

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

Also: Mike Hill Town Counsel
Gary McMeekin Zoning Administrator
Jim Steen, - Deputy Zoning Administrator

Bob Olson Town Council
Bill McGhie Planning Board Member

Kenneth Abele, Herta & Harvey Leidy, Marge Coppolu, Chrys Matterson, Dan Smith, Carol & Steve Lazarus, Troy Scripture, Pat Farrell

<u>Agenda Items: File #</u>	<u>Tax Map #</u>	<u>Applicant's Name</u>
2012-12AV	71.16-1-18	Dwyer, Erickson & Schwaljie
2012-15AV	88.7-1-35	Lazarus, Steven & Carol
2012-16AV	36.6.3.5	Sand Point Beach Association
2012-17AV	38.16-1-16	Rayn, Debari, Clemente
2012-18AV	72.6-1-2	Sunset Mtn Lodge, Abele

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

Gary Frenz stated that Bob Miller will be a voting member tonight due to Carl Heilman's absence

Minutes Approval: The board reviewed the August minutes, and made corrections. Cheryl Erickson made a motion to approve the August minutes as corrected, 2nd by Priscilla Remington. Gary F Aye, Cheryl Erickson Aye, Priscilla Remington Aye, Bob Miller Aye, Thad Smith Abstained.

NEW BUSINESS:

File #	2012-17AV
Tax Map #	38.16-1-16
Property Location:	1114 Palisades Road
Request:	12 foot road frontage variance for Lot #1 where 100 foot is required and a 40 foot road frontage variance for Lot #2 where 100 foot is required for a Three (3) lot subdivision - Class A Project
Property Owners:	Michelle Ryan, Melanie Debari, Melanie & Michael Clemente. Representative Dan Smith, Esq.

Dan Smith stated that the property has been deeded to the three children and has 400 feet of lakefront and 248 feet of road frontage.

Cheryl Erickson asked if the three properties would have one driveway?

Dan Smith stated that the three driveways would have one common drive, these parcels are located in the 1.3 acre zone and all have the appropriate lake frontage for each lot, just needs more road frontage and neighbors won't sell.

Cheryl Erickson made a motion to deem the application complete and schedule a public hearing for October 23rd, 2nd by Thad Smith. All Ayes.

NEW 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 Owner:	Sunset Mountain Lodge - Kenneth Abele, Agent

Gary Frenz: If it is a commercial dock it needs a land use variance.

Cheryl Erickson: Just saying what I know and I want it known that it is not here say, because I wrote a check for \$500. Two of them in 2004 and 2005, the Bureau's rented from him in 2004 that's how we know, then after our boat sank it was rented to someone else.

Gary McMeekin: So this is a request coming from the Chairperson?

Mike Hill: If the board is in agreement, on request of the board, signed by the Chair to the Applicant. The board can deem the application complete pending submission of the notarized letter.

Gary Frenz: Lets do it pending

Cheryl Erickson: I say pending

Gary Frenz: All in favor of that? So we are deeming the application complete

Cheryl Erickson: I think a statement from not just one of the owners, but all three of the owners, a statement from the owners that that is the case. Because it is a three-person application.

Discussion ensued regarding the authorization in the file.

Mike Hill: So is it the boards decision that the application is deemed complete pending the receipt of the letter described?

Gary Frenz: Is that your motion?

Mike Hill: Is the board satisfied with all the other information they have received, so you are deeming the application complete, pending receipt of the letter, so at the next meeting, if the letter is not received, the application will simply be tabled until.

Cheryl Erickson: Yes, and a then notarized by everybody.

Mike Hill: A letter is received by each of the owners, is that what you are saying?

Cheryl Erickson: I don't know, the reason for the number of docks, and we have three letters, if they have 6 slips, stating something like we are 1/3rd owner of this dock and we intend to each have 2 boats there.

Mike Hill: Basically in your terms, none of the slips are rented, right, that's what your are..

Cheryl Erickson: Exactly, then if other ones don't necessary want to have 2 slips then a T shape, L shape or U shape would be satisfactory and an E shape would not be necessary.

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, 2nd by Cheryl Erickson. All Ayes.

PUBLIC HEARING:	File #	2012-16AV
	Tax Map #	36.3- 3-5
	Property Location:	219 East Shore Drive
	Request:	6 foot side-yard setback variance where 15 foot is required to remove and rebuild cabin #7.
	Property Owner:	Sand Point Beach Association

Marge Coppola stated that she is the Sand Point Beach Association Secretary and the Association would like to remove and rebuild Cabin #7. The cabin is being moved slightly but cannot be moved any further due to an existing septic system, maintaining the existing walkway and to save the tree.

Cheryl Erickson stated that this is a pre-existing, non-conforming structure that can't be moved due to the septic system, walkway and tree, noting that there is one main septic system for the entire parcel.

Gary Frenz stated that these cabins all have a 1/2 bath, no shower or tubs, the proposed cabin is slightly wider than the existing

Gary McMeekin stated the visual aspects and the driveway.

Steve Lazarus stated that a the new fence prevents anyone from backing out of his driveway onto Route 8, creating a better situation.

Troy Scripture stated that he lives up the road from the Lazarus' and is in favor of the variance as the snow-plows go by his house going 40 to 50 miles per hour.

Being no further comments or questions, Cheryl Erickson made a motion to close the public hearing, 2nd by Bob Miller. All Ayes.

UNFINISHED BUSINESS:	File #	2012-15AV
	Tax Map #	88.7-1-35
	Property Location:	6653 State Route 8
	Request:	7'6" roadway setback variance from State Route 8 where 25' is required and stockade design where see-through design is required.
	Property Owner:	Steve and Carol Lazarus

The board reviewed the criteria:

- 1) Whether the benefit can be achieved by other means feasible to the applicant: There is a history of damage to the home and the extended height of 2 feet would minimize the damage to the home, an open design would not benefit the applicant in preventing the home to be damaged by passing snow-plows, also reducing the truck noise, and preventing anyone from backing out onto State Route 8.
- 2) Will there be an undesirable change in the neighborhood character or to nearby properties: There are existing 6 foot fences along State Route 8. There was a 4 foot stockade fence existing on the property for many years, the additional height does not change the character of the neighborhood.
- 3) Whether the request is substantial: yes, the request is substantial but necessary to acheive the need results, this is a replacement of a pre-existing fence.
- 4) Whether the request will have an adverse physical or environmental effect: No adverse physical or environmental effect.
- 5) Whether alleged difficulty is self-created: house, road, fence are all pre-existing.
- 6) Is this the minimum variance necessary: This is the minimum variance necessary as a 4 foot or 5 foot fence would not prevent the home to be damaged.

The project is exempt from SEQRA review.

Cheryl Erickson made a motion to approve the 7 foot 6 inch roadway setback variance and the 2 foot stockade design variance as discussed, 2nd by Thad Smith. All Ayes.

Next Meeting October 23, 2012 7 PM

There being no further business before the board, Chair Gary Frenz adjourned the meeting at 8:40 PM

Respectfully Submitted.

Christine Hayes, Secretary