



located in the Viewshed Protection Area which would be a Planning Board issue.

Mr. Bernstein stated in reviewing the criteria for variances, the variance would not change the character of the neighborhood. He stated there are houses on the lots surrounding his parcel which are located on the side of Snow Road where his parcel is located and he has more road frontage than most at 246 feet where 300 feet would be required. He stated one other parcel has 285 feet and on the opposite side of the road, there is a 30 acre parcel.

Mr. Bernstein submitted pictures showing the location of the driveway and that safety would not be an issue because it is on a long straightaway with ample site distance.

In regard to the self-created criteria, Mr. Bernstein stated the Town created his need for variances when it changed the zoning law. He stated prior to the change, 25% of his parcel was in the rural district and now 90% is in the rural district.

Chairman Davidson inquired why Mr. Bernstein chose these two sites for subdivision. Mr. Bernstein stated it is a natural point to subdivide due to the steep slope toward the lake. He stated surrounding properties have located homes in this common location which is closer to Snow Road. Chairman Davidson stated there is another way to subdivide and bring both parcels closer to compliance. Mr. Bernstein stated he approached two neighbors in order to purchase additional property and they were not interested in selling any property. He further stated he could locate some road frontage in the 617 feet of frontage area but this would include his driveway. He is reluctant to place an easement on the deed and encumber his future ability to sell either parcel. He wished to retain more property with his portion of the parcel. He did not feel it would benefit the Town to subdivide it in another location.

**Motion** by Ken Johnsen, seconded by Board Member Lang to accept the application of Monte Bernstein, Application No. 08-04ZBA, Tax Map #41.-1-88.1 as complete. Ayes: Dave Davidson, Judy Traeger, Hank Lang, Ken Johnsen, Pat Volpe. Carried: 5-0.

Chairman Davidson stated the Public Hearing would be Monday, October 20, 2008 at 7 p.m. He stated we would consult with Town Attorney Avigdor regarding the zoning district issue. Mr. Bernstein inquired if he would need to change the configuration of the lots. Chairman Davidson stated this Board would need to consider both road frontage and lot size while APA's requirements

concern acreage and density. Mr. Bernstein submitted a letter from APA which does not state if they will accept a substandard lot. Mr. Bernstein stated he has been in contact with Brian Grisi of APA and they will attempt to complete a Jurisdictional Inquiry prior to the Public Hearing. Chairman Davidson stated the letter from APA was not relevant. Chairman Davidson stated this Board had received another letter from APA expressing their concern about illegal subdivisions in the past. Mr. Bernstein inquired if the new line located 528 feet instead of 1,320 feet was approved by APA. Chairman Davidson stated it would not make a difference because the Town has an accepted zoning law.

Chairman Davidson stated while the Public Hearing may be scheduled for October 20, the decision is not required to be made on that evening but must be made within 62 days. He further stated the Board tries to bring applications to a conclusion on the evening of the Public Hearing.

**Correspondence** Capital District Regional Planning Commission Local Government Planning and Zoning Board Workshop to be held on Friday, November 7<sup>th</sup> at Hudson Valley Community College with no discussion by the Board.

**Secretary's Report Application Review Process**

The Secretary stated she will check applications to be certain all categories are completed.

**Motion** At 10:20 a.m. a motion was made by Ken Johnsen, seconded by Board Member Lang to adjourn the meeting. Ayes: Dave Davidson, Judy Traeger, Pat Volpe, Ken Johnsen, Hank Lang. Carried: 5-0.

Respectfully submitted,

Diane Byrne  
Secretary