

Present: Gary Frenz-Chairman
Carl Heilman
Thad Smith Member
Charles Lewis
Pat Farrell-Alternate

Also Present: Jim Steen, Zoning Administrator
Michael Hill Esq. Town Counsel
Bill McGhie, Planning Board Member

John Silvestri Esq., Mike and Kathy Hill, Thomas Johannsen, Matthew Masiello, Tony Cavanna, Matt Cifone, Brian and MaryAnn Doyle, Ray McGhee, Eugene and Betti Viani, Patricia Greenwald, Chris Burke, Misa and Eric Munson, Rita M. Fitzpatrick, Joan Kney, Marianne Mockler, Tim Beadnell. John Perry, Cathy, Clementine Maltbie

<u>Agenda Items:</u>	File #2014-05AV	Tax Map 55.17-1-31	McCarthy, Janet & Edward
	File# 2014-01AV	Tax Map# 36.12-1-3	Halvorsen, Carl & Audrey
	File#2014-02AV	Tax Map#72.13-1-32	Tumblebrook Farm LLC- Greenwald
	File # 2014-04AV	Tax Map # 20.10-1-44	Doyle, Sean
	File # 2014-03A	Tax Map 88.-2-21	Crystal Lake HOA

The regular meeting was called to order by Chair, Gary Frenz at 7:05PM.

Pledge:

Chair appoints Pat Farrell as a voting member in absence of Cheryl Erickson

Approval of Minutes: Charles Lewis made a motion to approve the June 2014 minutes, 2nd by Pat Farrell. All Ayes.

New Business: File#2014-05AV
Tax Map #55.17-1-31
9 Cozy Cove
McCarthy, Janet and Edward
74'9" Shoreline setback Variance to remove three existing seasonal camps and replace with one year round residence

Cifone Construction, Matt Cifone was present to represent Edward and Janet McCarthy requesting a 25' setback from the shore to demolish and rebuild a single family year round residence.

Chair, Gary Frenz asked if the applicant met the side yard setback and was answered in the affirmative by Matt Cifone.

Carl Heilman asked if we had a deed on file and was answered by Jim Steen that we had received one. Carl Heilman continued on to ask if the closest point was 22' from the stairs to shoreline.

Matt Cifone stated that the stairs from the home were being deleted but the stairs from the seawall to the lake would remain.

Carl Heilman made a motion to deem application 2014-05AV, complete and schedule a public hearing for August 26, 2014, 2nd by Charles Lewis. ALL AYES.

PUBLIC HEARINGS: File # 2014-03A

Tax Map 88.-2-21

Crystal Lake HOA

Appealing Zoning Administrators determination issuing ZC#2014-18

Chair, Gary Frenz stated that the applicants representing Crystal Lake File#2014-03A have requested that the Public Hearing be tabled due to on-going litigation and asked if there were any members of the public present to speak regarding File#2014-03A

Tim Beadnell stated that he would like to speak.

Chair, Gary Frenz responded to Tim Beadnell that he could speak at the next public hearing and that it would be re-advertised.

Carl Heilman made a motion to table the public hearing until further notice 2nd by Charles Lewis. ALL AYES.

PUBLIC HEARING: File# 2014-01AV

Tax Map# 36.12-1-3

455 East Shore Road

Halvorsen, Carl & Audrey

50' Shoreline setback variance and a 37.3' roadway setback variance to demolish and rebuild a single family residence.

Attorney John Silvestri representing Carl and Audrey Halvorsen requesting an area variance to demolish and rebuild an existing 900 square foot structure on existing footprint, change pitch of roof to increase interior headroom, add second floor porch above lower with roof over it.

Chair, Gary Frenz read the Warren County Impact statement.

Carl Heilman asked about the septic tank located on the premises and was answered that it was actually a holding tank that was pre-existing in good working order.

Chair, Gary Frenz asked Attorney John Silvestri what the purpose of the second floor deck was and was answered convenience

Neighbor, Eric Munson 76 E. Shore Drive, was present to speak on behalf of the Halvorsen project. He stated that at present the property was an eyesore and that he was happy for the proposed project to help increase property values.

Being no further comments or questions, Thad Smith made a motion to close the public hearing, 2nd by Charles Lewis. ALL AYES

UNFINISHED BUSINESS: File# 2014-01AV

Tax Map# 36.12-1-3

455 East Shore Road

Halvorsen, Carl & Audrey

50' Shoreline setback variance and a 37.3' roadway setback variance to demolish and rebuild a single family residence.

The Board reviewed the criteria for the shoreline setback and roadway setback variances.

The ZBA finds that variances from Section **11.24 Shoreline setback** of the Zoning Code regulations is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

- 1) There will be no undesirable change to the character of the neighborhood or detriment to nearby properties, this home will still be used seasonally, this is essentially a vertical expansion using the existing footprint but changing the pitch of the roof to include a second floor porch. This modification will improve the appearance of the home aesthetically both roadside and lakeside. There are homes of this size in the neighborhood and lakefront porches are typical in this area. The siding and roof will be natural earth tones consistent with the Adirondack style of the neighborhood
- 2) The benefits sought by applicant could not be achieved by any other means as the applicant is utilizing the existing footprint of the dilapidated structure but enlarging vertically rather than horizontally. A Horizontal expansion would also require a variance. The vertical alteration of raising the roofline is giving more headroom to the second floor and the porch is a by-product of this expansion. The renovations will not result in any improvements that extend beyond the pre-existing non-conforming setback of the first floor porch there will not be any visual impact on the neighbors as the new home's roof line will be increased roof pitch to gain headroom for more square footage of living area
- 3) The requested variance is very substantial but the variance is not for closer proximity to lake but rather for raising the roofline vertically (section 15.10). The shoreline is currently and will continue to sit 1.4 feet beyond the mean high water mark.
- 4) There is no effect or impact on the physical or environmental conditions in the neighborhood as this will be an overall positive improvement due to the upgraded structurally sound house. The storm water/rain runoff will remain the same with no negative environmental impact.

- 5) The alleged difficulty was not self-created as this camp was built pre zoning and pre APA in 1958. This was an inherited situation and was purchased as is with the intention of rebuilding this inhabitable camp in the same footprint

Conditions: The applicant will build house and roof with natural earth tones

Noting that this project is exempt from SEQRA.

Conclusions: (based upon the proceeding factual findings):

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.

Charles Lewis made a motion to approve the 50 foot shoreline setback for file#2014-01AV, based on the above criteria. 2nd by Carl Heilman. ALL AYES

The Board reviewed the criteria for the 37.3' roadway setback variance.

The ZBA finds that variances from Section **8.10 for a 37.3' roadway setback** of the Zoning Code regulations is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

- 1) There will be no undesirable change to the character of the neighborhood or detriment to nearby properties, this home will still be used seasonally, this is essentially a vertical expansion using the existing footprint but changing the pitch of the roof to include a second floor porch. This modification will improve the appearance of the home aesthetically both roadside and lakeside. There are homes of this size in the neighborhood and lakefront porches are typical in this area. The siding and roof will be natural earth tones consistent with the Adirondack style of the neighborhood. This improvement will help increase nearby property values, as the structure presently sits it looks like a roof growing out of the ground.

- 2) The benefits sought by applicant could not be achieved by any other means as the applicant is utilizing the existing footprint of the dilapidated structure but enlarging vertically rather than horizontally. A Horizontal expansion would also require a variance. The vertical alteration of raising the roofline is giving more headroom to the second floor and the porch is a by-product of exiting non-conforming setback of the first floor porch there will not be any visual impact on the neighbors as the new home's roof line will be increased roof pitch to gain headroom for more square footage of living area. **This expansion is no closer to the road and the footprint will remain the same. The entrance will be on side of house.**

- 3) The requested variance is substantial. This is a pre-existing non-conforming structure. As the dilapidated structure presently sits the only visual roadside is roof.

- 4) There is no effect or impact on the physical or environmental conditions in the neighborhood as this will be an overall positive improvement due to the upgraded structurally sound house. The storm water/rain runoff will remain the same with no negative environmental impact.

- 6) The alleged difficulty was not self-created as this camp was built pre zoning and pre APA in 1958. This was an inherited situation and was purchased as is with the intention of rebuilding this inhabitable camp in the same footprint

Conditions: The applicant is required build the house and roof with natural earth tones.

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.

Noting that this project is exempt from SEQRA.

Carl Heilman made a motion to approve the 37.3' road setback variance for File# 2014-01AV, based on the above criteria with the condition as stated, 2nd by Thad Smith. ALL AYES

**PUBLIC HEARING: File#2014-02AV
Tax Map#72.13-1-32
6941 State Route 8
Tumblebrook Farm LLC-Patricia Greenwald
Area Variance for a 100 foot walkway to access Lake**

Town Counsel Mike Hill stated that his firm Miller, Mannix, Schachner and Hafner represent Patricia Greenwald on a professional matter concerning a sale of real property. He stated that it would not influence his ability to treat the next file without any bias.

Applicant, Patricia Greenwald stated she was requesting an Area Variance to construct a 100 foot walkway to access a dock over wetlands. She stated that she already had approval for the dock but could not access it with the seasonal emergent wetlands.

Chair, Gary Frenz asked Patricia Greenwald if the APA had flagged the wetlands and was answered in the affirmative.

Attorney Mike Hill asked Patricia Greenwald if the APA had visited the property by boat, According to the Notice received by the Town and Patricia Greenwald the APA had intended to view the property by boat which might show other problems with other neighboring properties. The APA after viewing the property may make suggestions to enhance this project, and may have special procedures to construct the proposed boardwalk.

Attorney Mike Hill made a suggestion to the applicant to table the Public Hearing and proceed after the APA had made their recommendations and finalized the necessary requirements.

Several Neighbors of File# 2014-02AV were present to question the proposed walkway, they had received notice but were not clear on the specifics. Chair, Gary Frenz aided them by giving out google maps of the property he had printed out and explaining the project to them.

Gary Frenz made a motion to table File# 2014-02AV until APA correspondence had been received 2nd by Carl Heilman. ALL AYES.

PUBLIC HEARING: File # 2014-04AV

Tax Map # 20.10-1-44

821 East Shore Drive

Sean Doyle

19' Shoreline Setback Variance to add a 12' x 12' screen porch and a 4' x 5'6" addition to existing home, change existing porch into bath and entryway.

Contractor Mike Hill representing the applicant stated that he would be adding a 12' x 12' screened porch and 4' x 5'6" addition to an already existing 8' x 5'6" porch in order to create an entry and first floor bathroom for elderly residents of the property. He continued on to say that this was the most conforming area on the lot to expand to without tree cutting, vegetation disturbance and to work around the already existing septic area. The corner of this proposed structure was 31 feet from the mean high water mark and an area variance was needed as they did not have 50 feet. This was not a year round home and was made of an Adirondack structure and felt that the new addition would help anchor the existing foundation. In the North corner they would be adding a screen porch in the era of the building which would match architecturally.

Carl Heilman questioned whether the septic tank was poured concrete with a gravity fed dry well.

Mike Hill responded by stating the septic is an existing concrete tank which had recently passed inspection, there is no pumping station and no evidence that there is a problem. The septic tank is 100 feet from shoreline and meets APA requirements.

Carl Heilman analyzed that the proposed addition would be approximately a 10% increase comparing the existing 700 square feet with additional 166 square feet.

Neighbor Clementina Maltbie was present to support the proposed addition to File # 2014-04AV and stated she supported granting the variance.

In addition, an email from a neighbor, David Finley was received by the Zoning Office in support of the proposed project as well.

Being no further questions or comments Carl Heilman made a motion to close the Public hearing. 2nd by Thad Smith. All AYES

UNFINISHED BUSINESS: File # 2014-04AV

Tax Map # 20.10-1-44

821 East Shore Drive

Sean Doyle

19' Shoreline Setback Variance to add a 12' x 12' screen porch and a 4' x 5'6" addition to existing home, change existing porch into bath and entryway.

The Board reviewed the criteria for the shoreline setback variance with the Planning Board members

The ZBA finds that variances from Section **11.24 Shoreline setback** of the Zoning Code regulations is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

- 1) There will be no undesirable change to the character of the neighborhood or detriment to nearby properties, this home is a three season home, which cannot be seen from nearby properties because of the heavily treed lot. This home cannot be seen by the road traffic as well
- 2) The benefits sought by applicant could not be achieved by any other means as the applicant is utilizing the footprint of an existing covered porch to make a first floor bath and entry. This placement of a new 12'x12' screen porch is the most conforming area for placement on the lot to expand to without disturbing the heavily treed areas, septic location or ground vegetation
- 3) The requested variance is not substantial. The variance is only a 10% increase of surface area of structure. A 12'x12' foot porch is not excessive in size and the proposed bathroom is compact. The current structure sits 17' from the lake where the proposed addition will only be 31' from the lake.
- 4) There is no effect or impact on the physical or environmental conditions in the neighborhood as this will be an overall positive improvement due to the structural upgrade of an older home. The storm water/rain runoff will remain the same with no negative environmental impact. The present septic tank is large enough to accommodate an additional bath
- 5) The alleged difficulty was not self-created as this camp is an existing 100 year old home which will be structurally updated because of modifications

Conditions: None

Noting that this project is exempt from SEQRA.

Conclusions: (based upon the proceeding factual findings):

The **19' Shoreline Setback 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 19' shoreline setback variance based on the above criteria. 2nd by Pat Farrell. ALL AYES.

A motion was made to adjourn the July ZBA meeting. ALL AYES

PUBLIC COMMENTS: NONE

BOARD COMMENTS: NONE

NEXT MEETING: August 26, 2014

Respectfully Submitted,
Dorothy Johnson