

**Town of Sand Lake
Zoning Board of Appeals (ZBA)
December 14, 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 7:02PM**

MEMBERS PRESENT: Melissa Toni (MT), Nancy Perry (NP), Amy Lent (AL) Scott A. Blair (SB), Daniel Hogle (DH), Craig Crist, Esq. (CC)

MEMBERS ABSENT:

OTHERS PRESENT: Kevin McGrath

RECORDING CLERK: Sarah Jones Clerk for Planning Board and ZBA

Area Variance Application with Public Hearing

Kimberly Ostrander & Peter Chuckta
401 Millers Corners Rd
East Greenbush, NY 12061
AR-Agricultural Residential Zoning District

Tax Map #: 169.-2-29.1
Lot Size: 11.17 +/-acres

An Area Variance Application for insufficient depth to width ratio in association with a Boundary Line Adjustment Application (BLA Applicant Todd Scaccia).

Kevin McGrath re-presented the Area Variance application for insufficient depth to width initially proposed at the November 9, 2023, Zoning Board Meeting.

NP asked if the Planning Board seemed that they would be amenable to the Boundary Line Adjustment. Mr. McGrath told her that he had not yet been to the Planning Board as he had to obtain the Area Variance before going to the Planning Board.

With no questions from the board, MT motioned, seconded by SB and all approved to open the public hearing at 7:04pm.

With no public in attendance and no calls or written comments received MT motioned, seconded by DH and all approved to close the public hearing at 7:05pm.

MT motioned, seconded by AL and unanimously approved identifying this Board as Lead Agency under SEQR.

MT motioned, seconded by AL and unanimously approved to classify this action as a Type II Action under the State Environmental Quality Review Act (SEQRA) with no further action required by the ZBA.

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.*

This is a very minor lot line shift to allow another property to be more buildable. If the application was not approved once the land was built on the resident would have to cross streams and wetlands which is not a desirable outcome.

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.*

This was explored at the November 9, 2023, meeting and it does not appear that there is an alternate way.

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

This is a very small adjustment and well below any historical substantial variance.

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

The granting of this Area Variance will allow the residents to avoid the stream and wetlands when accessing the home, making it a benefit to the environment.

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.*

Most applications before the Zoning Board of Appeals are due to difficulties that were self-created.

MT motioned, seconded by DH and all approved to approve the Area Variance as submitted.

DRAFT RESOLUTION FOR APPROVAL

Area Variance for Edward Smyth AV 23-10

MT motioned, seconded by NP and unanimously approved, to waive the full reading of the draft Resolution.

MT motioned, seconded by DH and unanimously approved to accept the draft resolution as final.

Negative Declaration for Airosmith OBO Archtop Fiber

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

MT motioned, seconded by DH and unanimously approved to accept the draft resolution as final.

Area Variance for Airosmith Development OBO Archtop Fiber AV 23-11

MT motioned, seconded by DH and unanimously approved, to waive the full reading of the draft Resolution.

MT motioned, seconded by SB and unanimously approved to accept the draft resolution as final.

Minutes 12/14/23 ZBA

Area Variance for Peter Burcato and Patricia Jolie AV 23-12

MT motioned, seconded by DH and unanimously approved, to waive the full reading of the draft Resolution.

MT motioned, seconded by SB and unanimously approved to accept the draft resolution as final.

DRAFT MINUTES FOR APPROVAL

MT motioned, seconded by DH and unanimously approved to accept the November 9, 2023; minutes as presented.

ADJOURNMENT – MT motioned, seconded by DH and all approved to adjourn the meeting at 7:12PM.