

**Town of Sand Lake
Zoning Board of Appeals (ZBA)
September 14, 2023**

The minutes, as follows, are intended to supply a general summary of the Agenda items and Public Hearings. Quotes presented are not verbatim, nor is all discussion which occurred presented here. 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 7:00PM**
- MEMBERS PRESENT:** Melissa Toni (MT), Nancy Perry (NP), Scott A. Blair (SB), Daniel Hogle (DH),
Craig Crist, Esq. (CC)
- MEMBERS ABSENT:** Amy Lent (AL),
- OTHERS PRESENT:** Mike Jones, Mike Ernest, Julie Ernest, Matt Ernest, Frank Maier
- RECORDING CLERK:** Sarah Jones (SJ) Clerk for Planning Board and ZBA

Area Variance Application

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

Tax Map #: unknown
Lot Size: .1550 +/- acres

An Area Variance Application for insufficient side yard setbacks.

Mr. Maier returned to the Zoning Board for 'Phase 2' and presented his application explaining that he is requesting to remove an existing addition and replace with a larger addition requiring an area variance for the side yard setbacks of roughly 10.3' and roughly 7.1'. With the current structure there is an existing side yard setback of 7.1' existing. MT confirmed the requested dimensions. SB confirmed the added 12 feet of the addition would face the property currently owned by Mr. Maier. NP confirmed that the other home was staying in the family. Mr. Maier confirmed that it would eventually be owned by one of the daughters. MT asked to see larger plans on the map that Mr. Maier had in his possession. Mr. Maier explained the map. Confirmed location of parking and that nothing will change with the parking. NP asked what the addition would consist of. Mr. Maier said it would have a couple of bedrooms and a laundry room. MT confirmed that it is currently about 1000 sq'. MT said she does not like to go under a 10' regarding the side yard due to lawn mowers, ladders, and other necessities however, stated the current side yard setback is about 7'.

MT motioned to deem the application complete seconded by SB and all approved.

MT motioned to schedule the public hearing for October 12, 2023, seconded by DH and all approved.

Area Variance Application

Edward Smyth
37 Blue Heron Rd
Averill Park, NY 12018
R-Residential Zoning District

Tax Map #: 170.1-2-4
Lot Size: 2.15 acres

An Area Variance Application to remove existing camp/house and replace within same footprint over a 4-year period.

Mr. Smyth was not in attendance to present his application.

Area Variance Application

Michael Ernest (Applicant/Property Owner)
789 Taborton Rd.
Sand Lake, NY 12153
RR-Rural Residential Zoning District

Tax Map #s: 149.-2-47.12
Original Lot Size: 30.04 acres
Proposed Lot B1: 14.76 acres
Proposed Lot B2: 14.73 acres

Area Variance Application for side yard setbacks, Lot width/frontage and Lot Depth to Width.

Associated with a minor subdivision application.

Mr. Ernest re-presented his application as he had previously come before the ZBA on August 10, 2023. The ZBA asked that he return to his surveyor and request that the following information be displayed accurately on the map.

- 1)All existing side setbacks, houses, and accessory structures
- 2)Lot width ratio
- 3)Deviation from the 3:1 ratio
- 4)Total frontage
- 5)All numbers must match between the survey map and the application.

The board reviewed the new survey map confirming that the numbers the board originally had calculated were correct but were now listed as requested on the survey map and the application. MT asked what the ultimate 3:1 was. NP asked for clarification as to the brother taking ownership once subdivision took place. SB explained to NP (as she was absent at the prior ZBA meeting) that 23 years ago the Planning Board approved the building of the second house on the property. SB asked if the driveway was common or single. Mr. Ernest said they were single. MT confirmed frontage was acceptable however other variances are needed, specifically mentioning the following: B1 is 12:1 and B2 is approximately 17:1. MT said all information was on the map as requested of the surveyor and the board agreed.

With no further information to review MT motioned to deem the application complete seconded by DH and all approved.

MT motioned to schedule the public hearing for October 12, 2023, seconded by NP and all approved.

Use Variance Application

Michael Jones
16 Pine Ave
Averill Park, NY 12018
R-Residential Zoning District

Tax Map #: 147.4-3-17
Lot Size: .90

Use Variance Application requested to open a secondary home-based business II on property.

Sarah Jones-Recused.

Mr. Jones presented his application requesting a secondary business on the property, saying it will be more of a hobby, however, he needs to obtain an FFL. NP said she was confused and wanted to know what he wanted to do with the business. Mr. Jones explained that there would be on-line sales, he would like to offer Cerakoting of firearms. NP asked what an FFL was, Mr. Jones and DH both replied, "Federal Firearms License". Mr. Jones explained obtaining an FFL would allow him to have and work on firearms not permitted to him, as putting other individuals' firearms on his permit was not an option. SB confirmed much the business would be via UPS/Fed-Ex, unless someone local was getting something done so there would not be a lot of traffic. Mr. Jones confirmed the information to be correct and said there would be no more traffic than normal, and he has an ample driveway for turnaround. NP questioned the salon traffic and hours. Mr. Jones said it was minimal, with hours by appointment only adding the proposed secondary hobby/business would be appointment only. Mr. Jones said he works an average of 50 hours a week outside of the home. SB questioned if the salon was one client at a time, Mr. Jones confirmed also saying that there is only room for one vehicle in that driveway and there was no reception area in the salon to accommodate more than one client at a time. Mr. Jones mentioned that the salon owner (Sarah Jones) works outside of the home as well. MT asked about signage. Mr. Jones said the salon has a sign but there would be no signage associated with the secondary 'hobby/businesses. NP asked about security measures. Mr. Jones said everything is behind double locks as well as having security cameras throughout the entire property but would be installing more cameras in correlation with this application. SB confirmed he would know if someone pulled up. Mr. Jones replied yes and that he has dogs that alert him as well. Mr. Jones said nothing would really change as he currently does things such as reloading ammunition and firearms restoration in relation to his own firearms. This would enable him to restore other firearms. MT requested Mr. Jones supply more detailed information in his application. SB said he should explain that he is not selling firearms or ammunition and DH suggested he explain the business as providing 'firearm restoration services' not building or modifying them but restoring them. SB said he may have neighbors that do not like guns but that everyone needed to be on the same page. CC advised Mr. Jones that the need for a Use Variance is a tough standard to meet and it would be best to supply as much detailed information as he could. MT explained that the board had to be "backed into a corner" to be able to approve. Mr. Jones had to show that there is no alternative method to obtain the outcome he is asking for. MT stated Mr. Jones needs to clearly explain why this cannot be done elsewhere and why he wants it on his property and how he can achieve this on the property, (example: added space/garage) and show he has the space necessary. NP requested detailed information be supplied on the application about security of firearms and associated materials. NP also said that should this be approved the town board should review the codes to give them a bit more flexibility. MT also asked that when the revised application is resubmitted Mr. Jones explain how he will store/dispose of any chemicals. SB explained to the other board members the steps of Cerakoting. CC suggested that Mr. Jones review NYS Town Law 267-b for the criteria he must satisfy.

DRAFT RESOLUTIONS FOR APPROVAL

Minutes 9/14/23 ZBA

AREA VARIANCE FOR FRANK MAIER

MT motioned to accept the draft resolution as final; seconded by SB and all approved.

AREA VARIANCE FOR MICHAEL AND DINA ADDARIO

MT motioned to accept the draft resolution as final; seconded by DH and all approved.

DRAFT MINUTES FOR APPROVAL

July 20, 2023, minutes MT motioned to approve the minutes in its entirety; seconded by SB and all approved.

August 10, 2023, minutes MT motioned to approve the minutes in its entirety; seconded by DH and all approved.

ADJOURNMENT – MT motioned to adjourn the meeting at 7:34PM; seconded by DH and all approved.