

detailed drawings showing the correct bedroom count. Mrs. Ortman seconded and the motion was carried unanimously.

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3. Steven Schultz requesting a Special Permit to install a mobile home at property located at 6231 Baker Road, specifically Section 382.00-1-8.1.

In the absence of representation, the application was tabled.

Mr. Ball indicated he is a neighbor and asked to speak. He said the mobile home is already there. Mr. Lawson said they were aware of that. Mr. Levesque said he would not feel comfortable discussing the application with the neighbors present without the applicant being present to represent himself.

4. Todd Saracki, Carlton Homes, requesting Area Variances to construct 3 new homes closer to setbacks than allowed in Section 401 of the Zoning Code at property located at 4920 Ashville Bay Rd., specifically Section 367.14-1-47.

Mr. Saracki said he is looking to purchase 3 acres of property from Mr. Seitz which includes 240' of lake frontage with the intent of tearing down an existing cottage and building 3 homes with each having a 2 car garage on approximately 1 acre lots. The homes would be 1,800 – 2,000 sq. ft. each and would have 80' (zoning is 100') of lakefront which is greater than most of the homes in the area. He said the purchase hinges on his approval by the board to build the 3 homes. He said the target buyer would probably be a summer resident. He said the property is currently assessed at \$442,000 and with the homes would bring well over \$1,000,000 to the tax base if approval of the project is granted. He said the neighboring homes average about 33' from the lake and the homes he proposes would also average 33' from the lake. He said parking would not be an issue because each parcel would be large enough to have plenty of space. Mr. Saracki said the well for the existing cottage on the property is located up on the hill and there are no issues with the water. He said he plans to locate the other wells up on the hill as he knows that some of the residents in the area do have issues with water availability. He said he has a letter from the South and Center Sewer stating that they can extend the sewer line for these properties. Mr. Levesque asked what the cost of the project would be. Mr. Saracki said \$1,200,000 - \$1,500,000. Mr. Levesque asked if anyone wished to speak regarding the application. Mr. Martin said he is a neighbor and expressed concern about Ashville Bay Road which is a private road and ends at the top of the hill. He asked how Mr. Saracki intends to get heavy equipment to the site without ruining the road and properties they have to maintain. Mr. Lawson said that is what this meeting is about. Mr. Levesque said he would like the property owners to make a list of their concerns because based on the size, scope and cost of the project, it will be forwarded to the Planning Board for review and recommendation. He said the ZBA will not take any action until the Planning Board (PB) has a full understanding of the project and all of these issues have been addressed. Mr. Martin spoke about previous damage that had been done to the sewer lines by heavy equipment on the road.

There was also discussion of the ability of neighbors who do not live in the area to be present at meetings concerning the application. Mr. Levesque said that many people from out of town drive for hours to attend the meetings because of the importance of what is being discussed and its effect on their property. Mr. Silzle emphasized the need for the neighbors to join and figure out what questions/issues they wish to address. Mr. Marzec, 2604 Rt. 394, said he owns the property to the west of the proposed development. He said that the

drawing provided does not show the distance from the edge of the structure to the property line. Mr. Levesque said the preliminary drawing showing a dotted line representation of a structure is in no way what these boards will require from the applicant. He said full survey maps and signed stamped architectural drawings will be required in this process. He said the ZBA cannot comment at this time because the detail is lacking. Mr. Marzec also expressed concern about runoff issues for the proposed homes and his property because of the topography of the land. Mr. Marzec said he wants to make sure that his property is protected and the setback is grandfathered to what it was when he bought the property. He said unless it is in writing

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and done right all of the residents will wind up with issues. Mrs. Emick said that is why the board is not doing anything tonight. She said there is not enough detail reduced to writing for the board to even begin to make an assessment on the application. Mrs. Thomas said that when the case returned from the PB to the ZBA she would send out notices to the neighbors. She advised all present that the PB meets the 2nd Tuesday of every month and those meeting dates are listed on the town website www.townofnorthharmony.com. Mr. Marzec asked if there was an opportunity to present any questions or comments in writing to the PB. Mr. Levesque said yes, but he feels that a physical presence brings more to the people you are talking to. Mr. Marzec asked if Mr. Saracki owns the property. Mr. Saracki said he does not own the property but he has a contract on it. Mr. Levesque said he appreciates that people traveled to get here but there is a lot on the agenda this evening and these questions should be addressed at the Planning Board meeting because the ZBA will not get any further with this case at this time. Mrs. Emick advised that the minutes of the meeting are available on the town's website and interested parties can access them there.

Mr. Levesque motioned to forward the application of Todd Saracki, Carlton Homes, requesting Area Variances to construct 3 new homes closer to setbacks than allowed in Section 401 of the Zoning Code at property located at 4920 Ashville Bay Rd., specifically Section 367.14-1-47, to the Planning Board for review and recommendation due to the size, scope and cost of the project. Mrs. Emick seconded and the motion was carried unanimously.

5. Norman & Judith Wiktor requesting Area Variances to construct an addition and increase the size of a pump house which will be closer to setbacks than allowed in Section 401 of the Zoning Code at property located at 3278 Chautauqua Ave., specifically Section 349.20-1-10.

Mr. Wiktor said he would like to do some maintenance work (roof, windows, etc.) and in the process add a 3rd bedroom onto his parents cottage. He said the current pump house which is 6'x8' is falling apart and they would like to replace that with a larger one that will be 7.6'x19'. Mr. Wiktor said the bedroom would be added toward the parking area and not the lake. He said the pump house will hold the well, filtration system and hot water tank and will be attached to the house. Mr. Wiktor explained that the neighbors had built their shed 2' onto his family's property. He said the intent is to build a firewall in the back wall of his shed because the 2 sheds abut. There will be no space for passage between the 2 sheds. Mr. Wiktor said he had spoken to the neighbors on both sides and they had no objections. Mr. Lawson said probably the town would want to have the Chaut. Co. Health Dept. certify that the septic will handle the additional room before a permit is issued. Mr. Wiktor said they had the water and septic tested earlier this year with good results. There was lengthy discussion on how the home is positioned on the property and it was determined that with the pump house attached to the home it becomes a part of the structure and therefore the setback relief is 18' on the south side. Mr. Levesque asked if there were any questions

regarding the application. Mr. Lawson said that the structure falls within the 25% lot coverage rule (lot size is 11,500 sq. ft.). Nonconformance will extend back to the pump house.

Mr. Levesque motioned to grant an Area Variance to Norman & Judith Wiktor to construct an addition and increase the size of a pump house which will be closer to setback than allowed in Section 401 of the Zoning Code at property located at 3278 Chautauqua Ave., specifically Section 349.20-1-10 providing the following criteria is met:

- **Provide Zoning C.E.O. with plans showing the survey with the existing house; additions and setbacks to property lines prior to permit being granted.**
- **Boards perspective is a 2' from the property line setback**

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- **Application is subject to approval from the health department on septic capacity**
Mrs. Emick seconded and the motion was carried unanimously.

6. Paul Pogorzelski requesting a Use Variance / Special Permit to replace a 1964 mobile home with a new 2013 travel trailer at property located at 5339 Ramsey Rd., specifically Section 349.00-2-15 & 16.

Mr. Pogorzelski said he would like to replace the existing 1964 (9'x 48') trailer on his property with an 8'x36' travel trailer which will be a permanent fixture. He said the home is a seasonal residence and he has made many improvements since he purchase the property 4 years ago. He said the existing mobile home would be entirely removed, but the deck would remain. Mr. Lawson referenced Zoning Code Section 631 b. in relation to the application which indicates the maximum numbers of days per time period that a temporary dwelling unit can be inhabited in the AG District. Mr. Lawson said he feels the application should be looked at as a Special Permit and that Section 703 C. should be waived. He said this is similar to an application that the board approved several years ago that included a motor home and a garage. Mr. Levesque asked if anyone wished to speak regarding the application. Patrick Steffen said that he lives at 3180 Deerwood Drive and also owns property directly opposite the applicants. He said he is all about enhancing the image of the township and he does not feel that mobile homes or travel trailers enhance that image going forward. He said the applicant has improved his property but he does not feel that a travel trailer should be installed there and it will not add to the value of surrounding properties. He also expressed concern that vacant structures like this provide targets for vagrants and vandals. He said he is opposed to the granting of the permit. Mr. Pogorzelski said it was beyond his financial capabilities to build a home and asked if it would be better to look at the old trailer or a newer 2013 trailer. Mr. Thomas said Mr. Steffen's concerns would be more appropriately addressed by the Town or Planning Boards. Mr. Stapleton said that Section 905 allows the board to place conditions on the application.

Mr. Levesque motioned to grant a Special Permit to Paul Pogorzelski to replace a 1964 mobile home with a new 2013 travel trailer at property located at 5339 Ramsey Rd., specifically Section 349.00-2-15 & 16 with the following conditions:

- **Travel trailer will be completely skirted**
- **Buffer zone created by the placement of a minimum of 3 evergreens spaced at 10' intervals and at least 2' in height in the front along the skirting area**

Mr. Thomas seconded.

Discussion:

Mr. Steffen expressed concern about the safety issue of an unoccupied travel trailer for 8-10 months of the year. Mr. Silzle said that over 50% of the homes in this area are vacation homes that are empty 8 to 10 months out of the year. Mr. Steffen said he was asking the board to effect changes for the future. There was further discussion of the safety issue.

The motion was carried unanimously.

7. Christopher & Janet Hartz requesting a Special Permit to construct a roof over an RV and deck on property owned by Robert Kanouff and located at Lakeside Camping, 3280 Hadley Bay Road, specifically Section 332.20-1-38.

Mr. Hartz said he owns a 20 year old trailer that is located at Lakeside Campground and the roof is leaking. Mr. Kanouff said they would like to build a roof over the trailer. Mr. Levesque asked if there

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would be anything out of the ordinary done as compared with the last applicants from the campground. Mr. Kanouff said no. Mr. Stapleton indicated that the deck appears to have a partial wall. Mrs. Hartz said one side has a railing on waist high wall to prevent dust from the road. Mr. Lawson said decks that are over 30' high have to have a railing. Mrs. Hartz said the deck is not more than 2' high. Mr. Lawson cautioned that no portion of the deck area could be closed in. Mrs. Hartz said the roof would also cover the deck.

Mrs. Emick motioned to grant a Special Permit to Christopher & Janet Hartz t to construct a roof over an RV and deck on property owned by Robert Kanouff and located at Lakeside Camping, 3280 Hadley Bay Road, specifically Section 332.20-1-38 with the following condition:

- **No portion of the deck area to be enclosed**

Mr. Silzle seconded and the motion was carried unanimously.

The hearing was adjourned at 10:00 PM.

Nancy M. Thomas
Town Clerk