

Zoning Board Minutes - November 1, 2004

Chairman Hansen called the meeting to order at 7:30 p.m. on Monday November 1, 2004 with the following members present:

Mr. Allan Tedrow, Vice-Chairman Mr. John Ouimet
Mr. Richard Drake Mr. Raymond Rose

Mr. Drake made a motion to approve the October 4, 2004 minutes with recommended corrections. Seconded by Mr. Tedrow. Motion carried.

Campbell Subdivision 405 Hudson River Road

Chairman Hansen explained that this item was before the Board in August 2004 and that the public hearing was left open, ever since then, in order for the applicant to submit additional information prior to the Board making a decision. Chairman Hansen stated the applicant has submitted information on the concerns of the existing septic systems, the concerns of the property being able to be accessed and information about the 1983 subdivision separating the existing restaurant and the existing residential uses. Chairman Hansen read a letter dated October 27, 2004 from Mr. John Campbell explaining that the existing septic systems had been inspected, a new septic system had been replaced for Parcel A, a dye test was performed by the Town's Code Enforcement Office with no negative results, the alleged 1983 subdivision search has found no such information with the Town or the County but the parcel is represented on the present tax mapping for the County/Town and the alleged perforated pipe's source, terminating on an adjacent property, has been unfounded by the Town's Code Enforcement Office. Chairman Hansen read a letter dated October 28, 2004 from Mr. Murphy, Director of Code Enforcement, stating that the dye test has been performed with no negative results and that the property is in compliance with no code enforcement issues. Mr. John Campbell, represented his father Mr. Dewitt Campbell, explained that the proposed subdivision is to separate two existing residential units located, presently, on one parcel. Mr. Campbell stated a variance is needed due to the proposed lots not conforming to the minimum lot area in the M-1 District and that the lots do not have road frontage but have a deeded ingress/egress easement from the adjoining restaurant land.

Chairman asked if anyone from the public wished speak. No one responded. Chairman Hansen closed the public hearing at 7:36 p.m. Chairman Hansen asked the Board for comments. Mr. Ouimet asked if Mr. Campbell's father once owned the restaurant property. Mr. Campbell stated yes, in 1983 the restaurant was sold and went into bankruptcy and then was sold again in 1997 to the present owner's of Costanza's Restaurant. Mr. Drake asked why the proposed subdivision and the subsequent variance are being pursued. Mr. Campbell stated long-term residents in one of the existing dwellings wishes to purchase the dwelling (Mr. Campbell's father lives in the other dwelling). Mr. Ouimet asked why the 1983 subdivision of the restaurant/residential dwellings did not go through the Town's subdivision procedure. Mr. Williams stated there is no evidence by checking prior Planning Board minutes or the Planning Department file. Mr. Williams stated the parcels does show on the County's tax map. Mr. Ouimet stated at the time the restaurant was separated from the existing residential lot, the road frontage for the residential parcels was removed. Mr. Tedrow stated that through his past experience on the Planning Board, the County, at one time, would accept a deed description for filing of plats and that this may be reason the parcels are shown on the tax maps. Mr. Campbell stated that when the restaurant was separated from the residential uses the access area for the residential uses was used for parking with an area left open to access the residential dwellings. Mr. Campbell stated that the ingress/egress for the residential dwellings is a permanent easement, which is identified on the residential parcel deed and the restaurant's deed. Mr. Campbell showed the Board the deed descriptions for the residential parcel and the restaurant parcel. Mr. Hansen suggested the Board to move on the application with a condition that the Town Attorney review the ingress/egress easement to determine if it's legal.

Mr. Ouimet made a motion to approve the area variance and the "no road frontage" issued contingent on the Town Attorney reviewing and accepting the deeded access easements for the residential and restaurant use. Mr. Rose seconded. Motion carried.

Thomas Sarris 10 Manchester Drive

Chairman Hansen opened the public hearing at 7:52 p.m. Chairman Hansen stated that the variance request

consists of asking for a front-yard setback variance from 44 ft. to 34 ft. in order for the applicant to add an enclosed front porch on his existing house. Mr. Sarris submitted an illustration of the proposed enclosed porch to the Board. Chairman Hansen asked if anyone from the public wished to speak. No one responded. Chairman Hansen closed the public hearing at 7:54 p.m. Mr. Drake stated the required front-yard setback is a minimum of 30 ft. Chairman Hansen stated that Mr. Sarris' existing house was built prior to zoning laws in the Town. Chairman Hansen continued that when zoning laws were established in the Town, the minimum front-yard setback was 30 ft. and has been changed, at some point, to the current 50 ft. front-yard setback. Mr. Sarris' contractor stated the proposed porch would be built at the existing grade. Mr. Sarris explained that the entry door would be on the side of the proposed porch. Mr. Sarris explained that the entry door would be on the side of the proposed porch. Mr. Sarris stated at some time in the future there might be the need for a handicap ramp to be built.

Mr. Tedrow made a motion to approve the area variance as requested. Mr. Ouimet seconded. Motion was carried.

Mr. Ouimet made a motion to adjourn the November 1, 2004 meeting at 8:06 p.m. Mr. Rose seconded. Motion was carried.

Respectively revised by Denise Mikol, Secretary Zoning Board of Appeals