

Minutes of the Town of Lake George Zoning Board of Appeals held on Thursday, May 17, 2007 at 7:00 p.m., at the Town Center, Old Post Road, Lake George, New York.

Members Present: Chairman, Peter Smith
Grant Gentner
John Santiago
Janie Green
Scott Walton

Also Present: Patty McKinney, Clerk
Robb Hickey, Zoning Enforcement Officer
Kevin Mulcahy
Bill & Elaine Spangel
Jim Grey
Robert Katzman
Arthur Dodson
Thomas Hurley
Joanne Davidson
Marc Goldberg
Fred Macintosh
George & Colleen Weires
Tina Soprano
Jim Hutchins
Letizia Petruzzo
Bill Robinson
Sharon Kendall

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

A motion was made by Janie Green and seconded by John Santiago to accept the April 19, 2007 minutes.

All in favor.

Motion carried.

REGULAR MEETING

1. Use Variance Application #3-2007 submitted by Chabad Lubovitch of Saratoga County, owner being Michael and Keith Lanfear to use the existing structure as a house of worship, which is not an allowable use in the RCM-1 zoning district. Said property is located at 2831 State Route 9.

Robert Katzman, Attorney for the applicant was present.

Chairman Smith stated that he had read in the paper that the application was withdrawn. He stated that since he had read this, he was not prepared to make a decision since he had not considered this application.

Robert Katzman stated that the application was not withdrawn.

Scott Walton stated that no official notice has come through the office to state this application has been withdrawn.

Scott Walton stated that there really wasn't a lot of information submitted by the applicant as far as what would be necessary for the use variance. We did receive one resolution from the attorney and he stated that he would like to see the other one as well before forming his opinion.

Chairman Smith asked the applicant to agree to extend the 62 day time period for decision making to June 21, 2007. Robert Katzmann agreed to extend the time period.

The board requested that Attorney Schachner draft the resolution that had not yet been completed as of this meeting.

Scott Walton stated that he would certainly like to see another house of worship in Town. He stated he would encourage the applicant not to abandon Lake George if they do not receive a variance.

Robert Katzman commended the board stating they are doing the best job they can under the circumstances to follow the law and he does not see any indication of prejudice on this board.

PUBLIC HEARINGS

1. Area Variance Application #4-2007 submitted by Frederick S. Mackintosh to deed a portion of property to Rick and Allyson Peek (48 feet of lake frontage). The applicant desires to keep the remaining lot (approximately 22 x 130) and merge it with his adjacent, vacant lot to the immediate north. A 23 foot shoreline frontage variance and a 10,250 square foot density variance is required, for property located on Park Street in the Woodfin Park Association.

The applicant stated that the square footage has changed which would make the variance request different.

Chairman Smith stated that since this application was advertised and the variances are different, the applicant would need to resubmit and readvertise the Public Hearing Notice.

2. Area Variance Application #5-2007 submitted by Eric Peek and Allyson Peek to seek an area variance by purchasing a portion of 251.20-1-47 from Frederick Mackintosh (approximately 48 feet of lake frontage). The applicants wish to combine this parcel with their current property (251.20-1-41) which is currently non-conforming and will remain non-conforming after the Mackintosh property is merged. The applicant is requesting a 6 foot shoreline frontage variance. Said property is located on Park Street in the Woodfin Park Association.

The applicant stated that the square footage has changed which would make the variance request different.

Chairman Smith stated that since this application was advertised and the variances are different, the applicant would need to resubmit and readvertise the Public Hearing Notice.

3. Area Variance Application #6-2007 submitted by Brookside Custom Homes, Inc., to develop a 21 unit residential townhouse community. A variance is being sought to request relief from Section 175-21G(2)(b)(4) requiring infiltration devices to be located a minimum of 100' from any lake, river, restricted stream, water well, pond or wetland. Said property is located on New York State Route 9L, ½ mile north of the Route 9 intersection.

This application was tabled at the applicant's request.

4. Area Variance Application #9-2007 submitted by Thomas Hurley to place a 16 x 20 foot shed in the front yard, for property located at 20 Flat Rock Road. A variance is being requested to place an accessory structure in the front yard.

Tom Hurley was present.

Grant Gentner read the application into the record.

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

All in favor.

Motion carried.

Tom Hurley stated there is no other location on his property where this shed could be placed. You will not see this structure from the road.

Chairman Smith opened the comments to the audience. There were no public comments.

A motion was made by Scott Walton and seconded by Grant Gentner to close the Public Hearing.

All in favor.

Motion carried.

A motion was made by Scott Walton and seconded by Janie Green to approve with the condition that the shed have no sewer connection.

Scott Walton 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 shed will be 148 feet from the road. You will barely see it and there are many other sheds and garages in the front yard.

- 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 most accessible area on the property.

- 3) Whether the requested area variance is substantial.

No.

- 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. The house was built before he bought it and it was set way back.

Grant – Yes

Scott – Yes

John – Yes

Janie – Yes

Peter – Yes

Motion carried.

5. Area Variance Application #10-2007 submitted by Craig and Marilyn Broomer to enlarge existing cottage of 900 square feet by adding a second floor for a total of 1,800 square feet, for property located at 4 Westover Extension. The applicant is requesting a 14.4 foot front yard variance, a 12.3 foot west side variance and a 4.2 foot east side variance.

This application was tabled at the applicant's request.

6. Area Variance Application #11-2007 submitted by Letizia Petruzzo to request relief from Section 175-53 E (1) – minimum area of an individual campsite shall be 2,500 square feet. Applicant wishes to allow new campsites to be 1,500 square feet or more. Applicant requests relief from 95% permeability requirement. Proposal raises permeability from 89% to 91%. Applicant requests relief from regulations regarding plumbing fixtures to use NYSDOH standards. Said property is located at Rainbow View Campgrounds at 3652 State Route 9.

John Santiago read the application into the record.

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

All in favor.

Motion carried.

Attorney Marc Goldberg and Jim Hutchins were present representing the applicant.

Attorney Goldberg stated that due to a number of family matters, the campground was not renovated as originally approved and they are now back for approval since the two year requirement has expired.

Chairman Smith opened the comments to the audience.

There was no public comment.

A motion was made by John Santiago and seconded by Scott Walton to close the Public Hearing.

All in favor.

Motion carried.

Chairman Smith read the Warren County Planning Board recommendation to approve with conditions.

A motion was made by Scott Walton and seconded by Grant Gentner to approve with the conditions that the applicant receive Consolidated Board of Health approval, that the Fire Department and EMS be contacted to have emergency access evaluated and to evaluate a designated path for sites where no road is shown to address safety access concerns.

Scott Walton 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 property has been an existing campground for over 20 years and the use will not change, it will hopefully make it more competitive.

- 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. The applicant requests conformance with DOH standard on site area.

- 3) Whether the requested area variance is substantial.

1,250 square foot minimum. Lake George requires 2,500 square foot minimum.

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

The proposed variance shall not have an adverse impact on neighborhood conditions. It is predominantly commercial.

- 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.

The establishment of the campground predates any zoning ordinances.

Grant – Yes

Scott – Yes

John – Yes

Janie – Yes

Peter – Yes

Motion carried.

7. Area Variance Application #12-2007 submitted by George and Colleen Weires, owners of Austin Inn, to remove deteriorated front porch, remove 2 decks on east side and build wrap around covered porch on the east, south and part of the west side up to the kitchen which will bump out by 3' to meet the porch. The applicant is requesting a 13' side yard variance and a 26.6 foot front yard variance, for property located on 6-8 Hill Drive.

Janie Green read the application into the record.

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

All in favor.

Motion carried.

George Weires was present.

Mr. Weires stated that he has owned the house for approximately 5 years. He stated that he is having water issues since there was a water main break last year. He stated that he has dug up the front of the house and put in drains to try to alleviate some of the water problems.

There was a lengthy discussion regarding the water coming off this property and where it would go since most of the property is paved.

Grant Gentner stated that he has a problem with the 2 feet distance between this property and the Grandma's Back Porch property.

Chairman Smith 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 Grant Gentner and seconded by Scott Walton to table this application and request the applicant hire a professional engineer to do a study on the property and the permeability of the entire property with this added 894 square foot porch.

All in favor.

Motion carried.

8. Area Variance Application #13-2007 submitted by Naeem & Tania Bajwa to expand existing motel with the addition of a 15 unit, 3 story motel building w/associated driveway, parking and utility infrastructure. The applicant is requesting a variance to allow infiltration devices to be located less than 100 feet from any wetland.

This application was tabled at the applicant's request.

A motion was made by Grant Gentner and seconded by John Santiago to adjourn the meeting at 8:25 p.m.

Respectfully submitted,

Patricia McKinney
Planning & Zoning Board Clerk