

APPROVED - MINUTES

LAKE GEORGE VILLAGE ZONING BOARD MEETING

APRIL 4, 2018 - 5 PM

**VILLAGE ADMINISTRATION BUILDING
26 OLD POST ROAD - LAKE GEORGE, NY**

BOARD MEMBERS PRESENT: Ron Mogren - Chairman, Kevin Merry, Mike Ravalli, Tom Sullivan, Rob Gregor

BOARD MEMBERS ABSENT: n/a

OTHERS PRESENT: Dan Barusch (Director of Planning & Zoning), Stephanie Fregoe (Secretary), Jon Lapper (Attorney), Devin Dickinson, Tim Barber, Dennis Quirk, John Carr, Jim Blau, Catherine Blau, Michael O'Conner (Attorney)

Ron Mogren opened the meeting at 5 PM. He noted that the Public Hearing is still open from last month's meeting regarding Mr. Quirk's application.

TAX MAP:	264.06-2-5
OWNER/APPLICANT:	JAMES D. QUIRK
ADDRESS:	21 SEWELL STREET
ZONE:	COMMERCIAL RESORT
VARIANCE APPLICATION:	1731

Applicant is seeking relief from the side yard setback of 15 feet to 4.8 feet. Applicant is proposing to build a metal sided boat storage building of 120' x 100' and is also seeking a variance for use of metal siding and low-pitched roof. Board reviewed application March 21, 2018 at Zoning Board of Appeals meeting. Motion was made to keep hearing open as applicant will present new changes to boat storage building.

Ron Mogren asked if Jon Lapper would like to address the Board. Mr. Lapper noted that Mr. Quirk has made substantial changes to the architecture to address Mr. Carr's and the Board's concerns about the project looking like a big warehouse. Cedar has been added up above, changes in colors and adding gooseneck lamps. Mr. Mogren addressed the public and asked if anyone would like to speak.

John Carr addressed the Board. He noted that he has viewed the changes, and they are a step forward. He doesn't feel that a project of this size meets the standards for variances. He stated that benefits could be achieved by other means. Mr. Quirk could rotate the building 90 degrees and move it away to allow more space for plantings, and he could still have as big a building. Instead the building is being put up in front as far as possible where it will affect the neighborhood more than anywhere else. Mr. Quirk has a few acres of land he could use. He could slope the roofs more. Lake George Village is not an industrial park, and Mr. Carr stated the Board has a responsibility to maintain that if they are going to give variances. Lake George has been classified as tacky tacky and cheap for years. Mr. Carr stated he has spent a lot of money, and so have other clients of Jon Lapper's, to try and make things look better and improve the area. Mr. Carr stated that this building could be made without variances and still accomplish the goals of the developer. There are houses directly across the street from this, and Mr. Carr stated his business alone has thousands of tourist and regulars who come and visit, who don't want to be in an industrial park.

Mr. Carr also addressed his concern for snow coming off the roof and landing on his property with the rear yard set back variance. The set backs are there to protect him. If the variance is given, and the snow is landing on his property, then Mr. Carr feels that the Board has failed. Moving the building away from property lines and allowing for more plantings and other things would go a long way. Mr. Carr stated that Mr. Quirk has made some attempts with siding and its moving in the right direction.

APPROVED - MINUTES

LAKE GEORGE VILLAGE ZONING BOARD MEETING

APRIL 4, 2018 - 5 PM

VILLAGE ADMINISTRATION BUILDING

26 OLD POST ROAD - LAKE GEORGE, NY

Mr. Carr addressed whether the building would have an adverse physical or environmental effect and stated that this is a big building. He said the engineering will support the storm water, however with the physical presence of that building on that street, with small residential single-story homes across the street, the Board needs to consider what they are going to be looking at as well.

Mr. Carr addressed whether or not this project is self-created. He stated that Mr. Quirk has a right to build a very large building, he has enough land to do, it and he's working with a very good team, and he can do this without any variances. This building will be 4 ½ feet from his property line and when the snow comes off the roof from 40 feet up, it is too close. If the building can be moved back and rotated towards the center of the lot more, Mr. Quirk may lose a few boat rental spaces, but there will be trees around it, and it may give the Planning Board options to look at in the future.

Mr. Carr spoke about the roof pitch being changed. He doesn't want big, cheap, flat roofs, instead good looking, architectural pleasing buildings that our visitors and residents can look at. He noted that has been the goal of the Village for at least the past 20 years Mr. Carr has been here. He stated that Mr. Quirk is trying to build as big a building as cheaply as he can. Mr. Carr stated that as a businessman he respects that, however there is a lot that can be done to make these buildings look nice, meet all the requirements and not need any variances for this application. Mr. Carr noted the improvements at Friends Lake Marina in regards to taking old cement block buildings and making them look great. Mr. Carr hopes that the Board will work with Mr. Quirk to get to a point where the variances are very minor and not substantial.

Mr. Lapper responded and acknowledged his respect for Mr. Carr and his investment in the Village. Mr. Lapper stated that the variances are minor. Mr. Quirk has addressed the visual issues with the siding by adding wood and softening it with the colors. The area in the back where it is 4.8 feet is in one little spot due to the shape of the property line. The vast majority of the back meets the 15 feet, and the snow will not go over that. There is a stockade fence there and there are drainage basins on the property. The building has already been moved back along the front of the property to create more of a drainage area, and Devin Dickinson has added more landscaping.

Everything being done can happen legally on this site. This is an industrial use and is a permitted use. Conducting business indoors is better for the neighbors, the residents and for the people going into Mr. Carr's restaurant because it is all hidden. The entrance faces the interior of Mr. Quirk's property away from everyone. The boats will be moving in and out there, rather than onto Sewell Street where it presently happens. Mr. Lapper stated that it is a big building, but Mr. Quirk is allowed to build a 40-foot-high building. If Mr. Quirk moved one part of his building in another 10 feet it would not make a difference to any neighbor. It would not allow Mr. Quirk to put normal size boats in part of his building. It is not a substantial variance, and the impact on the neighborhood is taking things that happen outdoors and moving it indoors. Mr. Lapper again stated that this is better for everybody. If the roof was a different pitch it may lose some functionality but will not make a difference to anyone driving by. Mr. Quirk's goal was to soften the look and make this a better building. Mr. Lapper is sure the Planning Board will continue to look at the project if Mr. Quirk can get past the variances.

Ron Mogren asked if Mr. Quirk has looked at other options to move the building in order to avoid the variance. Mr. Lapper restated that there is one small space where the property line changes that needs the variance. The majority of the building meets the 15-foot set back requirement. Mr. Lapper replied that they have looked at other options. Mr. Quirk has 30-foot boats and he needs an area large enough in the center of the building for the forklift to turn around and get the boats in and out. To take 10 feet off the building in order to comply would hurt

APPROVED - MINUTES

LAKE GEORGE VILLAGE ZONING BOARD MEETING

APRIL 4, 2018 - 5 PM

VILLAGE ADMINISTRATION BUILDING

26 OLD POST ROAD - LAKE GEORGE, NY

the functionality of the operation. If Mr. Quirk built somewhere else on the site, you would still be looking at boats outside and putting the boats inside would be better for the neighborhood.

Mr. Lapper asked Devin Dickinson to speak about the snow. Mr. Dickinson stated that it would be hard to determine but Mr. Carr's property is raised about 5 feet higher than Mr. Quirk's and most of the building would be set back farther than the five feet. It is hard to determine how the snow will compact. Mr. Mogren asked if there is a roof overhang. Mr. Barber replied there is approximately a six-inch overhang with a minimal slope. Hardly any snow will come off the roof as it is not a heated building. The snow is likely to sit and not cascade off the roof. Mr. Barber said he has worked with Mr. Dickinson in regards to moving the building to another area. Mr. Dickinson said there isn't a place to move the building on the site where some sort of variance would not be needed according to Village Code on setbacks. The rest of the property is not as desirable for development. The Village also has a storm water agreement with the property owner and there are underground infiltrator devices on Mr. Quirk's property. Mr. Quirk noted that Sewell Street no longer floods.

Mr. Mogren read into record an email that was sent from Mayor Robert Blais.

Dear Mr. Mogren,

I am writing to express my thoughts on improving the appearance of Mr. Quirk's building in an effort to blend it into the existing neighborhood. My suggestion would be to plant upright cedars in the front against the building and away from the street to protect them from runoff, salt, plows, etc. Elevating them in a raised planter would also protect them further. You should also consider some decorative stone on the front facing Sewell Street.

Thank you for your consideration.

cc: John Lapper, John Carr

Mr. Barber described the cedar siding that was added. Mr. Mogren said that the graphic of the building presented shows the material Mr. Quirk is seeking a variance for, can be articulated to show a decent concept. Regarding the roof pitch, Mr. Mogren asked Mr. Quirk if he has looked at two stories instead of three. Mr. Quirk nodded his head yes. Mr. Morgan said it doesn't seem that change would fit Mr. Quirk's business plan. Mr. Quirk has explored other options regarding the rear yard setback. If that set back was fixed it may create another one.

Tom Sullivan stated that the illustration is a significant improvement, recognizing that the Board is not approving the appearance of the building, but the fact that the building can clearly be built in this area. The siding is subject to a variance with compelling reasonings and the roof is, he believes inconsequential.

Mike Ravalli said that this is a definite improvement over the previous model. He noted it would be nice if taller trees could be planted to screen across the front of the building and give a softer look.

Kevin Merry read item #1 from the fact-finding sheet "*An undesirable change will not be produced in the character of the neighborhood or will not be a detriment to nearby properties because ...*" and stated he cannot complete that sentence. He stated that the improvements are fantastic but cannot say yes that is true. Rob Gregor agrees. Mr. Gregor is struggling with how to interpret the word "undesirable" as it is subjective. Everyone has different beliefs on what is desirable. One of Mr. Gregor's concerns is the objections shown at this meeting. His other concern is that you cannot guarantee that snow is not going to come down into a neighbor's yard. Mr.

APPROVED - MINUTES

LAKE GEORGE VILLAGE ZONING BOARD MEETING

APRIL 4, 2018 - 5 PM

VILLAGE ADMINISTRATION BUILDING

26 OLD POST ROAD - LAKE GEORGE, NY

Gregor would like to see if there is a way to harmonize everyone's opinions.

Mr. Lapper reiterated that the height, the use, and the size of the building is permitted. The siding issue seems to have been addressed. Mr. Lapper doesn't believe that the roof pitch will make a substantial difference and the side yard setback is minimal.

Tom Sullivan said that it's the Board's responsibility to make a sound decision with or without opposition from the public. He referred to the Marriot project when there was a line of people out the door during the meetings objecting.

Mr. Quirk stated that his business has been in the same location 20 plus years and has always been a boat repair shop and sales facility. John Carr bought his property years later, knowing the possibility of this building going up and that the boat businesses was already there.

Mr. Carr addressed the Board. He stated that Mr. Quirk does have a right to build but he could build a building with racks three high instead of four high. He doesn't need 3 variances that are substantial and that are going to change the character of the neighborhood. He is applying for variances to maximize his profit and that is not what variances are for. Mr. Carr said that when he bought his property in 1999 that area had a bad reputation. He has spent 20 years and a substantial amount of money to change that. He has tried to do so with little to no variances. Mr. Carr said the Board has a legal responsibility to work with an applicant to minimize these variances. With one meeting in two weeks there has already been an improvement. Mr. Carr is fine with a big building, just not a massive building that needs three variances near his property line. Mr. Carr referred again to his concern with snowfall. Roof angles are there because we are trying to create a village not an industrial park. That's why it is in the code. This is not a Planning Board, this is a legal variance. Mr. Carr said there are other places on the property the building could go and moving it over 10 feet would not affect the Village's storm water agreement.

Mr. Lapper restated that the building meets all the setbacks except one small place. The side along John Carr's driveway does meet the required 15 feet setback and is landscaped. Mr. Quirk already took 10 feet off the building. The boats would not fit if another 10 feet was removed. Mr. Lapper said this is a minor impact going up against Mr. Carr's stockade fence in one little spot. This is a lake community and you need a place to store boats. Mr. Barber said that he has engineered and built millions of square feet of this type of facility and no more snow would come off this building than the flat roof at the Marriot. It is not going to encroach on that four-foot area or drop off or drift off this 40-foot roof structure.

Ron Mogren asked if the Board was ready to vote. Tom Sullivan said that Ron Mogren asked him, in anticipation of a possible approval, to draft motions for the setback, metal siding and roof pitch.

Ron Mogren made a motion for approval and Tom Sullivan read the following:

Motion re Application of James D. Quirk re Tax Map 264.06-2-5, 21 Sewell Street, for relief of 10.2 feet from the prescribed setback, i.e., 15' – 4.8'

1. The variance requested is necessary because the boat storage facility as currently configured cannot accommodate the number of owners wishing to use the facility without construction of a building able to store boats averaging 30' in length in the absence of available adjacent properties that could serve the purpose.
2. The variance requested will not adversely affect or change the character of the neighborhood or create detriment to nearby properties because the project is located in a Commercial Mixed-Use Zone and is

APPROVED - MINUTES

LAKE GEORGE VILLAGE ZONING BOARD MEETING

APRIL 4, 2018 - 5 PM

VILLAGE ADMINISTRATION BUILDING

26 OLD POST ROAD - LAKE GEORGE, NY

surrounded by commercial uses. The project is an area expansion of the current boat sales and storage business and will improve the general appearance of the neighborhood by housing at least some of the boats now stored in the open.

3. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood because it will visually and physically mitigate the congested appearance of the boats stored on the property and will allow for their occasional repositioning without impinging on the flow of traffic on Sewell Street. The project will make provision for, and comply with, all applicable environmental requirements.
4. The project's objectives cannot be achieved by some other method available to the applicant because he has already acquired all adjacent properties suitable for boat storage purposes.
5. The alleged hardship is not self-created because the demand for local boat storage facilities has been continuous and requires the applicant to either expand his boat storage capabilities to accommodate the demand or forego the business opportunity.

MOTION 2ND: Mike Ravalli

Ron Mogren	Tom Sullivan	Mike Ravalli	Kevin Merry	Rob Gregor
Aye	Aye	Aye	Nay	Nay

Ayes = 3 Nays = 2 Motion carried.

Ron Mogren stated that the motion carries 3 to 2.

Ron Mogren made a motion for approval and Tom Sullivan read the following:

Motion re Application of James D. Quirk re Tax Map 264.06-2-5, 21 Sewell Street, for Variances Relating to Metal Siding/Roof Pitch

1. The variances are necessary because the Village Architectural Guidelines prohibit the use of metal siding for new buildings (Section 220-42(F)(2)(d)[2]) but the proposed premanufactured steel structure would be both consistent with the metal-sided boat sales and service building already on the property and with boat storage industry-recommended construction standards. A minimum roof pitch of 6:12 is not attainable on a building of these proportions.
2. The variances requested will not adversely affect or change the character of the neighborhood or create detriment to nearby properties because the project is located in a Commercial Mixed-Use Zone and is surrounded by commercial use enterprises. Additionally, the new structure will be architecturally compatible with the boat sales and service facility already on site and will include visual enhancements such as screening trees.
3. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood because its appearance and operation will be consistent with the existing commercial uses of the neighborhood. The project will make provision for, and comply with, all applicable environmental requirements.

APPROVED - MINUTES

**LAKE GEORGE VILLAGE ZONING BOARD MEETING
APRIL 4, 2018 - 5 PM
VILLAGE ADMINISTRATION BUILDING
26 OLD POST ROAD - LAKE GEORGE, NY**

4. The project's objectives cannot be achieved by some other method available to the applicant because the substitution of wood for metal either as the base siding or as a cosmetic layer would be considerably more expensive to install and maintain and would substantially increase the cost of insurance coverages for the building and its contents.
5. The alleged hardship is not self-created because ever-increasing demand for local boat storage facilities requires the building construction in lieu of expanding the property currently devoted to that purpose in order to meet that demand.
6. The applicant acknowledges that the variance related to the proposed pitch of the structure's roof is conditioned on his undertaking to ensure that the completed building not exceed a height of 40 (forty) feet as determined by the methods prescribed in the Village Code.

MOTION 2ND: Mike Ravalli

Ron Mogren	Tom Sullivan	Mike Ravalli	Kevin Merry	Rob Gregor
Aye	Aye	Aye	Nay	Nay

Ayes = 3 Nays = 2 Motion carried.

Ron Mogren stated that the motion carries 3 to 2.

TAX MAP:	251.10-3-60
OWNER/APPLICANT:	THOMAS & GLADYS ELLETT
ADDRESS:	10 SCRIMSHAW LANE
ZONE:	RESIDENTIAL
VARIANCE APPLICATION:	1807

Applicant is seeking relief from the rear yard setback of 20 feet to 10 feet. Applicant is proposing to replace and enlarge existing deck and to build a patio adjacent to new deck.

Dan Barusch addressed the Board stating that Mr. Ellett has tabled his application and will come back before the Board in May or June. Mr. Mogren informed members of the public who were present that they would be re-notified. Michael O'Conner asked if there would be any side discussion. Dan Barusch informed Mr. O'Conner that projects are not discussed without the applicant being present.

Ron Mogren made a motion to close the public hearing.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Kevin Merry	Rob Gregor
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Motion carried.

APPROVED - MINUTES

**LAKE GEORGE VILLAGE ZONING BOARD MEETING
APRIL 4, 2018 - 5 PM
VILLAGE ADMINISTRATION BUILDING
26 OLD POST ROAD - LAKE GEORGE, NY**

Ron Mogren made a motion to approve minutes from November 1, 2017.

MOTION 2ND: Mike Ravalli

Ron Mogren	Tom Sullivan	Mike Ravalli	Kevin Merry	Rob Gregor
Aye	Abstain	Aye	Aye	Abstain

Ayes = 3 Nays = 0 Abstentions = 2 Motion carried.

Ron Mogren made a motion to approve minutes from March 21, 2018.

MOTION 2ND: Tom Sullivan

Ron Mogren	Tom Sullivan	Mike Ravalli	Kevin Merry	Rob Gregor
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Motion carried.

Ron Mogren made a motion to adjourn.

MOTION 2ND: Kevin Merry

Ron Mogren	Tom Sullivan	Mike Ravalli	Kevin Merry	Rob Gregor
Aye	Aye	Aye	Aye	Aye

Ayes = 5 Nays = 0 Motion carried.

Respectfully submitted,

Stephanie Fregoe

April 9, 2018