

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

**Minutes of: July 26, 2018
TIME: 7:00 pm**

PUBLIC HEARINGS:

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

1. SISCA (76.20-1-3.1) 8 Silver Bay Road (TRIR) VAR 05-17

Spoke for the application:

Carol Sisca referenced a letter from the neighbor against the application and stated that the neighbors renters are come onto their property and in the spirit of neighborliness they do not call her for every instance. They want to make it more evident to the renters what is the neighbor's property and what is not. The neighbor can have 11+ renters and often animals that are on the property at any given time. They do not want to continuously have to speak to renters and want to put the fence up to make the property line more evident and deter them from coming onto their property.

Spoke against the application:

Chairman Goetsch referenced the neighbor's, Lee Cunningham, letters against the application. All board members received copies of the letters.

At 7:05 pm the board voted to close the Public Hearing.

CALL MEETING TO ORDER:

Chairman Goetsch called the meeting to order at 7:05 pm

INTRODUCTION OF BOARD MEMBERS:

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

APPROVAL OF MINUTES: June 28, 2018

Chris Navitsky moved and Jon Hanna seconded a motion to approve the minutes of June 28, 2018. All voted aye. 7-0 Approved.

OLD BUSINESS:

1. SISCA (76.20-1-3.1) 8 Silver Bay Road (TRIR) VAR 05-17

The owners are requesting a 4' high x 27' long spilt rail fence to be installed 23' from the mean high water mark of Lake George. "The Planning Board recommended denial of this application to the Zoning Board of Appeals. Motion carried by a 5-1 vote."

Zoning issue: 160-52 A (1)

Chris Navitsky asked ZEO Clark if a reason for denial was given from the Planning Board. ZEO Clark stated the reasoning was the application is after the fact and there was a 5' fence on the neighbors property at the time a complaint was issued, the fence was removed and this variance was applied for. Chris Navitsky asked for the Planning Board to provide a reason for the recommended denial of the variance. He also stated that he understood the request for the fence and that it will become more of a normal. He sympathized with the applicant and referenced his own troubles with renters on his own property. The prior location of the fence and the requested location for the new fence was discussed. ZEO Clark stated that the Town's zoning code doesn't allow fences within 50' of the mean high water mark. The APA has stated that a split rail fence is not viewed as a fence and they allow these kind of fences, however our town code doesn't discern fence type. The type and height of the fence that is being applied to be installed was discussed.

Chris Navitsky made a motion to approve the variance with the condition that it is to be a split rail fence, 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?
No, so long as the fence is a split rail and doesn't obscure view.
- b. Can the benefit sought by the applicant be achieved by some method feasible to the applicant other than an area variance?
There are other means such as planting vegetation however this is a quicker way to establish a recognizable boundary for the adjoining renters.
- c. Is the requested variance substantial?
Minimal substantiality.
- d. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
No.
- e. Is the alleged difficulty self-created?
Yes, however, it is to address a situation to prevent trespassing and other safety issues.

Roll Call Vote:

Ayes – Jon Hanna, Ray Snyder, Chris Navitsky, and Robert Goetsch

Nays – Lindsay Mydlarz, Linda Mury, and Maureen Cherubini

Motion Passed 4-3

NEW BUSINESS: None

OTHER BUSINESS: None

ADJOURNMENT:

A motion was made by Jon Hanna, seconded by Maureen Cherubini to adjourn the meeting at 7:17 pm. All voted aye.

Respectfully submitted,

Teresa Hanna

Recording Secretary