

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

**Minutes of: September 27, 2018
TIME: 7:00 PM**

PUBLIC HEARINGS:

1. SMAYDA (60.9-1-31) 44 Bobkat Ln. (TRI) VAR 06-18

The PB recommends the approval of this application stating that there will be no significant impact to the land if it were granted.

Tony DeFranco spoke for this application. It is replacing an existing patio, wall, and steps.

2. LANGFORD (76.20-1-12) 8116 Lakeshore Dr. (TRI) VAR 07-18

The PB recommends the denial of all three of these variance request due to the fact that they are after-the-fact applications.

Ms. Langford spoke for this application. She was not aware that permits were required. The fences are not visible from the lake due to the vegetation, which was not disturbed. Tony DeFranco spoke for the neighbors on each side, neither has a problem with the fences.

3. LAKESIDE REGIONAL CHURCH (26.17-1-17) Hamlet VAR 08-18

The PB recommends the approval of this application stating that there will be no significant impact to the land if it were granted.

Skip Trembly, Pastor stated that they need storage and this is the best solution. There were no letters.

Jon Hanna made a motion to close the Public hearing, Ray Snyder seconded the motion. All voted Aye. Motion carried.

CALL MEETING TO ORDER:

Chairman Goetsch called the meeting to order at 7:10 pm

INTRODUCTION OF BOARD MEMBERS:

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

APPROVAL OF MINUTES OF: August 23, 2018

Chris Navitsky moved and Ray Snyder seconded a motion to approve the minutes August 23, 2018. All voted aye. Motion carried.

OLD BUSINESS:

1. SMAYDA (60.9-1-31) 44 Bobkat Ln. (TRI) VAR 06-18

**The owners are applying for a Variance so they may replace an existing patio, retaining walls and steps.
Zoning issue 160-50**

Chris Navitsky questioned the expansion of the patio and clearing the trees to the lake. He also asked if the patio was permeable or non- permeable.

Tony DeFranco explained that the patio will be more oval to be more user friendly as opposed to a rectangle, it is the same distance from the lake. The non-native cedars are being removed and replaced with native plants, dogwoods, etc.

ZEO Clark has a letter from the LGPC stating it is non-jurisdictional.

Jon Hanna made a motion to approve this application with the condition that the board would be in favor of a non-permeable patio surface. Ray Snyder seconded.

- a. Will an undesirable change be produced in the character of the neighborhood or to the detriment of nearby properties?
No, replacing the existing will be an improvement.
- b. Can the benefit sought by the applicant be achieved by some method feasible to the applicant other than an area variance?
No
- c. Is the requested variance substantial?
No, like for like.
- d. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
No, replacing the old timbers will be an improvement.
- e. Is the alleged difficulty self-created?
No, it is already existing.

Roll Call Vote:

Ayes – Jon Hanna, Lindsay Mydlarz, Ray Snyder, Linda Mury, Maureen Cherubini, and Robert Goetsch.

Nays – Chris Navitsky

Motion Passed 6-1

2. LANGFORD (76.20-1-12) 8116 Lakeshore Dr. (TRI) VAR 07-18

The applicants are requesting a variance for a 6' high step-down fence along their southern property line which will end at 4' 6" from the MHW of the lake and a 4' high fence along the northern property line which will begin 12' from the MHW of the lake to contain their 95 lb. dog.

Zoning issues: 160-52 Fences A (1) & B.

Variance #1: for a 6' high fence on a residential property.

Langford continues:

Jon Hanna asked why a 6' fence was chosen. Ms. Langford stated that it helped if her dog could not see the neighbors. Can the fence be lower to 4'?"

Chris Navitsky said the fence is stepped down and was in places 7'9" high and with the gaps the dog could go under the fence.

Robert Goetsch asked why a fence was needed, can't an invisible fence work? Ms. Langford stated that the dog goes in the water.

Chris Navitsky made a motion to deny this variance, Linda Mury seconded.

- a. Will an undesirable change be produced in the character of the neighborhood or to the detriment of nearby properties?
Yes
- b. Can the benefit sought by the applicant be achieved by some method feasible to the applicant other than an area variance?
Yes, a 4' high fence will do.
- c. Is the requested variance substantial?
Yes, it is double the height.
- d. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
Yes, a limited effect.
- e. Is the alleged difficulty self-created?
Yes, it is already installed.

Roll Call Vote:

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

Nays – None

Motion Passed 7-0

Variance #2: for a fence (6' high, south side) within 50 of the mean high water mark of Lake George.

Jon Hanna, the board already denied the 6' fence.

Variance #3: for a fence (4' high, south and north side) within 50' of the mean high water mark of Lake George.

Jon Hanna made a motion to approve this variance, Ray Snyder seconded.

- a. Will an undesirable change be produced in the character of the neighborhood or to the detriment of nearby properties?
No.
- b. Can the benefit sought by the applicant be achieved by some method feasible to the applicant other than an area variance?
No, most feasible method.

Langford continues:

- 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?
No.
- e. Is the alleged difficulty self-created?
Yes, by having a dog.

Roll Call Vote:

Ayes – Jon Hanna, Lindsay Mydlarz, Chris Navitsky, Ray Snyder, Linda Mury, Maureen Cherubini.

Nays – Robert Goetsch

Motion Passed 6-1

3. LAKESIDE REGIONAL CHURCH (26.17-1-17) Hamlet VAR 08-18

The Church would like to place a 12' x 12' shed 5' from the rear (brook) property line. It will be anchored to a concrete pad to meet Floodplain standards.

Zoning issue: 160-20 A.

ZEO Clark mentioned that a floodplain permit is required.

Jon Hanna made a motion to approve this variance, Lindsay Mydlarz seconded.

- a. Will an undesirable change be produced in the character of the neighborhood or to the detriment of nearby properties?
No.
- 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 shape of the property this is the only feasible location.
- c. Is the requested variance substantial?
No, it is a small shed.
- d. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
No, not with the foundation required and the design of the shed.
- e. Is the alleged difficulty self-created?
No, because of the lack of space available.

Roll Call Vote:

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

Nays – None

Motion Passed 7-0

NEW BUSINESS: None

OTHER BUSINESS:

1. HALL (76.8-1-17) 231 Silver Bay Rd. (Hamlet) VAR 02-16

On Oct. 26, 2016 variances for sideline setback and frontline setbacks were granted for a 22' x 25' x 15' garage over an existing foundation. The owner has now submitted new plans for the garage that include a loft with dormers which was not on the original approved plans.

A modification and an extension of time of the ZBA's approval are now being requested.

Kevin Wood, Engineer spoke of the height limit per the previous variance. He reduced the height from 17'6" to 16'5". ZEO Clark said the board had a letter from Ms. Hall requesting the change and an extension of time of the original variance, which is due to expire.

The loft area is for storage, no finished walls, no water, and no heat.

Chris Navitsky feels this should be scheduled for a variance as there is enough of a change from the original. Jon Hanna disagrees with Chris Navitsky.

Jon Hanna made a motion to allow this modification, Maureen Cherubini seconded the motion.

Ayes: Jon Hanna, Lindsay Mydlarz, Ray Snyder, Linda Mury, Maureen Cherubini, and Robert Goetsch.

Nays: Chris Navitsky

Motion carried 6-1

Jon Hanna made a motion to allow a one year extension, Maureen Cherubini seconded the motion.

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

Nays: None

Motion carried 7-0

ADJOURNMENT:

A motion was made by Jon Hanna, Maureen Cherubini seconded to adjourn the meeting at 8:00 pm. All voted aye.

Respectfully submitted,

Janet Hanna

Recording Secretary