

Gloversville Zoning Board of Appeals

May 6, 2015

MINUTES

At a meeting of the Zoning Board of Appeals, City of Gloversville, Fulton County, New York held at the City Hall there were:

Present: Jeffrey Ashe, Chairman
Karen Smith, Vice Chairman
Frederick Bochenek, Board Member

Others Present: Brandon Myers, Code Enforcement
Thomas Groff, Fire Chief
Cindy Ostrander, Secretary

The meeting was called to order at 7:02 pm by Chairman Jeffrey Ashe.

Approve minutes of last regular meeting – Minutes of last meeting (April 1, 2015). Karen Smith made a motion to approve the minutes as presented, Seconded by Frederick Bochenek.

Carried 3(three) Ayes, 0(zero) Nays

Application #990 – Area Variance - Tom Zara, 21 North Street was given approval to erect a two story deck and stairway for second exits at the rear of the house. Now he would like to enclose the deck and stairway for safety and privacy. The Board had asked for and received updated plans.

Under 6NYCRR617, State Environment Quality Review an area variance for a one, two or three family residence is a Type II action. A Type II action requires no further action on the part of the Zoning Board of Appeals with regard to the S.E.Q.R.

PUBLIC HEARING – TOM ZARA

The Public Hearing was opened at 7:15 pm. Following a review of the application a legal notice was published in the Leader Herald on April 24, 2015. Letters were sent to property owners within 100' and a copy filed with the Clerk.

The public was asked if anyone wished to speak in favor of the application to please come to the railing, give your name and address. No one spoke.

The public was asked if anyone wished to speak in opposition to the application to please come to the railing, give your name and address. No one spoke.

The public was asked if anyone had any rebuttal comments. No one spoke.

Jeffrey Ashe made a motion to close the Public Hearing at 7:16 pm, seconded by Karen Smith.

Carried 3(three) Ayes, 0(zero) Nays

Application Decision

The Board completed the Area Variance Findings & Decision form on file with the clerk at this time. Each question was discussed and answered. It was noted that the only change from the original variance was to enclose the deck and stairway, and the enclosure did not change the distance to the property line. Other changes to front of house were within the original footprint. Karen Smith made a motion to approve the application as presented, seconded by Frederick Bochenek.

Carried 3(three) Ayes, 0(zero) Nays

Application #991 – Use Variance - Lisa M. Ellithorpe, 179 Fifth Avenue wants to be in compliance as a home based business, preparing to-go meals. The Board had received the proof of economic use/benefit from the applicant.

Public Hearing – Lisa Ellitorpe

The Public Hearing was opened at 7:26 pm. Following a review of the application a legal notice was published in the Leader Herald on April 24, 2015. Letters were sent to property owners within 100’ and a copy filed with the Clerk.

The public was asked if anyone wished to speak in favor of the application to please come to the railing, give your name and address. Mike Russo, 278 N Main Street, a customer stated his approval and explained how he had little time to cook and enjoyed the home cooked meals. Laurel Allen, 7 Carpenter Street, gave the same approval, stating how she would call on her way home from work and be able to pick up a healthy, hot/home cooked meal.

The public was asked if anyone wished to speak in opposition to the application, please come to the railing, give your name and address. Steve Carmello, 180 Fifth Avenue, voiced his concern over the parking along the side of the road directly across from his driveway. At various times he has had a difficult time pulling in/out of his driveway. He also mentioned his neighbor John & Gail Quinn had sent a letter opposing the business due to increased traffic.

The public was asked if anyone had any rebuttal comments, please come to the railing, give your name and address. No one spoke.

Jeffrey Ashe made a motion to close the public hearing at 7:28 pm. Seconded by Karen Smith.
Carried 3(three) Ayes, 0(zero) Nays

Jeffrey Ashe read the letters received in reference to the application which are now a part of the file. He noted that the real property tax map shows the property line going through the middle of the house/property, one side being in the Commercial district of the Town of Johnstown, and the other side being in the Residential district of the City of Gloversville. Because the Business is located in the Town of Johnstown side of the property the applicant would be deprived of any economic benefit by not allowing the applicant to continue preparing to-go meals. Also, parking along the street is not an issue for the Zoning Board of Appeals, but neighbors can be considerate with each other and not park so as to block each other’s driveway.

Application Decision

The Board completed the Use Variance Findings & Decision form on file with the clerk at this time. Each question was discussed and answered. Karen Smith made a motion to approve the application as presented, seconded by Frederick Bochenek.

Carried 3(three) Ayes, 0(zero) Nays

Miscellaneous – Michelle Lautman has been operating a “cat rescue” in her home, located at 245 Bleecker Street in an R-1 zone which is not a permitted use. Karen Smith informed the Board that she has known Michelle for a number of years, but felt that she could be impartial. Brandon Myers, Building Inspector gave the board an overview. Ms. Lautman explained that she is not running a business, she is only helping sick/abandoned cats, and the main issue is the number of cats that are located at her home. The Board informally discussed the “cat rescue”, and gave Ms. Lautman some recommendations such as; approaching the City’s Common Council, looking into any grants that may be available, contacting local media or social media for help, and completing non-profit status. Ms. Lautman said she will not be taking any more cats in at this time and is working on reducing the number of cats at her home.

The next meeting is scheduled to be held on Wednesday, June 3, 2015 at 7:00 pm.

A motion was made by Karen Smith to adjourn the meeting at 8:25 pm, seconded by Fred Bochenek.
Carried 3(three) Ayes, 0(zero) Nays

Respectfully Submitted,
Cindy Ostrander, Secretary