

DRAFT
LAKE GEORGE VILLAGE ZONING BOARD MEETING
NOVEMBER 4, 2009 - 7:00PM
VILLAGE ADMINISTRATION BUILDING
26 OLD POST ROAD - LAKE GEORGE, NY

BOARD MEMBERS PRESENT:

Ron Mogren - Chairman, Dick Butler, Virginia Henry, Tim Hill, Kevin Merry

BOARD MEMBERS ABSENT:

None

OTHERS PRESENT:

Doug Frost (Enforcement Officer), Carol Sullivan (Secretary), Ron Viola (Applicant), Cheryl Kenny, Jim Blau (Applicant), John McMillan (McMillan Construction).

Chairman Mogren called the meeting to order at 7:02 PM.

TAX MAP: 251.14-3-40

OWNER/APPLICANT: RON VIOLA

3 PINE POINT LANE (IN BACK OF BOARDWALK)

ZONE: COMMERCIAL MIXED USE

AREA VARIANCE APPLICATION # 0945 - PUBLIC HEARING

- Applicant is seeking relief from the 50 foot shoreline setback requirement for structures. Adirondack Park Agency includes a fence in their definition of structure. Applicant/owner is seeking to construct a fence for the entire 50 foot setback. Zero relief being sought. Fence will run east to west on the shoreline, separating the property owner's property from neighboring properties.
- Chairman Mogren, went over the applicant's request and asked Mr. Viola if he would like to add anything. Mr. Viola indicated that nothing has changed since he submitted the application and provided the Board with a couple of privacy issues that he has experienced.
- At this point Chairman Mogren opened the Public Hearing and asked if there was anyone present who wanted to speak regarding the Viola application.
- Carol, for the record, mentioned that two letters have been received regarding this issue and have been provided to the Board this evening. Copies are available for the public. One letter is from Bill Dow (Exhibit one, attached) and the other from Dave Kenny, Cheryl Kenny, Frank Dittrich and Kathleen Dittrich (Exhibit two, attached).
- Cheryl Kenny, owner of Marine Village, advised the Board they are not opposed to a barrier between the two properties but are opposed to a six foot high solid fence continuing to the waterfront. She added that the height of the fence and the fact that it is completely solid is what they are opposed to.
- Chairman Mogren polled the Board members. They were all sympathetic regarding the privacy issue but felt 6 foot high solid white fence was too daunting. They agreed that a lower (4 feet) fence with vegetation would be more acceptable in the area. The Board indicated they would like to see vegetation. Mr. Viola suggested a 4 foot high "flower box" which could hold a Forsythia bush or some other vegetation.
- Chairman Mogen expressed concern about removing the healthy Maple tree which is in the line of the fence. Mr. Viola indicated most of the Maple trees on the property are

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dying from a disease and he feels it will be just a matter of time before this tree dies as well; he is willing to plant another tree. Ron asked if he could build the fence around the tree giving consideration to the need for vegetation and buffers on the shoreline.

- Chairman Mogren, summarized the discussion: The board, applicant and neighboring property owner have indicated a 4 foot high structure is acceptable. Ron indicated he would refer to the barrier as a structure at this point because the discussion has included fencing, flower pots and vegetation. All agreed a 100% variance (zero setback) is acceptable. A solid white fence is very obtrusive; if a fence is installed the color should be an earth tone color. If the structure is a planter, the planter can be 4 feet high and vegetation can be planted on top. The healthy Maple tree will remain in place. 100% vegetation without a supporting structure is not an option because of the required growth period.
- An application will be submitted to the Planning Board and at that time the design should be presented to the Planning Board.
- At this point Chairman Mogren closed the public hearing for the Viola application.

MOTION: Ron Mogren made a motion to accept the variance application (100% variance) based on the following conditions:

- The existing healthy Maple tree will remain in place and the diseased tree can be removed.
- The structure will not exceed 4 feet in height.
- The applicant will use materials that are esthetically pleasing and earth tone colors that blend in with the surrounding landscape.

Based on the following Fact Finding items.

1. The benefit to the applicant as weighed against the detriment to the health safety and welfare of the neighborhood or community is greater because a barrier will prevent people from crossing property lines creating a safer community in the area.
2. The variance will not have an undesirable effect on the character of the neighborhood because the applicant will use a 4 foot high barrier in earth tone colors.
3. After reviewing other alternatives the Board agreed the benefit sought by the applicant can be achieved by installing a lower barrier using earth tone colors thus allowing for privacy and property protection.
4. The requested area variance is not substantial when viewed because it will have minimal positive impact on the surrounding neighborhood.
5. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood because development is minimal.
6. The alleged difficulty was not self-created because the residential area has been bordered by a commercial area for some time.

MOTION 2ND: Kevin Merry

Ron Mogren	Dick Butler	Virginia Henry	Tim Hill	Kevin Merry
Aye	Aye	Aye	Aye	Aye

Aye = 5 Nay = 0. Motion carried.

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TAX MAP: 251.10-3-61

OWNER/APPLICANT: JAMES BLAU

ADDRESS: 1 SCRIMSHAW LANE – VACANT LOT

ZONE: SINGLE FAMILY RESIDENTIAL

AREA VARIANCE APPLICATION # 0948 – PUBLIC HEARING

- The owner/applicant has applied for an area variance. Owner/applicant is seeking relief from the front, rear and side setbacks. Required side yard setback is 15 feet. Applicant is seeking relief of 1.3' for the corner of a rear screened porch resulting in a side yard setback of 14.7 feet at that corner. Required rear yard setback is 20 feet. Applicant is seeking relief of 3' for the corner of the garage resulting in a rear yard setback of 17 feet at that corner. Required front yard setback is a minimum 10 feet. Applicant is seeking relief of 4 feet for the main house overhang resulting in a 6 foot setback for the area of the overhang. Applicant is also seeking relief of 1 foot for the area of the screened porch which projects to the front yard resulting in a setback of 9 feet in that area.
- Chairman Mogren, went over the applicant's request and asked Mr. Blau if he would like to add anything. Mr. Blau had no additional comments.
- At this point Chairman Mogren opened the Public Hearing for this application and noted there was no public attendance other than the Applicant and his builder. Chairman Mogren closed the Public Hearing.
- The Board agreed this application for a variance has very little impact on the neighborhood (Scrimshaw Estates).
- Mr Blau provided the Board with acceptance signatures he had obtained from his neighbors.

MOTION: Tim Hill made a motion to accept the variance as applied for based on the following Fact Finding items.

1. The benefit to the applicant as weighed against the detriment to the health safety and welfare of the neighborhood or community is greater because there is no detriment to the health safety and welfare of the neighborhood; it will be esthetically pleasing to have another home in the area rather than a vacant lot.
2. The variance will not have an undesirable effect on the character of the neighborhood because the reduction in the setback is minor and the house will fit in with the neighboring houses.
3. After reviewing other alternatives the Board agreed the benefit sought by the applicant cannot be achieved by some other method because of the design of the lot.
4. The requested area variance is not substantial when viewed because it will have minimal impact on the surrounding neighborhood.
5. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood because the variance is minimal.
6. The alleged difficulty was not self-created because the lot was not designed by the applicant.

MOTION 2ND: Virginia Henry

Ron Mogren	Dick Butler	Virginia Henry	Tim Hill	Kevin Merry
Aye	Aye	Aye	Aye	Aye

Aye = 5 Nay = 0. Motion carried.

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MINUTES

October 7, 2009

MOTION: Ron Mogren made a motion to approve the October 7, 2009 minutes.

MOTION 2ND: Tim Hill

Ron Mogren	Dick Butler	Virginia Henry	Tim Hill	Kevin Merry
Aye	Aye	Not in attendance October 7, 2009	Aye	Aye

Aye = 4 Nay = 0. Motion carried.

ADJOURN

A motion by Virginia Henry, seconded by Dick Butler carried unanimously to adjourn the meeting at 7:35 PM.

Meeting adjourned.

Respectfully submitted,
Carol Sullivan
November 5, 2009