

**Zoning Board Meeting**  
**Thursday, November 29, 2017**

**Present:**

Brent Elford, Chair  
Dan Curtis  
Harry (Mick) McDonough

Mark Marion  
Tom Peterson, Atty.  
Sharon Pineo

**Attending:**

Tom Frost  
Brigitte Cantone  
Peter Sheridan

Ingrid Wuebber  
Paul Block

---

Chairman Elford called the public hearing to order at 6:30 p.m for 14 Prospect Avenue.

Tom Frost of Frost Huff Architects presented the plans for the property noting scope of work, requested variances and design. Discussion continued regarding fire code, preservation of historic/original materials and nature of the village preservation.

Ms. Wuebber and Ms. Cantone reviewed the application. With no objections. Discussion regarding the shrub line bordering their properties provided information that the shrubs are on the shared property line and were planted by the previous owner of 12 Prospect. Proximity to the property line, height of the new structures and overall look of the building were further discussed.

With no further comments from the public Mr. Elford adjourned the public hearing at 7:02PM.

Mr. Elford opened the Zoning Board Meeting regarding 14 Prospect Avenue.

The Pledge of Allegiance was recited.

**Subject: 14 Prospect Avenue**

Mr. Elford opened the meeting by reviewing the application.

Mr. Curtis asked CEO Sheridan aspects of setbacks to road width and confirmed discussions with John Stevenson regarding plowing, maintenance impacts of the proposed structure and stated there were no foreseen issues.

Ms. Pineo discussed the importance of historical preservation and impact of renovations on historic places.

Mr. Curtis proceeded through the balance test and opened discussion regarding the garage and need/impact of the additional structure. The board continued discussion of the size and need vs want for an attached garage. Ms. Pineo cited ZBA and Comprehensive planning laws/documents

regarding the need to provide the least amount of relief as is needed to preserve the Village and its character.

Discussion continued regarding environmental impacts and the board had no concerns additionally agreeing to the self-created nature of the request.

## **VOTING / MOTIONS**

Mr. Curtis made a motion to approve the requested variances as written below. Mr. Elford seconded the motion and opened for public input and board discussion

### **ZBA CODE 180-22 (D)**

The Area Variances that are requested are

1. A continuation of the pre-existing east Front Yard Set-back of 2'-6" from a length of 10'-9 1/2" to a length 17'-6", a linear extension of 6'-8 1/2".
2. A reduction of the north Side Yard Set-back of 10'-2" to the existing deck, to a Side Yard Set-back 4'-7" for the length of the proposed 24' long garage addition.
3. A continuation of the pre-existing west Front Yard Set-back of 1'-1 3/8" from a length of 16'-7 1/2" to a length of 21'-10 1/2", a linear extension of 5'-3".
4. A reduction of the pre-existing south Front Yard Set-back of the roof extension of 1" to a setback of 0'-8 1/2" for the new entry steps that will be built to the property line.
5. Increase in Lot Coverage from pre-existing 44% to proposed 57%.

## **PUBLIC COMMENT PERIOD**

Mr. Elford opened the Floor for comment.

Ms. Wuebber stated approval of the plan and new design of the structure especially the historic design of the remodel

## **DECISIONS**

### Balance Test Criteria

Village Law § 7-712-b(3) provides in relevant part: "In making its determination the zoning board of appeals (ZBA) shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

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;
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;

3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physician or environmental condition in the neighborhood or district; and
5. Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision for the board of appeals, but shall not necessarily preclude the granting of the area variance.

As with the use variance, the ZBA must “grant the minimum necessary variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.”

After carefully examining the zoning balance test criteria, the Board Members voted as follows:

Board Member	Vote	Consideration
Mark Marion	No	The addition of the garage is substantial, too substantial, while the other requests are acceptable.
Daniel Curtis	Yes	It will be a good improvement to the neighborhood, will fit in well with the Village. While the garage is the substantial add-on it is felt that the benefit outweighs any detriment
Harry McDonough	Yes	Plan fits into the Village character. While garage is the large added piece it is beneficial to the neighborhood.
Sharon Pineo	No	The request, specifically the garage, is too substantial and is not in keeping with the zoning laws and comprehensive plan of the Village
Brent Elford	Yes	While the garage can be seen as substantial it does fit within the architectural design.

Mr. Elford made a motion to go into executive session to discuss a personnel matter; seconded by Mr. Curtis.

Mr. Elford made a motion to exit the executive session; seconded by Mr. Curtis.

Mr. Curtis made a motion to adjourn the meeting; seconded by Mr. Elford.  
Meeting was adjourned at 8:22 pm.

Respectfully submitted,  
Brent Elford  
Chair Zoning Board of Appeals, Village of Round Lake