

**APPROVED**

**LAKE GEORGE VILLAGE  
26 OLD POST ROAD  
AUGUST 15, 2018  
PLANNING BOARD MINUTES**

**Board members present:** Carol Sullivan (Chair Person), Patricia Dow, Dan Wolfeld, Walt Adams

**Board members absent:** Dean Howland

**Others present:** Stephanie Fregoe (Clerk), Michael O Connor, Jim and Catherine Blau, Tom Ellett, Alex Ellett, Nabil EIDib

Carol Sullivan called the meeting to order at 6:00pm.

**TAX MAP: 251.10-3-60  
APPLICANT: THOMAS ELLETT  
ADDRESS: 10 SCRIMSHAW LANE  
ZONE: RESIDENTIAL  
APPLICATION: SITE PLAN #1808**

Application was tabled from June agenda. Applicant is proposing the replacement and expansion to existing deck at 10 Scrimshaw Estates. The current deck is 207 square feet. The proposed deck is 554 square feet. Original plans for the deck have been reduced in size and the proposed patio eliminated.

Carol Sullivan asked that the following be noted for the record. She received an email on August 7, 2018 from Mr. Jim Blau to which she did not respond. Ms. Sullivan reminded the Board that discussions with applicants or any party that is involved with an application, disgruntled or otherwise is not allowed. Ms. Sullivan gave a copy of that email to Stephanie Fregoe for the file.

Carol Sullivan stated that this application is a Type II action SEQR and is considered an addition. Therefore, the SEQR form does not need to be completed. Ms. Sullivan read the following:

6CRR-NY Section 617.5 Type II actions

(c) The following actions are not subject to review under this Part:

(10) construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density.

Ms. Sullivan addressed the room and stated that this is not a public hearing, but she would allow comments that are pertinent only to the application. She asked that previous comments not be repeated as they have been recorded in the minutes from those meetings.

Ms. Sullivan noted that several items have already been discussed in previous minutes, such as the material of the deck, which is Trex material. There are no storm water management issues as the deck is less than 5,000 square feet. She noted that Mr. Ellett did receive his variance request for the setback of the deck.

Patricia Dow asked about the awning over the deck. Mr. Ellett replied that the pergola over the grill has been removed from the plans. There is a retractable awning proposed.

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Mr. O'Connor addressed the Board. He stated that his clients, Mr. and Mrs. Blau believe that the construction of the deck will impact the value of their home. He noted that the Blaus' realtor, Mr. ElDib was present to testify to that.

Mr. ElDib spoke. He stated that it appears with the closeness of the deck, it could have an affect on the value of the Bluas' home. Ms. Sullivan asked if he knew this for sure and Mr. ElDib replied that it is his opinion. Ms. Sullivan said that most of the homes in Scrimshaw are built very close. She has been to other homes in that area, and people's decks are right on top of other people's decks. It is a very tight community. Mr. ElDib agreed but said that there are no other homes that are stacked close the way the Blaus' and Ellett's are. Mr. ElDib said that he has shown the Blaus' home to clients. The house has been on the market for sometime and there have been comments made regarding the closeness of the homes. The price has been lowered substantially, every few months. Ms. Sullivan replied that could be true of any of the homes in Scrimshaw as they are all close to one another. Mr. ElDib again agreed but explained that most of the homes are stacked side by side and not one facing the other like the Blaus' and Ellett's homes.

Mr. O'Connor said the main objection of the Blaus' is that this will invade their privacy and quality of life. Their house is elevated directly above where this deck will be. Their front porch is right there. Mr. O'Connor referred to the site plan and wasn't sure if the one being presented tonight is the same one that was presented to the Zoning Board. He said it appears that there is no buffer and he had asked about screening, as he thinks that may negate some of the invasion. Ms. Sullivan said that she did read the minutes from the Zoning Board meeting and noted the discussion about fencing. Mr. O'Connor explained that some sort of stockade or privacy fencing, put on the outside of the deck, may give the Blaus' some sense of privacy and may be a noise barrier. He noted that the plans he had reviewed held seating for about 30 people or more. Ms. Sullivan noted that the plans were reduced considerably and this was all discussed in the Zoning Board meeting at which Mr. O'Connor attended. She again noted that a fence was discussed and Mr. O'Connor replied that there was no offer made to add buffering or fencing or shrubbery.

Ms. Sullivan addressed Mr. Ellett and asked about the amount of square footage that has been removed from the original plans. He verified that 360 square feet have been removed from the deck that was proposed back in the spring. Mr. O'Connor referred to the furniture shown on the plans as to the potential number of people that could be on the deck. He said that a buffer of some sort should be taken into consideration. Mr. Ellett responded, stating that in the Zoning Board meeting a fence was discussed and that one of the Board members had commented that the deck would feel like a box. He noted that the Blaus' purchased their house with the current family room addition and deck in place. The new deck will be in the direction away from their house. In regards to shrubs, Mr. Ellett would like to landscape. In his first set of plans, Mr. Ellett had patio pavers that he was asked to remove. He would like to add plantings but since the first meeting, Mr. O'Connor has been asking for things to be removed, so Mr. Ellett has taken those items out of the plans. Mr. Ellett said that looking down from the Blaus' home onto landscaping might help enhance the value of their home.

Mr. O'Connor replied that he did not recall asking for landscaping to be removed. He is not talking about low lying shrubbery, but instead Aphrodite or something that would be tall to allow for screening. Mr. O'Connor said that the Blaus' did buy their home in close proximity but this deck is a significant addition. Ms. Dow asked if the original deck was in existence when the Blaus' purchased their home and Mr. O'Connor replied that it was in existence. Mr. Ellett stated that he would not like to make any changes to

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the shrubbery as he believes that Mr. O'Connor will make him go back through the entire Planning Board process. He is afraid that if he adds anything to the drawing than he will have to go back through the Zoning Board also. Ms. Sullivan explained that the ZBA is only responsible for the set back and that has already been granted. That variance cannot be taken away. The Planning Board is responsible for architecture which includes landscaping, storm water management, the whole look and design. The ZBA is not involved in landscaping.

Mr. O'Connor described the original size of deck and that it would be enlarged to 580 square feet, almost three times the size of the current deck. Mr. Ellett said that was not true and that Mr. O'Connor has not done his due diligence. He could have come to look at the updated plans at Mr. Barusch's office which he has not done. Mr. O'Connor has incorrect facts. The 150 square foot patio has been removed and the deck reduced to 554 square feet. Mr. Ellett said that he was required to turn in a certain number of pictures and drawings, which Mr. O'Connor could have reviewed. Ms. Sullivan asked what the current, pre-existing size of the deck is. Mr. Ellett said it is approximately half the size. Ms. Sullivan looked at the plans and said the current deck is 207 square feet. She verified that the size of the entire new deck would be 554 square feet with no proposed patio. Mr. Ellett replied that is correct.

Mr. Wolfield asked if the new deck will cover the existing patio and Mr. Ellett said that was correct. Mr. Wolfield pointed out that the current patio is 407 square feet and that Mr. Ellett is requesting a total of 554 square feet. There is approximately 150 extra square feet, which is minimal. Mr. O'Connor asked if the current patio is where a dog kennel was once located and Ms. Sullivan replied that it isn't pertinent to this Board.

Ms. Sullivan stated that since this is not a commercial project, the furniture does not need approval. Mr. Wolfield asked Mr. Ellett to confirm the color of the deck. The colors will be brown. Mr. Ellett explained that he will be replacing the siding on his house. There are currently two colors of vinyl siding on the back of the house, due a hail storm from a few years prior. He wants to make the siding on the house the same color. Mr. Ellett has not finalized the color of the house because he wants it all to match. Mr. Wolfield noted on the plans, siding is shown to wrap around the lower portion of the deck rather than lattice. Mr. Ellett replied that the siding will match the rest of the house. Mr. Wolfield asked if the Board needs to approve the house color and Ms. Sullivan replied that since the house is not commercial, then no approval is needed. Mr. Ellett has been waiting on final approval before he decides on colors. He wants to make sure the colors are reflective of the Adirondacks.

Mr. Wolfield made a motion to approve the deck as presented by Mr. Ellett at 10 Scrimshaw Lane with the new square footage of 554 square feet. It will consist of Trex decking, with Trex railings of a brown tone color, the siding area under the deck will be covered with shingle, colored to match the house, when the house is redone.

### 2<sup>nd</sup> MOTION: Patricia Dow

Carol Sullivan	Patricia Dow	Dan Wolfield	Walt Adams
AYE	AYE	AYE	AYE

Aye = 4 Nay = 0 Motion carried

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**June 20, 2018 (CS, PD, DW, DH, WA)**

Patricia Dow made a motion to approve the minutes with changes as noted.

**2<sup>nd</sup> MOTION: Carol Sullivan**

Carol Sullivan	Patricia Dow	Dan Wolfeld	Walt Adams
AYE	AYE	AYE	AYE

Aye = 4 Nay = 0 Motion carried

Respectfully submitted,

Stephanie Fregoe  
Zoning Clerk  
August 20, 2018