

Minutes for the Ticonderoga Zoning Board of Appeals Public Hearing and Meeting following held on September 27, 2016 commencing at 6:00 p.m. regarding a Use Variance Application for Philip and Martina Crank

Present: Chairman Eric Stoddard, Erik Leerkes, Doug McTyier, Andy Belkevich, Tonya M. Thompson, Bill Ball

Absent: Joyce Barry

Others: Cherie Sammis, Ron O'Neill, Martina and Philip Crank, Danielle Drinkwine-Holman

Mr. Stoddard opened the meeting with the Reciting of the Pledge of Allegiance.

Public Hearing

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Ticonderoga will hold a Public Hearing and meeting on September 27, 2016 commencing at 6:00 p.m. at the Ticonderoga Community Building's Conference Room, located in the Basement at 132 Montcalm Street, Ticonderoga, NY, regarding an Application for a Use Variance submitted by Philip & Martina Crank concerning a property located at 27 Outlet Drive, tax map number 150.67-4-5.000. All parties interested may be heard at such time.

Mr. Stoddard has reviewed the application and does deem it complete. The applicant has been sworn in, the Public Hearing can begin.

Mr. Belkevich asked if the clerk had received anything from the neighbors.

Mrs. Thompson explained that mailings were sent, she had a few phone calls to confirm the date and time, but nothing in writing. There are a few here tonight that would like to speak.

Mr. McTyier has researched what makes up a legitimate financial hardship and asked the Crank's what exactly is the financial hardship?

Mr. Crank explained that his financial hardship is that they bought this lot six years ago, we have had it listed for six years and we haven't had any inquiries on it. Someone came to us three weeks ago and said that they are staying out at the campsite and they would like to put their RV here for the summer. He said, "Ok, I will see if I can get a variance."

Mr. McTyier also mentioned that when something like this is granted, there are a couple of things that should or shouldn't be done and one that shouldn't is that it shouldn't alter the essential neighborhood. There are permanent homes all around there.

Mrs. Crank stated that there are mobile homes all over there.

Mr. Stoddard read the four criteria that is required for granting a variance.

1. Cannot realize a reasonable return as proven by substantial competent financial evidence; (There is no evidence included in the application)

Minutes for the Ticonderoga Zoning Board of Appeals Public Hearing and Meeting following held on September 27, 2016 commencing at 6:00 p.m. regarding a Use Variance Application for Philip and Martina Crank

2. The alleged hardship is unique, and does not apply to a substantial portion of the district or neighborhood;
3. The use variance, if granted, will not alter the essential character of the neighborhood, and;
4. That the alleged hardship has not been self-created.

Mr. Leerkes stated that your application that has been submitted is for a financial hardship, so we need to know what your financial hardship is,

Mr. Stoddard went over the facts of the application - the property was bought for \$10,000 in 2009...

Mr. Crank stated that they then paid \$12,000 to have the piece of crap mobile home removed from the site...

Mr. Stoddard went on - the current assessment is about \$25,800.00, and your taxes currently are approximately \$574 per year, you have had it for sale starting at \$40,000.00, you have dropped it to \$30,000.00 and he did not see a current listing on it. (the property is currently listed at \$30,000.00)

Mr. Crank went on to say that it was \$10,000.00 to buy it, \$12,000.00 to clean it up, and he just put in a brand new curb stop which is \$2,000.00 and \$3,000.00 for taxes over the last six years, so we are into it for \$27,000.00. He would like to retire next year.

Mr. Leerkes asked if there had been any offers in the six years.

Mr. Crank stated no. None.

Mr. Leerkes asked if there were any comments on why no one was interested? (No)

Mr. Crank stated that they have cleaned up the vegetation and put in the curb stop, which helped with the leak that was making the property wet.

Mr. Belkevich asked the current asking price (\$30,000), he asked if they considered dropping it more. (Yes)

Mr. Crank stated that they have dropped it from \$40,000.00 to \$30,000.00 already.

Mr. Belkevich stated that you may have to drop it a little more, that happens with real estate.

Mr. Crank stated that they know this, but you have to leave wiggle room on a price. If you list it for \$133 and you have to get \$133 and they offer \$129, you can't sell it for \$129.

Minutes for the Ticonderoga Zoning Board of Appeals Public Hearing and Meeting following held on September 27, 2016 commencing at 6:00 p.m. regarding a Use Variance Application for Philip and Martina Crank

Mr. Belkevich stated that if this is a continuous financial hardship, maybe you should drop it just to get rid of it.

Mrs. Cranks stated that they are thinking that maybe they would like to put a travel trailer on there. If this person doesn't buy it, we were thinking about it.

Ron O'Neill was under the impression that there was an offer for \$20,000.00 and second we already have a guy that is in violation with his trailer on the end that we are trying to get out of there. It is a residential area, we are trying to clean it up. He just put a brand new house up, he doesn't need a trailer -- he doesn't know if this is a rental or is he selling the property. All he knows is that he wants to put a travel trailer in there and it certainly doesn't fit the landscape of the area. Just so you know, we were not notified. We understand that you only notify to within 500', but Outlet Drive, he lives on the other side along with Ms. Sammis and a few others that could not be here, unfortunately.

Ms. Sammis also lives on Outlet Drive - most of us who are on the water have invested substantially in our homes and not only to build and maintain but the taxes are quite high and we have been paying these high taxes for years and we all, she thinks, researched the area that it was private, a dead end street and the homes that were there were family homes and she really does believe that this would very much change the neighborhood and she thinks that it would be a mistake to allow something that is a camper or a trailer, that is a very different type of residence than a home. Whether it is a single person or a family or whatever, there are major investments in keeping up the family house. Especially, the ones down by the water - we have made a substantial investment and for her this is her long term, primary residence. She would greatly object and as Mr. O'Neill said, she was not notified of this either. She found out from Mr. O'Neill that this was taking place and she asked a friend to look on the computer for the Town's meetings and it couldn't be found. So she was definitely not notified.

Mr. O'Neill asked about financial hardship, does that mean just because you can't sell it by his price or does that mean..... financial hardship is a whole different kind of meaning to him than the mere fact that he can't sell it or he doesn't want to sell it at the price that was offered to him.

Mr. Stoddard again asked if the Cranks had received an offer on the property?

Mr. Crank stated that if it was \$20,000.00 it was not a formal offer, we got nothing in writing from anybody, ever and if I'm \$22 grand in..

Mr. Stoddard can understand not accepting a low offer.

Mr. Leerkes asked why they bought this property.

Mrs. Crank stated to be honest our daughters wanted to put a house up there. That is why we bought it.

Minutes for the Ticonderoga Zoning Board of Appeals Public Hearing and Meeting following held on September 27, 2016 commencing at 6:00 p.m. regarding a Use Variance Application for Philip and Martina Crank

Mr. O'Neill stated that the way he understood it, and you can correct him if he is wrong, shortly after you purchased it, it was put on the market.

Mrs. Thompson stated that questions are to be directed to the board not personally amongst the public.

Mr. Leerkes asked if your daughters were going to put a house on it, why was it listed so soon.

Mr. Crank stated that this is what they do for a living.

Mr. Leerkes explained his thought process on financial hardship as we have had these before, would be the continuing costs and if you decided to spend money to clear the lot, that was your decision, but the continuing cost would be the taxes and any other fees you may have on it, such as the water fee. The taxes were not astronomical, nor the water and last he knew a building lot in Ti was \$30,000.00 so, you bought it, you can't sell it, he is sorry, but how long ago have you reduced the price.

Mrs. Crank does not remember - Mr. Crank stated years ago.

Mr. Leerkes explained that a Use Variance is supposed to be extremely difficult to get, for the fact that the Town has Zoning and if you hand out use variances easily what's the point of having zoning. These are issues that have been discussed with possible re-zoning but that hasn't been done and he as a board member, he does not feel that it is his job to see what he would like to see done with it. You buy property with the use that is allowed, he has Ag. land, he just can't build a strip mall (although he would probably make a lot more money). It is hard to prove financial hardship, taxes and water - he does not view that as a financial hardship. Some real estate deals just don't work your way, you know that as well as anybody.

Ms. Sammis didn't mention before that she is also 1/4 owner with her siblings on a home right next to her own home on Outlet Drive and they all have financial stresses too, but we still have to come up with maintenance and taxes. We all have that, she would also like to object as an owner of that property as well - 49 Outlet Drive. She is an owner of that property.

Mr. Stoddard asked that you did not get notified?

Ms. Sammis stated no.

Mr. O'Neill stated that he owns 77 and 80 Outlet and he didn't get notified either.

Mr. Crank stated that he didn't get notified either.

Mrs. Thompson stated that the Cranks did get notified. She cannot control the Post Office, but a letter was sent out to everyone within 500' of this property.

Minutes for the Ticonderoga Zoning Board of Appeals Public Hearing and Meeting following held on September 27, 2016 commencing at 6:00 p.m. regarding a Use Variance Application for Philip and Martina Crank

Ms. Sammis again stated that we all have financial stresses.

No more comments from the Public.

Public Hearing was closed at 6:30 p.m.

Discussion of the Board

Mr. Leerkes stated that he does not feel there is any proof of financial hardship. Personally, in the three years that he has been here they have only had one other and it was not approved either. He feels that we need to respect the zoning that there is, whether we feel it is right or wrong. It is not our job to re-zone the town, it is our job to uphold the zoning.

Mr. McTyier also doesn't feel that this meets the criteria that we have to abide by. Will not alter the essential character of the neighborhood? Once you bridge that, you can have an awful lot of those kind of things going up. We have all seen lakes that are like that.

Mr. Belkevich is personally against this.

The board decided to vote.

Discussion on declaring an incomplete application due to the fact that no financial proof was presented. More discussion was held. Even if hardship was able to be proved, you still have the character of the location being altered. The board will deny the request.

Resolution #1-2016 brought by Erik Leerkes, seconded by Eric Stoddard to deny the application as presented, determined by the board that such a use would alter the essential character of the neighborhood. **4 - Ayes, 0 -Nays. Carried.**

Resolution #2-2016 brought by Erik Leerkes, seconded by Eric Stoddard to adjourn @ 6:30 p.m. **4 - Ayes, 0 -Nays. Carried.**

Respectfully submitted, Tonya M. Thompson, Town Clerk