

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

**Minutes of:  
July 27, 2017  
TIME: 7:00 PM**

**PUBLIC HEARINGS:**

Chairman Goetsch called the public hearing to order at 7:00pm

**1. D'ANTONIO (60.5-1-9) 7 Pine Cove Rd. (TR1) VAR 05-17**

Ron Teclar spoke against this application. His letter is on file.

Joe Vilardo, Architect, spoke for the project.

The Planning Board made a negative recommendation to the ZBA with the conditions that the entire deck be removed and proper permits be obtained and all applications must be in compliance with Town of Hague ordinances.

**2. KOSSBIEL (12.14-1-21) 9651 Lakeshore Drive (OCI) VAR 08-17**

No one spoke for or against this project.

ZEO Clark read the board a letter received from Ed Doulin, an abutting neighbor which stated that Mr. Kossbiel had recently installed a crushed rock pathway on Mr. Doulin's property, from the north side of his property to the south side of his property and back again without Mr. Doulin's permission.

Mr. Geotsch stated that he had met Mr. Doulin at his house and saw the path across Mr. Doulin's property along with several other new structures to the rear of Mr. Kossbiel house. He went on to say that he didn't believe the Board can move forward with the review of the current Variance until Mr. Kossbiel has submitted a new application with everything he has installed on his property that would possible require additional Variances or permit.

The ZEO stated that the Planning Board made a negative recommendation to the ZBA.

Motion made by Jon Hanna, seconded by Maureen Cherubini to close the public hearing and open the regular meeting at 7:15pm

## **INTRODUCTION OF BOARD MEMBERS:**

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

## **APPROVAL OF MINUTES: June 22, 2017**

Jon Hanna moved and Chris Navitsky seconded a motion to accept the minutes of June 22, 2017. All voted aye.

## **OLD BUSINESS:**

### **1. D'ANTONIO (60.5-1-9) 7 Pine Cove Rd. (TR1) VAR 05-17**

The owners have begun to construct a 16' x 40' deck which is attached to their nonconforming house. They are now applying for an after-the-fact Variance. New drawings have been received (6-16-17) with two alternative deck plans for the Boards consideration. Plans include a 240-sq. ft. screened porch over a <576 sq. ft. deck.

### **Zoning issue: 160-23 A, Rear line setback**

**Chairman Goetsch called for any discussion:**

**ZEO read from the ZBA, April 27, 2017 minutes, of this application. "Robert Goetsch stated that it could be changed to be in line with the south side of the garage. After much discussion on defining a dimension for the deck, Jon Hanna made a motion, to table until the next meeting to allow for measurements of the rear property line to the south side of the garage door to be made by ZEO Clark. Linda Mury seconded the motion. All voted aye. Motion passed 7-0."**

**The ZEO reported that the measurements of the south side of the garage door to the rear property line were 16.9' and 13.2' from the east side of the deck to the rear property line.**

**Jon Hanna made a motion to deny this application and that the existing construction be removed within a reasonable time frame, Ray Snyder seconded the motion.**

- a. Will an undesirable change be produced in the character of the neighborhood or to the detriment of nearby properties?  
Yes, due to the proximity to the nearby property it would be detrimental to the neighbors.
- b. Can the benefit sought by the applicant be achieved by some method feasible to the applicant other than an area variance?  
Yes, other options are available to the owners that are reasonable and that the applicant could have the same size deck without the need a Variance.

D'Antonio continues:

- c. Is the requested variance substantial?  
Yes.
- d. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?  
Yes, with the closeness to the property line the deck could cause an adverse effect.
- e. Is the alleged difficulty self-created?  
Yes, it is self-created. The applicant knew that a Variance was required before he had the deck built.

Roll Call Vote:

Ayes: Jon Hanna, Ray Snyder, Chris Navitsky, Maureen Cherubini, Robert Goetsch, and Linda Mury.

Nays: None

Motion passed 6-0.

**2. KOSSBIEL (12.14-1-21) 9651 Lakeshore Drive (OCI) VAR 08-17  
The applicant is applying for an after-the-fact Variance for a 7' high fence.**

**Zoning issues: 160-52 B Fences**

Chairman Goetsch called for discussion:

The Board felt that they couldn't approve this Variance application when there were other apparent violations on the property. The ZEO stated that she observed an outdoor shower, concrete stairs and railings, that she believes to be within the sideline setback, a flagstone patio and fire pit covering a good part of the leach field and the crushed stone walk installed over Mr. Doulin's property. From Mr. Doulin's property she stated that she could not see the rear of the property beyond the outdoor shower.

Chris Navitsky asked if the Board could table the application until all violations are disclosed and applied for. The chair thought they could.

Jon Hanna said; understanding that we are very concerned about other violations they should requests that Mr. Kossbiel disclose everything he has done to his property. He went to motion that the ZBA tables this application until all violations on this property are disclosed, investigated and corrected. Ray Snyder seconded

Roll Call Vote:

Ayes: Jon Hanna, Ray Snyder, Chris Navitsky, Maureen Cherubini, Robert Goetsch, and Linda Mury.

Nays: None

Motion passed 6-0.

**NEW BUSINESS: None**

**OTHER BUSINESS: None**

**ADJOURNMENT:**

A motion was made by Jon Hanna, seconded by Maureen Cherubini to adjourn the meeting at 7:30pm.