

TOWN OF LAKE LUZERNE
ZONING BOARD OF APPEALS
JANUARY 28, 2010

MEMBERS PRESENT: STANLEY GOLDBERG, KATHLEEN HURLEY, ALTERNATE, JAMES MANDLE, DONALD BURNHAM AND DAVID COLLINS. ALSO PRESENT ZEO ALLEN SAHEIM AND LEGAL COUNSEL RUSSELL THARP. HELEN HEDGER ARRIVED AT 7:13PM.

A MOTION TO APPROVE THE MINUTES OF THE DECEMBER 17, 2009 MEETING WAS MADE BY MANDLE, SECONDED BY GOLDBERG WITH A CORRECTION OF ADDING HELEN HEDGER AS AN MEMBER. ROLL CALL VOTE: COLLINS, AYE, GOLDBERG, AYE, BURNHAM, AYE, MANDLE, AYE, HURLEY, AYE.

AGENDA:

**KARI VICKERY-AREA VARIANCE AV09-12 –
PARCEL # 286.8-1-20 RESIDENTIAL RESORT ZONE
LOCATION: 11 GAGE HILL DRIVE**

APPLICANT PROPOSES TO ADD TWO ADDITIONS TO HER DWELLING AND CANNOT MEET MINIMUM RIGHT SIDE YARD SETBACKS OF 25FT AND WILL NEED AREA VARIANCE OF 25FT TO 14.5FT AND LEFT SIDE YARD SETBACK OF 25FT AND WILL NEED AN AREA VARIANCE FROM 25FT TO 3FT.

SECRETARY READ THE PUBLIC HEARING LEGAL NOTICE AND PUBLIC HEARING OPENED AT 7:28PM.

CHAIRMAN GOLDBERG QUESTIONED THE CURRENT INFORMATION PRESENTED VERSUS THE INFORMATION IN THE LEGAL NOTICE, ZEO SAHEIM INFORMED HIM THAT THERE HAS BEEN A REVISION TO THE ORIGINAL APPLICATION AND THE INFORMATION PRESENTED AS "TAKE THREE" WAS THE CORRECT AND CURRENT INFORMATION.

ZEO SAHEIM-THERE IS NO RIGHT SIDE VARIANCE BEING ASKED FOR, JUST LEFT SIDE VARIANCE BEING ASKED FOR FROM 25FT TO 7.2FT.

COLLINS – WERE THE THIRD REVISION AND NEW DEMENSIONS PUT OUT TO THE PUBLIC AND IF NOT WILL THERE BE AN ISSUE WITH THAT.

LEGAL COUNSEL THARP – THERE IS NO PROBLEM AS THE APPLICANT IS REQUESTING LESS OF A VARIANCE, IF IT WAS THE OTHER WAY ASKING FOR MORE, THEN YES, IT WOULD HAVE TO BE RE-PUBLISHED.

****A LETTER FROM MR. & MRS. LEWIS IN SUPPORT OF THE PROJECT WAS ADDED TO THE RECORD

PAUL SOKOL – QUEENSBURY – BUILDER AND FRIEND
I SPENT TIME WITH JESS AND REVIEWED THE ORIGINAL PLANS AND I FELT THEY WERE NOT WELL DONE AND HELPED DESIGN BETTER PLANS. THERE IS A 20FT CUSHION OF NO MANS LAND ON THE LEFT SIDE, NOT OWNED BY VICKERY, THE TOWN OR ANYONE, THIS IS A PAPER STREET, PLEASE TAKE THAT INTO CONSIDERATION.

VICKERY – WE ARE ALSO WORKING WITH JOE FUERST, ALL POINT LAND SURVEY.

DAVID AVIGDOR – REPRESENTING ANN AND MARY ANN BAGAN, OWNERS ON THE OTHER SIDE OF THE 20FT PAPER STREET. WE OBJECT, THE AREA VARIANCE, IT IS TOO SUBSTANTIAL AND THE APPLICATION FAILS TO ESTABLISH WHAT IT NEEDS TO RECEIVE AN AREA VARIANCE.

LEGAL COUNSEL THARP – HOW CLOSE IS YOUR CLIENT'S PROPERTY LINE FROM THE 20 FT STRIP?

DAVID AVIGDOR – THEY ARE 18FT FROM THE PAPER STREET ON THE END CLOSER TO GAGE HILL DRIVE AND 21.5 FT AT THE EAST END.

MANDLE – IS YOUR CLIENT AND EVERYONE IN AGREEMENT THAT NO ONE OWNS THIS 20FT STRIP?

DAVID AVIGDOR – NO, WE ARE INVESTIGATING THIS, THEREFORE CANNOT ANSWER THAT NOW.

CHAIRMAN GOLDBERG – WHEN THE BAGAN’S RECEIVED A VARIANCE IN 1994 WAS THIS A PAPER ROAD?

ZEO SAHEIM – YES.

LEGAL COUNSEL THARP – MOST IMPORTANT IMPACT IS ON THE LEFT, USE AS CONSIDERATION.

CHAIRMAN GOLDBERG – CURRENTLY THE HOUSE IS 46 FT FROM THE NEIGHBORS HOUSE, IF BUILT IT WOULD BE 33.5 FT, NO WAY TO DO THIS OTHER THAN A VARIANCE.

PAUL SOKOL – WE ARE WELL AWARE THAT THERE IS MORE FOOTAGE FOR THE ADDITION ON THE OTHER SIDE BUT IT ISN’T FINANCIALLY FEASIBLE DUE TO THE AMOUNT OF EXCAVATION THAT WOULD HAVE TO BE DONE.

CHAIRMAN GOLDBERG – SO IF YOU ADD ON ON THE LEWIS’ SIDE IT WOULD DOUBLE THE COST FOR THE SAME SQUARE FOOTAGE?

PAUL SOKOL – YES.

ZEO SAHEIM – READ LETTER FROM THE LEWIS’S IN SUPPORT OF WHICH EVER SIDE THEY CHOOSE TO ADD ON TO.

BURNHAM – BETWEEN THE LEWIS’S AND BAGAN’S, ARE THEY FULL TIME RESIDENCE?

VICKERI – THE LEWIS’S GO TO FLORIDA IN THE WINTER.

BAGAN – WHEN I WALK OUT ON THE PORCH ALL I SEE IS VICKERI’S STAIRWAY, MY CONCERN IS THAT IF THEY ADD ON MY SIDE, ALL I WILL SEE IS A WALL.

ZEO SAHEIM – THIS IS A TYPE 2 SEQRA, NO FURTHER ACTION AND THE PLANNING BOARD MADE A POSITIVE RECOMMENDATION.

A MOTION TO CLASSIFY AS TYPE 2 SEQRA WITH NO FURTHER ACTION WAS MADE BY BURNHAM, SECONDED BY GOLDBERG. ROLL CALL VOTE: COLLINS, AYE, GOLDBERG, AYE, BURNHAM, AYE, MANDLE, AYE, HEDGER, AYE. MOTION CARRIED.

PUBLIC HEARING CLOSED AT 8:20 PM.

A MOTION TO APPROVE VARIANCE WITH THE CONDITION THAT WINDOWS BE AT HIGHEST POINT AND SCHRUBBS BE 8 FT HEMLOCK EVERGREEN WAS NOT CARRIED AS THERE WAS NO SECOND TO THE MOTION.

A MOTION TO APPROVE VARIANCE WITH THE CONDITION THAT ADJUSTMENT BE MADE TO CONFORM WITH THE NEIGHBORS ADDITION WITH 8FT HIGH BARRIER WAS MADE BY MANDLE, SECONDED BY BURNHAM. ROLL CALL VOTE: COLLINS, AYE, GOLDBERG, AYE, BURNHAM, AYE, MANDLE, AYE, HEDGER, AYE. MOTION CARRIED.

BOARD BUSINESS:

THE BOARD TALKED ABOUT TRAINING, ALL TRAINING PACKETS ARE DUE IN MAY.

WITH NO FURTHER BUSINESS, A MOTION TO ADJOURN WAS MADE BY COLLINS, SECONDED BY MANDLE. ROLL CALL VOTE: COLLINS, AYE, GOLDBERG, AYE, BURNHAM, AYE, MANDLE, AYE, HEDGER, AYE. MOTION CARRIED.

RESPECTFULLY SUBMITTED,

LORRI HOLCOMB
SECRETARY