

**TOWN OF HAGUE
ZONING BOARD OF APPEALS
TOWN HALL
HAGUE, NEW YORK 12836
Telephone 518-543-6161**

**Minutes of:
January 28, 2016
TIME: 7:00 PM**

PUBLIC HEARINGS:

1. JOHNSON (RICHARDS) (12.18-1-16) Lakeshore Drive (TR-1) VAR 09-15

Mr. Johnson spoke for this application. He feels that the plan meets all of the ZBA's concerns and is a step in the right direction environmentally.

No one spoke against.

ZEO Clark reported that an application for a new home within 100' of the lake and a toilet and a sink in an accessory structure has been approved by the Planning Board, subject to the condition that the waterfront building is for recreation only, not living, on 1-7-16.

At 7:03 pm Jon Hanna made a motion to close the public hearing, Maureen Cherubini seconded. All voted aye.

CALL MEETING TO ORDER:

Chairman Goetsch called the meeting to order at 7:03 pm

INTRODUCTION OF BOARD MEMBERS:

Board members: Jon Hanna, Ray Snyder, Chris Navitsky, Maureen Cherubini, Robert Goetsch and Linda Mury. Lindsay Mydlarz was absent.

APPROVAL OF MINUTES OF: December 17, 2015

Chris Navitsky moved and Ray Snyder seconded a motion to approve the minutes of December 17, 2015 with corrections. All voted aye.

OLD BUSINESS:

1. JOHNSON (RICHARDS) (12.18-1-16) Lakeshore Drive (TR-1) VAR 09-15

- **The prospective owners are proposing to replace the current waterfront building with a new smaller structure. The new structure is proposed to be 11.09' from the MHW of the lake. The current structure sits at the MHW mark. Although he knew he could replace the structure in kind they feel their proposal will be more environmentally friendly and the size would allow room for the storage of their dock panels in the winter.**
- **The applicant would also like to replace a rotting retaining wall with a new stone wall with vegetated planting throughout.**

An application for a new home within 100' of the lake and a toilet and a sink in an accessory structure has been approved by the Planning Board, subject to the condition that the waterfront building is for recreation only, not living, 1-7-16.

Zoning issues: 160-50 Shoreline setback

Chris Navitsky asked ZEO Clark if the deck should be considered a replacement and not new. ZEO Clark stated that the building and the remnants of the deck supports are still visible therefore it is a replacement. Without any 'ruins' the replacement of a nonconforming structure, damaged by a naturel event only has four years to be reconstructed.

Chris Navitsky asked if there will be a foundation. Mr. Johnson stated that he does want to install a foundation to keep the plumbing warm. Chris stated that he feels the structure is getting larger, at least the height of the roof, and he has a problem with this.

Jon Hanna made a motion to approve this application for the replacement structures, with the condition that the waterfront building is for recreation only, not overnight sleeping and it can never become a dwelling unit in the future. Maureen Cherubini seconded.

- a. Will an undesirable change be produced in the character of the neighborhood or to the detriment of nearby properties?
No, the building being replaced is in a more favorable location and a slightly smaller footprint and the existing retaining wall is deteriorating.
- b. Can the benefit sought by the applicant be achieved by some method feasible to the applicant other than an area variance?
No, because of the plumbing required, this is the best approach.
- c. Is the requested variance substantial?
No, because it is replacing existing structures and will be an improvement.
- d. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
No, the building is being moved to a more favorable location so impact is lessened and the visual effect from the lake.

Johnson Richards continues:

e. Is the alleged difficulty self created?

Yes, if original building was maintained the original building it would not need to be replaced.

Roll call vote: ayes - Jon Hanna, Ray Snyder, Maureen Cherubini, Robert Goetsch and Linda Mury. Nays - Chris Navitsky. Motion passed 5-1.

NEW BUSINESS:

OTHER BUSINESS:

ADJOURNMENT:

A motion was made by Jon Hanna, Linda Mury seconded to adjourn the meeting at 7:15 pm. All voted aye.

Respectfully submitted,

Janet Hanna
Recording Secretary