

**LAKE GEORGE VILLAGE
26 OLD POST ROAD
ZONING BOARD OF APPEALS
MARCH 1, 2023
MEETING BEGINS AT 5:00 PM**

BOARD MEMBERS PRESENT: Tom Sullivan – Acting Chairman, Mike Ravalli, Jeff Blau, and Robert Lebar

BOARD MEMBERS ABSENT: Ron Mogren and Kevin Merry

OTHERS PRESENT: Debonnay Meyers – Planning & Zoning Clerk, Dan Barusch – Director of Planning & Zoning, and Rob Gregor

ZONING BOARD OF APPEALS PUBLIC HEARING

TAX MAP:	251.14-3-18
OWNER/APPLICANT:	SUNDOWNER LLC
ADDRESS:	420 CANADA STREET (SUNDOWNER MOTEL)
ZONE:	CR
VARIANCE APPLICATION:	AV#5-2023

Applicant is proposing a total of one (1) area variance. The variance is for relief of the rear yard setback for the expansion of a cabin.

The variance requested is as follows:

- Relief from the 15 feet required rear yard setback requirement in Commercial Resort zone: Applicant is requesting relief for an expansion to a pre-existing non-conforming structure and rear yard setback where 15' is required and 3' proposed.

Tom Sullivan opened the meeting at 5:00 PM. Tom Sullivan informed everyone that he will be the chairman for this meeting as Ron Mogren was ill and couldn't be present.

Tom Sullivan started the Public Hearing at 5:00 PM.

Rob Gregor was present to represent Sundowner LLC in relation to the area variance. All Board members reviewed the application and plans. Tom Sullivan notified the applicant that he may conduct his opening statement.

Rob Gregor began his opening statement informing the Board that cabin 134 is rotting out. Due to the rotting out, Rob Gregor is pursuing this project for his cabin. He explained that the cabin will be two stories and will include two bedrooms. Rob Gregor continued to explain that the existing foot print will not change. He indicated that he knows that the cabin is too close to the setback and is aware he will have to have approval from the Zoning Board to begin the project.

Tom Sullivan expressed his confusion about the application. Tom Sullivan wanted to confirm with the applicant what exactly he was planning to do. Rob Gregor explained that he is planning to demolish the existing building to make a new cabin with a second story. Tom Sullivan mentioned § 220-78 D (2) which states “if deemed discontinued, such building or structure shall not be reestablished, and any subsequent use shall not commence until the building or structure is brought into conformity with the provisions of the district in which it is located”. Tom Sullivan explained the meaning behind § 220-78 D (2) and explained how it’s applicable to this project. Dan Barusch advised there is a section of the code that does allow Rob Gregor to complete his project. Tom Sullivan advised that Rob Gregor can demolish the building and build the new cabin to have it be within code to where he wouldn’t need approval from the Zoning Board regarding the setback.

Rob Gregor inquired as to how he could make his cabin within code. Tom Sullivan advised that a smaller cabin could be built. Rob Gregor advised the smaller cabin wouldn’t work. Tom Sullivan expressed that he isn’t against the project but rather trying to rationalize. Tom Sullivan and Dan Barusch had further discussion regarding non-conforming buildings. Dan Barusch advised that Rob Gregor has appeared in front of the Zoning Board for § 220-78 B which includes “Expansion. Nothing in this chapter shall prevent the strengthening or alteration to a safe condition of all or part of a building or structure that is nonconforming, provided that the repair or alteration will not increase the height, size or volume of the building or structure or otherwise increase the nonconformity” and § 220-78 C which includes the rear yard setback. Dan Barusch advised subsection D of § 220-78 will not apply as the applicant will still be using.

Robert Lebar indicated he went over to the property to review the area that’s in question. His only concern was obstructing the view of the surrounding neighbors. Rob Gregor advised that it will not obstruct the view. He explained that O’Sullivan’s is next door and the area Robert Lebar’s referring to is the back area of O’Sullivan’s. Tom Sullivan questioned Rob Gregor if he had discussed this with his adjacent land owners. Rob Gregor advised Matthew Shepanzyk, owner of O’Sullivan’s, and Mike Caruso, owner of Balsam Motel, have no issues.

Tom Sullivan asked Michael Ravalli if he had any concerns. Michael Ravalli advised the only question he had was whether this was an expansion or if the building was being demolished. Rob Gregor advised that if there’s a certain percentage that has to remain in order for approval to be granted, he will ensure that it’s done. Tom Sullivan asked Jeff Blau for his commentary. Jeff Blau advised that the building will look very nice. He also expressed that if the neighboring properties don’t have any issues with it, they shouldn’t have any issues.

Dan Barusch explained the reasoning behind why the volume and rear yard setback are on page one. He advised that Rob Gregor wasn’t 100 percent sure as to what he wanted to do. Dan Barusch explained that if Rob Gregor leaves part of the building, that does enact § 220-78 B. Or, if he decides to demolish it in its entirety, that does enact § 220-78 C for the rear yard setback. Dan Barusch suggested to the Board to include both subsections C and D in the motion.

Tom Sullivan made a motion to close the Public Hearing.

MOTION 2ND: Jeffrey Blau

Tom Sullivan	Mike Ravalli	Robert LeBar	Jeff Blau
Aye	Aye	Aye	Aye

Ayes = 4 Nays = 0 Absent = 2 Motion carried.

Tom Sullivan closed the Public Hearing at 5:10 P.M.

Tom Sullivan made a motion to approve the application to 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 to the character of the neighborhood or will not be a detriment to nearby properties because the building has been in its' current location, with the same foot print long before the applicant acquired it and, it's as far away from Canada Street as possible on the applicant's property, virtually out of sight from that perspective. And it's currently visible primarily from the O'Sullivan alley to its rear. Adjacent property owners have expressed no objection to the project.
2. The benefit sought by the applicant that is the preservation of the pre-existing non-conforming setback cannot be achieved by some other method feasible for the applicant because the foot print of the new building must be the same or essentially the same as the existing foot print in order to do so.
3. The requested area variance is not substantial because it does not enlarge the pre-existing non-conforming foot print of the existing building but only the building site.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because an addition or substitution for an existing building, which in the past has manifested no adverse impacts on the physical or environmental conditions in the neighborhood, and reasonably could be expected not to do so in the future.
5. The alleged difficulty was not self-created because the building is in its current form and foot print at the time the applicant acquired the property in 2016 and the proposed replacement of the building is deemed by the Board to be insubstantial.

MOTION 2ND: Robert LeBar

Tom Sullivan	Mike Ravalli	Robert LeBar	Jeff Blau
Aye	Aye	Aye	Aye

Ayes = 4 Nays = 0 Absent = 2 Motion carried.

Dan Barusch reminded Rob Gregor about the upcoming Planning Board meeting on March 15, 2023.

APPROVAL OF MINUTES FROM FEBRUARY 1, 2023 (RM, TS, KM, MR, RL)

The Board reviewed February 1, 2023 Meeting Minutes before making a motion.

Tom Sullivan made a motion to approve the minutes from February 1, 2023.

MOTION 2ND: Jeffrey Blau

Tom Sullivan	Mike Ravalli	Robert LeBar	Jeff Blau
Aye	Aye	Aye	Aye

Ayes = 4 Nays = 0 Absent = 2 Motion carried.

Tom Sullivan made a motion to adjourn the meeting at 5:12 P.M., seconded by Michael Ravalli, and unanimously carried.

Respectfully submitted,
Debonnay Meyers
March 1, 2023