

EDINBURG ZONING BOARD OF APPEALS

November 5, 2020

Date of Meeting

Regular Meeting

Kind of Meeting

Pre-Submission Conference

Christopher Waite, Joe Crean, Robert Hartman
Sharon Leighton and Judy Sterling

Members Presents

None

Members Absent

Terrence Anthony, Code Enforcement Officer
Thomas DeOrio, Applicant

Others

Regular Meeting:

Chairman Waite opened the meeting at 7:05 p.m.

Pre-Admission Conference:

Application No. Z01-20

Thomas DeOrio

Tax Map No. 80.8-1-53

Area Variances

The following information was reviewed by the ZBA Members:

- The Applicant is proposing to erect a two-story garage on a 50-foot wide parcel purchased in 2014 and located in the Low Intensity District requiring 25-foot side yard setbacks.
- The depth of the lot is 113 feet on one side and 136 feet on the other side.
- Code Enforcement Officer Anthony met with Adirondack Park Agency last winter regarding this area along North Shore Road discussed under New Business at the October 3, 2019 meeting which stated the following: “(this area is) ...unusual in that other similar areas in the Town of Edinburg fall under the Lakefront Residential Zoning District requiring 1.3 acres. If this area was similarly zoned, many of the parcels would be conforming with regard to the setback requirements (10 feet in Lakefront Residential District rather 25 feet required in Moderate Intensity Zoning District).” APA stated to rezone this area would be a monumental task for their agency. Code Enforcement Officer Anthony stated pre-existing parcels could revert back to APA regulations which have no setback requirements. The Town Board would need to make this change this in the Town of Edinburg Land Ordinance.

- The dimensions of the garage are 24 x 24 feet (error was made on submitted drawing showing 28 feet deep).
- The Applicant stated some parcels consist of several combined lots which were 50 x 100 or 50 x 125 individually which made these combined lots buildable.
- The garage will include living quarters with a proposed 1200-gallon stand-alone septic system which is being utilized more often because the distances between wells and traditional septic systems cannot be met. There will be a well. Code Enforcement Officer Anthony stated a property owner must maintain distances from wells and septic systems of adjoining parcels but can include a signed waiver with his building permit stating he is aware the distances are not being met between his septic systems and well located on his parcel. The adjoining parcels are vacant except for access driveways.
- If the Board applied the side yard setback distance of 10-feet as reviewed by Code Enforcement Officer Anthony as a pre-existing non-conforming lot, the proposed structure could be only 30 feet wide.

Board Members discussed the following:

- Chairman Waite stated this Board has denied two previous applications with side yard setbacks of 25 feet in Low Intensity District on similar narrow lots. He stated technically a flagpole could not be erected in the center of this lot. The proposed garage would need massive area variances.
- Discussion ensued why each application requires two meetings when in the past there was only one meeting which included the Public Hearing. The Secretary stated increasingly applications were accepted by the Building Department and were incomplete. Discussion with Saratoga County Planning at that time revealed most Boards in other municipalities had two meetings: deeming the application as complete followed by a Public Hearing at the next meeting.
- Discussion ensued on the history of the area and sizes of lots; combining of adjoining lot or lots to the 50-foot DeOrio lot would be the best solution if those lots were for sale; if the APA would rezone this area; etc.
- Board Member Hartman, new member attending first meeting, questioned the concept of precedent and if this Board's past practices could be used against the Board. Board Member Sterling stated each application is reviewed on a case by case basis. She further stated at the time of the Public Hearing, this Board applies five criteria on which to base their decision which would further clarify the resulting decision of whether to approve or deny. Discussion ensued on denial of garages within the Town which were supported by County Planning; denial of sheds in Lakefront Residential District; etc.

Board Member Sterling made the following motion:

BE IT RESOLVED Application No. Z01-20, Thomas DeOrio, Tax Map No. 80.8-1-53, area variances is deemed complete and set the Public Hearing for Thursday, December 3rd, 2020. Board Member Leighton seconded the motion. All in favor, none opposed. Carried: 5-0.

Board Member Leighton made the following motion:

BE IT RESOLVED the Town of Edinburg Zoning Board of Appeals is deemed Lead Agency in the matter of Application No. Z01-20, Thomas DeOrio, Tax Map No. 80.8-1-53, area variances. Board Member Crean seconded the motion. All in favor, none opposed. Carried: 5-0.

Approval of Minutes:

Board Member Sterling made the following motion:

BE IT RESOLVED the minutes for the October 3, 2019 meeting are approved. Board Member Hartman seconded the motion. All in favor, none opposed. Carried: 5-0.

Old Business:

None.

New Business:

None.

Board Member Crean made a motion to adjourn the meeting at 7:40 p.m. Board Member Leighton seconded the motion. All in favor, none opposed. Carried: 5-0.

Respectfully submitted,

Diane Byrne
Secretary