

MINUTES
TOWN OF NEW SCOTLAND
ZONING BOARD OF APPEALS

MARCH 26, 2019

7:00 P.M.

Zoning Board Members:

Jeff Baker, Chairman

Lance Moore, Steve Crookes, Edie Abrams, Bridget Burke,

Lori Saba, Zoning Board Secretary, Jeremy Cramer, Building Inspector

Crystal Peck, Zoning Board Attorney, Garrett Frueh, Town Engineer (Stantec Engineering)

Absent: Bridget Burke

PUBLIC HEARING 7:00 P.M.

- 1) **Variance Application #532:** Application submitted by Matthew Malark requesting relief from Article II, Section 190-12 (B)&(B)(1) of the Town of New Scotland's Zoning Law to allow for a detached garage to be constructed partially within the front set back on a parcel. The parcel is located within the "RA" district of 365 New Salem Road. The parcel is owned by the applicant, is identified as New Scotland Tax parcel i.d. #72.-1-28.10. The "RA" district has a front setback of 65 feet from the center of the road plus an additional 30 foot setback on state roads. This request is for 23 feet of relief to allow for structure to be located 72 feet from the center of the road instead of the required 95 foot setback.

Mr. Baker opened the meeting to the public. No public comments.

Mr. Moore moved to close the public hearing and Mr. Crookes seconded the motion; all in favor; motion so carried.

Albany County decision was to defer to local consideration.

Planning Board had no objections to the variance request.

- Advised to not put fill into the wetlands.

Mr. Baker reviewed the guidelines for a variance application:

- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
 - No
- Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

- No
- Whether the requested area variance is substantial;
 - Yes
- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the district or neighborhood; and
 - No
- Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.
 - Yes

Mr. Baker moved to approve variance application #532 subject to obtaining the necessary permit from NYSDEC and that no fill be deposited into the wetlands. Mr. Moore seconded the motion; all in favor; motion so carried.

Vote: 4-0

NEW BUSINESS:

- 1) **Variance Application #531:** Application submitted by Tommell Livestock LLC requesting an appeal of determination for a violation given by the Building Inspector. The applicant would like the ZBA to determine if the use of a parcel for storage of commercial equipment is allowed. The parcel is located in RA Zoning District, at 27 Upper Flat Rock Road, and is identified as New Scotland Tax parcel #106.-1-29.10.

Mr. Baker moved to schedule a public hearing for April 23, 2019 and refer the application to the Planning Board for the April 2, 2019 meeting.

- 2) **Variance Application #530:** Application submitted by Tommell Livestock LLC as a two-part application. The first part is to request an appeal of determination for a violation given by the Building Inspector that the use of the parcel as a commercial public garage is not a current allowed use for the parcel. The second part of the application is a request to “renew” a use variance previously granted for this parcel to allow for the operation and use as a public garage. The parcel is located in the RA district at 173 North Road and is identified as tax parcel #105.-3-6.10.

Mr. Baker moved to schedule a public hearing for April 23, 2019 and Mr. Moore seconded the motion; all in favor; motion so carried.

REGULAR MEETING:

Discussion/Action minutes of December 18, 2018 – Mr. Moore moved to approve the December 18, 2018 minutes with correction; Mr. Crookes seconded the motion; all in favor; motion so carried.

Vote: 4-0

Discussion/Action minutes of February 26, 2019 – Mr. Baker moved to approve the February 26, 2019 minutes and Mr. Crookes seconded the motion; Ms. Abrams abstained; all in favor; motion so carried.

Vote: 3-1-0

Motion to adjourn: At 8:15 p.m. Mr. Moore moved to adjourn and Ms. Abrams seconded the motion; all in favor; motion so carried.

Respectfully submitted,

Lori Saba

THE NEXT TENTATIVELY SCHEDULED MEETING APRIL 23, 2019