

**TOWN OF NORTH HARMONY
ZONING BOARD OF APPEALS
WEDNESDAY, 7/28/10 7:30 PM**

ZBA MEMBERS PRESENT: **Jim Levesque** **Louise Ortman**
 Greg Michalak **Joe Komar**
 Brad Lawson, Zoning CEO
 Dave Stapleton, Attorney

OTHERS PRESENT: **Ron Davidson** **Ron Dills** **Susan Kalfas**

Mr. Levesque called the hearing to order at 7:40 PM. Mr. Stapleton swore in all present who intend to address the board.

1. Susan Kalfas requesting an Area Variance to create a sub-standard lot size at property located at 3534 Ross St., Specifically Section 332.20-1-57 and 332.20-1-62 (old# 21-1-63 & 21-1-47) which does not comply with Section 401 of the Zoning Ordinance.

Mr. Levesque asked Ms. Kalfas what she would like to do. Ms. Kalfas said she would like to sell to Mr. Dills portions of lots 47 and 63. Mr. Dills said he would use lot 63 for additional parking for his home located on lot 6 and use lot 47 to build a garage. Mr. Levesque asked Mr. Dills if there is access to lot 47 from Hadley Bay Road. Mr. Dills said yes and gave an ownership background of the lots in question. Mrs. Ortman asked if there is any deeded lake rights associated with the properties. Mr. Dills said no but there is access to the lake through the Hadley Bay Association. Mr. Stapleton asked if there were any permits or variances issued for the garage that is currently located on lot 60. Mr. Dills said he did not know. Mr. Stapleton asked Ms. Kalfas if she receives separate tax bills for the lots in question. Ms. Kalfas said yes. Mr. Stapleton and the board reviewed an additional subdivision map by Blain Potter dated 1937 provided by Ms. Kalfas which seems to indicate that lots 60 and 63 are combined as lot 6. Mr. Lawson said the tax maps do not show that. Mr. Levesque clarified that lots 60 and 63 are existing sub-standard size lots and lot 63 will be made a further sub-standard size in the transaction. Mr. Levesque said if the application were to be considered for approval it would be contingent on a new survey and receipt by the town of a copy of that survey. Mr. Lawson agreed it would be good for the town to have that survey for future reference. Mr. Levesque asked Mr. Dills if he understood that lot 63 could never be used to locate any portion of a dwelling structure now or in the future if it is sold. Mr. Dills agreed and said he only intends to use it for parking space. Mr. Levesque asked if anyone wished to speak regarding the application.

Mr. Levesque motioned to grant an Area Variance to Susan Kalfas to create a further sub-standard lot size at property located at 3534 Ross St., specifically Section 21-1-63 and 21-1-47 with the following conditions:

- **The board understand that there is access to lot 47 from Hadley Bay Rd. and that access may be extended to lot 63**
- **No livable dwelling structure will be allowed now or in the future on any portion of what the town knows to lot 63 even if that lot is combined with lot 47**
- **A new survey defining the line between lots 60 and 63 be provided to the town with the new survey line allowing a minimum 24' pass by on the southwest side of the existing garage wall on lot 60**

Mrs. Ortman seconded and the motion was carried unanimously.

2. Ron & Linda Davidson requesting an Area Variance to construct an attached garage closer to side setbacks than allowed in Section 401 of the Zoning Ordinance at property located at 2816 Neits Crest, Specifically Section 367.05-1-27.

Mr. Davidson said his parents had owned the property for 42 years and he and his wife would like to demolish the existing cottage and detached garage and rebuild. He said the Erickson's are neighbors on one side and the Guida's on the other. He said the current home is 38 1/2' wide and they intend to maintain that width in the new house. He said they would like to have the garage attached to the house and the garage will be 5'4" from the property line on the south side. He said he had spoken to his neighbors on both sides and they had signed a statement of no issue with the plans. Mr. Levesque noted for the record that the credibility of the letter is in question because it is not dated and was hand delivered by the applicant. Mr. Davidson said the removal of the old garage will actually provide a better line of sight for one of the neighbors. Mr. Levesque asked if the demolition was a complete tear down (i.e. new foundation). Mr. Davidson said yes. Mr. Levesque asked if the septic would be replaced. Mr. Davidson said no. He said the system is a jet aeration system and it is not very old. He said he was advised that it could handle 750 gals. of sewage per day. Mr. Lawson said he should talk to the Chaut. Co. Health Dept. and request a letter stating that the system can handle the sewage that the new home will generate. Mr. Levesque asked if the height of the home will change. Mr. Davidson said no. Mr. Lawson said the height according to the plans is 25' and is within allowable limits. Mr. Davidson said the house will have 3 bedrooms and storage over the garage. He said he hoped to start and complete the structure before winter. Mr. Levesque asked if anyone wished to speak regarding the application. Mrs. Ortman read into the record Town Law 267b, Sec. 3; 1) no 2) no 3) no 4) no 5) yes.

Mr. Levesque motioned to grant an Area Variance to Ron and Linda Davidson to demolish an existing home and detached garage and rebuild a home with an attached garage 5'4" from the property line to the south at property located at 2816 Neits Crest, specifically Section 367.05-1-27. Additional variances required are approximately 1 1/2' on the east toward the lake and 1' on the west side toward the existing garage. Mr. Michalak seconded and the motion was carried unanimously.

The hearing was adjourned at 8:35 PM.

Nancy Thomas
Town Clerk