

**TOWN OF NORTH HARMONY
ZONING BOARD OF APPEALS HEARING
WEDNESDAY, 1/26/2011 7:30 PM**

ZONING BOARD MEMBERS PRESENT:

	Jim Levesque	Roger Vaillancourt
	Joe Komar	Richard Barton
	Paul Silzle	Greg Michalak
	Louise Ortman (Alt.)	
Dan Thomas (Alt.)	Brad Lawson, Zoning C.E.O.	
Helen Emick (Alt.)	Dave Stapleton, Attorney	

OTHERS PRESENT:

	Glen Johnson	Tom Phillips	Clayton Emick
	Blair Smoulder	Tod Ingersoll	

Mr. Levesque brought the hearing to order at 7:35 PM.

Mr. Stapleton swore in all present who intend to speak regarding the applications.

1. George Tsarnas requesting an Area Variance to demolish an existing garage and replace it with a 2 story, 2 car garage closer to setback than allowed in Sec. 401 of the Zoning Code at 5512 Wells Bay Road, Specifically Sec. 332.11-1-13 (Old# 3-2-13).

Mr. Lawson asked to give some background on the Tsarnas application. He said Mr. Tsarnas had applied for and was granted a demolition permit to tear down an existing garage and an area variance to construct a new garage in July, 2001. He said the project was never started but now the applicant wanted to move forward with his plans.

Mr. Ingersoll, Contractor, said that Mr. Tsarnas would like to build the garage 2' wider than the original application granted in 2001. Mr. Levesque asked if the 10 year old area variance permit was still valid. Mr. Stapleton said yes, the variance continues with the land. Mr. Levesque asked Mr. Ingersoll why the structure needs to be changed. Mr. Ingersoll said the existing structure is approximately 12' wide and 20' deep. He said the 2001 variance allowed the proposed garage to come about 6' closer to the road edge. He said in order to have an 18' overhead garage door the width needs to be increased 2' to the east side setback.

Mr. Stapleton asked if the 9 Point Checklist had been satisfied. Mr. Lawson said yes. He said he has done the 25% lot coverage rule calculations and they are within regulations as far as structure/lot size coverage.

Mrs. Emick asked if there would be drainage inside the garage. Mr. Ingersoll said there is a driveway drain and a floor drain existing inside the garage and he would tap into that. He said the drainage goes into the lake. Mr. Stapleton said the town zoning at this point has not developed any kind of standard relative to the quality of water that comes out of the drain and runs into the lake and is not on the checklist at this time. He said that is something the Planning Board will be looking at in the future.

Mr. Levesque read into the record Town Law Sec. 267 b. (1) no (2) no (3) no (4) no (5) yes.

Mr. Levesque motioned to grant an Area Variance to George Tsarnas to construct a 20x26' two story garage closer to the east side setback than allowed in Zoning Sec. 401 at property located at 5512 Wells Bay Road, Specifically Sec. 332.11-1-13 (Old# 3-2-13). Mr. Komar seconded and the motion was carried unanimously.

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2. Blair T. Smoulder requesting an Area Variance to construct an addition closer to setback than allowed in Sec. 401 of the Zoning Code at property located at 3162 Chautauqua Ave., Specifically Sec. 350.13-1-4 (Old# 23-2-1).

Mr. Lawson gave the following background on the Smoulder application. He said that an area variance had been granted to Mr. Smoulder in 2000 but no tear down or building permit had been issued. Mr. Smoulder said originally they had planned to build about 7' toward their mutual property line with the Martins. He said in the current plan the addition will be 8' from the property line on the north side and a 4 ½ ft. extension on the lakeside will be 67' from the lake.

Mr. Smoulder and the board spent several minutes discussing the plot plan and revisions to the project.

Mr. Stapleton asked what the height of the addition would be. Mr. Smoulder said the addition would be 16' wide and Mr. Lawson said the height was approximately 13' from peak to grade. Mr. Lawson said the applicant will have stamped architectural drawings from Peter Radka.

Mr. Levesque asked if anyone wished to speak regarding the application. Mr. Barton read into the record Town Law Sec. 267 b. (1) no (2) no (3) yes; more than 50% (4) no (5) yes. Mr. Lawson said he has done the 25% lot coverage rule calculations and they are within regulations as far as structure/lot size coverage.

Mr. Levesque said letters had been received from neighbors Spinner's and Martin's stating no objections to the proposed addition.

Mr. Levesque motioned to grant an Area Variance to Blair T. Smoulder to construct an addition 8' from the north side setback at property located at 3162 Chautauqua Ave., Specifically Sec. 350.13-1-4 (Old# 23-2-1). Mrs. Ortman seconded and the motion was carried unanimously.

The hearing was adjourned at 8:45 PM.

*Nancy Thomas
Town Clerk*