

Present: Gary Frenz, Chairman

Cheryl Erickson, Vice-Chair

Priscilla Remington, Member

Thad Smith Member

Charles Lewis, Alternate Member

Also Present:

Mike Hill Esq. Town Attorney

Bob Olson, Town Board Member

Bill McGhie-Planning Board Member

Teri Schuerlein - Planning Board Member

Mike Raymond-Planning Board Member

Sally and Jeff Clark, John Hall, Tom Johansen, Attorney Dan Smith, Jason Hill, Richard Roth and Myrna Miller, Russell Howard

Agenda Items:

File # 2013-09AV Tax Map 37.1-1-27.1 Young Property-5 lot subdivision

File # 2013-10AV Tax Map 72.5-1-3 Miller & Roth-Roadway Setback Variance

File # 2013-06AV Tax Map 55.10-1-4 Hall-Shoreline Setback Variance

The regular meeting was called to order by Chairman, Gary Frenz at 7:00PM. Gary Frenz stated that Charles Lewis would be a voting member in the absence of Carl Heilman

Minutes: Cheryl Erickson made a motion to approve the April minutes, 2nd by Charles Lewis. All Ayes.

Attorney Mike Hill had several recommendations pertaining to the Draft copy of the May minutes

On page 2(two) he felt that 74(seventy-four) feet referred to the Hall application structure rather than to the variance, in addition there needed to be clarification regarding the

adjoining property (lot #17) on the southerly side. On page (three) there needed to be explanation that the answer from counsel was in response to a question asked by applicant regarding expansion on an existing footprint

Gary Frenz made motion to approve May minutes upon changes suggested by Attorney Mike Hill, 2nd by Charles Lewis. All AYES

Communications: Gary Frenz referred to memo sent by our Attorneys regarding alternate participation. The attorneys recommended that the alternate board members should not participate in meeting discussion or sit at the table unless directed by the chairperson in absence of a member

Chairperson Gary Frenz also read a reversal of determination sent by the APA regarding the Cohen decision 2013-03AV. The APA felt that there was alternate locations for the Cohen's to put there deck. Gary Frenz stated that the Cohen's would be before the board again.

New Business: File 2013-09AV

Tax Map 37.1-1-27.1

Monica Jean Young

Dorset Road

Applicant request:

1. A density variance for lot #5 which consists of 8.077 acres where 10 acres are required for a variance of 1.923 acres
2. A roadway frontage variance for lot #5 which consists of 317 feet where 400 feet is required for a variance of 83 feet
3. A roadway frontage variance for lot #4 which consists of 331 feet where 400 feet is required for a variance of 69 feet

Attorney Dan Smith was present to represent the land owner Monica Jean Young. Monica and Jason Hill are proposing a 5 (five) lot subdivision. Property extends into the 10 acre zone which means that the road frontage has to comply with the density requirements though any proposed building would probably be in the R2-5 acre zone which requires only 300 feet of frontage. Lot #5 is proposed to be 8.077 acres where 10 acres is required. Attorney Dan Smith continued to state the owners need road frontage variances for lots #4 and 5 and a density variance for lot #5.

Attorney Dan Smith continued on by explaining that lot #3 was proposed to be sold to Dana and Ginger Langworthy and merged with their present adjoining property, then provided a contract of sale to the board

Gary Frenz asked Attorney Dan Smith if there were any wetlands on subdivision in which Attorney Smith responded with no and referred to the attached letter included in packet from the APA saying that they did not require a permit and do not have any jurisdiction over subdivision project

Cheryl Erickson asked Attorney Dan Smith if there were any terrain features on back of lot #5 (five) that prevented the owners from extending the boundary line or perhaps extending the boundary line to the left to increase the size of lot #5 (five).

Attorney Dan Smith responded by saying the owners did not want to grant an easement to anyone for the use of the road located on lot #4, but did agree that the boundary line could be adjusted to the left to enlarge lot #5 but it would make an irregularly shaped lot . Attorney Smith felt this was a solution to density variance but not a desirable one.

Attorney Mike Hill stated that he felt Cheryl Erickson's suggestion was justified since it was the board's responsibility to come up with feasible alternatives

Being no further comments or questions Cheryl Erickson made motion to deem the application complete and schedule a public hearing for July 23rd, 2nd by Priscilla Remington. All AYES.

File # 2013-10AV

Tax Map 72.5-1-3

Myrna B. Miller and Richard L. Roth

321 Palisades Road

Applicant requests a roadway setback variance to build a boathouse. Boathouse to sit 30' from edge of road where 50' is required for a variance of 20'

Richard Roth stated that they currently have applications to APA and the Army Corps of Engineers in progress stating that there are problems with emerging wetlands, assuming they obtain approval from the APA and the Army Corps of Engineers they will need a setback variance to build a boathouse, the exact distance has not been determined as yet as they are waiting from determination from the APA

Jim Steen stated that he visited the property and met with the owners, the boathouse is proposed to sit 30 feet from road where 50 feet is required, the boathouse is permitted by right and there is no other alternative for placement of boathouse since the property is extraordinary consistent in that there is no place else on lot where there is more than 30 feet, some places less than that.

Richard Roth stated that he had 257 feet on a straight line along the shore. Builder Eric Isachsen suggested the location of the boathouse since it was midpoint along shore. The boathouse structure is proposed to be 26feet wide by 28feet deep and that he would not

have a problem with neighbors, since placement would meet setback requirements of adjoining properties. Richard Roth made statement that they are taking roughly 10%.

Cheryl Erickson questioned Richard Roth regarding his statement of whether that was 10% of the developing wetlands.

Richard Roth clarified his statement to say that the structure of which he intends on building is roughly 10% of the linear shoreline

Cheryl Erickson asked Richard Roth if Mary O'Dell from the APA had come out to look at the developing wetlands on his property. Richard Roth responded by saying that he has had several conversations with her but is waiting on an inspection from APA after an application that he is in progress with has been completed and submitted before the APA will come out and looks at wetlands.

Gary Frenz made a motion that the application be deemed complete and scheduled a public hearing for August 27 at applicant's request as he will be out of town for the July meeting. 2nd by Cheryl Erickson. All AYES

File # 2013-07AV

Tax Map 106.-1-4.2

Alder Brook Rd and Hayesburg Rd

Carol Meyer seeking density variances for Lot 1A, Lot 1B, Lot 3A and Lot3B

Russell Howard, Surveyor representing Carol Meyer, stated that his client would like to subdivide 2 lots into 4 lots. Lots 1A and 1B are currently described as tax map 106.-1-4.2 and lots 3A and 3B are currently described as tax map 106.-1-4.3. Lot 1A is proposed to have 3.66 acres in the 5 acre zone, Lot 1B is proposed to have 4.06 acres in the 10 acre zone. Lot 3A is proposed to have 2.57 acres in the 5 acre zone and lot 3B is proposed to have 2.57 acres in the 5 acre zone.

Russell Howard stated that Carol Meyer was having difficulty selling lots 1 and 3 and feels they would be more affordable/saleable if they were divided

Clarification of the history of the subdivision was explained by Jim Steen, he stated that density variances were received in 2006 for lot # 1. Lot #3 was in the 5 acre zone and did not receive any variances as it was not necessary as lot #3 met the density for the 5 acre zone.

Attorney Mike Hill stated that lot #4 was located in three zones R-2 5 acre zone, LC 10, and LC 42.6 acre zone. Discussion ensued regarding the feasibility of increasing the acreage for lots 3A and 3B which would decrease the acreage on lot #4 and the consequences of density variances for those lot configurations.

Jim Steen stated that lot configuration of increasing lot 3A and 3B is not a feasible alternative and does not feel the APA would approve such changes.

Discussion ensued regarding lots 3A and 3B. The lots that would be created are in fact larger than many area house lots in surrounding area. The lots would be conforming in nature to the neighborhood.

Cheryl Erickson made motion to deem the application complete and schedule a public hearing for July 23rd, 2nd by Priscilla Remington. All AYES.

Public Hearing

File # 2013-06AV

John and Ann Hall

736 Palisades Road

74 foot shoreline setback variance where 100 feet is required and a 5 foot 6 inch side yard setback variance where 15 feet is required to build a new home

John Hall reviewed for the board where proposed house would be placed on his lot. Explained that he would be building house on same footprint of existing structure which was grandfathered in since the Town Zoning was not in effect until December 1977. John Hall then reviewed a visual impact study that was prepared by his surveyor and architects to show that his newly constructed house would not obscure his neighbors view once they had built the proposed structure. Reviewed that his new house would only be 8-10 feet taller than existing house and longer because of the addition of the mud room and garage. Also reviewed that the visual impact studies were not capable of showing contour, brought to the board's attention that there was no landscape (trees) on visual impact study. John Hall then showed actual photos of the Clarks property from lake and lot showing that trees on lot were substantially more obscuring of the lake view from their newly proposed home. No view of North because trees are blocking that view as well. Made a point that none of the neighbors had a 180 degree view. John Hall continued on to review a Tax Map of other properties close to his proposed home to show how his neighbor Vandevander was able to obtain a variance in January 2010. Pointed out that after construction of that home the Vandevanders were indeed obscuring the neighbors view with height, size and trees of property. Also added that the Vandevanders home was only 11 feet from the lake where his was 30 feet from the lake. Questioned why the Vandevanders received a variance when he is under such scrutiny to prove he will not be blocking views of the lake with newly proposed home. John Hall continued on to show new drawings from architects showing the building height of newly proposed home would be less than 40 feet and where garage would be parallel to house as Planning Board requested. He had visuals outlined in blue to show visuals to Board.

Gary Frenz asked John Hall if the board had all the copies that he reviewed before them this evening. Attorney Mike Hill recommended it as well since it will assist the board when reviewing this application. John Hall confirmed he would provide whatever documents may be missing

Jim Steen confirmed that John Hall would still need side setback variance if garage moved the 5 ½ feet that the Planning board had proposed.

Attorney Mike Hill asked John Hall about the size of garage in which John Hall responded 1 story with inclined roof.

Cheryl Erickson asked about tree cutting on property in which John Hall answered he had spoken with Jim Steen understood the limitations and would consult with Jim before cutting would take place. Jim Steen confirmed that he and John Hall had conversation about tree cutting and that John Hall was open to Jim's overseeing the cutting

Cheryl Erickson asked about building closer to shoreline and was answered by John Hall as no, construction will take place roadside

Cheryl Erickson asked about septic system and was told by John Hall that he would be improving the environment as he was removing an old 50 gallon drum and placing a NORWECCO system there since there was no room for a leach field

Gary Frenz asked if anyone else wanted to speak on this project

Jeff Clark had created own impact study to show how the Hall's had other alternatives to place proposed new structure which would not only appease the APA and the Clarks themselves. Jeff Clark had made statement that the proposed Hall project was indeed a self-created hardship and had a negative impact that it creates a 30 foot wall impacting the Clark's view. In addition the Clark's had consulted a real estate professional which had suggested that the value of the Clark's real estate would be decreased by \$100,000. dollars because of the reduced view of the lake and then implied that would not have impacts the Hall's because that is what John Hall had offered the Clark's for the purchase of their property when in fact the Clark's say there property is worth \$250,000. dollars. Jeff Clark continued by saying he had a discussion with John Hall's architect when preparing the Hall's impact study and showed him where his proposed front bedroom would be. He felt that the impact study was completely fabricated because the architect presumed that the Clark's would be building a 2 story house on an elevated location, which the Clark's lot is limited as well and would be only building a one story house. Jeff Clark continued on to say he as well checked the minutes of the Town and found that the Vandevander's had no other alternative but to build on the same footprint when the house was demolished after a tree fell on it. Jeff Clark continued by pointing out that the Hall's say there is no other building alternative but the Clark's do not agree, they feel that there is a significant option that the Halls are ignoring and pointed out an enlarged drawing that was provided and showed an area of the Hall's property where there is a 30 foot x 60 foot area where construction could take place. Jeff Clark continues by showing actual pictures of his property showing views from the north and the south and points out there are no other structures blocking his view from proposed one story home. States that John Hall's proposed house is non-conforming and non-traditional to the Adirondack theme of other properties in neighborhood. Jeff Clark states that the Halls have ignored the Clark's ,the Planning and Zoning board's suggestions, feels that the Halls have not followed the criteria

as John Hall's project is self- created, the proposed structure is non-conforming with neighborhood and impact's the property value of his property he has not followed three of the criteria accommodated.

Cheryl Erickson asked Jeff Clark to point out property line and where future proposed home site would be on plat plan in addition asked where the waterfront was located. Cheryl Erickson pointed out to Jeff Clark that if he cleared trees and if that area was topographically feasible to building he would have a view of waterfront. Jeff Clark responded by saying that indeed it was possible to build on location where Cheryl Erickson suggested but presumed that they would not be allowed to build because it was so close to shoreline and needed to protect the Raymond's eighty year reputation of being good citizens. Jeff Clark also responded that he had limited choices to build future proposed home sites than the Hall's, and that they were concentrating on a flat section of land with a drop off that they would need variances for as well. Jeff Clark went on to say that he has experience with his job at Habitat for Humanity working with the zoning board, planners and architects and felt that building on that proposed site was the right thing to do and not just what he felt like doing and that was his whole argument

Attorney Mike Hill questioned Jeff Clark's visual impact overlay rendering that was provided in presentation pointing out that Jeff Clark has misrepresented the view of his property perspective and the Halls. Showed Jeff Clark that he has actually reversed the view of the lake confusing the northerly and southerly view from the Halls and his property

John Hall asks if he can respond again in open forum and told yes. John Halls states that the Clark's are not grandfathered and have not applied for a variance. John Hall points out that the Clark's have 151 feet. They need to be 100 feet from shore and 50 feet from road, basically they have a one foot strip in which to build something, that needs to approval by the board with an area variance to be buildable and is questioning if that is even the case. John Hall states that he feels the Clark's are interfering with building his proposed house when they do not even have one built or variances applied for, and doesn't feel that the situations are comparable. John Hall continues on to say that he has provided scaled designs of his proposed house which are factual and prepared by a surveyor. Defends self-created criteria by saying his house was built in 1963, fourteen years before the zoning ordinance was in effect. John Hall showed a comparable ¼ mile from his home showing that it was a similar roof line and square feet of his proposed home stating that he indeed was preserving and protecting the community/neighborhood. John Hall further stated that he was going to be building on existing footprint utilizing the existing foundation, furnace and existing living space to save money rather than tearing down and building on a different location on property. John Hall states he does not want to pay an architect to draw different plans so that the Clark's do not object to proposed house. John Hall has plans for existing house which is grandfathered in, conforming to neighborhood and has already sought recommendation from the Planning Board.

Jeff Clarks asks if he can respond again in open forum and states that he has job occupation experience in rehabbing houses and feels that the Hall's foundation is not likely to support the proposed structure he is putting up, states that John Hall will have to put in a new foundation. Jeff Clark continues to say that John Hall's proposed property is non-

conforming or consistent with the Adirondack style of neighborhood and that if John Hall would alter his plans of his proposed house without diminishing the property value of his property they wouldn't have problem. Jeff Clark states that John Hall is used to getting his way and relates this situation to that. Jeff Clark states that the Planning Board did not approve his project and that he is fabricating details

John Hall reads from the approved June minutes of the Planning Board that the Planning Board made motion to recommend to the ZBA that they approve the variance request with the suggestion that the garage be relocated to comply with fifteen foot setback . 2nd by Jim Remington. John Hall continues by stating that he didn't feel that Jeff Clark was an expert on basements and that he has never even seen his, John Hall continues on to state that Jeff Clark says that he has done \$100, 000. dollars of damage to the Clark's property they have been no admissible affidavit or proof of such damage.

Teri Schuerlein asked if she could speak and introduced herself as a Planning Board member, stated that she and Bill McGhie, another member were confused about the statement of the Hall approval from last Planning Board meeting. Felt that they as the Board were providing an opinion of placement of garage only and not approval of variance. Teri Schuerlein questioned the wording of approved June minutes

John Hall stated that he was aware it was a recommendation for placement of garage and not a variance approval

Mike Raymond, Member of the Planning Board, states contrary to John Hall's opinion it is not about how tall or where you can build a proposed building it's about the land. All three boards are sworn in to follow the law they are not there just to approve a property owners wishes but the job of the boards is what's going to happen to the land or what's going to happen to land's neighbors or the community at large. A great deal of thought has to go into this project because it's not just what impact's the Halls but what impacts the community. If we can build a proposed house in which blocks a neighbor's view or right to enjoy their property it is going to perpetuate itself. John Hall is comparing his property to the Vandevanders which is not comparable to the same situation. The Vandevanders needed to rebuild house after a tree fell on it and demolished it, they built in exactly the same footprint they could not move the property back because of rock ledge and they are not two stories and are blocking the view of any neighbors. They are in a cove and have a view out front. The assimilation of these two properties should not even be a factor when considered in made with this project. Mike Raymond states this is a self-created project. Mike Raymond continues on to state there are many contradictions between what the Clark's and John Hall are presenting and feels that John Hall has other alternatives as to where he can build proposed house. Mike Raymond states the Hall project should not be rejected but should be redirected. Mike Raymond stated the Hall's house is being torn down so the foundation at that point is the only part which is grandfathered.

Thad Smith asks if the APA has any opinion whether they are building on the same foundation or footprint

Answer was given by several board members that if a variance is granted it would be sent to the APA for review

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Cheryl Erickson asks for clarification on building on the existing footprint or utilizing the existing foundation. Gary Frenz states the existing footprint is what is important

Motion was made by Thad Smith to table public hearing for John Hall 2nd by Charles Lewis

NEXT MEETING: Tuesday, July 23, 2013

Being no further business before the board, the meeting was adjourned at 9:00PM.

Respectfully submitted

Dorothy Johnson, Secretary