

**Present:** Gary Frenz Chairman  
Cheryl Erickson Vice-Chair  
Priscilla Remington Member  
Carl Heilman Member  
Thad Smith Member  
Bob Miller Alternate Member

**Also:** Mike Hill Town Counsel  
Jim Steen, Zoning Administrator  
  
Matt Simpson Town Board Member  
Bill McGhie - Planning Board Member

Kenneth Abele, Herta & Harvey Leidy, Dan Smith, Tom Johansen, James Hughes

<u>Agenda Items: File #</u>	<u>Tax Map #</u>	<u>Applicant's Name</u>
2012-12AV	71.16-1-18	Dwyer, Erickson & Schwaljje
2012-17AV	38.16-1-16	Ryan, Debari, Clemente
2012-18AV	72.6-1-2	Sunset Mtn Lodge
2012-22AV	88.10-1-21	Doberman and Palermo

The regular meeting was called to order by Chairman, Gary Frenz at 7:00PM

**NEW BUSINESS:**

<b>File #</b>	<b>2012-22AV</b>
<b>Tax Map #</b>	<b>88.10-1-21</b>
<b>Property Location</b>	<b>25-27 Market St</b>
<b>Request:</b>	<b>50' Road frontage variance to subdivide parcel</b>
<b>Property Owner:</b>	<b>Frank Doberman and John Palermo</b>

Jim Hughes stated that this project is for the old town hall in which there is a small duplex apartment building and the property owners would like to subdivide to make the property more sellable.  
 Cheryl Erickson asked about the shared septic  
 Jim Hughes confirmed that the septic and the well are shared at this point but there is room for the apartment building to provide septic and a well in the future.  
 Gary Frenz stated that this property is located in the hamlet zone and the APA will not be reviewing this application.  
 Carl Heilman asked if the deeds would indicate the shared septic and well.  
 Jim Hughes stated that the deeds would indicate all shared resources.  
 Carl Heilman made a motion to deem the application complete and schedule a public hearing, 2<sup>nd</sup> by Thad Smith. All Ayes.

**PUBLIC HEARING:**

<b>File #</b>	<b>2012-17AV</b>
<b>Tax Map #</b>	<b>38.16-1-16</b>
<b>Property Location:</b>	<b>1114 Palisades Road</b>
<b>Request:</b>	<b>12' road frontage variance for Lot #1 where 100' is required and a 40' road frontage variance for Lot #2 where 100' is required for a 3 lot subdivision - Class A Project</b>
<b>Property Owners:</b>	<b>Michelle Ryan, Melanie Debari, Melanie &amp; Michael Clement</b>

Dan Smith, representing the owners stated that the Clementes have owned the property since 1961 and there are three children, this project complies with all aspects except road frontage. Proposed lot #1 has 100 feet of road frontage, proposed lot #2 has 60 feet of road frontage and needs a 40 foot variance and lot #3 has 88.83 feet of road frontage and needs a 12 foot variance. Dan Smith continued to stated that this is a Class A project and there are no alternatives to get more road frontage in order to get three lots.  
 Cheryl Erickson asked if lot 3 needs 100 feet due to the septic area?  
 Dan Smith stated yes

Gary Frenz stated that the only place to build a home is on the flat part.  
 Cheryl Erickson asked if another driveway could be put in if necessary.  
 Dan Smith stated that they are not proposing three driveways at this time and they are looking at a house site toward the lake.  
 Warren County Planning Board referral stated, No County Impact  
 Gary Frenz stated that this is a Class A project and not subject to SEQRA review and asked if anyone had any comments or questions?  
 Cheryl Erickson made a motion to close the public hearing, 2<sup>nd</sup> by Carl Heilman, All Ayes.

**UNFINISHED BUSINESS:**

**File #** 2012-17AV  
**Tax Map #** 38.16-1-16  
**Property Location:** 1114 Palisades Road  
**Request:** 12' road frontage variance for Lot #1 where 100' is required and a 40' road frontage variance for Lot #2 where 100' is required for a 3 lot subdivision - Class A Project  
**Property Owners:** Michelle Ryan, Melanie Debari, Melanie & Michael Clement

**Lot #1 - 12' road frontage variance where 100' is required"**

- 1) Whether the benefit can be achieved by other means feasible to the applicant: The goal is to create three lots for three children in a 5.56 acre parcel located in the 1.3 acre zone, there is no ability to obtain more road frontage from the neighbors, the lake frontage for three lots is appropriate.
- 2) Will there be an undesirable change in the neighborhood character or to nearby properties: Most of the properties acreage in that area are pre-existing, non-conforming and very narrow road frontages with appropriate lake frontages.
- 3) Whether the request is substantial: This request is not substantial.
- .4) Whether the request will have an adverse physical or environmental effect: No adverse effects as no additional driveways proposed.
- 5) Whether alleged difficulty is self-created: not self-created, there are three children.
- 6) Is this the minimum variance necessary: 12 foot road frontage variance is a minimal request.

**Lot #2 - 40' roadway frontage variance where 100' is required**

- 1) Whether the benefit can be achieved by other means feasible to the applicant: Lot #2 is the center lot between a conforming road frontage lot and a lot with a 12' road frontage variance. Using the existing driveway
- 2) Will there be an undesirable change in the neighborhood character or to nearby properties: pre-existing, non-conforming area with less than 100 feet of road frontages.
- 3) Whether the request is substantial: mathematically this request is substantial but there are mitigating factors such as existing septic, lay of the land, use of the existing driveway.
- 4) Whether the request will have an adverse physical or environmental effect: The house and the driveway is existing, there are no plans for additional driveways, the existing driveway will be shared between the three lots.
- 5) Whether alleged difficulty is self-created: There are three children.
- 6) Is this the minimum variance necessary: The three lots are being subdivided appropriately with sufficient lake frontages and acreage.

**PUBIC HEARING:**

**File #** 2012-18AV  
**Tax Map #** 72.6-1-2  
**Property Location:** 7296 State Route 8  
**Request:** 5 foot roadway setback variance where 20 feet is required  
**Property Owners:** Sunset Mtn Lodge - Kenneth Abele, Agent

Kenneth Abele stated that this is a gravel road, seasonal in use.  
 Gary Frenz stated that he visited the property a feels that this is more than a porch  
 Kenneth Abele stated that he is putting a roof over the mobile home and adding a screened in porch.  
 Cheryl Erickson stated that it appears to be a three season porch  
 Kenneth Abele stated that everyone he spoke to indicated that he was not required to obtain a permit.  
 Priscilla Remington stated that this is a variance from the gravel road which is a private road.  
 Kenneth Abele stated that he understands that the porch is 5 feet too close to the private road.

Gary Frenz stated that the variance is needed and there are trees out further than the porch. Priscilla Remington stated that this would not hinder emergency vehicles and asked about the windows Carl Heilman stated that there are restrictions of use for an enclosed porch as there are no sleeping quarters. Being no further comments or questions, Thad Smith made a motion to close the public hearing, 2<sup>nd</sup> by Priscilla Remington. All Ayes.

**UNFINISHED BUSINESS:**

**File #** 2012-18AV  
**Tax Map #** 72.6-1-2  
**Property Location:** 7296 State Route 8  
**Request:** 5 foot roadway setback variance where 20 feet is required  
**Property Owners:** Sunset Mtn Lodge - Kenneth Abele, Agent

**5' roadway setback variance:**

- 1) Whether the benefit can be achieved by other means feasible to the applicant: Lots are small, pre-existing, non-conforming, the porch placement on the mobile home is appropriate.
- 2) Undesirable change in the neighborhood character or to nearby properties: this will be an improvement, necessary to maintain a mobile home
- 3) Whether request is substantial: 25% of the allotted amount is insignificant, there are trees that are closer to the road than the proposed porch, the addition will not have a negative impact on the road, no problems with ingress or egress for emergency vehicles.
- 4) Whether request will have an adverse physical or environmental effects: the property owner or applicant will not be removing any trees, and there is no change in the septic system for this project.
- 5) Whether alleged difficulty is self-created: updating a mobile home with a porch is a modest request, the porch size is modest.
- 6) Is this the minimum variance necessary: Yes, the porch is modest in size

Carl Heilman made a motion to approve the 5 foot road frontage variance, 2<sup>nd</sup> by Thad Smith. All Ayes.

**UNFINISHED BUSINESS:**

**File #** 2012-12AV  
**Tax Map #** 71.16-1-18  
**Property Location:** Palisades Road  
**Request:** Area variance for Dock Design (E shape)  
**Property Owners:** Dwyer, Erikson, & Sdchwaljie

At the September meeting, Thad Smith made a motion to deem the application complete and schedule a public hearing subject to the receipt of the notarized letter from Mr. Dwyer. To date, the notarized letter has not been received, in such, the legal notice was not published and the adjoining owners have not been notified. The board requested that a letter be sent to Mr. Dwyer stipulating that the notarized letter must be received by November 12<sup>th</sup> or this application would be tabled.

The application was tabled until November 27, 2012.

Next Meeting November 27, 2012 7 PM

There being no further business before the board, Chair Gary Frenz adjourned the meeting at 7:55 PM

Respectfully Submitted.

*Christine Hayes, Secretary*