

**Town of Sand Lake
Zoning Board of Appeals (ZBA)
January 12, 2023**

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.

CALL TO ORDER: Melissa Toni opened the meeting at 7:00PM

MEMBERS PRESENT: Amy Lent
Scott A. Blair
Nancy Perry
Danial Hogle
Craig Crist, Esq.

MEMBERS ABSENT:

OTHERS PRESENT: William Macey, Megan Macey, Josh Macey, Kyle Zeh, Joe Venditti, Erika Venditti, Michael Wager

RECORDING CLERK: Laura Fedoreshenko, Clerk for Planning Board and ZBA

Melissa Toni (MT) welcomed Danial Hogle to the Board. MT then explained the area variance process.

Area Variance Application

William Macey (Applicant/Property Owner)
296 Taborton Road
Sand Lake, NY 12153
RR – Rural Residential Zoning District

Tax Map #: 148.-3-19

Lot Size: 1.77 acres

An Area Variance Application for insufficient front yard setback for the future build of a single-family home.

William Macey and the Town's Code Compliance Office/Building Inspector Michael Wager were present. Mr. Wager explained that Mr. Macey had asked for his help as he was unfamiliar with the process. Mr. Wager stated that a previous structure on the property was in disrepair; thus, had been demolished back in September 2021. He explained that the previous camp was on existing non-conforming lot of record and added that due to unforeseen circumstances Mr. Macey will not be able to replace the home within the required 24-month period. Mr. Wager stated that Horse Haven Creek ran horizontally across the backyard property which split the parcel in half and was the reason for the applicant's request for a front yard setback of 52' versus the 75' required for by code for the zoning district. It was noted that a well existed and the septic plan had been approved by Rensselaer County. It was additionally noted that the driveway would remain the same and the only change would be the location of the future dwelling.

MT stated she was not surprised, due to the current cost of building materials, to hear that it would take longer than the required 24-month period for the rebuild. She added that it was an older lot, and there would be issues no matter what due to the location of the stream. Mr. Wager agreed and stated that the location of the stream would not allow the building to be pushed back to meet the zoning code. Mr.

Wager stated that the proposed request would be a good fit for the area. He added that when the previous building existed, it was hardly noticed. Nancy Perry (NP) asked how big the single-family dwelling would be. Mr. Macey responded that it would be the standard three-bedroom, two-bathroom home. Mr. Macey provided some history and stated that the property had been in his family for a number of years. He explained that he had bought it from his grandmother in 1985 and at that time, he did not have the finances to build. He explained that he and his wife had retired a few years ago and felt it was more feasible to build, so he obtained the septic permit, a survey and had house plans drawn up. He further added that he then was diagnosed with cancer thus, did not foresee his dream coming to fruition. He stated that he would like the property to stay in the family with one of his children and wanted to ensure that they would have the ability to build a home when ready. NP asked what that area was like when it had flooded. Mr. Wager stated the topography of that stream was about 30' lower; thus, no threat to the property as it was above the wetland. Scott Blair (SB) asked the size of the previous structure to which Mr. Wager replied it was approximately 1,000 square feet. Mr. Macey stated that, if anything, only one or two trees would be removed but nothing major. MT stated that considering the configuration of the parcel with the stream, the proposed location was the only option for a home. Mr. Wager stated that if the variance for the 52' front yard setback was granted, the new home could go longer as there was room in that direction and remain within the granted variance across the front.

With no further questions from Board members, MT motioned to schedule the Public Hearing for February 9, 2023 at 7:00pm; seconded by SB and all approved.

Area Variance Application

Kyle Zeh (Applicant/Property Owner)
23 Old Route 66
Averill Park, NY 12018
HMU – Hamlet Mixed Use Zoning District

Tax Map #: 148.-3-1- 10

Lot Size: .32 acres

An Area Variance Application to exceed the maximum front yard setback for the build of a multifamily dwelling.

Kyle Zeh and the Town's Code Compliance Officer/Building Inspector Michael Wager were present. Mr. Wager stated his brother-in-law had previously owned this property which now belonged to Mr. Zeh. Mr. Wager stated that the previous structure had been damaged in a fire and Mr. Zeh had demolished it. He added that Mr. Zeh had notified him that he bought the property to which Mr. Wager replied that he could rebuild within the required 24-month period in the same footprint as to what had existed. Mr. Zeh explained that the problem with staying in the same footprint was that the previous structure had the driveway so close to the neighbor's house that it could not be plowed with a truck nor could a fire truck access it. Mr. Zeh added that to rebuild in the same footprint would not work. MT commented that it had worked previously. MT explained that as this was a Hamlet District with many historic homes; the Zoning Code was written in a manner to retain the feel of that historic neighborhood with the 10' maximum front yard setback to keep all the houses aligned and close to the road.

Mr. Zeh questioned then why the house next to the parcel under discussion was 35' back. MT responded that while it was unknown as to why that was, it was not the Zoning Board of Appeals (ZBA) who had written the zoning code. Mr. Zeh explained that he would like to construct the building towards the back where the property opened and referred to the site layout dated December 19, 2022. Danial Hogle (DH) commented that the request made sense as the front part of the lot was only 55' wide and a standard home is 30' wide would leave 12 ½' on each side of it. He added that in the previous fire, the fire department could not get in and the fire took siding off the buildings on the left and right of it. Mr. Wager pointed out that it was a pre-existing non-conforming lot and if the rebuild had to be within the required

front yard setback would make the lot even more non-conforming. He added if the applicant were to try and keep the new building closer to the road could mean safety issues for the tenants as they would have to walk the driveway which could have ice from water shedding off the roof. It was discussed that the plan would be for the new building to be back with the parking behind it and the driveway moved to the middle with grass and landscaping up front. A sample rendering for the new build was viewed. Amy Lent (AL) asked if it would be a four-dwelling unit to which Mr. Zeh responded yes. MT asked how many it was previously to which Mr. Wager responded three. Mr. Wager pointed out that there was a question on one of the jogs in a property line and Mr. Zeh stated that a final survey was being worked on currently however would not increase the amount requested for the variance. SB commented that the proposed parking in the rear made sense and allowed the aesthetics of the beautiful building to be appreciated. Mr. Wager reiterated that the lot was not wide at the front to which MT agreed.

It was noted that the area had public sewer and a new well would be dug as the existing one was too shallow. Mr. Zeh stated that he had spoken to the neighbors and the one to the right may sell this year and, if so, Mr. Zeh may look to buy it. He noted that if that were to happen, he would leave it in the same location and make it look like the one he proposes to build on the lot under discussion. MT noted that the houses in that area were not 10' and stated that that amount was close; however, the reason was to keep the streetscape look. MT stated that she wished to hear from the other residents as to the closeness as well as the neighbors in the back as there would now be residents located closer to their backyard. The area of the property line that became wider was discussed as to whether that could be closer to 20'. MT asked what existed in that area to which Mr. Zeh responded it was a shed. MT stated that one side had a big garage; thus, would not be as worried about it. Mr. Zeh stated he had not spoken with the neighbor in the back. Mr. Wager suggested that a site visit be done by the Board members to see the layout of the lot. AL commented that having parking behind the house would be good; however, there would need to be sufficient space which meant at least 8 spaces would be needed and possibly more. It was noted that, of all the lots in that area, this one was the narrowest and non-conforming. Mr. Zeh agreed and added that to try and rebuild in the original manner was very hard to do when he tried to lay it out. He added that to do so, residents would need to come out the front and back to avoid having them walk in the driveway. He commented that when the fire happened the neighbor to the left had almost \$100,000 in damage due to how close the houses were. An overhead picture for the layout of the surrounding properties was viewed. Mr. Zeh stated that the proposed building would be 40' deep and 60' wide. SB noted that there was at least 100' from the jogged property line to the back of the property which would leave 60' open. MT noted that if the building could be shifted 10' further from the neighboring side property line, that would help. It was discussed that if the applicant was to make any changes, the information would be submitted to the Planning Office in advance of the next meeting.

With no further questions from Board members, MT motioned to schedule the Public Hearing for February 9, 2023 at 7:00pm; seconded by SB and all approved.

DRAFT RESOLUTION FOR APPROVAL

Area Variance Application - Jason Robelotto

MT motioned to waive the full reading of the draft Resolution; seconded by AL and all approved.

MT motioned to approve the Resolution in its entirety; seconded by AL and all approved.

DRAFT MINUTES FOR APPROVAL

MT motioned to accept the draft minutes for November 10, 2022 as presented; seconded by AL and approved by all.

ADJOURNMENT - MT motioned to adjourn the meeting at 7:34pm; seconded by SB and all approved.