

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

August 7, 2012

REGULAR MEETING

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Paul Lunde at 7:30 p.m. On roll call the following members are present: Michelle Granger, Paul Lunde, Joseph Szpak, and Denise Eskoff, Alternate. Taylor Conard and Kevin Veitch are absent

July 3, 2012 MINUTES

MOTION: M. Granger

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of July 3, 2012, with a minor correction

VOTE: Ayes: Eskoff, Granger, Lunde, Szpak,

Noes: None

Absent: Conard, Veitch

NEW BUSINESS

STEPHEN DOTY – Area Variance, Case #904

Maple Avenue

Stephen Doty and Stuart Thomas are present for this application. P. Lunde reviews G. McKenna's notes that the applicant would like to open a martial arts training facility, which is allowed as an educational use after site plan review. This case is before the Planning Board for site plan review. Zoning requires a minimum lot size of 2 acres and 120-feet of road frontage, therefore this applicant requires area variances. The applicant may also need a variance to the buffer size. S. Thomas states that the OR is all a commercial zone and he believes that the house next door is a residence. They would like to amend their application to include a variance for the buffer size. P. Lunde states that we could accept this application and prior to the next meeting the applicant could provide the amount of buffer that exists. M. Granger states that she cannot read the plot plan and would like a better one. D. Eskoff agrees. S. Doty states that they will get a better plot plan for the Board. D. Eskoff states that the applicant should amend their SEQRA form as in #5 they have indicated not applicable and all actions are applicable. They will need to put some wording in there that they are not making any changes to the site or to the building. Also, #6 and 7 should be completed.

RESOLUTION – S. Doty, Area Variance

MOTION: M. Granger

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals accepts the application of Stephen Doty for Area Variances for property located at 472 Maple Avenue, TM#153.13-1-11 as complete and schedules a public hearing for September 4, 2012 at 7:30 p.m., contingent upon:

- **Receipt of a more clearly defined plot plan to be submitted two weeks prior to the next meeting**
- **Dimension of existing buffer**

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VOTE: Ayes: Eskoff, Granger, Lunde, Szpak,
Noes: None
Absent: Conard, Veitch

OLD BUSINESS

DAVID MURRAY – Temporary Use Variance, Case #896

NYS Route 9N

David Murray is present. P. Lunde reviews G. McKenna's notes that the applicant placed the mobile home on this lot without a building permit. The lot already has two existing mobile homes. A public hearing is opened at 7:39 p.m. Mary Scale asks if the Board will be reading any correspondence received. P. Lunde states that he will. A letter was received from Joseph Bulmer who is opposed to the approval of this variance. There being no further public comments, this public hearing is closed at 7:41 p.m.

M. Granger states that she has a concern with the third mobile home being placed there, as there are already two. She is concerned with the density compared to how it is zoned. She states that we would also be setting a precedent and she does not believe that it fits with the Comprehensive Plan. D. Eskoff states that she agrees. P. Lunde states that he does not disagree.

RESOLUTION – D. Murray, Temporary Use Variance

MOTION: M. Granger

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals denies the application of David Murray for a Temporary Use Variance for property located at 1735/1739 NYS Route 9N, TM#151.-2-104.

This denial is based on the following criteria:

- **It is an undesirable change in the neighborhood**
- **It increases the density of the property and is against the current Zoning of the Town of Greenfield**
- **It is not consistent with the Comprehensive Plan**
- **It would be a substantial request**
- **It is self-created**

VOTE: Ayes: Eskoff, Granger, Lunde, Szpak
Noes: None
Absent: Conard, Veitch

FRANK KRAMER – Area Variance, Case#897

Brigham Road

Frank Kramer is present. P. Lunde reviews that the applicant wishes to replace a mobile home that was removed from the property and needs an area variance of 5.17 acres for lot size. A public hearing is opened at 7:44 p.m. Harvey Zirowsky, Brigham Road, states that he submitted a letter. He states that this is a small lot; the mobile home was not well kept; F. Kramer was renting it and did not take care of the property. It continued to deteriorate and became an eyesore. The tenants burned things that were just not wood and things that polluted the air. That was not F. Kramer's fault but he did not seem to be careful with the kind of people he allowed on his property. Then the neighbors found out at some point that there was a registered August 7, 2012

pedophile living on the property with this couple and the neighbors were not informed about this. He states that his wife was terrorized by this and other neighbors with children were very anxious. H. Zirowsky states that he does not know if F. Kramer had any control over this, but he certainly didn't inform anyone. He is very concerned about the applicant putting another mobile home on this property, which he assumes is going to be rented because F. Kramer lives elsewhere in Greenfield. Diane Dunbar, Brigham Road, states that she shares the same viewpoints as H. Zirowsky. Karen Reynolds, states that she has the same concerns – the property was unkempt, there was loud music all day long and into the night. They had concerns about the pedophile as she has grandchildren, and she does not think that they should be subject to that. Tiffany Dennison, Brigham Road, states that she agrees with the statements. It was not very clean; it wasn't safe for their kids to play. Everyone talked if their kids were going somewhere, immediately. The tenants were not safe people to be around the children. P. Lunde states that there are two letters in the file – one from Harvey Zirowsky and one from Diane Dunbar, both opposed to this variance. There being no further public comments, this public hearing is closed at 7:48 p.m.

P. Lunde asks how long ago the mobile home was removed. F. Kramer states about 6 months. He acknowledges that this was a bad situation. He had his lawyer working on this. The tenant was someone who came with good recommendations; he fell into bad company and is no longer in the area. F. Kramer states that he has a brand new trailer; he has a niece who needs a place to live. He states that they have cleaned the property up a lot. He states that there is no argument for what the neighbors are saying other than that it happened in the past, it was a bad experience, he apologizes for it. He states that it takes a lot to get someone out of a house. His lawyer personally went there three times. J. Szpak states that he does feel that this is a substantial request, but what else can you do with that lot which is pre-existing. M. Granger states that the Board acknowledges all the neighbors' concerns and what F. Kramer stated in terms of the property. She thinks that what is important for the public to understand is that the ZBA, even though they understand the concerns, cannot rule on those concerns. The Board is constrained by the fact that it is a pre-existing, non-conforming piece of property and are not in a position, if it is this applicant or another, to forbid someone from placing a home on a pre-existing, non-conforming piece of property because basically the Board would be telling them that even though they own that piece of property in the Town of Greenfield, you are not allowed to have a home here or to rent it. P. Lunde states that he feels that with the public hearing and voicing their concerns, he thinks that someone heard them. M. Granger states that we do have a Code Enforcement Officer. If certain things are happening on that property the neighbors can certainly come in and the property owner could potentially receive a notice of violation for whatever is happening on that property. There are other means for the neighbors to come forward. Hopefully you will all be better neighbors now and the applicant's selection of tenants will be different. As a Board, the ZBA cannot deny someone to have a home or to rent that piece of property. T. Dennison states that because the home has been gone for more than 30 days, she does not believe that he can replace the mobile home. She states that when they removed their trailer, they were told that they could not replace it. P. Lunde states that the Zoning changed in 2007 and that is different now. He states that it sounds like the owner of the property has made some efforts to clean it up; sounds like he heard the neighbors tonight; it sounds like the actual home will definitely be an improvement to the neighborhood because it will not be an older one, it will be a brand new one; and as being neighbors and he is listening to you, hopefully he will have a better choice of tenants, but there is nothing that the ZBA can do as a Board to force that to happen. That would have to be between the owners and the neighbors. J. Szpak asks why this application is before the Board. R. Rowland states that the applicant does not have the required acreage but he makes all of the setbacks. M. Granger states that it is a pre-existing, non-conforming lot the way the current law is written. The applicant is putting a mobile home on the property so he needs a variance for the pre-existing, non-conforming lot, as it exists. J. Szpak asks why it doesn't automatically get a variance, why does it come before the Board for a decision. P. Lunde states that the applicant removed a mobile home and he needs a variance for acreage, because it has been used as a mobile home for years, the ZBA technically cannot deny it. P. Lunde uses the example that if you had a two-acre lot in the Town with a home on it; it burns down and you waited a year to replace it, now most of the zoning requires larger lots. That would be like the Town telling you that you could not rebuild. A member of the audience asks why they all received letters. P. Lunde states that because it was coming August 7, 2012

before the ZBA. By NYS Law because there is an issue the neighbors have to be notified. The audience member states that they are opposed to the variance. P. Lunde states that that is correct and that is not a problem. J. Szpak states that by law we have to allow for this, so there really is no decision here. D. Eskoff states that there is precedent in the law under which this mobile home situation falls. This unfortunately had a previous bad history to it, but the issues that the neighbors have are not issues that the ZBA can address. They are not proper issues for the ZBA. The acreage is, but because it is a pre-existing, non-conforming lot and because it has always had a mobile home on it and because the time frame has now changed, the applicant is here simply because of the acreage, but to deny that would deny the use of that property basically for any purpose. The applicant would wind up with a piece of property that you could not do anything with. P. Lunde states that for the ZBA, we are looking out for the best interests of the Town of Greenfield. Sometimes Zoning Boards will deny something and the owner can go to the State Supreme Court and then the Town of Greenfield has to pay, etc. The State Supreme Court can overrule the ZBA. J. Szpak states that if we made a ruling that was not legal or legitimate, that is also a waste of time. D. Eskoff states that you have to look at it as an attempt by the applicant to make an improvement. The situation seems to have been addressed, he has apologized for whatever has gone on and what ever goes on between you as neighbors is up to you to mend. As M. Granger stated, we do have a Code Enforcement Officer and the neighbors can pick up the phone at any time if they do not think something is correct. D. Eskoff states that as for who the owner allows on his property, that is a landlord/tenant issue. That is way out of our jurisdiction and our realm as there are other State laws that govern offenders. Those are not issues that this Board can deal with. F. Kramer asks, from a neighbor's standpoint, how would they address that? Let's say we were having this meeting two years ago when the tenant in question was in that mobile home. Would they have called the Sheriff? D. Eskoff states that it would not be the ZBA, but they do have recourse as far as violations go through the Codes office here at Town; there are Town Councilmen that the neighbors can talk to; the Town Supervisor; the Sheriff's Department; etc. J. Szpak states that the neighbors' should talk to the property owner first. If the owner sees issues, it would be prudent for him to talk to the neighbors. H. Zirolfsky states that as to the Town's regulations, is there a difference between the homeowner and someone who is renting that property. P. Lunde states that zoning is for the piece of property, not the owner. Whatever decision is made on a piece of property goes with that piece of property. H. Zirolfsky states that then you can rent anything that you want. P. Lunde states within what is allowed, yes. We are talking about the property itself, we have to take the personality out of it. T. Dennison asks if the ZBA is saying that they should also be contacting the Town letting them be aware of the garbage that was burnt, etc. D. Eskoff states that if they believe there are violations, then they can talk to someone at whatever level they chose to talk to at the Town. P. Lunde states that someone who lives in the Town of Greenfield is going to act a lot quicker than someone who may live elsewhere. F. Kramer states that if anyone wants his phone number, he will gladly give it to them because he wishes he had known this was going on.

RESOLUTION – F. Kramer, Area Variance

MOTION: M. Granger

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals approves the application of Frank Kramer for an Area Variance for property located at 372 Brigham Road, TM#126.-1-45, as follows:

- **Lot size variance of 5.17 acres**

This approval is based on:

- **This is a pre-existing, non-conforming lot**
- **The benefit cannot be achieved by any other means feasible to the applicant**
- **Although the request is substantial, it is a pre-existing, non-conforming lot**
- **It will not have any adverse physical or environmental effects**
- **The alleged difficulty is not self-created**

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- **It should make a desirable change in the neighborhood by putting a new mobile home on the property**

VOTE: Ayes: Eskoff, Granger, Lunde, Szpak
Noes: None
Absent: Conard, Veitch

SARATOGA BUMPER REPAIR – Area Variance, Case#898
NYS Route 9 (Marion Avenue/Maple Avenue)

David Greene is present. A public hearing is opened at 8:02 p.m. P. Lunde reads from the Saratoga County Planning Board referral suggesting disapproval. There being no further public comments, the public hearing is closed at 8:04 p.m.

M. Granger states that she thinks that the referral comments we have from the Planning Board should also be considered. The size of the sign on the building was mentioned by the Planning Board. The potential impact on the driveway and the character of the neighborhood are also issues that the Planning Board thought that the ZBA should consider as well. J. Szpak states that from personal experience, he knows exactly where Saratoga Bumper is even though he has never had to look for it or find it, because the building is pretty clearly marked and the sign is pretty clear. That is completely opposite of his trying to find the Elks Club and could not find it. That is just one data point, but when he drove by again he could clearly see a difference in visibility with Saratoga Bumper compared to the Elks Club. The new Elks sign is even less visible than the Saratoga Bumper because it is hard to see where it is. D. Eskoff states that the photos don't really do it justice from our vantage because you really need a shot from the road as you are driving towards the sign. As you are driving, that Bumper sign is almost directly in front of the Elks and to make it larger or to move it becomes problematic. Also, the Elks Club has an inordinate amount of traffic at times, it has in the past presented a safety issue and we tried to alleviate some of that through adjusting their new signage. She thinks that the new sign as proposed by the applicant would be a detriment. M. Granger agrees with the comments made. She actually thinks that the applicant has done a great job in terms of the coloration on the building to make it stand out and make it very easy to find. She agrees that when the Board allowed the Elks sign, that was to decrease some potential safety issues and also to clean up the area where they had multiple signs on the lawn, pretty much on a daily basis, based on the factors that they had there. J. Szpak states that the only other thing that he was thinking about is minimizing the variance, but again he does like the way the current building is, he likes the current sign. If they want to change the sign, fine, but he does not see any necessary reason to provide any variance. D. Eskoff states that she is not opposed to the design. If they want a new design for the sign or a new sign that is fine. M. Granger states that if the applicant wants to put the new sign as they proposed, the same size as the existing sign, that's fine. Actually what they have across the front of the building is inordinately large and if they were to come before the Board now and wanted that across the top of the building, it would not be permitted. She states that the Veterinarian's office across the street from Town Hall had to get sign variances and that was partially a safety issue so that you could actually see it. Those signs are significantly smaller than what Saratoga Bumper has. P. Lunde states that he does not disagree with any of the comments made. He has driven that road many times and knows exactly where they are located. Changing the color may even be detrimental to the business because the signage sticks out.

RESOLUTION – Saratoga Bumper Repair, Area Variance

MOTION: J. Szpak
SECOND: M. Granger

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RESOLVED, that the Zoning Board of Appeals denies the application of Saratoga Bumper Repair for an Area Variance for a sign for property located at 3 Marion Avenue (NYS Route 9), TM#153.17-2-13, based on the following:

- **Benefit already exists and is achieved by the sign and the sign on the building itself**
- **It would be an undesirable change to the neighborhood and that it adds additional safety concerns with blocking the other signs in the area, potentially congesting traffic, which we are trying to relieve in that area**

VOTE: Ayes: Eskoff, Granger, Lunde, Szpak
Noes: None
Absent: Conard, Veitch

DAVID CORSON – Area Variance, Case#899

Ridge Road

David Corson is present. A public hearing is opened at 8:10 p.m. P. Lunde reviews that the applicant is seeking a 20' left side yard variance to construct a pole building. A letter is read from Peter Jansky, in favor of approval. There being no further public comments, this public hearing is closed at 8:11 p.m.

D. Eskoff states that the Planning Board had quite a lengthy discussion regarding all the questions. P. Lunde questions that this is before the Planning Board. It is due to it's being in the KROD. Board members concur that there are no issues with this.

RESOLUTION – D. Corson, Area Variance

MOTION: M. Granger

SECOND: D. Eskoff

RESOLVED, that the Zoning Board of Appeals approves the application of David Corson for an Area Variance for property located at 461 Ridge Road, TM#123.-2-38, as follows:

- **20' left side yard variance**

This approval is based on the following:

- **The benefit cannot be achieved by other means partially due to topography**
- **There will be no undesirable change in the neighborhood character or to nearby properties and that has clearly been discussed by the Site Plan Review**
- **The request is not substantial**
- **No adverse physical or environmental impacts**
- **Action was taken to mitigate any type of adverse impacts by its placement on the lot**

VOTE: Ayes: Eskoff, Granger, Lunde, Szpak
Noes: None
Absent: Conard, Veitch

THOMAS MERRILLS, JR. – Area Variance, Case#900

Lake Desolation Road

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Thomas Merrills, Jr. is present. P. Lunde explains that the applicant is combining and reconfiguring substandard lots. A public hearing is opened at 8:12 p.m. Letter from the Saratoga County Planning Board is reviewed. There being no further public comments, this public hearing is closed at 8:13 p.m.

M. Granger states that by consolidating some of these lots it is decreasing the density up there and also serving to mitigate some of the environmental impacts. D. Eskoff states that even though he is reducing the size of one of the small lots, he is in his own way mitigating that by combining others. She states that it looks like a definite improvement.

RESOLUTION – T. Merrills, Jr., Area Variance

MOTION: M. Granger

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals approves the application of Thomas Merrills, Jr. for an Area Variance for property located at 502 Lake Desolation Road, TM#135.11-2-9, as follows:

- **Area variance for lot size of 5.41 acres**

This is based on the following criteria:

- **No other means feasible to the applicant for achieving this**
- **It will be an improvement in that particular community because it will have less density and less environmental impacts even though one lot will be smaller he is combining three lots to make one lot**
- **There will not be an undesirable change to the neighborhood or to nearby properties, it should be an improvement**
- **It will not have adverse physical or environmental effects on the neighborhood**

VOTE: Ayes: Eskoff, Granger, Lunde, Szpak

Noes: None

Absent: Conard, Veitch

JAY ELLSWORTH – Area Variance, Case#901

Barney Road

Jay and Jeannette Ellsworth are present. P. Lunde explains that the applicant would like to build a garage apartment connected to an existing garage. Zoning requires 6 acres and the existing lot is 5.77 acres. The applicant needs a .23-acre variance. Public hearing is opened at 8:16 p.m. There being no further public comments, this public hearing is closed at 8:17 p.m.

D. Eskoff states that this applicant is also before the Planning Board for Site Plan Review. M. Granger states that she does not see any issues with this application. D. Eskoff states that it is a very minimal request.

RESOLUTION – J. Ellsworth, Area Variance

MOTION: M. Granger

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals approves the application of Jay Ellsworth for an Area Variance for property located at 114 Barney Road, TM#149.-1-47.2, as follows:

- **.23 acre area variance**

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This approval is based on the following criteria:

- **Benefit cannot be achieved by any other means**
- **No undesirable change to the neighborhood character or to nearby properties**
- **It is a minimal variance of only .23 acres when 6 acres is required**
- **It will not have any adverse physical or environmental affects**

VOTE: Ayes: Eskoff, Granger, Lunde, Szpak
Noes: None
Absent: Conard, Veitch

PETER BARBER – Area Variance, Case#902
Greene Road

Peter Barber is present. P. Lunde reviews G. McKenna's notes that the applicant would like to build a house on a pre-existing, non-conforming lot. The property does not have any road frontage, however, Town Law 280-A requires the Town Board to establish an open development area, which would then allow the ZBA to grant a variance for lack of frontage. We have not yet heard back from the Town Attorney. P. Lunde opens a public hearing at 8:18 p.m. P. Lunde reads the referral from Saratoga County Planning Board. There being no public hearing comments, this public hearing is adjourned.

P. Lunde states that from what he understands, the ZBA cannot do anything with this until the Town Board takes action. P. Barber states that he has read the Town Board's minutes. He asks about other variances that have been granted and states that he has a right-of-way that would support a 40,000 lb. emergency vehicle. D. Eskoff states that we are kind of in a hold pattern until we hear back from the Town Board and then we can move forward. P. Lunde states that what we will have to do is table this application to the next meeting. D. Eskoff states that the ZBA needs specific instructions before they can move forward. While those other cases did come up, we are now aware of this law through the Codes Enforcer and we have to formally address it. M. Granger states that there is some discussion, per the Code Enforcement Officer, about taking one section where a lot of this is likely to come up and make that an open development area. M. Granger states that unfortunately this is not happening in a quick time frame but there is discussion taking place. D. Eskoff apologizes for the Board and states that we will be able to move forward as soon as we have that information.

RESOLUTION – P. Barber, Area Variance

MOTION: D. Eskoff

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals tables the application of Peter Barber for an Area Variance for property located at 481 Greene Road, TM#126.-1-20.2 to the September 4, 2012 meeting.

VOTE: Ayes: Eskoff, Granger, Lunde, Szpak
Noes: None
Absent: Conard, Veitch

VALERIE BAKER – Area Variance, Case#903
Bockes Road

Valerie Baker is present. P. Lunde explains that the applicant would like to replace an existing mobile home with a new double wide. This zone requires 4 acres for this use and the existing lot is .64 acres. August 7, 2012

The required frontage is 200' and the lot has 140'. A public hearing is opened at 8:24 p.m. Glen Azon, Bockes Road, states that he is opposed to granting this variance on a number of reasons, both procedural and factual. He states that there has been no public notice sign observed on the property since August 1st. He states that nowhere in the application is it written that the increase in the premises sought is nearly 40%. It is a little great than 37% larger and he was only able to ascertain that by looking at the unapproved minutes that are on the website. Nowhere is it contained in the application. He questions the applicant's authority to make this application in that she is not the owner and there were no documents that he saw that the owner is allowing this, authorizing this, moreover the owner is a corporation and there is no indication that Robert Moser is an authorized official to make this application. He comments that where the signature is there is the statement that the application is "true, correct and complete and no material facts ... omitted." He believes that there have been omissions. G. Azon states that the applicant does indicate that it is going from a single to a double wide, however, nowhere is it indicated on the application that it goes from 980 square feet to 1344 square feet. He understands that this is a previously granted, non-conforming lot, however, expanding the premises close to 40%, he believes goes in contravention to the purpose of the non-conforming lot. He states that there is no indication on the plan about the septic system. A 40% increase in the home, the size of the residence, would to him indicate that there would be a necessity for a septic plan. There is nothing indicating that there is any plan for increasing the septic size, nor the location. The property is also near DEC regulated wetlands, the Kayderosseras Creek, and there is no indication that DEC or the ACOE have been consulted or approve. The action that the applicant is requesting is due to the applicant's own activities. G. Azon states that he would not have any grievance with her replacing it on a foot for foot basis, but she is seeking to increase the size nearly 40%. He states that in question "J", the applicant does not make any mention of replacing with a double wide or size. It says only to replace. He states that the requested variance will alter the effect of the Zoning and the probable zoning density with the addition of the expanded residence there. IV Area Variance, "D" states that they just want to purchase a new home on the existing lot and that it would be the same residence as in the past 30 years, except a new home. G. Azon states that this is untrue as it will be a 40% increase in the home size. The application asks for a site plan indicating the locations of water and sewer systems (in applicable) and G. Azon states that there is nothing on her diagram showing the current septic system or any proposed modification thereof. On the SEQRA form it states that the 1992 mobile home will be replaced with a 2012 doublewide. G. Azon states that there is no mention that the 1992 home is a singlewide. #11 indicates that there is a currently valid permit. D. Eskoff states that she asked the applicant to change that at the last meeting. G. Azon states that then the Board can see the errors. D. Eskoff states that there are often issues with these forms. He states that for question C2, there would be impacts as we are increasing density. Vickie Brown states that she is Valerie Baker's sister and that V. Baker has lived there for 28 years, in the single wide trailer, her son has just completed college and they are finally able to increase the value of the property. She believes that they should be allowed to do that. There being no further public comments, this public hearing is closed at 8:32 p.m.

P. Lunde states that we did receive an Authorization of Agent since the last meeting from Robert Moser. G. Azon asks if there is a statement saying that he is authorized as a board or company officer to make this. M. Granger states that the tax bill was pulled and the payment of the tax bill was made by Moser. So it seems to be consistent with, did we go to the NYS Corporation to see if he is actually on the Board, no, but she feels comfortable as a Board member that if you are paying the tax bill and you are signing that check, it seems consistent with her that you would have the authority to act. Otherwise you wouldn't be paying the bill. M. Granger states that perhaps her fellow Board members would disagree with that, but she does not see that as an issue. P. Lunde states that he does not see it as an issue. He states that he did specifically ask the applicant what size the new mobile home was going to be. It is in the minutes. She is going from a 14 x 70 to a 28 x 48, which the Board knew last month. D. Eskoff states that these are just applications, we do not expect people to be lawyers or to fill them out in complete detail. That is why we have hearings so that we can discuss, ask questions, find information and ask for more information if we need it. Some of the things that G. Azon listed, she understands why he brings attention to them, but we don't always have a percentage. We do ask for a rendering, at least a drawing, which the applicant has supplied. The applicant does have two drawings – one of the existing and one of the proposed layouts. For August 7, 2012

the ZBA's concerns, which is not only the acreage, but where the setbacks are, etc., she did want to ask where G. Azon is located in relation to Ms. Baker's property. G. Azon states that he is on the North side. D. Eskoff asks if that is right next door. G. Azon states that is correct. P. Lunde states that with regard to some of G. Azon's concerns about the septic system and that type of stuff, that would all be addressed at the time when and if the mobile home is replaced. J. Szpak states that a building permit would be required and if the septic system were inadequate, then they would have to make a choice of upgrading the septic system or not. That gets caught there if there are any issues, not here. D. Eskoff states that regarding the DEC wetlands, that is why there is a SEQRA application. All those questions specifically address that so that if there is an issue, it can be addressed. She states that the applicant is actually going to be increasing the amount of distance from the Kayaderosseras, she is not lessening it. She is actually increasing it by 22', going away from the creek. She is keeping the same distance from the roadway and the same from the other side, which seems to be the north side and the change seems to be at the back of the house. She states that this is a positive thing. Also, the applicant is replacing a 30-year-old mobile home, singlewide, with an upgraded facility. D. Eskoff states that what she thinks the applicant means by residence means it is where she lives, not that she is replacing it with a stick built home with a basement. It is her residence and D. Eskoff states that is just the wording that the applicant used. D. Eskoff states she is concerned about the no public notice sign. V. Baker states that she received a notice but did not realize she was supposed to hang it up. P. Lunde states that we all make mistakes. He states that this is very much like the application we had earlier today. This is within her rights. G. Azon states that he will withdraw his objection to the posting requirement if the Board feels that it is an appropriate structure. Unless the Board finds otherwise. D. Eskoff states that you are taking a brand new structure, a doublewide, if anything it should look much better from the road; sit the exact same distance from the property on the North side and from the road. It will be a much nicer looking double wide and on the other side, she is moving away from the creek, which is also a positive environmental impact. G. Azon asks if the applicant is getting closer to his property. D. Eskoff states that she is not. G. Azon reiterates that he withdraws his objection to the public notice. J. Szpak states that he understood G. Azon's concerns about the septic system and reiterates that is part of the building permit process. If that septic system is in any way deficient, they will not be able to put a larger home there. D. Eskoff states that new construction triggers a lot of things and everyone should be left with a better situation than they potentially could be.

RESOLUTION – V. Baker, Area Variance, Case#903

MOTION: D. Eskoff

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals grants the application of Valerie Baker for an Area Variance for property located at 302 Bockes Road, TM#137.-2-12, to replace a single wide mobile home with a new double wide home, as follows:

- **3.36 acre lot size variance**
- **60' frontage variance**

This approval is based on the following criteria:

- **This is a pre-existing, non-conforming lot**
- **Benefit cannot be achieved by any other means feasible to the applicant**
- **The change to the neighborhood is positive**
- **The request is not substantial**
- **The request will have positive impacts on the physical area and environmental aspects, particularly in moving away from the Kayaderosseras Creek**
- **The alleged difficulty is not self-created in her desire to replace the mobile home with a newer, more efficient, more positive residence**

VOTE: Ayes: Eskoff, Granger, Lunde, Szpak
Noes: None
Absent: Conard, Veitch

Meeting adjourned 8:43 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland