

Town of Johnsburg  
Zoning Board of Appeals  
Tannery Pond  
February 06, 2023

**Attendance:** Jim Jones, Kevin Bean, Allisa Blanchard, and Secretary Joann Morehouse

**ABSENT:** Cathy Allen, Reisha Thissell

**Applicants:** John Fallon, Jamie Martin, and Patrick Scognamiglio

**Guests:** Tyler Cunningham

**Public hearing:** Meeting called to order 7:06pm by Jim Jones

**V-01-2023- Scognamiglio –3196 State Route 28 - Tax Map # 83.-2-1**

Mr. Scognamiglio was present, the board asked several questions and had some discussion.

**V-02-2023-Fallon –66 Main Street - Tax Map # 66.18-1-46**

Mr. Fallon was present to answer any questions the board might have. The board asked several questions.

**V-03-2023-Martin –2932 State Route 28 - Tax Map # 83.-2-32**

Mr. Martin was present to answer any questions the board might have. The board asked several questions.

7:45 pm Mr. Bean made a motion to close the public hearing seconded by Ms. Blanchard all in favor.

**Call Regular meeting to order:** Mr. Jones called the regular meeting to order at 7:45pm

**Approval of Minutes:** Mr. Jones said that the September meeting minutes could not be approved tonight because the board members that were at that meeting are not here tonight.

**V-01-2023- Scognamiglio –3196 State Route 28 - Tax Map # 83.-2-1**

After some discussion Mr. Jones stated that the board decided to table **V-01-2023** Until the applicant could bring the board a different plan.

**V-02-2023-Fallon –66 Main Street - Tax Map # 66.18-1-46**

Rationale:

1. 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 variance. – No, it will not.
2. 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
3. Whether the requested area variance is substantial. – The variance is not substantial.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. – The proposed project will not adversely affect the character of the neighborhood, nor will it change the character.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance. The best way to understand the rules is to examine each in its turn, together with the court decisions that rely on them. – No this problem was not self-created the variance is actually to correct issues caused when the house was built.

Mr. Bean made a motion to approve variance # V-02-2023 10ft of relief from the front setback, seconded by Ms. Blanchard.

**V-03-2023-Martin –2932 State Route 28 - Tax Map # 83.-2-32**

Rationale:

1. 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 variance. – No, it will not.
2. 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
3. Whether the requested area variance is substantial. – The applicant said the variance is not substantial.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. – The proposed project will not adversely affect the character of the neighborhood, nor will it change the character.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance. The best way to understand the rules is to examine each in its turn, together with the court decisions that rely on them. – It is the opinion of the applicant that this hardship was not self-created because the setback laws were not in effect when he bought the property.

Mr. Bean made a motion to approve variance # V-03-2023 92.75ft of relief from the front setback, seconded by Ms. Blanchard.

**ZEO Report:** none

Mr. Bean made a motion to close meeting at 7:52 pm, seconded by Ms. Blanchard all in favor.

Respectfully,

Joann M. Morehouse

**Next Zoning Board meeting scheduled  
for March 6, 2023 at the Tannery Pond**

DRAFT