

Town of Sand Lake
Zoning Board of Appeals, (ZBA)
November 20, 2014

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: Judy Breselor called the meeting to order at 7:02 pm stating that all members are present.

MEMBERS PRESENT: Chairwoman Judith Breselor, John Bond, Jim Gifford, Scott Bendett, Geraldine Burger, and Lawrence Howard, Town Attorney.

OTHERS PRESENT: Mike Wager, Code Enforcer/Building Inspector, Monica Ryan, Coordinator of Community Planning, Lou Lecce, Esq., Ed Brzozowski, and several neighbors from Linwood Park. Also present were Seth Linen, Fred Shoemaker, Joanne Darcy Crum, Attorney, and several neighbors from Werger Road.

RECORDING SECRETARY: Monica M. Hardy, ZBA Secretary

AREA VARIANCE:

E.W. Birch Builders

Tax Map # 147.1-1-36

89 Reichards Lake Road

West Sand Lake NY 12196

Lou Lecce, Attorney for E.W. Birch Builders appeared before the Board asking for an Area Variance (deficient rear set back) according to Code Chapter 250 Schedule A. The house they want to build is only 37' from the shoreline. Code says you need 100'. The lot size should be 30,000 sq. ft.; they only have 18,825 sq. ft. Lou Lecce states that this property is an existing lot of record since 1997.

Judy Breselor states that on March 31, 2013 this application was denied. She asks have there been any changes to the plans since this denial, besides the fact that you will be moving the house a few feet further from the lake. She also states that the house being an existing lot of record does not exempt it from the need for this shoreline setback variance. Scott Bendett mentions the permanent easement for a dry-hydrant held by the WSL Fire Department and the easement given to the residents for lake access.

There are several neighbors from Linwood Park that approach the bench with copies of their deed stating that they have lake rights. There were also questions pertaining to the ability to connect to a sewer system. Neighbors state that the proposed home would create a significant visual impact on the Town Beach.

John Vooris, WSL Fire Department, approaches the bench stating the Fire Company also has a 30 foot easement feeding the dry hydrant that runs through the property to the lake. The Fire Department uses this easement to their ability to access lake water directly with a fire truck; also they use it for training drills every other week.

Geraldine Burger asks about a proposed driveway. Ed Brzozowski states that the driveway will be on the right hand side of the hydrant and will be 50 feet long. This application was brought before the Planning Board and they gave a negative recommendation on October 8, 2014.

A motion was made by Judy Breselor and seconded by Scott Bendett and unanimously carried that this is an unlisted action under SEQRA.

A motion was made by Judy Breselor and seconded by Jim Gifford, and unanimously carried to DENY this application. It will be a detriment to the health, safety & welfare of the community. This would be an undesirable change to the neighborhoods character or detriment to nearby properties. The Town Beach is located next to the property. This will have an adverse physical effect on the lake. The alleged difficulty was self-created.

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. The structure is 800 sq. ft. He would like to make this a two bedroom apartment, each bedroom being 10' x 10'. He is currently paying two sewer tax bills.

Jeb Bond asks if the buildings are attached. Seth Linen already spoke to Mike Wager, Building/Code Enforcer and states he will comply with all Zoning and Building Codes. These two structures will have to be continuous and connected thru an architect with a fire wall. Jeb also asks is there a common driveway easement for the neighbor. Seth states the driveway is approximately 35ft. and there is an easement on the right side of the driveway. Judy Bressel opens the hearing to the public.

Mike Wager speaks and says the property is a preexisting, nonconforming use which has been used for storage space. Judy asks if the water will be adequate. Mike says the two properties can use the same well, unless he sells the property. Judy asks how many people will be living in the house. Seth states there will be two people occupying this apartment.

Joanne Darcy Crum, Attorney for Mr. Shoemaker makes a few points:

1. The property requires a Special Exception and an Area Variance.
2. She also talks about the six bay garage, and believes it is in use and rented.
3. She states that there has been significant bad behavior on the Linen family.
4. She asks that if the Special Exception and Area Variance are granted, she would like to see certain restriction in place.

Matt Werger a next door neighbor to the Linen's approaches the bench to say he is in favor with the construction and has no problems with the Linen family. He also states that a band does practice in the garage upstairs, but does not play any later than 8:00pm. Mike Wager approaches the bench and states that there cannot be any work performed on vehicles, and lets the Board know that the Linens cannot park in the neighbor's easement.

A motion was made by Judy Breselor and seconded by Jim Gifford and unanimously carried to table this issue until the Area Variance is applied for. She also asks Mr. Shoemaker to forward to the Board all the conditions he would like to see. The Board will reconvene until after they receive the conditions from Mr. Shoemaker. The Board will look at both the Special Exception and the Area Variance at the next meeting.

Mr. Howard asks that a 239 Review be submitted to the County. A motion is made by Judy Breselor, seconded by Scott Bendett and unanimously carried to list this as a type two under SEQR.

MINUTES:

A motion was made by Jeb Bond and seconded by Gerry Burger and unanimously carried to approve the minutes as written.

ADJOURNMENT:

A motion was made by Judy Breselor and seconded by Jim Gifford and unanimously carried to adjourn the meeting at 8:50.

Respectfully Submitted,

Monica M. Hardy
Secretary, ZBA

