

Minutes of the Town of Lake George Zoning Board of Appeals held on Thursday, June 19, 2008 at 7:00 p.m., at the Town Center, Old Post Road, Lake George, New York.

Members Present: Chairman John Santiago
Grant Gentner
Kevin Mulcahy
Janie Green

Also Present: Maureen Gerber
Robb Hickey
Bill & Elaine Spangel
Jim Grey
Joe Stanek
Betty Spinelli
Eileen Franko
Ralph Nocera
Gayle Nocera
Eugene Albright
Cynthia Ryther
Mike Seguljic
Jeff Killeen
M. Mulcahy
David Berry
George Slywka
Michael Chimiak
Alexsandr Kutuovski
Olive M. Dunbar
James Dunbar
Edward Gillis
Peter & Denise Keating
Jack Abrahams
Robert Moser
Jim Suozzo
Patricia Dow
Bill Dow
Oleks Jaworsky
Jeff Meyers
Tom Wessling
Vinnie Spitzer
Claudia Spitzer
Scott Wood
John Seh
Kevin Clifford
Seth Finkell
John Lemery

Mike Angersoll
Michael Caruso
Chuck LaPlante
Peter Bauer
Trevor Harrison
Richard Osborne
Dan Davies
Dan Rucinski

Chairman Santiago opened the meeting at 7:00 p.m.

A motion was made by Grant Gentner and seconded by Kevin Mulcahy to accept the May 15, 2008 minutes.

All in favor.

Motion carried.

PUBLIC HEARINGS

1. Area Variance Application #5-2008 submitted by Cynthia L. Ryther to request a 5 foot variance on both lots to accommodate shed placed on property due to location being determined by National Grid, for property located at 39 Halada Drive and 35 Halada Drive (238.19-1-18, 238.19-1-17).

Kevin Mulcahy recused himself.

Cynthia Ryther stated that they are putting in a 400 amp electrical service and National Grid requested this. They put an additional pole in because the wire is so heavy. They wanted it buried underground and they needed to cover the boxes. She stated when she upgraded her generator, the placement was determined up on the hill and then the line is run down underground into the building and then the wires are captured in this building with the panels. It needed to be out of the weather and room for National Grid employees to be able to work. The poles were already previously placed and they put another one in for stability.

Janie Green read the application into the record.

A motion was made by Grant Gentner and seconded by Janie Green to accept the application as complete.

All in favor.

Motion carried.

The reason for the variance is this is an accessory structure and it needs a five foot variance from each line.

Grant Gentner asked why they had the variance request when the building is already there.

Robb Hickey stated she built the shed to cover the electrical. He stated she needed a building permit and a variance. There was no violation issued because she came in for a variance. She was unaware that she needed a permit.

Chairman Santiago opened the comments to the audience.

Margaret Mulcahy: "I live across the road and I don't see any problem with the shed."

Chairman Santiago stated a letter has been received from Peter & April White having no objection to this request. A copy is on file in the Planning and Zoning Office.

A motion was made by Grant Gentner and seconded by Janie Green to close the Public Hearing.

All in favor.

Motion carried.

A motion was made by Grant Gentner and seconded by Janie Green to approve.

Grant Gentner read the criteria:

- 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. It's a small shed on both lots that she currently owns.

- 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. It's where National Grid located the power service.

- 3) Whether the requested area variance is substantial.

No. Based on the size of both lots and National Grid put the power service there.

- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

No.

- 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. National Grid put the power service there and it is not self-created.

Grant – Yes
Janie – Yes
John – Yes

Motion carried.

2. Area Variance Application #6-2008 submitted by Ralph & Gayle Nocera to add a roof over existing deck for the purpose of screening it in, for property located at 32 Beatty Road. The applicant is requesting a 6.5 foot front yard variance (264.07-2-42).

Grant Gentner read the application into the record.

A motion was made by Grant Gentner and seconded by Janie Green to accept the application as complete.

All in favor.

Motion carried.

Ralph Nocera stated there is an existing deck. They would like to put a roof over it for the purpose of screening that part in. It is approximately a 12 x 12 existing deck. The roof will have to be removed from the existing deck and it will be extended from that point on. The roof will come all the way over the deck area and then it will be screened in.

Chairman Santiago opened the comments to the audience.

There was no public comment.

A motion was made by Grant Gentner and seconded by Janie Green to close the Public Hearing.

All in favor.

Motion carried.

A motion was made by Kevin Mulcahy and seconded by Grant Gentner to approve with the conditions that there be no plumbing, no heat and no windows and the height will not exceed the existing structure.

Kevin Mulcahy read the criteria:

- 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. It will offer more privacy for both them and their neighbors.

- 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. This is the location and in order to do it here, it needs a setback variance.

- 3) Whether the requested area variance is substantial.

The maximum lot coverage in RCH is 60% of the lot and they will not exceed that percentage.

- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

No. There is no significant change to the lot.

- 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.

It is self-created; however, the existing deck location makes it ideal for this extension.

Kevin – Yes

Grant – Yes

Janie – Yes

John – Yes

Motion carried.

3. Area Variance Application #7-2008 submitted by Diamond Point Lodge, LLC, to screen and cover the existing deck area of existing cabin. The applicant is requesting a 28 foot front yard variance, for property located 3629 Lakeshore Drive in Diamond Point (225.12-1-2).

Kevin Mulcahy read the application into the record.

A motion was made by Janie Green and seconded by Grant Gentner to accept the application as complete.

All in favor.

Motion carried.

Eileen Franco was present. She stated that they would like to put up boards around the side that you can put a roof on.

Kevin Mulcahy asked for the size of the existing deck.

Eileen responded 14 x 9.4.

Chairman Santiago stated the Warren County Planning Board recommendation was No County Impact.

Chairman Santiago opened the comments to the audience.

Jeff Kileen: "I live at 3644 Lakeshore Drive. I'm in total support of this as a residential neighbor. Mike Caruso and Adirondack Lodge have done a beautiful job in restoring that property in making it conform both aesthetically to what I kind of consider the Lake George and Adirondack style. As a residential neighbor across the street I have no objections. In fact, I think it will be an improvement."

A motion was made by Grant Gentner and seconded by Kevin Mulcahy to close the Public Hearing.

All in favor.

Motion carried.

A motion was made by Kevin Mulcahy and seconded by Grant Gentner to approve with the conditions that there be no plumbing, no heat and no windows.

- 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. It is a small modification to the structure.

- 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. This location is practical. It already exists and is very little impact.

- 3) Whether the requested area variance is substantial.

No. It is located in the rear of the building and will be less imposing than some of the other structures.

- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

No significant change by the addition of a roof over this area.

- 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. The pre-existing location of the structure necessitates the need for the variance.

Kevin – Yes

Grant – Yes

Janie – Yes

John – Yes

Motion carried.

4. Area Variance Application #8-2008 submitted by Peter & Denise Keating to demolish existing residence and replace with a three bedroom single family dwelling with three bay garage for property located at 4 Rose Point Lane. The applicant is requesting a 10 foot right yard variance, a 29 foot rear yard variance and an 8 foot right-of-way setback variance (264.07-2-7).

Peter and Denise Keating were present.

Chairman Santiago read the application into the record.

A motion was made by Grant Gentner and seconded by Kevin Mulcahy to accept the application as complete.

All in favor.

Motion carried.

Peter Keating stated they are looking to demolish the existing residence and rebuild. They purchased the home approximately 4 ½ years ago. The house sits on an L-shaped piece of property where the two pieces join. There is a common driveway servicing two additional homes north and one west of their property. The house does not exceed the lot permeability. The estimates received to fix the house were extremely high. In order to make this a year-round permanent residence, it is easier to take down the present residence and put the same structure, same number of bedrooms. They will have additional bathrooms in order to make it livable for them to retire here.

They have made the house fit the lot and not the lot fit the house in consideration of the neighbors.

Chairman Santiago opened the comments to the audience.

James Dunbar: "I live at Rose Point Lane directly west of them. I see no fault in anything they are planning on doing. It is going to be a big improvement. We have the oldest house on the plot, built in 1905. I've seen the plans and they are excellent and we are in favor of it."

Claudia Spitzer: "I live at 8 Rose Point to the right of them. Since the Keating's have moved in, they have been wonderful neighbors. Whatever they say they are going to do, they do. They have made nothing but improvements to the home since they've gotten there. I am completely in favor of it."

Dave Berry: "202 Beach Road, right across the street from them. What they have done so far is very nice and whatever they continue to do would be a plus to Lake George Village. If you can, I'd say let them have what they need for retirement. Thank you."

Vinnie Spitzer: "Peter and Denise are struggling with this because they wanted to rebuild what is there and they really found out that it's an old camp. The thing I want to talk about is obviously I'm in favor of them getting their variance. The 29 foot variance may scare you, but the house already exists at that location. All he wants to do is fill a little corner necessitating a 29 foot variance. I think it's a 50 foot setback requirement. The back side is just a continuation of the same line of the house. What they're going to do is going to improve everyone's house in the neighborhood. It's going to be good and they are going to be permanent residents and I think we should encourage them to do so."

Chairman Santiago stated the Warren County Planning Board recommendation is No County Impact.

Chairman Santiago stated there is a letter from Todd Fellegy, not supporting the project; a letter from Dana Richardson not supporting the project; a letter from Jeffrey and Debrann Giannella in support of the project; a letter from Robert and Irene Swan in support of the project; a letter from Barbara Bailey in support of the project and a letter from Kathy Bozony of the Lake George Waterkeeper not supporting the project.

Copies of these letters are available in the Planning and Zoning Office.

A motion was made by Grant Gentner and seconded by Kevin Mulcahy to close the Public Hearing.

All in favor.

Motion carried.

Kevin Mulcahy stated that when they look at zoning they try not to make something less conforming than when it starts. We do have a 50 foot rear yard setback on this structure and none of it conforms to that because of the pre-existing location. The non-conformity at the rear is being expanded. The other thing is the 7 foot setback from the right-of-way. When you're removing snow with a 7 foot setback, there does not leave a lot of room. He stated his lot calculations with the road, he was over 30%, but did not have the exact dimensions. So if they are not over a little bit, they are close to the maximum for the lot coverage on this lot with the driveway, the house and the road going through it. He stated he was okay with the side variance, but does not feel they should extend any more at the rear or by the road. He also stated that he did not know if stormwater was necessary for this project, but it would be a plus.

Peter Keating responded stating yes, for the stormwater. The variance for 29 feet is because there is a little cut out there. The existing deck is there. The common driveway which is utilized by three other families, actually moves away from the straight line of the house. It does get wider.

Grant Gentner stated he was happy they were locating here full-time and building a modern home and his only comment was to ensure proper stormwater management.

Janie Green stated that she is concerned about the size of the house. She would like to see the structure be a little bit smaller. She also stated she was concerned that areas of the structure could potentially be turned into a bedroom.

The Keating's stated they would be agreeable to stating that the storage space will only be used as storage/mechanical and will not be a bedroom.

Kevin Mulcahy stated that he still has an issue with the rear setback and the right-of-way.

Peter Keating stated he would be more than willing to drop the four foot extension on the deck.

Chairman Santiago stated he felt the only way to fix the issues with this house is to demolish and rebuild and he feels they would be adding to the character of the neighborhood.

Kevin Mulcahy stated that if they can reduce the rear yard setback to not go past the existing deck, he would be okay with the other two variances as the neighbors have come in to support this.

A motion was made by Grant Gentner and seconded by Kevin Mulcahy to approve with the conditions that the four foot extension on the deck be removed so the rear yard setback will not be any greater with any structure, deck or house than it currently is and the storage room is not habitable space.

Grant Gentner read the criteria:

- 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.

The homes in that neighborhood are all different. The style of this house will fit in with the character of the neighborhood.

- 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. They are building within the building envelope and the board has made previous modifications.

- 3) Whether the requested area variance is substantial.

Yes. However, it has been mitigated by two conditions.

- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

No. It will be an improvement to the existing neighborhood.

- 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.

It is self-created, but they are making a great and vast improvement to what is existing there to a year-round structure.

Kevin – Yes
Grant – Yes
Janie – Yes
John – Yes

Motion carried.

5. Use Variance Application #1-2008 submitted by Lake George Steamboat Company (Bill Dow) to request permission to allow a boat storage and boat repair facility in a zone where it is not allowed, for property located on Birch Avenue (264.10-1-48.2).

Grant Gentner read the application into the record.

A motion was made by Kevin Mulcahy and seconded by Grant Gentner to accept the application as complete.

All in favor.

Motion carried.

Ed Gillis spoke stating that where the gate and the driveway is now will remain the same. There will be a 75 wide by 100 foot long service building. They showed where parking would be and where the boat storage would be. They will not touch any of the buffer between the property and the Birch Avenue residents. He plans to put a fence on the property to divide the commercial and residential portion of the property.

Mr. Dow spoke and stated that this property had received a Use Variance for a parking lot previously. The boat storage use would be a lesser use than a parking lot for the neighbors as it would generate very little traffic and there would be minimal lighting.

Grant Gentner stated that he felt this was a good project. His only concern was to balance it with the community and the neighborhood to screen this properly with no obstructions on Birch Avenue due to the fire and rescue personnel needing to use Birch Avenue.

Chairman Santiago opened the comments to the audience.

Oleks Jaworsky, who lives right on the line on Birch Avenue discussed the vegetation and stated his concern was the trees and fence being placed between their property and the residential section of the neighborhood.

Ed Gillis stated he did not feel this would be a problem.

Alexsandr Kutouki stated his concern with the odors that would be generated from the repair shop.

Chairman Santiago stated they needed to comply with OSHA regulations.

Chairman Santiago stated this would need to go the Planning Board where all these concerns will be addressed. The only subject in front of this board is whether this use would be acceptable in this district.

A motion was made by Grant Gentner and seconded by Kevin Mulcahy to close the Public Hearing.

All in favor.

Motion carried.

A motion was made by Kevin Mulcahy and seconded by Grant Gentner to approve Use Variance 1-2008.

Kevin Mulcahy read the criteria:

1. Under applicable zoning regulations, the applicant cannot realize a reasonable return, provided that the lack of return is substantial as demonstrated by competent financial evidence.

The applicant purchased the property for a specific use. Hurricane Katrina changed his plans and caused the financial hardship. The owner tried to sell the property previously and that buyer backed out, creating a financial burden.

2. The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.

The property is unique in its location. It's a very large parcel that has been vacant between commercial and residential for years.

3. The requested use variance, if granted, will not alter the essential character of the neighborhood.

The area has mixed uses. Conditions for aesthetics and hours of operation are a concern and will be addressed.

4. The alleged hardship has not been self-created.

Unfortunate circumstances for Mr. Dow caused this hardship. They have not been self-created.

Kevin – Yes

Grant – Yes

Janie – Yes

John – Yes

Motion carried.

6. Area Variance Application #9-2008 submitted by Lake Shore Lodges, LLC, to construct a tourist/timeshare project for property located at 3678 Lakeshore Drive and 2677 Lakeshore Drive. The applicant is requesting relief under Section 175-52(A)(5)(a) of 29,182 square feet for the minimum land area necessary for a tourist timeshare project in the RCH-LS zoning district; relief under Section 172-52(A)(5)(c) for 24 units over 1,000 square feet in size in regard to the permissible square footage of floor space per unit; relief under Section 175-52B of 45 feet on the lake side in regard to the required building setback of 100 feet from the lakeshore; relief under Section 152-52(C) of 50 feet on the lake side in regard to shoreline frontage required; relief under Section 175-34(A)(1) of 30 feet on the lake side for an existing bridge (to be covered) in regard to the 30 foot stream setback required for accessory structures; relief under Section 175-21(G)(2)(b)(4) of 90 feet on the lake side for an infiltration device in regard to the 100 foot setback required from Lake George and any down gradient drinking water supply, lake, river, protected stream, water well, pond or wetland; and relief of 5 feet from the New York State Department of Transportation right-of-way for a pedestrian tunnel to cross Route 9N (226.09-1-11, 225.12-1-16).

Janie Green read the application into the record.

A motion was made by Grant Gentner and seconded by Janie Green to accept the application as complete with the modification of relief under Section 175-52(C) of 50 feet on the lake side in regard to shoreline frontage required for a tourist time-share project in the RCH-LS zoning district. Based on the applicant's current plans, the Code would mandate 300 feet of shoreline frontage for the lake side. The width of the applicant's actual frontage is 182 feet, so they are applying for 188 feet of shoreline frontage relief.

Attorney John Lemery was present representing the applicant.

Attorney Lemery stated to the board the members of the project team being Michael Angersoll, The L.A. Group; Trevor Harrison, Architect; Jim Suozzo, Wastewater Treatment Engineer.

Attorney Lemery stated the current zoning is RCH-LS. There is also a Class A, 18 slip marina on the property. It is seasonal tourist accommodations currently and has been for many years.

Attorney Lemery stated that when they began looking at this property, they were very mindful of the area variances that would be required. This was looked at in the context of the Comprehensive Land Use Plan of the Town of Lake George. Attorney Lemery quoted the following from the Town of Lake George Comprehensive Plan.

“The purpose behind the plan in some regards was to continue to strengthen the Town’s tourism economy and promote economic diversification while preserving quality of life for year round residents; to continue to promote family oriented tourism; to encourage the development of larger unit tourist accommodations; and to encourage the rehabilitation and renovation of existing tourist accommodations. In addition, anticipate the future demand for timeshare development and provide suitable locations and regulations for this type of development and encourage development and redevelopment of large unit tourist accommodations at an appropriate density.”

He stated this facility has been in existence a long time and is not compliant with our standards today. The septic system is not on the site. It is on the Gilchrist property. There is no stormwater management on this site currently.

Attorney Lemery stated their plan will significantly change all this; will change the stormwater management; will protect the lake and provide significant relief.

This facility currently has 22 units; 42 bedrooms. The proposal is for the lake side, 3 bedrooms; two, one bedroom units and one two bedroom suite. The rest of the units are on the west side of Route 9N. The restaurant and other amenities for the time-share owners are not open to the public. The marina would be used for the owners. There will no longer be any transient use for the marina.

Attorney Lemery stated that while the variances appear to be large, they are really not in terms of space, land use and in terms of effect on the lake. He stated in order to keep the lake pure, they have adequate septic systems and runoff has been adequately treated and dealt with.

Mike Angersoll discussed how these variances apply and where they apply.

Mr. Angersoll stated the property is about 15 acres. There is almost two acres on the lake and another 10 ½ before you get to the RCH-LS line and beyond that is 2.73 acres in the RR-10 zone. All of the calculations in the zoning do not include the RR-10 zoning land and that will be considered forever wild. All of the variances required are on the lake. He submitted to the board a letter from the Adirondack Park Agency concerning the wetlands. A copy of this letter is on file in the Planning and Zoning Office.

Mr. Angersoll stated that on the lake side Smith Brook does come through. There is 182 feet of lake frontage, for the 60 units they are short shoreline distance by 118 feet based on that requirement. The second variance is the proposed building of the boathouse club, that structure is located no closer to the lake, even though this exists today, they need permission to build within 100 feet of the lake, requiring a 45 foot variance. Their proposal is that by taking all the buildings down, they end up with 60% green space on the lakeside. Currently, it is not quite 40% and it is entirely paved along the stream. In rebuilding where the building is, there is one variance required because they are within 15 feet from the edge of the stream. There are 3 bridges that cross the stream and because they need to rebuild the connection across the stream, they are required to apply for a variance. He discussed stormwater management stating that they are within the setbacks of the stream however, currently the stream is within a sea of asphalt and they are trying to remove as much asphalt as possible. They asked for a variance for stormwater treatment areas which are rain gardens. They would come down and pick up runoff and in the middle where the pool is, it would be pretreated and discharged to the lake, cleaning the water much more than it is today. All this takes into account the sanitary sewer. Anything that happens with this building will be pumped up to a leach field up the hill. There is no more sanitary sewer within the lake. There is parking for 24 cars. It would be a one way system in. They are not for outside users. It would be only for people staying there. They would utilize the existing driveway on the west side of 9N. All the parking is underneath the building for the main lodge. Behind the building and up the hill are three 7 unit cottages with parking in the back of each unit. Each unit has a spot inside and one for the guest. Because they want to cross Route 9N and trying to explore the possibility of a tunnel, the ordinance does not allow for a structure in the middle of your property because DOT's right-of-way goes through there. So we created the variance saying this is an accessory structure within 5 feet of the right-of-way. Of the 60 units, 24 are over 1,000 square feet. The ordinance allows for 500 to 1,000 square feet per dwelling unit. Therefore, they need to ask for a variance to build bigger than the ordinance says. The final variance goes to the land density. When you take the 10.65 acres of land within the RCH-LS district and divide it by the 900 required square feet of land per 100 square feet of building, you come up with a base density of 58,177 square feet. That means that today that is as much unit square footage that you could have. Their project is larger than that by 29,182 square feet. Therefore, they are asking for a variance that is larger than the base density. They feel they have clustered and

stacked units within that much different than some of the adjoining properties. They feel they far exceed the green space requirements. They are very aware of the views from the lake. They took photos of the existing conditions currently from the lake and superimposed the photos showing the board what this might look like from the lake.

Trevor Harrison discussed the proposed buildings. He stated that when they started looking at the project, it was very important to the owner to minimize the impact on the lake side. Therefore, they took the number of units on that side down from 9 to the 3 that are there now. In doing this, they kept the building on the existing footprint. On the west side, covering the parking was very important to the owner. So the 3 cottages each have a covered garage and then an additional parking space for guest. All of the parking for the main lodge is underneath and it is all within the 40 foot height limitation. These buildings will be of Adirondack style. Trevor stated that under the current zoning, they could have 10 single family residences on the west side of the property. What is being proposed allows for more open space on that property with less impact than 10 single family residences would have.

Jim Suozzo spoke regarding the wastewater treatment plant and the design. He stated that one of the problems is groundwater. They would like to move the septic up past where the current house is now. This will require DEC approval because it is over 10,000 gallons. They could meet the conventional requirements however, he is not confident with that. He stated that what he has done around sensitive water courses is use a secondary treatment unit right after the septic tank prior to disposal. DEC will be the lead agency however, it will need approval from the Town.

Chairman Santiago opened the comments to the audience.

Tom Wessling: "Blue Lagoon Resort. I own the properties that neighbor the applicant on the lakefront lot as well as the lot on the west side of 9N. I am not opposed to development in this area, but am opposed to development that disregards the zoning codes of Lake George and seems to disregard environmentally sensitive areas such as lakes, rivers, wetlands and water courses. I feel the request for variances is extreme and will set a precedent that will affect the neighborhood for years to come. I would like to address some of the comments I am hearing from the applicant and his consultants. They say "the existing Family Suites motel is emblematic of the numerous aging motels which dot the shorelines of Lake George". I currently run a motel and cottages that caters to guests that travel to Lake George. I support the economy and tax base of Lake George and have been doing so for several years. I have already invested hundreds of thousands of dollars into improving my property and motel and in keeping it current. I am currently in the middle of building a new state of the art septic system for the motel. The Blue Lagoon Resort is the number one in Lake George on the popular Trip Advisor.com outpacing many of the new and

modernly built hotels in the area. They say they spent a couple of years planning this project to make it state of the art and fitting for the area. The question is, if they spent so many years and so many consultants, why didn't they review the Lake George Zoning Codes and attempt to at least come close to those requirements. Arguing that they are confusing does not cause them to be thrown out the window or arguing that others are not compliant is not a hardship. They say that they will be remedying a failing or misplaced septic system. This does not mean generous variances should be given either. The failing septic is an issue to be addressed by the New York State Department of Health and the Lake George Consolidated Board of Health. The problem with the septic system is not a hardship and not an argument for generous variances. They say the lakefront building is being placed on the existing footprint. This is a stretch because the deck area and nearby buildings and the spaces in between these buildings are being included in this interpretation. New construction requires following the current codes, not relying on the past. The lakefront area is critical and should be built to conform. They say the shoreline is adequate to support the project. They are seeking a variance of approximately 125 feet of shoreline and as we can see from the aerial photos the current beach is small and is currently overcrowded. It appears that half this beach is rock walls and docks. There is a very small sandy area for the beach users to go and the rest is tied up with docks. So they are actually proposing to send down to this small beach, 90 bedrooms compared to the current 40 bedrooms. You can see the potential for overflow, potential for excess of noise and the beach is very limited. The biggest factor in this project is the funneling of so many people down to this beach. I think it will have a negative impact on me and the neighborhood. The current application includes 34, one bedroom units and we also heard in the application that multi-family units are more in demand. Erroneously the number tonight was 45 for the lakefront that grew to 60 and with that unusually high number of one bedroom units, what I don't want to see is all these one bedroom units merged down to 17 two bedroom units and give us the feeling that we're moving closer to the Zoning Codes. It's the old philosophy of land for the stars and you might land on the moon.

Richard Osborne: I have a letter from Kathy Bozony of the Lake George Waterkeeper. She asked that it be read into the record.

The following letter was read into the record and is available in the Planning and Zoning Office for review.

The Lake George Waterkeeper has reviewed the submission for the above referenced area variances and would request that the Zoning Board of Appeals carefully review the full impact of the numerous variances requested for initial discussion of the Lake Shore Lodges proposed project:

1. relief under Section 175-52(A)(5)(a)* of 29,182 square feet for the minimum land area necessary for a tourist timeshare project in the RCH-LS zoning district;

**900 square ft of land for every 100 sq ft of floor space*

Per the above **Section 175-52(A)(5)(a)** calculation, the allowed total living space square footage for 12.02 acres is 57,177 sq ft. Assuming that the applicant has included all sq ft in their calculation resulting in total living space square footage of 87,359, the requested variance is a 65% relief from the Town of Lake George existing Zoning code. Relief for this variance should not be granted.

2. relief under Section 172-52(A)(5)(c)* for 24 units over 1,000 square feet in size in regard to the permissible square footage of floor space per unit;

**minimum of 500 sq ft and maximum of 100 sq ft of floor space per unit*

24 of the 60 total units require a floor space variance as they exceed the range of 500 to 1000 sq ft per unit. The requested variance is a 40% relief from the Town of Lake George existing Zoning code. This is a substantial increase in total floor space for the allowable project on this parcel. Relief for this variance should not be granted.

3. relief under Section 175-52B of 45 feet on the lake side in regard to the required building setback of 100 feet from the lakeshore;

**no tourist accommodation shall be closer than 100 ft to the shore*

Shoreline setbacks should not be compromised to accommodate the size and scope of the proposed Boathouse Club (footprint over 8000 sq ft) located with no buffer next to Smith Brook and within 55 ft of Lake George. With a grill / restaurant, locker and showers, indoor to outdoor swimming pool and 3 residential units (total of 4 bedrooms), the proposed use of this lakeside parcel may not be appropriate.

Applicant states that there are "...significant constraints on development because of the relatively small size of the lakeshore lot and the location of the stream (east of Route 9N). Because of this, development should not be permitted beyond capacity, as the potential negative impacts to the lake are irreversible.

4. relief under Section 152-52(C)* of 50 feet on the lake side in regard to shoreline frontage required;

Note: this should read Section §175-52(C), (not 152-52(C));

**where the shoreline width = 100 ft or number of accommodation units multiplied by 5 ft*

Applicant is requesting relief for 50 ft (with a calculation of 225 ft of shoreline frontage required and 175 of actual shoreline frontage). It appears that 450 ft of shoreline frontage is required based on the 90 bedrooms that are being proposed. 90 Bedrooms (vs. the 60 proposed units) is a more comparable count to the code's reference to a motel or hotel unit. Therefore the applicant should be requesting a variance for 275 ft or 250% relief. Relief for this variance should not be granted.

5. relief under Section 175-34(A)(1)* of 30 feet on the lake side for an existing bridge (to be covered) in regard to the 30 foot stream setback required for accessory structures;

**all buildings, structures and accessory structures shall be set back at least 30 ft from mean high-water mark except that if the building setback is greater for the zoning district (RCH-LS = 75 ft shoreline setback). Also 175-34(A)(2) should be included; natural stream buffer may be required to be Installed by Planning Board.*

Flooding that occurs when streams have been channelized like Smith Brook is not only dangerous and potentially costly to the land owner, but stormwater flowing through this impaired stream is responsible for depositing sediment, pollutants and nutrients directly into the lake, therefore having an impact on Lake George's water quality.

6. relief under Section 175-21(G)(2)(b)(4)* of 90 feet on the lake side for an infiltration device in regard to the 100 ft setback required from lake George and any down gradient drinking water supply, lake, river, protected stream, water well, pond or wetland;

**Infiltration devices for major projects shall be located a minimum of 100 ft from Lake George.*

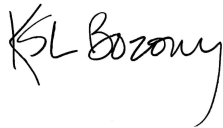
With the exception of several proposed storm gardens, the entire 1.37 acres on the lakeside parcel will be impervious, with a large paved parking lot, 8000 sq ft footprint building, swimming pool and sidewalks, tunnel and bridge. Stormwater infiltration needs to be located beyond 100 ft from Lake George and the proposed project should incorporate vegetation and permeable surfaces on this lot.

7. relief of 5 feet from NYSDOT right of way for a pedestrian tunnel to cross under Route 9N

The proposed tunnel under Route 9N will be located below the mean high-water mark of Lake George.

Based on the proposed concept, the Lake George Waterkeeper cannot support the variances that have been requested. New development should have the capability to be initially proposed and discussed within the confines of existing zoning restrictions. The cumulative impact to Lake George from increased density on fragile shore land parcels is not easily mitigated and should be avoided. The application should be deemed incomplete until all watercourses, streams and delineated wetlands are drawn on the site plan. The Lake George Waterkeeper looks forward to working with the Town of Lake George Zoning Board of Appeals in defending the natural resources of Lake George and its watershed. Thank you.

Sincerely,



Kathleen SL Bozony

Natural Resource Specialist / Lake George Waterkeeper

Jeff Meyer: "I'm an attorney with Fitzgerald, Morris, Baker, Firth in Glens Falls. I've been retained by Blue Lagoon Properties, LLC. They are the adjacent property owners to the south. In order to keep things moving along, I'm going to limit my comments to the information we feel is missing and hopefully we will be able to review a more complete application. The applicant does point out that the Town's Zoning Code is designed to protect Lake George, to prevent undue concentrations of people. Everything is based on an appropriate density. We feel that the proposal is not an appropriate density. The numbers for the variances requested are astronomical, particularly the living space and just the general 65% density for the floor area. There is not really a need for all these rooms. There has been no showing of unnecessary hardship, which will be required if they are going to grant these area variances. You need to go through each one and support that based on the topography of the land and everything we see that this is unnecessary and it is essentially targeting this applicant separate from the rest of the Town. Along those lines, it has been said by everyone we did know the Zoning Ordinance was here and we'd like to see them come closer to complying with the Zoning Ordinance and we see no reason why they can't. They did say that there were feasible alternatives in their application. They are not as desirable, but that is not necessarily this board's problem. As to the shoreline variance, we are glad to see that they came back with the correct number and that agrees with my calculation. I would add and more or less argue that it is too small for the current calculation. There is not enough room. There is 3,000 square foot of beach and you're talking about a potential of 200 people. If everything is occupied, it doesn't match up. We'd actually argue that maybe a more telling measure would be the provisions for contractual access. There are only 3 units on the lakeshore. Everything else is granting permission for off lake property owners to come down to the lake and utilize the shore. If

you use that calculation, the number is close to 800. I'm not saying 800 is the proper number, but 300 even though it is excessive is not even a reasonable calculation based on the use that they have proposed. Some of the information that we would like to see is stormwater plans. It was mentioned at the meeting, I don't know if anything was submitted, but it was presented that this is the state of the art, everything is going to be compliant. In theory, everything looks great and we'd like to see the facts match the theory. How do we know the rain gardens work? How do we know that Smith Brook isn't going to get deteriorated further? I would like to state that this is a Type I action under SEQRA. We would like the board to recommend that they provide something more. They've provided a lot of great information so far, but we don't really feel that Part I of the EAF is sufficient. There is so much going on and so much development we'd like to see all the factors that are going into this and provide this board and all the other agencies that have to consent to this project to have the same information when they proceed to make these decisions. The applicant has not shown all the water courses that are on the property. We took the tour on Tuesday, they gave us permission to go up to the upper portion and there are wetlands that run through that. Currently there wasn't any water in it, but in April there was water in it. Also, there is a similar stream on my client's property that is more or less along the boundary and if my reading of the map is correct, the septic field is close to that as well. We need to see prove that the system works. This is a large project. There is a lot of stormwater, groundwater, congestion and water quality, and a lot of things that just haven't been discussed in detail. We've been given assurances, but haven't seen the proof."

Bob Moser: I'm the owner of the project. My wife and I live over on Pilot Knob. We live there year round on the lake. The lake is near and dear to us. I love the lake and would never do anything to embarrass the lake or embarrass myself or my company. I'm a real estate developer. I develop property from Rockport, Maine down to Naples, Florida. We develop high end residential, RV resorts, hotels, destination resorts, similar to the one I'm proposing. There are a couple things I'm kind of shocked about. A couple of weeks ago Tom had called me on the phone and told me he loved the project and thought it was a great project as long as I bought a piece of his land. I said excuse me and he said yeah, as long as you buy a piece of my land, I think it's a good project. I told him I wasn't interested and then he comes here tonight with an attorney by hand which I'm taken back by. Doing projects all around the country, this is the first time I've ever had something like that happen to me. Overall, the density of the property, people are not taking into account the Class A Marina. That Marina can be used by people who are not staying at the hotel. There are 18 units for people who can come and use the beach and are renting dock slips. That hotel used to be 34 units and it's been consolidated down to 22. You guys can see the time and energy we've put into designing the project and the cost. In order for this project to work the way we have it designed and we want to build it, we need the 60 units. That's the only way feasibly and financially it can work. We kept as much green space as possible. The three acres to the north we kept. We

clustered the units in order to reduce that. I didn't want to develop the property where you had 15 homes scattered around. It would butcher the whole mountainside. I live on the east side and I look to the west side and you can see from this picture how the buildings are hidden behind the tree line. I think this is something we need around here. I own one of these old hotels. These things financially cannot work. You cannot rent enough rooms up here in the summer to cover that mortgage payment. I hope you'll keep an open mind."

Jeff Killeen: "I live full-time year round at 3644 Lakeshore Drive in Diamond Point. The entrance to my property is a gravel road right across from Vito Road, about 200 yards from this project. What I'd like to do is offer my perspective and provide some context on this application for your consideration. My property has been in the Killeen family for 100 years, since 1908. After being part of a family house for the past 50 years of my life, I purchased our property from the rest of our family three years ago and embarked on a very careful two year restoration of that house and the adjacent property. I appeared before this board to review my plans and seek approval. My intent was to preserve the full historical and aesthetic character of a vintage Lake George home, but more importantly to fully comply with the environmental, stormwater, setback, septic, lakefront and building codes that were and are on the books. I grew up on this lake and I got married in the Diamond Point Community Church. This is now my home, like yours, I drink the water and I have a deep appreciation for not just the unique beauty of this lake, but also for its increasingly fragile state as an eco-system. I, like many, view the lake and the shoreline and the hillsides as the golden goose that attracts people here in the first place. It makes this economy go and makes this region what it is. In my project, I put in a \$60,000 Elgen state of the art septic system way above and beyond required code. I created a massive, oversized and very expensive stormwater management system, fully complied with the height codes and the setback codes. Things that frankly I didn't want to do. I was especially conscious to protect the stream that flows through my property and Skip and Edna Muller's property. I wanted every aspect of this historical renovation to be by the book and to conform, if not actually to exceed the codes and rules that we have on the books for the Town of Lake George. I was not looking for any extraordinary relief or ways to cut corners or ways to save a buck on extraordinary variance relief. The steps I took cost me a lot of money but they were the right things to do. I knew that and I knew that that was the code. I am not anti-development; quite the contrary. Smart development is in everybody's best interest and I support it. What I am opposed to is not upholding the code we have on the books. I see that as our job and the job of this review board to uphold and enforce the codes in place. Now clearly reasonable requests for reasonable variances should always be considered and frankly, generally approved. You've done that tonight. In fact, I stood up for a commercial variance at Adirondack Lodge and voiced my support for that. That's common sense and that's good business. When something is variance intense at the extreme, I see our job not to kill the project, but rather to get the project to conform. As I hear the proposal here and with all due respect I

see an extreme case of trying to fit a 10 pound loaf in a two pound bag. With that said, I like the project. What I don't like is the extreme lack of conformity. I must compliment the architect and the owners, it is very architecturally attractive, but the proposed development is far too big for the defined land area, resulting in a request of seeking more than 50% relief on a minimum land area requirement. I've heard several speakers cite a 65% relief request. Secondly, the requesting variance on floor space per unit appears to be seeking 40% relief, if not more. The applicant seeks variance on a 100 foot setback from the lake code which very candidly I feel should not be granted to myself or to anyone except in the case of repair of pre-existing structures. That code is on the books for clear and obvious reasons and I certainly had to conform to it. They seek relief on stream setbacks for a covered bridge and for an infiltration device, all of which should be reviewed within the context of the 100 foot setback requirement which we have as policy in code. They seek to build a tunnel under Route 9N to shuttle people back and forth. Clearly they are alert to the congestion and safety issue for which they are to be commended. The tunnel solution I find simply beyond comprehension. The proposed tunnel is below the mean high water mark of the lake. I see no engineering or environmental impact study that says that kind of tunnel or any tunnel will not disrupt the water table or impact the adjacent stream or God forbid stimulate a collapse of Route 9N at some point down the road. I recommend that you send this proposal back to the drawing board for more work. As conceived, this is a project that grossly exceeds the capacity of the existing site and needs a huge package of variances to even begin to work. This has been openly stated. The congestion that will be created on this already very busy and dangerous strip of Route 9N is troubling to say the least. I have trouble getting out of my driveway safely now and I cannot imagine what it will be like if this goes through. As a homeowner, as an investor, as a businessman and as a citizen of Lake George and Diamond I simply ask that we enforce the codes that are on the books and stay cognizant of the integrity of the lake and its shoreline as the true economic engine for all of us. This proposed project can be a good one like so many that come before you, but by ignoring the code at the level of scale being sought here would be tantamount to failing to do our job. I found a way to expand and restore a historic Lake George home not 100 yards from the site you are reviewing tonight and not only found but proactively sought ways to be in compliance with everything from setbacks to stream corridor care management, septic and square footage. It cost me a lot of money to do it right, but doing it the right way was the only fair thing to do. I ask that you apply that standard of diligence and care on this proposal and ask the applicant to find ways to be in compliance and make this project fit the parcel and fully respect the codes of the Town of Lake George. I thank you for your time and consideration."

Chuck LaPlante: "I live in Diamond Point and I have a business to the right. I just want to talk about a couple of topics. Over the years I've been trying to bring to light the dangerous situation in that area from Canoe Island Lodge all the way to the Bait Shop. It's a deadly road and something should be done about it. We have no lights. Nothing to slow people down. The speed limit is 40. They go 50, 55. Just to have all these people in all these units in that area is going to make it worse, especially since you're moving most of the motel across the street. For example, if you have 150 people on the other side of the road that want to go to the lake three times, they have to cross the road once to get to the lake, that's 150 crossings and cross back to go to the unit, that's 150 crossings and if they go to the lake three times a day, which is not unusual, that's 900 crossings. That's not happening now. I think the tunnel is a great idea. I don't know how they can possibly make it work. I think it's going to be very unsafe to have 900 crossings in that area. The whole area is just dangerous and I'd like to just make sure that this has been brought to you guys again, it's just real bad. The other issue is, when this project starts, if this happened to my business and this was next door to my business, it would devastate my business if they did it during the season. It would be interesting if the developer said how about if we do a lot of this huge messy thing since we don't put these people out of business. That would be a crime to have this allowed during the season when especially six months out of the year there is no business."

Mike Seguljic: "I know they put a lot of work into the project and it looks absolutely incredible on paper. It certainly seems to me that the amount of requested variances, if granted, would appear to significantly increase the density allowed on this property parts of which contains sensitive lands and waters. Also, this site is very close to the intersection of Diamond Point Road and Route 9N. That stretch of road is extremely dangerous and the intersection is even more so dangerous. It's a nasty intersection. That road cannot physically accommodate much more in the way of traffic density, let alone pedestrian traffic. It is a nightmare waiting to happen. The variances that are requested for a portion near the lake are significant and may unduly overburden that area of the property. The applicant may need to reduce and revise the size of the project to reduce the need for such significant variances. We really all need to continue to recognize the impacts of increased density on our sensitive lands, the lake itself, our tight road network, other municipal infrastructure and our own quality of life. The area in the rural residential zoning district, the last time I was here, I heard the words forever wild and it would never be developed. Tonight, I heard we can't say it is going to be forever wild, but for right now it's not in our plans to do anything with it. That concerns me. If they're going to come in we should see the entire thing of what they are going to do with the entire property."

Michael Chimiak: "I am the owner of Mt. Knoll Beach Cottages at 3685 Lakeshore Drive. I border Blue Lagoon's property to the south. After sitting here and looking, it looks like a great proposal. I'm not against the timeshare units being built there, but I think the project is excessive and should be scaled down so the excessive variances are not needed. I have some concerns with the tunnel. I'm not sure how many of you come up in the spring to see how many of the lands are under water from the brook overflowing. It is dangerous crossing the road. Will you be pumping the tunnel out when it rains or the brook overflows? I didn't see anything mentioned about employee parking anywhere. You can a clubhouse, a restaurant, and I was curious about employee parking. I'm not against the project. I'd like to see it scaled down just a little bit to meet some of the codes. As we went through the variances tonight, you stated the project would need as little variances as possible. It should be scaled down so less variances are needed. In its current state, I would have to say I'm against the project. Thank you."

Betty Spinelli: "I'm a permanent year-round resident of Diamond Point. I don't oppose development and I am not opposed to timeshare units. This project has variances that I think are absolutely overwhelming, unreasonable and in most cases absolutely unnecessary. Earlier tonight, I sat through watching this board listen to 5 other public hearings. I was very impressed with the due diligence that you took going over each and every one of the requested variances. Now suddenly for one application, you're presented with 7. I hope and I'm sure you will spend as much time on each of those 7 variances as you did on the previous variances for individual applications. I like the Adirondack style design. I'm impressed with some of the plans that have been presented. However, the project is simply too big, too aggressive and needs to be modified to conform to the code. The code is there to protect our environment, our lake and the character of the area. I too was involved, we built a home within the area, I live less than a half mile from this proposed development, and we managed to build our home within existing codes. As Mr. Killeen stated earlier, it did take extra expense and was not always something that we welcomed, but was something that we felt obligated to do. There is no doubt in my mind with such a valuable piece of property in such a beautiful area that it could not provide a substantial return without variances and within the current codes. Therefore, not deeming any hardship. Just very briefly, they are counting on the 7 variances. The first two are just incredible in terms of the amount being requested. To me, 50% is not something anyone should even ask for. The variance for square footage of living area is one that should not be granted. It was discussed as though we have around 1,000 and the others are just a little over. Well, if it's so little than let's make them within code and keep them 1,000 or less. The third point was shoreline setbacks. If there is anything that we should not compromise on, I would hope over the years we have learned our lesson, we should not give variances on shoreline setbacks except for some incredibly unique situations. This project does not constitute a unique situation. The others on shoreline frontage, setbacks from the lake, stream buffers, again should not be granted.

We have learned that protecting the lake involves making sure that we have stream buffers and that we honor our setbacks. The pedestrian tunnel, you've heard enough about that already. I don't even want to discuss that. It seems ludicrous. I like the idea, but this is a parcel that straddles a very dangerous 9N. It includes impaired streams and lakeshore development. The potential impact to Lake George from this project increases detrimentally and the proposed variances should be denied. Thank you."

Joe Stanek: "I'm a resident of Diamond Point. Most people already covered a number of issues, but I'd like to talk about some brief notes that I took. We have the zoning regulations in place to establish and maintain and preserve the lake. Darien Fresh Water Institute has done studies and very clearly the south basin is degrading. The reason why we have zoning regulations is to improve and stop the degradation of the lake. There has been no evidence provided by the applicant that this is a hardship. Just because he says it's a hardship, that's not evidence. I have concerns over the water table. The west side of the road does overflow in the spring. You can see the water table there. Clearly putting a tunnel there and the water table in general needs to be considered for all of these variances. I have concerns with the parking at the lakeside boathouse. The site diagrams that I saw indicate that there are 50 seats in the restaurant and the code states you need one parking space for two seats. That would be 25 seats. You have employees and the three units that are there and the people that are coming across the road and parking. They've indicated they might have golf carts. Where are the golf carts going to park? It's not indicating to me that parking is going to be meeting the code when we get through. We should look at all the variances and understand the total project. I think it is very important to identify the variances for the entire project. That would mean you'd have to do a lot more design for stormwater and some of the other things that may create other variances. Lastly, I think the applicant should be charged to go back and address some of these comments and keep the Public Hearing open for at least the next couple of months since this is such a substantial project. Thank you."

Kevin Clifford: "3711 Lakeshore Drive. How many variances are in existence as it stands now? Are the variances in place as it is?"

Chairman Santiago: "It's a pre-existing, non-conforming facility. Back when this was built zoning was not in place."

Tom Wessling: "I just wanted to say when I make my comments here, I don't take that personally, it's just my concerns about the project."

Mike Angersoll: "The attorney indicated there were no perc tests for the septic. There is information in the application."

Chairman Santiago stated he'd like to hold the Public Hearing open and ask the applicant to address some of these concerns.

A motion was made by Kevin Mulcahy and seconded by Grant Gentner to hold the Public Hearing open and re-advertise with the modifications.

All in favor.

Motion carried.

7. Area Variance Application #10-2008 submitted by Eugene Albright, Trustee of Jean G. Albright 1992 Trust to combine 2 parcels of approximately .87 acres of land and, thereafter subdivide into 2 lots - one being 20,668 sq. ft. and the other being 17,315 sq. ft. The applicant is requesting a 2,685 sq. ft. density variance on Lot #2 and 12.2 ft. variance for existing dock setback, for property located at 1 & 2 Park Street in Woodfin Park Association (251.20-1-30 and 251.20-1-46).

Attorney Jon Lapper was present representing the applicant.

Chairman Santiago read the application into the record.

A motion was made by Kevin Mulcahy and seconded by Janie Green to accept the application as complete.

All in favor.

Motion carried.

Attorney Lapper stated the primary variance is for the slightly less than needed square feet for the middle lot size. It's about a 5% difference. This has almost the conforming amount of acreage. There are two houses, back to back and one is about 4 feet from the property line. There is municipal sewer. In order to have the 100 foot frontage on each lot, each of the properties will have their own dock.

Dan Davies, Realtor addressed the board stating the property has been listed since September 2001. They have had variances price changes. It has come through the strong times of the market. They have spent an enormous amount of time and money trying to sell it and in 7 years have had one substantial offer on the property. He stated it was his personal feeling if they did subdivide it, they would have a greater chance of selling the property.

Gene Albright spoke stating that they have had this property in the family for 64 years. He stated they would like to bring this property into compliance with the general area of the neighborhood. There are lots adjacent that are only 10,000 square feet and others that are 12,000 to 16,000 square feet. This would be very much in keeping what is there.

Chairman Santiago asked if the docks would remain the same.

Attorney Lapper stated that they are proposing is to leave both docks. He stated if you drew a straight line, the dock would be right on the property line. Therefore, they moved it over so there is a little distance so it doesn't meet the 20 foot setback.

Kevin Mulcahy asked about the driveway on Lake Street as it seems to be congested in that area.

Attorney Lapper stated that currently all the traffic comes in on Park Street. They would be alleviating some of the traffic on Park Street because there would be only one house using that.

Kevin Mulcahy asked if where they were cutting in the driveway, if it would be possible to cut back a foot or so, therefore it would not be right on the line.

Attorney Lapper stated they would fix that before going to the Planning Board.

Chairman Santiago opened the comments to the audience.

Rick Peek: "I'm Gene's neighbor to the north of him, I fully support his application and I think it would be a definite improvement on the site. Thank you."

Dan Rucinski: "I live on Front Street. I don't have any objections. I just think at this time if they are going to go forward with Site Plan Review, if you're going to take another driveway and put it onto Lake Street, Lake Street is a disaster that no one uses. Everyone uses Front Street. One house isn't going to make a difference, but you've got a situation there where Lou Tessier stated numerous times he has allotted some money to take care of different things but for whatever reason that street has never been taken care of. It's a private road. We paved our section up to a certain point because we didn't want to drive through a disaster. Because we did that, we get twice as much traffic. I would think at some point they should address that street especially if they're going to put another curb cut into it."

A motion was made by Grant Gentner and seconded by Janie Green to close the Public Hearing.

All in favor.

Motion carried.

Chairman Santiago stated the Warren County Planning Board recommended No County Impact.

Chairman Santiago stated there is a letter from Kathy Bozony of the Lake George Waterkeeper, not in support of the project. This letter is on file in the Planning and Zoning Office.

A motion was made by Grant Gentner and seconded by Janie Green to approve Area Variance #10-2008 with the condition that the house be demolished when the lot is sold and that the driveway shown on the plan submitted by moved away from the property line.

Grant read the criteria:

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. It is a pre-existing, non-conforming lot. This will bring it into more conformity.

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. It would bring it more into conformity.

3) Whether the requested area variance is substantial.

No. This would be the minimum variance granted to make somewhat conforming lots.

4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

No.

- 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.

It was a pre-existing, non-conforming lot and this change would bring it into more conformity.

Kevin – Yes

Grant – Yes

Janie – Yes

John – Yes

Motion carried.

A motion was made by Grant Gentner and seconded by Janie Green to adjourn the meeting at 11:26 p.m.

Respectfully submitted,

Patricia McKinney
Planning & Zoning Board Clerk