oehler?

Mr. Oehler - No corrections.

Mr. Morey - Okay, and I don't have any corrections either. I make a motion to approve the minutes. Is there a second?

Mr. Hall - I'll second it.

Ms. Coughlin - Second.

Mr. Morey - All in favor.

RESOLUTION #2019-1

Motion by: Mark Morey

Second by: Alan Hall

RESOLVED, to approve the Zoning Board meeting minutes of December 13, 2018 (without correction).

DULY ADOPTED ON THIS 14TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Alan Hall, Mark Morey, William Oehler, Harold Moffitt

Nays: None

Mr. Morey. Okay. New business, area variance ZBA 2019-1.

Patti, can you tell us how this comes before us?

Mrs. Corlew - Yeah, sure. Ms. Peters would like to have a garage constructed. The garage is only going to be 8 inches from the property line. The required setback, side setback is

10 feet. So I could not issue a permit, so that's why she needs a variance from you.

Mr. Morey - Okay. Let the record reflect that Ms. Peters is being represented by William Oehler, who's also a board member, but we won't take that into consideration. So, Mr. Oehler, I'll need to swear you. Do you solemnly swear that the statements that you are going to give the board are the truth the, whole truth and nothing but the truth?

Mr. Oehler - I do.

Mr. Morey - You want to start off, Alan? Have you got questions?

Mr. Hall - This is Bill Peters' old house, correct? The house that sets clear back with the...

Mr. Oehler - Yeah.

Mr. Hall - ...like the yellow...

Mr. Oehler - Yeah, the yellow trim on the gable end. Yes. It was a garage at one time, years ago.

Mr. Hall - I just want to clarify, that was all.

Mr. Morey - I have a question. These, this is obviously a lot that preexists zoning. I think it preexists me, so. The adjoiner, Deidre L. Peters, is that a daughter?

Mr. Oehler - That is her sister.

Mr. Morey - Her sister?

Mr. Oehler - Yes.

Mr. Morey - And Robert Peters (inaudible). On your map here it shows lands now or formerly of Robert Peters.

Mr. Oehler - Yes.

Mr. Morey - That's...

Mr. Oehler - That was her grandmother. Now, yeah, it was her grandmother. Now it's her uncle that owns the house.

Mr. Morey - Is his lot also 50 feet wide?

Mr. Oehler - His lot?

Mr. Morey - Well, it shows all these lots. It looks like they're fifty...

Mr. Oehler - I don't know... With my survey, I don't know. I'm assuming they're 50 feet as well. But I know that the, her sister's lot is a little bit wider. It goes over towards... It's 125. If you look on the map, you'll see 125 by 286.

Mr. Morey - Yeah. Well...

Mr. Oehler - It's a double... It's kind of lot a double lot right there.

Mr. Morey - Right. A double lot, yep. So really I guess, what I'm getting at, she's the only one that owns just a single width lot. She's surrounded by (inaudible). I don't see any

structure on her uncle's property. Is there, is there one on there?

Mrs. Corlew - A house.

Mr. Oehler - There's a house, yeah. It's out towards the front.

Mrs. Corlew - Yeah, I don't think it shows on here 'cause it's, because it does extend out, their property.

Mr. Morey - Did this go before the County or did it need to?

Mrs. Corlew - Yes, it needed to, and there was no county impact.

Mr. Morey - Did I say I was opening the public hearing?

Mrs. Corlew - (Inaudible).

Mr. Morey - (Inaudible). Okay, we're opening the public hearing on ZBA 2019-1, although there's hardly any public here, so... Any of the board members have any questions or anything that isn't clear by the maps or? We'll probably talk about it when we get into the, going through the application. Just so we all understand where we're, what we're looking at. I guess we're ready to go down through the application. I'll make a motion to approve ZBA 2019-1. Is there a second.

Mr. Moffitt - I'll second it.

Mr. Morey - Okay, we'll proceed to discussion of the application. The first... And now on the area variance, I know we're all familiar with this, but all the... They don't have to meet all the qualifications; just the majority of them. Unlike the use variance, where they have to satisfy all the questions, all the criteria. Question number one, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created in granting the area variance. You answer, "the change will not be undesirable because the characteristics of the buildings will match the existing house". I guess you could argue that, I know that there are no joiner, adjoiners here to complain or, but in the event that the lot next door was sold, having, having a garage eight tenths of a foot off your property line might be, but then again, might be a little bit objectionable, but I guess if you bought that lot and, knowing that was there, that...

Mr. Oehler - Exactly.

Mr. Morey - Buyer beware, I guess. Any thought from the other board members on any of the, on number one? Question number two, whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance. You answer, "due to the setbacks and the size of the property being only 50 feet wide, there will be" setback, "setbacks no matter where the garage is located". So if this wasn't granted, I mean, she, she was out of compliance with the

setbacks, you have only 6 feet, 6.8 feet clearance at the nearest point and according to your map... Now this area isn't served by the sewer system, right? It's just a septic.

Mr. Oehler - There's a septic out back.

Mr. Morey - So how would they, how do they access his, where's the system?

Mr. Oehler - It's behind the... You see where the shaded part of the garage is? It's on the back corner.

Mr. Morey - Hm hm.

Mr. Oehler - Where it says shed and it says house, it's right there in the back corner behind the house.

Mr. Morey - Well, I guess the only real access they would have to stay on their own property would be in that 10 foot, 9...

Mr. Oehler - Yeah, the nine...

Mr. Morey - ...area.

Mr. Oehler - 9'7" and the ten, 10 foot 9.

Mr. Morey - So you obviously can't build over there.

Mr. Oehler - No. And they couldn't get through the 6.8. We looked at every, every factor of how we could make this garage work and it's just, the lot is so small. I mean, if you try to even turn it sideways in the front and put it in the front of the house, I mean, obviously it would not be aesthetically good, but just the setbacks there, it would be very difficult to try to put the garage anywhere besides that one spot. We're only doing a one car garage; a little bit wider 'cause she's got M.S., so she'll eventually have a wheelchair. So we want to make sure that it was wide enough for her to get out, ya know, and use her chair.

Mr. Morey - Hm hm. Well, the Board has always looked favorably on garages because they, they tend to keep the clutter out of the yard and...

Mr. Oehler - Absolutely.

Mr. Morey - ...and neater appearance. I mean, that's not a criteria we can really look at, but it's, from a practical point of view, they do serve that purpose. No questions?

Mr. Moffitt - No, not really. I went and looked at it and I thought, well if I owned the house, I'd be asking the same thing if I wanted a garage.

Mr. Hall - This asphalt drive, is it going to cause any drainage problems with the property next door?

Mrs. Corlew - It's already existing?

Mr. Oehler - Yeah, it's pre-existing. There's already a blacktop driveway there.

Mrs. Corlew - But it doesn't cause any...?

Mr. Oehler - No, no.

Mr. Morey - Theresa?

Ms. Coughlin - I have no questions.

Mr. Morey - No questions.

Ms. Coughlin - Thank you.

Mr. Morey - Question number three, whether the requested area variance is substantial. Unfortunately... You answer, "unfortunately, due to the property being only 50 feet wide, there is no other option to place the garage without having a substantial variance". Historically this Board has considered a variance that is over 50% out of compliance as being substantial, but we have, we have granted several of them, but it depends on, ya know, obviously it depends on the situation. This one's... This is almost as substantial as the one we granted up to the lumber company there for the kiln. That was right on the property line, but there were, there was no other, there was no other way to get around that, short of trying to move a cement block building. So I guess the lack of adjoiners complaining... Did you say the, that the adjoiner..

Mr. Oehler - The adjoiner's house?

Mr. Morey - No, the adjoiner to the west. What, did you say she came in and approved, did you say that, Patti, that she...

Mrs. Corlew - Yeah, there was, the Kubaryk's adjoin Deanne's lot in the back.

Mr. Morey - Uh huh.

Mrs. Corlew - So they got a notice.

Mr. Morey - Okay.

Mrs. Corlew - And they are in support of this variance. They have a written statement here signed by two of them.

Mr. Morey - Okay, you'll enter that into the record?

Mrs. Corlew - I sure will.

Mr. Morey - Any thoughts on how substantial the variance is? You guys are pretty quiet tonight. Must be Valentine's Day; tired 'em all out.

(Laughter)

Mr. Morey - Well, I don't have anything more on that. Number four, whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. You answer, "no. The garage will be aesthetically pleasing to the eye. There is no environmental impact since the new structure will be 80 feet from the river". Which, which way is the roof going to drain on this? Is there a..?

Mr. Oehler - It's going to drain onto the neighbor's and there's going to be... There's actually three valleys, that's going in on the side of the Peters because we're going to try to tie the roof in to the porch roof, then tie it into the main roof and then come around the way the garage is... It's a nightmare to build this thing. It's really going to be difficult. It's going to be on-site type building.

Mr. Morey - Right.

Mr. Oehler - But there will... The peak will be facing... The gable will be facing the road, just like the house is right now.

Mr. Morey - Now the setback, that's from the, where the eaves will drip, the...

Mr. Oehler - The eaves will drip on this side, yes.

Mr. Morey - So if they do become hostile to a neighbor in the, in the future, maintaining that side of the building could become quite a problem. What... Has there been any thought been given to that?

Mr. Oehler - No, not really. There... I, this is, this property obviously is never going to be sold. It's her sister's, and their mother lives with them, so I don't honestly think she... It's going to be all vinyl siding on there, so it's going to be finished. It's going to be vinyl.

Mr. Morey - Hm hm.

Mr. Oehler - So we're not really going to have to worry about painting, so aesthetically, that's one of the things we're trying to make sure of. There wasn't going to really (inaudible) side. I don't think that there was... Unless the, the neighbor got hostile, that's the only time you wouldn't be able to go over there and do anything on the side of the house, but I can't see it really happening, but it could obviously.

Mr. Morey - I guess you could stand on the roof and lean over. Number five, whether the alleged difficulty was self created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance. You answer, "no. This is the only fit for the garage due to the width of the property and only having a 50 foot lot". The only fit for an attached garage.

Mr. Oehler - Yeah. Well, even a detached garage. It would still be really difficult if you put it sideways. I mean, you could probably do it the long way and you could try to back out, put it in front of the house and have some, the garage doors like right in the middle where the porch is right there so

you're within the setbacks, but even... It's going to close, I mean, even on that, on the front where it says 9 foot, 7.

Mr. Morey - Hm hm.

Mr. Oehler - Could put the garage that way and then backing out, if you wanted to turn around or something, you're going to be towards each line. If you go with the garage 24, I mean, it's... 14 feet it's, obviously it's a little bit narrower, but just to back the car around is like 16 feet, so you'd be backing in towards something else's line.

Mr. Morey - Well anytime you're, you super impose zoning over a pre-existing community, you end up with, ya know, you've got these odd shaped lot.

Mr. Oehler - Yeah.

Mr. Morey - I guess that's our reason for existing. Okay. I'll make a motion at this time that this is a Type II listed action under the State Environmental Quality Review Act and therefore, there is no significant environmental impact as a matter of law. Is there a second?

Mr. Hall - I'll second.

Mr. Morey - All those in favor, say aye.

RESOLUTION #2019-2

Motion by: Mark Morey

Second by: Alan Hall

RESOLVED, to deem application ZBA 2019-1 by William Oehler for Deanne Peters, tax map #210.10-3-16, located at 48 Library Avenue for an area variance, as a Type II listed action under the State Environmental Quality Review Act and there is no significant environmental impacts.

DULY ADOPTED ON THIS 14TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Alan Hall, Mark Morey, Harold Moffitt

Nays: None

Mr. Morey - Well, if no one has any further questions or thoughts, at this time, we'll proceed to a vote. A yes vote will grant the motion. Mr. Moffitt?

Mr. Moffitt - Yes.

Mr. Morey - Ms. Coughlin?

Ms. Coughlin - Yes.

Mr. Morey - Mr. Hall?

Mr. Hall - Yes.

Mr. Morey - And I vote yes as well.

RESOLUTION #2019-3

Motion by: Mark Morey

Second by: Harold Moffitt

RESOLVED, to approve application ZBA 2019-1 by William Oehler for Deanne Peters, tax map #210.10-3-16, located at 48 Library Avenue for an area variance, to allow construction of a garage 8 inches from the right side property line.

DULY ADOPTED ON THIS 14TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Alan Hall, Mark Morey, Harold Moffitt

Nays: None

Mr. Morey - You've got your variance. As far as any other permits, you'll have to talk to the County or Ms. Corlew.

Mr. Oehler - We're not doing it for awhile. I'm on another job.

Mr. Morey - I'll close the public hearing on ZBA 2019-1. Next order of business is the organizational meeting.

Mr. Hall - I make a motion that we retain the same (inaudible).

Mr. Morey - You didn't give me a chance to nominate somebody else.

Mr. Hall - Okay.

Mr. Morey - Is there a... Mr. Hall's made a motion...

Mrs. Corlew - He made a motion.

Mr. Hall - I'll withdraw it if you want.

Mr. Morey - I just... Maybe someone else, maybe Mr. Oehler would like to be...

Mr. Oehler - I'm all set.

Mr. Morey - Mr. Moffitt?

Mr. Moffitt - I'm all set.

Mr. Morey - Theresa, you?

Ms. Coughlin - No, I'm good. All set.

Mr. Morey - The job's open.

Mr. Oehler - You've got it. It's all you, Mark. All you.

Mr. Morey - Is there a second for Mr. Hall's motion.

Ms. Coughlin - I second it.

Mr. Morey - All those in favor, say aye.

RESOLUTION #2019-4

Motion by: Alan Hall
 Second by: Theresa Coughlin

RESOLVED, to appoint Mark Morey as Chairman for the Zoning Board of Appeals for the year 2019.

DULY ADOPTED ON THIS 14TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Alan Hall, Mark Morey, Harold Moffitt

Nays: None

Abstention: Mark Morey

Mr. Morey - I guess I'm grateful for your confidence. I'm not sure... Okay, the Vice Chairperson and Secretary. Who, who's Vice Chairperson and Secretary now? Mr. Moffitt's Vice Chairman, right?

Mrs. Corlew - Yes.

Mr. Moffitt - Yeah.

Mrs. Corlew - Yes, and I don't (inaudible).

Mr. Hall - I think (inaudible).

Mr. Morey - The last secretary was Donne, and, but she went to the Town Board and resigned and we didn't...

Mr. Oehler - I think it was me.

Mrs. Corlew - I think it was.

Mr. Moffitt - I think so too.

Mr. Oehler - I believe I was appointed to that. Not that (inaudible).

Mr. Morey - It's a great job.

Mr. Oehler - I have my personal secretary right here. If I don't have her, I usually have my wife.

Mr. Morey - It's a great job. Are you comfortable with that, Alan, or would anybody else like to..? Mr. Oehler, would you like to...?

Mr. Oehler - No.

Mr. Morey - ...Vice Chair?

Mr. Oehler - I'm good where I'm at.

Mr. Morey - Theresa?

Ms. Coughlin - I'm good.

Mr. Morey - Alan, I know you've been the whole thing here, so.

Mr. Hall - That one environmental (inaudible) a fool out of me. I don't intend to have any positions on this board other than the one I have.

Mr. Morey - I make a motion that we retain Mr. Moffitt as Vice Chairperson. Is there a second?

Ms. Coughlin - (Inaudible).

Mr. Morey - All those in favor.

RESOLUTION #2019-5

Motion by: Mark Morey

Second by: Theresa Coughlin

RESOLVED, to appoint Harold Moffitt as Vice Chairman for the Zoning Board of Appeals for the year 2019.

DULY ADOPTED ON THIS 14TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Alan Hall, Mark Morey, William Oehler

Nays: None

Abstention: Harold Moffitt

Mr. Morey - You got it again, Harold. Secretary, I make a motion that we continue with Mr. Oehler since he's done such a good job. Is there a second?

Mr. Moffitt - Me, I'll second.

Mr. Morey - Mr. Moffitt seconds. All those in favor, say aye.

RESOLUTION #2019-6

Motion by: Mark Morey

Second by: Harold Moffitt

RESOLVED, to appoint William Oehler as Secretary for the Zoning Board of Appeals for the year 2019.

DULY ADOPTED ON THIS 14TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Alan Hall, Mark Morey, Harold Moffitt

Nays: None

Abstention: William Oehler

Mr. Morey - Any new applications or communications, Patti?

Mrs. Corlew - We have an application coming up for next month, yes.

Mr. Morey - What type of variance?

Mrs. Corlew - For signs.

Mr. Morey - Oh.

(Tape inaudible).

Mr. Morey - The Town hasn't amended their ordinance yet, right..

Mrs. Corlew - No, they haven't.

Mr. Morey - ...for the square footage?

Mrs. Corlew - No, they haven't. It's for projecting signs and it's up at Ashes and they put, they moved one around and put one up in its place not knowing they needed a permit, so it's already up and..

Mr. Oehler - Ocho Rios, or Ocho Cinco one?

Mrs. Corlew - The blue Ashes and Ochos one, hm hm. They moved the old Ashes one to the side.

Mr. Oehler - Okay.

Mrs. Corlew - (Inaudible).

Mr. Oehler - But it's under 25 square feet though. The new sign..

Mrs. Corlew - For projecting signs, you're only allowed five square feet, which is really small.

Mr. Moffitt - Sure, it is.

Mr. Morey - We've had a number of those..

Mrs. Corlew - (Inaudible) small. So that's why everyone's..

Mr. Oehler - Five foot square?

Mrs. Corlew - Yes.

Mr. Morey - No, five square feet.

Mrs. Corlew - Yeah.

Mr. Morey - If it was five feet square..

Mrs. Corlew - Well, anyway, two and a half by two and a half is the biggest you can..

Mr. Oehler - Yeah.

Ms. Coughlin - That's it?

Mr. Oehler - That's it.

Mr. Moffitt - That's it.

Mrs. Coughlin - I thought you meant like 5..

Mrs. Corlew - No, that's 25 square feet, yeah.

Mr. Coughlin - Oh yeah. I was like..

Mr. Oehler - It's 25 now.

Mrs. Corlew - Well, that's for another type sign.

Mr. Oehler - That's what Jack's was, remember, he wanted to go over 25 square feet, that new sign he put up there, the wood one?

Mrs. Corlew - Yeah, that's a, that's a wall sign.

Mr. Morey - Yeah, that's on... They're talking perpendicular to..

Mr. Oehler - Yeah.

(Tape inaudible).

Mrs. Corlew - So they're only allowed...

Mr. Oehler - Really the town should do something about this. They really should get their butts in gear and figure this out.

Mr. Morey - Usually, although it takes some time, if we have a number of variances...

Mrs. Corlew - The Zoning Board can ask the Town Board to, the Zoning Board has to ask the Town Board to amend their code because we've gotten so many, but that's usually something that the Chairman writes up for...

Mr. Morey - Sometimes when they pass or make a change, there's an unintended consequence that they didn't foresee and...

Mr. Oehler - Right. Anybody trying to do something with that can see it immediately. So it just takes a little time.

Mr. Oehler - It's not like the signs are very big either.

Mrs. Corlew - No, they're not that big. They're... No, they look very tasteful and...

Mr. Oehler - Yeah.

Mrs. Corlew - And they also need a variance for the fact that one, the blue one is prelit, is lit, is internally lit and that's not allowed for projecting signs.

Mr. Morey - Hm hm.

Mrs. Corlew - It's allowed for every other kind but projecting, so they need the variance for that also. It's not even very bright, honestly.

Mr. Morey - Well...

Mrs. Corlew - If you remember going by, it's not that bright.

Mr. Oehler - You don't even really notice it.

Mrs. Corlew - No, you don't. It's very dimly lit. But anyway...

Mr. Morey - Well, that will give us something to look forward to. If there's no other comments, then I'll make a motion to adjourn. Second?

Mr. Oehler - I'll second it.

Mr. Morey - All those in favor, say aye.

Motion by Mark Morey, second by William Oehler and carried to adjourn the Zoning Board meeting of February 14, 2019.

Respectfully submitted,

Patti Corlew
Recording Secretary
Zb02142019

RESOLUTION #2019-1

Motion by: Mark Morey

Second by: Alan Hall

RESOLVED, to approve the Zoning Board meeting minutes of December 13, 2018 (without correction).

DULY ADOPTED ON THIS 14TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Alan Hall, Mark Morey, William Oehler, Harold Moffitt

Nays: None

RESOLUTION #2019-2

Motion by: Mark Morey

Second by: Alan Hall

RESOLVED, to deem application ZBA 2019-1 by William Oehler for Deanne Peters, tax map #210.10-3-16, located at 48 Library Avenue for an area variance, as a Type II listed action under the State Environmental Quality Review Act and there is no significant environmental impacts.

DULY ADOPTED ON THIS 14TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Alan Hall, Mark Morey, Harold Moffitt

Nays: None

RESOLUTION #2019-3

Motion by: Mark Morey

Second by: Harold Moffitt

RESOLVED, to approve application ZBA 2019-1 by William Oehler for Deanne Peters, tax map #210.10-3-16, located at 48 Library Avenue for an area variance, to allow construction of a garage 8 inches from the right side property line.

DULY ADOPTED ON THIS 14TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Alan Hall, Mark Morey, Harold Moffitt
Nays: None

RESOLUTION #2019-4

Motion by: Alan Hall
Second by: Theresa Coughlin

RESOLVED, to appoint Mark Morey as Chairman for the Zoning Board of Appeals for the year 2019.

DULY ADOPTED ON THIS 14TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Alan Hall, Mark Morey, Harold Moffitt
Nays: None
Abstention: Mark Morey

RESOLUTION #2019-5

Motion by: Mark Morey
Second by: Theresa Coughlin

RESOLVED, to appoint Harold Moffitt as Vice Chairman for the Zoning Board of Appeals for the year 2019.

DULY ADOPTED ON THIS 14TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Alan Hall, Mark Morey, William Oehler
Nays: None
Abstention: Harold Moffitt

RESOLUTION #2019-6

Motion by: Mark Morey
Second by: Harold Moffitt

RESOLVED, to appoint William Oehler as Secretary for the Zoning Board of Appeals for the year 2019.

DULY ADOPTED ON THIS 14TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Alan Hall, Mark Morey, Harold Moffitt
Nays: None
Abstention: William Oehler