

ZONING BOARD OF APPEALS MEETING MINUTES - FINAL
WEDNESDAY, MAY 24, 2017

MEMBERS PRESENT:

Rocco Mancini, Chairman
Stephanie Fitzpatrick
Phillip Zemke

MEMBERS ABSENT:

Ingrid Kulick
Adam Schneider

ALSO PRESENT:

Chairman Mancini opened the meeting at 7:00 p.m.

Public Hearings:

1. **Gange Area Variance** - Morgan Gange appeared along with Rachel Collet for an area variance for minimum lot width at the building line on property located at 103 Lamoree Road, tax grid number 6470-00-230168 in the A5A zoning district. The lot is a pre-existing, non-conforming lot consisting of 4 acres. Chairman Mancini read the legal notice that was posted in the paper and sent to neighboring landowners. Ms. Collet showed a map with the proposed house location and the setbacks and lot width. The best location for the septic was part of the consideration in the placement of the house as well as the wetland border. The house is at one of the highest points on the lot and there is a very large tree at the other highest point which they want to keep. There are steep slopes at the front of the property and then the property slopes down and drops down in the back. There is an old well and stone foundation on the property that they are not using. They will move the well so they don't have to cut through the roots of the large tree. They have submitted to the Board of Health for approval. They understand they have to maintain a 50 foot side setback. Ms. Collet said she highlighted an area for the house location with a little wiggle room for the excavator but is aware of the 50 foot requirement. The property is bisected by the power lines. Mr. Zemke said there is not much one can do to mitigate the width of the property and it appears the plans are engineered properly.

Stephen Verven, an adjacent landowner at 105 Lamoree Road, expressed concerns about the location of the septic leach field and expansion area. He is afraid, since his property is lower than the Gange property, run off from the septic could end up on his property. The map shows two locations for the septic. Mr. Zemke said the first location is where the actual septic field will be and the second location is an expansion area in case the first septic fails. It is a Board of Health requirement to have that expansion area. The septic is a Board of Health issue. The applicant's engineer provides all the information to the Board of Health who then approves or disapproves the system. However, after so much percolation through the gravel, the runoff is only water. Board of Health issues are outside the ZBA's jurisdiction. Robert and Miriam Masciarelli who live across the street at 104 Lamoree Road, expressed concern about the placement of the house and driveway being opposite their house. Mr. Zemke said the house is over 100 feet from the road. These lots were created prior to zoning so the whole area is pre-existing and non-conforming. Glenn Butler, Highway Superintendent,

has approved the driveway location. When asked, Ms. Collet said the house will be saltbox style with a 26 x 40 footprint, stick built with a metal roof. They are planning on keeping as many trees as possible in the front. Gidon Eshel and Laura Bresler, 97 Lamoree Road, submitted an email expressing concerns about why the proposed house site is so much closer to their property than the property on the other side of the Gange lot and that because the proposed dwelling is situated closer to their lot, they were concerned that one of their mature trees may fall and damage the proposed house, and they had privacy concerns since the Gange lot has no trees or vegetation between the proposed building site and the property line between the two homes. Mr. Verven said his trees are older as well and if Mr. Gange does some clearing, the added wind could cause his trees to topple. Mr. Gange said there are plenty of trees on this property and we plan on clearing as few as possible.

Hearing no further public comment, Mr. Zemke motioned to close the public hearing. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Absent
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Absent	Motion carried 3-0.	

The Board completed the Findings and Decision which state that an undesirable change will not be produced in the character of the neighborhood because this area has many pre-existing, non-conforming long, narrow lots, the benefit sought by the applicant cannot be achieved by a feasible alternative to the variance as this is a narrow, pre-existing, non-conforming lot, the requested variance is substantial, the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood because there are many other residences in this area that are on lots as narrow as this lot, and the alleged difficulty is not self-created because this is a pre-existing, non-conforming lot. The benefit to the applicant does outweigh the detriment to the neighborhood or community. There were no conditions to the variance.

Mr. Zemke motioned that the Zoning Board of Appeals approve the Findings and Decision for the Gange area variance application for lot width. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Absent
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Absent	Motion carried 3-0.	

Discussion Items: None

Administrative Items:

- **Approval of Minutes:** Mr. Zemke motioned that the Zoning Board of Appeals accept the minutes of the April 26, 2017 meeting as written. Chairman Mancini seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Absent
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Absent	Motion carried 3-0.	

Applications:

1. **Thomassen Area Variance** – Carole Thomassen appeared as the authorized representative regarding her area variance application for a structure located in front of the front building line of the dwelling on property located at 35 Battenfeld Road, tax grid number 6471-00-183882 in the A3A zoning district. Ms. Thomassen said the shed is existing. We need the variance because it sits in front of the front building line of the dwelling. It is a shed we bought from Bay Horse 13 years ago which they put down for us. They never told us we needed a building permit. Steve Cole, Building Inspector, came out to do an inspection and that’s when we learned we should have gotten a building permit and would have required a variance due to the location of the shed which is in front of the front building line of the dwelling. The shed sits in the woods so is barely visible. It’s the perfect location for it as there is a little driveway that leads to it. It is not on a foundation. Mr. Zemke said in his opinion, the application is complete so the Board can set the date for the public hearing.

Ms. Fitzpatrick motioned that the Zoning Board of Appeals declare the Thomassen area variance application a Type II action under SEQRA requiring no further action. Mr. Zemke seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Absent
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Absent	Motion carried 3-0.	

Mr. Zemke motioned that the Zoning Board of Appeals schedule the public hearing for the Thomassen area variance to be held at the June 28th ZBA meeting. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Absent
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Absent	Motion carried 3-0.	

Mr. Zemke motioned to adjourn the meeting at 7:40 p.m. Ms. Fitzpatrick seconded.

Rocco Mancini, Chairman	Aye	Adam Schneider	Absent
Stephanie Fitzpatrick	Aye	Phillip Zemke	Aye
Ingrid Kulick	Absent	Motion carried 3-0.	

The next regular meeting will be held on Wednesday, June 28, 2017 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board