

Town of Johnsburg  
Zoning Board of Appeals  
Tannery Pond Community Center  
July 7, 2014

**ZBA Members:** Cathy Allen, Philip Goodman and James Jones

**Applicants:** Greg Taylor

**Guests:** Frank DeSantis, Mark Parobeck

**ZEO:** Danae Tucker

Public Hearing called to order at 7:03pm

Town of Johnsburg Zoning Board of Appeals Use Variance V-02-2014

Background: A pre-existing non-conforming A-frame structure (too close to a stream) located on the banks of North Creek on the Peaceful Valley Road (Section 66, Block 1, Lot 10) fell into disrepair to the point that a condemnation order was issued. The structure sits on a foundation that is only approximately between 3-6 feet from the edge of a stream (North Creek). Analysis of satellite imagery between 2001 and 2013 indicates that the bank of the stream has eroded and the foundation is several feet closer to the edge of the creek than it was a decade or so ago. Mr. Taylor would like to construct a new foundation with the same dimensions 15 feet farther from the bank of the creek. He would also like to install a new septic system that meets current code.

Philip Goodman moved to grant 15 extra feet of relief to relocate the building footprint further from the stream and approve variance application V-02-2014, seconded by Jim Jones, all in favor, motion carried.

Hearing Minutes:

Mr. Taylor is under contract to purchase property from Mr. Sisca, and Mr. Taylor has authority to act as an agent. Mr. DeSantis, who is representing Mr. Taylor, stated Mr. Taylor will conduct the condemnation order that was issued. Mr. DeSantis said they are looking to construct a new home and foundation with the same dimensions of the old building, move the footprint of the existing building 15' further from the stream and install a new septic system that meets current code. The septic system will be 10' from the property line. Mrs. Tucker stated the APA has already done a site inspection. The board discussed the right of way for both lots.

Motion to close public hearing by Phil Goodman, seconded by Jim Jones, all in favor, motion carried.

Regular Meeting opened at 7:27 pm

Regular Meeting Minutes:

Following motion made by Mr. Goodman seconded by Mr. Jones

Rationale:

- 1) Granting this relief will not cause an undeniable change to the character of the neighborhood. The new structure would be an updated version of the old one covering an identical footprint 15 feet further into the lot further away from the stream.
- 2) The lot is limited by size and physical characteristics; fitting the building and updated septic on the existing the lot cannot be otherwise attained without the variance.
- 3) The variance is not substantial considering the building could already be constructed on the existing foundation without a variance. The variance will, in effect, actually bring the structure closer to compliance that it already is.
- 4) The physical and environmental conditions in the neighborhood will not be negatively impacted. Moving the structure further from the stream and modernizing the septic system will actually serve to improve the physical and environmental conditions of the neighborhood.
- 5) The condition on the ground is not self-created; natural occurrences have led to the erosion of the stream bank.

All in favor, motion carried.

Regular meeting closed at 7:35 pm

Motion made to close meeting by Mrs. Cathy Allen and seconded by Mr. Jim Jones, motion carried.

The secretary to the board has sent all the necessary notifications to the adjacent owners with regard to the public hearing and all fees have been paid for the variance application.

7/7/14

Town of Johnsburg Zoning Board of Appeals Variance # V-02-2014

This is a request for an area variance to move the building footprint of a preexisting nonconforming structure 15 feet farther from the bank of a stream (North Creek).

Background: A pre-existing non-conforming A-frame structure (too close to a stream) located on the banks of North Creek on the Peaceful Valley Road (Section 66, Block 1, Lot 10) fell into disrepair to the point that a condemnation order was issued. The structure sits on a foundation that is only approximately between 3-6 feet from the edge of a stream (North Creek). Analysis of satellite imagery between 2001 and 2013 indicates that the bank of the stream has eroded and the foundation is several feet closer to the edge of the creek than it was a decade or so ago. Mr. Taylor would like to construct a new foundation with the same dimensions 15 feet farther from the bank of the creek. He would also like to install a new septic system that meets current code.

Philip Goodman moved to grant 15 extra feet of relief to relocate the building footprint further from the stream and approve variance application V-02-2014.

Rationale:

- 1) Granting this relief will not cause an undeniable change to the character of the neighborhood. The new structure would be an updated version of the old one covering an identical footprint 15 feet further into the lot further away from the stream.
- 2) The lot is limited by size and physical characteristics; fitting the building and updated septic on the existing the lot cannot be otherwise attained without the variance.
- 3) The variance is not substantial considering the building could already be constructed on the existing foundation without a variance. The variance will, in effect, actually bring the structure closer to compliance that it already is.
- 4) The physical and environmental conditions in the neighborhood will not be negatively impacted. Moving the structure further from the stream and modernizing the septic system will actually serve to improve the physical and environmental conditions of the neighborhood.
- 5) The condition on the ground is not self-created; natural occurrences have led to the erosion of the stream bank.

Motion seconded by James Jones.

Motion passed 3-0