

TOWN OF LAKE LUZERNE
ZONING BOARD OF APPEALS
MARCH 13, 2014
7:00 PM

MEMBERS PRESENT: HELEN HEDGER, MARK MAYHEW, JAMIE MOELLER, ANNIE MCMAHON, AND JOHN PLANTIER. ALSO PRESENT: ZEO, ALLEN SAHEIM.

A MOTION BY HEDGER, SECONDED BY MOELLER TO APPOINT MAYHEW AS ACTING CHAIRMAN FOR THIS MEETING. ALL IN FAVOR.

AGENDA:

SHANAHAN VARIANCE - AGENT MIKE BOLLINGER

APPLICANT REVIEW – APPLICATION NEEDS TO BE REVISED TO SAY 12 FT FROM REAR SETBACK BECAUSE ON THE PLAN IT SAYS 10FT. BOLLINGER TO CORRECT AND INITIAL IT, ZEO HAS SURVEY MAP AND WILL BE PINNED.

A MOTION TO ACCEPT THE APPLICATION AND SET THE PUBLIC HEARING FOR THE APRIL MEETING WAS MADE BY MAYHEW, SECONDED BY MOELLER. ROLL CALL VOTE: HEDGER, AYE, MAYHEW, AYE, MOELLER, AYE, MCMAHN, AYE, PLANTIER, AYE. MOTION CARRIED.

TOWN OF LAKE LUZERNE – TENANT ADIRONDACK FOLK SCHOOL
51 MAIN STREET
AREA VARIANCE

PUBLIC HEARING OPENED AT 7:20, LEGAL NOTICE READ BY SECRETARY

APPLICANT WISHES TO ALLOW THE TENANT TO PUT UP A SEASONAL TENT TO BE USED AS A CLASSROOM STARTING IN APRIL THROUGH OCTOBER AFTER WHICH TIME IT WILL BE DISMANTELLED. THE TENT IS 32X14.

JEAN MAYO – 3 MILL STREET

WAS VERY UPSET WHEN LETTER WAS RECEIVED. I WALK BY EVERY DAY AND WORRIED ABOUT IT LOOKING CROWDED. TALK ABOUT WHAT A FABRIC TENT IS. ASKED IF THE TENT WILL BE STATIONARY.

ZEO – YES IN THE SAME PLACE AS LAST YEAR

MAYHEW – THIS IS A SEASON APPLICATION AND THEY WILL PUT IT UP IN APRIL AND TAKE IT DOWN IN OCTOBER IN A SPECIFIC LOCATION

JEAN MAYO – I WALKED BY EVERY DAY AND NEVER SAW IT.

MAYHEW – THAT IS A GOOD THING.

TOWN OF LAKE LUZERNE
ZONING BOARD OF APPEALS
MARCH 13, 2014
7:00 PM

DOUG WOOD – MILL STREET

ASKED IF THAT WAS GOING TO BE THE ONLY THING THEY PUT UP AND WAS NOT AGAINST THE TENT BEING PLACED THERE FOR THE SEASON AS LONG AS IT WASN'T PERMANENT. DOESN'T WANT TO SEE ANYTHING ELSE GO UP AROUND THE TENNIS COURT. WENT TO THE MASTER PLAN MEETINGS AND SAW THE PLANS OF WHAT THE FOLK SCHOOL WANTED, LIKE SIX BUILDINGS AROUND THE TENNIS COURT. ALSO WONDER IF THERE IS A CONFLICT OF INTEREST, ARE ANY OF YOU TEACHERS OR MEMBERS OF THE SCHOOL AND WOULD THAT GIVE YOU THE RIGHT TO VOTE ON THE VARIANCE IF THEY ARE MEMBERS. IF ONE OF YOU TEACHES THERE HOW DO WE KNOW IF IT IS IN THE TENT?

MAYHEW – THE ANSWER IS THAT THE FOLS SCHOOL IS NOT ASKING FOR THE VARIANCE, IT IS THE TOWN AND IF SOMEONE IS ASSOCIATED SOMEHOW WITH THE FOLK SCHOOL COULD AND SHOULD ABSTAIN FROM THE VOTING.

DOUG WOOD – JUST AFRAID THAT THEY WILL KEEP GOING AND WANT TO BUILD BY TENNIS COURTS.

ZEO SAHEIM – I DON'T BELIEVE THEY CAN IT IS A SEPARATE PIECE OF PROPERTY.

DOUG WOOD – I SAW THE LAYOUT THAT MR. MANDLE PUT TOGETHER.

ZEO SAHEIM - WITH THE DEED FOR THE SEPARATE PARCEL YOU CAN'T BUILD AND AS FAR AS I KNOW THERE IS NOTHING ON THE HORIZAN.

HEDGER – KEEP IN MIND ALSO YOU WOULD BE NOTIFIED IF THERE ARE ANY FURTHER PROSPOSED PROJECT.

FRED MAYO – 3 MILL STREET

WAS CONCERNED THAT THE FOLK SCHOOL WAS ASKING FOR THE VARIANCE WHEN THE PROPERTY IS OWNED BY THE TOWN AND ABOUT THE LEASE AGREEMENT BETWEEN THE TOWN AND THE TENANT IN THAT THERE WAS NEVER A NEW LEASE. THE TOWN BOARD HAD BEEN WORKING ON THE LEASE AND IT AND IT WAS MONTH TO MONTH. THERE WAS A PUBLIC HEARING ON CHANGING IT TO A LONG TERM LEASE AND SOMETHING HAPPENED AT THAT PUBLIC HEARING THAT BLEW IT OUT OF THE WATER AND STOPPED THE LEASE PROGRESSION REGARDING GOING INTO THE LEASE AND CHANGING THE DEED OWNERSHIP. THEY CANNOT LEASE THE PROPERTY WITH OUT LEGISLATIVE APPROVAL.

TOWN OF LAKE LUZERNE
ZONING BOARD OF APPEALS
MARCH 13, 2014
7:00 PM

ATTORNEY REGAN - THE STATE TREATS A LONG TERM LEASE THE SAME AS A SALE. RESOLUTION 114 OF 2011 EXTENDED THE LEASE FOR A FIVE YEAR PERIOD WITH NO CHANGE IN THE TERMS OF THE LEASE. THIS WAS EXPLAINED TO THE BOARD, THE TOWN IS THE APPLICANT, NOT THE FOLK SCHOOL AND THE LEASE IS HANDLED BY THE TOWN BOARD, NOT THE ZONING BOARD OF APPEALS. THE TOWN CAN DO WHATEVER THEY WANT EVEN IF THE LEASE ISN'S IN EFFECT.

FRED MAYO ASKED EACH BOARD MEMBER IF THEY ARE A MEMBER AND /OR TEACHER.
MCMAHON – NO, MOELLER, NEITHER/NOR, MAYHEW, BOTH, HEDGER, NO, PLANTIER, NO.
YOU MAY NOT THINK IT IS IMPORTANT BUT IT IS IMPORTANT TO THE CITIZENS OF THE TOWN. IF THERE IS NOT LEASE THAT SHOULD AFFECT THE VOTE.

ATTORNEY REGAN – IT WON'T AFFECT THE VOTE. WHO THE TENTANT IS DOESN'T LEGALLY ENTER INTO THIS PROCESS.

A MOTION BY MAYHEW, SECONDED BY MCMAHON TO CLOSE THE PUBLIC HEARING AT 7:50 PM. ROLL CALL VOTE: PLANITER, AYE, HEDGER, AYE, MAYHEW, AYE, MOELLER, AYE, MCMAHON, AYE.

A MOTION BY MOELLER, SECONDED BY MCMAHON TO APPROVE THE AREA VARIANCE. ROLL CALL VOTE: HEDGER, AYE, MAYHEW, ABSTAINED, MOELLER, AYE, MCMAHON, AYE, PLANTIER, AYE.

WILLIAM & KAREN DEJOY
AREA VARIANCE

BRUCE ROBBINS JR

THERE SEEMS TO BE INCONSISTENCY IN THE APPLICATION AND FIND THAT THE ENGINEERING REPORT IS QUESTIONALBE AND THE SITE PLAN AS WELL.

TOWN OF LAKE LUZERNE
ZONING BOARD OF APPEALS
MARCH 13, 2014
7:00 PM

THE ZBA REVIEWED THE FIVE CRITERIA OF AN AREA VARIANCE AND CONCLUDED AS FOLLOWS.

March 13, 2014

Hearing re DeJoy Area Variance Application

The conclusions of the Zoning Board of Appeals regarding the issues which it considers when granting or denying such a variance are as follows:

Issue #1: Will the variance cause an undesirable change in the character of the neighborhood or a detriment to nearby properties?

Conclusion: Yes, because there is a nearby neighbor that says it is undesirable from his standpoint, because there has been substantial and damaging groundwater runoff from the applicant's property to his property as a result of the structure in question. In addition, this conclusion is arrived at as a result of personal visits to, and observation of, the structure in question, the property and adjoining properties, as well as the neighborhood in general, by each of the board members.

Issue #2: Can the benefit sought by the applicant be achieved by some other feasible method?

Conclusion: Yes, because it can be changed back in a manner such that the parking area in question would not require a variance.

Issue #3: Is the requested area variance substantial?

Conclusion: Yes, because it would take up 70% of the setback requirement between the property line and the structure in question.

Issue #4: Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Conclusion: Yes, because there are potential safety issues resulting from vehicles being parked in an elevated fashion very close to a neighboring structure, as well as the apparent existence of and continued potential for excessive water runoff which could impact surrounding properties.

Issue #5: Was the alleged hardship self created?

Conclusion: Yes.

TOWN OF LAKE LUZERNE
ZONING BOARD OF APPEALS
MARCH 13, 2014
7:00 PM

A MOTION BY MAYHEW, SECONDED BY MCMAHON TO REJECT THE VARIANCE APPLICATION AND IN ADDITION BRING THE PROPERTY INTO CONFORMANCE ON OR BEFORE JULY 1, 2014. PLANTIER, ABSTAIN, HEDGER, AYE, MAYHEW AYE, MOELLER, AYE, MCMAHON, AYE. MOTION CARRIED.

A MOTION TO ACCEPT THE FEBRUARY MINUTES WAS MADE BY MAYHEW, SECONDED BY MOELLER. ROLL CALL VOTE, PLANTIER, AYE, HEDGER, AYE, MAYHEW, AYE, MOELLER, AYE, MCMAHON. MOTION CARRIED.

BOARD DISCUSSION ON HOW TO BETTER NOTIFY RESIDENTS ABOUT THE REQUIREMENTS OF GETTING PERMITS PRIOR TO STARTING ANY PROJECT.

A MOTION ADJOURN WAS MADE BY MAYHEW, SECONDED BY MCMAHON. ALL IN FAVOR.

RESPECTFULLY, SUBMITTED,

LORRI HOLCOMB
SECRETARY