

Minutes of the Town of Lake George Zoning Board of Appeals meeting held on November 7, 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
Tom Jenne
Denise Paddock
Robert Risman
Mohammad Tariq, Alternate

Also Present: Dan Barusch, Jim Rose and others.

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

Acceptance of the Minutes

A motion is introduced by Chairman Moon; seconded by Karen Hanchett to accept the minutes of the September 5, 2018 meeting as complete.

All in favor, motion carries.

PUBLIC HEARINGS

1. Application for Area Variance AV10-2018 submitted by James Rose as owner of Twin Birches Cottages, LLC, with a proposal to increase the size of existing decks, walkways and stairs in order to facilitate access to the new dock and sundeck. The relief requested is for increasing the non-conformity of a pre-existing lake side deck; for property located at 3178 Lakeshore Drive. Tax Map No. is 238.15-1-28. Lot size is 0.98 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.

After a brief discussion with the applicant, the following amendments are made on page 4 of the application:

- The entire answer to questions #2 will read “No, due to existing site slope” by removing the remainder of the sentence.
- The word “No,” will be added to the answer on question #3.
- The word “Yes,” will be added to the answer on question #5.

A motion is introduced by Karen Hanchett; seconded by Tom Jenne to approve the amended application.

All in favor, motion carries.

Jim Rose begins by describing the project as follows. Two pieces of properties are being merged and as a result, the dock at the south part is being moved to the north. This move will provide a better swimming area which will ultimately require the proposed new walkways and decks; the staircase will be needed to access a sundeck. His goal is to connect the dock and sundeck to the walkways and stairs which are already on the site. The dock’s application is currently under review by the Park Commission.

Chairman Moon asks about a vegetative screening; Jim Rose replies that the entire lake front is already landscaped and his goal is to replace the old with the new. Eventually when a project he received approvals on last year will be completed, there will be more landscaping. In response to Chairman Moon's question, he is planning on adding just a few chairs on the sundeck or dock since there are other areas on the site specifically for that purpose, including gazebos.

Tom Jenne asks if the Board should be concerned with the new mean water mark number on the blueprint. Dan Barusch replies that the mean water mark has no significance on this application since the setback is "0" and will remain at zero; the requested relief is technically only for the expansion of non-conformity. Questions come up on the stormwater and Jim Rose explains that the stormwater controls on the site are very effective as evidenced by the lack of runoff on the shoreline even after all the heavy rains. Additionally, more controls are planned for the future such as sod, etc.

Chairman Moon expresses his concern that since this site is located on the shoreland overlay district, no screen is proposed on the lakeside to preserve the natural character of the area which is also mandated by ordinance 175-23. Dan Barusch replies that this ordinance is mostly applicable to new development while Jim Rose has had this property for a number of years. The most important part of his application is that there already exist a number of decks and docks in the same location where he is proposing the new ones therefore preservation of the shoreline doesn't apply to this project; it would apply to someone building a new home, etc. Jim Rose adds that since there is a significant amount of ledge on this site, the grassy areas are in places where the grass can grow. Dan Barusch continues by stating that it is nearly impossible to screen a deck, a dock or anything at zero feet from the water.

The Board members have no other questions. Chairman Moon opens the meeting to the public with no response.

A motion is introduced by Chairman Moon; seconded by Tom Jenne to close the public hearing.

All in favor, motion carries.

Denise Paddock asks the applicant if he has a conceptual and not an architectural drawing of what the site will look like; Jim Rose answers that he provided the pictures. After further review of the pictures, the Board is satisfied that they give a sufficient view of the proposed project. Dan Barusch asks the applicant if he will be using a cable fence with minimal spacing; Jim replies that the fence will be comprised of vertical cables instead of horizontal as requested by his insurance company for safety reasons as well as keeping children from climbing it.

A motion is introduced by Denise Paddock; seconded by Tom Jenne to approve Area Variance AV10-2018 as submitted and 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, the decks will coordinate and match with what is already in place.

- 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, due to the existing site slope which is very steep, this seems a reasonable way to access it.

3) Whether the requested area variance is substantial.

No, it slightly enlarges what is already in place.

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 place where the expansion of the deck and the stairway are going is already mostly ledge and pretty inaccessible. Adding a deck to connect the docks and the sundeck aren't significantly changing but rather enhancing what's already there.

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 variance is self-created in that the property owner is attempting to improve the value of his property with not a lot of other option to provide greater access.

Ayes: 6 Risman, Jenne, Hanchett, Paddock, Chairman Moon

Nayes: 0

Abstain: 0

All in favor, motion carries.

A motion to adjourn the meeting at 6:50 p.m. is introduced by Chairman Moon; seconded by Tom Jenne.

All in favor, motion carries.

Respectfully Submitted.

Adele Behrmann
Planning & Zoning Clerk