

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

**Minutes of:
December 17, 2015
TIME: 7:00 PM**

PUBLIC HEARINGS:

1. DOUGHERTY (43.13-1-36) 4 Cranberry Ln. (TRI) VAR 08-15

Michael C. Cioffi, Dougherty's engineer spoke in favor of this project as it improving the setback.

Lu Megow, a neighbor also spoke in favor of this project.

No one spoke against. ZEO Clark stated that a letter from the Cape Cod Village Association stated that they approved the plans. The letter from Warren County Stated "no county impact."

2. CORBO (26.6-1-8) 36 Forest Bay Rd N (TRIR) VAR 07-15

Pat Corbo, the applicant, spoke for this plan.

Ken Engler, a neighbor in Forest Bay, approved of this plan.

Stefanie Bitter of Bartlett, Pontiff, Stewart & Rhodes, P.C, and attorney for the abutting neighbor spoke in favor of this project stating that an agreement was reached with Mr. Corbo.

At 7: 14 pm Jon Hanna made a motion to close the public hearing, Chris Navitsky seconded the motion. All members present voted aye.

CALL MEETING TO ORDER:

Chairman Goetch called the meeting to order at 7:14 pm

INTRODUCTION OF BOARD MEMBERS:

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

APPROVAL OF MINUTES OF: November 19, 2015

Chris Navitsky moved and Jon Hanna seconded a motion to approve the minutes November 19, 2015. All voted aye.

OLD BUSINESS:

1. DOUGHERTY (43.13-1-36) 4 Cranberry Ln. (TRI) VAR 08-15

The owners would like to demolish the existing 679 sq. ft. house and build a new 1807 sq. ft. house. All setbacks for the proposed new house will be improved, but still nonconforming.

Zoning issue: 160-62. More than a 25% increase of sq. ft. to a legal nonconforming structure.

Chris Navitsky asked if the 'den' shown on the plans was going to be a working den or would it also be a bedroom. Mr. Dougherty stated that it would be a working den. The ZEO stated it would be counted as a bedroom, but since the property is located within the sewer district it would not need septic review.

Chris also questioned any storm water plans. There are rain gardens and cisterns on the application. ZEO Clark stated that there is a storm drain across the street.

Jon Hanna asked if there have been any problems with runoff in the past. Mr. Dougherty and Mr. Megow both stated that there has not.

The planning Board recommended approval of this application.

Chris Navitsky asked about parking. Mr. Dougherty stated that there is parking for two cars on the grass which will not change.

Chris Navitsky made a motion to approve:

- a. Will an undesirable change be produced in the character of the neighborhood or to the detriment of nearby properties?
No. It is in harmony with other projects in the area by increasing setbacks.
- b. Can the benefit sought by the applicant be achieved by some method feasible to the applicant other than an area variance?
No. Alternatives are limited with such small lots, and this is minimal structure change.
- c. Is the requested variance substantial?
It is not small but is a minimal change.
- d. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
Limited impact, but there is no storm water management, but cisterns and rain gardens are indicated and should be completed as proposed.
- e. Is the alleged difficulty self created?
No.

Jon Hanna seconded this motion.

Roll Call Vote: Ayes- Jon Hanna, Ray Snyder, Chris Navitsky, Maureen Cherubini, Lindsay Mydlarz, Robert Goetsch and Linda Mury. Nays- none. Motion carried 7-0.

2. CORBO (26.6-1-8) 36 Forest Bay Rd N (TRIR) VAR 07-15

On October 15, 2013 a Town of Hague Zoning Compliance Certificate was issued for a 14' x 20' shed/art studio with washer/dryer connection and sink. The application stated that the shed would be located 15' from the sideline property line. On December 31, 2014 a survey from the abutting neighbor, CCG Rock, LLC, showed that the shed was only 2' from the Corbo's north property line. To remedy the situation the Corbo's are applying for a Variance to retain the right to keep their 14' x 20' shed/art studio in its current location.

Zoning issues: 160-24 A sideline setback, 160-88 misrepresentation & after-the-fact application

ZEO Clark stated that this is an after-the-fact Variance request because when originally submitted the owner believed his property line was further to the north making the application it compliance with the Town code. It wasn't until January of 2015 that the neighbors had a survey completed and it was found that instead of 15 feet from the north property line the new shed sat only two feet from the line.

Chris Navitsky questioned the size of the structure, 14x20 or 20x20? ZEO Clark stated that with the porch it is 20x20. Chris stated that he understands that moving the structure would be expensive. Mr. Corbo stated that old growth trees would have to be removed if it were moved. It cannot be moved further to the south because a seven foot separation must be maintained between this studio and the cottage, as per fire codes and moving it to the west is not possible either. Chris said that there many buildings on the property, the main house, a cottage, a shed and this studio. During the site visit beds were found in the studio which also has a sink. Chris stated that a condition should be added that this cannot ever be sleeping quarters and no toilet will be allowed. Mr. Corbo stated that they were not being used, just stored there.

Jon Hanna stated the neighbors are now happy with leaving it in place.

Jon Hanna made a motion to approve this application with the conditions that the tool shed be moved to conform with all Town setbacks and that the studio may not have a bathroom added or become sleeping quarters. Ray Snyder seconded.

- a. Will an undesirable change be produced in the character of the neighborhood or to the detriment of nearby properties?
No, not with landscaping to be added and the tool shed being moved.
- b. Can the benefit sought by the applicant be achieved by some method feasible to the applicant other than an area variance?
No, there is no other reasonable alternative location.
- c. Is the requested variance substantial?
No.
- d. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
The building has been there for a while.

Corbo continues:

- e. Is the alleged difficulty self created?
Yes, it was self created by not getting a survey done before building on the property.

Roll Call Vote: Ayes- Jon Hanna, Ray Snyder, Chris Navitsky, Maureen Cherubini, Lindsay Mydlarz, Robert Goetsch and Linda Mury. Nays- none. Motion carried 7-0.

NEW BUSINESS:

1. JOHNSON (RICHARDS) (12.18-1-16) Lakeshore Drive (TR-1) SP 12-15

The prospective owners are proposing to replace the current waterfront building with a new structure. The new structure is proposed to be 8.26' from the MHW of the lake. The current structure sits at the MHW mark. Although he knows 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.

An application for a new home within 100' of the lake and a toilet and a sink in an accessory structure has been submitted to the Planning Board.

Zoning issues: 160-50 Shoreline setback

ZEO Clark stated that this building can be replaced in the same location with a toilet and sink. The size is 30% bigger for the building but with a smaller deck it is about the same. It will be a storage shed, per Mr. J Richards. When asked about the wall replacement he stated that the wood wall will be replaced with a rock wall.

Jon Hanna deemed the application complete, Lindsay Mydlarz seconded. All voted aye.

A site visit was scheduled for 12-23-15 at 2:00pm with a second date of 1-7-16 at 2:30pm.

OTHER BUSINESS:

ADJOURNMENT:

A motion was made by Jon Hanna, Ray Snyder seconded to adjourn the meeting at 7:40 pm. All voted aye.

Respectfully submitted,

Janet Hanna
Recording Secretary