

APPROVED - MINUTES

**LAKE GEORGE VILLAGE ZONING BOARD MEETING
JUNE 6, 2018 - 5 PM
VILLAGE ADMINISTRATION BUILDING
26 OLD POST ROAD - LAKE GEORGE, NY**

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

BOARD MEMBERS ABSENT: n/a

OTHERS PRESENT: Dan Barusch (Director of Planning & Zoning), Stephanie Fregoe (Secretary), Tom Ellett, Bryon Ducey, Michael O'Connor, Jim and Catherine Blau

Ron Mogren called the meeting to order at 5:00pm.

ZONING BOARD OF APPEALS PUBLIC HEARING

EXECUTIVE SESSION

Consideration of Stipulation: Matter of Carr v. Village of Lake George ZBA and Quirk "

Ron Mogren made a motion to go into Executive Session.

MOTION 2ND: Mike Ravalli

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 at 5:20pm to close Executive Session. No decisions were made.

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.

Document was read into the record.

Zoning Board of Appeals
Village of Lake George

Introduced by Chairman Ron Mogren
Seconded by Board member Tom Sullivan

Resolution Approving Stipulation Vacating Zoning Board of Appeals Decision

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Whereas, the Zoning Board of Appeals of the Village of Lake George previously granted variance approvals to applicant James D. Quirk for property located at 21 Sewell Street in the Village of Lake George; and

Whereas, petitioner John Carr filed a petition in Warren County Supreme Court challenging said approvals, including certain State Environmental Quality Review Act (SEQRA) determinations related thereto; and

Whereas, petitioner's and applicant's counsel have consented to a proposed stipulation vacating the variance approvals of the Zoning Board of Appeals dated April 9, 2018 and filed in the Village of Lake George Clerk's Office on April 9, 2018, without prejudice to the applicant to re-apply for said variances; and

Whereas, counsel to the Village has recommended that the Zoning Board of Appeals approve the stipulation.

NOW THEREFORE BE IT:

Resolved, that the Zoning Board of Appeals approves of the Stipulation vacating the Zoning Board of Appeals decision referenced above, without prejudice to the applicant to re-apply for same; and be it further

Resolved, that counsel to the Zoning Board of Appeals is authorized to execute the stipulation and submit same to the Court on the matter.

Duly adopted on the following date: **June 6, 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.

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

Applicant is seeking relief of Code 220-20-Dimensional Table, and Code 220-78(B) and C (1) to expand a pre-existing, non-conforming structure. Applicant is seeking relief from the rear yard setback of 20 feet to 10 feet and proposing to replace and enlarge existing deck and to build a patio adjacent to new deck. The current structure is pre-existing and non-conforming.

§ 220-78– Nonconforming buildings, structures and lots.

(B) Expansion. Nothing in this chapter shall prevent the strengthening or alteration to a safe condition of all or part of a building or structure that is nonconforming, provided that the repair or alteration will not increase the height, size or volume of the building or structure or otherwise increase the nonconformity.

C (1) – A nonconforming building, structure or lot shall not be added to or enlarged or altered in any manner, in a way which increases its nonconformity.

Tom Ellett addressed the Board. He is proposing to enlarge his current deck. It currently does not allow the space to entertain his large family for dinners and is also in need of repairs. Mr. Ellett has made some changes to the drawings and included a letter that was addressed to his neighbor, promising that he would not install the firepit as originally shown. It will not be put there during the lifetime of the ownership of his neighbor (Jim and Catherine Blau).

Mr. Mogren asked about the rear yard set-back measurements shown in the plans. Dan Barusch explained that the house is a pre-existing, nonconforming structure, hence the need for the variances. Other set back variances may have been issued when the house was built and Mr. Barusch would have to refer to the previous file.

Michael O'Connor, attorney for Jim and Catherine Blau addressed the Board. Mr. O'Connor stated that Catherine Blau, property owner, objects to Mr. Ellet's plans. He presented several printouts to the Board. Mr. Mogren informed Mr. O'Connor that information needs to be submitted in advance so the Board has adequate time to review all information.

Mr. O'Connor stated that his clients feel the impact of this project on the neighborhood and community is much more significant than the benefit to the applicant. He noted that in the packet he handed out is an email from Davis and Davis Realty saying that Mr. Ellet's project could be a hindrance to Catherine Blau's sale of her home. Mr. O'Connor described the deck and the number of proposed seats at being 30. This will be 10 feet off the property line. A portion of the family room already encroaches on the setback for that property line. The house is maxed out already, the applicant is going to add a large grill,

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bar with three seats, benches and possibly a pergola over the bar and grill. It is a substantial amount to add so close the neighboring property.

Kevin Merry asked Mr. O'Connor if the referenced neighboring property is Scotty's Motel and Mr. O'Connor replied "yes". Mr. O'Connor stated that property owners on both sides of Mr. Ellett would be disrupted. Catherine Blau is the property owner marked at lot 62 on the handout he presented.

Mr. Mogren stated the Board would need to make a motion to refer this project to the Planning Board. This application will be tabled until the Zoning Board receives feedback from the Planning Board. Mr. Ellett's project is already on the agenda for June 20th Planning Board review.

Mr. Ellett addressed the Board. He stated that there are 20 seats proposed on the plans, not 30 as Mr. O'Connor mentioned. Dan Barusch verified 20 seats shown on the plans as well. Mr. Ellett stated he is not trying to create anything that would cause issues in the community he is moving into. The quality of the current deck is an eyesore and eventually he would like to put new siding on the house to improve the look of the neighborhood.

Rob Gregor referred to page 5 in the handout and asked Mr. O'Connor about the subject line in the email from Mr. Blau, that says "if you'd like it tweaked or changed let me know". Mr. Gregor asked if Nabil Eldib, from Davies Davies was tailoring his email to whatever Mr. Blau wanted it to say. Mr. O'Connor said that was Mr. Eldib's opinion. Mr. Gregor stated that he would rather hear this directly from the agent, rather than submitting hearsay for the record.

Mr. O'Connor addressed the fire pit and stated that he believes it is against fire code. The Board and Mr. Barusch stated that it is not. Mr. O'Connor said that the promise by the applicant to not install the firepit has little value to his clients. They don't want to sell their property to someone knowing that someone could do something that would be a detriment. Mr. Ellett responded that if the Board asked, he would remove the firepit from the plans forever and would put that in writing, even though the firepit is not against any regulations. This is the second time Mr. Ellett has changed his design in order to reach a compromise. He has looked at other layout options.

Ron Mogren made a motion in regards to 10 Scrimshaw Lane to refer the application to the Planning Board on Wednesday, June 20th, 2018. This project has been tabled and will return to the Zoning Board agenda on Wednesday, July 11, 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.

Mrs. Blau noted that she had purchased her property long before Mr. Ellett. She stated that she does not care if Mr. Ellett does anything on his own property, but she would not want the fire pit there. She

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enjoys the peace and quiet of sitting on her front porch. She suggested that guests go down to the beach to entertain. She does not mind if he extends his deck, but not in the direction of her porch. Mrs. Blau noted that the President of the Board (Scrimshaw) wrote a letter stating that they did not have an issue with the deck, however she was never asked about it. Mr. Barusch noted that the letter was in reference to the HOA's bylaws. Mr. Ellett stated he had a copy of the bylaws with him and noted that he did speak with Mr. Blau about his project last September when he discussed the removal of a tree with him. Mr. Ellett was surprised by the turmoil his project is creating as he is not trying to make waves.

There was more discussion between the applicant and Mr. and Mrs. Blau regarding opinions of the project. Rob Gregor suggested that the two parties try to reach a compromise before the next meeting. The Board would like to see each party reach a compromise together. Mr. Ellett will discuss with his architect other options of extending the deck in a different direction. Mr. Gregor also noted that the opinion from the realtor be made in person to eliminate any hearsay. Mr. Mogren suggested that the applicant take another look at his plans as well.

TAX MAP:	264.06-2-17
OWNER/APPLICANT:	DINA VIOLA
ADDRESS:	12 SEWELL STREET
ZONE:	RESIDENTIAL MIXED USE
VARIANCE APPLICATION:	1831

Applicant is proposing to build an 8 x 12 covered deck in the rear yard. Applicant is requesting relief of Code 220-78(B) to expand a pre-existing, non-conforming structure. The current front yard has a setback of three feet from the property line, where 10 feet is required, therefore making the structure pre-existing and non-conforming.

§ 220-78– Nonconforming buildings, structures and lots.

(B) Expansion. Nothing in this chapter shall prevent the strengthening or alteration to a safe condition of all or part of a building or structure that is nonconforming, provided that the repair or alteration will not increase the height, size or volume of the building or structure or otherwise increase the nonconformity.

Mr. Byron Ducey addressed the Board. The homeowner, Dina Viola would like to build an 8 x 12 deck off the back of her home with a roof over it. Currently the snow builds up, curls over the existing roof and falls directly onto the steps and destroys them. She wants to extend the roof out and protect those stairs.

The Board discussed the setback requirements. Dan Barusch explained that the only reason the applicant is before the Board is that the existing structure is nonconforming. Any additions would also be considered nonconforming and would require a variance.

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Mr. Mogren stated that this application would need to be referred to the Planning Board to get their opinion. Mr. Mogren made a motion for conditional approval as long as the Planning Board has no objections. They will review the project at their next meeting on Wednesday, June 20th, 2018. Mr. Morgen noted that this project is a Type II SEQR.

Mr. Barusch asked Mr. Ducey to scan and email the plans so they can be distributed to the Planning Board members.

MOTION 2ND: Rob Gregor

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

Ayes =5 Nays = 0 Motion carried.

Mr. 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.

APPROVAL OF MINUTES FROM MAY 2, 2018 (TS, KM, MR)

Mr. Mogren made a motion to approve the minutes from May 2, 2018.

MOTION 2ND: Tom Sullivan

Tom Sullivan	Mike Ravalli	Kevin Merry
Aye	Aye	Aye

Ayes = 3 Nays = 0 Motion carried.

Mr. Mogren made a motion to close the meeting.

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

June 11, 2018