

TOWN OF GREENFIELD

ZONING BOARD OF APPEALS

JULY 5, 2006

PUBLIC HEARING

A public hearing is opened at 7:25 p.m. on the application of William Bokus for area variances to build a house on Barney Road. T. Conard reads from the Planning Board referral of May 30, 2006 stating that the Town has concerns regarding outstanding issues with drainage and that the applicant should work with the Town before any approvals are given. There being no public comment, this public hearing is closed at 7:27 p.m.

A public hearing is opened at 7:27 p.m. on the application of MaryAnn Dogias for an area variance. There being no public comment, this public hearing is closed at 7:28 p.m.

A public hearing is opened at 7:28 p.m. on the application of Carl & Ricki Arciprete for an area variance. There being no public comment, this public hearing is closed at 7:29 p.m.

A public hearing is opened at 7:29 p.m. on the application of Tom Merrills, Jr. for area variances to build a home on Lake Desolation Road. T. Conard reviews that there are several variances being requested on this application. Al Hillmeyer, Lake Desolation, states that he has no problem with the applicant building a home, but is concerned with the septic system. Matt Dorsey, representing neighbors, Naomi and Michael Baker, states that they believe there will be an undesirable change to the neighborhood and detriment to the nearby properties. The neighborhood is comprised of small one-story camps and vacant rural land. He indicates that there is no height mentioned on the plans with regard to the residence or shed. The application states that it will be an "impressive addition to the lake" so it is likely that it is not a small, modest, one-story camp and the shed appears to be penciled in and has no dimensions with regard to its footprint or height. He states that both of these structures will impair his clients view to the lake. M. Dorsey believes that there are feasible alternatives for the applicant to pursue rather than variances. He suggests that T. Merrills could potentially purchase land from his neighbors, which could minimize or eliminate the need for the variances by building the home further up the hill from the lake. He states that the application reveals no effort to consider alternatives or this particular alternative. It is an odd shaped lot and the applicant could build the home on the back part of the parcel and there is no evidence in the application that he considered this alternative either. M. Dorsey states that the area variance is substantial and he reviews the percentage for each variance over the requirements, ranging from 25% to 87%. He states that each variance is significant of itself and collectively quite substantial. Regarding adverse effect on the physical and environmental conditions of the neighborhood, M. Dorsey states that the applicant has already done a significant excavation of the site and he provides some photos, which were taken by his client. He states that the date on the photos is incorrect as they were all taken within the past two weeks or so. M. Dorsey states that the photos show that there is some significant excavation, which has extended right up to the edge of the Baker's property. He indicates that the red lines, which are tagged with red flags, indicate the property lines. Significant rock has been uncovered at the excavation and the site of the proposed leach field. There is a concern for hammering or blasting that might be potentially detrimental to wells and foundations. M. Dorsey states that there is also a deck and dock on the lake where T. Merrills entertains friends with a number of cars parked along the lake creating a traffic hazard. If he builds the home this could, if not increase, certainly continue. Regarding whether or not this is self-created, M. Dorsey states that it is. M. Dorsey has been informed that there was a small camp located roughly where the proposed house is to be when T. Merrills purchased this property in October of 2004. After purchasing it the applicant demolished it thereby eliminating any

July 5, 2006

prospect of renovating or adding to that property. All setbacks were in place at the time of the purchase. M. Dorsey states that beyond the 5 tests, there is the question of practical difficulties. Perhaps the most significant would be the issue of the proposed septic tank/pump stations uphill line to the leach field which would be in a rocky area. He states that he was informed by the Building Inspector that there was a proposal to the Town Engineer with respect to the specifics of the septic system and he does not know the status of that. It would seem to him that given the concerns it would be improper to make a decision before hearing what the Town Engineer has to say about the septic. M. Dorsey states that the proposed variances arguably fail each of the 5 tests and that there is a very good argument that this should not be granted. T. Conard states that there was a recommendation from the Planning Board that they have concerns that a septic system can be put on this property and that the options for a septic system should be reviewed. That information will have to be provided for the building permit process. The Town Engineer had a concern for a location with less than a 15% grade. M. Granger asks M. Dorsey if the previous camp blocked the view of his client. Naomi Baker states that it did not block their view, it was smaller. M. Dorsey states that there was originally no shed on the property. Tom Hornbach, Lake Desolation Road, states that he has been there 15-16 years. When T. Merrills purchased the property and had a survey done, it was found that part of T. Hornbach's deck and leach field were on T. Merrills property. He states that he built the deck with the understanding that he was on his own property. He states that he is not opposed to T. Merrills building his house, he is concerned that it appears that his house is 3' away from the property line and that there not be a negative impact on his leach field. T. Merrills states that T. Hornbach does not have a leach field but a 55-gallon drum with stone, which he uncovered during his excavation, and that if T. Hornbach applies for any permits, he will have to have that checked. T. Hornbach states that his concern is of a negative impact on himself if this is approved and he were required to move his septic and in that case he would ask the Board to give him time to have his own survey. There being no further public comment, this public hearing is closed at 7:50 p.m.

A public hearing is opened at 7:50 p.m. on the application of Jelenik Construction for an area variance. Marie Lawrence, Braim Road, reads from a prepared statement that originally Jelenik Construction was going to apply for a 3-lot subdivision and the land has all been cleared for three homes. She is still opposed to the two homes because this is compacted construction and unlike any other property on Braim Road and most of the length of Daniels Road. She believes this will greatly affect the look of the entire street and negatively impact every home on Braim Road; that the clearing will increase the noise; and she is concerned with water quality. She comments that they have shown irresponsible construction practices by leaving fires burning unattended, there are large holes in the ground, which are unsafe, and it looks terrible. She states that she understands that the applicant lost the buyer for the property and is concerned that it is now going to stand there as is. She would look forward to seeing 1 nice home on this property to match the neighborhood. Steve Toussaint, Daniels Road, states that he has lived there for 30 years and agrees with M. Lawrence's comments. He notes that the applicant has an insignificant amount that he is shy of land for two houses, but in the last couple of months he has attended several meetings of the Zoning Commission which is reshaping the zoning laws of the Town and at several times he has heard that what we need to do is enforce the laws that we have and not be so free with variances. He states that it does not appear to be a hardship and the builder can build what he chooses at whatever price the market would bear. He has heard the discussion that the applicant is only a little bit shy, and he, S. Toussaint, is only a little bit shy of 6 acres and he asks how much is 'a little bit'. He states that the Board should not sway for an insignificant amount, but should try to support the zoning laws that are in place. He comments that the Zoning rewrite committee had suggested lowering the acreage in this area and now is apparently reconsidering that. As a solution he suggests that there might be adjacent land that the applicant could acquire. In addition there is the concern with traffic and that a study was done that 400+/- cars per day travel that bypass to Saratoga. It is a dangerous road – it is not laid out, designed or constructed to bear the traffic that it gets currently. He comments on the amount of traffic generated by the soccer field, and the proposed additions to Polo and Skidmore. There are also many bikers, joggers and walkers, and he comments on the speed limit. He also has a concern for the water levels for the wells in the area and that the cellar hole has water in it. The area is on clay and leaching is a problem. He states that several years back there were some perc tests done and that they were not successful. T. Conard reads from the Planning Board's referral that there are some known

July 5, 2006

engineering issues here. There being no further public comment, this public hearing is closed at 8:03 p.m.

A public hearing is opened on the application of William Dennison for a temporary use variance, and it is noted that the area variance application has been withdrawn. There being no public comment, this public hearing is closed at 8:04 p.m.

REGULAR MEETING

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Taylor Conard at 8:04 p.m. On roll call the following members are present: Taylor Conard, Michelle Granger, Kevin Veitch, Stanley Weeks and Stefan Strakos, Alternate. Paul Lunde and Gerry McKenna, Zoning Administrator, are absent.

JUNE 6, 2006 MINUTES:

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of June 6, 2006 as submitted.

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

Noes: None

Absent: Lunde

NEW BUSINESS

KEN BRIELL – Area Variance, Case #765

Forest Road, Lake Desolation

Ken Briell is present. T. Conard reads from the Planning Board's referral and explains the changes proposed for the new zoning concerning septic in the Lake Desolation area. K. Briell asks how he would document that. M. Granger states that perhaps G. McKenna can recommend something. K. Briell states that he has spoken with G. McKenna and that he did make a recommendation. T. Conard states that this is not the law yet, but it looks as though the Town is going to be getting stricter, and the ZBA is not going to base their decision upon that. K. Briell states that his property is approximately 250' from the lake and anything would flow away from the lake.

RESOLUTION – K. Briell, Area Variance

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of Ken Briell for an area variance for property located on Forest Road, TM#135.7-6-5 and sets a public hearing for August 1, 2006 at 7:25 p.m.

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

Noes: None

Absent: Lunde

July 5, 2006

DARREN & LISA TRACY – Area Variance, Case # 766

Daniels Road

No one is present for this application. T. Conard reviews that the applicant is requesting a 65' height variance for a wind generator. Discussion takes place that there is no site map and there is a question of the proximity to the power lines running through this area. Question arises as to any DEC requirements.

RESOLUTION – D. & L. Tracy, Area Variance

MOTION: K. Veitch

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals accepts the application of Darren & Lisa Tracy for an area variance for property located on 235 Daniels Road, TM#152.-1-12.2 and sets a public hearing for August 1, 2006 at 7:25 p.m., contingent upon:

- **A site plan with measurements locating the tower and proximity to the boundary lines and neighbors**

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

Noes: None

Absent: Lunde

Al Hillmeyer asks if the Town of Greenfield is going through with the towers on the ridge. T. Conard states that there is a company with a proposal to do multiple towers on Finch Pruyn land. He states that this application is for a private property.

OLD BUSINESS

WILLIAM BOKUS – Area Variance, Case #758

Hi Trek Drive

William Bokus is present and is requesting area variances to build a house. T. Conard confirms that the applicant is trying to build a house at the back of the lot and asks if this is a better location. W. Bokus states that the gentleman next door has a mobile home and several vehicles around. He is trying to build an upscale development, this is the highest part of the lot and he is trying to give a nice view to the home. S. Weeks asks about the problem with the drainage, erosion, etc. W. Bokus states that he does not know of a problem, he was not aware of any problem. The retention pond is only for the road - the water that drains down the road, the two ditches down either side of the road. He explains on the map. He states that it is only designed to be 1' deep and there is a pipe, outfall, right opposite the Town's pipe. He states that this was constructed according to engineered plans and that they got money from the County to do all this work. He states that there was a little sand in there and the Town cleaned it out. S. Weeks asks if the easement is for the Town to clean it out. W. Bokus states that it is not. If it were going to be a Town road, it would be for the Town to clean it out, but since it is his road, he has to maintain the easement. M. Granger states that when she visited the site it looked like there was tremendous erosion down both sides. She indicates the areas on the map and states that it does not look like the detention basin is really doing its job and it looks like the pipe is partially plugged. S. Weeks states that the erosion is along the side of the road all the way down and along the other side of the property, and it looks like nothing gets diverted into the basin. He states that he thinks that is what the Town's and the Town Engineer's concern is. W. Bokus states that sometimes the grates get covered over from leaves, etc., and with the amount of rain that we have had, there are problems all over Town, its not like it is a drainage issue. M. Granger states that the applicant stated that he was not aware that there was a problem, but the minutes provided from the Planning Board indicate that A.

July 5, 2006

Janik and W. Barss have had conversations with the applicant regarding the drainage issues. S. Strakos states that he heard that it was inadequate. W. Bokus states that he has had no conversations with A. Janik or W. Barss. The only conversation he had was with Mark Young, who said that they were going to clean it out. He reiterates that it is not inadequate. It was engineered, and accepted and approved by the Town. S. Weeks states that his concern is that another house up there is going to increase the problems. He would like to see the applicant have the conversations with the highway department and the Town Engineer to make sure that everyone is on top of the issue before giving the applicant the variance to build another house. W. Bokus states that with all these people who seem to have a problem, no one has addressed it to him or asked him. He does not want to loose another month for building. He states that he will clean the ditches, that is his job, it is his road and he has no problem doing that, but he does not see why this should hold up his permits for an area variance as one thing has nothing to do with the other. S. Strakos asks if anyone has tried to get a hold of the applicant. W. Bokus states that they have not. S. Strakos reads from the Planning Board minutes. W. Bokus states that this has nothing to do with the Town Supervisor. If anyone, it should be the Highway Superintendent, if there is a problem. T. Conard states that it sounds like the Town has tried to contact the applicant. He states that he has a concern with public safety on the road if water is going across the road. W. Bokus states that there is no water going across the road. S. Strakos asks if the applicant would be willing to work with the Town if they ask him to make some changes. W. Bokus states that he is, if they are changes that are in the plans. T. Conard refers to the 5/30/06 Planning Board meeting regarding the flooding on Barney Road. W. Bokus reiterates that no one has asked him to do anything or tried to contact him. Discussion takes place regarding the size of the pipes and W. Bokus states that perhaps the Town's pipe is not adequate to take the amount of water. T. Conard states that the water may not be going into the retention pond. W. Bokus states that there is not that much water that comes down the road and it is going into the pond. K. Veitch questions that if the applicant did not realize that there was a problem and if he knew there was an issue, he would have taken care of it. He asks if the applicant has a problem with a condition on the variance that he will conform with the Town Engineer's recommendations to make whatever improvements need to be made. W. Bokus states that he does not want to change the whole design of the subdivision. K. Veitch states that this is about the drainage issues on the side of the road, and that the Town will probably make him do a better-designed culvert off the side with some type of stone, allowing the water to flow without undermining the road. K. Veitch states that he does not believe the Town is trying to make the applicant change it, they want it improved. W. Bokus states that he will agree to make the original design work. S. Weeks states that he would not give approval unless the applicant agrees to work with the Town Engineer to correct the drainage at this site. W. Bokus agrees.

RESOLUTION – William Bokus, Area Variance

MOTION: M. Granger

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals grants William Bokus area variances for property located at 71 Barney Road, TM#149.-1-97 as follows:

- **21' Front yard setback variance**
- **7' Right Side yard variance**
- **21' Rear yard variance**

This variance is contingent upon:

- **The applicant should conform to the Town Engineer's recommendations regarding storm water drainage issues.**

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

Noes: None

Absent: Lunde

July 5, 2006

MARYANN DOGIAS – Area Variance, Case #759

Hovey Road

MaryAnn Dogias and Craig Jenkins are present. C. Jenkins states that there was a discrepancy in the original application which was completed by his brother-in-law. He states that it is one parcel of 5.72 acres and they would like to subdivide into one 3-acre lot and one of 2.72 acres. M. Granger asks about the deed discrepancy. M. Dogias states that she had thought that, but she found her deed and it is all in her name. C. Jenkins states that they will get a survey. T. Conard states that this area may be going to 6-acre zoning, and he is looking at the trend and even though it is not a substantial difference, he hates to make more substandard lots in the area. K. Veitch comments on the corner lot having access on two roads.

RESOLUTION – MaryAnn Dogias, Area Variance

MOTION: S. Weeks

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals grants MaryAnn Dogias an area variance for property located at 6 Hovey Road, TM#125.-2-43.13 as follows:

- **.28 acre area variance for acreage**

This is based on the following criteria:

- **This is not a substantial request**
- **No adverse physical environmental effect**

K. Veitch states that he understands where the trend is going, but he does not feel comfortable making assumptions that it is going to go that way. A lot of things could change.

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

Noes: None

Absent: Lunde

CARL & RICKI ARCIPRETE – Area Variance, Case #760

Grange Road

Carl Arciprete is present and is requesting a 40' rear yard variance for a pool. K. Veitch asks the size of the property. C. Arciprete states that it is 210' x 210'. S. Weeks asks if the pool will be far enough from the house to meet code. C. Arciprete states that it will be and will also be far enough away from the well. K. Veitch asks what is between this property and the neighbor's. The applicant states that it is wooded and that he may be moving the pool closer to the garage and away from the house, but it will still be 10' away from the property line. He has cleaned up more of the property since he drew the map for the application so it has opened up more area for the pool. The reason for the variance is that the house is set so far back on the property.

RESOLUTION – C. & R. Arciprete, Area Variance

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals grants Carol & Ricki Arciprete an area variance for property located at 350 Grange Road, TM#151.-2-49 as follows:

- **40' Rear Yard Setback Variance**

July 5, 2006

This variance is based on the following criteria:

- **No negative impact to the neighborhood**
- **No substantial change**

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

TOM MERRILLS, JR. – Area Variance, Case#761

Lake Desolation Road

T. Merrills, Jr. is present. K. Veitch asks why the shed is located where it is. T. Merrills states that he had no garage and in speaking with G. McKenna he suggested that the applicant seek the variance at the same time so they just drew it in. He shows the Board a photo of the house that was located on the property, it was a 2-story colonial, it was not safe and it was leaning to where he was concerned that the snow would take it down the hill. T. Merrills has photos taken this morning of the property and states that the reason for the excavation was to uncover the rock to see whether it was a ledge or a boulder. He understands that it is a boulder and it is not detrimental to take it out of there. K. Veitch asks when the survey was done. T. Merrills states 3/1/06. He explains that the surveyor had stated that this is the only survey that follows the actual road; there were no discrepancies between the deeds. The surveyor had stated that the other surveys filed did not follow the road. K. Veitch asks the dimensions of the old house and if it had full height floors. T. Merrills states that it was 24 x 24, was full height and was built on top of the stone. The new house will be 24 x 36. As far as the view, T. Merrills states that the view only came into effect when he took the place down. He states that he has been working with the understanding that this is a buildable lot. He states that he has had the engineer and a soil scientist out there. He is willing to provide whatever the Board would like. T. Conard states that the septic system will be part of the building permit process. T. Merrills states that as to the front setback, he is further back than his neighbor. T. Conard comments that this is the largest part of the lot and if he were to build further back he would actually have a smaller lot. The shed is discussed and T. Merrills states that if it is a problem he will eliminate it. T. Conard states that will eliminate all the variances for the shed. T. Merrills states that once the house is in place the back will fill in again almost 8'. As deep as it looks he was only trying to deal with the problem of the rock. S. Weeks asks why the excavation was so close to the next lot. T. Merrills states that there were two boulders – one was where the house was sitting and then a piece of another one was near it. He was not there when it was done, but believes that the excavator was just trying to uncover the rock to show what had to be dealt with, but did not understand that it did not need to be done that far over as there was to be no foundation under the shed. S. Weeks asks about the driveway. T. Merrills states that is the original driveway. K. Veitch asks if there aren't a lot of trees behind T. Merrills property. T. Merrills states that there are and shows photos taken from his lot toward the Baker's camp and from the road toward the Baker's camp. S. Strakos questions the trees that were taken down. T. Merrills states that he did not take down any trees and as far as what the neighbor's photos indicate, he found some stumps sitting along the property line, but did not find the trees in the neighbor's photos. K. Veitch asks M. Baker what kind of trees they were. M. Baker states that two beech trees were knocked over during the clearing, and that the stumps were from a tree he cut up and placed as a barrier along the property line. K. Veitch states that he is not seeing much of a view and questions that if the Board grants the variance, do the Baker's want some kind of buffer, tree line, something that would give them less view of the house. M. Baker agrees. M. Dorsey states that T. Merrills had indicated that the former house was 24 x 24, with no deck, and the proposed house, with the deck, is 48 x 29, and that is why he believes such significant setbacks are being requested and reiterates his thought that they are substantial. T. Conard states that the Board deals with a lot of substantial setbacks in Lake Desolation and this is not uncommon for

July 5, 2006

the Board, because it is a collection of very small camps and very few of them can meet any of the setbacks on any side. He states that it is a pre-existing condition. It is not a good pre-existing condition, but it is pre-existing and that the Board deals with this every time anyone wants to do something up there. M. Dorsey states that they understand that but asks the Board to keep in mind that the applicant is going from 24 x 24 to 48 x 29. T. Conard states that the deck is not living space and asks if it is covered. T. Merrills states that it will be a covered porch, a wrap-around porch. S. Weeks states that would add to the obstruction. T. Merrills questions why the Baker's would then want a buffer. K. Veitch states that he does not know how much of an obstruction there is. When you go up there, there are a lot of trees and he thinks that, not that they had much of a view of the lake, that what they are concerned about is that they do not want a view of the house. He suggests that regardless of what the applicant puts there, to be a good neighbor and to keep the peace, it seems that there needs to be some time and money spent on some type of row of evergreens. T. Merrills states that he has no problem with that and that the attorney had said that they were losing view with the shed. K. Veitch states that the view is going to change and they are concerned with how it is going to impact their property. Discussion takes place regarding the trees to be planted, and T. Merrills states that he would be willing to put up a row of some type of 6' fir or pines. M. Dorsey states that his clients are happy that the shed has been removed, but do not want it understood that as soon as there is a buffer, they are ok with it. One of the issues that they have is the footprint and the substantial nature of the setbacks. He states that there will be a significant adverse change to the neighborhood of small rural camps. T. Conard points out the tavern right next door which is twice the size of the proposed house, so as far as an argument that it is changing the nature of the neighborhood, it may not be, because that is a substantial structure literally next door. K. Veitch states that one of the things that needs to be considered is the reasonable use of the structure. In looking at the way the land is laid out, other than the driveway going up there is not a lot of land that the applicant could say was a yard, there are some pretty steep inclines there before it gets to the Baker's property. T. Merrills states that he feels this will be a nice addition to the lake. M. Dorsey comments on the alternatives that could be considered and one of the alternatives that he proposed was the purchase of additional land from the neighbors, Dwyer, and that the applicant did not mention that. T. Merrills states that he bought everything along the side of the bar other than the Baker's property and did try to purchase from the neighbors in the past. M. Granger states that it would not be feasible to build further back given the steep rise. She agrees with T. Conard in that this is not an undesirable change in the neighborhood given what already exists there. S. Weeks states that once the shed is no longer in play, he does not see that this will have an adverse physical or environmental effect either. S. Strakos states that as long as the applicant puts up the buffer of trees. T. Merrills states that he will put in the trees as far as the Baker's would like, however, they probably won't be able to see any of the lake then. T. Conard states that the buffer would be of the house and to leave the area of the eliminated shed for view of the lake. T. Merrills indicates in a photo the trees that currently exist there. T. Conard reiterates that the septic needs to be dealt with at the time of the building permit process. T. Hornbach reiterates that he is not opposed to T. Merrills building he is just concerned about how this will affect him. T. Conard states that the Board's decision does not directly affect T. Hornbach but if the survey shows that his deck is on T. Merrills property, it is T. Hornbach's problem. The Board cannot do anything about that regardless of what decision they make. S. Weeks suggests that T. Hornbach get his own survey.

RESOLUTION – T. Merrills, Jr., Area Variance

MOTION: K. Veitch

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals grants Tom Merrills, Jr. area variances for property located at 502 Lake Desolation Road, TM#135.11-2-9, for the house only, as follows:

- **70' front setback variance**
- **20' right side yard variance**
- **12.5' left side yard variance**
- **45' rear yard setback variance**

July 5, 2006

These variances are contingent upon:

- **Shed is not to be built**
- **Buffer of evergreens along the boundary line to block visual impact from the neighbors property to the structure being built**

This based on the following criteria:

- **There is not another means feasible to the applicant to accomplish this**
- **No undesirable change to the neighborhood character or to nearby properties**

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

Noes: None

Absent: Lunde

JELENIK CONSTRUCTION – Area Variance, Case#762

Daniels Road

Dave Jelenik is present and asks to be enlightened on what direction the zoning is going towards. T. Conard gives a brief overview of the discussions that have taken place and that this is still a 3-acre area and it might possibly go larger and not smaller. D. Jelenik explains that this is a 5.899-acre parcel that he would like to subdivide into a 3-acre lot and a 2.899-acre lot. He explains that they have applied for a building permit for the entire lot as it is now and they are in the process of building one home on that lot set in the front half and would not require any variances to build on that lot or on lot 2. He has still to go to the Planning Board for subdivision approval. One entrance will be on Braim Road and the other on Daniels Road. K. Veitch asks the size of the house and cost. D. Jelenik states that the first is 2800 square feet and approximately \$600,000 with the second being similar in size and value. S. Strakos asks if the applicant has entertained the idea of building one home. D. Jelenik states that the actual acquisition price of the land prohibited him from doing that. He states that he originally had a prospective customer for the entire parcel, which is why he entered into the contract to purchase the property. He states that this is not an easy parcel to develop and there have been additional costs involved with the septic that he had not anticipated. K. Veitch states that his question was based on the neighbors' concerns about what kind of house is going to be in the neighborhood. S. Weeks asks what the comment about compacted home construction meant. K. Veitch states that he thinks that what they were trying to say is that they are trying to put too much on the lot. Discussion takes place that going from this lot towards Route 9 the houses are spread out somewhat, but going in the other direction towards Locust Grove Road and then towards Route 9N, they are much closer together. K. Veitch comments that it appears that the second house could be hidden. D. Jelenik indicates where they would like to place it, that they have kept a tree buffer with Daniels Road and that this parcel abuts the power line. K. Veitch comments on the public hearing comment regarding this being unsightly and that it is a construction site. He also comments that this will only be 2 homes, not adding a great deal to the traffic in this area. S. Strakos asks about landscaping. D. Jelenik states that is not part of the contract, it is up to the buyer and that he tries to keep as much natural vegetation as is worthy of keeping. He states that the lot had a lot of Locust on it. K. Veitch states that it is pretty well treed with some nice trees. D. Jelenik states that it would have been denser, but they couldn't put the septic where they had originally planned and that the DOH is involved with this. M. Granger states that she thinks that the types of homes being proposed are in keeping with the neighborhood, and she agrees with the discussion regarding the present density of the area. D. Jelenik states that they have fully engineered this for the subdivision and that they have no sight distance issues in either direction.

July 5, 2006

RESOLUTION – Jelenik Construction, Area Variance

MOTION: S. Weeks

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals grants Jelenik Construction an area variance for property located at 255 Daniels Road, TM#152.-1-12.13 as follows:

- **.101 acre area variance for lot 2**

This based on the following criteria:

- **No undesirable change to the neighborhood character or to nearby properties**
- **The request is not substantial**

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

Noes: None

Absent: Lunde

WILLIAM DENNISON – Temporary Use Variance, Case #763 and Area Variance, Case #764
Brigham Road

Tiffany Dennison and her father-in-law, Will Dennison, are present. T. Conard reviews that this is for a temporary use variance and that the area variance has been withdrawn. W. Dennison states that his son had not measured correctly. K. Veitch asks if the dam to the rear of the property bothers them. T. Dennison states that they are fighting it everyday and that her husband is putting in a new culvert. K. Veitch asks if DEC has been back there and if they are trying to get it minimized. W. Dennison states that he has never bothered with it because they enjoy the pond and wildlife. K. Veitch states that his concern is for something failing and the whole road getting washed out. His concern is that if there was going to be a problem, we might be able to help them address it. T. Dennison states that it has broken and that the property is on a hill. She discusses the issues that they have had with power. She explains that if the dam breaks the water will not come up to the house. Discussion takes place that the applicant is asking for a year variance, but they would like to be in as soon as possible, hopefully before Christmas. They will be removing the house themselves.

WILLIAM DENNISON – Temporary Use Variance, Case #763

MOTION: K. Veitch

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals grants William Dennison a temporary use variance for property located at 362 Brigham Road, TM#126.-1-47.22, as follows:

- **1 year temporary use variance (July 5, 2007)**

This variance is based on the following contingency:

- **The applicant try to dismantle the existing home in a timely manner within the year**

K. Veitch explains coming back to the Board before the year expires if they need additional time.

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

Noes: None

Absent: Lunde

July 5, 2006

DISCUSSION

Discussion takes place regarding trying to set a meeting to make some policy decisions, changes to the application, etc., and checking with the Town Attorney regarding such a meeting. S. Weeks has concerns with the process and procedures. R. Rowland states that some things are specific to the code and the Board may not be able to change things without the Town Board's permission. These things will be checked into.

Meeting adjourned 9:50 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary