

ZONING BOARD OF APPEALS MEETING HELD MAY 22, 2014.

PRESENT: C. Brent Elford, Chair
Mark Marion
Michael Allen
Sharon Lloyd
Sharyn Marchione

Absent: Tim Palmer

Also present: Sana Muir
Peter Sheridan, CEO
Lance Spallholz
Diana Marchand
Norma Spallholz
Bob Sweet

Chairman Elford called the meeting to order at 7:00 p.m.

The pledge of allegiance was recited.

Appeal # 02 of 2014: Sana Muir, 2 Lake Avenue Round Lake, NY 12151

Ms. Muir is requesting a variance for a zero lot line to build on the rear of her house.

The Zoning Board of Appeal and Ms. Muir reviewed the survey and drawings that were provided to the Board. The survey of Ms. Muir property shows that a small corner of her addition would be on Village property.

Mr. Elford stated that the Zoning Board of Appeals cannot grant approval to build on Village property. The survey shows that the rear corner of the construction would be located on Village property.

Ms. Muir stated that she is looking for information, what she can do. She does not want to change her plan.

Mr. Elford commented that she would need a zero foot setback; he believed that this is not an option.

Ms. Muir asked if she went to the Village Board for an easement would it be necessary for her to come back to the Zoning Board.

Ms. Lloyd commented that this is a corner lot, the side set backs are 10 feet, and the rear set back is 30. The addition to the existing rear of the house would be over the setback requirements.

Diane Marchand commented that she is here to speak for Sana Muir. Ms. Marchland's late husband was working with the plans with Ms. Muir.

Mr. Allen stated that another issue is the footings for the new construction, would be on Village property.

Mr. Elford asked if the foundation could be on Ms. Muir's property with the new construction cantilevered over Village property.

Ms. Lloyd replied, no because the house would still be on Village property. Would a variance be necessary for the rear steps and the corner of the house?

Mr. Peterson commented that if the ZBA is sending Ms. Muir to the Village Board how much square footage is needed.

Mr. Allen asked about the basement door, it would be part of the existing structure. Mr. Peterson was asked for his opinion on the basement door.

Mr. Peterson stated that the basement door is part of the existing footprint, part of the structure.

Ms. Marchand stated that the survey was done last winter with all the heavy snow fall. It is possible that the post for the rear porch is within Ms. Muir's property.

The Zoning Board, Ms. Marchand and Ms. Muir reviewed the survey. There was a lengthy discussion about the accurate position of the rear porch post. Should a new survey be completed to clarify the location of this post? Would it make a difference?

Mr. Sweet commented that Ms. Muir takes very good care of her property. Anything that can be done to assist her should be done. He has a garage that is a foot and a half onto a paper street. The Village should inventory the paper streets and offer them to property owners.

Ms. Lloyd ask if this is a good survey. There was more discussion about the legal survey.

Ms. Marchand stated that this is a new survey. Ms. Muir could verify the survey, if it would help to clear up this issue. More discussion continued about the survey and the rear of the property.

Ms. Muir should attend the Village Board meeting to request an easement for the rear of her property, or asked if the Village Board would sell a section of Andrews Avenue that runs parallel to Ms. Muir's property.

Ms. Muir will be enclosing her existing front porch and changing the location of her sidewalk.

Ms. Lloyd asked about changing the sites of the side of the porch rather than the front.

The Zoning Board and Ms. Muir reviewed the drawings for the front of the house, the porch and sidewalk.

MOTION by Mr. Allen to grant a variance for the minimal extension of the front porch stairs as per plan of 2 feet to 4.6 feet, SECONDED by Mr. Elford.

UNANIMOUSLY APPROVED

As already discussed, the Zoning Board of Appeals cannot grant a variance on Village property. Ms. Muir must appeal to the Village Board of Trustees for an easement or to purchase the strip of Village property along Andrews Avenue.

If necessary, Ms. Muir may return to the Zoning Board of appeals on June 26. This would be a continuance of her appeal. The \$250 fee would be waived.

MOTION by Mr. Elford to go into executive session to discuss pending litigation, SECONDED by Mr. Marion.

UNANIMOUSLY APPROVED

MOTION by Mr. Elford to return to regular session of the meeting, SECONDED by Ms. Marchione.

UNANIMOUSLY APPROVED

MOTION by Mr. Elford to close the meeting at 8:37 P.M.

MEETING CLOSED

Respectfully submitted,

Lois J. Whitbeck

Village Clerk