

Town of Johnsburg
Zoning Board of Appeals
Tannery Pond
October 07, 2024

Attendance: Jim Jones, Cathy Allen, Reisha Thissell, Secretary Joann Morehouse, and ZEO William Welch

ABSENT:

Applicants: Diane Burgess, Matt Ordway, Andy Bennett

Guests: Emma Wilson, Jeff Anthony (Studio A), Gary Pascale, Frank Thissell Sr., Cheyanne Tabano, Mckenzie Blydenburgh

Public hearing: Meeting called to order 7:00 pm by Cathy Allen

V-02-2024-Burgess-165 Cross Rd, Johnsburg-Tax Map # 178.-1-3

Diane Burgess was present to speak on behalf of her daughter. The Burgess' are planning to install a new septic system and are looking for a 12.9-foot variance from an intermittent stream in order to do so. The current septic is just a seepage pit that they are looking to replace and is only 34 feet from the lake.

V-03-2024-Burgess-165 Cross Rd, Johnsburg-Tax Map # 178.-1-3

Diane Burgess was present to speak on behalf of her daughter. The Burgess' want to add a bathroom and another bedroom onto the existing home which was built in the 1920's it is not compliant with the new Zoning law but is grandfathered in. So, to put the addition on and keep it in line with the rest of the house it will need 30 feet of relief from the shoreline setback even though the added rooms will be added as a second story.

V-04-2024-North Creek Investment Realty-Park Rd, Johnsburg-Tax Map # 117.-1-2 & 3

Mr. Ordway and Mr. Bennett were present with Jeff Anthony from Studio A to speak about the area variance they are requesting. Mr. Ordway & Mr. Bennett purchased 84.6 acres and are permitted to subdivide into 10 lots in this zone, but they are seeking an area variance so they can divide it into 14 lots.

Ms. Tabano, Mr. Blydenburgh, and Mr. Pascale were present to speak to this application and Mr. & Mrs. Comstock sent in a letter regarding this application.

“See letter attached to end of minutes” Mrs. Allen read the letter to everyone. Mr. Blydenburgh spoke and said that he 100% agrees with the Comstocks letter and he is also very against the variance allowing additional lots. He stated he has no desire to see the increased traffic on that road or number of homes on that section of the road doubled, his home is right next the proposed house on one of the lots. Mr. Pascale asked about the storm water affect on his property he stated that that was his main concern.

V-05-2024-Town of Johnsburg/Frontstreet-Ski Bowl Rd Tax Map # 66.-1-14

Mr. Jones made a motion to temporarily close the public hearing giving time for someone to show up for **V-05-2024** to show up, seconded by Mrs. Thissell all in favor.

Call Regular meeting to order: Ms. Allen called the regular meeting to order.

Approval of Minutes:

New Business:

V-02-2024-Burgess-165 Cross Rd, Johnsburg-Tax Map # 178.-1-3

Diane Burgess was present to speak on behalf of her daughter. The Burgess' are planning to install a new septic system and are looking for a 12.9-foot variance from an intermittent stream in order to do so. The current septic is just a seepage pit that they are looking to replace and is only 34 feet from the lake.

Rationale:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance. – No
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance. - No
3. Whether the requested area variance is substantial. – No

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. – No, in fact along with the addition the septic system will also be moved to make it compliant with today's zoning laws which will be much better conditions environmentally. - No, the new septic would be a definite improvement.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance. The best way to understand the rules is to examine each in its turn, together with the court decisions that rely on them. – No

V-03-2024-Burgess-165 Cross Rd, Johnsburg-Tax Map # 178.-1-3

Diane Burgess was present to speak on behalf of her daughter. The Burgess' want to add a bathroom and another bedroom onto the existing home which was built in the 1920's it is not compliant with the new Zoning law but is grandfathered in. So, to put the addition on and keep it in line with the rest of the house it will need 30 feet of relief from the shoreline setback even though the added rooms will be added as a second story.

Mr. Jones made a motion to approve the request for 30 feet of relief from the shoreline setback variance V-01-2024, seconded by Mrs. Thissell, all in favor.

Rationale:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance. – No

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance. - No

3. Whether the requested area variance is substantial. – No

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. – No, the proposed addition will actually make things look better.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance. The best way to understand the rules is to examine each in its turn, together with the court decisions that rely on them. – No

V-04-2024-North Creek Investment Realty-Park Rd, Johnsburg-Tax Map # 117.-1-2 & 3

Mr. Ordway and Mr. Bennett were present with Jeff Anthony from Studio A to speak about the area variance they are requesting. Mr. Ordway & Mr. Bennett purchased 84.6 acres and are permitted to subdivide into 10 lots in this zone, but they are seeking an area variance so they can divide it into 14 lots.

Mr. Jones made a motion to approve the request for an area variance allowing Mr. Ordway & Mr. Bennett to divide the property into 14 lots instead of 10. V-04-2024, seconded by Mrs. Thissell, all in favor.

Rationale:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance. – The Zoning board said no this variance would not change the character of the neighbor or be a detriment to nearby properties based on the answers given by the applicant but Mrs. Thissell said that she felt like it needed to be noted

that the neighbors who wrote to the board or showed up disagree with that opinion.

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance. - No

3. Whether the requested area variance is substantial. –

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. - No

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance. The best way to understand the rules is to examine each in its turn, together with the court decisions that rely on them. – Yes the board feels this was a self-created hardship.

V-05-2024-Town of Johnsburg/Frontstreet-Ski Bowl Rd Tax Map # 66.-1-14

Mr. Thissell made a motion to table this variance until next meeting, seconded by Mr. Jones all in favor.

Old Business: None

ZEO Report: None

Privilege of the Floor:

Mrs. Thissell made a motion to close meeting at 8:45pm, seconded by Mr. Jones all in favor.

Respectfully,

Joann M. Morehouse

**Next Zoning Board meeting scheduled
for November 4, 2024 at the Tannery Pond**

**Jean & Fred
Comstock
11 Park Road
Johnsburg, NY
12843**

October 7, 2024

Town of Johnsburg Zoning Board

Dear Board Members:

My family has lived on Park Road for 26+ years. It's a small, quiet road in the Hamlet of Johnsburg. There are approximately 12 year-round residents on this road and maybe 3-4 second homeowners.

There are concerns about the 10-lot subdivision (potentially 14 lots) on Park Road that have come up from several homeowners - more noise, more traffic, etc. To my knowledge most folks on Park Road

have wells, adding an additional 10-14 wells will have a detrimental impact on the water pressure for those around this development as well as environmental concerns. Referencing the Otto Standards (copy attached for reference) - there would be an undesirable change to the character of the neighborhood and the impact on surrounding properties; it could potentially have an adverse effect or impact on the physical and environmental conditions with the addition of 10-14 new homes regarding wildlife, privacy and safety for property owners.

If these are second homes and there is the possibility for these to be rented out throughout the year this is just more of a concern for our very quiet neighborhood.

I don't believe those involved in this development have thought of the impact it would have on the residents here, actually doubling the number of homes, and quite honestly, I don't think they care, it doesn't impact their home or neighborhood.

Sincerely,

Fred & Jean Comstock