

The minutes, as follows, are intended to provide a general summary of the Agenda items and Public Hearings. Quotes presented are not verbatim, nor is all discussion which occurred presented herein. This document should not be relied upon as a transcript or the actual proceedings. The transcript of this meeting is on a digital voice recorder and available at the Town Hall.

An application to amend a Special Exception permit previously approved by the Zoning Board of Appeals increasing the permitted density of the Homeroom Lofts multi-family dwelling from 31 units to 35 units.

Robert Bucher, Architect and Partner of Homeroom Lofts, explained their desire to reconfigure their original plans from 31 units to 35 units. Mr. Bucher explained their demand for more one-bedroom units and since only 75 percent of the construction has been completed to date, it is not too late to change plans to accommodate the additional four units. The one bedroom units range in size from 780 sq ft to 1,000 sq ft. These changes do not impact the exterior of the building.

Judy Breselor questioned adequate parking for additional units? Robert Bucher confirmed 66 spaces on the side of the building and another 30 spaces behind the building. The reconfiguration decreases several two-bedroom units to one-bedroom units, which will require fewer parking spaces. Judy Breselor also questioned whether a 239 review had been submitted to the County and approved because this project is on a state road? Monica Ryan confirmed that the review had been done and that it was part of the file. Judy found the 239 review in the file and stated it was approved by the County on February 10, 2016, confirming no issues with the project. Geraldine Burger once again confirmed the number of parking spaces and the fact that this change in the number of units would not impact the exterior plans of the building. Robert Bucher confirmed and also added that any exterior work (which has already been approved by the Board) would not begin until April 2016. Such work would include canopies and (permitted) signage.

Judy Breselor opened up the Public Hearing at 7:09 PM. Dan Holzer, who owns property directly across from the Homeroom Lofts, shared his happiness about the project. He stated he has faced the building for years and was extremely happy and impressed by the amount of work and money being devoted to the project. He asked the Board to continue to assist the Homeroom Lofts in any way they can.

Judy Breselor closed the Public Hearing at 7:10 PM.

Judy Breselor opened discussion with the ZBA on the Area Variance Application. Judy Breselor asked if the ZBA wished to make a SEQRA determination. A motion was made by Judy Breselor for an unlisted action which was seconded by Scott Bendett and unanimously approved to make a SEQRA unlisted action with no impact on the environment. The Application to Amend the Area Variance was motioned for approval by Scott Bendett, seconded Gerry and unanimously approved. The Application to Amend the Special Exemption Amendment was discussed. Judy Breselor stated no new information had been presented; no substantial changes were made and suggested an unlisted SEQRA action. Scott Bendett motioned to approve and Geraldine Burger seconded the motion. The Application to Amend the Special Exemption Amendment was motioned for approval by Scott Bendett and Geraldine Burger seconded the motion. The Application was unanimously approved.

Item 2. Special Exception Application

EJP Inc./Edward Patanian
Lot 11R Pond Hollow, 13 Garner Road
Averill Park, NY 12018

Tax Map #158.-2-2.1

An application for a Special Exception for commercial excavation as part of a site regrading in an A-1 Zoning District.

Ed Patanian stated he purchased the Pond Hollow land in 1987 and was approved by the Planning Board for a site preparation exemption since 1988. He has built a garage and stored his machinery on this property since that time. He has used the gravel from the land for off-site work until he was contacted recently by the DEC to apply for a Special Use Permit to continue such excavation work.

Ed Patanian explained that the original plan approved by the Planning Board is an 18-acre parcel in Pond Hollow that he wishes to continue mining. At one time this parcel was steep. He would like to complete the regrading work and reclaim the land. He would run one truck intermittently on a "as needed basis." It would be a low-impact operation and no blasting is proposed. Ed Patanian shared that future projects may require an additional truck or trucks be used in the excavation of the land, but no more than one truck is currently planned.

The DEC Special Use Permit was filed on January 5, 2016 and Ed Patanian is currently working with Patricia Evans (mining specialist) at DEC to respond to all questions raised regarding his submission. Ed Patanian stated that Patricia Evans' questions are "technical in nature." He needs some clarification from her on several of her questions. Once Ms. Evans responds to his inquiry, a revised plan can be submitted to the ZBA.

Judy Breselor stated she wants the DEC Permit application approved by DEC prior to making any decisions. Judy stated she may wish to speak with DEC prior to approval and deferred to Lawrence Howard, Esq., who agreed the ZBA should wait until the DEC Permit is approved. Geraldine Burger asked why the DEC has required this Special Use Permit. Ed Patanian stated DEC advised him he could no longer conduct business under the site preparation exemption because due to complaints from other Sand Lake mining committee members.

Ed Patanian offered a site visit to the ZBA. Judy accepted and agreed that Board members would contact Ed individually to set up an appointment with him. Access to the property is through the EJP Way entrance on Garner Road along the Niagara Mohawk power line. (Ed Patanian has a "crossing easement" with Niagara Mohawk.) Power has already been run into this property.

MINUTES

Judy Breselor stated she had a draft of the December 17, 2015 ZBA meeting minutes that she would share with Karol O'Sullivan, Clerk for the ZBA. The December minutes would be presented at the next ZBA meeting for approval along with the February 2016 minutes.

ADJOURNMENT

Scott Bendett made a motion to adjourn the meeting and Geraldine Burger seconded the motion at 7:40.