

**Town of Sand Lake  
Zoning Board of Appeals (ZBA)  
July 20, 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 7:03PM**

**MEMBERS PRESENT:**                Amy Lent  
   Scott A. Blair  
   Craig Crist, Esq.

**MEMBERS ABSENT:**                Nancy Perry, Daniel Hogle

**OTHERS PRESENT:**                Mike Addario, Frank Maier, Pam Maier

**RECORDING CLERK:**                Sarah Jones Clerk for Planning Board and ZBA

**Area Variance Application – Public Hearing**

Frank Maier  
1313-1315 Burden Lake Rd  
Burden Lake Rd  
Averill Park, NY 12018

**Tax Map #:** 158.4-1-8.1  
**Lot Size:** 1.8559 acres

R-Residential Zoning District

Area Variance Application for insufficient lot size and side yard setback associated with a proposed Minor Subdivision Application

Frank Maier summarized the project which had been initially presented at the June 15, 2023, ZBA meeting. Mr. Maier also advised positive recommendation from the Planning Board of 6-0.

MT motioned to open the Public Hearing at 7:06pm; seconded by AL and all approved.

With no public comments made or received, MT motioned to close the Public Hearing at 7:07pm; seconded by AL and all approved.

MT motioned to under SEQRA and declared the Town of Sand Lake Zoning Board of Appeals as the Lead Agency. This motion was seconded by SB and all approved.

MT motioned to classify the project as a Type 2 action and no further action is required by the ZBA; seconded by AL and all approved.

Craig Crist (CC) explained to all present that as a member of the Board was absent the applicant would have the right to ask that the application not be acted upon until the next meeting. Mr. Maier stated that he wished to proceed at this time.

MT read the criteria that the Board considers upon reviewing an Area Variance request.

MT then individually covered each criterion:

1. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.*

The Board agreed that no undesirable changes will be produced because of this project. No actual construction will be taking place based on this variance. The Board agreed that the decision was based upon the configuration of the lot along with additional concerns.

2. *Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.*

The Board agreed that there is not an alternative method to achieve the desired outcome based on the current configuration of the lot/surrounding area. These lots have always been nonconforming.

3. *Whether the requested area variance is substantial.*

Board members agreed that the area variance being sought is not unsubstantial but that is due to how the lots were originally built well prior to zoning regulations.

4. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.*

Board members agreed that there will not be an adverse effect or impact on the physical or environmental condition of the neighborhood.

5. *Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance.*

Board members agreed that, as with many of the requests before the ZBA, the difficulty was self-created as the applicant was aware of the lot layout at the time of purchase but that does not necessarily preclude approval of the area variance.

MT motioned to approve the requested Area Variance for insufficient lot size and lot width as presented, seconded by SB and all approved.

**Area Variance Application - Public Hearing**

Michael and Dina Addario  
46 Harriman EXT  
Averill Park, NY 12018  
R-Residential Zoning District

Tax Map #: 158.4-3-35  
Lot Size: .13 acres

Area Variance to further reduce the side yard setbacks to add an addition to an existing structure as associated with a Scenic Preservation Application.

Michael Addario summarized the project which had been initially presented at the June 15, 2023, ZBA meeting.

MT motioned to open the Public Hearing at 7:18pm; seconded by AL and all approved.

With no public comments made or received, MT motioned to close the Public Hearing at 7:19pm; seconded by SB and all approved.

MT motioned to under SEQRA and declared the Town of Sand Lake Zoning Board of Appeals as the Lead Agency. This motion was seconded by SB and all approved.

MT motioned to classify the project as a Type 2 action and no further action is required by the ZBA; seconded by SB and all approved.

MT read the criteria that the Board considers upon reviewing an Area Variance request.

MT then individually covered each criterion:

1. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.*

The Board agreed that no undesirable changes will be produced because of this project. MT stated the construction has been well thought out and will maintain the character of the neighborhood and not disturb neighbors.

2. *Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.*

The Board agreed that there is not an alternative method to achieve the desired outcome based on the current configuration of the lot.

3. *Whether the requested area variance is substantial.*

Board members agreed that the area variance being sought is below the threshold.

4. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.*

Board members agreed that the proposed variance would not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district. It was noted that the impervious surface is well below the allotted threshold and the addition is being constructed on techno post which would cause minimum if any disturbance to the ground.

5. *Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance.*

Board members agreed that, as with many of the requests before the ZBA, the difficulty was self-created as the applicant was aware of the lot layout at the time of ownership.

MT motioned to approve the requested Area Variance as presented, seconded by AL and all approved.

## **ADDITIONAL BUSINESS**

### **Application withdrawn on 06/22/2023**

#### **Area Variance Application**

Ryan Hodge  
25 Mountain View Drive  
Averill Park, NY 12018  
R-Residential Zoning District

Tax Map #: 148.-7-37-37  
Lot Size: 1.72 acres

Minutes 7/20/23 ZBA

An Area Variance Application for insufficient lot size and width to support a second dwelling over 800 sq feet to rectify code violations. Per documentation in the applicant folder Mr. Hodge proposed to the Town Code Enforcement Officer Mike Wager removal of violations.

**DRAFT MINUTES FOR APPROVAL**

April 13, 2023, minutes MT motioned to approve the minutes in its entirety; seconded by SB and all approved.

July 15, 2023, minutes MT motioned to approve the minutes in its entirety; seconded by SB and all approved.

**ADJOURNMENT** – MT motioned to adjourn the meeting at 7:28PM; seconded by AL and all approved.