

**Town of Sand Lake  
Zoning Board of Appeals, (ZBA)  
January 22, 2015**

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 of the actual proceedings. The transcript of this meeting is on a digital voice recorder and available at the Town Hall.

**CALL TO ORDER:** Chairwoman Judy Breselor called the meeting to order at 7:07 pm stating that all members are present.

**MEMBERS PRESENT:** Chairwoman Judy Breselor  
Scott Bendett  
John Bond  
Geraldine Burger  
Jim Gifford  
Lawrence Howard, Esq., ZBA Attorney

**OTHERS PRESENT:** Sand Lake Planner Monica Ryan, Chairwoman Planning Board Nancy Perry, Seth Linen, and Attorney Joanne Darcy Crum

**RECORDING SECRETARY:** Monica M. Hardy

**SPECIAL EXCEPTION**

Seth Linen  
16 Werger Road  
West Sand Lake, NY 12196

Tax Map # 147.1-2-34

Mr. Linen appeared before the Board asking for a Special Exception to convert an existing one family dwelling and a separate office structure into a two family dwelling. He is also asking for an Area Variance for a deficient side yard setback. The public hearing resumed for the special exception.

Joanne Darcy Crum, Attorney representing an adjacent property, Mr. Fred Shoemaker, approaches the bench and asks that if the Special Exception is approved, that there be restrictions put on the approval as follows:

1. Property is not to be used as commercial services. 2
2. A noise restriction will be placed on Mr. Linen's property related to a band practicing in the on-site garage.
3. Access to Mr. Shoemaker's easement to the driveway will not be blocked.
4. The dumpster will be removed. Residential areas do not need a dumpster.
5. Outdoor lighting will be removed, or will not shine on Mr. Shoemaker's home.

Scott Bendett stated that he is concerned about restrictions being put on the property related to the noise.

There was no further discussion from the public. Chairwoman Breselor moved to close the Public Hearing at 7:20. This was seconded by Scott Bendett.

### **Motion Carried - Unanimous**

Mr. Linen approaches the bench to talk about the restrictions. He states the noise from the band practice is twice a week and never after 8:30 or 9:00. There have been no complaints from any other neighbors. Chairwoman Breselor asks about the six bay garages. There are five cars parked in the garage which belong to Mr. Linen. He also states that there is not a money exchange for any repairs. It is not a repair shop. Regarding the dumpster over-flowing, Mr. Linen states that between Christmas and New Year's there was not a dumpster pick up. Because of this situation, the dumpster was overflowing. This is not a normal situation. The dumpster has been on the property for fifteen years and is also used by a neighbor.

Jim Gifford asks about the lights on the garage that were said to be shining in Mr. Shoemaker's house. Mr. Linen states that the light issue has been resolved. The lights have been removed. Chairwoman Breselor asks Mr. Linen if he has blocked the driveway in the past. Mr. Linen admits to doing it and says he knows it was wrong, and he has stopped. Chairwoman Breselor states that the restrictions have to be directly related to the Special Exception to convert an existing one family dwelling and a separate office structure into a two family dwelling. Monica Ryan states the garage is not directly related to the house, and that there is not a noise ordinance in our town, however, screening and securing the dumpster and moving it if possible, requiring that the neighbor's easement remain unblocked by having adequate parking, and ceasing the light glare into the neighbor's property are all reasonable conditions. Jeb Bond feels that the dumpster should be fenced in and that the top should be secured. Also, make sure that the dumpster is accessible for the trash company to pick it up.

Chairwoman Breselor moved that this be listed as an Unlisted Action under SEQRA. This was seconded by Scott Bendett.

### **Motion Carried - Unanimous**

Chairwoman Breselor moved to APPROVE the application for a Special Exception with the following conditions. This was seconded by Scott Bendett.

1. There will not be any outdoor lighting shining on any immediate adjacent neighbor's house.
2. The dumpster will be fenced in and the lid will be securely closed.
3. The driveway easement will not be blocked at any time.
4. The project will be in compliance with the Code Enforcer's regulations.

**Motion Carried - Unanimous**

**AREA VARIANCE**

Chairwoman Breselor opens the meeting up to the public. Joanne Darcy Crum approached the bench and raised the fact that a lot line adjustment was given without an area variance in 2007. Gerry Burger was concerned that the icy driveway was so close to the lot line. A discussion took place with the Board that the variance was for an existing condition and therefore the icy driveway could remain whether the ZBA granted the variance or did not.

Chairwoman Breselor closes the public hearing at 7:57 pm. Chairwoman Breselor speaks to Mr. Linen about the conditions of the Area Variance stating that there cannot be any additions to the side yard setback.

Chairwoman Breselor moved that this be listed as a Type II Action under SEQRA. This was seconded by Scott Bendett.

**Motion Carried - Unanimous**

Chairwoman Breselor moved to APPROVE the application for an Area Variance. This was seconded by Jim Gifford.

**Motion Carried – Unanimous**

**MINUTES**

The November 20, 2014 minutes are not available. They are being reviewed at this time.

**ADJOURNMENT**

Chairperson Breselor moved to adjourn the meeting at 8:09. This was seconded by Gerry Burger.

**Motion Carried – Unanimous**

Respectfully Submitted,

Monica M. Hardy  
Secretary, ZBA

