

**LAKE GEORGE VILLAGE
26 OLD POST ROAD
ZONING BOARD OF APPEALS
DECEMBER 4, 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), Kim Cornelius, Douglas Frost, Jennessa Frost, Chris Sallstrom, Jack McCabe

ZONING BOARD OF APPEALS PUBLIC HEARING

TAX MAP:	251.18-3-41
OWNER/APPLICANT:	DOUGLAS FROST
ADDRESS:	175 CANADA STREET
ZONE:	CMU
VARIANCE APPLICATION:	AV05-2019

Applicant is requesting a variance from the required 50-foot minimum lot width requirement for Commercial Mixed-Use properties. He is seeking to subdivide his property into two lots where one of the lots will require a relief of 21 feet to be 29 feet wide. The second lot will meet the required width and setbacks.

Ron Mogren opened the public hearing at 5:00pm. He asked for comments from the public and no one spoke. Douglas Frost addressed the Board. He explained that he wanted to subdivide the lots while meeting the green space and as many as the setbacks as possible. The only way to meet the 50' setback along the front was to cut into the driveway, which he didn't want to do. The driveway is needed to access the parking lot at the rear of the property. The subdivision will not affect the character of the neighborhood because it will still look the same as it does now. Mr. Frost explained that he researched other similar properties in the area and found that nine properties do not have the 50' frontage. Five of them have 30' or less, two have 20' and one has 10' of frontage.

Mr. Mogren asked how deliveries will be made to the building. Mr. Frost explained that most deliveries use the main street. His deliveries use the Maynard Center parking lot and could continue to do so. The driveway is just wide enough for two cars and Mr. Frost said that he needs that space for two-way flow of traffic. Mr. Mogren again invited public comment and no one spoke. Mr. Mogren mentioned that a concerned neighbor sent in an email which noted concerns for increase in traffic and environmental concerns. He noted that the site is already built out and he didn't see how this would result in any increase in traffic or environmental issues. Mr. Frost pointed out the existing drywells on the property that address storm water.

Mr. Frost explained that his business is for sale and that this subdivision would give him another option for trying to sell the property with the business. The front of the business has a patio that meets the five-foot setback requirements. Part of it is leased from the State. Mr. Frost would grant an easement, so that the new owners could have access through the driveway.

Mr. Mogren stated that he did not have any issues with this application. Tom Sullivan agreed and noted that there is no change of use. Kevin Merry and Jeffrey Blau agreed and noted that there is no change in appearance. Mr. Frost explained that the building is set up for a restaurant and he doesn't see anyone coming in and changing the space to retail, especially with the patio in front.

Ron Mogren made a motion to close the public hearing at 5:05pm.

MOTION 2ND: Tom Sullivan

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

Ayes = 4 Nays = 0 Motion carried.

Ron Mogren reviewed Part 2 of the SEQR. He read each question and the Board answered "No" to all the questions. Ron Mogren made a motion to accept a negative declaration.

MOTION 2ND: 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 4th day of December, 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 as discussed there is no undesirable change to the character of the neighborhood.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant because there is no other layout that would take care of the needs that the applicant has sought.
3. The requested area variance is not substantial because there is no physical change to property.
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 physical changes to the properties.

5. The alleged difficulty was not self-created.

MOTION 2ND: Tom Sullivan

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

Ayes = 4 Nays = 0 Motion carried.

TAX MAP:	251.18-3-11
OWNER/APPLICANT:	CALDWELL PRESBYTERIAN CHURCH
ADDRESS:	71 MONTCALM STREET
ZONE:	RMU
VARIANCE APPLICATION:	AV06-2019

Applicant is proposing to replace existing preschool banner with a permanent sign. Proposed sign will be identical in size and color to existing banner. Sign Code requires 8-foot clearance from the ground and a maximum of four colors. The proposed sign will be 6 feet from ground and will have more than four colors.

At 5:10pm Mr. Mogren opened the public hearing. Chris Sallstrom and Kim Cornelius addressed the Board. They would like to replace the existing preschool banner with a permanent, more attractive sign that would be attached to the building. West Signs in Glens Falls will be making the sign. The sign will be 6' x 2 ½' and made of alumalite. The Board discussed the number of colors. Ms. Sallstrom stated that they wanted the sign to be fun and inviting for preschoolers and their families.

Mr. Mogren asked if anyone from the public wanted to speak. Douglas Frost commented that he liked the sign.

Mr. Mogren made a motion to close the public hearing at 5:15pm.

MOTION 2ND: Kevin Merry

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 4th day of December, 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 sign is a good-looking sign and it will look better than the banner.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the

applicant because they have to keep the sign and have it attached to the building.

3. The requested area variance is not substantial because the difference in the size of the sign and the additional two colors is not substantial.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The alleged difficulty was not self-created.

MOTION 2ND: Tom Sullivan

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

Ayes = 4 Nays = 0 Motion carried.

APPROVAL OF MINUTES FROM OCTOBER 2, 2019 (RM, KM, TS, JB)

Ron Mogren made a motion to approve the minutes from October 2, 2019.

MOTION 2ND: Tom Sullivan

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 2ND: Kevin Merry

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

Ayes = 4 Nays = 0 Motion carried.

Respectfully submitted,
Stephanie Fregoe
December 11, 2019