

EDINBURG ZONING BOARD OF APPEALS

September 7, 2023

Date of Meeting

Regular Meeting

Kind of Meeting

Pre-Submission Conferences

Sharon Leighton, Joe Crean, Robert Hartman,
Judy Sterling and Donna Novotny

Members Presents

None

Members Absent

Terrence Anthony, Code Enforcement Officer
Mary Beth Walsh, Town Attorney
Steven Cimino, Applicant
Mike Arsenault, Applicant
Doug Sterling
Mr. and Mrs. Thomas Armstrong

Others

Regular Meeting:

Chairwoman Leighton opened the meeting at 7:02 p.m.

Approval of Minutes:

Board Member Novotny made the following motion:

BE IT RESOLVED the minutes for the November 3, 2022 meeting are approved.
Board Member Sterling seconded the motion. All in favor, none opposed. Carried: 5-0.

Pre-Submission Conference:

Application No. Z01-23
Steven Cimino/Frey
Tax Map Nos.: 54.17-2-26, 54.17-2-40
and 54.17-2-66.1
Area Variances

Chairman Leighton reviewed the application and the following discussions occurred:

- CEO Anthony explained why these types of actions are required to be submitted to the ZBA. He stated a non-conforming, pre-existing parcel can be legitimately improved. However, when this parcel is changed by boundary line adjustments, it must be referred to the ZBA. He further stated during the last four years such actions were not referred to the ZBA when they should have.

- CEO Anthony stated while expanding these lots does not result in compliance with Town of Edinburg Land Ordinance, it would be acceptable as long as the lots are getting larger and not smaller. An approval must be made prior to referral back to the Planning Board for further action.
- The purpose of the acquisition of additional acreage will allow the applicant to meet the requirements of the Land Ordinance for separations between wells and septic systems.
- One of the structures was encroaching on a neighbor's parcel and a demolition permit for its removal had been issued.
- Chairman Leighton stated Saratoga County Planning Referral Review #23-A-42 states "if new dwelling units are proposed they should be placed on the survey map along with the proposed well and septic locations. The placement of these features on the map ensures that adequate separation can be met prior to the Planning Board approving the land transfer/lot line adjustment." The map does not include any well, septic or proposed structure locations.
- CEO Anthony stated the location of a proposed well, septic or structure on the survey map does not guarantee when any of these are added to the site, they will be located in the same place. Board Member Hartman inquired who is responsible for additions to the map. CEO Anthony stated the surveyor is responsible for inclusion of those locations.
- CEO Anthony stated a property owner does not have to meet the separation requirements between septic systems and wells on his own parcel. A waiver must be obtained from the Department of Health because it must be divulged to any prospective buyers of the parcels in question in the future.
- Board Member Sterling stated they need to be sited on the survey map otherwise the application is incomplete.
- The Applicant must be 100 feet from any of the neighbors' wells or septic locations to be in compliance and he does not have any issue with putting the information on the survey map.
- Chairman Leighton stated the Applicant has no intention to build in the near future so it would not be an extreme hardship to wait for a revised map.
- Secretary inquired if a letter had been obtained from property owner Frey whose parcel is providing the acreage Mr. Cimino needs to site the septic and well locations. CEO Anthony stated it was not.
- Applicant Cimino stated he knows the location of the wells and septic systems of his neighbors; will measure where they are located on those sites; and, along with his own well and septic system, he will draw them on his survey map.
- Board Members Novotny and Hartman stated they find the application complete.
- Tax Map No. 54.17-2-40 is owned by the Applicant's son, Steven Cimino, Jr.

The following application items were submitted:

- Completed application
- Application materials from Planning Board file (deeds, SEQRA, survey map)

Board Member Novotny made the following motion:

BE IT RESOLVED Application No. P05-23, Steven Cimino/Frey, Tax Map Nos. 54.17-2-26, 54.17-2-40 and 54.17-2-66.1, Area Variances is deemed complete and set for Public

Hearing on Thursday, October 5, 2023. Board Member Hartman seconded the motion. All in favor, none opposed. Carried: 5-0.

Pre-Submission Conference: Application No. Z02-23
Mike Arsenault
Tax Map No. 68.17-2-1 and 68.17-2-60.12
Area Variances

Chairman Leighton and Applicant Arsenault reviewed the application:

- Applicant Arsenault provided a written summary of the three lot line proposals for which area variances are required and consists of the following:
 1. These proposed boundary line adjustments will correct irregular lot lines to make the existing lines straighter decreasing the entire area owned by the Applicant from .234 acre to .228 acre.
 2. Tax Map No. 68.17-2-1 (original size .27 acre) contains a section for a roadway which is on a steep incline to North Shore Road; has never been developed as a part of a roadway; and, this portion of possible designated roadway use will be discontinued. There is a structure on this parcel which has been used for various purposes in the past. <This parcel will be sold to adjoining property owner Thomas Armstrong, Tax Map No. 68.17-2-59 (original lot size .07 acre).>¹
 3. A .032 portion of Tax Map No. 68.17-2-60.12 (roadway-original size .19 acre) located adjacent to Armstrong will become part of the existing Armstrong parcel Tax Map No. 68.17-2-2 (original lot size .12).
 4. The remainder of Tax Map No. 68.17-2-1 (original size .27 acre) will become part of Penn Heights roadway parcel Tax Map No. 68.17-2-60.12 (original size .19 acre).
 5. There will be no physical changes. The dirt road will remain as is.
 6. There may be future building on the Armstrong parcel Tax Map No. 68.17-2-2 and this transfer will enable Mr. Armstrong to comply with setback requirements.
 7. A letter was provided by the Applicant from Penn Heights Beach Club, Inc. stating no objection and full agreement with the Applicant Arsenault proposals.
- CEO Anthony provided the Town tax maps for comparison and clarity.

The following application items were submitted:

- Completed application
- Full size survey map
- SEQRA
- Deeds
- Explanation of proposed boundary line adjustments with proposed deed descriptions

Board Member Novotny made the following motion:

¹ Remove entire sentence within <>. This landowner was not involved in any exchange of property from Applicant Arsenault.

BE IT RESOLVED Application No. Z02-23, Mike Arsenault, Tax Map No. 68.17-2-1 and 68.17-2-60.12, Area Variances is deemed complete and to set for Public Hearing on Thursday, October 5, 2023. Board Member Hartman seconded the motion. All in favor, none opposed. Carried: 5-0.

CEO Anthony stated this application will also be referred back to the Planning Board. The application will be referred to Saratoga County Planning for their review process.

Old Business: None

New Business: The Secretary will be handling all new applications and it was determined that she will email the application materials to the Board Members without the large survey map. The hard copy applications can also be picked up at the Town Hall if the Board Member wishes prior to the meeting.

Board Member Hartman made a motion to adjourn the meeting at 7:55 p.m. Board Member Novotny seconded the motion. All in favor, none opposed. Carried: 5-0.

Respectfully submitted,

Diane Byrne
Secretary