

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

BOARD MEMBERS PRESENT: Ron Mogren – Chairman, Kevin Merry, Mike Ravalli, Jeff Blau

BOARD MEMBERS ABSENT: Tom Sullivan

OTHERS PRESENT: Stephanie Fregoe (Secretary), Dan Barusch (Director Planning & Zoning), Linda Duffy, Todd Earl

ZONING BOARD OF APPEALS PUBLIC HEARING

TAX MAP:	251.14-3-36
OWNER/APPLICANT:	LINDA DUFFY
ADDRESS:	320 CANADA STREET
ZONE:	CMU
VARIANCE APPLICATION:	V02-2019

Applicant is requesting a variance from § 220-39 Outdoor area for dining or drinking to have an outdoor area for drinking and eating that will be more than 50% of the inside service area. Total indoor area proposed is 1048 square feet and total outdoor area proposed is 760 square feet (72.5%).

Ron Mogren opened the public hearing at 5:00pm.

Linda Duffy addressed the Board. She explained that she would like to take the old cigar shop and combine it with the existing deli business to sell ice cream. She would not be building anything. When the cigar shop was operating, there was a removable deck on the pavement that came out every winter. She would put the new fenced in area farther out than where the deck was. She is not building onto the structure itself, but will put a counter inside so she has some interior seating. The parking is not changing.

The Board discussed the plans that were presented. Mr. Mogren asked if anyone from the public would like to speak. Todd Earl addressed the Board. He is a trustee for the Caldwell Library next door. He said this project doesn't seem to affect the library side, but asked to put in an informal plea. The side of Duffy's building that faces the library is an eyesore. Paint is peeling off the building, back steps are partially painted with a couple of different colors. The library has tried to clean up their side by extending the pavement. Linda Duffy said she would work on that. Mr. Earl noted that the public uses the back parking lot for the library and it doesn't look attractive back there.

Dan Barusch addressed the Board and explained the variance request. The request is not too far over 50%. He explained that Ms. Duffy will be going before the Planning Board in June for site plan review to discuss parking, the exterior, any furniture and seating. He has made a determination on the window service. She is not serving out a window to a public right of way, but out a window to the middle of her property. Linda has an easement agreement with the Village. These types of outdoor seating areas need

to be at least five feet back from the sidewalk. Linda won't have to follow this as long as the easement agreement that currently exists, includes up to the right of way line.

Mr. Mogren stated he does not see any impacts to the community or environmental aspects. The other Board members agreed. Jeff Blau asked if there would be additional parking spaces and Ms. Duffy replied no. Mr. Barusch said the Planning Board may ask that something stronger, other than the white picket fence be used. The Board discussed traffic flow in the parking lot.

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

MOTION 2ND: Jeff Blau

Ron Mogren	Mike Ravalli	Kevin Merry	Jeff Blau
Aye	Aye	Aye	Aye

Ayes = 4 Nays = 0 Motion carried.

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 nature of the new work, it's fenced off with a picket fence. It would not be a detriment 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 she has used the minimal amount of space that is required for her outdoor seating area.
3. The requested area variance is not substantial because it does not encroach on anything and it is a minimal increase over the regulation.
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 changes to pavements, no increase to runoffs and the picket fence is not an impact to the physical or environmental conditions.
5. The alleged difficulty was not self-created.

MOTION 2ND: Kevin Merry

Ron Mogren	Mike Ravalli	Kevin Merry	Jeff Blau
Aye	Aye	Aye	Aye

Ayes = 4 Nays = 0 Motion carried.

Mr. Mogren made a motion to approve the minutes from March 6, 2019.

MOTION 2ND: Mike Ravalli

Ron Mogren	Mike Ravalli	Kevin Merry	Jeff Blau
Aye	Aye	Aye	Aye

Ayes = 4 Nays = 0 Motion carried.

Mr. Mogren made a motion to close the meeting at 5:20pm.

MOTION 2ND: Kevin Merry

Ron Mogren	Mike Ravalli	Kevin Merry	Jeff Blau
Aye	Aye	Aye	Aye

Ayes = 4 Nays = 0 Motion carried.

Respectfully submitted,

Stephanie Fregoe

June 6, 2019