

Minutes of the Lake George Village Zoning Board of Appeals meeting and Public Hearing held on **JULY 11, 2007** at 7:00 P.M. at the Village Administration Building, 26 Old Post Road, Lake George, New York.

**Members Present:** Ron Mogren, Robb Hickey, Tim Hill, Virginia Henry, Christine Molella

**Members Absent:** Phil Coletti - resigned

**Others Present:** Jerry Devoe (Code Enforcement Officer), Carol Sullivan (Secretary), Robert & Dawn Griffin

Chairman Mogren called the meeting to order at 7:05 PM.

Chairman Mogren opened the Public Hearing for an area variance application for a 10 foot (w) by 28 foot (l) deck at the Griffin residence located at 42 Sherrill St.

**TAX MAP: 264.06-1-34**

**APPLICANT: ROBERT AND DAWN GRIFFIN**

**42 SHERRIL ST**

**SITE PLAN APPLICATION # 07-41**

**VARIANCE APPLICATION #**

**ZONE: SFR**

- Applicant is requesting variance in order to build a 10'w x 28'l deck at the back of his home. Addition of deck would create a new setback of 3 feet.
- Applicant previously requested a setback variance when the residence was built in 2006. The previous variance was 10 feet, however, when the house was built 7 feet was used, leaving a 13 foot setback.
- The Board discussed Eileen Hertz' (property owner at the rear of the property) objection to a deck "so close" to her property line. Eileen's property is currently vacant. Tim indicated he spoke with Eileen Hertz and that she isn't sure what she is going to do with this piece of property. He further explained that Eileen is concerned if the deck is 3 feet close to her property and she tries to sell or develop her property it could have an adverse affect.
- Dawn Griffin explained they intend to install a 3 foot chain link fence on the property line. Chairman Mogren explained he is concerned about "screening" the deck from the other property and a chain link fence does not provide adequate screening. He indicated thick vegetation or a wood fence would be more appropriate to screen the property.
- Ginny Henry asked how Eileen's property is accessed. The property can only be accessed from Philip St.
- Robb Hickey asked how far off the ground the deck would be. Bob Griffin indicated it would be approximately 4 steps. The Board agreed the height would be about 3 feet from the ground. Since the maximum allowed height of a fence is 6 feet there could still be a privacy issue.
- Robb Hickey also mentioned the house should fit the lot, not the lot fit the house. When the Griffins applied for their variance for construction of the home, Robb feels the size of the house should have been adjusted at that time to include a deck, if that's what they wanted.
- Tim indicated there is a sliding/French door on the back of the house so it was built with a deck in mind. Bob Griffin mentioned it was his intent to have a deck. The Board agreed that the deck was not part of the original variance discussion for construction of the home. Bob Griffin said a deck was not on the plans, however, he did mention it.
- Again, Robb pointed out the house should fit the lot. A variance was granted to build the size house they wanted. Now the Griffins are before the Board to add a deck that obviously they wanted but didn't mention in the original variance application or discussion.

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- A discussion ensued between the Board members and the Griffins regarding other areas where a deck could be constructed. A deck on either side would require a 15 foot setback. Bob Griffin indicated he has approximately 19 feet on the garage side to the property line.
- The Griffins pointed out the house was originally set back, requiring a variance, because they wanted it to be "in line" with other houses on the street. Bob Griffin also mentioned he needed to have space to park in his driveway.
- Robb mentioned that the Board was accommodating with the original variance application, with fitting the lot to the house. If a deck was part of that consideration he probably would have recommended the house should be smaller in order to add a deck without being so close to the neighboring property.
- Both Ron Mogren and Robb Hickey indicated perhaps a better location for the deck would be on the side of the garage. The Griffins indicated the doors are at the back of the house, however, the Board indicated the doors were installed with the intention of a deck but without coming before the appropriate Boards to determine if a deck would be feasible. Robb mentioned the doors at the back are a hardship created by the Griffins.
- Robb pointed out part of the variance review includes looking at alternatives. One alternative is to put a deck on the side of the garage.
- Bob Griffin asked if he could put a patio at the back of the house. Jerry Devoe indicated a patio is not considered a structure and could be put in at the back of the house. Jerry indicated anything built on grade is not a structure and would be considered a patio.
- Ginny Henry mentioned that a patio would not take into consideration the Planning Board's comment regarding stormwater run-off and keeping the area permeable.
- Jerry indicated anything outside the application on the table is outside the Variance Board. If the Griffins want to install a patio they will have to provide Jerry with a sketch and he will look at it.
- Robb Hickey suggested the Griffins withdraw this application since they have other options to consider. Robb asked if a wood deck built on grade would require a variance. Jerry explained that anything on grade is not considered a structure.
- Ron Mogren explained that the Board would take a vote on the application and likely deny it. He further explained to the Griffins they could withdraw their application. Robb explained if the Griffins want a deck on the side, it would need a variance and if this application for a back deck is withdrawn and a side deck is what the Griffins decide to do, then this application can be modified.
- Ron Mogren added if they decide to add a deck on the side this application could be modified, however, the Griffins should show some concern for their neighbors when designing the deck. Screening should be taken into consideration with a variance application when there are neighboring properties.
- The Griffins agreed to withdraw.

**Motion:** Robb Hickey made a motion to close the public hearing.

**2nd:** Virginia Henry.

**VOTE**

<b>Robb Hickey</b>	<b>Ron Mogren</b>	<b>Chris Mollella</b>	<b>Tim Hill</b>	<b>Virginia Henry</b>
Aye	Aye	Aye	Aye	Aye

Public hearing closed at 7:30 PM.

**APPROVED****Page 3 of 3**

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**ADJOURN**

**Motion:** Tim Hill made a motion to adjourn the meeting at 7:30 PM.

**2nd:** Virginia Henry.

**VOTE**

<b>Robb Hickey</b>	<b>Ron Mogren</b>	<b>Chris Molella</b>	<b>Tim Hill</b>	<b>Virginia Henry</b>
Aye	Aye	Aye	Aye	Aye

Respectfully submitted,

Carol Sullivan  
July 16, 2007