

**VILLAGE OF ROUND LAKE ZONING BOARD OF APPEALS**  
**03/23/2023**

Daniel Shapiro (DS), Chair  
Cody Simpson (CS), Recording Secretary  
Member Laurie Naranch (LN)  
Member Maya McDonough (MMD)  
Dana Santy  
Kelsey Allen  
James Clark  
Eric Olson

Gary Putnam, Mayor  
Member Mark Marion (MM),  
Member Dan Curtis (DC)  
Gary Jones  
Tom Bergin  
Lisa Santy  
Peter Sheridan

All members are present. Meeting is called to order @ 6:30pm on 03/23/2023.

**Approval of Previous Meeting Minutes**

Dan Shapiro has amendments made to the following:

- Page 7 the motion to approve Mr. Ingrams application be amended as follows: “Member Maya McDonough motions to approve with contingency that Mr. Ingram gives authorization to a point person and with the contingencies as set forth in the Diaz-Wge approval, but modified to remove noise hours and to include a leashed pet policy, as noted above”.
- Page 3 amending the language from “DS recalls the decision that an owner must reside for 6 full months, 30 continuous days” to “DS recalls the decision that an owner must reside for 6 full months, each comprised of 30 continuous days.”

No other changes are suggested from Board Members.

Dan Curtis motions to approve amended minutes  
Mark Marion Seconds  
Approved by all members present

**Topic: Applications**

*James Clark, Special Use Permit 50 Burlington Ave*

Dan Shapiro confirms with Mr. Clark that there is no off street parking. The parking space that Mr. Clark uses is a space that he believes is village property. Discussion is held between Board members and Mr. Clark about what is legally required with regards to parking and it was determined that only one space is needed; as Mr. Clark would park his vehicle elsewhere and yield to the renter.

Dan Shapiro asks Mr. Clark if he would agree to a contingency which would limit the occupation to 1 vehicle and 1 bedroom? Mr. Clark agrees.

Dan Shaprio confirms that Mr. Clark is going to send a PDF document to Tom Peterson of his Insurance ID.

Dan Curtis asks Mr. Clark if he resides there while he rents out space? If so, always? Mr. Clark says he is usually there during the rental as he has 2 bedrooms. Dan asks if, in the event he is not there, is he aware he needs to establish a point person that can be reached in his absence? Mr. Clark says yes.

Dan Curtis asks if Mr. Clark has had any issues renting in the past? Mr. Clark says no.

Tom Peterson asks how many cars he and his partner have in total? Mr. Clark answers one. Tom Peterson asks if his partner would be willing to sign the permit as well and Mr. Clark agrees yes.

Tom Peterson asks if there is an enclosed yard for dogs? Mr. Clark states there is a no pet policy.

Dan Shaprio asks, are there any further questions? None.

Tom Peterson reminds Mr. Clark that he cannot have tenants until Peter Sheridan conducts an inspection, and he has proof of insurance on file. He will then review and decide if it meets the terms of local law.

Dan Shaprio motions to approve the application with the following contingencies:

- No rental shall be made until the village attorneys reviewed the permit holders insurance required by law and determined it meets the requirements of section 180-27-1 of the village code.
- The permit holder shall ensure the appropriate operation of the rented premises and its neighbors peaceful enjoyment of their properties.
- There will be no pets permitted.
- The permit holder must designate an agent to be available on a 24/7 basis for any action to be taken with respect to the subject premises or its tenants in the event that he or she cannot be contacted. Such designation shall be memorialized by the authorization form provided by the village code enforcement officer or the board.
- The permit holder must keep a record of his or her residency at the subject premises to be made available to the code enforcement officer upon request will be submitted to the Zoning Board of Appeals upon application for renewal of the permit.
- The permit holder shall notify the code enforcement officer at the start and end of any rental period.
- The permit holder shall permit the code enforcement officer to inspect and subject premises upon reasonable notice to ensure compliance.
- The special use permit will cease to be effective in the event of the village of Round Lake amended zoning law in a manner inconsistent with the terms of this permit. In such an

event a new application for a permit must be filed by the permit holder within 30 days of the effective date of such amendments.

- The continuation of short term rentals pending the outcome of the subsequent application shall be in the discretion of the Zoning Board of Appeals or its designee.
- Only one dwelling unit at a time will be rented.
- Only one vehicle be permitted per dwelling

Marc Marion Seconds

Application Approved by all members present

*Kelsey Allen, Special Use Permit 18 New York Ave*

Dan Shaprio notes that Ms. Allen's application is almost complete, and he is unsure that she needs a short term rental permit as she stated her intention is to operate a Bed and Breakfast.

Tom Peterson clarifies the difference between a short term rental and a Bed and Breakfast. With a bed and breakfast, you must live there. For a short term rental needed to reside there for half of the year. However, there does need to be a permit in either situation.

Maya McDonough asks if there are times when she is not there during a rental? Ms. Allen answers rarely, but she does have a co-host listed as well as family locally.

Dan Shapirio asks if there are any other questions?

Laurie Naranch asks if her previous rentals have had any adverse effects on the neighborhood or situations in the past? Ms. Allen answers no.

Dan Curtis asks if there is a pet policy? Ms. Allen states she has a no pet policy.

The Board revisits Ms. Allen's intention to operate a bed and Breakfast and clarifies that she will need to obtain a separate permit to do so. Ms. Allen states that if she begins to serve breakfast to tenants as a Bed and Breakfast operation she will return to the Zoning Board to obtain a separate permit.

Dan Shapiro makes a motion to approve with the contingency set forth in the Mr. Clark approval except for the one vehicle per dwelling

Maya McDonough Seconds

Approved by all members present

*Gary Jones, Variance Request 00 Clark Ave*

00 Clark Avenue is located on the south side of Clark Avenue , 30' West of Burlington Avenue. It is a vacant lot that is 60 x 100 feet, 6000 sq. ft. Mr. Jones is requesting a variance that will allow a structure to be built on this property. Relief is requested for the RV2 square footage requirement (7000 sq ft to 6000 sq. ft. and the frontage requirement (70' to 60'). Mr Jones

believes this structure will enhance the neighborhood. He also feels that the existing zoning requirements do not meet many of the existing structures in the village and provided examples.

Dan Shapiro explains that this zoning requirement is in place to control further development through the village.

Attendee Tom Bergin asks the board if, as a neighbor within 200 ft of this potential structure, he should have been notified via mail that this was being considered? States he personally is not against this construction. He is mostly concerned that the aesthetic of this structure is consistent with structures in the village.

Mr. Jones uses a neighborhood reference of "the old fire house" as an example of where parking would be. Parking is in front of this structure. He states he will be utilizing an architect to further make plans should the ZBA approve his application.

Peter Sheridan states that any new construction must meet architectural standards. Dan Curtis and Tom Peterson suggest listing these standards in a contingency should this be approved.

Tom Peterson revisits Tom Bergin's statement that he did not receive written notification from the village. Tom Bergin references village code. It was determined that written notice was not given to neighbors regarding this construction.

Neighbor to property 00 Clark Ave, Eric Olson, publicly states this construction would be appropriate for the area and would be helpful for water drainage on his property.

Dan Curtis states there are 5 questions asked when a variance is being requested per village law:

- (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? *No*.
- (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? *No*.
- (3) whether the requested area variance is substantial? *Yes*.
- (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or District? *No* and
- (5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance. *No*

Dan Curtis asks if Mr. Jones considered asking for more lot coverage?

Tom Bergin wants to know how close would this structure be to an existing garage there?

Mr. Jones explains the existing lot coverage and that this would not interfere. Peter Sheridan agrees. He explains he has no issue with the set backs. If he builds to the maximum he will have 33% coverage instead of 20%. Dan Shapiro explains that when a motion is made they will together determine the variance approved for and Mr. Jones will have a say.

Maya McDonough begins to motion for approval, Tom Peterson stops and asks if the application is complete? Are we the lead agency? We have to have notice of a public hearing.

Dan Curtis moves that this is a complete application

Dan Shapiro Seconds

Approved by all members present

There is a SEQRA application on file for this project for Type 1. Village Code 6NYCRR617.5C16 & 17: applications for set back or area variance for single family homes is a Type 2 SEQRA action. This does not require any further SEQRA analysis. If this determination is made, then the village does not need to deem themselves lead agency in this application.

Dan Shapiro moved to have this application deemed a Type 2 SEQRA Project

Dan Curtis Seconds

Approved by all members present

Dan Shapiro revisits the notice requirement. Tom Peterson references village code section 15-6 Neighbor Notification just made known to the ZBA. This does not specify whether to include adjacent neighbors. Tom advises the Board that it sends the application with notice that it was found to be complete, as well as that it has been identified as a Type 2 SEQRA project, and that we notify by mail those property owners with properties adjacent.

Tom Bergin lists neighbors who should receive notice. About 8.

Maya McDonough suggests the following details be included in the public notice: Relief is requested for the RV2 square footage requirement (7000 sq ft to 6000 sq. ft. and the frontage requirement (70' to 60'), and moving from 20% coverage to 33.5%.

Dan Shapiro tables this application until this information can be provided in a notice to neighbors so they have the opportunity to attend a public hearing regarding this property on April 27th.

#### *Dana Santy, Variance Request 16 Lake Ave*

Ms. Santy is requesting an area variance for her property at 16 Lake avenue. Her intention is to build a 12 X 24 ft addition located in the back of the house.

Upon board review and discussion of this application it was determined that Ms. Santy will need the following in order to deem her application complete:

Public Hearing notice be given to adjacent neighbors- done via village clerk  
Specific dimensions of set back and coverage relief requested

Tom Peterson states he will obtain proof of ownership through the county clerk's office.

Dan Shaprio motion for a public hearing on this matter on Thursday, April 27th 2023

Dan Curtis Seconds

Approved by all members present

Dan Shaprio motions to have this deemed a Type II SEQRA Project

Mark Marion Seconds

Approved by all members present

Dan Shapiro adjourns meeting @ 8:12pm