

**APPROVED - MINUTES
LAKE GEORGE VILLAGE ZONING BOARD MEETING
JANUARY 8, 2014 - 7:00 PM
VILLAGE ADMINISTRATION BUILDING
26 OLD POST ROAD - LAKE GEORGE, NY**

BOARD MEMBERS PRESENT: Ron Mogren - Chairman, Dennis Barden, Kevin Merry, Mike Ravali, Tom Sullivan

BOARD MEMBERS ABSENT:

OTHERS PRESENT: Carol Sullivan (Secretary), Mark Schachner (Attorney to the Zoning Board of Appeals), Jon Lapper, Dave Kenny, Sue Millington, Jephson Hilary, Barbara Hilary, Bill Dow.

Ron Mogren opened the ZBA meeting and the Public Hearing for the Courtyard Marriott at 7:00 PM.

TAX MAP:	251.14-2-3, 251.14-2-4, 251.14-2-5, 251.14-2-6
OWNER/APPLICANT:	KENNY & DITTRICH LLC, KENNY & DITTRICH AMHERST, LLC
REPRESENTED BY:	ATTORNEY JONATHAN LAPPER BARTLETT, PONTIFF, STEWART & RHODES, P.C.
ADDRESS:	365 – 375 CANADA ST – COURTYARD MARRIOTT
ZONE:	COMMERCIAL MIXED USE
VARIANCE APPLICATION:	#V1373 – PUBLIC HEARING

Applicant is seeking relief from section 220-39 of the Village Zoning Code which requires 2nd and 3rd floor outdoor areas utilized or intended to be utilized for the consumption of beverages or food to be setback 10 feet from the public right-of-way. There are two outdoor areas for the proposed Courtyard Marriott banquet/conference facilities. The outdoor areas are intended to be used by participants at banquet/conference events. One outdoor area is on the 2nd floor and the other is on the 3rd floor. These will be in line with the public right-of-way; applicant is seeking a zero setback.

Jon Lapper explained there will not be food or beverage service on these balconies, however someone attending a function which is utilizing the banquet/conference facilities may step outside with a beverage and/or food. He added that the rooms on these floors will also have balconies however, these room balconies are not subject to the 10 foot setback law. The banquet/conference balconies are in line with the room balconies and there is no additional room which would allow pushing these two balconies back 10 feet. These balconies are not open to the general public and they are in a more controlled environment because of the use of the banquet/conference facilities.

Ron asked for public comment.

Sue Millington introduced herself as the adjoining landowner of the law office. Sue advised the Board that she has a lawsuit pending with the property owner over this property since March 2013. She advised the Board that the lawsuit involves the parking lot at the rear of her building. She added if she wins the litigation the plans, particularly the parking lot and the area of the swimming pool will have to change; the entire application will be affected.

At this point Mark Schachner counseled the Board regarding Ms. Millington's comments. He advised the Board that Ms. Millington's comments are not relevant to what the Board is asked to consider this evening. He added that it's possible if the ZBA and Planning Board grant approvals and if Ms. Millington prevails in the litigation then the applicant because precluded by a court may not be able to develop the property as applied for. For the purpose of this evening's review changes may or may not

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be required as a result of Ms. Millington's litigation and the Board shouldn't take the pending litigation into consideration.

At this point there was no further public comment.

The Board discussed the law which brought the applicant before the Board this evening along with the proposed purpose of the balconies. Both Dennis and Mike feel there could be a safety issue because the balconies though up a couple of floors are in very close proximity to the sidewalk below. Jon commented that the railing will be 42 inches high.

At this point Ron closed the public hearing.

Ron Mogren made a motion to approve the application 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 will not be a detriment to nearby properties because the overall design of the building is an improvement to the area. The balconies are an added enhancement to the building.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant because the building cannot be pushed further back from the sidewalk because other requirements could not be achieved on all of the property.
3. The area variance is not substantial because it is on the 2nd and 3rd floor.
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 physical or environmental impact.
5. The alleged difficulty was not self-created _____

MOTION 2ND: Tom Sullivan

Ron Mogren	Dennis Barden	Kevin Merry	Mike Ravalli	Tom Sullivan
Aye	Nay	Aye	Nay	Aye

Ayes = 3 Nays = 2 Motion carried.

At this point Ron opened the public hearing for the Lake George Steamboat Co.

TAX MAP:	264.07-1-4
OWNER/APPLICANT:	LAKE GEORGE STEAMBOAT CO./BILL DOW
ADDRESS:	57 BEACH ROAD
ZONE:	COMMERCIAL MIXED USE
VARIANCE APPLICATION:	#V1372 – PUBLIC HEARING

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Applicant is seeking relief from section 220-78 B of the Village Zoning Code which prohibits expansion of a nonconforming structure. The applicant is proposing an expansion to a commercial deck which is located to the West of the Steamboat Store. The proposed expansion is 14.4 feet by 18.6 feet.

Curt Dybas explained the revisions to the Board. Most of the construction is repairs to the existing deck and in planning those repairs it was decided to "fill-in/square-off" the deck at the northwest corner where currently there is no decking. This is the 14.4 by 18.6 expansion referred to in the application.

Ron Mogren asked for public comment and hearing none he closed the Public hearing.

The Board discussed the variance. The proposed expansion is small compared to the current size of the deck. The deck is setback from the public sidewalk. The repairs benefit the entire community – it will look better.

The 12' by 6' bar at the southwest corner will not change and will not be enlarged.

Ron Mogren made a motion to approve the application 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 will not be a detriment to nearby properties because the repairs and new materials will improve the look of the deck and the expansion to square-off the deck is not significant.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant because the deck is already in existence.
3. The proposed variance is not substantial because the small expansion to square-off the deck is not 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 the proposed expansion is small.
5. The alleged difficulty was not self-created _____

MOTION 2ND: Kevin Merry

Ron Mogren	Dennis Barden	Kevin Merry	Mike Ravalli	Tom Sullivan
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Motion carried.

MINUTES

Ron Mogren made a motion to approve the November 6, 2013 minutes.

MOTION 2ND: Kevin Merry

Ron Mogren	Dennis Barden	Kevin Merry	Mike Ravalli	Tom Sullivan
Aye	Aye	Aye	Absent from previous meeting.	Aye

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Ayes = 4 Nays = 0 Motion carried.

MOTION: Ron Mogren made a motion to adjourn the meeting at 7:35 PM.

MOTION 2ND: Kevin Merry

Ron Mogren	Dennis Barden	Kevin Merry	Mike Ravalli	Tom Sullivan
Aye	Aye	Aye	Absent	Aye

Ayes = 4 Nays = 0 Motion carried.

Respectfully submitted,
Carol Sullivan
January 22, 2014