

TOWN OF GREENFIELD

ZONING BOARD OF APPEALS

MAY 2, 2006

PUBLIC HEARING

A public hearing is opened at 7:25 p.m. on the application of Joseph Moore for area variances to subdivide property on Wilton Road. T. Conard refers to a letter received from Martha Brown opposed to the granting of the variances. Serge Shishik, Brittany Chase, states that he believes that this request is directly in contrast with the current zoning and that this is a vulnerable area regarding wells and septic. He is also aware that there is the possibility of the Town rezoning this area to 6-acres. He states that there are other neighbors who are not present yet who had wanted to voice opinions. This public hearing is adjourned at 7:30 p.m.

A public hearing is opened at 7:30 p.m. on the application of Patricia Komorny for an area variance on Lake Desolation Road. L. Deiss, Lake Desolation Road, states that he has lived in this location since 1968 and is vehemently opposed to this variance in an R4 zone on a pre-existing, non-conforming lot. He states that the applicant wants to put 2 2-story houses on two lots with a combined acreage of 1.38 acre directly across from his property which is 14 acres. He states that he submitted a letter voicing his concerns over this proposal and he has a concern about the trout stream on the property. There are three letters in the file – Larry Deiss in opposition; Thomas and Betty Jane Dingmon, and Albert and Anita Hunt in favor of the variance. T. Conard states that there are two letters in the file from NYS DEC regarding development along a stream.

The public hearing for Joseph Moore is reopened at 7:35 p.m. Vincent Giamusso, Brookstone Drive, states that his primary concern is that the application for a variance seems to be a retrograde maneuver. He states that there is currently 3-acre minimum zoning, and the applicant's request seems to fly in the face of where the Town wants to be going. He understands that there is the possibility that we might be going to 6 acre minimum zoning. He does not want to lose ground on this, he does not want to go back, and he does not want to establish a precedent for other like variances. He states that he does not see any overriding reason why this variance should be granted. He has seen the work that J. Moore does and it is fine work. Darryl Clukey, Wilton Road, states that he just recently moved here and he checked the zoning before purchasing and did so based on that information. He felt that he had a good feeling for the direction that the Town was going and felt comfortable making a purchase and living in this community. He states that the Town seems to be going in one direction and this request seems to be going in the opposite direction. Charles Joseph, Brookstone Drive, states that there were problems in the past with the aquifer where wells were drilled off of Locust Grove Road and as a result of that, Greenfield put a moratorium on building for a while and then created the 5-acre zoning. He is wondering what would change here because we have 15 or so houses in that neighborhood; that there is a lot of rock and that could cause a problem with more wells being drilled; the Town put that 5-acre rule in to protect the Town as much as possible. Jason Petralia, Wilton Road, states that these are all legitimate concerns but also of concern would be the septic systems since they are all on rock. The possibility of things leaching into the water supply would be a concern as well as the amount of water that is up there. He states that the R3 zoning is at minimal best for that area. V. Giamusso gives the Board letters from Peter Hopper and Jeff & Rosemary Tomaso expressing concerns for further development and variances. Kristin Bobear, Westminster Drive, states that the variances requested change the dynamics of the neighborhood. Trees would have to be removed and they would hear more traffic; they have small children and it is a nice quiet setting. Claire Giamusso, Brookstone Drive, states that she also has concerns for the trees being removed and opening up the area to the road and traffic noise. John Berman, Brookstone Drive,

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states that he agrees with all the comments made and states that Greenfield has made a very deliberate decision to stay with larger lot sizes and to start chipping away at that, he thinks, sends us backwards into a whole different kind of community. He states that it undermines the work that has been done before. There being no further public comments, this public hearing is closed at 7:42 p.m.

A public hearing is opened on the case of Clarence Covell for a temporary use variance on Route 9N. There being no public comments, this public hearing is closed at 7:43 p.m.

REGULAR MEETING

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Taylor Conard at 7:43 p.m. On roll call the following members are present: Taylor Conard, Michelle Granger, Paul Lunde, Kevin Veitch and Stanley Weeks. Stefan Strakos, Alternate, is absent. Gerry McKenna, Zoning Administrator, is present.

APRIL 4, 2006 MINUTES:

MOTION: P. Lunde

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of April 4, 2006 as submitted.

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks

Noes: None

NEW BUSINESS

PAUL JASYN – Case #752

Area Variance

Paul Jasyn is present. This is an application for an area variance for a carport and porch addition. A 46' left side yard variance would be required.

RESOLUTION – P. Jasyn, Case #752

MOTION: P. Lunde

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals accepts the application of Paul Jasyn for an area variance for property located at 2 Hoffman Road, TM#135.12-2-65 and schedules a public hearing for June 6, 2006 at 7:25 p.m., contingent upon:

- **Applicant to provide a more accurate map so that the ZBA can grant a correct variance**
- **Completion of SEQRA responses left blank**

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks

Noes: None

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THOMAS & BARBARA ASHBEE – Case #753

Area Variance

Tonya Yasenchak is present for the applicants. This application is for a 59' front yard setback variance and a 3' right side yard setback variance to remove the existing front porch and build a new one. The existing front setback is not going to change. The right side yard setback remains the same. The existing porch is within the official setback. T. Conard questions the measurement to the road.

RESOLUTION – T. & B. Ashbee, Case #753

MOTION: K. Veitch

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals accepts the application of Thomas and Barbara Ashbee for area variances for property located at 3083 Route 9N, TM#138.3-1-7 and schedules a public hearing for June 6, 2006 at 7:25 p.m.

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks

Noes: None

DANIEL NADARESKI – Case#754

Area Variance

Daniel Nadareski is present and is seeking a 2' side yard variance to install a gas fireplace.

RESOLUTION – D. Nadareski, Case#754

MOTION: K. Veitch

SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals accepts the application of Daniel Nadareski for an area variance for property located at 33 Hemlock Drive, TM#150.17-1-44 and schedules a public hearing for June 6, 2006 at 7:25 p.m.

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks

Noes: None

DARREN TRACY – Case#755

Locust Grove Road

Darren Tracy is present for this application. The applicant is seeking area variances for frontage for a proposed 4-lot subdivision. T. Conard states that the hardship is that there is a natural gas pipeline that goes right through the middle of this property. The applicant is proposing 2 shared driveways and the problem being that you cannot put a road through there with the existing gas line right of way. D. Tracy states that he spoke with different representatives from Niagara Mohawk and it is prohibited in that area. He also spoke with Gary Dake who said that they had a very difficult time with the gas lines on their property at Stewart's. P. Lunde asks what the zoning is here. G. McKenna states that it is R1 and that the proposed lots are larger than they need to be. T. Conard states that the applicant was looking at putting in three lots on the one side and has dropped it down to two. G. McKenna points out that two of the proposed lots will share a driveway with an existing lot and that the shared driveways will probably go under the keyhole lot requirement and have to be certified for 50,000 lbs.

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RESOLUTION – D. Tracy, Case #755

MOTION: P. Lunde

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of Darren Tracy for area variances for property located on Locust Grove Road, TM#150.20-1-19 and TM#150.20-1-15 and schedules a public hearing for June 6, 2006 at 7:25 p.m.

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks

Noes: None

JOHN WITT – Temporary Use Variance, Case#756

Lester Park Road

Robert Moran is present for the applicant. T. Conard states that this property is before the Planning Board for a major subdivision. The applicant would like to build a house for the Showcase of Homes but the Code only allows one principle use per lot and the lot has an existing home located on it. T. Conard asks if the existing house will be moved. R. Moran states that their plan is to either renovate or remodel it and move it to one of the lots. He states that it is an interesting house and they would hate to waste it. He states that the Showcase House would be on lot 1. S. Weeks asks for clarification on the plans of where the existing house is located. T. Conard asks for how long they would need the variance. R. Moran explains and states that as soon as the subdivision is approved and the showcase ends. T. Conard states that if the subdivision is approved the house is on a different lot anyway and it won't matter. S. Weeks asks if they are building there now. R. Moran states that they are only doing exploratory excavating at this time.

RESOLUTION – J. Witt, Case #756

MOTION: P. Lunde

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals accepts the application of John Witt for a Temporary Use Variance for property located at 6 Lester Park Road, TM#164.-1-82 and schedules a public hearing for June 6, 2006 at 7:25 p.m.

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks

Noes: None

OLD BUSINESS

GERALD & RHONDA MAHAY – Area Variance, Case#708

Lake Desolation Road

T. Conard explains that this has been ongoing for more than a year and that the applicant is seeking a total frontage variance. Gerald Mahay is present and states that he has a document he picked up from Judge Williams today and that the Jacques will be issued a summons to appear in court to enforce the agreement that was set two years ago, as they have not complied with the Court Order. He is here to ask that the Board table this for one more month. M. Granger asks to look at the document. K. Veitch asks what is to stop the Board from granting it. T. Conard states he would rather not get in the middle of a case. M. Granger states that reply papers are to be served on or before May 12th and they have an opportunity to reply so this is still going to take a little bit longer to resolve. The Judge has basically signed the order to show cause and he is going to request something from them. G. Mahay states that they have not complied with this and it is two years old now. M. Granger states that they have an opportunity to reply to that and the Judge still has to rule on it, whether or not he is going to enforce it. She states that saying that it is going to be resolved by May

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12th is still a little optimistic. G. Mahay states that he spoke with his attorney today in the Supreme Court Judge's office and they asked him to see if he could get it tabled for one more month. M. Granger asks if the attorney or the Judge asked this. G. Mahay states that he spoke with both chambers. He states that C. Radner, the Jacques' attorney, is also at wits end because she is the one who provided the agreement and they still have not signed it. He states that they are in violation of the Court Order and the Judge has no choice but to enforce it. He states that the Jacques did provide him with a copy of the right-of-way and a copy is in the document. That is not the right-of-way that was agreed to in Supreme Court so there is a discrepancy on some of the stipulations. K. Veitch states that the ZBA is on a time clock here and if the Board does not do something, it will be violating the regulations that the Board is controlled under. He states that if the Board does make a decision, they are getting involved in a court case situation. K. Veitch states that the best advice would be for the applicant to pull the application and that if the Board denies this the applicant has to wait a year before he can apply again. If he pulls the application right now, he can come back and reapply when he is ready and it could be a lot quicker. P. Lunde states that if there is a signed agreement it will be very quick. G. Mahay states that he purchased this land 8 years ago. K. Veitch states that if the applicant pulls the application, there is no pressure to keep coming back every month to keep asking. T. Conard states that when the applicant reapplies, the Board will again have to accept the application and then the next month the rule on it. G. McKenna states that it could be in Supreme Court for months. T. Conard states that the ZBA has already tabled this over a year. S. Weeks states that he objects to keep tabling this. G. Mahay states that he is fighting for an old right-of-way that was there, they have agreed to a new right-of-way and now the other party has not complied with the Court Order. M. Granger states that if this is resolved in May, he could get on the June agenda, and then have a public hearing and a decision possibly by July. G. Mahay states that he withdraws his application at this time.

ANTHONY VACCARIELLI – Area Variance, Case #748

Triple J Way

A. Vaccarielli and Loren Brown are present. T. Conard explains that this is a subdivision looking for frontage variances. He reads from the Planning Board referral in the April 11, 2006 minutes giving a favorable recommendation with the understanding that prior to variances being renewed again, the Planning Board wants to take another look to make sure that the project is moving forward. Lot 4 is to have further subdivision so it is not included in this referral. T. Conard reviews that lot 1 needs a frontage variance of 44.59', lot 2 needs the full variance of 225' and lot 4 needs a variance of 163.36'. Loren Brown, representing A. Vaccarielli, states that the construction is almost finished on lot 3 and lots 1 and 2 were part of an existing variance that went on for several years. Through inadvertence, when the time came to renew the application to extend the variance, it was missed by a week. He states that they did go to the Planning Board, advised them of what was going on, the Planning Board considered the whole application and recommended favorably at this time on lot 1 and 2. They will be doing further work with regard to lot 4. T. Conard reviews that the Planning Board had asked that this be tabled until they could meet and go over the subdivision because zoning had changed since that subdivision was originally planned.

RESOLUTION – A. Vaccarielli, Case #748

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals, after reviewing the Planning Board's recommendation, approves area variances for Anthony Vaccarielli for property located at 4434 Route 9N, TM#99.-1-2.12 (lot 1) and 4436 Route 9N, TM#99.-1-2.13 (lot 2) as follows:

- **Lot 1 – 44.59' frontage variance**
- **Lot 2 – 225' frontage variance**

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This is based on the following criteria:

- **This is a pre-existing subdivision and the Zoning Board is restoring the variances, based upon the current zoning**

Discussion takes place that this is a private road and is being developed as a private road. T. Conard states that they do have to do some work on improving it and that is with the Planning Board.

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks
Noes: None

JOSEPH MOORE – Area Variance, Case #749

Wilton Road

Joseph Moore is present. T. Conard states that this is a request to subdivide two lots. He states that, as he said at the last meeting, the ZBA rarely grants variances to reduce the size of lots below the zoning requirements. Also, he is concerned, as are the residents, because he knows the area. Many people have raised bed septic systems because of the situation there. Wells are definitely a problem. T. Conard states that personally he is leaning very strongly against doing this because of the situation there, and why should the ZBA go ahead and grant this? J. Moore states that if it were not for Mrs. Belon who lived in the old house there wouldn't be a Brittany Chase at all. He does not think that it will be a detriment at all and he understands the concerns about the well, septic, etc. If there isn't water there then he will not be able to build a house; if it doesn't perc he will not be able to build and have a septic. He feels that the area on which he wants to build is a perfect building lot – the grade is good, the ground is good, there isn't any outcropping right there. There is some storm water management to the rear of the property and the rear of Brittany Chase that maybe could be improved, and he would be willing to work along with the Town's recommendations for doing something like that to further divert water and make it more manageable. He does not plan on cutting all the trees down. There were concerns about cutting the trees and opening it up to the highway. In his opinion, these are not viable concerns, so he does not think there is a detriment there. He believes that it is going to be all right. T. Conard states that his concern is that the Town has zoned 3 acres there, and he questions whether we really want to divide below that. Brittany Chase was more of a cluster type development. This is a single subdivision and the applicant is creating a lot that is basically landlocked and he states that we try to stay away from shared driveways because very often there are conflicts. He knows that the County is pushing for them because they like to have less curb cuts, but the ZBA has historically not gone along with that. T. Conard comments on the land locked nature of the lot – it's creating a much smaller lot that you really can't get to easily. J. Moore states that he would be the resident in the house toward the road, the one with the road frontage, and he would not oppose or argue any right to that driveway. T. Conard states that should the applicant sell it, a future neighbor might and the Town has to look long term, too. J. Moore states that to respond to the argument about cluster development, to him, topographically in looking at the map it is part of that cluster development that wouldn't even be there if not for Mary Belon who owned the property in question. He states that the house right next door on Wilton Road is part of Brittany Chase, there is no reason why this couldn't be considered part of that cluster development, at least topographically. He states that he is not breaking it down any smaller than their lots are and is not asking anymore than what they have. M. Granger states that she agrees with T. Conard and she has a concern in terms of going below what actually is in the Zoning regulations. Part of what the Zoning Board has to do is to try to support the Comprehensive Plan of the Town of Greenfield; right now we are at the three-acre lot size and that is the nature in which the Town is moving, to maintain larger lots. She thinks that there are a lot of concerns with the impact in terms of the environment there. Regarding his reference to the Brittany Chase development that is there, that was back in 1991. While the applicant may say that he is tacked onto that, we are zoned differently at this point in time. J. Moore states that he believes that variances are given, he has heard them given himself, and he thinks it is in the best interest of everybody involved to fix the old house. He is not

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going to be able to do it as fast as he would like to unless he is able to build a spec home there, unless the residents of Brittany Chase would like to pitch in for that renovation as it would certainly benefit them. P. Lunde states that the biggest issue he has is whether the request is substantial and he believes that it is. S. Weeks states that he also believes it would be a substantial change to the Zoning regulations that we have now. He also states that he hates shared driveways, but it is substantially different from the Zoning regs. J. Moore states that he did not think it was substantially different than what was going on around it. P. Lunde states that does not come into play in the ZBA's decision, other than changing the neighborhood. The ZBA basically has 5 questions that they legally have to answer and one is whether it is a substantial change to what the zone is and the applicant is asking for 50% difference of what the zone is. J. Moore asks what if he went two and two, would that make a difference to the Board? T. Conard states that it would not for him. In the new plan, it looks like the acreage is going to be larger in that area than smaller and that is basically based upon the Town's Comprehensive Plan that the entire community participated in. T. Conard explains what is being proposed in the Comprehensive Plan. He reiterates that with the soils and the rock in the area, he would prefer not to go below the zoning. He questions whether the applicant could build there. M. Granger asks if the main reason the applicant is asking for the subdivision is a financial one to renovate the existing house. T. Conard states that would make it more of a self-created hardship which is not something that the ZBA can rule on. The ZBA can rule on hardships, but they cannot be self-created. M. Granger states that is not the sole determining factor, but the applicant stated it is something he can still do but not in the timely manner he had initially hoped to do. She states that would be part of the criteria for the ZBA to look at – whether there are other options available that are feasible to the applicant. P. Lunde states that feasibly the applicant could rip down the old house and build a new one. M. Granger states that these are criteria that the Board is bound by in terms of the State and when she looks at the criteria in terms of alternative means to make what he wants to do feasible, there is an alternative means for the applicant. He stated it was a self-created difficulty and he is asking a substantial variance. J. Moore states that he had a different feeling last time he was here. K Veitch states that the applicant has a good plan; it is just not a good location. J. Moore states that he totally disagrees.

RESOLUTION – J. Moore, Case#749

MOTION: P. Lunde

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals denies the application of Joseph Moore for area variances for property located at 374 Wilton Road, TM#126.-1-31.1, based on the following criteria:

- **Benefit can be achieved by other means**
- **The variance request is too substantial**
- **This is a self-created hardship**

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks

Noes: None

PAUL & PATRICIA KOMORNY – Area Variance, Case#750

Lake Desolation Road

Patricia Komorny is present and states that she purchased this property 28 years ago. She states that the house is not going to be near the bank of the brook and according to ENCON, as long as she is not disturbing the brook, there are no setbacks. M. Granger states that when she looked at the property and measured, it looked to her as if the back part of the proposed house in relation to the brook, would be within the 50' in terms of the bank. P. Komorny states that she was told that if there was no disturbance to the brook, she understood that there were no setbacks. G. McKenna states that is what DEC told him. P. Lunde asks what the Town code is. G. McKenna states that there are setbacks for wetlands, it doesn't really talk

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about brooks. The setback for a septic is 100' from the high water mark of the stream, but the actual building, Walt Hayes told him is not 100' - that is not one of their rules. He states that streams are not necessarily wetlands. M. Granger states it is not that far and the drop off on the bank is incredibly steep. P. Komorny states that is going to be filled in. T. Conard states that it cannot be filled in, that would be disrupting the flood plain. The house will be right on that bank. Should there be a major flood or major erosion, you could erode right into the house. P. Komorny states that they originally had it over, but didn't want it right next to the dogs when they did the setbacks according to Town code. In conversation with G. McKenna, they thought they could move the house over so that the dog kennel wasn't right in her backyard. M. Granger states that she does not see how it is possible to build without disturbing the bank. S. Weeks refers to the information from DEC which states that you cannot change, modify or disturb the stream, its bed or its banks, and then they define the bank as coming 50' away from the high water mark of the stream. G. McKenna states that is not what Walt Hayes told him. He states that DEC is the enforcing body and that is what they told him. He states he is as confused. S. Weeks states that he drove by and it is too close. Jim Bruchac, representing the Environmental Commission, states that they have had this discussion also and they are trying to push for clearer setbacks. S. Weeks states that the definition seems to be fairly clear. G. McKenna states that W. Hayes is the person he was referred to by others at DEC and he was very confused. He always thought it was 100'. T. Conard reads from the DEC information and the term 'high water line' is discussed. It talks about a maximum and the Board feels that information is poorly worded. G. McKenna states that it is very gray and leaves it open to interpretation. P. Lunde asks if the house is moved within the side yard setback, what would that do to the septic system? G. McKenna states that because of the stream, the septic system is pretty much where it is, there is no choice. P. Lunde asks what is the least amount of variance we could get on the side. L. Deiss states that this is an R4 zone, not R1. T. Conard asks if the septic area has been tested. G. McKenna states that it has not to his knowledge but it will have to be done when it comes time to build anyway. K. Veitch questions moving the dog kennel, then they could slide over and have less variances. S. Weeks comments that then the lot size would be adequate. G. McKenna states that it is very tight. T. Conard explains that this is a pre-existing lot. L. Deiss states that it is a pre-existing, non-conforming lot. T. Conard states that is correct, but any pre-existing, non-conforming lot before zoning is allowed to build on it if they can. He states that before zoning it was a pre-existing lot - it was in existence before zoning - is considered a legal lot and that is the law. He states that the ZBA is looking at this from that standpoint. T. Conard states that he is not exceptionally pleased with putting a home near a bank and a stream, however. There are a number of issues that concern him. S. Weeks asks if this is considered a flood plain. G. McKenna states that it is not a FEMA flood plain. Discussion takes place about reconfiguring the house locations. G. McKenna explains that the flood plain area in Greenfield is only around the Kayaderosseras and Lake Desolation. P. Lunde asks the applicant if it really matters where the house is located. P. Komorny states that she was trying to accommodate her daughter because she didn't want her back door facing the kennel. They thought it would be better over further. K. Veitch asks how hard it would be to move the kennel. P. Komorny states that they cannot move it; it is cemented in the ground. T. Conard states that this is a lot of use for this land. M. Granger states that she believes that by the time the applicant gets excavation equipment in there they are going to disturb the banks. P. Komorny states that A. Dejnozka has a bridge and that it should not be a problem to bring in heavy equipment through his driveway. P. Lunde states that the Board would like the applicant to request the least amount of variance that they can give. He states that it looks like the applicant could put a house on that lot with just a frontage variance. K. Veitch states that this is a difficult property and asks if the applicant would bring the Board back a different proposal. He states that the applicant would want the minimum impact by using variances. He states that if the applicant could eliminate the right side yard variance and put it somewhere that it will fit, then the Board would be giving the least amount of variance. P. Komorny states that she does not think that will be a problem. P. Lunde states that if she can put it to code, the applicant does not need to even come to the ZBA. T. Conard states that the real problem is that right now the applicant is using that land as an extension of the smaller acreage by putting the dog kennel there and that is what is causing the problem.

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RESOLUTION – P. Komorny, Case #750

MOTION: P. Lunde

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals tables the application of Paul & Patricia Komorny for property located at 147 Lake Desolation Road, TM#149.-1-56 to the June 6, 2006 meeting.

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks

Noes: None

CLARENCE COVELL – Temporary Use Variance, Case #751

Route 9N

Clarence Covell is present and is requesting a temporary use variance to live in his existing mobile home during the construction of his new home. C. Covell states that he does not believe he would need more than 30 days, the survey has been completed, they are waiting for the closing and hoping to have the building permit shortly. G. McKenna suggests that the applicant should be granted a year's variance.

RESOLUTION – C. Covell, Case #751

MOTION: P. Lunde

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals grants Clarence Covell a Temporary Use Variance for the purpose of replacing a mobile home with a modular home, for property located at 4198 Route 9N, TM##112.-1-83 as follows:

- **Temporary Use Variance to expire in one year (May 2, 2007)**

This variance is contingent upon:

- **Mobile home to be removed 30 days following issuance of Certificate of Occupancy**

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks

Noes: None

DISCUSSION

T. Conard thanks K. Veitch for the information cards he provided to the Board and M. Granger for the sample applications for the Board to look over to see if we may be able to adopt them to our use. K. Veitch suggests that the questions should come directly from the information cards. M. Granger states that the City of Saratoga Springs has those questions on their application on their website. K. Veitch states that the City also has the applicant do all the paperwork – copies, mailings, etc. He states that with the amount of applications coming through it would be less for R. Rowland to do. P. Lunde states that at the same time, requiring that could force people not to come to the ZBA and just do things anyway. He states that has happened in the past. M. Granger states that she thinks that one thing that is really good that this Board does is that we take responsibility for mailing out the notices to surrounding neighbors. G. McKenna states that some places with their computer systems, get a printout and computer labels of all the addresses within 500'. R. Rowland states that these are usually 500' from the center of the subject lot.

S. Weeks states that one issue he would like to comment on, because he was before the Planning Board a couple of months ago and it became really obvious to him, is that when the applicants are at the table with their back to the public, no one out there knows what is going on. He would like to have applicants,

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when we have a public hearing, put their plans up on the bulletin board, discuss it for a couple minutes and then let people comment on it. T. Conard comments that the plans are available in the office prior to the public hearings. S. Weeks states that the Board should check out how Milton does it. P. Lunde states that the applicant does not have to stand at the table, the Board could ask them to stand elsewhere. R. Rowland comments that the only problem with that is that if we are trying to record what they are saying, they have to stand close. T. Conard states that some of the plans are very small. R. Rowland states that there are many times, for public hearings, when people have not come in and looked at the file. They are told in the public hearing notice that it is available but they come in the night of the meeting asking where the property is, etc. S. Weeks states that it does not come across well when the public feels left out and he states that he is determined to fix that.

S. Weeks comments that on May 11, 2006 the Town Board will be having a meeting on storm water management and the MS4 regulations. They will be discussing the catch basin issues and how to charge people. G. McKenna states that it is going to be very expensive for some. T. Conard states that you do not want the whole Town to have to pay for these. He states that there are different ways to handle maintenance costs.

Meeting adjourned 8:55 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary