

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

**Minutes of:
DATE: October 22, 2015
TIME: 7:00 PM**

PUBLIC HEARINGS: The hearing opened at 7:00 pm

1. RIZZA (43.13-1-22) 28 Bayberry Lane (TRI) VAR 06-15

The owner, Mike Rizza, and Ted Hodecker spoke in favor of the application. The County and the Planning Board referral was read.

At 7:05 pm Ray Snyder made a motion to close the hearing, Linda Mury 2nd all members present voted Aye. Motion passed by a 5-0 vote.

CALL MEETING TO ORDER: 7:05 pm

INTRODUCTION OF BOARD MEMBERS:

Chairman Robert Goetsch, Lindsay Mydlarz, Ray Snyder, Linda Mury & Chris Navitsky. Absent: Jon Hanna & Maureen Cherubini. Cathy Clark, ZEO & Acting Recording Secretary was present.

APPROVAL OF MINUTES OF: September 24, 2015

Chris Navitsky asked that comments made by the owner, Pat Corbo, be added to the minutes.

Chris Navitsky made a motion to approve the minutes, with corrections, Ray Snyder 2nd the motion. All members present voted Aye. Motion passed by a 5-0 vote.

OLD BUSINESS:

1. RIZZA (43.13-1-22) 28 Bayberry Lane (TRI) VAR 06-15

The owners would like to install a 7'3" x 10' pergola over a bluestone patio.

Zoning issue: 160-23 A sideline setback

Board member, Chris Navitsky, question the owner why he couldn't make the pergola 7' 6" and conform to the Town's sideline setback requirement. Mr. Rizza, the owner of the property, stated that if he made it smaller it would interfere with the door opening.

Navitsky asked the ZEO if the vegetative buffer, a condition of Mr. Rizza previous Variance approval, had been installed yet. The ZEO stated that the project was still

Rizza continues:

being completed. She went on to say that she would not sign off of the Completion Certificate until it was installed.

Mrs. Clark then read the minutes of the 2009 Variance approval, stating only the request for a 25% increase to a nonconforming house was granted. The Variance request for a sideline set back was denied and the project was modified to conform to the approval.

Chris Navitsky move to grant a sideline variance, as requested, citing the following:

a. Will an undesirable change be produced in the character of the neighborhood or to the detriment of nearby properties?

No. it would remain in the character of the existing neighborhood and would not be a detriment due to all of the small lots in the development.

b. Can the benefit sought by the applicant be achieved by some method feasible to the applicant other than an area variance?

He could achieve it by reducing the size of the pergola, but it would not meet the owner's needs.

c. Is the requested variance substantial?

No. It is only a 2 1/2 foot encroachment.

d. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

No. It will not have a visual impact on the surrounding neighbor and the installation of a vegetative buffer along the brook will be an improvement, environmentally.

e. Is the alleged difficulty self-created?

Yes, but these lots were created before zoning came into effect.

**Lindsay Mydlarz 2nd. the motion The Chairman called for a roll Call Vote:
Aye: Lindsay Mydlarz, Ray Snyder, Linda Mury, Chris Navitsky & Robert Goetsch.**

The motion passed by a 5-0 vote.

**2. CORBO (26.6-1-8) 36 Forest Bay Rd N (TRIR) VAR 07-15
Adjourned until Nov. 19, 2015**

Corbo continue:

Chairman Goetsch led a discussion on the lakeside deck/walkway that the ZBA noticed on the October site visit to the Corbo property. In 2009 Mr. Corbo applied for a Variance for a 5' x 32' walkway/deck within 50' of the MHW which was denied.

At the Board's site visit the members noticed that in fact a structure of the same approximate size and location was in place.

Mr. Goetsch stated that taking the decking off of the metal frame didn't make it less than a permanent structure. The Board members present agreed that since it was bolted into the rock ledge they looked at it as a permanent structure and further more since it appeared to be the approximant size and location of what the Board denied back in 2009 it is a clear Zoning Violation. The ZEO told the Board members that once an applicant is denied a Variance for a structure they cannot reapply for another Variance for the same structure without making considerable change to their request.

Robert Goetsch made a motion to deem the walkway/deck a permanent structure, Chris Navitsky 2nd the motion.

Roll call Vote:

Aye: Lindsay Mydlarz, Ray Snyder, Linda Mury, Chris Navitsky & Robert Goetsch.

The motion passed by a 5-0 vote.

The ZEO was instructed to cite the Corbos with a Violation and to notify the owners that the ZBA will not act on the pending Variance request for the art studio/shed's side line Variance until the current Violation is removed.

NEW BUSINESS: None

OTHER BUSINESS:

Due to the upcoming holidays the next two ZBA meeting are as follow.

November 19, 2015

December 17, 2015

ADJOURNMENT:

At 7:40 pm Linda Mury made a motion to adjourn the meeting, Chris Navitsky 2nd the motion.

All members present voted Aye.

Respectfully submitted by: Catherine Clark, acting recording secretary