

VILLAGE OF DELANSON

Zoning Board of Appeals

Minutes of Organization Meeting

July 8, 2024

7:00 PM

at the Village Fire Hall

Board Members Present

Lawrence J. O'Connor, Chair

Casey LeClair, Member

Daryl Risley, Member

George Martin, Member - Excused

Officials and Members of Public Present

Tom Malczyk, Resident

The Chair called the meeting to order at 7:00 PM.

This being the first meeting of the Board of Appeals in 2024, it serves as an Organization Meeting. The Chair noted that there is one vacancy that needs to be filled. Three members were present so a quorum was declared.

The Board is called together to review an application for an area variance from Mr. Tom Malczyk dated June 26, 2024. Mr. O'Connor responded to this application with a letter dated July 2, 2024. The letter noted that the application was deficient and that other steps must be taken before the Board of Appeals is called into service. Copies of the letter were provided to the Mayor, the Village Board, the Clerk, the Chair of the Planning Board, the Building Inspector and members of the Board of Appeals. A copy is attached to these minutes.

The letter notes that a complete application would include, as a minimum:

- Site Plan
- Building Plans (stamped by a PE or RA)
- SEQR Form (Short Form)
- Referral Letter from Official Denying Action

To recap the situation, the house at 180 West Shore Road sustained a structure fire on March 21, 2023. The November 22, 2023 meeting of the Board of Appeals the Building Inspector stated that if Mr. Malczyk were to rebuild a house on the historic foot print no variance would be required. He could simply apply for a building permit per the rights (and restrictions) afforded by the grandfathering option to resume the non-conforming use. The proposed building, contemplated now, would be smaller than the building that burned down. Mr. Malczyk's June 26, 2024 application requests a variance from the requirement that a new building must have a minimum of 1,200 square feet, the proposed building would be less than half the minimum.

The Zoning Law provides a 12-month period to exercise the option to resume a non-conforming use. That 12-month period expired in March 2024 so there is now a need to seek a variance and request a time extension.

Mr. Malczyk was present at the meeting. He stated that he met with the Building Inspector last week. Mr. Malczyk passed around a catalog from a Metal Buildings Manufacturer. He showed a photo of the type of house he would like to construct. He stated that he has a foundation contractor ready to work as soon as he has the go ahead.

Plans have not been submitted to the Building Inspector; no application is pending. The Board of Appeals therefore has nothing to act on. The meeting proposed on June 28, 2024 for July 22, 2024 is now cancelled.

Nothing can happen until Mr. Malczyk submits a completed application for a Building Permit. The sense of the Board of Appeals is Mr. Malczyk still has a window of opportunity to build but the process must be followed.

It appears that (at least) two actions would be required:

- 1) a request for a time extension to resume the non-conforming use, and
- 2) a request to allow the construction of a smaller house.

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The Board of Appeals can only consider action after the Building Inspector reviews the required plans and documents.

Mr. Malczyk committed to meet with the Building Inspector tomorrow and get the process moving.

The meeting was adjourned at 07:28 PM.

Respectfully submitted,

L. J. O'Connor
Chair, Delanson Board of Appeals

Note: Because the Board of Appeals is not meeting on a regular schedule, these minutes will be considered approved hearing no corrections or amendments within the next 10 calendar days.

