

VILLAGE OF ROUND LAKE
ZONING BOARD OF APPEALS

Daniel Shapiro, Chair
Dan Curtis, Member
Harry McDonough, Member
Mark Marion, Member
Laurie Naranch, Member

Peter Sheridan, Code Enforcement Officer
Alexandria Cestaro, Recording Secretary

MINUTES - Meeting 4/25/19

Daniel Shapiro called the meeting to order at 1902. All members present.

Public Hearing Topic: Jay Tucker application for relief from the 30 foot rear setback criteria in Article VI.

Discussion included the following comments and concerns:

1. The front building line would not change. Front setback already established by the existing structure.
2. The building plans provided would differ from the as-built.
 - a. The garage height would be reduced from two-level to one-level.
 - b. The garage width would be reduced from three cars to two cars.
 - c. The placement of the garage and its connection to the existing house would result in a width reduction of nine feet compared to the provided plans.
3. The current rear setback is 27 feet. The proposed setback is 10 feet.
4. A gutter is going to be placed along the backside of the building.
5. The applicant plans on consulting an engineering firm to address drainage associated with the building plans.
6. There are no view shed concerns.
7. Carol Bearegard, the neighbor who owns the garage and fence located behind the applicant's lot, brought up concerns about the effects on the pre-existing drainage issues for runoff from Whitfield Ave and puddling on Ames Avenue.
8. Lance Spallholz, the owner of the improved residential property on the corner of James Ave and Foster Ave, also brought up concerns about the effects on the pre-existing drainage issues on his property due to the limited storm drain locations.
9. Clarification was made that there will be no commercial use of the property.

The hearing was closed and the board members reviewed the area variance findings and decision form:

1. The variance would not result in an undesirable change in the character of the neighborhood or detriment to nearby properties. Building plans show intent to keep with aesthetics, the vertical roof line remains low, and the size of the garage has been reduced to two cars.
2. The benefit sought by the applicant cannot be obtained without the variance based on the lot location and additional living space proposed.
3. The variance request is not considered substantial. Although altering the setback by two-thirds, it is small in context.
4. There is a potential for the variance to impact drainage in the area. Present members of the planning board, Peter Sheridan and Lance Spallholz, affirmed that it would be further discussed.

5. The variance is considered self-created since it is a want, not a need.

The board members concluded that the benefit to the applicant outweighs any potential detriment to the community.

Dan Curtis motioned approval of the application to grant a variance to adjust the rear setback from 30 feet to 10 feet, and to also grant a variance to adjust maximum square foot coverage from 20% to 25%.

Harry McDonough seconded the motion.

The motion was unanimously approved. It was determined to be a Type I SEQR. EIS not required. The associated planning board meeting is planned for May 8, 2019.

Additional Administration: Concerns were brought up that surveys are costly and onerous for the applicant. There are also difficulties in setting standards for survey quality and age. As a result, the Board has agreed that surveys are preferred, but not necessarily required. Peter Sheridan was requested to advise applicants during building permit submissions if a survey would likely be required to make board decisions.

Laurie Naranch motioned to adjourn the meeting. Daniel Shapiro seconded the motion. Unanimously approved.

Meeting Adjourned.