

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

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

PUBLIC HEARINGS:

1. SILVER BAY ASSN. (76.12-1-19) 87 Silver Bay Rd. (Hamlet Sec.) VAR 01-17, VAR 02-17, & VAR 03-17

Jace Brown of Phinney Design spoke for this application. He stated that they have rereleased all of the documents and believe they have addressed all the concerns brought up at the joint meeting. There were no speakers against this application.

ZEO Clark stated that Warren County said there is “No county impact.”

2. MACPHERSON (76.16-1-12) 24 Silver Bay Rd (TR1R) VAR 04-17 & VAR 06-17

Sue Davis of SD Atelier Architecture spoke for this project. Tony DeFranco has been hired to do storm water management and septic system. Low level lighting will be used especially along the path to the lake. There is an easement used by the three properties across the road to get to the lake. No one spoke against this application.

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

ZEO Clark stated that Warren County said there is “No county impact.”

No one spoke for this application, but ZEO Clark read an email from Mr. E.J.Siwiek for the application. Mr. Ron Techler, a neighbor spoke against it. Mr. Techler believes the deck is very large and a detriment to the neighborhood. Mr. Techler read the following statements:

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

Yes, the deck is massive, less than 6’ away, and will decrease the value of other properties in the area. The deck is visible from both of his properties. Mr. Techler stated that he has kept his properties in their natural state.

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

The south side of the property could be used with a 45’ setback, there is a porch and steps existing.

- c. Is the requested variance substantial?

Yes, it is $\frac{3}{4}$ of the size of the existing house, more than a 25% increase to a non-conforming structure. The proposed deck is closer to line than the house.

D'Antonio Continues:

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

Yes, the area is a forest type setting. This is an example of making everything bigger.

- e. Is the alleged difficulty self-created?

Yes, the owner and the contractor knew a permit was required but failed to do so. The house was purchased knowing the limitations.

Jon Hanna made a motion, seconded by Ray Snyder, to close the public hearing at 7:14pm.

CALL MEETING TO ORDER:

Chairman Goetsch called the meeting to order at 7:15 pm

INTRODUCTION OF BOARD MEMBERS:

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

APPROVAL OF MINUTES OF: March 23, 2017

Chris Navitsky moved and Jon Hanna seconded a motion to approve the minutes March 23, 2017 with corrections. All voted aye.

OLD BUSINESS:

1. SILVER BAY ASSN. (76.12-1-19) 87 Silver Bay Rd. (Hamlet Sec.) VAR 01-17

Silver Bay Assn. would like to replace the existing nonconforming Dining Hall with a new two story structure which will be attached to the existing nonconforming Inn. The proposed building will house a new Dining Hall, Kitchen, Conference Rooms and 22 new guest room.

The height of the existing Dining Hall is 43' 5", the Inn is 64' high and the proposed structure would be 57'.

Zoning issue: 160-21 A. Height

Chris Navitsky stated that he sees a lot of roof in the photos, half the building is roof, and can it be reduced? Jon Hanna has the same concern. Chris Navitsky would also like to know if the existing cafeteria had a variance. Per ZEO Clark it did not, it was a total replacement of a non-conforming structure by an approved site plan review (160-62A). The APA does not see the height as a problem because the Inn is higher and this will be one building. Chris Navitsky also expressed concern for our emergency personnel with regard to sprinklers. Robert Goetsch stated that Warren County is responsible for that situation.

Silver Bay continues:

Jace Brown, Phinney Design has collected the information on the suppression system for the board to review. As far as the roof line it has been done in the Victorian style of the Inn and has a high pitch. It allows for mechanical equipment to be placed in to the attic instead of enlarging the footprint of the building. The height of the building is 57', the measurement is from the lowest point. Jace feels that the lack of dormers makes the roof look larger. It is also a result of the depth of the building. He also stated the roof will be dark brown to minimize the impact, and the vegetation along the shoreline is staying in place which will camouflage the dining hall from the lake. Tom Jarrett of Jarrett Engineering said that there is one dry hydrant presently but there will be 1 dry hydrant and 3 hooked to the Silver Bay water system after the project is complete.

ZEO Clark stated that this project is a Class A application and therefore the APA will be reviewing everything - septic, storm water, environmental impact, visual, construction, and an increase to a non-conforming structure.

Chris Navitsky made a motion, Ray Snyder seconded, to grant this application:

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

No, it is not as large as the Inn and it is shielded by the other buildings. There have been no complaints from the neighbors. It is in character with the other buildings.

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

Yes, it could be located elsewhere on the campus but this is the most logical location.

- 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, in regards to physical impacts and fire safety but the applicant has provided information on pressure testing that demonstrated sufficient pressures available and with regards to environmental but screening with colors will be implemented to reduce the effect.

- e. Is the alleged difficulty self-created?

Yes, but that does not restrict granting the application.

With the condition that the roof and siding must remain as submitted to this board.

Roll Call Vote:

Ayes – Ray Snyder, Chris Navitsky, Linda Mury, Robert Goetsch, Lindsay Mylardz, and Maureen Cherubini

Nays – Jon Hanna

Motion Passed 6-1

**2. SILVER BAY ASSN. (76.12-1-19) 87 Silver Bay Rd. (Hamlet Sec.) VAR 02-17
Silver Bay Assn. would like to replace the existing nonconforming Dining Hall with a new two story structure which will be attached to the existing nonconforming Inn. The**

Silver Bay continues:

proposed building will house a new Dining Hall, Kitchen, Conference Rooms and 22 new guest room.

If approved there will be a 43% increase to the existing sq. ft. of the Inn.

Zoning issue: 160-62 A. More than a 25% increase to the existing sq. ft.

Silver Bay continues:

Jon Hanna were any other areas considered? Tom Jarrett, Jarrett Engineering stated that this has been looked at for the last ten years. Two projects had been proposed. Most of the rooms are very seasonal. There is a need for year round rooms. The reconstruction cost was very high. The very poor condition of the dining hall caused the need to rebuild this building. They have reduced the number of rooms from the original plans and the breezeway will be enclosed to make this facility available year round.

Chris Navitsky discussed the impervious area which is increasing around the building, storm water management and catch basins around the new building. Tom Jarrett explained the storm water management system and also added the roof over the breezeway will be a green roof. Chris also questioned about the septic system. ZEO Clark stated that the system is not in failure and they have a SPDES permit.

Chris Navitsky stated there is no information in the septic system. What is the timeline? What if DEC does not approve your plans? Tom Jarrett stated that the DEC granted a permit for the north field, which is now under redesign. Silver Bay has requested a permit for the central campus. They can maintain the existing flow. If the plans are not approved for the central campus, the cafeteria will be connected to the existing system.

There were also discussions on the service entrance redesign, merger of the 3 parcels, the placement of bollards, and storm water which is under review by the LGPC and the APA.

Robert Goetsch made a motion, Ray Snyder seconded, to grant this application:

- a. Will an undesirable change be produced in the character of the neighborhood or to the detriment of nearby properties?
No, Silver Bay owns all nearby properties.
- 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 size could be much larger, it must be attached for convenience.
- c. Is the requested variance substantial?
No, not in relation to size of the land owned.
- 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 be an improvement.
- E. Is the alleged difficulty self-created?
No, the dining hall needs to be replaced.

Conditions of Silver Bay removes snow from the corner of Silver Bay Road and the service road, Bollards on the service road to restrict vehicle traffic remain unlocked, and clear of snow for emergency vehicles.

Roll Call Vote:

Ayes – Ray Snyder, Robert Goetsch,

Nays – Jon Hanna, Linda Mury, Maureen Cherubini, Lindsay Mylardz

Abstained - Chris Navitsky- not enough information on the septic system(s).

Motion Denied 2-1-4

Tom Jarrett asked to table until next meeting. Chris Navitsky made a motion, Linda Mury seconded to table this application until next meeting. All voted aye. Robert Goetsch say he would like a list of concerns from the board.

3. SILVER BAY ASSN. (76.12-1-19) 87 Silver Bay Rd. (Hamlet Sec.) VAR 03-17

Silver Bay Assn. would like to replace the existing nonconforming Dining Hall with a new two story structure which will be attached to the existing nonconforming Inn. The proposed building will house a new Dining Hall, Kitchen, Conference Rooms and 22 new guest room.

The propose raise patio and retaining wall will be located 12' from the front property line. The building itself is proposed at 29' from the front line. A stone staircase to the "Great Lawn" will also be added within the frontline setback.

Zoning issue: 160-21 A. Frontline setback

Chris Navitsky asked about the 12' bump out (which holds 24 seats) of the building in the front. Can it be reduced? This would increase the setback from the road. Jon Hanna expressed the same concerns. This would push back the patio so it is not as close to the road. Jace Brown, Phinney Design stated that the purpose of the patio was to direct pedestrian traffic through the patio as well as add outdoor seating. There is a steep enough slope to discourage pedestrian traffic from walking along the road. Jon Hanna asked about the area in the middle of the Inn and the dining hall. Could the patio move there? Tom Jarrett, Jarrett Engineering stated that was a grassy area for kids to do structured activities. He said the patio would be used by people buying food from the store.

Chris Navitsky made a motion, Ray Snyder seconded, to grant this application:

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

No, it is in character with the congested area near the store and the applicant has taken measures to confine pedestrian traffic to the patio.

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

Yes, reduce the area of the dining hall and/or the patio. But it did not fit with design by the applicant.

c. Is the requested variance substantial?

No, especially when considering a minimal defined walkway.

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

Minimal impact, snow removal which has been addressed by the Planning Board, restriction of vehicle traffic on the service road reduces the adverse effect.

e. Is the alleged difficulty self-created?

Yes, but that does not restrict granting the application.

Conditions of Silver Bay removes snow from the corner of Silver Bay Road and the service road, Bollards on the service road to restrict vehicle traffic remain unlocked, and clear of snow for emergency vehicles.

Roll Call Vote:

Ayes – Ray Snyder, Chris Navitsky, Robert Goetsch, Lindsay Mylardz

Nays – Jon Hanna, Linda Mury, Maureen Cherubini,

Motion 4-3

4. MACPHERSON (76.16-1-12) 24 Silver Bay Rd (TR1R) VAR 04-17

The owners would like to demolish a 1950 camp and replace it with a new two story house.

Zoning issues: 160-24 A. sideline setbacks

There was discussion that the existing noncompliance would be reduced, which was supported.

Chris Navitsky made a motion, Jon Hanna seconded, to grant this application:

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

No, it is a minimal change and less non-compliant.

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

No, the lot has a difficult shape for making the sideline setbacks compliant.

c. Is the requested variance substantial?

Yes, to code but it is a reduction of the existing non-compliance.

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

No adverse effect.

e. Is the alleged difficulty self-created?

No because there were pre-existing conditions.

Roll Call Vote:

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

Nays – none

Motion Passed 7-0

5. MACPHERSON (76.16-1-12) 24 Silver Bay Rd (TR1R) VAR 06-17

The owners would like to demolish a 1950 camp and replace it with a new two story house.

Zoning issues: 160-62 more than a 25% increase of sq. ft. to a nonconforming structure.

MacPherson cont.:

Chris Navitsky asked about tree removal. Sue Davis of SD Atelier Architecture responded that there are no plans to remove trees near neighbors along the sides and nothing between home and the lake. Birch trees may need to come down on the road side of the house. The lighting will be low level, with wall sconces near the door and solar lights on the path to the lake. The concrete walkway will be removed and replaced with a more permeable surface. Chris Navitsky also asked if there are any plans to make additions later on to the property, such as relocate the garage closer to the house. The Homeowner stated that there were no plans.

Chris Navitsky made a motion, Maureen Cherubini seconded, to grant this application:

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

No, it remains in the same general location and there were no public comments.

Macpherson Continues:

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

No there are no options.

c. Is the requested variance substantial?

Yes, a 75% increase, but in line with a typical small home replacement.

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 provide benefits through upgrades to the septic system and storm water management, a commitment to maintaining vegetation on the property and a dark sky compliant condition.

e. Is the alleged difficulty self-created?

Yes, but it does not impact the granting of the application.

Conditions of compliant septic, downward shielded lighting, and implementing storm water management.

Roll Call Vote:

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

Nays – none

Motion Passed 7-0

6. 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 so they may continue.

Zoning issue: 160-23 A, Rear line setback

Jon Hanna suggested the deck could be moved to the other side of the house or a portion removed to meet the 25" set back. Robert Goetsch stated that it could be changed to be in line with the south side of the garage. Robert Goetsch stated that the homeowner spoke about plans to add a screened in porch in the future. ZEO Clark stated the homeowner was informed that he

needed a permit and a variance prior to his construction of the deck and after the town approval this he must apply to Warren County for a permit.

After much discussion on defining a dimension for the deck, Jon Hanna made a motion, Linda Mury seconded to table until the next meeting to allow for measurements to be made by ZEO Clark. All voted aye. Motion passed 7-0.

NEW BUSINESS:

1. ASIEL (60.9-1-45) 20 Bobkat Ln. (TRI) VAR 07-17

The applicants would like to construct a 1 ½ story garage (with a full foundation.) A ½ bath on the third floor is proposed as well as a covered walkway connecting the garage to the house. The existing percentage of coverage is currently 30.70%, if approved the percentage of coverage will be 32.61 %.

Zoning issue: 160-23 A. Percentage of coverage.

It was noted that by adding the garage to the house by a covered walkway it becomes one structure, therefore the garage height is measured differently, from the highest point of the garage to the lowest point of the house. The board asked Tony DeFranco to recheck the height of the garage to make sure it is not over the 40' limit.

Chris Navitsky asked Tony DeFranco to consider measures to reduce the impervious coverage on the site, such as removing driveway surface.

Jon Hanna made a motion to deem this application complete pending the request height measurement. Lindsay Mylardz seconded. All voted aye. Motion passed 7-0.

OTHER BUSINESS:

1. RICHARDS (12.18-1-16) 9568 Lakeshore dr. (TR1) VAR 09-15

The owners of the property are requesting a Modification to an existing Variance approval.

On Jan. 28, 2016 the ZBA approved the replacement of a retaining wall and an existing nonconforming structure with a new wall and structure with a full foundation. The new structure was approved to sit 11' 9" from the MHW of the lake while the existing structure sat at the MHW mark.

Now that the retaining wall has been replaced the owners have found that the structure can be moved away from the lake another 2' or 13.09'. They would like approval to relocate the structure 13.09' from the MHW of Lake George.

Zoning issue: Modification to an existing Variance approval.

The Board discussed the structure and that it appears to be a two story structure. Mr. Richards stated that his structure has remained the same as submitted and approved and the increased setback would be more beneficial. Chris Navitsky stated he feels this is an expansion of the approved structure.

Jon Hanna made a motion to grant the moving of the building 2' west, Ray Snyder seconded.

Roll Call Vote:

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

Nays – Chris Navitsky

Motion Passed 6-1

ADJOURNMENT:

A motion was made by Jon Hanna, Maureen Cherubini seconded to adjourn the meeting at 9:25 pm. All voted aye.

Respectfully submitted,

Janet Hanna

Recording Secretary