Zoning Board of Appeals (ZBA)

Meeting: 3/15/2024

State of New York

2679 State Route 8

Lake Pleasant, NY 12108

A meeting of the ZBA was held on March 15, 2024 at the Lake Pleasant Town Hall, called to order at 4:00 P.M. to discuss the applications of two Subdivisions and public hearing held at same time with meeting online via zoom for 40 minutes.

The following were present:
Chairman – Bob Benkovich
Board members – Paul Allen, Mark Donecker (on zoom) and Tim Smith
Town Clerk – Stephanie Smith
Zoning codes/building inspector – Steve Page
Guests – Ernie and Nancy Virgil, William McGuire, Edward Hart, Donald Rhodes
Guests via zoom – Nichole Green, Shawn, Susan Craig, Isabella, Karen Degand
Absent – Kevin O'Brian

4:00 Meeting and Public Hearing called to order, zoom started.

Benkovich announced that the subdivision requests for 2246 State Route 8 the Virgil property and 108 Fish Mt. Rd. Speculator Development, LLC. are presented to the board. Mr. and Mrs. Virgil arrived first so Benkovich started the board off with their application for a subdivision.

2246 State Route 8, Lake Pleasant NY 12108 - Virgil
Acres – 3.8
ADK park agency approves a subdivision for this acreage, yet the Town of Lake Pleasant zoning is where this doesn't fit in. In this low-density area, it is zoned for 3.2 acres. In the past residents have tried to cut properties zoned this way but were not able to. Allen asked if there were any examples in the town's past that we could compare this situation to. Discussion about this being granted before and if allowance was made, is there allowable room for well, septic and garage. Allen asked Virgil if there was a hardship of not allowing this subdivision. Virgil explained that they would like the property settled for their family while they are still able. Discussion about the commercial property on the lot and the APA approval for subdivision was had at the table. The point was made that the APA approval doesn't override the Towns Zoning ordinance. Benkovich asked Virgil if he could acquire 3.2 and 3.2 acres

divided into two different properties that stay within the zoning for this area. Allen made the point that the boards job is to protect the zoning as it stands. He doesn't feel that this situation needs to set precedence and he asks to defer this application until the board can do research to find out if a variance has been given in the past for any situations like this. Page reported that there have not been any since he has been employed by the town as zoning/code enforcer. His question is, do these get designated as building lots when they get subdivided. Current buildings are present but on one lot. Virgil pointed out that the APA doesn't allow any more buildings on the lot. Questions about the future use for the business building were had by the table. Designation of this lot would have to come before the APA if it was to propose change. Benkovich tabled the Virgil property until more information can be collected prior to a vote being taken by the board.

Tabled

108 Fish Mountain Rd. – Speculator Development LLC

Acres – 2.78

Rhodes asked why this Subdivision request is in front of the ZBA. Benkovich answered that the lot size is why it has come before the ZBA. Rhodes stated that the lot size meets all the zoning requirements, and a sketch plan was submitted to the planning board, and he got a letter stating that it has gone to the ZBA. Proposed new lot size is .98 acres, 40,000 square feet are required in this zone. Benkovich stated that lake front lots are supposed to be 1.3 acres. Rhodes is proposing that he change the boundary lines of the subdivided lots to fit the requirements because he has the acreage. Board and Rhodes reviewed the maps and layout of buildings, septic and well. Bulk density of lots once they are split up was discussed at the table. Rhodes explained that there is no shoreline for the one lot and the existing shoreline will stay with the parent parcel.

Septic on the new lot will have to be pumped uphill. Benkovich asked why shoreline is not being added to this property and Rhodes explained that he originally did not want to hire a surveyor to survey lake front. It is easier to leave the lake front to the original property. Allen questioned why this has come before the zoning board when this doesn't violate any zoning laws in the town and Benkovich explained that the planning board looked at it and passed it onto the zoning board. Light discussion about right of ways and unrestricted easement went around the table.

It was discussed that this needs to go back to the planning board. Page let the table know that as the building/code enforcer he doesn't see a problem with this subdivision request.

Bill McGuire introduced himself and stated that he lives in Sacandaga Estates, he asked how many buildings will be built. Response was one house and one accessory dwelling such as a garage.

Benkovich and Page discussed that this needs to go back to the planning board. Rhodes left the meeting.

ZBA board continued to discuss lot density regulations in the town and both subdivision requests and how the lines can be shifted. What proposed uses for divisions would be or could be further in time.
Both Subdivision requests will be taken back to the Planning Board.

Public Hearing closed and Meeting Adjourned @ 4:45 P.M.

All in Favor
(Benkovich, Allen, Donecker and Smith)

Respectfully submitted,
Stephanie Smith, Town Clerk