

Village of Caledonia Zoning Board of Appeals
Public Hearing Minutes for October 21, 2020

Members Present:

Steve McIlwaine, Bill Hughes, Bob Middleton, Patrick Talty

Also Present:

Danny Keenan

Mike Burnside, Code Enforcement Official

Ed Russell, Village Attorney

Vic Cappotelli

Archie Cappotelli

Joe Calourie

Steve McIlwaine opened the meeting with the Pledge of Allegiance at 7:00 pm.

There are supposed to be 3 agenda items tonight.

1: Means Fence Variance

2: Information re: Subdivision at 3229 State Street

3: Keenan Subdivision Variance

Agenda Items 1 and 2:

1: Means Variance, 2996 Main Street

The homeowner built a fence on this property that extends past the front edge of the house, and it was constructed without a variance. They received a letter of non-compliance from Code Enforcement. The homeowner, Derek Means, did not attend tonight's meeting. Mike Burnside will send him a letter regarding removal of the fence.

2: Subdivision, 3229 Main Street

Property owner, Vitaliy Basisty, is also not in attendance at the meeting.

Steve McIlwaine turned the meeting over to Bill Hughes to proceed with Agenda item 3, Keenan Subdivision.

3: Keenan Subdivision, 353 Park Place

Danny Keenan has attended Planning Board meetings to seek subdivision of his property at 353 Park Place, and has been referred to ZBA. The existing farmhouse and barn will stay where they are. He would like to build behind these current buildings. He would like to subdivide – the minimum lot will be 15,000 square feet, but will probably be more due to it being a flag lot.

There are 2 issues the Board needs to work out:

1: Road frontage

2: Construction of a house behind a house

Under the proposed subdivision, the road frontage of the existing parcel is approximately 146' (Mike Burnside, per Village map), and 188', per Danny Keenan. No matter what, he will need a variance for subdivision.

Danny Keenan asked if a private road would be a solution.

Patrick Talty asked what problem this eliminates.

Mike Burnside asked if the setbacks would be determined by the private road or the main road?

If Danny wanted to construct a private road, it would have to go to Planning Board for approval.

Would this eliminate the need for the road frontage requirement?

Bill Hughes asked about parcel size with proposed subdivision.

Danny Keenan stated there is about 6 acres in the Village. 4 acres would stay with the farm, and the new lot would be approximately 2.4 acres.

Ed Russell asked for clarification:

1: Road Frontage

Will the ZBA allow subdivision and the road frontage to be 1 lot with less than 100'?

2: Depending on new house location, how will the house behind a house be dealt with?

It is at the board's discretion to interpret. The new house will be at least 800' behind the existing house.

Joe Calourie asked if the new house would be directly behind his house on Weitzel Lane, and no, it will not.

The Board discussed the 5 qualifications for an Area Variance:

1: Is it an undesirable change?

No.

2: Is there another way to achieve the outcome?

No

3: Is it a substantial request?

This depends ... many village lots have less than 100' frontage

4: Is there negative environmental impact?

No

5: Is this a self-created hardship?

No

Motion by Bob Middleton, seconded by Patrick Talty, to grant an area variance for the road frontage at this parcel to be at least 46'.

Aye: Bill Hughes, Bob Middleton, Patrick Talty

Nay: None

Abstention: Steve McIlwaine

Motion by Bob Middleton, seconded by Patrick Talty, to close the Public Hearing.

Aye: Bill Hughes, Bob Middleton, Patrick Talty

Nay: None

Abstention: Steve McIlwaine

The ZBA will weigh in on the house behind a house at its next meeting. They need a specific plan with where the house is on the property. Before a final decision is made, the ZBA will need a Planning Board referral for the area variance; Village law requires the Planning Board to write a referral to the Zoning Board of Appeals.

Danny Keenan would like to be on the November Planning Board agenda. Ed Russell will write a referral letter to the Planning Board.

Motion by Bill Middleton, seconded by Bill Hughes, to adjourn the meeting at 7:55.

Aye: Steve McIlwaine, Bill Hughes, Bob Middleton, Patrick Talty

Nay: None

Elizabeth Dietrich

Secretary, Village of Caledonia Zoning Board of Appeals