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RONALD J. BRIGGS
ATTORNEY FOR THE TOWN

ZONING BOARD OF APPEALS MEETING MINUTES May 6, 2019

MEMBERS PRESENT

John Hopkinson
Todd Rissberger
Bill Morris
Linda Friedlander
Charlie Rascoe

MEMBERS ABSENT

ALSO PRESENT

Bill Kissell, Board Attorney
Darci LaFave, Code Enforcement Officer
Mike Orticelle, Code Enforcement Officer

Mr. Hopkinson calls the meeting to order at 5:30 PM.

Walton, Marcia (Case #172) – Area Variance/Public Hearing

Bob Marvin is present and representing the applicant as her surveyor.

The applicant is proposing to subdivide her property into two lots. The property has two existing residences and the subdivision would provide for each residence to have its own lot and tax map number. The applicant is seeking the following variances to meet the standards of the Gateway Corridor Zoning District: **Lot A:** a) 1,071 SF variance from the minimum lot area of 8,712 SF; and b) 4.5' variance from the minimum rear yard setback of 15'; and **Lot B:** c) 10.6' variance from the minimum front setback of 35' as specified in Section 2.7D of the Land Use Code.

Mr. Hopkinson reads the Public Hearing Notice aloud.

Mr. Marvin: The property is on the old Fawn Ridge Road, behind the Aubuchon Hardware Store. The property was subdivided into three lots back in 1996(?). Two lots were sold to other parties and Marcia Walton placed a modular home on her lot. Her son Don Walton obtained a permit a

couple of years ago to build a second house on the front-end of the property. They now wish to subdivide so he can have his own tax map parcel and pay his own taxes. Mr. Walton has a deck on the rear of his house encroaching into rear setback requirements. A shed on Ms. Walton's property also encroaches into the setback requirements but is slated for removal. It's a tight neighborhood and I don't think we are out of character asking for this variance. There are no impacts to the existing village infrastructure and the single-family homes already exist. We are looking for small dimensional variances.

Mr. Rissberger: Do the lots have adequate parking?

Mr. Marvin: Yes, there is room for two cars, side-by-side, on each of the lots; with additional room available at the rear of the proposed lot for Ms. Walton.

Ms. Friedlander: When was the newer house constructed?

Mr. Don Walton: The Building Permit was issued in 2014. We received our Certificate of Occupancy in 2016.

Mr. Marvin: The lot had enough area to support two homes and no variances were required. The first house should have been placed closer to the rear of the lot. This is similar to lot averaging with one lot is slightly larger and one lot slightly smaller than the minimum required.

Mr. Rascoe: Is the rear of the lot all trees?

Mr. Marvin: Yes. There is another undeveloped wooded lot, south of the Walton lot, that abuts the Fawn Ridge property. [Note: this wooded property is the second lot south of the Walton lot. A lot, with a residence, owned by K. Lincoln is to the immediate south of the Walton lot.]

Mr. Kissel: Is the shed being removed being replaced with a new shed?

Mr. Marvin: No. The Board saw that during the Site Visit. The shed roof over the existing entry will remain, but will not be added to.

The Board conducted a Site Visit prior to the meeting. All Board members were present. They observed the existing conditions.

Mr. Hopkinson opens the Public Hearing at 5:42 PM.

Public Hearing: 11 Notices mailed, 11 return receipt cards received. No written comment has been received.

Mr. Bill Hurley: Let me get this straight... They owned a bunch of land, subdivided and sold a bunch off, built two houses on one lot, and now they are trying to get around three sections of the Code. I think it's substantial and self-created. Why did they not plan right and put the houses in the right positions? There's a reason there is a code. They should have figured this out during the

permit process in 2014. It's 100% self-created. They had more land and sold it off instead of subdividing first. I will grant the proposal does fit the neighborhood.

Mr. Marvin: I wasn't involved with placing Marcia Walton's home, so I don't know her rationale at that time. Ms. Walton's house met all the setbacks at the time of her home placement. I don't think the question came up in 2014 for the placement of Don Walton's home. I cannot speak to what happened before.

Mr. Hopkinson: It is what it is.

Ms. Leah Walton: Let me add to the history...we didn't intend on subdividing, but some other things have come up that we didn't foresee. We originally did not think we could subdivide but then learned we could. We are trying to separate the homes for tax purposes.

Ms. Friedlander: I agree with Mr. Hurley, but I also understand this is a family situation and both parties want this.

Mr. Marvin: There was enough area to support two homes. However, the placement of the homes resulted in a 50' separation between the two homes and the addition of a deck on the back of the front house made a setback variance necessary for a two-lot subdivision.

Mr. Hopkinson closes the PH at 5:51 PM.

Mr. Hopkinson: Reads New York State legal guidance for determining a variance as process weighing the benefit to the applicant against the detriment to the neighborhood. The Board agrees to consider the five criteria questions:

1. 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 AREA VARIANCE?

Mr. Rascoe: NO; Ms. Friedlander: NO, it a densely populated area; Mr. Rissberger: NO; Mr. Morris: NO; Mr. Hopkinson: NO.

The Board answered NO, 5-0.

2. WHETHER THE BENEFIT SOUGHT BY APPLICANT CAN BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE?

Mr. Rascoe: NO, not to be able to achieve their goal to split the property for tax reasons; Ms. Friedlander: NO; Mr. Rissberger: NO; Mr. Morris: NO; Mr. Hopkinson: NO.

The Board answers NO, 5-0.

3. WHETHER THE PROPOSED VARIANCE IS SUBSTANTIAL?

Mr. Rascoe: NO; Ms. Friedlander: NO; Mr. Rissberger: NO; Mr. Morris: NO, de minimis; Mr. Hopkinson: NO, may be percentage-wise but not overall.

The Board answers NO, 5-0.

4. WHETHER THE PROPOSED VARIANCE WILL HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT?

Mr. Rascoe: NO; Ms. Friedlander: NO; Mr. Rissberger: NO; Mr. Morris: NO; Mr. Hopkinson: NO.

The Board answers NO, 5-0.

5. 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?

Mr. Rascoe: YES; Ms. Friedlander: YES; Mr. Rissberger: YES; Mr. Morris: YES; Mr. Hopkinson: YES.

The Board answers YES, 5-0.

After taking into consideration the above five factors, does the benefit to the applicant outweigh the detriment to the neighborhood or community?

Mr. Rascoe: YES; Ms. Friedlander: YES; Mr. Rissberger: YES; Mr. Morris: YES; Mr. Hopkinson: YES.

The Board answers Yes, 5-0.

Ms. Friedlander makes a motion to approve the area variance.

Mr. Rascoe seconds the motion.

The Board discusses conditions of approval and agrees there is to be no further encroachment between the houses after removal of the shed and its support framing. The side entrance is permitted to stay.

All members vote in favor of the motion and conditions. The motion is approved, 5-0.

These minutes were reviewed by the Board on 6/20/2019. Ms. Friedlander made a motion to approve the minutes. Mr. Rascoe seconded the motion. All members voted in favor. The motion passed 5-0.


John Hopkinson, Chairman
Zoning Board of Appeals

RECEIVED	
Date	<u>7/2/19</u>
Town Clerk	<u>Janet A. Dwyer</u>
Date	<u>7/3/19</u>
Village Clerk	<u>Antal G. G.</u>

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MEMBERS ABSENT

ALSO PRESENT

Tim Smith, Acting Board Attorney
Darci LaFave, Code Enforcement Officer
Mike Orticelle, Code Enforcement Officer

Brisson, Jean-Phillipe (Case #173) – Area Variance/Public Hearing

Tim Smith is Board Attorney for this case.

J.P. Brisson is present as the applicant. Bob Marvin is also present as the applicant's surveyor.

The applicant is seeking approval to construct a boathouse that extends 50'-7" out into the water. The boathouse itself is 31' wide by 32' deep with a 10' deep walkway extending from the shoreline. The applicant is seeking an 18'-7" variance beyond the 32' maximum extension for a boathouse or dock into the water. The property is located in the South Lake and Shoreland Overlay Zoning Districts.

Mr. Hopkinson reads the Public Hearing Notice aloud.

The Board conducted a Site Visit prior to the meeting. All Board members were present. They walked from the house to the shoreline and observed the proposed location of the boathouse.

Mr. Brisson: I bought the property at 114 Peninsula Way in 2015 and built a 5,000 SF house. It is a one-acre lot which includes 160' of shoreline. There was an existing APA permit for a boathouse at the time of purchase. The permit showed a "conceptual" boathouse of 1200 SF, subject to approval by the APA. I started the boathouse approval process at that time, but it became clear it was going to take a lot of time. I worked with the APA from 2015 until 2018 to obtain an approved permit. It was a long and arduous process that involved various agencies – the Town, the Village, the APA, the DEC, and the Army Corps of Engineers (AEC). My personal preference was to have the boathouse at the shoreline per the Code and consistent with how most of the boathouses are built around the lake. The APA demanded I locate the boathouse away from the shoreline due to sensitive wetlands at the shoreline. The APA and DEC ultimately agreed on an average of 15' from the shore (10' from one corner and 20' from the other corner). The 50' measurement on the plan is the total distance from shore of the furthest corner (20' + the boathouse). It is a small boathouse with two slips. I wanted a 1200 SF boathouse but the APA reduced it to 1,900 SF. I have only 2' to walk alongside my boat slips. I can live with the outcome because it is a result of a compromise with the environmental agencies. The reason I am here today is because I need a variance from the Zoning Board to comply with the APA requirements. Two concerns I've heard – 1) I will change the location or remove the sunken boats in the bay and I want to assure everyone I will not touch the sunken boats; and 2) Construction at the beginning of the summer will stir up silt and affect the clarity of the water. I will undertake the project later in the year to lessen the impact on the lake. It is good for my family and neighbors.

Mr. Rascoe: Do you have a dredging permit already?

Mr. Brisson: Yes – the AEC, the APA and the DEC.

Ms. Friedlander: They have three permits but the permits state local authorization is also required before proceeding with any construction.

Mr. Hopkinson: Your print shows buoy 1 and buoy – what are they there for? Also, how will you handle ice around the boathouse?

Mr. Brisson: The buoys are there as markers only. The buoys have been removed at this time. I don't know how I will handle use of a bubbler as I also want to play hockey on the ice. I will ask Marcel Bruce from Harlow Excavating for help in deciding how to handle that. I would also address Linda's (Friedlander) comment. I worked this process in parallel because I knew one agency's requirements would conflict with another agency's requirement. I pushed back strongly on APA requirements. This is more costly and problematic to me to be here.

Mr. Hopkinson: We will base our decision on our Land Use Code; exclusively. That's our framework. Other agencies have their own permit criteria but it is a complicated situation when requirements conflict with each other.

Mr. Morris: Are you prevented from entering the lake at any other place?

Mr. Brisson: No, I can enter from anywhere on my property.

Ms. Friedlander: Are you building a raised, wooden walkway?

Mr. Brisson: My in-laws have limited mobility, which is why I wanted to do a walkway from the house. I will try to access the boathouse without a walkway but I will go back to the APA if that does not work.

Ms. Friedlander: Your property is considered "wetlands" which is why this has been such a process. Wetlands have wide-ranging importance to the ecosystem and are very sensitive. You said at your first meeting you were not going to build a boathouse. Now you want to build a boathouse and have motor boats. I don't think motorboats are very suited to this area and that's why you see people there in canoes and kayaks. It's such a delicate area and you are disturbing 90 cubic yards, which disturbs me.

Mr. Rascoe: Was the boathouse originally closer to the SOA land and the house? Did the APA recommend the boathouse be placed diagonally to the shore? How big are your boats?

Mr. Brisson: Yes, but the APA came and recommended I place the boathouse farther from the shore. The ACE was also involved and felt there would be less dredging needed as well. I do not have any motorboats at this time other than my kayaks and catamaran. But my kids want to water-ski. The interesting thing about the angle is the boathouse's location in the small cove makes it hard to see the separation from the shore until you come up to my property. It will be less of a visual impact to my neighbor.

For the Public Hearing -- 5 Notices mailed and 2 return receipt cards received. Written comment has been received from Sandra Danussi, who is opposed to the variance and from William Larzelere, who is in favor of the variance.

Ms. Friedlander: I had two comments from the public that were part of the APA permit process.

Mr. Hopkinson: We are here to determine a variance based on our Code and not on any other agency's regulations. We will treat this as if we are the first board to hear this application; nothing else matters. Is that correct?

Mr. Smith: Yes.

Mr. Hopkinson opens the Public Hearing at 6:25 PM.

Mr. Tom Varden: I've lived on the Peninsula for over 40 years. Why is the APA saying he has to go out 15'? Is that a precedent with the APA? Will every new platform have to go out 15'?

Mr. Hopkinson: We've seen this for other cases with new boathouses, but it's immaterial for our decision tonight. We will continue to face situations like this one if the APA is going to require separation from wetlands.

Mr. Smith: APA generally doesn't have jurisdiction over boathouses unless there are wetlands involved.

Ms. Denise Dramm (Owner, Placid Bay Motor Inn): Has the APA given a written statement why they are asking for this. What about the DEC and the ACE? Why do you need a 32' deep boathouse? Bigger is not always better. You moved here for the beauty and part of the beauty is the bay. I live on the bay and a natural lake current dumps all the silt in front of properties along the shore of Paradox Bay. We have a written code and you should maybe get smaller motorboats and go back to the drawing board to design something smaller. If our wetlands go downhill, so will our lake. I don't understand why such a large boathouse and I don't understand having to go beyond our Code. If it means this Board refused you and you have to go back to the APA, I understand. It would have been nice if you had a drawing or picture to show us what the proposal actually was.

Mr. Rissberger: it's in the file.

Ms. Friedlander: the original proposal was originally a four-slip boathouse and the other agencies got it down to two slips.

Mr. Brisson: It's a two-slip boathouse that is 8' high, no second floor, a flat roof, and of natural colors. It is designed to fit a 22' boat with a platform off the stern for a total of 26'.

Mr. Marty Shubert: I've lived on the Peninsula for 42 years. The boathouse will look like an island, hazard on the water, stick out like a sore thumb, and not blend in. Just place it parallel to the shoreline. The request is unnecessary, non-essential, needless, etc. The variance is substantial, considerable, misplaced and will look awkward on the shoreline. No logical reason for this request. It will harm wildlife on Brewster Bay. Brisson's already built on a wetland and spoiled some access across the road, which connected to the public sewer, and killed foliage. The problem is self-created and the boathouse needs to be parallel and close to the shoreline. There is not a good reason why this variance is requested. Let's live by the Code as it is written.

Ms. Mary Shubert: It would not fit in with the neighborhood or Brewster Bay and is an undesirable change. There would not be another boathouse like it on the entire lake. The sailboat will not fit in the boathouse and can be moored in the open water. The request is substantial. Just because the APA wants you to build off-shore, doesn't mean you have to. You already built in a wetland. Access to our area of peace and solitude will be harmed forever. Dredging can create invasive species. We have previously harvested milfoil from this area. How dare you ask to dredge when you are going to ruin that area for everybody. You wrecked the lawn across the road from us. Your living on a wetland – it's unbelievable. The lack of public response is due to this time of year. Boathouses should be proposed and worked on in the summertime when the people who live in the neighborhood are there.

Mr. Travis Isham: I have worked on the lake near that bay for 18 years. I've seen lots of people run up into the bay with their boats. When they do, they spin their propellers trying to get out and they stir up all sorts of silt. There are a lot of stumps under the water. What will you do with them when you dig? Are you going to pile them up or take them out? There are many more than

just two boats buried – what will you do with them? Loons nest down in there close to your house. I've seen people get stuck in there and stir up the silt. The bay is filled with wildlife. I think it's going to create more damage.

Mr. Hopkinson: The ACE permit goes into great detail about how they will handle the dredging.

Ms. Dramm: The ACE destroyed a beautiful river called the Genesee River running through Wellsville, NY. I don't take their word of protecting for anything.

Ms. Friedlander: I read all of the permits very carefully. The permits, which are public, state work must stop if work is not followed to the letter. I am skeptical of that. Who is going to be out there monitoring the work?

Mr. Jamie Rhoades: I've lived on the lake since 1978. Everybody on the lake pays taxes and, with the proper footage, has the right to build a boathouse. He bought a piece of property that was given approval. People thought it was wetlands but it was approved for building. I understand the environmental concerns, but the applicant has done everything he can to meet all the guidelines of each agency to build something his family can enjoy. He has obtained permits and you have to look at both sides. I also understand the lot had existing approval of a boathouse prior to purchase by Mr. Brisson.

Mr. Brisson: The boathouse permit was conceptual in that final design and location required further review.

Ms. Georgia Jones: I've lived on the lake for 82 years. It is definitely self-created. I looked at the conceptual drawings and there was a house and a dock/pier. There was no picture of a conceptual boathouse. I'm concerned about the environmental impacts. I'm also concerned that the boathouse isn't really big enough and they will have to come back for an expansion. That really concerns me. They will have to take their boat way up on the lake and they will never be able to ski back into the bay. They have a catamaran and will have all kinds of boats. I see him coming back for an expansion of the boathouse. I think the boathouse will get bigger – you really need 40'. The Code states 32' [maximum extension from the shoreline] and a lot of thought was put into that. This is variance request is asking a lot. He's already gotten one variance and I don't like to see creeping variances. I think it's a bad place to build a boathouse and I'd like to see the boathouse built closer to shore. I don't think the APA requirement will make any difference. The APA is making it very hard for the applicant to do anything different. This Board should require the boathouse to be modified so the boathouse fits in a better situation.

Ms. Friedlander: I wonder if the APA is willing to modify the extension into the lake?

Mr. Hopkinson: That's a question for the APA, but it seems like this is where they've ended up after lengthy review.

Mr. Hopkinson closes the Public Hearing at 6:57 PM.

Mr. Hopkinson: Is the Board ready to deliberate the five questions for addressing area variance requests?

Ms. Friedlander: Not quite. I think things need to be pointed out in these documents.

Mr. Hopkinson: What is in those documents makes no difference for our deliberation. You can address concerns when answering the five questions.

Ms. Friedlander: As another alternative, I would like to see certain boathouses built on four caissons instead of the 12 shown on these plans. It would reduce disturbance of the lake bottom and be better for the lake. We also have to remember the community is actually all lake residents.

Ms. Jones: Also keep in mind the entire lake community is responsible for the cost of removal of invasive species anywhere on the lake through the Shore Owners Association.

Ms. Friedlander: The lake is in the top 2% of the cleanest bodies of water in the world. We have a treasure here and that false outlet protects and improves water quality.

Mr. Sean Ryan: Can I make a comment?

Mr. Hopkinson: I closed the public hearing at 6:57 PM (as confirmed by Ms. LaFave).

The Board agrees to consider the five criteria questions to approve or deny an area variance, per New York State law:

1. 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 AREA VARIANCE?

Mr. Rascoe: NO; Ms. Friedlander: YES; Mr. Rissberger: NO; Mr. Morris: NO; Mr. Hopkinson: YES, there is no issue with detriment to nearby properties but there is detriment to the character of the neighborhood. Google Earth shows a pristine area surrounded by trees and plants in the water, there are no houses or structures in the mouth of the bay. It looks almost untouched by man.

Mr. Brisson: Does the question refer to the boathouse design or the requested variance?

Mr. Smith: The design is not on trial here. The question addresses only the variance.

The Board votes NO, 3-2.

2. WHETHER THE BENEFIT SOUGHT BY APPLICANT CAN BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE?

Mr. Rascoe: NO, a 3'-4' walkway to the boathouse would have been more feasible but the APA decided the longer walkway was required; Ms. Friedlander: YES, the applicant could use a construction method using only four caissons rather than the 12 caissons proposed or they could do without a boathouse; Mr. Rissberger: NO, they pursued feasible alternatives as much as they could with other agencies; Mr. Morris: NO, I would them to go back and fight with the APA but I don't think they will get anywhere; Mr. Hopkinson: NO, they are caught between a rock and a hard place.

The Board discussed floating boathouses that are tethered to lake beds. Mr. Rissberger noted they have been tried elsewhere, such as Canada, but do not last long due to ice damage. Mr. Smith noted floating boathouses are common in Long Lake (NY) due to wide fluctuations in the lake water level. It is unknown as to whether these boathouses are moved ashore during the winter or if they remain in place.

Mr. Smith: I direct your attention to Paragraph 20 (Pg 8) of the APA permit (2017-0123) where the APA notes "...the project will result in minimal destruction of the wetland and its values." and the APA is an expert environmental agency.

The Board votes NO, 4-1.

3. WHETHER THE PROPOSED VARIANCE IS SUBSTANTIAL?

Mr. Rascoe: NO; Ms. Friedlander: YES; Mr. Rissberger: NO, given the cards he has been dealt, he has done everything to minimize the impact of this project; Mr. Morris: NO; Mr. Hopkinson: YES, due to the dimensional aspects of the project.

The Board votes NO, 3-2.

4. WHETHER THE PROPOSED VARIANCE WILL HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT?

Mr. Rascoe: NO, it's a small two-slip project; Ms. Friedlander: YES, it's a very sensitive area of the lake and the 12 caissons will be disruptive to the lake bed; Mr. Rissberger: YES, this is sensitive for all of us. There is an impact but the APA deserves credit for their decision to minimize its impact and the applicant deserves credit for doing what he can to minimize the impact on his neighbors; Mr. Morris: NO, the applicant has made a good attempt to modify the boathouse to prevent problems; Mr. Hopkinson: YES, you have to dredge under the boathouse, in front of the boathouse, boats in/out will create wakes and noise, animals are in the bay, it's a pristine area. Just because you are allowed to have a boathouse, doesn't mean it's the best idea to do so. Maybe it just shouldn't be.

Mr. Brisson: Question to counsel – are factors unrelated to the variance of consideration to the Board?

Mr. Smith: The Board is limited to the criteria as set forth by case law and statute. The Board is proceeding properly. The questions are subjective in nature and open to wide-ranging opinions as well as material facts.

The Board votes YES, 3-2.

5. 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?

Mr. Rascoe: NO, he bought the property with a stipulation there could be a boathouse; Ms. Friedlander: YES, everybody doesn't have to have a boathouse; Mr. Rissberger: NO, he never intended to go out past 32' until the APA required it; Mr. Morris: NO; Mr. Hopkinson: NO, the APA is driving this horse. He would prefer to be back on shore.

The Board votes NO, 4-1.

The ZBA, after taking into consideration the above five factors, finds that the benefit to the applicant DOES outweigh the detriment to the neighborhood or community.

Mr. Rascoe: YES; Ms. Friedlander: NO; Mr. Rissberger: YES; Mr. Morris: YES; Mr. Hopkinson: NO.

The Board votes Yes, or DOES, 3-2.

Mr. Rascoe makes a motion to approve the variance with a request, not a condition, to go back to the APA and try to reduce the distance from shore.

Mr. Morris seconds the motion.

The Board agrees on a condition of no further expansion in footprint or height of the boathouse.

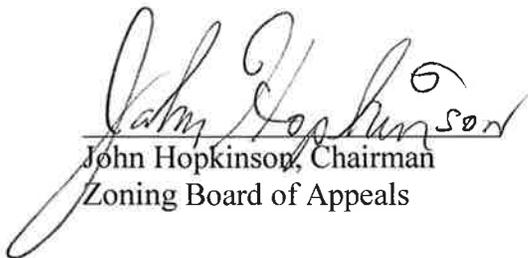
Ms. Friedlander requests a condition requiring continuous monitoring of water quality during construction.

Mr. Smith: the environmental agencies have issued permits and, in their expert opinions, they have attached the necessary conditions to proceed with this project. Ms. Friedlander's proposed condition is outside of our expertise. I recommend we respect the decisions of these agencies.

Mr. Rascoe: Yes; Ms. Friedlander: NO; Mr. Rissberger: YES; Mr. Morris: YES; Mr. Hopkinson: NO.

The motion, with the condition of no increase in the boathouse's footprint or height, is approved, 3-2.

These minutes were reviewed by the Board on 6/20/2019. Ms. Friedlander made a motion to approve the minutes. Mr. Rascoe seconded the motion. All members voted in favor. The motion passed 5-0.


John Hopkinson, Chairman
Zoning Board of Appeals

RECEIVED	
Date	<u>7/2/19</u>
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Date	<u>7/3/19</u>
Village Clerk	<u>Arnette R. East</u>

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**ZONING BOARD OF APPEALS
MEETING MINUTES
May 6, 2019**

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ALSO PRESENT

Tim Smith, Acting Board Attorney
Darci LaFave, Code Enforcement Officer
Mike Orticelle, Code Enforcement Officer

Board Business

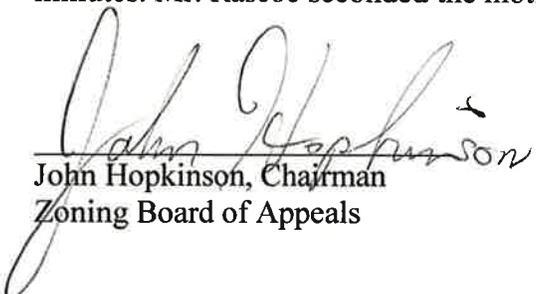
Minutes:

Mr. Rascoe makes a motion to approve the minutes from 3/25/19.
Ms. Friedlander seconds the motion.
All members vote in favor. The motion is approved, 5-0.

Ms. Friedlander makes a motion to approve the minutes from 4/1/19.
Mr. Rissberger seconds the motion.
All members vote in favor. The motion is approved, 5-0.

The meeting adjourned at 7:37pm.

These minutes were reviewed by the Board on 6/20/2019. Ms. Friedlander made a motion to approve the minutes. Mr. Rascoe seconded the motion. All members voted in favor. The motion passed 5-0.


John Hopkinson, Chairman
Zoning Board of Appeals

RECEIVED	
Date	<u>7/2/19</u>
Town Clerk	<u>Laurie C. Dudley</u>
Date	<u>7/3/19</u>
Village Clerk	<u>Amelia C. Esty</u>