

Minutes of the Town of Lake George Zoning Board of Appeals meeting held on June 1, 2016 at 6:00 p.m., at the Town Center, 20 Old Post Road, Lake George, New York.

Members Present: Peter Bauer, Chairman
Peter Keating, Vice Chairman
Karen Hanchett
Gary Moon
Tom Jenne
Bob Risman, Jr. (Alternate Member)
Denise Paddock (Alternate Member)

Also Present: Adele Behrmann, Dan Barusch, Ethan Hall, Joe Gross and others.

The meeting was called to order at 6:00 p.m. by Chairman Bauer.

Acceptance of the Minutes

The minutes of the May 4, 2016 meeting were not available.

PUBLIC HEARINGS

- 1. Modification to Area Variance AV9-2016 submitted by Joseph P. Gross with Ethan Hall with Rucinski Hall Architects as agent requesting one additional variance for shoreline setback relief for the deck expansion on the house, for property located at 41 Trinity Rock Road. Tax Map No. 238.08-1-66. Lot size is 0.28 acres. Zoning Classification is RCH-LS. Code References are 175-16 & 175-63. SEQRA is Unlisted.**

Chairman Bauer: Dan, could you please walk us through the two items that we missed the last time on this application and bring the Board up to speed?

Dan Barusch: the last time we were here for this project two variances were granted. The first one was for shoreline relief and the second one was volume for the dormers. Since the project was approved, it went to the Planning Board and at that meeting two additional variances that were needed were identified. I thought of one before the application came here but Ethan and I both thought that it wasn't needed however one variance slipped everybody's mind. The reason we're back here tonight is if you look on C-2 – the Proposed Site Plan, there is a proposed deck on the southwest corner of the house.

Chairman Bauer: and that's lakeside right?

Dan Barusch: yes. That needed a shoreline variance because it is in the shoreline setback that wasn't there before. There is footprint there which I believe is a patio or concrete slab and the reason and the reason why it needs a variance is because it is going up.

Chairman Bauer: is it going higher?

Dan Barusch: yes, it's going higher.

Denise Paddock: is it truly a deck vs. a patio?

Dan Barusch: correct, it's a raised deck that's going to be on that first level. Since the property slopes by the time you get to that first floor, it is pretty much at grade level. The second variance that we missed is not really visible on this map but at the side entrance where the stone is, there is actually a roof right over the entrance; that wasn't there before and the reason it needs a variance is because it falls in the rear setback, not the side but the rear. These were two things that were on the original plans that you received about 1 ½ months ago and we just missed them. It is not changing the project; it's just revisiting it due to two slips.

Chairman Bauer: Dan, so moving ahead the process is we're re-opening our decision (interruption).

Dan Barusch: it's basically a re-opening of the public hearing but you can consider it a modification to the approval. We're not really modifying the application per se but it's a modification.

Chairman Bauer: and so there is no application to be read into the record.

Dan Barusch: no, the modification to the application was basically what I just said.

Chairman Bauer: Ethan, do you have anything to say?

Ethan Hall: no; that's about it. I talked to Dan and we were caught off guard when we got to the Planning Board. It is, just like Dan said, just those two items that were on the original application but got missed.

Chairman Bauer: since we don't have the minutes, the vote on this I believe was that Tom and I both voted against it and so I would look towards the three members who supported the variance to see if this changes their opinion at all; to me these seem minor.

Gary Moon: the site development data doesn't change at all.

Karen Hanchett: no, nothing changes for me either.

Peter Keating: I am weighing the fact that now there is going to be a deck there instead of just a slab; it's one more variance on the water side.

Chairman Bauer: Ethan, could you tell us about if the actual footprint is not changing, you're not moving the deck any closer to the house; correct?

Ethan Hall: no; currently the pavement starts right at the corner of the house and it runs around the corner of the driveway here and then there is a concrete slab that actually comes along, it comes into the front along here (referring to a map), there is a planter box and then it extends around and up to the set of steps on the side. We've taken all this hard surface away and made it permeable pavers and we have also taken that away underneath and made it permeable pavers also and then we've taken that footprint and raised it up to the main level.

Peter Keating: are you saying that it goes around to the right side of the structure looking at it from the water?

Ethan Hall: currently, yes.

Peter Keating: and you're saying that all that has been removed?

Ethan Hall: yes; that's all coming out. All the hard surface that is currently at grade level is coming out.

Chairman Bauer: as well as on the left side, right?

Ethan Hall: yes, as well as the left side. Everything under the deck is going to be permeable pavers as well. The deck itself is going to have a gutter system that runs within it so that any rain water that falls down gets captured, runs out to the front and hits a gutter trough that we can get down to the ground and so we'll be picking up any roof water that is there as well.

Karen Hanchett: and so you're putting more stormwater management?

Ethan Hall: yes, the stormwater management. We're picking all of that up since currently is all hard surface and we're changing it into something that is a managed system. There is no roof over this, it is a wide open deck and the actual view from the water isn't going to change, the only thing that you'll see are the two posts that are coming up to support it and those will have the stone pillars similar to the ones out front.

Tom Jenne: and so the only question I have for you is are the 37'2" and the 34'7" accurate dimensions now on the site development data sheet.

Dan Barusch: for the setbacks?

Tom Jenn: yes.

Dan Barusch: yes, because those are measured from that slab that we're talking about but (interruption).

Tom Jenne: not as far as the deck goes but the overhang over the door.

Ethan Hall: the overhang on this roof is going to match the overhang in the back. The 34'7" in the back stays; we're not getting any closer to the back. As for the 37'2" you asked about, it is actually taken from this front corner which is the closest point to the water's edge and the water actually runs away from the building there and so the setback is further away than 37'2".

Tom Jenne: so, those numbers are accurate.

Ethan Hall: yes.

Joe Gross: we're not bringing it out any further than the existing building. Actually, there is just an empty hole there and we're planning on installing two sliders with a small table and two chairs about 10' x 15' I think.

Tom Jenne: so, this is just a correction of the verbiage.

Dan Barusch: basically, yes.

Peter Keating: I have no problem with this, Mr. Chairman.

Chairman Bauer: I'd like to poll the Board before we make a motion.

Dan Barusch: we had a neighbor come in today reviewing this project and the Gannon's and was in support of both of them.

Chairman Bauer: Dan, do we have to open the public hearing now?

Dan Barusch: it is already a public hearing.

Gary Moon: but this doesn't mean that the public notice needs to go out again on a modification.

Dan Barusch: it did already; it always goes out with the ZBA.

Chairman Bauer: I just want to be clear. Since we closed the public hearing the last time, do we need to re-open it or is it automatically (pause).

Dan Barusch: it is automatically a public hearing. Any applications that come to the ZBA are automatically public hearings.

Chairman Bauer: is there anyone in the audience this evening who would like to speak on this modification? (No response). Let the record reflect that no-one sought to speak and so I think we can close the public hearing.

A motion is introduced by Karen Hanchett; seconded by Gary Moon to close the public hearing.

All in favor, motion carries.

Gary Moon: do we need to read the criteria in again?

Dan Barusch: no, you would only read the modified criteria and they don't really have anything. If you want to describe what I was describing earlier in two sentences, you can.

Peter Keating: well, what you described before is on the record since it was recorded.

Karen Hanchett: I would like to introduce a motion to approve Modification to Area Variance AV9-2016 and modification of Mr. Gross' project at 41 Trinity Rock Road with a proposal of two additional variances. One is for shoreline setback relief for the home and the other is for rear yard setback for the roof cover on the side entry. I don't see any issues with either of the two variances as the variance for the deck doesn't extend any further than the existing footprint and I don't see that the back variance is substantial.

A motion is introduced by Karen Hanchett; seconded by Gary Moon to approve Modification to Area Variance AV9-2016 as submitted.

Karen Hanchett reads the criteria into the record as follows:

- 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, I don't believe it will as I just stated.

- 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, I don't think there is a necessity to go further other than we already have.

- 3) Whether the requested area variance is substantial.

No, because it is extending the footprint of the deck or the back porch roof any further than what was originally 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, the deck is just going over the existing part and they're also improving the front hardscape by removing it and putting in permeable product as well as making changes to stormwater controls.

- 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, it's minimal.

Ayes: 3 Moon, Keating, Hanchett
Nays: 2 Jenne, Chairman Bauer
Abstain: 0

Motion carries.

Ethan Hall: I just wanted to bring this up to you. One of the questions that the Planning Board had was regarding the septic. We have been in touch with Sanitary System, a sewer service out of Queensbury and what they do is they come out, pump the tank and inspect it. They did Joe's tank and found that it's a 1,500 gallons tank suitable for 5 bedrooms; this one is three bedrooms.

Tom Jenne: if I am not mistaken, I think they were concerned with the placement of the tank.

Ethan Hall: it's an existing tank and we have in the back of the lot as far as we could get it.

Tom Jenne: they didn't question the volume, right?

Dan Barusch: they were starting to question which rooms could be used as bedrooms. In the memo I sent you I was going to tell you that the tank is now large enough for 5 bedrooms even if the Planning Board can turn other two rooms into bedrooms. Where are you guys at with the Park Commission?

Joe Gross: they told me that they were going to give me the permit for the new seawall this week and then I was going to go for the docks. I have learned that DEC is the seawalls and the Park Commission is the docks.

Dan Barusch: yes, it's a joint permit between DEC and the Army Corps of Engineers.

Ethan Hall: yes, Dennis MacElroy is working on that.

Joe Gross: Dennis sent me an email saying that it looks good and thought that we should get a permit on that this week.

Dan Barusch: keep me posted on that on both please and then we have no further action on anything else. It will go back to the Planning Board and they'll review it in terms of septic, etc.

OTHER BUSINESS

Chairman Bauer: you have all seen my email and this is my last meeting in this position. I have enjoyed working with all of you and I wish you all good luck. The Town Board will make the decision as to who's going to be the next Chair and Alternate. Thank you all very much for this experience.

A motion is introduced by Chairman Bauer; seconded by Tom Jenne to adjourn the meeting.at 6:25 pm

All in favor, motion carries.

Respectfully Submitted,

Adele Behrmann
Planning & Zoning Clerk