

**LAKE GEORGE VILLAGE  
26 OLD POST ROAD  
ZONING BOARD OF APPEALS  
NOVEMBER 4, 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 Barusch (Director of Planning & Zoning), Talia Stortini (Secretary), Ruben Ellsworth, Danna Ellsworth, Michael Borgos

**ZONING BOARD OF APPEALS PUBLIC HEARING**

<b>TAX MAP:</b>	<b>251.80-1-1</b>
<b>OWNER/APPLICANT:</b>	<b>DIESKAU PROPERTIES, INC.</b>
<b>ADDRESS:</b>	<b>90 COURTLAND ST</b>
<b>ZONE:</b>	<b>RESIDENTIAL MIXED USE</b>
<b>VARIANCE APPLICATION:</b>	<b>AV4-2020</b>

Applicant is proposing six variances to subdivide the current lot with the existing development on site. The Applicant then wishes to separately market the two existing duplex structures on Dieskau St and the existing triplex structure on Courtland St. The Applicant plans to leave Lot 4 undisturbed and no longer construct the previously permitted second triplex structure.

The variances requested are as follows:

- Substandard lot size for proposed lots 1, 2, and 4
- Side setback relief for proposed lots 1 and 2
- Substandard lot width for lot 4

Ron Mogren opened the public hearing at 5:00pm. Ron asked Dieskau Properties, Inc. to approach the board. Mr. Borgos approached the Board and described the location of the property. He then spoke about the hardship of finding human remains during the construction of the triplex causing significant delays in construction. Construction has recently begun again and they are currently trying to apply utilities to the triplex.

Mr. Borgos described the history of the project including that lot was originally 6 separate parcels and converged them to one as it would be more convenient for an apartment complex. However, due to the discovery of the bones, the complex cannot be completed as proposed lot 4 is unusable.

Ron Mogren asked for clarification on when the property was six lots. Mr. Barusch explained that the lots were originally 6 separate lot that were then merged together. The merger occurred before the Phase II construction on Courtland St. Dan explained the lots were merged because it was all for the same use.

Mr. Borgos explained that the construction loan was based on having two triplexes on Courtland. A ground penetrating radar study was done on lot 4 and the results are inconclusive; it is unknown if there are human remains on the proposed parcel. The Ellsworths are not planning to build on proposed lot 4 and are now trying to complete the triplex and subdivide to sell the structures individually to recoup their losses.

Ron Mogren clarified the reason for subdividing the properties was to make it easier to sell each fully rented unit. Ron also clarified with Mr. Borgos the reason for the variances and why they were necessary.

Ron asked if there were any comments from the public. No comments were made. Ron Mogren made a motion to close the public hearing.

**MOTION 2<sup>ND</sup>:** 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 submitted 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 structures are all existing and the one under construction was previously approved for construction.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant because the situation surrounding the project would require the subdivision to be split between the existing duplexes and lot four to be preserved.
3. The requested area variance is not substantial because only 3.5 feet is missed by the side setback and there are no other alternatives. The lot sizes are currently large enough to offset the use of the townhomes.
4. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because the structures have already been completed or are already approved.

5. The alleged difficulty was not self-created. It was based on the findings of the human remains which was unforeseeable.

**MOTION 2<sup>ND</sup>:** Kevin Merry

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

Ayes = 5 Nays = 0 Motion carried.

**APPROVAL OF MINUTES FROM AUGUST 5, 2020 (RM, TS, KM, MR, JB)**

Ron Mogren made a motion to approve the minutes from August 5, 2020.

**MOTION 2<sup>ND</sup>:** 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 close the meeting at 5:21pm.

**MOTION 2<sup>ND</sup>:** Kevin Merry

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

Ayes = 5 Nays = 0 Motion carried.

Respectfully submitted,  
Talía Stortini  
November 5, 2020