

Present: Cheryl Erickson, Co-Chair
Priscilla Remington
Thad Smith
Carl Heilman
Charles Lewis, Alternate

Also Present: Mike Hill Esq., Town Attorney
James Steen, Zoning Administrator
Bill McGhie, Planning Board Member
Bob Olson, Town Board Member

Scott Olson, Bonnie & Jeffrey Cohen

Agenda Items: File #2013-15AV Tax Map 38.20-1-4 Cohen, Jeff & Bonnie

The regular meeting was called to order by Co-Chair, Cheryl Erickson at 7:00PM. Cheryl Erickson stated that Charles Lewis will be voting members in the absence of Gary Frenz.

Minutes: Priscilla Remington made a motion to approve the September 2013 corrected minutes as discussed, 2nd by Charles Lewis. ALL AYES. **A sentence in the Vandevander criteria was struck from the September minutes although the Zoning Board felt the statement was true they did not say it in the meeting. The sentence that was struck... The applicant has made an overall positive improvement due to the upgraded septic (NORWECCO) system, storm water runoff controls, replacement of vegetation to minimize erosion, silt fencing to mitigate environmental impacts. This sentence referencing adverse effect or impact on environmental conditions.**

**PUBLIC HEARING: File #2013-15AV
Tax Map #38.20-1-4
Property Location: 16 Horicon Birches Road
Owners: Jeff and Bonnie Cohen
Project: Applicant seeking an Area Variance for 35' where 50' is
required to build a 16x19 screened porch**

Jim Steen stated the APA's objections to previous variance 2013-03AV were based on the fact that the Zoning Board of Appeals did not discuss options for constructing screened porch and deck in a different location, they felt the record did not support the Town's variance authorization.

Bonnie Cohen stated in order to satisfy the APA's concerns they have amended the design and scaled back the project by eliminating the deck. The proposed addition will be consistent in size and design with the current house, and constructed flush with the house, avoiding and working around the septic tank. In addition the proposed screened porch's steps will be inset so that the stairs will not be any closer to the shoreline.

Attorney Mike Hill stated that this new design is a reduction of 64 square feet from the previous design, In addition this new design is a total of 298 square feet as opposed to the Previous 362 square feet being added on to a small 3 season camp with a total of 900 square feet of living space. Attorney Mike Hill asked the Cohen's if they could sketch the location of the driveway on their existing plan to clarify the placement of the proposed porch and indicate direction for APA's clarity.

Charles Lewis stated that it was inconceivable to place the screened porch on the west side of the house because of the extensive excavation that would be required, the porch would be below grade and roof slope would require major reconstruction.

Jeffrey Cohen pointed out to the board that the property is extremely steep and sloping from the road to the lake.

Jim Steen stated that there was no side setback problem on south side of the property where the screened porch would be built. The porch cannot be placed on the north side of property as there is a boundary line issue and the east side is not an option as that is lakeside.

Priscilla Remington made a motion to close the public hearing. 2nd by Charles Lewis. All Ayes

**UNFINISHED BUSINESS: File #2013-15AV
Tax Map #38.20-1-4
Property Location: 16 Horicon Birches Road
Owners: Jeff and Bonnie Cohen
Project: Applicant seeking an Area Variance for 35'
where 50' is required to build a 16x19 screened
porch**

Jim Steen was asked about the screen porch being built close to the septic. He stated that as per a conversation with Mike Shaw, NYS Dept. of Health, building an elevated screen porch next to a septic tank was not an issue with the D.O.H. because the 10 foot setback from a dwelling is in place so as not to create a contamination of a basement or crawl space. If the tank ruptured it was up to the local authority to make a determination. Jim Steen went on to explain that since the screened porch was going to be built on piers and elevated he had no objections to building the screen porch one foot from the septic tank. If the variance is approved he would issue a zoning compliance certificate to build with a stipulation that the porch cannot be enclosed in the future and a basement could not be built under it.

Being no further comments, the board reviewed the criteria:

1) There will be no undesirable change to the character of the neighborhood or detriment to nearby properties: as this will still be used seasonally, and is a modest increase. This addition would be an improvement to a 1950's pre-existing-non conforming seasonal camp. Neighboring properties are larger in size and have similar style screened porches and decks for enjoyment of the lake.

2) The benefits sought by applicant could not be achieved by another means as the applicant cannot extend lake side (east side) and has scaled back proposed building design so the screened porch and steps do not encroach on lake. The proposed screened porch cannot be placed in any other location on property as there is a boundary line issue on the North side of the property. In addition without extensive excavation and grading to the west side of the property this is not a feasible alternative as there is an extreme slope and steepness to the land toward the house and lake. In addition the roof slope on the back of house (west side of property) would not allow a porch to be built without re-constructing roof. The proposed screen porch cannot be built further from the lake on the south side of house due to the location of the septic tank. This proposed screen porch addition on south

side would add useable space to a very small camp (approx. 900 square feet of living space) in addition would provide cover over main entrance.

3.) The requested variance is somewhat substantial but no closer to lake than existing structure. The proposed porch extends further away from the lake than existing house at its most southern point due to curve of shoreline.

4) There is no effect or impact on the physical or environmental conditions in the neighborhood as the applicants are removing asphalt to construct the proposed 16x19 screen porch. The proposed screen porch will be built on piers so the removal of asphalt will create better permeability and drainage of ground water. In addition because the applicants are removing asphalt from the building area it will eliminate run-off to the lake. It will not be necessary to remove any trees for construction of this proposed screen porch on piers.

5) The alleged difficulty was not self-created as this is a 1950's 3 season camp with less than 1000 square feet of living space. Applicant has amended design and eliminated a deck to conform to APA objections.

Conditions: None

Noting that this project is exempt from SEQRA.

An Area Variance should be granted because the applicant has proven practical difficulty in view of the manner in which the difficulty arose and considering the factual findings, the interests of justice will be served by allowing the variance.

Carl Heilman made a motion to approve the area variance for 35' where 50' is required to build a 16x19 screened porch. 2nd by Thad Smith. All Ayes

Next Meeting is scheduled for November 26, 2013. There being no further business before the board, Cheryl Erickson adjourned the meeting at 8:20 PM

Respectfully Submitted.

Dorothy Johnson, Secretary

