

**LAKE GEORGE VILLAGE  
26 OLD POST ROAD  
ZONING BOARD OF APPEALS  
OCTOBER 2, 2019  
MEETING BEGINS AT 5:00 PM**

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

**BOARD MEMBERS ABSENT:** Mike Ravalli

**OTHERS PRESENT:** Dan Barusch (Director of planning & Zoning), Stephanie Fregoe (Secretary), Carol Miele, John Carr, James Hartwyk

**ZONING BOARD OF APPEALS PUBLIC HEARING**

<b>TAX MAP:</b>	<b>264.06-1-57</b>
<b>OWNER/APPLICANT:</b>	<b>CAROL AND JOSEPH MIELE</b>
<b>ADDRESS:</b>	<b>75 MOHICAN STREET</b>
<b>ZONE:</b>	<b>RMU</b>
<b>VARIANCE APPLICATION:</b>	<b>AV03-2019</b>

Applicant is proposing a subdivision of the existing property to separate the residential use from the motel use; the latter of which will be converted to an apartment building. Minimum lot size in RMU district requires 10,000 square feet. Applicant is seeking a 9% relief for proposed Lot 1 (single family dwelling with cottage) for a 9,018 square foot lot, and a 6% relief for proposed Lot 2 (motel, to be converted to apartments) for a 9,373 square foot lot. Applicant is also seeking 85% relief on proposed Lot 2 for a 9.74-foot road frontage/lot width, where 65 feet is required, and a 60% relief for maximum lot coverage on proposed Lot 2 to have 95%+/- coverage where 60% maximum lot coverage is required.

Ron Mogren opened the public hearing at 5:00pm. Carol Miele addressed the Board. She is proposing to convert the existing concrete motel building (Prospect Aire) into apartments. Two units are already adjoining and several of the units have kitchens. No major construction is proposed.

Dan Barusch explained the percentages of the relief to the Board. The driveways are already in place. Dan handed the Board two photos of the property that Ms. Miele had brought to the meeting. Ingress and egress to the apartments are not an issue. The Board did not have any issues with the proposals. Jeff Blau asked about the rental terms for the apartments. Ms. Miele replied that she hopes to rent the apartments six months to year-round.

No comments from the public. At 5:10pm Ron Mogren made a motion to close the public hearing.

**MOTION 2<sup>ND</sup>:** Jeff Blau

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

Ayes = 4 Nays = 0 Motion carried.

Ron Mogren made a motion for approval.

The matter having duly come to be heard before a duly convened meeting of the Board on the 2<sup>nd</sup> day of October, 2019 and all the facts, matters and evidence produced by the applicant, the Zoning Administrator

and interested parties having been duly heard, received, and considered, and due deliberation having been had, the following motion was made.

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 there is no new construction proposed so there is no change to the existing character of the property.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant because there is no other way to get access down to those apartment buildings.
3. The requested area variance is not substantial because the percentages of changes are very small.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because no new construction is proposed and change to the runoff of the site.
5. The alleged difficulty was not self-created.

**MOTION 2<sup>ND</sup>:** Tom Sullivan

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

Ayes = 4 Nays = 0 Motion carried.

<b>TAX MAP:</b>	<b>264.06-2-1, 264.06-2-2</b>
<b>OWNER/APPLICANT:</b>	<b>JOHN CARR</b>
<b>ADDRESS:</b>	<b>1 CANADA STREET, SEWELL STREET</b>
<b>ZONE:</b>	<b>CMU</b>
<b>VARIANCE APPLICATION:</b>	<b>AV04-2019</b>

Applicant is proposing one free standing sign per lot for each business located at 1 Canada Street and is seeking relief from the following:

**Sign Code 220-24D2(c):** If a business is located upon one or more contiguous lots or parcels, only one freestanding sign is permitted, regardless of whether the ownership of such lots or parcels is the same.

**Sign Code 220-24D2(d):** If two or more businesses are located upon one or more contiguous lots or parcels, only one freestanding sign is permitted. The owner of such real property or business may elect which business to advertise or how the allowable signage is allocated among the various businesses

**Sign Code 220-24A(4):** Where no off premise signs are allowed.

Public hearing opened at 5:13pm. John Carr addressed the Board and explained his proposal. With the way the buildings are positioned, and the distillery being in the front and the café next door, it is confusing to the public as to what type of businesses are located there. People don't always know what

Biscotti Brother's is when they see the distillery tanks out front. Mr. Carr would like to put one of the signs back in the original planter box that is on the separate parcel. Biscotti Brother's sign will be moved from in front of the distillery, where it is currently located, to the planter box on the adjoining lot and a new High Peaks sign will go in front of the distillery. He would like to replicate the existing stone work and clean up the landscaping as well. Mr. Carr explained that because this area is a high traffic area with higher speeds, smaller signs are difficult to see when you are passing by. His proposed signs will fit in with other properties in the area such as the Quality Inn.

Ron Mogren asked how many square feet the High Peaks sign will be and Mr. Carr replied it will be just under the allowed 50 square feet at 49.5 square feet. The two signs will be approximately 100 feet apart from each other. Mr. Carr explained that the signs would not be a detriment to the neighborhood because they define the businesses better. Mr. Merry asked if there would be any signage on Sewell Street. Mr. Carr stated that there is a small sign there now, but that didn't require a variance, and was issued about seven years ago.

Ron Mogren made a motion to close the public hearing at 5:20pm.

**MOTION 2<sup>ND</sup>: Tom Sullivan**

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

Ayes = 4 Nays = 0 Motion carried.

The matter having duly come to be heard before a duly convened meeting of the Board on the 2<sup>nd</sup> day of October, 2019 and all the facts, matters and evidence produced by the applicant, the Zoning Administrator and interested parties having been duly heard, received, and considered, and due deliberation having been had, the following motion was made.

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 graphics submitted illustrate good looking signs.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant because as discussed, the larger text is needed due to the traffic speed.
3. The requested area variance is not substantial because the spacing between the signs is relatively spaced for the two businesses.
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 are no impervious surfaces being proposed.
5. The alleged difficulty was not self-created.

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

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

Ayes = 4 Nays = 0 Motion carried.

**APPROVAL OF MINUTES FROM JUNE 5, 2019 (RM, KM, MR, JB)**

Ron Mogren made a motion to approve the minutes from June 5, 2019.

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

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

Ayes = 4 Nays = 0 Motion carried.

Ron Mogren made a motion to adjourn at 5:26pm.

**MOTION 2<sup>ND</sup>:** Tom Sullivan

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

Ayes = 4 Nays = 0 Motion carried.

Respectfully submitted,  
***Stephanie Fregoe***  
October 4, 2019