

**TOWN OF NORTH HARMONY
ZONING BOARD OF APPEALS
WEDNESDAY, 9/25/2013, 7:30 PM**

ZBA MEMBERS PRESENT: **Jim Levesque** **Greg Michalak** **Dick Barton**
 Dan Thomas **Louise Ortman** **Helen Emick**
 Roger Vaillancourt
 Brad Lawson, Zoning C.E.O.
 Dave Stapleton, Attorney

Others Present: **Jim & Laurie Wroda** **Matthew Wroda** **Randy Graves**
 Del Bowser **Ben Wentworth** **Steven Schultz**
 James Hutchison **William & Jana Ball** **Richard Zydel**
 Daniel Johnson **Bill Johnson** **Debbi Akerly**
 Tom Phillips

Mr. Stapleton swore in all who expressed intent to speak at the hearing.

- 1. Randy & Deborah Graves (re-hear) requesting an Area Variance to construct an open deck closer to setbacks than allowed in Section 401 of the Zoning Code at property located at 2856 Chautauqua Ave., specifically Section 367.05-1-12**

Mr. Graves said he would like to construct a deck the full length of his house on the rear. Mr. Lawson said the edge of the deck will be about 46' from the high water mark (50' required). The setbacks requested are: north side 5.4' to property line; south side 2.2' to property line. Applicant stated there would be railing on the deck as required but he will not add a roof. Mr. Lawson stated for the record that the WAF had been completed and there were no issues. Mr. Levesque asked if anyone wished to speak regarding the application. The board reviewed Town Law Article 16, §267-b.(3) Area Variances, questions 1.-5., with the following results: 1) no 2) no 3) yes 4) no 5) yes.

Mr. Levesque motioned to grant Area Variances to Randy & Deborah Graves to construct an open deck closer to setbacks than allowed in Section 401 of the Zoning Code at property located at 2856 Chautauqua Ave., specifically Section 367.05-1-12 as outlined above and in their application. Mrs. Emick seconded and the motion was carried unanimously.

- 2. Steven Schultz (re-hear ref. 8/28/13 minutes) requesting a Special Permit to install a mobile home at property located at 6231 Baker Road, specifically Section 382.00-1-8.1.**

Mr. Schultz said the mobile home in question is already located on the property but is on axels. He said he assumed it was comparable to a travel trailer. He apologized for his mistake. Mr. Levesque noted that there are 3 travel trailers shown in the drawing. Mr. Schultz said they will be moving everything off the road. Mr. Schultz said the mobile home is 85' off the road and he has filed to put in a privy with a 1,500 gal. tank. He said the mobile home will be on a foundation using 18" pillars with tie downs, gravel and block. He said he hopes to have the mobile home set and skirted before winter. Mr. Levesque read the permit report issued by the Chaut. Co. DOH for the installation of the privy. Mr. Schultz said he plans to have the privy installed as soon as possible. Mrs. Emick asked if there was any plan to have the travel trailers piped into the

privy tank. Mr. Schultz said no. It was discussed that the mobile home (1993 model 14'x50') will be considered the primary residence on the property. Mr. Stapleton and Mr. Lawson discussed the permitted use of recreational vehicles in the AG district as outlined in Section 631 of the Zoning Ordinance. Mr.

ZBA

09/25/2013 (Pg. 2)

Schultz said the 3 travel trailers are registered and licensed and one of the owners takes his off the property to travel occasionally. Mr. Levesque asked if any of the trailers would be rented for use. Mr. Schultz said no. Mr. Stapleton asked the applicant to clarify if this is a commercial situation where monies have changed hands for use or placement of trailers. Mr. Schultz said no. Mr. Lawson asked if these are all recreational structures with limited use. Mr. Schultz said yes. It was established that there is currently no well on the property and the owner was told that introduction of a well would necessitate a septic system with all the permitting steps involved. The owner said there is currently electric on the property through a box that the mobile home hooks up to. Mr. Lawson said that would have to be inspected. The board discussed what Section 631 requires with relation to setbacks, etc. for travel trailers. Mr. Levesque asked if anyone wished to speak regarding the application. Mr. Johnson stated he is a neighbor and is against the permit because it is a mobile home and does not fit with other homes in the area. He said the road and residences are improving and this will decrease the value of their homes. He referenced Section 905 and 629 in support of his objection. Mr. Ball agreed with him. Letters of objection dated 8/28/13 to the permit were received from Bill and Kathie Johnson and Cindy Johnson and read into the record. Richard Zydell, brother-in-law of the applicant and the owner of one of the travel trailers on the property spoke in favor of the application. Mrs. Emick asked where the driveway and parking are. Mr. Schultz said they use the existing gravel area. Mr. Thomas said some of the homes (i.e. Paul Johnson) are mobile homes that have been there for many years so the precedent was already set. Mr. Johnson said Paul's home is now used as storage. Mr. Levesque commented that the "tone" of the area appears "campish" (i.e. large water tank, large sign that says "The Land"). Mr. Schultz promised that these would be removed and the overall image improved. Mr. Lawson noted that the property next door is a double wide manufactured home. *There was further general discussion of the neighborhood and standards.* Mr. Hutchison expressed concern about some of the activities that have gone on at the property. Mr. Schultz said they had not done any of these activities for over a year and are trying to fit into the neighborhood and comply with ordinances and laws.

Mr. Levesque motioned to grant a Special Permit to Steven Schultz to install a 1993 manufactured home at property located at 6231 Baker Road, specifically Section 382.00-1-8.1 with the following conditions:

- **Home to be sided within 6 months**
- **Home to be skirted within 6 months**
- **Evergreens to be placed across the view from the street no less than 5' apart and at least 3' tall (across the entrance where railings are to subdue visual impact)**
- **Case to be re-visited by the ZBA in 6 months**

Mrs. Emick seconded. YES (4) Michalak, Thomas, Vaillancourt, Emick. NO (3) Levesque, Barton, Ortman. The motion was carried.

3. Ben Wentworth (re-hear ref. 8/28/13 minutes) requesting Area Variances to construct an addition closer to setbacks than allowed in Section 401 of the Zoning Code at property located at 3158 Chautauqua Ave., specifically Section 350.13-1-5 (old # 23-2-5).

Mr. Phillips, contractor representing the Wentworth's explained that the variance request is for setback from the lake. It was indicated that the application was tabled at the 8/28/13 meeting because of a question on the fourth bedroom location. Mr. Phillips said because the kitchen is being expanded one bedroom is eliminated, but a bedroom will be added on the front and the bedroom count will remain at 4. There was further discussion of the application. Town Law Article 16, Sec. 267-b. questions 1.-5. were reviewed with the following results: 1) no 2) no 3) yes 4) no 5) yes. Variances sought by the applicant are

ZBA

09/25/2013 (Pg. 3)

18.5' on the south; 18.8' on the north; and 36.4' from the lakeshore high water mark. Mr. Levesque asked if there were any questions regarding the application.

Mr. Levesque motioned to grant Area Variances as outlined above and in the application to Ben Wentworth to construct an addition closer to setbacks than allowed in Section 401 of the Zoning Code at property located at 3158 Chautauqua Ave., specifically Section 350.13-1-5 (old # 23-2-5). Mr. Thomas seconded and the motion was carried unanimously.

4. Jim Wroda requesting an Area Variance to construct a 1 ½ story addition closer to roadside setback than allowed in Zoning Code Section 401 at property located at 2864 Rt. 394, specifically Section 350.17-1-37 (old # 25-1-15).

Mr. Wroda said that he had purchased the Coffaro home which is 46.8' from the road. He would like to put 2 additions onto the house; first addition would be an attached garage (24'x28') which would stay with the house lines and be 46.8' from the road; the second addition (32'x36') would be on the south side of the home and a portion runs with the house lines. Mr. Lawson said the height of the addition is 32' to average grade. Town Law Article 16, Sec. 267-b. questions 1.-5. were reviewed with the following results: 1) no 2) no 3) yes 4) no 5) yes. Mr. Levesque asked if anyone wished to speak regarding the application. Variances requested are 46.8 ½' on the west side and approximately 7' - 8' of the second addition on the south side will maintain the 46.8 ½' distance from the road.

Mr. Levesque motioned to grant an Area Variance as outlined above and in the application to Jim Wroda to construct a garage and a 1 ½ story addition closer to roadside setbacks than allowed in Zoning Code Section 401 at property located at 2864 Rt. 394, specifically Section 350.17-1-37 (old # 25-1-15). Mrs. Ortman seconded and the motion was carried unanimously.

5. Horace A. Mattix requesting a Special Permit to replace two old manufactured homes with one new manufactured home in the C-1 District at property located at 3993 Rt. 394, specifically Section 314.00-2-24.

Mr. Bowser of Owl Homes appeared to represent Mr. Mattix. Mr. Bowser said Mr. Mattix would like to remove 2 existing mobile homes and put in one single manufactured home. He said there are 2 septic systems on the property and he was told that one had to be pumped out and removed as per the DOH. He

said they will leave one septic system that is a 2 bedroom sand filter and it will be checked by the DOH within 30 days of home occupancy. Mr. Lawson said the district in which the home will be located is the C-1 which by zoning law does not allow manufactured homes even by Special Permit. He said the 2 homes that were there were pre-existing and this board has in the past allowed replacement homes under certain conditions. Mr. Lawson said he feels the single home would be a big improvement over the 2 dilapidated ones that currently exist. There was further general discussion of the placement of the new home. Mr. Levesque asked if anyone wished to speak regarding the application.

Mr. Levesque motioned to grant a Special Permit to Horace Mattix as outlined above and in his application to replace two old manufactured homes with one new manufactured home in the C-1 District at property located at 3993 Rt. 394, specifically Section 314.00-2-24. Mr. Barton seconded and the motion was carried unanimously.

ZBA

09/25/2013 (Pg. 4)

6. Lon Akerly requesting an Area Variance to demolish an existing home and replace it with a new home closer to front and rear setbacks than allowed in Section 404 of the Zoning Code at property located at 24 Chautauqua Escapes, specifically Section 315.17.1-64.

Mr. Montie appeared to represent Mr. Akerly. He said the Akerly's have a cottage in Chautauqua Escapes which they would like to demolish and replace with new home. He said the footprint of the new house is not much larger than the existing one but an area variance is needed for the deck. Variances will be as follows: front property line to the front porch northwest side will be 20' (required is 25'); rear setback to the south from the corner of the deck to the property line is 21.5' (req. is 25'). Mr. Lawson stated that the Minor Site Plan Review is fine. Mr. Levesque asked if anyone wished to speak regarding the application. Town Law Article 16, Sec. 267-b. questions 1.-5. were reviewed with the following results: 1) no 2) no 3) yes 4) no 5) yes.

Mr. Levesque motioned to grant Area Variances to Lon Akerly as outlined above and in his application to demolish an existing home and replace it with a new home closer to front and rear setbacks than allowed in Section 404 of the Zoning Code at property located at 24 Chautauqua Escapes, specifically Section 315.17.1-64 with the following condition:

- **Chautauqua Escapes covenants be adhered to**

Mr. Vaillancourt seconded and the motion was carried unanimously.

The hearing was adjourned at 9:45 PM.

Nancy M. Thomas
Town Clerk