



**TOWN OF PEMBROKE
ZONING BOARD OF APPEALS
Minutes for the regular meeting held on July 18, 2018**

ATTENDANCE:

- Terrance Daniel—Chairman
- Donald Dylag—Vice Chairman
- Erika Gabbey
- John Kadziolka
- Thomas Marshall—Alternate
- Diane Denton—ZBA Secretary

MEETING called to order at 7:02 pm.

Chairman led Pledge of Allegiance

A Motion to Approve the Minutes from May 16, 2018 was made by Mr. Kadziolka; second to motion made by Ms. Gabbey.

Voice Vote—ALL AYES—**MOTION PASSED.**

Area Variance/Pond

Nicole Savage

8934 Lake Rd., Town of Pembroke

Tax Map #18.-1-67; Zoning District: AG/RES

Required referral to County

Public Hearing opened at March meeting and closed at April Meeting

- The residents to the north side of the property in question, Linda and Dave Yohn, were present. Because Ms. Savage's property is on a sandbar, they wondered how the pond will be built. They don't want the wetness of their property, which has a drain tile, to become worse.
- Chairman Daniel said it was his understanding that the reason for the pond was to stop water draining onto other properties.
- Code enforcement officer Tom Schneider stated that Ms. Savage's property slopes down to the back of the property.
- Zoning code requires 100 ft. on each side to the property lines. As the lot is only 200 ft., it isn't possible for the proposed pond to meet that requirement.
- Chairman Daniel felt there was a legitimate concern about the pond drainage, but the building codes do not address that issue.
- Mr. Schneider stated that if the Zoning Board of Appeals grants the area variances for the pond, the application for a Special Use Permit will go before the Planning Board and, if approved, will likely be conditioned on the Department of Soil and Water's recommendations/restrictions.

- Ms. Savage arrived @ 7:30pm and offered more details about the proposed pond. She has reduced the size of the pond to decrease the variances needed. Since originally making the application, she has provided a new map of the placement and dimensions of the pond, as well as its specific distance from each property line. She also provided a copy of a letter from Heather Adams with the Army Corp of Engineers stating that because Ms. Savage is excavating and not bringing soil in, a permit is not necessary. The Army Corp did request that proper measures be taken to prevent unintentional discharges from entering the wetland.
- Mr. and Mrs. Yohn are not against Ms. Savage putting in the pond, but would like her to install a drain tile to direct water/run-off back into the pond, so it doesn't go onto his property.
- Ms. Savage agreed to put in a drain tile if it is needed.
- The proposed pond doesn't need a DEC permit, but, because of protected bats, no trees can be felled November to March.
- There will be a 10 ft. x 10 ft. test pit towards the middle of where the pond would go to see if it fills. If it doesn't then it won't happen. Ms. Savage said she has no intention of having a pond that has to be manually filled.
- Mr. Yohn thought she should use hard pan (clay) to line the pond, but Ms. Savage doesn't have that option as she can't bring any soil in from outside the property.
- The installation of the pond, if it happens, would take about twelve months.
- The Army Corp didn't feel the pond would affect neighboring properties.

On **MOTION** made by Mr. Daniel and seconded by Mr. Dylag to **approve a variance of 38 ft. on the north side and 44 ft. on the south side of pond.**

ROLL CALL VOTE: Ms. Gabbey-Aye; Mr. Kadziolka -Aye; Mr. Daniel-Aye; Mr. Dylag-Aye; Mr. Marshall-Aye

ALL AYES-MOTION CARRIED

New Business: None

Old Business: None

A MOTION to close the meeting was made by Mr. Dylag, seconded by Ms. Gabbey.

Voice Vote—ALL AYES

MOTION PASSED

Meeting adjourned at 7:55pm.

Respectfully Submitted,

Diane Denton-ZBA Secretary

These minutes were approved by the Zoning Board of Appeals August 15, 2018