

ZONING BOARD AGENDA
Thursday March 14, 2024

OPEN MEETING / PLEDGE TO THE FLAG

ROLL CALL:

Rodgers Williams	Present
Randy Rhoads	Absent
Earl Makatura	Present
Lynn Overgaard	Present
Steve Schmidt	Present

Alternates Donald Wright Present

Others present included: Jim Bird. Daryl Jones, Town Board Liaison. James McKinley, CEO. Residents: Bill Grove, Doug & Lori Crawford, Jody Daines, Craig & Leslie Carlson, James Delaire, Phil Pearce, Rufus Shirk, Jeffery Wowka.

Motion by S.Schmidt to approve of Thursday February 8, 2024 Zoning Board Minutes.
Seconded by E.Makatura; carried.

COMMUNICATIONS – Letter in recommendation for Carlson’s project

AREA VARIANCE/PUBLIC HEARINGS:

App #1-2024 Tabled from February Meeting

Area Variance

James Delaire

Tax Map: (61.24-1-69) 808 Old Pines Trail

Pictures presented by James Delaire’s new drainage were passed around and all agreed that the stake out of proposed garage was very helpful.

D.Wright the new building butt up to the existing and be open all the way through

J.Delaire correct

R.Williams are there any other questions

J.Daines approaches table and presents pictures of property line between himself and Mr. Delaire. He has questions about the water issues

E.Makatura asks when Mr. Delaires pictures were taken

R.Shirk they were taken just the other day

J.Daines states that there is water on his property that comes off Mr. Delaire's existing garage
J.Delaire and R.Shirk approach the table to look at Mr. Daines pictures

R.Shirk the water issue was corrected on Thursday, the water previously drained onto Mr. Daines property in the backyard. They cut those pipes and capped them and the new pipes drain onto Mr. Delaire's property now.

E.Makatura are the new gutters going to tie into the new drainage

R.Shirk we can, theres not too much new roof and the water has been draining onto Mr. Daines property for years

J.Daines still have water issues, there will be more roof for more water run off, thought 3.2' was the requested variance not 4.1. it will be right on the property line, 10' is code.

(there were issues about the locations of the stakes and orange marks on the ground)

R.Shirk can drain all new gutters onto Mr. Delaire's back yard. Building will be 3' shorter than the orange mark on the building

R.Williams garage will have to be within the variance if granted

R.Shirk we are fine with moving the building a few inches either way

J.Daines when people park on the line were the water drains or daughter brings her camper they get stuck because its so wet there

R.Williams so asking for a side yard setback variance of 6 feet, building to be 4 feet off the property line

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance?

R. Williams – No, addressed drainage issues

E. Makatura – No, same as Rodgers

S. Schmidt- No

D. Wright – No, will enhance neighborhood

L. Overgaard- No

2. Can the benefit sought by the applicant by some method, feasible for the applicant to pursue, other than an area variance?

- L. Overgaard- Yes, didn't have to replace or rebuild
- S. Schmidt- Yes, agree with Lynn
- E. Makatura- Yes, same
- D. Wright – Yes, by changing dimensions
- R. Williams- Yes, has quite a bit of land, location is his choice

3. **Is the requested Area Variance substantial?**

- D. Wright - Yes
- L. Overgaard- Yes, is substantial, also close to side set back
- S. Schmidt- Yes
- E. Makatura- Yes, it is over 50% on side setback but so is existing garage and is following that
- R. Williams- Yes, less than half distance of side yard is supposed to be, garage is pre-existing and expanding that which is increase to degree of non-conformity

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

- E. Makatura- No, taking care of water problem
- R. Williams- No, aesthetic improvement and taking care of water problem
- L. Overgaard- No, same as Rodgers
- D. Wright- No, same
- S. Schmidt- No, same and addressing water issue

5. **In the alleged difficulty self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the Area Variance?**

- D. Wright - Yes
- S. Schmidt- Yes
- R. Williams- Yes, wants to do it
- L. Overgaard- Yes
- E. Makatura- Yes, same as Rodgers

The board was polled as follows:

- L. Overgard- Grant
- E. Makatura- Grant
- R. Williams- Grant
- S. Schmidt- Grant
- R. Rhoads- Grant

Motion by **Earl Makatura** to approve 4.1 ft side setback where 10 ft minimum is required, on west side of property for a 5.9 ft variance and 31.5 ft front setback where 40 ft is required for an 8.5 ft variance and with a stipulation that all new gutter drainage for the proposed garage be tied into the new ground drainage to drain on Mr. Delaire's property. **Steve Schmidt** seconds. Motion carried.

After motion, **J.Daines** confirmed with the board that the variance is to the fascia of the building.

App #3-2024 Tabled from February Meeting

Area Variance

Craig Carlson

Tax Map: (109.27-1-12) 5178 West Bluff Dr

Carlson's and Bill Grove approach the table.

B.Grove went over the last 3 variance requests, went back and reduced the footprint of the building. Removed the entry way, pulled back the deck, and stairs on north side of property are now hardscape which eliminated the north side variance. On the south side, still asking for the current 2.6', asking for 5' and lowered lot coverage. Current lot coverage is 28.07%, requesting 28.99%

R.Williams improvement to south side, but lot coverage is still worse than existing

E.Makatura when was the lot created

P.Perce moved out of property in 1966, it was at the size it is now, then

B.Grove Right of way (ROW) width is wider in that area, if ROW was the normal width they would have more lot

E.Makatura if lot were bigger, this wouldn't be an issue

B.Grove it would be a 9% lot coverage if lot size was current minimum standards. Floor plan of house with overhangs is 1100 square feet, it is not a large house

C.Carlson would like to make this a year round home

B.Grove 50 square feet more to house now isn't detrimental

R.Williams cant increase the degree of non-conformity

B.Grove asking for the relief, that is a pre-existing non-conformity

E.Makatura code is 20%, yours is 8.5% over

B.Grove is it substantial though, improving the lot, new septic system is major upgrade

R.Williams can you get 55 square feet off this

E.Makatura shrink on south side on main house

B.Grove not enough room on second story for hall with 2 bedrooms

E.Makatura how long is building, 28x28 can take 2' off that

C.Carlson 3 floors but based on the footprint of the building

L.Carlson can take it off deck

E.Makatura how deep is the deck

C.Carlson deck is for people to sit with table and chairs

E.Makatura what about the entry

B.Grove could make that flush. Does it have to be habitable space, could straighten out the roof line on the boathouse

C.Carlson would rather it come off the overhangs of the boathouse

E.Makatura 28% lot coverage is what they are at now

R.Williams need to remove 50 square feet

B.Grove 57 square feet exactly

E.Makatura can you make it to the 28%

R.Williams don't want to make it worse than what it is now

B.Grove yes, can get it there

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance?

R. Williams – No

E. Makatura – No

S. Schmidt- No

D. Wright – No

L. Overgaard- No

2. **Can the benefit sought by the applicant by some method, feasible for the applicant to pursue, other than an area variance?**
 - L. Overgaard- Yes, don't have to build a large house
 - S. Schmidt- Yes
 - E. Makatura- Yes, could lower square footage
 - D. Wright – Yes, same
 - R. Williams- Yes, it is a 6200 square foot lot, they haven't got much room, could eliminate boat house but will still need a side yard setback

3. **Is the requested Area Variance substantial?**
 - D. Wright - No
 - L. Overgaard- Yes, still quite a large percentage over code, lot is small but they knew that when they bought it
 - S. Schmidt- Yes
 - E. Makatura- Yes, 8% over code, still small lot
 - R. Williams- Yes, still 20% is code, does improve the south side setback

4. **Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?**
 - E. Makatura- No
 - R. Williams- No, improve it a little
 - L. Overgaard- No
 - D. Wright- No
 - S. Schmidt- No

5. **In the alleged difficulty self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the Area Variance?**
 - D. Wright - Yes
 - S. Schmidt- Yes
 - R. Williams- Yes
 - L. Overgaard- Yes
 - E. Makatura- No, because they did buy at 28% lot coverage and are trying to keep it the same

The board was polled as follows:

- L. Overgaard- Grant
- E. Makatura- Grant
- R. Williams- Grant
- S. Schmidt- Grant

Motion by **L.Overgaard** to approve 5.5 ft side setback where 10 ft minimum is required, on south side of property for a 4.5 ft variance and 28.07% lot coverage where 20% is the maximum. The existing house has a lot coverage of 28.07%. Seconded by **R.Williams**. Carried.

App #5-2024 Tabled from February Meeting

Area Variance

Doug Crawford

Tax Map: (95.84-1-1) 3296 West Bluff Dr

B.Grove last month the questions were about the center line (CL) from road setback, so the house has been pushed 4' to get the overhangs 30' from the CL of road with the wall of the house being 34' away. Lowered the height of the cottage by making the basement non-habitable living space and house is not as close to the shoreline as the existing. Seeking 2 variances, 30' from CL road where 44.75' is required and in the northwest corner, side setback from mean high waterline 1.6' where 15' is required, it is currently at 1.1'. Also removing the shed that is close to the road

E.Makatura shift house to the south

B.Grove too tight on south side for the stairs, added a second bridge for access

L.Overgaard asked about the shoreline

E.Makatura 30' is fine, it doesn't have to be 35'

B.Grove 4' closer than current, foundation will be the retaining wall, will have drainage, can see that in the cross section drawing. South side gets tricky if you try to shift but it is still further away that it is currently

R.Williams below grade, town cant expand the road in that direction. Are there any other questions

B.Grove steep slopes approvals on both projects

E.Makatura square footage on the footprint

D.Crawford 48x24

B.Grove plus the covered deck on the front and south

R.Williams boathouse currently has water

D.Crawford will be storage only, not living space

R. Williams removing the holding tank under the boathouse is an improvement

B. Grove currently pump tank is in the boathouse, will be eliminating that, aerobic unit will be staying, will be pumped across the road

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance?

R. Williams – No

E. Makatura – No

S. Schmidt- No

D. Wright – No

L. Overgaard- No

2. Can the benefit sought by the applicant by some method, feasible for the applicant to pursue, other than an area variance?

L. Overgaard- Yes, put house elsewhere on property and would not need a variance

S. Schmidt- Yes, could make house move

E. Makatura- Yes, could make house smaller

R. Williams – Yes, lot of land, could put across road

D. Wright- Yes, could change the dimensions

3. Is the requested Area Variance substantial?

D. Wright – Yes

L. Overgaard- Yes

S. Schmidt- Yes

E. Makatura- Yes, 1.6' setback on shoreline

R. Williams- Yes, but improvement to what's already there

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

E. Makatura- No

R. Williams- No, boathouse and septic improvements

L. Overgaard- No

D. Wright- No

S. Schmidt- No, improvement

5. In the alleged difficulty self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the Area Variance?

D. Wright - Yes
S. Schmidt- Yes
R. Williams- Yes
L. Overgaard- Yes
E. Makatura- Yes, house now is non-conforming

The board was polled as follows:

L. Overgard- Grant
E. Makatura- Grant
R. Williams- Grant
S. Schmidt- Grant

Motion **R. Williams** to accept 1.6 ft front setback where 15 ft minimum is required from mean high water line, on north west side of property for a 13.4' variance and 30 ft rear setback where 44.75 ft minimum is required for a 14.75' variance . Seconded by **E.Makatura**. Carried.

OTHER BUSINESS:

L.Overgaard stake out helps a lot, its on the application to be staked out

E.Makatura they know to do this

S.Schmidt will check next months applications to see if they are staked out, if not, will not discuss

E.Makatura for the example, the Esperanza wasn't staked out and the wrong lot was looked at

R.Williams in the future if it is not marked, the application will be tabled

J.Bird ZBA alternate needed and 2 members for grievance board needed. James issued first appearance ticket to John Carroll.

Next Meeting –April 11th, 2024

Motion by **E.Makatura** to adjourn at 8:20pm. Seconded by **S.Schmidt** carried.