

**APPROVED OCTOBER 7, 2009
LAKE GEORGE VILLAGE ZONING BOARD MEETING
SEPTEMBER 2, 2009 - 7:00PM
VILLAGE ADMINISTRATION BUILDING
26 OLD POST ROAD - LAKE GEORGE, NY**

BOARD MEMBERS PRESENT:

Ron Mogren - Chairman, Kevin Merry, Virginia Henry, Dick Butler (alternate)

OTHERS PRESENT:

Doug Frost (Enforcement Officer), Edrie Squires (Minute-taker), Kitty Rooney, Claire Decker, Mary Alice Leary, Sean Doty (Chazen Cos.), Ellen Breslin, Gary Scott.

Chairman Mogren called the meeting to order at 7:02 PM.

TAX MAP: 251.14-3-40

OWNER/APPLICANT: RON VIOLA

3 PINE POINT LANE (IN BACK OF BOARDWALK)

ZONE: COMMERCIAL MIXED USE

AREA VARIANCE APPLICATION # 0945 - review

The owner is seeking relief from the 50 foot shoreline setback requirement for structures. Adirondack Park Agency includes a fence in their definition of structure. The owner is seeking to construct a fence for the entire 50 foot setback (zero setback) and to remove two trees. The fence will run east to west on the shoreline, separating the property owner's property from neighboring properties.

Chairman Mogren asked the applicant to address the Board regarding the variance he is seeking.

Ron Viola explained he is seeking relief from the 50 foot shoreline setback because he has issues regarding privacy and trespassing. He explained tourists from nearby motels walk across his property and at night and he's particularly concerned about an accident. There is one tree which is dead and he'd like to remove that as well as another tree which is right on the property line. He would like to install a solid white, 6 foot high vinyl fence to the shoreline.

The Board has no objection to removing the dead tree. Ron Mogren pointed out the objective of the 50 foot buffer zone is to maintain vegetation not to destroy living vegetation as would be done with the living tree.

The Board discussed other alternatives to the 6 foot high solid white fence. Marine Village has installed a fence to within the 50 foot setback and Ron Viola is looking to extend that fence down to the water's edge. The Board suggested the owner explore the use of vegetation for the purpose of controlling privacy and trespassing. The Board added they would consider allowing a fence from the area where the Marine Village fence ends to the point of the beach area, however, the current proposal is visually obtrusive.

Ron Viola indicated he would plant a new tree and it would be set back away from the fence. He also indicated he would consider using vegetation to hide the fence but felt the fence is necessary to ensure there would not be trespassing (through the bushes). He added a fence will prevent property destruction where shrubbery would not.

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Speaking to Ron Viola, Ron Mogren mentioned the application must be reviewed at a Public Hearing next month and in the meantime the owner can give consideration to what was discussed tonight.

Ron Viola asked if the Public Hearing could be scheduled for November as he will be out of state for the month of October. The Board agreed this was OK.

Motion by Ron Mogren to deem the application complete and to schedule to Public Hearing for November 4, 2009.

Motion second – Ginny Henry.

Kevin Merry – Aye. Dick Butler – Aye.

Motion carried.

Ron Mogren opened the public hearing. At this time Ron observed public representation was only by the Lochlea family (no opposition present).

TAX MAP: 251.11-2-1

OWNER: LOCHLEA PARTNERS LLC

ADDRESS: ROUTE 9N & ENGLISH BROOK RD.

ZONE: SINGLE FAMILY RESIDENTIAL

VARIANCE APPLICATION #0946 – public hearing

As a result of subdivision the owner of the above named property is applying for a stormwater management area variance. Owner is seeking relief from Section 220-59B(b)[6] of the Village Code which requires the capture and infiltration of the first ½ inch of rainfall of the existing impervious surfaces. The proposed stormwater management plan does not capture and infiltrate runoff from approximately one-half acre of existing impervious surface.

Chazen Cos. presented the stormwater issue to the ZBA Board. The project consists of a 13 lot subdivision. Four of the 13 lots are in the Village. Two of the 4 lots in the Village already have homes on them. The proposed stormwater management systems have been designed to capture all runoff from all new development – new home sites and impervious areas. The proposed plans satisfy DEC requirements. Village Code goes beyond what the DEC requires. As a result the first ½ inch of rainfall of the existing impervious surfaces from approximately one-half acre of existing impervious surface cannot be captured and infiltrated. The two proposed homes will have stormwater treatment and will have rain gardens. The site will use rain gardens and stormwater will be piped to the gardens using downspouts. The road will be reshaped and remain gravel. The proposed project as a whole improves stormwater drainage as it exists today.

The Board discussed sources of pollution and the stormwater issue. The Board ultimately agreed that a rain garden could not be installed within the 100 foot setback because of the water table and that the development with the proposed stormwater plan is an improvement. .

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Motion by Ron Mogren to accept the variance as applied for based on the following Fact Finding items.

1. The benefit to the applicant as weighed against the detriment to the health safety and welfare of the neighborhood or community is greater because stormwater management improvements will be installed and the lake will be protected.
2. The variance will not have an undesirable effect on the character of the neighborhood because the cluster design is a good design and stormwater management improvements will be installed.
3. After reviewing other alternatives the Board agreed the benefit sought by the applicant cannot be achieved by some other method.
4. The requested area variance is not substantial when viewed against the stormwater management improvements which will be installed.
5. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood because development is minimal and stormwater management improvements will be installed.
6. The alleged difficulty was not self-created because the area is preexisting.

Motion Second - Dick Butler

Kevin Merry – Aye. Ginny Henry – Aye.

Motion carried.

Motion by Ron Mogren to close the Public Hearing.

Motion Second - Ginny Henry.

Kevin Merry – Aye. Dick Butler – Aye.

Motion carried.

Motion by Ginny Henry to accept the July 1, 2009 minutes.

Motion Second – Ron mogren

Kevin Merry – Aye. Dick Butler – Aye.

Motion carried.

Motion by Dick Butler to close the meeting.

Motion Second – Ron Mogren

Kevin Merry – Aye. Ginny Henry – Aye.

Meeting adjourned.

Respectfully submitted.

Carol Sullivan