

TOWN OF LUMBERLAND
ZONING BOARD OF APPEALS

1054 Proctor Road
Glen Spey, NY 12737
(845) 856-8600 x215

Terri Fountain – Chairman
Caroline Akt – Vice Chairman
Christine Smetaniuk – Secretary
David Riley – Member

Carl Molony - Member
Laurie Terry - Clerk
Jacqueline Ricciani – Counsel

Meeting Minutes

310th Meeting

August 16, 2016

OPENING: Terri Fountain, Chairman, call the meeting to order at 7:00 with the Pledge of Allegiance following a workshop meeting that commenced at 6:30pm

ROLL CALL: Present: Terri Fountain, Caroline Akt, David Riley, Carl Molony

OTHERS PRESENT: Laurie Terry, David Sparling, Lisa Drapak, Andrew Drapak, Ann Grodzickyj, Tamara Skuthan. others

REVIEW/ ACCEPTANCE OF MINUTES: of the July 19, 2016 meeting

A **Motion** was made by Caroline, seconded by Carl, to accept the minutes as presented. All in favor.

CORRESPONDENCE:

1. Resolution appointing David “Carl” Molony as a ZBA member with a term ending 12/31/2016 (replaced John Burrow) was read
2. 4 separate emails regarding Drapak project were read and entered into file during the public hearing.

A **Motion** was made by Carl, seconded by David to close the regular meeting and open the public hearing for the Drapak Area Variance, SBL 8-1-85.1. All in favor

PUBLIC HEARING:

Drapak Area Variance SBL 8-1- 85.1, TWO (2) side yard setbacks
ONE (1) 19’, ONE (1) 20’ in the Mohican Lake District, ZBA02-16

Proof of mailing, affidavit of publication were provided. All fees have been paid. Escrow funds in the amount of \$300 were on account. Andy Drapak stated that he wished to build a single family home after removing the existing manufactured home. The existing septic system would be upgraded to an eljin system. Three members present made a site visit. Four emails were received and were read into the record and filed. Pictures taken by the Chairman were available for view and entered into the record. The Chairman asked if any member of the public had a comment. No one wished to speak. The Chair asked two more times if any of the 10 people present wished to speak. Ms. Grodzickyj asked if a survey had been done and was told it would be available shortly. Ms. Grodzickyj also wanted to know who would be responsible if the right of way was damaged by construction vehicles. She was told *by Mr. and Mrs. Drapak that they* would be responsible for repair.

***three (3) italicized words above were corrections made at the September 20, 2016 meeting*
A **Motion** was made by Caroline, seconded by David to close the public hearing and re-open the regular meeting. All in favor.

CONTINUING BUSINESS:

Drapak Area Variance SBL 8.-1-85.1, TWO (2) side yard setbacks
ONE (1) 19', ONE (1) 20' sideyard setback variances. Mohican Lake District, ZBA02-16

Mrs. Tamara Skuthan approached to Board to express her disagreement with the proposed variance. She was told that the time to speak was during the public hearing.

The Board spoke about the small lots in the Mohican Lake District then reviewed the pictures that Terri Fountain provided. The tax map of the area was on display so the Board could identify each public comment parcel's proximity to the project. The proposed home could not be turned so that the setbacks variance would not be necessary because the view of the lake would be disturbed. The existing garage would not be removed. It is approximately 100 feet behind the house. The Board then considered the criteria for granting an area variance as follows;

(a) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;

The project would not have an undesirable effect on the neighborhood. The replacement of an existing manufactured home with a stick built home would benefit the neighborhood. Nor would the right of way be adversely affected.

(b) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

The benefit of replacing an existing manufactured home cannot be achieved by another means although the placement of the home could be changed, the applicant would not be able to view the lake and the engineering had already been done.

(c) whether the requested area variance is substantial;

The requested variance is substantial by percentage but the size of the home is not. The lot is oddly shaped.

(d) whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

There would not be any adverse impact on the environment or conditions in the neighborhood because no significant change is being made. There would be relatively little digging, the septic is being improved and the lake will not be disturbed.

(e) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The difficulty is self- created but the request to construct a new home is reasonable. The project will also enhance the area.

A **Motion** was made by Caroline, seconded by Carl to grant two side yard setback variances, 1 for 19 feet, 1 for 20 feet, for the construction of a home located at 145 Leers Road, known as Town of Lumberland tax map Section 8, Block 1, lot 85.1.

Roll call vote of the Zoning Board of Appeals:

Terri Fountain	Aye	David Riley	Aye
Caroline Akt	Aye	David "Carl" Molony	Aye

Agreed and carried.

A **Motion** to adjourn the meeting at 8:47pm was made by Caroline, seconded by Dave. All in favor.

Respectfully Submitted,

Caroline Akt
Vice Chairman