

**Present:** Gary Frenz, Chairman  
Priscilla Remington  
Thad Smith

**Also Present:** Mike Hill, Esq. Town Attorney  
Mike Raymond, Planning Board Member  
Bill McGhie, Planning Board Member  
Bob Olson, Town Board Member

Sally and Jeff Clark, Tom Johansen, John Hall

**Agenda Items:** File #2013-05AV Tax Map 20.-1-46 Hill II, Michael  
File #2013-06AV Tax Map 55.10-1-4 Hall, John and Ann  
File # 2013-07AV Tax Map 106.-1-4.2 and 106.-1-4.3 Myer, Carol

The regular meeting was called to order by Chairman, Gary Frenz at 7:00PM.

**Minutes:** April minutes were not reviewed as not enough members are present tonight that were present at the April meeting.

Gary Frenz stated that communications have been received from the APA reversing the Cohen decision,

**PUBLIC HEARING: File # 2013-05AV  
Tax Map 20.-1-46  
Michael Hill II  
403 Johnson Rd  
30 foot rear-yard setback variance where 50 feet is required to build a new home.**

Mike Hill I stated that the property is 100 feet deep, this is a pre-existing lot, there was a dilapidate mobile home on the property but his son would like to build a modest 24 foot wide ranch home on the same basic footprint that the mobile home existed, there are not wetlands, this is not a waterfront property, there are woods to the rear, the existing drilled well will be utilized and a new septic will be installed.

Gary Frenz asked if anyone wanted to speak regarding this project.

Being no comments or questions, Thad Smith made a motion to close the public hearing, 2<sup>nd</sup> by Priscilla Remington.

**UNFINISHED BUSINESS: File # 2013-05AV  
Tax Map 20.-1-46  
Michael Hill II  
403 Johnson Rd  
30 foot rear-yard setback variance where 50 feet is required to build a new home**

The board reviewed the criteria of Section 16.40:

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 area variance:* The board agreed that this would be a desirable change to the neighborhood, there will be a compliant septic, there are small pre-existing, non-conforming lots in the neighborhood.

2) *Whether the benefits sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance:* The board agreed that this is a small pre-existing, non-conforming lot 100' x 200', there was a mobile home on the property, the home will be placed on the same footprint of the mobile home, not going closer to the road. The property would need variances no matter the development due to the setback requirements.

3) *Whether the requested area variance is substantial:* The board stated that 50 feet is the required setback from the rear of the property, this proposed home is 20 feet from the rear of the property which is substantial, however due to the topography of the adjoining property, nothing could be built behind this proposed building site, the mobile home sat in the same location, the area is already cleared, the driveway with a culvert is existing, the size of the proposed home is not out of line with the lot, the home should not be closer to the road and the home is only 24 feet wide.

4) *Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:* The board agreed that the new septic would be an favorable impact on the environmental conditions of the neighborhood eliminating the privy on the property, there will be a improved visual appearance, the property is in a rural area and is tree lined and no additional tree removal is necessary to build the proposed home.

5) *Whether the alleged difficulty was self-created:* The board agreed that the difficulty was not self-created as this is a pre-existing lot, the proposed home will be on the general same footprint of the mobile home, this is a permanent home.

6) Minimum variance necessary: The board agreed that this is the minimum variance necessary as this is a small home 24 feet wide by 40 feet in length with 960 square feet of living area, the variance should not be reduced to decrease the homes square footage. SEQRA review is not required for this application. Priscilla Remington made a motion to approve the 30 foot rear-yard setback variance to build a new home based upon the discussion, 2<sup>nd</sup> by Thad Smith. All Ayes.

**PUBLIC HEARING: File # 2013-06AV  
Tax Map #55.-1-4  
John and Ann Hall  
736 Palisades Rd  
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 presented a sketch of the proposed home and stated that he and his wife purchased the Fink property which was built in 1963, 14 years prior to the adoption of the Zoning Ordinance, the home is out of compliance with the shoreline and side-yard setbacks, this is a very narrow piece of property, presented photos showing other homes designs in the general neighborhood, stated that the new home will not be any closer to the lake than the existing home, utilizing the existing footprint , a new septic will be installed, there will be no adverse environmental impacts as the gray water pit will be removed, the driveway will be improved to reduce the hazard from pulling in, this was not self created as the home was built in 1963 and this is the minimum variance needed as this is a modest home, less than 40 feet in height with 2500SFLA and the second story will be built over the existing footprint with a modest two car garage.

Gary Frenz asked if this will have a 4 foot frost wall or basement

John Hall responded that this will be built on a slab.

Gary Frenz stated that he would like to see a survey map of the proposed home and being so close to the property line would like the Planning Board to review this and make their recommendations.

Priscilla Remington asked how far from the shoreline this will sit.

Gary Frenz stated that this is 74 feet from the shoreline and 5 feet 6 inches from the side-yard.

Thad Smith asked if there was a home adjoining the property.

John Hall stated that the adjoining property is vacant.

Mike Hill stated that the adjoining property is to the Southerly side of Lot 17, on the Northerly side of the property is a boathouse 430' away from this proposed home site.

A question was asked if the ZBA referred the Farrell application to the Planning Board.

Gary Frenz stated that the Farrell application was referred to the Planning Board for their recommendation.

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Gary Frenz made a motion to refer this to the Planning Board on June 19<sup>th</sup> with a request that a survey map showing the new home be submitted.

Mike Hill asked if the contour lines on the survey map would be helpful.

Jeff Clark stated that he and his wife own the property next door, submitted photos to the board and stated he has concerns with the project: 1) Undesirable change to the neighborhood: all other homes do not block anyone's view, the proposed 2<sup>nd</sup> story is 34 feet high and destroys the lake view as shown in the submitted photos, has no problem with the home height as it exists today and feels there is a flat area in which a home could be built on without ruining the view and this proposal will damage the value of their property. 2) Septic and Water may make our lot unbuild able, the view would be blocked 30% with a 2 story structure, plenty of options to purchase other properties, does not have to have an attached garage, this will devalue property.

Priscilla Remington stated that she was unsure of which parcel Mr Clark was speaking of.

Jeff Clark stated lot #17, to the south of Mr. Halls and continued to state that when he built on the property he would be required to obtain variances and does not want to lose value and does not want to look at the back of the proposed home. The solar panel addition to the roof of the home issue, and wondered if he would be required to remove trees on his property in order for Mr. Hall to have solar panels as his trees would block his sun and it is not necessary for the home to come that close to his property line, there are other options.

Gary Frenz asked if anyone else wanted to speak.

John Hall stated that he would like to respond regarding the solar panels as he is not sold on the idea as there may not be enough sun and he has no right or intent to cut anyone's trees down, the garage could be moved north, doesn't want problems with neighbors.

Mike Raymond stated that he is a Town Planning Board member and wants no special treatment, he has reviewed the application and walked the property, knowing that the footprint is grand fathered feel the home could be built to the north without blocking someone's views, Mr Hall is impinging on the side-yard setback and could go the other way.

Mike Hill stated that the variance request is due to the expansion on an existing footprint 26 feet from the shoreline and that the applicant is not obligated to stay on the existing footprint but could build on another portion of the property.

Gary Frenz stated that going further away from the shoreline is a positive step with the APA but it is a matter of choice and would like more information with the referral to the Planning Board making a motion to keep the public hearing open until June 25<sup>th</sup>, and refer this to the Planning Board with the submission of a survey map showing the proposed home and garage, 2<sup>nd</sup> by Thad Smith. All Ayes.

**NEW BUSINESS:**

**File # 2013-07AV  
Tax Map 106.-1-4.2 and 106.-1-4.3  
Alder Brook Rd and Hayesburg Rd  
Meyer, Carol  
Density Variances for Lot 1A, Lot1B, Lot 3A and Lot3B**

Russell Howard, Surveyor 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.

Carol Meyer stated that she would like to subdivide these lots to make them more affordable. Lengthy discussion ensued

Gary Frenz stated that this type of variance request is very difficult to accomplish.

Russell Howard stated that he would like the boards feelings on the feasibility of obtaining a variance for such a project.

Mike Hill stated that the board cannot make any guarantees tonight and all variances are required to be referred to the APA for their review.

Gary Frenz stated that this would be an uphill battle with the APA making a motion to table this application until the applicant gets a response from the APA, once a response is received this application will need to be referred to the Planning Board for their recommendation, 2<sup>nd</sup> by Priscilla Remington. All Ayes.

**Public Comments:** Bob Olson stated that a new Secretary will be hired and requested the board have patience with the new person.

Next Meeting is scheduled for June 25th, 2013. There being no further business before the board, Chair Gary Frenz adjourned the meeting at 8:30 PM

Respectfully Submitted.

**Christine Hayes, Secretary**