

TOWN OF LAKE LUZERNE
ZONING BOARD OF APPEALS
JANUARY 9, 2014

MEMBERS PRESENT: HELEN HEDGER, JAMES MOELLER, ANNIE MCMAHON, JOHN PLANTIER AND MARK MAYHEW.

NO ZONING OFFICER OR LEGAL COUNSEL DUE TO ILLNESS.

MAYHEW OPENED THE MEETING AS ACTING CHAIRMAN AND EXPLAINED THE ROLL OF THE ZONING BOARD OF APPEALS.

A MOTION BY MAYHEW, SECONDED BY MOELLER TO HAVE DISCUSSION AND TAKE A VOTE AS TO WHETHER TO PROCEED WITHOUT THE ZONING OFFICER AND TOWN ATTORNEY. ROLL CALL VOTE: PLANTIER, AYE, HEDGER, AYE, MAYHEW, AYE, MOELLER, AYE, MCMAHON, AYE. MOTION CARRIED.

AGENDA:

WILLIAM AND KAREN DEJOY-AREA VARIANCE

THE APPLICATION HAS ALREADY BEEN ACCEPTED, PUBLIC HEARING WAS SET TO TAKE PLACE AT THIS MEETING, DISCUSSED GOING AHEAD WITH PUBLIC HEARING BUT TO TABLE ANY MOTIONS UNTIL NEXT MEETING.

A MOTION BY MOELLER, SECONDED BY MCMAHON TO PROCEED WITH MEETING AND PUBLIC HEARING AND TO TABLE MOTIONS UNTIL NEXT MEETING. ROLL CALL VOTE: PLANTIER, AYE, HEDGER, AYE, MAYHEW, AYE, MOELLER, AYE, MCMAHON, AYE. MOTION CARRIED.

MAYHEW OPENED PUBLIC HEARING AT 7:48 AND READ THE AREA VARIANCE REQUEST AND THE LETTER THE ZEO WROTE BACK TO THE APPLICANT. (AVAILABLE IN THE ZONING OFFICE) PROPERTY OWNERS NOTIFIED OF THE PUBLIC HEARING WERE AS FOLLOWS: COLLIS, RANDALL, HOLY MOTHER AND CHILD PARISH, HIGGINBOTHAM, REITER, HART, WEINSTEIN, GRIFFITHS, PATRICK, TRICKEY, PRESSMAN, PINE ILL ASSOC., SEABAR LLC, SCIANCALEPORE, MILLER, ROBBINS, KAYE, DARCY, STRATICO, MOORE, HADLEY LUZERNE CSD, THEOBALD, BAGAN, FREEDMAN, STILE, SCHMID, BECHARD, STESKET, SIVER, CATALDI, CIRILLO, WHELAN, BRUNO.

LETTER FROM NANCY AND AL MILLER, 15 TOMAHAWK DRIVE,
ADDRESSED TO ZEO, SAHEIM
IN REFERENCE TO PARCEL 298.11-2-15

I AM WRITING IN RESPONSE TO THE NOTIFICATION FOR AN AREA VARIANCE FOR A RETAINING WALL IDENTIFIED AS A STRUCTURE AT 13 TOMAHAWK DRIVE AV13-4 DURING 2013 THIS PROPERTY WAS RENOVATED IN A WAY THAT IS STRUCTURALLY PLEASING TO THE SURROUNDING NEIGHBORS, THE OWNER WENT BEYOND REASONABLE CARE WHEN BY SELECTING, PURCHASING AND INSTALLING QUALITY MATERIALS INCLUDING SPECIALLY CRAFTED HANDRAILS, DETAILED WOODWORK AND MANY INTERESTING AND CUSTOMER MILLWORK ITEMS BOTH INTERIOR AND EXTERIOR. THE AREA IN QUESTION ALSO INCLUDES SOPME DETAILS COMPLEMENTING THE EXTERIOR REAR AND SIDE DECKS, THE PREVIOUSLY EXISTING RETAINING WALL WAS REPLACED WITH NEW PRESSURE TREATED TIMBERS AND EXPANDED TO INCREASE SAFE OFFROAD PARKING AND PASSAGE OF VEHICLES. THE CONSTRUCTION OF THE WALL IS INDEED FOR RETAINING PURPOSES SINCE THE CONTOUR OF THE LAND

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DEMANDS IT. THE STONE MATERIALS USED AS BASE OF PARKING AREA PROVIDES DRAINAGE FOR ROADWAY RUNOFF, INFAC T RAIN RUNOFF HAS IMPROVED OUR ROAD CONDITION. AS A NEIGHBOR THE IMPROVEMENTS TO HOME BENEFIT US AND OTHER SURROUNDING HOMES. IN REGARDS TO MR. ROBBINS SITUATION, THE LOCATION OF HIS HOME IS AT A LOWER ELAVATION ADJACENT TO THE RETAINING WALL AND THEREFORE DOESN'T NOT SHARE MY OPINION REGARDING THE ESTHETICS. I RESPECT MR. ROBBINS CONCERNS REGARDING WATER RUNOFF AND VIEW PRESSURE TREATED TIMBER NEAR HIS WINDOW, HOWEVER THE DEJOY'S ALREADY REMOVED THE EXTERIOR STAIRS THAT HAD BEEN ADDED TO THE AREA, PLANTED A SIZABLE BLUE SPRUCE TREE AND PLANTED VINES ON LATTICE INSTALLED TO IMPROVE THE APPEARANCE IN THE LOWER VIEW POINT. THE IMPROVEMENTS WERE DONE BY THE DEJOYS TO RECTIFY THE ESTHETIC ISSUES VOICED BY MR. ROBBINS. PERHAP APPLYING A DARK STAIN TO THE PRESSURE TREATED MATERIAL ON THE BACK SIDE WOULD VISUALLY SOFTEN THE APPEARANCE AND MATCH THE TONE OF THE LOG CABIN ADJACENT. REGARDING PROPERTIES ON THE LOWER SIDE OF THE PARKING AREA INCLUDING MR. ROBBINS I FEEL THE WATER RUN OFF ISSUE WAS INPART CREATED WHEN THE LOWER DRIVEWAY TO THEIR HOME HAD TRUCK LOADS OF RUBBEL INCLUDED WITHOUT A PROPER RIFRAF DRAINAGE SWAIL TO PREVENT RUN OFF PROBLEMS. INFAC T WE WITNESSED THE TOP ROAD INFRONT OF THE ROBBINS RESIDENCE IS PONDING WATER BECAUSE OF THE NEW RUBBEL CREATING A DAM HOLDING THE WATER. ADDITIONALLY LAST SUMMER/FALL THE NEIGHBORS HAD LARGE TREES REMOVED IN THAT AREA WHICH MAY HAVE BEEN A FACTOR IN INCREASING THE RUN OFF. HOWEVER IN FRONT OF THE DEJOY PARKING AREA ALL WATER WAS ABSORBED IN THE STONE AS INTENDED WITH THEIR MODIFICATIONS. IN CONCLUSION, I SUGGEST CONSIDERING THE RETAINING WALL AS ONLY THAT AND ELIMINIATING THE NEED FOR A VARIANCE, SINCE I DO NOT BELIEVE IT IS A STRUCTURE. REMOVING 7 +/- FEET WILL WEAKEN THE STRUCTURAL INTEGRITY OF THE RETAINING WALL AND IN THE LONG TERM COULD CREATVE MOVE OF A HARDSHIP FOR THE DEJOY'S AND ADJOINING NEIGHBORS. I ALSO RECOMMEND PERIODIC ADDITION OF DRAINAGE STONE IN THE PARKING AREA. A SWAIL BETWEEN THE PROPERTIES COMPLETION OF THE WORK TO BE NEWLY INSTALLED RUBBLE ROADWAY TO ALLOW PROPER DRAINAGE AND OR ANY OTHER ENGINEERED APPROACH THAT WOULD ASSURE PROPER CONTAINMENT OF THE WATER AND RUN OFF . IF A VARIANCE IS MANDATED WE ARE IN FAVOR OF GRANTING IT. WE FEEL CONFIDENT THAT THE DEJOYS WILL CONTINUE TO ADDRESS CONCERNS AND MAINTAIN EXCEPTIONAL WORK THAT WAS DONE TO THEIR HOME AND PROPERTY.

AL, & NANC Y MILLER.

MR. DEJOY – READ LETTER FROM ROBERT FRIEDMAN 2 COLONY DRIVE.

DEAR MR. DEJOY, PLEASE ACCEPT THIS NOTE AS MY STATEMENT REGARDING THE PARKING AREA THAT YOU AND YOUR WIFE PUT IN LAST YEAR I DO NOT FIND IT INTRUSIVE OR AN EYE SORE, IT CERTAINLY HAS NOT HURT THE VALUE OF THE NEIGHBORHOOD BY PUTTING IT IN HOPEFULLY OTHER NEIGHBORS IN THE COLONLY WILL ALSO SUPPORT YOUR DECISION AND YOU WILL BE ABLE TO ADD THIS LETTER TO OTHERS OF SUPPORT YOU RECEIVED. SINCERELY, ROBERT FRIEDMAN.

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MR. DEJOY – READ A LETTER FROM THE EDELSON’S – 23 COLONY DRIVE – DIRECTLY BELOW OURS TO WHOM IT MAY CONCERN REGARDING THE PROPERTY OF BILL AND KAREN DEJOY IN PINE HILL COLONY IN LAKE LUZERNE, WE HAVE NO OBJECTIONS TO LEAVING THE CONSTRUCTION IN THE PARKING AREA OR TO ANY OTHER IMPROVEMENTS THEY HAVE MADE TO THEIR HOME AND LAND. OUR PROPERTY BORDERS THE DEJOYS DOWN THE HILL TO THE SOUTH TOWARDS THE LAKE AT 23 COLONY DRIVE AND WE HAVE NOT BEEN INCONVENIENCED OR AFFECTED IN ANY ADVERSE WAY BY THE CHANGES THEY HAVE MADE. IN GENERAL YOU WOULD CONSIDER THE INTERIOR AND EXTERIOR RENOVATIONS THEY HAVE UNDERTAKEN TO BE A SIGNIFICANT IMPROVEMENT NOT ONLY TO THEIR PROPERTY BUT TO THE SURROUNDING AREA AS WELL, FROM OUR PROSPECTIVE THESE IMPROVEMENTS WILL ENHANCE NEIGHBORING QUALITY AND VALUE OF PROPERTY. SINCERELY, BARRY AND MADELYN EDELSON.

BRUCE ROBBINS – WE OWN THE PROPERTY DISCUSSED NEXT TO THE DEJOYS – PERTAINING TO THE FACT OF THE RENOVATIONS AND THE WAY IT WAS DONE, WE HAVE ALL BEEN IN AGREEMENT THEY WERE DONE VERY WELL. THE QUESTION THAT COMES UP IS THE FACT THAT IT WAS BUILT WITHOUT A PERMIT, NEVER ASKED FOR A VARIANCE, SHOULD HAVE GONE THROUGH SITE PLAN REVIEW, NEVER HAPPENED. HAD THAT HAPPENED, WE COULD HAVE ADDRESSED THE ISSUES OF THE PROXIMITY TO THE PROPERTY. WHERE MR DEJOY IS COMING FROM IT IS THE FACT THAT IT IS ALREADY THERE, AFTER THE FACT AND WE ARE BEING ASKED TO ACCEPT IT, IT HAS CAUSED DAMAGE TO OUR PROPERTY AND WE HAVE JUST FINISHED SOME OF THE REPAIRS THAT ARE IN EXCESS OF \$4500 FOR PUTTING IN FRENCH DRAIN ALONG BACK OF THE HOUSE, REPAIRS NECESSARY ALONG A 3FT WALL IN OUR BASEMENT IN ORDER TO KEEP THE DIRT OUT, WE HAD AN INCH OF MUD IN OUR PLAYROOM FROM WATER THAT COMES DOWN OVER THE HILL, DOESN’T HAPPEN ALL THE TIME BUT ON OCCASION. WE ALSO REPAIRED DAMAGED EROSION AROUND BASEMENT, IT WAS WASHING DIRT AWAY FROM PILLARS THAT HOLD THE BUILDING UP. THE TOTAL OF THIS INCLUDING REMOVAL OF DEBRIS HAS COME TO \$4400 WHICH IS SOMETHING WE SHOULD HAVE NOT HAD TO ADDRESS AND IT WAS ALL DONE BECAUSE OF THE HYDROLOGIC ISSUE. ON THE LEFT IT CAME DOWN THROUGH OUR BASEMENT AND OUT THROUGH THE PLAYROOM. IT HAS DIVERTED WATER AND SHOULD NOT HAVE HAPPENED PLUS THE FACT IT WAS BUILT WITHOUT GETTING A PERMIT. IT WAS BUILT WITHOUT ASKING US FOR A VARIANCE. I DO BELIEVE NOT ONLY THE TOWN IS BEING TAKEN ADVANTAGE OF WHETHER THE BUILDER OR BILL DID IT, I DON’T KNOW BUT THE RESPONSIBILITY CERTAINLY DOESN’T LIE WITH US AND ALL I AM ASKING THE TOWN TO DO IS RESPECT WHAT WE HAVE, RIGHT NOW I HAVE A PARKING AREA THAT IS 4FT FROM THE CORNER OF MY HOUSE. (MR. ROBBINS READ THE FOLLOWING: PERTAINING TO THE DEJOY PROPERTY IN P.H.C. AND T. OF L SET BACK ORDINANCES. THE ORDINANCES ARE SET FORTH FOR THE GOOD OF THE RESIDENTS AND PROPERTY OWNERS AND THE TOWN OVERALL. THE REMODELING AND NEW CONSTRUCTION OF A PROPERTY OR BUILDING, SHOULD HAVE NO NEGATIVE EFFECT ON A NEIGHBOR. THE CONSTRUCTION OF THE PARKING STRUCTURE IS BY FAR BEYOND THE SETBACK AND HEIGHT ORDINANCES DICTATED BY THE T.O.L. IT IS TOO HIGH, TOO CLOSE AND IS INTRUSIVE TO SAY THE LEAST. FOUR FEET FROM THE CORNER OF MY HOUSE IS WITHOUT A DOUBT WRONG. WE HAVE TAKEN MEASURES TO DIVERT AND CORRECT THE HYDROLOGIC DAMAGES CAUSED BY THIS STRUCTURE

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HOPEFULLY BEFORE IT CAUSED IRREVERSABLE DAMAGE. THE COST OUT OF OUR POCKET THUS FAR EXCEEDS (5k \$). HAD THE PROPER CHANNELS BEEN TAKEN BY THE OWNER AND BUILDER THIS QUESTION OF "CAN WE DO THIS" WOULD HAVE BEEN ADDRESSED. NOW IT IS AFTER THE FACT AND WE ARE BEING ASKED TO LIVE WITH IT. I WILL NOT, NOR DO I BELIEVE WE SHOULD BE ASKED TO. IT IS A DETRIMENT TO THE PROPERTY VALUE, AS WELL AS SAFETY. (IF A CAR WAS TO VEER OFF OF IT, IT WOULD END UP IN MY BED. TOWN ORDINANCES ARE PUT IN PLACE FOR REASONS SUCH AS THIS.

MAYHEW – PRIOR MAKING RENOVATIONS TO THE PARKING AREA, DID YOU HAVE ANY WATER ISSUES IN YOUR BASEMENT AREA BEFORE?

MR. ROBBINS – NO, THE ONLY TIME WE HAD A WATER ISSUE WAS IF SOMEONE PILED SNOW UP ON TOP OF THE HILL THEN WE WOULD GET THE RUN OFF, THAT IS THE ONLY TIME WE HAD AN ISSUE. THERE WAS A NATURAL SWAIL THAT CAME DOWN BETWEEN THE TWO BUILDINGS AND IT ALWAYS PRETTY MUCH COMPENSATED FOR WHATEVER WAS HAPPENING. AS WE DISCUSSED BEFORE, WEATHER PATTERNS HAVE CHANGED.

MAYHEW – DID YOU TAKE ANY PICTURES OF THE WASHOUT OF THE STRUCTURAL POSTS?

MR. ROBBINS – YES.

MAYHEW WILL CHECK WITH ZEO TO MAKE SURE HE HAS PICTURES IN FILE.

SUZANNE ROBBINS – HAD THE CAMP SINCE 1955. OUR PROBLEM HAS NOTHING TO DO THE ARCHITECTUALLY WHAT THEY DID, EVERYTHING IS BEAUTIFUL, THAT ISN'T OUR CONCERN. EVERYONE IS STATING WHAT AN IMPROVEMENT AND IT IS. IN MAY WHEN WE RETURNED TO LUZERNE WE WERE VERY SURPRISED TO SEE A PARKING LOT CONSTRUCTED SO CLOSE TO OUR CABIN. THIS PARKING STRUCTURE CAN HOLD FIVE CARS AND IS FOUR FEET FROM OUR BEDROOM. I WENT OVER TO SPEAK TO MR. & MRS. DEJOY ASKING WHAT HAPPENED OVER THE WINTER AND WHY WERE WER NEVER INFORMED. MR. DEJOY TOLD ME HE KNEW WHEN SOMEONE SAW THIS PARKING SITUATION SOMEONE WOULD NOT BE VERY HAPPY. I TOLD HIM I WAS FAR FROM HAPPY AND DID HE REALIZE HOW CLOSE IT WAS TO THE PROPERTY BORDER AND OUR BEDROOM. IN MAY THE WATER ISSUE WAS VERY EVIDENT ALREADY UNDER OUR CABIN AND A CULVERT WAS FORMING ALONG THE SIDE OF THE PARKING STRUCTURE AND DOWN THE SIDE AND UNDER OUR CABIN. THIS CULVER GROWS DEEPER WITH EACH RAIN. WE NEVER HAD THIS PROBLEM BEFORE BECAUSE THE SPACE BETWEEN THE PREVIOUS PARKING AREA AND OUR CABIN ALLOWED FOR WATER TO RUN DOWN A NATRUAL PATH OF 9-10 FOOT AREA POSING NO PROBLEM TO EITHER CABIN.

IMPACTS FROM THIS PARKING STRUCTURE ARE 1, THE FINANCIAL HARDSHIP THAT HAS BEEN PLACED ON THE NEIGHBOR DUE TO EROSION, 2. SAFETY AND GENERAL WELFARE TO THEIR NEIGHBOR, 3. EFFECT ON THE NATURAL WATER FLOW OF THE LAND. IT IS DANGEROUS TO US BEING FOUR FEET FROM OUR BEDROOM. IF SOMEONE LOOSES CONTROL OF THEIR VEHICLE THERE IS A GOOD CHANCE IT WILL BE IN OUR CABIN. I BELIEVE OUR PROPERTY VALUE WILL NOW BE HINDERED IF THIS PARKING

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STRUCTURE IS ALLOWED WITHOUT THE PROPER SET BACKS. IT IS UNLAWFUL TO CHANGE THE NATURAL FLOW OF WATER AND DIVERT IT ONTO SOMEONE ELSE'S PROPERTY.

MAYHEW – THE CULVERT IS PRODUCED BY RUNNING WATER OPPOSED TO A CONTRACTOR PUTTING IT THERE?

MRS. ROBBINS – WHEN IT WAS A PARKING AREA THE WATER RAN BETWEEN THE TWO HOUSES, NO IT CANNOT DO THAT.

BRUCE ROBBINS JR – I HAVE BEEN FILLED IN OVER THE PAST MONTHS, VERY FAMILIAR WITH THE COLONY. MR. DEJOYS PROJECT IS NICE. I DID NOTICE THE SAFETY ISSUE MORE THAN ANYTHING ELSE WITH THE PROXIMITY TO OUR HOME. THE EROSION ISSUE, WATER FLOW ISSUE ARE HITTING ALL ZONING BOARDS. THE PROJECT WAS NOT PROPERTY ENGINEERED. I HOPE A PROPER RESOLUTION WILL OCCUR, SAFETY IS FIRST.

MR. DEJOY – I HAVE BEEN IN FRONT OF THE BOARD TALKED ABOUT THE ISSUE OF THE PERMIT AND THE FACT THAT I ASKED IF I REQUIRED A PERMIT BY MR. SAHEIM AND WAS TOLD NO, IT IS A PARKING AREA, RETAINING WALL, AND DO NOT NEED A PERMIT. WE HAVE BEEN THROUGH THAT AND IT IS ON PUBLIC RECORD FROM PREVIOUS MEETINGS. I AM IN CONTACT WITH AN ENGINEERING FIRM OUT OF GLENS FALLS TRYING TO PUT AN ASSESSMENT IN PLACE SO THAT THEY CAN TELL ME WHAT NEEDS TO BE DONE TO RECTIFY ANY KIND OF WATER SITUATION, THEY WERE NOT ABLE TO WORK WITH ME FOR THIS MEETING. I AM ACTIVELY TRYING TO GET PEOPLE TO ASSESS THE STRUCTURAL INTEGRITY BECAUSE THAT IS ONE OF THE QUESTIONS FROM THE BOARD AND AM ALSO TRYING TO WORK WITH THEM TO DO AN ASSESSMENT OF THE WATER FLOW AND WHAT KIND OF PROPER ENGINEERING CAN BE DONE AND THEY COULD DESIGN SOMETHING TO HELP WITH THE WATER FLOW. HOPEFULLY THIS WILL BE DONE BY NEXT MONTH AND I WILL HAVE SOMETHING FOR YOU. IN TERMS OF THE DAMAGE DONE TO ROBBIN'S HOME, I CAN APPRECIATE THE FRUSTRATION WITH THAT, I AM CONCERNED THAT THERE WAS ALREADY AROUND THE STRUCTURE OF THEIR HOME, ISSUES, WHICH I HAVE PHOTOS OF WHERE YOU CAN SEE A LARGE CUT OUT ALREADY FROM NOT HAVING GUTTERS ON THE HOME AND OUR NEIGHBOR WHO IS ON THE OTHER SIDE, TOOK OUT A VERY LARGE TREE, NEITHER THE ROBBINS OR MY TREE THAT DID FORM A CANOPY. IT WAS ON THE ROBBINS SIDE UP HILL ON THE EDGE OF THE ROAD. IT COVERED A LOT OF SPACE TOWARDS THEIR HOME.

MAYHEW – ON LANDS OF KAY IS WHERE THE TREE WAS.

MR. DEJOY – I DON'T NEED TO GO INTO ANY DETAIL, I HAVE PHOTOS OF THE HOME WITH NO GUTTERS, NOW THAT AREA OF THE HOME IS BEING IMPACTED BY THE WATER FROM THE TREE THAT IS NOT THERE AND THE STORMS WE HAVE HAD THAT THEY ARE TALKING ABOUT WERE NOT OUR NORMAL STORMS HISTORICALLY.

BOARD REVIEWED PICTURES.

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MAYHEW – HAVE OTHER QUESTIONS, DON'T REALLY KNOW HOW TO PHRASE THEM, I WISH THE ATTORNEY WERE HERE

MRS. ROBBINS – IT HAS NEVER HAD GUTTER.

MR. ROBBINS – YES IT DID, I TOOK THEM OFF ABOUT 30 YEARS AGO. THE WATER WAS RUNNING OFF AND GETTING A LOT OF SPLASH BACK SO I PUT STONE IN THERE AND A PIECE OF FLASHING ALONG THERE BUT NOW THE WATER COMES DOWN THROUGH THE BASEMENT, AS FAR AS THE TREE, IT IS WAY UP, IT WASHED AWAY SOME OF THE ROAD COMING DOWN THE HILL.

MR. DEJOY – WE DUG A SWAIL ALONG THE SIDE SO THAT THE WATER WOULD RUN BETWEEN THE PROPERTIES.

MAYHEW – YOU STATED PREVIOUSLY THAT THERE WAS A NATURAL SWAIL THERE AT ONE TIME.

MR. ROBBINS – EXPLAINED HOW IT WAS, SHOWING PICTURES. IT COMES DOWN THE HILL AND GOES BOTH WAYS. IT WAS LIKE A LAKE WITH THE DOWN POUR WE HAD, IT DOESN'T HAPPEN EVERY TIME.

MAYHEW – YOU SAID YOU ARE RETAINING AN ENGINEER, THAT ALL CHANGES EVERYTHING AS FAR AS I AM CONCERNED. I WISH ZEO WERE HERE TO SAY WHAT THE NEXT MOVE WOULD BE BUT IF YOU ARE GOING TO RETAIN THEM AND HAVE THEM COME UP WITH A PROPOSAL, THAT PROBABLY SHOULD BE ENTERED INTO A NEW OR REVISED APPLICATION. WE CAN RULE ON THE APPLICATION AS IT'S PRESENTED, WE VOTED WE ARE NOT GOING TO MAKE THAT DETERMINATION AT THIS MEETING WITHOUT THE ZONING OFFICER OR TOWN ATTORNEY BUT I THINK THAT IS REALLY IMPORTANT INFORMATION AND FINDINGS THAT YOU ARE GOING TO BE PAYING FOR AND SHOULD BE PRESENTED TO THIS BOARD, UNLESS YOU WANT US TO RULE ON THE APPLICATION AS SUBMITTED. I GUESS THE CALL IS YOURS AS TO WHAT YOU WANT TO DO BUT YOU MAY WANT TO EITHER RESUBMIT ANOTHER APPLICATION WITH NEW FINDINGS OR INFORMATION PER YOU PROFESSIONAL ENGINEER OR WHOMEVER YOU ARE HIRING TO LOOK AT THIS SITUATION BECAUSE IT WOULD POTENTIALLY HAVE NEW LIGHT ON THE SITUATION AND THE BOARD WOULD LOOK AT THAT AND WOULD LOOK AT IT MORE HIGHLY CREDIBLE THAN LETTERS FROM NEIGHBORS – IF THEY ARE POSITIVE THAT IS GREAT, BUT THE ONLY ONES I NEED TO SEE ARE THE NEGITIVE ONES WHEN LOOKING FOR AN AREA VARIANCE.

MR. DEJOY – I KNOW MR. ROBBINS SAID THAT I NEED TO ADDRESS THE ISSUE OF SAFETY, THE ENGINEER IS GOING TO ADDRESS THAT AND I AM GOING TO RETAIN AN ATTORNEY AS WELL AND ASK THAT I BE ALLOWED TO GET THIS ASSESSMENT DONE AND RESUBMIT AN AREA VARIANCE. I AM NOT ASHAMED TO ADMIT THAT AT THIS POINT IT HAS GOTTEN BEYOND THE SCOPE OF WHAT I CAN HANDLE AND IS WHY I AM GETTING AN ATTORNEY, NOT BECAUSE I THINK YOU ARE DOING ANYTHING INAPPROPRIATE TO ME, IT IS BEYOND THE SCOPE OF WHAT I UNDERSTAND.

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MAYHEW - AT THIS POINT WE WILL CLOSE THE PUBLIC HEARING AND I WILL LEAVE IT UP TO YOU AS TO LABELING DECISIONS UNTIL THE NEXT BOARD MEETING ON THIS PARTICULAR APPLICATION UNLESS YOU RECIND IT . YOU HAVE TO BE ON RECORD SAYING YOU WILL SUBMIT A NEW AREA VARIANCE AT A FUTURE DATE BECAUSE AS SOME POINT IT HAS TO BE TAKEN CARE OF IT IS NOT CONFORMING TO THE CODES OF THE TOWN.

DEJOY – I WITHDRAW THE AREA VARIANCE FOR THE RECORD. THIS IS THE PART WHERE I NEED AN ATTORNEY BUT SINCE THIS IS BEING RECORDED ON RECORD, MY THOUGHT PROCESS IS THAT WHEN THIS WAS CONSTRUCTED, AND I WAS TOLD IT WAS A RETAINING WALL, I WAS USING MY CONTRACTOR, WHO’S GRANDFATHER WAS A FORMER DIRECTOR OF THE BOARD AND ACCORDING THE CONVERSATION BETWEEN THE CONTRACTOR AND HIS GRANDFATHER, HISTORICALLY THIS HAS ONLY EVER BEEN A RETAINING WALL IN THE TOWN OF LAKE LUZERNE SO IT WAS BUILT UNDER THOSE PREMISES. THE ROBBINS HOME AT ONE POINT IS A FOOT AND A HALF FROM MY PROPERTY LINE, I CAN’T DO ANYTHING ABOUT THAT BECAUSE IT WAS DONE BEFORE CODE SETBACK WERE DESIGNED, IT SEEMS TO ME THAT THIS PARKING AREA IS THE SAME THING, IT WAS DESIGNED AND BUILT BEFORE THERE WAS ANYTHING IN THE BOOKS ON THIS BEING A STRUCTURE VS. A PARKING AREA WITH A RETAINING WALL WHICH TO MY KNOWLEDGE AND THE WAY I AM THINKING SHOULD ALSO BE LOOKED AT FOR ALL THINGS GOING FORWARD, NOT BACKWARDS. FOR THE RECORD, THIS IS ALSO WHY I AM RETAINING AN ATTORNEY.

MAYHEW – ONE OF THEKEY THINGS YOU WILL WANT TO SHOW THE ATTORNEY IS HOW IT IS CLASSIFIED AND THE FACT THAT THERE IS SOME SORT OF STRUCTURE ON TOP OF THE RETAINING WALL AND HOW CURRENT CODES ARE READ. THAT WOULD BE MY SUGGESTION TO YOU AS TO WHAT YOU SHOW AND TELL THE ATTORNEY.

A MOTION TO ACCEPT THE MINUTES OF THE NOVEMBER MEETING WAS MADE BY MAYHEW, SECONDED BY HEDGER. ROLL CALL VOTE: PLANTIER, ABSTAINED, HEDGER, AYE, MAYHEW, AYE, MOELLER, AYE, MCMAHON, ABSTAINED.

A MOTION TO ACCEPT THE MINUTES OF THE DECEMBER MEETING WAS MADE BY MAYHEW, SECONDED BY MCMAHON. ROLL CALL VOTE: PLANTIER, ABSTAINED, HEDGER, AYE, MAYHEW, AYE, MOELLER, AYE, MCMAHON, AYE.

WITH NO FURTHER BUSINESS A MOTION TO ADJOURN WAS MADE BY MAYHEW, SECONDED BY MOELLER. ALL IN FAVOR.

RESPECTFULLY SUBMITTED,

LORRI HOLCOMB
SECRETARY.