

A meeting of the Johnstown Zoning Board of Appeals was held on August 28, 2015 at 4:00p.m., in the Council Chambers, City Hall.

PRESENT:

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| Fredrick Franko | : Vice Chairman |
| Christine Krempa | : Board Member |
| Peter Raneri | : “ “ |
| Michael Heberer | : Asst. Fire Chief |
| Lawrence O’Regan | : Fire Fighter |
| Brett Preston | : City Attorney |
| Cathy A. VanAlstyne | : City Clerk |

ABSENT:

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|--------------|----------------|
| George Kline | : Chairman |
| Helen James | : Board Member |

Vice Chairman Franko called the meeting to order.

FRED & MARIE GILBERT, 11 Falcon Crest Drive, had built a deck on the back of their house. They want to enclose it but it is too close to the property line. They were able to build the deck because it is less than 18” off the ground but now that they want to enclose it, it’s too close to the property line. They have been trying to purchase the lot behind them and had put a down payment on it. The owner is stalling the sale. He wants the City to put in water and sewer but the City won’t install the infrastructure. That is up to the developer. Once the road and infrastructure is in then the City would take over. If they are able to purchase the property they won’t need a variance.

Mr. Raneri made a motion to accept the request for an Area Variance. Seconded by Mrs. Krempa. Motion carried 3-0, 2 absent.

JOSHUA LOUCKS, 205 W. Third Ave. built a tree house in his back yard that is over the maximum height allowed. The maximum height is 12’ and the tree house is 20’. He also did not apply for a permit to build the tree house. He has architectural stamped drawings. Asst. Chief Heberer said if approved they will need the stamped plans and he will have to obtain a permit.

Mrs. Krempa lives in this neighborhood and she has no objections. Mr. Raneri said it is an improvement.

Mrs. Krempa made a motion to approve the Area Variance. Mr. Loucks will be required to give a copy of the stamped drawings to the Code Office and obtain a building permit. He is also required to take the tree house down when and if he moves. Motion was seconded by Mr. Raneri. Motion carried 3-0.

RED CARPET HOUSING, 605 S. Comrie Ave., - Mr. Leto leases the property to his tenant who runs a used car lot. He would like to move the lot from the north side to the south side of the property. There have been many accidents and this would make it safer. Mr. Leto has

applied to DEC for a permit for the 100' buffer for the wetlands. He had a permit in 1999 but it was never renewed. They want to increase the number of cars on the display lot to 80. They will be required to move the cars back off of the grass area. The Code Office has had issues with the tenant with too many cars and he parks them too close to the road.

This first went before the Planning Board. They referred to the Fulton County Planning Board who recommended not approving because there were no formal plans submitted and the wetlands were not shown. It was then referred to the Zoning Board of Appeals.

Mr. Franko explained that originally Mr. Leto was granted a variance to allow for housing sales as well as a used car lot. The code specifically forbids changing that use. Attorney Preston said that is a legal issue. Mr. Leto now has stamped plans from Charles Ackerbauer, PE. He also provided an old DEC map noting the wetlands. Mr. Franko said the map does have a stamp from DEC Region 5 but is unclear on what the line on the map delineates, whether it is the wetlands or the 100' buffer to the wetlands. The buffer area had been filled in by Mr. Leto back in the late 1960's. The DEC permit is a yearly permit. It had not been renewed since 1999.

If approved by the Zoning Board this will have to go back to the County Planning Board as well as the City Planning Board and will require a super majority vote to approve.

There is no lighting on the lot and they are open during daylight hours. The lot will not be paved, just crushed stone. Stipulations can be made by both the Zoning and Planning Boards.

Mr. Franko made the motion to approve with the following stipulations:

1. Refer back to Planning Board
2. Receive full document from DEC
3. No lighting on the lot
4. Contingent with Mr. Leto continuing to own the property
5. No cars displayed on grass area – east side as well as northwest side of lot and entrance
6. Display of cars for sale will begin south of the office building
7. Permit will expire on transfer or sale of property
8. Limit of 80 cars for sale on display lot
9. No visible storage of non-functioning vehicles – must be behind privacy fence
10. Variance revoked if stipulations are violated
11. No more than 10 cars in holding area
12. No repair work on site.

A motion to adjourn was made by Mr. Raneri and seconded by Mrs. Krempa. Motion carried.

Respectfully submitted,

Cathy A. VanAlstyne
City Clerk