

Present at Meeting:

Cheryl Erickson, Chair
James Dewar, Vice Chair
Ross Schoembs
Brian Logan
Neil Brandmaier

Also Present: Bob Olson, **Zoning** Administrator Matthew Magee, Greg Mattison (for Morgan's), Lisa Morgan, Elizabeth Morgan, and Dave House.

Pledge

Chair Cheryl Erickson appointed Brian Logan to sit on the Board in the absence of Rich Nawrot and Neil Brandmaier in the absence of Troy Scripture.

Chairperson Cheryl Erickson called the meeting to order at 7:00 p.m.

Review of Minutes: Vice-Chair Jim Dewar made a motion to accept the February 22, 2022 minutes with changes. Second by Ross Schoembs. **ALL AYES.**

NEW BUSINESS:

File # 2022-02 AV
Tax Map # 72.10-1-5
Terry Peck
7120 State Route 8
Brant Lake, NY 12815

Requesting an Area Variance from **Section 6.10** for a rear yard setback for the structure to sit at 38' where 50' is required. Variance request for 12'.

Dave House was present to represent Terry Peck and to speak about the variance request before the Board tonight. Dave House stated that this is a small little camp on .25 acres, and they are adding a 12' x 26' addition that will contain an extended kitchen and breezeway. They are requesting a 12' variance.

Vice Chair Jim Dewar asked is the property to grade.

Dave house stated there is a crawl space underneath the with a small foundation which will fix the grading.

Brian Logan asked if the extension is the same height as the house.

Dave House responded yes it will be the same height of the house.

Vice-Chair Jim Dewar asked what is on the property behind this property.

Dave House responded it is the Brant Lake girls camp. Dave went on the explain there will no bathroom added, and no plumbing involved. He will have proper drainage on the property as well.

Vice-Chair Jim Dewar asked if the small shed currently on the property is staying.

Dave House responded yes; the shed is staying.

Being no further questions or comments Vice-Chair Jim Dewar made a motion to deem application File # 2022-02 AV complete and set a Public Hearing for April 26, 2022. Second by Brian Logan. **ALL AYES.**

PUBLIC HEARING: **File # 2021-13 AV**
 Tax Map #: 39.17-1-35
 Stephanie and Elizabeth Morgan
 1593 Palisades Road
 Brant Lake, NY 12815

Requesting an Area Variance from **Section 6.10** for a Roadway setback for a variance of 17'1" for the structure to sit at 42'3" where 60' is required and a Rear Yard setback for a variance of 15'6" for the structure to sit at 34'6" where 50' is required.

Greg Mattison, representing the Morgan's was present to speak about the requested variances for the Morgan's proposed project. He stated on C1, C2 and the survey the Board can see the outlines of the variance requests. It is on the corner of Hoyts Road and Palisades Road. On C1 the existing structure is in red, the current zoning is in green and on C2 you can see the elimination of the existing and what is to be built as well as the setback requested. The front variance request is 17'9" and the rear variance request is for 15'6".

Chair Cheryl Erickson stated that they are coming off the footprint in the front getting closer to Palisades Road, mimicking the current front porch.

Greg Mattison stated they are only changing the front of the structure and in the back the deck will remain the same.

Neil Brandmaier asked if the black line references the new structure and asked what kept Greg from sliding the structure to the left because that could reduce the variance request.

Greg Mattison responded there is an easement for entry in that location and it would infringe on the parking area. The owners prefer to keep the structure as closer to the existing footprint as possible.

One of the Board members asked if the variance from the center line of the road should really be 17'9".

Greg Mattison measured and stated the correction should be 17'9" and the record was changed to 17'9" variance from the center line of the road.

Chair Cheryl Erickson stated that there seems to be a lot of trees in that area and it would impact tree removal if moving the structure over.

Greg Mattison stated the owners want to keep the trees on the property and stay on the footprint as much as possible.

Chair Cheryl Erickson asked where the current well and septic system are located.

Greg Mattison stated that most likely they will be located where they are currently located. The septic system will be located in the rear of the property and the well is currently located in the front corner of the property.

Brian Logan asked about the neighbors bordering the property.

Lisa Morgan who has lived on the property her whole life identified the neighboring properties on the map for the Board members as being her great uncle, Cindy Hoyt and Hoyts Trailer Park.

Zoning Administrator Matt Magee stated that when he looked at the survey the deck looks like it has been there for a while. So, it looks like the proposed expansion is only going to the North towards Hoyts Trailer Park is that correct.

Greg Mattison responded yes the deck has been there since the 1970's and is currently a safety issue and in need of updating.

A discussion ensued regarding building on the same footprint versus building a new structure off of the footprint in order to make it more conforming and would it make that much of a difference in the variance requests.

Chair Cheryl Erickson asked what the current square footage of the existing house is and what the new structure square footage will be once completed.

Greg Mattison responded that the current square footage is about 900 square feet and the new two-story home will be 1700 square feet.

Chair Cheryl Erickson stated they will be adding a bathroom so there will be two bathrooms and 3 bedrooms once completed and will install a new septic. The artisanal well will remain in the front right corner. She asked how many trees will be removed as well.

Greg Mattison responded about 5% of trees will be removed.

Chair Cheryl Erickson asked who will be designing the new septic system.

Greg Mattison responded Hutchins Engineering will be designing the new septic system.

Vice-chair Jim Dewar asked if the Zoning Office received any letters regarding the proposed project.

Secretary Terri Katsch responded no letters or e-mails have been received regarding the proposed project.

Chair Cheryl Erickson asked if there were any other members of the Public here tonight who wish to discuss the proposed project.

Being no other members of the Public at the meeting for questions or comments and no letters were received the Public Hearing was closed.

The Board reviewed the Area Variance criteria:

Chairperson Cheryl Erickson stated that the Board would now go ahead and discuss the Balancing Test to balance the benefit to the applicant with detriment to the health, safety, and welfare of the community.

The ZBA further finds:

1. The proposed project cannot be achieved by other means feasible to the applicant because it is a pre-existing non-conforming structure that is failing, and the request is for the existing footprint to be utilized.

One Board member thinks that there is a feasible alternative to move the structure over; however, that would not allow the applicants request to remain on the same footprint to update the structure. Additional trees would need to be removed if moved.

2. There will not be any undesirable change in the neighborhood character or undesirable change to nearby properties because this proposal will be an upgrade to the home, and it shields the view of the trailer park from the road.
3. The request is substantial; however, this is a pre-existing non-conforming structure, and it is slightly more conforming in the front porch so most of the addition to the house is of a conforming nature going to the North.
4. This request will have no adverse physical or environmental effects on the property or to neighboring properties because less than 5% of trees will be removed and a new septic will be an improvement, the well is already drilled and it will have positive effect on the environment and the esthetics.
5. This proposed project is not self-created because the home needs repairs and action must be taken to remove the safety issues that exist, and it will be an improvement.
6. These are the minimum variances necessary because being on a pre-existing footprint where the variances are requested, and they are being very careful to remain on the same footprint.

Zoning Administrator clarified with the Board members that in **Section 14.40 Destruction of Non-Conforming Use/Structure states: "If a non-conforming structure or a structure containing or constituting a non-conforming use is destroyed or demolished by any cause, the structure or use may be replaced or resumed to the same extent and on the same building footprint, providing such rebuilding or repair occurs within 5 years. This time limitation does not apply to single-family structures.**

Being no further comments or questions Vice-Chair Jim Dewar made a motion to approve **File # 2022-01 AV, Tax Map # 39.17-1-35** requesting an Area Variance from **Section 6.10** for a Roadway setback for a variance of 17'9" for the structure to sit at 42' 3" where 60' is required and a Rear Yard setback for a variance of 15'6" for the structure to sit at 34'6" where 50 is required with the Condition that the Warren County Impact Statement be received before the Zoning Compliance Certificate is applied for. Second by Ross Schoembs. **4 AYES, 1 NAY.**

Reminders: None

Correspondence: None

Public Comments: None

Board Comments: The Board members discussed enforcement issues with the Zoning Administrator Matt Magee.

Being no further comments Ross Schoembs made a motion to adjourn the meeting. Second by Brian Logan. **ALL AYES.**

Adjourn: 8:56 PM

Next meeting date: April 26, 2022

Respectfully Submitted,
Terri Katsch, Secretary