Public Hearing 7:00 p.m.

1) **Continuation: Variance Application # 537:** Application submitted by Mohawk Hudson Land Conservancy to request relief from Article III, Section 190-32C(5) of the Town of New Scotland’s Zoning Law to allow for a sign to be constructed on the front property line of the Bennett Hill Preserve. The parcel is located within the RF Zoning District on Bennett Hill Road. The parcel is owned by the applicant and identified as New Scotland Tax parcel id # 117.-2-24. The RF district has a front yard setback of 25’ for signs. This request is for 25’ of relief to allow for the sign to be located along the R.O.W. of Bennett Hill Road.

Albany County response was to defer to local consideration.

Mr. Baker opened up the meeting to the public.

No public comments.

Mr. Baker moved to close the public hearing and Mr. Moore seconded the motion; all in favor; motion so carried.

Vote: 5-0

Mr. Baker: What is the sense of the Board in terms of what they want on this? Personally I am fine with the requested variance. It is on the edge of the right of way but it’s not on the edge of the road. I think that when you come from either direction on that there is a value of seeing that. You could skip by that parking lot pretty quickly.

Ms. Abrams: I think people already know where it is and they use the trails. Or, they are looking for it and using their GPS’s. It will say “You have arrived.” As I understand it, we have to give the least variance possible. I don’t think we should give the full variance. I think that it should be able to be identified from the road, but it doesn’t have to be in your face on the road.

Ms. Burke: I agree with Ms. Abrams, I think particularly because we are hearing that 30-feet would be fine I don’t see any reason to give a greater variance.

Mr. Moore: I disagree with Ms. Abrams and Ms. Burke. I think it needs to be identified. It is out in the middle of the country. There’s no harm in giving the full variance.

Mr. Crookes: I live on that road and I have no objection to the variance request.

Ms. Abrams: It’s not that it’s a matter of no harm. I think it’s a matter that there is a law. There is the Zoning Law and this Board generally is very accommodating to our residents and anybody else who is here, but in this particular case as long as somebody can see that is where the preserve is and especially because most of the people do have GPS. I would like to reiterate that because we do have a law we should give the least variance as possible.
Mr. Baker took the Board through the area variance criteria:

- 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 area variance.
  - No
- 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
- Whether the requested area variance is substantial;
  - Yes
- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the district or neighborhood; and
  - No
- Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.
  - Yes

Mr. Baker moved to grant the variance request at 5-foot setback from the right of way instead of the normal 25-foot setback from the right of way. A condition was added that requires the Mohawk Land Conservancy to place additional signs informing the public that fires are prohibited on the property. Mr. Moore seconded the motion; Mr. Baker, Mr. Moore and Mr. Crookes in favor; Ms. Abrams and Ms. Burke not in favor; motion so carried.

Vote: 3-2

New Business:

1) **Variance Application # 638**: Application Submitted by Tim Danz requesting relief from Article II, Section 190-13 (B) of the Town of New Scotland’s Zoning Law to allow for their front porch to be widened and expanded within the front setback on a parcel. The parcel is located within the “MDR” district at 100 North Main Street. The parcel is owned by the applicant, is identified as New Scotland Tax parcel id #61.-3-30. The “MDR” district has a front setback of 40 feet. This request is for 12 feet of relief to allow for structure to be located 28 feet from the property line.

Mr. Baker referred the application to Planning Board on October 1, 2019 and scheduled the public hearing for the next ZBA meeting on October 22, 2019. Application will be sent to Albany County.

2) **Variance Application # 639**: Application submitted by Andrew and Sara Morse for relief identified in Article III, Section 190-30 (C)(2)(d) of the Town of New Scotland Zoning Law to be allowed to replace one of the existing dwellings on the property with a new dwelling that is more than 25% larger. The parcel is owned by the applicants, lies within the "R2" Zoning District at 244 Normanskill Road and is identified as New Scotland Tax parcel id # 62.-4-13.1. Article III, Section 190-30 (C)(2)(d) of the zoning law requires that any increase of more than 25 percent to an pre-existing, non-conforming use on a lot requires that an area variance be granted by the Zoning Board of Appeals. This application requests that an 860 sq. ft. dwelling be demolished and the new dwelling proposed is approximately 5,616 square feet.
Mr. Baker referred this application to Planning Board on October 1, 2019 and scheduled the public hearing for the next ZBA meeting on October 22, 2019. Application will be sent to Albany County.

**Regular Meeting:**
Discussion/Action minutes of June 25, 2019: Mr. Baker moved to approve the June 25, 2019 minutes with corrections and Mr. Moore seconded the motion; all in favor; motion so carried. Vote: 5-0

Discussion/Action minutes of July 23, 2019: Mr. Baker moved to approve the July 23, 2019 minutes with corrections and Ms. Abrams seconded the motion; Ms. Burke abstained and all other approved; motion so carried. Vote: 4-1-0

Discussion/Action minutes of August 27, 2019: Ms. Abrams approved the August 27, 2019 minutes with corrections and Mr. Moore seconded the motion; Mr. Crookes and Mr. Baker abstained; motion so carried. Vote 3-2-0

**Motion to adjourn:** At 7:50 p.m. Mr. Baker moved to adjourn and Mr. Moore seconded the motion; all in favor; motion so carried.

Respectfully submitted,

Lori Saba

THE NEXT TENATIVELY SCHEDULED MEETING October 22, 2019