

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

**Minutes of:
July 23, 2015
Time: 7:00 PM**

PUBLIC HEARINGS: Opened at 7:00 pm

**1. PATCHETT FAMILY PARTNERS (26.17-2-37) Hill House Lane (Hamlet)
VAR 05-15**

Speakers for – none. Speakers against – none.

At 7:02 pm Chris Navitsky made a motion to close the public hearing for Patchett Family Partners, Jon Hanna seconded. All voted aye.

2. CHASE (60.9-1-33) 40 Bobkat Lane (TRI) VAR 03-15 Opened at 7:02 pm

Susan Darrin, a neighbor, spoke against this application. She feels that the proposed house is very large and landscaping will be removed near the lake. Ms. Darrin stated the applicant should have to prove a hardship to get a variance. She hopes the board will protect the lake. She would also like trees and plants for privacy near her property line. She has written a letter with all of her concerns (all board members have received a copy).

The Planning Board made a positive recommendation with the stipulation that a buffer area be maintained by the lake and that trees are replaced.

At 7:06 pm Jon Hanna made a motion to close the public hearing, Chris Navitsky seconded. All voted aye.

3. CLARK (93.8-1-16) 33 Bass Bay Rd (TR1R) VAR 04-15 Opened at 7:06 pm

Emily Clark spoke for this application. She stated that she has been coming to Hague her entire life with her family. Her brother and his family also own homes in Hague. Her parents owned a home on Sabbath Day Point Rd. It is only a two bed room cottage. The family gathers at the cottage, but it is very small for the family that is getting larger. This new house would accommodate family and friends. They chose Tony DeFranco and Mike Phinney because of their choices to protect the lake. They very much care about the lake and wish to protect it.

John Caffery spoke against this application. He is the lawyer for the Ball family. He has also written a letter (all board members have received a copy). Mr. Caffery believes the proposed house will be 135% larger than the existing house and too large for the lot. It will be out of place in the neighborhood.

Ginger Kuenzel spoke not as a neighbor but as a resident against this application. She stated that larger houses on the lake should not be allowed as to preserve the character of the lake. Ginger questions whether it was legal to submit an application before owning the property. ZEO Clark stated that it was permitted and done frequently.

Matt Fuller spoke for this application. Mr. Fuller is the attorney for the Clark Family. He has also written a letter (all board members have received a copy). Mr. Fuller stated that neighbor's comments should be dismissed because they have put a bid in for the property. He stated that there have been some changes to the plans, but they still require a variance. Mr. Fuller stated that there are houses in the neighborhood that are just as large as this proposed house.

David Ball, a neighbor, spoke against this application. Mr. Ball stated that he made an offer to purchase the property should the Clarks back out. He does believe the house design is larger than it needs to be, but he does believe that the Clarks are trying to protect the lake and will preserve the trees.

Mike Phinney of Phinney Designs spoke for the project. Mr. Phinney Showed drawings of the existing house compared to the proposed house any new additions were behind the 50' setback. The existing garage and storage shed are presently on the Ball property line. It will be moved so that a buffer can be placed between the properties. The existing septic system is in poor shape and the new proposed system will be a vast improvement. There is presently no storm water system. A new system will include rain gardens for runoff, which presently goes into the lake. The height of the proposed house has been reduced as well as reducing the amount of window, due to comments from the neighbors. The materials to be used are intended to blend with environment.

Jennifer Mathews, neighbor (24 Bass Bay Rd.) and sister-in-law to Emily Clark, spoke for this application. Ms. Mathews stated that she feels that this neighborhood is very family oriented. She stated that the Mathews and the Clarks plan to retire here and want to be close together with their families so buying elsewhere would defeat that purpose. She stated that the Clarks have tried very hard to protect the lake and have made changes to the design to ensure that.

ZEO Clark stated that there is a letter of support from Carole Wentz, a neighbor (all board members have received a copy) for this application. The letter from Warren County Planning stated that there is 'No county impact' with this application. The Planning Board made a positive recommendation for approval. The Town Board approved the septic system.

At 7:30 pm Jon Hanna made a motion to close the public hearing, Chris Navitsky seconded. All voted aye.

CALL MEETING TO ORDER:

Chairman Goetsch called the meeting to order at 7:30 pm

INTRODUCTION OF BOARD MEMBERS:

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

APPROVAL OF MINUTES OF: June 25, 2015

Chris Navitsky moved and Jon Hanna seconded a motion to approve the minutes of June 25, 2015 with a correction. All voted aye.

OLD BUSINESS:

1. PATCHETT FAMILY PARTNERS (26.17-2-37) Hill House Lane (Hamlet) VAR 05-15

The owners would like to replace an existing 4 unit motel building with a 3 unit motel building. They would like to reserve the development right of the 4th unit to add a walkout unit to the foundation level of their building called “Iroquois” sometime in the future. One of the proposed new motel units will meet the ADA standard for handicapped accessibility.

Zoning issue: 160-62 A and 160-20 A sideline setback

Chris Navitsky asked the size of the rooms. Scott Patchett responded that they were each 400 sq. ft. which is the industry standard. The sideline in question is to the Patchetts own property. Drainage will be upgraded from the 2012 storm water system a drywell will be installed.

Chris Navitsky made a motion to approve this application, with the condition that the reserved/postponed fourth unit be held to the 400 sq. ft. limit, Jon Hanna seconded;

- a. Will an undesirable change be produced in the character of the neighborhood or to the detriment of nearby properties?
No, it remains in character with the existing commercial property and is the same basic footprint.
- b. Can the benefit sought by the applicant be achieved by some method feasible to the applicant other than an area variance?
No, because the applicant’s proposal brings the unit up to the industry standards and maintain their business, which is necessary for the town.
- c. Is the requested variance substantial?
No, minimal and the adjoining property is the same owner.
- d. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
No adverse impact as the owner will upgrade to the storm water management.
- e. Is the alleged difficulty self created?
Slightly, but is necessary to meet industry standards.

Patchett continue:

Roll Call Vote: Ayes Robert Goetsch, Chris Navitsky, Jon Hanna, Linda Mury, Ray Snyder, Lindsay Mydlarz, and Maureen Cherubini. Nays none. Vote 7-0.

2. CHASE (60.9-1-33) 40 Bobkat Lane (TRI) VAR 03-15

The applicant would like to remove the existing wood patios and walkways that are located within 50' of the mean high waters of the lake and relocate and replace them with stone, mulch and permeable pavers and two retaining walls. Their application for a total replacement of the existing house was approved at the July 9, 2015 Planning Board meeting.

Zoning issue: ZBA 160-50 B Shoreline setback.

Chris Navitsky thanked Tony DeFranco for the landscaping plan. Chris also questioned the necessity of the 260 sq. ft. patio when there are two complete porches. There is also removal of bushes along the shoreline and the affect on the lake.

Jon Hanna asked if the steps were solid slabs. Tony DeFranco confirmed that they would be solid slabs with mulch walkways connecting them.

Tony DeFranco stated that the patio would be flagstone with crushed stone in between. He stated that screening vegetation would be maintained on both sides of the property towards the neighbors. Runoff from the house will be into rain gardens at the request of the LGPC which also requested soil restoration. He has some other issues that need to be addressed for the LGPC.

Jon Hanna made a motion to approve this application with the condition that the number of planting is met, the patio id flagstone as discussed, and that as little of slope is disturbed as possible., Ray Snyder seconded;

- a. Will an undesirable change be produced in the character of the neighborhood or to the detriment of nearby properties?
No, it will be an improvement to the neighborhood.
- b. Can the benefit sought by the applicant be achieved by some method feasible to the applicant other than an area variance?
Yes, but improvements will be a benefit.
- c. Is the requested variance substantial?
It is a tradeoff between the old and new improvements. The new patio will be a benefit.
- d. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
As long as the plan is followed there will be a positive effect to the area with the runoff improvement.
- e. Is the alleged difficulty self created?
No, the age and the existing condition of the existing structures are a factor.

Chase continues:

Roll Call Vote: Ayes Robert Goetsch, Jon Hanna, Linda Mury, Ray Snyder, Lindsay Mydlarz, and Maureen Cherubini. Nays: Chris Navitsky. Vote 6-1.

3. CLARK (93.8-1-16) 33 Bass Bay Rd (TR1R) VAR 04-15

The applicants would like to replace a 3 bedroom nonconforming structure with a new 4 bedroom house. The current and the proposed house sits 31' for the MHW of the lake. A new Puroflo septic system has been approved, with condition, by the Local Board of Health (TB). An application for Type 1 Site Plan Review for total replacement of a nonconforming structure has been submitted.

Zoning issue 160-62 A ZBA – More than 25% increase to a nonconforming structure.

PB- Total replacement of a nonconforming structure.

ZEO Clark stated that the Town Board approved the new septic system.

Chris Navitsky stated that he appreciates the applicant's effort; the team did a good job on the presentation. The house is in the existing footprint, there is some flexibility in the setback. The proposed addition is behind the 50 ft. setback. He stated that the proposed storm water system is only for the new not for the existing house.

The existing foundation must be replaced due to its condition. Robert Goetsch asked if the foundation could be moved to get more of a setback.

Tony DeFranco and Matt Phinney looked at moving the house south and west on the plans.

Jon Hanna noted that his concern is that a shift would disturb more land plus encroach on the neighbor that is objecting to this application. The septic would also need to be relocated. He is not in favor of shifting the house. Chris Navitsky stated that a smaller house would work better.

Tony DeFranco and Matt Phinney stated that the rain gardens are tokens but right now the water is running off on to the slope and into the lake. Tony is still trying to meet the LGPC regulations for the storm water. The well must be 100 feet from the rain gardens and leaching devises.

Matt Phinney stated that when he looks at a project he always starts trying to be compliant; so many options have been looked at already.

Robert Goetsch stated that the storm water system is a improvement over what is presently there. Chris Navitsky stated that only the new part has any storm water, he feels more should be done.

Clark continues:

Jon Hanna made a motion to approve this application as submitted, Maureen Cherubini seconded.

- a. Will an undesirable change be produced in the character of the neighborhood or to the detriment of nearby properties?
No, moving the garage off the property line, planting trees, plus existing trees are staying are all an improvement. Using the same footprint is also a benefit.
- b. Can the benefit sought by the applicant be achieved by some method feasible to the applicant other than an area variance?
No, considering the shape of the lot, there are no other feasible alternatives.
- 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?
With the addition rain gardens, new septic, and trees it is positive.
- e. Is the alleged difficulty self created?
Yes, by the need for additional space.

Roll Call Vote: Ayes Robert Goetsch, Jon Hanna, Lindsay Mydlarz, and Maureen Cherubini. Nays: Chris Navitsky, Linda Mury, and Ray Snyder. Vote 4-3.

NEW BUSINESS: None

OTHER BUSINESS: None

ADJOURNMENT:

A motion was made by Chris Navitsky, Maureen Cherubini seconded to adjourn the meeting 8:20pm. All voted aye.

Respectfully submitted,

Janet Hanna
Recording Secretary