

Minutes of the Town of Lake George Zoning Board of Appeals meeting held on September 5, 2018 at 6:00 p.m., at the Town Center, 20 Old Post Road, Lake George, New York.

Members Present: Gary Moon, Chairman of the Board
Karen Hanchett, Vice Chairman
Denise Paddock
Robert Risman

Absent: Tom Jenne, Mohammad Tariq

Also Present: Dan Barusch, Adele Behrmann, Mike Bollinger, Caryn Mlodzianowski, Liz Ramus and others.

Acceptance of the Minutes

A motion is introduced by Chairman Moon; seconded by Karen Hanchett to accept the minutes of the July 11, 2018 meeting as complete.

Motion carries.

PUBLIC HEARINGS

Chairman Moon opens the meeting at 6:05 p.m.

1. Application for Area Variance AV8-2018 submitted by Michael R. Bollinger as agent for Megan Vail, with a proposal to reconstruct a crib dock and sundeck at the shoreline to include additional roof structure over the existing impermeable concrete pad; for property located at 29 Trinity Rock Road. Tax Map No. is 238.08-1-56. Lot size is 0.66 acres. Zoning Classification is RCH-LS. Code References are 175-16, 175-23 & 175-27. SEQRA is Type II.

Chairman Moon reads the application into the record.

Chairman Moon inquiries about the size of a shed and how the decrease in impermeable surface has been calculated and is informed by Michael Bollinger that the shed he's referring to is not part of the project however the removal of the sundeck portion of the boathouse along with the reduction in size of the dock and the removal of a floating deck all will contribute to the total reduction in impermeable space on the parcel.

A motion is introduced by Karen Hanchett; seconded by Chairman Moon to accept the application as complete.

All in favor, motion carries.

Michael Bollinger begins by describing the project. He states that the project consists of replacing a non-conforming dock with cribs underneath as designed and approved by a DEC marine biologist. His and his clients' intent is to expand the littoral zone under the dock in order to preserve and improve the marine wildlife along the shore. In addition to improving the current non-conformity of the setbacks from the shoreline the proposal also includes the removal a storage shed, the sundeck and the sundeck portion of the boat house as well as lengthening the existing roof over the dock in order to shield his clients from the sun. All of the appropriate permits have been received i.e. Park Commission, DEC. and the Army Corps of Engineers.

Chairman Moon opens the public hearing with no response.

A motion is introduced by Karen Hanchett, seconded by Denise Paddock to close the public hearing.

All in favor, motion carries.

The Board has no other questions.

A motion is introduced by Chairman Moon; seconded by Denise Paddock to approve Area Variance AV8-2018 as submitted based on the following 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, the changes are not substantial or out of character to a previous structure or other boat docks in the vicinity.

- 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 has stated that a variance is required to make these changes in the shoreline overlay district.

- 3) Whether the requested area variance is substantial.

No, in terms of numbers or visual impact, I'd say the appearance doesn't seem to result in a substantial change from the existing boat dock structure.

- 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 will be no adverse effect on the physical or environmental conditions in the 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.

Yes, this difficulty is self-created but this is the result of the client's desire to improve the functionality of the crib dock as opposed to being a direct, in-kind replacement.

Ayes: 4 Risman, Hanchett, Paddock, Chairman Moon
Nays: 0
Absent: 2 Jenne, Tariq

All in favor, motion carries.

2. Application for Area Variance AV9-2018 submitted by HSC Lake George, LLC. with Beth Crane as owner and HSC Lake George, LLC & Bohler Engineering as agents with a proposal to install a larger wall sign for visibility reasons for a proposed retail store; for property located at 1858 NYS Route 9. Tax Map No. is 277.02-1-47. Lot size is 1.53 acres. Zoning Classification TC-A (Tourist Accommodations). Code Reference is 175-32. SEQRA Type II.

Denise Paddock reads the application into the record.

A motion is introduced by Robert Risman; seconded by Karen Hanchett to accept the application as complete.

All in favor, motion carries.

Caryn Mlodzianowski with Bohler Engineering begins by stating that the application is for a sign variance; the entire size of the sign is 149.6 sq. ft. and the variance requested is for 101.6 sq. ft. where 48 sq. ft. is required. The size and the character of the sign are in line with the other signs in the area (the Chevy Dealership sign); the same applies to the size of the building which will have an 80 ft. setback from Route 9. She confirms that a monument sign with the stone base will also be installed in the front of the building. Denise Paddock feels that such a large sign is unnecessary because it is perpendicular to the road and not visible to shoppers until they enter the parking lot; Caryn responds that vehicles driving south will see the sign. In order to make the building visible to motorists, the proposed hedges in the front of the building are intentionally not trees but rather shrubs and boulders. The sign will be internally lit with black lettering in addition to a border and yellow color goosenecks around to soften the color and it will be illuminated one hour prior to the store opening and turned off one hour after closing.

A brief discussion ensues among the Board members about the size of the sign and whether it is an eye sore concluding that overall the sign is comparable to other signs in the area. Karen Hanchett adds that she believes the size of the large sign is realist especially since it will be setback further away from the road which will minimize the impact to motorists. Bob Risman voices the hope that this type of sign would encourage other merchants to have more contemporary, modern signs installed.

Chairman Moon opens the meeting to the public with no response.

A motion is introduced by Karen Hanchett; seconded by Denise Paddock to close the public hearing.

All in favor, motion carries.

A motion is introduced by Robert Risman; seconded by Karen Hanchett to approve Area Variance AV9-2018 as submitted as per the following 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, this is commercial and improving district. There are many other signs in this corridor which meet or exceed this particular application request.

- 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.

The applicant's proposed project is for a pretty basic sign which is basic to the project and the project supports the size of this particular sign.

- 3) Whether the requested area variance is substantial.

No, the applicant proposes a size of 149.6 sq. ft. against 48 sq. ft. as the permitted size, however the size of the proposed sign is similar to numerous other signs in the area that are either smaller or exceed the size of this sign, with others being similar vertically vs. horizontally.

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

No; once again there are similar signs and it should blend well with the other signs. The monument sign will be perpendicular while this one will be parallel to the road and not have a big impact.

- 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; this zoning area permits signage and, once again many are similar and very visible in this district corridor. The area will also be landscaped which should help mitigate the possible visual impact.

Ayes: 3 Risman, Hanchett, Chairman Moon
Nayes: 1 Paddock
Absent : 2 Jenne, Tariq

All in favor, motion carries.

A motion is introduced by Chairman Moon; seconded by Denise Paddock to adjourn the meeting at 6:45 p.m.

Respectfully Submitted,

Adele Behrmann
Planning & Zoning Clerk