

**LAKE GEORGE VILLAGE
26 OLD POST ROAD
ZONING BOARD OF APPEALS
JUNE 3, 2020
MEETING BEGINS AT 5:00 PM**

BOARD MEMBERS PRESENT: Ron Mogren – Chairman, Kevin Merry, Tom Sullivan, Mike Ravalli, Jeff Blau

BOARD MEMBERS ABSENT: n/a

OTHERS PRESENT: Dan Baurisch (Director of Planning & Zoning), Stephanie Fregoe (Secretary), Scott Edwards, Bill Weber, Kari Donohue, Ethan Hall, Ms. Strobel, Jeffrey Tennent, Joanna Buhrman, Mary & Jim Dewaard, Mark Cucinell, Robyn (APA)

ZONING BOARD OF APPEALS PUBLIC HEARING

Meeting began at 5:05 PM. Dan Barusch addressed the Board and public. He explained that this meeting is an authorized meeting by New York State Executive Order 202.1 and is being recorded via Zoom. This is a public hearing and has been properly noticed. Anyone from the public will have a chance to comment. Roll call will be done for each motion. Dan identified each person who was logged in via computer and phone, for the record.

TAX MAP:	251.18-2-27 & 37
OWNER/APPLICANT:	EDWARDS FAMILY TRUST/SCOTT EDWARDS
ADDRESS:	72 SCHUYLER STREET
ZONE:	RESIDENTIAL MIXED USE
VARIANCE APPLICATION:	AV1-2020

Applicant is requesting an area variance to reduce one lot to 8,579 square feet from the required 10,000 square feet requirement for Residential Mixed-Use properties and the rear yard set back will be reduced to 19.2 feet from the required 20 feet. These reductions are being sought in order to provide for a lot line adjustment which will increase the overall conformity of the lot(s).

Ron Mogren addressed Mr. Edwards. Mr. Edwards explained the request for lot line adjustments as stated in the application. Mr. Barusch explained that the lot line adjustments will bring the structures on the Edwards' property into more conformity than where they currently are. The current line traverses through buildings. Mr. Mogren did not have any issues with the proposed line, it seems to be in the best location. The other Board members agreed. Mr. Barusch called on the public one at a time to speak. Ms. Strobel asked if there were any plans to build on lot #144 or #145 and Mr. Edwards stated no. There were no other comments from the public.

Mr. Mogren made a motion to close the public hearing. Roll call was done for each Board member.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Kevin Merry	Jeff Blau
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Motion carried.

Ron Mogren made a motion to approve the application as presented and addressed the benefit to the applicant as weighed against the detriment to the health, safety and welfare of the neighborhood or community is greater because:

1. An undesirable change will not be produced in the character of the neighborhood or constitute a detriment to nearby properties because the nature of the variance doesn't involve a new structure so there is no undesirable change to the neighborhood.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant because upon examination of the site plan the Board feels that the property line is drawn in right location and there is no other feasible place for it on that property.
3. The requested area variance is not substantial because the rear set back is less than one foot and the lot size is in the neighborhood of 1,400 square feet, not at all significant.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because there is no new structure being built.
5. The alleged difficulty was not self-created.

MOTION 2ND: Kevin Merry

Ron Mogren	Tom Sullivan	Mike Ravalli	Kevin Merry	Jeff Blau
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Motion carried.

TAX MAP:	251.10-3-57
OWNER/APPLICANT:	BILL WEBER
ADDRESS:	29 SCRIMSHAW LANE
ZONE:	SINGLE FAMILY RESIDENTIAL
VARIANCE APPLICATION:	AV2-2020

Applicant is seeking an area variance to construct an eternal elevator hoist-way to house one residential elevator. A relief of five feet, three inches is being sought, from the required 15 feet side yard setback.

Jeff Tennent addressed the Board on behalf of Bill Weber. Interior locations were looked at for the elevator but there were too many obstacles that could be very costly to install. An exterior location made the most sense. The hoist-way is the least minimal size needed for the elevator to

function and to be code compliant. The components will be in a closet located inside the garage. The box will be finished to look the same as the house is now. They spoke with the neighbor next door, Mr. Grecco and explained the project. Mr. Grecco did not seem to have any concerns. Other areas were looked at on the exterior of the house and they found the same issue with not meeting setbacks. Also, there are windows that would not allow for the placement of the elevator. There are bedrooms and the applicant did not want the elevator to access a bedroom. Mr. Weber explained that he wanted the elevator to be universal in the house where anyone could use it.

Mr. Mogren agreed that this seems to be the best location for the elevator. Mr. Sullivan noted that there have been issues with other houses not meeting setbacks in Scrimshaw and that this project is a minor one. Mr. Barusch gave a short description of the history of Scrimshaw's zoning district changes. A change to the zone was created which changed all the houses to pre-existing, non-conforming structures. The Board members did not have any issues with the application.

Mr. Barusch called on each member of the public for comment. No comments from the public.

Ron Mogren made a motion to close the public hearing.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Kevin Merry	Jeff Blau
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Motion carried.

Ron Mogren made a motion to approve the application as presented and addressed the benefit to the applicant as weighed against the detriment to the health, safety and welfare of the neighborhood or community is greater because:

1. An undesirable change will not be produced in the character of the neighborhood or constitute a detriment to nearby properties because the elevator properly designed with the siding will not produce or impede with the existing character of the house and the variance set back is not significant to create a detriment to the nearby properties.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant because they have discussed the other sides of the house and setbacks and determined that this is where the elevator has to be to.
3. The requested area variance is not substantial because of the variance it is not substantial.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because the elevator shaft will be designed to fit in with the existing character of the house and the actual setback is not significant enough to cause an impact.
5. The alleged difficulty was not self-created.

MOTION 2ND: Tom Sullivan

Ron Mogren	Mike Ravalli	Kevin Merry	Tom Sullivan	Jeff Blau
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Motion carried.

TAX MAP:	251.10-2-14
OWNER/APPLICANT:	KARI DONOHUE
ADDRESS:	19 CHERRY STREET
ZONE:	SINGLE FAMILY RESIDENTIAL
VARIANCE APPLICATION:	AV3-2020

Applicant is seeking an area variance to construct a two-story, wood framed, single family residence at 19 Cherry Street. Existing one-story building will be demolished. A side yard setback of 15 feet and front yard setback of 10 feet is required. Lot is triangular in shape. Applicant is seeking a side yard setback of zero feet, three inches on one side and two feet, one- and one-half inches on the other side and a front yard setback of zero feet, one and three-quarter inches. The new building will be 595 square feet in footprint and two stories.

Ethan Hall addressed the Board. He explained that the lot is small and triangular. The building that is on the lot now is in disrepair. When the entrance ramp for the Northway was put in, this lot was cut and is now a non-conforming lot. The existing house is actually across the lot line by about one and one-half feet into the Village right of way for Cherry Street. The porch and concrete walkway are about eight or nine feet out into the roadway. The proposed house has been fit into the constraints of the property lines, but it creates setback problems. The house will be parallel with the neighbor's garage. The proposed house will not spill into the right of way anymore.

Mr. Mogren did not have any issues with the location of the building or the setbacks. Mr. Barusch noted that this is increasing the conformity of the lot since the building will no longer be in the right of way. This will be a two-story house with full basement. Utility hook ups are all existing.

The Board discussed when the original building was constructed. Mr. Hall noted that the tax map stated 1960's and that this was before the APA created zoning maps.

Kevin Merry asked if the basement is a walkout. Mr. Hall noted that the site does not allow for a walkout. There is one egress window for each bedroom. The distance of the Northway ramp was discussed. The ramp is elevated and close to the height of the second floor of the proposed house.

Mr. Barusch addressed the public individually for public comment. No comments from the public.

Ron Mogren made a motion to close the public hearing.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Kevin Merry	Jeff Blau
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Motion carried.

Ron Mogren made a motion to approve the application.

Ron Mogren made a motion to approve the application as presented and addressed the benefit to the applicant as weighed against the detriment to the health, safety and welfare of the neighborhood or community is greater because:

1. An undesirable change will not be produced in the character of the neighborhood or constitute a detriment to nearby properties because the new house replacing the existing house is a much better looking structure than the existing condition.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant because of the site constraints on the triangular lot, the architect did a good job.
3. The requested area variance is not substantial because the adjacent property owners such as the highway off-ramp and Cherry Street, don't seem to be significant being adjacent to those uses.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because of the physical conditions, it will be an improvement to the neighborhood and the environmental conditions would not have any grave impacts than what is already going on with the existing structure.
5. The alleged difficulty was not self-created.

MOTION 2ND: Tom Sullivan

Ron Mogren	Mike Ravalli	Kevin Merry	Tom Sullivan	Jeff Blau
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Motion carried.

Mr. Barusch noted that this application will go before the Planning Board on June 17th.

Ron Mogren recused himself from voting on the minutes as he did not have a chance to review them. Tom Sullivan made a motion to approve the minutes from December 4, 2019.

MOTION 2ND: Kevin Merry

Ron Mogren	Mike Ravalli	Kevin Merry	Tom Sullivan	Jeff Blau
Abstain	Aye	Aye	Aye	Aye

Ayes = 4 Nays = 0 Abstention = 1 Motion carried.

The Board discussed the pros and cons of the Zoom format.

Tom Sullivan made a motion to close the meeting at 5:55pm. Roll call was done.

MOTION 2ND: Ron Mogren

Ron Mogren	Mike Ravalli	Kevin Merry	Jeff Blau
Aye	Aye	Aye	Aye

Ayes = 4 Nays = 0 Motion carried.

Respectfully submitted,

Stephanie Fregoe

June 6, 2020