

**Town of Sand Lake
Zoning Board of Appeals (ZBA)
June 15, 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 7:01PM**
- MEMBERS PRESENT:** Amy Lent
 Scott A. Blair
 Daniel Hogle
 Craig Crist, Esq.
- MEMBERS ABSENT:** Nancy Perry
- OTHERS PRESENT:** Chuck Viens, John Pelton, Jamie Meracle, Frank Maier, Mike and Dina Addario, Ryan Hodge
- RECORDING CLERK:** Sarah Jones & Laura Fedoreshenko, Clerk for Planning Board and ZBA

Area Variance Application

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

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

An Area Variance Application for insufficient lot size and width to support a second dwelling over 800 sq feet.

Mr. Hodge presented his application for an Area Variance. This application was presented to the ZBA to resolve the Notice of Violation dated April 20, 2023, which Mr. Hodge did not disclose when presenting the application. He stated it was to add an apartment above his garage. Melissa Toni (MT) confirmed that the garage was built with a building permit. Scott Blair (SB) questioned if this would be a studio apartment. Mr. Hodge advised it would be a 2-bedroom apartment. A two story 3200 sq ft garage is what Mr. Hodge advised was on his original permit (1600 sq feet per level). According to SB, Page 60 of the Zoning Code states: an accessory dwelling can only be 800 square feet. Laura Fedoreshenko (LF) advised that the applicant had approval based on a Site Plan Review from the Planning Board to build the garage with a workshop. MT reiterated what LF had stated and then confirmed that a variance would not have been needed if he had not amended original plans but because he wants an apartment over the garage consisting of greater than 800 square feet a variance is required. MT then requested that the applicant explain the notice of violation. Mr. Hodge stated it was personal as he went through a traumatic experience and just began building until notified by Mike Wager (Town of Sand Lake Code Enforcement Officer) not to proceed with any further construction activities. SB read the Notice of Violation into the record.

Minutes 6/15/23 ZBA

MT advised this was a completeness review and if application was complete, they would schedule a Public Hearing but added that she could not recall in history when the ZBA had approved an application after the fact. It was noted that two variances were needed: 1 for being over 800 square feet and 2 for insufficient lot size. MT again reiterated that they have never approved an application after the fact. Mr. Hodge asked what the worst-case scenario was, and MT referred Mr. Hodge back to Mike Wagner.

MT motioned to deem the application complete Dan Hogle (DH) seconded and all approved. MT motioned for a Public Hearing to be held on July 20, 2023; seconded by Amy Lent (AL) and all approved.

Use Variance Application

P&G Mall (43 Mall)/Action Sign CO. LLC
3276 River Rd
Rensselaer, NY 12144
RR – Rural Residential

Tax Map #: 146.2-5-50
Lot Size: 4.67 acres

A Use Variance Application for a partial internal sign illumination associated with a proposed Sign Placement Application.

Jamie of Action Signs presented a Use Variance Application for 43 Mall. He explained they are looking for a partial internal illumination of the “43” of the double-sided mall sign. MT asked if this could be achieved with gooseneck lighting. Jamie states gooseneck lighting has been in use for the past 20 plus years. Jamie stated this is something he wanted to do while refreshing the sign per town request. He added that the as the strip mall sat back from Route 43 and 151 which were main roads, the proposed lighting could be considered a safety factor for those not familiar with where the mall was located when traveling.

MT reiterates the request for the Use Variance and advised that in the past internally lit signs have been denied by both the Planning Board and the ZBA. She stated that they do not want to open themselves to litigation, which could result from prior denials, but a request to have these Zoning codes reviewed and amended has been made. MT asked if there was a way to achieve this without the use of internal illumination. Jamie stated that they could maintain the gooseneck lighting.

At this time Jamie and the property managers withdrew the application to the ZBA and will represent the Sign Placement Application to the Planning Board using gooseneck lighting at their meeting scheduled for July 5, 2023.

ADDITIONAL BUSINESS

Due to vacations schedules, MT made a motion to postpone the July 13th ZBA meeting until July 20, 2023. This motion was seconded by DH and all approved.

Area Variance Application

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

Tax Map #: 158.4-1-8.1
Lot Size: .47 acres

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

Minutes 6/15/23 ZBA

Frank Maier presented his application for an Area Variance. Currently there are 2 homes on the one lot which he is looking to separate. He confirmed that originally it was 3 lots. Should approval be granted it would continue to conform to the surrounding properties.

SB motioned to deem the application complete, Seconded by AL and all approved.
DH motioned for Public Hearing on July 20, 2023, seconded by MT and all approved.

The Zoning Board then went on to review the minor subdivision; MT motioned to seek a recommendation from the Planning Board seconded by SB and all approved.

Area Variance/Scenic Preservation Application

Michael and Dina Addario
45 Harriman EXT
Averill Park, NY 12018
R-Residential Zoning District (seasonal occupancy)

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.

The Addario's presented their Area Variance/Scenic Preservation application explaining their request to put an addition on the existing house. Impervious service had been calculated and with the addition they would still be below the required amount allowed. Mr. Addario stated that the ground will not be disturbed while constructing the addition.

SB motioned to deem the application complete, seconded by MT and all approved.
MT motioned to schedule a Public Hearing for July 20, 2023, seconded by DH and all approved. Mr. Addario asked what the public hearing consisted of, and the process was explained to him.

DRAFT RESOLUTION FOR APPROVAL

AREA VARIANCE FOR EDWARD FRANCIS

DH deemed to accept the draft resolution as final, seconded by AL and all approved. MT abstained due to being absent at the April 13, 2023, meeting.

AREA VARIANCE FOR MICHAEL & MARIA MARTIN

AL deemed to accept the draft resolution as final; seconded by SB and all approved. MT abstained due to being absent at the April 13, 2023, meeting.

DRAFT MINUTES FOR APPROVAL

March 9, 2023; MT motioned to approve the minutes in its entirety with specified change; seconded by DH and all approved.

ADJOURNMENT – SB motioned to adjourn the meeting at 7:49PM; seconded by MT and all approved.